



ORLETON PARISH COUNCIL

PLANNING CONSULTATION PLANNING APPLICATION P233282/F¹

NOTICE OF OBJECTION

I. Executive Summary

At a meeting of Orleton Parish Council on Thursday 18th January 2024, it was RESOLVED by a unanimous vote of councillors to OBJECT to this planning application on the following grounds, which are more fully set out in parts I and II of this document:

- a) That this development lies outside the settlement boundary and fails to comply with any policy exceptions which might permit such development.
- b) That the development fails to provide reasonable access to services and facilities
- c) That there is no appropriate screening and landscaping to protect local amenity and the environment
- d) That this site is not accessible to local amenities and services and would not support health, social and cultural wellbeing.
- e) That the application design fails to provide for the work-life lifestyle of travellers, nor offer employment
- f) That the applicant has failed to demonstrate safe vehicular or pedestrian access can be provided from the site to the highway, or from the site to local schools and amenities.
- g) That this application fails to provide on-site facilities for children and fails to meet best practice for travellers' sites in relation to storage and recycling or amenity buildings
- h) That the proposal lacks provision for car parking, turning spaces, adequate hard-standings and cannot comply with lighting requirements and remain consistent with the NDP approved by the parish in 2017, and that the application fails to demonstrate compliance with standards of privacy and noise pollution.
- i) That this development encroaches on open countryside and the tranquillity of the rural area.
- j) That the site as designed will result increased run-off from the land to the adjoining highway and local property.
- k) That this proposed development will place an undue burden on the local drainage infrastructure and increase surface water flooding in the area.
- l) That the high seasonal water table will not permit percolation and the function of soakaways.
- m) That the presence of multiple impermeable structures on site will result in the self-flooding of the site and pooling of surface water around the homes and clubhouse
- n) That the displacement of surface water from the site will contribute to flooding in Zone 3 areas of the village including critical infrastructure - the Severn Trent sewage pumping station.
- o) That the applicant has failed to demonstrate that ground conditions support the disposal of sewage water on site.
- p) That any alternative connection to the foul sewer should be limited to foul water only, within the development boundary of Orleton village and with free-draining access to an open watercourse.

¹ See Appendix 1(I) page 20

II. **GROUNDINGS OF OBJECTION TO THE GRANT OF PLANNING PERMISSION** application No P233282/F

Having regard to the specifics and details of the planning application put before it, the planning history of the site (see Appendix II) and to the relevant Planning Policy provisions (see Appendix III), Orleton Parish Council has resolved to approve the following submission in response to the planning application.

OBJECTION

Part I

Having considered planning application No P233282/F and relevant planning policy provisions Orleton Parish Council objects to this development on the following grounds.

1. Settlement boundary

The application site lies in a countryside location and outside of the settlement boundary as defined by the Orleton and Richards Castle Neighbourhood Development Plan.

This objection, however, is not overcome by the provisions of Policy RA3(7), as the proposal falls short to accord with conditions set out in Policy H4 of the *Herefordshire Local Plan – Core Strategy*, as outlined in detail below.

Policy RA3(7) provides for permitted developments which satisfy one or more of the set criteria, in this case: “7. Is a site providing for the needs of gypsies or other travellers **in accordance with Policy H4**”, however this proposal fails to fulfil the conditions set in Policy H4 and, therefore, cannot rely on the exemption.

It is further asserted that this application cannot fall under the provision for rural exception sites, as defined by Policy D of the *Planning policy for traveller sites*², as this policy should only be used for affordable traveller sites in perpetuity and “should seek to address the needs of local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.”³, neither of which applies in case of this particular application.

It is, therefore, incumbent that this application is subject to the same tests and criteria as applied to previous development application for this site, in line with the Government guidance contained within the “Designing Gypsy and Travellers Sites – Good Practice Guidance”, which directs:

““3.6 Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings, unless exceptional circumstances apply. These circumstances would be where the location is unsuitable for housing, for practical or technical reasons which would not adversely affect the health and safety of Gypsy and Traveller residents or the sustainability of the site (...)”⁴

As shown below, the ‘exceptional circumstances’ cannot be applied in case of this application, due to the unsuitability of the site, the health and safety of prospective residents - including children, sustainability of the site, environmental impact and adverse effect on the local amenity and rural character of the area.

2. Reasonable access to services and facilities (Policy H4(1))

The refusal notice for a previous planning application for a single residential dwelling on the same site (P163231/F) states:

“The application site lies in a countryside location detached from the main built-up area of Orleton and therefore has limited safe, sustainable access to the range of services and facilities required to support the proposed residential

² Planning Policy for Traveller Sites, Department for Communities and Local Government, 2015.

³ Ibidem, p. 5.

⁴ Designing Gypsy and Traveller Sites. Good Practice Guide, Department for Communities and Local Government, May 2008.

development. As a result, future occupiers of the dwelling would be highly dependent on the need to travel by means of private car. (...) The development fails to satisfactorily contribute to the social and environmental roles of sustainable development in that it is not accessible to local services and would not support health, social and cultural wellbeing, as well as encroaching upon the openness of the countryside in this location.”⁵

Similarly, the Planning Inspector, in his appeal dismissal decision⁶ for that application, assessed that the site location is unsuitable “due to the remote nature of the site from the main built-up area of Orleton.”⁷, and further: “with regard to pedestrian connectivity, the proposed means of access into the village of Orleton would be across a busy classified road with no pedestrian refuge and then via a public footpath (OL1). This route would be hazardous in respect of the road crossing and unattractive during winter months as the footpath is unlit and unsurfaced.”⁸

We consider that all of the above objections apply equally to this application and constitute a significant obstacle in the proposal’s ability to fulfil the first criterion set out in the Policy H4⁹ of the Herefordshire Local Plan – Core Strategy, making it therefore not compliant with the exemption conditions set out in the Policy RA3(7). The above objections apply even more starkly when considered against the significantly higher number of occupants likely to inhabit the proposed development and, as underlined by the applicant – number of children living on the site and in need of daily commute to schools and other services.

3. Appropriate screening and landscaping to protect local amenity and the environment (Policy H4(2))

In the absence of more detailed design statement the applicant fails to demonstrate that current standards of screening will be applied to protect the local amenity and rural character of the area. Whilst two rows of native trees are shown on the site plan it is difficult to assess whether those will provide adequate screening, particularly as their positioning on the plan indicates that the amenity building and other utility areas will be erected in front of it. (These may also impede the functionality of the site in terms of turning and manoeuvring space required for the large vehicles and caravans on site.)

We also note that this development lies much closer, and directly adjacent to the Traditional Orchard, than the previous proposed development on this site (P163231/F), therefore objections raised in the previous case must apply in this instance also – “The proposed development affects a traditional orchard, recorded as ‘HERE2734’ in the Natural England Traditional Orchards Survey. Traditional orchards are recognised as a Habitat of Principal Importance under section 41 of the NERC Act 2006. They are a long-established habitat and make a significant contribution to biodiversity, landscape character and local distinctiveness across the UK. Any loss or degradation of this recognised habitat should be strongly resisted, as once developed the remnant flora and fauna of this fragile ecosystem may well be lost forever.”¹⁰ Furthermore: “In this case, no management plan has been submitted to demonstrate how the orchard’s biodiversity interest would be conserved and enhanced, in line with the paragraph 118 of the National Planning Policy Framework. Moreover, given its recognised importance, the proposed removal of species rich hedgerow associated with the new vehicular access also weighs against the grant of permission. Although noting that compensatory hedgerow is proposed, no specification has been submitted identifying the diversity of species to be planted. In these respects, the proposal fails to demonstrate compliance with the Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the advice contained at paragraphs 17, 109 and 118 of the National Planning Policy Framework.”¹¹

There is no evidence that the current proposal has overcome any of the above objections nor that measures could be put in place to remedy the harm to environment and rural character of the area. In fact the significantly larger scale of the development, including amount of vehicles and vehicular movements required for the nature of this proposal, as well as much greater proximity to the Orchard, all indicate that this development’s impact would be much more significant than the previous, refused, proposal.

⁵ Refusal of Planning Permission, Application No: 163231, 30th November 2016, Mark Tansley, Development Manager.

