

neighbourhood plans

From: James Durant [REDACTED]
Sent: 15 December 2017 17:00
To: neighbourhood plans
Cc: James Stacey
Subject: Brixham Peninsula Neighbourhood Plan Consultation - Churston Golf Course
Attachments: 0201-02.M17 Brixham Peninsula Neighbourhood Plan Rep - Churston Golf Course.pdf;
Site Location Plan.pdf

Good afternoon,

Please find attached a representation in relation to the Brixham Peninsula Neighbourhood Plan.

Should you have any queries regarding this please let me know.

Kind regards,

James

James Durant BA (Hons) MA MRTPI
Principal Planner

Tel: [REDACTED] Mob: [REDACTED] Fax: [REDACTED]
Website: www.tetlow-king.co.uk

TETLOW KING PLANNING
Unit 2, Eclipse Office Park
Staple Hill
Bristol
BS16 5EL



This electronic transmission is intended only for the attention of the addressee. It may contain privileged and confidential information.

If you have received this electronic transmission in error please notify us immediately by telephone, delete the transmission and destroy any hard copies.

Tetlow King Planning Ltd has used all reasonable efforts to ensure that this message and any attachments are free from viruses.



Planning
Second Floor
Electric House
Castle Circus
Torquay
TQ1 3DR

Date: 15 December 2017

Our Ref: JST/JD M17/0201-02

By email only:

neighbourhood.plans@torbay.gov.uk

Dear Sirs,

**RE: CONSULTATION ON THE BRIXHAM PENINSULA NEIGHBOURHOOD PLAN –
CHURSTON GOLF COURSE**

On behalf of **Bloor Homes** and **Churston Golf Club** we write with reference to the current consultation on the Brixham Peninsula Neighbourhood Plan in regard to the site at Churston Golf Club; a location plan is enclosed showing the location of the site. With reference to the planning history of the site, this letter sets out why the site should not be designated as a Local Green Space and why it should be allocated for residential development.

To recap the site is currently home to part of Churston Golf Club, comprising the 1st and 18th holes of the course and also the club house, car park and a single storey building used for coaching. Dartmouth Road runs east to west along the southern boundary of the site. The site narrows to the north and at its narrower northern edge the site abuts Bascombe Road running east to west. The eastern boundary abuts the railway line and across the railway line beyond the north east corner of the site lies the remainder of the golf course which comprises the 2nd to 17th holes of the course but which do not form part of the site this representation is in relation to.

Relevant Planning History

In 2012 an Outline application (Ref: P/2011/0829) on the site was approved for the demolition of the clubhouse, outbuildings and car park and the development of up to 90 dwellings, a 42 bed extra care scheme (use class C3 Extra Care); informal open space; landscaped areas, new vehicular/pedestrian access and sustainable drainage measures and all necessary infrastructure, engineering works and landscaping.

As noted in the Officer's report in regards to the approval of that application, a previous "SHLAA identified this site as a potential site for housing (T735) confirming in Vol 1 of the SHLAA (in relation to the need to provide 10,000 homes) that the site is suitable for housing being 'close to local services and amenities' and as 'there are no specific policy or topographical constraints on the site that would restrict residential development'".

The Officer report, with guidance from Torbay Council's Planning Policy team, states the following in relation to the principal of residential redevelopment of the site:

"Although the site is not allocated for housing development in the Torbay Local Plan 1995-2011 in principle there are few planning policy reasons to resist residential development on this site. The southern and most public facing boundary of the site is well developed, with the club house, the coaching building and a hard surfaced car park. This part of the site is already developed land. The NPPF supports the effective use of land by re-using land that has previously been developed (brownfield land (para 111)).

Use for residential purposes would be consistent with the predominant uses in the surrounding area and would not be out of keeping with the overall character of the area.”

With regards to the impact on the landscape and views to and from the AONB, the Officer’s Report states the following:

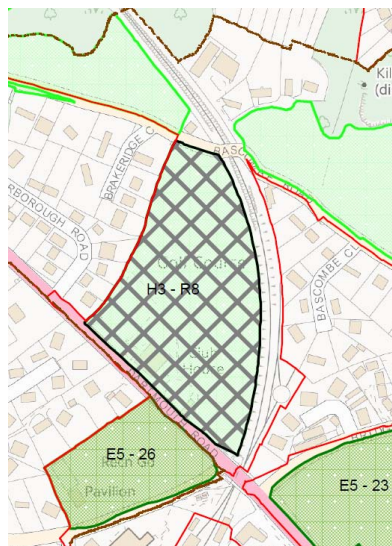
“There are views across the site from both Dartmouth Road and Bascombe Road. This part of the site is managed as part of the golf course and has a limited contribution to the landscape character of the area as it is artificially managed land. The strength of the visual contribution to the surrounding area is in the mature trees around the perimeter of the site, and these are proposed to be retained. In addition there is no public right of access to the land and therefore the amenity contribution is limited to views across the site. Therefore, although this portion of the site is Greenfield land, it is of limited amenity value.” (emphasis added)

Whilst the application was approved, the agreement between Bloor Homes and Churston Golf Club was originally subject to the golf club finding a new location for the club house and other associated facilities which would be lost by the redevelopment of the site for housing.

