

Planning Applications Report

**Planning Committee
14th November 2023**

**Bolton
Council**

Bolton Council has approved a Guide to Good Practice for Members and Officers Involved in the Planning Process. Appendix 1 of the Guide sets down guidance on what should be included in Officer Reports to Committee on planning applications. This Report is written in accordance with that guidance. Copies of the Guide to Good Practice are available at www.bolton.gov.uk

Bolton Council also has a Statement of Community Involvement. As part of this statement, neighbour notification letters will have been sent to all owners and occupiers whose premises adjoin the site of these applications. In residential areas, or in areas where there are dwellings in the vicinity of these sites, letters will also have been sent to all owners and occupiers of residential land or premises, which directly overlook a proposed development. Copies of the Statement of Community Involvement are available at www.bolton.gov.uk

The plans in the report are for location only and are not to scale. The application site will generally be in the centre of the plan edged with a bold line.

The following abbreviations are used within this report: -

CS	The adopted Core Strategy 2011
AP	The adopted Allocations Plan 2014
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
PCPN	A Bolton Council Planning Control Policy Note
PPG	Department of Communities and Local Government Planning Policy Guidance Note
MPG	Department of Communities and Local Government Minerals Planning Guidance Note
SPG	Bolton Council Supplementary Planning Guidance
SPD	Bolton Council Supplementary Planning Document
PPS	Department of Communities and Local Government Planning Policy Statement
TPO	Tree Preservation Order
EA	Environment Agency
SBI	Site of Biological Importance
SSSI	Site of Special Scientific Interest
GMEU	The Greater Manchester Ecology Unit

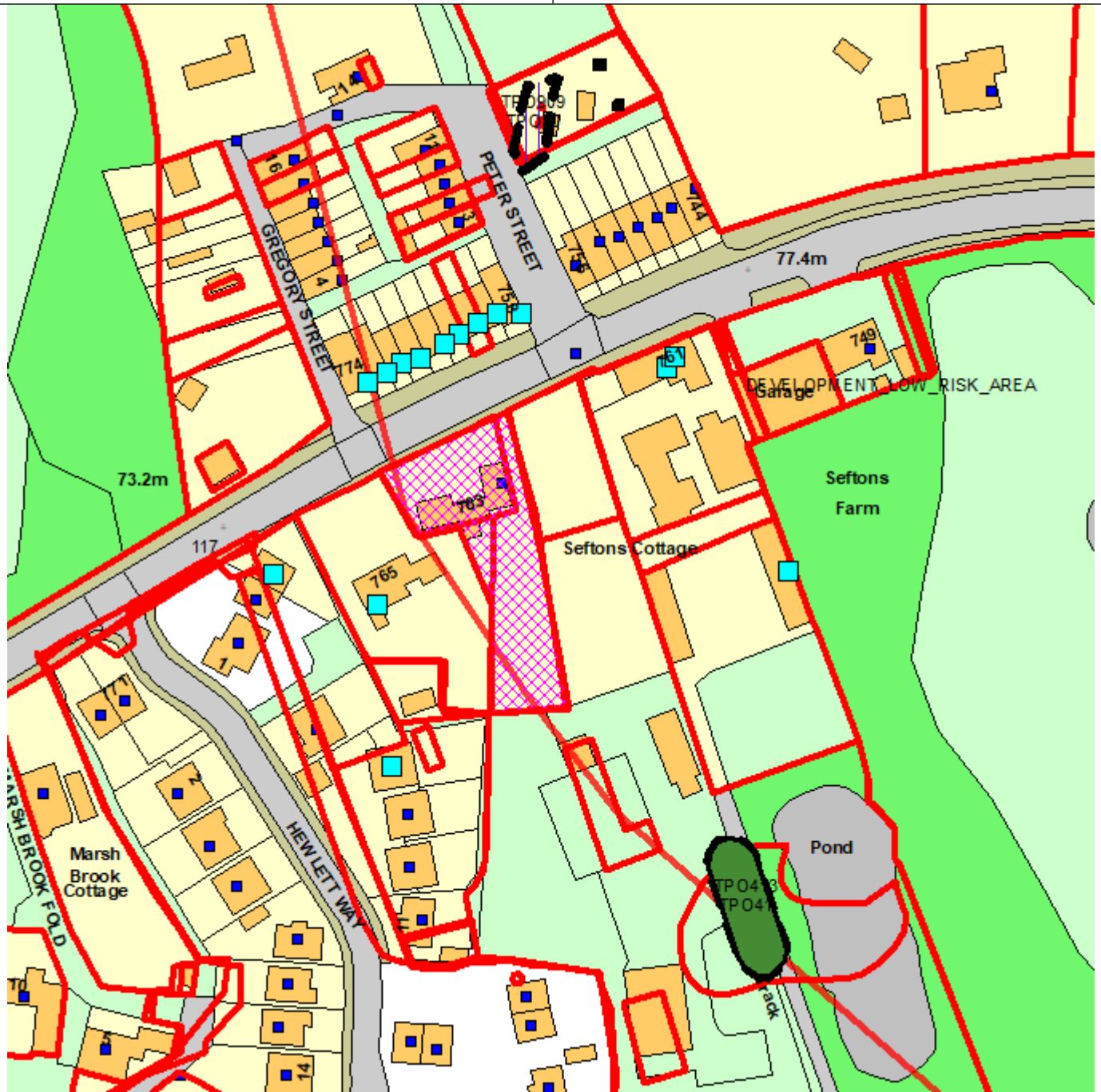
The background documents for this Report are the respective planning application documents which can be found at:-

