

**FORM 1**

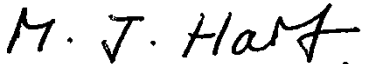
**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

Section 15(4) of the Local Government Act 2000, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

I, Cllr Marcus Hart, as Strong Leader, delegate the decision regarding the disposal of land at rear of Zortech avenue, Kidderminster, to the Cabinet Member detailed below:

Cabinet Member for Finance and Capital Portfolio

Dated: 2<sup>nd</sup> February 2024

Signed:  .....

Leader of the Council

## FORM 2

### NOTICE OF DECISION OF CABINET MEMBER

Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another member of the Cabinet or Officer. On 1<sup>st</sup> December 2010, the Council adopted the Strong Leader Model for Corporate Governance 2011 as required under Part 3 of The Local Government and Public Involvement in Health Act 2007 (The 2007 Act).

In accordance with the authority delegated to me by the Leader I have made the following decision:

Subject	Decision	Reason for decision	Date for Decision to be taken
Disposal of land at Zortech Avenue, Kidderminster	Delegated authority be given to the Head of Strategic Growth in consultation with the Head of North Worcestershire Economic Development and Regeneration to dispose of the freehold of the land owned by Wyre Forest District Council located at the rear of Zortech Avenue, Kidderminster on the terms set out in this report, including the determination of the disposal price.	To enable the sale of land to meet the local gypsy and traveller need on an allocated site.	02/02/2024

**I confirm that the appropriate statutory officer consultation has taken place with regard to this decision.**

Dated: 2<sup>nd</sup> February 2024

Signed:



Councillor: David Ross  
Cabinet Member

## WYRE FOREST DISTRICT COUNCIL

### DISPOSAL OF LAND AT REAR OF ZORTECH AVENUE, KIDDERMINSTER

OPEN	
<b>CABINET MEMBER:</b>	Councillor David Ross Cabinet Member for Finance and Capital Portfolio
<b>RESPONSIBLE OFFICER:</b>	Kate Bailey Head of Strategic Growth 01562 732560
<b>CONTACT OFFICER:</b>	Kate Bailey Ext 2560
<b>Appendices</b>	Appendix One – Local Plan site map

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to recommend the sale of land at the rear of Zortech Avenue, Kidderminster to a private individual(s) to develop a site for Gypsy and Travellers.

#### **2. RECOMMENDATION**

**For the Cabinet Member for Finance and Capital Portfolio to agree that;**

- 2.1 Delegated authority be given to the Head of Strategic Growth in consultation with the Head of North Worcestershire Economic Development and Regeneration to dispose of the freehold of the land owned by Wyre Forest District Council located at the rear of Zortech Avenue, Kidderminster on the terms set out in this report, including the determination of the disposal price.

#### **3. BACKGROUND**

- 3.1 This site, measuring 1.48 hectares in size, was formerly part of the Burlish Golf Course, which has ceased trading. It used to be used as an overspill car park associated with the clubhouse.
- 3.2 The land at the rear of Zortech Avenue is allocated in the Wyre Forest Local Plan (2016-2036) under Policy SA.K17 for 16 pitches for gypsies and travellers to meet the identified need for pitches in the Plan Period as shown in the 2020 Gypsy and Traveller Accommodation Assessment. The 1.48ha site has been judged to be suitable for 16 pitches based on an assessment of layouts of recent applications in the district in the Sandy Lane area which conform to the latest guidelines on layout and pitch sizes.
- 3.3 Access to the site can be taken from Zortech Avenue or, if feasible, Walter Nash Road West. The site lies immediately adjacent to the urban edge of Kidderminster and does not fall within the West Midlands Green Belt. Adjoining the site to the north, are residential properties that front onto Kinver Avenue and Walter Nash Road West. To the east, the site adjoins a large refurbished industrial unit formerly

known as Ceramaspeed. The land to the south is allocated for Travelling Showpeople which consists of the former clubhouse and associated buildings. To the west, the site is adjoined by Burlish Top Nature Reserve. Adjacent to the site is also a small piece of land allocated for employment in the Local Plan.

3.4 Policy SA.K17 sets out the following criteria which should be adhered to :

3.4.1 Appropriate buffering to be provided to adjacent nature reserve and dwellings.

3.4.2 Vehicular access either from Zortech Avenue or, if feasible, from Walter Nash Road West.

3.4.3 Site standards for pitches set out in DM.5.

Access to the site should be determined at the planning application stage. The Property Officer will therefore need to consider any rights and reservations deemed necessary over or for the benefit of the adjoining land as part of the conditions of sale.

