Stevenson, Claire

From: Goodier, Melanie
Sent: 09 September 2026 15:23
To: Grant, Carol
Cc: Development
Subject: PDR/2026/0033 - Prior Approval for change of use from Class E to Class C3 (2 residential units across FF + SF) at 103 High Street, Alfreton (Our Ref. 26/12406/PL01)
Attachments: Existing & Proposed Floor Plans.pdf

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
The 'Impacts and risks' section of the application form repeats section C.8(d) of the 'Supporting Statement':

'The application site is located within Alfreton's town centre, in an established mixed-use environment where residential accommodation has been routinely placed, both historically and through recent planning permissions, alongside commercial premises. Use Class E encompasses commercial uses of inherently low to moderate noise generation, including retail, professional services and financial services, and excludes high noise uses falling within Class B2, Class B8 beyond a small ancillary scale, or sui generis. The interface between Class E commercial use and residential use within a single town centre building is therefore within the range of acoustic conditions that residential design and Building Regulations sound insulation are designed to address.

'The site is located within a well established mixed-use town centre where a degree of background commercial activity is an inherent and accepted characteristic. Future occupiers would reasonably expect this context, and the relationship between residential and commercial uses is typical and long standing. In this regard, no concerns arise in respect of reverse sensitivity.

‘Two distinct noise considerations arise in respect of this application. The first is noise from external commercial premises in the surrounding High Street environment, affecting both proposed dwellings. The proposed dwellings will be situated within the same High Street environment that has accommodated residential use for many decades, in a building that has itself operated within that environment throughout its commercial occupation. The principal habitable spaces of each dwelling are located to take advantage of, rather than be over-exposed to, the building's existing fenestration, and the existing front and rear glazing provides established acoustic attenuation.
‘Having regard to the established character of the area, the inherent acoustic profile of Class E uses, the Building Regulations sound insulation to be specified between the retained ground-floor Class E unit and residential accommodation above, and the Council's approach in directly comparable circumstances, the proposal is considered compatible with the prevailing acoustic environment and capable of providing an appropriate standard of residential amenity. Accordingly, the proposal satisfies the requirements of Class MA in respect of noise and this matter cannot reasonably justify withholding prior approval.’

The ‘Supporting Statement’ states:
‘The entirety of the ground floor is to be retained as a Class E commercial unit with the existing rear stairs maintained to provide access to the upper floors. This ground floor unit will continue in active commercial use, with its own front entrance directly from the High Street [and] remains fully viable as a Class E commercial premises suitable for retail (E(a)), professional services (E(c)(i)), or other Class E sub-use. The intended Class E sub-class will be confirmed prior to occupation by a future commercial occupier. The retained commercial unit is not within the scope of this Class MA application and falls outside the determination being sought from the Council.’

Whilst I have no objection 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. Although the Use Classes Regulations allow permitted change of use to any activity within Use Class E, some sub-classes can adversely affect the living conditions of adjoining dwellings, for example, change of use to a restaurant/café under part E(b), indoor sport under E(d), a day nursery under E(f) etc.

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.

Although the proposed residential occupiers would need to accept a degree of disturbance commensurate with the commercial nature of a town centre location, in the absence of a known Class E occupier, operating hours or an assessment of sound insulation, it isn’t possible to comment further on the likely impacts of noise on the two proposed residential flats above.

(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**

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From: development@ambervalley.gov.uk <development@ambervalley.gov.uk>
Sent: 07 September 2026 18:30
To: Goodier, Melanie <Melanie.Goodier@ambervalley.gov.uk>
Subject: Planning Consultation - PDR/2026/0033

Dear Sir/Madam

Consultee Type: EH Pollution Control (Noise/Nuisance)
Our Ref: PDR/2026/0033

Proposal:
Application to determine if prior approval is required for a change of use of part of the existing three-storey mid-terrace building from Class E to Class C3, provision of 2 self-contained residential units (1x1-bedroom flat at first floor rear, and 1x 2-bedroom duplex flat at first floor front and second floor)

Development Type:
Notifications

Location:
Brittania Building Society 103 High Street Alfreton Derbyshire DE55 7DP

Applicant:
Mr. Axel Gossart
9 Charles Avenue, Chilwell Beeston Nottingham NG9 5EE GB

Agent:
Charis Anderson
9 Charles Avenue, Chilwell Beeston Nottingham NG9 5EE GB

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-2026-0033

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

Sarah Brooks
Planning Manager