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## Core Noise Management Strategy

30 – 34 River Street  
Digbeth  
Birmingham  
B5 5SA

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Acoustics · Environmental · Public Health



Client Experimental

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## 1. Purpose of the Noise Management Strategy

Joynes Nash has been commissioned to prepare a core strategy to consider the management and control of noise from the proposed multi-use venue at River Street, Digbeth, Birmingham.

Those responsible are committed to the proactive management of noise and the purpose of this document is to identify and implement procedures which will minimise disturbance of residents and other noise sensitive receptors, from the diverse range of events which are envisaged.

This strategy should be considered to be a “live document” which will evolve as the site becomes active, achieves the relevant permissions and the operational requirements become clearer etc. However, the core nature of the document means that it will be supplemented by specific guidance albeit in its infancy it looks to provide an outline of the considerations and provide an overview of the monitoring, mitigation and review mechanisms which are to be adopted.

Therefore, this strategy will continue to evolve, in consultation with the relevant regulatory authorities with whom those responsible, wish to acknowledge are key to the success of the venue and in maintaining compliance with the relevant licensing objectives in the longer term.

## 2. Introduction to 30-34 River Street, Digbeth, Birmingham

River Street provides an exciting opportunity. It is envisaged as an experimental venue which can be used to curate a vibrant spectrum of diverse, cultural events and experiences, while offering producers, agencies and brands a set of unique, flexible and inspiring spaces. These types of spaces are suited to art exhibitions, street markets, experimental product launches, promotional events, food and beverage markets and the potential for a range of music led events.

With regard to the latter, it is stressed that reference to music led events relates to a wide range of possibilities of all size and scale from ambient music provided for street markets, through to weddings and the possibility of larger music events. It is accepted whilst some will be feasible in the current structure, it is known that those events which may create greater potential may be limited in some way. That may be through timing, size, scale, frequency or the need for improvements both in terms of both the management and structure of the venue.

In fact, the proposals are not dissimilar to other facilities provided both locally (The Bond, Engine Room, Digbeth Craft Brewery) and nationally (The Printworks & Tobacco Dock in London and The Tetley, Canal Mills and Globe Road in Leeds), all of which operate successfully in urban areas with multiple receptors and challenges.



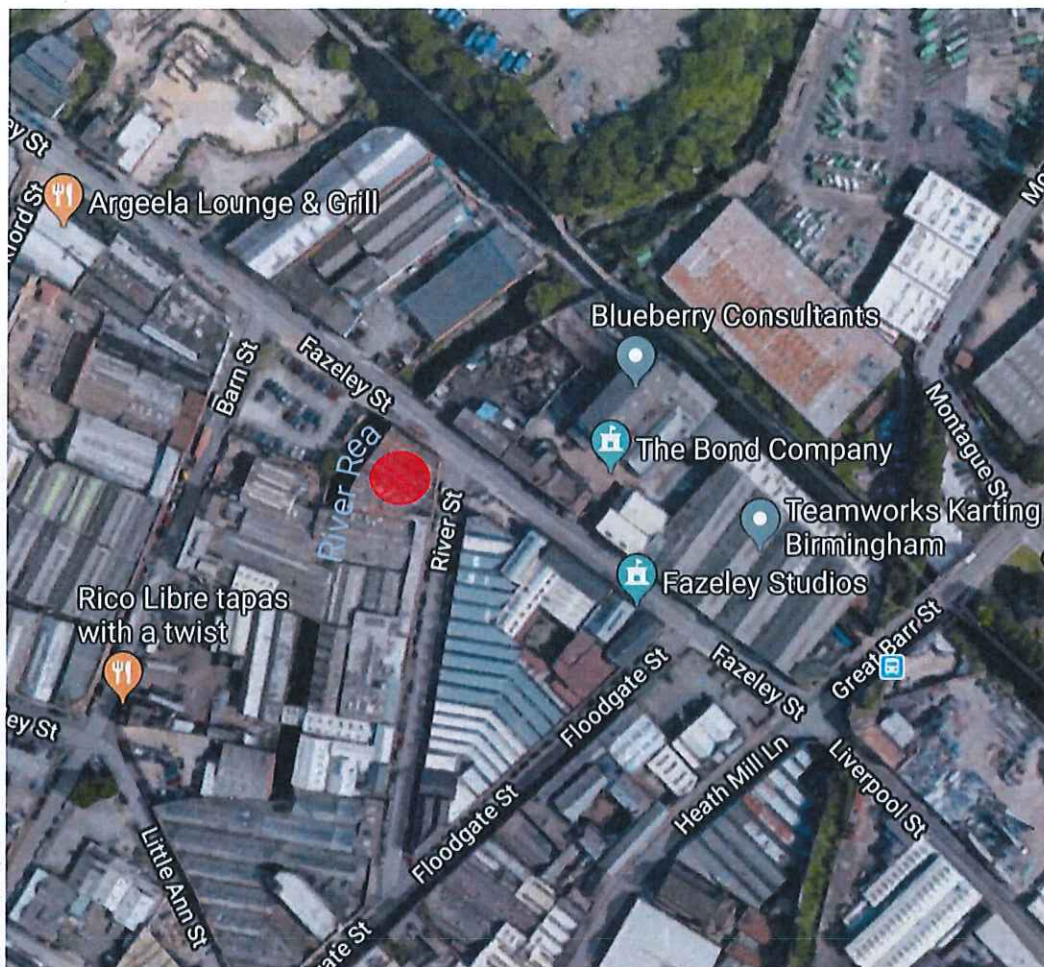


Figure 2.1 – Plan of River Street, Digbeth, Birmingham.

### 3. Local Environment

The local environment whilst predominantly industrial does have a mix of commercial and residential land uses, all of which present varying receptors which need to be protected.

In fact, of relevance is the number of similar multiuse establishments in the locality. These range from Breweries, through to traditional licensed premises, wedding venues, multi-use venues and to licences granted for pavements such as at Floodgate Street. A review of the readily available information shows that these have a range of controls or conditions on the relevant licences (if any) and allow for music until the early hours (See Appendix C). It is clear therefore that the area is characterised by a range of event premises and such are not atypical in the local context.