⁶ Planning Inspectorate, Appeal Decision, Harold Stephens, 21st June 2017, Appeal Ref: APP/W1850/W/17/3169420

⁷ Ibidem, p. 3.

⁸ Ibidem, p. 3.

⁹ Herefordshire Local Plan – Core Strategy, Policy H4.1: “Sites afford reasonable access to services and facilities, including health and schools”.

¹⁰ Refusal of Planning Permission, Application No: 163231, p. 2.

¹¹ Ibidem, p. 2.

Noting the Planning Inspector's assessment – "the site lies well outside the settlement boundary for Orleton defined in the emerging NDP. The site comprises productive agricultural land and is part of a Traditional Orchard. The appeal site, with the existing trees, makes a strong contribution to the rural character of the area. The cumulative effect of the proposed dwelling, its outbuildings and the provision of a new access would result in an unacceptably harmful impact on the open, rural character of the area. In my view, the proposal would constitute a prominent and intrusive feature in the landscape by virtue of its roadside location and in the context of the modest amount of scattered development at Comberton."¹²

We therefore conclude that this proposal fails to meet the criterium set out in Policy H4(2) and other, attendant Policies of the Herefordshire Local Plan – Core Strategy, making it ineligible to rely on the exemption provided by Policy RA3 of the same. It is also contrary to the Policy ORC7(e) & (f) and ORC14(a), (c), & (d) of the NDP.

Moreover, it is in direct conflict with the specific provisions of Policy TS1(4), which requires all new residential Traveller sites to achieve a specific set of criteria, among others that "any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced. Any adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets should be satisfactorily mitigated"¹³

4. Promotion of peaceful and integrated co-existence between the site and the local community (Policy H4(3))

As previously established, the site of this application has "limited safe, sustainable access to the range of services and facilities required to support the proposed residential development"¹⁴, and "(...) fails to satisfactorily contribute to the social and environmental roles of sustainable development in that it is not accessible to local services and would not support health, social and cultural wellbeing (...)"¹⁵, with similar conclusions arrived at by the Planning Inspector in his findings.

The applicant has therefore failed to demonstrate that the site conforms to the promotion of integrated co-existence and social sustainability. Nor it is evident that the health and wellbeing of its occupants will be catered for appropriately and cohesively within the established community.

5. Mixed business and residential accommodation (Policy H4(4))

Policy H4(4) requires that sites "enable mixed business and residential accommodation (providing for the life-work lifestyle of travellers)". Furthermore, Policy ORC2(d) and ORC14 both require that regard should be given to employment opportunities to accommodate needs of inhabitants of additional developments. This application does not demonstrate that any such provision is planned, neither does it afford space or have capacity to accommodate business activities, storage or any associated vehicular movements. Furthermore, inclusion of such would require an extensive redesign of the proposed site plan, which in turn would have to be reassessed by the Parish Council.

6. Undue pressure on local infrastructure and services (Policy H4(5))

A. Highway access

The applicant provides a consultant's report on access and visibility splays proposed for this development which states – "As was apparent from the Inspector's Decision for a previous appeal, his preference was for 2.4m x 102m and 100m visibility splays, which accord with the requirements of Manual for Streets 2 (...)"¹⁶, and – "As illustrated on 22_1256_003 Proposed Site Plan, the creation of a new access has been planned in accordance with the suggestions given by Planning Inspector Harold Stephens in the appeal decision APP/W1850/W1/17/3169420. (...) According to the material in the appendix (Appendix A) the results of such investigation suggest that access is achievable in accordance with inspector Harold Stephens' standards for visibility. The newly proposed access accommodates 2.4m

¹² Planning Inspectorate, Appeal Decision, idem, p. 3-4.

¹³ Herefordshire Local Plan – Core Strategy, Travellers' Sites Development Plan Document, 2019.

¹⁴ Refusal of Planning Permission, Application No: 163231, p. 1.

¹⁵ Ibidem, p. 1.

¹⁶ Potential new access to land West of Orchard Farm, Comberton, Orleton, SY8 4HE, The Hurlstone Partnership, 30th April 2023.

x 102m visibility splays in both westerly and easterly directions. Any hedgerow located within one of these visibility splays will be relocated behind such”¹⁷

However, it appears that these assumptions are incorrect, with both the applicant and the consultant apparently misunderstanding or misreading the Inspector’s report and adopting the wrong splay distances. In fact, whilst the Inspector Harold Stephens has indeed recommended 2.4m set back from the road boundary, his report clearly states that “Using MfS2 it is argued that **the required visibility in the western direction is 111m and 116m in the eastern direction.**”¹⁸. Similarly, the *Delegated Decision Report, Application Number 163231*¹⁹ states: “(...) which equate to the minimum requirements below.

- Required visibility splay to the west is 111m (mfs2) or 142m (dmrb).
- Required visibility splay to the east is 116m (mfs2) or 150m (dmrb)”²⁰

The applicant’s proposed splays of 2.4m x 102m are therefore significantly short of the minimum safe requirements.

As concluded by both the Case Officer in the previous application for the site and the Planning Inspector, even the proposed visibility splays of 102m cannot be achieved within the confines of the land available, the 2.4m adjustment notwithstanding. This is due to the nature of the verge and the actual alignment of the B4362 on that stretch – “The Appellants’ plans show that visibility splays of 102m westbound and 100m eastbound can be provided. However, the Highway Authority has shown that the actual alignment of the B4362 is not as straight as the plans show and a hedge line on the adjacent landowner’s land would restrict visibility looking east **to about 80m** which is substantially less than the Appellants’ offered visibility and less than the assessed MfS2 distances suitable for the site.”²¹, and – “From the Engineer’s site visit, visibility was measured at less than 80m.”²²

Noting that the access point for this proposal is exactly the same as for the previous application, and considering the confines of the land available (as shown on the Location Plan), the reliable measurements established by the assessment carried out by the Highway Authority, no substantial improvement of the traffic conditions and speeds on the highway B4362 with a likely increased volume of vehicles, we conclude that this application fails to demonstrate that a safe access to the highway can be achieved on the proposed site.

We also note the significantly larger volume of vehicles likely to be entering and exiting the site daily, with 4 separate units and presumed school commute to accommodate needs of the children on site. A separate assessment would also be necessary for the required turning circle to accommodate slow-moving vehicles towing caravans and/or motorhomes navigating what would be an extremely dangerous junction with very limited visibility for the incoming traffic, as the case would be for a site of this nature.

All of the above factors are, in the opinion of the parish council, fatal flaws in this application not only on the grounds of highway safety, but also to the health and safety of the inhabitants of the site. Accordingly, the proposed development is contrary to Policies MT1 and SS4 of the Herefordshire Local Plan – Core Strategy, Policy ORC13 of the NDP and the advice contained at paragraphs 32 and 35 of the NPPF. Critically, it is also contrary to the criterium set in Policy H4(5) by exerting undue and unacceptable pressure on the local infrastructure and fails to achieve requirement set out in Policy TS1(8) – “safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.”.

7. On-site facilities (Policy H4(7))

¹⁷ Planning Statement – Land adj. Orchard Farm, Comberton, Orleton, Herefordshire, SY8 4HF, September 2023, p. 2.

¹⁸ Planning Inspectorate, Appeal Decision, idem, p. 4.

¹⁹ Delegated Decision Report, Application Number 163231, Land at Comberton adjacent to Orchard Farm, Comberton, Orleton, Leominster, Mr Simon Rowles, Case Officer, 30/11/16.

²⁰ Ibidem, p. 6. Also compare p. 2.

²¹ Planning Inspectorate, Appeal Decision, idem, p. 5.

²² Delegated Decision Report, idem, p. 6.

Condition 7 set out by the Policy H4 for Traveller sites stipulates that proposed developments will only be supported if they are “capable of accommodating on-site facilities that meet best practice for modern traveller site requirements, including play areas, storage, provision for recycling and waste management”.

