

**REPORT FROM: DIRECTOR OF PLACE**

**TO: EXECUTIVE**

**DATE: 30<sup>th</sup> MAY 2024**

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**URGENT REPAIR WORKS TO RETAINING WALL - GISBURN  
STREET GARAGE SITE, BARNOLDSWICK**

**PURPOSE OF REPORT**

- (1) To advise Members of urgent works required to a retaining wall structure below the Council's garage site at Gisburn Street in Barnoldswick.
- (2) To ask Member's to consider allocating funding to the reconstruction of the wall.

**RECOMMENDATIONS**

- (1) That Members acknowledge the current position.
- (2) That Members approve a supplementary capital amount to secure the repair of the wall, that amount being determined subject to the completion of a formal tendering process.
- (3) To remedy the current unstable condition of the retaining wall and remove a danger.

**REASON FOR RECOMMENDATIONS**

To rebuild the retaining wall as a matter of urgency and remove a danger.

## BACKGROUND

1. The above Council garage site is fully let and contains 10 x garages, which were erected by tenants for the parking of a domestic motor vehicle.
2. The garage site and the terraced residential properties either side (2-20 and 32-46 Gisburn Street), are built on a level significantly higher than the Town Council's allotment site which lies below.
3. The whole of the higher land is held back by a historic retaining wall structure, shown on the attached plan from A- B, C-D and D-E, running to the rear of the garage site and the rear of the terraced properties.
4. A stone wall sits upon the top of the retaining wall to provide fall protection for residents accessing the terraced housing, via an unmade path lying between the retaining wall and the rear yard walls. The sections of wall, A-B and C-D are located within the Cornmill and Valley Gardens, Barnoldswick, Conservation Area (2003). Section D-E lies outside.
5. On the 7<sup>th</sup> March, 2023 the Council was informed that the top section of the wall at C-D may have been hit by a vehicle and the section immediately to the rear of the garage site had collapsed into the allotments below.
6. Officers inspected the site and temporary fencing and warning signs were erected along the boundary where the wall had collapsed. The remaining section of the wall retaining the land now urgently requires rebuilding to prevent further collapse.
7. A structural engineer's report was commissioned by the Council's Building Control Section, which suggested that large sections of the wall was unstable and in need of repair.

## ISSUE

8. The independent legal and surveying advice obtained by the Council suggests that the property owners on the land above the allotments are the owners of the wall and hence are liable for its repair and maintenance. As the wall in part lies within the Conservation Area there may be a requirement to rebuild it using the same materials on external surfaces, rather than using modern retaining structures. Insurance policies held by the Council in relation to its property portfolio do not cover this type of damage or event.
9. An estimate has previously been sought to establish the potential cost of repair of the Council's section C-D only at £54,000. This was on the basis of rebuilding the wall using materials to satisfy any Conservation Area consent required and included for the cost of taking down the two garages above the wall and reinstating them after the works have been completed.
10. A formal open tender exercise will be required for the works in due course to accord with the Council's tendering procedures and policies. A budget would have to be allocated to carry out the works and Members are asked to approve the allocation as emergency works in advance to enable the urgent works to be carried out as soon as practical. It is suggested that the Council's Engineering manager would take on the procurement and contract management project to rebuild the Council's wall.

## **IMPLICATIONS**

**Policy:** The Council maintains land and property within its ownership.

**Financial:** A detailed estimate of £54,000 has been provided, however the work will require to be tendered.

**Legal:** None arising from this report.

**Risk Management:** The risks to the remainder of the wall and allotment users is the subject of a separate process. The risks associated with this section of wall will be mitigated with its repair.

**Health and Safety:** Temporary fencing and warning signs were erected to the wall to protect users of the footpath and garage site. The tenants of the two end garages most affected have been asked not to use the garages until further notice and rent demands have ceased to be issued. The remaining section of the retaining wall now requires urgent works to prevent further collapse.

**Climate Change:** None

**Community Safety:** See Health and Safety above.

**Equality and Diversity:** None.

**APPENDICES** – Location plan as marked.

## **LIST OF BACKGROUND PAPERS**

None