

# Bath & North East Somerset Council

MEETING: **Development Control Committee**

MEETING DATE: **1st August 2012**

AGENDA  
ITEM  
NUMBER

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RESPONSIBLE OFFICER: Lisa Bartlett, Development Manager, Planning & Transport Development (Telephone: 01225 477281)

TITLE: **SITE INSPECTION APPLICATIONS**

WARDS: ALL

BACKGROUND PAPERS:

## AN OPEN PUBLIC ITEM

### BACKGROUND PAPERS

List of background papers relating to this report of the Development Manager, Planning and Transport Development about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
  - (i) Sections and officers of the Council, including:
    - Building Control
    - Environmental Services
    - Transport Development
    - Planning Policy, Environment and Projects, Urban Design (Sustainability)
  - (ii) The Environment Agency
  - (iii) Wessex Water
  - (iv) Bristol Water
  - (v) Health and Safety Executive
  - (vi) British Gas
  - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
  - (viii) The Garden History Society
  - (ix) Royal Fine Arts Commission
  - (x) Department of Environment, Food and Rural Affairs
  - (xi) Nature Conservancy Council
  - (xii) Natural England
  - (xiii) National and local amenity societies
  - (xiv) Other interested organisations
  - (xv) Neighbours, residents and other interested persons
  - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

### **The following notes are for information only:-**

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an

application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

## INDEX

| ITEM NO. | APPLICATION NO. & TARGET DATE: | APPLICANTS NAME/SITE ADDRESS and PROPOSAL  | WARD:   | OFFICER:       | REC:   |
|----------|--------------------------------|--|---------|----------------|--------|
| 01       | 12/00879/FUL<br>22 June 2012   | Jonathan & Shelagh Hetreed<br>Paulton Engine, Hanham Lane,<br>Paulton, Bristol, Bath And North East Somerset<br>Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements. | Paulton | Andrew Strange | Refuse |

**Item No:** 01  
**Application No:** 12/00879/FUL  
**Site Location:** Paulton Engine, Hanham Lane, Paulton, Bristol



**Ward:** Paulton                      **Parish:** Paulton                      **LB Grade:** N/A

**Ward Members:** Councillor J A Bull    Councillor Liz Hardman

**Application Type:** Full Application

**Proposal:** Extension and alteration of existing 3 bed house to provide 2 further bedrooms and dining room and demolition of 1960s single storey bathroom extension; reconstruction of roofless outbuilding to provide garage, workshop & studio over; erection of pair of semi-detached 2-bed holiday cottages; repair of derelict pigsties to provide potting sheds with bat loft; rebuilding of derelict stable; roofing & repair of 2 walls as open woodshed; lean-to greenhouse to replace kennels; rubbish clearance within site and landscape improvements.

|                      |   |
|----------------------|---|
| <b>Constraints:</b>  | Agric Land Class 1,2,3a, Agric Land Class 1,2,3a, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Flood Zone 2, Flood Zone 3, Forest of Avon, Public Right of Way, Sites of Nature Conservation Imp (SN), |
| <b>Applicant:</b>    | Jonathan & Shelagh Hetreed  |
| <b>Expiry Date:</b>  | 22nd June 2012  |
| <b>Case Officer:</b> | Andrew Strange  |

## REPORT

The ward councillor has requested that this application be determined by the Development Control Committee in the event that officers do not support the application because the Parish Council supports the application and the proposals provide an excellent opportunity to achieve restoration of the Paulton Engine House, a building important in the industrial history of Paulton and could form the basis of tourism potential in future.

The application was deferred at the Development Control Committee meeting on the 4th July 2012 to enable members to attend a site visit.

### The Application Site

The application site is in the countryside outside Paulton. It is also in the Paulton Conservation Area. The site includes the ruins of Paulton Foundry, a pair of semi detached cottages lived in as a single house until about 11 years ago, several partly ruinous outbuildings and a number of small sheds and enclosures built as kennels.

