

Reference No: P/FUL/2024/01856			
Proposal: Erection of community hub/cafe building with offices over, associated car parking & associated public amenity park			
Address: Land at Mampitts Lane, Mampitts Lane, Shaftesbury, SP7 8GL			
Recommendation: Grant, subject to conditions			
Case Officer: Jim Bennett			
Ward Members: Cllr Beer and Cllr Jeanes			
CIL Liable: N			
Fee Paid:	£1156.00		
Publicity expiry date:	9 July 2024	Officer site visit date:	18/06/2024
Decision due date:	26 July 2024	Ext(s) of time:	4 th October 2024 requested
No. of Site Notices:	2		
SN displayed reasoning:	x2 lamp posts fronting site		
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	Cllr J Jeanes and the Town Council request this proposal is heard at Northern Area Planning Committee.		
Nominated officer agreement to delegated decision		Date agreed:	

1.0 Introduction

The application is for a change of use of land and to erect a community hub/café building with offices over, form vehicular access, car parking and associated public amenity park. The application is made by Shaftesbury Town Council who, in the interests of fairness and openness have requested this proposal is heard at Northern Area Planning Committee.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

- The proposal is acceptable in respect of its layout and design.
- It will have a positive impact on local character.
- There is no significant harm to neighbouring amenity.
- Provision is made for a sufficient level of parking.
- The development will provide a much-needed community facility and there are no material considerations have been identified which would warrant refusal.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle accords with local development plan and national and local policies.
Scale, design, impact on character of the area and appearance	Community hub building is acceptable in scale and design. Proposal has a positive impact on local character -it is compatible with its surroundings.
Impact on residential amenity	No harmful overlooking, good separation distance with neighbours.
Highway impacts, safety, access and parking	No harm – adequate parking provision with no adverse impact on road safety.
Flood risk and drainage	Flood risk low.
Impact on trees	No loss of trees, all trees will be protected throughout construction.
Biodiversity	DCNET biodiversity enhancement plan & certificate of approval received.

5.0 Description of site and area

The site is located on the eastern edge of Shaftesbury within the settlement boundary. It is located close to, but is not within the Cranborne Chase AONB. The site is made up of Mampitts Green and Mampitts Meadow, and is located to the southeast of Maple Road, south of Snowdrop Wynde and at the east end of Mampitts Lane, close to the local Spar/post office. Mampitts Meadow is mainly rectangular in shape and Mampitts Green is a circular space that juts from the southwest corner onto Mampitts Lane. The Green and Meadow have a combined area of 0.7 hectares. The Green area is a maintained area of open space where children play and is occasionally used for community events. It also provides visual relief from built form. The Meadow area is fenced off from the Green, is enclosed by scrub and is underutilised. It provides ecological value and is a gateway to the countryside and AONB beyond.

The site is broadly level with a gentle slope downwards to the east. A band of trees and scrub that runs along the southern boundary of the site adjacent to Mampitts Lane is protected by Tree Preservation Order.

Mampitts Road and its environs is situated on the eastern edge of the market town of Shaftesbury. The suburban development provides around 670 homes was

constructed between 2011 and 2016. The area is predominantly residential and displays a mix of property types with three storey buildings located towards the centre of the site and mainly 2 storey houses beyond the centre.

The residential character changes at the junction of Maple Road and Mampitts Lane where there is more a community emphasis. A pedestrianised space with seated area is located opposite to Mampitts Green. A convenience store and bus stop are a central focus of the estate and the proposed community hub would add to this central focus.

6.0 Description of Development

A 1½ storey community hub building is proposed with first floor dedicated office space (70sqm). At ground floor level (150sqm) a café is provided. Additional space which can be screened off is available so that the café area can also be used as an informal community venue. The café would have bifold doors opening onto a covered outdoor seating area to the front of the building, facing toward the centre of the Mampitts development. This allows residents to enjoy both indoors and outdoors, whilst maintaining surveillance at the heart of the community. The building has been located toward the back of the available land to maintain as much of 'Mampitts Green' so that useable green amenity space remains to the front of the hub.

