



# Penrith Town Council

Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR  
Tel: 01768 899 773 Email: [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

**DATE: 26 February 2024**

**NOTICE IS HEREBY GIVEN** that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on 4 March 2024, at 4.00pm 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 1.00pm on the day of the meeting at the latest) by emailing [office@penrithtowncouncil.gov.uk](mailto:office@penrithtowncouncil.gov.uk)

## COMMITTEE MEMBERSHIP

Cllr Bowen	Pategill Ward	Cllr Knaggs	East Ward
Cllr Holden	Carleton Ward	Cllr Lawson	Carleton Ward
Cllr Jackson	North Ward	Cllr. Shepherd	East Ward
Cllr D Jayson	West Ward	Cllr. Snell	West Ward

Mr I. Parker, Acting Town Clerk

## **Public Participation**

Members of the public are welcome to attend. Details about 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 15 May 2023, 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 4 MARCH 2024**

## **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 5 February 2024 and agree they be signed as such by the Chair.

### **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 any items 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.

## **6. Planning Protocol**

To review and approve the Planning Protocol.

## **7. Provisional Meeting Dates 2024/25**

To consider and approve the provisional meeting dates for the 2024/25 municipal year.

13 May 2024 – 4pm  
3 June 2024  
1 July 2024  
29 July 2024  
2 September 2024  
7 October 2024  
4 November 2024  
2 December 2024  
6 January 2025  
3 February 2025  
3 March 2025  
7 April 2025  
12 May 2025

## **8. Planning Applications**

### **a) DELEGATED RESPONSES TO NOTE**

Application Number	2023/1075/DISC
Location Address	Land of Carleton Road Penrith
Proposal	Part discharge of condition 9 (noise) for Plot 149, attached to approval 20/0501.
Response	No Objection

Application Number	2023/1151/TCA
Location Address	7 Arthur Street PENRITH CA11 7TT
Proposal	T1 Laurel, reduce by 1/3 to secondary canopy. T2 Magnolia, reduce by 20% (1-1.5m) including the removal of 3-4 low lateral branches. T3 Pear, reduce vertical growth to previous pruning points and create canopy separation with declining Plum tree.
Response	No Objection

Application Number	2023/1128/FPA
Location Address	Land off Greenbank Road Eden Business Park Penrith CA11 9FB
Proposal	Construction of day nursery and pre-school use class E.
Response:	Support the application, such a facility is required in Penrith, but would like to see sustainable design features such as rainwater harvesting, PV panels, ev charging points, swift boxes etc

Application Number	2023/1137/FPA
Location Address	Land at Beacon Farm Kemplay Foot Eamont Bridge Penrith CA10 2BD
Proposal	Replacement of existing chicken rearing unit.
Response:	Penrith Town Council has concerns about access to the site and the size and amount of vehicles required to service it along a narrow quiet lane. Should the application be approved, Penrith Town Council would wish there to be conditions relating to odour control and that any waste material from the site is taken away in covered trailers/wagons.

Application Number	2023/1051/FPA
Location Address	Plumpton Head Farm Plumpton Penrith CA11 9NP
Proposal	Change of use of a barn, demolition and re-build of a barn and erection of an extension to create a single dwelling including associated operations. Re-submission of 23/0144.
Proposed Response	No Objection

Application Number	2023/1059/LBC
Location Address	North Friarage and The Friarage Friargate Penrith CA11 7XR
Proposal	Listed Building Consent for alterations to convert North Friarage from redundant offices to form additional residential accommodation for The Friarage and addition of solar panels to roof.
Response	No Objection, although a listed building within the conservation area, the PV panels are placed unobtrusively on the rear of the building and provide the building with some sustainability going forward.

Application Number	2024/0063/FPA
Location Address	North Friarage and The Friarage Friargate Penrith CA11 7XR
Proposal	Change of use of North Friarage from redundant offices to form additional residential accommodation for The Friarage and addition of solar panels to roof.
Response:	No Objection, although a listed building within the conservation area, the PV panels are placed unobtrusively on the rear of the building and provide the building with some sustainability going forward.

Application Number	2024/0141/FPA
Location Address	6 Winters Park Carleton Road PENRITH CA11 8RE
Proposal	Extension and alterations, part retrospective.
Response:	Support but would ask that it be conditioned that the BITMAC should be permeable to allow surface water to drain.

