

Item No. 1.2

Ref. No. DMPA/2021/0756

Valid date: 15/06/2021

Applicant: M Berwick

Agent: Turner & Co. Consulting Ltd

Proposal: **The erection of 3 no. detached dwellings, extensions and alterations to the existing bungalow and the erection of a detached double garage at 53 Cauldwell Road, Linton, Swadlincote, DE12 6RX**

Ward: Linton

Reason for committee determination

This item is presented to the Committee at the request of Councillor Dan Pegg as local concern has been expressed about a particular issue.

Site Description

The application site is within the village of Linton and comprises an area of land of approximately 2200 square metres. It is located on the southern side of Cauldwell Road, 45m west of the junction with Warren Drive and is the first property on Cauldwell Road when travelling in an easterly direction. The application site is roughly triangular in shape, with a 40m wide frontage to Cauldwell Road and a depth of 70m at the longest point, which is along the western boundary of the site. The site appears flat, with no obvious change in land levels across the site or when compared to that of the neighbouring land and properties that surround the site. The site currently comprises a large detached bungalow, which is sited in the south west corner of the site and is set back 26m from the highway edge, it has a fenced rear garden and also benefits from a large detached garage. It is constructed from red brick with a tiled gable roof, there is off street parking at the front and side of the dwelling, with access off Cauldwell Road via a large set of entrance gates. As well as having a good sized rear garden, there are also large areas of undeveloped land to the front and side of the dwelling, which are mostly covered by grass and low level vegetation. The site is bound by residential properties to the eastern side and to the rear, the land to the west and the northern side of Cauldwell Road, is arable/grazing land. There is a public right of way (Footpath No.14 - Linton Parish) which runs along the entire eastern boundary of the site and along part of the southern boundary and provides pedestrian access from Cauldwell Road to the newly built housing site at the rear of the site. It is noted though that the correct alignment of the footpath passes through the site, although based on historic satellite images it would appear that it has not passed through the site for many years.

The proposal

The proposal is for full planning permission for the erection of three detached two storey dwellings, the erection of two-storey extensions and alterations to the existing bungalow on site (No.53 Cauldwell Road) and the erection of a detached double garage to serve the existing property. The proposal utilises the existing vehicular access for No.53 which is to be modified in order to accommodate three further dwellings.

Applicant's supporting information

The Bat Emergence Surveys found there is no evidence of bats using the site as a place of shelter and no evidence of birds nesting in the building. There are also considered to be no roosting opportunities for bats in the dwelling or the garage.

The Design and Access Statement seeks to demonstrate the design principles and concepts that underpin the development proposals indicating how the scheme will contribute towards the creation of a high-quality sustainable development that will enhance the existing properties.

DMPA/2021/0756 - 53 Cauldwell Road, Linton, Swadlincote DE12 6RX



MAPS ARE NOT TO SCALE

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

South Derbyshire District Council. LA 100019461.2020

Relevant planning history

9/2018/0468 Outline application (all matters except for access to be reserved) for the residential development of two dwellings, altered access, parking and turning for the new dwellings and the formation of a new access for the existing dwelling - Approved July 2018

Responses to consultations and publicity

The County Highway Authority consider that the issues raised in the Highway Authority's previous response dated 19 July 2021 have now been addressed and there are now no objections to the proposal from the highway point of view subject to conditions being included in any consent in the interests of highway safety.

Derbyshire Wildlife Trust advise that the report submitted presents the results of an inspection and assessment of the existing buildings on-site carried out on 4th October 2021. No evidence of roosting bats or nesting birds was found during the inspection and the buildings were concluded to have no suitable access or roosting features for bats. Advise that sufficient information in respect of protected species has now been submitted to enable the Authority to determine the application in the knowledge that the proposed development is unlikely to impact on protected species and no further surveys are considered necessary. They fully support the recommendation in the report for the incorporation of bat enhancement measures within the development to enhance the local bat population. Such measures will enable the development to achieve a net gain for biodiversity in line with the objectives of the National Planning Policy Framework and policy BNE3 of the South Derbyshire Local Plan.

