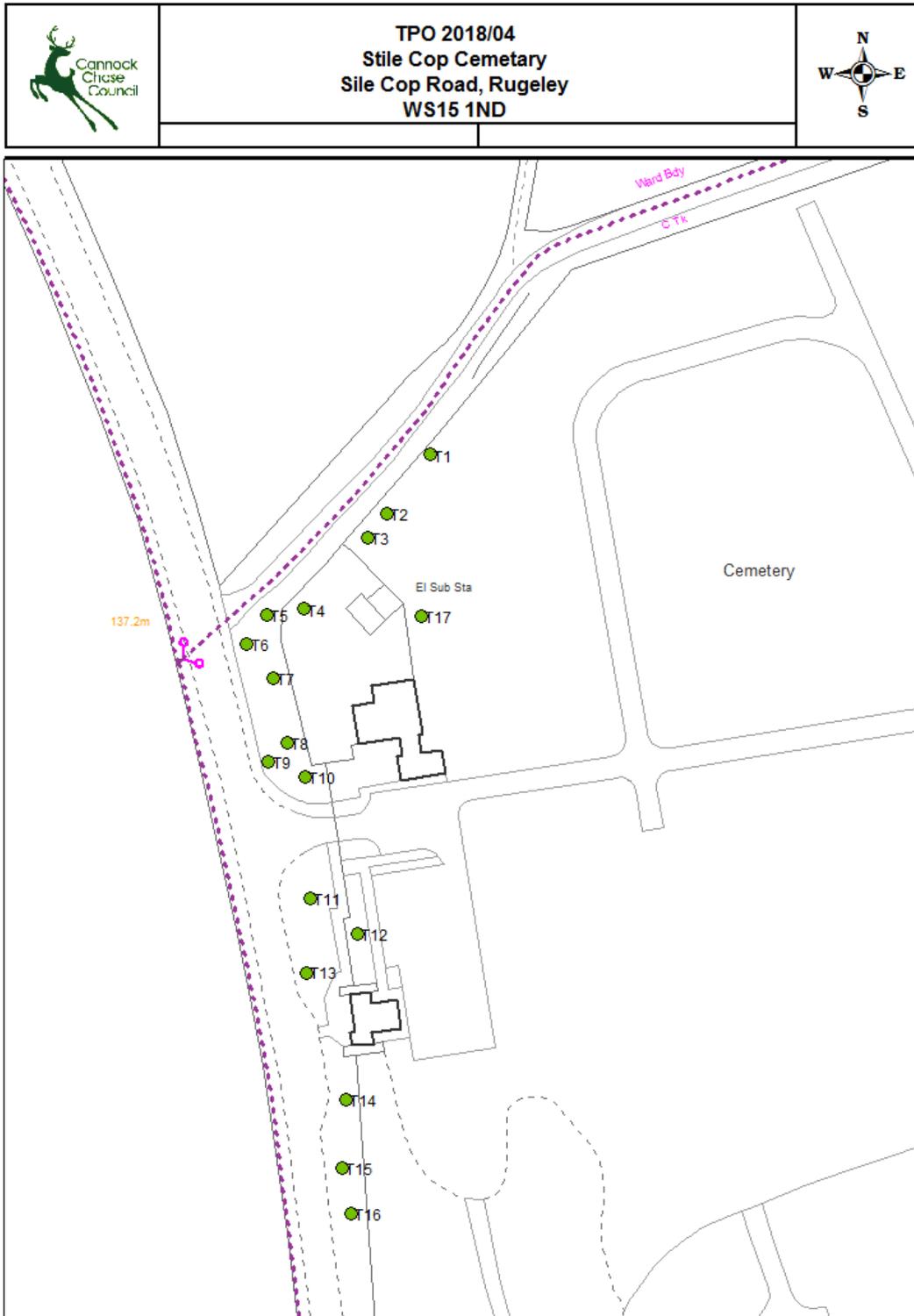


PROPOSED TREE PRESERVATION ORDER at Stile Cop Cemetery, Stile Cop Road, Rugeley, WS15 1ND

TPO NO. 2018/04



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1. Purpose of Report

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2018/04.

2. Background

- 2.1 The site is situated within the north west corner of the Stile Cop Cemetery. The trees in question are growing around the cemetery lodge and either side of the main entrance.
- 2.2 The lodge has been used historically as accommodation for the cemetery keeper with an office and mess room for cemetery staff also attached.
- 2.3 Since the retirement of the cemetery keeper in 2018, the decision has been taken to relocate the mess room and office into a new building within the cemetery so that the lodge and associated grounds may be sold off as a private domestic dwelling.
- 2.4 As a result of the sale, the trees are now considered to be potentially under threat as the intention of the new owners is not known. Therefore the decision was taken to produce the TPO to protect a total of 17 mature oak trees which line the public highway. The trees are highly visible from the street scene and add greatly to the area, being situated within the Cannock Chase AONB and Greenbelt.

3. Objection to TPO and Officer Response

- 3.1 Objection:

Trees T4, T5, T6, T7, T8, T9 and T10 on the Order Plan are all situated within close proximity to Stile Cop Cemetery Lodge and will be sold by the Council along with the Cemetery Lodge. The following objections are therefore made to the Order in respect of trees T4, T5, T6, T7, T8, T9 and T10:

- (i) The imposition of the Tree Preservation Order on the above trees will potentially reduce the capital receipt achievable. Some potential purchasers would consider that the amenity of the property as a domestic dwelling is significantly reduced by the Tree Preservation Order which would restrict the property owner's ability to work on or remove trees that will be within the property curtilage without undergoing the legal application process (and with no guarantee that approval to works would be forthcoming).
- (ii) The canopy of trees T4, T5 and T7 is significant and overhangs the area of land within which the drains of the Cemetery Lodge are situated (see attached plan showing drainage route in red). The

roots of such large trees have the potential to damage the property's drains. This possibility would be a factor in a prospective purchaser's decision in whether to buy the property and, if so, at what price.

- (iii) There is therefore the likelihood that the Order will reduce the number of parties interested in acquiring the Cemetery Lodge and thereby have an adverse effect on the level of capital receipt achievable.

Officer's Response:

- (i) The tree preservation guidance specifically states that LPAs have a duty to protect trees where they may come under threat, and where that threat may have a negative impact on amenity value. Change in ownership is also specifically mentioned within the guidance and is a common reason for the production of TPOs. While the TPO may restrict unsuitable works which damage or destroy the trees, they do not prevent appropriate management carried out in accordance with industry best practice.
- (ii) Industry best practice in the form of the National Joint Utilities Group '*Volume 4 - Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*' states (section 2.1.3 – Root Incursion) – intact apparatus will not generally be penetrated by roots, however roots can exploit existing defects such as defective joints, cracks within pipes, or degraded inspection chambers. As such the risk to the drains is considered to be low as long as they are in good condition.
- (iii) The fact that the number of potential buyers may be reduced by the TPO can also be applied to protected trees on private properties, where most protected trees are located. It would be inappropriate for the council to apply a different rule to its own trees, as it does to those under private ownership.

4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

5. **Recommendation**

5.1 It is recommended that TPO 2018/04 is confirmed without modification.

.Appendix 1 – Site Photographs:



Above – Street view approaching from the north of Stile Cop Road



