

<b>Mayor and Cabinet</b>		
<b>Report Title</b>	Greyhound Public House – response to Sydenham Local Assembly	
<b>Key Decision</b>	No	Item No.
<b>Ward</b>	Sydenham	
<b>Contributors</b>	Executive Director of Resources & Regeneration	
<b>Class</b>	Part 1	Date: 30 September 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 for December 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 on 24 May 2010 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 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, which required the consent of the signatories to the original agreement, or their successors in title.
- 5.1.5 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.
- 5.1.6 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.
- 5.1.7 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.
- 5.1.8 Permission was granted on February in respect of a S96a Non-Material Amendment application that addressed reinstatement and public realm works, in addition to 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 window openings;
  - A rooflight to the rear slope;
  - Stone plinths with replica greyhounds.
- 5.1.9 Schedule 10 of the S106 dated 24 May 2010 required the applicant to submit a comprehensive account of the proposed restoration and refurbishment works. Subsequently, 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.

- 5.1.10 Planning officers requested further advice on 11 March from the applicants, including how the existing lintels would be removed without damaging the brickwork; the tools that would be used; and confirmation of the proposed treatment to ensure the colour of the flank wall bricks matches the appearance of the existing frontage.
- 5.1.11 The owners responded on 13 March, and on 20 March, the Council wrote to confirm their reply was acceptable. The Council response also set a reasonable date of week beginning 13 April 2015 for rebuilding works to commence after the Easter break. In mid April 2015, Purelake advised the Council that works were unable to commence during week beginning 13 April due to matters that had arisen with their insurers. Once this matter was resolved, Purelake commenced building works on 11 May 2015.

## **6. Current Position**

- 6.1.1 Officers advised at Mayor and Cabinet on July 15 2015 that works up to that time had concentrated upon the reconstruction of the timber frame of the new roof, together with the rebuilding of three chimney stacks and the front gables. These have since been rebuilt and inspected by Planning, Conservation and Building Control officers, who are satisfied with the standard of works undertaken.
- 6.1.2 Two or three workers have generally been on site since works began in May, and this is expected to increase during the concluding period of construction. In August however, external works ceased, and no workers were evident. The developer has since advised that a worker was present within the ground floor area of the building, and was measuring, cutting and treating original barge boards and rafters. In addition, the delivery of the central roof truss was being awaited, which arrived during the week beginning 17<sup>th</sup> August. This has since been installed, and works to complete the roof recommenced.
- 6.1.3 During the week beginning 31<sup>st</sup> August, slate tiles were delivered to the site for installation, however the developer considered these to be of poor quality and were subsequently returned. At the time of writing this report, a further delivery of tiles was being awaited, which will take approximately 2 weeks.
- 6.1.4 Once the roof is secure and watertight, works will then commence on the lower levels. The unauthorised timber mezzanine floor that can be seen from the public realm through the first floor window openings remains in situ. The developers have reiterated the floor will be removed once the roof is complete. Building Control remain satisfied that the eventual removal of the floor is unlikely to compromise the integrity of the structure.

- 6.1.5 To date, the existing lintels that are cracked beyond repair have not been replaced. A suitable replacement is currently being sourced by the developers that will be of a similar appearance to the existing. Officers will inspect the new lintels once they arrive on site.
- 6.1.6 The new and repaired 'drinking corridor' tiles have been delivered to the developers, and are currently in storage at their offices.
- 6.1.7 A schedule of works setting out timescales of the redevelopment has not been afforded to officers, however the developer has indicated that external works listed in Paragraph 5.1.8 are likely to be completed between late October and mid November 2015. Whilst this is considerably later than the original intention to complete in September, considering the complexity of the roof construction - which has been confirmed by Building Control officers - the reason for the delay is reasonable.
- 6.1.8 Building Control have regularly visited the site and made contact with the developers, and they consider the works undertaken to be in compliance with the approved Building Regulations plans.
- 6.1.9 Planning and Conservation officers will also continue to monitor works by way of regular site inspections and dialogue with the developers and their planning agent.

#### Current Planning Application

- 6.1.10 In May 2015, a planning application was submitted by Purelake proposing the construction of an extension to the western side of the building, and the formation of external stairs down to the basement located at the rear. Further information relating to the detailing of the proposed conservatory has been requested by officers. The application is due to be determined in November.

#### Schedule 10 Compliance

- 6.1.11 Schedule 10 of the S106 Agreement requires that the Owner notify the Council two months prior to the date of Practical Completion of the 'Restoration and Refurbishment Works', the 'Reinstatement Works' and the New Public Realm Works. Officers will on receipt of such notification arrange to meet with the developer on site to determine whether the operations undertaken are satisfactory and in compliance with the agreed works. Schedule 10 paragraph 1.5 requires the construction and completion of those works in accordance with the details that have been approved by the Council.
- 6.1.12 In respect of the New Public Realm Works the approved S96a application proposed the following;
- Bradstone Panache concrete paviors - silver grey and black finish;
  - The planting of six Silver Birch trees;
  - Victorian style lamp-posts painted black;
  - Seating area;
  - Secure cycle parking.

- 6.1.13 Officers considered the proposed public realm works to be acceptable. Schedule 10 paragraph 1.3.1 requires the Owner to submit a Maintenance Plan in respect of the New Public Realm Works, to the Council two months prior to the date of Practical Completion. The Maintenance Plan is defined in the S106 as a plan to secure the maintenance of the New Public Realm Works and which also ensures public access at all times.
- 6.1.14 Schedule 10 paragraph 1.4 requires the submission of a Shared Amenity Space Maintenance Plan to the Council two months prior to the date of Practical Completion. That plan is defined in the S106 as a plan to secure the maintenance and upkeep of the Shared Amenity Space being the amenity space provided as part of the Development and shown on Plan 4 attached to the S106. The submission of these details are currently being awaited.
- 6.1.15 Confirmation of full compliance with Schedule 10 will be confirmed in writing when the local planning authority is satisfied that the Restoration and Refurbishment Works, the Reinstatement Works and the New Public Realm Works have been completed in accordance with the details approved by the Council.

## **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 more detail in paragraph 6.1.10 -6.1.14 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 has taken so far to comply with the provisions of Schedule 10 of the S106 Agreement in relation to the Restoration and Refurbishment Works, Reinstatement Works and New Public Realm Works..

7.1.10 Should the Owner fail in due course to construct and complete the Restoration and Refurbishment Works or the Reinstatement Works or the New Public Realm Works in accordance with the details that have been approved by the Council, 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 had been in a poor condition since the stalling of development in 2013, which had resulted in an adverse and unacceptable impact upon the character of the Cobbs Corner Conservation Area and the streetscene generally.
- 12.1.2 Building works recommenced in May 2015, and officers are continuing to work closely with the developers to ensure the rebuilding process is compliant with the Planning and Building Regulation approvals.

### 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
				Geoff Whittington	No

If you have any queries on this report, please contact Geoff Whittington, Planning, 3rd floor Laurence House, 1 Catford Road, Catford SE6 4RU – telephone 020 8314 9530.