

In the Royal Court of Jersey

Samedi Division

In the year two thousand and twenty-three, the twenty-eighth day of February.

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 and Richard Orman Matlock and Sarah Matlock, née Mountfield in relation to La Petite Robeline, La Rue des Bonnes Femmes, La Verte Rue, St Ouen, 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 (as amended)

relating to the development of La Petite Robeline, La Rue des Bonnes Femmes, La Verte Rue, St Ouen, JE3 2ET

Dated: 28 february



2023

The Chief Officer for the Environment (1)

Richard Orman Matlock and Sarah Matlock née Mountfield (2)

DATE 28 February

2022/3

PARTIES

- (1) The Chief Officer for the Environment of PO Box 55, La Motte Street, St Helier, Jersey JE4 SPE ("**the Chief Officer**");
- (2) Richard Orman Matlock and Sarah Matlock née Mountfield of La Petite Robeline, La Rue des Bonnes Femmes, La Verte Rue, St Ouen, JE3 2ET ("**the Owners**")

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 Chief Officer for the Environment and the Owners and which was registered in the Public Registry on the 2 February 2018

Planning Permit P/2022/0679	planning permission for " <i>RETROSPECTIVE: Temporary changes of use of Cider Shed and external courtyard to Class B Restaurant, annually from 1 April to 30 September on Thursdays, Fridays and Saturdays. Convert existing shed to North West of site to commercial kitchen. Construct lean to extension to South Elevation to facilitate catering business</i> " granted by the Chief Officer, a copy of which is attached at the Second Schedule to this Modification and references to Planning Permit P/2022/0679 include where the context permits any variations to the said planning permission from time to time;
--------------------------------	---

3. RECITALS

3.1 The Owner submitted an application (accorded the reference **P/2022/0679**) to in respect of the development described as "*RETROSPECTIVE: Temporary changes of use of Cider Shed and external courtyard to Class B Restaurant, annually from 1 April to 30 September on Thursdays, Fridays and Saturdays. Convert existing shed to North West of site to commercial kitchen. Construct lean to extension to South Elevation to facilitate catering business*".

3.2 Having regard to the purpose of the Law the Island Plan 2022 and all other material considerations application (accorded the reference **P/2022/0679**) is to be approved subject to the completion of this Modification to the Original Agreement.

3.3 The Owners 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 Owners that the Original Agreement may be modified as hereinafter appearing

4. THE MODIFICATION

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

5 DECISION NOTICE

The Chief Officer covenants with the Owners to use reasonable endeavours to issue the decision notice for P/2022/0679 in or substantially in the form of the draft annexed at the Second Schedule hereto as soon as practically possible after this Agreement is recorded as registered in the Royal Court.

6. DECLARATION

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

Third Schedule of the Original Agreement shall be modified by the addition of paragraph 5 as follows:

5 Should the Cider Shed cease to be used for the production and processing of cider then the use permitted by Planning Permit P/2022/0679 shall cease and development authorised by Planning Permit P/2022/0679 shall be removed forthwith from the Site..

SECOND SCHEDULE

Draft Decision Notice

Decision Notice



PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2022/0679

In accordance with Article 19(8) of the Planning and Building (Jersey) Law 2002, if 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 20 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

RETROSPECTIVE: Temporary changes of use of Cider Shed and external courtyard to Class B Restaurant, annually from 1 April to 30 September on Thursdays, Fridays and Saturdays. Convert existing shed to North West of site to commercial kitchen. Construct lean to extension to South Elevation to facilitate catering business.

To be carried out at:

La Petite Robeline, La Rue des Bonnes Femmes, St. Ouen, JE3 2ET.

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.

Notably, the lack of car parking within the site has been specifically considered in relation to the impact on the neighbours. Based on submissions and consultation responses it is confirmed that a park and ride scheme operating to and from Les Laveurs public car park at regular intervals will provide an alternative form of transport and therefore the proposal is not considered to result in serious harm to the amenities of neighbours.

This application is the subject of a Planning Obligation Agreement.

APPROVED

Decision Notice



PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2022/0679

This permission is granted subject to compliance with the following conditions and approved plans:

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.
- B. 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.

Additional Condition:

1. The sustainable transport measures to serve the site as a restaurant use as identified in the submitted Traffic and Site Access Assessment (and in particular the proposed park and ride arrangements) must be implemented in full and thereafter retained as such. Any variations to that Assessment (and in particular and changes to the proposed park and ride arrangements) must be submitted to and agreed in writing with the Department prior to being implemented.

Reason:

1. To ensure that the site is served by sustainable transport initiatives in the interests of traffic safety and impacts on the amenities of the area in accordance with the requirements of Policy SP1 of the Adopted Bridging Island Plan 2022.

FOR YOUR INFORMATION

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

The following plans have been approved:

914-001 Site Location Plan
914-006F Proposed Site Plan
914-005A Proposed Plan & Elevations
Traffic & Site Access Assessment

DECISION DATE: 16/11/2022

APPROVED

Decision Notice



PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2022/0679

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 the Chief Officer

by [redacted]

KEELY WHITEHEAD

in the presence of

[redacted]

CHRISTOPHER JONES

this 28 day of February 2023

Signed by Richard Orman Matlock

[redacted]

in the presence of

[redacted]

this 13th day of February 2023

Signed by Sarah Matlock née Mountfield

[redacted]

in the presence of

[redacted]

this 13th day of February 2023