



Penrith Town Council

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

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

DATE: 2 April 2024

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 8 April 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

COMMITTEE MEMBERSHIP

Cllr Bowen
Cllr Holden
Cllr Jackson
Cllr D Jayson

Pategill Ward
Carleton Ward
North Ward
West Ward

Cllr Knaggs
Cllr Lawson
Cllr. Shepherd
Cllr. Snell

East Ward
Carleton Ward
East Ward
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 MONDAY 8 APRIL 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:

- i. the meeting of the Planning Committee held on Monday 4 March 2024;
and
- ii. the minutes of the extra ordinary meeting of the Planning Committee held on Monday 11 March 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. Claimed Footpath at Two Lions Pub, Penrith

To consider the attached report.

7. Decision Making Process for Planning Applications

To consider the attached report.

8. Speed Indicator Device (SID) – Oak Road

To consider the attached report.

9. Consultation Regarding Sustainable Transport

To determine what response to make to the consultation on the potential enhancement of bus services affecting Penrith, particularly the 646 Town Service.

10. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Application Number	2024/0310/NMA
Location Address	Land at Carleton Hall Farm Carleton Avenue PENRITH CA11 8RQ
Proposal	Non Material Amendment to change the north west gable from stone to render, attached to approval 23/0416.
Response:	No Objection

Application Number	2024/0173/ADV
Location Address	Morrisons Supermarket Brunswick Road Penrith CA11 7JU
Proposal	Advertisement Consent for the retention of 32no non-illuminated parking information signs.
Proposed Response	No Objection

Application Number	2024/0354/TCA
Location Address	9 Beacon Close Penrith CA11 8QH
Proposal	Remove Weeping Willow.
Proposed Response:	No Objection but would like to see replaced with smaller native tree or shrub

Application Number	2024/0384/NMA
Location Address	Land at Raiselands Farm Penrith CA11 9NQ
Proposal	<u>Non Material Amendment</u> to update planning layout to change Plot 126 to Rufford from Roseberry to enable Plot 125 to move away from boundary by approx 800mm. Plot 160 moved west, away from boundary by approx 300mm. Plots 36 and 144 separated from garages and garages omitted from Plots 147, 148 and 166. Retaining wall alignment amended to better reflect approved drawings. Plot 164 moved to plot 185. Update of approved plan Proposed Site Levels 30083_200 Rev A with 30038.16.1 Rev A; 30038.16.2 Rev B; 30038.16.3 Rev A; 30038.16.4 Rev A to reflect above amendments and stepped lowering of plot 229 against existing, attached to approval 14/0405.
Response	No Objection as this is a non material amendment however Penrith Town Council has some concerns about the removal of garages from plots 147, 148 and 166 as they provide parking place or additional storage.

Application Number	2024/0291/LDPR
Location Address	59 Musgrave Street PENRITH CA11 9AS
Proposal	<u>Lawful Development Certificate</u> for proposed rear extension to extend kitchen, conversion of existing outbuilding to create utility room/shower/wc and addition of dormer window to rear elevation.
Response:	Support

Application Number	2024/0351/NMA
Location Address	1-2 Little Dockray PENRITH CA11 7HL
Proposal	<u>Non Material Amendment</u> for application of render to facade, replacement of existing timber windows with uPVC, replacement of existing entrance door with composite door and insertion of roof lantern, attached to approval 19/0202.
Response:	Although Penrith Town Council has no problem with uPVC windows in the upper story to make the building more environmentally useable, it does Object to the render on a prominent position within the conservation area

b) PLANNING APPLICATIONS FOR CONSIDERATION

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

<https://planningregister.westmorlandandfurness.gov.uk/> by inserting the appropriate planning reference number.

Application Number	2024/0332/FPA
Location Address	Creations 2-4 Poets Walk Penrith CA11 7HJ
Proposal	Change of use of first floor of hair and beauty salon (use class E) to a residential flat (use class C3), and replacement of first floor window.

