

Report for: **Cabinet Meeting – 21 October 2025**

Title: **Approval to deliver Council homes and let construction contract within Sir Frederick Messer Estate boundary N15 6NP**

Authorised by: **Robbie Erbmann, Delivery Director, Capital Projects and Property**

Lead Officer: **Jack Goulde, Joint Head of Development Housing and Resources**

Ward(s) affected: **Seven Sisters**

Report for Key/

Non Key Decision: **Key Decision**

## **1. Describe the issue under consideration**

- 1.1 On 4<sup>th</sup> March 2025 Planning Committee resolved to grant permission for the development of the Council owned site on the land at the junction of Seven Sisters Road and St Ann's Road, N15 6NP.
- 1.2 This report seeks approval to appoint the recommended winning contractor identified in the exempt part of the report, to undertake the new build development comprising of sixty-six new council homes, including seven fully wheelchair accessible homes, to be let at social rent. Detailed planning permission reference HGY/2024/3315 was granted on the 28 August 2025.
- 1.3 Cabinet is asked, in light of the formal procurement exercise, to approve the appropriation of the land edged red on the development plan at Appendix 1, from housing for planning purposes to facilitate the development process. This will allow the Council to utilise its powers to override any third-party interests and rights (subject to engagement with any potential claimants) and then to appropriate the land back to housing following practical completion of the development.

## **2. Cabinet Member Introduction**

- 2.1 I'm proud to recommend the construction contract proposed here, to allow the council to proceed and construct sixty-six new council homes on the land at the junction of Seven Sisters and St Ann's Road adjacent to Sir Frederick Messer Estate. This includes seven fully wheelchair accessible homes, which will meet the specific needs of individual households with disabilities.
- 2.2 This is a complex site, and it has been a challenging journey to reach this point. The council has considered all views expressed by the local community and made significant design changes to accommodate the views of residents from nearby. The recommended scheme will help foster new community relations within the Sir Frederick Messer Estate with the provision of new open landscaped areas, new tree planting, play areas, improved site security and connection into the existing Sir Frederick Messer Estate.
- 2.3 At the centre of two buildings is a communal courtyard garden, private gardens, and balconies. The communal courtyard garden and play spaces have been designed for use by all residents, existing and new. The scheme reflects a carefully designed approach, which integrates with the existing Sir Frederick Messer Estate.
- 2.4 The buildings have been designed to Passivhaus design principles, to achieve the highest levels of energy efficiency. Triple glazed windows, roof mounted photovoltaic panels, individual air source heat pumps and high levels of insulation are just some of the measures that have been integrated into the design of the scheme. The combination of the contextual

setting and the implementation of Passivhaus principles has led to a unique scheme, which addresses design quality and sustainability as one. The sixty-six council homes will aim to achieve Passivhaus certification, and this could not be a more significant moment in which to be building new genuinely affordable homes that will reduce energy use and costs to a minimum, future proofing against surges in energy prices and reducing the likelihood of energy poverty.

### **3. Recommendation**

- 3.1 Approves the appointment of the recommended contractor (A) identified in the exempt part of the report to undertake the new build works to provide a total of sixty-six council homes on the land at the corner of Seven Sisters and St Ann's Road, N15 6NP for a total contract sum of £24,610,387 and approves the on costs and client contingency sum set out in the exempt part of the report. This is in accordance with Contract Standing Order (CSO) 2.01 c).
- 3.2 Approves the issuance of a letter of intent to allow Haringey Council to incur expenditure for either 10% of the contract value or £100,000, whichever is the higher figure.
- 3.3 Approves the appropriation of land at the corner of Seven Sisters and St Ann's Road shown edged red on the plan titled 'Development Plan' attached at Appendix One, from housing purposes to planning purposes pursuant to section 122 of the Local Government Act 1972.
- 3.4 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 Sir Frederick Messer Estate, N15 6NP development, under planning permission Ref: HGY/2024/3315.
- 3.5 Delegates to the Director of Capital Projects and Property, after consultation with the Corporate Director of Finance and Resources and the Cabinet Member for Housing and Planning (Deputy Leader), authority to make payments of compensation for any valid claims of third-party rights affected by the development as a result of recommendation
- 3.6 Approves the appropriation of land at corner of Seven Sisters and St Ann's Road, N15 shown edged red in the plan titled 'Development Plan' attached at Appendix One, from planning purposes back to housing purposes under Section 122 of the Local Government Act 1972, after practical completion of the development scheduled for November 2027.
- 3.7 Approves the total scheme costs including: on costs, works, interest, contingency and other costs to the value as set out in detail in the exempt part of the report.
- 3.8 Considers the engagement and consultation carried out on this proposed scheme set out in section seven of this report.

