

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 99

Brighton & Hove City Council

Subject:	Brunswick Estate Paint Review		
Date of Meeting:	27 January 2009		
Report of:	Director of Environment		
Contact Officer:	Name:	Lesley Johnston	Tel: 29-2104
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Key Decision:	No		
Wards Affected:	Brunswick & Adelaide		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Hove Borough Council Act 1976 places a statutory duty on owners of properties that comprised the original Brunswick Estate to repaint their street fronts at five yearly intervals and makes provision for the council to extend this time period.
- 1.2 As the result of a request from The Friends of Brunswick Square and Terrace (FBST) that the painting period should be extended, the Environment Committee gave approval on 26 January 2006 for a review of the painting period to be undertaken.
- 1.3 A consultant has carried out a thorough review of the performance of the last redecoration in 2005 and following consultation with FBST and the paint manufacturers has presented conclusions on the suitability of extending the redecoration period. The consultant's report is attached as Appendix 1.
- 1.4 This report assesses the consultant's recommendations within the context of the controls available to the council and the experience of operating these controls over past repainting cycles.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment agrees that the requirement for the Brunswick Estate properties to be redecorated in 2010 remain unaltered.
- 2.2 (2) That the Cabinet Member for Environment agrees that the condition of the painting be monitored over the subsequent years, and if by summer 2013 the paint schemes on all properties are considered to be good, that the repainting cycle be extended.
- 2.3 (3) That the Cabinet Member for Environment approves that a formal closely supervised trial be undertaken on one of the properties in Brunswick Terrace, in partnership between the Council, the property's owners and their agents in 2010.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The overall intent in controlling the timing of the repainting, the paint colour and texture is to maintain a uniform and consistent paint finish to reinforce the impression of a single architectural composition and ensure the protection of the building fabric. The Hove Borough Council Act 1976 (the Hove Act) provides for the council to specify the type and colour of paint to be used, and since 2000 the paint used has been 'Sandtex Classic Stone Gloss' for the masonry and 'Sandtex Trade Flexigloss' for the woodwork and ironwork. There is general satisfaction with this paint and therefore the review did not encompass any consideration of a change of paint or colour.

Consultant's findings

- 3.2 At the time of the consultant's review the existing paint finish was an average of 3 years old, and at that stage in the 5 year cycle the quality of finish was generally still good, with the properties in Brunswick Square slightly better than the more exposed Brunswick Terrace.
- 3.3 The consultant identified specific paint problems, some with potential decay and structural consequences and others that were largely cosmetic. Of the serious defects, rust staining from 1st floor balcony railings was found to affect 24% of the estate, and rust staining from pavement railings found at 57% of the properties. The report comments that "rust staining is already a significant problem on elevations painted only 3 years ago".
- 3.4 Rust staining is caused by corrosion of the ironwork following failure of the painting, and could become a more significant structural defect if untreated, as the corrosion of embedded iron fixings will eventually cause masonry to crack exposing the structure to more extensive decay.
- 3.5 The reason for the failure of the paint on the railings is considered to be poor pre-painting preparation; something that cannot be controlled by the Hove Act. The consultant states that this problem will inevitably worsen towards the end of the painting cycle and that "if the painting interval is extended the degree of corrosion as well as the extent and density of staining will worsen". "In some instances the corrosion and staining appears severe and requires attention now and this problem gives cause for concern in terms of an increased painting period".
- 3.6 Corrosion of rainwater goods was found to affect 3% of properties. Failure of down pipes results in excessive dampness of surrounding masonry and is a serious threat to these buildings. The report states that "extended repainting periods increase the likelihood and scale of this damage".
- 3.7 Cracked stucco causing cracks in the paint finish was found on 11% of the buildings and the consultant is concerned that extending the paint period may lead to further decay from this cause.

- 3.8 Of the cosmetic problems, flaking and blistering masonry paint, affecting 13% and 7% of properties respectively, are the most significant. The consultant states that extending the paint period risks the worsening of this problem which is likely to result in water absorption into the masonry, increasing the extent and cost of pre-painting preparation.
- 3.9 With regard to the existing paint system and specification, the manufacturers do not provide any product guarantee relating to the length of time the paint should last before repainting for this particular masonry paint. Generally Crown recommend repainting between 5 and 10 years depending on the degree of exposure, and the consultant considers the position of the Brunswick Estate to be severely exposed and as such a 5 year cycle is appropriate.
- 3.10 The paint specified for the woodwork and ironwork is certified for up to 8 years durability, however the problems with rust staining after only 3 years indicates deficient workmanship in preparation and this has resulted in an unsatisfactory appearance after a relatively short period of time. The consultant comments that as the paint colour specified for the ironwork is a colour freely available in many paint products, the possibility exists that inferior paints could have been used to cut costs.
- 3.11 The masonry and joinery on the rear elevation of no 36 Brunswick Square is known to have been painted with the approved paint in 2001 as an informal trial, and it was noted that after 7 years there is flaking paint on the lower parts of the windows leaving exposed bare timber. This would be unacceptable on the front elevations, some of which would be in more exposed positions than this and prone to more weathering and therefore likely to fail sooner.

