



West Berkshire Local Plan Review 2022-2039
Proposed Submission Representation Form

Ref:

(For official use only)

Please complete online or return this form to:	Online: http://consult.westberks.gov.uk/kse
	By email: planningpolicy@westberks.gov.uk
	By post: Planning Policy, Development and Regulation, Council Offices, Market Street, Newbury, RG14 5LD
Return by:	4:30pm on Friday 3 March 2023

This form has two parts:

- Part A - Your details: need only be completed once
- Part B - Your representation(s): please fill in a separate sheet for each representation you wish to make

PART A: Your Details

Please note the following:

- *We cannot register your representation without your details.*
- *Representations cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*
- *All information will be sent for examination by an independent inspector*
- *All personal data will be handled in line with the Council's Privacy Policy on the Development Plan. You can view the Council's privacy notices at <http://info.westberks.gov.uk/privacynotices>*

	Your details	Agent's details (if applicable)
Title:		Mr
First Name:*		Tom
Last Name:*		Edmunds
Job title (where relevant):		Consultant
Organisation (where relevant):		Walsingham Planning
Address* <i>Please include postcode:</i>		Bourne House Cores End Road Bourne End SL8 5AR
Email address:*		████████████████████
Telephone number:		██████████

*Mandatory field

Part B – Your Representation***Please use a separate sheet for each representation***

The accompanying guidance note available at: <https://www.westberks.gov.uk/lpr-proposed-submission-consultation> will assist you in making representations.

*Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change(s) as there will **not normally** be a subsequent opportunity to make further representations, **further submissions will ONLY be at the request of the Inspector, based on the matters and issues they identify for examination.***

Your name or organisation (and client if you are an agent):	Walsingham Planning on behalf of Muller Property Group
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Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	DM19
Appendix:	
Policies Map:	
Other:	

1. Legally Compliant

Please see the guidance notes for an explanation of what 'legally compliant' means.

Do you consider the Local Plan Review is legally compliant?

Yes

No

Please give reasons for your answer:

2. Soundness

Please see the guidance notes for an explanation of what 'soundness' means.

Do you consider the Local Plan Review is sound?

The soundness of the LPR should be assessed against the following criteria from the National Planning Policy Framework (NPPF)

Please tick all that apply:

NPPF criteria	Yes	No
Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development		✓
Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence		✓
Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground		✓
Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF		

Please give reasons for your answer:

The way Policy DM19 is currently worded is **unsound**, it has not been **positively prepared**. It would **not be effective** in meeting the needs of the District's residents for the reasons set out above. Finally, it is not clear why this approach has been taken, the restrictive and inflexible wording is **not justified**.

Policy DM19 therefore requires modification.

Please refer to covering letter for full details and reasoning.

3. Complies with the Duty to Co-operate

Please see the guidance note for an explanation of what 'Duty to Cooperate' means.

Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

No

Please give reasons for your answer:

4. Proposed Changes

Please set out what change(s) you consider necessary to make the Local Plan Review legally compliant or sound, having regard to the tests you have identified above (Please note that non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this change will make the LPR legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Policy DM19 requires modification. Please refer to covering letter.

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

No

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

6. Notification of Progress of the Local Plan Review

Do you wish to be notified of any of the following?

Please tick all that apply:

Tick

The submission of the Local Plan Review for Independent Examination	✓
The publication of the report of the Inspector appointed to carry out the examination	✓
The adoption of the Local Plan Review	✓

Please ensure that we have either an up to date email address or postal address at which we can contact you. You can amend your contact details by logging onto your account on the Local Plan Consultation Portal or by contacting the Planning Policy team.

