



PLANNING
INSIGHT



SUPPORTING NOTE

To: Reading Borough Council
From: Planning Insight
Date: 17.10.19
Re: St Josephs College 64 Upper Redlands Road Reading RG1 5JT

Introduction

This Support Note has been prepared by Planning Insight on behalf of St Joseph's College (hereafter referred to as 'the Applicant') to accompany an application under Section 73 of the Town and Country Planning Act to the Reading Borough Council in respect to the granted planning permission at the application site, application No: 151719.

The overall objective of the s73 is to increase the hours of operation of the MUGA to provide access for other sports and community groups whilst ensuring that the amenity space of the neighbouring properties is safeguarded. The applicant has commissioned an acoustic consultant to prepare a full noise and impact assessment to assess the noise levels generated from MUGA.

Site location

St Joseph's. College, Reading is located on Upper Redlands Road. The main school buildings are located on to the west and the MUGA's are located to the east. The surrounding area is typified by predominantly residential use. The MUGA is bound to the north and to the east by residential properties, with the school building located to the west and Upper Redlands Road to the south.

Description of proposal

A minor-material amendment has been sought to change the hours of use of the larger MUGA, closest to Upper Redlands Road, which would subsequently result in the wording of Condition 5 and Condition 6 of planning permission 151719 being amended. Permission is being sought to change the hours of use of the larger MUGA from *8am - 7pm Monday to Friday* to *8am – 9pm Monday to Friday*.

info@planninginsight.co.uk | 020 7993 4539 | planninginsight.co.uk

31-35 Kirby Street, Farringdon, London EC1N 8TE



Existing Conditions:

5. The hours of use of the larger MUGA, closest to Upper Redlands Road, to be 8am to 7pm Monday - Friday, and 10am - 6pm Saturday and no use at all on Sundays or Bank Holidays.

Reason: To protect residential amenity in accordance with Adopted Core Strategy (Altered January 2015) Policy CS34: Pollution and Water Resources and Adopted Sites and Detailed Policies Document (2012) Policy DM4: Safeguarding Amenity

&

6. The hours of use of the floodlights for the larger MUGA to be 3.30pm - 7pm Monday - Friday and 3.30pm - 6pm Saturday during the winter months (October 1st to 31st March) and no use at all on Sundays or Bank Holidays. Automatic cut-off switches to be fitted when floodlights first installed and thereafter used.

Reason: To protect residential amenity from unnecessary light pollution in accordance with Adopted Core Strategy (Altered January 2015) Policy CS34: Pollution and Water Resources and Adopted Sites and Detailed Policies Document (2012) Policy DM4: Safeguarding Amenity.

Proposed conditions with amendments:

5. The hours of use of the larger MUGA, closest to Upper Redlands Road, to be 8am to 9pm Monday - Friday, and 10am - 6pm Saturday and no use at all on Sundays or Bank Holidays.

Reason: To protect residential amenity in accordance with Adopted Core Strategy (Altered January 2015) Policy CS34: Pollution and Water Resources and Adopted Sites and Detailed Policies Document (2012) Policy DM4: Safeguarding Amenity

&

6. The hours of use of the floodlights for the larger MUGA to be 3.30pm - 9pm Monday - Friday and 3.30pm - 6pm Saturday during the winter months (October 1st to 31st March) and no use at all on Sundays or Bank Holidays. Automatic cut-off switches to be fitted when floodlights first installed and thereafter used.

Reason: To protect residential amenity from unnecessary light pollution in accordance with Adopted Core Strategy (Altered January 2015) Policy CS34: Pollution and Water Resources and Adopted Sites and Detailed Policies Document (2012) Policy DM4: Safeguarding Amenity.

Planning Policy

National Planning Policy Framework (2018)
National Planning Practice Guidance

Reading Borough Core Strategy 2012 (Amended 2015)



Policy CS1: Sustainable Construction and Design
Policy CS4: Accessibility and Intensity of Development
Policy CS7: Design and the Public Realm
Policy CS20: Implementation of the Reading Transport Strategy
Policy CS22: Transport Assessment
Policy CS24: Car/Cycle Parking
Policy CS31: Additional Existing Community Facilities
Policy CS33: Protection and enhancement of the Historic Environment

Site and Detailed Policies Document 2012 (Altered 2015)

Policy SD1: Presumption in Favour of Sustainable Development.
Policy DM1: Adaptation to climate change.
Policy DM4: Safeguarding amenity.
Policy DM12: Access, Traffic and Highway Related Matters.

