

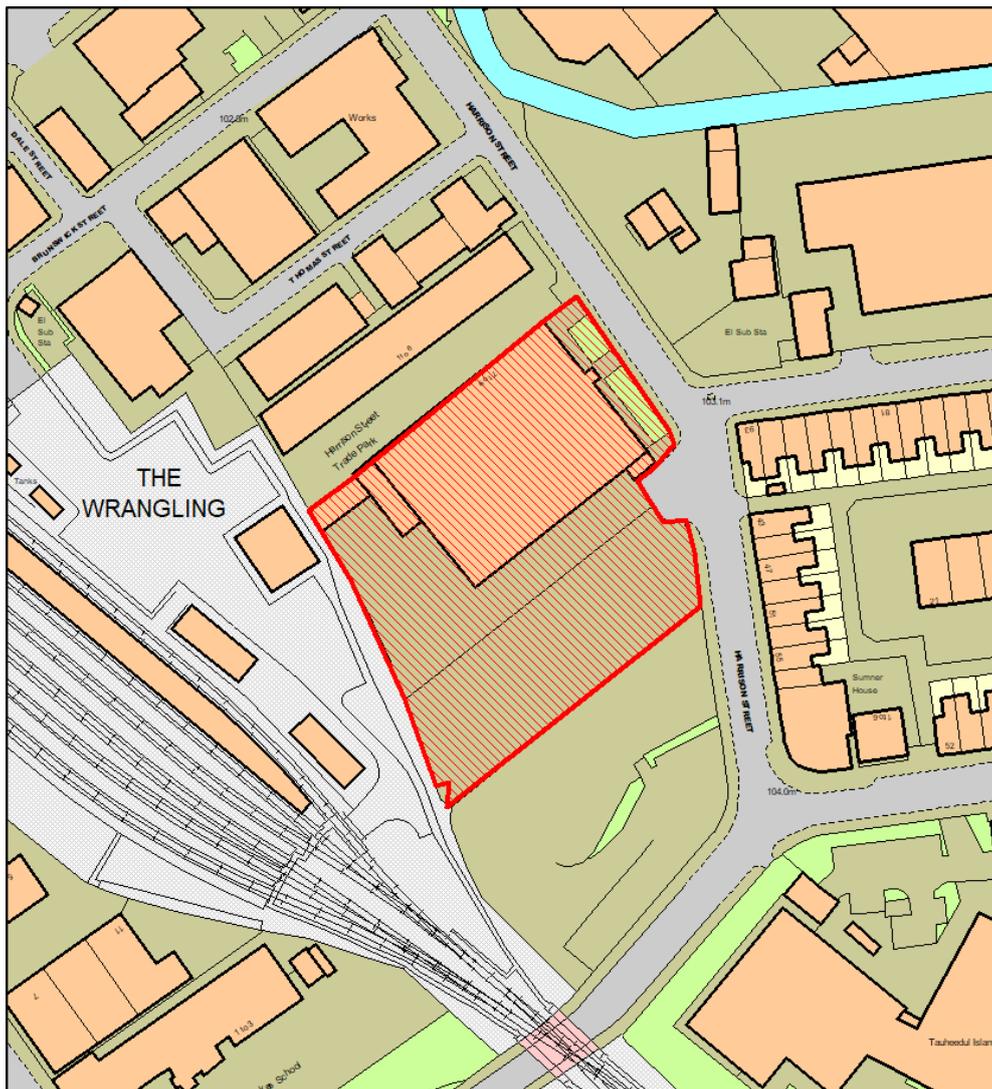
**Proposed development: Minor Material Amendment for Variation of condition nos. 2 and 11 pursuant to planning application 10/18/0959, to permit a further 12 month temporary permission and revision to the Noise Management Plan, respectively.**

