



Penrith Town Council

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

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

DATE: 1 April 2025

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 7 April, at 5.15pm 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 Davies
Cllr Holden
Cllr Jackson

Pategill Ward
West Ward
Carleton Ward
North Ward

Cllr D Jayson
Cllr Lawson
Cllr. Shepherd
Cllr. Snell

West Ward
Carleton Ward
East Ward
West Ward

Mrs V Tunnadine, 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 7 APRIL 2025

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 3 March 2025 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 item/s ** should be considered without the presence of the press and public, pursuant to Section 1(2) of the Public Bodies (Admission to Meetings) Act, 1960, as publicity relating to that (any of those) matter/s may be prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for the other special reasons noted in relation to that matter on the agenda.

6. Pavement Licence Policy 2025-2030

To consider the consultation by Westmorland and Furness Council to introduce a permanent pavement licensing regime to replace the temporary provisions introduced by the Business and Planning Act 2020.

7. Sockbridge & Tirril Parish Council Neighbourhood Designation Application

To consider the application received by Westmorland and Furness Council under Regulation 5 of the Neighbourhood Planning (General) Regulations 2012 for Sockbridge & Tirril Parish Council to designate the whole parish area as the Neighbourhood Plan area for the purposes of producing a Neighbourhood Development Plan.

8. Fell Lane Penrith – Proposed Bus Stop Road Markings

To consider information relating to proposed Bus Stop Markings on Fell Lane.

9. Princes Street Crossing

To consider proposals from the Highway Authority for a safe crossing facility on Princes Street.

10. Land Between East Larches and Lynwood

To note the response submitted on behalf of the Town Council to the Caravan and Motorhome Club as an emergency matter under the Scheme of Delegation

11. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Application Number	2025/0010/LBC
Location Address	The Friarage Friargate PENRITH CA11 7XR
Proposal	Listed Building Consent for internal alterations to remove a non-structural single skin brick wall to form enlarged kitchen and dining hall, take up stone flooring and lay new floorcovering in lieu and convert old kitchen into a utility.
Response	Although the Town Council supports the application in principle, there are concerns about removing the stone flags and hearth as, although not potentially original, the features are part of the buildings evolution. It is preferred that the stone flags are lifted, insulation put in and the flags re-laid on top. Could owners be requested to take a photographic record of the changes and make them available to the museum as an important part of the changes to Friargate as although it's a relatively new part of the building it forms part of its history

Application Number	2025/0102/HOU
Location Address	15 Castletown Drive Penrith CA11 9ES
Proposal	Proposed single storey side extension.
Response	Support

Application Number	2025/0075/NMA
Location Address	Land at Raiselands Farm PENRITH CA11 9JW
Proposal	Non Material Amendment for the removal of 44no garages to be replaced with parking spaces and the substitution of 1no triple garage with a double garage, attached to approval 14/0405.
Response	Support in principle

Application Number	2025/0220/TPO
Location Address	5 Sandath Gardens Fell Lane Penrith CA11 8BG
Proposal	Holly subject to TPO81. Reduce in height by 1m, and branches trimmed. Beech hedge to be pruned back to 4'.
Response	Support

Application Number	2025/0159/DISC
Location Address	Maidenhill Farm Salkeld Road Penrith CA11 8SQ
Proposal	Discharge of condition 3 (drainage scheme), attached to approval 22/0043.
Response	No Comment

Application Number	2025/0193/TCA
Location Address	21 Arthur Street PENRITH CA11 7TU
Proposal	Section 211 Notice. Removal of dead wood from an ash tree infected with Ash die-back disease. The dead and unsafe branches will be removed, leaving the viable branches and trunk insitu. Some of the viable branches will be pruned to improve the cosmetic appearance of the tree, where necessary. The tree is situated close to the retaining wall bordering number 20 Arthur Street and is directly opposite the gable end of number 20, 3 metres from it. Removal of the dead branches is necessary for the safety of anyone using the access path on the property of number 20, which runs parallel to the retaining wall, 2 metres from the tree. Removal of dead branches will also guard against damage to the retaining wall or the gable end of number 20, should the tree or one of the larger branches fall.
Response	Support

Application Number	2024/2254/LDPR
Location Address	The Warehouse Rowcliffe Lane Penrith CA11 7BH
Proposal	Lawful Development Certificate for the proposed replacement of the existing single glazed timber windows with double glazed timber windows on front elevation of dwelling.
Response	Support – although not listed in its own right or as part of 43 King Street which is listed due to its frontage, the building is within the Conservation area. The proposed changes will make the building more thermally efficient and will not detract from the character of either the building nor the area.

Application Number	2025/0198/TCA
Location Address	20 Arthur Street PENRITH CA11 7TU
Proposal	Section 211 Notice. Light pruning of an apple tree and removal of a single diseased/rotting branch.
Response	Support

Application Number	2025/0155/TCA
Location Address	Hameln House Lowther Street Penrith CA11 7UW
Proposal	S211 notification, comprising; works to Fir tree. Fir tree lost one of it's two boughs during Storm Eowyn on Friday 24 Jan 25. This fell onto the footway and drive entrance outside of the property. Remaining bough looks to be much weakened at the point it broke Possible danger of tree breaking and falling on the footway/carriageway adjacent to the property, potentially causing damage to parked vehicles or pedestrians.
Response	Support

Application Number	2025/0320/FPA
Location Address	Station View PENRITH CA11 0BX
Proposal	Installation of a 5m x 5m solar panel inverter store to harness the supply from existing solar panels.
Response:	Support

Application Number	2025/0249/FPA
Location Address	John Beaty Transport Ltd Station View Penrith CA11 0BX
Proposal	Proposed heavy goods vehicle (HGV) maintenance workshop extension.
Response:	Support but request that it be conditioned that: <ul style="list-style-type: none"> • all transport should access and egress the site through Haweswater Road and NOT use Newton Road; and • that as the site area is above 1000 square metres (1073sq m), at least 15% of the total predicted energy requirements should be from on site energy generation and storage with pv panels etc to accord to Policy 2 of the PNDP

Application Number	2025/0416/FPA
Location Address	Units 4 And 4A Haweswater Road Penrith CA11 9EU
Proposal	Extension of existing motor vehicle repair and servicing industrial unit to provide additional workshop bay in lieu of existing hard standing area (Use Class B2 - General industrial)
Response	Support

Application Number	2025/0058/FPA
Location Address	Brackenthwaite Salkeld Road Penrith CA11 8SQ
Proposal	Erection of a dwelling, installation of a package treatment unit and landscaping.
Response:	Support but stress the importance of the Env Health report and recommendation that the drainage field must not be planted with trees or shrubs in case of root damage to the drains, and an alternative field for drainage should be identified and remain unplanted in case the need should arise.

Application Number	2025/0397/HOU
Location Address	4 Jubilee Lodge Beacon Edge Penrith CA11 7SQ
Proposal	Installation of 14 (Fourteen) smooth white PVC-U Replacement windows.
Response	Support – the remainder of the building already has uPVC windows so this does not set precedent and will make the building more thermally efficient without having a detrimental effect on the building or conservation area. However it should be conditioned that the current coloured glass windows are retained to retain the character of the building.

Application Number	2025/0347/FPA
Location Address	R and S Plant Sales Unit 1 And 1a Milestone House Business Park PENRITH CA11 9NQ
Proposal	Excavation and landscaping works to define formal parking and plant compound with structural precast concrete boundary retaining walls (Retrospective)
Response	Support. Penrith Town Council would ask that should the application be approved conditions are imposed to clearly specify that the walls to the north and west are local sandstone to be absolutely clear and that a condition be imposed for landscaping and replanting of native trees / shrubs against the side facing the A6 to replace the planting lost to improve the development's visual appeal, environmental sustainability and integration with the surrounding area.

Application Number	2024/2122/REG77
Location Address	1-2 Little Dockray Penrith CA11 7HL
Proposal	Regulation 77 application for change of use of offices (class E) to 4no residential units (class C3).
Proposed Response	Support

Application Number	2025/0249/FPA
Location Address	John Beaty Transport Ltd Station View Penrith CA11 0BX
Proposal	Proposed heavy goods vehicle (HGV) maintenance workshop extension.
Response	Support but request that it be conditioned that the development includes pv panels, rainwater harvesting, ev charging etc to accord to the PNDP and that all access and egress should be via Haweswater Road

b) PLANNING APPLICATIONS FOR CONSIDERATION

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

Application Number	<u>2025/0431/FPA</u>
Location Address	13 Croft Terrace PENRITH CA11 7RR
Proposal	Variation of condition 2 (approved plans) and removal of condition 4 (flat roof) to provide a roof terrace, attached to approval 11/0984.

Application Number	<u>2025/0541/TPO</u>
Location Address	4 Barco Hill Grove Penrith CA11 8NF
Proposal	Works to trees subject to Tree Preservation Orders EDC TPO63-T1 TPO63-T1 - Hornbeam (Carpinus betulus) - Crown lift to a height of approximately 4m, primarily removing small epicormic growth from the main stem and lower canopy. These works will be carried out using a pruning saw and bypass secateurs, no chainsaw work is necessary as all pruning is minor. Reasons - Historically this tree has been crown lifted by removing major lower limbs and has been crown reduced. This is the primary cause of the epicormic growth. The owner would like to continue with cyclical crown lifting and the removal of epicormics is considered good arboricultural practice.

