

APPLICATION FOR VARIATION OF PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2025/09135
APPLICATION TYPE:	Section 73 – Variation/Removal of Condition
SITE ADDRESS:	Shurnhold Farm Business Park, Shurnhold, Melksham, SN12 8DF
DEVELOPMENT DESCRIPTION:	Variation of condition 4 of W/07/01369/FUL to amend the approved opening hours
RECOMMENDATION:	Consent be GRANTED

PROPOSAL

Application W/07/01369/FUL for the *Upgrade of existing building and conversion to B1 use* was granted planning permission on 04.06.2007 subject to 13 conditions.

This application has been submitted under Section 73 of the Town and Country Planning Act (TCPA), which provisions material amendments to a scheme by varying or removing conditions associated with a planning permission, with a request to vary condition 4.

No request is being made to remove any conditions, and the request does not introduce changes that would alter the broad scope of the approved development.

CONDITION OF W/07/01369/FUL REQUESTED TO BE VARIED

Condition 4	
Existing Condition:	Requested change:
The hours of operation shall be limited to between 08:00 and 18:00 hours on Mondays to Fridays, and 08:00 and 13:00 hours on Saturdays, and at no time on Sundays and Bank Holidays. REASON: In order to safeguard the amenities of the area in which the development is located	To re-word the condition to the new opening hours 8am-8pm on weekdays 8am-6pm on Saturdays

SITE DESCRIPTION

The application site comprises units 4 and 6 at Shurnhold Farm Business Park in Melksham, a Market town which benefits from having a made neighbourhood development plan (NDP) and framework development boundary. The site is located just outside of the framework boundary but within the Melksham Parish boundary and wider NDP boundary.

There are other units within the business park, but land surrounding is predominantly undeveloped grassland. The closest residential unit is Grade II listed 'Shurnhold Farmhouse',

located less than 50m north of the site but the majority of nearby dwellings are located to the other side of classified A365 'Shurnhold Road' and consequently have a degree of separation by virtue of that infrastructure.



Figure 1: site (red), framework boundary (black)



Figure 2: aerial view (2024)

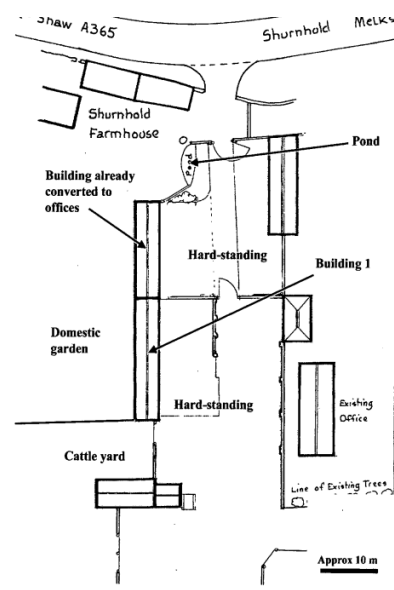


Figure 3: plan under W/07/01369/FUL

Notwithstanding that it doesn't appear that pre-commencement conditions associated with W/07/01369/FUL have been discharged, detail within the application form associated with this S73 request indicates that the development was started on 09.07.2007 and completed on 01.01.2008.

The site is not listed, within a conservation area, on national landscape area. Furthermore, whilst the adjacent road has been identified by the Environment Agency as being within flood zone 3, the site is wholly within flood zone 1, at the lowest risk of flooding from rivers and seas.

RELEVANT PLANNING HISTORY (inter alia)

Related to the site:

- W/07/01369/FUL granted planning permission for the *Upgrade of existing building and conversion to B1 use* on 04.06.2007

Recent, relevant planning history associated with land in same ownership:

- PL/2021/06503 granted planning permission for the *Demolition of existing storage building and erection of office building* on 27.06.2022

POLICY CONTEXT

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

[Wiltshire Core Strategy \(WCS\) – Adopted 2015](#)

- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment
- CP60: Sustainable Transport
- CP61: Transport and Development
- CP64: Demand Management

Saved Policies of the West Wiltshire Local Plan (WWLP)

Joint Melksham Neighbourhood Plan 2 (NDP)

- Policy 10: Employment Sites
- Policy 20: Locally Distinctive, High Quality Design

Wiltshire Local Transport Plan (LTP4)

- Car Parking Strategy (LTP3)

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

ISSUES

The primary issue in the consideration of this application is whether planning permission should be granted subject to conditions differing from those originally attached to W/07/01369/FUL

The following planning matters will form part of the assessment:

- Principle / Sustainable Development
- Impact on Neighbouring Amenity
- Highways Impacts

CONSULTATION

Melksham Town Council: No objection

MTC does not object

Councils Public Protection Team – No objection

Thank you for consulting the Environmental Protection Team on application PL/2025/09135, which seeks to extend operating hours for the B1 use class unit at Shurnhold, Melksham, SN12 8DF.

