

**OFFICER REPORT FOR COMMITTEE**

**DATE: 9<sup>th</sup> October 2024**

**P/24/0304/FP  
MR K FRASER**

**TITCHFIELD WARD  
AGENT: ADVOCO PLANNING LTD**

CONSTRUCTION OF A SURFACE CAR PARK FOR A TOTAL OF 97 CARS ASSOCIATED WITH TITCHFIELD FESTIVAL THEATRE WITH ALTERATIONS TO ACCESS AND LANDSCAPING

LAND OPPOSITE TITCHFIELD FESTIVAL THEATRE, ST MARGARET'S LANE, TITCHFIELD, PO14 4BG

***Report By***

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**1.0 *Introduction***

1.1 This application is being brought before the planning committee due to the number of third-party representations received.

**2.0 *Site Description***

2.1 The application site relates to an area of land formerly used as a paddock located on the western side of St Margaret's Lane. The site is long and narrow in shape and measures 0.4 hectares. The site is currently accessed via a gateway from St Margaret's Lane. Ground levels on the site are level and boundary treatments consist of a combination of mature hedging and post and wire fencing along the northern boundary, mature hedging and trees along the western boundary, mature hedging along the eastern boundary and a combination of close-board fencing, mature hedging and post and wire fencing along the southern boundary.

2.2 The area surrounding the site is mixed with a horticultural nursery known as St Margaret's Nursery located immediately to the north. The nursery consists of glasshouses extending the full length of the application site. To the south of the application site is a detached two-storey residential property known as Kites Croft. On the opposite side of St Margaret's Lane to the east of the site is Titchfield Festival Theatre and to the west of the site are paddocks.

2.3 The application site is recognised within the Fareham Local Plan 2037 as being located within designated countryside and the Meon Strategic Gap. To the northwest of the site is Bowling Green and Kites Croft which is Site of Importance for Nature Conservation and an area of Ancient Woodland.

### **3.0 Description of Proposal**

- 3.1 Planning permission is sought for the construction of a surface car park on the site to accommodate 97 cars. The car park is intended to be used in association with Titchfield Festival Theatre. The parking area would comprise a reinforced recycled plastic grid system known as Terram Bodpave which would be constructed above a subbase and then filled with aggregate. Proposed landscaping would consist of a hedgerow planted along the full length of the southern boundary.
- 3.2 The existing vehicular access from St Margaret's Lane is proposed to be widened to 6.5 metres to allow simultaneous entry and exit of cars.
- 3.3 The application is supported by a Noise Report and Transport Statement.

### **4.0 Policies**

- 4.1 The following policies apply to this application:

#### **Adopted Fareham Local Plan 2037**

DS1: Development in the Countryside

DS2: Development in Strategic Gaps

DS3: Landscape

NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network

TIN2: Highway Safety and Road Network

D1: High Quality Design and Place Making

D2: Ensuring Good Environmental Conditions

#### **Other Documents:**

National Planning Policy Framework (NPPF) 2023

### **5.0 Relevant Planning History**

#### **Titchfield Festival Theatre**

- 5.1 This planning application has been submitted on behalf of Titchfield Festival Theatre Limited and the proposed car park is intended to be used in association with Titchfield Festival Theatre, located to the east of the application site. Therefore, the following planning history is considered to be relevant to the consideration of this application.
- 5.2 Retrospective planning permission was granted in May 2012 (application reference: P/12/0050/CU) for the use of 73 St Margaret's Lane for theatre use and storage use. Planning permission was granted for a temporary period of one year. An appeal was lodged against the temporary permission and was allowed by the Planning Inspectorate. Since planning permission was granted

in 2012 until present, 73 St Margaret's Lane has been occupied by Titchfield Festival Theatre and two theatres known as the Oak and Acorn Theatres have operated from the premises.