Application Number	<u>2025/0562/TPO</u>
Location Address	2 Brooklands Carleton Road PENRITH CA11 8LT
Proposal	Application for works to trees subject to Tree Preservation Order EDC T3/CC24-G3 T3/CC24-G3 Field OS 4600, Brooklands; comprising - Lime Trees 1, 2, 3 and 4 (lining lower driveway to property), re-pollard 4 trees by cutting back all growth above the main stem back down to the original pollard point.

12. Next Meeting

Note the next meeting is scheduled for 12 May 2025, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PART II PRIVATE SECTION

13. Legal Agreement

To sign a legal agreement with Westmorland and Furness Council relating to signage.

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



Penrith Town Council

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DRAFT Minutes of the meeting of

PLANNING COMMITTEE

Held on Monday 3 March 2025, at 5.15pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

PRESENT

Cllr Bowen	Pategill Ward
Cllr Davies	West Ward
Cllr Holden	Carleton Ward
Cllr Jackson	North 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 COMMITTEE
MONDAY 3 MARCH 2025**

PART I

PL24/97 Apologies for Absence

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

PL24/98 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meetings of the Committee held on:

- i. Monday 3 February 2025; and
- ii. The Extra Ordinary meeting held on Monday 24 February 2025

and agreed that they be signed as such.

PL24/99 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 Davies declared a registrable interest in agenda item 9a as she lived near two of the applications although it was stated that the item was just to note and she had not seen the applications prior to the response being returned.
- ii. Councillor Shepherd declared a registrable interest in Planning Application 2025/0275/DISC as he had been talking informally, and technically, as a private individual outside his role on the Town Council with Leo Group on possible ways of reducing odour releases. He was not being paid for this. He said he would abstain from voting on this application.

PL24/100 Public Participation

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

PL24/101 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.

PL24/102 Penrith Neighbourhood Development Plan

Members noted that in accordance with Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the Final Decision Statement has been issued by Westmorland and Furness Council and the Neighbourhood Plan adopted.

PL24/103 20mph Application

Following Penrith Town Council's request in 2024 for the whole of the built area of Penrith to be designated a 20mph zone following consultation with residents, the Committee were advised that Eden Locality Board had considered a report at its meeting on 22 January 2025, where the recommendation was agreed to progress a proposed programme of 20mph zones over the next two years

Penrith has been selected as one of the identified schemes to be progressed in 2025/26. Draft designs, considering the areas highlighted in the application, and the Council's 20mph speed limit policy are being prepared and it was proposed to hold a discussion with Town Council representatives to share details of the project, collaboration opportunities, an anticipated timeline and the initial design for the scheme.

All those present indicated that they wished to attend the online meeting.

PL24/104 Highways Safety Issues Netherend Road

It was reported that residents living on Netherend Road were seeing increasing issues of speeding drivers. The road junction has lost all its white lines and there is increased traffic as people use the estate as a shortcut into town.

RESOLVED THAT:

The Chair make the appropriate reports to:

- i. The Highways Authority to bring the matters to their attention
- ii. Ask that road markings be reinstated; and
- iii. Bring the matters to the attention of the Police and Westmorland and Furness ward members.

PL24/105 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	2025/0193/TCA
Location Address	21 Arthur Street PENRITH CA11 7TU
Proposal	Section 211 Notice. Removal of dead wood from an ash tree infected with Ash die-back disease. The dead and unsafe branches will be removed, leaving the viable branches and trunk insitu. Some of the viable branches will be pruned to improve the cosmetic appearance of the tree, where necessary. The tree is situated close to the retaining wall bordering number 20 Arthur Street and is directly opposite the gable end of number 20, 3 metres from it. Removal of the dead branches is necessary for the safety of anyone using the access path on the property of number 20, which runs parallel to the retaining wall, 2 metres from the tree. Removal of dead branches will also guard against damage to the retaining wall or the gable end of number 20, should the tree or one of the larger branches fall.
Proposed Response	Support

Application Number	2025/0220/TPO
Location Address	5 Sandath Gardens Fell Lane Penrith CA11 8BG
Proposal	Holly subject to TPO81. Reduce in height by 1m, and branches trimmed. Beech hedge to be pruned back to 4'.
Proposed Response	Support

Application Number	2024/2254/LDPR
Location Address	The Warehouse Rowcliffe Lane Penrith CA11 7BH
Proposal	Lawful Development Certificate for the proposed replacement of the existing single glazed timber windows with double glazed timber windows on front elevation of dwelling.
Proposed Response	Support – although not listed in its own right or as part of 43 King Street which is listed due to its frontage, the building is within the Conservation area. The proposed changes will make the building more thermally efficient and will not detract from the character of either the building nor the area.

Application Number	2025/0159/DISC
Location Address	Maidenhill Farm Salkeld Road Penrith CA11 8SQ
Proposal	Discharge of condition 3 (drainage scheme), attached to approval 22/0043.
Proposed Response	No Comment

Application Number	2025/0198/TCA
Location Address	20 Arthur Street PENRITH CA11 7TU
Proposal	Section 211 Notice. Light pruning of an apple tree and removal of a single diseased/rotting branch.
Proposed Response	Support

Application Number	2025/0155/TCA
Location Address	Hameln House Lowther Street Penrith CA11 7UW
Proposal	S211 notification, comprising; works to Fir tree. Fir tree lost one of it's two boughs during Storm Eowyn on Friday 24 Jan 25. This fell onto the footway and drive entrance outside of the property. Remaining bough looks to be much weakened at the point it broke Possible danger of tree breaking and falling on the footway/carrageway adjacent to the property, potentially causing damage to parked vehicles or pedestrians.
Proposed Response	Support

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 Westmorland and Furness Council Website by using the link which was the application number below.

Councillor Shepherd abstained from voting on the following application.

Application Number	<u>2025/0275/DISC</u>
Location Address	Omega Proteins Greystoke Road Penrith CA11 0BX
Proposal	Discharge of conditions 6 (construction method statement) and 7 (equipment removal), attached to approval 21/0752.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the discharge of conditions but requesting that the work is monitored closely to ensure that Myers Beck is not affected.	

Application Number	<u>2025/0116/FPA</u>
Location Address	19 Brunswick Square Penrith CA11 7LR
Proposal	Change of use of hostel (Sui Generis) to a residential children's home (class C2).
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application.	

Application Number	<u>2024/2362/FPA</u>
Location Address	1 Drovers Lane Penrith CA11 9EP
Proposal	Erection of single storey rear extension.
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application	

Revised Application – Drainage Plan

Application Number	<u>2024/2275/FPA</u>
Location Address	Croft Avenue Residential Care Home Croft Avenue Penrith CA11 7RJ
Proposal	Single storey extension to the front elevation to provide an additional 14no bedrooms with associated communal accommodation, and creation of new parking and retaining wall.
<p>RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application in principle however the comments expressed previously should be taken into account.</p> <ol style="list-style-type: none"> 1. Although the application is on the outside periphery of the conservation area, the design minimises the visual impact on the conservation area with it being sunk into the ground with its green roof and sustainable building materials. 2. With the additional staffing complement and 14 additional rooms there is concern about the additional traffic generation with the access and egress on to Wordsworth Street. The entrance is narrow on to a road with serious traffic issues, so Highways need to be content that the entrance is sufficient and safe for traffic. Wordsworth Street is the main entrance to the site with Croft Avenue being a shorter way in although not used as much. The comments of Highways do not address concerns about additional traffic generation on the longer term. 3. The concerns about drainage have not been met. Wordsworth Street has a combined sewer, so any excess surface water ends up in the hard-pressed treatment plant. It is also important to note that there is impervious clay 7 feet down in this area. Given this it is important to be satisfied that the soakaway will be sufficient and that all hard standing is porous to assist with soak away as it works better when spread around. This is particularly important in this location on this hill because there has been flooding on the downhill side on previous occasions. 4. Lighting, if required for security reasons, should be low level, motion activated and turned off, if possible, at night, to avoid disturbing the amenity of nearby residents. 5. There should be the facility for the separate storage and collection of waste including recyclable waste, which will increase. 6. An arboricultural survey should be undertaken of the remaining trees to ensure that they can be retained to add to the biodiversity of the site. 	

Application Number	<u>2025/0242/DISC</u>
Location Address	Plot 1 Land North of Eden Business Park Cowper Road PENRITH CA11 9FW
Proposal	Discharge of conditions 2 (construction plan working method statement) and 4 (fence details), attached to approval 22/0764.
<p>RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the discharge of conditions.</p>	

Application Number	<u>2025/0250/TCA</u>
Location Address	19 Wordsworth Street Penrith CA11 7QY
Proposal	T1 - Multi stemmed Hazel, reduce height by 50% approx. Remove larger stems. T2 - Elder, reduce height as it is growing in to telephone wires.
RESOLVED THAT a response be returned to Westmorland and Furness Council commenting that reducing the tree height by 50% in one go can cause a tree to go into shock. Good practice is that reduction is done over a number of years with no more than 30% at any one time. The Town Council would wish the arboriculturist to make the final decision about this bearing in mind best practice and the long term health of the tree.	