With regard to the most sensitive receptors, these are considered to be residential dwellings with the closest unit located at Flat P4, the Bond, 178 Fazeley Street, Birmingham, B5 5SE. Whilst residential, this is a guardian arrangement for insurance purposes for the existing multiuse venue at that location and to some extent will be exposed to noise and disturbance from the events there. Positive dialogue remains ongoing with the operators of this business in this regard.



Thereafter other typical receptors are understood to be at Floodgate Street, some 80m away but with no direct line of sight as substantial commercial buildings form a barrier. Thereafter there are residential properties in Glover Street again protected by substantial industrial units.

An examination of other licenses (for the outdoor licensed area in floodgate street) indicates that Glover Street is a known receptor for the purposes of monitoring. The license also requests that monitoring is undertaken at Fazeley Street, Glover Street, Bordesley Village, Coventry Street and Abacus Building. Approximate receptor positions are identified on the following map.

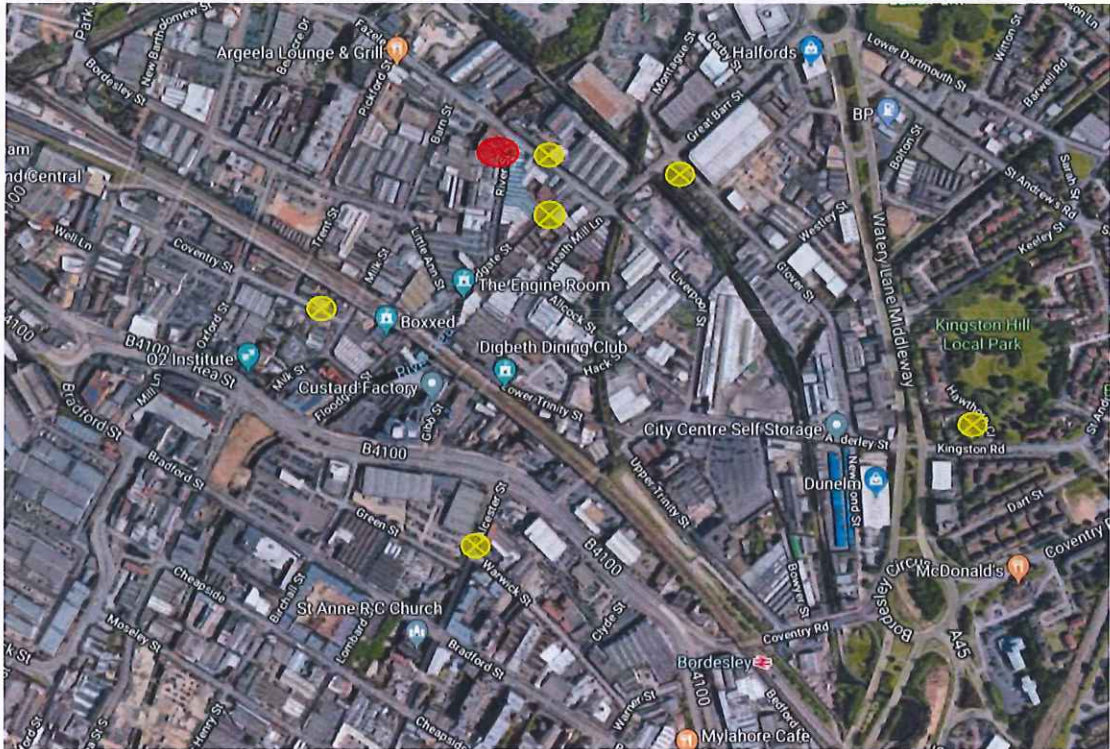


Figure 3.1 Map of Identified Receptor Positions

It is also noted that the profile of sensitive receptors is dynamic and likely to become more restrictive over time as new development is completed. Control strategies will therefore remain dynamic through the review and implementation of the strategy. However, it is expected that any new development granted planning permission following the granting of any permission for River Street shall be protected from noise.

#### 4. History of River Street, Digbeth

The property has a chequered history, and this is acknowledged by the owners. Indeed, the use of the premises is now been brought back under the direct control of the owners and they now take full responsibility for the activities within the venue, rather than placing such on third parties.

There is also evident a complete change and emphasis on appointing the correct technical advisors to assist in bringing forward the venue.

Retrospective planning consent for change to a similar use was sought in 2015 and whilst refused by the Council, the emphasis at that time on 24hr opening is no longer applicable. Indeed, the current permissions being sought are to bring the venue into line with neighbouring venues.

It is also acknowledged that the structure is acoustically poor, but that these limitations will be addressed through a targeted and implemented approach to control noise, firstly by limiting the type of events that may take place until such time it is proven that more substantial events could take place in accordance with the relevant guidance available. It is worth noting on the latter that both Guidance on Pubs and Clubs and Music Festivals is under review currently.

## 5. Viability of Event Spaces

In terms of events, the site comprises of a number of internal spaces, albeit whilst some are of substantial construction, they do offer varying degrees of sound attenuation.

There are obvious weaknesses, consisting of entry and exit points (roller shutter doors, etc.), albeit the layout and orientation of the different event spaces allows various options in terms of noise and crowd management, therefore reducing the need to always break the integrity of the structure during use.

In terms of the suitability of the internal premises, it is intended that the viability of spaces will be determined through the conducting of appropriate noise breakout tests and limits set accordingly, with relevant events been restricted until any necessary works have been completed.

Inevitably the effectiveness of the building's performance will also become clearer during the initial months of use and it is proposed that increased monitoring will be conducted during such times. This will enhance the understanding of the level of attenuation provided by the venues and allow further consideration of the types and genres of events which may be performed.

## 6. Pertinent Entertainment Noise Criteria

The license whilst specifying many controls in terms of noise does not prescribe any applicable limits. It is therefore appropriate to look at the relevant guidance available for such premises.

Guidance for this type of venue may be taken from various documents as follows.

### Noise Council Code of Practice (Pop Code)

The Code of Practice for the Control of Environmental Noise from Concerts is the established guidance with respect to music events. The recommended noise limits for the venue contained within the Code for events held between the hours of 09.00 and 23.00hrs are summarised in the following table:



Concert Days Per Calendar Year, per venue	Venue Category	Guideline
1-3	Urban and Rural Venues	The Music Noise Level should not exceed 65dB(A) over a 15 minute period.
4-12	All Venues	The Music Noise Level should not exceed the background noise level by more than 15dB(A) over a 15 minute period.

