



**Lyvennet Community Trust**

And

**Lyvennet Community Developments Ltd**



**Stoneworks Garth, Crosby Ravensworth**

**Self-Build Plots - Sale Particulars**

20 March 2014

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## Lyvennet Community Trust

**The Lyvennet Community Trust (LCT)** is a Community Land Trust established as a company limited by guarantee and as a registered charity to provide affordable and local occupancy housing for the benefit primarily of the parishes of Crosby Ravensworth and Kings Meaburn, extending also to the wider areas of neighbouring parishes and then the district of Eden District Council, depending upon demand.



The Articles of Association are available on request or via the LCT website.

Lyvennet Community Trust  
Company Registration: 6996964  
Registered; 20<sup>th</sup> August 2009

Charity Registration: 1139327  
Registered: 15<sup>th</sup> December 2010

### Objectives

The LCT's aim is to provide local housing. In particular it wishes to make it possible for those with employment or work opportunities in the area to live close to their place of work so that job vacancies can be filled, the community can function effectively and local young people can be given an opportunity to remain in the area should they wish to do so.

In addition the LCT aims to provide the opportunity for families to live in the area allowing support with childcare and provision of care for elderly relatives. In order to build the rented and shared ownership houses the LCT is selling self-build plots at a valuation which takes into account the local occupancy restrictions that will be imposed.

The following extract is taken from the LCT Articles of Association adopted on 26<sup>th</sup> September 2010:

- ***The objects of the LCT shall be to carry on on a not for profit basis for the benefit of the community primarily in the area of the Lyvennet Valley incorporating the parishes of Crosby Ravensworth and King's Meaburn (the "area of benefit"):***
- ***the provision of Social Housing and associated amenities for those in need by reason of financial hardship; and***
- ***such other charitable purposes as may be from time to time determined subject to the prior written consent of the Charity Commission.***

The objectives, above, clearly demonstrate the key locality and community based drivers behind the LCT. This is further emphasised by the LCT driving the local occupancy criteria for all 20 houses on the Stoneworks Garth site, exceeding the 50% local occupancy criteria originally set by Eden District Council

Further information on the LCT can be found on our website: [www.lyvennetcommunitytrust.org](http://www.lyvennetcommunitytrust.org). The website is updated on a regular basis to ensure Members and community are kept abreast of activities.

## Lyvennet Community Developments

The LCT is a charity so is unable to trade, therefore, to enable sale of the self-build plots, the Lyvennet Community Developments (LCD) company was established as the trading arm of the charity. The title for the 8 self-build plots was transferred to this company and it is the LCD that self-build purchasers will be dealing with.

On completion of sales the LCD will donate the proceeds to the LCT charity.

Lyvennet Community Developments  
Company Registration: 7504258  
Company limited by shares (one shareholder, the LCT)  
Registered; 25<sup>th</sup> Jan 2011

## Scheme background

The LCT has attempted to design, in conjunction with Eden Planners a scheme which reflects the current housing density in the village and one which as far as practical stays true to its rural surroundings. This has obviously been balanced against financial constraints.

The houses have been placed around a village green with parking and access placed to the rear. Footpaths and lighting will be low-key, with no street lighting and the site has also been restricted to a total of 21 homes, meaning the development will be less dense than similar schemes to help keep a traditional village feel (Planners would have accepted over 30 houses on the site). The road has been designed as a shared space, with no roadside footways, meaning vehicles and pedestrians will jointly utilise again reflecting the norm in the village.

The site has been designed for 21 dwellings;

- 2 fully serviced plots to be retained by the current site owners, Marshalls Plc
- 7 fully serviced self build plots
- 12 rented and shared ownership LCT homes

The LCT's builders, Atkinson Homes have completed works on site with build of the Trusts 12 homes.



*LCT community housing*

The



Awards

scheme has



received national accolade in both the 2012 'Build It' magazine and National Home Improvement Council Awards. In the latter case the scheme not only won the award for best scheme on a brownfield site but also the overall 2012 award.

