

<b>Committee(s):</b> Housing Committee	<b>Date:</b> 12 <sup>th</sup> September 2022
<b>Subject:</b> Balcony Project Contract Approval.	<b>Wards Affected:</b> Hutton North
<b>Report of:</b> Steve Summers – Strategic Director	<b>Public</b>
<b>Report Author/s:</b> Name: Christian McAniskey Telephone: 07598 295120 E-mail: Christian.McAniskey@brentwood.gov.uk	<b>For Decision</b>

### **Summary**

The Council is responsible for the management and maintenance of its housing stock and members may be aware of the significant maintenance requirement to the timber balconies at Whittington Road and Colet Road.

This report seeks the committee's approval to seek tenders for the works as set out in this report.

### **Recommendation(s)**

**R1. That delegated authority is given to the Strategic Director and, Section 151 officer acting in consultation with the Housing Committee to seek the Council's approval to issue the tender for the replacement balconies Capital project as set out in this report**

### **Main Report**

#### **Introduction and Background**

1. Concern was raised mid 2021 over the condition of the timber balconies to the first-floor flats in Whittington Road and Colet Road in Hutton following collapse of the timber balustrade to one of the flats.
2. Property consultants were immediately appointed to assess the balcony failure and also to review all other balconies of similar construction. This review involved

intrusive inspections of the timber construction with a view to repair or replacement.

3. A site inspection was undertaken on 08 July 2021 to inspect and further understand the construction of the balconies. This included the removal of a section of the plasterboard ceiling to the front bedroom of 56 Colet Road which also allowed for an inspection of the internal timber joists.
4. A further site inspection was undertaken on 04 August 2021 with the Council's Planning Officer to understand any planning restrictions and determine the design most likely to be supported in a future application.
5. A site inspection was undertaken on 22 September 2021 with Bauder Limited to further inspect the balconies and discuss suitable waterproofing solutions for the replacement balconies.
6. In total there are 29 balconies that need replacement.

### **Issue, Options and Analysis of Options**

1. Intrusive inspections were undertaken to 56 Colet Road however limited to the section of ceiling removed to allow inspection of the balcony construction. There was no evidence of timber decay to the internal timber joists. However, it is not possible to confirm that other areas and properties are free from any defective concrete, corrosion, condensation, wet rot, dry rot, woodworm, or any other defect.
2. The balconies take the form of a semi-recessed balcony construction and are constructed of decorated timber joists which cantilever from the main structure. The joists, at approx. 250mm centres, span to an internal down stand beam which is set back approximately 500mm from the external wall.
3. Timber boards form the decking which span between the joists and have been waterproofed with asphalt. Gullies provide drainage which are positioned in the centre of the balcony with a downpipe penetrating through the decking. The downpipe arrangement differs between the properties, with some running externally and some assumed to be running internally.
4. Timber balustrading is provided to the perimeter of the cantilevered section which are fixed to the timber joists.

5. The condition of the balconies to Colet and Whittington Road varies. For example, the smaller balconies appear in a reasonable condition whereas the larger centre balcony in a poor condition to 10 – 24 Whittington Road. From a ground level inspection of all properties, there does not appear to be any consistency or pattern in the varying condition.
6. The poor condition raises concerns over the structural integrity of the balconies which poses a risk to the residents, mainly associated with falls from height. Temporary propping has been provided to support the majority of the balconies. Additionally, residents have been informed not to use their balconies until the replacement work has been completed. In instances of partial collapse restrictive guarding has been installed to the balcony access door, for example to the collapsed balcony to 62 – 72 Colet Road.
7. Although there are instances where the balconies appear in a reasonable condition the existing arrangement is prone to timber decay. This creates structural and safety concerns to the residents and users of the balconies. It is therefore recommended that complete replacement of all balconies is undertaken with a more robust design and construction.
8. Following consultations with Planning, Black powder coated steel balcony of similar dimensions to the existing have been proposed and the Planning Officer has advised that this would likely be supported, subject to the provision of further detail.
9. Following the initial pre-application planning meeting, advice was issued associated with Permitted Development Rights. The Planner Officer, following legal advice, has indicated that the scheme is permissible under Part 12a of the General Permitted Development Order. Therefore, a planning permission would not be required.
10. Furness Partnerships Limited have been appointed to undertake the design of the structural elements. Following the inspection held on 08 July 2021 sketches were developed to detail the structural elements. This includes a specification of the steel types, fixing details, and arrangement sketches.
11. The Council engaged with a specialist technical consultant Baily Garner to carry out the design, plans & specification for this project. The consultant was also requested to provide a pre-tender estimated cost for this project for the purposes

of the Leasehold S20 Consultation and to ensure adequate budgets were in place to deliver the project.

