

Planning Applications Report

**Planning Committee
13th April 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 13961/22

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: 13 April 2023

Application Reference: 13961/22

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

Full Planning Permission
9 June 2022
21 July 2022
Mubeen Patel

Location

**3 THREXTON PLACE CRESSINGHAM ROAD BOLTON BL3
4SW**

Proposal

CHANGE OF USE FROM DWELLING HOUSE (CLASS C3)
TO CHILDRENS CARE HOME (CLASS C2) FOR UPTO TWO
CHILDREN WITH 24 HOUR CARE BY NOT MORE THAN
TWO CARERS

Ward

Hulton

Applicant: c/o SW Town Planning Ltd

Agent: Saima Iqbal

OFFICER'S REPORT

Recommendation: Approve subject to conditions

Executive summary

- This application was before Members at the previous two Committees due to the number of objections and public interest. The application was deferred by Members in the last committee as the applicant was to have further discussions with Children's Services, and 'Children's Services' were to provide their full comments after this meeting which have been received.
- 10 letters of objection have been received, and a 39 signature petition.
- The application is for the change of use of an existing Dwellinghouse (C3) to a Care Home (C2) for up to 2 children. No external or internal changes are proposed.
- For the reasons discussed within this report, and when taking into consideration the further comments received from 'Childrens Services', officers consider that the proposal would still 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 seeks planning approval for the change of use of 3 Thrextton Place, 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 two children up to the age of 18, and for two carers during the day and two carers during

the night (24 hours), working in a shift pattern. As such there would be a maximum of 4 people present at the property at any one time.

3. The dwelling would assist in providing continuous care and support for individuals in need of additional care.
4. No internal or external alterations are proposed to the dwelling.

Background

5. This proposal was heard at the planning committee on **23rd of March 2023**. Members voted to defer the application requiring 'Children's Services' to provide their full comments regarding the proposed change of use after meeting with the care providers. These comments have now been received and are summarised below:

- A Children's Services Officer met with the senior leadership team, inclusive of the Director and the Registered Manager where a full briefing has been provided. The Officer states that the Registered Manager has appropriate experience, as does the Responsible Individual. There is a dedicated support structure around the management team in the form of financial and business support.
- Children's Services have also read and discussed a detailed business plan around the home proposals which seems appropriate and in line with expectations.
- However, Children's Services again highlighted the suitability of the property which includes:
 - the potential poor build quality, leading to potential noise and damage complaints from adjoining residents.
 - Effects of increased additional parking on local residents.

6. The above consultee comments are considered in full in the 'Amenity' section of the report.

7. This proposal was also heard at the planning committee on **23rd of February 2023**. Members voted to defer the application requiring 'Children's Services' to provide their full comments regarding the proposed change of use. These comments have now been received and the concerns raised are summarised below:

- Children's Services briefly engaged with the applicant after the last committee meeting, however the applicant has not engaged since despite assurances and agreements via email;
- A 'Statement of Purpose Document' has been provided by the applicant, but this is basic and does not describe staffing functions in any expected detail;
- There are 2 directors of 'Trust Care Services Ltd'. A Director has been involved in 11 previous companies, of which 8 have been dissolved via compulsory strike off. There is no history of leading services which provide complex care to vulnerable young children. The second Director and Proposed Registered Manager, reportedly has experience but due to a lack of engagement, this cannot be verified.

- Trust Care Services Ltd have been in operation since October 2021 and are based in Leeds. The company was incorporated and then lay dormant, with no history or filings until January 2023.
- New build terraced properties are not entirely suitable for a home such as this. There are neighbour considerations including noise and less robust build quality which can be conducive to damage.
- There have also been identified parking issues which have included Greater Manchester Police in their resolution. The addition of full staff teams inclusive of transition phases, would likely exacerbate these.
- We have a duty to consider the potential implications of allowing potentially poor providers access to vulnerable children in the first instance.
- This has been confirmed to be Trust Care Services Ltd first attempt at operating a complex childcare environment and given the non-engagement (pre- and post-planning applications), previous inexperience, and cumulative issues above, we would not be able to support the application.

