

# Cabinet Agenda

**10 September 2019 at 7pm**

**Council Chamber, Civic Centre,  
Duke Street, Chelmsford**

## **Membership**

Councillor S R Robinson (Chair and Leader)  
Councillor M C Goldman (Connected Chelmsford  
and Deputy Leader)

## **and Councillors**

C K Davidson (Fairer Communities)  
J A Deakin (Safer Communities)  
M J Mackrory (Greener Communities)

Local people are welcome to attend this meeting, where your elected Councillors take decisions affecting YOU and your City.

There will also be an opportunity to ask your Councillors questions or make a statement. If you would like to find out more, please telephone Brian Mayfield in the Democracy Team on Chelmsford (01245) 606923 email [brian.mayfield@chelmsford.gov.uk](mailto:brian.mayfield@chelmsford.gov.uk), call in at the Civic Centre, or write to Democratic Services, Civic Centre, Duke Street, Chelmsford CM1 1JE. Council staff will also be available to offer advice in the Civic Centre for up to half an hour before the meeting.

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# THE CABINET

10 September 2019

## AGENDA

### PART 1

Items to be considered when members of the public are likely to be present

1. **APOLOGIES FOR ABSENCE**

2. **DECLARATIONS OF INTEREST**

All Members are reminded that they must disclose any interests they know they have in items of business on the meeting's agenda and that they must do so at this point on the agenda or as soon as they become aware of the interest. If the interest is a Disclosable Pecuniary Interest they are also obliged to notify the Monitoring Officer within 28 days of the meeting.

3. **MINUTES AND DECISIONS CALLED-IN**

To consider the minutes of the meeting on 1 July 2019.  
No decisions at that meeting were called in.

4. **PUBLIC QUESTIONS**

Any member of the public may ask a question or make a statement at this point in the meeting. Each person has two minutes and a maximum of 15 minutes is allotted to public questions/statements, which must be about matters for which the Cabinet is responsible. The Chair may disallow a question if it is offensive, substantially the same as another question or requires disclosure of exempt or confidential information. If the question cannot be answered at the meeting a written response will be provided after the meeting.

5. **MEMBERS' QUESTIONS**

To receive any questions or statements from councillors not members of the Cabinet on matters for which the Cabinet is responsible.

6. **FAIRER CHELMSFORD**

- 6.1 Homelessness and Rough Sleeper Strategy
- 6.2 Chelmer Housing Partnership – Deed of Variation

7. **GREENER CHELMSFORD**

Drakes Farm Travellers Site

8. **URGENT BUSINESS**

To consider any other matter which, in the opinion of the Chair, should be considered by reason of special circumstances (to be specified) as a matter of urgency and which does not constitute a key decision.

9. **REPORTS TO COUNCIL**

The officers will advise on those decisions of the Cabinet which must be the subject of recommendation to the Council.

**PART II (EXEMPT ITEM)**

To consider whether to exclude the public from the meeting during the consideration of the following matter, which contains exempt information within the category of Part 1 of Schedule 12A to the Act indicated:

10. **FAIRER CHELMSFORD**

- 10.1 Proposed Disposal of Properties in the City Centre
- 10.2 Proposed Disposal of Small Plots, Various Locations
- 10.3 Proposed Disposal of Former Garage Site

*Category:* Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972  
Information relating to the financial or business affairs of any particular person (including the authority holding that information)

*Public interest statement:* It is not in the public interest to release details of these reports at present, on the grounds that the reports contains information that is commercially sensitive and to place the information in the public realm will be detrimental to the negotiations for the marketing and sale of these assets.

# **MINUTES OF CHELMSFORD CITY COUNCIL CABINET**

**on 1 July 2019 at 7.00pm**

Present:

## **Cabinet Members**

Councillor S J Robinson, Leader of the Council (Chair)  
Councillor M C Goldman, Deputy Leader and Cabinet Member for Connected Chelmsford  
Councillor C K Davidson, Cabinet Member for Fairer Chelmsford  
Councillor J A Deakin, Cabinet Member for Safer Chelmsford  
Councillor M J Mackrory, Cabinet Member for Greener Chelmsford

## **Cabinet Deputies**

Councillor R J Moore, Recycling and Ecology  
Councillor E J Sampson, Communications  
Councillor M Springett, Community Engagement and Local Democracy  
Councillor C R Tron, Affordable Housing

## **Councillors**

K Bentley, J Galley, N Gulliver, C L Finnecy, I D Fuller, L A Mascot,  
G H J Pooley, I C Roberts, M Sismey, A B Sosin,  
M S Steel, R T Whitehead and S Young

### **1. Apologies for Absence**

There were no apologies for absence from Cabinet Members. Apologies for not being able to attend the meeting were received from Councillors M Bracken, P Clark and M Watson.

### **2. Declarations of Interests**

Members of the Cabinet were reminded to declare at the appropriate time any personal and prejudicial interests in any of the items of business on the meeting's agenda. Councillor C K Davidson declared a non-pecuniary interest in Item 11 as an employee of the company that had advised on the property transaction.

### **3. Minutes and Decisions Called-in**

The minutes of the meeting on 5 March 2019 were confirmed as a correct record and signed by the Chair. No decisions at that meeting had been called in.

#### 4. **Public Questions**

##### **10-12 Hanbury Road**

A resident of Longacres referred to work being carried out at 10-12 Hanbury Road, which local residents said was being done without the required planning permission and about which they had expressed concerns relating to the adequacy of health and safety practices of the company carrying out the work. The residents had signed a petition asking that the work cease and the necessary permissions from the appropriate bodies be sought by the company concerned.

The Cabinet Member for Safer Chelmsford said that the Council was aware of the residents' concerns. A planning enforcement officer had advised that, cumulatively, the work being carried out required planning permission. The company had been told to stop all work except that relating to the replacement of the roof of the building pending consideration of applications for a Certificate of Lawful Proposed Development and for planning permission. Residents would be able to comment on those applications as part of the consultation on them. With regard to health and safety, that was the responsibility of the Health and Safety Executive (HSE), which had been made aware of residents' concerns. The HSE were satisfied with the arrangements on site for the removal of asbestos panels. The Council would respond to the petition, which was handed in at the meeting.

##### **Traffic on B1012**

A resident of South Woodham Ferrers questioned the adequacy of the modelling and traffic count data that has been used in support of the planned provision of new crossings on the B1012 associated with the new development site north of South Woodham Ferrers allocated in the Draft Local Plan. The resident asked that the site not be confirmed for inclusion in the Local Plan until suitable data had been produced. He also requested that consideration be given to the provision of a northern bypass.

The Cabinet Member for Greener Chelmsford replied that the Inspector for the Independent Examination of the Draft Local Plan had not questioned the allocation of the site north of South Woodham Ferrers for residential development or the evidence that supported its inclusion. The Cabinet was being asked at this meeting to consider the Inspector's Main Modifications to the Plan and could not revisit matters already addressed at the Examination. However, more detailed modelling would be required as part of any master planning and planning applications for the development site and issues relating to traffic flows on and the crossing of the B1012 would be considered further at that stage. The Cabinet Member added that the construction of a relief road north of South Woodham Ferrers had never been a part of the Draft Local Plan.

##### **Meadow Lane, Runwell**

A resident of Meadow Lane, Runwell asked whether the Leader would meet with him and other residents to discuss issues in the area about which they were concerned.

The Leader of the Council said that he would arrange a meeting and asked that details of the residents' concerns be sent to him in advance.

## 5. **Members' Questions**

Councillors who were not members of the Cabinet asked questions or made statements on the following matters:

Councillor I C Roberts on additional wording that had been added to the Draft Local Plan as part of the Main Modifications which in his view suggested that the B1012 would experience an increase in traffic from new development both in South Woodham Ferrers and Maldon. He was also concerned about the lack of crossing facilities for residents attending a new doctors' surgery in South Woodham Ferrers and about the decision to conduct the public consultation on the Main Modifications during the summer holidays.

On the last point, the Cabinet Member for Greener Chelmsford said that the consultation had been extended to seven weeks, much of which was not during the holiday period, and there would be pre-consultation communication with parish councils. With regard to the point about the need for a pedestrian crossing to the doctors' surgery, this would best be raised as a possible scheme with the Chelmsford Local Highways Panel.

Councillor R T Whitehead on whether the Cabinet Deputies formed part of the Executive and, if so, whether the current inclusion of one of those deputies as a member of the Overview and Scrutiny Committee was permitted.

The Leader of the Council said that at present only Cabinet Members formed the Executive and the status of the Cabinet Deputies would be clarified at the next Council meeting. The Cabinet Deputy currently a member of the Overview and Scrutiny Committee would be replaced at the Council meeting.

Councillor N Gulliver on his understanding that the Environment Agency and Sustrans would be interested in contributing to the working group set up by the Chelmsford Policy Board to look at the future use of Chelmsford's waterways. He asked when the working group was likely to meet.

The Leader of the Council thanked Councillor Gulliver for the information and said that the working group's first meeting was likely to be arranged soon.

Councillor N Gulliver on the graffiti that had appeared in the city centre advertising the forthcoming production of Romeo and Juliet at the Civic Theatre.

The Cabinet Member for Connected Chelmsford said that the approach that had been taken to promote this production was different from the traditional methods. The graffiti was chalk-based and easily removed and was confined to a small number of sites for a short time. The production itself was timely and important in that it dealt with issues of knife crime and gangs and it was hoped that its promotion would bring it to the attention of a wide audience. Replying to a related point made by Councillor Gulliver, the Cabinet said that she would ensure that Customer Services were aware of which Cabinet Member was responsible for which services and functions.

Councillor M Sismey on his understanding that the new Administration did not intend to continue the regular meetings between Cabinet Members and the Members of Parliament for Chelmsford begun by the previous Administration.

The Leader said that he would be happy to continue to meet with the MPs when there were particular matters to discuss with them.

Councillor G H J Pooley on whether the total cost of the Riverside redevelopment project and the exact overspend was yet known.

The Cabinet Member for Safer Chelmsford said that some demolition works on the site that had not formed part of the main contract had still to be carried out. The final costs were unlikely to be available for about six months.

Councillor G H J Pooley on his hope that the Cabinet would reassure itself that the intended wording of the Local Plan and its policies enabled Master Plans to be influenced and applications to be determined in line with the principles of this Administration.

The Leader gave an assurance that this was the case.

## 6.1 **Capital Outturn and Update (Fairer Chelmsford)**

*Declarations of Interest:* None

*Summary:* The report to the meeting detailed capital expenditure incurred in 2018/19 and the resources used to finance it; set out variations to approved capital schemes and the Asset Replacement Programme; and presented a budget for asset replacements in 2019/20.

*Options:* The report was factual and no options were put forward for consideration.

### **RESOLVED** that:

1. the proposed increase in the cost of the capital scheme for the replacement of the Civic Centre Coval Lane windows amounting to £100,000 detailed in appendix 1 and paragraph 7.2 of the [report to the meeting](#) be approved;
2. the proposed Asset Replacement Programme for 2019/20, the increase in scheme costs of £65,000, the proposed new schemes totalling £96,000 and the rephrasing of spending of £485,000 from 2018/19, as shown in appendix 3 and paragraph 8.2 of the report, be approved;

### **RECOMMENDED TO THE COUNCIL** that:

3. the Director of Public Places, after consultation with the Cabinet Member for Safer Chelmsford, be authorised to spend the proposed budget of £436,000 for asset replacements in 2020/21, as detailed in paragraph 8.4 of the report;
4. the method of funding the capital expenditure in 2018/19, as set out in paragraph 9.2, be noted;
5. the latest proposed budgets for capital schemes totalling £90.873 million shown in Appendix 1 and paragraph 7.2 of the report be noted;

6. the outturn on the 2018/19 Asset Replacement Programme amounting to £3.747 million shown in Appendix 3 and paragraph 8.1 of the report be noted; and
7. the Asset Replacement Programme for 2019/20 amounting to £4.257 million shown in Appendix 3 and paragraph 8.2 of the report be approved.

7.50pm to 7.53pm

## 6.2 **Treasury Management Outturn 2018/19 (Fairer Chelmsford)**

*Declarations of Interest:* None

*Summary:* [The report](#) to the meeting set out the findings of the annual review of the Council's Treasury Management function and the rates of return on investments in 2018/19.

*Options:* The report was factual and no options were put forward for consideration.

**RECOMMENDED TO THE COUNCIL** that the Treasury Management Outturn for 2018/19 be endorsed

7.53pm to 7.55pm

## 7.1 **Chelmer Waterside Infrastructure and Housing Infrastructure Fund (Greener Chelmsford)**

*Declarations of Interest:* None

*Summary:* The Cabinet received a report on the means by which the infrastructure for the development of Chelmer Waterside could be provided and the funding that would be available. Authority was requested to enter into various agreements to enable that infrastructure work to proceed.

*Options:* Approve or not the proposed agreements and arrangements or decide other means by which to progress the provision of the infrastructure.

*Chosen Option and Reasons:* The proposed arrangements were the most satisfactory means by which to provide the necessary infrastructure for Chelmer Waterside.

*Discussion:* It was asked during discussion of the report whether the feasibility study for a canal cut at Waterside was available. The Cabinet Member said that it had only recently been commissioned but would be published once finalised. In response to another question about the cost of the cut and the loss of land, the Cabinet Member was of the view that the link would enhance the area's development opportunities and increase the number of properties fronting onto waterways. The Cabinet was informed that the membership of the project panel was as proposed in paragraph 5.3 of the report but that it would report to all members on progress. Input by non-executive members to the development of policy on the city's waterways would also be possible through the Chelmsford Policy Board and the relevant working group.



**RESOLVED** that:

1. [the report](#) on the provision of infrastructure for the development of Chelmer Waterside be noted;
2. the Director of Sustainable Communities, following consultation with the Leader and Cabinet Member for Greener Chelmsford, be authorised to complete the Grant Determination Agreement with Homes England;
3. Essex Highways be procured to progress the design of the link road and bridge, taking into account the feasibility of a new waterway connection between the Chelmer and Blackwater Navigation and River Chelmer;
4. Cadent be procured to carry out the full feasibility study for the relocation of the GPRS and high-pressure gas main, and on completion of this study the Cabinet review the position and agree the next steps; and
5. the Governance arrangements for the project set out in Section 5 of the report be agreed.

7.55pm to 8.03pm

7.2 **Community Infrastructure Levy (CIL) Neighbourhood Allocation (Greener Chelmsford)**

*Declarations of Interest:* The Cabinet noted that Councillor Pooley, who was present as an observer, had a non-pecuniary interest in this item.

*Summary:* Following a review of the decisions of the Cabinet at its meeting on 5 March 2019 on the allocation of CIL monies, [the report to the meeting](#) explained a decision that the £500,000 funding for the Tindal Square Pedestrianisation Scheme should be met from the CIL Strategic Allocation rather than the Neighbourhood Allocation.

*Options:* Approve or not the reallocation of the funding.

*Chosen Option and Reasons:* The reallocation of the funding emphasised the intention that schemes funded from the neighbourhood allocation for the unparished areas be chosen by the councillors for those areas for the benefit of the local communities.

**RESOLVED** that:

1. the £500,000 allocated for the Tindal Square pedestrianisation scheme from the Central Neighbourhood Allocation be re-allocated to the Strategic Allocation of the Community Infrastructure Levy, and
2. the other projects allocated funding from the Neighbourhood Allocation at the 5 March 2019 Cabinet, and subsequent delegated decisions, be confirmed as approved, subject to satisfactory funding agreements being put in place for each project as necessary.

8.03pm to 8.05pm

7.3 **Chelmsford Draft Local Plan – Approval of Main Modifications for Consultation (Greener Chelmsford)**

*Declarations of Interest:* None

*Summary:* The Cabinet was asked to approve for publication the Main Modifications and changes to the Policy Map identified by the Inspector following the Independent Examination of Chelmsford's Draft Local Plan. The consultation would include the proposed removal of the John Shennan playing fields as an allocated site for residential development.

*Options:* Approve or not approve consultation on the Main Modifications and other changes detailed in the report.

*Chosen Option and Reasons:* The proposed Modifications and other changes reflected the Inspector's findings on the Local Plan, which was otherwise considered to be sound, and their approval would mark the next step towards the adoption of the Local Plan.

*Discussion:* In view of the growing recognition of the need for measures to deal with the threat of climate change, the Cabinet was asked whether it would agree that the Local Plan should include requirements that no new developments have connections to the gas supply and that they be required to cater for hydron gas powered vehicles. The Cabinet Member said that it was not the place of the Cabinet to revisit the Local Plan at this stage but to consider the Main Modifications. As it stood, the Local Plan required developers to pursue sustainable developments and the Council was restricted in what it was allowed to do by building regulations. The planning system and National Planning Policy Framework, however, were constantly evolving and further measures to promote sustainability could be expected. There would also be the opportunity to review the adopted Local Plan at regular intervals.

With regard to the removal of the John Shennan playing field site allocation, the Cabinet was informed that a shortfall of public open space in the Moulsham area had been identified. However, the reasoning behind the removal of the site allocation was because, as landowner, the Council was now not making the site available for development. As such, the Inspector was content to treat this as a Main Modification required to ensure the Plan was sound. There was also a sufficient buffer identified of housing development sites for the Local Plan to meet its overall housing requirement should the site allocation be removed which would ensure that the overall approach to housing delivery with the Local Plan remained sound.

Asked how the Council would make up for the loss of income from the sale of the John Shennan site and, possibly, the land lost as a result of the provision of a cut at Chelmer Waterside, the Cabinet Member for Fairer Chelmsford said that this would be addressed in due course.

**RECOMMENDED TO THE COUNCIL that**

1. the Schedule of Main Modifications to the Pre-Submission Chelmsford Local Plan (Publication Draft) set out at Appendix 3 of the [report to the meeting](#) and the consequential changes to the Policies Map set out at Appendix 5a to 5d be approved and published for public consultation; and
2. the Director of Sustainable Communities and the Spatial Planning Services Manager be authorised to prepare and approve the necessary supporting statements, evidence and documentation which are required to enable and support the public consultation on the Main Modifications.

*8.05pm to 8.28pm*

**8.1 Public Spaces Protection Order (PSPO) for the City Centre (Safer Chelmsford)**

*Declarations of Interest:* None

*Summary:* The Cabinet considered the proposed extension and variation to the existing PSPO for Chelmsford City Centre. The main change would remove aggressive begging from the Order as this was best dealt with by way of Community Protection Warning and Notices.

*Options:* Approve or amend the proposed PSPO or not proceed with it.

*Chosen Option and Reasons:* The proposed Order would help preserve the quality of life in the City Centre.

**RESOLVED that:**

1. the Director of Public Places be authorised to carry out a consultation, in accordance with statutory guidance, on the proposed extension of a [Public Spaces Protection Order](#) for the City Centre; and
2. if no objections are received during the consultation the making of the order be delegated to the Director of Public Places after consultation with (i) the Cabinet Member for Safer Chelmsford and (ii) the Legal and Democratic Services Manager.