- 5.3 In May 2023, it was brought to the Council's attention that significant internal building works were taking place at the adjoining unit, a former warehouse, 71 St Margaret's Lane. A site visit revealed 71-73 St Margaret's Lane had been amalgamated to create one large building and a new, third theatre (known as the Arden Theatre), was being built.
- 5.4 On the grounds that a material change of use of the land and an engineering operation to excavate an underground area had taken place without planning permission, an Enforcement Notice was subsequently served in November 2023 on the owners of 71-73 St Margaret's Lane. The Enforcement Notice required the use of the land to cease as a theatre, equipment associated with the unauthorised theatre to be removed and the excavated underground area to be infilled.
- 5.5 The Enforcement Notice was appealed by Titchfield Festival Theatre Limited and was subsequently heard by the Planning Inspectorate at a Planning Inquiry in May 2024. The appeal was later dismissed by the Planning Inspectorate and the Enforcement Notice upheld. Titchfield Festival Theatre Limited has since applied to the courts for permission to bring a statutory review of the Planning Inspector's decision which is due to be considered on 30<sup>th</sup> October. If permission is refused, there is no further right of appeal. If permission is granted, there would be a court hearing to consider the appeal. If the appeal is granted, the Planning Inspector's decision would be quashed and the planning appeal would need to be redetermined.

#### Application Site

- 5.6 Planning permission was sought in 2020 (application reference: P/20/1543/FP) and 2021 (P/21/0805/FP) for the construction of a two-storey detached dwelling on part of the site. Both applications were refused on the grounds that the proposal did not require a countryside location, contrary to local policy and would not be sustainably adjacent to or well-integrated with neighbouring settlements.

#### **6.0 Representations**

- 6.1 347 comments have been received supporting the proposal, raising the following material planning considerations:

- The additional parking would provide much needed parking;
- The proposal would improve highway and pedestrian safety;

- The site can be sustainably converted into a car park with minimal impact on the environment;
- Parking will be provided and used without disturbing neighbours.

6.2 In addition, 14 letters of objection (including an objection from The Fareham Society) have been received raising the following concerns;

- Loss of greenfield site
- Encroachment upon rural character of area;
- Contrary to countryside policies;
- Noise and disturbance;
- St Margaret's Lane unsuitable for additional traffic;
- Vehicular access unsuitable for proposed use;
- Highway safety concerns regarding patrons crossing road from car park to theatre;
- Safety concerns regarding lack of lighting at night;
- Increased pressure on hydrography of area with increased run off;
- Pollution caused by additional traffic;
- Proposed car par to serve unauthorised theatre;
- Impact on wildlife in car park.

## **7.0 Consultations**

### EXTERNAL

#### **Local Highway Authority (Hampshire County Council)**

7.1 The Highway Authority recommends a holding objection on the following grounds:

- Application drawings should be amended to show the access arrangements with the associated visibility splays on a topographical survey. Required visibility splays should be achieved without relying on third party land;
- No separate pedestrian access proposed resulting in potential conflict between vehicles and pedestrians which would be exacerbated during hours of darkness;
- Confirmation regarding proposed operating hours of the car park;
- An estimate of vehicle and pedestrian movements should be provided;
- Clarification required on presented data relating to traffic volumes;
- Extent of hard surfacing to be confirmed and details to prevent surface water runoff on to highway required
- Proposed Car Parking Management Plan not considered to be acceptable without proper authorisation from the Highways Authority

- 7.2 The Local Highway Authority concludes that until the above matters have been addressed, it has not been demonstrated that the proposal can be accommodated in a manner than would not cause increased danger and inconvenience to highway users.

### **Ecology (Hampshire County Council)**

- 7.3 In the absence of any information, the LPA is unable to scope out the potential for the presence of protected species such as reptiles, given the location of the site surrounded by grass fields, Sites of Importance for Nature Conservation (SINCs) and Ancient Woodland. Therefore, a Preliminary Ecological Appraisal, carried out by a qualified ecologist as per the CIEEM guidelines will be required to support this planning application.

INTERNAL

### **Environmental Health (Contaminated Land)**

- 7.4 Having reviewed available information, the recommendation of this section is that this application could be approved subject to a condition requiring development to cease on site if during any stage of the works unexpected ground conditions or materials which suggest potential contamination are encountered.

### **7.5 Environmental Health (Noise and Pollution)**

On matters of noise only, I can find no grounds for refusal, but do have the following comments:

1. An agreed noise car parking management plan should be a condition;
2. No parking spaces should be provided along the boundary with Kites Croft;
3. Section 6 of the noise report mentions an acoustic barrier between the site and adjacent residence to the south. Details of this should be provided and agreed and it should be installed prior to the car park being brought into use; and
4. Consideration should be given to conditioning the hours of use of the car park.

