

154-189 and 190-207 Sycamore Field - Fire Safety Remediation Works



Report to:	Cabinet
Date:	15 February 2024
Portfolio Holder:	Councillor David Carter, Deputy Leader and Portfolio Holder for Housing
Lead Officer:	Wendy Makepeace, Assistant Director – Housing and Property (01279) 446342
Contributing Officers:	David Coleman, Housing Operations Manager (01279) 446388 Nathan Kitteridge, Area Housing Manager (Property) (01279) 446295
Key Decision:	Yes
Forward Plan:	Forward Plan number I016684
Call In:	This item is subject to call in procedures
Corporate Priorities:	Fix Council Housing Rebuild Our Town
Wards Affected:	Sumners and Kingsmoor

Recommended that Cabinet approves:

- A** The disposal of the buildings known as 154-189 & 190-207 Sycamore Field and the associated vehicle parking known as carports 154-163, 164-171 and 201-207 Sycamore Field and hardstandings 172-189 Sycamore Field due to fire safety remediation requirements that cannot be achieved.
- B** The commencement of decanting residents from these properties in line with the council's allocations policy.
- C** The payment of home loss and disturbance payments as appropriate.
- D** Commencement of negotiation with leaseholders for the repurchase of properties with

approval to complete purchases delegated to the Director of Housing in consultation with the Assistant Director for Housing and Property.

- E** The use of Compulsory Purchase Powers under Section 226 Town and Country Planning Act 1990 should this become necessary.
- F** Service of a demolition notice under Section 138B and Schedule 5A of the Housing Act 1985 which will confirm the council's intention to demolish the buildings and suspend the obligation on the council to complete right to buy applications on the two buildings in question.
- G** The negotiation and settlement of any statutory compensation claims made by residents as a result of the service of the Initial Demolition Notice delegated as set out in recommendation D above.

Reason for decision

- A** To satisfy the requirements of the legal notice served on the council by Essex County Fire and Rescue Service (ECFRS) that states the building in its current condition does not meet the expected fire safety standards which cannot be reasonably achieved by the council. There are only two options to meet the terms of the notice, which are for the works required to be completed or for the building to be vacated of all occupants. Should the council fail to empty the building it will be in breach of the notice and be subject to further enforcement action.
- B** Due to these buildings current certification, they cannot be insured. The council is required as a freeholder and landlord to hold valid and adequate buildings insurance, and this is a term of the tenancy and leasehold agreements. This places a vast financial liability on the council should there be an insurable event at the building.

Other Options

- A** No other options available as the council cannot be in breach of the ECFRS notice and cannot operate the building without it being insurable to a satisfactory level.

Background

1. In December 2020, an EWS1 (external wall assessment) was carried out by Urban Change Group Ltd on 154-189 and 190-207 Sycamore Field which checks the composition of the walls of building to ascertain its performance in relation to fire safety. Both buildings were issued with B2 certification which means that combustible materials were found within the external walls and that "an adequate standard of safety is not achieved". A report was also issued outlining preliminary findings and recommendations for next steps.

2. The council undertook a number of immediate actions in the months after the report was received which included the provision of a waking watch and some fire prevention works to the building including changes to the waste collection facilities, the provision of a full fire detection system in all properties and communal areas and the closing of the undercroft parking. These were interim measures to reduce the risk of fire and also improve the buildings resilience which would allow time for more in depth investigation into the remediation required at the building.
3. Following these immediate actions the council embarked on a journey of various very intrusive investigations throughout the building in both the communal areas and within properties vacated by tenants. During these investigations it became apparent that the remediation requirements stretched beyond the external wall system and that the building does not have the appropriate levels of fire safety within the internal dividing structures either. The council assessed four properties across the two buildings over a two year period carrying out investigations and testing to ascertain the issues that would be encountered by a remediation program
4. The findings of these examinations was that the scale of the work required would enforce the need to completely empty the buildings of all residents to allow for the works to proceed but that even with this level of intervention, due to the construction type of the buildings, they would never achieve a level of performance that would allow the building to resume normal occupation i.e. the removal of the interim provisions put in following the December 2020 report. The cost of this remediation work alone was estimated at £5.5 million and did not include the costs of decanting tenants and leaseholders to and from the buildings. This also would have resulted in a major works cost to each leaseholder in the building of around £110,000. This figure represents the majority of the value of an individual property which makes the cost of the works to leaseholders and the council uneconomical especially where it would still not achieve the level of safety required by ECFRS and our insurers.
5. The council has worked closely with ECFRS on the situation at this building however the council was served enforcement notices on these buildings on 03 April 2023 by ECFRS. These enforcement notices require the council to have completed all remediation works by October 2024, something that we now understand is unachievable. This means that on this date the council will become non-compliant with ECFRS's notice and will be at risk of further enforcement action if the building is still occupied and there is no clear and achievable plan for the rest of the building.

Issues/Proposals

6. Remediation of these buildings is no longer a viable option as they simply cannot meet the level of performance required. This means that they should be decanted, demolished and the area regenerated to provide new housing that will meet the requirements of today's regulations and also the local housing need. Whilst the council continues to maintain the buildings to safeguard the residents in respect of

building and fire safety for the time being, this is not something that ECFRS will allow to continue much longer as demonstrated by the enforcement notice served on the council last year. It remains a possibility that ECFRS could serve a further legal notice on the council requiring more drastic action including the immediate closure of the buildings.

Next Steps

7. The council will begin meeting with tenants and leaseholders on an individual basis to understand their financial and housing situation and provide a solution as set out in legislation.
8. The council will produce a plan for regeneration of the area following vacation of the buildings for presentation to Cabinet.

Implications

Equalities and Diversity

None.

Climate Change

These properties generally have a poor energy efficiency rating and their removal will provide the opportunity to build more efficient homes.

Finance

There is a budget allocated within the capital programme 2024/25 to meet the associated costs for the fire safety remediation at sycamore fields.

Author: Simon Freeman, Deputy Chief Executive and Director of Finance

Governance and Corporate Services

The background to this matter is fully set out within the body of the report. Compulsory Purchase would only be pursued should the Council fail to secure leasehold property by agreement.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

ECFRS – Essex County Fire and Rescue Service

EWS1 – A type of external wall system inspection that looks at the composition of the wall and its expected performance in the event of a fire.