



Penrith Town Council

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

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

DATE: 25 October 2021

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on Monday 1 November 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 and look online at the Planning Applications for consideration. 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. Jackson	North Ward
Cllr. Kenyon	North Ward

Cllr. C Shepherd	East Ward
Cllr. M Shepherd	North Ward
Cllr. Snell	West 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 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 4 October 2021 and agree they be signed as such.

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

6. Highways Issues

To consider highways issues raised by residents and determine how to proceed.

7. Consultation – Penrith Variation Order, Portland Place, Inglewood Road and Salkeld Road

To consider the formal consultation documentation for the Traffic Regulation Order for the variations on Portland Place, Inglewood Road and Salkeld Road.

8. Temporary Permitted Development Rights

To consider the consultation on the future of Temporary Permitted Development Rights and provide delegated authority to the Deputy Town Clerk to return a response based on comments made.

9. Neighbourhood Development Plan

To note the responses to the Planning Inspector's Further Comments document to the Town Council's proposed policy in regard to Beacon Hill as submitted by Penrith Town Council and Stansgate Planning on behalf of Lowther Estate Trust.

10. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Planning application number:	21/0842
Site address:	LINDENTHWAITE BEACON EDGE PENRITH CA11 8BN
Description:	Replacement of existing conservatory with extension room.
Response	No Objection, the Beech Tree protected by a TPO, Yew and Laurel should be protected during construction work

Planning application number:	21/0877
Site address:	ACHNAMARA ARTHUR STREET PENRITH CA11 7TX
Description:	Removal of 3x Rowan trees in Conservation area.
Response	No Objection but want applicants to be advised that English native species should be planted rather than trees/shrubs native to the Americas and Asia like the Laurel and Prunus

Planning application number:	21/0831
Site address:	LAND NORTH OF MILE LANE PENRITH CA11 0BX
Description:	Discharge of condition 3 (landscape management plan), attached to approval 20/0383
Response	No Objection – the planning approval condition requested a landscape management plan which they have provided

Planning application number:	21/0795
Site address:	LAND KNOWN AS CARLETON HEIGHTS PENRITH
Description:	Non Material Amendment to update the materials schedule, specifically brick changes on plots 452-455, 467-475 and 481-483 to a Forterra Woodside Mix, attached to approval 16/0811.
Response	Non material – No objection

Planning application number:	21/0822
Site address:	HIDCOTE LOWTHER STREET PENRITH CA11 7UW
Description:	Proposed alterations.
Response	No objection however the visual appearance and introduction of cladding in the conservation area is incongruous with the surrounding houses in stone and brick although its introduction would not demonstrably harm the area

Planning application number:	21/0903
Site address:	MELVILLE HOUSE WORDSWORTH STREET PENRITH CA11 7QY
Description:	Works to trees in conservation area. Prune Prunus, Ilex and Yew.
Response	No Objection

Planning application number:	21/0904
Site address:	62 A STRICKLANDGATE PENRITH CA11 7NJ
Description:	To remove 2 Betula and 1 Oak in conservation area.
Response	Object to the removal of the Oak tree and would like this to be subject of a TPO

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:	20/0738
Site address:	LAND AT RAISELANDS FARM SCOTLAND ROAD PENRITH CA11 9JW
Description:	Variation of conditions 10 (surface water drainage scheme) and 17 (foul drainage scheme) for the replacement of approved Highways and Drainage Layout plan with revision I, attached to approval 14/0405.

Planning application number:	20/0667
Site address:	LAND AT RAISELANDS FARM SCOTLAND ROAD PENRITH CA11 9JW
Description:	Variation of condition 2 (plans compliance) to replace the Construction Method Statement, attached to approval 14/0405.

Planning application number:	21/0799
Site address:	LAND EAST OF INGLEWOOD ROAD PENRITH
Description:	Screening opinion for a residential development.

Planning application number:	21/0870
Site address:	OMEGA PROTEINS GREYSTOKE ROAD PENRITH CA11 0BX
Description:	Formation of trailer parking area utilising existing Myers Beck crossover.
Planning application number:	19/0840
Site address:	LAND AT CARLETON ROAD PENRITH
Description:	Residential development of 105 dwellings and associated infrastructure.

Planning application number:	21/0846
Site address:	4 MONNINGTON WAY PENRITH CA11 8QJ
Description:	Additional storey added to existing single storey dwelling.

Planning application number:	21/0850
Site address:	25 A FRENCHFIELD WAY PENRITH CA11 8TW
Description:	Replacement of existing lean to utility and car port with single story extension to rear and side of dwelling.

Planning application number:	21/0881
Site address:	65 MUSGRAVE STREET PENRITH CA11 9AS
Description:	Erection of two storey side extension.

Planning application number:	21/0883
Site address:	THE LODGE MAIDENHILL PENRITH CA11 8SQ
Description:	Listed Building Consent for demolition of flat roofed extension, erection of replacement linked building, re-instate door opening, increase garden curtilage, erect new boundary wall and formation of hardstanding (amended proposal).

Planning application number:	21/0889
Site address:	DENTAL SURGERY STRICKLANDGATE PENRITH CA11 7NH
Description:	Listed Building Consent for change of use of dwellinghouse to extension of established dental practice.

Planning application number:	21/0925
Site address:	CROSSWAYS BEACON EDGE PENRITH CA11 7SD
Description:	2 no. yew trees, 2 no. flowering cherry trees and magnolia tree in front garden to be pruned.

Planning application number:	21/0917
Site address:	7 SKIRSGILL GARDENS PENRITH CA11 7EP
Description:	Two storey side extension, single storey rear extension with balcony and loft conversion with dormer windows.

11. Next Meeting

Note the next meeting is scheduled for 6 December 2021 at 1.30pm, Penrith Parish Rooms, St Andrews.

PART II PRIVATE SECTION

There are no further items in this part of the Agenda

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.co.uk

Minutes of the meeting of

PLANNING COMMITTEE

Held on **Monday 4 October 2021**, at 1.30pm. Penrith Parish Rooms, St Andrews.

PRESENT

Cllr Jackson	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

Monday 4 October 2021

PART I

PL21/31 Apologies for Absence

Apologies for absence were received from Councillor M Clarke. Councillor Snell has a dispensation for attendance at meetings.

Councillor Kenyon was absent without apologies.

PL21/32 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes of the meeting of the Committee held on Monday 6 September 2021 and agreed they be signed as such.

