



DEVELOPMENT COMMITTEE

Report of the Corporate Director of
Housing and Regeneration

4th September 2023

Classification: Unrestricted

Application for Planning Permission 1

Reference	PA/23/00719
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.
Summary Recommendation	Grant planning permission with conditions and planning obligations.

Application for Planning Permission 2

Reference	PA/23/00720
Site	Rich Mix, 35-47 Bethnal Green Road, London, E1 6LA
Ward	Weavers
Proposal	Material Amendment sought to vary Condition No.7 (servicing and loading area), Condition No. 9 (access doors) and No. 10 (deliveries) to planning permission (Ref: PA/02/00876) granted 25/03/2004 for “Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures”.
Summary Recommendation	Grant planning permission with conditions

Applicant	Rich Mix
Architect / Agent	The Planning Lab
Case Officer	Adam Hussain
Key dates (both applications)	- Applications registered as valid on 6 th April 2023 - Public consultation finished on 22nd August 2023

EXECUTIVE SUMMARY

The application site consists of a 5-storey cinema, arts and music venue called the Rich Mix. The Rich Mix is located in the west of the borough, within the Bethnal Green Road District Centre and the Tower Hamlets City Fringe Activity Area. The entrance and main frontage of the building is on Bethnal Green Road, at the south. The north of the building includes a servicing and delivery yard which fronts onto Redchurch Street.

The application site is not within a conservation area and does not include any listed buildings. The application site is opposite the Redchurch Street Conservation Area which is on the north of Redchurch Street.

The proposal is for the construction of a new single-storey extension, the creation of an outside seating area and a new boundary treatment in a section of the existing delivery and servicing yard. The proposal provides two off-street parking spaces. These two parking spaces would be used for delivery and servicing, and blue badge (disabled) parking. The proposal would provide a new pedestrian entrance to the Rich Mix from Redchurch Street. The works would be part of a remodelling of the ground floor of the venue.

In design terms the proposal would provide improvements to the current setting and appearance of this part of Redchurch Street. At present this edge to the cultural venue is comprised of a tall solid gate enclosing the site's delivery and servicing yard that does not help activate the street. The proposed extension would be a modest-sized addition and together with the new boundary treatment would provide a better more visually pleasing and active public facing frontage to Redchurch Street than the existing service yard.

Located opposite the Rich Mix on Redchurch Street are a series of commercial premises on the ground floor, which serve the general public with the upper floors serving as residential.

The proposals would change the range of activities taking place on this side of the Rich Mix through the introduction of a second public entrance to the venue and the provision of outside seating. The proposed new entrance from Redchurch Street to the venue would be closed everyday at 9pm. The outside seating would close at 8pm during the week and 9pm at weekends. The opening times would be controlled by planning condition. The outside seating area would have a modest capacity to seat 30 people (approximately 5 or 6 tables). This is a reduction from the initial submitted proposal that would have provided seating capacity for 60 people. The capacity would be controlled by planning condition.

The application site is a town centre location in a busy and vibrant part of the borough. The proposals have been reviewed by the Council's noise team. They have no objection to the proposals.

The proposed delivery and servicing strategy is comprised of the provision of two new off-street spaces with the continuation of an existing arrangement for some on-street deliveries from both Bethnal Green Road and Redchurch Street. This is the same strategy as existing with the exception that the delivery and servicing yard would change and be replaced by the two off-street servicing spaces. The delivery and servicing strategy associated with the Rich Mix, a long-standing use, has been assessed by Highways officers who find the proposals acceptable.

The application has received a number of representations for and against the proposals. The representations in support of the proposals state that the Rich Mix is a vital community and arts centre in Tower Hamlets. That the proposals will transform the ground floor of the centre and enable it to have a more sustainable future. The representations in objection to the proposals state that the proposed intensification of activity has the potential to be a nuisance to residents. That the proposals will cause an impact in respect of noise and an impact in respect of congestion on the road.

The proposals which are the subject of this recommendation involve two applications. A full planning application for the proposed works. In addition, a material amendment application to vary the wording of conditions on the original planning permission.

Both proposals are recommended for approval, the former subject to conditions and a planning obligation.



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-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point
-  Locally Listed Buildings
-  Statutory Listed Buildings

Planning Applications Site Map

PA/23/00719 & PA/23/00720

This site map displays the Planning Application Site Boundary.



London Borough of Tower Hamlets

Scale: 50m grid squares

Date: 24 August 2023

1. SITE AND SURROUNDINGS

- 1.1 The Rich Mix (RM) is a cinema, arts venue, music and theatre venue, and workspace provider for charities and small businesses. The Rich Mix has operated since 2006.
- 1.2 RM is located in the west of the borough, at the western end of Bethnal Green Road. The site is approximately 80m from Brick Lane to the east, and approximately 180m from Shoreditch High Street Overground Station to the west.
- 1.3 The RM site is part of a triangle-shaped urban block which has Bethnal Green Road at its south and Redchurch Street at its north. The site is composed of a main 5-storey building on Bethnal Green Road. On Redchurch Street there is a deliveries and servicing yard, and a 5-storey addition (with an angled architectural profile).

