Application for Variation of Premises Licence

1. Ultimate Leisure (Scotland) Limited — Vinyl, 1-5 Arthur Street, Ayr

	Existing Licensed Hours		Proposed Licensing Hours	
	On Sales	Off Sales	On Sales	Off Sales
Monday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Tuesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Wednesday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Thursday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Friday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Saturday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00
Sunday	12:00 – 02:30	12:00 – 22:00	12:00 – 02:30	10:00 – 22:00

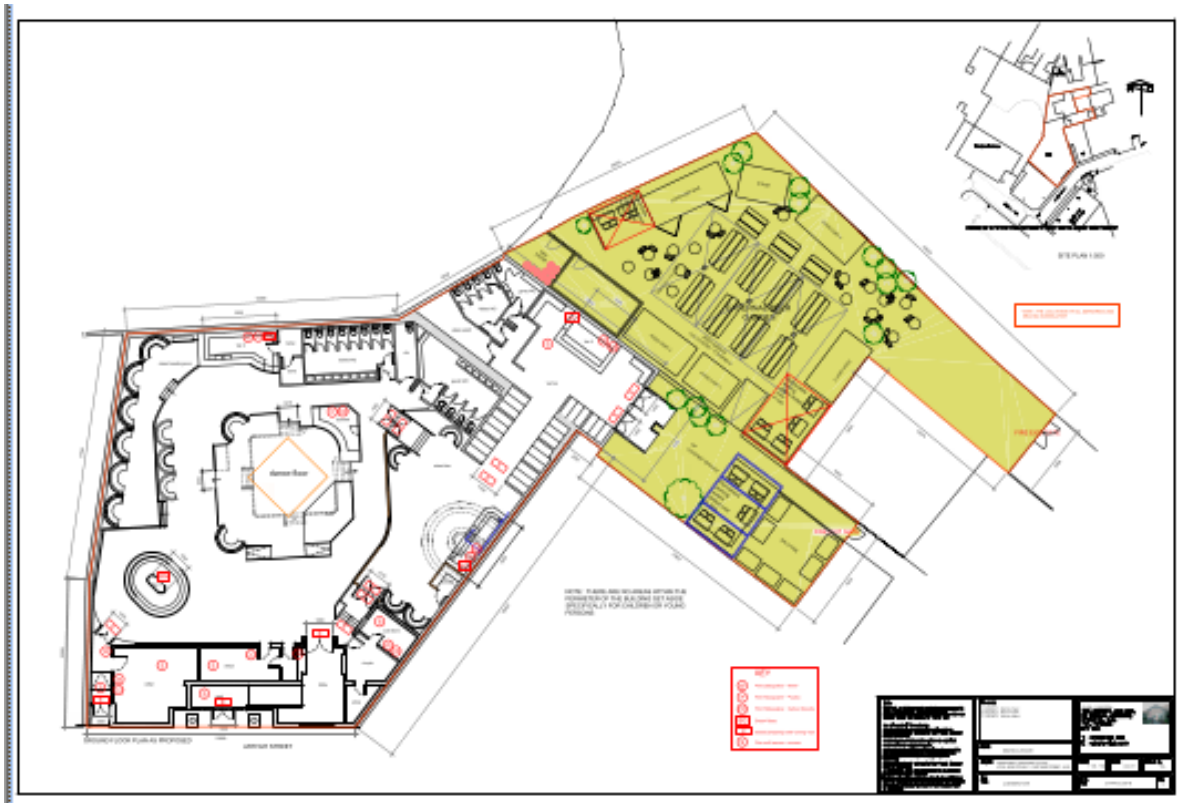
To amend commencement hours of off sales to 10.00am Monday – Sunday (*Different commencement time from on sales).
To include wording at Q5 as follows:
"The outside area may be used outwith core hours by patrons for the provision of coffees, teas, snacks, non alcoholic refreshments and hot and cold food."
To amend wording at Q5(f) as follows:
"The premises has gaming machines, pool tables and dartboards which can be used by patrons".
The following list of activities may take place on the premises, but is not restricted to; small stakes poker/bingo nights, discoes, karaoke nights, live bands, comedy nights, quiz nights, race nights, fun casino nights, theme nights, charity events, promotional events, live entertainment, dance troupes, male/female review shows, rodeo bull riding (or other attachments), psychic nights, fashion shows, celebrity guests, hypnotists and live appearances. The external area will be used for markets, community, commercial and entertainment events."
To amend wording at 6(b) as follows:
Children or young persons may attend a market or other event pre core hours.
To amend wording at 6(d) as follows:
Children or young persons may attend a market or other event pre core hours.
To include the external eating and drinking area in the licensed footprint, as shown on the layout plan.

