

<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: 11 February 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 July 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 partial demolition of the pub 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. This required the consent of the signatories to the original agreement, or their successors in title.
- 5.1.6 Planning officers were hopeful that a resolution may be found, however subsequent to negotiations between Purelake, Hexagon's solicitors, and the legal representatives of both the commercial and residential owners, they failed to reach an agreement to enable the Deed to be signed. The Council unfortunately is not in a position to influence this process as it is a matter for the relevant potential signatories to resolve. Planning officers have made efforts with all parties in an attempt to establish the reasons why this has stalled.
- 5.1.7 The Head of Planning met with Purelake on 28<sup>th</sup> February 2014, and following a meeting with Hexagon, Cllr Chris Best and the Council's relevant officers, on the 13<sup>th</sup> 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.
- 5.1.10 In addition, a S96a Non-Material Amendment application should be submitted to address alterations to the building that were not proposed within the 2010 consented scheme.

## **6. Current Position**

- 6.1.1 A S96a Non Material Amendment application was formally submitted in October 2014, which sought permission for the following:
- The retention of an enlarged basement;
  - The omission of a rear elevation window;
  - The formation of an external staircase to the rear of the building;
  - Amendment to the flank elevation regarding the proposed sliding door;
  - The formation of a chimney to accommodate internal ventilation ducting.
- 6.1.2 In regard to Schedule 10 of the S106, officers considered that the submission failed to sufficiently address the proposed schedule of works, therefore the following information was requested by 3 December:
- A full Condition Survey undertaken by a qualified surveyor that outlines the existing condition of the building;
  - A Construction Method Statement advising how the unauthorised mezzanine floor will be removed, and appropriate measures to ensure the structural integrity of the building is maintained during the works, in particular the historic front wall. This must be prepared and signed off by a Chartered Civil Engineer (MICE) or Structural Engineer (MI Struct.E)
  - The nature of repairs that will be required to address the serious cracks that have formed to the front gables and lintels.
- 6.1.3 The applicant disputed the need to provide a structural condition survey or a method statement, contrary to the Council letter dated 6 October 2014 that requested the submission of a detailed schedule setting out their proposals for complying with the provisions of Schedule 10. It was therefore considered necessary that prior to the December 3<sup>rd</sup> deadline, a meeting should be arranged at the Greyhound site between officers and Purelake to discuss the structural condition of the building, and the further information requested.
- 6.1.4 Officers were allowed onto the site to inspect the level of damage incurred to the building since construction works ceased. The window lintels were severely cracked, and measures to repair or replace them were discussed. An inspection was also made inside the building, and from the first floor level of the assembled scaffolding.
- 6.1.5 Details relating to the S96a application were raised during the meeting, including the proposed window openings, the appearance of balcony railings, brickwork and re-pointing. Officers advised the re-instatement of single-sash windows or the installation of slim-glazed sash windows would be considered acceptable, and that further plans should be submitted accordingly.
- 6.1.6 It was also advised that the external stairs proposed to the rear of the building were not considered to be a non-material amendment, and therefore should be omitted from the plans and submitted as a separate application.

- 6.1.7 The submission of details relating to the S96a application were received on 22 December, which included window detailing, the omission of the stairs and alterations to the first floor balcony railings to the front of the building.
- 6.1.8 However, neither a structural survey or a detailed method of works were submitted in regard to Schedule 10. The applicant maintained this was not required, advising that the recently constructed side and rear walls are sound, and that when the main roof is built at an early stage when works recommence, it would serve to stabilise the existing building. This would allow for other works, including the removal of the unauthorised timber mezzanine floor, to be undertaken without significantly impacting upon the integrity of the structure.
- 6.1.9 In response, officers arranged a further site meeting between Purelake, Building Control and Planning officers on 14<sup>th</sup> January 2015 to discuss the structural condition of the building and the nature of works to be undertaken. Officers agreed in principle during the meeting that the construction of the roof would provide lateral stability for the structure.
- 6.1.10 The submission of further information was requested for the removal of the damaged window lintels as it was established during the inspection that repairs could not be undertaken due to the considerable damage they had suffered. The applicants have advised the replacement stone lintel would be of a similar appearance to the existing.
- 6.1.11 Officers were able to inspect the two front gables from the scaffold platform, where one was leaning significantly, whilst cracks had formed to the other. It was agreed that both gables were sufficiently unstable to necessitate their removal, and to be rebuilt to the same size and appearance with the salvaged bricks.
- 6.1.12 Structural details addressing the method of works to the gables, in addition to the roof and lintels must be submitted for assessment to Building Control prior to the recommencement of building works. A drawing was submitted on January 23<sup>rd</sup> to Planning outlining the proposed method of removing the gables and lintels, however officers advised the level of information was insufficient to resolve the outstanding Schedule 10 requirements.
- 6.1.13 The applicants have since advised that their architects and engineers have been instructed to prepare detailed plans for a Building Control submission by the end of February, which would also serve to address the requirements of Schedule 10.
- 6.1.14 In regard to the S96a application, officers had requested further detailed plans of the windows and balcony door to ensure the reinstatement of openings that replicate the Victorian detailing of the original building. This was subsequently received on January 22<sup>nd</sup>, and was considered to be acceptable by officers. The S96a application was therefore due to be determined during week beginning 2 February.

- 6.1.15 There is no agreed date in place for the recommencement of building works at present, however the applicant has advised they would seek to mobilise works within approximately 3 weeks of Building Control details being approved.
- 6.1.16 Details of the replacement lintels will be submitted in accordance with Schedule 10, however this will only be possible once the existing lintels are removed, and samples are sent to a quarry to find a suitable match. Should officers be satisfied that the proposed replacement lintels would be of a similar appearance to the existing, Schedule 10 may then be concluded.
- 6.1.17 Thereafter, should works not recommence within a reasonable timeframe, appropriate enforcement action would be considered by officers.
- 6.1.18 It is acknowledged, however that further planning applications will be formally submitted to the Council that may potentially affect future timescales. These would propose the construction of an adjoining conservatory to the side of the Greyhound, together with the formation of external stairs to the rear leading down to basement level.
- 6.1.19 The principle of a side conservatory was granted at committee in 2013, and it is assumed the proposed extension would be of a similar scale and appearance.
- 6.1.20 The external stairs is a wholly new proposal, therefore the siting and resulting impact upon passing pedestrians would need to be formally assessed by officers.

## **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. Where the Council requires further information from the Owner, it is necessary to give a reasonable period of time for the Owner to comply with such a request. Paragraph 6.1.12 of this report indicates that the Council expects such information to be forthcoming by the end of January.

- 7.1.10 Should the Owner fail to start the works within a reasonable timeframe once the nature of the works have been agreed, 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.
- 7.1.11 A Section 96A application is an application to make a change to a planning permission that is non-material. There is no statutory definition of 'non-material'. This is because it is dependent on the context of the overall scheme and what may be non-material in one context may be material in another. However in deciding whether or not a change is material the local planning authority must have regard to the effect of the change, together with any previous changes made. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.
- 7.1.12 Officers have considered the Section 96A application and have determined, that with the omission of the proposal in relation to the external stairs, the application is one for the non material amendment to the planning permission dated the 24<sup>th</sup> May 2010.

## **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. However, the current S96a and Schedule 10 submissions can only be determined once officers are satisfied that the method of intended construction works, together with proposed alterations and facing materials, 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
				Phil Ashford	No
				Geoff Whittington	No

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