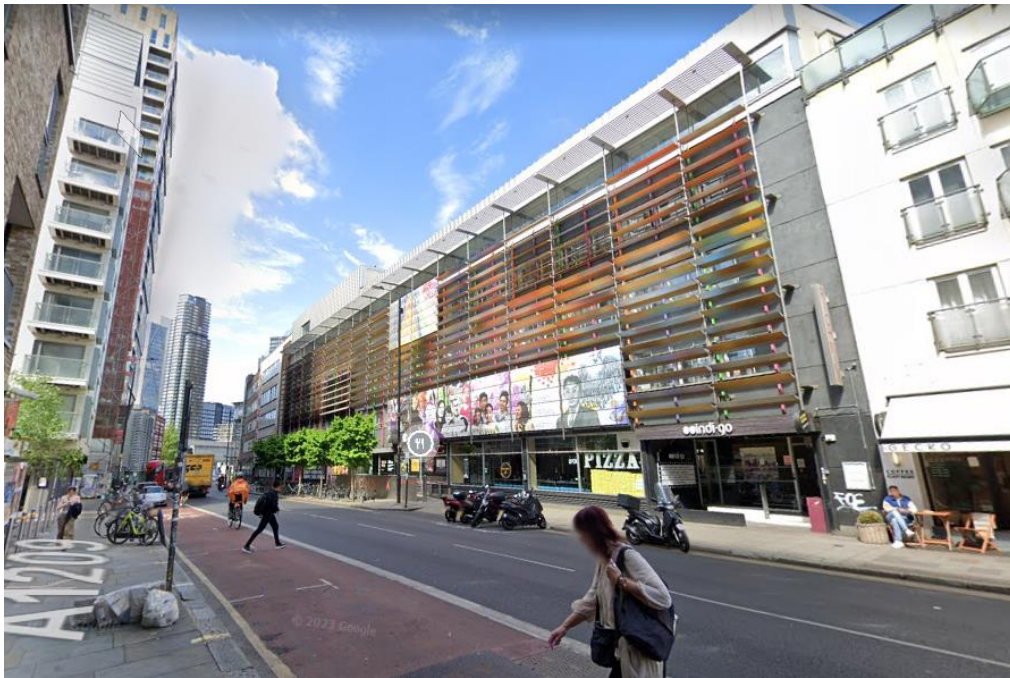


Fig.1 Streetview of the site from Bethnal Green Road, looking west.



Fig. 2 Streetview of the site from Redchurch Street.



Fig. 3 Birds eye view of the site from the north-east.

1.4 The site previously was occupied by a leather maker's factory. Planning permission was granted in 2002 for conversion and extension of the factory to provide the Rich Mix centre.

The facilities in the Rich Mix include the following:

- A dedicated live music space

- 3 cinema screens
- A first-floor cinema bar
- Workspace for charities and creative and commercial businesses.
- 2 x multi-use theatre / arts/ meeting spaces

1.5 The site has a number of commercial and residential neighbours. In general ground floor uses in this area are commercial and upper floors are residential.

The application site is within the following policy designations:

- Brick Lane District Centre
- The Bethnal Green frontage is within a Secondary Shopping Parade
- Tower Hamlets City Fringe Activity Area

The site is also located:-

- Opposite (but outside) the Redchurch Street Conservation Area
- Opposite the Locally Listed 85 Redchurch Street (Currently the 'Labour and Wait' shop).

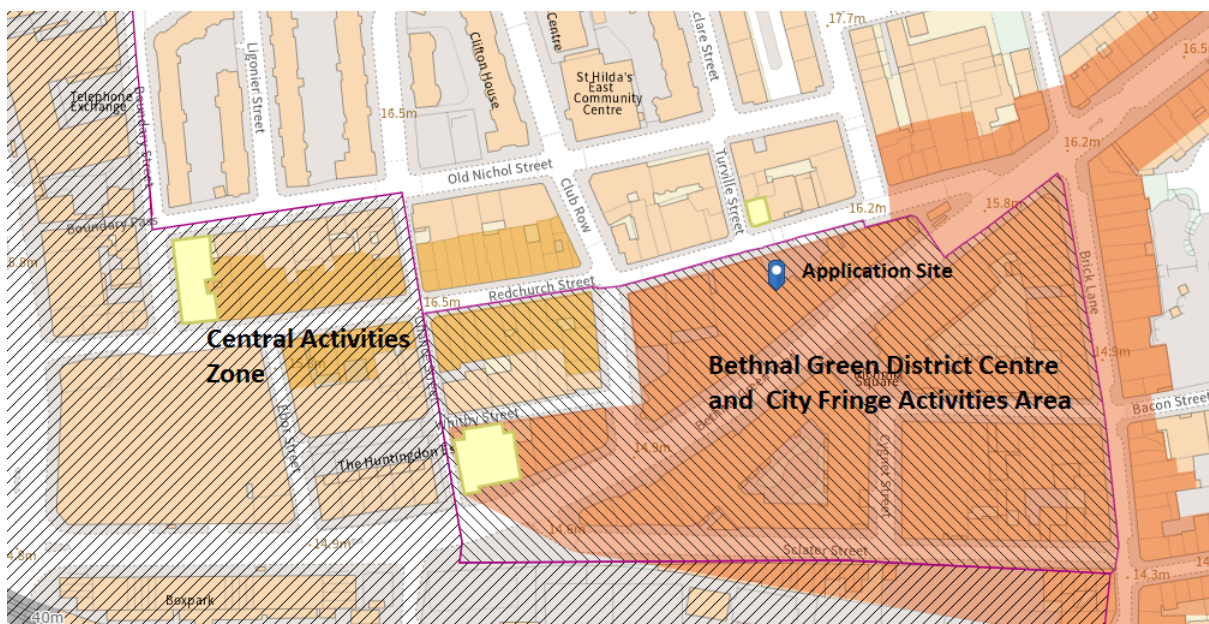


Fig. 4 Town Centre Site designations

2. PROPOSAL

2.1 The two applications which are the subject of this report are as follows:

Full Planning Application: PA/23/00719: Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

Section 73 Material Amendment Application: PA/23/00720: Material amendment to vary the wording of conditions no. 7 (Servicing and loading area), 9 (Access doors) and 10 (Deliveries) of Planning Permission ref. PA/02/00876 dated 25/03/2004.

Proposed development:

