

Mayor and Cabinet		
Report Title	Greyhound Public House – response to Sydenham Local Assembly	
Key Decision	No	Item No.
Ward	Sydenham	
Contributors	Executive Director for Resources & Regeneration	
Class	Part 1	Date: 25 March 2015

1. Summary

- 1.1.1 This report sets out the processes that have been undertaken to seek the rebuilding of the Greyhound Public House following Mayor and Cabinet on 22 October 2014.

2. Purpose

- 2.1.1 To update progress reached with the rebuilding of the Greyhound Public House.

3. Recommendation

- 3.1.1 The Mayor is recommended:
- (1) To note the content of the report and that a further report is prepared by the end of June 2015 to update progress.

4. Policy Context

- 4.1.1 The content of this report is consistent with the Council's policy framework. Planning decisions are made on the basis of compliance with the development plan. The development plan for the borough consists of the London Plan and adopted Lewisham local plans including the Core Strategy, Lewisham Town Centre local plan, and the Site Allocation local plan. The Development Management local plan was formally adopted by the Council in November 2014. The development plan for Lewisham is part of the Council's policy framework and is the spatial implementation mechanism for the Sustainable Community Strategy (SCS). It has a central role in implementing the six strategic objectives of the SCS.

5. Background

- 5.1.1 Planning permission and conservation area consent were granted in May 2010 for the partial demolition of the Greyhound public house with full restoration to provide pub/restaurant use, a new public square, residential and commercial units with parking and access provision. This was part of a wider

scheme affecting not only the pub but also adjoining land. The S106 agreement was signed by those with an interest in the land in the development site.

- 5.1.2 The development group Purelake then purchased the pub after the planning permission was granted in late 2010.
- 5.1.3 Between January and March 2012, the pub was substantially demolished, apart from the front elevation. This was in contravention of the consents and a criminal act. The Council then prosecuted, and in March 2013, Purelake were subsequently convicted and fined.
- 5.1.4 The planning obligations attached to the 2010 consents required the restoration and refurbishment of the pub.
- 5.1.5 A new application was submitted in September 2012 for the rebuilding of the public house. In April 2013 Planning Committee (C) granted permission subject to the variation of the original Section 106 Agreement dated 24 May 2010. This required the consent of the signatories to the original agreement, or their successors in title.
- 5.1.6 Subsequent to negotiations between Purelake, Hexagon's solicitors, and the legal representatives of both the commercial and residential owners, no agreement was reached to enable the Deed to be signed. The Council was not in a position to influence this process as it was a matter for the relevant potential signatories to resolve.
- 5.1.7 The Head of Planning met with Purelake on 28th February 2014, and following a meeting with Hexagon, Cllr Chris Best and the Council's relevant officers, on the 13th June 2014, Purelake indicated they would be submitting a fresh planning application for the Greyhound building, which would be different from the outstanding submission.
- 5.1.8 In response to the significant delays encountered in redeveloping the Greyhound, and the signing by all interested parties regarding the Deed of Variation, the Council sought advice from Counsel to agree upon an effective approach to progress matters.
- 5.1.9 The advice received was that the Council should consider commencing proceedings against the proprietors for breach of the original S106 Agreement relating to the 2010 consent, namely the Restoration and Refurbishment Works referred to in the provisions of Schedule 10 of the S106 Agreement.

6. Current Position

- 6.1.1 In October 2014, a S96a Non-Material Amendment application was formally submitted to the Council to address alterations to the building that were not proposed within the 2010 consented scheme, including:
 - The construction of a replacement roof;
 - The retention of an enlarged basement;
 - The omission of a rear elevation window;
 - Amendment to the west elevation regarding the proposed sliding door and the omission of a ground floor window;

- Provision of replacement railings and door to the existing first floor balcony;
- The formation of a chimney to accommodate internal ventilation ducting;
- The provision of new timber openings;
- A rooflight to the rear slope;
- Stone plinths with replica greyhounds.

6.1.2 During the course of the application, site inspections were undertaken with Building Control officers and the developers. The submission of further details were requested by officers in relation to window openings, the appearance of balcony railings, brickwork and re-pointing.

6.1.3 Amended plans were received on 22 December 2014 and 22 January 2015. On 10 February, the S96a application was granted planning permission as officers were satisfied the revised plans demonstrated that the nature of the proposed alterations would not materially harm the appearance of the Greyhound building, the amenities of neighbouring occupiers or the character of the Cobbs Corner Conservation Area.

