



Penrith Town Council

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

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

DATE: 4 January 2022

NOTICE IS HEREBY GIVEN that an **ORDINARY MEETING** of **THE PLANNING COMMITTEE** will be held on 10 January 2022, 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 Andrew's

To assist in the speedy and efficient dispatch of business', Members should read the agenda and reports in advance of the meeting. Members wishing to obtain factual information on items included on the agenda are asked to enquire of the relevant officer **PRIOR** to 9.00am on the Friday prior to the meeting.

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

COMMITTEE MEMBERSHIP

Cllr. M Clark
Cllr. Jackson
Cllr. Kenyon

South Ward
North Ward
North Ward

Cllr. C Shepherd
Cllr. M Shepherd
Cllr. Snell

East Ward
North Ward
West Ward

Mrs V. Tunnadine, Town Clerk

Public Participation

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.

Filming

Please note that this meeting may be filmed for live or subsequent broadcast via the internet or social media.

Please be advised that the Town Council does not record or live stream meetings.

Penrith Town Council fully supports the principle of openness and transparency and has no objection to filming and reporting at its Full Council, and Committee meetings that are open to the public. It also welcomes the use of social networking websites, such as Twitter and Facebook, to communicate with people about what is happening, as it happens. Filming will only commence at the beginning of a meeting when the Chair opens the meeting with apologies and will finish when the meeting is closed or when the public may be excluded from an exempt item. The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

General Power of Competence

The Town Council resolved from 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 10 January 2022

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 December 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 item 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. Proposed Planning Application for Residential Development of 195 Dwellings on Land Located to the East of Inglewood Road, Penrith

To receive a presentation from Story Homes as part of the public consultation.

Members may ask questions of the developer but the proposed application is not for discussion at this time.

7. Penrith Neighbourhood Plan Consultation

To note that the Independent Examiner has produced a bespoke policy on Beacon Hill and has asked Eden District Council to commence a public consultation specifically on his policy.

8. Street Naming and Numbering – Genesis Homes, Carleton

To consider the proposals Swirl Road and Bink Gardens for street naming put forward by Genesis Homes for this site at Carleton.

Other names approved by Eden District Council were: Fendrith, Flinty, Stake pass, Honister, Pillar, Steeple, Glaramara and Rossett.

9. Memorandum of Agreement

To agree delegated authority to the Town Clerk to sign a memorandum of agreement between Penrith Town Council and Cumbria County Council for the siting and maintenance of Speed indicator Devices.

10. Planning Applications

a) DELEGATED RESPONSES TO NOTE

Planning application number:	21/1024
Site address:	ROUNDTORN HOUSE PENRITH CA11 8SJ
Description:	Certificate of lawfulness for the continued occupation of dwelling in breach of condition 1 (agriculture or forestry occupation) of approval 79/0258
Response	No Objection if applicants can satisfy requirements

Planning application number:	21/1028
Site address:	1 HOBSON COURT GILLAN WAY PENRITH CA11 9GQ
Description:	Advertisement consent for 2no non-illuminated fascia signs.
Response	No Objection

Planning application number:	21/1047
Site address:	19 WETHERIGGS RISE PENRITH CA11 7EX
Description:	Erection of two storey rear extension.
Response	No Objection

Planning application number:	21/1040
Site address:	26 CARLETON PLACE PENRITH CA11 8LW
Description:	Replacement of single story garage with two storey side extension.
Response:	No Objection

Planning application number:	21/1049
Site address:	REAR OF QUAKER HOUSE MEETING HOUSE LANE PENRITH CA11 7TR
Description:	Remove Ash Tree in the corner of the former Burial Ground at the Friends Meeting House, conservation area.
Response	No objection as suffering from Ash Die back, would ask for replanting of a suitable small native tree or bush

Planning application number:	21/1045
Site address:	AGRICOLA HOUSE COWPER ROAD PENRITH CA11 9BN
Description:	Retrofit to existing office building involving the replacement of all windows and doors, an addition of a new entrance and the installation of a new cladding system
Response:	No objection would like to see sustainable design features such as air source heat pump / PV panels, grey and rainwater recycling, EV charging point as climate change resilience measures and the BREEAM good or excellent standard should be achieved.

