

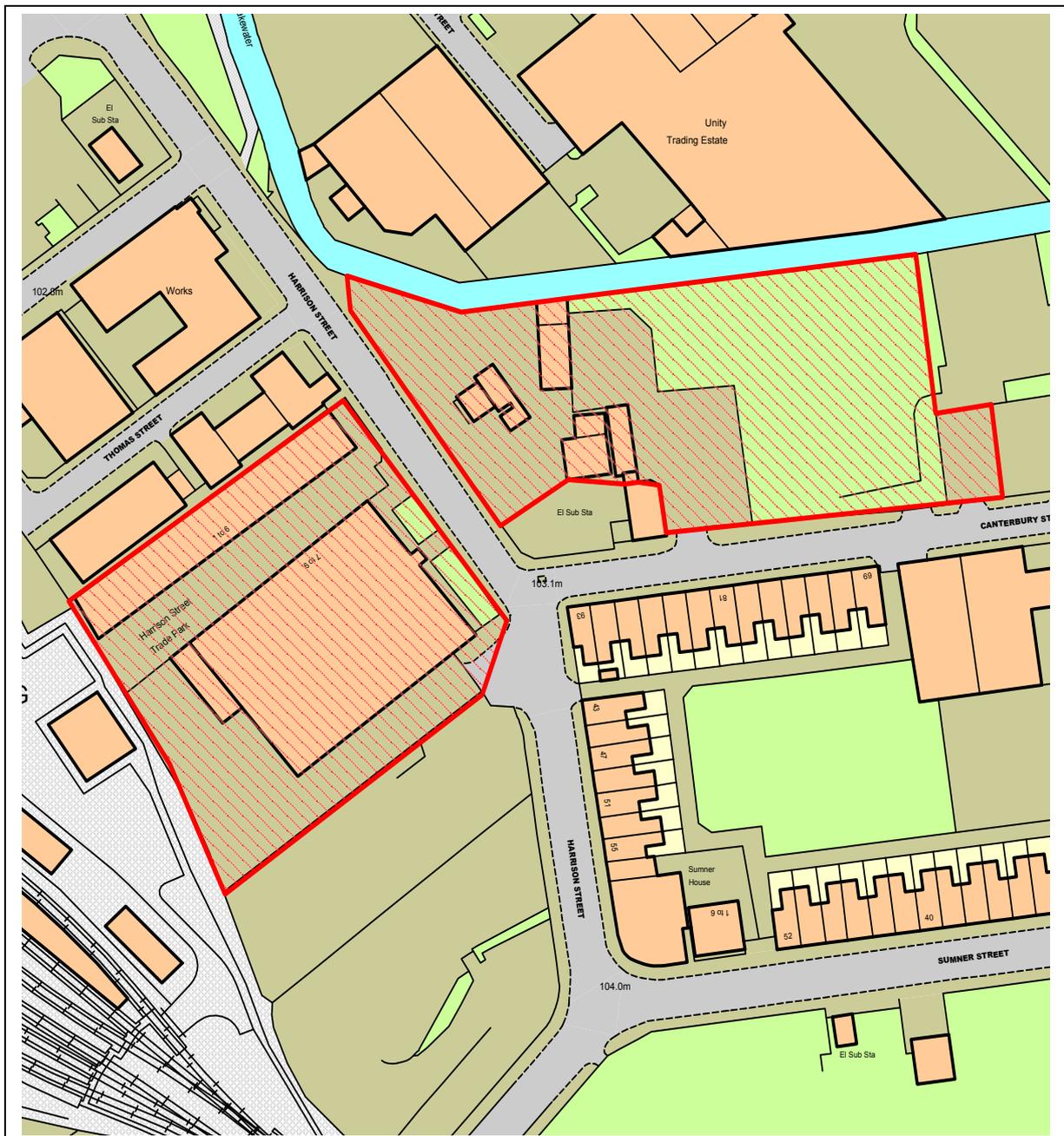
Proposed development: Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00.

**Site address:
The Grand Venue
Harrison Street
Blackburn
BB2 2JN**

Applicant: Mr Sajid Patel

Ward: Blackburn Central

**Councillor Zamir Khan
Councillor Mahfooz Hussain
Councillor Saima Afzal**



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 submitted under Section 73a of the Town and Country Planning Act 1990. It seeks to amend 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”, in October 2017, by way of a variation to Condition no. 5 relating to hours of use. The condition set outs the following requirement:

The use hereby approved shall only take place between the following hours: Monday to Sunday 11:00 to 19:00.

Any variation of these hours must be approved in writing by the Local Planning Authority.

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.

The proposal seeks to vary the opening hours of the permitted use, operating under the name of ‘The Grand Venue’, to the following:

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

Any variation of these hours must be approved in writing by the Local Planning Authority.

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.

2.2 Members are advised that the original permission established the principal of the development including associated highway matters. This recommendation relates only to the merits of the proposed amended hours of use, with a view to securing adequate levels of residential amenity by safeguarding residents from the threat of excessive night time noise. No other matters have been considered.

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 permitted 7pm closure time, and a subsequent joint investigation involving night time monitoring which established that the use was operating, on occasion, until between the hours of 11pm and 2am; in breach of the aforementioned condition. Consequently, a Breach of Condition Notice (BCN) was issued on 19th September 2018 requiring cessation of the unauthorised opening hours. To date, the Notice has evidently not been complied with and complaints periodically persist. This position is confirmed by the Council’s Public Protection Night Time Noise Nuisance Monitoring Team, who have witnessed first-hand opening in breach

of the permitted hours. Members are advised that pursuance of the BCN is held in abeyance, pending the outcome of this application.

- 2.4 On account of the available evidence of disturbance to residential amenity generated by noise arising from patrons leaving the premises, including associated vehicular noise, the proposal in a permanent sense is currently considered to be unacceptable. A temporary 12 month permission is instead recommended, to allow further night time monitoring, in order to establish noise levels experienced when a Noise Management Plan is in operation. The effectiveness of the Plan will, to some extent, inform whether or not a permanent permission would eventually be acceptable.
- 2.5 As a robust additional measure, the applicants are required to fund all associated costs of a Traffic Regulation Order (TRO), in order to introduce residents only parking along Harrison Street and Canterbury Street. This measure is considered necessary in order to prevent patrons of the Grand Venue from parking on the roadside in front of resident's houses – a situation that has caused considerable disturbance. This measure will be applied at the earliest opportunity and will remain in force for the duration of the approved use.
- 2.6 The recommended temporary permission together with resident's only parking is considered to be acceptable; in accordance with the Local Development Plan and The Framework.

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 Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00.

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).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph11).

3.5 **Assessment**

3.5.1 Notwithstanding the original full assessment, Members are advised that assessment of this application is limited to the impact of noise generated from the Grand Venue use, including external noise generated by patrons and their vehicles, and the extent of its impact on neighbouring residential amenity.

3.5.2 A Noise Assessment / Management Plan has been submitted to supplement the application. This has been peer reviewed by the Council's Public Protection consultee, on the basis that a permanent permission is proposed. Objection to the proposal is offered, on account of the likely noise nuisance at residential properties, arising from guests parking their vehicles in the streets and walking to and from the premises up to 23:00hrs; as witnessed by Public Protection colleagues on a number of occasions. This objection is, however, subject to the understanding that patron vehicles will be parked on the public highway, outside residential properties, as well as off-street within the confines of the application site and adjacent car park leased from the Local Authority. Potential support for a temporary 12 month permission is offered if control of patrons vehicles parking clear of the public highway can be assured; in order to allow proactive monitoring of the effectiveness of the proposed 'Noise Management Plan'. This is, however, dependant on Harrison Street, Sumner Street and Canterbury Street being included in any residents only parking limitation.

3.5.3 Members are advised that the applicants have agreed to fund a TRO for residents only parking restrictions along Harrison Street, Sumner Street and Canterbury Street, in order to significantly reduce the threat of noise

disturbance along these streets. Notwithstanding this, the proposal is considered, on balance, to be acceptable for a temporary 12 month trial period. The residents parking initiative will be secured by an appropriately worded condition, to require an application for the TRO to be made to the Local Authority within 28 days of the decision date of the application.

3.5.4 Conditions to secure the temporary permission and implementation of the approved Management Plan will also be applied.

4.0 RECOMMENDATION

4.1 Approve subject to:

(i) Conditions imposed on the original permission and which relate to the following matters:

Original conditions:

- Standard commencement condition
- Submission of a soundproofing scheme
- Submission of a scheme for control of cooking odours
- No externally audible 'Call to Prayer'
- Unexpected contamination
- Submission of a scheme for electric vehicle charging points
- Submission of a scheme detailing offer of a minibus service
- Submission of samples for external walling and roofing
- Submission of a Risk Assessment and Method Statement for works undertaken within 10m of the adjacent operational railway
- Standard drawing number condition

Varied / additional conditions:

- The use hereby approved shall only take place Monday to Sunday between the hours of 11:00 to 23:00
- The submitted 'Noise management Plan' to be implemented with immediate effect
- Within 28 days of the date of approval, an application to the Local Authority shall be made for a TRO to introduce residents only parking along Harrison Street, Sumner Street and Canterbury Street.

5.0 PLANNING HISTORY

5.1 10/16/1208 - approval of Change of use from existing B1/B2 use to Banqueting Suite (Grand Venue – Use Class D2) (with single storey front extension and external alterations and additional car parking.

6.0 CONSULTATIONS

6.1 Public Protection

Objections are raised based on Canterbury Street not included in the TRO for residents parking.

- 6.2 Public consultation has taken place, with 62 letters posted to neighbouring addresses and display of three site notices on 10th October 2018. In response, a 29 signature petition was received on 9th November 2018. This petition was reported to members at the 20th December 2018 Committee meeting. The petition is set out in the summary of representations below. In addition, a letter from the MP Kate Hollern was received dated 3rd December 2018, sent on behalf of the constituent Miss Deborah Brown of No.53 Harrison Street, Blackburn, in respect of ongoing noise / nuisance complaints and the Council's planning enforcement process. A holding response was sent to the MP on the 20th December 2018 stating:

"I can confirm that a Variation of Condition application was submitted on the 10th October 2018, to condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00 (ref: 10/18/0959). A petition was received on the 5th October 2018, containing 28 petitioners citing "impact of late night opening and associated noise, including car horns and drums". Also the objections relate to parking issues affecting access to houses. A report is being presented to the Planning & Highways Committee at their meeting on the 20th December 2018, requesting that the members note the receipt of the petition. The objections raised are being considered as part of the assessment of the application. At this moment in time, the application is still be assessed with officers in the Public Protection service, as officers are awaiting the submission of a noise assessment, and it will be presented to the Committee once the assessment is completed. The owners have appointed an agent to submit applications to address each of the conditions that have not been complied with, and a formal Discharge of Condition application is expected to be submitted in the New Year."

7.0 CONTACT OFFICER: Nick Blackledge – Planner, Development Management.

8.0 DATE PREPARED: 7th June 2019

9.0 SUMMARY OF REPRESENTATIONS

09 October 2018

Dear Nick Blackledge

In response to the letter we received on the 29/10/2018 about the

DSF Delmec Ltd
Harrison Street Trade Park
Harrison Street
Blackburn
BB2 2JN
Reference: 10/18/0959

We have thoroughly read all the details about the planning application submitted by the more commonly known The Grand Venue wedding hall and banqueting suit.

We do not agree that they should extend their opening and closing times, wither it be temporary or permanent; this is due to the following reasons.

Firstly from the first event that they held they began late opening and closing time which have already extended from the 31/12/2017 up until the 29/10/2018.

Secondly we have already been trying to get help and advice about the nuisance they have been causing at unruly hours, as we found a letter on the Blackburn with Darwen website (see appendices 1) which stated they had conditions to abide too such as opening and closing times etc. We have tried to seek advice because of this letter by contacting the local Police, Blackburn with Darwen planning team, the noise nuisance neighbourhood team and Kate Hollern the local MP. which have all tried to help in their own way.

