

# Southend-on-Sea Borough Council

Report of Deputy Chief Executive & Executive Director  
Growth & Housing  
To

Cabinet  
On

23<sup>rd</sup> February 2021

Report prepared by:  
Glyn Halksworth – Director of Housing

Agenda  
Item No.

---

## HRA Land Review Phase 4 (Lundy Close) Update

Policy and Resources Scrutiny Committee  
Cabinet Member: Councillor Ian Gilbert  
Part 1 (Public Agenda Item)

---

### 1. Purpose of Report

- 1.1 To update members on the progress of the HRA Land Review Phase (Lundy Close) following the Public Notice for the appropriation of land on the North Site of Lundy Close and to agree the next steps for this development following the consideration of the responses received.

### 2. Recommendations

- 2.1 To note responses received following a Public Notice and the considerations and mitigations in regards to these as detailed in section 3.6-3.14 of this report.
- 2.2 To agree to proceed with the development of the north site of Lundy Close for Council Housing based on the conclusion detailed in section 3.15 of this report.

### 3. Background

- 3.1 Cabinet on 17<sup>th</sup> January 2019 considered and agreed the recommendations of a report titled *Future Phases of Affordable Housing Development Programme Update* which outlined Phases 3 and 4 of the HRA Land Review project. This detailed Phase 3 in Shoeburyness ward and Phase 4 in St Laurence ward (Lundy Close).
- 3.2 Cabinet on 15<sup>th</sup> September 2020 considered a further report entitled *HRA Land Review Phase 4 (Lundy Close) Update* which contained an Options Appraisal for the development of the sites in Lundy Close for Council Housing. Cabinet agreed to proceed with the proposed Option 3 which would see the north site in Lundy Close developed and would yield between 9-12 council homes.



Fig 1 – North site in Lundy Close

3.3 Following Cabinet agreement to proceed with the development of the north site in Lundy Close, and in keeping with advice from the Council’s Legal team, the Strategic Housing team published a Public Notice to advertise the appropriation of land as required by section 122 of the Local Government Act 1972. This is a necessary procedural step as, even though the Site is held as HRA land, it is possible that it has become open space as well, due to its use by the public. Therefore a Public Notice in the local paper was published on weeks commencing 10<sup>th</sup> and 17<sup>th</sup> November 2020 with responses considered for up to 28 days after the final publication.

3.4 The advert advised people who objected to the appropriation of the land, to send their objections to the Council in writing, and provided a contact and address.

### 3.5 Public Notice Responses

3.5.1 15 responses to the Public Notice were received in the 28 days following publication. 9 of these were written by Lundy Close residents (1 respondent signed a letter written by another resident to express their objection), 2 were from ward members, 2 objections were from individuals who live within the borough but not in Lundy Close, and 2 individuals did not express their connection to Lundy Close.

3.5.2

Type of Respondent	Count
Lundy Close Residents	9*
Ward Members	2
Individuals who live within the borough but not in Lundy Close	2
Unknown	2
<b>Total</b>	<b>15</b>

\*1 respondent signed a letter written on their behalf by another resident

3.5.3 In terms of a response rate to the Public Notice, there are 85 properties in Lundy Close, and 9 residents in total sent an objection to the Council, therefore the Lundy Close resident response rate is **11%**.

### 3.6 Public Notice Response Themes

3.6.1 A number of responses received were not in regards to the appropriation of the land for housing and were focused on the design and future planning considerations however they will be covered in detail within this report. The table below provides an overview of the key themes of the responses received to the Public Notice.

Response Number	Importance of outdoor space	Environmental Impact	Safe Area for Children	Nature / Wildlife	Traffic / Parking	Loss of Privacy	Devaluation
1	x	x		x	x		
2			x	x	x		
3		x					
4	x						
5	x			x	x		
6	x	x		x	x	x	
7		x		x			
8		x		x			
9	x	x		x	x	x	
10	x	x	x	x			
11							
12	x	x		x	x	x	
13	x	x		x	x		
14	x	x	x	x	x		x
15	x		x		x		
	<b>10</b>	<b>10</b>	<b>4</b>	<b>11</b>	<b>9</b>	<b>3</b>	<b>1</b>

### 3.7 Mitigation of Response Themes

3.7.1 The Council's Strategic Housing team has considered the responses made to the Public Notice and have offered mitigations to the key themes highlighted within these responses.

