

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 19 February 2015 at 6.00 pm in the
Committee Suite, King's Court, Chapel Street, King's Lynn**

PRESENT:

Councillors C Joyce (Chairman),
J Collop, C Crofts (*substitute for councillor Manley*), P Foster, J Loveless, A Lovett,
G McGuinness (*substitute for Councillor I Gourlay*), Mrs K Mellish,
Miss S Sandell, and D Whitby.

Portfolio Holders:

Councillor A Beales – Portfolio Holder for Regeneration & Industrial Assets
Councillor A Lawrence – Portfolio Holder for Housing & Community
Councillor N Daubney – Leader

Invited Witnesses:

County Councillor Toby Coke
Mrs Joy Franklin

Management Team/Officers:

Ray Harding – Chief Executive
Emma Duncan – Monitoring Officer
Debbie Gates – Executive Director, Central and Community Services

Apologies:

Apologies for absence were received from Councillors I Gourlay, T Manley and J M
Tilbury.

CSC106: **MINUTES**

The Minutes of the Meeting held on 22 January 2015 were agreed as a
correct record and signed by the Chairman.

CSC107: **URGENT BUSINESS UNDER STANDING ORDER 7**

There was no urgent business to report.

CSC108: **DECLARATIONS OF INTEREST**

There were none declared.

CSC109: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillors Mrs J Leamon and A Bubb attended under Standing Order
34 to ask a question on the Major Housing Development.

CSC110: **CHAIRMAN'S CORRESPONDENCE**

There was none.

CSC111: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

Councillor Joyce pointed out that the previous recommendation made to Council had been accepted at the Council meeting on 29 January 2015.

CSC110: **CABINET REPORT – MAJOR HOUSING DEVELOPMENT – FINAL APPROVAL**

The Chairman explained to those present that the report being considered was in 2 parts, one open and one exempt. He invited the Monitoring Officer to explain why this was the case. The Monitoring Officer reminded Members that she had sent an email to each of them explaining the reasoning behind the exempt nature of the report. The information provided in the report was provided in confidence by contractors and bidders, and the Council had a duty to be mindful of the importance of the decision being considered, and keep that information confidential.

Councillor Beales further explained that the report had been broken into 2 parts so that as much information on the project could be in the public domain as possible. He commented that to compromise the situation and reveal information on the tenders submitted would potentially impact on the Council as well as the confidence of the tenderers in the Council.

Councillor Joyce undertook to ensure that the Committee stayed within the line. He explained that he would invite Councillor Beales to give a brief synopsis of the report and then would invite Mrs Franklin to come forwards with her concerns about the process. The Committee would then be able to ask for clarification from Mrs Franklin and ask questions of Councillor Beales.

Councillor Beales, in summarising the report commented that the area had been allocated for housing in the 1960s. A lot of Marsh Lane had been built in the 1960-80s, and was originally London overspill. When the original development was completed there was land remaining which was also proposed for housing. As recently as 2009 a land review had demonstrated the potential for the sites.

He drew attention to the fact that the new road would provide better access to Lynnsport as well as to North Lynn and the Marsh Lane site. If the sites were developed by a private contractor they would be built without a new road, so putting the additional burden onto the existing highways. He responded to comments which had been made about why choose Lynnsport, it was a good area to live, within walking and cycling distances of the town centre, close to facilities while still providing a large area of green space.

Councillor Beales drew attention to the comments of the public from the consultation which had been taken into account in the report. The two major points which had been raised by a number of objectors had been changed since the consultation were the bollards which were suggested in Marsh Lane and had been removed, and the development on Lynnsport 2 had been taken out of the proposals.

In summing up the report Councillor Beales explained Members that the project in providing the development and utilising the existing land, also gave better access to Lynnsport, provided improved sporting facilities and brought back a surplus for the Borough to spend on Capital projects.

Councillor Joyce invited Mrs Joy Franklin, a resident of the Marsh Lane area to address the Committee as an invited witness. She expressed her concern about the consultation processes undertaken for the project, although explained that she was not objecting to the housing development, but in her view the public consultation undertaken was invalid. She felt that the consultation was not well publicised and many of the residents affected by the proposals were unaware of it. The plans displayed at the event did not show the proposed bollards or the road link which was in addition to the new main road being added. This was drawn to the attention of representatives at the time.

The consultation was extended following comments made and on visiting the second consultation event, the plans had not been updated, although she confirmed that everyone who was spoken to was informed of the road linking the sites and Marsh Lane, although at the events no information was given on any specific numbers for each site or layouts of the sites as they were informed that the final versions of these were not available at this stage as the plans were indicative and subject to change.

In referring to the report, Mrs Franklin felt that the concerns about the bollards and Lynnsport 2 had been addressed, but there was no mention of the road on the Grange Estate and the people there would not be aware of it.

