

Regulation
Infrastructure Housing and Environment
Po Box 228
Jersey
JE4 9SS
www.gov.je



Compliance Case Ref: CMP/2021/00137
ENF/2021/00012

STOP NOTICE

Planning & Building (Jersey) Law 2002

THIS NOTICE TAKES IMMEDIATE EFFECT ON THE DATE IT IS ISSUED

1 This Notice is served upon:

Monarch Properties Limited (JFSC 69541)

Registered Office: 2nd Floor, Commercial House, Commercial Street, St. Helier, JE2 3RU, Jersey

Mr Joseph 'Joe' Bourke

c/o La Passage Development Site, Le Passage, St Lawrence. Jersey

2 This Notice: is issued pursuant to the powers conferred under Article 45 of the Planning and Building (Jersey) Law 2002 because it appears that a breach of development controls has occurred at the Land stated below and that it is expedient that an activity constituting or forming part of that breach should cease.

3 The Land to which this Notice relates: La Passage Development Site (Formerly Field No. L108), Le Passage, St Lawrence shown 'edged in RED' on the attached '*Stop Notice – Location Plan*' and the attached '*Stop Notice – Visibility Splay Location Plan*'.

4 The activity to which this notice applies:

Without Planning Permission or Building Bye-laws permission;

4.1 Unit 9 as indicated on attached plan - this building within the Le Passage Development Site has not been developed in accordance with the approved plans for Unit 9 which allows for a two-storey building with room(s) within the roof space. Revised plans (RP/2021/1904) have not yet been determined. The retention of this alteration, comprising the erection of a 3-storey building, to the original permission, (permitted under P/2010/0653) would be contrary to the requirements of policy GD6 (Design Quality) of the Bridging Island Plan in that the development is visually discordant and out of keeping with prevailing building design and scale on this site and the wider locality.

4.2 Unit 9 as indicated on attached plan – This building within the Le Passage Development Site has been built with a two-storey side extension to the west elevation whereas a single storey extension was originally permitted by the original planning permission (P/2010/0653). Revised plans (RP/2021/1904) have not yet been determined. The retention of this alteration to the original permission, (permitted under P/2010/0653) would be contrary to the requirements of policy GD6 (Design Quality) of the Bridging Island Plan in that the development is visually discordant and out of keeping with prevailing building design and scale on this site and the wider locality.

4.3 The Le Passage Development Site has been partly developed and occupied without the installation of a ‘work of art’ approved by an appointed art adviser, in accordance with the ‘Percentage for Art Statement’ submitted with the original planning application P/2010/0653 and is therefore contrary to Condition 5 of that same planning permission. The absence of this artwork is contrary to the requirements of policy GD6 (Design Quality) and GD10 (Percent for Art) of the Bridging Island Plan in that the development fails to have adequate overall quality for this location, harmful to the character and appearance of the locality.

4.4 The Le Passage Development Site has been partly developed by the use of a tarmac road surface throughout the site, rather than the approved brick paving finish approved under planning permission P/2010/0653 as set out on the attached ‘*Stop Notice – Location Plan*’ and is therefore also contrary to Condition 7 of that same planning permission which required the prior approval of surface materials. The retention of this alteration to the original permission (permitted under P/2010/0653) would be contrary to the requirements of policy GD6 (Design Quality) of the Bridging Island Plan in that the development is visually discordant and out of keeping having regard to the location of the site, and the character and appearance of the wider locality.

4.5 The Le Passage Development Site has been partly developed without the submission and prior approval by the Planning Department of a ‘*Site Layout Plan*’, details of roads and footpaths and a surface water drainage scheme (as required by Condition 8 of permission ref P/2010/0653). The development as it has been carried out therefore represents development that is potentially harmful to the environment generally, including water infrastructure. The development in its current form is therefore contrary to Policies SP1 (Responding to Climate Change) and WER6 (Surface Water Drainage) of the Bridging Island Plan and contrary to Condition 8 of the original planning permission P/2010/0653.

