

Report to	<b>Planning Committee</b>
Date	<b>10 May 2018</b>
By	<b>Director of Planning</b>
Local Authority	<b>Winchester City Council</b>
Application Number	<b>SDNP/18/00994/FUL</b>
Applicant	<b>Mr Peveril Bruce</b>
Applications	<b>Retention of Modification to an existing access adjoining the A31</b>
Address	<b>Land adjacent to Morn Hill Lodge and Green Pastures, Matterley Estate, A31, Alresford Road, Ovington Hampshire</b>

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**Recommendation:**

- 1. That planning permission be granted for a temporary period expiring on 31 December 2019 subject to the conditions as set out in Paragraph 10.1 of this report.**
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**Executive Summary**

The application seeks retrospective approval for the widening of a vehicular access from the A31 onto the Matterley Estate. An access onto the land in this location had been used intermittently for agricultural purposes for a number of years but since 2015 has been used purely as an entrance into the site in association with and during the Boomtown Festival (which was granted temporary approval in 2016 for a limited period expiring on 31 December 2019.)

The applicant essentially is seeking permanent permission for works which have been carried out solely in relation to a use of the land which is subject to a temporary permission.

Whilst the works in themselves might appear minimal, it is clear that the access has become more formalised and together with the associated access track within the site begins to change the agricultural character of the wider site. The adverse visual impact on the landscape character in itself is considered to be to a lesser degree but given that it is submitted solely to meet the current needs of the temporary approval, it is considered necessary to allow its retention for a temporary period expiring on 31 December 2019. This will allow the authority to consider its retention alongside the review of the temporary consent for the holding of a music festival and sports event at its expiry.

The application is placed before the Committee because of previous consideration of the Temporary Approval of use of the estate for a music festival and sports endurance event.

**1. Site Description**

- 1.1** A full description of the Estate is given in the accompanying Committee Report (SDNP/18/00939/CND). This reports therefore focusses solely on the location of the widened access for which retrospective permission is sought.

- 1.2 The access is located along the A31 between the Percy Hobbs roundabout to the west and the access to the Matterley Farm to the east. The access is on the southern side of the A31 and is opposite the residential properties of Morn Hill Lodge and Green Pastures on the northern side of the A31.
- 1.3 The boundary to the A31 has a variety of hedging, vegetation and trees along this stretch of the A31 together low level post and wire fencing. The access itself is 8.8m in width. The widening of the width has included the laying of gravel over the access from the A31 and through to the track which then runs alongside the boundary with the A31 in an easterly direction within the Estate.

## **2. Relevant Planning History**

### **2.1 History in relation to Use of land (Festivals/etc.)**

- Certificate of Lawful Use for vehicle driving and storage of ancillary parking and structures – Withdrawn – 4 February 2014.
- SDNP/14/00302/LDE – All non-agricultural related leisure uses including hosting of music festivals and concerts, tank driving, off road vehicle driving, sports events and a steam fair, along with all parking and associated activities with said uses – Refused – 10 June 2015.
- SDNP/15/06484/FUL – Change of use of land from agriculture to mixed agriculture and holding of one music festival event and one sports endurance event in any calendar year (retention of wooden structures within woodland associated with festival use.) – Temporary Permission for a limited period expiring on 31 December 2019 – Granted 3 November 2016.
- SDNP/17/02979/LDE - Use of land for a mixed use for agriculture and the driving of tanks and other military tracked vehicles, and the operation of construction plant and vehicles, for corporate/team building/activity days/experiences between the months of March and October, with the said vehicles stored on the land all year round. The construction of a purpose built driving track (for tracked vehicles); the construction of an area of hardstanding and the permanent siting of an ancillary mobile catering van and awning, toilet unit and storage container, and the erection of a hospitality marquee (between March and October). – Approved – 23 February 2018.
- SDNP/18/01017/FUL – Construction of 14.6m diameter water reservoir and associated plant at the westernmost corner of the Matterley Estate including retention of existing control box – Withdrawn 23 April 2018.
- SDNP/18/00939/CND – Variation of conditions 2, 9, 10 and 11 on Planning Consent SDNP/15/06486/FUL – Currently being considered (Agenda Item 10).
- SDNP/18/01309/FUL – Retention of the existing overflow parking and coach pad at the westernmost corner of the Matterley Estate to be used solely in connection with arrivals and departures during the Boomtown Festival – Currently being considered (consultation period not concluded yet).