In addition to useable green space to the front of the community hub building, public outdoor amenity space is proposed to the east behind the community building. Immediately to the rear of the facility, existing trees and scrub are to be retained, rough grassland is to be improved and a bespoke shelter/social space is to be included. Behind this area – a larger useable circular amenity lawn with islands of shrubs is to be landscaped; and this area would be enclosed by an accessible self-binding gravel pathway, and picnic tables, seated areas, and children's play area.

Provision is made for on street parking for 14 vehicles in a linear form, interspersed with planting adjacent to the community hub building, along Maple Road on an area of land currently laid to verge.

The proposal follows refusal of a similar form of development under ref. P/FUL/2023/06670, as it was considered that the layout would result in the urbanisation of the area due to the extent of the uninterrupted linear parking along the site frontage, insufficient landscaping, and would fail to make a positive contribution towards the environment, and the appearance of the area, contrary to Policy SFDH5 of the Shaftesbury Neighbourhood Plan, Policy 24 of the North Dorset Local Plan, and the NPPF.

P/FUL/2023/05314 - Decision: GRA - Decision Date: 08/03/2024 - Erection of Community Centre with associated parking & landscaping on land to the rear of the Green, on the land to be used as amenity & play space.

7.0 Relevant Planning History

2/2002/0415 - Land at Salisbury Road. Mampitts Road and Gower Road, Shaftesbury, Dorset. Develop land for residential and mixed use purposes with

associated open space, create vehicular and pedestrian accesses This application was allowed at appeal ref: APP/N1215/1191202 Decision: GRANTED - Decision Date: 03/05/2007

2/2002/0800 – Land adjacent to Greenacres, Salisbury Road, Shaftesbury, Dorset. Develop land for residential, business and retail purposes, form vehicular and pedestrian access. This application was allowed at appeal ref: APP/N1215/1191206 - Decision: GRANTED - Decision Date: 03/05/2007

2/2008/1137 - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 75 dwellings with associated works including parking, garage blocks, access roads and highway works (reserved matters for outline application 2/2002/0415, seeking consent for landscaping details). Phase 1A. Decision: GRANTED - Decision Date: 18/03/2009

2/2010/1101/PLNG - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 96 dwellings, estate roads, landscaping, open space, and SUDS corridor at Phase 3 - Parcel 2. Reserved Matters application following Outline Permission No 2/2002/0415 to determine appearance, landscaping, layout, and scale. Decision: GRANTED - Decision Date: 16/03/2011

2/2012/0310/PLNG - Phase 1 Land at East Shaftesbury, Gower Road, Shaftesbury, Dorset. Erect 238 No. dwellings with associated parking, estate roads, open space, suds corridor, and form vehicular and pedestrian access. (Reserved Matters to determine Appearance, Landscaping, Layout and Scale following Outline Permission No. 2/2002/0415). Parcels 3 and 5. Decision: GRANTED - Decision Date: 25/07/2012

2/2016/0658/PAEIA - Legal Agreement Signed: 04/09/2017 Erect 97 No. dwellings on land east of Shaftesbury (Parcels 6 & 7), with associated access, parking, open space, and landscaping.

2/2016/1898/OUT - Land At Langdale Farm, Mampits Lane, Shaftesbury, Dorset Develop land by the erection of 20 No. dwellings, (outline application with all matters reserved). Decision: REFUSE - Decision Date: 10/10/2017

P/FUL/2023/05314 - Decision: GRA - Decision Date: 08/03/2024 - Erection of Community Centre with associated parking & landscaping

P/FUL/2023/06670 - Decision: REF - Decision Date: 08/03/2024 - Change of use of land and erect community hub/cafe building with offices over, form vehicular access, car parking and associated public amenity park.

