

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install memorial bench (Protected Monument).

LOCATION: Mont Chinchon Battery, Rue Du Catioroc, St. Saviour.

APPLICANT: Ms L Cristofolletto

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 15/03/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Block Layout Plan, annotated Orthophotographs, annotated photograph (all date stamped received 9th March 2023).

Application Ref: FULL/2022/1500

Property Ref: E010880000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Prior to any engraving of the bench or installation of a plaque, details of that engraving or plaque shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the engraving/plaque would not impact on the functionality of the bench.

Expiry Date: This permission will cease to have effect on 14/03/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/1500
Property Ref: E010880000
Valid date: 05/09/2022
Location: Mont Chinchon Battery Rue Du Catoroc St. Saviour Guernsey
Proposal: Install memorial bench (Protected Monument).

Applicant: Ms L Cristofolletto

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Prior to any engraving of the bench or installation of a plaque, details of that engraving or plaque shall be submitted to and agreed in writing by the Authority. The development shall be carried out only in accordance with the agreed details.

Reason - The information provided with the application does not include full details of the proposed features. This condition is imposed to make sure that the engraving/plaque would not impact on the functionality of the bench.

OFFICER'S REPORT

Site Description:

The application site is situated Outside of the Centres as defined in the Island Development Plan. The area of land in question is adjacent to a protected monument 'Mont Chinchon Battery'.

Relevant History:

PREA/2022/0208	Erect memorial bench (Protected Monument).
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Existing Use(s):

Land adjacent to Mont Chinchon Battery.

Brief Description of Development:

Planning permission was originally sought to install a granite memorial bench on an area of land immediately adjacent to the Battery.

The bench will consist of natural granite and be 1400mm length x 300mm width x 400-500mm high. The bench will have a rustic and weathered appearance and will mirror the two existing benches on the headland to the north of the Battery, as set out in the applicant's supporting information of 19th July 2022. The application has been accompanied by a letter of support from Culture and Heritage.

The application was deferred to seek clarification over the position of the bench and its method of installation, as some concerns were raised with its close proximity to the protected monument, in terms of any direct effect on the fabric of the monument by its foundations.

The applicant has relocated the bench so that it is positioned further away from the Battery and the headland, and closer to the public footpath. The bench will now be positioned to the south-west of the Battery, by approximately 3.1m as shown on Orthophotograph dated 9th March 2023. Further information has been provided in relation to its foundations. An annotated photograph has also been included.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP1: Landscape Character and Open Land

GP6: Protected Monuments

GP8: Design

Representations:

The Authority has received 4 representations from 2 parties, with 1 party objecting to the proposal and 1 party in favour. Grounds for objection principally relate to the following issues:-

- The proposal will enhance the area and offer visitors to the site, to sit and enjoy the view.
- Prominent modern feature, detract from the protected monument.
- Limited justification for the bench.
- The position of the bench will result in erosion of the vegetation given there is no footpath.
- Safety. Children would be encouraged to play in this area following the installation of the bench.
- Concerns over the design of the bench from the superimposed image of the bench.
- Modern furniture should be resisted near protected monuments, unless it is considered essential by those responsible for their management.

Consultations:

Comments from the States' Archaeologist regarding original scheme:

"I have a brief observation to make on this application. Although I have no objection to the siting of a granite bench at the location shown in the 'Bench location and dimensions' pdf, I would note that this does not correspond to the 'x' marked on the block layout plan, which is to the west of the associated magazine rather than immediately adjacent to the Battery".

Summary of Issues:

- Whether the design of the proposed development is acceptable.
- The impact of the development on the protected monument or the character and appearance of the area.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The revised position of the bench is outside of the protected monument site, but has the potential to affect its setting, therefore the following policy text applies:

“Proposals for development outside of the protected monument site but which affect its setting will be supported where the development does not adversely affect the particular protected monument and proposals accord with other relevant policies of the Island Development Plan.” (Policy GP6, Protected Monuments).

When taking into account its size coupled with its rustic and weathered appearance, the proposal will not have an adverse effect on the setting of the protected monument. In addition, the style of bench will be similar to that installed on the headland as set out in applicant's supporting information of 19th July 2022. Consequently, the design of the bench and its effect on the protected monument is acceptable under Policy GP6 and GP8. Details of the plaque/engraving should however be provided prior to installation to ensure that these are of appropriate scale and nature, and would not impact on the use of the bench.

Due to the limited footprint and means of fixing via two concrete pads, the development is of a minor nature and is not considered to have a significant adverse effect on the landscape. The bench will be set against the backdrop of scrub vegetation which will assimilate the development into its surroundings. In addition, the revised position of the bench is considered to serve a practicable purpose to admire the Protected Monument and wider landscape, which is considered to be justified in light of Policy GP1.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 14/03/23