### **4. Reasons for decisions**

- 4.1 The site known as Sir Frederick Messer Estate, was approved by Cabinet on 21<sup>st</sup> January 2020 to be included in the Council housing delivery programme. This scheme was granted planning consent on 28 August 2025 and is ready to progress to construction. This report therefore marks the third, and final, Cabinet decision to develop on this site.

- 4.2 Following a formal tender process, a contractor has been identified to undertake these works.
- 4.3 There are no reasons for the Council to believe that any third-party rights would be infringed by the development. The scheme has received planning permission, and no concerns about the loss of rights were raised during extensive local engagement and consultation with residents. Appropriation of the development site for planning purposes is recommended to clear the path for development. It will allow the Council to use the powers contained in Section 203 Housing & Planning Act 2016 to override easements and other third-party rights that may be infringed by the development 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. Under Recommendation 3.6 the site will 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 sixty-six new Council homes.
- 4.4 The proposed development site shown edged red on the plan comprises the area of grassed area in front of Henrietta and Oatfield. The site proposal will provide sixty-six much needed Council homes in two six-storey buildings. In conjunction with the housing development a number of landscape and amenity improvements are proposed including play facilities, additional trees, planting, seating areas and CCTV.
- 4.5 These sixty-six homes will also contribute to the Council's commitment to start 500 homes on site as part of the GLA 21-26 Affordable Homes Programme and the Council's political aspiration to build 3000 Council homes by 2031.

## **5 Alternative options considered**

- 5.1 It would be possible to not 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 option would also represent a lost opportunity to gain critical GLA funding to support delivery of new homes.
- 5.2 This opportunity was procured via the LCP Dynamic Purchasing System (DPS) using the JCT Design Build Contract 2016 with amendments, the route recommended by Strategic Procurement for a contract of this value. An alternative option would have been to run a competitive tender via the Council's LCP Major Works Housing Framework. This option was rejected due to a poor response following an expression of Interest process, and a soft-market engagement exercise signifying increased interest from contractors outside of the framework.
- 5.3 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 the scheme proceeded through the feasibility and design stages and any comments or objections raised were taken into consideration by Planning Committee in reaching its decision.
- 5.4 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 Background information**

### **Sir Frederick Messer Estate Development Site**

- 6.1. As shown in the red line boundary plan (Appendix One), the site is located within Seven Sisters Ward and is an area comprising of a large grassed area , on the corner of Seven Sisters and St Ann's Road - adjacent to Henrietta and Oatfield House, which forms part of the Sir Frederick Messer Estate.
- 6.2 The existing area of grassed area can be accessed from Seven Sisters' road, either from the north or the south-west of the site. A pedestrian pathway runs along through the centre of the site, connecting through to the broader Sir Frederick Messer Estate and onto to Paigton Road Open Space Park (not within the site boundary). Both areas are currently managed by the Council's Parks and Leisure Team.
- 6.3 The elevated position of the existing sites, impacts on permeability through Sir Frederick Messer Estate, ensuring limited natural surveillance and contributing towards a history of anti-social behaviour and crime locally. The ambiguous nature of the large grassed area of land results in little dwell time by local residents and currently makes the area feel unwelcoming to visitors.
- 6.4 This land is owned by the Council and held in the Housing Revenue Account.
- 6.5 On 21st January 2020, Cabinet approved the inclusion of Sir Frederick Messer Estate 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.
- 6.6 Designs have been developed that will deliver a total of sixty-six properties consisting of one, two and three-bedroom homes, including seven fully wheelchair accessible flats. All homes will be let at social rent with detailed planning permission granted on 28 August 2025

