

**Planning Applications Report**

**Planning Committee  
23<sup>rd</sup> February 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](http://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](http://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.

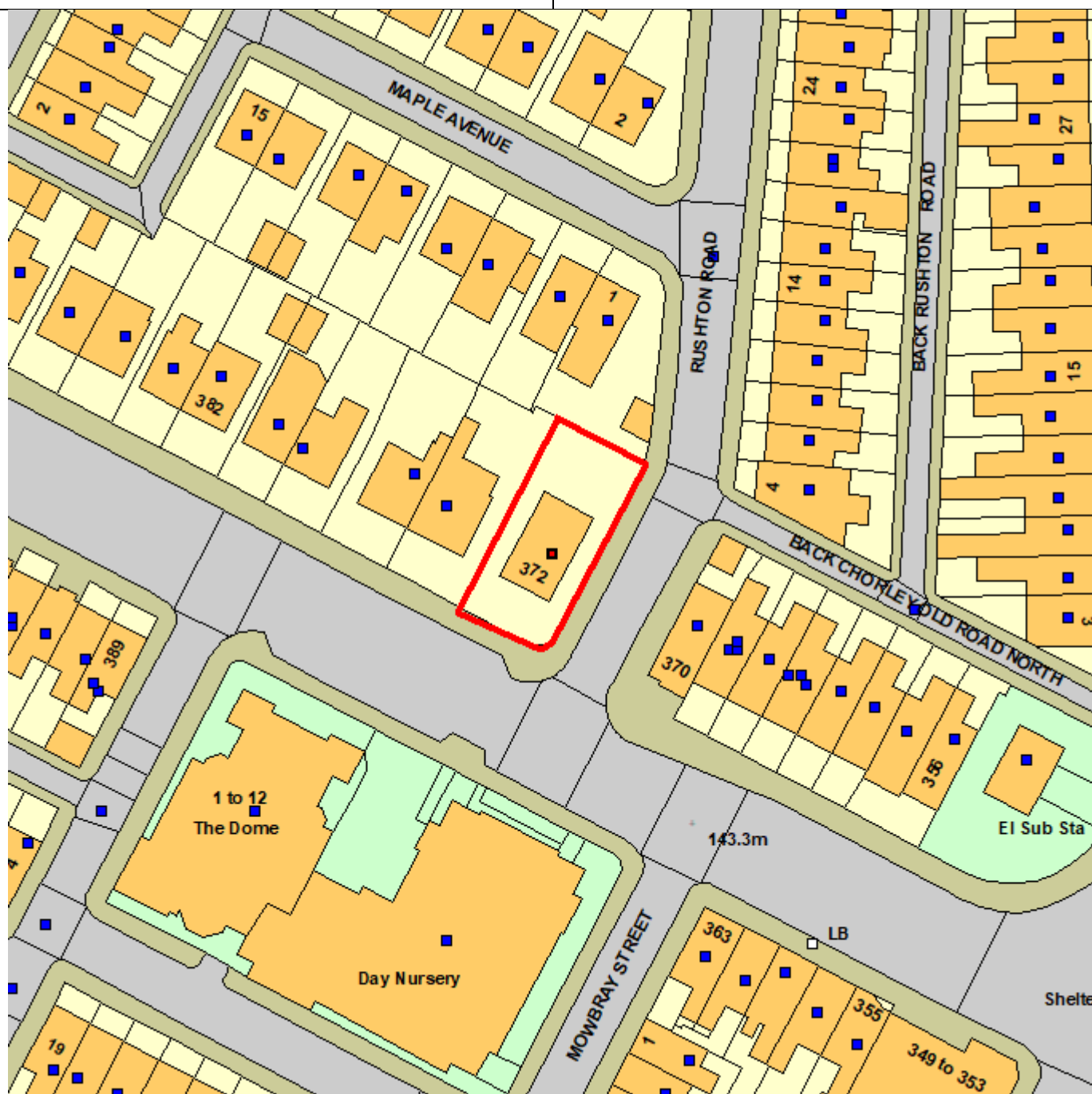
The following abbreviations are used within this report: -

