

DELEGATED OFFICER REPORT

Application Ref: F/24/98504

Site Address: Land Adjacent to 87 High Street, West End, SO30 3DS

Case Officer: Gary Osmond

Description: Change of use of existing land to a mobile tyre fitting business (sui generis)

Particular Site Constraints?	Yes ☒	No ☐
- Within the urban edge - Within designated local centre		

Planning History?	Yes ☒	No ☐
F/21/89621 – Construction of 2no. detached dwellings, both with 3no. bedrooms and associated works following demolition of existing garages plus new access onto High Street – Refused May 2021		
F/17/80280 – Construction of 2no. two bedroom and 2no. three bedroom flats over two floors with undercroft parking, bin and cycle storage and new access onto High Street – Approved Nov 2017 (not implemented)		
F/16/79636 – Construction of 2no. two bedroom, 1no. one bedroom and 1no. three bedroom flats over two floors with undercroft parking and associated bin and cycle storage and amenity space – Withdrawn Jan 2017		
F/08/62796 – Erection of two storey office block with associated parking and pedestrian access, following demolition of existing garages – Approved Jul 2008 (not implemented)		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	A total of 15 representations have been received all either objecting to the application or raising concerns for the following reasons: - Not a suitable location for such a use - Increased traffic and congestion - Overflow parking - Blocking of access - Pedestrian safety - Highway safety - Impact upon neighbouring businesses - Air quality - Noise, dust and disturbance - Neighbouring properties have a right of access across the land, and to park vehicles, and store bins - There are already local tyre fitting businesses nearby		
West End Parish Council:	No Comment/No Objection		
Environmental Health (Noise):	The Design and Access Statement submitted, NP Planning refers to Environmental Considerations but makes no comment regarding Noise Impact. The site is surround by residential properties [Westwood Court directly opposite, adjacent flats above the shops to the High Street and bungalows with gardens to the rear] there is no reference to noise impact at Noise Sensitive Receptors [NSR].		

	To progress the application a Noise Assessment by a competent acoustic consultant should be submitted under BS 4142 [mobile plant from a premises] to show impacts at the NSR. Alternatively, should the hours of operation be limited to the working day a Noise Management Plan may be sufficient, although measurements will still have to be taken with penalties assessed for intermittent and impulsive noise to show no impacts at the NSR.						
Environmental Health (Pollution):	No objection in relation to contaminated land, given minimal ground disturbance proposed. However, further information in relation to traffic impact upon local air quality from exhaust emissions and dust on the surface of the site is required.						
Hampshire Highways:	In regard to application F/24/98504, having reviewed the information contained within the application pack, there would be a holding objection made against the proposals subject to further information and clarification being received, as outlined below. The application description outlines that the proposals are for a 'mobile' tyre fitting service, and as such it would be anticipated that the site would be used for staff parking, mobile fitting van parking (when not in use), and the storage of associated materials and equipment. There would be no objection in principle to such a use. However, within the submitted Design & Access statement, it outlines how the site will have customer facilities such as an 'Operational Area' which will provide a 'designated operational area within the vacant land site' which 'will be clearly marked, ensuring safety and efficient workflow. A retractable awning or a timber framed shelter will be installed to provide shelter for both workers and customers'. Clearly such a facility suggests that the proposed use will not be exclusively 'mobile' and that the site will in itself generate a level of public trips. Details of the anticipated trip numbers are therefore required to assess the impacts of the use on the highway, with estimated customer and staff numbers to be provided. Additionally, details as to how the site will be managed to ensure adequate parking space is afforded to ensure no off-site overspill parking takes place is required, and should cover secondary elements such as customer vehicle drop offs in the morning with a pick up in the afternoon, a is common practice for such uses. It is also noted that the surface of the site appears to be loose gravel / mud, and should an intensification of use occur, the ground will need to be formally surfaced of a bound material to ensure no dirt or debris is tracked onto the adjacent highway. If the additional information can be provided, then a re-assessment of the application can be undertaken accordingly.						
<table border="1"> <tr> <td>Site Visit:</td> <td>Yes ☒</td> <td>No ☐</td> </tr> <tr> <td colspan="3">Details: 21/01/2025 – See separate photographs</td> </tr> </table>		Site Visit:	Yes ☒	No ☐	Details: 21/01/2025 – See separate photographs		
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Policy:**National Planning Policy Framework
Planning Practice Guidance****Development Plan:**

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM6, DM8, DM11, DM13, DM14 and DM22.

