

TELFORD & WREKIN COUNCIL

PLANS BOARD – 23RD SEPTEMBER, 2009

TREE PRESERVATION ORDER 2009

REPORT OF THE HEAD OF LEGAL SERVICES

1.0 PURPOSE

- 1.1 To inform Members of the making of a provisional Tree Preservation Orders (TPO) and to seek its confirmation.

2.0 RECOMMENDATIONS

It is recommended that Members resolve to confirm the following Order without modification:-

- 2.1 Borough of Telford & Wrekin (Rear Garden of 34 High Street, Ironbridge, Telford, Shropshire) Tree Preservation Order 2009;**

3.0 SUMMARY

- 3.1 On the 30th July, 2009 a provisional Tree Preservation Order was made in respect of a Chilian Pine (Monkey Puzzle) tree (identified as T1 on Appendix **A**) in the rear garden of 34 High Street, Ironbridge, Telford, Shropshire. The tree is shown in the photographs attached as Appendices **B** and **C**.
- 3.2 On the 2nd September, 2009 an objection was received to the Order from the Landmark Trust, the owners of the property.

4.0 PREVIOUS MINUTES

- 4.1 None.

5.0 INFORMATION

- 5.1 Details of Objection submitted by the Landmark Trust

Background

The Landmark Trust is a building preservation charity, which acquired Iron Bridge House (34 High Street) in 1972 and carried out a complete refurbishment of the property before making part of it available for short term holiday lets, a use that continues to this day. It is one of their most popular properties with very high levels of occupancy due to its location and historical context. The property was constructed by Henry Smith, grocer in the 1830s, to live in and run his business as 'grocer,

tea dealer and tobacconist, butter, cheese, bacon, London dip, store and mould candles, hop and flour factor'. A grocery and off-licence business continued until fairly shortly before the Landmark Trust acquired the property. The part used for retail sales is now occupied by the Ironbridge Gorge Museum Trust. Originally, many of the supplies arrived by river and the garden area was important because it gave access to the river and its produce supplied the house.

With reference to the photograph shown at Appendix **D** (dated 1972), there were no significant trees growing in the garden. However, at the time of acquisition, part of the property was occupied by a sitting tenant, who is still in residence today, and who planted a number of non-native species that have come to dominate the garden. It is these trees that the Trust is now seeking to remove for the following, predominantly historical reasons:

- (i) Originally the land was an orchard and vegetable garden with no large trees. When the property was sold in 1916, as a grocery business, the sale particulars included the following 'Capital garden, planted with choice Fruit Trees and Roses, Three Greenhouses, Summer House, Potting Shed, Fruit Room and Storage'.
- (ii) Iron Bridge House is intended to be 'read' as a whole i.e. the gardens are an integral part of the building and, as such, the size and species of trees and shrubs are very important to the overall setting.
- (iii) The Monkey Puzzle is not a tree that would have been planted at the time the property was built.
- (iv) One of the important views to the river has been lost.
- (v) The tree has a potential top height of 45 metres and would dominate the garden thereby severely reducing the view available of the building from the west bank of the river.
- (vi) The listed outbuildings all suffer from subsidence cracks and any large tree is bound to be a contributor to this problem.

The prompt for this work has been the increasing age of the tenant, which has now allowed the Trust, with his agreement, to take back part of the garden so that a plan can be created to re-establish a garden more similar to the original that will include the removal of flower beds, the felling of trees (so that the tunnels used to deliver goods that had arrived by boat to the building, may be seen from the far side of the river) and the planting of additional fruit trees.

The Trust wishes to be allowed to fell the Monkey Puzzle tree so that its guests, as well as visitors to, and residents of Ironbridge can fully appreciate this most important historical building in its true context.

5.2 Response of Arboricultural Officer

5.2.1 **Iron Bridge House was built to live in and run a grocery business from in the 1830s.** The Monkey Puzzle tree was introduced into the UK in the 1850s and was planted by successful business men and gentry as a show of wealth and stature.

5.2.2 **One of the important views of the river has been lost.** This tree is considered to have high public amenity value, being visible from a number of places in and around the bridge itself. As this tree matures the lower limbs will be lost (shaded out) making the 'view from' the property towards the river achievable. A photograph of a Monkey Puzzle tree in maturity with a bare stem and very high canopy is shown as Appendix E for Members' information.

5.2.3 **This tree has a potential height of 45 metres.** The highest recorded height of a Monkey Puzzle tree in this country appears to be in the region of 26 metres. Please also consider the response given earlier regarding the loss of visibility to the property.

5.2.4 This tree is considered to be a typical planting that would be found within the grounds of such a substantial property. Given time the tree will fit in very well with the surrounding landscape and soften the hard edges of this industrial landscape.

5.2.5 This tree has been planted in a corner of the garden area of this property and, as such, is not felt to be obstructing any future planting plans or schemes for this area.

5.2.6 There was no structural damage noted to retaining walls or outbuildings that could be attributed to this tree at the time of 'visual tree assessment'.

5.2.7 Please be aware that extensive tree surgery works have been undertaken in the immediate landscape in a bid to create vistas and expose other historic buildings in such a way so as to enhance the landscape of this world heritage site. This Monkey Puzzle tree is considered to fit in very well within this context.

5.2.8 There are a number of trees within this garden that are to be removed and it is felt that once this has been achieved the retention of this tree will be felt to be justified.

5.2.9 Given the above comments it is considered that this Tree Preservation Order should be confirmed without modification.

6.0 EQUALITY & DIVERSITY

6.1 Not applicable.

7.0 ENVIRONMENTAL IMPACT

7.1 The amenity value of the trees outweighs any reasons given for their removal.

8.0 LEGAL COMMENT

8.1 A Tree Preservation Order is made under the powers conferred on the Borough of Telford & Wrekin by Sections 198 201 and 203 of the Town and Country Planning Act 1990. A Local Planning Authority may preserve trees or woodlands if it thinks it is expedient in the interests of amenity to do so.

8.2 The Tree Preservation Order does not preclude necessary tree surgery operations. However, it would be necessary for the Council to consent before any such work was undertaken.

8.3 Should an application be received for consent to fell any protected tree(s), conditions could be imposed to secure the replanting of suitable replacement trees.

8.4 Before confirming an Order the Council must first consider any objections which have not been withdrawn.

9.0 LINKS WITH CORPORATE PRIORITIES

9.1 The making of Tree Preservation Orders is an important element in the Council's priority of ensuring a sustainable environment.

10.0 FINANCIAL IMPLICATIONS

10.1 There are no financial implications for the Council.

11.0 WARD IMPLICATIONS

Newport and Wellington

12.0 BACKGROUND PAPERS

Borough of Telford & Wrekin (Rear Garden of 34 High Street, Ironbridge, Telford, Shropshire) Tree Preservation Order dated 30th July, 2009

Letter of objection dated 2nd September, 2009

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