

OFFICER REPORT FOR COMMITTEE

DATE: 21/08/2019

P/19/0510/FP
TITCHFIELD FESTIVAL THEATRE

TITCHFIELD
AGENT: SOUTHERN PLANNING
PRACTICE

REAR, SIDE & ROOF EXTENSIONS, CHANGE OF USE OF STORAGE AREA TO
567 SEATED THEATRE AND INDUSTRIAL UNIT TO ANCILLARY BACK STAGE &
CHANGING ROOMS

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

Report By

Kim Hayler – direct dial 01329 824815

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of representations received.

2.0 Site Description

2.1 The site lies on the north eastern side of St Margarets Lane outside of the urban settlement boundary within the Meon Valley Strategic Gap.

2.2 St Margaret's Lane is a semi-rural Lane with a mix of residential, commercial and agricultural uses in the vicinity.

2.3 The building was historically a former factory. The factory space was subdivided, including external alterations to provide an auditorium, rehearsal rooms, offices and ancillary theatrical functions.

2.4 At present the building comprises two theatres, one accommodating 200 seats and the other 100 seats. The rear part of the building is used for warehousing and offices.

2.5 The submitted plans show 28 off street parking spaces to the south of the building.

3.0 Description of Proposal

3.1 The proposal involves a number of elements:

3.2 A new entrance on the northern side of the building to serve the new theatre. The existing entrance from St Margarets Lane will serve the two existing theatres;

- 3.3 Provision of a 567 seat theatre within the rear storage area and increase the height of the building;
- 3.4 Extend the building to the rear to link to the warehouse unit. The link would enable the warehouse to be used as a back stage and build area together with changing rooms. It would also house community based groups;
- 3.5 External cladding to match the new oak frontage with a modern style and photovoltaics to the roof;
- 3.6 There are 28 existing parking spaces on the site and the applicant has an agreement with the local Holiday Inn and the local garden centres. There are also spaces available at the Great Barn in Mill Lane and the applicant has purchased a 16 seat electric mini bus, with the potential to acquire a further three to be used to provide a shuttle to drop and pick patrons up.

4.0 *Policies*

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5 Transport Strategy and Infrastructure

CS6 The Development Strategy

CS11 Development in Portchester, Stubbington & Hill Head and Titchfield

CS14 Development Outside Settlements

CS15 Sustainable Development and Climate Change

CS17 High Quality Design

CS22 Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1 Sustainable development

DSP2 Environmental Impact

DSP3 Impact on Living Conditions

DSP6 The Development Strategy

DSP8 New Leisure and Recreation Development Outside of the Defined Urban Settlement Boundaries

Other Documents:

Fareham Borough Non-Residential Parking Standards Supplementary Planning Document

5.0 *Relevant Planning History*

- 5.1 The following planning history is relevant:

**P/17/1024/FP
APPROVE**

Mansard roof and alterations to front elevation
26 September 2017

P/12/0050/CU

**Temporary
permission**

Retrospective application for continued use of unit A for D2 and theatre purposes and unit B for storage use
Appeal lodged against temporary permission – allowed with restrictive conditions 20 February 2013

6.0 Representations

6.1 Fourteen objections have been received. These objections are predominantly from residents nearby to the site and raise the following concerns:

- What arrangements are being made for the increase in parking demand?
- The theatre already struggles for its attendees to park on theatre nights;
- The lane is frequently turned into a single-track lane;
- Attendees park on the only stretch of pavement and block entrances to fields and houses;
- This is not a suitable location for such a large theatre;
- Residents are able to hear music coming from the existing theatre and people leaving during evenings;
- The theatre does not have the capability or even the willingness to manage the existing theatre;
- A development of this type should be supported by either a large car park or where public transport is provided;
- The design of the building and its height is imposing and ugly and out of place;
- Over-development of the site;
- Where will people wait for mini busses – potential noise and disturbance issues;
- Mini buses are unrealistic;
- The nursery closes its gate at 5 pm so how will their car park be used?
- Are The Holiday Inn realistically giving up, up to 130 spaces?
- The existing car park is not managed;
- No provision has been made in the submitted parking calculations for cast members, administration, front of house and production staff;
- There are not 50 spaces on the site as stated;
- If cars park at the Barn in Mill Lane, you would need 32 mini bus trips (four x sixteen seat mini buses as proposed) with the service commencing at 6.30 pm – this is not realistic;
- Whilst the plans are a good idea, the infrastructure is a problem; the car parking situation is not satisfactory as it is;

- Is there a need for such a large facility? The existing Oak Theatre is rarely full; patrons want to park close to the facility, the lane will be gridlocked; The Holiday Inn does not guarantee spaces;
- We feel sorry for the local residents.

