

## WYRE FOREST DISTRICT COUNCIL

### CABINET DECISION FOR STRONG LEADER APPROVAL

15th October 2012

#### Land transfer at Northwood Lane, Bewdley

<b>Open</b>	
<b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b>	Stronger Communities
<b>CORPORATE PLAN THEME:</b>	Delivering Together With Less
<b>CABINET MEMBER:</b>	Cllr Ian Hardiman
<b>DIRECTOR:</b>	Director of Community Well being and Environment
<b>CONTACT OFFICER:</b>	Kay Higman ext 2902
<b>APPENDICES:</b>	Site plans

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

- 1.1 To grant delegated authority to the Director of Community Assets and Localism and the Director of Community Well Being and the Environment in consultation with the Cabinet Member for Community Well Being to progress the change of use of land at Northwood Lane as detailed in the report and the associated appendices, to enable the creation of a new arboretum and to open up the area and reduce crime and disorder.

#### **2. RECOMMENDATION**

**That delegated authority be given to the Director of Community Assets and Localism and the Director of Community Well Being and the Environment in consultation with the Cabinet Member for Community Well Being to:**

- 2.1 **agree the terms for the disposal of the land shown on the plans at appendices 1 & 2 and the exchange of land shown on the plan at appendix 3 to the neighbouring properties.**
- 2.2 **advertise the proposed exchange and transfers of land as shown on the attached plans in the Kidderminster Shuttle as required by s 123 of the Local Government Act 1972 and to consider any objections made as a result of the advertisement.**
- 2.3 **make the necessary planning applications for change of use of amenity land to residential curtilage and vice versa to enable the land exchanges to take place;**
- 2.3 **subject to satisfactory completion of 2.1, 2.2 and 2.3 to complete the exchange and transfers of land with the relevant owners.**

### **3. BACKGROUND**

- 3.1 In 2011 plans were drawn up by the Council to open up the public open space area at Northwood Lane by removing old shrub beds and self seeded trees and bushes. This was to improve the area by opening up sight lines, improving local views and reducing crime and disorder.
- 3.2 Discussions took place with a resident in Northwood Lane who owns key pieces of land which prohibited all of the necessary work from being carried out. It became evident that a land swap with this land owner could achieve the overall desired effect for the public open space and would also benefit the land owner, providing an incentive to carry out the land exchange. The owner is happy in principle to proceed.
- 3.3 Some of this work with the land exchange was carried out at the end of last year and the overall improvement to the park has become clear. This involved erection of a new fence and some turfing.
- 3.4 In carrying out this work another resident household in Northwood Lane feels that their view of the open space area from the back of the house has been compromised. The residents will be able to respond to the advertisement referred to in 2.1 and their comments will be taken into consideration in deciding whether to proceed and will obviously also be able to comment as part of the planning process.
- 3.5 If a decision is taken that the land exchanges take place then a landscaping design to minimise the impact of the erection of the fence will be carried out.
- 3.6 A public meeting took place at Northwood Lane in the summer and a Friends group has now been established where all future proposals will be discussed and decisions taken for the future of the park in that forum.
- 3.7 Before any further work can be done, the land swaps need to be formalised. As the land that the Council would be transferring is public open space, this will require advertising the proposal in the local press for 2 consecutive weeks and considering any comments made in response and applying for planning permission to change the use of the various parcels of land.
- 3.8 Another two residents in Northwood Lane would like to acquire pieces of open space that do not impact on the Council's plans for the area to slightly enlarge their gardens and it is the Council's intention to formalise this arrangement subject to appropriate value being paid to the Council at the same time as the other land exchange for which authority is sought in this report.

### **4. KEY ISSUES**

- 4.1 Ideally the Cabinet decision and subsequent planning permission should have taken place prior to the work being carried out on site, however WFDC has not proceeded illegally

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 There are no additional financial implications to the Council's budgets as any remaining works, planning permission or adverts the Council is responsible for will be paid for from the proceeds for the transfer of land for the two additional pieces of land or the Parks budgets allocated for winter works and development of the site.

## **6.0 LEGAL AND POLICY IMPLICATIONS**

- 6.1 If a decision is taken to proceed with the land transfers as outlined in the appendix to this report, then the next steps would be to apply for planning permission and advertise the changes in boundaries to comply with the legal and planning obligations.

