

**REGENERATION, COMMUNITY AND CULTURE
OVERVIEW AND SCRUTINY COMMITTEE
13 JANUARY 2009**

PETITIONS

Report from: Robin Cooper, Director of Regeneration, Community and Culture

Author: Caroline Salisbury, Overview and Scrutiny Co-ordinator

Summary

This report advises the committee of the petitions presented to the Mayor at Council meetings including a summary of officer's response to the petitioners.

1. Budget and Policy Framework

1.1 The constitution provides that petitions presented at Council meetings relating to matters within the remit of an Overview and Scrutiny Committee will be referred immediately to the relevant Director for consideration at officer level.

2. Background

2.1 Where the Director is able to fully meet the request of the petitioners a response is sent of the proposed action and timescales for implementation. The petition organiser may request to refer the matter to the relevant Overview and Scrutiny Committee if s/he is not satisfied with the answer and has given reasons for their dissatisfaction.

2.2 For petitions where the Director is unable to meet the request of petitioners or where there are a range of alternative responses the petition will be referred to the next relevant Overview and Scrutiny Committee for discussion.

3. Petitions

3.1 A summary of responses relevant to this Committee that have passed the ten day deadline for a request for referral to the Committee and are therefore seen as acceptable to the petitioners are set out below.

Subject of petition	Council Date Presented by	Response
Concern about traffic, road safety and parking situation by the Railway Viaduct new New Road School and ask for improvement and updated road safety signage and increase warden patrols in close proximity of the school.	13 November 2008 Councillor Maple	A Road Safety Engineer will review the current traffic signing around the viaduct and any amendments or maintenance deemed necessary will be arranged. Requests for enforcement in the vicinity of schools has been very high, so officers have developed a school rota system. However, the council has use of a CCTV car and will increase enforcement activity at this location to tackle the current situation and the concerns raised.
Concern about the traffic, road safety and parking by All Saints School and ask for increased warden patrols.	13 November 2008 Councillor Maple	Requests for enforcement in the vicinity of schools has been very high, so officers have developed a school rota system. However, the council has use of a CCTV car and will increase enforcement activity at this location to tackle the issues raised in the petition.
Protest at continued parking of non-residents and would like double yellow lines or resident only parking signs.	13 November 2008 Councillor Wildey	These roads will be considered as part of the next batch of yellow line parking restrictions due for consideration in Spring 2009. A formal consultation process will be held and if results are favourable, will be implemented in 3-6 months.
Request for a retail planning policy to secure the future of small shops and traders in the High Street and outside the town centre in Strood.	13 November 2008 Councillor Hubbard	At the end of October, a leading consultancy was retained to carry out a full retail study for Medway. The study should be completed in February 2009 and Strood Forum will have an opportunity to comment on the draft report as well as exchange views with the consultants. This will feed into wider community discussions about what issues should be addressed in the Local Development Framework. In the meantime, the retail policies in the Medway Local Plan continue to apply.

4 Petitions referred to this committee

- 4.1 The following petition was referred to the Committee for consideration as petitioners were dis-satisfied with the response they received.

Subject of petition	Council Date Presented by	Response
Residents concern regarding the trees planted by the boundary fences of Bulrush Close and the Chestnut Avenue open space,	13 November 2008 Cllr. Burt	Please see letter of response, attached as Appendix A.

5 Directors comments

- 5.1 The trees planted close to boundaries with properties at Bulrush Close were most likely intended to form a hedgerow. Individually the trees are not considered to be specimen trees, but they do contribute to the visual amenities of the area and are in character with the surrounding landscape.
- 5.2 These trees have grown at varying rates and only a small proportion of the original trees planted remain. A count along the boundary identified a total of 28 remaining trees ranging from 1.5m to 20.0m in height and a total of 61 tree stumps following the removal of some trees in the past.
- 5.3 None of the remaining trees have been pruned to form a hedgerow with a restricted height and it would not be appropriate to do so at this stage in their development.
- 5.4 There are no arboricultural reasons to justify the request to remove the trees and this decision is in accordance with the adopted tree policy. The land is maintained by Medway Council and forms part of the Greenspace Services portfolio.
- 5.5 The cost to fell the remaining trees would be in the region of £2,229.
- 5.6 A brief summary of the situation on site follows:

Rear of 1 Bulrush Close

- 1 tree 10.5m tall - £216.96
- 4 tree stumps

Rear of 3 Bulrush Close

- 2 trees 1.4m to 6.1m tall - £108.48
- 8 tree stumps

Rear of 5 Bulrush Close

- 3 trees 6.9m to 10.0 m tall - £162.72
- 19 tree stumps
- Evidence of cutting back of trees over the fence line

Rear of 7 Bulrush Close

- 5 trees 7m tall - £271.20
- 7 tree stumps

Rear of 9 Bulrush Close

- 4 trees 4.7m to 13m tall. (Only 1 tree 13m tall) - £379.68
- 2 tree stumps
- Tree in residents garden on same boundary is 17m tall

Rear of 11 Bulrush Close

- 3 trees 4.7m to 13m tall. (Only 1 tree 13m tall) - £325.44
- 7 tree stumps
- Tree in residents garden on same boundary is 17m tall

Rear of 15 Bulrush Close

- 5 trees 6.5 m to 10.0m tall (Only 1 tree 10m tall) - £271.20
- 11 tree stumps

Rear of 17 Bulrush Close

- 5 trees 3.0m to 20.0m tall. (Tallest tree leaning out into field away from garden) - £493.58
- 3 tree stumps

6 Financial and Legal Implications

- 6.1 Any financial and/or legal implications arising from the issues raised by the petitions are set out in the comments on the petitions. With regard to the petition relating to trees, as the trees are growing on Council owned land, the Council would be responsible for any damage caused to adjoining properties which was proved to have been caused by the trees, however Members will note from the response appended at Appendix A that there is currently no evidence that the trees are causing any structural damage to the adjoining properties and that appropriate maintenance is proposed to ensure that this does not happen.

7 Recommendation

- 7.1 Members to note the response and appropriate officer action, where relevant and consider the petition request referred to the committee in paragraph 4.

Background papers

None

Contact for further details:

Caroline Salisbury, Overview and Scrutiny Co-ordinator.

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Please contact: Sam Irvine
Director's Assistant

Your ref:

Our ref: RC/SI/letters/me464reply

Date: 27 November 2008

Mr P Goodwin
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Chatham, Kent ME4 4TR
(DX56006 STROOD)
telephone: 01634 331323
facsimile: 01634 331729
email: sam.irvine@medway.gov.uk

Dear Mr Goodwin

Thank you for your recent petition that was presented by Councillor Burt to Council on 13 November 2008

As you will appreciate trees are of vital importance in maintaining and improving the quality of life of those who live and work in Medway. From time to time trees that are valued by the wider community may however cause some local inconvenience to some people. In recognition of the contribution that trees make to the environment there needs to be a balancing act which takes account of our responsibilities to care for this valuable resource while meeting the needs of residents where its reasonable to do so.

I understand Michael Sankus visited you on the 22 September 2008 to listen to the complaint you had about the trees near your home. During the meeting Michael explained that no action would be taken as it could not be demonstrated that the trees are likely to cause structural damage to your property or fail due to their condition. I understand Michael also explained that the presence of squirrels, children climbing the trees or shade over your property would not justify the removal of the remaining trees you were concerned about.

Moving onto the reasons for wanting the trees removed cited in the petition I reply as follows:

1. *The properties affected have very small rear gardens, and as a consequence of the planting of the trees we all no longer have the choice of home insurance providers, due to the fact that the trees are seen as a structural hazard to our property foundations.*

Thankfully the incidence of proven tree related subsidence damage to buildings in the Medway area remains low and as a consequence I am not aware of a widespread reluctance for home insurance providers to provide cover where trees are growing in close proximity to dwellings or other structures.