Comments from paint manufacturers

- 3.12 The Technical Manager of Crown Paints was asked for his opinion on extending the cycle and he has stated that in his view the existing approved paints can achieve an 8 to 10 year maintenance cycle, however in order to accomplish this all surface preparation and paint application must be in accordance with the paint specification. In addition he acknowledges the problem of rust staining after a relatively short time and states that the specification for the ironwork needs to be upgraded in order to achieve an acceptable result after 8 years.

Practicalities and past experience

- 3.13 The performance of any paint system is dependant on the quality of workmanship and although a specification was drawn up by Crown Paints for the Brunswick Estate and is made widely available to owners, their agents and contractors, compliance with it is outside the control of the council. On the issue of repainting, The Hove Act requires merely the application of two coats of approved paint and the council is therefore unable to control the quality of preparation work which is acknowledged by both the consultant and Crown Paints as crucial to the durability of the paint and the success of any extended painting cycle.

- 3.14 Past experience has shown that there is a wide variety in the quality of work undertaken. The diligence of many of the owners, agents and contractors is undermined by the poor results evident on other properties. Where the condition of an individual property adversely affects the rest of the estate the council has powers to serve section 215 notices under the Town & Country Planning Act 1990. It is considered that extending the redecoration period would be likely to result in a need to serve such notices on some of the properties.
- 3.15 For these reasons it is not considered appropriate for the Council to commit to extending the paint cycle at this time. However this could be reconsidered if more owners undertake a more thorough approach to work in the next redecoration scheme in 2010, bringing improved results by 2013 with all properties judged still to be in good decorative order. If this was achieved the council could consider deferring the next redecoration year to 2017 or 2018.
- 3.16 The informal trial carried out on the rear elevation of 36 Brunswick Square has limitations to its usefulness due to the relatively sheltered position and the lack of decorative ironwork present. It is therefore considered that a formal trial on one of the Brunswick Terrace properties would provide a more reliable indicator of the maximum time period a good paint scheme should last in this location. It is therefore suggested that in the next repainting year the council enter into partnership with the owners and agents of one of the properties, ensuring that the manufacturer's paint specification is rigidly applied, and then that the results are closely monitored. The results of this trial would also be used to inform the decision on whether to defer redecoration in 2015.

4. CONSULTATION

- 4.1 The Consultant met the representative of FBST on 23 September 2008 to present preliminary findings and hear the views of the members of the public affected by the requirements of the Hove Act. FBST represents 70% of the houses in the Brunswick Estate and is comprised of freeholders and leaseholders.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no financial implications arising from the recommendations contained within the report. Any enforcement action following failure to comply with the redecoration schedule would be funded from existing resources.

Finance Officer Consulted: Patrick Rice

Date: 25/11/08

Legal Implications:

- 5.2 The Hove Borough Council act 1976 requires the exterior of the front of the buildings (including the iron railings and balcony) of the Brunswick Estate to be repainted every five years or such longer period as the Council may determine after consultation with an appropriately appointed person. If the requirement to repaint is contravened the Council may by notice in writing to the owner or occupier, require him to remedy the contravention.

Lawyer Consulted:

Ann Wilkinson

Date: 25/11/08

Equalities Implications:

- 5.3 None have been identified. An Equalities Impact Assessment has not been carried out because the report does not concern matters of new primary policy.

Sustainability Implications:

- 5.4 None identified.

Crime & Disorder Implications:

- 5.5 None identified

Risk and Opportunity Management Implications:

- 5.6 None identified.

Corporate / Citywide Implications:

- 5.7 The continuation of the 5 year painting cycle for the Brunswick Estate is considered to be the best means of insuring that the standard of decoration is maintained and the rate of deterioration of building fabric controlled, and this supports the council's aim of protecting the environment while growing the economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 It has been suggested by the consultant that the ironwork requires more frequent attention than the masonry, and being generally at low levels requires less scaffolding than is necessary to do the whole building, therefore one option could be to extend the paint cycle for the masonry but require the redecoration of the balconies and area railings on a shorter cycle, ie. at 3 (or 4) yearly intervals for the railings and 6 (or 8) yearly for the masonry and windows. This option would have resource implications for the council by requiring notification of owners, provision of information and specifications, monitoring, chasing and enforcement on a more frequent basis than is currently required, it would also require the owners and agents involvement on 3 or 4 yearly cycles along with the more frequent redecoration costs for the ironwork itself. The advantage of saving of some scaffolding costs would therefore be diminished.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Due to the limitations of council control and the impact any sub-standard schemes would have on the estate as a whole, it is considered that the spirit of the legislation, which is aimed at a cohesive high quality townscape for the Brunswick Estate properties, would be severely undermined by the extension of the repainting cycle at this time.

SUPPORTING DOCUMENTATION

Appendices:

1. Report by Rickards Conservation dated September 2008

Documents in Members' Rooms

None.

Background Documents

1. The Hove Borough Council Act 1976.
2. Correspondence held on file by the Design and Conservation Team