

Confirmation of Tree Preservation Order

LAND AT 50 CASTLE ROAD, MOW COP

Tree Preservation Order No.213 (2021)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Order protects trees within the grounds of 50 castle Road, Mow Cop.

The Order was made to safeguard the longer term visual amenity that the trees provide after development works were commenced on the site, leading to concern that trees could be lost.

The Order was made using delegated powers on 9th February 2021. Approval is sought for the Order to be confirmed as modified.

The 6 month period for this Order expires on 9th August 2021

RECOMMENDATION

That Tree Preservation Order No 213 (2021), Land at 50 Castle Road, Mow Cop be confirmed as made and that the owners of the site be informed accordingly.

Reasons for Recommendation

Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely and appropriately manage them.

Representations

One representation have been received from a neighbour objecting to the TPO on the following grounds:

- The trees are a recent addition to Mow Cop and we have evidence they did not exist at all in the 1980/90s.
- The trees are there as a result of the landowners neglect and have in fact led to the destruction of heathland and moorland with which Mow cop is associated. Around 85% of heathland has been lost over the past 150 years through agricultural development and the planting of conifers. The small, fragmented patches that remained fell out of use and

natural succession led to the development of secondary woodland, resulting in the loss of many specialist heathland species.

- The land should be restored back to heathland/moorland, the trees should be removed and replanting taken place with moorland species such as heather and bilberries.
- The site next to the land, belonging to the National Trust is a site of special interest within the Cheshire East development plan and part of the greenbelt. The trees at 50 Mow Cop are slowly invading the site of special interest and destroying the specialist habitat and leading to the loss of plant and animal species.
- We dispute the fact that they are Mow Cops prominent feature. The prominent feature is Mow Cop Castle and these trees block distant views of the castle from the north, north east and east.
- The trees do not provide any positive contribution to the area. Their effect has had a negative impact on the moorland which will only accelerate as the invasive species spread, particularly the silver birch.
- The loss of the trees would be beneficial to Mow Cop and the preservation of the area.
- The geology of Mow Cop is not suitable for trees of any sort. Below the shallow top soil there is solid rock and nowhere for a tree root system to go. This may not be a problem in some areas around the castle but on the crest of a hill with accelerated wind speeds to could be a safety risk.
- The trees may form a feature but they are neither desirable or important to the area.

Your officers consider that the trees that have established are not inappropriate for the property and that restoration to heathland would be impractical for such a residential property. There are no apparent domestic properties in the area that have gardens of heathland and several properties have trees growing within them. Maintenance of adjacent heathland is subject to separate management. It is considered that the trees form a positive visual feature to the Mow Cop skyline.

Issues

The trees are a collection of individuals, groups of trees and woodland growing throughout the property, consisting mainly of birch but with other species including sycamore, pine, rowan, willow, cypress and holly. They form prominent feature on the ridge of Mow Cop and screen the current dwelling. They are mainly mature and early mature although many have not achieved their full stature due to the exposed nature of the site. They are clearly visible from the many footpaths in the vicinity, including public footpath Kidsgrove 115, Mow Cop Castle Lane, and Mow Cop Castle, with narrow views from the surrounding roads. They are also prominent as a visual feature next to the landmark Mow Cop Castle from lower parts of Mow Cop and distant viewpoints to the south and east. The trees are a significant feature and provide an important contribution to the area and their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality.

The dwelling on the property is currently uninhabitable and a planning application was received in December 2020 for a replacement dwelling, application number 20/01039/FUL. Subsequent to the application being submitted, clearance work was commenced on site by the developer leading to concern that trees might be removed as an obstacle to development and a Provisional Tree Preservation Order was made to protect the long term well-being of the trees. The TPO was made and served on 9th February 2021. Tree issues relating to planning application 20/01039/FUL remain unresolved.

Amendments

Due to the large number and distribution of the trees on the site and the time available for making the Provisional Order, the trees were categorised in the form of an area covering the entire site so as to temporarily protect all of the trees.

Following the making of the Provisional Order your officers have carried out a review and itemised individual trees, groups of trees and a small area of woodland worthy of an Order. The Order to be confirmed has been modified from the Provisional Order to show only the worthy trees. The trees are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years.

Date report prepared

7 July 2021