

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/19/1053/CU

Decision Date: 05 March 2020

Fareham Borough Council, as the Local Planning Authority, hereby **REFUSES** to permit the **Change of use of Unit B to a mixed use of storage and theatre rehearsal space, with ground floor workshop (sui generis use). Extended hours of use at 71-73 ST MARGARETS LANE, FAREHAM, PO14 4BG as proposed by application P/19/1053/CU** for the following reasons:

- 1) The development is contrary to Policies CS5, CS15 and CS17 of the Adopted Core Strategy, and Policies DSP1, DSP2 and DSP8 of the Adopted Fareham Borough Local Plan Part 2: Development Sites and Policies and is unacceptable in that:
 - i) The proposal for theatre rehearsal space relates to a main town centre use in an unsustainable and poorly accessible location;
 - ii) The proposal would result in inadequate provision of accessible, convenient and safe available parking spaces.

Informatives:

- a) This decision relates to the following documents/drawings:
 - i) Location Plan; and,
 - ii) Proposed Redevelopment (Drawing: 2378/12 – 02).

Notes to Accompany Planning Decision Notice

Planning Application Ref: P/19/1053/CU

Decision Date: 5 March 2020

General Notes for Your Information:

- The application documents can be obtained by viewing the submitted application online at www.fareham.gov.uk/planning
- A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Peter Kneen on 01329 824363 or at pkneen@fareham.gov.uk if:
 - You would like clarification about this notice
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
 - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
 - Or submit online at The Planning Inspectorate website at www.gov.uk/planning-inspectorate
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

Planning Application Reference: P/19/1053/CU

71-73 ST MARGARETS LANE, FAREHAM, PO14 4BG

Change of use of Unit B to a mixed use of storage and theatre rehearsal space, with ground floor workshop (sui generis use). Extended hours of use

OFFICER REPORT

The application proposes the change of use of an existing B8 storage facility, which presently includes an ancillary workshop (Men's Shed), into a mixed use facility incorporating storage space for the theatre, rehearsal space for the theatre and the retention of the Men's Shed. In addition, Unit B presently has opening hours limited under planning permission P/12/0050/CU to 08:00 – 18:00 hours Monday to Friday and 09:00 – 13:00 hours on Saturday, with no use on Sundays or Bank Holidays. The applicant is seeking to extend those hours to 09:00 – 23:00 Monday to Saturday, and 10:00 – 22:00 hours on Sundays and Bank Holidays.

Principle of the Development:

The site is located in the designated countryside, and whilst the B8 use represents an existing employment generating use, the proposed use as rehearsal space, in this location would be considered as a main town centre use. Such uses would be more suitably located in the designated urban areas, in close proximity to local services and facilities. This approach is advocated in Policy DSP8.

The application site only relates to the change of use of the building, and whilst the main theatre building and the car parking is edged within the landownership of the applicant (blue lined on plan), it falls outside the application site in respect of this application (red line on plan). Nevertheless, for the consideration of this application, regard to the use of the associated car parking has formed part of the consideration of this change of use.

Policy CS15: Sustainable Development and Climate Change highlights that the Council will promote and secure sustainable development by directing it to locations with sustainable transport options and access to local services. Further, Policy CS5: Transport Strategy and Infrastructure highlights that the Council will permit development which is designed and implemented to prioritise and encourage safe and reliable journey's by walking, cycling and public transport.

The site is not located on a route served by public transport, with St Margaret's Lane essentially a rural lane of a limited width and only partially served by pavements. Access to the site from Titchfield would be limited to private cars or buses, as St Margaret's Lane is not safe for use by walking as there is no dedicated footpath linking the village centre to the application site. Whilst there would be opportunities

to cycle to the site from Titchfield, St Margaret's Lane is a busy route, and with the narrow width and gradient along its length, would not make it conducive for use by cyclists. The limited availability of accessible public transport would therefore result in increased need for the use of private cars, for which car parking options are limited.

In summary, the proposed change of use would see a main town centre use located within the designated countryside, in an unsustainable location which is heavily reliant on visits by private cars, along a rural lane. The provision of this change of use would be contrary to the advice in Policies DSP8, CS5 and CS15 of the adopted Local Plan.

