

Item No. 8

APPLICATION NUMBER CB/14/00018/REG3
LOCATION Chiltern Gateway Centre, Dunstable Road, Whipsnade, Dunstable, LU6 2GY
PROPOSAL The erection of two 'Sun Sail' canopies - single column kite style tensile structures. These are to be located in the outdoor seating area to the South East of the Visitor Centre.
PARISH Whipsnade
WARD Caddington
WARD COUNCILLORS Cllrs Collins & Stay
CASE OFFICER Abel Bunu
DATE REGISTERED 07 January 2014
EXPIRY DATE 04 March 2014
APPLICANT Central Bedfordshire Council
AGENT
REASON FOR COMMITTEE TO DETERMINE Member Call In by Ward Councillor Stay due to the following objections :

- Substantial harm to the AONB.
- Visually intrusive and would be seen from a distance of some miles.
- Adds to the creeping urbanisation of the Downs.
- Was opposed to the original visitor centre and this application adds to the physical bulk of the facility which increases visual intrusion.
- In aggregate, the visitor centre, the physical changes to car parking, the actual car park charge and other structures on the Downs have an overall detrimental impact on one of the last areas of open space in South Beds where 'officialdom' in its broader form did not interfere.

RECOMMENDED DECISION

Full Application - Recommended for Approval

Summary of Recommendation

The proposed development would satisfy the requirement of national advice within Paragraph 89 of the National Planning Policy Framework which states that the provision of appropriate facilities for outdoor sport and outdoor recreation should not be regarded as inappropriate as long as they preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. Furthermore, because of its overall design and location adjoining the visitors centre, the development would not materially affect the openness of the Green Belt and would not be visually harmful to the character and appearance of the Chilterns Area of Outstanding Natural Beauty, the Area of Great Landscape Value and the open countryside thereby conforming with the development plan comprising Policies BE8, SD1, NE3, R14 and R16 of the South Bedfordshire Local Plan Review, Policies 1, 36, 43, 50 and 58 of the emerging Development Strategy for Central Bedfordshire and national advice contained in the National Planning Policy Framework and the Chiltern Design Guide.

Site Location:

The application site, the Chiltern Gateway Centre, comprises a visitor centre building, and a visitor/staff parking area, accessed from Dunstable Road on the Dunstable Downs. The site is jointly managed on behalf of the Chilterns Gateway Partnership by Central Bedfordshire Council and by the National Trust. The site is washed over by the Green Belt and lies within the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV).

The Application:

seeks planning permission for the erection of two Sun Sail Canopies to provide shelter in the outdoor seating area adjoining the south of the visitors centre. The canopies would be cream coloured, measuring approximately 4.5 metres high and spread over an area measuring 7m x 7m. These canopies would comprise PVC 'sails' secured by high tensile wire and steel arms supported on galvanised steel posts. The posts would be set in steel base plates which would be concreted into the ground.

Planning permission is only required for the canopies by virtue of the height of the structures being over 4 metres. Temporary umbrellas in the same positions would not require planning permission either, but the wind conditions dictate that this temporary solution would not be practical.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced most of the previous national planning policy documents, PPGs and PPSs. The following sections are considered directly relevant :

Section 1 : Building a strong, competitive economy

Section 7 : Requiring good design

Section 8 : Promoting Healthy Communities

Section 9 : Protecting Green Belt Land

South Bedfordshire Local Plan Review

The NPPF advises of the weight to be attached to existing local plans for plans adopted prior to the 2004 Planning and Compulsory Purchase Act, as in the case of the South Bedfordshire Local Plan Review. Due weight can be given to relevant policies in existing plans according to their degree of consistency with the framework. It is considered that the following policies are broadly consistent with the Framework and significant weight should be attached to them.

SD1 Keynote Policy

BE8 Design Considerations

NE3 Control of Development in the AGLV

R14 Protection and Improvement of Informal Recreational Facilities in the Countryside

R16 Control of Sports/Recreational Facilities

Endorsed Core Strategy - South

The Pre-Submission Core Strategy for Southern Central Bedfordshire was endorsed for Development Management purposes by the Executive in August 2011 following the decision of The Luton and South Bedfordshire Joint Committee's resolution on the 29th July 2011 to seek the withdrawal of the Luton and southern Central Bedfordshire Joint Core Strategy.

Development Strategy for Central Bedfordshire

Having regard to the National Planning Policy Framework, significant weight is given to the policies contained within the emerging Development Strategy for Central Bedfordshire, which is consistent with the NPPF. The draft Development Strategy is due to be submitted to the Secretary of State in 2014 and the following policies are considered relevant to the determination of any subsequent application:

Policy 1 : Presumption in Favour of Sustainable Development

Policy 36 : Development In the Green Belt

Policy 43: High Quality Development

Policy 50 : Development In the Countryside

Policy 58 : Landscape

Supplementary Planning Guidance

Chilterns Buildings Design Guide, First Published in 1999.

Planning History

CB/11/04438/FULL Permission. Erection of a single storey security garage within the staff car parking compound at the Chilterns Gateway Centre.

SB/07/01378 Permission. Erection of sculptural feature (BC/CC/07/0044 refers).

SB/TP/04/01052 Permission. Erection of a visitor's centre.

Representations: (Parish & Neighbours)

Whipsnade Parish Council No objection. Several comments were made regarding the practicality of maintenance, how they would fair in a high wind and the cost (i.e, is this being funded by CBC?).

Neighbours
3 The Stables, Church End Farm Support.

