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## Appeal Decision

Inquiry held on 23 - 25 April and 30 April – 2 May 2025

Site visit made on 23 April 2025

**by H Butcher BSc(Hons) MSc PGDIP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> May 2025

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**Appeal Ref: APP/E3335/W/24/3356026**

**Crispin Centre, High Street, Street, Somerset BA16 0HP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Churchill Retirement Living Ltd against the decision of Somerset Council.
  - The application Ref is 2023/2369/FUL.
  - The development proposed is redevelopment of the existing building for retirement living accommodation for older people, comprising 45 apartments and 11 retirement living cottages, including communal facilities, access, carparking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the existing building for retirement living accommodation for older people, comprising 45 apartments and 11 retirement living cottages, including communal facilities, access, carparking and landscaping at Crispin Centre, High Street, Street, Somerset BA16 0HP, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The Council indicated in the Inquiry that an application for listed building consent was required for the works to the Grade II Listed Buildings of Central Somerset mural. Listed building consent is required for any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. The carrying out of any such works without the appropriate consent constitutes a criminal act. The application before me, however, only concerns a refusal of planning permission under section 78 of the Town and Country Planning Act.
3. Notwithstanding the above it is incumbent on me to have regard to the statutory duty under Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

### Main Issues

4. Of the eight reasons for refusal on the Decision Notice the Council are no longer pursuing reasons for refusal 1, 3 and 4 following the submission of additional information. The Council are also no longer pursuing the relevant parts of reason for refusal 5 in respect of the manoeuvrability vehicles in relation to the proposed parking spaces, displacement of public town centre parking, or the provision of

electric vehicle charging points. During the course of the Inquiry it was furthermore agreed that reason for refusal 7 was no longer being pursued as it could be resolved by condition.

5. The main issues are therefore:

- Whether the development would preserve the setting of the Buildings of Central Somerset mural which is Grade II Listed<sup>1</sup>, the setting of Street Conservation Area, the setting of Crispin Hall which is Grade II Listed<sup>2</sup>, and the setting of a number of other non-designated heritage assets on Leigh Road;
- Whether the parking provision for the development is sufficient having regard to the accessibility of the appeal site and highway safety;
- Whether satisfactory access can be achieved from Leigh Road;
- Whether the proposed development would constitute overdevelopment in design terms; and,
- The effect of the development on phosphate levels in the Somerset Levels and Moors Ramsar site.

## Reasons

### Heritage

#### *The Heritage assets and their settings affected*

6. The Crispin Centre is a shopping centre constructed in 1979. Within the south-west entrance porch to the shopping centre is the Grade II Listed Buildings of Central Somerset mural.
7. The village of Street in which the Crispin Centre and the mural are located is heavily influenced by the Clarks family who are synonymous with the retail of shoes. C and J Clark began producing boots and shoes in Street, opening their first factory in 1829. The business was successful, and, because of the Clarks' Quaker roots, profits from the business were ploughed back into the community. This resulted in the construction of new school buildings, high quality workers' housing, and other public buildings in Street, and this has heavily influenced the character and appearance of Street Conservation Area.
8. Moving forward to 1979, this pattern of development was still being played out in Street, with C & J Clark commissioning The Buildings of Central Somerset mural for a new shopping development: the Crispin Centre, as set out in the list description.
9. The Crispin Centre therefore clearly forms part of the setting to the Grade II Listed mural. The Crispin Centre and mural, although falling largely outside of Street Conservation Area, due to their proximity, fall within the setting of the conservation area, as well as the setting of Crispin Hall which is Grade II Listed, and a number of other non-designated heritage assets along Leigh Road relevant to this appeal.

