

# REPORT FOR DECISION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>24 JUNE 2014</b>
<b>SUBJECT:</b>	<b>SECTION 106 OBLIGATIONS</b>
<b>REPORT FROM:</b>	<b>DEVELOPMENT MANAGER</b>
<b>CONTACT OFFICER:</b>	<b>PHILIPPA GIBBON</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	The report outlines the contributions made by S106 obligations since 1 October 2013 and summarises agreements that are outstanding.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the report.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? N/A
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	N/A
<b>Considered by Monitoring Officer:</b>	N/A
<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

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

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## 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 Section 106 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 Section 106 obligations in the 6 months since the previous report to PCC in November 2013 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<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014 at Appendix B.
- 2.2 Table 1 below identifies contributions received in the six months from 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014, and unspent contributions as at 31<sup>st</sup> March 2014.
- 2.3 Over the six month period from 1<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014 a total of **£282,442.75** has been collected from 16 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 31<sup>st</sup> March 2014 is also included in the table below, and currently stands at **£2,969,445.83**. 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 1<sup>st</sup> April 2014 a further £16,262.43 of recreation contributions has been received from two 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 <sup>st</sup> October 2013 and 31 <sup>st</sup> March 2014	Total amount spent 1 <sup>st</sup> October 2013 and 31 <sup>st</sup> March 2014	Total value of unspent contributions as at 31 <sup>st</sup> March 2014	Comments
Recreation enhancement	£55,992.75	£181,066.96	£502,524.05	£113,288.12 paid upfront and can't be allocated until commencement of development. £231,792.25 allocated, with work in progress to allocate the remaining unallocated contributions. The balance includes interest earned (£5,728.92 in 2013/14).
Recreation maintenance	-	-	£159,287.12	All allocated to maintenance of transferred land. The balance includes interest earned (£1,515.87 in 2013/14).
Local Nature Reserves	-	£12,292.99	£152,154.15	All allocated.
Roch Valley Greenway maintenance fund & repair and maintenance of govt	-	-	£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	-	£14,000.00	£241,565.54	£40,000 allocated to Brandlesholme area using Olives Valley contribution and plans progressing to allocate a further £100,000, all ring fenced. The balance includes interest earned (£2,089.76 2013/14).
Employment enabling works	£65,000.00	£38,316.53	£842,455.72	£69,145.31 allocated, remainder ring fenced.

Affordable Housing	£141,450.00	-	£901,036.25	£617,000 allocated to bring empty properties back into use as affordable housing in Radcliffe, 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	£10,000.00		£10,000.00	Contribution towards vehicle activated signs at Fletcher Bank Quarry.
Public Realm	£10,000.00	-	£10,000.00	Contribution for public realm improvements to improve the linkages between Aldi and Prestwich town centre.
<b>TOTAL</b>	<b>£282,442.75</b>	<b>£245,676.48</b>	<b>£2,969,445.83</b>	

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<sup>st</sup> October 2013 and 31<sup>st</sup> March 2014, and total balances are as at 31<sup>st</sup> March 2014.

## Recreation

- 2.6 In the six months from 1<sup>st</sup> October 2013 to 31<sup>st</sup> March 2014 £181,066.96 recreation contributions has been spent. This has gone towards improvements at a number of play areas, fencing at Broad Oak playing field and Radcliffe skate park and improvement work at Whaley Road / Fern Street Allotments, Clarence Park, Whitehead Garden, St Mary's flower park and the ball zone and tennis courts at Bolton Road Park, Radcliffe.
- 2.7 At Bolton Road West, Ramsbottom contributions have been used to fund improvements to the ball zone and play area, allotment paths and towards the changing pavilion extension, which was mainly funded through a grant obtained by Ramsbottom United Junior Football Club, with some S106 as match funding.
- 2.8 £59,500 of the S106 recreation expenditure has been used as match funding for part of the "I Will If You Will" project and has been used for works at the tennis courts at Manchester Road Park, Whitefield Park, Bolton Road Park, Clarence Park and Whitehead Park, as well as outdoor gyms at Clarence Park, Whitehead Park and Close Park.

- 2.9 In terms of future spending, funding has also been allocated to a number of projects across the Borough, including works to play areas, 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.
- 2.10 In addition, a riverside park is also being provided on site as part of the mixed use residential and employment development of land at Dumers Lane and Morris Street, secured through a S106 Agreement.

