

## **BROUGHTON PARISH COUNCIL**

Minutes of the Meeting of the Parish Council, held at Broughton Village Hall on Wednesday, 17 April 2013, commencing at 7.00pm.

Present: Cllr. Mrs. MC Rust (in the Chair).  
Cllrs. R Baxter, Mrs. HJ Bull, Mrs. JC Chester, Mrs. PA Cope, P Gordon, DJ Perkins, Mrs. P Roke, and R Shrive and Clerk to the Parish Council, Mr GA Duthie.  
Borough Councillor J Hakewill.  
PCSOs A Sillince and L Mitchell of Northamptonshire Police.  
3 members of the public.

**13/6842**      **APOLOGIES.** Apologies for absence were tendered by (and accepted for the reasons noted):  
Cllr. Mrs. C Taylor

**13/6843**      **DECLARATIONS OF INTEREST.** None were made at this opportunity.

**13/6844**      **MINUTES.** The draft minutes of the Parish Council meeting held on 20 March 2013, copies having been circulated, were approved by members and authorised for signature by the Chair after item c) of 13/6834 was corrected by the deletion of the first appearance of the word 'had' in the third line.

**13/6845**      **POLICE REPORT.** PCSOs Sillince and Mitchell informed members that 4 reports of crime had been received for the village over the month; comprising three reports of criminal damage and one of violence (an assault involving water).

The meeting then heard that it was anticipated PCSOs would be vested with additional enforcement powers in respect of parking offences shortly, although the precise scope of these and introduction date were not yet finalised.

Cllr. Baxter mentioned that there still existed a problem in Grange Road with obstructive parking in one particular location that was impeding pedestrians' use of the footway. Cllr. Mrs. Roke also raised an issue affecting the Podmore Way amenity area, where there had been recent issues with nuisance, including urination occurring in public.

**13/6846**      **RIGHT TO SPEAK.** Councillors heard from Ms. K Hurford of Church Street who described she was the applicant for planning permission for a scheme to develop a single dwelling on land adjacent to 56 Church Street (opposite St Andrews Court). The Clerk confirmed the Parish Council had been consulted upon this application and the matter was being discussed later in the meeting.

Ms Hurford informed councillors the site, although presently unused, had previously accommodated 10 small cottages and various historic photographs showing these were produced. Her proposal for redevelopment with one house was explained and members heard that efforts had been made to devise a quality scheme in view of the sensitive location in proximity to the Church. There had been significant dialogue with neighbours and Church authorities, who had generally reacted positively. It was stated that quality traditional materials would be utilised and the appearance of the

new property would be in a similar style to Holly House, opposite, so in keeping with the surrounding character.

Ms. Hurford was thanked for her presentation and advised that this information would be borne in mind when the planning application was considered.

**13/6847**

**MATTERS ARISING.** Arising from 13/6820, it was reported that the Borough Council had been asked for and provided an update on the progress made with the proposed Conservation Area designation. It had been confirmed that all of the comments received as a result of the last consultation had been processed with the consequence that amendments to the draft Appraisal had been made and a hybrid boundary for the proposed area had been identified, informed by this exercise. It was likely this revised draft would be considered at the May meeting of the Planning Policy Committee, with members there being asked to agree a further round of consultation.

Arising also from 13/6839, in connection with the closure of the Broughton Village website, the Chair reported that it had not proved possible to contact the proprietor in the time since the last meeting so nothing more was known about the prospects for any reinstatement of the facility. Discussions had occurred with one or two others however, in order to explore how best a basic website might be established to host parish council content at least. Alternatives included subscribing to a professionally authored and maintained service, or directly developing and hosting appropriate content. These avenues to be explored further given the respective cost and time implications of each.

Arising from 13/6833, relating to the continuing attempts being made to engage with Kettering Borough Council on the reserved matters approvals, discharging of conditions, and, particularly, the planning obligations consequent upon the resolution by the Planning Committee of that authority in February to grant outline planning permission for the proposal by Redrow Homes South Midlands Limited at Cransley Hill, members heard that further events and exchanges had occurred.

