

Sound and (Di)vision

An exploration of the relationship between residential development and established music venues in relation to noise

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ABSTRACT

This research project explores the complex relationship between London's established music venues and the encroachment of residential development. It leverages archival research, news analysis, and interviews to probe the impact on venue vitality, considering the core themes of noise and planning policy. The findings emphasize the need to align planning policy with principles established in landmark cases such as The George Tavern and minimise the future residential development of sites adjacent to music venues. This research highlights the complexities of preserving cultural heritage amid urban transformation, and aims to offer insights for policymakers, stakeholders, and urban planners in safeguarding London's iconic music venues whilst ensuring liveability for new residential development.

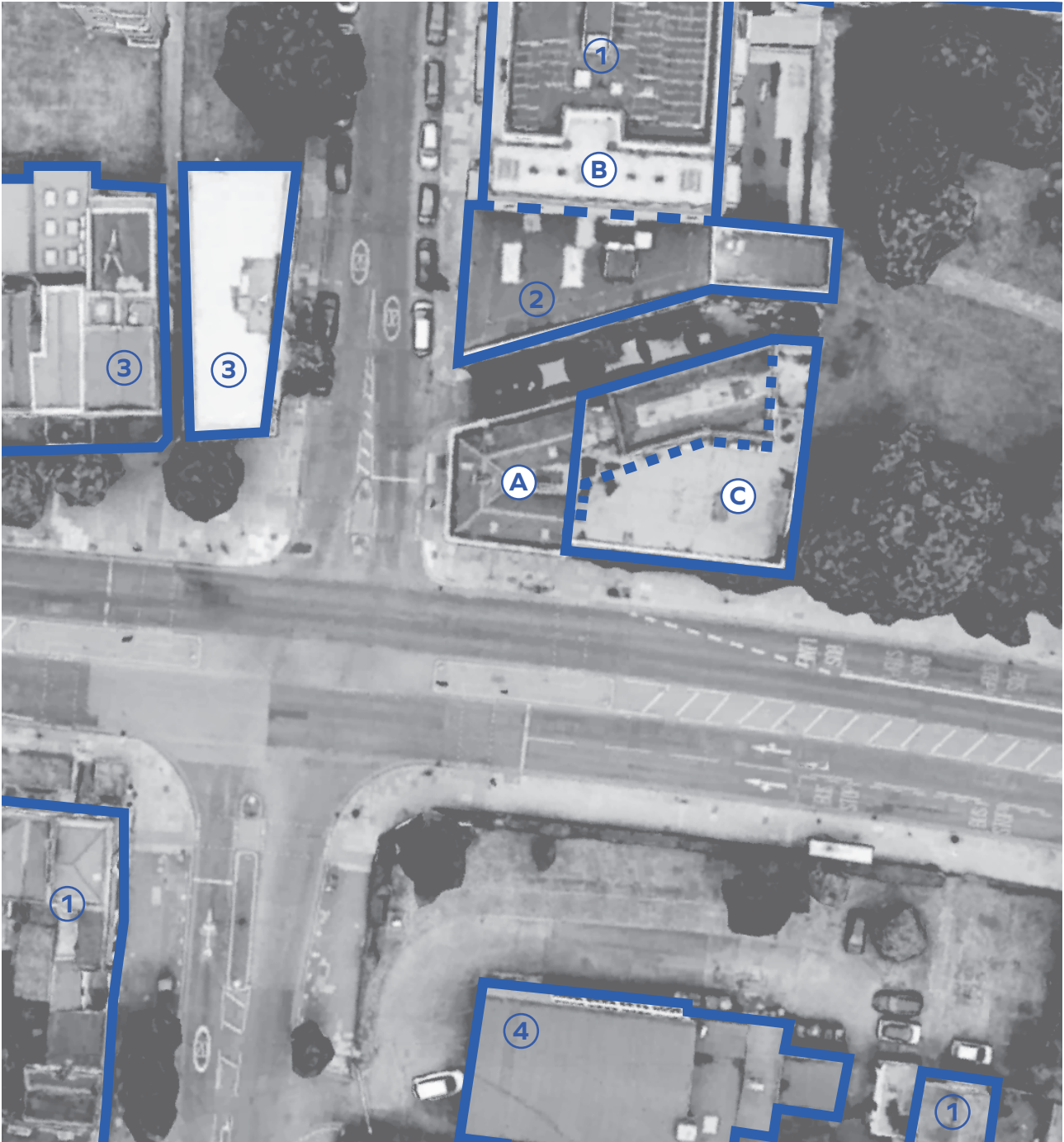


Fig 1. Map of The George Tavern Surroundings

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|---------------|---|
| ① Residential | A The George Tavern |
| ② Commercial | B Botanical Lofts mixed-use development |
| ① Mixed | C Stepney's Nightclub: Swan/ Sanctuary Development Site |
| ① School | |

