



TO: THE CHAIRMAN AND MEMBERS OF
BABERGH DISTRICT COUNCIL

28 July 2017

PLEASE NOTE CHANGE TO NORMAL TIME OF MEETING

Dear Sir/Madam

A Meeting of the Babergh District Council will be held in the Council Chamber, Council Offices, Corks Lane, Hadleigh on **Monday, 7 August 2017 at 6.30 pm**

For those wishing to attend, prayers will be said at 6:25 p.m. prior to the commencement of the Council meeting.

Yours faithfully

Arthur Charvonia
Chief Executive

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Clerk.

AGENDA

PART 1

ITEM	BUSINESS	<u>Page(s)</u>
1	<u>APOLOGIES FOR ABSENCE</u> To receive apologies for absence.	
2	<u>DECLARATION OF INTERESTS BY COUNCILLORS</u>	
3	<u>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> In accordance with Council Procedure Rule No. 10, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.	
4	<u>QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> The Chairmen of Committees to answer any questions by the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule No. 11.	
5	<u>QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES</u> The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule No. 12.	
6	<u>BC/17/10 BOUNDARY REVIEW - RESPONSE TO STAGE ONE CONSULTATION ON WARDING PATTERNS</u> Leader of the Council – Jennie Jenkins	1 - 12
7	<u>BC/17/11 DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION "THE APPLICATION" IN RESPECT OF LAND AT FORMER MANGANESE BRONZE SITE (also known as Elton Park Works)</u> Cabinet Member for Planning – Lee Parker	13 - 20

8 APPOINTMENT OF COUNCILLORS TO COMMITTEES

Recommended

That the following appointment is made to

Planning Committee

Simon Barrett (Replacing Sue Burgoyne)

Leader of the Council – Jennie Jenkins

Note: The date of the next meeting is Tuesday 19 September 2017 at 5.30 p.m.

For further information on any of the Part 1 items listed above, please contact Committee Services on 01473 826610 or via e-mail at Committees@baberghmidsuffolk.gov.uk.

Agenda Item 6

BABERGH DISTRICT COUNCIL

From: Leader of the Council	Report Number: BC/17/10
To: Babergh Council	Date of meeting: 7 August 2017

BOUNDARY REVIEW – RESPONSE TO STAGE ONE CONSULTATION ON WARDING PATTERNS

1. Purpose of Report

- 1.1 The purpose of this report is to agree the Council's response to the stage one consultation on warding patterns, which is part of the further electoral review of the Babergh district being conducted by the Local Government Boundary Commission for England (LGBCE).

2. Recommendations

- 2.1 That the two proposals attached as appendices to this report be submitted as Babergh District Council's formal response to the consultation.
- 2.2 That the Chief Executive be authorised to submit the consultation response on behalf of the Council, and to include any relevant information arising from the Council's debate which provides further context and rationale behind the proposals.

3. Financial Implications

- 3.1 There are no direct financial implications associated with this report.

4. Legal Implications

- 4.1 The LGBCE is responsible for conducting the review and for ensuring compliance with all relevant legal provisions.

5. Risk Management

- 5.1 This report is most closely linked with the Council's Corporate / Significant Business Risk No. 5c. Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
That the LGBCE determine a warding pattern for Babergh that does not provide equal democratic	2 - Unlikely	3 – Bad	The Council is responding to the consultation and all councillors have had the opportunity to

representation and fails to take into account community identity.			contribute to the consultation response.
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6. Consultations

- 6.1 For the purposes of this stage of the further electoral review the Council is a consultee and is not responsible for conducting the consultation. The Council is supporting the LGBCE with its consultation activities through our communications channels and assisting with parish liaison events.

7. Equality Analysis

- 7.1 There are no equality and diversity implications.

8. Shared Service / Partnership Implications

- 8.1 This report supports the ongoing joint working arrangements of the two Councils.

9. Links to Joint Strategic Plan

- 9.1 This report supports the Enabled and Efficient Organisation programme.

