



**PLANNING REF: 0915/22/FUL**

**DESCRIPTION: Erection of replacement beach shower/toilet block, replacement village sewage treatment plant, new residents/mooring holders car park and new parking, ANPR system and associated signage on the beach road and car park.**

**ADDRESS: Land off Bantham Beach Road Bantham.**

4<sup>th</sup> July 2022

## **LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY**

### **The South Hams Society interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

### **New residents/mooring holder's car park and new parking.**

The proposed car park includes an extension to permission **55/0037/06** already justified and approved. The car park extension area has been a construction pound since 2018 and is controlled by planning conditions to remove the compound and provide biodiversity gain.

### **The Compound 2021.**



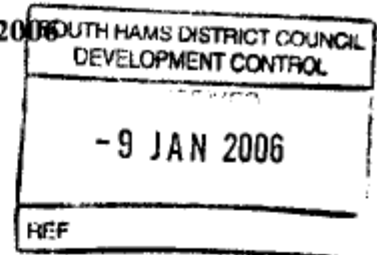
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## EVANS ESTATES (1956) LTD

Application for Planning Permission dated 6th January 2006



5570037/06

### EXTRA INFORMATION

#### Introduction

In April 2003 changes in the occupation of agricultural land at Bantham enabled Evans Estates (1956) Ltd to make arrangements for the use of a small area of land at Bantham Ham Gate extending to approximately 0.15 acres for car parking by the residents of 11 tenanted cottages on the Estate. This land, which is fenced off from the adjoining field, is shown approximately edged in red on the 1:2500 scale plan attached to this planning application. Only part of the land within the fenced area is used for car parking. The reasons for the Estate Company's actions were as follows :-

1. It is the policy of the Estate Company to let its residential dwellings to people who work in the South Hams. On account of the lack of any public transport facilities at Bantham people have to use cars to get to work and, where couples occupy cottages, both tend to work and therefore need separate vehicles. In recent years the numbers of car owning tenants has increased and there has been a need to provide a suitable car parking facility to accommodate this increase.

2. Because Bantham is one of the most popular holiday destinations in the South Hams and offers wonderful beach and bathing facilities traffic movements up and down the street can be heavy, especially at peak times in the summer months. Car parking in the street between May and September inclusive is prohibited. As none of the tenanted cottages referred to enjoy curtilages within which cars can be parked this means that during the period at least between May and September the occupiers have to walk to their cars and, the further away that cars are parked on Bantham Ham, the more difficult it becomes to carry children, fuel, shopping etc. The walking distance for the occupiers of cottages furthest away from Bantham Ham Gate and using the facilities the subject of this planning application is no less than 225 yards.

A related issue is that, even when it is legal to park a car on the street, cottage tenants will be aware of the importance of not obstructing the street in the event of the emergency services needing to get past, for example fire engines (some 8 cottages in the village are thatched, quite apart from other thatched buildings in the vicinity), or ambulances attending casualties on Bantham Beach. They have therefore co-operated with the Estate Company in keeping car parking in the street to a minimum for the benefit of the community.

It should be noted that visitors to the well known Sloop Inn also park in the street when permitted to do so and can thus compete for the existing space with local residents.

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There is therefore a need to provide a car parking facility at an easily accessible point for the tenants of the Estate Company's cottages in Bantham who are unable to park cars on, or outside, their properties. The site which is the subject of this planning application is considered to be an ideal site for the use for which planning permission is being sought.

3. Traditionally Bantham Ham has been used for car parking by visitors, either holiday makers or people living in the South Hams who visit the Estate regularly for recreational and other purposes. The pressures from such visitors continue to increase and there is a limit to the amount of space which can be provided for car parking on the Ham.

It is felt by the Estate Company that there is a need for a defined area for car parking designated solely for use by tenants of the Company's cottages which the tenants know will always be available at whatever time of year and where their cars can be left in relatively secure surroundings.