Planning History:

Planning reference No: 151719
Application type: Full
Development description: Installation of two Multi Use Games Areas (MUGA) together with associated fencing and floodlights for 1 MUGA and installation of steps and a gate for access.
Erection of single storey changing room building and removal of bike sheds.
Decision: Granted
Date: 11 April 2016

Justification for Minor Material Amendment:

Section 73 of the Town and Country Planning Act 1990 (as amended) (TCPA 1990) provides local planning authorities with the power to vary or remove conditions associated with a planning permission. Government Guidance on "Minor Material Amendments" does not define what changes may be treated as "minor material."

A judgement on "materiality" in any particular case is one of fact and degree, along with consideration of the likely impact of the amendment on the local environment. "Materiality" is considered against the development as a whole, not just part of it. The basis for forming a judgement on "materiality" should always be based upon the original planning permission. However, the cumulative effects of any previous amendments need also to be assessed against any original permission.

There cannot be a set of prescriptive rules to what is or is not "material" as each case is different and considered on its individual merit.



Criteria for assessing "Minor Material Amendments"

The key tests as to the acceptability of a change to an approved scheme under the Minor Amendment procedure are:

- Is the proposed change material/significant in terms of its scale in relation to the original approval?
- Does the proposed result in a change in the use of the development originally approved?
- Would the proposed change result in a materially detrimental impact either visually or in terms of amenity?
- Would the amendment be compliant with the relevant development plan policy?
- Is the proposed change contrary to a restrictive condition on the original approval?
- Would there be significant increases in site coverage, height of building or site levels?
- Would there be additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties?
- Would there be any change to the external materials which would adversely affect the character or appearance of the development or erode the quality of what was originally approved?
- Would the amendments reverse design improvements secured during the processing of the original application?
- Would there be increased impact on existing trees or any proposed landscaping scheme?
- Would there be any alteration to the application site boundary (red line)?

Each of the above points of assessment are to be considered on proposed changes merit and should take into account the specific circumstances of the site and its surroundings.

Planning Assessment

The proposed changes would not result in any scale, massing or design changes to the development that was approved in planning reference 151719. The only amendments that are to be considered for this assessment are whether or not the extended hours of operation would cause harm to the neighbouring properties as a result of noise or light spill.

Policy CS34: Pollution and Water Resources, of the Adopted Core Strategy Document 2008 (with alterations adopted 27th January 2015), states that development will only be permitted where it would not be damaging to the environment through air, land, noise or light pollution.

Policy DM4: Safeguarding Amenity, of the Sites and Detailed Policies Document 2012 (Revised January 2015), states that development should not cause a significant detrimental impact to the living environment of existing or new residential properties. The assessment of this includes whether or not the development would cause noise and disturbance as well as light pollution caused by artificial lighting.



A noise impact assessment report has been compiled as a supporting document for this application. The report presents the results of the baseline noise survey, undertaken to establish the existing noise levels affecting the site now that the MUGA is in use. The survey results have been used to assess if noise from the MUGA will affect the residents at the nearest residential receptors.

The report concluded that, based on the predicted noise levels at the nearest residential receptor, it is expected that noise from the MUGA can be classified as NOEL (No Observed Effect Level). This is the level below which no effect can be detected. In simple terms, below this level there is no detectable effect on health and quality of life due to the noise.

The assessment found that the noise generated from the MUGA does not cause an unacceptable level of noise that would be considered harmful to the neighbouring residential properties. As such, the proposed extension of the operating hours would not result in the neighbouring properties being subjected to an unacceptable level of noise pollution for an extended period of time.

As shown in approved plan HLS0919.1, the proposed floodlights on the larger MUGA would not cause an unacceptable level of light pollution/spill in the surrounding residential properties. The light spill contour plan shows that the floodlights wouldn't generate a light spill higher than 5 lux values at the nearest residential property when the floodlights on the smaller MUGA to the north have been turned off, which would still be the case.

Conclusion

The proposed changes would comply with the key requirements needed to ascertain whether they can be assessed through a Section 73 Minor Material Amendment. Furthermore, the amendment to the operating hours would comply with the relevant plans and policies that form relevant material planning considerations.

If there are any questions regarding the above, please do not hesitate to contact the Planning Insight office.

Yours Sincerely,
Chris Kirby
Planner