

BRECKLAND COUNCIL

REPORT OF THE EXECUTIVE MEMBER FOR ECONOMIC AND COMMERCIAL SERVICES to the CABINET – 8 June 2010 **(Author: Paul Durrant, Asset Technical Officer)**

RELEASE OF FUNDS – EAST HARLING WALL

1. Purpose of Report

- 1.1 The report seeks Cabinet approval for the release of monies for the reconstruction of the damaged brick and flint wall at East Harling, including re-use of materials where possible, removal of adjacent trees and site clearance. Consultation has taken place with the Council's solicitors and Historic Buildings Officer over the legal and planning issues respectively, and a structural survey, together with recommendations for the reconstruction has been obtained from an external structural engineer.

2. Recommendations

It is recommended that the Cabinet:

- 2.1 Give power to the Chief Executive to accept the lowest quotation (see item 3.2.5) and release monies for the reconstruction of the damaged brick & flint wall at East Harling, including re-use of materials where possible, removal of adjacent trees and site clearance.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background

- 3.1.1 In November 2009 the Council received a report that a 22m length of wall had collapsed at Grigsons Wood, East Harling. The wall had fallen onto private property, causing considerable damage to two garden sheds in the rear garden of Acanthus House, School Lane. Because the private property has lower ground levels the wall serves as a retaining structure in places.
- 3.1.2 Grigsons Wood is part of an ex-Council house estate that was originally acquired in 1947. The land has an old brick & flint wall around the perimeter, which is probably associated with The Old Hall that existed here. Although the housing stock was transferred to Peddars Way in 1993, Breckland Council still owns the large areas of open space on the estate, including Grigsons Wood
- 3.1.3 The Council's solicitors confirmed that Breckland was responsible for the wall adjacent to the property and a Contractor was instructed to move all of the rubble from the garden to the adjacent Council land and erect a temporary fence along the gap in the wall.
- 3.1.4 In December 2009 three consultants were invited to provide a quotation for professional services for the rebuilding project, including a survey of the remaining wall. In January 2010 an order was placed with Daniel Connal Partnership to provide

a report with design recommendations and estimate of costs.

3.2 Issues

- 3.2.1 The report from Daniel Connal's Structural Engineer identifies that the wall collapse was probably caused by trees located close to the wall, and recommends that these are removed. Also there is a significant lean on parts of the remaining wall. Although it is possible to strengthen the existing wall with buttresses, it is considered inappropriate and those parts with significant lean should be demolished and re-built.
- 3.2.2 The site is in a conservation area. Planning permission is not required for the reconstruction, but Conservation Area Consent will be required for any proposed demolition work.
- 3.2.3 The Council's Historic Buildings Officer has been consulted regarding the proposed design of the wall and he is of the opinion that the replacement walling should be of a like-for-like palette of materials to ensure the overall visual continuity of the walling in this area, more specially as the walling and adjacent land is council owned and visible to the public. However, given the adjacent private ownership, it could be acceptable to provide a brick skin only to this side as opposed to a flint skin – this would obviously help reduce the overall costs. In addition, he is of the view that the provision of buttressing to walling of questionable quality may not be cost effective in the long term and that a rebuild of such sections may well be the better option long term.
- 3.2.4 The adjacent property owners, having suffered damage to their property and having been inconvenienced for 6 months already are opposed to using a plain brick skin on their side of the wall, as the rebuilt section would look very different to the rest of the boundary and might de-value their property. Because they have to live with the wall they wish to see it rebuilt in flint to match the remainder. Consequently the scheme includes the reconstruction of the wall with flint work both sides, together with the careful removal of adjacent trees, sorting of re-useable materials and clearance of remaining rubble from the site. Limited access to the site is also an important issue.
- 3.2.5 Daniel Connal Partnership have been instructed to prepare the specification and detailed drawings and invite 5 competent contractors to provide a quotation for the scheme, to ensure that the work is carried out at a competitive price. Quotations are expected to be returned by early July.
- 3.2.6 There is a general duty on the Council to carry out its functions in a way which pays special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Consequently the reconstruction of the wall needs to be sympathetic to this status.
- 3.2.7 For members' information, a copy of this report has been circulated to the local ward representatives for the East Harling area.

3.3 Options

- 3.3.1 Give power to the Chief Executive to accept the lowest quotation (see item 3.2.5) and release monies for the reconstruction of the damaged brick & flint wall at East Harling, including re-use of materials where possible, removal of adjacent trees and site clearance.
- 3.3.2 That this matter be considered by Cabinet at a future meeting once quotations have been received – not recommended because this would prevent the commencement of work following the receipt of quotations.
- 3.3.3 Do nothing – not recommended because the council have a duty to maintain the boundary of the property, as confirmed by the Council's Solicitors and not supported by the Council's Historic Buildings Officer.

3.4 Reasons for Recommendation(s)

3.4.1 The Council has a duty to comply with Legal and Planning obligations relating to this site.

4. Risk and Financial Implications

4.1 Risk

4.1.1 The Council could potentially face legal action from the adjacent owner for failure to fulfil legal obligations to maintain the boundary and failure to fulfil planning responsibilities for the wall in this Conservation Area.

4.2 Financial

4.2.1 No Proforma B necessary at this stage.

5. Legal Implications

5.1 There are no specific legal issues that require special comment here.

6. Other Implications

- a) Equalities: No, implicit within process.
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: No implication to the best of our knowledge.
- d) Human Resources: None
- e) Human Rights: No specific human rights implicit within process

7. Alignment to Council Priorities

7.1 The matter raised in this report falls within the following council aims and associated priorities:

- Environment – protect and improve Breckland's natural environment and resources.

8. Ward/Community Affected

8.1 Harling and Heathlands.

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Key Decision Status (Executive Decisions only):

Non-Key decision

Appendices attached to this report:

Site plan and photograph