

Unit 14 Parsons Court
Welbury Way
Aycliffe Business Park
Newton Aycliffe
DL5 6ZE

23 September 2024

Dear Sir/Madam

**LOCATION: LAND AT CHURCH ROAD, DISTINGTON
PROPOSAL: CHANGE OF USE FROM A PRIVATE FIELD TO A COMMUNITY GARDEN
APPLICATION REFERENCE: PAA/24/0033**

Thank you for your pre-application request form which was received on the 28th August 2024.

Does the Proposal require Planning Permission?

I have now had the opportunity to review the site on the Council's GIS mapping system and the information submitted as part of this enquiry. I would advise that planning permission will be required for the change of use of a private field to a community garden.

Planning Policy

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 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.

I would advise that the following policies of the adopted Copeland Local Plan 2013 – 2028 relevant to this proposal are as follows:

- Policy ST1 – Strategic Development Principles

- Policy ST2 – Spatial Development Strategy
- Policy SS4 – Community and Cultural Facilities and Services
- Policy DM10 – Achieving Quality of Place
- Policy DM21 – Protecting Community Facilities

You can access the Copeland Local Plan 2013 – 2028 using the link below. This contains details of the relevant policies listed above.

http://www.copeland.gov.uk/sites/default/files/attachments/copeland_local_plan_2013_2028.pdf

Cumberland Council are continuing the preparation and progression to adoption of the Emerging Local Plan which will replace the current adopted Plan.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has identified a number of amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024. The Planning Inspectors Final Report is awaited.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the advanced stage of preparation of the ELP full weight can be attached to policies where no objections have been received or objections have been resolved. Once the consultation on the main modifications to the ELP is complete significant weight can be afforded to the policies of the ELP where modifications are proposed.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development
 Strategic Policy DS3PU: Settlement Hierarchy
 Strategic Policy DS4PU: Settlement Boundaries
 Policy DS6PU: Design and Development Standards
 Policy SC5PU: Community and Cultural Facilities

Pre-Application Advice

Policy ST1 seeks to support development that provides or contributes to the Borough's social and community infrastructure.

Policy SS4 sets out that the range of services and facilities serving the Borough's communities should be protected and improved by encouraging the provision and retention of good quality services and facilities which meet the needs of local communities and are accessible by public transport, cycling or on foot; and, allowing the expansion and / or enhancement of existing community and cultural facilities to assist continuing viability. Policy SC5PU of the Emerging Local Plan also seeks to protect, retain and create important community and cultural facilities.

Policy DM10 of the CS and DS6PU of the ELP expects high standards of design and the fostering of quality places.

In principle, the Council would be supportive of an application to create a community garden on this site. The brownfield site would benefit from being brought back into use and the proposed use is likely to create minimal impact on the surrounding residential properties.

All applications are subject to consultation with statutory consultees and local residents that lie adjacent to the site.

Submitting an Application

For an application of this nature to be validated you will need to submit the following:

- The Full Planning Application Form;
- The planning fee;
- Site Local Plan;
- Block Plan;
- Details of the proposed development;
- Details of any buildings (including polytunnels);
- Details of car parking;
- Details of any drainage;
- Information to satisfy Biodiversity Net Gain legislation including the completed matrix;
- Planning Statement.

To submit your application, you can submit the plans and pay online via the planning portal <https://www.planningportal.co.uk/>. Alternatively, you can email the forms and plans to Development.Control3@cumberland.gov.uk or post them to The Market Hall, Market Place, Whitehaven, Cumbria, CA28 7JG.

Response prepared by:	Date:
S Papaleo Development Management – Planning	20/09/2024

Officer	
Response checked by:	Date:
N Hayhurst Head of Planning and Place	23/09/2024

Please note that the advice in this letter is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation which may be made to the Council or any formal decision by the Council.