

Item No. 8

APPLICATION NUMBER	CB/12/01938/LB
LOCATION	The Swiss Garden, Old Warden Park, Old Warden, Biggleswade, SG18 9EL
PROPOSAL	Dismantling of wrought iron gates + screen, repair and restoration of ironwork, painting and re-erection on new footings with stone base blocks. Reduction of ground levels and reinstatement of natural stone rockwork abutment.
PARISH	Old Warden
WARD	Northill
WARD COUNCILLORS	Cllr Mrs Turner
CASE OFFICER	Samantha Boyd
DATE REGISTERED	25 May 2012
EXPIRY DATE	20 July 2012
APPLICANT	The Shuttleworth Trust
AGENT	Christopher Garrand Consultancy
REASON FOR COMMITTEE TO DETERMINE	Call in by Head of Development Management due to the significant conflict in advice between Council Officers and English Heritage regarding the loss of an important mature Oak tree.
RECOMMENDED DECISION	Listed Building - Granted

Site Location:

The Swiss Garden, located within Old Warden Park estate, is a late regency garden created in the 1820's. Old Warden Park is a Grade II* Registered Park and Garden of Historic Interest. The Swiss Garden itself contains 12 listed structures, six which are Grade II* (the Swiss Cottage, Indian Kiosk, Grotto and Fernery, the North Bridge, Moat Bridge and Cascade Bridge) and six which are Grade II listed (the Privy and Rose Bowers, the Woodland Gate and Screen, the Night and Morning Vase, the Well Head and the Memorial Tablet. All other buildings and fixed structures are considered to be curtilage listed by virtue of their location within the curtilage of Old Warden Park and the above listed buildings. The garden is beautifully landscaped with mature trees and shrubs, lakes, bridges and footpaths together with a woodland walk area. The Garden is also within the Old Warden Conservation Area.

As part of the Old Warden Park Estate, the Swiss Garden is one of the tourist attractions associated with the Shuttleworth Trust. A number of enhancements to the Garden are proposed as part of the Trust's Conservation Management Plan for the whole estate and funded by the Heritage Lottery Fund.

The Application:

This application proposes the dismantling of the iron Woodland Gate and Screen and its repair and restoration. The works would require the removal of a mature Oak tree in which the iron railings have become embedded. The tree is causing

damage to the Screen.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF)

Regional Spatial Strategy

East of England Plan (May 2008)

Central Bedfordshire Core Strategy and Development Management Policies

CS15, DM13 Heritage

Supplementary Planning Guidance

Design in Central Bedfordshire

Recent Planning History

CB/12/01228	Restoration and alterations of historic landscape within Swiss Garden - Approved
CB/12/01256	New metal handrail to existing terrace - Approved
CB/12/01419	Demolition of Tea Kiosk and erection of education building - Approved
CB/12/01965/LB	Repair and refurbishment of Swiss Cottage - Approved

Representations: (Parish & Neighbours)

Old Warden Parish Council No comments received

Neighbours No comments received

Consultations/Publicity responses

Site notice displayed 6/6/12
Application advertised 15/6/12

Archaeology No objection on archaeological grounds

English Heritage support The screen is of greater significance than the tree and proposal to remove tree and reinstate structure on its historic line.

Conservation and Design No objection to works

Tree and Landscape The application involves the felling of a large mature Oak.

landscaped This tree should be retained as it is within the garden. There is scope to retain the tree and move the line of the fence. Objection to tree being felled.

NATS No objection

Determining Issues

The main considerations of the application are;

1. The effect upon the listed building and its setting

Considerations

1. The effect upon the listed building and its setting

Para. 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

The Woodland Gate and Screen is an integral part of the original 1830 landscape on an embanked boundary that marks the western edge of the Garden.

The decorative screen and carriage gates lie on the western boundary of the site as you approach from the historic underpass. The screen is grade II listed and forms part of the historic grade II* listed registered landscape. It is a highly decorative piece of ironwork and a significant component of the landscape of the Swiss Garden and may well be the most important piece of surviving ironwork in the garden.

It is proposed to fell the Oak tree that has grown into the railings causing damage to the structure. The tree is not covered by a TPO however as the site is within a conservation area, notice is required by the applicant to undertake any work to the tree. The felling of the tree would allow the screen to be reinstated on its original line with a new section added to replace the section embedded in the tree.

Concerns relating to the loss of the tree

This Oak is what is described as a veteran tree. It is showing early veteran features typical of an Oak aged 150+ years and is entering a most valuable stage for its biodiversity. The removal of the tree has caused significant concern to the Council's Tree and Landscape Officer who considers that the tree is important within the garden and should be protected and maintained for future generations to enjoy. It is therefore necessary to balance the retention of the tree against the reinstatement of the screen.

