

Report for: **Councillor Sarah Williams**
Title: **Approval to deliver Council homes and let construction contract within Tiverton Estate boundary N15 6RR**
Authorised by: **Robbie Erbmann, Delivery Director, Capital Projects and Property**
Lead Officer: **Jack Goulde, Joint Head of Development Housing and Resources**
Delivery Finance
Ward(s) affected: **Hermitage and Gardens**
Report for Key/
Non Key Decision: **Key Decision**

1. Describe the issue under consideration

- 1.1 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 seventeen new council homes, including two fully wheelchair accessible homes, to be let at social rent. Detailed planning permission was submitted on 17th November 2025 HGY/2025/3156.
- 1.2 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 seventeen new council homes on the land at Tiverton Estate. This includes two 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 Tiverton Estate with the provision of new open landscaped areas, new tree planting, improved site security and connection into the existing Tiverton Estate.
- 2.3 At the centre of two buildings is a communal courtyard garden. 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 Tiverton 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 seventeen council homes will aim to achieve Passivhaus Low Energy Building status, 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 seventeen council homes on the land at Tiverton Estate, N15 6RR for a total contract sum of £6,732,469 and approves the on costs set out in the exempt part of the report. This is in accordance with Contract Standing Order (CSO) 2.01 c).
- 3.2 Included within the Total Scheme Costs approves a financial contribution detailed within the exempt part of the report, for the recommended contractor (A), towards the development and maintenance of identified landscaped areas earmarked for improvement for a period of two years post practical completion of homes.
- 3.3 Agree the commencement of the appropriation of land at Tiverton Estate shown edged red on the plan titled 'Development Plan' attached at Appendix One to the report, from housing purposes to planning purposes pursuant to section 122 of the Local Government Act 1972 so as to rely on the use of the Council's powers under sections 203-206 of the Housing and Planning Act 2016.
- 3.4 Authorise the placement of public advertisements to seek public opinion and responses to the proposed appropriation of the land edged red on the plan titled "Development Plan" attached at Appendix One to the report.
- 3.5 Approve the making of an application to the Secretary of State under section 19 of the Housing Act 1985 for consent to the appropriation under paragraph 3.3 above (if necessary).
- 3.6 Approves the total scheme costs including: on costs, works and interest to the value as set out in detail in the exempt part of the report.
- 3.7 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 open space in front of 24-96 Tiverton Road with the Tiverton Estate, was approved by Cabinet on 21st January 2020 to be included in the Council's Housing Delivery programme. A design and access plan, aimed to supporting a planning application for the redevelopment submitted by appointed Architects on 17th November 2025. On the 5th March 2026, the scheme was submitted for consideration by Planning Committee, and received unanimous recommendation for approval by members.
- 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. Whilst the scheme is yet to receive formal planning permission, there are no obvious concerns about the loss of rights, which 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.

- 4.4 The proposed development site shown edged red on the plan comprises the area of the main grassed area on front of Tiverton Estate and the adjacent areas where greening interventions are planned to take place. The site proposal will provide seventeen much needed Council homes in two four-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 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 Framework Lot 1.1. 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 Dynamic Purchasing System. However, owing to the size and approximate value of the development, the LCP framework was considered a more suitable option with an approved list of contractors.
- 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.

6 Background information: Tiverton Estate Development Site

- 6.1 As shown in the 'Proposed Site Plan' in Appendix 1, the site is located within a post-war residential estate to the north-east of Finsbury Park, the site is a poorly utilised green space surrounded by 4-5 storey residential blocks, car parking and highways.
- 6.2 The space consists of lawn bisected by a footpath running centrally through the space, scattered trees and raised planters with overgrown vegetation in the east and west boundaries. A modest church structure is located to the north. The site has no specific planning policy designations, other than it is located within a critical drainage area. Locally significant industrial land is located to the south-east. Local employment regeneration areas are located to the south and west of the site. The site is not located within a conservation area and there are no heritage assets on or in proximity to the site.

- 6.3 Between the estate volumes, there is a combination of private and communal green spaces. Three open spaces that sit nearby our site are Tewkesbury Road Open Space, 2-24 Tiverton Road Open space and the playground opposite the Church.
- 6.4 In addition to the provision of new homes, proposals include public realm improvements, including provision of a new pedestrian crossing intended to improve access to the site for both new and adjacent existing residents, and disabled parking for the proposed development.
- 6.5 The site is Council-owned and is currently held in the Council's Housing Revenue Account.
- 6.6 In January 2020, Cabinet approved the inclusion of Tiverton Estate into the Council's Housing Delivery programme. Designs have currently been developed to RIBA Stage 3+. The scheme is scheduled to be considered for approval at Planning Committee in March 2026. Pending a positive planning outcome on this site, it is the intention to move swiftly to construction with main contractor.

7 Community Engagement and S105 Consultation

- 7.1 Community engagement and S105 was undertaken by the Applicant having regard to the Localism Act 2011, the National Planning Policy Framework, and the Council's Statement of Community Involvement.
- 7.2 The Council undertook a combined community engagement and S105 consultation. The objectives of the engagement activities were to ensure that local residents, key stakeholders and elected representatives were made fully aware of the proposals and had an opportunity to participate in shaping the plans, along with providing their feedback to the Applicant.
- 7.3 Local engagement has consisted of: pre-application community engagement exercise, including online events, letters circulated and in person events with residents; dialogue with ward Councillors; the Metropolitan Police Designing Out Crime section, the Haringey Quality Review Panel and the Local Planning Authority (LPA).
- 7.4 As part of the combined community engagement and S105 exercise, letters were distributed to 293 secure tenants and 154 leaseholders within the Tiverton Estate. Of the secure tenants, the council received a 18.4 % response rate, and for Leaseholders 17.5%.
- 7.5 The surveyed responses highlighted the loss of green space as the main concern arising from the proposed development. Additionally, impact upon on existing parking provision, concerns raised regarding loss of daylight and overshadowing from the new building, were the other key issues raised by residents.
- 7.6 The combined S105 and community engagement ran from 27th June to 3rd August 2025. During this period, in person consultation events were held on 19th, 23rd and 29th July 2025. During the engagement process the residents' primary concerns related to the scale, height and design of the proposed buildings; transport concerns regarding the parking and loss of open space. A total of 35+ residents attended across the three engagement events. Feedback received during the engagement process will be considered carefully and reported to a later Cabinet meeting.

