

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 Garrard 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

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 CS15 and DM13 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework 2012.

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.

2. The applicant is asked to plant an oak tree to replace the mature oak tree, which must be felled to implement the listed building convert.

[Notes:

1. In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.
2. Members debated the significance of the loss of the tree and determined that the tree had not been intentionally planted but had in fact been self planted next to the existing fence provided the fence with greater importance.]