Site Characteristics

8. The application site relates to a three-storey mid terraced property positioned towards the corner of Cressingham Road and Sutton Road. Parking is provided on the hardstanding to the front, whilst private amenity space is provided to the rear.
9. Internally the property provides a small storage room, utility, WC and a kitchen/diner at ground floor, one bedroom, a bathroom and living space at first floor, and a further three bedrooms with one being en-suite at second floor level.
10. Neighbouring properties vary in terms of their style and character with mainly terraced properties in the vicinity with some back-to-back dwellings.
11. The site is located in an established residential area to the south east of Bolton town centre.
12. The house is not listed or located within a conservation area.

History

13. The applicant previously submitted an application for Certificate of Proposed Lawful Use for the home to be used as a care home (Use C3b) (App ref: 12458/21). This application was refused as a children's care facility would not fall within Use Class C3(b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) and as such, there would be a material change of use of the property from Use Class C3(a).
14. A change of use application is now therefore submitted.

Policy

15. The Development Plan
Core Strategy: 0A4 West Bolton; CG3 Built Environment, CG4 Compatible Uses, S1 Safe Bolton; SC1 Housing, S1 Access and Appendix 3 - Parking Standards.

16. National Planning Policy Framework (NPPF).

17. SPD Accessibility, Transport and Road Safety.

Analysis

18. 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.

19. 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
- * Accessibility and Highways

Principle of Development

20. 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.

21. With regards to the building itself, No. 3 Threxton Place was originally built as a residential property and 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.

22. The site lies in a sustainable location close to Wigan Road which has regular bus services that operate along this highway, and which provide links into Bolton town centre. Local shops, cafes, and other amenities are also located within a walking distance of the site.

23. The principle of development is considered to be acceptable, and the application accords with the Councils Core Strategy and the NPPF.

Impact on Character and Appearance of the Surrounding Area

24. The Planning Statement 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 and appearance of the area.

25. It is therefore considered that the proposal complies with Policies CG3 and OA4 of the Core Strategy.

Accommodation Standards, Impact on Residential Amenity, Noise and Fear of Crime

26. Core Strategy policy CG4 and SPD House Extensions 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.
27. 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

28. 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 Threxton Place from the front and the garden area to the rear. Internally, communal areas would be provided on the ground floor of the property with a smaller communal space provided on the first floor, allowing for adequate provision of shared amenity space, whilst a kitchen and living room would also be provided.
29. Children's Services state that new build terraced properties are not entirely suitable for a home such as this dwelling given there are neighbour considerations including noise and less robust build quality which can be conducive to damage. However, although an ideal situation would be where more robust properties are used for such accommodation, it is not considered to be a justified reason for refusal under planning policy. It is considered a reasonable standard level of accommodation can still be provided at this property, similar to the existing situation.
30. The garden area would be retained to the rear of the building, which will provide sufficient amenity space for residents. Bin storage areas can be stored away from public vantage points within the garage area accessed from the front elevation of the building, similar to existing.
31. The Councils 'Children's Services' section also previously advised that they have no particular issues with the location of the proposed Children's Home. However, it was expressed that these children may add pressures to services such as local schools, dental care and the Police. However, although this may be the case, this in planning terms is a minor development and there is no policy requirement to provide justification or obligations as part of this application to relieve pressures on local services.
32. There have been previous comments from 'Children's Services' related to serious concerns around the providers capability and confidence in processes around developing and maintaining effective childcare provisions. However, after meeting with the care providers leadership team (30/03/2023), Children's Services are now satisfied with the experience and support structure around the management team in terms of the form of financial and business support. Nevertheless, 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).