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<sup>1</sup> List entry number 1442062

<sup>2</sup> List entry number 1345072

*The degree to which settings make a contribution to significance or allow significance to be appreciated*

10. As a piece of art, the mural clearly has intrinsic artistic significance. However, the Crispin Centre also contributes to the significance of the mural. The mural was commissioned for the Crispin Centre by the Clarks family. The Crispin Centre therefore explains the existence of the mural and connects it to a significant part of the history of the village of Street.
11. The entrance porch where the mural is located forms an authentic backdrop or canvas to the mural contemporaneous to it. It is as it was when the mural was installed. Historic England guidance on The Setting of Heritage Assets<sup>3</sup> tells us that the settings of heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance.
12. The mural and its location within a shopping centre, furthermore, illustrates a particular point in social history. Post-war public art was characterised as 'bringing art to the people' and was therefore often found in everyday locations such as shopping centres<sup>4</sup>. In fact, Phillipa Threlfall and her husband Kennedy Collings, the artists behind the Buildings of Central Somerset mural, were known for producing locally themed, usually figurative murals, sited mainly in shopping centres and offices in the 1970s and 1980s. The mural is therefore a surviving example of their work in such a location. As noted in Historic England's guidance on Public Art 1945-95<sup>5</sup>, murals surviving along with the buildings originally designed to house them provide an immediate connection with the building's history and the reasons for its construction. This can be said to be the case here with the Buildings of Central Somerset mural and the Crispin Centre.
13. The official list entry of the Buildings of Central Somerset mural states that the buildings of the Crispin Centre are 'otherwise not of interest and do not form part of the assessment'. However, this does not negate the contribution the Crispin Centre makes to the significance of the mural through setting, which is an entirely separate assessment to the listing designation, as setting is not itself a heritage asset nor a heritage designation.
14. The allocation of the site for redevelopment in Policy ST5 of the emerging Mendip Local Plan Part II (LP2) similarly does not alter my assessment of the contribution the Crispin Centre makes to the significance of the mural through setting, particularly given that a specific requirement of the development of the site under this allocation is to preserve and enhance the significance of the mural.
15. For all of these reasons I find that the Crispin Centre contributes particularly strongly to the significance of the mural through setting.
16. The Crispin Centre has fallen out of public favour in recent years, likely due to its inward facing, 20<sup>th</sup> century, modernist design. Nevertheless, the Crispin Centre still makes a valid contribution to the architectural and historic significance of Street Conservation Area as it forms part of the Clarks'- led development of Street throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries, along with the Grade II Listed Crispin Hall, and other non-designated heritage assets along Leigh Road.

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<sup>3</sup> CD5.14

<sup>4</sup> HE Public Art 1945-95

<sup>5</sup> ID5

17. The Conservation Area Appraisal for Street has a single perfunctory sentence in it stating that the Crispin Shopping Centre (which includes the mural) 'offers nothing to the character of the High Street or Leigh Road'. No justification is provided for this position nor any consideration of broader heritage values. This does not, therefore, alter my finding that the Crispin Centre contributes to the significance of Street Conservation Area, Crispin Hall, and other heritage assets along Leigh Road, through setting.

*The effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it*

18. The proposal is for the removal of all elements of the Crispin Centre which form the immediate setting of the mural, save for the concrete plinth on which it is sited. This would mean that the mural would be completely severed from its original setting. It would be a standalone work of art without context. This would clearly result in harm to the significance of the mural and the ability to appreciate it's significance.
19. A modern, and relatively, small, timber enclosure is proposed to be erected around the mural in place of the south-west entrance canopy to the Crispin Centre and the area around the mural would be landscaped. Neither the shelter nor the landscaping would bear any resemblance to the mural's original setting and there is no heritage justification for either. They would simply confuse the context of the mural. Furthermore, there is nothing before me to show that anything would be erected on site to explain the existence of the mural in the absence of the Crispin Centre.
20. The plans before me show the retention of the mural at an entrance to the development. However, it would be set behind pedestrian gates, albeit on a pedestrian access through the site. Whilst the contribution of setting to significance would not normally depend on the ability of the public to access it, in this case, I consider it would, as the mural was part of a movement to 'bring art to the people' hence its siting at the entrance to a shopping centre. The artist, Philippa Threlfall also personally emphasised the need for public access when commenting on the application. Therefore, some of the significance of the mural could be diminished by the site being perceived to be less open to the public; a development of private residential housing not being a place where one might assume they can come and go as they please.
21. As well as harm to the significance of the mural through harm to its setting, the loss of the Crispin Centre would also result in the loss of a layer of historic development in Street. This would therefore also result in some harm to the setting of Street Conservation Area, the setting of Crispin Hall, and the settings of non-designated heritage assets along Leigh Road.

