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Hot Tin Planning Comment revised following sound monitoring exercise on 17 July 2020

Introduction

It is my understanding that at the initial planning committee on 14th October 2021 the EP team requested a technical noise condition requiring that any events at the venue not exceed a background level of 37dB(A) as measured. However, at that meeting an alternative condition was requested which set a finishing time on any event of 22.00 hours and the initial 37dB(A) condition was left on in error. At a subsequent committee meeting on 13th January 2022 to remove the condition, the nature of an alternative suitable condition was discussed and could not be established.

The Environmental Protection Team has been asked to provide revised planning comments and recommend an appropriate condition to mitigate noise impact on residents in the immediate locality. This was to be completed following the monitoring of a live event at the venue.

The monitoring was completed by officers from the Mid Kent Environmental Protection Team and the Planning case officer on the 17 July 2020. The event was chosen as it appeared from the advertising to represent the likely worst-case from the events advertised. The NikNak event is described as using film and audio effect to tell the presenter's story https://www.ticketweb.uk/event/niknak-sankofa-the-hot-tin-tickets/12042525 . The visit was unannounced with only the relevant case officers and managers aware that it was planned.

The monitoring undertaken comprised the taking of sound level readings and making subjective observations by officers, it was completed in public areas and in the garden and kitchen of 1 Whitstable Road.

The applicant has recently also submitted a report by an acoustic consultant specifically addressing the background level presented by the EP team at the first planning hearing.

The area and the building

The area is predominantly residential with a B road the Whitstable Road running passed it. The building is a historic Victorian flat pack church made of metal sheeting and lined with wood. It has very little in the way of acoustic insulation and is a listed building, meaning that sound insulation works would not be permitted to be installed.

Consultant report submitted by applicant

The report submitted does not seek to assess the impact of noise from the venue on nearby residential premises. It simply seeks to establish a different background level for use as a benchmark. The report claims that the 37dB(A) presented by the EP team is too low and is based on a single 5min measurement in the rear car park of the premises. It is claimed that the location is in sound shadow of the building itself, is not near the nearest receptor and is therefore not representative. The consultant has it seems assisted the applicant in making their own measurements perhaps by lending them equipment but not supervising them using it and then analysing the results. This done at the boundary of the nearest noise sensitive premise at 1 Whitstable Road gives a proposed background of 43dB(A).

I am not able to query the claims about the EP team measurement as the officer no longer works at the council and I have seen no details as to exactly where it was taken.

Suitability of the condition based on background sound level

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The condition originally requested regardless of the background level used is not suitable in this case as it is both too technical and conversely not technical enough. It is too technical in as much as neither the applicant, the residents, nor the planning authority has the technical ability to assess if the venue is compliant with it unless the venue employs the services of a suitably qualified and competent consultant to monitor each event. As we have seen from the applicant's consultant report the level of background noise can also be subject to variation and it would be necessary to establish an event specific background for each event. This would be very costly for the venue.

The condition is also not technical enough as it relies on the A weighted sound level only. This has the effect of artificially reducing sound levels at both high and low frequencies in an attempt to mimic the response of the human ear. However, it is low frequency noise that is very often the main problem in music events. and this was the main observation of the officers witnessing the recent event. In order to be successful a technical condition would need to be worded to ensure that levels were set not just for overall sound levels but for individual third octave bands.

Monitoring exercise 17 July

Several locations were used for monitoring around the venue corresponding with residential premises, including access to 1 Whitstable Road the nearest noise sensitive receptor, as identified in the applicant's own report. The results are divided into subjective and numerical observations. For the purposes of this report I have summarised the officers' notes which are largely handwritten in the field but which could be made available if necessary.

Subjective

Music and vocals were generally muffled and indistinct and in isolation may have been acceptable. This was commented on by residents of 1 Whitstable Road who advised that they were not as loud as usual. The element of most concern was the bass produced by the performance. This is described by the officers as causing the walls and windows of the venue to shake and to sound as if an industrial process was taking place inside the venue. Officers also walked away from the venue in each direction to assess how far the sound was audible to what they considered to be an unacceptable level. This was near 25 Cypress Road 113m from the venue with direct line of sight, 7 Whitstable Road 36m no direct line of sight and Park View Lodge 29m from the venue no direct line of sight.