Whilst it is not envisaged that events will proceed beyond 23.00hrs at this stage, it is worthwhile noting that for such events, music noise should not be audible within noise sensitive premises. This is deemed at this venue an acceptable criterion to apply to any events, whether they be held internally or externally beyond 23.00hrs (without explicit written approval of the local authority) Interpretation of this is that providing music noise is controlled so that it is barely audible externally, it will generally be inaudible within residential premises with windows open.

For indoor venues used for up to 30 events per calendar year, the music noise level should not exceed the background noise by more than 5dB(A) over a fifteen-minute period for events finishing no later than 23.00hrs.

It is in fact unknown how many events are likely to take place within the venue, but it is likely to be less than 30 events where music noise is audible at relevant receptor positions. Likewise not every event will have music and many events may finish earlier than 23.00hrs.

### **The Licensing Act 2003**

The Act introduced a single integrated system for regulating the sale by retail of alcohol, the supply of alcohol in a club, the provision of entertainment and late-night refreshment. The provision of regulated entertainment to the public is relevant in terms of noise and in doing so those responsible must carry out their functions with the view to promoting the prevention of public nuisance. being relevant in this instance.

In discharging its functions Local Authorities may place conditions on Licences, providing they are necessary and appropriate. The guidance is clear in its advice that it is essential to maintain a balance between the licence holder and the viability of the event and the needs of the local community. It is generally accepted that properties in the vicinity of large scale events will be able to hear sound from time to time.

### **Good Practice Guide for the Assessment and Control of Noise from Places of Entertainment.**

This guidance is currently subject to review and stakeholder engagement and it looks to introduce new standards and metrics for the control of noise from such establishments. Given its current status any new guidance will be considered moving forward.



## In Conclusion

Overall the approaches set out above are designed to balance the potential disturbance in the local community against the enjoyable experience of the audience and may be adjusted subject to agreement of all parties in the light of any experience gained.

It is therefore suggested that such flexibility is reflected in the consideration of the premise by the Local Authority, and that this strategy provides the appropriate mechanism through which can be provided, reviewed and approval sought in a managed way moving forward.

## 7. Definition of Inaudibility

In terms of inaudibility we refer to the subjective assessment guidance taken from the Institute of Acoustics Guidance. This is where noise is at a sufficiently low level such that it is not recognisable as emanating from the source in question and it does not alter the perception of the ambient noise environment that would prevail in the absence of the source in question. The strict dictionary definition of being 'unable to be heard' is not appropriate in this instance.

It is also worth noting that the use of such 'inaudibility' criteria has been debated for some time and there are arguments raised for and against the use of such. Inaudibility is not necessarily an objective test and there are variabilities in tolerance / interpretation which are inevitable. These may include an individual's level of hearing, background noise, weather conditions and lifestyle etc. One of the biggest difficulties for the operators of the venue remains that they have no access to residences to observe impact. However, should any residences contact the venue to enquire of noise or make a complaint, they are offered the opportunity for consultants at an appropriate time to attend their property during an event to observe the noise and make any necessary improvements. Thus enabling a clear understanding of any noise impact both occurring within properties and especially useful for high rise where characteristics may differ to ground level.

## 8. Approach to typical events

This approach intended to be adopted for the venue at this time follows guidance within the Code of Practice for Noise from Concerts, which recommends for indoor venues used for up to about 30 events per year, a Music Noise Level not exceeding the background noise by more than  $5\text{dBA}_{(15\text{min})}$  is appropriate. The following restrictions are therefore considered appropriate (numerical values subject to determination by further assessment).

Noise from amplified music and speech, as measured in a free field position representative of noise sensitive premises shall not exceed (x)  $\text{dB L}_{\text{Aeq}} (15\text{min})$  between the hours of 09.00 and 23.00hrs, unless otherwise agreed in writing by the Local Authority.

Where the premises are proposed to operate at any time between 2300 and 0700, noise from amplified music and speech at all times of operation, shall not cause any increase in the  $\text{L}_{\text{A90}}(5\text{min})$  when compared with the existing equivalent  $\text{L}_{\text{A90}}(5\text{min})$  without the premises in operation.

Such restrictions will limit noise to acceptable levels and provide a mechanism for flexibility and prevent any music noise from being audible after 23.00hrs. It must be noted that many of the proposed events which take place will not contain significant noise and therefore will be inaudible.

## 9. Approach to atypical Events.

Like for many other similar venues both nationally and in the locality, there remains the opportunity for atypical events to be considered (i.e. significant music events). For such events additional arrangements will be put in place including consideration of shorter event durations, the frequency of such, increased monitoring and provision of information to receptors. Any limits will be set in agreement with the regulatory authorities in advance, an approach which is similar to that seen elsewhere in the locality. Such matters will form ongoing discussion with the LA.

## 10. Noise Management Process

In using the venue for a wide variety of events, the challenge has been to provide a robust and flexible way to manage noise both proactively and cost effectively. The approach is used and proven to be effective is to categorise potential events based on the likelihood of disturbance.

Noise Impact Categorisation		Example Events
<b>Category 1</b>  High Risk of Noise Impact		Events where live or recorded music is a major component Cinemas Food Festivals (where music is not incidental) Parties after 18.00hrs Music Events after 18.00hrs
<b>Category 2</b>  Medium Risk of Noise Impact		Promotions involving an element of music up to 18.00hrs Exhibitions Product Launches (music element) Food Festivals (low key music element)
<b>Category 3</b>  Low Risk of Noise Impact		Trade Shows Fashion Shows Farmers Markets Community Engagement Events Sporting Activities Product Launches (no music element or incidental music) Conferences Formal Dinners Awards Ceremonies

Table 2: Indicative list of categorised events



The categorisation is awarded to each planned event as a result of an initial review by those responsible for the venue. On the basis of the categorisation those responsible carry out varying degrees of assessment work in preparation for noise control associated with the event. The generic requirements for each category are set out below:

**Category 1 Events** – For such events a specialist noise contractor will be in attendance to offer advice and support. The consultant will remain in attendance throughout the duration of the event and maintain overall control. It must be noted that for some repeat events it may subsequently be determined that consultants may not be required as despite the clarification there is no impact.

**Category 2 Events** – refer to those events where there is a limited risk of impact at receptors and for the most part it is expected that music noise shall not exceed the ambient background when observed from residential and other noise sensitive premises. It is not expected that technical specialist will need to be in attendance, but it is largely expected that checks will be conducted throughout the event for due diligence purposes.

