

Forward Plan reference number: FP/115/07/21

Report title: New Library Building in Shenfield and Associated Development	
Report to: Cabinet	
Report author: Councillor Lesley Wagland, Cabinet Member for Economic Renewal, Infrastructure and Planning	
Date: 15 October 2021	For: Decision
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County Divisions affected: Brentwood North	

Confidential Appendix

This report has a confidential appendix which is not for publication as it includes exempt information falling within paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended.

1. Purpose of Report

- 1.1 To seek approval to redevelop this County Council owned site to make a better use of this public land, create a more energy efficient building, improve a much valued community asset and attract a surplus to be reinvested in public services. This is in line with the strategic aim in our new organisation strategy, Everyone's Essex, to create a high-quality environment for our residents.
- 1.2 In November 2019 a drawdown from the transformation reserve to cover the costs of detailed design, planning work and securing planning permission for a development on the current Shenfield Library site was approved by the Cabinet Member for Finance, Property and Housing. Officers were asked to return to Members with a further decision once detailed design was complete and planning permission had been achieved to seek approval for development of the site.
- 1.3 Shenfield Library is a single storey building, conveniently located for facilities in Shenfield. This decision seeks authorisation to progress the re-development of Shenfield Library by re-providing a new improved library, on the existing site alongside an additional commercial space for which a commercial tenant will be found and nine apartments for private sale. The new building will be more energy efficient using air source heat pumps and photo voltaic panels for heating. Purchasers of the apartments will benefit from excellent public transport links and electric car charging points reducing the carbon footprint of the building.

2. Recommendations

- 2.1 Agree to demolish the current Shenfield Library building and replace it with a new scheme comprising a new library, a commercial unit and nine apartments.

- 2.2 Agree to invest from the capital programme to cover the costs of technical design, site preparatory works, demolition, and construction costs as set out in the confidential appendix.
- 2.3 Agree to the drawdown of £85,211 from the transformation reserve (for costs that cannot be capitalised) as set out in the confidential appendix.
- 2.4 Agree to undertake a procurement process for a demolition contractor via the Mitie Facilities Management contract for the demolition of the current building. This is Essex Housing's preferred method of procurement for demolition contractors as it reduces uncertainty for design and build contract bidders and can speed up and therefore lower the overall cost of the project. The award of contract to be delegated to the Head of Essex Housing so long as the cost is within the budget..
- 2.5 Authorise the commencement of improvement works at Bishops Hill Adult Community Learning Centre to create a temporary library space to be used during the period of works at the current site procured via Mitie Facilities Management contract to start work as soon as possible and avoid delays to the rest of the programme.
- 2.6 Agree to undertake a procurement process and to enter into a design and build contract for the re-development of the Site in line with the planning consent. The design and build contract will be procured under a single stage competitive tender with bids evaluated on 50% quality (including 5% social value) and 50% price. Agree that the Head of Essex Housing may award the contract if it is within budget and in line with our evaluation criteria.
- 2.7 Agree that the private apartments are sold individually through a traditional open market sales approach, through the appointment of a sales agent for the scheme.
- 2.8 Agree that a tenant be found for the commercial unit through a traditional open market approach, through the appointment of a letting agent for the unit who is briefed on the need to identify a tenant that will be complementary to the library.
- 2.9 Agree that the Head of Essex Housing be given delegated authority to accept or reject bids for sales of the nine housing units after taking proper advice.

3. Summary of issue

- 3.1 Essex Housing was established in 2016. Its aim is to provide much-needed homes, shape great places for our residents to live and provide a return to the taxpayer. By developing with a social conscience, Essex Housing is able to deliver great quality, sustainable homes and create fantastic places to live, while reinvesting returns into important public services and improved outcomes for the residents of Essex.
- 3.2 Shenfield Library occupies a site of 0.142 Ha. It is owned freehold by the Council. It is located in Shenfield at Hutton Road, to the north east of Shenfield town centre.

It is in close proximity to Shenfield station, making this site ideal for redevelopment in accordance with the planning consent.

