

Housing Act 1985 Section 105 consultation report: Grasmere Court, N22
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Date: September 2021

1. Introduction

- 1.1 Under the Housing Act 1985 Section 105, Haringey Council (the Council) has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement, or demolition of houses let by them or changes in the provision of services or amenities.
- 1.2 In February 2021, the Council launched a Section 105 consultation based on proposals for a new housing development on Grasmere Court which would result in changes to the amenities of secure tenants in the area.
- 1.3 This report:
- Outlines the proposals put forward by the Council and the impact on the amenities for secure tenants in the area.
 - Provides an overview of the consultation process conducted by the Council in accordance with its legal obligations under the Housing Act 1985 Section 105.
 - Summarises the results and outcome of the consultation.

2. Proposals

2.1 The Council is proposing to:

- Remove nine parking bays at Grasmere Court, N22

2.2 The Council is proposing to remove the parking bays to build two new homes to be let at council rents. The proposal will also involve the removal of six garages on the site. These garages are not reserved for the use of secure tenants on the estate and are not included in the Section 105 consultation.

2.3 Given secure tenants will be losing an amenity (s2.1) a Housing Act 1985 Section 105 consultation was required.

2.4 The Council consulted 24 households. In addition to consulting with secure tenants as required by law, the above figure also includes resident and non-resident leaseholders. The Council consults leaseholders as part of Section 105 consultations as a matter of good practice.

2.5 The tenure of the households consulted is outlined below:

Scheme	Secure Tenants	Leaseholders
Grasmere Court	12	12

As part of the Section 105 Consultation questionnaire, residents are asked their tenure, with one of the options listed as ‘introductory tenant’. This is to differentiate between respondents who are secure tenants and those who have another tenure type. Introductory tenants become secure tenants after 12 months (if there are no breaches to their tenancy). For this report, introductory tenants will be noted as secure tenants when summary numbers are provided.

2.6 The consultation period lasted from 1 February 2021 until 1 March 2021. Information provided included:

- A consultation pack posted to consultees included an outline of the impact of the proposed developments on their affected amenities and a selection of site location plans, indicative plans, and associated images. A consultation questionnaire, an equality and diversity questionnaire and a stamped addressed envelope was provided so consultees could respond by post. Contact details were provided so consultees could request further information or ask for the materials in a different format. Non-resident leaseholders received a notification of the consultation at both their home address and the address of their property included in this consultation.
- The information and materials detailed above were also placed on the Council’s website.
- Two online engagement sessions were held for consultees and the wider community on:
 - Friday 12 February 2021 at 1pm
 - Wednesday 24 February 2021 at 6pm
- Recordings of these meetings are available on the Council website until a decision is taken to proceed with construction or the scheme is withdrawn from the programme.

3. Consultation response

3.1 A breakdown of the consultation responses by tenure is outlined below:

Overall consultation audience	Number of responses	Number of secure tenant responses	Number of leaseholder responses
24	8	2	6

3.2 To understand use of the parking bays consultees were asked:

- Do you use the parking bays?
- If you answered yes, how often do you use it?

3.3 Responses from consultees are outlined below. Please note that some respondents left parts of the question sections blank.

Number of overall responses to the consultation	Answered “yes” when asked if they used the parking bays	Answered “Daily” when asked to describe their use of the parking bays	Answered “Weekly” when asked to describe their use of the parking bays	Answered they used it when “occasionally” when asked to describe their use of the parking bays
8 (2/6)	6 (2/4)	5 (1/4)	0 (0/0)	1 (1/0)

(Secure tenants/leaseholders)

3.4 To judge the impact of the proposed changes on secure tenants and leaseholders, consultees were asked:

- What impact would the proposals to remove the parking bays have on you?
- If the proposal to remove the parking bays goes ahead, do you have any suggestions for alternative provision?
- Do you have any other comments around the proposed removal of the parking bays at Grasmere Court?

3.5 The answers to these questions are summarised in the below table, including the Council’s response. Please note:

- This is a summary of the relevant comments submitted in relation to the terms of the Section 105 consultation.
- This is not a record of every comment received. Individual comments on the same topic have been noted as one entry in the table.

Consultation comment	Consideration and response
<p>Parking issues in the surrounding area</p> <p>Concerns were raised that the removal of the parking bays would:</p> <ul style="list-style-type: none"> • Exacerbate the current lack of parking provision in the local area. • Negatively impact on residents with mobility issues who depend on the parking spaces either for their own vehicle or for caring duties. 	<p>The Council understands that the availability of parking spaces is an important issue for local residents, especially residents with mobility issues or caring responsibilities. To address these concerns:</p> <ul style="list-style-type: none"> • The Council will be carrying out a parking survey to assess the impact of the proposed development on residents. • Following feedback during the Section 105 consultation, the Council will investigate creating additional parking bays, including

<ul style="list-style-type: none"> Result in residents parking their cars on surrounding roads which are more susceptible to crime and vandalism. 	<p>those for disabled residents, as the plans for the proposals are developed.</p>
<p>The impact of construction linked to the removal of the amenity</p> <p>Respondents raised concerns that the construction process needed to remove the parking bays will impact on resident’s health, especially those with respiratory issues which has been worsened during the COVID-19 pandemic.</p>	<p>The Council ensures that any construction work connected to its home building programme is carried out with care and consideration for the local community, especially where health is concerned.</p> <p>If a planning application is submitted and approved by the Planning Authority, any successful contractor will be asked to provide a detailed Construction Environmental Management Plan, defining how they will undertake work on the site. They will also be required to register with the Considerate Contractor Scheme, requiring adherence to a code of considerate practices. These measures will include requirements to mitigate the impact of construction on the surrounding area and reduce any negative impacts that might occur. This also concerns safeguarding residents’ health in the immediate vicinity of the proposed site.</p> <p>Contractors must follow government health and safety guidance in force at the time of any potential construction, including guidance linked to the COVID-19 pandemic.</p>
<p>The size of the proposed scheme</p> <p>Comments were received that suggested the proposed development should be redesigned to reduce the loss of parking spaces. This included suggestions that the scheme should be:</p> <ul style="list-style-type: none"> Reduced to one home. The size of the two homes should be reduced. 	<p>The Council carefully considers the size of all its developments to ensure that it is making best use of the land available, especially when it requires changes to the amenities of its secure tenants. The Council has assessed the site and believes that two homes of the proposed size are appropriate for the area, including the new communal garden space that will be created as part of the development.</p> <p>The council must maximise the number of homes delivered on each available site while ensuring the concerns of local residents about the changes to local amenities are considered.</p>

3.6 Additional comments were received regarding the potential impact of the development which are outside the remit of this consultation. These included:

- That the local children would be adversely affected by the removal of land that is currently also used as play space.
- Querying the impact on residents of the new location of the refuse and recycling facilities.
- Concerns from leaseholders that it would become more difficult to let homes due to and the disruptive impact of construction and loss of parking spaces.

These comments will be considered as proposals for this site are further developed. The Council will undertake community engagement before the submission of any planning application. This will be a further opportunity for residents to comment on proposals should they be progressed.

3.7 Across both online engagement events, a total of one attendee joined the sessions. Comments made during these events have been captured in S3.5-3.6.

4. Equality and Diversity

4.1 Under the public sector equality duty outlined in the Equality Act 2010, the Council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not.
- Foster good relations between people who share a relevant protected characteristic and people who do not.

4.2 The public sector equality duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. In relation to the protected characteristic of marriage and civil partnership, the Council only needs to comply with the first aim of the duty.

4.3 The report outlines proposals to build new homes and remove parking bays on the site at Grasmere Court. The Council has undertaken a consultation on these proposals with residents who may be affected. The results of the consultation and an assessment of the potential impact were assessed in an Equality Impact Assessment (EqIA) for this project.

4.4 There is potential for both positive and negative impacts of these proposals. Provision of new homes may be considered a positive for people who need a council home. The removal of parking bays may be considered a negative for disabled residents, older residents, residents with young children who are more reliant on parking bays near their homes. As noted in the EqIA, the Council monitors feedback and consultation responses to assess the likelihood of these potential negative impacts and mitigate where reasonable and proportionate.

5. Assessment

5.1 The responses received during the Section 105 consultation have been considered by the Council. Responses to comments from residents have been answered in S3.5.

5.2 It is noted that one secure tenant and five households overall were against these proposals, but some views were neutral to the proposal. This included one secure tenant and three households overall who did not give a clear indication of their view about the proposal.

5.3 It is acknowledged that the removal of the parking bays could have an impact on residents. However:

- The Council will undertake a parking survey to assess the overall impact of the changes on the residents in Grasmere Court.
- Following feedback from residents during the Section 105 consultation, the Council will investigate creating additional parking bays, including those for disabled residents, as the plans for the proposals are developed.

6. Recommendations

6.1 Based on responses received from the consultation, the Council recommends that:

- The mitigations outlined in S3.5 and S5.3 in response to the feedback from residents regarding the loss of amenity spaces under these proposals are reasonable and fair.
- The Council's commitments outlined in S3.5 should be implemented. This includes the commissioning of the parking survey and investigating the creation of additional parking bays at Grasmere Court as the proposals are developed.
- Proposals should proceed as outlined in S2.1.