### **Local Nature Reserves**

- 2.11 From 1<sup>st</sup> October 2013 to 31<sup>st</sup> March 2014, £9,672.99 of S106 Local Nature Reserve funding has been used to support the employment of the Local Nature Reserves Officer as provided for through contributions from developments at Kirklees Bleachworks, Olives Paper Mill and Radcliffe Paper Mill. The LNR officer is undertaking projects in the Kirklees Valley LNR and at Chapelfield, Radcliffe.
- 2.12 In the Kirklees Valley, £220 of S106 contributions has gone towards funding the Woolfold Gap Project. £250.00 has been spent on timber to provide benches along the footpath. In terms of future spending plans, a preliminary reservoir assessment has been commissioned using contributions from Kirklees Bleachworks to assess the need and opportunities for future works to the reservoirs. £32,165.10 of S106 LNR funding has also been committed as match funding to secure a Forestry Commission Woodland Improvement Grant for the Kirklees Valley. The total value of the project is £120,000 and will incorporate access / footpath improvement works, entrance redesign, signage and treatment of Himalayan balsam and Japanese knotweed.
- 2.13 Plans are progressing to turn land at Chapelfield which belonged to the former Radcliffe Paper Mill into the Borough's newest Local Nature Reserve. The Chapelfield LNR project will be funded by s106 contributions from the former Radcliffe Paper Mill site. The Local Nature Reserves officer has led community task days with local volunteers, and £2,150 of S106 contributions have been used to install a pond dipping platform. The transfer a parcel of land on Crompton Close which will form an entrance to this side of the site is in progress and needs to be completed before the Local Nature Reserve can be formally declared. S106 contributions have been committed to entrance signage, benches and footpaths to improve access to the nature reserve.

### **Public Art**

- 2.14 In relation to provision of public art projects, £14,000 has been spent on the Irwell Valley Sculpture Trail in the last six months. Early work is taking place to use S106 contributions to provide public art connected to the Wharfside / Bury Boot and Shoe development (a £35,000 public art contribution was received for this development) and the Olives Paper Mill Scheme (a £40,000 public art contribution was received for this site). The artwork could potentially be provided on Brandlesholme Road end of Kirklees Trail which is close to both of these sites.

### **Employment Enabling Works**

- 2.15 The S106 contribution of £65,000 for Roach Packing, Scobell Street, Tottington was triggered by commencement of the development and has been paid.

- 2.16 A total of £201,282.00 of expenditure from the Employment Land Development Fund has been agreed by the Executive Director in consultation with the Environment and Economy Portfolio Holder, following recommendations from the Strategic Sites Officers Group with direction from the Strategic Sites Members Group. As of 31<sup>st</sup> March 2014, £132,136.69 of the allocated funds has been spent. £62,100 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.
- 2.17 Of the agreed expenditure, £35,625.03 has been spent to date at Chamberhall on marketing and weed and tree eradication (£12,550 of this in the past 6 months). £2,300 has been spent to date at Townside on topographical and environmental surveys (£1,530 in the last 6 months). £94,211.66 has been spent at Bradley Fold on demolition and feasibility work (£24,236.53 in the past 6 months).
- 2.18 As part of the S106 agreement requirements, practical completion of the employment development on land at Dumers Lane and Morris Street, Radcliffe has also been achieved. This was required because the site falls within an Employment Generating Area, and ensured that the employment opportunities were delivered on a phased basis alongside the housing development.

### **Affordable Housing**

- 2.19 Section 106 agreements have also required developers to make provision on site for affordable housing. As of 1<sup>st</sup> April 2014 167 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, 132 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.
- 2.20 In addition, St Vincent's Housing Association completed four affordable housing schemes in 2013/14 - 9 affordable units at Elton Square in Bury, 9 affordable units at Abingdon and Heathfield garage colonies in Whitefield, 4 affordable units at Taggwood/Hillside garage colonies in Ramsbottom and 10 affordable units on Otter Drive in Bury. A scheme at St. Mary's Court, Prestwich for 11 affordable units developed by Great Places Housing Association was also completed in 2013/14.
- 2.21 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. Cabinet has agreed to spend £617,000 of the monies received on bringing empty properties back into use as affordable

housing in the Radcliffe area. This is a pilot exercise, working with Registered Providers, and if successful will be rolled out across the Borough to help reduce the number of long term empty properties and provide additional affordable housing.

- 2.22 Since November 2013, a contribution has been received for a property on Stonemere Drive, and the Council has successfully recovered outstanding contributions for five properties at Wilton Park, Radcliffe after commencing legal action against the developer.

### **Other Contributions**

- 2.23 £10,000 has been received from the Aldi development in Prestwich for public realm improvements for the purposes of improving linkages between the site and the town centre and to support the objectives of the 'Love Prestwich' town centre strategy. The intention is to use this contribution to support the wider Bury New Road highway improvement scheme.
- 2.24 £10,000 has also been received as a contribution towards the provision of vehicle activated signs on Manchester Road / Whalley Road, as required by the 2006 planning permission at Fletcher Bank Quarry.