Application Number	2024/0385/FPA
Location Address	16 Scaws Drive Penrith CA11 8AZ
Proposal	Alterations and extensions to dwelling. Re-submission of 23/0725.

Application Number	2024/0502/TCA
Location Address	Beacon Hill Cottage Fell Lane Penrith CA11 8BJ
Proposal	Reduce Scots Pine by 1/3 and extended branch by 2m, to reduce the risk of limb and stem failure.

Application Number	2024/0501/PALHE
Location Address	59 Musgrave Street Penrith CA11 9AS
Proposal	Prior Notification under schedule 2, part 1, class A, for a single storey rear extension.

Application Number	2024/0452/LDPR
Location Address	1 Plimsoll Close Penrith CA11 9EY
Proposal	Lawful Development Certificate for a single storey rear extension.

Application Number	2024/0385/FPA
Location Address	16 Scaws Drive Penrith CA11 8AZ
Proposal	Alterations and extensions to dwelling. Re-submission of 23/0725.

Application Number	2024/0439/TCA
Location Address	13 Graham Street Penrith CA11 9LG
Proposal	Laburnum tree in garden - cut down to stump.

Application Number	2024/0451/TCA
Location Address	Yew Trees Lowther Street Penrith CA11 7UW
Proposal	2x Holly Trees in conservation area Crown reduction to prevent the canopies from reaching the roof line and overhanging neighbouring property.

Application Number	2024/0446/TPO
Location Address	Yew Trees Lowther Street Penrith CA11 7UW
Proposal	Yew tree subject to TPO 20% Crown reduction to prevent the canopies from reaching the roof line and overhanging neighbouring property.

Application Number	2024/0448/TCA
Location Address	Arbol House Fell Lane Penrith CA11 8BJ
Proposal	Yew Tree - T1 Remove 2x branches on south side of tree. 12cm in diameter at 4m in height. 2m in length. tree height 7. Holly Tree - T2 Remove 6 small branches on south side of tree, 8-12cm in diameter up to 1m in length. Height approx 5m. To reduce the height by 1/2 removing thin shoots from previous pruning point. Both trees overhanging the garden of the applicant.

Application Number	2024/0542/TPO
Location Address	Lindenthwaite Beacon Edge Penrith Westmorland And Furness CA11 8BN
Proposal	TPO No58 1994, T1 Yew – remove co-dominant stem growing at 45 degrees to the northwest. Reduce canopy on remaining crown by 30 per cent on the north side to balance the tree. This will leave a single stem with a uniform crown securing the tree’s future. T2 Beech tree – raise crown of the beech tree to 7m. This will provide light for the yew tree securing its future, take ends of branches away from the roof and give us headroom while gardening.

11. Next Meeting

Note the next meeting is scheduled for 13 May 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



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DRAFT Minutes of the meeting of

PLANNING COMMITTEE

Held on Monday 4 March 2024, at 4.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PRESENT

Cllr Holden	Carleton Ward
Cllr Jackson	North Ward
Cllr D Jayson	North Ward
Cllr. Knaggs	East Ward
Cllr. Lawson	Carleton 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 4 MARCH 2024

PART I

PL23/78 Apologies for Absence

Apologies for absence with reasons were received from Councillor Bowen.

PL23/79 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on 5 February 2024 and agreed they be signed as such.

PL23/80 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.

- i. Councillor Holden declared a pecuniary interest in Agenda Item 8a, Planning Application No 2024/0201/TCA but stated that she had had no involvement in its consideration, a fact confirmed by the Deputy Town Clerk.

PL23/81 Public Participation

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

PL23/82 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.

PL23/83 Planning Protocol

Members reviewed the current planning protocol.

RESOLVED THAT:

the Planning Protocol, with minor amendments, be recommended to Council for ratification.

PL23/84 Provisional Meeting Dates 2024/25

Members considered the provisional meeting dates for the 2024/25 municipal year.

RESOLVED THAT:

The following provisional meeting dates be recommended to Council for approval, with the first meeting of the municipal year to be held at 4.00pm and subsequent timings to be agreed at the first meeting of the new Planning Committee:

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

PL23/85 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:	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 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.

