

# REPORT FOR INFORMATION

<b>DECISION OF:</b>	<b>PLANNING CONTROL COMMITTEE</b>
<b>DATE:</b>	<b>27<sup>th</sup> July 2021</b>
<b>SUBJECT:</b>	<b>PLANNING ENFORCEMENT</b>
<b>REPORT FROM:</b>	<b>HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>CONTACT OFFICER:</b>	<b>DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT</b>
<b>TYPE OF DECISION:</b>	<b>COUNCIL (NON KEY DECISION) COUNCIL</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	This Report provides statistical information on Enforcement activity between 1st April 2021 to 30th June 2021
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Committee is recommended to note the Report
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework? <span style="float: right;">No</span>
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	Executive Director of Resources to advise regarding risk management N/A
<b>Statement by Executive Director of Resources:</b>	N/A
<b>Equality/Diversity implications:</b>	No (see paragraph below)
<b>Considered by Monitoring Officer:</b>	Yes <span style="float: right;">Comments</span>

<b>Wards Affected:</b>	ALL
<b>Scrutiny Interest:</b>	N/A

**TRACKING/PROCESS**

**DIRECTOR:**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

This report presents a brief analysis of Enforcement performance and activity for the period between 1st April 2021 and 30th June 2021 and includes table 1 (below) showing a statistical analysis of performance over that period.

All Enforcement Notices served and Actions taken are considered against the provisions of the Human Rights Act 1998. In taking account of whether to serve an Enforcement Notice or take Action, which is a discretionary power afforded to Councils under the Town and Country Planning Act 1990 (as amended), consideration is taken as to whether the individual's rights are affected and whether it is expedient to serve such a Notice or take Action against the individual.

Any Enforcement Notice served is considered as to whether it is expedient to do so in accordance with the Council's adopted Unitary Development Plan, National Planning Policy Framework and National Planning Policy Guidance.

Table 1 provides a detailed breakdown of the number and type of notice issued and other actions such as prosecutions during the quarter period. It also includes a performance standard in terms of the speed of the responses to initial site visits having been carried out.

Table 1

	<b>Period 01/04/21 to 30/06/21</b>
Number of Complaints received	<b>130</b>
% where initial site visit within 10 working days	<b>82.50%</b> (average time to visit 5 working days)
Number of complaints resulting in a breach of Planning Control	<b>62</b>
Number of Enforcement Notices served	<b>0</b>
Number of Stop Notices served	<b>0</b>
Number of Breach of Condition Notices served	<b>0</b>
Number of Section 215 Untidy land/building Notices served	<b>2</b>
Number of Temporary Stop Notices served	<b>0</b>
Number of Planning Contravention Notices served	<b>0</b>
Number of Injunctions served	<b>0</b>
Number of Prosecutions made	<b>0</b>
Number of Prosecutions referred to Legal for Prosecution	<b>0</b>
Number of Formal Cautions issued / Interviews Under Caution	<b>0</b>
Number of Works in Default actions taken	<b>0</b>
Number of High Hedges Remedial/Tree Replacement Notices served	<b>0</b>
<b>Total Number of Notices/Actions</b>	<b>2</b>

## **2.0 ISSUES**

### **CURRENT STAFFING LEVELS AND WORKING ARRANGEMENTS**

The Enforcement Team currently comprises of a Senior Planning Enforcement Officer and a Planning Enforcement Officer, who are employed full time. The Officers deal with complaint cases on a Borough wide basis, in accordance with the Council's Customer Charter for the Planning Enforcement Service.

### **3.0 WORKLOAD/COMPLAINT CASES RECEIVED AND TRENDS IDENTIFIED**

Table 1 above sets out statistical information for the period 1st April 2021 to the 30st June 2021.

During this period, we received 130 complaints that required a formal investigation, this number again (when viewing the last quarter), appears to be slightly higher than previous years. Out of the 130 complaints, it has been determined that 61 have breaches of planning control following investigation.

It should be noted that complaints that have been logged towards the end of the month are still being investigated as we are awaiting responses from owners.

Where a site visit is required, we are currently visiting sites within 8 working days. We are dealing with a larger workload and, as outlined below, revisiting some older cases that could not be pursued.