Application Number	<u>2025/0227/PASOLAR</u>
Location Address	Penrith Leisure Centre Southend Road Penrith CA11 8JH
Proposal	Prior Notification under schedule 2, part 14, class J, for the installation of a 330 panel solar photovoltaic array.
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application	

Application Number	<u>2025/0278/TCA</u>
Location Address	Wordsworth Cottage Wordsworth Street PENRITH CA11 7QZ
Proposal	Section 211 notice; cut down a tree in the back garden, leaning after last storm.
RESOLVED THAT a report be returned to Westmorland and Furness Council in SUPPORT of the application but requesting that a native tree or shrub is planted to replace the tree lost.	

Application Number	<u>2025/0162/DISC</u>
Location Address	Land off Beacon Edge PENRITH
Proposal	Discharge of conditions 5 (surface water soakaway), 6 (boundary treatments), 7 (soft landscaping), 8 (bird boxes), 9 (sustainable drainage) and 10 (ground investigation), attached to approval 2024/0871/FPA.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the discharge in principle but stating that there was not enough information on the efficacy of a soakaway at this location and that more information was required with respect to the discharge of conditions 5 and 9 and that this should be provided to ensure that United Utilities were content that it would be effective and not cause problems lower down the hill.	

Application Number	<u>2025/0293/DISC</u>
Location Address	Myers Lane Business Park Myers Lane Penrith CA11 9DP
Proposal	Discharge of conditions 3 (sustainable surface water and foul water drainage schemes), 4 (sustainable drainage management and maintenance plan) and 5 (noise), attached to approval 23/0227.
RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the discharge of conditions.	

Application Number	<u>2024/2292/FPA</u>
Location Address	United Reform Church Lowther Street PENRITH CA11 7UW
Proposal	Change of use of former United Reform Church into 6no residential flats and the erection of a single linked dwelling in the car park. Part retrospective.
<p>RESOLVED THAT a response be returned to Westmorland and Furness Council in SUPPORT of the application with the following comments:</p> <p>1.The application should be conditioned to include the installation of EV charging points, recycling of grey and rainwater, PV panels and other sustainable features to ensure environmentally sustainable design going forward in accordance with Policy 1 of the Penrith Neighbourhood Development Plan.</p> <p>2. The stained glass window should be retained in the building.</p>	

PL24/106 Next Meeting

Members noted that the next meeting was scheduled on Monday 7 April 2025 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

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Westmorland & Furness Council

Pavement Licensing Policy
2025 - 2030



Document Version Control

Organisation	Westmorland and Furness
Document Title	Pavement Licensing Policy 2025 - 2030
Filename	
Document Status	Draft
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Date of publication	
Next review date	
Version Number	1.0
Approval date and by who (delegated / committee)	TBC
For internal publication only or external also?	External
Document stored on Council website or Intranet?	Website

Change History

Version	Date reviewed	Reviewed by	Description of revision

NB: Draft versions 0.1 - final published versions 1.0

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Appendix 1 – Site Notice

Appendix 2 – Westmorland and Furness Standard Conditions

Appendix 3 – National Conditions

1. Introduction

- 1.1 Welcome to Westmorland and Furness Council Pavement Licensing Policy. This policy will apply for a maximum of five years and will be kept under review during that period. The policy may be revised in light of experience or revisions to national legislation or guidance.
- 1.2 This Policy document is the first Pavement Licensing Policy for the newly formed Westmorland and Furness Council, as Licensing Authority. It replaces Pavement Licensing Policy for the former sovereign Councils of Barrow Borough (2020), Eden District (2020), and South Lakeland District (2020).
- 1.3 Westmorland and Furness Council covers an area of approximately 1500 square miles and is situated in the South and East of Cumbria. To the South, the Council borders Morecambe Bay, and covers the Cartmel and Furness peninsulas. Large portions of the Lake District National Park and the Yorkshire Dales National Park are located within the authority area, and the boundary follows the Eden valley and as far North as Alston.
- 1.4 The largest town is Barrow in Furness which, along with the market towns of Ulverston, Kendal, and Penrith form the main populated areas. A number of smaller towns and villages are key tourist destinations and experience high volumes of visitors, especially in the summer months.
- 1.5 Westmorland and Furness has a strong vibrant and diverse economy driven by cutting edge advanced manufacturing, tourism, agriculture and food production. We have a growing cluster of creative industries which thrive on the inspiration of our environment and our excellent artistic and cultural institutions.
- 1.6 The Business and Planning Act 2020 successfully introduced a mechanism for premises serving food and drink such as bars, restaurants and pubs, to place furniture on the pavement to help the hospitality industry recover from the coronavirus lockdown and social distancing restrictions.

- 1.7 The Levelling Up and Regeneration Act 2023 makes permanent the provisions, set out in the Business and Planning Act (BPA) 2020, that streamlined the process to allow businesses to secure these licences quickly.
- 1.8 The Business and Planning Act process provides a cheaper, easier, and quicker way for businesses to obtain a licence. The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals. The public consultation period is 14 days (excluding public holidays), starting the day after the application is sent electronically to the authority.
- 1.9 The new Act also confirms that applications for Pavement Licences should where possible be made under these provisions as opposed to Pavement licences granted by The Highways Authority, under Part 7A of the Highways Act 1980.

If you require further clarification on our Pavement Licensing Policy please contact our Licensing Team:

PavementLicence@southlakeland.gov.uk

Telephone: 0300 373 3300

2. Purpose

2.1. This policy statement has amongst other things, four main purposes:

- To provide Members of the Regulatory Committee with a decision-making framework. The policy will be taken into account at any appeal hearing.
- To inform applicants of the parameters within which the Authority are able to make pavement licence decisions and allow them to take this into account when making applications.
- To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make decisions. This will assist those parties when making representations in relation to various applications.
- To support the Licensing Authority if it has to demonstrate in a court of law how it reached its licensing decisions.

2.2. The policy will be kept under review and the Licensing Authority will, if necessary after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the policy after each review.

3. Scope

3.1 Definition of pavement café

A pavement licence is a licence granted by the local authority, or deemed to have been granted, which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes.

3.2 Eligible Businesses

A business which uses (or proposes to use) premises for the sale of food or drink for consumption (on or off the premises) can apply for a licence.

Businesses that are eligible include: public houses, cafes, bars, restaurants, snack bars, coffee shops, and ice cream parlours.

A licence permits the business to use furniture placed on the highway to sell or serve food and/or drink and allow it to be used by people for consumption of food and/or drink supplied from, or in connection with the use of the premises.

Businesses that do not use their premises for the sale of food or drink, for example salons, are ineligible. Though they can apply for permission to place furniture on the pavement under the Highways Act 1980.

3.3 Eligible Locations

Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980. Generally, these are footways restricted to pedestrians or are roads and places to which vehicle access is restricted or prohibited. Highways maintained by Network Rail or over the Crown land are exempt (so a licence cannot be granted).

A pavement licence does not grant the right to permanently close a road. To do so, a pedestrian planning order made under section 249(2) or 249(2A) of the Town and Country Planning Act 1990, extinguishing the right to use vehicles on the highway, is required. Licences can only be granted in respect of highways listed in section 115A(1) Highways Act 1980.

Where a pavement licence is granted, clear access routes on the highway will need to be maintained, taking into account the needs of all users, including disabled people.

3.4 Type of furniture permitted

The furniture which may be placed on the pavement include:

- counters or stalls for selling or serving food or drink;
- tables, counters or shelves on which food or drink can be placed;
- chairs, benches or other forms of seating; and
- Umbrellas, barriers, heaters and other articles used in connection with the outdoor consumption of food or drink.

This furniture is required to be removable, which in principle means it is not a permanent fixed structure, and is able to be moved easily, and stored away of an evening.

The Council would also expect the type of furniture to be 'in keeping' with the local area.

Furniture that is not removable and used in connection with the outdoor selling or consumption of food or drink are not permitted by a pavement licence.

Advertising boards are not included in the definition of furniture within the pavement licensing regime. As well as needing consent under the Highways Act 1980, advertising boards also require express advertising consent under the Town and Country Planning Regulations 2007.

Applicants that wish to place non-removable furniture onto the highway must apply for permission under the Highways Act 1980.

3.5 Planning Permission

Once a licence is granted, or deemed to be granted, the applicant will also benefit from deemed planning permission to use the land for anything done pursuant to the licence while the licence is valid.

Interaction with Part 7A of the Highways Act 1980 Part 7A of the Highways Act 1980 already provides a mechanism for local authorities to grant businesses permission to place objects or structures on the highway for any of the following:

- for a purpose which will result in the production of income;
- for the purpose of providing a centre for advice or information; or
- for the purpose of advertising.

However, the Levelling Up and Regeneration Act 2023 Schedule 22, Paragraph 11 now sets out that if a Business can apply for a Pavement Licence from Westmorland and Furness Council then they cannot apply for a permission under the Highways Act 1980.

4. Application process and Determination of Pavement Licence applications

4.1 Applications must be made electronically using the application form available on the Council's website (insert link).

