

08 September 2020, Kirkby Stephen Town Council

Ordinary Meeting

Kirkby Stephen Town Council, Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX

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Starting at 6.45 pm at the King's Arms Function Room

Attending: Cllrs. J Johnstone, P Richardson, A Birtles, M Walker, G Wren, C Lynch & S Lancaster (EDC/KSTC); Cllr P Dew (CCC/EDC), Mr C Barnes (Clerk) and 5 members of the Public.

Public Participation

A member of the public had contacted the council to ask for the Council to set aside land for a skate park for young people. There were no immediate plans or land in the council's control that was thought to be appropriate for the purpose. The issue had been raised before.

Concerns were expressed regarding potholes and the condition of the roads generally. County had secured the services of a jet patcher and would be taking action to address the situation. It was agreed to write to the District Council to clarify responsibility for patching a piece of potholed access land at the Crescent. A member of the public attending raised concerns about the condition of the footpath through the on-going **White House Farm Development** (PROW 335012). The matter had been referred to the County Council who were responsible for footpaths and rights of way. It was suggested that the trodden route was not actually the footpath as the footpath had become overgrown and had also been obstructed by a falling tree. Walkers were therefore using a track displaced from the route of the actual footpath. These observations would be passed on to the County Council Officer responsible for action.

A member of the public attending owned a property on Manor Court adjacent to the **White House Farm development**. She wished to clarify that she was not objecting to the scheme but had specific concerns regarding the risk of flooding / run off to her property on Manor Court regarding the elevated site of the development behind and above her property following development. During a period of recent intense rain fall they had experienced flooding. On this occasion she had contacted the developer and the matter had been immediately resolved to her satisfaction. However, she had remaining concerns as to whether after the development was completed there would be a continuing problem, she wished to alert the council to the issue. Her email on the subject had been circulated to councillors and Eden District Council earlier in the day.

A member of the public attending and living in Manor Court raised concerns regarding the **White House Farm Development** regarding the quantity of houses proposed. She noted that the developer had initially stated that there would be 40 units, then 60 (as allocated in the plan) and now 88 in addition to the phase 1 development. The Development now exceeded the ridge line of the hill which was protected in Eden's plan. The objective had been to preserve the setting of

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the town in the surrounding countryside. She supported the use of a section 106 agreement to secure funding for local infrastructure, transport and education. A member of the public attending raised concerns over the **White House Farm Development**. She noted that initially the developer agent had proposed 40 Units then 60 then 88. This figure had not featured in the first outline application. She had been trying for 11 days to discover from Eden District Council's planning department what the definition of a 'sky line' was. She noted that the drawings were not to scale, that they were difficult to understand and appeared to use a visualisation of the tree line as the 'sky line'. If the 'sky line' was the ridge line it had been breached and tree cover may not be established/maintained as a result of ash dieback. The development would have a visual impact on an area of outstanding natural beauty and represented a complete u turn in respect of the initial proposal for development.

A member of the public had sent a copy of a detailed objection to the **White House Farm Development** proposal which had already been sent to Eden District Council. This had been circulated to councillors prior to the meeting.

District and County Councillors Participation

Cllr Lancaster (EDC) noted the unexpected departure of Eden District Council Chief Executive Rose Rouse. The main topic before Eden District Council was the proposal to create a Unitary Authority. Concerns had been raised regarding poor Broadband signal. Proposed planning changes were significant and would reduce the opportunities for local communities to be engaged in the planning process and have a say. Eden had channelled £27 million to ratepaying business during the lockdown in the form of government grants. She congratulated the authority on the efficiency with which this had been done. There was now concern about the end of the furlough scheme and the redundancy/homelessness that may follow. Eden Housing Association had made arrangements to lease a number of properties for the homeless in anticipation of need arising in the near future.

Cllr Dew (CCC) commented on the recent and unexpected departure of Eden District Council's Chief Executive Rose Rouse on the 31 August. He did not feel this was a good situation for Eden District Council.

Cllr Dew discussed the proposed local government reorganisation. He was of the view that a single unitary authority was the best way forward and would maximise the cost savings available. It was agreed that there was a particular issue in respect of how the gap between local councils (Towns and Parishes) and a Unitary authority could be closed. A mechanism for local councils to communicate with a unitary authority over strategy, representation and delivery issues would be required. Cllr Dew was appointed to the working group which would respond to the consultation on Eden District Council's behalf.

