Online Version

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Change of use of first floor of premises from light industrial (Use Class 37) to a disaster recovery and business continuity facility (Administrative, financial and professional services use class 23).

LOCATION: NRG House, Garenne Park, Rue De La Cache, St. Sampson.

APPLICANT: Walter Property Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 07/07/2010

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 13/05/2010 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne: 9269-S1-01, -100/B & -101/B.

Application Ref: FULL/2010/1542

Property Ref: B015060000-P10

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Environment Department under the Law.

Reason - To ensure that it is clear that permission is only granted for the

development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of the Building Regulations, 1992 (as amended) as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Environment Department and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Environment Department when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. This permission authorises use of the first floor of the building as a disaster recovery and business continuity facility (Administrative, financial and professional services use class 23 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance) and shall continue only while the ground floor of the building is used for light industrial purposes (Industrial use class 37 of the Land Planning and Development (Use Classes) Ordinance, 2007, or in any provision equivalent to that Use Class in any Ordinance revoking or re-enacting that Ordinance). Should the use of the first floor as a disaster recovery and business continuity facility cease, it shall revert to use for light industrial purposes.

Reason - The permission is limited to the specific use applied for and subject to such restriction can be met on site without unacceptable harm to other interests and providing the underlying light industrial use remains.

5. For the avoidance of doubt, disaster recovery and business continuity use is taken to authorise the emergency use only of the accommodation by companies whose premises have been rendered temporarily incapable of use by a disaster (e.g. fire, flood, terrorist attack). The area authorised for disaster recovery and business continuity shall not be used as temporary office accommodation in other than emergency circumstances.

Reason - To define the terms of this permission and to prevent unrestricted office use, which would be contrary to planning policy.

6. The area used for disaster recovery and business continuity shall not be occupied for test purposes by a single subscriber to the service for more than 30 days per year.

Reason - To define the terms of this permission and to prevent unrestricted office use, which would be contrary to planning policy.

7. In the event that a subscriber requires to occupy all or part of the approved disaster recovery and business continuity accommodation that period of occupation shall not exceed 18 calendar months except with the express prior written authorisation of the Environment Department

Reason - To define the terms of this permission and to prevent unrestricted office use, which would be contrary to planning policy.

Expiry Date: This permission will cease to have effect on 06/07/2013 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

A separate application must be made to the Department for permission to erect any signs on the premises, which application should indicate the precise position, lettering, size and colour of any sign proposed and whether or not such signs are to be illuminated.

Please ensure that you notify the Department in writing of the date on which the change of use takes place. Once the change has been made the property will be classified as shown above. Failure to notify the Department as required may lead to delay in any future property search or use class enquiry resulting from incorrect classification of the property.

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal on the merits. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Department made this decision.

Copy of representations made:

In reaching this decision the Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Should the development abut the public highway you should ensure that any access/es to the development are constructed to meet the existing road/footway levels. Any changes required to the existing road/footway levels will need the prior approval of the States Public Services Department.

This document is not a Building Licence and confers no approval under the Building Regulations.

A J ROWLES
Director of Planning Control Services