

Woolverstone's Objection to Ganges Reserved Matters Application
16.11.09

Our clear legal advice is that this application is out of time and should not be considered- that no court in the country would agree with Babergh that after nearly 10 years it is still open for determination.

The council has produced no written evidence of any reason, request or agreement to extend the normal time limits thereby circumventing planning rules. We question whether officers have acted lawfully and fairly.

We believe the 27,000 pages of revisions and amendments- that's War and Peace 17 times over - amount to a new application. There is a legal limit to the extent that reserved matters can be varied. We say Babergh's planning judgment on this is irrational and they have failed to act appropriately. Giving consent will drive a coach and horses through time limit requirements and we would seek Judicial Review.

We are told we cannot question the principle of the proposed development because this is about reserved matters and not planning permission. You will recall the Inspector at the 2006 public inquiry WAS considering a planning permission for what he deemed a comparable scheme for 325 homes. He rejected that on the grounds of unsustainability and environmental impact. The same objections still apply.

It is clear that the permission first granted 22 years ago – would never be granted today. It does not accord with current policy – notably PPS1 and sustainability - the overarching principle of good planning. The whole purpose of imposing time limits on planning permissions and reserved matters is precisely to avoid the nonsense of trying to implement schemes that have been overtaken by changes in policy and fact.

It would be perverse to consent to a scheme that is older and inferior to that already rejected. The Inspector himself called this "an inferior form of development ..."

The reserved matters are wholly unsatisfactory. They do not address the regular flooding of the B1456. There is no safe design for Freston crossroads. The mitigation for Woolverstone – 9 sets of 30 mph signs and more painted on the road will itself disfigure a village whose conservation status Babergh is obliged to "preserve and enhance". Speed is not the issue. It is the sheer density of traffic. That is the environmental impact that led the Secretary of State to refuse the

325. There is no dispute that the 404 scheme will generate similar volumes. So what's changed?

The original so called retirement community has been radically altered. There are 100 fewer 2 bed units, 50 more 3 bed units and even 4 and 5 bed units. This is not about retirement– it's a housing development. We all know people are now working longer - even beyond 65. Many residents over 55 will be economically active. 743 of them in such an isolated, unsustainable location will inevitably be heavily car dependent.

The Secretary of State was "particularly concerned" about the impact of traffic on our community and the B1456 which bounds an AONB. She agreed that the increased flows resulting from the 325 would be "sufficient to justify the conclusion that there would be a failure to preserve the character and appearance of the Woolverstone Conservation Area".

Good planning is about getting the right development in the right place at the right time. This is the wrong development in the wrong place and is out of time.