

LOCATION: [CAR PARK ADJACENT TO COOP, 6 MAIDENBOWER SQUARE, MAIDENBOWER, CRAWLEY](#)
WARD: Maidenbower
PROPOSAL: TEMPORARY POP-UP CONVENIENCE SHOP IN CAR PARK FOR APPROXIMATELY 8-WEEK PERIOD AND TEMPORARY PLANT ENCLOSURE FOR APPROXIMATELY 20-WEEK PERIOD UP TO APRIL 2022

TARGET DECISION DATE: 15 June 2021

CASE OFFICER: Ms D. Angelopoulou

APPLICANT'S NAME: Co-operative Group Food Limited
AGENT'S NAME: Miss Emma Morrison

PLANS & DRAWINGS CONSIDERED:

Drawing Number	Revision	Drawing Title
PL03		Location & Block Plan
PL04		Temporary Store Details
PL01		Existing Plan
PL02		Proposed Plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

<u>Type</u>	<u>Comments</u>
1. Environment Agency	No response received
2. WSCC Highways	No objection
3. CBC Drainage Officer	No objection
4. CBC Property Division	No objection; subject to planning approval, the Council as land owner has agreed to grant temporary consent for the use of the land.
5. CBC Environmental Health Officer	No objection
6. CBC Retail & Employment	No objection
7. CBC Parking Services	Providing this is for temporary period, there are no representations to make.

NEIGHBOUR NOTIFICATIONS:-

Maidenbower Square
MSDE Ltd;
COCOS;
1 to 7 Bay Tree Court;
7a;
China Garden;
King Fish;
Crawley Borough Council, Maidenbower Community Centre;
De Vere Estate Agencies Ltd;
Flats 1 to 4;
Flat 17A, 27A and 37A;

Dental Practice;
Boots;
Coop.

RESPONSES RECEIVED:-

Four representations have been received from residents (2 from adjacent Bay Tree & 7A Maidenbower Square & 2 from Wantage Close & Tanyard Close further away from the site) raising objections to the proposal on the grounds that the resultant loss of 8 parking spaces would exacerbate the existing parking stress in the area.

REASON FOR REPORTING TO COMMITTEE:-

The number of objections received with a recommendation to permit.

THE APPLICATION SITE:-

- 1.1. The application site comprises two Council owned areas providing a total of 8 parking spaces (1 disabled bay). The areas lie in front of (five spaces) and on the eastern side (three spaces including one disabled bay) of the Co-op ground floor shop at No.6 Maidenbower Square, which is located within the Maidenbower Neighbourhood Centre as designated in the Local Plan. The site lies within Flood Zone 2/3.
- 1.2. Co-op has its main frontage to the north, adjacent to a public car park, and its eastern side elevation faces onto a pedestrianised square. The rear of the unit forms part of a wider service yard. This service yard has existing plant in a fenced enclosure, immediately behind the adjoining unit No. 7 (occupied by Boots). There are several flats to the west and south of the application site.
- 1.3. To the north of the site is a public car park serving the Maidenbower Neighbourhood Centre where various community and commercial facilities are situated.

THE PROPOSED DEVELOPMENT:-

- 2.1. Temporary planning permission is sought for the erection of a pop-up convenience shop on the front 5 car parking spaces outside Co-op and also for a temporary plant enclosure on the 3 car parking spaces (including one disabled space) to the east of the Co-op.
- 2.2. The application is accompanied by a Noise Impact Assessment and a covering letter which states that the proposal is required while the main Co-op store undergoes works to extend and refurbish the shop. These works were approved under the application ref: CR/2020/0737/FUL for the erection of a single storey rear/side extension to the existing retail store, erection of plant enclosure within the service yard and bricking up of the shopfront of No.5 Maidenbower Square. The temporary store is proposed to ensure that Co-op retains a presence in Maidenbower, continuing to provide a retail service to the area during the redevelopment of the site.
- 2.3. The applicants seek temporary planning permission until April 2022. The applicants state that the pop-up shop and plant would be removed once works are complete, and the store could re-open well in advance of April 2022. The longer period of the permission would ensure that it could remain in place if the works, which depend on third parties, are subject to delays. In particular, the covering letter states the following in this regard:

'It is expected that the pop-up shop will be required for approximately 8-10 weeks, likely beginning in October 2021. The temporary plant will be required for a longer period, around 20 weeks as some plant will also be required to serve the main store while the existing plant is decommissioned to facilitate the extension in phase 1 of the works which will begin before the store closes. The projected timeline depends on third party works which may be subject to delays. Though no delays are anticipated, it is requested that temporary planning permission remains in place until April 2022 to ensure that permission remains in place for the duration of the works. The pop-up shop and plant will be removed once works are complete, and the store can reopen which will likely be well in

advance of the April 2022 longstop date. If it is considered necessary, an appropriately worded condition can be agreed to secure this.'

- 2.4. The pop-up store would be subject to licensing and would have the same opening hours as the existing store (07.00 – 22.00 daily). It would measure 7.3m in width, 3.8m in depth and 3.3m in height. It would have a flat roof and would be of grey metal construction. There would be a ramped 'apron' at the front of the unit (south). Electricity would be taken from the main store, but a standby generator would be provided in case the electricity supply is interrupted. The unit would be delivered to the site using a towing vehicle and trailer.
- 2.5. The submitted plans show a yellow line that comprises a temporary construction hoarding to screen the interior of the Co-op store whilst works are undertaken. The agent clarified that this does not form part of the planning application as it benefits from permitted development rights, but is shown to provide context for the access along the front of the unit. The plans also show a protection handrail which would be a removable barrier of approximately 1m high and 2m long to serve as protection for customers and staff from vehicles using the car park.
- 2.6. The proposed temporary plant area would be located to the eastern side of the store, adjacent to an area which is proposed to be used for the construction compound. This would house plant to serve the temporary store and the main store while the existing plant within the service yard is removed during the early part of the works (to be replaced by a new plant to the western end of the service yard). The agent clarified that this plant area would be secured by heras fencing.

PLANNING HISTORY:-

3.1. The most relevant planning history is:

- CR/2020/0737/FUL – Erection of single storey extension to existing retail (class E) store, erection of plant enclosure and removal of the shopfront of no.5 to be bricked up with brick (amended description) – Permitted on 22 April 2021.

The whole Neighbourhood Centre, included Co-op, was erected under CR/1991/0392/OUT and CR/1993/0585/ARM, and there are no conditions restricting the hours of operation of the units. No permitted development rights have been removed.

PLANNING POLICY:-

National Planning Policy Framework (February 2019 as amended in June 2019)

- 4.1. The National Planning Policy Framework (NPPF) published in 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development.
 - Section 2 – Achieving sustainable development. This section states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective – to help build a strong, responsive and competitive economy, a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. This includes making effective use of land and helping to improve biodiversity.
 - Section 6 – Building a strong, competitive economy. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
 - Section 12 – Achieving well-designed places. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

- Section 14 of the NPPF deals with meeting the challenge of climate change, flooding and coastal change. Paragraphs 155-165 set out a sequential, risk based approach to flooding and the location of development, which takes account of climate change. The NPPF seeks to avoid increasing flood risk elsewhere and seeks the use of sustainable drainage systems in major developments.
- Section 15 – ‘Conserving and enhancing the natural environment’ - includes advice on ground conditions and pollution. Paragraph 180 states: *‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) Mitigate and reduce to a minimum the potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life, ...’*

Crawley Borough Local Plan (2015-2030) (adopted December 2015)