Supplementary Planning Documents:

Quality Places; Character Area Appraisals.

Assessment:**Site Context:**

The application site is a small block of disused garages and associated gravel parking area, accessed via layby parking adjacent to the High Street. The northern and eastern boundaries are dominated by retaining walls, with the two storey flank wall of the neighbouring building being the predominant feature of the western boundary. The only open boundary is to the south and onto High Street.

It is presumed that the garages were originally built to serve the neighbouring shops and flats to the west of the site but were sold off a number of years ago and have remained out of use since. During which time they have fallen into a state of disrepair, with the site becoming somewhat of an eyesore.

The site sits towards the eastern end of the commercial section of High Street, which itself has a range of commercial and retail uses, as well as residential dwellings and flats. Opposite the site to the south is Westwood Court, a relatively recent flatted development, with its own parking. To the north is Severn Way, a cul-de-sac of detached bungalows on higher ground. To the east is the former telephone exchange which is now used as a hair dressers and beauty salon and to the west is a parade of shops including a convenience store, most of which have flats above.

The application site itself is relatively flat and level with no real planting or trees. However, while fairly flat it is cut into the natural topography in the immediate area which slopes steeply down in a westerly direction. The south-western corner and western edge of the site are the only points where it is level with High Street, with the flank wall of the neighbouring building forming the boundary. The northern boundary, which backs onto the rear boundaries of properties in Severn Way, has a ground level around 3.5 metres higher and is marked by a retaining wall with 1.8 metre high close board fence above. The eastern boundary adjacent to the former telephone exchange is approximately 3.0 – 3.5 metres higher and again marked by a retaining wall. The southern boundary onto High Street is marked by a brick retaining wall with the pavement rising by around 2.5 metres across the site frontage following the natural topography of the area.

Proposals:

The application seeks consent to use the site as a “mobile tyre fitting service”, which would imply that the site is to be used simply as a base from which a mobile van would travel out to customers. However, this was not clear from the initial submitted supporting information. As such, further clarification as to a number of matters was sought.

The response to these queries highlighted that it was in fact the intention to use the site as the place at which tyres would be fitted, albeit all the necessary tools and equipment would be housed in a van which can, when necessary, travel to customers. This would mean that customers would attend the site in person to have old tyres removed and new tyres fitted. In reality therefore, what is being applied for is a change of use of the site to be used for tyre fitting and ancillary operations.

Physically there would be minimal changes to the site, the most noticeable being the erection of a fixed canopy to provide shelter when jacking up and working on vehicles. The existing four lock-up garages would be retained and used for storage of new and used tyres. No details in terms of whether the existing gravel surfacing would be improved, or what is proposed in terms of site drainage have been provided.

Policy & Principle:

The application site lies within the urban edge where the basic principle of development is considered to be acceptable. However, any formal planning approval is dependent upon how well that proposed is considered to accord with the relevant policies of the adopted Local Plan and Supplementary Planning Documents. In this instance the most relevant policies are considered to be Policies DM1, DM8, DM13, DM14 and DM22.

Policy DM1 requires any new development to be of a high-quality design which takes appropriate account of the context of the site and that of the surrounding area. It also ensures that the amenity of neighbouring occupiers and uses is not adversely impacted by that proposed, or that appropriate mitigation measures are included in order to minimise harm. There is also a requirement to ensure that trees and other natural features are protected or replaced appropriately.

Policy DM8 relates to pollution, including noise, vibration, odour, light, air quality, land contamination, and water pollution. This states that "Development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts".

Policy DM13 relates to various transport matters, including the need for all new development to have safe and convenient access to the highway network and be accessible via various means of sustainable transport. There is also a requirement to "not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network", and where necessary to contribute to off-site transport improvements.

Policy DM14 relates to vehicle parking and sets out how parking provision requirements will be assessed depending upon the proposed use, its scale, and location. Part 3 of the policy states that "Within town, district and local centres and in neighbourhood parades, parking needs will be assessed in relation to wider needs within the centre/parade. Where existing provision is inadequate, the provision of additional parking may be permitted subject to a financial contribution towards measures to assist on-street parking management, public transport, cycling and walking."

