

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

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| Date of Meeting | 10 th November 2022 |
| Application Number | PL/2021/09778 |
| Site Address | Station works site Tisbury |
| Proposal | Outline planning application for redevelopment of the Station Works site to provide a mixed development of up to 86 dwellings, a care home of up to 40 bedspaces with associated medical facilities, new pedestrian and vehicular access and traffic management works, a safeguarded area for any future rail improvements, and areas of public open space. |
| Applicant | Tisbury Homes |
| Town/Parish Council | Tisbury |
| Electoral Division | Tisbury (Cllr Errington) |
| Grid Ref | |
| Type of application | Outline planning |
| Case Officer | Richard Hughes |

Reason for the application being considered by Committee

The application has been called-in by Cllr Errington. Notwithstanding, the applicants have formally appeal against non-determination of the application. As a result the Planning Inspectorate is the determining authority, not this Council.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider, in light of the non determination appeal, Members need to consider whether the application would have been refused as recommended.

2. Report Summary

The issues in this case are:

- Principle of development, policy and planning history;
- Design, scale and impact to the amenity of the area/AONB/heritage asset impacts
- General Amenity issues
- Parking/Highways Impact, rights of way
- Impact on railway station and line
- Archaeology
- Ecological Impact
- S106 matters

3. Site Description

The site is located on the southern edge of Tisbury and its Conservation Area, and has historically been in industrial use, originally associated as its name suggests with the adjacent railway line and station. The site is located within the defined settlement boundary of Tisbury, and is allocated for development in the Tisbury Neighbourhood Plan. The site contains a collection of industrial buildings, with vehicular access points onto the adjacent road to the

south west. The railway line and station form the western/northern boundaries of the site. The land to the north and east of the site is elevated open land within the countryside. A footpath system lies adjacent to the north of the site and across the railway line.

4. Planning History

The planning history of the site largely relates to the industrial uses on the site, although the applications below are relevant as history:

S/2011/0660 - prior approval granted for the demolition of the office block and a warehouse on the site.

In the early 2000's two planning applications for a mixed-use development of residential and employment uses, with alterations to the site access, reference S/2002/1367 and S/2003/2547 were refused, due to the loss of employment land was unacceptable and that the site lay outside an area allocated for residential development.

5. The Proposal

The proposal is in outline, with all matters other than access reserved. The application is for up to 86 dwellings with open space on the site, and also a 40 bed care home. Access would be from the existing access points to the south west of the site off Jobbers Lane. The submitted details include:

- 2 x 1-bedroom flats
- 10 x 2-bedroom flats
- 42 x 2-bedroom houses
- 29 x 3-bedroom houses
- 3 x 4-bedroom houses
- 12 of these dwellings to be affordable housing, as follows:
 - 2 x 1-bedroom flats
 - 4 x 2-bedroom flats
 - 3 x 2-bedroom houses
 - 1 x 3-bedroom house
- A 30-40-bed care home, to possibly also include community medical facilities.
- Areas of on-site amenity space and landscaping;
- Provision of an area of approximately 0.4 hectares of land safeguarded for future improvements to Tisbury railway station, including an indicative vehicular access to this area;
- Closure of the northern arm of the existing vehicular access to vehicle traffic to improve visibility for traffic

entering and exiting the site. Using the northern arm of the existing vehicular access as a pedestrian and cycle access only, linked to a new pedestrian crossing;

- Creation of a new dedicated pedestrian and cycle route between the site and the existing Stubbles footpath on Station Road toward Church Street, including exclusive use of one bore of the existing railway bridge for pedestrians and cyclists;
- Traffic management measures including the provision of traffic signals on Station Road and Jobbers Lane to allow single lane alternate running of vehicle traffic through the right hand bore of the railway bridge.

6. Local Planning Policy

National Planning Policy Framework, including the National Design Guide and Code.

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 3 Infrastructure delivery

Core Policy 27 – Strategy for Tisbury

Core Policy 35 &36 – Employment and economic regeneration

Core Policy 43 – Affordable housing provision

Core Policy 50/52 Biodiversity and Geodiversity

Core Policy 51 Landscaping

Core Policy 55 – Air Quality

Core Policy 56 - Contamination

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 58 Heritage Assets

Core Policy 60, 61,62 Transport and New Development

Core Policy 67 – Drainage

Core Policy 69 – River Avon SAC

Saved policy R2 – Open space

Saved policy D8 – Public Art

Creating Places SPD

Wiltshire Local Transport Plan 2015-2026
and Car Parking Strategy

Wiltshire Waste Core Strategy policy WCS 6

Planning Obligations DPD

Adopted Tisbury Neighbourhood Plan, including EB1, BL1, BL2 BL3 BL7, HNA1, & HNA3
Adopted Tisbury Conservation Area Appraisal

7. Summary of consultation responses

WC Highways – Object (see highways section in report)

WC Landscape – Raise certain landscape impact details

WC Rights of Way – No objections, subject to footpaths near the site being upgraded via a financial contribution.

WC Public Protection – No objections subject to conditions

WC Ecology – No objection, provided the impact of the scheme in terms of phosphates on the River Avon SAC is mitigated

WC Drainage – Object (see flooding section)

WC Housing – Object. Scheme should provide 30 percent affordable housing.

WC Waste and recycling – No objection subject to S106 contributions

WC Education – Object as application would not provide any mitigating financial contribution towards off site educational provision.

WC Open Space - No objection subject to open space being provided on site and S106 contributions

WC Archaeology – No objection subject to a condition

WC Spatial - Concern that the proposal does not accord with the development plan

WC Economic Development – Object to loss of/lack of inclusion of industrial employment

WC Urban Design - Concerns expressed due to limited linkages and issues with the suggested design and layout

Environment Agency – Object as the access route is situated in an area known to flood(see Flooding and Drainage section)

Wessex Water – General advice. No objections, but refers to infrastructure crossing the site.

Network Rail – No objections in principle, subject to the occupiers of the proposal site should not use the adjacent footpath which runs across the railway line. Other general matters raised regards the development works not affecting the railway operation or land.

Natural England – No objection, but advice how the LPA should consider the application and the Habitats Regulations Assessment

8. Publicity

Third Parties: 273 responses stating the following general matters:

- Protection of wildlife/ecology/swifts required with provision of built in features
- Scheme would have an impact on existing parking and traffic issues
- Flooding issues haven't been addressed
- Not enough facilities and services for more dwellings in Tisbury
- Need affordable housing for local people
- No need for the care home
- Overdevelopment of the site
- Will be out of keeping with the area
- No energy efficiency measures included
- Not in accordance with neighbourhood plan policies
- No proper community consultation undertaken
- Would affect the AONB
- No solution to crossing the railway line has been found or assessed

Tisbury Parish Council – Object for the following reasons (summary)

1. While we support the development of Station Works, in line with the Tisbury and West Tisbury Neighbourhood Development Plan (2019-2036), this application breaches the plan's policy BL.7 multiple times. These breaches are detailed below. It also breaches policy BL.3 on the development of brownfield sites.

2. The application itself is inadequate; it lacks important detail and breaches the NPPF as outlined in our previous comments (now repeated in appendix 1).

3. The proposed development is situated adjacent to a Level 3 Flood Zone; recent excessive flooding demonstrates our concerns over the impact of the development on the risk of future flooding events, as well as the risk of a lack of accessibility to the site and, in particular, the pedestrian access to the site. Also detailed below

West Tisbury Parish Council - West Tisbury Parish Council are grateful to be consultees on this outline planning application which will have a huge impact on the village of Tisbury and the surrounding parishes. As a neighbouring parish - and bearing in mind that most of the population of West Tisbury Parish live within the settlement boundary of the village of Tisbury - any development of the scale proposed in this planning application will affect our parishioners and our parish. As joint authors with Tisbury Parish Council of the Tisbury and West Tisbury Neighbourhood Plan¹ (made November 2019), we have been working closely with Tisbury Parish Council on this proposed development at Station Works.

We note that the planning application is for the principle of development of 86 dwellings and a care home of up to 40 bedspaces - with all other matters reserved except for the pedestrian and vehicular access and traffic management works.

West Tisbury Parish Council objects to the application on the grounds of:

- Scale and density
- Lack of mixed use
- Availability of affordable housing
- Pedestrian, cycle and vehicular access

West Tisbury Parish Council also consider that too many key issues are reserved, and fear for the impact on Tisbury's infrastructure without suitable contributions.

Sutton Mandeville Parish Council - We support and mirror the responses and comments of our neighbouring Tisbury, West Tisbury, Swallowcliffe and Ansty Parish Councils.

Especially concerns for Sutton Mandeville Parish Council are:

- Increased volume of traffic through the parish (via C24), which residents continually raise concerns about with SMPC and directly with Wiltshire Councillor Nabil Najjar
- knock on issues regarding access to services, schools, GP surgeries.
- limited employment opportunities arising through the development proposed.

Sutton Mandeville PC object to proposals in planning application PL/2021 09778 on behalf of residents.

Hindon PC - Hindon Parish Council would like to add its name to the list of Parish Councils objecting to this ill thought out planning application

Fonthil and Berwick St Leonard PC

Firstly, and most importantly must be the question of access. The existing access to the site floods, as evidenced on October 21st, 2021, when the height of the river rose to half a meter above its previously record high, therefore, the facts stated in the planning documents are

wrong. 90.62m is not the highest recorded but presumably this should now be over 91m. This shows that access to the site is not feasible or sustainable for a new development of this size. See photographs of the road flooded and closed for a period of 24 hours. This must suggest the flood risk assessment and advice is unreliable or out of date.

2. How would the care home and the 86 households' access or egress the site for 24 hours? And this is not an isolated incident. It has happened at least 3 times in the last 25 years, Surely, this can't be a suitable or sustainable access for 86 homes and a large care home. Paragraph 2.39 in the planning statement clearly suggests how the access is liable to flooding surely this is a relevant factor and needs to be given suitable weight in consideration of this application.

3. The report is less accurate in its reference to the neighbourhood plan, suggesting that the proposed intensive development is in line with that neighbourhood plan. The scheme is far more intensive than envisaged by the Neighbourhood plan.

4. Furthermore, there appears to be no comment that most of the access into Tisbury is through the listed Fonthill Park and ultimately through the grade 1 listed archway. Surely this deserves mention in terms of increasing the volume of traffic by, probably, up to 15% and vehicle movements by up to 45 per day. At least half of the vehicles will access Tisbury via the Fonthill arch. No consideration has been given to any effect this might have on the listed structure.

5. Access to Tisbury via Hindon is also through a single lane tunnel.

6. As a result of the proposed development and reducing the two-arch bridge to a single arch for vehicles will mean all major access points into the village will effectively be single file and the one subject to this application will also have the added restriction of traffic lights.

7. Traffic lights as proposed are totally inappropriate for the area the village and the AONB and do not respect the rural character of the location.

8. The proposed development does not take into account the current planning application (pending) for the change of use of the South Western Hotel to a Co-op store. This in turn will increase the intensity of vehicles in the area where the traffic lights are proposed which will create complete chaos in that location.

9. The improvements in the footpath and the cycle way safety could be achieved without having the excuse of an intensive development of this nature. Indeed, it would be sensible for the parish council to draw up such a plan for discussion with neighbouring stakeholders.

10. It is difficult to see how the application delivers significant highway improvement in the locality as stated in paragraph 6.23 of the planning statement. This must be a false statement as clearly there is no planned tangible improvement to the highway in the locality.

11. The transport assessment states it is not considered that the proposed development will have any material impact on the existing road network in terms of highway capacity or highway safety. This simply cannot be true given the number of properties and the size of the care home suggested, adding to an already congested system of narrow lanes with the only access to the site being one which floods. The planning statement states at 7.2 that the primary vehicle access is off Jobbers Lane: it is in fact the only vehicular access and, as previously stated, and clearly seen, it floods even though the rest of the site may not be at risk of flooding

12. The assessment of the flood risk and the statements relating thereto are misleading. The access to the site is clearly in a flood zone and there is a severe risk of flooding meaning access into the site would be impossible in times of flood therefore is not a suitable location for a care home.

13. The groundwater monitoring took place in June and September notably dry months. it should be appreciated that groundwater rises significantly in the winter in this area and so suggest the flood risk assessment is not sufficiently detailed or covers a long enough period or the highway access.

14. The summary conclusion of the risk assessment report suggested the site is deemed unacceptable for future residential use. The contamination is a known fact and so to suggest an intensive development to afford the clean-up is misguided and not the assumed position to start from. Surely to recognise the contamination and plan around it would be more suitable.

Swallowcliffe PC

Following an extraordinary meeting of parishioners, at which 30 were present, Swallowcliffe Parish Council (SPC) has considered the above application. Since the application is divided into two parts, the observations are also divided into two, and are set out below. Although the proposed developments are only indicative and are reserved matters, SPC has reviewed them as they are the reason why the road works on Jobbers Lane are being proposed and they are described in detail in the application and its associated supporting papers.

SPC has also reviewed the objections raised by the Access To Tisbury Group (ATTG) on behalf of eight parishes surrounding Tisbury, including Swallowcliffe, and fully endorses them. This response is in addition to that of ATTG and is the responsibility solely of SPC.

Detailed Consent for Improved Access to the Site

To enhance pedestrian and cycle access from the site into Tisbury the applicant proposes an elevated walkway through the eastern bore of the railway bridge which will require its closure to motor traffic and the installation of traffic lights to control the resultant one way flow through the remaining bore.

Whilst SPC are in favour of the principle of redeveloping this site, SPC objects to these access proposals on the following grounds:

The closure of one bore of the bridge will halve the capacity of the only distributor road to the south of Tisbury and will thus divert an unacceptable flow of northbound traffic onto the highly constricted Tisbury Row and then either The Avenue, Park, Cuff's or Duck Lanes. This will reduce access from the south to Tisbury as drivers, including farm vehicles, seek to avoid the threat of delays at the bridge and will adversely affect the well being of residents on these roads. The converse will apply to southbound traffic.

The proposed development will reduce accessibility of residents of the Tisbury Community Area (TCA) living to the south of the railway to Tisbury's services and shops, particularly if the Co-op moves to the South Western Pub site.

The installation of light controlled one way flows under the remaining bore will slow the speed of response of emergency vehicles. The Fire Brigade have commented that such an arrangement would have to be negotiated with care; it is not clear where vehicles already under the bridge or its approaches could go so as to provide sufficient room for emergency vehicles to get through.

The central bore remaining for vehicular traffic is subject to frequent flooding, which will only compound the problems outlined in 3 above. Local weather records indicate that the incidence of flooding has increased significantly this century with the bridge being blocked by two "one in a hundred year" floods in the past 20 years.

There have been two such incidents in the past month, one of which led to premises just to the north of the bridge being flooded. They also led to footpath TISB74 being under water; this is the main pedestrian link by which it is proposed pedestrians from the site access Tisbury. Significant flooding of the bore now occurs on average five times a year, causing drivers to use the eastern bore which is slightly higher.