Parking Provision:

The application site makes no provision for car parking within the red line submitted with the planning application, and as such relies on the car parking provision of the associated existing theatre use. The submission states that there would be no change to car parking demand/usage as the activities currently exist. However, Officers consider that the proposed change of use would result in increased use of the site to include additional rehearsal space, which could be used in addition to the two main theatres and the Men's Shed use. This could result in conflict between rehearsals taking place and performances in the Theatre, adding increased pressure on the already limited car parking provision. The Council has no adopted car parking provision for theatre uses, however, for 300 seats (in the two existing theatres), there would be a requirement for 60 car parking spaces to be provided on site, based on the old Hampshire County Parking Standards (2002). This was a material consideration in the determination of the 2012 Appeal on the site.

Car parking on the site remains a considerable constraint to expansion of the uses on the site. At present the use of this part of the site is only used for storage by the Theatre, the Warsash Theatrical Society and the Scouts, and a B8 unit such as this only requires car parking provision for 7 spaces, in accordance with the Council's adopted Non-Residential Car Parking Standards. The Theatre's website states that there are 34 spaces available on the site, although there are only 16 marked spaces. Parking along the access road results in the main parking spaces being very difficult to manoeuvre into and out of, and there is insufficient space for vehicles to turn on site without the use of the neighbouring site (71 St Margaret's Lane). However, despite this, the Appeal Inspector under application P/12/0050/CU (Appeal Reference: APP/A1720/A/12/2186833) considered that the provision of increased parking up to 35 spaces was acceptable with a 'managed scheme in operation'. Whilst no car parking provision is set out for theatre uses in the Council's adopted Non-Residential Parking Standards, the former County Standards applied in the 2012 Appeal required a provision of 42 spaces for only the theatre use (for only a 210 seated theatre). The change of the use to include additional rehearsal space

would result in increased demand for car parking without any additional parking provision being provided.

It is acknowledged that the Theatre can make use of the nearby Holiday Inn hotel car park. Under an earlier planning application (P/19/0510/FP), the Officer had discussions with the Holiday Inn hotel on the A27 St Margaret's Road Roundabout about the provision for using the hotel's car park. The Hotel confirmed that the Theatre pays money monthly to the hotel for use of the car park. The Hotel is located a 470 metre walk away from the Theatre, which requires circumnavigating the roundabout and walking along the narrow, poorly lit St Margaret's Lane to access the Theatre. This is not considered to be a convenient or safe means of access to the Theatre, and would be unlikely to be used by customers, particularly in inclement weather. This is considered to conflict with Policies CS5 (highlighted above) and CS17 which requires developments to 'provide appropriate parking for intended uses taking account of the accessibility and context of a development and tackling climate change'.

Therefore, it is considered that without sufficient on-site car parking provision, the current site and its layout and uses are already operating at capacity.

Other Matters:

In respect of the extended hours of opening, which has been considered by the Council's Environmental Health Officers and subject to conditions would be supportive of this change. Officers visited the site to see the extent of the sound insulation throughout the building, and even had a demonstration of the noise from the workshop, the increased hours of operation for the unit are considered to be acceptable.

The application has been supported by the Theatres Trust given the improved operational flexibility the change of use would provide. Hampshire County Council as Highway Authority has reviewed the application and provided comments solely in relation to the impact on the public highway, and not on the Council's adopted Car Parking Standards or the location of the site within the countryside and its relative accessibility to local services and facilities such as public transport. There are no proposed changes to be made to the access arrangements for the site and therefore, the Highway Authority has raised no objection.

Five third party letters of objection have been received. Those respondents have raised concerns that extended hours of use will increase noise disturbance to local residents, and increase the volume of traffic on what is supposed to be a quiet rural lane.

