

## 7<sup>th</sup> March 2023, Kirkby Stephen Town Council

### Ordinary Meeting

Kirkby Stephen Town Council, Local Links, Vicarage Lane, Kirkby Stephen, Cumbria, CA17 4QX  
Tel. 017683 74854 | clerk@kirkby-stephen.com | [www.kirkbystephen.com](http://www.kirkbystephen.com)  
starting at 6.45 pm at Local Links.

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**Attending.** Cllrs. P Richardson (Chairman), D Thornton. S Lancaster (EDC), M Walker, J Murray (W&F, CCC, EDC), P Dew (W&F), A Birtles & C Barnes (Clerk).

17 members of the public were present.

22/190 **Public Participation.**

Public Participation was sought in relation to the Whitehouse farm development reserved matters application. As there was no other participation the Chairman suggested that members of the public wishing to speak on the issue would be invited to do so during the discussion of that agenda item.

A member of the public complained that the Town Council had not done more to publicise their discussion of the Whitehouse Farm application or call a special meeting.

22/191 **District and County Councillors Participation.**

**Cllr Murray W&F, KSTC.**

Cllr Murray had begun discussions regarding the review of playgrounds. A publicity event was being planned in connection with concern about water quality at Franks Bridge. Westmorland and Furness Council had met and set its budget earlier in the day. Cllr Murray was pleased to see that the budget reflected the values of the council. He congratulated staff on the preparation of the budget noting that only three staff were formally employed. County and District Officers had compiled much of the budget work involved.

**Cllr Dew W&F, CCC, EDC, KSTC.**

The evaluation report on Appleby Fair 2022 was late being published. Police had examined legislation relating to the riding of sulkies on the public road in town by children and had not been able to identify a legal basis for preventing the activity. Westmorland and Furness Council had met today. The authority intended to introduce a doubling of the council tax charge on second homes in 2024. The conservative group had voted against the budget on the basis that the increase in charges had not been adequately justified. It had been decided by Westmorland and Furness Council that 'locality board' budgets would be halved relative to existing provision.

App.1

**Cllr Lancaster, EDC**

None.

22/192 **Participation of the Police**

None.

22/193 **Apologies & Welcomes**

17 members of the public were welcomed to the meeting. Apologies were received and accepted as follows:

1. Cllr Lynch (Work Commitments).
2. Cllr Wren (Work Commitments).

22/194 **Declarations & Dispensations**

There were no declarations

22/195 **Exclusion of Press & Public**

It was agreed that there was no a requirement for the press and public to be excluded from any part of the meeting.

22/196 **Minutes.**

The Chairman was authorised to sign the draft minutes of the Ordinary Meeting held on 7 February 2023 as a true record.

22/197 **Planning.**

20/0561: WHITEHOUSE FARM HIGH STREET KIRKBY STEPHEN CA17 4SH.  
Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 17/0263.

The Clerk summarised the council's previous responses to the applications for development at White House Farm.

The Council had last commented on the application at two meetings in 2020. An ordinary meeting on the 8<sup>th</sup> September 2020 in public participation, minute 20/035 related to discussion of the issue and in an extraordinary meeting on the 15<sup>th</sup> September convened for the purpose of discussing this single issue following a meeting with the developers' representatives and a number of councillors. The Clerk read out extracts from those minutes relating to discussion of the relationship of the development in relation to the ridge line and the impact of the scheme in terms of visual impact and the green setting of the town in particular.

Clarification had been obtained from the planning department (EDC) at that time by Cllr Lancaster that the ridge line referred to the land and not to the tree or sky line.

The council had not objected to the applications 17/0263, 20/0561 but had raised 5 issues which it had said should be controlled by condition. Two in relation to visual impact (Ridge Line/Green setting) and three in relation to drainage and specific neighbour concerns connected to phase 1 which had been addressed directly by the developer with the persons concerned.

The council's concerns regarding the breach of the ridge line were incorporated into the original outline consent dated 31 August 2017 under the heading 'Informative'. 3. The applicant is advised to ensure that the proposal is designed in such a way as to prevent any housing rises above the natural ridge line upon

this site'.