## **3. Proposal**

- 3.1 The application seeks retrospective approval for the widening of a vehicular farm access from the A31 onto the Matterley Estate which the applicant states has been used intermittently over the years. The access has been used more recently as a vehicular entrance to the site in connection with the Boomtown Festival. In advance of the Boomtown Festival in 2017, the access was widened (without the required planning permission) to allow vehicles to enter the site from the A31 more quickly and to reduce congestion and queueing on the A31. The applicant states that the proposals are solely to regularise the widening of the access by 1m.
- 3.2 Whilst the original access was clearly used in relation to the agricultural activities in relation to the site, the submitted information confirms that the widening of the access has been carried out solely in order to improve access into the site for the Boomtown Festival which takes place over 4 days during August. The applicant confirms that the access is used solely for ingress during the Festival.

## **4. Consultations**

- 4.1 **Highways WCC:** Comments awaited.
- 4.2 **Highways HCC:** Comments awaited.
- 4.3 **Highways England:** Comments awaited.

## **5. Representations**

### **5.1 Upper Itchen Valley Society: Objection.**

- Appeared that the entrance grew with Boomtown and 'acquired' hardstanding. Surely the application should be linked to the Boomtown Applications which have temporary consent until 2019.
- There are several gaps along this part of the A31 where vehicles stop and it does not improve the appearance of the area to have more. This one is too near the roundabout.
- It is important to maintain the environment at the entrance to the National Park.
- Photographs of the site on Google Earth show how it was only a few years ago.

### **5.2 Councillor Jackie Porter: Objection.**

- The site access increase in size moves the direct access directly opposite to the Green Pastures property. The entrance is primarily used for Boomtown events and to date there is no evidence of need for farm use (there is a separate access to the east).
- Having chaired Boomtown Community meetings for several years, and during negotiations with event and traffic managers, the use of this access for larger vehicles has been a constant source of discussion, noise and inconvenience to neighbours living opposite (light, noise, dust and mud).
- The larger the space available, the more likely that larger vehicles will be using this entrance.
- Residents currently and previously had enjoyed uninterrupted views of the National Park downland from their home, but since the infrastructure has cut through the hedge and created a lay-by for vehicles to park and large vehicles to enter and leave, this interrupted view is at risk and often marred by vehicles parking there.
- No obvious reason why an entrance should be created so directly opposite a resident's home when the sections without homes are so extensive.

### **5.3 I Letter of Objection**

- Contend that have never seen the access used by farm vehicles or other vehicles until Boomtown started using it in 2015. Photographs of entrance in 2008 and 2012 indicate by amount of vegetation that entrance was not being used.
- Applicant has done more than widen the access, they have turned it into a road with a hard surface.
- Despite claims that it has only been used as an entrance, vehicles were seen leaving the site during a few occasions during Boomtown.
- Whilst applicant states it will only be used as a car entrance, in 2017 it was used by large articulated HGV's.
- Applicant contends that concerns that entrance might be used as a layby are unfounded but photographic evidence suggests otherwise.
- Many dangerous episodes witnessed at this entrance during Boomtown. Queues of 10-20 vehicles waiting to turn in. Vehicles pass the entrance, brake and reverse up in order to access. Some vehicles come up the outside lane and barge into the queue. Vehicles have been seen emerging from the gate, crossing immediately into the outside lane into the path of oncoming traffic.
- During the first year Boomtown used this entrance, there was noise of vehicles entering the site all day and night (before and after the festival as well). Whilst they have close the gate before midnight in the last two years, the bank of arc lights around the gate burn all night long making sleep difficult in adjacent residential properties.
- Though technically there may have been an entrance here that was used many years ago, in effect this is a new entrance, that is too close to the roundabout, creates an unwanted layby, creates both noise and light nuisance during Boomtown, is unsightly and unsafe.
- Request that application be refused and require the site to be returned to its pre-2015 state.

