

BROUGHTON PARISH COUNCIL.

Chairman: Cllr P.A. Scouse.

Parish Clerk: Alison McDaid.

Email: broughtonparishclerk@gmail.com

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Minutes of the meeting of Broughton Parish Council held

Wednesday 20th May 2020, 7.00 pm online via Zoom.

<https://us02web.zoom.us/j/82209148343?pwd=WDA1UmZ1eGdoZUc2R2ZWclpzR3IMZz09>

Meeting ID: 822 0914 8343

Councillors Present:

Cllr P. Scouse (Chair).

Cllr R. Shrive.

Cllr H. Bull.

Cllr I. Robson

Cllr M. Rose.

Cllr J, Chester

Cllr O Wyeth

County/Borough Councillor present:

Cllr J. Hakewill.

Cllr Chris Smith-Haynes

19/9083. Apologies. (1)

Cllr S West, Cllr R. Baxter

19/9084. Election of Chair and Vice Chair for ensuing year. (2)

This being the annual meeting of the parish council, the first substantive business was to elect a Chair and Vice Chair for the year. It was resolved that Cllr Mrs. PA Scouse should be appointed to the position of Chair once more proposed by Cllr Shrive and seconded by Cllr Bull.

It was resolved Vice Chair should be occupied by Cllr R Shrive. Proposed by Cllr Scouse and seconded by Cllr Wyeth.

19/9085. Declaration of Acceptance of Office. (3)

Cllr Scouse signed a Declaration of Acceptance of Office for Chair

Cllr Shrive signed a Declaration of Acceptance of Office for Vice Chair

19/9086. Declarations of Interest. (4)

No declarations were made

19/9087. Minutes. (5)

Draft minutes of the Parish Council meeting held on 22nd April 2020, copies were circulated and then approved by members and authorised for electronic signature by the chair.

KBC – Kettering Borough Council.

NCC – Northamptonshire County Council.

BPC – Broughton Parish Council.

This meeting was audio recorded and was agreed by members. The recording will be deleted as soon as the minutes have been signed off. Broughton Parish Council meetings are open to the public but the audio recording is to remain solely as a reference for minuting by the clerk at all times.

19/9088. Public right to speak. (6)

This facility was not used

19/9089. Reports from local County and Borough Councillors. (7)

Cllr Smith – Haynes

KBC have set up a dedicated email address for all communications for the Loddington site.

planninginfo@kettering.gov.uk

KBC have also set up a dedicated email address for all communications for the Old Willows Site.

broughtonplanning@kettering.gov.uk

Road works have continued throughout the lockdown period. NCC are purchasing additional heat fillers which will be used to mend pot holes.

Cllr Hakewill

There have been 1311 confirmed cases of Covid 19 and 469 deaths in Northamptonshire.

£57 Million has been handed out throughout the county, £30 Million was covered by the Government and £27 Million will have to be found by the Local Authority.

The Shadow Council has been formed with 151 members. The leaders are from Wellingborough and Kettering. The first meeting will take place virtually on 4th June 2020. There will be no public right to speak. A working group has been established which consist of Conservatives, Labour, Independents and Liberals.

Kettering Town council is still on schedule for next year.

The Planning Inspectorate will hear 2 appeals for the Loddington site over the next couple of weeks.

One against the enforcement notice and the other against the refused planning application.

Both appeals will be run together. The applicant has asked for an informal enquiry.

KBC Planning Committee have now changed the timescale to public right to speak at their committee meetings. It was considered to raise the number of objections to 5, but was decided to be left with 1.

The opportunity to Speak at a planning committee meeting have also been changed. A request must be sent in before noon on the day before, not 5pm as previously.

Planning Policy is Thursday night, where the Site Specific Plan 2 (SSP2) will be discussed. Broughton, being the only community out of the whole of the borough to have a Neighbourhood Plan will not be affected by this.

Planning applications have come in for The Old Willows Site. At the Planning Policy Meeting, Cllr Hakewill will remind the borough council that they have had 10 years to sort out The Gypsy and Travellers Policy. This will also not be covered by the SSP2, and there are no locations for travellers have been identified.