8.0 Constraints

TPO - TPO (TPO-573-2017) - NULL: NULL - Distance: 0

LP - 15; Settlement Boundary; Shaftesbury - Distance: 0

DESI - Nutrient Catchment Areas - Distance: 0

PAR - Shaftesbury CP - Distance: 0

DESI – National Landscape formerly Area of Outstanding Natural Beauty (AONB): Cranborne Chase & West Wiltshire Downs; - Distance: 320.47

DESI - Agricultural grade: Grade 2, 3a and 4; - Distance: 0

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

EA - Groundwater Source Protection Zone - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Right of Way: Footpath N1/7; - Distance: 18.37m

Right of Way: Footpath N1/39; - Distance: 1.16m

9.0 Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

10.0 Policies

North Dorset Local Plan Part One

Policy 1 – Presumption in favour of sustainable development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 - The Natural Environment

Policy 14 (J & K)

Policy 15 – Green Infrastructure

Policy 18 - Shaftesbury

Policy 23 – Parking

Policy 24 – Design

Policy 25 - Amenity

Shaftesbury Town Council Neighbourhood Plan 2019 - 2031

Policy SFGI1 - Protect important and locally valued green spaces

Policy SFDH3 The scale and positioning and orientation of buildings

Policy SFDH4 A range of open areas and enclosed spaces should be incorporated into the design of new places

Policy SFDH5 – Provision must be made for cars.

Policy SFDH7 – Development should use materials that respect the area's heritage.

Policy SFCL1 – Community Facilities

Policy SFCL3 – Support safe walking and cycling routes

Material Considerations

Emerging Local Plans:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent, or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 131 – 141 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.

- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 183). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

The Government are currently consulting on various changes to the NPPF. Whilst this is only draft at present, there is a clear intention to boost the supply of housing, including changes to the standard methodology for calculating housing targets.

Supplementary Planning Document/Guidance

Cranborne Chase National Landscape Management Plan (2019 – 2024)

Cranborne Chase AONB Landscape Character Assessment

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home. The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low. Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

In this regard the facility will provide more ready access to community facilities in the locality, with 2 disabled persons parking spaces included adjacent to community hub. WC facilities are particularly well situated to the front of the hub, with level access directly from the green.

13.0 Financial benefits

It is not expected that the facility will bring about significant financial benefits for Dorset Council and residents of the local community, although will pay business rates when up and running, which will benefit the public purse. The community café may create 2 full time positions and additional revenue can be secured from the letting of the café and hall, which will contribute towards the costs of running the facility and its long term viability. The office space at first floor will deliver economic development benefits within the community which is supported by North Dorset Local Plan Policy 11 and will ensure that the development is financially sustainable in the long term, a key theme of the National Planning Policy Framework.

14.0 Consultation Responses

All consultee responses can be viewed in full on the website.

Consultation Responses	Brief Summary of Comments
Town Council	Resolved not comment on its own application, but request the application be heard by the Northern Area Planning Committee.
Ward Member J Jeanes	Overall a good design and would benefit the immediate and wider local area, but concerns over the parking arrangements provided for access to the building and surrounding landscaped area. There is already a parking issue on Maple Road and I fail to see how this design will prevent these parking spaces being taken up by residents and people parking for work purposes. This may lead to the problem of those that drive to this site being unable to park, although recognises that not everybody would drive to this site. Requests referral to the Northern Area Planning Committee.
Highways Officer	<p>The current proposal is effectively a resubmission of P/FUL/2023/06670, which was considered at committee and subsequently refused permission (but not on highway safety grounds).</p> <p>The proposed parking layout provides car parking spaces sited perpendicular to the adjacent public highway and complies with the Council's parking guidance in terms of numbers, and includes</p>

	<p>the provision of a disabled parking bay. It should be noted that the parking layout should prevent vehicles from parking on-street on the eastern side of Maple Road for the extent of the parking bays.</p> <p>At the previous planning committee, concern was voiced regarding the management of these spaces and the likelihood that they would be used by non-community hall users. Whilst this is not a highway safety concern, the applicant has suggested that “drop-down bollards can be put in place and managed by the hub manager.”</p> <p>Cycle parking has been catered for with the provision of 6 covered cycle racks located on the southern side of the proposed building.</p> <p>No objections, subject to crossing construction, turning/manoeuvring and parking, cycle parking and construction method statement conditions.</p>
Tree Officer	<p>This proposal will not detrimentally affect any existing tree features and no objections are raised. A landscaping scheme should be commissioned to mitigate for the loss of the existing green space.</p>
Natural Environment Team	<p>The proposals do not meet the NET trigger list for BNG consultation, and so we have no formal comment on BNG for this application. A Biodiversity Plan (BP) has been approved and a Certificate of Approval issued. Recommend that implementation in full of the approved BP is a condition of any approval, to ensure compliance with wildlife legislation, NPPF (2023) and Natural England Protected Species Standing Advice.</p>
Environmental Protection	<p>Recommend conditions to require further information be submitted to and approved in writing by the Local Planning Authority (LPA) before the installation and use of any kitchen extraction system or any externally mounted plant and to control the hours of construction activity.</p>
Third Parties	<p>Comments received from 23 parties. Comments from 16 parties object to the proposal, while 7 comments were received in its support.</p>

Summary of comments of objections:

- The proposal is identical to the previously refused scheme.

