

8 August 2023, Kirkby Stephen Town Council

Ordinary Meeting of Kirkby Stephen Town Council

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

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Starting at 6.45 pm at the Upper Eden Rugby Club, Pennine Park, Westgarth Road. CA17 4TF

Attending. Cllrs. P Richardson (Chairman), S Lancaster, M Hall, A Waite, P Dew (W&F), J Murray (W&F), D Thornton & C Barnes (Clerk).

16 members of the public attending

23/058 **Public Participation.**

A member of the public spoke to complain that the council had not publicised this meeting more widely to engage with the public over the White House Farm development or convened a special meeting for the purpose of discussing the application. She claimed that the houses in the scheme were visible above the ridgeline and that the application should not have been accepted on this basis by Westmorland and Furness' planning department and asked 'Why are we here?'

The Chairman answered that this was an ordinary meeting of the council and had been convened in the proper fashion with the required notice. The agenda and summons had been posted on the council's noticeboards, online and emailed to the council's subscription list on the 2nd August.

A member of the public complained that the Clerk had indicated support for the amended scheme in a press report Cumberland & Westmorland Herald (1 July). The clerk had not read the report and (correctly) denied that this was the case.

The chairman asked for any participation not related to White House farm. No issues were raised - members of the public wishing to speak on the matter of White House Farm would have an opportunity to participate during the discussion of that item.

23/059 **Westmorland & Furness Councillors' Participation**

Cllr Dew

The Evergreen Building had now been finished within budget, the funders had been thanked at a reception held on the 24th July and Kirkby Stephen Youth Centre would hold public open days on the 2nd & 3rd September for the community following which the Centre would be open as a dedicated youth space.

App.1

Highways issues as follows had been discussed:

1. Ditching and bunding along the A685 north of Kirkby Stephen as a means of controlling encampments during Phase 1 of the Appleby Horsefair.
2. The arrangement of parking outside the Pennine Hotel.
3. The pedestrian crossing in High Street remained ongoing.
4. Disabled parking at Green Tree Pharmacy.
5. A review of the planning and problems caused by United Utilities May 21 closure of the A685 in the Town Centre.
6. Problems caused by pavement parking on South Road for wheelchair users and prams being forced onto the road because of obstruction.

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Chairman's Initials

The Burial Board had met on the 15 June. It had emerged that the team responsible for the upkeep of the site intended to retire. Councillors congratulated the team on the excellent standard to which they had maintained the grounds. Going forward the Burial Board would need to recruit a new grounds maintenance operative or team.

The YDNPA had met on the 27 June, the local plan proposed 600 homes on 33 sites. It was proving increasingly difficult for local people to find anywhere to build and development often attracted fierce opposition.

Cllr Murray

The locality board had met in July, £250k was coming through from Cabinet which could be expended on schemes associated with active travel, walking, wheelchairs & cycling, etc.

Cabinet was working on ways to make requesting a 20mph limit easier for residents.

A planned road closure on the A66 for resurfacing 10-14 September would be instructive in relation to the mitigations required during the dualling of the A66.

23/060 Participation of the Police

None.

23/061 Apologies and Welcomes

Apologies were received and accepted from Alex Birtles and Grace Wren (Holiday)

Westmorland & Furness' case officer (planning) for the Whitehouse Farm application was unable to attend the meeting for family reasons but had prepared and sent a presentation to be shown in the meeting during discussion of that item.

16 members of the public were welcomed to the meeting.

23/062 Declarations and Dispensations

Councillors were reminded of the need to observe the need to make declarations when appropriate. Cllr Murray declared that as a member of the planning committee he would be unable to express a view in relation to the Whitehouse farm development (Item 5 on the agenda)

23/063 Exclusion of the Press and Public

It was resolved that Press and Public would not be excluded from any part of the meeting the grounds that publicity would prejudice the public interest by reason of the confidential nature of the business.

23/064 Minutes

The Chairman was authorised to sign the minutes of both meetings held on the 16 June 2023 as a true record subject to two minor corrections.

23/065 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. As amended.

In the absence of the Case Officer Planning W&F the Clerk projected the presentation they had prepared for the meeting.

App.2

Overlooking at Elderberry Drive

A resident of Elderberry Drive affected by overshadowing in the previous application spoke to confirm that the revised plans (setting the Phase 2 house 10 metres back from the previous position and providing a fence) would 'work for us'. The resident was seeking reassurance that the fence would be built as roads and pavements adjacent to their property had not been finished. A question arose as to the ownership of the land on which the fence would be built and upon which a timber 'crib' wall would be constructed to stabilise levels between the properties. The resident asked that a restrictive covenant be applied as a condition of the planning consent to provide for the maintenance of these structures. The householder also sought that a restrictive covenant be applied to the higher Phase 2 properties that would prevent the householders from developing dormer windows or roof lights or extending upwards in such a way as to overlook the properties on Elderberry Drive. The resident noted that it was intended that the current mature hedge would be removed and was seeking its retention if possible. It was said that a combination of hedge and fence would be the most appropriate solution.