Application Number	2024/0080/FPA
Location Address	Box House Greenbank Road Eden Business Park Penrith CA11 9FB
Proposal	Erection of vehicle wrapping building.
Response:	Support – building is the same size and scale as those surrounding

Application Number	2024/0201/TCA
Location Address	The Beeches Graham Street PENRITH CA11 9LE
Proposal	T1) Bird Cherry – reduce height and spread by 1/2. T2) Holly – reduce height and spread by 1/2. T3) Leylandii – interfering with telegraph line and wall – remove. T4) Blue Pine, lift canopy by 3-4 ft. T5) Holly – remove as no amenity value and close to stone wall. T6) unknown species – touches property, reduce height by 1/3 and spread by 1/2. T7) Native Hawthorne – reduce height and spread by 1/2. T8) Holly – reduce height and spread by half. T9) Damson – remove second leader and reduce spread by 1/4. T10) Laurel – reduce height and spread by 1/2.
Response	No Objection

## **b) PLANNING APPLICATIONS FOR CONSIDERATION**

Consider the following applications for which information can be found on the Westmorland and Furness Council Website

**<http://eforms.eden.gov.uk/fastweb/search.asp>** by inserting the appropriate planning reference number.

Application Number	2023/1056/FPA
Location Address	Omega Proteins Penrith Ltd Processing Plant Penrith CA11 0BX
Proposal	Erection of replacement tipping shed.

Application Number	23/0755
Location Address	OMEGA PROTEINS PENRITH LTD, PROCESSING PLANT, PENRITH, CA11 0BX
Proposal	Construction of a heat network connecting Omega Proteins, Sewborwens Farm and Newton Rigg Estate to include the installation of all primary network pipes and heat exchangers.

Application Number	2024/0203/TPO
Location Address	Etterick Brae Wordsworth Street PENRITH CA11 7QY
Proposal	Leylandii Conifer - reduce the height by 3 foot, remaining height over 6 foot tall to provide ample privacy to garden. Reduce the width of the hedge on the side of the stone wall by 1 foot, remaining width 2 foot but would significantly reduce the pressure being placed on the wall. The length of the hedge to remain the same.

Application Number	2024/0209/PATEL
Location Address	Land at John Beaty Transport Penrith CA11 0DW
Proposal	Prior Notification under schedule 2, part 16, class A for the proposed installation of a shareable telecommunications base station installation comprising a 25m lattice tower supporting up to 12no antennas and up to 4no dishes on 2no headframes, together with up to 6no ground based equipment cabinets, 1no meter cabinet and ancillary development including compound fencing.

Application Number	2023/1035/FPA
Location Address	Flat 8 Abbotsford House Wordsworth Street PENRITH CA11 7QY
Proposal	Replacement of existing single glazed timber window with double glazed uPVC.

Application Number	2024/0146/FPA
Location Address	Thacka Lea Caravan Park Thacka Lane Penrith CA11 9HX
Proposal	Siting of storage container.

Application Number	2024/0233/LBC
Location Address	The Lounge Mitre House King Street PENRITH CA11 7AJ
Proposal	Listed Building Consent for internal openings at ground floor into the adjoining property, replacement of existing bar with 2no new food and drink serveries and extension of existing kitchen.

Application Number	2024/0234/FPA
Location Address	Cumberland & Westmorland Herald 14 King Street PENRITH CA11 7AH
Proposal	Change of Use of redundant offices (use class E) to a mixed use of drinking establishment serving food and hotel (use class Sui Generis) and associated alterations.

Application Number	2023/1087/FPA
Location Address	Thacka House 1 Milton Street PENRITH CA11 9HY
Proposal	Change of use of ancillary residential annexe to independent dwelling.

