



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: office@penrithtowncouncil.gov.uk

DATE: 27 February 2023

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 6 March 2023, at 1.30pm and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at Unit 2, Church House, 19-24 Friargate, Penrith.

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am on the Friday prior to the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 10.00am on the day of the meeting at the latest) by emailing office@penrithtowncouncil.co.uk

COMMITTEE MEMBERSHIP

Cllr M Clark	South Ward	Cllr. C Shepherd	East Ward
Cllr Kenyon	North Ward	Cllr. M Shepherd	North Ward
Cllr Knaggs	West Ward	Cllr Snell	West Ward
Cllr Lawson	Carleton Ward		

Mrs V. Tunnadine, Town Clerk

Public Participation

Members of the public are welcome to attend. Details about how to attend the meeting remotely, and how to comment on an agenda item are available on the Town Council Website.

Filming

Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.

Please be advised that the Town Council does not record or live stream meetings.

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

General Power of Competence

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

AGENDA FOR THE MEETING OF PLANNING COMMITTEE 6 MARCH 2023

PART I

1. Apologies For Absence

Receive apologies from Members.

2. Minutes

Authorise the Chair to sign, as a correct record, the minutes of the meeting of the Planning Committee held on Monday 6 February 2023 and agree they be signed as such, when permissible.

3. Declarations of Interests and Requests for Dispensations

Receive declarations by Members of interests in respect of items on this agenda and apply for a dispensation to remain, speak and/or vote during consideration of that item.

ADVICE NOTE:

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Monitoring Officer at least 24 hours in advance of the meeting

4. Public Participation

Receive any questions or representations which have been received from members of the public. A period of up to 15 minutes for members of the public to ask questions or submit comments.

ADVICE NOTE:

Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda. The public must make a request in writing to the Town Clerk **PRIOR** to the meeting, when possible. A member of the public can speak for up to three minutes. A question shall not require a response at the meeting nor start a debate on the question. The chair of the meeting may direct that a written or oral response be given

5. EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960

Determine whether item/s should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

To go immediately prior to excluded item add a note to the item on the agenda to explain the reason and which in turn would form part of the resolution

6. Community Infrastructure Levy (CIL) Report

To consider and approve the attached report.

7. Review of Planning Policies

To review and approve the attached policies

- a) Planning Protocol
- b) Developer Engagement Policy

8. Castle Park

To note the response of the Assistant Director Policy in respect of the letter sent regarding the planning application for Castle Park.

9. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Planning application number:	23/0073
Site address:	6 TULIP GARDENS PENRITH CUMBRIA CA11 8BY
Description:	Single storey side extension.
Response	No objection, off road parking is reconfigured but remains the same.

Planning application number:	23/0104
Site address:	WHITE GABLES WORDSWORTH STREET PENRITH CA11 7QY
Description:	Fell Sycamore.
Response	No Objection

Planning application number:	23/0085
Site address:	14 JUNIPER WAY PENRITH CA11 8UF
Description:	Prior Notification for a single storey rear extension.
Response	No Objection

Planning application number:	23/0026
Site address:	15 ROMAN ROAD PENRITH CA11 8DZ
Description:	Prior Notification for a single storey rear extension.
Response	No Objection

Planning application number:	23/0108
Site address:	9 BEACON CLOSE PENRITH CA11 8QH
Description:	Tree works in Conservation area comprising: remove 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, 13 and significantly reduce the height and width of others along the boundary fence. Remove 14 and 16 and prune weeping tree (17).
Response	No objection but would like to see some replacement planting of native trees/shrubs for biodiversity and to help mitigate climate change

b) PLANNING APPLICATIONS FOR CONSIDERATION

Consider the following applications for which information can be found on the Eden District Council Website <http://eforms.eden.gov.uk/fastweb/search.asp> by inserting the appropriate planning reference number

Planning application number:	23/0064
Site address:	LAND OFF BEACON EDGE PENRITH CA11 8QH
Description:	Outline application for a residential development, with approval sought for access, layout and scale.

Planning application number:	22/0954
Site address:	CROSSFIELD FARM BOWSCAR PENRITH CA11 9NQ
Description:	Creation of haulage yard with associated workshop, vehicle wash area, parking, package treatment plant, landscaping and access.

Planning application number:	23/0097
Site address:	PENRITH RAILWAY STATION ULLSWATER ROAD PENRITH CA11 7JQ
Description:	Listed Building Consent for the installation of a drinking water bottle refill station to the external wall of the station on Platform 1.

Planning application number:	23/0037
Site address:	LAND NORTH OF EDEN BUSINES PARK COWPER ROAD PENRITH CA11 9FW
Description:	Outline application for Class B2, Class B8 and Class E(g) development, with approval sought for access.

10. Next Meeting

Note the next meeting of this Committee is scheduled for 5 June 2023

PART II PRIVATE SECTION

There are no further items in this part of the Agenda.

FOR THE INFORMATION OF ALL MEMBERS OF THE PLANNING COMMITTEE AND FOR INFORMATION TO ALL REMAINING MEMBERS OF THE TOWN COUNCIL

Access To Information

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website or, in the case of planning applications, the link to applications on the Eden District Council Website can be found above

Background Papers

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Town Clerk address overleaf between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via office@penrithtowncouncil.co.uk



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DRAFT Minutes of the meeting of

PLANNING COMMITTEE

Held on **Monday 6 February 2023**, at 2.30pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PRESENT

Cllr M Clark	South Ward
Cllr Kenyon	North Ward
Cllr Knaggs	West Ward
Cllr C Shepherd	East Ward
Cllr M Shepherd	North Ward
Cllr Snell	West Ward

Deputy Town Clerk

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

MINUTES FOR THE MEETING OF PLANNING COMMITTEE 6 FEBRUARY 2023

PART I

PL22/198 Apologies for Absence

Apologies for absence with reasons were received from Councillor Lawson.

Councillor Knaggs gave apologies that he had to leave the meeting at 3.40 for a prior engagement.

PL22/199 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 9 January 2023 and agreed they be signed as such.

PL22/200 Declaration of Interests and Requests for Dispensations

Members were asked to disclose their interests in matters to be discussed whether disclosable pecuniary or other registrable interest, and to decide requests for dispensations.

1. Councillor C Shepherd declared a registrable interest as he was an officer in Penrith Ramblers who had objected to application 22/0995. He also declared that the Ramblers had been involved in discussions about changes to the A66 however it was about areas outside Penrith Parish boundary.

PL22/201 Public Participation

Members noted that there were no questions or representations that had been received from members of the public prior to the meeting.

Members were provided with written submissions received from members of the public who were unable to attend the meeting with regard to applications 22/0989 and 22/0995.

PL22/202 EXCLUDED ITEM: Public Bodies (Admission to Meetings) Act 1960

Members considered whether any items on the agenda should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, and agreed that there were no applications to be considered without the press or public present.