As the site lies at the eastern end of the designated West End Local Centre, Policy DM22 is relevant. This policy states that, "Within the ground floor of the core shopping zone, primary and secondary shopping frontages of Eastleigh town centre and the district centres and frontages of the local centres and neighbourhood parades, as defined on the policies map, a change of use or redevelopment involving the loss of a Class E use, community or leisure/cultural uses under Classes E and F; or sui generis uses including pubs, drinking establishments and hot food takeaways; must demonstrate that: a. the new use retains an active ground floor frontage; b. it does not adversely affect amenity of an area or the appearance of the frontage; and c. it does not have a negative impact on the provision of services or on the sustainability of a key shopping area."

The proposed use, whether as a mobile tyre fitting base or a place where the fitting is undertaken, would not be a use which would fall within any of the above uses deemed appropriate for the local centre. However, it is acknowledged that the current site equally does not fall within any of these 'appropriate' uses. As such, use of the site for the proposed purpose would not result in the loss of any of these usual high street uses. Theoretically, use of the site as a tyre fitting service could be acceptable. Indeed, a few doors down from the site is a long-established car dealer. In terms of Policy DM22 therefore, whilst it would provide an 'active' ground floor frontage, meeting part 1.a. of the policy, there are concerns in relation to parts 1.b. & 1.c.

Layout, Form, Scale & Design:

Proposed physical alterations to the site would be minimal, with the only significant feature being the erection of a canopy which would be positioned in the middle of the site. It is presumed that this would be a permanent structure, which at 4.0 metre high would be getting on for twice the height of the existing garage block. Its proposed position in the middle of the site seems impractical, as it limits space around the remainder of the site for manoeuvring and parking vehicles.

Other layout concerns are that it does not appear space has been reserved for parking of neighbouring properties' vehicles or bins, which according to the responses received, these properties have a right to use the site. Whilst it is acknowledged that these are civil matters between the relevant parties, it does have potential to impact the amenity of occupiers, as well as displace parking and bin storage onto the street and footway, which would not be acceptable.

The existing garage block would be retained and presumably used for storage. However, it is not entirely clear from the information submitted.

Street Scene & Area Character:

The site's existing appearance does little to enhance the street scene, and there is certainly scope for visual improvements. However, it is not considered that the proposed use would help in this regard. Such a use will result in vehicles parked across the site, the large unsightly canopy, and potentially external storage of used tyres. Whilst conditions could be imposed to require all tyres to be stored within the garages, in reality this would prove hard to enforce.

In terms of the general character of the locality, the proposed use is not something that would usually be deemed appropriate for a high street. This is not to say that such a use could not be located in such a locality, particularly given the presence of the car dealership further down the road. However, this existing dealership is generally well run and has the sales showroom facing the high street, with workshops being to the rear out of public view. This would not be the case for that proposed, where activities would be open for all to view from the public realm. If well managed, it may be that no issues would result. However, based on the quality of that submitted in support of the application, which appears to lack anything in relation to detailed management of the business, the LPA is not confident that this particular business would not result in harm to the general character and amenity of the high street and wider locality.

Parking, Access & Highways:

Parking has been raised as a significant concern of those who have objected to the application. West End High Street is a busy local through-route, as well as being the main commercial centre for the locality. As such, parking can be a significant issue throughout the day and in the evenings. Off-street parking for local businesses is very limited, with no public car park and the car park at the Asda supermarket being reserved for Asda customers only, as well as being restricted to just an hour and a half stay.

There are also parking restrictions along much of the length of the street, with parking only being available in a few laybys. One of the largest of these laybys serves the parade of shops and businesses immediately to the west of the application site and is also the point of access for the site. Concern has been expressed by these businesses that customers using the proposed tyre business will leave their vehicles in this layby for much of the day and/or poorly parked, leading to highway safety concerns, and preventing the regular turnover parking required by customers using the businesses.

These are considered to be very reasonable concerns which are shared by the LPA. The applicant has stated that customers will be able to turn up at any time and that vehicles which are not being worked on will be kept on site. However, as has been highlighted above, the small scale of the site and layout proposed leaves very little room to park other vehicles without compromising space. If all customer vehicles were to be kept on site, this

will very likely require a considerable amount of manoeuvring vehicles on, off, and around the site, which itself will result in further problems of disturbance and pedestrian safety.

The suitability of the site access has also been raised as a concern, in that the greater number of vehicle movements on and off site, and across a pedestrian footway which is the main walking route into West End centre from the east, will lead to conflict between vehicles and pedestrians. Again, these are not unreasonable concerns which have not been adequately addressed or acknowledged by the applicant.