1/ INTRODUCTION

London's nightlife is increasingly declared as under threat from noise complaints, apparently exacerbated by our noisy return to pre-pandemic nighttime activities (Burford, 2023) (Shukla, 2022) (Prosser, 2022). However, this matter is not a recent phenomena; this research aims to examine the landmark use of novel legal protections to gain insights into the intricate connection between London's long-standing music venues and the ongoing demand for residential development in their proximity. On one hand, pre-pandemic data states that in 2018 the nighttime economy in London consisted of 'eleven thousand pubs, bars, restaurants and nightclubs [which] employ over 200,000 people, and contribute around £5 billion to London's economy each year' (London Assembly Economy Committee, 2018). On the other hand, the city is in a self-described 'housing crisis' which is driving the increased need for urban density (London Assembly, n.d.) and contributing to changes in planning law such as use classes and permitted development which alter the pattern of our urban landscape. Fractures in the coexistence between music venues typically manifest in debates around noise and relative rights to make it and be protected from it.

2/ LITERATURE REVIEW

MUSIC UNDER THREAT

In recent years, there have been a number of ongoing cases publicised in the media reporting how music venues are deemed under threat either from noise complaints from new residents, such as Night & Day Café in Manchester (Vinter, 2023), or from nearby residential development which could then lead to noise complaints, such as 24 Kitchen Street in Liverpool (Lee, 2019) and Jazz Café in Camden (Carrier, 2022). In fact, the first UK Live Music Census, carried out in 2017 by researchers from the Universities of Edinburgh, Newcastle and Turku,

found that one in three small music venues experienced problems related to noise complaints from property development (Hanley, 2018). The report recommended a continued push towards the now implemented 2018 Agent of Change (AoC) Bill which 'attaches responsibility for the costs of a change in the status quo to the party that is responsible for proposing the change' (Lotinga et al., 2019: 3). Essentially, requiring the developers to pay for new resident's sound protection from existing businesses. In London, Policy HC6 Supporting the night-time economy of The London Plan outlines that boroughs should make planning decisions that 'protect and support evening and night-time cultural venues' such as pubs, night clubs and music venues (GLA, 2021: 303); the report draws attention to the economic importance of the night-time economy to London as well as recognising its diversity and cultural value.

NOISE IN URBAN LANDSCAPES

Sound is the first sense we can use (Fowkes, 2018), but when sound is 'unwanted, unpleasant, or loud' (Cambridge Dictionary, n.d.: online), it is then classed as noise; unwanted and unpleasant are subjective factors, but loudness can be measured and thus is the factor most policed. In the UK, residents are legally protected from noise that is deemed 'a statutory nuisance' or exceeds permitted levels between 11pm and 7am; to be deemed a statutory nuisance it must either 'unreasonably and substantially interfere with the use or enjoyment of a home or other premises [or] injure health or be likely to injure health' (GOV.UK, 2017: online). Noise pollution is associated with child developmental issues and mental and physical health issues, predominantly as a result of sleep disturbance and annoyance (ISGlobal, n.d.) (WHO, 2011).

Whilst discussions surrounding sound in urban spaces frequently focus on the negative, alternative approaches such as recognising cities as soundscapes present an alternative lens for understanding our relationship with sound and noise. Soundscape ecology focuses more on the contextual implication of a sound, rather than simply its volume: 'the city is noise' (Flitner, 2014, 187).