A councillor commented that the road and pavement along the A685 together with the path access at the southern end of phase 1 were not completed or finished to an adoptable standard and that all liabilities for these areas currently rested with the developers.

A question was asked as to the eventual ownership and management of the EVA route (Grasscrete)

Ridge Line & Visibility from the East

A resident raised her concerns regarding the visibility of the development from the east above the ridgeline specifically the Railway Walk and Nateby Road. The developer had reduced the height of the buildings at the top of the site by two metres in the amended plans. The amended plans showed that the development would not be visible from the upper storey of a house on Nateby Road with the roof lines being significantly below the ridge line (land) taken from that angle. The resident asked what would happen if the houses were visible? She said that the development would still be visible from Tailbrigg. The resident and others present said that they did not trust the drawings produced by the developer and described the changes as marginal. Members of the public felt that drawings showing exact measurements should have been provided to support the claims made by the developer.

A councillor disputed that the difference was 'marginal'.

It was suggested by members of the public that conditions be sought in respect of the prohibition of chimneys to protect the skyline and that a further condition be sought in respect of the prohibition of garden structures (eg Summerhouses) at the edge of the site visible above the ridgeline.

The resident noted the progress made in achieving a compromise with the developer and thanked those involved for listening.

Further Comments

Further comments were made as to the proposed provision of a link to the KS11 site.

Further concerns were raised regarding the protection of trees on the site.

There was further discussion of drainage issues and the use of attenuation ponds to slow the movement of water in to the combined sewer in South Road.

It was confirmed that a section 106 agreement was in place in respect of the development with the funds arising from this accruing to Westmorland and Furness Council for public benefit with 30% of the development being classified as affordable.

Several members of the public resident in Phase 1 reiterated their dissatisfaction with the present condition of paths and footways.

It was said by a member of the public that a previous condition on the consent to Phase 1 had required the finishing of the roads and pavements to an adoptable standard.

A resident of Manor Court expressed concern about drainage issues and would welcome technical reassurance from the developer that the management of surface water during the construction phase and in the design of the finished scheme would be appropriately managed.

The Chairman asked councillors for their views. All present except Cllr Murray (who did not express a view having previously declared an interest as a member of W&F planning committee) were of the view that the developers had responded to the feedback given by the Town Council and Planning Officer and had amended their designs to address the concerns raised by both the Town Council and residents. Councillors noted the mistrust of the developer's drawings expressed by residents present.

It was RESOLVED that the council had NO OBJECTION to the amended scheme but would seek the application of specific conditions by the planning authority as follows:

1. Elderberry Drive, a restrictive covenant or other arrangement should be sought to secure the management, maintenance and ownership responsibility associated with the fence/hedge between Phase 1 and Phase 2 adjacent to Elderberry Drive.
2. Elderberry Drive, a restrictive covenant or other arrangement should be sought to secure the management, maintenance and ownership responsibility associated with the crib wall between Phases 1 and 2 adjacent to Elderberry Drive.
3. Elderberry Drive, a restrictive covenant or other arrangement should be sought to secure the management, maintenance and ownership responsibility associated with the EVA route between Phase 1 and Phase 2 adjacent to Elderberry Drive.
4. Elderberry Drive, a restrictive covenant should be imposed to prevent the occupiers/owners of houses adjacent to Elderberry Drive developing dormer windows or roof lights or extending upwards in such a way as to overlook the properties on Elderberry Drive and breaching the fence line.

5. Ridgeline, a restrictive covenant should be sought to prevent the installation and retrofitting of chimneys visible over the ridgeline to prevent the development being visible from Nateby Road/Railway walk.
6. Ridgeline, a restrictive covenant should be sought to prevent the owners/occupiers of the houses closest to the ridgeline from erecting garden structures including summerhouses and sheds in the buffer zone adjacent to the ridge line in order to prevent the development being visible above the ridge line from Nateby Road/Railway walk.
7. Drainage issues adjacent to the development. It is requested that the Construction Management Plan addresses and proactively mitigates the risk of surface water flooding to the rear of the properties at 1-10 South Road and Thorne Mount and Manor Court during construction. The planning authority is asked to satisfy itself that the designed measures will be adequate and the adjacent properties will be protected from surface water flooding associated with the development.

23/066 **Christian Head Carpark unauthorised camping overnight.**

A small group of vehicles had been camped in the Christian Head carpark between the 24th June and the 3rd July. Reports had been received from 3 members of the public raising concerns. In the clerk's absence the Chairman (accompanied by the Police) had approached the individuals involved and they had agreed to move on.