4.2 The following information is required to be submitted with the application:

- a completed Application Form
- the required fee, paid by credit or debit card
- a plan showing the location of the premises shown by a red line, so the application site can be clearly identified
- a plan clearly showing the proposed area covered by the licence in relation to the highway, if not to scale, with measurements clearly shown. The plan must show the positions and number of the proposed tables and chairs, together with any other items that the applicant wishes to place on the highway. The plan shall include clear measurements of, for example, pathway width/length, building width and any other fixed item in the proposed area.
- the proposed days of the week on which, and the times of day between which, it is proposed to put furniture on the highway,
- the proposed duration of the licence (this will usually be for a 2 year period unless otherwise specified).
- photos or brochures showing the proposed type of furniture and information on potential siting of it within the area applied for;
- (if applicable) reference to an existing pavement licence currently under consideration by the local authority;
- (if applicable) evidence of consent from neighbouring properties to use footway space outside their property
- evidence of the right to occupy the premises e.g. the lease; and
- a copy of a current certificate of insurance that covers the activity for third party and public liability risks, to a minimum value of £5 million, and
- any other evidence needed to demonstrate how the Council's local conditions, and any national conditions will be satisfied.

4.3 Fees

The fee for applying for a licence under the Business and Planning Act process is capped at £500 for first time applications and £350 for renewals.

The fees will be reviewed annually, following approval by Council.

Application fees must accompany the application in order for the application to be considered valid and for the consultation period to commence.

The fee will not be refunded if the application is withdrawn, refused or if a licence is surrendered or revoked before expiration.

4.4 Consultation

Once a valid application has been submitted, a 14 day consultation period begins, starting with the day after the day on which the application was received.

The Council will publish details of the application on its website at [Pavement licence | Westmorland and Furness Council](#)

The Council is required by law to consult with the **Highways Authority**. In addition, to ensure that there are no detrimental effects from the issuing of a pavement licence the Council will consult with:

- Westmorland and Furness Council Public Protection Team (including Environmental Protection and Food and Safety Teams)
- Westmorland and Furness Council Development Control Team.
- Cumbria Fire & Rescue Service
- Cumbria Police (including Police Licensing Officer and Designing Out Crime Officer)
- The appropriate Parish or Town Council
- Disability groups and any other stakeholders

Members of the public can contact the Council to make representations within the 14 day consultation period.

The Council must take into account representations received during the public consultation period and consider these when determining the application.

4.5 **Site Notice of Application**

An applicant for a pavement licence must on the day the application is made, fix a notice of the application to the premises so that the notice is readily visible to, and can be read easily by, members of the public who are not on the premises. The notice that must be used is attached at appendix 1 of this policy. It must be constructed and secured so that it remains in place until the end of the public consultation period.

Photographic evidence of compliance with the site notice requirement must be supplied to the Council on the first day of the consultation period. This must be emailed to PavementLicence@southlakeland.gov.uk

The Council would also expect the applicant to serve a copy of the site notice on immediate neighbours to make them aware of the application.

The Site Notice must:

- state that the application has been made and the date on which it was made;
- state the statutory provisions under which the application is made;
- state the address of the premises and name of the business;
- describe the proposed use of the furniture;
- indicate that representations relating to the application may be made to the Council during the public consultation period and when that period comes to an end;
- state the Council's website where the application and any accompanying material can be viewed during the consultation period;
- state the address to which representations should be sent during the consultation period;
- the end date of the consultation (14 days starting the day after the application is submitted to the authority).

A template of the Site Notice which must be used is shown as Appendix 1

4.6 Site Assessment

The following matters will be taken into account by the Council in considering the suitability of the proposed application:

- public health and safety – including a balanced consideration for security implications, particularly the risk to groups of people from interaction with hostile vehicles, and the creation of large crowds in public spaces. Additionally, the impact of several pavement licences in an area may result in larger, distributed, or dense crowds of people.
- public amenity – will the proposed use create nuisance to neighbouring occupiers by generating anti-social behaviour, excessive noise and litter; and
- accessibility – taking a proportionate approach to considering the nature of the site in relation to which the application for a licence is made, its surroundings, and its users, taking account of:
 - considerations under the no-obstruction condition including the cumulative impact of multiple pavement licences in close proximity, in particular considering the needs of disabled people, see section 4.7 below,
 - Any other temporary measures in place that may be relevant to the proposal, for example, the reallocation of road space. This could include pedestrianised streets and any subsequent reallocation of this space to vehicles,
 - whether there are other permanent street furniture or structures in place on the footway that already reduce access,
 - the impact of access and egress to the premises
 - the impact on any neighbouring premises
 - the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.2 of Inclusive Mobility, and other users of the space, for example if there are high levels of pedestrian or cycle movements.

Applicants are strongly encouraged to talk to neighbouring businesses and occupiers prior to applying to the local authority, and take any issues around noise, and nuisance into consideration as part of the proposal.

4.7 **Ensuring the needs of disabled persons**

When determining whether furniture constitutes an unacceptable obstruction the Council must consider the needs of disabled people. In order to do this, the Council will consider the following matters when setting conditions, determining applications and when considering whether enforcement action is required:

- Section 3.2 of Inclusive Mobility - gives advice on the needs of particular pavement users sets out a range of recommended widths which would be required, depending on the needs of particular pavement users. Section 4.2 of Inclusive Mobility sets out that footways and footpaths should be as wide as practicable, but under normal circumstances a width of **2000mm** is the minimum that should be provided, as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters.
- barriers to separate furniture from the rest of the footway so that the visually impaired can navigate around the furniture, such as colour contrast and a tap rail for long cane users will be required. In some cases, it may be appropriate to use one or more rigid, removable objects to demarcate the area to which the licence applies, for example wooden tubs of flowers.. Advertising boards are not included in the definition of furniture within the pavement licensing regime, therefore, should not be used as a barrier;
- Any conflict of street furniture with the principal lines of pedestrian movement particularly for disabled people, older people and those with mobility needs. The positioning of furniture should not discourage pedestrians from using the footway or force pedestrians into the highway. The available route must be entirely clear for pedestrians to use and not be impeded with tables and chairs;
- the cumulative impact of multiple pavement licences in close proximity to each other and if there is specific evidence that this may create a build-

up furniture in a particular area and potentially cause obstruction on the footway for certain pavement users, such as disabled people;

- so that where possible furniture is non-reflective and of reasonable substance such that it cannot easily be pushed or blown over by the wind, and thereby cause obstruction – for example, the local authority could refuse the use of plastic patio furniture, unless measures have been taken to ensure it is kept in place.

Section 149 of the Equality Act 2010 places a duty on the Council to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity between people who share a protected characteristic and those who do not and foster or encourage good relations between people who share a protected characteristic and those who don't.

4.8 Determination of applications

Once an application has been submitted, the Council has 28 days from the day after a valid application is made (excluding public holidays) to consult on and determine the application.

This consists of 14 days for public consultation, and then 14 days to consider and determine the application after the consultation period has ended.

If the local authority determines the application before the end of the determination period, Westmorland and Furness Council can:

- grant the licence in respect of any or all of the purposes specified in the application,
- grant the licence for some or all of the part of the highway specified in the application,
- impose conditions on any licence granted, or
- refuse the application.

If the local authority does not determine the application within the 28 day period, the application will be deemed to have been granted subject to any published local or national conditions.

Applications will normally be determined by an Officer with the appropriate delegation.

4.9 Approval of Applications

Westmorland and Furness Council supports the aims of the Business and Planning Act and wishes to help promote economic growth and a 'café culture' in its area and will therefore seek to grant applications for licences where possible.

However, this aim has to be balanced with the need to ensure that the issuing of pavement licences does not put public health or safety at risk, does not lead to antisocial behaviour or public nuisance and ensures that the public, particularly those with disabilities such as sight impairment are unhampered when walking along streets.

The Council will consider the criteria contained within these guidelines in determining applications and will treat each case on its merits.

On approving the application, the Council will issue a Pavement Licence to which conditions will be attached. The licence will also contain specific terms such as days and hours when tables and chairs are permitted and appearance and location of the furniture corresponding to the application.

A copy of the Council's standard conditions, which will be attached to all Pavement Licences are shown at Appendix 2. Additional conditions may be attached if the Council considers it appropriate in the circumstances of any particular case.

The Council will only permit Pavement licences between 09:00 and 22:00.

The Council however retains the right to specify permitted hours of trading that are less than those specified above in appropriate circumstances.

4.10 Licences Deemed to be Granted

The Council aims to determine all applications within the determination period provided by the Act. That means that applications will be granted or refused within the period of 14 days beginning with the first day after the public consultation period. If the Council does not make a determination by the end of the determination period, the Act provides that the licence is deemed to have been granted for two years and the business can place the proposed furniture such as tables and chairs within the area set out in the application for the purpose or purposes proposed.

4.11 Licence Duration

If the Council determines an application before the end of the determination period (which is 14 days, beginning with the first day after the end of the public consultation period, excluding public holidays) the duration of the licence will be specified. The expectation from the Guidance is that local authorities will grant licences for two years unless there are good reasons for granting a licence for a shorter period, such as plans for future changes in use of road space.

If a licence is 'deemed' granted because the authority does not make a decision on an application before the end of the determination period, then the licence will be valid for two years.

4.12 Refusal of Applications

If the site is deemed unsuitable for a Pavement licence, or if relevant representations are made which cannot be mitigated by imposing conditions, then the application may be refused.

The Council may refuse an application on other grounds including (but not limited to) where the granting of the licence would put at risk public health or safety, lead to antisocial behaviour or public nuisance or unreasonably hamper pedestrian's ability to move freely.

The Council will notify applicants of the reasons for refusal following determination.