PL22/203 A66 Northern Trans Pennine Re-Consultation

Members considered the revisions to the A66 Northern Trans Pennine Project in respect of Penrith. The proposals are:

- Change in speed limit of A66 west of J40 to 30mph eastbound and westbound between the railway bridge and J40 so there was no need of a merge and diverge lane at the auction.
- Realign the walking and cycling route at Skirsgill so that the footpath is diverted from the slip road and redirected alongside the boundary of the Skirsgill depot to the north.
- Change the shape of Kemplay roundabout from an oval aligned east west to aligned north south to enable traffic phases to be simplified, reduce excavation required for the underpass and shorten construction programme.

RESOLVED THAT:

A response be returned to National Highways accepting the changes proposed.

PL22/204 Planning Applications

a) Delegated Responses

Members noted the planning responses submitted by the Deputy Town Clerk under delegated authority on behalf of the committee between the scheduled meetings of the Committee:

Planning application number:	22/0973
Site address:	49 PENNY HILL PARK PENRITH CA11 9JW
Description:	Single story rear extension.
Response	No Objection

Planning application number:	22/0978
Site address:	CARLETON HEIGHTS PENRITH
Description:	Discharge of conditions 15 (attenuation basins and swales), 20 (surface treatments, landscaping and path details and maintenance schedule), 21 (surface treatments, landscaping and path details and maintenance schedule), attached to approval 08/0291.
Response	No Objection

b) Planning Applications Considered

Members considered the following applications which had been received and which required a committee decision. Further information could be found on the Eden District Council Website <https://plansearch.eden.gov.uk/fastweb/> by inserting the appropriate planning reference number.

Planning application number:	22/0943
Site address:	LAND NORTH OF KEMPLAY FOOT FARM KEMPLAY FOOT EAMONT BRIDGE PENRITH CA10 2BD
Description:	Outline application for a residential development, with all matters reserved.
Response:	<p>RESOLVED THAT a response be returned to Eden District Council stating that the Town Council is unable to comment at the present time due to a lack of detail regarding access, drainage, effect of emissions and nutrient neutrality requirements. Penrith Town Council would wish to see the additional information before making an informed response but would wish the following concerns to be taken into account:</p> <ol style="list-style-type: none">1. Although it is stated that this is a brownfield site, it is believed that any small buildings were knocked down some time ago and were outside the boundary being proposed for this application. This is therefore a greenfield site, not allocated within the local plan.2. The proposed access is through a gateway that is not a historic entrance. It is understood that this is also the route chosen by Highways England as the entrance to the construction compound for the work on the A66, there is no recognition of this in the application and how this will impact on the application site or residents of the proposed dwellings.3. The proposed dwellings will sit much higher than the older dwellings on a steeply sloping field and there is concern about drainage and surface water runoff affecting these older properties. There is no detail about how this will be managed either during the construction or afterwards.

Planning application number:	22/0943 (Continued)
Site address:	LAND NORTH OF KEMPLAY FOOT FARM KEMPLAY FOOT EAMONT BRIDGE PENRITH CA10 2BD
Response (Continued)	<p>4. As this site lies within close proximity to the River Eamont, a tributary of the Eden, there is no information about the nutrient neutrality requirements of the development. This is essential given the nature of the site.</p> <p>5. Given the proximity to a number of very old dwellings, including a toll cottage and on a main historic trade route into Penrith, Penrith Town Council would wish to see an archaeological survey carried out on the site and a report submitted.</p>

Planning application number:	22/0989
Site address:	LAND AT A6 AND B5305 STONEYBECK BOWSCAR PENRITH CA11 8RR
Description:	Outline application for Class E(g) and/or Class B2 and/or Class B8 development, with approval sought for access.
Response:	<p>RESOLVED THAT the following response objecting to the application be returned to Eden District Council.</p> <p>1. The proposed development is on a greenfield site on a main gateway to Penrith that is not allocated within the Eden Local Plan for development. Land is allocated in Policy PEN1 as an extension to Gilwilly Business Park, Skirsgill park with a longer term strategic growth opportunity at Newton Rigg College. This is therefore a departure from the now adopted Eden Local Plan and, if approved, would set a precedent for large scale development in the open countryside. New strategic growth should be steered in the first instance towards Newtown Rigg (PEN2 and PEN3 of the Eden Local Plan)</p>

Planning application number:	22/0989 (Continued)
Site address:	LAND AT A6 AND B5305 STONEYBECK BOWSCAR PENRITH CA11 8RR
Response (Continued)	<p>2. Although there is good access to the motorway, the land is not adjacent to Penrith with access for workers being on the whole by private car so not on a sustainable public transport route. It is on a single bus route (104) which is between Carlisle to Penrith although the location of the bus stop would mean pedestrians crossing busy roads. The site is some distance from the railway station.</p> <p>3. It is unlikely that workers from Penrith would walk or cycle to the site. The very busy A6 has no cycle lane or footpath and the suggested route along Inglewood road would take people along a busy unlit single track road without a footpath which is already quite heavily used by traffic. The road has already seen one fatality on it due to the speed travelled by vehicles has also seen a number of complaints reported to Cumbria Police.</p> <p>4. Any development on this site would be to the detriment of Penrith removing workers from the town. Office development or small workshops should be encouraged in the town centre in empty buildings to increase the vitality of the town centre.</p>

Planning application number:	22/0995
Site address:	BELLEVUE FARM SALKELD ROAD PENRITH CA11 8SG
Description:	Outline application for a residential development, with all matters reserved. Re-submission of 22/0036.
Response:	<p>RESOLVED THAT the following response objecting to the application be returned to Eden District Council.</p> <ol style="list-style-type: none"> 1. Although allocated within the Local Plan for development, this site sits just above Green Lane which is an appropriate definition of the end of the built environment of the town. 2. The application, although outline, indicates a potential 18 market led dwellings. It does not accord with Policy HS1 of the Eden Local Plan which seeks the provision of 30% affordable houses on schemes with 11 or more dwellings as it does not propose any affordable element. 3. The application is for 3 and 4 bed houses and does not accord to Policy HS4 of the Eden Local Plan as the Housing Needs Survey carried out by Eden District Council on behalf of the Town Council in 2018 clearly showed the need for affordable housing and bungalows which is still the case. 4. The access to the site is on a very busy route into Penrith and, if approaching Penrith, is just over a blind crest. There is concern that this is a highway safety issue due to the volume and speed of traffic using Salkeld Road. 5. The potential development will sit on a rising site above the existing development and Green lane. There is concern that, given the topography of the site, surface water runoff may affect the lane and houses below, not enough detail has been provided to give a detailed response on this aspect. 6. Given the proximity to the roman road and identified ancient ditch with runs alongside the site, it is strongly felt that an archaeological assessment should be undertaken should the Local Planning Authority be minded to recommend the application for approval

Planning application number:	22/0997
Site address:	LAND BETWEEN EAST LARCHES AND LYNWOOD BEACON EDGE PENRITH CUMBRIA
Description:	Outline application a dwelling, with approval sought for access.
Response:	<p>RESOLVED THAT a response of no objection be returned to Eden District Council with the following comments.</p> <ol style="list-style-type: none"> 1. Penrith Town Council feels that this is an infill development as Lynwood is seen as the edge of the built environment on Beacon Edge. The Town Council would wish to see no further development south of Lynwood. 2. The indicative plans show a house sympathetic to the environment and similar in size and character to the existing Victorian dwellings along Beacon Edge. Although the scale, character and materials will be considered at reserved matters stage, the Town Council would wish to see a design reflective of the houses already there. 3. A detailed landscaping scheme should be submitted at reserved matters which should include native trees and shrubs as appropriate.