19/9090. Matters arising from the minutes. (8)

Matters arising from March 2019 minutes.

19/7986. General Interest Items.

Cllr Baxter raised that he has received a resident complaint about the footpath (GD15) adjacent to Crane Close. Aggregate has washed away exposing large tree roots growing up into the footpath which are now dangerous.

Ref 1787040. State changed to in progress.

Update: 20/03/2020. No change to status. ONGOING

Update: Cllr Smith-Haynes was asked to chase this up as over a year old. 20/05/2020

Cllr Baxter has reported the footpath at the Redrow side of Cransley Hill near the bridge where the soil has washed away down the side of the bank onto the path making the footpath very narrow and slippery. **Clerk reported to KBC. Ref: 1950649.**

Update: 17/03/2020 Status: In progress. ONGOING

Update: Cllr Smith-Haynes was asked to chase this up. 20/05/2020

Matters arising from April 2020 minutes

19/9074. Public right to speak. (4)

A continued update from the Village Hall Association, Clive Gresham was received from via email Covid-19:

- As you are all aware, it was decided to close the hall to hirers other than the Under 5s, initially until the end of May but with ongoing review. The next review is due at the end of April and as things currently stand, is likely to see the closure extended until mid/late June.
- The impact on income is uncertain and will depend upon how the government phases the route out of lockdown but it is reasonable to assume there will be a slow return to the "new normal".
- Tim's report details the actions taken to reduce costs although the opportunity is limited.
- On 11 April we received £10,000 under the Government's Small Business Grant scheme to support the ongoing costs which should support us through the coming year.
- Due to the lockdown, availability of suppliers for materials and social distancing, we have been unable to proceed with the Front entrance refurbishment, redecoration of the Meachem and Old Committee Rooms or replace the Old Committee Room Heating. The entrance work has

provisionally been moved to the summer holiday period. The work on the roof has been delayed.

Skate Ramp:

- Rampchild Ltd have produced a revised contract with the requested amendments.
- Rampchild's suppliers are closed as a result of lockdown. The proposed deposit will not be paid until such time as suppliers are operating and the ramps can be built.
- It is hoped that Pino will establish the base for the ramps during the next week to take advantage of the dry weather and make sure we can progress with the ramps as the situation eases.
- We have now received £18,600 from KBC from the S106 monies to pay for the ramps in due course.

Extending the Lease & Kettering FC:

- We have received a letter from Kettering FC requesting to enter into a term commitment of 10 years to use the football pitches at Broughton.
- I have spoken to Northants FA regarding the proposed arrangements between BPF&VHA and Kettering FC. They are generally supportive of the arrangement and are keen for the club to have a term commitment to a site to safeguard the club's future. We are still awaiting a letter of support but the FA are now not working and are unlikely to return until end of June.
- The Northants FA support was a requirement for KBC to progress extension of the lease over the pitches so matters may be delayed as a result.
- We will however make a formal request of KBC to extend the lease and the Northants FA support can follow in due course.
- Kettering FC are planning to bring further teams to Broughton in the coming season as our relationship develops which will take up the spare capacity alongside Broughton Old Boys on the far pitch.
- Simon is progressing a grant application in the name of Kettering FC to improve drainage of the pitches which should improve availability during next winter. Hopefully the application will be successful but if not, we may need to consider assisting by providing a level of support ourselves.

19/9078. Report from Planning Sub Committee

Statement from Kettering Borough Council dated 28th April 2020.

We have recently been made aware of works taking place at the A43 Traveller site. Officers visited the site on 22nd April 2020 and are currently considering what is the most effective action to take at this point. Legal advice is being taken as appropriate.

We are also in dialogue with other organisations, such as the Local Highways Authority, about the site to ensure there is a co-ordinated approach to any action an authority takes.

To date the County Council has served two enforcement notices under the Highways Act and are considering what remedial action will be necessary.

Information regarding the powers available to the Council for managing unauthorised traveller sites is outlined on our website at the following link

https://www.kettering.gov.uk/info/20054/planning/23/works_without_permission_enforcement/3

The Council will take action using the powers that it has at its disposal as the Local Planning Authority based on legal advice received and in accordance with the Council's adopted Planning Enforcement Policy. Previous reports regarding the current activities at the site had been investigated and at that point no planning breach could be established.

