

Agenda Item No: 10 **Report No:** 179/15
Report Title: Petition Response – Steyning Avenue
Report To: Council **Date:** 9th December 2015
Cabinet Member: Cllr Ron Maskell, Lead Member for Housing
Cllr Tony Nicholson, Lead Member for Customers & Partnerships
Ward(s) Affected: Peacehaven East
Report By: Gillian Marston, Director of Service Delivery

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Purpose of Report:

To respond to the petition submitted to Council on 14 October 2015 regarding the proposed development of the Steyning Avenue and Piddinghoe Avenue car parks in Peacehaven as part of the New Homes project.

Officers Recommendation(s):

- 1 To note and debate the petition(s) in line with the Council's petitions scheme.
 - 2 To recommend that officers continue to work with businesses located near to the Steyning Avenue and Piddinghoe Avenue car parks together with representative organisations such as the Peacehaven Chamber of Commerce to investigate methods of providing alternative parking facilities and mitigate the impact of the loss of parking on local businesses.
 - 3 To recommend that a focused parking study on Steyning Avenue car park is undertaken which surveys usage levels and reasons for parking as well as identifies alternative parking provision for customers visiting the local businesses.
 - 4 To recommend that the study is reviewed with the Lead Member for Housing and Ward Councillors and discussed with Peacehaven Chamber of Commerce.
 - 5 To recommend that the results from recommendations 2, 3 and 4 are reported back to a future meeting of the Council.
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Reasons for Recommendations

- 1** At the meeting on 14 October 2015, Council received a petition from Mr Vivian Carrick calling upon the Council:

“To halt the scheme to build on a number of community asset sites and to look again at how to assist in the building of social and affordable housing in the District in order to achieve such aim without depriving the community of “many irreplaceable facilities” particularly the Steyning Avenue car park in Peacehaven”.

The Council has received a number of other petitions, with slightly different wording, some of which also include Piddinghoe car park. While these petitions individually do not have enough signatures to warrant debate at Council, it is clear to Officers that the nature of the petitions is the same and that both issues should be debated.

In light of the number of signatures received and in accordance with the Council’s petitions scheme, it was agreed that the petition would be debated by Council as an individual Agenda Item at the meeting on 9 December 2015.

Information

- 2** Supporting Business

- 2.1** Lewes District Council is a business-friendly Council. Through our regeneration and economic development activities the Council endeavours to do all it can to support businesses to grow and thrive in the District.

- 2.2** The Council acknowledges and welcomes the independent studies that businesses near to the Steyning Avenue car park have conducted. These have been taken into account in developing proposals for alternative provision of parking. In recognition of the requests from local businesses, the Council is willing to undertake an additional parking study of this site in the winter months, and is happy to develop the brief for these sites in cooperation with local businesses and the Chamber;

Addressing Housing Need in the District

- 2.3** The New Homes project is just one of the many projects the Council is undertaking as part of its duty to make best use of its assets and try to provide decent, affordable homes in the District for residents.

- 2.4** In 2014 UK house prices per square metre were the second highest in the world (second only to Monaco) with particularly high valuations in London and the South East. As house prices have grown faster than any other OECD country over the past 40 years, the construction of new housing has been steadily declining.

