

CASE OFFICER'S REPORT

Application Reference:	PL/2026/03171
Application Type:	S73 Variation of Condition
Consultation Ends:	10/07/2026
Case Officer:	Joe Richardson

Site Address:	Unit 2, Churchill Way West, Salisbury, SP2 7TS
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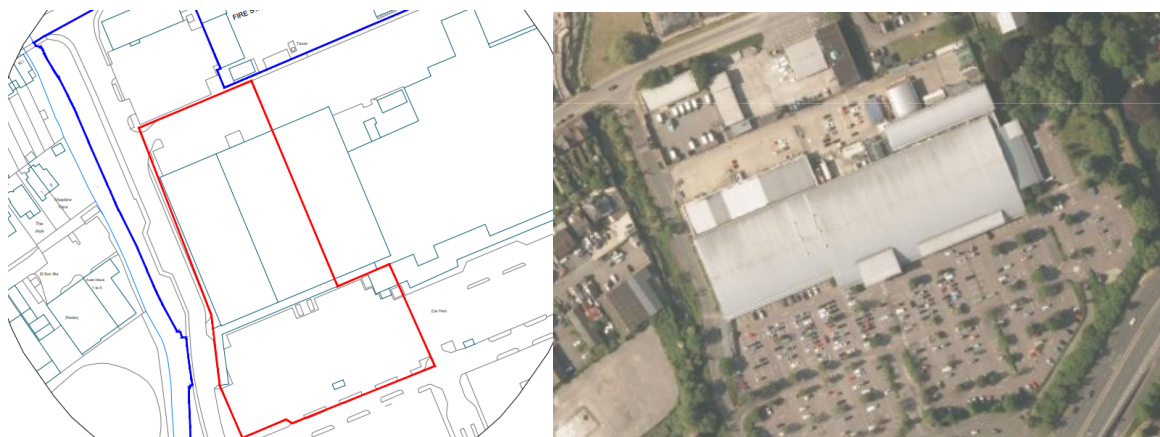
Proposal:	Variation of condition 7 of PL/2024/09079 to extend the hours of operation of the gym use and facilitate 24/7 opening to meet the requirements of the operator
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Recommendation:	Approve with Conditions
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Site Description/Proposal:

The site is located within the established retail park on Churchill Way West Retail Park within a retail terrace of four units. Unit 1 is currently occupied by Lidl following the grant of planning permission, PL/2024/09079 that allowed the partial amalgamation of Unit 1 and Unit 2. The remaining part of the unoccupied Unit 2 is currently vacant and is to be occupied by The Gym Group.

The other two units are occupied by Sports Direct and Waitrose. The retail park is located to the north of the A36 (Churchill Way West) to the north west of the city centre. The site is located within Flood Zone 2, the River Avon SAC catchment area and the 13.8km recreational buffer zone of the New Forest SPA/SAC/RAMSAR site. Vehicular and pedestrian access to the Retail Park is via the A36 to the south. The Retail Park is within walking distance of the surrounding residential areas to the east and west.



Planning permission is sought for the variation of condition 7 of planning consent, PL/2024/09079 that relate to the operating times of the units. The condition stipulates:

The use hereby permitted shall only take place between the hours of 0700hrs and 2300hrs Monday to Saturdays, and between 0800hrs and 1800hrs on Sundays and between 0700hrs and 2100hrs on Bank/Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

The application is seeking to vary the forementioned condition to allow unrestricted operating hours for Unit 2 when occupied as a gym within Use Class E(d), whilst retaining the approved restrictions for retail uses. The application puts forward the following amendment to the wording of the condition:

Condition 7 – Proposed Wording

"Unit 1 and Unit 2 shall not be open for trading other than between the following hours:

07.00 - 23.00 Mondays to Saturdays;

08:00 - 18.00 on Sundays;

07:00 – 21:00 on Bank/Public Holidays;

apart from for use of Unit 2 as a gym within Class E(d), which is not restricted in terms of hours."

Relevant Planning History:

There is an extensive planning history on the site and the following permissions are of relevance to this current application:

S/1993/1019 – Outline application to construct new superstore with coffee shop, non-food retail units, petrol filling station, car parling and ancillary service areas.

Condition 29 of this consent stated:

The range and type of goods to be sold from the non-food retail units, hereby permitted, shall be restricted to the following: DIY and/or garden goods, furniture, carpets and floor coverings, camping boating and caravanning goods, motor and cycle goods, bulky electrical goods. Goods falling outside this range may be sold only where they form a minor and ancillary part of the proposed store's operation.