6.1.4 Schedule 10 of the S106 dated 24 May 2010 required the applicant to submit a comprehensive account of the proposed reinstatement and refurbishment works, including;

- A schedule of proposed works to be undertaken;
- The method of dismantling and rebuilding the existing front gables that are leaning and badly cracked;
- Details of the main roof to be constructed;
- The method of removing the unauthorised mezzanine floor without comprising the structural integrity of the building;

Measures to safeguard brickwork when the damaged lintels are removed and replaced.

6.1.5 On 5 March 2015, the applicants submitted a formal Building Regulations application to the Council, and engineer's structural calculations followed on 7 March. On 11 March, Building Control officers confirmed the details submitted were acceptable, and therefore the application was formally approved. Officers advised they would undertake site visits during the construction phase to monitor the works being undertaken.

6.1.6 Whilst the 5 March 2015 Building Regulations application provided sufficient information to secure Building Control approval on 11 March, there were outstanding details required to satisfy planning requirements. Planning officers therefore requested further advice on 11 March from the applicants on the following matters;

- How the lintels would be removed without damaging the brickwork, and what tools would be used.

- Confirmation of the proposed treatment to make the flank wall bricks appear more like the existing in terms of colour.
- With regard to the rebuilding of the gables, in particular the bonding and pointing, confirmation that the new mortar mix would match the original in type (lime), consistency (i.e. lime, sand and aggregate mix) and colour

6.1.7 On 13 March, the applicants provided the following response:

1. The lintels will be removed by carefully taking down the brickwork gables with the use of small hand tools only. These will then be re-constructed with lime mortar and cleaned down on completion.
2. We understand the desire to use a water/chemical based cleaning agent on the brickwork and will consult with a specialist masonry cleaning contractor once works have commenced on site.
3. In rebuilding the gables, we will use a lime mortar to match the original but do not necessarily see that the joints will be wider as we will use the original imperial sized bricks.

6.1.8 The applicant further confirmed that they would require 3 to 4 weeks from receiving the final approval of the scheme of restoration and reinstatement works from the Council to be able to commence works on site. The building works once commenced would take up to 4 months to complete.

6.1.9 The response is considered acceptable, and officers are satisfied the proposed measures would be appropriate to safeguard the existing building fabric. Planning and Conservation officers would seek to inspect the site during the course of building works to ensure such measures are being suitably undertaken.

6.1.10 At the time of writing this report, a formal letter to the applicants advising that the proposed works and materials were acceptable, pursuant to Schedule 10, had been programmed for week beginning 16 March. The outcome will be reported verbally at the Mayor and Cabinet meeting.

6.1.11 Whilst it is acknowledged that sufficient time would be required to undertake such mobilisation, officers consider it reasonable to expect this to be achieved by week beginning 13 April 2015, considering Easter falls between 3-6 April.

6.1.12 Subsequently, should significant construction works have not commenced on site by week beginning 27 April 2015, it is recommended that the Council then consider whether or not to commence legal proceedings for breach of the original S106 Agreement Schedule 10 requirements.

6.1.13 It should be noted that the Building Regulations plans indicate an external staircase to the rear of the Greyhound building, leading down to the basement area, and a single-storey conservatory to the side. Both additions would

require full planning permission, which the applicant has acknowledged, stating that ‘these 2 elements of work are subject to planning approval being granted and as such we would like the application (Building Control) plan checked as if these 2 elements were not included.’

6.1.14 Whilst the principle of a conservatory was approved in the 2012 planning application, the provision of external stairs is a wholly new proposal. This will need to be the subject of consultation and will require thorough assessment.

6.1.15 The applicants have advised that the planning application will be submitted at ‘the earliest opportunity’, and that they do not intend to delay works from commencing on site whilst the application is considered.

7. Legal Implications

7.1.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.1.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

7.1.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

7.1.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

7.1.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.1.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

7.1.7 The Section 106 Agreement dated the 24 May 2010 and referred to in paragraph 5.1.4 of this report imposed obligations on the owner of the land of which the Greyhound public house forms a part. Those obligations included the requirement to construct and complete the “Restoration and Refurbishment Works”, in accordance with the details that have been approved by the Council.

