

GFA/4905/9 – Cover Construction Co Ltd
Variation of condition 4 of GFA/4905/6-X to allow for amendment to the design of
the access road to serve the permitted housing
The Willow House, 18 Coxwell Road, Faringdon SN7 7EB

1.0 The Proposal

- 1.1 In August 2005 and August 2006, outline and reserved matters planning permissions were granted for the demolition of the existing house at 18 Coxwell Road and the construction of 9 detached houses (refs GFA/4905/6-X and GFA/4905/7-D). The outline planning permission dealt with the detail of the modification of the existing access drive to the site, which runs between No 16 and No 20 Coxwell Road. All other matters were reserved at the outline stage, and were subsequently dealt with under the reserved matters application. A site location plan is in **Appendix 1**.
- 1.2 A copy of the outline planning permission decision letter is in **Appendix 2**. Condition 4 of the permission requires that, prior to commencement of development, the access drive be widened in accordance with the approved plan. The reason for this is to enable easier access for construction vehicles.
- 1.3 With this new planning application, the developer wishes to alter the design of the approved access road. A comparison of the current proposal for altering the drive and the permitted scheme is in **Appendix 3**. The main difference between the two is that the permitted road design includes a defined footpath for its entire length, whereas the new design is almost entirely a shared surface for the use of both vehicles and pedestrians and has a defined footpath only near the junction with Coxwell Road. This means the new design is also narrower. The permitted scheme at its narrowest point has a carriageway 3.25 metres wide with an extra 1.8 metre wide footpath giving a total width of 5.05 metres. The width of the new design at its narrowest point is 3 metres in total with no additional footpath.
- 1.4 The developer has commenced work on the alterations to the drive in accordance with the revised design. He has been advised to stop because the revised design has not been permitted and that he is proceeding at his own risk. However, the main material consideration at issue is the safety of the revised design of the road. Your Officers understand that the revised design is supported by the County Engineer and have therefore concluded that there is the reasonable prospect of the revised design obtaining planning permission. Mindful of Government advice in PPG18, "Enforcing Planning Control" which states that enforcement action should not be taken simply because the unauthorised works do not have planning permission, Officers have not sought to instigate such action.
- 1.5 The application is being brought to Committee in advance of obtaining the formal opinion of the County Engineer because works are in progress on site and local objectors are concerned that the works may be completed before any decision is made. The application comes to Committee because Faringdon Town Council and more than 3 local residents object.

2.0 Planning History

- 2.1 The relevant planning history has been explained above.

3.0 Planning Policies

3.1 The relevant policy from the adopted Vale of White Horse Local Plan is Policy DC5 which requires that any access to a development is safe.

4.0 **Consultations**

4.1 Faringdon Town Council objects for the following reasons –

“(a) Access/egress road

Access/egress for emergency vehicles extremely poor

Access/egress will be difficult for refuse vehicles and consequently all refuse for collection would be dumped outside the drive on Coxwell Road

Access/egress of vehicles is likely to create traffic congestion and possible accidents on Coxwell Road, already a busy road, as well as creating a hazard for pedestrians

Vehicles will not be able to pass each other on the access road

There should be a pavement along the whole access road providing a safe walking area for pedestrians

(b) It was felt this was a retrospective application as work has already commenced.”

4.2 Local Residents 5 local households have written to object to the proposal and 1 letter of observation has also been submitted. The grounds of objection can be summarised as follows:-

- I. The revised access road will have no footpath and is significantly narrower - it is therefore dangerous for pedestrians to use
- II. The junction of the access road with Coxwell Road is too narrow and will create more queuing of vehicles, more congestion, and will reduce the safety of pedestrians including school children who use the footpath
- III. The original proposal was restricted to 9 houses because of the restrictions of the access – how can the access be reduced in width and still be satisfactory for 9 houses?
- IV. The access was so critical to the approval of the outline application that the new application should not be to vary the condition but should be for the approval of a different road design to serve the whole scheme again
- V. The proposal shows the existing electricity sub-station to be relocated to the rear of No 24 Beech Close, not as shown on the approved plans, which will harm the amenities of adjoining residents
- VI. The proposed dwellings will add to existing drainage problems in Beech Close

4.3 County Engineer – comments to be reported at the Meeting

5.0 **Officer Comments**

5.1 Local residents have questioned whether the legal basis of the application is correct because Condition 4 of the outline planning permission requires the access to be constructed in accordance with the drawing approved as part of that permission. The local residents therefore contend that the proposal is more fundamental than the variation of the condition. Officers were considering the legal implications of this matter at the time of writing the report and an update on this matter will be reported to the Meeting.

5.2 The main planning consideration with this proposal is the safety of the revised design of the access road. The road is not to be adopted by the County Council and will

therefore remain private. At the time of writing the report, the formal comments of the County Engineer had not been received. As explained above, Officers understand that the County Engineer does not object to the revised design.

5.3 The relocation of the electricity sub-station is also causing local concern. In the approved scheme it was to be relocated behind No 20 Coxwell Road whereas the plans now show it to be positioned to the rear of No 24 Beech Close. Works to move or construct a new sub-station are the subject of permitted development rights, provided the sub-station is on the “operational land” of the electricity company. From discussions with Scottish and Southern Electricity (SSE), Officers understand that the existing sub-station, and the land on which it stands, was made the subject of a lease from the former owner to SSE which allows right of access for SSE at any time and, it is understood, effectively means that the sub-station is on the “operational land” of SSE. The lease would be varied to take account of the new sub-station position. From the information available to date, Officers consider that the installation of the new sub-station is permitted development and does not need planning permission. However, this issue was still under investigation at the time of writing the report and an update will be reported at the Meeting.

6.0 **Recommendation**

6.1 *The recommendation depends crucially on the comments of the County Engineer, which were not available at the time of writing the report. Therefore, depending on the comments of the County Engineer, an oral recommendation will be made at the Meeting.*