A Section 106 Agreement was also attached to the permission and is still in force on the site.

S/1997/1738 and S/1997/1740 (Units 1 and 3 only) Application to amend Condition 29
Approved on appeal. Amended as follows:

And within Unit 1, office goods, equipment and accessories. In the event of Unit 1 being used for the sale of office goods, equipment and accessories, then no more than 33% of its total floorspace, including circulation space, shall be used for the sale and display of non-bulky goods.

And within Unit 3, sports goods, equipment and accessories. In the event of Unit 3 being used for the sale of office goods, equipment and accessories, then no more than

45% of its total floorspace, including circulation space, shall be used for the sale and display of non-bulky goods.

S/2007/925 Application to amend Condition 29. Approved amendment as follows:

And within Unit 1, office goods, equipment and accessories, toys (including sales of children's furniture and nursery equipment and goods, children's play items (including outdoor play items)

In the event of Unit 1 being used for the sale of office goods, equipment and accessories, toys (including sales of children's furniture and nursery equipment and goods, children's play items (including outdoor play items) then no more than 33% of its total floorspace, including circulation space, shall be used for the sale and display of non-bulky goods.

14/00583/FUL Installation of mezzanine floor within Unit 2 to replace existing A.C 24.04.14

14/00588/FUL Alterations to elevations A.C 24.04.14

14/00589/VAR Vary Condition 29 of S/1993/1019 to extend the range of products that can be sold from Unit 2. A.C 24.04.14

From a review of the planning history of the site, it is considered that the total range of goods that can be sold from the application site comprises of the following:

Unit 1 – DIY and/or garden goods furniture, carpets and floor coverings, camping, boating and caravanning goods, motor and cycle goods, bulky electrical goods, toys, children's furniture and nursery equipment and goods, and the sale of non-bulky goods from no more than 33% of the unit's total floorspace; and

Unit 2 – DIY and/or garden goods, furniture, carpets and floor coverings, camping, boating and caravanning goods, motor and cycle goods, bulky electrical goods, soft and hard furnishings and household textiles, pictures, homewares, glassware, tableware, household goods, bathroom and kitchen goods and accessories, household cleaning products, lighting, seasonal goods, giftware and pet products and ancillary confectionary/foodstuffs; and this latter category not exceeding 4% of the floorspace.

PL/2024/09079 - Full planning permission for external alterations to Units 1 and 2 to create 2 X retail units (Units 1 and 2) and for the use of proposed Unit 1 for retail sales within Class E of the Town and Country Planning (Use Classes) Order, including for the sale of convenience goods from 80% of the sales area and unrestricted comparison goods from the remaining 20%, alterations to vehicle car park and associated development A.C 18.07.25

PL/2025/06796 - Discharge of condition 3 (Assessment of the Acoustic Impact) relating to application PL/2024/09079 APP 10.10.25

PL/2025/09508 - Discharge of condition 9 Travel Plan of planning application PL/2024/09079 (Full planning permission for external alterations to Units 1 and 2 to create 2 X retail units (Units 1 and 2) and for the use of proposed Unit 1 for retail sales within Class E of the Town and Country Planning (Use Classes) Order, including for the sale of convenience goods from 80% of the sales area and unrestricted comparison goods from the remaining 20%, alterations to vehicle car park and associated development) APP 28.01.26

PL/2025/09509 - Discharge of condition 10 Car Park Management Strategy of planning application PL/2024/09079 (Full planning permission for external alterations to Units 1 and 2 to create 2 X retail units (Units 1 and 2) and for the use of proposed Unit 1 for retail sales

within Class E of the Town and Country Planning (Use Classes) Order, including for the sale of convenience goods from 80% of the sales area and unrestricted comparison goods from the remaining 20%, alterations to vehicle car park and associated development) APP 06.01.26

PL/2026/00560 - Lawful development certificate for proposed change of use from Use Class E(a) to E(d) APP 25.03.26

PL/2026/00639 - Partial Discharge of condition 9 (Travel Plan for Unit 2 only) of PL/2024/09079 APP 19.02.26

PL/2026/03167 - Installation of a new mezzanine within the unit providing 232 sqm of floorspace for Class E(d) use associated with the Class E use of the ground floor of the premises as a gym – Currently undetermined

PL/2026/03487 - Installation of new plant equipment, roof cowls, access ladder and associated works to the roof, together with alteration to the front entrance door, associated with the use of the ground floor of the premises as a gym – Currently undetermined

