

SOUTHERN PLANNING COMMITTEE – 25th November 2020

UPDATE TO AGENDA

APPLICATION NO. 20/2470C

LOCATION Hawthorn Cottage, Harvey Road, Congleton

UPDATE PREPARED

23rd November 2020

ADDITIONAL INFORMATION

Additional information has been received in support of this application following the publication of the committee report.

The applicant has volunteered to enter into a Local Labour Agreement (LLA) which would be negotiated to form part of a S106 Agreement. A draft Local Labour Agreement (LLA) has been submitted.

The applicant sets out the overall objectives of the proposed LLA as follows;

The development will directly support and promote the use of local people and businesses through the construction and implementation stages of the development; this will form an socio-economic catalyst and generate significant levels of employment through the development phase.

Furthermore, recognising the opportunities for education and training (including apprenticeships) the LLA will develop and include an Employment and Skills Plan.

The adoption of a LLA will ensure;

- Local people benefit from new job opportunities created by major developments.*
- Local people are provided with opportunities to gain skills needed for employment in growth industries.*
- Local people have access to lifelong-learning and the promotion of "learning communities".*
- The environmental impact of unnecessary travel is minimised by maximised local employment opportunities.*

OTHER REPRESENTATIONS

A representation has been received from a local resident in respect of additional information (Local Labour Agreement) raising the following points;

- To what does "major developments" refer? (bullet point 1 above). Previous documents tried to categorise these proposal as a "small" development acceptable as a rural exception
- Supporting documents categorise proposal as a "small" development acceptable as a rural exception as oppose to major development.
- The development would be built by local people gaining skills and lifelong-learning. To provide these opportunities for a significant number of people, building only 35 dwellings, a high proportion of the workforce would need to be apprentices learning on the job. This implies that they would not be sufficiently experienced or skilled to ensure the quality of build.
- How long is the development expected to take, such that it provides opportunities for lifelong learning?
- How would building 35 dwellings promote "learning communities"?

OFFICER COMMENT

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications/planning appeals with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (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.

There is no policy requirement within the CELPS or the Congleton Local Plan requiring the provision of the Local Labour Agreements to be secured in relation to development proposals. Furthermore, whilst such agreements are used elsewhere, in general they relate to much larger developments and strategic schemes to have the ability to meet the ambitious objectives set out above.

Conclusion

Whilst volunteered by the applicant in support of the proposals, when assessed against the requirements of the CIL regulations it is not considered that a Local Labour Agreement is necessary to make the development acceptable in planning terms and furthermore it is also highly doubtful that it can be justified to be fair and reasonable with regard to the proposed development of 35 units.

It is further considered that the associated benefits of a Local Labour Agreement, in addition to the provision of 100% affordable and acknowledged economic benefits of the development would not amount to very special circumstances which would outweigh the harm to the Green Belt, or outweigh any other harm resulting from the development of this site.

Therefore the reasons for the refusal of the application and also the S106 Head of terms to be secured in the event that the application is subject to an appeal as listed in the recommendations are unchanged.

Recommendation:

No change to recommendation