There had been no further re-consultation on the development since September 2020. The clerk had spoken to the planning officer (Eden District Council) in advance of this meeting and had obtained a copy of the superseded plan, PA 03 A (which was no longer available on the website) in order that councillors could see the proposed changes on which they were being asked to comment. Councillors also referred to an 'indicative site layout plan' dated 31/3/2017 attached to the application showing a 'Landscape Buffer' protecting the ridge line. The updated drawings were compared with this and the superseded plan. The differing house types and reduced density of development were noted as was the fact that the landscape buffer relative to the ridge line had not been observed in relation to the proposals on which the council was being consulted now. The planning officer had commented in an email which was read out that:

*'The agent has confirmed that this had been considered in the design and siting of the properties and has confirmed that the submitted plans include views from Nateby Road (PA23), in which the ridges and chimneys of some of the highest properties can be seen through the understory of the retained trees from Nateby Road. However, this is because the hedges or garden fences haven't been shown, which would be on the ridge. – The agent has offered to submit a plan showing these features to demonstrate how the development would not be visible over the ridge.'*

The Clerk had received an email from the agent in which he had stated that: *'The development will be screened by the ridge from Nateby Road.'*

A member of the public spoke in connection with tree surveys on the site and the likely impact of Ash Dieback, the ownership of trees, hedges, fencing and garden buildings within the boundary of individual properties on the ridge line (making protection and the enforcement of conditions difficult) and reducing the natural screening available. They had spoken to the developer who they said had asked 'how high' they would like the fence on the ridge line. This raised the prospect that instead of the development being screened by the ridge it could in effect be screened by a perimeter fence on the ridge which would be visible from Nateby Road and the Railway Walk. They raised a further concern about the visibility of the development/fence over the ridge line from the popular railway walk. They claimed that the development would be visible from this receptor. The properties adjacent to the ridge line were all three-story properties and it was believed that they would be visible above the ridge line.

A member of the public resident in Phase 1 of the development raised a concern about their property (on Elderberry Drive) being overlooked and overshadowed by overbearing development in Phase 2. They showed a drawing showing that the land form to the south of their property was raised and stated that the overall height of the plans for the phase 2 properties to be constructed adjacent to theirs and taking this into account was in excess of 11 metres. They were seeking amendments to the design of phase 2 specifically to mitigate this. A councillor raised the issue of a recent test case involving residents overlooked by the viewing platform at London's Tate Modern commenting that the case had potentially altered the position on the issue of 'overlooking'.

A member of the public raised concerns about the overall scale of the development relative to the burdens it would place on school provision and medical provision in the town.

Further participation amplified the points already made. The Chairman asked members of the public attending what their solution to the issues raised would be. Suggestions included setting the higher properties lower relative to the ridge line and in respect of the properties overshadowed by overbearing development on Elderberry Drive setting the properties further south and retaining existing hedges perimeters or deleting these houses from the development.

Councillors discussed the issues involved and voted unanimously to OBJECT to the application on the basis of Visual Amenity/Impact in respect of the issue of the ridge line and the visibility of the development from Nateby road and the railway walk.

Councillors referred to the application form 20/0561 and noted that question 6 'Can the site be seen from a public road, public footpath, bridleway or other public land?' was incorrectly answered with a 'No'.

Councillors were of a unanimous view that the development should be screened by the ridge line (land) from Nateby road, the railway walk and the National Park. No part of the scheme should be visible over the ridge line. The gardens which would form the perimeter to the east on the ridge line should be controlled by condition that would prevent structures being erected on their perimeter with provision for the maintenance of screening (trees) being made and enforced as a planning condition.

Councillors were of a unanimous view that the issues raised by the resident of Elderberry drive (Phase 1) should be addressed by direct negotiation and mitigated by the developer.

Councillors noted that this was a reserved matters application and confirmed that the general principle of development was supported. The council had however been consistent in relation to its opposition to the breaching of the ridge line in its responses to 17/0263 and 20/0561. The reserved matters consultation as presented did not adequately address its concerns and it was agreed that the scheme needed to be reviewed and altered as necessary to take account of these concerns.

Councillors were happy with the general approach to housing mix/density & type together with solar panels and EV charging arrangements as proposed.

22/198 **Planning.**

23/0072: LAND OFF CROGLAM PARK, ROWGATE, KIRKBY STEPHEN CUMBRIA. Modification of S106 agreement regarding affordable housing, attached to approval 19/0913.

Councillors AGREED that they were unable to comment owing to the fact that the attachment (Viability Study) referred to in the application was not available

on the website. Councillors were generally opposed to the idea of modifying such agreements but recognised a change in market conditions. It was agreed to ask for sight of the 'Viability Study' and an extension of time to consider a response.

**22/199 Planning.**

23/0018: 20 NORTH ROAD, KIRKBY STEPHEN, CA17 4RH. Proposed link extension and alterations to existing rear outbuilding.