Planning application number:	22/0412
Site address:	5 COCKELL HOUSE DROVERS LANE PENRITH CA11 9HF
Description:	Listed Building Consent for the replacement of timber and glass front door with composite and glass door.
Response:	<p>RESOLVED THAT a response of no objection be returned to Eden District Council as this is in a later addition to the listed building and will improve the energy efficiency of the flat, however this should not be seen as a precedent to allow composite or uPVC fittings elsewhere on the listed building.</p>

Planning application number:	23/0010
Site address:	PLOT 9 EDEN BUSINESS PARK PENRITH CA11 9FB
Description:	Variation of condition 2 (plans compliance) for design amendments to units 5 and 6, attached to approval 08/0330.
Response:	RESOLVED THAT a response of no objection be returned to Eden District Council.

Planning application number:	23/0002
Site address:	4 MONNINGTON WAY PENRITH CA11 8QJ
Description:	Variation of condition 2 (plans compliance) to increase the ridge and eaves height, attached to approval 21/0846.
Response:	<p>RESOLVED THAT a response objecting to the application be returned to Eden District Council on the following grounds:</p> <ol style="list-style-type: none"> 1. The agreed development (planning app 21/0846) dropped the ridge height as this was a second storey in an area predominantly bungalows. 2. The proposed development has an adverse impact on the surrounding area and is out of character with the surrounding bungalows., doesn't respect the local context and doesn't fit with the street scene. 2. The scale and massing of the reduced ridge height was accepted by the Local Planning Authority, however the increase from 7700 to 8110 would lead to greater overshadowing of properties directly opposite which sit lower down and it would be too overbearing in its nature to the detriment of residential amenity.

PTC21/ Next Meeting

Members noted that the next meeting was scheduled for 6 March 2023 at 1.30pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PART II PRIVATE SECTION

There are no further items in this part of the Agenda

CHAIR:

DATE:

**FOR THE INFORMATION OF ALL MEMBERS OF
THE PLANNING COMMITTEE
AND FOR INFORMATION FOR ALL REMAINING
MEMBERS OF THE TOWN COUNCIL**

Access to Information

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Background Papers

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PLANNING COMMITTEE

6 MARCH 2023

Matter: Community Infrastructure Levy (CIL) Policy

Purpose of Report:

Consider and approve the Community Infrastructure Levy policy and associated forms.

Item no:

Author: Deputy Town Clerk

Supporting Member: Committee Chair

This is a public report

Recommendations

The Committee is asked to:

- i. Recommend to Council that the CIL Policy and associated documents be adopted

Law and legal implications

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence) (Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

The Planning Act 2008 (as amended) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended)

1. Report Details

- 1.1 The Planning Act 2008 (as amended) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provide the powers for local planning authorities or 'charging authorities' to adopt and charge a CIL on new development in their area and to help deliver infrastructure to support the development of their area.
- 1.2 Where adopted, developers pay this levy to the Charging Authority who pass on 15% of CIL receipts to Town and Parish Councils where development is taking place. This rises to 25% should the council have an adopted Neighbourhood Plan.
- 1.3 At the present time, Eden District Council (EDC) have not adopted CIL although both South Lakeland District Council (SLDC) and Barrow Borough Council (BBC) have. Penrith Town Council has been lobbying EDC, on its own and through CALC, to adopt CIL since 2016.
- 1.4 With the creation of the Westmorland and Furness Council in May 2023, it is hoped that CIL will be adopted across the whole of the new authority area.

2. Proposal Details

- 2.1 It is proposed that the Community Infrastructure Levy Policy and associated appendices is agreed.

3. Risk assessment

- 3.1 There is a reputational risk to the Council should it not have a policy allowing them to draw down potential funding to spend on infrastructure and associated projects within the town.
- 3.2 It is important that the Town Council has an adopted CIL policy for the inauguration of the new Westmorland and Furness Unitary Authority. This would enable the Town Council to consider infrastructure funding immediately when CIL is adopted in the Eden part of the area.

4. Financial Implications

- 4.1 A budget line for CIL monies will be required to be set up and any received monies ringfenced and carried forward over 5 years for projects.
- 4.2 A monitoring report will be produced annually showing how much CIL money has been received and how it has been spent.

Appendices

CIL Policy and appendices

Background Papers

South Lakeland District Council CIL Policies <https://tinyurl.com/SLDC-CIL-Policies>

Barrow Borough Council <https://tinyurl.com/Barrow-Borough-Council>



Penrith Town Council

COMMUNITY INFRASTRUCTURE LEVY (CIL) POLICY

1. Introduction

- 1.1 This document details Penrith Town Council's framework, policy and procedure for spending Community Infrastructure Levy (CIL). It is important to emphasise that any monies arising from CIL are one off payments by developers to support development in the Penrith Parish area.
- 1.2 Where adopted, developers pay this levy to the Charging Authority (for Penrith the Charging Authority would be Westmorland & Furness Council) who pass on 15% of CIL receipts to Town and Parish Councils where development is taking place. This rises to 25% should the council have an adopted Neighbourhood Plan.
- 1.3 CIL is difficult to forecast. The CIL policy reflects the uncertainty of forecasting the final sum handed to the Council as well as attempting to ensure that the Council is not overextended or in debt resulting from CIL expenditure.
- 1.4 CIL Projects must be of long term and lasting benefit to the people of the parish area. Longer term housing growth and resulting infrastructure needs within the remit of the Council should be considered when developing plans for the spending of CIL.
- 1.5 The Neighbourhood Plan has a vision that 'By 2032, Penrith will be a successful, vibrant market town providing a sustainable environment for quality of life, attracting investment and tourism whilst enhancing the best of its built and natural character'.

2. Background

- 2.1 The Planning Act 2008 (as amended) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) provide the powers for local planning authorities or 'charging authorities' to adopt and charge a CIL on new development in their area.
- 2.2 The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 as a method for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

- 2.3 CIL is a levy that local authorities can choose to charge on new developments in the area. The money spreads the cost of funding infrastructure over more developers and provides certainty as to how much developers have to pay. CIL should be used to support development by funding the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on an area.
- 2.4 The formula for charging CIL is determined by the principal authority. Generally a set percentage of CIL receipts are passed to Parish/Town Councils from development in their area, however, this increases where there is an adopted Neighbourhood Plan. Town and Parish Councils without a Neighbourhood Development Plan receive 15% of all CIL funds collected whilst those with an adopted Neighbourhood Development Plan receive 25%.
- 2.5 CIL contributions can be in addition to S106 agreements. This is an obligation that must directly benefit and be relevant to the area in which the new development is situated, for example schools, play facilities or contributions to highways costs, and be evidenced. Education and NHS contributions can only fund physical infrastructure not the cost of employing staff. Unlike CIL money, it must be used to meet the needs of the development in question.
- 2.6 As well as CIL, S106 Agreements can be applied to developments to mitigate their impact on the area and to secure on-site developer requirements such as the provision of affordable housing.

