



REPORT FROM: HEAD OF LEGAL SERVICES

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 9th MAY 2023

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**ENFORCEMENT ACTION
 NELSON, BRIERFIELD AND REEDLEY**

BUILDING ACT NOTICES, ENFORCEMENT NOTICES & BREACH OF CONDITION NOTICES

Address	File No	Date of Cttee Resolution	Date Served On	Taking Effect	Date to Comply	Details
1. Land at 113 Leeds Road, Nelson	3503	Delegated 18/03/20	6/7/20	N/A	6/8/20	Breach of Condition Notice requiring the submission and approval of a scheme for the extraction, treatment and dispersal of fumes and odours. Hearing 03/11/22 – both defendants fined. This business is now closed. Planning Enforcement Officer has spoken with the landlord and advised any re-opening requires submission of details of extraction system or Planning Permission for a change of use. This matter is now on hold.

2.	Land to the south of Pendle Bridge, Reedley	3405	Delegated 29/1/20	11/2/20	24/3/20	24/9/20	Enforcement Notice served requiring the owner to remove the caravans. Trial 27/01/22 – prosecution successful and the Defendant has been fined. Occupants still on the land. Instructions sent to Legal to apply for a High Court Injunction.
3.	Land at 21 Sefton Street, Brierfield	3542	Delegated 19/8/20	7/10/20	18/11/20	30/6/21	Enforcement Notice served requiring the owner to reduce the depth of the extension to a maximum of 4 metres. Hearing adjourned to 11 th May 2023.
4.	Land at 72 Cloverhill Road, Nelson			2/8/21 22/9/21			Section 77 Notice under the Building Act 1984 served on owner to take down the defective side of the wall and build the wall back on a suitable foundation. 27/01/22 - remediation works have begun and officer to diarise for completion. Awaiting response/update from Craig Taylor, Building Control.
5.	Land at 30 Higher Reedley Road, Brierfield, BB9 5HA	3765	Delegated 18/10/21	10/12/21	N/A	7/1/22	Breach of Condition Notices served for 12 breaches including details of landscaping, method statement, drainage scheme, scheme for highway improvement works, details to adoptable standards of internal road, details of future management and maintenance of internal road, completion of estate road, site access work, scheme for surfacing and paving of car parking areas, scheme for cycle storage facilities, scheme for electrical vehicle charging points and sample of materials to be used in the external construction of the development. Work has been completed. Awaiting submission from the developer, which is expected by 17 th March 2023.

6. Land at 90 Manchester Road, Nelson, BB9 7HD	3767	Delegated 16/11/21	10/12/21	N/A	7/1/22	Breach of Condition Notices served for 4 breaches including details of design and materials, scheme for fumes and sound installation. Hearing on 01/12/22 – the defendant was fined. The defendant has still not complied. Further prosecution pending. Hearing adjourned to 11 th May 2023.
7. Land at Nelson Tyre Centre, former Ambulance Station, Rakes House Road, Nelson BB9 0AP	3791	Delegated	7/2/22	N/A	9/3/22	Breach of Condition Notice served for breaches relating to permitted operating timescales Monday – Friday 08:00 hrs to 18:00 hrs Saturday 09:00 hrs – 13:00 hrs and no operational activity at any time on Sundays and Bank Holidays.
	3828	Delegated	16/5/22	N/A	15/6/22 &29/6/22	Breach of Condition Notice served relating to mitigation measures proposed in Noise Assessment TW0207219NR.REV5. Noise abatement materials now permitted – allowing time for installation. Sound proofing ordered. Expected lead time is 12 to 14 weeks for manufacture and installation. If there is a further delay with compliance, the matter will be referred to legal for prosecution. The installation of the soundproof boarding is expected to start wc/ 1 st May 2023.
8. Land at Barden Lane Stables, Barden Lane, Brierfield	3789	Delegated	9/3/22	N/A	11/4/22	Breach of Condition Notice served requiring the submission of a full landscaping scheme for the site, a full scheme for the site highway works, the surfacing of the access to the site and provision of drainage for the access. Instructions sent to Legal to prosecute for non-

						compliance.	
9. Land at 1 Place De Creil, Nelson	3852	Delegated	16/6/22	N/A	15/7/22	Not pursuing whilst property empty.	
10. Land at Springbank Buildings 226-248 Every Street, Nelson	3947		17/11/22	07/01/22	10/01/23	10/04/23	Enforcement Notice served requiring the removal of a canopy, roller shutters and back housing and to make good any damage caused to the building as a result of compliance with the notice. Awaiting outcome of planning application.
11. Land at 88 Manchester Road, Nelson	3990	Delegated	27/02/23	10/04/23	10/07/23	Enforcement notice served to reinstate the stall riser and to restore the shopfront to its former condition.	
12. Land at 3 Woodside Terrace, Nelson	4032	Delegated	27/02/23	10/04/23	10/07/23	Enforcement notice served requiring the owner to reinstate the chimney stack and restore to its former condition. Awaiting outcome of appeal.	