6.2 The Fareham Society commented as follows:

- The present Theatre is already large for such a small site;
- The site is not sustainable, lacks good pedestrian access and most patrons are car-borne;
- The current parking situation is far from satisfactory; to increase the size of the Theatre would only exacerbate existing highway and traffic problems;
- Proposals to cater for future parking do not seem guaranteed or backed by legal agreements, nor are they well located for the safety and convenience of patrons;
- It is acknowledged that the Theatre has a loyal following and makes a good contribution to the art and entertainments scene in the Borough, however it should conform to the local planning and highway requirements as would any other enterprise or business.

6.3 One comment has been received stating the theatre is a good facility, however parking is a problem and the use of mini buses would add to the running cost of the theatre and is inconvenient for theatre goers.

6.4 Twenty seven representations have been received supporting the proposal.

7.0 Consultations

EXTERNAL

7.1 Highways (Hampshire County Council)

7.2 The submitted information indicates that the previous planning permission provided a parking quantum less than the existing standards. It is noted that local residents have raised issues of indiscriminate parking on St Margarets Lane as a result of the site operation which would be exacerbated by an increase in scale and intensity.

7.3 The applicant states the Holiday Inn can provide up to 130 spaces. However, a significant proportion of these spaces will be occupied during evening/night hours, which would coincide with the activity of the proposed site. The assumption that there are 130 available spaces is therefore not realistic.

- 7.4 Other locations have been indicated as having available parking, but no details of these sites or guarantees of quantum have been submitted.
- 7.5 The site will likely generate an increase in traffic due to the additional seating, and as the site is not in a sustainable location, mitigation would be required to offset this impact on the local highway network.
- 7.6 Having regards to the above, the applicant has not satisfactorily demonstrated that the proposed development will not have a negative impact on the local road network. There are acknowledged parking issues related to the site which restrict the use of St Margarets Lane and the associated footpaths, to the detriment of safety of highway users and pedestrians. The applicant should provide a more realistic assessment of available parking spaces (via appropriate parking surveys), provide more information of offsite parking (including the minimum available spaces at any given time) and a strategy to prevent on street parking on St Margarets Lane during theatre productions.
- 7.7 Until the above has been submitted, the Highway Authority would object to the proposals on grounds of insufficient parking resulting in a detriment of safety to other highway users.
- 7.8 INTERNAL
- 7.9 **Noise (Environmental Health)**
- 7.10 The acoustic report focuses on the impact of noise from theatre productions inside the new theatre only. Whilst noise generated from theatre productions is a concern another issue that the report does not adequately address is noise from patrons when leaving the venue. The increase in theatre capacity will result in significant increase in noise from patrons. The applicant should submit an acoustic assessment that adequately addresses this area. Specifically the acoustic assessment should take into account:
- I understand that the theatre intend to hold patrons inside the lobby when waiting for shuttle buses. On summer evenings unless the lobby is air conditioned the management of the theatre may have to open doors and windows to provide ventilation which will result in noise leaking from the building envelope. There will also be noise leakage when patrons open the door to exit the building;
 - The closest noise sensitive receptor to be impacted by noise from patrons would appear to be Heisei Acre, PO14 4BL;

- The impact of noise from the shuttle buses should also be included in the assessment.

7.11 Regarding noise from performances at the new theatre two important points that are stated in the assessment are that no amplified music will be played and that shows will run no later than 22:30hours. The management of the theatre should ensure that the ongoing operation of the theatre reflects these statements.

7.12 The acoustic reports states that the building façade (walls and roof) will achieve a noise reduction levels of 50 dBA, however the exact details of the acoustic mitigation for the building envelope have not been submitted. The applicant should submit exact details of the proposed acoustic insulation measures with a statement confirming how a noise reduction of 50 dBA will be is achieved.

8.0 Planning Considerations

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

- a) Relevant planning history;
- b) Principle of development;
- c) Character and appearance of the area;
- d) Impact on neighbouring properties;
- e) Highways;
- f) Conclusion.

a) Relevant planning history

8.2 Temporary planning permission was granted for one year in May 2012 for the change of use of unit A for D2 theatre purposes (210 seats). The applicant lodged an appeal against the temporary permission which was subsequently allowed. The 210 seats generated a need for 42 parking spaces; the site was able to accommodate 30 cars. The Inspector considered with parking management in place this shortfall could be accommodated at alternative premises where the applicant had made arrangements or in other parts of the village.

