

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: Planning Service (Development Management)

REPORT TO: Planning & Highways Committee on 20th December 2018.

TITLE: Petition objecting to the unauthorised late night opening and associated noise nuisance at the Grand Venue at Harrison Street, Blackburn.

WARD: Blackburn Central

Councillor: Zamir Khan

Councillor: Faryad Hussain

Councillor: Saima Afzal

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of the receipt of a petition objecting to noise nuisance caused to residential properties as a consequence of unauthorised late night opening at the Grand Venue, Harrison Street, Blackburn.

2.0 BACKGROUND AND DETAILS

2.1 On 20th October 2017, the Local Planning Authority granted planning permission under delegated powers for a change of use of industrial premises (use class B1 / B2) to a Banqueting Suite (use class D2) with external alterations and additional car parking (ref: 10/16/1208).

2.2 Planning permission was granted subject to a number of conditions, including but not limited to the following:

- 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 (LPA). 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.
- 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.

- 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.
- 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.
- 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.
- 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.

2.3 Following complaints made to the Council's Planning Enforcement and Public Protection teams from local residents alleging late night opening and parking problems with associated noise nuisance, officers issued Breach of Condition Notices for failure to comply with the aforementioned conditions. The petition was received on the 5th October 2018, and contains 28 petitioners citing impact of late night opening and associated noise, including 'car horns & drums'. Also the objections relate to parking issues affecting access to houses.

2.4 An agent has been appointed to submit applications to address each of the conditions. To date an application has been submitted seeking to vary the hours of opening condition to allow extended opening until 11pm (ref. 10/18/0959). The application has yet to be determined and the local planning authority currently

awaits submission of a noise assessment to determine likely night time noise generated from various sources associated with the Grand Venue. On receipt, the assessment will be reviewed by the Council's Public Protection consultee, to inform a recommendation on whether or not impact of the later opening hours proposed will be acceptable on neighbouring amenity, to allow approval of the application. The application will be referred to the Chair of the Committee to ascertain whether the application should be determined by the Committee or under delegated powers in accordance with the Council's adopted Scheme of Delegation.

2.5 The remaining outstanding conditions are to be addressed under an awaited condition discharge application.

2.6 Ultimate failure to comply with the conditions may lead to enforcement action under the provisions of the Town and Country Planning Act 1990.

3.0 RECOMMENDATION

3.1 That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current application to seek extended opening hours and any subsequent enforcement proceedings.

4.0 BACKGROUND PAPERS

4.1 Planning application for change of use to banqueting suite – 10/16/1208

4.2 Current planning application to vary hours of opening - 10/18/0959

5.0 CONTACT OFFICER: Nick Blackledge, Planner – Tel. 585112.

6.0 DATE PREPARED: 5th December 2018.