

Report for: Cabinet Member for Housing

Item number: CP-00488

Title: Approval to Award Contract, **Kings Road Car Park, N17**

Report Authorised by: Taryn Eves, Corporate Director of Finance and Resources

Lead Officer: Jonathon Kirby, Delivery Director of Capital Projects and Property

Ward(s) affected: Bruce Castle

Report for Key/
Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 On 11 November 2025, Cabinet approved the commencement of a procurement exercise for the selection of a main contractor to deliver the redevelopment of Kings Road Car Park (land to the rear of St James Place), N17 8NP ("the Development"), in accordance with Contract Standing Order (CSO) 2.01(b). The scheme forms part of the Council's Housing Delivery Programme and the commitment to deliver 3,000 new Council homes by 2031.
- 1.2 Following completion of a competitive tender process, this report seeks approval to appoint the contractor identified in the exempt report to deliver the Development, in accordance with Contract Standing Orders 2.01(c).
- 1.3 Planning permission was granted on 18 February 2026 under application reference HGY/2025/3409 for the redevelopment of the site to provide 9 x four-bedroom, three-storey Council homes for Social Rent, together with cycle storage, refuse storage and associated landscaping. The location of the Development is shown on the Site Plan at Appendix 1.
- 1.4 The report also seeks Cabinet Member approval to appropriate the site from housing purposes to planning purposes to facilitate the Development and enable the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016 in respect of any third-party rights affected by the Development.
- 1.5 Following practical completion of the Development, approval is also sought to appropriate the land back to housing purposes.

2. Cabinet Member Introduction

- 2.1 We are living through a generational housing crisis.
- 2.2 The mass sell-off of council homes and uncontrolled private rents means too many residents don't have a safe and suitable place to call home.

- 2.3 The most important things that councils can do is build council housing.
- 2.4 As a local council we will do everything we can with the power and money we have to build.
- 2.5 The single biggest priority is family-sized homes – with thousands of families in Haringey currently living in overcrowded and expensive homes.
- 2.6 Later this year, Haringey will start to transform the old Kings Road car park into new affordable council homes for local residents.
- 2.7 We're building nine townhouse-style homes here, all for families. Every home will have four bedrooms, helping us reduce the number of overcrowded homes in the borough.
- 2.8 Alongside the new building, we'll be landscaping the green space and upgrading the public realm. A whole new set of lighting and CCTV will be going in – benefiting an estate that has had to deal with repeated anti-social behaviour.
- 2.9 The insulation standards for the new homes will be first rate – using Passivhaus principles – to cut energy bills for residents.
- 2.10 This will be a great contribution to genuinely affordable housing in this borough.

3. Recommendations

It is recommended that the Cabinet Member for Housing:

- 3.1. Approves the total scheme cost for the delivery of the Development, as detailed in Appendix 4 (Part B Exempt Report).
- 3.2. Approves the appointment of Contractor A, as identified in Appendix 4 (Part B Exempt Report), to deliver the Development at Kings Road Car Park (land to the rear of St James Place), N17 8NP, comprising 9 new Council homes, for the contract sum of £3,950,256 and client contingency set out.
- 3.3. Approves the issuance of a Letter of Intent for up to 10% of the contract value, as set out in Appendix 4 (Part B Exempt Report).
- 3.4. Approves the appropriation of the land at Kings Road Car Park (land to the rear of St James Place), N17 8NP, shown edged red on the Site Plan at Appendix 1, from housing purposes to planning purposes pursuant to Section 122 of the Local Government Act 1972, to facilitate the delivery of the Development approved under planning permission reference HGY/2025/3409 and enable the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016.
- 3.5. Approves, that upon appropriation of the land for planning purposes, 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 affecting the land shown edged red on the Site Plan at Appendix 1 which may be interfered with by the construction and use of the Development approved under planning permission reference

HGY/2025/3409.