Cllr Dew noted that the Westmorland Dales Bus had restarted and hoped that the current rather conservative numbers could be increased. Cllr Dew noted that there were currently only two Covid Cases in Eden. Social distancing measures were having a very large impact on Public Transport.

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Household recycling centres would be fully open from Friday. Stage 1 of the Initial Flood Assessment will be carried out in October hoping to form a basis for mitigating the impact of flooding in Birkbeck Gardens/Quarry Close.

A Government consultation on pavement parking could have serious implications for South Road and other streets in Kirkby Stephen.

Participation of the Police

No report had been received. The council had not been able to subscribe to Neighbourhood watch. The clerk would forward communications from the Police and Crime Commissioner as they arrived.

20/031 **Apologies**, none

20/032 **Declarations of Pecuniary Interest**, none

20/033 **Minutes.**

The Chairman was authorised to sign the Minutes (Part 1 & 2) of the meeting held on the 4th August as a true record.

The Chairman was authorised to sign the Minutes of the Jubilee Park AGM held on the 4th August as a true record.

20/034 **Planning (Re-consultation) 19/0913 – Land off Croglam Park, Rowgate, Kirkby Stephen - Residential development for 25 no. dwellings.**

The council RESOLVED not to object to the application.

It was felt that concerns over flooding raised previously had been addressed (though possibly not mitigated) with a detailed and technical report and revisions to the layout of the development.

The council is uncomfortable with the extent to which the initial planning allocation of 13 units had been exceeded with 25 units and the resulting stress this would place on roads infrastructure, parking, education and health and access through Rowgate to South Road.

However, it was agreed that these were not 'planning' grounds to object. The planning authority is asked to seek measures to mitigate the Town Council's concerns.

20/035 **Planning 20/0561- Site address: WHITEHOUSE FARM, HIGH STREET KIRKBY STEPHEN, CA17 4SH**

Description: Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 17/0263.

Cllr Richardson raised 'no objections' to the scheme in principle but would have liked the scheme to incorporate more bungalows. There was further discussion (linked to public participation) regarding the definition of the term 'Skyline'. Cllr Lancaster had received a reply from the Planning Department indicating that the definition was 'where the skyline meets the ridge (land) and not the treeline'. It was noted that the proposals showed roofs above the ridge line (skyline) meaning that the site would be visible in a view of the town taken from the far distance inside the Yorkshire Dales National Park area. Cllr Lynch expressed concern that the development followed a different aesthetic from that found in the adjacent South Road and Nateby Road Areas. Overall, the council's concerns are:

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- The proposed scale of the development relative to the allowance in the plan and the history of statements made relative to the planned scale of the development.
- Visual Impact
- Drainage

A representative of the developer was present and noted that under government guidance they could have put in an application for 120 houses but had kept it down to 88. (98 units across the two phases of the development).

The consultation on the scheme was due to close on the 19th. Cllr Birtles proposed that a decision on the council's response be reserved to a meeting to be called the following week in order to allow for a meeting with the developer to talk through the issues involved before making a formal response.

The scheme details included a detailed and technical document regarding drainage arrangements. It was accepted that the planners and developer should be satisfied that the specific issues raised by the householder in Manor Court could be addressed.

20/036 **20/0518 - Site address: FLETCHER HILL FARM, FLETCHER HILL KIRKBY STEPHEN, CA17 4QQ**

Description: Change of use of agricultural building to dwelling house.

There were no objections and the application was supported.

20/037 **20/0505 - Site address: 18-20 MARKET STREET, KIRKBY STEPHEN, CA17 4QS**

Description: Listed Building Consent for re-slating of east facing roof slope and removal of rendered chimney stack with single disused flue to south gable.

The application was supported.

20/038 **20/0441 - Site address: GREENRIGGS, KIRKBY STEPHEN, CA17 4TA**

Description: Proposed roofing over of sheep pens. Approval noted.

20/039 **Finance**

A current year statement had not been presented to the council at the previous meeting where the finance item had dealt with the previous year end and AGAR as meetings resumed after lockdown.

However, at that meeting, councillors' packs had included (blue) monthly schedules (April, May, June) and bank reconciliations together with a quarterly budget monitor for information. To which the monthly statements for July and August were now added in councillors' packs for this meeting. These were updated and published as they were produced on the council's website. It was resolved to APPROVE receipts and payments made between 1 April and 31 August (Transaction numbers 1-119) and to give forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC. Bank reconciliations for the period were also APPROVED with a closing balance of £134,468.85.