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](http://www.bolton.gov.uk/planapps)

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Date of Meeting: 23 February 2023

Application Reference: 14678/22

**Type Of Application**  
**Registration Date**  
**Decision Due Date**  
**Responsible Officer**  
**Authorising Officer**

**Full Planning Permission**  
**26 September 2022**  
**24 February 2023**  
**Mubeen Patel**

**Location**

**372 CHORLEY OLD ROAD BOLTON BL1 6AG**

**Proposal**

**CHANGE OF USE FROM RESIDENTIAL DWELLING TO  
RESIDENTIAL CHILDRENS HOME**

**Ward**

**Smithills**

**Applicant:** MR A Munir

**Agent:** Mr M Yaseen

## **OFFICER'S REPORT**

**Recommendation:** Approve subject to conditions

### **Executive Summary**

- \* This application is before Members due to concerns raised by Children's Services.
- \* Two letters of objection have been received.
- \* The application is for the change of use of an existing dwellinghouse (C3) to a care home (C2) for up to three children. 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 (Assured Children's Home) seeks planning approval for the change of use of 372 Chorley Old 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 three children between the ages of 6 to 18, and for three 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 assist in providing continuous care and support for individuals in need of additional care such as emotional and behavioural difficulties.
3. No internal or external alterations are proposed to the dwelling.

### **Site Characteristics**

4. The application site relates to a two storey red brick detached property positioned towards the corner of Chorley Old Road and Rushton Road. Parking is provided on the hardstanding to the front and the drive to the side, whilst private amenity space is provided to the rear.

5. Internally the property provides a lounge, WC, kitchen/diner, and family room at ground floor, whilst on the first floor four bedrooms, and two bathrooms are provided.
6. The site is located in a mixed use area with residential and commercial properties, a nursery, and church in the vicinity.
7. Neighbouring properties vary in terms of their style and character with mainly semi-detached properties.
8. The house is not listed or located within a conservation area.

### **Policy**

#### **9. The Development Plan**

Core Strategy: 0A5 North Bolton; CG3 Built Environment, CG4 Compatible Uses, S1 Safe Bolton; SC1 Housing, S1 Access and Appendix 3 - Parking Standards.

#### **10. Other material considerations**

SPD Accessibility, Transport and Road Safety  
National Planning Policy Framework (NPPF).

### **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

### **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, 372 Chorley Old Road was originally built as a residential property and has been used as a residential property for all its lifespan. It has been extended recently by way of a two storey extension to the rear. 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 adjacent to Chorley Old Road District Centre, and along Chorley Old Road which has regular bus services that operate along this highway, and which provide links into the Bolton town centre. As such local shops, cafes, and other amenities are located within a walking distance of the site.
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 Chorley Old Road from the front, the garden to the rear and Rushton Road to the side.
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 previously met with the providers (the applicants) and have raised serious concerns around the providers capability and confidence in processes around developing and maintaining effective childcare provisions, in addition the providers have not been forthcoming with information requested by the Service.
24. However, although this may be the case, in planning terms what is being assessed is the capability of the site and dwelling being able to suitably provide care for children in relation to the information provided as part of this application. It should be acknowledged that planning permission runs with the land and not with an individual or company (unless stipulated by condition). Therefore, although concerns have been raised by Children's Services which are duly noted, there are limitations as to what can be a reasonable and justifiable reason for refusal under planning policy and regulations. The concern raised by Children's Services does not meet those tests.
25. Additional 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.
26. 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*

27. 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 mixed use area, with neighbouring semi-detached and commercial buildings surrounding the site.
28. Internally four 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.
29. 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 three residents and six staff (three overnight) 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.
30. Although the level of intensification, through staff comings and goings would 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.
31. A condition is recommended to limit the number of service users/residents at the property in order to prevent any further intensification without assessment of the impacts by the Local Planning Authority.
32. 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.
33. In light of the above, it is not considered that the use of the premises for three occupants with care needs and six 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*

34. 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.
35. 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.
36. Greater Manchester Police have been consulted as part of this application and have stated that this type of facility is best situated within the community with no objections being raised.
37. 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.
38. 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.

