

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: Repair and reinstate 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: 05/09/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 23/02/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Robert W Le Page: 6073.wd.10b, 11, 12 & 13b.

Application Ref: FULL/2023/0423

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.

4. Prior to the commencement of the development hereby approved a precise method statement and scheme detailing the arrangements for archaeological observation and recording by the States Archaeologists that shall take place during any period of demolition and/or development or excavation, shall be submitted to the Authority for approval in writing. The development shall be carried out in accordance with the agreed scheme.

Reason - To ensure a proper record of matters of archaeological interest that will be buried following the completion of the works hereby approved.

5. Notwithstanding the details shown on the approved plans this permission expressly precludes the removal of the WWII concrete shelter (Wessex ref: 4.14).

Reason - For the avoidance of doubt. There is a presumption against the partial demolition of a Protected Monument. This aspect of the proposal would remove a layer of history from the Protected Monument which contributes to the special interest of this Protected Monument without sufficient, appropriate justification.

6. If, during the course of the works hereby approved the Multi loophole turret/heavy machine gun is uncovered work shall cease on this part of the development until such time as details of the proposed bridge foundations have been submitted to and approved in writing by the Authority. The works shall be carried out only in accordance with these agreed details.

Reason - In order to avoid unnecessary damage to the multi loophole turret/heavy machine gun resulting from the foundations of the gun emplacement hereby approved.

7. This permission confers no consent for the removal or alteration of any of the WWII features on the application site.

Reason - For the avoidance of doubt because the WWII features at the site contribute to the special interest of this Protected Monument.

Expiry Date: This permission will cease to have effect on 04/09/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The States Archaeologist, Culture & Heritage Service, can be contacted for advice or to make arrangements for archaeological recording during any earth moving on the site on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

It is requested that Festung Guernsey is given the opportunity to visit and record the site and any structures before they are buried. Such visits could be arranged to coincide with the archaeological recording approved under condition 4.

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/2023/0423
Property Ref: E005370000
Valid date: 23/02/2023
Location: Fort Richmond Route De La Marett St. Saviour Guernsey
Proposal: Repair and reinstate 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.

4. Prior to the commencement of the development hereby approved a precise method statement and scheme detailing the arrangements for archaeological observation and recording by the States Archaeologists that shall take place during

any period of demolition and/or development or excavation, shall be submitted to the Authority for approval in writing. The development shall be carried out in accordance with the agreed scheme.

Reason - To ensure a proper record of matters of archaeological interest that will be buried following the completion of the works hereby approved.

5. Notwithstanding the details shown on the approved plans this permission expressly precludes the removal of the WWII concrete shelter (Wessex ref: 4.14).

Reason - For the avoidance of doubt. There is a presumption against the partial demolition of a Protected Monument. This aspect of the proposal would remove a layer of history from the Protected Monument which contributes to the special interest of this Protected Monument without sufficient, appropriate justification.

6. If, during the course of the works hereby approved the Multi loophole turret/heavy machine gun is uncovered work shall cease on this part of the development until such time as details of the proposed bridge foundations have been submitted to and approved in writing by the Authority. The works shall be carried out only in accordance with these agreed details.

Reason - In order to avoid unnecessary damage to the multi loophole turret/heavy machine gun resulting from the foundations of the gun emplacement hereby approved.

7. This permission confers no consent for the removal or alteration of any of the WWII features on the application site.

Reason - For the avoidance of doubt because the WWII features at the site contribute to the special interest of this Protected Monument.

INFORMATIVES

The States Archaeologist, Culture & Heritage Service, can be contacted for advice or to make arrangements for archaeological recording during any earth moving on the site on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210.

It is requested that Festung Guernsey is given the opportunity to visit and record the site and any structures before they are buried. Such visits could be arranged to coincide with the archaeological recording approved under condition 4.

OFFICER'S REPORT

Site Description:

Fort Richmond occupies an elevated position on the west coast and is situated on the headland between Perelle Bay and Vazon Bay. Although originally two storey, it sits down in an excavated area that forms a defensive ditch. 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:

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 Dwelling houses

Brief Description of Development:

The application relates to the repair and reinstatement of a 19th Century gun emplacement at Fort Richmond.

The application was initially deferred due to a lack of information in the application submission relating to the effect of the works on WWII features which form part of the history and development that make up the special interest of this Protected Monument. The concern was that the scheme may relate to the removal of remains from WWII which would not accord with Policy GP6 and the Law where there is a presumption against the demolition or partial demolition of a Protected Monument.

Following the receipt of further information to address this matter the application was deferred again. A number of WWII structures are of interest in connection with the application proposals:

1. WW2 machine gun post then searchlight – to be buried as per FULL/2022/2370
2. WW2 concrete shelter – identified to be removed
3. WW2 shelter and concrete trench – identified to be buried
4. Multi loophole turret/heavy machine gun – buried but it is proposed however, to reconstruct the curving wall and sloping rampart of the 19th Century battery over the top of it.

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

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

Representations:

None.

Consultations:

Festung Guernsey - have no objections to the proposed works although it is regrettable that other structures have been demolished (subject of earlier applications) without the knowledge of Festung so there is little chance to establish the context in which these structures related to each other or their possible later use within the defences. The applicant's co-operation in allowing structures to be recorded prior to demolition should be more rigorously enforced.

Summary of Issues:

The effect of the works on the special interest of the Protected Monument.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

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.

In order to undertake the proposed repair and reinstatement of the 19th Century gun emplacement there is the potential to impact on various WWII features.

1. WW2 machine gun post then searchlight: not altered or removed but will be buried as per FULL/2022/2370. (Wessex ref: 4.15) – this was incorporated into the approved plans for the reconstruction of a wall under application reference FULL/2022/2370 and in connection with the current proposals it is considered that the works are satisfactory in line with the aims of the IDP.
2. WW2 concrete shelter: now exposed and intact and which may be difficult to remove without disturbing Victorian features. (Wessex ref: 4.14) – this is identified to be removed as part of this application. The submission sets out that this is of moderate to low importance, that it is not a good example as it runs into the cannon ring nor is it in good condition. The application submission states that the reinstatement works would be of high importance.

The WWII shelter is exposed and intact therefore making it difficult to remove without disturbing Victorian features around it. Furthermore, the submission does not address the requirement of Policy GP6 in relation to repair and retention of the WWII structure of the Protected Monument which are defined as part of its special interest.

The removal of WWII structures on the basis of wanting to restore the mid-19th Century battery does not comply with intentions of Policy GP6 or the Law. Section 14 of the General Provisions Ordinance sets out that the Authority should have regard to:

- a) the desirability of preserving the special interest
- b) the appropriateness of the alteration to the monument
- c) the opportunity that the development may afford to restore, enhance or improve the Monument or its setting.

The proposal to remove a layer of history after a certain date diminishes the special interest contrary to the aims of the IDP and the Law.

3. Multi loophole turret/heavy machine gun: this structure is believed to be buried beneath the area currently used as parking to the north-west of the barracks with only an assumed ventilation pipe visible – the covering letter notes that there is no intention to remove this WWII structure. It is proposed to reconstruct the curving wall and sloping rampart of the 19th Century battery over the top of it which could disturb this structure.

In terms of its exposure this is indicated to be undertaken with the involvement of the States Archaeologists and if exposed the foundations of the new works will be designed to bridge it. This is considered acceptable

subject to appropriate planning conditions (method statement and appropriate access by archaeologist etc).

As the WW2 shelter and concrete trench, referred to in the description of development above, has been clarified as being not affected by the development it is not relevant to the assessment of the application.

The proposed works would help to enhance the appreciation of the Monument, although not necessarily its appreciation by the public because the monument is privately owned.

The removal of the WWII concrete shelter would not accord with the aims of the Island Development Plan therefore it is recommended that planning permission is granted which expressly excludes this aspect of the development but which means that the rest of the mid-19th Century structure can be restored around it.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations. These issues where relevant have been considered in the assessment of this application.

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

The proposal would have no adverse impact on protected trees. The matter of the Protected Monument and Building is assessed elsewhere in this report.

Date: 04/09/2023