## **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, 18 developments have been identified as having outstanding obligations that are now due. Of these, 13 require financial contributions, totalling £78,062.43 (compared to £236,170.70 outstanding in the November 2013 report). These contributions can be broken down as shown in the table below:

Requirement	Total amount negotiated
Recreation	£37,474.11
Public art	£11,000.00
Wildlife link maintenance contribution (due when the land is transferred)	£29,588.32
<b>TOTAL</b>	<b>£78,062.43</b>

- 3.3 Six of the recreation contributions have only very recently been identified as having commenced and will now be requested from the developers.
- 3.4 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

- 3.5 Appendix C Part 2 provides details of development sites where Section 106 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.
- 3.6 The total sum of financial contributions required under these Agreements is around £1.86 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 below:

Requirement	Total amount negotiated
Recreation	£889,118.83
Transport	£283,700.00
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
<b>TOTAL</b>	<b>£1,858,103.83</b>

- 3.7 In relation to non-financial contributions, these agreements require the following:
- 72 affordable dwellings, plus a further 46 affordable dwellings on a housing association development;
  - 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;
  - Restoration of a footpath at Warwick Street, Prestwich;
  - 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.
- 3.8 We will continue to monitor these developments to ensure that we secure the payments / provisions as and when they are required by the Section 106 agreement.

## 4.0 Community Infrastructure Levy

- 4.1 At present, new restrictions on the use of Section 106 obligations which will prevent the pooling of more than 5 contributions for a project, or type of infrastructure will come into effect from 1 April 2015. This will particularly affect the current procedures for recreation and employment contributions, but does not apply to affordable housing contributions.
- 4.2 When the new restrictions come into effect, the current practice of specifying that the contribution is to be spent on recreation in the locality of the development, but determining the particular project that the money is spent on



when the money is received will no longer be possible. The Council will have to consider whether the way that Section 106 Agreements are drawn up can be amended to overcome this restriction by identifying precisely how the contribution will be spent when the Agreement is signed. There is no government guidance at this stage as to whether this approach would be permitted.

- 4.3 The current system of S106 contributions for off-site provision of infrastructure could be replaced by the Community Infrastructure Levy in future, however at this stage, the Council has not yet determined if it will introduce a CIL charge. The CIL charge is less flexible than the current S106 system, as once the charge has been set there is no scope to negotiate. The level at which the charge is set must be based on viability evidence and evidence of a shortfall in funding for infrastructure across the Borough. In any event, before a Community Infrastructure Levy can be adopted, the Council must have up-to-date planning policies in place. This is progressing through the Core Strategy, which has been submitted and will be subject to a Public Examination in June 2014.

## **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 Section 106 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 Section 106 obligations.

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### **List of Background Papers:-**

Appendix A – Schemes provided via Section 106 commuted sums  
Appendix B – Obligations complied with 1 October 2013 – 31 March 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 October 2013 – 31 March 2014
Recreation	Broad Oak PF Fencing	£5,554.00
Recreation	Clarence Park Pavillion & Green	£5,000.00
Recreation	Ostrich Lane Play Area	£9,510.00
Recreation	Thatch Leach Lane Play Area	£12,759.00
Recreation	Whaley Rd/Fern St Allotments Improvements	£937.50
Recreation	Whitehead Garden Improvements Tottington	£2,420.00
Recreation	Dow Lane Play Area	£850.00
Recreation	Bolton Road West (Ramsbottom) – improvements to ball zone and play area, allotment paths and contribution towards changing pavilion extension	£24,707.02
Recreation	Bolton Road Park (Radcliffe) improvements to ball zone and tennis courts	£13,654.00
Recreation	Town Meadow PA & H & S repairs	£750.00
Recreation	Ramsbottom Play Area	£10,441.80
Recreation	Bright St PA safety surface & painting	£10,713.00
Recreation	Snape St PA safety surface & painting	£4,870.00
Recreation	Close Park PA safety surface & painting	£6,991.00
Recreation	Abden St PA safety surface	£2,733.00
Recreation	Radcliffe Skate Park fence	£1,984.00
Recreation	Coronation Park PA safety surface & fence	£7,408.00
Recreation	St Marys Flower Park	£284.64
Recreation	“I Will If You Will” match funding for: Manchester Rd Park Tennis Courts Whitefield Park Tennis Courts Bolton Rd Park Tennis Courts Clarence Park Tennis Courts and Outdoor Gym Whitehead Park Tennis Courts/Outdoor Gym Close Park Outdoor Gym	£59,500.00
Public art	Irwell Valley Sculpture Trail contribution	£14,000.00
Local Nature Reserves	Employment of Local Nature Reserves Officer	£9,672.99
Local Nature Reserves	Woolfold Gap Project	£220.00
Local Nature Reserves	Kirklees Valley LNR - benches	£250.00
Local Nature Reserves	Chapelfield LNR – pond dipping platform	£2,150.00
Employment	Chamberhall weed eradication	£560.00
Employment	Chamberhall topographical survey and desk study	£2,100.00
Employment	Chamberhall marketing	£9,890.00
Employment	Townside topographical survey and desk study	£1,530.00
Employment	Bradley Fold site investigation, fencing and demolition	£24,236.53
<b>TOTAL</b>		<b>£245,676.48</b>