*Explore ways to maximise enhancement and avoid or minimise harm*

22. The Council suggested the retention of the south-west entrance porch, albeit this was largely related to concerns over weathering of the mural. This would have the benefit of retaining a significant part of the immediate setting of the mural. However, this was not an option the appellant was willing to explore any further. The Council also suggested an alternative shelter might be preferable to that proposed, but no further detail was provided on the part of the Council, and no alternative shelters were put forward by the appellant.

23. During the Inquiry I queried the need for a shelter at all, given there is evidence that other murals by the artist are open to the elements<sup>6</sup>. In response the artist herself made representation that her murals are weatherproof and most have been exposed to the elements over many years. The Council continued to raise concerns over the need for a shelter, latterly, to protect those viewing the mural from the weather. However, I afford the artist's comments greater weight, this not being a concern of hers, as she positively reinforced the weatherproof nature of her murals.
24. Following on from the discussions about the need for a shelter I questioned the possibility of retaining the back wall of the mural, and, attached to this, a boundary wall which extends broadly to the south/south-west of the mural and has a plaque attached to it citing the Architects to the Crispin Centre: Alec French Partners Bristol 1979. Such an approach would mean the retention of part of the original surroundings to the mural which would provide some context, thereby minimising the harm to the significance of the mural identified above. The appellant had no objection to such works, which would be entirely capable of being dealt with by condition. There is nothing before me to indicate such a condition would be contentious in this case or that it would result in injustice or prejudice to any party.
25. The provision of on-site interpretation facilities would further minimise the harm to the setting of the mural through the loss of the Crispin Centre and could also be secured by condition. Furthermore, a condition could ensure public access to the mural at all times. The appellant again raised no objection to such provisions.

*Overall finding on heritage*

26. Taking the above points together there would be harm to the setting of the Grade II Listed Buildings of Central Somerset mural. The sensitive conservation of some of its immediate setting would, however, reduce this harm. Nevertheless, there would still be residual harm. I have also identified some modest harm to the setting of Street Conservation Area, the setting of Crispin Hall which is Grade II Listed, and the setting of nearby non-designated heritage assets in Leigh Road.
27. The proposal would therefore conflict with Policies DP1 and DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) (LP) which seek to maintain local identity and distinctiveness, and promote heritage conservation.
28. In the terms of the National Planning Policy Framework (the Framework) para 215 the harm I have found to designated heritage assets would be less than substantial. Nevertheless, this must still be given considerable importance and weight. Following the advice in para 215 such harm must be weighed against the public benefits of the proposal.
29. In this case there would be clear public benefits of housing in an authority which can only demonstrate a 2.21 year's supply of housing against the required 5 years Housing Land Supply. There is also a critical need for housing of this type for older people as identified in the Planning Practice Guidance, which also provides social benefits and can release underoccupied housing stock. Furthermore, the development would make a financial contribution towards the provision of affordable housing. Clear economic benefits would flow from the proposal, and it is an allocated, brownfield site for housing, in the centre of a large village. I also note

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<sup>6</sup> ID7

there is broad support for the proposal from the Parish Council and local residents which is also a public benefit.

30. Overall, therefore, and, crucially, subject to suitable conditions relating to the retention of part of the setting of the Grade II Listed Buildings of Central Somerset mural as described above, I find that the public benefits in this case would outweigh the less than substantial harm to the significance of designated heritage assets.