## **8.0 Planning Considerations**

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of the Development;
- b) Development within the Strategic Gap;
- c) Impact on Landscape Character;
- d) Impact on Living Conditions of Neighbours;
- e) Impact on Highway Safety;
- f) Ecology;
- g) Flood Risk and Drainage;
- h) Other Matters

a) Principle of the Development

8.2 The application site is located outside the urban area and is recognised within the Local Plan as part of the countryside. Therefore, Policy DS1 of the Fareham Local Plan 2037 which relates to development in the countryside is applicable. That policy states:

*‘Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:*

*a) Is for development associated with an existing lawful dwelling, or*

*b) Is proposed on previously developed land and appropriate for the proposed use, or*

*c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or*

*d) Is for a new or replacement building, conversion and/or extension within an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,*

*e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or*

*f) Is for employment development compliant with one of the following policies: E1 or E5, or*

*g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or*

*h) Provides infrastructure that meets an overriding public need.  
Or*

*i) Can demonstrate a requirement for a location outside of the urban area.*

*In addition, proposals will need to demonstrate that they;*

*j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*

*k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*

*l) Maintain the character of the undeveloped coast, and*

*m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality’.*

8.3 The proposal would provide a 97-space car park outside of the defined urban settlement boundary. The proposal would not provide housing, a retail, community or leisure facility, nor would it be for tourism. The proposal does not relate to a new or replacement building, conversion and/or extension within an existing educational facility or replacement to small-scale employment development to convert or extend an existing building or replace a redundant or derelict structure. Furthermore, the site is not considered to constitute previously developed land or provide infrastructure that meets an overriding public need. Having regard to the above, the proposal is considered to be contrary to parts a) – h) of the policy.

8.4 However, consideration has been given to part i) of the policy which requires proposals within the countryside to demonstrate a requirement for a location outside of the urban area.

8.5 In this instance, the proposed car park is intended to provide parking for the existing theatre to the east of the application site, Titchfield Festival Theatre. Therefore, it is necessary to consider the parking requirement for the theatre and whether there is a demonstrable requirement for a car park in this location which may then benefit from the support of this policy.

- 8.6 Part of the Titchfield Festival Theatre site was granted planning permission for theatre use in 2012 (planning application reference P/12/0050/CU) and now consists of two theatres. The larger of the two theatres is known as the Oak Theatre with a capacity of 188 seats and the smaller Acorn Theatre has a capacity of 96 seats.
- 8.7 A third theatre known as the Arden Theatre with a capacity of 463 seats was built in 2023 without planning permission. As set out at paragraph 5.5 of this report, the appeal against the Enforcement Notice requiring the use of the Arden Theatre to cease was dismissed and the notice upheld. The Council issued a Planning Enforcement Notice in November 2023 requiring the Arden Theatre to cease use which was subsequently appealed. The appeal was dismissed in August 2024 following a Public Inquiry held by the Planning Inspectorate and the Planning Enforcement Notice Upheld. The Planning Inspectorate's decision is currently subject to legal challenge. As a result, it is considered the parking demand for this theatre should not be taken into consideration when determining this application. Instead, consideration should be given to whether it has been demonstrated that there is a requirement for a car park to serve the existing Oak and Acorn Theatre which remain unaffected by the Enforcement Notice.
- 8.8 In the recent planning enforcement appeal decision (appeal reference: (APP/A1720/C/23/3336046) concerning the Arden Theatre, the Inspector found that Hampshire County Council's Parking Standards were appropriate to use in the absence of any other recognised parking standards relating to theatres. This is despite those parking standards being withdrawn in 2014. Therefore, the 1:5 ratio referenced in the enforcement appeal decision has been applied for this assessment, meaning that one parking space should be provided for every five seats in the theatre. Having regard to the Titchfield Festival Theatre's events programme, it is understood that public performances at the Oak and Acorn theatres are not held at the same time. However, there is no planning condition restricting such a scenario in the planning permission granted in 2012 and so, in the absence of a restrictive use condition, the Oak and Acorn theatre could theoretically operate concurrently. Applying the HCC standard, and used by itself, the Oak Theatre would generate a demand for 38 parking spaces. Similarly, if the Acorn Theatre was treated on its own the performance space would generate a demand for 19 spaces. Combined both theatres would generate a need for 57 parking spaces.
- 8.9 Parking for patrons of the theatre is available on the Titchfield Festival Theatre site itself, albeit modest. There is a hard surfaced yard/car park located to the south of the theatre building. The applicant's submitted



