From: Goodier, Melanie
Sent:14 Jul 2026 09:17:14 +0100
To: Grant, Carol
Cc: Development
Subject:PDR/2026/0027 - Prior Approval for proposed conversion to flats at 28 Market Street, Heanor (Our Ref. 26/11065/PL01)

Hello Carol,

Application to determine if prior approval is required for a proposed change of use from commercial, business and service uses (Use Class E) to dwellinghouses (Use Class C3) under the Town and Country Planning (General Permitted Development)(England) Order 2015, Schedule 2, Part 3, Class MA, as amended

The Order states that, before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

(d) impacts of noise from commercial premises on the intended occupiers of the development;

(e) the impact of the change of use on the character or sustainability of a conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwelling houses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

(h) where the development involves the loss of services provided by a nursery or health centre, the impact on the local provision of the type of services lost; and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Of the above, sections (b), (d) and (g) are potentially relevant to this Team.

(b) Contamination risks in relation to the building

My colleague, David Martschenko (Scientific Officer), has been consulted separately on this matter.

(d) Impacts of noise from commercial premises on the intended occupiers of the development

Under 'Impacts and risks' the application form states:

> 'Both properties adjoining the application site are residential use at first/second floor, therefore typical Building Regulations party wall requirements will apply and be incorporated into the construction phase.'

The planning statement states:

> '…the building has been operating as an office and studio shop until recently.'
>
> 'Proposed area of conversion has residential properties on either side therefore no party wall shared with a non-residential use. Floor/ceiling between ground floor and first floor will be soundproofed in accordance with separating construction guidance found in AD Part E of the Building Regulations.'
>
> '…it is confirmed that the use of the building is currently as Use Class E.

Whilst I have no major concerns with the proposal in principle, there is a potential for adverse impacts on living conditions due to noise (and other nuisances) from unrestricted commercial activity in the Use Class E unit below, particularly if future activities are not compatible with Class E(g); i.e. capable of being carried out in any residential area without detriment to the amenity of that area. It should be noted that some Class E activities (e.g. change of use to a restaurant/café under part E(b)) may still have adverse impacts on the living conditions of nearby/adjoining buildings. In any case, the occupants would need to accept a degree of disturbance commensurate with the commercial nature of a town centre location.

Where existing buildings are sub-divided, the internal division must provide reasonable resistance to the transmission of airborne sound via walls, floors and stairs, and to impact sound via floors and stairs, with respect to noise from activities and building services plant both within that building and from any adjoining commercial/domestic buildings. The development should therefore comply with the requirements of 'Approved Document E: Resistance to the passage of

sound' in Schedule 1 to the Building Regulations 2000 (as amended); however, Building Regulations may not apply in all cases and compliance with the Regulations may not be sufficient to prevent noise complaints, so specialist acoustic advice on sound transmission/insulation should also be sought. Failure to adequately address this matter at the construction stage could result in future enforcement action under environmental health legislation in response to complaints and the substantial cost of remedying inadequate sound insulation retrospectively. This possibility is acknowledged in the planning statement, which refers to the installation of acoustic insulation (see above), so I have no objection provided this is implemented.

(g) The impact, on intended occupiers, of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

The industrial activities listed are not applicable at this location.

Regards,

Melanie Goodier | **Principal Pollution Officer**

Amber Valley Borough Council
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Email (Direct): melanie.goodier@ambervalley.gov.uk; (Office): env.admin@ambervalley.gov.uk |
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From: development@ambervalley.gov.uk <development@ambervalley.gov.uk>
Sent: 13 July 2026 18:30
To: Goodier, Melanie <Melanie.Goodier@ambervalley.gov.uk>
Subject: Planning Consultation - PDR/2026/0027

Dear Sir/Madam

Consultee Type: EH Pollution Control (Noise/Nuisance)

Our Ref: PDR/2026/0027

Proposal:
Application to determine if prior approval is required for a proposed conversion of part of first and second floor into 4no. one bedroom flats including new stairwell

Development Type:
Notifications

Location:
Happy Jack's Shakes 'n' Bakes 28 Market Street Heanor Derbyshire DE75 7NR

Applicant:
Mr Rhys Wright
1 Duffield Road Derby DE1 3BB United Kingdom

Agent:
Mr Adam Wilson
1 Duffield Road Derby DE1 3BB United Kingdom

Case Officer Details:
Name: Carol Grant
Telephone: 01773 84
E Mail: carol.grant@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=PDR-2026-0027

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

Sarah Brooks
Planning Manager