

**Item 4d 13/01226/TPO**

**Case Officer Mrs Nicola Hopkins**

**Ward Chisnall**

**Proposal Removal of 8 trees covered by TPO 2 (Charnock Richard) 1974 to facilitate the removal of the existing sub-station**

**Location Camelot Theme Park Park Hall Road Charnock Richard ChorleyPR7 5LP**

**Applicant Story Homes Ltd**

**Consultation expiry: 29 January 2014**

**Application expiry: 25 February 2014**

### **Proposal**

1. The application for tree works originally related to the removal of 17 trees covered by TPO 2 (Charnock Richard) 1974 to facilitate the removal of the existing sub-station.
2. Following further consideration of the proposals, which is addressed in detail below, the extent of tree removal has been reduced to 8 trees.
3. This application is being referred to the Development Control Committee at the request of the Chair and Vice-Chair of the Committee.

### **Recommendation**

4. It is recommended that tree works consent is granted.

### **Main Issues**

5. The main issues for consideration in respect of this planning application are:

- Principle of the development

### **Representations**

6. **4 letters of objection** have been received raising the following concerns:

- The trees in question are not dead, dying or dangerous, they do not need to be managed to remove a nuisance, nor do they pose a threat to life or property: NO reason why these trees should be cut down
- TPO's are granted to keep and protect woodland, and to protect the structure and variety of woodland, especially where they offer protection to natural wildlife habitats.
- TPO's are placed on trees that are deemed to be worthy of protection from anyone unjustly felling them.
- Why should they be destroyed to enable developers to carry out their plans.

- Recent government views on the tree situation, specifically 'Ashtee dieback' has resulted in government intervention with 'COBRA' meetings taking place – emphasising the importance of the future of British trees.
- It is a shame that they would even be considered for culling.
- Culling seventeen perfectly healthy trees to an area that is already clearly accessible looks like an excuse by a company that is only very obviously only thinking of its own 'profit' and has no concerns either to the local community or to the impact that culling healthy trees can have to the environment and to local conservation.

7. **Charnock Richard Parish Council** have raised the following objections:

- The trees in question are healthy, strong, mature trees and are not dead, dying or dangerous.
- The trees are not causing a nuisance and provide a natural wildlife habitat.
- The Parish Council can see no justifiable reason for their removal and would suggest that it is possible to remove the sub-station, if necessary, without lifting the TPO and removing the trees.
- TPO's are placed on trees for their protection and the decision to remove a TPO should not be taken lightly and should be justifiable.

8. **Chorley and District Natural History Society** have raised the following concerns:

- We are fundamentally opposed to the removal of trees except where public safety is an issue.
- In general we prefer judicious pruning to removal. Has this been considered as a possibility in this case?
- Whilst we have no specific objections, and no threatened species are listed for removal, we would urge that the applicants consider whether pruning back would suffice.
- We would urge that any works, whether removal or pruning is carried out at a time when birds are not likely to be nesting. Care should be taken to exclude the presence of bat roosts or nest sites.
- If removal is inevitable, please ensure that re-planting - preferably of native species or species providing good nesting sites and/or food source for wildlife - is considered.

9. **Heskin Parish Council** strongly object to this application for the following reasons:

- There is no justification given for the destruction of the trees.
- There is also concern that this is being done before any application is made for development of the site and therefore it is extremely premature.

10. **Cllr Leadbetter** has raised the following concerns on behalf of local residents:

- The reasons for the objection are that the trees: - are not dead, diseased or dying - provide significant amenity value - make a significant contribution within the local surroundings - provide a significant visual contribution and benefit to the general public

- Additionally the applicant has not provided any evidence that they have considered whether there are any viable alternative sites for the replacement substations which, would avoid damage to any trees in the area.
- The scale of felling is excessive and inappropriate in relation to the works that are suggested as being required.
- Looking at the site the substations appear to be in a good state of repair and are readily accessible through existing gates, raising into question the need to remove any of the trees.
- If trees are worthy of being covered by a TPO then they are worthy of saving

## **Consultations**

11. **Chorley's Tree Officer** has made the following comments:

- To remove the machinery from the substation a lifting machine needs to be deployed. The building is not to be removed just the machinery inside.
- To remove equipment from the substation within location W3, access to place lifting equipment and allow the substation equipment to be brought up the incline to a level area where the equipment can be placed onto transport.
- The only spot for the lifting vehicle to stand to remove the equipment is at the top of the backing on the hard standing area. For this work to go ahead there is no alternative but to remove trees to allow access of the lifting vehicle, and an area to allow the lifting to take place.
- I believe the work can be achieved with the removal of eight trees not the original thirteen as requested.
- The trees in question mainly comprised of Leyland Cypress forming a screening hedge. Other trees included alder, hybrid poplar, ash all of limited merit.
- All eight trees are along the fence line, growing in very close proximity to each other to the point that the more mature trees in the group are suppressing the smaller younger trees.