3. What can CIL be spent on?

- 3.1 According to Regulation 59C of the Planning Act 2008, CIL can only be spent to support the development of the Town Council's local area by funding the provision, improvement, replacement, operation or maintenance of infrastructure or anything else that is concerned with addressing the demands that development places on an area. This gives communities freedom and power to spend the money on a wide range of things in consultation with the community.
- 3.2 Examples of expenditure for Town and Parish Councils include:
- a. Social infrastructure – eg art and culture, sports halls, education, health, social care, emergency services, community centres, village halls.
 - b. Physical infrastructure – eg pavements, cycleways, flood defences, highways, transport links, bus stops, signage, benches.
 - c. Green infrastructure – eg play areas, public open space, woodlands.

Parish funds can also be used to support the development of affordable housing where it would support the development of the area by addressing the demands that development places on the area.

- 3.3 Where community priorities for infrastructure are the same as those of the local charging authority, for example if they agreed a new school was needed, the community can agree that the local charging authority will keep the community funding element to ensure maximum funding is available.
- 3.4 The Town Council should spend its CIL monies within five years of receipt. Where money is not used to support the development of the area within five years or it is used for other purposes, the CIL Regulations give the Local Authority the power to recover those funds. This is to ensure that money is spent effectively to the benefit of the local community.

4. How will CIL be allocated?

- 4.1 The Town Council must be able to demonstrate that it is using CIL in consultation with residents to develop projects for funding that contribute to the infrastructure priorities in the area.
- 4.2 With reference to the Penrith Neighbourhood Development Plan, the prior Community Plan for Penrith, Borderlands Place Plan, Penrith Parking and Movement Study (PPMS) and Local Walking and Infrastructure Project (LCWIP) which have all been subject to extensive community consultation, a Town Infrastructure Plan (TIP) (Appendix 1) will initially inform the Town Council's spending decisions.
- 4.3 Each project will be assessed according to the following weighted scoring procedure:

	Project	Weight
1.	Compliance with Town Infrastructure Plan	20
2.	Project potential – one off or lasting benefit	15
3.	Number of people benefitting	10
4.	Usability – does the facility/service have more than one use?	15
5.	Target group(s) by age	20
6.	Physical outcomes (increased community space/physical space etc)	20
	Total	100%

The higher percentage value scored, the greater the chance of CIL funding being granted for the project.

- 4.4 The Town Council will work closely with Westmorland and Furness Council and other stakeholders to ensure that delivery of its projects fits into a co-ordinated whole in relation to the parish and adjoining areas to ensure that town projects interrelate with others in the parish area.

- 4.5 Each year the Town Council will present identified infrastructure projects for CIL funding to enable residents to have their say on priorities. Support will also be sought through:
- Social media platforms
 - Feedback through the Town Council website
 - Face to face meetings
 - A report to the Town Council meeting twice a year
 - Annual report on CIL posted on the Town Council website
- 4.6 The Council will also consider projects brought forward on the appropriate application form by individuals and community groups and organisations (Appendix 2) within the parish boundary.
- 4.7 Any application must demonstrate sound financial management and a portion of match funding. Depending on the amount requested, groups may be required to make a presentation to Council.

5. The Application Process

- 5.1 A completed application form should be completed. All community groups and organisations will be required to provide a copy of their organisations previous year's accounts or, for new initiatives, a budget forecast. Failure to provide this financial information may result in the CIL application being delayed.
- 5.2 These applications will be considered initially by the Planning Committee. They will make a recommendation to Council who will determine the application. Where funding is required urgently to carry out repairs or for major strategic projects with implications across the Council, an application will be sent directly to full Council.

6. Receipt of Monies

- 6.1 Any monies due will be transferred to the Town Council by Westmorland and Furness Authority. These monies will be 'ringfenced' by the Town Council and only spent on projects identified in the TIP or approved by Council as they fit in with the overall themes already identified. They will be used in accordance with the council's financial regulations ie following agreed processes for quotations etc.
- 6.2 The Town Council must make proper arrangements for administration of its financial affairs as set out in S151 of the Local Government Act 1972 and the Accounts and Audit (England) Regulations 2011. These requirements also apply when dealing with the meaningful proportion of payments given to the Town Council under CIL.

7. Monitoring

- 7.1 Under Regulation 62A of the CIL regulations, Penrith Town Council is required to produce a publicly available annual report detailing CIL receipts and spend. The report will show:
- a. The total amount of CIL received in the financial year.
 - b. The total amount of CIL spent in the financial year.
 - c. A summary of expenditure including details of what items CIL was spent on and the amount of CIL expenditure per item.
 - d. Any CIL that has been returned to Westmorland and Furness Unitary Authority due to failure to spend or applying CIL funds to inappropriate items.
 - e. The total amount of CIL unspent from previous years broken down into annual amounts.
- 7.2 The report must be published by 31st December following the reported year (ie for the 22/23 financial year the report must be published by 31 December 2023). The report must be published on the Town Council's website and sent to the CIL Monitoring Officer at Westmorland and Furness Council.
- 7.3 Income received from CIL will also be included in the overall published accounts but is not required to be identified separately.

8. Review

- 8.1 This policy and list will be reviewed annually.

Chair..... Date.....

Review Date: March 2024

Town Infrastructure Plan (TIP)

Identified infrastructure projects for financing through CIL monies (in no particular order)

Identified through consultations on the following: Neighbourhood Plan, Penrith Partnership Community Plan, Penrith Parking and Movement Study, Local Cycling and Walking Infrastructure Project, Penrith BID, Penrith Industrial BID and the Borderland Place Plan

Project
Town Centre Enhancements
Install litter bins where problems are identified
Renovate and clean alleyways
Improved interpretation and signposting
Improve public toilet facilities
Renovate and increase number of benches
Repair and maintenance of pavements in town centre
Promote a clean managed environment through increased and improved street cleaning and weed control
Improve and maintain flower beds
Repair and improve greening in town centre
Consider and improve landscaping, native trees, wild flower planting, floral schemes etc
Improve rundown shop fronts
Improve wheelchair accessibility in the town centre including dropped kerbs and tactile paving
Install some public art within the centre
Bring empty shops back into use – pop ups
Town Centre Environment
Look at the creation of safer walking and cycling routes including crossing points
Increased provision of EV charging points inc on street
Consider provision of additional and safer pedestrian crossing points
Provision of traffic calming measures where appropriate
Look at use of school parking out of term time
Look at park and cycle provision / hire
Reconfiguration of parking on King Street
Reconfiguration of Great Dockray into greenspace area
Make Middlegate pedestrian friendly
Reconfigure the layout Corney Square
Create a safe and secure trading environment
Improve wheelchair accessibility in the town centre including dropped kerbs and tactile paving
Create a more accessible trading environment
Tourism
Produce a leaflet of walks round Penrith linking green spaces (also in Health & Wellbeing)
Improve signage for drivers (also in Town Centre Improvements)
Consider utilising parking for overnight campers (also in Town Centre Improvements)
Car parking initiatives
Develop an off street long stay car park on Old London Rd
Improved cycle storage across town
Better promotion of bus and train services
Create a transport interchange near the railway
Change car park payment method to allow cash, card, phone

Health and Wellbeing
Repair and improve play areas
Consider installing an open air gym
Ensure that opens spaces are accessible for all
Produce a leaflet of walks round Penrith linking green spaces (Town Centre Improvements)
Assist with maintenance of PROW, bridleways and green lanes
Maintain and extend network of Defibrillators



PROPOSAL FOR CIL FUNDING

Neighbourhood Portion of Community Infrastructure Levy (CIL)

APPENDIX 2

This application form is designed in Microsoft Word. The document is unprotected, allowing you to add rows to tables if necessary. Please do not alter the format.