As a regular walker on the Downs, this is a welcome development which would be convenient for anyone with a dog as they would be obliged to sit outside. On warm summer days it would be pleasant to be able to sit in the shade or to have shelter from the rain. The sails also look attractive and while this is a personal view, would like to believe that many people feel the same.

Consultations/Publicity responses

Cllr Richard Stay

Objection

- Substantial harm to the AONB.
- Visually intrusive and would be seen from a distance of some miles.
- Adds to the creeping urbanisation of the Downs.
- Was opposed to the original visitor centre and this application adds to the physical bulk of the facility which increases visual intrusion.
- In aggregate, the visitor centre, the physical changes to car parking, the actual car park charge and other structures on the Downs have an overall detrimental impact on one of the last areas of open space in South Beds where 'officialdom' in its broader form did not interfere.

Chiltern Conservation Board

The Chilterns Conservation Board has advised that no comments will be made on the planning application. The Board however recommends that the decision-maker takes into account the following:

- The Chilterns AONB Management Plan
- The Chilterns Buildings Design Guide and Supplementary Technical Notes on Chilterns Building Materials (Flint, Brick and Roofing Materials)
- The Environmental Guidelines for the Management of Highways in the Chilterns
- The Board's Position Statement on Development Affecting the Setting of the Chilterns AONB

London Gliding Club

No comments received.

Determining Issues

The main considerations of the application are:

1. Whether or not the proposed development is acceptable in principle
2. Impact on the openness of the Green Belt, character and appearance of the AONB, AGLV and open countryside
3. Other matters

Considerations

1. Principle of the development

The site is located within the Green Belt wherein there is a general presumption against development, except for small scale facilities for a number of specified uses, including outside recreation.

The Chilterns Gateway Centre is a visitors' centre for people who wish to enjoy the recreational benefits of the Dunstable Downs. The proposed structures would enable the visitor's centre to cope with the increasing number of visitors

by encouraging greater use of the space outside the building in a wide range of weather conditions especially in the hotter summer months and hence support the viability of this facility. It is therefore considered that given their location, the structures would increase the outdoor recreational experience of the visitors.

The proposed structures would be subservient to the visitors centre and viewed from the south and south west, would be seen against the backdrop of this existing building and the raised banks adjacent to the site access and overflow car park. From Dunstable Road in the east, only part of the canopies would be visible above the outbuildings to the rear of the host building. It is considered that when seen within the context of the main building, lamp posts and CCTV columns in the car park, the visual impact of the canopies would be insignificant. Furthermore, the cream colour would be appropriate to the modern design of the canopies and would merge into the backdrop to the canopies from most directions as discussed above and would be controlled by a planning condition to ensure that the development would not appear intrusive in the surrounding area. As such it is considered that the proposal falls within the scope of Paragraph 89 of the National Planning Policy Framework which supports, as an exception the provision of facilities for outdoor recreation in the Green Belt and as such, there is no requirement to demonstrate the existence of very special circumstances.

Further specific criteria are contained within Policies R14 and R16 of the South Bedfordshire Local Plan Review (S.B.L.P.R) and in particular, Policy R14 states that:

The Council, in co-operation with Town and Parish Councils, landowners and others, will seek to improve and protect existing facilities so as to ensure access to informal recreation in the countryside by:

- *making provision for additional informal countryside recreational facilities and spaces.*
- *improving access for walkers, horse riders and cyclists to the wider countryside for recreational purposes.*
- *enhancing the landscape, improving habitat management, resolving problems of public access and increasing the informal recreational and amenity value of the countryside – particularly close to urban areas.*

It is considered that the proposed development accords with the objectives of Policies R14 and R16 which generally conform with the National Planning Policy Framework and can therefore be given significant weight.

The proposed development is therefore not inappropriate in the Green Belt and would not be harmful to the character and appearance of the open countryside.

2. Impact on the openness of the Green Belt, character and appearance of the AONB, AGLV and open countryside

Given that the visitors' centre is an existing building and the proposed structures would be situated on an existing concrete hardstanding area and seen against the backdrop of the building, the loss of visual openness would not be significant. These structures would not extend above the roof of the main building, and would complement the modern design of the host building. Because of these factors, it is considered that the proposed structures would

preserve the openness of the Green Belt as they would sit on land that is already developed and because of their design, would not be harmful to the character and appearance of the AONB, AGLV and open countryside.

3. Other Matters

Representations

The objections received from the Ward Member have been noted and addressed in the relevant sections of the report.

Response to the Parish Council's comments

The applicant's agent was given an opportunity to address the Parish Council's observations and responded as follows :

The structures are suitable for their location - i.e. they have been specified/designed to deal with the particular conditions that affect the top of the Downs namely, the wind. They should be robust enough to cope, however, if they do fail as a result of the weather then they would be covered by warranty/guarantee.

The specifics regarding the costs of maintenance/upkeep are not known but it is expected that any ongoing maintenance would be picked up as part of the site wide budget which is managed by the National Trust.

In order to lessen the visual impact of the development, the height of the canopies was reduced from 4.85 to 4.5 metres.

Human Rights issues

The application raises no human rights concerns.

Equality Act 2010

No equality concerns are raised by the proposed development.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The canopies shall be finished in a cream RAL colour and any variations shall be agreed with the Local Planning Authority before the development is implemented.

Reason: To ensure that the development is in keeping with the existing building in the interest of preserving visual amenity in this Green Belt location which also lies in the Chilterns Area of Outstanding Natural Beauty. (Policies BE8 & NE3 SBLPR and 36, 43 & 58 DSCB).

- 3 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC/01-04 and 005879-1.00[B].

Reason: For the avoidance of doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

DECISION

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