

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	25th NOVEMBER 2014
SUBJECT:	SECTION 106 OBLIGATIONS
REPORT FROM:	DEVELOPMENT MANAGER
CONTACT OFFICER:	PHILIPPA BRUNSDEN
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report outlines the contributions made by S106 obligations since 1 April 2014 and summarises agreements that are outstanding.
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to note the report.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? N/A
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management N/A
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	N/A
Considered by Monitoring Officer:	N/A
Wards Affected:	ALL
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 Background

- 1.1 Section 106 obligations are legal contracts between the Local Planning Authority and the developer and are essential to allow the granting of planning permission in certain circumstances. These obligations are then secured as a land charge on any successive land owner of the application site, should the site be sold on and developed by someone other than the applicant.
- 1.2 The details of the obligations are controlled by statute and must pass the following three tests if they are to be considered when determining an application for planning permission:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 1.3 Obligations often involve the payment of financial contributions, for example recreation contributions, compensation for loss of employment land and contributions towards ecological enhancements. On receipt by the Council, these contributions are effectively held on trust, to be spent in accordance with the terms of the s106 Agreement. Section 106 obligations may also include non-financial obligations such as provision of on-site artwork, affordable housing or the transfer of land.
- 1.4 This report outlines the contributions provided by S106 obligations in the 6 months from 1 April to 30 September 2014 and identifies those Agreements where obligations are outstanding and those where triggers have not yet been reached.

2.0 Schemes Provided and Obligations Complied With

- 2.1 A list of schemes provided as a result of financial contributions is attached to this report at Appendix A, together with a list of contributions received and obligations complied with between 1 April 2014 and 30 September 2014 at Appendix B.
- 2.2 Table 1 below identifies contributions received in the six months from 1 April 2014 and 30 September 2014, and unspent contributions as at 30 September 2014.
- 2.3 Over the six month period from 1 April 2014 and 30 September 2014 a total of **£228,293.88** has been collected from 9 separate sites. The overall income and expenditure is broken down in Table 1 overleaf.
- 2.4 The total amount of s106 contributions held by the Council as of 30 September 2014 is also included in the table below, and currently stands at **£3,040,596.34**. It is important to note that a time lag between receipt and expenditure of contributions is to be expected, as funds have to be allocated to specific schemes, and in some cases contributions are for the long term maintenance of land that has been transferred to the Council.
- 2.5 Since 30 September 2014 a further £43,210.98 of recreation contributions has been received from four sites. These are excluded from the table below, but are detailed in Appendix B and will be added to the amount received and total balance in the next S106 monitoring report.

Table 1: S106 income, expenditure and unspent balance

Expenditure type	Contributions received 1 April 2014 to 30 September 2014	Total amount spent 1 April 2014 to 30 September 2014	Total value of unspent contributions as at 30 September 2014	Comments
Recreation enhancement	£192,513.03	£104,576.49	£590,460.59	£83,277.14 paid upfront and can't be allocated until commencement of development. £175,971.33 allocated, with work in progress to allocate the remaining unallocated contributions – ward members will be consulted shortly.
Recreation maintenance	-	-	£159,287.12	All allocated to maintenance of transferred land. The balance includes interest earned.
Local Nature Reserves	-	£12,139.88	£140,014.27	All allocated.
Roch Valley Greenway maintenance fund & repair and maintenance of goyt	-	-	£130,823.00	Awaiting transfer of land.
Shrewsbury House Woodland contribution	-	-	£3,000.00	To be used to improve and enhance existing woodland in the locality of Shrewsbury House, Prestwich
Public art	-	£25,847.00	£215,718.54	£37,000 allocated to Kirklees Valley using Olives Valley contribution and plans progressing to allocate a further £100,000, all ring fenced. The majority of expenditure in the past 6 months was on the sculpture centre entrance art work.
Employment enabling works	-	£14,580.00	£827,875.72	£54,926.46 allocated, remainder ring fenced.

Affordable Housing	-	-	£901,036.25	£617,000 allocated to bring empty properties back into use as affordable housing across the Borough, remainder ring fenced for AH.
Clerke Street study	-	-	£16,600.00	Contribution to a study to identify a reuse or redevelopment scheme for land at Clerke Street. A project group has been established to progress this study, and survey work has been commissioned.
Highways	£35,780.85		£45,780.85	£35,780.85 received for improvements to Redford Street, Bury.
Public Realm	-	-	£10,000.00	Contribution for public realm improvements to improve the linkages between Aldi and Prestwich town centre.
TOTAL	£228,293.88	£157,143.37	£3,040,596.34	

Please note that the figures in the table above represent a snap shot in time and may not be entirely consistent with previous reports as expenditure from S106 contributions is confirmed at financial year end and interest is added to the balance. Income figures are based on the six month period from 1 April 2014 and 30 September 2014, and total balances are as at 30 September 2014.

Recreation

2.6 In the six months from 1 April 2014 to 30 September 2014 £104,576.49 of recreation contributions has been spent. This has gone towards improvements at a number of sites including

- play areas at Manchester Road Park, Coronation Park, Ramsbottom baths, Close Park, Snape Street, Bright Street, Broad Oak and Brandlesholme;
- Openshaw Park,
- Woodhill ball zone,
- Bolton Road West ball zone and play area,
- fencing at Broad Oak playing field,
- fencing at Radcliffe skate park,
- improvement work at Whalley Road / Fern Street Allotments, and
- Whitehead Park, Close Park and Black Lane bowling greens and pavilions.

Works have also taken place at many of the Borough's Green Flag parks.

2.7 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, improvements to parks, bowling facilities and allotments. The priority is to ensure that S106 recreation contributions are allocated within the area where the development

took place. Potential project ideas are identified based on Green Space Strategy, the Play Strategy, local priorities, opportunities for maximising the money by attracting external funding, etc. Ward Councillors are consulted in writing, and feedback from them informs the final list of schemes. The last consultation took place during the summer, and the next is due around the end of November.

