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**From:** Planning Enforcement  
**Sent:** 16 January 2023 12:32  
**To:**  
**Cc:** Licensing Policy  
**Subject:** Licensing Act 2003 - Application: Huskins, 10 Queen St Godalming  
**Attachments:** Decision notice.pdf

Dear Mr

Thank you for your premises licence application for the above business.

Planning permission WA/2018/1520 was approved on 31/10/2018 for Change of use from mixed use D1 (non-residential institution) and A3 (restaurant) to A3 (restaurant) together with installation of extractor unit and alterations. The use of this building as a café/restaurant is lawful (use class has changed from A3 to E). It should be noted that pubs/drinking establishments have a sui-generis use, however, providing the primary use is as a café I believe the lawful use would be class E. You may wish to seek independent advice from a planning agent on this matter though.

Notwithstanding this, I would advise you to review the decision notice for this application, which I have attached for information.

You will see that condition 2 states that the premises **shall not be open for business outside the hours of 11.00 to 23.00 Monday to Thursday, 11.00 to 00.00 Friday and Saturday and at no times on Sunday.**

Your licence application suggests that you intend to open at 8am and also on Sundays from 11.00 to 10.00.

These opening hours would constitute a breach of condition and could result in enforcement action being taken. I would therefore recommend that you either revise your licence application to ensure that the opening hours align with condition 2 of WA/2018/1520, or you apply to vary condition 2 of WA/2018/1520 to regularise this activity.

Details of how to apply for planning permission can be found on our [website](#). If you have any queries about the application process, please call our Planning Information team on 01483 523593.

Kind regards

Planning Enforcement Technician  
Waverley Borough Council  
Tel: 01483 523035

If you need assistance before I return please contact the Planning Enforcement Team on 01483 523035 or at [planning.enforcement@waverley.gov.uk](mailto:planning.enforcement@waverley.gov.uk) [www.waverley.gov.uk/planning](http://www.waverley.gov.uk/planning)

Please note that the opinions expressed in this email are those of a planning officer and given without prejudice to any future decisions made by the Local Planning Authority.

**Privacy notice:**

We will use the information you provide to process any complaint and keep you informed of the investigation. The information will be kept on a planning database which is only accessed by Planning staff. Please also note that we may share your information as the law allows, and with other departments within Waverley Borough Council and other local authorities such as Surrey County Council if the matter you



Waverley Borough Council,  
Council Offices, The Bury's,  
Godalming, Surrey, GU7 1HR  
[www.waverley.gov.uk](http://www.waverley.gov.uk)

### Head of Planning Services

When calling please ask for: Planning Enquiry Team  
Telephone: 01483 523583

Calls may be recorded for training or monitoring

Date: 31 October 2018

### TOWN AND COUNTRY PLANNING ACT 1990 (as amended) – WA/2018/1520

Waverley Borough Council acting as Local Planning Authority under the provisions of Part III of the Town and Country Planning Act, 1990 (as amended), **DO HEREBY GRANT** planning permission for the development specified in the form of application for such permission, deposited by you with the Council on 6 September 2018 and described in the First Schedule, subject to the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended), and the conditions and reasons specified in the Second Schedule.

**NOTE: The effect of the Section 91 of the Town and Country Planning Act 1990 (as amended) is that the development for which permission is hereby granted shall be begun not later than the expiration of three years beginning with the date of this permission.**

### FIRST SCHEDULE

Change of use from mixed use D1 (non-residential institution) and A3 (restaurant) to A3 (restaurant) together with installation of extractor unit and alterations.  
10 Queen Street, Godalming.

### SECOND SCHEDULE

1. Condition  
The plan numbers to which this permission relates are 04, 10, 03, 09, 05, 08, 06, 07 and 11. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

#### Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1



of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

2. Condition

The premises shall not be open for business outside the hours of 11:00-23:00 Monday to Thursday, 11:00-00:00 Friday and Saturday and at no times on Sunday.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

3. Condition

The kitchen extraction unit shall not be operated between the hours of 23:00 and 07:00.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

4. Condition

Prior to first use of the extractor unit, details, including acoustic specifications, of the kitchen extraction system, shall be submitted to and approved, in writing, by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises. Once approved the extraction system shall be maintained at all times in accordance with the approved details.

Reason

In the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

Head of Planning Services