

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 174 APPEAL

Land at 71-73 St Margarets Lane, Fareham, Hants, PO14

APPEAL by **Mr K Fraser** of Titchfield Festival Theatre against the decision of **Fareham Borough Council** to issue an enforcement notice alleging, without planning permission: (a) the material change of use of the Land to theatre use (sui generis); and (b) an engineering operation to excavate and create an underground area beneath the Land;

Planning Inspectorate Reference:

APP/A1720/C/23/3336046

Local Authority's Reference:

ENF/26/23

REBUTTAL EVIDENCE OF KEVIN FRASER

May 2024

1. I am Kevin Fraser and I have made a statutory declaration in relation to this enforcement matter dated 2 April 2024.
2. This statement is made to explain what main changes Titchfield Theatre Trust 'TFT' would carry out if the area which was formally Unit B had lawful use rights and the Enforcement Notice appeal resulted in the area which was formally unit C (and the formerly intervening strip of land) could no longer be used as part of the Arden Theatre.
3. I am not qualified in town and country planning but I understand this is known as the fallback development.
4. This statement deals primarily with this issue given the very short time before the inquiry starts and the short time I have had the Council's proofs.
5. I have considered whether we could continue to have a third theatre on the premises if we could not use Unit C. There is a red steel beam which marks the former eastern wall of unit B. Given that we would want to maximise use of our space which has been in theatre use since we moved in in late 2010, we would reduce the Arden in size. We would erect a wall or a heavy curtain to separate Area C from former Unit B.
6. It would be viable to reconfigure the space in former unit B to make a smaller theatre. I have estimated that we could have 341 seats and a good-sized stage. We can manage without access to or use of some or all of the basement/pit area (subject to maintaining the water drainage system down there). We can also manage to run the reduced-size Arden without needing the unit C rehearsal spaces/offices/dressing rooms etc.
7. We would be able to have unlimited numbers of performances in the reduced-sized Arden theatre as there is no planning condition to restrict the number of performances. The condition on the 2013 planning permission controls only performances that are in Unit A where the Oak and Acorn theatres are situated. We would also be able to have performances going on concurrently with either Oak and Arden, or Acorn and Arden.
8. I can confirm that TFT would carry out these changes as we would want to make the best use of the space.
9. I have found a reference in our records to the wall going up so that our one building became two (units A and B). In fact Welbro did the work for us and the invoice is dated 25 October 2012. I can confirm that the wall always had two internal openings/double doors allowing free access between units A and B. We continued to spread our activities over units A and B after the dividing wall was erected.
10. I can confirm that if TFT was successful with its ground (a) appeal it would be content for the number of performances per year the Arden to be no more than 102. That would mean that TFT could continue to have up to 140 performances per year in Unit A. That would be up to 242 performances which is less than two thirds of a year.

11. I can also confirm that a ground (a) planning condition could prevent TFT having concurrent performances in Arden + Oak or Arden + Acorn.
12. TFT is also content to add sound insulation to the roof and to install some acoustic fencing.
13. I have noted that there is an error in paragraph 9 of my statutory declaration which refers to the Acorn theatre when it should say the Oak theatre.



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Signed by Kevin Fraser

Dated 8th May 2024