

Appeal made against the refusal of planning permission.

Appeal reference	APP/P1805/A/11/2147548
Planning Application	10/0928-SC
Proposal	Change of Use from existing Office usage to A3 (restaurant) with ancillary A5 (hot food take away)
Location	74 Worcester Road, Hagley, DY9 0NJ
Ward	Hagley
Decision	Refused (delegated decision) 24th December 2010

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Discussion

The main issue of consideration was the effect on the living conditions of the occupiers of neighbouring residential properties.

There is a common boundary with a dwelling, No. 1 Kidderminster Road. There is a high wall on the boundary. Nevertheless, it was considered that the potential intensity of use of the car park with regular comings and goings, opening and closing of car doors, voices and car audio equipment would create additional noise close to the garden and dwelling. This would have an undesirable effect on living conditions in that property, especially in the summer months when windows may be open and the garden used in the evenings. This is the only property that would be harmed by noise because there is background noise from traffic on the adjacent roads and so the effect on dwellings opposite would not be significant.

Details of air conditioning, ventilation and fume extraction and refuse disposal could all be controlled by conditions to ensure that these created no additional noise disturbance or odours. Litter and illuminated advertisements are controlled by separate legislation.

The Inspector concluded that although the premises are vacant and that there may be demand for the use, they are not located within a defined commercial area. Concerns about noise from vehicular and pedestrian movement in the car park conclude that the development would be contrary to Local Plan policy S19.

Costs application

No application for costs was made.

Appeal outcome

The appeal was **DISMISSED** (15th July 2011).

Recommendation

The Committee is asked to RESOLVE that the item of information be noted.