A. Play area for children

Whilst, in the absence of detailed design statement, certain elements of the proposed development are difficult to assess with certainty, it is immediately apparent that no specific play area has been included in the site design. This is despite the fact that the applicant relies on the best interest of children argument and states: “Please note in regards to making a decision there are to be children living on the site and as such any decision taken by the council should be made having considered the best interests of such children on the site. There is an explicit requirement to treat the needs of the children on the site as a primary consideration (UNCRC Article 3, fully set out at para 80 – 82 of AZ) and, in respect of a decision by the LPA to safeguard and promote the welfare and well-being of the children (Children’s Act 2004, s.11(1)).”²³

Having regard to the above, as well as to the best practice recommendations contained in the *Designing Gypsy and Traveller Sites – Good Practice Guide*²⁴, in particular:

“4.38 It is recommended that the inclusion of a communal recreation area for children of all ages is considered where suitable provision is not available within walking distance on a safe route or using easily accessible public transport, and for larger sites. (...)”²⁵,

as well as the provisions of Policies H4(7) and TS1(7)²⁶, the absence of provision for a safe play area for children is a significant omission.

Furthermore, considering the proximity of a busy road, as well as on-site traffic and lay-out of the proposed site in the context of best interest of children and their safety and wellbeing, assessed against the extensive recommendations contained in the *Designing Gypsy and Traveller Sites – Good Practice Guide* document, among others:

“3.18 When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to:

- The health and safety of children and others who will live on the site; (...)”²⁷, and

“4.20 When designing the layout of a site, careful consideration must be given to the health and safety of residents, and in particular children, given the likelihood of a high density of children on the site and relatively high levels of vehicle ownership amongst some groups of Gypsies and Travellers for towing caravans and employment purposes.”²⁸

It is, therefore, clear that a well-designed communal play area should be included on a site such as the proposed one. Such an area should also be carefully positioned within the site area and in the context of surrounding land and adjacent busy road and designed with safety and protection of children in mind, whilst catering for specific needs identified through consultation with prospective residents. Should this application be approved by the Planning Authority, we consider that a condition should be attached to the planning permission to require appropriate provision of recreation area for children in accordance with best practice guides currently in force.

In the absence of such facility and in its current shape the proposal remains deficient in compliance with criteria of the Policies H4(7), TS1(7) and recommendations of the national legislation concerning Traveller sites.

B. Storage and recycling facilities

²³ Planning Statement – Land adj. Orchard Farm, Comberton, Orleton, Herefordshire, SY8 4HF, September 2023, p. 2.

²⁴ Designing Gypsy and Traveller Sites – Good Practice Guide, idem, para 4.38 – 4.41, et all.

²⁵ Ibidem, p. 26.

²⁶ Herefordshire Local Plan, Travellers’ Sites Development Plan Document, 2019

²⁷ Designing Gypsy and Traveller Sites – Good Practice Guide, idem, p. 18.

²⁸ Ibidem, p. 23.

Whilst the proposed site plan includes a 'Refuse store' immediately adjacent to the dayroom, it is not clear whether there is any provision for recycling, as per the requirements set out in both – Policy H4(7) and ORC6(a) of the NDP, nor whether the allocated space would be sufficient to cater for the refuse and recycling needs of four residential units.

Neither does the proposed site plan give a clear indication that any specific storage space is allocated and it is not immediately apparent where within the site it could be provided without a detrimental effect on the appearance of the local area.

C. Amenity buildings

The requirements set out in *Designing Gypsy and Traveller Sites – Good Practice Guide* are unequivocal:

“7.17 It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self-contained semi-detached units. **The amenity building must include, as a minimum:** hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/ shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.

7.18 The amenity building must include: secure storage space for harmful substances/medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered.”²⁹

This application fails to comply with best standards and requirements for modern Travellers' sites, as it does not include the required amenity buildings for each pitch. As a minimum the site design should include two amenity buildings containing four separate and self-contained units and inclusive of all the minimum requirements enlisted above, as well as some other compulsory facilities listed elsewhere in the cited Guide (among others – separate electricity meters for each pitch, etc.). The proposed dayroom must be considered as entirely insufficient in fulfilling the required standard. This is in addition to the lack of detailed design statement for the proposed building and difficulty in assessing whether it would comply with the requirements of provision of the very specific minimum facilities and services.

8. Site design and lay-out

There are several areas of concern as regards the proposal's lay-out and design, outlined as follows.

A. Car parking

There is no indication within the proposed site plan that provision has been made for car parking at all, neither to cater for the needs of residents, nor for visitors.

According to the requirements set out in the *Designing Gypsy and Travellers' Sites – Good Practice Guide*:

“4.44 A key element for the site is the provision of adequate parking space for resident's use. Parking spaces must be a minimum of 2.4x4.8 meters”³⁰

An adequate provision for car parking spaces for each pitch, as well as spaces catering for visitors should form part of the design and lay-out, taking account of appropriate access for emergency vehicles and other vehicular movements on the site.

B. Turning space

Adequate turning space, appropriate for the size and nature of vehicles characteristic for such sites, should be an integral part of the lay-out of the site. This has to also be taken into account when assessing the highway access, with caravans and motorhomes navigating the entry and exit point onto the public road.

²⁹ Ibidem, p. 41.

³⁰ Ibidem, p. 26.

This application fails to demonstrate that appropriate turning space is available on site, nor that the highway access is capable of accommodating safe turning for such vehicles. This is contrary to the requirements of Policy TS1(8).

It is also essential that adequate access and turning and manoeuvring space is available for emergency vehicles, as per Guidance 4.24 – 4.31 contained in the *Designing Gypsy and Traveller Sites – Good Practice Guide*.

C. Hardstanding

As directed in the *Designing Gypsy and Traveller Sites – Good Practice Guide*:

“7.5 Each pitch must include a hard standing area constructed of concrete or a similar suitable hard-wearing material which extends over the whole area to be occupied by a trailer, touring caravan or other vehicle. These standings must be constructed in accordance with the industry code of practice and project a sufficient distance outwards to enable occupants to enter and leave safely. The base must be sufficient to bear the load placed on it by the home or vehicle and its contents, and the anticipated level of vehicle movement.

7.6 Hardstanding should be part of the landscape design. The pitch width need not be entirely paved but could be designed to break monotonous design with soft landscape. Where soft landscaping is adopted in the design consideration should be given to the inclusion of a storage facility on each pitch for residents to keep equipment to maintain it.”³¹

Whilst the site plan indicates that a ‘loose bound permeable hardstanding’ forms part of the site design, covering the driveway and area of all four pitches, it fails to demonstrate that required standards for hardstanding for the areas occupied by mobile homes and caravans have been met.

D. External lighting

As per the standards set out in *Designing Gypsy and Traveller Sites – Good Practice Guide*, there is a requirement for sites to be externally lit:

“5.22 Sufficient lighting must be provided on the site to enable safe access and movement through the site at night for both pedestrians and vehicles.

5.23 The street lighting arrangements should be planned to minimise the risk of damage through vandalism and avoid problems of light pollution to the homes on the site through light shining directly into caravans, amenity buildings or park homes. It should be planned to properly illuminate access roads and access to residential pitches.”³²

The site plan does not indicate that any provision of external lighting is planned on site, as required.

However, Orleton and the surrounding countryside is a low-light pollution area and the NDP asserts strongly against any additional external lighting being allowed in the area. In particular, Policy ORC13(d) - Highway Design Requirements, states:

“Where development proposals are advanced this should ensure: (...) d) The nature of the development does not lead to pressure for the provision of street lighting where this is not currently present within the particular locality.” And Policy ORC6(b) & (e) - Sustainable Design, require that:

“An integrated approach to achieve a high standard of sustainable design will be required to, in particular, achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a co-ordinated package of design measures which, in addition to regulatory requirements, include: (...)

b) Seeking on site measures that support energy conservation (...) and minimising the use of external lighting to that which is necessary; (...)

e) Where external lighting is required it should be supported by a lighting plan that demonstrates that it will not have an adverse effect through unnecessary glare, light trespass, scenic intrusion or sky glow;”.

³¹ Ibidem, p. 39 – 40.

³² Ibidem, p. 33.

The Parish Council, being bound by the standing policies of the NDP, could only consider a very carefully designed low level external lighting, supported by a lighting plan and complying with all the conditions set out by the NDP in areas of the parish where some street lighting is already present. In all other areas where there currently is no street lighting, the PC would raise an objection to an introduction of such.

