

**MINUTES OF**  
**CHELMSFORD CITY COUNCIL CABINET**  
**on 8 September 2020 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 M J Mackrory, Cabinet Member for Sustainable Development  
Councillor R J Moore, Cabinet Member for Greener and Safer Chelmsford

**Cabinet Deputies**

Councillor A Davidson, Healthy Living  
Councillor N Dudley, Community Engagement  
Councillor S Goldman, Economy and Small Business

**Opposition Spokespersons: Councillors**

K Bentley, N Chambers, P Clark, W Daden, S Dobson, J Galley, N Gulliver, R Hyland, R J Poulter, I Roberts, M Sismey, M S Steel, M Watson and R T Whitehead

Also present: Councillors M Bracken, D Clark, J Lager, R Lee, A Sosin and S Young

### **1. Attendance and Apologies for Absence**

The attendance of members was confirmed. There were no apologies for absence.

### **2. Declarations of Interest**

Members of the Cabinet were reminded to declare at the appropriate time any pecuniary and non-pecuniary interests in any of the items of business on the meeting's agenda.

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

The minutes of the meeting on 8 July 2020 were confirmed as a correct record. No decisions at that meeting had been called in.

## 4. Public Questions

Written statements had been submitted by the public on Items 6 (Replacement of Flood Gates and Provision of Lock on River Chelmer) and 7.1 (Masterplan for Land North of Broomfield) on the agenda. Details are given in the relevant minute numbers below.

## 5. Members' Questions

Councillors who were not members of the Cabinet asked the following questions:

Councillor R J Hyland on whether the Council's project panels were referred to in the Constitution. The Leader of the Council said that they were and their purpose was to act as advisory groups and make recommendations to the Council. They were not decision-making bodies.

## 6. Replacement of Automatic Flood Gates and Provision of Lock on River Chelmer (Greener and Safer Chelmsford)

Declarations of interest:

None.

Summary:

The Chelmsford Policy Board had considered the results of investigations by the Waterways Working Group into ways to improve and encourage navigation and use of the upper Chelmer. The preferred way forward proposed the replacement of the automatic flood gates and provision of a lock to enable navigation between the upper and lower stretches of the River Chelmer. The Policy Board had requested that the Cabinet approve the commissioning of further condition surveys and detailed feasibility work to allow such a scheme to be developed.

Options

Adopt or not adopt the recommendations of the Policy Board.

Preferred Option and Reasons

Adopting the recommendations of the Policy Board would enable the Waterways Working Group to progress further feasibility work to enable the future management and maintenance of the water retention gates whilst providing an opportunity to improve upstream navigation through the new lock proposal.

Discussion

Three members of the public representing Essex Waterways Ltd, the Chelmsford Civic Society and the Chelmer Canal Trust attended the meeting to express their support for the proposed

project, which they believed would preserve the character of the rivers in the City Centre, maintain the water levels in the Springfield Basin, enhance the environs of the rivers and preserve the ability to navigate them.

In response to comments at the meeting that there was no reference in the report to the ecological impact of the proposals and to the provision of a fish path, the Cabinet Member for Greener and Safer Chelmsford said that the purpose of the report was to secure funding for the initial feasibility study. Details of the ecological impact would be assessed as part of future stages of the project and the Council was supportive of a fish path being included in the scheme.

RESOLVED that:

1. The following objectives of the Chelmsford Policy Board for the navigation of the River Chelmer be supported:

The replacement of the automatic flood gates and provision of a lock to enable navigation between upper and lower Chelmer, including costed options for hydro-electric/solar photovoltaic micro generation and a fish migration bypass (allowing migration past the flood gates/lock) be adopted as the City Council's agreed way forward and that further detail feasibility is undertaken to proceed to develop the scheme into a costed project for implementation, including exploring alternative funding sources to implement the project.