## **7.0 RISK MANAGEMENT**

- 7.1 The effects on the residents and users of Northwood Lane have been taken into account within the recommendation.

## **8.0 EQUALITY IMPACT ASSESSMENT**

- 8.1 An equality impact assessment has been carried out.

## **9.0 CONCLUSION**

- 9.1 The open space area at Northwood Lane will benefit from the proposals contained within this report.

## **10.0 CONSULTEES**

Cabinet Member Community Well Being  
Resources  
Assets and Localism

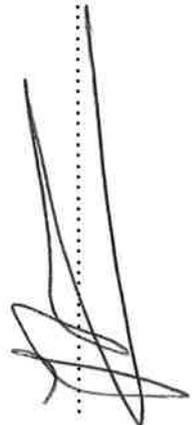
**NOTICE OF DELEGATION OF DECISION TO CABINET MEMBER BY STRONG LEADER**

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, J-P Champion, as Strong Leader, delegate the decision to carry out the land transfers at Northwood Lane, Bewdley as detailed in the report attached, to the Officers detailed below:

Officers: Caroline Newlands, Director of Assets and Localism  
: Linda Collis, Director of Community Well Being and Environment

Dated:.....15/10/12.....

Signed:  ..... Leader of the Council

**NOTICE OF DECISION OF DIRECTOR**

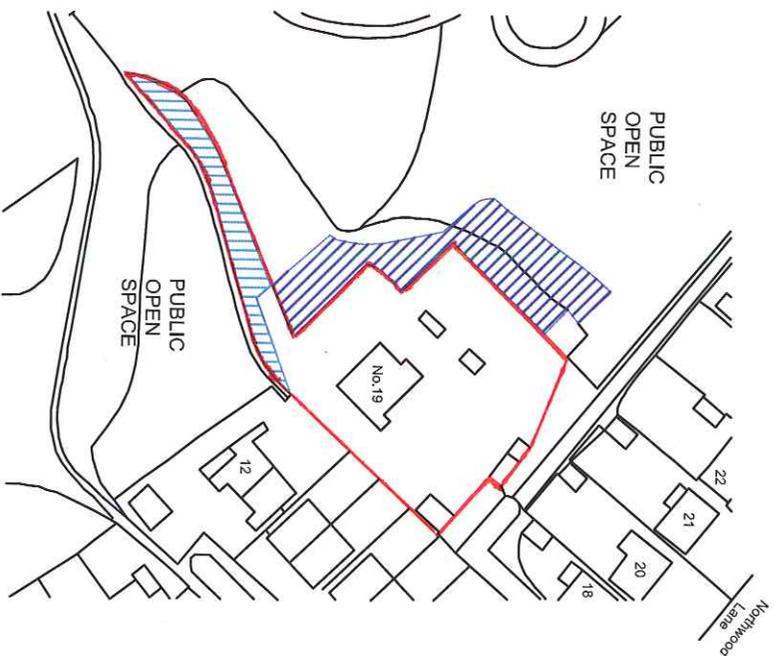
Pursuant Section 15(4) of the Local Government Act 2000, as amended by section 63 of the Local Government and Public Involvement in Health Act 2007, the senior executive member may discharge any of the functions that are the responsibility of the Cabinet or may arrange for them to be discharged by another 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
Land exchange at Northwood Lane, Bewdley	<p><b>Delegated authority be granted to the Director of Community Assets and Localism and Community Well Being and Environment in consultation with the relevant Cabinet Members</b> to decide on the change of use of land at Northwood Lane as detailed in the Cabinet report and the associated appendices, and following this decision to seek planning permission and advertise the intention to change boundaries between the relevant land owners of the Council.</p>	To formalise arrangements on the ground and achieve a positive outcome for Northwood Lane open space	October 2012

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

Director of Assets and Localism: ..... Dated: 15.10.12.....  
 Director of Community Well Being and Environment: ..... Dated: 15.10.12.....  
 Councillor J.P. Hardiman ..... (Cllr Hardiman) Dated: 15.10.12.....

