

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/01281/FP	Erection of two bungalows including cycle store; landscaping and parking following demolition of existing outbuildings. Alterations to existing vehicular access.	The Old Water Tower Mangrove Road Cockernhoe Luton Hertfordshire LU2 8QD

Submitted Plan Nos

Location Plan GAL-24-03 GAL--24-01B GAL- 24-02 GAL--24-04

1.0 Policies

1.0 **Planning Policy**

1.1 **North Herts Local Plan 2011- 2031**

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP7: Infrastructure requirements and developer contributions
Policy SP8: Housing Policy
SP9: Design and Sustainability
Policy SP12: Green Infrastructure, landscape and biodiversity
Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy HS3: Housing mix
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE2: Landscape
Policy NE4: Biodiversity and geological sites
Policy NE7: Reducing flood risk
Policy NE11: Contaminated land
Policy HE4: Archaeology
Policy IMR1: Five Year Housing Land Supply Policy IMR2: Local plan early review

Policy SP19: Sites EL1, EL2 & EL3 – East of Luton

1.2 **National Planning Policy Framework 2024**

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

1.3 **Supplementary Planning Documents**

Vehicle Parking Standards at new development (2011) plus Appendix 4 of the Local Plan. Design Supplementary Planning Document
Sustainability SPD

1.4 **Offley Parish Neighbourhood Plan**

There is currently no adopted plan for Offley Parish.

2.0 **Site History**

- 2.1 14/02679/1: Conversion and extension of Water Tower to form 3 bedroom dwelling incorporating two storey rear / side extension and single storey front extension. Granted 12/12/2014
- 2.2 20/02052/FPH: Erection of single storey detached outbuilding as an annexe for the occupation of a family member following demolition of existing outbuildings . Granted 22.10.2020

3.0 **Representations**

- 3.1 Offley Parish Council: Advises 'No objections'
- 3.2 Site Notice / Adjacent occupiers:
Residents of No. 2 Mangrove Green seek reassurance that No 2 will not be affected or damaged.
- 3.3 Hertfordshire Highways: 'Does not wish to restrict the grant of permission subject to conditions and informatives'
- 3.4 NHDC Ecology: Raises no objections and recommends conditions
- 3.5 NHDC Environmental Health:
Contaminated land – Recommends condition
Noise and other nuisances – No objections. Recommends informatives
Air Quality – Recommends an EV charging point
- 3.6 Historic Environment Officer: Recommends archaeological conditions
- 3.7 NHDC Waste & Recycling Services: No response
- 3.8 Herts Fire and Rescue Service: No response

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site consists of an irregular shaped single dwelling residential plot containing a converted water tower and its residential curtilage. The site is located within the settlement of Cockernhoe and Mangrove Green which is designated as a Category 'A' village in the current adopted local plan.
- 4.1.2 Residential properties (also located within the village boundary) are located adjacent to the site to the north, east and south whilst the western side of the plot adjoins arable farmland (now removed from the Green Belt under Policy SP19 (East of Luton)).
- 4.1.3 The site has a vehicular access onto Mangrove Road and is relatively flat. The site is within an Area of Archaeological Significance.

4.2 **Proposal**

4.2.1 The proposed development is the erection of two bungalows including cycle store; landscaping and parking following demolition of existing outbuildings. Alterations to existing vehicular access.

4.2.2 The proposals include the following detail:

- Two bungalows of the same footprint and design each of approx 140 sq metres floor area
- Maximum height of 4.6m
- Materials include white render, some light grey cladding and natural slates
- Solar panels and EV charging points
- Additional mixed hedge planting and swift nesting boxes
- Two parking spaces per dwelling plus 2 visitor spaces and turning area
- Refuse collection point within 10 metres of the highway
- No alterations to vehicular access

4.3 **Key Issues**

4.3.1 The principle of the development

4.3.2 The site is within a Category A village boundary within which general development will be allowed under Policy SP2 of the Local Plan. Policy SP1 also supports the principles of sustainable development within North Hertfordshire by '*maintaining the role of key settlements within and adjoining the District as the main focus for housing, employment and new development..*'

4.3.3 As the proposed site is wholly within the settlement boundary of Cockernhoe and Mangrove Green it is considered that the development must be acceptable in principle.

4.3.4 Design and Layout and impact on the character and appearance of the area

4.3.5 A key consideration is whether the density of development is appropriate. The development will add two further dwellings to the site however the site is far larger than any of the surrounding residential plots and there is therefore some scope for making more efficient use of the land in line with the advice in the NPPF in order to meet the need for new homes.

4.3.6 In this case the Planning Statement (PS) advises that the development would increase the density of the site to around 10 dwellings per hectare which is considered to be appropriate for this village location in my view.

4.3.7 The majority of the site is located behind the existing built up frontage of this part of the settlement and therefore well screened from most public views.

4.3.8 The locality comprises a variety of plots sizes and many different house types therefore there is no strong identity or design theme to the existing settlement or dwelling to plot ratio that sets a firm pattern and form of development to follow. The layout shows each bungalow on a reasonably sized plot and the limited scale of the dwellings is considered to be the preferred form and scale of development in this backland location.

- 4.3.9 The layout shows that each dwelling, including the retained Old Water Tower dwelling, will have its own parking provision and reasonably sized gardens as well as cycle storage and bin storage in discreet locations within each plot. Adequate gaps are provided between the new houses and the existing dwelling so that the spacious and generally open character of the site is maintained.
- 4.3.10 New landscaping is proposed around the site in the form of mixed species hedgerow and some new trees. A new hedge is proposed along the eastern boundary with adjacent properties.
- 4.3.11 Altogether it is considered that the development is well designed and located and responds positively to its local context in accordance with Policy SP9 of the Local Plan. Accordingly, it is concluded that the development will not be harmful to the character and appearance of the area.
- 4.3.12 Living standards and impact on neighbouring properties
- 4.3.13 Policy D1 of the local plan requires new residential schemes to meet or exceed the nationally described space standards and Policy D3 states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions
- 4.3.14 Each dwelling would exceed the nationally described space standards as the standard requires 86 sqm (for a 3Bed 5 person dwelling) whilst the proposed dwellings provide 95 sq m.
- 4.3.15 The external garden areas at 100sqm are considered large enough for the size of the dwellings and it is noted that the public open space within the centre of Mangrove Green / Cockernhoe is a few minutes walk from the site. Sufficient parking is provided for the dwellings (2 spaces each) and the design of the dwellings appears to provide adequate levels of light to habitable rooms.
- 4.3.16 In terms of overlooking from adjacent property currently 13 and 14 Green Lane have angled views from rear first floor windows overlooking the garden of the Old Water Tower. These views are to the fields to the south west and do not directly look into the private rear garden of the Old Water Tower. This relationship will continue with Plot 2 (the southernmost bungalow) . Currently there exists a 2 metre high fence along the boundary between bungalow 2 and Nos 13 and 14 which will be reinforced with a new hedge. There would be no direct back to back overlooking between Nos 13 and 14 and the the rear elevation of bungalow 2. Accordingly I consider that there would be no adverse impact on the amenity of the occupiers of the new bungalow arising from views from neighbouring property.
- 4.3.17 Nos 15 – 18 Green Lane (inclusive) are located to the south east of proposed bungalow 1 however the views are across long back gardens to these properties (at least 21m in length) accordingly there would be no overlooking of bungalow 1 from these properties in my view.
- 4.3.18 In summary it is considered that the development will provide reasonable living standards for the occupiers of the new dwellings.

- 4.3.19 In terms of existing residents amenity the introduction of two new bungalows onto the site would inevitably result in some additional noise from car movements and general domestic activities associated with the new dwellings. However the development is for a compatible residential use and the site is of a size where it can satisfactorily accommodate the dwellings in density terms and the scale of the development, limited to bungalows, is unlikely to result in any overbearing impact.
- 4.3.20 Adjacent residents will have views of the new dwellings however there is no right to an uninterrupted view and these views are already across a residential garden and of the Old Water Tower dwelling.
- 4.3.21 In terms of daylight and sunlight impact from the development on adjacent property it is noted that the new dwellings are of a limited height and their distance and orientation to the west is unlikely to result in any significant loss of daylight or sunlight to existing residents. In term so traffic noise there will be some additional car movements along the existing access road but for two dwellings this will be limited and therefore not of such a level of increase so as to constitute a noise problem for existing residents. Furthermore, it is noted that the Council's Environmental Health officer raises no objections in terms of noise and other nuisances.
- 4.3.22 Overall, it is considered that the development will provide acceptable living conditions for proposed occupiers and maintain acceptable living conditions for existing residents

4.3.23 Parking and access issues

- 4.2.24 The Council's parking standards require at least two spaces per dwelling. The proposed vehicle parking allocates two parking spaces for each dwelling plus two visitor spaces. This complies with the Council's Vehicle Parking at New Development SPD. Cycle parking provision is also provided within the curtilage of each dwelling.
- 4.2.25 The development will utilise the existing access from / to the site onto Mangrove Road. The new residents will be able to access and leave the site in forward gear. The highway authority acknowledge that the visibility to the north is below guidelines but comments that vehicles already slow down due to the restricted width of the carriageway at the access point. The Highway Authority appear to be satisfied with the level of parking provision and size of spaces and the overall sustainability of the site given public footpaths nearby. Overall the Highway Authority do not raise any objections commenting as follows:

'..This level of development is unlikely to generate any extra movements which would ultimately lead to demonstrable harm to the highway network in terms of free flow and capacity, therefore; the highway authority would not wish to restrict the grant of planning permission'

No response has been received from the Herts Fire and Rescue Service.

The development makes provision for the storage of refuse and recycling in a location where is can be easily reached by residents and the waste collection operatives.

4.2.26 Ecology / Bio-diversity net gain

- 4.2.27 The submitted BNG report (May 2025) states that a 10% biodiversity net gain has not been achieved and therefore off-site compensation or the purchase of credits is

required. The Council's Ecology officer request the imposition of the standard Biodiversity Net Gain condition through which the mandatory BNG will be achieved.

4.2.28 In terms of ecological matters the application is accompanied by a Preliminary Ecological Appraisal (PEA) which makes a number of recommendations. A condition is suggested that requires the development to be carried out in accordance with the ecological enhancement measures set out in the submitted PEA.

4.2.29 Archaeology

4.2.30 The site is within an archaeologically sensitive area although with previous applications on this site the Historic Environment Advisor has not required any archaeological conditions.

4.2.31 The County Historic Environment officer has on this occasion requested the standard archaeological WSi condition.

4.2.32 Flood risk and contamination

4.2.33 The site is located within Flood Risk Zone 1 where there is the lowest risk of fluvial flooding. As regards stormwater, the Environment Agency Surface Water Map does not show the site as being at risk to any chance of surface water flooding. Therefore, no particular mitigation is required to deal with any flood matters through conditions. Surface water drainage associated with the new dwellings will be dealt with during the normal building control procedures.

4.2.34 The Council's Environmental Health officer recommends a precautionary condition with regard to land contamination.

4.2.35 Energy / Sustainability

4.2.36 The application is accompanied by an Energy Statement. The development will include the following carbon reducing / low energy measures:

- Solar panels to the south facing roof slopes of each bungalow
- Air source heat pumps
- EV charging points
- Energy saving appliances and lighting

4.2.37 It is considered that the the package of measures above takes account of the aims of the Council's Sustainability Supplementary Document, Policy D1 of the Local Plan and Section 14 of the Framework which seeks to mitigate the impact of development on climate change by reducing greenhouse gas emissions through the location, orientation and design of development.

4.2.38 The site is located in a category 'A' village and close to the main urban area of Luton with its full range of services. The village is accessible by bus and there is a wide network of public footpaths. It is a sustainable location within which to locate new development in accordance with Policy SP2 of the Local Plan.

4.2.39 Given the above, it is considered that the proposed development is unlikely to have any significant impact on local climate change.