Paulton Foundry was opened in 1807 and operated as a general iron and brass foundry serving the mines, the canal and the local region, supplying steam engines, bridges (including those over the canal in Sydney Gardens in Bath), gates, fences and general iron and brassware. It is understood that one of the steam engines built at the Foundry is now in a museum in Bristol.

The evidence submitted by the applicant suggests that the foundry business moved to Radstock in 1890 and that the site has decayed since that time.

The site is about 1 ha and it is at the northern end of Hanham Lane, east of the Batch and adjoining the southern bank of the Cam Brook. A spring rises within the eastern part of the site.

The southern part of the site comprises a paddock that is divided from the northern part of the site by an east-west wall, now partly derelict but historically forming a 75m long south façade to the former foundry buildings complex.

The northern part of the site comprises the remains of the former foundry buildings and extends to the south bank of the Cam Brook.

The application includes an outline of the site's historical development and its relationship to other features in the area that were developed in the nineteenth century.

The site has a somewhat derelict air about it and. Although it is evident that it has become overgrown in recent years, the owners are in the process of clearing vegetation to better reveal the site.

Access to the site is off Hanham Lane that is also a public footpath. Hanham Lane provides access to a number of other residential properties.

There are public footpaths along the site's eastern boundary and also in proximity to the site's southern boundary.

Withymills Cottage, a detached two storey house, is to the north west of the site and there are sewage works further to the north west. The Cam Brook is to the north and there are some rural buildings on the site to the south.

## The Proposals

The current proposals principally comprise the:

- development of stables at the entrance to the site (described as stables re-built);
- development of 2 new two storey holiday cottages in proximity to the site entrance;
- extension of the existing dwelling with a substantial two storey wing on the west elevation and deck and pergola on the south elevation;
- development of a greenhouse within the paddock to the north of the existing house to replace existing kennels;
- rebuilding of a single storey woodshed in the site's north west corner;
- rebuilding of the pigsties on the site's eastern boundary to provide potting sheds and a bat loft; and
- development of the easternmost foundry building ruins to provide a new garage and workshop on the ground floor with "studio and training" room over.

The proposed development of the easternmost foundry building and woodshed would incorporate a blue/black powder coated corrugated aluminium roof sheet with solar PV panels to the roof of the larger building. The proposed holiday cottages would incorporate sedum green roofs. Wall materials for the proposed developments would include local stone and self coloured render with some glazing set in colour coated aluminium frames. The foundry building would be developed by incorporating straw bale walls within the existing stone walls.

Other works around the site include raising the levels within the walls of the former foundry, removal and thinning of some trees, new planting, the creation of a driveway within the site and the formation of a 16m diameter, 3m high mound within the paddock from "the majority of stable material from the tipped areas" within the site.

The applicant states that the foundry ruins "are in a parlous state". The proposals therefore include works to the foundry ruins including the clearance of vegetation, lime mortar masonry repairs and rubble capping of the walls to halt frost damage and prevent further collapse. The applicant has also submitted a draft archaeological method statement.

The development of the existing house would enable its uses as a single dwelling with 2 no. bed and breakfast rooms. The applicant's further clarification is sought in respect of the proposed use of the easternmost foundry building that would have a combined ground and first floor area of approximately 300 square metres gross, but it is understood that the intention is that it will be used in a manner that is ancillary to the use of the existing house.

The applicant is proposing to develop all of the accommodation to very high environmental standards using passivhaus design principles" that "will render conventional space heating and cooling virtually unnecessary. The proposals include the cladding of the south elevation of the proposed foundry roof with solar PV panels subject to cost.

#### Planning History

None.

#### **SUMMARY OF CONSULTATIONS/REPRESENTATIONS**

Paulton Parish Council supports the application but notes that:

- the proposed use of blue/black aluminium sheeting for the roof of the garage/studio is not appropriate;
- right of access to the property over a private access road should be determined;
- a flood risk assessment should be carried out;
- a contaminated land report should be obtained; and
- the statement in the application that there is no change of floor space in the non-residential use area should be queried.