The proposed extension of operating hours has the potential to increase vehicle activity later in the evening and on Saturdays. This could result in additional noise and disturbance for nearby sensitive receptors if not appropriately managed. While the site benefits from a broad B1 use class, there are currently no conditions restricting the specific type of business or operation within the units. It is therefore reasonable to assume that a future occupier could operate in a manner that relies heavily on frequent vehicle movements for distribution purposes.

However, Condition 5 of the original B1 consent (W/07/01369/FUL) restricts the delivery and dispatch of goods from the site, and this will remain unchanged. Deliveries and

dispatch are conditioned to occur only on Weekdays: 08:00 to 18:00 and Saturdays: 08:00 to 13:00.

We understand that the unit is of single-skin stone construction, which offers limited sound insulation, and that there is a residential property immediately adjacent to the site boundary. Whilst no formal noise complaint has been investigated by this team, we note the comments raised by the neighbouring resident citing loud radio/music noise impacting residential amenity. Music should at no time be audible beyond the site boundary and will be addressed under our statutory powers if complaints are received.

The Environmental Protection Team does not raise an objection to this application, on the grounds that the consented B1 use, by definition, should be able to operate in residential areas without causing nuisance and that deliveries and dispatch remain restricted to previous hours.

REPRESENTATIONS

At the time of writing, one public representation of objection has been received, raising the following summarised concerns:

- Noise impacts
- Lack of demonstrated need for extended hours
- Highways impacts

ASSESSMENT

Principle / Sustainable Development

It is noted that there has been public comment suggesting that the need for extended opening hours has not been clearly demonstrated; however, it is the applicant's prerogative to propose opening hours that support the existing use of the site and there is no planning need for detailed business justification to be provided on this occasion.

Permission granted under W/07/01369/FUL is extant and the principle of development has been established under that application. As a result, the following assessment is primarily focussed on whether the proposed changes to the approved opening hours would result in any new/increased harm.

Impact on Neighbouring Amenity

1no objection raising concerns including the noise impacts of the proposed amendment has been received; consultation with the council's public protection team has been duly carried out, requesting specific response to the concerns raised.

Representation from the public protection team confirmed that, at the time of writing, there have been no complaints investigated relating to the units subject to this application since the planning permission was granted (in 2007); as such, it is reasonable to conclude that the existing operational hours (08:00-18:00 Monday-Friday, 08:00-13:00 Saturday) allow for acceptable levels of neighbouring amenity to be achieved.

The public protection teams representations further suggests that the proposed increase in hours (08:00 – 20:00 Monday-Friday, 08:00-18:00 Saturday) has the potential to result in additional noise and disturbance to occupiers of neighbouring dwellings; however, concludes that the consented B1 use, broadly, should reasonably be able to operate in residential areas without causing nuisance. The team consequently raise no objection to the proposed amendment subject to the separate condition restricting delivery/dispatch times remaining.

Whilst the comments within the representation are noted, as is pointed out in the Public Protection team response, loud music and other forms of unreasonable noise can be investigated under the separate Environmental Protection Act 1990.

Overall, the proposed increase in hours is not objectionable on matters relating to noise or nuisance; the amendment proposed will not likely result in an unacceptable change to existing level of amenity enjoyed by occupiers of neighbouring dwellings.

Highways Impacts

The public objection received also raised concerns that the change to condition 4 will result in negative highways impacts; this concern is noted and it is considered possible that the proposed change to opening hours (increase of 2 hours on a week day and 5 hours on a Saturday) could result in a change to the pattern and frequency of vehicular movements by employees etc; however, given that the operation itself is not changing, there is no extension to the premises proposed, no requirement for further on-site parking, and no change to the vehicular access it is not considered that the requested amendment to W/07/01369/FUL will likely result in intensified use of the highway to an unacceptable degree or other unacceptable impact on highway safety.