2. The scheme to replace the water retention gates and new lock and the regeneration of Waterside scheme be considered alongside each other in the design stages to ensure compatibility and future proofing.
3. The Director of Public Places in consultation with the Waterways Working Group be authorised to commission further detailed feasibility work and engage with the Environment Agency and other relevant parties on these matters on the City Council's behalf.
4. The approved budget for the River and Waterways Improvements Capital Scheme be used to enable the surveys and feasibility works detailed in paragraph 3.1 of the report to the meeting to be undertaken.

(7.16pm to 7.26pm)

## 7.1 Land North of Broomfield Masterplan (Sustainable Development)

### Declarations of Interest:

None

### Summary:

The Chelmsford Policy Board on 23 July 2020 had considered a masterplan prepared by Bloor Homes to guide the development of Strategic Growth site 8, Land North of Broomfield and had agreed that it should be subject to independent quality and design review by the Essex Quality Review Panel.

Several areas of potential discussion had come from the review by the Essex Quality Review Panel, but no changes to the masterplan had been negotiated before the meeting of the Cabinet. The recommendation put before Cabinet included conditions which captured debate from the Chelmsford Policy Board and suggestions from the Essex Quality Review Panel which were relevant to the masterplanning stage, technically workable and reflected the placemaking and delivery principles identified as part of the site's allocation. These had culminated in four Recommended Conditions which were set out in this report for Cabinet consideration.

The report also included late consultation responses from the Royal Society for the Protection of Birds and the Essex Wildlife Trust.

### Options:

Approve the Masterplan, subject to the Recommended Conditions, approve it with revised conditions or not approve the Masterplan.

### Preferred Option and Reasons

The Masterplan and its Recommended Conditions would meet the requirements of planning policies and guidance, achieve key development objectives, ensure the creation of an attractive place to live and the successful integration of new communities with existing.

### Discussion:

A statement by Bloor Homes (Eastern), the developers of the site, was read out at the meeting. The company had engaged extensively with the City Council and other bodies on the Masterplan and was keen to ensure that it reflected the requirements of the Local Plan, protected the habitats and local characteristics of the area, fitted well with existing communities, provided good access arrangements and sustainable transport options, and promoted sustainable development outcomes.

Replying to a question about the spine road through the development site, the Cabinet Member for Sustainable Development assured the Cabinet that a clear

delineation between cycle and pedestrian uses would be sought at the detailed design and planning application stage.

RESOLVED that the Masterplan for Land North of Broomfield submitted with the report to the meeting be approved subject to the Recommended Conditions set out in Section 3 of the covering report.

(7.26pm to 7.41pm)

## 7.2 Review of the Statement of Community Involvement (Sustainable Development)

### Declarations of Interest:

None

### Summary:

The Council, as a Local Planning Authority, was required by Section 18 of the Planning and Compulsory Purchase Act 2004 to publish and keep up-to-date a Statement of Community Involvement (SCI). The Statement submitted to the meeting had been reviewed and updated and set out the Council's strategy for effectively involving the community, interested organisations and statutory stakeholders in planning and development matters which affected them. It covered both planning policy and development management functions and complemented Council-wide engagement commitments set out in the Consultation and Engagement Strategy and Our Chelmsford, Our Plan.

The Chelmsford Policy Board on 16 July 2020 Board had recommended approval of the SCI for consultation and the report before the Cabinet set out the results of that and the changes to the SCI emanating from it.

### Options:

Approve or amend the Statement of Community Involvement in accordance with Appendix 2 to the report to the meeting.

### Chosen Option and Reasons:

The revised SCI would comply with Government guidance to update such documents in response to the Coronavirus outbreak and enable consultation on planning matters to proceed in accordance with it.

