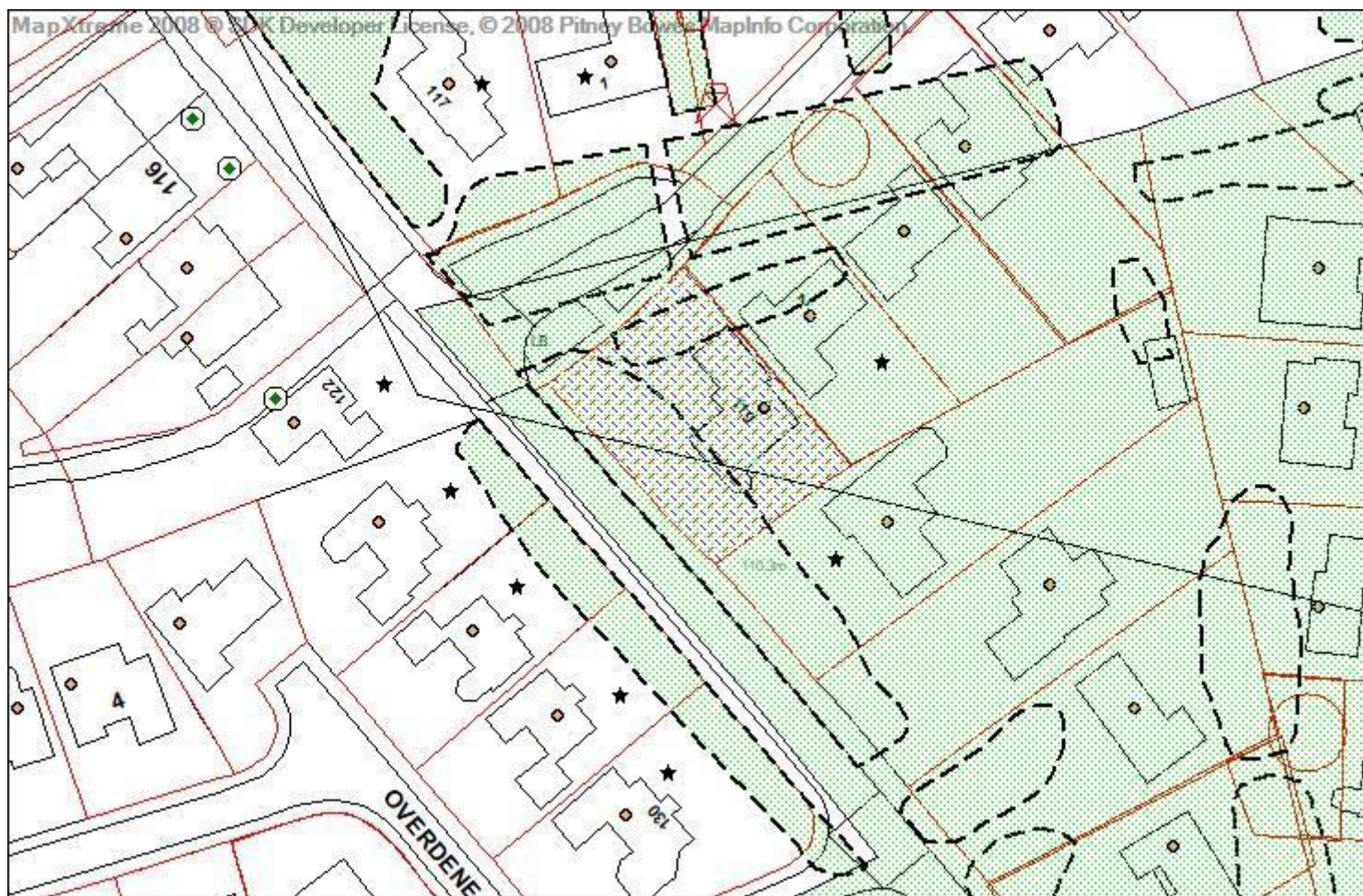


Application number 11445/21



**Directorate of Place
Development Management Section**

Town Hall, Bolton, Lancashire, BL1 1RU
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Bolton Council

