



Penrith Town Council

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

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

DATE: 27 September 2021

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 4 October 2021, at 1.30pm 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 Penrith Parish Rooms, St Andrews

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 day of the meeting.

Members are asked to indicate if they wish to speak on an item **PRIOR** to the meeting (by 10.00am on the day of the meeting at the latest) by emailing office@penrithtowncouncil.co.uk

COMMITTEE MEMBERSHIP

Cllr. M Clark

South Ward

Cllr. C Shepherd

East Ward

Cllr. Jackson

North Ward

Cllr. M Shepherd

North Ward

Cllr. Kenyon

North Ward

Cllr. Snell

West Ward

Mrs V. Tunnadine, Town Clerk

Members of the public are welcome to attend. Details about how to attend the meeting remotely, and how to comment on an agenda item are available on the Town Council Website.

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 DATE 2021

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 6 September 2021 and agree they be signed as such, when permissible.

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.

To go immediately prior to excluded item add a note to the item on the agenda to explain the reason and which in turn would form part of the resolution

6. Highways Updates

To consider the report which provides feedback on the reported highways issues and determine the potential location of permanent or temporary SIDs

7. 2022/23 Budget: Process and Proposals

To consider the attached report of the Responsible Finance Officer which sets out the development of the 2022/23 budget.

8. 2021/22 Corporate Project Budget

To consider the attached report of the Responsible Finance Officer and consider whether to submit any proposals for funding from the corporate projects budget.

9. Neighbourhood Plan

To consider the final further comments of the Independent Inspector and consider how to respond to the questions raised for the Town Council.

9. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Planning application number:	21/0737
Site address:	FLAT 1 EPWORTH HOUSE DROVERS LANE PENRITH CA11 7QW
Description:	Certificate of Lawfulness for the continued use of residential flat.
Response	No Objection

Planning application number:	21/0738
Site address:	FLAT 2 EPWORTH HOUSE DROVERS LANE PENRITH CA11 7QW
Description:	Certificate of Lawfulness for the continued use of residential flat.
Response	No Objection

Planning application number:	21/0739
Site address:	FLAT 3 EPWORTH HOUSE DROVERS LANE PENRITH CA11 7QW
Description:	Certificate of Lawfulness for the continued use of residential flat.
Response	No Objection

Planning application number:	21/0743
Site address:	7 CASTLETOWN DRIVE PENRITH CA11 9ES
Description:	Erection of side extension to existing garage to create additional bedroom and en-suite.
Response	No Objection

Planning application number:	21/0751
Site address:	22 WETHERIGGS LANE PENRITH CA11 8PE
Description:	Single storey rear extension.
Response	No Objection

Planning application number:	21/0780
Site address:	CHADWELL HOUSE NICHOLSON LANE PENRITH CA11 7UL
Description:	Works to trees and removal of tree in conservation area.
Response	No Objection but some replacement native trees / bushes to offset carbon emissions would be acceptable

Planning application number:	21/0733
Site address:	12 WEST LANE PENRITH CA11 7DP
Description:	Listed Building Consent for the replacement of 3no single glazed timber windows with double glazed timber windows and addition of secondary glazing to arch window.
Response	No Objection

Planning application number:	21/0803
Site address:	54 LOWTHER STREET PENRITH CA11 7UQ
Description:	Conifers to fell.
Response	No Objection but some replacement native trees / bushes to offset carbon emissions would be acceptable

Planning application number:	21/0801
Site address:	Cumbria County Council BRUNSWICK SCHOOL BRUNSWICK ROAD PENRITH CA11 7LX
Description:	Sweet Chestnut Crown Raise
Response	No Objection

Planning application number:	21/0815
Site address:	HILL HOUSE FELL LANE PENRITH CA11 8BJ
Description:	Reduce Leylandii. Fell Laurel.
Response	No Objection

Planning application number:	21/0753
Site address:	WINTERS PARK CARLETON AVENUE PENRITH CUMBRIA CA11 8RQ
Description:	Renewal of temporary permission for change of use of land to provide siting for temporary static caravan providing living accommodation for on-site security presence.

Response	<p>This application has already had permission for 3 years. It should be noted that in the emerging Neighbourhood Development Plan this area is allocated as Local Greenspace.</p> <p>On security grounds no objection for a further limited period of up to 3 years but permanent accommodation on this site would not be acceptable and the Rugby Club would need to look at re-siting off the green space should they wish it to continue past this date</p>
Planning application number:	21/0781
Site address:	THE VETERINARY CENTRE CARLETON PENRITH CA11 8TZ
Description:	Addition of equine centre to rear of veterinary practice.
Response	No Objection

b) PLANNING APPLICATIONS FOR CONSIDERATION

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:	21/0752
Site address:	OMEGA PROTEINS PENRITH CA11 0BX
Description:	Solar farm and associated development including inverter units, substation and switchgear housing, battery storage container and landscape planting.

Planning application number:	21/0786
Site address:	UNIT 7B PENRITH INDUSTRIAL ESTATE MARDALE ROAD PENRITH CA11 9EH
Description:	Erection of concrete batching plant with aggregate bays; retention of existing storage and welfare buildings; and installation of interceptor. Re-submission of 20/0744.

Planning application number:	21/0798
Site address:	17 CROFT TERRACE PENRITH CA11 7RR
Description:	Proposed extension and alterations.

Planning application number:	21/0848
Site address:	OAKVILLE NICHOLSON LANE PENRITH CA11 7UL
Description:	Fell softwood fir tree.

Planning application number:	21/0734
Site address:	45A BURROWGATE PENRITH CA11 7TA
Description:	Listed Building Consent for the retention of historic conversion works.

Planning application number:	21/0794
Site address:	DUTTON LODGE ROPER STREET PENRITH CA11 8FY
Description:	Removal of condition 12 (obscure glazing), attached to approval 19/0297.

10. Next Meeting

Note the next meeting is scheduled for 1 November 2021 at 1.30pm, Board Room, Unit 1, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

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

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

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

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

Minutes of the meeting of

PLANNING COMMITTEE

Held on **Monday 6th September 2021**, at 1.30pm Penrith Parish Rooms, St Andrew's.

PRESENT

Cllr M Clark	South Ward
Cllr Kenyon	North Ward
Cllr C Shepherd	East Ward
Cllr M Shepherd	North Ward

Deputy 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

6 September 2021

In the absence of the Chair, the Vice-Chair took control of the meeting.

PART I

PL21/22 Apologies for Absence

Apologies for absence were received and noted from Councillors S Jackson and H Snell.

PL21/23 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 5 July 2021 and agreed they be signed as such.

PL21/24 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 Shepherd declared that he knew a neighbour to planning application no 20/0995 but that it was not a pecuniary interest and would have no bearing on his decision.

PL21/25 Public Participation

Members received a representation from a member of the public about various traffic issues in Penrith.

PL21/26 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.

PL21/27 Highways Issues

The Committee received a verbal update on a number of highways issues that had been reported to Cumbria County Council over a period of time.

RESOLVED THAT:

A letter be sent to the Director of Highways / Area Manager requesting that the following reported issues be progressed following delays due to Covid:

- i. the installation of a pedestrian crossing between Angel Square and Bowling Green Lane.
- ii. the installation of a crossing on Carleton Road.
- iii. the junction of Fell Lane, Benson Row and Sandgate.
- iv. suggested locations for SIDs
- v. priority traffic arrows at the narrows on Fell Lane.

PL21/28 Neighbourhood Development Plan

Members were advised that the draft Beacon Hill Protected Landscape Feature policy, approved at the extra ordinary Council meeting on 27 July had been sent to the Independent Planning Inspector along with the additional mapping and other information requested in the post inspection note. Once a response has been received it will be reported to Councillors.

PL21/29 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:

Planning application number:	21/0522
Site address:	THE LODGE MAIDENHILL PENRITH CA11 8SQ
Description:	Variation of condition 2 (plans compliance) for the replacement of the previously approved zinc sheeting with natural stone walls and slate on the roof, attached to approval 20/0146.
Response	No Objection – proposals are more in character with the existing and surrounding residences

Planning application number:	21/0529
Site address:	1 VICTORIA ROAD PENRITH CA11 8HR
Description:	Change of use of carpet warehouse to additional gym accommodation and domestic store including raising the roof by 60cm.
Response	No Objection

Planning application number:	21/0528
Site address:	68 BROUGHAM STREET PENRITH CA11 9DW
Description:	Replacement of single storey extension with two storey extension and formation of rear parking court
Response	No Objection

Planning application number:	21/0581
Site address:	18 PARKLANDS WAY PENRITH CA11 8SD
Description:	Application for tree works, large Sycamore - Crown lifting and thinning
Response	No Objection

Planning application number:	21/0556
Site address:	PENBURY HOUSE BEACON EDGE PENRITH CA11 7BD
Description:	Reduce Silver Birch Tree by 30% approx.
Response	No Objection

Planning application number:	21/0557
Site address:	46 A WORDSWORTH STREET PENRITH CA11 7QY
Description:	T1 Fell Apple Tree, T2 Fell Rowan.
Response	No objection but would wish to see work carried out after nesting season and some replacement native planting taking place

Planning application number:	21/0572
Site address:	YEW TREES LOWTHER STREET PENRITH CA11 7UW
Description:	Works (trimming) of tree with TPO in Conservation Area.
Response	No Objection

Planning application number:	21/0560
Site address:	4 BOWSCAR ROAD BOWSCAR PENRITH CA11 8RR
Description:	Two storey front extension to provide additional living accommodation.
Response	No Objection

Planning application number:	21/0586
Site address:	CHADWELL HOUSE NICHOLSON LANE PENRITH CA11 7UL
Description:	Prune Lime trees in garden.
Response:	No Objection

Planning application number:	21/0610
Site address:	BRIAR COTTAGE LOWTHER STREET PENRITH CA11 7UW
Description:	Removal of 2no Holly Trees and topping of 2no Irish Yew Trees.
Response	No Objection but would wish replacement planting of native trees for the holly trees to be conditioned.

Planning application number:	21/0635
Site address:	HAMELN HOUSE & THE HOLLIES LOWTHER STREET PENRITH CA11 7UW
Description:	Removal of 2no Holly Trees and topping of 2no Irish Yew Trees.
Response	No Objection but work to be carried out after bird nesting season. Replacement planting to mitigate climate issues would be desirable

Planning application number:	21/0645
Site address:	Cumbria County Council BRUNSWICK SCHOOL BRUNSWICK ROAD PENRITH CA11 7LX
Description:	1. Crown reduction, Willow. 2. Remove trunk growth from Sweet Chestnut. 3. Crown raise, Silver Birch. 4, Crown raise, Weeping Birch. 5, Remove and treat Silver Birch.
Response	No Objection but work to be carried out after bird nesting season.

Planning application number:	21/0600
Site address:	GREENGILL HOUSE GREENGILL PENRITH CA11 8SE
Description:	Erection of a detached garage/gym/office. Revised design of approval 17/0707.
Response	No Objection

Planning application number:	21/0613
Site address:	31 FRENCHFIELD GARDENS PENRITH CA11 8TX
Description:	Front and rear extension to single story dwelling.
Response	No Objection

Planning application number:	21/0589
Site address:	11 JUNIPER WAY PENRITH CA11 8UF
Description:	First floor extension over garage with hipped roof.
Response	No Objection

Planning application number:	21/0667
Site address:	HUNTER HALL SCHOOL PENRITH CA11 8UA
Description:	Installation of a freestanding fixed 6m flagpole, of which 0.8 metres will be sunk into a ground installed sleeve.
Response	No Objection –the application has no impact on the listed buildings

Planning application number:	21/0683
Site address:	FORMER OIL STORAGE DEPOT MYERS LANE PENRITH
Description:	Change of use from oil storage depot to fibre optics cable installer yard with siting of 3no portacabins.
Response	No Objection

Planning application number:	21/0688
Site address:	MYERS LANE BUSINESS PARK MYERS LANE PENRITH CA11 9DP
Description:	Discharge of conditions 3 (contamination), 4 (contamination), 6 (surface water drainage), 7 (fumes and odours), 8 (foul drainage) and 13 (landscaping), attached to approval 20/0743.
Response	No Objection

Planning application number:	21/0662
Site address:	1 MILESTONE COTTAGES PENRITH CA11 9NQ
Description:	Single storey rear extension.
Response	No Objection

Planning application number:	21/0686
Site address:	23 CYPRESS WAY PENRITH CA11 8UN
Description:	Single storey side extension.
Response	No Objection

Planning application number:	21/0691
Site address:	27 HUNTLEY AVENUE PENRITH CA11 8NU
Description:	Single storey rear extension.
Response	No Objection

Planning application number:	21/0644
Site address:	36 VICTORIA ROAD PENRITH CA11 8HR
Description:	Change of use from residential dwelling to guest house.
Response	No Objection, was a guest house until fairly recently

Planning application number:	21/0611
Site address:	DENTAL SURGERY STRICKLANDGATE PENRITH CA11 7NH
Description:	Change of use of dwellinghouse to extension of established dental practice.
Response	No Objection

Planning application number:	21/0697
Site address:	UNIT 1 HOBSON COURT GILLAN WAY PENRITH CA11 9GQ
Description:	Change of use from A2 to D1 create a private eye clinic.
Response	No Objection

Planning application number:	21/0702
Site address:	15 RIMINGTON WAY PENRITH CA11 8TG
Description:	Creation of new parking area with access to existing lawn area.
Response	No Objection but would request that it be conditioned that environmentally friendly hard standing is used to reduce runoff

Planning application number:	21/0711
Site address:	ALDI GIBRALTAR & UNIT 1 SEDAN BUILDINGS CAVENDISH WAY PENRITH CA11 7GS
Description:	Advertisement consent for 3no illuminated building mounted signs and 8no building mounted vinyl signs.
Response	No Objection

b) Planning Applications Considered

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

Planning application number:	20/0995
Site address:	LAND AT CARLETON PENRITH
Description:	Reserved Matters application for appearance, landscaping, layout and scale, attached to approval 13/0033.
<p>Penrith Town Council wishes to OBJECT to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The development still does not accord to Policy DEV5 in the Local Plan in that the design of the development does not reflect local distinctiveness with the same style of houses and type of layout being developed in many developments. 	

Planning application
number:

20/0995 - continued

2. Although 4 bungalows seem to have been added to make up 20% minimum accessible and adaptable homes, the Town Council still feels that the balance of house types is wrong with the majority being 3, 4 and 5 bed houses. The Housing Needs Survey for Penrith carried out in 2018 confirmed that the largest requirement was for two and three bedroomed houses and bungalows ie homes for young peoples, the elderly, singles, the disabled and small families. (Policy 7 in Penrith Town Council's emerging Neighbourhood Development Plan relates to housing type and mix and states 'New housing development should provide a range of types and sizes of dwellings that meet identified local needs in accordance with ELP 2014-2032 Policy HS4. In Penrith, as confirmed by the 2018 Housing Need Survey, the priority should be for the provision of homes to meet the needs of young renters with/without children, first time buyers, empty nesters and the ageing population.
3. The Town Council has major concerns about highways safety as the junction proposed is unsuitable for the number of cars that will be generated. This is a relatively fast and busy main road and tourist route and opposite a junction servicing the developments on the opposite side of the A686 and the vets. The road from the proposed development is joining the junction on the inside of the bend which reduces visibility when turning out of the estate. Concern is also expressed about the proposals for parking with cars parked one behind the other meaning that in many cases cars will be left on the highway.
4. Although a footpath link around the estate is welcomed, it is important on developments such as this which will hopefully attract some young families, that a safe area is provided to allow social mixing and play. The natural play trail gives no detail about what will be included, a few balance beams or stepping stones is not acceptable, and is not secure in an area near the SuDS drainage and relatively near the busy A686. The Town Council would wish to see a fenced play area with a fence around the SuDS drainage for additional safety and proper play equipment for pre-school and primary children to encourage a healthy and active lifestyle. Policy 4 in Penrith Town Council's emerging Neighbourhood Plan is about accessibility and social inclusion and states that 'to improve social inclusion, where appropriate, proposals should provide high quality, well located, accessible, functional, centralised public open space, play areas and public spaces that allow people of all ages and backgrounds to meet and lead healthy and active lifestyles.

Planning application number:	20/0995 - continued
<p>5. Penrith Town Council also wishes to register its concern that the infrastructure in the Town is not capable of supporting additional development of this scale and there are deficiencies in social facilities. During the Neighbourhood Plan process, evidence was gathered in 2018 from the educational establishments, Doctors and Dentists who advised that they had either no capacity or very little capacity to take additional people. It is understood that a primary school was proposed adjacent to Carleton Heights, but it is unclear when this development will take place. This does not, however, help the situation with regard to secondary education as one school is selective and only takes pupils who achieve the pass score regardless of where they live.</p> <p>6. The Town Council would wish to see the proposed landscaping and hedgerows to be comprised of native shrubs and trees rather than, for example, Japanese Laurel and Sycamore, neither of which are native.</p> <p>7. An archaeological survey should be undertaken as the site is close to the line of the old Roman road.</p>	

Planning application number:	21/0724
Site address:	5-6 DEVONSHIRE STREET PENRITH CA11 7SR
Description:	Listed Building Consent for alterations, addition of new signage, air conditioning units and extraction grilles.
Response	No Objection

Planning application number:	21/0723
Site address:	5-6 DEVONSHIRE STREET PENRITH CA11 7SR
Description:	Addition of new signage, air conditioning units and extraction grilles.
Response	No Objection, however air conditioning units and extraction grilles must be to the satisfaction of the technical requirements of Environmental Health.

Planning application number:	21/0722
Site address:	5-6 DEVONSHIRE STREET PENRITH CA11 7SR
Description:	Advertisement consent for 1no non-illuminated fascia sign, 1no illuminated projecting sign and 2no digital promotion screens.
Response	No Objection

Planning application number:	21/0747
Site address:	8 LABURNUM WAY PENRITH CA11 8UJ
Description:	Two storey rear extension and installation of a upper floor south facing side window. Resubmission of 21/0270 due to location of UU drain.
Response	No Objection

Planning application number:	21/0731
Site address:	22 BEACON EDGE PENRITH CA11 7SG
Description:	Erection of single storey rear extension and rear garden landscaping.
Response	No Objection

Planning application number:	21/0607
Site address:	THE COACH HOUSE FRIARGATE PENRITH CA11 7XR
Description:	Listed Building Consent to replace cobble driveway with tarmac.
<p>Penrith Town Council wishes to OBJECT to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposal is for a listed building within the curtilage of Abbot Bank and immediately adjacent to the Grade II listed Friarage / North Friarage. The driveway in question, although small, is open and easily visible. 2. Although not presently in good condition, the Town Council feels that the driveway should be replaced with cobbles rather than tarmac in order to accord to Policy ENV10 of the Eden Local Plan to conserve and enhance the historic environment and heritage assets and their setting. 	

Planning application number:	21/0754
Site address:	5 JUBILEE LODGE BEACON EDGE PENRITH CA11 7SQ
Description:	T1 Cherry Blossom, fell. T2 Holly, thin. T3 Conifer, fell.
Response	No Objection

PTC21/ Next Meeting

Members noted that the next meeting was scheduled for 4 October 2021 at 1.30pm, Penrith Parish Rooms, St Andrew's.

CHAIR:

DATE:

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

Access to Information

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website

Background Papers

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

DRAFT



PLANNING COMMITTEE

4 October 2021

MATTER: Highways Issues

To receive feedback on a number of Highways Issues reported to Cumbria County Council and determine the potential location of permanent or temporary SIDs

ITEM NO: 6

AUTHOR: Deputy Town Clerk

SUPPORTING Cllr Scott Jackson

MEMBER: Chair of Planning Committee

RECOMMENDATIONS

- i. To note the feedback on outstanding issues
- ii. To indicate whether permanent or temporary SIDs should be placed at each of the locations detailed in Paragraph 1.3
- iii. To consider whether a bid for funding should be submitted to the Corporate Project Budget under agenda item 8.

LAW

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.

LINK TO COUNCIL PRIORITIES

This issue links to the corporate priority of Transport

1. Report Details

- 1.1 At the last meeting of the Planning Committee, Councillors agreed that a letter should be sent to the Highways Authority regarding a number of outstanding issues including:
- a) Crossing between Angel Square and Bowling Green Lane, New Squares
 - b) Installation of a crossing Carleton Road
 - c) Junction of Fell Lane/Benson Row/Sandgate
 - d) Priority arrows at the narrows on Fell Lane

Feedback on these issues will be provided as soon as it has been received.

- 1.2 The issue of speeding traffic on Inglewood Road has also been raised by the Town Council numerous times and has been reported by the Competition / Livery Yards to the Police on a number of occasions. Slow Down and Pass Wide and Slow Signs have now been put up at the Stoneybeck end to encourage those using the road to be more considerate to horses although it applies equally to those cycling and walking.
- 1.3 The following locations were suggested by the Planning Committee as potential locations for Speed Indicator Devices (SIDs): Beacon Edge, Bridge Lane, Drovers Lane / Meeting House Lane, Norfolk Road, Friargate, Carleton Road, Carleton Hill Road and Castle Hill Road. These suggested locations were discussed at September's CRASH meeting and County Highways requested the Police to move some of the temporary devices around the town to see if they have an impact.
- 1.4 Further discussion about the individual locations will take place at the October CRASH meeting when an assessment and decision will be made. Members are asked to indicate whether they feel that SIDS should be permanently sited at each location or whether mobile SIDs could be deployed in line with the SID-VAS Policy.
- 1.5 The Town Council is also asked whether it would consider funding or whether a funding request is to be made to the Cumbria Road Safety Partnership. Cumbria Highways have been asked to indicate potential costs which will be provided at the meeting.

2. Finance Implications

- 2.1 The Planning Committee has a budget which could be used, possibly in conjunction with a bid to the Corporate Project Budget (agenda item 8) to look at funding.

3. Risk Assessment

- 3.1 The location of any devices would be assessed and approved by Cumbria Highways in conjunction with the Cumbria Road Safety Partnership in line with the SID-VAS Policy.

4. Legal Implications

- 4.1 There are no direct legal implications associated with this report.

Appendices

None

Background Papers

Planning Committee Minutes 6 September 2021



Penrith Town Council

MEDIUM TERM FINANCIAL FORECAST 2021/22 TO 2025/26

APPROVED BUDGET 2021/22	VARIATION	LATEST BUDGET 2021/22	Heading	2022/23	2023/24	2024/25	2025/26
£	£	£		£	£	£	£
			EXPENDITURE				
			PLANNING COMMITTEE:				
			Planning:				
0		0	Officer Support	0	0	0	0
10,000		10,000	Planning Consultancy	10,000	10,000	10,000	10,000
0		0	Consultation	0	0	0	0
10,000	0	10,000		10,000	10,000	10,000	10,000
			Climate Change:				
0		0	Website & initial costs	0	0	0	0
5,000		5,000	Community Consultation	0	0	0	0
2,000		2,000	Internal Business Plan	0	0	0	0
1,000		1,000	Carbon Footprinting: High level baseline	0	0	0	0
500		500	Carbon Footprinting: Calculator licence fee	0	0	0	0
3,000		3,000	BIG STEP	0	0	0	0
800		800	Staff Development/Exceptional Expenses	0	0	0	0
1,000		1,000	Carbon Literacy Training	1,000	0	0	0
0		0	Future Projects	10,000	10,000	10,000	10,000
13,300	0	13,300		11,000	10,000	10,000	10,000
23,300	0	23,300	Planning Committee Total	21,000	20,000	20,000	20,000

PLANNING COMMITTEE

4 October 2021

Matter: 2022/23 Budget: Process and Proposals

Purpose of Report:

To consider the process for the development of the 2022/23 Budget.

Item no: 7

Author: Jack Jones, RFO

Supporting Member: Cllr Roger Burgin,
Chair of Finance Committee

Recommendations

The Committee is requested to consider this report and indicate:

- a) whether any revision should be made to the Planning services budget of £10,000 for the current financial year and whether its continuation as shown in the Medium Term Financial Plan appears reasonable to meet as yet unforeseen expenditure;
- b) whether it wishes to retain the current year's budget of £13,300 for Climate Change projects and the ongoing allocation of resources as shown in the Plan; and
- c) whether it wishes to identify any service development proposals to be submitted as growth bids in the 2022/23 budget process.

Law and legal implications

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.

Sections 41 and 50 of the Local Government Finance Act 1992 require the Council to calculate its annual budget requirement and its resulting precept by 28 February.

Link to Council Priorities

The annual budget should reflect the Council's priorities for the financial year ahead.

1. Report Details

1.1 Introduction

The Finance Committee has agreed guidelines for the preparation of the Council's budget for 2022/23 and has adopted the following parameters, which are similar to those for last year:

- There should be a clear distinction between the committed level of service (the base budget) and proposals to develop services (growth items).
- All Councillors are to be given the opportunity to suggest growth items to improve the Council's services.
- Growth proposals should be scheduled separately from the base budget and assessed by reference to the Council's budget priorities, ie the six Council Plan priorities plus unavoidable legislative or health and safety/business continuity work.

1.2 Timescale

Key dates in the budget process are as follows:

4 October 2021 11 October	Planning & CCEG Committees to consider growth proposals, redirection or reduction in resources
By 31 October	Individual Councillors to consider and submit budget proposals
8 November	Budget Working Group to consider draft budget prospects
6 December (date tbc)	Budget Working Group to consider initial draft detailed budget
6 December 13 December	Planning & CCEG Committees to reconsider their estimates in the light of corporate budgets (if required)
10 January 2022	Finance Committee to consider draft budget
24 January	Council to approve budget and determine precept

The remainder of this report deals with the first step in the process, mainly for the Committee to consider whether it wishes to make any changes in its budget for next year. The Committee's recommendations will be forwarded to the meeting of Budget Working Party on 8 November.

1.3 Base Budget

The Base Budget is a continuation budget which identifies and provides for the current committed level of service to be maintained. This involves the current year's budget being adjusted to remove any one-off items in the 2021/22 budget and to include the estimated costs of contractually committed changes to expenditure or income. Any approved revisions to the current year's budget should also be assessed to see if they will affect the 2022/23 budget.

The statement at **Appendix A** shows:

- the Committee's 2021/22 Approved Budget;
- approved variations to the current year's budget (none for this Committee);
- the resulting Latest Budget; and
- its section of the current Medium Term Financial Plan (MTFP)

The budget of £10,000 for Planning Services can be spent across any of the individual headings. The budgetary control statement reported elsewhere on this agenda shows only £888 expenditure against the current year's budget of £10,000. While it is understood that production of the Neighbourhood Plan and related consultation can be affected by external factors, which can influence both the need for expenditure and its timing, the statement suggests that it is likely that the current year's £10,000 budget will be more than adequate. Members are therefore requested to consider whether any revision is required to the £10,000 provision, eg to reduce it or spread it between this year and next, as this would inform a more accurate forecast of the Council's overall finances at year end.

The Medium Term Financial Plan at Appendix A currently shows the Committee's base budget for Planning services continuing at £10,000 per annum; Members are asked to consider whether this provision is appropriate for the medium term.

In January 2021, the Council approved a five year package of measures totalling £189,400 to deliver its Climate Change Strategy. The staffing costs are budgeted in Finance Committee, with the project costs (£13,300 in 2021/22; £54,300 total) being included in this Committee's budget. The budgetary control statement shows that there has been no expenditure against the current year's £13,300 budget, as it has been unable to progress these initiatives. Although at this stage, it appears likely that this budget will be underspent, Officers suggest that the full amount should be retained to fund whatever progress can be achieved.

For the medium term, Appendix A shows the commitment to ongoing Climate Change projects. Having identified these resources, Officers believe that they should remain in the Plan at their stated values, despite the slow start to the initiative.

1.4 Service Development Proposals (Growth Items)

Committees and individual Members are being given the opportunity to suggest items which would involve increased expenditure but would enable the Council to provide a better level of service to the community. These could be one off items, for a single financial year, or could create an ongoing financial commitment, in which case the implications should be identified clearly.

Growth items (bids) will not be included in the Base Budget but will be scheduled separately for consideration by the Finance Committee and Council. In all cases, proposals should be assessed by reference to the budget priorities, which are:

- Health & Wellbeing;
- Economic Development;
- Transport;
- Growth;
- Community Engagement;
- Core Council Business;
- Unavoidable legislative changes; and
- Essential work to meet health and safety standards or to ensure business continuity.

The Committee is asked to consider whether it wishes to propose any service development proposals to be progressed as growth bids in the budget process.

2. Options Analysis including Risk Assessment

2.1 Risk

An inadequate budget process which fails to recognise financial and/or legal responsibilities.

2.2 Consequence

Overspendings leading to unwelcome curtailment of spending programmes; possible unpalatable council tax increase; setting an illegal budget; potential reputational damage.

2.3 Controls Required

A sound budget process will address these risks.

3. Financial Implications

A sound budget process is essential for robust financial management. This report identifies the relevant issues relating to the Committee's budget.

4. Legal Implications

The Council's budget must be determined in accordance with the provisions of the Local Government Finance Act 1992.

Appendices

- Medium Term Financial Plan – Planning Committee

Background Papers

- Budgetary control working papers 2021/22
- 2021/22 and 2022/23 Budget Working Papers

PLANNING COMMITTEE

4 October 2021

Matter: 2021/22 Corporate Project Budget

Purpose of Report:

To consider whether to submit any proposals for funding from the corporate project budget.

Item no: 8

Author: Jack Jones, RFO

Supporting Member: Cllr Roger Burgin,
Chair of Finance Committee

This is a public report

Recommendations

The Committee is requested to consider this report and indicate whether it wishes to submit any proposed initiatives for consideration by Finance Committee.

Law and legal implications

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.

Link to Council Priorities

Initiatives should support the delivery of the Council's objectives.

1. Report Details

1.1 Introduction

The 2021/22 Budget approved by Council on 25 January 2021 included a single year growth item of £8,000 for the "creation of a project budget, to be allocated by Finance Committee to initiatives from Committees which are identified during the budget year as being essential to the delivery of the Council's objectives."

At its meeting on 20 September, Finance Committee decided to request the Planning and CCEG Committees to consider submitting bids for funding from this corporate project budget, with any such proposals being considered alongside bids from Finance Committee itself.

The Committee should note that the latest corporate budgetary control statement considered by Finance Committee reported a significant overall underspending of the budget to date, a position reflected in the statement on today's agenda for this Committee's services. It is suggested, therefore, that any proposals should be items which cannot be met from the Committee's existing budget, either directly or by transfer from another heading.

The Committee is invited to consider whether it wishes to bid for any resources from the project budget, in which case initiatives should be essential to the Council's objectives and be capable of being completed within this financial year.

2. Options Analysis including Risk Assessment

2.1 Risk

Initiatives may have little relevance to corporate objectives or be incapable of delivery by 31 March 2022.

2.2 Consequence

Initiatives are perceived to offer poor value for money, or which slip into 2022/23 when no budget is available.

2.3 Controls Required

Proposals must be sound, relevant and able to be delivered this year.

3. Financial Implications

Agreed proposals would be limited to the £8,000 available.

4. Legal Implications

No direct implications.

Appendices

None

Background Papers

- Finance Committee agenda and minutes
- 2021/22 Budget Working Papers

Penrith Neighbourhood Development Plan 2019 - 2032

Further Comments of the Independent Examiner

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

10th September 2021

Opening Remarks

1. As you will be aware, I am carrying out the examination of the Penrith Neighbourhood Plan.
2. Following the hearing which took place on 9th February 2021, I issued a Post Hearing Note on 10th February 2021. That note covered a range of matters, a number of which have now been addressed.
3. The final matter in the Post Hearing Note related to the possibility of a jointly agreed policy relating to Beacon Hill and I understand that a number of meetings were held between the Town Council and the landowner's representatives and that the matter has been discussed at the Town Council. It appears that the landowners put forward a policy proposal that was not acceptable to the Town Council. The Town Council then put forward an alternative policy, but that has not been agreed by the landowners. It appears that the possibility of achieving a compromise solution of a bespoke policy for the whole of the Beacon area put forward by the Neighbourhood Plan has not been successful.
4. I said back in February, in paragraph 12 of my Post Hearing Note, that if it appears that a jointly agreed position cannot be reached, then I would continue with the examination of the issue, which will be based on the positions set out in the plan, the Regulation 16 representations and the evidence presented at the hearing from both parties.
5. I had not expected nor invited the Town Council to be promoting unilaterally a policy, that was opposed by the landowner, but that is the position I find myself faced with.
6. A neighbourhood plan examination is required by the regulations to examine the plan proposal as submitted under Regulation 15, not necessarily a policy that is amended during the life of the examination. As such my statutory role is to make recommendations based on the Local Green Space policy as submitted and I can still do so.
7. It is a practice, within examiner circles, to occasionally invite parties to come up with possible compromise policy wordings, that both parties would wish the examiner to consider recommending as modifications to meet the basic conditions, which would meet the aspirations of each party. That is the situation that I was promoted, following on from what I was sensing during the hearing.
8. I believe I now have two options
 - a) Either ignore the different versions of the draft policies put forward by both parties and examine the plan as submitted or
 - b) Alternatively seek the views of both parties on the separate policies put forward and for me to recommend accordingly. Possible outcomes could be that I could agree with one party's suggested policy as submitted, or amend either one or other policy or reject both suggestions and deal with the local green space policy as submitted.

9. The Borough Council has suggested that the latter approach may be an appropriate way forward, so that the options are fully aired and I am minded to explore the matter further, through a final exchange of correspondence, which will include the following questions that I will be asking of each party, which will allow me better to understand their aspirations.

Question for the Town Council

- A) Essentially, what is the material difference between the LGS designation and its Protected Open Space Policy, in terms of what development would be permitted?
- B) What would be the material harm to the Beacon caused by the development of small tourist related accommodation, in a small part of the woods, bearing in mind most of the Beacon will be protected as LGS?
- C) Is the primary concern that such development will have an impact on the wider landscape or is it the harm to the recreational value of the woods bearing in mind that public access is limited?
- D) Do you consider that such small-scale tourist related development for temporary accommodation such as caravan, camping and chalet sites would currently be capable of support, under Local Plan Policy EC4? Would they be considered acceptable development within the Green Belt as set out in Paragraph 103 of the NPPF?
- E) What are the Town Council's overall concerns regarding the policy as advanced by the landowner?

Questions for the landowner

- A) I understand that it was the landowner proposal that recommended the split between the LGS and the Protected Open Space - what was the criteria for drawing the boundary line where it would be drawn and would it be recognisable on the ground or is it an arbitrary boundary?
- B) Where it is proposed to locate tourist pods and lodges – is the expectation that these areas would have their own curtilages and will there be defined boundaries to the sites, either individually or as a collection and is the expectation that there will be vehicular access to the holiday accommodation with parking within the woods? Will this require the felling of trees around these accommodation areas? Will there be management buildings/ storage area covering laundry, waste disposal, reception buildings.

C) What other types of commercial development would be considered under your policy and can you give examples?

D) What are your concerns with the policy as advanced by the Town Council?

10. During the summer, I was also approached independently by the Friends of The Beacon and Keep Penrith Special Group and I have said that they would be offered an opportunity to comment on any policy that had come forward. Whilst a jointly agreed policy has not been achieved, I would like to offer the two groups an opportunity to give me their views on the respective policies put forward by the Town Council and the landowners, I would ask that the District Council write to them with the information and this note and I suggest they be given 21 days to submit their views.

Changes to the NPPF

11. The neighbourhood plan was being examined based on the 2019 version of the NPPF. On 20th July 2021, the Secretary of State published a new version of the Framework. That policy document came in to effect immediately.
12. I would therefore like to offer the Town Council, Eden District Council and all the Regulation 16 parties who submitted comments, an opportunity to make representations to me as to whether the changes to the national policy have implication for the examination of the Penrith Neighbourhood Plan. I am not inviting contributions on that matter from any other party and the Regulation 16 parties should restrict their comments to the implications of the Secretary of State changes only.
13. I would be grateful if the District Council could forward this note to all the Regulation 16 parties and invite comments to be returned to the District Council, so that they can be forwarded to me. I would suggest a 21-day consultation period should be appropriate. I will not set a specific date as I understand that the consultation arrangements may take Eden District Council a little time to organise.

Concluding Remarks

14. I am sending this note direct to Penrith Town Council, as well as Eden District Council. I would be pleased if Rachael Armstrong would forward this document on to Andy Murphy at Stansgate Planning as well as the other Regulation 16 parties and the two groups referred to in paragraph 10.
15. Can I suggest that an appropriate time for both the Town Council and the landowners to respond would be approximately one month and so I would request responses be sent to me via Rachael Armstrong by 5pm on Friday 15th October 2021.

16. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

17. It would assist me if any questions regarding these matters are directed to me, via Rachael Armstrong at Eden District Council.

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Penrith Neighbourhood Development Plan.

10th September 2021



Penrith Town Council

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

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

24 August 2021

Dear Mr Slater

Penrith Neighbourhood Development Plan

Following receipt of your post hearing notes on the public examination of the Penrith Neighbourhood Development Plan, Penrith Town Council has been working on the issues raised and which are detailed with this letter.

1. Results of Community Consultations

Please find attached at **Appendix A** a document setting out the responses to the consultations.

2. Mapping

Revised mapping is attached as requested at **Appendix B**. We would print these as A3 documents within the NDP to enable them to be folded out. In order to get clarity I have had to split the mapping into a number of sectors. I can increase the number of maps should you feel that they should be bigger. The mapping now includes:

Red – Com2 sites as designated within Eden District Council's Local Plan.

Purple – Additional Policy 8 and 9 areas from the NDP including Beacon Hill

Blue – Com2 sites as designated within Eden District Council's Local Plan. The sites with a Reference Number are also included within our NDP.

3. Criteria

When deciding whether to designate areas under Policy 8 (Local Green Spaces) or Policy 9 (Sport, Leisure and Recreation) of the NDP, Councillors used local knowledge and visited the areas proposed for designation. In general those areas proposed under Policy 8 had been put forward by the public during our consultations or were well known by Councillors as informal areas used by residents for unstructured play, gathering together (especially during this last year for sitting outside and talking) and in some cases, the spaces are maintained and planted by residents and community groups with flowers or vegetables. One area has been used for hens.



They are areas that provide welcome and attractive green space within the town and are used for health and wellbeing. The Local Plan has allocated part of some of these areas as a COM2 site (eg PP66) without allocating the full enclosed area (owned by the Town Council) although it is unclear why.

Allotment sites are included within Policy 8 of our draft NDP although it could be argued that they could be included within Policy 9 (Sport, Leisure and Recreation). We included them within Policy 8 as Members felt that should there cease to be a requirement for allotments at any time in the future, they should be retained as local green space for the community.

Areas proposed under Policy 9 of the NDP include more formal sport, leisure and recreation facilities with play equipment etc including school playing fields which are also used outside school hours and term time by the local community. Members noted that within the Local Plan full areas had not been designated. For example part of the playing fields at both secondary schools (PS55 and PS62) had been omitted as had a number of holes at the golf course (PN19).

4. Beacon Hill

Representatives of Penrith Town Council held a virtual meeting with representatives of Lowther Estates on 4 March which was facilitated by officers of Eden District Council. Lowther Estates presented their suggested policy and the Town Council asked questions of the representatives and listened to their suggestions for the front part of the Beacon. There was concern that during this meeting the representatives of Lowther Estates stated that they saw no problem with incremental development along the front.

The Planning Committee considered and debated Lowther Estates draft policy at its meeting on 12 April. The Committee considered the public consultation responses carried out during the NDP process and from EDC's Masterplan consultation and made suggestions as to what they would consider acceptable for the front of the Beacon. The meeting resolved that the Town Council's Planning Consultant be asked to draft a potential policy incorporating the suggestions of the Planning Committee. The draft policy was considered and approved by the Planning Committee on 7 June 2021.

A meeting was held with representatives of the landowners on 19 July, again facilitated by officers of Eden District Council in order that the draft policy agreed by Town Councillors could be shared and comments received. At that meeting it was reiterated that the policy included suggestions that may be acceptable, subject to detailed planning proposals and that they were not a requirement that the landowner was required or obliged to provide.

An extra ordinary Council meeting was held on 27 July to consider the proposed policy for Beacon Hill Protected Landscape Feature being recommended by the Planning Committee, as well as the objections lodged by the representatives of the landowner who was also invited to attend but declined and submitted written representation.

Friends of Penrith Beacon attended to make a presentation and a written representation was submitted by Keep Penrith Special which was read out. Both groups supported Penrith Town Council's policy in principle although some slight word changes were suggested. The Town Council approved the policy for Beacon Hill with some of the changes proposed. The Town Council's agreed policy (**Appendix C1**), proposed policy submitted by Lowther Estates (**Appendix C2**) and objections from the representatives of the landowner (**Appendix C3**) are included with this letter as are the minutes of the Council Meeting (**Appendix C4**)

The Town Council took the following into consideration:

- a. Lowther Estates, in their proposed policy, suggested splitting the area in question by designating 33.06 ha as Local Green Space (outlined in black on their plan) and 9.59 ha as protected open space (outlined in red on their plan) on which they would wish to develop. The Town Council were reassured that at the hearing and in the post hearing note, you had accepted that the whole area shown in our documentation as PN14, was in close proximity to Penrith and, more importantly, was considered to be demonstrably special holding significance in terms of its landscape value, its use for community events, its recreational value and its ecological value. The decision to include the whole area within a proposed Beacon Hill policy was made as Councillors felt that splitting the area diluted the argument that it was demonstrably special and could lead to a weakening of the argument for the rest of the hill.
- b. The Town Council feels that the proposed policy accords with Policy EC4 of the Eden Local Plan and that the commercial aspirations of the landowner have not been frustrated. The landowners own the remainder of Beacon Hill amounting to approximately 83 ha which is less steeply wooded and on which they could, should they wish, submit an application for development. It is also felt that the Town Council's proposed policy would add value to any development on the rear that may be proposed by the landowners as a pleasant and peaceful place to walk or cycle whilst looking over to the Lake District fells.

5. Town Centre Improvements

The Town Council has been asked to clarify what sort of development would be expected to make contributions to town centre improvements set out in Policy 13 of the NDP, either by way of financial contributions or on-site delivery.

Other developments within the District have already made a community contribution through S106 monies to fund or improve play areas or have made contributions direct to the parish to fund initiatives and public realm improvements. This includes a relatively recent development of 56 houses. In line with this Penrith Town Council believes the following types of development should make a contribution that would be negotiated between the developer and the Town Council:

- a. New developments within an area should either provide a proper safe play area with equipment for primary age children or provide a contribution to allow play areas nearby to be improved or developed and a general contribution for public realm to maintain and improve the town centre and gateway sites for residents and visitors alike. The Town Council recognises that some developers would develop incrementally or split a site between developers to remain under a threshold so as to avoid providing such a contribution which the Town Council would wish to avoid.
- b. The renovation or development of town centre mixed use or commercial buildings.
- c. New commercial developments within industrial estates.

Such a policy ensures that:

- Children are able to play safely either on a new development or within existing areas close by on age appropriate good quality equipment that helps their health and wellbeing.
- Public realm within the town is maintained and improved ensuring that the town remains an attractive and safe place to live.
- Gateway sites are welcoming and improved for residents and visitors.
- Contributions would enable the Town Council to fund events and arts and culture again enhancing the facilities available within Penrith

Yours sincerely,



Councillor Scott Jackson
Chair of Planning Committee



9 The Courtyard, Timothy's Bridge Road, Stratford-upon-Avon, CV37 9NP
T: 01789 414097 E: mail@stansgate.co.uk W: www.stansgate.co.uk

Mr John Slater
John Slater Planning Ltd

9 August 2021

Dear Mr Slater,

PENRITH NEIGHBOURHOOD PLAN – BEACON HILL

I refer to your Post Hearing Notes dated 10th February 2021 and your "letter from examiner". The Notes state:

"During the hearing I offered a possible alternative solution, that rather than stretching the definition of LGS in order to secure the protection of the wooded slopes of Beacon Hill, which the community clearly aspired to, one possible option would be to look as to whether a separate policy could achieve both the aspirations of the Town Council - to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner."

Lowther Estate Trust (LET) wrote a draft policy (Version 1: 15th March 2021) and circulated it to Penrith Town Council (PTC) and Eden District Council (EDC) on 15th March 2021 for their comment (**Appendix 1** of this letter). The landowners (LET and Lonsdale Settled Estates) have never received a written response from the PTC or EDC to this draft policy.

On 19th July 2021 a virtual meeting was held between LET, representatives of PTC and EDC. PTC verbally rejected LET's draft policy. PTC circulated their own draft policy. LET verbally rejected that policy.

On 27th July 2021, PTC held a meeting to consider, among other matters, Item 6 "Beacon Hill. To consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan." The agenda is at **Appendix 2** of this letter. Pages 6 to 17 of the agenda for that meeting are relevant. Appendix 1 is LET's preferred policy (albeit an earlier, similar version, dated 16th February 2021). Appendices 2 and 3 is PTC's preferred policy. Appendix 4 is a representation by the landowners, which is copied again at **Appendix 3** of this letter and explains, among other things, that the PTC draft policy lacks any commercial opportunities and is *more* restrictive than NP LGS policy 8 and Green Belt policy. The landowners' representation objects to the PTC draft policy and instead recommends using the LET draft policy "as the basis for a jointly agreed policy."

Draft minutes of the PTC meeting are at **Appendix 4** of this letter. It was resolved that:

i The policy for Beacon Hill be approved with some minor modifications for inclusion within the Neighbourhood Development Plan (attached to these minutes as an appendix).

ii. The policy be forwarded to the Independent Examiner for inclusion in the Penrith Neighbourhood Development Plan as a new policy.

The landowners object to the policy appended to the draft minutes, for reasons they have given earlier (**Appendix 3** of this letter). The draft PTC policy has been amended to list relevant Eden District Local Plan policies and PTC strategic priorities; however, none of these policies/priorities support the commercial aspirations of the landowners, which is to “support tourism”.

Since 19th July 2021, PTC has not contacted the landowners with a view to agreeing a policy. It is now clear that Penrith Town Council and the landowners are unable to agree a policy regarding Beacon Hill. Therefore, I recommend the draft PTC policy, which is not jointly agreed, is not the subject of a focused consultation facilitated by Eden District Council. Instead, I recommend you implement paragraph 12 of your Notes:

“if it is impossible to reach a jointly agreed position, then I need to be advised and I will continue with the examination of this issue, based on the respective positions as set out already and make appropriate recommendations.”

Yours sincerely,

A. D. Murphy

Andrew Murphy BA (Hons) MSc MRTPI
Director
Email: andy@stansgate.co.uk

DRAFT PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN

Draft Policy – Beacon Hill East

Area NP14B (Beacon Hill East) will be designated as a Protected Open Space, by virtue of being:

1. In reasonably close proximity to Penrith town;
2. Demonstrably special to Penrith and holding a particular local significance because of its beauty, historic significance, recreational value, tranquillity and richness of its wildlife.

The land is suitable for development as defined by Eden District Local Plan Policy EC4 (tourism accommodation and facilities).

Description of land.... TBC

Relevant District Planning Policies

ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity
ENV2 Protection and Enhancements of Landscapes and Trees
ENV4 Green Infrastructure Networks
EC4 Tourism Accommodation and Facilities

Penrith Town Council Strategic Priorities:

Health and Wellbeing.
Supporting tourism

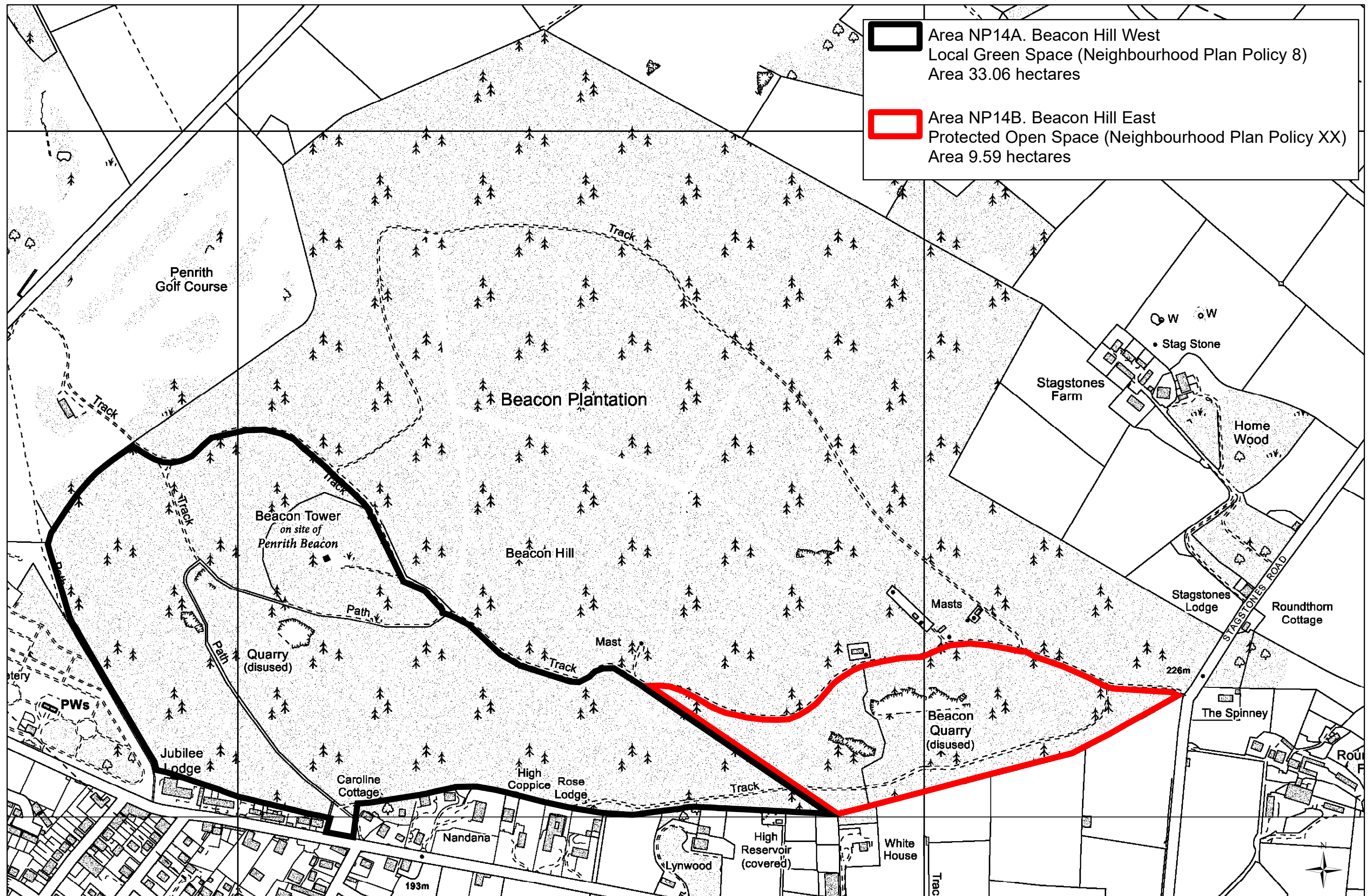
MAP A POLICIES MAP

NP14B is given a different colour

The Policy 8 sites should be called “Local Green Space” rather than “Protected Green Space”

Version 1
15th March 2021

Penrith Beacon



Appendix 2



Penrith Town Council

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

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

DATE: 20 July 2021

NOTICE IS HEREBY GIVEN that an **EXTRA ORDINARY MEETING** of **PENRITH TOWN COUNCIL** will be held on **Tuesday 27 July 2021**, at **6.00pm** and you are hereby **SUMMONED** to attend to transact the business as specified in the agenda and reports hereunder.

The meeting will be held at **Penrith Methodist Church, Ullswater Room**.

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 day of 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

FULL COUNCIL MEMBERSHIP

Cllr. Bowen	Pategill Ward	Cllr. Jackson	North Ward
Cllr. Burgin	South Ward	Cllr. Kenyon	North Ward
Cllr. M. Clark	South Ward	Cllr. Knaggs	West Ward
Cllr. S. Clarke	Carleton Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. M. Shepherd	North Ward
Cllr. Donald	North Ward	Cllr. C. Shepherd	East Ward
Cllr. Fallows	East Ward	Cllr. Snell	West Ward
Cllr. Hawkins	East Ward		

Mr I. Parker, Acting Town Clerk

Members of the public are welcome to attend. Details about how to attend the meeting remotely, and how to comment on an agenda item are available on the Town Council Website.

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 FULL COUNCIL 27 JULY 2021

PART I

1. Apologies for Absence

Receive apologies from Members.

2. 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 that 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 that 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.

3. 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.

a) Receive public representations

The Chair will read out any questions, petitions or statements received in advance of the meeting from Members of the Public.

ADVICE NOTE:

Members of the public may make representations, answer questions and give evidence at a meeting that 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.

4. 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.

New Business**5. Motion from Councillor Jackson supporting 'Together with Refugees'**

'How we treat refugees is about who we are. At our best, we are welcoming and kind to those facing difficult times. If any one of us feared for our lives or the lives of our loved ones, we'd want to know that others would help us to safety.

Through this motion and the campaign Together with Refugees we are calling for a better approach to supporting refugees that is more effective, fair and humane. This means standing up for people's ability to seek safety in the UK no matter how they came here and ensuring people can live in dignity while they wait for a decision on their asylum application. It means empowering refugees to rebuild their lives and make valuable contributions to our communities. And it means the UK working with other countries to do our bit to help people who are forced to flee their homes.'

As a Town Council it would be a positive statement if we could show our support to refugees. Penrith has welcomed families to live in the town, enabling those families to rebuild their lives, after escaping persecution and war. In July it will be the 70th Anniversary of the signing of the Refugee Protocol by UNHCR.

Councillor Jackson proposes that Penrith Town Council resolves:

- i To sign Penrith Town Council up to being part of the Together with Refugees campaign.
- ii That Penrith Town Council sends a letter to Neil Hudson MP to request that the rewriting of the Immigration Bill does not discriminate against refugees and ensures that refugees are treated fairly.

6. Beacon Hill

To consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan.

7. Next Meeting

Note the next meeting is scheduled for Monday 27 September 2021 at 6.00pm, with the venue to be determined.

PART II Private Section

There are no items in this part of the Agenda.

**FOR THE INFORMATION OF ALL
MEMBERS OF THE TOWN COUNCIL**

Access to Information

Copies of the agenda are available for members of the public to inspect prior to the meeting. Agenda and Part I reports are available on the Town Council website.

Background Papers

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



EXTRA ORDINARY COUNCIL

Tuesday 27 July 2021

MATTER: Beacon Hill

To consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan

ITEM NO:

AUTHOR: Rosalyn Richardson
Deputy Town Clerk

SUPPORTING MEMBER: Cllr S Jackson
Chair Planning Committee

RECOMMENDATIONS

1. That Council consider and approve the recommendation made by Planning Committee.
2. That the draft policy be forwarded to the Independent Examiner for inclusion in the PNDP as a new policy.

LAW

Localism Act 2011
National Planning Policy Framework (NPPF)
Town and Country Planning Act 1990
Neighbourhood Planning Regulations 2012
Planning and Compulsory Purchase Act 2004

LINK TO COUNCIL PRIORITIES

Development of a Neighbourhood Development Plan for Penrith links to the strategic priority of Growth as set out in the Council's approved workplan.

1. Report Details

Background

- 1.1 Penrith Town Council is the qualifying body to undertake the preparation of a Neighbourhood Development Plan for the parish area. The area was designated by Eden District Council on 6 September 2016.
- 1.2 Work to commence development of a Neighbourhood Development Plan for Penrith commenced in May 2016 with approval of the Terms of Reference for the Penrith Neighbourhood Development Plan Group (PNDPG). The inception meeting took place in October 2016 with the group consisting of:
- Penrith Town Council
 - Cumbria Action for Sustainability (CAfS)
 - Penrith Action for Community Transition (PACT)
 - Penrith Chamber of Trade
 - Penrith Business Improvement District
 - Cumbria Youth Alliance
 - Churches Together
 - Newton Rigg as part of Askham Bryan College
 - Queen Elizabeth Grammar School
 - Ullswater Community College
 - Eden Arts; and
 - Eden Valley Artistic Network
- Support to the PNDPG was provided by the Town Council's planning consultant, Michael Wellock of Kirkwells Planning Consultancy and the Deputy Town Clerk.
- 1.3 Emphasis was put on 'front loading' the community consultation process to engage as wide a range of local people and interested parties as soon as possible before the development of policies and proposals. This was to ensure that the views and priorities of local people informed the PNDP from the outset.
- 1.4 The initial consultation took place in Spring 2015 using a short video, electronic survey, paper survey and drop-in sessions including a stall at a town centre event. At this time all statutory groups and community groups in Penrith were invited to an event and asked to share the information and make a response. During this initial consultation period, Eden District Council released their 'Masterplan' for Penrith which was a vision to build 8,500 new homes on land on the outskirts of the parish area
- 1.5 Having received all the responses from the consultation, the group met a number of times and agreed draft policies which were consulted upon further with stakeholders and the public in June/July 2018 and publicised through press releases to local newspaper and radio stations, on social media and in drop-in sessions. The draft documentation and questionnaire was made available online and in hard copy at the Town Council offices and Penrith Library. This was to ensure that residents were content that the document had covered all the issues raised during the initial consultation.

- 1.6 The formal public Regulation 14 consultation on the draft Neighbourhood Development Plan was carried out in accordance with the Neighbourhood Planning (General) Regulations 2012 from 4 February to 1 April 2019. The full documentation was shared on the Town Council website and the consultation publicised again in the local press, radio stations and through social media. A summary booklet was produced and along with a questionnaire posted to every residential household and business within the parish boundary. A number of drop in events were held in an empty premises within the town and in the two main supermarkets. The document was also sent to the statutory consultees.
- 1.7 Following this formal consultation, the PNDPG considered the responses and made slight amendments before submitting the draft NDP to Eden District Council who carried out the Regulation 16 Consultation. The Plan was submitted in December 2019 however due to Covid the formal consultation did not take place until 23 September to 23 November 2020. Beacon Hill was prominent in all consultation discussions throughout the process.
- 1.8 The submission of the Neighbourhood Development Plan proposal in accordance with Regulation 17 of the Neighbourhood Planning (General) Regulations 2012 were sent to an Independent Examiner (Mr John Slater BA (Hons) DMS MRTPI). Mr Slater provided initial observations on 13 January 2021 and a written response was returned in relation to representations made during the Regulation 16 Consultation.
- 1.9 A virtual public hearing, organised by Eden District Council on behalf of the Examiner, was conducted to hear oral evidence on certain matters on 9 February 2021. The hearing was open to the public and involved representatives from, and acting on behalf of, Penrith Town Council, Eden District Council and Lowther Estate Trust.
- 1.10 On 10 February, the Examiner issued his post hearing notes which stated that he was going to hold the examination in abeyance until he had received some additional information and mapping requested.

Beacon Hill

- 1.11 At the public examination held on 9 February 2021, there was a full discussion about whether Beacon Hill met all of the criteria required for designation as local green space as set out in paragraph 100 of the NPPF. This states that Local Green Space (LGS) designation should only be used where the green space is:
- In reasonably close proximity to the community it serves;
 - Demonstrably special to a local community and holds a particular significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - Local in character and not an extensive tract of land.

- 1.12 The Examiner was assured that the first two conditions were met however his key consideration was whether, at 40 ha, it was an 'extensive tract of land'. If he concludes that it is then it would not meet all of the Secretary of States' policy on local green space which is one of the basic conditions.
- 1.13 The Examiner suggested during the meeting that rather than stretching the definition of LGS to secure protection of the wooded slopes, a possible option would be to look at developing a separate policy relating specifically to the area of the Beacon identified in the NDP (attached as Appendix 1) to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner.
- 1.14 The Examiner asked representatives from the Town Council, Lowther Estates and Eden District Council to explore the possibility of drafting such a policy which would then be presented to the Examiner, once formally agreed, as a possible recommendation to make in his final report.
- 1.15 The Examiner went on to say that if either party did not wish to engage in a discussion or if it is impossible to reach a jointly agreed position then he would continue with the examination based on the respective positions as already set out. He has also stated that any new policy is likely to be the subject of a further round of consultation.

Proposed Policy

- 1.16 Members of the PNDPG met on 25 February 2021 to review the request of the Examiner after which a meeting was held on 4 March comprising representatives of Penrith Town Council, Lowther Estates and Eden District Council who were facilitating the meeting. Lowther Estates presented their suggested policy (**attached as Appendix 1**) and the Town Council asked questions of the representatives of Lowther and listened to their suggestions for the Beacon.
- 1.17 Having heard that Beacon Hill was covered by Policy EC4 of the Eden Local Plan that already allows tourism accommodation and facilities, and having reviewed the comments made during the previous consultations on the PNDP, Planning Committee at its meeting on 12 April resolved that the Town Council's Planning Consultant be asked to draft a potential policy incorporating their suggestions to provide protection to Beacon Hill.
- 1.18 On 7 June 2021, the Planning Committee considered the draft policy drawn up for Beacon Hill which had taken into account all the responses received during the public consultations into the Neighbourhood Development Plan and EDCs Masterplan. It was resolved that the policy should be shared with Lowther Estates and their comments received prior to being recommended to Council for approval.

- 1.19 It is important to note that there is only one permissive path, which can be closed off at any time, provided by courtesy of the Landowners to the top of the Beacon, starting on Beacon Edge next to 35 Beacon Edge. All other tracks, including the one from Roundthorn, are private tracks.
- 1.20 A meeting was held with Eden District Council and the landowners on Monday 19 July to share the Town Council's policy (**attached as Appendix 2**). It should be noted that the proposed planning policy:
- is for the area identified from the beginning in the PNDP document (**attached as Appendix 3**), it does not include the commercial forestry area behind.
 - includes a list of developments that may be acceptable, subject to detailed planning proposals. They are not a list of requirements that the landowner is required or obliged to provide;
 - the word construction is used in relation to footpaths as a planning term. Any work to the surface of a footpath, including to replace/include steps or to shore up paths is counted as construction;
 - includes separate well screened permeable cycle tracks, separate to footpaths. Cyclists already use the area and are keen to continue to do so but for health and safety reasons it is desirable that they are separate
 - allows for the formation of a small suitably screened off road parking area at the southern end near Roundthorn as there have been numerous comments made regarding the parking on the verges and use of that road by heavy agricultural traffic.
- 1.21 The Town Council has stated that development proposals that would provide accommodation for overnight stays would not be permitted.
- 1.22 At the meeting held on 19 July, the representatives of the landowners stated that they would oppose the proposed policy being put forward by the Town Council as they felt that it was more restrictive than designating the area as LGS. The comments of the landowners are attached. (**Appendix 4 to follow**).

2. Finance Implications

There are no financial implications arising from this report.

3. Risk Assessment

Areas of Risk	Consequence	Controls Required
Financial	There are no financial implications.	
Members and Staff Capacity	There are no capacity issues, work is managed within the normal working week.	
Reputation Management	<ul style="list-style-type: none">• The policy being put forward covers the aspirations by different sectors of the community who contributed both to the NDP consultations and the consultation on Eden District Council's Penrith Masterplan. Members felt it was important to represent all the community wishes.• There is the danger that the policy being put forward causes Lowther Estates to close the permissive path to the Beacon which goes across private land.	Ensure that the views of the electorate of Penrith are represented and that relationships with Lowther Estates are maintained moving forward.
Recognition	That Penrith Town Council is not seen as wishing to protect Beacon Hill	Ensure that the public know that the Town Council very much wishes to protect the special aspects of Beacon Hill whilst respecting the views of the electorate.

Supporting Documents

Draft Penrith Neighbourhood Development Plan

<https://www.penrithtowncouncil.gov.uk/neighbourhood-plan/neighbourhood-plan-documentation/>

Pre Hearing Initial Comments of the Independent Examiner

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/02/Penrith-Initial-comments-003.pdf>

Post Hearing Note of the Independent Examiner

<https://www.penrithtowncouncil.gov.uk/wp-content/uploads/2021/02/Post-hearing-note-002.pdf>

DRAFT PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN

Draft Policy – Beacon Hill

Area NP14 (Beacon Hill) will be designated as a Protected Open Space, by virtue of being:

1. In reasonably close proximity to Penrith town;
2. Demonstrably special to Penrith and holding a particular local significance because of its beauty, historic significance, recreational value, tranquillity and richness of its wildlife.

This land is located outside the settlement boundary of Penrith. The management of development within NP14 (Beacon Hill) should be consistent with “A Vision for Eden’s Rural Areas” as described by chapter 3.18 of the Eden District Local Plan. The land is suitable for small scale tourism development, as defined by Eden District Local Plan Policy EC4 (tourism accommodation and facilities). This land is not suitable for permanent residential accommodation.

Description of land....TBC

Relevant District Planning Policies

ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity

ENV2 Protection and Enhancements of Landscapes and Trees

ENV4 Green Infrastructure Networks

EC4 Tourism Accommodation and Facilities

Penrith Town Council Strategic Priorities:

Health and Wellbeing.

Supporting tourism

MAP A POLICIES MAP

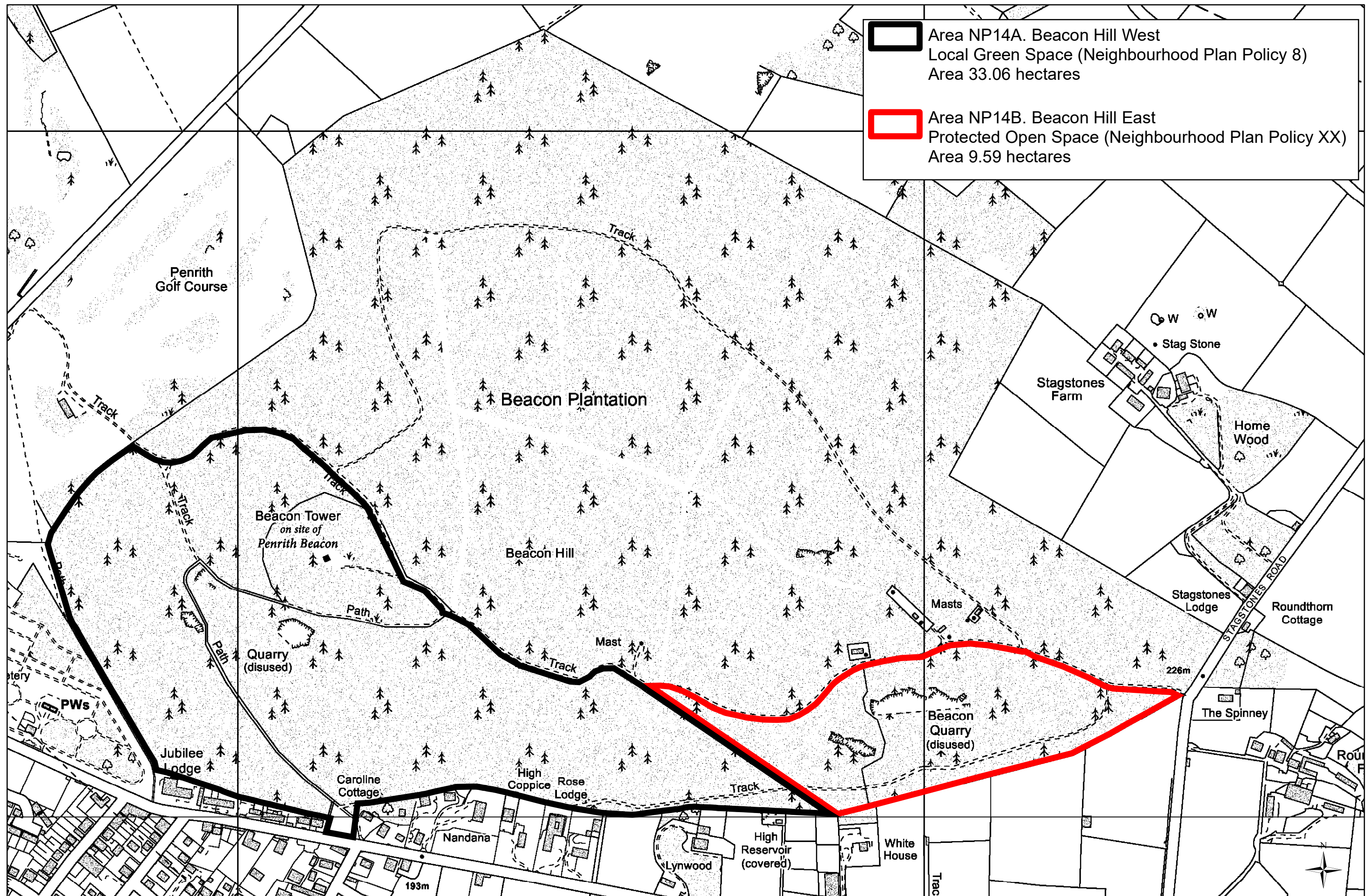
NP14 is given a different colour

The Policy 8 sites should be called “Local Green Space” rather than “Protected Green Space”

Version 1

16th Feb 2021

Penrith Beacon



Beacon Hill Protected Landscape Feature

Beacon Hill is a valued and prominent local landmark forming an elevated, wooded backdrop to the north-east of Penrith. The area **identified on the Policies Map as PN14 (attached)** will be a protected landscape feature and any new development will only be permitted when it clearly demonstrates that it conserves and enhances the area's existing landscape, character and function of this important woodland area.

The following types of development in principle may, subject to detailed proposals, be considered to be compatible with these aims:

1. the construction of narrow well screened permeable footpaths, including a permeable path suitable for disabled access to the top of the Beacon from the south eastern end of the site adjacent to the Roundthorn Hotel;
2. the erection of interpretation boards to provide information for walkers and other users;
3. the erection of a suitable open sided structure suitably screened that could be used as a forest school area by local schools and community groups;
4. the development of a forest art or sculpture trail;
5. the construction of narrow well screened permeable tracks suitable for cycling that are separate from footpaths; and
6. the construction of a small suitably screened off road parking area at the southern end of the site

Development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping) will not be permitted.

Forestry operations involved in the maintenance and management of the woodland will be supported.

Background Justification

Beacon Hill is a most valued feature of the local landscape providing an elevated, attractive, distinctive and wooded backdrop to the north-east of Penrith. Beacon Hill is plainly visible from both short and long distance views from the northern and southern approaches to the town from the M6 and A6, the eastern approach along the A66 and from many feature locations within the town itself, such as the Railway Station and Castle Park. Rising some 286m (937 feet) above sea level to the north of the

town, Beacon Hill provides an unmissable wooded backdrop with a special place in local people's affections.

Beacon Hill is also home to Penrith Beacon, a monument built in 1719, on a spot where beacons have been lit in times of war and emergency since the time of Henry VIII. From here there are open views north and south across the Eden Valley and westwards to the Lake District National Park and UNESCO World Heritage Site.

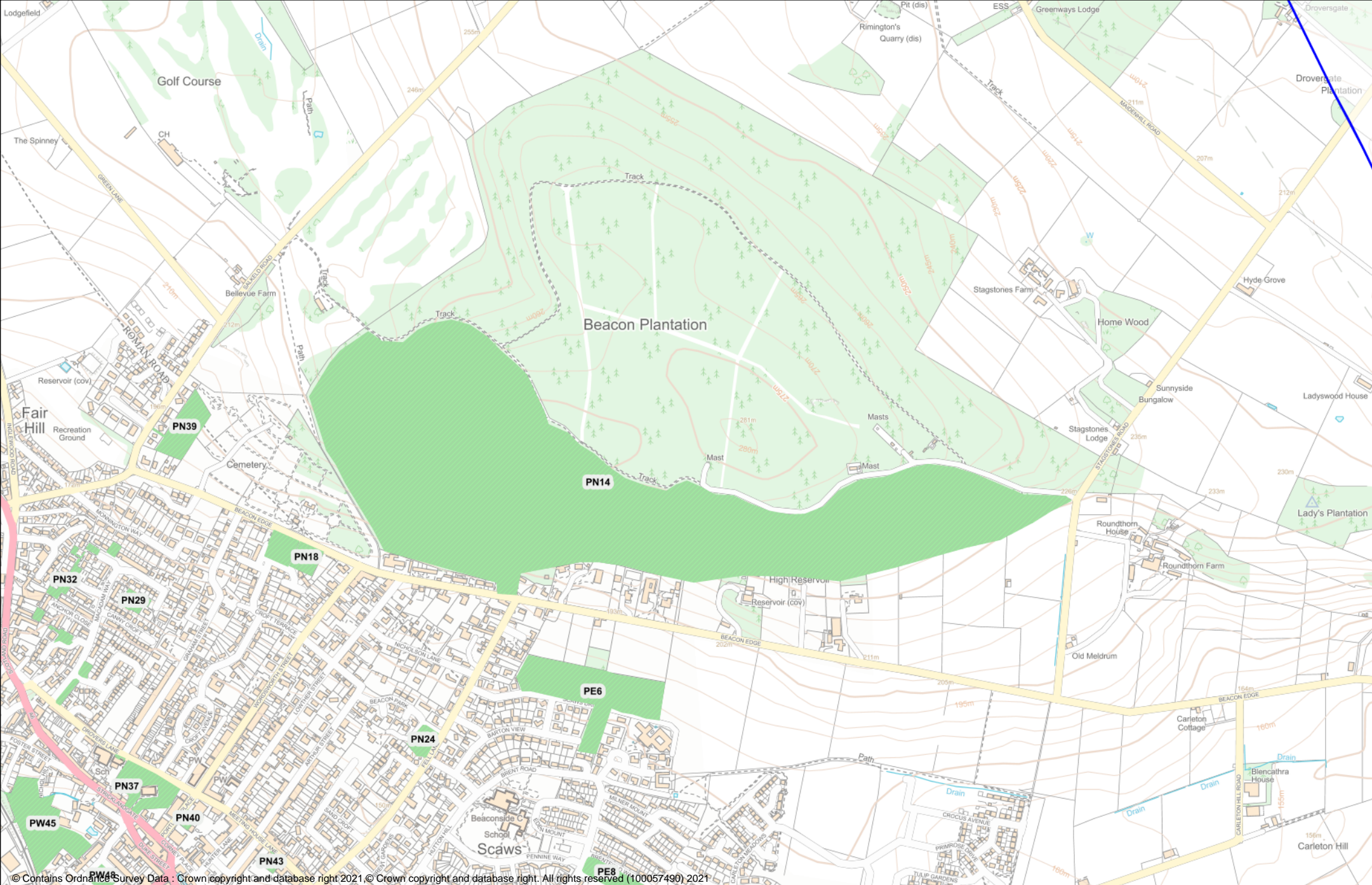
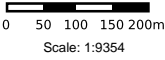
The PNDP seeks to protect the landscape, character and function of the area of Beacon Hill identified on the Policies Map from development which would have an adverse impact on its intrinsic beauty. Currently used by local residents, and those from further away, for informal recreation, the access to the area is limited to one permissive path. The Town Council would like to pursue, with the agreement of the landowners, wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging. In addition, the Town Council would seek to work in partnership with the landowners to assist with applications to appropriate funding bodies to develop this area for the benefit of the community.

APPENDIX 3

Penrith Town Council

Author:

Date: 17/02/2021



Representation from Lowther Estate Trust and Lonsdale Settled Estates

I represent the landowners of Beacon Hill – Lowther Estate Trust and Lonsdale Settled Estate. The landowners object to the draft policy “Beacon Hill Protected Landscape Feature”, for the following reasons.

1. Paragraph 10 of the Examiner’s Post Hearing Notes (10th February 2021) states: *“During the hearing I offered a possible alternative solution, that rather than stretching the definition of LGS in order to secure the protection of the wooded slopes of Beacon Hill, which the community clearly aspired to, one possible option would be to look as to whether a separate policy could achieve both the aspirations of the Town Council - to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner.”* This draft policy will frustrate the aspirations of the landowner to undertake small scale tourist development (further to Policy EC4 of the Eden District Local Plan) anywhere at Beacon Hill.
2. Policy items 1 to 6 are all community aspirations. An aspiration of the landowner for small scale tourist development limited to a minority part of Beacon Hill is specifically prohibited.
3. It is a “Local Green Space” policy by another name.
4. Measuring 41 hectares, it is an extensive tract of land and a blanket designation of open countryside.
5. It is more restrictive than draft NP Local Green Space policy 8. It includes the test of “conserve and enhance”, which is more commonly found in heritage policies. For example, Eden District LP policy ENV10 states *“The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden’s heritage assets and their setting.”* This restriction is not appropriate for Beacon Hill, which lies in open countryside and outside a Conservation Area.
6. The draft NP policy 8 states *“Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.”* NPPF Green Belt policy allows certain types of development (“not inappropriate”), set out in NPPF paragraphs 145 and 146. However, draft policy “Beacon Hill Protected Landscape Feature” will prohibit development otherwise acceptable in Green Belt. The proposed restriction is not appropriate for a site that is not National Park, AONB, Green Belt or Local Green Space.
7. It is unnecessarily prescriptive and ill-defined, referring to “narrow”, “small” “open sided”, “suitably screened”, “southern end of the site” etc. I suggest just mention paths and a car park.
8. Given the draft policy fails to recognise the commercial aspirations of the landowner, the policy is incompatible with the draft policy’s aspiration to improve public access and to “work in partnership with the landowners”. In other words, the community aspirations listed at 1 to 6 are unlikely to be delivered.

9. The draft policy does not list the relevant Eden District Local Plan policies to which it relates.

Instead, the draft policy for Beacon Hill written by the landowner and circulated to Penrith Town Council on 15th March 2021 should be the basis for a jointly agreed policy. It retains the majority (33.06 hectares) of Beacon Hill as Local Green Space, as originally intended by the draft Neighbourhood Plan. The minority part (9.59 hectares) would be suitable for development as defined by Local Plan policy EC4, which is the current situation. That draft policy is mentioned in paragraph 1.16 and copied at appendix 1 of the PTC agenda (27th July 2021). The agenda does not explain if and why the landowners draft policy has been entirely rejected by the Town Council. None of its elements have been taken forward into the Town Council's later alternative policy copied at agenda appendices 2 and 3.

Paragraph 12 of the Examiner's Post Hearing Notes (10th February 2021) states *"if it is impossible to reach a jointly agreed position, then I need to be advised and I will continue with the examination of this issue, based on the respective positions as set out already and make appropriate recommendations."* Does the Town Council still believe it is possible to reach an agreed policy? If not, then I suggest both parties inform the Examiner as soon as possible.

Andrew Murphy
Stansgate Planning

Representation from Lowther Estate Trust and Lonsdale Settled Estates

I represent the landowners of Beacon Hill – Lowther Estate Trust and Lonsdale Settled Estate. The landowners object to the draft policy “Beacon Hill Protected Landscape Feature”, for the following reasons.

1. Paragraph 10 of the Examiner’s Post Hearing Notes (10th February 2021) states: *“During the hearing I offered a possible alternative solution, that rather than stretching the definition of LGS in order to secure the protection of the wooded slopes of Beacon Hill, which the community clearly aspired to, one possible option would be to look as to whether a separate policy could achieve both the aspirations of the Town Council - to protect the forest area so close to the town from inappropriate development yet which would not frustrate the legitimate commercial aspirations of the landowner.”* This draft policy will frustrate the aspirations of the landowner to undertake small scale tourist development (further to Policy EC4 of the Eden District Local Plan) anywhere at Beacon Hill.
2. Policy items 1 to 6 are all community aspirations. An aspiration of the landowner for small scale tourist development limited to a minority part of Beacon Hill is specifically prohibited.
3. It is a “Local Green Space” policy by another name.
4. Measuring 41 hectares, it is an extensive tract of land and a blanket designation of open countryside.
5. It is more restrictive than draft NP Local Green Space policy 8. It includes the test of “conserve and enhance”, which is more commonly found in heritage policies. For example, Eden District LP policy ENV10 states *“The Council will require all proposals for development to conserve and where appropriate, enhance the significance of Eden’s heritage assets and their setting.”* This restriction is not appropriate for Beacon Hill, which lies in open countryside and outside a Conservation Area.
6. The draft NP policy 8 states *“Development of the designated Local Green Spaces must be consistent with national planning policy for Green Belts.”* NPPF Green Belt policy allows certain types of development (“not inappropriate”), set out in NPPF paragraphs 145 and 146. However, draft policy “Beacon Hill Protected Landscape Feature” will prohibit development otherwise acceptable in Green Belt. The proposed restriction is not appropriate for a site that is not National Park, AONB, Green Belt or Local Green Space.
7. It is unnecessarily prescriptive and ill-defined, referring to “narrow”, “small” “open sided”, “suitably screened”, “southern end of the site” etc. I suggest just mention paths and a car park.
8. Given the draft policy fails to recognise the commercial aspirations of the landowner, the policy is incompatible with the draft policy’s aspiration to improve public access and to “work in partnership with the landowners”. In other words, the community aspirations listed at 1 to 6 are unlikely to be delivered.

9. The draft policy does not list the relevant Eden District Local Plan policies to which it relates.

Instead, the draft policy for Beacon Hill written by the landowner and circulated to Penrith Town Council on 15th March 2021 should be the basis for a jointly agreed policy. It retains the majority (33.06 hectares) of Beacon Hill as Local Green Space, as originally intended by the draft Neighbourhood Plan. The minority part (9.59 hectares) would be suitable for development as defined by Local Plan policy EC4, which is the current situation. That draft policy is mentioned in paragraph 1.16 and copied at appendix 1 of the PTC agenda (27th July 2021). The agenda does not explain if and why the landowners draft policy has been entirely rejected by the Town Council. None of its elements have been taken forward into the Town Council's later alternative policy copied at agenda appendices 2 and 3.

Paragraph 12 of the Examiner's Post Hearing Notes (10th February 2021) states *"if it is impossible to reach a jointly agreed position, then I need to be advised and I will continue with the examination of this issue, based on the respective positions as set out already and make appropriate recommendations."* Does the Town Council still believe it is possible to reach an agreed policy? If not, then I suggest both parties inform the Examiner as soon as possible.

Andrew Murphy
Stansgate Planning



Penrith Town Council

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

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

DRAFT Minutes of the meeting of

PENRITH TOWN COUNCIL

Held on **Tuesday 27 July 2021**, at 6.00 pm, at Penrith Methodist Church.

PRESENT

Cllr. Bowen	Pategill Ward	Cllr. Jackson	North Ward
Cllr. M. Clark	South Ward	Cllr. Kenyon	North Ward
Cllr. S. Clarke	Carleton Ward	Cllr. Lawson	Carleton Ward
Cllr. Davies	West Ward	Cllr. C. Shepherd	East Ward
Cllr. Donald	North Ward	Cllr. M. Shepherd	North Ward
Cllr. Hawkins	East Ward		

Acting Town Clerk

Deputy 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 THE FULL COUNCIL 27 July 2021

PTC21/47 Apologies for Absence

Apologies for absence were received from Cllr Knaggs, Snell, Fallows.

Councillor Burgin had given his apologies at the previous meeting of Council.

PTC21/48 Declarations of Interest 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:

Councillor Donald declared that he was a member of the Penrith Refugee Network.

Councillor M. Clark declared that she was a member for Eden District Council South Ward.

Councillor Lawson declared during the meeting that he was a member of the Friends of Penrith Beacon.

PTC21/49 Public Participation

a) Public Representations

Members were asked whether they were content to suspend the Council Standing Orders and allow Mr Dawson representing the Friends of Penrith Beacon to speak during Agenda item 6.

RESOLVED THAT:

The Standing Orders be suspended, and Mr Dawson be permitted to speak for a period of up to three minutes as part of Agenda Item 6, Beacon Hill.

The Deputy Town Clerk read out the following question received by Keep Penrith Special.

'Keep Penrith Special's campaign team strongly supports Penrith Town Council's creation of a policy to protect Beacon Hill from development.

While supporting the policy in principle, we have some suggestions for wording changes that we consider would make the policy more robust and we have detailed these in a separate letter to the council.

We are deeply concerned that the policy is proposed to cover only a section of Beacon Hill, not the greater area to the north whose terrain would be more

suitable for development. We have concerns that any development here would be the thin end of the wedge for development spilling out into the surrounding fields, and crucially into those on the Eden Valley side as was once marked out on the Masterplan. Development here would mean the loss of nearly everything this policy is trying to protect: the cultural and iconic significance, the views to and from the Beacon, flora and fauna, woodland character, and so on.

On that basis, we ask the Town Council if they would consider going further and find ways to protect the *entirety* of Beacon Hill. Otherwise, this policy merely protects the wellbeing of the local community and even that is not a certainty being dependent on the goodwill of the landowners.'

Councillor Jackson responded as follows:

'I would like to thank Keep Penrith Special for their question.

Throughout the Neighbourhood Plan process and consultations, Penrith Town Council has given great consideration to the Beacon as it was obvious it held a very special place in the affections of the residents of Penrith and the surrounding area. The size of the whole area was always of concern as Local Green Space has to meet the criteria for designation as set out in the National Planning Policy Framework which states that it should not be an extensive tract of land. The Town Council agreed that the area for inclusion in the Neighbourhood Development Plan should be the 'front' of the Beacon away from the commercial forestry although there was always concern about the size at 45 ha.

At this point the Independent Examiner has accepted that the area included by the Town Council is demonstrably special although he has expressed concern about the size of the area. This is why he asked the Town Council to explore the development of a policy specifically for the area without frustrating the commercial aspirations of the landowner. The examiner would not accept extending the area beyond that already identified'.

PTC21/50 EXCLUDED ITEM: Public Bodies (Admissions to Meetings) Act 1960

Members were informed that there were no items on the agenda that 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.

NEW BUSINESS

PTC21/51 Motion from Councillor Jackson supporting 'Together with Refugees'.

Members were asked to consider a motion from Councillor Jackson requesting that the Council signs up to being a member of the Together with Refugees Campaign and that the Council writes to the MP Neil Hudson to request that the rewriting of the Immigration Bill does not discriminate against refugees.

Cllr Lawson joined the meeting at 18:17.

Cllr Hawkins joined the meeting at 18:20.

RESOLVED THAT:

- i. The Council signs up to be a member of the Together with Refugees Campaign.
- ii. The Council sends a letter to Neil Hudson MP to request that the rewriting of the Immigration Bill does not discriminate against refugees and ensures that refugees are treated fairly.

PTC21/52 Beacon Hill

Members were asked to consider and approve a policy specific to Beacon Hill for inclusion within the Neighbourhood Development Plan as recommended by the Town Council's Planning Committee.

Members received a presentation from a representative of Friends of Penrith Beacon.

The Deputy Town Clerk read out a statement from Keep Penrith Special.

RESOLVED THAT:

- i. The policy for Beacon Hill be approved with some minor modifications for inclusion within the Neighbourhood Development Plan (attached to these minutes as an appendix).
- ii. The policy be forwarded to the Independent Examiner for inclusion in the Penrith Neighbourhood Development Plan as a new policy.

PTC21/53 NEXT MEETING

Members noted that the next meeting of Council would be held on 27 September 2021 at 6.00pm with the venue to be determined.

CHAIR:

DATE:

**FOR INFORMATION FOR ALL
MEMBERS OF THE TOWN COUNCIL**

POLICY - Beacon Hill Protected Landscape Feature

Beacon Hill is a valued and prominent local landmark forming an elevated, wooded backdrop to the north-east of Penrith. The area **identified on the Policies Map as PN14 (attached)** will be a protected landscape feature and any new development will only be permitted when it clearly demonstrates that it conserves and enhances the existing landscape, character and function of this important woodland area.

Proposals for development within the area identified on the Policy Map should conserve and enhance the recreational value (including the extent of public access), biodiversity value, heritage and cultural value, woodland character, important views (to and from the Beacon) and contribution of the area to a wider landscape character and sense of place.

The following types of development in principle may, subject to detailed proposals, be considered to be compatible with these aims:

1. the construction of narrow well screened permeable footpaths, including a permeable path suitable for disabled access to the top of the Beacon from the south eastern end of the site adjacent to the Roundthorn Hotel;
2. the erection of interpretation boards to provide information for walkers and other users;
3. the erection of a suitable open sided structure suitably screened that could be used as a forest school area by local schools and community groups;
4. the development of a forest art or sculpture trail;
5. the construction of narrow well screened permeable tracks suitable for cycling that are separate from footpaths; and
6. the construction of a small suitably screened off road parking area at the southern end of the site

Development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping) will not be permitted.

Necessary forestry operations involved in the maintenance and management of the woodland will be supported.

Background Justification

1. Beacon Hill makes an important contribution to the character of Penrith and the surrounding area. It is an iconic and most valued feature of the local landscape providing an elevated, attractive, distinctive and wooded backdrop to the north-east of Penrith and provides important recreational and wellbeing opportunities for local residents and visitors.
2. Beacon Hill is an unspoilt green space and wildlife area, plainly visible from both short and long-distance views from the northern and southern approaches to the town from the M6 and A6, the eastern approach along the A66 and from many feature locations within the town itself, such as the Railway Station and Castle Park. Rising some 286m (937 feet) above sea level to the north of the town, Beacon Hill provides an unmissable wooded backdrop with a special place in local people's affections.
3. Beacon Hill is also home to Beacon Tower, a Grade 1 listed monument built in 1719, on a spot where beacons have been lit in times of war and emergency since the time of Henry VIII. From here there are open views north and south across the Eden Valley and westwards to the Lake District National Park and UNESCO World Heritage Site.

The PNDP seeks to protect the landscape, character and function of the area of Beacon Hill identified on the Policies Map from development which would have an adverse impact on its intrinsic beauty. Currently used by local residents, and those from further away, for informal recreation, the access to the area is limited to one permissive path. The Town Council would like to pursue, with the agreement of the landowners, wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging. In addition, the Town Council would seek to work in partnership with the landowners to assist with applications to appropriate funding bodies to develop this area for the benefit of the community.

Relevant District Planning Policies

Eden Local Plan 2014-2032

ENV1 Protection and Enhancement of the Natural Environment, Biodiversity and Geodiversity

ENV2 Protection and Enhancement of Landscape and Trees

ENV4 Green Infrastructure Networks

Penrith Town Council Strategic Priorities

Health and Wellbeing, Growth, Community Engagement