

In the Royal Court of Jersey

Samedi Division

In the year two thousand and twenty-two, the first day of December.

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, David Colin Peter Troy and Anne-Marie Troy née Copp in relation to Mayfair, La Rue de la Mare Ballam, St. John, JE3 4EJ 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 Mayfair, La Rue de la Mare Ballam, St. John, JE3 4EJ

Dated:

1st December

2022

The Chief Officer for the Environment (1)

David Colin Peter Troy and Anne-Marie Troy née Copp (2)

DATE

18th December

2022

PARTIES

- (1) The Chief Officer for the Environment of PO Box 55, La Motte Street, St Helier, Jersey JE4 SPE ("**the Chief Officer**");
- (2) David Colin Peter Troy and Anne-Marie Troy née Copp ("**the Owners**") Mayfair, La Rue de la Mare Ballam, St. John, JE3 4EJ

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, the Owners and HSBC Bank Plc and which was registered in the Public Registry on the 29 November 2021

3. RECITALS

3.1 The Owner submitted an application (accorded the reference **RP/2022/0949**) to the Chief Officer to revise the plans to **P/2021/0536**.

3.2 Having regard to the purpose of the Law the Island Plan 2022 and all other material considerations application (accorded the reference **RP/2022/0949**) 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 RP/2022/0949 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**

1.

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

Insert between the definition of “Occupation, Occupy and Occupied” and Royal Court”

“Planning Permit”

the planning permission for the Development, a copy of which is attached at the Second Schedule, and references to the Planning Permit include where the context permits any variations and amendments to the said planning permission from time to time;

Amend the definition of “Dependent Relative Accommodation” as follows:

**“Dependent Relative
Accommodation”**

the separate one bedroom unit shown on Floor Plan PI 04 and submitted as part of the revised plans application RP/2022/0949 for the Development;

SECOND SCHEDULE**Draft Decision Notice**

Decision Notice

States
of Jersey

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number RP/2022/0949

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 P/2021/0536 (Construct two Storey extension to South and East elevations to form one bed ancillary accommodation. Widen existing vehicle access onto La Rue de la Mare Ballam): Construct two-storey extension and detached garage. Minor external alterations.

To be carried out at:

Mayfair, La Rue de la Mare Ballam, St. John, JE3 4EJ.

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

- 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.

Condition:

1. Prior to the first use of any extension hereby approved the existing structures in the rear/east garden, as shown on approved Site Plan MSP-3026-PL03, shall be removed from the site.

Reason:

To reduce the number of structures on the site in the interest of visual amenity, as required by Policies GD1 and GD6 of the Bridging Island Plan 2022.

DEVELOPMENT
APPROVED

Decision Notice

States
Tara

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number RP/2022/0949

FOR YOUR INFORMATION

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

The following plans have been approved:

Location Plan

Proposed Floor Plans MSP-3026-PL04

Proposed Elevations MSP-3026-PL05

Proposed Site Plan MSP-3026-PL03

Proposed Contextual Elevations & Isolated Garage Plans MSP-3026-PL06

DECISION DATE: To be confirmed after completion of POA

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

in the presence of

this 1 day of December 2022

in the presence of

this 15th day of November 2022

in the presence of

this 15th day of November 2022