

DELEGATED APPLICATION REPORT

Ward: Tilehurst Ward

App Ref: PL/26/0022 Removal/variation of conditions

Address: THE AVENUE SCHOOL, THE AVENUE CENTRE, CONWY CLOSE, TILEHURST, READING, RG30 4BZ

Proposal: Installation of new air source heat pump without complying with condition 4 of planning permission PL/25/0948 to extend the operating hours. (amended)

Applicant: Tracey Green

Received date: 09/01/2026

Target Decision date: 11/03/2026 (EXT)

Case Officer: Huimin Chen

SITE DESCRIPTION

The application site is The Avenue School, a large educational institution located within a predominantly residential neighbourhood. The site is bounded by residential properties to the east and west, Churchend Primary School to the south and Meadway Sports Centre to the north.

The specific location of the proposed development is to the rear (north side) of the main school building, adjacent to an area currently used for service access and plant equipment.

It is not a listed building, nor does it fall within a Conservation Area. The surrounding area is primarily residential, and no trees will be affected by the proposed development.

PROPOSAL AND SUPPORTING INFORMATION

This application seeks to amend Condition 4 of permission PL/25/0948 to allow the ASHP to operate earlier in the morning. Currently, Condition 4 prevents any ASHP machinery from operating on the premises between 23:00 and 07:00 on any day of the week. The proposal is to vary this condition by shortening the restricted hours to 23:00 to 05:00. All other aspects of the permission would remain unchanged.

PLANS AND DOCUMENTS RECEIVED

- Location Plan, dated 02/07/2025, received 09/01/2026.
- Noise Impact Assessment, Project No. 22157v4, prepared by Enevo, dated 07/01/2026, received 09/01/2026.

RELEVANT PLANNING HISTORIES

- PL/11/1627 - Internal refurbishment works including changes to the first floor layout, new fire evacuation lift extension and an additional external store to MUGA – Approved
- PL/12/0405 - Installation of roof mounted solar photovoltaic (PV) panels. – Approved
- PL/12/0519 - To create 11 additional parking spaces, with associated landscaping. - Approved
- PL/13/1656 - Application for removal or variation of a condition following grant of planning permission. (13/00254/FUL) – Application Returned (Historical)
- PL/16/2331 - Installation of a temporary demountable modular double classroom unit and associated external works. – Approved
- PL/17/0677 - Discharge of conditions 3 and 4 of planning permission 162331/REG3 – Condition Discharged
- PL/17/2126 - Non-material amendment to condition 3 of planning permission 162331 to allow cycle hoops to be installed when required. – Agreed

- PL/21/1399 - Redevelopment of school playing field to erect a mixed used educational centre to include special needs school, community uses and ancillary educational staff offices and conference facilities for the Reading Education Centre, incorporating new access road, parking and highway works with associated landscaping and re-provision of public open space without complying with condition 5 of planning permission 06/00253/REG3 (060436) - Approved
- PL/22/0354 - Extension to the duration of the existing planning permission for 1no. demountable modular double classroom unit for 5 years. – Historical
- PL/25/0948 - Installation of new air source heat pumps. Granted 12/09/2025.

CONSULTATIONS

Internal Consultation: RBC Environmental Protection Consultations – No objection.

EQUALITY ACT 2010

In determining this application, the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore, in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

RELEVANT PLANNING POLICY AND GUIDANCE

Section 73 of the Town and Country Planning Act allows persons to apply for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

S73(2) states: “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.”

In a recent high court appeal case, it was noted that “section 73 cannot be used to alter the operative part of a permission in any way unless the change is de minimis (Test Valley Borough Council v Fiske [2024] EWCA Civ 1541 (10 December 2024)).

ASSESSMENT

This application seeks to vary Condition 4 of permission PL/25/0948 to prevent the ASHP from operating on the premises between 23:00 and 05:00 on any day of the week.

It is noted that the original planning permission for the premises was granted on 12/09/2025 under application reference PL/25/0948 for the installation of new Air Source Heat Pumps. The determination of this Section 73 application relates solely to the proposed amendment of the operating-hours condition and does not constitute a reassessment of the installation of the ASHPs.

The proposed operating hours, which would allow the pumps to operate from 05:00—two hours earlier than the existing start time of 07:00—are not considered to result in any harm to residential amenity in terms of noise, given that the noise levels are low and the site is located a substantial distance from the nearest residential properties. The Council’s Environmental Protection Officer has also confirmed that the

noise from the proposed heat pumps is predicted to comply with Policy EN17, and no objections have been raised on Environmental Protection grounds.

Additionally, appropriate planning conditions would be re-imposed to ensure that noise levels associated with the ASHPs remain controlled, and that the premises are managed responsibly during the extended hours, consistent with the existing permission.

CONCLUSION

Overall, the application seeks permission to vary the restricted operating hours of the ASHPs to allow operation between 05:00 and 23:00, thereby preventing operation during night-time hours (23:00–05:00) on any day of the week. Given that the predicted noise levels comply with Policy EN17 and the unit is located at an adequate distance from nearby residential properties, it is considered that the proposed amended operating hours would not result in an unacceptable impact on the amenity of neighbouring occupiers or cause additional harm in any other respect.

The proposal is therefore considered acceptable, subject to the conditions set out in this report.

RECOMMENDATION

APPROVE WITH CONDITIONS

Time Limit

Approved Plans

Materials

[VARIED] Operating hours

In accordance with noise assessment