

Report for: April 2025 Cabinet Member signing

Item number: TBC

Title: Jansons Road – Approval of Housing Construction Contract

Report authorised by: Taryn Eves, Corporate Director of Finance & Resources

Lead Officer: Ishen Stewart-Dowding

Ward(s) affected: Tottenham Central

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

1. Describe the issue under consideration

- 1.1. The Cabinet Member for Housing and Planning is asked to approve the appointment of the recommended contractor to complete a new build development of seven new Council homes comprising of 3x 1 bed 2 person flats, 1x 2 bed 3 person flat, 2x 3 bed 4 person flat and 1x 3 bed four person wheelchair adapted flat on Council land at the site known as 1 Jansons road car park, N15. All seven new council homes will be let at Social Rent.
- 1.2. To approve the request of the GLA to accept the scheme into the 21 - 26 AHP fund.

2. Recommendations

- 2.1. It is recommended that the Cabinet Member for Housing and Planning:
- 2.2. Approve the appointment of Contractor A, identified in the exempt part of the report to enter into a JCT Design & Build 2016. The contract will include a break clause which is subject to planning submission by Contractor A and approval to provide 7 high-quality new Council homes at social rent with amenities including a communal garden, bike and bin stores.
- 2.3. Approve the use of the Council's powers under Section 203 of the Housing and Planning Act 2016 to override easements and other third-party rights and interests infringed upon by the Jansons road development under planning ref: HGY/2021/0030 and any related planning permission granted under section 73 or section 96a of the Town and Country Planning Act 1990.
- 2.4. Delegate to the Delivery Director, after consultation with the Director of Finance & Resources and the Cabinet Member for Housing & Planning, authority to make payments of compensation as a result of genuine claims of

third-party rights affected by the Jansons road development and payable as a result of the approval in section 3.5, within the existing scheme of delegation.

- 2.5. Approve the total contract sum set out in the Jansons Road Exempt Report.
- 2.6. Approve the issuance of a letter of intent as set out in the Jansons Road Exempt Report.
- 2.7. Note that in July 2021 Cabinet approved the appropriation of the land for planning purposes to facilitate the development process and then to appropriate for housing purposes following practical completion. Please see background document 'Award of contract July 2021'.
- 2.8. Note that entering into a JCT Design & Build Contract 2016 (with amendments) with Contractor A is subject to planning permission being granted as set out in section 9.9 of this report.

3. Reasons for the decision

- 3.1. The site known as Jansons road was approved by Cabinet in October 2019 to be included in the Council's Housing Delivery programme.
- 3.2. Planning permission was granted in March 2021 for a five-unit scheme under planning reference HGY/2021/0030.
- 3.3. In July 2021 Cabinet approved the award of a construction contract for the Jansons Road Car Park development NFC Homes Limited, this appointment was terminated in 2022 – please see section 7 of this report.
- 3.4. In September 2024 a competitive tender was launched via the London Construction Programme (LCP) Dynamic Purchasing System (DPS) and Contractor A has been identified via this tender process to undertake these works.
- 3.5. Subject to a successful S73 planning submission and approval, there are no reasons for the Council to believe that any third-party rights would be infringed by the development.
- 3.6. Subject to the aforementioned planning approval, the site will provide 7 much needed Council homes on Council land, including three 3-bed, 4-person family homes.
- 3.7. These 7 new Council homes will contribute to our commitment to build 3,000 new high-quality council homes by 2031.

4. Alternative options considered

- 4.1. 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.
- 4.2. The council could choose not to award the contract for the 7-home scheme until such point permission for the amendment to the existing 5-home scheme has been granted by the planning authority. This option was rejected as Contractor A is best placed to progress the planning amendment under a pre-contract service agreement, working with their appointed professional team to ensure proposals are optimised for buildability, with the council only paying for these design works and their submission should approval not be granted.

5. Site information

- 5.1. This land is Council-owned and held in the Housing Revenue Account (HRA).
- 5.2. The site was previously used as a 13-bay Council owned car park, adjacent to the Maysie memorial gardens as seen in Appendix 4. The site is in the Tottenham Central ward on the corner of Jansons Road and Phillip Lane. The site has good transport links including Bruce Grove overground station, Tottenham Hale, Seven Sisters and Turnpike Lane underground stations as well as multiple bus services along Phillip Lane.
- 5.3. In July 2019, Cabinet approved the inclusion of Jansons Road car park into the Council's Housing Delivery programme to determine its feasibility and capacity for the delivery of new homes and then, if appropriate, its progression through to planning consent.

6. Engagement and Consultation

- 6.1. As a result of the pandemic at the time, the scheme proposals were presented to the public virtually via Microsoft Teams. The loss of amenity at Jansons Road car park obliges the Council to consult in line with section 105 of the Housing Act 1985 ('section 105'). The section 105 consultation period commenced on 7 September 2020 and ran until 18 October 2020. Of the eleven homes that received the section 105 pack inviting responses, three households formally responded.
- 6.2. All three respondents stated that the proposed removal of the car parking bays breaches the lease agreement of secure tenants/leaseholders in the area. Secure tenancies and lease agreements were checked, and no evidence has been found that parking rights were conferred on residents in the area.
- 6.3. All three respondents stated that the removal of parking facilities would have a detrimental impact on their daily lives. This included specific impact on older residents and those with disabilities who require parking medical care or family related travel.

- 6.4. The respondents further suggested that there was a lack of available parking in the local area which would result in increased congestion. Comments from respondents stated that the Council had not properly audited the parking conditions in the area and that a full survey should have been conducted before proposals were developed. Two consultees suggested that existing users of the car park should be given free on-street parking should the development proposal progress.
- 6.5. A full parking survey was therefore carried out on two separate weekday nights when residents are home. The survey concluded that the adjoining streets covered by a controlled parking zone have capacity to accommodate any additional parking that may arise from the proposed development. Jansons Road has a Public Transport Accessibility Level, (PTAL) rating 3 which is moderate; and there is capacity for residents to apply for on street parking.
- 6.6. Two wider engagement meetings on the proposals were held on Microsoft Teams on Monday 9 November and Tuesday 10 November 2020. The key comments raised were again the perceived lack of parking spaces in the roads. However, the Council believes that the results of the transport assessment and parking survey show that the additional parking demand created by the loss of the existing car park plus any new parking demand associated with the proposed development can be absorbed on-street.
- 6.7. The proposed development is a car-free development. A parking bay on site is being proposed for the wheelchair accommodation.
- 6.8. A concern was raised about disturbance during the construction works. The Council will ensure that disturbances during the construction works will be reduced to its possible minimum. An indicative Construction Logistics Plan will be prepared to ensure the impacts of the construction process are minimised for the local community.
- 6.9. The scheme was submitted for planning 23 December 2020 and residents were again formally consulted as part of this process. Planning approval of the scheme was granted 9 March 2021.

7. Previously approved Build Contract

- 7.1. In July 2021 Cabinet approved the award of a construction contract for the Jansons Road Car Park development NFC Homes Limited who proceeded with mobilisation and enabling works including the discharge of pre-commencement planning conditions under a letter of intent. Please see background document 'Award of contract July 2021'.
- 7.2. In July 2022 Cabinet approved the award of a revised contract to NFC Homes Limited who were continuing work under the aforementioned letter of intent. Please see background document 'approval of revised construction contract July 2022'.

- 7.3. Following the request from NFC Homes Limited for a further revision to the contract, their appointment via letter of intent was terminated in 2022 and the site secured.

8. Proposed Build Contract

- 8.1. In September 2024 the Council published an invitation to tender via the Councils London Construction Programme (LCP) Dynamic Procurement System (DPS). Contractors were invited to submit their price, programme and qualitative information in response to questions and criteria set out in the Tender to develop the 5-home scheme as per planning reference HGY/2021/0030. All submissions would be assessed on a 60% quality, 40% price basis.
- 8.2. The quality assessment was conducted by Haringey's project team, with the moderation led by the Council's Procurement Team to ensure a high level of quality across both the submissions and scoring. The quality assessment was conducted via a pre-agreed list of questions that were included as part of the delivery proposals in the tender. Each question was scored between 0 (question not answered) and 5 (excellent) and then weighted as set out in the tender.
- 8.3. The project team's Cost Consultant is assigned to independently evaluate the cost to ensure value for money in line with current market trends.
- 8.4. Three tenders were received, as set out in the exempt part of the report. The prices received by all three bidders failed to meet the viability hurdles of the proposed development.
- 8.5. In November 2024 the project team invited all bidders to propose value engineering measures for consideration via the DPS portal. The proposals received from all bidders included items which contravened funding requirements so were rejected. The remaining value engineering options were not sufficient to produce a viable scheme.
- 8.6. In January 2025 the project team engaged the Planning Consultant to explore the possibility of increasing the number of homes by repeating the first floor containing two homes, which when tested in appraisals resulted in a viable scheme when modelled using the average per meter build costs received from the bidders. Feedback from the planning consult was positive in principle - subject to a detailed Section 73 planning application being submitted - noting that due to the original design and massing which set the top floor back, the proposed introduction of an additional floor could be supported in design terms. Furthermore, due to this setback and the location of the proposed block in line with the adjacent property on Philip Lane whose side wall has no windows, there should be a minimal impact in amenity terms, from the proposed inclusion of an additional floor.

- 8.7. In February 2025 the project team invited all bidders to consider their price for a 7-home scheme, repeating the first floor and allowing for the design and planning submission work required to have this amendment approved. Two of the three bidders responded and once assessed by the cost consultant, Contractor A was identified as the winning tenderer.
- 8.8. Contractor A's contract sum is in the exempt part of the report. Considering the size, scope, complexity, and abnormalities specific to this project, the project Cost Consultant has concluded that the tender submitted by the recommended contractor has provided a high level of understanding of the scheme and offers reasonable value for money in the current market. The detailed outcome of the quality and cost tender scoring has been provided in the exempt part of the report.
- 8.9. The recommendation is for the Council to therefore to enter into a JCT Design & Build 2016, with Contractor A. The contract will include a break clause which is subject to planning submission by Contractor A and approval to develop the 7-home scheme.

9. Contribution to Strategic outcomes

- 9.1. The recommendations in this report will support the delivery of the Housing Priority in the Corporate Delivery Plan 24-26, which sets out in its first outcome, "Building high-quality, sustainable homes". Within this outcome, the borough sets the aim "by focusing on increasing the number of safe, stable sustainable and affordable homes in the borough and improving the quality of its social housing".

10. Carbon and Climate Change

- 10.1. The proposal for the Jansons road development is committed to ensuring that the new homes will be environmentally sustainable and is designed to be low energy consumption and zero carbon emissions where possible, in support of Haringey's Climate Change Action.
- 10.2. Plan's (HCCAP) 2041 target. The approved scheme demonstrated that a 78% reduction in emissions from the Building Regulations Part L (2013) was possible. A revised Energy Strategy would be submitted as part of the application to vary the existing permission ref. HGY/2021/0030 to add two additional dwellings, whereby these credentials will be reconfirmed based on an updated, and more higher specification Part L (2021) baseline.
- 10.3. The flat roofs of the apartment buildings will include green roof finishes and the homes will adopt Mechanical Ventilation with Heat Recovery (MVHR) as well as utilise renewable energy sources through an air source heat pump solution to provide hot water and space heating, and photovoltaic panels to generate electricity. Overheating risk has also been considered and will be

reevaluated in line with Building Regulations Part O (Overheating) that has been introduced since the planning approval.

- 10.4. The proposed housing is car-free, on a former car parking site, adopts a progressive approach to sustainability and incorporates high-quality landscaping.

11. Statutory Officers comments

11.1. Finance

- 11.1.1. The scheme is to deliver 7 social rented homes, part-funded by GLA AHP grant.
- 11.1.2. **The** cost to complete this scheme will be contained within the HRA capital programme budget/MTFS.
- 11.1.3. Further finance comments are provided in the attached Exempt Report

11.2. Procurement

- 11.2.1. Strategic Procurement (SP) note that this report relates to the approval to award a contract to supplier A.
- 11.2.2. SP note that a competitive tender was launched via the LCP's General Construction Multi Trade DPS. The adopted procurement is in line with Contract Standing Order (CSO) 8.01 and Regulation 34 of the Public Contract Regulations 2015.
- 11.2.3. The Tenderers' bid submissions were evaluated in accordance with the scoring methodology contained within the published Invitation to tender document. The preferred bidder's bid submission also represents value for money.
- 11.2.4. SP support the recommendation to approve the award in accordance with CSO. 2.01 (c).

11.3. Equality

- 11.3.1. The council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:
- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
 - Advance equality of opportunity between people who share protected characteristics and people who do not
 - Foster good relations between people who share those characteristics and people who do not
- 11.3.2. The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation.

Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.

- 11.3.3. The proposed decision relates to the award of contract for the delivery of 7, high-quality new Council homes at social rent with amenities including a communal garden, bike and bin stores. Building these new Council homes will benefit Haringey's Council tenants who are currently in temporary accommodation or need to move to a new home.
- 11.3.4. 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 of the Council's Draft Homelessness Strategy. As such, it is reasonable to anticipate that residents with these protected characteristics will be positively impacted by the building of new Council homes.
- 11.3.5. This decision is likely to positively impact women, older people (over 65), households with young children, individuals who identify as trans and LGBT+ who are overrepresented in Council tenants and homeless households. The building of new Council homes is likely to have a positive impact these group.
- 11.3.6. An EQIA was previously carried out to assess the impact of this decision. It showed there are a number of groups who could be disproportionately affected by the proposals, although for most of these groups there is not a clear correlation between their protected characteristic and a need for a car park. These include women, older people, people with disabilities and people with young children who are more likely to rely on cars for transport. The exception is older tenants and tenants with disabilities who are more likely to need a car parking space.
- 11.3.7. To mitigate this, a full parking survey which concluded that the adjoining streets covered by a controlled parking zone to ensure there will be capacity to accommodate any additional parking that may arise from the proposed development.
- 11.3.8. The EqlA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken as identified in section 6.3 The EqlA previously carried out has recently been published at the time of writing this report.

- 11.3.9. The consultation process included efforts to accommodate diverse needs, such as providing materials in alternative formats and languages if requested.
- 11.3.10. As an organisation carrying out a public function on behalf of a public body, Contractor A will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated in section 9.4. Appropriate contract management arrangements will be established to ensure that the delivery of the works does not result in any preventable or disproportionate inequality.

11.4. **Legal**

- 11.4.1. The Director for Legal and Governance (Monitoring Officer) has been consulted in the preparation of this report.
- 11.4.2. The report indicates and Strategic Procurement has confirmed that the contract in the report was procured via the Council's London Construction Programme (LCP) Dynamic Procurement System (DPS).
- 11.4.3. Further to paragraph 12.4.2 above, the use of a DPS is permitted under Regulation 34 of the Public Contracts Regulations 2015 and as such the use the LCP DPS is in line with public procurement rules and also in line with the Council's Contract Standing Order (CSO) 8.01.
- 11.4.4. Pursuant to the Council's Contract Standing Order (CSO) 2.01(c) Cabinet has power to approve the award of a contract where the value of the contract is £500,000 or more.
- 11.4.5. Further to paragraph 12.4.4 above, the recommendation in paragraph 3.4 of the report to delegate authority to the Delivery Director after consultation with the Director of Finance & Resources and the Cabinet Member for Housing & Planning to make payments of compensation as a result of genuine claims of third-party rights affected by the Jansons road development and payable as a result of the approval in section 3.3, within the existing scheme of delegation is in line with law. Cabinet has power under the Local Government Act 2000 to delegate the discharge of any of its functions to an officer (S.9E (Discharge of Functions)).
- 11.4.6. The recommendation in paragraph 3.6 of the report is permitted under the Council's CSO 16.04 which allows the issuance of a Letter of Intent pending the issuance and execution of a formal contract where works, goods or services under a contract is required to commence prior to the issuance and execution of a formal contract.
- 11.4.7. Regarding recommendation 3.3, by appropriating the Janson Road site for planning purposes, the Council can override easements and

other rights in the Site. This is permitted by Section 203 of the Housing and Planning Act 2016 (HPA 2016), subject to payment of compensation under section 204 of the HPA 2016. A condition of the use of this power is that there is a planning consent for the works.

- 11.4.8. Regarding recommendation 3.4, the report notes that no potential claims for a loss of a private right have been identified, at this stage.
- 11.4.9. The Director for Legal and Governance (Monitoring Officer) sees no legal reasons preventing the approval of the recommendations in the report.

12. Use of Appendices

- APPENDIX 1 - Exempt report
- APPENDIX 2 - Tender Report
- APPENDIX 3 - Consultation Report
- APPENDIX 4 - S105 Community Engagement summary

13. Local Government (Access to Information) Act 1985

- 13.1. Appendices 1 and 2 are NOT FOR PUBLICATION by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 in that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information).