

In the Royal Court of Jersey

Samedi Division

In the year two thousand and twenty, the fourteenth day of September.

Before the Judicial Greffier.

Upon the application of Her Majesty's Attorney General, IT IS ORDERED that the attached modification to the Planning Obligation Agreement between The Chief Officer for the Environment, Castle Properties (Oxford Road) Limited, Castle Properties (Stopford Road) Limited and HSBC Bank Plc in relation to the development of Jersey Deep Freeze, Archway House, BOA Warehouse, Le Masurier House, F Nicholson & Son Ltd, Totem Plastics, L'Avenue et Dolmen du Pre des Lumieres / La Rue le Masurier, St. Helier, be registered in the Public Registry of this Island.


Greffier Substitute

LOD

Reg. Pub.

Modification of a Planning Obligation Agreement under Article 25(12) of the Planning and Building (Jersey) Law 2002

relating to the development of Jersey Deep Freeze, Archway House, BOA Warehouse, Le Masurier House, F Nicholson & Son Ltd, Totem Plastics, L'Avenue et Dolmen du Pre des Lumieres / La Rue le Masurier, St. Helier, JE2 4YE

Dated: *14th September* 2020

The Chief Officer for the Environment (1)

Castle Properties (Oxford Road) Limited and Castle Properties (Stopford Road) Limited (2)

HSBC Bank Plc (3)

DATE

14th September

2020

1. PARTIES

- (1) The Chief Officer for the Environment of PO Box 228, St Helier Jersey JE4 9SS (the "**Chief Officer**");
- (2) Castle Properties (Oxford Road) Limited ("CPOR") and Castle Properties (Stopford Road) Limited ("CPSR") (CPOR and CPSR, together "**the Owner**") of 44 Esplanade, St Helier,
- (3) HSBC Bank Plc of 70 Pall Mall, London SW1Y 5EY ("**the Lender**")

2. INTERPRETATION

In this Agreement:-

- 2.1 Any reference to a party includes where the context so admits, that party's successors in title and assigns and in the case of the Minister includes any person or body to whom the relevant functions of the Minister may hereafter be validly transferred
- 2.2 Words and expressions in this Agreement shall bear the same meaning as in the Original Agreement as modified unless the context otherwise requires.
- 2.3 The principles of interpretation and construction set out in clause 2 of the Original Agreement as modified shall apply to the provisions of this modification unless the context otherwise requires.
- 2.4 Save as aforesaid the expressions in the left hand column have the meanings attributed to them in the right hand column.

The Original Agreement	The Planning Obligation Agreement relating to the Site between the Minister for the Environment, Castle Properties (Oxford Road) Limited and Castle Properties (Stopford Road) Limited and HSBC Bank Plc dated 19 December

	2016 which was registered in the Public Registry on the 20 January 2017 and which was modified by a Modification to the Planning Obligation Agreement between the Chief Officer for the Environment, Castle Properties (Oxford Road) Limited and Castle Properties (Stopford Road) Limited and HSBC Bank Plc dated 1 st August 2019 and which was registered in the Public Registry on the 1 st August 2019

3. RECITALS

- 3.1 The Owner submitted an application (accorded the reference RP/2019/1157) to the Chief Officer to revise the plans to RM/2017/1676 (reserved matters to PP/2015/1538).
- 3.2 Having regard to the purpose of the Law the Island Plan 2011 and all other material considerations the application (accorded the reference RP/2019/1157) is to be approved subject to the completion of this Modification to the Original Agreement.
- 3.3 The Owner and the Lender are party to this modification as they are the person or persons against whom the planning obligations under the Original Agreement that are to be modified herein are enforceable.
- 3.4 The Chief Officer has agreed with the Owner that the Original Agreement may be modified as hereinafter appearing

4. THE MODIFICATION

- 4.1 The parties to this Agreement have agreed that the Original Agreement should be modified further in the manner detailed in the First Schedule

5. DECLARATION

- 5.1 Save as hereby modified the provisions of the Original Agreement shall remain in full force and effect and the terms of the Original Agreement are

deemed to be re-stated herein in full and incorporated into this modification to the extent that they have not been modified by it.

FIRST SCHEDULE**Modification**

1.

Clause 1 DEFINITIONS of the Original Agreement shall be modified as follows:

Replace the definition of “Bus Shelter Contribution” (between “Application” and “Chief Officer” with