Planning consultation

- 7.9 The planning application for this scheme was submitted on 17th November 2025 and local residents were again formally consulted as part of the planning process. The

submitted scheme provides for seventeen new social rented homes with two wheelchair adaptable homes in accordance with Planning Policy. The proposed Block is four 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.

8 Build Contract

- 8.1 The report is seeking approval for the award of the construction contract to enable the new build works to commence.
- 8.2 The housing scheme 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 62 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 Framework Lot 1.1. This exercise constituted an open tender process for any supplier registered under Framework Lot 1.1. The tender was published on 17th November 2025 and the submission deadline was 19th February 2026. Six submissions were received by the tender deadline.
- 8.4 Tender submissions were checked for compliance and completeness by the Strategic Procurement Team on 21st January 2026. All 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 70% Price and 20% 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 three.
- 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
- 8.12 The total scheme cost can be contained with the 2026/27 new build budget/MTFS approved by Full Council, 3rd March 2026.

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 In total, the development is expected to achieve regulated CO2 savings of 77.8% compared to a notional development that meets the minimum Part L 2021 standards of performance. The proposed development therefore exceeds the London Plan CO2 savings target of 35% overall. The technologies proposed are air source heat pumps and solar photovoltaic panels.

11 Statutory Officers comments

11.1. Legal

Appropriation is the process by which land held by the Council pursuant to one statutory function is transferred to another statutory function.

Section 122 Local Government Act 1972 governs the process of appropriation. Under section 122 (1) of Local Government Act 1972 a local authority may appropriate for any purpose for which the Council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation.

Appropriation has the effect of overriding restrictions and third party rights that may affect the use and further development of the land in return to a right to compensation.

Under section 203 of the Housing and Planning Act 2016 ("HCPA") a local authority or successor in title has the power to carry out building or maintenance works even if it involves (a) interfering with a relevant right of interest, or (b) breaching a restriction as to the user of land arising by virtue of a contract or an obligation under a conservation covenant. Four tests must be met for section 203 to apply, namely:

- (1) There is planning permission for the building or maintenance work;
- (2) The works are carried out on land vested in or acquired by the authority or on land which has been appropriated for planning purposes;
- (3) The authority could acquire the land compulsorily for the purposes of the proposed works; and
- (4) The works are for purposes related to the purpose for which the land is vested, acquired or appropriated.

Under section 204 HCPA 2016 the Council would be liable to pay compensation for any interference with a relevant right or interest or breach of a restriction that is authorised by section 203. The amount of compensation is the diminution in the value of the affected interest.

The land edged red (“the Land”) is owned by the Council and held for statutory purposes. The land is currently held for housing purposes. Section 122 (2A) of the Local Government Act 1972 provides that before appropriating any land which is open space the Council must give notice of its intention to do so and consider any objections made to the proposed appropriation. If land is held for housing purposes, the power to appropriate is subject to section 19 of the Housing Act 1985. Under section 19(1) , an authority may not appropriate housing land with dwellings on it for other purposes without the consent of the Secretary of State. If land shown on the Development Plan contains a house, the Council will need to make an application to the Secretary of State for consent before commencement of the appropriation process.

Prior to appropriating the Land shown edged red titled “Development Plan” the Council will have to advertise intent to appropriate the Land for 2 consecutive weeks in a local paper. Comments and views received will be reviewed, assessed and incorporated into another report at a future date. A further decision will need to be made to approve the appropriation under section 122 of the Local Government Act 1972.

The tender has been procured via the London Construction Programme Framework Agreement Lot 1.1. Use of a framework agreement is compliant with the Public Contracts Regulations 2015 (Reg 33) and is also provided for in the Council’s Contract Standing Orders (CSO 7).

Where a decision needs to be taken by Cabinet, CSO 0.08 states that this may also be taken by the Leader or by a Cabinet Member with the Leader’s consent.

The award of the contract is a Key Decision and as such needs to comply with the Council’s governance processes in respect of Key Decisions including publication in the Forward Plan.

The Director of Legal and Governance (Monitoring Officer) confirms that there are no legal reasons preventing the Cabinet Member from approving the recommendations in this report.

11.2. Procurement

Strategic Procurement (SP) notes that this report relates to the approval to award a contract to Tenderer A/ (in the exempt part of the report)

SP note that a competitive tender was launched via the LCP’s Housing Framework for Lot 1.1. The adopted procurement is in line with Contract Standing Order (CSO) 7.02 and Regulation 33 of the Public Contracts Regulations.

The Tenderers’ bid submissions were evaluated in accordance with the scoring methodology contained within the published Invitation to tender document.

Bid evaluation was based on price and quality and the preferred bidder submitted the most economically advantageous tender.

SP supports the recommendation to approve the award in accordance with CSO’s 2.01c, 0.08

11.3. Finance

The report recommends award of contract to develop 17 new build homes for a contract sum of £6.73m.

This sum will be met from the new build capital programme budget/MTFS approved by full Council in March

Further finance comments are contained in the exempt report.

11.4. Equality

The Council has a Public Sector Equality Duty under section 149 of 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 17 new Council homes at Tiverton 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).