- 3.6. Approves the delegation of authority to the Delivery Director of Capital Projects and Property, in consultation with the Corporate Director of Finance and Resources and the Cabinet Member for Housing, to:
 - a) implement the appropriations referred to in this report including determining the precise timing of such appropriations;
 - b) take all necessary steps to enable reliance on section 203 of the Housing and Planning Act 2016
 - c) agree and make any necessary compensation payments arising from valid claims relating to third-party rights affected by the Development.
- 3.7. Approves the subsequent appropriation of the land shown edged red on the Site Plan at Appendix 1 from planning purposes back to housing purposes within the Housing Revenue Account, pursuant to Section 19 of the Housing Act 1985, such appropriation to take effect upon practical completion of the Development.

4. Reasons for decisions

- 4.1. The site known as Kings Road Car Park (land to the rear of St James Place), N17 8NP, was approved by Cabinet in October 2021 for inclusion in the Council's Housing Delivery Programme. Planning permission for the redevelopment of the site was subsequently granted on 18 February 2026 under application reference HGY/2025/3409, for the construction of 9 x four-bedroom, three-storey Council homes for Social Rent, together with associated refuse and cycle stores and landscaping.
- 4.2. Financial appraisals, supported by the Council's independent cost consultant, confirm that the scheme is viable and represents value for money. Following the completion of the procurement process, the recommended contractor was identified as submitting the Most Economically Advantageous Tender (MEAT) and is therefore recommended for contract award.
- 4.3. The approved development will deliver nine family-sized Council homes for Social Rent and make a significant contribution towards addressing the shortage of larger affordable homes within the borough. Four-bedroom Council homes are in particularly short supply and are required to meet the needs of families currently living in overcrowded accommodation or temporary housing. The Development will therefore help meet identified housing need whilst supporting the Council's objective of delivering 3,000 new Council homes by 2031.
- 4.4. The Development represents the efficient redevelopment of an underutilised HRA asset and will provide long-term social value through the delivery of high-quality affordable housing on Council-owned land.
- 4.5. The Development has been designed to address existing issues associated with the site, including anti-social behaviour and fly-tipping, through enhanced natural surveillance, improved site layout, secure access arrangements, and dedicated refuse storage facilities. Collectively, these measures will improve the quality of the local environment and contribute to a safer and more attractive neighbourhood for both

existing and future residents.

5. Alternative options considered

- 5.1. The Council could choose not to proceed with the Development. This option was rejected because it would prevent the delivery of the approved scheme of nine family-sized Council homes for Social Rent and would fail to make effective use of Council-owned land to address identified housing need.
- 5.2. The Council could proceed with the Development without appropriating the site for planning purposes and without relying upon the powers contained within Section 203 of the Housing and Planning Act 2016. This option was rejected because it could expose the Council to the risk of injunctions or other legal challenges arising from third-party rights or easements affected by the Development. Appropriation for planning purposes enables the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016, ensuring that any interference with third-party rights is converted into a right to compensation rather than a right to prevent or delay the Development.
- 5.3. The Council could choose not to appropriate the land back to housing purposes following practical completion of the Development. This option was rejected because the completed homes are intended to remain within the Housing Revenue Account and be managed as Council housing at Social Rent. Re-appropriation to housing purposes is therefore necessary to facilitate the long-term ownership and management of the completed homes.

6. Background information

- 6.1. The site known as Kings Road Car Park (land to the rear of St James Place), Tottenham, N17 8NP is a Council-owned site located within a predominantly residential area in the Bruce Castle ward. The site currently comprises a surface-level estate car park containing approximately 40 parking spaces, six disused garages, refuse and bulky waste storage facilities, and associated hardstanding. The site sits within an established residential neighbourhood and is bounded by existing Council housing, community facilities and the London Overground railway corridor.
- 6.2. The site was approved by Cabinet in October 2021 for inclusion within the Council's Housing Delivery Programme as part of the Council's commitment to deliver 3,000 new Council homes by 2031. The redevelopment of the site forms part of the Council's wider strategy to make effective use of underutilised Council-owned land to address housing need, reduce reliance on temporary accommodation and deliver genuinely affordable homes for residents.
- 6.3. Planning permission was granted on 18 February 2026 under planning application reference HGY/2025/3409 for the redevelopment of the site to provide nine family-sized Council homes for Social Rent, comprising eight four-bedroom, seven-person homes and one four-bedroom, six-person home, together with new cycle storage, refuse storage, landscaping and associated estate improvements.
- 6.4. The approved scheme has been developed through an extensive design process and

