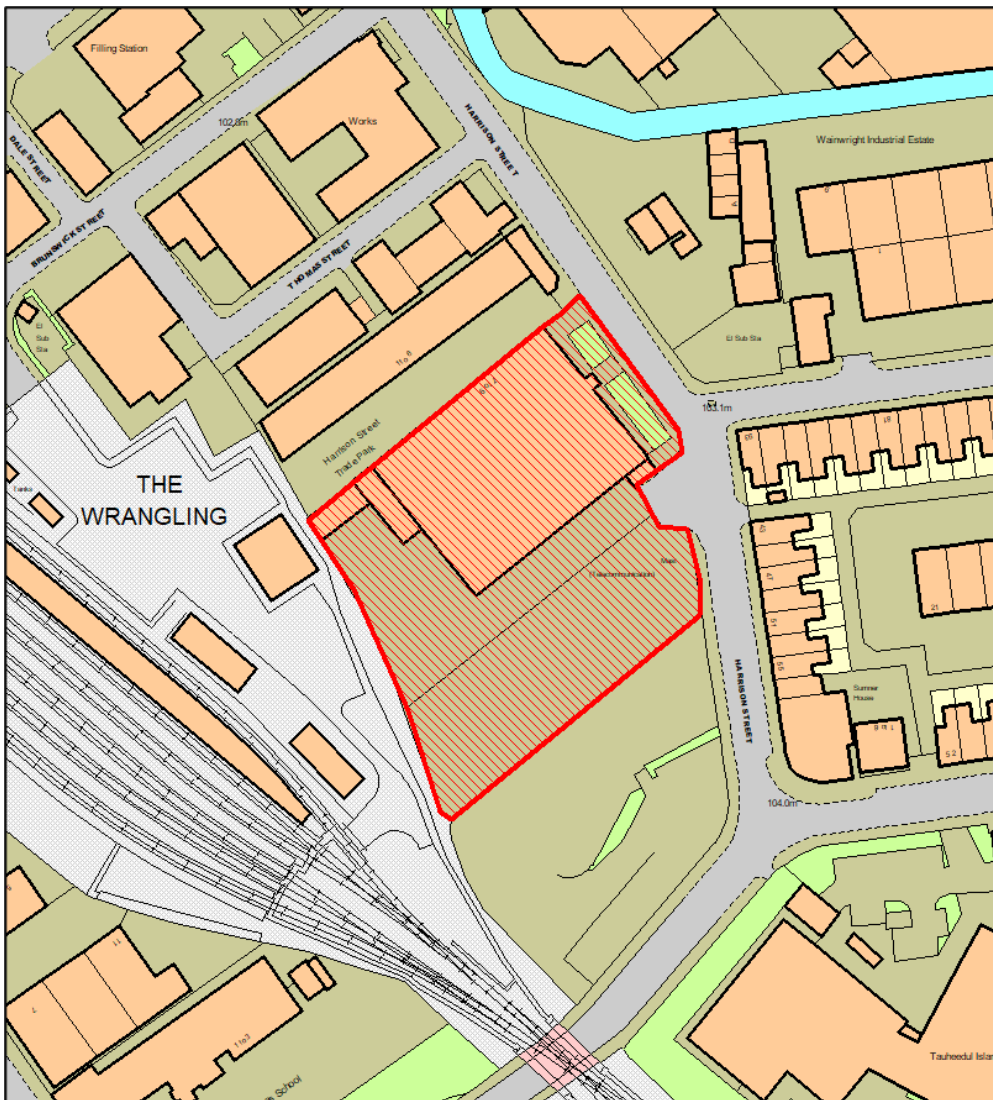


**Proposed development: Removal of Condition / Minor Material Amendment:
Removal of condition 2 "temporary permission" pursuant to planning
application 10/21/1320 to allow permanent opening between the hours of 11:00
to 23:00 (retrospective).**

**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 Samim 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/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 the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). Permission is sought to permanently vary the opening hours to between 11:00 to 23:00, by means of removing the following condition (no. 2) attached to the grant of planning permission on 17th March 2022 (ref. 10/21/1320):

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17th 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.