Councillors has 'NO OBJECTIONS' to the application.

**22/200 Evergreen Community Trust.**

Cllr Dew – reported that: the work was proceeding on the instruction of trustees. A new roof has been fitted, walls stripped in preparation for insulation and doors and windows would be arriving next week. It was anticipated that completion of the first phases by 31 March was likely. Heads of Terms for a lease to Kirkby Stephen Youth Centre (KSYC) were being formulated and KSYC had been commissioned to work on a sexual health project by Eden Local Committee. Cllr Lancaster confirmed that there would be a meeting of KSYC on Monday night.

**22/201 Transport Audit | Saturday Bus Service**

Cllr Walker – reported that financial support had been received from Penrith Town Council (£1,352) and Kirkby Thore Parish Council (£660) responses were awaited from Appleby, Brough and Warcop although further support was anticipated for the 16 week trial of the new 563 service.

It was agreed that the Clerk would complete the Stagecoach agreement as circulated to councillors by Cllr Walker in advance of the meeting.

Stagecoach had agreed to facilitate the extension of the £2 fare to the service crediting £4.88 for each £2 fare.

After discussion it was decided to promote the new bus service and new timetable from April noting the likely change in the railway timetable in May with an advisory note included in the print.

Councillors were reminded that the provision of the service was contingent on Stagecoach retaining the school's contract.

Formal approval of the use of the Station Yard for turning was still required.

**22/202 Jubilee Park**

It was reported that funds had been received from Inspire Eden.

Councillors agreed in principle to the terms of the online banking mandate for the HSBC Jubilee charity account which required sole authorisation for a primary user. It was agreed that the Clerk would act as primary user and proceed with the application.

**22/203 Finance**

The schedules of receipts and payments and bank reconciliation for the month of February 2023 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC.

The closing balance of £143,985.59 was noted.

22/204 **Portfolios**

**1. Town Council Administration.** Local Council Elections 2023. Electoral services had produced an election timetable with the following key dates:

- Notice of Election, Monday March 20.
- Last day for the delivery of nomination papers, Tuesday April 4 at 4:00pm
- Notice of Poll, Tuesday April 25.
- Polling Day, Thursday May 4.
- Return of Election Expenses forms, Thurs June 1.

The clerk would attend an election briefing on the 14<sup>th</sup> March and would circulate councillors with further information and publish details on the council's website.

Councillors or any member of the public wishing to stand as a councillor would need to complete nomination forms which would be made available by the Clerk. Electoral Services had asked Clerks to collate applications on their behalf.

Those wishing to have forms delivered to Electoral Services by the Clerk should attend local links to go through the paper work and have nomination papers checked by the Clerk before the final deadline of 3:00pm on the 3<sup>rd</sup> April.

**2. Property.** Repairs to the staircase at the Upper Eden Visitor Centre were due to start week commencing 13 March. The lease to the Upper Eden Visitor Centre had been presented and was being inspected by the Upper Eden CIC. Progress was anticipated. The Upper Eden CIC had in anticipation of agreement accepted an invoice for the rent of £2,500 payable in the current financial year.

**3. Open Spaces.** Silver Street Gardens, detailed feedback from Highways had been given and fed back to the designer YAM architects. No progress had been made with grass cutting/employment owing to capacity issues.

**4. Community Planning.** None

**5. Community.** The Chairman had attended a 'teams' meeting regarding unitarisation but the meeting had broken up owing to technical reasons.

**6. Highways.**

- Concern was expressed about the advertising stickers applied to the council's bus stops. One of the stickers had recently been vandalised. The stickers provided opportunities for concealment which had facilitated inappropriate use of the bus stops. Cllr Murray would discuss the issue with Walkers are Welcome and report back. Currently no term was agreed for the stickers to remain in place, some of the advertising was out of date and it was agreed that transparency was part of the design of the bus stop and provided for public surveillance.
- The Victoria Square one way system was on hold while further consideration was given to the scheme.
- Hartley Road junction markings had been refreshed. A Traffic Regulation Order was required to deal with the other side of the road. A misalignment of the Market Square 'no entry' sign was noted.

- Traffic Wardens had recently visited the town and a number of tickets had been issued.
- New Steps at Edensyde were noted with approval. It was noted that gating was required to be completed.

**7. Tourism and Events.**

- The Easter Rally had attracted a significant entry of vehicles and was anticipated to be busy. Activities were likely to centre more on Kirkby Stephen than Brough.
- Councillors were shown a proposal (prepared by the Chairman) including an arrangement of flags to celebrate the coronation on the market square pole. He would develop and cost the scheme further.

