

CABINET

Agenda Item: 6

Ward: District-wide

Portfolio: Planning and Growth

Report

Author(s): Jo Milling

Meeting Date:

7th November 2016

**SUBJECT: MARKETING AND BUSINESS EVIDENCE TO SUPPORT
 PLANNING APPLICATIONS**

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Report Sign off	Seen by:	Name	Date
	Legal	Lesley Dolan	25/10/16
	Finance	Duncan Moss	25/10/16
	Group Manager	Ian Bowen	24/10/16
	Portfolio Holder	Nigel Woolcombe-Adams	25/10/16
	Ward Member(s)	n/a	
Summary:	<p>The adopted Local Plan contains policies which seek to safeguard the loss of community or employment sites in Mendip. Evidence of marketing is required to justify proposals for redevelopment or change of use but is applied on a case by case basis. The report seeks endorsement of advice to assist applicants and agents. It is recommended, subject to consultation, that the advice is adopted as a Supplementary Planning Document (SPD) to the Local Plan.</p>		
Recommendation:	<p>It is recommended that Cabinet agree;</p> <ol style="list-style-type: none"> 1. the guidance attached at Appendix 1 for use in development management to provide consistency in implementing policies DP17 and DP20 of the Local Plan; 2. that an Advice Note is published for consultation with agents and other interested parties as a draft Supplementary Planning Document; and 3. to delegate to the Portfolio Holder for Planning and Growth consideration of the outcomes of consultation, any amendments necessary and adoption of the Advice Note as a Supplementary Planning Document. 		

Direct and/or indirect impact on service delivery to our customers and communities:	Clarity will be provided for applicants, their agents and planning officers on marketing requirements and the implementation of policy, improving the efficiency with which these types of application are determined.
Legal Implications:	There are no specific legal implications from this report. There is a statutory procedure for adopting Supplementary Planning Documents (SPD) set out in the Town and Country Planning (Local Planning) (England) Regulations 2012.
Financial Implications:	There are no direct financial implications from endorsing the advice note or its adoption as SPD. There may be occasions where officers seek specialist advice to assess marketing or business evidence submitted with applications. This requirement would arise with or without the guidance in place
Value for Money:	The advice is intended to improve efficiency of the planning application process for applicants to allow for adequate marketing to be undertaken in advance.
Equalities Implications:	None
Risk Assessment and Adverse Impact on Corporate Actions:	Consultation responses may indicate that applicants and agents do not support this approach to marketing. Applicants and agents may fail to provide the information required, leading initially to a longer application process for some sites. Current practice can result in this in any case and the adoption of guidance will lessen this risk.
Scrutiny Recommendation (if any)	The advice in appendix 1 was considered by the Local Plan Member Advisory Group on 6 th October 2016.

Introduction

The Local Plan contains policies to safeguard the loss of sites or premises providing local community facilities or sites in employment use. A need for consistent guidance has been identified which sets out the Council's expectations for when evidence of marketing is required and the length of time involved. This evidence is used to consider whether the use remains viable and has a realistic prospect of continuing.

To improve clarity and consistency when considering these types of application, an Advice Note is set out in Appendix 1 aimed at applicants and agents. This covers the minimum requirements for marketing evidence and will assist planning officers in considering whether adequate marketing has been undertaken. The guidance will apply to sites identified in Local Plan policy DP17 (community facilities) and policy DP20 (employment).

Scope of the advice

The Advice Note indicates that a marketing strategy will be required to demonstrate that the site or premises have been fully exposed to the market. This will include marketing by a variety of methods at an appropriate level for the site concerned. This should be summarised in a marketing report providing evidence of the marketing activities and any interest in the site. A valuation report will be required, to demonstrate that the site has been marketed at a price appropriate to its use.

With Cabinet's endorsement, and subsequent to consultation with local agents, the Advice Note would provide a guide for planning officers in implementing policies DP17 and DP20.

Status of the advice

It is proposed that consultation is now carried out on the attached advice which will include local agents regularly submitting planning applications. While the Advice Note could be adopted as council policy, it is recommended that it would be better to undertake a consultation on the basis that the Advice Note becomes a Supplementary Planning Document (SPD). This would give it greater weight in planning applications and appeals. The formal procedures for SPD would involve a wider number of consultees (e.g. statutory bodies), at least four weeks for comments and the need for a consultation report on adoption.

Options Considered

Feedback from agents and planning officers has identified a need for Mendip-specific advice to support Local Plan policies DP17 and DP20 on marketing. The main option considered is whether the advice has an 'informal' status or greater weight as SPD. Both options require local consultation but differ in extent. The use of SPD or guidance is more flexible than formally changing 'validation requirements' to planning applications.

RECOMMENDATIONS

It is recommended that Cabinet agree;

- (a) the guidance attached at Appendix 1 for use in development management to provide consistency in implementing policies DP17 and DP20 of the Local Plan;
- (b) that the Advice Note is published for consultation with agents and other interested parties as a draft Supplementary Planning Document;
- (c) to delegate to the Portfolio Holder for Planning and Growth consideration of the outcomes of consultation any amendments necessary and adoption of the Advice Note as a Supplementary Planning Document.

REASONS FOR RECOMMENDATIONS

1. To provide greater clarity and consistency for planning officers in advising local agents and applicants and in assessing applications
2. To provide a document with the maximum weight in the planning process, clearly setting out the Councils requirements for marketing evidence

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List of background Papers: Local Plan Part 1