

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**SECTION 38 (1) PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990**

**LISTED BUILDING ENFORCEMENT NOTICE**

To: Philip Michael Bradley, The Nutshell, Chapel Lane, Scawby, Brigg, North Lincolnshire. DN20 9AQ

**ISSUED BY:**        **NORTH EAST LINCOLNSHIRE COUNCIL**

1.     THIS IS A FORMAL NOTICE which is issued by the Council under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”) because it appears to the Council that works have been carried out to the listed building described in paragraph 2 of this notice in contravention of Section 9 of the above Act. The Council considers that it is expedient to issue this notice, having regard to the effect of the works on the character of the building as being of special architectural or historic interest. 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 BUILDING AFFECTED**

Land at 1-3 Bethlehem Street, Grimsby, North East Lincolnshire, DN31 1JN, (“the building”) shown edged in red on the attached plan.

3.     **THE MATTERS WHICH ARE ALLEGED TO CONTRAVENE SECTION 9 OF THE ACT:**

Without listed building consent:

- 3.1    The re-painting of the exterior render and masonry arch in black/grey from white/cream (see Photo 6).
- 3.2    The re-painting of exterior joinery (windows, doors, fascia, gutters and gutter brackets) and rain water goods (hoppers and downpipes) in red from black (see Photo 16).
- 3.3    The re-painting of the rendered plinth in red from black (Photo 7).
- 3.4    The addition of 12 exterior down lights and associated wiring (see Photos 1 and 2).
- 3.5    The addition of 2 exterior painted SMOKEHOUSE advertisements (see Photos 17 and 18).
- 3.6    The addition of 4 hanging apparatus which are used for the display of advertisements (see Photos 3 and 4).
- 3.7    The addition of a chrome cased advertisement to the right of the main entrance door which houses the restaurant menu (see Photo 5).
- 3.8    The disassembly of the main staircase spindles and banister and its incorrect reassembly leading to 7 of its spindles being

replaced incorrectly (see Photo 10) and 1 being missing (see Photo 8).

3.9 The removal and replacement of 2 external doors to the ground floor (see Photo 13 and Photo 14).

3.10 The installation of 2 large flues and subsequent creation of 2 large holes in the brickwork to accommodate these (see Photo 11 and 12).

#### 4. REASONS FOR ISSUING THIS NOTICE

4.1 The black/grey and red paint scheme, down lights, additional advertisements, missing and incorrect facing spindles, replacement doors and installation of two commercial flues, individually and cumulatively by reason of their quality, design and materials, are out of character with, and detrimental to, the quality, character and appearance of this Grade II Listed Building. The Council does not believe that Listed Building Consent should be granted for these alterations because they adversely affect the significance of the Listed Building and/or detract from its special interest, character and appearance. Conditions could not overcome these objections.

4.2 [Retrospective] Listed Building Consent application reference DM/0506/17/LBC, for external lighting and external decoration including painting of building, painted signs, external brackets, removable hanging signs and projecting signs, removal of plaster and installation of timber cladding to walls internally, replacement ceilings to bar and boiler room, alterations to internal glazed screens, works to fire exit door and refurbishment of first floor function room, creation of bin enclosure and installation of two extractor fan flues was refused on 22<sup>nd</sup> August 2017.

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

5.1 Remove all 12 external lights (see Photo 1 and Photo 2), their fittings and electricity supply (using a competent and approved electrician).

5.2 Remove 4 external copper hanging rails and fixings which are used to display advertisements (see Photo 3 and Photo 4).

5.3 Remove the chrome box used to display restaurant menu (see Photo 5) and its fixings.

5.4 Remove existing paint to joinery (windows, doors, fascia, gutters and gutter brackets) using an appropriate method and following manufacturers guidelines. Ease windows ensuring these are capable of being opened. Re-fix loose or replace broken glazing 'like for like' and fix with putty.

5.5 Remove current paint from the external render and masonry using an appropriate method following manufacturers guidelines. This includes removing the two hand painted smokehouse signs. Once clean and dry any holes or cracks in

the render (including those left having removed items as per sections 1-3 above) should be filled with lime putty. Putty should be left to dry before sanding for a smooth overall finish. Where areas of render are loose, have blown, are extensively cracked or sounding hollow, they should be cut out to the brick (using hand tools) with square edges and re-rendered using a lime mix. When using a lime putty it must be at least three months old to ensure it is completely slaked to prevent 'lime blows' to the finished surface. Do not use a soft fine sand as this will lead to cracking. The mix should be slightly wetter than pointing mortar. A typical mix for the first two coats using either lime putty or hydraulic lime is, 2 lime: 5 sand, and the finishing coat 1 lime: 3 sand. No coat thickness should exceed 15mm. Drying times for undercoat should be at least 2 days in summer and 7 days in winter. Each coat should be thinner and either the same strength or weaker than the last. The final coat should be finished smooth to match the existing. For maximum adhesion between coats, each coat must be applied onto the next whilst the base is still green. The base should be dampened lightly before the next coat is applied to reduce the suction of moisture from the subsequent coat.