12. The pre-tender estimate was provided over 6 months ago, therefore, due to the current volatility within the construction industry and the increase in general cost of building materials, it would be prudent to obtain a revised pre-tender estimate from the consultant with up-to-date costs prior to going out to tender. This will ensure appropriate funding is in place for the project prior to commencement of the work.

### **Reasons for Recommendation**

13. The balconies form part of the amenity space for each flat and part of their leasing arrangements and so the Council are required to make the necessary repair or replacements to fulfil its obligations.

### **Consultation**

14. Full pre-contract consultation has been completed including inviting residents and leaseholders to attend a 'drop in' session with officers at the Council and the designers to provide an opportunity to raise any concerns relating to the proposed project. The designers were also able to provide 3D drawings which provided a visual image of what the balconies will look like upon completion of the project.
15. An FAQ sheet was sent out to all residents in advance of the resident consultation. This was to provide information to those who may not be able to attend the consultation and for a reference to those who would be able to attend.
16. The main summary of the feedback from residents following the resident's consultation was as follows:
  - The residents were happy in general with the design proposals for the new balconies.
  - Concerns about the length of time it would be before the project commences and this is due to the Council having no option but to restrict access to some of the balcony areas identified as being structurally unstable by the Structural Engineer.
  - Concerns raised regarding the extent of works that would take place within each individual dwelling and the potential upheaval this may cause as the works progress.

17. Residents and Leaseholders have also been provided with a regular update including an indicative programme of works leading up to a date for a start on site. (Appendix A)
18. The pre-tender estimated cost for this project exceeds the threshold for Leasehold Section 20 Consultation which is currently £250 per Leaseholder. By law, landlords must consult leaseholders before carrying out any qualifying work or entering into a long-term agreement for providing services. Section 151 of the Commonhold and Leasehold Reform Act 2002 (the act) introduced requirements for consulting leaseholders. It replaced the previous consultation procedure in the Landlord and Tenant Act 1985, section 20, but the old title 'section 20' is still used.
19. Our Home Ownership Team who manages leaseholders have issued Stage 1 of the S20 Leasehold Consultation. Stage 2 will be issued following the procurement process once we have received the tender returns. Works are not able to commence on site until satisfactory completion of the leasehold S20 consultation.
20. There have been some leaseholders querying why they should contribute to the cost of the project as they feel the balconies have not been properly maintained over the years leading to the structural failure. All queries and observations from leaseholders following stage 1 of the consultation have been answered by the Home Ownership team in full.
21. As part of the Council's Capital Works Programmes, we are in the process of implementing a 5-year planned cyclical external refurbishment works programme across the Borough.

## **Reference to Corporate Strategy 2020-2025**

22. Undertake refurbishment of existing Council Housing

## **Implications**

### **Financial Implications**

**Name/Title: Jacqueline Van Mellaerts, Corporate Director (Finance & Resources)**  
**Tel/Email: 01277 312500/jacqueline.vanmellaerts@brentwood.gov.uk**

23. The Housing Revenue Account has the available budget provision to award the contract to the successful bidder following the procurement process.

24. The award of the contract will be reported back to the Housing Committee at the appropriate time.

### **Legal Implications**

**Name & Title: Claire Mayhew, Corporate Manager (Democratic Service) Deputy and Monitoring Officer**

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25. As stated within the main body of the report, by law, landlords must consult leaseholders before carrying out any qualifying work or entering into a long-term agreement for providing services. Section 151 of the Commonhold and Leasehold Reform Act 2002 (the act) introduced requirements for consulting leaseholders.

26. Challenge from leaseholders regarding contributing to the cost of the works.

### **Economic Implications**

**Name/Title: Phil Drane, Corporate Director - Place**

**Tel/Email: 01277 312610/philip.drane@brentwood.gov.uk**

27. There are no economic implications arising for this report.

### **Equality and Diversity Implications**

**Name/Title: Kim Anderson, Partnerships, Leisure & Funding Manager**

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28. There are no direct equality and diversity implications arising for this report.

### **Background Papers**

None

### **Appendices to this report**

Appendix A: FAQ consultation information document for residents