

Southern Planning Committee

Date: 10 September 2025

Report of: David Malcolm, Head of Planning

Report Title: 24/2497C: Demolition of existing buildings and regeneration of site to provide a care home, 53 retirement living apartments and 14 houses at John Morley Importers Limited Morley Drive, Congleton

Purpose of Report

- 1 Following the approval of this application by Members of the Southern Planning Committee on 2nd April 2025, this report provides an update for the Committee on proposed changes to the format of the Section 106 Agreement and Conditions set out at the time.

Executive Summary

- 2 The original Heads of Terms contained in the committee report for 24/2497C included the wrong formula for calculating the public open space (POS) of £2,250 per bed space in apartments when it should have been £1,125 per bed space for supported living. An amendment also needs to be made for the provision being provided on site.
- 3 As a result, the previous contributions would not have satisfied the CIL Regulations. The updated amounts for POS and Green Infrastructure result in a total difference of £62,191,84 less. However, this amount is CIL compliant, and the application is to be approved with the previously approved conditions and the updated Heads of Terms (in accordance with the attached report).

RECOMMENDATIONS

The Southern Planning Committee is recommended to:

1. Approve the amended Section 106 Heads of Terms in connection with Planning Application 24/2497C, to enable the s.106 agreement to be progressed.

Background

- 4 On 2 April 2025 Southern Planning Committee resolved to approve the above planning application (24/2497C) subject to a s106 legal agreement and conditions.

The s106 agreement Heads of Terms presented to Committee at that meeting erroneously included the wrong formula for calculating the public open space (POS) of £2,250 per bed space in apartments when it should have been £1,125 per bed space for supported living. An amendment also needs to be made for the open space provision being provided on site.

Heads of Terms as per the previous committee report would have resulted in the following amounts:

Recreational Open Space = £80,573,81
Public Open Space = £124,380,93
Green Infrastructure = £22,001,25
Healthcare = £60,568.00
Education = £53,434.00
Canal and Rivers Trust = £20,000.00
Total = £360,957,99

Revised calculations for the final amounts to be included in the Heads of Terms:

Recreational Open Space = £80,573.81
Public Open Space = £45,762.60
Green Infrastructure = £38,427.74
Healthcare = £60,568.00
Education = £53,434.00
Canal and Rivers Trust = £20,000.00
Total = £298,766,15

The previous contributions would not have satisfied the CIL Regulations. The updated amounts for POS and Green Infrastructure result in a total difference of £62,191,84 less. However, this amount is CIL compliant, and the application is to be approved with the previously approved conditions and the updated Heads of Terms (in accordance with the attached report).

Consultation and Engagement

- 5 Full public consultation was undertaken on the planning application in accordance with normal procedures and responses considered as part of the Officers report to Southern Planning Committee on 4th April 2025.
- 6 The Councils Public Open Space Officer has been consulted post committee which confirms the actual policy required contributions based on the total number of dwellings and layout as presented to Southern Planning Committee.
- 7 Consultation was also undertaken with the Head of Legal Services to ascertain how this change should be formalised.

Reasons for Recommendations

- 8 The previous contributions in the Heads of Terms would not have satisfied the CIL Regulations. The updated amounts for POS and Green Infrastructure result in a total difference of £62,191,84 less. However, this amount is CIL compliant, and the application is to be approved with the previously approved conditions and the updated Heads of Terms (in accordance with the attached report).

Other Options Considered

- 9 The only other option would be to do nothing.

Option	Impact	Risk
Do nothing – Keep decision as recommendation to Southern Planning Committee on 2 nd April 2025	Contributions would not be CIL compliant so no way to ensure delivery of relevant s.106 obligations and therefore planning permission cannot be issued	The benefits of the scheme including open market housing, meeting specialist care and older persons and economic benefits would not be delivered

Implications and Comments

Monitoring Officer/Legal/Governance

- 10 All planning matters were considered as part of the Officers report to Southern Planning Committee on 4th April 2025.
- 11 Committee are not being invited to reconsider the merits of the Application; merely to approve (or otherwise) the corrected s.106

obligation Heads of Terms relating to Public Open Space and Green Infrastructure.