The large scale of the proposals has access implications throughout most of the TCA, yet the application only considers the capacity of Jobbers Lane immediately outside the site, which is described as 5.8m wide and is felt by the applicant to be of sufficient size to cope with the motor traffic likely to be generated by the proposed development. The applicant neglects to deal with the fact that substantial portions of the lanes which connect to the A30 and A350 to the west and south are less than 3m in width, so narrow that in Swallowcliffe alone there are at least three stretches where two cars cannot pass (see example Figure 1). The same conditions exist in Ansty and on routes to the A350. Any significant increase in traffic flow would constitute a heightened danger and loss of amenity to residents of Swallowcliffe.

The applicant estimates the indicative development would lead to an increase of on some 40 car borne journeys at each of the peak hours. If only half of these head south toward the A30, SID data suggests this would represent a 15% increase in peak hour flow, a significant increase.

Insufficient account has been taken of the likely traffic generated by the care home which will include three shifts of 12 workers, visitors, truck deliveries and specialist waste removal. This would be exacerbated should there be an associated provision of medical facilities for use by local residents.

Indicative plans are for some 375 residents living on the site (see Section 3.11 of the applicant's planning statement). In the 2011 Census Wiltshire car ownership was 596 per 1000 population. This figure is likely to be higher now because car ownership has increased and the site is set in a rural area that does not include some of the larger towns in Wiltshire. However even on 2011 county data the indicative population will generate a demand for some 205 parking spaces. Only 191 residential spaces are being provided on site so it is highly likely that overspill parking will take place on Jobbers Lane and Station Road, further reducing capacity and also reducing the attractiveness of Tisbury as a service centre to much of the TCA, some of whose trade will be diverted to Shaftesbury and Salisbury.

On the basis of the submitted documents, there is no evidence that the applicant has considered the wider impact of the proposals on the TCA road network, nor alternative means of providing pedestrian access to Tisbury. For example replacing the footpath crossing to the immediate east of the station is not considered despite it being clear from the documentation that it is Network Rail's intention to effect these works for safety reasons. This is to be subject to a cost/benefit evaluation and no doubt a developer contribution would improve feasibility.

In the view of SPC this application should be refused and the applicant invited to reconsider its access proposals as the current proposals constitute a loss of amenity and a threat to the health of residents living on lanes to the south of the site and within Tisbury itself.

Matters reserved for Subsequent Planning Applications

SPC is concerned that if the detailed access element of this application is granted, the maximum scale of developments reserved for future applications will, by implication, be tacitly deemed acceptable, even though they will have to be the subject of subsequent consents. Therefore, observations are made here concerning the indicative developments outlined that constitute the bulk of the current application.

SPC believes that both the nature and quantum of development proposed is unacceptable and in conflict with the Tisbury Neighbourhood Plan (TNP). This seeks to make provision for commercial uses having regard to the needs of the local and currently on-site businesses.

We understand there are currently 35 jobs and post COVID vacancies on site. Light industrial and business uses would add to the diversity of economic activity in Tisbury and provide a wider range of employment opportunities than the proposed "up to" 40 bed care home. It should be noted that Tisbury already enjoys the benefit of two such facilities in what is effectively the same use class as residential. An additional home will have to draw from a geographically wider pool of labour, thus increasing trip generation and missing the opportunity to diversify the Tisbury economy.

The TNP also indicates a desirable maximum of about 60 dwellings on site, of which some 30% should be affordable or social. The proposal indicates "up to" 86 dwellings of which only 14% would be affordable. This reduction is justified by the applicant's assumption that the eventual developer will need to secure a 20% rate of return. However, according to the applicant's own submission, there is only a 0.1% difference in returns between 14% affordable /social provision and 30%; both options showing a 23% return on cost. Given such a high return there would seem to be scope for improved access arrangements that do not involve the half closure of the railway bridge to vehicular traffic.

In sum, SWC's reasons for objection to the indicative component of this application are

The scheme would represent overdevelopment in an AONB and is at such a scale that it would exercise a deleterious impact on the safety and amenity of Swallowcliffe residents

The proposal is at odds with the TNP's aim for mixed uses on site and with an increase of up to 425 residents (estimated as around 15% of the wider Tisbury population) would seriously overload the services Tisbury provide to its TCA.

Teffont PC - Whilst noting that the Developers have applied for a scheme which makes the site a cul-de-sac that is isolated from Tisbury by a reduced existing railway bridge. A bridge that is presently too low for many vehicles including Fire Engines.

The highway through the bridge also floods after intense rainfall or a snow melt.

The proposed alterations to the road access will encourage vehicles to turn left out of the site and pass through Swallowcliffe or Ansty to join the A30 thus giving rise to a ghetto the other side of the railway track isolated from Tisbury.

Whilst it is noted that Tisbury PC supports the development of the Station Works Site in their adopted Neighbourhood Plan it is unlikely that the proposals meet the aspirations of the Tisbury citizens based on the comments included in the Neighbourhood Plan.

The Tisbury Neighbourhood Plan only paid lip service to the highway network serving Tisbury through the surrounding villages.

Teffont PC wishes to see Tisbury continue as a successful local hub, however, it is this Highways network particularly within the Parish of Teffont that concerns Teffont Parish Council.

There is no indication that anybody has modelled the potential traffic generation on anything other than the Railway Bridge, where the results are used to support the preposterous proposal of closing one arch and putting traffic lights on the other.

(Why not a new bridge under the railway linked to dredging and lowering the Nadder to reduce the risk of flooding on the access to the site and in Tisbury Row. A scheme to lower a bridge, under the railway has recently been carried out in Westbury the original estimate was £7 million. Not a large amount if the Highways Authority, British Rail and Wessex Water combine resources and ask for a sensible contribution from the site developer.)

If increased traffic from the site chooses to travel to and from Salisbury on the C24 it will be using a "lane" that is blatantly inadequate for the present traffic including the large lorries carrying goods to the EHD Site, Chicksgrove Quarry etc.

At the very least the C24 needs improvements at the junction with the B3089 (known as Stocks Corner) and additional lay byes to facilitate safe passing.

We have no doubts that these suggestions will be born out when the Highways Authority investigates the route and models the increased traffic generation from a fully developed Station Works Site.

Chilmark PC

We support the redevelopment of the Station Works site as framed by the Tisbury Neighbourhood Plan with a balance of housing and small business / commercial units providing local employment to minimise 'out commuting'.

Chilmark is a rural village 2.5 miles from Tisbury. A country road, Becketts Lane, leads from Chilmark and Ridge to Tisbury, defined by Wiltshire Council as a Local Service Centre, providing Chilmark and surrounding villages with shops, services, a Doctor's surgery and a community centre.

We note the only matter approval is sought as part of this outline application is Access. The matters of Appearance, Landscaping, Layout and Scale have been categorised as 'reserved matters' to be the subject of a separate application before the development may proceed.

We make our comments on two counts as they are interrelated and will effect the residents of Chilmark as well as other neighbouring villages.

1. Access

Tisbury, unlike every other Local Service Centre in Wiltshire is the only one with no A or B road giving access to the village.

Consequently all traffic in and out of Tisbury, from whichever direction, is obliged to negotiate narrow country lanes often with long stretches of single track and through small villages with houses standing on the road edge. Chilmark, with 20mph speed calming and a village school, is already coping with increasing numbers of private, commercial and HGV vehicles cutting through from the A303 and frequently damaging the edges of conservation area stone walls and grass verges.

Negotiating restricted road conditions already presents a challenge for local residents of rural communities. A 40 bed care home is not mixed use as understood by the Tisbury Development Plan and does not provide for any local business enterprises or local jobs. Given the shortage of care home workers, it is likely these will need to come from a wide catchment area and travel to Tisbury, increasing road traffic through villages i.e. 'out commuting'.

The proposed density of housing with its associated increase in vehicles together with the car journeys necessary to provide 24 hour shift staffing for a 40 bed care home will lead to significant traffic increases, night and day on all approach roads and through Chilmark village itself.

This increase in traffic is not merely a noisy and disruptive intrusion but also dangerous to the inhabitants walking through streets with no pavements. Wiltshire Core Strategy states ‘modest new growth in Tisbury will...take into account narrow access roads and the sensitive landscape of the AONB’.

The proposed access to Tisbury from Jobbers Lane through the AONB Vale of Wardour presents insurmountable traffic restrictions, with long lengths of narrow pinch points and single track road.

The closure of one of the railway bridge arches will cause congestion in and out of Tisbury. The closed railway bridge is the one used for vehicle access to Tisbury when the other arch is flooded. A frequently occurring event. Traffic lights are an urban intrusion to Tisbury and inappropriate to its rural location.

The suggested steel and concrete footpath running the length of a closed railway bridge does not provide an appropriate (or fitting) solution to accessing the shops on Tisbury High Street.

Without a bridge over the railway, pedestrians from the proposed development will be obliged to walk a circuitous and lengthy route with their shopping. This will force residents to use cars for these short journeys.

2. Density

The proposed plan overdevelops the site with residential housing making no provision for mixed development (e.g light commercial/small business) which would provide local employment as envisaged by the plans referred to below.

The vision set out in Wiltshire Core Strategy 2015 states that by 2026 service centres such as Tisbury ‘will become more self contained, giving a reduction in the need to travel and minimising out commuting’

The scale of the proposed development is not in line with the Wiltshire Council Local Plan 2021 (Empowering Local Communities) which provided for 65 dwellings by 2036 i.e equivalent to 4 a year. The housing density vastly exceeds this. Instead of the envisaged gradual growth in housing Tisbury Doctor’s surgery will not be able to accommodate the needs of what would amount to an immediate increase of 15%/20% to the population of Tisbury.

Parking in Tisbury is already problematic but manageable. The High Street is a narrow thoroughfare, often only able to accommodate a single vehicle moving along parked cars. Additional vehicles from shoppers will outnumber the parking spaces that can be provided.

Conclusion.

Chilmark Parish Council believe the application should be refused consent. The plan submitted does not provide for the range and scope of development nor reflect the aims as defined in the Wiltshire Core Strategy or the Wiltshire Council Local Plan (Empowering Local Communities) or the Tisbury Neighbourhood Plan and its scale will significantly contribute to increased traffic levels in an AONB with narrow road conditions through small villages.

Donhead PC: Object

- *Overdevelopment of site / not in line with the local plan*
- *Wrong category of onsite employment / not in line with the local plan*

- *Object to the notion of blocking off one side of the railroad arch to provide pedestrian access.*
- *Insufficient local infrastructure to cope with proposed develop.*
- *Should be at least 30% affordable housing.*

Access to Tisbury Group

Having reviewed this Outline application we conclude that it does not provide what Tisbury needs or the sort of development envisaged by the Tisbury Neighbourhood Plan.

The proposal is contrary to the basic development principles clearly set out in Wiltshire Core Strategy 2015. Principles that we would fully endorse. For example, modest levels of development, modest growth of both housing and employment to ensure development is balanced, minimising out-commuting, becoming more self-contained.

The scheme has excessive residential and care home accommodation at the expense of a more mixed and sustainable development, which would develop the community as a whole. The current proposal will promote a dormitory for the wider region.

The exclusively residential nature of the development, its density and its scale will result in high and unacceptable traffic generation causing not just damage to our environment, but also to the well being of our residents and communities on these access routes into and out of Tisbury.

The High Street and the surrounding narrow country lanes with their constrictions which give access to Tisbury have absorbed Tisbury's residential expansion and associated growth in traffic over many years. Blockages, conflicts and aggression now occur on these roads on a regular basis and further expansion on the scale proposed cannot be accommodated without these issues becoming more serious and difficult to manage.

The recent flooding in Tisbury has demonstrated that the access to the proposed development will be compromised by flood water from the Nadder river and we can expect this to become a more frequent occurrence with climate change.

A van disabled by the recent floods, prevented traffic from passing through one of the railway bridge arches and reinforced the need for resilience and a second arch for traffic.

The scheme lacks respect for the Tisbury and wider community.

On the basis of the above we believe this application should be refused consent.

AONB Partnership (summary)

11. This AONB is, as I expect you know, in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB..

12. The AONB is, therefore, concerned about light pollution. Any external lighting should be explicitly approved by the Local Planning Authority and comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings. In this location that means all lighting complying with Environmental Lighting Zone E1 as defined by the Institute of Lighting Professionals 2011.

13. The site is in the Vale of Wardour landscape character area of the Rolling Clay Vales landscape character type of the AONB's landscape character assessment. Greater details of the landscape, buildings and settlement characteristics can be found in the Landscape Character Assessment 2003. That document can be viewed in full on our website.

14. Although the application is a mixed development up to 86 dwellings and a care home up to 40 bed spaces, that description seems to differ from that provided in many of the consultation reports attached to the application. Furthermore, the submitted proposals do not appear to be a 'mixed' development. The site is stated to be 4 hectares although, again, some of the consultants' reports give a different figure.

15. A significant part of it is a brownfield site that is identified as contaminated land. However, a substantial area on the south eastern side appears to comprise semi-natural habitats. There are indications that there are protected species on site with significant habitats adjacent to it. There is no mention of the site including any matters of geological importance. Nevertheless, the site boundary appears to include all of the slope to the south east.

16. The application, and many of the consultants' reports, are confusing because the orientation of the site is oversimplified in many of the descriptions. The basic geographical elements of aspect, topography, and orientation are missing from most of the documentation. The site is, in fact, roughly a narrow oblong orientated along a line from the north east to the south west. It is to the south east of the railway station and at a similar or higher level than the railway. The south eastern side is a relatively steep slope, presumably produced at some earlier time when the full extent of the site was created. The top of the slope is approximately 115 metres AOD, whereas the site level is in the order of 95 metres AOD. The road at the south western end, which goes under the railway line, is at a lower level and, as is noted in some of the documents, is prone to flooding.

17. The whole of the site is within this AONB and I note that the north western boundary of the site adjoins the Tisbury Conservation Area. The application form indicates that there would be a loss of employment land of some 4295 sq metres with an attendant loss of 21 employees. The proposed employment generated, presumably by the care home, would be 40 full time equivalents. The increase in car parking spaces would be 151, and whilst it is noted that the application is for up to 86 dwellings, 74 would be market and 12 would be affordable. Bearing in mind the acknowledged need for accommodation in and around this AONB is for affordable properties, that seems to be a rather low proportion.

18. From my engagement with the Tisbury Neighbourhood Plan I am aware that there are some key concerns in relation to development and redevelopment around Tisbury Station.

a) A particularly pressing matter is the provision of parking so that the use of sustainable transport, the railway, can be encouraged. The current roadside parking is not only unsightly, but it also aggravates the restricted traffic flows to and from the southern side of Tisbury.

b) The Neighbourhood Plan team were also keen to ensure that redevelopment would provide a variety of jobs that would enhance the sustainability of the community.

c) Flooding is an issue and, associated with that, the control of pollution is a significant matter.

d) The landscape corridor of the River Nadder is a key feature of the settlement and any redevelopment should both respect and reinforce the character and qualities of that landscape corridor.

e) It is my understanding that the Neighbourhood Plan deliberately avoided making design comments about redevelopment around the station so as not to prohibit innovative approaches.