10. Key Information

- 10.1 The LGBCE is currently undertaking a further electoral review of the Babergh district. This review was triggered by a request from Babergh District Council and is running concurrently with a review of the Mid Suffolk district. In February 2017 the Council agreed that a council size of 31 councillors would be adequate for the effective operation of the Council and for representing the residents of Babergh district. The LGBCE was minded to accept this council size and on 13 June 2017 commenced stage one of the consultation on warding patterns.
- 10.2 The consultation will close on 14 August 2017 and the LGBCE, with support from the Council, has undertaken specific activities to engage local communities in the consultation including a briefing event for parish councils. The LGBCE is wholly responsible for conducting the consultation and in that regard the District Council is only a consultee and has a choice about whether or not to respond. However, there is a strong expectation that the District Council will show leadership in this exercise and submit a reasoned and sound response.
- 10.3 It is recommended that the two proposals appended to this report are submitted as the Council's response to the consultation. The proposals have been developed through a series of workshops and drop-in sessions that were open to all councillors and further refined by a cross-party task and finish group.
- 10.4 In developing these proposals consideration has been given to achieving electoral equality, having clearly identifiable boundaries and reflecting community interests and identities. The electoral equality figures have been calculated using the projected electorate for 2022 of 74,029. A council size of 31 therefore results in a ratio of 2,388 electors per councillor. The LGBCE recognises that absolute electoral equality is

highly improbable so also applies a ten percent threshold either side of the ratio which has resulted in a range of 2,146 to 2,627 electors. The LGBCE will consider warding patterns which are based on minor variations to the council size if it represents a better fit in terms of logical warding and maintaining community identities.

- 10.5 Proposal one suggests a warding pattern resulting in 30 councillors. This alters the electoral equality ratio to 2,468 with a range of 2,221 to 2,714 electors per councillor. This proposal represents good electoral equality with only three of the proposed wards being slightly outside of the plus or minus ten percent threshold. In most instances there is sufficient room within the electorates for additional growth without creating significant electoral inequality.
- 10.6 Proposal two suggests a warding pattern resulting in 32 councillors. This alters the electoral equality ratio to 2,313 with a range of 2,082 to 2,545 electors per councillor. In this case six wards (two being multi-member) are outside of the threshold. However, significant attention has been given to the logical grouping of parishes based on community identity and historic connections.
- 10.7 Both proposals at this stage give no regard as to how the multi-member wards that cover warded parishes might be sub-divided; specifically Great Cornard, Hadleigh and Sudbury.

