

MINUTES OF
CHELMSFORD CITY COUNCIL CABINET

on 26 January 2021 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
Councillor S Rajesh, Community Safety
Councillor Chloe Tron, Affordable Housing

Opposition Spokespersons: Councillors

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

Also present: Councillors D Clark, J Lager, T E Roper and A Sosin

1. Attendance and Apologies for Absence

The attendance of members was confirmed. Apologies for absence were received from Councillor R J Hyland, Opposition Spokesperson.

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. Councillor M Goldman said that she would not participate in the consideration of Item 6.1.

3. Minutes and Decisions Called-in

The minutes of the meeting on 17 November 2020 were confirmed as a correct record. No decisions at that meeting had been called in.

4. Public Questions

Questions were asked by a member of the public and Writtle Parish Council on the proposal to introduce charges for car parking in Hylands Park. They questioned whether it would be better to defer spending on all non-discretionary projects until after the pandemic; whether the charges would be temporary or permanent; whether the charges should apply only to those non-residents of Chelmsford; and the effect the charges would have on parking in Writtle.

The Cabinet Member for a Fairer Chelmsford replied that there were sound reasons for the introduction of the changes. Firstly, the budget position as a result of the pandemic was such that it was incumbent on the Council to exercise sound financial management and try to maximise income in order to maintain essential services. The income from parking would help meet the cost of maintaining the Park and operating Hylands House to a high standard. Secondly, in the interests of fairness, the Cabinet Member felt that those who benefited from the use of the Park, especially non-residents, should contribute to the cost of running it. Thirdly, the charges would help with the management of the Park and prevent overuse of it. The Cabinet Member could not offer any hope that the charges would be temporary or confined to non-residents.

Referring to a point made by the member of the public in his question about spending on the Civic Theatre, the Cabinet Member said that the scheme would create a more flexible space for more diverse use which would help those in the performing arts and attract people to the city centre, to the benefit of the local economy.

With regard to the concerns expressed by Writtle Parish Council, the Cabinet Member said that parking in the vicinity of Hylands Park would need to be carefully managed and he looked forward to working with the Parish Council during the consultation process for the introduction of the charges.

Members of the public and Writtle Parish Council also asked questions on the West Chelmsford Masterplan. Details are recorded under minute number 6.1 below.

5. Members' Questions

There were no questions to the Cabinet from other members of the Council.

6.1 Strategic Growth Site Policy 2 – West Chelmsford Masterplan (Sustainable Development)

Declarations of interest:

Councillor M Goldman informed the meeting that she would not participate in the consideration of this item.

Summary:

At its meeting on 15 October 2020, the Chelmsford Policy Board had considered an addendum to the Masterplan for the strategic growth site at West Chelmsford (Warren Farm) produced by the developer, Crest Nicholson. The addendum had been prepared in response to doubts raised at earlier meetings of the Policy Board about the safety, viability and benefits of the bus link through the development site to Avon Road. The Masterplan submitted to the Cabinet had been amended to remove the bus link and to reflect other changes required by officers. The Cabinet was requested to consider whether the Masterplan should be approved with or without the inclusion of the bus link.

Options

1. The updated Masterplan, including deletion of the bus link as recommended by the Chelmsford Policy Board on 15 October 2020, be approved.
2. The updated Masterplan be approved, subject to the reinstatement of the bus link connection to Avon Road.
3. In accordance with either option 1 or 2 the Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, be authorised to make all necessary revisions to the final approved masterplan.

Preferred Option and Reasons

The updated Masterplan, with the deletion of the bus link, was the preferred option for the detailed reasons described in this minute.

Discussion

A member of the public asked several questions relating to the adequacy of the proposed off-site cycle and pedestrian routes associated with the development. The Chignal Estate Residents' Association submitted statements which raised concerns about safety and an adverse impact on amenity if the bus link was provided, and Writtle Parish Council had commented on a range of matters which it felt were not adequately addressed by the Masterplan, including sports provision, biodiversity and environmental mitigation issues, cycle and pedestrian routes, bus stops and flood risks.