### **Title Conditions**

The land title incorporates a number of conditions most being transferred from the original site purchase from Marshalls Plc as follows:

- 1) Not to use the property or any parts of it for any use other than private residential dwellings and not to develop other than by way of self-build.
- 2) Not to use the property or any part other than for the purposes of Local Occupancy. The LCT Local Occupancy Allocation Policy, detailed below, covers this issue.
- 3) Not to park and vehicle, caravan or trailer except behind the line of the front wall of the nearest building. This condition along with Planners has driven the rear access and garaging arrangements to properties.
- 4) Not to park on any parts of the property any vehicle exceeding 2.8t gross vehicle weight. This is a further restriction to remove commercial use of the properties.
- 5) Not to erect any building or structure on the property or extend or alter without Planning and Building regulations consent.
- 6) Not to park any vehicle or vehicles of whatever nature on any part or parts of the road location.
- 7) No to do anything at the Property that shall be or might be or might become a nuisance annoyance to Marshalls or their successors
- 8) Not to place on any part of the Property any ground mounted satellite dish or aerial (save for an aerial of a reasonable size for tv reception).
- 9) Not to keep on any parts of the Property any Boat
- 10) Not to hang washing at the Property except behind the line of the front wall of the nearest dwelling

In addition the LCT will require:

- 1) No floodlighting to front or sides of properties
- 2) Floodlighting if fitted to the rear of buildings to be a maximum of 250w and positioned to avoid creating a nuisance to adjoining property owners.

### **Local Occupancy Allocation Policy for Self-build Plots**

The LCT has developed a Local Occupancy Allocation Policy for the plots, which are driven by the Trusts focus on the locality and community. The Policy has been developed to maintain the housing for local occupancy, ensure they are occupied as a principal residence, and do not end up on the rental market or becoming 2<sup>nd</sup> homes.

The detailed criteria are attached and contain a number of key restrictions including:

- Prospective purchasers must satisfy the local connection criteria through meeting the requirements of the Employment, Residence or Dependence tests.
- Purchasers must complete construction within 3 years
- The property must be used as the owner's main dwelling
- The purchaser must not rent out the property
- The purchaser must not (except in the case of a sale by a mortgagee in possession) sell the property except to someone approved by LCT as satisfying the criteria set out above who has also entered into direct covenants with LCT to comply with these restrictions

## **Planning status**

The planning for the site has been somewhat convoluted but to ensure full visibility the various stages are detailed below:

Marshalls Plc the previous owners of the site, lodged the original outline planning application (Ref. No. 08/0767) with Eden District Council on 26 September 2008. Outline planning consent was granted on 16 July 2010.

The LCT lodged an application to fix the number of plots on site and location of the service road on 18 November 2010 (Ref. No. 10/1011) with approval granted on 17 December 2010.

The LCT then lodged a full planning application for 12 affordable homes and site service road in December 2010 (ref. No. 10/1064) and approval was granted by Eden DC on 20 January 2011.

A further application was lodged on 7 June 2011 (Ref. No. 11/0476) to cover the surface water outfall to Dale Banks Beck adjacent to Weston House.

Finally and most importantly for the self-build plots a full planning application was lodged in March 2011 (Ref. No. 11/0224) for the 8 houses with approval granted by Eden DC on 22 June 2011.

Copies of all drawings relating to the site are available via the LCT website or for viewing at the Companies registered office.

## **Current planning**

### **Planning conditions**

The Notice of Decision, Ref. No. 11/0224 dated 22 June 2011 (attached as an Appendix) applying to the self-build plots contains 3 conditions which self-builders will need to consider and individually comply with:

- 1) Any change to housing layout/design will need to be agreed with the Planning Authority.
- 2) All external materials, surface textures and colours will need to be agreed with the Planning Authority.
- 3) Boundary treatment and the introduction of stonewalling will need to be agreed with the Planning Authority.

