

APPLICATION FOR THE DISCHARGE OF DETAILS FOR PLANNING CONDITIONS - CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01447
APPLICATION TYPE:	DISCHARGE OF Details for CONDITIONS
SITE ADDRESS:	West Winterslow Workshops, Back Drove, off The Street, SP5 1RY
PROPOSAL:	Discharge of conditions 5 future maintenance of the structures & 6 pre-construction standard of planning application PL/2025/02053 <i>(Variation of conditions 2 (Plans list), 3 (Materials), 5 (Tree details), 8 (PD rights), and removal of Condition 15 for installation of a package treatment plant (alternative scheme for connection to mains drainage) for PL/2021/09194)</i>

PROPOSAL

This report has been prepared to support the application for the discharge of the future maintenance of the structures and pre-construction standard attached to the planning permission granted for the development at West Winterslow Workshops, Back Drove, off The Street, SP5 1RY. The planning permission was granted on 17/12/25 under reference number PL/2025/02053.

The Conditions state:

5. Any structural works to retain the highway (byway WSLO94) shall be in accordance with the details agreed by the Highways Structures team on 17th October 2025. The dwellings hereby approved shall not be occupied until details of an agreement regarding the responsibility for future maintenance of the structures has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. Any subsequently approved works to the Drove shall be implemented in full prior to the occupation of any dwelling and maintained for the lifetime of the development.

Reason: To ensure the protection and proper retention of the public highway in the interests of highway safety.

6. The dwellings hereby approved shall not be occupied until the highway (byway WSLO94) has been reinstated to a condition that is, as a minimum, equivalent to its pre-construction standard and shall provide a continuous minimum width of 5 metres (measured 2.5m from the centreline of the Drove) along its entire length within the application site.

Details of the reinstatement works including surfacing, drainage, boundary treatments, and confirmation of the 5-metre width (measured 2.5m from the centreline of the Drove), shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority prior to commencement of the reinstatement and the approved works shall be completed prior to the occupation of any of the dwellings.

Reason: To ensure the byway is reinstated to an appropriate standard and width for public use, in the interests of highway safety and public amenity.

The applicant has submitted:

The retaining structure has been constructed in accordance with the details agreed with the Highways Structures Team which has since been inspected by Alex Howsen, Rights of Way and Countryside officer.

Future maintenance will be the responsibility of the owners of the property. This responsibility will be included in the form of a positive covenant on the property, ensuring the longevity of the retaining structure. We have discussed the retaining wall and the fact the maintenance will be the responsibility of the homeowner to maintain the wall and this will be a legal covenant included in the purchase legal package. Can you please confirm that this is acceptable for the discharge of the planning condition.

The wording has been provided as follows:

1. The Transferee covenants, by way of indemnity only, on the Transferee's behalf and

on behalf of the Transferee's successors in title:

1.1. not to cause any damage to the Retaining Wall. Any damage caused to promptly be made good at the Transferee's cost and to the reasonable satisfaction of the Transferor.

1.2. not to plant plants or allow the planting of plants or place soil up against the Retaining Wall or otherwise allow any natural plant material to compile against the Retaining Wall;

1.3. not to hang, drill, or attach any item to, or insert nails or similar into, the Retaining Wall;

1.4. not to place directly in front of the Retaining Wall any structure, shed or similar;

1.5. not to attach to the back wall of the property any roof so as to cause rainwater to run directly into the Retaining Wall;

1.6. not to install tile or decking or any other flooring, other than water soluble gravel in the area in front of the Retaining Wall;

2. The Transferee covenants, by way of indemnity only, on the Transferee's behalf and

on behalf of the Transferee's successors in title, to:

2.1. maintain the Retaining Wall at all times in the materials and manner currently constructed (or of similar high quality) and in accordance with the standards of health and safety law and buildings regulations;

2.2. comply with all planning obligations in respect of the Retaining Wall.

The highway along the entire length of the application site has been regraded and compacted with a type one MOT stone and agreed with rights of way. The width of the highway has now been demonstrated, and we confirm the 5m width can be witnessed and will remain a part of the byway 'BOAT'. All surfacing, drainage and boundary treatments are completed, adjacent to the BOAT. Images included below, more can be provided on request.