Mrs Franklin informed Members that she had obtained, under freedom of information, copies of emails from Norfolk County Council officers discussing the merits of the proposed roads and predictions on them. The emails also detailed proposed numbers and detailed plans of the sites which were not shared with the public at the consultation event, which she felt was misleading. She commented on the potential cumulative impact of the additional numbers of cars that would use the link road not shown on the plan and the fact that it would have a high impact on the lives of those living nearby.

Mrs Franklin made reference to her attendance at the Cabinet Meeting on 3 February where she said that she had felt encouraged by the comments made as she thought further information would be provided

and more consultation carried out. However the forum which was being set up was to provide ongoing involvement of the public on the development of the site. She felt that the information should have been available at the consultation events and there should be further opportunity for the public to comment as she contested the accuracy of the statements made at the consultation events. She emphasised that it was one major development, and cumulatively it would have major impact on people's lives over many years during the construction.

In response, Councillor Beales commented that the criticism of the publicity around the public consultation events was valid to some extent, which was why the consultation period was extended which made it extensive. He commented that the road was shown on the plans.

Councillor Beales drew attention to the difference between the engagement of the public on the wider principles of the scheme which was what the public consultation events were, and the detail to be submitted as part of a full planning application where the public would again have the ability to comment on the detail of an application. He referred to the timing on the Marsh Lane proposals being tight because it was important for elements of the construction not to have to start in the winter.

Councillor Loveless commented that he felt that the reference to the report being Final Approval of such a complex initiative over several sites without knowing the detail of the sites was alarming for the public. He shared the worry that he was being asked to approve the development without knowing how it was going to turn out. He drew attention to the issues raised by Mrs Franklin and asked how the Lynnsport green area would be enhanced rather than decreased by the project. He commented that people felt they were being hoodwinked into the Council making such decisions before the detail is known by the public.

Councillor Beales assured Members that there was no hoodwinking taking place. As much detail as possible would be included in the planning application, once the current stage had been approved. Public comments could be made on the detail at that stage.

Councillor Joyce invited Mrs Franklin to ask any questions.

Mrs Franklin made the point of clarification that the road she was referring to was not the main road off the Edward Benefer Way, but was the road which was to run through the proposed Marsh Lane phase of the development in effect joining up the two parts of Marsh Lane which she stated was shown as a footpath on the consultation plans.

Councillor Beales commented that he was aware of the North South link with Marsh Lane, the detail of which would be in the planning application. He drew attention to the fact that the Marsh Lane site was fractured, which was part of the reason it hadn't been developed previously, although it was always envisaged that it would be joined.

The Council would take the advice from Norfolk County Council and any other statutory agencies on the detail, but if Council were to say no to the Cabinet recommendations the working up of the detail would be irrelevant.

Councillor Mrs Mellish commented that any housing development in an area was emotive, especially when it was headed as "Major", and in Downham Market housing development had taken place throughout. These developments were carried out by private developers and the local people were not consulted except on the planning applications. The project on the table had been party to more consultation than any other project, and the public had been given a good chance to have their say, with changes made from that process. If it was approved at Council the public would have a further chance at the planning application stage.

Councillor McGuinness commented on the development in Downham Market being private, and the fact that this site was to be developed by the Borough Council. He felt it was right that public consultation was undertaken and as it had changed significantly should be consulted on again. He felt that the comments made by the public should be made available to members. He asked if the letters had been discounted if they made reference to the bollards or Lynnsport 2 as those elements had been withdrawn.

Councillor Joyce asked if there was to be any further consultation process being undertaken when the planning process started.

Councillor Beales reported that an extensive consultation process had taken place, and the views listened to, so no further public consultation event was being planned for the scheme as a whole. The content of the comments made were summarised in the report in some detail to ensure the concerns of residents were in the report. He acknowledged that if it had been a private sector scheme it would have been different, and no new road would have been put forward, and things such as the old orchard would not be saved. The public would be able to comment as part of the planning process.

Councillor J Collop referred to the plans at the consultation event and commented that it gave time for people to see what was proposed, however he felt that because the decision to be taken to full Council was different to what was consulted upon, everyone should be happy that they had enough chance to have their views considered on the final proposals being put forward. He felt that the timescale was tight.

Councillor Beales drew attention to the fact that many areas had not changed from the original proposals, and the public engagement forum would be set up for ongoing involvement. Those areas which had been changed following the public comments submitted could still be further commented on in the planning process.

Under Standing Order 34, Councillor Mrs Leamon commented that she was pleased to see the change in Lynnsport 2 for the larger area of green space available for those who couldn't afford the facilities. She asked if its removal from the scheme would put the new road at risk because of the reduction of the number of homes proposed.

In response Councillor Beales explained that there were considerable infrastructure costs for Lynnsport 2 and the moving of the sports facilities. The Council would be able to borrow for the road, and capital receipts were needed to repay it. He confirmed that the risk was not increased by removing it from the proposals.

Councillor McGuinness re-iterated his point about further consultation which he felt was required following changes to the scheme. Councillor Beales again reminded Members that comments would be taken into account in the planning process, and that the consultation undertaken had been extensive and had worked because the awareness of the project was considerable.

Councillor Joyce asked Mrs Franklin what she thought would be achieved by further consultation.

Mrs Franklin stated that she felt that mainly Lynnsport 3 was consulted on, and not the rest. She felt Councillors would be unaware what was proposed until it was too late. The issue to her was the backbone of the development, the new road linking the Marsh Lane site with the Grange Estate marked as a footpath which she felt should be open for the public to comment on. Councillor Joyce asked why the road had been marked as a footpath.

Councillor Beales reminded Members that the indicative numbers for housing were used in the consultation because the initial thoughts for the distribution of numbers etc would be subject to change up to the planning application being submitted, so the detail of the proposed density would come in the planning application.

Councillor Crofts sought clarification as to whether the planning application had been submitted. Councillor Beales confirmed that the consultation was on the outline proposals prior to submitting the full planning application.

Councillor Loveless asked about the public consultation forum proposed. Councillor Beales informed Members that the forum would be led by Councillor Daubney and himself, using the NORA consultation forum as a template. It would involve representatives from the neighbourhood forums, ward Councillors, Alive Leisure, Pelicans and residents. He confirmed the group would be set up after a Council decision on the project.

Councillor Foster commented that if Councillor Beales hadn't consulted on the amended plans which were to be submitted to Council, what was

to stop him doing the same thing in the future to the forum. Councillor Beales responded that he was not seeking to mislead people, and that public engagement would take place.

Councillor Joyce asked if Councillor Beales would oppose an application for a village green on the Lynnsport 2 site. Councillor Beales responded that at Cabinet they undertook to look at a method of excluding that area from future development so he wouldn't want to rule anything out at this stage.

Councillor Daubney commented that Cabinet would progress the suggestion in the most appropriate manner once advice had been taken.

Councillor McGuinness commented that the LDF had had a fantastic effect on public engagement, which had identified the areas as development land and it would be good to be able to show that the Council aimed to keep it as open space.

Under Standing Order 34, Councillor T Bubb commented that the scheme with the new road was attractive for those using Lynnsport, he asked if any detail had been planned to ease traffic coming into the town as he thought a mini roundabout should be included at this stage in the process. Councillor Beales drew attention to the fact that County Councillor Coke had been invited to discuss the County Council element of the proposal.

County Councillor Coke commented that work had been carried out on the cumulative effect of development in the town and the wider infrastructure. KLATS was an evolving document, and the County Council officers were aware that the roads were near capacity and would reach it by 2026 with the development numbers for the Borough in the coming years. Mitigating functions for this site could be added such as lights etc.

Councillor Daubney drew the Chairman's attention that the Committee was scrutinising the specific Cabinet decision. The Monitoring Officer confirmed that the question should be answered around the scrutiny of the specific decision, not on the wider LDF or road policies.

County Councillor Coke made reference to forward funding to deal with problems outlined which he didn't consider applicable.

Councillor Joyce responded that as a Council development, any traffic flow or impact from it was relevant.

Councillor Daubney stated that when decisions were made on the proposals lots of advice had been sought from the County Council officers. Councillor Beales commented that the cabinet decision was what was being scrutinised, not the wider picture, and perhaps an expert witness should have been asked.

County Councillor Coke commented that if further applications were made for housing, mitigation would have to be put forward by developers. Councillor Beales drew attention to the significant benefits to other areas of the road network in the town by the construction of the new road, the design of which had been carried out by County Council officers.

County Councillor Coke responded that he accepted that his officers had said there were benefits of wider distribution of traffic, although the note they provided him with stated that the junctions were operating close to capacity but the situation could be improved by things such as lights which would be taken into account in the planning application process.

Councillor Foster asked Councillor Coke if the County Council had considered the cumulative impact assessment study on the scheme along with the other information. Councillor Joyce asked if that information had been passed on to the Borough Council if so. Councillor Coke stated that a full study of the wider planning development had not been carried out.

Councillor Daubney asked if the suggestion was being made that a poor decision had been made by Cabinet. It was pointed out that the advice from County Council officers had been that the construction of the road was considered to be of overall benefit.

Councillor McGuinness commented on the fact that even though the road was considered to be a benefit for the area, the public consultation comments considered it to be a disbenefit. Councillor Beales responded that the results showed a net overall benefit for the road construction. He confirmed that the concerns about the road were not dismissed, but resulted in the road being sited as far away from the houses as possible, the road calming being as quiet as possible and screening with vegetation.

