

**BABERGH DISTRICT COUNCIL  
DEVELOPMENT COMMITTEE**

**21 OCTOBER 2009**

**ADDENDUM TO PAPER J129**

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

<b>Item No</b>	<b>Page</b>	<b>Summary</b>
-	4	<u>Errata</u> The abbreviation EN should read NE for Natural England.
1	53.	<u>Freston Parish Council</u> Have provided details and photographs of damage to the bus shelter adjacent to the Freston crossroads junction caused by a road traffic accident on Friday 13 <sup>th</sup> November 2009. They go on to comment that no-one was hurt in the accident, but point to it as evidence that the residents of Freston are at risk given that a safe plan has not been submitted for the junction. In 2007, a car also ran into the junction in 2003, two people were killed close to the junction and recently a 93 year old was seriously hurt at another part of the junction.
	53.	<u>Felixstowe Town Council</u> Have no comments at this stage.
	53.	<u>LHA</u> Confirm their approval of the latest revisions to the reserved matters and recommend the imposition of the conditions they previously recommended (paragraph 170 of the main report).
	53.	<u>English Heritage</u> We have considered the amendments to the scheme and do not believe that the consultation relates to heritage matters.
	53.	<u>Health and Safety Executive</u> Repeat earlier comments (please refer to paragraphs 123 and 124 of the main report).
	53	<u>Suffolk County Council (Archaeology)</u> Repeat their earlier comments (please refer to paragraph 148 of the main report).
	53.	<u>RSPB</u> Are satisfied with the outcome of the Appropriate Assessment that there will no adverse impacts upon the SPA. However, the findings of the Integrated Ecology, Heritage and Landscape Management Plan should be part of a S106 Agreement, rather than planning conditions.

53.	<u>Ipswich and District Group Ramblers Association</u> Have no further comments to make.
53.	<u>Police Architectural Liaison Officer</u> Has no further comments to make
61.	<u>Hutchison Ports (UK)</u> Has nothing further to add.
61.	<u>Gemma Parker</u> Objects to the application; i) The current proposal does not fall within the original consent and differs in type, location and massing and represents a significant alteration. ii) The application is a rambling number of submissions and alterations. The process has been confusing and is difficult to understand. iii) The Woolverstone Conservation Area would not be preserved or enhanced
61.	<u>Nick Parker</u> Objects on the following grounds; The application does not fall within the four corners of the original consent, The application and ES is not a single compilation but a paper chase, The impacts and mitigations on the Woolverstone Conservation area as outlined by the secretary of state have not been achieved.
61.	<u>Gerald Askew</u> Expresses concerns about the Ganges development and is concerned in particular about the Freston crossroads. He is of the opinion that the junction has been hazardous for a while and this development will only make things worse and the junction needs to be completely re-designed.
61.	<u>Lucy Young</u> Is concerned about the impact upon the Freston crossroads. Her and her family are regular users of the bus stop and are concerned about their and others safety.
61.	<u>Laurie Mayer (1)</u> Has provided a copy of the DVD film shown at the public inquiry into the previous application for 325 dwellings proposed at this site. The DVD illustrates (in particular) existing transport and traffic problems experienced on the Shotley peninsula.
61.	<u>Laurie Mayer (2)</u> Has submitted (16 <sup>th</sup> November) copy of legal opinion from William Upton about the reserved matters submission. In particular, the following points are made; <ul style="list-style-type: none"> <li>• The applicants' legal opinion stating that the Council was able to determine the application (Christopher Katkowski QC – April 2007) was provided before the submission of the amendments to the Reserved Matters in August 2007 and no doubt without sight</li> </ul>

		<p>of the actual or later revisions.</p> <ul style="list-style-type: none"> <li>• Once submitted Reserved Matters can only be supplemented and not significantly amended.</li> <li>• The amendments to the Reserved Matters (2007) fundamentally altered the character of the development when compared to the nature of the Reserved Matters first submitted in 2000 and cannot be determined.</li> <li>• It is unreasonable for the Council to purport to make a decision nine years after submission.</li> </ul> <p>61. <u>Anna and Henry Stogdon</u> Are concerned about the potential for increased traffic on the Freston crossroads junction and the resultant increase in traffic dangers.</p> <p>61. <u>Norman Gillies</u> The B1456 will not be able to cope with the increased traffic. The villages of Chelmondiston and Woolverstone should be bypassed</p> <p><u>Chief Planning Control Officer</u> Comments regarding the legal opinion received from William Upton (above); The outline planning permission (B/88/1560) was granted by the Council on 8<sup>th</sup> September 1997. Condition 1 of that planning permission required the reserved matters to be submitted to the Council within 3 years and development must be begun no later than whichever is the later of the following dates;</p> <p>i) 5 years from the date of the outline planning permission, or ii) 2 years from the final approval of the reserved matters.</p> <p>The District Council received the reserved matters (B/00/1318/RES) on 7<sup>th</sup> September 2000. The submission was within the 3 year period provided by condition 1 of the outline planning permission.</p> <p>Those reserved matters were never determined by the Council and the application remains 'on the books'.</p> <p>The applicants submitted an Environmental Statement together with a number of drawings to supplement and amend the 2000 submission of reserved matters. The Environmental Statement and revised plans were received by the Council on 15<sup>th</sup> August 2007.</p> <p>The Council took its own legal advice (Ms Ellis QC) shortly after it received the amended reserved matters in 2007. The advice was that the Reserved Matters could be amended at that stage and it was a matter of planning judgement as to whether the amendments amount to an amendment rather than a wholly fresh application.</p> <p>We are of the opinion that the amendments to the Reserved Matters submitted to the Council in 2007 did not alter the character of the 2000 submission of the Reserved Matters and they are not deemed to constitute a fresh submission of reserved matters.</p>
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	71.	<p>The 2007 amendments to the Reserved Matters are within the scope and parameters of the outline planning permission for the site (404 retirement dwellings, a care home and other facilities) and Members are able to lawfully determine them.</p> <p><u>Additional Condition</u> Strategy to reduce energy consumption from the development.</p>
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17<sup>th</sup> November 2009

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