


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cannot be kept confidential and will be available for public scrutiny, however, your contact details will not be published.*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:		
First Name:*	Dean	Amy
Last Name:*	Jordan	Lomath
Job title (where relevant):		
Organisation (where relevant):	BYM Capital	Lichfields
Address* <i>Please include postcode:</i>	23 Hill Street, London, W1J 5LW	The Minster Building, 21 Mincing Lane, London, EC3R 7AG
Email address:*	C/O Agent	████████████████████
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):	Representations submitted by Lichfields on behalf of BYM Capital
---	--

Please indicate which part of the Local Plan Review this representation relates to:

Section/paragraph:	
Policy:	DM32
Appendix:	
Policies Map:	Designated Employment Area
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		X
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:

Please see enclosed representations letter.

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.

Please see enclosed representations 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	X
The publication of the report of the Inspector appointed to carry out the examination	X

The adoption of the Local Plan Review	X
---------------------------------------	---

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	 for and on behalf of BYM Capital	Date	01.03.23
------------------	---	-------------	-----------------

Your completed representations must be received by the Council by 4:30pm on Friday 3 March 2023.

Planning Policy Team
Development and Regulation
West Berkshire Council
Market Street
Newbury
RG14 5LD

By Email Only: planningpolicy@westberks.gov.uk

Date: 1 March 2023

Our ref: 65300/01/SSL/26323206v3

Dear Sir/Madam

West Berkshire Local Plan Review 2022 - 2039 : Proposed Submission Regulation 19 Consultation

Representations on behalf of BYM Capital

We write on behalf of our client, BYM Capital, who welcomes the opportunity to engage with West Berkshire Council (WBC) on the Local Plan Review. This letter comprises BYM Capital's representations to the Proposed Submission (Regulation 19) West Berkshire Local Plan Review 2022-2039 consultation, specifically in relation to its land holdings at Overbridge Square, Hambridge Lane, Newbury, RG14.

The Overbridge Square site comprises five buildings: Leat House, Wier House, Bridge House, Lock House and Mill House (see plan at Annex 1). The site also contains an underutilised car park located off Hambridge Lane, adjacent to the Overbridge Square residential development. The five existing buildings were converted from office to residential use via Permitted Development Rights (PDR) in 2016. The buildings are occupied and therefore the site has an established residential use and character.

Representations

Policy DM32 Designated Employment Areas

Throughout the Local Plan Review, areas previously known as Protected Employment Areas (PEAs) are renamed Designated Employment Areas (DEAs). Draft Policy DM32 states that DEAs '*are specific locations designated for business uses (office, industry, storage, distribution). These areas are safeguarded for such uses and for the role they play in meeting the future economic needs of the District.*'

As defined by the Regulation 19 Policies Map, the entire Overbridge Square site is designated within a wider DEA known as Hambridge Road/Lane (see extract at Annex 2).

Considering that all five buildings located at Overbridge Square are in established residential use, the land is no longer considered a suitable part of a DEA designation.

Draft Policy DM32 seeks to safeguard employment land, however, there is no longer any existing office (or other employment) use at the Overbridge Square site, and this is unlikely to change within the Plan period, given the residential leases within the existing buildings.

In light of the above, BYM Capital object to the extent of the Hambridge Road/Lane DEA designation as it is not justified and, therefore, it fails the soundness test. To remedy this objection, BYM Capital request that the land comprising the Overbridge Square site, shown at Annex 1, is removed from the Hambridge Road/Lane DEA designation.

This approach would be consistent with changes already proposed to DEA's elsewhere in West Berkshire, for example at Newbury Business Park:

- **Emerald House, Newbury Business Park, London Road:** PDR approval on 8th May 2018 for the change of use from offices (B1a) to 138 residential units (C3). This site was consequently removed from DEA through the Local Plan Review.
- **Lambourn House, Derby House and Nexus House, Newbury Business Park, London Road:** PDR approval on 15th May 2017 for the conversion of Lambourn House, Derby House and Nexus House into 129 x 1 bed flats (C3). This site was consequently removed as DEA land through the Local Plan Review.

These sites have been removed from DEA designations due to their residential use. BYM Capital requests that this approach is appropriate for the Overbridge Square site in Newbury.

Concluding Remarks

The existing use of the Overbridge Square site is residential. It does comprise any employment uses, and hence, its inclusion within a proposed Designated Employment Area is not justified nor appropriate. We request that the site be removed from the DEA designation, as has been the case with other comparable residential sites in the District.

We reserve the right to appear at the Local Plan Review Examination in Public should our objection not be suitably addressed by WBC.

Please contact me or my colleagues, Alan Hughes or Harry Payne, at this office should you wish to discuss these representations further.

Yours faithfully



Amy Lomath
Senior Planner

Copy
Dean Jordan, Head of Planning – BYM Capital

Annex 1: Overbridge Square Site



Annex 2: Reg 19 Policies Map Extract