**Category 3 Events** – are considered low impact and not requiring any form of noise management. Due diligence checks by those responsible are encouraged and for the most part the requirement is to simply comply with the Specific Noise Management Plan detailed in Appendix D.

Those responsible make the ultimate decision, as to whether the nature of the event is likely to be critical in terms of noise impact and/or whether there is overriding risk factors which require that the event is monitored for due diligence purposes.

In all cases events will need to comply with the Specific Noise Management Plan detailed in Appendix D, which is circulated to all users and contractors at the venue.

## 11. Background Noise Survey

A background noise survey was carried out as part of an earlier planning application albeit given the time which has now elapsed it is intended that this will be repeated in due course should the applicant be successful in gaining the necessary permissions. However, the measured levels from 2015 indicate that such levels range from 46dB<sub>LA90</sub> to 48dB<sub>LA90</sub> during the operating period.

## 12. Complaints Management

Whilst the strategies shown in this document are aimed at minimising impact, venues of this nature with multiple events are from time to time expected to receive complaints. The key source of concern amongst receptors is typically who to contact, the various roles and responsibilities and the response time to complaints. Therefore, a phone number and email address will be made available for the venue once it becomes operational.

Indeed, the management commits to continually inform the local community about its proposals, through appropriate contact information in the form of emails, newsletters and community days.

This work will form an integral part of the community engagement and may include the following methods:

- Targeted regular mailshots to residents
- Provision of information (posters)
- Use of Social Media to engage with resident's groups
- The appointment of staff in a community liaison role
- Community open days / accompanied visits etc
- The sharing of the appointed noise consultant's details

In the absence of any such provision on a website all residents are notified of Category 1 Events. This has been successful in controlling impact on residents to date.

Any information and comments received are logged on a database.

### 13. Installation of a Noise Limiter

It is known that locally there is a preference for the installation of a noise limiter. Whilst such will be considered, it must be noted that not only is this inherently difficult in a multiple room venue, we also advise caution in the use of such at this stage. Such systems have an optimum operating window and until noise propagation tests have been conducted their suitability cannot be guaranteed, neither will the various venues lend themselves to a single limiter installation and indeed for more significant music events they will fail to control low frequency impacts.

Limiters are problematic and are not suited to all events, music genre. Some of the traditional weaknesses are that they don't consider low frequency noise, can trip power as a result of crowd cheering without there been any impact at residents from music etc.

What is therefore proposed is that during the inaugural events a series of tests will be conducted to look at the feasibility of using a limiter, what events they may be applicable to and how any installation may work in practice. Options do exist such as visual displays that make the management team aware of potential issues, but in this instance, there is a preference for the management to survey the local area during all events (including those that are low to medium risk and are not likely to impact at receptors). Likewise, for the high-risk events it is proposed that consultants will be in attendance and act as the specialist in controlling any impact. It is envisaged that our attendance will be greater during initial stages of the venue being brought into operation in order to refine that risk assessment. In taking this approach there is a much greater control and crucially a greater understanding of how the venue performs for the management team.

### 14. Noise Monitoring Procedure

Throughout events where monitoring is identified as necessary, competent persons will remain responsible for proactively monitoring noise. This will be done through conducting subjective / objective measurements at predetermined locations both internally and externally of the venue.



Such positions are proposed to be at those receptor positions identified previously, but this will be dependent on final site layout, findings of sound checks, weather etc.

Typically, we'd expect objective measurements to be conducted over a 15-minute period, albeit shorter measurement periods may be undertaken to determine compliance in line with the code of practice (i.e. it is typical that 5 minute measurements give a good indication of compliance over 15 minutes). All measurements will be recorded and be available for inspection at any time by the local Authority during any event.

No fixed monitoring positions are considered necessary at this stage, albeit for specific events continuous source noise measurements will be undertaken to complement off-site monitoring.

For events where the attendance of professional acoustic consultants is not deemed necessary then checks will be conducted by The Venue Management Team. These will depend on the nature of the event and consist of check internally around the boundary at least once every hour. Should these observations note any form of impact then additional checks will be conducted externally of the venue as appropriate. These are expected to be at least once every hour or in response to a change in the nature of the music being generated during any event.

## 15. Specific Noise Management Plan

A specific noise management plan (preliminary) has been prepared for the venue, the principles of which are adhered to throughout the operation of the venue. This is presented as a standalone document (Appendix A), the succinct nature of such providing a quick accessible guide.

All staff involved in the control of noise, as well as the venue sound engineers have read the NMP and signed records are kept. Hirer agreements are also signed by them using the venue.

## 16. Record Management and Reporting

Those responsible will undertake to manage records to enable it to be reported in a timely manner to relevant bodies and authorities. The objectives of the reporting are to:

- Provide Stakeholders with timely updates on the results of noise monitoring
- Provide details of the incidence and duration of any noise exceedances
- Detail any actions that were taken
- Provide details of complaints received
- Provide information to inform the review of the effectiveness of the NMP.

## 17. Strategy Review Procedure

In order to ensure that the strategy continues to fulfil its aims and objectives it will be reviewed and updated regularly. In its simplest sense this will be a continual exercise after each event, where a debrief will take place with those responsible.

A formal review and report will be conducted at least annually for the venue. This will include an assessment of compliance of noise and time limits, review of complaints data and any community or regulatory feedback. The results of which will be made available to the various stakeholders as deemed necessary.

## 18. Proposed Approach to Noise Control

Proposed Approach to Noise Control from the Venue

Stage 1	Preparation of Core Noise Management Strategy	Completed January 2019
Stage 2	Seeking and Granting of Relevant Licensing and Planning Permissions	
Stage 3	Background Noise Assessments undertaken to provide a greater understanding of the permissible levels and seeking agreement from the local Authority on permitted levels	
Stage 4	Venue to engage with the local community and receptors, outline the intended use of the venue and provide a means of engagement with the venue (email and telephone number etc)	
Stage 5	Venue looks to put together a series of small-scale trial events, notified to the Local Authority in advance	
Stage 6	Trial events take place, with relevant technical professionals in attendance to monitor and manage the various risks (noise / crowd management etc).	
Stage 7	Within 3 months of initial event control strategies to be reviewed and circulated to relevant authorities along with observation reports and any recommendations from the event.,	
Stage 8	Continued review of operational practices and engagement with community and regulatory authorities.	

