

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Variations to previously approved plans to redevelop site including retail building (Building A), vehicular access and parking area - Revised location of 9 condensers and erect associated enclosure, erect 5m fence to external retail area, install electrical pillar and alterations to forklift store to north of site.

LOCATION: Former Quayside Site, North Side, Vale.

APPLICANT: TJ Morris Limited

I refer to the application referred to below received as valid on 19/12/2025 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/02/2026

Drawing Nos: Lovell Ozanne: S72-10685-S1-11 Rev G, 12 Rev E, 13 Rev E, 15 Rev F, 16 Rev E,
S72-10685 S1-20 Rev A.
S72-10685-S10-05 Rev B
Guernsey Electricity: RENELY-06 D01,
WPL Consulting:STD 09.1

Application Ref: FULL/2025/1888

Property Ref: C006320000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The scheme as submitted fails to demonstrate that the proposed condenser units can and will operate, at all times, at a level that would not generate unacceptable noise and nuisance to the occupiers of surrounding dwellings. The scheme therefore fails to comply with Policy GP8 (a) design and (d) health and well-being of neighbours of the development, of the Island Development Plan.

OTHER REMARKS:-**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 refuse an application for planning permission or outline planning permission 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 Authority made this decision.

Copy of representations made

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2025/1888
Property Ref: C006320000
Valid date: 19/12/2025
Location: Former Quayside Site North Side Vale Guernsey GY3 5TW
Proposal: Variations to previously approved plans to redevelop site including retail building (Building A), vehicular access and parking area - Revised location of 9 condensers and erect associated enclosure, erect 5m fence to external retail area, install electrical pillar and alterations to forklift store to north of site.
Applicant: TJ Morris Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The scheme as submitted fails to demonstrate that the proposed condenser units can and will operate, at all times, at a level that would not generate unacceptable noise and nuisance to the occupiers of surrounding dwellings. The scheme therefore fails to comply with Policy GP8 (a) design and (d) health and well-being of neighbours of the development, of the Island Development Plan.

OFFICER'S REPORT

Site Description:

The Quayside site is triangular, situated between Trafalgar Road to the north, Longree to the east and North Side to the south. The site is currently undergoing redevelopment with clearance works underway so the site is largely open although a number of protected buildings remain along with the majority of roadside boundary walls.

Surrounding the site the area comprises a mixture of uses, with residential properties to the north and northeast, industrial premises further north and northwest and the harbour to the south. Areas of public parking surround the site, situated on Longree, Trafalgar Road and North Side.

The site is located in a Main Centre, Conservation Area and Harbour Action Area as designated in the Island Development Plan. There are Protected Buildings adjoining the site.

Relevant History:

FULL/2023/1595 – Redevelopment of site to include new retail building (Building A) with associated works and parking area, alter and create gated vehicle access. Change of use of existing building (Building B) from industrial storage and distribution (Use Class 24 and 22) to retail (Use Class 10) - granted

FULL/2025/1398 – Variations to previously approved plans to redevelop site including retail building (Building A), gated vehicular access and parking area - Erect canopy to north elevation, demolish and replace section of roadside wall and infill vehicle access to north boundary wall – granted

FULL/2025/1612 – Change of use of Unit B from General Retail (Use class 10) to cafe (Use Class 11) and alterations to fenestration to west and south elevations – granted

Existing Use(s):

Undergoing redevelopment

Brief Description of Development:

The application relates to variations to the previously approved scheme to redevelop the site and relates to the revised location of nine condensers and erection of an associated enclosure, the erection of a 5m fence to external retail area, installation of an electrical pillar and alterations to the forklift store to north of site.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

GP4 – Conservation Area
GP5 – Protected Buildings (setting)
GP8 – Design
GP9 – Sustainable Development
GP17 – Public Safety and Hazardous Development
MC6 – Retail in Main Centres
MC10 – Harbour Action Area
IP6 – Transport infrastructure and support facilities
IP7 – Private and Communal Car Parking
IP9 – Highway Safety, Accessibility and Capacity

Parking Standards and Traffic Impact Assessment SPG (2016)

Representations:

None.

Consultations:

Office of Environmental Health and Pollution Regulation - have reviewed the proposed plans for a *“variations to previously approved plans to redevelop site including retail building (Building A), vehicular access and parking area - Revised location of 9*

condensers and erect associated enclosure, erect 5m fence to external retail area, install electrical pillar and alterations to forklift store to north of site” which were received by email on 29th December 2025 and there are a number of issues of concern that I must raise.

Firstly, the report by aura M72.2. V5 details the *“assessment has concluded that further noise control measures are necessary to the equipment to demonstrate compliance with the derived target noise levels.”* However, recommendation 4 - Low-Noise Equipment Modifications - is not enforceable by the Planning Authority. Therefore, a revised acoustic report should be furnished with suitable enforceable measures that show the units can achieve target Rating Level of no greater than 5 dB below the Background Sound Level.

Secondly, I have no comments in regard to the forklift store.

Thirdly, in regard to the proposed pillar, I believe a condition to control noise should be applied.

Finally, I note previously OEHPR have not commented on the solar array and that planning permission has already been granted for this application. However, as an advisory note the applicant may want to consider a glint and glare assessment to assess any measures that can be taken to prevent statutory nuisance to local receptors.

Clarification was provided in relation to the comments regarding the Recommendation in the AURA report:

The quiet mode feature is [not] suitable as a planning condition because it does not provide a permanent, measurable, or enforceable means of controlling noise impacts.

Key reasons:

1. **Not a fixed operating state**
Quiet mode is a *user-selectable* or *software-controlled* setting. It can be switched off at any time by the occupier, installer, or during servicing, meaning compliance cannot be guaranteed over the lifetime of the development.
2. **Lack of enforceability**
Planning conditions must be clear, precise, and enforceable. Local authorities cannot realistically monitor whether a heat pump is operating in quiet mode at all times, particularly outside office hours when noise disturbance is most likely.
3. **Performance may change over time**
Noise output can increase due to wear, maintenance issues, or firmware updates. Quiet mode does not account for degradation or future changes in operation.
4. **May compromise system efficiency or heating demand**
Quiet mode often reduces fan or compressor speed. During cold weather or peak demand, the system may automatically override quiet mode to meet heating requirements, resulting in higher noise levels.
5. **Does not address worst-case scenarios**
Noise assessments should be based on **maximum sound power levels** under realistic operating conditions, not reduced or optional settings. Planning decisions must consider worst-case impacts on neighbouring amenity.

6. Contrary to good acoustic practice

Standard practice is to control noise through:

- Appropriate siting and orientation
 - Acoustic screening or enclosures
 - Meeting defined noise limits at sensitive receptors
- These are objective, measurable, and enforceable.

Following the receipt of further information, Environmental Health maintain their position that it is not suitable with use of quiet mode for the reasons previously given. The quiet mode is not suitable or enforceable by Planning.

Summary of Issues:

The key issues in this case relate to the revised siting of the air handling equipment and electrical pillar and their potential impact on residential amenity and the impact of the works on the character and appearance of the Conservation Area.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposed works sit within the site which will be enclosed by a high, granite wall (this has been removed for safety reasons but an application is under consideration for its replacement). On the basis that the site is enclosed by high walls (existing and proposed) the proposals will not be highly publicly visible in the wider area and will not result in harm to the character and appearance of the Conservation Area. The physical position of works will not impact on neighbour amenity in terms of overshadowing.

The key concern in this case relates to the impact of the proposed condenser units in their revised position on the amenities of surrounding residents when considering the matter of noise and nuisance. Although the application was deferred for this matter to be addressed the revised information has sought to rely on the fact the equipment has multiple operating modes and that the quiet mode would achieve an acceptable reduction in the noise generated. For the reasons set out by Environmental Health however, this could not reasonably be conditioned and enforced by the Authority and as such the scheme fails to satisfactorily address and ensure that, at all times, the amenities of surrounding residential neighbours will not be adversely affected by the nine condenser units. The scheme therefore fails to comply with Policy GP8 of the Island Development Plan in relation to good design and neighbour amenity.

Environmental Health raised no objections to the changes to the forklift area on the site and, subject to a condition, consider that the noise associated with the electrical pillar can be appropriately managed.

In view of the issues relating to the condenser units it is recommended that permission is refused.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 13/02/2026