In response to the points made in the question and statements, the Cabinet Member for Sustainable Development said that:

- ideally, the cycle and pedestrian routes should be operational before first occupation (other than the Melbourne Avenue option which would be a contribution and which would be payable prior to first occupation); however, this was a detail for the S106 legal agreement associated with the planning application;
- the cycle route from Warren Farm to Hylands School referred to by the member of the public was proposed via Lawford Lane, whilst the other route via Beachs Drive would be for pedestrians. An error in figure 18 in the Masterplan would be corrected;
- there were constraints on Lordship Road in the form of boundary features and landownership and it was envisaged that widening of the footway would take place within the existing highway;
- Essex Highways agreed that a toucan crossing was required if a cycle route was provided on Chignal Road. The detail would be agreed as part of the improvement scheme for Roxwell Road/Chignal Road;
- the concerns of the Residents' Association about safety were noted but were not shared by the Highways Authority. The Masterplan had been amended following the recommendation from Policy Board based on the impact upon the amenity of the area, including residential properties. The content of the addendum presented to the Policy Board in October was now encapsulated within the revised masterplan document. Cabinet were voting on a revised Masterplan, not specifically the addendum;
- the policy relating to the protection of existing amenity in the new Local Plan was Policy DM29;
- the Masterplan referred in error to playing fields on agricultural land to the north of Fox Burrows Lane and would be corrected;
- the Parish Council's comments on sports provision were noted. The Masterplan indicated a sport pavilion/changing facilities and a maintenance plan would be a detail for the planning application and its S106 legal agreement;
- regarding references in the Masterplan to tree planting, the illustrative masterplan in figure 16 included such features as 'boundary reinforcement', 'woodland blocks', 'green space', 'orchard', 'landscape buffer', 'tree planting' and 'attenuation basins'. Tree planting appeared to be significant and its contribution to counteracting surface water was acknowledged in the proposed layout;
- in terms of the width of pavements on Roxwell Road, the masterplan was illustrative and the details would be agreed at the planning application stage to ensure that good quality pedestrian and cycle routes were secured;
- the masterplan indicated a commitment by the developer to provide bus stops and was illustrative at present. This detail would be agreed as part of the planning application;
- the developer had committed to comply with the relevant national guidance and Chelmsford's adopted policy regarding sustainable building, including renewable and

low carbon energy development requirements, as set out in adopted Local Plan and Making Places SPD;

- details on how the environment around the cottages close to the widened Roxwell Road/Lordship Road roundabout were a matter for the planning application;
- the exact details of the location and wording of the signage associated with the development would be agreed at the planning application stage;
- in times of flood, cyclists may have to rely on a more circuitous route through the village. When there was also flooding in the village, there may be occasions when pupils would have to travel by alternative means to Hylands school. However, these flooding issues were intermittent and usually for short periods only;
- the production of a biodiversity plan was a detail for the planning application;
- flood risk was acknowledged in the document but was not a major theme as most of the site was outside of the flood zone; and
- the request for further consultation with the Parish Council and that planning proposals and applications should have due regard to the Writtle Neighbourhood Plan and to the AECOM Design Code were noted.

Members of the Opposition Groups expressed concern about the precedent that would be set by departing from the requirements of the Local Plan by removing a bus link that had previously been accepted as an integral part of the site's development. It was questioned whether material considerations justified a departure from the Development Plan in this case. Cabinet Members were also asked whether they had received training which would enable them to make a decision contrary to officers' recommendation on the Masterplan. The Leader of the Council replied that Cabinet Members had met with officers in Legal Services and Planning Services and had been advised that in this case the Cabinet was acting as a policy making body, not as a planning committee, and had a wider scope from debate. The detailed planning advice from officers was included in the report to the meeting and Cabinet Members would listen to all views expressed to the meeting on the Masterplan before coming to a decision.

In discussing the Masterplan, the Cabinet acknowledged that it was a finely balanced decision as to whether it should include the bus link or not. The Cabinet Member for a Fairer Chelmsford said that the Cabinet needed to bear in mind the Policy Board's concerns about the effect the bus link would have on the amenity of residents but should also have regard to officers' advice that careful consideration needed to be given to the Policy Board's reasons for coming to that view before taking a final decision. With that in mind, he identified and assessed in detail the factors that needed to be considered in coming to a reasoned decision. These included the requirements of the Local Plan; the impact of the bus link on residential amenity and whether it could be mitigated; the ecological impact of the bus link and whether that too could be mitigated; the effect of the extra buses on Roxwell Road caused by the removal of the bus link; the significance of the mitigation measures that would be required if the bus link were not provided; the impact of Covid-19 on commuting and the levels of car and bus usage in the future; the relevance in planning terms of certain of the objections of residents to matters associated with the bus link; the comments of the Essex Quality Review Panel; and whether the broad sustainability objectives of the Local Plan in terms of

encouraging a modal shift away from car usage could be achieved in this case by the provision of the bus link.

Taking all those factors into consideration, the Cabinet Member for a Fairer Chelmsford had come to the following views:

- The Local Plan had been adopted only eight months previously and included a bus link that would be a safe, viable and deliverable option to achieve the policy requirements of Strategic Growth Site Policy 2. The inspector had found it to be sound with the bus link and not sound without. The Cabinet Member was of the view that this factor carried significant weight.
- The Cabinet Member concluded that the impact of the bus link and its associated structures on residential amenity also carried significant weight. The aspects of this were that the raw design as now understood would have a significant, adverse effect on residential amenity, especially for the users of the playground and the allotments; there was no conceivable mitigation that could reduce this impact adequately; and this was a very different effect than was foreseeable when the Local Plan was found sound, due to the unexpected height and profile of the bridge and elevated roadway that would be required.
- He accepted the advice that the ecological impact of the bus link carried limited weight.
- He concluded that the impact of removing the bus link on the traffic levels on Roxwell Road also carried limited weight.
- The Cabinet Member also concluded that the mitigation measures, viewed in isolation, would carry significant weight but that, as part of an exchange in which the bus link was removed, they were broadly neutral.
- By contrast, the impact of Covid-19 seemed to be a significant factor that should carry medium weighting.
- Other residents' objections, while entirely understandable, carried limited if any weight, given officers' advice.
- The views of the EQRP carried modest weight.

While the removal of the bus link would be a factor that carried some weight due to making it harder to achieve the Council's sustainability objectives if other things were unchanged, the Cabinet Member believed that this ignored the huge social changes that Covid-19 was driving which he expected would have a much bigger impact. He therefore concluded that this factor carries limited weight.

With many of the factors pointing in different directions, the Cabinet Member acknowledged that the decision was not an easy one. It would be possible to argue in favour of one factor or another being more or less decisive, which could justify reaching either decision. However, on the basis of all the evidence seen and heard so far, he concluded that:

- having found two factors to which he gave significant weight (albeit pulling in opposite directions) and all but one other factor carrying limited or modest weight

(also pulling in different directions), the balance was tilted in his mind by the final factor which he concluded should carry medium weighting; and

- if that were to be his final conclusion, it would mean that material considerations existed that justified option 1 (approve the draft masterplan, including deletion of the bus link) despite this involving a departure from the strict application of the Local Plan. Option 2 would need to be rejected but he would be happy to approve option 3, which was the means by which either of the main options could be given effect.

The Cabinet Member for a Greener and Safer Chelmsford was of the view that although the effect of the bus link on habitat and ecology could be mitigated to an extent, the form and size of the bridge required for the link would result in a loss of amenity to local residents and constituted a material consideration. The Leader of the Council agreed that in an otherwise good Masterplan which would bring positive benefits to the area, the bus link represented an adverse impact on residents of the Chignal Estate that could not be overcome by the suggested mitigation methods.

Having heard all the arguments for and against the retention of the bus link, the Cabinet accepted the analysis and conclusions of the Cabinet Member for a Fairer Chelmsford set out above and RESOLVED that:

1. The Masterplan for Strategic Growth Site Policy 2, West Chelmsford, as submitted to the meeting and excluding the bus link, be approved.
2. The Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, be authorised to make all necessary revisions to the approved Masterplan.