represents a carefully considered response to a constrained and complex infill site. Throughout the design development process, a range of options were explored, including flatted development. However, following detailed assessment of the site's physical constraints, including its relationship with the railway corridor, residential amenity considerations, overheating requirements and buildability, a terrace of family houses was identified as the preferred solution. The final design delivers more family bedspaces, improved residential quality and better long-term management outcomes than alternative options considered during the feasibility stages.

- 6.5. Emphasis has been placed on creating homes that reflect how families live in practice. Significant design work was undertaken to refine the internal layouts and ensure that every aspect of the homes contributes positively to residents' day-to-day experience. The homes provide generous accommodation, practical circulation routes, storage, clearly defined living and dining spaces and private amenity space. The scheme exceeds minimum space standards and has been designed to provide flexible and adaptable accommodation capable of meeting the changing needs of families over time.
- 6.6. A key design principle has been the delivery of simple, robust and repeatable house types that maximise quality while ensuring cost efficiency and long-term maintainability. Careful attention has been given to the arrangement of rooms, access to natural light, outlook, privacy and outdoor space. The design incorporates first-floor terraces which provide valuable amenity space whilst simultaneously improving ventilation, daylight penetration and environmental performance throughout the homes.
- 6.7. Sustainability has been embedded throughout the Development and has informed both the architectural design and building specification from the outset. The homes have been designed using a fabric-first approach and adopt Passivhaus principles to minimise energy demand, improve thermal comfort and reduce operational carbon emissions. Whilst formal Passivhaus accreditation is not being pursued, the scheme incorporates proven Passivhaus methodologies, focusing on high levels of insulation, airtightness and thermal performance to create comfortable, energy-efficient homes.
- 6.8. In addition to the fabric-first approach, the homes will be equipped with air source heat pumps, solar photovoltaic panels and Mechanical Ventilation with Heat Recovery (MVHR) systems. The Development also incorporates enhanced overheating mitigation measures, including external solar shading and passive cooling strategies, ensuring the homes remain resilient to future climate conditions. Every home and every bedroom have been designed as dual aspect, maximising natural daylight and ventilation whilst supporting resident health and wellbeing.
- 6.9. The design has been strongly influenced by the site's location adjacent to an operational railway corridor. The position and size of windows, orientation of rooms and overall building layout have been carefully considered to mitigate railway noise, improve resident comfort and reduce overheating. Principal bedroom windows have been orientated away from the railway and towards communal green spaces, improving outlook and creating a quieter living environment for future residents.
- 6.10. The material choices have been developed with a focus on quality, durability,

sustainability and ease of maintenance. The scheme incorporates low-carbon construction materials, which significantly reduce embodied carbon when compared with traditional masonry products.

- 6.11. Beyond the delivery of new homes, the proposed development provides a comprehensive package of estate improvements. The site currently experiences issues relating to anti-social behaviour, poor surveillance, fly-tipping and underutilised public space. The Development has therefore been designed to improve the overall quality of the local environment through enhanced landscaping, improved lighting, secure access arrangements, CCTV coverage, defensible planting and upgraded refuse facilities. These measures will create a safer, cleaner and more attractive environment for both existing and future residents.
- 6.12. The quality of the design has been recognised nationally through the scheme's shortlisting for the 2026 Housing Design Awards, with the winners to be announced in Autumn 2026. The Development was recognised for its innovative response to site constraints, commitment to sustainable design, thoughtful family-focused layouts and the successful integration of high-quality housing within a challenging urban context. This recognition places the scheme amongst a select number of residential projects identified nationally as demonstrating excellence in housing design.
- 6.13. Overall, the Development represents a design-led and sustainable use of Council-owned land that will provide much-needed family housing whilst delivering wider estate regeneration benefits. The scheme demonstrates how good design, careful attention to detail and a clear focus on residents' needs can create homes that are practical, energy efficient, attractive and built to serve the community for generations.

