

## SCRUTINY CALL - IN REQUEST FORM

### SCRUTINY PROCEDURE RULES (14-15)

(To be completed by at least 2 Members)

All parts of this form must be completed.

#### 1. DECISION

Title.....Shearwater Trees.....

Minute No.....

Date Taken.....23/10/2019.....

Decision Maker.....Cllr Bob Bushell.....

#### The Ground(s) for Call-In is:

That the decision making does not appear to have taken historical facts about this complaint and previous works carried out on this wall into account

#### The reasons supporting the ground(s) is:

1 The health of the trees has never been in question however the damage caused is the grounds for asking for the work to be done  
2 Originally the complaints were from Mr Peters and his neighbour, and the neighbour's wall was rebuilt away from the trees, both still stand without impact on each other.  
3. Previous work has been carried out by the council to the wall because of its accepted responsibility which includes :-  
(a) cosmetic repairs etc approx. 2000  
(b) 2011 Insertion of Heli fix bars to bond the walls ,repointing , + installation of lintels to protect roots etc  
(c ) 2017 Removal of pillars due to further fracturing and risk of falling and temporary replacement with wooden panels pending a permanent solution agreeable to both parties  
Throughout all of this the trees and the wall were monitored on an ongoing basis by the tree officer.  
4. There were several meetings between Mr Peters and officers some of which I attended, however this culminated in February 2019 with a "Technical Specification for brickwork wall for remediation works Hartsholme Country Park and properties on Shearwater Close Lincoln" being drawn up between City of Lincoln Council and Blue Sky consultants. (Copy attached )

This was agreed to by Mr Peters and was taken back by officers for ratification and decision for approval.

5. This work includes the felling of the three trees in contact with the wall and the rebuilding of the wall as good

6. Through all this time the trees have been constantly in contact with the wall. As they grow they increase the pressure on the wall and damage increases.

7 The wall is built on the foundations of the original park wall so they are contemporary of each other. When constructed the wall and trees were apart

8The solution of leaving the trees and rebuilding the wall within Mr Peters land against his wishes, is not agreeable to him and I would question its enforceability and legality.

**Suggesting an outcome –**

**That the decision is reversed and 'rejected' option one:-**

**Remove all trees in contact with the wall and repair the wall implemented**

Call-in supported by the following members:-

Name Cllr Ron Hills..........Signature/date.....4/11/19.....

Name Cllr Alan Briggs..........Signature/date.....5/11/19.....

R Peters Esq  
12 Shearwater Close  
Lincoln  
LN6 0XU

23 November 2017

Dear Mr Peters

**Our ref 9696: Boundary Wall to the Rear of 12 Shearwater Close**

I have now had an opportunity to go through the files you kindly left with me in order to refresh my memory of the background to this long running saga. This report is primarily to consider where we are over twenty years after you first advised Lincoln City Council that the trees in Hartsholme Park were causing damage to the rear boundary wall of your property.

I provided advice to you in July 1997. I commented upon a report prepared by Loss Adjusters, Ellis and Buckle, who were acting for the insurers of Lincoln City Council. They had recommended cosmetic repairs to your wall that they admitted had been damaged by the effects of physical pressure applied to the wall by the Scots Pine trees located within Hartsholme Park. I refuted their suggestion that cosmetic repairs alone would solve the problem in the long term.

Subsequently I understand that cosmetic repairs, along with the installation of lintels above the roots to reduce the effect of heave was finally undertaken in 2011. Additionally, existing diagonal cracks in the wall were reinforced with Helifix bars. Ward Cole acted as the Consulting Engineers for Lincoln City Council and Mr Stanton of Ward Cole e-mailed representatives of Lincoln City Council and yourself on 19<sup>th</sup> September 2011 to advise on the scheme that had been installed. I have included a paragraph from this e-mail:

*There are, of course, tolerances to the extent of lateral and thermal movement that can be experienced within a solid brick structure, the specification and repairs providing a solution for the foreseeable future, however should extensive growth be experienced within the trees (sic), or sway from unusually high winds or the trees be felled, then, of course, there is a potential for the wall to become damaged (sic).*



