From: Goodier, Melanie
Sent:6 May 2026 17:12:59 +0100
To: Shaw, Alex
Cc: Development
Subject:AVA/2026/0128 - Change of use from garden to beer garden at Market Cask (formerly The Crafty Tap), 33 Market Place, Heanor (Our Ref. 26/08996/PL01)
Attachments:AVA 2023 0433_decision.pdf, Existing + Proposed plans.pdf

Hello Alex,

The application form states that no work is required as the proposed change of use had been implemented by the previous operator, without planning approval, from 01.02.2025. The proposed hours of use are 12:00-21:30 daily.

Planning background

When I was consulted on the original planning application for change of use from retail shop (Use Class E) to micropub (Sui Generis) in June 2023 (**AVA/2023/0433** - attached), my comments were based on the description of the proposed operation (trading as 'Beer Shed') as a 'micro pub'. A 'micro pub' is not the same as a public house in the traditional sense so, though it might fall within the same Use Class, should not have the same adverse impacts on residents in the locality. To try to ensure that this remained the case, I recommended **conditions 3-6**. As no outdoor area or beer garden was shown on the plans, **condition 4** states:

> No electrically amplified sound, including music and voices, or percussion instruments shall be permitted on the premises for the entertainment of customers. No outdoor seating or smoking area shall be provided until its location and design has been approved in writing by the Local Planning Authority.
>
> **Reason**: To define the permission, and in the interests of protecting amenity in accordance with Saved Policy EN16 of the Adopted Amber Valley Borough Local Plan 2006.

When a Temporary Event Notice (TEN) was submitted for a 'local beer and music festival' on 01.06.2024, featuring three live bands in the beer garden at the rear, the potential breach of **condition 4** was referred to Planning Enforcement and the TEN was subsequently withdrawn.

Complaints

In March 2025, we received a complaint about repeated incidents of noise from customers shouting, screaming, swearing etc. and loud bassy music, both in the pub and beer garden in the evenings until after 23:30 (25/01277/NOISEI). As our noise monitoring form was not returned, no further action by this unit was possible; however, the complaint was forwarded to the Licensing Authority and Planning Enforcement to address potential breaches of both the Premises Licence and the planning permission (ENF/2025/0009 & **ENF/2025/0039**).

I note that an objection has been made that echoes these issues experienced when the premises operated as 'The Crafty Tap': there appears to be no suggestion that this is continuing under the current operator, however, the concerns raised are understandable.

Licensing

Following a Review Hearing, 'The Crafty Tap's' Premises Licence (24/00808/PRSUPV) was revoked and, in December 2025, a new Premises Licence was granted to the current planning applicant. Section 5 of the licence application stated that the applicant intended to submit a planning application for a beer garden.

My understanding is that, if the current planning application is approved, as the proposed beer garden is not included in the licensed area (red line) but would constitute a 'workplace', the deregulatory changes made to the Licensing Act mean that live music (amplified or unamplified) between 08:00 and 23:00 does not need a licence. Recorded music would be licensable at any time but isn't currently permitted by the Premises Licence. The existing planning **condition 4** (above) is therefore particularly significant in this case and the first element must be retained to protect the living conditions of noise-sensitive premises in the vicinity (see proposed condition 3 below).

Current application

Although the 'Design and Access Statement' refers to the issues under the previous operator, no specific noise mitigation measures are stated, other than that there would be no direct access to or from the beer garden via the rear of the premises other than in an emergency.

In view of the previous issues, approval must be subject to the following conditions:

Condition 1 – Temporary permission

Temporary permission not exceeding 12 months to allow sufficient time for any impacts to be assessed before full permission is considered. The applicant must therefore be able to

demonstrate that the permitted activity has taken place for a significant consecutive period during the 12 months prior to the renewal application.

Condition 2 – Permitted hours of use (in accordance with the application form)

No customer shall be permitted access to the beer garden other than between 12:00 and 21:30 daily. Access to or from the premises via the beer garden, other than in an emergency, is prohibited.

Condition 3 – No entertainment (re-iteration of condition 4 of AVA/2023/0433)

No electrically amplified sound, including music and voices, or percussion instruments shall be permitted anywhere on the premises for the entertainment of customers.

Condition 4 - Signage

Suitable signage shall be positioned at the rear door and around the beer garden requiring customers to regulate their noise levels and behaviour when outdoors.

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: 08 April 2026 18:30

To: Goodier, Melanie <Melanie.Goodier@ambervalley.gov.uk>
Subject: Planning Consultation - AVA/2026/0128

Dear Sir/Madam

Consultee Type: EH Pollution Control (Noise/Nuisance)
Our Ref: AVA/2026/0128

Proposal:
Change of use from garden to beer garden

Development Type:
Change of use

Location:
The Crafty Tap 33 Market Place Heanor Derbyshire

Applicant:
Mr Andrew Gallagher
The Stanton Cask Limited 33 Market Place Heanor Derbyshire DE75 7EG

Case Officer Details:
Name: Alex Shaw
Telephone: 01773 84
E Mail: alex.shaw@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-2026-0128

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

Sarah Brooks
Planning Manager