The Environment Agency note that the site is located fully within flood zone 1 and therefore have no fluvial flood risk concerns associated with the site. Considered that there are no other environmental constraints associated with the site and therefore have no further comment to make.

Environmental Health advise that there are no concerns or comments about the implications of this proposed development.

The Peak and Northern Footpaths Society object to the application as there is no mention in any of the documents of the fact that a public footpath, FP14 Linton, crosses the application site. The working definitive map on the county council's web site shows this FP passing across Plot 3 of the development. It is essential that the applicant and the planning officers consult DCC to ascertain if this is the correct definitive line of the FP. Since the dwelling on plot 3 would obstruct the FP, if planning permission were granted, the path must be legally diverted before it is obstructed. Provided that a suitable diverted route can be found, they would not object to the development.

Natural England has no comments to make on this application.

The County Rights of Way Officer notes that the alignment of Linton Public Footpath 14 passes through the proposed development as per the attached plan. In order for the development to proceed, the path will need to be diverted.

Linton Parish Council have no objection to this application.

Derby and South Derbyshire Ramblers object to the proposal as no consideration has been given to the diversion of Linton Footpath 14. The application must show how and where Footpath 14 had been diverted, alternatively the layout is re-designed to accommodate Footpath 14 on its existing line.

One objection has been received, raising the following comments:

- a) Privacy and quiet enjoyment of neighbouring home and garden are being further threatened.
- b) Concerns of overlooking into neighbouring garden.
- c) When considering the additional conversion of the existing bungalow into a two storey house, in effect this would become another mini housing estate.
- d) Concern raised over the scale of development as it will be an intrusion into the countryside by

changing the nature of a housing plot right on the edge of the village.

e) Concerns over the impact the proposed development would have on any future housing development proposals on the edge of the village.

f) Concerned that approval would add weight to any future proposals to intrude further into the countryside, and make it more difficult for the Council to reject such proposals.

g) Question whether it should be acceptable and appropriate for the site of a single bungalow, albeit with a reasonably-sized garden, but right on the edge of the village (and which currently very clearly identifies the transition from the built-up village to the countryside), to be developed to the scale proposed?

h) Important to preserve the green spaces which residential gardens provide within a community - the open aspect of the neighbourhood? The National Planning Policy Framework 2012 (paragraph 53) certainly emphasises this point when it said that LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens.

i) Objections over loss of privacy and degree of overlooking which this development will bring about for neighbouring property. Two of these houses will be built a few metres from the boundary and the rear elevation of these houses will look directly into the neighbouring garden, particularly at first-floor level.

j) Understood that there is a right to quiet and private enjoyment of garden - this will most certainly be compromised should this development be permitted.

k) SDDC's Design Guidance (Nov 17 BNE1) says that 'new development should not have an undue adverse effect on the privacy and amenity of existing nearby residents or occupiers'.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport) and INF8 (The National Forest).

Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development) and BNE7 (Trees, Woodland and Hedgerows)

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of Development;
- Design and Visual Impact;
- Neighbouring Amenity;
- Highway Safety;
- Biodiversity; and
- Other Issues.

Planning assessment

Principle of Development

The site is located within Linton's defined settlement boundary, which is a 'Key Service Village' as identified by Policies H1 and SDT1. Within key service villages, development of all sizes within the settlement boundary will be considered appropriate. The site is within a built up residential area, with neighbouring dwellings on one side and to the rear and the three proposed dwellings are all within the grounds of an existing dwelling. The principle of the proposed development for the erection of three new dwellings on the site is considered to be acceptable, appropriate development as it is compliant with Policies H1 and SDT1 (which sets the settlement boundary) i.e. new development within the settlement boundary.

Design and Visual Impact

Policy BNE1 expects all new development to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people's quality of life; the Council's Design SPD supports this policy with further detail. The proposal looks to erect three detached two-storey dwellings in the grounds of an existing bungalow. The garden of the bungalow is unusually large in size for the size of the host dwelling and its location on the edge of the village, especially when considering the size of the neighbouring plots and their gardens. The site also features a number of mature trees and vegetation along its boundaries.