- 2.8 In addition, a riverside park is also being provided on site as part of the mixed use residential and employment development of land at Durers Lane and Morris Street, secured through a S106 Agreement.

Local Nature Reserves

- 2.9 From 1 April to 30 September 2014, £12,139.88 of S106 contributions from developments at Kirklees Bleachworks, Olives Paper Mill and Radcliffe Paper Mill has been used, as specified in the agreements, to improve the adjacent natural environment. This funding has supported the development of Local Nature Reserves, including physical works and the time charges of a Project Officer. The LNR officer is currently undertaking projects in the Kirklees Valley LNR and at a proposed LNR at Chapelfield, Radcliffe.
- 2.10 In the Kirklees Valley, £30,129.75 of s106 contributions, including those from the Kirklees Bleachworks redevelopment, have been committed as match funding in a successful application for £120,519.00 of Woodland Improvement Grant from the Forestry Commission (total scheme value £150,648.75, 20% match funded through s106). Implementation of the grant-aided improvement work has now commenced, including approximately 400 metres of new footpath surfacing and a self closing kissing gate, and improvement of access for fishing around Carcass Lodges, Kirklees Street (the expenditure took place after 30 September and will be reported in the next update). A preliminary assessment of the reservoirs inherited as part of the s106 Kirklees land transfer, at an estimated cost of £5,750 has also been commissioned from s106 contributions.
- 2.11 In October 2014 Planning Control Committee resolved to declare land at Chapelfield, formerly belonging to the former Radcliffe Paper Mill, as the Borough's sixth Local Nature Reserve. The Local Nature Reserves officer has already led community task days with local volunteers, and as previously reported £2,150 of S106 contributions has been used to install a pond dipping platform. Draft proposals have been drawn up for improvements, particularly at entrances to the site and it is intended to seek additional external funding for the work, using the s106 contributions as match funding.

Public Art

- 2.12 In relation to provision of public art projects, £22,247.00 has been spent on the sculpture centre entrance art work. £2,700 has been spent on preparation of a brief and project management for art work for the frontage of Clarence Park. £900 has been spent on project management to use S106 contributions to provide public art connected to the Wharfside / Bury Boot and Shoe development. A proposal by the artist Hillary Jack has also been commissioned for the Kirklees Trail using the Olives Paper Mill contribution and is due to be installed in late Spring 2015. Early discussions are also taking place for a proposal for Library Gardens, to replace the broken fountain.

- 2.13 New Government guidance has been published which advises that planning obligations should no longer be sought for public art, as it is not considered necessary to make a development acceptable in planning terms. As a result, financial contributions for public art are no longer being sought for new planning applications.

Employment Enabling Works

- 2.14 A total of £201,643.15 of expenditure from the Employment Land Development Fund has been agreed by the Executive Director in consultation with the Resources and Regulation Portfolio Holder, following recommendations from the Strategic Sites Officers Group with direction from the Strategic Sites Members Group. As of 30 September 2014, £146,716.69 of the allocated funds has been spent. £62,461.15 has been approved for promotion of Chamberhall, removal of Japanese Knotweed, tree thinning to assist with the formation of development plots and marketing of the site. £12,000 has been allocated to Townside for marketing and site investigation work. £127,182 spending has been approved for Bradley Fold, as a contribution to demolition of existing dilapidated buildings and site preparation to create development opportunities and for site investigations / feasibility work.
- 2.15 Of the agreed expenditure, £36,455.03 has been spent to date at Chamberhall on marketing and weed and tree eradication (£830 of this in the past 6 months). £2,300 has been spent to date at Townside on topographical and environmental surveys (none in the past 6 months). £107,961.66 has been spent at Bradley Fold on demolition and feasibility work (£13,750 in the past 6 months).

Affordable Housing

- 2.16 Section 106 Agreements have also required developers to make provision on site for affordable housing. As of 30 September 2014 171 affordable dwellings have been identified as completed as a result of planning policy requirements through S106 agreements since the adoption of SPG5 in 2004. To date, 137 of these have been sold, rented out or are under offer to people on the Affordable Housing Scheme. In addition, some of these properties have been subsequently re-sold, re-let or are under offer, again to households on the Affordable Housing Scheme.
- 2.17 Since the previous report, St. Vincent's Housing Association have also completed 2 affordable units at Fir Street, Ramsbottom.
- 2.18 The planning agreements allow the affordable housing units to be sold on the open market in certain circumstances, subject to 25% of the sale proceeds being given to the Council to spend on affordable housing elsewhere. 34 properties to date have been sold this way, amounting to £901,036.25 in commuted sum payments being received for affordable housing. These contributions will be spent in accordance with Bury's Affordable Housing Strategy 2011-2016, which identifies a range of initiatives for expenditure. Spending of Affordable Housing contributions will be agreed by an officer group comprising of representatives from Planning and Housing Strategy, taking into account views of Portfolio Holders, and must be in accordance with the terms of each Section 106 Agreement.
- 2.19 In August 2012 Cabinet agreed to spend £617,000 of the monies received on bringing empty properties back into use as affordable housing in the Radcliffe area, as a pilot exercise working with Registered Providers. However, funding for the Radcliffe pilot was secured from the HCA, who have also committed to further funding to increase the number of empty properties to be brought back into use in Radcliffe. As a result, in September 2014 Cabinet agreed to approve

the use of the £617,000 of commuted sums in other townships across the Borough, providing the reallocation of resources does not detrimentally affect the outcomes of the Radcliffe pilot. This work will help reduce the number of long term empty properties and provide additional affordable housing.

