

SUPPLEMENTARY AGENDA 2 PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 24 FEBRUARY 2022 TIME 7.30 PM**

PLACE: **COUNCIL CHAMBERS, CIVIC SUITE, LEWISHAM
TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Olurotimi Ogunbadewa (Chair)
Stephen Penfold (Vice-Chair)
Peter Bernards
Mark Ingleby
Silvana Kelleher
Louise Krupski
Hilary Moore
John Paschoud
James Rathbone
Joani Reid**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Kim Wright
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 15 February 2022**

**For further information please contact:
Claudette Minott Committee Officer
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Catford Road SE6 4RU**

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SUPPLEMENTARY AGENDA 2

	Order Of Business		
Item No	Title of Report	Ward	Page No.
6.	<p>Lewisham Way Youth and Community Centre, 138 Lewisham Way, SE14 6PD - DC/21/122742</p> <ul style="list-style-type: none">• Addendum to the report <p>The Addendum provides a response to representations from local residents and the Brockley Society received following the agenda publication for Item 6 (138 Lewisham Way).</p> <ul style="list-style-type: none">• Appendix 1 – Technical Letter – Noise• Appendix 2 – Additional Statement	Brockley	1 - 14

Committee	PLANNING COMMITTEE C	
Report Title	Lewisham Way Youth and Community Centre, 138 Lewisham Way, SE14	
Ward	Brockley Ward	
Contributors	Jesenka Ozdalga	
Class	PART 1	24 th February 2022

1 ADDENDUM

- 1 This is an addendum to the planning committee agenda published 14^h February 2022 in respect of Planning Committee C on 24th February 2022.
- 2 This addendum provides a response to representations from local residents and the Brockley Society received following the agenda publication for Item 6 (138 Lewisham Way).
- 3 These representations were received between 14th and 21st February 2022. A petition was also received on 22nd February 2022 (comprising 322 signatories and 25 comments). Officers note the covering message to this petition attached an objection already received and considered by Planning Officers.
- 4 As a result of post-publication comments, this addendum sets out condition amendments related to noise issues and the hours of operation of different elements of the use, following discussions with Lewisham's Environmental Health Officer. There are also other minor technical corrections to other conditions, as set out below.
- 5 **The Officer recommendation to approve the scheme remains unchanged, but is subject to the updated and additional conditions in this addendum.**
The material issues raised are set out below.

Technical issues - Applicant's Noise Impact Assessment (NIA)

- 6 A third party noise consultant (employed by adjoining occupiers) submitted Technical Letter (TL) (**Appendix 1**) to Planning Officers after the committee agenda was published. The TL is prepared by KP Acoustics dated 16 February 2022 and summarises the findings of a review into the applicant's submitted Noise Impact Assessment (NIA).
- 7 The TL raises the following issues:
 - Calculations and corrections applied to relevant noise standards
 - Corrections applied for noise break-in via open windows
 - Notes an absence of assessment of the party wall between the mixing/control room and the neighbouring residence, without defined noise limits.
 - Notes the absence of a sound insulation tests of the party wall
 - Specification of remedial measures to the party wall, and the specification of a sound limiter to be installed in the control room space.
- 8 Planning Officers have shared the submitted TL with the Council's Environmental Health Officer (EHO).

- 9 The EHO confirms the NIA submitted with the application does not provide assessment and reference to the mix/control room. The applicant has subsequently clarified that use of mix/control room is not anticipated to generate significant noise, as no instruments or voice recording will take place in this area. Furthermore, details of sound proofing to the party walls on each side of this room are indicated in the submitted lower ground floor layout provided by the applicant.
- 10 Following further discussions with the EHO and in light of the TL submitted, and due to absence of detailed information on the use and noise levels within mix/control room, Officers consider it appropriate **to include additional condition (outlined below as Condition 12 – Sound proofing)** securing appropriate sound proofing of the lower ground floor premises relating to all uses of the recording studio. The EHO has reviewed this condition and considers it appropriate and has confirmed that **subject to this condition the EHO has no objection to the scheme.**
- 11 Planning Officers have confirmed that while the Applicant disagrees with several aspects of this condition, they accept its imposition by Planning Officers, as worded below.