2.3 Taking account of all material circumstances, in the context of the planning policy framework, Members are recommended to approve the application, detailed assessment of which finds that the proposal, on balance, corresponds with the Council's development management objectives of the Local Plan 2021 – 2037. All technical issues have been addressed through the application or are capable of being controlled or mitigated by planning conditions.

2.4 Members are advised that the original planning permission establishes the principal of the development and other associated matters. This recommendation is limited to the merits of the proposed amended hours of use. No other matters are to be considered.

2.5 Support for the application would result in the premises being able to lawfully operate between 11:00hrs and 23:00hrs, on a permanent basis, subject to continued compliance with all other conditions. It should be recognised that dischargeable conditions have been discharged under the discharge of condition process.

3.0 RATIONALE

3.1 The summary background to this application is as follows:

- 3.2 The host application (10/21/1320) was submitted and subsequently approved by Committee following complaints received by the Council's Planning Enforcement and Public Protection teams, in August 2018. Complaints from local residents at that time alleged late-night opening, beyond the originally permitted 7pm closure time, as secured via condition attached to the original grant of planning permission on 20th October 2017 (ref. 10/16/1208). A subsequent joint investigation involving night-time monitoring established a breach of opening hours. Consequently, a Breach of Condition Notice (BCN) was issued on 19th September 2018 requiring cessation of the unauthorised opening hours. An application to extend opening hours to between 11:00 and 23:00 was subsequently submitted (ref. 10/18/0959). This application was approved on 20th June 2019 for a temporary twelve-month period, to allow monitoring of late evening noise impacts. Due to the arrival of the global pandemic, in early 2020, the premises ceased operating and a full twelve-month monitoring period proved impossible. The situation was, therefore, held in abeyance.
- 3.3 Approval of application 10/21/1320 on 18th March 2022 revived the twelve-month permission for extended opening hours (11:00 to 23:00) to allow monitoring in the context of a Noise Management Plan which was secured via condition.
- 3.4 The temporary twelve-month permission expired on 17th March 2023. Throughout the period from reopening after the pandemic, to the present date, the premises has operated between the extended hours, notwithstanding that, from the 18th March 2023, those hours have been unauthorised and in breach of condition. It is unfortunate that the matter has taken until submission of the subject application, on 4th March 2024, for the unauthorised hours of opening to be addressed. Notwithstanding the delay, Members are advised that no complaints alleging noise disturbance / breach of opening hours have been received from local residents by the Council's Planning Enforcement team.
- 3.5 Members are also advised that the applicants / operators of the Grand Venue annually fund a residents only parking scheme, which was introduced as a conditional requirement of planning permission granted under ref. 10/18/0959.
- 3.6 For additional context, Members are reminded of a recent grant of planning permission by Committee, on 21st March 2024, for the change of use of a former builder's yard to a car park to serve the Grand Venue, including land level alterations (ref. 10/23/0769). The use is recognised as beneficial for the business and the wider community by alleviating the issue of authorised and unauthorised on street parking.

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 Removal of the following condition (temporary permission), pursuant to planning application 10/21/1320, to allow permanent opening between the hours of 11:00 to 23:00:

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17th 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.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.3.2 For the purpose of this assessment, the Development Plan comprises the Blackburn with Darwen Borough Council Local Plan 2021 – 2037 (adopted January 2024). The following policies are of relevance:

- Policy CP1: A Balanced Growth Strategy
- Policy DM02: Protecting Living and Working Environments

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF).

3.4.2 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this application the following range of important material matters must be considered:

- Strategic growth objectives
- Amenity / Protecting Living and Working Environments

3.5.2 Amenity

Policy DM02 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety for surrounding

uses and for occupants or users of the development itself, including reference to noise nuisance.

- 3.5.3 Since the lifting of Covid restrictions and re-introduction of the operational use of The Grand Venue, around the summer of 2021, noise nuisance is not evidently excessive. Whilst it should be acknowledged that noise complaints were received by the Local Planning Authority in July 2021, intervention by the Councils' Planning Enforcement, in consultation with Public Protection, has resulted in the introduction of stringent noise management measures, in the form of a Noise Management Plan (NMP) (Miller Goodhall Ltd), adherence to which by the Grand Venue management, is a condition of planning permission granted under application ref. 10/21/1320. In summary, the NMP requires the following mitigation / control measures:

Best Practicable Means (BPM) for Noise

The Operator should employ best practicable means for the control of noise, particularly management controls which strive to minimise noise associated with venue attendees outside of the building.