The conditions restricting delivery and dispatch of goods will remain, as will the condition requiring on-site parking to be unobstructed and it is not considered necessary to include any further conditions or restrictions in the interest of highway safety.

SUMMARY AND CONCLUSION

Application W/07/01369/FUL was granted permission on 04.06.2007 subject to conditions.

The request under this application is for condition 4 to be varied; no conditions are being explicitly requested for removal; all conditions have, nonetheless, been reviewed as part of this application.

1no public objection has been received, no objection has been received from the Town Council or Councils public protection team. Careful consideration of all relevant planning matters has been made, and review of all representations have been carried out. Overall, granting planning permission subject to conditions that vary to those attached to W07/01369/FUL is acceptable.

Removal of conditions 1 (standard 3-year), 12 and 13 is necessary taking into account that works have completed. Some further minor changes to wording of other conditions are necessary to clarify which application the detail was approved under - including changes to the wording of conditions 2, 3 and 6.

It is recommended that permission is granted to reflect the following:

Condition of W/07/01369/FUL	Remove / Vary?
1: Standard 3 years	Remove as development completed

2: Pre-commencement materials	Vary to compliance with details approved on 05.07.2007
3: Pre-commencement landscaping	Vary to compliance with approved on 09.08.2007
4: Opening hours	Vary to requested hours
5: Delivery hours	Remains relevant
6: Pre-commencement lighting	Vary to compliance with approved on 09.08.2007
7: Restricted use	Remains relevant
8: Restricted storage	Remains relevant
9: Pre-occupation water detail	Vary to compliance with
10: Compliance with structural report	Remains relevant
11: Unobstructed parking	Remains relevant
12: Bird protection	Remove as no longer relevant
13: Bat protection	Remove as no longer relevant

RECOMMENDATION:

That planning permission be GRANTED subject to the following conditions:

- The materials used in the construction of the external surfaces of the development hereby permitted shall be finished to the specification which was submitted to, and approved, by the Local Planning Authority under W/07/01369/FUL on 05.07.2007. Materials shall be maintained as such thereafter.

REASON: To ensure that the development harmonises with its setting.

- The hard and soft landscape details associated with the development hereby permitted shall be carried out, maintained and retained to the specification which were submitted to, and approved, in writing by the Local Planning Authority under W/07/01369/FUL on 09.08.2007.

REASON: To provide a satisfactory landscape setting for the development.

- The hours of operation shall be limited to between 08.00 and 20.00 hours on Mondays to Fridays, and 08.00 and 18.00 hours on Saturdays, and at no time on Sundays and Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

- Deliveries and despatches of goods to and from the site shall be limited to between 08.00 and 18.00 hours on Mondays to Fridays, and 08.00 and 13.00 hours on Saturdays, and at no time on Sundays or Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

- The external lighting associated with the development hereby permitted shall be installed and maintained in accordance with the Institution of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution " and details which were submitted to, and approved in writing, by the Local Planning Authority under W/07/01369/FUL on 09.08.2007.

REASON: In the interests of light pollution prevention

- The premises shall be used for offices or light industrial (B1) uses only and for no other purpose.

REASON: To protect the amenities of nearby residents.

- There shall be no outside storage or display of goods, materials, plant, machinery, equipment, waste or other items.

REASON: In the interests of the appearance of the site.

- The development hereby permitted shall not be occupied until works for the disposal of sewage, foul and surface water drainage have been provided on site to serve the development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained and to minimise the risk of pollution of the water environment

- The structural report by Structural Solutions dated March 2007, submitted under W/07/01369/FUL, details the works needing to be undertaken to allow the change of use to occur. The proposed works shall be carried out strictly in accordance with the approved structural report. Any works not detailed in this report, including demolition of any part of the building or significant removal of any part of its fabric, will need the submission of a further structural report, and works shall not be commenced until approval, in writing, of the report has been obtained by the Local Planning Authority. Any works shall be carried out in accordance with the approved report.

REASON: to ensure that the character and appearance of the building is retained.

- The area allocated for parking shall be kept clear of obstruction and shall not be used other than for the parking of vehicle in connection with the development hereby permitted.

REASON: In the interests of highway safety

INFORMATIVES TO APPLICANT:

- Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.