

**TREE PRESERVATION ORDER at Moor Edge, New Mills Road, Birch Vale
HPBC TPO No 315**

1. REASON

For the members to consider whether to confirm as permanent the above currently provisional (temporary) Tree Preservation Order (TPO) No. 315 made in respect of trees at Moor Edge, New Mills Road, Birch Vale, with or without modification, or to allow the TPO to lapse.

2. SUMMARY

A TPO was made on 6th February 2024, following reports that tree felling was taking place at the site, with a planning application also having been submitted.

For expediency, the Order was made as a single Area (“blanket”) designation covering the whole site, automatically but indiscriminately protecting every tree present at that time. A copy of the existing provisional TPO is appended to this report.

A single objection to the TPO was initially received from the owners of Moor Edge. The objection was made on several grounds partly on points of principle against the whole Order and partly in detail in respect of various trees considered to be in poor condition.

The Council’s arboricultural officers have subsequently carried out more detailed amenity assessment of the many trees on site and now propose modification of the Order on confirmation to specifically identify and maintain protection over those considered to hold sufficient amenity value whilst omitting those with insufficient amenity value and/or which have been found to be in poor condition.

The detailed amenity assessment and proposed modifications have been discussed with the site owners, and further refined as a result, to the extent that the owners are now happy with the proposed modifications and have withdrawn their objection on the basis that the Order is confirmed in accordance with such modifications. In this event, and subject to the TPO being confirmed with these modifications, there are no remaining unresolved objections to this TPO.

Two representations of support for the TPO have been received, from residents at 69 and 113 New Mills Road which back onto Moor Edge.

3. RECOMMENDED

- a. The Committee confirms Tree Preservation Order No. 315 with modifications to replace the current Area A1 by individual trees T1 – T27 inclusive and groups of trees G1 – G4 inclusive, as shown on the proposed amended plan and amended schedule appended to this report.

4. BACKGROUND

- a. Moor Edge is situated directly behind (south-east of) a series of terraced houses along New Mills Road, and abuts the open countryside beyond. A site location plan is appended to this report. The site comprises an extensive plot containing the dwelling, its collection of outbuildings in various states of repair, and large well-wooded but long unmanaged gardens mainly reverted to nature.
- b. The trees are mainly appropriate native species in keeping with the semi-rural location, although there are one or two more unusual species also present reflecting a presumed past era of the gardens being more cared for.
- c. In combination, the collection of trees provides a useful screening buffer between built-up area and countryside. From longer range publicly accessible viewpoints along Sitch Lane to the north of the site, the trees at Moor Edge contribute usefully to the wider landscape-scale setting of Birch Vale in its wooded valley location.
- d. From closer viewpoints along New Mills Road, other than a slightly more open but brief view into the site along its access drive between Nos. 91 and 93, only the upper parts of the taller trees are readily visible.
- e. The most prominent view of the trees, again mainly in combination and across an intervening field, is obtained from the public footpath running to the east of the site along Morland Road.
- f. The current owners acquired the property only recently, in October 2023, and soon set about starting to remove some of the trees. A planning application followed (HPK/2024/0007) seeking planning permission for a larger replacement extension to the rear of the dwelling, and this was duly approved. The combined uncertainties of change of ownership, tree removal and development proposal gave the Council reasonable justification to consider it expedient to make the TPO.
- g. Subsequent discussion with the owners, along with officers' appreciation of the unmanaged state of the property and poor condition of numerous trees, now give reassurance that wholesale tree removal is not intended and that tree management is long overdue. Those trees initially removed were in poor condition and/or located unreasonably close to the dwelling.

- h. However, it is considered appropriate to maintain protection over the most significant trees in better condition, and due to the limited views into the body of the site these are inevitably mainly those around the boundaries. This is reflected in the detailed amenity assessment, under which the trees found to have clearly or just sufficient amenity value to merit continued protection in a modified confirmed TPO are mainly located on or towards the south-east side of the site against open countryside. The proposed amended TPO plan and amended schedule set out the recommended modifications, and copies are appended to this report.
- i. It is worth noting that the large majority of the site is located within designated Green Belt, so there is little or no prospect of further new development irrespective of whether all, some or none of the trees remain protected.

6. IMPLICATIONS

- a) Resources
No significant implications.
- b) Legal, Human Rights Act, Equalities, Community Safety, Consultation
If the Tree Preservation Order is confirmed the owner can still apply to undertake works to the trees and any future planning approval may also override the TPO.
- c) Environmental Issues and Risk Assessment
Trees, particularly mature trees, contribute to the environment not only in terms of visual amenity, but they also have broader environmental benefits such as storing carbon, mitigating pollution and reducing storm water runoff.

7. HOW THIS LINKS TO CORPORATE PRIORITIES

Using planning legislation to protect trees on private land contributes to Corporate aim 4: Protect and Improve the Environment

It is also in line with the Council's tree policy 2.2.1 which states that 'The Tree Preservation Order system will be used to ensure that trees of high amenity which are under threat are protected.'

8. APPENDICES

- 1 Site Location Plan
- 2 Copy of existing provisional TPO 315
- 3 Proposed amended TPO plan
- 4 Proposed amended TPO schedule