Highways

- 2.20 £35,780.85 has been received for improvements to Redford Street, Bury, required as a result of the redevelopment of the former Elton Cop Dyeworks on Walshaw Road. Construction on this site is currently ongoing, and the contribution must be spent or committed for expenditure within twelve months from the date of occupation of the final unit in the development.
- 2.21 Plans are also progressing to use the £10,000 Fletcher Bank contribution for the installation of vehicle activated signs on the A56 Manchester Road / Whalley Road. It is anticipated that the first of two signs will be installed before the end of this financial year, with the second sign to follow in 2015/16 following selection of a suitable site.

3.0 Outstanding Obligations

- 3.1 A list of all outstanding obligations is attached to this report at Appendix C. These are divided into those where triggers have been reached (Appendix C – Part 1), identifying the actions that are being taken to recover overdue contributions and non-financial obligations; and those where triggers have not yet been reached, for example because development has not started or insufficient dwellings have been completed (Appendix C – Part 2).

Outstanding S106 obligations where triggers have been reached

- 3.2 In summary, 16 developments have been identified as having outstanding obligations that are now due. Of these, 13 require financial contributions, totalling £74,218.99 (compared to £78,062.43 outstanding in the June 2014 report). These contributions can be broken down as shown in the table below:

Requirement	Total amount negotiated
Recreation	£33,630.67
Public art	£11,000.00
Wildlife link maintenance contribution (due when the land is transferred)	£29,588.32
TOTAL	£74,218.99

- 3.3 In addition, the provision of on-site public art is outstanding on two schemes, transfer of land from five schemes, and landscaping works and provision of paths are also due. The outstanding contributions and on-site provisions are being pursued initially by contacting the parties involved and, if necessary, debt recovery proceedings or court injunctions will be considered. Dealing with transfers of land required through a s106 can be a lengthy process, as outstanding issues may need to be resolved before the land can be transferred.

Section 106 Agreements not yet triggered

- 3.4 Appendix C Part 2 provides details of development sites where S106 obligations have been negotiated as part of the planning approval process, but the triggers have not yet been reached, for example because development has not yet commenced or insufficient dwellings have been completed.
- 3.5 The total sum of financial contributions required under these Agreements is around £1.9 million. It is important to note that these developments may not all proceed as planned and there is, therefore, no guarantee that these funds

will ever be received. The terms of each Section 106 obligation will also specify how these funds can be spent. These contributions can be broken down as shown in the table overleaf:

Requirement	Total amount negotiated
Recreation	£992,905.82
Transport	£250,200.00
Footpaths	£20,000.00
Canal restoration contribution	£120,000.00
Ecology	£57,000.00
Affordable Housing contribution	£346,000.00
Local heat network study contribution	£32,000.00
Education contribution	£110,285.00
TOTAL	£1,928,390.82

3.6 In relation to non-financial contributions, these agreements require the following:

- 87 affordable dwellings, plus a further 68 affordable dwellings on housing association developments;
- Leachate management, aftercare / restoration of tip and reinstatement of public access following restoration at Pilsworth;
- Riverside walkway at the East Lancashire Paper Mill site;
- Metrolink crossing at Townside, subject to obtaining necessary consents;
- Occupation restricted to persons over 55;
- Relocation of Tetrosyl from Bevis Green to a site within the Borough, otherwise a financial contribution for loss of employment land will be payable;
- Restrictions on number of vehicles and fishing pegs at Elton Vale Road, Bury;
- Provision of a cycle path and implementation of an ecological management plan at Spen Moor, Bury;
- Phased / linked development of refurbishment of Shrewsbury House with the new build units.

3.7 We will continue to monitor these developments to ensure that we secure the payments / provisions as and when they are required by the S106 agreement.

4.0 Restrictions on pooling of S106 contributions

4.1 The Community Infrastructure Levy Regulations have imposed new restrictions on pooling S106 contributions which will come into effect from 6 April 2015. These restrictions will prevent the pooling of more than five S106 contributions for a specific project or type of infrastructure. The current system of collecting generic 'recreation' or 'employment' contributions will no longer be permitted.

4.2 In order to continue to collect S106 recreation or employment contributions, the Council will have to identify in the S106 agreement, exactly what project the contribution will be spent on, and can then pool up to five contributions for each individual project. This approach is considerably less flexible than the current system, and presents a number of challenges for the Council. Further details of the proposed approach will be reported to PCC in advance of 6 April 2015.

4.3 Non-financial S106 obligations, such as on site provision of paths and transfers of land will be unaffected, and maintenance contributions are tied to specific areas of land so are unlikely to reach the pooling limits. The restrictions do not apply to affordable housing contributions.

5.0 Conclusion

- 5.1 Section 106 obligations have led to significant investment and improvement across the Borough, and the role of Planning in securing financial contributions and non-financial achievements should be noted.
 - 5.2 The proactive approach to ensuring S106 obligations are complied with has resulted in success in recovering outstanding contributions, and enabled prompt identification when triggers have been reached on new developments. This approach will continue, and should ensure that developers deliver their obligations. Where necessary and appropriate, legal action will be taken to ensure compliance with S106 obligations.
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List of Background Papers:-

