

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: Install air conditioning unit at 1st floor level to north elevation (Protected Building) (Revised Scheme).

LOCATION: Island Stores, 57 Le Pollet, St. Peter Port.

APPLICANT: Bailiwick Retail Ltd

I refer to the application referred to below received as valid on 13/01/2026 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 16/04/2026

Drawing Nos: Block Plan (received 13/01/26), Air-conditioning System Placement & Aura Noise Impact Assessment (both received 15/12/25).

Application Ref: FULL/2025/1944

Property Ref: A113310000

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 submission does not propose any acoustic attenuation measures and therefore, when operating at normal capacity, the proposed air conditioning unit would exceed expected noise levels close to the nearby residential properties, to the detriment of the amenities that residents of those properties might reasonably expect to enjoy and contrary to Island Development Plan Policy GP8: Design.

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/2025/1944
Property Ref: A113310000
Valid date: 13/01/2026
Location: Island Stores 57 Le Pollet St. Peter Port Guernsey GY1 1WL
Proposal: Install air conditioning unit at 1st floor level to north elevation
(Protected Building) (Revised Scheme).
Applicant: Bailiwick Retail Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The submission does not propose any acoustic attenuation measures and therefore, when operating at normal capacity, the proposed air conditioning unit would exceed expected noise levels close to the nearby residential properties, to the detriment of the amenities that residents of those properties might reasonably expect to enjoy and contrary to Island Development Plan Policy GP8: Design.

OFFICER'S REPORT

Site Description:

The property known as '57 Lower Pollet' is an attached three storey building with its gable ends facing the Lower Pollet to the west and the North Esplanade to the east. There is a retail convenience store at ground floor level to the west and a hairdressers to the east with the entrance to a restaurant above at first floor level. The attached buildings are to the north and south. The property is located within the St Peter Port Main Centre, a Conservation Area, a Harbour Action Area and a Regeneration Area as defined in the Island Development Plan. The building is also a Protected Building.

Relevant History:

FULL/2024/1899 – Install air conditioning unit at 1st floor level to north elevation (Protected Building) – Refused April 2025.

Existing Use(s):

Mixed use building, including a convenience store, a hairdressers and a restaurant.

Brief Description of Development:

This is a revised application to install an air conditioning unit on a section of flat roof between buildings, over the parapet of the western gable, to the north of the site.

The type of air conditioning unit proposed has not changed and its proposed location has not changed. The only difference from the previous application relates to further justification from the applicant and the sound engineer.

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

MC6: Retail in Main Centres
MC10: Harbour Action Areas
MC11: Regeneration Areas
GP4: Conservation Areas
GP5: Protected Buildings
GP8: Design
GP9: Sustainable Development

Representations:

None.

Consultations:

The Office of Environmental Health and Pollution Regulation
28/01/2026

'I have reviewed the proposed plans for Island Stores to "Install air conditioning unit at 1st floor level to north elevation (Protected Building) (Revised Scheme)", which were received by email on 16th January 2026 and there are a number of issues of concern that I must raise. I can confirm that the consideration of quiet mode of the RZASG-MV1 has been taken into account and the applicant is pushing for approval with use of this mode. Quiet mode as a condition has repeatedly been refused by the Planning Authority as it is not an enforceable condition. As such, again I recommend this application is refused based on the cover letter from Aura that indicates it will only meet the reduction when used in quiet mode, and the acoustic report that when operated in normal mode will be 13 dB above at any period during the day.

*Using an Air Source Heat Pump (ASHP) in quiet mode 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.'*

24/03/2026

'I have reviewed the additional information submitted in relation to the application to install an air conditioning unit at first floor level. The information was received by email on 3rd March 2026.

Whilst it is noted that all the points raised in the supporting letter from Aura (Sound & Air) Limited are understandable and many are valid, having discussed this matter with members of the Planning Service, I am of the opinion that where a standard operating mode is not possible to achieve the required level of 5 dB below the existing LA90 background noise level such a condition as proposed would not be enforceable or deemed reasonable to apply to a consent from a planning perspective.

I would therefore suggest that the acoustic consultant revisit alternative attenuation solutions to ensure that the noise level of the air conditioning unit can achieve the stipulated standard.'

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

As there have been no changes to the type of unit, or the location, and there have been no acoustic attenuating measures added to the proposal the previous report is still relevant in stating the following: -

'The application site relates to the use for Convenience Retail at ground floor level as referred to in Policy MC6 of the IDP. The IDP makes provision for alterations to an existing facility such as this as long as the proposals accord with all other relevant policies of the IDP.'

The siting of the air conditioning unit will not have a detrimental impact on the character and appearance of the locality as there are other units in the location. However, in line with the OEHPR comments, the scheme is not considered to satisfy the aims of the Island Development Plan in terms of mitigating potential noise nuisance from a development. The submission does not propose any acoustic attenuation measures and therefore, when operating at normal capacity, the unit would exceed expected noise levels close to the nearby residential properties.'

'Although the applicant has noted within their report that they would operate the unit continuously in quiet mode, it would be unreasonable and unenforceable to impose a planning condition requiring this. In addition, a condition requiring the unit to operate at, at least 5 dB(A) below the lowest background noise level at any time (this is generally at night) would also be unreasonable and unachievable based on the information submitted as part of the application.'

Arising from relevant Planning caselaw, there are six tests used in practice to judge if a planning condition is applicable and they are that conditions should be necessary, relevant to planning, relevant to the development/proposal, enforceable, precise, and reasonable in all other respects.

In this instance it would not be enforceable to ensure the unit is running in quiet mode all of the time, there are too many variants (as specified in the first consultation letter from Environmental Health, see above) where the mode could be changed and the unit would exceed the acceptable noise level of the unit.

Had the revised application offered simple acoustic attenuation measures then the outcome may have been different, however as proposed it cannot be supported for the reasons set out above.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been considered in the assessment of this application. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 16/04/2026