

DELEGATED OFFICER REPORT:**Application Ref:** F/25/99932**Site Address:** TOBY CARVERY, Eastleigh, SO50 6LD**Case Officer:** Clare Martin

Description: External alterations and refurbishment to building including, new external lighting to front and rear elevations, wall mounted lighting to side elevation, wall mounted cladding panel to front gable and above rear access door. Repainting of external elevations, window frames, fascias and rainwater goods. New external, stand-alone freezer unit with timber enclosure and security gate. 14No. 2.7m high timber posts with 'festoon' lighting along site frontage.

Particular Site Constraints?	Yes ☒	No ☐
• Outside of urban edge – countryside • Within settlement gap • Within Bishopstoke Conservation Area • TPO trees within site		

Planning History?	Yes ☒	No ☐
• Z/11084/005 – Change of use from residential to restaurant/ public house and extension thereto – Permitted (Jan 1984) There have been various applications to extend the building, add outdoor seating/ bar area/ lighting/ childrens play area/ freezer storage & plant and alter car park and access. There have also been applications for signage and tree works at the premise.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Ecology:	<u>Holding Objection (22/10/25)</u> I have reviewed the site photos. Vegetation can be seen in the photos, which would be used by bats along the northern side of the building. However, the site is fenced off so no close-up photos are available and there is the potential for bat roost features within the building and site. A preliminary ecological appraisal (PEA) will be required, including an internal inspection. Information is required on whether the site provides suitable habitat for great crested newts, bats and nesting birds. The report must also discuss whether the lighting proposals are appropriate or would disturb bats foraging and potentially roosting on site. The report must provide information on appropriate biodiversity enhancements for this building and precautionary working methods to protect any wildlife that might be using the site. The scaffolding that surrounds the roof makes it difficult to determine whether building work may already be in progress. I would recommend that no work be done on the building until after the PEA in		

	case there are potential bat roost features that would be disturbed by the work. Vegetation can be seen in the photos, which would be used by bats along the northern side of the building, any lighting that is required for security and safety purposes must not illuminate this vegetation. Any lighting in this area, if permitted, must demonstrate that it does not increase the light levels on the vegetation and any areas used by foraging bats. The light levels on the vegetation and potential bat roost features must be no more than 1 lux. A lighting levels diagram done by a qualified lighting engineer would be an appropriate way to demonstrate the light levels from the proposed scheme. This can be conditioned. I can see from the photos that there is an existing footpath to access the site from Fair Oak Road along the river side of the building.
Environmental Health:	<u>No objection</u> <i>Noise</i> Thank you for clarifying the position of the new freezer unit. If the proposed fence is higher than the unit and any plant on top of the unit then this is acceptable. <i>Lighting</i> I believe a condition stating the decorating lights should be turned off after operating hours (with exception of security lights), should be acceptable to prevent a nuisance to residents.
Tree Officer:	No objection
Highways (HCC):	No objection (based on amended site layout drawings) <u>Lighting</u> The proposed string lighting along the frontage of the site is to be mounted on timber posts on the line of the existing perimeter wall, and this is largely set back within the site away from the highway, with only the eastern most element being adjacent to the footway at its end. I recommend conditioning that the string lighting use opaque bulbs to prevent light source being visible from the highway. <u>Fence</u> The proposed fence is located internal to the site adjacent to the pub itself, and the attached gates are also located in a position that will affect neither parking, access from the highway (located well in excess of 6.0m away from the carriageway edge), or required visibility splays. <u>Access</u> No change to vehicle or pedestrian access is proposed
Built Heritage Consultant:	Chased comments – 16/10/25
Parish Council:	Bishopstoke Parish Council Planning Committee would like more information about the type of bulbs to be used in the festoon lighting at the front of the site, how bright the main sign illumination will be and when the lights will be turned on and off as they feel it could have a detrimental impact on nearby residents. They would like to reserve the right to object if the answers are not satisfactory.

Site Visit:	Yes ☒	No ☐
Details: Site visit carried out on the 5/10/25		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation: Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."</i> The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: <i>"In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".)</i>

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> of which the most relevant policies are: • <u>Strategic policies</u>: S1 (sustainable development), S2 (approach to development), S5 (new development in the countryside), S6 (protection of settlement gaps), S8 (historic environment) & S10 (community facilities). • <u>Development Management</u>: DM1 (general development), DM3 (climate change), DM8 (pollution), DM11 (nature conservation), DM12 (heritage assets), DM13 (access), DM14 (parking) & DM36 (community, leisure and cultural facilities) Supplementary Planning Documents: • Quality Places & Parking Standards
--

Proposal: The proposal is to refurbish the public house after a fire. The work comprises: • Restoration and redecorating existing building, including replacement roof (like for like basis), timber cladding on front gable (in a 3m by 2m rectangle for a later advert application), repainting of external elevations, window frames, fascias and rainwater goods. • LED rope lighting added to underside of front gable and main entrance door on rear elevation. Addition of wall mounted lighting (downlighters and spotlights). • Festoon lighting mounted on 14no. 2.7m high timber posts alongside the existing low wall towards the front of the site with Bishopstoke Road. • Walk-in standalone freezer located next to southern side of building in service yard. Unit measure 3m(l) by 2.5m(d) by 2.3m(h) and mounted on a concrete base. • Addition of 2.35m high close board fencing around the side and rear section of the service yard with metal frame timber access doors from car park.
--

- New paving infilling gap next to entrance door and path (12m2)

Assessment:

Principle

The site is within countryside and settlement gap, where the type and amount of development is controlled by Policies S5 & S6. However, the proposal is also not within a typical countryside location, being on a main approach road into Eastleigh, opposite the large residential area of Bishopstoke and close to the local village centre.

