

DELEGATED OFFICER REPORT

Application Ref: X/25/99873 & X/25/99886 (Combined Report)

Site Address: HAM FARM HARVESTER, TWYFORD ROAD, EASTLEIGH, SO50 4LF

Case Officer: David Huckfield

Description: Variation of Condition 4 of Listed Building Consent Ref. L/25/98776 to allow for substitution of approved paint removal product.

Variation of Condition 4 of Planning Permission Ref. F/25/98769 to allow for substitution of approved paint removal product.

Particular Site Constraints?	Yes ☒	No ☐
Within the Urban Edge Grade II Listed Building (Ham Farmhouse) Subject to Tree Preservation Order (TPO 109 & 109E) Within HRA Screening Area Within Flood Zone 1		

Relevant Recent Planning History?	Yes ☒	No ☐
A/25/98996 & L/25/98998 – Installation of replacement signage to include: refurbishment of existing internally illuminated post-mounted sign, externally illuminated pictorial panel to existing gibbet, and addition of set of non-illuminated reverse applied letters to glazing (amended description) – APPROVED (3 September 2025) F/25/98769 & L/25/98776 – Internal redecoration to the pub and restaurant along with external alterations including new glazed panel to lobby entrance, installation of external lighting and provision of new circular paving beds and inset plant beds (Full Planning Application and Listed Building Consent) – APPROVED (2 July 2025)		

Site Visit?	Yes ☒	No ☐
A site visit was undertaken by the Case Officer to consider the proposals in context.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations Received (Summarised):			
Representations from two neighbouring residents have been received in relation to the application. These referred to delays in the receiving of consultation letters from the Council notifying neighbours of the submission, and raised concerns that works had already commenced without the requisite permission being in place.			
Response to Representations:			
In terms of the notification process, letters were sent to neighbouring residents informing them of the application and allowing the opportunity to comment for the requisite period in accordance with the Council's published procedures and the requirements of the Development Management Procedure Order. A site notice was also displayed, and the application was advertised within a newspaper circulating within the local area owing to the proposals affecting a Listed Building. The Local Planning Authority (LPA) are therefore satisfied that the statutory notification requirements for the application were met. With regards to the matter of works being carried out prior to permission being granted, any such works are undertaken at an applicant's own risk and do not in any way materially affect or influence the outcome of the application which is considered, assessed, and			

determined in accordance with the development plan, unless material considerations indicate otherwise (as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004).

Consultee Responses (Summarised):

Allbrook Parish Council	No objection.
Heritage Consultant	This application for a variation to the condition regarding the Peelaway System changing from No. 7 to No.1 is no problem, so I have no objection to its use.
Environmental Health	Condition 4 specifies one product. It's understood that the specified product has been used but was not effective. For this reason, a variation of the original condition was requested to change this product to a similar one (same manufacturer) but with stronger capabilities. I don't have any real concern about the proposed variation of the condition as per the proposed new condition included in the Boyer document reference 24.8052 dated 1 August 2025.
Ecology	I have no objections subject to the product being used according to the manufacturer's directions in the Guidance for Removing Peelaway residue technical bulletin that the product and any rinse water be treated and disposed of as hazardous waste. The ecology report for the original application stated that the building was not being used by bats. The area being treated should not be accessible to any birds or bats until the treatment is completed so that they are not accidentally exposed to this product.

Policy:

Legislative Requirements:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The Development Plan:

The Development Plan is comprised of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to this variation of condition application: DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM8 (Pollution), DM11 (Nature conservation), DM12 (Heritage assets).

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in

dealing with applications from the day of its publication. The Planning Practice Guidance (PPG) provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

This report covers two applications (X/25/99873 & X/25/99886) which seek approval for the variation of condition 4 of planning approval ref. F/25/98769 and the corresponding Listed Building Consent (ref. L/25/98776). These approvals relate to a range of alterations to the application premises, both internally and externally, and to its external garden area. As part of these works the external paint on the Grade II Listed public house building was proposed to be removed in order to allow the building to breathe and to seek to address damp problems which have caused internal damage to the premises, and which were stated within the submission to be due to the wrong type of paint having historically been used on the outside of the building.

The method for removing this paint was proposed to be through the use of a poultice to enable the paint to be removed gently and without material damage being caused to the brickwork. The particular product to be used was 'Peelaway 7' with this having been specified within Condition 4 of both approvals along with a requirement for it to be utilised in accordance with the manufacturer's specification.

The current submission seeks to vary this condition to substitute the specified product for 'Peelaway 1'. This, the information submitted in support of the application states, is due to the originally proposed product not being fully effective in removing the paint owing to a greater build-up of historic paint layers than had initially been anticipated. Peelaway 1 is a more potent product than Peelaway 7 and is designed for more stubborn paint removal, although shares the same method of application and is also a low-odour, water-based poultice system.

The principal consideration in assessing this proposal is the material effect that the alternative product would have upon the heritage asset. In this regard, the Council's Conservation Officer has reviewed the details provided and is satisfied that the replacement product is appropriate in the context of its intended purpose and the Listed Building upon which it is to be used. Accordingly, it is considered that the proposal to vary Condition 4 of planning approval ref. F/25/98769 and Listed Building Consent ref. L/25/98776 to substitute the approved paint removal product is acceptable and accords with the relevant local and national planning policy requirements.

As in approving an application to vary a condition of a planning permission under Section 73 of the Town and Country Planning Act 1990 (TCPA) and of a Listed Building Consent under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) creates new consents in each instance, the conditions originally imposed will be reimposed accordingly. This is with the exception of Condition 4 which will be varied by this approval and Condition 2 which relates to the timescale for commencement of the works. As Section 73 of the TCPA and Section 19 of the PLBCAA cannot be used to extend the time limit for implementation, Condition 2 will be worded such as to stipulate that works should commence within 3 years from the date of the original approvals which were granted on 2 July 2025.

An informative will also be added in respect of the recommendations of the Council's Ecologist concerning the restriction of access for birds and bats whilst works are being undertaken to prevent accidental exposure.

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; (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 and the adopted Local Plan 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 planning 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 the Council's adopted Environmentally Sustainable Development SPD, require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

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 not considered that this application raises any equalities implications.

Recommendation:	PERMIT VARIATION TO CONDITION ☒	REFUSE ☐
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