

## OBJECTIONS ON BEHALF OF CLAYLAND ESTATES LTD

1. The objections on behalf of Clayland Estates Ltd (hereafter Clayland) are on the basis that the Site allocation Policies for the Key Service Centre of Hingham are Unsound.
2. It is important to state that it is the Non-Strategic Policies rather than the Strategic that are the subject of the Objections. The scale of growth proposed in Policy 7.3 for Hingham is supported as is the Employment Land allocation. It is the selection of the allocated sites and the process that has led to selection, that form the grounds for the objection.
3. The Policies are considered to be unsound for the reasons detailed below. Attached to this objection are Appendices dealing at a technical and more detailed level with supporting evidence of the grounds for objection made below.
4. Clayland object on the basis that the allocation policy is not Positively Prepared, as it is not consistent with achieving sustainable development. The selected residential sites for the village are not able provide a suitable safe walking route to the village facilities to encourage walking as the preferred means of transport within the village, and the Surface Water management issues and flood risk related to and likely to be caused by site GNLP0520 if allocated is a threat to existing development in the settlement, listed buildings and farming interest, to the potential detriment of all, and not a sustainable drainage system particularly in the light of climate change.
5. Site GNLP0520 at Norwich Road Hingham has a significant part of the site identified at risk of Surface Water Flood (Gov.uk Flood Map – See Appendix A – Flood Risk Issues). NPPF para 158 says  
*The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.*  
On this basis the proposed allocation of GNLP0520 is not the most sustainable location for development.
6. The selection of GNLP0520 is unsound in relation to Policy 2 point 9 of the draft plan in that it does not comply with the requirements to minimise the risk of and causes and impacts of flooding, as evidenced by the existing flood issues caused by the existing adjoining development, undertaken recently by the same land promoter, and the consideration of the reasonable alternatives for allocation in Hingham has failed to take sufficient account of the flood risk.
7. Policy GNLP0520 is also unsound in respect of allocation of the majority of the proposed housing growth in Hingham to a site with known surface water flood issues on the basis there is required to be “*Mitigation and further investigation with regards to the site’s susceptibility to surface water flooding* “. Given the adverse effects of the adjoining development on flood risk issues within the area, there is undue risk of non-delivery of the site as a result of these issues, or significant harm to adjoining property, including 2 nearby listed buildings, in flood risk terms, which an objective assessment of the reasonable alternatives would have identified did not exist with regard to GNLP 0298/0335/4007
8. Clayland also object because the selection process was not Justified. The assessment criteria used to guide selection of sites has not been applied accurately or objectively, with the criteria “scoring” not applied in a fair or consistent manner. Appendix B contains a reassessment of the HELAA Criteria Assessment on an objective and consistent basis and demonstrates this point.
9. The Criteria used for assessment do not include any consideration of whether a site introduces biodiversity net gain; a requirement of GNLP Policy 3 and

as explained in paras 212 and 213 of the draft plan. On this basis the assessment process itself is unsound in not taking into account the requirements of the Plan policies. Appendix F refers to this point in detail.