Transport Statement states Titchfield Festival Theatre can accommodate approximately 35 parking spaces on site. However, since the statement was submitted, the onsite parking layout has been considered in detail at the recent Planning Enforcement appeal Inquiry for the Arden Theatre. The Local Planning Authority was of the opinion 18 spaces could be accommodated safely on site. While the Planning Inspector did not disagree with the Council's position, they were of the opinion the site lends itself to a managed approach to parking whereby stewards could ensure efficient use of the space available. The Inspector referenced the 30 parking spaces which were to be provided as part of the original 2012 planning permission for theatre use on the site which was previously considered acceptable.

- 8.10 Having regard to the above, the HCC parking standard requirement for the Oak Theatre, the Acorn Theatre and the two theatres combined have been summarised in a table below. The table also shows the shortfall in available car parking spaces on site for each.

	Oak	Acorn	Both
HCC parking standard requirement	38	19	57
Shortfall with 30 parking spaces available on-site	8	-11	26

- 8.11 This demonstrates that for performances at the Acorn Theatre no additional spaces would be required. For the larger Oak Theatre an extra 8 spaces would be needed to comply with the HCC parking standards. If both theatres were in use for public performances at the same time, twenty-six additional parking spaces would be needed. However, as already mentioned, this currently does not happen and is only shown here as a theoretical scenario given the absence of a condition to prevent such an occurrence. Even then however, the number of parking spaces proposed at 96 is nearly four times the number of additional parking spaces required to serve the Oak and Acorn theatres combined.
- 8.12 A number of comments received about the application have pointed out the significant problems with parking at the theatre currently. It is unclear whether these comments relate to the Oak and Acorn Theatres or the much larger Arden Theatre. Notwithstanding, even before the Arden Theatre was created in 2023, the Council were aware of issues with the lack of available car parking at the venue over a number of years. However, the Officer assessment as set out in this report demonstrates the shortfall against the most relevant set of parking standards to be relatively modest at best. Whilst therefore, the LPA acknowledges there is a slight shortfall in parking available

for the existing two authorised theatres, it has not been satisfactorily demonstrated by the applicant that there is a requirement for a car park of the scale proposed which would justify the loss of a greenfield site in this countryside location. The proposal does not therefore fall into the category of development described at part (i) of policy DS1 of the Fareham Local Plan 2037, nor any other part, and is instead contrary to the aims of the policy to protect the countryside from other forms of development.

b) Development within the Strategic Gap

8.13 The proposals map of the Fareham Local Plan 2037 shows that the site lies within an area of countryside and is also with a designated Fareham/ Stubbington Strategic Gap.

8.14 Policy DS2 of the Local Plan states:

*‘In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:*

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)*
- 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)*

*Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters’.*

8.15 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) which is part of the evidence base for the Fareham Local Plan 2037 states the Meon River creates a distinctive linear feature which provides a break between the housing market areas of Southampton and Portsmouth.

8.16 The Fareham Landscape Assessment 2017, which also forms part of the evidence base for the Fareham Local Plan 2037, states any future development should avoid any significant encroachment into the area beyond the existing urban edges of Fareham, Titchfield Park and Titchfield. The Assessment highlights that this is especially important where development may erode the physical or perceived gap between settlements or intrude upon the unspoilt, rural character and high quality of the landscape settings of these urban areas and important heritage assets.

8.17 The application site is bound by development to the north, south and east. The proposal would be contained within existing development and would not extend any further into the Meon Valley than the development to the north, St

Margaret's Nursery. For these reasons it is considered the proposal would not significantly affect the integrity of the strategic gap, in compliance with policy DS1 and DS2 of the Fareham Local Plan 2037.

c) Impact on Landscape Character

8.18 Policy DS3 states;

*'...Development in the countryside shall recognise the intrinsic character and beauty of the countryside, playing particular regard to intrinsic landscape, character, quality and important features...'*

8.19 The Fareham Landscape Assessment 2017 (which forms part of the evidence base for the Fareham Local Plan 2037) identifies that the site lies within the Meon Valley Gap (05.1c) Character Area and the landscape character type falls within Horticulture and Smallholdings: Small Scale.