4.2. The following policies from the Crawley Borough Local Plan are most relevant to the proposal:

- Policy SD1: Presumption in Favour of Sustainable Development. In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the council will take a positive approach to approving development which is sustainable.
- Policy CH2: Principles of Good Urban Design seeks to assist in the creation, retention or enhancement of successful places.
- Policy CH3: Normal Requirements of All New Development states all proposals for development will be required to make a positive contribution to the area; be of a high quality urban design; provide and retain a good standard of amenity for all nearby and future occupants of land and buildings; be able to meet its own operational requirements necessary for the safe and proper use of the site; retain existing individual or groups of trees; incorporate “Secure by Design” principles and demonstrate how the Building for Life 12 criteria would be delivered.
- Policy EC1: Sustainable Economic Growth. Crawley’s role as the key economic driver for the Gatwick Diamond will be protected and enhanced. The council will ensure that all suitable opportunities within the borough are fully explored to enable existing and new businesses to grow and prosper.
- Policy EC4: Employment Development and Residential Amenity. Proposals for the development, redevelopment or change of use of sites for employment use adjacent to residential areas will be permitted where there is no adverse harm to local amenity or function of the surrounding area.
- Policy EC8: Neighbourhood Centres. Most neighbourhood centres provide floorspace that contributes to the town’s wider employment function. These areas continue to be recognised as sustainable locations for smaller-scale employment use, and economic development proposals will be supported where they meet the policy requirements of Local Plan Policies CH3, EC1 and EC4.
- Policy ENV8: Development and Flood Risk. Development proposals must avoid areas which are exposed to an unacceptable risk from flooding, and must not increase the risk of flooding elsewhere.
- Policy ENV11: Development and Noise. People’s quality of life will be protected from unacceptable noise impacts by managing the relationship between noise sensitive development and noise sources. Noise sensitive uses proposed in areas that are exposed to significant noise from existing or future industrial, commercial or transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. Further guidance on this policy is provided in the Crawley Local Plan Noise Annex.
- Policy IN3: Development and Requirements for Sustainable Transport. Development should be concentrated in locations where sustainable travel patterns can be achieved through the use of the existing transport network, including public transport routes and the cycling and walking network.

- Policy IN4: Car and Cycle Parking Standards. Development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is assessed against the borough council's car and cycle parking standards.

Emerging Crawley Borough Local Plan 2021 – 2037 (January 2021)

4.3. The Local Plan Review Submission Consultation Draft 2021-2037 has been published for Regulation 19 consultation from 6 January 2021 and remains ongoing, and therefore limited weight should be given to the following applicable policies:

- Policy SD1: Presumption in Favour of Sustainable Development
- Policy CL2: Making Successful Places – Principles of Good Urban Design
- Policy DD1: Normal Requirements of All New Development
- Policy EC1: Sustainable Economic Growth
- Policy EC11: Employment Development and Residential Amenity
- Policy EC12: Neighbourhood Centres
- Policy IN1: Infrastructure Provision
- Policy EP1: Development and Flood Risk
- Policy EP4: Development and Noise
- Policy ST1: Development Requirements for Sustainable Transport
- Policy ST2: Car and Cycle Parking Standards

Urban Design Supplementary Planning Document (adopted October 2016)

4.4. The Urban Design SPD is a non-statutory document which supplements the policies of the Local Plan and is applicable to this application. The Urban Design SPD contains guidelines on the standards the Council expects for the public design highlighting in particular the importance of massing and materials, public realm, street design, parking and sustainable design. In respect of non-residential development it states:

- *“Non-residential development should address the street and the public realm in a considerate manner and not turn their back on the existing streetscape and layout of the town. The appropriate scale and massing of the development will depend on the location and existing urban fabric.*
- *Consideration should be made of the use of appropriate materials, colours and massing of the development in order to reduce the visual impact and improve the architectural language”.*
- *‘Applicants and developers are encouraged to consider all the end users that a development and any associated public realm will serve so as to strive to cater to all groups.’*

4.5. Annex 1 in the SPD contains the minimum car parking standards. For a food retail use, the minimum provision is for 1 space per 14sqm.