Noise Management Plan attached

Environmental Health - advise that the recommended Noise Management Plan by the consultant is strictly adhered to

Building Standards – building warrant required for proposed works.

Police – no objections



Proposed use of outdoor area
Vinyl nightclub – Arthur Street, Ayr

Noise Impact Assessment and Noise Management Plan

KSG Acoustics

Prepared for Vinyl

27 January 2022

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Proposed outdoor area

Vinyl - Arthur Street, Ayr

Noise Impact Assessment and Noise Management Plan

1. Introduction

Vinyl nightclub is located on Arthur Street, Ayr, adjacent to other night time entertainment and restaurant / bar uses.

The Operators plan to develop an area of land to the rear of the nightclub, which is currently overgrown and derelict, as a flexible space for a range of uses. This includes activities such as pop-up food and drink, markets and other community interest activities, sports screenings and other occasional events.

Vinyl is acutely aware of the need to involve and respect the local community and be a good neighbour. As such, this document sets out a Noise Impact Assessment (NIA) and Noise Management Plan (NMP) to achieve this aim.

2. Site description

Vinyl is located in Ayr town centre in an area featuring a range of other night time, hospitality and leisure uses. The wider area also includes mixed residential, commercial and retail uses, with nearby dwellings located on High Street and Newmarket Street to the east and north respectively. The closest dwellings are at a separation distance of approximately 28m from the Application site boundary to the north and 55m to the east.

The Application site is to the north of Vinyl and can be accessed through the nightclub itself, or from the side of the block adjacent to the Eight Ball Pool Club at the rear of the car park.

The land was previously incorporated into an outdoor area for an adjacent bar / restaurant use and provided additional space and a children's' play area. The site has since fallen into a state of disrepair and has become overgrown and derelict.

The Arthur Street Kitchen, adjacent to Vinyl, already operates an outdoor area, which was the subject of a separate NIA / NMP. This area is used for consumption of food and drink, however it also features ambient background music and occasional live music. Consultation with South

Ayrshire Council (SAC) has confirmed that there have been no recorded complaints associated with use of the outdoor space, which provides a positive context against which to consider the current Application at Vinyl.

Despite the town centre location, ambient noise levels at the rear of Vinyl during the day are moderate and dominated by distant road traffic, local vehicle movements, operational fixed plant items, birdsong etc.

Arthur Street Kitchen has external refrigeration plan which operates daily and sets back at 1900h. When meteorological conditions allow, the outdoor area at Arthur Street Kitchen is in use and the soundscape changes accordingly, including patron noise, music etc.

3. Proposed development

Application proposals are set out in Architectural Services Drawing reference 21/VINYL/LIC/01B Rev C, which has been submitted in support of the current Application.

Briefly, proposals include improvements to the existing smoking area outside the VIP bar, including additional seating space and a permanent awning. Beyond this, in the area that is currently disused, an external beer garden area is proposed centrally, including seating and standing areas, with some areas under retractable awnings. Space is marked out for up to four food trucks, or other market uses, a containerised bar and a small stage / screening area located in the north corner facing back into the beer garden area. The area is compact and the stage is close to the seating area, lending itself to control over sound levels.

Beyond these day to day uses of the space, Vinyl may host small events commensurate with the size of the outdoor area. These might include local bands, DJs, spoken word or comedy performed on the stage indicated. As it is recognised that such events may have a more significant noise impact than the day to day operation of the space, these have been assessed separately and the option of limiting the number and timing of such events may be appropriate.

4. Consultation

Consultation has been undertaken with the SAC Department of Environmental Health to establish an acceptable approach to the assessment of operational noise from the Application site.

While acknowledging the similarity with existing activities at Arthur Street Kitchen and the lack of reported complaints from the local community, SAC was keen to understand more details of the proposals. They expressed some concern over the potential for levels of amplified sound to draw complaint from local residents and the potential for a nuisance to occur.

SAC agreed that separating day to day activities from occasional events was an appropriate method to address the assessment and formulate a targeted NMP.

The importance of addressing low frequency sound egress and subsequent impact has also been discussed and Vinyl has undertaken to optimise the design, in so far as is reasonably practicable, to minimise the potential adverse effects of day to day and occasional music and entertainment noise in these frequencies.