- The proposed two-storey building is in front of the existing tree line and will urbanise Mampitts Green, the only substantial green area on the estate, with buildings, rather than the green vista to the east of the estate.
- The design reduces the 'Green' which is a most valuable area for recreation and community events.
- The proposal fails to make a positive contribution towards the environment & the appearance of the area
- Detriment to highway safety
- Traffic management survey should be undertaken.
- Those who use the Community Hall, especially the disabled, should have ready access to parking when they need it. The proposal to install individual lowering bollards for each space to control parking is unworkable.
- The area already suffers from on-street parking problems
- Lack of local support for the proposal.
- The application is submitted to sabotage the residents' proposal for a Community Hall behind the treeline which has planning approval and is preferred.
- The Town Council's public consultation exercise is criticised.
- Building in an already densely built up area will encourage Anti-Social Behaviour
- All the purposes of having can be achieved by having it built behind the treeline, as in the other proposal, without having to destroy the amenity, beauty and character of the Village Green and the views it affords.
- The proposals for the field behind the treeline are poor, mundane and provides no compelling justification why it is imperative for the Hall to be on the Village Green instead.
- The Town Council do not have a reputation for competency when it comes to the buildings they have stewardship for.
- The application is unlawful as it was not ratified by the full Town Council.
- The 2007 planning agreement states that: "The Developers and District Council covenant that in the event that a neighbourhood hall is constructed, it shall not be used for any purpose other than as a creche nursery school public hall or purposes within D2 of the Uses Classes Order 1987 (as amended)". Use as Class B1A (Office Space) and commercial coffee shop would be contrary to the agreement.

Summary of comments of support:

- This proposal would be a valuable and convenient addition to the community in the East of Shaftesbury, providing a space for residents to rent hall space and the addition of a cafe providing a much needed social area.
- Currently, residents have to travel to access social infrastructure and employment within Shaftesbury this application will go some way to addressing both.
- The proposal is not out of character with the surrounding area and the landscaped area will provide an improved green space.
- The siting of the building and car parking minimises urbanisation by placing the building and car parking within the 'urban' Mampitts Square instead of the currently open green field to the rear of the site.

- Mampitts Green space will be preserved.
- This plan was conceived as a result of a community led consultation the results of which supported construction of, not another hall, but a community "hub".
- The opposing plan, which claims to have the support of the neighbourhood, undertook no consultation in any way comparable to STC's project.
- This application addresses concerns over parking and Highways have raised no objections.
- Bollards will regulate use of the car parking.
- The proposal will result in a 10% increase in net-biodiversity and has a 10% smaller building footprint than the recently approved application.
- The building placement will reduce the likelihood of antisocial behaviour and crime as all four sides of the building will be viewable from the public realm.
- The rear of the site's landscaping is impressive and will facilitate access to the natural environment, much requested in the public consultation exercise.
- The addition of the office space on the first floor will deliver economic development benefits

15.0 Community Involvement

The application is supported by a statement from the Town Council outlining the community involvement undertaken in relation to the submission. This is not a statutory requirement for this size of development. Nevertheless, it is positive that a wide section of the community was involved and inputted to the proposal.

Leaflets were distributed and the design team engaged with 100 residents during a pop-up event which took place on Mampitts Green. STC engaged with the wider community; shoppers were leafleted at the weekly farmers market, Shaftesbury youth council, parents of three local primary schools, the local youth club, football club, open house and Shaftesbury carnival club. Social media engagement reached 17,000 people.

