

DELEGATED REPORT

Report by Jane Langan	Date of report: 18/12/2025	Ref: 72538/FUL
Registration: 12/11/2025	LDfC: 16/12/2025	Expiry Date: 07/01/2026
Site Visit: 27/11/2025	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Creation of vehicular access and driveway

Location: 53 Bury Old Road, Ainsworth, Bolton, BL2 5SD

Description

The property is a mid terrace with front garden located along the main road through Ainsworth. The site and the whole of Ainsworth village are within the Green Belt.

The application proposes a drop kerb to provide off street parking. A drive 5m by 3m would be created and surfaced in permeable materials.

Relevant Planning History

None.

Publicity

Surrounding neighbours were notified by letter on 21/11/25. A further amended neighbour letter was sent 03/12/25 with regard to a revised plan adding a hatched area to the highway. One response was received to the initial plans. The concern in summary :-

- If approval is granted please consider the bearing this would have outside number 51 as there are currently hatched markings from the junction. This would appear to reduce the car parking space.

No further comments were received to the amended plan.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to conditions.

Pre-start Conditions - Applicant has agreed with the pre-start condition.

Development Plan and Policies

H2/3	Extensions and Alterations
OL1	Green Belt
SPD6	Supplementary Planning Document 6: Alterations & Extensions
PFE	Places for Everyone

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to

be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Visual amenity - The proposal involves the dropping of the kerb, there are no proposed changes to the property. As such there would be no impact on the visual amenity of the area other than car parking off street of which there are other examples along the row.

Highway issues - The plans have been amended following advice from Highways to include hatchings to the west side of the drop kerb in order to keep the junction with Delph Lane clear. The applicant will be required to fund this in addition to the kerb works and has been advised. The conditions as recommended by highways are attached.

Residential amenity - Car parking to the front of domestic properties is common place. Within the applicants curtilage and set towards the end of the garden area adjacent the footpath it is not considered that the proposal would not cause any serious impact on the amenity of the adjacent neighbours.

The proposal complies with UDP Policy H2/3 and SPD6 - Alterations and Extensions to

Residential Properties.

Neighbour comments - The proposal was revised to include additional hatching to the west side of the new drop kerb so the junction would be kept clear. The commenting neighbour has been advised of the revised plan and no further comments received.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered 25-10-01 01. rev A and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan and Places for Everyone Joint Development Plan listed.
- 3 Notwithstanding the details indicated on approved plan reference 25-10-01 01 Revision A, the development hereby approved shall not be commenced unless and until a scheme of white lining/hatching and associated alterations to the existing on-carriageway lay-by have been submitted to/agreed with the Highway Authority. The details subsequently approved shall be implemented to the satisfaction of the Local Planning Authority prior to the vehicular access and driveway hereby approved being brought into use.
Reason . In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 The vehicular access and driveway indicated on approved plan reference 25-10-01 01 Revision A, incorporating the removal of the boundary wall to the limits shown, provision of a footway crossing to limits to be agreed with the Highway Authority, demarcation of the limits of the adopted highway, hardstanding in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway and all associated highway remedial works required to reinstate the adjacent footway to its condition prior to commencement of the development/removal of the existing boundary wall, have been implemented to the satisfaction of the Local Planning Authority.
Reason . In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and associated Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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<u>Case Officer</u> JL	<u>Date</u> 18/12/25	<u>Sign off Officer</u> DM 19/12/25	<u>Date</u>
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