



Penrith Town Council

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

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

DATE: 28 July 2020

You are summoned to attend a meeting of the

PLANNING COMMITTEE

To be held virtually via Zoom video conference on

Monday 3 August 2020, at 2.00pm

COMMITTEE MEMBERSHIP

Cllr. Jackson	North Ward	Cllr. Shepherd	East Ward
Cllr. Kenyon	North Ward	Cllr. Snell	West Ward
Cllr. Knaggs	West Ward		

Mrs V. Tunnadine, Town Clerk

The Town Council resolved from 20 May 2019, 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

3 August 2020

Due to the current restrictions in place this meeting will be a virtual meeting and therefore will not take place in a physical location. The meeting be held virtually via video conferencing using Microsoft Teams. Therefore, this is a meeting in public, not a public meeting.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations") come into force on 4 April 2020.

Section 78 of the 2020 Regulations enable local councils to hold remote meetings (including by video and telephone conferencing) for a specified period until May next year. The Regulations apply to local council meetings, committees, and sub-committees

PART I

1. Apologies for Absence

To receive apologies from Members

2. Appointment of Vice Chairman

To appoint a Vice Chairman of the Planning Committee for the remainder of the municipal year.

3. Minutes (Page Nos 7-15)

Authorise the Chair to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 6 July 2020

4. Declarations of Interest 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 Interim Monitoring Officer at least 24 hours in advance of the meeting

5. Public Participation

Receive any questions or representations which have been received from members of the public

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 chairman of the meeting may direct that a written or oral response be given

6. EXCLUDED ITEM: Public Bodies (Admissions To Meetings) Act 1960

To determine whether item 13 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.

7. Changes to the Planning System

To receive a verbal update from the Deputy Town Clerk

8. Planning Protocols (Page Nos 16-23)

To consider changes to the Planning Protocols which are due for review.

9. Budgetary Control Statement (Page No 24)

To note the budgetary control statement for the three months ending 30 June 2020.

10. Neighbourhood Development Plan

To receive a verbal update regarding the Regulation 16 Consultation carried out by the LPA if available.

11. Planning Applications

a) Delegated Responses to Note

Planning application number:	20/0197
Site address:	WILDERSWOOD BEACON EDGE PENRITH CA11 9LA
Description:	Erection of dwelling with integral garage.

Response: PTC wishes to OBJECT to the application which is felt to be backland development. There will be some overshadowing and loss of outlook for Wilderswood and the adjoining bungalow. The shared access will cause a loss of privacy and some disturbance to the existing house which is generally unsatisfactory and the drive, if separated, should be of a width along its length to allow for the easy access of emergency vehicles. The character of this area of Penrith is for linear development along the length of Beacon Edge and round onto Salkeld Road. This development changes the character of the area to its detriment.

Planning application number:	20/0391
Site address:	14 DEVONSHIRE STREET PENRITH CA11 7SR
Description:	Change of use of upper floors to create two residential apartments.

Response: No objection recognising there is no parking being offered with the conversion

Planning application number:	20/0413
Site address:	THE ARCHES 1 VICTORIA ROAD PENRITH CA11 8HR
Description:	Part retrospective change of use from A1(Shop) to D2(Gym).

Response: No Objection

Planning application number:	20/0418
Site address:	15 WHITE OX WAY PENRITH CA11 8QP
Description:	Two storey extension.

Response: No Objection

Planning application number:	20/0402
Site address:	LAND OFF GREENBANK ROAD EDEN BUSINESS PARK PENRITH CA11 9FB
Description:	Proposed new build private training pool D2 Assembly and Leisure, B1 Business office, B2 General Industrial and B8 Storage or distribution premises.

Response: No objection in principal but would wish to see the following conditions:

1. Due to its proximity to the nature reserve, there should be landscaping using native trees/bushes to provide screening, maintain carbon retention and mitigate the effects on the environment
2. As the report into the GCNs was inconclusive, the mitigating measures outlined on page 16 of the report should be actioned.

PTC has the following concern that they would also wish to be taken into account. There have been or are about to be a number of developments in this area. A 300mm surface water drain is mentioned but this may be too small given the cumulative effect on drainage and potential flooding.

