

DELEGATED REPORT

Report by Tom Beirne	Date of report: 30/06/2026	Ref: 73137/FUL
Registration: 12/05/2026	LDfC: 05/06/2026	Expiry Date: 07/07/2026
Site Visit: 23/06/2026	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: HOUS

Proposal: Provision of a new vehicular access including a dropped kerb and creation of a new driveway

Location: 61 Bury Old Road, Ainsworth, Bolton, BL2 5SD

Description

The application relates to a two storey end terraced house on a residential road of similar styled houses. The front garden is bounded by a mature privet hedge. The neighbouring property to the east (No.63 Bury Old Road) has formed an access and off-road parking space in the front garden.

It is proposed to form an off-road parking space within the front garden. It would measure 5m by 3m and would abut the adjacent public footway. It would be constructed in permeable materials - resin bound stone. The scheme includes a new 1m high brick wall along the side boundary, adjacent to the public access footway.

Relevant Planning History

N/A

Publicity

Immediate neighbours notified by letter dated 15/05/2026. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection.

Pre-start Conditions - N/A

Development Plan and Policies

H2/3	Extensions and Alterations
SPD6	Supplementary Planning Document 6: Alterations & Extensions
OL1/5	Mineral Extraction and Other Development in the Green Belt
OL7/2	West Pennine Moors

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.

Need - The applicant requires an off-road parking space to secure safe and immediate access to her vehicle. This is recognised as reasonable and acceptable in principle.

Visual amenity and streetscape - The proposal is modest in scale and, with much of the garden remaining, would not have a seriously detrimental impact on visual amenity and streetscape. In terms of visual amenity, the proposal is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Residential amenity - Given the scale and nature of the proposal, there are no residential amenity issues arising. It is noted that there are no objections from neighbours. The proposal in terms of residential amenity, is acceptable and complies with UDP Policy H2/3 and associated guidance in SPD6 relating to extensions and alterations.

Parking and Access - The scheme would have no material impact on access and parking and highway safety. The parking space would be constructed in permeable resin bound stone and this is acceptable. The traffic team have no objection subject details being agreed to and in terms of parking the proposal is acceptable and complies with UDP Policy

H2/3 and associated guidance in SPD6 relating to extensions and alterations.

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 26.04.02-01C 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 The vehicular access and driveway indicated on approved plan reference 26-04-02 01 Revision C, incorporating the removal of the existing boundary treatment, provision of a footway crossing in a position/to limits to be agreed with the Highway Authority, demarcation of the limits of the adopted highway, hardstanding a minimum of 5.0m in length in a porous/permeable material and/or measures to prevent the discharge of surface water onto the adopted highway, access protection marking and all associated highway remedial works/white lining alterations required to reinstate the adjacent footway to its condition prior to commencement of the development/reflect the exiting adjacent road markings, have been implemented to the satisfaction of the Local Planning Authority.
Reasons - In the interests of highway safety and to maintain the integrity of the adopted highway pursuant to UDP Policy H2/3 Extensions and Alterations.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	30/06/2026		