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Date of Meeting: 06/01/2022

Application Reference: 11445/21

Type of Application: Full Planning Application

Registration Date: 07/06/2021

Decision Due By: 01/08/2021

Responsible Officer: John Dupre

Location: 119 REGENT ROAD, LOSTOCK, BOLTON, BL6 4DX

Proposal: CHANGE OF USE FROM (C3 DWELLING HOUSE) TO (C2 RESIDENTIAL HOME) WITH ON SITE CARE

Ward: Heaton and Lostock

Applicant: ROC North West Ltd

Agent : Planning Potential

Officers Report

Recommendation: Approve subject to conditions

Executive Summary

- The applicant ROC North West Ltd seeks planning approval for the change of use of the 119 Regent Road from a C3 Dwelling House to a C2 Care Home. No external alterations are proposed.
- The house would become a home for up to four children between the ages of 8-17. The children would be supported by 4 residential and 1 non-residential members of staff. There would be a minimum of 2 members of staff on duty at all times.
- Approximately 40 objections have been received from local residents. Key concerns include the impact the proposal will have on parking and whether this is a suitable location for a children's home.
- Consultation has been undertaken with Highways, Children's Services, Greater Manchester Police, Environmental Health and Housing Standards. No objections have been received from any consultee however Children's Services have stated that they are unable to support the application at the present time.
- Officers recommend approval subject to conditions.

Proposal

1. The applicant ROC North West Ltd seeks planning approval for the change of use of the 119 Regent Road from a C3 Dwelling House to a C2 Care Home.
2. The house would become a home for up to four children between the ages of 8-17.
3. The home would be staffed 24 hours per day and the children would be supported by 4 residential support staff and a further single non-residential support staff. The shift pattern would be as follows:

2 x residential support staff 08:00/08:30am – 22:00/22:30pm
2 x residential support staff will work 24 hours a day (sleeping overnight)
1 x non-residential support staff will work 09:00am – 17:00pm Monday - Friday.

4. It is the applicant's stated intention for the home to offer a 'Bolton First Option' where possible, to support Bolton's Children's Services team with supporting children from Bolton.
5. Some minor internal alterations to the property are proposed. No external alterations are proposed.
6. The applicant previously submitted an application for Certificate of Proposed Lawful Use for the use of the home as a care home, however the application was withdrawn following comments from the Council's legal team.

Characteristics

7. The application site relates to a large, detached six-bedroom house located on the corner of Regent Road and Sandfield Drive. The property has a large private driveway with space for a number of cars. There is a large well screened garden to the rear.
8. The site is located in an established, low density, residential area in Lostock, West Bolton.
9. The house is not listed or within a conservation area.

Policy

10.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.

11.Other material considerations

National Planning Policy Framework (NPPF).
SPD General Design Principles; SPD Accessibility, Transport and Road Safety.

Analysis

12. 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.

13. The main impacts of the proposal are:

- * Principle of the Development
- * Impact on the Character and Appearance of the Building and the Surrounding Area
- * Impact on the Amenity of Neighbouring Residents
- * Impact on Highway Safety
- * Impact on Trees

* Other Matters

Principle of the development

14. 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.
15. With regards to the building itself, 119 Regent Road was originally built as a residential property and has been used as a residential property for all of its lifespan.
16. It is noted that Use Class C3(b) allows for up to six people living together as a single household and receiving care. Provided that the use is not materially different to that of a normal dwelling house (for example in terms on the impact on neighbours etc), a change from Use Class C3a to C3b does not normally require planning permission.
17. The applicant previously submitted an application for Certificate of Proposed Lawful Use for the use of the home as a C3b care home. This application was withdrawn following comments from the Council's legal team, who were concerned that the level of comings and goings from the property in terms of vehicle movements and support staff could be considered to be materially different to that of a normal residential property. It is important to note that no judgement was made on the acceptability of the proposal, only that the change of use might require planning permission.
18. On balance, it is considered that subject to compliance with the policies within the development plan as a whole, the principle of the proposed use is acceptable.

Impact on character and appearance of the surrounding area

19. Core Strategy policy CG3.1, states that the council expects development proposals to display innovative, sustainable designs that contribute to good urban design. Core Strategy policies CG3.2 and CG3.3 require proposals to respect and enhance local distinctiveness, being compatible with the surrounding area in terms of scale, massing, grain, form, architecture and landscape details, including hard/soft landscaping and boundary treatment.
20. Policy OA4 sets out the council's policy towards development within the West Bolton area and states that the council will conserve and enhance the character of the existing physical environment.
21. No external alterations are proposed to the building. The proposed change of use will lead to some additional car parking, however given the relatively low number of staff proposed, it is not considered that this will have an undue impact on the character or appearance of the building or the surrounding area.
22. It is therefore considered that the proposal complies with Policies CG3 of the Core Strategy.

