

Question from Karen Tippins

Clause 15.8 of the s106 agreement Persimmon/LPA 2007 specifying the proposed building classification usage for land associated with Mampitts, East of Shaftesbury is clear and also the Commuted Sum of excess of £240k. These are Planning Obligations/constraints that have not been addressed either in 1st Oct 2024 Planning Committee meeting not in the 15th Oct 2024 Cabinet Papers. D2 classification is the only allowed Business Classification. I understand this changed to F2 classification for community halls. But the Decision Notice on 2nd Oct for P/FUL/2024/01856 has allowed B1A classification usage. This usage was clearly stated on the Town Council planning application. Also, no account by Dorset Council has been made of the s106 commuted sum associated with this land and how this help operational costs and upkeep. VAT treatment plus business rates TC v Charity impact is omitted.

Could Dorset Council explain as to why contractual obligations for the s106 haven't been followed.? (B1A is against Planning Obligations as per s106 contract)

Response from the Cabinet Member for Planning and Emergency Planning

Demonstrating planning consent has been a key component in the assessment of bids for section 106 funding to deliver community facilities at Mampitts Green, Shaftesbury. Through the planning process, the Local Planning Authority has determined that the proposed café and offices within the Shaftesbury Town Council proposal are ancillary to the primary community use of the building, and as such, the proposal accords with the requirement of the s106 agreement. This judgement has been recognised in the assessment of bids and features in Appendix B of the Cabinet report.

Regarding the commuted sum, this will be calculated at the point when the land is ready to transfer from the developer to Dorset Council. Dorset Council will use the commuted sum to manage and maintain the land at Mampitts Green. Once the funding conditions outlined in the Cabinet report have been satisfied, the land and the remaining commuted sum will transfer from Dorset Council to the third party to support the ongoing management and maintenance of the land. As such, the availability of the commuted sum does not form part of the funding award at this moment in time.

In respect of the matter of VAT, the council's s106 protocol does not distinguish treatment of VAT between public bodies and charities.