I observe that It is not unreasonable to foresee that the trees will continue to grow and that high winds will, from time to time occur!



scheme that was proposed by Ward Cole did not address the fact that the trees at the time were in contact with the wall and specifically the parapets that were fractured horizontally by the direct contact of the trees were not reinforced. Therefore, inevitably, further damage has occurred to the wall leaving the parapet, where trees are in contact with the wall, in a dangerous condition. I enclose a photograph of the parapet location and note that the

10mm crack has occurred in the time since repairs were undertaken in 2011. Furthermore, at lower level horizontal fracturing has appeared on the line of a repaired fracture. It is apparent that this damage is neither controlled or contained by the repairs undertaken in 2011. The scheme devised by Ward Cole at this time was, therefore, ineffective as implied by the statement from Jeremy Stanton quoted above implies.



Your neighbours, at the time, Dr and Mrs Emara, were also in dispute with Lincoln City and we advised them, as we had you, that the only effective method of dealing with the damage was to rebuild the wall on piles and isolated foundations, accommodation the roots and providing a sufficient distance between the wall and the trees to allow for future growth and movement. This scheme was adopted by Lincoln City Council for Dr Emara's property, and the scheme has been effective as no damage is apparent. This scheme was undertaken in 2002, and Ward Cole drew up the scheme that was subsequently constructed.

One may ask why Ward Cole prepared two schemes for, effectively identical and adjacent problems, one for Dr Emara at number 14 Shearwater Close, and another,

much cheaper and (as it should have been apparent at the time, and as time has proved) ineffective. The answer to this is obvious. The scheme was much cheaper and "bought" time. However, the problem has not gone away and as you contributed to the scheme, you had a reasonable expectation that the work that was undertaken would have been more effective than has been the case. This may imply that you can extend any potential legal action to professional negligence.

Your solicitor has indicated that he requires a report from me to assist in the process of taking legal action against Lincoln City Council. At this stage this letter report may be used to re-open dialogue with Lincoln City Council and their insurers. I note that you have already started that process by discussion with your local councillor, Steve Bird. I can, obviously, prepare a report that is CPR compliant. I note specifically that it was legal action taken by Dr Emara that enabled him to have his claim settled by Lincoln City Council fully and effectively.

I do, however, observe that at some stage the growth of the trees and prevailing weather conditions will dislodge a section of parapet masonry, weighing 150kg which, if falling from a height of 2.0m could cause severe injury, even death. As this is a direct result of the nuisance caused by the trees that are the responsibility of Lincoln City Council, I remain extremely concerned, and note that individuals at Lincoln City Council could be held personally liable bearing in mind that they have been aware for the last 20 years that this problem exists and has not been properly dealt with by them in all that time.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Peter Cole', with a stylized flourish at the end.

**Peter Cole BSc CEng MICE FISTructE  
PCC Consultants Ltd**

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CITY OF  
*Lincoln*  
COUNCIL



**blue sky**  
consultants

Consulting Civil & Structural Engineers

**TECHNICAL SPECIFICATION  
FOR  
BRICKWORK WALL REMEDIATION WORKS  
HARTSHOLME COUNTRY PARK  
AND  
PROPERTIES ON SHEARWATER CLOSE  
LINCOLN**



## 1.0 DESCRIPTION AND BACKGROUND



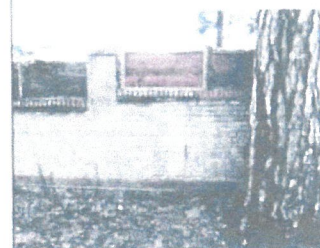
The boundary wall between Hartsholme Country Park and properties on Shearwater Close, Lincoln is to be repaired following contact damage by mature pine trees growing close to the wall. The wall is a 9" thick brick wall of approximately 1.8m height and has been constructed as a rear boundary wall for properties on Shearwater Close. The wall separates private gardens from a public path running through Hartsholme Country Park, and is believed to have been built during 1990 following construction of the Shearwater Close properties.

