

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: Reinststate/erect retaining wall to south-west of the gun emplacement (Protected Monument).

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: 16/02/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 05/01/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Robert W Le Page: 6073.wd.09

Application Ref: FULL/2022/2370

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 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.

Expiry Date: This permission will cease to have effect on 15/02/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Should the opportunity arise to remove existing backfill from the former German machine gun bunker, converted to a searchlight operating position it is requested that Festung Guernsey is given the opportunity to visit and record the structure before it is buried.

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/2022/2370
Property Ref: E005370000
Valid date: 05/01/2023
Location: Fort Richmond Route De La Murette St. Saviour Guernsey
GY7 9XB
Proposal: Reinstate/erect retaining wall to south-west of the gun
emplacement (Protected Monument).

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 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.

INFORMATIVES

Should the opportunity arise to remove existing backfill from the former German machine gun bunker, converted to a searchlight operating position it is requested that Festung Guernsey is given the opportunity to visit and record the structure before it is buried.

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 Marette. The track serves an existing dwelling located close to the junction with Route de la Marette, 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 (Stutzpunckt 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:

FULL/2022/1924 - Erect stone wall, pillars and gate to north-east of site (Protected Monument) – granted

FULL/2022/1845 - Remedial works to expose, repair, retain and preserve gun emplacement west of Fort (Protected Monument) – granted

FULL/2022/1696 - Demolish steps and walls, remove door and install window to north-west elevation (Protected Monument) – granted

FULL/2022/1689 – Erect outbuilding/store to east boundary – granted

FULL/2022/1685 – erect wall and safety grille at head of well (Protected Monument) – granted

FULL/2021/0266 - Reconstruction of southern inner and outer walls to gun emplacement (Protected Monument) - granted

FULL/2020/2345 - Excavate and remove spoil to expose gun emplacement on west side of fort (Protected Monument) - granted

FULL/2020/2342 - Reconstruct southern gun emplacement (Protected Monument) – withdrawn

FULL/2020/2337 - Create driveway and parking area (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
accords with policy
within curtilage
design acceptable

x
x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

GP1 – Landscape Character and Open Land

GP5 – Protected Buildings

GP6 – Protected Monuments

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Consultation:

Festung Guernsey – no objections to the proposed works. It would however, be useful to clarify a number of points. The applicant and his agent appear to be unaware, or are reluctant to note the fort's more recent history.

The concrete structure shown behind the wall is a machine gun bunker, built by the German armed forces during WWII as part of the defences of Stutzpunkt Reichenberg (Strong Point Fort Richmond). Originally built behind the wall in question it was subsequently converted into a searchlight operating position, again by the German forces, and this required the wall in front to be partially demolished.

This forms a small part of the fort's history, and is a good example of the evolution of the defences as other fortifications were built and weapons systems changed or were upgraded during the course of the occupation.

It is therefore important to record the structure before it is buried, and we would request that the recent back fill material is removed so that the structure can be properly surveyed.

Conclusion/Brief comment:

The purposes of the Land Planning and Development (Guernsey) Law, 2005, are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey.

The Law imposes particular statutory duties under s.30, s.31(1), s.34 and s.35(1) in relation to protected monuments and protected buildings, which when read in conjunction with s.14 and s.15 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.

The application relates to the erection of a retaining wall to the southwest of the gun emplacement at Fort Richmond to reinstate the historic position of the emplacement wall. The alterations will help to enhance the appreciation of the Monument, although not necessarily its appreciation by the public because the monument is privately owned. Nevertheless, the alterations are appropriate to the monument and

offer an opportunity to restore the monument to its C19th state (see General Provisions Ordinance S14a) and b)). The application therefore complies with Policy GP6 and the additional material considerations for Protected Monuments.

As outlined above, the works proposed comply with current policy in terms of the appreciation of the Monument but it is acknowledged that there are also German Occupation (Stutzpunkt Reichenberg) features of significance on the site and that one such feature would be buried as a result of the development. The machine gun bunker (converted to a search light position) would not be removed from the site but covered up as a result of the proposed development. This would not however, prevent investigative works at a later date in relation to this feature and the Authority cannot impose a planning condition requiring that the backfill is removed to enable the structure to be surveyed/recorded but can include an informative note to this effect.

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.

In view of the above it is recommended permission is granted for the proposed works.

Recommendation:

Grant with Conditions



Date: 14 February 2023