## **7 Engagement and Consultation**

### **Section 105 Consultation**

- 7.1 Prior to the community engagement process, a separate statutory Section 105 consultation exercise was undertaken with secure tenants and leaseholders on the Sir Frederick Messer Estate in relation to the reconfiguration of the large grassed area and pathways at the corner of Seven Sisters and St Ann's Road. The consultation ran from 27<sup>th</sup> June 2022 until 19<sup>th</sup> August 2022. Two online engagement events took place on 19<sup>th</sup> and 26<sup>th</sup> July 2022. The council consulted 453 households - this comprised of 347 secure tenants as required by law, and 106 leaseholders as a matter of good practice.
- 7.2 The outcome of the section 105 consultation (see Appendix 4) highlighted key concerns around the loss of green land and resultant anticipated impact on the local environment. Other key issues related to impact on mental health arising from loss of green land, extended travel time to local services (arising from reconfiguration of footpaths).
- 7.3 The outcome of the consultation was reported to New Homes Board and changes made to the scheme, where possible, to accommodate the public comments. A key change from the S105 resulted in the reduction of the building height of 31 metres from sixteen storeys, down to six. This reduced the total number of homes from 95 to 66. Additionally, following resident concern around loss of green land, the scheme will seek to revitalize the existing green spaces throughout the broader Sir Frederick Messer

estate, by expanding its tree planting and replacement strategy to include other areas beyond the site's red line boundary. This will help reduce air pollution, carbon emissions, and overheating; whilst also creating habitat and improving health and well-being. At the appropriate time, the Council will engage with local residents on these plans to ensure they are shaped in a way that maximises their benefit to those currently living on the estate.

- 7.4 The development follows Council Policy to ensure that all new schemes are car free, with the exception of Blue Badge spaces. The evidence submitted with the Planning Application identified high Public Transport Accessibility Levels (PTAL) rating of three to five but most of the site falling between the four to five range. This was taken into account during the decision-making process for the Planning Application.

#### Community Engagement

- 7.5 The Housing Engagement Team undertook further community engagement events in relation to the emerging proposals between 27<sup>th</sup> August 2024 and 23<sup>rd</sup> September 2024. This included two in person engagement events, which took place on the 6<sup>th</sup> and 14<sup>th</sup> September 2024.
- 7.6 The in-person engagement events were held in front of Henrietta and Oatfield housing on the grassed area where the proposed scheme would be built. For each event, invitation letters were addressed to local residents and advertised on council webpages, including presentation boards.
- 7.7 During the in-person engagement events, residents were asked to complete hard copy questionnaires for their views on the scheme, or offered an opportunity to submit electronically via council on consultation platform, 'Commonplace'.
- 7.8 A total number of 17 responses were recorded, three Commonplace questionnaires and 14 paper questionnaires. In total 58 residents were engaged over the course of each in-person engagement event.

#### Planning consultation

- 7.9 The planning application for this scheme was submitted on 5th December 2024 and local residents were again formally consulted as part of the planning process. The consented Scheme provides for sixty-six new social rented homes with seven wheelchair adaptable homes in accordance with Planning Policy. The proposed Block is six storeys in height. The development of social housing will lead to an improvement in the environment, social or environmental wellbeing on the wider estate enabling a secured by design approach to eradicate some areas of existing anti-social behaviour. This will create visibility and activity to deter ASB hotspots on this part of the Estate. The environmental benefits of the new Block, which will meet the Council's exacting sustainability targets, will contribute to a significantly improved environment for surrounding buildings and Tenants.
- 7.10 There is no evidence to indicate that any third-party rights would be infringed by land adjacent to Sir Frederick Messer development. Resolution to grant approval was received on the 4th March 2025. Planning Committee meeting and the Decision Notice was received on 28 August 2025. Concerns were raised about the size, massing and the potential impact on obstructing views, light, overshadowing and overlooking of neighbourhood properties. Following a daylight/sunlight assessment, it was concluded that there was an acceptable impact on the daylight and sunlight amenity of the neighbourhood properties.