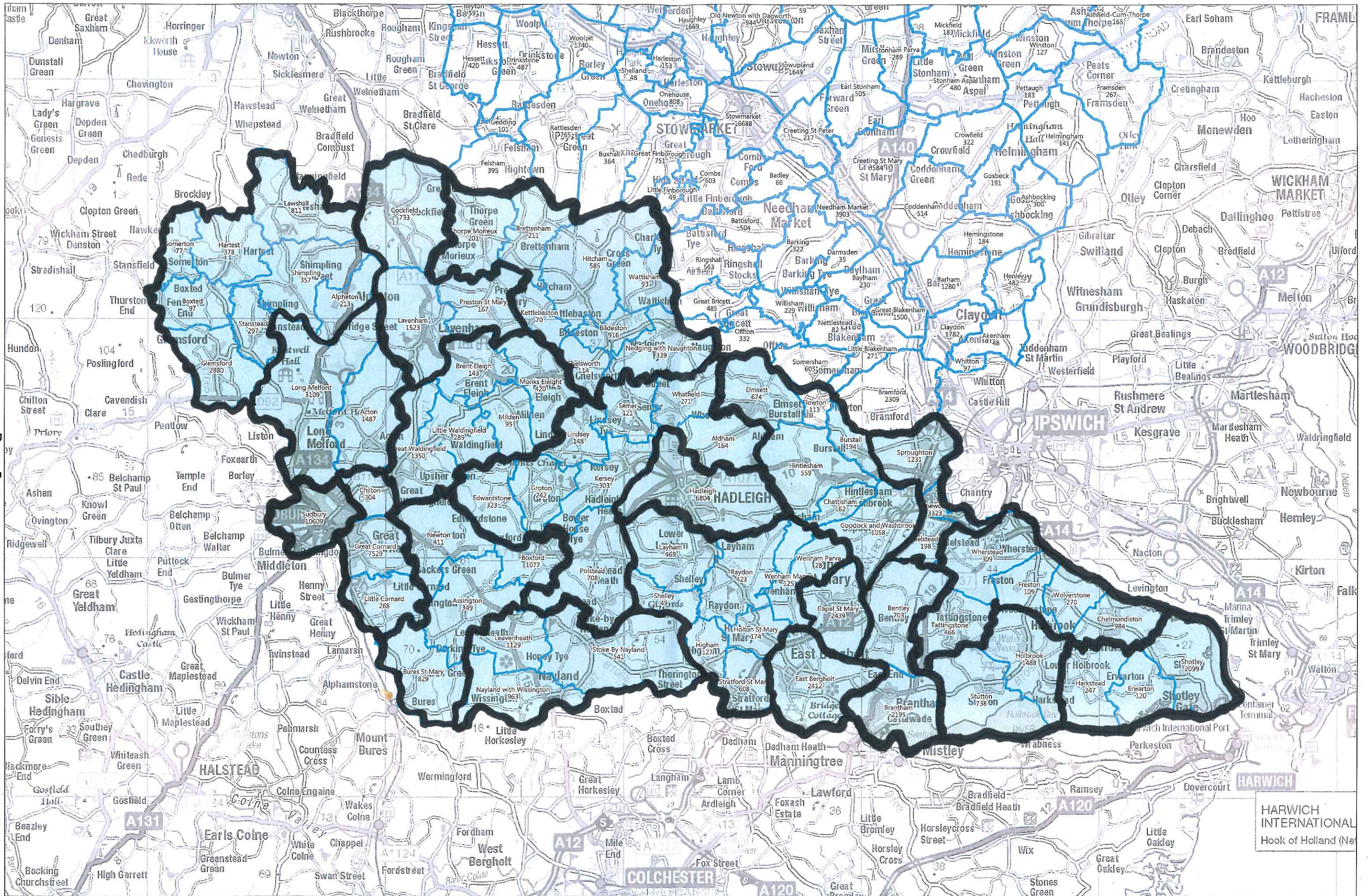
11. Appendices

Title	Location
A Proposal 1 Map	Attached
B Proposal 1 Electorate Figures	Attached
C Proposal 2 Map	Attached
D Proposal 2 Electorate Figures	Attached

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2022 Electorate: 74,029

Electoral Equality for 30 Councillors: 2,468

+/- 10% Range: 2,221 - 2,714

Lawshall	811
Hartest	378
Somerton	77
Boxted	97
Glemsford	2880
Stanstead	297
Shimpling	357
Alpheton	213
TWO MEMBERS	5110

L Melford	3109
Acton	1487
TWO MEMBERS	4596

Sudbury	10609
FOUR MEMBERS	10609

Chilton	304
Great Cornard	7529
Little Cornard	268
THREE MEMBERS	8101

Bures St Mary	829
Assington	349
Newton	411
Boxford	1077
ONE MEMBER	2666

Hadleigh	6804
THREE MEMBERS	6804

Cockfield	733
Lavenham	1523
Preston St Mary	167
ONE MEMBER	2423

Nayland with Wissington	963
Leavenheath	1129
Stoke by Nayland	541
ONE MEMBER	2633

Polstead	708
Edwardstone	323
Groton	242
Linsdsey	148
Semer	121
Whatfield	271
Aldham	164
Kersey	303
ONE MEMBER	2280

Shelley	49
Higham	127
Stratford St Mary	608
Holton St Mary	174
Wenham	153
Raydon	423
Layham	469
ONE MEMBER	2003

East Bergholt	2412
ONE MEMBER	2412

Hintlesham and Chattisham	721
Elmsett	674
Burstall	194
Copdock and Washbrook	1058
ONE MEMBER	2647

Gt Waldingfield	1350
Lt Waldingfield	289
B Leigh	143
M Leigh	420
Milden	95
ONE MEMBER	2297