In terms of highway movements, no information in relation to expected vehicle or customer numbers has been provided. It is not possible therefore to assess the potential impact of the proposed business upon the local highway network, or whether there would be a requirement for transport contributions to be secured by way of a planning obligation.

In relation to parking and highway matters, it has not been demonstrated that the proposed use of the site for a tyre fitting business would not result in an unacceptable impact upon local parking provision, and in turn the amenity of neighbouring businesses; or that there would be no highway impact in terms of traffic numbers or highway safety. As such, that proposed is considered to be contrary to the requirements of Policies DM1, DM13 and DM14 of the adopted Local Plan.

Noise & Pollution:

The other main concern raised by those objecting to the proposals is that of noise and disturbance. Tyre fitting by its nature is a noisy operation; vehicles moving around; tools for removing wheel nuts; compressed air to inflate tyres and the 'popping' sound when the tyre bead attaches itself to the wheel hub. Whilst these noises are not constant, they are quite loud and out of character with other background sounds in the locality.

As has been highlighted in the Environmental Health response, no form of noise assessment has been provided to support the application. Neither has any form of mitigation been proposed. However, in reality it would be difficult to mitigate against noise generated by activities at the site as all operations would be undertaken in the open, rather than within a building.

Not only would noise associated with the site disturb those passing by but also neighbouring occupiers, particularly those residential properties whose gardens back onto the site. Given that the applicant has suggested operating hours from 8am to 6pm Monday to Saturday and 9am to 3pm on Sundays, this would subject neighbours to noise and disturbance for long hours and over the weekend period. Whilst operating hours could be controlled by condition, it is considered that there would still be an unreasonable level of noise and disturbance. Without evidence to the contrary, it is considered that the proposed use would result in an unacceptable level of disturbance to neighbouring occupiers and the wider area. As such, the application is contrary to Policies DM1 and DM8 of the adopted Local Plan.

In addition to the concerns of noise disturbance, there are also concerns as to other forms of pollution, such as dust, fumes and general air pollution. The current site surface is gravel, which in dry periods would result in dust from moving vehicles. Added to this would be brake dust from customers vehicles which would also contaminate the gravel surface. Equally, during wet periods, there is the potential for mud to be brought out over the footway and onto the highway. Contaminants would also filter into the ground resulting in further site contamination.

Trees & Nature Conservation:

There are no trees of note on or immediately neighbouring the site, albeit there are a few self-seeded specimens. Notwithstanding, the proposals should not result in any of these having to be removed.

In terms of nature conservation, it is not envisaged that the current site has much in the way of important biodiversity habitat, or that the proposed use would cause any adverse

impact in this regard. Equally, as there would be no change to the existing site, it is considered that the application would be exempt from the requirement to provide 10% biodiversity net gain.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to reduce/limit impacts on climate emissions as a result of the development or its use. No details as to how that proposed would contribute in this regard has been provided.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

Recommendation:	PERMIT ☐	REFUSE ☒
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For the reasons set out above and below, the application is recommended for refusal.

1. Use of the application site as a tyre fitting business in the manner proposed is not considered to be compatible with the nature of this part of the West End Local Centre, resulting in an unacceptable impact upon the visual amenity of the street scene and general character of the locality. As such, the application is considered to be contrary to Policies DM1 and DM22 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.

2. No evidence has been provided to demonstrate that the proposed use of the site for a tyre fitting business would not result in an unacceptable level of noise, light, and dust pollution, to the detriment of the amenity of neighbouring occupiers and that of the wider surrounding area. As such, the application is considered to be contrary to Policies DM1 and DM8 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.
3. It has not been demonstrated that the proposed use of the site as a tyre fitting business would not result in adding to existing parking issues along West End High Street and within neighbouring streets, to the detriment of the amenity of neighbouring businesses, residential properties, and their occupiers. As such, the application is considered to be contrary to Policies DM1 and DM14 of the adopted Eastleigh Borough Local Plan 2016-2036 and the Council's 'Quality Places' Supplementary Planning Document.
4. It has not been demonstrated that the proposed use as a tyre fitting business would not result in increased impact upon the local highway network, both in terms of highway safety and vehicle trips. As such, the application is considered to be contrary to Policy DM13 of the adopted Eastleigh Borough Local Plan 2016-2036.