*8.28pm to 8.30pm*

**8.2 Housing Assistance Policy (Safer Communities)**

*Declarations of Interest:* None

*Summary:* A revised policy and eligibility criteria for assisting property owners to maintain their properties was submitted for approval. The policy included measures to ensure that Disabled Facilities Grants were made available to those who needed them.

*Options:* Approve the policy, with or without amendments.

*Chosen Option and Reasons:* The proposed policy would be fair, flexible and target assistance to those who required it.

**RESOLVED** that the proposed Housing Assistance Policy submitted with the [report to the meeting](#) be approved and that the Director of Public Places, after consultation with the Cabinet Member for Safer Chelmsford, be authorised to make minor amendments to it.

8.30pm to 8.32pm

9. **Urgent Business**

There were no items of urgent business.

10. **Reports to Council**

**RESOLVED** that the following be the subject of report to the Council:

- (a) Capital Outturn and Update (minute number 6.1)
- (b) Treasury Management Outturn 2018/19 (minute number 6.2)
- (c) Chelmsford Draft Local Plan Main Modifications (minute number 7.3)

**Exclusion of the Public**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for item 11 on the grounds that it involves the likely disclosure of exempt information falling within paragraph 3 of Part 1 of the Schedule 12A to the Act (information relating to the financial or business affairs of any particular person including the authority holding that information).

11. **Land at Kings Meadow, Chelmsford (Fairer Chelmsford)**

*Public interest statement:* It is not in the public interest to release details of this report at present on the grounds that the report contains information that is commercially sensitive and to place the information in the public realm would be detrimental to the negotiations between the Council and its tenant.

*Declarations of Interest:* Councillor C K Davidson declared a non-pecuniary interest in this item as an employee of the company that had advised on the property transaction.

*Summary:* The Cabinet was requested to approve the partial surrender of the existing lease of the land at Kings Meadow referred to in the report and the grant of a new lease on receipt of a premium.

*Options:* Accept or not the surrender of the lease and the grant of a new one on the terms proposed or alternative terms.

*Chosen Option and Reasons:* The grant of a new lease on the terms proposed would be in the Council's financial interests and the commercial interests of the other party.

**RESOLVED** that the Director of Financial Services be authorised to accept the partial surrender of the existing lease of the site in Kings Meadow referred to in the report from the current Head Lessee and to grant a new lease to the current Under-lease on the terms set out in the report to the meeting.

The meeting closed at 8.35pm

Chairman

**CABINET**  
**10 September 2019**

AGENDA ITEM 6.1

<b>Subject</b>	HOMELESSNESS AND ROUGH SLEEPER STRATEGY 2019 / 23
<b>Report by</b>	CABINET MEMBER FOR FAIRER CHELMSFORD

**Enquiries contact:** Paul Gayler, Strategic Housing Services Manager, tel 01245 606375, email Paul.gayler@chelmsford.gov.uk

**Purpose**

To seek approval for the draft Homelessness and Rough Sleeper Strategy that will be made available for consultation. This will replace the current version produced in 2017 which no longer complies with national guidance and recent changes in legislation.

**Options**

- 1) The draft strategy is approved and consultation process can begin
- 2) Amendments are requested which may delay the consultation process
- 3) Defer approval which will further delay the start of the consultation process with the risk of non-compliance with government guidance and delays with developing and meeting strategic requirements in particular joint working with partners.

**Recommendation**

The Draft Strategy is approved for consultation with partners with the aim of producing a final draft and accompanying action plan before the end of 2019.

**Corporate Implications**

Financial:	The Strategy seeks to support the Council's duties regarding the prevention and relief of homelessness along with the provision of temporary accommodation and is therefore an important document in determining the use of resources and could also improve opportunities for securing funding from others.
Legal	The Council is required to carry out a review of homelessness and produce a strategy based on this no less than once every five years, in accordance with the national Code of Guidance. Failure to comply with the directions of the Code could make the Council vulnerable to challenge. Failure to assess need and

	plan accordingly could mean the Council struggles or fails to meet its statutory duties to those who are at risk of homelessness. The Homelessness Reduction Act introduced a 'duty to refer' for some other public bodies as part of the focus on prevention of homelessness which has now become a legal duty. The Strategy seeks to clearly explain these new duties to partners so that they also understand their responsibilities, supporting the Council's functions.
Personnel:	Meeting the Council's legal duties to those who are homeless or at risk of homelessness is a core element of the Council's Strategic Housing Service. The Strategy therefore provides direction and focus for staff and some activities will be allocated to individual members of the team and monitored through line managers and the Housing Service's Service Plan.
Risk Management:	Failing to assess, understand and effectively plan to respond to the main causes of homelessness can result in ineffective use of resources and possible breach of the Council's duties. The Strategy is based on a review of homelessness which anticipates future demand on resources alongside the Council's duties, informing risk management. An up to date and strategically relevant strategy improves the ability of the Council to secure funding, including with and for others.
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	The review of homelessness included a breakdown of various aspects in accordance with the Equalities Act and monitoring is in place to identify any adverse impact to those with protected characteristics including access to services.
Health and Safety:	None
IT:	None
Other:	Partnership working - As a non-stock holding local housing authority, cooperation of others is essential in preventing and relieving homelessness. The Strategy will build upon the new Duty to Refer that applies to some other public bodies and the willingness of others to increase the potential for identifying, preventing and relieving homelessness. This engagement ranges from national and regional work to very local, specialist services.

<b>Consultees</b>	Once approved it is a legal requirement to consult with Essex County Council (Social Care) and those public bodies who now have a Duty to Refer. Housing legislation also requires other consultees to be formally consulted on the draft strategy before producing an action plan.
<b>Policies and Strategies</b>  The report takes into account the following policies and strategies of the Council: Housing Allocation Policy (2018) Current Homelessness Strategy (2017) Strategic Tenancy Strategy (2018) Policy Board – Homelessness Strategy Working Group (2019)	

## 1. Introduction

- 1.1 Every Local Housing Authority must carry out a Homelessness Review (assessment of the main causes and levels of homelessness in their area) which should form the basis of a Homelessness Strategy. The implementation of the Homelessness Reduction Act and National Rough Sleeper Strategy in 2018 led to changes to the Code of Guidance which details how a strategy should be developed and what it is expected to cover. All Local Housing Authorities are required to have an up to date strategy which includes these changes in place by the end of 2019.
- 1.2 The Council does have a current Homelessness Strategy which was published in 2017. Although this is still within its lifespan, it no longer complies with these recent requirements and will therefore cease to be effective by the end of the year.
- 1.3 Preventing and relieving homelessness is a priority for the Council. The Council's Policy Board has created a Working Group that has supported the development of the Strategy and will continue to work with others throughout the consultation process and with the implementation of the Strategy.

## 2. Main Changes from Previous Strategy

- 2.1 The Homelessness Reduction Act (2017) introduces additional duties and processes for the prevention of homelessness which have been in place since April 2018. Although many authorities including Chelmsford City Council may already have been preventing homelessness as a discretion, this has now been formalised into a legal process with additional stages and rights to review. All councils therefore must now have in place options, systems and processes for the monitoring and delivery of prevention and relief of homelessness in addition to households who are accepted as being statutory homeless. The new Draft Strategy therefore sets out in a way that is easy to see, these new stages of prevention and relief, under the main specific sub-groups of homelessness.
- 2.2 The new Act also introduced a new 'duty to refer' for some other public bodies; obviously the Council will want to ensure that others are complying with these changes as a critical pathway for the prevention of homelessness (identifying those at risk sooner rather than later) and will work with these other organisations, through the aims and actions of the strategy, to help them work collaboratively in preventing homelessness. Upon approval of the draft strategy, officers will work to formalise with each of these organisations joint actions that will improve our collective abilities to prevent homelessness for different groups covered under this new duty.
- 2.3 In August 2018 the government released its Rough Sleeper Strategy with a requirement that all local housing authorities will ensure that their Homelessness Strategies have a section dedicated to supporting these aims and include this within the title of all new strategies. Funding has been provided by the Ministry of Housing, Communities and Local Government (MHCLG) to Chelmsford City Council and others working in partnership in 2019. Although no announcement has been made about further funding beyond the current financial year, through the consultation process we will continue to identify other opportunities with partners so we are better prepared for future opportunities. The national strategy proposes the requirement for Local Housing Authorities to have Homelessness Reduction Boards to monitor and steer strategies in the future. Consultation on this is being considered and this could be the way that the strategy is monitored in the future.



- 2.4 In spring 2018 all districts in Essex, Essex County Council and other partners began looking at the possibility of adopting a whole systems approach to support the aims of preventing homelessness, recognising that unless this is improved, strategic responses to homelessness by other agencies would remain fragmented across districts to the detriment of each local housing authority and the county as a whole. Throughout 2019 there have been a number of projects under the heading of Essex Vision / Essex Prevents and as a statutory consultee we want to use the draft strategy as a basis for working with Essex County Council and others to further improve and develop a multi-agency response to homelessness, especially with those agencies who operate on a cross-district basis. A number of these actions and outcomes of projects can become part of our strategy, serving as a base for future joint working.

### 3. Conclusion

- 3.1 The draft Homelessness and Rough Sleepers Strategy now incorporates all relevant legislation, latest guidance and current work both within Chelmsford and across Essex. The format and content have been designed to be easily understood and accessible by partners, recognising the breadth of issues and agencies associated with homelessness. As a draft it gives a description of our current and future plans together with an illustration of the sequential approach for preventing and relieving homelessness under the new Act. This will form the basis for consultation which will inform a SMART action plan that will be reviewed on an annual basis.
- 3.2 The Homelessness Review which forms the evidence base will be available as a separate document for those who are interested in some of the more detailed analysis, so that the strategy and its future action plan are concise and focused. The review was originally completed in late 2018, but delays with the development and approval of a final draft for consultation has meant that the review has now been updated, providing information up to the end of the last financial year and some indication of monitoring and performance for the first quarter the current year.
- 3.3 Upon approval, the Draft Strategy and Review will be made available and an active programme of consultation will follow, overseen by the Homelessness Strategy Working Group with a final version to be submitted for approval by the end of the year.

### List of Appendices

Draft Homelessness and Rough Sleeper Strategy  
Homelessness Review 2019

### Background Papers

None



# Chelmsford City Council Homelessness and Rough Sleeping Strategy 2019 - 2024

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# Foreword

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Every five years, we are obliged to review and update the City Council's Homelessness and Rough Sleeping Strategy. We are publishing this draft as a starting point to address our statutory responsibilities. This draft strategy provides all the information we are obliged to publish, and your comments on these are, of course, very welcome.

But we want to make a step-change in our approach this time, going much further than merely complying with our statutory responsibilities, to allow us to develop and deliver a much more ambitious strategy. Our objective is to enable everyone in Chelmsford to have or at least look forward to having a place to live in that they can call their own and that meets their family's needs. This is a much bolder ambition that will take time to work through. So this document is also intended to be the start of a bolder discussion about how we achieve this ambition.

Homelessness reflects wider problems in the supply of housing: chronic lack of affordable housing over recent years has resulted in acute problems for those who are homeless, are worried about the possibility of losing their home or are living in accommodation that doesn't meet their family's needs. Homelessness is now a structural problem of the housing market. The long-term solution is to improve supply. We have established the Affordable Housing Working Group to consider long-term housing needs. We will deliver our Housing Strategy next

year, focused on improving the supply of affordable and specialist accommodation in Chelmsford.

But as well as developing tomorrow's vision, we also need to deal with today's realities. It's shocking that, in the 21st century, we still have people sleeping rough on Chelmsford's streets. We need to ensure that help is available so that rough-sleepers' immediate needs are met, that charities and public services work together to give rough-sleepers hope of a better future, and that we can prevent people falling into rough-sleeping in future. However, it is important to understand that rough-sleeping only accounts for 2% of the overall homelessness issue and our strategy must also address the wider population of homeless people who are not always as visible. This includes people fleeing domestic abuse, those with physical and mental illnesses and many other complex issues which means they need a safe place to live, but can't necessarily pay market rates for it. Our strategy includes these types of homelessness.

In June 2019, a cross-party Working Group was created to progress this overall strategy. This will need to be Chelmsford's strategy, not just the Council's. That means we need to join up and bring together the ideas and services of all the many organisations and voluntary groups that are committed to helping rough-sleepers. The Working Group's role to facilitate a cross-collaboration approach will continue over the coming months as they consult with the various

organisations to consider ideas and best practice which will all feed into our overall strategy and delivery.

We welcome your feedback through this formal consultation process, and also on an ongoing basis, to help us to shape a strategy which meets the needs of Chelmsford. Our objective is to build an approach which is flexible, enables innovation and challenges us to continuously improve the way we work with others; those at risk of homelessness and the wider agencies who support them. Our strategy is intended to provide a network which will allow greater collaboration between all relevant organisations to reduce the main causes of homelessness.

We look forward to your input and involvement and the opportunity to build a fairer, safer and more connected Chelmsford together.

**Cllr Chloe Tron, Cabinet Deputy for Affordable Housing – August 2019**

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A handwritten signature in black ink, reading 'Chloe Tron'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized.

# Executive Summary

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A number of legislative and local council changes over the last year have led to our introduction of a new Homelessness and Rough Sleeper Strategy.

This new Strategy is up to date with the latest requirements and expectations, whilst introducing a more comprehensive approach; going beyond the legal framework to build upon the support from our local community. Our strategy therefore seeks to tackle both the causes of homelessness and the impact that results from homelessness on others, particularly the vulnerable.

The availability of housing is fundamental to dealing with homelessness and we have already begun work on a Housing Strategy to ensure we have a better supply of housing.

Our aim is to use the energy and innovation from the development and delivery of our new Homelessness and Rough Sleepers Strategy as a catalyst for future working relationships with others. This, in turn, will improve the supply of homes to meet a broader range of local housing need in the future.

Our aim for this housing strategy, along with our Local Plan, is to transcend our compliance and legal duties and instead bridge any gaps between the future supply of homes and the current and future housing need. Along with our Local Plan, we envisage our Housing Strategy will achieve this through the aims listed.

## The key outcomes of this strategy will be:

- To begin working on the elimination of the need for anyone to sleep rough in Chelmsford by improving and expanding the range of services;
- To strengthen our work on the prevention of homelessness so that a greater proportion of households in the future will be helped to avoid becoming homeless;
- To build stronger and more effective partnerships with other agencies, creating pathways that link support with housing;
- To increase the choice of housing options for those in the most urgent housing need; and
- To improve the quality and reduce the need for temporary accommodation.

We are aware that housing policies and legislation are often complex, which is why we have presented this strategy in a simpler format—to make understanding the options for particular types of homelessness clearer.

We do not want to lose focus on the scale and detailed aspects of homelessness, whether this is dealing with an individual household or professionally with a range of partners.

We shall also be introducing changes to the way that we work, from making first contact with those who may be at risk of homelessness through to the way that this strategy is monitored, reviewed and developed.

Ultimately, we shall continue to carry out regular reviews of homelessness so that all causes and support needs are captured and catered for.

# Introduction

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The Homelessness Reduction Act took effect from April 2018 and has been described as one of the biggest changes to the way local housing authorities deal with homelessness since the introduction of the basic framework of homelessness legislation in the 1970s. It creates a statutory duty on all councils to prevent homelessness and for a number of other public bodies to become more involved in supporting this work.

Chelmsford City Council has carried out a restructure of its Strategic Housing Service, investing in a new team to implement these changes and creating more capacity to improve its strategic role, working in a proactive way to tackle all forms of homelessness beginning with prevention. This will reduce the hardship faced by those who are at risk of homelessness, at a time when the need for affordable housing is so great and will make best use of limited resources.

In the summer of 2018, the government announced a range of proposals to help those who are street homeless; although this is one of the smallest elements of homelessness we recognise the high risk to those who are roofless and vulnerable, and the concern caused to the public.

Throughout 2018, all the District Councils in Essex have been working with Essex County Council and others on the Essex Vision, looking at ways to adopt a 'whole systems' approach to reducing homelessness in Essex. This has helped build stronger links with neighbouring districts who share the same challenges and together with agencies such as health, criminal justice and voluntary organisations who all have an important role in helping us prevent homelessness. Some of the aims and actions of Essex Vision are included within our own action plan.

This 'whole system' approach is something that we want to bring forward, through this Strategy, into the way that we work as Chelmsford City Council, preventing and relieving homelessness. Very often those who face homelessness will have other support needs, sometimes because of the risk of homelessness, sometimes it may be these other needs which have led to them becoming homeless. As a local housing authority the Council is limited in its ability to meet these wider needs but we will work to develop and improve our ability to recognise these needs for support as well as the need for housing and put in place not just a system for referring to other agencies but where necessary, ways of working in collaboration with partners to improve the overall network of support, joint working and collective understanding.

This strategy replaces the previous one and reflects these changes—aiming to improve our approach at both a strategic and operational level. Our priority will be to reduce the number of households in Chelmsford becoming homeless, inevitably this will deal with the three main causes:

1. Ending of non-secure tenancies with private landlords;
2. Eviction from the home by parents, family or friends; and
3. Domestic abuse

We will also be improving the way that we and others work to reduce the need for those who are homeless to sleep rough, on the streets in Chelmsford.

Better ways of engaging with those in need and working with our partners will mean we can improve our service, not just to the groups outlined above but to everyone we work with, so that everyone's needs are assessed and our review of the strategy does not overlook any aspect or person.

# The main aims of this strategy

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All of these aims will be tracked through the monitoring of Key Performance Indicators and the annual service plan for the Council's Strategic Housing Service.

## To increase the number of households that are prevented from becoming homeless –

We will do this by developing pathways for each of the main causes of homelessness. Over the lifetime of this strategy we shall review and refine these as well as developing additional ones for other groups. Homelessness is a complex issue and only through developing a wide range of actions, pathways and interventions can we hope to be able to increase prevention and reduce homelessness in Chelmsford.

## To increase the involvement of other agencies supporting the Council to prevent homelessness –

In the section Our Pathways and Actions, we have presented our aims in a way that clearly shows by particular groups what we aim to provide in order to prevent and relieve homelessness, making it easier for partners to understand the steps we may take with the people they are supporting. In the section Reviewing and Updating the strategy we will also aim to introduce new ways of engaging and working with our partners to encourage a joint approach to working on the aims of this strategy.

## To increase choice and options for those at risk of homelessness –

We want to continue to expand the work we do with private landlords, reducing the demand and reliance on social housing so that we are able to use a wider selection of accommodation to prevent homelessness and discharge our main duty. This will be complemented by the development of a Housing Strategy which will be developed throughout 2019/20 that will also look at improving the supply of housing to meet local need.

## To improve the quality and reduce the cost of temporary accommodation –

The Council has recently invested in new modular units as temporary accommodation that is affordable and local. In our section on Temporary Accommodation we explain how we shall be reviewing the supply, cost and quality of these homes.



# Development of our strategy

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We want our Strategy to be the starting point for the way that we work with people and partners, explaining our duties, the main causes of homelessness and ways that others can work with the Council to help us tackle the challenges that we face dealing with homelessness. We hope that the design of this Strategy will help improve understanding and stimulate closer partnership working.