5. Baseline noise data

A site walkover was undertaken and predominantly unattended measurements of environmental noise carried out between 20 and 24 January 2022. These measurements were undertaken to define the typical acoustic environment representative of the closest identified noise sensitive dwellings to contextualise the assessment.

All measurements were made using a 01dB Duo sound level meter (serial number 10454) fitted with a GRAS 40CD 1/2" pre-polarised free-field condenser microphone (serial number 145009). The sound level meter was calibrated at the beginning and end of the measurement period using a 01dB Metravib CAL31 acoustic calibrator (serial number 34113670) which had itself been calibrated against a reference system traceable to national and international standards; no drift in calibration occurred.

Weather conditions during the surveys were suitable for the monitoring of environmental noise, being cold with wind speeds below 5 m/s and no precipitation.

All measurements were taken in the free field at a height of approximately 1.6m above local ground height.

The following table summarises the results of the baseline measurements at times relevant to the Application.

Table 1: Summary of baseline noise measurements

Period	Average LAeq,T (dB)	Average LA90,1h (dB)
1200 - 1900h	48	43
1900 - 2300h	40	36
2300 - 0000h	35	32

Source data for amplified spoken word (screenings) and outdoor music

Predictions of amplified sound levels have been undertaken using library data for the spectral shape of amplified spoken word (screenings), and electronic and rock / pop music. The following Tables 2 and 3 present spectral data corresponding to a total A-weighted value of 65dB LAeq,15min for day-to-day use and 75dB LAeq,15min for occasional events. These are considered reasonable source levels for each use.

Table 2: Source data for amplified spoken word (screenings) (Leq,15min at site boundary)

Octave band centre frequency (Hz)	63	125	250	500	1000	2000	4000	A
Day to day levels	71	68	63	61	59	59	54	65
Occasional event levels	81	78	73	71	69	69	64	75

Table 3: Source data for amplified music (Leq,15min at site boundary)

Octave band centre frequency (Hz)		63	125	250	500	1000	2000	4000	A
Electronic / dance music (dB lin)	Day to day levels	82	64	60	61	60	57	54	65
	Occasional event levels	92	74	70	71	70	67	64	75
Rock and pop music (dB lin)	Day to day levels	77	67	63	63	60	56	51	65
	Occasional event levels	87	77	73	73	70	66	61	75

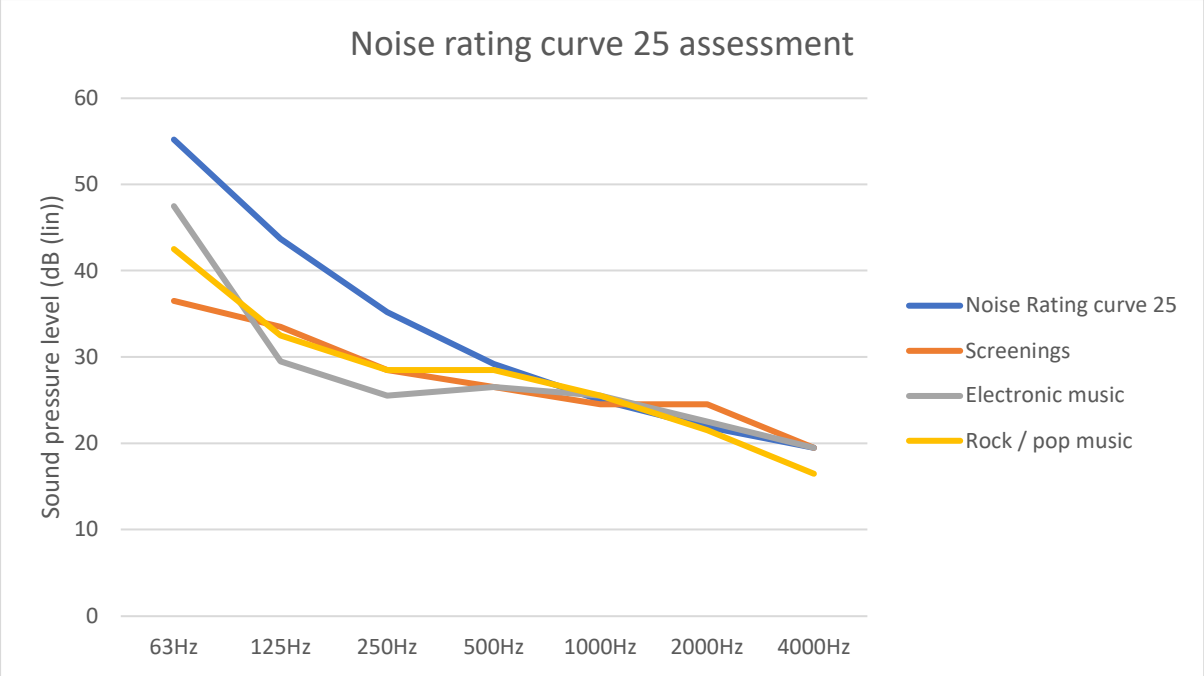
6. Noise impact assessment – Day to day operations

