

| Mayor and Cabinet | | |
|--------------------------|--|-----------------------|
| Report Title | Greyhound Public House – response to Sydenham Local Assembly | |
| Key Decision | No | Item No. |
| Ward | Sydenham | |
| Contributors | Executive Director of Resources & Regeneration | |
| Class | Part 1 | Date: 9 December 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:

To note the content of the report and to acknowledge the works undertaken in accordance with Schedule 10 of the S106 Agreement dated 24 May 2010 and the S96a application granted 10 February 2015.

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 planning 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 10 February 2015 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, in March 2015, the applicants submitted a formal Building Regulations application to the Council, and on 11 March, Building Control officers formally approved the submission.
- 5.1.10 On 20 March, the Council wrote to confirm the submission relating to Schedule 10 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 30 September 2015 that works up to that time had concentrated upon the reconstruction of the timber frame of the new roof, and the rebuilding of chimneys. This had taken longer than expected due to the complex nature of the rebuild, and the various delays encountered. The tiling of the roof was finally completed in early October, allowing for works to commence on the lower levels.
- 6.1.2 The original lintels to the front elevation of the building were cracked beyond repair, therefore the applicants sourced a suitable replacement of a similar appearance and colour. These were installed in late September, and officers are satisfied with their appearance.
- 6.1.3 The installation of all windows and external door openings were due for completion in late November.
- 6.1.4 Repair works to the first floor balcony to the front of the building and the formation of replacement railings were completed in mid November.
- 6.1.5 The unauthorised timber mezzanine floor that could be seen from the public realm was removed during week beginning 23rd November.
- 6.1.6 Officers have inspected the site regularly to ensure the redevelopment is compliant with details formally approved by the Council. It is considered the works undertaken are of a high quality, and that the appearance of the Greyhound building has been restored to a standard befitting of this prominent corner location.

Schedule 10 Compliance

- 6.1.7 Schedule 10 of the S106 Agreement required 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.

- Restoration and Refurbishment Works

6.1.8 The new and repaired 'drinking corridor' tiles and panelling have been in storage at Purelake's offices, and are due to be located to the internal western bay of the Greyhound.

6.1.9 At the time of writing this report, the owners had advised the installation works would be undertaken during week beginning 23 November.

6.1.10 Tiling works to the rear elevation of the building were undertaken in 2014, in accordance with Schedule 10.

- Reinstatement Works

6.1.11 The two greyhound plinths were being held in storage at the time of writing this report and were due to be positioned in the fourth week of November. The original stone greyhound statues were removed by the previous owner but replacements have been procured. These will be mounted on the concrete plinths and bedded on with a cement based mortar to prevent theft.

- New Public Realm Works

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 Silver Birch trees;
- Victorian style lamp-posts painted black;
- Seating area;
- Secure cycle parking.

6.1.13 At the time of writing this report, the landscaping works to the front of the building were largely complete, however the seating area and cycle parking are to be implemented when the premises are occupied.

6.1.14 Officers inspected the landscaping works that had been undertaken, and are satisfied they are in compliance with the S96a permission.

6.1.15 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.

6.1.16 In October 2015, the Maintenance Plan was submitted to the Council. The document included appropriate maintenance measures relating to landscaping, including confirmation of two visits per year by the maintenance contractor to inspect the Birch trees and to undertake any repair works.

Planning Application

6.1.17 In May 2015, a planning application was submitted by Purelake proposing the construction of a single-storey extension to the western side of the building to provide additional floorspace for the future use and an internal area for refuse bins. The application also proposed the formation of external stairs down to the basement located at the rear of the building.

6.1.18 This was granted permission under delegated powers on 24 November 2015.

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 6.1.7 - 6.1.16 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 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 deteriorated significantly since the stalling of development in 2013, resulting 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 were completed in late November. Planning, Conservation and Building Control officers had inspected the site regularly during the course of works, and are satisfied that the structural integrity and external appearance of the Greyhound has been restored to a quality befitting of this prominent location.

- 12.1.3 At the time of writing this report, the premises were continuing to be marketed for future commercial use.

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.