- 2.5** This “affordability crisis” impacts not only young and low-income households who may remain in rented accommodation for the majority of their adult lives, but also existing homeowners who cannot realise the gains in the value of their properties unless they downsize, give up owner-occupation or move elsewhere to an area with a less pressurised housing market. In the interim these owner-occupiers may live in unsuitable accommodation for their needs or their household size¹.
- 2.6** The Centre for Cities has demonstrated that the affordability and availability of housing is closely linked to the wellbeing and prosperity of places:
- (a)** *“Getting the right housing offer, including affordable housing, is essential to attracting and retaining a skills base that will encourage inward investment”* – a good market of affordable housing in a local area attracts employers and business as they know they can employ or relocate high skilled workers;
 - (b)** “Co-ordinating regeneration and economic development can deliver greater economic inclusion” – development can deliver wider benefits than just affordable housing, for example retail, leisure or office space tailored to the needs of a local area;
 - (c)** “Housing investment itself can be a powerful driver of local economic activity”² – housing construction is a significant contributor to a local economy. Research shows that for every £1 spent on construction, 90p remains in a local economy³.
- 2.7** The Council has undertaken a number of projects across its departments to promote the development of new, high-quality housing across the District and in particular the development of affordable housing:
- (a)** We have assessed the garages that we own in order to identify under-utilised sites and build approximately 30 affordable homes across the District. The Council has been granted money by the Government in order to complete this project;
 - (b)** The Council worked with a housing developer and an international construction company to build two steel-framed homes in the District at Lambert Place in Lewes. These innovative homes can be built quickly and at a lower cost than traditional build, and as a result can be let to tenants at a weekly rent of £95, a level that cannot be otherwise found in the District;
 - (c)** The Council, in partnership with Santon, is proposing a highly sustainable, residential-led, mixed-use scheme with 40% affordable housing across the development and a sales

¹ <http://cep.lse.ac.uk/pubs/download/EA033.pdf>

² <http://www.centreforcities.org/wp-content/uploads/2014/09/08-11-06-Housing-and-economic-development.pdf>

³ <http://news.cbi.org.uk/news/locally-grown/>

programme that prioritises local people. The Council promoted a 40% affordable housing level in this development 2 years before this was formally adopted into our Core Strategy;

- 2.8** The Council is trying a number of different avenues to deliver new affordable homes, and as such is a partner in projects that will construct over 700 homes in the District over the next 15 years, and over 40% of these will be affordable homes.

The New Homes Project

- 2.9** The New Homes project has been developed in recognition that the Council can help address the housing crisis in the District and make the best use of its assets from a fiscal and operational perspective. By undertaking a rigorous tender process for the development of a number of sites, the Council has committed to obtaining expertise and capacity from the private sector to deliver innovative, high quality and design-led housing.
- 2.10** Lewes District Council is a significant landowner locally. However, the Council does not have pockets of land suitable for development that have not already been developed for operational purposes, such as car parks. At the same time, the Council does not have the capacity to purchase land for development as one of the aims of the project is to maximise returns to the Council for reinvestment into affordable housing.
- 2.11** The sites to be proposed for development were identified through an asset challenge process, whereby the Council's entire portfolio was assessed on a site-by-site basis that sought to determine the status of all property and sort into categories based on where efficiencies could be obtained. The categories (based on the action to be taken on a site) are as follows:
- (a)** Continued maintenance (maintaining the status quo as property is appropriate for current and future service needs);
 - (b)** Better utilisation (the opportunities for better property utilisation would be realised through a project);
 - (c)** Major investment (the future of the property has been determined and major works such as refurbishment and extension are required);
 - (d)** Long term development (retain property pending future sale for development); and
 - (e)** Surplus (dispose of property);
- 2.12** The sites selected for the New Homes project are those sites which are identified as surplus to the delivery of services, or those which could be better utilised whether by the Council, or by the private sector, through major investment.

