

**Housing Act 1985 Section 105 consultation report: Jansons Road, N15****Date:** December 2020**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 September and October 2020, the Council launched a Housing Act 1985 Section 105 consultation based on proposals for a new housing development located on a current car park off Jansons Road, N15 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 their 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 13 parking bays off Jansons Road
- Use the land to build five apartments to be let at council rents

2.2 Given the loss of amenity (s2.1) a Housing Act 1985 Section 105 consultation was required with secure tenants.

2.3 The Council consulted 11 households. In addition to consulting with secure tenants as required by law, the above figure also includes resident and non-resident leaseholders and freeholders. The Council consults leaseholders as part of Section 105 consultations as a matter of good practice and included freeholders in this consultation.

2.4 The tenure of the households consulted is outlined below:

<b>Scheme</b>	<b>Secure tenants</b>	<b>Leaseholders</b>	<b>Freeholders/sub-tenants of managing agencies</b>
Jansons Road	7	0	4

2.5 The consultation period lasted from 7 September 2020 until 18 October 2020. Information provided included:

- A consultation pack posted to the 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 events were held for consultees and the wider community on:
  - Thursday 24 September 2020 at 6pm
  - Tuesday 6 October at 2pm

Recordings of these events were available on the Council's website immediately after the close of each event and were available until the consultation ended on 18 October 2020

- A letter was sent to all consultees on 7 September 2020 advertising the online engagement event

### 3. Consultation response

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

<b>Overall consultation audience</b>	<b>Number of responses</b>	<b>Secure tenant responses</b>	<b>Freeholders/sub-tenants of managing agencies</b>
11	3	2	1

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 them?

3.3 Responses from consultees are outlined below. Please note that one resident did not give an indication of how often they used the car parking spaces.

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
3 (2/1)	2 (1/1)	2 (1/1)

(Secure tenants/freeholders or sub-tenants of managing agencies)

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 you would like the council to take into consideration when making decisions around the proposal to remove the parking bays?

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	Response
<p><u>Lease entitlements</u></p> <p>Two consultees stated that the proposed removal of the parking bays breaches the lease agreement of the secure tenants/leaseholders in the area.</p>	<p>Secure tenancy and lease agreements have been checked and no evidence has been found that parking rights were conferred on residents in the area.</p>
<p><u>Resident access to parking facilities</u></p> <p>All respondents stated that the removal of parking facilities would have a detrimental impact on their daily lives.</p> <p>This included a specific impact on older residents and those with disabilities in the area who need the spaces for their medical care or family related travel. Access to the carpark was also cited as essential for those with young families.</p>	<p>Whilst the loss of the parking will have an impact on parking provision for local residents, a recent parking survey undertaken on behalf of the Council indicated that the adjoining streets, which are covered by a Controlled Parking Zone, have capacity to accommodate overspill parking that may arise.</p>

<p>Further representations suggested that there was a lack of available parking throughout the local area that would result in increased congestion.</p> <p>Comments were also received stating that the Council has not properly audited the parking conditions in the area and that a full survey should be conducted before these proposals were developed.</p>	<p>A parking survey was undertaken in accordance with established survey methodology and covered an area of approximately 200m (or a two-minute walk) around the site. It was carried out on two separate weekday nights when the highest number of residents are at home as advised by best standard practice under the Lambeth methodology. The results of the parking survey are outlined above.</p> <p>Jansons Road has a Public Transport Accessibility Level (PTAL - a measure of connectivity to public transport network and services) value of three. This means access to public transport services is considered 'moderate'. There are also local amenities including shops, open space, and community facilities within walking distance.</p>
<p><u>New parking facilities should be part of the proposals for the area</u></p> <p>Two consultees believed that existing users of the car park should be given free on-street parking should the proposals be progressed, owing to the issues outlined above.</p>	<p>The parking survey mentioned above highlighted that on-street parking capacity is available, and residents will be able to apply for a permit to park as is the case for all local residents.</p>

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

- Concerns about the long-term management of the car park, including vandalism of an access gate and lack of enforcement. This complaint was referred to Homes for Haringey and was upheld. Homes for Haringey have now committed to improving both enforcement and the maintenance of the car park in the future
- A complaint was made about the consultation process and engagement events being conducted online. This complaint was not upheld
- One consultee raised concerns that the changes would affect an alleyway to the rear of the site. The resident was reassured that this accessway does not form part of this Section 105 consultation and is shown as retained in the site plans for the proposals
- Positive comments were received about the proposals to protect the Maysie Memorial Garden

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 five attendees were present. Comments made during these events have been captured in S3.5-3.6.

3.8 The three households (two secure tenants and one freeholder) that responded were against the current 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 parking spaces. 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 a parking space may be considered a negative for older or disabled people who are more reliant on private vehicle use. 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 the three consultees who responded to the consultation were against these proposals.

5.3 While the loss of the parking bays would impact on parking provision for residents, there are mitigations in place for those who regularly use them which have been outlined in S3.5.

#### **6. Recommendations**

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

- The mitigations outlined in S3.5 in response to the feedback from residents regarding the loss of amenity spaces under these proposals are reasonable and fair
- Proposals should proceed as outlined in S2.1