8.20 The proposed development would include the installation of hard surfacing which would consist of a combination of a plastic grid system filled with aggregate. Having regard to the undeveloped nature of the existing site, the introduction of hard surfacing combined with 97 vehicles on the site has the potential to have a visual impact.

8.21 The application site is currently screened along the northern side by the glasshouses belong to St Margaret's Nursery and by mature hedging along the eastern and western side. The southern boundary is currently relatively open, however a hedgerow is proposed along the southern boundary. With the addition of a further hedgerow along the southern boundary, views to the site would be limited to views from the access from St Margaret's Lane.

8.22 Consideration has been given to the impact on the wider landscape and whether the development is easily visible from viewpoints surrounding the site. As a result of the application site being situated on low lying ground within the Meon Valley, the site is not easily visible from medium/long distance views surrounding the site.

8.23 For the reasons given above, the visual impact of the proposed development is considered to be relatively localised. When assessing the potential harm, consideration has been given to the existing development surrounding the site. The application site would be viewed within the context of glasshouses which extend the full length of the application site to the north and development to the south and east of the site.

8.24 The proposed development would have a localised visual impact, however, when viewed in the context of neighbouring development, it is considered that

the proposal would not be materially harmful to the intrinsic character and beauty of the countryside and landscape and would comply with policy DS3 of the Fareham Local Plan 2037. However, to ensure the development protects and enhances the landscape in accordance with Policy DS1, if Officers were to recommend that planning permission be granted a condition requiring a full landscaping scheme to be submitted would be necessary. Similarly, control over external lighting would be important to prevent such lighting from having a material adverse impact during hours of darkness.

d) Impact on Living Conditions of Neighbours

- 8.25 Policy D2 of the Fareham Local Plan 2037 relates to the impact of development on environmental conditions. The policy states that development proposals should ensure that there will be no unacceptable adverse impact on neighbouring occupants, adjoining land or the wider environment.
- 8.26 The closest neighbouring residential property to the proposed development would be Kites Croft located directly to the south of the application site. The proposed site plan indicates access to the site would be adjacent to Kites Croft and parking spaces would be situated along the full length of the southern boundary shared with Kites Croft.
- 8.27 The application is supported by a Noise Impact Assessment which has considered potential noise impacts associated with the proposal. The report identifies vehicle movements within the car park and noise from patrons leaving the car park and entering the theatre and vice-versa as the main sources of noise.
- 8.28 Noise surveys have been conducted during which background noise measurements were taken from within the theatre grounds and the exterior of the closest residential properties. Vehicle movement calculations have been based upon 97 car movements occurring over an average 30-minute period and patron noise has been based on the assumption of two individuals per car talking over a 3-minute period as they walk to and from the theatre equating to a total of 194 voices. Noise calculations have assumed an average distance of 30m between the parking area and the nearest residential property and are based on the installation of an acoustic barrier between the car park and Kites Croft.
- 8.29 The assessment concludes that noise from patrons walking to and from the theatre and the movement of cars within the car park would be audible within the grounds of Kites Croft particularly, however, the assessment concludes the level would not cause a significant adverse noise impact.

- 8.30 The Council's Environmental Health Officer has been consulted on the application and has requested further information on a number of matters.
- 8.31 Firstly, the noise calculations have assumed an average distance of 30m between the parking area and Kites Croft. To comply with the average distance applied, the Council's Environmental Health Officer has requested the parking spaces along the boundary shared with Kites Croft are removed.
- 8.32 The Council's Environmental Health Officer has also requested further information relating to the operating hours. The noise report indicates the hours of use would be unrestricted, however key periods of operation are identified as being before and after performances. Officers have concerns regarding the potential noise impacts, particularly during these key periods of operation. The period before and after performances is likely to involve large numbers of vehicles and pedestrians entering and exiting the site. This volume of vehicular activity and pedestrians in a concentrated timeframe is considered likely to have a noise impact as a result of car engines running as they wait to enter and leave the site, car doors slamming, car radios and noise from patrons etc.
- 8.33 Furthermore, it is understood the theatre is used for other community groups such as a youth theatre which operate outside the key periods and could benefit from the car park. It is not clear from the noise report whether consideration has been given to the potential noise impacts outside of the key periods of operation.
- 8.34 The noise report makes reference to acoustic fencing between the application site and Kites Croft, however, no details regarding the height or appearance of the proposed fencing have been provided. While the Environmental Health Officer has suggested these details could be secured by planning condition, as the fence may require planning permission in its own right, these details should be provided prior to the determination of the application to allow the LPA to consider the potential visual and amenity impact of such fencing.
- 8.35 Finally, the Environmental Health Officer has requested, should planning permission be granted, a noise management plan is secured by planning condition. Based on the draft management plan provided as part of the noise report, the LPA has concerns regarding the enforceability of such a management plan. The noise management plan relies heavily on chaperones managing noise levels. The draft management plan suggests chaperones will instruct patrons to park on the site and keep volume to a minimum when crossing the road to the theatre. However, given the number of vehicles and pedestrians that could be arriving and exiting the site at one time, the use of chaperones to control noise is not considered to be realistic or enforceable.