3.5 Policy DM.5 sets out the following criteria for applications for gypsy sites:

- a. Pitch boundaries
- b. Pedestrian safety
- c. Utility provision
- d. Communal recreation area

3.6 The site is in a sustainable location, close to employment and other facilities and is less than 5 minutes' walk to a well-equipped children's play area and adjacent to a large country park and nature reserve.

3.7 The 2020 Wyre Forest District Gypsy and Traveller Accommodation Assessment (GTAA) provides a robust evidence base to determine an appropriate level of pitch and plot provision for the District during the Plan Period to 2036. The GTAA identified a total indicative need for 35 pitches over the Plan Period, of which 13 fall within the definition set out in the Planning Policy for Traveller Sites. This requirement is split over different time periods. 2020/21-2024/25 has a residual need for 3 pitches (this assumes that the site at Wilden Lane has been developed for 4 pitches as per the Local Plan allocation and 4 additional pitches have been provided at existing sites on Sandy Lane). A further 2 pitches are required 2025/26-2029/30 with another 8 in the final part of the Plan Period to 2036. Bringing forward the site at Zortech Avenue would meet the requirement for pitches as set out in the GTAA.

3.8 The value of the site would reflect the permitted use of the land. The disposal price would also acknowledge the need to deliver pitches to meet unmet need.

#### **4. KEY ISSUES**

4.1 Increasing the supply of gypsy and traveller accommodation is a requirement in the Local Plan and led to the allocation of the land at Zortech Avenue to meet the identified need. This also meets the Corporate Plan (2023-27) priority "A clean, green and safe place to live, work and visit" through delivering housing growth through the Local Plan.

- 4.2 The proposed scheme will deliver much needed gypsy and traveller pitches, addressing the need identified in the Local Plan and potentially a capital receipt to the Council's Evergreen Investment Fund.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 There are implications to bring the site forward in terms of the work that needs to be done to successfully deliver the site for pitches. This is likely to include approximately £20-30k for a ground condition survey and remediation strategy, which will also cover the adjacent sites that the Council will dispose of separately, and potentially marketing related costs. The Biodiversity and Conservation Officer has obtained an indicative quote to clear the land and the sale price will need to acknowledge this cost that the purchaser will have to meet.
- 5.2 As this land is within the Council's control, failure to agree to dispose of the land will mean that the pitches cannot be counted towards the supply figure and therefore alternative sites would need to be identified or the Council could face challenges to any refusal of planning permission on other unforeseen sites. That could result in the need to instruct a barrister or, potentially, a costs award against the Council.
- 5.3 The actual price that will be achieved can be determined only following marketing but a delegation is being sought to enable Officers to determine the sale price provided it complies with the Councils' obligations under s123 of the Local Government Act, subject to any General Consents that allow sale at less than best value in certain, specific circumstances where the purpose of the disposal is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of its area and the extent of the undervalue does not exceed £2 million) together with the provisions of the Subsidy Control Act 2022. The value will, as stated, reflect any abnormal costs that officers believe should be acknowledged to bring the site into use for its allocated purpose.

## **6. LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council has wide powers in the Local Government Act 1972 and other legislation to acquire and dispose of land.
- 6.2 The land was occupied under a lease with exclusive possession for a number of years i.e. it was used by visitors to the lessee, not by the public generally. There is no evidence of use as open space before that and there were no objections to the grant of the lease. Since the lease ended, the land has become overgrown and has no open access. There is no evidence that the land should be considered as an open space requiring notice of the disposal under section 123 of the Local Government Act 1972 prior to disposal. (Section 123 of stipulates that:

“(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections to the proposed disposal which may be made to them.”)

## **7. IMPACT AND IMPACT ASSESSMENT**

- 7.1 Equality Impact Assessment - This report relates to disposal of land owned by the District Council. It is not considered that an equality impact assessment is required unless an adverse decision regarding disposal is reached. Accessibility and other relevant issues would be addressed in the design of the development and its associated planning application.
- 7.2 Health and Wellbeing Impact - not applicable
- 7.3 Climate Change Impact – not applicable

## **8. RISK MANAGEMENT**

- 8.1 The sale will be conditional on the purchaser obtaining grant of planning permission for the development.
- 8.2 The Council is under an obligation to meet the housing needs of the gypsy and traveller population in its district and in delivering this site for gypsy and travellers the Council will be reducing the risk of unauthorised encampments elsewhere in the district.
- 8.3 This site was specifically allocated for gypsy and traveller pitches in the local plan with a view to it being disposed of for that purpose. If a decision is made not to bring the site forward, it could have a detrimental effect on the reputation of the Council and the process of site allocation in any future local plan review.