3/ METHODOLOGY

Initial research on the topic, consisting of news and media analysis, presented the George Tavern as a key case study highlighting both the progress and remaining issues with planning policy and practice related to music venues and residential development. Further primary research was undertaken through attendance of a panel discussion at the Whitechapel Gallery, two in-person interviews with artists that have played the venue, Essa Weira (Interview EW) and Bloodworm Band (Interview BB), and a further in person interview and tour with Pauline Forster, proprietor of the George Tavern, and Francis Albrecht, one of the talent bookers and managers (Interview PF). The perspective of policymakers and residents was considered through secondary research such as news outlets, grey literature and through discussion in the interviews. However, a further evolution of this research would benefit from interviews with these specific parties. This research is presented in this case study and through a sound collage produced alongside it. The sound collage was constructed using clips from interviews and fieldwork recordings taken on site at the George Tavern.

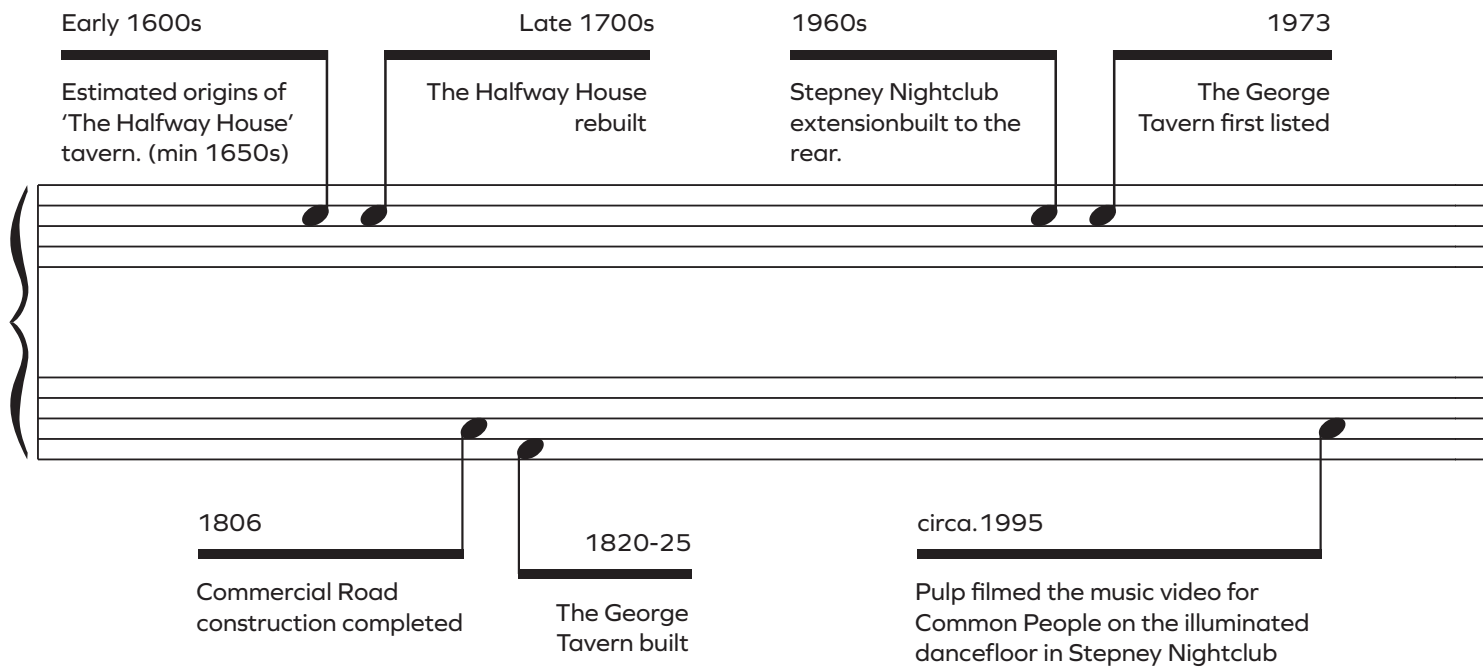


Fig. 2: History of The George Tavern

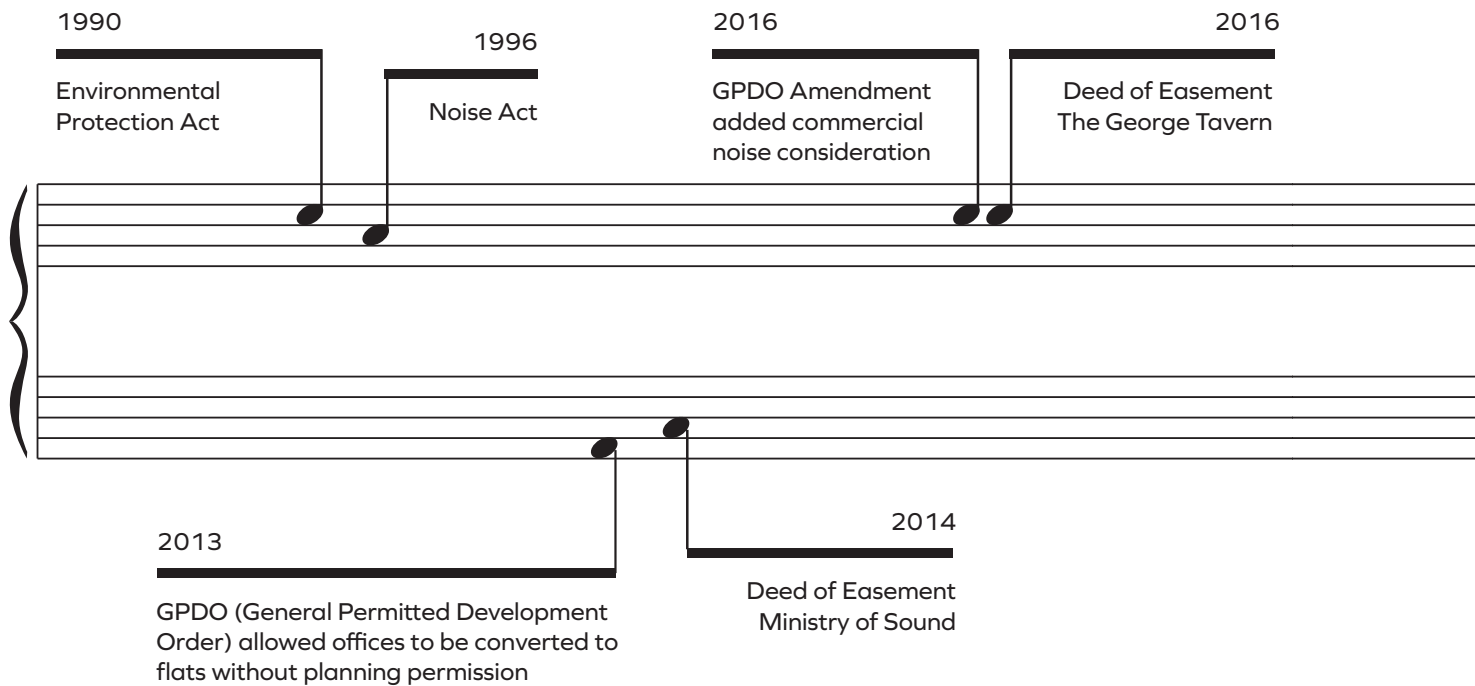
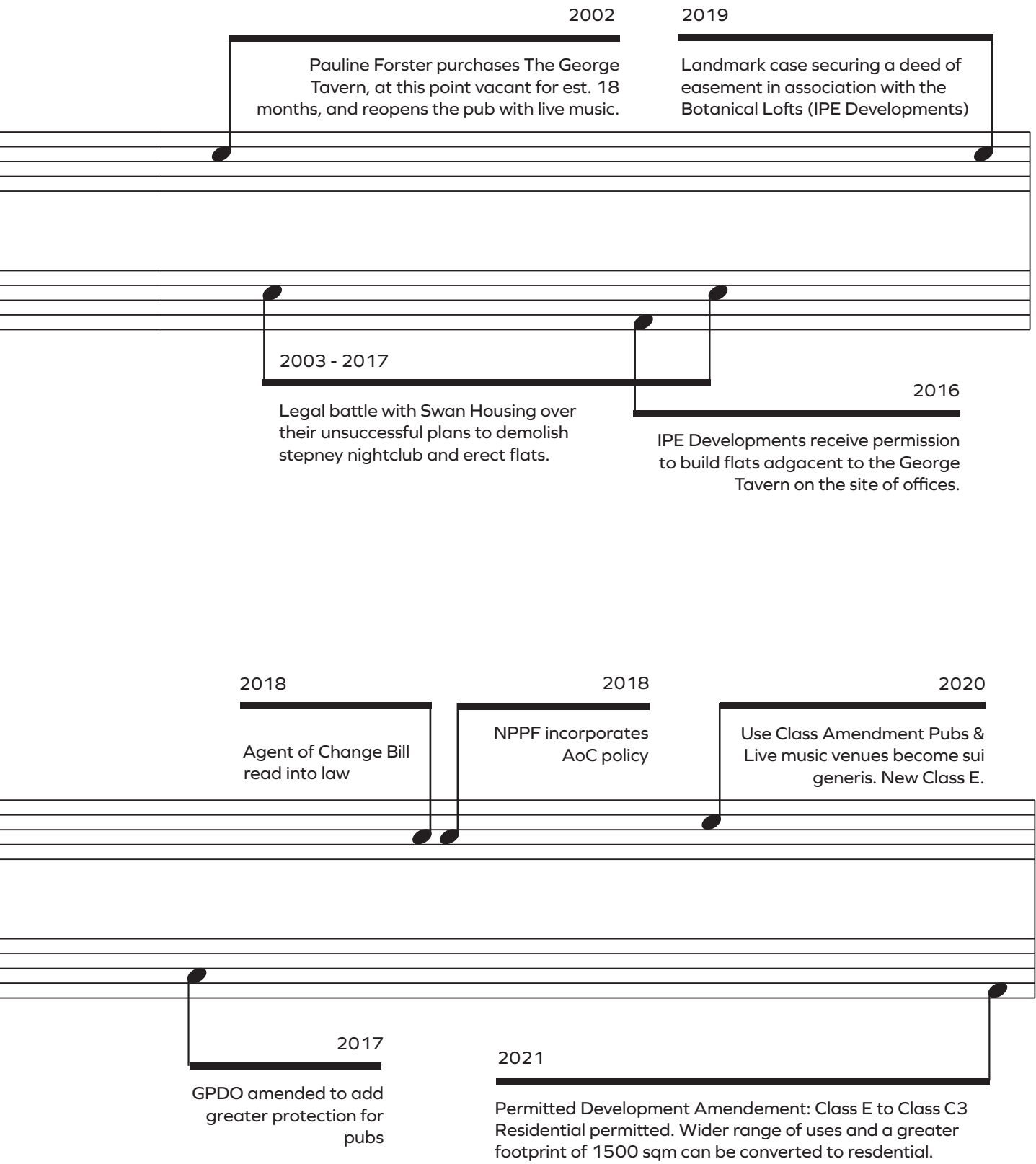