## **Assessment**

### Principle of the development

12. The proposals relate to the remove of 8 trees which are protected by Tree Preservation Order 2 (Charnock Richard) 1974. This order was confirmed on 23<sup>rd</sup> September 1974. The proposals relate to 1 Beech tree, 1 Ash tree, 1 Leyland Cypress tree, 1 Hybrid Poplar tree and 4 Alder trees.
13. When the application was originally submitted it was understood that the tree removal, which then related to 17 trees, was requested to remove the sub-station on the site. The agent for the application further quantified this as follows:

*It has been noted that substations have been vandalised and as such the substations were exposed and left in an unsafe condition which is an unacceptable risk to the land owner. The substation in question needs to be isolated to be made safe, however, it currently also feeds the employment units, therefore a new electrical feed is required to these units to ensure they*

*continue to have an electrical supply. It is the installation of the new electrical feed which primarily impacts upon the trees.*

14. This explanation was further queried as the employment units are separated from the trees and sub-station in question by the hotel and further justification was requested in respect of the proposed route of the electricity supply.

15. Additionally when the Tree Officer visited the site he understood that the tree removal was actually required to accommodate the machinery to decommission the sub-station. By way of further explanation the Technical Director of Story Homes has confirmed the following:

*Aptus Utilities Ltd have confirmed that these trees are to be removed for the purposes of removing existing redundant switchgear within the existing electricity building and removal of trees is not required for installation of new cables (which, for the record, will be installed without removal of trees).*

*It should be noted that Camelot has suffered from several thefts of metal, including live copper electricity cables, and despite efforts to prevent this (security guards and boarding-up buildings) it continues to be an issue of concern. For H&S reasons, it has been determined that shutting off all power supplies to the former theme park is necessary which involves extensive alterations to the existing electricity network to maintain live supplies to the hotel and other businesses in the area. Once the switchgear is isolated and no longer required, it will be removed so that it will not become a further target for theft and vandalism.*

16. The plans have been amended following the initial submission to reduce the extent of tree removal to 8 trees in accordance with advice from the Council's Tree Officer.

17. The main issues to consider in respect of the proposals are:

1. The effect on the appearance and character of the area if the trees are removed
2. Whether the reasons given for the work are sufficient to justify the proposed course of action

18. The Council's Tree Officer has visited the site and made the following comments *all eight trees are along the fence line, growing in very close proximity to each other to the point that the more mature trees in the group are suppressing the smaller younger trees.*

19. The proposals will result in the loss of 8 trees located within the theme park site, to the rear of the hotel. Whilst the group of trees is visible from the hotel the group of trees forms part of a much larger group. The trees are not visible from any other public vantage point as the site is closed to public access. As such the loss of the trees will not have a significant effect on the immediate locality or the appearance of the wider group of trees and will assist in the management of the health of the trees by reducing the suppression of the younger trees. It is also noted that the Tree Officer considers that the trees are all of limited merit.

20. The reason for removing the trees is to facilitate the decommissioning of the existing substation. Whilst this does not constitute an arboricultural need for the work the publication- *Tree Preservation Orders: a Guide to the Law and Good Practice* states that if the impact of the works is negligible then consent may be granted even if there is no particular arboricultural need for the work. To mitigate for the loss of the trees a replacement tree planting condition could be attached to a positive recommendation. The location of the replacement trees would be agreed on site in the interests of good woodland management, to ensure that no existing trees are suppressed, and to ensure the visual amenities of the woodland are enhanced.

## Overall Conclusion

21. Whilst the removal of trees protected by a Tree Preservation Order is not preferable in this case the extent of tree removal has been reduced to the minimum possible to ensure that the equipment can be removed for the health and safety reasons established at this former theme park site whilst still maintaining an established, dense wooded area at this part of the site. Tree removal as part of woodland management to address any suppression issues, which in this case have been identified by the Tree Officer, are also considered to be good woodland management.
22. Given the location of the trees in question it is not considered that the removal of 8 trees will adversely impact on the appearance or character of the area. To mitigate for the loss of these protected trees and taking into account that access for machinery is only a temporary requirement a replacement tree planting condition will be attached to the recommendation.

## Legal Position

Applications for works to trees that are the subject of a Tree Preservation Order are governed by the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Specifically Regulation 16 refers to the form by which an application is to be made and Regulation 17 to the determination of applications for consent and any conditions that may be required.

## Planning History

- 80/00512/FUL-** Malibu Grand Prix leisure Centre (including games room, snack bar, vehicle garage and layout of skill driving course). Approved 1980
- 87/00124/FUL-** Construction of grandstand to joust area. Approved 1987
- 87/00206/ADV-** Erection of 10m and 8m high flag poles with removable banners. Approved 1987
- 87/00737/OUT-** Outline application for construction of indoor park. Withdrawn
- 87/00738/FUL-** Extension to theme park westwards onto approximately 3 hectares of land formerly touring caravan park. Approved 1988
- 88/00010/FUL-** Erection of indoor children's play area building in extended theme park area (see 9/87/0738). Approved 1988
- 88/00072/FUL-** New stores building. Approved 1988
- 89/00115/FUL-** Relocation of cinema refurbishment of retail food unit 3 new games retail food units new staff office unit and new emergency access road. Approved 1989
- 89/01077/FUL-** Weekend Market (Sat and Sun). Withdrawn
- 89/01101/FUL-** Sunday market (9am-4pm) Easter to October every year. Withdrawn
- 89/01159/FUL-** Construction of emergency access to Park Hall Lane. Permitted 1990
- 91/00023/FULMAJ-** Erection of new ball pool, new air bed, new rope climb, new pathway - 'Enchanted Wood' and new climbing bridge. Approved 1991
- 91/01087/FUL-** Erection of public toilet block on car park. Approved 1992
- 93/00013/FUL-** Themed frontage to existing building known as Circus World. Approved 1993

**93/00014/FUL**- Extension to existing admission booths. Approved 1993

**93/00265/ADV**- Display of internally and externally illuminated pole signs. Approved 1993

**94/00209/MAS**- Prior notification of erection of 12 antenna on existing mast. Prior approval not required 1994

**94/00494/ADV**- Display of externally illuminated advertisement. Refused 1994

**94/00702/COU**- Change of use of land and erection of buildings to form Rare Breeds and Falconry Visitor Centre in association with existing Theme Park. Approved 1994

**94/00702/FUL**- Change of use of land and erection of buildings to form Rare Breeds and Falconry Visitor Centre, in association with existing Theme Park. Approved 1994

**98/00039/TEL**- Prior notification of erection of three dual polar antennas, two dish antennas, one radio equipment housing and ancillary development on existing radio tower. Prior approval not required 1998

**98/00593/FUL**- Erection of steel frame building to accommodate indoor leisure attractions. Approved 1998

**99/00002/FUL**- Alterations to entrance and feature walling. Approved 1999

**99/00133/ADV**- Display of externally illuminated entrance sign. Approved 1999

**99/00298/ADV**- Display of illuminated advert on proposed bus shelter within Theme Park car park. Approved 1999

**99/00299/FUL**- Siting of bus shelter within theme park car park. Approved 1999

**99/00313/TEL**- Installation of 3 x dual polar antenna and 1 x 0.6m dish on existing 26m tower and 1 equipment cabin. Prior approval not required

**99/00899/COU**- Change of use to Go Kart track of section of Car Park immediately in front of Camelot Theme Park entrance. Approved 2000

**00/00677/FUL**- Erection of 40m high roller coaster ride. Refused 2000

**01/00052/FUL**- Erection of fixed ferris wheel (temporary permission sought until 30 November 2001). Approved 2001

**01/00542/MAS**- Prior notification of siting of telecommunications equipment consisting of 15m pole with antenna and cabinet. Determined prior approval was not required 2001

**01/01073/FUL**- Erection of fixed Ferris wheel (temporary permission required until 30th November 2002). Approved 2002

**02/00640/FULMAJ**- Erection of an indoor theme park. Approved 2002

**07/00187/FUL**- Erection of replacement roller coaster. Approved 2007

**13/00255/SCE**- Request for Screening Opinion Pursuant to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. EIA not required.

**14/00071/OUTMAJ-** Outline application for the redevelopment of the former Camelot Theme Park comprising of the erection of up to 420 dwellings (all matters reserved). Pending consideration

**Recommendation: Consent for Tree Works**

**Conditions**

1. The proposed tree works must be begun not later than two years from the date of this permission. *Reason: Required by the Town and Country Planning (Tree Preservation) (England) Regulations 2012.*

2. The following works, identified on the plan received 18<sup>th</sup> February 2014, are approved:

- 1 Beech tree, 1 Ash tree, 1 Leyland Cypress tree, 1 Hybrid Poplar tree and 4 Alder trees–  
Fell

*Reason: For the avoidance of doubt and in the interests of proper planning*

3. The tree works hereby permitted shall be undertaken in accordance with British Standard BS 3998:2010 or any subsequent amendment to the British Standards. *Reason: To safeguard the health and appearance of the trees being retained.*

4. Before any tree felling is carried out full details (including species, number, stature and location) of the replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. The replacement tree planting shall be carried out in accordance with the approved details within nine months of the tree felling. *Reason: To mitigate for the tree removal at this site which is not required purely for an arboricultural need.*