

MINUTES OF MEETING CABINET MEMBER SIGNING HELD ON WEDNESDAY, 14TH JULY, 2021

PRESENT:

Councillors: Ruth Gordon

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT LAND ADJACENT TO 318A WHITE HART LANE

The Cabinet Member for House Building, Placemaking and Development considered the report which sought Cabinet's approval to build six new Council homes on the vacant corner of land adjacent to 318a White Hart Lane.

RESOLVED that the Cabinet Member:

1. Approves the appointment of Contractor A to undertake the new build works to provide a total of six new Council rented homes at the land adjacent to 318a White Hart Lane for a total contract sum of set out in the exempt part of the report; and approves the client contingency sum set out in the exempt part of the report.
2. Approves the appropriation of the land known as land adjacent to 318a White Hart Lane (edged red in the plans attached at Appendix 1) from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in part 6 of this report.
3. Approves the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by the 318a White Hart Lane development, under planning permission Ref: HGY/2020/1322.
4. Delegates to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for House-Building, Place-Making and Development, authority to make payments of compensation as a result of any infringement arising from the development and the recommendation 3.1.3, within the existing scheme of delegation.

5. Approves the appropriation of the land adjacent to 318a White Hart Lane (edged red in the plans attached at Appendix 1) from planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of the development.

Reasons for decisions

The land adjacent to 318a White Hart Lane was approved by Cabinet in July 2019 to be included in the Council's housing delivery programme. The scheme has subsequently been granted planning consent and is ready to progress to construction. This report therefore marks the third, and final, Members' decision to develop on this site.

Contractor A has been identified by a formal tender process to undertake these works.

The appropriation of the site for planning purposes is required as it will allow the Council to use the powers contained in Section 203 to override easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed development. Section 203 converts the right to seek an injunction into a right to compensation. The site will need to be appropriated back from planning purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let one new Council home at Council rent.

The site proposal will provide six much needed Council homes on Council land, enhancing the under-used corner of land with an attractive, active frontage to both White Hart Lane and Weir Hall Road.

Alternative options considered

It would be possible not to develop this site for housing purposes. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.

This opportunity was procured via a competitive tender through the London Construction Programme (LCP) Major Works 2019 Framework Agreement, the route recommended by Strategic Procurement for a contract of this value. Alternative options would have been: a direct appointment to one of the LCP framework providers, but this option was rejected in favour of the assumed quality and price safeguarding a competitive tender provides; or a competitive tender through an alternative framework, but this option was rejected in favour of the existing confidence in the LCP.

The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are

overridden are converted into a claim for compensation only. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively engaged with local residents about the development of this site as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.

The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could prevent the Council from being able to offer up these homes for occupation as social housing, thereby not supporting the delivery of much needed affordable homes.

4. APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT JANSONS ROAD CAR PARK

The Cabinet Member for House Building, Placemaking and Development considered the report which sought Cabinet's approval, in light of consultation with local residents, to build five new homes on Council-owned land at Jansons Road, Tottenham Green: two one-bedroom flats, one two-bedroom flat, one three-bedroom flat and one three-bedroom wheelchair-accessible flat.

RESOLVED that the Cabinet Member:

1. Considers the responses to the consultation carried out on this proposed scheme in line with section 105 of the Housing Act 1985, as set out in paragraphs 6.5 to 6.9 of this report, and the wider community engagement set out in paragraphs 6.11 to 6.14.
2. Approves pursuant to Contract Standing Order 9.07.1(d) the award of contract to NFC Homes Limited to undertake the new build works to provide a total of five new homes at Jansons Road car park in the contract sum of £1,599,316 and to approve the client contingency sum set out in the Exempt report Appendix 2.
3. Approves the appropriation of the land at Jansons Road car park (edged red in the plans attached at Appendix 1) from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in part 6 of this report.
4. Approves the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by the Jansons Road development under planning ref: HGY/2021/0030.
5. Delegates to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for House-Building, Place-Making and Development, authority to make payments of compensation as a result of any infringement arising from the development and the recommendation 3.1.3, within the existing scheme of delegation.

6. Approves the appropriation of the land at Jansons Road car park (edged red in the plans attached at Appendix 1) from planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of the development.

Reasons for decisions

The land at Jansons Road was approved by Cabinet in July 2019 to be included in the Council's housing delivery programme. The scheme developed and proposed for this land was subsequently granted planning consent and is ready to progress to construction. This report therefore marks the third, and final, Members' decision to develop on these sites.

