

COMMITTEE: EAST LUTON AREA BOARD

DATE: 8th November 2012

SUBJECT: PETITION REGARDING OVERGROWN CONIFERS
AT 47 LEYGREEN CLOSE

REPORT BY: Head of Engineering and Street Services

CONTACT OFFICER: Rob Scott - 546272

IMPLICATIONS:

LEGAL	✓	COMMUNITY SAFETY	✓
EQUALITIES		ENVIRONMENT	
FINANCIAL		CONSULTATIONS	
STAFFING		OTHER	

WARDS AFFECTED: Crawley

PURPOSE

1. To report to Area Committee that a Petition has been received regarding the cutting back conifer hedge at 47 Leygreen Close, 41 signatures have been gathered from Leygreen residents.
2. The Petition is stating that residents would prefer to have restricted use of the Footway, if the other option is to have an unsightly hedge cut back to the property boundary.

3. RECOMMENDATION(S)

- 4. That Area Committee note receipt of the petition;**
- 5. It recommended that the Highway Maintenance team continue to seek a solution with the resident although there has to be a significant reduction in the obstruction to avoid the need for enforcement action.**

BACKGROUND

6. As part of their routine inspection process Highway Inspectors identify any vegetation that is overgrowing the footway to such an extent that it obstructs the passage of users of the highway.
7. Since the start of 2012 the Highway Inspection team have recorded 214 cases of vegetation obstructing the Highway.
8. In most cases the vegetation is cut back following an approach from the inspector on the day or as soon as a letter is sent by the Highways Team informing the resident of their responsibility
9. In a small number of cases enforcement notices are sent, this is about 5% of cases recorded. Ultimately the Highway Team may arrange for the vegetation to be cut back by the parks services and recover any costs incurred. From the owner or occupier

REPORT

10. Following a routine Highway Inspection in July 2012 it was noted by the Inspector that a conifer hedge growing in the front garden of 47 Leygreen Close was growing over the highway and reducing the usable width of the footway quite significantly.
11. The hedge had also grown around a street lighting column preventing access to the control mechanism and restricting access to the column itself and around a control box belonging to a telecommunications company.
12. Notice was duly served on the resident and a response was received expressing concern that in order to cut back the hedge sufficiently to remove the obstruction the hedge is likely to die. The resident has cut back the hedge around the base of the lamp column and the utility controller and removed some of the obstruction. There remains a significant obstruction and in places up to 1 metre of footway is obstructed.
13. A petition has been received with 41 signatures from residents of the area supporting the resident of number 47 in that the petition says:

“I have no problem with the footpath access along the side of Number 47 Leygreen Close I understand that cutting back the conifer trees to brown twigs will be an eyesore to our close.”

14. The Council arboricultural officer has visited site and he states that as a result of lack of regular trimming historically the hedge can not now be cut back fully without impacting on the future hedge growth.
15. The hedge has been cut back since the Council contacted the resident in July but not sufficiently to remove the obstruction.

PROPOSAL/OPTION

16. The Council has a statutory duty to maintain the highway. This includes ensuring it is free from obstruction consequently the Council has no alternative other than to seek removal of the obstruction but Officers hope to work with the resident to achieve this outcome but have to reserve the right to take enforcement action if it proves necessary.

LEGAL IMPLICATIONS

17. HIGHWAYS ACT 1980 Section 154

- 1) Where a hedge, tree or shrub overhangs a highway or any other road or footpath to which the public has access so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers of vehicles or the light from a public lamp, a competent authority may, by notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is growing, require him within 14 days from the date of service of the notice so to lop or cut it as to remove the cause of the danger, obstruction or interference.

Agreed by John Secker in Legal Services on 15 October 2012.

COMMUNITY SAFETY IMPLICATIONS

18. Restricted highway can cause the public to step into unguarded roads. Restricted Footways cause access issues for the disabled and vulnerable.

APPENDIX





Appendix

LIST OF BACKGROUND PAPERS

LOCAL GOVERNMENT ACT 1972, SECTION 100D