

The Town Hall, 1 Farnan Avenue, Walthamstow, London, E17 4NX

LONDON BOROUGH OF WALTHAM FOREST

Meeting	Head of Service Area Decision	Date :	23 rd December 2021
Report Title	Section 105 of The Housing Act 1985 Statutory Consultation with Secure Council Tenants of the Outwood Common Estate, Billericay East Ward, about the demolition of garages and changes to amenity space on four sites in relation to a housing development proposal		
Head of Housing Development and Regeneration	James Briggs – Interim Director of Housing Delivery, Economic Growth & Housing Delivery Directorate		
Report Author/ Contact details	Sonia Gibson, Senior Development Officer, Economic Growth Directorate, Telephone: 0208 496 5548 Email: sonia.gibson@walthamforest.gov.uk Charles Wooldridge, Senior Development Manager, Economic Growth Directorate, Telephone: 0208 496 5548 Email: charles.wooldridge@walthamforest.gov.uk		
Wards affected	Billericay East Ward		
Public Access	OPEN		

1. SUMMARY

- 1.1. Under Section 105 of the Housing Act 1985, 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 amenities.
- 1.2. The consultation has been carried out because the Council is proposing to build new homes on four sites on the Outwood Common Estate in the Billericay East Ward with development potential; some of which may need to take into account affected surrounding areas of Council owned land.
- 1.3. The decision to build new homes on the following four garage sites, located on the Outwood Common Estate (known as Upper Salesbury Drive, Lower Salesbury Drive, The Greenway, Rear of Shops, off The Greenway), forms part of the Council Home Building Programme, which has Cabinet Approval (November 2011, Garage Development Strategy, see also Section 4.2 below).
- 1.4. The Council wrote to all the secure Council tenants of the Outwood Common Estate on 28th May 2021 to advise them that the Council's Section 105 consultation would start on 2nd June 2021.

- 1.5. A Consultation Notice was published in accordance with Section 105(5) of the Housing Act 1985 in The Billericay and Wickford Gazette on 2nd June 2021.
- 1.6. The Council held consultation sessions at the local Outwood Common Estate Office, at 16a Morris Avenue, Essex, CM11 2JR, on Tuesday 1st, 8th, 15th, 22nd and 29th June 2021, between 10:30am & 1:30pm.
- 1.7. At these consultation sessions the Council invited residents for their views on these proposals, by either emailing housingdevelopment@walthamforest.gov.uk or writing to The Town Hall, 1 Farnan Avenue, Walthamstow, London, E17 4NX and preferably by completing a designated survey form provided at these consultation sessions.
- 1.8. The deadline for the Council to receive comments was by 30th June 2021. This deadline was noted in the Consultation Notice and in the letters sent to Secure Tenants. Those Secure Tenants who attended consultation sessions were also reminded of the deadline.
- 1.9. All responses received in writing, on the delegated survey form, or by email or letter during this period were considered. There were 41 responses in total, 17 responses received from secure Council tenants and 24 responses from others (freeholders and local businesses) – See summary in Table under Section 2.10 of this Report.
- 1.10. Arrangements for this consultation were as follows:
 - 1.10.1. A Consultation Notice was placed on the Council's website on 2nd June 2021
 - 1.10.2. The Consultation Notice was also published in The Billericay and Wickford Gazette on 2nd June 2021
 - 1.10.3. Prior to the Consultation period in June 2021, letters were sent on 28th May 2021 to all 175 secure Council tenants on the estate including a location plan, existing use plan and plan/drawing setting out the housing proposals for each of the four sites.
 - 1.10.4. During the consultation period, the pack of information for each site was made available to view and inspect at Waltham Forest Council's principle office at The Town Hall, 1 Farnan Avenue, Walthamstow, London, E17 4NX. The pack of information was also available for inspection at the local Outwood Common Estate Office, 16a Morris Avenue, Essex, CM11 2JR during the five Consultation Sessions held in June 2021 and also at the following web address: <https://www.walthamforest.gov.uk/outwoodcommonnotice>
 - 1.10.5. Consultation sessions took place at the local Outwood Common Estate Office on Tuesday 1st, 8th, 15th, 22nd and 29th June 2021, between 10:30am & 1:30pm.
 - 1.10.6. Secure tenants were given 28 days to make their views known to the Council via email or in writing. Tenants were advised that the Council would consider any representations made before making a final decision about the proposals.
 - 1.10.7. The 28-day consultation period concluded at 5pm on 30th June 2021.

