

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2371/0F1
2.	Proposed Development:	CHANGE OF USE FROM A PRIVATE FIELD TO A COMMUNITY GARDEN - THIS WILL INCLUDE REFURBISHMENT OF HARDSTANDING (FORMER CAR PARK) AND DEVELOPMENT OF ALLOTMENTS AND COMMUNITY GARDEN INCLUDING THE SITING OF TWO STORAGE CONTAINERS
3.	Location:	LAND TO THE REAR OF CHURCH ROAD/MAIN STREET, DISTINGTON
4.	Parish:	Distington
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Cycliffe 3KM, PROWs - Public Right of Way
6.	Publicity Representations &Policy	See Report
7.	Report: Site and Location <p>This application relates to a parcel of land to the rear of Church Road and Main Street in Distington.</p> <p>The land is surrounded by residential properties to the north, east and south and a Primary School to the west.</p> <p>Access to the site is from a small access road running between 10 and 11 Church Road.</p> Relevant Planning Application History <p>Prior notification of proposed demolition of dwellings - former stewards accommodation and</p>	

the Royal British Legion, approved in July 2011 (application reference 4/11/2409/0F1.

Proposal

This is a full planning application for the establishment of a community gardening initiative and allotments on the land. The proposal includes the siting of two storage containers, parking and hardstanding, grassed areas, picnic benches, two storage containers, a meadow, a composting bay and the allotments sectioned off with perimeter fences or post and rope.

The scheme is designed to offer therapeutic benefits and food to those who need it in an environmentally friendly way.

The project will be funded by Big Local – a National Lottery funded organization

Consultation Responses

Distington Parish Council

No objections.

Highways and Local Lead Flood Authority

1st response

In principle there are no objections to the proposal from a highways or LLFA perspective, however there is some further information and recommendations that the applicant needs to consider.

Highways

The use of the existing access even with occasional use will likely be an increase over what is current, however we do not believe this will have a material effect on existing highway conditions.

The proposed access road as presented has a variable width of 4.0 metres and 5.0 meters along its length.

We do recommend that the applicant widen the access to 4.8m and maintain this width for 15 metres then reduce down to 3.7m into the site, the reduced access should be centralised to allow better visibility whilst entering and exiting the site, this will also allow vehicles to pass without having to reverse back out into the highway.

It should be noted that Public Right of Way FP 404021 passes along the western boundary of the development site.

The applicant must be advised that:



Cumberland Council

- The granting of planning permission would not give the applicant the right to block or obstruct the right of way shown on the attached plan.
- The right of way as shown on the definitive map and statement must be kept open and unaltered for public use until an order made to divert, stop up or to temporarily close it has been confirmed.

There is no provisions for cycles we would ask that you demonstrate they are providing space to park cycles.

LLFA

There are no detailed plans that have been submitted to show the surface water management that the applicant will administer within the site, how does the carpark and tarmac area drain at present? If installing soakaways we would advise not to be positioned in close proximity to the highway – which should be at least 5m away from the highway and property.

In light to the above comments additional details are required from the applicant.

Upon receipt of the amended plans I shall be better placed to provide full response.

2nd response

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference and I can confirm that we have no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

Countryside Access Officer

No response received within the consultation period.

Electricity North West

No response received within the consultation period.

Resilience Unit

1st response

There are no objections to the proposed works.

2nd response

There are no objections to the proposed works.

Natural England

No response received within the consultation period.

United Utilities

1st response

Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan PRIOR TO DETERMINATION of this application.

Should planning permission be granted without the provision of this information we request the following condition is attached to any subsequent Decision Notice:

CONDITIONS

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- II. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- III. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- IV. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- V. Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

2nd response

We request the following drainage condition is attached to any subsequent approval:

CONDITION

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- I. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
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3rd response

Further to our review of the submitted Drainage Plan (DCG_06, dated 09/01/25), United Utilities note there is no formal drainage connections required for the proposals - this is acceptable to United Utilities and we confirm we no longer require the drainage condition we previously requested.