The direct appointment of NFC Homes Limited is in the Council's overall interest in terms of achieving best value for money and quality.

The appropriation of the sites for planning purposes is required as it will allow the Council to use the powers contained in Section 203 to override easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed development. Section 203 converts the right to seek an injunction into a right to compensation. The sites will need to be appropriated back from planning purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let new Council homes at Council rent.

The proposals will improve security for new and existing residents and alleviate potential anti-social behaviour and fly tipping attracted by an unsecured car park.

Alternative options considered

It would be possible not to develop this site for housing purposes. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.

The Council could have run a competitive tender from the London Construction Programme (LCP). This option was rejected due to limited interest from the LCP framework contractors and time constraints to deliver the new build programme. Instead, this opportunity was procured via a direct appointment from the Major Works 2019 LCP Framework Agreement, the recommended route for a contract of this value.

The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively

engaged with local residents about the development of this site as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.

The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could prevent the Council from being able to offer up these homes for occupation as social housing thereby not supporting the delivery of much needed affordable homes.

5. APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT THREE SITES IN NOEL PARK

The Cabinet Member for House Building, Placemaking and Development considered the report which sought Cabinet's approval, in light of engagement with residents, to deliver three new Council homes for Council rent on Council land in Noel Park at Bury Road, Farrant Avenue and Morley Avenue. The recommended development has received planning permission: for Bury Road on 12th April 2021, Farrant Avenue on 12th March 2021 and Morley Avenue on 9th April 2021.

RESOLVED that the Cabinet Member:

1. Approves the direct appointment of NFC Homes Limited as allowed by Contract Standing Order 10.01.2. to undertake the new build works to provide a total of three Council rented homes at Bury Road, Farrant Avenue and Morley Avenue garages for a total contract and client contingency sum set out in the exempt part of the report.
2. Approves the appropriation of each of the land at Bury Road, the Farrant Avenue garages and the Morley Avenue garages (each edged red in the plans attached at Appendix 1) from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in paragraphs 6.1 to 6.22 of this report.
3. Approves the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by each of the Bury Road, Farrant Avenue, and Morley Avenue developments, under planning permissions HGY/2021/0059 (Bury Road) HGY/2021/0095 (Farrant Avenue) and HGY/2021/0054 (Morley Avenue).
4. Delegates to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for House Building, Placemaking and Development, authority to make payments of compensation as a result of any infringement arising from each of the development and the recommendation within the existing scheme of delegation.
5. Approves the appropriation of each of the land at Bury Road, Farrant Avenue and Morley Avenue (edged red in the plans attached at Appendix 1) from

planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of each of the development.

Reasons for decisions

The land at Bury Road, Farrant Avenue and Morley Avenue was approved by Cabinet in July 2019 to be included in the Council's housing delivery programme. The schemes were subsequently granted planning consent and are ready to progress to construction. This report therefore marks the third, and final, Members' decision to develop on these sites.

The direct appointment of NFC Homes Limited is in the Council's overall interest in terms of achieving best value for money and quality.

The appropriation of the sites for planning purposes is required as it will allow the Council to use the powers contained in Section 203 to override easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed development. Section 203 converts the right to seek an injunction into a right to compensation. The sites will need to be appropriated back from planning purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let new Council homes at Council rent.

As well as delivering three homes for families in housing need, the proposals will improve security for new and existing residents and alleviate fly tipping, anti-social behaviour, and pest infestation attracted to the sites by the derelict garages at Bury Road, Farrant Avenue and Morley Avenue garages.

Alternative options considered

It would be possible not to develop this site for housing purposes. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.

The Council could have run a competitive tender from the London Construction Programme (LCP). This option was rejected due to limited interest from the LCP framework contractors and time constraints to deliver the new build programme. Instead, this opportunity was procured via a direct appointment from the Major Works 2019 LCP Framework Agreement, the recommended route for a contract of this value.

The three sites could have been procured through separate contracts. This option was rejected because it would have been more costly and more time-consuming.

The Council could continue with the scheme without appropriating the sites for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council

recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively engaged with residents about the development of this sites as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.

The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could prevent the Council from being able to offer up these homes for occupation as social housing thereby not supporting the delivery of much needed affordable homes.

6. APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT STAINBY ROAD CAR PARK AND CORNWALL ROAD

The Cabinet Member for House Building, Placemaking and Development considered the report which sought Cabinet's approval, in light of engagement and consultation with local residents, to build two houses on Stainby Road car park and nine apartments on a disused tennis court at Cornwall Road for Council rent on Council land.

