

Housing Act (1985) Section 105 consultation report	Proposed council house delivery project on the Sir Frederick Messer estate, at the corner of Seven Sisters Road and St Ann's Road (Seven Sisters, N15)
Date	June 2023

1. Introduction

- 1.1 Under the Housing Act 1985 (Section 105), Haringey Council (the council) has a legal obligation to consult its secure tenants on matters of housing management such as changes to the management, maintenance, improvement or demolition of houses let by them or changes in the provision of services or amenities.
- 1.2 In June 2022, the council launched a Section 105 consultation based on proposals for a new housing development on the Sir Frederick Messer estate on open space at the corner of Seven Sisters and St Ann's Road, which would result in changes to the amenities of secure tenants in the area.
- 1.3 This report:
- Outlines the proposals put forward by the council and the impact on the amenities for secure tenants in the area.
 - Provides an overview of the consultation process conducted by the council in accordance with its legal obligations under the Housing Act 1985 (Section 105).
 - Summarises the results and outcome of the consultation.

2. Proposals

2.1 In the proposals outlined to residents during the Section 105 consultation, the council stated its intention to make the following alterations to the amenities in the area:

- Removal of the open space and the footpaths near the corner of Seven Sisters Road and St Ann's Road.
- Reconfiguration of land and the footpaths outside Henrietta House on St Ann's Road.

2.2 The location of the proposed amenity changes are shown opposite, with the open space and footpath changes highlighted within the red line boundary.



2.3 The council is proposing to use the land to build up to 95 new council homes. New landscaping for all residents, including tree planting is also proposed, as well as enhancements to the estate play space areas for local children and improved pedestrian walkways. The project will result in a reconfiguration and improvement of the parking on Bushey Road through the introduction of new marked parking bays for residents.

2.4 Given secure tenants will be losing amenities (see 2.1) a Housing Act 1985 (Section 105) consultation was required.

2.5 The council consulted 453 households. In addition to consulting with secure tenants as required by law, the above figure also includes resident leaseholders and non-resident leaseholders. The council consults leaseholders as part of Section 105 consultations as a matter of good practice.

2.6 The tenure of the households consulted is outlined below:

Scheme	Secure Tenants	Leaseholders
Sir Frederick Messer	347	106

2.7 The consultation period lasted from 27 June 2022 until 19 August 2022. Information provided included:

- A consultation pack posted to consultees included an outline of the impact of the proposed developments on their affected amenities in a [brochure](#) and a selection of site location plans, indicative plans and associated images. The pack also included a consultation questionnaire, an equality and diversity questionnaire, a form to request the materials in different formats and languages, and a stamped addressed envelope was provided so consultees could respond by post.

Contact details, including a phone number, were provided so consultees could request further information. Non-resident leaseholders received a notification of the consultation at both their home address and the address of their owned property within the consultation area.

- The information and materials detailed above were also placed on the council's website.
- There was an onsite meeting during the consultation period on Saturday 23 July 2022, from 11am to 2pm to discuss the proposals with residents' face to face.

Two online engagement sessions were held for consultees on:

- Tuesday 19 July 2022 at 6pm
- Tuesday 26 July 2022 at 1pm

- Recordings of the online meetings were available on the council’s website immediately after the close of each event for 120 days.
- Please note that owing to a mailing error the consultation materials were re-issued to some consultees on 5 July 2022. To ensure all residents had enough time to respond to the consultation, the deadline for responses was extended to 19 August 2022 (the original closing date for the consultation was 7 August 2022).

3. Consultation response

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

Overall consultation audience	Number of responses	Number of secure tenant responses	Number of leaseholder responses
453	41	31	10

3.2 To understand the use of the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road, consultees were asked:

- Do you use the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road?
- If you answered ‘yes’ please tick how often you use this area – everyday, weekly, occasionally, never.

To understand the use of the footpaths outside Henrietta House on St Ann’s Road, consultees were asked:

- Do you use the footpaths outside Henrietta House on St Ann’s Road?
- If you answered ‘yes’ please tick how often you use this area – everyday, weekly, occasionally, never.

3.3 Responses from consultees are outlined below. Please note that some respondents left parts of the question sections blank.