There is a previous outline planning permission for the site which proposed the retention of the existing bungalow and the construction of two new dwellings within the front garden of the plot (9/2018/0468). The proposed dwellings are to be sited where the previously approved new dwellings would have been located, although an additional dwelling has now been added which replaces an existing garage which is to be demolished.

In relation to impacts on the street scene, the site is clearly visible from the public realm, with clear views into the front of the site available along Cauldwell Road. The proposed layout shows that the development would form a curved line of four dwellings all fronting the highway and utilising the same access off Cauldwell Road, with vehicle parking provided at the front of each dwelling. The dwellings are to be set back into the site from the highway edge, with plot 3 being the closest dwelling to the highway with a separation distance of 10m. The building line and separation from the highway is in accordance with the existing built form along Cauldwell Road to the east. The surrounding dwellings along Cauldwell Road to the east are similar in character and design, being mostly two storey dwellings which sit centrally on good sized plots with off street parking provision at the front, with roof types being grey tiled box gables and built from red bricks.

The three new dwellings and the existing bungalow which is to be extended and converted would all be two storey and are similar in size and character. It is therefore considered that they would suitably fit within the existing street scene along Cauldwell Road. It is also considered that the proposed use of two storey dwellings would be most appropriate in character terms as proposed, as it would relate to the existing dwellings along Cauldwell Road to the east and the newly built dwellings to the rear of the site which are visible when travelling along Cauldwell Road and therefore relate to the site. The proposed dwellings and the alterations to the existing dwelling would appear similar in appearance, scale and massing to the existing dwellings. The proposed orientation of the dwellings fronting Cauldwell Road provides good integration with the neighbouring dwellings. The proposed elevations detail the proposed facing materials for all of the dwellings, with two dwellings proposed in render and the other being a red multi brick, Forticrete Gemini dark grey roof tiles are proposed throughout. This proposed use of facing materials is reflective of other properties within Linton and can be found throughout South Derbyshire and would provide a high quality appearance that also integrates well with the street scene. The proposal is therefore considered to comply with Policy BNE1 and the SPD in relation to its design and impact on the street scene.

Neighbouring Amenity

Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers. Policy BNE1 requires development to not cause demonstrable harm to neighbouring amenity. In relation to the impacts of the proposed development on the residential amenities of neighbouring occupiers that surround the site, there are dwellings to the eastern side of the application site and at the rear. In relation to the impact on the neighbouring dwelling, no. 51 Cauldwell Road to the east of the site, when measuring the 45 degree sector view from the closest ground floor primary window on both front and rear elevations of no.51, the closest proposed dwelling of plot 3 would not fall within either sector, therefore there are no concerns in regards to the amenity of their living space being demonstrably impacted as a result of the development in terms of overshadowing or overlooking. In regard to the impact on the amenity of their rear garden, in accordance with the SPD, outdoor space is assessed on the merits of each case. In built up residential areas such as this, most houses overlook neighbouring rear gardens to some extent, areas closest to main windows are where occupants most value privacy. The area directly at the rear of No.51, due to how the proposed dwellings would be sited, would not be directly overlooked from the first floor windows. In terms of the potential for their being an overbearance on the rear garden from the closest two storey dwelling of plot 3, there would be a separation distance of 7.5m from the rear elevation to the neighbouring boundary at the closest point, as such it is considered that this distance is sufficient to not be considered an overbearance on the garden.

In relation to the impact on neighbouring dwellings at the rear of the site to the south, No.1 Medham Avenue and No.40 Maitland Road are both orientated so that their side elevation would face the rear of the proposed dwellings and the existing dwelling which is to be extended, therefore there are no concerns in regards to their amenity being demonstrably impacted as a result of the development. In addition, there is a separation distance in excess of 23m which would also comply with the minimum distance requirements even if the rear of the property faced the rear of the proposed two-storey dwellings. When considering the impact each dwelling within the site would have on each other, all dwellings would comply with the requirements of the SPD, with no other dwelling falling within the 45 degree sector view when measured from ground floor windows.