## **9. CONCLUSION**

- 9.1 The disposal of this land, which is currently unused, will bring forward much needed accommodation to meet the needs of Gypsies and Travellers. This is a need identified in the Local Plan and the Gypsy and Traveller Accommodation Assessment.
- 9.2 It is proposed to dispose of the land subject to the purchaser obtaining planning permission.

## **10. CONSULTEES**

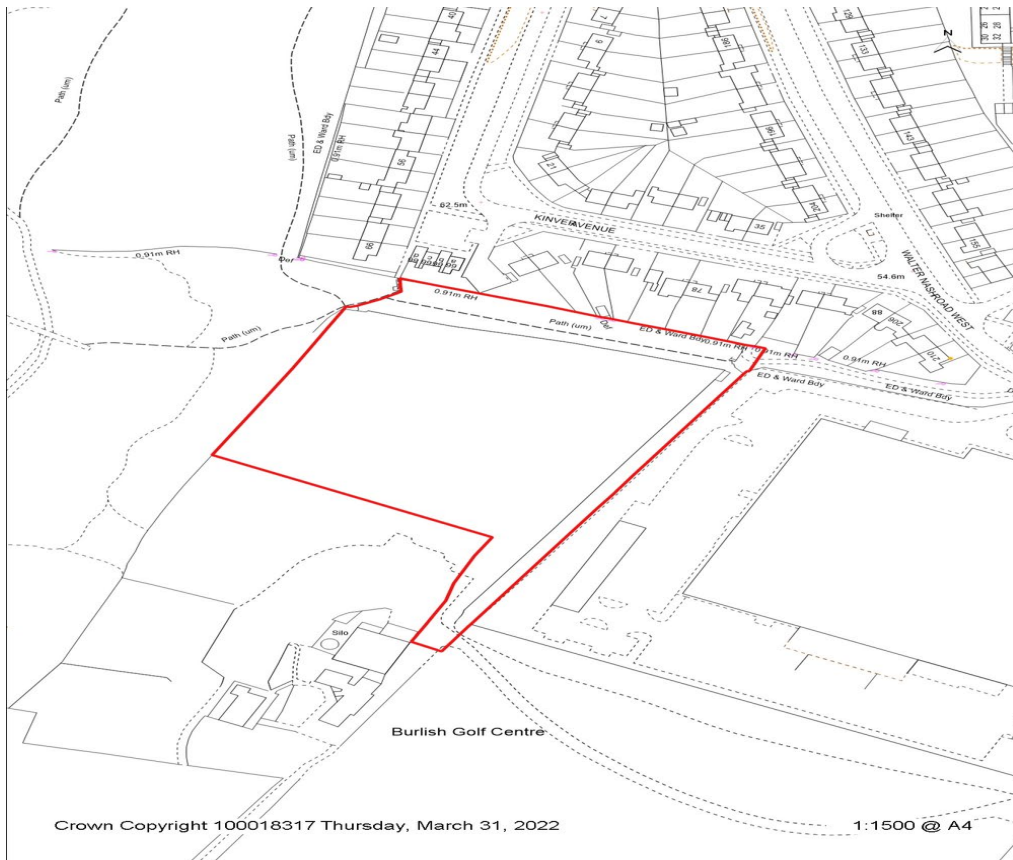
- 10.1 CLT

## **11. BACKGROUND PAPERS**

- 11.1 Not applicable.

## Appendix 1

### Land rear of Zortech Avenue (1.48ha) 16 pitches for Gypsies and Travellers



This site was formerly part of the Burlish Golf Course and has been extensively tipped with hardcore. There was a proposal to level the site for a junior academy golf course in 2016 which was never implemented. The site was originally used as an overspill car park. Access can be taken either from Zortech Avenue or, if feasible, from Walter Nash Road West. It is adjacent to a large refurbished industrial unit and adjoins the Burlish Top nature reserve.