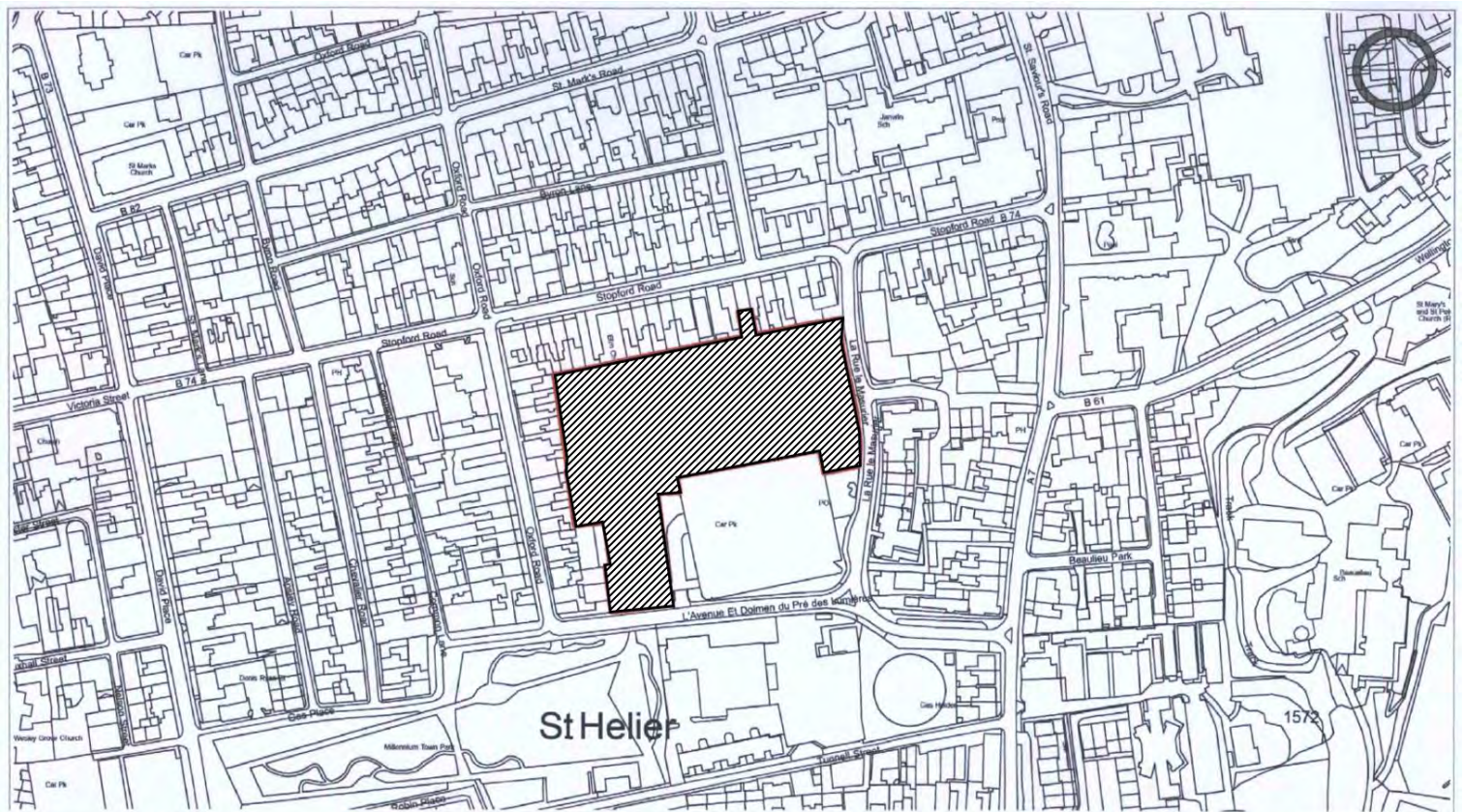
“Bus Shelter Contribution”

the sum of nineteen thousand pounds (£19,000) to be paid by the Owner to the Treasurer of the States; to be applied by the Minister for Infrastructure towards the provision of new bus shelters in the environ of the Site.

Replace the definition of “Public Realm Contribution” (between “Planning Permit” and “Reserved Matters”) with

“Public Realm Contribution”

means the sum of one hundred and ninety five thousand pounds pounds (£195,000) to be paid by the Owner to the Treasurer of the States to be applied by the Minister for Infrastructure towards the enhancement or improvement of public realm infrastructure within the vicinity of the Site.



NOTES
 Figure dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. If in doubt, seek confirmation. This drawing must be read in conjunction with all other architect's detail drawings, schedules and specifications. All drawings are to be read in conjunction with relevant drawings from other consultants. In the case of discrepancies, seek confirmation. This drawing must not be copied in whole or in part without the prior written permission of Axis Mason Ltd.
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Rev	Description	Dwn	Clk	Date
P1	First Issue-Revised Planning	SL	MB	24/08/2018

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KEY:
 SITE BOUNDARY



Client: Castletree Properties (Jersey) Limited

AXIS MASON 3 Malcoster St Helier
 LONDON GLASGOW JERSEY GDANSK DURBAN

Project: BOA Warehouse - Rue de Mesurier, St Helier

Scale @ A4: 1:2500 Date: JULY 2018
 Project Co-ordinator: MB Issue Status: **PLANNING**

Drawing Title: Site Location Plan

Job No:	Drawing No:	Revision:
3520	001	P1

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number RP/2019/1157

In accordance with Article 19(8) of the Planning and Building (Jersey) Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to **GRANT** permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

REVISED PLANS to RM/2017/1676 (RESERVED MATTERS to PP/2015/1538: Demolish existing warehouse, office & commercial units. Convert, alter and extend existing Archway building, store & commercial unit. Construct 169 No. dwellings, 4 No. commercial units, community facility, 191 No. car parking spaces & associated ancillary storage, plant & landscaping. Fixed matters: Layout, Massing and Means of Access. AMENDED PLANS: Alterations to the design of the landscaped areas and public route through the site): Various external and internal alterations to create 184 No. residential units and 11 No. dwellings, 2 No. commercial units, 215 No. car parking spaces and associated ancillary storage, plant and landscaping.

