

LOCATION: 1 DEAN PARADE, CAMBERLEY, GU15 4DQ
PROPOSAL: Change of Use from Class A1 (Retail) to Class A3 Cafe.
(Retrospective)
TYPE: Full Planning Application
APPLICANT: Khosla Investments
OFFICER: Ross Cahalane

RECOMMENDATION: GRANT subject to conditions

1.0 SUMMARY

- 1.1 The application premises is located on the southern side of Dean Parade, within the settlement of Camberley and within a Neighbourhood Parade as defined under the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012. As such, the area is primarily commercial in character, although there are several first floor flats above and adjacent to the site.
- 1.2 This application seeks the change of use of the premises from Class A1 (Retail) to Class A3 (Cafe). This report concludes that the development does not detract from the character or the appearance of the area and contributes to the viability and the vitality of the Neighbourhood Parade. There is no adverse impact on highway safety, and subject to appropriate conditioning, residential amenities can be safeguarded in the future.

2.0 SITE DESCRIPTION

- 2.1 The application site is located at the end of a row of commercial premises fronting the northern side of an open pedestrianised shopping courtyard known as Dean Parade.
- 2.2 The surrounding area is primarily commercial in character, although there are first floor flats above and adjacent to the proposal site, and a number of two storey dwellinghouses to the north.

3.0 RELEVANT HISTORY

- 3.1 There is no relevant planning history at this site, or any record of enforcement complaints received in respect of the existing use.

4.0 THE PROPOSAL

- 4.1 The application site is currently in use as a café, and the application seeks to retain the change of use of the premises from Class A1 (retail) to Class A3 (Cafe). The applicant states in the supporting statement that the premises is currently in use as a 'Temporary' A3 use courtesy of current amendments to Permitted Development rights. However, the Local Planning Authority has no record of receipt of a 'prior notification' application, which is a requirement for such a change of use. As such, this application is retrospective, but must still be considered on its own planning merits.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objection.
- 5.2 Environmental Health Comments will be reported at the meeting.

6.0 REPRESENTATION

- 6.1 At the time of preparation of this report no representations had been received. Any representations subsequently received will be included within a separate written update.

7.0 PLANNING CONSIDERATION

- 7.1 The application site is located within the settlement of Camberley and within a Neighbourhood Parade as defined under the Proposals Map of the Surrey Heath Core Strategy and Development Management Policies 2012. As such, the main Policies relevant to this application are Policies CP9 (Hierarchy and Role of Centres), DM9 (Design Principles), DM11 (Traffic Management and Highway Safety) and DM12 (District and Local Centres and Neighbourhood Parades) of the Core Strategy. The guidance contained in the National Planning Policy Framework is also a material consideration.

- 7.2 It is considered that the main issues to be addressed are:

- The principle of the change of use;
- The impact of the proposal on the character and the appearance of the area;
- The impact of the proposal on residential amenities; and,
- The impact of the proposal on highway safety.

7.3 The principle of the change of use

- 7.3.1 In principle the change of use of the premises to A3 is acceptable. This is because Policy DM12 of the Core Strategy specifically supports the change of use of premises so long as the balance of non-A1 uses in a designated area does not become harmful to its vitality, viability and retail function as a shopping destination. At the time writing this report Dean Parade has a high vacancy level such that the reuse of a unit for a purpose which is likely to result in an increase in footfall to the parade and, as a result, help improve the viability and viability of this small neighbourhood parade is welcomed. It is therefore considered that the introduction of an A3 cafe use to the parade will not harm the objectives of Policy DM12.

7.4 The impact of the proposal on the character and the appearance of the area

- 7.4.1 Policy DM9 (Design Principles) continues to promote high quality design that respects and enhances the local environment, paying particular regard to scale, materials, massing, bulk and density.

- 7.4.2 The application site is located within a predominantly commercial area, forming part of a row of commercial premises fronting an open pedestrianised shopping courtyard within a defined Neighbourhood Parade. The application seeks to retain the change of use of the premises, and it is noted that the supporting statement states that no alterations or

building works are required to achieve a permanent A3 café use. It is not considered that the change of use detracts from the character or the appearance of this neighbourhood shopping parade and the introduction of this use has the potential to enhance the environment.

- 7.4.3 As such, it is considered that the proposal has no adverse impact on the character of the site and surrounding area, therefore complying with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012.

7.5 The impact of the proposal on residential amenities

- 7.5.1 Policy DM9 (Design Principles) states that the amenities of the occupiers of the neighbouring properties should be respected by proposed development.

- 7.5.2 The application site is located in a predominantly commercial location, with its front elevation facing onto a pedestrianised square/courtyard area known as Dean Parade. There is a first floor flat directly above the proposal site, and there are other flats and dwellinghouses in the vicinity of the premises.

- 7.5.3 The application form does not state what the proposed hours of operation would be. However, it is understood that the proposed A3 café use would provide light snacks and hot drinks, rather than a more intensive hot food café/restaurant use, and no external alterations are proposed. However, 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. Whilst it would be unreasonable to impose a personal permission it is still necessary for the Local Planning Authority to retain control over the precise use of the premises, in the interests of the amenity of the neighbouring flats and dwellinghouses.

- 7.5.4 Officers therefore consider it necessary and reasonable to impose a planning condition restricting the hours of opening to 07:00 – 19:00hrs Monday to Saturday, and 09:00 – 17:00 on Sundays. It is also considered necessary and reasonable to impose a planning condition restricting the installation of any flue or other extraction, refrigeration or air conditioning units on the exterior of any part of the premises.

- 7.5.5 Subject to this conditioning, it is considered that the proposal would not unduly harm the amenities of occupants of neighbouring properties, in accordance with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies Document 2012.

7.6 The impact of the proposal on highway safety and the free movement of pedestrians

- 7.6.1 Policy DM11 (Traffic Management and Highway Safety) states that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented.

- 7.6.2 The County Highway Authority has undertaken an assessment in terms of the likely highway impact and has no objections to make on safety, capacity or policy grounds. The County Highway Authority therefore has no highway requirements.

- 7.6.3 The proposal does not conflict with Policy DM11 (Traffic Management and Highway Safety) of the Surrey Heath Core Strategy and Development Management Policies 2012, and 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:
- 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.
 - c) Have proactively communicated with the applicant through the process to advise of progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 This report concludes that the development proposed does not detract from the character or the appearance of the area and its retention would contribute to the viability and the vitality of the Neighbourhood Parade. The development does not adversely impact on residential amenities, subject to conditions, and does not give rise to conditions prejudicial to highway safety or the free movement of pedestrians
- 9.2 Therefore the application is recommended for approval.

10.0 RECOMMENDATION

GRANT subject to the following conditions:-

1. The Class A3 (café) premises hereby approved shall only be open to the public between the hours of 07:00 - 19:00 Monday to Saturday and 09:00 - 18:00 on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities enjoyed by neighbouring residents and to accord with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012 and the National Planning Policy Framework.

2. Prior to the installation of any extraction, odour, cooling or noise mitigation system required for the use hereby approved or the future occupation of the premises by any other Class A3 use (as defined by the Town and Country Planning Use Classes Order or any other order revoking or re-enacting that Order), full details 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 of the intended Class A3 use 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.

Informative(s)

1. Decision Notice to be kept DS1