

READING BOROUGH COUNCIL

REPORT BY HEAD OF ECONOMIC & CULTURAL DEVELOPMENT

TO:	MAPLEDURHAM PLAYING FIELDS TRUSTEES SUB-COMMITTEE		
DATE:	30 JANUARY 2019		
TITLE:	THE HEIGHTS PRIMARY SCHOOL - NEW PLANNING APPLICATION UPDATE		
LEAD COUNCILLOR:	COUNCILLOR EDWARDS	PORTFOLIO:	MAPLEDURHAM PLAYING FIELDS CHAIR OF TRUSTEES
SERVICE:	TRUSTEE OF CHARITY	WARDS:	MAPLEDURHAM
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 Further to minute 4 of the Mapledurham Playing Fields Sub-Committee on 20th June 2018, this report updates the Trustees on the changes to the Education and Skills Funding Agency (ESFA) approved planning application for The Heights Primary School, which is scheduled to be considered by the Local Planning Authority's (LPA) Planning Applications Committee on 6th February 2019.
- 1.2 This report is to be read in conjunction with the report on tonight's agenda on the updated Landscape Masterplan in terms of access to the community use facilities within the school: the school hall and external multi-use games area.

2. RECOMMENDATION

- 2.1 That the Trustees note the new planning application submitted by the ESFA.
- 2.2 That subject to the outcome of the LPA decision on the ESFA planning application, the Head of Legal & Democratic Services be instructed to enter into a deed of variation to the Unilateral Undertaking dated 14th August 2018 subject to heads of terms as envisaged by the Local Planning Authority.
- 2.3 That the Head of Legal & Democratic Services be instructed to review and amend the proposed Lease and the Community Use Agreement to reflect changes that are required as a consequence of the new ESFA planning application.

3. POLICY CONTEXT

- 3.1 Reading Borough Council holds the Ground in its capacity as charity trustee ("Trustee") of the Charity. The Charity is registered with (and therefore regulated by) the Charity Commission. The charitable object of the Charity is:

"the provision and maintenance of a recreation ground for the benefit of the inhabitants of the Parish of Mapledurham and the Borough of Reading without distinction of political, religious or other opinions. "

The beneficiaries of the Charity, therefore, are the inhabitants of the Parish of Mapledurham and the Borough of Reading. The Ground is an asset of the Charity and is held "in specie" i.e. specifically in order to advance the Charity's object.

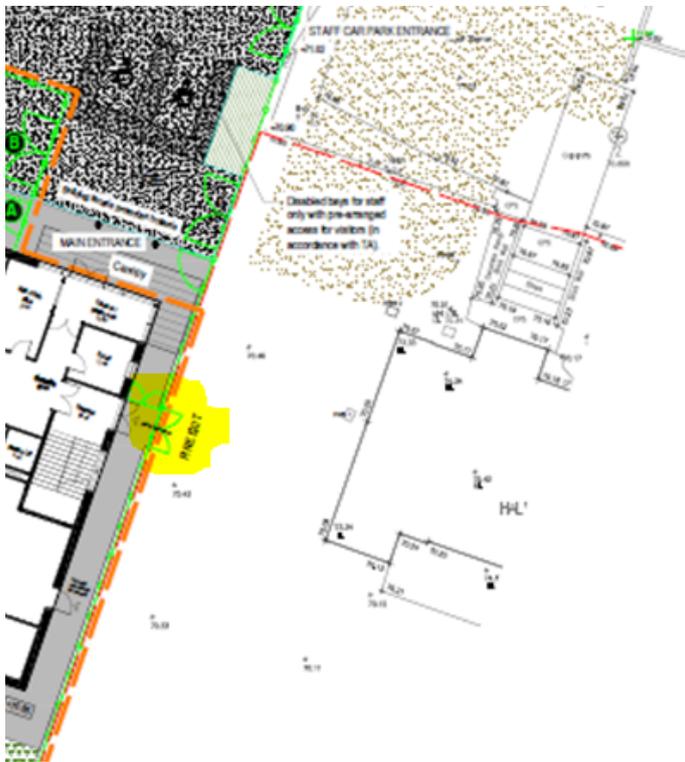
- 3.2 This Sub-Committee has delegated authority, with the support of the Officers, to discharge Reading Borough Council's functions as charity trustee of the Charity. The Sub-Committee has a duty to make all decisions in what it considers to be the best interests of the Charity and in order to advance the object referred to above and any such decision must be in line with all relevant charity law and other legal restrictions.

4. CURRENT POSITION

- 4.1 The ESFA have submitted a minor material amendment to the original 14th August 2018 approved planning application (ref 171023) under S73 of the 1990 Planning Act (as amended). This is scheduled to be considered by the Local Planning Authority on 6th February 2019.
- 4.2 These changes result from a refinement of the internal layout; a review of the level changes with a 2.6m change in level across the development site from north east corner to the south east corner; and a review of the tree survey as a result of the level changes.
- 4.3 The internal changes includes increasing the size of the main hall to Sport England standards to play badminton. This will be of benefit to the Trustee by virtue of the user rights granted to the Trustees in the Community Use Agreement.
- 4.4 The external changes include inserting retaining walls within the school boundary to maintain level access into the school building and ramped access down into the multi games area (MUGA). The MUGA is now set approx 1m below the level of the school building and school external areas to enable level access by the community from the playing fields. An additional stepped access is also provided to the MUGA to provide two exits for community use.

the playing fields in this area. A detailed plan of how the ESFA is to rectify this to ensure there is adequate and safe access has not been sufficiently provided. Any changes to this area will need to be included within the Deed of Variation to the Unilateral Undertaking between the ESFA and the Trustees.

Extract from ESFA updated landscape plan showing fire exit between school and pavilion (see highlight)



5. CONSULTATION

- 5.1 A comprehensive consultation exercise was undertaken in the summer of 2017 to establish the views of beneficiaries, which generated 3,313 valid responses. This was reported in detail to the Sub Committee on 9 January 2018.
- 5.2 The planning application process for the LPA to determine the ESFA new plans provides an opportunity for the public to comment on the proposed changes to the school design.

6. EQUALITY IMPACT ASSESSMENT

- 6.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 In this regard you must consider whether the decision will or could have a

differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief.

- 6.3 An updated equality impact assessment (EIA) was undertaken and reported to the June 2018 Sub-Committee. There has been no material change to the proposals being made and the EIA remains valid

7. FINANCIAL IMPLICATIONS

- 7.1 The majority of the changes to the approved ESFA plans are mitigation rather than enhancement.
- 7.2 The previous reports to the Trustees on 20th June 2018 identified the £1.36m lease premium. There is also a £375k S106 mitigation sum payable on completion of the lease.

8. LEGAL IMPLICATIONS

- 8.1 If planning permission is granted deed of variation will be required in respect of the Section 106 Unilateral Undertaking together with any changes required in the proposed Lease and Community Use Agreement.
- 8.2 Please note the challenge to the granting of the existing planning permission has come to an end as it has recently been confirmed that Martin Brommell and the MPF Action Group are not taking the High Court judgement to the Court of Appeal.

9 BACKGROUND PAPERS

- 9.1.1 Mapledurham Playing Fields Trustees Sub-Committee - 9th January 2018.
- 9.1.2 Mapledurham Playing Fields Trustees Sub-Committee - 20th June 2018.
- 9.1.3 Mapledurham Playing Fields Trustees Sub-Committee - 22nd October 2018.