Summary

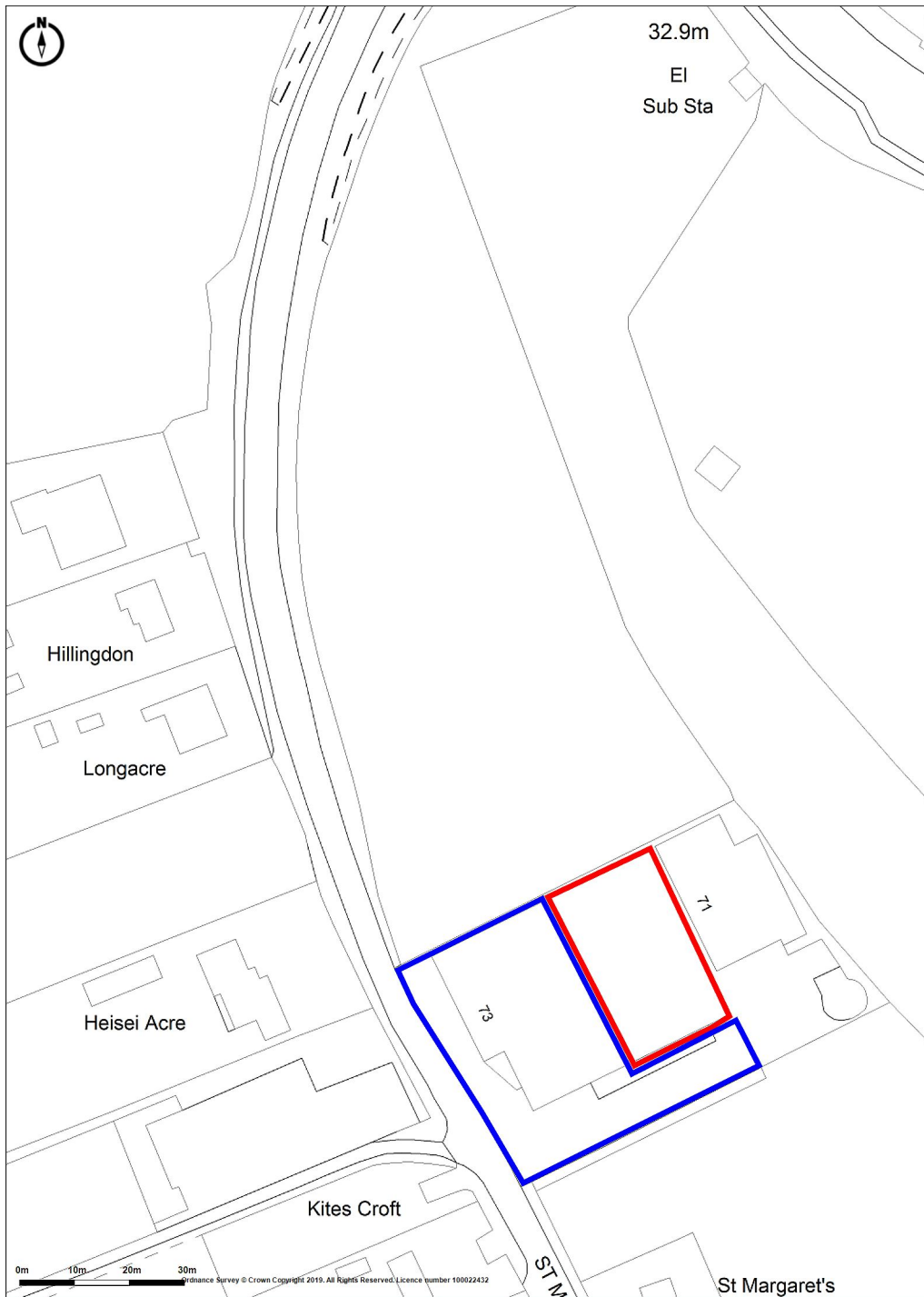
In summary, the application proposal seeks to change the use of an existing B8 (Storage) Use into ancillary theatre uses as rehearsal space. Such uses are considered main town centre uses which are accessibly located close to other relates services and facilities, and suitable public transport. St Margaret's Lane is a rural lane with no public transport connection, and poor access to such services. The change of use of this building fails to accord with Policies CS5, CS15 and CS17 of the adopted Fareham Borough Core Strategy and Policies DSP1, DSP2 and DSP8 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