The Homelessness Reduction Act has been described as one of the biggest changes to the way that local housing authorities deal with homelessness, so we have presented some of the Strategy in a way that we hope will make it easier to understand how we will be working with the new Act. We know that the legislation we use to make our decisions can seem complex, so we want this strategy to also be a helpful guide, explaining what we do, why we do it and what we want to do in the future. This is important to us as well because tackling homelessness often comes down to two key issues: [The supply of suitable, affordable homes](#) –

The Council transferred its housing stock over 15 years ago, so we must rely on housing associations and private landlords to help us provide homes. Following on from this strategy, we shall begin work on a new Housing Strategy aimed at making best use of existing and new homes.

The lack of suitable supported housing means that this will be a priority for our Housing Strategy, taking evidence from our review of homelessness and the development of this strategy as the basis of evidence for what is needed to meet the combination of housing and support. By dealing with these gaps in provision we can reduce the impact of moving from homelessness into independent living, and have accommodation-based solutions for those who need support to help prevent them from becoming homeless in the future

# Development of Our Strategy cont.

## Help and Support

Many who are at risk of becoming homeless have additional support needs, which if not helped will mean the risk of further homelessness will still exist even when housed.

As well as working with partners in the development and implementation of a new Housing Strategy, we also want to make sure that best use is made of existing services that provide housing related support, such as Peabody's floating support service and drop-in and outreach services provided by others in Chelmsford. We will continue to work with a wide range of partners to make sure that their services are more closely linked with ours and where there are gaps we will deal with these as a priority. As with the causes of homelessness, we shall continually review the need for support as well as housing for those at risk to improve our ability to prevent and relieve homelessness in the future. The table to the right shows the range of support based upon evidence from those presenting as homeless in 2018. Many had a combination of support needs, such as both alcohol and drug abuse.



*Support needed based upon information provided by applicants*      Proportion of cases presenting as homeless

<i>Physical health / disability</i>	42%
<i>Mental health</i>	34%
<i>Domestic abuse</i>	30%
<i>Offending</i>	16%
<i>Previous history of rough sleeping</i>	13%
<i>Drug abuse</i>	7%
<i>Alcohol abuse</i>	6%
<i>Learning disability</i>	6%
<i>Young person leaving care</i>	2%
<i>Sexual abuse / exploitation</i>	1%
<i>Ex-armed forces</i>	< 1%

# Reviewing and updating

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We will be consulting with partners on ways to keep them informed on issues of homelessness and progress with this Strategy. We believe that forums can be helpful to present general issues about homelessness but may not be so effective in dealing with some more specialised issues such as domestic abuse, mental health or rough sleeping. We therefore want to introduce a new approach to the way that our Housing Service develops and builds links with others, with more focus on some of the background issues that will help us, and others gain a better understanding and build more effective solutions.

In developing this Strategy, we carried out a review of homelessness in Chelmsford in accordance with the government's Code of Guidance. We will provide an annual update on trends, initiatives and achievements to show how we are meeting our aims to prevent and relieve homelessness in Chelmsford.

We have already demonstrated our corporate commitment to supporting this strategy as we have created a working group which will report to the Council's Policy Board; overseeing the development of the draft strategy and the feedback from the consultation process. From this we will take account of guidance and best

practice, putting in place arrangements for the future governance and oversight of the strategy, supporting partners and maintaining a consistent momentum of improving our performance and quality of service. At a strategic level, dealing with homelessness is very complex, working with and at time having to inform and influence others who commission and provide services, in both the statutory and voluntary sectors, to achieve the best outcomes for Chelmsford. This means that we may need a more innovative approach and have already begun to consider ways in which we can encompass the breadth of different needs and services, whilst also having the ability to carry out 'deep dives' into particular issues which will require detailed discussions and plans with a range of specialists.

We want to make sure that throughout this, those that we are helping remain at the heart of what we do and we will therefore also introduce new ways of gathering feedback to help us evaluate and learn from what we do in the future.



# Homelessness in Chelmsford:

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## Facts and figures

### What do we mean by 'homelessness'?

We are aware that the lack of affordable housing means there are many living in Chelmsford who are unable to afford a home of their own—most of whom are living with family, sharing with friends or moving ('sofa surfing') from place to place. Thankfully most will not become homeless but many in this group are at risk, if for example they are asked by friends or family to leave or are given notice by their landlord. Moreover, this is why we see the development of a Housing Strategy that will improve the supply of affordable and supported housing. This is imperative to our approach for meeting housing need and homelessness, as well as being integral to improving the supply of homes for those who actually do become homeless.

The legal definition which local housing authorities work to is essentially defined as *not having anywhere settled to live*. This may be because a family has been given notice to leave their home by a landlord, or asked to leave the family home by parents, or it is no longer reasonable to remain in their home because of the risk of violence.

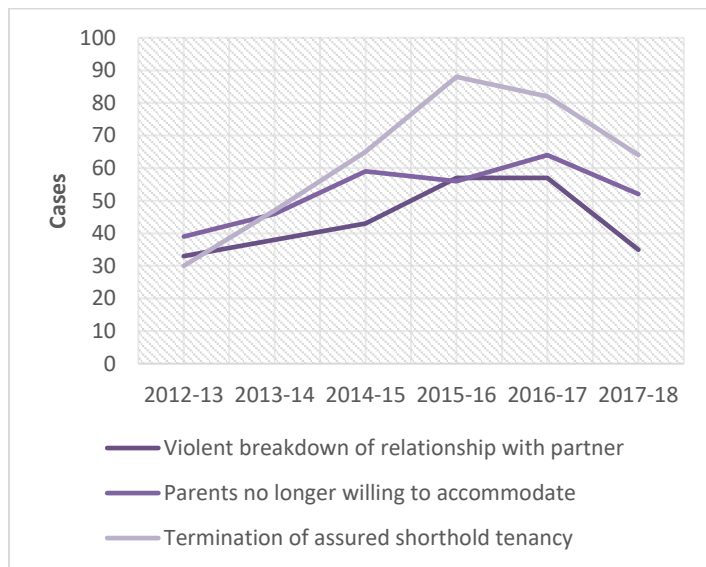
In many cases, people will have to ask others to help 'put them up' while they look to see if they can find somewhere else, their local Council may have to provide temporary accommodation, or they may have needed to move into supported housing, care or hospital with no idea about where they may be moving on to.

To help those who are in fact homeless but not actually roofless, we have amended our policy for the allocation of housing through our Housing Register so that additional priority and choice can be given to those who have no settled accommodation as well as those who need temporary accommodation.

In some cases, individuals may find themselves having to sleep rough, in outbuildings or even on the street. Thankfully this is a very small proportion of homelessness, about 3% of all cases in Chelmsford. However, this is an example of how homelessness creates additional risks to health and wellbeing. The same can be said for those who are at risk of domestic abuse or suffering from poor mental health because of the stress of not knowing where their family will be living from one day to the next.

# Homelessness in Chelmsford

What are the main causes of homelessness in Chelmsford?



The reason for the higher level of acceptances in Chelmsford compared with our surrounding districts is not immediately obvious and it could be due to a combination of factors, including local housing market conditions, the range of services provided in Chelmsford as a county-town, and the way that our Housing Service operated. As we improve the monitoring of our Housing Service's performance in the future, benchmarking and analysis of need, supply of housing, and closer working with our partners we will be able to improve our understanding of our performance as well as outcomes.

The main causes of homelessness in Chelmsford are broadly similar to the county and national trends. These three main causes of homelessness account for about 60% of all those accepted as homeless, and we want to target these three causes as a priority to reducing homelessness in the city.

Of the remaining 40%, in half of these cases the cause of homelessness was recorded as 'not known' or 'other reasons'. The remaining 20% was a combination of leaving institutions (such as hospital, prison or care), eviction from social or supported housing, and other forms of harassment.

The ending of assured short-hold tenancies with private landlords often leads to homelessness because of the rising cost of this type of housing, so over the last five years we have seen a shift in the cause of homelessness from personal issues such as breakdown in family and personal relationships to one that is structural and linked more clearly with the inability of some households to find affordable housing.

# Statutory Homeless Decisions 2010-2018

	Main Housing Duty (Acceptances)	Intentionally homeless	Homeless but not priority Need	Eligible but not homeless	Total decisions	% decisions accepted as homeless
<b>2010-11</b>	124	9	8	37	178	70%
<b>2011-12</b>	170	9	20	49	248	68%
<b>2012-13</b>	174	17	21	43	255	68%
<b>2013-14</b>	218	21	21	53	313	70%
<b>2014-15</b>	282	17	7	68	374	75%
<b>2015-16</b>	305	21	11	58	395	77%
<b>2016-17</b>	337	20	4	45	406	83%
<b>2017-18</b>	244	18	15	30	307	79%

## Who is likely to be homeless in Chelmsford?

We know that certain groups are more likely to be at risk of becoming homeless because of other factors, such as low income, lack of family support, poor mental or physical health.

Physical ill health is the most common issue for those needing support (18%) followed by risk or experience of domestic abuse (15%). 60% of those who were homeless were female and the most common age group was 25-44 years (52%).

In terms of financial status, the highest proportion were in either full- or part-time employment (30%), with 22% being unable to work due to illness or disability and 21% registered unemployed

## What are the Council's duties to those who are homeless?

The Council makes its decisions on prioritising assistance to those who are homeless based upon the legal framework which applies to all local housing authorities. The 'main duty' to provide accommodation, which means somewhere that is suitable and is likely to be available for at least 12 months does not apply to everyone who is homeless.

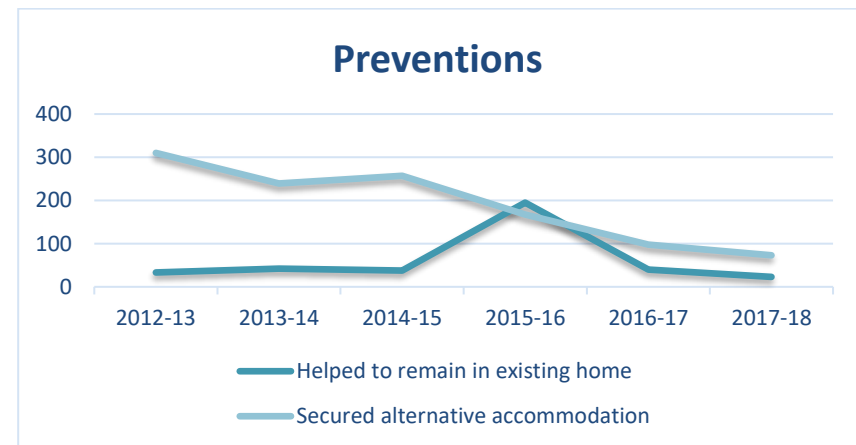
## The circumstances of every case are different but will be assessed in the same way:

1. Eligible for assistance? Only people who are homeless but not subject to immigration control are eligible for assistance under the legislation.
2. Homeless? This means not having access to suitable accommodation anywhere – not just in Chelmsford, or even the UK. Anyone who meets both these criteria is entitled to advice.
3. Priority need? People who are especially vulnerable, for example because they have young children living with them, may be entitled to emergency accommodation if they are homeless.
4. Intentionally homeless? Even if homeless and in priority need, any accommodation that is provided may only be for a short period if someone has made themselves homeless.
5. Local connection? Most councils will only consider offering settled accommodation as their main duty to those who have a local connection to their area

# How does homelessness in Chelmsford compare with other areas?

We look at levels of homelessness in terms of per thousand households, making it easier to compare different districts which each have very different levels of population. We can see that the proportion of households accepted as homeless in Chelmsford has been higher compared to other neighbouring parts of Essex and the national level.

District	Acceptances (2017-18)	Per 1,000 households
England (excl London)		2.08
Braintree	55	0.85
Basildon	202	2.59
Brentwood	26	0.8
<b>Chelmsford</b>	<b>244</b>	<b>3.30</b>
Colchester	184	2.37
Epping	63	1.14
Maldon	41	1.51
Rochford	80	2.29



The reason for this higher level of acceptances is unclear as Epping and Brentwood have comparable levels of rents and housing costs, if not slightly higher, than Chelmsford. The rising cost of housing, especially private renting, has meant that it has become harder to use this as an option to prevent homelessness and this has not helped reduce levels of homelessness in Chelmsford. The brief increase in the number helped to remain in their home (see chart above) was due to changes in the way that prevention was reported and recorded in 2015/16.

# Temporary accommodation

There are times when we need to provide temporary accommodation, as part of our work in relieving homelessness and when there is a main duty to provide settled accommodation but there is nothing suitable and available. We have almost eliminated the use of shared-accommodation and B&B for homeless families and we want to reduce the number of families in temporary accommodation because it is unsettling and expensive for the households. It is also not cost-effective and often does not fully meet the needs of families. Towards the end of 2017/18 we began to manage a reduction and we want this to continue.

The two main ways we can do this are:

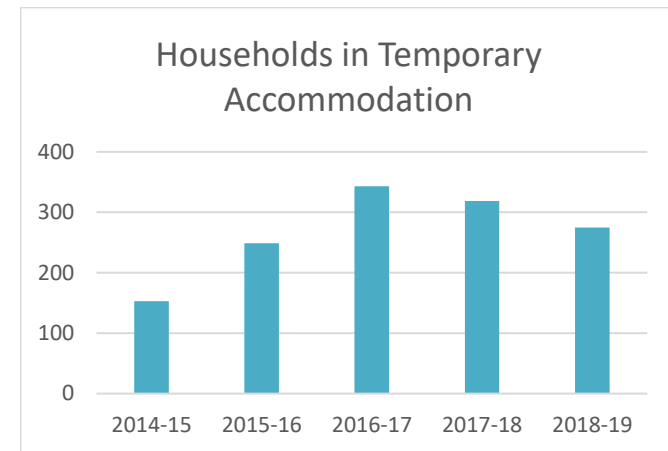
1. By preventing more cases of homelessness; this is a better outcome for everyone, especially if it means that there are more opportunities for people to move to more suitable homes in a planned way, which is a key part of this strategy; and
2. By improving the supply of homes that are suitable and affordable, this does not only rely on a better supply of new homes being built, it also means improving the use and supply of existing homes of all types, and this is something we will deal with in our Housing Strategy.

This will mean that we can;

1. Eliminate the use of Bed and Breakfasts
2. Reduce the length of time spent in temporary accommodation
3. Reduce the number of families in temporary accommodation

The Council has invested in new temporary housing to meet these standards and we want to use this as our benchmark for all other temporary accommodation. Throughout the lifetime of this Strategy we will work with providers to improve standards and reduce costs wherever possible, reviewing Service Level Agreements and seeking new opportunities to meet this need.

We will use our standards as a benchmark for what we expect from those providing temporary accommodation and want to reduce if not eliminate the use of accommodation that falls below these criteria.



Some level of temporary accommodation may always be needed but we want to make sure that this meets our standards in the future:

- ✓ **Affordable** – reducing the cost to residents and the Council
- ✓ **Local** – wherever possible within the district
- ✓ **Condition** – clean, safe and comfortable
- ✓ **Access to services** – providing support where needed to help residents manage at the moment and prepare for the future



# Housing Need and Supply

## Supply of affordable rented and social general needs homes

Year	New homes	Re-lets	Total Lets	Acceptances	Households in TA
<b>2016/17</b>	79	297	376	337	343
<b>2017/18</b>	34	308	342	264	319
<b>2018/19</b>	44	324	339	177	275

The need for temporary accommodation is driven by the number of people becoming homeless and the availability of suitable, affordable housing for them to move on into.

The issue of housing need and supply is something that we shall deal with in more detail as part of our Housing Strategy, but it is helpful to see in the table above how variable the supply of new build homes and the supply from re-lets of existing stock is.

The table above shows the supply of Affordable and Social Rent homes over the last three years. We have not included other types of affordable housing such as shared-ownership, nor age-restricted homes such as sheltered housing because these are not predominately able to meet the needs of those who are homeless.

This gives an overview of the level of homelessness and the supply of homes to meet this and other housing need.

The table above also shows how the reduction in the need for temporary accommodation is most closely linked to the number of households accepted as homeless more than supply. It also shows that in 2016/17 roughly 90% of all general-needs homes would have been allocated to those accepted as homeless but this had reduced to around 70% the following year. With a steady and constant supply, the key to managing need and therefore the number of households needing temporary accommodation begins with the ability of the Council and others to prevent homelessness wherever possible. Our Housing Strategy will deal in more detail with how we aim to improve the supply of homes to meet local need.


# Our Performance

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Since our 2011 Homelessness Strategy, the proportion of accepted homeless households and the number of people residing in temporary accommodation has risen. This may have been partly due to local issues such as rising housing costs and the supply of homes. However, these are not factors unique to Chelmsford and we can see that other areas with similar costs and supply have not seen the same levels of increase in need.

In 2017 we began to review our Housing Service and in 2018 we invested both time and money to improve our capacity and skills to provide a better strategic housing service. This is one of the reasons why we have now decided to launch a completely new Homelessness Strategy, which also coincides with the Homelessness Reduction Act and the national Rough Sleeper Strategy.

We shall continue to monitor our performance by setting and reporting on key performance indicators and a set of wider indicators. These indicators include local rent levels and the supply of affordable homes on a monthly basis. We will also carry out a review every six months, using data supplied to central government, to monitor current trends of homelessness including prevention and relief. This will be used to maintain a focus on continuous improvement and the actions of this Strategy.



## Since 2017/18 we have:

- ✓ Reduced the number and proportion of homelessness in Chelmsford
- ✓ Increased the proportion of cases of prevention
- ✓ Reduced the number of households in temporary accommodation
- ✓ Improved the quality of temporary accommodation

## From 2019/20 we aim to:

- Bring levels of homelessness and temporary accommodation in line with, if not better than, national average;
- Further reduce the cost and improve the quality of temporary accommodation;
- Increase the ways we work with partners to increase and improve options for accommodation and support for those at risk of homelessness in Chelmsford.

# Working with our partners

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As a local housing authority, we are responsible for preventing and relieving homelessness. However, as we no longer have our own housing stock, partnership working is essential to us in meeting our statutory duties.

This includes those who;

- **Have a duty to refer** their clients if they are at risk of becoming homeless: agencies working in the criminal justice system, hospitals, social, job centres and the armed forces;
- **Provide housing**, such as housing associations, supported housing providers, and other landlords;
- **Provide advice and support** such as CAB, floating support, outreach and drop-in services
- **Fund and commission services** such as those above, for example the health authority, Essex County Council, Ministry of Housing, Police and Crime Commissioner, local and national charities.

We want to make sure that through this strategy, our partners understand what is needed to reduce homelessness and how important their contributions are.

We will support the aims and adopt the proposals of Essex Vision which involves a whole-systems approach. By adopting a multi-agency approach, we will prevent homelessness across a wide spectrum of groups. We will continue to play an active role working across Essex through Essex Housing Officers' Group, and at a local level; leading and supporting statutory and voluntary organisations to reduce homelessness in Chelmsford.

Whilst we see the need to continue with a forum to highlight the aims of this Strategy with our partners, we shall also look at ways of being more focussed in developing and delivering some of our actions through dedicated workstreams, such as domestic abuse, rough sleepers or young people. We are proposing that this will be coordinated and overseen by an over-arching Homelessness Prevention Board.



