

Appeal Decisions

Site visit made on 22 September 2016

by J Dowling BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2016

Appeal Ref: APP/L3625/W/16/3152270 – Appeal A
ChristChurch (formerly Banstead Baptist Church), 150 High Street,
Banstead, Surrey SM7 2NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Stewart Foster against the decision of Reigate & Banstead Borough Council.
 - The application Ref 12/02085/DET07, dated 25 February 2016, sought approval of details pursuant to condition No 7 of a planning permission Ref P/12/02085/F, granted on 28 February 2013.
 - The application was refused by notice dated 22 April 2016.
 - The development proposed is proposed extension of existing church and associated community facilities comprising works to the existing church, refurbishment of Nos. 158 and 160 and new build extensions to provide a new entrance and foyer area, replacement hall, multi-purpose rooms, drop in centre, nursery, ministry offices and retention of retail unit (Class A1) at No. 160.
 - The details for which approval is sought are: method construction statement, to include details of:
 - (a) Parking for vehicles of site personnel, operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials
 - (d) a programme of works (including measures for traffic management); and
 - (e) provision of boundary hoarding behind any visibility splays.
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Appeal Ref: APP/L3625/W/16/3152271 – Appeal B
ChristChurch (formerly Banstead Baptist Church), 150 High Street,
Banstead, Surrey SM7 2NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Stewart Foster against the decision of Reigate & Banstead Borough Council.
 - The application Ref 12/02085/DET10, dated 25 February 2016, sought approval of details pursuant to condition No 10 of a planning permission Ref P/12/02085/F, granted on 28 February 2013.
 - The application was refused by notice dated 17 April 2016.
 - The development proposed is proposed extension of existing church and associated community facilities comprising works to the existing church, refurbishment of Nos. 158 and 160 and new build extensions to provide a new entrance and foyer area, replacement hall, multi-purpose rooms, drop in centre, nursery, ministry offices and retention of retail unit (Class A1) at No. 160.
 - The details for which approval is sought are a Tree Protection Plan (TPP) which shall include details of the specification and location of exclusion fencing, ground protection, any construction activity that may take place within the Root Protection Areas of trees
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(RPA) shown to scale on the TPP and a supervisory regime for their implementation and monitoring with report back provision. Including all level changes, services, construction and excavation within or immediately adjacent to the RPAs of retained trees and hedges and those of significant overhanging trees.

Decision

Appeal ref: APP/L3625/W/16/3152270 – details pursuant to condition 7 (appeal A)

1. The appeal is allowed and planning permission is granted for details pursuant to condition No 7 of planning permission Ref 12/02085/F at ChristChurch (formerly Banstead Baptist Church), 150 High Street, Banstead, Surrey SM7 2NZ in accordance with the terms of the application, Ref 12/02085/DET07, dated 25 February 2016, subject to the following condition:
 - 1) The development hereby approved shall be carried out in accordance with the jha Method Statement revision C Revised April 2016; block plan; 191-MS-001 and 191-MS-100 rev A.

Appeal ref: APP/L3625/W/16/3152271 – details pursuant to condition 10 (appeal B)

2. The appeal is allowed and planning permission is granted for details pursuant to condition No 10 of planning permission Ref 12/02085/F at ChristChurch (formerly Banstead Baptist Church), 150 High Street, Banstead, Surrey SM7 2NZ in accordance with the terms of the application, Ref 12/02085/DET010, dated 25 February 2016, subject to the following condition:
 - 1) The development hereby approved shall be carried out in accordance with the Arboricultural Method Statement reference MPH/0619/RHB dated 22 December 2015.

Application for costs

3. An application for costs was made by Mr Stewart Foster against Reigate and Banstead Borough Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue for both appeal A and appeal B is whether the Method of Construction Statement (the MCS) and the Arboricultural Method Statement (the AMS) would result in the loss or damage of trees located on the site.

Reasons

5. Policy Pc4 of the Reigate and Banstead Local Plan (2005) (the Local Plan) requires compliance with latest arboricultural and silvicultural standards in respect of any tree works or development near trees.
6. When planning permission¹ was originally granted for the redevelopment of the site there were a number of trees located along the rear boundary of the site including a large mature sycamore tree (tree T1). However, as was clear from my site visit since planning permission was granted all the trees except tree T1 have been removed.

¹ Local Planning Authority reference: P/12/02085/F

7. A detailed AMS² as required by condition 10 of the original planning permission was submitted to the Council. However, although the AMS only referred to tree T1, the plans submitted with the AMS used the original 2008 site survey as their base and therefore continued to show the trees that had been removed.
8. As the Council determined the application without the benefit of visiting the site, in addition to misreading the plans, it would appear that they were unaware of the changes that had occurred and as a consequence considered that the AMS submitted would not ensure that trees at the site would be protected during the construction process.
9. Having visited the site and considered the AMS I am satisfied that the measures proposed by the AMS would ensure that tree T1 would be satisfactorily protected during the construction process.
10. In their appeal statement the Council have also raised concerns that the submitted plans did not show trees on adjoining sites whose RPA could potentially encroach into the appeal site and which could therefore become damaged as a result of the development. However, having visited the site I am satisfied that no works are proposed along the western boundary of the site where there are two mature lime trees adjacent to the mutual boundary and that the RPA for the parkland trees along the rear boundary would not encroach into the appeal site. As a result I do not consider it necessary that the AMS includes measures to protect these trees or that these trees are plotted on the plans.
11. As a consequence I conclude that the details submitted within the AMS would ensure that the proposed development would be carried out in accordance with good arboricultural practices and that subject to compliance with the AMS the trees at and adjoining the site would not be damaged or lost as required by condition 10 and policy Pc4 of the Local Plan.
12. Condition 7 required the submission of a MCS which included a number of details, albeit that tree protection measures was not included on the list. The Council refused the application on the grounds that the sequence of development set out in the MCS was not the same as for the AMS and therefore the two documents would be in conflict and consequently could result in damage to or loss of the trees.
13. However, a revised MCS (revision C dated April 2016) was submitted that re-sequenced the events so that the tree protection measures would be erected as the first step in construction and as a result the sequence of events would accord with the AMS.
14. As a result I am satisfied that the MCS would not conflict with the AMS and as a consequence I conclude that the proposal would comply with the requirements of policy Pc4 of the Local Plan.

² Document reference MPH/0619/RHB

Other matters

15. I note from the appeal documentation that the appellant and the Council are in discussion over whether or not the original planning permission has been implemented or has expired. However, the appeal before me relates to the discharge of conditions and therefore this is not a matter I have considered.
16. The Council in their statement stated that in removing the trees along the rear boundary of the site the appellant could potentially have breached condition 11. However, the appeal before me relates to conditions 7 and condition 10 and as a result this is not a matter I have considered.

Conditions

17. The Council have not suggested any conditions. However for the avoidance of doubt and in the interests of proper planning, I consider that a condition requiring that the development be carried out in accordance with the approved plans and documents would meet the test for conditions as set out in Paragraph 206 of the National Planning Policy Framework.

Conclusion

18. For the reasons above and having considered all other matters raised, I conclude that the appeals should be allowed.

Jo Dowling

INSPECTOR