## 9. Next Meeting

Note the next meeting is scheduled for 8 April 2024, 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**

**FOR THE ATTENTION 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 at <https://www.penrithtowncouncil.gov.uk/> or, in the case of planning applications, the link to applications on the Westmorland & Furness Council Website can be found at <http://eforms.eden.gov.uk/fastweb/search.asp>

### **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.gov.uk](mailto:office@penrithtowncouncil.gov.uk)







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**DRAFT** Minutes of the meeting of

## **PLANNING COMMITTEE**

Held on Monday 5 February 2024, at 4.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

### **PRESENT**

Cllr Bowen	Pategill Ward
Cllr Holden	Carleton Ward
Cllr Jackson	North Ward
Cllr D Jayson	North Ward
Cllr. Knaggs	East Ward
Cllr. Shepherd	East Ward
Cllr Snell	West Ward

Deputy Town Clerk

The Town Council resolved from 15 May 2023, 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**

**MONDAY 5 FEBRUARY 2024**

**In the absence of the Chair, Councillor Holden, Vice Chair of Planning took the chair.**

## **PART I**

### **PL23/68 Apologies for Absence**

Apologies for absence were received from Councillors D Jayson and Lawson.

Councillor Jayson subsequently joined the meeting.

**Councillor Jackson, Chair of the Planning Committee joined the meeting and took the chair.**

### **PL23/69 Minutes**

#### **RESOLVED THAT:**

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 8 January 2024 and agreed they be signed as such.

### **PL23/70 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. There were no declarations of interest.

### **PL23/71 Public Participation**

Members noted that there were requests to speak from three members of the public.

Members received a presentation from a representative of Castletown Community Action Group relating to item 6 on the agenda and 20pmh zones in Castletown.

Members received a presentation from a member of the public relating to item 6 on the agenda and a town wide 20mph zone.

It was agreed that the planning agent in respect of planning application number 2024/0077/FPA, 9 Angel Square be allowed to speak immediately prior to consideration of that application.

## **PL23/72 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 agenda items to be considered without the press or public present.

## **PL23/73 20mph Zone Requests**

Members considered the requests put forward by the public as potential 20mph zones.

### **Councillor D Jayson joined the meeting.**

The whole town approach requested was considered in the first instance before each area put forward by the public was discussed individually.

### **RESOLVED THAT:**

The following areas be supported by the Town Council for submission to Westmorland and Furness Council as potential 20mph zones in Penrith and that delegated authority be given to the Deputy Town Clerk to submit the responses back to Westmorland and Furness Council.

- i. As a preference the whole of the built up area of Penrith.  
Should this not be accepted by Westmorland and Furness Council
- ii. Beacon Edge from the mini roundabout adjoining Salkeld Road to the end of the 30mph zone.
- iii. Fell Lane
- iv. Penrith New Streets: Wordsworth St, Lowther St, Arthur St, Graham St, Croft Ave, Croft Terrace and all the cross streets between.
- v. Castletown including from Brunswick Rd roundabout, over the bridge, the B5208, Norfolk Rd, Holyoake Terrace, Newton Rd to Gilwilly Industrial Estate roundabout.
- vi. Castletown - Mill St, Brougham St, Howard St, James St, Alexandra Rd, York St, Cross St, Howard St, Oxford Cl, Mill Terrace, Bridge St, Newlands Pl, Norfolk Pl, Balmoral Cl, Windsor Dr, Greystoke Rd, Greystoke Park Rd, Greystoke park Ave, Cookson Ct, Greystoke Cl, Berkley Ct, Musgrave St, Hillcrest.
- vii. Drovers Lane, Meeting House Lane, Benson Row and Folly Lane
- viii. Macadam Way, Petteril Rd, Anchor Cl, Macadam Gardens.
- ix. Raiselands Croft
- x. Skirsgill Lane

## **PL23/74 Proposed Traffic Calming Features Carleton Hill Road**

Members considered the formal consultation on the proposed Carleton Hill Road traffic calming scheme.

### **RESOLVED THAT:**

A response supporting the application be returned to Westmorland and Furness Council.

## **PL23/74 Penrith Parking Consultation**

Members considered the proposed parking protocol for the management and operation of a residents parking exemption scheme and visitor permit scheme. Members expressed concern about the wordiness of the document as many residents were expressing concern that it was not clear to understand. Concerns were expressed about; the number of visitor permits per household, facilities for carers visiting, the inclusion of garages in the allocation.

**RESOLVED THAT:** the Deputy Town Clerk prepare a response to be returned to Westmorland and Furness based on the comments made.

## **PL23/75 Ongoing Highways Issues**

Members noted the information provided and thanked the Deputy Town Clerk for the update.

