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## COUNCIL EXCELLENCE OVERVIEW AND SCRUTINY COMMITTEE

Monday, 22 November 2010

<u>Present:</u>	Councillor	P Gilchrist (Chair)	
	Councillors	A Brighthouse J Keeley P Davies P Kearney B Kenny	A McArdle D McCubbin J Stapleton S Williams
<u>Cabinet Member:</u>	Councillor	A Hodson, S Holbrook and G Gardiner	
<u>In attendance:</u>	Councillors	G Ellis S Foulkes J Green	J Hale G Watt

### CALL-IN OF CABINET MINUTE 160 (14 OCTOBER 2010) - THE SAIL PROJECT

#### 87 CHAIR'S OPENING REMARKS

The Chair advised the Committee and the witnesses that were in attendance that, at its meeting held on 14 October 2010, the Cabinet had considered a report of the Director of Law, HR and Asset Management, which informed Members of the current position with regard to The Sail Project in West Kirby and sought approval to conclude negotiations with the proposed developer. The report set out the background, the present position and contained additional information.

After a vote, the Cabinet (minute 160 refers) –

“Resolved (6:3) – That Cabinet recognises that:

- (a) the primary purpose of the Sail Project has always been the re-provision of the existing Sailing School in a high quality building that responds to the regional and national importance of the Marine Lake;
- (b) Carpenter Investments have worked diligently to develop a scheme that would deliver this outcome through enabling development consisting of a high quality boutique hotel on the Dee Lane Car Park, which would bring in excess of £5m of inward investment and create over 50 jobs;
- (c) economic circumstances beyond the control of either Carpenter Investments or the Council would lead to a revised development scheme which created a significantly increased net loss in car parking in the vicinity; and
- (d) the development has become highly controversial within the local community, which would lead to Carpenter Investments being asked to develop a Consultation and Stakeholder Engagement Plan.

Cabinet considers that;

- (a) despite the endeavours of Carpenter Investments there appears to be little realistic prospect of a resolution of the car parking issues to our satisfaction;
- (b) making further efforts to resolve this issue may be likely to delay the possible improvement of the Sailing School;
- (c) in these circumstances, it would not be reasonable or appropriate to expect Carpenter Investments to expend further monies on striving to resolve this issue; and
- (d) similarly, it would not be reasonable to require Carpenter Investments to refine and implement its Consultation and Stakeholder Engagement Plan.

Accordingly, the Director of Law, HR and Asset Management be instructed:

- (a) to express the Cabinet's sincere appreciation and thanks to Carpenter Investments for their considerable commitment to the Sail Project since 2007, but to inform them that the Council will not proceed further with this development; and
- (b) following consultation with the Director of Technical Services and the Director of Corporate Services, to report back to a future Cabinet meeting with options for securing the future enhancement, or retroversion, of the Sailing School, without involving any material net loss of public car parking in the vicinity."

The Cabinet decision was subsequently called in by the Leader and Deputy Leader of the Labour Group, Councillor S Foulkes and Councillor P Davies.

The Chair referred to additional documentation that had been circulated, which included three Cabinet reports (9 April, 23 April and 24 September 2009), two of which were exempt and had been redacted by the Director of Law, HR and Asset Management. In addition, he provided to Members copies of a number of e-mails that he had received from local residents. He outlined the call-in procedure and commented also that he had consulted with Councillor P Davies and with Councillor A Hodson (Cabinet Member for Regeneration and Planning Strategy) in order to agree the order in which witnesses would be called to give evidence. In view of the number of witnesses that had been called, he asked that, if possible, witnesses restrict their address to three minutes and to try to avoid repetition.

## 88 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

Councillors Gilchrist, Kenny and Keeley commented that, although they did not have an interest in the call-in item, they were each Members of the Planning Committee; consequently, should a planning application be presented to a future meeting of the

Planning Committee in relation to The Sail, they would take no part in the Planning decision process.

No further declarations were made.