E. Privacy and amenity of residents, including noise pollution for inhabitants and wider community

“4.14 As with housing for the settled community, site layout and design should ensure a degree of privacy for individual households (for instance by ensuring that neighbours cannot directly overlook each other’s living quarters), but without inhibiting the important sense of community”³³

The applicant has failed to demonstrate that privacy is sufficiently protected and taken into account in designing this site.

Furthermore, no provision is included in the application to mitigate the noise pollution for the inhabitants, as well as for the immediate neighbours and wider community.

The *Designing Gypsy and Traveller Sites – Good Practice Guide* document directs that:

“3.9 The site must be sustainable, offering scope to manage an integrated coexistence with the local community. This will include consideration of noise and possible disturbance to Gypsy and Travellers living on the site, and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.”³⁴

And:

“3.18 When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to: (...)

- The greater noise transference through the walls of trailers and caravans than through the walls of conventional housing, and the need for design measures (for instance noise barriers) to abate the impact on quality of life and health.”³⁵

9. Encroachment on open countryside and tranquillity of the rural area

The parish council is of the opinion that this development is not eligible to rely on the exemption provided by Policy RA3(7), since it fails to conform with criteria set out in Policy H4. In this situation it has to be considered as development not permitted in the rural area and posing significant and detrimental effect on the character of the location.

Contrary to the applicant’s assertion it would not be in line with the prevailing nature and character of the area. The other caravan sites cited by the applicant are remote both from the site of this application and from the village itself, being significantly set back from the main roads and not visible. Moreover, all of the given examples are holiday sites and as such are of substantially different character, pattern of use and purpose. Those sites have a significantly different effect on the local infrastructure and services and they do not have the highway access and other issues present for this development. The permanent residential nature of this proposal, as well as considerably different vehicular movement patterns anticipated and its proximity to the main road and prominent visibility, all place it in completely different category and cannot be considered as equivalent.

A recent Commons Library Briefing³⁶ states – “In the updated Planning Policy for Traveller Sites, the Government changed the weight to be given to any absence of a five year supply of permanent sites when deciding planning applications for temporary sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives, sites designated as Sites of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park or the Broads. The consultation explained, ‘the absence of an up-to-date five year supply of deliverable sites would

³³ Ibidem, p. 22.

³⁴ Ibidem, p. 16.

³⁵ Ibidem, p. 18.

³⁶ Commons Library Briefing, 07005, Gypsies and Travellers: Planning Provisions, 2019.

therefore no longer be a significant material consideration in favour of the grant of permission for sites in these areas. It would remain a material consideration, but its weight would be a matter for the decision taker.' The Government also changed planning policy to make clear that (subject to the best interests of the child), unmet need and personal circumstances were unlikely to clearly outweigh harm to the Green Belt, and any other harm so as to establish very special circumstances. This change applied equally to the settled and Traveller communities."³⁷

It is, therefore, our assertion that in the absence of clearly demonstrated best interest of a child and with the significant shortcomings of this proposal in complying with relevant policies, a presumption of protecting the rural character of the area must be made. As already established by the Planning Inspector Harold Stephens any development on this site and in the wider context of the settlement of Comberton and the "cumulative effect [of even a single dwelling], its outbuildings and the provision of a new access would result in an unacceptably harmful impact on the open, rural character of the area"³⁸ and would inevitably constitute "a prominent and intrusive feature in the landscape by virtue of its roadside location and in the context of the modest amount of scattered development at Comberton"³⁹

"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure."⁴⁰

Part II of this OBJECTION continued on following page

³⁷ Ibidem, p. 10-11.

³⁸ Planning Inspectorate, Appeal Decision, idem, p. 3-4.

³⁹ Ibidem, page 4.

⁴⁰ Planning Policy for Traveller Sites, Department Communities and Local Government, Policy H: Determining planning applications for traveller sites (25), p. 7.

OBJECTION

Part II

1. Drainage and Sewage - Overview

Orleton sits in a natural saddle between Ashley Moor and higher meadows to the south-east. It is in an area of extensive flood plain and prone to surface water flooding from surrounding farmland and from Brimfield Brook. Orleton Parish Council funds and administers a group of 12 Land Drainage Volunteers who clear and maintain ditches, culverts and Brimfield Brook. These are vital to maintaining and improving flood resilience, including that area of Flood Zone 2 and 3 below this proposed development⁴¹.

This application is for four residential units and clubhouse with no free-draining access to a watercourse, nor mains sewerage for foul drainage. It is adjacent to an area of Zone 2 and 3 flood plain intersected only by the B4362 and 180m of farmland.

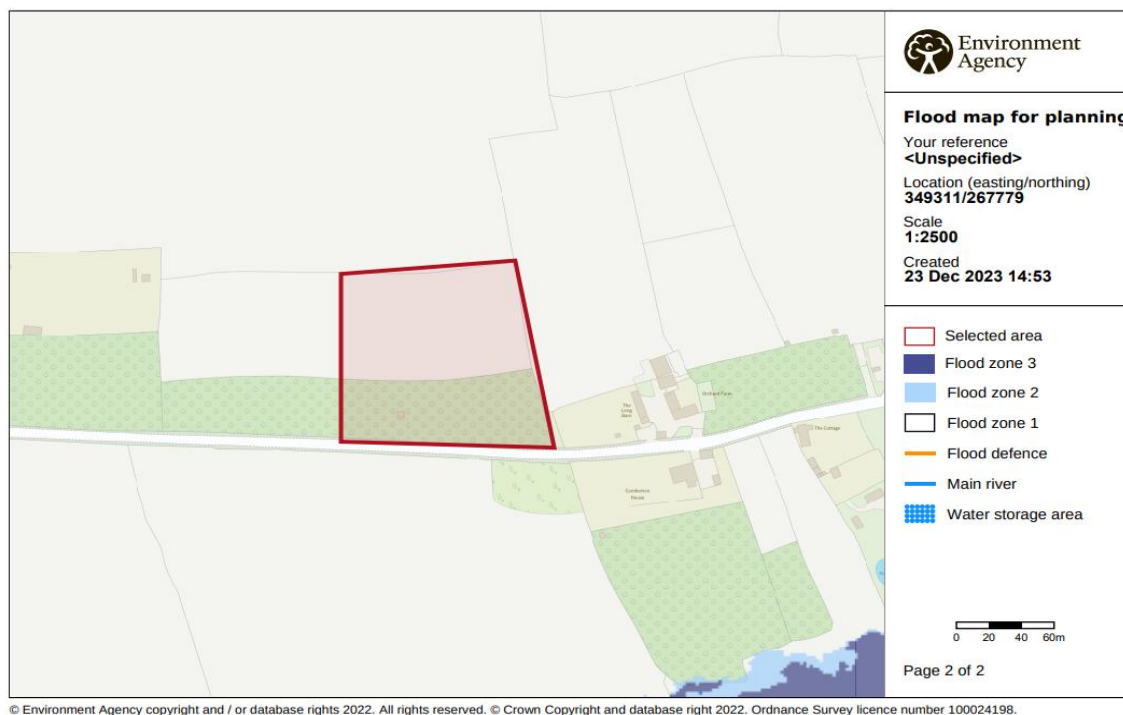


Fig.1 Site plan outline.

2.Surface water management

The applicant has provided no details of how the soakaways on site will manage to process up to 46.14 cubic meters of foul and surface water generated by this development in any typical storm period of 24hrs⁴². However, because the

⁴¹ They also act as agents for Balfour Beatty during highway flooding erecting barriers and closing flooded roads.

⁴² We have assumed that only the mobile homes (total roof area 143.35sq m) and club house (roof area 46.8m) drain to the soak-away, the rest of the surface water draining via permeable hardstanding, and assume a typical storm rainfall of 30.2mm. This results in the discharge of 43.29 cubic meters of surface water in addition to foul flows from the package treatment plant of 2.85 cubic meters over 24hrs. We also note the following rainfall data to support this assumption: 30.2mm on 19.10.23, 27.2mm on 9.3.23, 29.4mm on 4.6.22, 28.2mm on 28.10.21, 23mm on 5.7.21, 33.6mm on 3.10.20 and 34.2mm on 15.2.20. Source: EA Brimfield rainfall gauge.

residential development lies at the back of the plot of land it must be assumed that all percolation for surface water and processed foul water will occur at the front of the site via soak-away drainage pipes and be directed towards the B4362 and the area of the village most prone to surface water flooding.

