

## **UPDATE SHEET**

### **PLANNING COMMITTEE – 14 October 2025**

**To be read in conjunction with the Report of the Head of Planning and Infrastructure  
to Planning Committee**

- (a) Additional information received after the  
publication of the main reports;**
- (b) Amendments to Conditions; and**
- (c) Changes to Recommendations**

**A1      24/01236/FUL      Retention of 3 no. underground LPG gas tanks to serves the approved residential development scheme for 28 houses at Home Farm**

Land At Home Farm, 25 Main Street, Oakthorpe

### **Queries raised at the Technical Briefing**

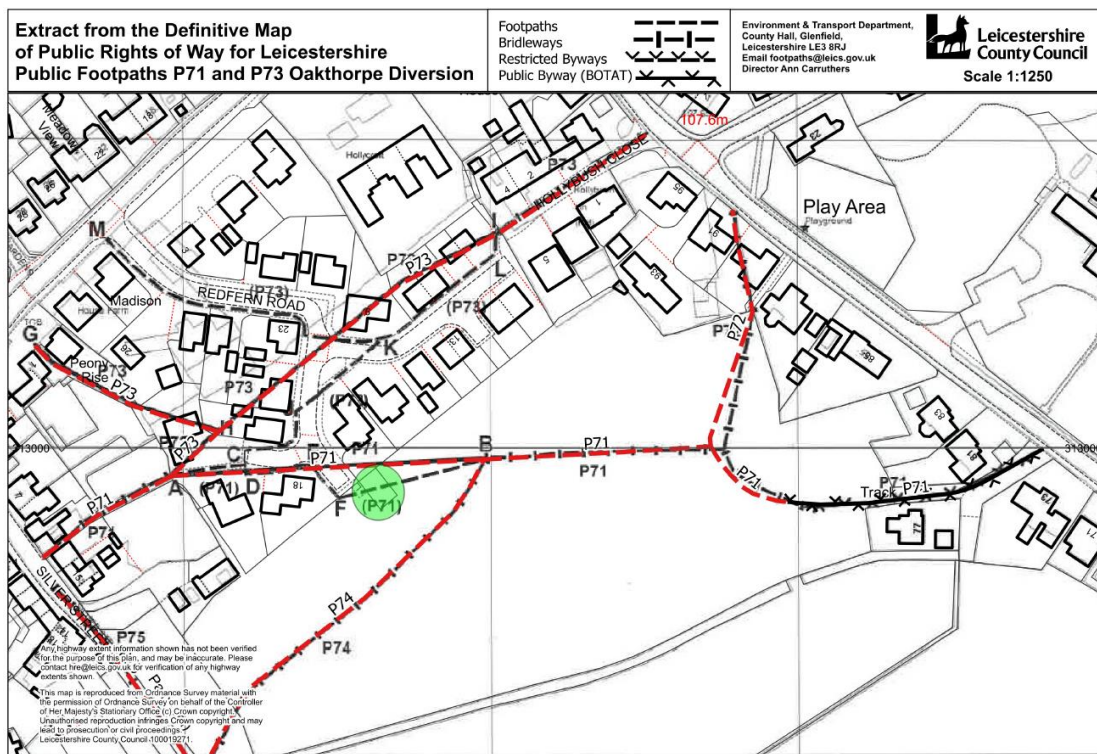
During the technical briefing, members queried what the timescale would be for installing the new proposed paladin fencing. Officers have queried this with the agent who is discussing this with the applicant. It is likely that the fencing could be installed within three months. If that is agreeable with the applicant, then this timescale can be specified in the recommended fencing condition.

A query was raised as to why gas has been installed rather than other alternative means of providing an energy supply to the dwellings on the adjacent Home Farm site, e.g. air source heat pumps. A consultation was undertaken in late 2023/early 2024 by the previous government to make changes to the Building Regulations to achieve the Future Home Standards which will require new homes to have low carbon energy/heating systems and fossil fuel systems/heating won't be allowed. However the proposed changes to the Building Regulations have not yet been brought in and so at present there is not a mandatory requirement for low carbon systems to be installed to new homes.