Application Number	2023/1056/FPA
Location Address	Omega Proteins Penrith Ltd Processing Plant Penrith CA11 0BX
Proposal	Erection of replacement tipping shed.
<p>Members were advised that this application was back before them as additional technical information had been made available.</p> <p>RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application as it was materially acceptable and moves the operation to be more technically sound with better odour management. The Town Council requests that it should be conditioned that the company complies with the Environmental Informative regarding the permit variation and asks that it be conditioned that all doors should be suitably alarmed to prevent them being inadvertently left open.</p> <p>The Town Council would also like to see a washdown facility within the shed to help mitigate any odour pollution.</p>	

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.
<p>RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application for route C but requesting a condition be included if the application is approved to replace and enhance tree cover with native species of trees and shrubs</p>	

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.
<p>RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application</p>	

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.
RESOLVED THAT: A response be returned to Westmorland and Furness Council SUPPORTING the application as enhanced mobile signal is required within the town.	

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.
RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application but requesting that, should it be approved, it be conditioned that the arch shape of the existing window be replicated as suggested within the application form and heritage statement as this is contradicted by the design and access statement.	

Application Number	2024/0146/FPA
Location Address	Thacka Lea Caravan Park Thacka Lane Penrith CA11 9HX
Proposal	Siting of storage container.
RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application.	

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.
RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application as it does not affect the façade which is the reason for the listing.	

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.
<p>RESOLVED THAT: A response be returned to W&F Council SUPPORTING the application which brings back a redundant building back into use.</p> <p>Penrith Town Council would wish to be consulted on any changes to the frontage and with possible signage.</p>	

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.
<p>RESOLVED THAT: A response be returned to W&F Council with the following comments:</p> <ol style="list-style-type: none"> 1. Penrith Town Council is concerned that having withdrawn the application for removal of a condition relating to ancillary accommodation an application has now been received for change of use to an independent dwelling. Thacka Gate and Thacka House (formerly listed as Thackagate) are listed as Grade II properties. 2. The original application for ancillary accommodation was to ensure that the character of the area within the conservation area was preserved and so that a separate dwelling was not created. Retention of this condition would ensure that the development so far approved accords to Policy ENV10 of the Eden Local Plan. 3. The boundary wall and garden are a feature of older properties in this area and should be retained in order to preserve the character of the area. 4. The Town Council has concerns about parking on this area of Milton Street and Thacka Lane due to the narrowness of the road. Parking for this development on street would be immediately adjacent to the entrance to the play area although the Town Council would defer to Highways on this issue 	

PTC23/86 Next Meeting

Members noted that the next meeting was scheduled on 8 April 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**

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Background Papers

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DRAFT Minutes of the extra ordinary meeting of

PLANNING COMMITTEE

Held on Monday 11 March 2024, at 5.15pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PRESENT

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 EXTRA ORDINARY MEETING OF PLANNING COMMITTEE MONDAY 11 MARCH 2024

PART I

PL23/87 Apologies for Absence

Apologies for absence with reasons were received from Councillors Bowen and Lawson.

PL23/88 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. No declarations were received.

PL23/89 Public Participation

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

PL23/90 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.

PL23/91 Planning Applications

a) 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.

Application Number	19/0840
Location Address	LAND AT CARLETON ROAD, PENRITH
Proposal	Residential development of 105 dwellings and associated infrastructure.

RESOLVED THAT:

A response be returned to Westmorland and Furness Council OBJECTING to the application on the following grounds:

1. The application is a departure from the Eden Local Plan which allocates this land for 86 houses. Although a reduction from previous applications, this one is for 105 houses which is an increase of 22% over the allocation.