Fig. 3: Relevant Planning and Legal Changes



4/ CASE STUDY: THE GEORGE TAVERN

The George Tavern in its current form dates back to the 17th century, but a public house has been situated on the site since at least the 1600s, previously known as 'The Halfway House' (Velluet, 2021). It is a grade II listed structure which has been restored following its purchase by proprietor Pauline Forster in 2002 and now acts as a grassroots music venue.

20-YEARS OF DEVELOPMENT DISPUTE

The venue has been under threat from residential development for two decades [Fig X]. Since 2003 the George Tavern had been in a long-term dispute with the developers Swan, who aimed to develop the land directly behind the property and buildings attached to it. Swan was rescued in a buyout by Sanctuary earlier this year. Initially they had hoped to demolish extensions containing Stepney Nightclub, the pub's staircase, bathrooms, and an 1800s extension containing a dining room/ theatre and a further bar (TWBC, 2003). This application was initially approved, but then followed by a successful legal challenge from Pauline Forster. Subsequent planning applications have seen a reduced scheme, although still proposing demolition of Stepney Nightclub, which was not granted planning permission and refused on appeal. The development would have placed flats within metres of the venue's stage and involved significant alterations to the rear of the grade two listed structure (TWBC, 2011). However, in 2016 IPE Developments gained planning permission for a mixed-use, predominantly residential development, on the site adjacent to the north boundary of the property and its outside area. The ensuing negotiations led to the George Taverns landmark use of the AoC principle and securement of a deed of easement, following in the steps of the Ministry of Sound (Lotinga et al., 2019), to secure protection from noise complaints from new residences built on the site (FIG X). A Deed of Easement was sought because the Agent of Change principle on its own was not considered satisfactory protection for the venue; it was agreed between the developer, council and venue and stipulates that noise can travel across the development site up to

existing levels; when new owners buy the properties they enter into the legal agreement and therefore any legal attempt to claim the noise from the venue is causing nuisance would fail.