2. CONSULTATION AND RESPONSES

2.1 The table below provides details on who has been consulted, the number of secure tenants contacted, the number of responses received, an analysis of the questionnaires completed, and a summary of those responses with the Councils comments.

2.2 The designated Survey Form or Questionnaire handed out to residents at the five Consultation Sessions, during June 2021, at local Outwood Common Estate Office at 16a Morris Avenue, asked the following 5 questions:

- Q1 : Which of the following four sites do you have comments, views or opinions about ?

Upper Salesbury	
Lower Salesbury	
Greenway	
Shops Site	

Please tick ONE box only

- Q2 : What are your views on the proposed layout of the development (for example: house size, house design, access, amenity, parking, landscaping etc)?

- Q3 : Do you think the type and design of the proposed low-rise residential development is appropriate for this site (for example: in relation to existing adjacent buildings etc) ?

Yes No Unsure *Please tick ONE box only*

- Q4 : What would improve the development and what else should we consider ?
- Q5 : Any other comments, viewpoints, or concerns ?

2.3 A total of 175 Secure Tenants on the Outwood Common Estate were sent a letter notifying of the Consultation on 28th May 2021.

2.4 Under Section 105 of the Housing Act 1985, the Council has no legal obligation to consult and notify other residents or businesses on the Estate, though we did publish the Consultation Notice in The Billericay and Wickford Gazette on 2nd June 2021.

2.5 In response to this Consultation, in total, we received 41 emails, letters or completed questionnaires and of these responses:

- 17 were received from Secure Tenants
- 24 were received from Freeholders / Owner Occupiers on the Estate or from residents locally in Billericay or from local businesses

2.6 ALL emails, letters or completed questionnaires received have been thoroughly reviewed and analysed by the Council

2.7 According to our records all emails we received have been responded. Whilst all questionnaires have been reviewed, there was no requirement to respond to each of these.

2.8 The breakdown of the 41 completed questionnaires and emails were as follows:

- 9 completed questionnaires or emails received on Lower Salesbury site
- 11 completed questionnaires or emails received on Upper Salesbury site
- 7 completed questionnaires or emails received on The Greenway
- 5 completed questionnaires or emails received on the rear of Shops site, off Greenway.

In addition:

- 2 completed questionnaires received on one or more sites
- 7 completed questionnaires received on all 4 sites

2.9 The Council acknowledged and noted that all responses were received by letter, by email, or by hand (Questionnaires) during the Consultation Period between 2nd June 2021 and 30th June 2021.

2.10 The specific comments and responses from the completed questionnaires, letters and emails are recorded in the following tables for each of the respective four sites – Please note though the majority of the responses were general comments with several reoccurring subject matters that applied to all four sites :