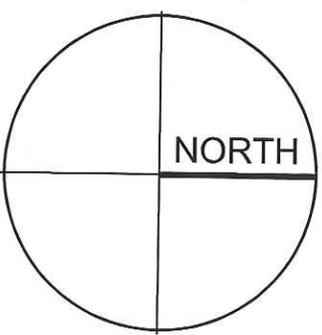


## LEGEND

— Boundary of Existing Title No. 91/02348 (19, Northwood Lane)

 Proposed transfer from WFDC Open Space (Disposal)

 Proposed transfer from Title 91/02348 to Open Space, Wyre Forest District Council (Acquisition)



  
**GREENWAY LA LTD,**  
 trading as **GREENWAY LANDSCAPE ARCHITECTS**  
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 TEL.: 01905 612608  
 email: [rvyglandscape@googlemail.com](mailto:rvyglandscape@googlemail.com)

project: **19, Northwood Lane, Wribbenhall, Bewdley, Worcs. DY12 1AN.**  
 drawing title: **Proposed Land Ownership**  
 client: **Wyre Forest District Council**

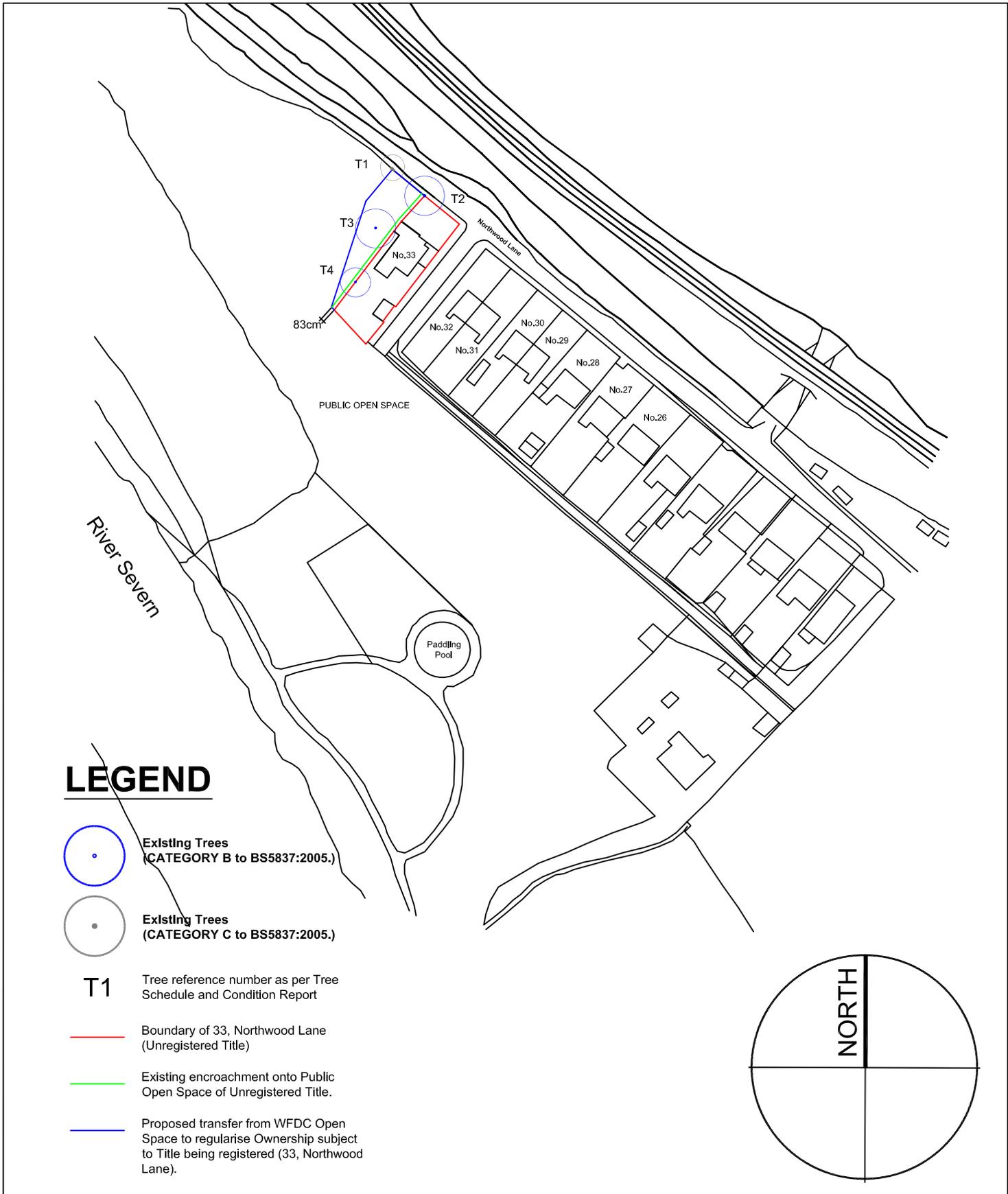
drawn by:	checked by:	date:	scale:
GAW	RWG	17-09-12	1:1250@A4
drawing no:	revision:		
GLA-632-003	A		