POLICIES

Sections 72 Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 6 Building a Strong, Competitive Economy

Section 7 Ensuring the Vitality of Town Centres

Section 12 Achieving Well Designed Places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 20 Salisbury Community Area

Core Policy 21 The Maltings/Central Car Park

Core Policy 35 Existing Employment Land

Core Policy 38 Retail and Leisure

Core Policy 57 Ensuring high quality design and place shaping

Core Policy 58 Ensuring the conservation of the historic environment

Core Policy 61 Transport and New Development

Salisbury Central Area Framework (CAF) Adopted January 2020

Maltings and Central Car Park Masterplan 2019

The Wiltshire Retail & Town Centres Study 2020

Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, and further amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015

ISSUES

- Principle of development;
- Design and scale;

- Amenity impacts;
- Highway safety

CONSULTATIONS/REPRESENTATIONS

Salisbury City Council – Support with comments received stating:

Salisbury City Council supports this application but notes the residents' concerns regarding noise

WC Public Protection – No objection with comments received stating:

I write regarding application to vary condition 7 of PL/2024/09079 to extend the hours of operation of the gym use and facilitate 24/7 opening to meet the requirements of the operator.

I have reviewed the documentation submitted. The applicant has demonstrated through a submitted acoustic assessment that noise associated with the customer use (not including installation of new plant) of proposed 24-hour gym operation would remain at least 5dB below existing background noise levels at the nearest residential receptors. Given the site's location within an established retail park adjoining the A36 Salisbury ring road, the separation distances to nearby residential properties, the controlled membership-only access arrangements and the nature of the proposed use, it is considered that the variation of Condition 7 would not result in unacceptable impacts on residential amenity and this department would have no objection to the application subject to suitably worded condition being applied to any approval.

WC Highways – No objection with comments received stating:

I refer to the above planning application for the variation of condition 7 of PL/2024/09079 to extend the hours of operation of the gym use and facilitate 24/7 opening to meet the requirements of the operator. It is considered that the proposal is not detrimental to highway safety and I raise no highway objection.

Third party representations –

2 x letter of objection received with comments stating:

I object to the 24/7 nature of the gym and the extra noise and movements it will bring. This is located near a residential area and at odds with all the other establishments there.

I have concerns about the possible noise from the equipment as I know how from experience how noisy it is.

ASSESSMENT

Principle of development

A Section 73 application allows for variation and/or removal of condition(s). Any new information received in relation to a previous condition can facilitate the removal of the condition requirements on any new decision notice issued as part of a Section 73 application.

The Wiltshire Core Strategy (WCS) sets out a Settlement Strategy and a Delivery Strategy for the sustainable delivery of new development within the County. Applying the normal principle

that applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise; proposed new development which does not comply with the Settlement and Delivery Strategies will be unsustainable, and so unacceptable as a matter of principle, in this overarching context. The WCS for the area was adopted by Wiltshire Council in January 2015.

The principle of development has been established by planning consent PL/2024/09079 and the subsequent certificate of lawfulness application, PL/2026/00560 to allow The Gym Group to operate from within the Unit. There are no physical external changes proposed by way of this application.

Planning applications **PL/2026/03167** (Installation of a new mezzanine within the unit providing 232 sqm of floorspace for Class E(d) use associated with the Class E use of the ground floor of the premises as a gym) and **PL/2026/03487** (Installation of new plant equipment, roof cowls, access ladder and associated works to the roof, together with alteration to the front entrance door, associated with the use of the ground floor of the premises as a gym) relate to the physical works required to facilitate the use of Unit 2 by The Gym Group and are at the time of writing this report, still under consideration by the Local Planning Authority.

This application seeks to vary condition 7 of planning consent PL/2024/09079 by extending the operating hours of Unit 2 for users of the gym only. The existing condition states:

The use hereby permitted shall only take place between the hours of 0700hrs and 2300hrs Monday to Saturdays, and between 0800hrs and 1800hrs on Sundays and between 0700hrs and 2100hrs on Bank/Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

The proposed wording of the amendment to the condition states:

Condition 7 – Proposed Wording

"Unit 1 and Unit 2 shall not be open for trading other than between the following hours:

07.00 - 23.00 Mondays to Saturdays;

08:00 - 18.00 on Sundays;

07:00 – 21:00 on Bank/Public Holidays;

apart from for use of Unit 2 as a gym within Class E(d), which is not restricted in terms of hours."

Core Policy CP38 (Retail and Leisure) states:

All proposals for retail or leisure uses on sites not within a town centre in excess of 200 sq. metres gross floorspace, including extension of existing units, must be accompanied by an impact assessment which meets the requirement of national guidance and established best practice, and demonstrates that the proposal will not harm the vitality or viability of any nearby centres. All such proposals must also comply with the sequential approach, as set out in national guidance, to ensure that development is on the most central site available.

As outlined above, Core Policy 38 seeks to sustain and enhance the vitality and viability of Wiltshire's centres and supports an appropriate range of retail, leisure and service uses. The

current application does not seek permission for a new leisure use or additional floorspace, but rather the variation of a condition controlling hours of operation. Consequently, officers consider that Core Policy CP38 of the WCS is of limited direct relevance to this development proposal. Notwithstanding this, the proposal would facilitate the occupation and operation of an existing commercial (currently vacant) unit as a fitness facility, thereby contributing positively to the range of services available within Salisbury and supporting the continued vitality of the retail park. The proposal is therefore considered consistent with the objectives of Core Policy 38 of the WCS.

Design and scale

The revised NPPF puts greater emphasis on the need for good design. Paragraph 135 sets out that developments should function well and add to the overall quality of the area; demonstrate good architecture, layout and appropriate and effective landscaping; be sympathetic to local character; and establish a sense of place. It states at Paragraph 139 that development that is not well designed should be refused.

At a local level, WCS policy CP57 (Ensuring High Quality Design & Place Shaping), further requires a high standard of design in all new developments through, in particular, enhancing local distinctiveness; retaining and enhancing existing important landscaping and natural features; being sympathetic to and conserving historic buildings and landscapes in terms of layouts, massing, building heights and plot sizes; and making efficient use of land whilst taking into account the local context and surrounding uses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This schemes seeks to vary condition 7 (hours of operation) of consent PL/2024/09079 only and does not propose any external alterations to the building or shopfront facades. As a result, there are no design implications or heritage matters by way of this application to consider.

Amenity issues

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

The site subject to this application is located within an established retail park on Churchill Way West Retail Park within a retail terrace of four units in 'an edge-of-centre' location. The nearest residential properties known as the Avon Reach Flats and 2 Meadow View are approximately 70 and 85 metres from the building façade.

An accompanying Acoustic Assessment undertaken by Air & Acoustic Consultants (AAC) has been submitted with the planning application and has considered operational noise associated with the gym. Conclusions from the report confirm that noise breakout from the building would remain significantly below existing background noise levels at nearby residential properties during both daytime and night-time periods. The assessment concludes that the risk of adverse impact is negligible and that further mitigation measures are not required. The

Council's Public Protection Team have assessed the Acoustic Assessment report and on the basis of the report, have no objection to the varying of this condition.

The extension of the operating hours would also help to promote and enhance the vitality and viability of the Unit in line with other Core Policies outlined within the strategy. Whilst the concerns from the members of the public regarding noise are duly noted, given there is no objection raised by the Council's Public Protection Team, a refusal of planning permission to vary the hours of the Unit for users of the gym given its location within an existing row of terraced units would be difficult to justify.

Consequently, given the site's commercial setting, the separation distances to nearby dwellings, and the findings of the submitted acoustic assessment, it is considered that the proposed unrestricted hours for users of the Unit are unlikely to result in unacceptable noise or disturbance to residential amenity. It is therefore considered that the scheme to vary condition 7 of planning permission PL/2024/09079 would not have any significant adverse impacts to the amenity of the surrounding area that would warrant the refusal of planning permission. As such, the proposal adheres to the requirements of Core Policy CP57 of the WCS.

Highway safety

The existing site has overall parking availability of approximately 950 spaces which includes provision for 57 disabled spaces and 8 spaces with EV Charging facilities. There is no change to the parking layout serving the retail units by way of this application.

The Council's Highways Officer has assessed this proposal to vary condition 7 of planning consent, PL/2024/09079 and raises no objection.

Based on the comments of the Highways Officer, it is considered that the variation of this condition would not have any adverse impact to highway safety.

Conclusion/Planning Balance

This is an application to vary condition 7 (hours of operation) of planning consent PL/2024/09079 in order to allow users of the Gym to access the premises 24 hours/7 days a week. No external changes to the building or shopfront facades are proposed by way of this application.

The comments received from the members of the public are duly noted and have been carefully considered.

