

**REPORT OF: HOUSING, HEALTH AND ECONOMIC DEVELOPMENT  
SERVICES MANAGER**

**TO: POLICY AND RESOURCE COMMITTEE**

**DATES: 24<sup>TH</sup> MAY 2018**

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**RIGHT TO BUILD/CUSTOM AND SELF BUILD SITE  
BAMFORD STREET, NELSON**

**PURPOSE OF REPORT**

To update members on the Right to Build / self and custom build within Pendle. To seek agreement to the Council taking on the maintenance of the sewers required to connect the self/custom build plots which the Council have provisionally sold at Bamford Street into the existing adopted system, including entering into easement agreements with the relevant landowners and paying their legal/surveyors fees for doing so.

**RECOMMENDATIONS**

- (1) That Members note the update regarding self and custom build within Pendle.
- (2) That Members agree to take on responsibility for the maintenance of the sewers required to connect the self/custom build plots which the Council have provisionally sold at Bamford Street into the existing adopted system, including entering into easement agreements with the relevant landowners.
- (3) That the Council agree to pay the legal/surveyors costs incurred by the landowners to enter into the easement agreement.

**REASONS FOR THE RECOMMENDATIONS**

- (1) To update Members regarding the national and local picture regarding self and custom build.
- (2) To enable the Council to move forward with the scheme by installing foul and surface water sewer connections to the boundary of the self /custom build plots which it has provisionally sold on the land off Bamford Street
- (3) To ensure the landowners affected do not incur any costs as a result of the Council delivering the self-build scheme at Bamford Street.

## ISSUE

### Background

In 2014 Pendle Council was selected as one of 11 Council's nationally to be a 'Vanguard' authority for the Government's Right to Build initiative. The 'Right to Build' aims to support the growth of the self and custom build sector in England; as a means of delivering more new homes. The role of the Vanguard authorities was to test the practicalities of the concept of the Right before it became enshrined in law.

### Council's obligations under the 'Right to Build'

Since 1 April 2016, local authorities in England have been legally obliged to maintain a register of people and groups interested in plots of land for self and custom build. Authorities must have regard to the register when carrying out their planning, housing, land disposal and regeneration functions.

Further legislation was introduced on 31<sup>st</sup> October 2016 placing a duty on relevant authorities to grant 'sufficient development permissions' in respect of serviced plots of land to meet the demand as evidenced by the number of entries on the register in a 'base period'. The first 'base period' ended on 30th October 2016 and subsequent base periods run annually thereafter. The Regulations also stipulate that, at the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom house building, as there are entries in that base period.

There are currently 151 individuals entered on Pendle's Self and Custom Build Register, with 109 of these registering within the first base period. The total number of permissions granted for self and custom build properties in the two years since the start of the first base period is 20. This includes the 5 plots at Bamford Street and 15 other permissions which have been brought forward privately. Further details regarding summary data from Pendle's Register were reported to the Executive in the Planning Authority's Monitoring Report (pages 129-130) in December 2017.

Whilst there is clearly some demand for self and custom build housing within Pendle, the viability and availability of sites together with the practicalities associated with delivering self/custom build homes will not help us to address our housing shortfall in the short-medium term or enable us to significantly speed up the delivery of new homes in the borough. The role which planning policy can play in helping to bring forward more serviced plots for self and custom build homes will evolve with the development of the Pendle Local Plan Part 2.

### Bamford Street self/custom build site

As part of our role as a Vanguard authority, the Council marketed a piece of land which it owns off Bamford Street in Nelson as 5 self-build plots. In 2017, the Executive agreed to accept offers on all of the plots.

Under the terms of the sale of the plots, the Council agreed to install a foul and surface water drainage scheme terminating at the boundary of each plot. A preferred drainage scheme has been drawn up and a plan is shown in Appendix 1.

The sewers shown red on the plan are proposed new sewers and those in black are existing. The existing sewers, up to point (b) on the attached plan are unadopted and United Utilities (UU) has stated that, whilst they are happy with the proposed design, they will not adopt any of the new or existing sewers.

An alternative drainage scheme has been designed and considered which UU have indicated they might be more inclined to adopt, however the scheme is much more complex to deliver and

significantly more expensive. Whilst the plot purchasers are contributing an agreed amount towards the cost of installing the sewers, this option would be far in excess of this, and the additional cost would need to be borne by the Council (a contribution of approx. £50k over the Council's preferred drainage option).

To move ahead with the scheme based upon the preferred design shown on the plan, the Council will need to agree to take on responsibility for the future maintenance of the sewer between points (b) and (c) on the plan (a length of approximately 34 metres). The existing sewer between points (a) and (b) is a private sewer that has been CCTV'd recently and is in good condition. It is very unlikely to require any maintenance work for many years to come.

In order to move ahead with formally agreeing the design with UU, installing the drainage scheme and enabling the sale of the plots to proceed, the Council will need to agree terms with the freehold and leasehold owners of the land which the existing sewer and the new sewer is to be laid in. The land owners will need to grant the Council rights to connect the plots to the existing sewer, rights to drain through the sewer (for the Council and its successors) and rights to enter with all necessary tools, plant and equipment for the purpose of repairing and maintaining the sewer. This will be done through an easement agreement.

Legal and surveyors fees will be incurred by the land owners in connection with the easement and therefore authority is also sought to pay these costs using some of the remaining funding that the Council was given for being a Vanguard authority.

The responsibility for maintaining the drains from the plots to point (c) on the plan will fall to the plot purchasers.

Subject to the agreement of the Executive to the recommendations in this report, further discussions will be held with the landowners in order to move the scheme forwards.

## **IMPLICATIONS**

**Policy:** The scheme at Bamford Street supports the Council's obligations under the Government's Right to Build initiative.

**Financial:** The sale of the plots of land at Bamford Street will result in a capital receipt for the Council. The cost of installing the drainage scheme and any associated reasonable legal and surveyors fees will be met through contributions from the plot purchasers (totaling £20k) and some of the remaining funding that the Council was given for being a Vanguard Authority and for promoting self and custom build (approx. £70k remains in the budget).

**Legal:** Should the Executive agree, the Council will take on legal responsibility for the maintenance of the sewers between points (b) and (c) on the plan in Appendix 1. The Council will need to enter into an easement agreement with the land owners to grant the Council rights to connect the plots to the existing sewer, rights to drain through the sewer (for the Council and its successors) and rights to enter with all necessary tools, plant and equipment for the purpose of repairing and maintaining the sewer. This will be dealt with by the Council's legal department.

**Risk Management:** None as a result of this report.

**Health and Safety:** None as a result of this report.

**Sustainability:** None as a result of this report.

**Community Safety:** None as a result of this report.

## **APPENDICES**

Plan of proposed drainage scheme.

## **LIST OF BACKGROUND PAPERS**

Right to Build Vanguard, report to Executive, March 2016

Land at Bamford Street, Nelson report to Executive, May 2017

Land at Bamford Street, Nelson report to Executive, October 2017

Planning Authority's Monitoring Report 2016/17 (pages 129-130), report to Executive, Dec 2017