Signature	Walsingham Planning	Date	3rd March 2023
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Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

Our ref: KN0087/16

Bourne House, Cores End Road, Bourne End,
Buckinghamshire SL8 5AR
Tel: 01628 532244
Email: bourne.end@walsingplan.co.uk
Web: www.walsinghamplanning.co.uk

03 March 2023

West Berkshire District Council
Planning Policy Team
Market Street
Newbury
RG14 5LD

By email

Dear Sir/Madam,

Local Plan Review Regulation 19 Consultation January-March 2023

Representations on behalf of Muller Property Group

I write on behalf of Muller Property Group to formally respond to the Council's Local Plan Review Proposed Submission (Regulation 19) consultation.

Muller Property Group control a site at Kennet Reach, Ham Mill Lane, Newbury on which they are progressing proposals for a new care home. A planning application was refused by West Berkshire District Council last year, and a new application is being prepared which responds to the Council's reasons for refusal.

The representations are made in the context of a new care home on this site within the Newbury built up area.

The focus of this response is therefore draft Policy DM19 Specialist Housing. The proposed wording states:

The provision of new specialist forms of housing designed to meet the needs of those with identified support or care needs will be supported where:

- a. *Housing meets a proven locally identified need in the District for the specific housing product being proposed; and*
- b. *The location is appropriate, in terms of design, layout, and accessibility of facilities, services and public transport.*

We welcome the built-in support for specialist forms of housing including care homes and that "support" is the starting planning policy position.

However the Policy comes with caveats which in our view are unnecessarily restrictive.

It is important that the Policy reflects how the number of units needed in the District should be seen as a minimum and not a cap, the stated need of 1,710 units (95 per annum) over the Plan period is the



absolute minimum number of units required to meet identified need. Anything above this should be welcomed. Policies which are grounded in need figures (for example) can only ever be reactive and slow, rather than agile and able to respond to changing circumstances.

Furthermore, the need figure is a blunt instrument and doesn't account for the different types of accommodation in terms of offer, the level of care provision, the quality of the units themselves, and other factors such as their location.

There will be situations where the quality of a modern new purpose-built care home is preferable to older stock. The true need will be higher than the stated figures, it doesn't account for people wishing to move or upgrade their accommodation. It doesn't break down the different types of need, for example the "need" or "demand" for modern high quality purpose built care home accommodation will be different to the figure stated in the supporting text.

There will be situations where a care home within the built up area of Newbury and in a sustainable location is preferable to existing outdated stock in a less sustainable location.

It is not clear why the Council wish to restrict speculative development of specialist types of accommodation, but the Policy as currently worded appears to unnecessarily restrict development of (for example) an upgraded offer in a better location.

We would therefore recommend that flexibility is built into the Policy and allowance made for speculative or "windfall" development.

New policy should build in flexibility which allows for market shifts or individual preferences. It should have sufficient scope to allow the decision taker to have regard to the potential of sites on an individual basis, both now and in the future over the course of the Plan period, rather than the acceptability of a proposal be tied to need.

Policy DM19 as currently presented could fail to realise the potential of individual sites and creates unnecessary barriers to development. There are many different types of demand or need.

It is in our view too prescriptive to restrict from the outset specialist housing only where a need can be demonstrated. "Need" will change over time, it will be subject to short-term and longer term trends and Policy DM19 as currently worded will be unable to respond to changing needs and market conditions. It is an inflexible Policy.

The way Policy DM19 is currently worded is **unsound**, it has not been **positively prepared**. It would **not be effective** in meeting the needs of the District's residents for the reasons set out above. Finally, it is not clear why this approach has been taken, the restrictive and inflexible wording is **not justified**.

Policy DM19 therefore needs modification.

We note no changes to the Newbury built up area boundary is proposed in this location, which we agree with.

Summary

It is essential that Policies are flexible as the economy seeks to navigate and then recover from the challenges presented by the current economic downturn and the aftermath of the COVID-19 crisis.



The planning system should be a tool to unlock the potential of sites rather than restrict or hamper them.

Finally, we maintain we reserve the right to comment on any policy in any future consultation document and/or Examination in Public of the Local Plan Review.

Yours faithfully,



Tom Edmunds MPlan MRTPI
Consultant