www.bolton.gov.uk/planapps

Application Number 16593/23

Directorate of Place
Development Management Section

Town Hall, Bolton, Lancashire, BL1 1RU
Telephone (01204) 333 333



Bolton
Council

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Date of Meeting: 14 November 2023

Application Reference: 16593/23

Type Of Application	Full Planning Permission
Registration Date	10 August 2023
Decision Due Date	8 November 2023
Responsible Officer	Charlotte Orrell
Authorising Officer	

Location	763 WIGAN ROAD WESTHOUGHTON BOLTON BL5 2DD
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Proposal	CHANGE OF USE FROM DWELLING HOUSE (CLASS C3) TO RESIDENTIAL INSTITUTION (CLASS C2)
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Ward	Westhoughton South
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Applicant: Ms Catrina Lewis

Agent: Mr Philip Wells

OFFICER'S REPORT

Recommendation: Approve subject to conditions

Executive Summary

- * This application is before Members due to the number of objections received and so it is considered to be in the public interest that the decision is made by Planning Committee
- * 26 addresses have submitted objection letters.
- * The application is for the change of use of an existing dwellinghouse (C3) to a care home (C2) for up to four children with 2 members of staff. No external or internal changes are proposed.
- * For the reasons discussed within this report, officers consider that the proposal would be acceptable in principle and no unacceptable harm has been identified in respect of crime, the residential amenity of surrounding occupiers, the living conditions of the future occupiers, and highways.
- * It is considered that the proposed care home complies with the Council's development plan policies, and the National Planning Policy Framework, and Members are recommended to approve the application.

Proposal

1. The applicant (Home Comforts Services Limited) seeks planning approval for the change of use of 763 Wigan Road, Bolton, from an existing dwellinghouse (C3) to a care home (C2).
2. The Planning Statement submitted states that the house would become a home for up to four children between the ages of 8 to 18, and for two carers during a typical 24-hour day working in a shift pattern. As such there would be a maximum of 6 people present at the property at any one time. The dwelling would create a place young people requiring care can call home and be able to enjoy.
3. No internal or external alterations are proposed to the dwelling.

Site Characteristics

4. The application site relates to a two storey detached property sited on Wigan Road. Parking is provided on the large hardstanding to the front of the property, whilst private amenity space is provided to the rear.

5. Internally the property provides a living room, sitting room, kitchen, utility and conservatory area whilst providing 5 bedrooms at first floor alongside a WC and bathroom.
6. The site is located in a predominantly residential area however there are some commercial uses nearby.
7. Neighbouring properties vary in terms of their style and character with mainly terraced properties lining the road.
8. The house is not listed or located within a conservation area; however, is sited within the Green Belt.

Policy

9. The Development Plan

Core Strategy: OA3 Westhoughton; CG3 Built Environment, CG4 Compatible Uses, S1 Safe Bolton; SC1 Housing, S1 Access and Appendix 3 - Parking Standards.

Allocations Plan Policy: CG7AP Green Belt

10. Other material considerations

SPD Accessibility, Transport and Road Safety

National Planning Policy Framework (NPPF).