## **8 Build Contract**

- 8.1 The report is seeking approval for the award of the construction contract to enable the new build works to commerce.
- 8.2 The housing scheme at corner of St Ann's and Seven Sisters Road adjacent to Henrietta and Oatfield House has been designed up to RIBA stage 3+ of the Royal Institute of British Architects (RIBA) Plan of Works 2020. Following planning approval being granted, a contractor is needed to develop the technical design and complete the new build works. It is currently anticipated the contract period will be 86 weeks as per Contractor A's proposed programme and submitted as part of their tender.
- 8.3 The project tender involved publishing via the LCP DPS framework. This exercise constituted an open tender process for any supplier registered under the DPS. The tender was published on 18<sup>th</sup> March 2025 and the submission deadline was 10<sup>th</sup> June 2025. Six submissions were received by the tender deadline.
- 8.4 Tender submissions were checked for compliance and completeness by the Strategic Procurement Team on 11th June 2025. Contractor (D) was found to not pass the due diligence questionnaire based on their turnover. The remaining tenders were all found to be compliant and complete.
- 8.5 The tenders were evaluated for Quality, Price and Social Value as set out in the ITT document.
- 8.6 Following the evaluation process, the total overall Quality and Price scores were combined to provide the ranking of the bidders in accordance with the Most Economically Advantageous Tender (MEAT) and as outlined in the tender documents.
- 8.7 The information summarises the overall tender scores achieved by each Bidder in line with the tender evaluation criteria of 50% Price and 40% Quality and 10% social value as set out in the Invitation to Tender document. Full tender sum analysis based on the cost consultants estimate has been provided in Appendix 3, which is exempt due to the commercially sensitive nature of this information.
- 8.8 Costs were evaluated independently by the Project Team's Cost Consultant to ensure value for money in line with current market trends.
- 8.9 The project team's Cost Consultant was assigned to independently evaluate the cost to ensure value for money in line with current market trends. A number of requests for clarification were issued with the responses analysed to established robust costing for the Council. The Cost Consultant report has been provided in Appendix 3.
- 8.10 The Quality evaluation was completed independently by three Council Officers. Their scores were then sent to the Procurement Officer, who hosted a moderation session to determine the final consensus scores. The Quality evaluation Officers had no sight of the Price submissions or the other evaluators scores during the evaluation process.
- 8.11 The contract is to be awarded on a fixed price basis. It includes new build works, the works, site mobilisation, site enabling works, management costs and includes overheads and profits and there is a defects and liability period of 24 months

## **9 Contribution to the Corporate Delivery Plan 2024-2026 high level strategic outcomes**

- 9.1 The recommendations in this report will support the outcomes of the Corporate Delivery Plan 2024 - 2026, Theme 'Homes for the Future', which sets out to increase the number and variety of high-quality and sustainable homes in the borough

## **10 Carbon and Climate Change**

- 10.1 The development exceeds the targets set by the London Plan achieves 31% CO2 reduction through energy efficiency measures, 'Be Lean' stage using SAP10.2. Savings achieved through renewable technologies as part of the 'Be Green' stage yield a further CO2 reduction 58%. The technologies proposed are Air Source Heat Pumps and Photovoltaic panels.

## **11 Statutory Officers comments**

### **11.1. Legal**

#### **Director of Legal and Governance (Monitoring Officer)**

#### **Contracts & Procurement Comments**

- 11.2 The Director of Legal and Governance (Monitoring Officer) was consulted in the preparation of the report.
- 11.3 The report indicates and Strategic Procurement has confirmed that the contract in the report was procured via LCP's Principal contractor - Housing & Residential DPS and this is in line the Council's Contract Standing Order (CSO) 8.01.
- 11.4 Pursuant to the provisions of the Council's 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 and as such the recommendation in paragraphs 3.1 and 3.6 of the report is in line with the Council's CSO.

#### **Appropriation under Section 122 of the Local Government Act 1972**

- 11.5 Recommendation 3.3 seeks to appropriate the development site shown on the plan at Appendix One. The Council currently holds the land for housing purposes. In order to carry out the development under the planning permission, the development site is required to be appropriated from housing purposes to planning purposes under Section 122 of the Local Government Act 1972 ("Section 122 LGA 1972"), which will allow the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016 at Recommendation 3.4.

Section 122 LGA 1972 provides that the Council may appropriate for any purpose for which the Council is authorised by any statute to acquire land by agreement any land which belongs to it and is no longer required for the purpose for which it is held immediately before the appropriation.

- 11.6 The key procedural points are as follows:

- a) The land must already belong to the council
  - b) The land must no longer be required for the purpose for which it is currently appropriated; and
  - c) The purpose for which the council is appropriating must be authorised by statute
- 11.7 Section 122 LGA 1972 provides that the Council may not appropriate land constituting or forming part of an 'open space' or land forming part of a common (unless it is common or fuel or field garden allotment of less than 250 square yards unless they first advertise their intention to do so under the section).
- 11.8 In applying the requirements (a) – (c) of Section 122 LGA 1972 set out above:
- a) the site is Council owned land;
  - b) the site is no longer required for housing purposes; and
  - c) the Council is seeking to appropriate the land for the statutory purpose of planning.
- 11.9 The site does not contain open space. Open space is defined under section 336 of the Town and Country Planning Act 1990 as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. The large grassed area within the development site forms part of the Council's estate and is designated for use by estate residents. It is not open for use by the general public and therefore does not meet the statutory definition of 'open space'.