- 5.6 Prime and paint exterior render and masonry arch excluding the plinth (see Photo 6) in a water based masonry paint for example Little Greene, Masonry Paint, colour to be off white/cream or similar, using a minimum of 2 coats according to the manufacturers guidelines until fully and evenly covered.
- 5.7 Repaint joinery (windows, doors, fascia, gutters and gutter brackets) in black gloss having first appropriately primed, ensuring to paint over the glazing putty for a weather tight seal.
- 5.8 Re-paint rainwater goods (hoppers and downpipes) in black gloss.
- 5.9 Reinstall painted plinth in black gloss which is level with the masonry plinth which includes painting the masonry plinth at the base of the arch to the footpath (see Photo 7).
- 5.10 Locate the missing spindle from Photo 8. If the missing spindle cannot be located create a new spindle matching exactly (in design, size materials and finish) those already in place and insert into the gap making sure not to cause damage to the banister or footplate. The moulded side should face outwards, away from the footplate as per correct spindle in Photo 9.
- 5.11 Carefully remove the 7 spindles which are orientated incorrectly (see Photo 10) making sure the banister and footplate is not damaged. Replace these spindles so that they match the remaining spindles (see Photo 9) in orientation.
- 5.12 Remove external flues and fixings (see Photo 11 and Photo 12). Using matching brickwork (matching brick, matching bond and matching lime mortar) repair holes in walls where each flue exited the building and repoint any areas of damage where the flue was fixed to the building.
- 5.13 Remove 2 external doors (see Photo 13 and 14) and replace with doors to match those removed (see Photo 15), timber ledged and braced painted in black gloss.

6. TIME FOR COMPLIANCE

3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 9<sup>th</sup> October 2017 unless an appeal is made against it beforehand.

Dated: 8<sup>th</sup> September 2017

Signed: 

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

**ANNEX**

**YOUR RIGHT OF APPEAL**

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of this notice. The Planning Inspectorate information sheet, which is included with this Notice, will give you the information needed to enable you to submit your Appeal. Please read it carefully.

**Please note, you MUST make sure that the Planning Inspectorate receives your appeal before the effective date on the Enforcement Notice.**

**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.

Photo 1 – Showing lights 1 – 6 on Wellowgate

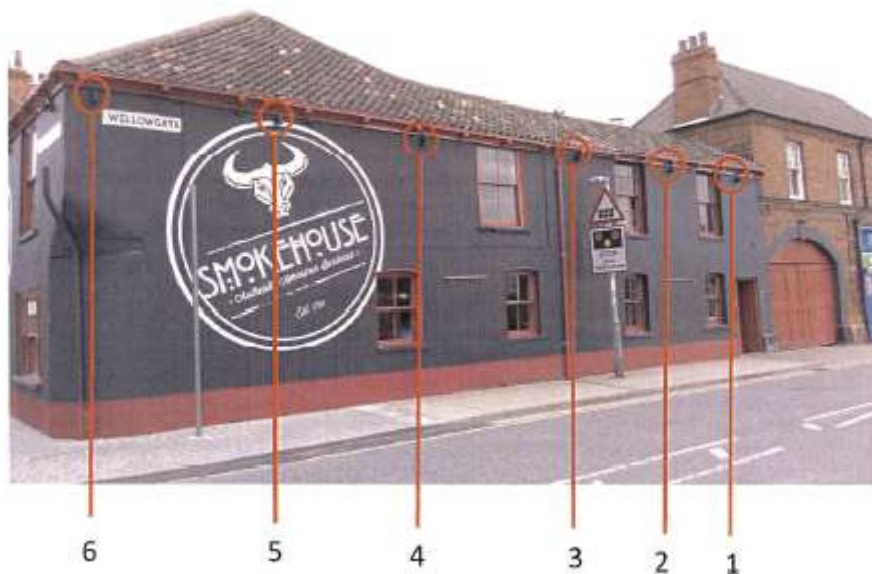


Photo 2 – Showing lights 7 – 12 on Bethlehem Street



Photo 3 – Showing copper hanging rails 1 & 2 on Wellowgate



Photo 4 – Showing cooper hanging rails 3 and 4 on Bethlehem Street



Photo 5 – Showing Chrome menu Display Box





Menu Display Box.