(7.14pm to 8.14pm)

6.2 Planning Obligations Supplementary Planning Document (Sustainable Development)

Declarations of Interest:

None

Summary:

The report set out the feedback received following the public consultation on the draft Planning Obligations Supplementary Planning Document (SPD) and the accompanying Self-Build and Custom Build Design Code Template. The Chelmsford Policy Board on 14 January 2021 had recommended that the Cabinet adopt the SPD and Design Template.

Options:

Approve or amend the SPD or not adopt it.

Preferred Option and Reasons

The SPD as submitted to the Cabinet would support the implementation of the new Local Plan by setting out the City Council's approach towards seeking planning obligations needed to make development proposal acceptable in planning terms.

Discussion:

The comment was made that by agreeing to amend paragraph 9.18 and merely seeking to negotiate Section 106 agreements to secure show homes that incorporated optional sustainable design features the Council was wearing down its requirements and ability to obtain such agreements. The Cabinet Member for Sustainable Development said that on some matters negotiated agreements were necessary and the imposition of strict requirements could be counter-productive. He pointed to the success the Council had had in reaching negotiated agreements and to its leading position among district councils in Essex in securing Section 106 contributions from developers.

RESOLVED that:

1. The Planning Obligations SPD as submitted to the meeting be adopted.
2. The Self-Build and Custom Build Design Code Template as submitted to the meeting be approved and published.
3. Any subsequent minor textual, presentational or layout amendments to the final version of the SPD and Design Code Template is delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.
4. The necessary legal and procedural processes are undertaken to adopt the SPD and Design Code Template and the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable is authorised to approve the necessary legal and procedural adoption material.

(8.14pm to 8.27pm)

6.3 Making Places Supplementary Planning Document (Sustainable Development)

Declarations of Interest:

None

Summary:

At its meeting on 14 January 2021, the Chelmsford Policy Board had considered consultation feedback on the draft Making Places Supplementary Planning Document (SPD) and had recommended that the Cabinet adopt it with the proposed changes.

Options:

Approve or amend the SPD or not adopt it.

Preferred Option and Reasons

The SPD as submitted to the Cabinet would support the implementation of the new Local Plan by setting out the City Council's approach towards seeking planning obligations needed to make development proposal acceptable in planning terms.

RESOLVED that:

1. The Making Places SPD as submitted to the meeting be adopted and published.
2. Any subsequent minor textual, presentational or layout amendments to the final version of the SPD is delegated to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development.
3. The necessary legal and procedural processes are undertaken to adopt the SPD and the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable is authorised to approve the necessary legal and procedural adoption material.

(8.14pm to 8.27pm)

7.1 Local Council Tax Scheme (LCTS) 2021-22 (Fairer Chelmsford)**Declarations of Interest:**

None

Summary:

The Cabinet was informed that the Council was required to approve a LCTS scheme for 2021-22. It was proposed that the 2020-21 scheme be retained in its current form with the sole addition of a clause which would allow amendment of the scheme during the year in certain circumstances.

Options:

1. Amend the existing scheme to make it more or less generous to working age claimants
2. Make a minor change to the existing 2020-21 LCTS scheme to mitigate the risk that unpredictable changes in benefits rules could have unintended consequences for LCTS claimants.

Chosen Option and Reasons:

Option 2. The proposed change would allow the Council to alter the LCTS scheme mid-year, in certain circumstances, to ensure that LCTS claimants were not

negatively affected by Government changes intended to increase benefit recipients' income.

RECOMMENDED TO THE COUNCIL that the Local Council Tax Scheme for 2020-21 be retained and adopted as the Scheme for 2021-22, subject to the inclusion of the following wording:

“In the event of unexpected changes to Government welfare benefit regulations which are intended to:

- increase the income of benefit recipients, and
- which are introduced during a financial year,

Chelmsford City Council reserves the right to amend the provisions of its Local Council Tax Support Scheme to ensure that those changes do not negatively impact the entitlements of working age recipients of Council Tax Support.”