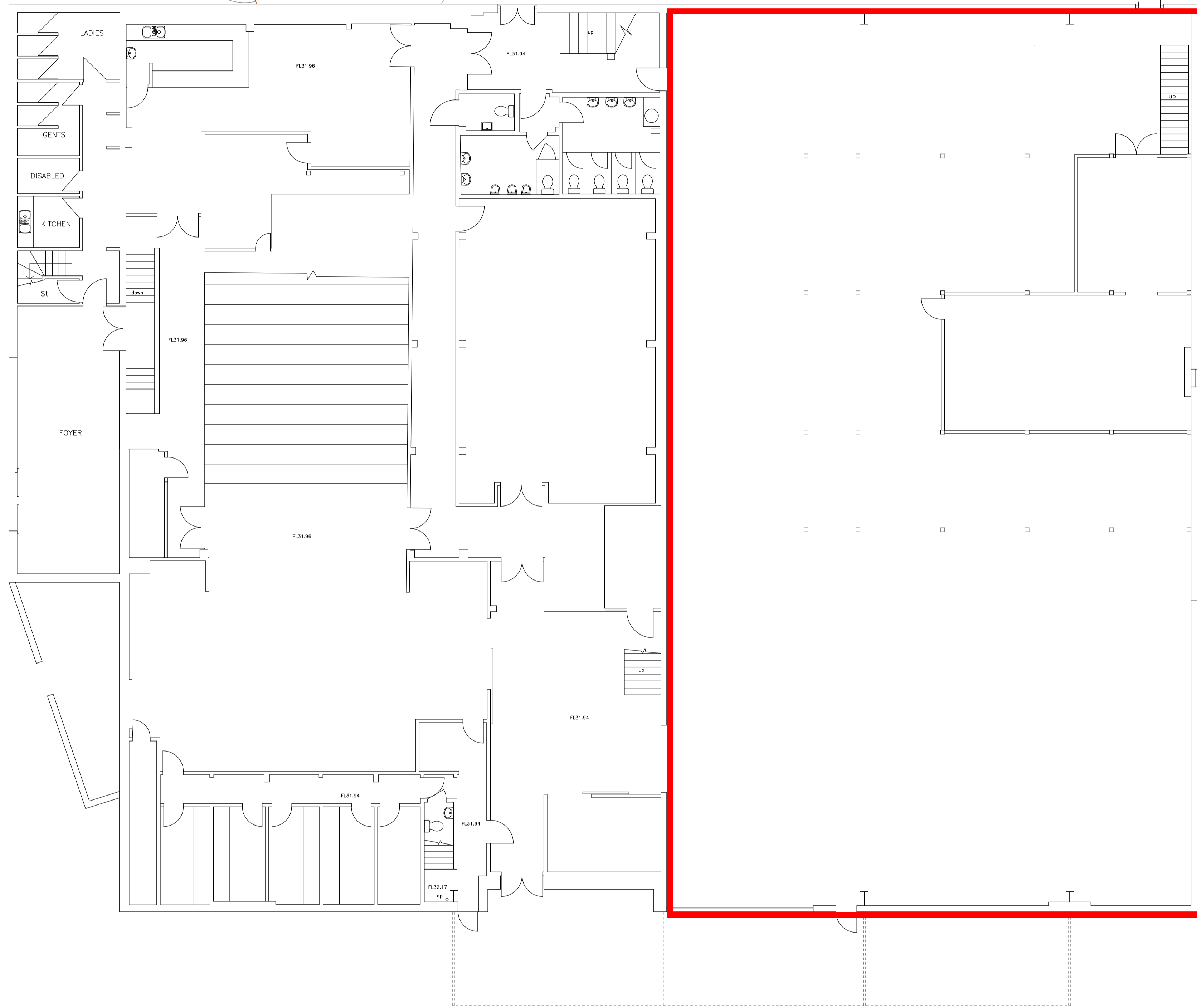
REFUSE PLANNING PERMISSION

- 1) The development is contrary to Policies CS5, CS15 and CS17 of the Adopted Core Strategy, and Policies DSP1, DSP2 and DSP8 of the Adopted Fareham Borough Local Plan Part 2: Development Sites and Policies and is unacceptable in that:
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Existing Ground Floor Plan 1:100



1.0m wooden post & wire fence

Important Notes

It is the sole responsibility of the building owner to draw up all legal agreements with adjoining property owner to cover the over hanging of any fascias, gutters, foundations or any part of the building. mdt design can not be held responsible in any way whatsoever for any legal costs or other costs incurred through any neighborhood disputes.