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.
Response:	No objection

Planning application number:	21/0995
Site address:	PENRITH BUSINESS PARKS PENRITH
Description:	Installation of 3no non-illuminated directional, pole mounted signs.
Response	No Objection

Planning application number:	21/1062
Site address:	THE LODGE MAIDENHILL PENRITH CA11 8SQ
Description:	Variation of condition 2 (plans compliance) for the removal of chimney, attached to approval 21/0522.
Response	No Objection

Planning application number:	21/1057
Site address:	ENDSCAR 4 WINTERS PARK CARLETON ROAD PENRITH CA11 8RE
Description:	Alteration and extension to provide annex accommodation. Re-submission of 16/0491.
Response:	No Objection

Planning application number:	21/1076
Site address:	PLOT 8 KITCHEN GARDENS PENRITH CA11 9GS
Description:	Reserved Matters application for access, appearance, landscaping, layout and scale, attached to approval 19/0499.
Response:	Outline application approved October 2019, No objection, includes renewable heating technology, EV point

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:	21/1005
Site address:	9 MONNINGTON WAY PENRITH CA11 8QJ
Description:	Retrospective application for external wall insulation.

11. Next Meeting

Note the next meeting is scheduled for 7 February 2022 at 1.30pm, Unit 2, Church House, 19-24 Friargate, Penrith, Cumbria, CA11 7XR.

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



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Minutes of the meeting of

PLANNING COMMITTEE

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

PRESENT

Cllr Kenyon	North Ward
Cllr C Shepherd	East Ward
Cllr R Burgin	South Ward (Standing Deputy)

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 6 December 2021

In the absence of Councillor Jackson, the Vice-Chair, Councillor R Kenyon, chaired the meeting.

PART I

PL21/59 Apologies for Absence

Apologies for absence with reasons were received from Councillors S Jackson, M Clark and M Shepherd. Councillor Snell has a dispensation for attendance at meetings.

PL21/60 Minutes

RESOLVED THAT:

The Chair be authorised to sign, as a correct record, the minutes:

- a) of the ordinary meeting held on Monday 1 November 2021; and
- b) of the Extra Ordinary meeting held on Tuesday 9 November 2021

and agreed they be signed as such.

PL21/61 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.

Councillor C Shepherd declared an interest in planning application 21/1000 on agenda item 10a, Delegated Responses to Note, as it was his application. He stated that he had no input into this application which was confirmed by the Deputy Town Clerk.

PL21/62 Public Participation

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

PL21/63 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.

PL21/64 Proposed Planning Application for Residential Development of 195 Dwellings on Land Located to the East of Inglewood Road, Penrith

The Deputy Town Clerk reported that due to unforeseen circumstances, the representative of Story Homes was unable to attend the meeting to give a presentation but would be attending the January meeting instead.

PL21/65 Penrith Parking and Movement Study

The Deputy Town Clerk provided a verbal update to those present.

The work on the LCWIP was progressing positively. The Lead Officer had been unwell however another meeting to consider the consultation feedback was due to be held so that more feedback could be provided to members.

The intervention in the Parking and Movement Study regarding new signage was progressing with the new signage agreed and being installed imminently. EDCs Executive have still to consider the interventions regarding off street parking before consultation with members can take place. Officers are still lobbying to get this progressed.

RESOLVED THAT:

The update be noted.

PL21/66 Highways Issues

Members received a verbal update from the Deputy Town Clerk regarding a number of highways issues that had been raised by the Town Council and were pleased to hear that delays due to covid were now being progressed.

RESOLVED THAT:

The update be noted.

PL21/67 Budgetary Control Statement: Seven Months Ended 31 October 2021

Members noted the current budgetary control statement.