4.4 **Planning balance and conclusion**

- 4.4.1 As of May 2024 the Council cannot demonstrate a five-year supply of housing land (currently 3.9 years) as required by the NPPF. The NPPF sets out how small and medium sized sites can make an important contribution to meeting the housing requirements of an area and are often built out quickly achieving early delivery.
- 4.4.2 The proposal would make a modest but valuable contribution to the shortfall of homes in the district in a sustainable location where future occupiers would have easy access to services and facilities and consequent interaction with the community. I consider that this social benefit should be given significant weight. There would also be some economic benefit from the provision of housing through the provision of employment and additional local spending in the village and wider community therefore I consider moderate weight can be attributed to this benefit.
- 4.4.3 In environmental terms whilst there will be a net loss of habitat units on site this can be compensated for off-site thus ultimately achieving bio-diversity net gain. The provision of solar panels, electric vehicle charging points, air source heat pumps and other energy efficient measures will assist in combating climate change although only limited weight can be given to these matters.
- 4.4.4 Compliance with the submitted drawings and supporting reports and further detail over landscaping, archaeology, contamination and restrictions on permitted development can be satisfactorily dealt with or made acceptable through the imposition of planning conditions.
- 4.4.5 There may be some limited harm to adjacent occupiers amenity through traffic and general noise and disturbance. However, the benefits of housing delivery in a sustainable location, making effective use of land, biodiversity net gain and new landscaping would in my view significantly and demonstrably outweigh any adverse harm so as to justify the granting of planning permission.

4.5 **Alternative Options**

- 4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

- 4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of 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 wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. No development shall take place until an Ecological Enhancement Plan (EEP) for the creation of new wildlife features such as hibernacula, the inclusion of integrated bird/bat and bee boxes in buildings/structures and hedgehog holes in fences, has been submitted to and approved in writing by the local planning authority. The approved measures must be implemented on site prior to the first occupation of the dwelling / first dwelling hereby approved and retained on site thereafter. The agreed measures are to be implemented on site prior to the first occupation of the first dwellinghouse hereby approved and shall remain on site thereafter.

Reason: To ensure development secures biodiversity enhancements in accordance with Policy NE4 of the Local Plan.

4. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

5. Notwithstanding the submitted details, no development shall commence until a scheme of both hard and soft landscape works has been submitted to and approved in writing by the local planning authority.

The landscaping works shall be carried out in accordance with the approved details

Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure that the full landscaping scheme set out in the application is improved and implemented in full in a timely manner in the interests of phasing and to ensure the development is comprehensively landscaped in the interests of visual amenity. Local Plan Policies D1 and NE2

6. The proposed development shall be carried out in accordance with the recommendations as set out in the submitted Preliminary Ecological Appraisal report dated May 2025 .

Reason: To maintain a satisfactory level of nature conservation over the site and to comply with Policy NE4 of the North Herts Local Plan

7. The development hereby permitted shall be carried out in accordance with the measures set out in the submitted Energy and Sustainability statement .

Reason: To reduce carbon dioxide emissions and promoting principles of sustainable construction and the efficient use of buildings in accordance with Policies SP9 and D1 of the North Hertfordshire Local Plan 2011 to 2031

8. Prior to the first occupation of the development, additional plans, drawn to an appropriate scale which show the detailed design of a delineated pedestrian path along the access road as shown on drawing ref: GAL/24/01B. This must be submitted to and approved in writing by the Highway Authority. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety.

9. Prior to first occupation of the development the access road shall be of a bound material for the first 6m into the site to prevent material spilling onto the road

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

10. Prior to the commencement of the development hereby approved, a Construction Method statement shall be submitted to and approved in writing by the Local Planning Authority to include :

- construction site compound for storage of materials
- construction vehicle parking area
- wheel washing facilities

- hours of working

Reason: In the interests of highway safety and amenity.

11. No development shall take place before details of the proposed finished floor levels; ridge and eaves heights of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties in Mangrove Road and Green Lane. The development shall be carried out as approved.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to comply with Policy D1 of the Local Plan

12. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme and methodology of site investigation and recording as required by the evaluation
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the approved Written Scheme of Investigation

Reason: In the interests of preserving and / or recording archaeological assets and to comply with Policy HE1 of the Local Plan

13. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis and publication where appropriate.

Reason: In the interests of preserving and / or recording archaeological assets and to comply with Policy HE1 of the Local Plan

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be North Hertfordshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply

(<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>).

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.
AN3) Construction Management Plan (CMP): The purpose of the CMP is to help

developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN4) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN5) Gravel / shingle driveways: Where loose gravel or shingle is used, a suitable measure to prevent material spilling onto the road/footpath/verge must be installed. It is an offence under section 148 of the Highways Act 1980 to deposit debris onto the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Further information is available by telephoning 0300 1234047.

AN6) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

2. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.
During the construction phase no noisy activities shall take place outside the following hours:
Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no noisy work at any time

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 8 August 2025	