# Rough Sleeping

In **August 2018** the government published the first national strategy with the aim of alleviating rough sleeping by 2028. Amongst the proposals was the recommendation that all local housing authorities incorporate the aims of the strategy into their Homelessness Strategies.

In **November 2018** we carried out our first rough sleeper count, having previously relied on estimates and we are grateful for those who volunteered to help. This showed a slight reduction that reflected the increase in capacity of the local night-shelter.

From **December 2018** we contributed towards the cost of CHES providing its Winter Project, creating additional spaces for those at risk of rough sleeping. The evaluation of this project, including information on the background and needs of those using this project, has helped us build a better understanding of ways we can work with others to reduce the risks of others having to sleep rough in Chelmsford in the future.

We know that historic levels of rough sleeping have been higher in the main settlement areas of Essex and this is not only because of larger populations but as the next table shows it is also higher as a proportion of the local population.

District	2010	2017	Number per 1,000 households (2017)	2018
<b>Braintree</b>	1	0	0.00	5
<b>Brentwood</b>	1	0	0.00	2
<b>Basildon*</b>	9	24	0.31	12
<b>Castle Point</b>	1	0	0.00	0
Chelmsford	<b>10</b>	<b>17</b>	<b>0.23</b>	<b>14</b>
<b>Colchester*</b>	10	20	0.26	13
<b>Epping</b>	0	2	0.04	3
<b>Harlow*</b>	7	24	0.66	9
<b>Maldon</b>	1	1	0.04	0
<b>Rochford</b>	0	11	0.31	3
<b>Southend*</b>	8	72	0.91	11
<b>Tendring</b>	0	6	0.09	6
<b>Thurrock</b>	2	9	0.13	9
<b>Uttlesford</b>	0	2	0.06	0

[www.gov.uk/government/statistics/rough-sleeping-in-england-autumn-2017](https://www.gov.uk/government/statistics/rough-sleeping-in-england-autumn-2017)

\*Districts received Rough Sleeper Initiative Funding 2018/19

The table also shows how in some cases, funding from the government's Rough Sleeper Initiative has led to a reduction in rough sleeping and having now been successful in receiving funding we want to learn from these other areas what works best.

The reasons for these concentrations of rough sleeping in the past may be due to a combination of factors including the availability of services and the visibility and awareness of need in these areas. During 2018 Basildon, Colchester, Harlow and Southend received Rough Sleeper Initiative (RSI) Funding from government and have used this to improve services leading to a reduction of street homelessness in these areas.

# Our Approach

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Recognising the central location of Chelmsford, we have worked with other mid-Essex districts to secure RSI Funding for 2019 to provide a more consistent outreach service across mid Essex, additional space within our local night-shelter and more help for those moving on to access and sustain their accommodation.

We are working more closely with partners, encouraging others to identify those at risk before they become homeless, improve the way we all work together to help people access accommodation and then helping them maintain independence and reducing the risk of cyclical homelessness. We have also worked with Essex County Council and others to learn and build on success elsewhere.

Combined with some of the plans that we now have with others, including those developed as part of the Essex Vision project, this pathway will help us meet the aims of the government's strategy. We will carry out an annual review of local need and our progress in meeting the aims of this national strategy as part of our overall review of homelessness in Chelmsford.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733421/Rough-Sleeping-Strategy\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733421/Rough-Sleeping-Strategy_WEB.pdf)



# Homelessness Reduction Act

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The Homelessness Reduction Act has been described as one of the greatest changes to the way that local housing authorities deal with homelessness. The new Act came into effect from April 2018, it did not make any change to the main duty (see above) but it puts some additional steps in place with the aim of improving the prevention of homelessness for a greater number of people.

Before making a decision under the main duty, **all local housing authorities in England must now work with anyone who is at risk of becoming homeless within 56 days to:**

- 1) Agree and help them with a **Personal Housing Plan** for the next 56 days that will:
- 2) Seek to prevent them from becoming homeless, irrespective of whether or not they are in priority need, may be intentionally homeless or have a local connection and if this fails:
- 3) Seek to relieve their homelessness by helping them to find somewhere else, if they are still homeless after 56 days then consider what the Council's duty is under the main duty.
- 4) Everyone seeking assistance is required to agree to the actions of their personal housing plan, if they refuse to cooperate then the Council does not have to offer any further help and is no longer under any duty to help.
- 5) From October 2018, some organisations such as hospitals, prisons, social care and the armed forces are now under a duty to refer anyone who wants help because they may become homeless within 56 days to a local housing authority of their choice.

Under the Localism Act (2011) when there is a main duty to secure accommodation this does not need to be a council or housing association property and can be a home that is rented from a private landlord

# Our resources

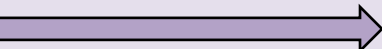
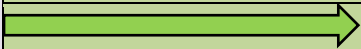
We have set out below a summary of our main resources that will be used to meet the aims of this Strategy based upon data from 2018/19.

Staff: 20.5 FTE

Projected staff costs: £535,404

Temporary Accommodation	Private Rented	Rough Sleepers	Government Funding
Housing Association Properties 69	Homes 2 Lease (Private Sector Leasing Scheme) £1,088,900 -Paid to Landlords	CHESS provision of rough sleeper outreach services = £15,000 per annum	New Burdens Grant (implementation of Homelessness Reduction Act) = £44,820
Council Owned Stock 43	Homes 2 Lease £1,034,400 -Paid in Rent to CCC	Winter project = £52,000	Flexible Homelessness Support Grant = £461,351
Private Sector Leased Properties 86	Rent Deposit Scheme/ Tenancy Access Scheme £107,065 -Paid to Landlords		Rough Sleepers Initiative (for mid Essex 2019/120) = £180,000
Private Nightly Let 77			Cold Weather reimbursement = £14,000

# Our pathways and actions

Prevention	Relief	Main Duty	Actions
The way we prevent homelessness will vary depending on the cause and type of person			Existing options may still need to be reviewed along with our performance to make sure they are effective
We are aiming to increase the proportion of cases where we prevent homelessness			
Encourage people to use our on-line Housing Wizard to identify risk of homelessness			
Personal Housing Plans – supporting people to take responsibility for avoiding homelessness	Personal Housing Plans – supporting people to take responsibility for finding alternate accommodation		
	In cases where we can't prevent homelessness we will see if we can help relieve homelessness by helping people find other accommodation		We will continue to review and plan to help people access temporary accommodation and support when needed to relieve homelessness.
		If we have been unable to prevent or relieve homelessness we will then look to see what other duties may apply	We will produce a new Housing Strategy in 2019/20 supporting our Corporate Plan to improve the supply of homes to meet local need.



We will make sure that we have clear pathways in place that address the main causes of homelessness and protect those who are most vulnerable, as we progress with the delivery of our strategy we will also begin to put in place additional pathways for other groups.




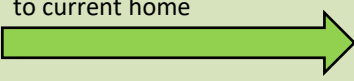
# Assured Short-hold Tenancies

Prevention	Relief	Main Duty	Actions
Agreements with landlords to avoid the need to take court action			Relaunch Private Landlords' Forum
Use of Discretionary Housing Payments to avoid arrears and give time to make plans			
Loans to repay arrears			Explore potential savings
Pre-tenancy training			Preparing people at risk of homelessness including those in temporary accommodation to manage their own tenancies in the future
Focused Tenancy Sustainment assistance			
Rent Deposit Scheme (RDS)			
	Rent Deposit Scheme (RDS)		
	Tenancy Assistance Scheme		
	Increase options for access to PRS		Explore opportunity for social lettings agency and use of Private Sector Leasing scheme
	Temporary accommodation		
		Use of RDS to secure longer term tenancies to discharge duty	


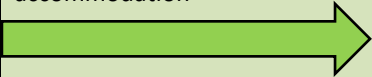
# Eviction by family or friends

Prevention	Relief	Main Duty	Actions
Better information on housing options to prepare people for the consequences of becoming homeless			Produce a Housing Factsheet to help manage expectations
Home visits to clarify risk of homelessness, mediate/negotiate and explore options			
New allocations policy giving equal priority to those who are 'homeless at home'			
	Tenancy Access Scheme (TAS) or RDS to find alternate accommodation		
	Referral to supported housing for younger people and young parents		Work with Essex County Council, housing associations to identify opportunities for improving the supply of supported and temporary accommodation for younger people
		Return to family	
		Discharge of duty into suitable property	



# Domestic abuse

Prevention	Relief	Main Duty	Actions
Promote information on help and support			Produce information pack explaining options including orders to protect those at risk and exclude perpetrators
Encourage support from other agencies			Explain and promote Duty to Refer to partners
Pilot use of a package of assistance to enable safe retention of the current home			
	Transfer to another property		
	Access to supported housing		Review need and potential for improving local provision of housing with support
	Temporary / emergency accommodation		Improve support available to those who need to go into temporary accommodation to help them remain safe and resolve their housing situation
	Pilot use of a package of assistance to enable safe return to current home		
		Moving into settled accommodation / returning home	Establish a Domestic Abuse Champion within the Housing Service to improve coordination with other agencies and continuation of support for those at risk


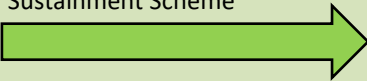
# Rough Sleepers

Prevention	Relief	Main Duty	Actions
Early identification of those at risk			Introduce protocols with hospitals, prisons and other agencies who have a Duty to Refer Provide better information to local organisations to help those at risk
Tenancy sustainment			Horizons Project, floating support and other support
Coordination of services			Appoint Champion or Navigator within Housing Service Support the aims of Essex Vision for rough sleepers Adopt actions of national strategy for rough sleeping
	Access to accommodation through outreach		Promote StreetLink to improve access to help, support and monitoring need Improve capacity of existing outreach service
	Night-shelter		Explore opportunity to increase capacity
	Other temporary accommodation		Explore potential for other options, e.g. supported housing and night-stop
		Supported housing	Ensure adequate provision of supported housing for those with more complex needs
		Settled accommodation	Work with partners to overcome barriers, improve resources and options for those moving on into settled accommodation



# Young People

Prevention	Relief	Main Duty	Actions
Essex Protocol for Homeless Young People			Appoint Young Persons Housing Champion within Housing Service to improve links with other agencies
Duty to refer from social care for those leaving care 18+			
	Referral to supported housing		Identify opportunities for development of supported housing, especially for young parents
	TAS to help access private rented accommodation		
		Settled accommodation – housing association or privately rented	
		Return to home	Assess need and feasibility for mediation scheme

# Mental health

Prevention	Relief	Main Duty	Actions
Duty to refer by hospital and social care			Appoint a Mental Health Champion with Housing Service to improve liaison with those who have a duty to refer
Adopt and promote protocol for hospital discharge			
Access to support			Identify and promote services that can help people maintain their accommodation to reduce the risk of homelessness
	Temporary accommodation		Extend support to those in temporary accommodation
	Supported housing		Work with agencies and organisations to increase the provision and choice for those who are homelessness and also in need of support
	Rent Deposit and Tenancy Sustainment Scheme		
		Settled accommodation	Identify services that can offer ongoing support to help reduce risk of tenancy failure and repeat homelessness

# Criminal Justice

Prevention	Relief	Main Duty	Actions
Duty to refer by Probation, Prison and Community Rehabilitation Company			Provide information and training events locally for these services Appoint a Criminal Justice Champion with Housing Service to improve liaison and understanding
Adopt and promote Prison Release Protocol			Assess potential for retaining accommodation for those serving short sentences
	Temporary accommodation		
	Rent Deposit and TAS		
		Settled accommodation	Work with housing associations and private landlords to ensure policies are not counter-productive to aims of reducing offending and re-settlement

**CABINET**  
**10 September 2019**

**AGENDA ITEM 6.2**

<b>Subject</b>	DEED OF VARIATION FOR STOCK TRANSFER AGREEMENT
<b>Report by</b>	CABINET MEMBER FOR FAIRER CHELMSFORD

**Enquiries contact:** Paul Gayler 01245 606375 paul.gayler@chelmsford.gov.uk

**Purpose**

Approval to amend by deed of variation the Agreement for the transfer of housing stock with CHP so the Agreement is in accordance with recent statutory changes in particular the new role of Housing Administrator.

**Options**

The report seeks the approval of Cabinet in order for CHP to be able conclude arrangements for financing the development of housing.

Refusal or delay will make the Agreement out of date, preventing CHP from securing finance and also place both CHP and the Council at risk of having an Agreement that is no longer compliant with current arrangements for the regulation of Registered Providers of affordable housing (housing associations).

**Recommendation**

Cabinet approve by deed of variation the proposed amendments to the Agreement for the transfer of housing stock.

**Corporate Implications**

Legal:	The existing Agreement is no longer compliant with current statutory regulation for the providers of social housing as it does not include the role of housing administrators which was introduced on 5 <sup>th</sup> July 2018 by the Housing and Planning Act 2016.
Financial:	Without an up to date Agreement, CHP are unable to access finance secured on the housing stock that was transferred by the Council in 2002.



Personnel:	None
Risk Management:	As the major provider of affordable homes in Chelmsford, the inability to secure funding until the Agreement is amended is a critical risk to the Council in its role as a strategic housing authority reliant on CHP to meet the majority of need for affordable homes in the area.
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	None
Health and Safety:	None
IT:	None
Other:	None

<b>Consultees</b>	CHP
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### **Policies and Strategies**

Strategic Tenancy Strategy (2018)  
Housing Allocations Policy (2018)  
Homelessness Strategy (2017)

## **1. Introduction**

- 1.1 All developing housing associations require finance to meet the cost of acquiring land and construction. When seeking or renegotiating agreements for this, the existing stock is used as security. This is reflected in 'mortgagee in possession' clauses which form part of most s106 Agreements between developers (who will be transferring sites or homes to housing associations) and the Council as the local planning authority. A well governed housing association should also keep under review their funding arrangements and may re-finance to improve their capacity to develop and to reduce operational costs of borrowing. All lenders will require copies of agreements for the transfer and acquisition of their housing stock to ensure they have good title, agreements are legally compliant and up to date.
- 1.2 The Housing and Planning Act 2016 introduced changes to the regulation of social housing including the creation of the role of a Housing Administrator which came into place on 5th July 2018. Insolvency of housing associations is extremely rare but the creation of new 'for profit' Registered Providers has introduced into this sector providers who are exposed to wider commercial risks and this is one of the main reasons for the introduction of the role of the new Housing Administrators. There are other changes as well to the regulation of all Registered Providers whether for-profit organisations backed by private finance or not-for-profit such as housing associations like CHP, following the reform of social housing outlined in the housing green paper last year.

1.3 For most housing associations who have developed homes through planning gain this means there is a need to retrospectively amend s.106 Agreements through individual deeds of variation. In the case of the smaller number of housing associations who have received homes through stock transfer agreements such as CHP, the agreement for the transfer of the housing stock also needs to be amended by a deed of variation. The value of the stock associated with such an agreement is naturally much greater than that for most s106 agreements and therefore cannot be carried out through delegated powers.

## 2. Proposed Amendment

2.1 The original deed of transfer for the housing stock from the Council to CHP contained standard clauses that did not bind 'Any mortgagee or charge of the Company or any receiver (including any administrative receiver or administrator)' appointed by the mortgagee or charge. This obviously excluded a housing administrator as they were not then in existence.

2.2 The proposed amendment as attached inserts the words 'housing administrator' into the relevant clauses of the Transfer Agreement bringing it up to date with the recent changes to legislation.

2.3 In cases where new homes have been developed since the transfer of the housing stock, relevant s106 Agreements are being amended under delegated authority. In the case of sites that have been transferred for development (past and present) CHP have agreed to exclude these sites because of the complexity of including other arrangements for the claw back of an uplift in value, leaving only the terms in the Transfer Agreement to be amended.

## 3. Conclusion

3.1 CHP has provided a proposed amendment to the existing agreement for a deed of variation provided as an appendix to this report. A revised schedule of properties has also been provided by CHP as an addendum to the proposed deed, making clear those properties that are covered by the agreement. This includes commercial properties that are not included in agreements for financing housing development but have been included for completeness.

## List of Appendices

Proposed amendments to the Transfer Agreement between the Council and CHP

### Background Papers

Weblink for introduction of New Housing Administration regime (5<sup>th</sup> July 2018):

<https://www.gov.uk/government/news/new-housing-administration-regime>

Weblink for housing Green Paper 'A New Deal for Social Housing' (Aug 2018):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/733605/A\\_new\\_deal\\_for\\_social\\_housing\\_web\\_accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/733605/A_new_deal_for_social_housing_web_accessible.pdf)

**CABINET**  
**10 September 2019**

**AGENDA ITEM 7**

<b>Subject</b>	DRAKES FARM PLOT – NORTH EAST CHELMSFORD
<b>Report by</b>	CABINET MEMBER FOR GREENER CHELMSFORD

**Enquiries Contact:** Karen Short, Ext 6779, karen.short@chelmsford.gov.uk

**Purpose**

The purpose of this report is to seek Cabinet approval to the making of a change in the mechanism for delivery of the proposed Drakes Farm Gypsy and Traveller site to:

- (i) allow the landowner of the selected site for the potential provision of a Gypsy and Traveller site, to transfer the freehold interest of the site (as shown edged in red and edged / hatched blue on the plan at Appendix 5) to the Council, or (at the Council's direction) to a Registered Provider, or a private management company, or other such body as may be agreed by the Council, as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. This right of the Council to call for a transfer of the site would be secured by way of an option agreement, which would in turn be registered against the title of the Drakes Farm Plot at HM Land Registry. Registration of the option at HM Land Registry secures / guarantees the Council's right to transfer of the site. It means that even if the current landowner were to sell or otherwise transfer the site to a third party, that third party would be bound by the option to the same extent as the original landowner.
- (ii) allow the landowner to pay the Drakes Farm Contribution of £360,000 to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, to the Council upon completion of the deed of variation to the Channels s106 Agreement.

**Options**

Cabinet can approve or reject the recommendations listed below. If Cabinet were to approve the recommendations, then it should also note a variation to the Channels s106 Agreement will be sought to reflect the change in the mechanism for delivery of the proposed Drakes Farm Gypsy and Traveller site.

## Recommendations

### A. The Cabinet authorise:

- (i) that the freehold interest of the site (as shown edged in red and edged / hatched blue on the plan at Appendix 5) be transferred to the Council, or (at the Council's direction) to a Registered Provider, or a private management company, or other such body as may be agreed by the Council), as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. The right to call for a transfer to be secured by way of an option agreement registered against the title of the Drakes Farm Plot at HM Land Registry;
- (ii) that upon completion of the deed of variation to the Channels section 106 Agreement the landowner shall pay to the Council the Drakes Farm Contribution of £360,000 to cover the full costs of providing the services necessary to make the site fit for human habitation; and
- (iii) that the Director of Sustainable Communities be authorised, after consultation with the Cabinet Member for Greener Chelmsford (a) to select / approve a Registered Provider, or a private management company, or other such body as may be agreed by the Council to deliver and manage the Gypsy and Traveller site and (b) to serve on the landowner notice exercising the option to call for a Transfer of the site to a Registered Provider, or a private management company, or other such body as may be agreed by the Council.