Section 1 – Your Organisation

This helps us understand the type of organisation you are.

Contact Information

Please provide details for two senior contacts. Please enter below the details of the best person and a second contact to discuss this application.

		PTC only	
Full Name of Main Contact:		1.	
Position in the Organisation:		2.	
Email: We will use this email address to contact you throughout the assessment process, so please ensure that you provide a suitable address. Telephone: This is the telephone number we will use if we have any questions regarding your application.		3.	
Address: We will use this address for all letter correspondence.		4.	
Full Name of second contact:		5.	
Position in the Organisation:		6.	
Email:		7.	
Address:		8.	

Your Organisation

		PTC only	
Legal name of your organisation: This must be as shown on your governing document. Your governing document could be called one of several things, depending on the type of organisation you're applying on behalf of. It might be called a constitution, trust deed, memorandum and articles of association, or something else entirely.		9.	
Organisation E-mail Address: Please enter the general email address for your organisation. Unless necessary, this will not be the email address we will use to contact you about your application.		10.	
Website Address if applicable:		11.	
Does your organisation use a different name in its day-to-day work? Yes, or no? This is how you might be known if you're not just known by your legal name (the legal name is on your governing document): What is the name your organisation uses in its day-to-day work?:		12.	
When was your organisation set up? This is the date your organisation took on its current legal status. It should be on your governing document. If you do not know the exact date, it can be an approximate date.		13.	
Base of operations if different from postal address:		14.	

PTC
only

Please indicate with a tick if you are a



Penrith Community Group - Unregistered voluntary or community organisation		15.	
Not-for-profit company		16.	
Registered charity (unincorporated) number:		17.	
Charitable Incorporated Organisation (CIO or SCIO) number:		18.	
Community Interest Company (CIC)		19.	
School		20.	
An individual on Penrith electoral role or working in Penrith		21.	

If you are neither a Charity nor a constituted local group, please provide details of your structure or who you are. (30 words)

	PTC only
	22.

What is the postcode of where your proposal will take place?

If your proposal will take place across different locations, please use the postcode of the building or address where most of the proposal will take place. You must provide the full postcode. If you do not know the postcode, you can use the [Royal Mail Postcode Finder](#) to try and find it.

Organisation Governance

Do you have a constitution or similar governing document?

	PTC only
	23.

Give a brief description of your organisation - 300 words.

Briefly describe the range of services your organisation provides and what you do on a daily basis.

	PTC only
	24.

How is your organisation managed and what governance have you in place?

Describe the frequency of your meetings, how you record your meetings, who attends meetings, who decides your activities, how you promote your group, share its achievements and monitor finances - **300 words**

	PTC only
	25.

What is the purpose or charitable objectives of your organisation?

Who is your work designed to support and what are their needs? (500 words)

Describe the circumstances or protected characteristics of the people you are supporting and the issues and challenges they face. **-200 words**

	PTC only
	26.

Please describe the membership of your organisation.

This must include the number of either/and officers, trustees, directors, staff, volunteers, and the geographical area your membership is drawn from. **- 200 words**

	PTC only
	27.

Section 2 Your Proposal

When is the CIL funding required by and what is the timescale? You have up to 60 months after award to spend the money.

Record your date below

	PTC only
	28.

What would you like to do or what do you feel Penrith residents would benefit from?

It is a condition of CIL funding that the group or proposal must bring direct benefit to the residents of Penrith.

Please describe the proposal. This should explain the objectives of the proposal and benefits to the Penrith community.

You can write between **50 and 300 words** for this section.

Describe how the scheme benefits your local area by funding either the provision, improvement, replacement, operation, or maintenance of infrastructure or anything else that is concerned with addressing the demands that new development places on the area. For example traffic calming measures, facilities or support for young people, school improvements, new playground etc.

	PTC only
	29.

What changes do you expect to see because of this funding? -300 words

What changes or benefits will there be to the lives of people you help as a result of this funding?

	PTC only
	30.

If CIL funding could not be allocated to the proposal what would be the impact? -300 words for example, would your service not be able to reach all of your beneficiaries?

	PTC only
	31.

All proposals must clearly demonstrate how the proposal meets the Town Infrastructure Plan priorities? Each proposal will be assessed according to the following weighted scoring procedure:

Priority	Weight
1. Compliance with Town Infrastructure Plan	20
2. Proposal potential – one off or lasting benefit	15
3. Number of people benefitting	10
4. Usability – does the facility/service have more than one use?	15
5. Target group(s) by age	20
6. Physical outcomes (increased community space/physical space etc.)	20
Total	100%

The higher percentage value scored, the greater the chance of CIL funding being granted for the proposal. You can write between **50 and 150 words** for this section.

How does the proposal meet the Town Infrastructure Plan priorities?

	PTC only	
	32.	

Section 3 How does your proposal involve your community?

What do we mean by community?

- People living in the same area.
- People who have similar interests or life experiences but might not live in the same area.

Tell us how your community came up with the idea for your proposal. We want to know how many people you have spoken to, and how they'll be involved in the development and delivery of the proposal and if any other stakeholders are involved. A stakeholder may be another local group, charity, school etc. Here are some examples of how you could be involving your community:

- Having regular chats with community members, in person or on social media
- Local community membership of your organisation
- Regular surveys
- Running events

You can write between **50 and 200 words** for this section.

	PTC only	
	33.	

Equity, Diversity, and Inclusion

We want to hear more about the people who will benefit from your proposal.

Is your proposal aimed at a specific group of people or is it open to everyone? If at least 75% of the people you support share characteristics, then your proposal is for a specific group.

Your specific group may share one or more characteristics. For example, if 80% of the people you work with are female refugees, this means you support a specific group of people. In this example, they share two characteristics — women and refugees.

We know this can only be an estimate. We understand that this may be difficult to work out exactly, especially if this is a new proposal.

Please tick or cross the statement below which applies to your proposal:

	PTC only	
My proposal is aimed at a specific group of people.	34.	
My proposal is open to everyone.	35.	

Who is your proposal for?

If 75% or more of the people supported or benefitting from your proposal come from one specific group, tell us who they are. If you select an option, we will ask you to tell us more about that group.

