



## PENRITH TOWN COUNCIL

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

**Tel: 01768 899773**      **Email: [deputytownclerk@penrithtowncouncil.co.uk](mailto:deputytownclerk@penrithtowncouncil.co.uk)**

Minutes of the meeting of the:

### **PLANNING COMMITTEE**

Held on: Monday 3 September 2018, Unit 1, Church House, 19-24 Friargate, Penrith.

#### **PRESENT:**

Cllr Jackson - Chairman  
Cllr Baker  
Cllr Bowen  
Cllr Kenyon

Deputy Town Clerk

# **MINUTES FOR THE PLANNING COMMITTEE**

**3 September 2018**

**2.00PM –3.20PM Unit 1, Church House, 19-24 Friargate, Penrith**

## **PL/18/20 Apologies for Absence**

There were no apologies for absence for this meeting.

## **PL/18/21 Urgent Late Item**

The Deputy Town Clerk explained that a consultation request had just been received from Highways England which had a deadline of 17<sup>th</sup> September.

**RESOLVED** that this item be considered as an urgent late item at the end of the meeting.

## **PL/18/22 Minutes of Previous Meeting**

**RESOLVED** that the minutes of the meeting held on 2 July 2018 be approved as a true and accurate record.

## **PL/18/23 Declarations of Interest and Dispensations**

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

There were no declarations of interest made at the meeting.

## **PL/18/24 Public Participation**

No members of the public had requested in writing to speak prior to the meeting.

## **PL/18/25 Public Bodies (Admissions to Meetings) Act 1960 – Excluded Items**

**RESOLVED** that the appendix to agenda item 10 be exempt under Section 100A(4) of the Local Government Act 1972 and be considered without the presence of the press and public, pursuant to the Public Bodies (Admissions to Meetings) Act 1960 Section 2

## **PL/18/26 Record of Decision Taken Pursuant to Delegated Powers**

The Housing Department of Eden District Council awarded Penrith Town Council a grant to undertake a Housing needs Survey which they carried out on our behalf to evidence the Neighbourhood Plan.

**RESOLVED** that:

1. the results of the Housing Needs Survey be noted; and

2. it be noted that delegated authority was given to the Town Clerk to advise the Housing Officer at Eden District Council that they could share and use the results of the Housing Needs Survey as part of the development of Eden District Council's Masterplan with the caveat that this consent be included within the Masterplan documentation.

### PL/18/27 Delegation of Authority

Members considered the report of the Town Clerk and Deputy Town Clerk which set out proposed delegations to the Chairman and Vice-Chairman of the Planning Committee and the Deputy Town Clerk to expedite matters relating to the Neighbourhood Plan.

**RESOLVED** that the Delegation of Authority Notice be approved with an amendment to bullet point four, point three to read 'grammatical changes to the document however policy content changes must be approved by the Planning Consultant to ensure the information remains consistent with the requirements of the Inspectorate.

### PL/18/28 Planning Applications

#### a) Delegated Responses

Members noted the planning responses submitted under delegated powers by the Town Clerk between the scheduled meetings of the Committee.

Planning application number:	18/0519
Site address:	UNITED REFORMED CHURCH LOWTHER STREET PENRITH CA11 7UW
Description:	Fell Fir tree due to position near building; Penrith New Streets Conservation Area.

**Response:** No objections however confirmation should be obtained that this isn't a bat roost. Works to be carried out after bird breeding season and late Autumn/Winter if bats are present. Advice provided by DEFRA 'Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In terms of tree felling the main mitigation route to reduce the likelihood of harm to breeding birds is to undertake clearance or destruction of any vegetation or structure which may be used as a breeding site outside the bird breeding season when breeding birds are unlikely to be present (based upon habitat features) or where survey work has confirmed their absence. The bird breeding season will be dependent upon weather conditions and will vary from year to year, but in general is the period between early March and late August.

Planning application number:	18/0512
Site address:	THE GREEN CARLETON AVENUE PENRITH CA10 2BA
Description:	Variation of condition 2 (Plans Compliance) to include alternative construction set up as per application 17/0691.

**Response:** No objections

Planning application number: 18/0532  
Site address: FELLSIDE NICHOLSON LANE PENRITH CA11 7UL  
Description: Fell 2 small trees in boundary with Briar Cottage and 1 small Elm in hedge boundary with Applegarth; Penrith New Streets Conservation Area.

**Response:** No objections, Works to be carried out after bird breeding season as per advice from DEFRA

Planning application number: 18/0544  
Site address: PLOT B EDEN BUSINESS PARK COWPER ROAD PENRITH CA11 9FB  
Description: Proposed vehicle preparation centre.

**Response:** In terms of a planning application there seem to be no material planning grounds on which to object to the application HOWEVER this is an application for a non-food related business on a site EDC have designated through a Local Development Order as part of the Food Enterprise Zone so it is unclear how this sits with EDCs plans.

Planning Application Number: 18/0556  
Site Address: WEST VIEW TRAINING CENTRE A6 NORTH OF PENNYHILL PARK PENRITH  
Description: Variation of condition 3 (five year permission) to extend permission for a further five years attached to approval 08/0745.

**Response:** No objection – training centre has been running without problem for 5 years already, no material planning grounds on which to object

Planning application number: 18/0563  
Site address: 1 SALKELD ROAD PENRITH CA11 8QL  
Description: Construction of new dwelling.

**Response:** No objection a previous application submitted in 2015 for the same footprint and position was approved.

Planning application number: 18/0455  
Site address: MCDONALDS RESTAURANT LTD ULLSWATER ROAD PENRITH CA11 7JH  
Description: Installation of an ANPR and CCTV camera on the restaurant roof, and one CCTV camera on an existing post.

**Response:** No objection

Planning application number: 18/0566  
Site address: LAND ADJACENT TO SALKELD ROAD FAIRHILL PENRITH  
Description: Advertisement consent for 2no flag poles and flags, 2no pole signs, 2no v-boards and lettering on show home.

**Response:** No objection but would like permission to be time limited.

Planning application number: 18/0568  
Site address: 40 PATEGILL COURT PENRITH CA11 8LG  
Description: Replace garage with single storey extension

**Response:** No objection but would ask that a condition be applied stating that the construction should be of brick matching the existing dwelling

Planning application number: 18/0485  
Site address: ARMSTRONG AND FLEMING ROPER STREET PENRITH CA11 8HT  
Description: Discharge of condition 4 (archaeological works) attached to approval 17/0771.

**Response:** It is assumed that the County Archaeologist or his/her representative will be on site when works commence and that there is a strategy if something of note is found - No objection

Planning Application Number: 18/0608  
Site Address: SHEARMAN HOUSE BENSON ROW PENRITH CA11 7YW  
Description: Tree 1: Removal of right trunk (as viewed from house) pressing on shed roof; Crown thinning of left trunk (30%); Tree 2 Eucalyptus: Height reduction by 30% and reshaping to avoid telephone wire; Penrith Conservation Area.

**Response:** No objection – prefer works to be carried out after bird breeding season as per advice provided by DEFRA 'Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In terms of tree felling the main mitigation route to reduce the likelihood of harm to breeding birds is to undertake clearance or destruction of any vegetation or structure which may be used as a breeding site outside the bird breeding season when breeding birds are unlikely to be present (based upon habitat features) or where survey work has confirmed their absence. The bird breeding season will be dependent upon weather conditions and will vary from year to year, but in general is the period between early March and late August.

Planning Application Number: 18/0578  
Site Address: CARLETON HILL FARM PENRITH CA11 8TZ  
Description: Agricultural building.

**Response:** No Objection (subject to representations by neighbours) but suggest the application be conditioned to utilising a coloured finish (e.g. green).

Planning Application Number: 18/0584  
Site Address: 8 SAND CROFT PENRITH CA11 8BB  
Description: Proposed extension to rear and side of dwelling  
**Response:** No Objection

Planning application number: 18/0602  
Site address: 113 GRAHAM STREET PENRITH CA11 9LE  
Description: Beech tree: 1) Prune back the crown by between 3-4m on south / south-east side (overhanging road) concentrating on branches exposed by loss of recent large stem; 2) Crown raise over road to a height of 5m; 3) Remove any dead / damaged branches, including any with defects which possess a high potential for failure; All pruning work as shown on photographs provided; Reason: Reduce risk to people and property; Tree Preservation Order No 119, 2004, 113 Graham Street, Penrith.

**Response:** No objection – Works to be carried out after bird breeding season as per advice provided by DEFRA

Planning Application Number: 18/0604  
Site Address: GRASS AREA IN FRONT OF 18 THE PARKLANDS PENRITH CA11 8TF  
Description: T7 Oak: Remove and replace; Tree is showing signs of significant decline including large limb failure, Inonotus Dryaedus, Laetiporus and large historical pruning wounds which may be harbouring large amounts of decay; Reason: Condition of tree; Proximity to road and house is a cause for concern should the tree fail; Tree Preservation Order No 123, 2005, The Parklands, Penrith.

**Response:** No objection – subject to the advice of the Trees Officer and confirmation of what will be planted to replace the felled tree. Since this is an old established oak it is highly likely to be a bat roost as well as a bird nesting site. The tree should be surveyed for bats and any felling operations should be conducted between 1st November and 28th February (provided bats are not hibernating in the tree). Works to be carried out after bird breeding season as per advice provided by DEFRA

Planning application number: 18/0613  
Site address: 62 Arthur Street Penrith CA11 7TU  
Description: Fell Holly tree overhanging neighbour's garden; Penrith New Streets Conservation Area.

**Response:** No objection – works to be carried out after bird breeding season as per advice provided by DEFRA or if needed before carrying out a survey to confirm absence

## **b) Planning Applications for Consideration**

Members considered the following items which had been received and which required a committee decision due to the nature of the applications Further information could be found on the Eden District Council Website <http://eforms.eden.gov.uk/fastweb/search.asp> by inserting the appropriate planning reference number.

**RESOLVED** that Planning Applications 18/0628 and 18/0627 be discussed together but be considered separately.

Planning application number: 18/0628  
Site address: THACKA HOUSE MILTON STREET PENRITH CA11 9HY  
Description: Listed building consent for proposed annex for ancillary use.

**RESOLVED** that a response of no objection be returned to EDC

Planning application number: 18/0627  
Site address: THACKA HOUSE MILTON STREET PENRITH CA11 9HY  
Description: Proposed annex for ancillary use.

**RESOLVED** that a response of no objection be returned to EDC with a request that the application be conditioned so that the boundary wall is retained in perpetuity and so that the annexe shall not be used or occupied at any time other than for the purposes ancillary to the residential use of Thacka House to ensure that the character of the area is preserved and a separate dwelling is not created.

Planning application number: 18/0642  
Site address: PENRITH RAILWAY STATION ULLSWATER ROAD PENRITH CA11 7JQ  
Description: Listed building consent for installation of audio announcement equipment in the waiting rooms of platform 1 and 2.

**RESOLVED** that a response of no objection be returned to EDC

Planning application number: 18/0653  
Site address: MAYBURGH VIEW SKIRSGILL LANE PENRITH CA10 2BQ  
Description: Removal of condition 3 (occupancy restriction) attached to approval 89/0185.

**RESOLVED** that a response of no objection in principle be returned to EDC with a request that the application be approved with a local occupancy clause so that the dwelling continues to serve the local community.

### **PL/18/29 Request for a Pedestrian Crossing**

Members were advised that a member of the public had written to the Town Council requesting it's support for a pedestrian crossing to the island in Stricklandgate / Duke Street on the one way system on the side of the Royal Pub. The island contains a pub, children's craft centre, members club and is home to quite a few people whose average age is high.

**RESOLVED** that a letter be drafted to be sent from the Chairman requesting Cumbria County Council to consider the request.

### **PL/18/30 Regulation 14 Pre-Submission Consultation**

Members considered the report of the Deputy Town Clerk which requested Members' consideration of the draft communication strategy for the Regulation 14 Pre-Submission Consultation for the Neighbourhood Plan and agree the format for the consultation.

**RESOLVED** that:

1. the draft Communication Strategy for the Regulation 14 Pre-Submission consultation be agreed with the amendments made at the meeting (attached to these minutes as an appendix);
2. delegated authority be given to the Chairman, Vice Chairman and Deputy Town Clerk to agree the final details once the outcome of the grant application is known although postage to 100% of properties is preferable; and
3. the Deputy Town Clerk continue to negotiate suitable venues within town to hold drop in sessions and liaise with printing and distribution companies regarding production of the consultation document.

**The following item was considered as an urgent late item as a response is required to be sent prior to the next meeting of the Committee.**

### **PL/18/31 M6 Junction 40 to Rheged Cycleway Improvements**

Members considered a letter from Highways England requesting comments on their proposal to allow pedestrians and cyclists to cross the A66 trunk road to the westbound carriageway using the existing signalised crossing at Junction 40.

**RESOLVED** that a response be sent to Cumbria County Council confirming that Penrith Town Council are in full agreement with the additional safety measures but requesting that appropriate signage to Rheged and Ullswater be included in the scheme for those using the facilities.



## **PL/18/32 Next Meeting**

Members noted that the next Planning Committee Meeting would be held on Monday 1 October 2018 2.00pm – 3.00pm, in the Boardroom, Penrith Town Council Offices, Church House, 19-24 Friargate, Penrith

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Chairman

### For the attention of the Planning Committee

Councillor S Jackson	Chairman
Councillor P Baker	Vice-Chairman
Councillor G Bowen	
Councillor R Kenyon	
Councillor R Burgin – Standing Deputy	

### For information to all other Councillors

Councillor J Briggs  
Councillor M Clark  
Councillor P Donald  
Councillor D Lawson  
Councillor J Monk  
Councillor D Whipp