### Parking Provision

31. The Council maintain that insufficient on-site parking would be provided for the development. The relevant parking standard is set out in the Somerset County Council Parking Strategy (PS). However, this document explains that these standards are optimum standards and specific local circumstances may justify deviating from them. Developments in more sustainable locations that are well served by public transport or have good walking and cycling links may be considered appropriate for lower levels of car parking provision. In fact, the Council accept a lower number of parking spaces could be permitted than the standard here, albeit they did not provide any indication of what that figure might be.
32. The appeal site is centrally located within the village of Street, being set just behind the High Street and consequently within short walking distance of a wide range of shops and restaurants. Whilst it is correct that there are no large supermarkets near to the appeal site, online food deliveries are now widely used, and the adjacent High Street, in any event, would provide for everyday needs in the form of bakers, local convenience stores, and pharmacies, to name but a few. A doctors' surgery is one road away from the main entrance to the development and bus stops and taxi ranks are on Leigh Road, immediately adjacent to the main entrance to the site.
33. There are various parking opportunities in Street; there is a large carpark immediately adjacent to the site from which there would be direct pedestrian access to and from the development. It is also of note that in oral evidence the Council were unable to identify specifically where the level of parking provision proposed would result in the parking of vehicles on the public highway to the detriment of the free flow of traffic and highway safety; the surrounding area to the site being well controlled by various parking restrictions.
34. As set out in the Framework significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. The appeal site, in my view, is a sustainable location, which, with the added support of a Travel Plan for the development, would justify a lower level of on-site parking in this case. The Council also raised a requirement for cycle parking but this is now dealt with by condition as set out below.
35. I therefore find no conflict with policies DP9 and DP10 of the LP or the PS which, when considering parking standards, require satisfactory provision of parking for motor vehicles which addresses the needs of all, whilst having regard to the objectives of reducing growth in the use of private vehicles and promoting alternative means of travel.

### Safe vehicular access

36. The Council submit that the access to the scheme would be unsafe as visibility would be blocked by on-street taxi ranks sited either side of the access. However, the proposed access uses an existing rear vehicular access to the Crispin Centre. Although there might have been a prevalence of HGV use of this access in the past, potentially affording greater visibility from higher cabs, this access was not solely restricted to HGVs and would have been used by all types of vehicles. There is no evidence before me that this resulted in an unacceptable impact on highway safety and the proposed use is unlikely to generate significantly higher use than the existing situation.
37. The Framework is clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. In this case this bar is not met. I therefore find satisfactory access to the site from Leigh Road could be achieved and as such no conflict with Policy DP9 of the LP or emerging Policy ST5 of the LP2.

### Overdevelopment

38. In the Council's view, the height, scale, and massing of the development, particularly the three-storey design of the apartment building, would have a significant visual impact on the locality. However, the various Visually Verified Montages produced by the appellant show only glimpsed views of a more recessive and sympathetic building in height, scale, and massing terms, than the existing Crispin Centre, when viewed from various locations in the surrounding area. The roof of the apartment building would be hipped and pitched and in no way could be described as 'slab like'.
39. The Council variously criticised the detailed design of the development. Some of these are matters capable of being controlled by condition such as materials, door design, barge board details, and boundary treatments. Approving such details by condition would not fundamentally change the nature of the application. Rather, with judicious use, such conditions would, as intended, enhance the quality of development, and enable it to proceed, where it would otherwise be necessary to refuse planning permission.
40. Historic buildings in Street Conservation Area do have a greater variety and interest in window design, architectural ornament, and gable ends, but this development is not attempting to be a pastiche of the 'Clarks Arts and Crafts company style', nor should it be, as this would compete with the adjacent conservation area.
41. The cottages would have false chimney features but this, of itself, would not be harmful and would not look out of place. They would be a design feature, and nothing would be gained in design terms by their omission. Similarly, I find nothing harmful from the inclusion of French doors and balconies in the apartment block which are not of themselves an alien feature. The building would be less interesting architecturally and would provide diminished living conditions for future residents without them.
42. The development would provide various areas of open space, be that private garden space to the cottages, patio spaces on ground floor flats opening onto open

space, and a formal seating area off the Owner's Lounge, all in a variety of orientations. This would be acceptable in terms of open space provision.

43. The main entrance to the site would be visible from Leigh Road and accessed across an area of pedestrianised public open space which also provides access to the Crispin Hall and community centre, and Street Parish Council and library. This would provide a relatively logical and readable entrance point. The development would remove an existing pedestrian access directly off High Street. However, the proposal is a change of use from a shopping centre to a private residential development, so such a change is understandable. Furthermore, the development would be accessible from Leigh Road, very close to the High Street. Therefore, I find no harm in terms of the legibility or accessibility of the development.
44. Density was raised as a concern by the Council, but in the absence of any other design harm this is not of itself harmful. The nature of retirement living naturally gives rise to higher densities. That the applicant did not engage with a design panel does not alter my findings above.
45. Overall, therefore, I find no harm by virtue of overdevelopment of the site. As such I find no conflict with Policies DP1 and DP7 of the LP which require an appreciation of built context and distinctive street scenes, townscape and views, and high-quality design which provides a satisfactory environment for future occupants.