### 3.8 Importance of Public Space

3.8.1 One of the recurring themes within the responses was that the open space was frequently used by residents for a variety of reasons, particularly this year due to the pandemic. It was often stated that the open space acts as an escape for

residents, by providing them with a safe, easily accessible space for them to go for a walk, do some exercise, walk their dogs, and socialise with other residents.

- 3.8.2 Despite this concern, the Strategic Housing Team aims to provide good quality and accessible open spaces to all local residents when delivering Council housing. With regards to Lundy Close, the Council has opted to proceed with the North Site for development only, and the area of the proposed North Site is 1260m<sup>2</sup> which represents approximately 18% of the total greenspace to be built on. This means that approximately 82% of the green open space within Lundy Close will remain untouched. As part of the project, there is also the aim to enhance the remaining green open land. This will look to improve the experience for the users which can include but not restricted to planting, accessible paths, a dog walking friendly area (with more dog bins) and a safe area for children to play. The team will consult with the users of the space to determine the best options that will benefit all that use the space.

### **3.9 Environmental Impact**

- 3.9.1 The environmental impact of the development was also mentioned in a number of objections. The possibility that mature trees would be cut down to build this development was a key concern and was mentioned in 8 of the objections. Some also felt that the new development would undermine the Council's declaration of a climate emergency, by cutting down trees rather than planting them.
- 3.9.2 The Council's Strategic Housing Team, under guidance from the Council's Arboriculturist Team, engaged an external tree consultant to carry out an independent survey of the area to determine the quality of the trees within the overall green area of Lundy Close. Three trees have been identified in the tree survey which may need to be removed as part of the development based on the feasibility drawings which have been prepared. Once an architect is appointed and detailed drawings are prepared an understanding as to whether these trees need to be removed or can be retained. Any tree that is removed for the development will be replaced on a 2 for 1 basis (2 trees will be planted to replace the 1 that was removed) and where possible the project will look to increase this number and utilise semi mature trees as a preference. Furthermore, as part of any new development, mitigating measures will be applied to replace and increase the number of any green rooted areas to compensate for the loss of other green infrastructure such bushes etc. Any tree found to be close to the development will have a tree root protection put in place, and if any peripheral trees require lopping this would be under the strict control of the Council's Parks and Open Spaces Team

### **3.10 Safe Area for Children**

3.10.1 The issue of children having a safe area to play was mentioned in 7 of the objections. It was highlighted that the open space was a perfect area for children to play, due to it being near their homes, allowing parents to keep an eye on them.

3.10.2 As mentioned previously, the Strategic Housing Team always seeks to provide good quality and accessible open spaces to all its residents, especially younger people in the borough. Part of the contractor's agreement will be to require an enhancement of the green space, this would include consultation with residents and the Council's Parks and Open Spaces team to facilitate an environment for a safe and pleasant area for all children and residents to enjoy. Furthermore, as mentioned previously, approximately 82% of the green open space within Lundy Close will remain untouched therefore leaving a sizeable amount of space for children to play safely near their homes.

### **3.11 Nature and Wildlife**

3.11.1 Another recurrent theme in the objections was the concern that protected wildlife would be disturbed by the new development at Lundy Close. To protect the wildlife within Lundy Close, the Strategic Housing Team under guidance from the Council's Arboricultural Team, appointed an external tree consultant to carry out an independent survey of the area. This also included engaging a consultant ecologist to survey the wildlife in and around the green space area of Lundy Close. The report indicated the presence of a number of wildlife species, and the course of action required to mitigate any impact that a development would have on their habitat and surrounding area. The proposed development on the north site will require further monitoring of the wildlife to take place and the consultant ecologist will then work alongside the architect and contractor moving forward.

### **3.12 Traffic and Parking**

3.12.1 Concerns around traffic and parking were mentioned in 5 of the objections. Some residents noted that Lundy Close is already heavily congested, due to there being too many cars in the area and not enough parking spaces. Those who mentioned traffic/parking as an issue, believed that the new development would simply exacerbate the problem, as more residents will add more cars to the area. The issue of congestion, and the fact that there is only one entrance in/out of Lundy Close was viewed as a hazard.