- 2.2 The proposal is for a single-storey extension to the Rich Mix building at its frontage with Redchurch Street.
- 2.3 The extension would have a flat roof at a height of approximately 4m. The extension would have a floor area of approximately 80sq.m.
- 2.4 The purpose of the extension is to create a new public pedestrian entrance into the Rich Mix from Redchurch Street. This entrance would be used alongside the existing pedestrian entrance from Bethnal Green Road.
- 2.5 The existing yard on Redchurch Street is currently used for vehicle loading and servicing only, and this is secured by planning condition. The proposals would retain a section of this yard area as a vehicle loading and servicing area. In addition, it would introduce a modest new extension and open space that would serve an outside seating area for customers of the venue. The scheme would introduce a new fence and planted boundary.
- 2.6 The proposed operating hours:
 - Use of the Redchurch Street entrance for arrival and leaving the venue: 9am to 9pm, Mondays to Sundays.
 - Use of the outside seating: 9am to 8pm, Sundays to Thursdays. 10am to 9pm, Fridays, Saturdays and Bank Holidays. The outside seating shall not be used outside of these times.
 - The maximum capacity for the outside seating shall be 30 patrons.
- 2.7 The retained service yard area would provide space for 2 x parking spaces retained for the use of Rich Mix. One of these spaces will be for servicing vehicles for the Rich Mix. The second space would be for blue badge (wheelchair user) parking for the Rich Mix. This space will also be available for servicing when not in use for blue badge parking. The use of these spaces will be managed by the Rich Mix through an electronic booking system that would be secured by planning condition with the servicing and delivery plan.
- 2.8 The proposed works would be implemented along with a redesign of the internal ground floor layout of the Rich Mix. In summary the changes would provide for a new open plan layout on the ground floor with a combined café and box office, community space, a large 'Changing Places' toilet and infant changing area, and outside seating area.
- 2.9 The recycling and waste store would be located in the same location as the existing one on the eastern corner of the yard.
- 2.10 There is a condenser unit (the outdoor part of the air conditioning) within the yard. The proposals include relocation of the unit to the roof of the proposed extension, against the wall of the building. The unit would include an acoustic enclosure.

Explanatory note on the submitted planning applications:

- 2.11 The Rich Mix centre is in place from planning permission PA/02/00876 dated 25/03/2004. This permission was for the conversion of the former Leather factory to create the Rich Mix.
- 2.12 The proposal subject of this report is a new Full Planning Application for the proposed extension and related changes. However, the original permission has a number of planning conditions that control the use of the servicing yard.
- 2.13 The proposals involve two applications. A full planning application for the proposed works. A material amendment application to vary the wording of conditions on the original permission.

Planning application PA/23/00720 for variation of conditions of permission PA/02/00876 dated 25/03/2004:

- 2.14 The proposed variation of conditions are as follows (new wording in *italics* for information).

Condition 7 – Servicing and Loading Area:

- 2.15 Existing wording: The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes.
- 2.16 Proposed wording: The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes, *or operated in conjunction with plans provided as part of planning application ref: PA/23/00719.*

Condition 9 – Access doors:

- 2.17 Existing wording: None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies.
- 2.18 Proposed wording: None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies, *or in conjunction with the arrangements set out in planning application ref: PA/23/00719.*

Condition 10 – Deliveries and Servicing:

- 2.19 Existing wording: All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.
- 2.20 Proposed wording: All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development from within the *servicing yard and Redchurch Street* shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.

3. RELEVANT PLANNING HISTORY:

Planning

- 3.1 **PA/02/00876:** Planning permission for refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures.

Approved: 25th March 2004.

- 3.2 **PA/05/00015:** Submission of details to discharge the matters reserved under Conditions 2(b), 2(c), 3(b) and 4 of the planning permission dated 25 March 2004 (Ref: PA/02/00876), relating to proposed multi-coloured louvres & display zone, the ground floor elevations (and shutters), refuse storage arrangements, and opaque glazing provision.

Approved: 24th March 2005.

- 3.3 **PA/17/00883:** Variation of conditions 7 (provision of service yard for servicing and deliveries only) and 9 (Use of access doors to Redchurch Street) of planning permission ref : PA/02/00876, Dated 31/03/2017 to allow the use of the servicing yard for a food market of no more than 4 food trucks at any one time at weekends between 12:00 and 18:00 for a period of no more than 14 days in a calendar year.

Withdrawn on 30th June 2017. (Submitted on 28th March 2017)

- 3.4 **PA/21/00578:** Variation of conditions 7 (servicing and loading area) and 9 (access doors) of planning permission ref: PA/02/00876 dated 25/02/2004 to allow the rear yard to be used for outdoor dining for a temporary period until October 2021.

Approved 18th June 2021

- 3.5 **PA/21/02699:** Installation of air-conditioning condenser unit and louvre in rear yard.

Approved: 11th February 2022.

Enforcement

- 3.6 A number of enforcement complaints have been investigated by the Planning Compliance team during the life of the Rich Mix.

- 3.7 **ENF/08/00720:** Use of backyard outside approved planning hours.

Conclusion: Advised not to throw bottles outside permitted hours. Case Closed on 12th January 2009.

- 3.8 **ENF/10/00304:** Non-compliance with a number of planning conditions including noise and use of the servicing yard. This includes noise from events at Rich Mix escaping from extraction ducts and disturbing neighbours.

Conclusion: Enforcement Notice issued on 21st December 2010. Following the issuing of the notice sound insulation works carried out at the Rich Mix. The enforcement report records that no further complaints related to this matter were received. Case closed on 17th December 2012.

- 3.9 **ENF/13/00069:** Unlawful advertisement (a mural) on the wall.

Conclusion: Mural was removed. Case closed on 13th May 2013.

- 3.10 **ENF/23/00094**: Installation of 3 air conditioning condenser units instead of the 1no. unit approved.

Conclusion: The two additional units have been removed. Complainant alleges that remaining approved unit is louder than permitted. Case open. (Planning Compliance team waiting for resolution of live planning applications).

4. PUBLICITY AND ENGAGEMENT

- 4.1 Following receipt of the applications, for each the Council sent letters to nearby owners/occupiers and displayed a site notice. A press advert was also published in the local newspaper.

- 4.2 A total of 54 representations were received.

- 4.3 A total of 26 representations were received in SUPPORT of the proposals. These were predominantly from local charities and businesses that operate from or work together with the Rich Mix, and local people who are visitors and users of the Rich Mix.

- 4.4 The planning issues raised in the supporting letters are summarised as follows:

- Rich Mix is a vital community and arts centre in Tower Hamlets. The Rich Mix provides a diverse offer including music, theatre, visual arts, cinema, creative workshops and courses for residents of Tower Hamlets and beyond.
- Rich Mix is a wonderful constant, seen it as a second home. A place where can hold meetings, write poems, read through plays, and have a cup of coffee. Have watched many performances, watched numerous films, danced the night away and played bingo.
- The proposals to improve and renovate the ground floor are welcome. They will transform the ground floor and mean more people of Tower Hamlets can enjoy and share culture.
- The outdoor seating and green yard space will benefit users of the building and help to bring local people together. The proposals establish positive connections between residents residing north and south of the building.
- The proposals will enable Rich Mix a more sustainable future and ability to deliver its mission to more people in more ways.