However, we still request clarity on the proposed planters - as per our previous response, United Utilities request confirmation of the actual manhole locations are shown in relation to the proposed planting boxes and that the manholes/chamber access points are not covered by any of the proposals. We also request that the planting boxes proposed near the access are to be liftable/moveable should we ever need to dig down to the sewers.

4th response

Following review of the submitted Drainage plan, DCG_06A Rev A 21.01.2025, United

Utilities would request information specific to the proposed planters at the site entrance. The applicant has not provided detail on the proximity of the proposed planting boxes at the site entrance to manhole/chamber access points or whether these planters are liftable/movable.

Environmental Health

There are no objections from Environmental Health to the proposed amendments of this application.

It is noted that the plan to use the site for motor homes has now been withdrawn.

Sport England

1st response

The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306) and, therefore, Sport England has not provided a detailed response in this case

2nd response

Sport England has no comments to make on this additional information consultation. Therefore, please refer to Sport England's previous responses for our current position on this application which for the benefit of doubt have not been superseded and remain extant.

Public Representation

The application has been advertised by way of a site notice and neighbour notification letters issued to 43 properties.

During the first consultation, 2 objections were received raising the following concerns:

- The siting of the picnic benches raises security concerns;
- The parking of motorhomes and caravans will create amenity issues for neighbouring properties;
- Anti-social behaviour issues from the perimeter path;
- Negative effects on residential amenity from the access path;
- The pedestrian gates remaining open will have an effect on space for bins to be put out;
- Concerns around funding for ongoing maintenance.

3 letters of support were also been received.

During the second consultation, 2 letters of support were received.



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Planning Policies

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan:

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 – 2039 (LP)

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this proposal are:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Policy DS5: Hard and Soft Landscaping

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy DS8: Soils, Contamination and Land Stability

Strategic Policy SC1: Health and Wellbeing

Policy SC2: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC5: Community and Cultural Facilities

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N12: Protected Open Spaces

Strategic Policy N13: Local Green Spaces

Policy CO5: Transport Hierarchy

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG).

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Cumbria Development Design Guide (CDDG).

Assessment

Principle of Development

The land subject to this application is identified in Strategic Policy DS2 as being within the settlement boundary for Distington. Distington is designated as a Local Centre under Policy DS1 where small scale development is encouraged.

Policy SC1 promotes health and well-being by supporting a range of development types including new sports, cultural and community facilities.

Policy SC2 seeks to protect and enhance existing sports and leisure facilities. Proposals resulting in the loss of a sports or leisure facility will only be permitted where there is fully justified and supported by the most up to date evidence.

Policy SC5 seeks to protect existing community and cultural facilities.

Policy DS4 of the LP seeks to achieve a high standard of design whilst Policy CO7 of the LP ensures that developments are accessible for all and include sufficient parking.

This application for a community garden for wellbeing and education will provide a community facility in an appropriate location. The site is considered to be sufficiently sized and sited for this venture.

Concerns were raised with regards to the funding for ongoing maintenance of the site. As a result, the Applicant submitted a Maintenance and Management Plan detailing the ongoing funding from partnerships and the letting of single allotments and rental. No further objections were received on receipt of this information.

It is considered that the use should be considered to be acceptable in principle in this sustainable location and will bring many benefits to its users.



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Scale and Design

Policy DS4 outlines the requirement for new development to meet high-quality standards of design, including measures such as: creation and enhancement of locally distinctive places sympathetic to surrounding context; use good quality building materials that reflects local character and vernacular, sourced locally where possible; support good health and well-being by incorporating high quality, inclusive and useful open spaces and providing high levels of residential amenity; create layouts that encourage walking and cycling; provision of safe and accessible pedestrian routes; create opportunities that encourage social interaction; be of flexible and adaptable design; maximise solar gain; and, address land contamination and land stability.

The development utilizes a piece of land that cannot be seen from public viewpoints and includes physical structures that are in keeping with the use proposed. In accordance with Policy DS4 the development supports health and wellbeing.

Concerns were raised in relation to the siting of the picnic benches and whether these would create a disturbance for the surrounding neighbouring properties. As a result, these were moved further into the site away from the surrounding dwellings. No further objections were received following an additional consultation period.

The perimeter path is considered to be acceptable. The site is currently fully open for any walkers to utilize and it is unlikely that there will be a material change.

