



Appeal Decision

Site visit made on 18 June 2025

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/N4205/W/25/3363994

Halliwell Industrial Estate, Rossini Street, Bolton BL1 8DL

- 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 Patel (AMAJ Limited) against the decision of Bolton Council.
 - The application Ref is 19237/24.
 - The development proposed is the installation of 25no. steel storage containers.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of 25no. steel storage containers at Halliwell Industrial Estate, Rossini Street, Bolton BL1 8DL in accordance with the terms of the application, Ref 19237/24, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no P.100.
 - 2) The containers shall only be used for ancillary storage purposes associated with existing occupiers of the Halliwell Business Park.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Preliminary Matters

3. The description of development has changed from that on the planning application form, and I have used the description provided on the appeal form and the Council's decision notice. However, I have removed the word 'retrospective' as this is not an act of development.

Main Issue

4. This is the effect of the development on the living conditions of the existing residents, with specific reference to noise and disturbance.

Reasons

5. The site is an overspill car park associated with Halliwell Business Park. It has a long history of commercial and industrial use, being part of a former mill site. The proposal is for the installation of 25 steel storage containers. The Design and Access Statement (5.10) details that the containers would be restricted to business park tenants during operational hours only. The area is allocated as mixed use, and a storage use would be compatible with both the existing commercial uses and surrounding residential uses. Even accounting for comings and goings, there

would be minimal noise arising from the proposed use as storage, particularly given the existing uses and activities on the surrounding site.

6. The nearest residential properties are 12-22 Avoncliff Close, located around 9 metres from the site, along with those to the south on Winter Street. Concerns have been raised by neighbours in relation to a refrigerated storage container. However, noise arising from the mechanical parts of the refrigerated storage container would be a matter for public protection, and as detailed by the Council, has already been the subject of a noise abatement order.
7. Furthermore, the Noise Impact Assessment¹ details that noise levels emitted from the refrigerated container are estimated to be 1-4dBA below the background noise level in the vicinity of the neighbouring residential area. This was modelled on worst case scenarios, so any intermittent 'on/off' noise would be quieter. Additionally, despite claims of measurements being carried out by the Council, they have provided no counter evidence. Therefore, based on the evidence before me, noise arising from the refrigerated unit would not generate unacceptable levels of noise pollution.
8. Consequently, the proposal would have an acceptable effect on the living conditions of existing residents, compliant with Policy CG4 of Bolton's Core Strategy (March 2011). This seeks to ensure proposals are compatible with surrounding land uses and occupiers, protecting amenity, and not generating unacceptable noise pollution. There would also be compliance with the National Planning Policy Framework, which seeks to ensure new development is appropriate for its location considering the likely effects of pollution on living conditions, and to mitigate and reduce to a minimum potential adverse impact resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Other Matters

9. Light pollution would not arise as there is no lighting proposed. I have assessed the proposal on the details before me, not previous planning decisions or appeals.

Conditions

10. The drawings are listed for certainty. Residents complain of late night comings and goings, and that the units are being advertised for general use. The Council suggest a condition to restrict hours of deliveries. However, the details before me state that the proposal would be used restricted to business park tenants during operational hours only. Therefore, it would be unnecessary to restrict hours of deliveries, but a condition to control the use of the containers as ancillary to occupiers of the business park would be necessary, to ensure the proposal is carried out as proposed.

Conclusion

11. For the reasons given above, the appeal is allowed.

Katie McDonald

INSPECTOR

¹ Azymuth Acoustics UK (December 2024)