Places for Everyone (Pfe) – 2023 – This plan has reached the main modifications stage. The modifications have been agreed by Bolton’s Cabinet which are currently the subject of a public consultation period. Given the level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning application in Bolton. The Plan and its policies must therefore be given significant weight in the planning balance. However, there are not considered to be any policies that would directly relate to this proposal or to contradict policies within Bolton’s Core Strategy.

Analysis

11. Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with policies in the Development Plan unless material considerations indicate otherwise. Applications which are not in accordance with Development Plan policies should be refused unless material considerations justify granting permission. Similarly, proposals which accord with Development Plan policies should be approved unless there are material considerations which would justify a refusal of permission. It is therefore necessary to decide whether this proposal is in accordance with the Development Plan and then take account of other material considerations.

12. The main impacts of the proposal are:

- * Principle of development
- * Impact on character and appearance of the surrounding area
- * Accommodation standards, impact on residential amenity, and fear of crime
- * Impact on the highway
- * Impact on the Green Belt

Principle of the Development

13. The proposed change of use has the potential to support the strategic vision of the Council by helping to ensure that the needs of the community are met. The change of use is also in line with Paragraph 60 of the NPPF which states that a sufficient amount and variety of land should come forward where it is needed, and that the needs of groups with specific housing requirements are addressed.

14. With regards to the building itself, 763 Wigan Road was originally built as a residential property and it appears that it has been used as a residential property for all its lifespan. It is considered that the use of the property for the purposes of the provision of care can be supported.
15. The site lies in a sustainable location within a mile of shops, primary schools and other local amenities. There is also a bus stop less than 100m away from the site and so it is sited within range of good transport links.
16. The principle of development is considered to be acceptable.

Impact on Character and Appearance of the Surrounding Area

17. The information submitted as part of the application states that no external or internal alterations are proposed to the building. As such the proposal would not result in change to the physical character of the building and appearance of the area.
18. It is therefore considered that the proposal complies with Policies CG3 and OA5 of the Core Strategy.

Accommodation Standards, Impact on Residential Amenity and Fear of Crime

19. Core Strategy policy CG4 seeks to ensure that development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security, and does not generate unacceptable nuisance, odours, fumes, noise or light pollution.
20. Paragraph 130 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

Accommodation Standards

21. With regard to the living conditions of future occupiers of the property, it is noted that all bedrooms would be provided with natural light and ventilation, with an outlook onto Wigan Road from the front, the garden to the rear.
22. Internally, communal areas would be provided on the ground floor of the property, allowing for adequate provision of shared amenity space, whilst a kitchen and living room would also be provided. The garden area would be retained to the rear of the building for sitting. Bins can also be stored away from public vantage points to the rear of the dwelling.
23. The Council's Children's Services section were consulted and have stated that they have reviewed the application whilst taking into consideration concerns raised by residents. They have stated that following review and due diligence, they would be in support of the application based on multiple reasons. These include a successful meeting with the investor who had a genuine and evidenced desire to help and support young people alongside the opportunity for future provisions, the experience of the applicant and the team they have employed, the applicant's assurance that neighbour engagement will be a top priority, the consultation with the LPA has been thorough and the provider has researched Bolton's market sufficiency, understood the local needs assessment and is positively aware of the long-term goals of Children's Services, the home will be registered and regulated by Ofsted, the home's location is in a suitable area.
24. Concerns have been raised by neighbouring occupiers regarding the suitability of the local area for the future occupiers of the residential unit and the availability of facilities for young people in the area. While these may be valid observations, they are not reasons in themselves to refuse planning permission. Indeed, it is considered that as the application site is in an established mixed area including residential, this should provide a good environment for children.

25. Therefore, the use of the premises for three occupants would provide acceptable amenity standards for future occupiers in this location and would accord with Policy CG4 of the Core Strategy, and the National Planning Policy Framework.

