

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install stone cladding to bunker/gun emplacement to east of access driveway, west of Route de la Marette (Retrospective) (Protected Building).

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

APPLICANT: Bembridge Limited

I refer to the application referred to below received as valid on 08/11/2024 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/12/2024

Drawing Nos: Robert W Le Page - 6073.wd.19a and photograph received 31/10/2024

Application Ref: FULL/2024/1838

Property Ref: E005370000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposal, if permitted, would disguise part of the Protected Monument, a German Occupation feature included as part of Stutzpunckt Reichenberg which is a feature which contributes to the overall special interest of the Protected Monument and would directly affect it. The works are not required for a purpose connected with enabling access to, or enhancing appreciation of this feature of the Protected Monument which shows the development and evolution of the site. The scheme is therefore contrary to Policy GP6 of the Island Development Plan and the Land Planning and Development (Guernsey) Law, 2005, section 30(1).

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/1838
Property Ref: E005370000
Valid date: 08/11/2024
Location: Fort Richmond Route De La Marette St. Saviour Guernsey GY7 9XB
Proposal: Install stone cladding to bunker/gun emplacement to east of access driveway, west of Route de la Marette (Retrospective) (Protected Building).
Applicant: Bembridge Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal, if permitted, would disguise part of the Protected Monument, a German Occupation feature included as part of Stutzpunckt Reichenberg which is a feature which contributes to the overall special interest of the Protected Monument and would directly affect it. The works are not required for a purpose connected with enabling access to, or enhancing appreciation of this feature of the Protected Monument which shows the development and evolution of the site. The scheme is therefore contrary to Policy GP6 of the Island Development Plan and the Land Planning and Development (Guernsey) Law, 2005, section 30(1).

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 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 (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/2023/0423 – Repair and reinstate gun emplacement (Protected Monument) – granted

FULL/2022/2370 – Reinstall/erect retaining wall to southwest of gun emplacement (Protected Monument) – granted

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

Brief Description of Development:

The application relates to the installation of stone cladding to the bunker/gun emplacement. The application is retrospective as the work has already been undertaken.

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:

None.

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.

Section 30(1)(b) of the Law explains the general functions of authorities in respect of protected monuments. This states that:

It is the duty of any department of the States when exercising its functions under this Law –

(b) in particular, in exercising its functions with respect to any buildings or other land in the vicinity of a protected monument, to pay special attention to the desirability of preserving the protected monument and its setting.

Section 13 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, sets out a number of general material considerations, the following of which are considered to be relevant in this instance:

(b) the character and quality of the natural and built environment which is likely to be created by the development,

- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question.

Section 14 to Part IV of The Land Planning and Development (General Provisions) Ordinance, 2007, goes on to set out a number of additional material considerations that apply to protected monuments, of which the following is relevant:

- c) the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.

The Law imposes particular statutory duties under s.30 and s.31(1) in relation to protected monuments, 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.

The SLUP recognises the importance of enhancing the Island's culture and identity by conserving and protecting local heritage but that IDP policies should be informed by understanding the character and quality of the various elements and their relative value in order that a proportionate approach can be taken to the level of protection given. Nonetheless, IDP Policy GP6 sets out that "proposals for development which directly affects a protected monument, or the site on which it is located, will be supported where it is required for a purpose connected with enabling or facilitating access to, or enhancing appreciation of, the protected monument by the public and where there is no adverse effect on the special interest of the protected monument."

Protected Monuments represent features on the island that have some of the highest levels of protection due to their particularly high levels of special interest, and there is a presumption against granting permission for development that affects a protected monument (or its setting).

The possibilities of development are restricted by Policy GP6 to those which are required for a purpose of enabling or facilitating access to or enhancing the appreciation of the Protected Monument by the public and where there is no adverse effect on the special interest of the monument.

The bunker is a World War II feature included in the extent of PM173 – Fort Richmond and is significant as a World War II feature which shows the development and evolution of the site, and its layers of history, specifically as part of the German occupation features included as part of Stutzpunkt Reichenberg.

The submission notes that the stone slither cladding has been added to blend the structure with the flanking granite walls, as the bunker is 'an interruption' of poor quality. The submission indicates that the granite facing returns it to its former glory, which is significant in terms of the overall restoration of the fort. The submission also indicates that this small structure is identified in the Wessex archaeology report as of

moderate value. Nonetheless, the submission concludes that this World War II structure is actually something that detracts from the mid-19th Century features of the site.

The World War II feature has been described in the Wessex report (which is an accepted understanding of the site as a whole) as of moderate value. However, that is 'moderate' within the bounds of that report. In terms of the application of the Law and Policy GP6 the structure is a recorded feature which adds to the overall special interest of the monument as a whole, and as such the Law applies to it in the same way as it does throughout the rest of the site.

As the planning history notes, there have been a number of applications to make changes to the site/buildings etc. which have provided opportunities to restore the monument to its 19th Century state. Such works have complied with current policy in terms of the appreciation of the Monument but such consideration must also be given to the German Occupation (Stutzpunkt Reichenberg) features of significance on the site.

The stone cladding seeks to disguise this World War II feature as something from the mid-19th Century. This is contrary to conservation practice, the Law and Policy GP6 that places an emphasis on the clear understanding of the site by the public, so that the shared history of the Island may be understood.

In view of the above it is recommended that permission is refused for the proposals which do not comply with Policy GP6 or the Land Planning and Development (Guernsey) Law, 2005.

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 which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or buildings.

Date: 19/12/2024