A link to the Council's Planning Enforcement Policy is provided here

https://www.kettering.gov.uk/downloads/file/17964/development_services_enforcement_policy

Details of ongoing enforcement investigations are confidential; the Council must ensure that any future enforcement action taken is not prejudiced. We appreciate that this means enforcement work being undertaken may not always be particularly visible to the residents, but we wish to reassure everyone that this is taking place.

Matters Concerning Other Agencies

Where issues are brought to the attention of the Council which are not within its responsibilities or powers to respond we will contact those relevant bodies, relaying information and liaise with them.

We commit to continuing the email communication updates as and when the situation changes or develops.

END.

NCC email to Chris Smyth Haynes. 30th April 2020

The County Council, as the Highway Authority, served two enforcement notices at the site on the 23rd April 2020. A Structural Engineer from the Highways team visited the site accompanied by Police.

The first enforcement notice related to the encroachment on the public highway in respect of excavation works that was taking place in respect of the embankment area at the rear of the footway/cycleway adjacent A43. The notice required works being undertaken to cease immediately due to the risk of subsidence. The notice was served on 'all persons engaged in groundworks on the site'.

The notice also requires reinstatement works to be undertaken within one month of the date of the notice. It is also stated in the notice that should the work not be undertaken within this time period the County Council may itself undertake the works and recover the costs that it has incurred in doing so. There is a right of appeal to a Magistrates Court within 21 days of the date of the notice.

The Structural Engineer has reported that there is no immediate danger of subsidence of the public Highway.

The second enforcement notice relates to the wall and fence that has been constructed on public highway land to the rear of No.6 The Old Willows. The notice was served on the 'owner/occupier' of the property.

Again there is a requirement for remediation work to be carried involving the removal of the wall and fence within one month. Should the works not be undertaken the notice indicates that the County Council may carry out the works and recover the costs that it has incurred in doing so. The same right of appeal to a Magistrates Court exists in this case.

The County Council will continue to liaise with KBC and the Police in addressing the issues at this site.

END.

19/9091. Appointments to outside bodies and committees. (9)

Cllr West has confirmed she will carry on with the Village Hall Association and Cllr Baxter with the Bentham Charities, no change to the Trustees.

19/9092. Report from Community and Traffic Calming Committee. (10)

It was decided to not purchase a solar powered SID. This is because it would be more difficult to move around the village.

The Clerk emailed Alan from Loddington to ask which firm they purchased their SID from but is still awaiting a reply.

An application for a grant will now be submitted to the Road Safety Fund.

The clerk sort permission to contact Highways to start the process of obtaining a Section 50 license and was resolved to go ahead.

19/9093. Report from Pocket Park Committee. 11)

Cllr Scouse emailed Froglife regarding to obtain the quote after their site visit. The employee was originally furloughed but hopefully will respond in the next couple of weeks.

An application will be sent to Kettering Community Fund for £1000 towards the works.

19/9094. Report from Planning Committee. (12)

The Committee referred to their copy of the Neighbourhood Plan conditions document and the summary of policies when looking at Planning applications for consideration.

Planning applications for consideration.

KET/2020/0293

Mr P Horrix

LOCATION: St Andrews Church

PROPOSAL: Tree works. Fell 1 cedar tree (diseased)

No Comment

NCC

LOCATION: Broughton Primary School

Removal of temporary classroom and replace with new single storey classroom, new hall store and entrance extension.

No Comment

KET 2020/0268 Mr Allen Resubmission KET/2020/0019

LOCATION: 43 Northampton Road

PROPOSAL: Full application: Two and single storey rear extension

to roof and loft conversion.

Comment: No windows in three storey rear, only skylights – Reason: Dominating neighbouring properties and overlooking on properties to side and rear. Front skylights altering the street design. Ref 183745

Planning Decisions.

