Examinations of the Broughton Neighbourhood Plan and the Broughton Neighbourhood Development Order

Questions of clarification from the Examiner to the Parish Council and Kettering Borough Council (KBC)

Having completed my initial review of the Neighbourhood Plan (the Plan) and the Neighbourhood Development Order (the Order), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

Questions relating to the Neighbourhood Plan

1. On page 7 of the Plan reference is made to “paragraph 3.11 and paragraph 1”; I think paragraph 3.11 refers to that paragraph number in the Joint Core Strategy, but I am not sure whether the reference to “paragraph 1” is correct?

Parish Council comment: Our reference is to JCS paragraphs 3.6, 3.11 and policy 8.

2. Page 7 of the Plan states that there is no attempt to designate sites as protected open spaces; is this statement correct given there are proposed Local Green Spaces?

Parish Council comment: No. the Parish Council has identified LGS to maintain existing important green or open spaces that contribute to the environment, biodiversity or character for the benefit of the community.

3. In relation to Policy 3, criterion c., was it the intention of this part of the policy to relate to the construction period of new development or to refer to the relationship between a new dwelling and its neighbours with a view to ensuring that relationship was acceptable with particular regard to privacy?

Parish Council comment: The intention is to refer to the relationship between a new dwelling and its neighbours with a view to ensuring that relationship was acceptable with particular regard to privacy.

4. Pages 40 – 47 of the Plan contain three tables. A number of queries arise:

a. Please could KBC confirm the accuracy of Table A and its accompanying text and update me in relation to any matters?

KBC comment: Table A is taken from the ‘Site Specific Proposal Local Development Document Housing Allocations Assessment of Additional Sites and Update (October 2013)’ rather than 2012 Options Paper. The table reflects the content of the table on pages 42 and 43 of the 2013 document.

Following the consultation on this document the Council has continued to assess sites in Broughton. Over the last 18 months a number of reports have been presented to Planning Policy Committee where housing sites in the rural area were considered.

Sites in Broughton were considered at the following Planning Policy Committees:
At the 4\textsuperscript{th} October Planning Policy Committee it was resolved that: Site RA/127 be identified as a draft housing allocation. In addition, in the event that the Broughton Neighbourhood Plan is adopted, then this site would be withdrawn from the Local Plan process.

Parish Council comment: we feel that it is important to add the justification for the retention of RA/127 in that KBC are wishing to provide a safeguarding measure only to ensure the fulfilment of sufficient delivery of housing without exposure to overwhelming developer demand should the Neighbourhood Plan not be made and there ensues a policy vacuum. Whilst we appreciate support, KBC is aware that BPC have had grave reservations about this continuing to be the case in that it can be perceived to be misleading for the developers/landowners and, we do not understand why Broughton appears to be the only location that has to have this measure when it doesn’t appear that this policy vacuum applies to anywhere else in the Borough. This site also does not represent the most suitable opportunity in the village for additional development being adjacent to and impacting on the character of our conservation area and being subsequent to the large development of RA/98 creating a further urbanising effect to this area of the village.

KBC comment: The rural housing requirement for Kettering Borough set out in the JCS is 480 dwellings. The Site Specific Part 2 Local Plan (SSP2) (formerly the Site Specific Proposals Local Development Document) along with Neighbourhood Plans will allocate sites to meet this requirement. The following table provides an update on the remaining requirement for the rural area as a whole.

| Housing number requirements 2011-2031 (Base date: 1\textsuperscript{st} April 2017) |
|------------------------------------------|-----------------------------|---------------------|-----------------|-----------------|-----------------|
| JCS requirement 2011-2031                | Completions 2011-17         | Commitments 2011-17 | Residual requirement | Allowance for windfall | Requirement to be allocated in the SSP2 or Neighbourhood Plans |
| Rural Area                               | 480                        | 146                 | 54               | 280             | 140 (10 per annum) | 140             |

Work in distributing the rural housing requirement is on-going through work on the SSP2. However, to assist in the preparation of the Neighbourhood Plan the Council provided the Parish Council with some work done in the preparation of the Joint Core Strategy, this looked at natural population growth, then took into account capacity of villages to accommodate additional development on sites identified in the SHLAA to understand the capacity of the rural area to deliver the JCS requirement. This figure does not include an allowance for windfall development which would be in addition to any allocations made. The figure provided was 87 dwellings which has then been included in the Neighbourhood Plan.

b. Please could KBC confirm the accuracy of Table B and its accompanying text and confirm whether KBC is satisfied with the figures presented? Do they accord with the latest available evidence on housing?
The completions and commitments identified in table B match the Council’s monitoring records. The only update is that planning permission for 1 dwelling at Headlands Farm, KET/2013/0122 has now expired.