## **PL23/76 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:

Application Number	2023/1075/DISC
Location Address	Land of Carleton Road Penrith
Proposal	Part discharge of condition 9 (noise) for Plot 149, attached to approval 20/0501.
Response	No Objection

Application Number	2023/1151/TCA
Location Address	7 Arthur Street PENRITH CA11 7TT
Proposal	T1 Laurel, reduce by 1/3 to secondary canopy. T2 Magnolia, reduce by 20% (1-1.5m) including the removal of 3-4 low lateral branches. T3 Pear, reduce vertical growth to previous pruning points and create canopy separation with declining Plum tree.
Response	No Objection

Application Number	2023/1128/FPA
Location Address	Land off Greenbank Road Eden Business Park Penrith CA11 9FB
Proposal	Construction of day nursery and pre-school use class E.
Response:	Support the application, such a facility is required in Penrith, but would like to see sustainable design features such as rainwater harvesting, PV panels, ev charging points, swift boxes etc

Application Number	2023/1137/FPA
Location Address	Land at Beacon Farm Kemplay Foot Eamont Bridge Penrith CA10 2BD
Proposal	Replacement of existing chicken rearing unit.
Response:	No Objection but would wish it to be conditioned that any waste material from the site is taken away in covered trailers/wagons.

### **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.

**RESOLVED THAT** application 2024/0077/FPA be considered first to enable the planning agent to make his presentation.

**Councillors received a presentation from the planning agent in respect of the following application.**

Application Number	2024/0077/FPA
Location Address	9 Angel Square Penrith CA11 7BT
Proposal	Infill extension to provide single storey entrance porch and insertion of public access stairs to extend shop floor onto first floor. Re-submission of 23/0681.

**RESOLVED THAT:**

A response be returned to W&F SUPPORTING the application. Although in a conservation area, it is within a 1980s modern shopping area, is in keeping with the surrounding area and improves an empty building to make it a more useable space. The proposed development does not harm the environment or impact adversely on Penrith's heritage.

Application Number	2023/1165/FPA
Location Address	Thornlea Nicholson Lane PENRITH CA11 7UJ
Proposal	Proposed alterations and extension to include addition of first floor level accommodation.

**RESOLVED THAT:**

A response be returned to W&F SUPPORTING the application.

Application Number	2024/0065/TPO
Location Address	28 Parklands Way PENRITH CA11 8SD
Proposal	T1 Mature Sycamore - targeted crown reduction to improve shape and form. Crown raise tp 3 - 4 m. Remove 2 / 3 crossing branches. Light thin (10%). Finished height 12m, spread 10 - 12m.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2024/0069/TCA
Location Address	Alderley Beacon Street PENRITH CA11 7TZ
Proposal	Remove Conifer.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application and asking for a small native tree or shrub to be planted to assist with carbon capture.	

Application Number	2024/0070/TCA
Location Address	20 Stricklandgate PENRITH CA11 7QA
Proposal	Willow - reduce crown. Holly - routine pruning. Laburnum - tidy.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2023/1212/LBC
Location Address	The Two Lions Great Dockray Penrith CA11 7FX
Proposal	Listed Building Consent for internal and external building repairs, re-instatement of drainage and services and associated works.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application but requesting the following conditions be included should it be approved: i the path through from New Squares to Great Dockray should be retained for use by the public. The path has been in use by the public, until it was closed off recently, for well over 20 years without force, security, permission and without interruption and could or should, we believe, be designated as a PROW. ii signage regarding parking should not be on the listed building, however if this is essential signage should be small, discreet and in keeping with the heritage asset.	

Application Number	2024/0014/FPA
Location Address	44 Lowther Street Penrith CA11 7UQ
Proposal	Demolition of existing rear single storey extensions and erection of replacement single storey extension together with installation of insulated render to gable wall.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2024/0027/FPA
Location Address	32 Wordsworth Street Penrith CA11 7QY
Proposal	Addition of balcony and replacement of window with glazed double doors to rear elevation.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2024/0030/FPA
Location Address	1 Union Lane PENRITH CA11 9DU
Proposal	Addition of single storey extension to rear elevation and dormer to rear elevation roof.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2024/0032/FPA
Location Address	Burlish Beacon Edge PENRITH CA11 7PE
Proposal	Alterations to include front and side extensions and conversion of garage to additional living accommodation.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

**Councillor Bowen left the meeting.**

Application Number	2024/0079/TCA
Location Address	11 Beacon Park PENRITH CA11 7UB
Proposal	S211 notification for works to Fir trees, trim tops due to blocking light.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Application Number	2023/1219/TPO
Location Address	2 Barco Hill Grove PENRITH CA11 8NF
Proposal	Fell Cedar Deodora.
<b>RESOLVED THAT:</b> A response be returned to W&F Council OBJECTING to the application. Top trimming and crown thinning would be more appropriate if the tree is not damaged or diseased.	