However, the submitted application does not appear to actively address any of these issues and concerns.

19. Having reviewed the documentation the AONB Partnership is of the view that the submitted scheme fails to comply with the Neighbourhood Plan, fails to present a scheme that is positively related to the landscape

location and context, and lacks imagination.

20. The AONB Partnership welcomes the setting aside of land for the expansion of Tisbury Station. It would, however, be more convincing if that expansion scheme were included in some detail so that everyone could be confident that sufficient space is being made available for what is clearly a desirable expansion of sustainable transport. From the AONB Partnership's position this is the only railway station within the AONB that enables visitors and inhabitants to travel sustainably to and from one of the largest Areas of Outstanding Natural Beauty in the nation.

21. The submitted reports and documents appear to be more in the role of supporting a scheme that had largely been decided upon rather than informing and contributing to the design and layout processes. The Design and Access Statement appears to support that conclusion as its section on Design Evolution has little on the landscape character of the context of the site, and there is no evidence of exploration of innovative or imaginative uses or solutions that would address the issues identified in the Neighbourhood Plan. Clearly those matters are of considerable concern to the local community and the AONB Partnership.

22. I note that the application seeks permission for access, with all other matters reserved. That does, however, mean that if granted the principle of a development in the form presented would be acceptable. That has a clear implication that landscape, community, flooding, parking, and sustainability issues have been fully considered. On the basis of the scheme presented, the AONB Partnership has to advise most strongly that the issues have not been adequately covered to consider an approval.

23. The AONB Partnership is well aware that the roads to and from Tisbury are less than adequate for a Local Service Centre. Nevertheless, residents in the AONB do drive to Tisbury not just for the shops and services but also to use the railway. It seems, therefore, that use of the railway and access to Tisbury are major issues that do have to be addressed in any development or redevelopment.

24. Turning to specific aspects of the submission, neither the Design and Access Statement nor the Planning Statement have full regard to Wiltshire Core Strategy Policy 51 as both omit the final part of the policy relating to developments within AONBs demonstrating how development proposals take account of the relevant AONB Management Plan. Whilst one expects documents provided by an applicant to strike an upbeat note the D&AS seems to be going a bit too far on page 8 when it describes the road access to Tisbury as good! It is generally acknowledged that one of the severest limitations to Tisbury is the narrow and twisting nature of the roads that access it.

25. I have already mentioned the confusion within all of the documents when the south easterly and north westerly sides are sometimes referred to as such, and at other times referred to as west and east, and the north easterly and south westerly sometimes referred to as north and south. Furthermore, the reference to the access points to the site, at the south westerly end, are sometimes referred to as the western and eastern accesses, although in one case there is reference to the northern access. Fortunately, the reference to the railway arches is more consistent.

26. One senses from the Design and Access Statement section on Design Evolution that some fairly basic designs have been tried out before any strategy for development has been established. That may account for the somewhat unimaginative approach to what is, admittedly, not an easy site to redevelop.

27. The Planning Statement for a considerable part summarises the specialist reports and therefore carries forward their assumptions, assertions, or shortcomings. There is a consistent omission of reference to footnote 7 of the NPPF and the documentation, whilst keen to quote in full other parts of the NPPF, abbreviates and omits key elements of paragraphs 176 and 177. The proposal is, of course, a major development and the Planning

Statement appears to side-step that, and the NPPF guidance on AONBs and the tests to be addressed by major development proposals. The effects on the environment are only addressed in part, and what are the public interest issues and the exceptional circumstances?

28. The proposed traffic scheme on the road outside the site appears to provide additional urbanisation, through traffic lights, signs, and similar paraphernalia, within the Conservation Area whilst doing nothing to alleviate the existing parking situation, let alone making provision for a future enhanced level of parking.

29. The Ecological Report, somewhat unexpectedly, indicates that areas of the site with a north westerly aspect nevertheless provide habitat for reptiles. On the other hand, it would be unusual if the River Nadder landscape corridor did not support large populations of bats. The report quite fairly points out the negative impact of domestic cats on bird populations but one significant gap in the report is the lack of focus on small mammals and the negative impact of cats on them. It should also be noted that the purpose of a Landscape and Ecological Management Plan is not primarily to focus on ecological matters. It is to ensure that the landscape integration and mitigation is speedily and successfully achieved and then appropriately and effectively managed thereafter. Obviously, the environmental mitigation and enhancement needs to be included so such documentation needs to be prepared by an appropriate qualified and experienced landscape professional in collaboration with experienced ecologists.

30. The submitted reports provide little basic description about the site and its surroundings, and the Ecology Report comes closest to providing an understanding of those aspects of the site. Nevertheless, the inter-relationships between the various reports seem minimal, and the influences of the various features, such as the grassland, scrub, and wooded areas on the character and qualities of the site, particularly the contribution to those aspects of the south easterly bank and the south westerly entrance area, are unclear.

31. Whilst one might anticipate that an Ecology Report would welcome any native trees and hedges, I have not seen in any of the reports any focus on the practicalities of these features, as shown in the illustrative sketches from the architects, being successfully established on a brownfield site where there is clear acknowledgement of extensive hard surface platforms and contamination. Without attention to these matters any scheme and associated sketches have to be regarded as simply aspirational.

32. The LVIA, on page 5, seems to misunderstand the NPPF. It does correctly quote Wiltshire Core Strategy Policy 51, although there is no demonstration of how the AONB Management Plan has been taken into account. It also correctly, page 9, quotes from this AONB's Integrated Landscape Character Assessment that development pressures around Tisbury and loss of character are key issues. However, it does not provide the landscape context and basic geographical and topographical details to facilitate an understanding of the location of the site, and its location in relation to other significant landscape features and elements. It seems to underestimate the importance of the character of the site as seen from the station and the trains, seemingly overlooking the fact that the trains provide a means for many people to see and appreciate the landscapes of this AONB. I am also concerned by the lack of emphasis on a landscape management plan for the whole site, including designed open spaces, the south westerly access area, and the extensive south eastern slope. It may well be a reflection of the brief given by the client, but the document appears to be supporting the development rather than informing and contributing to the design proposals for the totality of the site in the context of its local environment.

33. There are references to tree planting, and allowing existing planting to grow out, on the south eastern slope. There does not, however, appear to be any consideration of the shading of the proposed development by that slope and the planting, nor shading of ground cover and shrub habitats by those trees.

34. The AONB Partnership welcomes the positive approach of the applicant to a 106 agreement and planning conditions, but these do not appear to be particularly unusual, outstanding, or innovative. The AONB Partnership is concerned that despite the number of documents submitted many fundamental matters remain to be addressed and little attention appears to have been given to AONB matters and policies addressing AONB issues. The submitted scheme seems rather limited, does not address key matters identified in the Neighbourhood Plan, and lacks an imaginative approach to what is widely acknowledged to be a challenging

brownfield site.

35. The AONB Partnership is very concerned that none of the submitted documentation recognises, let alone takes account of, the AONB's status as an International Dark Sky Reserve. The Lighting Report seems to consider only lighting of the spine road, and the station's dark skies compliant lighting is not acknowledged. There are significant shortcomings in all of the references to lighting, including the Ecology Report, and I attach as an annex to this letter an appraisal of the situation by the AONB's dark sky advisor.

Salisbury Civic Society - Object for the following reasons:

Despite the amount of information presented with this application the proposal's urban design is expedient and needs to be fundamentally reconsidered. The Station works site, as the name clearly suggests, is defined by its immediate proximity to Tisbury's railway station. Unlike the village, however, it is on the 'other' side of the tracks and tightly constrained by a steep embankment to the south and the train line itself to the north. Its access, situation and industrial heritage are necessarily difficult and need particular designs to address these fundamental givens. The plans presented do not rise to this context and instead present an expedient solution for access and a generic layout for the housing itself.

Access

There are two lanes of vehicle traffic entering the village from the south. In the proposal one of these is given over for pedestrian access to the development site. This compromise to an already difficult village access is, certainly, unacceptable to everyone other than the developers. To make matters worse for the village this expedient solution depends on an ancient pedestrian right of way across the corner of the site and railway tracks being extinguished. Both of these 'solutions' are surely nonstarters and a more fundamental strategy for dealing with pedestrian access should have been addressed at the onset of the designing.

There is mention and some allowance given to the ongoing idea of the single train line and station platform being doubled into the development site. This would be a benefit to the rail users by ridding the waiting time getting through the Tisbury bottleneck and, of course, to the environment by making public transport more attractive. To work this extra platform will need pedestrian access either tunnelling below or bridging above the tracks. There is an obvious opportunity and synergy for the railway and the developers to share this access between themselves yet is conspicuously missed in the limited 'options' presented.

The idea of housing and business opportunity on this site is certainly a good one and, as it is set out in the village's Local Plan, clearly desired. The developers have interpreted this brief by including a care home amongst their private housing. This is a good and hopefully a generous idea as it gives the project potential for meaningful place making and the inclusion of an older generation.

Site Layout

Again, it is a difficult and particular site between the steep embankment and the railway line. It is north facing and has vehicle access from one end only and a history of industry and a tectonic of large sheds. Likewise, the site is remarkable for its potential to exploit these givens; a hillside to work with, north light to benefit from, views into the village, working with and adding to an established natural landscape, long runs of building and making the movement of pedestrians as simple and interesting as possible.

The urban design presented, however, misses both the opportunities of the site and its proposed programs or uses.

The care home, rather than being central to the scheme, is banished to the corner of the site. The requisite public open space, rather than being integrated into the plan, is simply placed in the centre of an elongated cull

de sac surrounded by car parking. Why this open space was not shared by care home residents to both enliven their lives while benefiting from their passive surveillance is certainly a missed opportunity. Instead, it would appear another expedient and banal lawn (soon to be fouled by dog excrement) as small as possible to fulfil a planning obligation.

The housing itself might have used the hillside to help hide its parking, grab views across the train line, benefit from the limited solar gain, or engage with the existing landscape. Instead it is placed symmetrically either side of central road with suburban housing stamped out as if it were in (another) boundless green field site with no consideration of its east to west orientation. There were at least two further and obvious 'options' where the road was either side of a single run housing yet these were conspicuously absent.

Even the flood attenuation pond at the end of the site belies the expediency and lack of ambition in this development proposal. In today's age of a climate crisis, ever more flooding, and an increasing loss of natural habitat any urban design should rise above the minimum required and have ambitions to help solve the problems rather than do as little as possible. This development can and should include integral green and blue infrastructure strategies, orient buildings for passive solar gain and passive surveillance, promote dense yet interesting housing, minimise the presence and use of cars and promote and make easy pedestrian movement.

This proposal does not rise to the challenges and opportunities of the site and needs to go back to some urban design basics.

9. Planning Considerations

9.1 Principle of development, policy and planning history

The LPA is unable to demonstrate a 5 year land supply (currently confirmed at 4.7 years) and the provision of additional housing in sustainable locations is generally supported in principle. The current situation in the South HMA (Housing Land Supply Statement April 2021 and published April 2022) is that there is a deficit of 68 dwellings to be provided

However, the presumption in favour of sustainable development or tilted balance does not automatically apply to this site under para 11 of the current NPPF . Footnote 7 includes habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest. This includes the Area of Outstanding Natural Beauty, Chilmark bat SAC and the River Avon SAC catchment, and areas prone to flooding. Therefore, in officers opinion, the "tilted balance" is not applicable in this case where any harm is identified to these sites. For decision taking in the absence of a 5 year supply, para 11 requires:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The site is within the settlement boundary of Tisbury. The adopted Tisbury Neighbourhood Plan specifically allocates the site for development as part of Policy BL7, as reproduced below:

Policy BL.7 Site Allocation: Station Works

The site of Station Works, as identified on the map, is allocated for comprehensive redevelopment to include an appropriate balance of housing, commercial units and parking.

The mix for the development should be informed by a viability test. Development proposals should be set down in a Masterplan which has been the subject of consultation with the community and the other interested parties. The Masterplan should indicate the phasing and infrastructure requirements and how their delivery will be assured. Once agreed, development should proceed strictly in accordance with the Masterplan.

The Masterplan shall be in accordance with the other policies set out in this plan and in addition:

1. Proposals should be informed by a contaminated land survey and remediation scheme, the level of information provided to be in line with the Wiltshire Core Strategy.
2. Liaise with Network Rail (and other parties as required) to identify and safeguard land to meet their current and future operational requirements including appropriate access and parking provision for the southern side of the line.
3. Make provision for an appropriate pedestrian accesses to and from the new development and the rest of the village; and show how this is to be phased, as part of the development.
4. The estimated capacity of the site is 60 dwellings in two storey buildings plus commercial uses, but density overall must be appropriate for the edge of a rural settlement in an AONB with the potential to impact on the Conservation Area and two Special Areas of Conservation (SAC) (the River Avon SAC and the Chilmark Quarries SAC).
5. The Masterplan design and layout should detail the proposed:
 - i) mix of uses
 - ii) areas of public, private and amenity space
 - iii) movement routes for different users (into and out of Tisbury Railway Station)

- iv) employment, residential and parking areas
 - v) building heights, envelope and density
 - vi) phasing of different uses
6. Make appropriate provision for affordable housing in accordance with Policy BL.2, at a minimum level of 30% in accordance with Wiltshire Core Strategy Core Policy 43. Opportunities for self-build should also be explored
 7. Make provision for commercial uses, having particular regard for the needs of local and current on-site business, in accordance with Policy BL.3.
 8. The residential and commercial development should be sensitively sited and designed to mitigate any associated adverse impact (such as height of buildings, noise, smell, pollution and visual impact) arising from either use; or from the use of the railway
 9. The development must reflect the site's setting within the CCWWD AONB and its proximity to the Conservation Area. This should include consideration of the impact of traffic on the neighbouring settlements, the natural landscape and historic buildings in the CCWWD AONB, the effect on the skyline for potential light pollution and views from the south facing areas in Tisbury and the sensitivity of design, in relation to the vernacular of the adjacent Conservation Area zones. Landscaping should positively reinforce the site's setting in an AONB for all users and where possible result in a net gain for biodiversity in accordance with *Policy HNA.1*
 10. Development should be of a very high design standard, reflecting the predominant local vernacular, e.g. use of local brick and stone building materials which predominate on the southern edge of the village and Tisbury Railway Station
 11. All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats
 12. Development should strive to have a minimal (approaching zero) environmental impact in its use of natural resources such as energy and water and consider how the development can have a positive environmental impact. Wherever viable, masterplanning should utilise industry best practice on integrating principles of sustainable, low-carbon design, including the use of renewable energy and energy efficiency (e.g. BREEAM Communities)

Tisbury is classified as a Local Service Centre within the WCS settlement hierarchy. The role of Local Service Centres is to provide for a significant rural hinterland providing for local employment opportunities, communities facilities and/or affordable housing provision. The broad principle of development within the defined settlement boundaries is established, subject to proposals meeting other policies of the development plan.