445 responses were received and analysed to prioritise what type of facility the community needed. Outdoor space, wildness/woodland area, a walking trail, sports area/multi use games area (MUGA) and a youth club were responders' preference. It is positive that the community has been involved and the proposal delivers the main part of their needs.

16.0 Planning Assessment

Principle of development

The site is located on the eastern edge of the market town of Shaftesbury within the settlement development limit in an area that is the focus for new development as set out in the Shaftesbury (East) Masterplan 2004. Community facilities are sparsely spread throughout the residential estate with no central community hub in the area and this proposal would be a valuable and convenient addition to the community in the East of Shaftesbury in accordance with Policy 14 of the Local Plan. The site is designated for a community facility within the masterplan and the addition of office space at first floor level is acceptable. Therefore the principle of development is

acceptable, subject to the material planning considerations outlined in the following sections.

Impact on the character of the Area

The community hub site is laid out so that the hub building is situated to the rear of Mampitts Green. The location was chosen to maintain the Mampitts Green area to the front; and retain open space to the east. The siting of the building at this location is similar to that set out in the indicative plan (see above), although the proposed location is preferable as it sits further into the site, retaining useable green space to the front for use by the community. In order to retain The Green, parking is provided in a linear arrangement along the roadside.

The building is well placed and orientated so that it incorporates an element of natural surveillance, creating a coherent sense of place and reinforcing the existing local pattern of development. While it is accepted that the proposal will introduce built form into the site, its siting will create a more rounded public realm in the area of Mampitts Square, yet retaining The Green as a functional space and landscape feature.

The height of the building and finish allows the building to assimilate with its surroundings. The building is 1 ½ storeys, the office predominantly utilising roof space for accommodation and clad with timber, similar to that on adjacent apartment developments. It is lower in height than neighbouring buildings so will appear neither overbearing nor incongruous. It is proposed that the building will be heated by energy efficient air source heat pump system and that solar panels will be incorporated into the roof to reduce reliance on imported energy.

The building is located so that there is ease of movement in and around the building with paved areas and landscaped areas to the east providing a new and generous park facility for the community. A step free accessible path encompasses an amenity lawn area. Picnic benches and seats are provided; and a children's playable structure is included. A bespoke shelter/social space is located to the rear of hub building within an area of rough grassland, adjacent to a walkway, providing shelter in the rain. Existing trees and shrubs will be protected and additional trees, scrub island beds and meadow will be introduced onto site.

The newly created public space is safe, uncluttered and would work effectively for all sections of the community including the mobility impaired with disabled parking spaces situated close to the entrance of the hub building.

It is proposed that a band of parking spaces is located adjacent to the hub building to the north on an area currently laid to grass verge. The band is at a curved section of Maple Road which reduces the visual impact of the parking spaces when approaching the site from Mampitts Lane, yet also provides good access for disabled residents. The Shaftesbury Neighbourhood Plan policy SFDH5 advises that if communal car parking areas are proposed it should not result in extensive areas of uninterrupted parking. To this end the linear parking will be interspersed with heavy standard tree planting in accordance with paragraph 136 of the NPPF, which acknowledges that trees make an important contribution to the character and quality of urban environments, helping mitigate and adapt to climate change and

encourages planning decisions to ensure that new streets are tree-lined. Sensitive placement of trees and wildflower meadow are included and will ensure that the parking arrangement is permeable and relates well to the hub building. It is considered that all features of the proposal conform with the relevant aspects of the Council's design principles set out in policy 24 – Design of the Northern Area Plan part one; and design policy set out in the NPPF paragraph 131- 141.

Impact on amenity

The proposal seeks to secure a good standard of amenity for all neighbours and future users of the community hub facility. A well designed building and sensitive management of scrub land, trees and bushes will improve the appearance of the amenity land.

There would be no loss of privacy with the hub building situated 20m from the closest building- its orientation and height (1.5 storey - 6.7m) ensure no harmful overlooking, or loss of light.

Comments have been received that the position of the building will encourage anti-social behaviour and while such behaviour is difficult to eradicate entirely, officers consider the siting of building enables natural surveillance in front of the treeline, from the public realm of Mampitts Square.