There is no statutory appeal process for these decisions, however, any decision may be appealed to the Senior Manager with responsibility for the licensing service. A request to appeal a decision must be made in writing to: (Kendal address) and received within 7 days of the determination date. The senior manager will review the application and decision and provide a written response within 21 days.

5. Conditions

5.1 Local Conditions

The Council's standard conditions are set out at Appendix 2. In some cases, extra measures may be required. This will be determined when assessing any application and representations received on a case by case basis.

Where a local authority sets a local condition that covers the same matter as set out in national published conditions, then the locally set condition takes precedence over the national condition to the extent that it is inconsistent with it.

5.2 National Conditions

The national conditions relating 'no obstruction' and provision of 'no smoking' areas applies to all Licences. The National conditions are shown in Appendix 3.

5.3 National No Obstruction Condition

Section 4.7 above provides guidance on ensuring the needs of disabled persons and consequently the no-obstruction condition.

5.4 National No Smoking Condition

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside. It is important that businesses can cater to their customers' preferences. The National Conditions impose a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been placed on the highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means

that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area. The Council will not prescribe how businesses will wish to cater for their customers, however ways of meeting this condition could include:

- Clear ‘smoking’ and ‘non-smoking’ areas, with ‘no smoking’ signage displayed in designated ‘smoke-free’ zones in accordance with Smoke-free (Signs) Regulations 2012.
- No ash trays or similar receptacles to be provided or permitted to be left on furniture where smoke-free seating is identified.
- Licence holders should provide a minimum 2m distance between non-smoking and smoking areas, wherever possible.

Businesses must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006.

6. Enforcement

6.1 General Principles of Enforcement

The Council aims to work closely with other enforcement authorities to enforce the provisions of all appropriate legislation. The case remains that an obstruction of the Highway is an offence under The Highways Act 1980 and will be dealt with by the Highways Authority or the Police. The Council will normally seek to rectify any issues arising as a consequence of the activities authorised by a pavement licence by engaging in informal discussions with the licence holder in the first instance.

Obtaining a Pavement Licence does not confer the holder immunity in regard to other legislation that may apply, e.g. Public Liability, Health & Safety at Work, Food Hygiene and Safety, Alcohol and Entertainment Licensing, and Social distancing controls, and applicants must ensure all such permissions are in place prior to operating.

All enforcement activity will be undertaken in line with the principles set out in the Regulator’s Code and the Council’s Enforcement Policy.

6.2 Breaches of Pavement Licence Conditions

If the Council considers that a licence-holder has breached any condition of the licence, the authority may:

- revoke the licence, or
- serve a notice on the licence-holder requiring the taking of such steps to remedy the breach as are specified in the notice within such time as is so specified.

If a licence-holder on whom an enforcement notice is served fails to comply with the notice, the Council may:

- revoke the notice, or
- take the steps itself and recover the costs of doing so from the licence holder.

The Council may revoke a licence in the following circumstances:

1. For breach of condition, (whether or not a remediation notice has been issued), or
2. Where:
 - There are risks to public health or safety – for example by encouraging users to breach government guidance on social distancing by placing tables and chairs too close together;
 - the highway is being obstructed (other than by anything permitted by the licence);
 - there is anti-social behaviour or public nuisance – for example, the use is increasing
 - the amount of noise generated late at night or litter is not being cleaned up;
 - it comes to light that the applicant provided false or misleading statements in their application – for example they are operating a stall selling hot food and had applied for tables and chairs on which drinks could be consumed; or
 - the applicant did not comply with the requirement to affix the notice to notify the public for the relevant period.

3. The Council may also revoke the licence where all or any part of the area of the relevant highway to which the licence relates has become unsuitable for any purpose for which the licence was granted or deemed to be granted. For example, the licensed area (or road adjacent) is no longer to be pedestrianised. The Council will give reasons where these powers are used.

6.3 Removal of Unlicensed Furniture

The Levelling Up and Regeneration Act introduces a new provision allowing the Council to deal with unlicensed Pavement Café facilities. In cases where furniture which would normally be permitted by a pavement or other licence has been placed on a relevant highway without the required licence, The Council can give notice requiring the business to remove the furniture before a date specified and to refrain from putting furniture on the highway unless they gain a licence. If furniture continues to be placed on the highway, in violation of the notice, the Council may remove and store the furniture, recover the costs from the business for the removal and storage of the furniture and refuse to return the furniture until those costs have been paid. If within 3 months of the notice, the costs are not paid, the Council can dispose of the furniture by sale or other means and retain the proceeds.

7. Review Procedures

This Policy has been drafted in consultation with the consultees listed in section 4.4 and the appropriate lead councillors.

This Policy will be reviewed from time to time should changes occur in relevant legislation or guidance, or the nature of Pavement licences generally, or as a result of local considerations within the district of Westmorland and Furness. In any case the Policy will be reviewed after a period of 5 years following adoption

Application for a Pavement Licence

Part 1 of the Business and Planning Act 2020.

I/We	(name of applicant),
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do hereby give notice that

(date of application)

 on [I/we] have applied to Westmorland and Furness Council for a 'Pavement Licence' for:

Premises name:	Premises business name known as
Address:	Postal address including postcode or a description of the location if no postal address available.

The application is for:

(brief description of application (e.g. outdoor seating to the front of the premises for serving of food and drink specifying the days and times requested))

Any person wishing to make representations to this application may do so by writing, preferably by email, to:

Licensing Authority email address: licensing@westmorlandandfurness.gov.uk

Licensing Authority postal address: Westmorland and Furness Council, The Town Hall, South Lakeland House, Lowther Street, Kendal LA9 4DQ

The deadline for any representations for this application is:	(last date for representations being the date 14 days after the date the application is submitted to the local authority (excluding public holidays))
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The application and information submitted with it can be viewed on the Council's website at westmorlandandfurness.gov.uk

Signed	Date: (date the notice was placed which must be the same date as the date of application)
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Westmorland and Furness Council Standard Pavement Licence Conditions

1. Being the licence holder of a Pavement Licence does not imply an exclusive right to the area of public highway. The licence holder must be aware that Westmorland and Furness Council and others (for example, police, highways authority, statutory undertakers) will need access at various times (including emergencies) for maintenance, installation, special events, improvements etc or any other reasonable cause. This may mean that the pavement licence will need to cease operating and/or be removed for a period of time. On these occasions there would be no compensation for loss of business.
2. The licence holder will have in place Public Liability Insurance for duration of the operation of the pavement licence to a minimum value of £5 million in respect of any one incident.
3. The licence holder will indemnify Westmorland and Furness Council against all claims for injury, damage or loss to users of the public highway, arising from the use of the highway for the permitted purpose.
4. Tables and chairs must not be placed in position outside of permitted times. When the licence is not in use, all tables and chairs and other furniture must be stored securely inside a premises away from the highway.
5. Westmorland and Furness Council are empowered to remove and store or dispose of furniture from the highway, at the cost to the licensee, if it is left outside the permitted hours, or should any conditions of the licence be breach. The Council will not be responsible for its safekeeping.
6. The licence holder is not to make or cause to be made any claim to Westmorland and Furness Council in the event of any property of the licence holder becoming lost or damaged in any way from whatever cause.
7. An unimpeded pedestrian route must be maintained at all times for people wishing to use the footway.
8. The method of marking the boundary of the licensed area must be agreed between the licence holder and the licensing department. Whatever method is agreed, a 2 metre clear walkway must be maintained for the use of pedestrians.
9. Suitable and sufficient barriers must be used to prevent furniture from straying beyond the licensed area. Barriers must include a low tap rail, or similar to aid those with visual impairments to negotiate the licensed area.
10. Emergency routes to the premises and adjacent buildings must not be obstructed by the pavement furniture which should not, in normal circumstances, extend beyond the width of the premises frontage.
11. Tables and chairs should be of an approved type and should be kept in a good state of repair. Furniture should be placed so as not to obstruct driver sightlines, or road traffic signs. Placement of tables and chairs must allow pedestrians to use the footway parallel to the frontage of the premises. Care should be taken in the use of hanging baskets, awnings, protruding umbrellas etc and the use of these should not prevent access of the footway. Alternative items may not be used without first seeking the written permission from the Council.