## **6. Planning Policy Context**

- ### **6.1**
- Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plans in this area comprises the

Saved Policies of the Winchester District Local Plan (First Review) 2006 and the Winchester District Local Plan: Joint Core Strategy (2013). The relevant policies to this proposal are set out below.

#### National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
  - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.3 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

#### National Planning Policy Framework and Circular 2010

- 6.4 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.
- 6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.
- 6.6 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan. Relevant policies are 1, 3, 13, 29, 32, 39, 40, 42 & 48

### **7. Planning Policy**

- 7.1 The following saved policies of the Winchester District Local Plan Review 2006 are relevant to this proposal:
- T2 - Development Access
  - CE28 – Recreation & Tourism
- 7.2 The relevant policies of the Winchester District Local Plan Joint Core Strategy (2013) are:
- DSI – Development Strategy and Principle
  - MTRA4 – Development in the Countryside
  - CPI0 - Transport
  - CPI6 – Biodiversity
  - CPI9 – South Downs National Park
  - CP20 – Heritage & Landscape Character
- 7.3 The South Downs Local Plan: Pre-Submission version was published for public consultation on 26 September 2017 for 8 weeks up to 21 November. After this period, the next stage in the Plan's preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation and that the policies are considered to be compliant with the NPPF the Pre-submission Local Plan it is currently afforded some weight.
- 7.4 The relevant planning policies of the Pre-submission Local Plan are: SD1, SD2, SD4, SD7, SD11, SD19, SD22, SD34, SD39, SD40, SD54.

## **8. Planning Assessment**

### Introduction

8.1 The following are considered to be the principle matters for consideration in this application:

- Impact on highway safety
- Impact on landscape character
- Impact on amenity of residential properties
- Link with other current applications relating to Matterley Estate/Boomtown

### Impact on Highway Safety

8.2 Consultation responses are still awaited from the Highways Authority and Highways England and members will be updated on the responses.

8.3 Notwithstanding the above, the Boomtown event organisers work closely with the statutory bodies in advance of each festival to discuss the management plan which incorporates matters of highway safety, amongst other issues. The detail on the various accesses and egresses for the event are scrutinised in some detail and it is clear from the previous event management plans that this access is considered to be acceptable for the purpose of vehicles entering into the site.

8.4 Were there have been highways safety issues with this access in previous years, there would have been representations by the relevant agencies to this effect and the absence of this would indicate that a refusal on highways safety could not be justified.

### Impact on Landscape Character

8.5 The southern side of the A31 along this stretch of the Matterley Estate is characterised by a variety of vegetation, trees, hedging and small post and wire fencing. A small number of accesses into the Estate exist along the A31 although an access just a little further to the east is much wider.

8.6 Photographs certainly seem to indicate that the access was seldom used prior to 2015, evidenced by the vegetation across the verge. What now access is certainly wider than that which previously existed and more formal in appearance, most notably by the creation of a hard surfaced track across the verge and then within the site running adjacent to the A31.

8.7 In itself, whilst ordinarily the impact of the widening of an access by 1m would be considered to have little impact, the cumulative impact of the additional works to the track and size of the access which now exists, begin to change the character of this part of the Estate from that of an agricultural farm to something more formal. This is not helped by the other larger accesses which have evolved over time in connection with the events which have been held over time and begin to erode the agricultural character to the point where the wider estate begins to read as something other than an agricultural landscape and moves towards a more formal events site. On this basis, it is considered that the widening of the access and associated works have a detrimental impact on the character of the area.

8.8 It is however noted that the access currently forms an integral part of the highways and access arrangements for the festival, which are set out in the events management plan which is drawn together each year with input from statutory bodies, emergency services etc. Given that the refusal of the application and potential subsequent enforcement could have significant logistical safety problems at this stage of preparation for the event in August, and given that the event currently only has a Temporary permission until December 2019, it is considered prudent and pragmatic to propose a temporary permission for retention of the access until the same date as the expiry of the temporary permission for the festival. This will enable the applicant to look holistically at matters which would require permission.