4. The site occupies a rocky spine just west of the Bantham Estate Workshop which is of minimal agricultural importance and is well screened by means of a stone wall from the public footpath running westwards from the Ham Gate to Thurlestone. It is not overlooked by any residential properties. There is an existing gate into the site which has been used by the Estate Company's employees for years as a vehicular access to the back of the Estate Workshop and yard and by its tenants of the adjoining agricultural land. There is no other site in Bantham which is so convenient for the parking of cars by tenants of cottages and where the impact of such a use will be least intrusive in landscape terms.

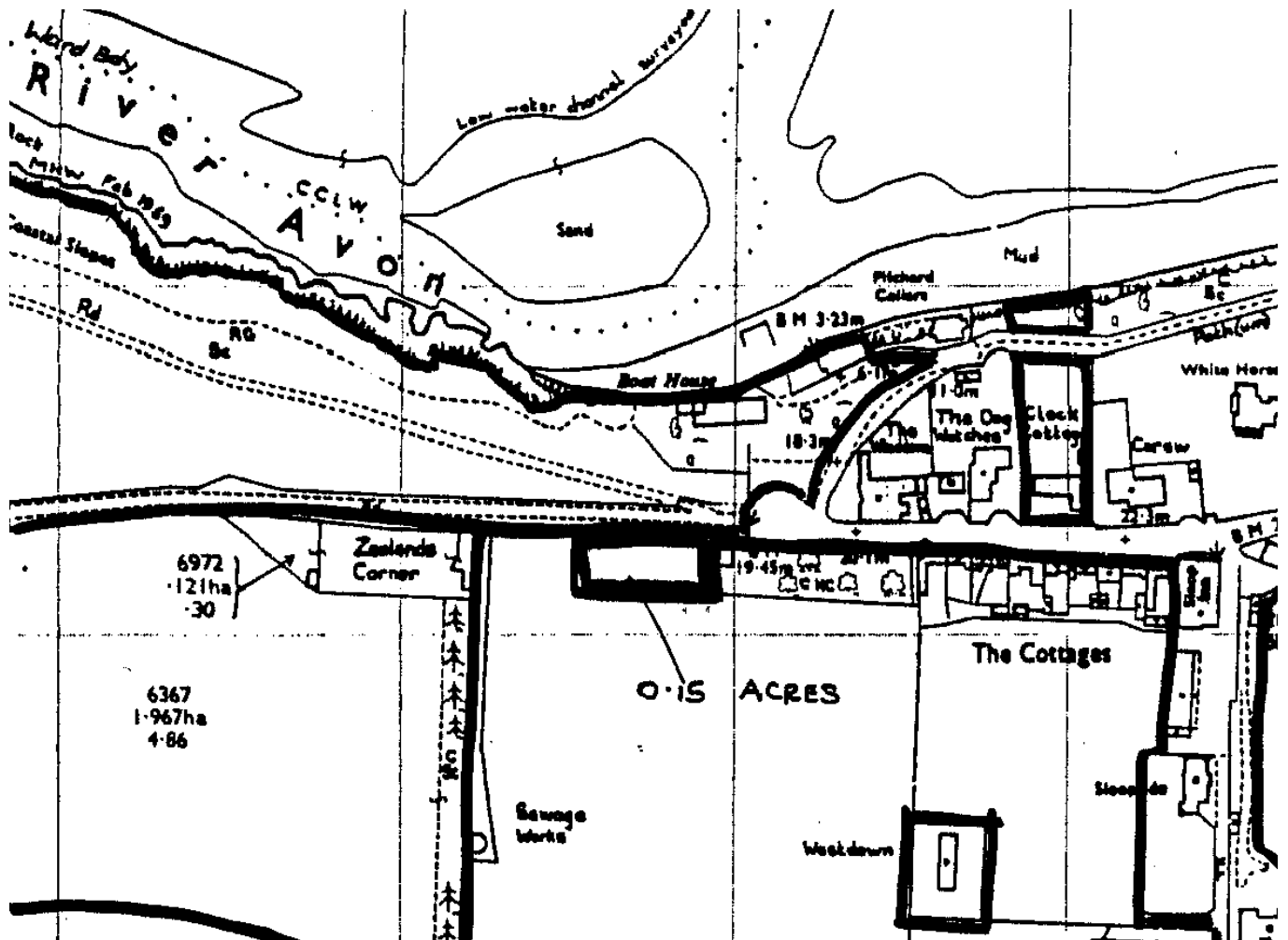
5. If planning permission is granted for the use in respect of which this planning application is being submitted, the Estate Company is prepared to give undertakings that the land will not be used other than by its cottage tenants. Furthermore the Estate Company would be prepared to carry out any landscaping works which the Local Planning Authority might consider appropriate given that the land is situated within an Area of Outstanding Natural Beauty.