Appendix A – Schemes provided via Section 106 commuted sums

Appendix B – Obligations complied with 1 April 2014 – 30 September 2014

Appendix C – Outstanding obligations

Contact Details:-

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APPENDIX A – SCHEMES PROVIDED VIA S106 COMMUTED SUMS

Type of contribution	Scheme provided / location	Money spent 1 April 2014 – 30 September 2014
Recreation	Manchester Road Park Play Area	£5,766.15
Recreation	St. Mary's Flower Park	£133.57
Recreation	Openshaw Park	£1,180.00
Recreation	Kirklees Lodge	£770.00
Recreation	Bolton Road Park (Green Flag)	£4,450.00
Recreation	Close Park (Green Flag)	£3,124.12
Recreation	Coronation Park (Green Flag)	£2,350.00
Recreation	Town Meadow (Green Flag)	£1,687.50
Recreation	Nuttall Park (Green Flag)	£1,687.50
Recreation	Manchester Road Park (Green Flag)	£4,000.00
Recreation	Hoyles Park (Green Flag)	£1,687.50
Recreation	Clarence Park (Green Flag)	£1,687.50
Recreation	Coronation Park play area and safety surface	£7,015.00
Recreation	Radcliffe Skate Park fence	£885.00
Recreation	Close Park play area safety surface and painting	£2,100.00
Recreation	Snape Street play area safety surface and painting	£1,200.00
Recreation	Bright Street play area safety surface and painting	£2,605.00
Recreation	Ramsbottom play area	£1,950.00
Recreation	Woodhill Ball Zone	£7,370.00
Recreation	Bolton Road West	£11,660.00
Recreation	Whitehead Park bowling pavilion	£5,000.00
Recreation	Whaley Rd / Fern St allotment improvements	£3,033.00
Recreation	Close Park bowling pavilion	£2,404.65
Recreation	Broad Oak playing field fencing	£780.00
Recreation	Broad Oak play area and ball zone	£2,000.00
Recreation	Brandlesholme Play Area	£10,755.00
Recreation	Black Lane Bowling Green	£4,795.00
Recreation	SAPAS club development officer	£12,500.00
Public art	Bury Sculpture Centre entrance art work	£22,247.00
Public art	Bury Boot and Shoe project management	£900.00
Public art	Clarence Park frontage project management	£2,700.00
Local Nature Reserves	Local Nature Reserves Officer	£12,139.88
Employment	Chamberhall tree survey	£270.00
Employment	Chamberhall weed eradication	£560.00
Employment	Bradley Fold redevelopment feasibility study	£13,750.00
TOTAL		£157,143.37

APPENDIX B – OBLIGATIONS COMPLIED WITH

1 APRIL – 30 SEPTEMBER 2014

Application	Site	Description	Obligation complied with
57140	Bank Top Farm, Moorbottom Road, Holcombe, Bury, BL8 4NP	Conversion of barn to 1 no. dwelling (part retrospective)	£3,421.33 recreation contribution paid 22/4/14
57088	Land to the rear of 24-26 Moyse Avenue Tottington	Erection of 4 dwellings.	£12,841.10 recreation contribution paid upfront 13/5/14. Cannot be spent or committed until commencement.
57163	Gable end of North Block, Dunsters Court, Bury, BL8 1PN	Erection of bungalow.	£2,886.29 recreation contribution paid upfront 13/5/14. Cannot be spent or committed until commencement.
57388	Ribblesdale House, 7 Market Place, Bury	Change of use of first and second floors from medical centre (Class D1) to 8 no. flats (Class C3).	£13,678.90 recreation contribution paid 10/7/14
56891	Clough Saw Mills, Gardner Road, Prestwich	Demolition of existing building and erection of 17 no. Dwellings.	£54,024.82 recreation contribution paid 30/7/14
55956	32 Ashbourne Grove, Whitefield	Demolition of existing dwelling and erection of 2 no. detached dwellings.	£3,421.33 recreation contribution paid 8/8/14
55312	Former Elton Cop Dye Works, Walshaw Road, Bury	Residential development comprising of 111 dwellings, access and associated works	£35,780.85 highways contribution for improvements to Redford Street paid August 2014.
57757	38 Walmersley Road, Bury, BL9 6DP	Change of use of first floor of restaurant (A3) to 2-bed residential flat (C3).	£1,709.86 recreation contribution paid upfront 17/9/14. Cannot be spent or committed until commencement.
57198	Land at rear of 353-365 and Beechwood Bungalow, Bury Road, Tottington	Residential development - 30 dwellings	£100,529.40 recreation contribution paid 4/9/14

Contributions received after 30th September 2014 are not included in the total values received or unspent in Table 1 of the main report, to simplify the collation of data from the Council's financial systems.

Contributions received after 30 September 2014

Application	Site	Description	Obligation complied with
57852	Land at 2 Kestrel Close, Whitefield	Erection of new two storey dwelling.	£3,421.33 recreation contribution paid upfront 8/10/14. Cannot be spent or committed until commencement.
56973	Manor House, Fletcher Fold, Bury	Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages	£10,264.00 recreation contribution paid 8/10/14 for retrospective part of the application. Further £6,842.67 due on commencement of the 4 th dwelling.

57104	Land south of Westgate Avenue, Ramsbottom	Demolition of existing buildings and construction of 6 semi-detached houses and 2 detached houses.	£26,104.32 recreation contribution paid 27/10/14.
57712	9 Parkwood Cottages, Old Hall Lane, Prestwich	Change of use from 'granny flat' to separate dwelling and installation of decking area and 2 conservation roof lights.	£3,421.33 paid upfront 28/10/14. Cannot be spent or committed until commencement.