22/205 **Meetings/Diary**

- Installation of Rev. Brendan Giblin at Kirby Stephen Church, 28<sup>th</sup> March 2023 (Cllrs Dew, Birtles, Lancaster & Richardson would attend)
- Ordinary Meeting, 11 April 2023

DRAFT

## Appendix 1

Report to Kirkby Stephen Town Council – 7 March, 2023 [Phil Dew]

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### **Evergreen Community Trust**

The refurbishment project is making steady progress

- The roof panels have been fitted and the interior stripped out ready to be dry lined with insulating boards. The work is on schedule
- There has been some positive progress on opening a bank account
- The Evergreen project is being coordinated by the trustees – Oli Luke, Gary Hartley, Paul Richardson, Alex Birtles and Phil Dew [Chair] with the support of Christian Barnes [Administrator]. The trustees are solely responsible for fund raising and commissioning the work. No other parties are involved in the project
- Heads of Terms are being drawn up for agreement with Kirkby Stephen Youth Centre.
- The Youth Centre is currently working with Eden Youth Council on sexual health provision in Eden's secondary schools

### **A66**

The Examination [similar to a public enquiry] began on 29 November

- Local councillors met with Guy Kenyon, the CCC lead, for a briefing on 15 February, 2023. The meeting was poorly attended by new councillors

### **Public Transport**

Western Dales Bus [WDB] is currently reviewing its time table and proposing the following amendments

- Cancel the S4 service to Dent
- Run the S6 service to Penrith on Tuesday and Thursday
- Move the S5 service to Kendal from Thursday to Wednesday

### **Highways**

Work is proceeding as planned

- A design is still being completed for a controlled pedestrian crossing adjacent to the High Street Spar. This will then be added to the Minor Improvements list and hopefully installed in 2023/24. There is no intention to move the crossing from its current location but pedestrian access will be improved.
- An 'access only' sign is being prepared for Croglam Lane which will be paid for by the Town Council.
- I've asked for the 'No Entry' markings in the Market Square adjacent to the newsagents to be refreshed but there isn't any money left in the budget so this won't be done until the new financial year
- The works order for improvements to the signage has been produced
- The parking restrictions in the vicinity of the primary school will be installed out of term time
- The Hartley Road junction has been realigned
- The Victoria Square one way system has been put on hold for further consultation

### **Cumbria County Council**

The last meeting of the council is on 23 March, 2023.

- Due to changes in legislation the local Household Waste Recycling Centre in Kirkby Stephen will no longer be able to accept waste upholstered domestic seating



### **Eden District Council**

The last meeting of the council is on 30 March, 2023.

- Blue bag collection has been changed to Wednesday in order to rationalise the service

### **CCC Eden Local Committee**

The Children and Young People's Working Group, which I chair, met for the last time on 6 March, 2023:

- The group has approved numerous grants for youth oriented projects over the past several years and supported youth provision in Alston, Penrith, Appleby and most recently Kirkby Stephen
- The group has commissioned several innovative projects relating to CYP mental health and wellbeing; healthy lifestyle and inclusive physical activity.
- The group has close connections with Cumbria Family Support, Eden Youth Council, Eden Youth Hub and Huntley Avenue LA children's home

### **Westmorland and Furness Shadow Authority**

Various meetings have taken place

- The Council met on 7 March, 2023, to agree the budget which includes a 4.99% increase in Council Tax [5.95% for Eden]. The budget was approved by majority vote but the Conservative Group voted against because the case for a council tax increase has not been justified
- Interestingly, Locality Boards will receive significantly less funding than the CCC equivalent Local Committees - despite the administration paying lip service to devolution. The funds will be retained centrally and distributed on a whim. It's worth noting that I have lobbied hard for locality boards, working groups and area planning committees over the past year – because it will ensure continuity going forward. Virginia Taylor, the portfolio holder, was convinced by the arguments put to her

### **Appleby Horse Fair**

The MASCG met on 28 February, 2023.

- Preparations are being made for the 2023 Fair
- The Evaluation Report for the 2022 Fair has been written in draft form and will be published shortly. It will include lessons learned from the 2022 Fair. Questions had been asked about children in charge of sulkies but apparently there is no lower age limit. The new Police and Crime Bill is unlikely to impact on the Fair going forward. Highways is looking again at ditching and bunding the A685 but there is currently no budget to carry out that work
- I met with the consultant, Steve Jarman, on 16 February, 2023, to discuss possible improvements to the Fair