Planning

- 6.14. The Council undertook extensive pre-application engagement with the Local Planning Authority throughout the design development process. This included several pre-application submissions and design reviews focused on housing quality, sustainability, urban design, transport, overheating mitigation, neighbour amenity and estate management. Feedback received through this process informed the evolution of the scheme and assisted in ensuring compliance with both local and London Plan policy requirements.
- 6.15. Alongside the design and planning process, the Council undertook extensive engagement with residents, ward councillors, internal stakeholders and external consultees. Feedback received helped shape key aspects of the Development, including refuse provision, security measures, landscaping improvements, lighting, CCTV coverage and wider environmental enhancements. The engagement process helped ensure the final proposals reflected local priorities whilst responding to operational and management requirements identified by Council services and residents.
- 6.16. The planning application was supported by a comprehensive suite of technical assessments covering transport, parking, sustainability, noise, daylight and sunlight, landscaping, ecology, residential amenity, overheating, fire safety and design quality. Following consideration of the application, consultation responses and technical submissions, planning permission was granted on 18 February 2026.

Consultation and Section 105 Process

- 6.17. In accordance with Section 105 of the Housing Act 1985, the Council undertook a formal consultation on the proposed changes to tenant amenities arising from the Development. This related primarily to the removal of the existing estate car park and the relocation of refuse and bulky waste facilities serving residents of James Place and Church Road.
- 6.18. The Section 105 consultation was undertaken between 24 June 2025 and 22 July 2025 and involved 39 affected households, comprising 21 secure tenants and 18 leaseholders. Residents were provided with consultation materials and opportunities to respond online, in writing and in person.
- 6.19. The statutory consultation formed part of a wider programme of engagement undertaken throughout the development of the proposals. Residents were able to review project information, attend engagement events and provide feedback through the dedicated Kings Road Commonplace website.
- 6.20. To support engagement, the Council held two on-site drop-in sessions and a community meeting and undertook targeted door-knocking exercises. Additional engagement was carried out in October 2025 to gather residents' views on the design and operation of the proposed refuse and recycling stores, which informed the final refuse strategy.
- 6.21. The Section 105 consultation received ten formal responses, representing approximately 26% of affected households. The main issues raised related to parking, refuse provision, anti-social behaviour, security, fly-tipping and estate management.
- 6.22. Whilst the formal Section 105 response rate was modest, the statutory consultation was supported by wider engagement activities, including community events, door-knocking and feedback through the project website. The issues raised were consistent across the various engagement activities and provided officers with a clear understanding of residents' priorities.
- 6.23. Feedback received directly informed the development of the scheme. In response to concerns raised, the Council committed to retaining Controlled Parking Zone permit eligibility for existing residents, improving CCTV coverage and lighting, strengthening access controls and reviewing the design and management of refuse facilities.
- 6.24. Having considered the consultation feedback and proposed mitigation measures, officers concluded that the benefits arising from the delivery of nine new Council homes for Social Rent, together with wider environmental, security and estate improvements, outweigh the impacts associated with the loss and reconfiguration of existing amenities.
- 6.25. A full Equality Impact Assessment (EqIA) was completed following the consultation and engagement process. The assessment considered the potential impacts of the proposals on residents and groups with protected characteristics and informed the development of the final scheme. The EqIA is included at Appendix 2.