2. *Approximately 2 years ago the trees were pruned and we were advised that they would not be allowed to grow to a height beyond the height that they were prior to pruning. However we are now advised that the trees will not be regularly pruned, but will be allowed to grow to whatever height they chose to grow. This will have a dramatic impact on our quality of life. At the height that the trees are now, they already block out the natural light to our properties and gardens, and will sap the goodness from the soil causing problems with other plant growth.*

I am not aware of any promise to maintain the trees growing adjacent to properties at Bulrush Close at a specific height, but can assure you and your neighbours that they will be maintained appropriately taking account of the species, location and condition of the individual trees.

As far as the obstruction of light is concerned I understand that the orientation of your properties has an impact on the light reaching rear gardens in the afternoon and that the trees, which are about 7m tall, only block direct sunlight in the morning. Unfortunately this type of complaint about trees is difficult to resolve as acceptable levels of pruning will have little or no effect on the amount of sunlight reaching a house or garden. In this instance I am unable to help with this problem.

With regard to your concern about the affect trees will have on the properties of soil in your gardens and the problems this will cause I'm afraid there is no easy solution other than to review the choice of plant material grown and the steps taken to improve the soil properties as acceptable levels of pruning will have little or no effect on this issue.

3. *The trees which were planted by your department, some of which are Chestnut trees, which you advised would grow beyond 50 feet in height, have been planted within 4 feet of residents structural foundations. We regard this as being outrageous.*

Indirect damage to structures involving trees, usually referred to as subsidence or "heave", is a complex interaction between the soil, building, climate and vegetation that occurs on some clay soils.

Subsidence is a common, but frequently misunderstood, cause for concern to homeowners. In truth subsidence damage involving trees is relatively rare and only occurs in areas where the soil contains shrinkable clay that is prone to fluctuations in volume caused by changing soil moisture content. Much of the concern about tree roots and foundations is unsubstantiated and in newer developments a greater knowledge of this issue has led to improvements in foundation design.

As previously mentioned thankfully the incidence of proven tree related subsidence damage to buildings in the Medway area remains low.

- 4. The majority of trees are planted within 3 feet of our boundary fences, we all feel that we no longer have the privacy in our gardens which we used to enjoy prior to you planting these trees. A family barbeque can be ruined by a group of children climbing these trees and peering down beyond the height of our fences a matter of feet away.*

Having discussed your initial complaint with Michael Sankus I was led to believe that discussions about this issue concluded that you and your neighbours rarely experience this sort of behaviour. However such behaviour should be dealt with by means other than through the removal of trees. For example officers in the safer communities team may be able to offer assistance in dealing with this type of problem as and when it occurs. The safer communities team can be contacted through Customer First on 01634 333333.

- 5. Consideration was not given to the types of trees planted, nor to the height to which these trees would grow, in comparison to the nearness of the dwelling places.*

I was not party to the decision behind the choice of trees planted near to properties in Bulrush Close, but as previously mentioned I can assure you and your neighbours that they will be maintained appropriately taking account of the species, location and condition of the individual trees.

- 6. We have all experienced squirrels in our lofts, due to the type of slates on our roofs, as these trees grow this problem can only get worse. We did not have a squirrel problem prior to the planting of these trees.*

Issues relating to squirrels may be annoying and inconvenient to some people but they are a natural consequence of having trees and wildlife in the urban environment. As previously mentioned the presence of squirrels does not justify the removal of the remaining trees you and your neighbours are concerned about. If the squirrels are a pest our pest control service on 01634-333181 may be able to assist you although there is a charge, which they will explain in advance, for using their services.

I hope the information is helpful.