33. Additional concerns by way of neighbour objections have been raised 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 residential area, this should provide a good environment for children.
34. Therefore, the use of the premises for 2 occupants (children) 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

35. 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, and so the building will continue to meet all the necessary interface distances to surrounding dwellings. In this regard it is not considered that the proposed change of use to supporting living accommodation will create any undue overlooking to the neighbouring properties.
36. The site lies within an established residential area, with neighbouring semi-detached and terraced dwellings surrounding the site. Internally four bedrooms would be provided at first and second floor levels where the windows to these bedrooms are located on the front 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.
37. 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 two residents and four staff (two 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. Although the level of intensification, through staff comings and goings would likely 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.
38. A condition is recommended to limit the number of service users/resident at the property in order to prevent any further intensification without assessment of the impacts by the Local Planning Authority.
39. 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 within the C2 use class.
40. In light of the above, it is not considered that the use of the premises for two occupants with care needs and four carers would result in an incompatible use when compared with the three storey nature of the dwelling and residential character of the immediate area.

The impact upon amenity of surrounding residential properties is considered to be acceptable.

Fear of Crime

41. 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.
42. Objections have been received relating to the potential of anti-social behaviour and crime increasing where existing children living in the area would be influenced by those residing at the proposed property. 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.
43. 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.
44. 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.
45. It is acknowledged that Threxton Place is a quiet residential street. 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.
46. 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.

Conclusions to Accommodation Standards, Impact on Residential Amenity and Noise

47. 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.
48. 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 Boltons Core Strategy, the relevant requirements of the Residential Development SPD and the National Planning Policy Framework.

Accessibility and Highways

49. 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.
50. The site is situated in a residential area with good accessibility with frequent bus services provided along the A676 and a short walking distance to shops and services.
51. The proposed development would retain the existing 1 car parking space to the front of the property. The space is 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.
52. 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. Although no dedicated car parking space would be available for staff and visitors to park, there are spaces available on street where visitors can park, 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 acceptable.
53. Furthermore, the Councils Highways Officers raise no objection and state that 'the level of off-road parking provision indicated with the property appears compliant with the Councils parking standards for a C2 use-class. The change of use will potentially generate comparable traffic than the existing use associated with the property, and on that basis minimal additional detriment/severity to road safety and residential amenity at that location would be generated. In addition, Thrextan Place is not considered to be overwhelmed by traffic by this small operation.
54. Children's Services state that parking issues have been identified in the past which have included Greater Manchester Police in their resolution, and that the addition of full staff teams inclusive of transition phases, would likely exacerbate these. However, as justified above, the development complies with the Councils parking standards and there are generally available places to park on Thrextan Place and surrounding streets during staff changeover times.
55. The storage of refuse and servicing of the premises will be similar to the existing.
56. 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

57. The proposed care home for 2 children would 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, and the recommendation is therefore to grant planning permission.

Representation and Consultation Annex

Representations

Letters; Neighbours were notified by letter. The Council has received 10 letters of objection. An 'officer response' is provided where the objection reason has not been covered in the 'Analysis' Section of the report;

The letters of objection states;

- We already have youth causing problems in the estate;
- Bringing vulnerable children will cause further issues with existing children;
- Parking is already an issue, this will cause further problems;
- The property is rat infested; **Officer response** – *Rat infestation of a property is not a planning consideration.*
- People may mistake addresses and knock on our door; **Officer response** – *This would be human error and not a planning consideration.*
- This will lower the re-sale value of our property; **Officer response** – *The reduction in resale value of surrounding properties is not a material planning consideration of this proposal.*
- The commercial venture is out of keeping;
- Noise pollution during building works; **Officer response** – *No building works are proposed as part of this application*
- Children may cause anti social behaviour and crime;
- Impact on mental health/quality of life;
- The property has had a number of Police raids in the past;
- Overlooking/privacy issues;
- The property has no fire exit, as it has an enclosed garden; **Officer response** – *This is not a material planning consideration.*
- The property has only 1 car parking space;
- Increased rubbish;
- Struggle with school places.

Petitions: - A 39 signature petition has been received.

Elected Members:- Cllr Toby Hewitt provided the petition on behalf of local residents.

