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TOWN AND COUNTRY PLANNING ACT 1990

In pursuance of the powers vested in the Amber Valley Borough Council under the above Act and Orders and taking into account Government guidance and policy and the saved policies of the Adopted Amber Valley Borough Local Plan 2006, and with reference to your application (**Office Code: AVA/2021/0226**) which was valid on the 3 March 2021 for permission for **Change of use from book shop (use class E(a)) to bar (sui generis) including replacement shop front at Book Shop 80 King Street Belper**

In the manner described in the application and shown on the accompanying plan(s) and drawing(s) **NOTICE IS HEREBY GIVEN** that permission for the proposed development is **GRANTED subject to the following conditions:**

Conditions/Reasons

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

   Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the details contained in the submitted plans and documents listed below:

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- Site Location Plan drawing no. 100 Rev A; and,
- Proposed Layout and Elevation Plan drawing no. 001 Rev C.

Reason: In order to define the permission.

3. The use hereby permitted shall not be open to customers, and no inward deliveries shall be taken, other than between 09:30 and 18:00 hours on Mondays to Thursdays; between 09:30 and 23:00 hours on Fridays and Saturdays; and between 10:00 and 16:00 hours on Sundays and bank holidays. No deliveries shall be despatched from the premises.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

4. The proposed speakers shall be installed, as shown on drawing no. 001 REV C and in accordance with the speaker details and output outlined in the agent's email received on 16 September 2021. No additions or modifications shall be made to the approved sound system, including temporary use. All windows shall remain closed between 22:00 hours and closing.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

5. With the exception of the approved sound system, no electrically amplified sound, including music and voices, or percussion is permitted.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

6. No externally mounted/ducted plant, machinery or equipment shall be installed before the Local Planning Authority has approved, in writing, detailed information regarding its acoustic performance, operating hours and location. If required by the Local Planning Authority, an assessment of noise emissions shall be submitted to, and approved in writing by, the Local Planning Authority. Where considered necessary to protect residential amenity, the equipment shall be acoustically insulated, mounted or relocated in a way which minimises the emission and transmission of sound in accordance with a scheme to be approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

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Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

7. Waste shall be stored and disposed of in accordance with the details submitted on 11 May 2021; i.e. in sealed bags and stored in a rodent-proof container until placed out for collection by an authorised trade waste collection service.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

8. Notwithstanding the hereby approved plans, before the permitted use commences, details of the pest management and proofing system provided to deal with rodents and pigeons shall be submitted to, and approved in writing by, the Local Planning Authority. Those facilities and that system shall be provided in accordance with the approved details before the use commences and shall be maintained for the life of the development.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

9. A grease trap/filtration system (or a suitable alternative) shall be installed in the drainage system to remove fats, oils, grease and solid matter from the waste water before it leaves the premises. The equipment shall be installed, operated and maintained in accordance with the manufacturer's instructions and retained for so long as the use continues.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

10. Customers shall not use any outdoor area, including the side passageway to King Street, other than for emergency access/egress.

    Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

11. Hot food (food heated above the ambient air temperature) shall not be produced at the premises until full details of a commercial kitchen extraction/ventilation system have been submitted to, and approved in writing by, the Local Planning Authority. The system shall be designed to achieve a 'Low Impact Risk' when odour nuisance is

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assessed in accordance with EMAQ's best practice document: 'Control of odour and noise from commercial kitchen exhaust systems' (05 September 2018). The approved system shall be installed, operated and maintained in accordance with the manufacturer's instructions and retained for so long as the use continues. Records documenting the level of maintenance and servicing shall be kept, and available for inspection, for at least the preceding 2 years. The approved system shall be in use whenever cooking is taking place and shall be switched off no later than fifteen minutes after the premises are required to close.

Reason: To protect the amenity of the residents of adjacent properties in accordance with saved policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

12. Notwithstanding the hereby approved plans, precise details of the hereby approved shop front, including a cross section at 1:10 showing mouldings, timber frames and glazing bars, shall be submitted to and agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

13. Notwithstanding the hereby approved plans, precise details of the hereby approved shop front stall riser and fascia, including a cross section at 1:5, shall be submitted to and agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

14. Notwithstanding the hereby approved plans, precise details of all new windows/doors to be installed shall be agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

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15. Notwithstanding the hereby approved plans, precise details of all new guttering and downpipes to be installed shall be agreed in writing with the Local Planning Authority before installation. The works shall be carried out in accordance with the agreed details.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

16. Notwithstanding the hereby approved plans, a sample of the roofing tiles to be used in the works shall be submitted to and agreed in writing by the Local Planning Authority before works commence. The works shall be carried out using only the agreed roofing tiles.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

17. All windows/doors shall be painted and not stained. All glazing shall be plain and not coloured, patterned or leaded.

    Reason: For the avoidance of doubt and to ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policy EN27 of the Adopted Amber Valley Borough Local Plan 2006.