(8.27pm to 8.31pm)

7.2 Capital, Treasury and Investment Strategies 2021-22 (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The Cabinet received a report setting out a proposed approach to the management of the Council's cash, capital investments (the capital expenditure programme) and other types of investment, including property.

Options

1. Accept the recommendations contained within the report
2. Recommend changes to the way the Council's investments are to be managed

Preferred Option and Reasons

The Capital Programme as submitted represented new phasing and expenditure required for Capital Schemes and the Asset Replacement Programme.

RECOMMENDED TO THE COUNCIL that the Capital, Treasury and Investment Strategies 2021-22 as submitted to the meeting be approved.

(8.31pm to 8.34pm)

7.3 Budget for 2021-22 (Fairer Chelmsford)

Declarations of Interest:

None

Summary:

The report to the meeting contained recommendations for the setting of the Revenue and Capital Budgets for 2021-22 and the level of Council Tax for that year.

Options

To agree or vary the proposals contained within this report but with regard to the financial sustainability of any amendments.

Preferred Option and Reasons

The recommended budget would be prudent and in the best financial interests of the city.

Discussion

The Cabinet Member for a Fairer Chelmsford thanked officers for their work in producing a balanced budget in the most challenging of circumstances. The pandemic would continue to have an adverse effect on the Council's financial position for some time to come but it was testament to the sound financial management practised at the Council that it would continue to be possible to fund measures that would address the Administration's two key priorities of climate change and homelessness whilst maintaining essential services and developing others.

Responding to a question during the discussion of the report, the Cabinet Member referred to the response he had given earlier to questions on the introduction of parking charges in Hylands Park. He also said that whether to increase charges for bereavement services was one of a number of difficult decisions that needed to be made in order to achieve a balanced budget. He was, however, willing to listen to any alternative suggestions put forward before the budget was considered by full Council.

RECOMMENDED TO THE COUNCIL that:

1. the budget for 2021-22 set out in appendix 1 to the report to the meeting be approved, specifically:
 - I. the new Capital and Revenue investments in Council Services shown in Section 4;
 - II. the delegations to undertake the new capital schemes identified in Section 4, Table 5;
 - III. the Revenue Budgets in Section 9 and Capital Budgets in Section 10;

- IV. an increase to the average level of Council Tax for the City Council, increasing the average annual Band D Council Tax to £203.95, the maximum allowed before a referendum, in Section 8;
 - V. the fees and charges changes above the budget guidelines, as identified on the Savings schedule set out in Section 3, and that current car parking charges are frozen for 2021/22;
 - VI. the movement in reserves shown in Section 6;
 - VII. the Budget forecast in Section 6 and the report of the Director of Financial Services on the risks and robustness of the budget in Section 7 (Council should note these in particular);
 - VIII. Special expenses, Parish and Town Councils' precepts as identified in Section 8, Table 11 (Parish precepts are not likely to be available until Full Council); and
 - IX. A delegation to the Chief Executive to agree, after consultation with the Leader of the Council, the pay award for 2021/22 within the normal financial delegations.
2. RESOLVED that:
- I. a delegation be made to the Director of Financial Services to prepare a budget report and legal resolution for submission to Council for consideration, including updating the Business Rate Retention Income following completion of NDR1 statutory return to Government;
 - II. should the final Government grant settlement details change following the Cabinet meeting, the Director of Financial Services is authorised, after consultation with the Cabinet Member for a Fairer Chelmsford, to amend the report and identify the impact to Council; and
 - III. additional capital budgets of £10,000 for Hylands Park North Kiosk Toilet Refurbishment (as detailed in table 15 of the budget report) and £27k for asset replacements, as detailed in table 17. (These approvals are sought from Cabinet due to the necessity of placing the orders before the Full Council Meeting in February.)

(8.34pm to 8.56pm)

8. Urgent Business

There were no items of urgent business

9. Reports to Council

The reports at Items 7.1, 7.2 and 7.3 were referred to the Council for approval.

The meeting closed at 8.57pm

Chair