It should be pointed out that as Landowner of a large part of Bantham the applicant has for many years pursued estate management policies designed to enhance the beauty of the landscape both for the benefit of local people and those from further afield and therefore enjoys an established track record in working to achieve sensitive development in partnership with the statutory authorities.

JSA/LW/E1/4e

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It is obvious to conclude that exceptional reasons for local residence parking use was fully justified and required to permit the existing car park approval.

The applicants also gave a categorical undertaking (5) that were permission to be granted, the land would only be used by the cottage tenants. Had that undertaking not been given it is possible consent would not have been given.

The extension area is part of the landscaping scheme submitted for the Harbour Office development reserved matters application **2959/21/ARC** approved on the 21<sup>st</sup> September 2021 and we refer the LPA to paragraph 1 of that written approval for the details.

It is unacceptable practice to submit a planning proposal with an area included for biodiversity gain only to then propose that this area is turned into a car park less than twelve months later.



The planning conditions for the harbour office state (0227/20/FUL):

**‘2. In relation to the “compound” and all structures and fixings within (portacabins, WC, fencing, geotextile membrane, hard-core and building materials), this permission is for a temporary period of 18 months from the date of this decision notice, after which the compound shall be cleared.**

*Reason: Permission is only granted having regard to the special circumstances of the case and in the interests of amenity.*

**3. The removal of the portacabins, W/C unit, fencing and geotextile membrane and hard-core as required by condition 2, and the **land restoration shall accord with the details shown on drawing 435 100 Rev P2, and timescales in condition 6, unless otherwise agreed in writing.****

*Reason: In the interests of visual amenity of this sensitive site in the AONB.*

**4. The development hereby approved shall in all respects accord strictly with the following drawings:**

*Received 24th January 2020; Location Plan 435 101 Rev 01*

*Received 23rd October 2020; Landscape Layout **435 100 Rev P2***

*Received 5th January 2021; 1805 PL01 Rev C, 1805 PL02 Rev C, 1805 PL03 Rev B, 1805 PL04 Rev B, 1805 PL05 Rev B*

*Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.’*

The decision is dated 5<sup>th</sup> March 2021, and the Society would expect re-instatement as per the planning permission agreements to provide the biodiversity gain.

The Compound 2009.



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New Estate & Harbour office; and granting of temporary 18 month consent for continued use of land for siting of portacabins and associated parking of vehicles for use as temporary estate office (area inside red ring).



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**ANPR system and associated signage on the beach road and car park.**