The wall is constructed from 215mm brickwork incorporating a feature string course, sills and copings. The wall is generally 'castellated' with brick piers at approximately 2.3m centres and shiplap fence panelling between the castellations. The wall is capped with tile creasing and brick on edge copings.


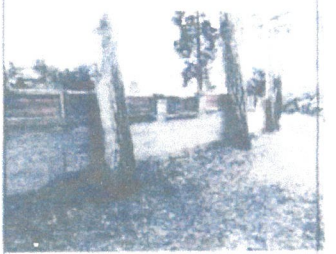
At the time of its construction the wall is believed to have been built, at least in part, on the line of an earlier boundary wall. Although no historical information is available, recent trial excavation has revealed that parts of the wall are constructed over historic brickwork close to and below ground level, and on a sandstone foundation course.

The section of wall forming a boundary with No. 12 Shearwater Close has become in direct contact with the trunks of three mature pine trees and the wall has become damaged. City of Lincoln Council intend to remove those trees which are adversely affecting the wall and to repair the wall where damaged. This document specifies the repair requirement.

## 2.0 TABULATED SCOPE OF WORKS

| WORK ITEM                                  | DESCRIPTION   | Drawing Ref<br>18018/--- | Spec'n Ref | Photograph  |
|--|---|--------------------------|------------|---|
| <u>Trial Holes</u>                         | <p>Excavate trial holes against the wall to expose the existing foundation and check adequacy.</p> <p>Trial holes to be taken to a depth just below existing foundation level.</p> <p>Trial holes will be inspected by Blue Sky prior to backfilling</p>  | 101                      | -          |    |
| <u>Damaged, loose or leaning brickwork</u> | <p>Carefully take down any areas of damaged, loose or leaning brickwork. Clean off bricks and set aside for re-use. Source matching brickwork to replace any damaged units. Reconstruct damaged/loose/leaning areas in matching brickwork with colour-matched mortar.</p> <p>Approximate areas indicated on plan. Final areas to be agreed with the CA on site.</p> | 101                      | 4.2        |   |
| <u>Repointing (if required)</u>            | <p>Repoint all cracked bed and perped joints bucket-handle to match existing pointing. Colour match mortar.</p>   | -                        | 4.1        |  |



| WORK ITEM                               | DESCRIPTION   | Drawing Ref<br>18018/--- | Spec'n Ref | Photograph  |
|---|---|--------------------------|------------|---|
| <u>Crack Stitching</u><br>(if required) | Install crack stitching if required. Position to Engineer's instruction.  | -                        | 4.3        | --  |
| <u>Turrets</u>                          | Construct turrets atop the wall to reinstate those taken down following tree damage. Brickwork type coursing, style and detailing to match existing to include creasing and copings. Colour match mortar. | 101                      | 4.0        |   |
| <u>Timber Panelling</u>                 | Install timber framing and shiplap boarding between turrets to match existing.  | -                        | 5.0        |  |

### **3.0 GENERAL REQUIREMENTS**

#### **3.1 HEALTH AND SAFETY**

The Contractor must, at all times, liaise closely with the Principal Designer and demonstrate appropriate planning of the works including the development of Risk Assessments and Method Statements.

#### **3.2 PROXIMITY TO PUBLIC AND FOOTPATH USAGE**

The works are to be undertaken at the edge of a popular and well used footpath. The working areas, methodology and deliveries are to be carefully sequenced and programmed to limit disruption to the general Public using the footpath. The path is to remain open throughout the works.

All motorised plant must travel at low speeds and only move with the attendance of a Banksman in areas accessible by the General Public.

#### **3.3 LIASON WITH NEIGHBOURS**

The Contractor is to discuss the works with immediate neighbours at least three weeks prior to commencement, and agree programming and access to minimise disruption to neighbours. Any disturbance of neighbouring gardens is to be made good to leave all areas neat and tidy.

#### **3.4 TREE PROTECTION**

Trees are located close to both sides of the wall. On the Hartsholme Park side there are a number of large mature pine trees estimated to be 25m high and some of these will be removed prior to the works commencing, as indicated on Blue Sky Drawing 18018/101. All remaining trees close to the works are to be protected in accordance with City of Lincoln Council requirements.

#### **4.0 BRICKWORK REPAIR SPECIFICATION**

##### **4.1 REPOINTING**

Defective mortar to perpend and bed joints shall be raked out to a minimum 25mm or greater until the remaining mortar is sound and the bricks stable.

Repointing shall be carried out with the brickwork in a damp condition by wetting the raked-out joints. All prepared joints shall be free of vegetation and other mineral deposits. Pointing shall be carried out whilst the mortar is still green with all pointing matching existing profile and colour.

Use sulphate resistant mortar, compressive strength class M4, 1:1:5 cement:lime:sand.

##### **4.2 BRICKWORK RECONSTRUCTION**

Carefully take down areas agreed with CA on site. As far as possible, clean-off bricks and set aside for re-use. Source matching bricks as required.

Confirm adequacy of supporting ground, foundation and any remaining brickwork. Reconstruct brickwork plumb and true, and in a style to match the existing and using colour matched mortar. Pointing to be as specified under 4.1. Include all features including creasings and brick on edge copings to match existing wall

Fully bond new work into existing brickwork where necessary. Where existing wall is not plumb at the joint, accept an offset in wall face across the bonded joint.

##### **4.3 CRACK STITCHING – VERTICAL AND STEPPED CRACKING**

Install crack stitching if instructed by the CA on site. Stitching is to be installed as follows:

- Stitches to be installed on the line of the crack at approx 4 course (or 300mm) vertical centres.
- Rake out and deep point 600mm length of bed joint centred on the crack. Use a proprietary grout system and injection tool.



- Install one 6mm x 600mm long stainless steel threaded or helical bar into the joint centred on crack and press bar firmly into place. Bar to be bedded in mortar with minimum 20mm new mortar in front and behind the bar.
- Mortar to contain a non-shrink/high strength additive (Fosroc Conbex 100 or similar). Surrounding brickwork to be wetted before repointing is carried out. Re-point the brickwork face with minimum 20mm deep mortar; pointing style and colour to match the surrounding joints. Pointing to be as 4.1.

## **5.0 TIMBER PANELLING**

Install timber panelling between turrets to match existing arrangement.

Timber to be pressure treated external grade.

Timber framing to be carefully well fixed to new brickwork in a manner which does not damage the brickwork. Install shiplap infill boarding (rustic style) to match the existing arrangement.

Submitted: 10/11/2005; Accepted: 01/11/2006

XO MCITTAKE DIGITAL JOURNALISM CHARTER FOR THE FUTURE OF NEWS TRAINING

TOTAL EXTENT OF WORKSHEET DE AGREED WITH COLLEGE

UNITES CURRENTLY IN CONTACT WITH WAI AND REQUESTING  
FOR REMOVAL (SUBJECT TO APPROPRIATE ACCREDITATION)

TABLES REFERENCE NUMBERS 78 79 AND 80

GARDEN TO No. 8


GARDEN TO No. 12

GARDEN TO No. 14

DATE RECEIVED



TYPICAL TURRET

|  |  |  |                         |  |   |  |  |  |                   |  |
|--|--|--|-------------------------|--|---|--|--|--|-------------------|--|
| <br><b>blue sky</b><br>CONSTRUCTION | 2 GROVE PARK COURT<br>HARTSHOLME<br>HGT 14HP |  | CITY OF LINCOLN COUNCIL |  | TOP LEFT<br>HARTSHOLME PARK &<br>SHEARWATER CLOSE BOUNDARY WALL |  | TOP RIGHT<br>APPROXIMATE EXTENT OF WORKS |  |                   |  |
|  | TEL: 01423 540205<br>FAX: 01423 769768       |  |                         |  |   |  |  |  |                   |  |
|  |  |  | DATE: 11/01/01          |  | DRAWN BY: JRS   |  | CHECKED BY: JC                           |  | DATE: FEBRUARY 19 |  |
|  |  |  | SCALE: 1:200            |  | PROJECT NO: 18018   |  | DRAWN NO: 101                            |  | SHEET NO: -       |  |
|  |  |  | TITLE: SPECIFICATION    |  |   |  |  |  |                   |  |