## 19. Conclusion

The implementation of this Core Noise Management Strategy will be a pragmatic way of bringing the venue to life. It will also provide a robust but flexible way to manage noise and proactively prevent public nuisance being caused and it is hoped that the Local Authority will agree to this approach.



It looks to deliver continual improvement from specific tests and evidence gained and the approach is believed to deliver greater commitment than is seen for similar venues in the locality which operate with limited conditions. It also looks to proactively engage with the community and relevant responsible authorities.

Any events will be under the direct control of the owners and technical advisors and any third-party hirer will be contractually obliged to observe and implement any instruction.

This document is a 'working document' that will be updated as required and reviewed with input from the regulatory authorities. It is the intention of our client to thereafter implement improved procedures event by event for the control and management of noise.

## Appendix A – Specific Noise Management Plan



# River Street

## Specific Noise Management Plan

V1.1 January 2019

Review Date: January 2020 (unless otherwise agreed)

Each event proposed within the River Street Venue will be assessed on a case by case basis and will be subject to meeting compliance with the agreed noise limits. Each type of event will be dependent on the start and finish times but at all times the following good practice measures should be followed.

### General Restrictions

	<b>Operating Hours</b> (Where audible at residential)	<b>Specific Controls</b>
<b>Use of Outdoor Areas for drinking</b>	Not Applicable	Not Applicable
<b>Temporary Plant</b> Generators / Lighting Towers	07.00 to 23.00hrs	At all times positioned so as not to cause a disturbance to residential neighbours
<b>Queuing for Venue</b>	07.00 to 21.00hrs (where practicable)	Preference is for internal queuing system which will be possible for the large majority of events. Outside of the permitted hours internally / or controlled
<b>External Mobile Plant</b> Vehicles, Telehandlers, Lifts	07.00 to 23.00hrs	At all times operated so as not to cause a disturbance to residential neighbours
<b>People / Crowd Noise</b> (Entry and exit from venue)	N/A	Appropriate marshalling to be conducted during the event to minimise impact on residents.
<b>Public Address Systems (external)</b> <small>Note: distribution system, used to allow a person to address a large public grouping, for example for announcements rather than music</small>	07.00 to 21.00hrs	PA systems should be kept to a minimum and ideally only in emergency situations.
<b>External Rigging, Set Building Activities</b>	07.00 to 21.00hrs	On limited occasions such as on to the front of the venue
<b>Deliveries and Vehicle Movements</b>	07.00 to 22.00hrs	Vehicle movements to permit derig, set construction etc. to be permitted where such activities are to take place internally. Otherwise no loading or vehicle movements are permitted outside of these hours
<b>External Waste Collection</b>	07.00hrs to 21.00hrs (08.00hrs weekends & Bank Holidays)	Specified waste collection area. No use of compactors outside of these times
<b>Bottle Emptying</b>	07.00hrs to 21.00hrs (08.00hrs weekends & Bank Holidays)	Specified waste collection area
<b>Smoking Provision</b>	n/a	Specified smoking area



### Sound Amplification Equipment

Audio hire companies providing audio equipment for any event shall observe the following:

- Any sound amplification equipment used at any times will be installed in such a way as to minimise the noise impact on residential premises or sensitive receptors.
- The sound amplification equipment will be maintained in a proper and efficient condition so as to minimise the noise impact on residential premises or sensitive receptors.
- The sound amplification equipment will be operated in such a proper and efficient manner so as to minimise the noise impact on residential or sensitive receptors.

### Noise Limits and Restrictions

Unless otherwise agreed with the management the following restrictions apply. A combination of subjective and measured noise observations can be undertaken to determine compliance.

Venue	External Restrictions	Internal Restrictions $L_{Aeq}$ (15 min)	Internal Restrictions Low Frequency Content 1/3 octaves
TBC	Inaudible Internally at Receptors – defined as just audible outside of the noise sensitive premises.	TBC following survey	Below 40Hz 90dB $L_{Zeq}$ (15 min) 40Hz 110dB $L_{Zeq}$ (15 min) 50Hz 115dB $L_{Zeq}$ (15 min) 63Hz 115dB $L_{Zeq}$ (15 min)
	(x)dB $L_{Aeq}$ ,15min	To be agreed following survey	

Notes: Limits apply to the period 19.00 to 23.00hrs. Limit before such time subject to background.  
Limit may be increased prior to 19.00 due to expected increase in background noise.

Note: After 23.00hrs any music noise shall be inaudible at all times inside residential premises

An alternative approach is provided in the Noise Management Strategy for the Venue which may be considered for events with prior written agreement of the venue management team (the atypical events). Likewise, where multiple events or multiple stages are programmed any cumulative impact needs to be controlled within the limits set out above. This may involve the adoption of additional mitigation works for example or simply lowering the limits on each sound source.

## **Noise Monitoring**

Compliance will be achieved with the target noise limits at all times. During all events, subjective observations / measurements shall be carried out at least once per hour along the nearest sensitive facades or boundary of the venue (whichever is appropriate). This is to provide a check that all measures are in place and that those responsible are working to prevent public nuisance being caused. Immediate action will be taken to reduce levels should any issues arise.

Monitoring templates have been provided to the venue. (See Appendix B)

## **Staff Training**

Staff, specifically those at events in charge of sound equipment shall be fully briefed in the contents of the NMP and the need to ensure that noise is kept within acceptable parameters.

## **Complaints Management**

A telephone complaints line will be available for the duration of the event. Should any noise complaints be received, a responsible and competent person will investigate the complaint and if noise levels are deemed unacceptable, immediate action will be taken to reduce the levels of the noise source.

A complaints log will be maintained throughout the event, detailing addresses of complaints, times and actions. Such will also be available to the Local Authority on request along with details of actions.

## **Spread of Events Throughout the Year**

All stakeholders for the venue will seek to co-ordinate major events in as practical manner as possible to minimise noise and disturbance.

## **People / Crowd Noise**

Whilst there is no formal mechanism for evaluating or controlling crowd noise, consideration will be given to minimising such as critical points such as arrival and dispersal at the event.

It is expected that for most events it will be feasible to conduct queuing internal of the venue and this will control noise. If this cannot be done, then the Disney method is to be employed. This will allow for the queuing to take place in a controlled manor, monitored and it is a well proven method to reduce disorder as it is in a controlled fashion. It must also be noted that any such queues are likely to take place in the earlier part of the evening when the background levels are higher.