Objection D 1: This leads the parish council to conclude that the saturation of the subsoil on this land from drainage designed to accommodate sewage and surface water will increase displacement of surface water to adjoining land, the highway and local properties. The proposal does not therefore comply with part SD5(5) of the Local Plan as adopted by Herefordshire Council which provides that “Development should not result in an increase in runoff and should aim to achieve a reduction in the existing runoff rate and volumes, where possible”.



Fig.2 Existing entry point to the proposed development illustrating winter run-off (27 December 2023).

As will be seen from Fig. 2 above, surface water run-off from this site is already significant during moderate rainfall⁴³ and typical seasonal levels of groundwater. The rainfall data from the Brimfield Rain gauge (Fig.3) also demonstrates that preceding levels of rainfall were not significant nor persistent. This rainfall is significantly below the 1:10 design standard for soakaways⁴⁴.

⁴³ Rainfall data records 12.6mm falling in the preceding 24hr period (source EA).

⁴⁴ Building Regulations 2010 at H3(3.27)

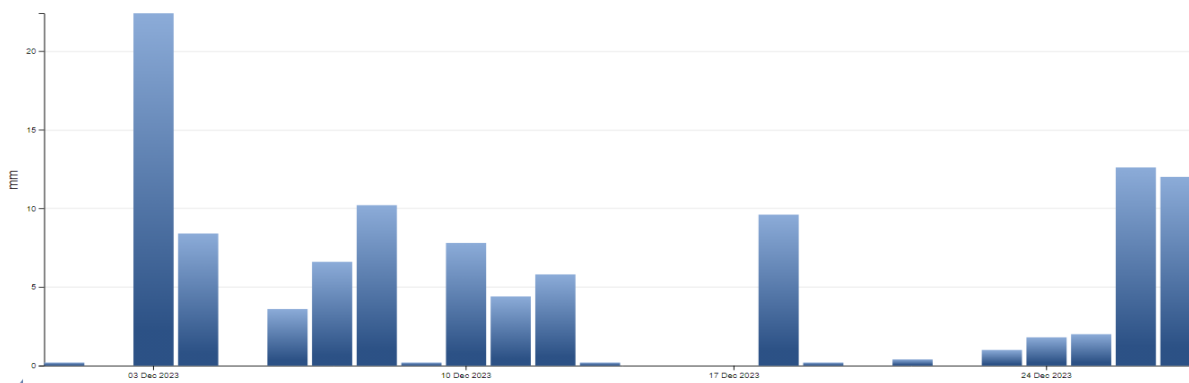
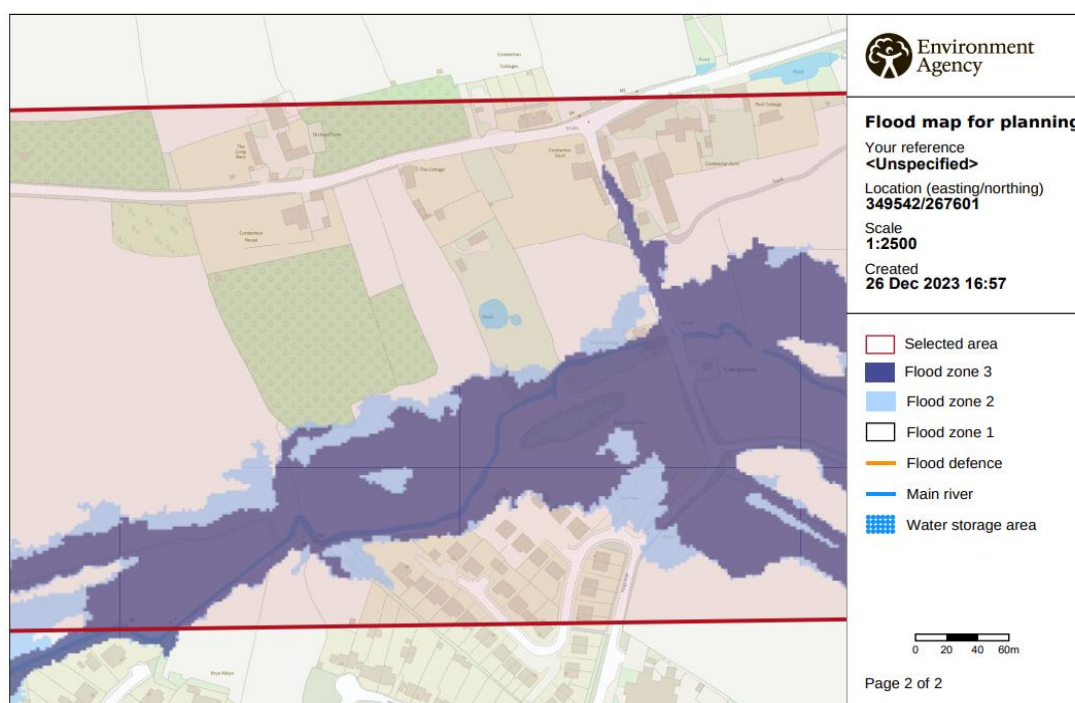


Fig.3 Rainfall data Brimfield rain gauge. Source Environment Agency.

Any decrease in the ability of this land to absorb and retain rainfall as the result of development must therefore result in significant surface-water/flood displacement. Properties most at risk include properties on the fringe of the newly constructed Captains Meadow development and Brook Cottage in Kings Road.



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Fig 4 EA Flood map demonstrating the proximity of this development to flood Zone 3 and the risk from the displacement of surface water.

Objection D2: On the basis of the application and the supporting documents this application cannot meet the standard set out in Herefordshire Council’s Travellers Site Development Plan. There is no evidence that this development can absorb and contain both surface water and processed foul effluent on site via soakaways. This will place an undue burden on local drainage infrastructure and result in an increase in the flooding of local property⁴⁵.

3. The water table

We understand from the agent that no percolation test has been carried out. This test should reflect conditions most adverse to the effective management of surface water and the variable water table⁴⁶. Site inspections carried out on

⁴⁵ Herefordshire Council’s Travellers Site Development Plan H4 at (5).

⁴⁶ Building Regulations 2010 Part H3 at 3.27 “soakaways should be designed to a return period of once in ten years” nor should they be constructed “where the water table reaches the bottom of the device at any time of the year” 3.25(b).

the 8th, 15th, 20th and 27th December 2023, all identified areas adjacent to the proposed site and at the same elevation, at which the ground had reached saturation level. We expect that the methodology and compliance of any tests will be verified by Herefordshire Council⁴⁷.



Fig.5 Above; the existing entry to the site demonstrating run-off water and further pooling at the stile serving the right of way in the distance. Taken on 27th December 2023.

4. Permeable hardstanding

The current proposal anticipates one mobile home and touring caravan per pitch. The plan indicates that all four such pitches shall be of a loose-bound permeable hardstanding.

Under Herefordshire Councils' Local Travellers' Site Development 2019, Policy TS1, each pitch must include 'a hardstanding area constructed of concrete or a similar suitable hard-wearing material which extends over the whole area to be occupied by a trailer, touring caravan, or other vehicle...and project a sufficient distance outward to *enable occupants to enter and leave safely*'. [Our italics]

D3 Objection: the applicant has provided no evidence that the loose-bound permeable hardstanding will permit percolation in all weather conditions having regard seasonal variations in ground water level⁴⁸. We understand that one of the core functions of such sites⁴⁹ is to provide:

- Residential pitches which provide a permanent base for travellers.
- Winter quarters for Travelling showpeople

⁴⁷ Building Regulations Part H2 para 1.34 to 1.38.

⁴⁸ Part H3 at 2.12 "Permeable paving should not be used where ground conditions are not suitable"

⁴⁹ Travellers Sites Development Plan 2019 at 1.5

D4 Objection: The presence of multiple impermeable structures on the permeable hardstanding will lead to significant pooling and self-flooding of the site around the homes⁵⁰.

