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## Appeal Decision

Site visit made on 26 February 2025

**by T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 March 2025**

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**Appeal Ref: APP/U4230/W/24/3354508**

**Unit 2, No. 36 – 38 Fitzwarren Street, Salford M6 5JF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr A Khan (A&A Property Solutions Ltd) against the decision of Salford City Council.
  - The application Ref is PA/2024/0066.
  - The development proposed is Change of use of Unit 2 from B8 (Storage) to B2 (Window Manufacture).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. No formal noise assessment was submitted with the application and the Council consider that the appellant has failed to demonstrate that the development would not cause harm to the living conditions of neighbouring occupiers as a result of noise nuisance. The main issue therefore is whether or not it was reasonable of the Council to refuse the application in the absence of a noise assessment and whether such a noise assessment could have been the subject of a condition.

### Reasons

3. The appeal site relates to Unit 2 at the appeal address which forms part of an existing grouping of buildings. Residential properties sit to the side and rear of the appeal site, whilst the Tesco Petrol Station and store approach roads sit on the opposite side of Fitzwarren Street.
4. The appeal relates to a proposed change of use from B8 to B2 at Unit 2 of the appeal address. A change of use to General Industrial use from Storage and Distribution raises the prospect of increased levels of noise arising from the unit as a result of industrial processes that could be associated with a B2 use.
5. No. 69 Highfield Road (No.69), which is a residential dwelling with a rear lawned garden and side driveway, sits to the south. A further residential property sits across the road on the corner of Highfield Road and Spring Gardens incorporating four well sized windows facing towards the appeal site. There are other terraced residential properties which extend out along Spring Gardens, Alpha Street and Sage Place.
6. During my site visit I observed that the unit appeared to be of mixed construction in terms of materials. Further, the part of the building directly running along the side

of Highfield Road incorporated an alternate roof form. There was a fire escape on the southern side of the building very close to the boundary of No.69.

7. Should noise arise from industrial processes, that noise could be audible outside the building by reason of the building construction and/or proximity to an extent that it could cause substantial harm to the living conditions of neighbouring occupiers.
8. The appellant suggests that a condition could be added which would act to secure a scheme to acoustically insulate the premises to limit the break out of noise to ensure that the relevant standards could be attained within nearby residential buildings. However, I would need to be sure that such a condition would be reasonable.
9. There is nothing to indicate how substantial such a scheme might be or how much work would be involved in its implementation and it remains possible that such a scheme may not be possible at the site as a result of the existing construction of the building or as a result of cost. Such a condition would therefore be unreasonable.
10. Permitting the application without such a condition would have given rise to the risk of the development causing significant harm to the living conditions of neighbouring occupiers as a result of noise nuisance.
11. I therefore conclude that it was reasonable of the Council to refuse the application in the absence of a noise assessment and that the addition of a condition requiring one for this particular proposal at this particular site would not have been reasonable.
12. The proposal in the absence of a formal noise assessment therefore conflicts with policies F3, HH1, D5 and PH1 of the Salford Local Plan (2023) and JP-P6 of the Places For Everyone Joint Development Plan Document (2024) which amongst other things seek an environment free from excessive noise pollution and development which minimises adverse impacts on health.

### **Other Matters**

13. My attention has been drawn to various planning decisions within the Manchester area where it is suggested Councils have been content to allow changes of use to B2 without first requiring noise impact assessments. Every case should however be considered on its own merits.
14. The site at 263 Bury New Road appears to relate to the erection of a new industrial/commercial B2 unit and as a result direct comparisons cannot be made to this scheme which relates to the conversion of an existing building. I therefore give that matter limited weight.
15. The Report from Manchester City Council relating to 13 Lockett Street indicates that there are no residential properties within immediate proximity of the application premises. The circumstances of that location therefore appear to differ and I afford that matter limited weight.
16. The cases at Stocks Mill and Eliza Ann Street are perhaps more comparable relating to a continued B2 use and change to B2 use respectively. I was able to visit both of those sites which are located a short distance from one another. Both

are only a short distance from Liverpool Road and its wide range of commercial uses. Further, the balance of uses within that area appeared more mixed between commercial and residential and Eliza Ann Street is within close proximity to Nassau Mill Industrial Estate. I therefore consider that those sites are not directly comparable and I afford them limited weight.

### **Planning Balance and Conclusion**

17. The proposal would result in the creation of a unit for B2 use which would be of benefit to a business requiring such a use and I note that the appellant indicates that they have had limited success in securing a user within the B8 use class.
18. However, that matter does not outweigh the harm and the proposal conflicts with the development plan. Material considerations do not indicate that a decision should be made otherwise than in accordance with it. The appeal should therefore be dismissed.

*T Burnham*

INSPECTOR