2. Policy PEN2 of the Eden Local Plan states that the remaining strategic sites (which includes this one) will not be given permission for development until masterplans for those areas have been agreed with the Council. At the present time permission have been given for developments in this area without such a collaborative masterplan including site layouts and physical and social infrastructure required to support the growth. The Town Council has specific concerns about the social infrastructure particularly educational provision as a new school is not being built at the south eastern side of town, one secondary school is at capacity whilst the other is selective and there are issues accessing doctors and dentists. A strategic plan should be considered as a matter of urgency with the Town Council and approved prior to any additional approval of planning permission.
3. Little regard has been taken of the Housing Needs survey undertaken by the Eden District Council on behalf of the Town Council which still provides current data. There should be a suitable mix of houses and bungalows of a suitable size and priority should be for the provision of truly affordable homes to meet the needs of young renters with/without children, first time buyers, empty nesters and the ageing population. The affordable housing should be distributed throughout the site rather than concentrated in what will be the darkest and noisiest area of the site overshadowed by trees.
4. The provision of green space within the centre of the site as a community space for residents to meet, although pleasing to see, is minimal and does the plan does not provide a secure fenced play area with multi activity play equipment anywhere on the site. This together with open community space is essential for young families to promote inclusion and healthy lifestyles.
(Policy 4 in Penrith Town Council's emerging Neighbourhood Plan is about accessibility and social inclusion and states that 'to improve social inclusion, where appropriate, proposals should provide high quality, well located, accessible, functional, centralised public open space, play areas and public spaces that allow people of all ages and backgrounds to meet and lead healthy and active lifestyles).
5. Development proposals should be designed to incorporate sustainable development principles and measures which should build in resilience and achieve development that is adaptable to meet the challenges of future climate and socio-economic change, Development proposals should demonstrate, where practicable, that they meet all of the following criteria:
 - a. The inclusion of design features and measures that encourage active and healthy lifestyles, for example, good links to the walking, cycling and public transport network, access to private or shared garden space and public recreation space and incorporation of cycle storage.
 - b. Capacity of the development to prevent flooding and water course pollution and measures to minimise water consumption, including the incorporation of sustainable urban drainage systems, rainwater harvesting and water efficient fittings
 - c. Design that includes measures to minimise energy use and consumption, seeks to include the highest available standards of energy efficiency measures for buildings, and provides, where appropriate, on-site production of energy using renewable sources, such as photo voltaics, ground/air source heat pumps and small wind turbines;
 - d. Inclusion of measures to reduce resource consumption and measures that re-use and recycle resources, including:
 - i. Using sustainable building materials that are capable of recycling following demolition (e.g. masonry, concrete, glass, timber, roofing materials, pipework and insulation)

- ii. Utilising recycled building materials, wherever possible (e.g. masonry, roofing materials, aggregate).
- e. Maximise opportunities for active means of transport, (walking, cycling and public transport) and to promote use of low carbon vehicles by providing charging points;
- f. Use of sustainable, renewable, healthy products (e.g. by avoiding toxic or carcinogenic materials) that embody low energy output, and are, wherever possible, sourced locally;
- g. Protection of greenspaces, creation of new greenspaces and, where applicable, net gains in biodiversity;
- h. Protection and enhancement of the local identity, character and distinctiveness of the Town

The developers should also take into account Policy 1 (Environmentally Sustainable Design) of the emerging Neighbourhood Development Plan which has been developed from consultations with the public:

Development should be designed in such a way that it promotes high quality, environmentally sustainable design. Proposals should be informed by, and respect, the Town's wider character and the local site context. High quality, contemporary design will be encouraged where it reflects these criteria. Planning applications will be assessed against the following:

- a. Design and Access Statements, where they are required to accompany a planning application, should set out how the proposal achieves high quality and environmentally sustainable design;
- b. For planning applications classed as major development, the Design and Access Statement should include an Energy Statement setting out how the proposal meets zero or low carbon targets and includes climate change resilience measures. As a minimum, Building Research Establishment Environmental Assessment Method (BREEAM – Good or Excellent Standard) or Code for Sustainable Homes (Level 4 equivalent) should be achieved;
- c. Innovative sustainable design solutions will be encouraged to ensure that buildings remain at the forefront of sustainable building design. For example, measures to be considered include things such as:
 - i. Adopting water recycling methods at source;
 - ii. Using sustainable building materials;
 - iii. Recycling of grey and rainwater;
 - iv. Adopting high standards for thermal insulation and using features such as building orientation and natural ventilation to maximise passive solar gain and to aid natural heating and cooling of buildings and
 - iiv. Inclusion of design features that encourage more sustainable lifestyles e.g. electric vehicle charging points, convenient storage of waste for recycling etc.

The Construction Management Plan is not site specific and in fact refers to other sites being developed by the developer. Given issues on these large developments for adjoining residential properties, the Town Council would request that the Construction Management Plan allows for the provision of regular meetings by a representative of the developers (not the site manager) with affected residents in order to listen to any concerns or issues during the building phase so that they can be acted upon.

Penrith Town Council also remains concerned that the access will add greatly to congestion on this road and that with the growth of development in this area and the addition of a new convenience store, the A686 through Carleton should now be reduced to 30mph. Anyone walking into the town centre will need to cross a busy main road. The transport document submitted is out of date and refers to the

preferred option of the shelved Masterplan Transport Assessment and the traffic data was taken from 2015. It is important that the developer works with the developer of the convenience store to ensure that footpaths and entrances work alongside each other.

North Lakes is not the nearest primary school to the development and both the secondary schools have advised that they are nearly at capacity. This is exacerbated because QEGS is a selective grammar and only takes pupils who pass the entrance exam regardless of their home address. A new primary school was proposed for Carleton adjoining the Persimmon site although this will no longer be built with an increase of pupils at Beaconside School being proposed instead.

Should the application be approved, Penrith Town Council would like to request that a S106 agreement be put in place to ensure that the development contributes to the public transport for the area as a whole and can be used for improvements to highways infrastructure. The Town Council would also be pleased to receive some S106 funding to enable the footpath through Thacka Beck Field to be enhanced and made more accessible as this is seen as the main and safer route into the town centre, to schools and the health centre, especially when work is being undertaken on the duelling of the A66

PTC23/ Next Meeting

Members noted that the next meeting was scheduled on ** 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

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

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

PLANNING COMMITTEE

Date: 8 April 2024

Public Report

Matter: Claimed Footpath at Two Lions Pub, Penrith

Item no: 6

Author: Deputy Town Clerk

Supporting Member: Cllr Scott, Jackson, Chair of Planning

Purpose of Report:

To receive an update on the footpath through the Two Lions and consider submitting an application for the path to be recorded.

Recommendations:

- i. To consider the submission of a draft application to Westmorland and Furness Council and give delegated authority to the Chair and Deputy Town Clerk to gather evidence as required and submit the form.

Law and Legal Implications

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.

1. Report Details

- 1.1 In September 2023, the Town Council, along with a number of individuals, contacted the Conservation Officer at Westmorland and Furness Council to report that the cut through the Two Lions from Penrith New Squares to Great Dockray had been closed off and a sign put onto the wall of the listed building.
- 1.2 In October 2023 the Town Council was advised that the sign was being removed and that the Right of Way Team and Highways Teams were looking at the issue of the closed off path.
- 1.3 In February 2024, the Town Council received more concerns from members of the public and raised the issue again with the Assistant Director for Inclusive and Green Growth who passed our comments on to the Development Manager for Inclusive and Green Growth. The Public Rights of Way Team were asked to investigate.
- 1.4 The Town Council has received an email from the Countryside Access Officer who has advised that as the path is not recorded on Westmorland and Furness Council's Definitive Map of public rights of way they had no power to instruct the landowner to open up the covered ginnel.
- 1.5 The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1983 allows for claiming a new Public Right of Way, notice must be served by the applicant on the landowner and occupant concerned.
- 1.6 The Two Lions building is owned by Westmorland and Furness Council but leased to Sainsbury's and is currently being renovated by a third party although the plans do not seem to show any ingress into the existing passage.
- 1.7 The Westmorland and Furness Ward Councillors have been told how they can claim the route to be added to the legal record and that evidence will be required to be submitted with the application. One of the ward councillors has advised the Town Council that a letter had previously been written to the Herald asking people to make contact regarding previous usage.
- 1.8 It is important to bring The Two Lions back into use in terms of it being a heritage building, commercially and to add vibrancy to the area. One Westmorland and Furness Councillor has advised that they will not pursue keeping the cut open so that it doesn't impact on the restoration of the building and future use.
- 1.9 Given that it ran as a pub for many years with an open path, it is not understood how keeping this open as a path between the two areas would hinder the business.