Impact on Surrounding Residential Occupiers

26. The proposal seeks a change of use from C3 (dwelling house) to C2 (care home). No significant alterations to the internal layout or external elevations are proposed. The site lies within an established predominantly residential area, with neighbouring semi-detached and terraced dwellings surrounding the site as well as some commercial uses close by.
27. Internally five bedrooms would be provided at first floor level where the windows to these bedrooms are located on the front, side and rear elevations; therefore, there would be no increased overlooking of neighbouring properties than existing. Other rooms would also remain as existing, and in this respect, there would be no change to the established physical relationship between the host and surrounding properties.
28. Given the size of the dwelling and scale of the use (which is to an extent self-limiting by virtue of the size of the property), it is considered that the occupation of the property by four residents and two staff would not intensify the use of the site by a significant degree to warrant refusal. It is considered that the levels of activity at the site would not be appreciably different to those associated with the current use.
29. Although the level of intensification, through staff comings and goings may increase, it would not be so significant as to cause harm to the amenities of surrounding properties where the size of dwelling could accommodate a large family with similar comings and goings.
30. As the C2 use classification would allow other uses with the potential to generate additional levels of noise and disturbance to occupy the building in future, a condition is recommended to restrict the use of the property, to a residential care home, within the C2 use class.
31. In light of the above, it is not considered that the use of the premises for four occupants with care needs and two carers would result in an incompatible use when compared with the large, detached nature of the dwelling and mixed use character of the immediate area. The impact upon amenity of surrounding residential properties is considered to be acceptable.

Fear of Crime

32. Policy S1.1 of the Core Strategy states that the Council will ensure that the design of new development will take into account the need to reduce crime and the fear of crime.
33. Paragraph 130 (f) of the Framework states that planning policies and decisions should ensure that developments 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
34. Greater Manchester Police have been consulted as part of this application and have stated that the property lends itself to being a children's home as is a large detached dwelling with ample parking. They did recommend that the applicant provides a robust management plan and a statement of community engagement, so that local residents have the opportunity to address any potential concerns before they escalate. This will be added to the informatives of the report subject to an approval.
35. The fear of crime and anti-social behaviour are relevant considerations in the determination of the application. However, the weight that can be afforded to them depends on whether or not the evidence shows that the potential risk of crime and anti-social behaviour are shown or expected to be high and the consequences for the community and individuals are serious.

36. It is an established principle in law (Smith V First Secretary of State [2005]) that fear of crime can be a material consideration in planning (as an element of public safety) but that fear itself is not enough. That fear has to be objectively justified rather than just perceived. So, in order to take criminal incidents into account it is necessary not only to attribute them to the individuals concerned but also to the use of the land. If the concern for the future rests at least partly on assumption not supported by evidence as to the characteristics of the future occupiers, it cannot be taken into account.
37. It is acknowledged that Wigan Road is a busy road. The persons to be accommodated at the site (children) might give rise to the issues raised in the objections submitted by local residents, but equally they may not. There is no evidence at this time that would indicate that this facility would give rise to these particular issues, and therefore the concerns are not supported by evidence that can be attributed to the applicant.
38. As such, it is concluded that the proposed use would not have a harmful impact on the amenity of surrounding residents. It is not considered that sufficient evidence exists to raise a sustainable reason for refusal in respect of fear of crime and anti-social behaviour.
39. In light of the context of the surroundings of the site and the associated levels of general activity and noise, it is not considered that the change of use to a small care home would not result in significant further increase in activity levels. As such, the noise and disturbance associated with residential activities and comings and goings etc. from the proposed development would not increase to the extent that would unduly impact on the amenity of residents of surrounding properties.
40. Therefore, it is considered that the development would not have an undue adverse impact on the living conditions of the nearby residents. The proposal is considered to be in accordance with the requirements of Policy CG3 of Bolton's Core Strategy and the National Planning Policy Framework.

Impact on the Highway

41. Policy P5 seeks to ensure that new development takes into account accessibility, pedestrian prioritisation, public transport, servicing, parking and the transport needs of people with disabilities. Policy S1 seeks to promote road safety. The Council has also adopted the Accessibility, Transport and Road Safety SPD.
42. The site is situated in an area with good accessibility with frequent bus services provided along the highway of Wigan, and is less than a mile to shops and services.
43. The proposed development would retain the existing three car parking spaces to the front and side of the property. The spaces are adjacent to the highway and therefore easily accessible with ample manoeuvring space. There are no proposals to extend the existing building or change the existing parking arrangements.
44. The Council's maximum car parking standards require 1 space per 4 bedrooms for this type of development. As such the car parking space provided at the site is acceptable. It should be acknowledged that visitors would only be on site for a limited period of time. As such the proposed parking provision is considered to be reasonable.
45. Furthermore, the Council's Highways Officers raised no objection to the proposed. In addition, Wigan Road is not considered to be overwhelmed by traffic by this small operation.
46. The storage of refuse and servicing of the premises will be similar to the existing.