KET/2020/0114

Mr McMullan, Coleman Build

LOCATION: 20 High Street (land adj), Broughton

PROPOSAL: Full Application: Dwelling and associated parking, with access off Bentham Close

Comment: Over intensifies area, compromises existing properties and adds additional traffic to Bentham Close. Ref: 174736. Decision date: 23/04/2020. REFUSED

KET/2020/0146

LOCATION: Roundabout at junction of A43 Kettering Road/Old Road, Broughton PROPOSAL:

Advertisement Application: 3 no. identical non-illuminated free-standing signs

Decision date: 28/04/2020 APPROVED

KET/2020/0223

Mrs Spooner

LOCATION: Pytchley House

PROPOSAL: Tree works in conservation area **APPROVED**

KET/2020/0229

Miss Nichols

LOCATION: 45 Wellingborough Road

PROPOSAL: Single and two storey rear extension and single storey workshop/garage

Decision date: awaiting

Report from the Planning Sub Committee

Gypsy and Travellers Site, Broughton

Substantial further activity has been noted by many residents and ourselves.

Written reports and photographs have been submitted to KBC for investigation on major field hedge and tree removal and pushing of boundary. Email correspondence lodged with BPC clerk.

Representation has also been made with NCC Highways and NCC Legal Dept with regard to Highways safety/legal responsibility and liability as there is now a sheer drop with no barrier from the A43 footpath through to the travellers site. Full extent of ownership of land is queried with NCC.

KBC issued a statement dated 28.04.20. (see 19/9078) and 18.05.20 recirculated by BPC.

These statements are KBC's own and do not necessarily reflect views of BPC.

KBC have advised that they are in receipt of a planning application which is waiting validation. BPC will comment on the application once it is received.

Kettering Statement 2 – 18th May 2020

This statement is being sent to you as you have previously contacted the Council regarding the unauthorised development at A43 Broughton

Travellers/Old Willows Site

Co-ordinating Future Communications

In order to provide a central point of contact for further information and enquiries being sent to the Council in respect of this particular matter, the Council has both for your convenience and to ensure that no information is missed, set up a dedicated email address.

The email address is broughtonplanning@kettering.gov.uk. In the future could you please use this email address for all information and enquiries regarding this unauthorised development.

Enforcement Action

As indicated in the previous statement on-going enforcement investigations are confidential; and the Council must follow its enforcement strategy as well as national planning guidance to ensure that the Council's planning enforcement process is carried out in a consistent, balanced and proportionate manner.

Various emails have raised the issue as to whether Kettering Borough Council has been undertaking any enforcement action. Enforcement action encompasses a range of different activities including the use of Stop and Enforcement Notices if appropriate. Enforcement investigations are being carried out on the complaints that have been raised regarding the excavation and levelling works and the deposit of hardcore to the south of the Old Willows site and the levelling, hardcore and fencing of an area at the entrance to the A43 Gypsy and Traveller site.

The former complaint has an enforcement notice issued by the Highways Authority under the Highways Act which is separate from planning enforcement and these investigations are continuing. A planning application has now been submitted for an extension to the traveller site in this area and the Council is in the process of validating the application. The Council now has a duty to validate and determine this in accordance with the Development Plan and material considerations.

As part of the assessment process the Council will determine whether the proposals are appropriate in this location and whether any enforcement notice, in addition, is necessary at this time. The Council should not predetermine the outcome of the application, should it be refused the applicant will still have the right of appeal to the Secretary of State. As there is a process in place to determine this issue the Council has to weigh up whether any formal enforcement action would be justified in the circumstances.

In terms of the latter complaint enforcement investigations are on-going regarding this matter and the Council is unable to comment further at the present time.

Planning Application

Once the planning application for this development has been validated (this should be within the next week) the Council will provide further information regarding its details and how this can be accessed. Communication regarding the consultation process and representations going forward will be made.

The Council will continue to actively assess the need for enforcement action regarding potential breaches of planning regulations across this site and take appropriate action. We also commit to continuing the email communication updates as and when the situation changes or develops and we are in a position to advise.

END

NCC email. 30th April 2020

The County Council, as the Highway Authority, served two enforcement notices at the site on the 23rd April 2020. A Structural Engineer from the Highways team visited the site accompanied by Police.