PL21/68 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:	21/0915
Site address:	STONEYBECK BOWSCAR PENRITH CA11 8RP
Description:	Erection of a sandstone wall, the installation of two boom barriers and a timber fence
Response	No Objection

Planning application number:	21/0387
Site address:	CHANCERY HOUSE CHANCERY LANE PENRITH CA11 8QX
Description:	Proposed first floor extension over existing garage.
Response	No Objection

Planning Application Number:	21/0887
Site Address:	6 BRUNSWICK TERRACE PENRITH CA11 7LN
Description:	T1 - Ash tree. It is proposed to crown reduce the tree by 2 metres all round for the purpose of managing the crown spread. This will be undertaken in accordance with BS3998
Response	No Objection

Planning application number:	21/1000
Site address:	LOW OUTWOOD ARTHUR STREET PENRITH CA11 7TX
Description:	Removal of Holly x2 in Conservation area.
Response	No Objections – saplings are being retained

Planning application number:	21/1007
Site address:	REAR OF QUAKER HOUSE MEETING HOUSE LANE PENRITH CA11 7TR
Description:	Remove Ash Tree in the corner of the former Burial Ground at the Friends Meeting House, conservation area.
Response	No Objection – tree is diseased, would wish to see some replanting of small native tree or shrubs to assist carbon reduction

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:	21/0713
Site address:	WYDON BEACON STREET PENRITH CA11 7UA
Description:	Replacement of rear extension with balcony deck and alterations to openings.
Response:	No Objection

Planning application number:	21/0979
Site address:	35 MILNER MOUNT PENRITH CA11 8HE
Description:	Replacement of existing extension with two storey side extension and single storey rear extension.
Response:	No comment. Would wish to see the parking space use permeable materials. Concern that the extension seems to completely block the neighbours window although that does look directly into the garden and house of the applicant however no objection seems to have been received from the neighbour.

Planning application number:	21/0954
Site address:	LAND NORTH OF CARLETON MEADOWS PENRITH CA11 8UR
Description:	Erection of a site wall at the entrance of site and a wall next to 'The Point' open space, pursuant of previous planning approval 16/0811.
Response:	No Objection

Planning application number:	21/0991
Site address:	WHITE HORSE GREAT DOCKRAY PENRITH CA11 7BL
Description:	Listed Building Consent for change of use of former public house, managers accommodation and offices to form 8no one bed self contained flats
Response:	No Objection

Planning application number:	21/0990
Site address:	WHITE HORSE GREAT DOCKRAY PENRITH CA11 7BL
Description:	Change of use of former public house, managers accommodation and offices to form 8no one bed self contained flats.
Response:	No objection in principle as it is good to see a disused building brought back into use however the Town Council does have concerns about the density of units and parking given that there are already too many residents permits for the spaces available within the town centre.

Planning application number:	21/1032
Site address:	32 THE PARKLANDS PENRITH CA11 8TF
Description:	Works to Oak (T16)
Response	No Objection however the Town Council would like to highlight the lack of information and pictures demonstrating the extent of the works to be undertaken to enable a much more informed decision to be taken

Planning application number:	21/0825
Site address:	47 ROMAN ROAD PENRITH CA11 8DX
Description:	Single storey rear extension and car port.
Response	No objection but would like it conditioned that off street parking should have a permeable surface.

PTC21/69 Next Meeting

Members noted that the next meeting was scheduled for 10 January 2022 at 1.30pm, Penrith Parish Rooms, St Andrew's Churchyard

CHAIR:

DATE:

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

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Penrith Neighbourhood Development Plan 2019 - 2032

Consultation on Proposed Policy on Beacon Hill

Prepared by

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

14th December 2021

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 had hoped that it would have been possible to arrive at a mutually acceptable policy for Beacon Hill, that met the aspirations of both the Town Council and the landowners. That has proved impossible to achieve and I have been presented with two alternative policy suggestions. I invited comments from the two parties on the alternative drafts and representations from the Friends of Penrith Beacon and also the Keep Penrith Special Group.
3. I have carefully considered all the comments made, which have been placed on the respective websites, and I have been, over the last few weeks, been drafting my report and formulating my recommendations.
4. In respect of Beacon Hill, I have decided that there should be a bespoke policy for the woodland area which is clearly valued by the local community. I am conscious that by recommending the introduction of this new policy, which is not a modification of a proposed policy, it has not been the subject of public consultation, either at Regulation 14 or Regulation 16 stage and I am reluctant to make such a recommendation without putting the draft wording into the public domain and inviting representations on it.
5. I am therefore taking the somewhat unusual step of requesting that the District Council, on my behalf, conducts a bespoke consultation on the wording of that policy. I am also publishing an extract from my draft report, which explains my rationale for proposing the proposed policy, in the form I am suggesting.
6. I am asking that the policy should be subject to a four-week consultation which will commence after the Christmas holiday period. If any party wishes to submit any comments, they should be sent to neighbourhood.planning@eden.gov.uk. At the end of the consultation all comments should be placed on the District Council's and the Town Council's website, as well as being forwarded to me. I am not seeking any submissions commenting on other parties' representations, once the consultation closes.
7. I will then consider all the comments made during this consultation, before making my final recommendation in my examination report.