47. As such, the proposal would not unduly impact on the highway safety and would therefore accord with policies Policy P5 and S1 of the Core Strategy and the NPPF.

Conclusion

48. The proposed care home for four children is considered to be acceptable in principle in this location and no unacceptable harm has been identified in respect of crime, the residential amenity of surrounding occupiers, or the living conditions of the future occupiers. The highways and parking proposals are also considered acceptable.
49. Members are therefore recommended to approve this application subject to the suggested conditions.

Representation and Consultation Annex

Representations

Letters:- 28 addresses raised the following objections:

- Concerns around crime
(Officer Comment – this has been discussed within the body of the report.)
- Would decrease the value of neighbouring properties
(Officer Comment – not a material planning consideration.)
- Concerns over the safety of the road, especially with speeding drivers
(Officer Comment – this has been discussed within the body of the report.)
- No direct public transport links to train stations
(Officer Comment – this has been discussed within the body of the report.)
- Privacy will be an issue due to the proposal backing onto residential properties
(Officer Comment – this has been discussed within the body of the report.)
- Concerns over whether the premises has been Ofsted approved
(Officer Comment – this has been discussed within the body of the report.)
- Concerns over safeguarding issues in Bolton Children’s Homes
(Officer Comment – this has been discussed within the body of the report.)
- A railway line close by could pose a health and safety risk for vulnerable young people
(Officer Comment – Children’s Services were in support of the application.)
- Cars parking on the road would make the pavement narrow for pedestrians
(Officer Comment – this has been discussed within the body of the report.)
- The metal gates cause issues for neighbouring residents view when leaving driveways in cars
(Officer Comment – highways were consulted and have no objected in relation to visibility)
- Overlooking to neighbouring properties
(Officer Comment – this has been discussed within the body of the report.)
- Local residents haven’t been consulted except those in the immediate vicinity
(Officer Comment – only immediate neighbours do get consulted)
- These children may not come from the area and will put a strain on services
(Officer Comment – Children’s Services were consulted and had no objections.)
- Concern over the company/applicant
(Officer Comment – Children’s Services were consulted and had no objections.)
- There has been no operational statement submitted, an concerns over how the institution will be run
(Officer Comment – Children’s Services were consulted and had no objections.)
- Concerns regarding the potential residents that will occupy the property
(Officer Comment – not a material planning consideration)
- Concerns regarding impact on neighbouring children

(Officer Comment – not a material planning consideration.)

- May lead to increased noise pollution in the area
(Officer Comment – it is not consulted the noise will increase from the previous use as a dwelling)
- Would impact on the strong sense of community in the area
(Officer Comment – not a material planning consideration.)
- Would impact the local ecology
(Officer Comment – the use of the property is changing and nothing else. This would therefore not impact on ecology)
- Childrens services in the area are already overwhelmed
(Officer Comment – Children’s Services were consulted and had no objections.)
- There are 5 other of these properties in Westhoughton
(Officer Comment – not a material planning consideration)
- There have been internal changes to the property
(Officer Comment – internal changes do not need planning consent)

Consultations

Children’s Services, Highways, Greater Manchester Police (GMP).

Planning History

75386/06 – Erection of a two storey extension to rear – approved November 2006.

67500/04 – Change of use from residential home to private day nursery – refused May 2004.

Recommendation: Approve subject to conditions

Recommended Conditions and/or Reasons

Subject to the following conditions, which have been imposed for the reasons stated:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan, drawing number P01, dated 10 July 2023

Existing Plans, drawing number P03, dated 10 July 2023

Reason

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

- 3 The number of bedrooms shall not exceed five and not more than four children shall be cared for at any one time at the property.

Reason

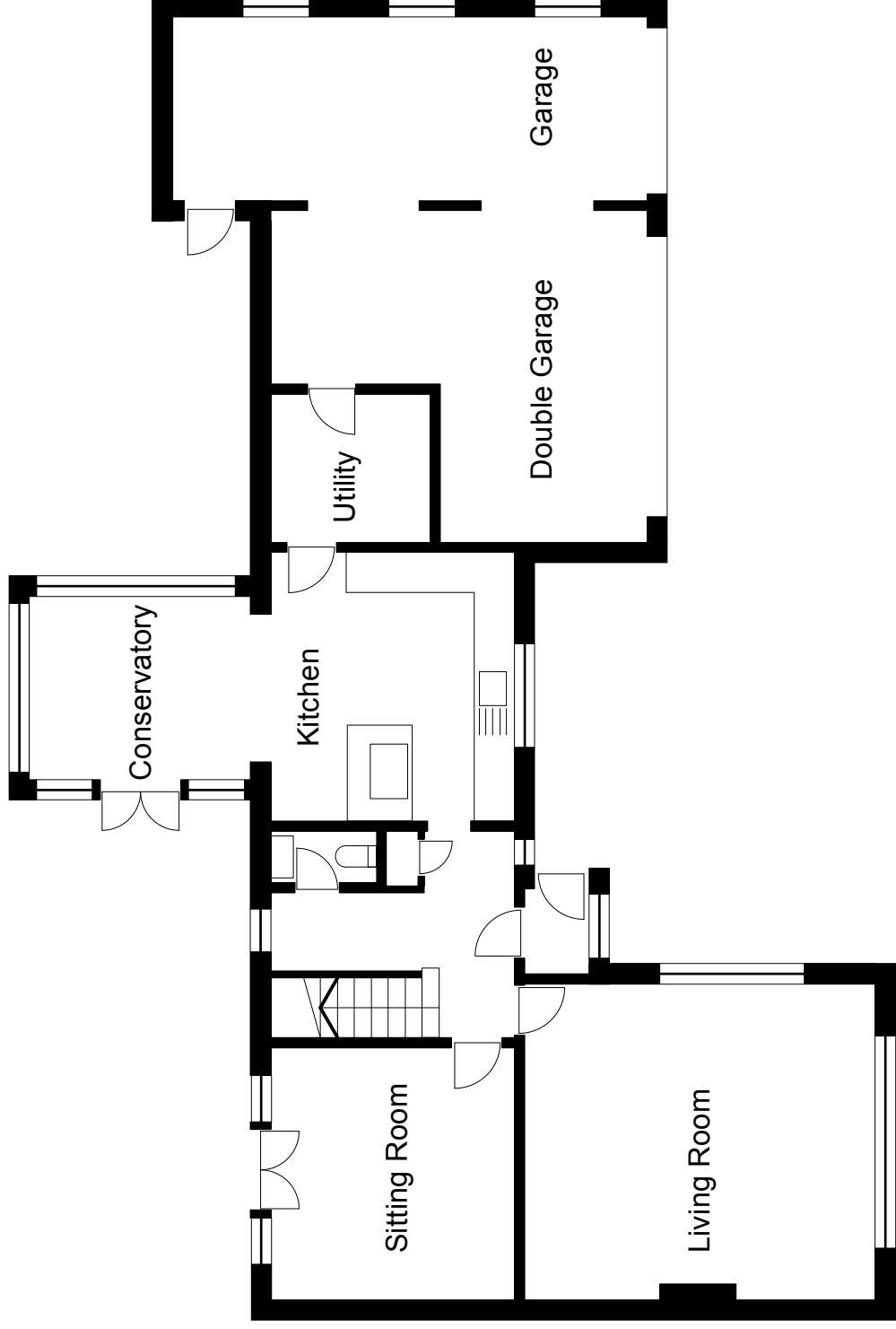
In order to limit the scale and intensity of the use and to avoid unacceptable levels of noise and disturbance in the interests of the amenity of surrounding residents in accordance with the requirements of Policies CG3 and CG4 of Boltons Core Strategy and the National Planning Policy Framework.

- 4 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the amendment, revocation and re-enactment thereof, the premises shall only be used for the provision of residential accommodation and care to people in need of care, and for no other purpose (including any other purpose in Class C2 of the above Order).

