



Penrith Town Council

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

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Minutes of the meeting of

PLANNING COMMITTEE

Held on Monday 7 October 2024, at 5.15pm, 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. 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

7 OCTOBER 2024

PART I

PL24/38 Apologies for Absence

Apologies for absence were received from Councillor Knaggs.

PL24/39 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 2 October 2024 and agreed they be signed as such.

PL24/40 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 Jackson declared a registrable interest in planning application 2024/1670/LBC as he was involved in a petition to retain the passageway as access from Penrith New Squares to Great Dockray. Councillor Jackson declared that he would take no part in the discussion or decision thereof and that Councillor Holden as Vice Chair would chair this item.
- ii. Councillor Lawson declared a registrable interest in planning application 2024/1670/LBC as he had signed the petition requesting the retention of the passageway as access from Penrith New Squares to Great Dockray. Councillor Lawson declared that he would take no part in the discussion or decision thereof.

PL24/41 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 received a presentation from a representative of Evolve Penrith in relation to item 6 (Highways Safety Issues Little Dockray) on the agenda.

PL24/42 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.

PL24/43 Highways Safety Issues Little Dockray

Members considered a report on highways safety issues within Little Dockray that had been raised by members of the public. The importance of loading / unloading for businesses receiving heavy deliveries was accepted.

RESOLVED THAT:

- i. delegated authority be given to the Deputy Town Clerk to liaise with Highways Officers; and
- ii. it be recommended that the Highways Authority be requested to make an emergency traffic order, on the grounds of safety, to prohibit all motor vehicles Monday to Saturday between the hours of 1000 – 1600 with exemptions written in to facilitate unloading/loading only between the hours of 0800 and 1800 every day and that signage be installed requesting any delivery vehicles to take care and drive slowly.

PL24/44 2025/26 Budget: Process and Proposals

Members considered the report

RESOLVED THAT:

- i. that the planning budget of £15,000 for the current financial year be retained and that the budget of £10,000 as shown in the medium-term financial plan be agreed as reasonable to meet as yet unforeseen expenditure;
- ii that no new growth items be submitted for the 2025/26 budget process; and
- iii that a report be brought back to a future meeting about the possibility of locating SIDs in other areas or purchasing a moveable SID.

PL24/45 Neighbourhood Development Plan Update

Members noted the letter from Westmorland and Furness Council (WAF) proposing that the Neighbourhood Development Plan (NDP) Referendum takes place on Thursday 28 November.

The Chair made the following statement:

The Penrith Neighbourhood Development Plan contains policies which reflect the priorities of residents who responded to three informal consultation rounds as well as submitting comments through the various groups who made up the Neighbourhood Plan Steering Group.

An NDP cannot stop development nor can it include policies which conflict with a Local Plan or the National Planning Policy Framework. It can allocate land for residential and commercial development however it was our view, and the views of the public, that there was sufficient land allocated through the Local Plan as well as a specific NDO for food and farming.

The Neighbourhood Development area was designated late in 2016 and we formed the group and started work in early 2017. NDPs take varying lengths of time to complete, between 3-7 years depending on the complexity although we know of one that took 9 years to complete. The NDP group included Penrith Town Councillors, business representatives, representatives from both secondary schools, Newton Rigg, Churches Together, arts organisations, Cumbria Action for Sustainability (CAfS) and Penrith Action for Community Transition (PACT). Following three public consultations whilst drawing up the plan, to make sure we were still reflecting what people wished to see, the statutory Regulation 14 consultation was carried out early in 2019. All the consultations carried out by Penrith Town Council were through drop in sessions at events within town, drop ins at physical locations such as the Library, Parish Rooms and supermarkets, on line and through hard copy. A copy of the proposed policies was also sent to every household in Penrith with a prepaid envelope. Comments were reviewed and the formal draft plan was submitted at the start of December 2019 to the then Eden District Council (EDC) for the statutory Regulation 16 Consultation which they had to carry out as the principal authority.

Sadly, as we all know, Covid hit and put a stop to the consultation which didn't take place until September 2020 when it was fully on-line. The Independent Inspector was able to visit for 2 half days in January 2021 before the public hearing took place virtually in February 2021 – as whole 14 months after being submitted.

The post hearing note released in February 2021 explained that out of all the proposed protected green spaces, Beacon Hill did not meet the legal definition for protection due to its size however he accepted our arguments that it was demonstrably special. The Inspectors note suggested that we try to come up with a mutually acceptable policy specifically for Beacon Hill with the landowner, however that proved impossible as both parties wanted different things. The Inspector then took it upon himself (we believed going beyond his remit) to write a bespoke policy for the Beacon which was received in December 2021. EDC were asked to consult on the policy which they did and PTC and the public overwhelmingly rejected it.

The Inspector did not produce his final report until March 2022 in which he decided to delete the policies for the protection of green space and sports and leisure facilities within the town although he gave no real justification for this based on the criteria set out in the regulations. He certainly didn't specify a reason why each individual area didn't qualify, something we had seen in all other Neighbourhood Development Plan reports we had seen.

The Town Council challenged his report based on the deletion of these policies as we knew how important these areas were to residents who had suggested them and who told us why they were special in the first place. A number of meetings were held with EDC Planning officers, legal officers and the Leader of the Council and we submitted a legal argument to EDC in October 2022 for which they sought Advice from legal counsel. Our views were upheld and another informal consultation on the importance of these green spaces to residents was carried out in January/February 2023 and submitted to Westmorland and Furness Council (WAF).