Independent Examiner's Proposed Policy on Beacon Hill

"Beacon Hill is a valued and prominent local landmark forming an elevated, wooded backdrop to the north-east of Penrith.

Proposals for development on Beacon Hill will be expected to conserve and enhance the diverse values (biodiversity value, recreational, 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.

Small scale tourism development will be supported, comprising the siting of no more than 20 caravans, or accommodation pods, or chalets including warden's accommodation - which must be temporary structures covered by the Caravan Sites and Control of Development Act 1960 and not permanent buildings, subject to those facilities meeting the three criteria set out in Eden Local Plan, Policy EC4 and only if accompanied by proposals to provide wider public access to Beacon Hill and which enhances its informal recreation facilities, including:

- 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;***
- the erection of interpretation boards to provide information for walkers and other users;***
- 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;***
- the development of a forest art or sculpture trail;***
- the construction of narrow well screened permeable tracks suitable for cycling that are separate from footpaths; and***
- the construction of a small suitably screened off road parking area at the southern end of the site"***

Extract from the Independent Examiner's Draft Report

95. "Under this heading, I now wish to discuss the position with regard to Beacon Fell which was proposed to be designated as local green space by the submitted neighbourhood plan. That designation been the subject of an objection made at Regulation 16 stage, on behalf of the landowner, the Lowther Trust. The policy sought to designate the part of forest, which forms the backdrop to Penrith, as local green space. The landowners argued that the policy would be more restrictive than would be otherwise agreed by Eden Local Plan Local Plan Policy EC4, in that it would frustrate the landowner's aspirations to undertake small-scale tourism development. They also pointed out that the proposed designation did not meet one of the required criteria for the designation for local green space, as set out in the NPPF, in that, at 40 ha., the woodland constituted an extensive tract of land. I agree that the designation of the whole woodland, on the south western face of the hillside, which essentially forms the eastern flank of the town, is well within the scope of being an extensive tract of land. I would not have been able to recommend it met the Secretary of State criteria for being a local green space. However, I do recognise that it is valued and important resource to the town of Penrith.

96. *During the hearing itself, I sensed that there could be scope for an accommodation of the Town Council's desire to protect the forest area, particularly for its landscape value. I heard that currently its recreational value is limited due to their only being restricted public access via a permissive path into the forest. It appeared, during the debate, that there was scope for meaningful discussions to take place between the two parties which could allow some of the Council's aspirations for greater access and enhanced recreational uses, whilst allowing some limited tourism related uses.*
97. *I therefore suggested that rather than pursue the local green space designation which was doomed to fail, there was scope for further discussions on the possibility to allow development of a bespoke policy for Beacon Hill, which could protect the special character of the forest which is clearly valued by the residents but which would not prevent development, which currently meets policy requirements.*
98. *Following the issuing of my Post Hearing Note, I learnt that discussions had taken place between the landowners and Penrith Town Council, but rather than the topic being approached in a collaborative basis to achieve mutually acceptable outcomes, it is clear that the respective positions had become entrenched.*
99. *The Lowther Trust put forward a proposal which would have retained the western part of the proposed local green space, which would still have an area of 33.06 ha and the separate identification of an eastern part based on an arbitrary line through the woodland, showing a protected open space area with an area of 9.59 ha. The landowners suggested a new policy, which included reference to the provision for small-scale tourism development, as defined by Eden Local Plan Policy EC4. They argue that the national planning policy framework for managing development in areas designated as local green space is that the development should be consistent with policies for managing development in the Green Belt. That raised the question, in my mind, as to whether the landowners wish to site tourist pods and lodges, falls within the scope of paragraph 149 b) of the Framework which refers to the "provision of appropriate facilities for... outdoor recreation", and whether the siting of these units would preserve the openness of the land.*
100. *The landowners argue that their proposals will be in accordance with Local Plan Policy EC4 which refers to temporary accommodation (caravans, camping and chalet sites), where it meets the three criteria, including that the development is capable being of removed, without damage or material changes to the land on which it was sited and the units are screened by existing topography and vegetation. Therefore, the question of policy compliance with Policy EC4 depends on whether those pods are to be treated as temporary structures rather than as permanent buildings.*
101. *In my experience it is normal practice that these types of structure, which can be delivered on a lorry and assembled on site, are accepted as a change of use of land, rather than constituting operational development. They are not usually treated as permanent structures, such as the building of new holiday cottages as set out in an earlier section of Policy EC4. They tend to be covered by the*