For the purpose of this assessment, a conservative assessment of propagation of day to day amplified sound has been applied to minimise the potential for underestimating levels at the closest existing dwellings. The following parameters have been applied:

- 15log correction (-4.5dB per doubling of distance)
- Hemispherical propagation
- Source level (LAeq,15min) is applicable at 3m from source
- Receiver is 28m from source
- -5dB reduction for a partially obscured sight line
- No correction for angle of view or intervening screening, ground cover etc.

Predicted levels have been predicted inside facing habitable rooms with windows partially open for ventilation.

Levels have been assessed against the set of values set out in Noise Rating (NR) curve 25. These are conservative values for daytime hours (0700 – 2300h)., The following Chart presents the results of these predictions.



The results indicate that NR25 is likely to be met in situ, when all other aspects are taken into consideration. The screening predictions show a potential slight exceedance at 2000Hz however the content from spoken word / screenings is variable and may vary from the library data set adopted.

Nonetheless, this emphasises the need for a robust approach to PA design and noise management. These elements are discussed in detail later in this report.

7. Noise impact assessment – Occasional events

Amplified sound from occasional events has been considered in accordance with the guidance set out in the Code of Practice on Environmental Noise Control at Concerts (CoP).

Although more suited to far larger organised events, the principle of a sliding scale of permissible sound levels for increasing numbers of events provides a useful framework.

The CoP suggests that, for 1 to 3 events per year up until 2300h, an absolute limit of 65dB LAeq,15min outside the closest dwellings may be acceptable. For additional events, the LAeq,15min outside the closest dwellings should not exceed prevailing background LA90 + 15dB(A).

The following Table sets out predicted A-weighted average sound levels for screenings and amplified music based on the library data set out in Tables 2 and 3 above (occasional event

levels). These levels are applicable to the closest noise sensitive dwelling (circa 28m separation distance) and apply the same set of conservative parameters set out previously for the prediction and assessment of day to day operational noise.

Source	Predicted external LAeq,15min (dB)at closest dwelling (28m separation distance)
Screenings or music	56dB

The predicted level suggests that, without significant intervention, the LAeq,15m would be well within the absolute limit for 1 to 3 events per annum.

Table 1 indicates that the prevailing background sound level with no contribution from Vinyl or Arthur Street Kitchen is circa 36dB LA90,1h between 1900 and 2300h. This is likely to be higher on weekend nights when the night time entertainment and restaurant / bar premises are in operation. On the basis of the advice in the CoP, the maximum music noise limit would therefore be 51dB LAeq,15min. This is 5dB less than the conservative predictions.

Dwellings at distances further from the source will benefit from the additional separation distance from source and, as such, will receive music noise levels that are commensurately reduced.

Nonetheless, there is clearly a need for robust noise management to ensure that the appropriate standards can be achieved in situ. Section 7 sets out the proposed NMP for Vinyl's outdoor area.

Amplified sound after 2300h

Vinyl has indicated that, on a limited number of occasions per annum, they may wish to have amplified sound that continues until midnight. As part of the occasional events discussed above, these events would be scheduled and not part of typical day to day operations.

Care will be required in the planning execution of these events to ensure that sound levels do not constitute a nuisance at the closest dwellings. It is likely that a lower sound limit will apply after 2300h for the final hour. This may be achieved through using smaller, distributed PA boxes that are zoned only in certain areas of the external space, for example in the area

outside the VIP bar only. This approach would significantly reduce the offsite sound impact, while achieving acceptable levels in the event area.

It is suggested that such events are limited to no more that 6 per annum and that robust noise management measures are enforced as set out below.

8. Noise Management Plan

This section described the noise management measures and procedures to which Vinyl is committed. These are central to the protection of the amenity of nearby residents. Vinyl takes its responsibilities as a good neighbour seriously and will endeavour to minimise any adverse impacts, in so far as is reasonably practicable.