Tender process

- 6.26. The Kings Road Car Park scheme has been designed to RIBA Stage 3 and has secured planning permission, a contractor is now required to complete the technical design, discharge planning conditions and deliver the approved development. Approval is therefore sought to award a Design and Build contract to enable the project to progress to construction.
- 6.27. The Council initially sought to appoint a contractor through the LCP Framework. Whilst this procurement route provides access to a pre-qualified pool of contractors, the framework has a limited number of eligible suppliers available to bid for projects of this size and nature. The tender opportunity was issued through the framework on 8 December 2025 with tender returns received on 10 February 2026.
- 6.28. Despite several contractors being eligible to tender through the framework, the Council received only a single compliant tender submission. The tender was evaluated by the project team, supported by the Council's Cost Consultant and Procurement Team.
- 6.29. Following detailed evaluation, officers concluded that the tendered contract sum did not represent sufficient value for money when considered against the approved budget and independent cost advice. As only one compliant tender was received, there was limited opportunity to benchmark the submitted price against competing market bids. In the absence of a competitive market test, officers were unable to obtain sufficient assurance that the tendered sum reflected best value for the Council and therefore determined that the opportunity should be re-tendered through a wider procurement route.
- 6.30. In addition to concerns regarding cost, whilst the bidder demonstrated an understanding of the project requirements, officers considered that the submission did not provide the level of assurance sought in relation to programme management and the coordination of approvals required from Network Rail under the Basic Asset Protection Agreement (BAPA). Given the importance of these interfaces to the successful delivery of the scheme, officers determined that, on balance, it would be prudent to re-tender the opportunity to ensure the Council secured both best value and the most suitable delivery partner for the project.
- 6.31. Given the absence of meaningful competition and concerns regarding both cost and quality, officers determined that proceeding with an award would not achieve best value for the Council. As a result, the procurement was concluded and no contract award was made.
- 6.32. To maximise competition and test the market more effectively, the Council subsequently undertook a second procurement exercise using the LCP Dynamic Purchasing System (DPS).
- 6.33. The re-tendering exercise was undertaken to secure greater market engagement, provide stronger benchmarking of tendered costs and increase confidence that the Council would receive submissions representing both value for money and an appropriate level of quality. The procurement adopted a single-stage JCT Design and

Build approach, allowing the successful contractor to complete the detailed technical design, discharge planning conditions and deliver the construction works.

- 6.34. Tender documents were issued on 17 April 2026. The tender clarification period remained open until 1 June 2026, with final tender submissions received on 26 June 2026.
- 6.35. Tender submissions were evaluated in accordance with the published procurement criteria using a combined quality and cost assessment. Quality submissions were assessed by officers from the Council's project team, with moderation support provided by the Procurement Team. Cost submissions were independently reviewed by the Council's appointed Cost Consultant to ensure robustness, affordability, value for money and alignment with prevailing market conditions.
- 6.36. Following completion of the evaluation process, the highest-scoring tender was identified as offering the Most Economically Advantageous Tender and is therefore recommended for contract award, as detailed in the exempt part of this report. The recommended contractor demonstrated a strong understanding of the project requirements, a robust delivery methodology and a competitive tender submission that represents value for money for the Council.
- 6.37. The contract will be awarded on a Design and Build basis and includes completion of the technical design, discharge of planning conditions, site establishment and enabling works, construction of the nine new homes, associated landscaping and public realm works, refuse and cycle storage facilities, utility diversions and statutory approvals, together with all associated preliminaries, management costs, overheads and profit. The contract will also contain a defects liability period following practical completion.
- 6.38. Subject to approval of this report, it is anticipated that the contract will be executed and site possession granted during winter 2026, with construction commencing shortly thereafter and practical completion anticipated by early spring 2028. The programme has been developed to align with planning requirements, statutory approvals and Network Rail interface obligations associated with the site.

Land Appropriation

- 6.39. The Kings Road Car Park site (land to the rear of St James Place), N17 8NP, shown edged red on the Site Plan at Appendix 1, is currently held within the Housing Revenue Account (HRA) for housing purposes. It is recommended that the Development is appropriated for planning purposes pursuant to Section 122 of the Local Government Act 1972. There is a pressing public need to carry out the Development and deliver housing, which is no longer needed for the purposes for which it is currently held.
- 6.40. In order to carry out the works at the Development, the land must be appropriated for planning purposes pursuant to Section 122 of the Local Government Act 1972, It will then be held by the Council under the statutory provisions of Part 9 of the Part 9 of the Town and Country Planning Act. The practical consequences (by virtue of Section 237 of the Town and country Planning Act 1980, as amended by Schedule 9 of the

Planning Act 2008) is that demolition, erection, construction or carrying out of any building or work on land is authorised under those planning powers, if the works are done in accordance with a planning permission, even if they interfere with third party rights.

6.41. The Council will seek to rely on the powers in section 203 of the Housing and Planning Act 2016, to override any third-party rights which may be infringed, in order to enable the timely delivery of the Development and to avoid the risk of injunctions that could otherwise delay or prevent implementation. The engagement referred to at paragraphs 6.17 - 6.25 of this report and additional efforts will ensure the Council will identify any potential third-party rights that may be infringed by the development. The Council considers that the use of section 203 powers is justified having regard to the public benefits of the proposed Development as outlined in this report. These benefits outweigh the interference with potential private rights. Any interference with third party rights will give rise to a right to compensation, payable by the Council. Delegated powers are sought at Recommendation 3.6(c) for the payment of such compensation. Accordingly, the Council considers that the use of its powers under section 203 is proportionate and in the public interest, having regard to its duties under section 6 of the Human Rights Act 1998.

6.42. Following practical completion of the Development, the site will be appropriated back to housing purposes within the HRA, enabling the completed homes to be managed and let as Council housing at Social Rent.

7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes

The recommendations in this report will make a significant contribution and support the delivery of key themes within the Corporate Delivery Plan (CDP) 2024-2026.

7.1. **Homes for the future:** The construction of these new homes directly contributes to this key theme. The council's vision to create a borough where everyone has a safe, sustainable, stable, and affordable home. Providing nine high-quality new homes at council rent will meet this key theme.

7.2. **Responding to the climate emergency:** Responding to the climate change emergency is a core part of the Housing Delivery Programme. This scheme has been designed to Passivhaus principles and employs the latest sustainable technologies resulting in significant carbon emission reductions over the Building Regulations baseline, ensuring homes that are comfortable and efficient to run.

7.3. **Place and economy:** This project will ensure that the objectives set out in this theme are met by providing jobs through construction. This will help contribute to 'a thriving economy and a pleasant place' where 'everyone can find access to rewarding work that pays a living wage', as set out in the CDP.

8. Carbon and Climate Change

- 8.1. The Kings Road Car Park development has been designed with sustainability and climate resilience as core design principles. The scheme adopts a fabric-first approach, incorporating Passivhaus principles to reduce operational energy demand through high levels of insulation, improved airtightness and enhanced thermal performance. This approach prioritises reducing energy consumption at source, creating comfortable homes whilst minimising ongoing carbon emissions.
- 8.2. The approved development incorporates a range of low-carbon technologies designed to support the Council's net-zero ambitions. All homes will be served by air source heat pumps and Mechanical Ventilation with Heat Recovery (MVHR) systems, whilst roof-mounted photovoltaic panels will generate renewable electricity for each dwelling. Collectively, these measures are intended to reduce reliance on fossil fuels, improve energy efficiency and help mitigate fuel poverty for future residents.
- 8.3. The scheme has also been designed to respond to future climate change and overheating risks. Extensive modelling was undertaken during the planning and design process to ensure compliance with the Council's overheating policies and future climate projections. Mitigation measures include fixed solar shading, dual-aspect accommodation, carefully controlled window design and enhanced ventilation strategies. Every home and every bedroom benefits from dual-aspect design, maximising natural daylight and enabling effective cross-ventilation throughout the year.

