S Gladwin
Chief Executive
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mr Thomas Couchman
Tonkers Limited
246 Derby Road
Marehay
Ripley
DE5 8HX

Mr Brett Needham
Green 2K Design Ltd
First Floor
Thomas Henry House
1 - 5 Church Street
Ripley
DE5 3BU

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/2022/0835**) which was valid on the 4 October 2022 for permission for **Change of use from retail unit to form drinking establishment /sui generis (pool hall) at 23 - 25 Church Street Ripley Derbyshire.**

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 hereby permitted shall be carried out only in accordance with the details of the following documents and drawings:
   Existing Layout, Block Plan & Location Plan - Dwg. No. 1416, Sheet No: 111
   Proposed Layout - Dwg. No. 1416, Sheet No: 112

   Reason: To define the term of this permission.

Date : 27 August 2024

Signed

Simon Gladwin
Chief Executive

3. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in the application and for no other purpose (including any other purpose in Classes E and Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

   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 use hereby permitted shall not be open to customers other than between 10:00hrs and midnight daily.

   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. The sound system shall be installed and operated in accordance with the details submitted in the document titled 'Planning Letter dated 23.08.2024'. When the approved sound system is in use, all doors and windows shall remain closed to minimise noise emissions. With the exception of the approved sound system, no electrically amplified sound or percussion is permitted. There shall be no provision of amplified sound outside the building; for the avoidance of doubt, this includes any speakers located on the outside of the building or directed outwards from windows or doors.

   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. Customers shall not use the external flat roof and 'rear yard' areas at any time other than for emergency access/egress. An area within the 'Courtyard' as indicated on the drawing titled 'Proposed Layout - Dwg. No. 1416, Sheet No: 112' shall be used only as a smoking area, with no drinking permitted, unless otherwise the extent and number of occupants have first been agreed in writing with the Local Planning Authority.

   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. No externally mounted/ducted plant, machinery or equipment, other than the air conditioning unit described in the document titled 'Planning Letter dated 23.08.2024', shall be installed before the Local Planning Authority has approved, in writing, detailed

Date : 27 August 2024

Signed S Gladwin

Simon Gladwin
Chief Executive

information regarding noise emissions, 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 and the emission or transmission of sound mitigated in accordance with a scheme to be approved in writing by the Local Planning Authority.

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. The refuse facilities shall be provided in accordance with the details submitted in the document titled 'Planning Letter dated 23.08.2024'.

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. Equipment to control the emission of fumes and smell, including the level and character of associated noise emissions, from the premises shall be installed. The system shall be appropriate to the nature and quantity of cooking done and sufficient to control the emission of smell and noise from the premises such that the living conditions of nearby premises are not materially affected. This equipment shall be used whenever cooking is taking place and shall be switched off no later than fifteen minutes after the premises are required to close. The equipment 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.

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.
[Advisory Note: The system should be designed, installed, operated and maintained at all times to achieve a 'Low Impact Risk' when odour nuisance is assessed in accordance with EMAQ's best practice document: 'Control of odour and noise from commercial kitchen exhaust systems'.
If the nature of the cooking changes over time, or if regular maintenance is not undertaken, the risk of nuisance odour/noise could also increase, rendering the system inadequate and resulting in enforcement action under environmental health legislation.

Date : 27 August 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

Notes

Attention is drawn to the attached notes:

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:

In detail:

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 highway safety.

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.

Date : 27 August 2024

Signed

S Gladwin

Simon Gladwin
Chief Executive

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

7. **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.**
8. **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.**
9. **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.