20/040 **Finance Budget Monitor**

The first quarter budget monitor was APPROVED noting the projected financial position of the council (Cash and Reserves) at the year-end of £74,480. As two months had passed since then it was noted that with the resignation of the Council & Community Centre Manager the financial position would be altered in the next

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monitor. Anticipated salary costs would not be as high. In addition the revenues generated by the Centre Manager would be reduced e.g. advertising sales on the website and newsletter in any case these had been adversely affected by the lockdown. Changes in the overall position would be clearer in the 6 and 9 months budget monitor. At this stage in the year the council had received 90% of its projected annual income and spent 24% of its projected budget together with an additional £6,088 from restricted funds towards the casting in bronze of the sculpture Lady Anne's Way by Diane Lawrenson.

20/041 Local Government Reorganisation Calc Consultation

Councillors debated the issues: There were two basic options #1 A single unitary authority for all of Cumbria or #2 two Authorities based on the former Cumberland & Westmorland County boundaries. Councillors supported the principle of a Unitary Authority. In either case councillors AGREED that a key issue was how a responsive interface could be maintained for a local council with a unitary authority (Periphery & Centre). Area Forums and Area Planning activities were identified as existing structures which could be built on to address this need. Town and Parish input and ownership of these platforms is an issue that needs to be addressed and proposals for a Unitary Authority should include adequate resources to be allocated for this purpose

It was AGREED to respond to Calc along these lines.

20/042 Continuing Library closure

It was agreed that the council would write to the County Council regarding the continuing closure of the library at Local Links. It was AGREED that the continuing closure was not necessary, it was felt that if schools can open then libraries could open. The Library was in any case on very limited opening hours and covid secure measures could be implemented.

20/043 Westmorland Dales Partnership

The council received an update on the visit of the Westmorland Dales Partnership to Jubilee Park/Stenkrith and site of a permissive footpath across adjoining land. The Clerk and Councillor Wren had met with David Evans and Nicola Esthill. It had been an excellent opportunity to see the value of the proposed permissive footpath linking the two sites and increasing outdoor amenity. The Westmorland Dales Partnership representatives were responsive to the proposition of conserving the park around a proposition of outdoor play as proposed by Kirkby Stephen Community Arts and by the need to improve the perimeter to make the park more inviting, they were very impressed by the opportunity of a permissive footpath linking the two sites and agreed that the perimeter of Stenkrith could use improvement. It was noted that the permissive footpath and Stenkrith fell outside the National Park Boundary while Jubilee Park fell within it.

Westmorland Dales felt that there was no advantage in linking the three sites in a large bid. But that each could proceed individually. Only Jubilee Park sat within the Yorkshire Dales National Park and their remit linked best to that.

The council's capacity to form and develop a project/bid and its access to expertise was discussed. It was agreed that the Westmorland Dales team would make some recommendations as to appropriate expertise. They had funding available of £5,000 which they would be able to commit to the development of a project. They also suggested that Covid Pandemic permitting the park might act as a venue for a

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‘forest school’ project on Westmorland Dales Day 2021 to engage people with the park and plans for its future.

The Clerk & Cllr Wren would pursue this, The Clerk would write to Kirkby Stephen Community Arts who had been absent on holiday to feed back on the visit.

20/044 Lady Anne’s Way

Plans to unveil the sculpture had been made for the 26th a reception had been planned afterwards at the Engine Shed. As a result of the anticipated announcement regarding the ‘rule of 6’ it had been decided to cancel this event. The Chairman and Clerk would write to the donors to update and thank them. The necessary consents regarding Streetworks were in place for the period 22 September to 24 September.

20/045 Portfolios

To receive councillors’ reports if available:

1. Town Council Administration. As the council had had turnover in excess of £200k in the 2019 2020 year arising from the handling of the £75k Signature Fund award from Eden District Council to the refurbishment of the all-weather pitch it would be subject to an intermediate audit, the clerk had supplied additional material to the external auditors as requested and the council would be updated as necessary. The council had received an invitation to join the establishing Rural Market Towns Group it was agreed to respond to the invitation for membership with Cllr Lynch nominated to lead for the council.
2. Community Planning. Printing was being finalised.
3. Community. The Visitor Centre had now been open successfully for 7 weeks after lockdown, the Town Centre had been busy with both locals and holiday makers.
4. Highways. Potholes were a significant problem it was understood that the County Council had access to a jet patcher and would be tackling the problem.
5. Open Spaces. Correspondence had been received on behalf of a landowner regarding the poetry path. An agreement with the now defunct organisation that had commissioned the work/sculptures had expired. It was agreed to contact all the landowners to discuss the future of the Poetry Path. Councillors agreed that the path was a significant asset to the town. A bench had been ordered to replace the one which had been removed from Redmayne Road.
6. Property. None.
7. Tourism & Events. It was agreed to obtain a cost proposal for the 2021 year Xmas trees. It was agreed to commission Xmas Lights Power Source on the exterior wall of the Visitor Centre, having been allowed a substantial discount on the Xmas Lighting the clerk was authorised to order another 50 metres if the price could be held. The 502, Bus service had been withdrawn after Stage Coach lost the contract offered by Kendal College on which the service depended for viability. Cllr Walker would attend a meeting of the Eden Tourism Network on Teams.

Date of Next Meeting October 6th format/venue to be confirmed.

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Appendix 1

Report of County Councillor Phil Dew 8 September 2020

- Appleby Horse Fair – the Multi Agency Strategic Coordinating Group that oversees the Fair meets on 21 September, 2020, to begin planning for the 2021 Fair
- Eden Community Resilience Hub – the hub oversees the Covid-19 arrangements in Eden. At the most recent meeting - held on 8 September, 2020 - I asked for the library service based at the Local Links to be opened as soon as possible
- Reopening Schools - I am CCC Shadow Cabinet member for Education & Learning [Education Planning Group] and I can report that the return to school has gone smoothly and successfully
- Children and Young People – I Chair the Children and Young People’s Working Group in Eden and we have initiated a PhunkyFoods project in primary schools to counteract obesity and encourage a healthy lifestyle; and Share a Smile and Coaches in Mind projects in secondary schools to help deal with mental health issues.
- Youth Provision in Kirkby Stephen - I look forward to the transfer of ownership of the Evergreen Building and its subsequent refurbishment. ELC has a pot of money set aside to facilitate youth provision in the town.
- Covid-19 – there are currently only a handful of confirmed new cases of Covid-19 in Eden [2]
- CCC Highways - an additional £2.02m has been awarded to Eden for filling pot-holes which will enable Highways to employ the services of a jet patcher [Velocity] to clear some of the backlog.
- Household Waste Recycling Centres – will open as normal from 14 September, 2020 – including single axle trailers
- Broadband - more money has been made available for broadband through the Government’s Digital Borderlands Voucher Scheme. This is worth up to £3000 per residential property and £7000 per business and can be accessed by a community through a registered supplier such as BARN [see details online]
- Local Government Reorganisation – the Government is keen to reorganise local government in order to rationalise and simplify services and make them more economic. CCC has published a High-Level Proposition and Business Case which argues for a single new council in Cumbria. EDC has agreed to establish a working group - which I sit on - to discuss the matter further. We meet again on 22 September, 2020
- Residential Housing Development [19/0913, 20/0561, 20/0211] – provision is made in the Eden Local Plan 2014/32 for up to 305 houses in KS. Planning decisions are made objectively on planning grounds in line with current regulations & policies

2020. It is uncertain why or what will happen next. This is not good for EDC going forward

- Western Dales Bus – recommenced its S4 [Friday] and S5 [Thursday] services in August, 2020 - with reduced capacity [6]. I’m hoping this will increase over time
- 502 Bus [Brough/KS/Sedbergh – Stagecoach has lost its contract with Kendal College and the new service provider – KT – is unable to carry members of the public. Space is very limited anyway because of social distancing.

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- Flooding – a Stage 1 Initial Flood Assessment will be carried out in KS beginning on 9 October, 2020, in order to mitigate the risk of flooding in the future
- Pavement Parking – the Government is carrying out an online consultation on the contentious issue of pavement parking [from 31 August to 22 November, 2020]. Options range from a complete ban to more robust enforcement where obstruction is being caused. This has implications for South Road and other streets in KS
- Northern Viaduct Trust – I sit on the Westmorland Dales Landscape Partnership Board and we recently awarded a grant of £5000 from the Love Your Landscapes fund to help renovate the Smardale Gill Viaduct [stainless steel mesh panels]
- Area Planning – the recently formed area planning group meets on 16 September, 2020
- Library at Local Links – there are still no plans to open the county’s smaller libraries or library links which is very disappointing