## 89 **EXPLANATION OF CALL-IN BY LEAD SIGNATORY**

The Leader of the Labour Group, Councillor S Foulkes, set out the grounds for the call-in of the Cabinet decision, that –

- This project was set up to secure a world class sailing school and supporting facilities for the West Kirby Marine Lake, and the Hotel development on the Dee Lane Car Park is the enabling development to achieve that goal.
- The need for that world class sailing school and supporting facilities for the Marine Lake has not changed and there is no other source of finance available now, or likely to be in the future, given the current financial climate.
- This project has taken considerable time to develop, is in the last stages before Heads of Terms for the Development Agreement are finalised, and the developer remains committed to the project.
- Another quality hotel in Wirral would be of benefit because, as the Merseyside Partnership acknowledges, “it would attract investment and bring significant benefits to the tourism offer in Wirral”. This is particularly the case with the advent of the Open Golf.
- Any development, particularly in this current economic climate, will require a level of compromise in order to achieve the primary goals.
- There is still time to consider the best way of mitigating the loss of those parking spaces and accompanying traffic issues, provided that any investigation is set in the broader context of the interests of West Kirby as a whole. However, that time has been denied to officers and to the Developer by the Cabinet decision to abort the whole project at this late stage.
- A rejection of the project at this late stage sends out a very negative message to potential investors in Wirral who may be wary in the future of investing time and money into development projects that can be cancelled in this arbitrary way, and who may believe in future that Wirral politicians are prepared to allow a small and vocal minority, resistant to change, to over-ride the interests of the wider community.

He emphasised his view that the project would be to the benefit of the area, at a time when more needed to be done to help sustain seaside towns such as West Kirby. He suggested that the developer should be allowed the opportunity to work with Council officers in order to address issues of traffic and car parking and he indicated that, in the current economic climate, the Council would be unlikely to be able to fund the redevelopment works that were required to improve the sailing school.

## 90 **EVIDENCE FROM CALL-IN WITNESSES**

### **Mr D Brewett – Carpenter Investments**

Mr Brewett commented that he had worked on The Sail Project, with Council officers, since 2004. He set out the proposed investment which, in addition to the provision of

a new sailing school, would see a first class restaurant on the site. He maintained that the development could be achieved without a significant net loss of parking spaces and commented that the offer was well in excess of the value of the car park. Although shocked at the decision of the Cabinet, Carpenter Investments remained committed to the project, which would create fifty new jobs, and he expressed the view that the opposition to the scheme was from a significant minority.

In response to questions from Members in relation to parking issues, Mr Brewett indicated that the provision of increased on-street parking could be explored further. However, such issues would be addressed within a traffic impact assessment that had not yet been required by the Council. He stated that the small scale of the hotel meant that it was not economically viable to proceed with semi-underground parking that had previously been considered.

### **Jonty Meisner – Lakeside Orthodontist**

Mr Meisner advised the Committee that his business was in a residential location adjacent to the site. He believed that only a vocal minority of residents were opposed to the scheme and he referred to the benefits of such a scheme to West Kirby in terms of civic pride and raising the profile of the town.

The Cabinet Member for Economy and Regeneration referred to a petition in relation to parking problems that had been considered by the Cabinet in 2009. In response, Mr Meisner commented that his business overlooked the Dee Lane car park, which he believed to be significantly underused. Although the opinions expressed were his own, Mr Meisner also stated that most people he had spoken to in the local area were very positive and were fully aware of the benefits of The Sail Project.

### **Dan Meigh – Head of Drama, Calday Grange Grammar School**

Mr Meigh indicated that, in addition to being employed at Calday Grange Grammar School, he had a business in West Kirby and also lived in the area. He believed there to be significant local support for the project and incredulity that the Council did not intend to proceed with the development. He had also sought the views of young people, who were also very supportive and saw the project as a real opportunity for the area

### **Sarah Beer – Consultant for Carpenter Investments**

Mrs Beer advised the Committee that, in 2008, she had undertaken the, as yet, only published consultation exercise in relation to The Sail project. Although it had originally been marked as exempt by the Council, it had subsequently been released following a Freedom of Information (FOI) request. She had sent invitations to 8000 local households to the consultation event at West Kirby Concourse and, out of some 1200 attendees, approximately 600 questionnaires had been completed. Every comment was recorded and analysis of the responses suggested that a significant majority of residents were generally in favour of the project. She provided a brief explanation of how the analysis was undertaken and indicated that of the objections, the main factor appeared not to be related to parking, but to the size of the scheme. The developers had listened to the results of the consultation and the scheme had been changed because of it. However, the objectors had not been prepared to consider any sort of compromise.