Capel St Mary	2439
ONE MEMBER	2439

Brantham	2195
Bentley	703
ONE MEMBER	2898

Stutton	738
Holbrook	1488
ONE MEMBER	2226

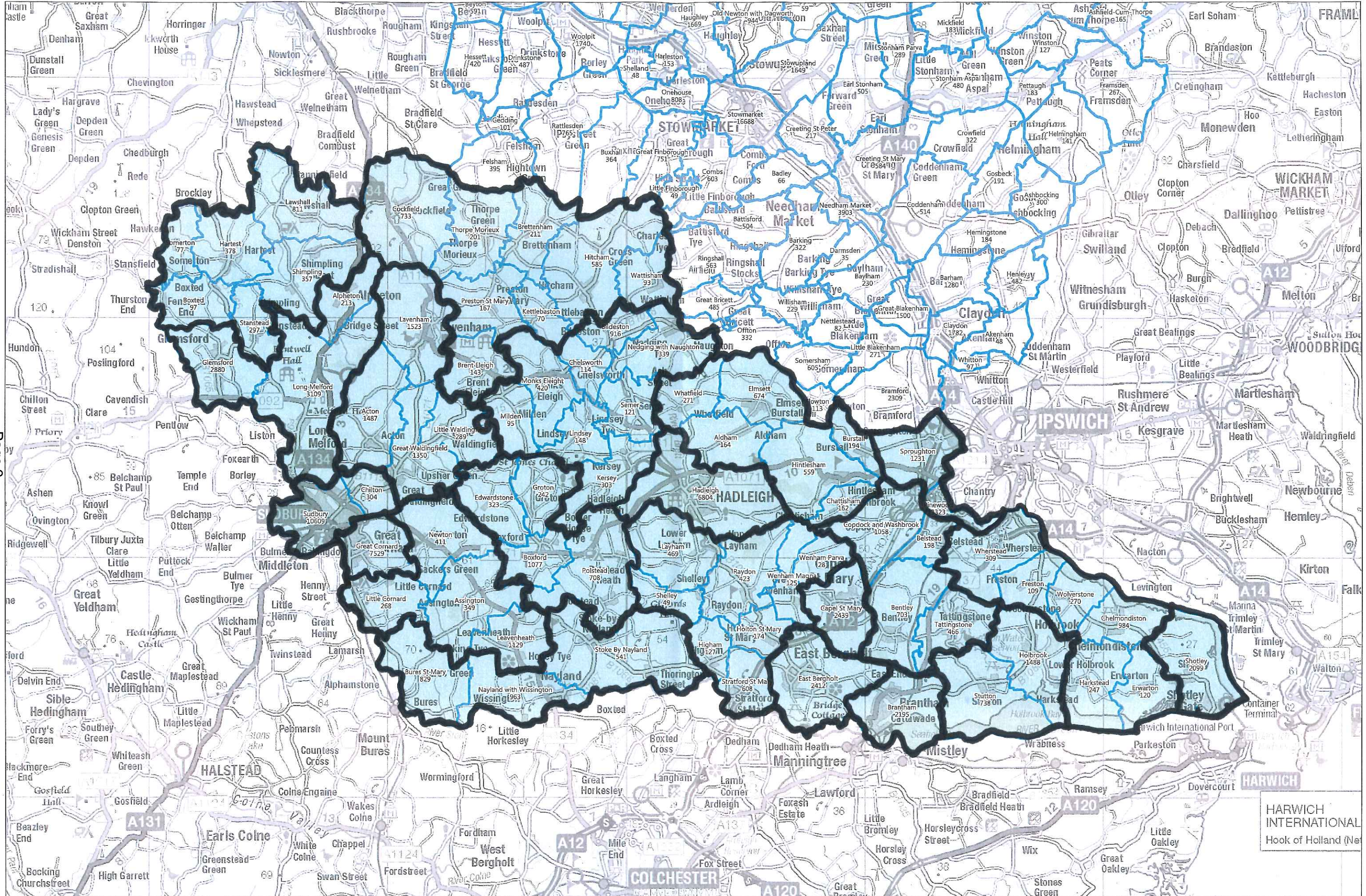
Harkstead	247
Erwarton	120
Shotley	2099
ONE MEMBER	2466

Chelmondiston	984
Wolverstone	270
Freston	109
Wherstead	309
Tattingstone	466
ONE MEMBER	2138

Sproughton	1231
Pinewood	3323
Belstead	198
TWO MEMBERS	4752

Th Morieux	201
Brettenham	211
Kettlebaston	70
Chelsworth	114
Bildeston	916
Wattisham	93
Hitcham	585
Nedging with Naughton	339
ONE MEMBER	2529

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**Babergh District
 Electorate 2022**

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2022 Electorate: 74,029

Electoral Equality for 32 Councillors: 2,313

+/- 10% Range: 2,082 - 2,545

Somerton	77
Hartest	378
Lawshall	811
Boxted	97
Stanstead	297
Shimpling	357
ONE MEMBER	2017

Glemsford	2880
Long Melford	3109
Alpheton	213
THREE MEMBERS	6202

Cockfield	733
Thorpe Morieux	201
Brettenham	211
Preston St. Mary	167
Kettlebaston	70
Brent Eleigh	143
Hitcham	585
Wattisham	93
ONE MEMBER	2203

Whatfield	271
Aldham	164
Elmsett	674
Hintlesham	559
Chattisham	162
Burstall	194
ONE MEMBER	2024

Brantham	2195
ONE MEMBER	2195

Stutton	738
Holbrook	1488
ONE MEMBER	2226

Lavenham	1523
Acton	1487
Great Waldingfield	1350
Little Waldingfield	289
TWO MEMBERS	4649

Sudbury	10609
Chilton	304
FOUR MEMBERS	10913

Great Cornard	7529
THREE MEMBERS	7529

Little Cornard	268
Assington	349
Leavenheath	1129
Newton	411
ONE MEMBER	2157

Stoke By Nayland	541
Bures St. Mary	829
Nayland with Wissington	963
ONE MEMBER	2333

Sproughton	1231
Pinewood	3323
TWO MEMBERS	4554

Copdock and Washbrook	1058
Bentley	703
Tattingstone	466
Belstead	198
ONE MEMBER	2425