#### Phosphates

46. The application site falls within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates. The Somerset Levels and Moors Ramsar site are adversely affected by excessive phosphates. New residential development, such as that proposed, is likely to give rise to additional phosphates within the site's hydrological catchment through the production of wastewater containing phosphates.
47. The applicant has completed a phosphate budget calculation using the Somerset Phosphate Budget Calculator which is approved by Natural England. This indicates a net nutrient loading from the development. It would therefore result in likely significant effects upon the Somerset Levels and Moors Ramsar Site and would have an adverse effect on the integrity of the site.
48. Mitigation projects can be implemented within an affected river catchment to generate 'P-credits', acquired by the applicant, to facilitate development elsewhere in the same catchment area. Such mitigation would ensure that the proposed development would be 'phosphate neutral' in perpetuity. The appellant has secured the appropriate number of credits from providers that have schemes approved by Natural England and which are located in the appropriate sub-catchment of the Ramsar Site, and this would be secured through a S106 Agreement.
49. Taking the above points together there would be no adverse effect on the integrity of the Somerset Levels and Moors Ramsar Site. The development would therefore comply with Policy DP5 of the LP which seeks to protect biodiversity and ecological networks.

### Other matters

50. The Council raised concern over potential damage to the mural from cars. However, there is no substantive evidence before me to support this assertion. Nor is there any evidence of a harmful loss of outlook, overlooking, or disturbance to occupiers of neighbouring properties, or a harmful increase in traffic as a result of the development. The Council came to a similar finding on these points. A change of private view, or private interests such as the impact of a development on the value of a neighbouring property, have no bearing on my decision. Any damage to property as a consequence of construction work would be a matter between the parties concerned.

### Conditions

51. A draft list of conditions was provided at the Inquiry. I have considered these in line with the advice contained at paragraph 57 of the Framework, i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have also carried out minor editing and removed any duplication.
52. In addition to the standard time limit condition (1) I have included a plans condition for certainty (2). As the proposal is for specialist accommodation for older persons, condition 3 is necessary to ensure this is provided.
53. To ensure a satisfactory appearance I have included a condition requiring the submission of details and samples of materials to be submitted (4). The imposition of a condition such as this is standard practice and there is nothing that leads me to conclude that such a condition would result in a substantial difference or fundamental change to the application, nor that would it cause unlawful procedural unfairness. Similarly, to ensure a satisfactory appearance, I have also included conditions relating to hard and soft landscaping, and tree retention (5 & 6).
54. It is necessary to include a condition relating to water consumption (7). To ensure satisfactory parking and access I have included condition 8. To protect the living and working conditions of occupiers of adjacent properties a condition requiring a Construction Management Plan is necessary (9) and a condition in respect of hours of construction (10). Conditions 11 and 12 are necessary to ensure adequate drainage.
55. To protect any archaeological remains condition 13 is necessary. It is necessary to maintain public access into the site at all times to preserve the significance of the Grade II Listed Buildings of Central Somerset mural by virtue of its setting as set out in my decision above (14). To preserve the Grade II Listed Buildings of Central Somerset mural and its setting, conditions 15, 16, 17, and 18 are also necessary. It is not necessary, however, to include a condition for an enclosure to the mural for the reasons explained above.
56. For reasons of highway safety condition 19 is necessary. Conditions 20 and 21 are also necessary to protect biodiversity. To ensure adequate arrangements are made for the collection of waste it is necessary to include condition 22. Finally, to ensure adequate cycle parking is provided I have included condition 23 and to encourage sustainable travel I have included a condition requiring a Travel Plan (24).