General Operational Control Measures

At least one staff personnel shall be present at all times who shall be responsible for enforcing this noise management plan, reminding other staff and workers about their responsibilities in terms of noise management and preventing any undue noise disturbance.

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.

Control of General Noise from External Activities

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.

At the beginning of events Attendees will be gathered internally for reception of the groom after his vehicle has entered the building at the southwest corner of the building. The roller shutter entrance will be closed immediately after the car has entered the building.

At the end of events Attendees will be reminded by staff to be mindful of noise and not to shout or use their car horns as they exit the venue.

Staff shall supervise the area immediately outside the premises to reduce any unnecessary noise during dispersal. Staff shall supervise the vehicular exit point and will route traffic northwards along Harrison Street to avoid large numbers of vehicles driving passed the residential properties facing onto Harrison Street.

Staff will not use shouting or raised voices outside the premises at any time, except in unforeseen emergency situations. Radios, portable music devices and other audio amplification equipment shall not be used.

Staff to ensure that customers do not leave the premises with bottles or glassware.

Noise From Emptying of Waste After Events

No waste will be disposed of externally after events. All waste handling outside of the building will occur between the hours of 08:00 and 19:00.

Staff will be aware and mindful of the need to minimise the noise they generate when handling waste externally.

Best practical methods will be followed to minimise noise disturbance when disposing of waste externally. In cases where noise is difficult to avoid – such as disposal of quantities of glass – the waste bins will be wheeled inside the building before being filled.

Noise From Metal Entrance Gates

Staff will not cause unnecessary noise through careless operation of the metal gates used on the premises.

All gates used on the premises will be well maintained and inspected periodically to ensure that they are not causing unnecessary noise.

Any gates that are hindered in their movement by the ground or other objects while in use will be modified, repaired or replaced as necessary to avoid making any noise such as scraping or banging sounds.

Hinges, sliders, rods, locks or any other moving parts will be periodically oiled or greased and replaced as necessary to avoid any squeaking or screeching sounds from poorly maintained parts.

Building Services Noise

All building services plant shall be installed, operated and maintained in accordance with manufacturer's instructions.

Every few months the management shall undertake listening tests of the building services plant whilst operating, to listen out for possible noise issues and take action if appropriate.

Staff Training

The Operator shall inform all staff about the noise management plan and the reasons for its implementation.

This will be included as part of staff induction procedures and highlighted at regular staff meetings.

Disobeying the NMP shall be a disciplinary conduct matter.

Signage

Signage will be located next to entrances and exits and at prominent locations inside the premises reminding staff and patrons to ensure that noise is controlled at all times to protect the amenity of local residents.

Good Housekeeping

Good housekeeping practises on site to minimise noise from the site shall include:

- The general maintenance and inspection of building services plant;*
- Replacing and renewing all signage associated with controlling noise emissions;*
- Door seals and self-closing mechanisms fitted to external doors shall be checked periodically and maintained to ensure the highest sound insulation performances are achieved; and*
- General housekeeping and inspection procedures maintained.*

Regular Review of Control Measures

The above noise control measures shall be reviewed annually other than in 5.10.2 below.

The control measures shall be reviewed as a matter of course if:

- A complaint is received; and*
- If planning or licensing conditions are amended.*

Complaints Response

The management shall provide the nearest residences with a contact telephone number and/or email address which can be used to notify the

company about noise complaints. A record of all noise complaints shall be kept by the operator.

The Operator shall have a set procedure for dealing with and responding to complaints. If a noise complaint is made then a complaint form will be filled out (see Appendix 1) and a note made in the site diary. All complaints shall be dealt with promptly and any appropriate remedial action shall be taken. A noise complaint will result in:

- Completion of a complaint form;*
- Source of noise identified, (where possible);*
- Remedial action taken (where possible);*
- Complainant notified of remedial action taken and deadline for action;*
- Relevant staff informed as to the time and nature of each complaint; and*
- Control measures reviewed.*

3.5.4 The NMP is considered a robust means of control, albeit one dependent on effective management by responsible individuals at The Grand Venue. To date, no breach of the NMP has been established and no substantive evidence is available in support of excessive noise disturbance arising from the operational use of the premises or from within the immediate surrounding street network.