3.12.2 In response to these concerns, it is important to note that any new housing development that the Strategic Housing Team undertakes requires its contractor to sign up to the Considerate Constructors Scheme. Such a scheme is independently monitored and promotes good working practice and creates a safe environment for its workforce and residents. An example of this would be

scheduled material deliveries to the site in appropriate vehicles for local conditions and the delivery site. The contractor will also be required to have a designated person to supervise and oversee deliveries and traffic movement, including site parking.

3.12.3 With regards to parking, all new housing development within Southend-on-Sea requires adequate off-street parking for the proposed dwellings, whether this is flats or houses. This is a requirement by the Local Planning Authority for Southend and would be included in any planning application. The Strategic Housing Team may also look into providing additional parking and visitor parking, which should alleviate any issues found with a lack of parking spaces. Lastly, the fact that there is only 1 entrance in and out of Lundy Close falls within the remit of the highways department, who are consulted as part of the planning process, and will flag up any concerns they may have.

### **3.13 Loss of privacy**

3.13.1 Four residents mentioned that the new development could result in a loss of privacy, due to their properties being overlooked by the new properties. In response to this concern, the Strategic Housing Team are mindful that any new development should not cause issues that would affect existing residents' right to privacy, in and around any proposed use of its land. When considering new Council housing development, the team and its architect must abide to by planning policy around the loss of light and privacy, which includes overlooking. Any new Council housing development must take these issues into account when instructing its architect, and to follow the planning guideline when designing flats and houses for the Council's new build programme. With regards to Lundy Close, the Council intends to add screening trees to the rear of the development, to increase privacy and help stop the development from being overlooked by factories or other properties.

### **3.14 Devaluation**

3.14.1 Two individuals expressed a concern that the new development would devalue the properties of Lundy Close residents who own their own home. The role of the Strategic Housing Team is to enhance the local estate and consult extensively with the Council's Arm's Length Management Company, South Essex Homes, to support this objective. The team has successfully completed two phases of this programme around the borough and has testimonials from residents of these phases that support and applaud its work of improving and enhancing the character of their estates. There has been no evidence of properties in and around the Council housing developments that have led to any devaluation of their properties.

### **3.15 Summary**

3.15.1 A summary of the key aspects of the proposed HRA Land Review development are detailed below:

<b>Key aspect</b>	<b>Project overview</b>
Scheme details	<ul style="list-style-type: none"> <li>• Development of the north site only in Lundy Close for the purpose of much needed Council housing</li> <li>• Reduction in proposed unit numbers from 31 homes to between 9 – 12 homes.</li> </ul>
Outdoor space	<ul style="list-style-type: none"> <li>• 82% of the outdoor space in Lundy will be retained.</li> <li>• In consultation with residents, the remaining space will look to be improved with option to include dog walking areas, increased planting, accessible paths and communal facilities.</li> </ul>
The Environment	<ul style="list-style-type: none"> <li>• Three trees may have to be removed however trees will be replaced on a higher than 2 for 1 basis with semi mature or mature tree being the preference.</li> <li>• Additional planting and greening will be included as part of the project.</li> </ul>
Safe place for children	<ul style="list-style-type: none"> <li>• 82% of the open space in Lundy Close to remain</li> <li>• Remaining open space will be improved for community use in consultation with local residents.</li> </ul>
Local wildlife	<ul style="list-style-type: none"> <li>• Arboriculturalist will continue to be consulted and ecologist will be part of the project bringing forward the development</li> <li>• Plan in place to mitigate impact on local wildlife.</li> </ul>
Traffic & Parking	<ul style="list-style-type: none"> <li>• The proposed contractor will be required to sign up to the Considerate Constructors Scheme so additional care will be given to parking, deliveries and construction traffic.</li> <li>• All units would have access to off street parking and visitor parking may be provided</li> <li>• Additional parking may also be able to be provided and will consulted upon with local residents</li> </ul>
Privacy	<ul style="list-style-type: none"> <li>• The development will be in line with Planning policy regarding overlooking.</li> <li>• Screening trees will be utilised to create barriers where possible</li> </ul>

### **3.15 Conclusion**

3.15.1 Following due diligence and necessary consideration of the responses received to the Public Notice and balancing the comparative and completing community needs for the site, it is felt the Council should proceed with the development of the north site only in Lundy Close. The Strategic Housing team have highlighted how the concerns raised by respondents will be mitigated against and where the project will also look to make significant improvements to the estate in Lundy Close and to the community more widely. Extensive engagement with the residents of Lundy Close to agree other community benefits has also been clearly detailed. It should also be noted that the proposals represent a significantly reduced development of between 9-12 Council homes as compared to the previously agreed proposals of 31 homes across 3 sites in Lundy Close.