Where the nature of the function, the number of people attending and the opening and closing time of the function make it appropriate, marshals will marshal and monitor the entrance and egress from the premises including the behaviour of those within the vicinity of the premises. This will help achieve orderly arrival and departure of persons and will reduce the risk of nuisance occurring.

The marshalling of persons arriving at the premises will seek to reduce so far as reasonably practicable, persons queuing outside the premises or in a location likely to disturb residents.



Likewise, appropriate mechanisms to stagger arrival and departure, temporary screening, marshalling and signage etc. will be considered for each event.

#### **Car/Coach Parking**

Persons who are travelling to or from the premises will be advised in advance that parking is limited in order to reduce the pressure on on-street parking.

#### **Minicabs and Taxis**

Preferred minicab companies shall be made available and publicised to encourage people to leave the premises promptly. Such companies (where practicable) should be informed of appropriate set down and pick up points and appropriate marshalling provided during events to ensure that such does not have a detrimental impact on residents. All such facilities should away from residential properties to discourage people from the public highway.

#### **Deliveries and other Vehicle Movements**

Noise from vehicles can be a constant source of noise both on the site and in the surrounding neighbourhood. Careful consideration should be given to vehicle routing, times of operation and deliveries and the need for vehicles to use reversing alarms or refrigerated plant etc. Restrictions are in place which include limiting the time and providing in advance preferred routes and instructions.

Bottles used in the premises will not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a source of public nuisance.

#### **Smoking Area / External Areas**

The designated smoking areas (TBC) shall be used unless agreed with venue management. With regard to the such areas, there are multiple methods which will be considered based on experience should issues arise the venue becomes operational. These include:

- defining an area or size of area for such purposes
- limiting the number of people allowed to access the area and therefore the volume of noise
- limiting the taking of drinks outside preventing people congregating and spending more time than necessary
- limiting the number of people in the defined area at any one time
- the use something like echo barrier on Heras fencing to reduce the propagation of noise.

Acknowledgement by Hirer / Tenant	
Name	
Date	

Signature	



## Appendix B – Noise Monitoring Proformas

### Noise Observation Reporting

Date:	
Name of Event:	
Event Duration:	
Event Description:	(Number of Arenas, Audience Size, Sound System used and Orientation etc)

### Details of Observations Undertaken

MONITORING LOCATION	TIME	SUBJECTIVE ASSESMENT / MEASUREMENTS	REMEDIAL ACTIONS REQUIRED / TAKEN
Example - New Street, Eccles	00.10 - 00.15	Noise from event largely inaudible within external to No.11. Very occasional and low bass beat detectable between lulls in traffic noise, not detectable in vehicle and unlikely to be audible within residential units.	No action taken / action taken to reduce low frequency to minimise any potential impact as levels at source can accommodate such reductions.



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### Complaints Received

COMPLAINT ADDRESS	TIME	NATURE OF COMPLAINT	SUBJECTIVE ASSESMENT / MEASUREMENT	TIME OF VISIT	REMEDIAL ACTIONS REQUIRED / TAKEN
Example - New Street, Eccles	00.10 - 00.15	What are they hearing, when and how effecting property? Is this regular and how long been happening			No action taken / action taken to reduce low frequency to minimise any potential impact as levels at source can accommodate such reductions.



## Appendix C – Summary of Similar Uses in the Locality

Digbeth Craft Brewery, 43 River Street, Digbeth, Birmingham, B5 5SA. Events advertised on social media including alcohol tasting, wine, DJ and dancing until late. The license was issued on the 15<sup>th</sup> August 2018 and provides for recorded music between 09.00 and 00.00 (Mon Wednesday) and 09.00 to 00.30 (Thursday to Sunday) with similar operating hours. In terms of conditions these relate to appropriate signage at exits, music shall be restricted to that played or performed during group visits will be of a nature usually expected in a restaurant type environment and not high volumes associated with a night club (note it is specific to group visits but not general admission). There are also restrictions on deliveries and a requirement for contact details for operators to be displayed at the premises.

The Ruin, 92 Floodgate Street, River Street, Digbeth, Birmingham B5 5SR. Advertising indicates this is a typical licensed premise which holds live music in for form of DJ's until 00.00hrs each Saturday and open mic nights on the first Thursday of the month. Issued on the 15<sup>th</sup> April 2013 the license permits live and recorded music up until 01.00hrs and contains no conditions with respect to prevention of Public Nuisance other than restricting such activities to indoors only.

Floodgate Street (Part of Road and Pavement outside of 104-105 Floodgate Street and extending to junction of Little Ann Street, Digbeth, Birmingham, BS6SR. This license permits multiple activities including live and recorded music externally within the pavement until 00.00hrs. There is a restriction on the number of events to 6 with further requirement that they should be occasional and usually as and when concerts or similar events are taking place in industry. Gives power to SAG to impose conditions. There is also a condition requiring the queue outside the premises for nuisance. Any events shall be inaudible inside the nearest noise sensitive or residential premises. There is also a requirement after a hearing to notify Environmental Protection of events, provision of a hotline number, leafletting of residents. Finally there is a requirement for acoustic consultants to monitor at Glover Street / Fazeley Street, Bordesley Village, Coventry Street and Abacus Building.

Engine Room, 25C Floodgate Street, Digbeth – advertised as a multispace venue with music. License issued on the 14<sup>th</sup> March 2018 with allowance for recorded and live music until 02.00hrs. Whilst restricted to private events there are no conditions applicable to noise and disturbance.

Boxed Social, 104 – 108 Floodgate Street, Birmingham. Bar Restaurant with live and recorded music permitted until 01.00hrs (03.00hrs on Saturday and Sunday). Entertainment restricted to internal only with a condition requiring that it shall not cause a public nuisance, the provision of notices on exits. In terms of low frequency at any noise sensitive premises, the level of noise from the entertainment premises shall be at least 10dB less than the background in octave bands from 63Hz to 4Khz. The LAMax due to customer noise on the premises shall not exceed the background noise level in the absence of entertainment noise. The premises shall submit for approval a noise management plan and all doors and windows shall be kept closed.