APPENDIX C – OUTSTANDING OBLIGATIONS

Part 1: S106 obligations where triggers have been reached

Application	Site	Description	Outstanding Obligations	Action
36632, 40345	Land off Gigg Lane, Bury	152 dwellings	Transfer of land	The boundary of the land was incorrect on the original S106 agreement so the transfer of land was unsuccessful. Efforts to progress the transfer of land are ongoing.
38312, 39060, 49447, 53180, 53263	Land east of Brandlesholme Road and west of Woodhill Road, Bury	38312: 2 dwellings 39060: 5 detached houses 49447: 3 detached houses 53180: 2 detached dwellings 53263: Change of use from public open space to domestic garden.	The S106 requires the provision of recreational path / cycleway link, landscaping, transfer of wildlife corridor following completion of landscaping works, maintenance and ongoing access rights. The recreational path has been surfaced but the landscaping works have not been completed.	Ongoing dialogue with the developer.
38586, 40942	Former Bibby and Baron Premises, Dumers Lane, Bury	Residential and mixed use employment development	On site public art.	Need to consider whether it is expedient to take legal action.
40174	Former Garden Centre, Tottington Road, Bury (now known as Riverbank apartments), BL8 1JY	17 apartments	£5,563.76 recreation payment.	Developer is in liquidation. Need to consider whether it is expedient to take any further action.
40190	Former Sainsbury's Site, Fairfax Road, Prestwich	Demolition of existing buildings and new build mixed use development comprising of retail, food and drink and leisure on the ground floor	£1,779.60 recreation payment (underpayment - £51,608.40 has been received, but £53,388 was due).	Previous letters have been ignored. Need to consider whether it is expedient to take legal action.
40350	Rear of Brookshaw Street, Bury (now known as Clarence Close)	19 dwellings	£5,390.84 recreation payment (2 nd instalment).	Developer requested more time to investigate. Need to consider legal action.

Application	Site	Description	Outstanding Obligations	Action
40947	Manchester Maccabi AFC, Bury Old Road, Prestwich	Erection of sports clubhouse, 2 no. floodlit external all weather pitches, associated car parking, servicing and landscaping, ball stop fencing to grass pitches	£10,000 public art payment.	Payment remains outstanding.
43920	George Hotel, George Street, Prestwich (now known as Sedgley Gardens)	Retail development and 24 apartments	On site public art. £1,000 public art maintenance payment.	No art has been provided on site to date, however the developer has now had some discussions with the Council's arts officer regarding on site provision.
44967	Old Dunsters Farm, Hebburn Drive, Bury	Residential development – 22 no. apartments	£7,907.68 recreation payment due prior to occupation of the 11 th unit. £7,000 received to date.	Instigation of debt recovery action has resulted in an instalment plan of £500 per month being agreed, including the Council's costs and an interest contribution. £7,000 received to date.
49310, 52012	Former railway track off Ainsworth Road, Radcliffe	Erection of 13 dwellings (Phase 1)	£16,688.90 wildlife link maintenance contribution, formation of wildlife link and transfer of land, construction of a cycleway. Due prior to occupation of 11 dwellings.	Development completed. Recreation contribution has been paid, negotiations are underway regarding transfer of land, subject to satisfactory completion of cycleway and landscaping works.
50315, 52764	Former railway track, Ainsworth Road, Radcliffe	Erection of 10 no. dwellings (Phase 2)	£12,899.42 wildlife link maintenance contribution and transfer of land within 6 months of completion, construction of a cycleway, public access along road in absence of adoption.	Development completed. Recreation contribution has been paid, negotiations are underway regarding transfer of land, subject to satisfactory completion of cycleway and landscaping works.

Application	Site	Description	Outstanding Obligations	Action
49667 54802	Olives Paper Mill, Tottington Road, Bury	Development of 90 residential units including landscaping	<p>Transfer of recreation land due prior to occupation of the 45th dwelling.</p> <p>(Other obligations have been complied with or are not yet triggered).</p> <p>Payment of £25,000 brook link contribution when the Council has obtained the right to access the land on the northern side of the brook.</p> <p>Provision of Olive Bank and Brook Link.</p> <p>On site affordable housing – 18 units (in progress, financial contributions received in lieu of on site provision for 6 units)</p>	<p>The Council are in negotiation with Persimmon to secure the transfer of the recreation land.</p> <p>The brook link contribution and provision of the Brook Link will be due when a formal right to access the land has been obtained.</p>
52821, 55235	Land adjacent to 103 Walmersley Road, Bury	Erection of 11 no. flats in 3/4 storey block together with parking	£5,017.32 recreation payment due upon commencement.	Under construction. Contribution now due. Letter requesting payment sent 4/9/14, developer has requested additional time to pay.
55512	Birtle Barn, School House Farm, Castle Hill Road, Bury	Conversion of an existing barn to two storey dwelling including erection of carport and store.	£3,421.33 recreation contribution due on commencement.	Under construction. Contribution now due. Letter requesting payment sent 30/7/14. Owner has requested additional time to pay.
55987	The Crown Hotel, 128 Rochdale Road, Bury, BL9 7AY	Ground floor retail unit extension into former public house; Two storey extension at rear and creation of four flats at ground/first & second floor levels.	£5,129.59 recreation contribution due on commencement.	Under construction. Contribution now due.
57170	Land between 16 & 18 Ribble Drive, Whitefield, Manchester, M45 8WJ	Erection of 2 semi-detached dwellings (resubmission of 56495)	£6,420.55 recreation contribution due on commencement	Drainage work commenced October 2014. Contribution now due.