On balance and given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context.

Access and Parking

Policy CO5 details the Transport Hierarchy and prioritises sustainable methods of transport such as walking, cycling and public transport. Policy CO7 of the LP requires that new development provides adequate parking provision.

The site is within Distington which has frequent transport links with the surrounding area. There is ample parking available within the site, with on street parking also available in the local vicinity.

Sustainable transport methods such as walking and cycling are possible due to the location within Distington.

The initial application included overnight parking for camper vans and caravans. This feature was removed due to objections from local neighbours and concerns raised by Highways. Furthermore, concerns were raised that the pedestrian entrance would have a negative effect on the neighbouring amenity. As a result, the gates were moved away from the surrounding residential properties. No further objections were received as a result of an additional consultation period relating to these changes.

Cumberland Council – Highways have assessed the proposals and raised no objections from a highway perspective. It is considered that there will not be a material effect on the existing highway conditions.

The proposal is considered to comply with policies relating to access and parking within the Local Plan.

Flood Risk and Drainage

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

Policy DS4 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

The site is situated within Flood Zone 1, therefore not being at significant risk of flooding. However, due to the increase in impermeable areas it recommends that new surface water drainage infrastructure is required.

A Drainage Strategy has been submitted. This details swales and permeable areas with all of the drainage being contained within the site. United Utilities initially raised concerns regarding planters being sited on top of their assets. A suitably worded planning condition can be utilized to ensure that this does not happen and the manholes are always clear for maintenance.

Cumberland Council – LLFA have confirmed no objections to the drainage strategy proposed and consider that there is unlikely to be a material effect on site or elsewhere due to the development.

Overall, the drainage is considered to comply with Policies DS6 and DS7 of the Copeland Local Plan.

Biodiversity Net Gain and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024.

The application included the submission of a BNG metric which showed a greater than 10% net gain. A suitably worded planning condition can be imposed to any approval to ensure that the BNG is implemented and maintained for a 30 year period.



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	<p>The Planning Balance</p> <p>The Application Site is located within the settlement boundary for Distington which is designated as a Local Centre in the settlement hierarchy set out in Policy DS1. It is a suitable location for this form of development. This is given great weight.</p> <p>This project will promote health and well being and will provide education for a wide range of users. This is given great weight.</p> <p>Given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context. It has been designed to limit the impact on public viewpoints. This is given moderate weight.</p> <p>The development has a good level of connectivity and is accessible on foot, cycle and bus from local destinations. It has been demonstrated and assessed by Cumberland Council – Highways that the impact of the development on the local highway network and parking provision are acceptable. This is given great weight.</p> <p>The development will provide an uplift greater than 10% for biodiversity net gain. This is given great weight.</p> <p>In overall terms, the development is considered to represent a sustainable form of development which is in conformity with the requirements of the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"><p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p><p>Reason</p><p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p><p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p><p>Application form, received 30th October 2024; Site Location Plan, scale 1:1250, drawing number DCG_01, received 30th October</p>

2024;
Proposed Layout, scale 1:400, drawing number DCG_03C, received 11th December 2024;
Proposed Details, drawing number DCG_04, received 30th October 2024;
Habitat Plan, scale 1:400, drawing number DCG_05, received 30th October 2024;
Habitat Management and Monitoring Plan, received 30th October 2024;
Design and Access Statement, received 30th October 2024;
Maintenance and Management Plan, received 11th December 2024;
Drainage Plan, 1:400, drawing number DCG_06A, received 21st January 2025.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. All manholes and chamber access points must remain clear of obstruction at all times.

Reason

In order to ensure that drainage can be accessed at all times for maintenance in accordance with Policies DS6 and DS7 of the Copeland Local Plan.

4. The habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan, received 30th October shall be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan, received 30th October for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of Policy N3 of the Copeland Local Plan, the National Planning Policy Framework and The Environment Act 2021.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority



Cumberland Council

	Statement The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.
Case Officer: S. Papaleo	Date : 18/02/2025
Authorising Officer: N.J. Hayhurst	Date : 20/02/2025
Dedicated responses to:-	