Furthermore, assuming the touring caravan to be between 3m and 6.5m long and 2.26m wide, the four touring caravans would have a surface area each of between 6.78sq m and 14.69sq m, and heavy concentrations of surface water may be expected to form in the limited areas of permeability receiving run-off from these.

Under this proposal significant pooling of surface water can be anticipated affecting safe ingress and egress from the dwellings and touring caravans. We consider the current provision for surface water management around the dwellings (via permeable hardstanding alone) to be inadequate to ensure the safety of users and visitors to the site.

The remaining structure, the clubhouse, (at drawn scale) is approximately 7.2m x 6.5m. Again, no evidence is provided for the sustainable management of surface water from the 46.8m surface area of the roof affecting access both to the club house, toilets and refuse store.

D5 Objection: The erection of 4 dwellings and clubhouse without free-draining access to a watercourse for the disposal of storm surcharges poses a significant risk of the displacement of flooding to neighbouring property, including critical infrastructure (see Fig. 7)⁵¹.

5. Highway Drainage and run-off from the land

The site plan indicates that a splayed tarmacadamed entrance will be created on to the highway. We note that no surface water management provision is made to prevent run-off on to the highway via an interceptor gully.

Without such provision we do not accept that safe pedestrian access to and from the site is possible. The flooding of the highway (Fig.6) will require users of this busy road, (which carries significant heavy freight) to walk in the carriageway or with their back to oncoming traffic.

The applicant states that children will occupy the site and due regard must be given to the route which these children must take to the local school along this flooded section of road. Without a significant improvement in highway drainage provision and the provision of a pavement, we do not see that this site can meet the requirement H4(1)⁵² that "sites afford reasonable access to services and facilities, including health and schools". We interpret 'reasonable access' to include the requirement that such access should be safe and practical for all users, including the disabled and children at all times of year (see also TS1(8) which requires that all access to the public highway should be safe and convenient.

⁵⁰ Assuming the mobile home to be of the standard 3.65m x 9.75m (12ft x 32ft) construction, the four homes would have a combined roof area of 142.35 square meters (1,536 sq ft). for which no specific surface water drainage provision has been made

⁵¹ The Severn Trent sewage pumping station is fed by gravity from Orleton and is at the most vulnerable location for surface and fluvial flooding from Brimfield Brook. It is situated in flood Zone 3 in Kings Road.

⁵² Travellers Site Development Plan 2019



Fig. 6 Picture taken 08.55am 27 December, 2023.

Furthermore, during periods of heavy rain (44.6mm in 24hrs on 25th October 2019) run-off from this land and other land in the vicinity contributes to flooding of the Kings Road, via surface water flows along the carriageway endangering the operation of the Severn Trent sewage pumping station. We see no evidence that this proposal has taken in to account the frequency and severity of such incidents and the likely contribution this development will make to such overland flows affecting the Kings Road sewage pumping station. The Kings Road was again closed on the 3rd January 2024 following flooding from surface water flows in the area and rainfall of 21.2mm on saturated ground.



Fig.7: Kings Road, Orleton, October 2019 following 44.6mm of rain in 24hrs, taken from adjacent to Kings Road Severn Trent sewage pumping station looking towards B4362.

D6 Objection: The applicant has made no provision to prevent surface water from the site entering the carriageway either from the splayed drive or the site more generally.



Fig.8 B4362 looking towards the proposed development and the junction with Kings Road illustrating surface water issues already existing.

6. Substrata geology and saturation

Substrata saturation of the bed of the entrance driveway, due to the excessive percolation from sub-surface pipework necessary to drain the site, will result in structural decay. We would welcome evidence that a proper geological survey has been undertaken to confirm the stability of the subsurface and driveway as constructed and that no soakaway will be placed within 5m of any part of the driveway, the clubhouse or residential homes, or B4362.⁵³ We would also welcome confirmation that proximity to any other soakaways or drainage has been investigated.⁵⁴

7. Foul drainage

Orleton is served by a foul only sewage system operated by Severn Trent. The applicant states that they intend to operate a small package treatment plant with a soak-away and do not intend to connect to the public sewer.

Based on 4 dwellings with 3 bedrooms each, the discharge to the soak-away would be 1.65 cubic meters a day. However, there is no evidence of any provision for discharges from the touring caravans (via a manhole for example). There is no indication in the application that these will not be used as additional accommodation for extended family, nor is there any means to prevent this from occurring. On a precautionary basis, we therefore assume four touring caravans each with two bedrooms which are occupied and that they use the communal clubhouse toilets and washing facilities. This increases the discharge rate to the soak-away to 2.85 cubic meters per day⁵⁵.

D7 Objection: The applicant has not demonstrated that ground conditions are consistent with the requirements of Building Regulations 2010 Part H 2 at 1.31 to 1.38.

D8 Objection: Unless the applicant can demonstrate that the package treatment works can process flow rates of up to 2.85 cubic meters a day via the soak-away connected to the package treatment works it is our view that the applicant has failed to demonstrate a viable means of disposing of foul waste. This proposal does not therefore meet design

⁵³ Building Regulations 2010 Part H3 at 3.25.a

⁵⁴ Building Regulations Part H3 at 3.25 c.

⁵⁵ Figures modelled on EA calculations for sewage discharges from domestic properties last updated July 2019 published 2015 EA www.gov.uk.

requirements of TS1 (9) that there are 'suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage...'

8. Alternative connection to the public sewer system:

The developer has the right to request a connection to that system where other options are not viable.

9. The condition of the public sewer system in Orleton

The Kings Road pumping station was built in 1965 and remains largely as constructed. In the last few years Severn Trent has increased the inlet capacity at the pumping station by installing a manifold at the end of the 225mm run from the village and running a second pipe of 150mm to the primary and back-up pumps. Both pumps were replaced in 2021.

The limiting factor for capacity at the Kings Road pumping station is the 100mm rising main which carries foul waste the two and a half miles to Woofferton. This pipe is plastic and, due to age, is likely to fracture if pumping pressure (and therefore volume) is increased from the current capacity of 6ltrs per second. Even if capacity could be increased to deliver sewage to Woofferton, it is unlikely that storage there would be adequate. Woofferton is only a pumping station (albeit with some contingency for storage) and passes sewage up to Ludlow for treatment.

10. Recent development

In the last 10 years an additional 55 properties have been added to Orleton's local sewer network. These are all foul-only developments (Little Furlongs (16 units) and Captain's Meadow (39 units)). All benefit from proximity to Brimfield Brook which provides free-flowing outlets for surface water via balancing ponds.

11. The foul-only sewage system

The current permit from the EA to Severn Trent⁵⁶ to discharge into Brimfield Brook is limited to electrical or mechanical failure of the pumping station. Storm overflow discharges are not permitted. Without such a permit to discharge during storm flows Severn Trent must preserve the integrity to the foul only system.

There is currently no capital scheme to increase capacity in the sewage network in Orleton. The timeframe for doing so would be likely to be five years, commencing at the next Ofwat price review. Final determinations on company business plans are due to be delivered in December 2024.

Connection to the public sewer system should not be considered as a viable alternative for combined flows from this site, even if this is practicable, as we consider this would be prejudicial to the public sewer system⁵⁷.

D9 Objection:

We consider that any further addition to demand on the sewer network from new development within the village should be limited to foul water only and within developments capable of managing surface water without recourse to the public sewer. There remains land, within village development boundary, capable of supporting a significant number of such developments with scope for attenuation and free-draining for surface water to Brimfield Brook.

⁵⁶ (Licence S/9/50139/0 dated 26 January 1996)

⁵⁷ S.106(b) of the Water Industry Act 1991. We acknowledge that it is for Severn Trent to make such representations. In reaching such a conclusion we have assumed that only the mobile homes (total roof area 143.35sq m) and club house (roof area 46.8m) drain to the public sewer, and assume a typical storm rainfall of 30.2mm. This results in the discharge of 43.29 cubic meters of surface water in addition to foul flows from the site of 2.85 cubic meters over 24hrs. This volume is equivalent to adding approximately 160 three bedroomed properties to the foul only sewer system and would preclude further development of Orleton on any scale pending a capital scheme to increase sewage capacity. This would take not less than 3-5 years.