Overall consultation responses	Answered “Yes” when asked if they used the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road	Answered “Daily” when asked to describe their use of the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road	Answered “Weekly” when asked to describe their use of the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road	Answered “Occasionally” when asked to describe their use of the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road
41 31/10	38 (29/9)	27 (21/6)	7 (7/0)	4 (1/3)

(Secure tenants/leaseholders)

Overall consultation responses	Answered “Yes” when asked if they used the footpaths outside Henrietta House on St Ann’s Road	Answered “Daily” when asked to describe their use of the footpaths outside Henrietta House on St Ann’s Road	Answered “Weekly” when asked to describe their use of the footpaths outside Henrietta House on St Ann’s Road	Answered “Occasionally” when asked to describe their use of the footpaths outside Henrietta House on St Ann’s Road
41 31/10	38 (29/9)	22 (17/5)	8 (7/1)	6 (3/3)

(Secure tenants/leaseholders)

3.4 To judge the impact of the proposed changes on secure tenants and leaseholders, consultees were asked:

- What impact would the proposal to remove the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road have on you?
- What impact would the proposal to reconfigure the land and footpaths outside Henrietta House on St Ann’s Road have on you?
- Do you have any other comments around the proposed change to the use of the open space and footpaths near the corner of Seven Sisters Road and St Ann’s Road or the proposed reconfiguration of land and footpaths outside Henrietta House on St Ann’s Road?

3.5 The answers to these questions are summarised in the below table, including the council’s response. Please note:

- This is a summary of the relevant comments submitted in relation to the terms of the Section 105 consultation.
- This is not a record of every comment received. Individual comments on the same topic have been noted as one entry in the table.

Consultation Feedback: Changes to open space on the Sir Frederick Messer estate

The vast majority of the responses received during the consultation related to the proposed changes to the open space area at the corner of Seven Sisters Road and St Ann's Road. These included:

Environmental impact

Four respondents, of which three were secure tenants, raised concerns about the loss of the grassed area (within the open space) and trees that would result from the proposed changes: their view broadly was this would result in damage and degradation to the environment, reducing green space for residents and undermining its visual appearance.

Mental health and wellbeing

Nearly half of respondents, of which three quarters were secure tenants, raised concerns about the impact on their mental health and wellbeing that would be caused by the removal of the open space. This included references to:

- The area being used as the space for relaxation, socialising, exercising, dog walking and children's play: all of which contributed to wellbeing in the area.
- The open space provided a welcome access area to nature and grass areas.
- A smaller number of respondents noted that the new buildings would substantially alter detrimentally their current view from their homes.

Emergency Services

One secure tenant respondent raised concerns that the loss of open space would result in the inability for emergency services to gain access to the site during/ after works. The secure tenant outlined that the open space outside Henrietta House has served as a landing space for Air Ambulance emergency access to the local area over the years.

Response and consideration: Changes to open space on the Sir Frederick Messer estate

The council does appreciate the importance of open space to residents, especially its positive impact on mental health and wellbeing, and contribution to enhancing our shared environment. The feedback received during the Section 105 consultation clearly reinforced the importance of these local communal amenities to residents on the Sir Frederick Messer estate. It should be noted that protecting and enhancing the local environment and tackling the climate change emergency is an important priority for the council's housing delivery programme.

Haringey Council would like to reassure residents that the council does not build on designated green space: the existing open space at the Sir Frederick Messer estate which forms the amenity described in 2.1, is not a designated green space in the council's Local Plan and can therefore be considered for development. There are no sites within Haringey Council's council home delivery programme which are registered as a designated green space. Nevertheless, in reference to the proposals for the site (2.1-2.3), and in light of the feedback received from residents, the council will:

- As outlined in the proposals included in the S105 consultation materials, the council will deliver environmental improvements to the estate, including extensive, improved green landscaping and other wildlife and biodiversity improvements, such as bat and bird nesting boxes and wildflower planting. In addition, it is the council's intention to replace any lost trees that may be removed as part of these proposals, either on the site or elsewhere on the Sir Frederick Messer estate. This will ensure that there is no net loss of green canopy cover arising from the proposals: additional tree planting will also be considered to ensure there is an increase in the number of local trees and an overall net benefit in urban greening longer-term. The council believes these actions will mitigate the loss of parts of the open space required for the new council homes and help to provide new, improved environmental benefits to all residents in the area.
- Commit to further engagement and consultation with residents about the landscaping and tree planting improvements around the estate during the next phase of the project, and before a planning application is submitted.
- Commit to the provision of new and enhanced children's play areas as outlined in the proposals, providing improved communal open space for residents.