18. The timber frame clad outhouse/beer store as shown on drawing no. 001 REV C, shall be painted black, prior to the hereby approved use being brought into use.

    Reason: To ensure the works are carried out in a way which respects the special appearance and character of the Conservation Area in accordance with saved policies LS3, ER12 and EN29 of the Adopted Amber Valley Borough Local Plan 2006.

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Notes

Attention is drawn to the attached notes:

1 With regards to condition 4, the applicant is advised of the following:

The window and ceiling (which is to be opened up to the roof) in the 'Private Dining Room' on the first floor may require the installation of additional acoustic insulation to reduce noise break-out from these weaker building elements as part of the mitigation measures for amplified sound. Secondary-glazing of all windows in the first floor 'Bar Seating' area, acoustic treatment of the roof-light in the middle first floor room, and an internal door between this area and the 'Private Dining Room', are recommended to reduce noise transfer/break-out. Although double-glazing is proposed, the glazing requirements for acoustic insulation are very different to those for thermal insulation.

2 With regards to condition 9, the applicant is advised of the following:

Disposing of fats, oils and grease (FOG) in drainage systems can cause the build-up of fatty deposits in drains and sewers, leading to blocked pipes (particularly in old properties where the pipework is inadequate or damaged), bad smells and flooding. Guidance in both the Building Regulations 2010 (Approved Document H: 'Drainage and waste disposal', 2015) and from Severn Trent Water recommend that drainage serving kitchens in commercial hot food premises is fitted with a grease separator or other effective means of removal to collect and separate grease during cooking and washing-up. Further advice on the location, size and suitability of grease traps, as well as the legal requirements, can be obtained from Severn Trent Water at: https://www.stwater.co.uk/my-supply/waste-water/looking-after-your-sewers/how-to-avoid-blockages-in-a-commercial-kitchen/

Reasons for Granting Permission

In granting permission for this development, the Borough Council has taken into account all material planning considerations arising from the views of statutory and other consultees and public representations about the application, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006:

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LS3 - Design
LS1 - Sustainability criteria
TC1 - Development in Town Centres
TC2 - Primary Shopping Frontages
TP1 - Impact on the Transport Network
EN16 - Pollution
EN24 - Listed Buildings
EN27 - Conservation Areas
EN29 - Derwent Valley Mills World Heritage Site
TC8 - Food and Drink

In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

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NOTES

1. **If the applicant is aggrieved by the decision of the Local Planning Authority to refuse planning permission or approval for the proposed development or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78/79 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State has power to allow a longer period for the giving of a notice but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission of the proposed development could not have been granted by the Local Planning Authority or could not have been so granted otherwise that subject to the conditions imposed on them, having regard to the statutory requirements, to the provision of the development order, and to any directions given under the order.**

2. **Cadent Gas own and operate the gas infrastructure within the area of your development. Contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to. Email plantprotection@cadentgas.com. Alternatively, you can register on www.beforeyoudig.nationalgrid.com**

3. **If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County/District in which the land is situated, a purchase notice requiring that council to purchase his interests in the land in accordance with the provisions of Section 180 of the Town and Country Planning Act 1990.**

4. **In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Sections 137 and 138 of the Town and Country Planning Act 1990.**

5. **This permission relates to planning controls only. Any other statutory consent necessary including submission under the building regulations must be obtained from the appropriate Authority.**

6. **If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from:-**

   The Planning Inspectorate
   3/23 Hawk Wing, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN
   (Tel. No. 0117 372 8000) www.planning-inspectorate.gov.uk

6. **If the condition of consent or reasons for refusal, make reference to a Division of the Department, the appellant may, if he so wishes, require the attendance of a representative from the Department by notification to the Local Planning Authority. Such a representative would not be liable to cross-examination on questions of departmental policy, but only on matters of fact and expert opinion in relation to the appeal site.**

7. **Where a vehicle is habitually drive across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may after being given due notice by the appropriate authority, be required to pay the cost of construction of a carriage crossing or the strengthening of a footway, as the authority considers it necessary, or may be required to comply with conditions imposed by the authority.**

8. **In the case of building or premises to which the public are to be admitted whether on payment or otherwise, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act 1970 and the associated Code of Practice (BS5810:1979). In the case of premises to which the Offices, Shops and Railway Premises Act 1963 or the Factories Act 1962 applies, attention is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act and to the same code of practice. In the case of Educational Buildings, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1978 and to the Design Note 18 "Access for the Physically Disabled Educational Buildings".**

10. **If the development site is crossed by an electric line or is within 15 metres (50ft) of the nearest part of a line (measure horizontally along the ground) or if there is reason to believe that it may be crossed by an underground electric cable, the applicant should contact the Electricity Board to ascertain if and what special safety precautions are necessary.**

11. **The grant of planning permission does not entitle developers to obstruct a public right of way. Development on so far as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 and 257 of the Town and Country Planning Act 1990 for the diversion of extinguishment of the right of way has been made and confirmed.**