

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE**

**Maidenhead Panel**

<b>Application No.:</b>	23/00043/FULL
<b>Location:</b>	5 - 5C St Marks Crescent Maidenhead
<b>Proposal:</b>	Construction of a new building comprising 2 retail units and 20 apartments with associated parking and access following the demolition of the existing buildings.
<b>Applicant:</b>	Mr Hans
<b>Agent:</b>	Mr Paul Butt
<b>Parish/Ward:</b>	Maidenhead Unparished/Pinkneys Green
<b>If you have a question about this report, please contact:</b> Alison Long on 01628 796070 or at alison.long@rbwm.gov.uk	

**1. ADDITIONAL INFORMATION**

1.1 The following wording at section 10.25 should be amended to read:

*'The proposed building would be located approximately 8m from the rear elevation of 69a Courthouse Road at its closest point, with openings to habitable rooms serving single aspect units and associated terraces in this elevation.'*

1.2 In response to the published committee report, one letter has been received from the agent and is summarised below:

Comment	Officer Response	Change to recommendation?
Request to remove reason for refusal 3 as passing a sequential test is not a requirement in any criteria in Policy TR7 which gives specific support to the provision of shops and in parades outside defined centres, as in this case. A hot-food takeaway and a former car repairs business are already on the site in buildings that are to be demolished. The proposed two retail units are little more than 'corner shops' (with retail trade areas of 168 and 198sqm respectively).  Policy TR6 includes criteria 3 that: "Planning applications for main town centre uses	This is addressed in section 10.10 – 10.11 of the Officers Report.  The requirements of both policy TR6 and TR7 are relevant to the assessment of the planning application, and the application fails to demonstrate compliance for the reasons set out in the Officers Report.	N/A

<p>which are neither in a defined centre nor in accordance with the policies of this Plan will be subject to the Sequential Test.”</p> <p>Hope Members, and Officers, would agree that the proposed two small retail units are: (a) not in a defined centre in the Local Plan; and (b) in accordance with Policy TR7.</p> <p>A Sequential Test ought not to be required. Requiring a Sequential Test to be passed in planning applications for ‘corner shops’ across the Borough seems to me to be a dangerous, let alone costly, interpretation of Policy TR6 for small businesses to have to meet.</p>		
<p>Request to remove reason for refusal 9 for the requirement of a Flood Risk Assessment. The site lies in Flood Zone 1 (low risk) and no Flood Risk Assessment was required in validating the application. The NPPF advises of the circumstances in which an FRA is required and none of these apply in this case.</p>	<p>This is addressed in section 10.34 of the Officers Report. Whilst not a requirement for the validation of an application, this information is required in order to demonstrate compliance with relevant development plan policies.</p>	
<p>The Council's standard informative attached to all decisions states that "<i>The Local Planning Authority has sought all reasonable measures to resolve issues and found solutions when coming to its decision.</i>" In this case no measures to resolve the issues and find solutions have been sought. Under the circumstances a deferral would be a reasonable way forward particularly as Members will note that of the 9 recommended reasons for refusal 7 of them simply ask for further information to be submitted (nos. 1, 3, 4, 6, 7, 8 and 9). Additional</p>	<p>Noted. Whilst there are instances where amendments/ additional information is sought during the course of a planning application, in this case the application was submitted without any supporting documents, as required to demonstrate compliance with relevant development plan policies, and significant amendments would be required. As such, amendments and additional information was not sought. The applicant was provided with the opportunity to withdraw the application but confirmed their wish for the application to be determined.</p>	

<p>information was not accepted by the Case Officer with a withdrawal or refusal offered.</p>	<p>Officers do not consider that a deferral would be warranted in this case.</p>	
<p>Para. 1.3.1 of the Procedural Guide: Planning appeals – England Updated 21 December 2022 advises that the applicant ought to be given the opportunity to amend the application before it is decided but this opportunity has not been afforded to the applicant. The remaining reasons 2 and 5 can all be addressed through amended plans.</p>	<p>See comments above. In this case, significant amendments and additional information is required in order to demonstrate compliance with relevant development plan policies.</p>	