It is the sole responsibility of the building owner to comply with the party wall act 1996 mdt design can not be held responsible in any way if non compliance is adopted.

use figured dimensions only.

all dimensions in millimetres only unless stated otherwise.

all clients and contractors to check all drawings and to verify all dimensions on site prior to works commencing. any discrepancies in dimensions or boundary locations are to be brought to the attention of mdt design immediately before any further works take place on site.

this drawing is the copyright of mdt design and may not be copied, altered or reproduced in any form or passed to a third party without the written consent of mdt design

Building Regulation Drawing Only

Drawing to be read in conjunction with Structural Engineer's details under separate cover. All Structural elements indicative in appearance only. Refer to Structural Engineer's report for detail & design of structural elements and connections. Contractor to determine installation heights of beams & padstones on site as required.

All setting out dimensions to be checked on site by contractor prior to starting work.

Work carried out before building regulation approval at client's own risk.

Specifications subject to change until building regulation (full plans) approval has been issued.

Client to contact Southern Water to accurately locate mains sewer positions, depths and diameters, prior to any work commencing on site.

revision

project

Titchfield Festival Theatre
73 St Margarets Lane
Titchfield
Fareham
Hampshire
PO14 4BG

client

Titchfield Festival Theatre

drawing

Proposed Redevelopment

stage

Stage 1 - Survey
Stage 2 - Design

scale

1:100 & 1:50@A1

date

December 2018

job no._

2378/12_

dwg no._

02

revision

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**Change of use of unit B to a mixed
use of B8/D2 and theatre purposes
and variation of condition 8 of
P/12/0050/CU relating to use and
hours of operation**

73 St Margarets Lane, Titchfield

PLANNING STATEMENT



Client: Mr Fraser
Date: September 2019
Ref: F/364/3/ID

SOUTHERN PLANNING PRACTICE LTD

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1.0 INTRODUCTION

1.1 Southern Planning Practice Ltd has been instructed by Titchfield Festival Theatre, a registered charity and well known community asset, to submit a planning application for the change of use of unit B at 73 St Margarets Lane, Titchfield to a mixed use of B2/D2 and theatre purposes and variation of condition 8 of P/12/0050/CU relating to use and hours of operation.

The Site and Surroundings

1.2 The proposal relates to a warehouse/industrial building now utilised by Titchfield Festival Theatre. The property consists of a three storey office block fronting onto St Margarets Lane which is used for admin functions for the Theatre and a large warehouse structure behind (Unit A) which is the main theatre. To the rear of the theatre building is another large building (unit B) authorised for B1/B8 use (office/light industrial/storage). The frontage of the building has recently undergone a considerable change to allow it to look less office like and more inviting to patrons and the public in general.



- 1.3 The building is located within an area defined as countryside and the Meon Strategic Gap by the adopted Fareham Borough Core Strategy. The site is bound by a building to the east, by fields to the north and south and by St Margarets Lane to the west.
- 1.4 The area is mixed use in character with commercial uses including a garden nursery, furniture workshop and builders' yard in the locality and residential development to the south and to the west, across St Margarets Lane.
- 1.5 To the north is a hotel and industrial developments at Kites Croft and Segensworth. To the rear of the site is a separate industrial unit in the form of a warehouse and offices. To the south there is a field beyond which is a residential dwelling and light industrial units.
- 1.6 At present Unit A comprises 2 theatres one accommodating 200 seats and the other 100 seats together with ancillary areas. To the rear is a commercial unit currently in B1/B8 use (office/light industrial/storage). Beyond that is a further commercial unit in separate ownership and in B8 use.



2.0 PLANNING HISTORY

2.1 The following planning history is relevant to this application:

[P/19/0510/FP](#)

Proposal: Rear, Side & Roof Extensions, Change Of Use Of Storage Area To 567 Seated Theatre And Industrial Unit To Ancillary Back Stage & Changing Rooms

Decision Date: 21/08/2019

Status: Refuse

[P/17/1024/FP](#)

Proposal: Mansard Roof and Alterations to Front Elevation

Decision Date: 26/09/2017

Status: Approve

[P/12/0050/CU](#)

Proposal: Retrospective Application for Continued Use of Unit A for D2 and Theatre Purposes and Unit B for Storage Use

Decision Date: 02/05/2012

Status: Appealed: Allowed

2.2 There following condition attached to the appeal permission is relevant: -

8. The use of Unit B, identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012 shall only be used for purposes defined as falling within Classes B1 or B8 of the Town and Country Planning Use Classes Order 1987 (as amended). The use for such purposes shall be limited to between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturday and not at all on Sundays and Bank Holidays.