purpose: **FOR INFORMATION**

location: **Ordnance Survey Ref: SO 7875 NE**

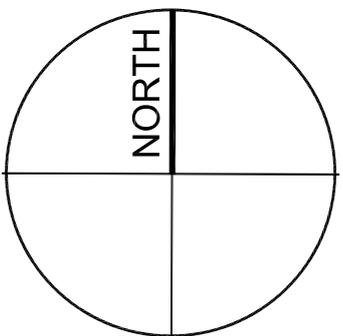
A Add hatching to acquisition & disposal of revisions: land parcels. RWG 011012

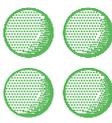
NOTE: Do not scale from this drawing. All dimensions to be checked on site. Discrepancies between this drawing and information given elsewhere must be reported to the office for clarification before proceeding.



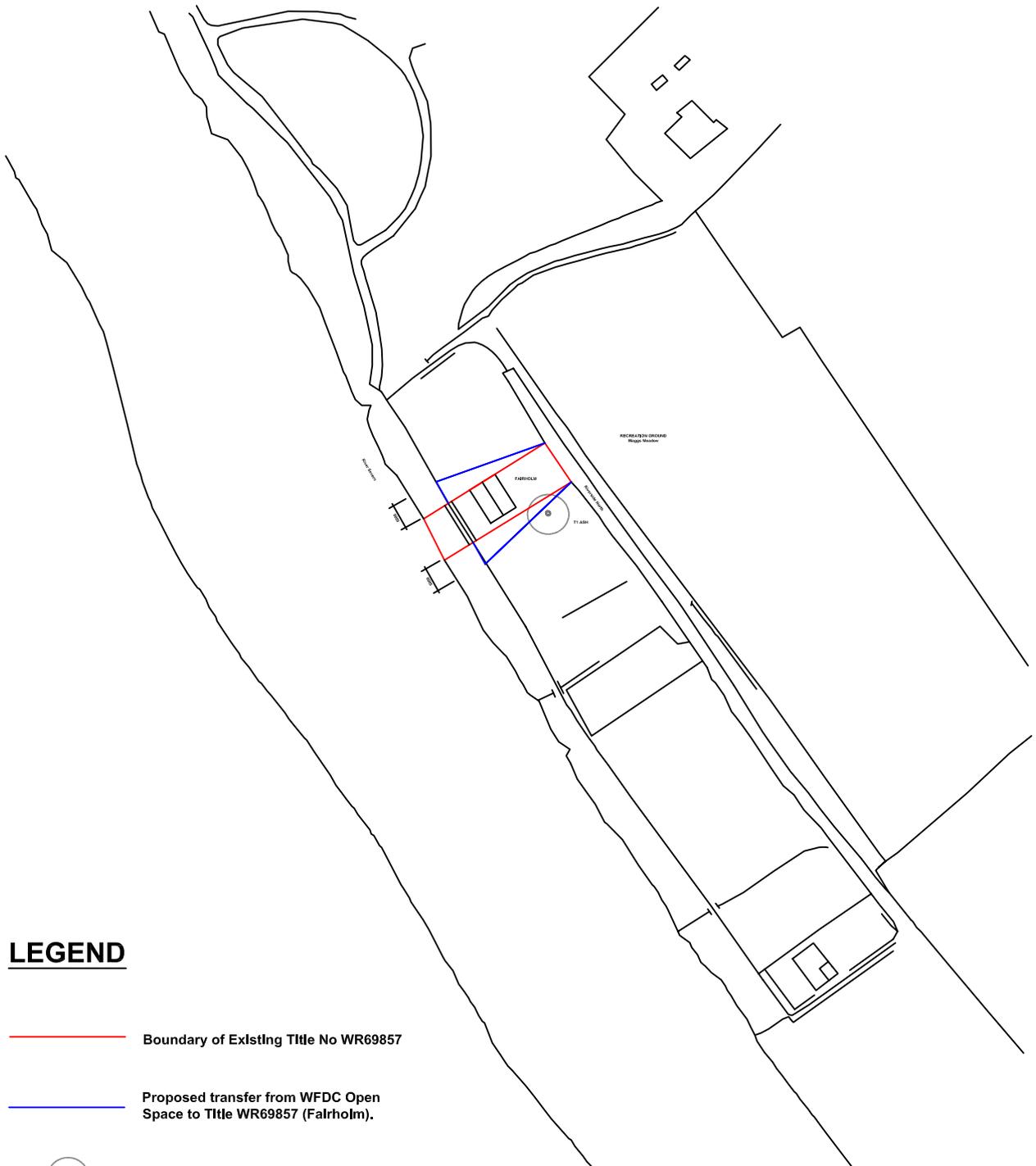
# LEGEND

-  Existing Trees (CATEGORY B to BS5837:2005.)
-  Existing Trees (CATEGORY C to BS5837:2005.)
- T1** Tree reference number as per Tree Schedule and Condition Report
-  Boundary of 33, Northwood Lane (Unregistered Title)
-  Existing encroachment onto Public Open Space of Unregistered Title.
-  Proposed transfer from WFDC Open Space to regularise Ownership subject to Title being registered (33, Northwood Lane).



 <p><b>GREENWAY LA LTD,</b> trading as <i>Greenway Landscape Architects</i> THE STUDIO, UNIT 16, CANALSIDE OFFICES COMPLEX, LOWESMOOR WHARF, LOWESMOOR, WORCESTER, WR1 2RS TEL: 01905 612608 email: <a href="mailto:rwglandscape@googlemail.com">rwglandscape@googlemail.com</a></p> <p>Sustainable Design Innovation</p>	project: <b>33, Northwood Lane, Wribbenhall Bewdley, Worces. DY12 1AN</b>			
	drawing title: <b>Proposed Land Ownership</b>			