The Highways Officer objects to the proposal on the basis that:

- the proposals do not demonstrate a safe and adequate means of access to the site;
- it would result in intensification in vehicular use of an existing public footpath, to the detriment of safety of the users of that right of way;
- it is outside the limits of the housing development boundary, remote from local services, amenities and public transport services and will result in increased reliance in the use of the private car; and
- the development is therefore contrary to development plan policies and the requirements of the NPPF.

The Highways Officer (Drainage) states that part of the site is within flood zone 2 and a flood risk assessment should therefore be provided and the Environment Agency consulted about the proposals. Infiltration testing should be carried out and a Flood Defence Consent will be required from the Environment Agency for any surface water outfalls to the existing watercourse.

The Contaminated Land Officer recommends that conditions be attached to the permission requiring detailed investigation of the site's contamination and, if necessary, subsequent remediation and monitoring. Additional information has been provided by the applicant, but the recommendation remains that any permission be the subject of

conditions to address land contamination. Also expresses concern about how the proposed waste mound could be protected from disturbance by future residents.

The Environment Agency has no objections subject to conditions and has re-iterated their original comments after the receipt of further information from the applicant. In response to further information supplied by the applicant, the EA continues to recommend conditions to address the potential contamination at the site and drainage.

The Coal Authority has no objection.

The Environmental Health Officer has no objection.

The Arboricultural Officer has no objection subject to conditions to protect the existing ash tree to the north of the site access.

Council's Ecologist Objects on the basis that the submitted ecology reports:

- do not address the habitat regulations;
- the proposals do not consider how bat roosts could be provided within the existing buildings occupied by bats; and
- it is unclear whether the proposed bat mitigation measures meet good practice guidelines.

Appropriate mitigation and details of mitigation are needed prior to a planning consent, to demonstrate that favourable conservation status can be maintained and the mitigation proposals can be achieved within the scheme.

Also notes that there is a high population of grass snakes and a reptile method protection statement will be required.

The proposals should demonstrate that the water course and adjoining habitat used by otters will not be disturbed and will be protected.

The Council's Archaeologist states that the submitted archaeological statement does not give sufficient confidence that the impact of the proposed development has been adequately assessed or mitigated. He therefore recommends that a pre-determination desk-based archaeological assessment is carried out to assess all the known historic assets on the site, the likely impact of the proposed development, and a proposed mitigation. In the absence of such an assessment and mitigation strategy he recommends that this application be refused

Seven letters of representation have been submitted by the people commenting on the proposals:

- they support the renovation of the cottage;
- the proposals to revive interest in this historic site are commendable;
- however, they object to the proposed holiday homes and the impact of the traffic associated with them;
- the holiday homes would be contrary to development plan policies and there is no market or need for them;

- previous proposals for holiday lets off Hanham Lane have not been successful and are now used as long term rental accommodation;
- the proposed holiday accommodation would set a precedent for other similar proposals in the area;
- the enabling arguments and financial case for the development of the holiday cottages is difficult to substantiate and the capital required to develop the holiday cottages could be invested in the repair and maintenance of the ruins;
- new homes would be contrary to development plan policies, the Community Plan and Village Design Statement;
- the proposals are contrary to the Core Strategy;
- increased traffic and construction traffic in the area;
- inadequate access;
- query why 12 parking spaces are required;
- the Cam Brook is identified as a Landscape Character Area and further intensification of development would harm the area's green character and wildlife;
- the proposals would increase traffic and have an unacceptable impact on Hanham Lane;
- Hanham Lane is not suitable for construction traffic;
- the proposals would change the tranquil, rural character of the setting and undermine the conservation area designation;
- impact of the proposals on wildlife;
- overlooking from the holiday cottages;
- oppressive feel and design of garage/studio/workshop;
- they object to the reburial of any asbestos containing material on the site.