It should be noted that while open space may be lost because of these proposals, the council does need to balance concerns with the acute need for new affordable, council homes in the borough. Like many other local authorities the council does face an acute need for affordable homes, with more than 12,500 households on our housing waiting list. Many of these are families living in overcrowded conditions. Under the council's [Neighbourhood Scheme Moves Policy](#), local residents in need will be given priority when the new proposed homes delivered on the Sir Frederick Messer estate are let.

In terms of the emergency services access to the Sir Frederick Messer estate, the council takes these matters seriously. Should any development proposals be taken forward the council will liaise with the emergency service to ensure appropriate access is provided and that they are comfortable with any proposed changes to this space.

Consultation Feedback: Footpaths removal and reconfiguration

A majority of respondents raised a number of concerns and questions about the removal and reconfiguration of the footpaths that would occur as part of these proposals. These included:

Extended travel times to local services

Nearly half of consultees, of which three quarters were secure tenants, raised concerns that the removal and reconfiguration of the footpaths would result in longer travel times to a variety of important local services or infrastructure, including public transport, shops, GP practices and the Seven Sisters Road. While most respondents believed this would be an inconvenience to many residents, a minority of respondents also mentioned that the removal of the footpaths could be an acute problem for older residents, those with mobility challenges or mothers with young children.

Safety concerns

In addition, three secure tenants raised concerns that the proposals would compromise resident safety by requiring people to walk around the buildings instead of across them on the open footpaths, which currently have clear lines of sight from surrounding homes and busy roads.

Response and consideration: Footpaths removal and reconfiguration

The council recognises, following feedback during the consultation, that an extremely important part of these proposals must be to ensure that any newly reconfigured footpaths provide pedestrians access to safe and convenient routes to and from their homes.

As a result, the council will:

- As outlined in the proposals included in the S105 consultation materials, the council will seek to provide new footpaths which will deliver attractive, level, and safe pedestrian routes through to Seven Sisters Road and St Ann's Road, enabling convenient access to local facilities.
- Ensure that the new footpaths will be more open between the buildings providing better lines of sight, as well as flatter surfaces, than the present footpath which runs between mounding which can obscure who is on the path and result in a gradient that may impair residents with mobility challenges. It should also be noted that residents will only have a marginally longer journey to the junction of Seven Sisters and St Ann's Roads, than currently is the case.
- Given the safety concerns respondents raised, the council will ensure that measures are implemented to enhance lighting and install CCTV coverage as part of these proposals. The installation of this new security infrastructure will contribute positively on resident's safety and security.

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

- Repairs and maintenance queries about the existing properties on the estates.
- The impact on the density of the estate should the number of proposed new homes be built in the area.
- The impact of the proposed height of the buildings proposed on the surrounding area, with reference to resident privacy and daylight into existing homes, as well as the loss of unimpeded views across the open space.
- An increase in parking congestion as a result of new housing in the local area.
- Lack of proposals to increase cycle parking or a cycle path for existing and new residents.
- Concerns regarding the construction phase and its impact on existing residents.

These comments will be considered as proposals for this site are further developed. The council will undertake a community engagement programme about all aspects of the council's proposals for this site before the submission of any planning application. This will be a further opportunity for residents to comment on proposals should they be progressed. Any repairs issued raised during the consultation have been passed to the repairs service.

3.7 Across all engagement events, 24 residents attended. Comments made during these events have been captured in 3.5-3.6.

4. Equality and Diversity

4.1 Under the public sector equality duty outlined in the Equality Act 2010, the council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010.
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not.
- Foster good relations between people who share a relevant protected characteristic and people who do not.

4.2 The public sector equality duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In relation to the protected characteristic of marriage and civil partnership, the council only needs to comply with the first aim of the duty.

4.3 The report outlines proposals to build new homes and remove the open space and footpaths near the corner of Seven Sisters Road and St Ann's Road and the reconfiguration of land and the footpaths outside Henrietta House on St Ann's Road. The council has undertaken a consultation on these proposals with residents who may be affected. The results of the consultation and an assessment of the potential impact were assessed in an Equality Impact Assessment (EqIA) for this project.