WCS Core Policy 27 sets out the policy approach for the Tisbury Community Area. Key issues and considerations for Tisbury are:

- To maintain Tisbury's role as a local employment centre;
- To address a lack of tourist accommodation in the area;
- To ensure that new development is sympathetically designed to enhance local distinctiveness;
- To conserve the landscape of the AONB; and
- To ensure that any new development at the station works site explores the opportunity to provide additional parking for the adjacent railway station.

In relation to policy BL7, the key matters are:

Masterplan and public consultation

The preamble text to the above policy BL7 indicates that a Masterplan should be created in consultation with other third parties and the community, and the policy indicates the Masterplan must address the 12 criteria listed by policy BL7. This report assesses whether the submitted scheme address the 12 main aims and objectives of the above policy. Most of the aims are discussed in other sections of this report, but some main principles are explored below.

There is no formal definition of what a Masterplan should contain in national or local planning guidance, other than it is a framework for the redevelopment of an area or site. The NPPF states that at para 132:

132. *Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.*

Policy BL.7 of the TNDP states that:

Development proposals should be set down in a Masterplan which has been the subject of consultation with the community and the other interested parties. The Masterplan should indicate the phasing and infrastructure requirements and how their delivery will be assured. Once agreed, development should proceed strictly in accordance with the Masterplan.

The appropriateness of the inclusion of a requirement for a masterplan was considered by the independent examiner for the TNDP:

... the Qualifying Body has commented that "masterplans developed in partnership with the local community, LPA and developer are a requirement of Core Policy 2 of the Wiltshire Core Strategy for strategically important sites and more generally required within the supporting text and although this site does not form a strategic site as part of CP2 it is important to the Tisbury Community and is in effect strategic to Tisbury. The community also want to ensure a good development is delivered. Tisbury wish to follow the example of the Wiltshire Core Strategy and is felt to be a reasonable approach. A masterplan approach does not need to be too onerous; the community simply asks to be part of and consulted on the masterplan development so that this can be agreed with the community prior to any planning application being submitted and thereby reducing or eliminating any objections that may be received if a planning application is submitted 'cold'. This would also enable any discussion to be had with the new owners over why or not they are proposing to include any elements of infrastructure requested and enable discussion with Network Rail."

It is clear from the submitted Statement of Community Involvement that the applicants have engaged in a range of efforts to engage with the community and parish councils, and the results of this engagement have led to a number of adjustments to the proposals that are now presented. However, given the volume and nature of the various third party comments, the scheme is not considered to be acceptable by many local people or the relevant Parish Council's.

In summary, engagement appears to have comprised the following:

- Engagement with the Wiltshire Council highways officer and the Council ecologist;
- Formal pre-application request to Wiltshire Council planning department and highways officers;
- In principle discussions with Network Rail, and formal pre-application request and response from Network Rail;
- Tisbury Surgery/Wiltshire Clinical Commissioning Group regards care home
- Tisbury Parish Council/West Tisbury Parish Council/Local Ward Councillors, including initial meeting to introduce proposals and indicative layout; Site meeting to discuss proposals in more detail, attendance at public meeting (Victoria Hall), further meeting with Tisbury Parish Council to review outcome of public consultation

- Community engagement, including Virtual consultation from 6th May to 6th June 2021, including dedicate website, delivery of approximately 1,400 leaflets to all residential addresses in Tisbury village, explaining the proposed development and how to respond to the consultation.

The applicants Planning Statement acknowledges that the responses from the community have been both positive and negative (at paras 7.4 & 7.5), and provides a useful table of the general types of responses, as below:

| SUPPORT/POSITIVE | CONCERN/NEGATIVE |
|---|---|
| Site is an eyesore and needs redeveloped | General concerns that the site is being overdeveloped |
| Housing is needed in the village, especially for younger people/families. | No provision of a bridge or tunnel over/under the railway |
| Affordable housing is needed in the village. | Traffic lights will cause delays/congestion, and are not needed |
| Local roads are unsafe for pedestrians and speeding is an issue. | Care home is too large/not needed |
| Rail safeguarded area supported by Network Rail. | Block of flats is bulky and affects setting of a listed building. |

In response to the above, the applicants indicate that the final scheme as submitted was adjusted thus:

- The size of the proposed care home has been reduced from 70-bedspaces to 30-40 bedspaces. This will also allow the provision of community medical facilities within the same building footprint on the site, which could also facilitate new premises for Tisbury surgery.
- An indicative footpath route up the landscape bank to the south of the site has been deleted, both to avoid conflict with adjoining private landowners and also to protect wildlife habitat on the bank from encroachment.
- Although indicative only, the layout for the block of flats has been amended to split the flats into two smaller blocks rather than a single large block, thus reducing impact on views from the listed former station hotel.
- The proposal will include traffic signal sensors which will reduce average wait times at the lights still further at quieter times.
- The pedestrian footway/cycleway under the Three Arch Bridge has been reduced in height further following analysis of updated flood data, thus further reducing its impact. (Use of the third arch of the bridge was investigated. This arch carries the River Nadder, part of the River Avon SAC system. Use of this arch for the pedestrian/cycleway would involve culverting the river at this point, as well as removing significant amounts of trees and other vegetation. This option is not therefore considered acceptable in landscape, heritage or ecological terms by the developer).

Given the nature of the third party concerns expressed as part of this proposal, officers had suggested to the applicant that further discussions may be appropriate with the public, in order to address some of the concerns. Whilst the applicant indicated recently that it may indeed discuss matter with Tisbury PC, no further details or adjustments to the application scheme have been forthcoming.

Housing need and quantum

Point 4 of policy BL7 indicates that the “estimated capacity” of the site is considered to be 60 dwellings. The current proposal envisages 86 dwellings, and up to a 40 bed care home (erroneously indicates as a 70 bed in parts of the submitted documents). The applicants argue that there is no real basis for 60 dwellings, and that the site is capable of taking more housing, and that the scheme makes efficient use of the land. Members should note that the housing allocation figures in the Development Plan are also intended to be “at least” figures.

In officers opinion, the elongated application site is of a significant size, and the submitted indicative plan appears to indicate that 86 dwellings and a care home could fit onto the site without any significant harm resulting in terms of the final scheme being overdeveloped or cramped. Whilst the concerns of the Council’s Urban Designer, Landscape officer, and Conservation officer are noted, it has been agreed with them that most the detailed concerns they have referred to in their submissions can be dealt with as part of any future application for the detailed design and layout of the buildings and the site. The Council would however also like to see any future application being submitted with a supporting Design Code document or similar (as previously promised by the applicant), which clarifies the qualities of the materials, landscaping, and architectural detailing, and how they are complimentary to and would enhance the site and the general area.

Care home / employment uses

TNDP policy BL.7 sets a requirement in addition to the delivery of approximately 60 dwellings, for the development of: *‘commercial units, having regard for the needs of local and current on-site business, in accordance with Policy BL.3’*

The exact quanta of commercial development is not specified by the policy. It is explained within the supporting text that while business activities on the site have reduced over the past number of years the site remains Tisbury’s largest commercial site. The supporting text goes on to state:

‘A business park comprising units of a size and form required by modern businesses could attract a diverse employment offer. This could provide for technology-focused businesses, or similar enterprises within use Class B1 supporting the needs of smaller local firms, as well as businesses moving into the area. This would help to minimise out-commuting by extending the availability of local employment opportunities.’

Instead of industrial/commercial uses, the proposal suggests a 30-40 bed care home, located at the southern end of the site (it is noted that a few of the submitted supporting documents refer confusingly and erroneously to a previously proposed 70 bed care home)

The applicant’s Planning Statement argues that:

The business and employment use of the Station Works site has been in steady decline for many decades, this despite its reasonably central location to the village. The relative distance from Tisbury to the main road network, combined with narrow and often winding lanes accessing the village, mean that the site no longer satisfies modern locational requirements for many businesses, particularly those requiring supply and distribution of goods.

The linear nature of the Station Works site makes locating more traditional business uses on the site challenging, whilst the significant costs of decontaminating the site mean that traditional employment uses would render the development unviable. Concerns have also been expressed during the community consultation regarding traffic impacts on neighbouring villages and narrow lanes. Locating further businesses on the site would be likely to exacerbate such issues due to commercial vehicle movements to and from the site on the surrounding local road network

We would normally expect the application to be accompanied by evidence of a marketing exercise to support this assessment in order to justify a move away from the policy expectation. This would need to be broadly along the lines of criteria v. of WCS Core Policy 35:

Within the Principal Settlements, Market Towns, Local Service Centres and Principal Employment Areas proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against, the following criteria:

...

v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions.

Regards care home proposals, policy 46 of the WCS indicates that: *In exceptional circumstances, the provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that (inter alia):*

viii. a genuine, and evidenced, need is justified

ix. environmental and landscape considerations will not be compromised

x. facilities and services are accessible from the site

xi. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement.

With regard to the care home element of the proposal, the requirement of criterion viii of WCS Core Policy 46 does not appear to have been clearly addressed, with regard to demonstrating/evidencing the need for a care facility in this location. The Council's current data on need is from 2011. New data is currently being gathered on this point, and is initially suggesting that there is limited need in the Tisbury area, and not enough to support a 30-40 bed care home. However, the emerging figures only relates to care homes which provide financial support from the Council. It does not include self funding private care need.

Provision of a care home is not referred to in Policy BL7, but other housing policy in the Tisbury NP does refer to care home requirements (BL1 & 2). In justification, the applicants state that:

The development of a 30-40-bed care home, together with associated medical facilities, represents a commercial use as well as providing supported accommodation for older people, for which there is an acknowledged need in the area. The care home and medical facilities use could be expected to provide in excess of 40 full and part-time jobs in a range of skills and functions, providing significant employment in the local area. This would also represent an increase in employment from that existing on the site now, which is estimated to be 20-22 full and part time jobs...The care home use will provide much needed local employment, whilst also being a use compatible with a residential development.

The applicants viability assessment envisaged an alternative scheme containing 86 houses, and 8 industrial units (in lieu of the care home). This assessment indicated that if the current proposal were to be altered to be more in line with the allocated policy BL7, then the alternative scheme would not be viable enough to provide policy compliant affordable housing. So it appears that even if a more policy-compliant scheme were to be put forward, that scheme would be unlikely to provide the full required amount of affordable housing on the site. (Members should note on this point that other S106 contributions could be reduced to compensate, but either way, the impacts of the scheme would not be fully mitigated).

Summary

The scheme would not provide the type of industrial employment which is referred to by policy BL7. Furthermore, the number of dwellings proposed would exceed that required by TNP policy BL7 and current estimates for the area. Additionally there remains no submitted justification for this scale of care home to serve the Tisbury area. No detailed layout plans have been provided which indicate how such a proposal would incorporate a medical facility or how large it would be, or whether such a facility is available to the wider public, and if so, would there be sufficient parking on site.

However, in discussions with the relevant Council departments, it is considered that the provision of 86 dwellings (26 approximately about the suggested figure in the policy) would not cause a significant issue in a general land use planning or policy sense, particularly as the Council cannot demonstrate a 5 year housing supply, and because the housing figures in the Development Plan (of which the Tisbury NP is part) are “at least” figures, not limits or targets.

Additionally, it appears that a more policy compliant scheme containing industrial units would also not be viable enough to provide the full quota of affordable housing required by policy CP43. Furthermore, the provision of a care home would at least provide a form of local employment, and would provide a local community facility in the broadest sense. Whilst limited justification has been submitted by the applicant, the Council’s own evidence related to care home need dates from 2011, and new evidence is only currently in the process of being compiled. Whilst this is current indicating that there might be limited need, it however seems unlikely that any such report would indicate that there was no need for a care home, and it is noted that the current adopted Tisbury Neighbourhood Plan suggests that there is currently limited provision of such accommodation in the area. Therefore there is likely to be some public benefit resulting from the provision of a care home and possible medical facility, which would weigh in favour of the proposal.

Thus it is considered that whilst the scheme would not achieve the balanced mix of commercial employment units and housing envisaged by policy BL7 of the Neighbourhood Plan, a public benefit would result from the provision of a care home, and the provision of 86 dwellings would contribute modestly to the Council housing land supply.

9.2 Design, scale and impact to the amenity of the area, including the adjacent Heritage Assets

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. At the current time of the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); Section 66 of The Planning (Listed Building and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting; Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 which states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by any virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area; and the relevant ‘saved’ policies from the Salisbury District Local Plan (SDLP).

Policy BL7 criterions 4,5,9 & 10 refer to the design of the scheme, and its impact on the wider landscape of the AONB and the Conservation Area. Policy CP51, 57 & 58 of the WCS are also of relevance to these matters, as are the relevant sections and paragraphs of the NPPF related to design, heritage assets, and landscape impact.

The existing industrial site is considered to be in a poor visual condition, and rather at odds with its rural fringe location adjacent the Conservation Area. The removal of the existing industrial buildings could potentially offer a general visual improvement to the area. However, the site is located in a prominent and elevated location and visible from Tisbury and the wider countryside of the AONB.

The applicants Planning Statement explains the illustrative layout thus (extract):

- *The Site Layout is linear in form, structured along a street which is parallel with the railway line, albeit with subtle variations in geometry. The street is punctuated by a square at the centre of the site, which (either in the event that the railway is dualled or not) creates a secondary access and forecourt to the Station.*
- *Of the two existing access points from Jobbers Lane, the eastern one is used for vehicular access as it provides better visibility splays, whilst the western one is retained for pedestrian access.*
- *The wooded banks which flank these two access points would be retained largely in their present form, as they have ecological value and act as a characteristic rural approach to the village from the south.*
- *The square next to the Station is a focal point for the development and could permit future access to the station and an alternative route to the village centre via a station footbridge. This footpath link would however be dependent upon any future rail improvements proposed by Network Rail. In the interim period, the site would not have access to the existing Chantry pedestrian level crossing or public footpath at this northern end of the site. This is in response to concerns expressed by Network Rail on safety grounds.*
- *Built form is in terraces, semi-detached and detached buildings at 2, 2.5 and 3 storeys.*

The Council's Conservation officer has raised the following points:

The first thing I note is that this is an outline application presumably seeking in principle support for development at the site, hence the absence of a detailed layout. I note that James Webb of Forum Heritage has supplied a heritage statement (marked draft) dated October 2020. James is familiar with the historic development of Tisbury having part authored the Tisbury Conservation Area Appraisal.

James identifies the designated and non-designated heritage assets that are potentially affected by the proposals. He also includes a plan, within the appendices, that identifies key views and also 'zones of sensitivity'. I agree with James' assessment in respect of his identification of the heritage assets likely to be impacted by the development and also note his plan and would concur with the flagged up 'zones of sensitivity'. I hope the developers will pay heed to areas of sensitivity that are flagged up in the report.