39. It is acknowledged that Chorley Old 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.
40. 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.
41. 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 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.
42. 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

43. 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.
44. The site is situated in an area with good accessibility with frequent bus services provided along the highway of Chorley Old Road, and a short walking distance to shops and services.
45. 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.
46. 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.
47. Furthermore, the Council's Highways Officers raise no objection and state that there appears to be sufficient off-road parking provision associated with the property in order to support the change of use indicated. In addition, Chorley Old Road is not considered to be overwhelmed by traffic by this small operation.
48. The storage of refuse and servicing of the premises will be similar to the existing.



49. 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**

50. The proposed care home for three 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.
51. Members are therefore recommended to approve this application subject to the suggested conditions.

## **Representation and Consultation Annex**

### **Representations**

**Letters:-** 42 neighbouring properties were notified by letter. 2 letters of objection have been received which make the following concerns;

- \* This will cause traffic, already an issue in the area
- \* Lack of information submitted
- \* This is a suitable family home, the proposed would be out of keeping
- \* Loss of privacy
- \* Residential amenity

### **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:

LC21317; "Elevations & Floor Plans"; dated 25.09.2022

Reason

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

- 3 The number of bedrooms shall not exceed four and not more than three 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

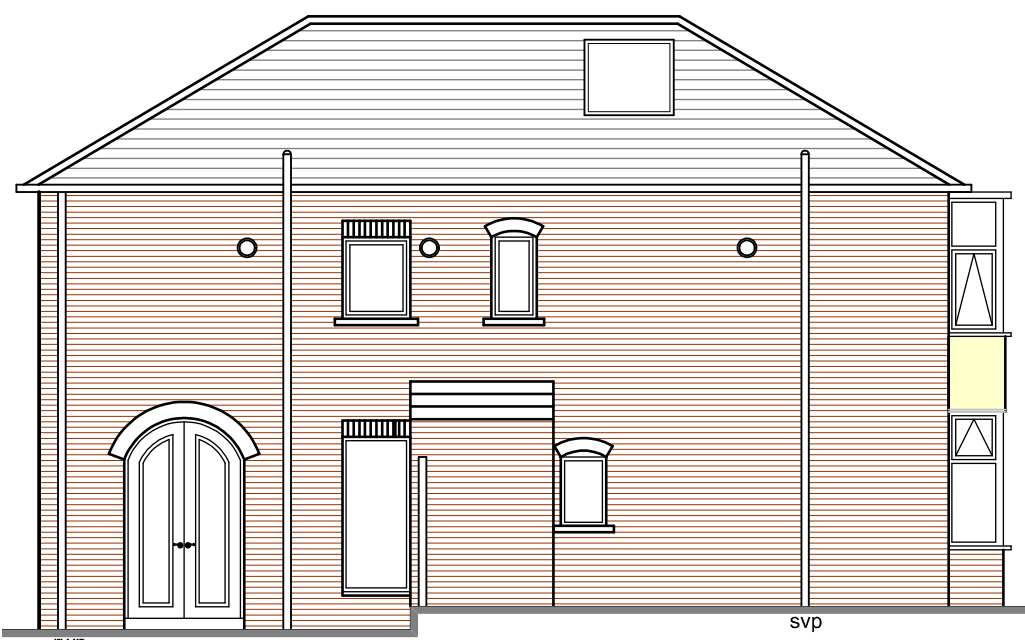
In order to safeguard the amenities of surrounding properties, and in compliance with Policies CG3 and CG4 of Boltons Core Strategy and the National Planning Policy Framework.



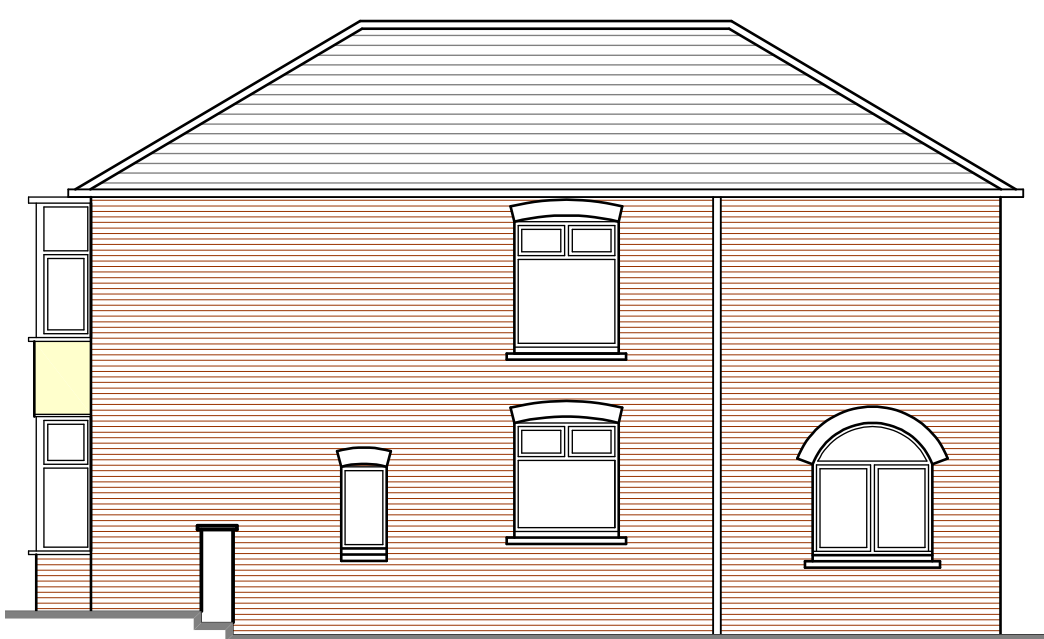
EXISTING FRONT ELEVATION



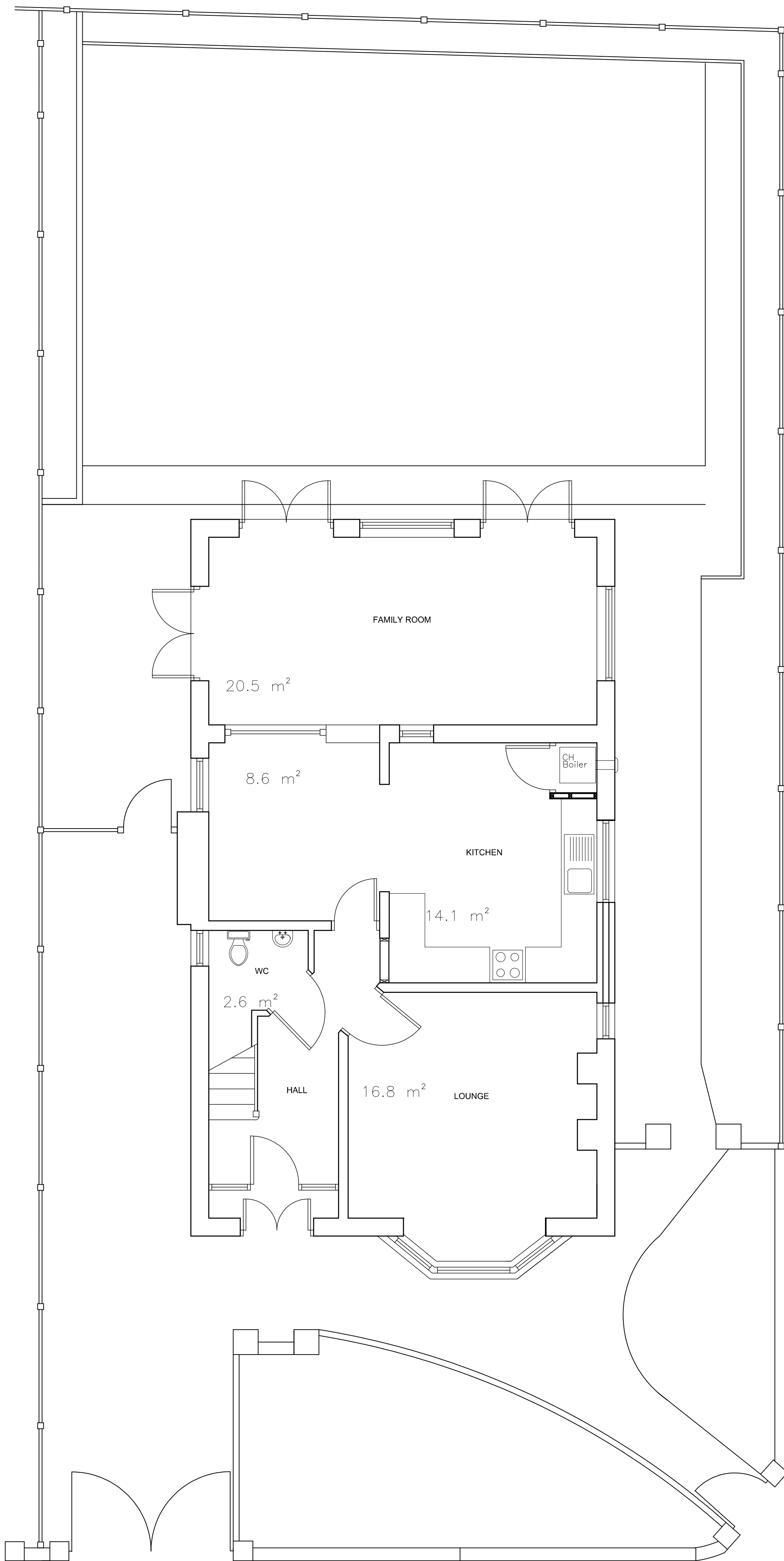
EXISTING REAR ELEVATION



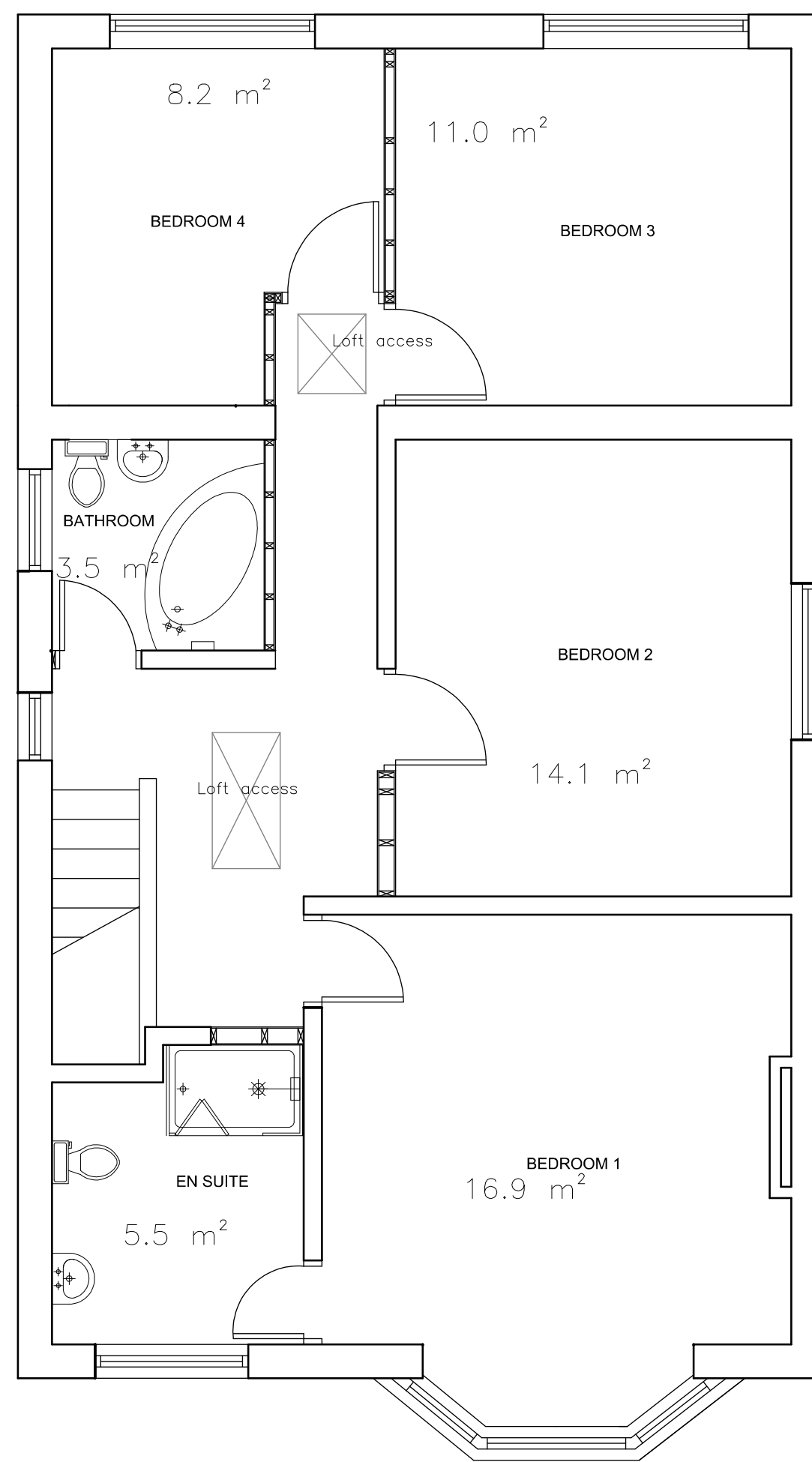
