

## **Record of Decisions**

### **Petition requesting a covenant protecting Churston Golf Course from development - Response to Call-in**

#### **Decision Taker**

Mayor on 4 December 2014

#### **Decision**

That, having reflected on all of the issues raised following the call-in of the Mayor's previous decision taken on 25 September 2014, the following decision is confirmed:

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 to the Council meeting on 25 September 2014, 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.'

In accordance with the Local Government Act 1972, the Covenant will be referred to the Secretary of State for consent for the disposal and advertising of the disposal. The covenant will then be appropriately registered with the Land Registry.

#### **Reason for the Decision**

To respond to the call-in of the Mayor's decision taken on 25 September 2014.

#### **Implementation**

This decision will come into force and may be implemented on 4 December 2014.

#### **Information**

At the Council meeting held on 4 December 2014, members considered the Notice of Call-in of the decision of the Mayor on a proposed covenant protecting Churston Golf Course from development, as referred by the Overview and Scrutiny Board. The Council considered the submitted report on the findings of the Overview and Scrutiny Board and the report of the Senior Service Manager, Spatial Planning which set out further advice following the Local Plan

Hearing. The Council made the following recommendation to the Mayor:

‘That the Mayor be requested to reconsider his previous decision on the covenant protecting Churston Golf Course from development, and take no further action on the petition in light of the findings of the Overview and Scrutiny Board in respect of the following:

- (a) legal implications of the decision;
- (b) financial implications of the decision;
- (c) implications for the Local Plan;
- (d) fairness of the decision on other wards in Torbay; and
- (e) potential damage to the economy.’

The Mayor’s decision is set out above.

**Alternative Options considered and rejected at the time of the decision**

The recommendation of the Council as set out in the ‘Information’ section above.

**Is this a Key Decision?**

No

**Does the call-in procedure apply?**

No as this is a response to a call-in in accordance with Standing Order D9.4B.

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

None

**Published**

9 December 2014

Signed: \_\_\_\_\_  
Mayor of Torbay

Date: 9 December 2014