The proposal would facilitate the occupation and effective use of an existing commercial unit, support investment within Salisbury, increase access to health and fitness facilities and contribute positively to the local economy and community wellbeing. These benefits attract significant weight. No substantive evidence has been presented to demonstrate that the proposed 24-hour operation would result in unacceptable amenity impacts. The submitted acoustic assessment indicates negligible effects on nearby residential properties, and the site's established commercial context further reduces the likelihood of material harm. This has been confirmed within the comments of the Council's Public Protection Officer that raise no objection to the change in operational hours. The extension of the operating hours as outlined would help promote and enhance the vitality and viability of the area in which the Unit is located in line with Core Policy CP38 of the WCS. Given the site is within an 'edge-of-centre' location

and for the reasoning as outlined within this report, the change in operating hours for gym users only would have no impact on the amenity of the area to warrant the refusal of planning permission.

As such, planning permission should be granted for the variation to the development proposal.

RECOMMENDATION

That planning permission be granted with the following conditions:

1. The development hereby permitted shall be begun before the 18th July 2028.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

DWG No: 71059-006 Site Location/Block Plan Date Received 08.06.26
Activity Noise Assessment undertaken by Air & Acoustic Consultants Dated May 2026 Date Received 18.05.26

REASON: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), Unit 1 hereby approved shall be used solely for purposes within Class E(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification). No more than 20% of the net sales floor space shall be used for the sale of non-food comparison goods. There shall be no sub division of the planning unit to create any additional retail units or additional internal floorspace created.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to change the range and types of goods sold from the premises having regard to the circumstances of the case and the impact on the vitality and viability of the city centre.

4. The use of the non-food retail unit (known as Unit 2) hereby permitted shall not be used for the sale of any goods other than those within the following categories:

DIY and/or garden goods, furniture, carpets and floor coverings, camping, boating and caravanning goods, motor and cycle goods, bulky electrical goods, toys, children's furniture and nursery equipment and goods, the sale of non-bulky goods from no more than 33% of the unit's floorspace, soft and hard furnishings and household textiles, pictures, homewares, glassware, tableware, household goods, bathroom and kitchen goods and accessories, household cleaning products, lighting, seasonal goods,

giftware and pet products and ancillary confectionary/foodstuffs; and this latter category not exceeding 4% of floorspace.

Goods falling outside this range may be sold only where they form a minor and ancillary part of the store's operation.

There shall be no sub division of the planning unit to create any additional retail units or additional internal floorspace created.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to change the range and types of goods sold from the premises having regard to the circumstances of the case and the impact on the vitality and viability of the city centre.

5. No deliveries shall be made to, or collections made from the development hereby approved except between the hours of 0700hrs and 2100hrs Monday to Saturday, and between 0800hrs and 1800hrs on Sunday.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

6. The use of Unit 1 hereby permitted shall only take place between the hours of 0700hrs and 2300hrs Monday to Saturday, and between 0800hrs and 1800hrs on Sunday and between 0700hrs and 2100hrs on Bank/Public Holidays.

No restriction in hours of operation shall apply to Unit 2 when the building is used for indoor sport, recreation or fitness purposes falling within Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. No external building services plant shall be installed in Unit 2 without prior consent from the local planning authority.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

INFORMATIVE TO APPLICANT(S):

1. This permission should be read in conjunction with the Unilateral Undertaking dated 2nd April 2025.
2. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition,

you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure
[elevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure)

3. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
4. Please note, information/plans in relation to condition 3 of consent PL/2024/09079 have been agreed in writing by the Local Planning Authority and formally discharged under application PL/2025/06796. The relevant information is available to be viewed under reference number (PL/2025/06796) on the Council's website, www.wiltshire.gov.uk.
5. Please note, information/plans in relation to condition 9 of consent PL/2024/09079 have been agreed in writing by the Local Planning Authority and formally discharged under application PL/2025/09508. The relevant information is available to be viewed under reference number (PL/2025/09508) on the Council's website, www.wiltshire.gov.uk.
6. Please note, information/plans in relation to condition 10 of consent PL/2024/09079 have been agreed in writing by the Local Planning Authority and formally discharged under application PL/2025/09509. The relevant information is available to be viewed under reference number (PL/2025/09509) on the Council's website, www.wiltshire.gov.uk.
7. Please note, information/plans in relation to the partial discharge of condition 9 for Unit 2 of consent PL/2024/09079 have been agreed in writing by the Local Planning Authority and formally discharged under application PL/2026/00639. The relevant information is available to be viewed under reference number (PL/2026/00639) on the Council's website, www.wiltshire.gov.uk.