

DELEGATED REPORT

Report by Helen Leach	Date of report: 14/05/2026	Ref: 72574/CONDIS
Registration: 24/11/2025	LDfC: 22/12/2025	Expiry Date: 19/01/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Application to discharge condition 8 (community use agreement) and condition 29 (external lighting) on planning permission 72502

Location: Star Radcliffe Academy, Spring Lane, Radcliffe, Manchester, M26 2SZ

Description

The applicant seeks permission to discharge conditions 8 (community use agreement) and condition 29 (external lighting) from permission 70381.

Relevant Planning History

70071 - Erection of new secondary school alongside supporting sports facilities, car parking, landscaping, site infrastructure, new access road and associated access infrastructure at site of Radcliffe Leisure Centre, Spring Lane, Radcliffe. Approved with conditions - 22 November 2023.

70381 - Variation of condition 2 (approved drawings) following planning permission 70071 (Erection of new secondary school alongside supporting sports facilities, car parking, landscaping, site infrastructure, new access road and associated access infrastructure) - Amend the developments highway infrastructure design to incorporate a signalised Cyclops junction and minor associated revisions to the landscaping proposal and amend conditions 12, 23, 24 and 33 to update wording and approved drawings referenced within each condition at site of Radcliffe Leisure Centre, Spring Lane, Radcliffe. Approved with conditions - 8 March 2024.

Publicity

None required.

Statutory/Non-Statutory Consultations

Sport England - Require lighting to be improved and details of pricing for community use.

Environmental Health - Pollution Control - No objections.

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Condition 8 - The community use agreement has been submitted. Sport England have responded and requested that detailed pricing is included within the draft agreement. A pricing policy is set out in Section 3 of the draft agreement and confirms that the pricing will be affordably priced and benchmarked against other similar facilities.

The applicant has confirmed that it is not possible to provide a detailed pricing at this time as the tendering process has not been completed. However, further details of the pricing would be provided prior to the handover of the facilities in the summer.

Sport England have requested that Lancashire CFA are represented on the management committee The community use agreement lists Lancashire FA as a signatory to the agreement, and also allows for FA representation on the management committee as detailed at section 7 of the agreement.

Therefore, there are no objections to the condition being part discharged, subject to the detailed pricing being provided prior to handover of the facilities.

Condition 29 - A lighting scheme has been submitted. The Pollution Control Team has no objections to the discharge of this condition. Sport England have asked for improvements so netball could be played and these have been accommodated.

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Sport England have asked for other improvements in relation to lighting to increase the LUX levels at the pitches. It is important to note that the purpose of the condition is to ensure no harm is caused to protected species and not to set a minimum level of light for sports. The proposed level of lighting is set at the lower end of the scale. The levels requested would be 200 LUX to 500 LUX for football and 350 LUX to 500 LUX for hockey. The proposed scheme would provide a lighting level of 200 LUX for football and 350 LUX for hockey. The applicant has confirmed that to increase the lighting would have a significant cost for the project. As the proposed lighting would comply with the levels requested, albeit at the lower end, there are no objections to the discharge of this condition.

Recommendation: Approve

Conditions and Reasons:

The following conditions has been part discharged as details of the pricing are required:

Condition 8

Draft community use agreement, dated 1 May 2026

The following condition has been discharged:

Condition 29

Updated external lighting, dated 25/02/2026

FS1013-AME-EX-00-D-E-6903 P01

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HL - 14/05/2026		DM 15.05.2026	