PL21/33 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 C Shepherd declared that although he did not have a pecuniary interest, he was a Member of the Ramblers who had returned a response in relation to Planning Application 21/0786 on the agenda.

PL21/34 Public Participation

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

PL21/35 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.

PL21/36 Highways Update

Members received a verbal update from the Deputy Town Clerk on various highways issues

RESOLVED THAT:

- i. The feedback on outstanding issues be noted.
- ii. Cumbria County Council be advised that the Town Council would like to see permanent Speed Indicator Devices (SIDs) inbound on Beacon Edge, Bridge Lane and Carleton Road with mobile devices being used in line with the policy for the use and placement of Vehicle Activated Signs (VAS) on Drovers Lane, Meeting House Lane, Norfolk Road, Friargate, Carleton Hill Road, Castle Hill Road and the road leading to Frenchfield.
- iii. The Deputy Town Clerk look at funding from the Planning Committee budget and submit a bid to Cumbria County Council and the Corporate Project Budget and report back to Committee

PL21/37 Budget: Process and Proposals

The Committee considered the report of the Responsible Finance Officer which set out the development of the budget for 2022/23.

RESOLVED THAT:

The report be noted and that budgets be retained as proposed with any service development proposals being submitted to the Deputy Town Clerk.

PL21/38 2021/22 Corporate Project Budget

The Committee considered the report of the Responsible Finance Officer which asked whether the Committee wished to submit any proposals for funding from the corporate project budget.

RESOLVED THAT:

A bid be submitted for the provision of a Speed Indicator Device.

PL21/39 Neighbourhood Plan

The Committee considered the further response from the Independent Examiner along with the submission from the Landowners and the Town Council's Planning Consultant.

RESOLVED THAT:

The Deputy Town Clerk prepare a response based on the comments made to be circulated to members of the Committee before being submitted.

PL21/40 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:	21/0737
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:	21/0781
Site address:	THE VETERINARY CENTRE CARLETON PENRITH CA11 8TZ
Description:	Addition of equine centre to rear of veterinary practice.
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>

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:	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.
Response	<p>No Objection but would like the following conditions should the application be approved.</p> <ol style="list-style-type: none">1. Solar panels will have a visual impact on areas due south of the site in the LDNP World Heritage Site ie Askham Fell and Gowbarrow. Planting and screening is required on the south of the site to take that into account so that the visual impact is reduced.2. To accord to Policy ENV10 of the ELP, a proper archaeological survey should be carried out and English Heritage asked to record any findings such as cairns, barrows etc. Any findings should be preserved and, if necessary, solar panels removed to preserve them should it be agreed that they can be reserved in situ.

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.
Response	No Objection but would still like to see planting and screening along the edge of the site by the footpath and nearest the houses to protect local amenity.

Planning application number:	21/0798
Site address:	17 CROFT TERRACE PENRITH CA11 7RR
Description:	Proposed extension and alterations.
Response	No Objection

Planning application number:	21/0848
Site address:	OAKVILLE NICHOLSON LANE PENRITH CA11 7UL
Description:	Fell softwood fir tree.
Response	No Objection

Planning application number:	21/0734
Site address:	45A BURROWGATE PENRITH CA11 7TA
Description:	Listed Building Consent for the retention of historic conversion works.
Response	No Objection

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.
Response	No Comment however if the residents of the smaller buildings opposite feel overlooked the Town Council would support their views.

PTC21/41 Next Meeting

Members noted that the next meeting was scheduled for 1 November 2021 at 1.30pm, Penrith Parish Rooms, St Andrews or that the meeting may be convened on this date via video conferencing.

PART II PRIVATE SECTION

There are no items in this part of the Agenda

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



PLANNING COMMITTEE

1 November 2021

MATTER: Highways Issues

To consider issues regarding highways safety brought to the Town Council's attention by residents and determine a way forward.

ITEM NO: 6

AUTHOR: Rosalyn Richardson
Deputy Town Clerk

SUPPORTING MEMBER: Cllr Scott Jackson
Chair of Planning Committee

RECOMMENDATIONS

- i. To note the response of CRASH with regard to the positioning of SIDs.
- ii. The issues at Carleton Road and on the A6 be brought to the attention of Cumbria County Council Highways and the department that organises home / school transport.

LAW

Highways Act 1980, S274A

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 report aligns with strategic priority 3 for Transport and 5 for Community Engagement.

1. Report Details

- 1.1 Following the last meeting when the position of Speed Indicator Devices (SIDs) was considered and submitted to CRASH (Casualty Reduction and Safer Highways), notification has been received that the suggestions made by the Town Council have been approved. Formal confirmation is awaited so that action can be taken.
- 1.2 A member of the public has raised the issue of access and safety to the new development on Carleton Brow stating that the road layout when the road joins the A686 is difficult to get out of and dangerous due to visibility. Road safety and layout was one of the issues that the Town Council raised when it objected to this application.
- 1.3 Concern has been raised about the safety of young people having to cross the A6, particularly during winter months, to catch the school bus from the layby mid-way between Plumpton and Stoneybeck and the safety of cyclists.

2. Finance Implications

There are no financial implications arising from this report.

3. Risk Assessment

Risk

That priorities 3 and 5 are not realised

Consequence

Impact on the Council's reputation and perceived inaction on issues brought to its attention.

Control Required

Ensure that members of the public know that issues can be brought to the attention of the Town Council to advocate as necessary on their behalf and ensure that issues are report.

Supporting Documents

None

Economy and Infrastructure • Skirsgill Depot • Skirsgill • Penrith • CA10 2BQ

T: 0300 303 2992 • E: laura.mcclellan@cumbria.gov.uk

13 October 2021

Your reference: PenrithVO2021

Broadcast to all Statutory Consultees
Including Emergency Services and
Local Authority Network

Dear Sir/Madam

PENRITH VARIATION ORDER – PORTLAND PLACE, INGLEWOOD ROAD AND SALKELD ROAD, PENRITH - CONSULTATION

I write to you in reference to previous correspondence relating to the proposed changes to the Penrith Traffic Regulation Order (TRO).

Following the consultation period, all responses received were collated and analysed, enabling us to amend the proposal accordingly. The County Council can now progress to the formal advertisement stage of the process.

Therefore, please find attached a copy of the notice of the County Council's intention to 'make' the TRO, along with the associated plan(s) detailing the extent of the restrictions.