provisions of the Caravan Sites and Control of Development Act 1960 and any services required to comply with a site license are normally classed as permitted development under Part 5 of Schedule 2 of the General Permitted Development order 2015.

102. *The Town Council's version of the proposed policy would only allow the provision of footpaths, interpretation boards, the construction of an open sided structure - capable for being used, for example, by a Forest School, a forest art or sculpture trail, cycle paths and a small parking area. It goes on to say explicitly that the policy should prevent "development proposals that would provide accommodation for overnight stays (e.g. chalets, pods or camping)". However, that would mean that the policy would not be in accordance with the strategic local plan policy, Policy EC4 which explicitly allows such facilities subject to the policy's three criteria and which would bring additional economic benefits to the town by providing additional tourist accommodation, close to the town's facilities and services. To explicitly rule out such uses would bring into question whether the policy would meet the basic condition of being in general conformity with strategic planning policy and indeed whether it would be likely to lead to less development being permitted than that allowed by the local plan.*
103. *My conclusion on this matter, is that the retention of the remaining 33 ha of the woodland as local green space would still fail the NPPF test, as it would still be an extensive tract of land, and therefore should not be designated as a local green space. I also feel that the dividing line between the proposed protected open space and the local green space, is, as is accepted by all parties, somewhat arbitrary, but I do know that it is limited to the area where the landowner has commercial aspirations. In my opinion I believe that the policy should cover the whole of Beacon Hill.*
104. *During the post hearing period, I had invited comments from the interested parties on the alternative policies being put forward for my consideration and I received comments from the landowners, the Town Council, Keep Penrith Special and the Friends of Penrith Beacon. I have carefully considered all the responses and indeed, I noted the nuanced differences between the positions taken by the 2 local organisations and the Town Council.*
105. *In my Further Comments of the Independent Examiner, I asked specific questions of the Town Council and the landowners. I asked the Town Council what it believes would be the material harm to the Beacon of allowing small tourist related accommodation. It referred to what it described as the loss of openness, and the impact on landscape, wildlife, noise, traffic and the introduction of activities of a domestic nature e.g. hot tubs, barbeques, washing lines and play equipment as well as light pollution.*
106. *I sought further information from the landowners as to what their commercial aspirations were for the Beacon. They provided me with a masterplan showing the siting of about 40 lodges ("caravans clad to assimilate with the existing surroundings") to be developed in two phases of 20 units, served off an existing*

