

Record of Decisions

Petition requesting a covenant protecting Churston Golf Course from development

Decision Taker

Mayor on Thursday, 25 September 2014

Decision

That the Council enters into a deed covenanting with the residents of Churston & Galmpton ward in the following terms;

‘Torbay Council covenants with all inhabitants of the ward of Churston and Galmpton that for a period of 100 years beginning on the date of this deed it will not on the land, shown edged in red on the plan attached to the submitted report, known to be Churston Golf Course, allow any development of Churston Golf Course without any such proposal first obtaining the majority of votes in a referendum of the persons who at the day of the referendum would be entitled to vote as electors at an election of Councillors for the Churston and Galmpton Ward and are registered as local government electors at an address within this Ward. For the purposes of this covenant ‘development’ shall not include any development permitted under the terms of the lease between The Council of the Borough of Torbay and Churston Golf Club Limited dated 3 April 2003. Nothing contained or implied in this Deed shall prejudice or affect the exercise by the Council of its regulatory functions under the Town and Country Planning Act 1990 or any other statute or statutory instrument.’

The Covenant would be appropriately registered with the Land Registry.

Reason for the Decision

To respond to the petition requesting the Council to enter into a covenant to not allow development of Churston Golf Course. By entering into the deed of covenant with the residents of Churston and Galmpton ward, no development, other than that already permitted by the lease dated 3 April 2003, will be able to take place on Churston Golf Course without first obtaining consent of the majority of those residents taking part in a referendum on the development proposals.

Implementation

This decision will come into force and may be implemented on Wednesday 8 October 2014 unless the call-in procedure is triggered (as set out in the Standing Orders in relation to Overview and Scrutiny).

Information

A petition has been received requesting the Council to enter into a covenant to not allow development of Churston Golf Course without first obtaining the agreement of the majority of the residents of the Churston and Galmpton ward. The wording of the petition is set out below:

'In 2012, Torbay Council made a covenant with the residents of Paignton promising not to allow any development of Paignton Green without the agreement of the majority of residents. In July 2014, the Council then covenanted with the residents of St Marychurch promising not to allow any development of Babbacombe downs the agreement of the majority of residents.

The residents of Churston and Galmpton ask to be treated equally.

The Golf Course is highly valued by the community and as it provides the Green Wedge between Paignton and Brixham, contributes materially to the character of the area, and acts as an important wildlife corridor.

As freehold land owner, Torbay Council is asked to covenant with the residents of Churston and Galmpton not to allow development of Churston Golf Course without first obtaining the agreement of the majority of the residents of the ward at a referendum.'

The submitted report set out the implications of the proposed covenant.

The Mayor considered the recommendation of the Council made on 25 September 2014 and his decision is set out above.

Alternative Options considered and rejected at the time of the decision

Alternative options are set out in the submitted report. The Council also recommended to the Mayor that the decision be deferred to allow further investigation by the Place Policy Development Group.

Is this a Key Decision?

No

Does the call-in procedure apply?

Yes

Declarations of interest (including details of any relevant dispensations issued by the Standards Committee)

None

Published

30 September 2014

Signed: _____
Mayor of Torbay

Date: 30 September 2014