### Impact on amenity of residential properties.

8.9 The access is located directly opposite the access to a small group of residential properties but most notably Green Pastures and Morn Hill. It is acknowledged that the activity associated with the Boomtown event is significant predominantly during the few days in advance of the festival and when people are arriving at the site when the festival opens. The use of the access opposite these properties is regrettable but it must also be acknowledged that this activity is for a limited period over a few days of the event. In addition, the location of the access needs to be seen in the context of a busy A road where ordinarily, outside of the days of the festival there is usually a large amount

of traffic throughout the day heading in both directions which already some impact on the amenity of these properties. Therefore, on balance it is considered that the impact is not so great as to justify refusal on this basis.. It is also noted that the access is closed after midnight to prevent further noise nuisance. The issue of light pollution is noted and it is recommended that any approval includes a condition requiring details of lighting in this part of the site in order to seek to minimise the impact on neighbouring properties.

Link with other current applications for Matterley Estate/Boomtown

- 8.10 It is acknowledged that there is an inherent problem in the submission of applications for permanent infrastructure or development solely to serve an activity which is the subject of a temporary permission. One must therefore consider whether the works would in themselves, detract from the character of the land that exists for the majority of the year or whether they being to erode that character
- 8.11 One must also then consider whether the development is so significant as to be irreversible and therefore not reasonable to impose a temporary permission.
- 8.12 In this case, the widening of the access and associated track works are considered to be works such that they could be reversible in the event of being given a temporary permission. This allows for the re-instatement of the original narrower agricultural access and surrounding landscaping in the event that the temporary approval for the festival/events expires and permanent use is not secured. Likewise, in the event that approval for further use for such events is secured, the temporary approval gives the applicant the opportunity to explore ways in which the event can be staged without introducing works which would erode the landscape character of the area.

## **9. Conclusion**

- 9.1 In summary it is considered that the widening of the access together with the associated track into the site have an adverse impact on the agricultural landscape character of the area to its detriment, however it is considered pragmatic to recommend a temporary permission for the works to expire at the same time as the temporary approval for use of the land for the festival in order to consider all matters more holistically at the expiry of the approvals and to provide the applicant and organisers with the opportunity to consider how the impact of such works might be reduced. In addition, this is considered to be a pragmatic approach to allow the highways safety for ingress and access to be secured until the expiry of the temporary permission.

## **10. Recommendation**

- 10.1 The application is recommended for temporary approval subject to the following conditions:
1. The permission hereby granted shall be for a limited period expiring on 31 December 2019 after which the access shall be restored to its original width and state in accordance with a landscape scheme to be forwarded to the Authority within one month of the expiration of the temporary permission The approved landscape and restoration scheme shall be implemented within six months of 31 December 2019.  
  
Reason: To protect the landscape character of the area of the South Downs National Park in accordance with Saved Policies DP4, DPI1, CE5 and RT13 of the Winchester District Local Plan Review 2006, Policies CPI6 and CPI9 of the Winchester District Local Plan Joint Core Strategy 2013, NPPF and National Park Purposes.
  2. Within one month of the decision notice, details of the temporary lighting at this access shall be submitted to the Authority for approval. The use of the access shall not for the festival shall not take place unless the details of the lighting have been approved  
  
Reason: To prevent an unacceptable impact on the amenity of neighbouring residential properties by way of light pollution during the event.

## **11. Crime and Disorder Implications**

- 11.1 It is considered that the crime and disorder issues or implications have been addressed elsewhere in the report.

## **12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF. This has included the provision of advice, numerous meetings and the opportunity to provide additional information in support of their application.