119, Floodgate Street, Digbeth – live and recorded music to 02.00hrs and provision on the occasion of a major event (maximum of 4 per year) to run from 10.00 to 07.00hrs. Restricted to indoors only, that windows and doors to be kept shut, respond to reasonable requests of the LA at all times, that noise shall not unreasonably disturb persons in the neighbourhood and that levels of noise from licensed public entertainments shall not exceed levels set at neighbouring occupied residential premises that will be agreed with responsible authorities. The provision of a sound limiting device, to be set as agreed if considered appropriate by the responsible authorities, that events shall not cause a statutory nuisance, the provision of noise propagation tests. In terms of committee decisions, major events shall not be on consecutive nights and not within 60 days of each other, that a street ranger shall be provided during a major event, a hotline number, a noise risk assessment for major events, notification and

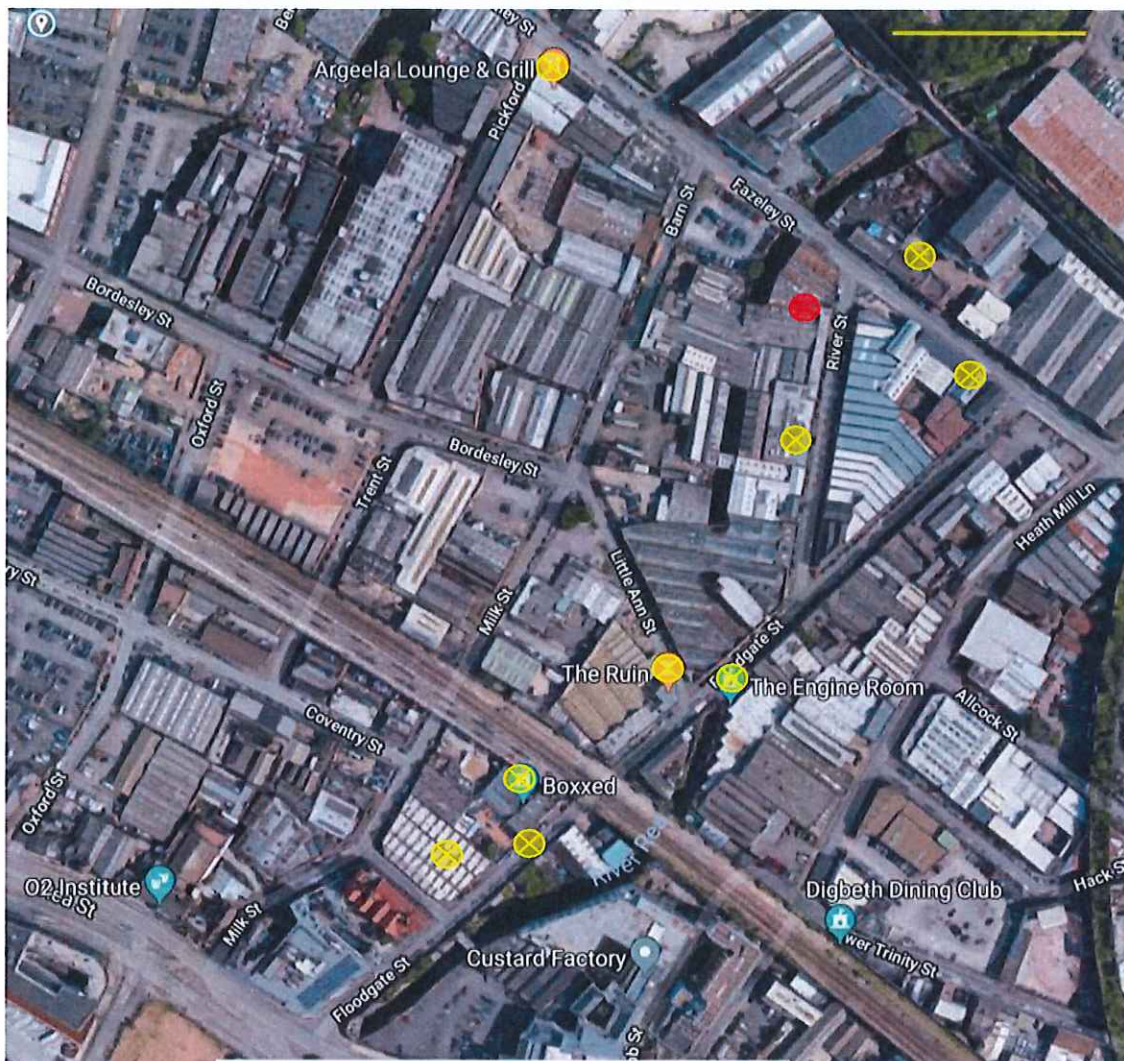


dialogue with Birmingham Central Backpackers, monitoring by acoustic consultant, control of people in the street.

Argeela Lounge, 1134 Fazeley Street, Digbeth, Birmingham – granted on the 15<sup>th</sup> November 2016, permits live and recorded music until 03.00hrs. No conditions with respect to noise on license.

Fazeley Studios – Multipurpose Venue and issued on the 21<sup>st</sup> June 2018. Permits live music etc until 03.00hrs but normal operating hours until 01.00hrs unless 14 days' notice is given. Conditions require windows to be kept closed, recorded music levels to be monitored, out of hours deliveries to be monitored and training of staff on departure. Appear to run up to 70 weddings a year and hundreds of events a year.

The Bond Company, 178 – 182 Fazeley Street, Digbeth. Permits live and recorded music until 01.00hrs albeit external regulated entertainment restricted to 22.00hrs and requiring staff to be trained in quiet departure.