- 4.5 A total of 28 representations were received in OBJECTION to the proposals. These consist of one letter by Verve Planning Consultants on behalf of 13 local residents, and a further 15 individual letters. These were predominantly from local residents who live on Redchurch Street, opposite the Rich Mix, and from addresses in other parts of the borough.

- 4.6 The planning issues raised in the letters of objection are summarised as follows:

- The proposed intensification of activity has the potential to be a nuisance to local residents. The proposal suggests the new pedestrian entrance would be open every day until 9pm, would sell alcohol and accommodate up to 60 people. This would create a different noise environment at this site.
- Not convinced with some of the assertions in the noise assessment, which suggests the outdoor seating noise would blend into the general noise of the area. Believe there are inaccuracies in the assessment.
- The clearing away of tables and chairs between 9pm and 10pm would continue noise in the yard into the late evening.
- The relocated air conditioner condenser unit to the roof of the extension is a concern as it is in an elevated position. The existing plant is noisy.
- Proposals for servicing likely to cause congestion. Question logic of the proposed area for servicing because it can only accommodate a transit van. The booking system unlikely to be workable because delivery personnel follow their own timeline.
- If officers are minded to allow the applications, request a number of measures as a minimum, including : hours of opening for Redchurch entrance and seating to be 11am to 6pm, 30 seated guests in outside space at any one time, no music to be played outside, windows to be non-openable, deliveries between 8am and 6pm only.

5. CONSULTATION RESPONSES

External Responses

Greater London Authority (GLA) – Planning and Regeneration

- 5.1 The GLA supports the proposals. Rich Mix is a vital community arts centre in Tower Hamlets. The GLA has provided £700,000 funding to support works at the Rich Mix. The proposed improvements to the building, including a new outdoor seating area and green yard space, will greatly benefit users of the building, and help to bring local people together and encourage the sharing of culture.

Internal Consultees

Tower Hamlets Environmental Health

- 5.2 The proposal is acceptable. The principle of outside seating in this location is acceptable. The outside seating is to be used on Sundays to Thursdays until 8pm, and on Fridays and Saturdays until 9pm. The seating is to be limited to 30 patrons. The entrance may be used for arrival and leaving until 9pm Mondays to Sundays.

- 5.3 Planning conditions required to control the noise levels from the plant and from the outside seating. Planning conditions required to secure the Noise Management Plan (NMP), and to control the operating hours from this entrance.

Tower Hamlets Transport and Highways

- 5.4 The Highways officers have reviewed the applicant's transport assessment and delivery and servicing assessment. The proposal involves off-street servicing and on-

street servicing on Bethnal Green Road and Redchurch Street. The proposals are acceptable. However, should permission be granted, and the displacement of vehicles become a problem in terms of safety or obstruction, then LBTH reserve the right to introduce new restrictions which would prohibit servicing from the road at any time. We would seek a commuted sum (£10,000) to cover this potential change in the on-street restrictions from the applicant. To be returned if not used after 3 years.

- 5.5 A S278 agreement is required to make good any damage to the footway from the construction works.
- 5.6 The applicant is required to adhere to the construction code of Practice and provide a construction management plan which is associated with the CCOP.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

- 6.1 Legislation requires that planning applications are determined in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
- 6.2 The Development Plan in Tower Hamlets comprises:
 - The London Plan (2021)
 - Tower Hamlets Local Plan 2031 (2020)
- 6.3 The key development plan policies relevant to the proposals are:

Design

- Local Plan – S.SG2, S.DH1, D.DH2 & S.DH3
- London Plan – D4 & D8

Amenity

- Local Plan – D.DH8 & D.ES9
- London Plan – D13 & D14

Transport

- Local Plan – S.TR1, D.TR2 & D.TR4
- London Plan – T3, T4 & T7

- 6.4 Other policy and guidance documents relevant to the proposals are:
 - National Planning Policy Framework (2021)
 - National Planning Practice Guidance (2021)
 - GLA City Fringe Opportunity Area Planning Framework (2015)
 - Noise Policy Statement for England (NPSE) (2010)

- Guidelines for Environmental Noise Impact Assessment (Institute of Environmental Management and Assessment, 2014).

7. PLANNING ASSESSMENT

Introduction

- 7.1 The Rich Mix is a significant cultural, arts and entertainment venue in the west of the borough. The venue works together with and puts on arts and cultural events with a particular focus on primarily serving people from South Asian, East Asian, African, Caribbean and Arab communities. The venue has three cinema screens with screenings including independent films and Hollywood blockbusters. The venue has a purpose-built live music space with live music and DJ events.
- 7.2 The Rich Mix, both to its south and north is located within the Tower Hamlets City Fringe Activity Area and the Brick Lane District Centre. The boundary to London's Central Activities Zone (CAZ) is on Redchurch Street, approximately 100m to the west.
- 7.3 The proposal is for changes to the ground floor layout, particularly a new extension and entrance on Redchurch Street. The Rich Mix first opened in 2006. The proposal would not change the type of activities or mix of functions that the Rich Mix is known for. The applicants intention is that the changes will make the building work more successfully and that the Rich Mix will be able to operate financially more sustainably into the future.
- 7.7 The key matters that relate to the proposed development are:
 - i. Design and Heritage
 - ii. Neighbour Amenity
 - iii. Highways and Transport
 - iv. Material amendment to conditions

Design and Heritage

Policy Context

- 7.8 Tower Hamlets Local Plan 2031 (2020) policy S.DH1 (Delivery high quality design) states that development is required to meet the highest standards of design, layout and construction. The policy sets out 9 factors that need to be met including "ensure the architectural language...complements and enhances their immediate and wider surroundings" (c), "use high quality design, materials" (e) and "create well-connected, inclusive and integrated spaces and buildings which can be easily adaptable to different uses and the changing needs of users." (f).
- 7.9 Local Plan 2031 (2020) policy D.DH2 (Attractive streets, spaces and public realm) part 2 states that development is required to positively contribute to the public realm. The

policy sets out 14 factors through which this is to be achieved including : “optimising active frontages towards public streets and spaces” (a), providing a range of public spaces that can function as places for social gatherings and other recreational uses” (c), “ensuring that soft landscaping is maximised to soften the streetscape” (j) and “locating entrances in visible, safe and accessible locations”. (k).