It includes:

- Control of music and entertainment noise break-out from day to day and occasional events featuring amplified sound
- Management of build and break, load in and load out activities
- Management of patron ingress and egress
- Community liaison.

It should be noted that the Application area will be subject to control through appropriate Planning Permissions and Licences, issued by SAC. These controls determine the hours of operation of the area and the activities that can be undertaken.

Control of music and entertainment noise break out from day-to-day activities and occasional events

PA design throughout the external area and level setting

A single in-house PA design will be adopted for the use of the outdoor area on the day-to-day basis. This will be set up in such a way as to minimise noise break-out from the area. Specific measures include the use of a distributed system and highly directional loudspeaker components (where practicable). The design should not be significantly varied without repeating the level setting exercise described below.

Stage sound levels will be kept to a minimum. Any requirement for monitors should employ one or two boxes located in close proximity to the performing artist. No subs shall be permitted on stage as part of the monitoring system. Where live music is included, all artists

must be made aware in advance of the event that stage levels must be minimised and front of house levels will be managed to satisfy the noise management requirements.

Prior to commencement of operations, a level setting exercise shall be carried out. Levels of off-site sound from the front of house system will be correlated with off-site levels representative of the closest dwellings to ensure that acceptable levels are achieved. The venue audio engineer will be present during tests and instructed on the requisite levels of sound. These shall be adhered to at all times during which amplified sound is in use in the space.

Where required, sound management hardware and software can be introduced to facilitate real time monitoring of levels in the Application area and to allow on and off-site access to data by staff and management[1]. The purpose of such a system is to ensure consistency in offsite noise profile at all times, thereby limiting the potential for adverse impacts at sensitive receptors.

All audio settings must be checked daily prior to trading commencing. Any requisite adjustments shall be made to ensure that levels are regularised and meet off-site limits. Regular off-site listening exercises should be carried out to ensure that levels are within acceptable parameters and as expected. It should be remembered that meteorological conditions may have a positive or negative effect on sound propagation from outdoor amplified sound sources.

Management of events featuring amplified sound

A stringent noise control programme will be exercised throughout events incorporating amplified music and audio to ensure that entertainment noise is routinely minimised in so far as is reasonably practicable and to the satisfaction of SAC.

The noise control procedures that will be adopted are as follows:

- Sound system design

Wherever practicable, the in-house audio system should be used in the approved configuration by all visiting artists. Where events require additional PA, or artists have

[1] 10Eazy or similar 10EaZy

backline requirements which they fulfil themselves, it is essential that a sound propagation check is carried out with time set aside specifically for this purpose.

For occasional events, sound management hardware and software shall be in place throughout the event to ensure that sound levels remain within acceptable parameters. Care should be taken when monitoring front of house levels only, as stage levels may be contributing to off-site levels. Advice regarding the management of stage levels is set out above. Sound propagation tests are described later in this section.

- Control of low frequency sound

Low frequency sound is an integral component of many genres of music, and, as such, reasonable levels will require to be maintained in the outdoor area. Nonetheless, low frequency sound is often the subject of complaint and, as such, all reasonably practicable steps will be taken in the PA design to ensure that unnecessary off-site spill is limited.

Subs will be arranged in a cardioid configuration, or using other effective technology, which will provide improved cancellation of low frequencies in targeted off-site locations. It is noted that the closest dwellings are behind the stage area, therefore minimising rear rejection from subs will be crucial.

- Sound monitoring and control during sound checks and amplified music and entertainment

For occasional events, the sound management system previously described will be set up to reflect a correlation exercise with off-site levels.

During sound checks, measurements shall be undertaken simultaneously within the outdoor area and at one or more off-site positions representative of the closest dwellings.

Off-site sound limits for the event are discussed in the NIA section of this document. Care should be taken to ensure that the appropriate off-site limit is applied. The level on the front of house sound management system shall be set in accordance with this to ensure that off-site levels are not exceeded during the event. Additional off-site measurements during the event can be undertaken, where required.

Where amplified sound is permitted between 2300 and 0000h, care must be taken to ensure that off-site sound levels are reduced for the final hour, unless otherwise agreed. The reduction is likely to be achieved through limited zoning of amplified sound between 2300 and 0000h and the selective switching off of PA covering other areas of the outdoor venue.

The procedure for dealing with any complaints received is set out later in this document.

Management of patron ingress and egress

Vinyl will undertake to control the flows of patrons on ingress and egress, which can lead to disturbance to local residents. Control measures will be scaled up or down depending on the nature of the event.