She commented that 12% of the consultation respondents were opposed to the scheme and suggested that claims by local Councillors of 98% of local people being opposed to it were not plausible. She acknowledged that the consultation exercise

was undertaken some two and a half years ago but, in that elapsed period, she had continued to consult with local residents on an informal basis. She maintained that local people remained very supportive of the scheme and suggested that the level of support was hardening. In response to comments in relation to the impartiality of the survey, Councillor Foulkes advised the Committee that it had been a decision of the Cabinet that the developer would arrange for consultation to be undertaken, rather than for it to have been done by the Council.

In response to a question from a Member, Mrs Beer stated that she was very concerned that local Councillors, who had been hostile to the scheme from the outset, were ignoring the view of a majority who were in favour of the development. She believed that the parking issue had been elevated by endless complaints from a small number of people and it mattered greatly that the spectrum of opinion was acknowledged by the Council.

**Paul Askew – Chef Patron, London Carriage Works Restaurant,  
Hope Street Hotel, Liverpool**

Mr Askew advised the Committee that, since the opening of the Hope Street Hotel in Liverpool, in 2003, Carpenter Investments had demonstrated their commitment to quality and he expressed a view that the proposed Sail project would be an excellent scheme, which would raise the profile of West Kirby. It would provide employment opportunities for local people and would help drive tourism and the local economy. He referred to recent achievements of local chefs, which included winners of Young Chef of the Year and Professional Masterchef, and the award of a Michelin star to Fresh in Oxton. The developers had shown a commitment that the proposed restaurant at The Sail would be of similar quality to that at the London Carriage Works and the hotel would replicate the success of the Hope Street Hotel in Liverpool.

In response to questions from members, Mr Askew commented that, due in part to the Wirral Year of Food initiative, a clear demand had been demonstrated for quality dining in Wirral. There also seemed to be strong local support in West Kirby for the Sail project to succeed.

**Phil Black – Enforcement Manager, Parking Services  
Technical Services Department**

In response to questions from Members, Mr Black advised the Committee of the type of information that would be included within a Traffic Impact Assessment. It would normally be undertaken by a developer once a project had been finalised in order to inform the planning process. It would consider the scale of a development and would provide information to enable a view to be reached in relation to the net impact of a development on both traffic and parking. He reported also upon the number of parking tickets sold in West Kirby and commented that the usage of the Dee Lane Car Park was hugely variable. The average occupancy of the car park was 35% but at certain times could be completely full, largely dependent on the weather.

In relation to concerns expressed by Members that the proposed scheme could result in a net overall loss of parking spaces, Mr Black commented that it was not possible for officers to reach a conclusion without a traffic assessment having been completed.

**Councillor S Holbrook – Cabinet Member for Corporate Resources**  
**Councillor G Gardiner – Cabinet Member for Environment**

Councillor Holbrook confirmed that, as Councillor Green had left the room during the consideration of the matter by the Cabinet on 14 October 2010, he had chaired that part of the meeting. He restated his support for the Sail project and he referred to the text of Cabinet minute 160, which contained a motion that he had moved, seconded by Councillor Gardiner, which would have given the developers more time to resolve the parking problems. He hoped that the Committee would support what he had moved at the Cabinet meeting.

Councillor Gardiner confirmed that she was a resident of West Kirby and believed that most local people were in favour of the scheme. She expressed a view that the decision of the Cabinet had been premature, given that there were no other proposals that would achieve the Council's aims of 'enabling works' being undertaken to refurbish the sailing school. The lock out agreement had ended 18 months ago and, despite wide publicity, no other 'enabling schemes' had been proposed. She believed that the hotel would be a first rate development and that a quality sailing school would be provided. In addition, having been prepared to make changes to the proposed scheme, Carpenter Investments had demonstrated a willingness to address the concerns that had been made by a sector of West Kirby residents.

With regard to the 'spur' car park, Councillor Gardiner commented that she did not agree with Councillor Holbrook that it should be retained solely for lake users. It was rarely full and she believed that there was scope for it also to be used by the general public. The barrier to the car park had been controlled for some time and its joint use by lake users and visitors had not resulted in any problems. She also expressed a view that officers could consider the feasibility of 'herringbone' parking along The Parade.

In response to questions from Members, Councillor Holbrook indicated that although the Council would lose nothing in allowing time for a traffic impact assessment to be completed, it would gain more evidence upon which to base a decision.

**Alan Beer – Carpenter Investments**

Mr Beer thanked those people in attendance who had given their time to show support for The Sail project. He believed the scheme to be of major importance and commented that a significant amount of time and money had been invested in it. From the outset, there had been an acceptance that there would be a loss of parking spaces and the company was angry and disappointed at the decision of the Cabinet that appeared to have been influenced by a small number of local Councillors, who had allowed the project to become politicised. He referred to an apology from Councillor Ellis that was recorded within Cabinet minute 160, in relation to quotes that had been attributed to him in the local press that the Cabinet would not proceed with the project. Although Councillor Ellis informed the Cabinet that he had been misquoted, Mr Beer alleged that on 21 September 2010, Councillor Ellis had indeed told local residents and the press that the process would go no further following the next Cabinet meeting. This had been reported to the Council's Monitoring Officer.

Mr Beer believed that the majority of residents were very supportive of The Sail project. However, a small group had influenced a Cabinet decision, which made it clear that no net loss of parking spaces would be accepted. This had demonstrated that the provision of parking spaces was of greater importance than a sailing school, hotel or other development. Mr Beer commented that an evaluation of the offer had

shown that it provided good value for money to the Council. He expressed an opinion that the decision of the Cabinet would have a negative impact in relation to other investors being prepared to invest in Wirral. He hoped that the decision would be referred back to the Cabinet and that they would demonstrate that the Council was serious about doing business.

## **ADJOURNMENT**

At 8.45pm, the Committee stood adjourned for ten minutes

## **91 EVIDENCE FROM CABINET MEMBER'S WITNESSES**

### **Councillor J Hale – Ward Councillor (Hoylake and Meols)**

Prior to giving evidence to the Committee, Councillor Hale expressed his belief that the redacted exempt reports, referred to by the Chair in his opening remarks, should have been made available to members of the public without redaction. In response, the Chair advised the Committee that he had sought the opinion of the Director of Law, HR and Asset Management, with regard to this matter and had complied with the advice that he had received.

Councillor Hale commented that the value of the sailing school was less than the value of the land that was to have been leased to the developer if the loss of parking charges and rental income was taken into account.

He referred to the consultation event at West Kirby Concourse and advised Members that he had inspected every response that had been completed. He noted that there was not an option in the document for respondents to signify their approval separately to the Hotel development and/or the redevelopment of the sailing school. He noted that there were a significant number of positive returns, which contained a comment that they were in favour of the sailing school but not the hotel development.

He had always considered what was right for West Kirby and had never regarded the issue as a personal matter. He referred to previous reports that had been considered by the Cabinet, before the preferred developer had been identified and he claimed that the Director of Technical Services had identified parking as a significant issue.

Councillor Hale referred also to meetings of the West Wirral Area Forum, which had always been very well attended. Although a formal consultation exercise was not undertaken, he commented that views expressed at Area Forum meetings and in response to informal consultation undertaken by ward Councillors, suggested that 95% of people were opposed the Sail project. Councillor Hale believed he was acting for the majority of his electorate and indicated that having actively campaigned on that basis at the local elections in 2008, his majority had not been affected.

Councillor Foulkes commented that the project had always been about an enabling scheme, to raise finance to upgrade the sailing school. He stated that there had always been an acceptance that there could be an impact on parking spaces in order to achieve the wider aims of the project. In response, Councillor Hale stated that because of the impact on parking he had objected to the scheme from the start at the proposed location. He was not prepared to agree to any loss of parking spaces at Dee Lane because, he believed, to do so would be damaging to local businesses.

### **Michael Maynard – Representative of the Lake Users Group**

Mr Maynard advised the Committee that although he did not live in the local area, he used the marine lake, as a windsurfer, on a regular basis. The Lake User Group did not wish to express an opinion in relation to the proposed hotel development and, confined their comments to the impact of the proposals on the marine lake. He supported the original aims for an enabling development to improve the sailing school, but expressed concern about the impact of the proposals on the spur parking area and the reduction of storage space indicated in the revised plans. He commented also that a user group had already moved to Chester because of the lack of storage space.

### **Elizabeth Davey – Chair of Hoylake and West Kirby Civic Society**

Mrs Davey advised the Committee that she now resided in another part of Wirral, although she had previously lived in West Kirby for 30 years. She questioned the suitability of the proposed hotel location and welcomed the decision of the Cabinet to halt the process, which had allowed for concerns to be addressed. She referred to the existing sandstone building that presently housed the sailing school and expressed a view that it should be retained as a core for improved facilities. She referred also to areas of deprivation in other parts of Wirral and commented that West Kirby had always been a valuable resource for people from those areas. It was also important that it remained so and, in addition, that any proposal for the sailing school should take into account the views of schools and youth organisations. Furthermore, it was essential that the plans for the sailing school were further revised to provide separate facilities for adults and children.

### **Councillor G Watt – Ward Councillor (West Kirby and Thurstaston)**

Councillor Watt commented upon the background to the proposed redevelopment of the sailing school by way of enabling development. He advised Members that consultation undertaken in 2004, although indicating support for a hotel development, had identified a potential loss of parking spaces as a prime concern of local residents. A more recent meeting held in Westbourne Hall had focused primarily on parking issues and, a vote at that meeting, had overwhelmingly rejected the proposed hotel development. He referred to previous reports that had been considered by the Cabinet and commented upon the merits of the original expressions of interest that had been considered. He had also campaigned on the need to protect parking spaces at Dee Lane and had received an increased majority in the local elections in 2008.

He expressed the view that the Dee Lane site was too valuable to be released by the Council and the decision of the Council to halt the scheme was long overdue. He stated that the proposed scheme could not be to the benefit of West Kirby if the parking issue could not be resolved. In response to a question from Councillor Foulkes, Councillor Watt indicated that there was not an acceptable number of parking spaces to be given up, in order for the scheme to proceed.

### **Ally McDermott – Member of West Kirby Regeneration Liaison Group**

Mrs McDermott advised the Committee that she ran a business and lived in West Kirby. In addition to being a member of the West Kirby Regeneration Liaison Group, Mrs McDermott also ran an independent website in which she published her views. She indicated her support for the redevelopment of the sailing school, but remained opposed to the hotel development and the subsequent loss of parking spaces. She expressed the view that Carpenter Investments were not the right developers to

deliver an iconic building, as had been proposed, as they did not have the expertise to do so. She believed that the local ward Councillors represented the views of the majority of residents in West Kirby and that they had attended all of the public meetings in the area that had been called.

In response to comments made by Mrs McDermott as to the suitability of the developer, Councillor Foulkes commented that Carpenter Investments had been appointed by a unanimous decision of the Cabinet following a rigorous selection process.

Mrs McDermott commented also that the questionnaire that had been issued as part of the consultation process undertaken by the developers was somewhat misleading, and that the consultation event was based only on conceptual ideas. She believed that the public meetings held at Black Horse Hill Junior School and Westbourne Hall were far more representative of local opinion. In response to questions from Members, Mrs McDermott indicated that her preference for achieving the redevelopment of the sailing school was for a scheme that did not lose parking spaces at the Dee Lane Car Park.

### **John Robinson – Representative of Lake Users Group**

Mr Robinson indicated that he was a resident of West Kirby and a user of the Marine Lake. He had undertaken an analysis of the plans for The Sail project, having regard to the proposals for car parking, the sailing school and boat storage locations and gave a brief presentation to the Committee to support his conclusions. He believed that there would be insufficient parking spaces for the proposed development and indicated that current peak demand regularly used all 176 spaces. He commented also that shared parking with lake users detracted from the original objectives and had been rejected by the Cabinet. Mr Robinson commented also that the proposed location of the outdoor boat storage was unfeasible, as it was outside the site boundary and below the high water line. The sailing school would also be at high risk of flooding and its location would create a wind shadow that would be detrimental to lake users. In addition, the plans contained no provision for a chandlers and the indoor storage area had been reduced from the original specifications.

Mr Robinson also claimed that rejection of the plans being due to a vociferous minority was disingenuous, as it had been rejected at every Area Forum meeting and by the lake users, who were to have been the main beneficiaries. He concluded that the plans had never been realistic and did not have wide community support. He suggested that the consultation undertaken on behalf of the developers was not representative and recommended that the Council should seek supported alternatives to redevelop the sailing school.

Members commented that many of the views expressed by Mr Robinson would be matters for the Planning Committee and that his conclusions had largely been informed by conceptual drawings. Plans had not as yet been submitted to the Planning Department.

### **Councillor G Ellis – Ward Councillor (Hoylake and Meols)**

Councillor Ellis advised the Committee that comments that he was alleged to have made at a public meeting in relation to the proposals being rejected were untrue. He confirmed that he had in fact stated that he hoped that the Cabinet would reject the proposals.