Impact on neighbouring residential amenity

23. Policy CG4 of the Core Strategy states that the Council will ensure that new development is compatible with surrounding land uses and occupiers, protecting amenity, privacy, safety and security and should not generate unacceptable nuisance, odours, fumes, noise or light pollution.
24. The proposed change of use seeks a change of use from C3 (dwelling house) to C2 (care home).

No significant alterations to the internal layout or external alteration 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 temporary change of use to supporting living accommodation will create any undue overlooking to the any neighbouring properties.

25. A large number of objections have been received to the proposed change of use from the local community. The objections centre around the concern that the proposed use will generate nuisance and anti-social behaviour and create parking issues which in turn will have an undue impact on the safety and amenity of local residents.
26. While these may be genuine concerns, it is not the role of the planning system to pass judgement on whether the future residents of a building will engage in anti-social or criminal behaviour. These are issues that fall outside the scope of the planning system and would be matters for ROC Limited or the police.
27. Additional concerns have been raised regarding the suitability of the local area for the future inhabitants of the residential unit and the availability of facilities for young people in the area. Again, 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.
28. The Council's Environmental Health Officers have raised no objection to the proposed development.
29. For the reasons given above, it is considered that the proposed change of use complies with Policies CG4 of the Core Strategy.

Impact on the highway network

30. Policy P5 of the Core Strategy states that the Council will ensure that developments take into account [amongst other things] accessibility, servicing arrangements and parking. Policy S1.2 states that the Council will promote road safety in the design of new development.
31. Consultation has been undertaken with the Council's Highways Engineers. According to the submitted information, the potential increase in traffic associated with the change of use is marginal and should be accommodated with minimal additional detriment/severity to road safety, amenity and the operational capacity of the surrounding highway network. It needs to be ensured that the Council's maximum parking standards for C2 use-class can be met in full at this location in order to reduce potential over-spill parking onto the surrounding highways. Subject to the above recommendations being adhered to, no reasonable objections on highway grounds to what is being proposed under this application.
32. It is therefore considered that the proposed development complies with Policies P5 and S1.2 of the Core Strategy.

Impact on Trees and Hedgerows

33. Core Strategy Policy CG1.2 safeguards and enhances biodiversity in the borough by protecting sites of urban biodiversity including trees, woodland and hedgerows from adverse development, and improving the quality and inter connectivity of wildlife corridors and habitats.
34. The proposal does not include any external alterations that would impact on trees. While the

proposal may generate a degree of additional parking, this should be accommodated within the exiting parking area and should not impact on trees.

35. The Council's tree officer has been consulted and has raised no objection to the proposal.

36. It is therefore considered that the proposal accords with Policy CG1.2 of the Core Strategy.

Other Matters

Children's Services

37. Consultation has been undertaken with officers from the Council's Children's Services team who have confirmed that at the present time they are unable to support the proposal.

Community Safety

38. Colleagues in the Council's Community Safety team have been consulted but have provided no comments on the application.

GMP Designing Out Crime

39. Colleagues from GMP Designing out Crime team have been consulted and have commented that this type of facility is best suited within the community. On this basis they have raised no objections to the proposal.

Conclusion

40. For the reasons discussed above, it is considered that the proposed change of use accords with Bolton's Development Plan and the NPPF.

41. Members are therefore recommended to approve the application.

Representation and Consultation Annex

Representations

Letters: Approximately 40 objections have been received to the application. The reasons for the objections can be categorised as follows:

- No consultation has been undertaken
- Proposal is out of character with the area
- Parking
- Traffic
- Noise and disturbance
- Lack of local amenities
- May devalue house prices
- House may be extended in the future
- Small garden / lack of amenity space
- Loss of family home
- ROC North West have attracted negative publicity in the national press
- Need for additional parking may impact on trees
- Proposal may pose a risk to residents
- Inconsistencies / errors in application submission

Elected Members: Cllr Galloway has objected to the application and has asked that the application be decided by Planning Committee.