In respect of the proposed planning obligations, given their direct impact on village infrastructure, and emerging doubts as to appropriateness of the roundabout at the High Street/Cransley Hill junction especially, the Parish Council had been pressing the planning authority to share the draft deed proposed to be entered into under Section 106 of the Town and Country Planning Act 1990 that would create the same. The Parish Council wished to ensure, so far as is possible, that the outputs, triggers and mechanisms for delivery to be secured by this deed were appropriate and robust. For reasons that had not been fully or satisfactorily explained, the Borough Council had been resisting allowing the Parish Council to have sight of the draft deed until drafting was finalised, by which time the opportunity for parish input would be minimal or even lost altogether. There was some urgency to these discussions as the Parish Council was aware of a time pressure bearing upon the S106 process. The Planning Committee resolution to grant planning permission, as passed on 12 February, was expressed in terms that qualified the approval of the planning application ‘*subject to a S.106 OBLIGATION being completed on or before 11<sup>th</sup> April 2013 (if not so completed, it be refused)...*’

However, just prior to the expiry of the resolved deadline for completion of the planning obligation, at a meeting of the Planning Committee on 9 April, a late item was presented that resulted in the committee extending this deadline to 10 June 2013 due to it being *'not now possible to meet the deadline because of parties on either side being away on holidays both before, during and after the Easter break...'*

Given the legal formalities imposed upon principal councils to afford adequate notice of business to be transacted at meetings, and given no consultation had occurred with the Parish Council over this change of timetable or the drivers for the same in the face of the express desire of the February committee, enquiries had been made of the Borough Council that variously elicited responses confirming that the late item had been tabled in accordance with Rule 3(xiii) of the Council Procedure Rules, and that the Chair of Planning Committee had apparently used her discretion to allow the addition of this item to the agenda only on 8 April. The relevant emails in these exchanges had been copied to members and were also considered at the meeting.

Councillors then heard that the latest representation made on behalf of the Parish Council, earlier this afternoon, had flagged that the Council Procedure Rule being cited in support of the late item extending the deadline being taken, was in fact excluded from application to Planning Committee. It had been drawn to the attention of the relevant head of service that Planning Committee was actually covered by specific discrete provisions in the form of the Borough Council's adopted Regulatory and Appeals Proceedings Procedure Rules, including Rule 2.9 that provides, *'Town and Parish Councils have the right to address the meeting on any application affecting their area'*. Members agreed that what had occurred seemed directly counter to this right.

Upon members agreeing this was unacceptable and asking what remedies were available, the meeting heard that administrative decisions of public bodies were challengeable by the means of Judicial Review. To succeed, such a challenge would have to be brought by an aggrieved party with the necessary standing, who would have to prove the decision was defective in terms of the manner of its making due to failure to follow the law, failure to follow self-imposed procedures or because of some fundamental irrationality or unreasonableness. A decision would not be susceptible to challenge simply because the decision itself was not approved of if otherwise properly made. A general discussion occurred around the process and members noted any challenge would need to be preceded by a pre-action protocol letter setting out the basis of the challenge and giving opportunity for the identified concerns to be addressed; furthermore, any intending claimant is under an obligation to act promptly. A successful challenge could ultimately result in a defective decision or action, such as the grant of a planning consent, being quashed and/or in a public body being ordered to repair its processes if found wanting.

In light of this, and given the continuing doubts as to the lawfulness of the Borough Council's actions in unilaterally extending a deadline that been imposed and communicated to all stakeholders without apparently engaging with them, it was **RESOLVED** the Clerk should continue to press for a full explanation of the actions taken in this matter by the planning authority and that, if unlawful administration

remained indicated as a result, the Borough Council be put on formal notice as swiftly as possible that a public law challenge may be instigated such was the level of concern. Councillors also agreed that the forthcoming public meeting, convened by Cllr. Hakewill and to be held on 11 May, would be an opportunity to raise local awareness of the emerging concerns around the handling of this matter and to test public opinion.

Arising from 13/6833, Cllr. Mrs. Bull reported that an entry had been submitted for the 'Best Village' competition and this had been acknowledged. Consequent upon this, an assessment inspection was to occur on 2 May, commencing from the Red Lion public house and this would likely take around 2 hours to complete.

### **13/6848**

**CORRESPONDENCE.** The following items of correspondence were reported and action, as detailed, was agreed to be taken, with other general items being placed on circulation:-

- a) A letter received from Northamptonshire Highways, canvassing views upon the ownership and resulting maintenance liabilities relating to three bus shelters in the village, being at locations:
- On High Street, opposite the Recreation Ground
  - On High Street, opposite the Red Lion public house
  - On Kettering Road, near to the junction with Grange Road

Councillors believed that, of these, only the shelter opposite the Red Lion was provided by and in the control of the Parish Council; this being on land leased from the owner of number 18 High Street and in respect of which an annual ground rent was paid. There was no recollection of maintenance ever being undertaken or funded in respect of the stone shelter opposite the High Street recreation ground, and although the Parish Council had contributed toward maintenance costs of the timber unit near Grange Road, this had simply been to achieve an urgently required improvement and was not in any way an acceptance that the facility was 'owned' by the Parish Council. In this regard, it was especially noteworthy that the timber shelter on Kettering Road was of a style and construction commonly seen in various villages throughout the County, which would seem to support the view that this facility was initially provided by either the bus operator or by the County Council as part of a single initiative.

### **13/6849**

**REPORTS OF MEMBERS ATTENDING MEETINGS OF OTHER BODIES.** The Chair reported upon the meeting of the Village Hall Committee held on 9 April 2013. Business there included hearing that representatives of St Andrews Church had attended to discuss with the committee their plans for the improvement/expansion of community facilities at the church. In turn, the Village Hall Association had shared their aspirations for the village hall; there being general agreement that the different initiatives were not in direct competition as had been feared by some. Indeed, it had been concluded that there may well be scope for collaboration on various aspects so as to result in an overall enhancement of services available to local residents.

This meeting had also been informed that a work party from the church had

undertaken a village hall spring-clean as part of their Lent activities, the focus necessarily being inside the building due to the then poor weather.

An application for a licence under the Licensing Act 2000 was being pursued so as to enable alcohol to be provided at the hall, and, if successfully sought, this would be structured so that hirers would take on key obligations under the licence. It had been confirmed that stocks of alcoholic drink would not be left on the premises outside of events or bookings requiring the same.

The programme of improvements to hall facilities included, the latest addition being that of a baby-changing unit.

A 'big-band' event programmed for May had unfortunately had to be postponed, and a substitute date for this was being ascertained.

Minutes of the Village Hall Committee meeting held on 12 March were placed on circulation and councillors noted the next meeting of the Village Hall Committee was scheduled for 14 May.

The Chair then reported upon working party meetings held on 27 March and on 2 April to consider the responses received to the informal consultation exercise undertaken concerning the proposals to introduce waiting or parking restrictions at High Street (near the Co-op) and in Coxs Lane (near the junction with Kettering Road). The number of responses and the level of detail gone into by respondents had made this task quite onerous but all had been considered and a summary of common points had been prepared in order to identify recurring themes or concerns. In general, the proposals seemed to have broad public support but there were specific issues of detail that would need to be addressed by the Highways Authority in order to inform the process going forward; these included identifying with more certainty the exact status of the area immediately outside the former Sun Inn, given information had been offered that appeared to conflict with the markings currently present on the road surface there.

So as to progress matters, all of the responses received had been provided to relevant officers of Northamptonshire Highways, who had agreed to feed-back their comments and advise after assessing the same. In the meantime, it was thought important that respondents were made aware of the steps being taken as a result of their participation.

The Chair then reported upon a meeting that had occurred today between herself, Cllrs. Mrs. Bull, Perkins, Shrive and with Ms R Collins, Mr R Harbour and Ms J Baish of Kettering Borough Council to discuss the impacts of current planning policy and recent significant planning applications upon the village.

This meeting had reviewed the background to the present situation in terms of the strategic consultations undertaken by the NNJPU and the more locally focused site-specific exercise undertaken by the Borough Council, which was still on-going. It was the case that the national changes arising from the implementation of the National Planning Policy Framework effectively outweighed emerging local policies,

especially given the five year housing land supply shortfall in the district. As a consequence, there was no available option for 'no growth' in Broughton, and this was reflected by the 'principal village' designation becoming embedded in local policy.

For these reasons, and as illustrated by the recent Redrow Homes application, it was recognised there was a need to progress a Neighbourhood Plan in Broughton as had been requested. The initial step in this process would be for the proposed 'Area Designated' to be determined and the Borough Council would advise how this could be achieved; members noted the Borough preference would likely be for the entire parish to be within that area. The designation process would be subject to a 6 week consultation period but there was no reason why peripheral or more informal aspects of the Neighbourhood Plan process could not be worked up whilst this was occurring provided the results of the consultation were not pre-empted.

It had been established that various sources of financial assistance were available and, again, advice would be provided on these, some of which could be directly accessed by the Parish Council.