The obligation to prevent overnight camping in the Christian Head car park arises from the 2018 lease of the Carpark to KSTC from Cumbria County Council. The Clerk had enquired as to the legal position in the event that a request to move on is resisted. Any action taken (that is resisted) would involve an injunction (specific to the individuals involved), the police and legal expenses. Action of this type would require full council approval. The costs of enforcement would ultimately be paid by Kirkby Stephen residents as carparking is currently provided free. The council must make sure that what it spends is proportionate to the need arising. The Jubilee layby closure during phase 1 of the Appleby Horse Fair had potentially created a situation where in the lead up to the fair other sites in the town might be occupied by fairgoers displaced from this location and Christian Head could be occupied in this way.

The council had received a constructive suggestion from a member of the public that the council might deal with this issue best by setting up a height restrictor at the entrance to the carpark. It had also been suggested that overnight camping might be permitted and charged for subject to agreement with the freeholder (Westmorland and Furness Council). Objections to this suggestion had been raised in respect of the risk of toilets being emptied into the drains, the cost of management and the fact that some of the contact from members of the public had been in connection with adults accompanying children from school feeling uncomfortable walking through an encampment.

Councillors discussed the possibility of including the Christian Head Carpark in any future re-engineering of the Highway outside the school in order to accommodate school buses where recent development at the Industrial Estate (Commercial), Soulby Road (Domestic) and in the grounds below Stobars Hall adjacent to the Industrial Estate (Domestic) had created a demand for the improvement of highway infrastructure. It was agreed that the Clerk would

explore the issue including the use of a height restrictor with Highways officers and report back to a future meeting.

23/067 Correspondence

Town Plan. A member of the public was thanked for her correspondence in respect of the Town Plan. It was noted that much of what was referred to was in fact in the draft plan circulated with the agenda for discussion. It was confirmed in relation to a specific concern that the provisions of the lease allow the building to be occupied by the CIC to provide a Visitor Information Centre on a revenue neutral basis.

Civility and Respect. Councillors were broadly in favour of the Civility and Respect initiative and the associated pledge. The Clerk expressed reservations regarding the extensive commitments required of the council by the initiative and low confidence in the procedures and legislative framework now in place regarding standards in public life. It was resolved to look further at this initiative. The Clerk would invite a representative of CALC to speak to the council on the topic.

23/068 Upper Eden Visitor Information Centre

It was resolved that the council would sign the lease to the Upper Eden Community Interest Company which had been circulated to Councillors in advance of the meeting. Cllrs Richardson and Murray would sign for the Council witnessed by the Clerk.

23/069 Council Plan.

In view of the time taken up by discussion of the White House Farm application Councillors agreed to convene a special meeting (7 September at 6:45) for the sole purpose of working through the plan identifying leads and in year priorities. It was accepted that the plan as it stood contained deliverables over the life of the council and that identifying what could be delivered in year prior to next year's review would be key.

23/070 Chairman's remarks

The Chairman had invited the following to take part in a meeting to discuss the impact of the Appleby Horse Fair on Kirkby Stephen and the Upper Eden area in the next few months: for Westmorland and Furness the meeting would be attended by the 'Director of Thriving Communities'/Chair MASCG, Senior Manager Safe and Strong Communities together with Cllrs Dew and Murray and for Kirkby Stephen Town Council the Clerk and himself. It was hoped that future development and improvements could be identified and planned for going forward.

23/071 Clerk update

Following the meeting with the owners of Stenkrieth Park. A copy of the 1962 agreement currently in force had been sent to the council. Councillors would be circulated with a copy; The Chairman and Cllr Birtles had seen the agreement. It was accepted that the agreement was out of date, did not reflect the current or future ownership of the site or provide for changes including the construction of the millenium footbridge. The owners intended to arrange for the drafting of a new agreement which they intended to offer to the council. It was noted that the landlords' responsibilities under the agreement were negligible.

Cllr Birtles had suggested an alternative approach to the renegotiation based on agreeing 'Head of Terms' prior to the offer of an agreement.

The clerk felt that it would potentially be useful to research the listing of the Park as an Asset of Community Value.

The collapsed culvert at the centre of Stenkrith had now been repaired.

A councillor suggested that the council consider making an offer to purchase the park.

Improvements to the perimeter and entrance of the park had been submitted to the locality board for consideration for grant funding.

The clerk had obtained terms of reference for the finance and planning committees for Appleby Town Council and was reviewing them. Councillors discussed possible membership of each. The matter would come to a future meeting.

Silver Street Gardens. Highways had indicated agreement in principle regarding proposed vehicle access which would allow the scheme to proceed to planning. An application to the Land Registry (voluntary registration) was required. The planning process would trigger the stopping up of the Highway required to reduce the area of pavement.

