

**LOCATION:** 113 FRIMLEY ROAD, CAMBERLEY, GU15 2PP  
**PROPOSAL:** Change of Use from A1 (Coffee Shop) to A3 (Dessert Parlour).  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr Arfan Khatana  
**OFFICER:** Chenge Taruvinga

**RECOMMENDATION: GRANT subject to conditions**

**1.0 SUMMARY**

- 1.1 The application property is located along the Frimley Road Neighbourhood Parade, to the south west of Camberley Town Centre. The ground floor Class A1 unit is presently vacant but is surrounded by a variety of retail and restaurant establishments. The proposal seeks planning permission for a Class A3 use on the site to allow for the consumption of food on the premises. A previous application under SU/13/0879 was refused on the basis that the extraction system proposed was considered to require a high degree of maintenance and would have had an adverse impact on the residential amenities of neighbouring properties. The applicant advises that no external extraction system is required for this dessert parlour use.
- 1.2 This report concludes that the development proposed is acceptable in principle, would respect the character and the form of the surrounding development and would not detract from the character or the quality of the area. The development would not materially impact on the amenities enjoyed by the occupants of the adjoining residential properties and would not result in conditions prejudicial to highway safety. On this basis the application is recommended for approval subject to conditions in respect of opening hours and extraction details.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is located along the Frimley Road neighbourhood parade which is characterised by a mixture of A1, A3 and A5 establishments. The unit measures 12 metres in depth and 5.7 metres in width.

**3.0 RELEVANT HISTORY**

- 3.1 SU/13/0420 Change of use from A1 use (sandwich and coffee bar/selling cold food) to A3/A5 (restaurant and takeaway/selling hot food)  
*Withdrawn 06/12/2013*
- 3.2 SU/13/0879 Change of use from A1 use (sandwich and coffee bar/selling cold food) to A3/A5 (restaurant and takeaway/selling hot food)  
*Refused 09/04/2014. This application was refused due to the inadequacy of the extraction system which would have required a high degree of maintenance and*

*would have failed to adequately control the future emissions of noise and odour to the satisfaction of the Planning Authority. These emissions would have had adverse impacts on the health and quality of life and amenities of the neighbouring first floor flat and the residential flats within the adjoining building Courtney House. It was not considered that conditions could have been imposed to mitigate the impacts.*

- 3.3 SU/15/0054 Advertisement Consent for the display of two illuminated fascia signs and one projecting sign.

*Currently under consideration*

#### **4.0 THE PROPOSAL**

- 4.1 The full application seeks the change of use of the existing unit from Use Class A1 (Retail) to a Class A3 dessert parlour. The planning statement supporting the application advises that the proposed A3 unit would serve fresh cakes, waffles, crepes, ice cream, coffee and teas, as well as yogurts and cold drinks. The proposed café would occupy a floor area of 69 square metres.
- 4.2 The applicant advises that due to the nature of the proposal, an external extraction system is not required to facilitate the proposed café.

#### **5.0 CONSULTATION RESPONSES**

- 5.1 County Highway Authority No comments
- 5.2 Environmental Health Officer No comments received at the time of writing of this report

#### **6.0 REPRESENTATION**

At the time of preparation of this report four representations of objection and two of support had been received.

The following objections have been raised:

- 6.1 Too many restaurants along this part of Frimley Road – [see para.7.3.2]
- 6.2 Small businesses are struggling because of too much competition – [see para. 7.3.2]

#### **7.0 PLANNING CONSIDERATIONS**

- 7.1 The application site is located along Frimley Road, Camberley within a local neighbourhood parade. As such Policies DM9 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 and policy within the National Planning Policy Framework and advice in the associated Planning Practice Guidance are relevant.

7.2 It is considered that the main issues to be addressed in determining this application are:

- The principle of the proposed use;
- The impact of the development on the character and the appearance of the area; and
- The impact of the development on residential amenity of neighbouring properties

### **7.3 The principle of the proposed use**

7.3.1 The application site is located within a local neighbourhood parade as identified by the proposals map of the Core Strategy. Within these areas Policy DM12 of the Surrey Heath Core Strategy advises that proposals for changes of use from A1 to other retail uses will be assessed having regard to the impact of the proposed use on the character and the function of the neighbourhood parade, alone or in combination with other non-A1 uses.

7.3.2 Policy DM12 advises that unless exceptional circumstances can be demonstrated, development at ground floor level should not lead to an over proliferation of non-retail uses comprising Class A2, A3, A4 or A5 uses such that less than 50% of the total shopping area and less than 75% of a primary shopping area contains non-retail uses. The latest retail assessment of the Frimley Road (No's 114-146) parade was carried out by the Council in July 2012. It finds that out of the 19 units in the parade, 12 (including 2 vacant units) are in Class A1 retail use and seven units are in non-retail use. This gives 63% of all units in the parade as retail use.

7.3.3 The applicant proposes an A3 café in the premises. Although the proposal would result in the loss a retail unit within the neighbourhood parade, the retail review cited above suggests that there is a healthy balance of retail and non-retail uses within this shopping parade. It is also considered that neighbourhood parades are typically served by a small number of A3/A5 uses in addition to a larger proportion of A1 units. As such, it is not considered that the current proposal would have an adverse impact on the function or viability of this particular locale. Accordingly it is considered that the development meets the objectives of Policy DM12 of the Surrey Heath Core Strategy and no objection should be raised to the principle of the change of use.

