

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**CABINET**

**Minutes from the Meeting of the Cabinet held on Tuesday, 24th September, 2019 at 3.30 pm in the Council Chamber - Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillors B Long (Chair), I Devereux, P Gidney, P Kunes, A Lawrence, G Middleton and E Nockolds.

**PRESENT UNDER STANDING ORDER 34:** Councillors J Moriarty, C Morley and D Pope.

**ALSO IN ATTENDANCE:** Councillor M de Whalley.

**OFFICERS:**

Alan Gomm – LDF Manager  
Alex Fradley – Principal Planner  
Lorraine Gore – Chief Executive  
Matthew Henry – Assistant Director

CAB39 **MINUTES**

**RESOLVED:** The Minutes of the meeting held on 6 August 2019 were approved as a correct record and signed by the Chair.

CAB40 **APOLOGIES**

Apologies were received from Councillor Blunt.

CAB41 **URGENT BUSINESS**

There was none.

CAB42 **DECLARATIONS OF INTEREST**

There was none.

CAB43 **CHAIR'S CORRESPONDENCE**

There was none.

CAB44 **MEMBERS PRESENT UNDER STANDING ORDER 34**

The following Councillors attended under Standing Order 34 for the items shown:

Councillor Moriarty – CAB52, CAB53 and CAB54  
Councillor Morley – CAB52  
Councillor Pope – CAB48, CAB49 and CAB50.

CAB45 **CALLED IN MATTERS**

None.

CAB46 **FORWARD DECISIONS**

The forward decision list was noted.

CAB47 **MATTERS REFERRED TO CABINET FROM OTHER BODIES**

There was none.

CAB48 **HOUSING DELIVERY TEST - ACTION PLAN**

The LDF Manager presented a report which explained that Government changes to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) had introduced the Housing Delivery Test (HDT). This was a new test for Local Planning Authorities which measured the number of homes actually delivered against how many homes should have been delivered over the past three year period. Results were expressed as a percentage and this dictated the measures required or the penalties faced. The Borough Council's result for 2018 was 91% which meant that a HDT Action Plan needed to be prepared. The Action Plan would explore housing supply and delivery in detail and provide a series of short term and long term actions for the Borough Council to consider in an attempt to increase housing supply and delivery.

Councillor Pope addressed the Cabinet under Standing Order 34. He referred to the result and commented that the Council, as a housing developer, needed to either build faster, or grant less permissions. He also stated that currently a planning permission was valid for three years and then lapsed if no development had started he asked if options could be explored to reduce this period and suggested two years.

The Leader commented that the HDT Action Plan was something that that the Council had a duty to provide as it had not met the target. He referred to comments made by Councillor Pope regarding the time limit on planning permissions, which was currently three years. He asked officers if this was a legal requirement, or if the Council had discretion in setting the time period. The LDF Manager explained that it was up

to the Council to determine the time period, but generally it was set at three years.

Councillor Gidney commented that because there were so many different types of planning permission, which could sometimes be complex, he would not support reducing the time period for work to start after permission had been granted across the board. He explained that it took time for conditions to be discharged etc. and that each application was different and timescales should be considered dependent on the application.

In response to a question from Councillor Lawrence, the LDF Manager commented that he was unsure what the standard amount of time was across other Norfolk Authorities. Councillor Gidney commented that most Local Authorities had a three year period in order for development to commence before the permission lapsed.

The Leader referred to the comments made by Councillor Gidney and agreed that each planning permission needed to be considered individually with regards to time limits before the permission would lapse, and this was something that officers could explore in order to try and boost development.

**RESOLVED:** That the Housing Delivery Test Action Plan be endorsed.

**Reason for Decision:**

To ensure that the Borough Council complies with its duties as set out within the NPPF and PPG. The Housing Delivery Test Action Plan sets out a series of appropriate actions for the Borough Council to consider and explore in the short, medium and long term in an attempt to increase housing supply and delivery.

CAB49 **NORFOLK STRATEGIC PLANNING FRAMEWORK**

The LDF Manager presented the report which explained that when preparing Local Plans, the Authority was subject to a number of legal and regulatory requirements which included a legal 'duty to co-operate' with neighbouring authorities in relation to strategically important land use issues which crossed boundaries. Compliance with this requirement was one of the legal tests which the Inspector would apply at Local Plan examination.

All authorities in Norfolk participated in a Member Forum which had endorsed the preparation of a strategic planning framework document. This document had recently been revised and the updated version was now presented for endorsement.

The LDF Manager highlighted the key changes, as set out in the report.

Councillor Pope addressed the Cabinet under Standing Order 34. He made reference to mineral extractions and asked if the Borough Council received any payment from minerals which were removed from the Borough. The Leader explained that the land owner would usually be paid by a company to operate the facility. Mineral extraction within the Borough was a Norfolk County Council responsibility. The LDF Manager explained that the Borough Council had signed up to the Norfolk County Council Mineral Extraction agreement.

Councillor Kunes commented that the mineral extraction site in West Norfolk did bring in business rates and employment opportunities, so benefitted the local economy.