In addition to the above, the Council's Housing team have advised that eight properties on the new housing development have recently been secured with the Council as affordable housing. The Council has reached an agreement with the developer that these eight affordable properties will be fitted with air source heat pumps instead of gas.

### **Additional Public Right of Way (PRoW) Information**

It has come to Officers' attention that the site plan submitted with the application that shows the proposed PRoW diversion route for P71 isn't accurate, and the proposed diversion route for this public footpath runs through the site of the gas tanks, as can be seen on the plan below shown by the black dashed line.



An amended diversion route to footpath P71 could be provided between points B and F on the plan above, that would avoid the site of the gas tanks and which would not be significantly less convenient than the current route of P71 or the proposed diversion, and the general aspect of the footpath would remain largely the same as the current situation as it would still run through the field.

A grant of planning permission does not grant permission for the footpath diversion, which is dealt with separately by an application for a Footpath Diversion Order. The DEFRA Rights of Way Circular (1/09) advises that a condition requiring the footpath diversion order to be approved before development commences on site is unnecessary as it duplicates the separate statutory procedure for diversions of rights of way, and the same approach applies where an application is retrospective.

Therefore it is considered that the proposed diversion to part of the footpath would be acceptable in planning terms, and complies with Policy IF4 of the Local Plan, the NPPF and the DEFRA Rights of Way Circular.

### Additional Consultation Response

An additional consultation response has been received from the County Council's Minerals and Waste team, who have commented:

*The application site is located within the mineral safeguarding area for coal as identified in the adopted Leicestershire Minerals and Waste Local Plan 2019-2031. However, noting the nature of the application, which seeks to retain existing LPG tanks and would not involve any new development, the MWPA is satisfied that the development would not affect the mineral safeguarding interest. There are no objections to the proposed development.*

**Officer Comment**

The above information has been given due consideration. It is noted that no further neighbour letters have been received and no consultee objections are raised to the application. Furthermore, matters relating to PRow would be dealt with outside of the planning application process.

There are therefore no new matters raised that would change the Officer recommendation.

**RECOMMENDATION – NO CHANGE TO RECOMMENDATION.**

**A2 25/00711/FUL Demolition of existing single storey rear extension and erection of a two storey rear extension and single storey rear extensions, outside kitchen and pergola. Alterations to front windows, replacement windows and replacement front porch. Extension to existing outbuilding to form home gym. Landscaping to include provision of retaining walls**

Blackberry Cottage, Moira Road, Shellbrook, Ashby De La Zouch.

### **Additional Consultation Response**

An additional consultation response has been received from the Lead Local Flood Authority (LLFA) who have 'No Comments' and refers the Local Planning Authority (LPA) to Standing Advice.

### **Officer Comments**

According to the Environment Agency's Flood Map for Planning, the application site lies within an area identified as being at high risk of surface water flooding, defined as having a greater than 3.3% annual probability (1 in 30 chance) of flooding.

While the site is not located within fluvial Flood Zone 2 or 3 and is not subject to the requirement for a formal Flood Risk Assessment under the NPPF, the surface water flood risk is a relevant consideration. Householder development is also exempt from the flood risk sequential test, and the flood risk exception test only applies to development in Flood Zones 2 and 3.

The above information has been given due consideration. Extensions to the dwelling and areas of hardsurfacing could be undertaken to the dwelling under permitted development rights that are within the surface water flood risk area. To ensure that the development manages surface water sustainably and does not result in an increase in flooding on the site or elsewhere, it is recommended that a condition be imposed requiring a soakaway or other sustainable drainage system on site. Overall, subject to a sustainable drainage condition, it is considered that the proposal would be acceptable in terms of fluvial and pluvial flood risks and would accord with the aims of Policies Cc2 and Cc3 of the adopted Local Plan.

There are therefore no new matters raised that would change the Officer recommendation.

**RECOMMENDATION – NO CHANGE TO RECOMMENDATION.**