Site 1 - Lower Salesbury Site : 7 Existing Garages – 2 Houses Proposed			
Number of secure tenants contacted	Number of responses received for this specific site	Summary of responses for this specific site	
175 secure tenants on the Outwood Common Estate	9 completed questionnaires, letters or emails received	The following general comments and views were raised by Secure Council Tenants, Freeholders or Local Businesses:	
		Matters raised :	Our comments / feedback to date by email or at the consultation sessions:
		a) Overlooking / Privacy : The position and aspect of new housing could obstruct light, affect the privacy of adjoining existing housing	In relation to concerns regarding privacy and overlooking, our architects are aware of the design guidance to make sure these matters are not an issue and will adhere to Basildon Council's requirements. A right of light, daylight survey and other surveys, where appropriate, will be carried as part of the planning process.
b) Parking / Traffic Flow on the Estate: The new housing could potentially worsen the parking and flow of traffic on the local roads on the Outwood Common Estate (in particular in the evenings or at weekends)	All new houses on these four sites, that have yet to be granted planning consent, have been designed to have their own onsite parking and where applicable visitor parking, adhering to Basildon Council's requirements. We are unable to address resident's specific concerns about public highway including the pavements either side the carriageway which falls under Essex		

			<p>Council and not Waltham Forest Council.</p> <p>Information regarding the public highway can be found on Essex Council's Highways website. See website link below containing an interactive Highways Information map:</p> <p>https://www.essexhighways.org/interactive-maps-and-live-travel-information/highways-information-map</p> <p>For parking enforcement, and to prevent, for instance, unauthorised parking on kerbs and pavements on the Estate, residents are advised to liaise with The Highways Departments of Essex Council.</p>
		<p>c) Impact on Property Sale Values:</p> <p>The new housing may affect property values on the estate</p>	<p>The removal of the existing garages and any associated antisocial behaviour, vandalism, fly-tipping and trespassing and their replacement with new housing will only enhance the value of properties in the local area.</p>
		<p>d) Impact on Schools / Doctor services etc:</p> <p>The new housing may exert additional pressure on local schools and doctor facilities etc</p>	<p>All the new housing comprises two storey, two-bedroom (4 person) dwellings i.e. low-rise couple or small family accommodation.</p> <p>No medium rise blocks of apartments or large family accommodation is proposed.</p>
		<p>e) Footpaths, pavements and public rights of way</p> <p>Will these be removed or retained should housing be built on these sites ?</p>	<p>The Council are endeavouring to retain where possible and appropriate, in the development proposals, all existing rights of way and public footpaths / pavements for pedestrian and local resident access. Any variation from this is likely to require express planning consent.</p>
		<p>f) Resident concerns regarding flood risk, drainage and subsidence etc</p> <p>What mitigation measures have the Council taken in respect to these concerns ?</p>	<p>The Council have taken advice from their Professional Consultants, and depending on the site, a full flood risk assessment and drainage survey will be commissioned.</p> <p>Soil surveys and structural engineering surveys will also be carried out, where appropriate and where advised by our Consultants prior to planning application or construction</p>

		<p>g) New Resident Concerns:</p> <p>What will happen when new residents move in, particularly those with children, with no recreational provision, children could play in road causing a hazard to vehicles</p>	<p>There are already a number of homes on the Outwood Common Estate, many with families, and there are no current issues with children playing close to the roads. It is our assumption that the small families of the new housing can take their children to the local park on the estate.</p>
		<p>h) Construction Noise / Inconvenience :</p> <p>The noise, dirt, vibrations, caused by the demolition will inconvenience local residents, particularly those with health issues</p>	<p>All demolition will be carried out as per the Health & Safety guidelines and also those set out within the Planning Conditions. An accredited demolition contractor will be employed, and all dust suppression requirements will be utilised.</p> <p>The building contractor would be a member of the Considerate Contractor Scheme to address any residents' concerns surrounding building works, noise and disturbance (To find out more, visit: https://ccscheme.org.uk)</p> <p>Operating hours of construction are also likely to be restricted also via a Planning Condition of the Planning Consent for instance say "only between 8am to 6pm Monday to Friday and say 8am to 1pm on Saturday" – Detail to be confirmed.</p>
		<p>i) Access during Construction :</p> <p>Access to and from resident houses, during construction, for emergency, refuse vehicles, delivery vans, buses, pedestrians, mobility scooters, prams etc</p>	<p>A swept path analysis will be completed and issued to the Planning Department of Basildon Council. This is to ensure maximum working space is created whilst allowing safe vehicular movements through site to prevent risks to both site operatives and/or the general public.</p> <p>Footpaths and rights of way will also be retained where possible and appropriate, with diversion routes made available if required.</p>
		<p>j) Security during Construction:</p> <p>Security, will there be an overnight security guard?</p>	<p>The Council may employ overnight security guards during construction. Security cameras are very often installed on our construction sites which are also protected with perimeter hoarding to prevent access by children and trespassers.</p>