At pre-application stage I did not submit an outright objection to the development of the site on the basis of harm to designated heritage assets and their settings. I concur with James (his paragraph 7.4) that the site could be developed without harming the setting of the conservation area or the setting of heritage assets, and indeed, could offer improvements given the nature of the existing site.

We have an indicative layout plan which might seem to suggest that the proposed care home is within one of the 'zones of sensitivity'. I therefore have reservations about siting this building in this location. However in the absence of a detailed design, together with a heritage impact assessment from Forum Heritage, and schematic views relating to the views identified at figures 9/10 (view from Vicarage Road outwards towards the site) and figure 11 (view from the High Street looking southwards towards Bridge House) I am unable to assess the actual impact of the proposals and must reserve judgement until details are submitted (my emphasis)

The Council Urban Design officer has also raised some issues with the overall design concept of the scheme, as below (summary)

The development proposed is conveyed by the 'Sketch Site Layout' and D&AS which comprise the 'Masterplan design and layout' required in point 5 of NP Policy BL.7 for the site (apart from 5vi) phasing of different uses is not indicated). For my reasons below this would not accord with the high standard of design and place shaping required by Core Policy 57: in its context and setting it would appear a distinctly concentrated mass and suburban built form out of character within this surrounding landscape setting detached from the main built up settlement of Tisbury by the river meadows. ...Point 4 of the NP Policy BL.7 states the estimated capacity of the site for the Masterplan as 60 dwellings in two storey buildings whereas about 86 dwellings appear to be shown and a significant number of these incorporate three storeys (as attic (houses) and part attic (apartments) second floor levels). This would suggest creating room for more strips and pockets of landscaping including tree planting creating a fragmented massing of buildings across the length of the development.

The Council's Landscape officer has indicated that (summary):

- The illustrative sketches provided in the DAS are quite useful however sketch 4 illustrates a 3 storey building, larger than policy requirements, and a footpath is illustrated but this is not included on the plan. Sketch 5 demonstrates the large size/scale of the residential care home which is at odds with the scale of the townscape. It should be noted that the trees filtering views onto the site are in residential gardens and cannot be relied on for visual or landscape mitigation.*
- The application included a Landscape and Visual Appraisal. This was undertaken in two stages, initial baseline appraisal followed by an assessment of the scheme. The overall outcome is that there will be some beneficial landscape and visual effects in terms of restoring a degraded landscape into one with opportunities to flourish. The mediocre scheme would suggest that the masterplan development was not 'landscape led'. The mitigation proposed is limited to native trees and hedges within the development and its perimeter to provide screening, the latter is not obvious in the masterplan and the former is within residential garden, therefore unreliable.*
- The planning statement, at paragraph 6.25, explains that the layout of the site has been designed to incorporate important views in and out of the site. It includes the 'verdant backdrop' to the southeast, to be retained and enhanced. There is no information of the proposed enhancement measures on the illustrative plan.*
- There will no doubt be an improvement to the overall landscape and visual appearance of the site even though it is below community expectation. But even at this stage I would expect the illustrative masterplan to deliver a meaningful scheme. The Urban Design Officer has also pointed out some useful suggestions for tackling the design issues and in that regard, I defer to his comments.*

The concerns of the AONB Partnership regards the overall design and impact on the landscape are listed elsewhere in this report. The consultation response from Wessex Water (see Drainage section of report) also suggests that a final layout may need to be different from that proposed due to the presence of a water main running through part of the site.

Summary

As a result of the above issues, the applicant intimated that a design code and other details would be prepared and submitted to address these points. However, to date, no such additional information has been submitted. It is also unclear how the part of the site within the railway protection area would be treated in the short to medium term prior to the land being required. The layout plan suggests that land would not be accessible, but the artists impressions supplied suggest the land would be utilised as a pathway serving the development. It is also not clear how this land would be accessed should this land be needed in future for the railway or how this may impact on the general amenities of development.

The sketch views provided also seems to suggest a built form differing from that shown on the indicative scale diagram. The submission appears to be a mixture of a previous and revised scheme. No schematic diagrams

have been submitted which may more show how prominent the development may be from certain viewpoints and the impact on the landscape of the AONB.

Notwithstanding, as the consultees allude to, the site is and has historically been visually detrimental to the wider area and the landscape, and the redevelopment of the site for a large quantum of development is considered acceptable by virtue of the allocation of the land by policy BL7 of the TNP. Whilst the redevelopment of the site would also be prominent in the wider area to the west, it is considered that such impacts could result in a visual improvement overall compared to the existing and historical situation, if a future scheme is of an attractive overall design, including materials, and landscaping.

In officers opinion, the elongated site is of a significant size, and the submitted indicative plan appears to indicate that 86 dwellings and a care home could fit onto the site without any significant harm resulting in terms of the final scheme being overdeveloped or cramped. Whilst the concerns of the Council's Urban Designer, Landscape officer, and Conservation officer are noted, it has been agreed with them that most the detailed concerns they have referred to in their submissions can be dealt with as part of any future application for the detailed design and layout of the buildings and the site. The Council would however also like to see any future application being submitted with a supporting Design Code document or similar, which clarifies the qualities of the materials, landscaping, and architectural detailing, and how they are complimentary to and would enhance the site and the general area.

As a result, as access is the only detailed matter at this stage, and other layout and design matters are reserved, it is considered that it is possible for such matters to be considered at the reserved matters stage should the Inspector approve the current outline consent.

9.3 Impact on Amenity

The site is located some distance from most residential properties in Tisbury, with the closest being to the north and west of the site across the railway line. Whilst the proposed development may well be visible from these dwellings (particularly those to the north adjacent the river bridge and footpath) and there may be some overlooking created from the proposed dwellings, it is considered that any relationship would be at a suitable distance, and the loss of privacy would not be so significant as to warrant refusal, particularly given existing mature planting and the railway line between the proposal site and the existing housing.

This industrial site is directly adjacent the Tisbury Railway station and railway line, and the applicants contamination survey confirms there may be contaminants in the site. The applicants noise and vibration survey concludes that:

The Stage 1 assessment indicates a low to medium noise risk across the site. A vibration survey has been undertaken and vibration levels have been found to be acceptable for residential use. Noise sources affecting the site are trains, announcements from the train station, a substation and existing commercial uses.

Noise propagation across the site has been calculated using noise mapping software. Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. The majority of the site is subject to low noise levels and suitable for residential use with minimal mitigation.

However, some areas have higher noise exposure. Appropriate mitigation measures have been outlined which should be developed during detailed design, including building orientation, screening and thermal double-glazing and trickle vents. With appropriate mitigation, the proposed scheme is not expected to experience a significant adverse noise impact and the site is considered acceptable for the proposed residential use.

The Council's Public Protection have advised that:

There are multiple contaminants onsite that currently pose an unacceptable risk to human health. The development site is located adjacent to Tisbury railway station and the main line between Waterloo and Exeter. It is noted the final layout of the site and internal layout of the dwellings has not yet been finalised.

I have reviewed the Noise Assessment completed by Venta Acoustic dated July 2020 which identifies that mitigation is required to meet internal and external ambient noise levels. Mitigation is detailed at Section 8 of the

report. The proposed development scheme includes development of a Care Home. No details have been submitted in respect of building services plant that may be installed for the care home, or details about delivery schedules to and from that site, I have therefore recommended specific conditions below which relate to the care home.

Having appraised the application, I recommend conditions are applied to any approval of this application.

In light of the response of the Council's public protection officer, the scheme would be acceptable subject to conditions. Thus the scheme could not have been refused on this basis in officers opinion. Conditions will be agreed between the parties at the future Inquiry.

9.4 Highway safety/parking/linkages

Policy BL7 of TNP contains a number of criteria which relate to access works and pedestrian linkage, namely criteria 2,3 & 5. Policy 60 & 61 of the WCS also relate to highway issues and works.

The road system adjacent to the site and leading to and from it is relatively narrow and rural in nature. As described in the applicants Planning Statement, the site currently has a dual vehicular access onto Jobbers Lane, just south of the railway bridge where the lane crosses beneath the Waterloo to Exeter railway line. Jobbers Lane continues beneath the railway bridge, becoming Station Road at a sharp right- hand bend, and continuing past Tisbury Railway Station toward the High Street. The narrow footway continues beyond the railway bridge where it connects with a public footpath toward the village centre on Church Street, known locally as the Stubbles Path. There is no footway on either side of Station Road after this point.

The access for this development would be retained from Jobbers Lane. However, as referred to elsewhere in this report, the access/egress to the site suffers from flooding/drainage issues, particularly under and around the railway bridge. The application therefore proposes to close one of the three arches under the railway bridge and provide a raised pedestrian/cycle walkway above the level of any flooding. The following improvements to the site access and pedestrian/cycle access are listed by the applicant:

- To close the eastern bore of the railway bridge to vehicular traffic and create a widened pedestrian and cycle lane under the bridge.
- To widen the existing footways on Jobbers Lane/Station Road a standard suitable for a combined pedestrian/cycle shared space, between the site entrance and a point opposite the Stubbles Path.
- To raise the height of the footway and underbridge lane to create a safe means of access-based climate change flood scenarios.
- To provide a pedestrian crossing point as part of associated traffic management proposals set out below.
- The introduction of a section of single directional traffic movement between a controlled by traffic signals,
- The traffic signals to also include pedestrian phasing to allow pedestrians to cross from the site access to the footway on the east side of Jobbers Lane and vice versa.

- A 40-mph speed limit at a suitable point to the south of the site entrance along Jobbers Lane.

The applicants Statement also refers to the aspirations to have a bridge over the railway or a tunnel:

Firstly, any improvements at Tisbury Station remain uncertain in terms of funding and timescales..., albeit that some technical work has taken place. Network Rail are supportive of the rail safeguarded area set out on the indicative layout plan for the development but have not specifically asked for any provision of bridges or tunnels. In addition, the Neighbourhood Plan Policy for the site does not specifically require provision of a footbridge or tunnel, rather requiring the safeguarding of land for rail improvements.

Secondly, in the absence of any pedestrian crossing of the railway via a footbridge or tunnel, the development should provide safe pedestrian, cycle and disabled access to the village and the station...., the existing highway and footway in Jobbers Lane/Station Road is inadequate and indeed dangerous for pedestrians and cyclists, and the limited footways too narrow for wheelchair users. There has been much local concern noted regarding vehicle speeds in Station Road/Jobbers Lane. It is important therefore that the development is supported by safe and appropriately designed pedestrian and cycle access to the rest of the village, particularly in the absence of any clear proposals for improvements at Tisbury Station.

The applicants have submitted a Transport Assessment which concludes that:

.....the results indicate that an increase of 45 additional vehicle trips are anticipated on the local road network during the AM Peak. This equates to less than 1 vehicle movement every 1 minute and is not considered to have any material impact on the existing road network in terms of highway capacity or highway safety. In accordance with Wiltshire Local Transport Plan – Car Parking Strategy, a total of 207 car parking spaces should be provided as part of the Proposed Development. Appropriate provisions for cycling has also been put forward in order to encourage local residents to cycle more. The Proposed Development will provide secure, covered and conveniently located cycle parking facilities for flats, visitors and the residential care home. It is envisaged that appropriate cycle storage will be feasible within private gardens for each of the houses within the Proposed Development.

It is concluded that the Proposed Development can provide safe and suitable access for all users. Travel to and from the Site has been carefully considered and the proposed layout has been designed to accommodate the needs of all users of the Site. Overall this Transport Assessment concludes that the Proposed Development can be safely and conveniently accessed by other, sustainable modes of transport.

The Council's Highways officer has commented thus (extract):

The Transport Assessment accompanying the application correctly indicates that existing provision for pedestrians and cyclists in the vicinity of the site is very poor.

Network Rail oppose any increase in use of the level crossing at the north of the site, and an existing footway on the opposite side of the proposed access (along Jobbers Lane) is less than 1m in width with no reasonable prospect of improvement and/or integration.

(Network Rail do not accept the applicant's statement that future residents would not have access to the existing Chantry pedestrian level crossing or public footpath at this northern end of the site, believing that any boundary treatment stands the chance of being breached especially considering that the crossing provides a more direct route to the town for most of the development.)

In order to compensate for an otherwise lack of suitable pedestrian/cycle access, the applicant proposes the closure of the southbound railway arch to vehicular traffic, to be replaced by the installation of a new elevated 3m wide pedestrian/cycle route at a height to coincide with flood thresholds. (I do not propose to comment on the flood levels quoted, but should the EA argue for a higher level, it may well compromise the minimum headroom required for such facilities.)

It would also seem obvious that such a structure would occupy a significant volume within the arch, thereby reducing the space that would otherwise be available for flood storage.

Were such a scheme to progress, it would require advertising and resolving to approve a Traffic Order that would secure closure of the section of the road in question to vehicular traffic – it would also rely on the Highway Authority being prepared to license the provision of such a structure over/on the public highway.

The TA indicates that the surface level of the proposed structure would be built at 91.3m AOD, some 0.6m above existing road level (quoted as 'approximately' 90.63m AOD)

*Campbell Reith's drawing numbered 0002 P1 shows the distance between the surface of the proposed elevated structure and the underside of the bridge arch to be **3118mm**. The plated height of the bridge shows the height of the bridge arch above road surface level to be 10'3" (ie **3124mm**) ie virtually the same. It is not possible to reconcile the design drawing with the situation on the ground.*

On the basis of those measurements, it is unclear whether such a structure would fit within the arch. The structure and railings would occupy most space within the arch, and would need to accord with DfT's Local Transport Note 1/20 which looks for clear headroom across the whole width of 2.4m. There is insufficient information to demonstrate whether those standards and requirements can be met.

There is also clear photographic evidence to show that there are existing services and drainage facilities within and across the road proposed for covering with the elevated structure, but no indication of the effect of the proposed works or how their provision could be safeguarded.

The nature of the elevated structure is such that any detritus that gathered below the structure would be extremely hard to remove.

The plan accompanying the Transport Assessment proposes that the elevated structure will be built using piling techniques. The TA gives no indication whether Network Rail have been approached to seek their view on whether such a procedure would be acceptable so close to this stone arched structure.

The TA indicates that the structure would be built using open mesh decking. That is not a material that would be accepted for adoption by the Highway Authority.

Closing one of the arches to traffic would result in all vehicles having to use the significantly narrower and lower (currently southbound) single arch. To facilitate such a proposal, the TA indicates the provision of a set of shuttle traffic signals, one set at each end of the closure (at the northern end, pedestrian crossing facilities are indicated). There is insufficient information to demonstrate whether there is sufficient space to accommodate signal poles and other associated infrastructure as well as sufficient road width noting the proximity of stop lines and potential queue lengths.

Alongside, the TA shows plans for significant kerb realignment at both ends of the closure indicating tight non-standard reverse curves, and on a map base that is not accurate to show whether it could be delivered within the red line of the application accurate and/or any other constraints.

In terms of the need for wider connectivity, the TA indicates that the proposed elevated structure would land at a point which would allow access into the town centre via footpaths TISB74 and WTIS14. I am advised however that these paths are also subject to flooding, nor suitable or permitted for cycling.