10. If undertaken objectively the criteria outcomes would have identified an alternative site, comprising GNLP 0298 and GNLP 0335 together with associated proposed Community Woodland (GNLP4007), owned by Clayland, at Watton Road, as the preferred location for residential development in Hingham.
11. Even with the assessment scoring adopted, the Clayland Site (0298/0335/4007) Criteria Assessment scoring was superior to the proposed allocations at Norwich Road (GNLP 0520) and Dereham Road (GNLP 0503). It is illogical to have selected GNLP0520 as the preferred site for the majority of the residential allocation, where the principal basis of assessment demonstrates inferior criteria performance. Such a conclusion did not follow the appropriate strategy process, did not fully and objectively consider, or take account of, the merits of the reasonable alternatives or base the decision on a fair assessment of proportionate evidence available to the Planning Authority.
12. We would particularly highlight the assessment of safe pedestrian routes from the reasonable alternative sites as having been conducted in an inconsistent and non-objective manner with the conclusions reached in many ways illogical. Email dated 5<sup>th</sup> January 2021 from Carole Baker to Clayland Highways consultant (included within Appendix C – Highways Issues attached) includes the comment (quote) *“with the feasibility of providing a footway link from the site to the centre of Hingham a deciding factor in the choice of sites”*. Neither of the proposed allocations include a direct pedestrian link to the town centre without crossing the B1108 or Dereham Road and for neither site is this feasible. The detail provided within Appendix C identifies why the pedestrian access routes from Watton Road with the proposed mitigation are superior (or certainly no less safe) than those feasibly achievable from GNLP0503 or GNLP0520. As such the judgement applied in determining draft allocation is unsound.
13. Policy GNLP 0503 is unsound in that it imposes an undeliverable requirement to construct *“a continuous footway at the west side of Dereham Road”* when the constraint that prevents such delivery is identified in both the Site assessment and Hingham Town Council objections
14. We attended the meeting of Hingham Town Council on 02.03.2021 where the Clerk confirmed that the landowner of GNLP0503 had expressed a preference to withdraw the site from the GNLP. The Clerk confirmed that she had put the land owner in touch with the GNLP team and that those parties were working to resolve the matter and there was a strong possibility that the site would be withdrawn. If this proposed allocation is unavailable and will not be delivered, then Policy GNLP 0503 is unsound and indeed the proposed site allocation policies for Hingham are unsound because they do not allocate the identified number of dwellings proposed for the village
15. Policy GNLP0520 is unsound because the policy imposes an undeliverable requirement to provide *“an adequate visibility splay incorporating footways, to be provided along the whole site frontage”*, which is unachievable given the TPO protected trees which the policy state *“are to be retained”*. It is further unrealistic to anticipate the site will be designed with *“an active frontage along Norwich Road”* when an active frontage is one with a variety of driveways / accesses and properties fronting directly onto the road, was desired for the adjoining Hops development but planning officers acknowledged at the time of granting consent was not feasible because of the constraints of the protected trees and visibility. The feasibility on the proposed allocation is even more remote given the potential conflict with

the Ironside Way B2 commercial access and the commercial /HGV traffic using it. Allocation on the basis of unfeasible requirements is clearly unsound.

16. Such constraints are clearly evident from the identified site constraints and the Town Council objections but have not been taken into account when assessing the site criteria selection evidence.
17. The site assessment and selection process is unsound in that it has failed to have sufficient regard to Policy 3 of the draft plan in respect of the proportionate evidence of the relative merits of the reasonable alternatives. There will be a significant detrimental effect from development of GNLP0520 on the historic character of the Town in that it will adversely and detrimentally affect important Townscape views of the church as a major heritage asset (Section F Para 5.35 refers). There will be greater effect on landscape views on the approach to Hingham from the east resulting from GNLP0520 and north resulting from GNLP 0503, from where there will be little screening of the proposed development, in a way that, because of existing hedges and tree screening, would not be experienced when approaching GNLP 0298/0335 from the west. The Criteria assessment conclusions do not objectively reflect this. Of particular concern is that majority of the approach view of the historic Church will be obscured by GNLP0520. Appendix D provides evidence in relation to the Townscape and Landscape assessment criteria.
18. The Policy GNLP0520 is unsound in selecting for development a site in close proximity to two important listed buildings with the requirement that *“Any development must conserve and enhance the significance of Lilac Farmhouse and Blenheim Cottage to the south of the site, including any contribution made to that significance by setting. This includes but is not limited to landscaping along the southern edge of the site.”* It is submitted that whilst it may be possible to mitigate the effects of development by screening, it is unlikely to enhance the settings of those dwellings in relation to the current undeveloped farmland to the north of them, or mitigate the flood risk and effects, and the judgement applied in selecting the site with this specific requirement is flawed and unsound.
19. The selection process has also in relation to Policy 3 failed to take appropriate and objective account of the significant additional biodiversity net gain (in excess of 60% from the woodland alone) available from the provision of the community woodland forming part of the Watton Road (GNLP0298/0335/4007) proposals.
20. The Site selection is unsound given that, on the evidence of the adjoining recent development “The Hops”, which the developer of GNLP0520 describes this site as a further phase of, is this allocation is unlikely to provide the range of housing types, including single-storey dwellings for older residents and self / custom build dwellings, as required by Policy 5. The information supplied in relation to GNLP 0298/0335 (within Appendix F) and the range of existing developments by Clayland Estates Ltd provides clear evidence of the type and variety intended; this aspect was recognized and commented upon by the Town Council in expressing their support, but has not been adequately recognized by GNLP.
21. Policy GNLP0520 is unsound in relation to the proximity of new housing to existing B2 commercial development, which it is proposed to expand. Given that B1 development is defined as commercial uses compatible with being in proximity to residential development by implication B2 is not suitable to be in proximity to residential development. It is unsound to allocate land opposite the main access to the major industrial area of the settlement for residential use when there will be inevitable traffic noise and disturbance and there are reasonable alternatives that would not be so prejudiced including GNLP0298/0335. It could similarly constrain and hence prejudice the operation of existing

businesses and the attraction of further employment to Hingham if there are potential operational constraints to those businesses being too close to new housing. Appendix E refers

