

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Section 171A(1)(a) TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION
ACT 1991)

ENFORCEMENT NOTICE – OPERATIONAL DEVELOPMENT

To: The Company Secretary, ITG (GB) Limited, Unit 16 Great Grimsby
Seafood Village, Wickham Road, Grimsby, North East Lincolnshire,
DN31 3SX

ISSUED BY: **NORTH EAST LINCOLNSHIRE COUNCIL**

1. THIS IS A FORMAL NOTICE which is issued by the Council under section 171A(1)(a) of the Town and Country Planning Act 1990 ("the Act") because it appears to the Council that there has been a breach of planning control carried out at the land described in paragraph 2 of this notice. The Council considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The annex at the end of the notice and the enclosures to which it refers contain important additional information about appealing against this notice.

2. **THE LAND AFFECTED**

Land at 18 Cleethorpe Road, Grimsby, DN31 3LB shown edged red on the attached plan ("the land")

3. **THE MATTERS WHICH ARE ALLEGED TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission:

3.1 The removal of 3 first floor timber vertical sash windows to the front elevation and the subsequent installation of 3 UPVC double glazed units.

3.2 The removal of 1 first floor rear casement window and the subsequent installation of a single UPVC glazed unit.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears that the breach of the above planning control has occurred within the last four years.

The loss of the original windows adversely affects the symmetry and overall character and appearance of this Grade 11 Listed Building and the wider area.

The Council does not consider that planning permission should be given because planning conditions could not overcome these objections.

5. WHAT YOU ARE REQUIRED TO DO IN ORDER TO RESTORE THE LAND TO ITS FORMER STATE:

- 5.1 Remove the 4 first floor UPVC double glazed windows (see Photo 1 and Photo 2) – the existing UPVC windows are to be removed carefully by hand to avoid damage to the original architrave and disposed of off-site.
- 5.2 To the front elevation install 3 new timber sash windows. These should be fitted from the inside, tight to the opening – reusing the original box frame if possible. The new sash windows should be 6/6 weighted vertical sliding sash to fit the openings with glazing bars and frame to match exactly (internally and externally) those in Photo's 3 & 4. These photos show the central, first floor window on the east elevation of the building.
- 5.3 Insert a single timber casement to the first floor rear elevation to match exactly the window adjacent (see Photo 5)
- 5.4 Joints to the frame and the sashes shall be Mortise and Tenon with locking dowel detail. The windows shall be single glazed without trickle vents. All new glazing shall be 6mm fixed using pins and putty externally.
- 5.5 The exterior of the windows are to be finished in full gloss paint – colour (white or off white) to match existing decoration, taking care to seal the putty in doing so. Internal finish to be painted (not stained) to suit interior décor (own choice). All window linings/architrave where original are to be retained and made good with matching details in timber. Where these have been removed new timber details will be made to match Photo 6.

5 TIME FOR COMPLIANCE

6 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 7/11/17 unless an appeal is made against it beforehand.

Dated: 6/10/17
Signed: acslate

Angela Blake
Director of Economy & Growth
North East Lincolnshire Borough Council
Municipal Offices
Town Hall Square
Grimsby
DN31 1HU

(North East Lincolnshire Council has issued an enforcement notice relating to land at 18 Cleethorpe Road, Grimsby, North East Lincolnshire DN31 3LB and you are served with a copy of that notice as you have an interest in the Land. Copies of the notice have also been served on the parties listed at the end of this Annex.)

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this enforcement notice, but any appeal must be **received** by the Planning Inspectorate (PINS) (or be posted or electronically communicated at such time that, in the ordinary course of post or transmission, it would be delivered to the Planning Inspectorate) **before** the date specified in paragraph 7 of the notice.

If you want to appeal against this enforcement notice you can do it:

- Online at the Planning Casework Service area of the Planning Portal (www.planningportal.gov.uk/pcs).
- By getting enforcement appeal forms from the Planning Inspectorate on 0303 444 5000 or by e-mailing the Planning Inspectorate at enquiries@pins.gsi.gov.uk.

You MUST make sure that PINS receive your appeal before the effective date on the enforcement notice.

In exceptional circumstances you may give notice of appeal by fax or letter. You should include:

- The name of the local planning authority.
- The site address.
- Your address.
- The effective date of the enforcement notice.

PINS MUST receive this before the effective date on the enforcement notice. This should **immediately** be followed by your completed appeal forms.

