

QUESTIONS ON NOTICE

Full Council | Tuesday, 24 September 2019

The questions set out below were duly received by the Monitoring Officer/Head of Law & Democracy on 17 September 2019 in accordance with Rule 13.2 of Part 4 of the Constitution of the Council.

1. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Garth (Bill) A Boulter, Chair of Service Delivery Committee:

"Does the Council intend to increase the number of parking bays for those with disabilities, now that new legislation has recognised that those with hidden disabilities are eligible for a blue badge?"

Response:

The Department for Transport (DfT) has made changes to the Blue Badge criteria so that some people with hidden disabilities will now be able to apply for a blue badge. The legislation came into effect on 30 August 2019 and the DfT are expecting there to be an increase in the number of applications received. For Leicestershire, these applications will be received and dealt with by Leicestershire County Council.

As a consequence of the increased availability of blue badges there is expected to be an increase in the demand for disabled parking bays within car parks. However, the DfT has stated *"The impact [of changing the blue badge eligibility] on parking will vary from place to place, depending on factors such as location, population density, current capacity, possible capacity, and more. Parking may need to be reviewed in some places, but until the impact of these changes is seen in practice it is impossible to understand local needs. The Department for Transport will review the impact of the expanded criteria, in the wider context, twelve months after implementation."*

The change in legislation has not placed a requirement on local authorities to provide more spaces. Therefore, Officers will be monitoring the use of disabled parking bays over the coming months to see if there are any capacity issues which require an increase in their number. Also, Customer Services staff have been asked to monitor any complaints or comments from blue badge holders about space availability.

The current recommendation by the Department for Transport is that 6% of the number of bays within a car park should be designated Disabled Bays. Town centre car parks in Oadby and Wigston meet this 6% criteria and in some locations exceed it.

The number of disabled bays currently provided in OWBC town centre car parks are:

Oadby - East Street (13); Sandhurst Street (11); Ellis Park (2).

Wigston - Junction Road (8); Paddock Street (5); Aylestone Lane (4); Frederick Street (4), Spring Lane (2).

South Wigston - Countesthorpe Road (5); Station Street (2).

2. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Lee A Bentley, Chair of Development Control Committee:

Does the Council restrict developers from using Permitted Development Rights (PDR)? Particularly when converting commercial properties into residential ones?

Response:

Where a property has Permitted Development Rights (PDR), occupiers/developers are within their rights to use them. The Council would only seek to restrict them where there is an application to determine and where, in considering that application, the Council considers there to be justification for removing PDR.

There is a need to remember that not all buildings/uses have permitted development rights and where a prior approval submission is made to the Council – such as, for example, for conversion of buildings in B uses classes to residential – the Council can only say prior approval is required (then approved or refused) or not, and where it is needed and approved the Council cannot restrict permitted development.

3. Question from Cllr Michael H Charlesworth (Wigston All Saints Ward) to Councillor Lee A Bentley, Chair of Development Control Committee:

Has the Council implemented the new planning law (introduced this year) that requires small holes to be placed in the base of fences in new developments to allow the passage of hedgehogs and other small animals to roam safely?

Response:

The Council is not aware of new planning legislation requiring holes in the base of fencing to allow safe movement of creatures such as hedgehogs and other small animals. The Council is aware of guidance which has been issued; however as guidance we cannot require it and it would not, in the consideration of a planning application, be a factor that would justify a reason for refusal in its own right.