Wherstead	309
Freston	109
Wolverstone	270
Chelmondiston	984
Harkstead	247
Erwarton	120
ONE MEMBER	2039

Edwardstone	323
Groton	242
Boxford	1077
Polstead	708
ONE MEMBER	2350

Milden	95
Monks Eleigh	420
Chelsworth	114
Bildeston	916
Nedging with Naughton	339
Semer	121
Lindsey	148
Kersey	303
ONE MEMBER	2456

Hadleigh	6804
THREE MEMBERS	6804

Layham	469
Shelley	49
Raydon	423
Wenham Magna	125
Wenham Parva	28
Higham	127
Holton St. Mary	174
Stratford St. Mary	608
ONE MEMBER	2003

Capel St. Mary	2439
ONE MEMBER	2439

East Bergholt	2412
ONE MEMBER	2412

Shotley	2099
ONE MEMBER	2099

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Agenda Item 7

BABERGH DISTRICT COUNCIL

From: Development Management Officer – Growth and Sustainable Planning	Report Number: BC/17/11
To: Council	Date of meeting: 7 August 2017

DEVOLUTION OF DEVELOPMENT CONTROL POWERS ON A CROSS BOUNDARY PLANNING APPLICATION “THE APPLICATION” IN RESPECT OF LAND AT FORMER MANGANESE BRONZE SITE (also known as ELTON PARK WORKS)

1. Purpose of Report

To seek approval of Full Council to devolve the Council’s planning control functions to Ipswich Borough Council to determine a cross-boundary planning application and to negotiate the terms of any necessary planning obligation, subject to this Council’s final approval, insofar as the land subject to the Application lies within Babergh District, thereby making Ipswich Borough Council the sole determining planning authority for the Application. The significant majority of the land subject to the Application lies within Ipswich Borough Council’s area.

2. Recommendation

- 2.1 That full Council devolve to Ipswich Borough Council the discharge of Babergh District Council’s planning control functions under section 70(1) (Part III) of the Town and Country Planning Act 1990 to determine a cross boundary planning application in relation to land at the Former Manganese Bronze Site (also known as Elton Park Works) in respect of the land within the Babergh District Council administrative area and its functions under section 106 of the same Act to negotiate the terms of any necessary planning obligation subject to this Council’s final approval.

3. Financial Implications

- 3.1 Administrative costs associated with the commissioning of specialist consultee advice and all such other costs have thus far been borne by Ipswich Borough Council, which has received the entirety of the planning fee. Council should note that no planning application fee is payable to Babergh District and in the event this Council decides not to delegate its decision making powers the cost of the administration of the Application would fall to the Council.

4. Legal Implications

- 4.1 Section 101(1) of the Local Government Act 1972 authorises a local authority to arrange for the discharge of functions by any other local authority. In this way it is possible for one Local Planning Authority to delegate its development control functions to another in respect of a specific cross-boundary planning application or site. In this way Ipswich Borough Council would determine both planning applications: the application submitted to Ipswich Borough Council and the application submitted to this Council.

5. Risk Management

- 5.1 This report is not directly linked with any of the Councils' Significant Risks, but the following risks should be noted:

Risk Description	Likelihood	Impact	Mitigation Measures
Ipswich Borough Council fail to take account of relevant policies in the Babergh Development Plan in making their decision leading to a decision that has not been made in accordance with the Development Plan and is therefore open to challenge.	Highly Unlikely - 1	Noticeable - 2	Babergh DC Officers will be inputting into the preparation and checking of reports to Ipswich Borough Council Committee.
That due process is not followed in the devolution of powers to Ipswich Borough Council to determine this planning application, leaving the process open to legal challenge.	Highly Unlikely - 1	Noticeable - 2	This report seeks to address this risk, by ensuring that the decision is taken by Full Council in accordance with the relevant statutory provisions.

6. Consultations

- 6.1 As part of the handling of this application to date, both Babergh DC and Ipswich BC have carried out consultations with statutory consultees and local residents in accordance with the relevant statutory provisions. Each authority has shared consultation responses between them to ensure that both authorities have up to date information on which to consider the applications.

7. Equality Analysis

- 7.1 No issues

8. Shared Service / Partnership Implications

- 8.1 No issues

9. Links to Joint Strategic Plan

- 9.1 The proposed development of the site would provide housing and a care home facility on a former industrial site which has been vacant since 2008. Whilst this is a proposal that primarily relates to the delivery of housing, the majority of the housing falls within the Ipswich Borough area and would therefore make a limited contribution to the delivery of housing within Babergh despite its close proximity to Sproughton.