- 7.10 Local plan 2031 (2020) policy S.DH3 (Heritage and the historic environment) states that “proposals must preserve or enhance the borough’s designated and non-designated heritage assets in a manner appropriate to their significance”. Part 6 of the policy states that “Significant weight will be given to the protection and enhancement of the borough’s conservation areas.”

Assessment

- 7.11 The proposals are to remodel the ground floor of the Rich Mix including a new extension (approximately 80sq.m), outside seating and a new boundary treatment. It is common that the ground floor arrival at an arts or entertainment venue is an inviting and spacious area where people can meet, wait and dwell for some time and have a drink. The ground floor of the Rich Mix that has been operating since 2006 is dated and has a more fragmented ground floor arrangement composed of a number of separate spaces. The proposals are to achieve a more ‘fit-for-purpose’, desirable and enjoyable arrival at this local cinema and arts venue. In principle, Officers support this ambition and recognise that this will support and enhance the operation of the Rich Mix and the experience for visitors.



Fig. 5 Visualisation of the proposed external works



Fig.6 The proposed external works

- 7.12 The proposed extension would be subservient to the main building and would be set back from the footway with Redchurch Street by approximately 6m. In the context of the existing Rich Mix building this would be a modest-sized addition.
- 7.13 The extension would be a timber frame, with large, glazed door and windows, with reclaimed red brickwork and retractable canopies. The proposals include a new boundary treatment comprising of a low wall and planted fencing. The vehicle parking area would have swing gates.
- 7.14 In respect of design and public realm the proposals are welcome. At pedestrian level the existing frontage is characterised by a tall impermeable fence and gate which secures the servicing and loading yard. (see fig. 2 above). The proposals would significantly enhance the relationship with the street and would meet a number of the policy objectives for policy D.DH2 (Attractive streets, spaces and public realm). The Council's design officer has reviewed the proposals and confirms that a more active frontage is needed in this location and that the proposals will help to provide that.
- 7.15 The proposals would be an improvement to the street compared to the existing situation in respect of design and public realm. The proposals would introduce visual interest and biodiversity enhancement. The proposals would also create a greater level of activity, passive surveillance and movement along Redchurch Street. This location is within the District Centre and Activity area and is a short distance from London's Central Activities Zone. Local and London Plan policy seeks to support the vitality and viability of these centres. The proposals would contribute to that objective.

Neighbour Amenity

Policy Context

- 7.16 Tower Hamlets Local Plan 2031 (2020) policy D.DH8 (Amenity) states that “development is required to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupation, as well as the amenity of the surrounding public realm”. Amenity in this policy relates to privacy, outlook, daylight and sunlight, odour, noise, and dust and fume pollution.
- 7.17 Tower Hamlets Local Plan 2031 (2020) policy D.ES9 (Noise and vibration) states development is required to use the most appropriate orientation, layout and design to minimise noise and vibration impacts. The proposals are required to set out mitigating measures where necessary and provide a noise assessment. Part 3 of the policy states that proposals must demonstrate that the level of noise emitted from new heating or ventilation plant will be below the background level by at least 10dBA (A-weighted decibels).

Assessment

Noise and Disturbance

- 7.18 Redchurch Street is a long street that meets Shoreditch High Street, to the west, and Bethnal Green Road, to the east. It is a mixed-use street including shops, a number of cafes, office space, residential properties and a public house, the Owl and Pussycat. On the eastern end of Redchurch Street, at the junction with Bethnal Green Road is the Brewdog bar. This is approximately 25m from the application site and is open until midnight during the week and 1am at weekends. The Owl and Pussycat is open until midnight. The Brewdog bar and the Owl and Pussycat both have outside seating facing the street.
- 7.19 In general terms, the application site and nearby streets are a vibrant and lively part of the borough and a destination for residents from other parts of Tower Hamlets and other parts of London. The application site has a Public Transport Accessibility Level (PTAL) of 6a. (1a – lowest, 6b -highest). This reflects the good transport links with Shoreditch High Street overground approximately 175m, to the west, and a variety of bus routes.
- 7.20 The Rich Mix, on the south of Redchurch street, is within the Brick Lane District Centre and the Tower Hamlets City Fringe Activity Area. At this part of Redchurch Street the properties on the north side don't sit within the town centre. (see Fig. 4 above). However, as described above, along Redchurch Street (on the south and north sides) there are a mix of uses. Further to the north is the Boundary estate. This is predominantly residential; however, it also includes some areas of shops, offices and community use.
- 7.21 In the context of the mix of uses there is a need to assess whether the scheme proposals are compatible with protecting the amenity of residential neighbours in respect of noise and disturbance. There is a need that commercial businesses in or at the edge of town centres are able to operate successfully. Equally, there is an important expectation that residents are able to enjoy their homes with a reasonable degree of peace and quiet. Local Plan policies D.DH8 (Amenity) and D.ES9 (Noise and Disturbance) set out the Local Plan policy tests to be applied, alongside any relevant material considerations.

7.22 In response to the public consultation the Council has received letters of objection from 28 local residents. Letters have been received from residents at 85 and 89 Redchurch Street, which are immediately opposite the Rich Mix servicing and delivery yard. Letters have been received from residents with addresses in other parts of the borough. In respect of noise and disturbance, the objection letters relate to the potential impact of the proposals on the character of Redchurch Street more generally and the noise disturbance to neighbouring residential properties.



Fig. 7 View along Redchurch Street from the east. Rich Mix servicing yard on the left. Mixed-use (commercial and residential) properties opposite, on the right



Fig. 8 View of the existing servicing yard and mixed-use (commercial and residential) properties opposite.

7.23 The main aspects of the proposals that have the potential for noise and disturbance to residents are as follows:

- The relocated air-conditioning condenser unit.
- The noise and activity from patrons using the proposed outside seating.
- Comings and goings of visitors to the Rich Mix in the new entrance

7.24 The proposals are as follows:

- The Bethnal Green Road and proposed Redchurch Street entrances used for visitors to arrive and leave, until 9pm on Mondays to Sundays. After 9pm only the Bethnal Green Road entrance to be used.
- The outside seating would be used as follows: 9am to 8pm, Sunday to Thursday and 10am to 9pm, Friday, Saturday and Bank Holidays.
- The outside seating area to have a capacity of 30 people (approximately 5 or 6 tables).