We are still dealing with a number of initial complaints due to the Covid situation. Noise and boundary disputes along with running a business (working from home) account for the bulk of this type of complaint. Some of these are not logged, following a description from the complainant, as they are not of a planning nature. Other cases which might have required the removal of works or making good have been delayed due to the general lack of labour and materials. We have adopted, in some cases, a 'softly softly' approach as to prosecute might prove problematic if challenged in the courts. We have one such case relating to an untidy land notice which was successfully challenged. (the case is delayed, it will be pursued)

We still have a number of pending notices. Negotiations with the planning department have been undertaken and are awaiting information that can allow the planning matters to be discharged. We continue to monitor these cases.

## Food/Drink Establishments and 'Pop-Ups'

Since the last Enforcement report (contained in full below) the Government have now cemented temporary provisions for moveable structures for food establishments.

New Class BB "*moveable structures for specified uses*" enables the temporary provision of any moveable structure without planning permission within the curtilage, and for the purposes, of:

- A building operated under article 3(6)(p) such as a pub, wine bar or drinking establishment or (q) drinking establishment with expanded food provision;
- A building operated under Class E (b) for the sale of food and drink mostly undertaken on the premises; or
- Within a historic visitor attraction which is defined as a listed building accessible to the public for enjoyment and educational purposes.

The statutory instrument, laid before Parliament on 15th April, came into force the consecutive day on 16th April and is effective in England only until 1st January 2022.

### Original Report

The team have had a rise in complaints relating to structures being erected in car parks or land adjacent to Public Houses and Restaurants. There has been no temporary permitted development rights issued by the Government for these, other than where they are located within the highway and thus a pavement regime has been devised to process these applications.

Elsewhere, on private land, current Government guidance does impose restrictions relating to social distancing, which means that businesses are seeking alternative ways in which to maintain economic viability, whilst satisfying safe distancing measures. The result is that a number of 'Pop-Ups' have appeared.

In many instances, these structures would require planning permission. Some Local Planning Authorities have made interim policy statements along the lines of not taking action for a 6 month period and maintaining an open mind, with a commitment to review in due course.

In planning terms, where temporary structures are erected for an event, they would benefit from a deemed consent for 28 days in any calendar year. Beyond that, action can be taken on structures within four years from its first arrival.

Bury has not introduced a formal process for this. However, where a proposer does seek advice or notifies the Local Planning Authority, this is logged and monitored. Elsewhere, new developments are also logged and monitored whether found by the team or noted by the public.

In essence, Government's approach is suggesting a light touch type of approach and following from this, action should be taken where it is appropriate to do so. This may be for reasons of inappropriately sited structures, the creation of traffic concerns, amenity consideration and built historic importance to name but a few.

Other agencies within the Local Authority, such as Traffic, Licensing or Environmental Health regimes are and do still have an input and have the ability to impose their own restrictions or considerations where this may be appropriate.

In conclusion, there is a clear acceptance that there will be some breaches of controls. However, breaches would have to have occurred beyond 4 or 10 years (depending on the type of development) to be immune from enforcement action. As such, the expediency and public interest tests will apply, meaning that, as restrictions are lifted, these structures ought to be removed. Where there is a desire to retain these structures, then planning permission should be sought and importantly consult with the council in its widest sense, to ensure that appropriate consents are in place where they are required. Finally, where there is demonstrable harm and the Local Planning Authority raises express concerns, this may result in structures having to be revised or removed.

### **Complaints Categorisation**

The 130 complaints we have received over the last quarter can be largely categorised as follows (The previous quarter is within the brackets);

Untidy land –	10 (10)
Outbuildings -	35 (34)
Breach of Conditions –	11 (15)
Fences/Decking –	18 (19)
Not built in Accordance with approved Plans –	23 (20)
Trees –	5 (12)
Business –	17 (13)
Change of Use –	11 (12)

### **3.1 FORMAL NOTICES SERVED/ACTIONS TAKEN**

As previously stated, we have a number of Notices that are held in abeyance due to applications being made to the Planning department that are being currently being considered.

#### **Enforcement Appeal Decisions**

There have been no Enforcement Appeal Decisions within the past quarter.

