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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Treville Properties Ltd
83 Chapel Road
Whaley Bridge
SK23 7EP

Agent Emery Planning Partnership
4 South Park Court
Hobson Street
Macclesfield
SK11 8BS

Application no. HPK/2013/0483

Registered on 22/10/2013

Determined on 22/04/2015

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed residential development of 21 no. dwellings at Elmwood House & Penlee Church Lane, New Mills

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.
2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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Signed on Behalf of High Peak Borough Council

High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
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3. No works shall take place on site until details of windows, including glazing bar details at 1:20, together with details of the door joinery, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

4. No window or door frame shall be recessed less than 100mm from the external face into which it is set.

5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before dwellings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

8. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

9. (a) No development or other operations the subject of condition 11 shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of any Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or

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other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

10. Before any other operations are commenced, the existing access to Church Lane shall be laid out at least 6m wide, constructed as a dropped crossing construction and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

11. The access, the subject of condition 10 above, shall not be taken into use until 2m x 2m x 45° pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

12. The dwellings, the subject of the application, shall not be occupied until the proposed new access road between each respective plot and the existing public highway has been laid out in accordance with the approved plans.

13. The dwellings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved plans for the parking and manoeuvring of residents and visitors vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

14. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the manoeuvring of service and delivery vehicles, located, designed, laid out and constructed in accordance with a details to be submitted and approved in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) the garage accommodation / parking space to be provided in connection with the development shall not

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be used other than for the above stated purpose except with the prior permission of the Local Planning Authority granted on an application made in that regard.

16. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

17. Prior to development commencing (excluding demolition, site clearance and construction of the approved access) details of suitable bird nesting housing and boxes for the site, including types and locations shall be submitted to and approved in writing by Local Planning Authority. Prior to any occupation of the dwellings the approved bird nesting facilities shall be erected within the site.

18. No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan balsam on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed and Himalayan balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

19. No development or other operations including site clearance shall commence until a detailed scheme for the protection of semi-natural habitats and the stream to the north of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of high visibility fencing, a timetable for the implementation and methods to prevent damage to the stream and habitats from accidental spillage of spoil or stored materials. The approved fencing shall be erected prior to the commencement of development in accordance with the approved scheme and shall remain free from any impediment for the duration of the construction works.

20. No development or other operations including site clearance shall commence until a detailed scheme for the re-diversion of the stream and creation of the pond has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the structure of the watercourse and any enhancements, including details of landscaping, features, biodiversity maintenance and timescales for implementation and management. The development shall be carried out and maintained in accordance with the approved details.

21. Prior to any development commencing an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in

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writing the by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

22. Prior to any development commencing a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

23. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 22.

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25. No development shall take place, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) measures to clean vehicular wheels as appropriate to prevent mud on the highway
- f) measures to control the emission of dust and dirt during construction
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

26. No construction work at the site shall take place outside the following hours:-

- 1. 0700 hours to 1900 hours Mondays to Fridays.
- 2. 0800 hours to 1600 hours on Saturdays.
- 3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
- 4. All deliveries to the site shall be limited within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

27. If piling is necessary a written method statement shall be submitted to the Local Planning Authority. The method statement shall demonstrate that best practice is to be utilized in order to minimize disturbance to neighboring properties due to noise and vibration. This method statement should be inline with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73).

No piling shall take place until the method statement has been approved. The approved Statement shall be adhered to throughout the construction period.

28. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.

29. Notwithstanding the provisions of Classes A, B, C, D, E, F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no development shall be take place without the prior written approval of the Local Planning Authority.

30 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run off limitation has been submitted to and

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approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

31. The site must be drained on a separate system, with only foul drainage connected into the foul sewer.

32. The development hereby permitted shall be carried out in accordance with the following approved plans: 211080 00 P2, PR/TP01/13/SLOC/01, M1158/1, 211080 10 P4, 211080 11 P3, 211080 12 P4, 211080 13 P3, 211080 14 P3, 211080 15 P4, 211080 16 P3.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interests of visual amenity, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

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5. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

6. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

7. To ensure adequate and appropriate treatment to all boundaries.

8. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

9. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

10. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

11. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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12. To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
13. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
14. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
15. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
16. To safeguard wildlife in the interests of nature conservation.
17. To safeguard wildlife in the interests of nature conservation.
18. To safeguard wildlife in the interests of nature conservation.
19. To safeguard wildlife in the interests of nature conservation.
20. To safeguard wildlife in the interests of nature conservation.
21. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
22. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
23. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
24. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
25. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
26. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
27. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
28. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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- 29. To enable the Council to exercise control over future developments at the site, in accordance with Policy GD4 and Policy GD5 of the High Peak Saved Local Plan Policies 2008.
- 30. To prevent pollution of water environment, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
- 31. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
- 32. For the avoidance of doubt and in the interests of proper planning.

Summary of reasons for granting permission

The Council has sought negotiated a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

- BC1 - External Materials
- GD2 - Built up area boundaries
- GD4 - Character Form and Design
- GD5 - Amenity
- GD6 - Landscaping
- GD7 - Crime Prevention
- GD12 - Unstable Land, Landfill and Contaminated Sites
- H1 - Principles of Housing Provision
- H5 - Housing within the Built up Area Boundaries
- H9 - Affordable Housing for Local Needs
- H11 - Layout and Design of residential development
- OC10 - Trees and Woodlands
- TR4 - Traffic Management
- TR5 - Access, parking and design

National Planning Policy Framework

Paragraphs 14, 17

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Signed on Behalf of High Peak Borough Council

Sections 1, 4, 6, 7, 8, 11

Notes to Applicant

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Gail Mordey on 01629 538073 for further information.

The Highway Authority recommends that the first 10m of the proposed access road should not be surfaced with a loose material (i.e unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householders/landowner.

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980, however in this case the access road will not be adopted.

The applicant is advised that, in carrying out the work, he should comply with the advice contained in the survey by name of consultant, and that details of methods of working etc. are adhered to.

The granting of planning permission does not absolve the applicant from complying with the relevant law on protected species, including obtaining and complying with the terms of any licence that may be required as described in Part IV (B) of Ministerial Circular 06/2005.

Breeding birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended), as are all bat species. It is an offence to disturb, injure or kill these species. If bats are found during the course of the development, works must stop immediately and a local representative of Natural England should be contacted.

The Protection of Badgers Act 1992 was introduced in recognition of the additional threats that badgers face from illegal badger digging and baiting. Under the Act, it is an offence inter alia to:

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"-Wilfully kill, injure or take a badger, or to attempt to do so;

"-Cruelly ill-treat a badger; or

"- Intentionally or recklessly interfere with a badger sett by:

(a) damaging a sett or any part of one;

(b) destroying a sett;

(c) obstructing access to or any entrance of a sett;

(d) causing a dog to enter a sett; or

(e) disturbing a badger when it is occupying a sett.

If badgers are found during the course of the development, works must stop immediately and a local representative of Natural England should be contacted.

The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SuDS). SuDS, in the form of grassy swales, detention ponds, soakaways, permeable paving etc., can help to remove the harmful contaminants found in surface water and can help to reduce the discharge rate.

Plans

The plans to which this Notice refers are listed below:

PR/TP01/13/LOC/01

211080 00 P2

211080 10 P4

211080 11 P3

211080 12 P4

211080 13 P3

211080 14 P3

211080 15 P4

211080 16 P3

M1158/1

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

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Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition.**

Please refer to our web site : www.highpeak.gov.uk for details. If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

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