Councillor Collop asked what effect the development would have on the rest of the town. He expressed concern about the numbers of houses being built and the potential for inaccessibility due to the volume of traffic. Councillor Beales responded that the new road onto the development would ease the pressure in Gaywood ensuring that the traffic could access and egress in different directions. He felt that not to build the road would be wrong as building it was mitigation for the additional houses being built.

Councillor Foster asked if the building of the houses would help with the capacity issue on Grimston Road. Councillor Beales re-iterated that the new road would benefit it.

Councillor Joyce asked if there was an "incinerator clause" – ie where a claim for large amounts of compensation would be made by a third party if planning permission was not approved. Councillor Beales explained that there was a commercial risk which had been discussed previously,

but the benefit to the public outweighed the risk. He also confirmed that there would be no claim for compensation if planning permission was refused.

CSC111 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED: That under Section 100(a)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CSC112 **CABINET REPORT – MAJOR HOUSING DEVELOPMENT – FINAL APPROVAL**

With regard to Councillor Leamon's question earlier in the meeting about the risk implications for the project in removing Lynnsport 2, Councillor Beales explained how the risks of the changes in the scheme had been addressed, making the project financially viable.

In referring to the finances of the project, Councillor Loveless asked if provision had been made to repair and improve those outside areas of Lynnsport such as the broken paths or scrub land and if so at what stage this would be completed. Councillor Beales responded that the potential for the wider enhancement of the area on top of the proposals already in place was for the next Administration to consider. The Corporate Project Officer explained that some specific areas which joined up the sites were being repaired or improved at the appropriate time in the development.

Councillor Collop asked when the Council would be responsible for costs of the borrowing. Councillor Beales confirmed the Council was already responsible for the costs of exploratory work undertaken, but Council would consider and decide on each stage.

Councillor Crofts asked for confirmation on the Internal Drainage Board work. It was explained that the Board had been involved throughout the process and the costs were based on the impermeable area.

Under Standing Order 34, Councillor Mrs Leamon was given the outline of the contractual arrangements with the main contractor should any difficulties occur.

- RETURN TO OPEN SESSION -

Councillor Foster, following advice from the Monitoring Officer on the wording, proposed that the recommendation be made to Council that the matter be passed back to Cabinet for further consultation to be carried out on the modified scheme.

Councillor Collop asked if the matter would be going back to the public, to which Councillor Beales re-iterated that it would be not be a further public engagement, but would able to be commented on as part of the planning application.

Councillor McGuinness commented that he felt that the level of detail known by the portfolio holder was different to that shared with the public, he seconded the proposal.

Councillor Daubney responded that the whole point of the consultation exercise was to hear the views and it was legitimate to modify the plans to take into account the consultation. Cabinet decided that as a result of the consultation it needed a better forum for the public to make their views known. When the detail was put into the planning application the forum would be listened to. The suggestion made would cause more delays.

Councillor Collop sought clarification on the fact that the detail would be considered with the planning application. Councillor Beales confirmed that the finished detail wouldn't come forward before the final planning application was submitted.

The Corporate Project Officer explained that 3 consultation events were held, where the boards shown at each event were different. The first showed arrows going through where they thought the connectivity of the sites should be. Those boards were then taken to the County Council who then were involved in working up proposals and suggested their views which came back at quite a late stage. There were representatives at each board at the events explaining the process. The plans at the third event were the then current plans. The boards which showed the specific alignment of the roads didn't exist until this week, but every effort was made to inform attendees at the consultation event of the road proposals.

Councillor Collop responded that as it was such a big project with a lot of interest he couldn't see the problem in sending it out again so everyone was happy with the proposals. He supported the proposal.

Councillor Mellish commented that not everyone would be happy however many times it was sent out for consultation. She felt that many of the public were often apathetic about consultation, but what needed to be done had been done and it was time to move forward.

Councillor Foster pointed out that on this occasion the public had not been apathetic, and drew attention to the fact that many had been against the proposals.

At the invitation of Councillor Joyce, Councillor Beales summed up the position in that it wasn't a surprise that opposition to the scheme had been received, as Marsh Lane was an attractive place to live. There were significant commercial implications in delaying. Further opportunity

to comment would be given at the planning application stage. The effects on the Lynnsport 2 site were now minimal. The road elements didn't change. The Council would be open about the proposals and discuss further with the forum. The consultation events had been busy so public awareness had been raised.

On being put to the vote, Councillor Foster's proposal to "recommend to Council that the scheme, as presented be put back to Cabinet for further consultation" was lost.

CSC113: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were none.

CSC114: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 19 March 2015 at 6 pm.

Meeting closed at 8.17 pm