Even in the unlikely event that all of the above could be resolved, the proposed arrangements for pedestrians and cyclists to access would be lengthy and inconvenient.

Whilst land is shown as safeguarded within the site for the potential railway line dualling and second platform, I understand that Network Rail (and the rail industry in general) has no firm plan in place to undertake these works currently. These works were proposed in the West of England Line Study 2020 (part of NR's modular strategic planning) but the proposals are unfunded and at an early stage of business case development. It is thus unclear whether this safeguarded land would be sufficient for these purposes at this stage.

Conclusion

Given the above, I see no way of being able to recommend a conditional approval.

The basic premise of closing a road open to all traffic and replacing it with an exclusive facility that has been put forward to do no more than improve the planning case for an individual planning proposal is in my view unacceptable.

I do not believe that the Council would be prepared to sponsor or support a corresponding Traffic Regulation Order, nor do I believe the Council would be prepared to enter a license for construction of the elevated structure.

Other proposed works including installation of traffic signals and kerb/road realignment are a) insufficiently detailed to show whether they can be delivered and b) shown to an unacceptable standard.

In detail, (bearing in mind that detailed approval for access is sought at this stage) there remains uncertainty over whether such a structure could be built to a suitable standard within the confines of the arch, or whether the practicalities of construction and ongoing maintenance can be dealt with. (in that context, I am doubtful whether Network Rail would agree to a piled structure, but I accept it is for them to be asked and to respond to.)

Notwithstanding the above, the overall approach to pedestrian/cycle connectivity is contrived, poorly conceived and fails to achieve an acceptable access arrangement for the site. It is noted that previous planning submissions (S/2002/1367 & S/2003/2547) on this site were refused by Salisbury District Council for broadly the same reason. These latest proposals are not considered to have overcome these issues.

In conclusion, I would currently recommend the application be refused.....

Summary

The proposed walkway would result in the loss of part of the public highway, and result in highway issues to the operation of that part of the highway. As outlined elsewhere, there also appear to be flooding/drainage issues raised by this structure. Notwithstanding, once users of the walkway join the existing Station Road, there is then no additional highway improvements into Tisbury centre. Together with the closure of the existing railway line footpath to future residents, this means that sustainable access to the services and facilities of Tisbury centre would not be readily available or prioritised, particular at times of flooding events.

It is therefore considered that the proposal would not be in accordance with aims and objectives of policy BL7 of the Tisbury Neighbourhood Plan, and would also not accord with the aims of the transport and highways policies of the Wiltshire Core Strategy, or the NPPF.

9.5 Impact on railway station and line and infrastructure

Point 2 of policy BL7 of TNP indicates that any development proposal should:

2. Liaise with Network Rail (and other parties as required) to identify and safeguard land to meet their current and future operational requirements including appropriate access and parking provision for the southern side of the line.

Policy TR2 of the TNP also indicates that:

Development at or within the environs of the Tisbury Railway Station that protects and enhances the existing railway service will be supported. To ensure the necessary co-ordination, proposals should be developed in conjunction with the Local Planning Authority, Network Rail and other interested parties as appropriate.

Proposals should have appropriate regard for the following:

1. Increasing and accommodating the use of public transport - train, bus and taxi.
2. Accommodating sustainable travel needs, such as pedestrian accesses, bicycle shelters and electric car charging points.
3. Extending car parking in line with the levels of station usage.
4. The requirements of the Tisbury Conservation Area and the Victorian character of the station buildings

The applicants Planning Statement explains the situation (extract):

Network Rail, in late 2020, published a technical study on various improvements to the West of England line along its length from London Waterloo to Exeter St Davids. The report, "Continuous Modular Strategic Planning – West of England Line Strategic Planning" makes a number of recommendations in respect of dualling the line at Tisbury and associated station improvements:

8.1.1 Description

This intervention is an extension of the current Tisbury Loop westward through Tisbury to enable a 5.5km loop with an additional platform at Tisbury station. This is required for performance/ resilience, capacity and journey time savings on SWR services.

8.1.2 Overview

Land would need to be acquired on the Down side to accommodate the new platform. There could be an opportunity to extend the existing platform and the proposed new platform at Tisbury to accommodate six-car services. This has not been considered in this study but would form part of any future scheme development.

Additionally, a new footbridge will be required to connect the new platform on the Down side of Tisbury station with the existing Platform 1 on the Up side.....to be Access for All (AfA) compliant, the footbridge would be required to have either compliant ramps and/or lifts. Lifts are likely to be the preferred option at this station location and further development will be required to understand whether this can be achieved safely at this location or whether additional land on the up side may be required owing to the width of the platform.

Whilst details exist of what these improvements could be, there is as yet no information on what funding exists for them, or in what timescale the improvements are programmed to take place. It is clear that the works do not form part of any specific transport or planning policy, nor, as far as the applicant is aware, are they defined in any Network Rail infrastructure programme.

The indicative layout for Station Works ..includes an area of approximately 0.4 hectares immediately adjoining the railway line and station which is to be left undeveloped and safeguarded for future improvements to the station and line. Given the lack of detail on the timescale for any these proposals, it is considered that this safeguarding represents a reasonable and proportionate obligation on behalf of the applicant to future rail infrastructure provision, and which, from the technical study undertaken by Network Rail in 2020, appears more than adequate to accommodate the improvements suggested.

Subsequent discussions have taken place with Network Rail which have confirmed that it considers the safeguarded area adequate to allow for any future improvements at Tisbury.

Network Rail has stated the following (summary extract):

Whilst in principle NR are supportive of the proposal and welcome the safeguarded land to facilitate future improvements to Tisbury railway station, some concern remains regarding the potential risk of accessing Chantry pedestrian level crossing and the parking management of the development.

Chantry pedestrian level crossing

We note that the applicant states future residents would not have access to the existing Chantry pedestrian level crossing or public footpath at this northern end of the site, however, Network Rail's Level Crossing team remain concerned that if the boundary treatment is not adequate it may be breached.

As part of our license to operate and manage Britain's railway infrastructure, we have the legal duty to protect rail passengers, the public, the railway workforce, and to reduce risk at our level crossings so far as is reasonably practicable.

The most effective way to mitigate any additional risk to the pedestrian level crossing would be to close the level crossing by diverting the Public Right of Way (PROW) TISB16 either over a new footbridge or through the development and along the new shared pedestrian / cycle way, however, this is unlikely to be feasible given the length of the diversion required to rejoin PROW TISB15.

As a result, we request a number of conditions are attached to any planning to address our concerns of increased use and consequently increased risk to the Chantry pedestrian level crossing and the future residents.

- 1. A prior to commencement condition which details how the pedestrian level crossing will be inaccessible from the development during the construction phase. This could be included within a 'Construction Management Plan'.**

2. ***A prior to commencement condition that provides Network Rail with the opportunity to review and agree the boundary treatments post construction.***
3. ***A prior to occupation condition ensuring that the agreed boundary treatment is installed.***
4. ***A prior to occupation condition requiring a 'Boundary Treatment Management Plan' that ensures the boundary treatment is regularly monitored and if breached, repaired within a certain timeframe.***

Summary

From the Network Rail response, it appears that provided any application is approved with conditions restricting access by future occupiers of the scheme to the adjacent footpath crossing the railway line, and provided that parking on the proposal site is adequately managed, then Network Rail would not object. This response also suggests that additional railway parking is not considered to be required as part of any proposal. Therefore the aims of criterion 2 of policy BL7 are met in the sense that Network Rail seem satisfied with the current outline proposals, and does not appear to be asking for any additional parking or for a suitable access to the site.

However, it is unclear how the railway protection area would be treated in the short to medium term prior to the land being required. The indicative layout plan is unclear but suggests that land would not be accessible, but the artists impressions supplied suggest the land would be utilised as a pathway serving the development. It is also not clear how this land would be accessed should this land be needed in future for the railway or how this may impact on the general amenities of development. These would need to be sorted out at the reserved matters stage.

9.6 Access to adjacent Rights of Way system including railway line crossing.

Currently, the public footpath runs across the adjacent railway line to the north of the railway station and through the northern section of the existing site.

As Network Rail objects to occupiers of this proposed scheme using the adjacent footpath system which runs across the main railway line adjacent the site (see below), the Council's rights of way officer has withdrawn her initial objection (to new residents not having access to the footpath network) subject to a financial contribution to the footpath system in the immediate area of the site, as below:

Our preferred solution would be access to TISB16, the off-site contribution would overcome our objection. The £7,250 would cover the costs of the following improvements that have been identified for paths that would see increased use if the link to TISB16 is not provided:

Re-surface the first section of TISB74 with tarmac (1.5m width) for approximately 50m from the Station Road end. Improve the surface of WTIS13 with stone (1.2m width) for approx. 153m long split over 2 sections) and 50m of wooden edging on side of the path.

As a consequence, even though it is considered to be a regressive step in planning and overall design terms to stop future residents accessing the right of way system, a refusal of the application on this basis may be difficult to justify, unless Members feel that that the enhancement of the existing footpath system is outweighed by the

benefit of retaining the footpath link with the application site. Such access however would of course be contrary to wishes of Network rail as outlined below.

9.7 Archaeology

The Council's Archaeologist has commented thus:

The Archaeology Service has previously been consulted about this proposal and we have previously been in receipt of the archaeological desk-based assessment report (Cotswold Archaeology, September 2020) submitted with the current application. The assessment report has established the potential of the site to contain buried remains of prehistoric and Roman date and notes in particular the discovery of a stone-coffined Roman inhumation found in 1953 just to the east of the red line boundary of the site. Unfortunately, further details of this discovery are unknown.

The assessment report also notes that the site is likely to have been substantially disturbed from several phases of previous development, along with substantial terracing into the north-west facing natural slope. This is corroborated by the geotechnical data that shows deep 'made ground' deposits in some parts of the site. However, the report notes that there may be areas of the site where buried remains may have survived, undisturbed by previous uses of the site. The area within the red line boundary that is likely to be the least disturbed, and therefore has the highest archaeological potential, is the green space along the east side of the site, but this is not proposed for any development. On this basis, the report concludes that further archaeological investigation would be appropriate if the application was permitted, and this could be secured by an appropriately worded condition.

In view of the previous history of the site and the existing buildings on site and provided the green space in the east of the site is not proposed for development, I agree with the conclusion of the archaeological desk-based assessment report and that archaeological investigation would best await demolition to ground level of the existing buildings. The archaeological investigation should initially take the form of an exploratory trial trench evaluation which will determine if there are any areas of archaeological interest within the site that will be impacted by the proposed development. The results of the exploratory investigation will, if justified, be used to develop an archaeological mitigation strategy, which may include further archaeological investigation prior to the commencement of development in areas of archaeological interest or monitoring during construction work. The archaeological mitigation strategy should be prepared and agreed prior to the approval of any reserved matters applications in relation to this outline application.

The following condition is proposed:

No development, other than demolition to ground level, shall commence within the area indicated by application PL/2021/09778 until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and*
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.*

REASON: To enable the recording of any matters of archaeological interest.

The programme of archaeological work should comprise the following elements:

i) Exploratory archaeological investigation through trial trenching after demolition but prior to the commencement of development

ii) The archaeological investigation of any areas of archaeological interest identified by the exploratory investigation. This may comprise further investigation prior to the commencement of development in the areas of archaeological interest or monitoring during development.

iii) A programme of assessment, analysis, and publication commensurate with the significance of the archaeological results.

As a result, there are no archaeology issues with the development, subject to conditions being imposed.

9.7 Ecological Impact/River Avon Catchment Area

Point 4 of Policy BL.7 stipulates: *'The estimated capacity of the site is 60 dwellings in two storey buildings plus commercial uses, but density overall must be appropriate for the edge of a rural settlement in an AONB with the potential to impact on the Conservation Area and two Special Areas of Conservation (SAC) (the River Avon SAC and the Chilmark Quarries SAC).'*

Point 11 of Policy BL.7 states: *'All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats.'*

Policies CP50 and CP52 relate to ecology matters and biodiversity/green infrastructure and are also relevant, as well as CP69 related to the protection of the River Avon SAC.

The application is accompanied by an ecological survey. This concludes that:

- A construction environmental management plan should be developed to mitigate any construction impacts on the River Nadder;
- A financial contribution should be made (through S106 obligation or CIL) toward implementation of the River Avon Phosphate Management Plan;
- Replacement hedgerow planting to be provided for any lost as part of bat mitigation;
- A landscape and environmental management plan to be developed to ensure the vegetated bank, together with any new landscaped areas, and the attenuation pond are managed for wildlife in the long term;
- The Himalayan Cotoneaster on the railway embankment where it encroaches on the site should be removed;
- Specific mitigation proposals for foraging badgers, birds, barn owls, bats and reptiles to be incorporated into the development.

A Habitats Regulations Assessment was then provided by the applicant. The assessment specifically considered the impact of the proposed development at Station Works on the Chilmark Quarries SAC and the River Nadder, which is a tributary of the River Avon SAC. The HRA screening considered that likely significant effects could not be ruled out in the absence of mitigation for River Avon SAC phosphate pollution and recreational impacts and

for Chilmark Quarries loss or fragmentation of functional habitat (both physical loss and via light disturbance impacts).

The applicants HRA recommended the following mitigation:

- Extensive habitat creation for bats leading to a net increase in available foraging/commuting habitat;
- Lighting design with light spill reduction methods to ensure continued use of bat foraging/commuting habitats; and
- Phosphate neutral development via CIL payments as set out in the Wiltshire Local Plan.
- The Habitats Regulations Assessment Information Report concludes that the Local Planning Authority should be able to safely conclude that an Appropriate Assessment of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) can be passed.

This information has been reviewed by the Council's Ecology team. They objected subject to the carrying out of a positive Habitats Regulations Assessment, and subject to the following matters being addressed by the applicant:

- Provision of currently omitted 'net gain assessment' report cited in the EclA. The completed Biodiversity Metric should also be provided in its entirety. Provision of two scaled and detailed plans; the first should clearly illustrate and quantify the existing habitat; and the second plan should illustrate and quantify the areas of habitat to be retained as well as areas of proposed habitat / habitat to be enhanced.

Extent of proposals

- Provision of revised *Sketch Site Layout* showing full extent of current proposals including the proposed steps and footpath up the bank in the south-eastern section of the site and an area of POS at the top of the bank as these proposals are referred to in the EclA but not shown on the submitted plans. The areas that these proposals would cover should also be quantified and provided.
- Soft landscaping for bats proposed in the EclA comprising planting of hedgerows on the bank and new tree planting at the base of the bank are not shown on the *Sketch Site Layout – 06 Rail Safeguard* (Drawing no. SKL-06).
- Proposed swales are not suitably annotated/shown in the key of the *Sketch Site Layout*.
- The *Sketch Site Layout* should be revised to show full extent of proposals and to demonstrate that recommendations set out in the EclA will be implemented. There should also be consistency across the submitted plans. This is needed in interests of proper planning and to facilitate fully informed assessment of effects on protected species including bats, reptiles and birds

Ecology survey

- Clarification regarding the date that the update Phase 1 Habitat Survey was undertaken.
- Confirmation regarding whether the validity of the ecological survey data was reviewed as most of the data was over 2 years old at the time the application and EclA was submitted, and the EclA stipulates the data is only valid for 18 months. The Council generally considers survey data to be valid for 2 years and applications should be supported by valid data particularly where the data informs HRA as is the case for this application. Therefore, a rationale setting out why the data was still considered valid and why update surveys were not conducted must be provided as this is not included within the EclA. If a sound rationale cannot be provided surveys would need to be updated.