Thirdly we received the planning application letter late and had to request a copy after finding out from a fellow neighbour.

Fourthly the abuse intimidation, cost, nuisance and noise we have endured cannot go on with neighbours already vacating their properties due to the effects on there daily lives.

We as a family have tried to approach "Saj Patel" "Sajid Vali" and spoke directly to him as well as his staff and guests to try and compromise and resolve the situation. They put cones

neighbours already vacating their properties due to the effects on their daily lives.

We as a family have tried to approach "Saj Patel" "Sajid Vali" and spoke directly to him as well as his staff and guests to try and compromise and resolve the situation. They put cones outside two properties one being ours, however once we contacted services the novelty wore off and as a consequence the noise intensified. An example of this was witnessed by a member of the noise nuisance team who saw the staff cleaning and hoovering at 01:30am.

The petition we started (see appendices 2) shows how many neighbouring properties DO NOT SUPPORT or agree to later opening and closing times it also shows how many people/ properties are affected by their behaviour, which has only validated our opinion. However the negative aspect of interacting with the neighbours is finding out how many have gone over or tried contacting Sajid/ The Grand Venue to then only receive empty promises, intimidation and ignorance. Neighbours themselves are vulnerable with some not sure what they can do or the laws of this country concurrent some cannot speak English or communicate effectively.

These properties are family homes and we should not endure this intrusion or made to feel like we should leave, after all Sajid cannot buy all the properties on the street.

The Grand Venue Wedding Hall should have not been allowed to submit this new planning application pending investigation, and if they cannot understand or comprehend the letter (see appendices 1) which was dated last year then how are they allowed to run a business, especially ones that has animals and explosive fireworks next to tanks of fuel.

The information we heard in regards to them not understanding their own opening and closing times does not coincide with the letter we received from Kate Hollern the local MP (see appendices 3) which confirm that " the client has confirmed the hours of operation will be 11.00 am till 7.00 pm 7 days a week."

If you want any supporting videos and pictures of their late opening and closing time we have already had to endure please don't hesitate to contact us by post or on one of the following:

Otherwise take note of (appendices 4) which clearly shows that they are advertising and selling tickets to an event that will extend three and a half hours over their agreed times without this planning application being agreed.

Finally supporting evidence displays their untrustworthy behaviour and the fact they cannot keep to their written agreements let alone their word. They should not be approved extensions in their opening and closing times and if anything they should be sanctioned and supervised after-all they have been ignoring the council up until recently.

Yours Sincerely

Miss Debra Brown

Petition

Pettion- Stop the Grand Venue Wedding
Hall

Have you been affected by The Grand Venue Wedding hall on Harrison Street, Blackburn. For example late opening and closing times, light pollution, inadequate access to property due to parking, noise such as car horns, fireworks, drums or even disruption to your daily lives.

The Grand Venue Wedding Hall is suppose to be open between 11:00- 19:00 they are currently applying to extend these time to 11:00- 23:00 seven days a week if you DO NOT SUPPORT this intrusion please sign and state the property you represent.

Thank you for your support.

-53, HARRISON ST, BB2 2JE
55. " " " " " "

57 Harrison Street BB2 2JE

52 Sumner Street BB2 2LD

47 Harrison Street BB2 2JE.

43 HARRISON ST BB2 2JE.

50 SUMNER ST

40 Summer St BB2 2LD

Byrom Street BB2 2LE

1 CANTERBURY ST. BB2 2HT

UNIT 1 67 CANTERBURY ST BB2 2HT

U U U U U

1 Canterbury St

CLASS CANTERBURY ST

UNIT 7 BYROM STREET BB2 2LE

Unit 1 Byrom Street

NORTHERN RAIL DEPOT.

Network Rail

Network Rail

ELITE SYM

TOOLSHACK

SUMNER ST

Northern Rail Depot.

Nippon Dai Martial Arts Unit 8
Old Fire Station

unit 3 old fire station