Initially the café plans to open from 8am – 6pm five days a week, moving to some evening openings for supper clubs, community events, Friday night specials for teenagers and similar may be arranged. Shorter hours may operate during the winter months and longer hours in the summer. It is not considered necessary to include a condition to restrict opening hours as it is unlikely that noise nuisance will arise from the use of the facility and separation distance from residential property. No negative impact from noise or smells is expected, however conditions are proposed to ensure that if hot food is to be prepared, then appropriate ventilation and extraction is provided.

A secured bin store located behind an area of wildflower meadow, is neither highly visible nor expected to cause harm to amenity in terms of smell.

There will be a marginal increase in traffic, but it is not considered to be harmful to residential amenity. A sufficient number of parking spaces is provided in accordance with Dorset Councils Parking Standards Guide. There is an apartment building on the opposite side of Maple Road to where parking is proposed, but the orientation of the building towards the Green will ensure visual amenity for residents is protected. As a local community building, it is anticipated that many users will walk or cycle to the facility.

The intention of the proposal is provision of a peaceful space that will improve residential amenity and it is considered that the proposal conforms with Policy 25 - Amenity and NPPF.

Highways and Parking

In line with Dorset Council's Parking Standards guidance - 3 parking spaces are required for the office space at first floor level (90sqm); Ground floor space measures approximately 140sqm, therefore an additional 9 spaces are needed for the café space. 2 further spaces for full time staff. A total of 14 spaces would be provided.

Provision is made for 14 spaces, an acceptable level of parking provision. Parking standard figures provide an indication of the level of parking required, but it should be noted that the proposal is for a community facility and that it is expected that most patrons would walk to the facility. Currently, residents rely on car borne travel to access social infrastructure within Shaftesbury and this proposal will go some way to addressing the local shortfall in accordance with Policy 14.

Concern is raised by notified parties that the parking spaces for the community hub will be used by non-hub users. To address this, the applicant suggested that parking management in the form of retractable bollards could be employed to restrict unauthorised parking. In practice the use and placement of so many bollards would be problematic and to enforce their use and management by the LPA would be contrary to paragraph 56 of the NPPF, which states that imposition of conditions must, among other things, be enforceable and reasonable.

The Highway Authority express a preference for no bollards, as lowering of 14 bollards on a daily basis would be unworkable and likely result in an obstruction to the free flow of traffic. They raise no objection in terms of highway safety, parking provision or lack of a traffic management survey. The highway officer is content with level of provision, including disabled parking provision particularly as it is located close to the entrance of the hub building; and as bicycle parking with 6 covered bike storage racks are to be provided. The Highway Authority has no objection subject to a number of conditions, which do not include details of the bollarded parking restriction. Consequently, the highway arrangements, including the proposed parking arrangement are considered to be acceptable.

Biodiversity, Trees and Landscaping

The application is supported by a Biodiversity mitigation plan and certificate of approval signed by DCNET on 14th December 2023.

An ecological impact assessment and reptile survey were undertaken and submitted. It is considered that native hedgerow and tree lines potential for foraging bats so measures to reduce light emissions are included within the environmental plan which will be secured by way of condition. Loss of grassland and bramble scrub will be mitigated through a landscaping scheme which provides enhancement to remaining grassland and creation of scrub areas set out in the accompanying landscape plan. Clearance of bramble will only be allowed outside the bird breeding season and protective fencing will be put in place. Measures will be put in place to protect badgers and hedgehogs passing through the site and excavations should be covered at night to prevent entrapment and ramps should also be placed in excavations to provide a way out if animals become entrapped.

All trees are to be retained and protected throughout construction phase and additional trees are to be planted, including along the line of Maple Road. Conditions are proposed to ensure planting is delivered, including an appropriate planting medium for the 'street trees' and a site visit with tree officer is undertaken to ensure proper means of protection of on-site trees and scrub is in place.

Flood Risk

The site is in flood zone 1 and in an area that is not susceptible to flooding due to high levels of ground water. Flood maps indicate that there is a low risk of flooding due to surface water with the extent of surface water run off 1 in 1000. This risk is low and can be readily managed. There is a surface water sewer running across the site and a simple scheme whereby water is transferred from the roof and hardstanded areas is attenuated and connected to the sewer may be secured by condition.