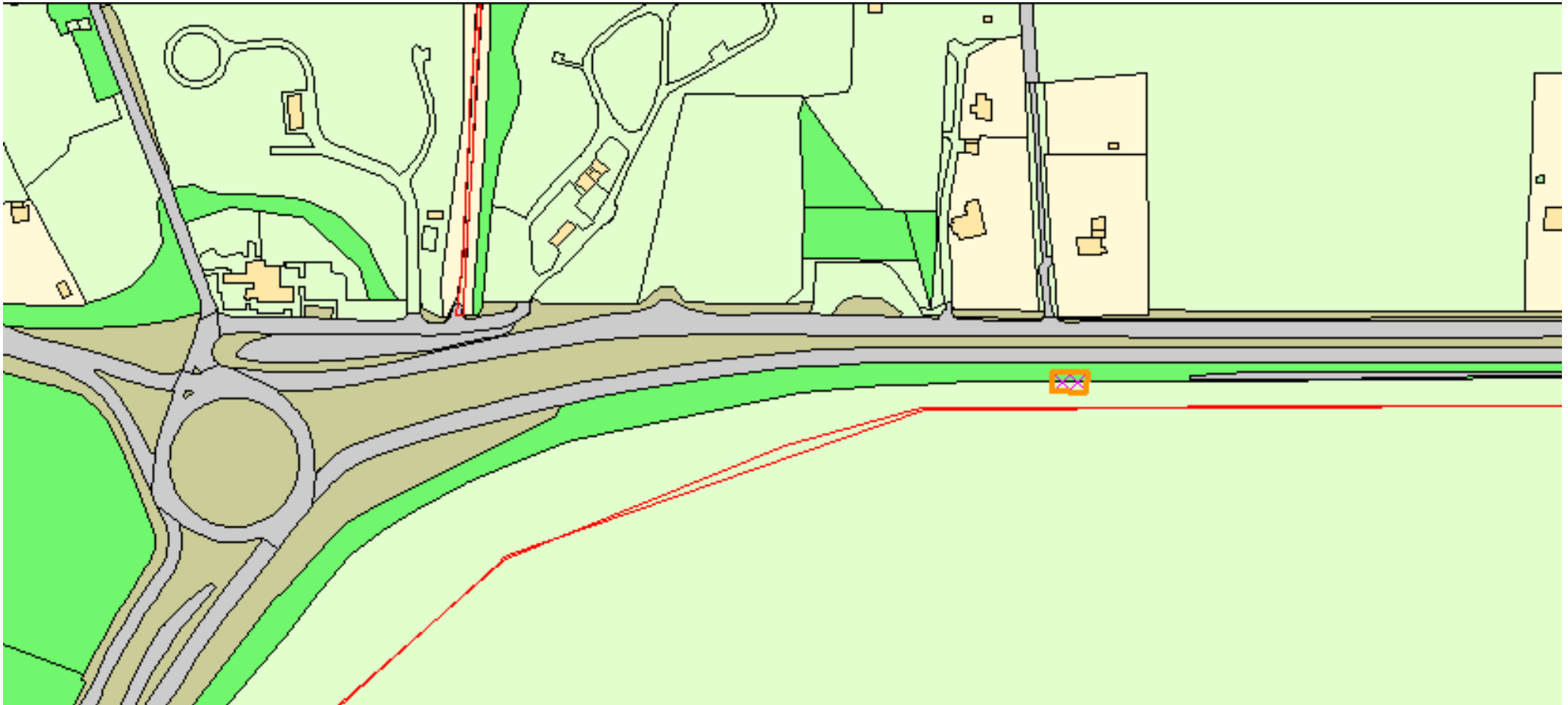
### **TIM SLANEY**

#### **Director of Planning**

#### **South Downs National Park Authority**

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Appendices I. Site Location Map  
SDNPA Legal Services, Director of Planning  
Consultees  
Background Documents  
Planning Application Documents  
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P4GCEFTUIE600>  
National Planning Policy Framework  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)  
National Planning Practice Guidance  
<https://www.gov.uk/government/collections/planning-practice-guidance>  
Defra: English National Parks and the Broads – UK Government Vision and Circular 2010  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/221086/pb13387-vision-circular2010.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/221086/pb13387-vision-circular2010.pdf)  
SDNP Partnership Management Plan  
<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>  
Winchester District Local Plan (First Review) (2006)  
<http://www.winchester.gov.uk/planning-policy/local-plan-review-adopted-2006-and-previous-local-plans>  
Winchester District Local Plan Joint Core Strategy (2013)  
<http://www.winchester.gov.uk/planning-policy/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006>  
South Downs Local Plan Pre-Submission  
<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Site Location Map



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