The first enforcement notice related to the encroachment on the public highway in respect of excavation works that was taking place in respect of the embankment area at the rear of the footway/cycleway adjacent A43. The notice required works being undertaken to cease immediately due to the risk of subsidence. The notice was served on 'all persons engaged in groundworks on the site'.

The notice also requires reinstatement works to be undertaken within one month of the date of the notice. It is also stated in the notice that should the work not be undertaken within this time period the County Council may itself undertake the works and recover the costs that it has incurred in doing so. There is a right of appeal to a Magistrates Court within 21 days of the date of the notice.

The Structural Engineer has reported that there is no immediate danger of subsidence of the public Highway.

The second enforcement notice relates to the wall and fence that has been constructed on public highway land to the rear of No.6 The Old Willows. The notice was served on the 'owner/occupier' of the property.

Again, there is a requirement for remediation work to be carried involving the removal of the wall and fence within one month. Should the works not be undertaken the notice indicates that the County Council may carry out the works and recover the costs that it has incurred in doing so. The same right of appeal to a Magistrates Court exists in this case.

The County Council will continue to liaise with KBC and the Police in addressing the issues at this site.

END.

Gypsy and Travellers Site, Loddington

Appeals have been lodged with the Planning Inspectorate:

a) against the enforcement notice and b) against the refused planning application.

Statements to be submitted before 21.05.20.

Appeal APP/L2820/C/19/3240989

Broughton Parish Council wishes to comment as follows:

The applicant, Mr. James Delaney has set out with deliberate intent to frustrate the statutory planning process. He has purposefully and swiftly orchestrated the development of the site with extensive groundworks carried out over a weekend (12th October 2019) to gain as much advantage as was possible before the LPA could dutifully act. The level of groundwork required would have required considerable pre-planning. This was a deliberate and intentional unauthorised development.

Mr. Delaney has intentionally placed himself and members of his family into this situation but with full knowledge that he would then be frustrating the planning process by requiring the LPA to resolve any welfare issues of any children or older residents. However, it is equally fair to say that this intentional development was unnecessary at that particular time. The sale of the land was secured in May, the development started in October. The Planning Application was submitted on 30th October 2019. There is no overbearing consideration to be made as to why the development wasn't started before or later than October whilst waiting for a planning application to be processed.

A deliberate act such as this is to purposely manipulate the LPA and Planning Policy and should not be rewarded with success. It is correct for National and Local Planning Policy to be upheld and must be applied to all without discrimination in a fair and transparent way. The fact that Mr. Delaney felt that he could not apply the planning process overtly suggests that he knows that his application would be subject to normal scrutiny and only potential success or failure. He therefore deliberately chose to put himself beyond the law.

Equality in the application of the law must be applied and deliberate and intentional unauthorised development must not be rewarded.

Mr. Delaney should be required to put the land back to how it was to allow the proper planning process to be applied and his application to be judged on its merits. Kettering Borough Council were requiring this in their actions with the Temporary Stop, Stop and then Enforcement Notice however Mr. Delaney chose to continue regardless. We are therefore of the opinion that he was given due and prompt proper notice and any consequences of these actions are his own to bear but that proper process should be applied so that the transparency of the planning legislation can be upheld for everyone without prejudice or harm.

We therefore respectfully request that the Inspector dismisses this Appeal.

END

Appeal APP/L2820/W/20/3249281

Kettering Borough Council Planning Permission KET/2019/0711

Broughton Parish Council wishes to comment as follows:

The original application is for change of use to a residential caravan site for 8 Gypsy Caravans. BPC believes that whilst Mr. Delaney previously lived a nomadic lifestyle, his stated intent for the purpose of developing the site is to provide a settled lifestyle for his family going forward within the community and providing continuity for his children and older members of his family. He said that he did not have an address to be able to get a mortgage, he couldn't afford a house however he found the land and the 8 families have bought it together.

Whilst it is not normally the case to have this information so readily available or substantiated, this was a public statement from Mr. Delaney himself to the Evening Telegraph dated 24th October 2019. (<https://www.northantstelegraph.co.uk/news/people/its-something-we-really-really-need-everyone-us-its-home-landowner-cransley-road-gives-his-side-story-819460>)

However, Gypsy status although it is a material consideration is not in itself enough to override development plan policies and needs to be balanced with other material considerations. In this instance, Mr. Delaney's own evidence on his status is that he is desiring a settled existence and he has invested his finances for himself and his family behind that.

It is therefore reasonable to believe that the site is required as a residential caravan site and consideration for the development of the site should be considered on this basis only.

BPC therefore objects to this appeal on the basis of:

- There is no substantiated evidence for the requirement for a residential caravan site in this location.
- The housing needs for Mr. Delaney and his family can be readily supported within the settled community.
- The visual amenity and natural landscape can be maintained and preserved as rural in keeping with the surrounding area on all sides
- The potential for substantial ecological damage to the site can be minimised especially important to the immediately adjacent Cransley Reservoir, a landscape feature of the whole of Kettering Borough of significant importance.
- The lengthy extension of services to this location distant from the neighbouring village will not be required.
- Significant reduction of risk to vehicles travelling along Cransley Road at the national speed limit of 60 MPH with other vehicles emerging from and accessing the site.
- Sustainability of site was compromised as every need would have been accommodated with a vehicle movement. Removing the development of the site substantially increases the sustainability of the location if it retains its agricultural status.

END

It was discussed to seek advice on planning in light of the Old Willows Site issues as a Parish Council. Cllr Scouse contacted the people who are advising Loddington but when the firm discussed this with Loddington, they were concerned it might be a conflict of interest. It was therefore decided that BPC will contact other planning advisory company to see how much their charges would be. The Clerk confirmed there up to £2000 for contingency that could be used. Members decided that Cllr Scouse would make enquiries and come back with quotes and she would also contact the Planning Advisory Service.

[19/9095. Report from Finance Committee. \(13\)](#)

May 2020 statements

Savings - £3.41

Nationwide 125 day saver - £16,065.21.

Community - £33,284.94

Credits to Community account

Kettering Borough Council	Precept	£14,000.00
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Cheques issued from Community account 22th May 2020.

Payee	Cheque number	Amount £
A. McDaid wages - mth 2	Bank transfer	£242.82
HMRC income tax	Bank transfer	£60.60
A. McDaid home working, phone and internet, Zoom HW - £12, Phone - £10, Zoom - £14.39	Bank transfer	£35.74
Came & Co Insurance	Bank transfer	£779.19
SLCC Membership Renewal	Bank transfer	£92.00
SLCC Arnold Baker Edition 11	Bank transfer	£116.80
Castletree – M. Baines	Bank transfer	£300.00
BRT PF & VH Association	Standing order	£7.79

The contract on the phone expired and a new contract has been set up.

Plan details

Red 1GB data

£11 a month on a 24-month contract **Discount achieved £9.35 per month**

[19/9096. Insurance renewal. \(14\)](#)

Email correspondence received from Came and Company insurance brokers, provided quotations for renewal of the Parish Council's insurance cover, due 1st June 2019. The amount was a result of 2018 decision to procure for a 3-year discounted long-term agreement with AXA. All agreed to renew.

[19/9097. General interest items. \(15\)](#)

The village hall will remain closed until the end of June so no meetings can take place there. It was proposed that members who wish to attend an actual meeting could and others who are shielding could join the meeting via Zoom. Alternative venues in the village have been looked into to host but there must be enough space to be able to adhere safe social distancing. The question was asked if the meeting needs to take place in the village. **Action: Clerk to investigate.**

There has been a rise in speeding cars in Kettering Road again. **Action: Cllr Scouse will chase Highways to see if they have completed the last stage drawings of the Traffic calming project.**

Cllr Robson asked about the plans for the Telephone box library. Cllr Scouse has bought the paint. As soon as lockdown is over, it will be painted. A sheet of ply will need to be purchased and erected along with some shelving at the back of the box. Books have already started to be gathered in preparation.

[19/9098. Date of next meeting. \(16\)](#)

The matter of adopting NALCs Model Standing Orders were raised and as not all the members had read through them, an Extraordinary meeting will take place on Wednesday 27th May 2020.

19/9099. Any other matters that the Chair considers to be urgent. (17)

No other matters were considered and the meeting was closed at 8pm.

Signed:

Dated: