

Stourbridge Area Committee - 12th March 2007

Report of the Area Liaison Officer

Responses to Questions

Purpose of Report

1. To inform the Committee of a written responses made to a questions asked at previous meetings.

Background

2. At meetings of this Committee held on 20th November 2006 and 22nd January 2007, it was indicated that a written reply would be sent to the questioners on the following questions.
3. A member of the public commented on the poor state of the toilets in the Rye market and asked who was responsible for their maintenance. The Head of Street Care has written to the questioner advising that he was aware that the Toilets suffer from period damage as a result of elements of antisocial behaviour and graffiti, although the infrastructure is generally sound. The responsibility for the toilets is the Council's Street Cleansing Section who undertake cleansing them twice daily from Monday to Saturday. The provision of public conveniences is currently under review and opportunities for new provision will be considered.
4. A member of the public commented on parking problems in Birmingham Street, Stourbridge despite there being available spaces on the car park in the same street. The Group Engineer, Traffic and Road Safety has written advising that a new style of enforcement of yellow lines was proposed to be introduced in the future to address this issue. It was also possible that if a future traffic management scheme including sections of the A458 between Stourbridge and Halesowen were to be introduced car parking in Birmingham Street could be considered.
5. The same member of the public expressed concerns regarding taxis parking obstructively around Amblecote Road, Delph Road, Mill Street and Mount Pleasant, Brierley Hill the Group Engineer, Traffic and Road Safety has written to the questioner advising that the matter would be investigated and appropriate action would be taken to resolve the problem.

6. A member of the public raised concerns that a fallen tree, reported to be blocking the pathway of the National Cycle Pathway at Seven Dwellings Bridge, Anchor Hill, Withymoor, Brierley Hill had not been attended to. The Group Engineer, Traffic and Road Safety has written to the questioner advising that the Council's Arboricultural Manager and British Waterways have been requested to take urgent remedial action to ensure the tree is removed.
7. A member of the public requested that a Local Safety Scheme be introduced in Woods Lane, Amblecote, Stourbridge. The Group Engineer, Traffic and Road Safety has written to the questioner advising that the subject will be considered during the 2007/08 financial year, for possible inclusion in a future year's annual Local Safety Scheme programme.
8. A member of the public, who was unable to attend the meeting, requested that consideration of the installation of more dropped kerb crossing points in Norton. The same member of the public expressed concerns regarding funding for dropped kerbs had been requested. Should the funding become available further "wheelchair crossings" would be introduced.
9. The same member of the public expressed concerns regarding footway drainage channels which did not have metal covers and were therefore difficult for wheelchair and pram users to cross. The Group Engineer, Traffic and Road Safety has written to the questioner advising that only footway drainage channels which were of the metal proprietary design could be covered. Where any metal drainage channels were found to be without a copy consideration would be given to introducing remedial measures. He also advised that concrete footway drains were designed to be shallow and to not obstruct the passage of prams and wheelchairs.
10. A member of the public questioned why hygiene regulations, residents' opinions and other legalities were not taken into account before permission was granted to a recent planning application for a new take away business, despite an existing proliferation of take-away businesses in High Street Lye. The Assistant Director Development and Environmental Protection has written to the questioner advising that planning legislation and food hygiene matters work in parallel and that planning decisions cannot take into account food hygiene matters. The Council has a duty to accept any planning application for consideration. In the case of the application referred to in High Street, Lye, the planning application was for a single storey rear extension and a new shop front only. Planning permission was granted for a change of use to A3 take away/restaurant in 2000 and extended in 2005. In response to concerns, Environmental Health Officers had visited the site and found no evidence of a food business being run from the premises. Counsel had advised that the balance of probabilities was that the use had commenced as a restaurant in planning terms in accordance with approvals in 2000 and 2005. The A3 use in planning terms was for a restaurant/take-away business and the use related to the building, not the current ownership.
11. A member of the public commented on a recent planning application for a take away/restaurant in High Street Lye, objecting in particular to its close proximity to existing residential properties and the numerous similar businesses already operating in the vicinity. The Assistant Director Development and Environmental Protection has written to the questioner advising that the application referred to related to the erection of a single storey rear extension and a new shop front only.

It did not seek permission for use of the premises as a restaurant/takeaway. Therefore consideration of the use and its planning status were not material to the application per se. Planning permission was granted for a change of use to A3 take away/restaurant in 2000 and extended in 2005. Legal advice was sought on the basis of a number of issues, including letters relating to the use of the building, the contents of which were disputed. It was the opinion of Counsel that the use had been implemented in planning terms. Following concerns expressed, Environmental Health Officers had visited the site and found no evidence of a food business being run from the premises. Internal alterations do not require planning permission and are therefore beyond the Directorate's control. The application referred to could only consider the extension and alterations to the shop front and not the previous granting of change of use to the restaurant.

Finance

11. There are no direct financial consequences arising from this report.

Law

12. Section 111 of the Local Government Act, 1972 enables the Council to do anything that is calculated to facilitate or is conducive or incidental to the discharge of its functions.

Equality Impact

13. The report takes into account the Council's Policy on equality and diversity.

Recommendation

14. The Committee is recommended to note the contents of this report.

John Polychronakis

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J POLYCHRONAKIS
AREA LIAISON OFFICER

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List of Background Papers

Question slip handed in at a previous meeting of the Stourbridge Area Committee.
Correspondence sent in response by Council Officers.