- 9.2 The proposed housing would enable the decontamination of the former industrial site. It is recognised in the Joint Strategic Plan that the protection and enhancement of the environment should be regarded as a priority in its own right. Because it is so pervasive, however, rather than elaborate it separately, it is mentioned throughout the Plan in those places where it is especially important.
- 9.3 In this regard, the proposal would deliver much needed decontamination works, providing protection to the environment.

10. Key Information

- 10.1 Planning application B/17/00037/OUT is an outline planning application which proposes a development of up to 128 dwellings (C3) including the provision of a 60-bed care home (C2), new internal roads, and footpaths, landscaping, open-space, drainage measures, levels and associated infrastructure on land at the Former Manganese Bronze Site (also known as Elton Park, Hadleigh Road, Ipswich). Proposals also include the demolition of the other existing buildings, associated works to remediate the land on the Application site. The land on the north-west side, and which forms part of the development area, is within the administrative area of Babergh District Council. However, the land to the east and south is within the administrative area of Ipswich Borough Council. The significant majority of the application site is in Ipswich Borough. The 60-bed care home, 25 no. dwellings and areas of open space are the only elements of the development which are indicated to be within Babergh District Council's area.
- 10.2 In circumstances where an application site crosses the administrative boundary between two Local Planning Authorities (LPAs) the Planning Practice Guidance states in the section "Fees for Planning Applications":
- "If an application site is on land that falls within the boundary of more than one local planning authority, then identical applications must be submitted to each local planning authority, identifying on the plans which part of the site is relevant to each. The planning fee is paid to the local planning authority whose area contains the largest part of the application site."
- 10.3 In this case, the significant majority of the application site falls within the administrative area of Ipswich Borough Council, accordingly, the application fee is payable solely to Ipswich Borough Council.
- 10.4 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the LPA in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications, this can lead to two LPAs making individual determinations, imposing different conditions on the permissions and entering into separate s106 agreements. This is not recommended as it does not promote a coordinated approach to development management and the permissions granted by each LPA may be inconsistent in terms of the conditions attached to them and the obligation entered into the related s106 agreements. This is of course highly undesirable in terms of achieving a coordinated approach to delivering development. It is also contrary to Government guidance, which encourages joint working between LPAs in relation to the use of their planning powers. Paragraph 178 of the National Planning Policy Framework (NPPF) advises that public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities,

a concept that underpins the approach to strategic plan-making pursued jointly by Babergh District Council and Ipswich Borough Council. Accordingly, it is recommended that Babergh District devolve powers in order that Ipswich Borough Council can determine the application in its entirety.

- 10.5 Pursuant to section 101(1) of the local Government Act 1972 a local authority may arrange for the discharge of any of its functions by a Committee, a Sub-Committee, an officer of the authority or by any other local authority.
- 10.6 Accordingly the Council could delegate its decision making powers to Ipswich Borough Council in respect of the determination of this particular cross-boundary planning application, in respect of which Ipswich Borough Council has been paid the full application fee and would then determine both the applications. It could also delegate the function of agreeing the terms of any necessary planning obligation under section 106 of the 1990 Act, subject to this Council's final approval. This Council would be the enforcing authority for any planning obligation relating to that part of the development in the Council's area and if the obligation was in the form of an agreement this Council would need to be a party to the agreement.
- 10.7 Officers consider that it would be appropriate in this particular case for Babergh District Council to delegate its development control functions to Ipswich Borough Council. The Planning Committee will be asked to agree comments to be sent to Ipswich Borough Council to assist them in determining the application. Any further applications relative to this matter, including any reserved matters applications, would be the subject of a further report to Council if further devolution of powers is required. It is not considered appropriate to seek devolution for future applications at this stage as it is not known what form any future applications may take.
- 10.8 Work on any necessary planning obligation under section 106 of the 1990 Act will also be delegated to Ipswich Borough Council, subject to Babergh District Council's final approval.

11. Appendices

Title	Location
(a) Location Plan (showing County Boundary) ref: 8434/01A	Attached
(b) Indicative Layout Plan ref: 8434/03A	Attached

12. Background Documents

- 12.1 Planning application documents B/17/00037/OUT, available via the planning application search facility on the Council's website.