Please tick the statement below which applies to your proposal:

	<input checked="" type="checkbox"/>	PTC only	
Communities experiencing ethnic or racial inequity, discrimination, or inequality.		36	
Faith communities.		37	
People who emigrate		38	
People with disabilities or challenges		39	
Older people (65 and over)		40	
Younger people (under 25)		41	
Women and girls		42	
LGBTQ+ people		43	
People who are educationally or economically disadvantaged		44	
Specific groups that are not included already		45	

Which specific group (that you have not included already) is your proposal for? What additional information would you like to include about the people your proposal supports? Tell us more about who they are. **300 words**

	PTC only
	46.

Section 4 CIL Proposal Funding Request

List the costs you would like CIL to fund:

		PTC only
Total proposal cost: This is the cost of everything related to the proposal, even things you aren't asking us to fund.	£	47.
What part of the proposal do you require CIL funding for excl. VAT	£	48.
*Confirmed total contributions from other sources:	£	49.
*Unconfirmed total contributions from other sources:	£	50.
CIL amount requested from Penrith Town Council:	£	51.
What is your accounting year end date? For example, 31 03		52.
What is your total income for the year? Use whole numbers only		53.

*Provide information or evidence of match funding:

For grants of more than £1,000 you need to demonstrate that you have sought match funding which means that you have applied to other organisations for grants. You need to tell us that this is in the process of being sought or is already committed. Where these requirements are not met, a clear reason should be given in writing with the application.

Have you applied to other grant providers to assist with your proposal? List the organisation you have applied to and for how much and if you have been successful or waiting to hear	PTC only
Name of grant awarding body:	54.
Amount:	£ 55.
Successful and now much was awarded:	56.
Yet to hear back:	57.
Name:	58.
Amount:	£ 59.
Successful and now much was awarded:	60.
Yet to hear back:	61.

Section 5 Bank details

The Council may pass the CIL money on to your organisation if this is appropriate. Please provide your organisations bank details. Before you submit your CIL proposal, you will need to attach a copy of a bank statement/building society or e-bank statement that is less than three months old.

Is your bank account/building society or e-bank statement in the name of your organisation?

Please tick the statement below which applies:



YES	
NO	

PTC only

62.	
63.	

Does it require at least two signatories?

Please tick the statement below which applies:



YES	
NO	

PTC only

64.	
65.	
66.	
67.	
68.	
69.	

Account Name:	
Sort Code:	
Account Number:	
Bank/Building Society Name:	

Please note that CIL grants are paid electronically into your organisations account and it is essential that this information is accurate and that you provide a copy of a recent bank statement or e-statement with this application.

Section 6 Terms and Conditions

In order to submit your proposal, you will need to agree to our terms and conditions.

- ❖ You have been authorised by the governing body of your organisation (the board or committee that runs your organisation) to submit this application and accept the Terms and Conditions on their behalf.
- ❖ If you are an individual you have evidence of consultation with the local community who will benefit from your proposal which you can submit with the proposal.
- ❖ All the information you have provided in your proposal is accurate and complete; and you will notify us of any changes.
- ❖ You understand that we will use any personal information you have provided for the purposes described under our Data Protection and Privacy notice.
- ❖ You accept that if information about this application is requested under the Freedom of Information Act, we **will release it in line with our Freedom of Information policy.**

Full name of person completing this form

Position in organisation

Declaration

When the proposal form has been completed, the authorised Trustee or Official of the applicant organisation must sign the declaration below.

I (BLOCK CAPITALS) _____

am an authorised representative of and to the best of my knowledge the information provided by my organisation and within this proposal is correct. If Penrith Town Council agrees to make a CIL grant or proceed with the proposal, this will be used exclusively for the purposes described in this proposal.

		PTC only
Signature:		
Date:		

All completed forms must be marked "**CIL PROPOSAL**" and sent to:

Penrith Town Council, Unit One, Church House, 19-24 Friargate, Penrith Cumbria, CA11 7XR

Or by Email: office@penrithtowncouncil.gov.uk

Data Protection and GDPR

The information you have provided in the application will be used only for the purposes of considering, determining and processing the application and in connection with any grant that is approved. The information will be retained for 6 years with the Town Council's financial records. All personal data will be held securely and will not be shared with a third party. The lawful bases which the Town Council will rely on to process any personal information are your consent and that the Council has a legitimate interest in processing it and requires to do so to perform a public task.

Checklist

Check all the questions have been answered comprehensively. Where a question is not relevant mark NA.

Provide:

- Copy of a recent bank statements, building society or e-statement – no older than the last three month
- Full contact details for the proposer as well as any registered address for the organisation should be supplied.



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

PLANNING PROTOCOL

Delegation of Powers to Deputy Town Clerk

Introduction

A parish or town council cannot grant or refuse planning permission, but it can offer its opinion as a statutory consultee and try to influence specific decisions and planning policy. The Councils strength lies in local knowledge. The real decision makers are found in the planning authority, the Unitary Council. Unitary Councils produce development plans. These set out in the local planning policy and proposals for the area. They identify where development can and cannot take place, the natural and the built environment, and the management of traffic. Although there are a number of exceptions, anyone wishing to develop must apply to the Unitary Council for planning permission. The Unitary will email the Town Clerk with notice of a live application and its reference number. The Town Council is normally given 21 days to comment on receipt of the email.

Where a Town Council submits comments on a planning application, the planning authority, is required to consider the Town Council's comments. The Unitary Council Planning officers will consider all the comments received and reflect these in the report made to the Unitary Council Planning Committee.

As well as determining planning applications, the Unitary Council has an enforcement role. If development appears to have taken place without permission or if the development is more extensive than given in the planning consent, the Unitary Council's enforcement officer may be invited to visit the site and take any necessary follow up action.

There are situations where a member serves on both the Town Council and the unitary planning authority. In such a situation there is no reason why the member cannot consider the planning application at both Town Council and unitary planning authority level subject to certain requirements:

- Having expressed a view at a meeting of the Town Council, it is necessary for the member to consider the matter afresh at a meeting of the planning authority. The member cannot deal with the planning application before the planning authority with a closed mind.

- A member, who, perhaps, makes a statement at the Town Council meeting saying he/she has made his mind up on a particular planning application will find himself disqualified from consideration by the planning authority and, if he/she participates, runs the risk of challenge.
- In all cases a member must ensure that he or she does not participate or vote on a matter, if he or she has a disclosable pecuniary interest in that matter or if to do so would be a breach of the relevant council's code of conduct for members.

Permission will usually be granted if the development complies with the policies of central, regional or local government.

Who makes decisions on planning applications?

Westmorland & Furness Council is the Local Planning Authority (LPA). Penrith Town Council is a statutory consultee on planning matters affecting the parish of Penrith and any observations or comments raised by the Town Council must be considered by the Planning Authority.

Can the public see the plans?

All copies of planning applications are available for inspection by members of the public at Westmorland & Furness Councils offices or on their website at

What does Penrith Town Council do?