Photo 6 – Showing Wellowgate elevation including masonry arch



Exterior Render

Masonry Arch

Photo 7 – Showing Wellowgate elevation including masonry plinth and painted plinth

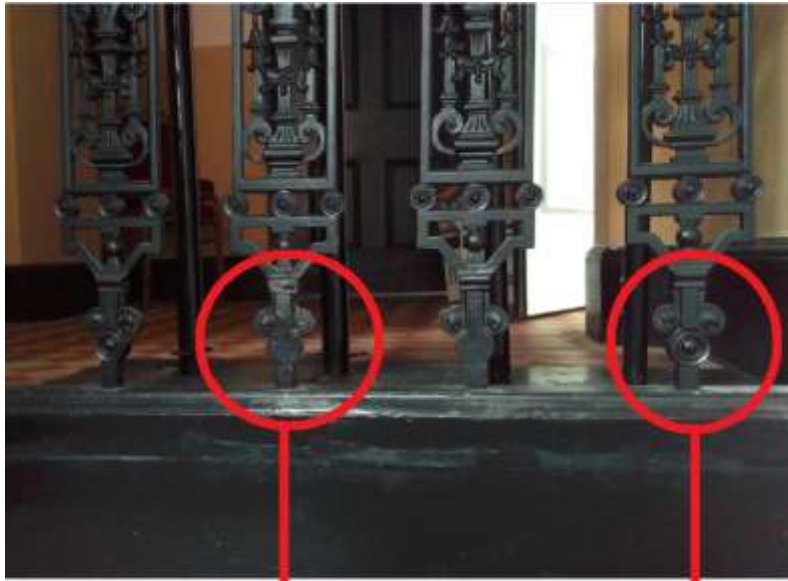


Photo 8 – Showing missing spindle (Ground Floor Spindle One)



Photo 9 – Showing orientation of spindles

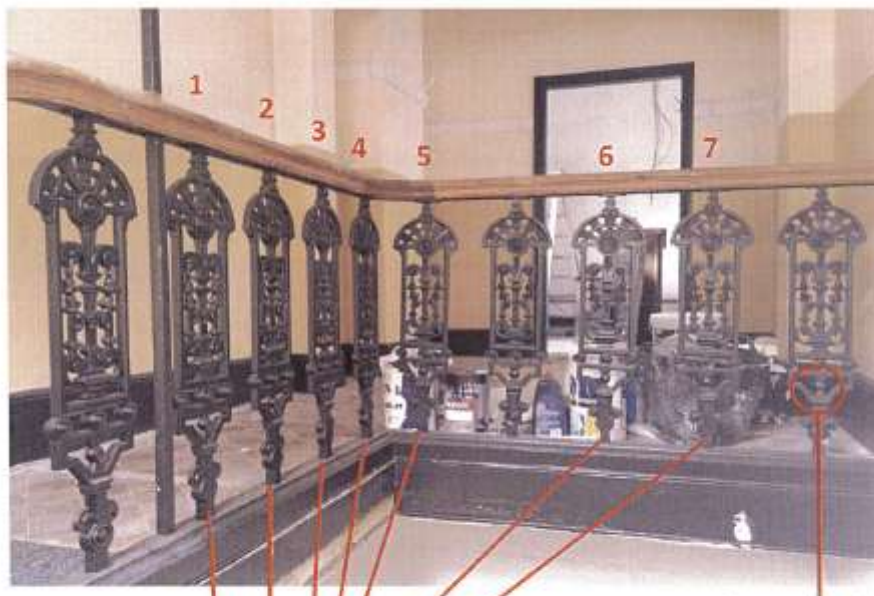




Incorrect facing  
spindle – mould  
facing the footplate.

Correct facing  
spindle – mould  
facing away from  
the footplate.

Photo10 – Showing incorrect facing incl  
incorrect facing spindles



In Incorrect facing spindles – mould  
facing the footplate.

Correct facing  
spindle – mould  
facing away from  
the footplate.

Photo 11– Showing extraction flue A



Flue

Hole in brickwork  
where flue exits the  
building.

Photo 12 – Showing extraction flue B



Flue

Hole in brickwork  
where flue exits  
the building.

