

## **Comments against the Planning application: 21/00343/F Land east of The Leys, Adderbury**

**From:** Steve & Julie Bateman, Culbone, The Leys, Adderbury, OX17 3ES

We strongly object to this Application for two large houses on land east of The Leys Adderbury. This development will not benefit the village of Adderbury at all - it does not offer Adderbury's young a chance to buy within the village, nor is it an appropriate site to build a number of houses to alleviate housing shortage. It's not even a development for the land owner's own use, it is purely a development for commercial profit on a rear garden, at the cost of the area.

We further understand that access to the site - whilst registered with the Land Registry by the owner of The Leys - is disputed by Adderbury Parish Council, since it has documentation showing the PC has ownership of this land and therefore disputes the registration. This is no doubt an issue for legal review, so with regard to this latest Planning Application:

### **1) Footpath**

We remain surprised there has been agreement to reroute the footpath when the Countryside Access Officer was originally opposed to right angle diversions and a proposal which forces pedestrians more so on to a vehicular track. This raises serious safety concerns for pedestrians and particularly those with young children, walking to The Lucy Plackett Playing Field.

### **2) Outside Adderbury Settlement Boundary**

The site is located outside the Adderbury settlement boundary as defined by policy AD1 of the Adderbury Neighbourhood Plan and specifically point 5.12 states:

*"In some places, there are dwellings on the edge of the village with long gardens extending into the countryside beyond. As the sub-division and development of such rear garden land **is not considered an acceptable form** of infill development in principle, they have been excluded from the boundary."*

The Application refers to the proposed area as unmanaged scrubland and derelict, when it is clearly an unkempt garden. Even the area of the original Plot 3, whilst no longer included within this latest Application, is declared to be overgrown garden. (A disused/derelict tennis court, neglected ornamental trees and where the Public Footpath has quite simply been left to ruin. A cynic might suggest purposely so, to support a request for change of use and engineer a Planning approach).

### **3) Not within the Built up Limits of the The Cherwell Local Plan for Adderbury**

The Plan recognises that Adderbury is a village that can accommodate a limited amount of new growth. This growth is to be accommodated within the built up limits of the Village. This site is not within the built up limits, albeit adjacent to it. As the Council is currently able to demonstrate a 5 year housing land supply, the proposal would be contrary to the development strategy for the village and the area. Consequently, the proposal would not represent a sustainable pattern of development and it would conflict with Policy Villages 1 of the CLP and Policy H18 of the Local Plan.

### **4) Green infrastructure and Wildlife**

The development would adversely impact the rural nature of the area and is contrary to Policy AD2 Green Infrastructure of the Adderbury Neighbourhood Plan. This area runs parallel to the old railway line adjacent to The Lucy Plackett Playing Field which in the neighbourhood plan is designated open spaces and crucial to keeping this a proper country village with nice green spaces and good diversity of wildlife for all to enjoy. The adjoining railway embankment is a designated Local Open Space under Policy AD4.

The proposed site and the adjoining land provide a valuable habitat and corridor for wildlife, which is vastly under estimated in the Environmental Survey commissioned by the Applicant and their advisors. As our property directly adjoins the proposed development site, we know there are a diverse variety of wildlife species in the vicinity including: Badgers, Barn Owls, Foxes, Grass Snakes, Hedgehogs, Muntjac Deer, Roe Deer, Bats, Tawny Owls, Jays, Green Woodpecker, Great

Spotted Woodpecker, Mallard Ducks, Moorhens, Pheasants, Herons, Squirrels, Newts, Frogs, Toads, Bullfinches, Chaffinches, Greenfinches, Blackbirds, Thrush, Kingfisher, Blue Tits, Great Tits, Coal Tits, Long Tail Tits, Tree Creeper, Nuthatch, Sparrowhawk, Grey Wagtails and we are very lucky to have song thrushes which are becoming increasingly rare.

### **5) Traffic and Highway safety**

We note this renewed application has made some minor adjustments to the access road but they will still not eliminate the need for reversing. Access to the proposed development via Tanners Lane and The Leys is unsuitable let alone the narrow single track access to the proposed development. This concrete drive is needed to access to the sewage works and is in regular use by vans and lorries maintaining the sewage plant. Tanners Lane is always congested with on street parking and there are no pavements for pedestrians. However, it remains a popular and well used area for dog walkers and families with small children, walking to The Lucy Plackett playing-field, as well as walkers accessing other country footpaths and residences. Vehicles meeting on these lanes have to reverse to pass and at times it is necessary for pedestrians to climb grassed banks to allow vehicles to pass. With this in mind, it does not make sense to increase traffic to The Leys, without even considering the impact of any development construction vehicles! The large Plant and equipment necessary to clear this difficult to access site, together with general construction vehicles and multiple building materials deliveries will be unbearable for existing local residents and contrary to point 6.4 in the Planning Statement November 2019 prepared by Framptons, which glibly states that *"The proposed development will have no impact on the amenity of occupiers of neighbouring properties"*.

In recent years, sewage lorries accessing the sewage works via Tanners Lane and The Leys have caused damage to verges, doorsteps, and most notably underground drainage systems, which have required repair and such vehicles are not the largest, nor indeed the heaviest. The old stone cottage (No. 1 The Leys) could suffer actual or vibration damage in that it is only 40cm from the edge of the lane, which at this point is a single file road just 290cm wide, which even refuse trucks struggle to navigate. Similar concerns could also be raised for the thatched 'Listed' cottage known as The Leys, which would similarly require passing, by heavy construction plant and a wider array of vehicles, having never been built to see a through flow of additional traffic - whether pre or post any building development.

### **7) Tree's**

The 'neglected' garden as it is referred to, is full of diverse beautiful trees and plants which could have been maintained better and would potentially need to be ripped out and destroyed to facilitate this development. Some are now subject to Tree Preservation Orders but the application does not appear to have considered the full extent of the root system of the Old Oak Tree (marked as T24 on the Apical Arbor Tree Plan diagram).

Oak tree's have an extensive root system spreading horizontally, this lateral mass of roots bring the tree moisture and nutrients for its lifetime. Most oak tree roots lie only 18 inches under the soil, they spread to occupy a space four to seven times the width of the tree's crown. The plans only show protection of the area directly under the canopy (or crown) of the tree and does not allow for the fact that they will undoubtedly be across the area of the proposed Plot No.1.

#### Taken from:- The Root System of Oak Trees

*Written by Mary Simpson; Updated December 14, 2018*

*(The greatest threats to the health of an oak tree's root system include poor drainage, trenching nearby and paving. If an oak is not in a site with adequate drainage, the balance of moisture, air and nutrients is upset. Overwatering or too much rainfall can smother the roots and lead to crown or root rot. Structural barriers, like concrete foundations, streets or even swimming pools downhill from oaks, can dam water, forcing it into the root zone of a tree. Digging a trench to install utilities too close to an oak can sever a portion of the roots and weaken the tree. Asphalt or concrete paving nearby may compact the soil and impede the exchange of gases, thereby damaging the roots.)*

We acknowledge the revised plans have moved Plot 1 a little further away from the oak but we still have distinct concerns about the impact of ground disturbance on this veteran tree. Culbone was built on a floating foundation to help safeguard the tree roots, if additional development was to be permitted in such close proximity we would have major concerns for the well-being and longevity of the oak and were it seen to demise, the possible impact on our own property's structural integrity. We will be seeking more professional advice on this issue and notifying **The Woodland Trust** as the Oak is on their Veteran Tree List, as well as being subject to its own TPO.

### **8) Bin collection area**

The bin lorries will not go down the concrete drive, they will not venture on to private land, therefore the elaborate bin store is pointless. The bungalow known as Conifers has to put its' bins where the concrete drive meets The Leys but they have a small strip of land to facilitate this. There is no space for extra bins in this area in front of a very pretty listed thatched cottage and on a narrow access road without causing obstruction.

### **9) Loss of privacy**

The planning statement (5. 3. 10) state's that "*it is concluded that the proposed development will have no adverse impact on the ability of its neighbours to enjoy their properties.*" This is not true, as the proposed properties have an above average amount of glass and will be very intrusive on the privacy of Culbone. Having full length glass to the upper floor is particularly intrusive. In particular the proposed Plot 2 is a large imposing house, only a few metres from Culbone's boundary fence - directly over looking Culbone's garden. Examining the floor plans you have to question the positioning of the windows in bedroom 1. The main windows to this room could easily be put on the front elevation! Bedroom 5 has a window directly overlooking Culbone's garden, which is a secondary window to this room and therefore for the size of the room completely unnecessary. Furthermore, we see no stipulation in plans for the Bedroom 2 en-suite window to be frosted? Not only are all these windows extremely intrusive on our garden, but we struggle to see what prospective purchaser would want to look out on sheds, stables, chicken house and an old greenhouse!

Please also note the proposed site is on a gradient and as such means that Culbone (being in an elevated position) will look down directly into Plot 2. Not only is this undesirable to Culbone residents but surely potential occupants of the proposed property will share identical concerns around a clear lack of privacy? We do not feel the Applicant has considered the privacy of neighbours!

### **10) Animal welfare**

The proximity of Plot 2 to Culbone's stables and Hen house - will potential occupiers of a £1m plus house want to be that close to the smells and noise of animals held on this agricultural land? Welfare of animals is a real concern, both for wildlife as well as domestic animals e.g. if development occurs directly behind the stables, will occupiers consider animals at times like Bonfire Night or New Year - if letting off fireworks!

### **11) Services**

Services to The Leys are already stretched, we have low water pressure and an unreliable electric sub station often 'tripping' with a loud bang and is yet another utility service that uses the concrete drive access, for maintenance to the sub station.

In conclusion we consider ourselves custodian's of Culbone's garden and land. It is a rural idyl where wild life is in abundance and has to be seen and experienced to be appreciated, so once again we extend an invitation to Planners to visit our property. This development would destroy this wonderful hidden valley which is a haven for wildlife and open the door for even more development in this area and all outside of the Adderbury Settlement Boundary. It will also bring into question the whole point of the village investing in a specific Neighbourhood Plan for Adderbury.