#### Section 203 of the Housing and Planning Act 2016

- 11.10 By appropriating the land for planning purposes under Section 122 of the LGA 1972, the Council is therefore able to engage the powers contained in Section 203 of the HPA 2016.
- 11.11 Section 203 states a person may carry out building or maintenance work even it involves (a) Interfering with a relevant right or interest (b) breaching a restriction as to use of land. This applies to building work where: -
- a) there is planning consent,
  - b) the work is on land for the purpose for which the land was vested, acquired or appropriated for planning purposes under section s.246(1) of the Town and Country Act 1990;
  - c) the authority could acquire the land compulsorily for the purpose of the building work.
- 11.12 Applying the requirements of Section 203 above,
- a) detailed planning permission was granted for the development on 28 August 2025;
  - b) it is recommended at 3.3 of this report that the land be appropriated for planning purposes under the Section 122 of the LGA 1972;
  - c) this requires that the Council acquire the land compulsorily for the purposes of the building work. Section 226(1) of the Town and Country Planning Act 1990 contains the compulsory purchase powers of the Council which '*the authority think that the acquisition will facilitate the carrying out the development, re-development on or in relation to the land*' or '*required for a purpose which is necessary to achieve the proper planning of an area in which the land is situated*'. This requirement is satisfied as the Council considers that the development will lead to an improvement in the economic, social or environmental wellbeing of the areas as outlined in this report.
- 11.13 Under Section 204 of the Housing and Planning Act 2016, any third-party rights interfered

with by the proposed development are converted into rights to compensation. Recommendation 3.5 seeks delegated authority to approve and make such compensation payments where applicable.

- 11.14 Recommendations 3.6 the Council will be seeking to appropriate the development site following practical completion for housing purposes into the HRA. Recommendation 3.6 may take place under Section 122 of the local government act 1972 as it will no longer be required for its current purpose, in this case planning, and will be appropriated back into housing to be held in the HRA.
- 11.15 Cabinet, in coming to a decision, must conscientiously consider, with an open mind, the outcome of the consultation, giving proper weight to the views expressed.

### **Procurement**

- Strategic Procurement (SP) note that this report relates to the approval to award a contract to Bidder A.
- SP note that a competitive tender was launched via the LCP's Principal contractor - Housing & Residential DPS. The adopted procurement is in line with Contract Standing Order (CSO) 2.01(c) and Regulation 34 of the Public Contract Regulations 2015.
- 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.
- SP support the recommendation to approve the award in accordance with CSO. 2.01 (c).

### **Finance**

- The scheme will deliver sixty-six (66) homes to the housing stock towards achieving the Council's strategic objective of adding 3,000 homes by 2030-31.
- The scheme is included in the Housing Revenue Account's (HRA) capital programme and can be contained within the HRA.
- Further finance comments are provided in Appendix 2 – Exempt Report.

### **Equality**

The Council has a Public Sector Equality Duty 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 those protected characteristics and people who do not.
- Foster good relations between people who share those characteristics and people who do not.

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 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.

The proposed decision relates to new build works to provide 66 new Council homes at Sir Frederick Messer Estate. The decision will increase the supply of Council homes. This will have a positive impact on individuals on the housing register, including families in need of 3-bed homes, which includes people in severe housing need and people currently living in temporary accommodation. Data held by the council suggests that women, young people, those from a lower socio-economic background and BAME people are over-represented among those living in temporary accommodation. As such, it is reasonable to anticipate a positive impact on residents with these protected characteristics and this decision will therefore positively advance the public sector equality duty in Haringey.

With regards to the contract appointment, as an organisation carrying out a public function on behalf of a public body, the contractor will be obliged to have due regard for the need to achieve the three aims of the Public Sector Equality Duty as stated above.

## **12. Use of appendices**

Appendix 1 – Plan - Red Line Boundary.

Appendix 2 - Exempt – financial information

Appendix 3 – Tender Report Financial Evaluation (Exempt)

Appendix 4 – S105 Results

## **13 Local Government (Access to Information) Act 198**

Appendix 2 is 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).