Members may also be interested in other complaints received during the period, please see Appendix 1 for the full list of complaints formally investigated during this past year.

### **3.0 CONCLUSION**

The majority of cases logged in the past 3 months have generally been dealt with via negotiation and applications being submitted to the Development Management Team. There are one or two cases currently that may require more formal action. Action on those cases where notices have been issued and held in abeyance, will be dependent on planning application outcomes.

The need to thoroughly investigate complaints, draft and issue the formal notices, monitor existing enforcement notices served for compliance, prepare appeal statements is continuing to have a significant impact on the workload of the Enforcement Team, however, this is the nature of the work.

The service provided is primarily a reactive one in that we respond to complaints received from members of the public. It is recognised that the workload levels are such that the Enforcement Charter reply times are not being hit in some minor cases but where significant breaches arise, these are dealt with well within the Charter reply times.

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#### **Appendix 1 – List of Enforcement complaints received between 01/04/2021 and the 30/06/2021**

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Not being built in accordance with approved plans of planning permission 65875  
21/04/2021

21 /0185 DMO 1 Parkhill Place, Bury Old Road, Prestwich, M25 0QA

Change of use from office storage to food preparation business  
20/05/2021

21 /0193 PK 11 Oakley Close, Radcliffe, Manchester, M26 1DF

Raised decking at rear  
28/05/2021

21 /0232 PK 111 St Anns Road, Prestwich, Manchester, M25 9GE

Building works  
22/06/2021

21 /0221 PK 117 Prestwich Hills, Prestwich, Manchester, M25 9PY

Erection of fencing  
16/06/2021

21 /0150 DMO 119 Cornwall Drive, Bury, BL9 9EX

Not being built in accordance with approved plans of planning permission 65461  
(extra windows  
22/04/2021  
added)

21 /0217 PK 12 Craigwell Road, Prestwich, Manchester, M25 0EF

Not being built in accordance with approved plans of planning permission 65363  
16/06/2021

21 /0187 PK 12 Leander Close, Radcliffe, Manchester, M26 4LG

Erection of outbuilding  
20/05/2021

21 /0158 PK 143 Brandlesholme Road, Bury, BL8 1BA

Change of use from residential property to HMO (House of multiple occupation)  
27/04/2021

21 /0125 DMO 16 Alnwick Drive, Bury, BL9 8BZ



Building works taking place in garden

01/04/2021

21 /0207 DMO 16 Eight Acre Whitefield, M45 7GW

Not built in accordance with the approved plans

04/06/2021

(65942 and 65556)

21 /0241 PK 162 Hilton Lane, Prestwich, Manchester, M25 9QZ

Erection of summer house in rear garden and erection of decking surrounding the summer house

25/06/2021

21 /0234 DMO 169 Longsight Road, Tottington, Bury, BL8 4DA

Enginnering works levels to rear garden being raised

16/06/2021

21 /0211 DMO 17 Mitton Close, Bury, BL8 2LD

Two storey rear extension

08/06/2021

21 /0148 PK 17 Sheepfoot Lane, Prestwich, Manchester, M25 0BN

Erection of fencing

21/04/2021

21 /0215 PK 173 175 The Rock, Bury, BL9 0NE

Breach of condition no.5 (sound insulation) of planning permission 65163

10/06/2021

21 /0191 PK 181 Tottington Road, Bury, BL8 1RX

Change of use from residential property to 7 bed HMO (house of multiple occupation) and rear

26/05/2021

dormer extension

21 /0213 DMO 185 Walshaw Road, Bury, BL8 1NH

Loft conversion

10/06/2021

21 /0209 PK 19 Cobden Street, Radcliffe, Manchester, M26 4HR

Not being built in accordance with approved plans of planning permission 63156  
08/06/2021

21 /0179 DMO 2 Cranbrook Drive, Prestwich, Manchester, M25 0JZ

Not being built in accordance with the approved plans. Possible Synagogue to  
basement.