9. Statutory Officer Comments

Legal

- 9.1. The Director of Legal and Governance (Monitoring Officer) was consulted in the preparation of the report.
- 9.2. The report indicates that the contract in the report was procured via the LCP DPS Minor Works, Principal Contractor – Housing & Residential Service Category and this is a complaint route to procure the contract in line with Regulation 34 of the Public Contracts Regulations 2015 and the Council's Contract Standing Order (CSO) 8.01
- 9.3. Pursuant to the provisions of the Council's CSO 2.01(c), Cabinet has authority to approve the award of a contract where the value of the contract is £500,000 or more and as such the recommendation in paragraph 3.2 of the report is in line with the Council's CSO.
- 9.4. Pursuant to the provisions of the Council's Contract Standing Order (CSO) 16.04 a Letter of Intent may be issued 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 and as such the recommendation in paragraph 3.3 of the report is in line with the Council's CSO.
- 9.5. Recommendation 3.4 seeks authority to appropriate the land edged red on the Site Plan at Appendix 1 comprising the proposed Development, which is currently held in the HRA. To carry out the Development, the site is required to be appropriated for

planning purposes under Section 122 of the Local Government Act 1972 ("Section 122 LGA 1972"). This will enable the Council to utilise its powers under Section 203 of the Housing and Planning Act 2016 at Recommendation 3.5.

- 9.6. Section 122(1) LGA 1972 provides that a principal council 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; but the appropriation of land by a council by virtue of this subsection shall be subject to the rights of other persons in, over or in respect of the land concerned. Section 122(2) LGA 1972 provides a principal council may not appropriate land constituting or forming part of an 'open space' unless they first advertise their intention to do so under the section.
- 9.7. In applying the requirements of Section 122 LGA 1972, the Council is satisfied that:
 - a) the site is Council owned land;
 - b) the site is no longer required for its current purposes; and
 - c) the Council is seeking to appropriate the land for the statutory purpose of planning.
 - d) The site does not constitute open space.
- 9.8. 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 Housing and Planning Act 2016
- 9.9. Section 203(1) - (3) of the Housing and Planning Act 2016 entitles the Council to carry out building or maintenance work even if it involves interfering with a relevant right or interest or breaching a restrictive covenant or an obligation under a conservation covenant. The relevant preconditions are:
 - a) there is planning consent for the building or maintenance work
 - b) the work is carried out on land that has been appropriated by a local authority
 - c) for planning purposes,
 - d) the authority could acquire the land compulsorily for the purposes of the building or maintenance work, and
 - e) the building or maintenance work is for purposes related to the purposes for which the land was appropriated as mentioned in paragraph (b).
- 9.10. The Council is satisfied that the requirements of Section 203 are satisfied in that:-
 - a) there is planning consent for the Development;
 - b) it is recommended at 3.4 of this report that the land is appropriated for planning purposes pursuant to Section 122 of the LGA 1972;
 - c) it could acquire the land compulsorily as the land is already the subject of a confirmed CPO under Section 226(1) of the Town and Country Planning Act 1990.
 - d) the building work is for the purposes for which the land is to be appropriated for, which is for planning for the construction of new housing on the Development.
- 9.11. Recommendation 3.7 seeks to appropriate the land from planning purposes back for housing purposes be held within the HRA, following practical completion works. The Council can do so under Section 19 (1) of the Housing Act 1985. The legislation allows

the Council as a local housing authority to appropriate for housing purposes any land for the time being vested in them and at their disposal. This appropriation is necessary as the new build units will be used for social housing by the Council and therefore must be held in the HRA.

- 9.12. The Director of Legal and Governance (Monitoring Officer) see no legal reasons preventing the approval of the recommendations in the report.