Part 2: S106 obligations not yet triggered

Application	Site	Description	Requirements	Current Status
39700, 53453	Pilsworth South Quarry	Extraction of sand, restoration to agriculture, woodland and amenity using controlled waste. Demolition of Hill Top and Captain's Farms and outline application for single two storey replacement dwelling.	£32,000 commuted sum to establish the feasibility of establishing a local heat network, due on commencement. Leachate management, aftercare / restoration of tip and reinstatement of public access following restoration.	Not commenced.
45274	Former P J Power Site, Millett Street, Bury, BL9 0JA	Demolition of offices & services yard; erection of 21 apartments in four storey block & new office accommodation within three storey block	£7,548.24 recreation payment due upon 1 st occupation.	Material start made. Site is currently on the market.
45598, 55901	Former East Lancs Papermill Site, Cock Clod Street, Radcliffe (Radcliffe Riverside)	Hybrid outline application for mixed use development comprising Class B1, B2, B8, industry, residential development, water feature, open space and full application for secondary school and highway infrastructure. Application 55901 extends the time limit for the outline element and condition 2 of the original application.	£37,000 ecological payment, £20,000 environmental monitoring payment, £196,440 Metrolink payment, £10,000 Irwell Bridge payment due prior to commencement (excluding preparatory works). Transfer of riverside walkway prior to occupation of 30% of the dwellings, and payment of £10,000 maintenance sum. £120,000 canal restoration payment and £53,760 GMPTE car park improvement prior to occupation of 60% of the dwelling. All payments index linked.	Not commenced.
47200	Townside Fields, Bury	Mixed use development	Layout and maintain footpaths and to use best endeavours to provide Metrolink crossing.	Development commenced. Some elements completed.
49718, 53800	Park Hotel, Lowther Road, Prestwich	Three storey block of thirty apartments with car parking and associated works. 53800: application for extension of time.	£14,396.40 recreation payment due upon 1 st occupation.	Not commenced.
49805 54303	Land between 78 Mile Lane and Mile Lane Health Centre, Bury	Outline application for sheltered accommodation for the elderly comprising of 14 units including wardens flat. 54303: application for extension of time.	Occupation restricted to persons over 55.	Not commenced, outline only.

Application	Site	Description	Requirements	Current Status
50058, 50948	Former Albert Inn, Ribble Drive, Whitefield, (Albert Place)	Erection of 6 retail units with 15 flats above; associated access, parking, servicing and landscaping.	£6,176.40 recreation payment due upon the sale of the 3 rd market unit. On site affordable housing – 7 dwellings.	Development nearing completion, none sold to date. Developer in receivership.
50775 54550	Former Thrush Hotel, Thrush Drive, Bury, BL9 6JD	14 no. dwellings with associated car parking and landscaping.	£13,674.08 recreation payment due in 3 phases, upon 1 st occupation of each block.	Not commenced.
51623	Former Elton Vale Works, Elton Vale Road, Bury	Residential development – 16 dwellings.	Ongoing requirement regarding reservoir maintenance.	Development completed.
53231	Holcombe Brook Tennis Club	Erection of 55 sheltered flats for the elderly.	£346,000 affordable housing contribution (plus additional index linked contribution) payable in instalments. First instalment due on occupation of the 13 th dwelling.	Not commenced.
53353	Whitefield House, Pinfold Lane, Whitefield	60-bed care home within ancillary clinic / rehab facilities, car parking and landscaping.	£50,000 recreation contribution due upon commencement.	Not commenced.
53562	12-22 Warwick Street, Prestwich	Demolition of existing building and erection of 4 no. 2-bed houses, 4 no. 3-bed houses and 4 no. 2-bed houses.	£8,322.93 recreation payment due upon 1 st occupation. Restoration of footpath.	Under construction, none completed.
53629	York Street Mill, York Street, Bury	Conversion, extension and refurbishment existing mill building to create 24 apartment dwellings.	£10,946.88 recreation payment due prior to commencement. On site affordable housing – 6 dwellings.	Not commenced.
53762	Bevis Green Works (Tetrosyl), Mill Road, Bury, BL9 6RE	Outline residential development at Bevis Green (275 dwellings) with associated access, car parking, landscaping, and recreational open space shown illustratively.	Relocation of Tetrosyl to a site within the Borough, otherwise a financial contribution for loss of employment will be due if the site is to be redeveloped for residential.	Not commenced.
54148, 57016, 57019, 57024	Land at James Street / Johnson Street, Radcliffe	Residential development – 90 dwellings.	£99,427.14 recreation contribution payable in 2 instalments, on substantial completion of the 30 th and 70 th dwellings. 1 st instalment paid, 2 nd instalment not yet due. 6 affordable units on site, with potential for an overage payment dependent upon actual Gross Development Value.	Under construction. 55 dwellings completed. First instalment of £47,136.50 received 11/3/13.

Application	Site	Description	Requirements	Current Status
54717	Land at Elton Vale Road, Bury, BL8 2RZ	Residential development - 4 no. dwellings, 1 no. water bailiffs cottage and 2 no. units for temporary accommodation for fishing lodges	Restricted to 15 parked vehicles, 45 fishing pegs, advise fisheries users that they must not park in Elton Vale Road or Foulds Avenue, keep records of lettings for fishing lodges.	Under construction.
54804	Land to rear of 60 Sandy Lane, The Downs, Prestwich, Manchester, M25 9NB	Erection of 1 no. dwelling with detached garage	£3,421.33 recreation contribution due on commencement.	Not commenced.
54838	Land at 49 Rainsough Brow, Prestwich	Proposed 3 storey building consisting of 200sqm retail space at ground floor and 6 no. apartments at first and second floor level.	£10,259.18 due for recreation prior to or upon commencement.	Not commenced.
54975	Halter Inn Works, Holcombe Brook, Ramsbottom	Demolition of existing industrial buildings and erection of 3 detached dwellings.	£10,264 recreation contribution due on commencement.	Not commenced.
54993	7-9 Prestwich Park Road, Prestwich	Erection of one new dwelling.	£3,421.33 recreation contribution due on commencement.	May be under construction – site visit required.
55003	Land at Spen Moor, Bury and Bloton Road, Radcliffe, M26 0JZ	Outline - Residential development of 191 dwellings, creation of ecological enhancement ponds and access off Bury and Bolton Road	£67,594 education contribution due prior to occupation. Provision of cycle path. Implement ecological management plan.	Not commenced – outline application only.
55170	118 Rectory Lane, Prestwich, M25 1DJ	Mixed use development comprising of 2 storey building with a ground floor retail unit (Class A1) and 3 no. flats (Class C3) at first floor with associated car parking and service yard facility	£5,129.59 recreation contribution due on commencement.	Not commenced.
55175	The Rowans, 120 Tottington Road, Bury, BL8 1LR	Erection of two dwellings.	£6,420.55 recreation contribution due on commencement.	Not commenced.
55198	Land adjacent to 1 Ribchester Drive, Bury	Residential development of 5 no. 3-storey townhouses.	£14,431.44 recreation contribution due on commencement.	Not commenced.
55301	Tonge Fold, Hawkshaw Lane, Hawkshaw, Bury, BL8 4LD	Division of 1 dwelling into 2 dwellings; Single storey extension at rear	£2,886.29 recreation contribution due on commencement	Not commenced.