Reptiles

- It is considered that the minimum number of trapping days proposed for the reptile translocation is too low and not in accordance with best practice. A rationale is required for the proposed approach (e.g. is it due to the size of the area to be excluded). The strategy should be revised if a sound justification cannot be provided

Ecological Parameters Plan

- Revised EPP requested which shows and quantifies all ecological, landscape and arboricultural parameters and consideration should be given to the incorporation of an ecological buffer between the bank in the southeast of the site and the development/works footprint. This should be shown on the plan.

Phosphate issues

- Provision of bespoke phosphorus mitigation strategy, which has been discussed with NE through their DAS, for the 'unplanned' uplift in proposed development at the site from that which was allocated in the NDP.

Chilmark Quarries SAC

- Provision of currently omitted lighting report cited as in the EclA as: 'Alan Tulla Lighting (2021). *Lighting design for car parks at Tisbury Station, Wilts.*'
- Requested revision to scheme layout to incorporate further avoidance and mitigation measures for bats, including ecological buffer zone / 'dark corridor' between identified bat flight lines used by Annex II qualifying species of the SAC and the development/works footprint.

It has been some months since the Council's ecologist expressed her initial views. The applicant has suggested that they would provide further information to address the above, but at the time of writing, nothing has been received. However, the applicants viability assessment received just before this report was finalised suggests that they may wish to offer a Nutrient Reduction Agreement contribution of £237,379. No further information regards this contribution has yet been forthcoming, but in principal, the Council's ecology officer considers that such a contribution would be useful in phosphate mitigation. However, such a contribution can only be secured if and once the appellant submits a suitable legal agreement which is agreed as part of the appeal decision.

The Council's ecologist has now indicated that in the period since their initial comments, the Council's own work on providing a solution to the phosphate issue has progressed, and given the [Ministerial Statement](#) on 20 July 2022 measures are coming forward to help minimise nutrient burdens of development through wastewater treatment works improvements and a Natural England led strategic mitigation scheme. Some of these measures are being secured through other legislation in due course. This will hopefully lift the significant burden on Local Authorities.

Regards the other issues raised above related to the various reports, it remains the fact that the submitted details are somewhat contradictory. However, should the Inspector be minded to approve this scheme, the Council's ecologist is now of the view that suitable conditions could be imposed to ensure that the suggested mitigation works occur as suggested.

Based on the above, and subject to suitable phosphate mitigation, and suitable conditions, including in relation to the Chilmark Quarries SAC, and subject to finalisation of the proposed national measures to ease the phosphorus issue in due course, it is considered that the proposal would accord with aims and objectives of policy BL7 (point 4 and 11) of the Tisbury Neighbourhood Plan, and the aims of Core Policy 50 and 52 of the Wiltshire Core Strategy, and the biodiversity aims of the NPPF.

Because of the likely significant effects on the River Avon SAC and the Chilmark Quarry SAC, a positive Habitats Regulations Assessment will however need to be concluded by the Inspector.

9.8 Drainage and Flooding

Whilst the site itself is located in Flood Zone 1, the adjacent highways access via Jobbers Lane around the railway bridge/arches area and the adjacent field system to the north is in Flood Zone 2 & 3, and has a recent history of flooding issues. Third Parties have highlighted this matter in the various responses. This is an issue for the scheme as the highway system beneath the railway bridge (Flood Zone 3) would be the only way that any future occupiers of the proposal would be able to access Tisbury and its facilities, given that access to the existing footpath system would not be allowed.

Policy CP67 of Wiltshire Core Strategy relates to developments in Flood Zones 2 & 3. Policy HNA 3 of the Tisbury NP and its supporting text relates to flooding issues in Tisbury and around the application site.

The Environment Agency has currently concluded that (extract and summary):

Flood Risk

Flood Zone Compatibility

..The proposed walkway should be classified as a water-compatible use. If the Local Planning Authority (LPA) are satisfied with this classification, then the proposed walkway will need to:

- remain operational and safe for users in times of flood;*
- result in no net loss of floodplain storage;*
- not impede water flows and not increase flood risk elsewhere.*

We understand that designing the walkway to remain operational may be impractical and therefore measures will need to be put in place to make it safe; this along with the other points are discussed further below.

Safe Access

It is the LPA's responsibility to decide if the access arrangements are safe and they should determine this through consultation with their emergency planners. The EA's role is to provide technical advice regarding the flood hazard rating, which should be provided in the Flood Risk Assessment (FRA).

In this instance, all of the proposed buildings will be located in Flood Zone 1, but the access is via Jobbers Lane which is located in Flood Zone 3. Therefore, if residents or the emergency services needed to access the site during the design flood they would need to pass through floodwater.

The assessment of hazard for vehicular access uses flood levels that differ to those stated in the FRA. The letter estimates a flood level of 91.70mAOD for the 1% annual probability event plus 38% climate change allowance, whilst the FRA states in paragraph 5.1.6 a flood level of 92.38mAOD, which is significantly higher. Clarification on the design flood level is required before an assessment of the hazard for the vehicular access can be concluded.

We note that the letter states "safety would be controlled by individual users because the extent of any flooding would be immediately apparent". Whilst the extent of flooding will be clear to see, the depth of flooding may not be immediately apparent and, therefore, it may be advisable to provide some indication of this to users.

Increase in Flood Risk Elsewhere

The letter provides a high-level assessment of the potential impact of the raised walkway based on the loss of floodplain storage volume. However, the potential reduction in conveyance through the bridge arches is more of a concern. The restriction on flow caused by the bridge means that changes in conveyance through this structure have the potential to have a significant effect on flood risk elsewhere.

Whilst the letter appears to try and address the concern qualitatively, this is not sufficient to overcome our concern. We request that hydraulic modelling is undertaken to assess the impact of the proposals and any

potential compensation. Alternatively, the design of the proposed walkway could be altered to avoid reducing conveyance and loss of storage. Measures would need to be installed to appropriately manage the risk to users and the LPA's emergency planners should be consulted on any such proposals.

Other matters

Our comments provided in our previous letter dated the 12 November 2021 relating to groundwater and contaminated land are still relevant to this application. (Officer note - These state as below:)

Groundwater and Contaminated Land

The investigation reported in the Environmental Risk Assessment (Ridge, November 2020) has identified hydrocarbon contamination of soils and shallow groundwater beneath the northern end of the site. This part of the site is in close proximity and up gradient of the River Nadder and we therefore agree with the conclusions of the report that there is the potential for unacceptable levels of pollution of controlled waters.

The nature of the hydrogeological pathway between the identified contamination and the River Nadder is not described explicitly in the report; we consider that further refinement of this part of the site conceptual model could aid the design of the proposed permeable reactive barrier and assessment of residual risk following remediation.

A remediation options appraisal and strategy has been presented in the Remediation Method Statement (Ridge, August 2021). Bioremediation is stated as being the preferred option for dealing with soil and groundwater contamination in section 9.2 though the table of remedial actions in section 9.14 states remediation is to be achieved through treatment using clay stabilisation. We have no objection to either method in principle although it must be ensured that the treatment design takes account of site specific conditions to achieve optimum performance.

Remediation target criteria for soils and groundwater should be defined prior to commencement of remedial works to ensure a defined end-point is known and to reduce the risk of delays during the verification process. In the absence of derived site-specific target concentrations, the conservative Environmental Quality Standards (or Drinking Water Standards where no EQS available) should be used.

An Environmental Permit is likely to be required to regulate the proposed remediation of soils and groundwater unless the conditions of RPS 215 for small scale remediation schemes can be met in full. Further details are available at Land contamination pilot trials and small scale remediation schemes: RPS 215 - [GOV.UK \(www.gov.uk\)](http://www.gov.uk).

We note that re-use of excavated materials is proposed as part of the development. Any such re-use should be carried out in accordance with an appropriate regulatory regime such as an Environmental Permit or declaration under the CL:AIRE Definition of Waste Code of Practice. We recommend early application for any permit that may be required for remediation activities or re-use of materials since determination can take a number of months.

We recommend the following conditions are included in any planning permission granted (if our flood risk objection can be overcome) to ensure the risks from the identified contamination are dealt with appropriately. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not contribute to, be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution...

In addition, if our objection in relation to flood risk matters could be overcome, we would wish a condition for a Construction Environmental Management Plan to be included in any granted planning permission for the site. This condition would be required to ensure there would be no pollution of the environment during the construction phase of the scheme. We can provide suggested wording for this condition in due course.

The Council's Drainage team in their capacity as Lead Local Flood Authority have the below objections to the application; and have stated that these must be overcome before a drainage objection can be removed:

1. *The drainage team mirror the concerns laid out by the Environment Agency (in their consultation response dated 18th August 2022), with regards to Flood Zone Compatibility, Safe Access, Increasing flood risk elsewhere and groundwater and contaminated land. For brevity, these objections have not been repeated as part of our response.*
2. *The applicant is proposing construction in Jobbers Lane (outside of the catchment boundary). The footpath / cycleway will impact on how surface water is drained which has not been addressed in the proposed drainage strategy (Appendix H of the Flood Risk Assessment and Drainage Strategy); the LLFA also question whether a legal agreement is in place for construction within this area, and discharge of surface water to third party assets. Furthermore, as the proposed footpath / cycleway will impact on levels within Flood Zone 3, additional compensatory storage (on 3rd party land) will likely be required, and will need to be agreed with the EA.*
3. *The proposed drainage strategy includes an existing manhole within what appears to be easement for the railway line. The location of this should be revised due to potential for a clash with any track-dualling that might occur in the future. Furthermore, detailed drawings are required of the connectivity between the SW line, flow control and attenuation pond.*

Whilst not objecting to the proposals, Wessex Water have also indicated that:

There is a 1" water supply main with the site boundary at the south west end of the site. In accordance with Wessex Water Policy, there must be no habitable buildings within a minimum of 3m either side of the distribution main and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. The water main must not run through enclosed private rear gardens, it must be within a 6m (3m either side) open access easement strip or roads. Wessex Water require unrestricted access to maintain and repair our apparatus. The proposed layout (shown on drawing ref SKL-06 Rev P9 dated 21/05/20) appears to conflict with this existing main, however as this is an outline application, we would not object at this time, the applicant will need to either consider diverting the main or changing the proposed layout to accommodate the required easements for the main.

Summary

It is clear from a recent events and from the Tisbury NP that the highway and field systems around the site have a history of flooding issues. The applicants would therefore have been fully aware of this issue prior to submission of an application from its consultation process. However, at the time of writing, this matter has not yet been resolved to the satisfaction of the Environment Agency or the Council's Drainage officers. Thus, at the time of writing, the proposals do not address the flooding and drainage issues associated with the accessing of the site and hence how suitable linkage between the site and the facilities and services in Tisbury can be achieved. The proposal is therefore contrary to the aims of policy BL7 (criterion 3 & 5), and HNA 3 of the Tisbury NP, and also the aims of policy CP67 of the WCS, and the NPPF guidance related to flooding matters.

9.9 Viability and affordable housing provision

Points 1 & 6 of policy BL7 relate to contamination issues, viability, and affordable housing provision.

The applicants have indicated via a recently revised viability assessment that the development will be unable to provide the required 30 percent stated within policy BL7 and CP43 of the WCS. The Council's own viability adviser has currently indicated to the contrary, that the proposal subject of this application is viable enough to provide 30 percent affordable housing as well as the other suggested S106 contributions/requirements elsewhere in this report. As stated elsewhere in this report, it is however the case that an "alternative" scheme which could provide some industrial units on the site has also found to be unviable in that it too would be unable to provide policy compliant affordable housing.

At the time of writing, the assessment of the applicants viability report has yet to be concluded. Thus at the moment, whilst point 1 above has been complied with, point 6 of the policy BL7 regards the provision of

affordable housing has not been complied with. The Council Housing Officer has requested 30 percent affordable housing, and this remains the position until the outcome of the viability assessment is known.

The proposal is therefore currently in policy terms contrary to the aims of point 6 of BL7, and to the aims of CP43.

S106 mitigation matters

The Wiltshire Planning Obligations Supplementary Planning Document (SPD) (Adopted May 2015) supports Core Policy 3 and provides further detail on the council’s approach to developer contributions

- **Provision of affordable housing on site**

The applicants have submitted an affordable housing viability statement that indicates that in its view, a policy compliant amount of affordable housing cannot be provided on this site. The viability assessment process related to this matter is ongoing at the time of writing. Subject to that being resolved, the Council’s affordable housing officer response remains as follows:

Policy Requirements:

I note that an Affordable Housing Viability Statement was submitted with the application and that subsequently, the Viability Review Report demonstrates that the scheme is viable with provision of the full policy requirement. My comments therefore are provided on this basis.

Core Policy 43 of the Wiltshire Core Strategy (as amended by the National Planning Policy Framework) sets out a requirement for 30% on-site Affordable Housing provision within the 30% Housing Zone, on all sites of 10 or more dwellings. There is therefore a requirement to provide 26 affordable units within a scheme of 86 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Tisbury.

With respect to the care home proposals, the development of a care home does not require provision of an affordable housing contribution. However, if the scheme includes provision of any self-contained retirement apartments to be sold or let on the open market, this aspect of the scheme would require an affordable housing contribution of 30% on-site affordable housing in accordance with Core Policy 46 and Core Policy 43 of the Wiltshire Core Strategy.

Tenure Mix:

In accordance with Core Policies 43 and 45 of the Wiltshire Core Strategy the tenure mix should reflect local need for affordable housing and should therefore be provided with a tenure mix of 60% of the units (16 units) being for Affordable Rented housing, and 40% of the units (10 units) being provided for shared ownership.