The bass was strongest at the small outcropping section facing 1 Whitstable Road, where it is believed the speakers were located. The bass could be felt inside the garden and kitchen with doors and windows closed.

Measured sound levels

For the purposes of this report I am providing the measured levels taken for background and in the garden of the nearest noise sensitive premises as these are the most directly relevant. Full results can be made available if necessary.

Background sound levels taken before the event started opposite 3 Cypress Road in approximately the same position as the applicant were L90 41.5dB(A). This compares with the applicants submitted level of 43 dB(A). Being within 3dB is subjectively not noticeable. However the measurement was short in duration and so I have used the applicants background level (L90) of 43dBA.

The table below shows comparative sound levels in key low frequency elements as well as the overall sound level.

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Location	Time (hrs)	LAeq dB(A)	50Hz dB	63Hz dB	100Hz dB	Comment
Opposite 3 Cypress	19.22	56	57	60	51	Taken for background but LAeq not used in favour of applicants own provided background. Used only for comparison with low frequency sound levels.
Garden 1 Whitstable Road	20.31	61	83	79	74	18dB over background in Leq also highly significant increase in low frequency sound
Kitchen 1 Whitstable Road	21.24	43	60	44	39	Equal to background low frequency also comparable. Officer comment that could feel it in the room.
Garden 1 Whitstable Road	21.29	56	83	66	62	11dB above background again highly significant increase in low frequency sound
Garden 1 Whitstable Road	21.46	56	83	72	64	11dB above background again highly significant increase in low frequency sound

Table showing comparative sound levels NB sound levels rounded to nearest whole number

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Discussion

The table above shows that the overall sound levels produced within the nearest noise sensitive receptor were increased by as much as 18dB and in all measurements by more than 10dB. To add context, an increase of 10dB roughly equates to a doubling of loudness. The low frequency sound has increased by very significant levels which is highly disturbing and penetrating. This frequency is able to pass through closed windows and walls with little loss of energy. The numerical results should be used to, and do, support the officers' subjective observations which note the high levels of bass transmitted into the resident's garden and home as well as travelling considerable distance from the venue as described above.

The high levels of sound break out are consistent with the type of construction of the venue which is not sufficient to contain loud amplified music particularly bass elements. It is therefore highly unlikely that any event can be held at the venue that will not be audible outside the building and will consequently impact on residents nearest to it.

The venue itself is listed and not able to be retrofitted with significant acoustic mitigation. I therefore consider that the imposition of a technical sound level condition would in addition to the practical difficulties in self-monitoring and enforcement outlined above, result in the venue not being able to operate at sufficient volume to be viable.

The venue has been considered and may seek to operate in the application process in the same way as an events venue which has resulted in the proposals for potentially large numbers of events and attracted the proposed technical conditions that would be appropriate for that. It may be more appropriate to consider the applicant's venue more like a village hall which has a relatively small number of events that do impact local residents but are limited in number and duration by way of mitigation.

Options

1. Continue to consider the venue as an events venue with large numbers of events. In which case a suitable worded condition would be as follows, however, it is doubtful if once set the venue will be able to operate effectively.

Prior to the first use of the venue a sound limiter shall be fitted to the sound system which is set by a suitably qualified and competent consultant in liaison with the local planning authority, to ensure that overall background sound levels and each third octave band sound level do not exceed the background sound levels. The background sound levels for each third octave shall be established by the consultant and agreed with the local planning authority. Following installation all musical or other entertainment shall operate through the in-house system and noise limiter. The limiter and settings shall be maintained and retained to the satisfaction of the local planning authority.

2. Consider the use of the venue as a village hall with a small number of events. This will require the venue to limit the scope of their ambitions and residents to accept that events will have an impact. In this scenario a suitable condition would be as follows.

Prior to the first use of the venue a noise management plan shall be submitted for assessment and approval by the local planning authority. The management shall include but not be limited to: The number of events per calendar year, the time period between each event, the type of event that is suitable for the venue, the termination time of any event, how sound levels will be assessed during

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any event, how this will be recorded, the actions taken if sound levels are found to be too high, what the threshold for taking action will be, the provision of information on the events program to residents, provision of contact details for residents in case of complaint, how complaints will be responded to and actioned as necessary, recording of complaints, provision of records to the council on request, triggers for update of the management plan.