**B.** The Cabinet formally request the Director of Sustainable Communities to exercise the power (non-Executive) delegated to him under the Council's Constitution to vary the Channels s.106 Agreement to bring the wording of the Agreement in line with the above revised mechanism for delivery of the Gypsy and Traveller site.

## Corporate Implications

### Legal:

Pursuant to provisions contained within the Channels section 106 Agreement and authority given by Cabinet at its meeting on 4<sup>th</sup> March 2014, the Council served the Drakes Farm Plot Notice on the relevant landowners on 13<sup>th</sup> March 2014 identifying Plot A as the chosen location for a potential Gypsy and Traveller site. The Channels s106 Agreement required the Council to subsequently make an application for planning permission (to include the additional land – **Appendix 5**).

Agreement was given by Cabinet on 30<sup>th</sup> January 2018 to (i) increase the size of the selected site to enable liquid petroleum gas to be stored on site (not now required), the installation of drainage, and provision of a play area, (ii) allow a Registered Provider, Hastoe Housing Association, to make the planning application, and (ii) allow the Registered Provider to implement the drainage works, if subsequently agreed with the landowner. The intention was that upon satisfactory completion of the drainage works the Council would then transfer the site to the Registered Provider.

Agreement was given by Cabinet on 3<sup>rd</sup> July 2018 to allow the Council to exercise an option to allow the commuted sum to be

	<p>paid to the Council, by the landowner, upon the grant of planning permission and expiry of the period for Judicial Review. The commuted sum payment was then to be passed to the Registered Provider, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be delivered by the Registered Provider), and if necessary, to cover the full costs of carrying out the decontamination and remediation works on site (by the Registered Provider).</p> <p>Agreement was subsequently given by Cabinet on 29<sup>th</sup> January 2019, to allow the landowner of the site to transfer the freehold interest directly to the Registered Provider. The transfer of the freehold interest of the site was to take place following payment of an agreed commuted sum by the landowner, to the Council. The commuted sum payment was to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation and paid to Council, within an agreed period, following the grant of planning permission on 13<sup>th</sup> December 2018 (18/01476/FUL) and expiry of the Judicial Review period. (An application for permission to apply for Judicial Review (to challenge the legality of the grant of planning permission) was refused on 12<sup>th</sup> March 2019 by the High Court.) The intention was that following their acquisition of the freehold interest of the site, the Registered Provider would undertake the servicing works necessary to make the site fit for human habitation and occupation.</p> <p>Hastoe Housing Association is no longer progressing delivery of the Gypsy and Traveller Site at Drakes Lane. The Council is exploring the possibility of another Registered Provider delivering the scheme, but discussions are at an early stage, and flexibility is required. Agreement is now sought to allow the landowner of the site to transfer the freehold interest of the land to the Council, or at the Council's direction to a Registered Provider, or a private management company, or other such body as may be agreed by the Council, as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. This right of the Council to call for a transfer of the site would be secured by way of an option agreement, which would in turn be registered against the title of the Drakes Farm Plot at HM Land Registry. Registration of the option at HM Land Registry secures / guarantees the Council's right to transfer of the site. It means that even if the current landowner were to sell or otherwise transfer the site to a third party, that third party would be bound by the option to the same extent as the original landowner.</p> <p>The commuted sum payment, (the Drakes Farm Contribution) to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, would be paid to the Council upon completion of the deed of variation to the Channels s106 Agreement.</p>
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	<p>Members are asked to note, that if Cabinet agrees to the recommendations within the report, then the Channels s106 Agreement would need to be varied to reflect the changes. It should be noted, however, that the decision to vary a s106 Agreement is not an “Executive function” and thus falls outside the proper remit of Cabinet.</p> <p>The Planning Committee authorised a variation of the Channels s106 Agreement (10/01976/OUT refers) along the lines detailed in Section 9 of the report to the Planning Committee on 4<sup>th</sup> December 2018 and for the Director of Sustainable Communities, after consultation with the Legal &amp; Democratic Services Manager, to complete the deed of variation to the Agreement under delegated powers.</p>
Financial:	<p>Following completion of the deed of variation to the Channels s106 Agreement, the landowner will be required to pay the Drakes Farm Contribution to the Council, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation by the Registered Provider, private management company, or other such body as may be agreed with the Council.</p> <p>A contribution is payable by Countryside Zest to the sum of £612,000 for the physical construction of the site; this figure has been worked out on a detailed basis, and on an average figure from Homes England, of £60,000 per plot.</p>
Personnel:	None.
Risk Management:	<p>Non-delivery of the planning permission for the Gypsy and Traveller site would result in the failure on the part of the Council to deliver nine additional pitches within the North Chelmsford area, which would contribute towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area. The Council would then be left vulnerable at planning appeals relating to the use of other sites within the City area as gypsy / traveller sites. This has in fact already happened, due to the delay in the delivery of North-East Chelmsford.</p> <p>The freehold interest of the site is transferred to the Council, or at the Council’s direction to a Registered Provider, or a private management company, or other such body as may be agreed by the Council, as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. The commuted sum payment, the Drakes Farm Contribution, is paid to the Council, upon completion of the deed of variation to the Channels s106 Agreement.</p> <p>(The £612,000 from Countryside Zest for physical provision of the plots was calculated using the best information available at the time the Beaulieu section 106 Agreement was negotiated (based on Homes England advice) and is not subject to</p>

	indexation. Nor is there any scope within the Beaulieu section 106 Agreement for the Council to increase the contribution.)
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	The need for provision of a specialist residential site for Gypsies and Travellers is a fundamental tenet of the Area Action Plan, which went through a full Examination in Public leading to its adoption. The Council is required by National Planning Policy (the National Planning Policy Framework and Planning Policy for Traveller Sites) to maintain a five-year supply of deliverable Gypsy and Traveller sites. Currently, the Council has zero years of supply and is open to challenge on other sites without such provision and ultimately imposition of a site by the Government.
Health and Safety:	None.
IT:	None.
Other:	None.

<b>Consultees</b>	CCC Planning and Housing Policy Team CCC Legal Services
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### **Policies and Strategies**

The report takes account of the following policies and strategies of the Council:

North Chelmsford Area Action Plan Adopted July 2011

Core Strategy and Development Control Policies Development Plan Document Adopted 20<sup>th</sup> February 2008.

Core Strategy and Development Control Policies Focused Review Development Plan Document Adopted December 2013

Chelmsford Draft Local Plan Preferred Options Consultation Document March 2017

1. Introduction

- 1.1 Outline planning permission was granted on 30<sup>th</sup> October 2012 (10/01976/OUT refers) for a residential-led development comprising a minimum of 650, and a maximum of 750 dwellings, open space and a community hub, provision of the northern section of the Radial Distributor Road and junction improvement works to Essex Regiment Way on land to the north, south and east of Belsteads Farm Lane, principally occupied by Channels Golf Course (Channels).
- 1.2 The s106 Agreement for the development secures the transfer of one of two parcels of land within the ownership of the applicant at Drakes Land for potential provision as a Gypsy and Traveller site.
- 1.3 The s106 Agreement relating to development by Countryside Zest at Beaulieu (planning application 09/01314/EIA refers) secures a capped financial contribution of £612,000 to facilitate physical provision of the Gypsy and Traveller site.
- 1.4 A report was presented to Cabinet on 4<sup>th</sup> March 2014 (see **Appendix 1**), which sought approval to the selection of a site for potential provision of a Gypsy and Traveller site in North Chelmsford, as required by the s106 Agreement for the residential-led development on Channels Golf Course. Cabinet authorised the Council to serve notice on the owner of the Drakes Farm Plots to transfer Plot A (see Appendix 1) to the authority, should planning permission subsequently be granted for its provision as a Gypsy and Traveller site.
- 1.5 A second report was presented to Cabinet on 30<sup>th</sup> January 2018 (see **Appendix 2**), which sought authority to -
- (i) increase the size of the selected site to enable liquid petroleum gas to be stored on site (not now required), the installation of drainage, and the provision of a play area,
  - (ii) allow a Registered Provider, Hastoe Housing Association, to make the planning application for the extended site, rather than the Council, and
  - (iii) allow the Registered Provider to implement the drainage works, if subsequently agreed with the landowner.
- For ease of reference, Members are referred to the plan at **Appendix 5** to this report, which shows the original extent of the site edged in red and the additional or extended area of the site edged / hatched in blue.
- 1.6 A third report was presented to Cabinet on 3<sup>rd</sup> July 2018 (see **Appendix 3**), which sought approval to (i) allow for a scenario where the planning application was submitted for the provision of nine gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be a resident on the site and (ii) payment of a commuted sum to the Council, upon the grant of planning permission, and expiry of the Judicial Review period, to cover the full costs of providing the services to the site, and if necessary, the costs of decontamination and remediation works.
- 1.7 The Council's Public Health & Protection Service agreed, upon further examination of the landowner's specialist reports, that no further decontamination or remediation works were necessary.



- 1.8 A fourth report was presented to Cabinet on 29<sup>th</sup> January 2019 (see **Appendix 4**). The report followed the grant of planning permission on 13<sup>th</sup> December 2018 for the 'Change of Use of Land to Gypsy and Traveller Site and Provision of 9 Pitches, Site Office and Associated Infrastructure' (18/01476/FUL refers). Approval was sought to (i) allow the landowner of the Gypsy and Traveller site to transfer the freehold interest of the land (substantially in the form of a separate Drakes Farm Transfer Agreement) directly to the Registered Provider, and not first to the Council, (ii) the Registered Provider to undertake the servicing works necessary to make the site fit for human habitation and occupation, upon their acquisition of the freehold interest of the site and (iii) to allow the Council to transfer the commuted sum payment of £360,000 (the Drakes Farm Contribution) to cover the full costs of servicing works, to the Registered Provider in staged payments in accordance with a separate agreement between the Council and the Registered Provider.
- 1.9 The site and the extent of the additional land, which form the planning permission for the Gypsy and Traveller site (18/01476/FUL refers) are shown on the plan at **Appendix 5**.
2. Delivery of the Gypsy and Traveller Site
- 2.1 The previous Cabinet report is predicated on the freehold interest of the site being transferred directly to the Registered Provider, and not first to the Council.
- 2.2 The transfer of the freehold interest of the site was to take place following payment of an agreed commuted sum of £360,000 by the landowner to the Council. The commuted sum payment covers the full costs of providing the services necessary to make the site fit for human habitation and occupation and was to be paid to the Council within an agreed period.
- 2.3 Following their acquisition of the freehold interest of the land, the Registered Provider was to undertake the servicing works necessary to make the site fit for human habitation and occupation.
- 2.4 The Council was to transfer the commuted sum payment, to cover the full costs of the servicing works, to the Registered Provider, in staged payments, in accordance with the terms of a separate Drakes Farm staged payments agreement, to be entered between the Council and the Registered Provider.
- 2.5 The proposed approach was intended to allow the Registered Provider to undertake the servicing works as owner of the site, rather than under a licensing agreement with the current landowner. The commuted sum payment of £360,000 to cover the costs of the servicing works was still to be paid by the landowner direct to the Council, but then transferred to the Registered Provider, in a series of staged payments, in accordance with a staged payments agreement to be drawn up by Legal Services.
- 2.6 Since the grant of planning permission and an unsuccessful third party claim for Judicial Review, the Registered Provider, Hastoe Housing Association, has decided that it will no longer be progressing delivery of the Gypsy and Traveller Site at Drakes Lane. The Council is exploring the possibility of another Registered Provider delivering the scheme, but discussions are at an early stage, and flexibility is required. Agreement is now sought to allow the landowner of the site to transfer the freehold interest of the land to the Council, or at the Council's direction to a Registered Provider, or a private management company, or other such body as may be agreed by the Council, as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer.

In order to protect the Council's interests, this right of the Council to call for a transfer of the site would be to be secured by way of an option agreement, which would in turn be registered against the title of the Drakes Farm Plot at HM Land Registry. Registration of the option at HM Land Registry secures / guarantees the Council's right to transfer of the site. It means that even if the current landowner were to sell or otherwise transfer the site to a third party, that third party would be bound by the option to the same extent as the original landowner.

The commuted sum payment of £360,000 (the Drakes Farm Contribution) to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, would be paid to the Council upon completion of the deed of variation to the Channels s106 Agreement.

- 2.7 Members will note that this matter has been before the Cabinet four times previously, and the principle of delivery of a Gypsy and Traveller site is firmly established. The purpose of this report is simply to agree a change to the delivery mechanism in order to avoid this matter coming back to Cabinet unnecessarily; in order to allow flexibility and avoid undue delay it is proposed that the Director of Sustainable Communities, after consultation with the Cabinet Member for Greener Chelmsford (a) to select / approve a Registered Provider, or a private management company, or other such body as may be agreed by the Council to deliver and manage the Gypsy and Traveller site and (b) to serve on the landowner notice exercising the option to call for a Transfer of the site to a Registered Provider, or a private management company, or other such body as may be agreed by the Council.
- 2.8 The Cabinet is asked to note that if it agrees the recommendations in this report then a deed of variation to the s106 Agreement will be necessary, in order to bring the wording of the Channels section 106 Agreement in line with the revised mechanism for delivery of the Gypsy and Traveller site. Cabinet does not have the authority to authorise variations of section 106 Agreements as this function is not an "Executive function". This being the case, Cabinet is asked to make a formal request to the Director of Sustainable Communities to exercise the powers delegated to him under the Council's Constitution to vary the s.106 Agreement.

### 3. Conclusion

- 3.1 The Cabinet is asked to authorise the following changes to the mechanism for delivery of the Drakes Farm Gypsy and Travellers site:

(i) that the freehold interest of the site (as shown edged in red and edged / hatched blue on the plan at **Appendix 5**) be transferred to the Council, or (at the Council's direction) to a Registered Provider, or a private management company, or other such body as may be agreed by the Council), as and when the Council calls for such a transfer, by serving on the landowner a notice in writing requiring the transfer. The right to call for a transfer to be secured by way of an option agreement registered against the title of the Drakes Farm Plot at HM Land Registry; and

(ii) that upon completion of the deed of variation to the Channels section 106 Agreement the landowner shall pay to the Council the Drakes Farm Contribution of £360,000 to cover the full costs of providing the services necessary to make the site fit for human habitation.

(iii) that the Director of Sustainable Communities be authorised, after consultation with the Cabinet Member for Greener Chelmsford (a) to select / approve a Registered Provider, or a private management company, or other such body as may be agreed by the Council to deliver and manage the Gypsy and Traveller site and (b) to serve on the

landowner notice exercising the option to call for a Transfer of the site to a Registered Provider, or a private management company, or other such body as may be agreed by the Council.

- 3.2 Agreement to the requested changes will allow the Council some flexibility in securing an alternative provider to deliver the Gypsy and Traveller Site and to call for the site transfer, once a provider has been secured. The proposed change would also ensure that the commuted sum payment to cover the full costs of providing the services, necessary to make the site fit for human habitation and occupation, is secured at the point when the deed of variation to the s106 Agreement is completed.

#### List of Appendices

Appendix 1 – Cabinet Report 4<sup>th</sup> March 2014 and Minutes  
Appendix 2 – Cabinet Report 30<sup>th</sup> January 2018 and Minutes  
Appendix 3 – Cabinet Report 3<sup>rd</sup> July 2018 and Minutes  
Appendix 4 – Cabinet report 29<sup>th</sup> January 2019 and Minutes  
Appendix 5 – Drakes Farm Plot including Increased Site Area

#### Background Papers

Nil.

**CABINET**  
**4<sup>th</sup> March 2014**

**AGENDA ITEM 6**

<b>Subject</b>	SITE SELECTION – NORTH EAST CHELMSFORD
<b>Report by</b>	CABINET MEMBER FOR PLANNING AND ECONOMIC DEVELOPMENT

**Enquiries contact:** Karen Shearing, karen.shearing@chelmsford.gov.uk, Ext 6779

**Purpose**

The purpose of this report is to seek Cabinet approval to the selection of a site for the potential provision of a Gypsy and Traveller site in North Chelmsford as required by the S106 Agreement forming part of planning permission 10/01976/OUT (residential-led development on Channels Golf Course).

**Options**

Cabinet can approve or reject the recommendation listed below.

**Recommendation**

The Cabinet authorise the City Council to serve notice (referenced as the Drakes Farm Plot Notice within the S106 Agreement) on the owner of the Drakes Farm Plots stating that it has identified Plot A as the location for a potential Gypsy and Traveller site in North Chelmsford.

**Corporate Implications**

<b>Legal:</b>	The City Council is required to (i) serve the Drakes Farm Plot Notice on the owners of the land by 16 <sup>th</sup> April 2014 identifying the plot for the potential provision of a Gypsy and Traveller site, (ii) to make an application for planning permission in respect of the site identified in the Drakes Farm Plot Notice and (iii) to accept the transfer of the identified site by 1 <sup>st</sup> January 2015 (or another date as agreed between the City Council and the Owners) on completion of the required remediation and decontamination works, provision of the services required to make the site fit for human habitation and occupation and having obtained warranties for the works carried out.
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Financial:	<p>The City Council is required to make an application for planning permission in respect of the identified site for its provision as a potential Gypsy and Traveller site; there is a cost in preparing and submitting such an application.</p> <p>A contribution is then due from Countryside Zest to the sum of £612,000 for the physical construction of the site in the event that planning permission is granted; this figure has been worked out on a detailed basis and also on an average figure from the Homes and Communities Agency of £60,000 per plot.</p>
Personnel:	<p>The City Council is required to make an application for planning permission in respect of the identified site for its provision as a potential Gypsy and Traveller site.</p> <p>ECC has currently expressed interest in managing the site</p>
Risk Management:	<p>The refusal of planning permission for provision of the identified plot as a potential Gypsy and Traveller site would result in the failure to deliver ten additional pitches within the North Chelmsford area which would contribute towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area. The Council would then be left open on appeal for the use of other sites within the City area; this has already happened due to the delay in delivery in NE Chelmsford.</p> <p>The Council receives a serviced and remediated site free of charge once permission has been granted. The £612,000 from Countryside Zest for physical provision of the plots has been calculated using the best information available at the time. The site will be developed to a budgetary ceiling of £612,000, in accordance with the S106 Agreement.</p>
Equalities and Diversity:	<p>The proposal is the first step in the provision of a specialist residential site for Gypsies and Travellers as identified in the Core Strategy and Development Control Policies Development Plan Document and the North Chelmsford Area Action Plan. The need for such provision for this section of the Community in this area is a fundamental tenet of the Area Action Plan which went through a full Examination in Public leading to its adoption. Without such provision the Council is open to challenge on other sites and ultimately possible imposition of a site by the Government.</p>
Health and Safety:	<p>The City Council is required to accept the transfer of the identified site by 1<sup>st</sup> January 2015 (or another date as agreed between the City Council and the Owners) on completion of the required remediation and decontamination works, provision of the services required to make the site fit for human habitation and occupation and having obtained warranties for the works carried out.</p>
IT:	None
Other:	None
<b>Consultees</b>	<p>CCC Public Health and Protection Service  CCC Strategic Housing Services  CCC Planning and Development Management – Trees  ECC Countywide Traveller Unit  Essex Ecology Services Limited  Corporate Property Manager</p>

## Policies and Strategies

The report takes into account the following policies and strategies of the Council:

North Chelmsford Area Action Plan Adopted July 2011

Core Strategy and Development Control Policies Development Plan Document Adopted 20<sup>th</sup> February 2008

Core Strategy and Development Control Policies Focused Review Development Plan Document

Position Statement – Gypsy and Traveller Accommodation

## Corporate Plan Priorities

The report relates to the following priorities in the Corporate Plan

Attracting investment and delivering infrastructure	√
Facilitating suitable housing for local needs	√
Providing high quality public spaces	X
Promoting a more sustainable environment	X
Promoting healthier and more active lives	X
Enhancing participation in cultural activities	X

### 1. Introduction

- 1.1 Outline planning permission was granted on 30<sup>th</sup> October 2012; 10/01976/OUT refers, for a residential-led development comprising a minimum of 650 and a maximum of 750 dwellings, open space and a community hub, provision of the northern section of the Radial Distributor Road and junction improvement works to Essex Regiment Way on land to the north, south and east of Belsteads Farm Lane, principally occupied by Channels Golf Course (Channels).
- 1.2 The S106 Agreement for the development secures the transfer of one of two parcels of land within the ownership of the applicant at Drakes Lane (see Appendix 1) for potential provision as a Gypsy and Traveller site. The site would accommodate ten pitches contributing towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area.
- 1.3 The S106 Agreement for the proposed development by Countryside Zest on land immediately to the south of the Channels site; planning application 09/01314/EIA refers, will secure a capped financial contribution of £612,000.00 to facilitate physical provision of the Gypsy and Traveller site (Greater Beaulieu Park).
- 1.4 The report below sets out the findings of the independent surveys, utility surveys and expert reports as required by the S106 Agreement and recommends that the City Council serve written notice on the site owner to transfer Plot A to the authority in the event that planning permission is subsequently granted for its provision as a Gypsy and Traveller site.
- 1.5 The process does not obviate the need for planning permission.