8.36 Having regard to the above, the proposal would have an unacceptable adverse impact on the living conditions of the neighbouring properties, in particular Kites Croft, contrary to policy D2 of the Fareham Local Plan 2037.

e) Impact on Highway Safety

8.37 Policy TIN2 of the Fareham Local Plan 2037 states:

*‘Development will be permitted where:*

*a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*

*b) The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes’*

Car Park Layout

8.38 The proposed car park would accommodate 97 parking spaces. The proposed site plan indicates adequately sized spaces can be achieved. While it is not clear whether the spaces would be formally marked out, this could be secured by planning condition. Tracking details demonstrate there would be sufficient space for vehicles to turn and manoeuvre within the site.

Access

8.39 Access to the car park would be via an existing vehicular access which would be widened to 6m to allow simultaneous entry and exit of cars. The Local Highway Authority (LHA) Hampshire County Council has been consulted on the proposed access arrangements and raised concerns regarding the proposed visibility splays as it has not been satisfactorily demonstrated that the required visibility splays can be achieved without relying on third party land.

8.40 In terms of pedestrian access, no separate pedestrian access is proposed. There is no footway provision either side of the site access or opposite, and no specific pedestrian facilities are proposed to facilitate members of the public crossing the road to the theatre. The Transport Statement does not quantify the number of pedestrian trips at the site access; however, the car

park has the potential to generate a significant volume of pedestrian activity. The LHA has raised concern regarding the lack of separate pedestrian access and the potential for conflict between vehicles and pedestrians entering and exiting the site. Furthermore, there is the potential for conflict between vehicles and pedestrians as patrons cross the road to the theatre, particularly during the hours of darkness. The Transport Statement explains volunteers would be present to direct vehicles into the site, however, the LHA has explained this would not be acceptable to them without proper authorisation. Only marshals specifically trained under the Community Safety Accreditation Scheme (CSAS) and empowered to direct vehicles by the police can direct traffic on the public highway.

- 8.41 Based on the information provided, the proposed access arrangements are considered to pose a highway safety risk to both motorists and pedestrians.

Traffic generation

- 8.42 The supporting Transport Statement states the car park will not generate any additional traffic onto the wider local road network, however, no details have been provided. The LHA has requested further information regarding the proposed operating hours of the car park and an estimate of vehicle movements based on the existing arrival and departure patterns. In the absence of this information, it is not possible to determine whether the proposal would generate a significant increase in traffic which would impact the road network.
- 8.43 Officers have considered the advice from the LHA on this particular point. Vehicles currently travelling to the theatre and parking on site, in the street or in nearby car parks would potentially be diverted to the proposed car park instead. However, there would not be an increase in vehicle movements rather a redistribution of those trips that already occur. It is also noted that the comments from the LHA were made prior to the Planning Enforcement appeal being determined and anticipated a significant number of additional trips generated by the much larger Arden Theatre. Whilst Officers therefore agree that further information is required to properly assess the impact on the road network, it is considered unlikely that this would show a material increase or change in vehicle movements compared to the existing operation of the Oak and Acorn Theatres.
- 8.44 In summary of the above highway related points, the proposed vehicular access for the car park does not have appropriate visibility splays provided and secured in perpetuity, provisions for safe pedestrian access between the proposed car park and the theatre are inadequate, and further information is required on vehicle and pedestrian movements before it can be concluded that there would be no severe residual cumulative impact on the road

network. The proposal would have an unacceptable impact on highway safety, contrary to policy TIN2 of the Fareham Local Plan 2037.

f) Ecology

- 8.45 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network from the Fareham Local Plan 2037 states that development will be permitted where:

*'a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*

*b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*

*c) Proposals do not prejudice the Ecological Network or result in its fragmentation.'*

- 8.46 The County Ecologist has been consulted on the application and has raised concerns regarding the potential for the presence of protected species on the site, given the location of the site surrounded by grass fields, Sites of Importance for Nature Conservation (SINCs) and Ancient Woodland. The County Ecologist has therefore requested a Preliminary Ecological Appraisal is carried out prior to the application being determined.