- 7.25 These restrictions would be controlled by condition.

Relocated air-conditioning unit.

- 7.26 There is an existing air-conditioning unit in the servicing yard. Planning permission was granted for this unit in February 2022. The proposed construction of the extension will require this unit to be relocated. The unit would be relocated on the roof of the extension within an acoustic enclosure.
- 7.27 Policy D.ES9 states that new plant must be at least 10dB lower than the existing background noise level. The noise assessment by the applicants identifies that the relocated unit within its acoustic enclosure would have a predicted noise level of 26dB(A) (decibels). This would be 18dB(A) below the background noise level. The Council's Noise officer has studied the submitted report and is satisfied with the conclusions. In this respect the noise levels would comfortably meet the policy requirement and would be below the background noise level of the surrounding area. A planning condition would be imposed to secure the noise levels would not exceed at least 10dB lower than the existing background levels.

Outside seating area

- 7.28 The proposed outside seating would be for use of visitors of the Rich Mix. This includes people who may buy food and drink (coffee/tea/soft drink or alcoholic drink) from inside the premises. The seating would accommodate a maximum of 30 people, which is approximately 5 or 6 tables. The Rich mix has an existing bar at first floor, next to the entrances to the cinema screens. This would remain in operation and is the focus in the venue for people to have food and drink later in the evening.
- 7.29 Many of the evening cinema screenings for the Rich Mix begin between 7pm and 8pm. This means that being able to use the seating until 8pm will allow visitors to meet and relax before the evening performances and film screenings.
- 7.30 The applicants have submitted a noise assessment which demonstrates that the noise from customers sitting and talking would be below the background noise level of this location. In addition to this, the noise officer has requested a condition to control the noise levels from the outside seating.
- 7.31 In the assessment of the proposals officers have given weight to the character of the area. This is a town centre location. It is a popular and lively part of the borough with many people still arriving home from work at around 7pm and 8pm. The Brewdog Bar is a neighbouring bar that is open until midnight during the week. It has outside seating and residential properties directly above. The Owl and the Pussycat pub is also on Redchurch street, but approximately 130m to the west. This has some outside seating on the street. It is open until midnight with residential properties immediately above, next to and opposite them. In this context, Planning officers advise that 8pm is a reasonable closing time for the outside seating at the Rich Mix.
- 7.31 The Council's noise officer has reviewed proposals. They have no objection to the principle of a new entrance and outside seating in this location. They have no objection to the proposals subject to the proposed operating hours being controlled by condition.
- 7.32 The Council's noise officer has reviewed the submitted noise assessment and confirmed the methodology and practice followed by the applicant's consultant is

correct. Some of the objection letters received highlight that the L-shape of the Rich Mix building on Redchurch street increases the noise impact. The noise assessment results have been arrived at with industry recommended computer software with a 3D model of the existing buildings and the proposals.

- 7.37 In conclusion, Officers have considered the proposed hours and limitation on the number of people, and the submitted technical noise assessment. In this context the proposed use of the outside seating would limit noise impact to residents to no more than the existing background noise level and maintain a reasonable noise environment in this location.

Comings and goings of visitors using the new entrance

- 7.38 The use of the new entrance for arriving and leaving the Rich Mix would be up to 9pm. From 9pm all users will arrive and leave from Bethnal Green Road and a planning condition would be imposed to ensure the Redchurch Street entrance is not used after this time.
- 7.39 Officers consider the proposal for the Redchurch street entrance to be used until 9pm is reasonable and appropriate to the context in this neighbourhood. The Council's Noise officer has no objection to the proposed timing. This is a designated town centre location with other comparable commercial premises operating in the evening.

Planning Conditions related to Noise Management

- 7.40 The Council's Noise officer has requested a number of planning conditions to appropriately control the noise management at the application site. The Noise officer has requested a Noise Management Plan (NMP) from the applicants which they have provided. The NMP sets out the steps to be taken to address cases of noise disturbance and proactive steps to ensure the agreed noise management steps are followed. The Noise officer has reviewed the NMP and is satisfied with it. Some of the measures secured in the NMP include:
- Sets out organisational responsibilities for dealing with Noise complaints, from Visitor Services Assistant to Chief Executive Officer.
 - Setting out preventative and reactive management measures. This includes staff supervision of the outside seating area, verbally asking customers to be mindful of nearby residents when seating, and a direct means of communication with the duty manager for residents.
 - A noise action plan setting out the steps that will be taken if a noise complaint is received.
- 7.41 The NMP will be secured by condition. This will be in addition to stand-alone conditions that secure the hours of use of the Redchurch Street entrance and the outside seating. In addition to a condition that controls the maximum noise levels for neighbouring residential properties.
- 7.42 In conclusion, subject to the recommended conditions, Officers consider that the proposal is reasonable in respect of noise and disturbance. The proposals would minimise noise impacts and protect the amenity of neighbouring residential properties.
- 7.43 In respect of daylight, sunlight, outlook and privacy, due to the modest scale of the proposals and the subservient relationship with the existing Rich Mix building, the

proposals would not have a material impact on the amenity of neighbouring properties in respect of these matters.

Highways and Transport

Policy Context

- 7.44 Local Plan 2031 (2020) policy S.TR1 (Sustainable Travel) states that development will be expected to “not adversely impact the capacity, quality, accessibility and safety of the transport network in the borough.
- 7.45 Local Plan 2031 (2020) policy D.TR2 (Impacts on the Transport Network) states that development will be required to submit a transport statement. Also, that development that will have an adverse impact to traffic congestion will have to provide effective mitigation measures.
- 7.46 Local Plan 2031 (2020) policy D.TR4 (Sustainable delivery and servicing) states that development that generates a significant number of vehicle trips is required to demonstrate how:
- Impact to the transport network and amenity will be avoided, remedied or mitigated including with construction management plans and delivery and servicing plans.
 - delivery of goods and servicing will be provided within the site to encourage shared arrangements and timing of deliveries, unless demonstrated it can take place on-street without affecting highway safety or traffic flow.
 - Deliveries to sites will be received through suitable accommodation and management.