This meeting had agreed that the housing needs survey just about to issue would be helpful to the process, especially where the survey questions had been informed by Parish Council input. It was important, however, that as good a response rate as possible be achieved and councillors were urged to encourage those canvassed to reply. Again, the forthcoming public meeting, to be held on 11 May, should provide an opportunity to seek public support for the survey and for the neighbourhood plan itself.

In conclusion, and notwithstanding the present concerns over the handling of the Redrow Homes application at Cransley Hill, this meeting was thought to have been very positively conducted and represented a welcome opportunity for the parties to re-engage in meaningful dialogue over what were clearly difficult issues for the village.

### **13/6850**

#### **DEVELOPMENT CONTROL.**

##### **Planning Applications submitted for the Parish Council's observations:-**

In respect of the following application, and although the development proposal was generally supported on grounds of its quality of design and materials, being thought quite sympathetic to the special character of this part of Broughton, there was concern at the potential for adverse impact upon the setting of the Church if incidental garden buildings were introduced under permitted development rights after implementation of any consent granted. Accordingly, it was **RESOLVED** that Kettering Borough Council be advised the Parish Council would wish to see any approval conditioned so as to remove the rights provided by Class E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended):

56 Church St (adj)      Erection of single dwelling and access      Mrs Hurford

### **13/6851**

**FINANCE.** The following items of income and expenditure were noted/agreed:-

<b>Income</b>			<b>£</b>
Kettering BC	Grant and precept received		11,020.00
Barclays Bank PLC	Interest on premium account		1.03
<b>Expenditure</b>			<b>£</b>
Barclays Bank PLC	Commission	(direct debit )	4.00
Barclays Bank PLC	Storage fee	(direct debit )	1.00
GA Duthie	Salary and WP	(101547 )	250.33
HMRC	Income tax	(101548 )	141.20
GA Duthie	Electricity expenses	(101549 )	13.01
Admiral Print	Broughton News printing	(101550 )	650.00

**13/6852**

**BROUGHTON POCKET PARK.** Members noted that, once again, the very poor weather would have conspired against any maintenance work being undertaken, even if a team of volunteers had come forward. None had in fact, and the prospective co-ordinator had been quite unwell. Given that the newly issued edition of Broughton News had included an appeal for help and assistance with the upkeep of the park, it was agreed to revisit the issue in May when the question of accommodating tools could also be considered further.

**13/6853**

**GENERAL INTEREST ITEMS.** Cllr. Mrs. Bull mentioned that the chicken manure being stored on fields at Wellingborough Road was now certainly resulting in odour issues for local residents. It was confirmed this had been reported.

Cllr. Mrs Bull also asked that an update be sought on the enforcement notice issued in respect of the unauthorised fence and surfacing at Northampton Road as this seemed to have gone quiet.

Cllr. Gordon mentioned that the AGM of Neighbourhood Watch locally would be held on 25 April at Kettering Police Station.

Cllr. Perkins commented that it was very pleasing to see recent bulb planting activities had resulted in a good display of spring colour.

Cllr. Baxter reported that the collapsed wall in Church Street had been addressed.

Cllr. Baxter confirmed he would be unable to attend the public meeting on 11 May as he was committed to another engagement, so asked that his apologies be offered.

Cllr. Shrive mentioned that a survey seemed to be being undertaken in the Co-op concerning the Post Office facilities now offered there. Anyone completing this was asked to emphasis the local value of the facility regardless of peripheral concerns about how the service was offered.

The Chair reminded the meeting that the public notice of the current casual vacancy on the Parish Council was soon to expire and this should be made known to anyone interested in the same.

The Chair then mentioned that this year saw the centenary pass of the commencement

of the hostilities that comprised the First World War. Members briefly considered whether this should be marked by any specific event and it was agreed their preference would be to commemorate the corresponding anniversary of hostilities ceasing, albeit that the solemnity of the occasion was acknowledged and may be something that could be factored in to the traditional Armistice Day event.

**13/6854**

**DATE OF NEXT MEETING.** It was reported that the next scheduled meeting of the Parish Council would be on Wednesday 15 May 2013, at 7:00pm in the Village Hall.

**13/6855**

**URGENT ITEMS ADMITTED BY THE CHAIR.** None were raised.

*The meeting was closed at 9:10pm*

22 May 2013

Signed.....