4.4 There is potential for both positive and negative impacts of these proposals. Provision of new homes may be considered a positive for people who need a council home.

The building of new council homes is likely to have a positive impact on Black, Asian and minority ethnic (BAME) residents and women, who make up a majority of council tenants and homeless households. Both these groups are reported as having higher than borough average representation within the Sir Frederick Messer estate. The safety concern expressed by women regarding the re-routed footpath, may have a negative impact. However, the re-routed footpath will enter the estate directly from Seven Sisters Road between the new buildings rather than the existing raised banks which are not well over-looked. Improved lighting and CCTV are also planned all of which are likely to have a positive impact on women's safety.

Mothers with young children will have a marginally longer journey to the junction of Seven Sisters and St Ann's Roads, than currently, but the new route will be better over-looked with improved lighting and CCTV. It should also be noted that enhanced play facilities are proposed both on the development site and elsewhere across the estate.

The loss of the open space may negatively impact older residents who benefit from this local amenity, either from a physical or mental health perspective. However, this will be offset by new landscaping to the proposed scheme and enhancements to the existing landscaping across the whole estate. The proposed new pedestrian route onto the estate from the junction of Seven Sisters and St Ann's Roads is marginally longer but the new route will be more open between buildings, rather than partially hidden between the existing raised banks. The council will be looking at proposals to provide improved lighting and enhanced CCTV coverage.

The provision of new homes will also benefit disabled tenants living in unsuitable homes and disabled tenants who are homeless. With higher than borough averages, the re-routed footpath, which is marginally longer than the existing, could have a greater negative impact on older residents.

The building of new council homes is likely to have a positive impact on LGBTQ+ residents who are disproportionately represented on the housing register.

The statistics for those registered with mental health disability is marginally lower than the borough average; nevertheless, the loss of green space adjacent to the car park may have a negative impact upon personal wellbeing for those affected by mental health issues. Open space considerations are an important priority for the council's development programme and the specific proposals for this site include enhanced green landscaping and tree planting on both the proposed site and wider estate.

The lack of socio-economic data prevents the council from providing meaningful analysis into how protected members across socio-economic profiles may be disproportionately affected. Whilst the data on those claiming universal credit is lower than the borough average, it is unlikely that this group will be disproportionately impacted by the loss of amenities and will see a positive benefit from building new council homes, owing to an increased likelihood of need for social housing.

4.5 As noted in the EqIA, the council monitors feedback and consultation responses to assess the likelihood of these potential negative impacts and mitigate where reasonable and proportionate.

5. Assessment

5.1 The responses received during the Section 105 consultation have been considered by the council. Responses to comments from residents have been answered in 3.5.

5.2 It is acknowledged that the removal of open space and the footpaths near the corner of Seven Sisters Road and St Ann's Road and the reconfiguration of land and the footpaths outside Henrietta House on St Ann's Road could have an impact on some residents, though the delivery of new council homes could be an overall benefit to the wider community. As a result, the council will:

- Seek to provide attractive, level, and safe pedestrian routes through to Seven Sisters Road and St Ann's Road enabling convenient access to local facilities.

- Provide better surveillance and security with enhanced lighting and CCTV along the new footpaths.
- Ensure further improvements to the estate, including improved green landscaping and tree planting for the benefit of all residents on the estate. An outline of these initial plans is included in this proposal. Ensure the provision of new and enhanced children's play areas as outlined in these proposals.
- Deliver environmental enhancements such as wildlife and other biodiversity improvements, such as bat-bird boxes and wildflower planting.
- Ensure no net loss of canopy cover arising from the proposed development. This will be achieved by replacing lost trees through re-planting either on the site or elsewhere within the Sir Frederick Messer estate. There will also be the planting of additional trees to ensure there is an overall net benefit in urban green longer-term.
- Commit to further engagement and consultation with residents about the landscaping and tree planting improvements around the estate.
- Seek advice on the matter of the open space serving as a landing space for Air Ambulance emergency access. Should any development proposals be taken forward the council will liaise with the emergency service to ensure appropriate access is provided.

6. Recommendations

6.1 Based on responses received from the consultation, the council recommends that:

- The mitigations outlined in 3.5 and 5.2 in response to the feedback from residents regarding the loss of amenity spaces under these proposals are reasonable and fair.
- Proposals should proceed, pending further engagement with the community, as outlined in 2.1.