If this development encroaches on to land identified for a Local Development Order for Food and Farming the impact of this onto the identified land should be taken into account.

Planning Application Number:	20/0425
Site Address:	3 JUBILEE LODGE BEACON EDGE PENRITH CA11 7SQ
Description:	Replacement of timber windows to bay on front elevation.

Response: No objection but request that it be conditioned that the existing coloured leaded glass windows remain the same to protect the appearance of the building.

Although in the conservation area, the building isn't listed. It is proposed that the uPVC windows will look the same as the wooden ones whilst also retaining the existing coloured leaded glass at the top of the windows. This improves the thermal efficiency of the house and reduces noise.

Planning application number:	20/0426
Site address:	8 CANNY CROFT PENRITH CA11 9HA
Description:	Erection of single-storey rear extension, terrace and basement room.

Response: No objection in principal but would wish the planning officers to take into account possible loss of privacy for the house to the rear although separation distances seem to be more than is required.

b) Planning Applications for Consideration

To consider the following applications for which information can be found on the Eden District Council Website <http://eforms.eden.gov.uk/fastweb/search.asp> by inserting the appropriate planning reference number

Planning application number:	20/0404
Site address:	LAND AT GLOUCESTER YARD PENRITH
Description:	Proposed residential dwelling.

Planning application number:	20/0403
Site address:	OMEGA PROTEINS GREYSTOKE ROAD PENRITH CA11 0BX
Description:	Development of a Class B2 industrial building.

Planning application number:	20/0456
Site address:	3 GREYSTOKE PARK ROAD PENRITH CA11 9BT
Description:	Change of use of part of dwelling (garage and utility C3) to form hair and beauty salon (sui generis). Replacement of garage door with door and window.

Planning application number:	20/0472
Site address:	6 BEACON SQUARE PENRITH CA11 8AJ
Description:	Proposed alterations and extension (resubmission of 19/0664).

Planning application number:	20/0480
Site address:	LAND OFF CROMWELL ROAD PENRITH CA11 7JW
Description:	Use of ancillary car park as a car park by members of the public.

12. Next Meeting

Note the next meeting is scheduled for 7 September 2020 at 2.00pm, Board Room, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR or that the meeting may be convened on this date via video conferencing.

PART II PRIVATE SECTION

There is one further item in this part of the Agenda

13. Potential Planning Breaches

To consider a verbal report from the Deputy Town Clerk

FOR THE INFORMATION 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 or, in the case of planning applications, the link to applications on the Eden District Council Website can be found above:

www.penrithtowncouncil.co.uk

Background Papers

Requests for the background papers to the Part I reports, excluding those papers that contain exempt information, can be made to the Town Clerk address overleaf between the hours of 9.00 am and 3.00 pm, Monday to Wednesday via office@penrithtowncouncil.co.uk



Penrith Town Council

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Minutes of the video conference live event

PLANNING COMMITTEE

Held virtually via Zoom video conference on

Monday 6 July 2020, at 2.00 p.m.

COMMITTEE MEMBERSHIP

Cllr. Jackson	North Ward	Cllr. Shepherd	East Ward
Cllr. Kenyon	North Ward	Cllr. Snell	West Ward
Cllr. Knaggs	West Ward		

A handwritten signature in black ink, appearing to read 'V. Tunnadine'.

Mrs V. Tunnadine, Town Clerk

The Town Council resolved from 20 May 2019, until the next relevant Annual Meeting of the Council, that having met the conditions of eligibility as defined in the Localism Act 2011 and SI 965 The Parish Councils (General Power of Competence)(Prescribed Conditions) Order 2012, to adopt the General Power of Competence.

MINUTES FOR THE MEETING OF

PLANNING

Monday 6 July 2020

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations") come into force on 4 April 2020.

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PART I

PL20/09 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PL20/10 MINUTES

RESOLVED THAT the Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 8 June 2020

PL20/11 Declaration of Interests and Requests for Dispensations

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

There were no declarations of interest at this meeting.

PL20/12 PUBLIC PARTICIPATION

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

PL20/13 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.

PL20/14 PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN

The Deputy Town Clerk reported on the conversations that she'd had with the Local Planning Authority. Members were advised that although the Regulation 16 consultation could be undertaken fully on line, EDC were reluctant to do this as not everyone had access to IT. Some investigation had been undertaken with other town and parish councils who had set up a limited appointment system for individuals to go and look at a hard copy of the documentation which could then be placed in a sealed box for the required amount of time before being available again for inspection.

RESOLVED THAT

1. EDC be asked to provide a number of hard copies of the full documentation plus booklets containing the policies and supporting actions.
2. The offices be open for two hours on two mornings a week to allow members of the public to make appointments to look and the full documentation and take away a policy booklet and response form.
3. The Deputy Town Clerk liaise with EDC regarding the Regulation 16 consultation.

PL20/15 PENRITH PARKING AND MOVEMENT STUDY

RESOLVED THAT it be noted that technical work was still being carried out on the Parking and Movement Study and that a report would be presented to Members as soon as possible.

Councillor Kenyon joined the meeting having experienced technical difficulties.

PL20/07 PLANNING APPLICATIONS REPORT

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:

Planning application number:	20/0213
Site address:	I PARK SMART SERVICES LTD CROMWELL ROAD PENRITH CA11 7JW
Description:	Retention of four 5m high lighting and ANPR camera columns and the erection of one 5m high lighting and ANPR camera column.

Response: No objection – the application is for poles and cameras only NOT ticket machines

Planning application number:	20/0242
Site address:	LAND OFF GREENBANK ROAD EDEN BUSINESS PARK PENRITH CA11 9FB
Description:	New build office.

Response: No Objection as land is already allocated in the local plan for employment however the following comments to be made:

1. Both EDC and PTC have declared a climate emergency so it is pleasing to see that renewable energy technologies will be incorporated into the design, including pv panels and that BRE A construction methods will be used to include high levels of thermal performance.
2. It is important that new buildings are future proofed at the build stage as soon as possible as retrofitting to increase standards later on would be more expensive than early incorporation of features. It is hoped that the building has been sited to optimise passive solar gain.
3. The building should be constructed of sustainable thermally efficient building materials and include good loft and wall insulation to reduce energy consumption as far as possible and water recycling methods should be included within the development
4. The site should include good inter-connectivity with the existing business park and paths/tracks to promote sustainable transport and encourage cycling and walking as a way to get to work.
5. The development should include electric vehicle charging points
6. To help climate mitigation, native trees, including fruit/nut trees) should be used to enhance greening and biodiversity within the plan area.
7. As the site is close to a wildlife area, design or landscape features should be incorporated to provide habitat for insects, nesting birds and other wildlife.

Planning application number:	20/0230
Site address:	EDEN ESTATE AGENTS 1 LITTLE DOCKRAY PENRITH CA11 7HL
Description:	Advertisement consent for 1no illuminated fascia sign and 1no illuminated projecting sign.

Proposed Response: No Objection

Planning application number:	20/0251
Site address:	FORMER CARE HOME BEACON EDGE PENRITH CA11 8BN
Description:	Erection of a single detached dwelling.

Proposed Response: No Objection in principle but would like to make the following comments:

1. It is important that the grounds are properly landscaped to include native trees and bushes including fruit trees to help offset the carbon footprint.
2. In light of both Council's declaring a climate emergency, it is important that the house should run as cleanly and cheaply as possible and that it should be 'future proofed'. There should be great attention to thermal performance so that there is less reliance on green/renewable energy technologies however, PTC would like to see PV panels and electric boilers at the start of the build to enhance energy efficiency further rather than the need to retrofit in the future.
3. The dwelling should be accessible and adaptable and should include an electric car charging point and ducting for fixed line internet access to allow for home working. Design features should be included so that they can meet the needs of a changing population.
4. The use of sustainable, renewable, healthy products that embody low energy output and are, wherever possible, locally sourced, should be used.
5. Features should be included on the site to encourage wildlife movement, migration, nesting (eg bird boxes, bat roosts, hedgehog holes), roosting and foraging.

Planning application number:	20/0279
Site address:	58 CASTLE HILL ROAD PENRITH CA11 7HD
Description:	Proposed two storey rear extension.

Response: No objection, there is already an extension on the adjoining house

Planning application number:	20/0281
Site address:	9 CYPRESS WAY PENRITH CA11 8UN
Description:	Single storey rear extension.

Response: No objection

Planning application number	20/0285
Site address:	49 ARTHUR STREET PENRITH CA11 7TU
Description:	Tree to rear of back garden adjoining rear of properties on Sandcroft - remove a small number of lower branches that overhang neighbours gardens.

Response: No objection

Planning application number:	20/0287
Site address:	THE LABS SKIRSGILL DEPOT PENRITH CA10 2BQ
Description:	Ash (T1) - pollard to 5m at appropriate pollard points due to decline and several fungal fruiting brackets.
Description:	Tree to rear of back garden adjoining rear of properties on Sandcroft - remove a small number of lower branches that overhang neighbours gardens.

Response: No objection

Planning application number:	20/0288
Site address:	LAND AT SKIRSGILL DEPOT PENRITH
Description:	Sycamore (T1) - remove hung up branch.

Response: No objection

Planning application number:	20/0291
Site address:	29 VICTORIA ROAD PENRITH CA11 8HP
Description:	Removal of 1 x Pear tree and 2 x Cherry Plum trees because of damage to walls.

Response: No objection

Planning application number:	20/0272
Site address:	LORNE HOUSE MEETING HOUSE LANE PENRITH CA11 7TR
Description:	Demolition of outbuildings and garage and erection of new extensions. Addition of larger rooflights and general improvements and formation of new entrance door on side elevation.

Response: No objection. Although in the conservation area, the work will not be seen from any public area and will make the house future proof. It would be good to see the installation of an electric vehicle charging plug as part of the renovation.

Planning application number:	20/0224
Site address:	LAND AT CROSSFIELD FARM PENRITH CA11 8RP
Description:	Scoping Opinion for the proposed use as development land for B1 Business, General Industrial and B8 Storage and Distribution. Consisting of commercial floorspace, associated access, car parking, landscaping and ecological enhancement measures.

Response: PTC wishes to reiterate the previous comments made in respect of the Environmental document:

1. Members remain concerned that the document is a cut and paste document from a completely different area mentioned within the report, this needs to be corrected.
2. Members are concerned about the accuracy of the document. In 2.1.1 it states that the site is 2km from Penrith whilst in 13.2.1 it states it's 4km from the town. It also states that it is only 500m to the nearest part of the M6 which was felt to be slightly misleading as the entrance is about 1.5km away.
3. The language used in the document is concerning to Members, the words believed that (6.3.1), 'it appears that' and 'probably' appear throughout along with other non-specific wording suggesting that the site is not well known by the author of the report and has not been visited.
4. The relevant expertise and experience of the authors of the report should be included, or should be clearly documented.
5. The report should include a proper visual impact study (Zone of Theoretical Visibility 6.5.6). There are a number of footpaths nearby and open access land to the North East of the site in the Maiden Hill, Bowscar, Wan Fell areas and also to the west towards Newton Reigny, Newbiggin and possibly Greystoke.
6. Proper photo montages from a number of these areas should be included in the EIA. The Google Earth images included within the documentation showing visibility from various approaches are not felt to be an accurate representation and therefore not helpful.
7. A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects should be included rather than implications of not using this site.
8. A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements should be included, especially as both Councils have declared climate emergencies.
9. A non-technical document for summarising the information should be provided so that it is easily understandable.

Planning application number:	20/0305
Site address:	HIGHWAYS DEPOT AREA 13 REDHILLS PENRITH CA11 0FF
Description:	Variation of condition 2 (plans compliance) for amendments to surface water drainage strategy and design attached to approval 19/0579.

Response – No Objection

Planning application number:	20/0311
Site address:	32 STRICKLANDGATE PENRITH CA11 7NH
Description:	Advertisement Consent for 1no wall banner.

Response – No Objection

Planning application number:	20/0342
Site address:	7 ARTHUR STREET PENRITH CA11 7TT
Description:	T1 Laburnum tree - removal of large horizontal branch; T2 Conifer tree - felling of tree; T3 Cherry tree - crown lifting & crown thinning.

Response – No Objection but all work to be undertaken outside of the bird breeding and nesting season replaced by another native tree to maintain carbon retention and mitigate the effects on the environment.

Planning application number:	20/0261
Site address:	2 MELBOURNE COTTAGE THACKA LANE PENRITH CA11 9NG
Description:	Retrospective change of use from residential to a mixed use comprising of residential, car servicing and repairs.

Response OBJECTION. This development is on a quiet country lane in the open countryside. It is not on any site allocated for development through the Local Plan and therefore does not accord to Policy EC1. There is no strong economic case for the site to be retained for such use as the increase in vehicle movements is likely to have an adverse impact on people living along Thacka and in the neighbouring property. Continuation and or development of such a business is likely to cause harm to the local amenity, landscape and ecology in this area which is currently very quiet.

Planning application number:	20/0359
Site address:	FAIRFIELD WORDSWORTH STREET PENRITH CA11 7QY
Description:	Fell Elderberry tree and trim/thin Laburnum tree (works as shown on photographs).

Response: No Objection, PTC would wish to see the tree to be felled after the bird nesting season and replaced by another native tree to maintain carbon retention and mitigate the effects on the environment.

Planning application number:	20/0416
Site address:	THE COTTAGE BISHOP YARDS PENRITH CA11 7XU
Description:	Fell infected Beech tree.

Response: No Objection – tree is infected so work needs to be carried out PTC would wish to see the tree to be felled after the bird nesting season and replaced by another native tree to maintain carbon retention and mitigate the effects on the environment

B) PLANNING APPLICATIONS FOR MEMBERS CONSIDERATION

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

Planning application number:	20/0345
Site address:	LAND AT STATION VIEW OLD GREYSTOKE ROAD PENRITH CA11 0BX
Description:	Erection of an agricultural shed for the storage of animal feed and grain products including associated operations.

RESOLVED THAT a response of no objection be returned to EDC with a request that, if approved, a condition be added requesting that the planted bund and soft landscaping be included to provide screening help maintain carbon retention and mitigate the effects on the environment.

Planning application number:	19/0624
Site address:	LAND AT FIELD 5070 INGLEWOOD ROAD STONEYBECK PENRITH
Description:	Proposed erection of detached live-work unit in association with existing timber processing and variation of conditions 5 and 6 attached 15/0748 to increase hours of working. New vehicular access and driveway to site.

RESOLVED THAT a response of no objection be returned to EDC as the development is in accord with NPPF 81(d) and RUR4 of the Eden Local Plan however, should the application be approved, a condition should be included requiring the wood cladding be in natural wood colour (rather than grey or a colour) to blend in with the environment.

Planning application number:	20/0364
Site address:	THACKA LEA CARAVAN PARK THACKA LANE PENRITH CA11 9HX
Description:	Variation of condition 2 (occupancy restriction), attached to approval 82/1040.

RESOLVED THAT a response of no objection be returned to EDC with a request that it be conditioned that there should be proper enforcement or records kept to ensure that there is no permanent living in touring caravans or mobile homes on the site and that there should be proper monitoring of the situation.

Planning application number:	20/0365
Site address:	12 CASTLEGATE PENRITH CA11 7HZ
Description:	Upgrade the existing outbuilding for domestic purposes ancillary to the main dwelling, creation of a pedestrian access to the rear access lane from the rear garden.

RESOLVED THAT a response of no objection be returned to EDC.

The following application was considered as although it seemed to show on the website that it had been withdrawn, PTC had received no notification to this effect.

Planning application number:	20/0383
Site address:	LAND NORTH OF MILE LANE PENRITH CA11 0BX
Description:	Retention of engineering works to form landscape planting bund.

RESOLVED THAT:

1. although this application was for landscaping only, EDC be advised that it was very disappointing to see another retrospective application from this company and that PTC would like to see a strategic approach to development in the longer term.
2. PTC has no objection to this application which was felt to be a positive way to provide screening help maintain carbon retention and mitigate the effects on the environment.
3. PTCs representative on the Omega Liaison Group be asked to reiterate the views of the Town Council with regard to retrospective applications and bringing forward a more strategic approach to development.

PTC20/08 NEXT MEETING

Members noted that the next meeting was scheduled for 3 August 2020 at 2.00pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR or that the meeting may be convened on this date via video conferencing.

CHAIR:

DATE:

**FOR THE INFORMATION OF ALL MEMBERS OF
THE PLANNING COMMITTEE
AND FOR INFORMATION FOR ALL REMAINING MEMBERS OF THE TOWN COUNCIL**



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DRAFT PLANNING PROTOCOL

delegation of powers to Deputy Town Clerk

A parish or town council cannot grant or refuse planning permission, but it can offer its opinion as a statutory consultee and try to influence specific decisions and planning policy. The Councils strength lies in local knowledge. The real decision makers are found in the planning authority, the District Council. District Councils produce development plans. These set out the district planning policy in and proposals for the area. They identify where development can and cannot take place, the natural and the built environment, and the management of traffic. Although there are a number of exceptions, anyone wishing to develop must apply to the District Council for planning permission. The District will email the Town Clerk with notice of a live application and its reference number. The Town Council is normally given 21 days to comment on receipt of the email.

Where a Town Council submits comments on a planning application, the planning authority, is required to consider the Town Council's comments. The District Council Planning officers will consider all the comments received and reflect these in the report made to the District Council Planning Committee.

As well as determining planning applications, the District Council has an enforcement role. If development appears to have taken place without permission or if the development is more extensive than given in the planning consent, the District Council's enforcement officer may be invited to visit the site and take any necessary follow up action.

There are situations where a member serves on both the Town Council and the district planning authority. In such a situation there is no reason why the member cannot consider the planning application at both Town Council and district planning authority level subject to certain requirements.

- Having expressed a view at a meeting of the Town Council, it is necessary for the member to consider the matter afresh at a meeting of the planning authority. The member cannot deal with the planning application before the planning authority with a closed mind.
- A member, who, perhaps, makes a statement at the Town Council meeting saying he/she has made his mind up on a particular planning application will find himself disqualified from consideration by the planning authority and, if he/she participates, runs the risk of challenge.
- In all cases a member must ensure that he or she does not participate or vote on a matter, if he or she has a disclosable pecuniary interest in that matter or if to do so would be a breach of the relevant council's code of conduct for members.

Permission will usually be granted if the development complies with the policies of central, regional or local government.

WHO MAKES DECISIONS ON PLANNING APPLICATIONS?

Eden District Council is the Local Planning Authority (LPA). Penrith Town Council is a statutory consultee on planning matters affecting **the parish of Penrith** and any observations or comments raised by the Town Council must be considered by the Planning Authority.

CAN THE PUBLIC SEE THE PLANS?

All copies of planning applications are available for inspection by members of the public at Eden District Councils offices **or on their website at <https://plansearch.eden.gov.uk/fastweb/>**.

WHAT DOES PENRITH TOWN COUNCIL DO?

Penrith Town Council Planning Committee meetings take place **monthly** to discuss relevant planning applications. These meetings are open to the public and press.

If additional meetings are called, notices will be placed on the notice boards in **the Town Council Offices at Friargate, Angel Lane and on the website at <https://www.penrithtowncouncil.co.uk/meetings/planning/>** in the normal manner.

CAN THE PUBLIC ASK A QUESTION OR MAKE A COMMENT TO TOWN COUNCILLORS?

During the meeting **members** of the public **are** able to speak in relation to a planning application. Any member of the public must **let the Council know that they wish to speak at least the day beforehand by giving** their name and address to the Clerk or Chair. **Those wishing to speak have a maximum of 3 minutes to make** comments **which** must be restricted to material planning considerations only.

Information on how to make representations on a planning application can be found at <https://www.penrithtowncouncil.co.uk/meetings/planning/supporting-opposing-planning-application/>

Once all comments have been taken, the Town Councillors will formulate their comments. Council's comments are forwarded to the District Council within the allocated deadline.

WHERE ARE THE DECISIONS MADE?

Simple planning applications are decided by officers of Eden District Council under their delegated powers but contentious planning applications are considered at a District Copuncil Planning Committee Meeting. Included in the District Council Officer's report on each planning application will be the relevant Town Council's comments, if any. Local residents may attend the District Councils Planning Committee Meeting and ask questions at the meeting and write in beforehand. Copies of the Agenda of the Planning Committee Meeting are available from Eden District Council.

Decisions made by officers and by members of Eden District Council on planning applications are forwarded to all Town and Parish Councils.

PLANNING RESPONSIBILITIES

1. To maintain an effective planning consultation process.
2. To encourage sensitive and high quality development within the Town Conservation areas.
3. To participate fully in the development and implementation of local plans, policies and interests in order to ensure that these have a beneficial impact on Penrith.
4. To seek to obtain legitimate planning gain (Section 106 money) for the town from all major developments in Penrith.
5. To report any suspected planning enforcement issues to the Local Planning Authority for consideration.

PROCEDURE FOR TOWN COUNCIL PLANNING CONSULTATIONS

Wherever possible the applications will be considered at the Town Councils monthly Planning Committee Meetings. When this is not possible the Council may call an Extra Ordinary Planning Committee Meeting, defer to a Full Council Meeting or delegate the power to respond to minor applications to the Town Clerk.

Penrith Town Council Office sends the planning application details to all Councillors as soon as it is received electronically.

Minor – this category is for applications such as satellite dishes, limited signage or the erection of a conservatory, an extension or erection of one dwelling, the change of use of a shop to residential etc. to which the Council is likely to have 'No Objection'. These applications may be noted without discussion at each meeting of the Committee.

These applications may be delegated between meetings to the Town Clerk:

- If a planning consultation deadline falls between meetings the Council may delegate authority to the clerk to submit a response to meet the consultation deadline.
- If there is no opportunity to consider an application at a meeting it may be necessary to delegate responsibility for deciding on the Council's observations on a planning application to the Clerk.
- This will most likely occur when the Council does not meet before the planning authority's deadline and the Council does not wish to convene a meeting.
- It is legal for a council to delegate decision making to an officer, i.e. the Clerks, but not to a councillor or councillors or chairman.

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

DELEGATION

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

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

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

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

The practice at the meeting will be to invite the public to speak and raise any items of concern, thus enabling the Council to fulfil its representational role. Each member of the public may speak for 3 minutes. If an organisation makes representation on behalf of a number of residents they may speak for 5 minutes.

Before the meeting, a member of the Planning Committee may go **to look at the site** and any neighbouring properties. **They must not get into discussion with the applicant or any objectors.** The member or officer may also consult the District Council Planning Office and consult with a Planning Officer on any item of particular concern before presenting the application to the next meeting of the Planning Committee.

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

- The compliance of the proposals with the adopted development local plan.
- How the proposal fits in terms of design and use with its surroundings.
- The effect of sunlight and daylight on adjoining properties - overlooking, loss of privacy and loss of light.
- The loss of privacy to adjoining properties.
- The effect on parking, drainage, traffic, road safety and general disturbance to local residents.
- Flooding issues - local knowledge of drainage or other possible problems surface water run-off

- Environmental issues – bats
- Sustainability issues
- Scale of the development
- Design, appearance, layout and materials
- Loss of important open space or physical features
- Noise, disturbance or smells
- Impact on the surroundings, effect on listed building and conservation area.

Planning comments cannot include:

- Spoiling of householder views.
- Devaluation of property.
- Covenants affecting properties.
- Nuisance caused by building work.
- Land ownership disputes.
- Personal preferences for the site.

It is important that all comments are clear, concise and accurate. The Council should record if it “Supports” or “Objects” to the application and may record member’s observations.

It helps if the Council suggests conditions it would like to see imposed if the local Planning authority permits the application.

Penrith Town Council staff prepares and send the comments of the Committee to the District Council within five clear days of the Planning meeting or sooner if required.

Approved: May 2015
Review: August 2020

EDEN DISTRICT COUNCIL PLANNING SERVICES PARISH CHARTER

- 1. We will consult you, the local parish about all applications for Planning Permission, Listed Building Consent and Advertisement Consent.**

We will not inform you of 'prior notification determinations', as these are notifications of telecommunication apparatus and 'agricultural notifications' and the Council only has 28 days in which to respond. These developments have 'deemed consent' and therefore do not require planning permission.

- 2. We will send the Parish Clerk a copy of the submitted application.**

The Parish will receive all the information submitted for each planning application except for bulky technical reports for example ground contamination or traffic impact assessments. In this instance a non-technical summary or the conclusions from the report will be sent with an explanatory note explaining what we have done.

- 3. The Parish will be given 21 days in which to reply.**

The speed and efficiency of dealing with planning applications is monitored and we aim to determine 80% of all minor applications within eight weeks - this is a national target. The Parish can help Planning Services achieve this target by responding promptly to consultations. Responses received after the 21 day consultation period will be taken into account except where the application has already been determined.

- 4. The Planning Case Officer can agree to extend the Parish consultation period.**

The consultation letter we send has the contact details for the Case Officer and the Parish Clerk is encouraged to make contact if you would like a time extension.

- 5. If during the consultation period the Parish requires further information or advice, please contact the Case Officer.**

The Case Officer is available to offer the Parish further information or advice. We prefer requests in writing so please emailing the Case Officer or planning.services@eden.gov.uk. It is also helpful if the Parish has one contact point for the Case Officer.

6. Where the Parish raises issues that are not regarded as material to the consideration of the planning application, we will write and let you know.

Planning applications can only be determined on material planning considerations and this specifically excludes such things as loss of value or loss of view. A guidance note on matters which can and cannot be considered 'material' is available from Planning Services or see the web page ['object or comment on a current planning application'](#).

The delegated powers of the Head of Planning Services allow him to determine whether a comment or objection upon a particular application is a 'material' planning matter or not.

7. Where the view of the Head of Planning Services on a particular application differs from that of the Parish, the application will be referred to the Council's Planning Committee for a decision.

This is to ensure that the views of the Parish are heard by Committee in all cases where they may be contrary to his own. The Parish view is reported in full to Committee.

8. The Parish will be sent a copy of the report appearing on the Planning Committee Agenda.

A copy of the Committee report will be sent to the Parish to ensure that you are fully aware of the recommendation made to Committee by the Head of Planning Services and the justification for this recommendation. The Committee Agenda is also available on the Council's website at least 5 days before the meeting.

9. A representative of the Parish is able to attend Planning Committee to explain their views on a particular application and you will be invited to attend any site visit undertaken by the Planning Committee within your Parish.

The decision on whether to hold a site visit rests with the Committee.

10. Where a decision is made by the Council against the view of the Parish, a written explanation will be given.

THE PLANNING PORTAL

The Planning Portal recommends the following links as essential for local planning pages:

The essential links		
Title	Address and description	What is this link?
Make a planning application	www.planningportal.gov.uk/apply Apply here to make an online planning application.	The direct link to the electronic version of the National Standard Application Forms.
Building Work	www.planningportal.gov.uk/guide Find planning and building regulations guidance including case studies on many common projects in the home here.	Links to Planning and Building Regulations guidance.
Visual guide for householders Interactive House/Terrace House	www.planningportal.gov.uk/house Explore the interactive house for guidance on many common householder projects. Explore the interactive terrace for guidance relating to flats, shops and basements as well as many common householder projects, in England.	The Portal's Interactive Houses offer the most user friendly way into planning and building information.
Greener Homes and Micro-generation	www.planningportal.gov.uk/greenerhomes Guidance for householders; providing advice on planning and building regulations matters for green energy projects and energy saving.	A direct link to an increasingly topical subject.
Building Regulations	www.planningportal.gov.uk/buildingregulations A wide range of Building Regulations information and advice on how to apply for various types of common building work.	Direct link to the Building Regulations and downloadable Approved Documents
Guidance on Appeals	www.planningportal.gov.uk/appeal Submit a new appeal, search for an existing appeal and comment on it.	How to use the electronic appeal system – including the new Householder Appeals Service



PLANNING COMMITTEE
BUDGETARY CONTROL STATEMENT: THREE MONTHS ENDED 30 JUNE 2020

Approved Budget 2020/21	Latest Budget 2020/21	Heading	Actual to Date	Commitments	Total to Date	Budget Remaining
£	£		£	£	£	£
15,000	15,000	PLANNING COMMITTEE: Officer Support Planning Consultancy Consultation	317	243	0 560 0	} 14,440 }
15,000	15,000	Planning Committee Total	317	243	560	14,440

The Committee has been permitted to carry forward £23,715 of unspent budget from 2018/19 into 2019/20. This sum, together with the original budget of £20,000, is now a block allocation to meet all 2019/20 expenditure.

The Committee has agreed a Forecast Outturn of £15,000 for 2019/20 and that £5,000 of the budget will slip into 2020/21.