The proposal would therefore comply with the minimum distance requirements as set out in the SPD when measured against all of the neighbouring dwellings that surround the site as detailed above. As such, it is considered that the proposed dwellings would not demonstrably impact the residential amenities of neighbouring properties that surround the site and future occupiers within the site and therefore the proposal is considered to be compliant with Policies SD1, BNE1 and the minimum distances as set out in the SPD.

Highway Safety

Vehicular access for the three proposed dwellings and the existing dwelling is proposed via the existing access point off Cauldwell Road, this access would be modified to make it slightly wider in order to safely accommodate all four dwellings and to achieve the necessary visibility splay lines, as assessed by the County Highway Authority. All four dwellings would be accessed off a small access road which turns into the centre of the site.

The proposal includes off street parking provision for each of the three new dwellings, with two spaces provided at the front of each dwelling and an additional space in the form of integral garages. Whilst the proposal includes the demolition of an existing double garage at the front of the existing bungalow, which is to be retained and extended, a new double garage is proposed at the front of this dwelling. The proposed layout shows that sufficient space can be provided within the site to ensure adequate parking and manoeuvring for at least two vehicles for all of the proposed dwellings and the existing dwelling which is therefore compliant with the parking guidance as set out in the Design Guide SPD, thereby minimising the risk that residents would park on Cauldwell Road. Vehicle movements generated by the proposal are unlikely to have a noticeably negative impact on the capacity of the wider highway network, with the proposal being within the settlement boundary and within an existing

built up residential area. It is noted that the County Highway Authority have assessed the proposal from a highway safety perspective and have raised no objections to the proposal, subject to conditions. As such the access and parking proposed is considered suitable to facilitate three new dwellings on the site and would not adversely impact on highway safety to a point where it would reasonably justify refusal of the application. As such, the proposal complies with the requirements of Policy INF2 and the provisions of the NPPF.

Biodiversity

A preliminary bat roost assessment has been carried out on the site as a result of the existing dwelling being extended and the existing garage being demolished. The surveys found that there was no evidence of bats using the dwelling or any outbuildings as a place of shelter. These findings have been assessed by Derbyshire Wildlife Trust, who have raised no objections based on this information being submitted, subject to the proposed bat mitigation and compensation as detailed within the report being secured via a suitable planning condition. On the basis of this, it is considered that the duty under the requirements of The Conservation of Habitats and Species Regulations 2017 has been discharged in order for an informed decision to be made and the proposal would therefore comply with Policy BNE3.

In regards to the impact the development would have on trees within the site, there are several mature trees on the site, all located on the site boundaries, predominantly at the front of the site. The only tree which has the potential to be impacted by the development is a sycamore tree within the north east corner of the site which would be 7m away from plot 3 at the closest point. Whilst it is unlikely that this tree would require removal in order to accommodate the new dwelling, if it did require removal, it is not considered that a tree preservation order could be justified in this case as the stem splits into three and therefore has a reduced life expectancy. In any case, a landscaping condition would be attached to any consent granted to ensure that additional tree planting on site is secured.

Other Issues

As referenced in the site description, there is a public right of way (Footpath No.14 - Linton Parish) which runs along the entire eastern boundary of the site and along part of the southern boundary and provides pedestrian access from Cauldwell Road to the newly built housing site at the rear of the site. The impact the development would have on this footpath has been raised in a number of the consultation responses. The correct alignment of the footpath (according to the county mapping system), passes through the site, although based on historic satellite images, it would appear that the footpath has not passed through the site for many years, if ever. Both the County Rights of Way Officer and the Highway Authority have raised no objections in regards to the impact on the footpath, but do require that the footpath is formally realigned so that it does not pass through the site. In order to ensure this is carried out, a condition would be attached to any consent granted.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

Approve subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 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 in accordance with drawing numbers E001, P001 Rev A, P002 Rev A, P003 Rev A, P004 Rev A, P005, P006, P007 and P008 Rev A; unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

3. Before any other operations are commenced, the Public Right of Way (Footpath 14 – Linton, as shown on the Derbyshire Definitive Map) which crosses the site and is affected by Plot 3 shall be diverted in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the public right of way remains in place and is formally diverted.