- 8.47 In the absence of a Preliminary Ecological Appraisal, it is not possible to conclude that the proposed development would protect and enhance protected species, contrary to Policy NE1 of the Fareham Local Plan 2037.

g) Flood Risk and Drainage

- 8.48 The drawing indicates that the ground will be reinforced by using a plastic paver grid system filled with aggregate (rather than grass) on an appropriate sub-base. No specific details have been provided with regards to surface water drainage. The car park must be designed to prevent surface water from the site draining onto the public highway and designed to prevent debris (such as gravel or mud) being deposited onto the public highway. Further details are required to demonstrate this.

h) Other Matters

- 8.49 Concerns have been raised in the representations regarding security at night due to lack of lighting in the field. No external lighting is proposed as part of this application, and therefore, if Officers had been minded to recommend planning permission be granted, a condition requiring details of any lighting



including floodlighting to be submitted and approved by the LPA prior to installation would have been sought.

- 8.50 The Council's Community Safety Officer has been consulted on the application and has not raised any public safety concerns, however, has requested a condition requiring a locking barrier to be installed and locked when the car park is not in use.

#### Conclusion

- 8.51 The proposal would provide a 97-space car park outside of the defined urban settlement boundary. Having regard to Policy DS1 of the Fareham Local Plan 2037, the development does not benefit from being any of the favourable development types listed in the criterion of the policy. The car park is intended to be used by Titchfield Festival Theatre and the Local Planning Authority acknowledge there is a shortfall of onsite parking spaces required to serve the existing lawful Oak and Acorn theatres. However, the number of spaces being proposed significantly exceeds the current shortfall. The applicant has not therefore provided satisfactory evidence to demonstrate a requirement for a development of this scale in this location.
- 8.52 Secondly, in terms of impact on the highway, having regard to the lack of suitable visibility splays, safe pedestrian access and information relating to pedestrian and vehicle movements, the proposal is considered to have an unacceptable impact on the safety and convenience of users of the highway.
- 8.53 Furthermore, in the absence of a surface water drainage strategy, insufficient information has submitted in order for the Local Planning Authority to conclude that surface water runoff would be adequately managed within the site and would not have a harmful impact on the safety and convenience of users of the highway.
- 8.54 In addition, the proposal fails to demonstrate that the car park would not have an unacceptable adverse environmental impact on the living conditions of the occupiers of Kites Croft in terms of noise.
- 8.55 Finally, in the absence of the appropriate ecology surveys, it has not been demonstrated that the proposal would not have a harmful impact on protected species.
- 8.56 The above issues have been raised with the applicant during the course of the application, however, in the absence of any details to address the above concerns, the proposal is considered to be contrary to policies DS1, D2, NE1 and TIN2 of the Fareham Local Plan 2037 and not capable of Officer support.

## **9.0 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION for the following reasons:**

The proposed development is contrary to policies DS1, D2, NE1 and TIN2 of the Fareham Local Plan 2037 and is unacceptable in that:

- a) The proposal represents new development outside of the urban area for which there is no demonstrable requirement;
- b) The proposal would have an unacceptable adverse impact on the living conditions of neighbouring residential properties;
- c) By virtue of the lack of suitable visibility splays, absence of safe pedestrian access and insufficient information relating to vehicle and pedestrian movements, the proposal would have an unacceptable impact on the safety and convenience of users of the highway;
- d) Inadequate survey information has been submitted in order for the Local Planning Authority to conclude that the development would protect and enhance protected species;
- e) In the absence of a surface water drainage strategy, insufficient information has submitted in order for the Local Planning Authority to conclude that surface water runoff would be adequately managed within the site and would not have a harmful impact on the safety and convenience of users of the highway.

## **10.0 Notes for Information**

None.

## **11.0 Background Papers**

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# Land Opposite Titchfield Festival Theatre St Margaret's Lane, Titchfield