If you wish to object or to make representations in relation to the proposed Order you should write to the undersigned, or email kim.baxter@cumbria.gov.uk, not later than **13 November 2021**, marking your correspondence with reference KB/4.4.1072/15.001740

Yours faithfully



Laura McClellan
Traffic Management Team Leader (Eden)

Enc.

**THE COUNTY OF CUMBRIA (VARIOUS ROADS, PENRITH) (CONSOLIDATION
AND PROVISION OF TRAFFIC REGULATIONS) (ORDER 2021) VARIATION
ORDER (NO. 1) 20><**

The County Council of Cumbria in exercise of its powers under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers and after consultation with the Chief Constable of Cumbria in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on >< 20>< and may be cited as The County of Cumbria (Various Roads, Penrith) (Consolidation and Provision of Traffic Regulations) (Order 2021) Variation Order (No.1) 20><
2. For the purposes of this Order the expression “the 2021 Order” shall mean The County of Cumbria (Various Roads, Penrith) (Consolidation and Provision of Traffic Regulations) Order 2021
3. The 2021 Order shall have effect as though: -
 - (a) The following items were added to **Schedule 18** “No Waiting: At Any Time”

1 Location	2 Side	3 Restricted Length
327a A6 Scotland Road East		From its junction with Salkeld Road to a point 5m north west of its junction with Salkeld Road.
312a Salkeld Road	North	From its junction with Scotland Road to its junction with Inglewood Road.
228a Inglewood Road	West	From its junction with Salkeld Road to a point 7m north of its junction with Salkeld Road.
228b Inglewood Road	East	From its junction with Salkeld Road to a point 17m north of its junction with Salkeld Road.
312b Salkeld Road	North	From its junction with Inglewood Road to a point 15m east of its junction with Inglewood Road.
312c Salkeld Road	South	From its junction with Inglewood Road to a point 19m east of its junction with Inglewood Road.
312d Salkeld Road	South	From its junction with Scotland Road to its junction with Inglewood Road
228c Inglewood Road	West	From its junction with Salkeld Road to a point 52m south of its junction with Salkeld Road.

- (b) Item 292 of **Schedule 18** “No Waiting: At Any Time” which relates to Portland Place (north west side), was deleted, and replaced with the following: -

1	2	3
Location	Side	Restricted Length
292	Portland Place	North West From its junction with Stricklandgate to a point 18m north east of that junction.

- (c) Item 2 of Schedule 2 “Disc Parking Places: Monday to Saturday inclusive, 8am-6pm, Waiting Limited to 2 hours, return prohibited within 2 hours (Permit Holders A Exempt” which relates to Portland Place (north west side), was deleted , and replaced with the following: -

1	2	3
Location	Side	Restricted Length
2	Portland Place	North West From a point 18m north east of its junction with Stricklandgate to a point 28m north east of that junction.

- (d) The following was added as Article 34A.

Prohibition of Motor Vehicles: At All Times

- 34A. No person shall cause or permit any motor vehicle to proceed in the lengths of road specified in **Schedule 42A** to this Order, at any time, on any day.

- (e) The following was added as **Schedule 42A** “Prohibition of Motor Vehicles: At Any Time” : -

1	2
Location	Restricted Length
1	Inglewood Road
	From a point 15m south of its junction with Salkeld Road to a point 22m south of its junction with Salkeld Road.

4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Dated the >< day of >< 20><

THE COMMON SEAL OF)
CUMBRIA COUNTY COUNCIL)
was hereunto affixed)
in the presence of:-)

THE COUNTY OF CUMBRIA (VARIOUS ROADS, PENRITH)(CONSOLIDATION AND PROVISION OF TRAFFIC REGULATIONS) (ORDER 2021) VARIATION ORDER (NO. 1) 20><

1. The Cumbria County Council hereby give notice that it proposes to make the above Order under Sections 1(1), 2(1) to (4), 19, 32, 35, 35A, 38, 45, 46, 47, 49, 51, 53 and 64 of the Road Traffic Regulation Act 1984.
2. The effect of the proposed Order will be to: -
 - (a) Introduce “No Waiting At Any Time” restrictions on parts of the following: - A6 Scotland Road, Salkeld Road and Inglewood Road, Penrith;
 - (b) Extend the “No Waiting At Any Time” restrictions on the north western side of Portland Place, Penrith by some 6m;
 - (c) Alter the extent of the “Disc Parking Places: Monday to Saturday inclusive, 8am-6pm, Waiting Limited to 2 hours, return prohibited within 2 hours (Permit Holders A Exempt)” restrictions on Portland Place, Penrith; and
 - (d) Introduce a “Prohibition of Motor Vehicles: At Any Time” restriction on Inglewood Road, Penrith, from a point 15m south of its junction with Salkeld Road to a point 22m south of its junction with Salkeld Road.

PLEASE REFER TO THE DOCUMENTS ON DEPOSIT AND ON THE COUNCIL'S WEB-SITE FOR FULL DETAILS.

3. Full details of the proposed Order, together with plans showing the lengths of road concerned, and a statement of the Council's reasons for proposing to make the Order, may be viewed on the Council's website using the following link: - <https://www.cumbria.gov.uk/roads-transport/highways-pavements/highways/notices.asp>; on deposit at Penrith Library, St Andrews Churchyard, Penrith CA11 7YA, and may otherwise be obtained by emailing kim.baxter@cumbria.gov.uk.
4. If you wish to object or to make representations in relation to the proposed Order you should write to the undersigned, or email kim.baxter@cumbria.gov.uk, not later than 13 November 2021, marking your correspondence with reference KB/4.4.1072/15.001740

Chief Legal Officer, Cumbria County Council, Cumbria House, 117 Botchergate, Carlisle, CA1 1RD

Dated 23 October 2021

**THE COUNTY OF CUMBRIA (VARIOUS ROADS, PENRITH) (CONSOLIDATION AND
PROVISION OF TRAFFIC REGULATIONS) (ORDER 20><)
VARIATION (NO. 1) ORDER 20><**

STATEMENT OF REASONS

Portland Place, Penrith; Proposed removal of 2hr Disc parking bay and introduction of new No Waiting at Any Time restrictions

As part of proposed works to improve traffic flows in Penrith, which have been identified as being likely to increase due the Penrith Local Plan, it is proposed to replace a small section of the disc parking restrictions on Portland Place with 'No Waiting at Any Time'. This is to facilitate the passage on the road by any class of traffic.

Cumbria County Council considers that it is expedient to propose to make the above order on the north side of Portland Place for the following reasons set out in Section 1(1) Road Traffic Regulation Act 1984:

- c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

Inglewood Road, Penrith; Proposed introduction of No Waiting at Any Time restrictions

As part of proposed works to improve traffic flows in Penrith, which have been identified as being likely to increase due the Penrith Local Plan and to improve safety at the complex junction it is proposed to introduce "No Waiting at Any Time" restrictions on the southern section of Inglewood Road and to close this section of road to all vehicles at the junction of Inglewood Road and the A6 Scotland Road. Therefore avoiding danger to persons or other traffic using the road or any other road and preventing the likelihood of any such danger arising.

Cumbria County Council considers that it is expedient to propose to make the above order on the northwest side of Inglewood Road from its junction with Salkeld Road in a southerly direction for the following reasons set out in Section 1(1) Road Traffic Regulation Act 1984:

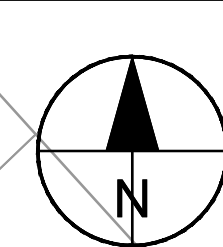
- c) For facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

Inglewood Road, Penrith; Proposed Prohibition of Motor Vehicles.

As part of proposed works to improve traffic flows in Penrith, which have been identified as being likely to increase due the Penrith Local Plan and to improve safety at the complex junction it is proposed to introduce "No Waiting at Any Time" restrictions on the southern section of Inglewood Road and to close this section of road to all vehicles at the junction of Inglewood Road and the A6 Scotland Road. Therefore avoiding danger to persons or other traffic using the road or any other road and preventing the likelihood of any such danger arising.

Cumbria County Council considers that it is expedient to propose to make the above order at the junction of Inglewood Road and Scotland Road for the following reasons set out in Section 1(1) Road Traffic Regulation Act 1984:

- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.



Proposed no waiting restriction 29m in length indicated by double yellow lines

Proposed no waiting restriction 32m in length indicated by double yellow lines

Proposed no waiting restriction 70m in length indicated by double yellow lines

Proposed prohibition of driving order indicated by reflectorised bollards in carriageway to block passage of vehicles

KEY

- PROPOSED KERBS
- PROPOSED GRASS VERGE
- EXTENT OF EXISTING GRASSED ISLAND TO REMAIN
- TACTILE PAVING
- PROPOSED PAVEMENT

P06	TD	JL	JL	Salkeld Road build out amended	2021-09-22
P05	TD	JL	JL	RSA Review	2021-08-12
P04	TD	JL	JL	Double Yellow Lines Added	2021-07-21
P03	RS	DM	JL	Proposed works / markings not connected with TRO removed	2021-03-24
P02	DM	JL	PB	Salkeld Road right turn lane added	2021-03-24
P01	DM	JL	PB	Initial Issue	2021-02-15
Rev	Drawn	Checked	App'd	Description	Date

Purpose of Issue
S2 - Issued for Information

Classification
Commercial in Confidence

Client



Project
Penrith Transport Improvements

Drawing
**Salkeld Road / Inglewood Road
Traffic Regulation Order**

Scale at A1	Drawn	Checked	Approved
1:200	LO	DM	APR

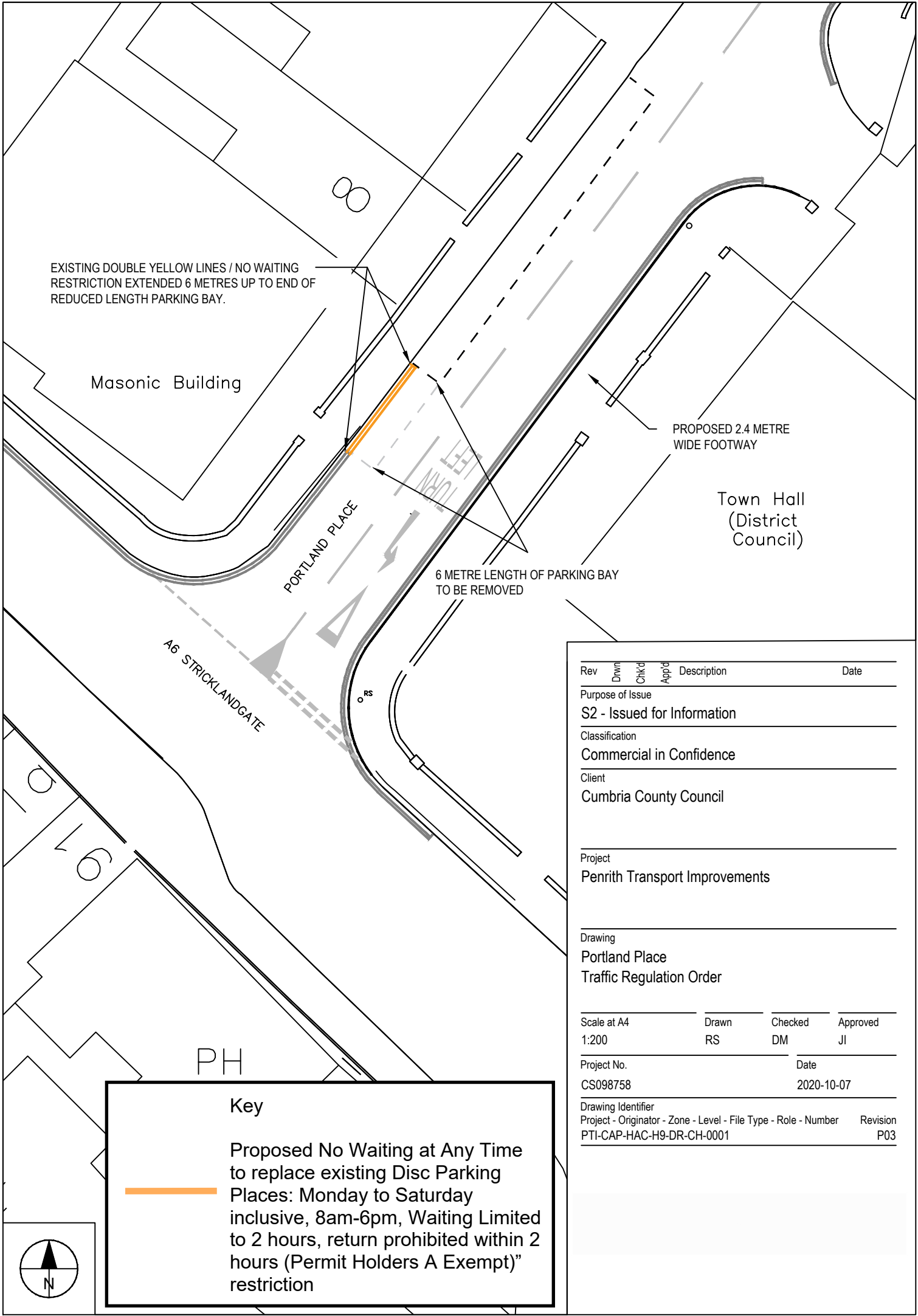
Project No.	Date
CS098758	03/04/2020

Drawing Identifier	Revision
PTI-CAP-HAC-H4-DR-CH-0001	P06

CAPITA
Property and Infrastructure
Kingmoor Business Park, Carlisle, Cumbria, CA6 4SJ
01228 673000
www.capitaproperty.co.uk
Capita Property and Infrastructure Ltd.

Key

- Proposed No Waiting at Any Time
- Proposed Prohibition of motor vehicles





PLANNING COMMITTEE

1 November 2021

MATTER:	Future of Temporary Permitted Development Rights To consider the current Government consultation and provide a response.
ITEM NO:	8
AUTHOR:	Rosalyn Richardson Deputy Town Clerk
SUPPORTING MEMBER:	Cllr Scott Jackson Chair of Planning Committee

RECOMMENDATIONS

- i. Consider the consultation
- ii. Approve delegated authority to the Deputy Town Clerk to return a response via the online survey based on comments made.

LAW

Town and Country Planning (General Permitted Development)(England) Order 2015.

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

To align with Strategic Priority 2, Economic Development and Strategic Priority 4, Growth.

1. Background

1. The government has introduced a number of temporary permitted development rights since March 2020 in response to the coronavirus pandemic. These rights gave planning freedoms which enabled businesses, local authorities, and health service bodies to react to the unprecedented situation brought about by the pandemic.
2. In particular, some of these rights were introduced to help support business in re-opening and provide flexibility to encourage use of outdoor spaces. Having implemented these on a temporary basis, they are now interested in better understanding how these rights have been used, the benefits of retaining them and understanding the impacts of the rights, so a decision can be made as to their future.
3. This consultation concerns two of the temporary rights that were implemented, and specifically seeks evidence of the impacts of the rights as they currently exist, and views on the future of the rights including any proposed mitigation if they were to be made permanent. It also seeks views on equalities considerations and the impacts on businesses, local authorities and communities.
4. Three other temporary permitted development rights implemented in response to the coronavirus pandemic are not subject to this consultation. The first, a right allowing pubs, cafes, and restaurants to operate as takeaways without needing to apply to change use will not be extended beyond 23 March 2022. This right was in place to support businesses which needed to operate solely as a takeaway due to coronavirus restrictions as this would usually constitute a change in use. These venues are able to continue to operate a takeaway service as ancillary to their main business in the absence of this right and as such the right can fall away.
5. The second is a right which allows for additional days for the temporary use of land for any purpose, doubling the days allowed from 28 to 56 in 2020, and subsequently 2021. This right expires on 31 December 2021 and it is not proposed to extend the additional days.
6. The third is a right allowing for emergency development by local authorities or health service bodies to respond to the spread of Coronavirus. The right enables local councils and health service bodies to respond and provide facilities to limit its spread, treat, test, care for and manage the recovery of patients. This right is due to expire on 31 December 2021 and will only be extended on a temporary basis if it is necessary to do so.

Right for markets by or on behalf of local authorities

7. In June 2020 as lockdown restrictions were being eased, the government implemented a temporary permitted development right under Class BA of Part 12 of Schedule 2 of the General Permitted Development Order. This enabled markets to be held by or on behalf of local authorities for an unlimited number of days, including the provision of moveable structures related to this use. Previously there was a 14 day allowance per calendar year to hold a market under the temporary use of land permitted development right (Part 4, Class B). This right does not allow markets to be held on Sites of Special Scientific Interest (SSSI) and we will also consider whether heritage assets such as scheduled monuments should be disapplied from the right. Note that this permitted development right does not remove the need to get a license to hold a market.

8. This change was put in place to support communities to hold outdoor markets and encourage the use of outdoor public spaces, both to support public health initiatives and the reopening of the high street.

9. This right was initially in place until 23 March 2021 and was subsequently extended to 23 March 2022. To continue to support communities to hold markets they are looking for evidence of how these rights are used, and their benefits and impacts, and are proposing that this permitted development right be made permanent.

10. The Government are interested in getting views as to whether there should be a limit on the number of days that this right can be used for in a calendar year.

Questions To Be Answered

Q.1.a. Do you agree that the right allowing markets to be held by or on behalf of local authorities for an unlimited number of days per year (Part 12, Class BA) should be made permanent?

Q.1.b. Do you have any evidence as to any benefits and impacts as a result of introducing this right for markets, or have views of future impacts were the right made permanent?

Q.1.c. Do you think that there should be a limit on the number of days that this right can be used for in a calendar year?

Q.1.d. Do you have views on whether there should be additional restrictions on the use of this right to mitigate against potential impacts of making this permanent, including proximity to scheduled monuments?

Right for the provision of moveable structures

11. In April 2021 a new temporary right was introduced under Class BB of Part 4 of Schedule 2 of the General Permitted Development Order. This right allows for the provision of moveable structures within the curtilage of a pub, café, restaurant, or historic visitor attraction. This includes allowing moveable structures for the first time in the grounds of listed buildings, helping support the important hospitality and tourism sectors.

12. The right was introduced to support greater use of outdoor spaces, for example to enable additional covered seating or through use of outdoor spaces for ticket sales. This has helped businesses increase capacity as they reopen. Any restrictions on the use of 'outdoor' shelters to prevent the spread of coronavirus should be taken into consideration when using this right.

13. In order to continue to support hospitality and tourism businesses and organisations, particularly those which are listed buildings and therefore do not benefit from the permitted development right for the temporary use of land, they are seeking evidence of how this right is currently used, and the benefits it has brought about, and propose that this right be made permanent.

14. This right was introduced on a temporary basis and as such is relatively unrestrictive as to the types of structures that can be put up, and for how long. We are now interested in understanding whether there is evidence of any impacts from the use of the right so far. We are also seeking views on whether it would be beneficial to introduce a height limit or size limit on the moveable structures allowed under the right to mitigate against impacts if made permanent. A height limit of 4 metres is suggested in line with the height limit of the permitted development right for buildings incidental to the use of a dwellinghouse, and a suggested size limit of 50% of the footprint of the existing building on site.

15. The government are also interested in getting views as to whether there should be a limit on the number of days that this can be used per calendar year. They have proposed that this limit should be 56 days and are specifically seeking views to better understand the implications of this right on heritage assets. They are also interested in getting views on whether the limit should be longer than 56 days, or whether there should be a limit at all, in the curtilage of non-listed buildings as this could have important economic benefits.

16. Alongside the mitigation proposed above, the statutory nuisance framework provides an enforcement mechanism for local authorities to deal with noise where there are unacceptable impacts.

17. This right is currently in place until 1 January 2022.

Questions

Q.2.a. Do you agree that the right allowing for the provision of moveable structures (Part 4, Class BB) should be made permanent?

Q.2.b. Do you have any evidence of benefits and impacts as a result of the introduction of the right for moveable structures (Part 4, Class BB), or have views on potential future impacts were the right made permanent?

Q.2.c. Do you think the right for moveable structures (Part 4, Class BB) should be limited to 56 days per calendar year?

Q.2.d. Do you think that the right for moveable structures (Part 4, Class BB) could be greater than 56 days, or allowed for an unlimited number of days, in the curtilage of non-listed buildings?

Q.2.e. Do you agree that there should be a height limit for the moveable structures of 4 metres?

Q.2.f. Do you agree that there should be a size threshold on the moveable structures allowing them to be up to 50% of the footprint of the existing building on site?

Q.2.g. Do you have any evidence of impacts specifically on heritage assets, including listed buildings as a result of the introduction of the right for moveable structures (Part 4, Class BB). Do you have any views on potential future impacts on heritage assets were the right made permanent?

Q.2.h. Do you have views on whether there should be any other additional restrictions on the use of this right (Part 4, Class BB) to mitigate against potential impacts of making this permanent?

Public Sector Equality Duty and Impact Assessments

18. The government are required to assess these proposals by reference to the Public Sector Equality Duty contained in the Equality Act 2010. A Public Sector Equality Duty Assessment and an impact assessment will be prepared reflecting the detail of the changes to be made prior to any secondary legislation being laid.

19. They welcome comments as part of this consultation on whether any of the proposed consequential changes could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Questions

Q.3. Do you think that any of the proposed changes in relation to the future of the time-limited permitted development rights could impact on: a) businesses b) local planning authorities c) communities

Yes/No/Don't know

Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights they particularly relate to. Provides support for businesses and enables them to carry on trading, (Moveable Structures)

Q.4. Do you think that any of the proposed changes in relation to the future of the time-limited permitted development rights could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).

Yes/No/Don't know

If so, please give details and specify which right/s any comment relates to.

2. Finance Implications

There are no financial implications relating to this report

3. Risk Assessment

Risk

That priorities 2 and 4 are not realised

Consequence

That the Town Council does not consider and provide comments on matters which affect the town, its businesses and residents.

Control Required

Ensure that a response is considered and returned.

Supporting Documents

None



Penrith Town Council

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

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

October 2021

Mr John Slater
John Slater Planning Ltd

Dear Mr Slater

Further Comments of the Independent Examiner

Following receipt of your further comments on the examination of the Penrith Neighbourhood Development Plan and in particular the issue of Beacon Hill, Planning Committee have considered your comments and questions and would like to make the following response to complement our letter dated 24th August.

In relation to Paragraph 5 of your comments, we would like to add that the Landowners presented a unilateral policy both to us and direct to yourself. Our Planning Committee considered their policy at its meeting on 12 April along with the public consultation responses carried out during the NDP process and EDCs Masterplan consultation and made suggestions as to what they would consider to be acceptable for the front of the Beacon. There was strong concern that at a meeting with the landowners that they stated that they saw no problem with incremental development along the front.

In respect of your specific questions:

- 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?**

There is very little difference between the LGS designation and the Protected Open Space Policy. LGS policy would be consistent with the policy for green belt. NPPF Green Belt policy would allow for 'the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation' (paragraph 149b). Any planning proposal coming forward could and would be assessed against this and other relevant paragraphs of the NPPF.

The policy we are proposing is consistent with the NPPF and also sets out more distinct development/projects that the Town Council would support.

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?**

In the policy presented by the Landowners, it was suggested splitting the area in half (see 4a in our letter dated 24 August) by an arbitrary line which does not follow a fence or wall line or footpath. The landowners suggested that 33.06ha could be Local Green Space however we understood at the hearing that this size area would still be far in excess of other designated areas. We also believed at the hearing that you had accepted that the whole area shown in our documentation was demonstrably special for the reasons given. The material harm would arise from the two-tier nature of this suggested way forward with one area being treated as consistent with Green Belt policy – the fundamental aim of which is to keep land ‘permanently open’; the other area being offered with a lower planning policy protection that allows for a wider scope of development which is very much against the wishes of the residents of Penrith. This contrasting policy approach would potentially lead to a significant adverse impact on the whole of The Beacon – leading to a loss of openness, impact on landscape, impact on wildlife (such as the deer, squirrels etc), noise, traffic and the introduction of uses and activities of a domestic nature eg garden areas, hot tubs, barbeques, washing lines, play equipment etc. It would also introduce light to The Beacon in an area which is currently totally unlit. These uses are incompatible with the openness of The Beacon. As we stated in our earlier letter, our proposed policy does not frustrate the commercial aspirations of the landowner who owns the remainder of the land behind the backdrop to the town which totals some 84ha which is less steeply wooded and on which they could, should they wish, submit an application for tourism related activity.

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?**

See above. Our concern centres around the impact on the wider landscape of The Beacon and also the impact of adding development on the town. At the present time access is limited however it is used by individuals and family groups for walking and some cycling as a peaceful area in the town. This peaceful area has been greatly appreciated over the centuries and particularly during the last 18 months. Small tourist related activity for caravans, camping, chalets etc would have an impact on the flora and fauna currently residing on The Beacon and would by its very nature impact outside any area that may be allocated as such. Developments that allow caravans and motorhomes would also impact a wider area as the roads leading up to the possible access are quiet, almost single track, residential roads, mainly used by agricultural traffic and not suitable for this sort of additional traffic.

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?**

Policy EC4 for small scale tourism includes the following, our responses are directly under each point:

- Any proposed new-build development is located within a Town or Key Hub.
The Beacon is not within the town
- The proposal involves the re-use of an existing building, or previously developed land.
There are no existing buildings so there is no scope to re-use nor is the land previously developed.
- The proposed development forms part of a farm diversification scheme.
The land is not farmed
- The development proposed is located outside of a Town or Key Hub, but due to the nature of the development proposed it relies upon a specific geographic resource or countryside location, and the specific location selected for the development can be justified.
The landowners suggested uses are not reliant on a specific geographic resource or countryside location. There would be no justification eg for tourist related development on The Beacon.

Would they be considered acceptable development within the Green Belt as set out in Paragraph 103 of the NPPF?

We do not consider the landowners proposed development is acceptable. Such development is not one of the exceptions listed in paragraphs 149 and 150 of the NPPF. Such development were it to come forward would have to be justified through the 'very special circumstances' test (NPPF paragraph 148).

e) **What are the Town Council's overall concerns regarding the policy as advanced by the landowner?**

The Town Council has not put forward a unilateral policy. Unlike that submitted by the landowners, our policy is based on numerous public consultations and further written submissions with and from the residents of Penrith that we represent.

We believe our concerns are set out above and in our previous submissions

Yours sincerely,

A handwritten signature in black ink that reads "Scott Jackson". The signature is stylized, with the first name "Scott" written in a cursive script and the last name "Jackson" in a more formal, slightly cursive font.

Councillor Scott Jackson
Chair of Planning Committee, Penrith Town Council



PLANNING

4 The Courtyard, Timothy's Bridge Road, Stratford upon Avon, CV37 9NP
T: 01789 414097 F: 01789 414608 E: mail@stansgate.co.uk W: www.stansgate.co.uk

PENRITH NEIGHBOURHOOD DEVELOPMENT PLAN SUBMISSION DRAFT - AUGUST 2020

ADDITIONAL REPRESENTATION ON BEHALF OF LOWTHER ESTATE TRUST REGARDING POLICY 8 – LOCAL GREEN SPACE OCTOBER 2021

INTRODUCTION

This report is made on behalf of Lowther Estate Trust and Lonsdale Settled Estate and addresses “Further Comments of the Independent Examiner” dated 10th September 2021.

In its letter to the Examiner dated 9th August 2021, the landowner’s recommendations for Beacon Hill involved a plan showing “Beacon Hill East – Protected Open Space” (measuring 9.59 hectares) and “Beacon Hill West – Local Green Space” measuring 33.06 hectares.

Arising from the “Further Comments” letter, the landowners have refined their plan by showing “Beacon Hill East – Tourism and Recreation” (measuring 8.94 hectares) and “Beacon Hill West – Protected Landscape Feature” measuring 33.53 hectares and adding a masterplan for Beacon Hill East. The plans are dated 6/10/2021 and at **Appendix 1** of this report.

QUESTIONS FOR THE LANDOWNER

“Questions for the landowner” are answered as follows:

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?

Regarding “Beacon Hill East – Protected Open Space” (measuring 9.59 hectares), the straight western boundary is geographically arbitrary. The line was felt to represent the limit of commercial tourism aspirations of the landowners.

Regarding “Beacon Hill East – Tourism and Recreation” (measuring 8.94 hectares), the western boundary has been amended to better “round off” the policy area and to correspond with an ownership boundary. On the ground, the west boundary is still arbitrary but capable of being fenced with a post and rail or post and wire fence.

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

Appendix 1 of this report is a Masterplan drawn by the landowners showing about 40 holiday lodges with the following characteristics:

1. Primary vehicular, pedestrian and cycle access from Stagstones Road, as existing.
2. Permissive footpath and cycle connectivity from Stagstones Road to Beacon Tower, via existing track. Thus enhancing rural recreation to the wider community.
3. Phases 1 and 2.
4. Each phase up to 20 holiday lodges.
5. Lodges will be static caravans subject to the statutory definition of a caravan. “Log cabin” design to assimilate with the surroundings.
6. On-site warden’s lodge (occupancy controlled by condition), with visitor reception. No other management buildings are necessary. The holiday lodges are self-catering. *Note: Roundthorn Country House Hotel opposite the site entrance provides meals.*
7. Lodges located in a communal woodland setting. No curtilages and no gardens. Other than perhaps defining the western boundary of the policy area, no fencing is required.
8. Lodge footprints and incidental paths and roads will use permeable materials (eg a gravel pitch for each lodge) and be informed by ecological and arboricultural surveys. Some lodge pitches may not require the felling of any trees. Other pitches may require the felling of one or two pine trees. *Note: Beacon Hill East comprises a former quarry, with 10% hardwood and 90% commercial pine.*
9. Visitor accommodation car parks located next to the existing tracks and in several places, from where visitors will walk to their lodges. Car parks to include electric vehicle charging points, bins/recycling and biodisk package treatment plant.
10. Although not marked on the Masterplan, there is scope for a new public car park located near to Stagstones Road to fulfil a community aspiration of the Town Council’s new policy (“*the construction of a small suitably screened off road parking area.....wider public access and better facilities for informal recreation such as walking, cycling, dog walking, and jogging*”).

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

None.

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

Measuring 41 hectares, PN14 is an extensive tract of land and a blanket designation of open countryside. In that respect it is not in conformity with the Eden District Local Plan, which designates open countryside.

It is a “Local Green Space” policy 8 by another name. However, LGS designation must be subject to parameters set out in NPPF and PPG. Draft NPD policy 8 lists the many LGS’s at Penrith and their reasons for designation (reasonably close proximity, demonstrably special, local in character, not an extensive tract of land etc). The TC policy reason for designating a “Beacon Hill Protected Landscape Feature” is fundamentally the same as the reason for designating the Policy 8 LGS’s.

It is also a protected “Sport, Leisure and Recreation Facilities” policy 9 by another name. The new policy “Beacon Hill Protected Landscape Feature” refers to its “recreational value” and “important recreational and wellbeing opportunities”.

The new policy title refers to Beacon Hill being a “landscape feature”. However, the new policy refers to characteristics in addition to landscape value; namely recreation, biodiversity, heritage, culture and important views. The draft policy is more akin to Eden District Local Plan Policy ENV3 “The North Pennines Area of Outstanding Natural Beauty”. However, the Penrith NDP would be inconsistent with the Local Plan if the NDP were to designate Penrith Beacon a quasi-AONB.

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.

It will frustrate the aspirations of the landowner to undertake “tourist accommodation and facilities” (further to Policy EC4 of the Eden District Local Plan) anywhere at Beacon Hill, in particular land to the east identified by the landowners as suitable for such development. The Town Council in its letter dated 24th August 2021 states that it “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.” This is false, given that the new policy states “Development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping) will not be permitted.”

Given the new 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.

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 (those that are “not inappropriate”), set out in NPPF paragraphs 149 and 150, such as buildings for forestry and agriculture, outdoor sport and recreation, limited affordable housing, mineral extraction, changes in the use of land etc. However, new policy “Beacon Hill Protected Landscape Feature” will prohibit development otherwise acceptable in Green Belt if it does not:

1. “*clearly demonstrates that it conserves and enhances the existing landscape, character and function of this important woodland area*”, and

2. *“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.”*

It is unnecessarily prescriptive, referring to “narrow”, “small” “open sided”, “suitably screened”, “southern end of the site” etc. The location of “southern end” is unclear.

“Necessary forestry operations” does not constitute “development” and should be omitted.

The proposed policy restriction is not appropriate for a site that is not National Park, Conservation Area, AONB, SSSI, Ancient Woodland, County Wildlife Site, Historic Park and Garden, Local Nature Reserve, National Nature Reserve, Special Protection Area, Regionally Important Geological site (RIGS), Habitats and Species in the Cumbria Biodiversity Action Plan (BAP), Habitats and Species of Principal Importance (NERC Act Section 41 list), Limestone Pavement Order, Public Open Space and other sport, leisure and recreational facilities; all of which are policy designations used by the Eden District Local Plan and its associated policies map.

RECOMMENDATION

Acceptable options are:

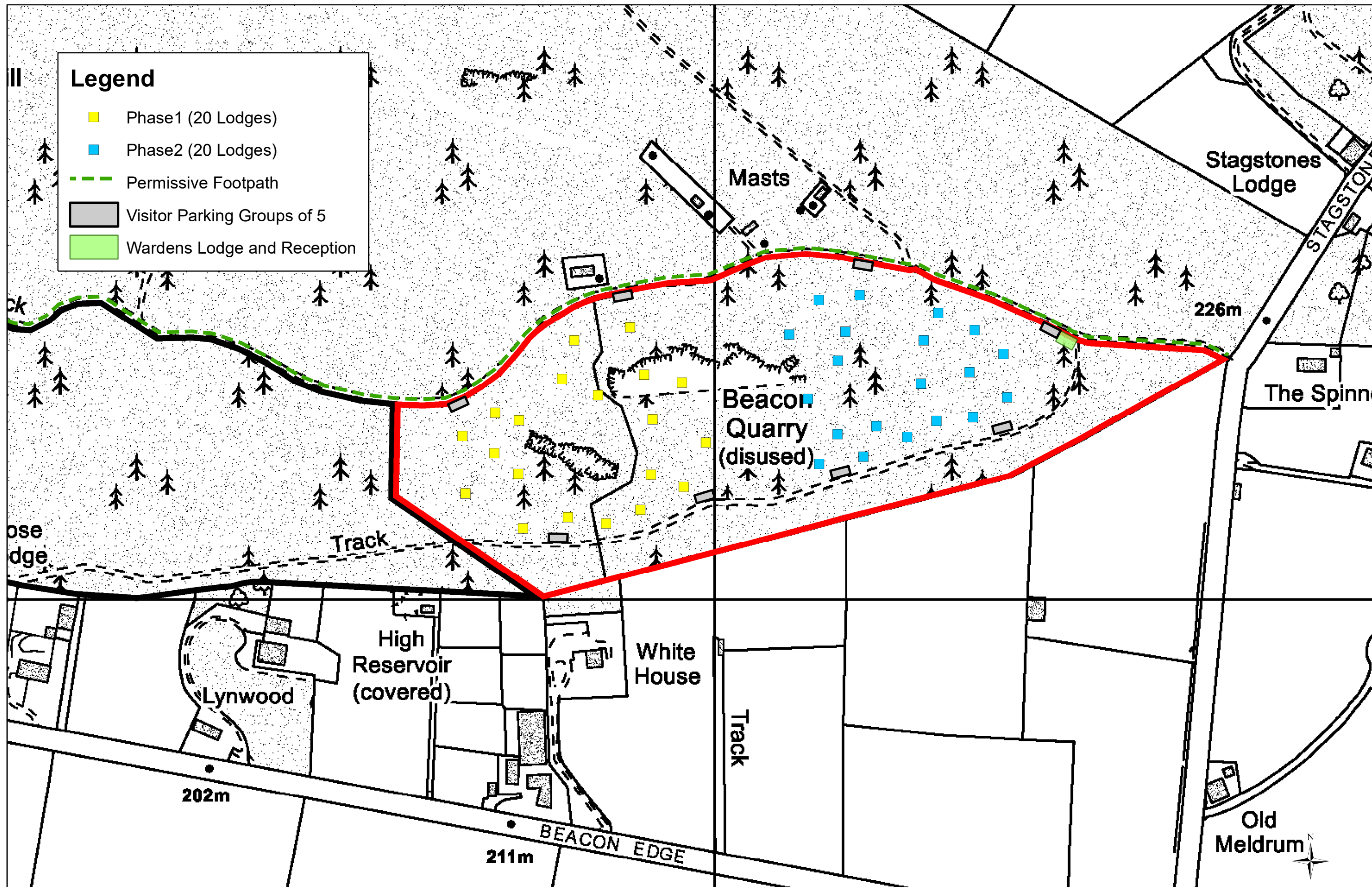
1. Ignore the different versions of the draft policies put forward by both parties and examine the plan as submitted; or
2. Landowner draft policy for “Beacon Hill East” (measuring 8.94 hectares) and LGS designation for Beacon Hill West (33.53 hectares). However, 33.53 Ha still represents an extensive track of land; or
3. Landowner draft policy for “Beacon Hill East” (measuring 8.94 hectares) and “Beacon Hill Protected Landscape Feature” designation for Beacon Hill West (33.53 hectares), as amended by taking into account the above comments.

Stansgate Planning ref 8444
15th October 2021

Appendix 1

Plans for “Beacon Hill East – Tourism and Recreation” and “Beacon Hill West – Protected Landscape Feature”.

Beacon Hill East - Tourism & Recreation



Penrith Beacon