PLANNING CONSIDERATIONS:-

5.1. The proposal is required while the main Co-op store undergoes works to extend and refurbish the shop as approved under the application CR/2020/0737/FUL. The Co-op is within the Maidenbower Neighbourhood Centre, which serves as sustainable location for local retail and employment and also acts as hubs for day-to-day community life. The Co-op helps cater for the day-to-day shopping needs of local residents. The temporary store and plant area are proposed to ensure that Co-op retains a presence in Maidenbower, continuing to provide a retail service to the area during the redevelopment of the site. Co-op proposes to make further investment in its store at a time when retail business face difficult times, ensuring an ongoing commitment to the Maidenbower Neighbourhood Centre. The proposal is therefore acceptable in principle, helping to support the function of Co-op within the Maidenbower Neighbourhood Centre, providing further investment and improved shopping facilities for local residents to help support their day-to-day shopping needs and would therefore be in accordance with economic policies EC1 and EC8.

5.2. The main planning issues in the determination of this application are:

- The design and appearance of the proposal and its impact on the street scene and Maidenbower Neighbourhood Centre
- The impact on neighbouring amenity
- The impact on highways and parking
- Flood risk.

The design and appearance of the proposal and its impact on the street scene and Maidenbower Neighbourhood Centre

- 5.3. The application site is within Maidenbower Neighbourhood Centre and relates to hardstanding areas available for parking. The temporary pop up store would be single storey and would be in front of the Co-op store, screening its façade. It would incorporate a ramp to the front (south) to allow access for all members of the community, including those with mobility difficulties, in accordance with the Urban Design SPD. Whilst the proposed pop-up store would screen the existing façade of the main Co-op arguably slightly harming the visual amenities of the area, it is considered that, given the temporary nature of the proposal, the fact that the existing main store would be covered by hoarding for the period that this pop-up shop would be open, its single storey nature, modest footprint and size, and proposed grey metal materials, the temporary pop up store is considered to be acceptable in visual amenity terms .
- 5.4. The temporary plant area would be to the east of the Co-op, next to the pedestrianised Maidenbower Square. This element would be secured by heras fencing and would not be an attractive element within the streetscene. However, given its temporary nature and its location within a hardstanding parking area, it is not considered to have such a significant detrimental impact on the visual amenities of the area to warrant a reason for refusal on these grounds.
- 5.5. The removable temporary barriers shown as ‘protective’ hand rail on the plans would serve as protection for customers and staff from vehicles using the car park and would be typical appearance. Given their temporary nature and their use for safety of the public, they are not considered to have a detrimental impact on the visual amenities of the area
- 5.6. Overall, the proposal, given its temporary nature, is not considered to have such a harmful impact on the visual amenities of the building or wider area to warrant a reason for refusal. The proposal would therefore, on balance, comply with the relevant Local Plan policies, the guidance contained within the Urban Design SPD and the relevant paragraphs of the NPPF.

The impact on neighbouring amenity

- 5.7. There are several flats to the west and south of the application site. The applicants submitted a Temporary Plant Noise Impact Assessment for the temporary air conditioning (AC) and refrigeration plant which is to be installed adjacent to the store to the east. The AC units would operate only when the store is open. The refrigeration plant would operate at all times, but would run at a reduced level at night when cooling demands are low. The Environmental Health team raised no objection and commented that the report shows the temporary AC & refrigeration plant, when assessed with British Standard BS 4142:2014 ‘Methods of rating & assessing industrial & commercial noise,’ to be low impact on the nearest residential flats and below background noise levels at night. The standby generator would give an adverse noise effect on one of the residential units, but this is only to be used under emergency conditions. As a result, the proposal is not considered to have a detrimental impact on present and future residents in terms of noise and would be in accordance with Local Plan Policies CH3 and ENV11.

The impact on highways and parking

- 5.8. There is a public car park to the north of the application site, available for Maidenbower Neighbourhood Centre. In addition to the existing permanent facilities, Saxonbrook Medical Centre to the north is currently being used as a COVID-19 vaccination centre. The proposal does not involve any changes to the existing access arrangements.
- 5.9. The applicants state that it is expected that the temporary pop-up shop would be required for approximately 8-10 weeks, probably beginning in October 2021. The pop-up shop would be in use

when the existing Co-op store is closed for the refurbishment works. The temporary plant would be required for a longer period of around 20 weeks, as some plant would also be required to serve the main store while the existing plant is decommissioned to facilitate the approved extension before the store temporarily closes.

