

Decision under Delegated Powers

Officer Requesting Decision

Developer Contributions Monitoring Officer

Officer Making the Decision

Head of Planning and Growth

Recommendation

Planning permission P/12/1538/2 - Land at former Bradgate Park Nursing Home, Brand Hil, Woodhouse Eaves included a section 106 agreement which made a provision for financial contributions towards provision of affordable housing to be applied in the Parish of Woodhouse Eaves. Permission has been sought and granted to extend the application area of the affordable housing contribution to include the Parish of Anstey.

Reason

To enable section 106 money that has been received as an affordable housing contribution to be spent outside of the Parish of Woodhouse Eaves.

Authority for Decision

There is a delegation in the Constitution to all Heads of Service “to pay over section 106 Monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service by the Head of Finance and Property Services” (Item 8 on Page 8-15)

For all Heads of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirement as set out in the section 106 agreement and have written confirmation for the relevant body that the monies are used for their intended purpose. Any unspent monies after 5 years of receipt by the Borough Council shall be returned to the developer as per the relevant clause within the section 106 agreement.

Decision and Date



7 February 2024

Background

Planning permission was granted for the erection of 8 dwellings following the demolition of the nursing home at Bradgate Park Nursing Home, Brand Hill, Woodhouse Eaves (P/12/1538/2) including a section 106 agreement that made the provision for an affordable housing contribution of £330,000 plus

indexation as a contribution towards “two social rented dwellings with a minimum of two bedrooms to be provided within Woodhouse Eaves”.

The section 106 agreement was signed on the 29th October 2013, outlining an affordable housing contribution of £330,000 plus indexation be paid to Charnwood Borough Council. The contribution was received in June 2021 and totalled £388,951.97.

£278,700 of the contribution was used to purchase 77 Birdhill Road, Woodhouse Eaves in line with DD209 2021, leaving a residual amount of £111,413.97 to be applied towards affordable housing in Woodhouse Eaves.

After careful consideration, the authority is looking to extend the application area of the affordable housing contribution outside of the Parish of Woodhouse Eaves. The authority is committed to maintaining the integrity of the section 106 agreement and believe that extending the application area will contribute positively to the overall goals of the affordable housing project.

The section 106 agreement outlines “the Area” as “Within the Parish of Woodhouse Eaves” and under the heading “the Affordable Dwelling” Two Social Rented Dwellings with a minimum of two bedrooms to be provided within the area (or such other area as may be agreed in writing between the Owner and the Council).

Due to the difficulty the authority is experiencing in applying the affordable housing contribution within the Parish of Woodhouse Eaves it's elected to extend the application area as outlined in the signed section 106 agreement outlined above. To facilitate this process, the authority gained written confirmation on the 29th January 2024 to extend the application area to include Anstey.

Financial Implications

The money has been received and there are no financial implications for Charnwood Borough Council.

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
			Very Low (1 - 2)	

Key Decision

No

Background Papers

All contained on planning files P/12/1538/2