### Discussion:

Discussion of the report centred on whether, in the long term, posting site notices about planning applications and other matters would be sufficient means to bring them to the attention of the public. It was argued that continuing to send notification letters to affected properties would be a better way of informing residents about proposed development. The Cabinet Member for Sustainable Development said that letters would be retained in the short term but experience

showed that as they were addressed simply to “The Occupier” many residents did not read them. Clear and widely placed site notices were considered to be a better notification method and, coupled with greater use of social media to publicise proposals, he was confident that the public would be aware of and have the chance to comment on planning matters that affected them. The Council’s Older People Champion was also looking at ways to make those who had no access to digital platforms or were not confident in their use to be kept informed. Parish Councils also played a part in making local people aware of developments in their areas.

RESOLVED that

1. The Feedback Report on the consultation on the revised Statement of Community Involvement be noted.
2. The proposed changes to it set out in Appendix 2 be approved and the revised Statement of Community Involvement adopted.
3. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, be authorised to finalise the Statement of Community Involvement and supporting documents for publication.

(7.41pm to 7.57pm)

### 7.3 Essex Coast Recreational disturbance Avoidance and Mitigation Supplementary Planning Document (Sustainable Development)

Declarations of Interest:

None

Summary:

Chelmsford City Council was one of twelve partner local authorities working with Natural England to implement the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Strategy set out a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast from an increasing residential population arising from new housebuilding throughout the County. The RAMS was adopted by the City Council in March 2019.

The aim of RAMS was to prevent bird and habitat disturbance from recreational activities through a series of management measures which encouraged all coastal visitors to enjoy their visits in a responsible manner. It enabled a housebuilder to make a monetary 'developer contribution' towards the delivery of strategic mitigation measures to help address recreational pressures that would otherwise occur, instead of needing to provide bespoke mitigation themselves.

The RAMS Supplementary Planning Document (SPD) provided a county-wide mechanism for securing developer contributions to fund measures identified in the Strategy. It distilled the Strategy document into a practical document for use by local planning authorities, developers and the public. It had been recommended for approval by the Chelmsford Policy Board on 16 July 2020.

### Options

Adopt the RAMS SPD with or without amendment or not adopt it.

### Preferred Option and Reasons

The proposed SPD and Strategy would put in place a long-term strategic approach to avoid and mitigate recreational disturbance on European designated sites along the Essex Coast.

### Discussion

During discussion of the report the Cabinet was informed that collaboration between the RAMS group and other organisations such as the RSPB and Essex Wildlife Trust to prevent duplication of work and to maximise the benefit will be investigated through the implementation of the RAMS.

RESOLVED that

1. The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document presented in Appendix 2 to the report to the meeting be adopted.
2. The Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy Supplementary Planning Document Adoption Statement presented in Appendix 3 be adopted, and that it be published in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
3. The 'You Said We Did' Feedback Report, presented in Appendix 1 be adopted and published.
4. The SEA/HRA Screening Report, presented in Appendix 4, be adopted and published.
5. The Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development be authorised to make minor changes to the Supplementary Planning Document, Adoption Statement, You Said We Did Feedback Report and SEA/HRA Screening Report in Appendices 1 – 4 should it be necessary before adoption/publication, and to undertake all the necessary legal and procedural adoption processes.

6. The role of Chelmsford City Council as the Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy project 'Accountable Body' for a period of three years, subject to the signing of a 'Partnership Agreement', be noted.

(7.57pm to 8.05pm)

## 7.4 Section 106 Spending Plan (Sustainable Development)

### Declarations of Interest:

None

### Summary:

The Cabinet was recommended to endorse a proposed spending plan for S106 planning contributions currently held by the City Council.

### Options

Endorse the spending plan with or without amendments, or not endorse it.

### Preferred Option and Reasons

Endorsing the proposed plan would enable the City Council to spend the held balances within the timeframes specified by the S106 agreements.

### Discussion

In response to questions, Cabinet Members said that the Section 106 monies from the St Luke's Park development in Runwell (which has originally amounted to £3 million and had risen to £4.1 million as a result of indexation) had been earmarked for affordable housing and were being put towards the construction of the bridge to open up the Waterside development site. That development would include a significant amount of affordable housing.