5.10. The proposal would involve the temporary loss of 8 parking spaces (pop up store would involve 5 spaces to the front and temporary plant & AC would involve 3 parking spaces). WSCC Highways raised no objection. They state that, at the time the temporary pop-up shop would be in use, the main Co-op store would be closed for refurbishment. The floorspace of the pop-up shop is considerably less than the main store. Therefore, it is reasonable to conclude that the parking demand of the wider car park would be significantly less during this time.

5.11. The agent submitted the following further information in this regard:

'In terms of the programme of works, the plant will serve the main store during Phase 1 works to the plant area and extension at the rear of the store as approved through planning permission ref. CR/2020/0737/FUL. These are expected to commence in August and the temporary store is expected to be in place in October for around 6-8 weeks (a longer period has been applied for in the application to account for any unexpected delays to the build programme).

The store will operate as normal with customers able to browse and purchase products on-site, however due to the limited size of the store, visits will be of shorter duration. Photographs of another temporary store are attached which illustrate the range of goods available. As discussed above, the level of parking demand is expected to significantly reduce and this has been seen at other premises where refurbishment works have required the temporary closure of stores.

This reduction in parking demand will more than compensate for the temporary loss of the use of the limited number of parking spaces.

The NPPF sets a high bar for the refusal of planning applications on highways grounds, and given the temporary nature of the proposals, and the fact that the temporary store will only be in use when the main store is closed, there will be no unacceptable impact on highway safety or a severe impact on the road network in accordance with Paragraph 109 and I trust that this will be taken into account by the Committee.

It is important to note that Co-op propose to operate the temporary store to provide a benefit to the local community and prevent local residents having to travel to purchase basic provisions. The cost of installing and operating the temporary store will be higher than income from sales but it will be of value to the community, particularly those less able to travel.'

5.12. Given the above and the temporary nature of the proposal, it is considered that the proposal would not have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network and amenity of the area to warrant a reason for refusal. As a result, it is considered to be acceptable.

Flood Risk

5.13. The site lies within Flood Zone 3. The Council's Drainage Officer raises no objection to the proposal, as it would be temporary within the existing car park hardstanding area. As a result, the temporary proposal is not considered to have a detrimental flood risk and would accord with the relevant Local Plan Policies and the NPPF.

CONCLUSIONS:-

6.1. In conclusion, it is considered the proposal would facilitate works to extend and refurbish the Co-op shop and, as such, help to meet the ongoing day-to-day shopping needs of the local residents. The proposal is therefore acceptable in principle and would provide a positive economic impact by allowing the business to continue trading whilst investing in upgrading their premises, especially when retail business face difficult times. In addition, it is considered that the proposal would not have such a harmful impact on the visual amenities of the building or wider area to warrant a reason

for refusal. On balance, it is also considered that the proposal would not have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network and amenity of the area. In addition, the proposal is considered to be acceptable in neighbouring amenity and flood risk terms. Subject to a temporary condition, the proposal is therefore considered to accord with the policies outlined in the NPPF, the Crawley Borough Local Plan (2015-2030) and the Urban Design SPD.

RECOMMENDATION RE: CR/2021/0287/FUL

PERMIT - Subject to the following conditions:-

1. The building and works hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 30 April 2022.
REASON: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the development hereby permitted shall strictly accord with those indicated on the approved details associated with the application.
REASON: To enable the Local Planning Authority to control the development in detail in the interests of amenity and in accordance with Policy CH3 of the Crawley Borough Local Plan 2015-2030.

INFORMATIVE

1. NPPF Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.



ArcGIS Web Map



Crawley Borough Council
Town Hall, The Boulevard,
Crawley, West Sussex,
RH10 1UZ
Tel: 01293 438000

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