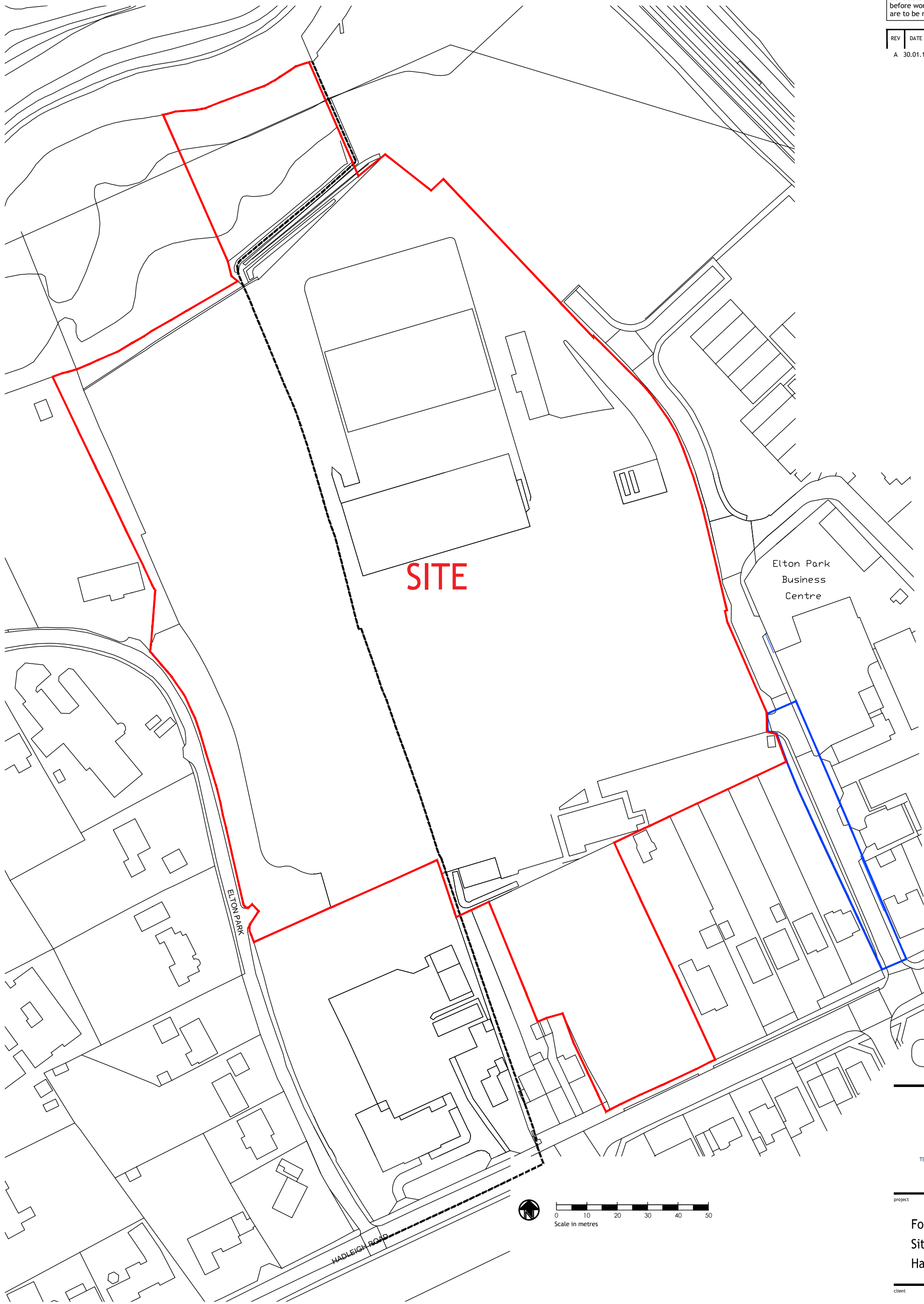
Authorship:

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Growth and Sustainable Planning

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natalie.webb@baberghmidsuffolk.gov.uk

Contractors are to check all levels and dimensions before work is put in hand, and any discrepancies are to be referred to the architects

REV	DATE	DESCRIPTION	DWN	CHKD
A	30.01.17	Boundary to Elton Park Works access added in blue.	SG	-



Planning



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www.lap-architects.com

project

Former Manganese Bronze
Site
Hadleigh Road, Ipswich

client

M & D Developments Ltd

drawing title

Site Location Plan

key	
site boundary	
Boundary line between Babergh District Council and Ipswich Borough Council	