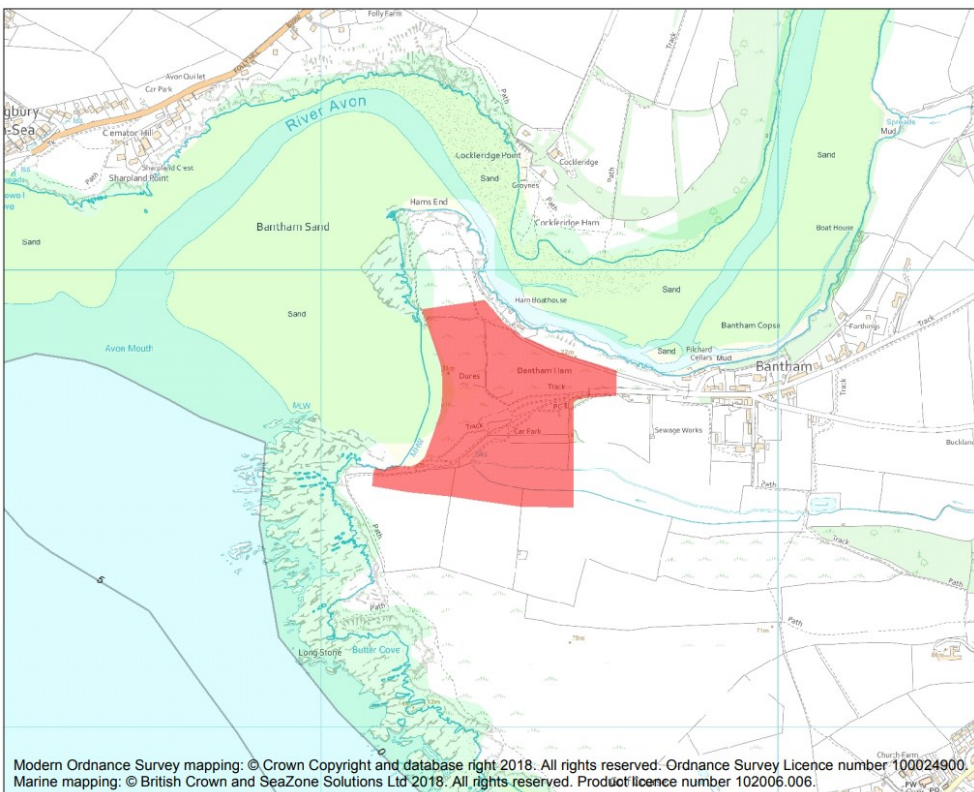
The South Hams Society **object to the installation of the paystations and signage** onto the open site of the beach parking area requiring, quote *‘electricity and data cables to serve the paystations to be laid in an existing services trench which broadly follows the road in order to minimise risk to disturbance of any potential archaeological remains’*. The only service that the Society is aware of is the water supply to the toilet block. Proposed paypoint ‘B’ appears to be situated in the ‘overflow’ car park.

All visitors’ vehicles have only one way in and out of the site.

There can be no justification for installing Paystations and associated signage into the open parking site area to the further visual detriment of this sensitive location and any infrastructure should be retained at the current ticket office entrance area where customers have historically paid.

We consider the increase in payment facilities to be linked to a permanent car park expansion across the Scheduled Monument site.

**The Scheduled Monument area.**



<b>Heritage Category:</b>	Scheduling
<b>List Entry No :</b>	1019322
<b>County:</b>	Devon
<b>District:</b>	South Hams
<b>Parish:</b>	Thurleston

Each official record of a scheduled monument contains a map. New entries on the schedule from 1988 onwards include a digitally created map which forms part of the official record. For entries created in the years up to and including 1987 a hand-drawn map forms part of the official record. The map here has been translated from the official map and that process may have introduced inaccuracies. Copies of maps that form part of the official record can be obtained from Historic England.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions. All maps and grid references are for identification purposes only and must be read in conjunction with other information in the record.

<b>List Entry NGR:</b>	SX 66379 43701
<b>Map Scale:</b>	1:10000
<b>Print Date:</b>	21 June 2022

The whole car park site now has fixed lines of posts installed including the overflow car park.

The overflow car parking in the southern field has no planning permission record, is not recorded as a parking area by the District Council and is part of the Scheduled Monument area.

Work was carried out on the area in February 2022 with an excavator.





The installation of permanent car parking features onto the unauthorised overflow parking area must mean that there has been a permanent change of use of land to car parking.

Excavator working throughout the site during February 2022 with many posts fixed in lines across the scheduled monument.



June 2022 (evening approximately 8.30 PM).







2015



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2021



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### *'Obtaining Scheduled Monument Consent*

*Consent for works is granted by the Secretary of State and must be given in writing before works are started. Consent cannot be given retrospectively, and undertaking works before consent has been given is a criminal offence'.*

The Society asks the LPA to confirm whether planning approval is required for permanency of the car park extension and, if so, whether consent has been obtained for the overflow car park with the fixed multiple posts and whether consent has ever been sought from the Secretary of State for work to be carried out in the overflow area of the scheduled monument.