Opening Hours and Noise Limitation Installation

- 12 Concerns were raised in post-publication submissions about proposed conditions for opening hours of the premises, rear garden and recording studio. Alternative condition wording was proposed by the third party noise consultant on behalf of adjoining occupiers to further adjust the hours of operations.
- 13 Officers have reviewed these proposed condition amendments with the EHO and Conditions 8 and 9 are proposed to be amended by way of this addendum. This will further restrict the hours of operation of the recording studio element and the rear garden. The hours of the premises remain unchanged.
- 14 The effect of these amendments is to **preclude the use of the garden area on Sundays and Bank Holidays. The use of the recording studio will also be further restricted in the morning, and the use may commence Monday to Saturday at 9AM instead of 7AM.** The revised wording of condition 8 and 9 is set out below. The applicant has been advised of the more restrictive hours conditions imposed.
- 15 Details of the installation of a noise limiter in the premises is already contained in Condition 10 however this condition is proposed to be amended for clarity following discussions with the EHO to ensure that limitation equipment would be installed in any room that may have a noise generating use.

Commercial Use and Site Disposal

- 16 Objectors have raised issues in post-publication submissions regarding the suitability of the site for commercial use. This is not a new material issue and this matter is considered in Paragraphs 101 and 102 of the Committee Report. Officers consider that subject to the conditions imposed, the site is suitable for commercial use in this location.
- 17 Post publication objections also raised issues regarding the loss of the community facility. This is not a new material issue and the assessment of the loss of the community facility is set out in Paragraphs 47-55 of the Committee Report.

Officers note that the material issue is if the loss of the facility is part of a wider public service transformation plan. Officers have concluded that the change of use is part of such a plan, with reference to the Mayor and Cabinet decision and Safer Stronger Communities Select Committee decision that have culminated in Lewisham's disposal of the site.

18 Planning Officers have reviewed the issues raised by the Brockley Society in their post-publication statement to Lewisham (**Appendix 2**) including:

- The site should remain in community use in perpetuity
- The reasons as to why the former community centre closed (lack of funding or redundancy)
- The Society was declined NCIL funding from Lewisham to explore other uses for the site

19 The above are not material planning considerations. Planning Officers remain of the view, as per the Committee Report, that **the Mayor and Cabinet's specific reasoning for confirming the disposal are not material issues for Planning Committee C**, only that the London Plan and Core Strategy Policy tests for the loss of community facilities are met.

Refuse and Recycling storage

20 Officers acknowledge the resubmission of an objection letter dated September 2021 from Portal Planning (which also attached a copy of the same Technical Letter [TL] related to noise noted above). This objection letter, referred to by the Brockley Society, is already in the neighbour comment package and the material issues raised (including bin storage and recycling) are addressed in the committee report – see Paragraph 83.

Technical Condition Corrections

21 A review by Planning Officers indicated that conditions around Refuse and Cycle Parking needed amended trigger points for implementation, as the use is ongoing. These minor technical corrections are set out below and do not impact the recommendation.

CONCLUSION

22 Following a review of the post-publication issues raised, Officers are satisfied the scheme remains compliant with the development plan and is recommended for approval, subject to conditions as amended.

AMENDMENTS TO CONDITIONS:

4) CYCLE PARKING

(a) All cycle parking spaces shall be provided and made available for use within six months of the decision date and maintained thereafter.

(b) Following implementation, evidence of completion of the installation of cycle parking facilities shall be submitted to and approved in writing by the local planning authority.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy T5 cycling and Table 10.2 of the London Plan (March 2021) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

5) REFUSE AND RECYCLING STORAGE

(a) All bin and recycling facilities shall be provided and made available for use within six months of the decision date and maintained thereafter.

(b) Evidence of completion of the bin and recycling facilities shall be submitted to and approved in writing by the local planning authority.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8) OPENING HOURS OF THE REAR GARDEN

The rear garden shall only be in use between the hours of **7am to 9pm on Mondays-Saturdays and not at all on Sundays and Bank Holidays.**

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

9) OPENING HOURS OF THE RECORDING STUDIO

The premises relating to recording studio at the lower ground floor level shall only be operational between the hours of **9am to 6 pm on Mondays-Saturdays and not at all on Sundays and Bank Holidays.**

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

10) NOISE MANAGEMENT

Sound limiting device shall be installed within any room that may be used for purpose of recording or instrument/music playing in line with noise assessment recommendation, with calibration to be undertaken prior to any operation on the site. Noise levels within the recording space shall not exceed 92 dB(A) at any time.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

12) SOUND INSULATION

a) Noise breakout elements, including external building fabric, party walls, floors, and ceilings between the commercial premises and residential dwellings shall be designed to ensure that no habitable room is exposed to noise levels exceeding NR20 between the hours of 07:00-23:00, or NR15 between the hours of 23:00-07:00. Noise rating values should be measured in terms of dB L_{Aeq} (1 minute) as a direct result of the worst-case noise levels from the studio operation.

b) Prior to works to install a scheme of sound insulation and mitigation that satisfies part (a) of this condition, an assessment of all noise sources and pathways for transmission to sensitive receptors (including external breakout, airborne, impact and structural transmission of sound), and details of the scheme of sound insulation and mitigation measures shall be submitted to the Local Planning Authority for approval in writing. Once approved the scheme of sound insulation and mitigation shall be permanently maintained thereafter.

c) Following completion of works detailed in part (a) of this condition, but before the approved use commences, a validation report shall be submitted to and approved by the Local Planning Authority. The report shall demonstrate that all standards in part (a) of this condition have been met. Once approved the noise mitigation measures shall be permanently maintained thereafter.

Reason: To ensure that the occupiers and users of the adjoining residential development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises and to comply with Paragraph 170 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

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16 February 2022
Ref: 24149.220216.L1

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24149: 138 LEWISHAM WAY, LONDON

The following technical letter serves to summarise our findings of a review into the noise impact assessment for a recording studio ref: 17186-NIA-01-RevA undertaken by Clement Acoustics dated 15/12/2021.

Concise Appraisal of Assessment as Understood

The assessment currently undertaken discusses noise transmission to the neighbouring property via external noise breakout. An assumed noise sensitive receiver window has been identified in the assessment at a distance of 4m from the recording studio windows which forms the basis of all calculations undertaken. From discussions with our Client, it has been confirmed that the closest noise sensitive receivers to the studio space in question are the patio doors immediately adjacent at basement level.

Noise has been predicted to this receiver based on anticipated sound insulation performance of external elements, including glazed and non-glazed external building fabric. This has been assessed based on internal source noise levels of 92dB(A) as recorded at a similar site, the reference for these source levels is not provided and it cannot be verified that the noise levels used are representative of the studio use in question. It is stated in the report that noise levels in the recording studio space should be limited by use of a noise limiter set to this defined level, however in practice this would be difficult to maintain, as acoustic instruments in performance can exceed this value. Furthermore, it is suggested that no drums will be used in the studio. While there is no way to objectively confirm the likelihood of this, it would be expected in any

recording studio assessment that provision would be made to accommodate percussion as part of a robust assessment of a worst-case scenario.

Similarly, it is stated that much lower levels would be expected in the mixing/control room, with frequent use of headphones. Operating hours are limited in the assessment to daytime hours (07:00-23:00). Both elements, while suggested with good intent, are unlikely to occur in the real-world use of a recording studio. Inherently, mixing and mastering cannot be undertaken on headphones only. It is also well renowned that as an industry, late night/early morning sessions are commonplace.

The results of the assessment undertaken show that noise levels received at the receiving window comply with the proposed noise emissions criteria determined following the guidance of BS4142:2014. Furthermore, it is stated that compliance with BS8233:2014 recommended internal noise levels can be maintained, with receiver windows partially open.

Guidance and Standards Referenced

The assessment refers to BS4142:2014 '*Methods for rating and assessing industrial and commercial sound*', and BS8233:2014 '*Guidance on sound insulation and noise reduction for buildings*'. BS4142 is the standard used to define the likelihood and severity of impact on existing noise sensitive receivers as a result of newly introduced industrial noise sources. These can include fixed mechanical plant, factories, or similar industry.

BS8233:2014 is a useful standard in specification for internal acoustics, as it provides guidance on many aspects of sound insulation and performance targets. The standard provides guidance on internal noise levels for resting conditions in residential properties, which have been referenced in the report currently under review. The noise levels stated though only strictly apply to noise received from anonymous external sources, such as road traffic noise. Specific noise sources, or those which are easily identifiable as a disturbance may require lower targets in order to ensure that disturbance is minimised.

Technical Aspects and Discrepancies

While the report generally addresses its purpose in a competent manner, there are a number of technical issues which should be addressed. These directly affect the stated outcome of the assessment.

Calculations

Appendix B, which shows calculations undertaken for noise breakout, follows standard practice in terms of the calculation procedure. This however states a 'measured sound reduction index of facade', defined for the calculation with a spectral sound reduction index. There is however no indication of the origin for these

values, as the report body refers to calculated performance of the glazed and non-glazed elements, neither of which correlate to the values used in the calculation.

This point does not necessarily impact the assessment in a negative aspect, as the calculated performance of the various elements substantially exceeds the 'measured' values presented. If measurements of the external building fabric have been undertaken however, then the methodology and findings of these measurements should be included in the report for clarity.

Assuming for this purpose that the closest noise sensitive receiver is indeed 4m away from the studio window, the correction applied for distance in this instance is not suitable. The correction has been applied considering the source of breakout as a single point source, ie. A correction of $20 \cdot \log(R1/R2)$. In this instance however, as the breakout surface is substantially larger than the distance to the receiver, a more representative propagation correction would be to consider the source as a broad surface. For the purposes of estimation, this would be considered between a point source propagation ($20 \cdot \log(R1/R2)$), and a line source propagation ($10 \cdot \log(R1/R2)$). The resulting impact of this is that the propagation correction is likely to be overestimated in this instance by a margin of 3-6dB.

This would result in a rating noise level of at least 48dB(A) at the noise sensitive window located 4m from the studio windows, including the penalties applied for BS4142 according to the original assessment.

Corrections According to BS4142:2014.

Considering BS4142 as the most relevant standard to assess noise disturbance in this instance in the absence of further guidance, a number of corrections may be applied as penalties when considering the characteristics of the received sound. As correctly identified in the report, these penalties apply for audible tonality, impulsivity, intermittency, and distinctiveness. There appears to be some typographical error, or misunderstanding of the corrections to be applied in this instance, as it is stated that '*maximum penalty of 3dB for tonality has been applied in order to present a robust assessment*', while it is stated that the maximum penalty for tonality to be applied is 6dB.

Tonality can be defined where a noise source exhibits octave band noise levels 6dB greater than neighbouring octave bands. The level of correction applied is then dependant on the audibility of the received characteristic.

In this case, the received noise level exhibits moderate low frequency tonality once propagated to the receiver. A penalty of 2dB would be appropriate for this characteristic.

Additional penalties should however be added, for example, 3dB for distinctiveness, and 3dB for intermittency. This would be justified in this instance as the noise source is inherently not continuous, and would be audible as a new noise source to the area.

The resulting impact of the above would be summarised as follows.

Specific noise level predicted at window 4m from source: 45dB(A)

Rating level defined by specific noise level + penalties for BS4142 characteristics: $45+2+3+3 = 53\text{dB(A)}$

Noise break-in via open windows

Noise break-in has been estimated based on a correction of 15dB across all frequency bands for a partially open window. The resulting value has been compared with internal resting noise levels recommended in BS8233:2014 of 30dB(A) for night-time resting conditions.

The industry accepted correction for estimation of noise reduction offered by a partially open window is 10-15dB, as opposed to the 15dB stated. This helps to account for variations in aperture created by the open window, and should be considered in any robust assessment.

Without this correction considered, the internal noise levels would be predicted to be at least 38dB(A) according to the corrected Appendix B calculation. With the additional 5dB in consideration, noise levels received in the receiving space would be **38-43dB(A)** with windows partially open, substantially exceeding the internal noise levels recommended for resting conditions according to BS8233:2014.

Limitations of Assessment, and Additional Study Required

The main element missing from the current assessment is any consideration of the party wall between the mixing/control room and the neighbouring residence.

While it is stated that noise levels would be lower in the control room than in the live room, no noise limits have been defined for this space, and no study has been undertaken to predict noise levels received through the party wall.

In order to robustly assess the likelihood and severity of disturbance to the neighbouring receivers, a sound insulation test of the party wall should be undertaken. This should then inform the specification of remedial measures to the party wall, and the specification of a sound limiter to be installed in the control room space, which should be secured in a tamper proof casing to ensure that noise levels do not exceed those likely to cause disturbance.

We trust that the above information is sufficient with regards to answering the key issues raised.

Yours sincerely,

Duncan Arkley MIOA
Senior Acoustics Consultant
KP Acoustics Ltd.

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21/02/2022

Brockley Society's objection is to the change to planning Class E. We are asking for planning class F2(b) to be retained for possible future community use so that the building is not lost forever as a community asset.

Lewisham Way Youth and Community Centre did not close because it was surplus to requirements or was no longer needed, but because funding ran out. The application and the officers' report ignore the fact that the Centre was a vital part of the local community, particularly for young black people, from 1973 until its closure in 2016. The building is part of the cultural heritage of Lewisham and could have a synergy with Grade II listed Arthouse next door.

While on paper it may appear that there are alternative community facilities in the area, this is not true in practice for residents. There is a crying need for such facilities in both Brockley and Ladywell Wards.

We applied for NCIL funding to conduct a Feasibility Study into future possibilities for some kind of community use, but were unsuccessful.

We recognise the welcome changes proposed, including restrictions on Noise Management. But we support comments made by Gillian Davidson's report, specifically re bin disposal.

We are asking the committee to retain the planning class.

Clare Cowen

Chair, Brockley Society

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