The girth measurement taken on 23/07/2012 at 1.5m height was 3.44m. Using the Forestry Commission guidelines on ageing veteran trees and giving it the

classification of a tree which has been open grown (with a full canopy space all of its life) and "good" growing conditions, the tree is estimated to have originated in 1854. Other dated trees in the area do not suggest growth is anything better than this. The tree is not specifically shown on the First Edition Ordnance Survey map c.1890 which suggests the tree was not mature or of timber value 80-120yrs old at that time. Without coring the tree a reasonable estimated range for dating the tree is 1840-1870.

The tree was therefore; either a young semi-mature self grown tree, or planted deliberately as part of the garden design, or when the fence was erected. Certainly the tree could have been removed if it was considered inappropriately placed. The tree would have held a prominent position throughout the most prolific period of the garden. A very distinctive flat spot on its trunk on the north-east (garden) side, suggests something was placed up to and against it for many years.

Despite it now having grown naturally beyond the boundary fence line, the tree is an important feature within the garden. It's canopy fills a significant part of the treescape when viewed from several strategic parts of the garden. The recent loss of the mature Copper Beech nearby has highlighted the Oak's stature even more. As well as having high amenity value it also has high habitat value. The tree potentially has an expected lifespan of at least another 100 years. This is not an unreasonable supposition as there are many Oak trees on the Old Warden estate of 250+ years old, as well as a couple within the garden, notably one in the north east corner. During the next one hundred years, with good management, the tree will only increase in its value as a veteran and later ancient tree.

This tree makes up part of a unique heritage of veteran trees in Britain that can not be matched by any other country in northern Europe. Trees of this size and age are given Nature Reserve status in some other countries. The Council's Tree and Landscape Officer considers it is imperative that the tree is incorporated into the restored fence line and not removed because of it.

Reasons to remove the tree

In order to retain the tree, the screen would need to be re-aligned. However, English Heritage have commented that this would change the historic boundary line to the western boundary of the Swiss Garden. English Heritage consider that the screen is of greater significance than the tree.

The location of the gate and screen is a crucial part of its historic significance; to move the line of the screen would change the historic boundary and harm the significance of the garden. If the Screen was relocated, judged by the applicant's agent to be around 850mm to accommodate the oak, the boundary line would be displaced, as would the location of the gates and piers, which would mean that the historic footpath within the garden would also need to be moved.

The applicant's agent states that the Woodland Gate and Screen is an integral part of the original 1830 embanked boundary which demarcates the western edge of the designated landscape. It was originally framed in rockwork abutments of natural stone, a key element of the historic Ongley Landscape. The southern rockwork abutment survives and it is proposed to reinstate the northern section. Moving the line of the Screen to the extent necessary would disconnect it from the historic banked setting which is considered to be crucial to

its special historic interest and the garden in general.

Whilst the loss of the tree is very regrettable, Policy CS15 and DM13 both support the preservation of listed buildings and their settings. The issues in this case are finely balanced, but given that English Heritage supports the proposal and as the tree is not protected in its own right, greater weight is afforded to the repair and restoration of the Woodland Gate and Screen than the retention of the tree. For these reasons it is considered that the proposal is acceptable and listed building consent should be granted.

Recommendation

That Listed Building Consent be granted subject to the following:

- 1 The works hereby consented shall be begun within three years of the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to ensure that this consent does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 Following the carrying out or completion of the building operations or alterations for which consent is hereby granted, all *making good* of the existing structure shall be carried out in materials & finishes which closely match, like-for-like, those historic materials & finishing details used in the existing structure- to accord with usual conservation good practice & to the satisfaction of the Local Planning Authority. If there is any doubt regarding the approach to any proposed making good, or any alternative materials are proposed, a precise specification of the materials & finishes should be submitted to & agreed in writing by the Local Planning Authority.

Reason: To ensure that the special architectural & historic interest, character & appearance of the building is properly maintained, in accordance with standard conservation good practice.

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 1104/M01B, 1104/M02B, 1104/110-08, 1104-S10-08.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposal would result in the felling of a mature Oak tree, but given that English Heritage supports the application and as the tree is not protected in its own right, greater weight is afforded to the repair and restoration of the Woodland Gate and Screen than the retention of the tree. The works would not have a negative impact on the listed building or its setting therefore the proposal is in conformity with Policies

Notes to Applicant

1. Please note you must give the council 6 weeks notice, in writing, of your intention to do any work to trees in a Conservation Area. You must not carry out any work during the six week period, which starts from the date of receipt of your notification by the council, unless you receive written permission to do so.

Your proposal will be entered in the 'Register of Proposed Work to Trees in a Conservation Areas', and we may write to local amenity groups or parish councils to inform them of the proposal. We will acknowledge receipt of your notification and may carry out a site visit to consider the proposed work. The council has six weeks from the date of your Notice to consider your proposal, and decide whether it wishes to serve a Tree Preservation Order to control the proposed work.

DECISION

.....
.....
.....
.....