## 2. Planning Permission 10/01976/OUT – S106 Agreement (Channels)

- 2.1 The S106 Agreement requires the owners to submit to the City Council, copies of independent surveys, utilities surveys and expert reports, together with full details of the associated costs to make either of the two identified sites (see Appendix 1) suitable for human occupation and habitation. The reports provided by the owners are listed as background papers below.
- 2.2 The City Council is required, by 16<sup>th</sup> April 2014, to serve notice on the owners stating which one of the two plots of land at Drakes Farm should be transferred to the City Council for provision as a Gypsy and Traveller site in the event that planning permission is granted.
- 2.3 Having served the notice, the City Council is required to make an application for planning permission in respect of the identified site for its provision as a Gypsy and Traveller site.
- 2.4 The Owners, in the event that planning permission is granted, are then required to carry out, at their own expense, all the remediation and decontamination works as detailed within the reports and surveys listed as background papers below, to provide all services required to make the identified site fit for human habitation and occupation and obtain warranties for the works carried out.
- 2.5 Having completed the works to the satisfaction of the City Council, the Owners are to transfer the identified site to the authority by 1<sup>st</sup> January 2015 (or another date as agreed between the City Council and the Owners) together with all warranties for the work undertaken.
- 2.6 The ten plots are counted towards the affordable housing provision within the S106 Agreement; in the event that the site does not go ahead, due to refusal of planning permission, the Channels developer is obliged to subsume the 10 plots back into the development site as affordable housing.

## 3. Sites

- 3.1 Two sites have been put forward by the site owners pursuant to the S106 Agreement (see Appendix 1 for the sites and Appendix 2 for the sites in the context of the wider area).
- 3.2 Plot A is situated at the junction of Drakes Lane and Boreham Road and currently comprises open, undeveloped grassland with some trees and hedges along the site boundaries. The plot is bounded to the south by a small area of woodland and a former sand and gravel quarry which consists of open land, ponds and lakes. The Drakes Lane Industrial Estate, which is an allocated Employment Area in the North Chelmsford Area Action Plan, is located approximately 100m to the west of the site.
- 3.3 Plot B is situated to the west of Plot A and comprises disused land. A vacant building is situated in the south-western part of the site and the remains/foundations of three former farm silos are present within the north-western part of the site. The land is bordered by preserved woodland to the east (TPO/2003/076) and Drakes Farm and residential properties to the west.

#### 4. Merits of the Site

##### *Ecology and Trees*

- 4.1 Ecological survey work indicates that Plot B is of lower ecological value than Plot A with fewer ecological constraints. The development of Plot A is not however precluded subject to the owners adopting a series of risk avoidance measures during site clearance works in relation to Great Crested Newts and the implementation of enhancement measures prior to site transfer. The measures include provision of a new wildlife buffer along the site boundaries.
- 4.2 Sporadic trees are present around the road side boundary of Plot A but none are worthy of preservation or of any consequence. Visibility sight splays can be achieved without losing too much existing vegetation and there is scope to introduce screen planting outside of the splays. Plot B is situated immediately adjacent to preserved woodland but boundary fencing offers sufficient protection.

##### *Contamination*

- 4.3 Historic activity has resulted in a degree of contamination on both plots. Plot A was previously used as a storage area for overburden material during mineral extraction activities on adjacent land. Plot B was last used for agricultural purposes and for vehicle maintenance. The CCC Public Health and Protection Service has advised that both sites would be suitable for provision of a Gypsy and Traveller site but that clean soil capping would be required within any soft landscaped areas incorporated at Plot B due to the presence of marginally elevated levels of Benzo(a)pyrene.

##### *Access and Highway Safety*

- 4.4 The owners have supplied vehicle speed survey data for both plots. The County Highway Authority has stipulated the appropriate visibility sight splays required for the accesses to both plots in response to this data. The 160m visibility sight splay required to the west of the access to Plot B is not achievable within the highway boundary or land owned by the owner. On highway safety grounds the preference is therefore for Plot A.

##### *Utilities*

- 4.5 The plots both require the upgrade of a pole mounted transformer and the extension of the low voltage mains to the site. The owner has obtained costs for supplying a 30kVA single supply to each of the two sites and those costs would be borne by them as part of the transfer requirements set out within the S106 Agreement. No mains gas supply serves either site. Existing BT lines are situated within Drakes Lane and extension of the network is available for either plot.
- 4.6 Sufficient capacity exists within the local area to supply potable water to either plot. Existing water mains cross both plots close to Drakes Lane which may need to be diverted into the public highway; again those costs would be borne by the site owner.
- 4.7 The plots are not connected to mains public sewers and provision of a localised processing unit to dispose of foul sewage is required. The owner has provided details of a Klargester system, the cost of which would be borne by the site owner.
- 4.8 The utility reports indicate that either plot would be suitable for potential provision as a Gypsy and Traveller site.



## *Site Selection*

- 4.9 Plot A is considered the most suitable and preferred site. The plot is situated further away from existing residential properties than Plot B (which is immediately adjacent to three residential properties). The Countywide Traveller Unit has advised that in their experience management of a site close to existing residential properties is fraught with difficulties due to the propensity for a high level of complaints. The shape of Plot A also lends itself to a more appropriate configuration of pitches.
- 4.10 Plot A is the most visible given its corner location however the ecological reports specify the need for a 5m wide wildlife buffer along the site boundaries planted with a native species-rich mix to provide connectivity with adjacent habitat and increase the biodiversity value of the site. Visibility sight splays can be achieved without losing too much existing vegetation and there is scope to introduce additional screen planting outside of the splays to lessen the visual impact of the Gypsy and Traveller site.
- 4.11 Access to the site can be accommodated without the need for acquisition of third party land.
- 4.12 The independent surveys and reports do not highlight any issues with de-contamination or provision of utilities to render the site unsuitable for human occupation and habitation.

## 5. Provision and Future Management

- 5.1 The S106 for the Countryside Zest development area secures a payment of £612,000 for the physical provision of the plots. The negotiated figure was based on detailed costings for a similar site and also on the Homes and Communities Agency's estimate of £60,000 per plot. The site will be developed to a budgetary ceiling of £612,000, in accordance with the S106 Agreement.
- 5.2 ECC Countywide Traveller Unit has advised that it would have an expression of interest either to (i) monitor and enforce the site licence if the site is sold privately or as individual plots, or (ii) manage the site as local authority provision; it is suggested that officers continue to have exploratory discussions with Essex County Council on those matters, as the scheme is progressed.
- 5.3 Alternative RSL providers would be sought in the event that ECC does not manage the site.

## 6. Recommendation

- 6.1 The Cabinet authorise the City Council to serve notice (referenced as the Drakes Farm Plot Notice within the S106 Agreement) on the owner of the Drakes Farm Plots stating that it has identified Plot A as the location for a potential Gypsy and Traveller site in North Chelmsford.

## List of Appendices

Site Plan – Plots A and B

## Background Papers

- Drakes Farm Letter – 09.04.13
- Drakes Farm Location Plan – Plots A & B
- Utilities Report – Plots A & B
- Phase 1 Environmental Survey – Plot A: April 2013
- Phase 1 Environmental Survey – Plot B: April 2013
- Ecological Report – Plot A: April 2013
- Ecological Report – Plot B: April 2013
- Drakes Farm – Electrical Supplies
- Electrical Connection Points
- Site Investigation Report – Plot A
- Site Investigation Report – Plot B
- Ecological Supplementary Report – Plot A
- Ecological Supplementary Report – Plot B
- Access Solution – Plot A
- Access Solution – Plot B
- Great Crested Newt Supplementary Report – January 2014
- Drakes Farm Plot – Speed Survey Locations
- Drakes Farm Plot – Speed Survey Data
- Drakes Farm Plot – Proposed Site Access Solution
- Supplementary E-Mail 22.01.14 – Utilities Information
- National Grid Correspondence – 28.01.14
- Essex & Suffolk Water Plan dated 28.01.14
- Klargester Sewer Treatment System Brochures

EXTRACT FROM MINUTES OF CABINET ON 4 MARCH 2014

6. **Site Selection – North-East Chelmsford (Planning and Economic Development)**

*Declarations of Interest:* None

*Summary:* The Cabinet received a report on options for the location of a Gypsy and Travellers site in north Chelmsford, which was to be provided as part of a Section 106 agreement associated with the planning permission 10/01976/OUT.

*Options:*

1. Approve the recommended site at Drakes Farm
2. Approve the alternative site at Drakes Farm referred to in the report
3. Identify a different site to those described in the report

*Chosen Option and Reasons*

The site identified as Plot A in the report is the most suitable site, particularly with regard to access and highway safety.

**RESOLVED that** authority be given to serve notice (referenced as the Drakes Farm Plot Notice within the S106 Agreement) on the owner of the Drakes Farm Plots referred to in the report to the meeting stating that the City Council has identified Plot A as the location for a potential Gypsy and Traveller site in North Chelmsford.

**CABINET**  
**30 January 2018**

**AGENDA ITEM 7**

<b>Subject</b>	DRAKES FARM PLOT – NORTH EAST CHELMSFORD
<b>Report by</b>	CABINET MEMBER FOR PLANNING AND ECONOMIC DEVELOPMENT

**Enquiries contact:** Karen Shearing, Ext 6779, karen.shearing@chelmsford.gov.uk

**Purpose**

The purpose of this report is to seek Cabinet approval to:

- (i) an increase in the size of the selected site for the potential provision of a Gypsy and Traveller site in North Chelmsford (Cabinet minute ref M6, CAB30, 2014) as required by the s106 Agreement forming part of planning permission 10/01976/OUT (residential-led development on Channels Golf Course) to facilitate an acceptable drainage system, provision of a liquefied petroleum gas (LPG) storage vessel and play space, and
- (ii) the application being made by a Registered Provider and not Chelmsford City Council.

The Cabinet to note the following:

- (iii) A variation to the s106 Agreement will be sought to allow the drainage works and implementation of the LPG storage vessel to be undertaken by the Registered Provider, if subsequently agreed with the landowner, and to allow the planning application to be submitted by the Registered Provider and not Chelmsford City Council.

**Options**

Cabinet can approve or reject the recommendations listed below and note that a variation to the s106 Agreement will be sought.

**Recommendations**

The Cabinet authorise:

- (i) an increase in the size of the selected site for the potential provision of a Gypsy and Traveller site in North Chelmsford, and

- (ii) the planning application being made by a Registered Provider and not Chelmsford City Council.

The Cabinet to note the following:

- (iii) A variation to the s106 Agreement will be sought to allow the drainage works and implementation of the LPG storage vessel to be undertaken by the Registered Provider, if subsequently agreed with the landowner, and to allow the planning application to be submitted by the Registered Provider and not Chelmsford City Council.

### **Corporate Implications**

Legal:	The City Council served the Drakes Farm Plot Notice on the owners of the land on 13 <sup>th</sup> March 2014 identifying Plot A (see Appendix 2) as the plot for the potential provision of a Gypsy and Traveller site. The s106 Agreement requires the City Council to subsequently make an application for planning permission (to include the additional land – see Appendix 3). Agreement is now sought to allow a Registered Provider to make the application. The City Council is required to accept the transfer of the identified site on completion of the required remediation and decontamination works, provision of the services required to make the site fit for human habitation and occupation and having obtained warranties for the works carried out. The Cabinet is asked to note that a variation to the agreement will be sought to allow the Registered Provider to implement the drainage works, if subsequently agreed with the landowner. The City Council would then transfer the site to the Registered Provider.
Financial:	The Registered Provider would make the application for planning permission in respect of the identified site and including the additional land for its provision as a potential Gypsy and Traveller site. The City Council is underwriting the initial costs in preparing and submitting the application. A contribution is then due from Countryside Zest to the sum of £612,000 for the physical construction of the site should planning permission be granted; this figure has been worked out on a detailed basis, and on an average figure from the Homes and Communities Agency, of £60,000 per plot.
Personnel:	The City Council is required to accept the transfer of the site upon completion of the works outlined above. The site would then be transferred to the Registered Provider who would manage the site.
Risk Management:	The refusal of planning permission for provision of the identified plot as a potential Gypsy and Traveller site would result in the failure to deliver ten additional pitches within the North Chelmsford area which would contribute towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area. The Council would then be left open on appeal for the use of other sites within the City area; this has already happened due to the delay in delivery of NE Chelmsford. The Council receives a serviced and remediated site free of charge once permission has been granted which is then transferred to the Registered Provider. The £612,000 from

	Countryside Zest for physical provision of the plots has been calculated using the best information available at the time. The site will be developed to a budgetary ceiling of £612,000, in accordance with the s106 Agreement.
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	The application will mark the first step in the provision of a specialist residential site for Gypsies and Travellers as identified in the Core Strategy and Development Control Policies Development Plan Document and the North Chelmsford Area Action Plan. The need for such provision for this section of the community in this area is a fundamental tenet of the Area Action Plan which went through a full Examination in Public leading to its adoption. The City Council is open to challenge on other sites, without such provision, and ultimately possible imposition of a site by the Government.
Health and Safety:	The City Council is required to accept the transfer of the site upon completion of the works outlined above. The site would then be transferred to the Registered Provider who would manage the site.
IT:	None.
Other:	None.

<b>Consultees</b>	CCC Planning and Housing Policy Team CCC Legal Services
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### Policies and Strategies

The report takes account of the following policies and strategies of the Council:

North Chelmsford Area Action Plan Adopted July 2011

Core Strategy and Development Control Policies Development Plan Document Adopted 20<sup>th</sup> February 2008.

Core Strategy and Development Control Policies Focused Review Development Plan Document Adopted December 2013

Chelmsford Draft Local Plan Preferred Options Consultation Document March 2017

### Corporate Plan Priorities

The report relates to the following priorities in the Corporate Plan

Attracting investment and delivering infrastructure	<input checked="" type="checkbox"/>
Facilitating suitable housing for local needs	<input checked="" type="checkbox"/>
Providing high quality public spaces	<input type="checkbox"/>
Promoting a more sustainable environment	<input type="checkbox"/>
Promoting healthier and more active lives	<input type="checkbox"/>
Enhancing participation in cultural activities	<input type="checkbox"/>

## 1. Introduction

- 1.1 Outline planning permission was granted on 30<sup>th</sup> October 2012, 10/01976/OUT refers, for a residential-led development comprising a minimum of 650 and a maximum of 750 dwellings, open space and a community hub, provision of the northern section of the Radial Distributor Road and junction improvement works to Essex Regiment Way on land to the north, south and east of Belsteads Farm Lane, principally occupied by Channels Golf Course (Channels).
- 1.2 The s106 Agreement for the development secures the transfer of one of two parcels of land within the ownership of the applicant at Drakes Lane for potential provision as a Gypsy and Traveller site. The site would accommodate ten pitches contributing towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area.
- 1.3 The s106 Agreement for development by Countryside Zest at Beaulieu; planning application 09/01314/EIA refers, secures a capped financial contribution of £612,000 to facilitate physical provision of the Gypsy and Traveller site.
- 1.4 A report was presented to Cabinet on 4<sup>th</sup> March 2014 (see Appendix 1a) which sought approval to the selection of a site for potential provision of a Gypsy and Traveller site in North Chelmsford, as required by the s106 Agreement for the residential-led development on Channels Golf Course. Cabinet authorised the City Council to serve notice on the owner of the Drakes Farm Plots to transfer Plot A (see Appendix 1b) to the authority should planning permission subsequently be granted for its provision as a Gypsy and Traveller site.
- 1.5 The process does not remove the need for planning permission.

## 2. Preparation of the Planning Application

### **Site Area**

- 2.1 Plot A (see Appendix 2), the selected site, is situated at the junction of Drakes Lane and Boreham Road and currently comprises open, undeveloped grassland with some trees and hedges along the site boundaries. The plot is bounded to the south by a small area of woodland and a former sand and gravel quarry which consists of open land, ponds and lakes. The Drakes Lane Industrial Estate, which is an allocated Employment Area in the North Chelmsford Area Action Plan, is located approximately 100m to the west of the site.
- 2.2 The red line plan appended to the Channels s106 Agreement, which identified the Drakes Farm Plot A married with that presented to Cabinet.
- 2.3 Preparation of the planning application is progressing and it is the intention that this is submitted by a Registered Provider (see below). The provider has been developing a scheme layout, in discussion with officers of the City Council and other external consultees. During their work, it was determined that to facilitate an acceptable drainage solution, provide an LPG storage vessel and play space to serve the ten pitches, additional land to the west of the agreed site would be required (see Appendix 3). The red line for the planning application would therefore be materially different from that shown on the Plot A plan. Cabinet approval is therefore required to the variation.