Application	Site	Description	Requirements	Current Status
55312	Former Elton Cop Dye Works, Walshaw Road, Bury, BL8 1NG	Residential development comprising of 111 dwellings, access and associated works	<p>£288,600 employment contribution paid. £35,780.85 highways contribution paid.</p> <p>Other obligations not yet triggered: £348,617.36 recreation contribution due in 2 installments prior to completion of the 60th and 90th units, 25% on site affordable housing (28 units).</p>	<p>The site is now under construction. The employment contribution was received on 10/5/13 and the highways contribution was received on 4/8/14.</p> <p>Other triggers not yet reached (57 dwellings completed as of July 2014). Need to visit site to identify whether 60 dwellings have now been completed.</p>
55374	Former Red Bank Health Centre, Unsworth Street, Radcliffe	Demolition of existing health centre and erection of 11 2-storey residential houses.	£32,397.14 recreation contribution due in 3 installments: £11,000 on commencement, £11,000 on occupation of the 5 th unit and £10,397.14 on occupation of the 8 th unit.	Not commenced.
55429	Workshop adjacent to 40 Manchester Road, Ramsbottom, Bury, BL0 0DH	Change of use and extension and alterations to workshop (Class B1) to form dwelling (Class C3) - resubmission	£3,421.33 recreation contribution due on commencement.	May be under construction – site visit required.
55580	194 Hornby Street, Bury, BL9 5BA	Change of use from offices (Class B2) to 2 no. flats (Class C3)	£3,419.73 recreation contribution due on commencement.	Not commenced.
55583	Land off Morris Street, Radcliffe, Manchester, M26 2HF	Erection of 14 no. three-storey dwellings with raised gardens, including extension to Morris Street and associated pedestrian footpaths.	£41,703.97 recreation contribution due on commencement, but only if the riverside park assoc with 55584 has not been landscaped, laid out and made available for use by the public.	Not commenced, but the riverside park has been provided.

Application	Site	Description	Requirements	Current Status
55584	Land at Dumers Lane and Morris Street, Radcliffe	Mixed use development comprising 11 x Class B1 (b), B1 (c) and B8 units totalling 3,368 sqm (GIA) of floorspace and 239 dwellings, riverside park and habitat creation scheme, associated land raising, access and estate roads, sub-station, landscaping and flood mitigation measures.	Phased completion of employment units (in progress), 24 units on-site affordable housing and affordable housing overage clause, on site recreation (riverside park).	Under construction. Practical completion of employment units signed off and riverside park provided.
55608	Old Bartles Farmhouse, Watling Street, Affetside, Bury	Conversion of building to dwelling and rebuild of garage on footprint of cart store; erection of stables to replace existing chicken shed	£3,421.33 recreation contribution due on commencement.	Not commenced.
55610	Huntley House, Chesham Fold Road, Bury	Erection of 4 no. dwellings (resubmission)	£12,841.10 recreation contribution due prior to commencement.	Not commenced.
55741	Thurston Fold Farm, Castle Road, Bury, BL9 8QS	Change of use and extension of existing barn building to 5 no. self contained dwellings together with removal of existing double-height garage and reinstatement of windows and erection of new porch to existing farmhouse (resubmission)	£14,431.44 recreation contribution due on commencement.	Not commenced.
55815	Woolpack Hotel, 5 Stand Lane, Radcliffe, Manchester, M26 1NW	Conversion, alteration & extension of existing public house and hotel to form 14 no. 1 & 2 bedroom apartments and associated works (resubmission of 55299)	£11,969.04 recreation contribution due on 1st occupation. Overage clause to require an additional contribution up to £11,969.04 depending on overall GDV.	Under construction. None completed.
55858	Shrewsbury House, Lowther Road, Prestwich, Manchester, M25 9QG	Refurbishment and extension of Shrewsbury House and construction of 4 no. detached dwellings with access and associated works.	£13,685.33 recreation (Paid), £3,000 woodland contribution (Paid), phased / linked development of refurbishment of Shrewsbury House with the new build units.	Under construction. None completed.
55915	Site of former Cussons Sons & Co Ltd, Kersal Vale Road, Prestwich, M7 0GL	Outline - residential development of 122 houses including means of access from Kersal Vale Road	£42,691 education contribution due on occupation of the 60th unit.	Not commenced.