Consultations

Children's Services, Highways, Greater Manchester Police (GMP)

Planning History

12451/21 - Certificate of lawful development (s192) for proposed use of property as a children's care home for up to two children with 24-hour care by not more than two carers - refused.

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 1:1250
 - Existing and Proposed Plans, Drawing No. 01.

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

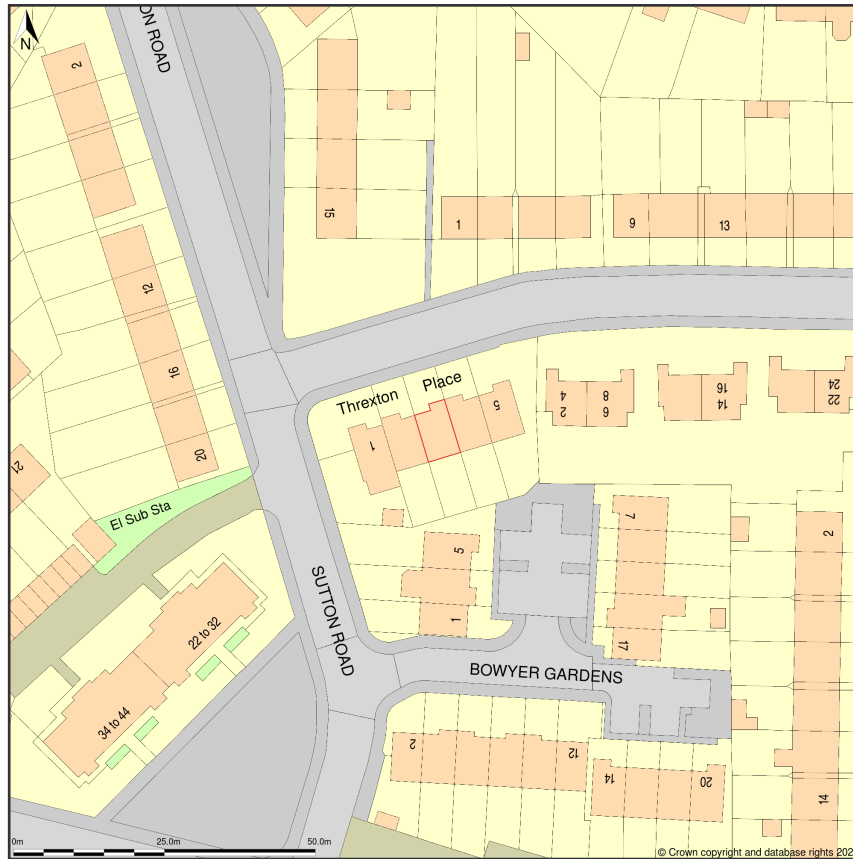
- 3 The number of bedrooms shall not exceed four and not more than 2 children shall be cared for at any time.

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.

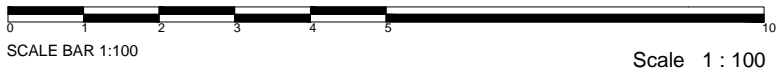
3, Threxton Place, Cressingham Road, Bolton, BL3 4SW



