

**BABERGH DISTRICT COUNCIL  
DEVELOPMENT COMMITTEE**

**20 JANUARY 2010**

**ADDENDUM TO PAPER J158**

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE  
PUBLICATION OF THE AGENDA BUT BEFORE 12 NOON ON THE WORKING  
DAY BEFORE THE MEETING AND ERRATA**

Item No	Page	Summary
1	5-12	<p><u>District Councillor David Wood</u> Objects to the application. In summary:</p> <ul style="list-style-type: none"> <li>• The development will have an impact upon the environment (AONB, SSSI, SPA, Ramsar status of the area, not to mention conservation areas and National Trust Areas).</li> <li>• The 404 retirement dwellings, nursing home and other facilities will have an untold effect on the peace and tranquillity of the area.</li> <li>• Concerned the development will lead to an increased disturbance of protected bird species notably from residents accessing the shoreline walkers (particularly dog walkers).</li> <li>• At age 55, people still will want to travel for sport, entertainment and relaxation (the peninsular lacks facilities). Pressure on infrastructure including roads will be immense.</li> <li>• The proposed works to the highway will clutter the area (in the AONB) and why are there no sensible plans for Freston Crossroads?</li> <li>• This is an outdated plan with outdated ideas and very little thought has gone into the effects it would have on traffic, noise, transport facilities, air quality, public services, utilities etc.</li> <li>• The developers have not communicated with the community.</li> <li>• In conclusion I have great concerns about the impact this development will have on the AONB and Special Protection Areas and the viability of the proposals that I request you reject this application.</li> </ul> <p><u>Woolverstone Parish Council</u> Has submitted a copy of Counsels opinion for their Parish Council from Mr Peter Harrison QC (received 19 January 2010). In summary the following conclusions are drawn:</p> <ul style="list-style-type: none"> <li>• Were the District Council to approve what purports to be a reserved matters application, they would be acting unlawfully.</li> <li>• To approve the details after such a time lapse during which there have been significant changes in both planning policy and the other material considerations would be to allow a development to be revived without reconsideration of its principle planning merits and de-merits.</li> <li>• The District Council would be acting so as to frustrate the purpose of the time limit provisions of the 1990 Act and hence unlawfully. This would mean the approval would be liable to be quashed on an application for Judicial Review.</li> </ul>

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		<p>The Parish Council has made further representations about the Reserved Matters following receipt of their legal advice. They continue to object to the application and the further comments are summarised as follows:</p> <ul style="list-style-type: none"> <li>• We are advised that a decision to approve the reserved matters would be unlawful.</li> <li>• We do not agree there would be no significant environmental impact from the proposed development and believe this view is contrary to the Planning Inspectorate and Secretary of State following the Public Inquiry in 2006.</li> <li>• We believe you are in dereliction of your duty to “preserve and enhance” Conservation Areas within your Authority.</li> <li>• There is a significant difference between what was given outline planning consent and the proposal as it stands today. These changes have altered the character of the development, if not its description.</li> <li>• We do not consider it is the applicant’s intentions to complete this proposed development.</li> </ul> <p>They urge the Development Committee to reject the application and to work with the local community to realise an appropriate usage for this site.</p> <p>Babergh should be aware that the Parish Council fully intends to follow the process of Judicial Review if the Development Committee accepts this planning proposal.</p> <p><u>Andrew Sterling (resident of Chelmondiston).</u> In summary comments that:</p> <ul style="list-style-type: none"> <li>• The committee report appears to focus upon the developments impacts upon the site itself and other local impacts upon the site and its potential residents. There is no apparent concern for people already living on the peninsula.</li> <li>• The profound objections are to the site itself being developed for residential purposes. It was rejected by the Government Inspector and Secretary of State in principle. The site is completely inappropriate for the development.</li> <li>• My previous objections to this application (and indeed the Government objections) have not been reflected by officers.</li> </ul>

19 January 2010