## **POLICIES/LEGISLATION**

The saved Local Plan policies that are of relevance to the determination of this application are:

D.2 - General design

D.4 - Townscape

BH.6 - Conservation Areas

BH.8 - Walls, fences and surfacing in conservation areas

BH.12 - Archaeology

GB.1 - Green Belt

GB.2 - Visual amenity of the Green Belt

ES.1 - Renewable energy

NE.1 - Landscape conservation

NE.4 - Trees and woodlands

NE.10 - Protected species

NE.12 - Natural features

NE.14 - Flood risk

NE.15 - Water courses

T.5 and T.6 - Cycling

T.24 - Transport

T.26 - Parking



The National Planning Policy Framework (NPPF) is material consideration in the determination of this application.

Emerging planning policies in the Councils Draft Core Strategy with Proposed Changes Incorporated March 2011 are of very limited weight in the determination of this application. The Core Strategy does however note, in relation to the Somer valley, that:

Tourism opportunities to build upon a mining and industrial heritage and rich natural environment are not yet realised.

However, the strategy envisages that the focus of such development should be in existing local centres.

The Paulton Conservation Area Character Appraisal was adopted as an SPG in 2003 and is material to the determination of this application.

The Paulton Community Plan (2010) includes the exploitation of the area's industrial heritage, including the regeneration of the canal and railway area as a priority, but has categorised it as a low priority because of the likely funding requirements.

There is a legislative requirement that the local planning authority pays special attention to the desirability of preserving or enhancing the character or appearance of the Paulton Conservation Area.

English Heritage has produced guidance about enabling development that is relevant to the determination of this application: Enabling Development and the Conservation of Significant Places (available at: <http://www.english-heritage.org.uk/content/publications/publicationsNew/enabling-development-and-the-conservation-of-significant-places/enablingwebv220080915124334.pdf> ).

The applicant sought pre-application advice about their proposals that stated that the site's development in the manner proposed would be contrary to development plan policies. In particular, the applicant was advised that:

- the proposed means of access was not suitable to accommodate the likely traffic that would be generated by the proposal;
- the proposed holiday accommodation would be contrary to policies that seek to limit such developments outside the Local Plan Housing Development Boundary;
- the workshop proposal would be contrary to policy ET.9;
- the extension to the house would not be subservient to the host building; and
- the rebuilding of the potting sheds and stables is acceptable in principle.

#### **OFFICER ASSESSMENT**

The application comprises a number of discrete proposals for the site's development. This assessment seeks to deal with each one in turn, although it is also important to consider the impact of the proposals as a whole in particular when considering their impact on the character and appearance of the Paulton Conservation Area.

At the outset, it is worth noting that the Paulton Conservation Area Character Appraisal states:

Paulton has a proud coal mining and industrial heritage which is reflected in its buildings and landscape.

'The coming of the industrial revolution, the advent of steam driven machinery and the availability of local fuel, saw Paulton flourish along with the neighbouring towns of Midsomer Norton and Radstock. Iron founding was very important and even today the remains of the products made at the old Evans foundry in the form of stiles, bollards and railings can be seen in the local landscape.

Paulton was then and still is a working village which grew rapidly in the 19th and 20th centuries and is continuing to develop in the 21st.'

The Paulton conservation area and its character appraisal acknowledges this heritage and seeks its preservation, enhancement and enjoyment.

The application site is therefore an important part of the Paulton Conservation Area as it comprises the ruins of a former foundry that forms part of a wider landscape that includes remnants of the industrial revolution.

The Character Appraisal notes that the site is in character area 7 and the summary of the character of that area includes its tranquillity and how that belies the former intense industrial activity of the foundry. The appraisal notes that the Paulton Engine works is derelict and becoming engulfed by vegetation colonising from the streamside. The appraisal does not note any neutral or negative elements within this part of the Conservation Area.

The foundry ruins, in their current state, are therefore identified as a positive element in the Conservation Area that contribute positively to its character and appearance. It is therefore important that their future is secured.

The applicant is seeking to repair the remaining ruins and to limit their further decay and is proposing a number of developments within the Paulton Engine site, some of which are proposed to help fund these works. However, the applicant has not submitted details of funding arrangements for the repair and maintenance of the ruins as part of this application.