- 3.3 The recommended option is to re-develop Shenfield Library to create an improved, modern facility which is more energy efficient and that uses green technologies to minimise the carbon footprint of the building, such as air source heat pumps and photo voltaic panels for heating. Purchasers of the apartments will benefit from excellent public transport links and electric car charging points. Essex Housing have already been contacted by a potential purchaser for one of the apartments. The development would also include the creation of a new commercial unit and outdoor public area as well as nine apartments on the first and second floors.
- 3.4 We are advised that the sales value of the nine apartments post construction will be larger than the investment requested for this scheme to go ahead. This development will bring a surplus to the County Council to be reinvested in public services.
- 3.5 The new development will make a more efficient use of the site and provide well-placed, high-quality homes in a sustainable location.
- 3.6 In order to inform the design and gauge public opinion, extensive consultation and engagement has been undertaken. Essex Housing has worked closely with the ECC Essex Libraries service to ensure the design would meet their operational needs for now and the future. For example, providing a more flexible space and to reduce under- utilised office and storage space on site. Although ECC is the planning authority Essex Housing worked with planning officers at both Brentwood Borough Council and Essex County Council throughout the design process to ensure an understanding of what was acceptable and desirable in planning terms.
- 3.7 Between 16 November and 14 December 2020 a comprehensive public consultation took place enabling the community to review plans for the library and wider development and feed into the final design. Leaflets were delivered to 13,500 properties at the start of the public consultation. The key points to note in relation to this consultation are:
- 130 completed online feedback forms were received.
 - 67 residents provided feedback by email or telephone.
 - A majority of residents (69) who responded supported the principle of a mixed-use development of the site.
 - A further 51 indicated their support would depend on the specific proposals
 - Only 8 residents opposed the principle of development.
 - The vast majority of residents (116) indicated that they were either supportive of the specific proposals for redevelopment, or broadly supportive but felt they could be improved
 - Residents highlighted modern facilities and a larger library space as the most popular aspects of the proposals. Both of these aspects have been achieved in the design that has been awarded planning consent.
 - The overwhelming preference between the public open space options that were presented was option A which focussed on retaining as many of the

existing trees as possible. (Option A was adopted in the final design keeping the three silver birches located at the front of the site.).

- There was no prevalent theme in written feedback related to the design, however issues such as a preference for a separate lobby area for the library, a pitched rather than flat roof and more environmental sustainability measures are examples of suggestions that were raised by multiple residents. A summary of all issues raised and our response to them can be found in our Statement of Community Involvement.
- Several changes were made to the design in response to public feedback including the addition of a lobby area to the entrance of the library, railings added to the boundary of outdoor public area and the retention of existing silver birch trees at the front of the building (Landscape Option A). Further detail can be found in our Statement of Community Involvement.
- There was widespread feedback related to long term library provision and library management/operational issues. These are not impacted by the proposed development which will enable the library service at this location to be enhanced.
- The proposed temporary library provision at Bishops Hill Adult Community Learning Centre was considered generally acceptable though there were concerns about public transport access to the site. There is a bus stop outside the site served by regular buses and it is located 0.5 miles from the current library.

3.6 A planning application was submitted to the Council in March 2021. In July 2021, Essex County Council granted planning consent with two pre commencement conditions, the submission and approval of a Construction Management Plan, and detailed surface water drainage scheme and management plan for the site.

3.7 The final scheme design includes the following features:

- Provision of a new library designed in a more flexible way and reduced under-utilised office space. This is slightly larger than the current library's usable floor space. The current usable library space is 281.6m² and the new library will see this increased slightly 286m². The new library will also include a meeting room which is larger than the current meeting room.
- 9 high quality spacious apartments with balconies and parking spaces.
- A flexible commercial space designed to host a complementary business while bringing income to the County Council.
- A new public garden/outdoor learning/activity space to the front of the building surrounded by low level railings and gate
- A more sustainable building with photovoltaic cells, air source heat pumps, a green wall at the rear of the building and nine electric car charging points for each of the nine apartments.

3.8 The nine apartments will be sold individually, and a tenant will be identified for the commercial unit. The residential sales and tenancy agreement will be carried out through a traditional open market approach. Sales can be agreed off plan (facilitated through delivery of a show home) and following practical completion of the scheme.)

- 3.9 ECC financial regulations require the Cabinet Member for Finance (after consulting the Cabinet Member with responsibility for Economic Renewal, Infrastructure and Planning) must approve any disposal of land at less than the book value of the property. Any disposal must also satisfy section 123 of the Local Government Act 1972 – the duty to achieve the best price reasonably possible unless a statutory consent of the Secretary of State is received. The sale agent will provide Essex Housing with signed declarations for any offers received stating whether or not the offer is the best consideration reasonably available given market conditions at the time.
- 3.10 It is requested that Cabinet agree that the Head of Essex Housing will have the delegated authority to accept bids on each sale with signed declarations in place from the sales agent that this represents the best price reasonably obtainable (to satisfy the Local Government Act 1972).
- 3.11 To ensure that Shenfield residents still have access to library services during the period of construction, an alternative site has been sought. We have alighted on the Small Hall at Bishops Hill Adult Community Learning Centre which is around half a mile away from the library site, with good car parking facilities. It is also served by regular bus services from the centre of Shenfield. The temporary use will require some alterations which will begin after funding has been agreed. It is proposed that the library would relocate in readiness for demolition and move back as quickly as possible after the new building is complete.
- 3.12 Ownership of the site will be retained by Essex County Council.
- 3.13 It should be noted that this development will see ECC as the occupier of the common parts of the apartments and as the landlord of the leaseholders in the scheme. We will therefore need to incur ongoing cost in managing the common parts and the structure and exterior of the building. The costs of this should be recoverable from the leaseholders but leasehold service charges – particularly of residential properties – are subject to a high degree of regulation and there is a risk that we will not recover service charges as anticipated. Essex Housing will be using an experienced managing agent, whose cost will also be recoverable from the leaseholders to manage this process to mitigate this risk as they have done on two previous schemes.