Peacehaven Car Parking Study

- 2.13** In developing a planning application for the Peacehaven sites, the New Homes partners commissioned a parking study by transport specialists into the impact of removing car parks at Roderick Avenue South, Steyning Avenue and Piddinghoe Avenue.
- 2.14** The study looked at whether if the car parks identified above were removed, whether available public on-street parking in the surrounding area would have capacity to take the displaced cars. The study looked at instances of illegal parking in the surrounding area, and where the additional parking might impact nearby residents negatively;
- 2.15** The study is summarised below:
- (a)** Should Piddinghoe Avenue car park be developed, there is sufficient capacity in the surrounding area for the displaced cars to park, with 25 additional parking spaces remaining;
 - (b)** Should Roderick Avenue (South) car park be developed there is sufficient capacity in the surrounding streets for the displaced cars to park with 10 additional parking spaces remaining;
 - (c)** Should Steyning Avenue car park be developed there is insufficient capacity in the surrounding streets for the displaced cars to park. This is both due to the limited nearby parking, and also due to the high levels of use of the site. Information indicates that there would be at least 8 cars who would be unable to park at peak times.
- 2.16** The Council has used the information from the parking study (including surveys indicating why residents are using the car parks) to develop a number of initial proposals for reducing potential impact on local residents and businesses. These proposals include:
- (a)** Making Fairlight Avenue (which is no longer proposed for development due to ground conditions) a designated park-and-ride for East-West commuters to park and use the bus services. This would reduce parking stress on the car parks in the centre of Peacehaven.
 - (b)** Incentivise parking at Roderick Avenue North for users of the shops and commercial businesses on the South Coast Road by restricting free parking to 2-3 hours, therefore increasing turnover of cars at the site.
 - (c)** Removal of some yellow-lines on roads surrounding the Steyning Avenue site to increase the provision of alternative parking facilities. This would require engagement with East Sussex Highways as the on-street parking authority.
- 2.17** These are initial proposals which the Council consulted on at the public meetings in Peacehaven in November.

- 2.18** The Council wishes to support the businesses surround the Steyning Avenue car park, to which end the Council is happy to conduct an additional parking study of the site to better inform the proposals for the site and mitigation surrounding the site;.

The Local Context

- 2.19** Residents within Lewes District have vastly different experiences of finding decent, affordable and secure homes. The Council is committed to increasing affordable housing alongside looking at its current asset base to deliver value for money for residents.
- 2.20** There are approximately 1,700 people on the Housing Register and this number is forecast to grow by 549 per year at the same time as only 244 homes become available. The Council's current mix of housing stock does not meet the demand for one and two bedroom homes and the lack of availability means that the Council cannot offer housing within the short term to anyone but those in the most difficult circumstances.

Financial Appraisal

- 3** There are no comments to make in respect of this report, any potential financial implications will be considered if or when the matter is considered by Cabinet.

Legal Implications

- 4** The Legal Services Department has made the following comments:
- 4.1** The Council has signed an agreement to proceed with development of planning applications, and sell sites if and when an acceptable planning permission is achieved on a site-by-site basis.
- 4.2** The Council has undertaken significant consultation with residents and local stakeholder groups in order to reduce the impact from the development of sites, and to ensure they can be developed with the highest level of sensitivity to residents. This consultation is within the context of the agreement that these sites have the potential to be developed, and the Council wishes to proceed with the development of planning applications in order to achieve the construction of more Council-owned, affordable housing for the District;
- 4.3** Were the Council to halt the development of planning applications for all sites in order to consult on the inclusion of sites within the project, outside of the scope of the provisions set out in the contract, this would constitute a breach of the contract. If the Council then proceeded to endeavour to remove sites from the project, the Council could expect a legal claim for breach of contract from both Karis and Southern Housing Group Limited.

- 4.4** The principal legal remedy for breach of contract is an award of damages (i.e. financial compensation). Damages in contract can seek to put the party in the position of either (not both):
- (a)** The successful performance of the contract, for example compensation based on loss of profit; or
 - (b)** The non-existence of the contract, for example compensation based on expenses incurred and losses suffered in reliance on the contract;
- 4.5** Costs recoverable by the other parties to the consortium could include any expenditure by them on solicitors and other legal costs, architect and consultant fees and any other fees incurred in developing planning applications, and potentially the costs of other wasted staff and management time;
- 4.6** The Council has not made any assessment as to the amount of compensation which would be claimed if the Council were to breach the contract in relation to individual or multiple sites. It would be a significant sum, and this would be in addition to the sums the Council itself has expended in the development of planning applications in reliance on the contract.

Risk Management Implications

- 5** The key risks are identified in paragraphs 4.3 to 4.6 of this report.

Equality Screening

- 6** Please see Appendix B

Background Papers

- 7** Peacehaven Parking Study – see Appendix A

Appendices

Appendix A – Peacehaven Parking Study

Appendix B – Equalities Impact Assessment