22. The site selection process is unsound in that it has failed to have sufficient regard to the considered views of the population of Hingham, as expressed directly at the consultation stage, and by the Hingham Town Council representations on behalf of the Town, notwithstanding that GNLP Officers have confirmed that *“Significant weight is always given to local and parish preferences for sites”*, bearing in mind NPPF para 15 states that Plan-making should be *“a platform for local people to shape their surroundings, and at para 16 c) “be shaped by early, proportionate and effective engagement between planmakers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;”*. Given the site selection process is a non-strategic there is greater weight that should be afforded to local community views has not been reflected in the decision making.
23. There are clear intentions in NPPF paras 28-30 that non-strategic policies should be influenced by local views. Whilst it is accepted that Hingham Town Council have yet to instigate a Neighbourhood plan, which would have effectively given their voice greater volume, as well as weight, it is submitted that the local community should still be heard, as acknowledged by GNLP (Appendix G) and given their vociferous and well evidenced grounds of objection to the proposed allocations at earlier stages of the plan process, the fact the GNLP have apparently ignored the local view, it is submitted, is unsound on the basis it is not based on proportionate evidence of which the Local Community view form a significant part.
24. The objection process requires us to state precisely what modifications to the plan are sought, to meet and satisfy the objections. The modifications sought are;
  - a) Deletion of the allocation GNLP0520 on the basis of the issues listed above.
  - b) Either : Reassessment of the policy requirements of proposed allocation GNLP 0503 in relation to the need for *“a continuous footway at the west side of Dereham Road”* when there is a constraint that prevents such delivery, on the basis of the points listed above,  
Or : if GNLP 0503 is not available for delivery because of its withdrawal by the owner from consideration, then deletion of policy GNLP 0503 and the associated allocation.
  - c) Allocation of GNLP 0298/0335 for residential development of 80 dwellings (or 100 dwellings if GNLP 0503 is deleted) on the following basis
    - i) Phased delivery over the first 10 years of the plan period at a rate of development that the village infrastructure can assimilate.
    - ii) Allocation to be in conjunction with an appropriate pedestrian crossing refuge from the eastern side of the site access to the footway on the northern side of Watton Road, and appropriate enhancement of footways and crossing points on the pedestrian routes to the Town Centre facilities and School.
    - iii) Allocation to include approximately 4 Ha land to the south (GNLP4007), to be provided for Community Woodland Recreational Public Open space, with parking area, appropriate access links, and planted and laid out before occupation of the 30<sup>th</sup> dwelling
    - iv) Promotion of a Traffic Regulation Order to extend the existing 30mph speed limit to the western end of the site frontage, with associated *“Town Gate”* feature to assist with speed compliance.

- v) Additional landscape planting to the western boundary to form an enhanced soft screened approach to Hingham.

(A full draft of our proposed modification is within our submission as Appendix H)

- 25. Although not invited to do so by GNLP because GNLP0298/0335/4007 is not a supported site we have prepared and submitted a draft Statement of Common Ground alongside this Objection (copy within Appendix I) in relation to the availability / deliverability of GNLP0298/0335/4007 to ensure the Planning Authority / Inspector have equivalent information for this site
- 26. We believe such a modification would have the support of the local community, and remove from the draft plan those aspects we have identified as unsound in this submission.
- 27. Clayland have identified many grounds of objection in common with Hingham Town Council and these are listed in a Statement of Common Ground prepared between Hingham Town Council and Clayland, a copy of which is attached as Appendix J.

## **List of Appendices – Clayland Estates Ltd Objection to GNLP**

Evidence supporting this objection are contained within the following topic Appendices

**Appendix A** – Flood Risk Issues

**Appendix B** – Clayland Revised Objective HELAA Suitability Assessment document

**Appendix C** – C1 Highways Report and

C2 Pedestrian Routes review

**Appendix D** – Landscape, Townscape and Heritage Issues

**Appendix E** – Compatibility with Adjoining Uses

**Appendix F** – F1 Indicative site layout for 0298/0335/4007,

F2 Biodiversity community benefits,

F2 Housing mix policy issues

F4 Proximity to SSSI's

**Appendix G** – Weight given to Community and Local Representation issues

**Appendix H** – Clayland Proposed Modification to the Allocations

**Appendix I** – Clayland Draft Statement of Common Ground with GNLP

**Appendix J** – Clayland Statement of Common Ground with Hingham Town Council