4.6 The Le Passage Development Site has been partly developed without the submission and prior approval by the Planning Department of a ‘*Scheme for disposal of Foul and Surface Water*’ (as required by Condition 9 of permission ref P/2010/0653). The development as it has been carried out therefore represents development that is potentially harmful to the environment generally, including water infrastructure. The development in its current form is therefore contrary to

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Policy WER7 (Foul sewage which requires development to provide a system of drainage that adequately connects to the public foul sewer system) of the Bridging Island Plan and contrary to Condition 9 of the original planning permission P/2010/0653.

4.7 The Le Passage Development Site has been partly developed without the submission and approval of a '*Landscaping Scheme*' that was to be implemented within the first available planting season. The development in its current form is therefore contrary to Condition 10 of the original planning permission P/2010/0653. The absence of this landscaping is contrary to the requirements of policy GD6 (Design Quality) of the Bridging Island Plan in that the development would fail to have adequate overall quality for this location, harmful to the character and appearance of the locality.

4.8 The Le Passage Development Site has been partly developed and occupied without the implementation of the '*Visibility Splays*' at the northern exit from the site (as located upon the '*Stop Notice – Visibility Splay Location Plan*' and depicted upon the '*Stop Notice – Visibility Splay Plan*'). The development as it has been implemented is therefore potentially hazardous to highway safety. The development in its current form is therefore contrary Policy TT1 (Integrated and inclusive travel) of the Bridging Island Plan and to Condition 12 of the original planning permission P/2010/0653 which required the implementation of the approved details.

- 5 Reasons for Issuing this Notice:** It appears that the Breach of Development Controls has occurred within the last 8 years and that an activity or activities are being carried on that constitute or form part of that breach. It is considered expedient that the activities referred to above are immediately ceased in order to avoid further harm to amenity, and in order to prepare an Enforcement Notice that addresses the above matters.
- 6 You are hereby required to STOP all works within the areas specified in this notice immediately.**
- 7 This Notice takes effect on the day of issue of this Notice.**
- 8 This Notice**, if not sooner withdrawn, shall cease to be valid 7 days after it's service if an Enforcement Notice or additional Stop Notice is not served within those 7 days.
- 9 What will happen if this notice is not complied with:** If you fail to comply with this notice, you may be liable to prosecution under Article 46 of the Planning and Building (Jersey) Law 2002.

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10 Your rights of appeal: In accordance with Article 109 of the above law, you may appeal against this Notice, in writing to the Judicial Greffier no later than the end of the period of 28 days beginning with the date of issue of this Notice.

Date of Issue: 28th October 2022

Signed: (Authorising Officer) **Date:** 28th October 2022

For and on behalf of the Chief Officer;

Peter Le Gresley (Head of Development and Land)

Infrastructure Housing and Environment, Development Control,
28-30 The Parade, St Helier. JE49SS

Enclosures.

1. Stop Notice – Location Plan.
2. Stop Notice – Visibility Splay Location Plan.
3. Stop Notice – Visibility Splay Plan.

Informative. Any other item or issue not specified in this enforcement notice may be subject of a separate enforcement notice.

ADVISORY NOTES

What will happen if this Notice is not complied with: If you fail to comply with the requirements of this Notice you may be liable to prosecution pursuant to Article 46 of the Planning and Building (Jersey) Law 2002.

Your Rights of Appeal: In accordance with Article 109 of the above Law, you may appeal against this Notice to the Judicial Greffier by writing to the Planning Tribunal, First Floor, International House, 41 The Parade, St Helier JE2 3QQ no later than 28 days from the date this Notice is issued, enclosing the required fee.

Planning Tribunal:

planningtribunal@courts.je

Appeal Information:

<https://www.gov.je/planningbuilding/appealscomplaints/pages/appealplanningbuildingdecision.aspx>

STOP NOTICE – LOCATION PLAN
Le Passage Development Site, St Lawrence.

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