

Reference No: 24/00191/FULL
Parish: Thelbridge 50



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Mr S Coles
C/o Agent

Name and Address of Agent:

Miss Gabrielle Wilde
XL Planning Ltd
1 Fore Street
Cullompton
Devon
EX15 1JW

Date Registered : 12th February 2024

Date of Permission : 5th June 2024

Proposal: Erection of extension, to include village shop and cafe/restaurant, and installation of electric charging point

Location: Nomansland Cricket Club Gratten Park Nomansland Tiverton

Site Vicinity Grid Ref: 283420/113871

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. Prior to commencement of any part of the site the Local Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
 - (a) the timetable of the works;
 - (b) daily hours of construction;
 - (c) any road closure;
 - (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
 - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
 - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
 - (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway

for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

The development shall be carried out in accordance with the approved construction management plan at all times.

4. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
5. No amplified or other music shall be played in, or immediately adjacent to, the building in such a way that it is audible beyond the boundary of the site after 11pm on any night, other than during community fund raising events when music noise should be inaudible after midnight. For the avoidance of doubt, "Inaudibility" is defined as the specific music noise level which does not exceed the typical background noise level.
6. The shop, café/restaurant and electric charging point hereby permitted shall be used in connection with the existing cricket club business operating at Nomansland Cricket Club and shall at no time be let, sold or otherwise be disposed of as a separate business unit.
7. The extension shall only be used as a shop and cafe and associated ancillary uses, and for no other purpose including any other use within Class F.2 (Local community) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The shop and café/restaurant area hereby approved shall be used in conjunction with the cricket club business and shall not be sold or operated separately.
8. The shop hereby permitted shall only be open to the public between the hours of 07.00 to 20.00 Monday to Sundays including Public Holidays.
9. The café/restaurant hereby permitted shall only be open to the public between the hours of 07.00-22.00 Monday to Saturday and 07.00-20.00 on Sundays and Public Holidays.
10. The materials to be used for all the external surfaces of the building shall be in accordance with the details outlined within the Planning, Design and Access Statement. Details for any proposed changes to the materials outlined would need to be submitted to and approved in writing by the Local Planning Authority, with the development carried out in accordance with the approved materials and shall be so retained.
11. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the proposed Concept Site Plan, drawing number CLBSP/2024 Rev B. Following their provision these facilities shall be maintained for the lifetime of the development.
12. Prior to first use of the development hereby approved, a Ball Strike Risk Assessment shall have been carried out with the assessment submitted to the Local Planning Authority to be agreed in writing. Any identified subsequent mitigation measures shall be implemented within the first three months of first use of the development.
13. Within three (3) months of the substantial completion of the development hereby approved, at least one bat box and/or one bird nesting box, shall be installed on the building or on a

nearby tree, at least 3m above ground level. These biodiversity enhancement measures shall thereafter be retained and maintained for the life of the development.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the proposed development does not adversely affect highway safety or its users in accordance with Policies DM3 and DM5 of the Mid Devon Local Plan 2013-2033. This is required to be agreed prior to commencement of development to ensure that appropriate measures are in place to avoid adverse impacts on highway safety or its users, during demolition and construction.
4. To promote sustainable travel in accordance with the Mid Devon Local Plan 2013-2033.
5. To protect the amenity of local residents from music noise in accordance with Policy DM1 of the Mid Devon Local Plan 2013-2033.
6. In accordance with the applicant's submission and having regard to the site location in accordance with Policies S14, DM17 and DM18 of the Mid Devon Local Plan 2013- 2033.
7. Having regard to the site location and to safeguard the character, appearance and amenities of this rural location in accordance with Policies S1, S14, DM17 and DM18 of the Mid Devon Local Plan 2013- 2033.
8. In accordance with the applicant's submission and to safeguard the character and amenities of the countryside and neighbouring occupiers in accordance with Policies S14 and DM1 of the Mid Devon Local Plan 2013-2033.
9. In accordance with the applicant's submission and to safeguard the character and amenities of the countryside and neighbouring occupiers in accordance with Policies S14 and DM1 of the Mid Devon Local Plan 2013-2033.
10. To ensure the use of materials appropriate to the development in order to safeguard the visual amenities of the area in accordance with Mid Devon Local Plan 2013-2033 Policies S9 and DM1.
11. In the interest of highway safety, and to ensure that adequate on-site facilities are available for traffic attracted to the site in accordance with Policy DM5 of the Mid Devon Local Plan 2013-2033.
12. In view of the potential increased footfall coming to the site, the ECB recommends that the applicant commissions a Ball Strike Risk Assessment via Labosport to inform of any ball strike risks and mitigation before any works commence as the proposed increased parking exacerbates the risk of damage.
13. A condition to enable biodiversity net gain within development in accordance with Mid Devon Local Plan 2013-2033: Policy S9 Environment and national policy.

INFORMATIVE NOTE:

1. Advice to applicant from South West Water:
There is a public water main in the vicinity of the site. No development will be permitted within 3 metres of the water main and ground cover should not be substantially altered. Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant or agent is advised to contact South West Water Developer Services Planning Team to discuss this matter further, prior to starting works.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The application for the erection of extension, to include village shop and cafe/restaurant, and installation of electric charging point is considered to be supportable in policy terms. The provision of a local shop facility for the community is considered to be supportable in this location in accordance with Policies DM17 and DM23, as is the proposed extension to provide a café/restaurant to improve on the facilities for the cricket club. Whilst the extension to the existing cricket club will have an impact on the immediate street scene, having regard to the site context it is not considered the impacts would be unacceptable. It is considered that the likely impacts arising to neighbouring occupiers can be managed by conditions. There are no concerns in terms of highways impacts. The proposal is not likely to result in harm to protected species. Overall it is considered that the development is supportable in accordance with Policies S1, S9, S14, DM1, DM2, DM5, DM17, DM18 and DM23 of the Mid Devon Local Plan 2013-2033 and government advice in the National Planning Policy Framework.

BIO DIVERSITY NET GAIN

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Mid Devon District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024

Statement of Positive Working

In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

DEVELOPMENT PLAN POLICIES:

Mid Devon Local Plan 2013 – 2033

S1 - Sustainable development priorities

S9 - Environment

S14 - Countryside

DM1 - High quality design

DM2 - Renewable and low carbon energy

DM3 - Transport and air quality

DM4 - Pollution

DM5 - Parking

DM17 - Rural shopping

DM18 - Rural employment development

DM22 - Tourism and leisure development

DM23 - Community facilities

DM24 - Protection of Local Green Space and recreational land/buildings

DM25 - Development affecting heritage assets

DM27 - Protected landscapes

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Site Location Plan	CSP/2024 Rev B (rev C)		23/04/2024
Proposed	PEL2/2024 Rev B (Rev C)	Elevations II	23/04/2024
Block Plan	CLBSP/2024 Rev B	Concept Site Plan	23/04/2024
Proposed	PFP/2024 Rev B (Rev C)	Floor Plans	23/04/2024
Proposed	PEL1/2024 Rev B (Rev C)	Elevations I	23/04/2024
Proposed	COV/2024 rev B (Rev C)	Cycle Store	23/04/2024

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Signed:



Angharad Williams
Development Management Manager

Date: 5th June 2024

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.