Assessment

- 7.47 The existing servicing and delivery strategy for the Rich Mix is comprised of 3 elements. There are deliveries made on-street on Bethnal Green Road. There are servicing and contractors who come to site who use the delivery and servicing yard. There are deliveries made on-street on Redchurch Street.
- 7.48 The applicants have submitted a delivery and servicing management plan. The plan includes a survey of delivery numbers to the Rich Mix. (Carried out from 1st August to 5th August 2022). The average number of deliveries or servicing/contractor arrivals a day was 7. Of those arrivals the average number that used the servicing yard (longer staying rather than ‘drop-off deliveries’) was 3. The majority of the arrivals was with a van or pick-up truck.
- 7.49 The proposed works are premised on a significant change to the existing delivery and servicing yard. The proposals would remove the yard and would include an area for two dedicated parking bays. The applicants are looking to optimise the space they have to make a more successful offer to visitors at the Rich Mix. The Rich Mix has been operating since 2006 and so the applicants have been using the yard for many years. The applicants’ position is that the yard is bigger than is necessary.

- 7.50 In general terms, the servicing and delivery strategy for the Rich Mix will continue to comprise of the same 3 elements as the existing situation – Bethnal Green Road, Off-street parking, and Redchurch Street. The existing delivery numbers indicates that it is a relatively modest number of arrivals, an average of 3 a day, to be accommodated in the new servicing bays. As with the existing situation this will be used for scheduled arrivals, such as a contractor. At present there is no requirement for the Rich Mix to manage use of the servicing yard with timed bookings. This will be required through the proposed scheme with a condition securing the implementation of the delivery and servicing management plan.
- 7.51 For the two parking bays, one would be dedicated to servicing and delivery. The other will be for blue-badge (disabled) parking for staff or visitors to the site. The Rich Mix has an existing electronic booking system for all its rooms and facilities on site. This will be used for the two spaces. Contractors using the servicing space will be booked in by staff. Blue badge holders can book this space for use. If there is no booking to use the blue-badge space by midday the day before, this space can then be booked for servicing and delivery.
- 7.52 The main location for drop-off deliveries is on Bethnal Green Road. This is the main arterial road through the area and is the quickest way for a delivery driver to drop-off and leave. There are double-yellow lines on Bethnal Green Road that allow for loading at any time. The proposals include an amended planning condition to state that deliveries within the new servicing bays (not including blue badge parking) and on Redchurch Street shall only be carried out until 6pm on Mondays to Fridays, and to 1pm on Saturdays and Sundays. This would protect residential amenity on Redchurch Street in the evenings.
- 7.53 The Council's Highways officer has reviewed the submission, including the submitted Transport Statement and Delivery and Servicing Management Plan. The Council's Highways officer does not object to the proposals. However, they have commented that Tower Hamlets reserves the right to introduce loading restrictions on Redchurch Street if the proposals create significant additional pressure on this street. To that end, the Highways officer has requested a sum of £10,000 from the applicants to be held by the Council for a period of 3 years. This will cover the costs of new loading restrictions if they are necessary. The applicant has agreed to this and this will be secured in a Section 106 legal agreement.
- 7.54 In addition, the Highway's officer has requested a S278 agreement for the applicants to meet the costs of highway works to the Bethnal Green Road and Redchurch Street frontages.
- 7.55 In conclusion, the proposals involve a significant change to the existing servicing yard and changing that into a smaller set of parking bays. However, the overall strategy of 3 elements (Bethnal Green Road, off-street parking and Redchurch Street) remains as existing. In the context of the numbers of arrivals for the new servicing bays this will be a more efficient solution that is expected to reasonably manage the servicing and delivery requirements, along with the use of Bethnal Green Road and Redchurch Street.

Material amendment to conditions

7.56 The Rich Mix operates under planning permission PA/02/00876 dated 25th March 2004. This permission is for the redevelopment of the former leather factory into the Rich Mix we have today. This planning permission includes a number of planning conditions that control the operations on the site. Therefore, in addition to the planning application for the new extension and entrance on Redchurch Street, there is an application to amend the existing conditions.

7.57 The proposed conditions are as follows (additional wording in italics):

Condition 7 – Servicing and Loading Area

7.58 “The whole of the servicing and loading area shown on the approved drawings shall be provided before the commencement of the uses hereby permitted and the area shall be retained thereafter only for loading and unloading purposes or *operated in conjunction with plans provided as part of planning application ref: PA/23/00719*”.

7.59 The proposed wording retains the existing protections if the proposed scheme is not implemented. The additional wording ensures the condition is consistent if the proposed scheme is implemented.

Condition 9 – Access doors

7.60 “None of the access doors leading out to Redchurch Street shall be used for the entrance or exit of members of the public except in the case of emergencies, *or in conjunction with the arrangements set out in planning application ref: PA/23/00719*.”

7.61 As with condition 7, this covers both scenarios of the existing situation and the proposal implemented.

Condition 10 – Deliveries and Servicing

7.62 All deliveries, loading and unloading of vehicles, and all other servicing carried out in connection with the permitted development from *within the servicing yard and Redchurch Street* shall only be carried out between the hours of 8.00am to 6.00pm Mondays to Fridays, and 10.00am to 1pm on Saturdays, and shall not be carried out on Sundays or Public Holidays.

7.63 The additional wording controls the delivery and servicing hours from Redchurch Street.

7.64 The above conditions are updated on the original planning permission for the Rich Mix. The planning application for the extension and new entrance will include a number of new conditions to control matters related to this new element. Those conditions are set out below.

Conclusion

7.65 The Rich Mix is a long-standing venue and is located in a busy and vibrant part of the borough. The site is within the Bethnal Green district centre and the Tower Hamlets City Fringe Activity Area. The site is a short distance from London’s Central Activities Zone. This is an appropriate location for an arts, cinema and cultural centre.