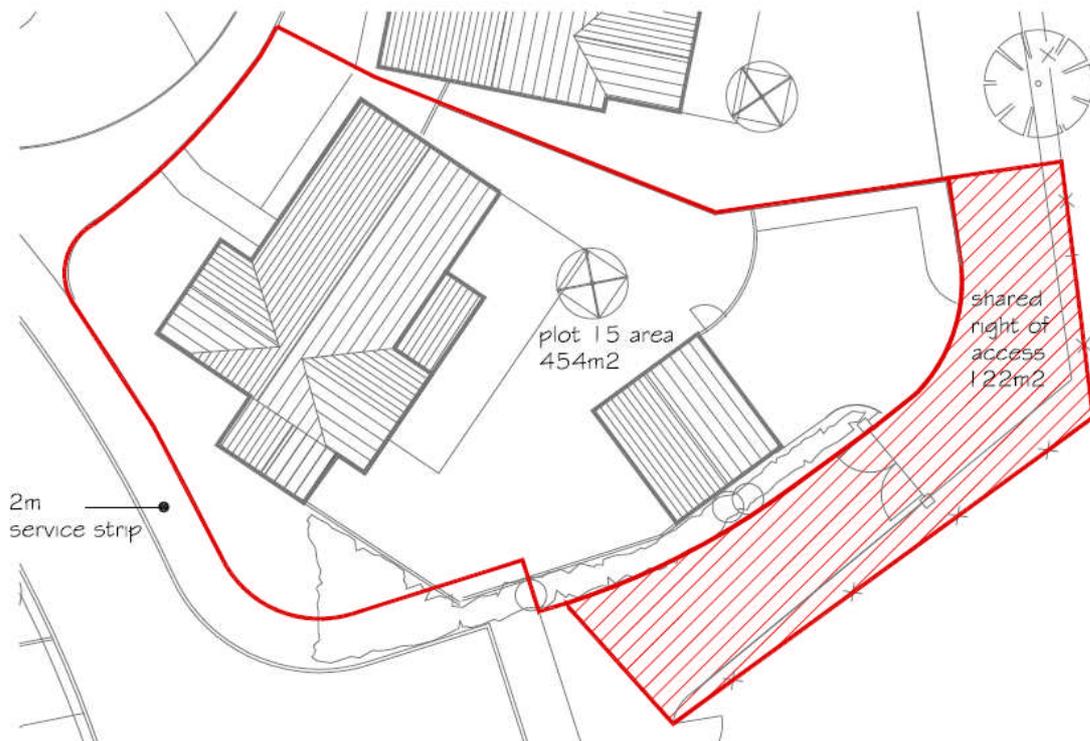
The 4<sup>th</sup> condition; the planting of 'heavy standard trees to common community amenity areas' will be discharged by the LCT.

The individual house designs and plot layouts utilised for the self-build plots can be amended through a further application to the Planning Authority, Eden DC. Unfortunately as the LCT lodged a single application for all 8 plots individual purchasers will need to allow for a planning fee of circa £335.

Purchasers may wish to consider employing the LCT's architect given his knowledge of the site, planning constraints, and the Planning Authority's overall vision for the scheme. The LCT do not intend making this a condition and are simply suggesting that this route may ultimately ensure a smoother transition through the planning process and reduce overall costs.

### **Plot Details**

Individual plot details are attached as Appendices



***Plot 15 (with details of service strip and shared right of way)***

For the purposes of the sale and future correspondence please use the plot numbers on our architect's drawings.

The self-build plots are 13, 14 , 15, 16, 17, 18 and 19.

A further 2 plots have been retained by Marshals Plc and will be sold at a later date as fully open market with no occupancy restrictions.

The Stoneworks site postal address will be:

Stoneworks Garth  
Crosby Ravensworth  
Penrith CA10 3JE



SOLD

Plot 3 / 4  
Bed House

SOLD

SOLD

SOLD

SOLD

Plot 3 / 4  
Bed House

3 Bed House  
+ garage

2 Bed House

### **Road and drainage adoption**

The main access road through the length of the site to Phase 3 along with the hammerhead between plots 15 and 16 will be constructed to ensure adoption by Cumbria County Council (CCC). The LCT has entered into a Section 37 agreement with the Authority and the road construction works are being regularly inspected by CCC engineers as part of this process.

The main sewer will be adopted by United Utilities We have also been given assurances that the new village sewerage scheme will be operational by 31<sup>st</sup> March 2011 and if this is not the case United Utilities will tanker foul water from the site free of charge

### **Service strips**

There is a 2m service strip along the eastern side and a 0.5m strip along the western side of the main access road. These strips of ground do not form part of the land transferred with individual plots as access must be maintained to allow any of the statutory undertakers to service or repair their underground apparatus. The construction of permanent features or planting of trees, bushes or shrubs on these strips is therefore not allowed.

### **Services**

The plots benefit from water, electric and telephone services, which will all, be on site initially to the boundary of Phase 1 but will be extended to individual self-build plot boundaries during construction. In addition the LCT are adding further ducts to carry any future optical fibre network.