**Site address:  
The Grand Venue  
Unit 2 Harrison Street Trade Parks, Harrison Street  
Blackburn  
BB2 2JE**

**Applicant: Mr Sajid Patel**

**Ward: Blackburn Central**

**Councillor Zamir Khan  
Councillor Mahfooz Hussain  
Councillor Samin Desai**



## **1.0 SUMMARY OF RECOMMENDATION**

**1.1 Approve; subject to conditions set out in paragraph 4.1 of this report.**

## **2.0 KEY ISSUES/ BACKGROUND/SUMMARY OF PLANNING BALANCE**

- 2.1 The application is reported to Committee as minor material amendment to a previous Committee determined application. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990. It seeks to amend a previous (minor material) amendment to the original planning permission granted for the "*change of use from existing B2 industrial use to a D2 Banqueting Suite use with single storey front extension and external alterations and additional car parking to the area occupied as car wash*". The previous amendment was approved in June 2019. The original grant of planning permission was in October 2017.
- 2.3 The application follows complaints received by the Council's Planning Enforcement and Public Protection teams, in August 2018, from local residents, alleging late night opening, beyond the (originally) permitted 7pm closure time, as secured via condition. A subsequent joint investigation involving night time monitoring established that the use was operating, on occasion, until between the hours of 11pm and 2am. Consequently, a Breach of Condition Notice (BCN) was issued on 19<sup>th</sup> September 2018 requiring cessation of the unauthorised opening hours. Subsequent to this, an application to extend opening hours to between 11:00 and 23:00 was submitted (ref. 10/18/0959). This application was approved in June 2019 for a temporary twelve month period, to allow officers the opportunity to monitor late evening noise impacts. Due to the arrival of the pandemic, in early 2020, a full twelve month monitoring period proved impossible and the situation was held in abeyance. This application revives the proposed temporary 12 months permission, to allow monitoring in the context of the additional measures introduced to the Noise Management Plan.
- 2.4 Members are advised that the original permission established the principal of the development including associated highway matters. This recommendation is limited to the merits of the proposed amended hours of use and amendment to the Noise Management Plan, with a view to safeguarding residents from the threat of excessive late evening noise. No other matters have been considered.
- 2.5 Members are advised that, as robust additional noise and highway impact mitigation measures, the applicants have funded all associated costs of a Traffic Regulation Order (TRO), in order to introduce residents only parking along Harrison Street and Sumner Street, in accordance with condition 12 attached to the previous minor material amendment (ref. 10/18/0959).

- 2.6 The recommended 12 month temporary permission and amended Noise Management Plan is considered acceptable, as a mutually agreeable interim resolution to allow the situation to be monitored.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

- 3.1.1 The application site is the Grand Venue and associated outdoor car parking /servicing areas. The building is a large former industrial warehouse, located to the west of Harrison Street, Blackburn. Whilst a range of commercial uses dominate the immediate locality, residential uses are located in close proximity to the application site, to the south west.

#### **3.2 Proposed Development**

- 3.2.1 A variation to Condition Nos. 2 and 11, attached to permission 10/18/0959, is sought. The conditions set out the following requirements:

Condition 2:

*The development hereby approved shall be for a temporary period only and shall cease on or before 20th June 2020.*

*REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2*

Condition 11:

*The submitted 'Noise Management Plan' produced by Miller Goodhall, dated 18th January 2019, shall be implemented with immediate effect.*

*REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.*

#### **3.3 Development Plan**

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. In determining the current proposal the following are considered to be the most relevant policies:

### 3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services

### 3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People

## 3.4 **Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework (The Framework).

## 3.5 **Assessment**

### 3.5.1 Amenity

Policy 8 requires development to make a positive contribution and to secure satisfactory levels of amenity and safety is for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution and the relationship between buildings.

3.5.2 An updated Noise Management Plan has been submitted and agreed by the Council's Public Protection consultee. Updates include:

- No Fireworks – There shall not be any fireworks lit at the Grand Venue premises nor off-site in association with Grand Venue events;
- No Queuing Vehicles – There shall not be any vehicles queuing on Harrison Street nor Canterbury Street associated with any Grand Venue event. Stewards must ensure that the site and any associated off-site parking areas are accessible to guests on arrival and direct them immediately to park their vehicles;
- One-way traffic management system – This system shall operate at all times during events at the Grand Venue premises;
- Taxi/Mini-bus Rank – A rank shall be provided at the rear of the Grand Venue premises for drop-off and pick-up of guests;
- Access/Exit Doorways – all doors to the outside areas at the Grand Venue premises shall be fitted with door closing devices and must not be propped open at any time;
- Marshalling by Stewards – Stewards shall be employed to marshal guests in the outdoor areas at the Grand Venue premises to maintain order and prevent noisy occurrences such as revving car engines, sounding car horns, shouting or raised voices of guests and any other noisy behaviour of guests; and
- Event Music – shall be limited to background music only unless agreed in writing by the Environmental Protection Service at Blackburn with Darwen Borough Council in respect of specific events held at the Grand Venue.

3.5.2 It is also recommended by the consultee that the proposed 12 month temporary permission be reduced to 9 months. 12 months is, however, considered reasonable and consistent with the 12 month permission previously granted.

3.5.3 Subject to the above measures, the proposal is found to be acceptable, in accordance with the requirements of Policy 8 and The Framework.

## **4.0 RECOMMENDATION**

### **4.1 Approve.**

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to:**

The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from 28th October 2017 ie. date of the original planning permission 10/16/1208.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17<sup>th</sup> March 2023.

REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

3. Prior to the implementation of the development hereby approved, a scheme detailing soundproofing shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. There shall be no externally audible "Call to Prayer" from the building or within the application site at any time.

REASON: To protect the amenity of neighbouring properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The use hereby approved shall only take place between the following hours:  
Monday to Sunday 11:00 to 23:00.

REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging point. The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the offer of a minibus service for the transportation of attendees to and from the venue. The scheme shall detail when the service is to be made available and details of its management and monitoring. The scheme shall be implemented in accordance with the approved details.

REASON: In order to promote an alternative mode of transportation to and from the venue, in the interests of minimising highway congestion, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan.

10. Notwithstanding the submitted details, prior to the implementation of the development hereby approved, samples of all external walling, roofing materials and their colour to be used in the construction of the building work

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

11. The submitted amended 'Noise Management Plan' produced by Miller Goodhall, dated 19th January 2022 (Version 2), shall be implemented with immediate effect.

REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Within 28 days of the date of this approval, an application shall be made to the Local Highway's Authority for a Traffic Regulation Order (TRO) to introduce residents only parking along Harrison Street, Canterbury Street and Sumner Street. All associated costs, which are to be borne by the applicant, shall include TRO advertising / publication; road markings and signage; and 1 annual permit per property for the duration of the approved use.

REASON: To safeguard the amenities of nearby residential premises and the area generally and in the interest of highway efficiency; in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the erection of the extension hereby approved to the rear of the building, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the adjacent operational railway infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved Risk Assessment and Method Statement shall be adhered to throughout construction works.

REASON: In the interests of public safety, in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.

14. This consent relates to the submitted details marked received on 7th November 2016; amended plans marked received 12th April 2017 and 14th June 2017; amended details received 1st October 2018; Noise Management Plan dated 18th January 2019, and amendments received 26<sup>th</sup> November 2021, including amended Noise Management Plan, dated 22<sup>nd</sup> January 2022; any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

## **5.0 PLANNING HISTORY**

- 5.1 10/18/0959 - Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00. Approved 20<sup>th</sup> June 2019.
- 5.2 10/16/1208 - Change of use from existing B1/B2 use to Banqueting Suite (Grand Venue - Use Class D2 ) with single storey front extension, external alterations and additional car parking. Approved 20<sup>th</sup> October 2017.

## **6.0 CONSULTATIONS**

### **6.1 Public Protection**

#### **Comments: Revised Noise Management Plan**

I note the inclusion of my recommended additional noise control measures in the revised Noise Management Plan(NMP). Given the distress caused to residents in the locality arising from noisy wedding events at the Grand Venue, I **would recommend that the additional temporary period is reduced to 9 months.** This still allows sufficient time to assess whether the business operator(s) can apply all the restrictions/controls in the revised NMP/imposed planning conditions and operate the business without causing residents significant loss of noise amenity.

### **6.2 Public Consultation**

Public consultation has taken place, with 52 letters posted to the local community on 19<sup>th</sup> January 2022. No comments were received.

## **7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].**

## **8.0 DATE PREPARED: 4<sup>th</sup> March 2022.**