

Report for: Cabinet Member for Housing

Item number: To be added by the Committee Section

Title: **Hale Wharf Development** (Extension of Agreed Limit for the acquisition of the long leasehold interests in 191 residential units contained within the S106 agreement for Hale Wharf Phase 2, Tottenham Hale)

Report authorised by : David Joyce, Director of Placemaking and Housing

Lead Officer: Robbie Erbmman, Assistant Director for Housing.

Ward(s) affected: Tottenham Hale

**Report for Key/
Non Key Decision: Key Decision**

1. Describe the issue under consideration

- 1.1 On 22 July 2021 and 9 November 2021, Cabinet gave authority to acquire homes across six blocks to be built at Hale Wharf that would deliver 191 new Council homes for the package price set out in the Exempt part of this report. The Development Agreement for the acquisition was entered into on 29 December 2021.
- 1.2 It has been necessary to make a number of variations to the Development Agreement to make three of the six blocks compliant with recent changes in building regulations and safety legislation, including by converting one of the existing two passenger lifts to be full evacuation lifts for disabled residents. Furthermore, the addition of window jacklocks to all six blocks is required ensuring maximum safety for our residents. This report seeks retrospective authority to extend the purchase price to incorporate these changes.
- 1.3 The report seeks authority to increase the Agreed Limit previously agreed by Cabinet as a result of the installation of dedicated disabled evacuation lifts within the high rise buildings and other relevant health and safety and maintenance requirements for the six blocks.

2. Cabinet Member Introduction
N/a

3. Recommendations

- 3.1 approve the additional sum to the agreed limit to the acquisition costs set out in the exempt part of this report.
- 3.2 approve an increase to the Total Scheme Costs as set out in the exempt part of this report

4 Reasons for decision

- 4.1 Following recommendations from the London Fire Brigade for the scheme to include dedicated disabled evacuation lifts in the 3 high rise blocks, D, E and F, that the Council has acquired a change variation under the Development Agreement was required.
- 4.2 At the time the scheme was approved and the Development Agreement entered into, there was no regulatory obligation to incorporate dedicated disabled lifts. As new regulations and legislation emerged regarding fire safety and High Rise Buildings in 2023, to mitigate risks and facilitate safe access in the event of a fire for the 17 wheelchair homes, pepper potted throughout blocks D, E and F, it was considered that one of the two passenger lifts in each of these three blocks be converted to full evacuation lifts. Therefore, a change variation was instructed at the appropriate time in the programme to allow for the technical installation work to commence without delay.
- 4.3 Similar health and safety principles apply to the installation of jacklocs across the scheme.
- 4.4 The remaining change variations focus on changes to enable better management and maintenance across the scheme.
- 4.5 Due to the above reasons, the Total Scheme Costs have increased and the overall purchase price of the acquisition has also increased. Please see the Exempt part of this report.

5 Alternative options considered

- 5.1 **Not to install dedicated disabled evacuation lifts.** This option was rejected because it would represent a missed opportunity for the Council to:
- 5.2 Ensure compliance with new building legislation and regulations despite the scheme being approved under previous regulations and provides for greater resident safety in the event of a fire, or other event that might require evacuation.
- 5.3 Provide an approach to building safety that goes beyond the Personal Emergency Evacuation Process (PEEP) approach.
- 5.4 Any delays in the programme resulting from a late instruction could have resulted in additional costs and potentially significant extension of time costs or a missed opportunity to install evacuation lifts
- 5.5 **Not to install jacklocs-** this option was rejected in consideration of recent incidences reported in the media regarding child fatalities by falling from a window at height in London.

- 5.6 **Not to incorporate Caretakers facility** and relevant management and maintenance changes would result in the council unable to manage the 6 blocks effectively.

6 Background information

- 6.1 Planning permission for the wider masterplan was secured on 12th June 2017.

- 6.2 On 22 July 2021 and 9 November 2021, Cabinet gave authority to acquire homes across six blocks to be built at Hale Wharf that would deliver 191 new Council homes for a package price as set out in the Exempt Part, Appendix 2.

The Hale Wharf development is being delivered by Waterside Places Limited Partnership (WPLP) which is a joint venture between the Canal and River Trust and private developers Muse.

During the course of construction, changes to building legislation and regulations took place. A number of additional items were requested to be included in the development that was not originally included to ensure the new Council homes at Hale Wharf are fully compliant. Those changes are set out below.

Change Variation – Dedicated disabled evacuation lifts

- 6.3 Of the 191 homes acquired by the Council, 21 are wheelchair accessible, and all homes will meet standards for adaptability. The wheelchair homes are primarily in blocks D, E and F. Blocks D and E are 7 stories in height and under the new building regulations and legislation, would require a dedicated disabled evacuation lift.
- 6.4 Comments received from the London Fire Brigade in 2023 suggested the need to provide safe escape for all building users, including those with disabilities and the installation of a dedicated evacuation lift for disabled persons. Whilst this was not a requirement to deliver under the previous regulations when the scheme was approved. This is now a requirement under the new Building Regulations and Building Safety Act and is a requirement for all future buildings over 7 stories in height or 18m in height. The affected buildings at Hale Wharf are as follows:-
- Block D – Ground + 7 storeys (occupiable) – Ground to top occupied floor **22.50m (Building Height – 28.050m)**
 - Block E – Ground + 7 storeys (occupiable) – Ground to top occupied floor **22.50m (Building Height – 28.050m)**
 - Block F – Ground + 6 storeys (occupiable) – Ground to top occupied floor **19.35m (Building Height – 24.900m)**
- 6.5 In total, 17 of the 21 Wheelchair homes are located in Blocks D, E and F from levels 1 to 6. On this basis, a due diligence exercise was undertaken and subsequently, a change instruction was issued to incorporate dedicated disabled lifts in blocks D, E and F in compliance with the new regulations. Please see Exempt Part in Appendix 2 for additional costs.