## Appendix D – Glossary of Terms

1. Noise is defined as unwanted sound. The range of audible sound is from 0 dB to 140 dB. The frequency response of the ear is usually taken to be about 18 Hz (number of oscillations per second) to 18000 Hz. The ear does not respond equally to different frequencies at the same level. It is more sensitive in the mid-frequency range than the lower and higher frequencies and because of this, the low and high frequency components of a sound are reduced in importance by applying a weighting (filtering) circuit to the noise measuring instrument. The weighting which is most widely used and which correlates best with subjective response to noise is the dB(A) weighting. This is an internationally accepted standard for noise measurements.
2. For variable noise sources such as traffic, a difference of 3 dB(A) is just distinguishable. In addition, a doubling of a noise source would increase the overall noise by 3 dB(A). For example, if one item of machinery results in noise levels of 30 dB(A) at 10 m, then two identical items of machinery adjacent to one another would result in noise levels of 33 dB(A) at 10 m. The 'loudness' of a noise is a purely subjective parameter but it is generally accepted that an increase/decrease of 10 dB(A) corresponds to a doubling/halving in perceived loudness.
3. External noise levels are rarely steady but rise and fall according to activities within an area. In an attempt to produce a figure that relates this variable noise level to subjective response, a number of noise metrics have been developed. These include:

**LAeq** noise level - This is the 'equivalent continuous A-weighted sound pressure level, in decibels' and is defined in BS 7445 [1] as the 'value of the A-weighted sound pressure level of a continuous, steady sound that, within a specified time interval, T, has the same mean square sound pressure as a sound under consideration whose level varies with time'. It is a unit commonly used to describe community response plus, construction noise and noise from industrial premises and is the most suitable unit for the description of other forms of environmental noise. In more straightforward terms, it is a measure of energy within the varying noise.

**LA90** noise level - This is the noise level that is exceeded for 90% of the measurement period and gives an indication of the noise level during quieter periods. It is often referred to as the background noise level and issued in the assessment of disturbance from industrial noise.

**LA10** noise level - This is the noise level that is exceeded for 10% of the measurement period and gives an indication of the noisier levels. It is a unit that has been used over many years for the measurement and assessment of road traffic noise.



**The River  
30-34 River Street  
Digbeth, Birmingham.  
B5 5SA**

These conditions as amendments to the operating schedule of the premises licence are agreed with West Midlands Police licensing team on 6 December 2018

1. When licensable activity takes place there will always be a personal licence holder on duty at the premises.
2. The premises will only operate licensable activity for pre-booked events.
3. When the premises is not booked for planned events, it will not operate as a walk in venue for the general public.
4. The premises will record the name, date of birth, address and contact number of any persons hiring the venue. (Booking form.) The risk assessment grading will be written on the booking form.
5. When carrying out licensable activity the premises will display prominent signage outside the front of the venue stating that the venue is open for a private function or event, invite only and no access is permitted to the general public.
6. All events will be risk assessed and the premises will notify West Midlands Police licensing team of any event deemed to be medium or high risk. This notification will be made 28 days before the event.

Both parties have agreed these conditions and West Midlands Police Licensing will notify the Council's Licensing Authority that they are withdrawing any representation to the application.

**Signed by.**

**PC D Walker**  
**Police Licensing Team**

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**R V Edge**  
**Agent for the applicant**

**Thursday 6 December 2018**

**The River**  
**Premises Licence Application**

**Birmingham City Council**  
**Licensing Sub-Committee**  
**21 January 2019**

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**Documents lodged on behalf of the applicant**

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Acting for the applicant, I have liaised extensively with the Responsible Authorities that had concerns over the operating schedule for this application. As a result, I have now agreed amendments to the operating Schedule of the premises licence and agreed to conditions with West Midlands police, we have had much dialogue with environmental protection..

Documents used for mediation included:

- Premises Licence and Site Operations Training Manual
- Dispersal policy
- Smoking area policy
- Challenge 25
- Incident log book
- Refusals register
- Staff training documentation
- Noise Management Strategy

In respect to the cumulative impact zone, we believe we would not add to any impact, we have offered a suite of conditions to deter any undermining of the licensing objectives. We are a reputable and responsible organization, who can provide effective training, systems and support to a high level in the pursuit of good practice. "Whilst we fully understand and approve the implementation of the cumulative impact zone, we are strongly persuaded that this application will have no adverse effect on the objectives of the CIz, the licensing policy and the overall situation in the area."

Staffing for SIA numbers will be assessed based on a Risk rated system and based on numbers attending each event. The door supervisors will be SIA registered, and there will be taxi marshals used for all events.



### **Conditions agreed with Environmental Protection**

1. The Licensee shall, within 2 months of the date of issue of this licence, submit in writing a noise management assessment and mitigation to Environmental Protection Unit of Birmingham City Council. The noise management plan shall outline the measures to be adopted to reduce the noise impact of activities associated with the premises including music, smoking area, customer access and egress (include parking) and dispersal of customers from the surrounding area at the end of the night. All operational controls and management actions required by the approved noise management plan shall be instigated at all times. The noise management plan shall be updated regularly and all staff shall be adequately trained in their role in implementing the plan.
2. To avoid nuisance being caused to neighbours the DPS, or other nominated person/staff, shall monitor the external areas of the premises (including the designated smoking area) after 23:00 hours. In addition the DPS shall ensure that an appropriate number of Door supervisors/ the DPS, or other nominated persons shall monitor and control people entering and queuing and exiting the venue after 23.00. If necessary, they shall remind customers to be respectful of neighbours and where necessary they shall take appropriate steps to avoid customers using Fazeley Street to avoid such activities causing a nuisance.
3. Prior to any regulated entertainment involving amplified music taking place, a Noise Limiting Device (NLD) of a type approved by the Environmental Protection Unit of Birmingham City Council shall be fitted to the serve any area of the premises used for amplified music or sound. The NLD shall be set at a level agreed with the Environmental Protection Section to ensure that the volume of music is controlled to avoid noise nuisance to the occupiers of nearby buildings. The installation of the NLD shall be notified to the Environmental Protection Section prior to use and shall meet the following criteria:
  - a) The device shall be fitted in an approved position by a competent person and once fitted shall not be moved from the approved position or tampered with in any manner unless prior approval is given,
  - b) The device shall be capable of either:-
    - i) cutting off the mains power to the amplification equipment if the volume exceeds the pre-set level determined by the Environmental Protection Unit and shall not restore power to the amplification equipment until the NLD is reset by the DPS or their nominated person, or
    - ii) otherwise maintaining the volume of the music at the pre-set level determined by the Environmental Protection Unit,
  - c) where the NLD operates by cutting off the mains power to the amplification equipment, amplification equipment shall be operated through the sockets/power points linked to and controlled by the NLD at all times,



d) The NLD shall be maintained in full working order and at the approved pre-set volume whilst the amplification equipment is operational,

e) Any damage or malfunction to the NLD shall be reported to the Environmental Protection Unit as soon as possible and within 24 working hours of the damage occurring or malfunction being noted. The NLD shall not be used in this damaged or malfunctioning state until approval has been given by the Environmental Protection Unit.