

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).