Other Matters and Section 106 Agreement

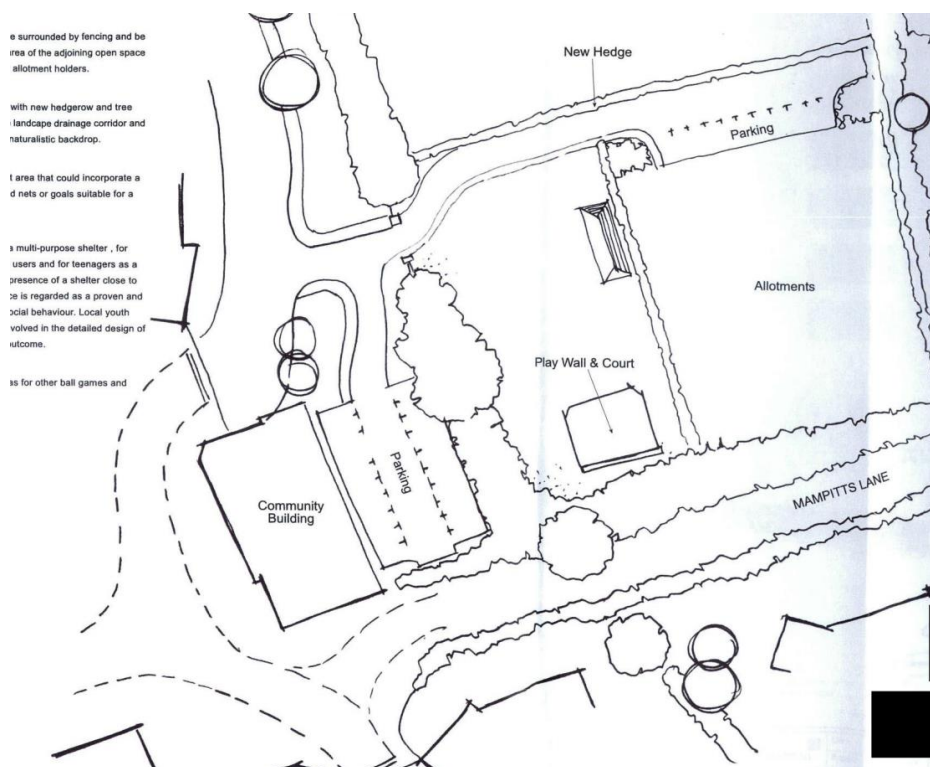
Comments that the submission is made by the Town Council to block the approved application submitted by the community group are not a material planning consideration. There is clearly a divergence of opinion in respect of the alternative schemes, but each application is considered on its individual planning merits. Both applications have been considered by the LPA and while different, both are deemed acceptable. Which application gets implemented is a matter beyond the control of the LPA.

Comments on the Town Council's competency for management of the buildings they have stewardship for and that the application is unlawful, as it was not ratified by the full Town Council are not material to the LPA's consideration of this planning application.

Comment has been received that the proposal would be contrary to the 2007 planning agreement which states that the building should be used only as a creche, nursery school, public hall or purposes within Class D2 of the Use Classes Order. Class D2 ceased to exist in September 2020, its uses becoming sui generis. The applicant confirms that the first floor office space would be let to the local community and emphasise that there is no intention to let it to outside companies, other than those that serve and are providing a service to the local community. This will help ensure the building can generate funding to secure its future without reliance on the public purse. In this respect the applicant is satisfied that the proposal complies with the S.106. It is the view of officers that the building could still be used for all of the purposes envisaged by the 2007 agreement. A community café would provide a community benefit and would not preclude use of the building for other community uses. The office space is located at first floor, within the roof void of the building and again would not prevent use of the building for its intended community purposes. If the type of office use at first floor level moved beyond the scope of the 2007 agreement, the applicant could seek a variation to the agreement to facilitate such use. Officer view is that use of the first floor for office use would not preclude the overarching community use of the building, conversely it would assist with enhancing the building's viability. It should also be noted that since September 2020 - café,

office, creche and nursery school uses fall within the same use Class E, being uses which can be carried out in any residential area without any detriment to the amenity of that area. Community buildings now fall under Class F2.

A legal agreement was made in January 2007 between North Dorset District Council and developers related to planning application ref. 2/2002/0415 – the over-arching planning application to develop land for residential and mixed-use purposes which now forms the Mampitts Lane/ Maple Road/ Allen Road area. Amongst other benefits, a contribution was secured to provide a community facility. An area of land to be used for community and recreational purposes and a neighbourhood hall was designated by the S106 - the site proposed for this application. The contribution sum was secured to be used towards construction costs. An indicative plan for the Neighbourhood Hall Site was drafted for the S106, shown below.



(Indicative neighbourhood hall site secured by S106 associated with 2/2002/0415; sealed Jan 2007)



Layout proposed by current application - 2024

It is intended that a report be presented to Cabinet on the 15th October 2024 to reach a decision on who to award the S.106 funding to, i.e. the Town Council or the community CLT, which received planning permission for a similar proposal in March 2024. The Cabinet funding decision is a separate process, and the securing of planning permission is only one part of a whole host of criteria each proposal has to fulfil. Members are not being requested to express a preference for the Town Council or CLT scheme at this stage, merely to consider whether the scheme before them is acceptable on its own merits.

17.0 Environmental Implications

It is considered that that long term ramifications of the development are positive in terms of impact on the environment. The proposed timber construction material is most sustainable. Solar panels and inclusion of air source heat pump units ensure no external power source is required. The proposal will reduce reliance upon the private motor car to access similar facilities. The DCNET is satisfied that hard and soft landscape proposals will result in biodiversity net gain on site.

18.0 Conclusion

The proposal is acceptable in respect of its scale, layout, design, and landscaping. The proposed development is compatible with surroundings, and acceptable separations distances are in place to ensure no harmful overlooking nor negative impact on amenity. Adequate parking provision is made and it will not have an adverse impact on road safety. The development will provide a much-needed community facility and no harm has been identified which would warrant refusal. The application accords with the Development Plan as a whole and there are no material considerations indicating that a different decision should be made.

Recommendation: Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

S03 Location plan
P01 Proposed ground floor plans
P02 Proposed first floor plans
P04 Proposed south-west & north-west elevations
P05 Proposed south-east & north-east elevations
P03 Proposed roof plan & bin store details
P07 B Proposed renders 1-3
P08 B Proposed renders 4-6
P11 F Landscaping layout

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality.

4. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 14.12.2023 must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:

- i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

5. Before the development hereby approved commences an Environment and Construction Method Statement (ECMS) must be submitted to and approved in writing by the Planning Authority. The ECMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition, and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic and activity on the surrounding highway network and area.

6. Before the development is occupied or utilised the first 5.00 metres of each vehicular access, measured from the rear edge of the highway, must be laid out and constructed to a specification submitted to and approved in writing by the Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number PO6 Rev C must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number P01 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. No works or development shall take place before a scheme for the protection of the existing trees and hedges to be retained shown on drawing number STC-TPP-1 - Tree Protection Plan has been submitted to and approved in writing by the local planning authority. Such a scheme will comply with the provisions of BS58372005 (Trees in relation to construction) or any replacement standard

that may be in force at the time that the development commences. The approved scheme for the protection of the existing trees shall be implemented before development commences and be maintained in full until the development has been completed.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

10. Prior to commencement of development above slab level, a Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation and/or phasing; for all landscape areas, including the street trees on Maple Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Landscape Management Plan shall be implemented as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

11. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme, including full details of the planting medium/tree pits for the heavy standard street trees adjoining Maple Road, shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

12. Prior to the installation and use of a kitchen extraction system, a scheme containing full details of the arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues and details of operating hours shall be submitted to and approved in writing by the LPA along with an appropriate odour assessment. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and always operated when cooking is being carried out unless agreed in writing by the LPA.

Reason: To control noise and odour emissions in the interests of adjoining amenity

13. Prior to the commencement of installation of externally mounted plant, details of such plant shall be submitted to the LPA along with a suitable and sufficient

noise assessment. Such an assessment could be conducted in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. The assessment shall be submitted to and approved in writing by the LPA. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use of the relevant plant and maintained and operated in that condition thereafter unless agreed in writing by the LPA.

Reason: In the interest of residential amenity.