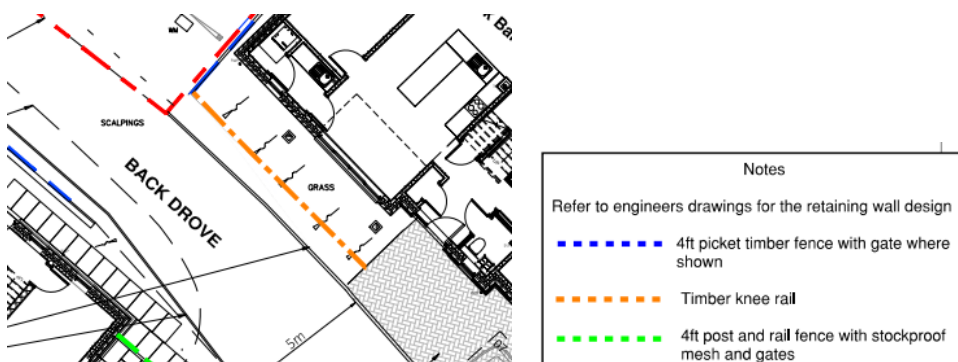




The applicant has agreed to place a knee rail along the tops of the posts shown below:



The following plan was submitted:



The applicant stated: *It confirms all the final fencing finishes and updated the front of 2 to suit what Alex and regs requested – the knee rail to this area will be installed over the next couple of weeks.*

This report outlines how the conditions have been satisfied and includes the necessary documentation to evidence compliance.

CONSULTATION

The following Council teams were consulted as part of the process and they responded:

Highways:

I note the submission seeks to discharge conditions related to the retaining wall and drove surface improvements. I have liaised with the Highway Structures team who are content, subject to the Rights of Way Team being satisfied with the works completed. I note you have consulted the Rights of Way Team directly and as the drove is a public right of way, as opposed to public highway, the Rights of Way Team should be the primary consultee on this submission.

Rights of Way:

Structures and Retaining Wall

The rights of way and highways structures teams responded:

Retaining Wall and Fence to Plot 1:

The suitability of the timber post and rail picket fence adjacent to the retaining wall has been judged from a risk based approach to be appropriate for the conditions and anticipated use of the site.

The retaining wall has been subject to Technical Approval Authority (TAA) review and the TAA has been satisfied that the wall has been designed in accordance with appropriate standards and considerations.

Retaining Wall and Edge Protection to Plot 2:

This wall is not identified as providing support to the carriageway and therefore does not come under the TAA review in accordance with CG300. It should be ensured that requirements for edge protection are met, if any.

A revised site plan has been submitted showing the finished fences and positions. A knee rail is to be provide to the fence posts at Plot 2.

Maintenance

The applicant stated:

We have discussed the retaining wall and the fact the maintenance will be the responsibility of the homeowner to maintain the wall and this will be a legal covenant included in the purchase legal package – wording provided above. Can you please confirm that this is acceptable for the discharge of the planning condition.

The rights of way team raised no objection to this proposal.

Width of Byway

The rights of way team are content with the finished width of the byway and commented:

The attached is a photo of the byway from my last visit in February. This was the narrowest section but I was happy with the available width then. The surfaced area was probably wider than the original design and the grass verge was narrower on the left of that photo as a result,

but still provided a refuge should people need to avoid vehicles on that stretch. The builders were still on site then finishing some of the works.

The narrowest section looks to be just under 5 metres. The measurements are not precise so we have used 5 metres as a rough guide to the minimum width that should be available. However, if it is 10 to 20 cm less in the narrowest section I think this is acceptable.



ASSESSMENT

Case Officer Response:

The submitted details have been considered by the relevant specialist teams including highways, rights of way and enforcement within the Council. Officers have raised no objections to the details for the conditions being discharged in accordance with the submissions. It is understood that the final width of the Drove may vary by approximately 20cm and this is concluded to be a de-minimis change which is acceptable to the rights of way team. The case officer has no technical grounds to conclude differently.

The agreed details are:

- **Covering Letter dated 2 March 2026**
- **Proposed Site Plan ref 748 A1-006 Site Plan Rev 4 received 5 May 2026 (showing timber knee rail to Plot 2)**
- **Legal Covenant wording for maintenance received 5 May 2026**

RECOMMENDATION: To discharge the submitted details for Conditions 5 & 6.