Councillor Middleton commented that there were lots of other sites in the country with minerals, but did not have the facilities to extract, therefore pressure needed to be put on the Government to encourage extraction in other places and push other Local Authorities to do their part.

Councillor Devereux referred to the number of environmental influences within the agreement and that they would assist with the development of Borough Council Policies.

The Leader asked the LDF Manager if the duty to co-operate would extend with Lincolnshire and Cambridgeshire. The LDF Manager explained that the Norfolk Strategic Planning Framework formalised the relationship between areas in Norfolk, but the Council did involve Lincolnshire, Suffolk and Cambridgeshire as part of the Local Plan process.

**RESOLVED:** 1) That the Norfolk Strategic Planning Framework and Statement of Common Ground 2019 and the agreements contained therein be endorsed.

2) That the Borough Council supports the commitment to continued co-operative working and periodic review of the framework and in particular would support further collective work in relation to climate change.

**Reason for Decision:**

In order to fulfil the Borough Council's duty to co-operate with neighbouring authorities in undertaking its planning policy work.

CAB50

**ENDORSEMENT OF NEW ANGLIA LEP LOCAL INDUSTRIAL STRATEGY FOR NORFOLK & SUFFOLK**

Councillor Middleton presented a report which sought support from the Borough Council for the draft Norfolk and Suffolk Local Industrial Strategy. The strategy had been drawn together by the New Anglia Local Enterprise Partnership (NALEP) in consultation with local

stakeholders from the public and private sectors including the Borough Council. The Strategy required endorsement from all included Local Authorities prior to its submission to Government.

The Chief Executive explained that the Strategy would be considered by the NALEP Board at their meeting on 25<sup>th</sup> September 2019 and then submitted to Government. She stated that the Strategy did not come with any guaranteed funding, but could assist with routes into funding and other opportunities in the future.

The Leader stated the importance of having high level strategy documents such as this in place to access funding and other opportunities. He also acknowledged the technology and manufacturing businesses in the area and new industries which were coming forward.

**RESOLVED:** That the draft Norfolk and Suffolk Local Industrial Strategy be supported and endorsed.

**Reason for Decision:**

To demonstrate support for this key strategy for the New Anglia LEP area.

CAB51 **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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

CAB52 **CORN EXCHANGE - TENDERS**

The Deputy Leader presented the report and informed the Cabinet that the tenders for the construction works had now been received and had been evaluated. A report on the outcome of the tender had been distributed to Cabinet in advance of the meeting.

Councillor Morley addressed the Cabinet under Standing Order 34 and made comments relating to the results of the tender and ongoing maintenance costs. The Executive Director provided a breakdown of the project requirements and information on the companies who had submitted a tender.

In response to a question from Councillor Gidney, it was confirmed that the roof works would be carried out in the same contract because the roof would have to be replaced and have adequate acoustic insulation.

Councillor Gidney asked if the cinema space could be used for other things in the future such as lectures and guest speakers. It was

confirmed that it could, and the lift had also been designed so that it could service a flat floor area in the future if required.

Councillor Middleton commented that it would be important for the Council to be prudent with ongoing project costs to ensure that everything was on track and a quality product was being delivered. He asked for assurance that the project would be delivered on time, because of programming at the Corn Exchange, and within budget. The Executive Director explained that systems were in place to ensure that projects did not go over budget and penalties could be imposed for going over the timescale set.

The Deputy Leader informed the Cabinet that she wanted good value for money and that the public expected a high quality product, so she would be carefully monitoring the project. The Leader stated that he would also monitor the project.

**RESOLVED:** Cabinet authorise the award of a contract for the main works to the cinema auditoria, and delegate authority to the Executive Director, Commercial Services and Chief Executive, in consultation with the Portfolio Holder for Culture, Heritage and Health, to add to that contract further works on the ground floor toilets, foyer and/or front façade, subject to funding being agreed from other existing budgets.

**Reason for Decision:** To ensure the cinema project is delivered and can start during the period of Corn Exchange closure from 11<sup>th</sup> January to 5<sup>th</sup> March 2020.

#### CAB53 **BOAL QUAY - GALLERY PROPOSAL**

The Deputy Leader presented the report which detailed options for the development of Boal Quay. She explained that initially it had been suggested that residential development take place, but this was now considered to be unviable. A further option to develop the area as a gallery and public gardens had now come forward.

The proposals were part of the original application for Future High Streets Funding and would be expanded as part of the Stage 2 application to be available in draft form by mid-November subject to Cabinet agreement.

Councillor Moriarty addressed the Cabinet under Standing Order 34. He made reference to the Regeneration and Development Panel Meeting on 10<sup>th</sup> September 2019. The Panel had considered the proposals and had supported the option to develop the area as a gallery and public gardens. He made reference to the issues and comments raised by the Regeneration and Development Panel which had been included in the report. He hoped that Cabinet would consider the issues raised by the Regeneration and Development Panel before

any decisions were made. The Leader stated that the Cabinet would take the Panel's comments into consideration.

Councillor Pope addressed the Cabinet under Standing Order 34. He commented that he supported the proposal but it would be crucial that monitoring was undertaken by the Major Project Board.

The Executive Director and Leader of the Council responded to questions relating to the ownership of the land and future arrangements.

Councillor Devereux commented that he supported the gallery proposal and that monitoring would be undertaken by the Major Projects Board. He commented that the Major Projects Board should be informed of when and what decisions were required and any break points.

Councillor Kunes made reference to the boat which was in a state of disrepair on Boal Quay. The Assistant Director explained that there would be a cost involved to remove and dispose of it and attempts would have to be made to make contact with the owner. Therefore the current proposal was for the boat to remain, however negotiations were ongoing and the removal of the boat could form part of the negotiation process if Cabinet decided.

Cabinet discussed the removal of the boat and felt that it was in a state of disrepair and could be dangerous. Cabinet asked that this be removed as part of the development.

**RECOMMENDED:** 1) That the option to develop the site as a cultural offer be accepted which delivers the riverfront vision "King's Lynn Riverfront becomes a vibrant river edge quarter threaded into the fabric of the existing town".

2) That delegated authority be granted to the Executive Director Commercial Services and the Assistant Director, Property and Regeneration in consultation with the Leader and Deputy Leader and Portfolio Holder for Culture, Heritage and Health to agree draft heads of terms and report back to Cabinet.

3) Officers to negotiate the removal of the boat from the area.

**Reason for Decision:**

To move significantly forward with the delivery of the vision for King's Lynn Riverfront.

CAB54 **NAR OUSE ENTERPRISE ZONE IMPLEMENTATION AND DELIVERY**

Councillor Gidney presented a report which reminded members that the Nar Ouse Business Park had been designated Enterprise Zone status by Government in April 2016. The report followed on from the

previous reports to Cabinet and brought together arrangements and approvals required for delivery of the first phase of premises, the secondary road infrastructure required to service the overall development site, and provide confirmation of external funding for the proposed speculative units at the Nar Ouse Business Park.

Councillor Gidney explained that the provision of the secondary road infrastructure and the proposed speculative units would help to attract business and developer interest in the Enterprise Zone and would help with the delivery of new business premises and employment opportunities.

Cabinet discussed financing of the scheme and assistance provided by the New Anglia Local Enterprise Partnership.

**RECOMMENDED:** That delegated authority be granted to the Council's Assistant Director Regeneration & Property, in consultation with the Portfolio Holder for Project Delivery to enter into the contract for the construction of the speculative units, the road (and other) infrastructure, the land disposal and the grant funding as outlined within the report.

2) That the amendment of the Council's Capital Programme to accommodate the proposals as set out within this report be agreed; and

3) That the Council's retained Legal Services provider be authorised to draft and complete all necessary contract documentation in respect of the speculative units, road (and other) infrastructure, grant funding and land disposal set out within this report.

**Reason for Decision:**

The Nar Ouse Business Park Enterprise Zone (NOEZ) will contribute significantly to the Council's regeneration ambitions for King's Lynn and West Norfolk. Investment in the NOEZ will help to stimulate business growth and potentially attract inward investment.

**CAB55 HERITAGE ACTION ZONE - CHAPEL STREET**

Councillor Gidney presented the report and reminded members that King's Lynn was designated Heritage Action Zone (HAZ) status by Historic England in March 2017. The HAZ formed a partnership with the Borough Council and other board members, with the aim to facilitate new development within historic areas of King's Lynn to reinforce the economic, social and environmental vitality in this modern medieval town through a number of work streams.

The HAZ programme had identified a number of brownfield sites for consideration and the report sought authority to contract for architectural services in order to assess the development potential and



viability of one of these sites. Following this exercise a further report would be put before Cabinet setting out the preliminary designs and viability assessment and providing options for development delivery.

The Assistant Director made reference to the Informal Working Group, set up by the Regeneration and Development Panel, which had looked at options for the site. He also provided detail of the property which it was hoped the Council could acquire and would form part of the development.

Cabinet discussed the importance of the HAZ status, the proposed development site and how car parking could be provided elsewhere in the town centre. Reference was made to the Car Parking Strategy.

**RECOMMENDED:** 1) That delegated authority be granted to the Assistant Director Regeneration & Property Services in consultation with the Portfolio Holder Project Delivery, the Executive Director Commercial Services and the Chief Executive, to award the contract for Royal Institute of British Architects (RIBA) stages 1 to 3 to the preferred planning and architectural consultancy team identified within the report.

2) That delegated authority be granted to the Assistant Director Regeneration & Property to acquire the property identified within this report in consultation with the Portfolio Holder Project Delivery, the Executive Director Commercial Services and the Chief Executive. The Capital Programme will need to be amended to accommodate the proposed purchase.

3) That the Council's retained Legal Services provider be authorised to draft and complete all necessary contract documentation in respect of the architectural and planning consultancy services related to the site, and the acquisition of the property mentioned within the report.

**Reason for Decision:**

This proposal fits well with the Council's regeneration agenda and the potential for contributing to the delivery of new housing development within the borough.

**The meeting closed at 5.10 pm**