3.0 PLANNING POLICY

3.1 Government Policy

- National Planning Policy Framework

3.2 Approved Fareham Borough Core Strategy

- CS1 - Employment provision
- CS5 - Transport Strategy and Infrastructure
- CS14 - Development Outside Settlements
- CS17 - High Quality Design
- CS22 - Development in Strategic Gaps

3.3 Development Sites and Policies: -

- DSP1: Sustainable development
- DSP2: Environmental impact
- DSP3: Impact on living conditions
- DSP9 Economic Development Outside of the Defined Urban Settlement Boundaries
- DSP17 Existing Employment Sites and Areas
- DSP51 Parking

3.4 Community use including theatres falls within the definition of economic development. Therefore, the appropriate policy is: -

Policy DSP 9 (Economic Development Outside of the Defined Urban Settlement Boundary). The policy states: -

Proposals for the expansion or intensification of existing employment sites/area outside of the defined urban settlement boundaries will only be permitted where:

I. Development is essential to the operation of the existing businesses; and

II. Development can be accommodated within the curtilage of the existing site.

All new development, expansion and intensification outside of the defined urban settlement boundaries should:

iii. not be of a disproportionate scale to the operational requirements of the employment site;

iv. not have an unacceptable adverse impact on the strategic and local road network; and

v. not have an unacceptable environmental impact.

New buildings should be well designed to respect the character of the area and, where possible, should be grouped with existing buildings.

They should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents, and should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area.

4.0 THE PROPOSAL

4.1 The proposal is in effect a regularisation of the current use of the unit B which is used for the following:-

- Scenery storage for the theatre (Theatre Use)
- Rehearsals space for the theatre (Theatre Use)
- Scenery storage for other theatres (B8 use)
- The provision of the 'Men's Shed' a community use (D2 use)

4.2 There would be no internal or external changes to the building.

4.3 Access would be either through the main entrance to the theatre or through the roller shutter doors on the eastern side of the building.

4.4 There would be no change to car parking demand/useage as the activities currently exist.

4.5 At present there is an hours restriction on unit B of 0800 – 1800 Monday to Friday and 0900 – 1300 hours Saturday and not at all on Sundays and bank holidays. There is a need to vary the hours to match those of the theatre use namely 0900 – 2300 Monday to Saturday and 1000 – 2200 Sundays and Bank Holidays. This is so that:-

- Scenery can be moved between the two units in readiness for stage shows.
- The Men's Shed can carry on running courses at weekends.
- The Men's shed assist with scenery production which is sometimes undertaken in evenings and weekends.
- As the theatre is amateur rehearsals often take place in evenings and weekends.

5.0 PLANNING ASSESSMENT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Planning System: General Principles states that where there are other material considerations, the Development Plan should be the starting point and other material considerations should be taken into account.

5.2 The main issue relate to the loss of employment space. However, in the officer report into the recently refused application for the new theatre the comments were as follows: -

The proposal would result in the loss of approximately 600 square metres of commercial floorspace. The site is not designated as an employment area that should be protected and therefore the loss of the commercial floorspace would not conflict with Local Plan Policies.

5.3 On this basis it is considered that the principal of the use is acceptable

5.4 In terms of the proposed mixed use for the building the proposal would only regularise the current use of unit B. Again with the extended hours this would only reflect the current situation with regard to scenery movements between the theatre and the storage area, rehearsals and the use by the Men's Shed.

6.0 CONCLUSION

- 6.1 The principle of the re-use of the commercial units for community and theatre uses accords with policy CS1 of the Core Strategy and DSP 9 of the Development sites and Policies Document therefore the principle is acceptable
- 6.2 There would be no external or internal changes to the building.
- 6.3 As the use of the building currently exists there would be no increased demand for car parking or traffic generation.
- 6.4 The increase in hours only reflects the current situation and therefore there would be no discernible change in relation to impact on neighbouring properties.
- 6.5 It is considered that the proposal complies with both local and national policies and therefore favourable support should be given to this application.