

From: Mike Ferguson <Mike.Ferguson@woking.gov.uk>

Sent: 09 November 2023 15:53

Subject: FW: New Premises Licence - DRAFT Brazil Tropical Ltd 56 Chertsey Road, Woking GU21 5BG

My current take on the situation from a Planning perspective is this (much of which is set out in the attached email trail with Mr Rocha on 03/10/22).

- If the premises were to be used as a bar then this would be a Sui Generis use requiring planning permission.
- If the premises were (genuinely) to be used as only a café then this would fall into Use Class E (as per the existing Use Class) and so no planning application would be required.
- However, given that my understanding is that the Licence application refers to selling alcohol until 2300 hrs, I cannot see how this can be considered to be a café rather than a bar.
- The name change from 'Office Bar' to 'Brazil Tropical' would seem largely an attempt to circumvent the perception of being a bar.
- As there are no planning conditions restricting the hours of opening as a café such restrictions would have to be imposed by Licensing.
- Regarding the use of the land to the front of the building (annotated as an 'outside seating area'), my provisional opinion is that planning permission would be required for the use of this land (such that I suggest it should be excluded from the Licence application as otherwise a positive response in this regard could be taken as tantamount to encouraging a breach of planning control). It has to be acknowledged that this is often a 'vague' area and one doesn't have to look far to find premises that may be doing a similar thing that may technically require permission – whilst outdoor noise could be an issue it is often a matter of whether there is a highways issue also.
- I previously made clear to Mr Rocha that the 1st floor terrace area should not be used but I note this is excluded from the Licence application.
- Mr Rocha acknowledged in August 2022 that he was aware that an application was required to the Planning Department for external signage and still nothing has been forthcoming.

If it walks like a duck and quacks like a duck then it's a duck – i.e. I think what is being proposed is a bar and NOT a café.

In short, I remain of the opinion that planning permission is required for the intended use as was communicated to Mr Rocha long ago (summer 2022).

As I understand the use has not commenced then there is no present breach of planning control.

I will though be very interested in the outcome of this Licence application.

P.S. Please note Matthew that the Premises Plan, provided by the applicant and attached to your email on 30/10/23, erroneously refers to Walton Road.

Kind regards,
Mike

Mike Ferguson | Senior Planning Enforcement Officer | Planning Services

Woking Borough Council, Civic Office, Gloucester Square, Woking, Surrey GU21 6YL
Phone: 01483 743472 | **Web:** www.woking.gov.uk