

# STATES OF JERSEY

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## **D'HAUTRÉE GARDENS, ST. SAVIOUR'S HILL, ST. SAVIOUR: PROPOSED DEED OF ARRANGEMENT**

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**Lodged au Greffe on 11th May 2004  
by the Education, Sport and Culture Committee**

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**STATES GREFFE**

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

- (a) to approve the passing of a Deed of Arrangement between the Public as owner of D'Hautrée School, St. Saviour, and Ceralbi Limited as owner of D'Hautrée Gardens, abrogating the covenant which currently exists in favour of D'Hautrée School restricting development on D'Hautrée Gardens, for a consideration of £90,000 with each party to bear its respective costs;
- (b) to authorise the Greffier of the States to sign the said drawing and to authorise the Attorney General and the Greffier of the States to pass, on behalf of the Public, and contracts or agreements as may be necessary;
- (c) to authorise the Treasurer of the States to receive any payment to the Public as it becomes due.

### **EDUCATION, SPORT AND CULTURE COMMITTEE**

- Notes:
- 1. The Finance and Economics Committee supports this proposition.
  - 2. The Environment and Public Services Committee's comments are to follow.

## **REPORT**

D'Hautrée Gardens is a site which borders on the south of D'Hautrée School, which is owned by the Public. D'Hautrée Gardens measures approximately one vergée, 17 perch and 22 feet, as shown on Drawin No. 1893/04/69 attached. The only buildings currently on the site are a bungalow, probably built in or about 1925 and its outbuildings.

D'Hautrée Gardens is subject to a covenant in favour of D'Hautrée School, which is enforceable by the Public as the owner of D'Hautrée School. This covenant prohibits the establishment of any windows or doors in the west walls or gables of any buildings which may be constructed on the D'Hautrée Gardens site.

In May 2003, Ceralbi Limited acquired D'Hautrée Gardens for the sum of £700,000, and in December 2003 it obtained planning permission to construct 7 three-bedroom dwellings and 4 one-bedroom apartments on the site. It cannot, however proceed with the development for as long as the restrictive covenant remains in force. It therefore opened negotiations with the Department of Property Services with a view to agreeing the removal of the restrictive covenant.

The Environment and Public Services Committee, acting through Property Services, has agreed with Ceralbi Limited, subject to States approval, that the Public will agree the removal of the restrictive covenant in consideration for the sum of £90,000, with each party to bear its own costs.

In connection with the passing of any contract it is proposed the capital receipt be credited to Vote C0904, Acquisition of Land – Major Reserve. There are no additional financial or manpower implications for the States.