23/072 Transport Audit/ 563

Cllr Waite had prepared a report circulated with the agenda which councillors noted. A meeting with David Rich Commercial Manager of Stagecoach would be arranged in August, a date for this was yet to be confirmed. There was some discussion for the potential to seek to connect/extend services in the direction of Sedbergh and Kendal. A view was expressed that care needed to be taken not to disrupt or damage existing services.

It was RESOLVED to delegate expenditure on time tables and promotion to Cllr Waite/Chairman and the Clerk as recommended in the report.

23/073 External Audit/AGAR

Councillors APPROVED the addendum and revision of the Annual Accounting Statement signed by the RFO and dated 25 July 2023, following feedback from the external auditor.

23/074 Finance

1. The schedules of receipts and payments and bank reconciliation for the months of June & July 2023 were received and APPROVED together with forward approval 'in principle' of regular/budgeted payments, Salaries, PAYE & NIC.
2. Councillors noted and APPROVED the closure of the equals account and the transfer of the remaining balance to the Cumberland Account.
3. The bank reconciliations for June (£201,429.68) and July (£195,709.75) were noted and APPROVED.
4. The budget monitor Qtr 1 was presented and APPROVED.

23/075 Upcoming Diary

27 August, Carboot Sale in the Market Place.

27 August, On Yer Bike, Charity Fundraiser, Upper Eden Rugby Club.

- 2/3 September (Weekend), Opening of the Kirkby Stephen Youth Centre.
- 4 September (Monday), Cllr Thornton W&F Kirkby Stephen Walk around re roads & traffic.
- 5 September (Tuesday), Ordinary Meeting Kirkby Stephen Town Council.
- 7 September (Thursday), Meeting of Councillors to prioritise actions in the Council Plan - 6.45pm at Local Links.
- 11 September (Monday), Area Planning Meeting (W&F).
- 23/24 September (Weekend), 1940's week - Stainmore Railway.
- 29 October (Sunday), Halloween.
- 12 November (Sunday), Xmas Fair.
- 25 November (Saturday), Xmas Lights Switch on.

6 June 2024, D Day Commemoration – 80th Anniversary.

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Chairman

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Date

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Chairman's Initials

Appendix 1

Report of Cllr Dew (W&F)

Evergreen Community Trust

The refurbishment project has been successfully completed within budget

- An open afternoon was held on Monday, 24 July, 2023, which was attended by funders. A report was published in the Herald newspaper on Saturday, 29 July, 2023
- A lease is currently being drawn up ready to sign prior to the handover to Kirkby Stephen Youth Centre
- The youth centre will open at the beginning of September with an event planned for Saturday, 2 September, 2023
- The youth centre has been awarded a grant from the Better Tomorrows fund which will enable two part time youth workers to be employed

Public Transport

Any plans to enhance or extend the 563 Saturday service need to bear in mind the impact on existing services - such as those provided by Western Dales Bus and Cumbria Classic Coaches – as per the law of unintended consequences

Highways

There are various highways matters to report

- 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 the 2023/24 financial year.
- The Highways Network Manager visited Kirkby Stephen on Wednesday, 28 June, 2023. We discussed the A66 dualling mitigations, including parking provision for South Road, and an Independent Safety Audit which will be carried out on land adjacent to the Pennine Hotel.
- A meeting is taking place with United Utilities representatives on Wednesday, 9 August, 2023, to discuss the road closure which occurred on Sunday, 21 May, 2023 – including lessons learned
- The Streetworks Team has been commissioned to complete the surfacing of the footway adjacent to the White House Farm development on South Road
- Inconsiderate pavement parking on South Road is making it impossible for pedestrians with pushchairs and mobility scooters to traverse the footway safely

Appleby Horse Fair

The 2023 Fair passed relatively peacefully but there was some anti-social behaviour in Kirkby Stephen

- A post-Fair meeting was held in Appleby on Wednesday, 5 July, 2023
- The 2023 Evaluation Report has yet to be published which will summarise the relevant data and lessons learned

- Steph Cordon, the Chair of the Multi Agency Strategic Coordinating Group will visit Kirkby Stephen in September to receive relevant feedback

Burial Board

The Burial Board met on Tuesday, 13 June, 2023

- The board is financially sound
- The maintenance team which looks after the cemetery is retiring in October, 2023. A replacement is being sought

Yorkshire Dales National Park

The AGM was held on Tuesday, 27 June, 2023

- A new Local Plan is being prepared for the National Park which is proposing the building of up to six hundred new houses by 2040. This is proving controversial. A working group has been set up and a final decision will be taken in September.

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Appendix 2

Case Officer's Powerpoint Re Agenda Item 5. White House Farm (Reserved Matters)

[Click Here](#)

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