- 12 Without Committee approval of the corrected s.106 Heads of Terms calculation, the s.106 agreement cannot proceed.

Section 151 Officer/Finance

- 13 The updated s106 Heads of Terms ensures that the financial ask for s106 contributions is lawful and will go to the respective services to mitigate the impact of the development and pressure on Council services.

Human Resources

- 14 There are no human resource implications.

Risk Management

- 15 The updated s106 agreement ensures compliance with the Community Infrastructure Levy (CIL) Regulations, SPD on Developer Contributions and applicable Development Plan policies 2025.

Impact on other Committees

- 16 There are no direct implications for other committees.

Policy

- 17 The updated s106 agreement accords with the SPD on Developer Contributions and applicable Development Plan policies.

Equality, Diversity and Inclusion

- 18 There are no equality, diversity and inclusion implications.

Other Implications

- 19 All other planning matters were considered as part of the original Officers report to Southern Planning Committee on 4th April 2025.

Access to Information	
Contact Officer:	Gareth Taylerson, Principal Planning Officer gareth.taylerson@cheshireeast.gov.uk
Appendices:	1 Heads of Terms as per committee report 2 Updated Heads of Terms
Background Papers:	Southern Planning Committee Agenda for 2nd April 2025

Appendix 1 Heads of Terms as per Southern Planning Committee report 2nd April 2025

S106	Amount	Triggers
NHS	<p>£60,568 towards improved health infrastructure facilities within the Congleton Locality and Primary Care Network that supports patient care provision within the area:</p> <ul style="list-style-type: none"> • Lawton House Surgery • Meadowside Medical Centre • Readesmoor Medical Centre • Holmes Chapel Health Centre 	To be paid prior to the occupation of the 7 th dwelling
POS	<p>Offsite contributions for POS are £2,346.81 per bed space in apartment.</p> <p>Offsite contributions for GI Connectivity are £293.35 per bed space in apartments to a maximum of £586.70 per apartment.</p> <p>Outdoor sport contribution is £1,564.54 per family dwelling or £782.27 per bed space in apartments (to a maximum of £1,564.54 per apartment).</p>	To be paid prior to the occupation of the 7 th dwelling
Canal and Rivers Trust	£20,000 towards towpath repairs in between Bridge 74 and Bridge 76, adjacent to the site	To be paid prior to the occupation of the 7 th dwelling
Education	£53,434.00 towards Secondary education	To be paid prior to the occupation of the 7 th dwelling

Appendix 2 Proposed Updated Heads of Terms

<i>S106</i>	<i>Amount</i>	<i>Triggers</i>
<i>NHS</i>	<p><i>£60,568 towards improved health infrastructure facilities within the Congleton Locality and Primary Care Network that supports patient care provision within the area:</i></p> <ul style="list-style-type: none"> <i>• Lawton House Surgery</i> <i>• Meadowside Medical Centre</i> <i>• Readesmoor Medical Centre</i> <i>• Holmes Chapel Health Centre</i> 	<i>To be paid prior to the occupation of the 7th dwelling</i>
<i>POS</i>	<p><i>Recreational Open Space £80,573.81</i></p> <p><i>Public Open Space £45,762.60</i></p> <p><i>Green Infrastructure £38,427.74</i></p>	<i>To be paid prior to the occupation of the 7th dwelling</i>
<i>Canal and Rivers Trust</i>	<i>£20,000 towards towpath repairs in between Bridge 74 and Bridge 76, adjacent to the site</i>	<i>To be paid prior to the occupation of the 7th dwelling</i>
<i>Education</i>	<i>£53,434.00 towards Secondary education</i>	<i>To be paid prior to the occupation of the 7th dwelling</i>