From: Goodier, Melanie
Sent: Wed, 28 Jan 2026 12:14:41 +0000
To: Anthony, Laura
Cc: Development
Subject:AVA/2025/0853 - Change of use from Class E(b) (café) to Sui Generis at Elements Live Lounge, 18 (Unit 1) Grosvenor Road, Ripley (Our Ref. 26/07132/PL01)
Attachments:AVA 2021 0167_decision.pdf

Afternoon Laura,

Licensing

In November 2025, I was consulted by the Licensing Authority on a new Premises Licence for these premises and advised:

> 'This unit is one of 5 formed from the sub-division of the WE Clarke retail shop building (8-18 Grosvenor Road) that received planning permission in 2021 (**AVA/2021/0167**). Under that permission, the Premises Licence application building (Unit 1) is approved for activities compatible with Use Class E(b) – 'Sale of food and drink for consumption (mostly) on the premises'. Use of the premises as a 'bar and music venue' is likely to fall within Use Class Sui Generis, so planning permission would be needed for a change of use before these activities should take place. Furthermore, condition 3 requires those Class E(b) activities to take place only between the times agreed in writing by the Local Planning Authority: as far as I'm aware, no such agreement has been made.
>
> 'Where activities or operating hours granted in a licence issued under the Licensing Act 2003 do not match those permitted by a planning approval, the planning requirements take precedence over the licence and any deregulatory effects afforded by the licensing regime. The Licensing Authority has previously advised that objection on the basis of non-compliance with planning requirements would be unlikely to meet their criteria and the Authority will still issue a licence that contradicts planning restrictions. The applicant should therefore be advised that implementation of the Premises Licence in contravention of the relevant planning restrictions could result in planning enforcement action.'

The Premises Licence application described the business as:

Café, bar, and music venue primarily operating as a café by day, serving refreshments, cakes, snacks, soft drinks, coffee, and alcohol, and transitioning to a bar and live music venue by night. Entertainment includes live bands, solo artists and similar performances. Background music may play when live entertainment is not scheduled.

I advised the Licensing Authority I was concerned that the hours proposed for regulated entertainment on Fridays and Saturdays were very late (up to 03:00) given that the degree of acoustic insulation was unknown; however, the Licensing Authority has previously been unwilling to consider an objection on this basis. There were no objections, so the new Premises Licence was approved on 24.12.2025 and will come into effect on 01.02.2026 (at the applicant's request).

Planning

As referred to above, the existing planning approval (**AVA/2021/0167** - attached) permitted activities compatible with Use Class E(b) ('Sale of food and drink for consumption (mostly) on the premises') at the application premises (Unit 1). As the proposed use of the premises as a 'bar and music venue' falls within Use Class Sui Generis, planning approval for a change of use is required, as is approval of the proposed opening hours.

The application form confirms that the premises previously operated as a café and is currently undergoing internal refurbishment for the proposed use, so is not trading at present. Section 21 proposes Sui Generis Use as a 'coffee shop / bar / live music and events venue' open from 08:00 to midnight on Sundays to Thursdays and 08:00-03:00 on Fridays and Saturdays: these days/hours and the 'Floor Plans' reflect those approved in the Premises Licence. The 'Supporting Statement' provides no justification for the particularly long opening hours and, although I have some concerns about the potential for entertainment noise breakout from the building as the degree of acoustic insulation is unknown, the town centre location and apparent absence of noise-sensitive receptors in the immediate vicinity suggest that the risk of adverse impacts on living conditions is low. That said, I would advise that any approval should be on the basis of the stated activities and days/hours only. As the 'Supporting Statement' states that any works would be limited to internal refurbishment and layout adjustments with no structural works or external alterations, I would strongly advise that a temporary permission is granted to allow time for any impacts to be assessed before a full permission is considered.

Given the significantly extended hours for the provision of hot food approved in the Premises Licence (to midnight on Sundays-Thursdays and 03:00 on Fridays and Saturdays), the applicant's attention should aslo be drawn to the requirements in **condition 4** & **Note 1** of **AVA/2021/0167** in relation to the control of commercial cooking odours, and this condition repeated in the Decision.

Regards,

Melanie Goodier | **Principal Pollution Officer**

Amber Valley Borough Council
Pollution Control | Town Hall, Market Place, Ripley, Derbyshire, DE5 3BT
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From: development@ambervalley.gov.uk <development@ambervalley.gov.uk>
Sent: 17 December 2025 18:30
To: Goodier, Melanie <Melanie.Goodier@ambervalley.gov.uk>
Subject: Planning Consultation - AVA/2025/0853

Dear Sir/Madam

Consultee Type: EH Pollution Control (Noise/Nuisance)
Our Ref: AVA/2025/0853

Proposal:
Change of use from Class E(b) (café) to Sui Generis to allow operation as a coffee shop with evening bar, live music and events. No external or structural alterations proposed.

Development Type:
Change of use

Location:
Elements Live Lounge 18 Grosvenor Road Ripley Derbyshire DE5 3JF

Applicant:
Mr Jonathan Watson
New Street Accountancy 8 - 9 New Street Alfreton Derbyshire DE55 7BP

Case Officer Details:
Name: Laura Anthony
Telephone: 01773 841506
E Mail: laura.anthony@ambervalley.gov.uk

I enclose details of this application and would be pleased to receive any comments you may have within the next 21 days.

The Application should be available to view on our website within the next 24 hours.

There is a comments button that you can click on to make comments regarding an application (please see the link below that will take you directly to this planning application) or alternatively you can send a direct email to development@ambervalley.gov.uk

https://www.ambervalley.gov.uk/planning/development-management/view-a-planning-application/?appnumber=AVA-2025-0853

Please let the case officer know if you cannot reply by then.

Sarah Brooks
Planning Manager