English Heritage has published guidance about enabling development and the NPPF also acknowledges the possibility that enabling development may be required to secure the future of heritage assets. However, in the absence of, inter alia, any detailed proposals for the funding of the repair and maintenance of these works and an analysis of alternative approaches to securing this, little weight should be attached to the applicant's argument that some elements of the current proposals are required to fund these works.

#### Proposed Holiday Cottages

Neither the saved Local Plan policies, nor the emerging Core Strategy policies deal specifically with proposals for new tourist accommodation such as this in the countryside.

The proposed new cottages have however been designed as new dwellings and are capable of independent occupation. Notwithstanding that their proposed use could be restricted to holiday accommodation by way of planning conditions and/or obligations, this aspect of the application should be considered against Local Plan policy HG.10.

The proposed new dwellings are outside the Housing Development Boundary of Paulton and in the countryside. The dwellings are not required for agricultural or forestry workers and they are therefore contrary to policy HG.10.

The NPPF confirms that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where such development would be appropriate enabling development to secure the future of heritage assets.

Although the applicant has indicated that the proposed holiday cottages are required to enable the site's development, evidence has not been submitted with the application to demonstrate that the proposed holiday cottages are necessary to fund the preservation of the remains of the former foundry buildings and the site's industrial archaeology.

Furthermore, no evidence has been submitted to suggest that there is a need for such accommodation in this area that could not be accommodated within the existing towns and villages, or by converting existing buildings to provide tourist accommodation in the area.

Finally, the proposed design and appearance of the cottages is appropriate for the area. However, their development on the site would introduce a substantial new built form into the landscape of this part of the countryside that is identified in the Conservation Area Character Appraisal as being derelict and engulfed in vegetation. The proposed new buildings would be at odds with and would harm this character and would therefore be contrary to Local Plan policy BH.6.

The proposals for the holiday cottages are therefore unacceptable in this location.

#### Proposed new Building within the Easternmost Foundry Building

The proposals for the development of the new building within the easternmost foundry building will result in the development of a substantial new structure with a floor area of about 300 square metres. The applicant states that it will be occupied in a manner that is ancillary to the existing house on the site, but that the upper floor will be used as artist's studio for the occupier of the house and that it would also be used in conjunction with the proposed holiday cottages and bed and breakfast accommodation (see following section). It therefore appears that the use of the proposed building will predominantly be in a manner that is ancillary to the use of the existing dwelling on the site.

The proposal is to develop the building within the ruins of the easternmost former foundry building and to preserve the ruins of the existing foundry structure and the adjacent structure to the west. The intention is that the new building becomes a positive symbol and feature of the Paulton Engine project that this part of the complex is reconstructed in scale.

However, the proposed scale of the new building is substantial and, although it would replicate the scale of the original building that previously existed on the site, it is not necessary to recreate a building of a similar scale to the original to ensure an understanding of the site.

Local Plan policy D.4 requires that new development responds to its local context and that extensions respect and complement their host building. Policy D.2 requires development to be of a high quality design and Policy BH.6 requires that development preserves or enhances the character or appearance of the Conservation Area.

The proposed new building would not reinforce or complement the attractive qualities of local distinctiveness by introducing a substantial new building within the walls of the foundry ruins. The ruins are, by themselves, locally distinctive and their development in the manner proposed would harm the character and appearance of the Conservation Area and be contrary to policy BH.6.

Although the proposals substantially comprise a new building, it is also appropriate to consider them in the context of policy D.4 that requires that extensions respect and complement their host building. The proposals would effectively extend the existing ruins upwards. However, their overall scale would not respect or complement the existing ruins and the proposals are therefore contrary to policy D.4.

#### Proposed Extensions to the Existing Dwelling

The existing dwelling on the site is in a dilapidated state and it is understood that it was last in use some 11 years ago. Despite its state, it is still recognisable as a dwelling and its use does not appear to have been abandoned.