Penrith Town Council Planning Committee meetings take place monthly to discuss relevant planning applications. These meetings are open to the public and press. If additional meetings are called, notices will be placed on the notice boards in the Town Council Offices at Friargate, Angel Lane and on the website at <https://www.penrithtowncouncil.co.uk/meetings/planning/> in the normal manner.

Can the public ask a question or make a comment to town councillors? During the meeting members of the public are able to speak in relation to a planning application. Any member of the public must let the Council know that they wish to speak at least the day beforehand by giving their name and address to the Clerk Those wishing to speak have a maximum of 3 minutes to make comments which must be restricted to material planning considerations only.

Information on how to make representations on a planning application can be found at <https://www.penrithtowncouncil.co.uk/meetings/planning/supporting-opposing-planning-application/>

Once all comments have been taken, the Town Councillors will formulate their comments. Council's comments are forwarded to the Unitary Council within the allocated deadline.

Where are the decisions made?

Simple planning applications are decided by officers of Westmorland & Furness Council under their delegated powers but contentious planning applications are considered at a Unitary Council Planning Committee Meeting. Included in the Unitary Council Officer's report on each planning application will be the relevant Town Council's comments, if any. Local residents may attend the Unitary Councils Planning Committee Meeting and ask questions at the meeting and write in beforehand. Copies of the Agenda of the Planning Committee Meeting will be available from Westmorland & Furness Council.

Decisions made by officers and by members of Westmorland & Furness Council on planning applications are forwarded to all Town and Parish Councils.

Responsibilities

- To maintain an effective planning consultation process.
- To encourage sensitive and high quality development within the Town Conservation areas.
- To participate fully in the development and implementation of local plans, policies and interests in order to ensure that these have a beneficial impact on Penrith.
- To seek to obtain legitimate planning gain (Section 106 money) for the town from all major developments in Penrith.
- To report any suspected planning enforcement issues to the Local Planning Authority for consideration.

Wherever possible the applications will be considered at the Town Council's monthly Planning Committee Meetings. When this is not possible the Council may call an Extra Ordinary Planning Committee Meeting, defer to a Full Council Meeting or delegate the power to respond to minor applications to the Town Clerk. Penrith Town Council Office sends the planning application details to all Councillors on the Planning Committee as soon as it is received electronically.

Minor – this category is for applications such as satellite dishes, limited signage or the erection of a conservatory, an extension or erection of one dwelling, the change of use of a shop to residential etc. to which the Council is likely to have 'No Objection'. These applications maybe noted without discussion at each meeting of the Committee.

These applications may be delegated between meetings to the Town Clerk:

- If a planning consultation deadline falls between meetings the Council may delegate authority to the clerk to submit a response to meet the consultation deadline.
- If there is no opportunity to consider an application at a meeting it may be necessary to delegate responsibility for deciding on the Council's observations on a planning application to the Clerk.
- This will most likely occur when the Council does not meet before the planning authority's deadline and the Council does not wish to convene a meeting.
- It is legal for a council to delegate decision making to an officer, i.e. the Clerks, but not to a councillor or councillors or Chair.

A councillor's view on whether or not to object to a planning application can only be validly expressed during a properly convened meeting.

Delegation

The terms of the delegation arrangement with respect to planning applications are:

- a) The Clerk has delegated powers to respond.
- b) The Clerk may consult with councillors informally to obtain their general consensus.

- c) The Clerk may consult informally with appropriate councillors to clarify issues and information before exercising the Clerk's judgement with respect to a planning application.
- d) If there is a strong difference of opinion between Councillors, the Clerk will request additional time from the Local Planning Authority to enable the application to be considered at Committee.
- e) The Clerk is required to report the Chair before making a decision.
- f) The Clerk in exercising delegated powers, is required to make an objective decision, i.e. the Chair cannot instruct the Clerk how to exercise their delegated authority.

Decisions taken by the Clerk must be reported to the next full meeting of the Council and minuted.

Major – this covers significant planning applications such as large housing or supermarket developments, developments with environmental impacts, applications within conservation areas, those on listed buildings and controversial applications. These applications are presented to Committee.

The practice at the meeting will be to invite the public to speak and raise any items of concern, thus enabling the Council to fulfil its representational role. Each member of the public may speak for 3 minutes. If an organisation makes representation on behalf of a number of residents they may speak for 5 minutes.

Before the meeting, a member of the Planning Committee may go to look at the site and any neighbouring properties. They must not get into any discussion with the applicant or any objectors. The member or officer may also consult the Unitary Council Planning Office and consult with a Planning Officer on any item of particular concern before presenting the application to the next meeting of the Planning Committee. All comments on planning applications must be based on material planning matters, including:

- The compliance of the proposals with the adopted development local plan.
- How the proposal fits in terms of design and use with its surroundings.
- The effect of sunlight and daylight on adjoining properties - overlooking, loss of privacy and loss of light.
- The loss of privacy to adjoining properties.
- The effect on parking, drainage, traffic, road safety and general disturbance to local residents.
- Flooding issues - local knowledge of drainage or other possible problems surface water run-off
- Environmental issues – bats
- Sustainability issues
- Scale of the development
- Design, appearance, layout and materials
- Loss of important open space or physical features
- Noise, disturbance or smells
- Impact on the surroundings, effect on listed building and conservation area.

Planning comments cannot include:

- Spoiling of householder views.
- Devaluation of property.
- Covenants affecting properties.
- Nuisance caused by building work.
- Land ownership disputes.
- Personal preferences for the site.

It is important that all comments are clear, concise and accurate. The Council should record if it "Supports" or "Objects" to the application or can record 'no comment' and may record member's observations.

It helps if the Council suggests conditions it would like to see imposed if the local Planning authority permits the application.

Penrith Town Council staff prepares and send the comments of the Committee to the Unitary Council within five clear days of the Planning meeting or sooner if required.

Approved: August 2020

Review: May 2023

Appendices:

Planning Portal Links



Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR

Tel: 01768 899 773 Email: office@penrithtowncouncil.co.uk

DEVELOPER ENGAGEMENT POLICY

Policy Statement

- 1.1 Penrith Town Council recognises that pre-application discussions can play an important part in major planning applications and welcomes the desire of developers to consult both Penrith Town Council and the public more widely. However, the Council is aware of the importance of public perception in planning and the critical need to avoid any appearance that Penrith Town Council is conducting secretive negotiations or is colluding with developers. It is important therefore that such pre-application discussions are undertaken appropriately and transparently.
- 1.2 This policy is designed to clarify how Penrith Town Council will engage with developers and/or their agents, both prior to, and following, the submission of a planning application within the parish. The policy will inform both Councillors and Officers when arranging discussions with developers.

Scope

- 1.3 This policy applies to:
 - a) All Councillors and Officers of Penrith Town Council as well as third parties and agents of the Council who work and act on behalf of the Council.
 - b) All stages of the development cycle including speculative queries and during the construction phase. Penrith Town Council will not offer any advice on planning policy or provide a formal view at presentations; and
 - c) All meetings with developers, landowners, their employees, and agents that act on their behalf.