The Planning Inspectorate's address and contact details are as follows:

The Planning Inspectorate

CST Room 3/13

Temple Quay House

2 The Square

BRISTOL BS1 6PN

Direct line: 0303 444 5000

Fax number: 0117 372 8782

Under section 174 of the TCPA 1990 you may appeal on one or more of the following grounds that:

- In respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.

- Those matters have not occurred.
- Those matters (if they have occurred) do not constitute a breach of planning control.
- At the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
- Copies of the enforcement notice were not served as required by section 172 of the TCPA 1990.
- The steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such breach.
- Any period specified in the notice in accordance with section 173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under ground (a) of section 174(2) of the TCPA 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £195.00. You should pay the fee to North East Lincolnshire Council.

If you decide to appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the [Secretary of State OR National Assembly] will send you a notice requiring you to do so within 14 days.

A copy of sections 171A, 171B and 172 to 177 of the TCPA 1990 are attached for your information

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of this notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

PERSONS SERVED WITH A COPY OF THIS ENFORCEMENT NOTICE ARE AS
FOLLOWS:

The Company Secretary
ITG (GB) Limited
Unit 16, Great Grimsby Seafood Village
Wickham Road
Grimsby
North East Lincolnshire
DN31 3SX

The Company Secretary
Clydesdale Bank PLC
30 Vincent Place
Glasgow
G1 2HL

18 Cleethorpe Road



Photo 1- First floor showing 3 double glazed windows to front elevation



Photo 2- First floor double glazed windows to the rear elevation



Unauthorised window

Photo 3- Existing 6/6 vertical sliding sash window- internal detail



Photo 4- 1st floor Original central sash windows – external detail



External detail

Photo 5- Original rear casement window- internal detail

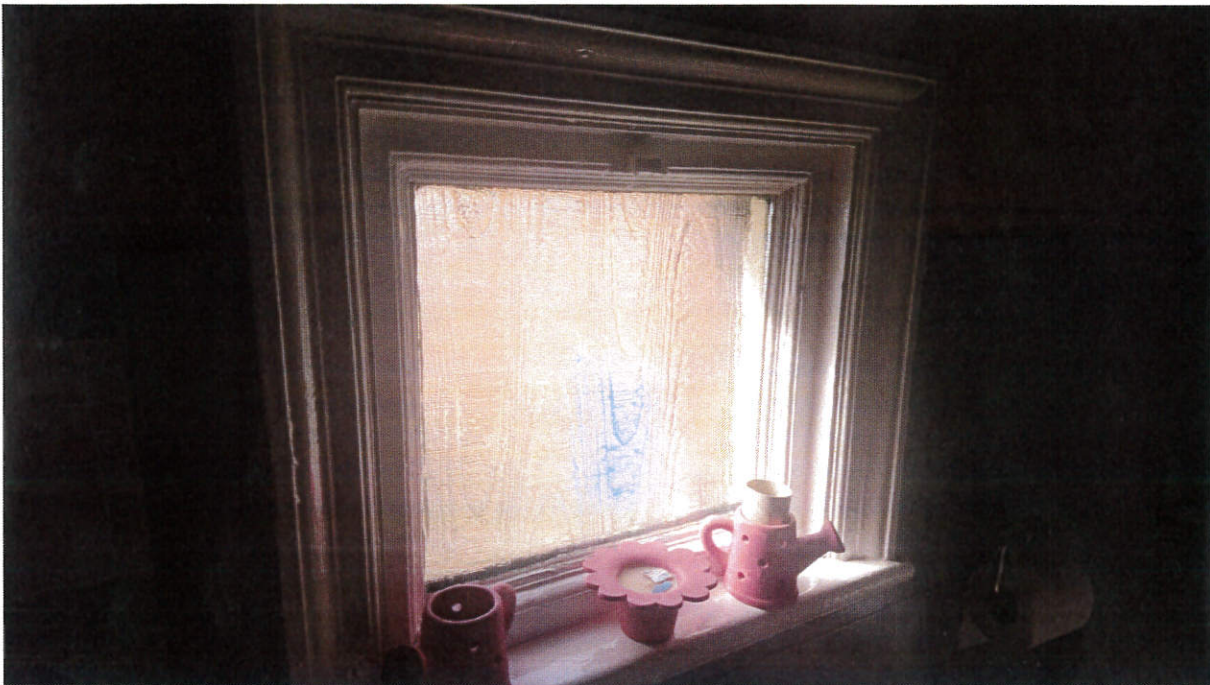


Photo 6- Original sash window- internal architrave detail