8.3 The Inspector also considered the impact on the living conditions of occupiers of neighbouring properties. He considered any disturbance would be mitigated by the limited number of cars accommodated and by the restricted opening hours and performance days.

8.4 The Inspector allowed the appeal with a number of restrictive conditions:

- Parking Management Plan
- Ensure identified overflow parking is available;
- Use restricted to Titchfield Festival Theatre;
- Unit A hours of operation 0900 – 2300 Monday to Saturday, 1000 – 2200 Sundays and Bank Holidays on a total of 140 days/nights per annum, sound proofing/attenuation;
- Unit B hours of operation 0800 – 1800 Monday to Friday and 0900 – 1300 hours Saturday and not at all on Sundays and bank holidays.

b) Principle of development

8.5 At the heart of government planning policy is the 'presumption in favour of sustainable development.' The site lies outside of the urban settlement boundary, accessed via a rural lane, with difficult accessibility and is located some distance from public transport services. In light of this, the site is not considered to be sustainably located in planning terms and does not comply with Policy CS15 of the Adopted Core Strategy.

8.6 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.

8.7 The proposed theatre is considered to be a main Town Centre use and should be located within the Town Centre or District Centres.

8.8 Policy DSP8 of the Local Plan Part 2 states:

'Proposals for leisure and recreation development outside of the defined urban settlement boundaries will be permitted, where they do not have an unacceptable adverse impact on the strategic and/or local road network and; for main town centre uses:

- I. They meet the requirements of a sequential test; and*
- II. Subject to their scale, they meet the requirement of an impact assessment.*

Proposals should have particular regard to the requirements of the Core Strategy Policy CS14: Development Outside Settlements, and Core Strategy Policy CS6: The Development Strategy. 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.'

8.9 Sequential test and impact assessment

Paragraphs 86 – 90 of the NPPF states:

'Local Planning Authorities should apply a sequential test to planning applications for main town centre use which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. The impact assessment should include an assessment of:

- I. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- II. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations, it should be refused'.

- 8.10 The applicant has submitted a sequential test, considering whether there are any suitable sites in an established centre or edge of centre location that are available now and can meet the same market and locational requirements to provide the space needed for the scheme proposed. The applicant has

concluded there are only two main theatres, The Ashcroft and Ferneham Hall, the latter to close for refurbishment and there are no theatres to the west of the Borough, the nearest being in Hedge End, Berry Theatre.

- 8.11 The applicant has highlighted there are numerous new houses proposed within the Western Wards and Whiteley. There are no late night buses from the western wards or Whiteley to Fareham centre to enable usage of The Ashcroft and Ferneham Hall . In light of this they say there is a need for a theatre venue in the proposal area.
- 8.12 The sequential test identified there are no suitable, available or viable alternative sites that could be considered sequentially preferable to the proposed development and as two theatres already existing on the site it would not make commercial sense to split the theatres across two sites.
- 8.13 The Council's locally set threshold for an impact assessment is 500 metres square. No impact assessment has been submitted with the application.
- 8.14 Notwithstanding the conclusion of the applicant's sequential test, the proposal conflicts with Policy DSP8 of the Local Plan Part 2 in that due to its unsustainable location it would have an unacceptable adverse impact on the local road network (set out in detail below) and in the absence of an impact assessment it has not been demonstrated that the proposal would not adversely impact upon similar existing, committed and planned leisure facilities in the Town Centre.
- 8.15 Furthermore, it is considered the development would have an unacceptable impact on the amenity of residents and a detrimental impact on the character and landscape of the surrounding area. These matters are discussed in detail below.

c) Character and appearance of the area

- 8.16 Policy CS14 of the Core Strategy states that development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.
- 8.17 Policy CS17 states that all development should respond positively to and be respectful of the key characteristics of the area, including landscape, scale, form, spaciousness and use of external materials.