- 7.66 Officers agree that the proposals would improve the ground floor arrangement of the Rich Mix and is expected to contribute to a more successful operation and 'offer' to visitors.
- 7.67 Redchurch street is characterised by a mix of commercial and residential uses side by side to one another. There are a number of residential neighbours immediately opposite the Rich Mix on Redchurch Street. The proposed operating hours for the Redchurch entrance are reasonable. Subject to appropriate conditions the proposals would prevent an undue noise impact on residents from the Rich Mix's operations.
- 7.68 The application submission demonstrates to a reasonable extent that the proposed delivery and servicing strategy, including the new servicing bay, would appropriately meet the servicing needs of the use.

8. RECOMMENDATION

Application for Planning Permission 1

Reference: PA/23/00719

Development Description: Provision of a new pedestrian entrance to the Rich Mix from Redchurch Street, with construction of a new single-storey entrance pavilion in the rear yard, provision of outdoor seating, parking bays and relocation of existing plant.

- 8.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:
- 8.2 **Financial obligations:**
- a. £10,000 commuted sum to be held for 3 years towards a Transport Management Order (TMO)
- 8.3 **Non-financial obligations:**
- a. Section 278 Highways improvement works
- 8.4 That the Corporate Director of Housing and Regeneration is delegated the power to negotiate and complete the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Housing and Regeneration is delegated power to refuse planning permission.
- 8.5 That the Corporate Director of Housing and Regeneration is delegated the power to impose conditions and informatives to address the following matters:
- 8.6 Planning Conditions

Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans
3. Compliance with the noise management plan and the following sound levels (*LAeq, 5min*) 1m from residential habitable rooms:

- a. Music or amplified sound shall not exceed 45dB from 1m of residential habitable room.
 - b. Noise from patrons (outside seating) shall not exceed 55dB from 1m of residential habitable room.
 - c. Mechanical plant and equipment shall not exceed 34db from 1m from the nearest residential receptor.
4. The outside seating shall have a maximum of 30 covers.
 5. Hours of usage:
 - a. Redchurch Street entrance: 09:00 to 21:00, Mondays to Sundays.
 - b. Outside seating: 09:00 to 20:00, Sundays to Thursdays, 10:00 to 21:00, Fridays, Saturdays and Bank Holidays. The outside seating shall not be used outside of these times.
 6. Implementation in accordance with the Delivery and Servicing Management Plan

Pre-Commencement Conditions

7. Submission of a Construction Environmental Management Plan and Construction Logistics Plan, to include the following:
 - a. Site manager's contact details and complain procedure;
 - b. Dust and dirt control measures
 - c. Measures to maintain the site in tidy condition, disposal of waste
 - d. Recycling/disposition of waste from demolition and excavation
 - e. Safe ingress and egress for construction vehicles
 - f. Numbers and timings of vehicle movements and access routes;
 - g. Parking of vehicles for site operatives and visitors;
 - h. Location and size of site offices, welfare, and toilet facilities;
 - i. Erection and maintenance of security hoardings;
 - j. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
 - k. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.

Prior to relevant works commencing

8. Submission of samples and details of external facing materials, architectural detailing, boundary treatment and hard landscaping.
9. Submission of details of planting.

8.7 Informatives

1. Permission subject to legal agreement

Application for Planning Permission 2

Application Reference: PA/23/00720

Development Description: Refurbishment of existing building to provide an arts centre (for the improvement of inter-cultural understanding) including provision of music, IT education, performing and visual arts, a new 3 screen cinema together with the erection of a rear five storey building and roof level enclosures.

Material Amendment sought to vary conditions no.7 (Servicing and loading area), 9 (Access Doors) and 10 (All Deliveries) of Planning Permission Ref: PA/02/00876, Dated 25/03/2004.

- 8.8 That **conditional planning permission is GRANTED.**
- 8.9 That the Corporate Director of Housing and Regeneration is delegated the power to restate conditions that continue to have effect, and subject to modification where details have already been approved, and to vary conditions to address the following matters:

Compliance conditions:

1. Condition 7 – Servicing and Loading Area
2. Condition 9 – Access Doors
3. Condition 10 – Deliveries and Servicing

APPENDIX 1

LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

Schedule of Drawings

AKA-074-L001-P02	SITE LOCATION PLAN
AKA-074-L005-P02	SITE PLAN
AKA-074-L050-P00	EXISTING AND DEMOLITION GROUND FLOOR PLAN
AKA-074-L051-P00	EXISTING AND DEMOLITION FIRST FLOOR PLAN
AKA-074-L071-P00	EXISTING AND DEMOLITION SECTION BB
AKA-074-L074-P00	EXISTING AND DEMOLITION SECTION EE
AKA-074-L080-P00	EXISTING AND DEMOLITION NORTH ELEVATION
AKA-074-L081-P00	EXISTING AND DEMOLITION NORTH ELEVATION
AKA-074-L085-P00	EXISTING AND DEMOLITION SOUTH ELEVATION
AKA-074-L100-P00	GROUND FLOOR PLAN
AKA-074-L101-P01	FIRST FLOOR PLAN
AKA-074-L210-P00	SECTION AA
AKA-074-L211-P01	SECTION BB
AKA-074-L214-P00	SECTION EE
AKA-074-L310-P00	NORTH ELEVATION 01 - REDCHURCH STREET
AKA-074-L311-P01	NORTH ELEVATION 02 – YARD
AKA-074-L315-P00	SOUTH ELEVATION 01 - BETHNAL GREEN ROAD
AKA-074-L400	GROUND FLOOR AREAS
AKA-074-L501-P00	ACCESS AND SERVICING STRATEGY
AKA-074-L505-P00	SECURE BY DESIGN STRATEGY
AKA-074-L510-P00	BASEMENT FIRE STRATEGY
AKA-074-L511-P00	GROUND FLOOR FIRE STRATEGY
AKA-074-L520-P00	REFUSE STRATEGY
AKA-074-L530-P00	BASEMENT TRANSPORT STRATEGY
AKA-074-L531-P00	GROUND FLOOR TRANSPORT STRATEGY1202567.

Other application documents

- Design and Access Statement dated April 2023
- Transport Statement April 2023
- Planning Statement 2023
- Delivery and Servicing Management Plan April 2023
- Rich Mix Phase 1B – Yard Management Plan
- Noise Management Plan Version 1.1 dated 20th July 2023
- Noise Impact Assessment J529_R03A
- Noise Impact Assessment Addendum J529_R04A Rev A
- Statement of Community Involvement 1 March 2023