A number of applications have been submitted on various sites for the relocation of the golf club facilities but which have all been refused to date; this has led to the redevelopment of the Churston Golf Club site being delayed.

Consideration is now being given to the redevelopment of the site to include residential development as well as the re-location of the club house on site as part of the redevelopment. These discussions and plans are ongoing and progressing.

Rejected Sites: H3 – R8 Churston Golf Club (Clubhouse and 1st and 18th holes)



As part of the Draft Neighbourhood Plan a *Housing Site Assessment* has been undertaken to assess the ability for sites in the area to deliver and be allocated for housing development. As part of this process, the site at Churston Golf Club has been identified as a *rejected site* (H3 – R8 shown on the above extract from the Draft Allocations Map) and a written assessment is given for the reasons for rejecting it.

The assessment gives a number of constraints perceived as effecting the site and concludes therefore that the site is not suitable, available or achievable.

One of these constraints given is the need for the golf club facilities to be approved in another location in order for Churston Golf Club to continue to operate and for the site to be able to be redeveloped. The site assessment concludes that due to the fact that a number of applications have been refused on two different sites for the relocation of the Churston Golf Club facilities, the redevelopment of the site is therefore undeliverable. As stated above, Bloor Homes in conjunction with Churston Golf Club are considering the potential for redeveloping the site to include the golf club house and facilities, potentially at the northern edge of the site. This would locate the facilities closer to the remainder of the golf course which would be reconfigured to include the two lost holes. It is therefore considered that the site is available and gives sufficient certainty for the site to be developed for housing whilst allowing Churston Golf Club to continue operation. The site is therefore considered to be available, deliverable and achievable.

The final constraint that the Neighbourhood Plan site assessment gives is the perception that the development of the site would “*sever the important visual link between Bascombe Road and Dartmouth Road which serves to reinforce the open character of the area*”. As set out above, the redevelopment of the site in terms of the landscape impact was considered to be acceptable by Torbay Council and the Planning Officer commented that the site makes “*a limited contribution to the landscape character of the area*” and “*it is of limited amenity value*”. There is no public right of way or access to or across the site and as such the main views from public spaces is from Dartmouth Road. These views are largely screened by the buildings, trees and vehicle parking which lie adjacent to Dartmouth Road and as such these views, as stated by Torbay Council, are of limited amenity value and make limited contribution to the character of the area.

The site is therefore considered to be suitable in line with the findings in the approved scheme from 2012. As set out above it is also considered to be available and achievable. The acceptability of the sites redevelopment was re-enforced by the sites inclusion, until recently, in Torbay Council’s list of sites which demonstrate their five years supply of housing land and was only removed from this following the second refused application for the relocation of the Churston Golf Club facilities.

Fundamentally, in its current form the Neighbourhood Plan is based on flawed evidence as the site at Churston Golf Course has not been correctly considered as a reasonable alternative for an allocation for residential development. The site assessment disregards the potential for the site to deliver housing on the assumption that the golf club will need to be relocated in order for the site to be redeveloped to include housing. Neighbourhood plans elsewhere in the country have been quashed on judicial review on the basis of the material error of fact in the assessment of sites such as is the case here, with the courts finding they were not based on sound evidence; this includes such decisions as those in relation to the Henfield Neighbourhood Plan and the Haddenham Neighbourhood Plan.

In light of the findings set out above we respectfully request that the site be removed from the rejected sites in the *Housing Site Assessment* which forms the evidence base to the Neighbourhood Plan and the site should be allocated for development now. Contrary to the Housing Site Assessment document, the site at Churston Golf Course is suitable, available and achievable.

Should the incorrect assessment of this site in the supporting evidence of the Neighbourhood Plan not be addressed and the Plan allowed to progress to referendum in its current form, our client will have no choice but to consider their options for challenging the making of the Plan as others have done on other Neighbourhood Plans as set out above.

Torbay Local Plan Examination

As part of the examination into the Torbay Local Plan, the potential allocation of the site for residential development was considered. In the Inspector’s Report, it is stated that

“It may be that an alternative acceptable way of replacing potentially lost golfing facilities can be found. Bearing in mind how well the potential housing site relates to the form of existing development around it and the planning permission granted in 2012, there is a

strong case for retaining it as a potential housing site whose deliverability needs to be explored.” (Paragraph 67)

The examining Inspector therefore included the site at Churston Golf Club within the main modifications the Plan would need in order to be found sound, stating that the following main modification would be required:

“Add the Churston Golf Club to the list of possible housing sites for the medium/long term”

It is therefore considered that the site, through the scrutiny of a Local Plan examination, has been demonstrated to be a suitable site for residential development. Also, as set out above, plans are progressing which include the redevelopment of the site to include housing and the redevelopment of the golf club facilities; it is therefore considered that *“an alternative acceptable way of replacing potentially lost golfing facilities can be found”* and has been found in line with the examining Inspector’s comments.