Application Number	2023/1135/LBC
Location Address	48 Arthur Street Penrith CA11 7TU
Proposal	Listed Building Consent for the replacement of 2no single glazed timber windows with double glazed uPVC windows in the same style on gable elevation.
<b>RESOLVED THAT:</b> A response be returned to W&F Council OBJECTING to the application on the grounds that the application does not protect or enhance the significance of the Grade II listed building.	



Application Number	2024/0079/TCA
Location Address	Lonsdale Villa Fell Lane Penrith CA11 8AA
Proposal	S211 notification for works to Fir trees, trim tops due to blocking light.
<b>RESOLVED THAT:</b> A response be returned to W&F Council SUPPORTING the application.	

Pre Planning Application Consultation – Perry Williams Ltd	For a mobile phone base station installation at CMA0012, land at John Beaty Transport, Penrith, Cumbria CA11 0DW (NGR: E350249, N529933) <b>See enclosed documentation</b>
<b>RESOLVED THAT:</b> A response be returned to the company advising that at this time, without prejudice, the Town Council had no comments to make at this time.	

### **PTC23/77 Next Meeting**

Members noted that the next meeting was scheduled on 4 March 2024 at 4.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

**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 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 local 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 Council will publish the planning lists every Monday morning with the live application. The Town Council is normally given 20 days to comment on the application with the deadline for responses shown on the application on the Unitary Council website.

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 <https://planningregister.westmorlandandfurness.gov.uk/>

### **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-planningapplication/>

Once all comments have been taken, the Town Councillors will formulate their comments. Council's comments are forwarded to the Unitary Council within the legal timescale given on their website.

## 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.

## Process and Delegation

Wherever possible planning 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 Deputy Town Clerk. Penrith Town Council Office sends the planning application details to all Councillors on the Planning Committee as soon as they are received.

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

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

## Types of Application

**Minor** 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' may be delegated between meetings to the Deputy Town Clerk:

- If a planning consultation deadline falls between meetings the Council may delegate authority to the Deputy Town 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 Deputy Town 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.

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

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

The practice at the meeting will be to invite the public who have indicated that they wish to speak to do so 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. An organisation may make representation on behalf of a number of residents.

Before the meeting, members 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 or go onto privately owned ground. The member or officer may also consult the Unitary Council Planning Office and consult with a Planning Officer to get further information or clarity on any item of particular concern before presenting the application to the next meeting of the Planning Committee.

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

### **Where are the decisions whether to grant permission or not made?**

Simple planning applications are decided by officers of Westmorland & Furness Council under their delegated powers but contentious planning applications may be 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 at

<https://westmorlandandfurness.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

## **Material Planning Considerations**

All comments on planning applications must be based on material planning matters, including:

- Local, strategic and national planning policies.
- Emerging new plans which have been through at least one stage of public consultation
- Pre-application planning consultations carried out by or on behalf of the applicant
- Government and Planning Inspector requirements
- Previous appeal decisions
- Principles of case law
- Loss of sunlight (based on building research establishment guidance)
- Overshadowing / loss of outlook
- Overlooking and loss of privacy
- Highways issues
- Noise or disturbance resulting from use
- Smells and fumes
- Physical infrastructure
- Social facilities
- Storage and handling of hazardous materials and development of contaminated land
- Trees
- Adverse impact on nature conservation
- Effect on listed buildings and conservation areas
- Incompatible or unacceptable uses
- Local financial considerations
- Layout and density of building design
- Landscaping

Planning comments cannot include:

- Matters controlled under building regulations
- Private issues between neighbours
- Problems regarding construction
- Principle of development
- Personal circumstances of the applicant
- Previously made objections/representations
- Factual misrepresentation of the proposal
- Business competition
- Loss of property value
- Loss of view.

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:**                      **Review: May 2027**

**Appendices:**  
Planning Portal Links