- 8.18 Policy CS22 states that development proposal will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.
- 8.19 The application involves the conversion of an existing commercial building sited in the countryside and Meon Valley Strategic Gap, however the proposal does involve a number of extensions and alterations to the building which have to be considered in relation to the above policies.
- 8.20 The existing building on the St Margaret's Lane frontage is two storey with accommodation within the roof space. This building measures 8.6 metres high and is relatively narrow. The building attached to the rear extends east with a shallow pitched roof measuring 6.5 metre high. Beyond this building is a detached commercial building with a pitched and flat roof, its maximum height measuring 6.8 metres. Levels fall gradually from the Lane through into the rear of the site by approximately 3.5 metres.
- 8.21 The proposed extensions include connecting the current building used by the theatre to the detached commercial unit at the rear. A new upper floor and roof would add a further 4 metres in height to part of this building. The rearmost commercial building would be extended, squaring the unit off and forming a flat roof.
- 8.22 A lobby area is proposed to the northern side of the building set back from the front elevation by 24 metres.
- 8.23 The external elevations would be clad, incorporating vertical posts and infill panels, together with glazed panels.
- 8.24 The extended building would be visually prominent when viewed from St Margaret's Lane and from the A27 to the north east. Part of the extended building would measure some 11 metres high, 24.5 metres long and 34 metres wide. The scale and mass of the resultant building would adversely affect the landscape character and appearance of this countryside location. The proposal would significantly affect the integrity of the strategic gap and the proposed design and external materials do not respond to the immediate area, detrimental to the landscape character and visual amenities of the area.
- 8.25 Officers consider the proposal conflicts with Policy CS14, CS17 and CS22 of the Local Plan Part 2.

d) Impact on neighbouring properties

- 8.26 Policy DSP2 of the Local Plan Part 2 states:

'Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution.'

- 8.27 There are dwellings in the vicinity of the site, the nearest of which are diagonally opposite. In this location, it is likely that the departure of patrons at the end of the performance would create some disturbance, particularly if they are waiting for transport. The comments received from a number of residents highlight issues relating to noise and disturbance late at night from the existing facility. The proposal involves a much larger facility with a larger number of patrons.
- 8.28 A lobby area is proposed on the northern side of the building; it is intended to use this as a holding area while patrons wait for transport. The applicant is proposing to purchase a number of electric mini buses which would pick up and drop off outside of the building. It is understood performances will run up to 22.30 hours, leading to patrons leaving after this time, and in practice a large number would be waiting for transport. In practical terms, preventing noise and disturbance would be difficult to manage with the potential to result in noise and disturbance to neighbouring occupiers of neighbouring properties.
- 8.29 When the Planning Inspector considered the previous appeal (P/12/0050/CU) which was for a much smaller theatre (210 seats), he concluded any disturbance from patrons coming and going from the theatre would be mitigated by the limited number of cars accommodated and by the restricted opening hours and performance days.
- 8.30 This proposal would result in a much larger facility with unrestricted performance days and the applicant has confirmed the facility would be let out to third parties, not restricted to just TFT.
- 8.31 The Council's Environmental Health Officer has also raised concerns relating to noise from within the proposed theatre. Notwithstanding the fact that the applicant has stated there will be no amplified music and shows will run no later than 22:30hour, the acoustic report submitted with the application has not provided details of the proposed acoustic insulation measures for the building.
- 8.32 The proposal conflicts with Policy DSP2 of the Local Plan Part 2 and is unacceptable in that the increase in theatre capacity will result in significant increase in noise from patrons arriving and leaving the building detrimental to

the living conditions of the occupiers of the neighbouring residential properties. Furthermore, in the absence of details of acoustic insulation measures for the building officers consider noise emanating from the building will materially harm the living conditions of the neighbouring residential properties.

e) Highways

- 8.33 Policy CS5 of the Council's Core Strategy requires that new development does not adversely affect the safety and operation of the road system and that appropriate parking should be provided to take account of the accessibility and context of the scheme.
- 8.34 Policy CS17 states that all development should provide appropriate parking for intended uses taking account of the accessibility and context of a development.
- 8.35 There are no parking controls in this part of St Margarets Lane, and the road is relatively narrow, with a single pavement to the north of the site, and elsewhere a narrow verge. There is the potential for parked cars to obstruct both the road and footpath, to the detriment of highway and pedestrian safety, especially as there is a long bend in the vicinity of the site which restricts forward visibility. Indiscriminate parking in the Lane by patrons of the existing theatre has been raised by a number of objectors.
- 8.36 The application refers to Hampshire County Council Parking Standards (2002) however these standards were withdrawn in 2011. The Council's Non-Residential Parking Standards Supplementary Planning Document would apply. Essentially the guidance is based upon the HCC figures with scope for departures from standard figures in cases where development is sited in the Fareham Town Centre and other local centres. In this case the site is in a semi-rural area with no direct public transport links.
- 8.37 The parking standard is one space per five seats. The existing facility would require 60 spaces; the proposal would generate a need for an additional 114 spaces.
- 8.38 The site can accommodate approximately 35 spaces. The applicant states the TFT has an agreement with the Holiday Inn, on the other side of the A27 St Margaret's roundabout to provide up to 130 spaces. However, The Holiday Inn General Manager and Area Manager have both confirmed to officers they could not offer 130 spaces as this would cause issues with hotel residents and visitors needing to park. The Hotel has 130 bedrooms and 180 car