2. Options Analysis including risk assessment

a) Risk

The Town Council is not seen to be supporting those residents who have raised this as an issue.

b) Consequence

Should this not be pursued there is a risk that the town loses a path that has been used by residents for a number of years and that the well-used path is lost.

c) Controls Required

Gather and provide evidence and completed application form.

3. Financial and Resource Implications

Officer time

4. Equalities Implications

None

5. Climate Change and Environmental Implications

Nil

Appendices

Background Documents:

PLANNING COMMITTEE

Date: 8 April 2024

Public Report

Matter: Decision Making Process for Planning Applications

Item no: 7

Author: Deputy Town Clerk

Supporting Member: Councillor Scott Jackson, Chair of Planning

Purpose of Report:

To update Members on the planning process adopted by Westmorland and Furness Council in the new Constitution and decide whether to make representation.

Recommendations:

- i. To make representation to Westmorland and Furness Council about the lack of ability for neighbours and residents to call in a planning application to committee and ask them to take this into consideration when reviewing their constitution..

Law and Legal Implications

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.

1. Report Details

- 1.1 Prior to the formation of Westmorland and Furness Council (W&F), members of the public objecting to an application on material planning grounds were able to ask for planning applications to be considered by Eden District Council's Planning Committee.
- 1.2 The new Council Constitution adopted by W&F has a much greater scheme of delegation intended to speed up the decision making process for planning applications to ensure Government targets are met which inevitably means less casework going to the Planning Committee.
- 1.3 Officers have been given delegated authority to decide certain planning applications however, delegated authority does not apply to the following:
 - Approvals which would be contrary to policy
 - Applications of a major, controversial or sensitive nature
 - Applications arousing significant public interest on valid planning grounds
 - An objection from a statutory consultee
 - Where a Parish Council has objected on valid planning grounds
 - Where a W&F Member asks for the application to go to committee with a clear written planning-related justification for doing so within the initial 21 day period.
 - Where the recommendation is contrary to that of a statutory undertaker eg the Highways Authority.
- 1.4 Members of the public cannot request that an application be referred to the Planning Committee under W&F Council's current scheme of delegation unless they get the support of their ward councillor who is encouraged to discuss any request in advance with the planning officer (see 1.3 point 6 above).
- 1.5 If neighbours wish to object to an application which they feel has a great detrimental affect on their amenity they should be given the opportunity to put their views forward on an application by requesting that it be heard at committee.

2. Options Analysis including risk assessment

a) Risk

That members of the public feel dis-enfranchised with the planning procedure.

b) Consequence

Reputational risk for both Councils with applications being unchallenged.

c) Controls Required

Penrith Town Council

3. Financial and Resource Implications

None

4. Equalities Implications

None

5. Climate Change and Environmental Implications

None

Appendices

Background Documents:

Eden District Council Constitution

Westmorland & Furness Council Constitution

PLANNING COMMITTEE

Date: 8 April 2024

Public Report

Matter: Speed Indicator Device (SID) – Oak Road

Item no: 8

Author: Deputy Town Clerk

Supporting Member: Councillor Scott Jackson, Chair of Planning

Purpose of Report:

To consider the installation and on-going maintenance of a Speed Indicator Device (SID) on Oak Road due to on-going issues with speeding.

Recommendations:

- i. Consider the approval and installation of a Speed Indicator Device (SID) on Oak Road. The SID to be purchased and maintained by Penrith Town Council and installed by Westmorland and Furness Council.
- ii. If approved give delegated authority to the Deputy Town Clerk to liaise with Westmorland and Furness regarding the Memorandum of Agreement and exact location and to liaise with the provider regarding its purchase should it be agreed.

Law and Legal Implications

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.

1. Report Details

- 1.1 In 2021, Penrith Town Council considered alleged speeding issues at a number of locations within Penrith and passed the locations onto the Crime Reduction and Safer Highways (CRASH) Team for their consideration and approval. The CRASH Team is a multi-agency group which consists of representatives of the Highways Authority (Westmorland and Furness Council), Cumbria Constabulary and other interested parties.
- 1.2 The team take into consideration all the data available to them to determine whether a location is suitable for installation of a SID.
- 1.3 Three SIDs were installed in 2022 at the most problematic locations ie Beacon Edge, Bridge Lane and Carleton Road.
- 1.4 Oak Road was on the list considered by the Town Council at that time.
- 1.5 CRASH has now been replaced by the Cumbria Road Safety Partnership (CRSP) who consider potential request for SID locations against all the data available and in line with their policy.
- 1.6 CRSP acknowledge that there is a problem with speeding on Oak Road based on available data and have agreed to the installation of a SID at a suitable location that will be determined by the Highways Authority in consultation with other members of CRSP should the Town Council agree to fund one.
- 1.7 A memorandum of agreement would be entered into by the Town Council and Westmorland and Furness Council for the siting and maintenance of the speed indicator device.
- 1.8 The purchase cost of a SID from the same company as the others owned by the Town Council would be £5,478.
- 1.9 Using the same company gives some economy of scale for ongoing maintenance and calibration as they can do the work on all the SIDs within Penrith at the same time.

2. Options Analysis Including Risk Assessment

a) Risk

That speeding continues in this residential estate causing serious injury.

b) Consequence

There would be a reputational risk to the Town Council if it ignored the acknowledged speeding issues and an accident occurred.

c) Controls Required

Continue to work with the Highways Authority and CRSP Team to agree a location and any on-going

3. Financial and Resource Implications

The SID can be funded from the 2024/25 budget. Staff time is required to liaise with officers from Westmorland and Furness to approve the location and Memorandum of Agreement and to order and arrange for the SIDs installation.

4. Equalities Implications

None

5. Climate Change and Environmental Implications

None

Appendices

Background Documents:

Section 2: Proposed BSIP+ funding allocation

9. Do you wish to comment on the Council's suggestions for enhancing bus services in the Eden area?

Yes (go to question 10)

No (go to question 14)

10. The Council is suggesting the following enhancements to bus services in the Eden area. Please tick all of the routes you would support.

Bus service	Suggested enhancement	
104 : Carlisle - Penrith	Increase frequent from every 60 to every 30 minutes	
104 : Carlisle - Penrith	Increase Sunday frequency from every 120 to every 60 minutes and make it more direct	
105 : Greystoke - Penrith	Offer new Daily service, possibly with links to other areas (for example Settle - Carlisle line at Langwathby)	
106 : Kendal - Shap - Penrith	Improve days of operation to Monday to Saturday and improve frequency	
508 : Windermere - Penrith	Improve Summer (2025) frequency to every 60 minutes from every 120 minutes	
561: Appleby - Kendal	Re-introduce Wednesday service	
563 : Penrith - Kirkby Stephen	Re-introduce regular service from Kirkby Stephen - Penrith, six days a week, possibly with service at peak times.	
646: Penrith Town Service	Introduce early morning and later afternoon service - to complement existing daytime service	
680 : Nenthead - Carlisle	Re-introduce service twice a week, with the possibility of starting one day at Garigill instead of Nenthead	
UB1 : Ullswater Service	Support new services provided on behalf of Sustainable Ullswater	
X4/X5 : Keswick - Penrith	Double frequency from every 60 to every 30 minutes to improve rail connections at Penrith	
X5 : Workington - Penrith	Maintain hourly Sunday Service through Winter	

11. Have we missed any bus services from the list that you would like to see enhanced or launched?

Yes (go to question 12)

No (go to question 13)

12. Please expand on your answer in question 11.

13. What would be the number one thing you would do to improve bus services in the Eden area?