client: <b>Wyre Forest District Council</b>				
purpose: <b>FOR INFORMATION</b>	drawn by: <b>GAW</b>	checked by: <b>RWG</b>	date: <b>17-09-12</b>	scale: <b>1:1250@A4</b>
	drawing no: <b>GLA-632-002</b>		revision: <b>A</b>	
location: <b>Ordnance Survey Ref: SO 7875 NE</b>				

A Add dimension of encroachment 83cm to side of un-registered title. RWG011012



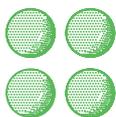
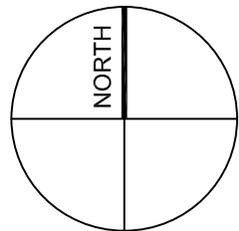
**LEGEND**

— Boundary of Existing Title No WR69857

— Proposed transfer from WFDC Open Space to Title WR69857 (Fairholm).

○ Existing Trees BS5837:2012.

T1 Existing Trees Reference Number



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Sustainable  
 Design  
 Innovation

project:  
**Fairholm, Riverside North, Maggs Meadow, Bewdley**

drawing title:  
**Proposed Land Ownership**

client:  
 Wyre Forest District Council

purpose:  
**FOR INFORMATION**

drawn by: GAW	checked by: RWG	date: 17.09.12	scale: 1:1250@A4
drawing no: JML-GLA-632-001		revision: B	

NOTE: Do not scale from this drawing. All dimensions to be checked on site. Discrepancies between this drawing and information given elsewhere must be reported to this office for clarification before proceeding.

Ordnance Survey Ref: SO 7875 NE

B Adjust to 5.0m strips. RWG 101012  
 A Adjust Riverside North text position  
 RWG 011012

revision: