

<b>Housing Act 1985 Section 105 consultation report:</b> Remington Road and Pulford Road, N15
<b>Date:</b> February 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 November 2020, the Council launched a Section 105 consultation based on proposals for a new housing development on Remington Road and Pulford Road 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 vacant land adjacent to the railway on Remington Road and Pulford Road.

2.2 The Council is proposing to use the land to build 45 new homes to be let at council rents. The proposal will also involve the removal of a row of 20 garages adjacent to the site. These garages are not reserved for the use of secure tenants on the estate and are not included in the S105 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 670 households. In addition to consulting with secure tenants as required by law, the above figure also includes resident leaseholders, non-resident leaseholders and freeholders. 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	Freeholders
Remington Road and Pulford Road	323	310	37

2.6 The consultation period lasted from 9 November 2020 until 13 December 2020. Information provided included:

- A consultation pack posted to consultees which 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:
  - Wednesday 25 November 2020 at 1pm
  - Wednesday 2 December 2020 at 6pm
- Recordings of these meetings were available on the Council’s website immediately after the close of each event and were available until the consultation ended on 13 December 2020. These recordings are still available on the Council website.

### 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	Number of freeholder responses
670	39	28	11	0

3.2 To understand use of the vacant land, consultees were asked:

- Do you use the vacant land?
- 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.

<b>Number of overall responses to the consultation</b>	<b>Answered “yes” when asked if they used the vacant land</b>	<b>Answered “Daily” when asked to describe their use of the vacant land</b>	<b>Answered “Weekly” when asked to describe their use of vacant land</b>	<b>Answered they used it when “occasionally” when asked to describe their use of the vacant land</b>
39 (28/11/0)	17 (10/7/0)	4 (1/3/0)	4 (4/0/0)	3 (1/2/0)

(Secure tenants/leaseholders/freeholders)

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 vacant land have on you?
- If the proposal to remove the vacant land goes ahead, do you have any suggestions for alternative provision?
- Do you have any other comments you would like the council to take into consideration when making decisions around the proposal to remove the vacant land?

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.

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Consultation comment	Consideration and response
<p><b>Relationship between proposed new homes and existing homes</b></p> <p>Comments were received about the proposed development being too close to the existing homes because of the removal of the vacant land, resulting in them overlooking existing properties.</p>	<p>The layout and design of the proposed development is a key consideration of these proposals and the Council is committed to ensuring any proposals do not adversely impact neighbouring residential properties.</p> <p>Consequently, all proposals follow appropriate planning policy and guidance. In addition, the layout and design of the development will be informed by the wider non-statutory community engagement process that will take place before any planning application is submitted.</p>
<p><b>The garages not being considered as an amenity under the Section 105 consultation</b></p> <p>Comments were raised that the garages are an amenity that needed to be considered under Section 105 and that their loss would affect residents materially.</p>	<p>At an early stage of the development process, the Council obtains legal guidance on the extent and scope of Section 105 consultations. In the case of this development, the garages have not been classed as an amenity as they are not reserved for the use of secure tenants on the estate.</p>
<p><b>Green space in the area</b></p> <p>Respondents raised concerns about the loss of the vacant “green land” and its impact on local children in the area who use the area to play, and dog walkers.</p>	<p>Green space considerations are an important priority for the Council’s development programme and the specific proposals for this site.</p> <p>It should be noted that the existing green space is not a designated play area and does not contain play equipment.</p> <p>The feedback received during the Section 105 consultation has however reinforced the importance of green space and play facilities to residents. The Council confirms that its proposals for the development of this site will include:</p> <ul style="list-style-type: none"> <li>• The provision of new and improved children’s play areas as outlined in these proposals.</li> <li>• Further improvements to other open spaces and the public realm nearby for the benefit of all residents on the estate. An outline of these initial plans is included in this proposal.</li> </ul>

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 Council needed to be focussing on fixing/maintaining the current housing stock rather than building new homes.
- That the new homes would result in existing traffic and parking congestion in the vicinity.

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 three attendees joined the sessions. Comments made during these events have been captured in S3.5-3.6.

3.8 Of the 39 households responding:

- Four residents (two secure tenants and two leaseholders) were in favour of the proposals.
- 16 residents (nine secure tenants and seven leaseholders) were opposed to the proposals.
- 19 residents (17 secure tenants and two leaseholders) did not give a clear indication whether they were for or against the proposals.

#### **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 the vacant land adjacent to the railway line. 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. Removal of vacant land may be considered a negative for children and parents of young children who are more reliant on an open area 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 nine secure tenants (and 16 residents overall) were against these proposals, but there was a mixture of views overall. This included two secure tenants who were in favour of the proposals (and four residents overall) and 17 secure tenants (and 19 residents overall) who did not give an indication of their view about the proposal.

5.3 It is acknowledged that the loss of the vacant land and the green space could have an impact on residents. However:

- As indicated in S3.5, the Council is proposing a new children's play area be considered in the proposal and additional landscaping work in the surrounding area.
- The current vacant land is not designated as an existing play area.

## **6. Recommendations**

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

- The mitigations outlined in S3.5 and 5.3 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 provision of enhanced children play facilities in the area.
- Proposals should proceed as outlined in S2.1.