In November 2023 WAF Cabinet considered the report on the draft Neighbourhood Plan, accepted the retention of the policies on green spaces and sports and leisure facilities and agreed it should go to referendum following one further consultation as the recommendations were contrary to Inspector. This consultation was carried out in January 2024 and received the support of residents.

As people can see much of the delay has been out of the hands of PTC but as the views of the public were so strong to protect the green spaces and leisure and recreation spaces in Penrith it was essential that we fight for these areas.

RESOLVED THAT:

- i. the wording on the flyer to go to residents be approved.
- ii. delegated authority be given to the Deputy Town Clerk and Chair of Planning Committee to organise drop in Q&A sessions specifically about the contents of the Neighbourhood Plan.
- iii. A Q&A fact sheet be drawn up to go on line and be placed in specific locations.

PL24/46 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:

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

Application Number	<u>2024/1380/LBC</u>
Location Address	21 Stricklandgate PENRITH CA11 7QA
Proposal	Listed Building Consent for the replacement of existing front and rear timber doors in the same style and replacement of single glazed timber windows with double glazed timber windows in the same style.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application.	

Application Number	<u>2024/1313/FPA</u>
Location Address	Greggs Plc Baker House Greenbank Road Eden Business Park PENRITH CA11 9FB
Proposal	Proposed two storey extension to the existing office and amenity areas.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application with a request that any additional hardstanding should be porous to minimise water run-off.	

Application Number	<u>2024/1525/ADV</u>
Location Address	2 Tun House Brewery Lane Penrith New Squares PENRITH CA11 7FR
Proposal	Advertisement Consent for 1no internally illuminated fascia sign and 1no non-illuminated printed vinyl graphic.
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application but with a request that it be conditioned that the lights on the signage are turned off after a certain time for the residential amenity of nearby residents.	

Application Number	<u>2024/1524/FPA</u>
Location Address	41 Holme Riggs Avenue PENRITH CA11 8NL
Proposal	Erection of a two storey side extension.
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application subject to Highways being satisfied as to the parking arrangements.	

Application Number	<u>2024/1319/FPA</u>
Location Address	31 Huntley Avenue Penrith CA11 8NU
Proposal	Proposed two storey front extension and single storey rear extension.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application in principle with a request that it be conditioned that the existing tree be protected during the development stage. Comments were expressed that the black brickwork and design of the bay window were not in keeping with the surrounding area however it was not felt that they were sufficient to warrant an objection.	

Application Number	2024/1689/TCA
Location Address	60 Wordsworth Street PENRITH CA11 7QY
Proposal	1no Japanese maple (Acer pamtum(rubrum), 1no Holly (Ilex aquifolium) and 1no flowering currant (Ribes sanguineum). The Japanese maple is to undergo a minor crown lift to head height (1.8 metres) to allow the passage of people to use the paved and seating area beneath. In addition there are a number of minor crossing branches and a number of dead branches to be removed. The overall intention is to improve the viability and the safety of the tree as well as improving its appearance. Both the Holly and the Flowering Currant are incursions from planting very close to the boundary in the garden next door. The boundary wall is a retaining wall and the next door garden is on a much higher level. The intention is to remove all parts of the trees which are overhanging the applicants property on a perpendicular axis from the boundary line. As these trees are not fully mature the average size of the branches being removed is 25 millimetres or less.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application subject to the arboreaculturist opinion.	

Application Number	2024/1779/TPO
Location Address	Land adjacent Centurion Rise Penrith CA11 8BS
Proposal	Tree T1 Oak - Prune roots exposed during archaeological excavations within the 3m buffer zone indicated on plan CL12956-001 P0.01 Proposed Strip Map and Record Area and Access Plan (Figure 1 in CL12956 Tech Note AMS Final) to prevent significant harm arising to T1 from the excavations.
RECOMMENDED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application subject to the arboreaculturist being satisfied that the work can be carried out whilst protecting the tree.	

Councillor Jackson and Councillor Lawson excused themselves from the following discussion having declared a registrable interest as they did not wish to take part in the discussion or decision thereof.

Councillor Holden as Vice-Chair of the Committee to the Chair for the following item of business.

Application Number	<u>2024/1670/LBC</u>
Location Address	Two Lions Great Dockray PENRITH CA11 7FX
Proposal	Listed Building Consent for external and internal alterations to enable the re-instatement of public house and hotel.
RESOLVED THAT a response be returned to Westmorland and Furness Council saying that although the Town Council were supportive of the building being renovated to enliven the area and expand the hospitality possibilities, it was essential that any renovations were done to the satisfaction of English Heritage and the Conservation Officer. The Town Council would wish to see the passageway from Penrith New Squares to Great Dockray retained for public use as a well used short cut to town over a number of years until recently and have submitted an application for a Modification Order under the Wildlife and Countryside Act 1981 to define the path as a public right of way.	

Councillors Jackson and Lawson rejoined the meeting and Councillor Jackson took the chair.

Application Number	<u>2024/1625/FPA</u>
Location Address	11 Skirsgill Close PENRITH CA11 8QF
Proposal	Retrospective erection of boundary fence and gate.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application	

PTC24/47 Next Meeting

Members noted that the next meeting was scheduled on Monday 4 November 2024 at 5.15pm, 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.gov.uk