RESOLVED that the Cabinet Member:

1. Considers the responses to the consultation carried out on this proposed scheme in line with section 105 of the Housing Act 1985, as set out in paragraphs 6.13 of this report, and the wider community engagement set out in paragraphs 6.6 to 6.18.
2. Approves the appointment of NFC Homes Limited to undertake the new build works to provide a total of nine new homes at Cornwall Road and two new homes at Stainby Road car park for the contract sum of £3,228,291 and to approve the client contingency sum set out in the Exempt report Appendix 2.
3. Approves the appropriation of the land at Cornwall Road Tennis Court and the land at Stainby Road Car Park (each shown edged red in the plans attached at Appendix 1) from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 as it is no longer required for the purpose which it is currently held, and for the purpose of carrying out development as set out in part 6 of this report.
4. Approves the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other rights of neighbouring properties infringed upon by each of the Cornwall Road development under planning ref: HGY/2021/0967 and Stainby Road development, under planning permission ref: HGY/2020/0087.
5. Delegates to the Director of Housing, Regeneration and Planning, after consultation with the Director of Finance and the Cabinet Member for House Building, Placemaking and Development, authority to make payments of compensation as a result of any infringement arising from the development and the recommendation 3.1.3, within the existing scheme of delegation.

6. Approves the appropriation of each of the land at Cornwall Road and the land at Stainby Road car park (each edged red in the plans attached at Appendix 1) from planning purposes back to housing purposes under Section 19 of the Housing Act 1985, after practical completion of each of the individual development.

Reasons for decisions

The land at Cornwall Road and Stainby Road was approved by Cabinet in July 2019 to be included in the Council's housing delivery programme. The schemes were subsequently granted planning consent and are ready to progress to construction. This report therefore marks the third, and final, Members' decision to develop on these sites.

The appropriation of the sites for planning purposes is required as it will allow the Council to use the powers contained in Section 203 to override easements and other rights of neighbouring properties and will prevent injunctions that could delay or prevent the Council's proposed development. Section 203 converts the right to seek an injunction into a right to compensation. The sites will need to be appropriated back from planning purposes to housing purposes on completion of the development to enable the Council to use the land for housing and let new Council homes at Council rent.

The proposals will improve security for new and existing residents and alleviate potential anti-social behaviour attracted to the sites by an open disused Tennis Court at Cornwall Road and an unsecured car park at Stainby Road.

Alternative options considered

It would be possible not to develop this site for housing purposes. However, this option was rejected as it does not support the Council's commitment to deliver a new generation of Council homes.

The Council could have run a competitive tender from the London Construction Programme (LCP). This option was rejected due to limited interest from the LCP framework contractors and time constraints to deliver the new build programme. Instead, this opportunity was procured via a direct appointment from the Major Works 2019 LCP Framework Agreement, the recommended route for a contract of this value.

The two sites could have been procured through separate contracts. This option was rejected because it would have been more costly and more time-consuming.

The Council could continue with the scheme without appropriating the site for planning purposes, but this would risk the proposed development being delayed or stopped by potential third-party claims. By utilising the powers under Section 203 of the Housing and Planning Act 2016 (HPA 2016), those who benefit from third party rights will not be able to seek an injunction since those rights or easements that are overridden are converted into a claim for compensation only. The Council

recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The housing delivery team actively engaged with local residents about the development of this site as they proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.

The Council could decide not to appropriate the land for housing purposes upon practical completion of the building works. This option was rejected because it could prevent the Council from being able to offer up these homes for occupation as social housing thereby not supporting the delivery of much needed affordable homes.

7. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the remainder of the meeting as items 8-11 contained exempt information, as defined under paragraph 3 and 5, Part 1, schedule 12A of the Local Government Act:

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

8. EXEMPT - APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT LAND ADJACENT TO 318A WHITE HART LANE

The Cabinet Member considered exempt information pertaining to agenda item 3.

9. EXEMPT - APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT JANSONS ROAD CAR PARK

The Cabinet Member considered exempt information pertaining to agenda item 4.

10. EXEMPT - APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT THREE SITES IN NOEL PARK

The Cabinet Member considered exempt information pertaining to agenda item 5.

11. EXEMPT - APPROVAL OF APPROPRIATION OF LAND AND CONSTRUCTION CONTRACT AT STAINBY ROAD CAR PARK AND CORNWALL ROAD

The Cabinet Member considered exempt information pertaining to agenda item 6.

CABINET MEMBER: Councillor Ruth Gordon

Signed by Cabinet Member

Date