S Gladwin
Chief Executive
Development Management

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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 policy and guidance and the policies of the Amber Valley Borough Local Plan 2022-2040, and with reference to your application (**Office Code: AVA/2026/0082**) which was valid on the 16 February 2026 for permission for **Proposed timber clad cabin for the purpose of housing a new milk vending machine/ farm produce, along with vehicle parking area at Holly Mount Farm Heanor Road Smalley**

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 and specifications shown on the drawings:

   ALLSOP/2026/01 Rev B - location plan
   ALLSOP/2026/02 Rev B - site plan
   ALLSOP/2026/03 Rev B - block plan
   ALLSOP/2026/04 Rev A - cabin elevations
   ALLSOP/2026/05 Rev A - cabin elevations

Date: 6 July 2026

Signed

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ALLSOP/2026/06 Rev A - floor plans
ALLSOP/2026/07 Rev C - road marking layout
ALLSOP/2026/08 Rev B - vehicle tracking plans.
ALLSOP/2026/09 Rev C - visibility splays

Received on 22.06.2026.

Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application in accordance with policies EN15 and IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

3. The development hereby permitted shall not be brought into use until visibility splays of 2.4m x 120m, projected to the nearside carriageway edge, have been provided on both sides of the site access onto Heanor Road in accordance with the details shown on drawing number ALLSOP/2026/09 Rev C to the satisfaction of the Local Planning Authority. The visibility splays shall be maintained free of obstruction above a height of 0.6m above adjacent carriageway channel level for the life of the development.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

4. The development hereby permitted shall not be brought into use until alterations to the road markings on the A608, to provide a ghost island right turn facility in accordance with the Design Manual for Roads and Bridges Design Standard CD123, have been implemented as shown on drawing number ALLSOP/2026/08 Rev C to the satisfaction of the Local Planning Authority.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

5. No part of the development hereby permitted shall be brought into use until the on-site driveway/parking/turning areas, including lining and surfacing details, are provided in accordance with drawing number ALLSOP/2026/03 Rev B. The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall be maintained for the life of the development.

   Reason: In the interests of the safety of the users of the access and public highway safety in general in accordance with policy IN1 of the Adopted Amber Valley Borough Local Plan 2022-2040.

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6. Customer access to the application site shall be permitted only between 07:00 and 21:00 daily.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

7. The produce shall be stored in refrigerated vending machines powered by solar or mains only. No plant, machinery or equipment capable of generating noise outside the building shall be installed without the prior written approval of the Local Planning Authority.

   Reason: To protect the amenity of the residents of adjacent properties in accordance with policy EN10 of the Adopted Amber Valley Borough Local Plan 2022-2040.

8. Prior to building works commencing, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented in full and maintained thereafter for the life of the development.

   Reason: In the interests of ensuring measurable net gains to biodiversity in accordance with policy EN8 of the Adopted Amber Valley Borough Local Plan 2022-2040, and in accordance with the National Planning Policy Framework and Schedule 7A Town and Country Planning Act (inserted by the Environment Act 2021).

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Notes
Attention is drawn to the attached notes:

1 The development hereby approved includes carrying out of work on the adopted highway. Planning permission does not convey permission to work on the highway.

Before undertaking work on the adopted highway, the applicant must enter into a highway agreement with the County Council under Section 278 of the Highways Act 1980, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement.

You will be required to pay fees to cover the Councils costs in undertaking the following actions: Drafting the agreement; Monitoring; Approving the highway details; Inspecting the highway works.

A highway agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

2 Implementation of the highway works could affect traffic flows along the A608 Heanor Road. The applicant is advised to contact the Highway Authority's Network Management Team at www.derbyshire.gov.uk/transport-roads/roadstraffic/roadworks/roadworks.aspx a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and/or a programme of Temporary Traffic Management measures to be agreed.

3 The deposit of mud or other items, and/or the discharge of water, onto the public highway are offences under Sections 149 and 151, Highways Act 1980.

The applicant, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both.
practical and legal action (which may include prosecution) against the applicant/contractors/owner or occupier of the land.

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4 The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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5 All excavations shall be covered overnight or else have an escape ramp installed to prevent entrapment of badgers, hedgehogs, brown hare and other wildlife. All pipework greater than 150 mm shall be blanked off at the end of the day and chemicals shall be stored securely. Topsoil mounds shall be checked for badger activity prior to removal or re-use. An ecologist shall be contacted if any evidence of badger activity is found within the application area during development.

6 The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the mandatory biodiversity gain condition prior to the commencement of Guidance for LPAs regarding Gain Plans can be found here:
https://www.gov.uk/guidance/biodiversity-net-gain#para25
and the Gain Plan template is here:
https://www.gov.uk/government/publications/biodiversitygain-plan

7 Derbyshire Wildlife Trust recommend that the Habitat Management and Monitoring Plan (HMMP) should include further details regarding the specific seed mix for the enhanced grassland and detailed remedial measures for each habitat feature.

8 The Biodiversity Enhancement Plan required by Condition 8 shall indicate the locations and specifications of two or more of the following measures:
- 1x external woodcrete / woodstone bat box
- 1x integral bat brick
- 1x external woodcrete / woodstone bird box
- 1x integral universal nest brick
- 1x insect brick / house / tower
- Hedgehog gaps in fencing (130 mm x 130 mm)
- Native and wildlife-attracting planting i.e., trees, hedgerow, shrubs and / or herbaceous perennials to provides resources for pollinators, birds and other wildlife.

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the approved plan.

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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 policies of the Amber Valley Borough Local Plan 2022-2040:

SS3 - Settlement Hierarchy
SS1 - Presumption in favour of Sustainable
SS8 - Green Belt
EN8 - Biodiversity
EN9 - Biodiversity Gains
EN10 - Pollution
EN11 - Derelict, Unstable & Contaminated Land
EN15 - Quality and Design of Development
IN1 - Transport

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 heritage features and highway safety.

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 39 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.

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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.