13/05/2021

Complaint also relates to pile driving and complaints of noise and possible  
structural damage to

adjacent properties. Building Control are looking at the piling aspect. (FP/20/20244)

21 /0166 PK 2 North Woodley, Stand Lane, Radcliffe, Manchester,  
M26 1JB

Building works

29/04/2021

21 /0139 PK 2 Sheep Gate Drive, Tottington, Bury, BL8 3JZ

Trellis attached to existing fencing

13/04/2021

21 /0247 PK 20 Bland Road, Prestwich, Manchester, M25 9WL

Works to roof

28/06/2021

21 /0157 PK 20 Richmond Walk, Radcliffe, Manchester, M26 4JN

Dropped kerb, creation of driveway and painted white lines on highway

26/04/2021

21 /0136 PK 20 Woodward Road, Prestwich, Manchester, M25 9TU

Erection of fencing  
09/04/2021

21 /0216 PK 21 Lindrick Avenue, Whitefield, Manchester, M45 7GE

Erection of front porch  
11/06/2021

21 /0149 PK 24 Dawson Street, Bury, BL9 6LW

Change of use from residential property to house of multiple occupation (HMO)  
21/04/2021

21 /0173 DMO 240 Bell Lane, Bury, BL9 6HS

Running scrap metal business from home and skip at the rear  
11/05/2021

21 /0186 PK 241 Bolton Road West, Ramsbottom, Bury, BL0 9PS

Erection of fencing  
20/05/2021

21 /0251 DMO 241 Market Street, Bury, BL9 9AA

Unauthorised building erection of garage  
29/06/2021

21 /0159 PK 25 Ridge Crescent, Whitefield, Manchester, M45 8EQ

Rear extension  
27/04/2021

21 /0142 DMO 252 Bolton Road West, Ramsbottom, Bury, BL0 9PX

Two storey rear extension  
16/04/2021

21 /0195 PK 273 Parr Lane, Bury, BL9 8PJ

Children's nursery being run from home address and extension at rear and change  
of use of piece  
01/06/2021

of land at rear to residential garden

21 /0208 PK 277 Parr Lane, Bury, BL9 8PJ

Change of use of land to residential garden

08/06/2021

21 /0237 DMO 3 Ada Street, Ramsbottom, Bury, BL0 9PH

Not being built in accordance with approved plans of planning permission 65514

24/06/2021

21 /0129 PK 3 Cedar Fold, Tottington, Bury, BL8 3DS

Erection of decking in rear garden

07/04/2021

21 /0204 DMO 3 Inglewood Close, Bury, BL9 7LD

Single storey extension

07/06/2021

21 /0199 PK 32 Avondale Drive, Ramsbottom, Bury, BL0 9SJ

Erection of fencing

04/06/2021

21 /0194 PK 32 Canterbury Drive, Prestwich, Manchester, M25 0HY

Change of use of property from residential to school

01/06/2021

21 /0164 PK 329 Tottington Road, Bury, BL8 1SZ

Change of use of property to 2 no. self contained flats

29/04/2021

21 /0203 PK 33 Hunters Hill, Bury, BL9 8AP

Increase in fence height to 2.7m as well increase in decking height

04/06/2021

21 /0239 DMO 35 Hampson Mill Lane, Bury, BL9 9UA

Engineering works to rear of property (concrete and steel works observed)

25/06/2021

21 /0128 PK 37 Craigwell Road, Prestwich, Manchester, M25 0FE

Not being built in accordance with approved plans of planning permission 66270  
(encroaching onto  
07/04/2021  
neighbouring land)

21 /0151 PK 37 East Street, Radcliffe, Manchester, M26 2PN

Erection of structure in rear garden  
22/04/2021

21 /0180 DMO 37 Simister Lane, Prestwich, Manchester, M25 2SU

Creation of driveway  
14/05/2021

21 /0197 PK 371 Bury New Road, Whitefield, Manchester, M45 7SU

Erection of fencing  
03/06/2021

21 /0248 PK 38 Peveril Close, Whitefield, Manchester, M45 6NR

Not being built in accordance with the approved plans of planning permission  
66575 (garage)  
30/06/2021

21 /0190 PK 38 Peveril Close, Whitefield, Manchester, M45 6NR

Not being built in accordance with approved plans of planning permission 66575  
25/05/2021