Wherever possible, events egress will occur via the nightclub and not through the back of the outdoor area onto Arthur Street. This will limit the potential for late night noise affecting the local community.

Vinyl will advise customers in advance of occasional events of the need to be respectful of neighbours and the surrounding area. This will be done via social media and where possible, direct messaging via email.

Pass outs will be expressly forbidden to limit patron gathering and loitering on the streets outside the venue during events.

Stewarding

Vinyl will provide adequate stewarding throughout all events, from patron ingress through to egress pre and post curfew. Stewards will ensure that time spent by patrons outside the venue is limited by rapid processing into events and rapid dispersal after the event has concluded.

Communications and community liaison

Vinyl will provide dedicated means of contact in order that any community concerns can be dealt with immediately. Methods for community communication will be monitored consistently and a log kept of complaints, including timing and detail. Where willing, complainants will be asked to identify their location.

Vinyl will investigate immediately upon receipt of a complaint to ensure that all noise management mechanisms described in this plan are functioning. Where the complaint is justified, adjustments will be made as necessary and the situation will be reviewed for improvement. The actions taken will be relayed back to the complainant.

Any complaints received directly to SAC should also be shared through this mechanism, allowing Vinyl the opportunity to respond quickly and effectively.

Vinyl will give adequate notice to nearby residents of occasional events via email or letter drop, as appropriate.

Potential noise sources during load-in / load-out, deliveries etc.

Minimising noise from load-in / load-out, deliveries etc. should be undertaken in accordance with Best Practicable Means, as described in the Control of Pollution Act 1974, in so far as is reasonably practicable.

Staff involved in these activities will be inducted by Vinyl and will be made aware of the type of 'common sense' precautions they should be taking to minimise noise impacts at the closest dwellings.

9. Conclusions

KSG Acoustics has carried out a noise impact assessment in relation to use of the proposed outdoor area at Vinyl nightclub, Arthur Street, Ayr.

Consideration has been given to the noise impact of day to day operations, as well as occasional events featuring amplified sound.

It is considered that, providing the measures set out in the NMP are implemented rigorously, the outdoor space can be used as required with minimal risk of significant adverse impact on the local community.

Vinyl undertakes to implement the NMP recommendations and will regularly review operations to ensure that operational noise is minimised off-site.

Appendix A: Limitations of the report

This report has been prepared for the titled project or named part thereof and should not be used in whole or part and relied upon for any other project without the written authorisation of KSG Acoustics Limited. KSG Acoustics Limited accept no responsibility or liability for the consequences of this document if it is used for a purpose other than that for which it was commissioned. Persons wishing to use or rely upon this report for other purposes must seek written authority to do so from the owner of this report and/or KSG Acoustics Limited and agree to indemnify KSG Acoustics Limited for any and all loss or damage resulting therefrom. KSG Acoustics Limited accepts no responsibility or liability for this document to any other party other than the person by whom it was commissioned, subject to our standards Terms & Conditions. The findings and opinions expressed are relevant to the dates of the site works and should not be relied upon to represent conditions at substantially later dates. Opinions included therein are based on information gathered during the study and from our experience. If additional information becomes available which may affect our comments, conclusions or recommendations KSG Acoustics Limited reserve the right to review the information, reassess any new potential concerns and modify our opinions accordingly.

Note on calculations, predictions and assessment

All calculations, predictions and assessment presented within this report have been undertaken using third party data sets which have been provided by the project team or from other known resources.

This may include OS tiles, OS Terrain 5 data or other topographical data sets, site plans, finished ground or floor heights, boundary locations, building footprint co-ordinates and dimensions, accommodation floorplans etc. Detailed calculations may also incorporate manufacturers' acoustic performance data for elements including but not limited to building materials, glazing, doorsets etc.

The output from 3D digital modelling using the proprietary environmental noise modelling software SoundPLAN is linked directly to the data sets (detailed above) used to construct the model. As such, predicted sound levels reflect the data available at the time of preparation and may not accurately represent the completed development. This may influence the predicted performance of selected building or other built elements in situ, as environmental

noise levels may be higher or lower than predicted. All building or built element selections are the responsibility of the Developer.

Additional detailed calculations should be requested to reflect changes to any contributing data set to ensure that the modelling and assessment is as accurate as is reasonably practicable. KSG Acoustics cannot take responsibility for the veracity of data sets supplied by or derived from third parties.