Proposed change variations- -Window Jacklocs

- 6.7 Tilt and turn and side hung windows are currently key lockable throughout the scheme. There are no integral restrictors designed into the windows. The restrictor is the key operation that enables the user to open the window fully. The windows can only open in the tilt function to a max of 100mm which complies with the overheating analysis. To open the window fully a key is required.
- 6.9 The windows were designed so no opening part was less than the 800mm above floor level required by the Building Regulations 2010, Part K. Following discussions with Building Control in the early stages of the design and discussions that made reference to technical guidance, a further guard rail was introduced externally at 1100mm high as an additional safety measure.
- 6.10 However, following discussions with the Council's safety consultant further safety measures were recommended to deal with concerns or risks of furniture being placed close to openable windows. In addition, in view of recent incidents of child fatalities by falling from windows in tower blocks, it is recommended that additional key operated jacklocs are fitted to windows to further minimise risk.
- 6.11 The detailed costs of this are set out in the Exempt Part in Appendix 2 of this report.

Other change variations – management and maintenance

- 6.12 Following consultation with the Estates and Neighbourhood Team, a request was made for a dedicated space/facility for caretaking the six blocks coming into the council's ownership. Subsequently, a caretakers facility was instructed on the 7th floor in Block D. This provides for a bathroom, kitchenette, rest area and place to store some cleaning equipment.
- 6.13 Further changes were required as the original design included boxing in the pipework behind WCs in bathrooms. In order to access pipework behind the boxing for maintenance purposes, an access hatch was instructed to be incorporated.

Original Purchase Price and additional cost of variations

- 6.14 **Agreed Limit** The Agreed Limit in the Development Agreement is, as set out in the Exempt Appendix 2 for the purchase of the six residential blocks being 191 homes Hale Wharf Phase 2.
- 6.15 Table 1 provides a breakdown of costs against the above variations as set out in the Exempt Part, Appendix 2 of this report.

- 6.16 It should be noted any overspend is a consequence of the introduction of additional Health and Safety measures that, whilst not compulsory, as the Scheme was approved prior to the new Regulations coming in to force, is nonetheless an important addition to the project.

7 Contribution to the Corporate Delivery Plan 2022-2024 High level Strategic outcomes

- 7.1 The acquisition will help to address the Corporate Delivery Plan priorities of:
- 7.1.1 A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green; and
 - 7.1.2 A safe, stable and affordable home for everyone, whatever their circumstances.
- 7.2 The new homes at Hale Wharf will be compliant and make resident safety the Council's number one priority by ensuring the Council is compliant with all legislative and statutory standards, including but not only the Fire Safety Act 2021, the Building Safety Act 2022, and new Social Housing Regulator Standards, to ensure that our homes and estates are safe for our residents.

8 Carbon and Climate Change

The energy for the scheme and all the homes within it is connected to the Decentralised Energy Network

9 Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

9.1 Finance

The additional cost to make the scheme compliant with the recent building regulations and safety legislation will be incorporated within the HRA capital financing plan for financial 2024/25.

Further finance comments are contained in Appendix 2 of this report.

9.2 Procurement

Strategic Procurement note the contents of this report and confirm there are no procurement related matters preventing Cabinet approving the Recommendations stated in paragraph 3 above.

9.3 Head of Legal & Governance [Name and title of Officer completing these comments]

The Assistant Director of Corporate Governance and Monitoring Officer has been consulted on the content of this report.

The recommendations in to his report seeks an increase in the Agreed Limit (being the sum to be paid to the Developer) and the Total Scheme Costs for the six blocks that the Council is purchasing. The authority for authorising the increase in spending lies with Cabinet and the Cabinet Member can make the decision set out in the recommendations. The spend requested must be within the Budgetary Framework approved by full Council.

9.4 Equalities

- 9.4.1 An Equality Impact Assessment Statement has been commissioned and is attached in Appendix 3.
- 9.4.2 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
 - 8.2.1 Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- 9.4.3 Advance equality of opportunity between people who share those protected characteristics and people who do not.
 - 8.2.3 Foster good relations between people who share those characteristics and people who do not.
- 9.4.5 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.
- 9.4.6 The purpose of this report is to seek approval for the acquisition of 177 residential units contained within the S106 agreement for Hale Wharf Phase 2 to use for council rent accommodation.
- 9.4.7 The objective of the decision is to increase the supply of Council housing in Haringey. The groups that the decision is most likely to directly affect are Haringey residents living in temporary accommodation and Haringey residents who are at risk of homelessness. Data held by the Council suggests that women, young people and BAME communities are over-represented among those living in temporary accommodation. Individuals with these protected characteristics as well as those who identify as LGBT+ and individuals with disabilities are also known to be vulnerable to homelessness, as detailed in the Equalities Impact Assessment (EqIA) of the Council's Draft Homelessness Strategy. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics.
- 9.4.8 The salient elements from the EqIA are (1) it demonstrates the proposal is robust and there is no potential for discrimination or adverse impacts, (2) no actions are required by the Council to remove or mitigate any actual or potential negative impact of this acquisition and (3) the Council considers there will not be any negative impacts associated with this proposed acquisition.

10 Use of Appendices

11 Background papers