21 /0219 PK 39 Cornall Street, Bury, BL8 1RZ

Building works  
16/06/2021

21 /0165 PK 3A Wentworth Avenue, Whitefield, Manchester, M45  
7GQ

Erection of fencing

29/04/2021

21 /0162 PK 4 Mansion Avenue, Whitefield, Manchester, M45 7SS

Erection of decking in rear garden  
28/04/2021

21 /0229 PK 4 Plymouth Grove, Radcliffe, Manchester, M26 3WU

Erection of outbuilding  
18/06/2021

21 /0246 DMO 400 Brandlesholme Road, Bury, BL8 1HP

Unauthorised advertisement signage  
28/06/2021

21 /0182 DMO 41 Hillside Crescent, Bury, BL9 6PZ

Erection of structure in rear garden and business being run from home address  
17/05/2021

21 /0200 PK 411 Manchester Road, Bury, BL9 9RY

Not being built in accordance with the approved plans of planning permission  
65858 (outbuilding)  
04/06/2021

21 /0244 PK 424 Bury New Road, Prestwich, Manchester, M25 1BD

Breach of conditions no. 3 (opening times), no. 4 (noise) and no's. 6 & 7 (flue) of  
planning  
28/06/2021  
permission 64941

21 /0127 DMO 47 Ajax Drive, Bury, BL9 8EF

Not being built in accordance with approved plans of planning permission 64581  
01/04/2021

21 /0201 PK 47 Riverside Road, Radcliffe, Manchester, M26 2PX

Running business from home and works to garden  
04/06/2021

21 /0124 PK 5 Rochford Avenue, Whitefield, Manchester, M45 7PQ

Erection of outbuilding  
01/04/2021

21 /0170 PK 50 Shetland Way, Radcliffe, Manchester, M26 4UH

Erection of fence at front  
11/05/2021

21 /0138 PK 519 Manchester Road, Bury, BL9 9SH

Erection of outbuilding in rear garden  
12/04/2021

21 /0218 PK 55 Birks Drive, Tottington, Bury, BL8 1JF

Running hairdressing business from home and erection of outbuilding in rear  
garden  
16/06/2021

21 /0253 PK 55 Mode Hill Lane, Whitefield, Manchester, M45 8JH

Erection of decking  
30/06/2021

21 /0226 PK 57 Clitheroe Drive, Bury, BL8 2JU

Erection of decking and fencing  
17/06/2021

21 /0168 PK 57 Redvales Road, Bury, BL9 9PT

Erection of outbuilding in rear garden  
05/05/2021

21 /0126 DMO 6 Clitheroe Drive, Bury, BL8 2JU

Storage container in front garden  
01/04/2021

21 /0152 DMO 6 Westholme Road, Prestwich, M25 2RE

Construction of dormer in the loft space  
21/04/2021

21 /0192 PK 74 Turks Road, Radcliffe, Manchester, M26 4QB

Building works at rear of property

28/05/2021

21 /0243 PK 75 Peveril Close, Whitefield, Manchester, M45 6NS

Erection of conservatory

28/06/2021

21 /0145 DMO 79 Hilton Lane, Prestwich, Manchester, M25 9SD

Felling of tree protected under tree preservation order no. 80

20/04/2021

21 /0143 DMO 8 Hunstanton Drive, Bury, BL8 1EG

Not being built in accordance with approved plans of planning permission 66478

16/04/2021

21 /0202 DMO 89 Ripon Hall Avenue, Ramsbottom, Bury, BL0 9TQ

Unauthorised building work on extension has started

07/06/2021

21 /0184 DMO 9 Blackford Avenue, Bury, BL9 9TE

Running car sales business from home

20/05/2021

21 /0212 DMO 9 Brandlesholme Close, Bury, BL8 1AE

Untidy land (container within front garden and plant/machinery)