Consultations

Advice was sought from the following consultees: Bolton Council (BC) Trees, BC Pollution Control, BC Children's and Adult Services, BC Asset Management Unit, BC Early Years Development, BC Education Social Worker, BC Highways and BC Community Safety Services

Where relevant responses have been discussed in the report.

Planning History

10658/21 - Certificate of lawful development (192) for the proposed change of use of 119 Regent Road (class C3) as a small care home (C2) for 4no. children and 5no staff during the day and 2no staff at night - Withdrawn

Various tree application and extensions.

Recommendation: **Approve subject to conditions**

Recommended Conditions and/or Reasons

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

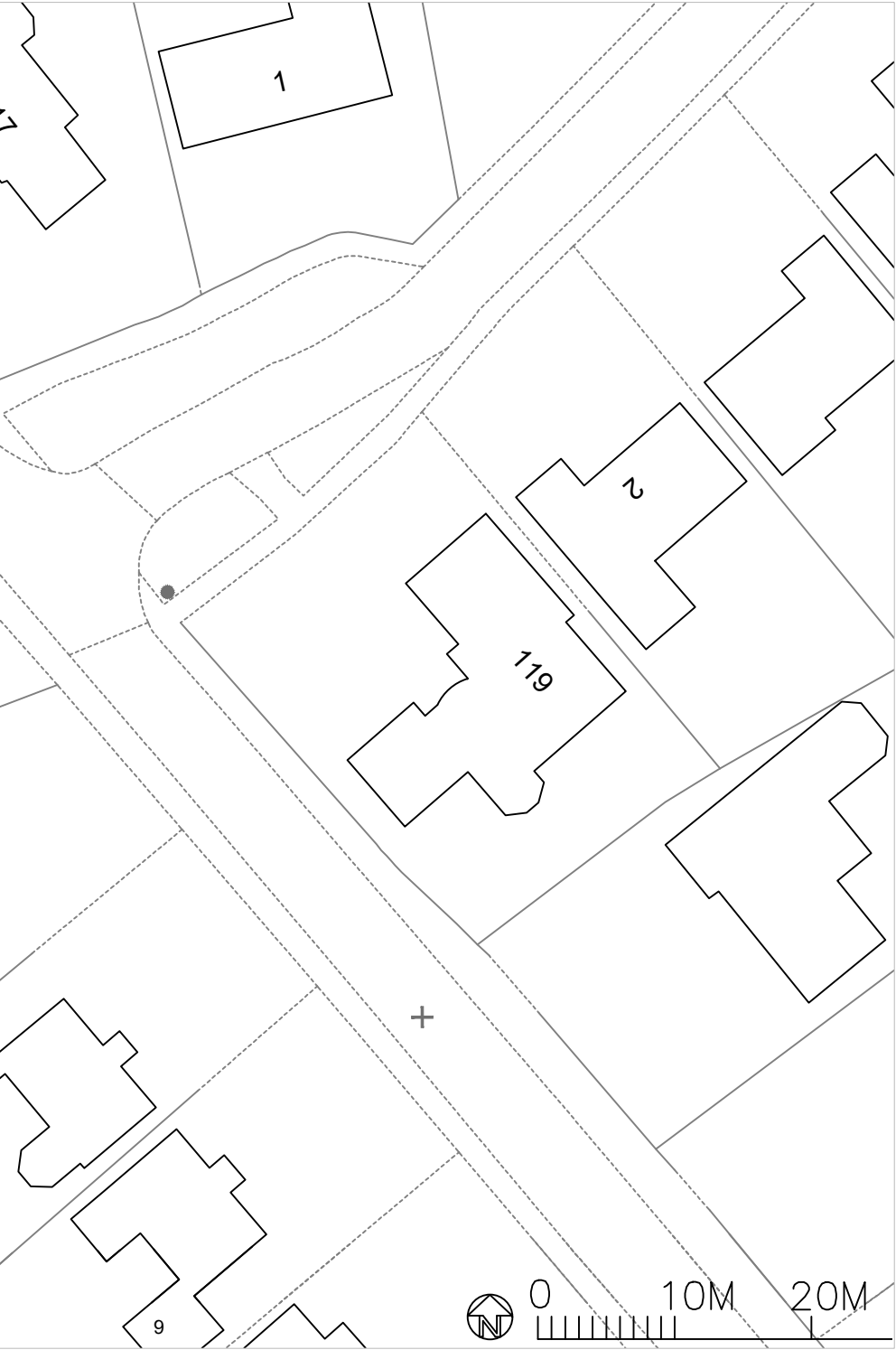
Reason

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:

Proposed Ground and First Floor Plans - Drwg. No. 02 - dated Feb 21

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



Project:
Alterations & Refurbishment

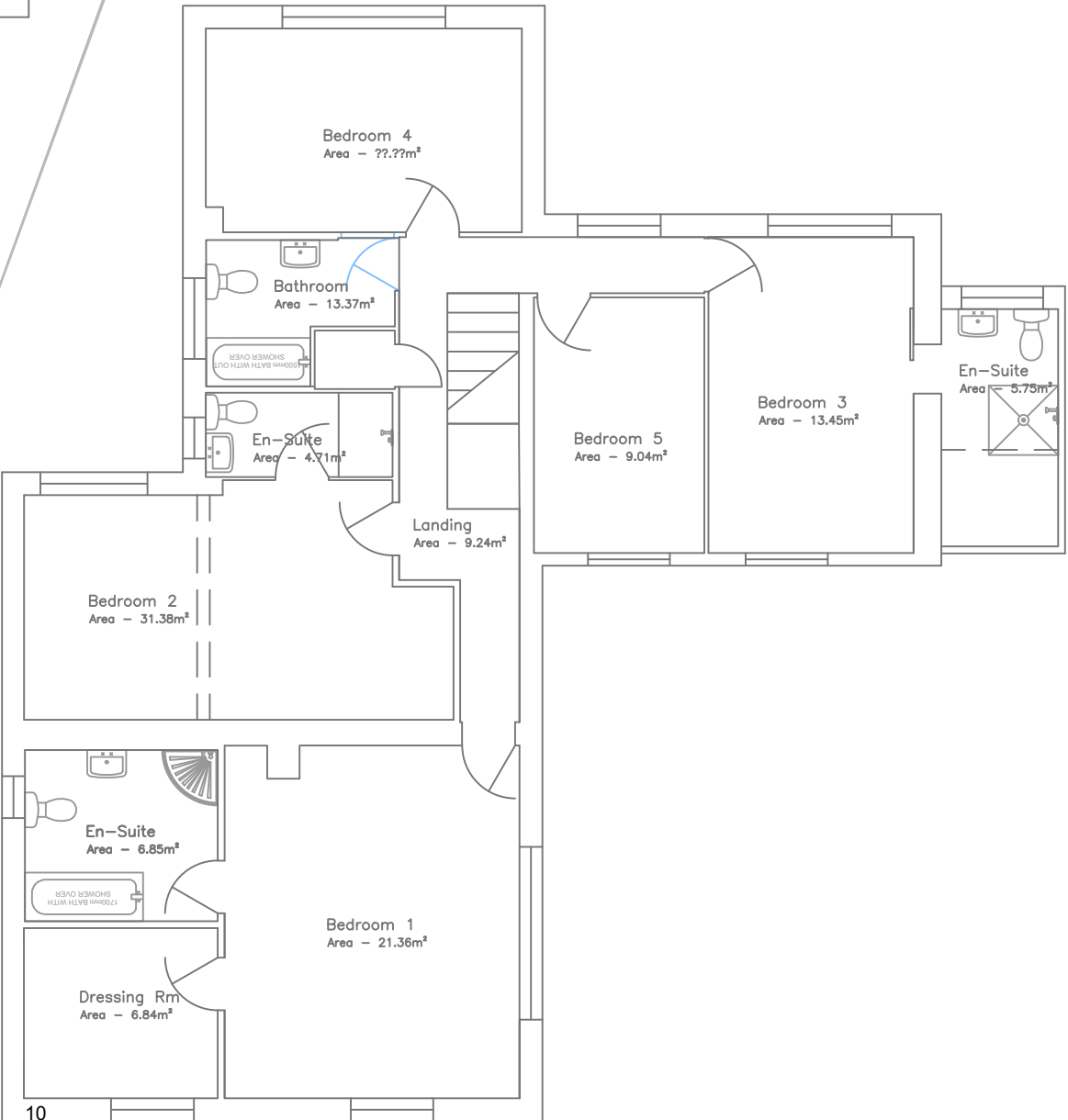
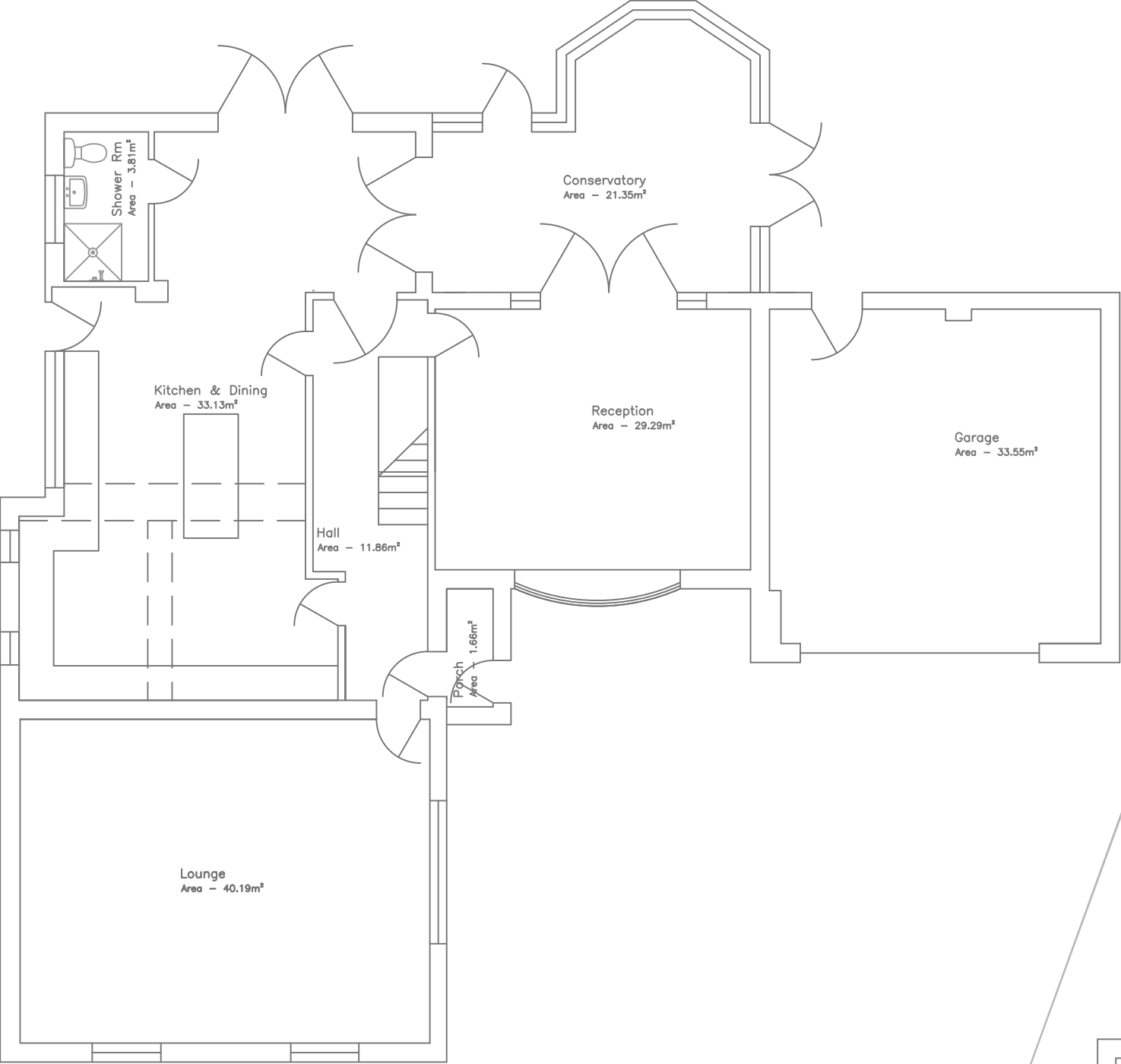
Location:
**119 Regent Road, Lostock,
Bolton, BL6 4DX**

Title:
Site & Location Plan



**Metropolitan House
3 Darkes Lane, Potters Bar
Hertfordshire, EN6 1AG**

Drawn By:	Checked By:
Approved By:	Date:
Scale:	At:
Site & Location Plan	A4
Draw No.: 05	Rev. No.:



Project:
Alterations and Refurbishment

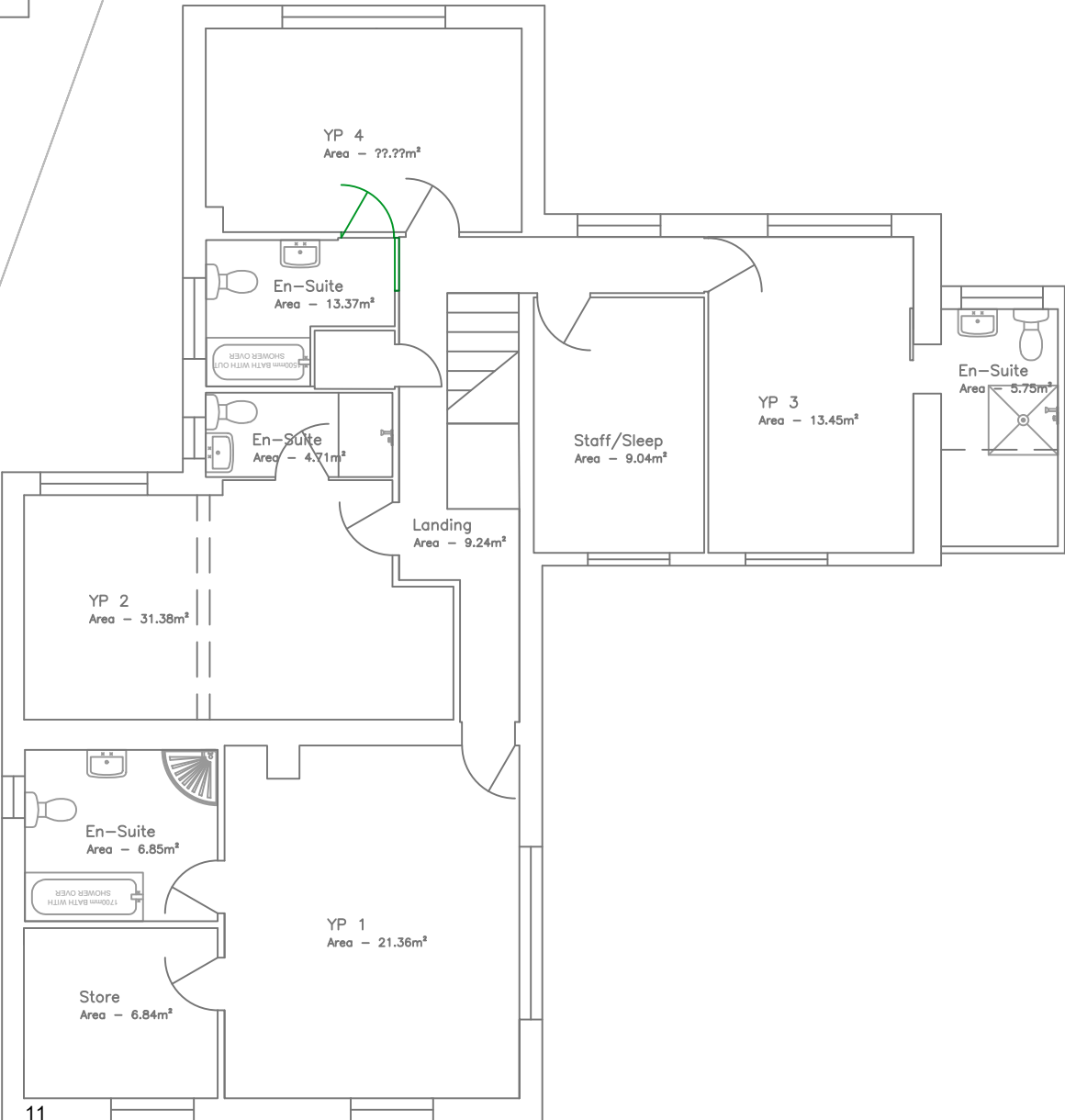
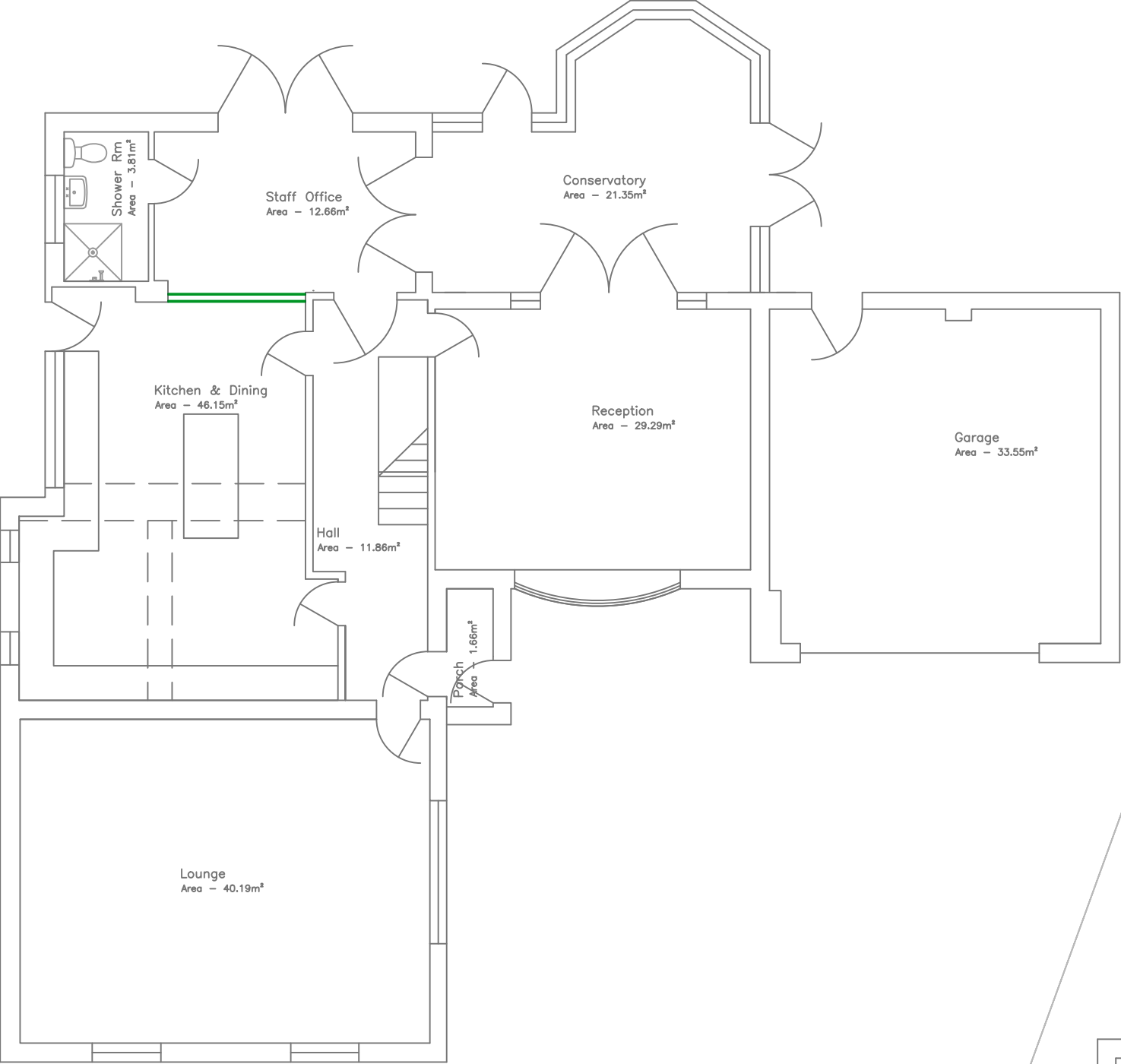
Location:
119 Regent Road, Lostock,
Bolton, BL6 4DX

Title:
Existing Ground and First
Floor Plans



Metropolitan House
3 Darkes Lane, Potters Bar
Hertfordshire, EN6 1AG

Drawn By: VF	Checked By:
Approved By:	Date: Feb 21
Scale: 1:100	At: A3
Dwg No.: 01	Rev. No.:



Project:
Alterations and Refurbishment

Location:
119 Regent Road, Lostock,
Bolton, BL6 4DX

Title:
Proposed Ground and First
Floor Plans



Metropolitan House
3 Darkes Lane, Potters Bar
Hertfordshire, EN6 1AG

Drawn By: VF	Checked By:
Approved By:	Date: Feb 21
Scale: 1:100	At: A3
Dwg No.: 02	Rev. No.: