Short description of report content and the decision requested:
This report seeks to request that tree preservation order no. 8 of 2013 be confirmed in an amended form following closure of the objection deadline. 1 letter of representation has been received; this letter raises an objection to the Order based on the non-public view of the trees in question and proposals to re-landscape the area. These comments are addressed in full in the report following a site meeting with the objector. The points raised, discussed and amendments proposed will be addressed in detail in the report. However, it is considered that the trees are worthy of preservation (in an amended form) regardless of the views raised in the representation.

List of Appendices included in this report:
(a) Appendix 1 – Copy of Tree Preservation Order 8 of 2013 (plan and schedule)
(b) Appendix 2 – Copy of letter received from Ipswich & Suffolk Club, Archdeacon’s House, Northgate Street, IP1 3BX as owner of the trees
(c) Appendix 3 – Advice from Arboricultural Officer

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This report was prepared after consultation with:
Internal consultees
Dean Welham, Arboricultural Officer, Arboriculture & Countryside
External consultees
N/A
The following policies form a context to this report:
(all relevant policies must also be referred to in the body of the report)
Building a Better Ipswich: The Council’s Corporate Plan
DM10 of the Local Plan: Core Strategy & Policies Development Plan
Document 2011

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW
(papers relied on to write the report but which are not published and do not contain exempt information)

1. Tree Preservation Order 8 of 2013
2. Appendix 2 of this report

OTHER HELPFUL PAPERS
(papers which the report author considers might be helpful – this might include published material)

1. Introduction

1.1 On the 15th October 2013, a provisional preservation order was made in relation to a group of 4 sycamore trees located on the boundary of the Ipswich & Suffolk Club, Northgate Street with St Mary-le-Tower Church, Tower Street. It was considered expedient to protect the amenity of the trees as a result of a notification to fell T1 and T2 under IP/13/00789/CALF. The site is within the Central Conservation Area so formal notification to this Authority would have been required prior to felling the trees. The notification was refused for the following reasons:

1. The trees the subject of this notification, T1 and T2 are prominent sycamore trees that contribute significantly to the character, amenity and setting of the Ipswich and Suffolk Club and the surrounding Conservation Area, particularly the adjacent church. As such, the trees with regards to their size and form and relationship with other sycamore trees have collective value as a group in this location. The loss of these trees would have a significant adverse impact on the amenity of the area and would be contrary to the intent of policies DM8 and DM10 of the Core Strategy and Policies Development Plan Document 2011.

The reason for making the Order as agreed with Arboriculture and Countryside were: to protect the trees as they are visible from public viewpoints. A preservation order had to be made following refusal of the conservation area notification to fell.

2. Background

2.1 The trees the subject of the Order can be seen from several vantage points on the approach to Tower Street (the rear vehicular entrance to the Ipswich & Suffolk Club where the trees are located in the car parking area), from Crown Street and on the approach through the bus station. The public value of the trees is therefore considered to be high.

2.2 A letter of objection to the making of the Order was received from the Ipswich & Suffolk Club. This letter confirmed that they never intended to fell trees T3 and T4 but only T1 and T2. They state that the trees are not visible or accessible from a public place and therefore a TPO cannot be enforced. The trees in question are within a private car park. Further consultation with a qualified arborist has confirmed their continued intention to fell T1 due to its lean with a further light pruning of lower branches of T2 by 3 metres. They have employed a landscaping consultant who would prefer the removal of both these trees in order to plant further holly trees on this border – a full landscaping proposal for this border is provided that is considered to enhance the aspect from Tower Street and enhance public amenity and support local wildlife. The Club ask that the Borough confirm the Order in relation to T3 and T4 but not T1 and T2.
2.3 Following receipt of this letter, the planning officer and arboricultural officer met with the author on site to discuss the proposal further and look more closely at the trees. It was agreed that T1 was not a specimen worthy of protection under a preservation order given its severe lean and close proximity to the wall and T2. The removal of this tree would enhance T2. T2 has a twin stem but this is not considered to be unstable at this stage. Some light pruning to this tree is likely to be acceptable. A formal notification under conservation area requirements will be required for the felling of T1. An application under tree preservation order requirements for works to T2 would be required (assuming an amended Order is confirmed).

2.4 The landscaping proposals for this border were discussed with the Club representative, we are happy to see improvements being made to this site which is prominent in public views from Crown Street and Tower Street. Suggestions on more suitable trees for this border to complement the sycamores were made and received well.

3. Relevant Policies

3.1 Aim 6 of Theme 5: A Greener Ipswich of the Corporate Plan seeks to use the planning system to protect green areas in Ipswich.

3.2 Policy DM10 of the Core Strategy and Policies DPD 2011 seeks to protect and retain trees in the interests of amenity.

4. Options Considered / Under Consideration

4.1 The options available at this stage are to confirm the Order, amend and confirm the Order or not confirm the Order.

4.2 Option 1 – Confirm the Order. As originally proposed the Order protects a group of four identified sycamore trees that are within the border planting area close to the wall shared with the boundary of St Mary-le-Tower Church, Tower Street. T1 is very close to this wall and has a severe lean. Following a site meeting an re-appraisal of the four trees, the Borough’s Arboricultural Officer is of the opinion that it would not be expedient to confirm the TPO for this particular tree due to its close proximity to the church boundary wall. The tree at present shows no obvious signs of damage to the wall but based on its current position the risk of future damage from annual incremental growth of the main trunk is very likely therefore reasonably foreseeable. From an arboricultural perspective this tree is a poor quality specimen with a severe lean probably as a result from competition from the bigger and better quality adjacent T2. The removal of this tree from the Order and its subsequent removal under a Conservation Area notification (the formal process will need to be followed), is likely to improve the growth of T2. Given these concerns with T1, this option is not recommended.
4.3 Option 2 – Amend and confirm the Order. Professional advice from the Arboriculture and Countryside Officer is that the Order should be amended to refer to 3 sycamores, removing T1 from the Order for the reasons detailed above. The remaining three trees provide a foreground for the Church viewed from Crown and Tower Streets and the absence of T1 from this setting would not detract from their group value and will enable T2 to grow without further restraint. This option has been discussed on site with the complainant who would appreciate this as T1 is a nuisance with regard to the adjacent patio area that it overhangs. This is the option that is recommended by officers.

4.4 Option 3 – Do not confirm the Order. This option enables the owner to continue to manage the trees with the requirement to notify the Council under Conservation Area requirements. However, given the existing threat to the trees the only way to protect them from felling is to serve this Order (albeit in an amended form). This option is not recommended.

5. Consultations

5.1 The preservation order has been made at the request of the Arboriculture and Countryside team following a request to fell the trees and a subsequent refusal, they are fully supportive of the making of this Order in an amended form as per Option 2.

6. Risk Management

<table>
<thead>
<tr>
<th>Risk Description</th>
<th>Consequence of risk</th>
<th>Risk Controls</th>
<th>Probability of risk occurring taking account of controls (scale A-F)</th>
<th>Impact of risk, if it occurred taking account of actions (scale 1 – catastrophic; 4 – negligible)</th>
<th>Actions to mitigate risk</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not confirming order.</td>
<td>Trees cut down or irreparably damaged</td>
<td>None</td>
<td>A</td>
<td>2 – severe impact on the amenity of the area and non-conformance with Policy DM10 of the Core Strategy and Theme 5 of the Corporate Plan.</td>
<td>Confirm Order as amended.</td>
</tr>
</tbody>
</table>
2. Confirming Order as made.

| T1 causes irreparable damage to the church wall at St Mary-le-Tower Church | None. | A | 2 – severe impact on the listed wall and the setting of the Church and the Ipswich & Suffolk Club. | Confirm Order as amended. |

7. Environmental Impact Assessment

7.1 The EU Directive on Environmental Impact Assessment (EIA), as amended, requires that a formal assessment – including public consultation – is undertaken for specified types of projects before they can go ahead. Direct and indirect environmental impacts should be identified and quantified. Where these are negative, actions to mitigate these impacts should be identified. Examples include impacts on land, water, air, noise, odour, biodiversity, energy, procurement, use of resources, climate change, etc. Whole life costing is an appropriate tool to use in assessments.

7.2 An EIA is not required in this instance.

8. Equalities and Diversity Implications

8.1 In serving the provisional tree preservation order, the Council has had regard to its responsibilities under the Equality and Diversity Act 2010 and appropriate action was taken to ensure that its responsibilities were met.

9. Financial Considerations

9.1 N/A

10. Legal Considerations

10.1 The Order has been served in accordance with the requirements of the Town & Country Planning Act 1990 (as amended).

11. Performance Monitoring

11.1 N/A

12. Conclusions

12.1 In this instance it is considered that there are three available options either to confirm the Order, to amend and confirm the Order or not confirm the Order. There has been a formal objection to the making of
the Order by the landowner but following a productive on-site meeting with the planning department, the arboricultural officer and the landowner, the revision to the Order has been discussed and the landowner is more amenable to the amended Order subject to further review of the health and well-being of the trees.

12.2 In conclusion, it is considered that the satisfactory way to protect and preserve the visual amenity enjoyed by these trees would be to confirm the Order as amended.

13. Recommendations

13.1 That Option 2 be agreed and tree preservation order no. 8 of 2013 be confirmed as amended.