Site 2 - Upper Salesbury Site : 50 Existing Garages – 6 Houses Proposed						
Number of secure tenants contacted	Number of responses received for this specific site	Summary of responses for this specific site				
175 secure tenants on the Outwood Common Estate	11 completed questionnaires, letters or emails received	The following general comments and views were raised by Secure Council Tenants, Freeholders or Local Businesses:				
		<table border="1"> <tr> <td>Matters raised :</td> <td>Our comments / feedback to date by email or at the consultation sessions:</td> </tr> <tr> <td></td> <td></td> </tr> </table>	Matters raised :	Our comments / feedback to date by email or at the consultation sessions:		
		Matters raised :	Our comments / feedback to date by email or at the consultation sessions:			
The same 'general matters' raised (A to J) as for the above mentioned Lower Salesbury Site.	As stated above.					

Site 3 – The Greenway Site: 33 Existing Garages – 7 Houses Proposed						
Number of secure tenants contacted	Number of responses received for this specific site	Summary of responses for this specific site				
175 secure tenants on the Outwood Common Estate	7 completed questionnaires, letters or emails received	The following comments and views were raised by Secure Council Tenants, Freeholders or Local Businesses:				
		<table border="1"> <tr> <td>Matters raised :</td> <td>Our comments / feedback to date by email or at the consultation sessions:</td> </tr> <tr> <td></td> <td></td> </tr> </table>	Matters raised :	Our comments / feedback to date by email or at the consultation sessions:		
		Matters raised :	Our comments / feedback to date by email or at the consultation sessions:			
The same 'general matters' raised (A to J) as for the above mentioned Lower Salesbury Site.	As stated above.					

Site 4 – The Rear of Shops Site (off The Greenway) : 29 Demolished Garages – 3 Houses Proposed			
Number of secure tenants contacted	Number of responses received for this specific site	Summary of responses for this specific site	
175 secure tenants on the Outwood Common Estate	5 completed questionnaires, letters or emails received	The following comments and views were raised by Secure Council Tenants, Freeholders or Local Businesses:	
		Matters raised :	Our comments / feedback to date by email or at the consultation sessions:
		The same ‘general matters’ raised (A to J) as for the above mentioned Lower Salesbury Site. Though in addition the following matters specific to this site:	As stated above.
		Tree Preservation Orders: Basildon Borough Council (BBC) has advised that three mature trees shown on this site are all the subject of TPOs. One of these trees is of considerable age and veteran.	We will ensure that any work to these three trees on this site would require express permission from the BBC. An ‘Arboriculture Impact Assessment’ will be commissioned to ensure we minimise any risk of root compression by heavy site machinery and the storing of materials over their root system. Individual temporary fences will be erected around the trees to protect their trunks from damage from the ongoing site work. We are also aware of three gardens immediately adjacent to this particular site also have in total five TPO trees on their borders. We will ensure that all site work must also avoid damage to these trees.
Existing Sewerage Pipe: Concerns of the construction of the new housing affecting the sewerage pipe on this specific site	The design of new housing on this site is such to avoid the 3m width easement with the utility company protecting the existing foul water sewer, running diagonally across the site. Landscaping or tarmac parking can be laid above the easement providing access to repair is maintained.		