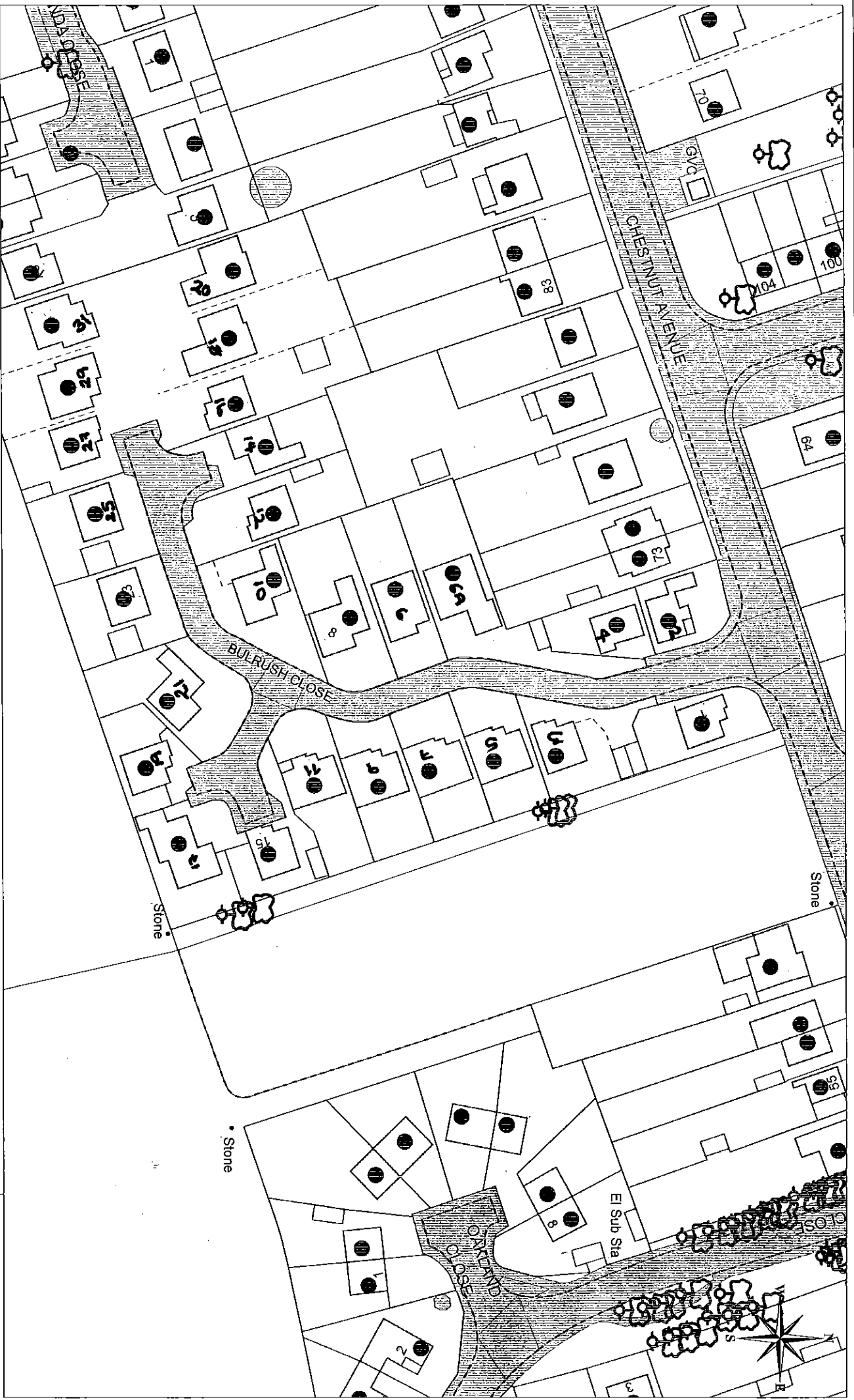
If you do not consider that the issues raised in your petition have been addressed, please refer to the procedure sent with the acknowledgment letter for a possible further course of action.

Yours sincerely

Robin Cooper
Director of Regeneration, Community and Culture

Copy to:

Councillor I Burt, Member for Walderslade Ward



BULRUSH CLOSE, CHATHAM

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