### **7.4 The impact of the development on the character and the appearance of the area**

7.4.1 The NPPF seeks a presumption in favour of sustainable development securing high quality design, as well as taking account of the character of different areas. Paragraph 59 of the NPPF requires design policies to concentrate on guiding the overall scale and density of new development in relation to neighbouring buildings and the local area more generally. Policy DM9 of the Core Strategy is reflective of this, requiring development proposals to respect and enhance the local environment.

7.4.2 Apart from changes proposed in respect of fascia signage to the front of the unit (under consideration in separate application SU/15/0054), there are no external changes proposed to the premises. On this basis, it is considered that the proposal would accord with the design considerations as set out within Policy DM9 of the Core Strategy.

### **7.5 The impact of the development on residential amenity of neighbouring properties**

7.5.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 of Core Strategy advises that in the consideration of development proposals, the amenities of the occupants of neighbouring properties are respected.

- 7.5.2 The application site is bounded by a residential flat above the site at first floor level as well as to rear. There are also neighbouring flats contained within Courtney House to the immediate north of the site. In the context of the established retail and commercial frontage in this setting, it is not considered that the proposed change of use to a dessert parlour would have an adverse impact on the amenities of the occupants of any neighbouring property in this setting.
- 7.5.3 Although noted that the proposed A3 use would be of a limited scale, given that it would be a dessert parlour, by permitting this change of use the applicant could still amend the cafe use in the future, or the premises could be used for any other Class A3 use by another occupier without requiring planning permission. The Planning Practice Guidance advises that restricting changes of use will rarely pass the test of necessity for imposing conditions and should only be used in exceptional circumstances. Whilst therefore in the officer's opinion it would be unreasonable to impose a personal permission it is still necessary for the Planning Authority to retain control in the interests of residential amenities. This is particularly important taking into account the planning history (see paragraph 3.2 above) and the problems experienced with providing a suitable extraction system. Hence, it is recommended that a condition be imposed requiring any new Class A3 occupier to submit details of an extraction system. It is also recommended that a supporting informative be added advising the applicant that other A3 uses, other than a dessert parlour will be extremely problematic given the difficulties of providing necessary extraction.
- 7.5.4 The café would be open between the hours of 11.00 am to 10.00 pm 7 days a week. These hours are later than the previous application which only proposed until 5.00 pm. It is, however, noted that the application site sits within a shopping parade characterised by a mixture of hot food takeaways, and convenience stores with a thriving night time economy. Notwithstanding this, comments in respect of noise nuisance have been sought from the Environmental Health Officer and these will be provided at the meeting.
- 7.5.5 Having regard to the above, the proposed use is not envisaged to materially impact upon the residential amenities of neighbouring properties. No objections are therefore raised on these grounds

## **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

- 8.1 In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of Paragraphs 186-187 of the NPPF. This included the following:
- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
  - b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

## **9.0 CONCLUSION**

- 9.1 This report concludes that the development proposed is acceptable in principle, would respect the character and the form of the surrounding development and would not detract from the character or the quality of the area. The development would not materially impact on the amenities enjoyed by the occupants of the adjoining residential properties and would not result in conditions prejudicial to highway safety. On this basis the application is recommended for approval subject to conditions.

## 10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To prevent an accumulation of unimplemented planning permissions and in accordance with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The A3 Use (Restaurants & Cafes) hereby approved shall only open between the hours of 11am and 10pm Monday to Sunday unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with the National Planning Policy Framework.

3. Prior to the first commencement of use hereby permitted (for the selling of ice cream, cakes, frozen yoghurt, waffles, crepes, milkshakes, hot and cold drinks and sweets), or the future occupation of the premises by any other Class A3 use (as defined by the Town and Country Use Classes Order as amended or any other order revoking or re-enacting that Order), full details of any required noise and odour extraction systems shall be submitted and approved in writing by the Planning Authority. Details submitted shall include scaled plans/elevations of the position and size of the extraction systems and manufacturers specifications. Once approved the systems agreed must be implemented prior to commencement and thereafter serviced and maintained to the satisfaction of the Planning Authority.

Reason: To retain control in the interests of the visual and residential amenities of the vicinity and to comply with Policy DM9 of the Surrey Heath Development Management Policies Document 2012 and the National Planning Policy Framework.

4. The proposed development shall be built in accordance with the following approved plans: 1001/AA/001, unless the prior written approval has been obtained from the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of proper planning and as advised in ID.17a of the Planning Practice Guidance.

### Informative(s)

1. Decision Notice to be kept DS1
2. The applicant is advised that in relation to condition 3 this condition has been imposed on the basis of the application submission for a dessert parlour whereby it was indicated that no external alterations for an external extraction system were required. Should the use change to another use within Class A3 which then necessitates an extraction system then the applicant is advised that it must be of the highest specification but it may be extremely problematic to provide such a

system without harming the visual and residential amenities of the area. The applicant, or any future occupiers are therefore strongly advised to first contact the Council's Environment Health Officer for advice on a workable, manageable and enforceable system.