### S106 Agreement

57. A signed and dated deed of agreement pursuant to S106 of the Town and Country Planning Act 1990 has been submitted, which provides for various obligations. In line with Regulation 122(2) of the CIL Regulations 2010 (as amended) the Framework explains in paragraph 58 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is necessary, therefore, for me to consider these obligations in detail and reach a finding on them, having regard to the above tests.
58. The Council are seeking a contribution of £25,010 towards a mixed-use games area (MUGA), in the locality, to serve the future recreational needs generated by the development. The provision of public open space as part of new housing development accords with Policy DP16 of the LP. The calculated amount is based on the Council's Greenspaces Supplementary Planning Document, and has had regard to on-site provision of open space and the reduced occupancy levels given the age-restricted nature of the development. There is no firm evidence that older persons do not use mixed-use games area. In my view, regardless of any decision to the contrary made previously by the Council on alternative sites, it is reasonable to assume that open space provision of this type in the locality would be used by future residents for reasons of, for example, health and wellbeing. There is also provision in the S106 Agreement for repayment of any unexpended sum.
59. With the above MUGA contribution in mind, a contribution towards off-site affordable housing is sought by the Council for £75,980. This amount follows negotiations between the appellant and the Council having regard to the viability of the development. This would comply with Policy DP11 of the LP which sets out that off-site provision for affordable housing is acceptable where it cannot viably be provided on-site.
60. A contribution of £19,010 to increase GP surgery capacity at the closest surgeries to the proposed development in Street and neighbouring Glastonbury to meet the additional primary care service needs generated by the development is sought. This amount has been calculated by the NHS Foundation Trust Care Board.
61. The development, without mitigation, would likely have a significant effect upon the Somerset Levels and Ramsar site as it would result in additional phosphates within the fluvial catchment area of the appeal site. The S106 Agreement, however, secures an approved phosphate mitigation scheme which would ensure the development would be phosphate neutral and thus would not adversely affect the integrity of the Ramsar site.
62. Based on the above the obligations in this case meet the tests of the Framework and fully comply with the requirements of Regulation 122(2) of the CIL Regulations 2010.

### **Conclusion**

63. There would be residual harm to the setting of The Buildings of Central Somerset mural which is a Grade II Listed building following the imposition of various heritage-based conditions. There would also be some modest harm to the setting of Street Conservation Area and the setting of Crispin Hall which is Grade II Listed. I have also found some modest harm to the setting of various non-designated

heritage assets along Leigh Road which are relevant in this case. The development would therefore conflict with the development plan as a whole.

64. Having regard to the Framework, which is a material consideration of great weight, I have found that the harm to designated heritage assets would be outweighed by the public benefits in this case. Furthermore, I find that the adverse impacts of the proposal in total would not significantly and demonstrably outweigh the benefits<sup>7</sup>, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes. This therefore warrants a decision not in accordance with the development plan in this case.

65. The appeal is allowed.

*H Butcher*

INSPECTOR

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<sup>7</sup> Para 29 of Decision Letter

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Killian Garvey

He called:

Miss Emma Keller

Miss Emma Meecham

Miss Fiona Webb

Mr Simon Trafford

### **FOR THE APPELLANT:**

Mr Christopher Boyle KC

He called:

Mr Paul White

Mr Rob Jackson

Mr Matthew Shellum

Mr Harry Cross

### **INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:**

Cllr Carswell of Somerset Council and Street Parish Council

## **INQUIRY DOCUMENTS**

ID1 General Statement of Common Ground

ID2 Opening submissions on behalf of the appellants

ID3 Council's opening submissions

ID4 Heritage Statement of Common Ground

ID5 HE Public Art 1945-95

ID6 HE Commemorative Structures

ID7 Examples of murals

ID8 Updated agreed draft conditions

ID9 Updated CIL Compliance Statement

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:10126ST - PLOC, PA01, PA02, PA03,PA04, PA05, PA06, PA07, PA08, PA09, PACOT1, PACOT2, PADEC1, PADEC2, EX-ELEVS 1, except in respect of materials shown on plans 10126 ST PA06, PA07 PACOT1 and PACOT2.
- 3) The dwellings hereby permitted shall be occupied only by;
  - Persons of 60 years or over;
  - Persons of 55 years or over living as part of a single household who is a spouse or partner of as person of 60 years or over; or,
  - A person aged 55 years or older who were living as part of a single household with a person identified in (1) who has since died.
- 4) No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of all the buildings hereby permitted, including plans of barge board detailing and the front doors to the cottages, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/samples.
- 5) Prior to first occupation of the development details of both hard and soft landscape works, including boundary treatments, shall have been submitted to and approved in writing by the local planning authority, and shall have been carried out in accordance with the approved details. The completed scheme shall be maintained in accordance with an approved scheme of maintenance. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby approved shall be carried out in full accordance with the submitted Arboricultural Impact Appraisal and Method Statement (by Barrell Tree Consultancy, dated 22<sup>nd</sup> November 2023) and Tree Protection Plan drawing 22196-4.
- 7) The development shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
- 8) The development shall not be occupied until the vehicular access, parking and turning areas, and electric vehicular charging points have been constructed in accordance with details shown on and the approved plans. The vehicular access, parking, electric vehicular charging points, and turning areas, shall thereafter be maintained in that condition, kept clear of obstruction and shall not be used other than for the intended uses in connection with the development hereby permitted.
- 9) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning

authority. The approved plan shall be adhered to throughout the construction period. The plan shall include:

- a) Measures to regulate the on-site routing of construction traffic;
  - b) The importation of spoil and soil on site;
  - c) The removal /disposal of materials from site, including soil and vegetation;
  - d) The location and covering of stockpiles;
  - e) Details of measures to prevent mud from vehicles leaving the site and must include wheel- washing facilities;
  - f) Control of fugitive dust from earthworks and construction activities; dust suppression measures;
  - g) Noise and Vibration control plan (which includes control methods) to include mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 'Code of practice for noise and vibration control on construction and open sites' shall be used to minimise noise or vibration disturbance from construction works;
  - h) A waste disposal policy (to include no burning on site);
  - i) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - j) Details of any site construction office, compound and ancillary facility buildings;
  - k) Specified on-site parking for vehicles associated with the construction works; and,
  - l) A point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed, including an appropriate phone number.
- 10) No site machinery or plant shall be operated, no process shall be carried out, and no demolition, or construction related deliveries received or dispatched from the site, except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.
- 11) No development, except demolition, shall commence until details of a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 12) The development shall not be occupied until a plan for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be maintained in accordance with the agreed details.
- 13) No development shall commence until a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) and a timetable for its implementation has been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 14) The proposed new pedestrian access points as shown on drawing no. 10126ST – PA01 shall be maintained to provide public access into the site and across the site at all times.

- 15) No development shall commence until details of measures to secure and protect the Grade II Listed Buildings of Central Somerset mural during the construction phase of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved measures.
- 16) Prior to the commencement of development, including any works of demolition, details of the retention of the listed mural and the wall it is attached to, which extends to the south/south-west of the mural and includes a plaque with the details of the architects of the Crispin Centre, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and permanently retained thereafter.
- 17) The development shall not be occupied until a maintenance plan for the ongoing conservation and protection of the listed mural has been submitted to and approved in writing by the local planning authority. The mural shall be maintained and conserved in accordance with the details of the maintenance plan.
- 18) Prior to the occupation of the development details of on-site interpretation facilities and a timetable for implementation in respect of the former Crispin Centre and its historic connection to the Grade II Listed mural and the village of Street shall be submitted to and approved in writing by the local planning authority. The interpretation facilities shall be implemented as approved.
- 19) Any vehicular entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 6 metres from the highway edge, and shall thereafter be maintained in that condition in perpetuity.
- 20) The development shall not be occupied until details of biodiversity enhancements to include bird and bat boxes, and bee bricks have been submitted to and approved in writing by the local planning authority and installed as approved. The biodiversity enhancements shall be permanently retained thereafter.
- 21) Prior to the installation of any lighting on site a lighting strategy following Guidance Note 08/23 - bats and artificial lighting at night UK (ILP and BCT 2023) shall be submitted to and approved in writing by the local planning authority. Any lighting installed on site shall be in accordance with the approved strategy.
- 22) Prior to the commencement of development above ground level a scheme for the management of waste collection to include waste collection points, provision of refuse and recycling receptacles, refuse vehicle turning, and means of collection, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 23) The development hereby permitted must not be occupied until details of cycle parking facilities for at least one cycle per bedroom for the cottages and a total of six cycles for the apartment block have been submitted to and approved in writing by the local planning authority. The cycle parking facilities must be provided as approved before the development is occupied and, thereafter, be maintained, kept free from obstruction, and made available for their intended purpose in perpetuity.

- 24) Prior to the first occupation of the development, a Travel Plan, to include a programme of implementation and monitoring, shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented as agreed.