Photo 13 – External Door leading to stairwell.



Photo 14 – External Door leading to kitchen/store.



Photo 15 – Original doors being removed during works.



**Photo 16 – Showing painted Joinery and Rain Water Goods.**



**Photo 17 – Showing painted SMOKEHOUSE sign on Wellowgate elevation.**





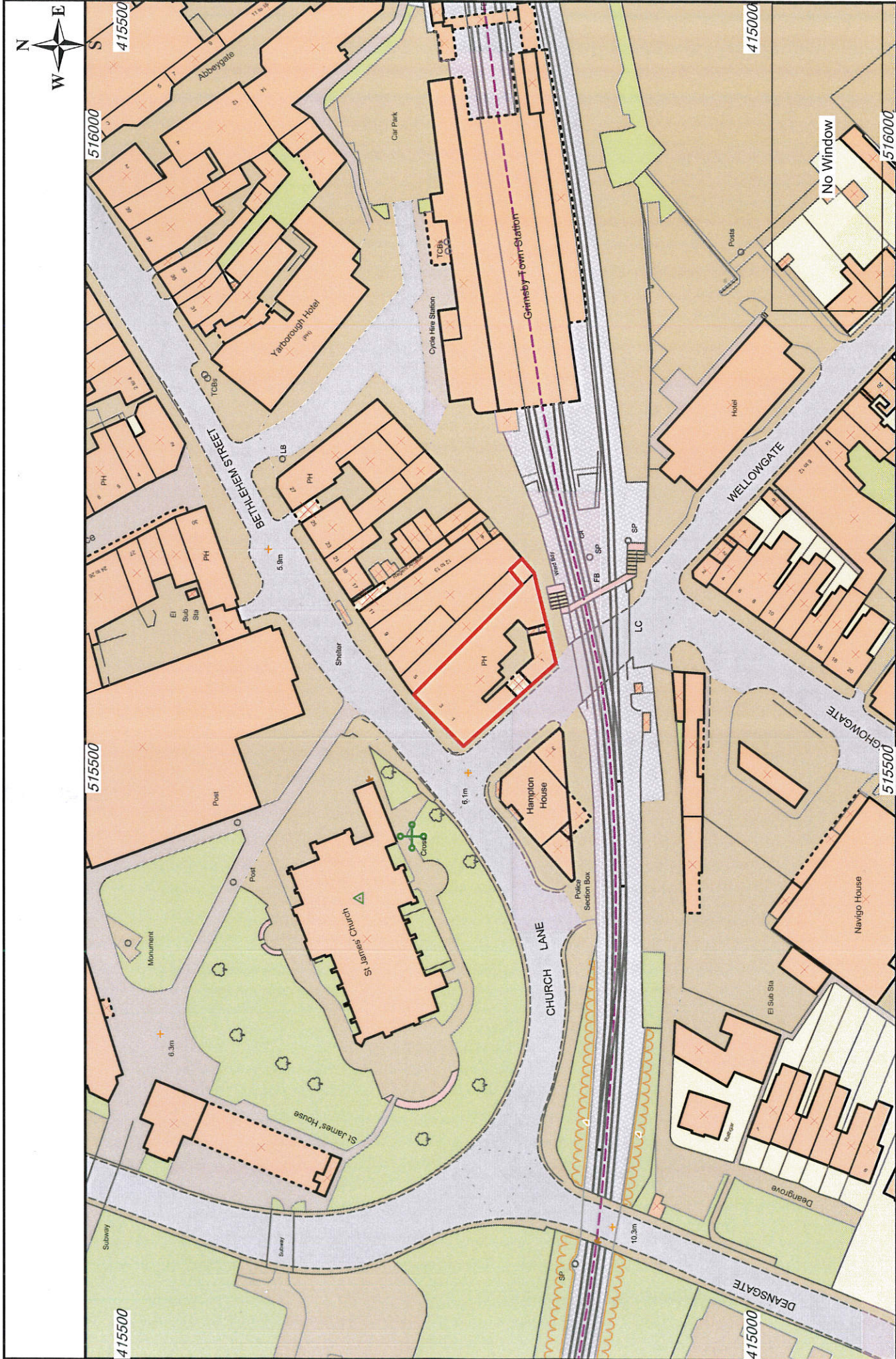
Painted SMOKEHOUSE sign

**Photo 18 – Showing painted SMOKEHOUSE sign on Bethlehem Street elevation.**



Painted SMOKEHOUSE sign





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