12. All potential obstructions must be removed from the public highway when the premises are closed to prevent a hazards to pedestrians, particularly during the hours of darkness, or suitable and sufficient lighting must be provided to ensure safe use of the area. Any proposals to provide additional lighting to the licensed areas must be agreed with the Highway and Licensing Authority.
13. The licensee should ensure that the area operates in a safe and orderly manner, thereby ensuring that any safety risk or nuisance to customers, other users of the public highway or any adjacent land or premises, is minimised.
14. The operation of the area must not interfere with highway drainage arrangements.
15. All detritus (food and drink remnants, spillages, bottles, cans, wrappers etc) must be regularly removed from the footway surface to reduce hazards to pedestrians. The licence holder must make arrangements to regularly check for and to remove litter and rubbish on pedestrian walkways caused by persons using the premises, for a distance of up to 10 metres from the boundary of the premises. The licence holder must ensure that any tables are cleared in an efficient manner during the hours of operation. The licence holder must ensure the licensed area and surrounding highway is to be washed down at the completion of each day's usage using a method sufficient to remove food debris, grease and other spillages that may occur.
16. The licence holder is not permitted to make any fixtures, or excavations of any kind, to the surface of the highway without prior written approval. Any costs incurred as a result of damage to the highway, due to the positioning of tables and chairs etc, will be recovered in full from the licence holder by Westmorland and Furness Council.
17. The licensee of a premises not licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within the licensed area.
18. The licensee of a premises licensed under the Licensing Act 2003 or any modification or re-enactment thereof, must not allow the consumption of alcohol within the premises outside the hours in force for the premises itself.
19. The licensee is responsible for ensuring that the conditions of the licence and any other necessary permissions and regulations are adhered to. The licence holder is to use the highway solely for the purpose of the licence in line with the provisions of this licence and for no other purpose.
20. The licence holder must remove any tables, chairs and other furniture immediately at the end of the licence period or on revocation of the licence.
21. The licence holder must publicly display this licence, or a copy of it, in clear view with a plan of the agreed layout, at the premises so that it can easily be seen from the street to allow inspection by an authorised officer of the Police or other officer authorised by the Council.
22. The licence holder must comply with any instruction given in relation to the use of or access to the street or public place by an authorised officer of the Council, Highways Authority or Police.
23. In the event of the licence being deemed to be granted the hours of use of the pavement/highway will be limited to 09.00 – 22.00 daily, and the licence will be granted for two years starting with the first day after the determination period
24. Westmorland and Furness Council reserves the right to revoke this licence at any time if any of the above conditions are not fulfilled and/or maintained.

National Conditions

The Secretary of State publishes this condition in exercise of his powers under [clause 5(6)] of the Business and Planning Act 2020:

1. The holder of a pavement licence must do nothing that would have an effect of:
 - a) preventing traffic, other than vehicular traffic
 - b) preventing any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order,
 - c) preventing statutory undertakers having access to any apparatus of theirs under, in, on or over the highway, or
 - d) preventing the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the highway.

Condition relating to clear routes of access for disabled people:

2. It is a condition that clear routes of access along the highway must be maintained, taking into account the needs of disabled people, and the recommended minimum footway widths and distances required for access by mobility impaired and visually impaired people as set out in Section 3.1 of Inclusive Mobility.

Guidance on the effect of this condition

National Smoke Free Condition

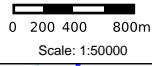
3. Where the furniture to be put on the relevant highway consists of seating to be used by persons for the purpose of consuming food or drink, the licence holder must make reasonable provision for seating where smoking is not permitted.

The national smoke-free seating condition seeks to ensure customers have greater choice, so that both smokers and non-smokers are able to sit outside, in order to protect public health by reducing risks of COVID transmission.

It is important that businesses can cater to their customers' preferences. The Business and Planning Act 2020 imposes a smoke-free seating condition in relation to licences where seating used for the purpose of consuming food or drink has been, (or is to be) placed on the relevant highway. The condition requires a licence-holder to make reasonable provision for seating where smoking is not permitted. This means that where businesses provide for smokers, customers will also have the option of sitting in a non-smoking area.

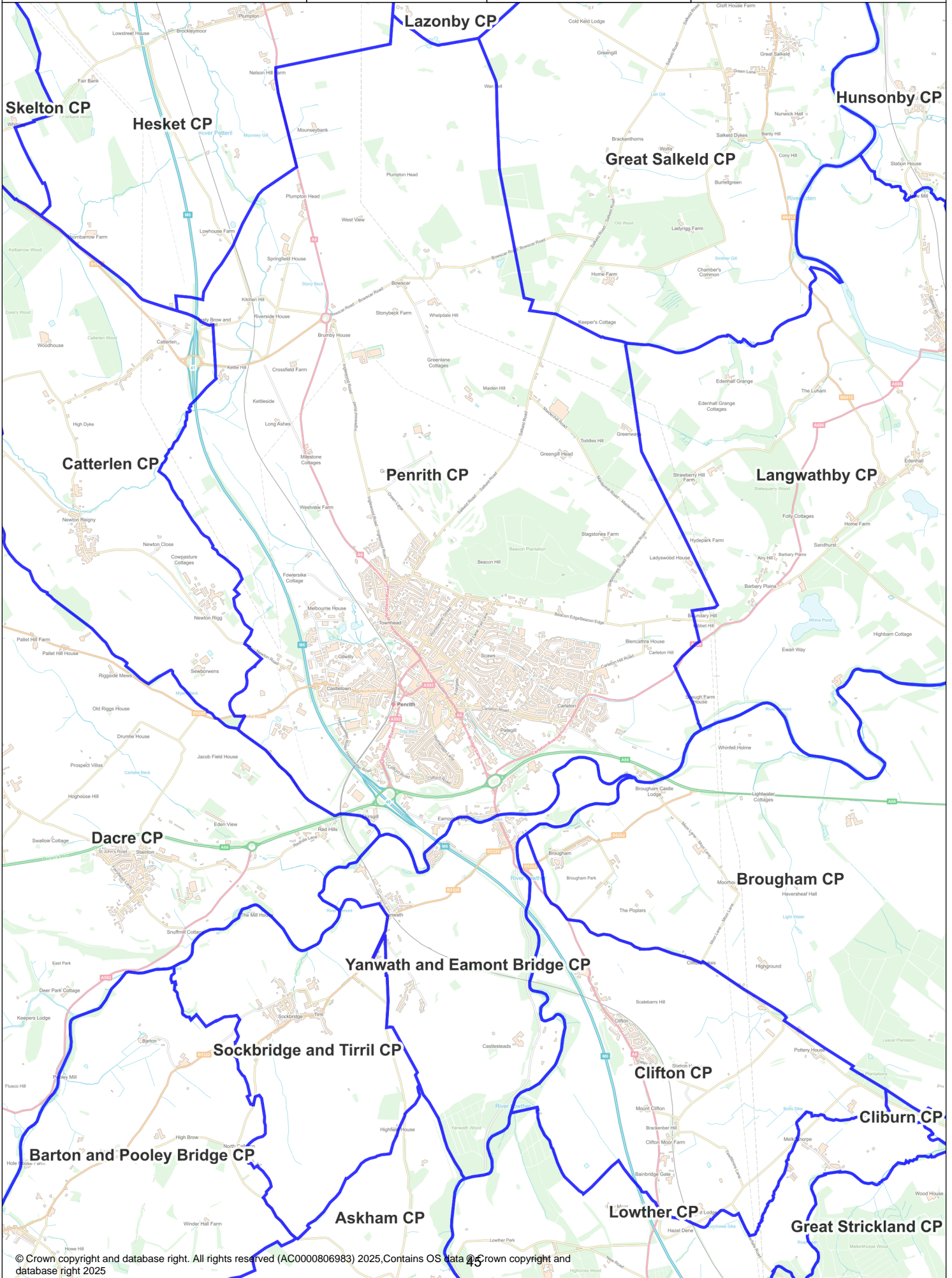
Further, businesses must continue to have regard to smoke-free legislation under The Health Act 2006, and the subsequent Smoke-free (Premises and Enforcement) Regulations 2006. Public Health England has published guidance for smokers and vapers during the COVID pandemic

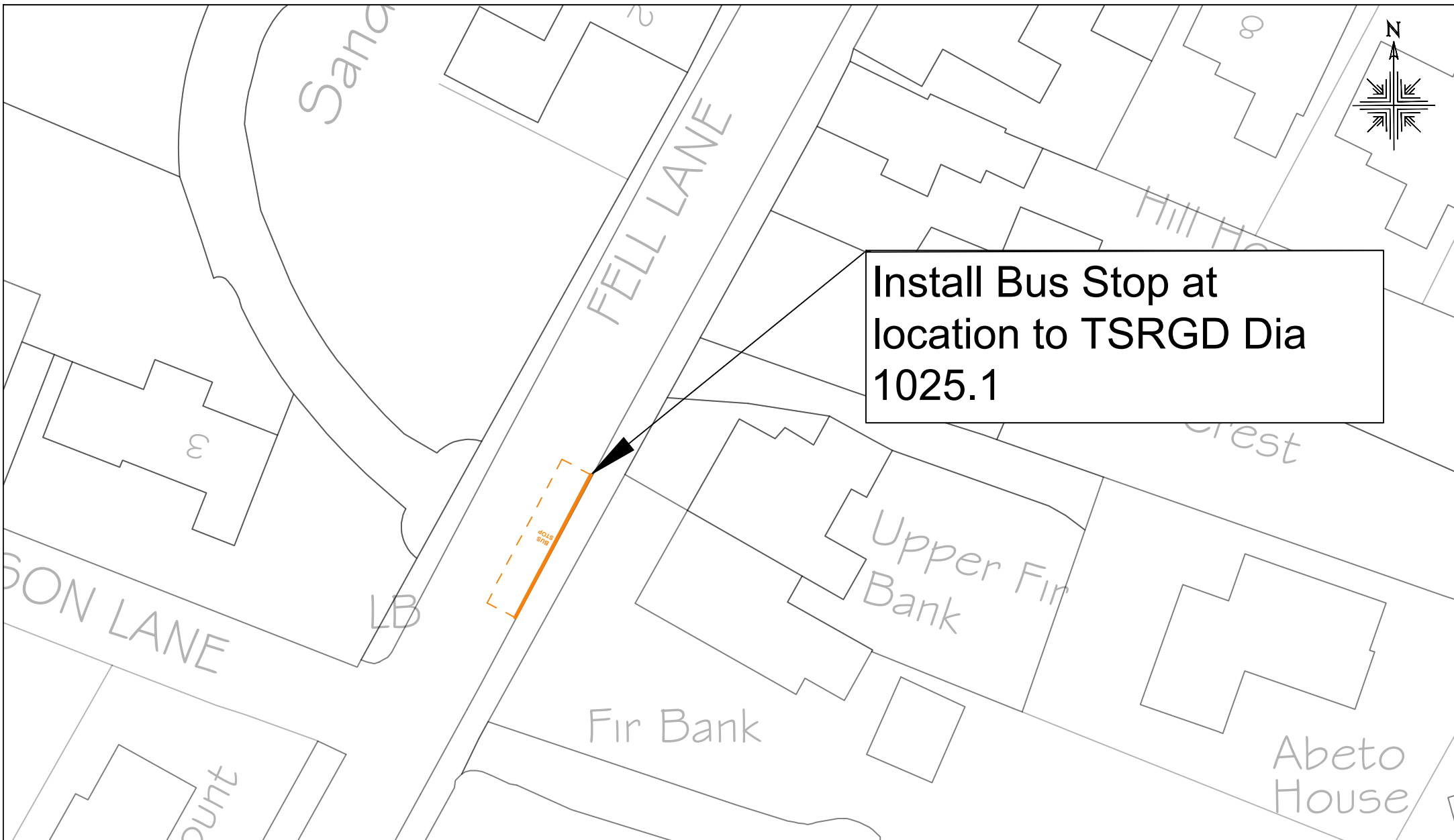
<https://www.gov.uk/government/publications/covid-19-advice-for-smokers-and-vapers/covid-19-advice-for-smokers-and-vapers>