3.5.5 Notwithstanding the above, Public Protection offer objection to the proposal for reasons reproduced at paragraph 6.1, below. Although reference is made to complaints received alleging noise nuisance and unacceptable loss of amenity at residential premises, no substantive evidence is offered in support of the position, including an absence of noise recordings from investigating authorities and written records of noise nuisance from any complainant. Moreover, no objection to the application has been received from any of the 72 residents and local businesses consulted regarding this planning application directly by letter and display of site notice.

3.5.6 The purpose of imposing a temporary 12-month permission for extended opening hours, notwithstanding that the temporary period has been exceeded, was to gauge the management response of The Grand Venue and to monitor noise disturbance, both proactively and through receipt of complaints from the local community.

3.5.7 In the circumstances, it is considered that refusing the application would be unreasonable.

3.5.8 As aforementioned, a car park adjacent to the site has recently been approved, which may assist in reducing on street disturbance.

3.5.9 Member's should be assured that receipt of complaints to Planning Enforcement officers will be investigated, and appropriate action taken should a breach of the NMP be established. It should, however, be acknowledged

that noise from dispersing patrons of The Grand Venue can only be controlled where it arises from within the site or the immediate street network adjacent to the site when patrons are arriving or departing. It should also be recognised that statutory noise nuisance provisions of the Environmental Protection Act 1990 would remain available to council officers.

3.5.10 Accordingly, on balance, it is found that satisfactory levels of amenity and safety would be secured for the locality. The development is also considered to contribute positively to the overall physical, social, environmental, and economic character of the area, in accordance with the requirements of Policy DM02 and The Framework.

4.0 RECOMMENDATION

4.1 Approve subject to conditions.

Note: Conditions are re-sequenced from the host permission due removing condition no. 2.

Delegated authority is given to the Strategic Director of Growth & Development and Deputy Chief Executive 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 i.e. 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. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

3. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

5. The use hereby approved shall only take place between the following hours:

Monday to Sunday 11:00 to 23:00.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

6. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

7. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

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 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 Policies CP9 and DM29 of the adopted Blackburn with

Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

9. 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 Policies CP8 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

10. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

11. 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 CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037 and National Planning Policy Framework.

12. 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 DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

13. 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 26th November 2021, including amended Noise Management Plan, dated 22nd 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 10/23/0769: Change of use of former builders yard to a car park to serve the Grand Venue, including land level alterations (part retrospective). Approved 21/03/2024.
- 5.2 10/21/1320: 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. Approved 18/03/2022.
- 5.3 10/21/1091: Retention of an external shelter and canopy. Approved 17/11/2021.
- 5.4 10/19/1063: Discharge Condition Nos 2, 3 and 7 pursuant to planning application 10/16/1208. Approved 15/02/2022.
- 5.5 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 20/06/2019.
- 5.6 10/17/1412: Discharge of Condition Nos 2, 3, 8, 9, and 10 pursuant to planning application 10/16/1208. Split decision 19/03/2018.
- 5.7 10/16/1208: Change of use from existing B1/B2 use to D2 Banqueting Suite with single storey front extension and external alterations and additional car parking. Approved 20/10/2017.

6.0 CONSULTATIONS

6.1 BwD Public Protection

With reference to the above application, I recommend that planning permission be refused for the following reasons:

Comments: Noise Disturbance Loss of Residential Amenity.

During the period of temporary approval, and since the temporary approval expired, I have continued to receive residential amenity noise nuisance complaints. Unfortunately, the stewards employed at the Grand Venue are unable to adequately control customer noise both at the premises & in the street. A wide variety of noisy incidents have arisen during the late evening & night-time including car horns

sounding, revving engines & car doors slamming, shouting & raised voices of customers, fireworks and amplified music. I have also received complaints about the use of drums associated with wedding events during the early evening. All of these noisy activities cause unacceptable loss of amenity at residential premises.

6.2 Public consultation

72 letters were posted to the local community on 6th March 2024 and a site notice was displayed. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge, Principal Planning Officer.

8.0 DATE PREPARED: 4th April 2024.