We are of the view that the connection of this development to the public sewer to include surface water would represent an unacceptable risk of sewer flooding and storm overflows entering Brimfield Brook from the pumping station for which no environmental permit has been granted.

(Drainage report prepared by Cllr David Lane, 27th December 2023)

ENDNOTES

APPENDIX 1

I. Application Overview

Planning consultation for planning application P233282/F⁵⁸

Land adj. Orchard Farm, Comberton, Orleton, Herefordshire

Proposed use of land for the stationing of caravans for residential purposes, dayroom and hardstanding ancillary use, and the formation of new access.

Applicant: Mr Richard Florence, C/O Agent – Green Planning Studio Ltd., Shrewsbury.

Public consultation period: 30.11.2023 – 30.12.2023, extended until 17th Jan 2024 following a request from Orleton Parish Council

Orleton Parish Council consultation deadline: 19th January 2024

Target determination date: 22nd January 2024

The planning application is to place four static caravans and four touring caravans on land to the north of Orleton village, adjacent to the B4362 and west to Orchard Farm, Comberton, SY8 4HE. The applicant states these are to fulfil a recognised need for a site to accommodate a traveller lifestyle.

II. SITE PLANNING HISTORY

The site for the proposed development has been subject to previous planning application in 2016.

The previous application (No. P163231/F) was for two bedroom dwelling and garage, workshop/implement store and new access onto highway. Access point to the highway was the same as for the current application.⁵⁹

Statutory consultation returned objections from the following consultees:

- Transportation
- Ecologist
- Ward Member
- Immediate neighbours
- Parish Council

This application was refused with the decision of 30th Nov 2016 signed by Mark Tansley, Development Manager, on number of grounds, most notably:

- A. **Countryside location resulting in limited, sustainable access to services; incompatibility with principles of sustainable development** – therefore – Incompatibility with advice contained at paragraphs 7, 17, 35 and 55 of the National Planning Policy Framework, Policies SS4, SS7, RA1, RA3 and RA4 of the Herefordshire Local Plan – Core Strategy and policy ORC7 of the Orleton and Richards Castle Neighbourhood Development Plan.
- B. **Development prejudicial to highway safety** – contrary to Policies MT1 and SS4 of the Herefordshire Local Plan – Core Strategy, Policy ORC13 of the ORC NDP and the advice contained at paragraphs 32 and 35 of the National Planning Policy Framework.
- C. **Development affects traditional orchard nearby** – failure to demonstrate compliance with Policies LD2 and LD3 of the Herefordshire Local Plan – Core Strategy and the advice contained at paragraphs 17, 109 and 118 of the National Planning Policy Framework.

⁵⁸ See application site plan, Appendix 2, Endnotes.

⁵⁹ See – location plan for application P163132/F, appendix 3, Endnotes.

Refusal of granting of planning permission was appealed⁶⁰ by the applicant and **the appeal was dismissed** with the decision of 21st June 2017 by Planning Inspector, Mr Harold Stephens. The appeal decision identified following main issues of concern:

- (i) the effect of the proposed development on the rural character of the area;
- (ii) the effect of the proposed development on highway safety; and
- (iii) the effect of the proposal on environment.

III. Policy Background

1. Herefordshire Local Plan Core Strategy 2011-20312

a. Policy H4 – Traveller Sites [HLP Policy H4]

“The accommodation needs of travellers will be provided for through the preparation of a Travellers’ Sites Document (DPD) which will include site specific allocations. In the absence of an adopted DPD, or where proposals for sites are brought forward on non-allocated land, proposals will be supported where:

1. sites afford reasonable access to services and facilities, including health and schools
2. appropriate screening and landscaping is included within the proposal to protect local amenity and the environment
3. they promote peaceful and integrated co-existence between the site and the local community
4. they enable mixed business and residential accommodation (providing for the live-work lifestyle of Travellers)
5. they avoid undue pressure on local infrastructure and services
6. in rural areas, the size of the site does not dominate nearby settled communities and
7. they are capable of accommodating on-site facilities that meet best practice for modern Traveller site requirements, including play areas, storage, provision for recycling and waste management.

In rural areas, where there is a case of local need for an affordable Traveller site, but criterion 1 above cannot be fulfilled, then an exception may be made and proposals permitted, provided such sites can be retained for that purpose in perpetuity.”

b. Policy RA3 – Herefordshire’s Countryside [HLP Policy RA3]

“In rural locations outside of settlements, as to be defined in either neighbourhood development plans or the Rural Areas Sites Allocations DPD, residential development will be limited to proposals which satisfy one or more of the following criteria: [...]

7. is a site providing for the needs of gypsies or other travellers in accordance with Policy H4.”

2. Herefordshire Local Plan, Travellers’ Sites Development Plan Document, 2019

a. Policy TS1 – Residential traveller pitches and sites [HLP Policy TS1]

⁶⁰ Appeal Ref: APP/W1850/W/17/3169420

“Proposals for new residential Traveller pitches and sites will be supported where they conform to Policy H4 of the Core Strategy and achieve the following:

1. an overall good quality of design which respects the setting of the site and the local landscape character.
2. a good quality of build of amenity blocks, where included, to provide a decent standard for washing and cooking facilities.
3. amenity blocks, where included, should be sensitively designed and sited using appropriate materials for the area.
4. any biodiversity assets and designated and undesignated heritage assets are conserved and where appropriate enhanced. Any unacceptable adverse impact on landscape or local nature conservation designations, ecology, biodiversity or heritage assets should be satisfactorily mitigated.
5. a suitable landscaping scheme where the site boundary treatment reflects local character, local materials and local colour and should be a small scale structure/fence. The use of native trees, hedgerows and shrubs to form boundaries will be encouraged as an alternative to high close board fencing.
6. existing trees and hedgerows which are important to amenity should be retained. Any trees and hedgerows lost should be replaced by native trees and hedgerows in appropriate areas of the site.
7. a safe area for children to play is included in the site layout where required.
8. safe and convenient access to the highway network for cars, pedestrians and vehicles and turning space within the site.
9. suitable arrangements for clean water supply, foul sewerage disposal and surface water drainage, and where opportunities for Sustainable Drainage Systems are maximised.
10. any commercial activity that is proposed on the site is of a type that is appropriate to the location and does not result in an adverse impact on the amenity of any local residents or other land users.
11. external lighting is kept to a minimum and should be directed down to the ground, to avoid light pollution.”

3. *Orleton and Richards Castle Neighbourhood Development Plan 2011-2031*, April 2017 [NDP] –

- a. **Policy ORC2 – Development Strategy**
- b. **Policy ORC4 – Protection from flood risk**
- c. **Policy ORC5 – Sewerage infrastructure**
- d. **Policy ORC6 – Sustainable design**
- e. **Policy ORC7 – Housing development in Orleton**
- f. **Policy ORC11 – Provision of a range and mix of housing**
- g. **Policy ORC12 – Traffic measures within Parishes**
- h. **Policy ORC13 – Highway design requirements**
- i. **Policy ORC14 – Agricultural diversification, workshops, services and facilities development**

a. Policy ORC Policy ORC2 – Development Strategy

“The settlements of Orleton and Richards Castle will be the focus for development within the two Parishes. The level and extent of development will meet identified needs in particular in relation to the range of house types and tenures while ensuring this occurs within local environmental capacities and other constraints. There will be an emphasis on protecting Grade 2 agricultural land unless land of a lower grade is not available and the need for the development outweighs this requirement. The accommodation of development to meet the needs of the Parish and contribute to County requirements will be based upon the following approach:

- a) A settlement boundary is defined for and a site allocated for development in Orleton within which new housing and other appropriate forms of development may take place. The settlement’s local distinctiveness will be retained and the character and appearance of its conservation area will be conserved or enhanced.

