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**High Peak Borough Council**

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TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

FULL PLANNING APPLICATION

## PERMISSION

Applicant & Mrs B Morris  
Innovation Centre Maidstone Road  
Chatham  
Kent  
ME5 9FD  
Agent A E Planning Consultants  
57 Bollington Road Bollington  
Macclesfield  
SK10 5EJ

Application no. HPK/2015/0533

Registered on 08/10/2015

Determined on 04/02/2016

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

### **Proposed Development of Three Detached Houses at Shallcross Mill House Elnor Lane Whaley Bridge**

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

#### **Conditions**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 270.03.1, 270.03.2, 270.04.1, 270.04.2, 270.02 Rev B, 270.06.
3. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the building and hard surfaces have been submitted

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to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

6. 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 until the Local Planning Authority gives written consent to any variation.

7. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has

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High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF

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been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
- f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012. Include details of existing ground levels, proposed levels and depth of excavation.
- h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

8. Development shall not commence until a site risk assessment has been undertaken in to assess the nature and extent of any contamination on the site in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority.

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Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification 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.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

9. No demolition and/or construction works shall take place outside 07:00 hours to 19:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holidays.

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

11. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities (BR456).

12. No development shall commence, including any works of demolition, 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel cleaning and/or washing facilities
- vi. measures to control the emission of dust, dirt, noise, vibration and light during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. hours of construction/demolition
- ix. details of any piling
- x. details of temporary highway vehicle and pedestrian routings
- xi. details of off-highway parking for construction related vehicles

13. Before any other operations are commenced, detailed designs demonstrating modifications to the existing access with Elnor Lane shall be submitted to and approved in writing by the Local Planning Authority. The buildings hereby permitted shall not be occupied until these works have been completed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

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14. 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 application drawings for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, laid out, surfaced 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 and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

16. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

17. No works shall commence until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark has been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be completed in accordance with the approved details.

18. The development shall be carried out in strict accordance with the submitted mitigation scheme and method statement (Rachel Hackings Ecology dated 2015) to provide appropriate mitigation detailed in section 5.0 of the Ecological Report for nesting birds, roosting bats and habitat enhancement and creation.

19. No construction / demolition / excavation works shall be carried out on the site between the 1st March and 31st August inclusive, unless the site is surveyed for breeding birds, and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

20. Prior to the commencement of development a detailed statement of Reasonable Avoidance Measures (RAM's) for reptiles and amphibians shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the submitted Statement of Reasonable Avoidance Measures.

21. Prior to the commencement of development, an invasive non-native species protocol and method statement shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Himalayan Balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

22. Prior to works commencing, including the removal of vegetation, earth moving or site preparation, an ecological survey shall be carried out for the presence of badgers at the site.

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The results of the survey shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details and any mitigation measures set out.

23. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

- a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals potentially using the site), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked (capped) off at the end of each working day.

24. Any windows on the side elevations at first floor level shall be glazed with obscured glass and shall be permanently maintained in that condition.

25. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A to C and E Parts 2, 3 and 4 shall take place on the dwelling house(s) hereby permitted or within their curtilages.

## Reasons

1. To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
4. To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
5. To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
6. To protect the health and amenity of the trees in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008 and paragraph 118 of the National Planning Policy Framework.

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7. To protect the health and amenity of the trees in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008 and paragraph 118 of the National Planning Policy Framework.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies GD5 and GD12 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
9. To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 of the National Planning Policy Framework.
10. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
11. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
12. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
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15. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
16. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework.
17. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
18. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.
19. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.

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20. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.
21. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.
22. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.
23. To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy OC8 of the High Peak Saved Local Plan Policies 2008 and paragraph 17 and Section 11 of the National Planning Policy Framework.
24. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
25. In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements, in accordance with Policies GD5, GD4 and H14 of the High Peak Saved Local Plan Policies 2008 and the National Planning Policy Framework

**Summary of reasons for granting permission**

The Council has 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**

- EMP 6 - Industry and business within the built-up area boundaries and homeworking
- GD2 - Built up area boundaries
- GD4 - Character Form and Design
- GD5 - Amenity
- GD6 - Landscaping
- GD12 - Unstable Land, Landfill and Contaminated Sites
- H1 - Principles of Housing Provision
- H5 - Housing within the Built up Area Boundaries
- H11 - Layout and Design of residential development

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OC1 - Countryside Development  
OC3 - Special Landscape Area Development  
OC4 - Landscape Character and Design  
OC8 - Sites of Importance for Nature Conservation  
OC10 - Trees and Woodlands  
TR1 - Transport Implications of new development  
TR5 - Access, parking and design  
TR11 - Footpaths, bridleways and byways

## **High Peak Local Plan Submission Version April 2014**

S1 – Sustainable development principles  
S1a – Presumption in favour of sustainable development  
S2 – Settlement hierarchy  
S6 – Central sub-area strategy  
EQ2 – Landscape Character  
EQ4 - Biodiversity  
EQ5 – Design and place making  
EQ8 – Trees, woodland and hedgerows  
EQ9 – Pollution control and unstable land  
EQ10 – Flood risk management  
E4 – Change of use of existing business land and premises  
H1 – Location of housing development  
H4 – New housing development  
CF6 – Accessibility and transport

## **National Planning Policy Framework**

Paragraphs 14, 17, 196-197  
Sections 4, 6, 7, 8, 11

## **Notes to Applicant**

Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01629 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

The application site is affected by a Public Right of Way (Footpath/ number 61 Whaley Bridge on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

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Each parking space should measure 2.4m x 5.5m (2.4m x 6.5m where located in front of garage doors) with adequate space behind each space for manoeuvring.

Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

The attention of the applicant is drawn to the contents of the attached letter from Derbyshire County Flood Risk Standing Advice for Green Category Development.

The attention of the applicant is drawn to the contents of the attached letter from United Utilities dated 19-Oct-15.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Derbyshire Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact Derbyshire Wildlife Trust.

Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations 2010 or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Severn Trent Water Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

## **Plans**

The plans to which this Notice refers are listed below:

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270.01 Rev.A  
270.02 Rev.B  
270.03.1  
270.03.2  
270.04.1  
270.04.2  
RBS-0085-001  
270.06

**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.

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](http://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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