Concern was also expressed that the provision of affordable housing appeared to be concentrated on the city centre area and the monies for public realm schemes were being earmarked for the Tindal Square improvement scheme rather than being spread around the Chelmsford. The meeting was told that the Council was seeking to provide affordable housing and carry out public realm schemes across the wider city. The Tindal Square project would benefit Chelmsford as a whole by helping to attract and retain investment and business.

RESOLVED that the S106 Spending Plan be referred to Full Council for approval and that the following delegations be approved:

1. The Director of Financial Services, in consultation with the Cabinet Member for Fairer Chelmsford, be authorised to allocate and spend the approved S106 contributions for Affordable Housing as shown in Appendix 1 and detailed in paragraph 3 of the report to the meeting against the housing



projects approved at Council in February 2020 and the Chelmer Waterside scheme.

2. The Director of Public Places, in consultation with the Cabinet Member for Greener and Safer Chelmsford, be authorised to spend the approved S106 contributions for Open Spaces and Strategic Sports Provision, as detailed in Appendix 2.
3. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, be authorised to allocate the approved S106 contributions for Public Realm, as shown in Appendix 3 towards the Tindal Square Improvement Scheme and that any future public realm contributions collected are also allocated towards this scheme as detailed in paragraph 5 of the report.

(8.05pm to 8.25pm)

## 8. Urgent Business

There were no items of urgent business

## 9. Reports to Council

The reports at Items 7.4, 10.1 and 10.3 were referred to the Council for approval.

## Exclusion of the Public

RESOLVED that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the reports at item 10 on the grounds that they involve the likely disclosure of exempt information falling within paragraphs 3 and 6 (in the case of Item 10.1) and paragraph 3 (in the case of Items 10.2 and 10.3) 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 and Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment)

## 10.1 Chelmer Waterside Delivery Options (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 to be undertaken by the Council

### Declarations of Interest:

None

### Summary:

The Cabinet was informed of the progress made on the following issues with the aim of bringing forward the Chelmer Waterside Development:

- completion of land assembly under compulsory purchase powers
- provision of new infrastructure including a new road and bridge
- removal of site constraints imposed by the gas utility structures on site
- delivery and development of the project.

### Options for Completion of Land Assembly

1. To agree to amend the compulsory purchase recommendation agreed by Cabinet in October 2018 for the reasons outlined in this report.
2. To continue with the land assembly without amending the compulsory purchase recommendation previously agreed.

### Preferred option and reasons

Option 1 as this option allowed for the completion of the land assembly phase and reduced the risk of challenge should the Council need to go to Public Enquiry.

### Options for Provision of Infrastructure

1. To agree the recommendations of the Chelmer Waterside Project Panel (CWPP) taking in to account the findings from the public engagement exercise undertaken to inform the bridge design and construction.
2. Not to agree the recommendations of the CWPP and ask officers to consider alternative options.

### Preferred option and reasons

Option 1 - The Council working with its partners had developed a design that would be a focal point for the proposed development and the provision of the new road that relieved the impact of the development on the road network, with details being informed by the public engagement exercise.

#### Options for Removal of Site Constraints.

1. Relocate the gas infrastructure, removing all equipment from the site including the GPRS system to facilitate comprehensive redevelopment of the site.
2. Divert the gas infrastructure around the perimeter leaving the GPRS equipment in place reducing the future development capacity of the site.
3. Do not relocate the gas infrastructure and develop the site with greatly reduced capacity.

#### Preferred option and reasons

Option 1 as this provided for a comprehensive redevelopment removing all constraints which would significantly improve the environment created by this development.

#### Options for delivery of the Project

1. Seek a development partner for the project and work with them to secure the delivery of the site.
2. Dispose of the property once the infrastructure is in place.