Furthermore, there is already a long-established public house at the site, which due to fire damage is in need of refurbishment to allow the business to operate again. The proposal does not involve extending the building and will not result in an intensification of the previous public house use of the site. As such the principle of development is considered acceptable and the proposal will not physically or visually undermine the existing settlement gap.

Character, Appearance and Impact upon Conservation Area

Policy DM1 requires development to take full and proper account of the context of the site (including the character & appearance) and be well integrated with these (in terms of mass, scale, materials, layout, density, design and siting) both in itself and in relation to adjoining buildings, spaces and views.

The site is also within the south-eastern edge of the Bishopstoke conservation area, and due to its prominent position is an important building within the locality (although not nationally or locally listed). Policy DM12 allows development of a heritage asset provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities.

The existing building detracts from the overall appearance of the conservation area being boarded up and uninviting. The proposal will repair the building and allow it to open again. It is considered that the design, materials and lighting proposed is appropriate for the public house and they complement the character and features of the existing building and add visual interest. The functional walk-in fridge will be hidden away behind the existing front fence which will then be extended alongside the car park to create a secure enclosure.

Overall, the proposal is considered to enhance the appearance of the building and have a positive impact upon the Bishopstoke Road street scene.

Highway Safety

Policy DM13 requires that development does not have a significant detrimental impact on the operation or safety of the highway network.

The proposal is primarily to refurbish the existing premises and so should not result in a noticeable increase in vehicular trips on the highway network. The scheme does not alter the existing access from Fair Oak Road or number of parking spaces at the site. Although new fencing is proposed, this is not next to the highway and so will not affect visibility at the site access. The proposed also includes new pole mounted festoon lighting along at the front, which this follows the line of the existing low wall. However, for the most part the lighting is set in 5m from the edge of the position and providing opaque bulbs are used the illumination will not impact upon the highway network. No objection has been raised by the highway officer.

Ecology and Biodiversity Net Gain

Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species. While the proposal has a de-minimis exception from the 10% national biodiversity net gain requirement, under Policy DM11 it is still required to provide biodiversity enhancements.

In line with the Ecology Officer consultation, a PEA (preliminary ecology appraisal) was requested to consider whether the building and wider site provides suitable habitat for protected species including an internal inspection of the loft for evidence of bats. The report was also required to provide precautionary working methods to protect species during the development and provide biodiversity enhancements.

However, a PEA has not been undertaken despite extending the determination period over the last eight months and so we do not know the bat potential of the building or wider site. Instead, the Applicant has proceeded to renovate the building, replace the roof, install the standalone equipment and reopened the restaurant. Unfortunately, this means that the most sensitive works with the greatest potential impacts has already occurred and so negating the main requirement for the preliminary ecology appraisal.

It is noted that the festoon lighting along the front of the site and lighting on the building has yet to be installed. While lighting can disturb foraging and roosting bats, its impact is probably not sufficiently harmful in this case given that there is already some street lighting within the vicinity. A condition will be used to control the amount of illumination from the proposal and an informative refereeing to the lighting guidance note (GN08/23) by the Institute of Lighting Professionals. A condition will also be used requiring biodiversity enhancements on the site.

Trees

Policy DM1 requires development not to result in the loss or damage of important trees. The Council's Tree Officer has reviewed the scheme and confirmed that he has no arboricultural concerns in relation to the works impact upon protected trees at the site.

Residential Amenity

Policies DM1 & DM8 stipulates that development should not have an unacceptable impact upon the amenity of existing residential properties (including via excessive noise or illumination).

In this case, the nearest residential properties are at least 35m away from the site located on the opposite side of the main road (19-26 Monague Road). As such the proposal will not impact the outlook, privacy or daylight of these properties.

One consideration is the plant noise created by the introduction of a new walk outdoor freezer at the side of the building. However, this is located behind an existing fence which will block some of the sound emitted and given the nature of the locality and distances involved it has not generated any noise complaints.

The proposal includes new lighting on the building, along the front of the premise and security lighting. Conditions will be used to ensure that the proposed lighting is relatively low level and directed away from residential properties on the opposite side of the road. As such the proposal the illumination should not have an unacceptable impact on neighbours, particularly given the presence of the existing street lighting. While concern has been expressed by Bishopstoke Parish Council, no third-party objections have been received, and no objection has been raised by the Environmental Health Officer.

Equalities Act:

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

Section 149 (1) 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.

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 Environment 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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted 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.

Conclusion:

Recommendation:

PERMIT ☒

REFUSE ☐

Comments ...