

ENFORCEMENT NOTICE

Planning & Building (Jersey) Law 2002

THIS NOTICE TAKES IMMEDIATE EFFECT ON THE DATE IT IS ISSUED

1. **This Notice:** is issued pursuant to the powers conferred under Article 40 of the Planning and Building (Jersey) Law 2002 because it appears that a breach of development controls has occurred at the Land stated below. Article 5 of the above Law defines the meaning of development and Article 7 of that Law states that Land shall not be developed without planning permission.
2. **The Land to which this Notice relates:** Units 1 and 2, La Rue Phillippe Durell, La Collette, St Helier, JE2 3NX shown 'edged in RED' on the attached plan.
3. **The Matters which appear to constitute the Breach of Development Controls:**
Without Planning Permission;
 - 3.1 The introduction of a retail use within part of unit 2 at Units 1 and 2, La Rue Phillippe Durell, La Collette, which involves a material change of use from the lawful use as a wholesale warehouse for dry storage to a mixed retail and warehouse use.
 - 3.2 Carrying out of physical building operations to separate the unlawful retail area from the remainder of the warehouse
4. **Reasons for Issuing this Notice:** The Breach of Development Controls has occurred within the last 8 years.

There is no planning consent for the matters which constitute the current breach of development controls. Planning Application P/2019/1396 - *Change of use of Unit 2 from light industrial to warehouse and introduce dispatch and collections*, for the site in question, was withdrawn by the Agent on behalf of the Applicant on 14/02/2020 as the Agent confirmed that retail use was not going to be undertaken on this site. Following this confirmation, the Department confirmed that planning permission was not required for the warehouse use and the application was subsequently withdrawn.

- 4.1 The site lies within the Built-up area, wherein lies a presumption in favour of sustainable development. To the north-east of the site within La Collette industrial area, lies the Energy from Waste Power Station. The site lies in part within the Inner Zone of the Development Proximity Zone of La Collette. Policy NR8 - Safety Zone for Hazardous Installation of the Island Plan is relevant for development within this zone. Policy NR8 states that developments that would conflict with the reasonable requirements of health and safety will not be permitted. The Health & Safety Inspectorate and Jersey Fire & Rescue, have been consulted as the statutory consultees for development within La Collette and they both 'Advise Against' retail development (whether for trade or for general public) within this zone, in accordance with PADHI, the UK HSE's land use planning methodology used as the basis for providing statutory comment.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY OR INTEREST

4.2 The site is located outside the Core Retail Area of St Helier Town Centre, as designated by the Island Plan 2011 (Revised 2014). Policy ER2 of the Island Plan states that 'Proposals for new retail development outside St Helier core retail centre will not be permitted unless they comply with the listed Policies ER3, ER4 and ER7'. In accordance with Part 5 Article 39 (3) of the Planning and Building (Jersey) Law 2002, land is to be taken to have been developed without planning permission if it is developed otherwise than in accordance with plans of the development approved for the purpose of granting planning permission for the development.

4.3 The occupier and agent for the scheme have been notified of the breach of development control in writing. The Department considers that bearing in mind the Island Plan zoning for this site and Island Plan policy presumption against retail development as identified above, it is necessary to serve an Enforcement Notice to ensure that the retail use ceases to operate on this site.

5 **Steps Required to Rectify the Breach:** (what you are required to do):

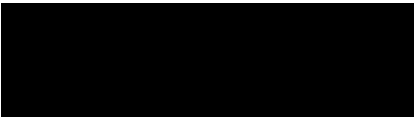
Within the area outlined in red on the attached plan, you are required to:

5.1 cease the retail use (to include both for trade and general public retail) within the warehouse area in question

Following compliance with 5.1 above, the area in question is to be retained in perpetuity as a wholesale warehouse or repository for dry storage, unless planning permission is granted for an alternative use/development.


6 **Time for Compliance:** You are required to have complied with this notice by the end of 56 days commencing from the day that this notice is issued.

7. **Date of Issue:**

Signed:  Date 24th November 2021

(Authorising Officer)

For and on behalf of the Chief Officer;


Head of Development and Land (Regulation)

Infrastructure Housing and Environment, Development Control, Philip le Feuvre House, La Motte Street, St. Helier, Jersey JE4 8PE

Enclosures.

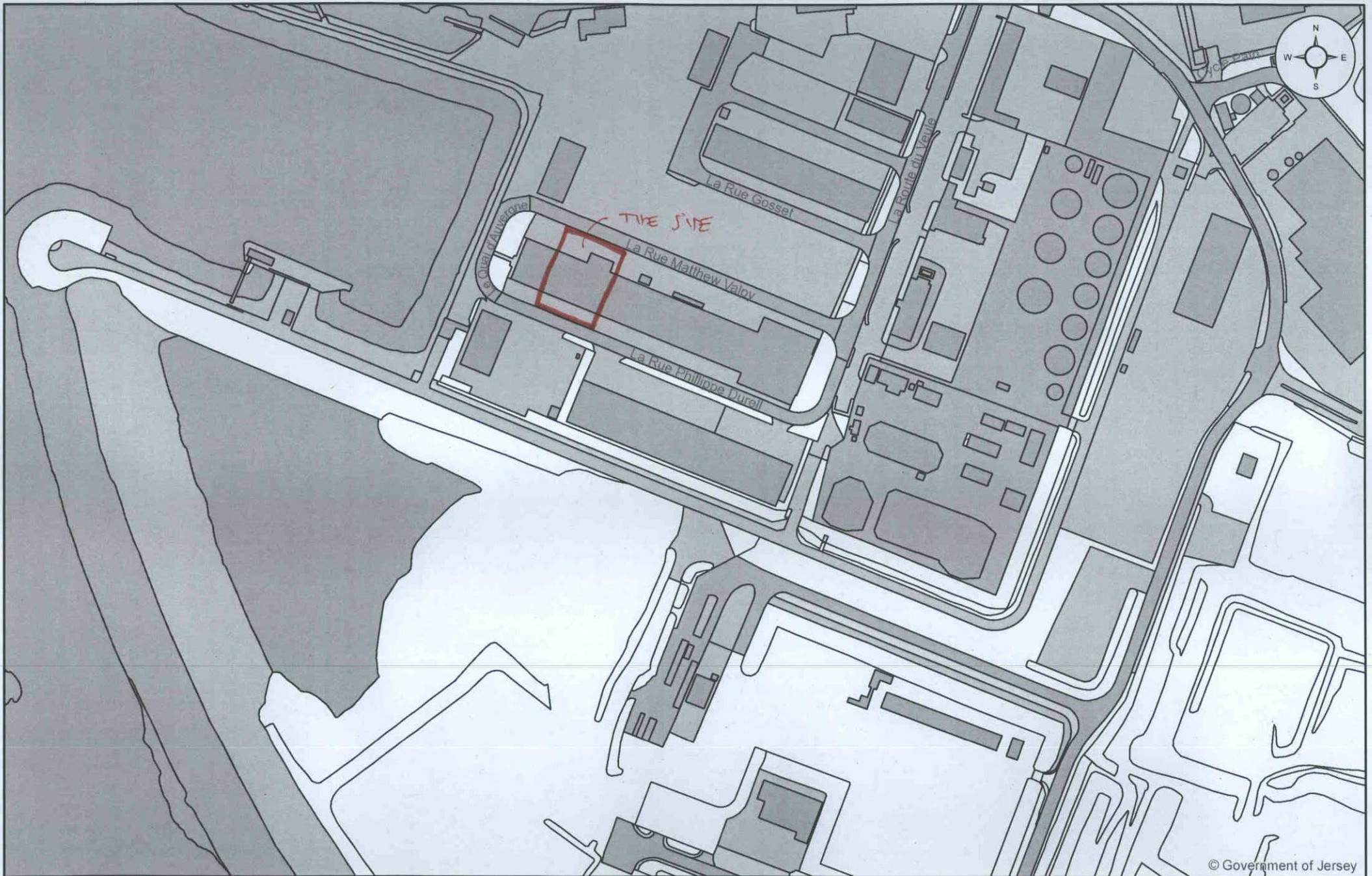
1. Site Location Plan

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 under the appropriate Article 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 by writing to the Greffier no later than 28 days beginning with the date this Notice is issued.



0 0.05 0.1 0.2 km

Date: 02/10/2019

Location Plan

SCALE 1:2,500

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