parking spaces in total. The TFT currently have an arrangement with The Holiday Inn for patrons to park in the car park; normally only a few cars take up this facility when there is a show. Access to and from this car park by pedestrians is not easy; having to walk along an unlit lane and crossing two arms of the busy A27 dual carriageway.

- 8.39 The applicant also states TFT have an arrangement to use the St Margarets Nursery car park opposite the site which can accommodate 35 cars. Officers have spoken with the nursery and this facility is being considered on a trial basis only. At the time of writing this report there was no formal agreement in place.
- 8.40 The applicant has suggested that the parking area at the Great Barn, Mill Lane, Titchfield could be used for parking, with electric mini buses providing a park and ride. Furthermore the public car park at Barrys Meadow and Mill Lane Recreation Ground have both been highlighted by the applicant as potential parking for theatre goers.
- 8.41 Local residents have raised concerns regarding parking on St. Margaret's Lane and causing damage to the highway verge on theatre nights. Parking is an important issue for consideration and the application fails to provide a robust assessment.
- 8.42 Whilst the submitted Transport Assessment mentions various off-site locations and states the available parking, there is no evidence submitted detailing that this is the case, nor any surveys or related evidence that the quoted parking is available during theatre hours or that the other providers would be willing to secure the provision in a legal agreement.
- 8.43 In light of the lack of evidence submitted, including car parking plans and the fact that none of the off site parking falls within the planning application site, the proposal does not adequately address the required car parking provision.
- 8.44 The development would be contrary to Policy CS5 and CS17 and is unacceptable in that the proposal would result in inadequate provision of accessible available parking spaces resulting in unacceptable harm to the safety and convenience of users of the highway.

f) Conclusion

- 8.45 The proposal relates to development in an unsustainable location and would have an unacceptable adverse impact on the local road network. In the absence of an impact assessment it is considered the proposal would impact

on similar existing, committed and planned leisure facilities in the Town Centre.

- 8.46 The increase in theatre capacity will result in significant increase in noise from patrons arriving and leaving the building detrimental to the living conditions of the occupiers of the neighbouring residential properties. Furthermore, in the absence of details of acoustic insulation measures for the building officers consider noise emanating from the building will materially harm the living conditions of the neighbouring residential properties.
- 8.47 The proposal would result in inadequate provision of accessible available parking spaces resulting in unacceptable harm to the safety and convenience of users of the highway.
- 8.48 The scale and mass of the resultant building would adversely affect the landscape character and appearance of this countryside location. The proposal would significantly affect the integrity of the Meon Valley Strategic Gap. Furthermore, the proposed design and external materials do not respond to the immediate area, detrimental to the landscape character and visual amenities of the area.
- 8.49 Having considered all relevant material planning matters including the number of representations in support of the proposals, Officers consider the development to be contrary to a number of adopted local plan policies and as a result of the harm caused Officers recommend that the application be refused.

9.0 Recommendation

9.1 REFUSE:

9.2 The development is contrary to Policies CS5, CS14, CS15, CS17 and Cs22 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 relates to development in an unsustainable location and would have an unacceptable adverse impact on the local road network;
- ii. The increase in theatre capacity will result in significant increase in noise from patrons arriving and leaving the building detrimental to the living conditions of the occupiers of the neighbouring residential properties. Furthermore, in the absence of details of acoustic insulation measures for the building officers consider noise emanating from the building will

materially harm the living conditions of the neighbouring residential properties;