The Society also brings to the attention of the LPA that an area has been marked out for helicopter landing use in an area of open land 140 metres from the settlement boundary of Bantham, less than 70 metres from a public right of way.

We believe that as it is open farm land, and that the location is close to the settlement of Bantham, this use should have been subject to a planning permission request.

### **Erection of replacement beach shower/toilet block.**

*'Conventionally in construction the building footprint is the area of a building measured from the outer surface of the exterior of the building multiplied by the depth measured in the same manner to give a square area'.*

Based on conventional wisdom we conclude the footprint area is as follows:

Existing toilet block area is 36 m<sup>2</sup>.

The proposed toilet block & shower is 60 m<sup>2</sup>.

This equates to an increase of 60% in footprint size of the building and the Society consider this foot print increase excessive, impacting upon what already is a prominent building in the landscape. We would welcome a more environmentally considerate façade to lessen the visual impact of the toilet block.

### **Replacement village sewage treatment plant**

The Society believes that it should be possible to restrict the access road to its current location once the existing sewage infrastructure is removed, accepting that there may be temporary requirements for installation.

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The relevant development plan policies are set out below:

### **Duty of regard for the AONB purpose**

In considering this application, the Local Planning Authority is reminded of its overriding statutory 'duty of regard' for the purpose of conserving and enhancing the natural beauty of the South Devon AONB required by s85 to The Countryside and Rights of Way Act 2000.

### **National Planning Policy Framework**

The following paragraphs are relevant to this proposal.

176. "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) **assets of the highest significance, notably scheduled monuments**, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, **should be wholly exceptional**.

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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### **The Plymouth & South West Devon Joint Local Plan.**

SPT1 Delivering sustainable development  
SPT11 Strategic approach to the historic environment  
TTV26 Development in the Countryside  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV24 Undeveloped coast and Heritage Coast  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV32 Delivering low carbon development

### **Thurlestone Parish Neighbourhood Plan 2015-2034**

The site is within the Thurlestone Neighbourhood Plan area. This plan has been made and therefore forms part of the development plan.

TP1 General Development Principles  
TP22 Natural Environment  
TP23 Coastal Management

### **South Devon AONB Management Plan**

#### **Lan/P1 Character**

The special qualities, distinctive character and key features of the South Devon AONB landscape and South Devon Heritage Coast will be conserved and enhanced.

#### **Lan/P5 Skyline and Views**

The character of skylines and open views into, within and out of the South Devon AONB will be protected. Suitable alternatives to infrastructure responsible for visual intrusion will be sought with improvements to reduce the visual impact of unsightly past development.

Decision-makers should also take account of the following policy:

#### **Plan/P2 Decision-taking**

Development management decisions will give great weight to the purpose of conserving and enhancing the natural beauty of the South Devon AONB; and support development that is appropriate and proportionate to its setting within or adjacent to the South Devon AONB by seeking to avoid, minimise or as a last resort compensate, for harm to the special qualities and distinctive characteristics of the AONB.

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November 2020



It is now 20 months since the land owner positioned a 12 tonne excavator above the Coronation Boathouse to clear the bank of the vegetation. Yet access to the shore remains via steps, platforms and a steep wooden ramp across a building. This is completely unsatisfactory when compared to the Public Right of Way road slope that should be in use.



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The Society asks the District Council to liaise with the County Council and the land owner to seek a reopening of the proper route to the ferry steps.

For the reasons contained in this letter, the Society politely requests that this planning application is refused.

The further increases in parking at Bantham Ham is increasing traffic movements on the Bantham Road to the village. There has been a proliferation of multiple road signs installed, instructing vehicle users how to drive. This increased traffic is resulting in visual and material harm to the Bantham Road and Scheduled Monument area.



For and on behalf of the South Hams Society,  
Richard Howell.  
Chairman.