### *1. Drainage*

- 2.4 The site is not connected to mains public sewers and provision of a localised processing unit to dispose of foul sewage is required. Initially, it had been assumed that the development would proceed based on the disposal of individual pitches, with each pitch having its own package sewage treatment plant. The owners of the Drakes Farm Plot A had proposed use of a Klargestar system, the cost of which was to be borne by them.
- 2.5 New Environment Agency rules came into force on 1<sup>st</sup> January 2015, after the Cabinet decision on 4<sup>th</sup> March 2014, and the space required for individual drainage fields meant that the area for the residential pitches would be substantially reduced and the site would not be able to accommodate ten pitches. Test drilling also established that the site consists of a layer of made up ground, presumed to be waste material left over from gravel extraction, and beneath it a band of clay. Percolation (and further oxygenation) of waste water in the soil would not therefore have met standards, presenting the risk of groundwater pollution; as such implementation of the system would not have been permitted by the Environment Agency.
- 2.6 Given that individual package treatment plants and drainage fields would not have presented an acceptable solution in this location, it was concluded that development of the site, based upon disposal of pitches to individual traveller families was not realistic. Instead it was considered that the site would need to be managed by a housing association or similar, with waste treatment facilities provided for the site in its entirety.
- 2.7 The provision of a sewerage treatment plant is the most acceptable solution to dealing with drainage in an effective and responsible manner; however, insufficient space is available within the agreed site to deliver the system and provide the required ten pitches in accordance with good practice site design. The landowner has offered an extended site to provide the additional land to locate the sewerage treatment plant.

### *2. Liquefied Petroleum Gas (LPG)*

- 2.8 No mains gas supply serves the site. The Registered Provider wishes to install an LPG tank on the site for gas heating as this will reduce, or negate, the need for individual gas cylinder heaters. The solution is both cheaper and safer. The tank is usually housed in a bulk storage vessel below ground, which requires quite a significant parcel of underground land and which needs to be accessible for deliveries.
- 2.9 The storage vessel cannot reasonably be accommodated within the agreed site area, whilst also delivering an acceptable drainage solution and arranging the pitches in a manner which follows good practice site guidance. On that basis, there is a need for inclusion of additional land to the west of the agreed site.

### *3. Play Space*

- 2.10 Good practice guidance recommends that consideration be given to the inclusion of a communal recreation area for children of all ages with natural surveillance.
- 2.11 A play area is not deliverable on the agreed site; consequently, it is necessary to reposition one or more pitches onto the additional land to the west to accommodate a small play area, which should benefit from natural surveillance from the surrounding pitches.



### **Submission of the Planning Application**

- 2.12 The previous Cabinet report stated that 'The City Council is required to make an application for planning permission in respect of the identified site for its provision as a potential Gypsy and Traveller site.' Having regard to the position regarding drainage, as set out above, it was agreed to approach local housing associations to ascertain whether any would be willing to manage the site.
- 2.13 A Registered Provider expressed an interest, and is currently developing a scheme with the intention of submitting a planning application in Spring 2018. The approach represents the most practical and appropriate means of managing the site in the future. Approval is sought to allow the Registered Provider, rather than the City Council, to submit the planning application.

### **Implementation of Drainage and LPG Storage Vessel**

- 2.14 The proposed approach to drainage, and the provision of liquefied petroleum gas, is set out above. The Registered Provider would like to install the drainage system and liquefied petroleum gas themselves, based on experience with other sites.
- 2.15 The s106 Agreement requires the owners to undertake the required remediation and decontamination works as summarised in the previous Cabinet report, to provide the services required to make the site fit for human habitation and occupation and to obtain, and provide, warranties for the works carried out, upon transfer of the site to the City Council.
- 2.16 A meeting is to be scheduled between the City Council and the land owner to discuss the proposal by the Registered Provider to implement the drainage works and implementation of the LPG storage vessel themselves. Should the land owner be agreeable, then the site which they would transfer to the City Council would not be fully made fit for human habitation and occupation. The Cabinet is asked to note that a deed of variation to the s106 Agreement will be sought, as the wording of Schedule 14 Clause 4 would need to be amended accordingly.

### **3. Conclusion**

- 3.1 The Cabinet is asked to authorise (i) an increase in the size of the selected site for the potential provision of a Gypsy and Traveller site in North Chelmsford and (ii) the planning application being made by a Registered Provider and not Chelmsford City Council. The Cabinet is asked to note that a variation to the s106 Agreement will be sought to allow the drainage works and implementation of the LPG storage vessel to be undertaken by the Registered Provider, if subsequently agreed with the landowner, and to allow the planning application to be submitted by the Registered Provider and not Chelmsford City Council.
- 3.2 Agreement to the requested changes will allow the Registered Provider to continue with the preparation of their planning application in a manner which will ensure acceptable delivery of foul drainage and gas to serve the scheme and the appropriate provision of play space.
- 3.3 The planning application is intended to be submitted in Spring 2018 and will be considered by the Planning Committee.

### List of Appendices

Appendix 1 – Cabinet Report 4<sup>th</sup> March 2014 and Minutes

Appendix 2 – Drakes Farm Plot A

Appendix 3 – Drakes Farm Plot A – Increased Site Area

### Background Papers

Nil.

EXTRACT FROM MINUTES OF CABINET ON 30 JANUARY 2018

7. **Drakes Farm Plot, North-East Chelmsford (Planning and Economic Development)**

*Declarations of Interest:* None

*Summary:* The Cabinet was informed that it was proposed to increase the size of the plot identified for the provision of a ten-pitch gypsy and traveller site to be provided at Drakes Lane as part of the Channels redevelopment in north-east Chelmsford. The extended site was required to enable drainage to be installed and liquid petroleum gas to be stored on site. It was also proposed that the site be managed by a Registered Provider.

*Options:* Approve or not the increase in the site and the proposed arrangements with a Registered Provider.

*Chosen Option and Reasons:* The proposed actions would meet the requirement to provide a suitable site for gypsies and travellers in north-east Chelmsford and enable the site to be managed by a Registered Provider.

**RESOLVED** that:

1. authority be given to increase the size of the selected site for the potential provision of a Gypsy and Traveller site in North Chelmsford in accordance with the proposals set out in the [report to the meeting](#);
2. the planning application for the extension of the site be made by a Registered Provider and not Chelmsford City Council;
3. the Cabinet note the intention to seek a variation to the s106 Agreement to allow the drainage works and implementation of the LPG storage vessel to be undertaken by the Registered Provider, if subsequently agreed with the landowner, and to allow the planning application to be submitted by the Registered Provider and not Chelmsford City Council.

**CABINET**  
**3 July 2018**

**AGENDA ITEM 7**

<b>Subject</b>	DRAKES FARM PLOT – NORTH EAST CHELMSFORD
<b>Report by</b>	CABINET MEMBER FOR PLANNING AND ECONOMIC DEVELOPMENT
<b>Enquiries contact:</b> Karen Shearing, Ext 6779, <a href="mailto:karen.shearing@chelmsford.gov.uk">karen.shearing@chelmsford.gov.uk</a>	
<p><b>Purpose</b></p> <p>The purpose of the report is to seek Cabinet approval to:</p> <ul style="list-style-type: none"> <li>(i) allow for a scenario where the planning application is submitted for the provision of 9 gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be resident on the site, and</li> <li>(ii) allow for the City Council to exercise an option to: <ul style="list-style-type: none"> <li>a) take a commuted sum from the landowner (precise figure to be agreed) to cover the full costs of decontamination and remediation works on site and provision of the services necessary to make the site fit for human habitation and occupation (to be carried out by the Registered Provider). The commuted sum to be paid to the City Council and transferred to the Registered Provider upon the grant of planning permission and expiry of the period for Judicial Review to allow them to undertake the servicing works <u>or</u></li> <li>b) where the landowner remains responsible for undertaking works to decontaminate and remediate the site, to take a commuted sum (precise figure to be agreed) to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be carried out by the Registered Provider). The decontamination and remediation works to be undertaken following the grant of planning permission and expiry of the period for Judicial Review (by the landowner) and the landowner to subsequently pay the commuted sum to the City Council, to be subsequently transferred to the Registered Provider who will then undertake the servicing works.</li> </ul> </li> </ul>	
<p><b>Options</b></p> <p>Cabinet can approve or reject the recommendation listed below and note that a variation to the s106 Agreement will be sought.</p>	

## Recommendations

The Cabinet authorise:

- (i) allowance for a scenario where the planning application is submitted for the provision of 9 gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be resident on the site, and
- (ii) payment of a commuted sum to the City Council upon the grant of planning permission and expiry of the Judicial Review period, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be carried out by the Registered Provider), and, if necessary the costs of decontamination and remediation works on site.

A variation to the s106 Agreement will be sought to allow a commuted sum to be paid to the City Council, by the landowner, upon the grant of planning permission and expiry of the period for Judicial Review, to be subsequently passed to the Registered Provider, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, and, if necessary, to cover the full costs of carrying out the decontamination and remediation works on site.

## Corporate Implications

Legal:

The City Council served the Drakes Farm Plot Notice on the owners of the land on 13<sup>th</sup> March 2014 identifying Plot A (see Appendix 3) as the plot for the potential provision of a Gypsy and Traveller site. The s106 Agreement requires the City Council to subsequently make an application for planning permission (to include the additional land – see Appendix 3). Agreement was given by Cabinet on 30<sup>th</sup> January 2018 and to allow a Registered Provider to make the application and to allow the Registered Provider to implement the drainage works, if subsequently agreed with the landowner. The City Council would then transfer the site to the Registered Provider (CAB32). Agreement is now sought to allow the City Council to exercise an option to allow a commuted sum to be paid to the City Council, by the landowner, upon the grant of planning permission and expiry of the period for Judicial Review, which would subsequently be passed to the Registered Provider, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, (to be delivered by the Registered Provider) and if necessary, to cover the full costs of carrying out the decontamination and remediation works on site (by the Registered Provider). It should be noted that if Cabinet agree the recommendations within this report then the section 106 Agreement will need to be varied to reflect the changes. The decision to vary a section 106 agreement is not an executive function and thus cannot be taken by Cabinet. A separate report will need to go to the Director of Sustainable Communities, seeking his authorisation, under delegated powers, to vary the Agreement.

Financial:

Upon the grant of planning permission, and following expiry of the period for Judicial Review, the landowner would pay a commuted sum to the City Council to cover the full costs of providing the services necessary to make the site fit for human habitation and

	<p>occupation (to be delivered by the Registered Provider) and, if necessary, to cover the full costs of carrying out the decontamination and remediation works on site (by the Registered Provider).</p> <p>A contribution is then due from Countryside Zest to the sum of £612,000 for the physical construction of the site should planning permission is granted; this figure has been worked out on a detailed basis, and on an average figure from Homes England, of £60,000 per plot.</p>
Personnel:	None
Risk Management:	<p>The refusal of planning permission for provision of the identified plot as a potential Gypsy and Traveller site, would result in the failure to deliver ten additional pitches within the North Chelmsford area, which would contribute towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area. The Council would then be left vulnerable to appeal for the use of other sites within the City area; this has already happened, due to the delay in delivery of NE Chelmsford. The Council receives a site free of charge once permission has been granted, (and decontamination and remediation works have been completed, if agreed), which is then transferred to the Registered Provider with a commuted sum to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be delivered by the Registered Provider), and if necessary, to cover the full costs of carrying out the decontamination and remediation works (by the Registered Provider). The £612,000 from Countryside Zest for physical provision of the plots has been calculated using the best information available at the time. The site will be developed to a budgetary ceiling of £612,000, in accordance with the s106 Agreement.</p>
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	<p>The application will mark the first step in the provision of a specialist residential site for Gypsies and Travellers as identified in the Core Strategy and Development Control Policies Development Plan Document and the North Chelmsford Area Action Plan. The need for such provision for this section of the community in this area is a fundamental tenet of the Area Action Plan which went through a full Examination in Public leading to its adoption. The City Council is open to challenge on other sites, without such provision, and ultimately possible imposition of a site by the Government.</p>
Health and Safety:	<p>The City Council is required to accept the transfer of the site, which may follow works to decontaminate and remediate the site as outlined above. The site would then be transferred to the Registered Provider who would manage the site.</p>
IT:	None.
Other:	None.
<b>Consultees</b>	<p>CCC Planning and Housing Policy Team</p> <p>CCC Legal Services</p>

## **Policies and Strategies**

The report takes account of the following policies and strategies of the Council:

North Chelmsford Area Action Plan Adopted July 2011

Core Strategy and Development Control Policies Development Plan Document Adopted 20<sup>th</sup> February 2008.

Core Strategy and Development Control Policies Focused Review Development Plan Document Adopted December 2013

Chelmsford Draft Local Plan Preferred Options Consultation Document March 2017

## **Corporate Plan Priorities**

The report relates to the following priorities in the Corporate Plan

Attracting investment and delivering infrastructure	√
Facilitating suitable housing for local needs	√
Providing high quality public spaces	x
Promoting a more sustainable environment	x
Promoting healthier and more active lives	x
Enhancing participation in cultural activities	x

## 1. Introduction

- 1.1 Outline planning permission was granted on 30<sup>th</sup> October 2012, 10/01976/OUT refers, for a residential-led development comprising a minimum of 650 and a maximum of 750 dwellings, open space and a community hub, provision of the northern section of the Radial Distributor Road and junction improvement works to Essex Regiment Way on land to the north, south and east of Belsteads Farm Lane, principally occupied by Channels Golf Course (Channels).
- 1.2 The s106 Agreement for the development secures the transfer of one of two parcels of land within the ownership of the applicant at Drakes Lane for potential provision as a Gypsy and Traveller site. The site is intended to accommodate ten pitches contributing towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area.
- 1.3 The s106 Agreement for development by Countryside Zest at Beaulieu, planning application 09/01314/EIA refers, secures a capped financial contribution of £612,000 to facilitate physical provision of the Gypsy and Traveller site.
- 1.4 A report was presented to Cabinet on 4<sup>th</sup> March 2014 (see Appendix 1) which sought approval to the selection of a site for potential provision of a Gypsy and Traveller site in North Chelmsford, as required by the s106 Agreement for the residential-led development on Channels Golf Course. Cabinet authorised the City Council to serve notice on the owner of the Drakes Farm Plots to transfer Plot A (see Appendix 3) to the authority should planning permission subsequently be granted for its provision as a Gypsy and Traveller site.
- 1.5 The process does not remove the need for planning permission.
- 1.6 A further report was presented to Cabinet on 30<sup>th</sup> January 2018 (see Appendix 2), which sought authority to (i) increase the size of the selected site to enable liquid petroleum gas to be stored on site (not now required), the installation of drainage and a play area and to (ii) allow the planning application for the extended site to be made by a Registered Provider, and not Chelmsford City Council.

## 2. Preparation of the Planning Application

### **Site Area**

- 2.1 Plot A (see Appendix 2), the selected site, is situated at the junction of Drakes Lane and Boreham Road and currently comprises open, undeveloped grassland with some trees and hedges along the site boundaries. The plot is bounded to the south by a small area of woodland and a former sand and gravel quarry which consists of open land, ponds and lakes. The Drakes Lane Industrial Estate, which is an allocated Employment Area in the North Chelmsford Area Action Plan, is located approximately 100m to the west of the site.
- 2.2 The red line plan appended to the Channels s106 Agreement, which identified the Drakes Farm Plot A married with that presented to Cabinet on 4<sup>th</sup> March 2014.
- 2.3 Preparation of the planning application is progressing and it is the intention that this is submitted by a Registered Provider. The provider has been developing a scheme layout, utilising part of the additional land (see Appendix 4), in discussion with officers of the City Council and other external consultees. The landowner, Registered Provider and



Chelmsford City Council have accepted that part of the additional land is required to facilitate an acceptable drainage solution.

### **Scope of the Planning Application**

- 2.4 The previous Cabinet Reports refer to the provision of a ten pitch gypsy and traveller site. A Registered Provider expressed an interest in the site, and is currently developing a scheme. The intention is that the Registered Provider will submit the planning application in Summer 2018. The approach represents the most practical and appropriate means of managing the site in the future.
- 2.5 Significant progress has been made on the preparation of a scheme layout, which accords with best practice advice. The Registered Provider is developing a scheme, which results in only part of the additional land, as agreed by Cabinet (CB32), being used, solely to facilitate an acceptable drainage solution. The pitches at this stage are intended to be accommodated solely within the area identified as Plot A on the plan at Appendix 3. The sewage treatment plant (drainage) would be accommodated on part of the additional land (Appendix 4).
- 2.6 During scheme development, it has become clear there is a need for provision to be made for a site manager to attend the site; at this stage it is not known whether the manager would be part of the gypsy/traveller community and, if they would need to be resident on the site. On that basis, flexibility is sought to allow the Registered Provider to submit a planning application which provides for 9 pitches plus 1 pitch for a site manager who may, or may not, be resident on the site.

### **Commuted Sum**

- 2.7 The s106 Agreement requires the owners to undertake the required remediation and decontamination works as summarised in the previous Cabinet reports, to provide the services required to make the site fit for human habitation and occupation and to obtain, and provide, warranties for the works carried out, upon transfer of the site to the City Council.
- 2.8 The proposed approach to drainage was set out in the previous Cabinet Report (see Appendix 2). The Registered Provider, in that respect, has already made clear that they would like to install the drainage system themselves, based on their experience with other sites.
- 2.9 During scheme development, the landowner has offered the option of providing a commuted sum to cover the full costs of servicing works to make the site, fit for human habitation and occupation rather than carry out those works themselves. The commuted sum may include the costs of decontamination and remediation works, or in the scenario where such works are carried out by the landowner, the commuted sum would cover only the full costs of servicing works. The precise sum will be the subject of detailed negotiation, and the extent of decontamination and remediation works required, the subject of discussion between the landowner and the City Council. Agreement is sought to allow either option to be exercised. The Registered Provider is content for a commuted sum to be paid to them, which they would then utilise to undertake the servicing works, subject to agreement upon the precise figure.
- 2.10 The commuted sum would only be payable to the City Council upon the grant of planning permission, and expiry of the Judicial Review period, and would be subsequently passed to the Registered Provider.

- 2.11 The Cabinet is asked to note that a deed of variation to the s106 Agreement will be sought, as the wording of Schedule 14 Clause would need to be amended accordingly.

3. Conclusion

- 3.1 The Cabinet is asked to authorise (i) a scenario where the planning application is submitted for the provision of 9 gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be resident on the site and (ii) payment of a commuted sum to the City Council, upon the grant of planning permission, and expiry of the Judicial Review period, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be carried out by the Registered Provider), and, if necessary the costs of decontamination and remediation works on site.
- 3.2 Agreement to the requested changes will allow the Registered Provider to continue with the preparation of their planning application in a manner which will ensure acceptable delivery of the scheme, in accordance with best practice, and to exercise the option to undertake all servicing works themselves, subject to agreement over the precise commuted sum.
- 3.3 The planning application is intended to be submitted in Summer 2018 and will be considered by the Planning Committee.

List of Appendices

Appendix 1 – Cabinet Report 4<sup>th</sup> March 2014 and Minutes  
Appendix 2 – Cabinet Report 30<sup>th</sup> January 2018 and Minutes  
Appendix 3 – Drakes Farm Plot A  
Appendix 4 – Drakes Farm Plot A – Increased Site Area

Background Papers

Nil.

## EXTRACT FROM MINUTES OF CABINET ON 3 JULY 2018

7. **Drakes Farm Plot, North-East Chelmsford (Planning and Economic Development)**

*Declarations of Interest:* None

*Summary:* The Cabinet was updated on the latest discussions and arrangements for the scheme to provide 10 gypsy and traveller pitches on land at Drakes Farm. The arrangements, which were described in [the report](#) to the meeting, related to the planning application for the development and the means by which the services necessary to make the site fit for human habitation and occupation were provided and decontamination and remediation works were carried out.

