

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: Variation to previously approved plans to erect outbuilding/store to east boundary (Protected Monument) - Relocate outbuilding approximately 12.5m to south.

LOCATION: Fort Richmond, Route De La Marette, St. Saviour.

APPLICANT: Bembridge Limited

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: 24/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 28/11/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Robert W Le Page: 6073.wd.03a & 04a

Application Ref: FULL/2024/1955

Property Ref: E005370000

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 on or before 12/12/2025.

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.The developer shall afford access at all reasonable times to the States Archaeologist to undertake a Watching Brief and shall allow him to observe the excavation of any footings for the outbuilding and associated drain to a soakaway and record items of interest and finds.

Reason - The application site is located within an area of known archaeological importance. This condition is imposed to make sure that any features of archaeological interest are recorded.

5.The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/12/2022, issued under planning application reference FULL/2022/1689, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

Expiry Date: This permission will cease to have effect on 12/12/2025 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/2024/1955
Property Ref: E005370000
Valid date: 28/11/2024
Location: Fort Richmond Route De La Marette St. Saviour Guernsey
GY7 9XB
Proposal: Variation to previously approved plans to erect
outbuilding/store to east boundary (Protected Monument) -
Relocate outbuilding approximately 12.5m to south.

Applicant: Bembridge Limited

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 on or before 12/12/2025.

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. The developer shall afford access at all reasonable times to the States Archaeologist to undertake a Watching Brief and shall allow him to observe the excavation of any footings for the outbuilding and associated drain to a soakaway and record items of interest and finds.

Reason - The application site is located within an area of known archaeological importance. This condition is imposed to make sure that any features of archaeological interest are recorded.

5. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/12/2022, issued under planning application reference FULL/2022/1689, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

OFFICER'S REPORT

Brief Description of the site:

Fort Richmond occupies an elevated position on the west coast and is situated on the headland between Perelle Bay and Vazon Bay. Although two storey, it sits down in an excavated area that forms a defensive ditch. This limits its visibility. There is a battery on the western side. Vehicular access is gained up a steep track from Route de la Murette. The track serves an existing dwelling located close to the junction with Route de la Murette, and also a bunker which forms an additional dwelling.

There are existing dwellings to the east and south, but these are at a much lower level.

Fort Richmond is a protected monument. The extent of listing is: *The whole of the exterior and interior of the Fort Richmond site, the moat, gun casement and associated structures The barrack block, guardhouse, artillery store, shifting room, former WCs and the courtyard are excluded from the area of the protected monument.*

Those areas excluded from the protected monument are a protected building. The extent of listing is: *The whole of the building including the barrack block, the guardhouse, artillery store, shifting room, former WCs and the courtyard.*

The summary of significance for both is described as: *Fort Richmond is of outstanding historic interest, high archaeological interest, and moderate architectural interest, and is the only known example of a fortified barracks associated with its nineteenth*

century fortifications in Guernsey. There are also associated pre Victorian and German Occupation (Stutzpunkt Reichenberg) features of significance.

The site is located Outside of the Centres as designated by the Island Development Plan, and within an area identified as having archaeological interest.

Relevant History:

Numerous other applications have been received in recent times however, none are relevant to this current proposal.

FULL/2022/1689 – erect outbuilding/store to east boundary (Protected Monument) - granted

FULL/2019/0385 - Change of use to residential use (Use Class 1) of former Barracks Building. Erect 2nd floor flat roof extension, create 1st floor window to west elevation, and door to 1st floor east elevation. Alterations to fenestration and internal alterations. Install bridge over moat to 1st floor. (Protected Monument and Building) - granted

Existing Use(s):

01 dwellinghouse

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☒	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1 – Landscape Character and Open Land
GP5 – Protected Buildings (setting)
GP6 – Protected Monuments
GP8 – Design
GP9 – Sustainable Development
GP13 – Householder Development

Consultation:

States Archaeologist – The archaeological implications of the revised location for the outbuilding are relatively insignificant.

As I understand it from the plans, the building is set to be relocated on top of the granite setts which were exposed by excavation in 2004, and I believe that these will be left intact. I have no objection to the positioning of the building in this location if the setts are undisturbed.

I note that on drawing 6073.wd.03a there is an indication of drainage for 'rain water taken to a soakaway', and there should be an archaeological watching brief for the excavation of that feature, as implied by the letter submitted with the application.

Conclusion/Brief comment:

The application seeks to vary the previous permission to erect an outbuilding on the site and relates to the revised location of the building, along the east boundary but remaining within domestic curtilage. The size and design of the building remains unchanged.

The Law imposes particular statutory duties under s.30, s.31(1) and s.35(1) in relation to protected monuments and protected buildings, which when read in conjunction with s.14 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, in essence establish a very high bar that proposals for development must overcome in order for planning permission to be granted.

It remains the case that although the land is elevated above the adjoining roads and properties the building in its revised position will not result in harm to residential amenity. The building will not appear as an unacceptable and intrusive feature in the wider landscape having regard to Policies GP8, GP9 and GP13 of the IDP.

The proposed outbuilding will not have an adverse impact on the Protected Monument in line with the aims of Policy GP6 of the Plan. The setting of the adjoining Protected Building will not be harmed.

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

In view of the above it is recommended permission is granted.

Recommendation:

Grant with Conditions



Date: 24/12/2024