Author:

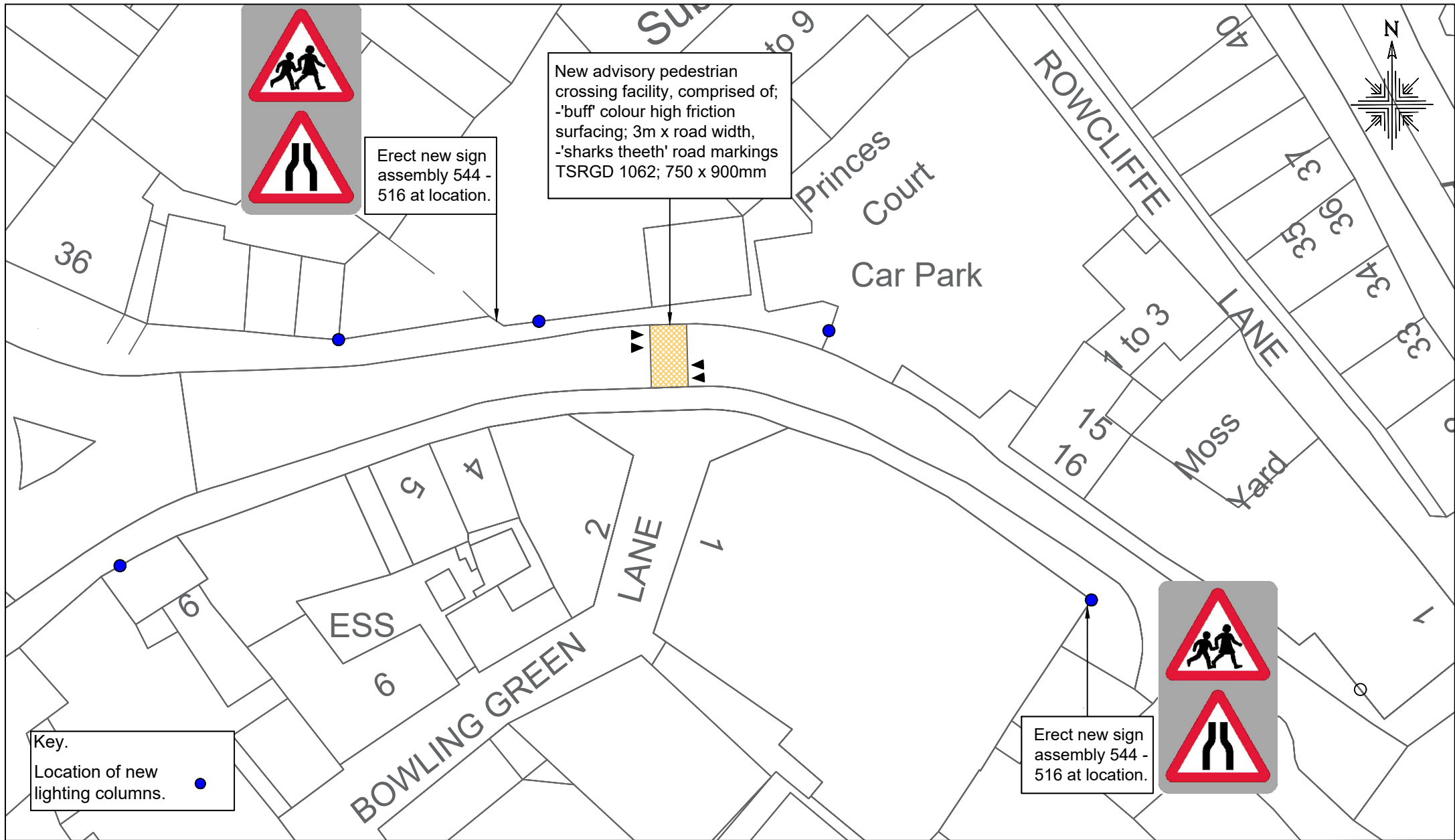
Date: 31/03/2025



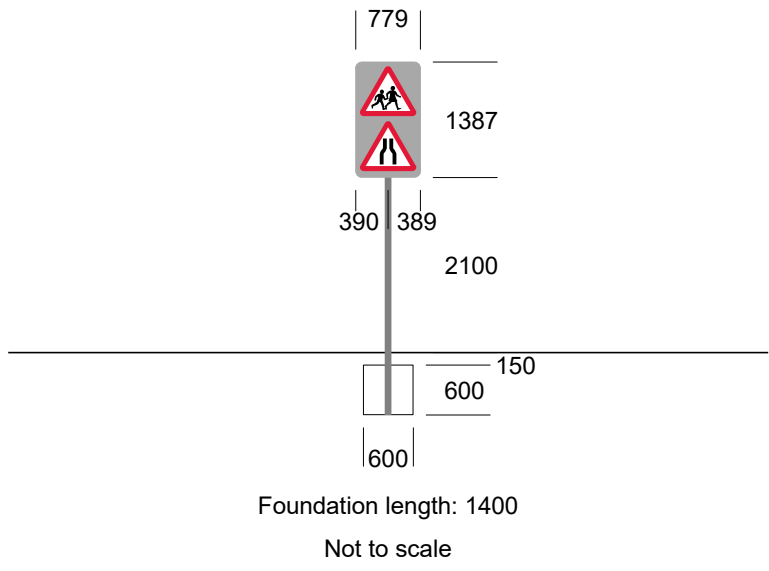
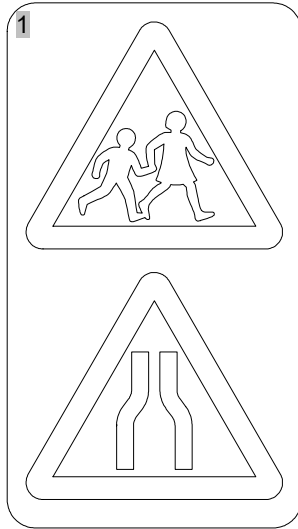


**Install Bus Stop at
location to TSRGD Dia
1025.1**

Drawing No: FELLANE24	
Scale : NTS	Date: 10/10/2024
Drawn: Dillon Burns	Checked: Laura McClellan



Drawing No:	Representative Draft		
Scale:	NTS	Date:	02.25
Drawn:	DE	Checked:	LM



Scale 1:20
 Dimensions (mm):
 Width: 779, Height: 1387
 x-Height: (100)
 Area: 1.08 m²

Colours:
 1 grey

Material: BS EN 12899-1:2007
 class: RA2/R2

Structure Details:
 1 no. Steel rectangular section S275:
 80mm square 4mm thick
 Support length: 4237 mm

BS EN 12899-1:2007 classes:
 WL5, TDB4, PL3, PAF1

Single spread foundation to BS EN 1997-1:

Soil type: poor or unknown
 (bearing pressure: 100 kN/m²)
 Depth of soft fill: 150 mm
 Height of footing: 600 mm
 Width of footing: 600 mm
 Length of footing: 1400 mm

Date printed: 25-02-25

SignPlot v3.90

Cumbria County Council

DATE: 13 February 2025
DESIGNER: G Manning
PROJECT No: 25-26-ED-01
PROJECT NAME: Princes Street Penrith



Outdoor Lighting Report

PREPARED BY: Garry Manning
Westmorland and Furness Council
Millness Depot Crooklands,
Milnthorpe,
LA7 7NR

Layout Report

General Data

Dimensions in Metres Angles in Degrees
Grid Origin 351548.4m x 529973.3m
Area 121.0m x 55.8m
Sample Spacing 1.55m x 1.80m

Luminaires



Luminaire A Data

Supplier	D W Windsor
Type	KIRIUM PRO1 32LED 2.7k A1 700mA UMSU G 42 0060 0000 100
Lamp(s)	32 x 2.7k LED
Lamp Flux (klm)	8.58
File Name	KIRIUM PRO1 32LED 27k A1_700mA UMSU G 42 0060 0000 100.ies
Maintenance Factor	0.84
Imax70,80,90(cd/klm)	741.2, 276.2, 0.0
No. in Project	5



Luminaire C Data

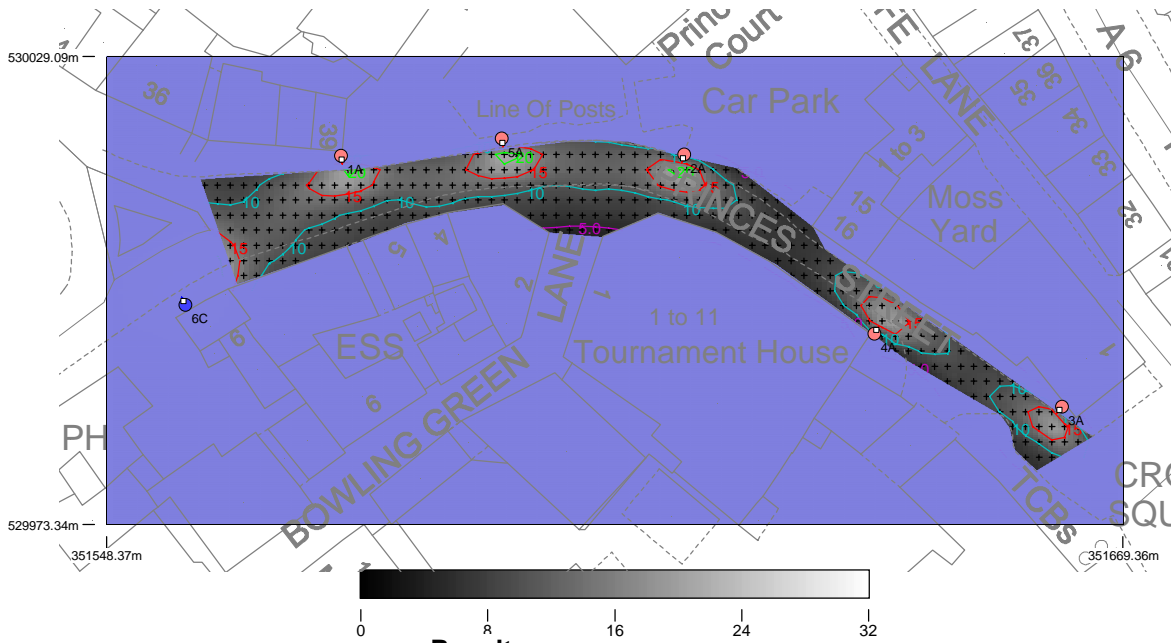
Supplier	Thorn Lighting UK & Ireland
Type	R2L2 Medium 60LED 500mA EWR optic
Lamp(s)	LED 3000K CRI 70
LampFlux(klm)/Colour	12.38 3000/70
File Name	RM60L50EWR730.LDT
Maintenance Factor	0.84
Imax70,80,90(cd/klm)	615.4, 67.1, 0.0
No. in Project	1

Layout

ID	Type	X	Y	Height	Angle	Tilt	Cant	Out-reach	Dimmed to	Target X	Target Y	Target Z
1	A	351576.25	530017.28	8.00	281.00	0.00	0.00	0.50	50%			
2	A	351617.10	530017.43	8.00	252.00	0.00	0.00	0.50	50%			
3	A	351662.03	529987.44	8.00	234.00	0.00	0.00	0.50	50%			
4	A	351639.69	529996.11	8.00	58.00	0.00	0.00	0.50	50%			
5	A	351595.38	530019.32	8.00	279.00	0.00	0.00	0.50	50%			
6	C	351557.75	529999.55	8.00	120.00	0.00	0.00	0.50	100%			

Horizontal Illuminance (lux)

Grid 1



Results

Eav	11.04
Emin	4.54
Emax	21.58
Emin/Emax	0.21
Emin/Eav	0.41



Penrith Town Council

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

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

31 March 2025

Dear Sir

Land Between East Larches and Lynwood: Caravan Club Ref: 021.CR.TH.25 – Application for a Certified Location (CLs)

It has come to the attention of Penrith Town Council that an application had been lodged with the Caravan and Motorhome Club for a site between East Larches and Lynwood (Application No 021.CR.TH.24) for a small, low impact 5 pitch site called a certified location. It is disappointing that the Caravan Club do not, as a matter of courtesy, write direct to the Parish or Town Council in whose area the application is to advise them and ask their views. Perhaps this is something that could be considered going forward.

The Town Council understands that you are an exempted organisation under both The Caravan Sites and Control of Development Act 1960 and the Caravans Act (Northern Ireland) 1963 and that planning permission may not be required for ground works or any other proposed work for the site however the Town Council wished to give its views.

Response

Penrith Town Council **OBJECTS** to the location for a Caravan Club certified location on this field for the following reasons:

Access and Traffic Concerns – the introduction of a tourer site at this location would lead to increased traffic in a predominantly residential area. The field in question lies between two residential properties and fronts onto Beacon Edge, a road skirting to the north-west of Penrith joining the A6 to the A686 at Carleton. The road rises steeply from each direction and a footpath runs alongside the road back to the built area of Penrith which is approximately 1 mile away although the walk back from the centre to the town centre will take some time as the hill back to the proposed site is very steep. The increase in traffic could pose safety risks, especially considering the influx of visitors and regular slow moving

caravans on and off the site. Access to the site would involve a very tight turn for a towed caravan off a reasonably busy road and the upward gradient would come into play before the van was fully off Beacon Edge as the existing /stopped work indicates. This will create issues for local residents but could also lead to potential hazards for pedestrians, cyclists (it is on the C2C route) and other road users.

Residential Amenity The infrastructure of the specific area was not designed to accommodate transient visitors and may undermine the quality of life for those residents adjacent to the site due to an increased number of vehicles and the addition of holiday makers in a quiet area.

Visual Impact and Aesthetic Concerns - - The area in question is characterised by larger detached dwellings and is open and unspoilt in character. The site overlooks the town and a newly created nature reserve towards the Lake District fells and to the rear is a heavily wooded area of commercial forestry and home to a great variety of flora and fauna. Significant excavation would be required to level the pitches and the 3m wide tracks into them from some form of Spine road. These would be extensive as most caravaners don't want to have to reverse especially uphill. This road would have significant gradients making it less suitable for towed caravans. It would appear that tracks will almost certainly not be permeable to prevent them eroding at the 1st heavy rain so they would put more pressure on the open land to absorb the extra flow. One would have to see a Permeability study to prove this would work . In heavy rain , material could be eroded and washed on to Beacon Edge as there is no immediate gully at that point either.

This field forms part of a green corridor into the more highly populated area of Penrith from Beacon Hill which is highly valued by residents for its natural beauty and biodiversity, deer and red squirrels have been seen in the periphery of this field. A tourist site in this location would disrupt the peaceful and scenic location and would be seen from some distance by those approaching Penrith from the M6 South and A66 from the West as well as from locations within the Lake District National Park as it is exposed on the side of a hill.

Black Water would need to be transferred to a buried special tank so the caravans could offload it by gravity or there would need to be a connection into the sewer if acceptable to United Utilities. Your guide shows these as smallish permanent structures along with places for the provision of drinking water and waste bins never mind the optional extra of a toilet and shower block which is totally unacceptable at this location.

Noise and Disturbance – the presence of a tourist site would result in higher levels of noise from visitors including voices, vehicle movements and possible recreational activities. This would significantly affect the tranquillity of the residential area reducing the quality of life for local residents, disrupting their peace and privacy.

Management – Your guidelines state that you prefer CL Owners to live adjacent to the proposed site in case of emergency. We do not believe this to be the case with the owners living approximately 1 mile away, it is unlikely that anyone managing the site would be living adjacent to it. Your guidelines also state that no work should be undertaken until the Club's full application process has been followed.

It is believed that the additional work on the entrance which exceeds that given planning permission is a start on a suitable entrance although it has been issued with a stop notice by the Local Planning Authority.

Further Background

The site has a controversial planning history:

2022 – Application No 22/0997 (single dwelling) – refused

2023 – Application No 23/0756 (single dwelling) – refused

2023 – Application No 2023/1058/PA (5 dwellings) – refused

The refusal on the last application for five dwellings was appealed by the applicants but upheld by HM Planning Inspector on the grounds that 'however well-designed and landscaped, would fundamentally change its currently open, unspoilt character, extending built development further along Beacon Edge. The visual impact of new buildings would be increased due to the sloping site which noticeably rises up from the road. The overall result would be a significant erosion of the existing attractive character of this distinctive fringe of town location'.

2024 – Application No 2024/1057/FPA (vehicular access for the safe loading/unloading of a horse box)- approved.

2025 – Stop notice issued for alleged unauthorised engineering works not in accordance with the planning permission.

The site is not allocated within the current live Eden Local Plan for development or tourism.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a long, sweeping horizontal stroke that ends in a small upward flick.

Councillor Doug Lawson
Chair of Penrith Town Council and Mayor of Penrith