**APPENDIX B – OBLIGATIONS COMPLIED WITH  
1 OCTOBER 2013 – 31 MARCH 2014**

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Obligation complied with</b>
36403, 37623	Victoria Works, off Market Street, Ramsbottom	Residential development – 12 apartments	£3,579.12 recreation contribution received 7/11/13.
43048	Fletcher Bank Quarry, Ramsbottom	Quarry extension, construction, demolition and excavation waste landfill operation; construction and demolition waste recycling facility, green waste composting facility.	£10,000 contribution towards the provision of vehicle activated signs on Manchester Road / Whalley Road received 7/11/13.
45007	Dunsters Court, Bury	Residential development – 22 apartments.	S106 requires a recreation contribution of £7,907.68. 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 (£3,000 between 1/10/13 and 31/3/13).
46049	Former Walmersley Brewery, Walmersley Road, Bury	Part conversion / part demolition and new build to create 23 residential units.	£14,384.62 recreation contribution received 25/2/14.
46423	70 Stonemere Drive, Radcliffe (Chapelfield)	Residential development	£22,500 affordable housing contribution paid in lieu of affordable housing resale requirements.
51143, 52332	Land at Former Allen's Green, School Street, Radcliffe	Residential development – 28 dwellings	Affordable housing contribution of £118,950 plus legal costs received in lieu of on site provision following legal action.
51144	Land at Former Allens Green, Sion Street, Radcliffe	Residential development – 22 dwellings	
55543	Site of HPL Motors (Aldi), Bury New Road, Prestwich	Demolition of existing car showroom and erection of Class A1 discount foodstore.	£10,000 public realm contribution to improve linkages between the site and the town centre of Prestwich received 10/1/14.

Application	Site	Description	Obligation complied with
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.	Practical completion of the employment units has been signed off. Riverside park details have been agreed and completed.
55683	Roach Packing, Scobell Street, Tottington	Residential development – 14 dwellings	£16,212.70 recreation contribution and £65,000 employment contribution received 21/2/14.
56630	79 Bury Road, Tottington	Change of use of part of existing care home to single dwelling house.	£3,421.33 recreation contribution paid upfront 10/10/13. Cannot be spent or committed until commencement.
56636	Bridge Inn, 409 Dumers Lane, Radcliffe	Change of use of first floor of public house to 2 flats, 1 <sup>st</sup> floor extension.	£1,709.66 recreation contribution paid upfront 21/10/13. Cannot be spent or committed until commencement.
56818	15 Delph Lane, Ainsworth	Demolition of detached garage and erection of 1 detached dwelling.	£3,421.33 recreation contribution paid upfront 16/12/13. Cannot be spent or committed until commencement.
56884	398 Brandlesholme Road, Bury	Erection of 1 detached dwelling.	£3,421.33 recreation contribution paid upfront 31/1/14. Cannot be spent or committed until commencement.
56849	Land at Dorothy Street, Ramsbottom	Erection of 1 detached dwelling.	£3,421.33 recreation contribution paid upfront 25/2/14. Cannot be spent or committed until commencement.
57015	Thorn Lea, St Anne's Road, Prestwich	Erection of 1 detached dwelling.	£3,421.33 recreation contribution paid upfront 13/2/14. Cannot be spent or committed until commencement.

Contributions received after 31<sup>st</sup> March 2014 are not included in the total values received or unspent in Table 1 of the main report, to simplify the collation data from the Council's financial systems.