EXISTING SIDE ELEVATION



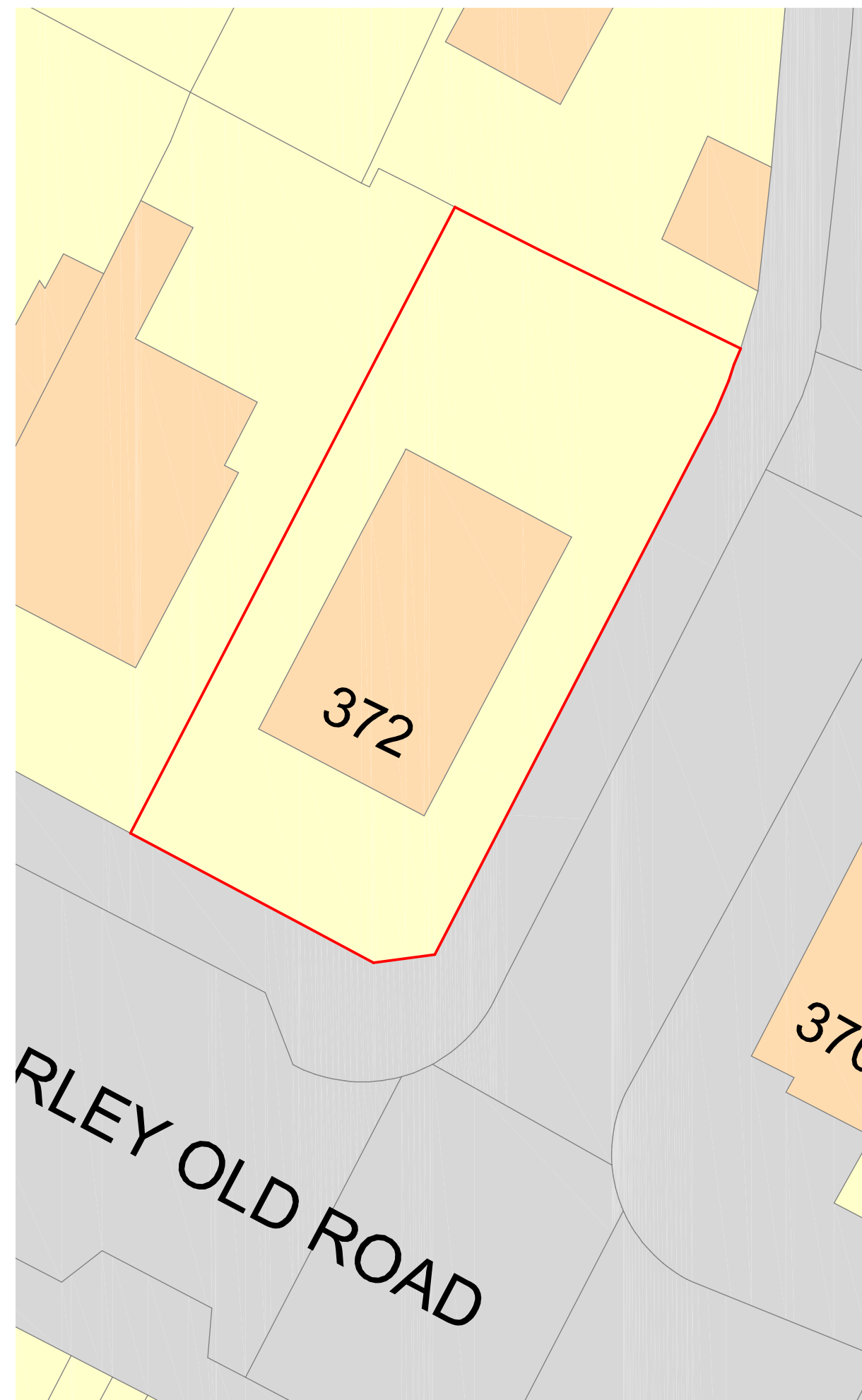
EXISTING SIDE ELEVATION 2



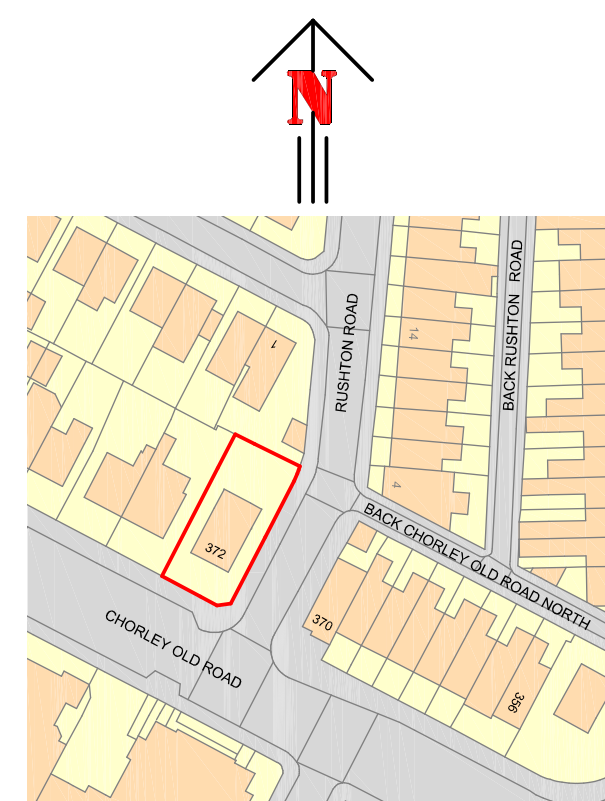
EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN



EXISTING SITE PLAN @ 1:200



Scale 1:1250

Project	CHANGE OF USE TO RESIDENTIAL CHILDRENS HOME		
Client	MR AMJID MUNIR		
	372 CHORLEY OLD ROAD		
	BOLTON		
	BL1 6AG		
Drawing	ELEVATIONS & FLOOR PLANS		
Scale	1:100, 50	Revision	Date 25.09.2022
Drawing No.	LC21317		

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