Responsibility for Implementation

- 1.4 The Council has overall responsibility for the effective operation of this policy.
- 1.5 All Councillors and employees should ensure that they read and understand it.
- 1.6 Any breach of this policy should be reported to the Town Clerk.
- 1.7 Questions regarding the content or application of the policy should be directed to the Town Clerk in the first instance.

Pre-determination

- 1.8 In all meetings and discussions, developers, Councillors and Officers are reminded of the critical importance of not pre-determining their position on any future application, as this could require them to take no part in the discussion at Committee or Council. It should be noted, that expressing a pre-disposition, for example 'welcome in principle' or 'concerns' is permissible.
- 1.9 Those considering an application must be able to apply an open mind and be willing to consider all material issues before deciding on a particular view of an application.
- 1.10 On occasions, individual Councillors may be approached by developers for informal discussions about an application already within the planning system or regarding possible future applications. Whilst it is up to the individual whether they take part in a discussion, based on the nature of the proposed development and the possible level of controversy, they are advised:
 - a) To carefully consider the public perception of such a discussion/meeting.
 - b) To avoid any appearance of collusion in applications.
 - c) To avoid accepting any hospitality or gifts from the developer in connection with such meetings; and
 - d) To advise the Chair of the Planning Committee and Officers of such meetings as soon as possible.
- 1.11 Councillors must not suggest that they are representing Penrith Town Council at such meetings, unless expressly authorised to do so by the Council.

Pre-Application Meeting Guidelines

- 1.12 Penrith Town Council will, where possible, accommodate requests from developers to present their pre-application proposals at a Planning Committee or other arranged meeting on the following conditions:
 - a) Full public consultation is either already scheduled or firmly planned.
 - b) The meeting is open to the public to attend and has been reasonably advertised.
- 1.13 The developer must provide information about the proposed development in writing.
- 1.14 If the developer considers that the information provided is sensitive and wishes it to remain confidential, the developer must identify the specific information that they wish to remain confidential and explain the reasons in writing. If the reasons are legitimate, the Council will keep a written record of the confidential and non-confidential issues.
- 1.15 Where possible, specific meetings with developers will normally be held before a meeting of the Planning Committee and, as a preference, be open to the public. Should developers request not to attend a public meeting because of compelling and justifiable reasons (e.g. strong commercial sensitivity), a private meeting may be arranged.
- 1.16 All meetings with developers will be documented and reported to Committee/Council.
- 1.17 Pre-application planning discussions, communications and any comment given by Penrith Town Council, individual Councillors or Officers, will not bind the Council to making a particular decision and any views expressed will be without prejudice and based on the information available at that time.

Pre-Application Public Consultations

- 1.18 Penrith Town Council strongly encourages developers to carry out full public consultation before submitting plans for major developments on the following basis:
 - a) Any consultation meeting should be held at an accessible and convenient venue.

- b) Sufficient publicity should be given to likely interested parties, in good time.
- c) Appropriate timings should be given to allow as wide a range of people as possible to attend.
- d) Consultation should be meaningful. Developers should have a genuinely open mind and a willingness to adapt and revise plans in response to feedback.

1.19 Councillors are advised not to attend separate private briefings as part of public consultation, but instead to attend with the public.

Monitoring and Review

The Planning Committee shall be responsible for reviewing this policy every two years or sooner if legislation dictates, to ensure that it meets legal requirements and reflects best practice.

Approved: March 2021

Review: 2023

Sent by Email 13 February

FOR THE ATTENTION OF COUNCILLOR SHEPHERD

Dear Councillor Shepherd,

Thank you for your letter of 21st December.

Apologies for the length of time it has taken to respond to you.

Discussions with the Planning Officers on the content of the application revealed concerns over the impact of the proposed extension to the pavilion on the views of the Castle. It was considered that this part of the proposals should not be proceeded with.

As the additional capacity being provided by the extension will not be provided the proposed demolition of the Attendants Kiosk is not now proposed as that will still be required.

When these changes were made to the application, it was determined that the remaining elements of the project were in fact permitted development.

Under Class 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) "GPDO", the following items are considered to constitute permitted development:

- (a) 8m high lamp support columns and lamps for lighting tennis courts
- (b) Alterations to enclosures adjacent to memorial gate to provide new access
- (c) Low level lighting posts throughout
- (d) Replacement fences
- (e) Extension to tennis courts
- (f) Alterations to pathways and steps

Class 12 of the GPDO states:

"Development by local authorities

Class A

Permitted development

A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—
(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, electric vehicle charging points and any associated infrastructure, and similar structures or works required in connection with the operation of any public service administered by them.
Interpretation of Class A

A.1 For the purposes of Class A, “urban development corporation” has the same meaning as in Part 16 of the Local Government, Planning and Land Act 1980 (urban development)¹²⁰

A.2 The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.”

Assessment of individual elements:

With regard to (a), Part 12 A(b) allows lamp standards to be erected and does not set any height limit. The structure, including the lamp, would constitute permitted development under this Part, straightforwardly because it would comprise a lamp standard.

With regard to (b), and notwithstanding the formation of a new access into the Park, this component would constitute ‘works’ as described in Class A(a) and would not exceed 4m in height.

With regard to (c), any low level lamps would be lamp standards and, for similar reasons to (a), would therefore be permitted development (notwithstanding their significantly lower height).

With regard to (d), replacement fences at 3m height would potentially be permitted development with regard to both A(a) and A(b) because (i) they are works under 4m and/or (ii) because they are similar structures or works to those others described (respectively).

With regard to (e) and (f), both components would be permitted development under A(a).

Prior to making a final judgement regarding the Permitted Development elements of the scheme, advice was sought from EDC’s Legal Service. This confirmed the accuracy of the assessment and confirmed the items listed to be permitted development.

I have been advised by the Communities and Wellbeing Manager that the remainder of the works within the proposal will go ahead under permitted development. This will facilitate Penrith Tennis Club to be relocated and also allow the courts to be accessible throughout the year for club and public use which has always been the intention of the project.

He informs me that the proposed works include:

- Creating a vehicular access adjacent to the War Memorial Gate, this will be for the sole use of maintenance contractors and thus ceasing access via the Memorial Gate; it is hoped that in the future a feature can be made of the historic gate, subject to funding.
- Total refurbishment of the tennis courts including: new playing surfaces, net posts, fencing and a small increase in court size to meet current LTA standards; LTA Automated Smart Gate access system for booking and paying for courts.
- An illuminated pathway (smart lighting) through the park from the gate to Castle Hill Drive which has been requested by the Police so that the park can remain open 24/7 and improve public safety.
- Sensor lighting to illuminate the path from the gate to the courts for access in the winter months.
- Court lighting

In order to reduce the impact of the court lighting on the adjacent properties, lighting is only to be provided on three out of the four courts and a specialist lighting consultant has been contracted to design a lighting system that minimises light spillage to the local properties. Lighting will be reduced to a level not deemed to be of a nuisance to properties.

I hope this information is helpful, should you require anything further please let me know.

Best regards

Fergus McMorrow
Assistant Director. Development
Eden District Council, Mansion House,
Penrith, Cumbria. CA11 7YG
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