Unit Size Mix:

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. There is currently a need for all sizes of affordable accommodation in Tisbury. The following mix is currently suggested by the applicant as the mix that would be provided, should provision of the full policy requirement be considered viable:

| | |
|------------------------|-------------------------|
| Affordable Rent | Shared Ownership |
|------------------------|-------------------------|

| | |
|---|-------------------------------------|
| 2 x 1 bed flats 2 x 2 bed flats 10 x 2 bed houses 2 x 3 bed houses | 7 x 2 bed flats 3 x 3 bed houses |
|---|-------------------------------------|

There is a predominance of 2 bed provision within this proposed mix. If it could be achieved without impact on viability, a slight amendment would provide the following preferable mix which would better reflect demonstrable need:

Affordable Rented:

4 units - 1 bed / 2 person (maisonette style) flat or bungalow

8 units - 2 bed / 4 person house or bungalow

4 x 3 bed / 5 person house

Shared Ownership:

7 units - 2 bed / 4 person house

3 units - 3 bed / 5 person house

There is also a demonstrable need for adapted housing in Tisbury. On all schemes which provide more than 10 Affordable Housing units, it is requested that 10% of affordable units are provided as adapted units in order to help meet this need. These units should be provided as ground floor flats / bungalows to Building Regulations M4(2) standards with a level access shower provided. In this instance it would be appropriate to provide the ground floor flats as adapted units to meet demonstrable need.

Design of Scheme (including Minimum Floorspace Standards):

Affordable housing in Wiltshire is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. I note that the layout provided is indicative and does not show the location of the Affordable Housing units. In designing the final scheme, the following should be taken into account:

- The Affordable Housing units should be evenly dispersed, in small clusters of no more than 15 units, within mixed tenure developments.*
- Any 1 bedroom flats should be provided in small blocks. Please note that 2 bedroom flats above ground floor level, and flats over commercial units or garages, are considered unsuitable for affordable units.*
- Parking courts are not considered suitable for affordable homes (other than for blocks of flats). Parking for houses should be provided in curtilage or adjacent to the property.*

In order to ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria. NDSS and 85% NDSS are shown in the table below:

| Number of bedrooms | Number of bed spaces | NDSS | | | Minimum 85% NDSS | | |
|--------------------|----------------------|----------------|----------------|----------------|------------------|----------------|----------------|
| | | 1 storey (sqm) | 2 storey (sqm) | 3 storey (sqm) | 1 storey (sqm) | 2 storey (sqm) | 3 storey (sqm) |
| Studio | 1p | 39 (37)* | | | 34 (32)* | | |
| 1b | 2p | 50 | 58 | | 43 | 50 | |
| 2b | 3p | 61 | 70 | | 52 | 60 | |
| | 4p | 70 | 79 | | 60 | 68 | |
| 3b | 4p | 74 | 84 | 90 | 63 | 72 | 77 |
| | 5p | 86 | 93 | 99 | 74 | 80 | 85 |
| | 6p | 95 | 102 | 108 | 81 | 87 | 92 |

*Where a one person flat has a shower room rather than a bathroom the floorspace may be reduced from 39 sqm to 37 sqm (NDSS) or from 34 sqm to 32 sqm (85% NDSS).

Transfer to Registered Provider:

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

It is strongly recommended that the applicant makes contact with Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council can be provided on request.

Nominations:

The Local Authority would have nomination rights to the affordable dwellings, secured through a S106 Agreement.

At the current time, subject to the outcome of the ongoing viability assessment process, it is considered that the scheme is viable enough to provide the required level of affordable housing provision referred to above.

- **Provision of waste and recycling facilities**

The Council's Waste officer has confirmed that recycling facilities are required under policy CP3 and WCS6. He has requested the following contribution:

The Council requests s106 contributions towards the provision of waste and recycling containers for each residential unit, under policies CP3 and WCS6. The following estimated contribution is required for the proposed development:

| Property type category | Contribution per house/per category | Quantity | Total |
|------------------------------------|-------------------------------------|--------------|--------------|
| Individual house | £91 | 69 | £6279 |
| Bin store for block of 6-10 flats | £581 | 0 | £ 0 |
| Bin store for block of 11-14 flats | £1,038 | 0 | £0 |
| Bin store for block of 15-18 flats | £1,474 | 1 | £1474 |
| | | Total | £7753 |

Please note that all arrangements for the Care Home and associated treatment centres are classed as commercial and Wiltshire Council do not have an obligation to collect from these properties.

- **Provision and maintenance of public open space on and off site**

The Council's open space officer has confirmed that:

The dwelling mix stated in the design and access statement generates a requirement of 1455m² of public open space and 873m² of equipped play.

A public open space has been included within the development, please note that we cannot accept attenuation basins as POS unless the area remains dry and useable for a substantial amount of the year, please do not include in the area calculation if it does not meet this requirement. All on-site open space provision must be secured in perpetuity. Wiltshire Council will not adopt the POS.

An off-site contribution of £125,712.00 is required for equipped play.

An off-site Youth and Adult contribution of £52,380.00 is required.

The target site for this contribution is the Lower Recreation Ground and/or playing pitch and ancillary services within the facility of the development. The Lower Recreation Ground next to the development which has a range of facilities in need of upgrading, including the pavilions which host the sports, social club and bowls club alongside the playing pitches. The Lower Recreation Ground also has a play area in need of upgrading/developing so this would be a target site for equipped play alongside upgrading play provision at the field by the Nadder centre.

Closing the level crossing would mean the formal play area would not be accessible and I would say it needs to be looked at from a view of keeping and upgrading from a safety perspective if there is an issue here. Closing the crossing is of concern and takes a link away from the development.

Retirement Home:

The open space requirement for 30-40 care home would fall between 609.93m² - 813.24m² - the final figure is to be calculated once the exact dwelling number is finalised. If the provision cannot be met on site then an off-site contribution will be required using £34.87m² to make up any shortfall. All on-site open space provision must be secured in perpetuity. Wiltshire Council will not adopt the POS.

There is no requirement for Equipped Play or Youth and Adult facilities to be provided for the care home development.

The appellant has confirmed the following:

| Dwelling | Rate | Number | Total requirement |
|------------|------------------|--------|-------------------|
| 1-Bedroom | 10m ² | 2 | 20m ² |
| 2-Bedroom | 15m ² | 52 | 780m ² |
| 3-bedroom | 20m ² | 29 | 580m ² |
| 4+-bedroom | 25m ² | 3 | 75m ² |
| Care Home | 8m ² | 40 max | 320m ² |

This gives a total requirement of 1,455m² for the residential development, and 320m² for the care home. The provision within the indicative scheme is in excess of both requirements.

As a result, as the area of open space shown on the outline plan exceeds 320 sqm, it is considered that any future legal agreement should simply contain a requirement that any care home should have an open space area adjacent and available to it for its residents of at least the equivalent of 8sqm per occupant. This is in line with saved policy R3 of the SDLP, which specifies that 0.81hectares of open space be available per 1000 population, which equates to 8sqm per person).

- **Public Art**

The Council's open space team has also confirmed the contribution below for public art. This is based on the required contribution of £300 per dwelling, and is supported by saved policy D8 (of the Salisbury District Local Plan), and policies CP3, CP57 of the Wiltshire Core Strategy, and the Planning Obligations DPD.

The Public Arts provision for this development is required as an off-site contribution of £25,800.00.

- **Provision of financial contribution towards off site Education facilities**

The applicants have submitted an Education Impact Assessment which concludes that there is surplus places in the catchment area and hence the application does not need to provide any financial contribution towards educational facilities.

The Council's Education officer maintains her view that a contribution is required as below:

We note that among the documentation submitted by the applicant there is an Education Impact Assessment, which attempts to rebut the S106s cases that were advised to them at the pre-app stage. However, the assessment includes primary schools which aren't within 2 miles safe walking distance of the development site, and as such are not appropriate destinations for the pupils who will live on it. The Council would be obliged to provide transport for them, which is not sustainable, and would incur significant and ongoing costs which the Council is unable to meet. The only appropriate primary school designated to serve this development, is St John's CE, Tisbury.

PRIMARY ASSESSMENT DETAILS:

- Capacity = 140 places.
- Oct 21 number on roll = 123 pupils.
- Highest numbers forecast = 127 pupils.
- Additional places required in housing already registered/approved but not yet built out = 4.
- So, the school currently has 9 spare places available.

PRIMARY S106 CONTRIBUTION REQUIREMENTS: Current primary cost multiplier = £18,758 per place: *(Please refer to accompanying caveats as the cost multiplier quoted is due to be updated shortly for the 2021/22 year).

- There is limited capacity currently available at St John's CE, and it is insufficient to accommodate the full pupil product of this proposed development. There are no other primaries within 2 miles safe walking distance of the development site.
- As a result, we require a developer contribution towards the 25 - 9 (available places) = 16 places that this development generates a need for at St John's CE Primary, Tisbury. Using the current cost multiplier, (but please see note * above) = 16 places x £18,758 = £300,128. This contribution would be subject to indexation and secured by an S106 agreement to which the Council's standard terms will apply.

- **Rights of Way enhancement**

As Network Rail objects to occupiers of this proposed scheme using the adjacent footpath system (which runs across the main railway line adjacent the site), the Council's rights of way officer has requested a financial contribution to the footpath system in the immediate area of the site, as below:

Our preferred solution would be access to TISB16, the off-site contribution would overcome our objection. The £7,250 would cover the costs of the following improvements that have been identified for paths that would see increased use if the link to TISB16 is not provided:

Re-surface the first section of TISB74 with tarmac (1.5m width) for approximately 50m from the Station Road end. Improve the surface of WTIS13 with stone (1.2m width) for approx. 153m long split over 2 sections) and 50m of wooden edging on side of the path.

- **Phosphate mitigation**

Explanation of the phosphate issue and justification for this contribution is provided for in the ecology section of this report. Core Policy CP69 applies.

The applicants viability assessment suggests that they may wish to offer a Nutrient Reduction Agreement contribution £237,379.

10. Conclusion and planning balance

The comments of the Town Council and other third parties and consultees have been taken into account.

The site has been recently included within the settlement boundary of Tisbury, within which, residential development is considered acceptable in principle. The site is also allocated for development within the adopted Tisbury Neighbourhood Plan. As the Council does not currently have a 5 year housing land supply at the current time, the development of the site for housing is considered to be of significant weight, particularly in terms of the provision of much needed housing, including any affordable housing. However, as stated elsewhere, it is considered that due to flooding issue related to this site, the “tilted balance” towards approving the development does not apply in this instance.

Whilst the proposal does not accord with the aims of policy BL7 in terms of providing industrial type employment on the site, the proposed care home would provide a local facility and would provide employment. This should also carry weight. Similarly, whilst the number of dwellings proposed is above that suggested by the allocation policy, such figures are not regarded as a ceiling figure, and no harm has been identified in relation to the additional housing over and above the number referred to in the policy, particularly as it will make a modest contribution to housing land supply. Whilst the suggested layout and design of the scheme could be improved upon, it is considered that this can be dealt with via any future reserved matters application.

However, there remains an objection from the Council’s Highways department, the Environment Agency and WC Drainage. The Council must therefore conclude that there remains a significant highway, flooding and drainage issue related to this application in terms of the access and egress of the site, including how occupiers of the site would access services and facilities in the adjacent town during a flooding event. The Council’s Highways officer has objected to the access works. This significantly weighs against the proposal.

Furthermore, at the present time, the applicants viability assessment process is still ongoing, and the applicant has also indicated that they would not wish to provide the required educational contribution. In the absence of a suitable legal agreement, the proposal would therefore not be able to contribute any suitable mitigation towards off site educational facilities, onsite affordable housing, the management or enhancement of on or off site open space facilities, on site waste and recycling facilities, the enhancement of highways access infrastructure, off site rights of way, or public art provision. The suggested contribution towards nutrient mitigation cannot be achieved. This is considered to be of significant weight.

Consequently, as the applicant has now appealed and the Council need to conclude its consideration of the application as the decision making body, the proposal is considered to not accord with the aims and objectives of the adopted Tisbury Neighbourhood Plan in particular policy BL1, BL2 BL3 BL7, HNA1, & HNA3 It would also fail to accord with the sustainable development aims of the NPPF and the Wiltshire Core Strategy, including saved policy R2 & policies CP1,CP2, CP3, CP27, CP35, CP43, CP46, CP50, CP51, CP52, CP57, CP61, CP67, CP69. As a result, based on the existing proposals and justification, the harm caused by the proposal is likely to significantly outweigh any positive benefits provided by the provision of housing on the site.

11. RECOMMENDATION: THAT THE PROPOSAL WOULD HAVE BEEN REFUSED, for the following reasons:

1.The proposal envisages the closing off of one of the existing vehicular routes under the existing railway bridge, and the construction of a raised pedestrian and cycle structure. In terms of several critical aspects, the application does not contain sufficient information to allow proper consideration of the proposals. Notwithstanding the lack of detail, the principles of access for pedestrians and cyclists is unacceptable. The route proposed is unattractive and circuitous, and is conditional on the road being close to vehicular traffic and the implications thereof, which is an unacceptable proposition.

Consequently, it has not been demonstrated that an acceptable and safe means of access for non-motorised users can be achieved to the site. Furthermore, insufficient information has been provided to demonstrate that the proposed pedestrian/cycle route meets the requirements set out within the Department of Transport's Local Transport Note 1/20 and Disability Discrimination Act 1995, and that the proposed signals can be accommodated within the existing highway.

As a result, the proposal is considered to be contrary to Tisbury Neighbourhood Plan policies BL3 (2), BL7 (3), Wiltshire Core Policies 60, 61 & 62 and NPPF Section 9, paras 104-106 & 110-112.

2.Notwithstanding the highway access issues, the highway and field systems around the site have a history of flooding issues. The proposal envisages the access via Jobbers Lane which is located in Flood Zone 3. Therefore, if residents or the emergency services needed to access the site during the design flood they would need to pass through floodwater, during a flood event. The proposed walkway access will need to remain operational and safe for users in times of flood; result in no net loss of floodplain storage; not impede water flows, and not increase flood risk elsewhere.

However, this matter has not yet been resolved, and the proposals do not address the flooding/drainage issues associated with the accessing of the site and hence how suitable linkage between the site and the facilities and services in Tisbury can be achieved. The proposal is therefore contrary to the aims of policy BL7 (criterion 3 & 5), and HNA 3 of the Tisbury Neighbourhood Plan, and also the aims of policy CP67 of the Wiltshire Core Strategy, and the NPPF guidance related to flooding matters.

3.Furthermore, at the present time, the viability assessment of the application remains ongoing. The applicants assessment is currently indicating that a policy compliant percentage of affordable housing cannot be provided on site. Until this viability process is completed, the Council assume that the proposal can provide the required quantum of

affordable housing required by policy. Notwithstanding, the applicant has also indicated that they would not wish to provide the required contribution towards mitigating the impact of the scheme on existing educational infrastructure. Consequently, and in the absence of a suitable legal agreement, the proposal would therefore not be able to contribute suitable mitigation towards off site educational facilities; onsite affordable housing; the management or enhancement of on or off site open space facilities, on site waste and recycling facilities, the enhancement of highways access infrastructure, off site rights of way, public art provision, or any contribution towards nitrate mitigation.

As a result, the proposal is contrary to the aims of CP3, CP43, CP50, CP52, CP57, CP69 of the Wiltshire Core Strategy, the Council's Planning Obligations DPD, saved policies R2, D8 , the waste and recycling core strategy policy WCS6, and the aims of policy BL1, BL2, and BL7 criterion 6 in relation to the quantum of affordable housing.