01/06/2021

21 /0137 PK 9 Ludlow Avenue, Whitefield, Manchester, M45 6TD

Erection of outbuilding and decking in rear garden

12/04/2021

21 /0154 PK 9 Oakhurst Gardens, Prestwich, Manchester, M25 1JA

Erection of conservatory

26/04/2021



21 /0252 DMO 92 Ainsworth Road, Bury, BL8 2RS

Running car business from home and installation of cctv camera  
30/06/2021

21 /0174 DMO Amigos's Chicken, 201 Manchester Road, Bury, BL9 9HL

Change of use from cafe to hot food take away  
11/05/2021

21 /0176 PK Angouleme Retail Park, Angouleme Way, Bury, BL9 0BZ

Advertisements and ANPR cameras  
12/05/2021

21 /0196 PK Ashworth Frazer, Higher Ainsworth Road, Radcliffe,  
Manchester, M26 4AF

Breach of condition no.2 (demolition management plan) of prior approval for  
demolition permission

02/06/2021  
66543

21 /0171 DMO Basements, 11 & 11A Bury New Road, Prestwich, Manchester,  
M25 9JZ

Change of use of the basements into synagogue  
11/05/2021

21 /0214 DMO Connect 56 Business Park, Former Derby Works, Manchester  
Road, Bury, BL9 9NX

Not being built in accordance with approved plans of planning permission 65877  
10/06/2021

21 /0172 DMO Cuckoo Bar 395 397, Bury New Road, Prestwich, Manchester,  
M25 1AW

Erection of structure in rear garden  
11/05/2021

21 /0231 DMO Ducie Street, Ramsbottom, Bury, BL0 9EQ

Works to a retaining wall. Within the conservation area. Rob Thorpe looking at this from building

05/06/2021

control held in abeyance from enforcement awaiting word from Rob.

21 /0141 DMO Entrance To Courtyard Of Nuttall Hall Cottages, Nuttall Hall Road, Ramsbottom, Bury, BL0 9LR

Installation of electric gates to entrance of courtyard

16/04/2021

21 /0223 DMO Field Near The Paddock, Leaches Road, Shuttleworth, Ramsbottom, Bury, BL0 0EJ

Waste and soil being deposited on the land

16/06/2021

21 /0175 DMO Field On Old Doctors Street, Tottington, Bury

Change of use of field to dog walking business use and erection of fencing and gates

11/05/2021

21 /0155 PK Former Ainsworth Nursing Home, Knowsley Road, Ainsworth, Radcliffe, Bolton, BL2 5PT

Damage to heritage asset and damage to trees and removing vegetation

26/04/2021

21 /0227 DMO Former Car Park of The Masons Arms, Walmersley Old Road, Bury

Untidy site, tipping of materials

17/06/2021

21 /0210 PK Former Whitefield Town Hall Site, Pinfold Lane, Whitefield, Manchester, M45 7JS

Untidy land

08/06/2021

21 /0134 DMO Hearth of the Ram, Bridge Street, Ramsbottom

Unauthorised building work to the car park  
05/04/2021

21 /0206 DMO Heather Cottage, 22 24 Cross Lane, Ramsbottom, Bury, BL8  
4LY

Unauthorised building within the conservation area (large wooden building)  
06/06/2021

21 /0249 DMO Hilton Crescent, Prestwich

Encroachment  
28/06/2021

21 /0146 PK Hush Healing & Beauty, 223A Bury Old Road, Prestwich,  
Manchester, M25 1JE

Change of use of first floor from flat to healing and beauty parlour  
21/04/2021

21 /0167 DMO Land On Hollins Vale Local Nature Reserve, Bury, BL9 8LT

Change of use of land to residential gardens and removal of hedgerow  
30/04/2021

21 /0131 DMO Land Adjacent 436 Walmersley Road, Bury

Untidy land  
06/04/2021

21 /0224 DMO Land Adjacent To The Towler Inn, 460 Walmersley Road,  
Bury, BL9 6QE

Untidy land  
16/06/2021

21 /0161 DMO Land and Works To The North East Of Walmersley Old Road,  
Bury, BL9 6SB

Unauthorised structures on green belt land.  
28/04/2021

21 /0177 DMO Land At Central Street, Ramsbottom, Bury, BL0 9AF

Two storey extension to form two no. apartments

13/05/2021

21 /0198 DMO Land at Bury Road/York Street, Radcliffe, Manchester, M26  
2WH

Disruption from development on York Street including untidy land

17/05/2021

**Contact Details:-**

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