Site Plan shows area bounded by: 368890.17, 407412.2, 369031.59, 407553.62 (at a scale of 1:1250), OSGridRef: SD6896 748. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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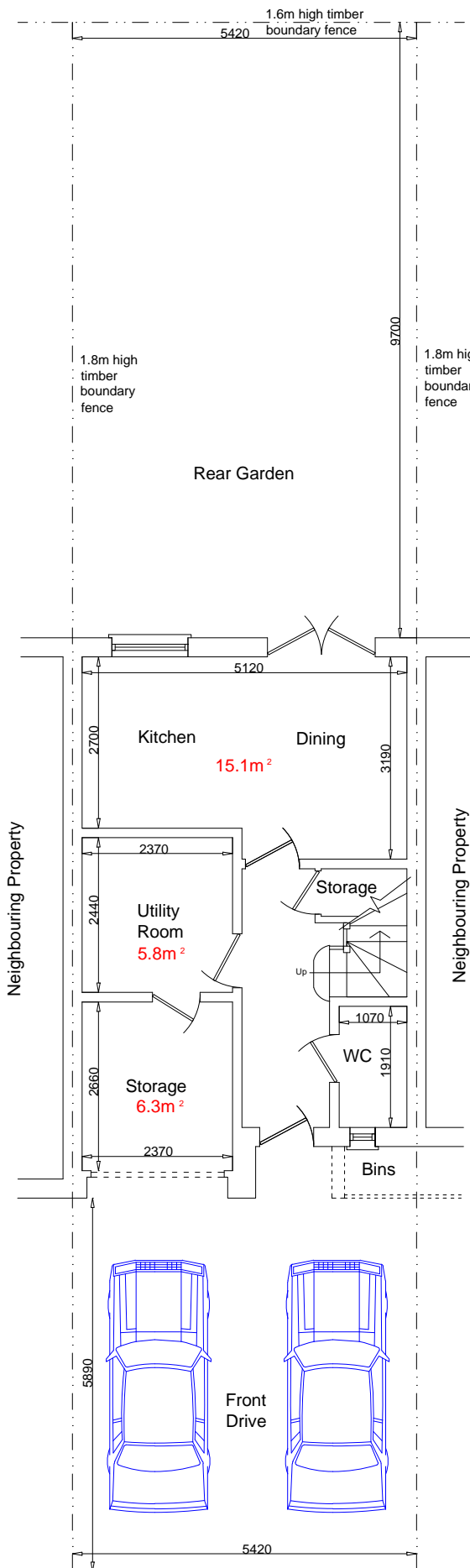
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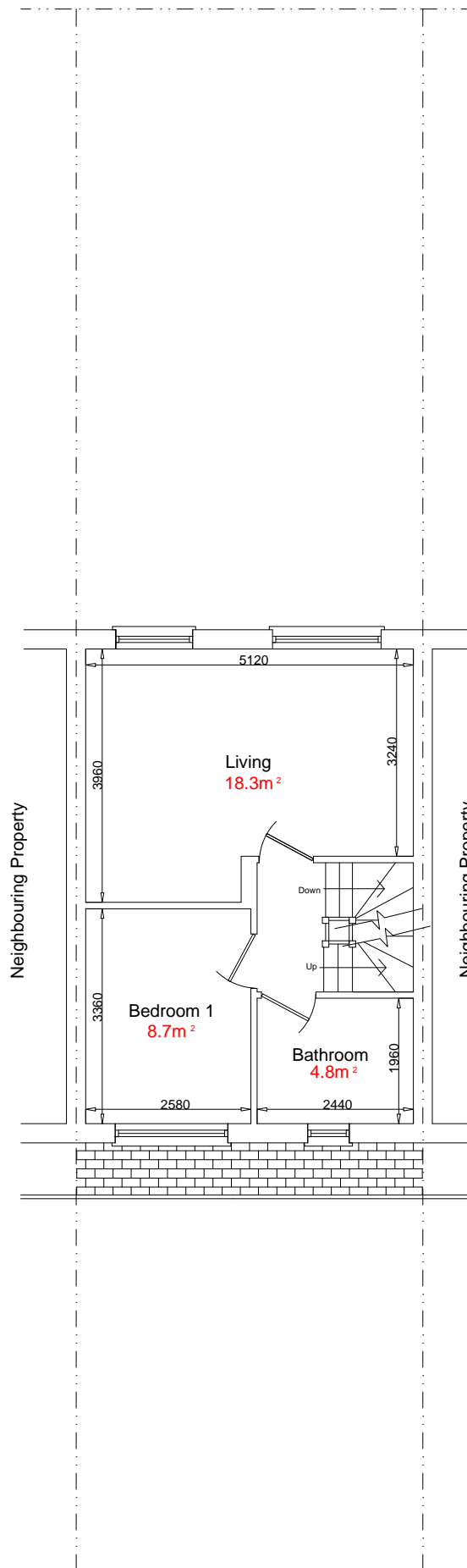
Scale 1 : 100