Foul water drainage connections will be extended to the boundary of each plot. Surface water drainage will be via private soakaways.

### **Valuations**

3 local estate agents have valued the plots and their valuations have been used as the indicative sale value detailed below:

<b>Plot No.</b>	<b>Area (sq.m)</b>	<b>Valuation</b>
13	512	SOLD
<b>14</b>	<b>322 (+85 shared access)</b>	<b>£76,000</b>
15	454 (+122 shared access)	SOLD
16	353	SOLD
17	379	SOLD
<b>18</b>	<b>416</b>	<b>£85,500</b>
19	441	SOLD

The valuations take into account the Local Occupancy restrictions being imposed by the LCT and realisation of the sale figures is fundamental to the overall scheme success.

### **Shared access arrangements**

Plot 13 has a right of way across a shared access at the rear of plots 14 (85 sq.m) and 15 (122 sq.m).

In addition Plot 14 has a right of way across a shared access to the rear of plot 15.

### **Flood assessment**

The LCT have undertaken comprehensive flood risk assessment work in conjunction with the Environment Agency.

The flood risk to the site is from the south as a result the Lyvennet Beck breaking its banks and flowing over the two fields to the SE and SW of the site. The floor levels for individual plots (indicated on drawings Above Ordnance Datum (AOD) – sea level) and general finished levels have been designed and approved by the EA as acceptable for a 1 in 700 year flood event.

### **Ground conditions**

A full ground contamination survey including the installation of boreholes on the site was carried out by Marshalls in early 2009. Two “hot spots” were identified on site within the LCT housing development area and remediation works have been undertaken in these areas to meet Environment Agency and Eden District Council environmental requirements. Remediation work was monitored and signed off by our environmental consultants Amec (previously Entec).

### **Warranty**

There are 3 areas on the site, which have been used as small settlement lagoons for the slurry from the stone saws. Two of these lagoons are located on the LCT housing area:

- 1) Alongside the western boundary adjacent to H Brass Agricultural Yard
- 2) Under the central village green

The 3<sup>rd</sup> lagoon is located in plot 16 the LCT will be excavating this lagoon in its entirety and the area will be backfilled and vibro-compacted to meet building regulation requirements for standard foundations. This excavation and backfill operation covers the complete footprint of the current house layout thereby ensuring no differential settlement. The works when completed will be covered by a warranty / guarantee.

### **Purchase arrangements**

To secure a plot purchasers will be required to lodge a non-refundable deposit (£2,500). This will then secure the plot whilst any individual amendments are progressed through planning. The Trust envisages the design changes and planning process should take no more than 3 to 4 months.

On planning approval purchasers will be expected to progress to contract exchange and completion of the purchase. Completion of the purchase will be required within 28 days after exchange of contracts.

Searches commissioned by LCT/LCD in August 2011 will be made available to successful applicants and their solicitors together with title documents and Property Information Forms. A “Sellers Information Pack” including these documents can be inspected by prospective purchasers by arrangement with the LCT.

## Contact details

The following contact details may be of assistance.

### **Lyvennet Community Developments (LCD)**

Registered Office:  
Glebe House  
Silver Street  
Crosby Ravensworth  
Cumbria CA10 3JA

Email:  
[lcd@crosbyraven.freemove.co.uk](mailto:lcd@crosbyraven.freemove.co.uk)

Tel:  
Chair David Graham  
Home 01931 715348

### **LCD Solicitor**

Steve Holroyd  
Lupton Fawcett Denison Till  
Yorkshire House  
East Parade  
Leeds LS1 5BD

Email:  
[Steve.Holroyd@luptonfawcett.com](mailto:Steve.Holroyd@luptonfawcett.com)

Tel:  
0113 297 878

### **Planning Authority**

Eden District Council  
Mansion House  
Penrith CA11 7YG

The LCT / LCD have utilised ipsarchitects to support the development and construction of the overall housing scheme and the houses being built on behalf of the Trust.

There are obviously advantages to self-builders in utilising the same architect as they have a clear understanding and knowledge of specific planning requirements and the site.

### **Architect**

Ian Smart  
ipsarchitects  
The Studio  
Outhgill  
Kirkby Stephen  
Cumbria CA17 4JU

Email:  
[studio@ipsarchitects.co.uk](mailto:studio@ipsarchitects.co.uk)

Tel:  
017683 71103