The Carter Avenue site identified in the table is owned by KBC. Some initial feasibility work has been undertaken by the Council in relation to this site. However no formal decisions have been made about whether the site will come forward for housing or whether it will remain as garages.

The windfall figure in table B has been produced by the Parish Council. At a Borough level there is an allowance for 10 dwellings a year to be provided as windfall across the rural area as set out in the table above.

The table above sets out the current position in relation to housing requirements in the rural area, the base date for this table is 1st April 2017. While work in distributing the rural housing requirement is on-going a number of draft housing allocations have been agreed at Planning Policy Committee. These draft housing allocations will be included in the draft SSP2 which will be consulted upon in June/July 2018.

The number of dwellings which could be accommodated on the sites identified as draft housing allocations, including site RA/127 in Broughton, is 171-179 dwellings. Excluding the draft housing allocation in Broughton this would be 151-159 dwellings.

c. Table C includes sites discounted by the Parish Council. Some of this seems to be at odds with the views of KBC expressed in Table A? Please also update me in relation to any planning history or current planning applications/appeals on these sites.

KBC comments: Since the Housing Allocation and Assessment of Additional Sites and Update consultation in October 2013, work has continued in relation to the assessment of housing sites. The updated position in relation to each of the sites included in Table C is as follows:

<table>
<thead>
<tr>
<th>Site reference</th>
<th>Current status in SSP2</th>
<th>Planning history</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA/094 (re-assessed under reference RA/094b)</td>
<td>Discounted as housing allocation at 19th April 2017 Planning Policy Committee</td>
<td>None</td>
</tr>
<tr>
<td>RA/101a</td>
<td>Discounted as housing allocation at 19th April 2017 Planning Policy Committee</td>
<td>KET/2017/0081 – Residential development for 8 no. dwellings – Refused 05/04/2017 KET/2018/0115 – Residential development for 10 dwellings. Application pending. Target decision date 17/05/18</td>
</tr>
<tr>
<td>RA/127</td>
<td>Designated as draft housing</td>
<td>KET/2017/0615 –</td>
</tr>
</tbody>
</table>
In the event that the Broughton Neighbourhood Plan is adopted, then this site would be withdrawn from the Local Plan process. 4th October 2017 Planning Policy Committee

| RA/096 | Discounted as housing allocation at 19th April 2017 Planning Policy Committee | None |

In addition to the sites included in Table C the Council’s assessment also included site RA/099a (Broughton Allotments).

| RA/099a | Discounted as housing allocation at 4th October 2017 Planning Policy Committee | None |

**d.** Table C refers to a gypsy and traveller site at old Northampton Road and includes a statement that no further development should take place there. Please could KBC comment upon this statement and any strategic policy implications arising from it?

KBC comment: Work undertaken to date in identifying sites for future Gypsy and Traveller Accommodation in the Borough has not sought to identify this site for further expansion. Work in identifying sites for gypsy and traveller accommodation, in the preparation of the SSP2 looked at various options for identifying sites, one of these options was to identify additional pitches on existing sites or in close proximity to existing sites. At the 11th July 2012 Planning Policy Committee it was agreed that alternative options for identifying sites be progressed and the option to expand existing sites was not progressed.

It has now been agreed that the allocation of gypsy and traveller sites will be made through a separate DPD, the Gypsy and Traveller Site Allocation Policy. A draft consultation on this document is scheduled to take place October-December 2018.

There have been a number of applications at this site over the last few years which have increased the number of pitches at the site. Details of these applications are set out below:

**KET/2014/0695** – The Old Willows, 10 Old Northampton Road, Broughton – Change of Use (from 3 pitch traveller site and former highway land) to permanent Gypsy and Traveller Sites for 6 no. Pitches and Play Areas - Approved

**KET/2015/0613** – 1 The Old A43, Broughton – Increase from 1 to 4 no. traveller pitches plus toilet block - Approved

**KET/2016/0847** – The Old Willows, 10 Northampton Road, Broughton – 10 mobile homes for gypsies and travellers (ie an additional 4 static caravans to the pitches consented under KET/2014/0695); 1 touring caravan for site warden, play area, amenity building. In addition (as amended) 6 No. touring caravans for use by site occupants - Refused

**KET/2017/0980** – The Old Willows, 10 Northampton Road, Broughton – (1) To accommodate 2 no. static caravans, 2 no. touring caravans, parking for four cars with play area, and associated hardstanding on an existing gypsy site. (2) Application amended by revised layout and whole site is within the application and to include in
the description of development 6 other pitches for gypsy/ travellers (the 6 previously consented pitches) shown on layout - Approved

This has increased the size of the site to 21 pitches in total. This is larger than the site size which was identified as the preferred size for permanent/ residential sites of 11-15 pitches in the GTAA (2011 Update).

Policy 31 of the Joint Core Strategy sets out criteria to be applied for applications for planning permission for gypsy and traveller accommodation. These criteria, among other issues, address residential amenity for the proposed residents and impact on local infrastructure.

   a. Whilst I understand that the Plan seeks to distinguish between sites for under four units and four or more units, I am not sure what else these policies seek to achieve?

   Parish Council comment: Avoidance of misuse of remaining potential sites delivering developer needs rather than village requirement. We do not want to close the door completely for everyone (policy 5) but we do want to exercise some control (policy 6)

   b. Windfall Policy 6 criterion d) seeks to safeguard land between the village boundary and bypass from development. Is this area shown on a map? Where is the evidence and justification for this element of the policy?

   Parish Council comment: Reinforcement of 1995 Local Plan principle which has been transgressed by the Redrow Development (corner of Cransley Hill and Cox's Lane RA/98) and the potential of proposals for rear of the school (RA096), Bentham Close (RA/101a) and the Paddock (RA/127). This is a large tract of agricultural land so not appropriate for LGS but development would urbanise that side of the village and be detrimental to the character and environment – reference officer’s reports on RA/101a and RA/127. JCS guides large scale developments to higher order settlements.

6. In relation to Policy 8, would it be useful to show the High Street area to which this policy relates on a map? If so, please could such a map be provided or the map on page 74 of the Plan be suitably annotated?

   Parish Council comment: An updated map has been attached.

7. In relation to Policy 9, which seeks to designate a number of Local Green Spaces, please could you confirm:
   a. Whether the school buildings are included as part of LGS 2 and if so, was this the intention?

   Parish Council comment: School buildings should be excluded – alter map

   b. What is the reason for showing proposed LGS 6 has been shown as two areas?
Parish Council comment: KBC to clarify – we believe it to be one continuous area as per previous maps

KBC comment: There doesn’t appear to be a reason to show the LGS as two areas. The map should be updated to show one area.

8. A Scoping Report (undated) has been submitted. The Strategic Environmental Assessment (SEA) document submitted refers to consultation being carried out on the scoping report. Please confirm that this is the case and the relevant dates.


9. The Basic Conditions Statement
   a. Refers to the promotion of a site owned by KBC (Carter Avenue) to provide 1 bed flats on page 5. Whilst reference is made to this on page 39 of the Plan, am I right in that there is no specific policy on this site?

Parish Council comment: No policy from the Neighbourhood Plan.

KBC comment: If this site is to be included in contributing towards the Neighbourhood Plan’s housing numbers then the Neighbourhood Plan should include a policy allocating this site. Some initial feasibility work has been undertaken by KBC’s Housing Services Team, in KBC’s role as land owner, but no formal decisions have been made on whether this site will be developed for housing or whether it will remain as garages. Officers are now looking at further work to understand what work is required to develop a programme of new build council housing beyond those schemes given the go ahead at Scott Road and Albert Street. To progress other sites we need to look at options for them and likely budget required to progress any proposals. No approvals have been given to progress anything further for Carter Avenue at this stage.

b. Refers to Development Design Principles – are they contained in the Plan?

Parish Council comment: This is an error and should read Development Design Policy 3

10. KBC have kindly provided a summary of 13 representations from local residents. Please confirm that the full text of each representation has been replicated on the summary. If it hasn’t, please provide full copies of each representation.

KBC comment: The summary includes the full text of each representation.

The following questions were asked verbally and responded to by emails of 6 April 2018 (Question 11) and 13 March 2018 (Question 12) and I include them here for completeness:

11. Please provide a copy of, or link to, i) the Rural Masterplanning Report, ii) Housing Needs Survey, iii) Parish Plan referred to in the Plan.

12. Appendices to representation number 16.
Questions relating to the Neighbourhood Development Order

The following question was asked by email of 17 April 2018 and responded to by email of the same date and I include it here for completeness:

1. It would be most helpful to have confirmation that there are no other planning applications on the site covered by the NDO please.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils’ websites as appropriate.

With many thanks.

Ann Skippers
Independent Examiner
19 April 2018