- access from Stagstones Road, which will be set in a communal woodland setting without individual curtilages or gardens. The proposal would extend the existing permissive footpath to a new public car park to be provided off Stagstones Road.*
107. *The proposal for 40 units would be double the threshold set in the supporting text of the Local Plan which clarifies that what constitutes “small scale” (para 4.19.2) as a maximum of 20 units.*
108. *The Town Council’s aspirations for enhanced public access and recreational facilities which are aimed essentially towards local residents are unlikely to be realised, without the landowner’s cooperation, which is unlikely to be forthcoming if the neighbourhood plan policy explicitly frustrated its commercial aspirations for some limited development. In my view a policy that encourages the provision of the type of facilities sought by Penrith Town Council are more likely to be deliverable, if they take place alongside the small-scale tourist development, which would comply with strategic policy. Together the two elements could enhance the recreational value the whole of The Beacon, for the benefit of the town’s residents and visitors, alongside new facilities capable of being economically valuable to the local economy.*
109. *I am not necessarily satisfied that the area edged in red for Beacon Hill East, as proposed by the landowners, is the best or most appropriate area for the location of this small-scale development. I have not been provided with evidence of why it is the optimum location, or whether it is the least sensitive areas for this development. Furthermore, the masterplan area is deemed by the landowners to be suitable for 40 units, but my intention is that my recommended new policy should restrict the amount of tourist accommodation, to the 20 units which is allowed under the local plan’s definition of “small scale”.*
110. *I therefore do not intend to identify a particular area of the Beacon where the tourism accommodation should be sited. Rather, the choice of the site must be justified at planning application stage, particularly in terms of how the meets the proposed policy criteria, for example in terms of the biodiversity or landscape sensitivities of that part of the woodland.*

John Slater BA (Hons), DMS, MRTPI

John Slater Planning Ltd

Independent Examiner to the Penrith Neighbourhood Development Plan.

14th December 2021

**AGREEMENT BETWEEN CUMBRIA COUNTY COUNCIL (THE HIGHWAY AUTHORITY)
AND XXXX PARISH COUNCIL**

MEMORANDUM OF AGREEMENT made the _____ day of _____ Two
Thousand and

Eighteen **BETWEEN THE CUMBRIA COUNTY COUNCIL** by the hand of **John Banks** their
Highway Network Manager and duly authorised agent (hereinafter called "The County
Council") of the one part of the **PARISH Council** of **XXXX** in the County of Cumbria by the
hands of

and

two Members for the time being of the said Parish Council and duly authorised by a Minute
passed at a Meeting of the said Parish Council held on the _____ day of
_____ Two Thousand and **Twenty One** (hereinafter called "the Parish
Council") of the other part.

WHEREAS the Parish Council under their statutory powers desire to place **Speed Indicator
Devices** as set out in the Schedule hereto and have asked the Highway Authority to consent
thereto.

AND WHEREAS Cumbria County Council as Highway Authority for the roads described in
the
Schedule hereto have agreed to grant such consent upon and subject to the terms and
conditions
following.

NOW IT IS HEREBY AGREED AS FOLLOWS

1. THE Parish Council shall at their own expense provide and place the **Speed
Indicator Devices** described in the Schedule hereto in such position as may be
settled by the Area Manager for the time being to the County Council upon the terms
and conditions following.
2. THE Parish Council shall keep the **Speed Indicator Devices** in proper condition and
state of repair and should they fail to do so after one month's notice in writing shall
have been given to them by the Area Manager, the County Council shall be at liberty
to remove the devices and to recover the cost from the (Parish/District) Council.
3. THE Parish Council shall indemnify the County Council against all or any claims
which may be made directly or indirectly in consequence of the presence of the said
Speed Indicator Devices as described in the Schedule hereto.
4. THE Parish Council shall if at any time called upon in writing so to do by the County
Council (whether in pursuance of their powers or duties under the Highways Act
1980, the Crime and Disorder Act 1998 or any other relevant enactment applicable
to the parties hereto or further or otherwise) forthwith remove the **Speed Indicator
Devices** placed by them under this agreement.

5. THE work of the placing of the **Speed Indicator Devices** shall be carried out to the entire satisfaction of the Area Manager and the Parish Council.
6. THE providers of the Contracts (Rights of Third Parties) Act 1999 are hereby expressly excluded.

IN WITNESS whereof the said parties have hereunto set their hands the day and year first before written

SIGNED by the said

(John Banks, Highway Network Manager)

in the presence of:-

(Laura McClellan, Traffic Management Team Leader)

SIGNED by the said

in the presence of:-

SCHEDULE

Siting of the signage:

- Bridge Lane, Penrith
- Carleton Road, Penrith
- Beacon Edge, Penrith