### **4. Other Options**

4.1 The Council can decide to not proceed with the development of the North site, due to the objections raised however after careful consideration it was felt that the concerns raised to the development were mitigated against. Also if the Council were not to pursue the housing development the long-term benefits of increasing housing supply and reducing homelessness would not be achieved.

4.2 The Council does not need to pursue delivery of Council housing via the HRA Land Phases Review, however these approaches are considered important contributions to the aims of the *Housing, Homelessness and Rough Sleeping Strategy* and of the Southend 2050 ambitions endorsed by the Council.

### **5. Reasons for Recommendations**

5.1 To update Cabinet on the progress of the HRA Land Review Phase 4 and to agree the most appropriate option in order to the progress the scheme following the responses received to the Public Notice.

### **6. Corporate Implications**

#### **6.1 Contribution to the Southend 2050 Road Map**

6.1.1 The development of Council housing contributes towards the Southend 2050 Safe and Well outcomes of “We are well on our way to ensuring that everyone has a home that meets their needs” and “We act as a green city with outstanding examples of energy efficient and carbon neutral buildings”.

6.1.2 Southend's *Housing, Homelessness & Rough Sleeping Strategy* aims to provide 'decent high quality, affordable and secure homes for the people of Southend' and the development of Council housing contributes to this.

## 6.2 Financial Implications

6.2.1 Cabinet has previously agreed the capital budget of £6.187m for the HRA Land Review Phase 4 to be funded from the HRA Capital Reserves and the Council's 1-4-1 Right to Buy receipts. This budget will be reduced in line with the reduction in unit numbers from 31 down to between 9 -12.

## 6.3 Legal Implications

6.3.1 Consultation has been undertaken with the Council's Legal Team and considerations relating to the progress of the individual site will be dealt with through the usual due diligence process.

6.3.2 The Council must meet its requirements under section 122 of the Local Government Act 1972 in advertising and considering any objections, where necessary. The Council can balance the different options and uses for the Site and, in coming to a decision, must only show a logical and rational decision making process.

## 6.4 People Implications

6.4.1 No direct people implications have been identified at this stage however will be monitored throughout the progress of the project.

## 6.5 Property Implications

6.5.1 Phase 4 of the HRA Land Review will increase stock within the Council's housing stock and therefore consultation is ongoing with South Essex Homes in regards to ongoing management and maintenance of the properties.

## 6.6 Consultation

6.6.1 Consultation has taken place with internal colleagues regarding the potential changes to the scheme and additionally, there is ongoing consultation with affected residents in Lundy Close in order to garner their views on the proposed development put forward and to get their views on the wider community improvements. A Your Say Southend page has been set up to provide regularly updates on the project.

## 6.7 Equalities and Diversity Implications

6.7.1 The relevant equality assessments will be undertaken as necessary on a project by project basis.

## 6.8 Risk Assessment

6.8.1 As per all Council housing development schemes, risk register and issue logs will be used as part of the project governance and will be updated as the scheme progresses.

## 6.9 Value for Money

6.9.1 All spend in relation to HRA Land Review Phase 4 is subject to the relevant procurement rules, in order to ensure full procurement compliance and value for money.

## 6.10 Community Safety Implications

6.10.1 Community Safety will be an important aspect of the project and will be monitored through consultation process through to the development. The Council will look to meet Secured by Design standards where possible and practical.

## 6.11 Environmental Impact

6.11.1 Environmental and ecological studies have formed part of site feasibility work will form part of the final design of the schemes. Sustainability and energy efficiency will be integral to the construction process and measures will be included within the designs.

## 7. Background Papers

Cabinet Report. Future Phases of Affordable Housing Development Programme Update, 17<sup>th</sup> January 2019

Cabinet Report, HRA Land Review Phase 4 (Lundy Close) Update, 15<sup>th</sup> September 2020

## 8. Appendices

None