7.1.8 The Restoration and Refurbishment works are defined in the Agreement as “the works to the Greyhound Public House including the reinstatement of the former drinking corridor tiles within the building in a scheme to be agreed with the Council and the design and implementation of a new ceramic rear elevation to the building in accordance with the plans and Design and Access Statement submitted as part of the Application.

7.1.9 Paragraph 6 of this report sets out those steps that the Owner and the Council have taken with regards to securing the necessary details to enable the Council to approve the proposed Restoration and Refurbishment Works. Officers have confirmed at Paragraph 6.1.8 that they are now satisfied with the works being proposed by the applicant and that they are due to formally sign-off the scheme in the week beginning the 16 March.

7.1.10 Should the Owner fail to start the works within the timeframe agreed with the applicant as a reasonable period for commencing such works as set out in paragraph 6.1.7 of this report, then the Council can consider whether or not to commence proceedings against the owner for breach of the provisions of the Section 106 Agreement and to seek an order for compliance with the relevant provisions of the Agreement and/or such other remedy as may be appropriate.

8. Financial Implications

- 8.1.1 There are no specific financial implications arising from this report although there are costs being incurred by the Council in terms of officer time and external legal opinions on the matters raised, however these are currently being contained within existing budgets. These costs and any future costs arising may need to be considered in light of any enforcement action should it be required.

9. Crime and disorder implications

- 9.1.1 There are no specific crime and disorder implications in this case.

10. Equalities implications

- 10.1.1 *Shaping our future*, Lewisham's Sustainable Community Strategy for 2008-2020, sets out a vision for Lewisham;-

“Together we will make Lewisham the best place in London to live work and learn.”

This is underpinned by hard-edged principles for:

- **reducing inequality** – narrowing the gap in outcomes for citizens
- **delivering together efficiently, effectively and equitably** - ensuring that all citizens have appropriate access to and choice of high quality local services

- 10.1.2 The Council's Comprehensive Equality Scheme for 2012-16 provides an overarching framework and focus for the Council's work on equalities to support the Sustainable Community Strategy and to ensure compliance with the Equality Act 2010.

- 10.1.3 A full Equality Analysis Assessment (EAA) (previously known as Equality Impact Assessment) was carried out for the policies in the Council's Core Strategy in February 2009. The overall assessment was that the policies in the Core Strategy would not discriminate and that most policies have a positive impact. Three potential adverse impacts were identified: protection of employment land; designation of mixed use employment locations; and concerns of community groups about the amount of new housing development putting undue stress on the existing network of facilities (shops, transport, health facilities, community facilities and other services) particularly in the Deptford/New Cross area.

- 10.1.4 The Site Allocations DPD followed on from the Core Strategy and identifies sites, usually 0.25 hectares and above which area likely to be developed during the lifetime of the LDF (2011 – 2026). The Core Strategy sets out the policy context and principles for the development of the allocated sites.

- 10.1.5 An EAA of the Site Allocations DPD was undertaken in 2011 to identify the positive and negative impacts of the Core Strategy DPD and as a

consequence the Site Allocations DPD, on three protected characteristics that were not included in the earlier EIA as it pre-dated the Equality Act 2010. This EAA also provided an update on the Core Strategy EIA.

- 10.1.6 The Development Management Local Plan proposes specific objectives and policies to help ensure that new development complies with inclusive design principles to ensure that the town centres are safe, attractive and inclusive places. Planning applications for development will need to demonstrate how proposals meet these objectives and policies. The DMLP was the subject of an EAA in 2012.

11. Environmental implications

- 11.1.1 There are no specific environmental implications from this report.

12. Conclusion

- 12.1.1 The Greyhound site has remained in a poor condition since the stalling of development in 2013, which has resulted in an adverse and unacceptable impact upon the character of the Cobbs Corner Conservation Area and the streetscene generally.

- 12.1.2 Officers are working closely with the applicants to ensure the recommencement of building works at the Greyhound. The S96a Non-Material planning application has been granted, whilst Schedule 10 of the S106 Agreement can only be determined when officers are satisfied that the method of intended construction works are appropriate, and would not compromise the structural integrity or character of the building.

Background documents

Short Title Document	Date	File Location	File Reference	Contact Officer	Exempt
Development Management Local Plan	2014	Laurence House	Planning Policy	Brian Regan	No

<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/development-policies/Documents/DMLPAdoption.pdf>

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