Milestone Description	Target Date
Temporary Relocation of Library to Bishops Hill	January 2022
Demolition	Feb – April 2022
Construction Contractor Appointment	April 2022
Construction Start	May 2022
Construction Complete	August 2023

4. Options

Option 1 – Continue to develop the Site out as set out in this report. This is the recommended option, delivers the greatest benefits to local residents and is financially viable.

Option 2 – Do nothing. This approach would lead to abortive costs of work to date and the incurrence of around £300,000 of maintenance liabilities identified within five years of the project initiating. This option would also forego the community benefits of the scheme and any financial return.

5. Links to Essex Vision

5.1 This report links to the following aims in the Essex Vision

- Enjoy life into old age
- Provide an equal foundation for every child
- Strengthen communities through participation
- Develop our County sustainably
- Connect us to each other and the world
- Share prosperity with everyone

5.2 This links to the following strategic aims in the Organisational Plan:

- **Enable inclusive economic growth:**
 - Increase the availability of housing in Essex, promote the building and construction industry and use of new green technologies within it.
 - The scheme will create a commercial space owned by the County Council that could host a start-up or small business.
 - The new modern flexible library will facilitate creation of economic value in the local economy and will support the continued activities of the library service including supporting skills development and digital inclusion.
 - The library meeting room will be available for use by the community including local small businesses.
- **Help people get the best start and age well:**
 - The creation of a new modern flexible library which will continue to host rhyme time sessions as well as supporting library users of all ages for their needs now and into the future.
 - The creation of a public garden for use by the public of all ages.
 - The creation of 9 high quality apartments which have already attracted interest by individual looking to downsize in the area.
- **Help create great places to grow up, live and work:**
 - The creation of 9 high quality apartments in a sustainable location with electric car charging points and bicycle storage
 - The use of new green technologies including air source heat pumps and photo voltaic cells for heating and hot water for the apartments. Knowledge we gain through their use will be fed into future developments.
 - Creation of a new public garden.

- **Transform the council to achieve more with less:**

- This scheme will create a new improved library at zero cost to the County Council while also bringing a surplus to be spent on public services, create a potential ongoing income stream through the rental of the commercial unit and avoid known maintenance spend required on the current building.

5.3 The recommendations in this report links to the emerging organisational strategy 'Everyone's Essex' which is expected to be adopted by the Council on 12 October 2021, in particular the strategic priority of **High Quality Environment** and the following two aims:

Net zero: we will work across the Council and the County to hit our net zero targets, by ensuring that the Council significantly reduces its carbon footprint whilst also supporting an acceleration in the progress towards sustainable housing and energy, and active and alternative forms of travel across the county.

Transport and built environment: we will deliver a step change in sustainable travel across the county, by growing passenger transport and active travel and will ensure we support the move towards net zero, climate resilient developments including our new garden communities, by delivering sustainable and healthy neighbourhoods for the future.

6. Issues for consideration

6.1 Financial implications

6.1.1 The existing ECC budget includes the funding required for 2021/22 and the 2022/23 requirement will be finalised through ECC's 2022/23 budget setting process. A summary of the capital and revenue budget profiling is contained in the confidential appendix to this document.

6.2 Legal implications

6.2.1 This is a proposal to develop the current ECC library at Shenfield. Essex Housing LLP will have no involvement in the scheme and ECC will retain ownership of the freehold land but will grant long leases to residential purchasers. ECC will therefore assume responsibility as freeholder of the apartments which will have to be managed in accordance with the law.

6.2.2 The proposals to procure a building contractor is lawful. It should be noted that there is a proposal to delegate authorisation of leasehold sales to the Head of Essex Housing.

6.2.3 Legal risks associated with the scheme are set out in the risks table in the confidential appendix.

7. Equality and Diversity implications

- 7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
 - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8. List of appendices

1. Equality Impact Assessment
2. Confidential appendix
3. Shenfield Library Proposed Redevelopment Statement of Community Involvement.