The proposals to extend the existing dwelling need to be considered particularly in the context of policy BH.6, but also policies D.2 and D.4.

The proposed scale of the extension is substantial and will have a footprint of approximately 10.5m by 6.5m and will be taller than the existing house. The applicant has set out the rationale for the proposed extension in their design and access statement. It is based on the footprint of the original linked two storey building that previously existed on the site and it seeks to broadly reproduce the gable of that former building that remains on the site.

However, the proposed extension is larger (taller) than the building that was previously linked to the house and that formed part of the foundry complex. The gable of the southern end of that former building remains and it is evident that the proposal will result in a slightly taller building than previously existed on the site. The proposal for a substantial glazed lean-to will add to the scale of the proposed extension to the existing dwelling.

Policy D.4 requires that the appearance of extensions respect and complement their host building. The current proposals will however dominate the existing dwelling and will not respect or complement their host building.

Although an extension to the existing dwelling based on the form of the building that previously existed on the site could be developed in a manner that would respond to the site's context, the current proposal is excessive in its scale and would neither preserve nor enhance the character or appearance of this part of the Conservation Area. It would therefore be contrary to saved Local Plan policy BH.6

Other proposals for the main dwelling include the installation of a verandah to the south elevation and balcony/verandah to the east elevation. Both proposals will complement the original dwelling, will not harm the amenity of neighbours and will preserve the character and appearance of the Conservation Area.

The applicant is intending to provide bed and breakfast accommodation from two of the rooms within the development. However, it is possible that this scale of use, by itself, may be ancillary to the use of the existing house. The applicant has not sought permission to change the use of the property to a guest house specifically to provide bed and breakfast accommodation. This application is therefore considered on the basis that it is for an extension to an existing dwelling, rather than to extend the building and to change its use to a guest house.

#### Proposed Wood Store, Piggeries Greenhouse and Stable

The application also includes the rebuilding/repair of a number of single storey outbuildings on the site and the development of a new lean-to greenhouse adjacent to the wall that forms part of the foundry ruins and that runs through the central part of the site.

The proposals for the repair/replacement of these outbuildings with development of a high quality design that does not significantly harm the amenity of neighbouring properties and that preserves the character and appearance of the Paulton Conservation Area are acceptable.

#### Other matters

##### Transport

The Council's Highways Officer has recommended that the application be refused for a number of reasons.

The site is currently accessible by vehicles via Hanham Lane and the public footpath that leads to the site and Withymills Cottage. This route is included within the planning application site. The increase in the use of this route that would arise from the development of the holiday cottages would not be substantial and if necessary, Grampian style conditions could be used to secure the surfacing of this route or the provision of lay-bys to allow vehicles to pass each other to address the highway objections. The potential for conflict with pedestrians using the route is unlikely to be substantial given the nature of the proposals. It is not therefore recommended that the application be refused on highway safety grounds.

The site's location away from local services is noted, but that is one of the reasons why the development of new houses is restricted in this location. The highways officer's concern about this matter is therefore covered by the requirement in respect of the holiday

cottages that they are restricted in the countryside and a separate reason for refusal is not recommended in respect of this matter.

### Contamination

The applicant has submitted a desk top review of the site's potential contamination and has included a summary of a report about Land Contamination at Foundry Sites. The applicant maintains that the report suggests that early foundries such as this site have been found to be relatively uncontaminated (although the report notes that:

The data collected from 15 foundry sites suggested that land contamination may be less significant than at other types of heavy industrial sites. However, a considerable variability was found between and within sites and site-specific risk assessments will always be required to evaluate potential pollutant linkages and suitability for proposed uses).

The Council's Contaminated Land Officer has recommended that planning conditions be attached to the permission to address the site's potential contamination and this would be an appropriate way forward in the context of Local Plan policy ES.15 and guidance in the NPPF.

However, in the context of the submitted review, a phased approach to the investigation and, if necessary, remediation of the site's contamination is acceptable in this instance. The Contaminated Land Officer's suggested conditions could, if permission were to be granted, be amended to allow for a phased approach to site investigations.

### Future Management of the Industrial Archaeology

The applicant has included proposals for recording and conserving the site's industrial archaeology and the future management of the site and the remnants of the industrial buildings. Although the proposals do not include a detailed timescale for this work, it may be possible for such matters to be secured by planning conditions and/or obligations in a s106 agreement.

However, the Council's Archaeologist has recommended that, in the absence of a more thorough assessment of the site's archaeology, that the application be refused. Such a study has not been sought from the applicant in the context of the overall unacceptability of the proposals. In the absence of such a study, the proposals would not accord with Local Plan policy BH.12.

### Flood Risk

The applicant has not submitted a stand alone flood risk assessment with their application, but has included a section within the report that accompanies the application Restarting the Engine. It suggests that there is no significant flood risk within the Paulton Engine site because only the north western part of the site is within an area at risk of flooding. This is evident from the Environment Agency's records.

The site does however incorporate a spring and associated stream that flows to the Cam Brook.

The applicant is proposing to use permeable gravel surfacing throughout the site where hard surfaces are required and is intending to harvest rainwater from the hard surfaced roofs of the proposed new holiday cottages and building within the existing foundry building.

The proposals are unlikely to be susceptible to flooding or increase the risk of flooding elsewhere and the proposed use of permeable hard surfaced areas and a sustainable urban drainage system is appropriate in this location. The proposals would therefore accord with Local Plan policy NE.14.

## Ecology

The applicant has submitted a phase one habitat survey and species surveys in support of the application. The studies note that "with the exception of the Cam Brook and its immediate surrounds the habitats recorded on the site were of low ecological value."

The bat surveys suggest that "the vast majority of the buildings and associated structures were assessed as having high potential to support roosting bats". The cottage and attached outhouse afford summer roost and winter hibernation opportunities for bats and at least 8 bat species use the site. Proposed measures to mitigate the impact of the development on bats include a "bat house" encompassing the former pigsty outbuildings along the site's eastern boundary and measures within other individual buildings and structures.

A licence for the works will be required from Natural England and the demolition of affected buildings and structures will need to be scheduled to avoid maternity and hibernation periods. The Council's Ecologist's comments on the application are awaited, but it is noted that the proposals include mitigation measures to address the impact of the proposals on protected species in accordance with Local Plan policy NE.10. The proposals for mitigation could be the subject of planning conditions.

However, the Habitats Regulations require more than this. Bats are notoriously fickle and may not in fact use alternative structures prepared for them, no matter how carefully. There is therefore a presumption that the bats should preferably remain undisturbed. The Regulations contain 3 tests, and case law in the last few years has established that these are for a local planning authority to consider at application stage. All three of these tests must be met for a permission to be granted and any permission granted not in compliance with these tests would be susceptible to legal challenge.

The three tests are:

1. The proposal must be for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment.
2. There is no satisfactory alternative.
3. The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

Local Plan policy NE.10 states that development that would adversely affect, directly or indirectly, species which are internationally or nationally protected or the habitat of such species will not be permitted. In the context of the Council's Ecologist's comments, the proposals fail to adequately address the Habitat Regulations and whether the proposals would adversely affect, directly or indirectly, the bats that use the site. It is therefore recommended that the proposals be refused on this basis.

Other surveys identified that the site is used by badgers and that there were possible signs of use of the river bankside habitat by otters. The river and bankside habitats will need to be protected from harmful run off during development.

#### Arboriculture

The proposals could have an impact on one significant existing tree within the site – an Ash tree adjacent to the driveway into the site. The application is accompanied by an impact assessment for this tree and includes suitable proposals for mitigation. The development would not therefore harm any significant trees within the site and the proposals would therefore accord with Local Plan policies NE.4 and NE.12.

#### Conclusions

The proposals seek to conserve the foundry ruins, ensure that their further decay is arrested and to enable a better understanding of the site and the wider area's history. However, the site is currently appreciated for its ruinous state and although proposals to arrest the further decay of the ruins are welcome, the applicant has not demonstrated that the scale and nature of the proposals in this application are necessary to enable this.

In the absence of any evidence that the works are necessary to enable the conservation of the foundry ruins, the current proposals are contrary to development plan policies that seek to restrict the development of new buildings in the countryside and to preserve or enhance the character or appearance of the Paulton Conservation Area.

### **RECOMMENDATION**

**REFUSE** for the following reason(s)

1 The site's current derelict state is identified as an important part of the character and appearance of this part of the Paulton Conservation Area in the Paulton Conservation Area Character Appraisal. The applicant has not demonstrated that the proposals for the holiday cottages and new garage/workshop/studio building (that are contrary to the development plan policies set out in the reasons below) are necessary to enable the future of the foundry remains to be secured on the site. These developments and the extension to the existing dwelling would, for the reasons set out in 2. 3. and 4. below, harm the character and appearance of the Paulton Conservation Area and be contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

2 The proposed development of the holiday cottages in this location would result in 2 new dwellings outside the defined Housing Development Boundary of Paulton, away from existing services. The development of the holiday cottages would also harm the character and appearance of this part of the Paulton Conservation Area by introducing new built



development into the landscape of this derelict site. The proposals would therefore be contrary to saved policies HG.10, BH.6 and D.4 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

3 The proposed new garage, workshop and studio building would, by reason of its scale and design and appearance, harm the character and appearance of this part of the Paulton Conservation Area and would therefore be contrary to saved policy BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies). The proposals would also, by reason of their scale and appearance, fail to complement and respect their host building (the foundry ruins) and would therefore also be contrary to Local Plan policy D.4.

4 The proposed extension to the western end of the existing dwelling would, by reason of its height and the inclusion of a substantial glazed lean-to, fail to respect and complement the host building and would harm the character and appearance of this part of the Paulton Conservation Area. The proposal would therefore be contrary to saved policies D.4 and BH.6 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

5 The proposals are not accompanied by archaeological information to confirm that the impact of the proposed development has been adequately assessed or that the proposals for mitigation are adequate. In the absence of such an assessment and mitigation strategy, it is not possible to assess whether the proposals would accord with saved policy BH.12 of the Bath and North East Somerset Local Plan (including minerals and waste policies).

6 The submitted ecology surveys and other information fail to demonstrate that the proposals are for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest and that there is no satisfactory alternative to the mitigation measures proposed. They do not therefore meet the of the Habitat Regulations requirements.

## **PLANS LIST:**

- 1 400/S/1 - site survey & location plan
- 400/S/2 - site photographs
- 400/S/3 - site photographs
- 400/S/17 - site photo 1910 & aerial photo 1946
- 400/S/19 - site photographs
- 400/S/21 - 3d model view of foundry at its 19thC peak
- 400/S/22 - 3d model view of foundry in current ruinous state
- 400/P/1 - proposed site plan
- 400/P/2 - proposed house ground floor plan
- 400/P/3 - proposed house first floor plan
- 400/P/9 - proposed site sections
- 400/P/10 - proposed elevations of the house
- 400/P/21 - potting sheds, woodshed, holiday cottages, livestock shed
- 400/P/22 - proposed plans, section and elevations to east foundry building (garage/studio)
- 400/P/31 - 3d model view of Paulton Engine buildings as proposed
- 400/P/32 - proposed & existing kennels, greenhouse, foundry plans & elevations

400/P/33 - livestock shed proposed north elevation  
400/P/34 - ash tree drive impact assessment & mitigation  
400/P/51 - batloft plan & section  
DAS figs 2, 4 - 19thc maps  
DAS fig 14 - eco-mitigation plan  
DAS fig 16 - grassy mound cross-section  
DAS fig 17 - EA flood risk map  
DAMS fig 1 - archaeology site plan  
DAMS fig 2 - wall repairs details  
DAMS figs 3, 4, trial pit photographs