Procurement

- 9.13. 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).
- 9.14. SP note that a competitive tender was launched via the DPS Minor Works Framework, Principal Contractor – Housing & Residential Service Category.
- 9.15. The adopted procurement is in line with Contract Standing Order (CSO) 7.02 and Regulation 33 of the Public Contracts Regulations.
- 9.16. The Tenderers' bid submissions were evaluated in accordance with the scoring methodology contained within the published Invitation to tender document.
- 9.17. Bid evaluation was based on price and quality and the preferred bidder submitted the most economically advantageous tender.
- 9.18. SP supports the recommendation to approve the award in accordance with CSO's 2.01c, 0.08

Finance

- 9.19. Finance acknowledges the recommendation to Cabinet to approve the award of the contract to contractor A, at a contract value detailed in Part B (Exempt) of this report, for the delivery nine family-sized homes at the Kings Road Car Park site.
- 9.20. Finance confirms that the scheme is included within the Housing Revenue Account (HRA) capital programme reflected within the Council's approved Medium-Term Financial Plan (MTFP).
- 9.21. The Kings Road Car Park site is currently held within the HRA. Upon completion, the new homes will be appropriated to and retained within the HRA, where they will be managed as part of the Council's housing stock.
- 9.22. Further detailed financial comments are provided in Part B (Exempt) of this report.

Equality

- 9.23. The Council has a statutory duty under the Equality Act 2010 to have due regard to the need

to:

- Eliminate discrimination, harassment, victimisation, and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a protected characteristic and those who do not; and
- Foster good relations between persons who share a protected characteristic and those who do not.

9.24. This duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The characteristic of marriage and civil partnership is relevant only to the first limb of the duty (elimination of discrimination).

9.25. Although not a protected characteristic under the Equality Act 2010, Haringey Council recognises socio-economic status as a local priority and considers it in its decision-making processes to promote fairness and inclusion.

9.26. The proposed decision relates to the appointment of a contractor to deliver nine new Council homes at the Kings Road Car Park site. The Kings Road Car Park site is in the Bruce Castle ward, adjacent to Tottenham Central and St Ann's. These areas are among the most diverse and socio-economically challenged in Haringey.

9.27. Over 60% of residents in Bruce Castle identify as Black, Asian or Minority Ethnic which is significantly higher than the London average. Bruce Castle falls within the 20% most deprived wards in England, with high levels of income deprivation, child poverty, and unemployment. Haringey has over 3,000 households in temporary accommodation, many of whom are families with children living in overcrowded or unsuitable conditions. The area has a higher-than-average proportion of residents reporting long-term health conditions or disabilities. The local population is younger than the borough average, with a high proportion of children and young adults under 35.

9.28. Data held by the Council indicates that women, young people, individuals from lower socio-economic backgrounds, and people from ethnic minority backgrounds are disproportionately represented among those in temporary accommodation. As such, the delivery of these new homes is expected to advance the Council's Public Sector Equality Duty by improving access to secure, affordable housing for groups with protected characteristics.

9.29. The scheme will increase the supply of genuinely affordable housing in the borough, including larger family-sized homes. This will have a positive impact on residents on the housing register, particularly those in severe housing need and those currently living in temporary accommodation.

9.30. A full Equality Impact Assessment (EQiA) has been completed, which concluded that the decision will have a positive impact on equalities within the borough. While there may be a minor negative impact due to the reduction in parking spaces, this is fully mitigated by the area's high public transport accessibility rating and the continued availability and increase of Blue Badge parking nearby.

9.31. In relation to the procurement process, the appointed contractor acting on behalf of

the Council in delivering a public function will be required to comply with the Public Sector Equality Duty. This includes having due regard to the three aims of the duty throughout the delivery of the contract.

10. Use of appendices

Appendix 1 – Red Line Boundary

Appendix 2 - EqIA

Appendix 3 – Section 105 Report

Appendix 4 – EXEMPT Part B

Appendix 5 – EXEMPT Commercial Tender Report

Appendix 6 – EXEMPT GW3 Appraisal Summary

11. Local Government (Access to Information) Act 1985

- 11.1. Appendices 4, 5 and 6 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).