

**DEVELOPMENT COMMITTEE. 2 OCTOBER 2023
UPDATE REPORT OF THE DIRECTOR OF PLANNING AND BUILDING CONTROL**

| Agenda item no | Reference no | Location | Proposal / Title |
|-----------------------|---------------------|--|--|
| 4.1 | PA/23/00719 | Rich Mix, 35-47 Bethnal Green Road, E1 6LA | 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. |
| | PA/23/00720 | Rich Mix, 35-47 Bethnal Green Road, E1 6LA | 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” |

1. ADDITIONAL REPRESENTATIONS

- 1.1 On Wednesday 27th September 2023 the Council officers were provided with a copy of a letter from a Noise Consultancy, Venta Acoustics, addressed to a nearby resident who has objected to the application.
- 1.2 The applicant’s noise consultant ALN Acoustic Design responded to the letter by Venta Acoustics and a copy of the response was received by the Council on Friday 29th September 2023. The Council’s Environmental Health (Noise) officer has reviewed the two letters and provided comments to Planning Officers.

Venta Acoustics Letter on behalf of an objector

- 1.3 The letter is in response to the applicant’s Noise Impact Assessment dated 4th April 2023 and the applicant’s Addendum to Noise Impact Assessment dated 19th July 2023.
- 1.4 In summary only, the letter from Venta Acoustics states the following:
 - A different assessment ought to be carried out than that carried out by the applicant’s noise consultant. The assessment ought to use methodology in *British Standard BS4142: 2014 Methods for rating and assessing industrial and commercial sounds*. Whilst BS4142 is not for the assessment of people noise, however, the principle of assessment against background noise levels remains the same.

- The internal noise at neighbouring properties ought to be assessed against an internal criterion of NR20 Leq 5mins. ('Entertainment noise' criteria). The proposal passes this for closed windows but not for open windows.
- The proposals would negatively impact nearby residents and fails to meet the requirements of the NPPF and Tower Hamlets Environmental Health Service.

The applicant's Noise Consultant Letter (ALN Acoustoc Design)

1.5 The letter is a response to the Venta Acoustics letter. In summary only, the ALN Acoustic Design letter states:

- The submitted noise impact assessment followed the approach outlined in the Institute of Environmental Management and Assessment (IEMA) Guidelines for Environmental Noise Impact Assessment which is widely used for the assessment of noise impacts. The noise assessment methodology has been reviewed and accepted by the Tower Hamlets Environmental Health (Noise) team.
- The Venta Acoustics letter refers to BS4142 for assessment of the application. However, BS4142 is only intended to be used for assessing noise such as industrial processes, mechanical plant equipment, and loading activities etc. The standard specifically states that it is not intended to be applied to the assessment of sound from people or recreational activities. Given that BS4142 is intended for a completely different type of noise source, it is not relevant to this issue and shouldn't be used as a justification for applying any particular assessment methodology.
- The 'entertainment noise' criteria is to control the audibility of 'music and associated sources'. i.e the source of entertainment itself. We do not believe this criteria was ever intended to be applied to the ambient noise generated by patrons eating and drinking.
- The submitted noise assessment was objective and followed standard industry practice. Following the original application, significant concessions have been made by Rich Mix in relation to the outdoor area capacity and opening hours, a comprehensive noise management plan has been developed and noise level limits adopted which would be enforced through planning conditions.

Further comments from the Council's Environmental Health (Noise) officer

- 1.6 The applicant's consultant suggests the application of BS4142. This is for the assessment of industrial and commercial noise sources such as plant and machinery which are relatively steady in nature. This cannot be directly applied in this case to noise from people.
- 1.7 The applicant's assessment follows the Environmental Management & Assessment (IEMA) guidance.
- 1.8 The predicted average noise level (LAeq) of 58dB would be less than the ambient noise level. This means it is less likely that the noise will have a significant impact to the existing noise environment. Also the restricted opening hours would reduce the impact to residents.
- 1.9 The Environmental Health Noise Team assessment of the proposal remains the same. The proposal is acceptable, subject to the recommended conditions.

Conclusion

- 1.10 The recent letter from Venta Acoustics on behalf of some of the objectors requests assessment against criteria that are not appropriate to this proposal.
- 1.11 The submitted noise assessment finds that the proposal would be below the ambient noise level of the existing site. The proposal is subject to a reduced capacity (30 patrons), restricted operating hours and a Noise Management Plan.
- 1.12 In this context, the proposal is acceptable in respect of its relationship with neighbouring residential properties in terms of noise and amenity impacts.

2. RECOMMENDATION

- 2.1 The recommendation remains to grant planning permission subject to the conditions in the Original report and Update Report dated 4th September 2023.