THE SOUND OF NOISE

The George Tavern typically emits live amplified music, either acoustic or electronic. Music venue noise can be hard to ignore because 'sounds that convey information, such as music and speech, inherently attract greater attention', so even when the sound is quieter than others in the soundscape it can be hard to ignore (Lotinga et al., 2019:9). Additionally, contemporary music can be bass-heavy, incorporate repetitive beats and fluctuate, all factors that have been found to increase disturbance and annoyance. However, the noise impact of music venues is not solely related to the music itself; noise from crowds in ancillary, outdoor areas (e.g. smoking areas) and from patrons leaving and entering premises also contributes. Both musical acts interviewed for this piece agreed that this is an integral part of the venue experience (Bloodworm Interview, 2023) (Essa Weira Interview, 2023). Most music venues, including the George tavern, operate at night, which itself increases annoyance levels associated with music noise. Additionally, non-acoustic factors can contribute, 'for example, it is probable that the annoyance effect of a disturbing noise will be enhanced when it is perceived to be caused by strangers enjoying themselves at the expense of those who are disturbed by it. These sorts of factors have been shown to have considerable influence on reactions to noise, equivalent to tens of decibels in sound level' (Lotinga et al., 2019: 10); human perception of noise is not solely reliant on its decibel level, 'noise comes with meaning' (Flitner, 2014: 186). This undoubtedly applies in the case of the George Tavern, as proprietor Pauline Forster describes the sound as 'a cheerful noise' (Interview PF). All these factors contribute to the annoyance and disturbance that can affect neighbouring residential properties of music venues.

LIVING WITH NOISE

The design of the new development Botanical Lofts incorporates high-performance glazing with specific targeting towards low frequency sound, glazed winter gardens replacing balconies for rooms exposed to the most noise and mechanical ventilation systems to allow minimal reliance on openings (Lotinga et al., 2019). The majority of rooms were designed to attain an 'aspirational' target for music noise ingress, with certain rooms where this was not possible reaching a 'fallback' target. Whilst it is difficult to know how disturbed the residents are as they do not have the right to complain about the noise coming from the George Tavern, the proprietor noted that they have received complaints regarding other factors such as anti-social behaviour after bottles were left on a wall, the brand of beverage was in fact not sold on the premises (Interview PF). The artists interviewed expressed that residents should understand what they are agreeing to and that the venue was here first (Interview BB) (Interview EW). However, both the proprietor, Pauline, and one of the managers, Francis, expressed sympathy for the residents, saying it was not fair to construct dwellings where the residents have to keep all openings shut or put up with unwanted noise, especially considering the UK's increasingly warm climate in summer. Both said the residents had most likely underestimated the noise impact due to rose-tinted marketing of the flats by developers (Interview PF). Noise complaints have been made by another nearby residence, existing residents are not included in the legal agreements, but this was resolved by fitting heavy curtains and direct venue-neighbour communication.

5/ CONCLUSIONS

Whilst the legal protections currently ensure that the George Tavern can continue operating, it is noteworthy that the proprietor feels the situation is unfair for the residents of the new flats; it would be a rarity to find another situation in which buyers and occupiers must relinquish their right to a healthy home as a condition of purchase. If we must ask people to sign away their usual rights to purchase or inhabit a property in a time where they are scarce, are we acting with due diligence. As architects and planners, there should be an obligation to ensure that quality of life for residents is not infringed upon by the drive towards urban density. This research has detailed the ways in which noise, and venue noise in particular, cause disturbance and annoyance which can lead to both physical and mental health problems. As we increasingly recognise that the minimum legal requirements for factors such as sustainability are exceeded rather than met, this attitude should be drawn to other factors such as noise, especially those which are proven to have adverse health effects and negatively impact quality of life. Nonetheless, the cultural, social and economic value of music venues is crucial, as evidenced by government, industry and public support. Architects and planners should potentially be asking not whether we can put residential properties on a site but whether we should. Policy has been improving in this area in recent years as shown in the case study of the George Tavern, but as a minimum it should be further developed to ensure the type of protections provided by deed of easements are automatic and not only given as the result of lengthy and expensive legal proceedings. Ideally, new development in areas exposed to noise pollution from music venues should be avoided altogether and should not be permitted by planning policy. The drive for urban densification stems from an increasingly strained housing market, but with the number of music venues and pubs so rapidly decreasing, it should be easier than ever to avoid development within their immediate curtilage.

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