*Options:* Approve or not the proposed arrangements described in the report to the meeting.

*Chosen Option and Reasons:* The recommended action would give the necessary authorisations to enable the provision of the gypsy/traveller pitches.

**RESOLVED** that:

1. the following be authorised:
  - (i) allowance for a scenario where the planning application for the development at Drakes Farm is submitted for the provision of nine gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be resident on the site, and
  - (ii) payment of a commuted sum to the City Council upon the grant of planning permission and expiry of the Judicial Review period, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be carried out by the Registered Provider), and, if necessary the costs of decontamination and remediation works on site; and
2. it be noted that a variation to the s106 Agreement for the Channels development will be sought to allow a commuted sum to be paid to the City Council, by the landowner, upon the grant of planning permission and expiry of the period for Judicial Review, to be subsequently passed to the Registered Provider, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation, and, if necessary, to cover the full costs of carrying out the decontamination and remediation works on site.

**CABINET**  
**29 January 2019**

**AGENDA ITEM 7.2**

<b>Subject</b>	DRAKES FARM PLOT – NORTH EAST CHELMSFORD
<b>Report by</b>	CABINET MEMBER FOR PLANNING AND ECONOMIC DEVELOPMENT

**Enquiries contact:** Karen Short, Ext 6779, [karen.short@chelmsford.gov.uk](mailto:karen.short@chelmsford.gov.uk)

**Purpose**

The purpose of the report is to seek Cabinet approval to:

- (i) allow the landowner of the selected site for the potential provision of a Gypsy and Traveller site, to transfer the freehold interest of the land (substantially in the form of a separate Drakes Farm Transfer Agreement) directly to the Registered Provider, and not first to Chelmsford City Council;
- (ii) upon their acquisition of the freehold interest of the land, the Registered Provider to undertake the servicing works necessary to make the site fit for human habitation and occupation; and
- (iii) Chelmsford City Council to transfer the commuted sum to cover the full costs of servicing works to the Registered Provider in staged payments, in accordance with a separate Drakes Farm staged payments agreement, to be entered into between the Council and the Registered Provider.

**Options**

Cabinet can approve or reject the recommendation listed below and to note that a variation to the s106 Agreement for Channels (10/01976/OUT refers) will be sought.

**Recommendations**

The Cabinet authorise:

- (i) that the freehold interest of the land (substantially in the form of a separate Drakes Farm Transfer Agreement) can be transferred directly to the Registered Provider, and not first to Chelmsford City Council, following payment of an agreed commuted sum by the landowner, to Chelmsford City Council, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation;
- (ii) that upon their acquisition of the freehold interest of the land, the Registered Provider undertake the servicing works necessary to make the site fit for human habitation and occupation; and

- (iii) Chelmsford City Council to transfer the commuted sum to cover the full costs of servicing works to the Registered Provider in staged payments, in accordance with a separate Drakes Farm staged payments agreement, to be entered into between the Council and the Registered Provider.

### Corporate Implications

#### Legal:

The City Council served the Drakes Farm Plot Notice on the owners of the land on 13<sup>th</sup> March 2014 identifying Plot A as the plot for the potential provision of a Gypsy and Traveller site. The Channels s106 Agreement required the City Council to subsequently make an application for planning permission (to include the additional land). Agreement was given by Cabinet on 30<sup>th</sup> January 2018 to allow a Registered Provider, now Hastoe Housing Association, to make the application and to allow the Registered Provider to implement the drainage works, if subsequently agreed with the landowner. The City Council was to then transfer the site to the Registered Provider. Agreement was given by Cabinet on 3<sup>rd</sup> July 2018 to allow the City Council to exercise an option to allow the commuted sum to be paid to the City Council, by the landowner, upon the grant of planning permission and expiry of the period for Judicial Review. The commuted sum payment was then to be passed to the Registered Provider, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation (to be delivered by the Registered Provider) and if necessary, to cover the full costs of carrying out the decontamination and remediation works on site (by the Registered Provider). Agreement is now sought to allow the landowner of the site to transfer the freehold interest directly to the Registered Provider. The terms of the transfer would be contained in a separate legal document, the Drakes Farm Transfer Agreement. The transfer of the freehold interest of the land would take place following payment of an agreed commuted sum by the landowner, to Chelmsford City Council. The commuted sum payment would cover the full costs of providing the services necessary to make the site fit for human habitation and occupation and be paid to Chelmsford City Council, within an agreed period, following the grant of planning permission on 13 December 2018 (18/01476/FUL refers) and expiry of the Judicial Review period. Following their acquisition of the freehold interest of the land, the Registered Provider would undertake the servicing works necessary to make the site fit for human habitation and occupation. Members are asked to note that if Cabinet agree to the recommendations within the report, then the s106 Agreement will need to be varied to reflect the changes. The decision to vary a section 106 Agreement is not an executive function and thus cannot be taken by Cabinet. The Planning Committee authorised a variation of the Channels s106 Agreement (10/01976/OUT refers) along the lines detailed in Section 9 of the report to the Planning Committee on 4 December 2018 and for the Director of Sustainable Communities, after consultation with the Legal & Democratic Services Manager, to complete the deed of variation to the Agreement under delegated powers.

Financial:	<p>Following the grant of planning permission on 13 December and expiry of the period for Judicial Review, the landowner will be required, within an agreed period, to pay a commuted sum to the City Council to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation by the Registered Provider.</p> <p>A contribution is payable by Countryside Zest to the sum of £612,000 for the physical construction of the site should planning permission be granted; this figure has been worked out on a detailed basis, and on an average figure from Homes England, of £60,000 per plot.</p>
Personnel:	None
Risk Management:	<p>A successful claim for Judicial Review against the grant on 13 December 2018 of planning permission for the Gypsy and Traveller site would result in the failure to deliver nine additional pitches within the North Chelmsford area, which would contribute towards the identified need for additional sites for Gypsy and Traveller accommodation within the City area. The Council would then be left vulnerable to appeal for the use of other sites within the City area; this has already happened, due to the delay in delivery of NE Chelmsford.</p> <p>The site is transferred from the landowner to the Registered Provider within an agreed period following payment of a commuted sum to Chelmsford City Council to cover the costs of servicing works. The commuted sum is paid to Chelmsford City Council within an agreed period following the grant of planning permission and expiry of the Judicial Review period. The £612,000 from Countryside Zest for physical provision of the plots has been calculated using the best information available at the time. The site will be developed to a budgetary ceiling of £612,000, in accordance with the s106 Agreement.</p>
Equalities and Diversity: (For new or revised policies or procedures has an equalities impact assessment been carried out? Y/N)	The need for provision of a specialist residential site for Gypsies and Travellers is a fundamental tenet of the Area Action Plan, which went through a full Examination in Public leading to its adoption. The Council is required by National Planning Policy (the National Planning Policy Framework and Planning Policy for Traveller Sites) to maintain a five year supply of deliverable Gypsy and Traveller sites. Currently, the City Council has zero years of supply and is open to challenge on other sites without such provision and ultimately imposition of a site by the Government.
Health and Safety:	None.
IT:	None.
Other:	None.
<b>Consultees</b>	<p>CCC Planning and Housing Policy Team</p> <p>CCC Legal Services</p>

## Policies and Strategies

The report takes account of the following policies and strategies of the Council:

Chelmsford Draft Local Plan Pre-Submission Document (Regulation 19 – Publication Draft)  
January 2018

North Chelmsford Area Action Plan Adopted July 2011

Core Strategy and Development Control Policies Development Plan Document Adopted 20<sup>th</sup>  
February 2008.

Core Strategy and Development Control Policies Focused Review Development Plan  
Document Adopted December 2013

## Corporate Plan Priorities

The report relates to the following priorities in the Corporate Plan

Attracting investment and delivering infrastructure	√
Facilitating suitable housing for local needs	√
Providing high quality public spaces	x
Promoting a more sustainable environment	x
Promoting healthier and more active lives	x
Enhancing participation in cultural activities	x

### 1. Introduction

- 1.1 Outline planning permission was granted on 30<sup>th</sup> October 2012 (10/01976/OUT refers) for a residential-led development comprising a minimum of 650 and a maximum of 750 dwellings, open space and a community hub, provision of the northern section of the Radial Distributor Road and junction improvement works to Essex Regiment Way on land to the north, south and east of Belsteads Farm Lane, principally occupied by Channels Golf Course (Channels).
- 1.2 The s106 Agreement for the development secures the transfer of one of two parcels of land within the ownership of the applicant at Drakes Lane for potential provision as a Gypsy and Traveller site.
- 1.3 The s106 Agreement for development by Countryside Zest at Beaulieu (planning application 09/01314/EIA refers) secures a capped financial contribution of £612,000 to facilitate physical provision of the Gypsy and Traveller site.
- 1.4 A report was presented to Cabinet on 4 March 2014 (see Appendix 1) which sought approval to the selection of a site for potential provision of a Gypsy and Traveller site in North Chelmsford, as required by the s106 Agreement for the residential-led development on Channels Golf Course. Cabinet authorised the City Council to serve notice on the owner of the Drakes Farm Plots to transfer Plot A (see Appendix 1) to the authority should planning permission subsequently be granted for its provision as a Gypsy and Traveller site.
- 1.5 The process does not remove the need for planning permission.

- 1.6 A second report was presented to Cabinet on 30 January 2018 (see Appendix 2), which sought authority to (i) increase the size of the selected site to enable liquid petroleum gas to be stored on site (not now required), the installation of drainage and a play area and to (ii) allow the planning application for the extended site to be made by a Registered Provider, and not Chelmsford City Council.
- 1.7 A third report was presented to Cabinet on 3 July 2018 (see Appendix 3), which sought approval to (i) allow for a scenario where the planning application was submitted for the provision of nine gypsy and traveller pitches together with one pitch for a site manager, who may be a gypsy/traveller, and may be resident on the site and (ii) payment of a commuted sum to the City Council upon the grant of planning permission and expiry of the Judicial Review period, to cover the full costs of providing the services to the site, and if necessary, the costs of decontamination and remediation works on site.
- 1.8 The Council's Public Health & Protection Service has agreed, upon further examination of the landowner's specialist reports, that no further decontamination or remediation works are necessary.
- 1.9 The site and the extent of additional land which form the planning permission for the Gypsy and Traveller site (18/01476/FUL refers) are shown on the plan at Appendix 4.
2. Delivery of the Gypsy and Traveller Site
- 2.1 The previous Cabinet reports of 30 January 2018 and 3 July 2018 are predicated upon (i) the Registered Provider, now Hastoe Housing Association, undertaking the servicing works necessary to make the site fit for human habitation and occupation, whilst not owning the freehold interest of the land, i.e. under a licence arrangement with the landowner, and (ii) upon completion of the works, the site being transferred from the landowner to Chelmsford City Council and subsequently to the Registered Provider, the Housing Association.
- 2.2 Following discussion between the parties, it is considered that there is no need or requirement for the freehold interest of the land to be transferred from the landowner to Chelmsford City Council. Agreement is sought to allow the landowner of the site to transfer the freehold interest directly to the Registered Provider. The terms of the transfer would be contained in a separate legal document, the Drakes Farm Transfer Agreement.
- 2.3 The transfer of the freehold interest of the land would take place following payment of an agreed commuted sum by the landowner to Chelmsford City Council. The commuted sum payment would cover the full costs of providing the services necessary to make the site fit for human habitation and occupation and be paid to Chelmsford City Council within an agreed period following the grant of planning permission on 13 December 2018 and expiry of the Judicial Review period.
- 2.4 Following their acquisition of the freehold interest of the land, the Registered Provider would undertake the servicing works necessary to make the site fit for human habitation and occupation.
- 2.5 Chelmsford City Council would transfer the commuted sum payment to cover the full costs of the servicing works to the Registered Provider in staged payments, in accordance with the terms of a separate Drakes Farm staged payments agreement, to be entered into between the Council and the Registered Provider.
- 2.6 The proposed approach would allow the Registered Provider to undertake the servicing works as owner of the site, rather than under a licensing agreement with the current landowner. The commuted sum payment to cover the costs of the servicing works would



still be passed to Chelmsford City Council, but this would be transferred to the Registered Provider in a series of staged payments, in accordance with a Draft Transfer Agreement.

- 2.7 The Cabinet is asked to note that a deed of variation to the s106 Agreement will be sought, as the wording of Schedule 14 Clause would need to be amended accordingly.

3. Conclusion

- 3.1 The Cabinet is asked to authorise that (i) the freehold interest of the land (substantially in the form of a separate Drakes Farm Transfer Agreement) be transferred directly to the Registered Provider, and not first to Chelmsford City Council, following payment of an agreed commuted sum by the landowner, to Chelmsford City Council, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation; (ii) upon their acquisition of the freehold interest of the land, the Registered Provider undertake the servicing works necessary to make the site fit for human habitation and occupation; and (iii) Chelmsford City Council to transfer the commuted sum to cover the full costs of servicing works to the Registered Provider in staged payments, in accordance with the terms of a separate Drakes Farm staged payments agreement, to be entered into between the Council and the Registered Provider.
- 3.2 Agreement to the requested changes would allow the Registered Provider to undertake the servicing works as owner of the site, rather than under a licencing agreement with the current landowner.

List of Appendices

Appendix 1 – Cabinet Report 4<sup>th</sup> March 2014 and Minutes  
Appendix 2 – Cabinet Report 30<sup>th</sup> January 2018 and Minutes  
Appendix 3 – Cabinet Report 3<sup>rd</sup> July 2018 and Minutes  
Appendix 4 – Drakes Farm Plot A – Increased Site Area

Background Papers

Nil.

EXTRACT FROM MINUTES OF CABINET ON 29 JANUARY 2019

7.2 **Drakes Farm Plot, North-East Chelmsford (Planning and Economic Development)**

*Declarations of Interest:* None

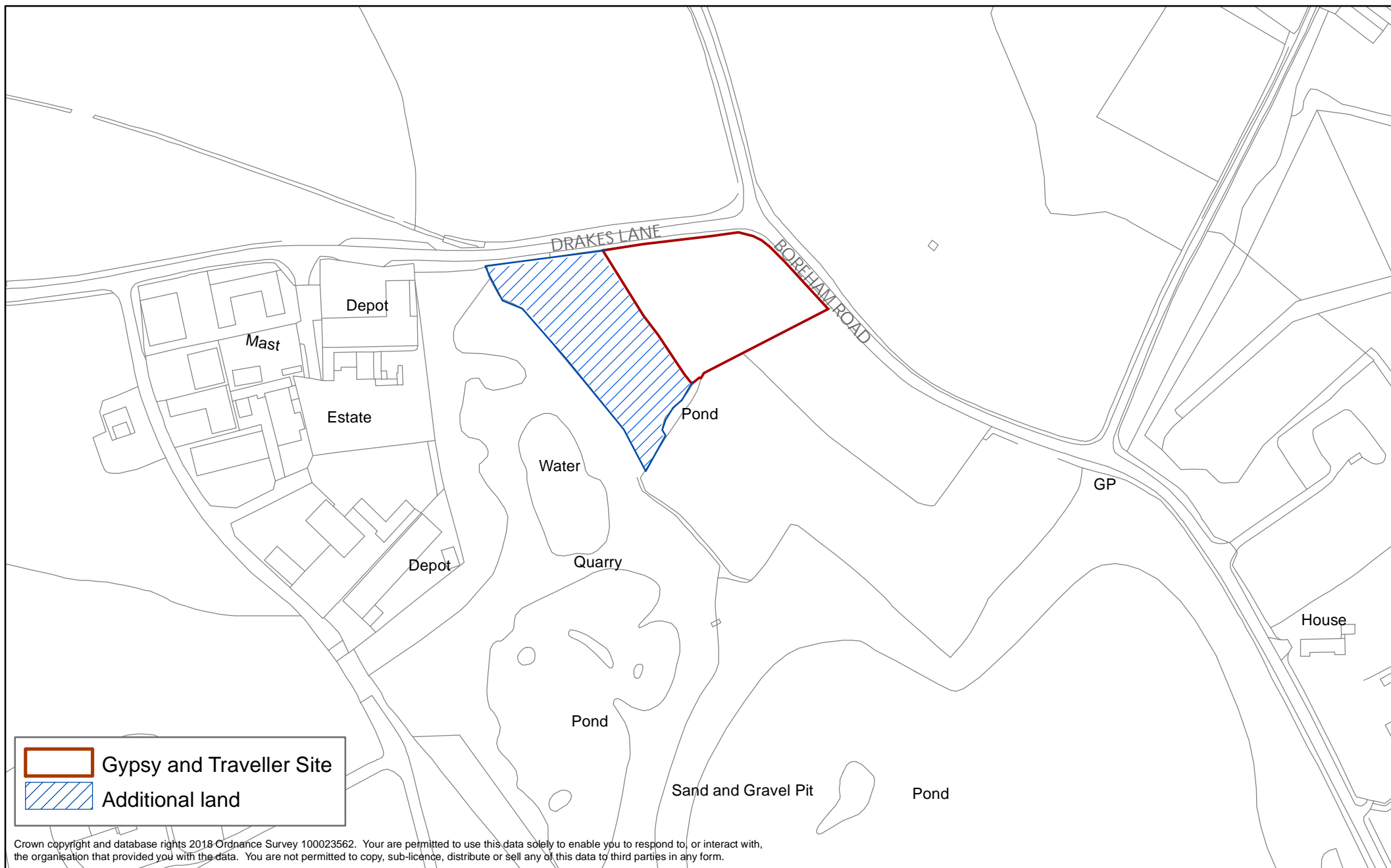
*Summary:* The report to the meeting set out proposed arrangements for the transfer of the ownership of the land at Drakes Farm identified for a gypsy and travellers' site; the subsequent works necessary to make the site fit for human habitation and occupation; and the funding arrangements to meet the cost of those works.

*Options:* Approve or not the proposed arrangements.

*Chosen Option and Reasons:* From a financial, legal and practical point of view, the arrangements described in the report were the most straightforward means by which the site could be provided.

**RESOLVED** that the following be authorised:

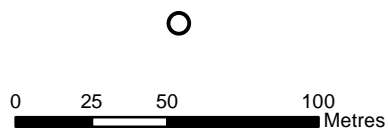
1. that the freehold interest of the land referred to in the [report to the meeting](#) (substantially in the form of a separate Drakes Farm Transfer Agreement) can be transferred directly to the Registered Provider, and not first to Chelmsford City Council, following payment of an agreed commuted sum by the landowner, to Chelmsford City Council, to cover the full costs of providing the services necessary to make the site fit for human habitation and occupation;
2. that upon their acquisition of the freehold interest of the land, the Registered Provider undertake the servicing works necessary to make the site fit for human habitation and occupation; and
3. Chelmsford City Council to transfer the commuted sum to cover the full costs of servicing works to the Registered Provider in staged payments, in accordance with a separate Drakes Farm staged payments agreement, to be entered into between the Council and the Registered Provider.



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## Gypsy and Traveller Site Drakes Lane, Little Waltham

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