3. CONSIDERATIONS

- 3.1. At the end of the 28-day consultation period, all the representations made were considered and discussed in relation to the proposals for this site. These discussions involved staff from the Council's Housing Delivery Division of the Economic Growth and Housing Delivery Directorate, the appointed external architects, other professional consultants, and other site specific and/or related key stakeholders.
- 3.2. Based on the comments received from residents the Council has now updated its housing development proposals for these sites from the proposed drawings enclosed with the letter of 28th May 2021.
- 3.3. The most substantial change to these sites is the development proposal for the site named 'Rear of shops, off The Greenway' where the number of houses proposed, is likely to be reduced from four to three houses. For the other three sites, only minor design changes have occurred with the number of houses proposed remaining the same.
- 3.4. In summary, 18 two-bedroom (four person) houses are now proposed in total across these 4 garage sites, reduced slightly from the original proposal of 19 houses, during the Consultation back in June 2021. The new houses will all be double storey in height, are designed for couples or small families and will have minimal impact of the surrounding existing housing and estate.
- 3.5. Residents can view the latest proposals and drawings, in due course, on the planning portal on Basildon Council's website, <https://planning.basildon.gov.uk/online-applications>. Note the plans will only be uploaded on to the planning portal of Basildon Council once the Council have submitted a planning application for each respective site. The Council intends to make these planning applications during the next six months.

4. DECISIONS AND RECOMMENDATIONS

- 4.1 Once the Section 105 of the Housing Act 1985 consultation with secure tenants is carried out and responses considered, the Council has undertaken its statutory duty. It is then up to the Council to make the decisions on whether or not to proceed with the proposals or proceed with an alteration to the proposals.
- 4.2 The following points form a basis for the Council's decisions to proceed:
 - In November 2011, Cabinet approval was given to implement the "Garage Development Strategy" which will deliver new homes on a large proportion of its garage sites within the borough (and those located and owned out of the borough) or where considered appropriate, to carry out improvements to those garage sites which are to be retained.
 - In total, 159 sites containing more than 2,000 garages were assessed. Of these, 56 sites were considered to have residential development potential with the capacity to develop up to 148, much needed, new homes.
 - In Appendix 6 of this Cabinet Report, all four of the above-mentioned garage sites were listed in the 'Schedule of Sites for Disposal or Redevelopment', as they were assessed to have residential development potential.
 - Cabinet approval in April 2015 for Local Growth Fund: Housing Development Programme 2015-17.
 - Cabinet approval in December 2014 for Mayor's Housing Covenant 2015-18: Council Homebuilding Programme.
 - One of the Council's key priorities for 2015-18 is supporting affordable housing

4.3 Having considered all the feedback received, the Council's decisions and recommendations are as follows:

- Demolition of all remaining garages on these four sites on The Outwood Common Estate (in accordance with planning policy).
- Loss/changes to amenity space between and around the garages on each of these four sites
- Submit a separate planning application on each of these four sites over the next six months
- Notes: (i) As development proposals progress, there may be revisions to the proposed design drawings, for example, there is no requirement to re-provide the garages and (ii) The latest drawings of the development proposals will form part of the Councils planning applications submission and if required, planning application re-submission

5. WAY FORWARD

5.1 The Council has concluded the Section 105 process and has written to all 175 secure tenants on The Outwood Common Estate to advise them of the Council's proposed decisions.

5.2 Prior to formalising this Decision Report and in agreement with the Head of Service, secure tenants have been informed of our Section 105 decision - Letter dated 23rd December 2021 refers.

5.3 The Council will liaise with all 175 secure tenants, and other leaseholder(s), freeholder(s) and local businesses on the Estate on site specific matters that may affect them.

5.4 This S105 Consultation Decision Report is also available to view at the following web address:


<https://www.walthamforest.gov.uk/housing/council-housing-regeneration/s105-housing-act-decision-reports>

Approval by Head of Service Area

Print Name: James Briggs

James Briggs – Interim Director of Housing Delivery, Economic Growth and Housing Delivery Directorate, LBWF

Sign:



Date: **23rd December 2021**