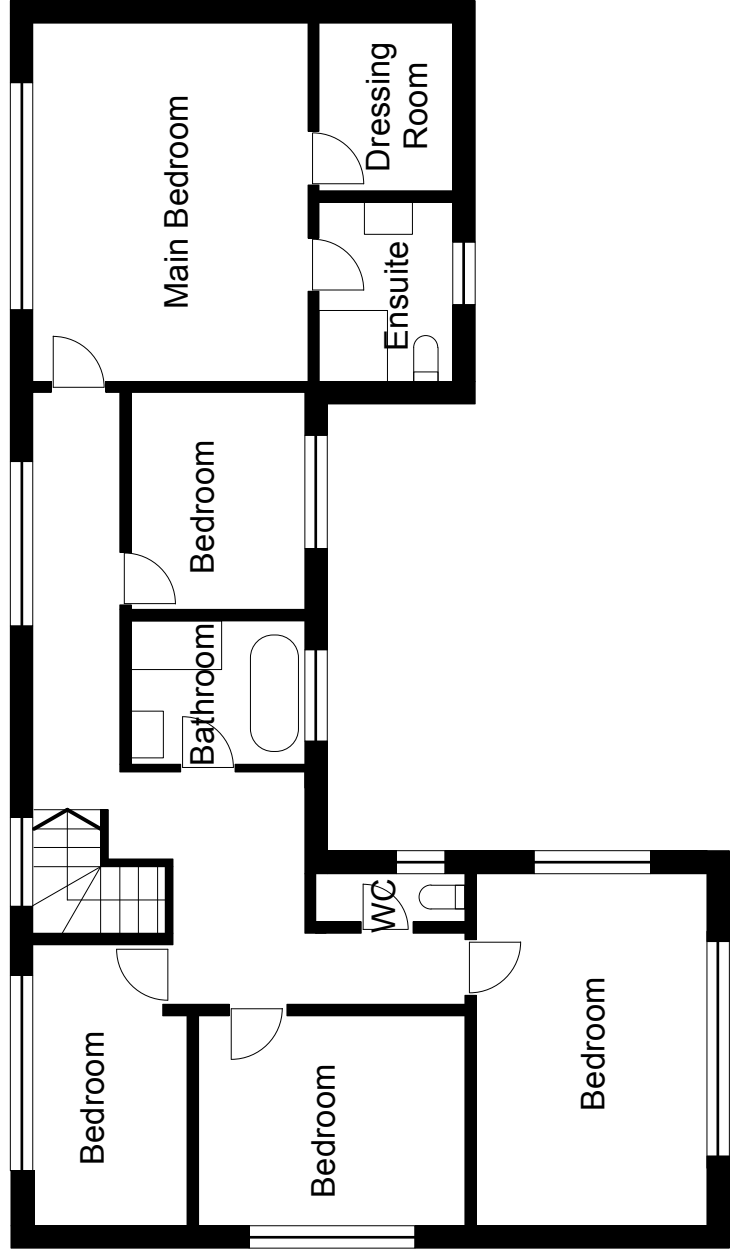
Reason

In order to safeguard the amenities of surrounding properties, and in compliance with Policies CG3 and CG4 of Boltons Core Strategy and the National Planning Policy Framework.

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Existing Ground Floor Plan
1:100 at A3



Existing First Floor Plan
1:100 at A3

Notes
Do not scale from drawing. Dimensions govern.
Dimensions in millimeters unless otherwise stated.
Contact the originator with any related questions.

Key

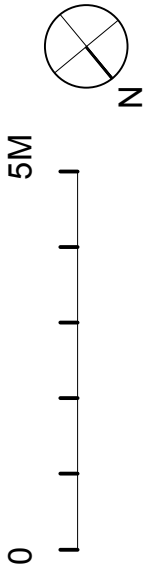
Rev	Date	Detail	D'wn	Chkd

Key Plan:

Change Of Use-Class Application
763 Wigan Road
Westhoughton
Bolton
BL5 2DD

Existing Plans
Status: Planning
Project No. 041
Scale: 1:100 at A3
10 July 2023

Draw No. P03 Rev-



DesignBox ARCHITECTURE
Collingham House, 10-12 Gladstone Road,
London SW19 1QT
enquiries@dgnbx.com 02087 671053 DgnBx.com
A3

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Location Plan
1:1250 at A3

Boundary to site and property area



- Key**
- 1 Wigan Road
 - 2 Front drive
 - 3 Existing house
 - 4 Rear garden

Notes
Do not scale from drawing. Dimensions govern.
Dimensions in millimeters unless otherwise stated.
Contact the originator with any related questions.

Key

Rev	Date	Detail	D'wn	Chkd

Key Plan:

Change Of Use-Class Application
763 Wigan Road
Westhoughton
Bolton
BL5 2DD

Location Plan
Status: Planning

Project No. 041
Scale: 1:1250 at A3
10 July 2023

Draw No. P01 Rev:-

DesignBox ARCHITECTURE
Collingham House, 10-12 Gladstone Road,
London SW19 1QT
enquiries@DgnBx.com 02087671053 DgnBx.com
A3