- b) A settlement boundary is defined for and sites allocated for development in Richards Castle within which new housing and other appropriate forms of development may take place. The settlement's local distinctiveness will be retained.
- c) Housing development outside of the settlements identified above should be located in accordance with relevant policies in Herefordshire Local Plan Core Strategy, in particular but not exclusively Policy RA3, and where necessary the more detailed policies in this Neighbourhood Plan.
- d) Limited small scale employment opportunities will be provided for, including enabling limited new and extended premises outside of the parish's settlements in association with rural enterprises or through utilising brownfield land or existing rural buildings. The countryside will continue to accommodate economic development and particularly that associated with agricultural and rural enterprises where these reflect the scale and nature of the landscape within which they sit."

b. Policy ORC 4 – Protection from flood risk

"New development shall be subject to the Flood Risk 'sequential' and 'exception' tests set out in the National Planning Policy Framework, and housing development, in particular, will not be permitted in areas identified as flood zones 2 and 3. Where other forms of development are necessary in areas at risk of flooding full and effective mitigation measures must be provided. No development will be permitted that will result in increased flood risk to properties elsewhere.

Where flood risk is identified as an issue, developers shall undertake full and detailed flood risk assessments, including taking into account climate change, to inform decisions on planning applications. Development should not cause or increase surface water flooding or risk of pollution. Opportunities to address storm flooding problems should be taken where available

Where the management of drainage needs to be addressed, developers should utilise or contribute to sustainable drainage systems (SUDs) where this is practicable, including measures to support biodiversity."

c. Policy ORC 5 – Sewerage infrastructure

"No development will be permitted which will exacerbate pollution overflows from the public sewer running through Orleton village. Development upon sites where this may result will need to be delayed until such time as works are carried out to provide sufficient sewerage capacity to remove the current polluting effects within the mains sewer. Developers may contribute towards remedial works to the mains sewer in order to expedite the current under-capacity in order to advance their proposals more swiftly."

d. Policy ORC6 – Sustainable design

"An integrated approach to achieve a high standard of sustainable design will be required to, in particular, achieve the maximum possible reduction in the carbon footprint of any development. Development proposals should contain a co-ordinated package of design measures which, in addition to regulatory requirements, include:

- a) Utilising physical sustainability measures associated with buildings that include, in particular, orientation of buildings, the provision of energy and water conservation measures, storage for bicycles and storage for waste including provision for recycling, broadband infrastructure, and renewable energy infrastructure such as photovoltaic panels where these do not detract from any historic fabric or settings;
- b) Seeking on site measures that support energy conservation such as through tree planting and other forms of green infrastructure to provide shade and shelter, the maximum use of permeable surfaces, and minimising the use of external lighting to that which is necessary;
- c) Ensuring that new homes are fully integrated into the existing neighbourhood and support a more pedestrian and cyclist friendly environment through convenient links to local facilities and public transport connections which are suitable for those with mobility restrictions;
- d) Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties where opportunities exist;
- e) Where external lighting is required it should be supported by a lighting plan that demonstrates that it will not have an adverse effect through unnecessary glare, light trespass, scenic intrusion or sky glow;
- f) Minimising construction traffic and reducing waste;

g) Retaining important natural habitats and features such as tree cover, ponds, orchards and hedgerows while ensuring there is no net loss of biodiversity through providing offsetting for any loss and adding to the natural assets of the parish where opportunities are available;

h) Where there is good reason to believe that contamination of land may exist on any site, including through agricultural processes, carrying out an assessment to establish the extent and nature of the contamination, and ensuring that effective measures are taken to ensure potential occupiers, and the wider environment, are not put at unacceptable risk; and

Where new innovative sustainable design or features are incorporated, they should fit sensitively within the street scene and incorporate a number of locally distinctive features to maintain the areas cohesive character.”

e. Policy ORC7 – Housing development in Orleton

“New housing within Orleton will be restricted to sensitive infilling within a settlement boundary and sites identified for development defined upon Orleton Village Map. Within the settlement boundary infilling will be permitted where it meets the following criteria:

a) Development will only be permitted if and when there is sufficient capacity within the public sewer to which it will need to connect;

b) Development is protected from risk of flooding and will not result in increased flooding to other properties;

c) Development shall preserve or, where necessary, enhance the character and appearance of Orleton Conservation Area;

d) Dwellings shall be of a scale, massing, density, building line and layout compatible with the character, size and form of the particular part of the settlement within which they are located and not adversely affect the amenity of adjacent properties;

e) Development shall not result in the loss of important features such as trees, hedgerows, or significant frontage gaps or green spaces that contribute to the unique character of the village;

f) Development shall not adversely affect heritage assets within the village, including their settings; g) There should be safe access for vehicles, and parking arrangements should not detract from the village street scene but be an integral part of the overall design.

h) Comply with other relevant policies contained within this plan and Herefordshire Local Plan Core Strategy.”

f. Policy ORC11 – Provision of a range and mix of housing

“New housing should meet the needs of the community in terms of size, type and tenure. In particular development upon allocated sites within Orleton and Richards Castle should include a mix of properties including predominantly small and medium sized family homes and homes for the elderly in order to address needs identified within the Local Housing Market Assessment. Applications for allocated housing sites should indicate how they propose to contribute towards the needs identified, particularly in terms of house size. Departure from proportional needs may be accepted where development provides especially for particular local community needs such as housing for the elderly or starter homes.”

g. Policy ORC12 – Traffic measures within Parishes

“Orleton and Richards Castle Parish Councils will work with Herefordshire Council and developers to introduce measures to improve road safety, especially where the impact of development will increase adverse effects upon its communities. Development proposals should propose positive measures to address the problems caused by vehicles through:

a) Slowing vehicle speed on entry to villages;

b) Managing vehicle speed through villages;

c) Facilitating safer parking within village cores and adjacent to Orleton Primary School;

d) Reducing the traffic effects of any proposed development upon village and residential amenity;

e) Providing better access to and use of public transport, cycling and walking links and safer routes to Orleton Primary School;

f) Addressing safety problems at junctions. Proposals will be introduced progressively during the Plan period in association with Herefordshire Council and include utilising developer contributions resulting from development within the Plan area.”

h. Policy ORC13 – Highway design requirements

“Where development proposals are advanced these should ensure:

- a) There should be safe access onto the adjacent roads;
- b) Proposals should not result in on-street parking but should provide adequate off street parking for residents and visitors, and preferably address the reduction of any on-street parking problems that may exist within the vicinity;
- c) Proposals should not lead to a significant increase in speed or the volume of traffic travelling through villages within the parish or on roads that do not have sufficient capacity.
- d) The nature of the development does not lead to pressure for the provision of street lighting where this is not currently present within the particular locality.”

i. Policy ORC14 – Agricultural diversification, workshops, services and facilities development

“Development proposals by new or existing local businesses that would involve agricultural diversification, small workshops, new services and facilities or increase the viability of services or facilities already within the two parishes which are appropriate to their character will be encouraged where they result in sustainable economic growth. Home working and live/work units will in particular be encouraged. In addition to Neighbourhood Plan policies safeguarding the environment and stipulating highway requirements and also relevant policies in Herefordshire Local Plan Core Strategy, the following criteria are considered important in determining whether such development is considered sustainable economic growth in the two parishes:

- (a) Development proposals should be in scale with the character of the area or settlement in which the development site is located;
- (b) The residential amenity of nearby dwellings should not be significantly affected in any adverse way;
- (c) Proposals should not adversely affect landscape character or heritage assets, or result in the loss of good quality agricultural land;
- (d) Development of workshops in the countryside should utilise existing rural buildings, including small scale extensions, and brownfield sites;
- (e) Proposals involving new buildings to enable farm diversification should result in a consolidated form, preferably in association with an existing complex of buildings;
- (e) Potential polluting effects of any enterprise should be fully mitigated, and where they cannot, permission will be refused.”

4. Other relevant Policy provisions (national):

- a. National Planning Policy Framework**
- b. Planning Policy for Traveller Sites**, Department of Communities and Local Government, 2015
- c. Designing Gypsy and Traveller Sites – Good Practice Guide**, Department of Communities and Local Government, 2008.
- d. Circular 01/2006, Planning for Gypsy and Traveller Caravan Sites**

APPENDIX 2

Planning Application P233282/F – Location plan



APPENDIX 2a
Planning Application P233282/F – Site plan



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HEREFORDSHIRE COUNCIL
PLANNING SERVICES
DEVELOPMENT CONTROL

- 6 OCT 2016

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