4. No development, including preparatory works, shall commence until the existing access to Cauldwell Road has been modified in accordance with Drawing No. P001 Rev A, having a minimum width of 5m and provided with visibility sightlines of 2.4m x 81m in the easterly direction and 2.4m x 160m to the west. The area forward of the sightlines shall be cleared and maintained throughout the lifetime of the development clear of any obstruction exceeding 1m in height (0.6m in the case of vegetation) relative to the nearside carriageway edge.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that even initial preparatory works could bring about unacceptable impacts.

5. Prior to the first occupation of any new dwelling hereby permitted, three car parking spaces for each of the existing and proposed new dwellings plus manoeuvring space shall be provided within the site curtilage, laid out in accordance with Drawing No. P001 Rev A, surfaced in a solid bound material (i.e. not loose chippings) and maintained throughout the lifetime of the development free from any impediment to their designated use. Each of the car parking spaces shall measure at least 2.4m x 5.5m and the internal dimensions of each garage shall be 3m x 6m for a single and 6m x 6m for a double garage.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

6. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

7. Prior to the first occupation of any new dwelling hereby permitted, a bin collection point shall be provided on private land sufficient to accommodate two bins per dwelling for use on collection day. The bin collection point shall be maintained throughout the lifetime of the development free from any impediment to its designated use.

Reason: To ensure safe and suitable conditions are maintained on the public highway, in the interests of highway safety, and to ensure appropriate waste/refuse facilities are provided for the occupiers of the development.

8. The development shall be carried out in accordance with the bat and bird enhancement measures recommended and detailed in the Preliminary Bat Roost Assessment and Bird Survey report prepared by S. Christopher Smith dated 6th October 2021. The recommended enhancement measures shall be implemented as construction proceeds and completed prior to the first occupation of the development and retained as such thereafter.

Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.

9. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments

shall be completed in accordance with the approved details before the respective dwelling to which they serve is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area and to ensure that all dwellings have a private outdoor amenity area.

10. Prior to the occupation of any new dwelling, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All hard landscaping shall be carried out in accordance with the approved details prior to first occupation of the respective new dwelling, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of any new dwelling or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

11. Prior to the incorporation in to the dwellings and extensions hereby approved, details of the external appearance of eaves, verges, cills and headers shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drawings to a minimum scale of 1:10. The eaves, verges, cills and headers shall be constructed in accordance with the approved drawings.

Reason: In the visual interest of the building(s) and local distinctiveness.

12. Prior to the first occupation of any new dwelling, a recharge point for electric vehicles shall be provided at a ratio of 1 charging point per dwelling with dedicated on plot parking. Individual charging points shall be provided with an IP65 rated domestic socket 13amp socket directly wired to the consumer unit with 32 amp cable to an appropriate RCD, located where it can later be changed to a 32amp EVCP. Shared charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority. Alternative provision to the above specification must be first submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging point(s) shall be provided in accordance with the stated criteria and approved details prior to the first occupation of the respective dwelling and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

13. Except in an emergency, no demolition, site clearance, construction, site works or fitting out shall take place other than between 08:00 hours and 18:00 hours Mondays to Fridays, and between 08:00 hours and 13:00 hours on Saturdays. There shall be no such activities whatsoever on Sundays, public holidays and bank holidays.

Reason: To safeguard the amenities of nearby occupiers.

14. Each new dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations

(2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan.

Informatives:

- e. Planning permission does not give you approval to work on the public highway. To carry out works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is recommended that you make contact with the County Council at the earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk telephone 01629 533190.
- f. The site is affected by a Public Right of Way (Footpath 14 in Parish of Linton as shown 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. The location for building on Plot 3 obstructs the legal alignment of the footpath. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. The Footpath will need a permanent diversion in which case the Authority which determines the planning application (South Derbyshire District Council) has the powers to make the Diversion Order.