Existing floor plans at 3 Thrextton Place, Bolton	
Drwg No. 01	Revision 0
Floor Plans	
Scale: 1 : 100	Date: Apr 2022
FP Architecture & Planning email: fparchiplanning@hotmail.com tel: 07763680011	

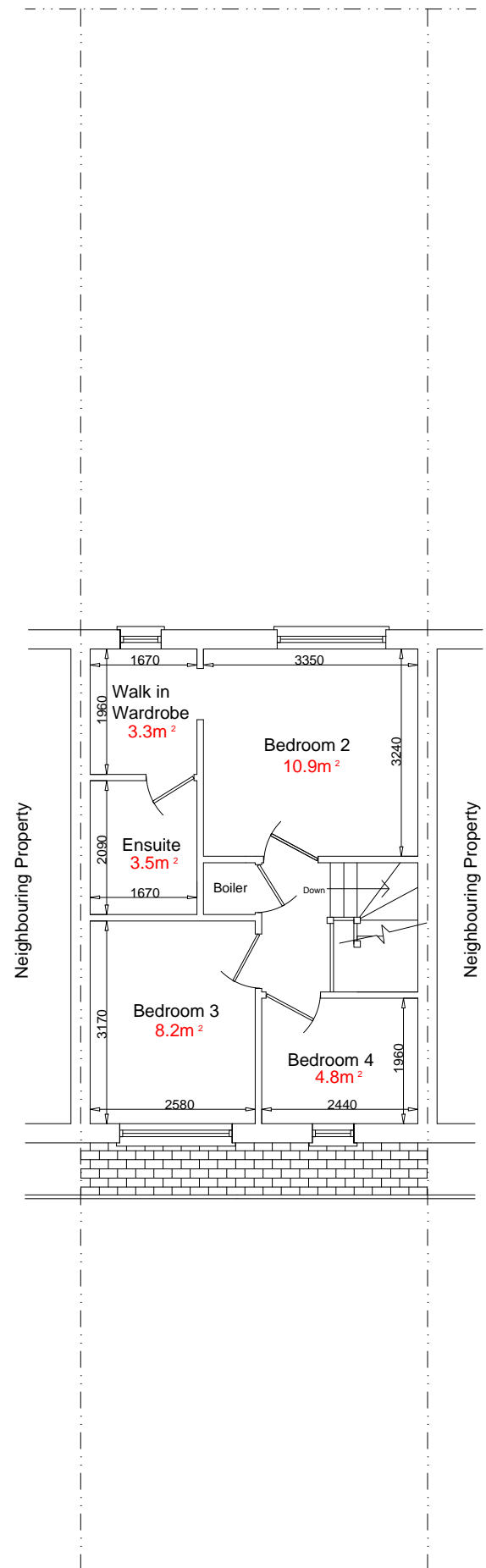
NOTES :
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DO NOT SCALE OFF THIS DRAWING.
 All dimensions to be checked on site and any discrepancies to be referred to the architectural designer before proceeding.
ALL LEVELS TO BE CHECKED ON SITE.
 All discrepancies between information shown on the drawings and the information in the specification to be referred to the architectural designer prior to proceeding.
 All component sizes and references to be checked prior to ordering of materials.
 Positions and designation (i.e. combined, surface water or foul) of existing drain runs on site are to be checked / confirmed by the building contractor prior to commencement of any drainage works. Any existing drains, to which additional connections are to be made, are also to be checked as necessary to ensure that they are suitable to accommodate additional capacity and the type of effluent being connected.
 All relevant boundary positions to be checked prior to proceeding.



Existing Ground Floor Plan and Proposed



Existing First Floor Plan and Proposed



Existing Second Floor Plan and Proposed