Local Councillors were in favour of the development of the sailing school and he believed that it could be funded by savings from lost income, supported by grant funding. He commented that the developer had offered the development of a world class sailing school, but expressed the view that a worse facility than at present would be provided. Having made a comment about the expertise of the developers, Councillor Ellis subsequently agreed to withdraw his remark, having been asked to do so by the Chair.

He went on to suggest that the sailing school would be of a lower grade than the present facility and commented also that a loss of parking spaces was not acceptable to the majority of local people. With regard to young people having been consulted about the proposals, Councillor Ellis questioned whether it was appropriate for such important proposals to be based on the views of school children. He believed there to be ample facilities already provided for young people in West Kirby and indicated that there was also no shortage of good hotels and restaurants in the local area. With regard to the consultation that had been undertaken by Mrs Beer, Councillor Ellis commented that neither he nor Councillor Hale had been approached to take part in the consultation process. There had been fourteen meetings of the local area forum and it was clear to him that the majority of residents did not want the proposed development to go ahead.

Councillor Foulkes commented that the proposal was an enabling development to allow the redevelopment of the sailing school. In response to a question as to the number of parking spaces that he would consider acceptable to allow the development to proceed, Councillor Ellis stated that he would not consider any loss of parking to be acceptable and that more parking spaces were required in the area.

## **92 SUMMING UP BY MOVER OF THE CALL-IN**

Councillor Foulkes referred to the report of the Director of Law, HR and Asset Management, which had been considered by the Cabinet on 14 October 2010. The report confirmed that Carpenter Investments had not been required to produce a full transport assessment before signing a development agreement. It would be required as part of the statutory planning process and would provide information on a range of issues including traffic, parking mitigation measures and operating measures.

He expressed the view that the transport assessment would address the issues raised and commented that the scheme represented good value for money. He believed that the Cabinet had acted hastily, without being in possession of all of the relevant information and he stated that it had been wrong for Members to question the character of the developers, who had an excellent record at the Hope Street Hotel/London Carriage Works Restaurant.

Councillor Foulkes expressed concern that the decision of the Cabinet, and the way in which it had been informed, would send a negative signal to other developers who were considering investment locally. He commented that the consultation undertaken by Mrs Beer had highlighted strong local support for the scheme and he believed that it should be given every opportunity to succeed.

## **93 SUMMING UP BY CABINET MEMBER**

Councillor Hodson commented that the current situation dated back to 2003, when consideration was given as to how best to upgrade the sailing school, through the involvement of a private sector partner. He stated that the issue of car parking had always been a prime concern of local residents and that it had never been satisfactorily addressed by the developer. He indicated that although Mr Brewett had

stated that there were many possible solutions, he had not submitted a proposal to the satisfaction of the objectors. He confirmed that there had been no contact from the developer with local Councillors and suggested that 95% of local people, as well as lake users, remained opposed to the scheme.

Councillor Hodson stated that local people were not opposed to change, but he indicated that a loss of parking at Dee Lane Car Park would impact throughout the town and would have a detrimental impact on local businesses. In addition, increased public parking on the spur car park would hinder marine lake users.

## 94 COMMITTEE DEBATE AND DECISION

The Chair referred to the consultation that had been undertaken in 2008, in relation to the proposed development and indicated that it had largely been based on concept documents and plans. He had a clear understanding of the idea of 'enabling development' that would allow/fund improvements to the sailing school and he assured the Committee that he had in no way prejudged the issue.

Councillor P Davies reiterated that Carpenter Investments had not been asked by the Council to produce a transport assessment and that it was a wrong decision for the development to be dismissed by the Cabinet on the basis of it not being done. He believed that, out of fairness to the developers, who had invested considerably in the project, it was incumbent upon the Council to allow proper assessments to be undertaken before a final decision was made.

On a motion by Councillor P Gilchrist and seconded by Councillor P Davies, it was –

**Resolved (6:4) (Councillors Keeley, Kearney, McCubbin and Williams voting against) –**

- (1) That this Overview and Scrutiny Committee believes that the Cabinet should re-examine the issues, paying particular attention to**
    - (a) the need for a thorough public consultation;**
    - (b) a rigorous transport assessment of car parking and travel issues.**
  - (2) That having considered the balance of whether the perceived benefits of the proposal outweigh the perceived drawbacks, on balance, the evidence received suggests an enabling development remains the most appropriate way forward.**
  - (3) That, in addition Members have noted the storage and changing issues raised by the Lake Users and is concerned that these be addressed.**
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