Policy E4: Local Green Spaces

The Draft Neighbourhood Plan seeks to allocate the Churston Golf Club site as a Local Green Space under **Policy E4(7)**.

Paragraph 76 of the NPPF states the following:

“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.”

Paragraph 77 of the NPPF goes further to state that *“Local Green Space designation will not be appropriate for most green areas or open space”*. The designation should only be used where *“the green space is in reasonably close proximity to the community it serves”*; where *“the green area is demonstrably special to a local community”*; and *“where the green area concerned is local in character and is not an extensive tract of land”*.

The site is currently an operating golf course and is in the private control of Churston Golf Club; there is no right of access to the site for the public. It is not considered therefore that it is appropriate to allocate the site as a Local Green Space as it is not a site which the community can freely utilise and is therefore not a space which is of particular importance to the amenity value of the wider community. The site, as set out above, has previously been deemed to be suitable for residential redevelopment in part due to its sustainable credentials being that it is close to a number of services and facilities and surrounded by other residential development. It is therefore considered that the allocation of the site for Local Green Space is contrary to **Paragraph 76** of the NPPF.

The allocation as such, is also contrary to **Paragraph 77** of the NPPF as the site is not *“local in character”* being that it is artificially managed land in the form of a golf course. It is also not *“demonstrably special”* to the local community as it is private land. As set out above, it is worthwhile repeating that following the consideration of the application under the previous consent on the site for residential development which included a response from the Council’s Landscape Officer, the Planning Officer stated in the Officer’s Report that

“the site is managed as part of the golf course and has a limited contribution to the landscape character of the area as it is artificially managed land. The strength of the visual contribution to the surrounding area is in the mature trees around the perimeter of the site, and these are proposed to be retained. In addition there is no public right of

access to the land and therefore the amenity contribution is limited to views across the site. Therefore, although this portion of the site is Greenfield land, it is of limited amenity value." (emphasis added)

The proposed designation as Local Green Space is therefore "*not appropriate*" and the site should be removed from **Policy E4**. The site should be allocated as a housing site under **Policy BH3**. It should be noted that without these actions, in its current form, the Neighbourhood Plan does not meet the basic conditions required in order to proceed to referendum. This includes basic condition "e" which stipulates that

"the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)"

Bloor Homes and Churston Golf Club are keen to engage positively in the process of the making of the Neighbourhood Plan and the above comments are intended to be constructive. We believe that a hearing should take place as part of the examination of the Neighbourhood Plan in order that the implications of the proposed policies can be fully considered.

We politely request that we are kept up to date with any progress on the Neighbourhood Plan examination and any hearings which take place in the future.

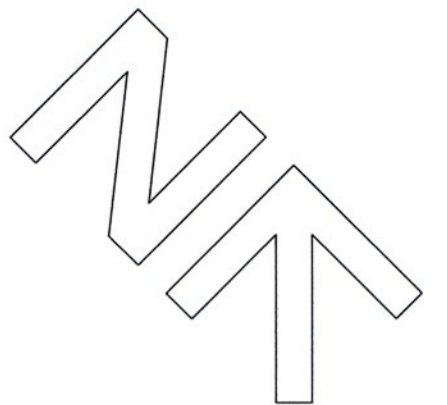
Yours faithfully

A solid black rectangular box used to redact the signature of James Durant.

JAMES DURANT BA (HONS) MA MRTPI
PRINCIPAL PLANNER
For and On Behalf Of
TETLOW KING PLANNING

james.durant@tetlow-king.co.uk

Enc. Location Plan



— SITE APPLICATION BOUNDARY
 — LAND UNDER CONTROL BY CHURSTON GOLF CLUB

OS Map/Site Location - P/2011/0829 (01.08.2011)



This copy has been made by or with the authority of the Strategic Director of Environment, Torbay Council pursuant to Section 47 of the Copyright, Designs and Patents Act 1988 ("the Act"). Unless the Act provides a relevant exception to Copyright this copy must not be copied without the prior permission of the Copyright owner.

BHS 1050

Job:	CHURSTON GOLF CLUB RESIDENTIAL SITE		
Title:	LOCATION PLAN		
Scale:	1:1250@A1	Drawn:	RLD
Date:	06.04.11	Checked:	

THIS DRAWING AND THE BUILDING WORKS DEPICTED ARE THE COPYRIGHT OF BLOOR HOMES LIMITED AND MAY NOT BE REPRODUCED OR AMENDED EXCEPT BY WRITTEN PERMISSION. NO LIABILITY WILL BE ACCEPTED FOR AMENDMENTS MADE BY OTHER PERSONS. DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY, IF IN DOUBT ASK.

BLOOR HOMES
 BLOOR HOMES LIMITED
 3 STANTON COURT, SOUTH MARSTON PARK
 SWINDON, SN3 4YH
 TELEPHONE 01793 835600 FACSIMILE 01793 835601

Drawing No. **BHS-105**