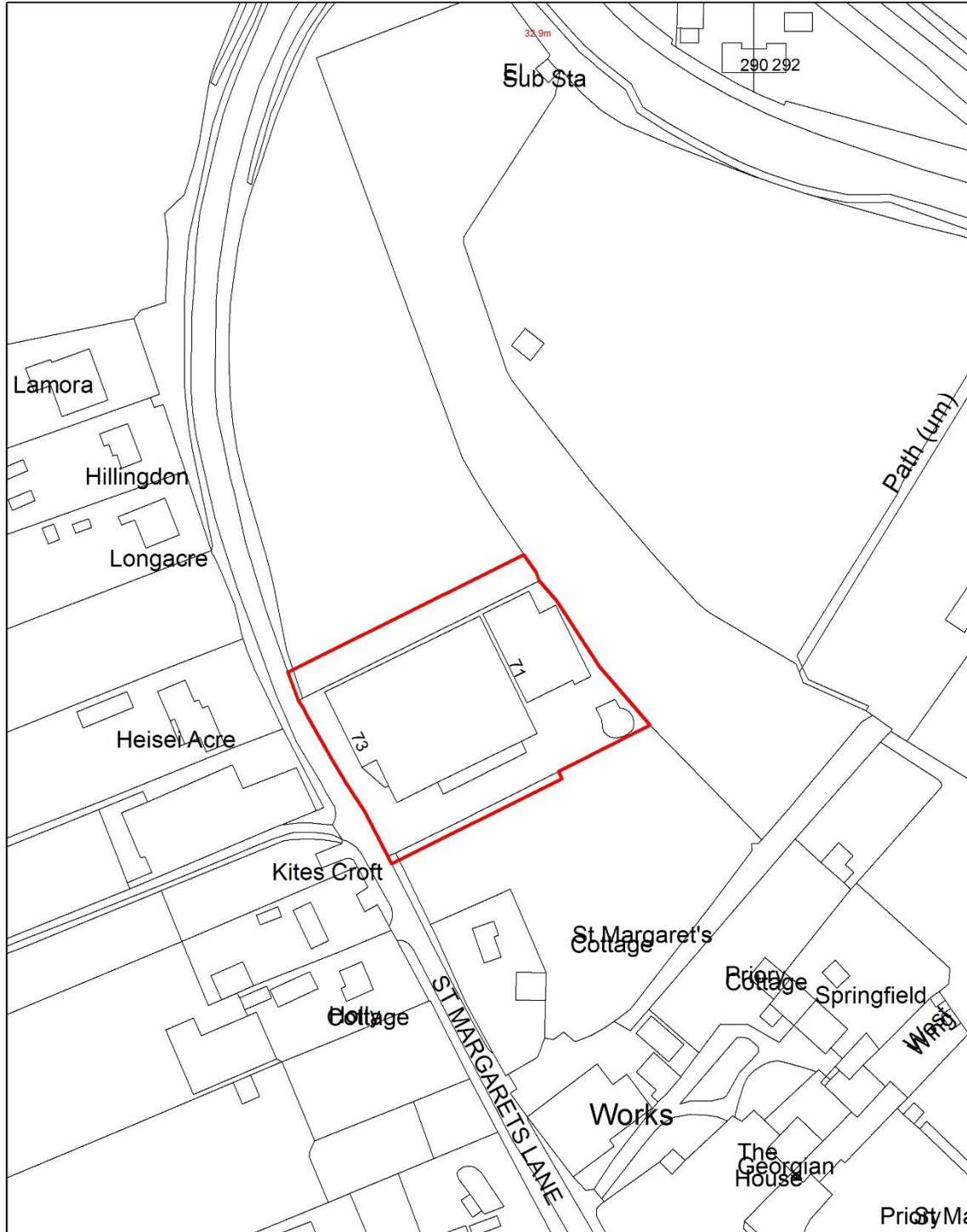
- iii. The proposal would result in inadequate provision of accessible available parking spaces resulting in unacceptable harm to the safety and convenience of users of the highway;
- iv. The scale and mass of the resultant building would adversely affect the landscape character and appearance of this countryside location. The proposal would significantly affect the integrity of the Meon Valley Strategic Gap. Furthermore, the proposed design and external materials do not respond to the immediate area, detrimental to the landscape character and visual amenities of the area;
- v. Had it not been for the overriding reasons for refusal, an impact assessment would have been required to demonstrate that the proposal would not have an adverse impact on existing, committed and planned leisure facilities in the Town Centre and other local and district centres.

9.3 The decision relates to the following drawings/documents:

Existing site plan – 01
Existing ground floor – 02
Existing first floor – 03
Existing second floor – 04
Existing elevations – 05
Proposed site plan – 06
Proposed ground floor plan – 07 rev A
Proposed first floor plan – 08 rev A
Proposed second floor plan – 09 rev A
Proposed roof plan – 10 rev A
Proposed elevations – 11 rev A
Proposed sections – 12 rev A

FAREHAM

BOROUGH COUNCIL



71-73 St Margarets Lane
Fareham
Scale 1:1,250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2019