#### Preferred option and reasons

Option 1 as this would allow the Council to maintain control of the development of the sites to ensure that they were developed in line with the vision for this area, maximising the affordable housing and energy efficiency opportunities.

#### Discussion

The Cabinet was informed that the Council intended to run a design competition and enter into a partnership with a preferred developer were any profits would be shared between the two. The priority, however, was to provide extra affordable housing for Chelmsford through the development.

The Cabinet was urged by other members to exercise caution in the way it approached the development. It was noted that the site constraints would make development complicated and entering into a partnership may present financial risks to the Council, when considered against the sale option The Leader of the Council said that the Council was not yet committed to developing the area through a shared partnership and that decisions on later stages of the project would be brought to Cabinet before it was finalised.

RESOLVED that:

1. The approved recommendation from the October 2018 Cabinet report to use compulsory purchase powers be amended to include section 226(1)(a) of the Town and Country Planning Act 1990 in addition to section 226(1)(b).
2. The Council work with its partners to secure the relocation and removal of the gas infrastructure from the site and that the authority to complete this project

is delegated to the Director of Financial Services in consultation with the Cabinet Member for Fairer Chelmsford.

3. It be recommended to the Council that the capital budget for this scheme is increased to fund the additional costs associated with the works. This will be partially funded by additional contributions identified from S106 contributions and additional HIF grant of £3.95m.
4. The authority for the delivery of the new bridge, road and associated works be delegated to the Director of Financial Services in consultation with the Cabinet Member for Fairer Chelmsford.
5. The Director of Financial Services in consultation with the Cabinet Member for Fairer Chelmsford be authorised to appoint a development partner for this project, following the completion of a design competition or suitable procurement exercise.

(8.32pm to 8.52pm)

## 10.2 Lease of Property in the City Centre (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 to be undertaken by the council

### Declarations of Interest:

None

### Summary:

The Cabinet considered a report on proposed new terms for the lease to the present tenant of a property in the City Centre. The new lease would be for a longer period and re-establish the capital value of the property but at a smaller annual rental.

### Options

Agree the proposed terms of the revised lease or negotiate different terms.

### Preferred Option and Reasons

By agreeing and concluding a re-gear of the leasehold interest, the Council would preserve the value of the asset and secure the income for an extended period.

RESOLVED that the Director of Financial Services in consultation with the Cabinet Member for Fairer Chelmsford be authorised to agree terms and enter a new lease with the tenant of the property referred to in the report to the meeting.

(8.52pm to 8.54pm)

### 10.3 Purchase of Property in the City Centre (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 to be undertaken by the council

#### Declarations of Interest:

None

#### Summary:

The Cabinet was informed that terms were being negotiated to purchase a number of flats in a development in Chelmsford and authorisation was requested to conclude the acquisition.

#### Options

Finalise terms for the purchase and proceed or not purchase the properties.

#### Preferred Option and Reasons

Through the purchase, the Council would secure a number of units for use as temporary accommodation, reducing the requirement for the Council to lease private sector properties which was a more expensive option for providing temporary accommodation.

#### Discussion

The Cabinet was informed that the properties in question were two-bed flats for which there was particular demand as temporary accommodation. Larger properties were being acquired separately as part of the Council's plan to provide longer-term affordable homes. In negotiating the terms of this purchase, independent valuation advice had been sought and a discount obtained

RESOLVED that

1. Approval to agree terms and complete the purchase of the flats referred to in the report to the meeting be delegated to the Director of Financial Services in consultation with the Member for Fairer Chelmsford.
2. It be recommended to the Council that a new capital budget is approved to fund the acquisition and that an additional net revenue budget of £46k per annum is approved for the associated running costs. Should there be a need to obtain earlier financial approval to achieve a successful outcome to negotiations an urgency decision under Part 3.4.2.7 of the Constitution be sought.

(8.54pm to 9.03pm)

The meeting closed at 9.03pm

Chair