To be carried out at:

BOA Warehouse, L'Avenue et Dolmen du Pré des Lumières, St Helier

REASON FOR APPROVAL: Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

This permission is granted subject to compliance with the following conditions and approved plan(s):

- A. This permission solely relates to the revisions described herein. For the avoidance of doubt, all of the conditions and other restrictions forming part of the original application(s) (PP/2015/1538 & RM/2017/1676) must be adhered to in full.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number RP/2019/1157

- B.** The development shall commence within three years of the original decision date, 02/03/2018.

Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.

- C.** The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.

Reason: To ensure that the development is carried out and completed in accordance with the details approved.

FOR YOUR INFORMATION

This permission is subject to the terms and provisions of the Planning Obligation Agreement (dated 19/12/2016), which was entered into as part of the original planning permission PP/2015/1538, and which was subsequently modified as part of Revised Plans application, RP/2018/1424 (POA dated 01/08/2019), and also this application, RP/2019/1157 (POA dated xx/xx/xxxx).

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved:

0101 P1 - Site Location Plan
0001 P2 - Level 00 Plan (Car Park)
0002 P1 - Level 01 Site Plan (Podium)
0003 P1 - Level 02 Site Plan
0004 P2 - Level 03 Site Plan
0005 P2 - Level 04 Site Plan
0006 P1 - Level 05 Site Plan
0007 P1 - Level 06 Site Plan
0008 P1 - Roof Site Plan
0010 P2 - Block A - 00 Floor Plan
0011 P1 - Block A - 01 Floor Plan
0012 P1 - Block A - 02 Floor Plan
0013 P2 - Block A - 03 Floor Plan
0014 P2 - Block A - 04 Floor Plan
0015 P1 - Block A - 05 Floor Plan
0016 P1 - Block A - Roof Plan
0017 P1 - Block B - 00 Floor Plan
0018 P1 - Block B - 01 Floor Plan
0019 P1 - Block B - 02 Floor Plan
0020 P1 - Block B - 03 Floor Plan
0021 P1 - Block B - 04 Floor Plan

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number RP/2019/1157

0022 P1 - Block B - 05 Floor Plan
0023 P1 - Block B - 06 Floor Plan
0024 P1 - Block B - Roof Plan
0025 P1 - Block C - 00 Floor Plan
0026 P1 - Block C - 01 Floor Plan
0027 P1 - Block C - 02 Floor Plan
0028 P1 - Block C - 03 Floor Plan
0029 P1 - Block C - 04 Floor Plan
0030 P1 - Block C - 05 Floor Plan
0031 P1 - Block C - 06 Floor Plan
0032 P1 - Block C - Roof Plan
0033 P1 - Block D - Level 00 & 01 Floor Plan
0034 P1 - Block D - Level 02 & 03 Floor Plan
0035 P1 - Block D - Roof Plan
0036 P1 - Block H - Level 00 & 01 Floor Plan
0037 P1 - Block H - Level 02 & Roof Floor Plans
0038 P1 - Block M - Level 00, 01 & Roof Plans
0060 P1 - Context Elevations - Sheet 01
0061 P1 - Context Elevations - Sheet 02
0062 P1 - Context Elevations - Sheet 03
0063 P1 - Context Elevations - Sheet 04
0064 P1 - Context Elevations - Sheet 05
0065 P1 - Elevation Details
0070 P2 - Bicycle Store Layout
0080 P2 - Unit Area Schedule
0090 P1 - Proposed Landscape Plan
0091 P1 - Site Section and Northern Boundary
Design and Access Statement
Daylight and Sunlight Report
The Northern Quarter Housing Mix Commentary

DECISION DATE: xx/xx/xxxx


The development may also require building permission, for which a separate application will need to be made. You can find out if building permission is required on our website www.gov.je/planningbuilding

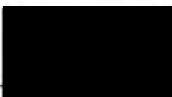
The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions you need to notify us immediately. Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. You can find out how to do this on our website www.gov.je/planning

APPROVED


Signed on behalf of Castle Properties (Oxford Road) Limited

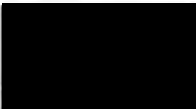
By  Thomas Buckley

In the presence of  Charles Thomas

This 28 day of August 2020

Signed on behalf of Castle Properties (Stopford Road) Limited

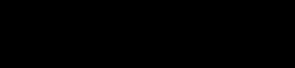
By  Thomas Buckley

In the presence of  Charles Thomas

This 28 day of August 2020

Signed on behalf of HSBC Bank Plc

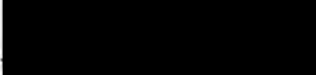
By  CHRIS WHYTE

In the presence of  MELANIE DAVIES

This 28 day of August 2020

Signed on behalf of the Chief Officer

by  PETER LE GRESLEY

in the presence of  LAWRENCE DAVIES

this 14th day of September 2020