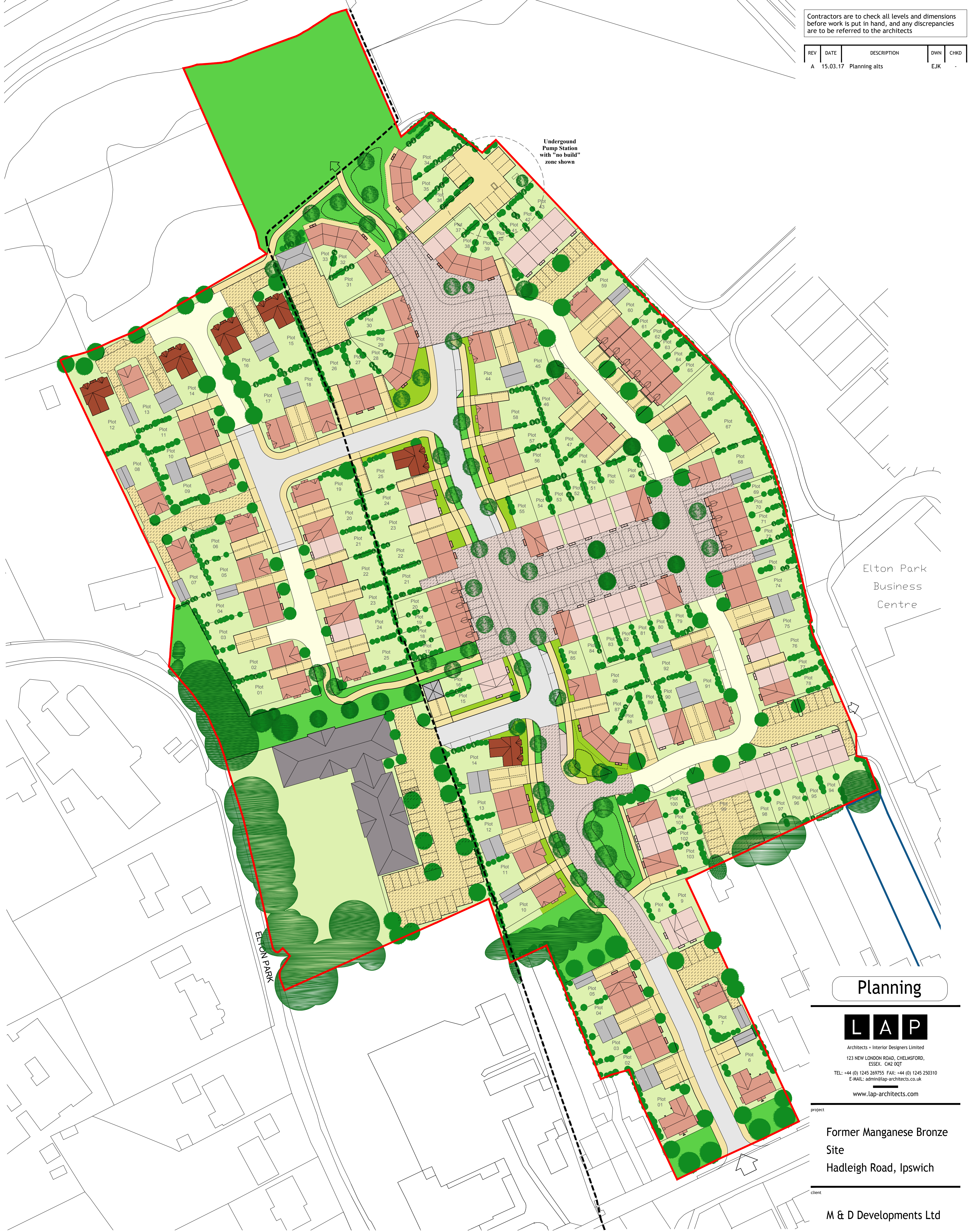
drawing number	revision
8434 / 01	A
scale 1:1250 @ A3	checked SG
	drawn EJK
	date October 2016

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Contractors are to check all levels and dimensions before work is put in hand, and any discrepancies are to be referred to the architects

REV	DATE	DESCRIPTION	DWN	CHKD
A	15.03.17	Planning alts	EJK	-



Elton Park
Business
Centre

ELTON PARK

Planning

LAP

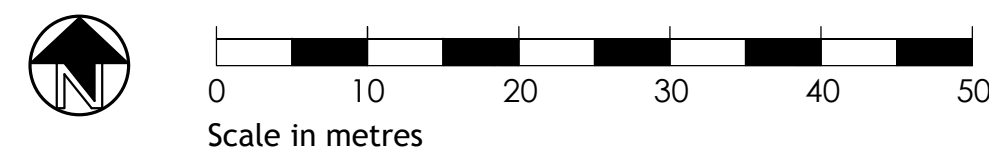
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project
Former Manganese Bronze Site
Hadleigh Road, Ipswich

client
M & D Developments Ltd

drawing title
Indicative Masterplan

key		
2 bed dwelling		35 no. units
3 bed dwelling		85 no. units
4bed dwelling		8 no. units
garage		
care home		60 beds
site boundary		
Boundary line between Babergh District Council and Ipswich Borough Council		



drawing number 8434 / 03 / A	revision A
scale 1:500 @ A1	drawn SG
	date October 2016

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