#### Contributions received after 31<sup>st</sup> March 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.

## 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.	DoV is to be prepared which will result in a financial contribution of £8750 in lieu of on site provision.
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 investigate current ownership of the properties.
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 <sup>nd</sup> instalment).	Developer requested more time to investigate. Need to consider legal action.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Outstanding Obligations</b>	<b>Action</b>
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 <sup>th</sup> 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	Transfer of recreation land due prior to occupation of the 45 <sup>th</sup> dwelling.  (Other obligations have been complied with or are not yet triggered). 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. Provision of Olive Bank and Brook Link. On site affordable housing – 18 units (in progress, financial contributions received in lieu of on site provision for 6 units)	A survey of the site has identified some issues which need to be resolved before the transfer of land is accepted. The Council are in negotiation with Persimmon to address the outstanding issues so that the transfer of land can proceed.  The brook link contribution and provision of the Brook Link will be due when a formal right to access the land has been obtained.
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.
54993	7-9 Prestwich Park Road, Prestwich	Erection of one new dwelling.	£3,421.33 recreation contribution due on commencement.	Under construction. Contribution now due.
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.	Under construction. Contribution now due.
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.
55956	32 Ashbourne Grove. Whitefield, M45 7WL	Demolition of existing dwelling and erection of 2 no. detached dwellings (resubmission)	£3,421.33 recreation contribution due on commencement.	Under construction. Contribution now due.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Outstanding Obligations</b>	<b>Action</b>
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.



## 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 <sup>st</sup> 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 <sup>st</sup> occupation.	Not commenced.
49805 54303	Land between 78 Mile Lane and Mile Lane Health Centre	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.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Requirements</b>	<b>Current Status</b>
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 <sup>rd</sup> 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 <sup>st</sup> occupation of each block.	Not commenced.
51623	Former Elton Vale Works, Elton Vale Road, Bury	Residential development – 16 dwellings.	Affordable housing contribution due if the total sales price of all dwellings is greater than the anticipated aggregate gross development value. Ongoing requirement regarding reservoir maintenance.	Development completed – contribution dependent on total sales value.
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 <sup>th</sup> 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 <sup>st</sup> occupation. Restoration of footpath.	Site cleared, development not commenced.
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.

Application	Site	Description	Requirements	Current Status
54148	Land at James Street / Johnson Street, Radcliffe	Residential development – 90 dwellings.	£94,273 recreation contribution payable in 2 instalments, on substantial completion of the 30 <sup>th</sup> and 70 <sup>th</sup> dwellings. 1 <sup>st</sup> instalment paid, 2 <sup>nd</sup> 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.
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.
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.
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.

Application	Site	Description	Requirements	Current Status
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.
55312	Former Elton Cop Dye Works, Walshaw Road, Bury, BL8 1NG	Residential development comprising of 111 dwellings, access and associated works	£288,600 employment contribution paid.  Other obligations not yet triggered: £348,617.36 recreation contribution due in 2 installments prior to completion of the 60 <sup>th</sup> and 90 <sup>th</sup> units, 25% on site affordable housing (28 units), £33,500 highways contribution due on completion of the 50 <sup>th</sup> unit.	The site is now under construction and the employment contribution was received on 10/5/13.  Other triggers not yet reached (41 dwellings completed of April 2014).
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 <sup>th</sup> unit and £10,397.14 on occupation of the 8 <sup>th</sup> unit.	Not commenced.
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.
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), 25 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.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Requirements</b>	<b>Current Status</b>
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.
55938	Ramsbottom Cottage Hospital, Nuttall Lane, Ramsbottom, Bury, BLO 9JZ	Demolition of existing buildings and erection of 13 no. dwellings	£44,477.33 recreation contribution due prior to commencement.	Not commenced.
56201	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 (resubmission of 55923)	£45,365.96 recreation contribution due prior to commencement.	Not commenced.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Requirements</b>	<b>Current Status</b>
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.
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.
56874	Land at Hazel Street/Bolton Road West, Ramsbottom, Bury, BLO 9PT	Residential development – 46 dwellings.	All units to be affordable housing.	Under construction. None completed.
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.
56891	Clough Saw Mill, Gardner Road, Prestwich	Demolition of existing building and erection of 17 dwellings.	£54,024.82 recreation contribution due on commencement.	Site cleared and ready for development.
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.	£3421.33 recreation contribution due on commencement.	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.
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.
57104	Units 1-4, Westgate Avenue, Ramsbottom, BLO 9SS	Demolition of existing buildings and construction of 6 semi-detached houses and 2 detached houses.	£26,104.32 recreation contribution due on commencement.	Not commenced.

<b>Application</b>	<b>Site</b>	<b>Description</b>	<b>Requirements</b>	<b>Current Status</b>
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	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.
57388	Ribblesdale House, 7 Market Place, Bury, BL9 0AH	Change of use of first and second floors from medical centre (Class D1) to 8 no. flats (Class C3)	£13,678.90 recreation contribution due on commencement	Not commenced.