

**Alleged Unauthorised Development**  
**East Malling & Larkfield**  
East Malling

**06/00232/215**

**570183 157084**

Location: 1 High Street East Malling West Malling Kent ME19 6AJ

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**1. Purpose of Report:**

1.1 To update Members following my report to the August meeting.

**2. Factual matters:**

2.1 As I explained previously, externally the building is in a generally poor state of repair. For example, a first floor bay window has decayed to an extent that appears to be beyond repair, as has the beam supporting the shopfront; there is cracked and deformed brickwork; a large number of roof tiles seem to have shifted.

2.2 Some of these weaknesses have been noticeable for some time and both my Building Control and Conservation staff have been engaged over the last few years in trying to broker a solution especially with regard to the support of the beam over the door. An interim solution, of props, remains in place but it was not possible to agree, at officer level, a visually acceptable permanent solution before the relationship between owner and leaseholder appeared to deteriorate to the point where there was no further co-operation.

2.3 I have now received a more detailed report from surveyors which sets out the position more clearly:

- Externally, crack patterns and widths appear to have developed over the last twelve months in accordance with the failure mechanisms detailed in our previous report. Two Acro props have since been installed to support the bressumer beam.
- Internally at ground floor level the structure appeared to be in a relatively good condition for its age. Assumptions made in our previous calculations regarding the span of the cross beam bearing on the bressumer, together with those relating to the run and span of floor joists appear to be correct.
- At first floor level limited access was available. However, from the accessible rooms at the front of the building, the outward bow of the front wall became further evident. Cross walls were found to be completely de-bonded from the front elevation with open gaps increasing in width towards the centre and head of the panel.
- The loft space was found to have been converted into habitable accommodation, however these works would not appear to be recent. Rafters were found to be supported by purlins although no props were identified. Ceiling joists appear to tie rafter feet together preventing spread of the roof structure.

- The two Acro props that have been installed to support the main beam over the recessed doorway should reduce further movements until some permanent solution can be agreed upon for the necessary remedial works.
- Crack patterns to the masonry panel above the beam would indicate that the brickwork either side of the bay window is no longer bonded to the return or internal buttressing walls.
- The building is not in a condition that is likely to lead to an imminent collapse. However, remedial works should be carried out as a matter of urgency to prevent further damage to the fabric of the building from moisture ingress through the open cracks.
- It is recommended that a scheme be agreed and undertaken to re-support the bressumer over the main entrance. Once this has been completed the brickwork above and internal buttressing walls should be tied together with a masonry reinforcement system such as Helifix.
- The above recommendations will remedy the structural issues however weathering details will need to be addressed to prevent further damage at a later date. It is also recommended that some opening up of the roof structure be carried out to determine the condition of the rafters and repairs be carried out as required.
- With reference to time frames we would advise that the structural aspects of the works be carried out within a three to six month period.

2.4 I am sure that with a will amongst all parties a suitable design for this work could be agreed and that the other works necessary could be completed. I shall attempt to broker a meeting when all these matters can be discussed and a path to a resolution plotted out including the likelihood of the need to obtain Listed Building Consent for works such as the provision of suitably designed and detailed piers to support the bressumer.

2.5 Should my optimism prove to be misplaced then there are a number of theoretical options for formal action which are available to the Borough Council. In practice however I believe that the only long-term solution would be to serve a Building Repairs Notice (BRN) (which requires that the building be returned to its condition at the date of Listing). This course of action is a prelude to the service of a Compulsory Purchase Order (CPO) if the BRN is not complied-with. The decision to take this route brings with it the possibility of substantial expenditure (which may or may not be recoverable as and when the building is resold). Neither the service of a BRN or a CPO is within the powers of this Committee. Management Team will need to consider the full implications of such steps as there is no current budgetary provision for such a CPO and therefore the final decision will have to be made by Council as the project would be outside the Budget and Policy Framework.

**2.6 Legal and Financial Implications and Risk Analysis**

2.7 A thorough appraisal of all of these factors, in relation to the service of a BRN and CPO will be required for any Council decision but can only be made in the context of a full assessment of the cost of the works set out in 2.3 above together with an up-to- date market assessment of the potential disposal value once the works are complete.

**3. Recommendation**

3.1 **I Recommend** that:

3.2 The approach set out in para. 2.4 **BE ENDORSED** as the most appropriate way to bring this building back into good repair

3.3 The matters raised in paras. 2.5, 2.6 and 2.7 **BE NOTED**

Contact: Lindsay Pearson