Application	Site	Description	Requirements	Current Status
55938	Ramsbottom Cottage Hospital, Nuttall Lane, Ramsbottom, Bury, BL0 9JZ	Demolition of existing buildings and erection of 13 no. dwellings	£44,477.33 recreation contribution due prior to commencement.	Not commenced. Alternative application has been submitted (58022).
56201, 57487	Bankside Mill, Chapelfield, Radcliffe, M26 1JH	Demolition of existing mill and offices and erection of 14 no. dwellings with associated site access, parking and landscape works	£45,365.96 recreation contribution due prior to commencement.	Not commenced.
56276	Masons Arms, 241 Walmersley Old Road, Bury, BL9 6RU	Change of use from Public House to dwelling and 4no. new dwellings (Re submission)	£12,080.19 recreation contribution due on commencement.	Not commenced.
56466	Castle Leisure Centre, Bolton Street, Bury, BL9 0EZ	Outline application (Means of Access to be approved at outline stage) for demolition of existing on-site structures and development of up to 12,077 sq.m (130,000 sq.ft) gross Class A1 retail floorspace (provided by a single large foodstore unit together with the option for unit shops of a maximum of 1,850 sq.m, this floorspace being part of the 12,077sqm) with Petrol Filling Station, car parking, landscaping and other associated elements	Enabling agreement (Council owned site). S106 to be signed on completion of the transfer of the site from the Council to Ask Real Estate limiting foodstore maximum gross floor area of 10,227 sq.m; maximum net sales area of 6,136 sq.m.; maximum 4,357 sq.m. convenience goods; maximum 1,779 sq.m. comparison goods.	Not commenced. Outline application only.
56511	Black Moss Farm, Bolton Road, Radcliffe, Manchester, M26 3QG	Application to extend the time limit for implementation planning permission 52224 for demolition of storage/workshop buildings, erection of block of 7 terraced houses and associated parking area	£20,204.01 recreation contribution due on commencement.	Not commenced.
56781	Land at 1 Woodhill Drive, Prestwich, Manchester M25 0BD	Erection of 1 detached dwelling.	£3,421.33 recreation contribution due on commencement.	Not commenced.
56874	Land at Hazel Street/Bolton Road West, Ramsbottom, Bury, BL0 9PT	Residential development – 46 dwellings.	All units to be affordable housing.	Under construction. None completed.

Application	Site	Description	Requirements	Current Status
56899	Site of former petrol station, adjacent 253 Bury and Bolton Road, Radcliffe, Manchester, M26 4FP	Erection of 2 no. semi detached dwellings	£6,420.55 recreation contribution due on commencement.	Not commenced.
56925	Plot No. 2 Ringley Chase, Whitefield, Manchester, M45 7UA	Erection of detached dormer bungalow with existing hard standing for car parking and maintaining the existing vehicular access to the site with associated landscaping.	£3,421.33 recreation contribution due on commencement.	Not commenced.
56953	Land at rear of Keswick Drive/Derwent Drive, Bury, BL9 9LT	Erection of 6 no. dwellings	All units to be affordable housing.	Not commenced.
56965	Former Chapel, Chapel Road, Prestwich, Manchester, M25 9SS	Demolition of existing chapel and erection of 4 no. dwellings and creation of 4 no. parking spaces.	£11,545.15 recreation contribution due on commencement.	Not commenced.
56973	Manor House, Fletcher Fold, Bury, BL9 9RT	Erection of 3 no. dwellings and garages (retrospective); Erection of 2 no. dwellings and garages	1 st instalment of £10,264 paid 8/10/14. Further £6,752.67 due on Commencement of the 4 th dwelling.	Under construction.
57089	Land at Hunt Fold House, off Hayfield Close, Greenmount, Bury BL8 4HU	Erection of 1 no. bungalow	£3421.33 recreation contribution due on commencement	Not commenced.
57097	Site of former Beech Grove, Danesmoor Drive, Bury, BL9 6HA	Erection of 16 no. independent living apartments for the over 55's and 3 no. bungalows with shared communal space and creation of 11 no. car parking spaces.	Enabling agreement (Council owned site) requires S106 to be signed when site is transferred. All units to be affordable housing.	Not commenced.
57162	Former Bank Lane Friendly Burial Society building, Spring Street, Shuttleworth, Ramsbottom, Bury, BL0 0DS	Conversion of building and external alterations to form 2 no. dwellings	£6,420.55 recreation contribution due on commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
57198	Land at rear of 353-365 and Beechwood Bungalow, Bury Road, Tottington, Bury, BL8 3DS	Residential development - 30 dwellings	£100,529.40 recreation contribution paid 4/9/14. Affordable housing to be provided on site (8 dwellings) alongside completion of the other dwellings.	Under construction
57255	Land off Radcliffe Road/Inglewhite Close, Bury, BL9 9JT	Erection of 34 no. dwellings (resubmission)	£55,000 recreation contribution due prior to or upon commencement. 8 affordable dwellings on site, 25% discount.	Not commenced.
57317	Land adjacent to Hardman Fold Farm, Hardman Street, Radcliffe, Manchester, M26 4GY	Erection of 1 no. detached dwelling	£3421.33 recreation contribution due prior to or upon commencement	Not commenced.
57340	Land at rear of 62 Peveril Close, Whitefield, Manchester, M45 6NR	Erection of detached dwelling	£3421.33 recreation contribution due on commencement	Not commenced.
57379	Land between Kenyon Lane and Henry Street, Prestwich, Manchester, M25 1HY	Erection of 6 no. dwellings	Recreation contribution due in 2 installments: £8982.85 on commencement; £8982.85 on 1st occupation.	Not commenced.
57459	Land at Heap Street, Radcliffe, Manchester M26 2SZ	Erection of 2 no.dwellings	£6,420.55 recreation contribution due on commencement	Not commenced.
57464	Land off Kingswood Road, Prestwich, Manchester, M25 3BP	Demolition of existing buildings for residential development of 6 detached and 18 semi-detached houses with associated external works.	Recreation contribution in 3 instalments: £26,104.31 on commencement, £26,104.31 on completion of the 1st and £26,104.32 on completion of the 10th unit	Not commenced.
57508	Spenside, Bury and Bolton Road, Radcliffe, Manchester, M26 4LA	Erection of 4 no. detached dwellings.	£13,685.33 recreation contribution due on commencement.	Not commenced.

Application	Site	Description	Requirements	Current Status
57524	Land off Hollinhurst Road, Radcliffe, Manchester, M26 1LF	Erection of 4 no.dwellings	£11,545.15 recreation contribution due on commencement	Not commenced.