

Appendices 1

18/115/1022/O – Land rear of Windmill Avenue

The Town Council has consistently objected to developments on this site, there have been two previous applications.

Even though the Town Council is a statutory consultee on this matter no plans were received from Breckland District Council to allow the Town Council to comment on this application. This appeal is therefore first time the Town Council has had an opportunity to comment on this particular proposal.

The Town Council support the conclusions reached by the LPA in considering this application. This development would constitute over development of the site. The Town Council has experience of sites where trees are adjacent to residential properties, properties owners regularly demand that trees be removed or significantly reduced because of the shade and leaf fall resulting from the trees. Due to the location of the site it would be a great loss to both visual amenity and the setting of the Common with loss of wildlife habitat if development is permitted and the trees are subsequently removed or significantly reduced.

There would also be considerable impact on the existing properties on Windmill Avenue, the access drive runs very close to both these properties and there would be a considerable loss of amenity due to noise and disturbance from the new access road. The application should be refused on grounds of the impact the access road would have on the amenity of neighbouring properties.

There is a history of flooding in the area, the ditch network in this area is not part of the Common and neighbouring property owners do not carry out maintenance on this section of the ditch network. In the winter to 2017/18 flooding in the area was such that it resulted in two trees falling over and the owners of Rose Farm (the owners of the trees) attempting to claim against the Town Council for damages. If permission is granted it should be conditioned that the ditch network to Shillings Lane is rehabilitated, to allow run off from the site.

The site plan and layout does not accurately show the boundary of the property with the Common. The Neatherd Common is owned by Dereham Town Council but managed under the 1899 Commons Act by Breckland District Council. At some point in the past, Rose Farm appears to have encroached onto the Common by moving its boundary westward. While it is quite possible that Rose Farm maybe in a position to claim adverse position of the Common, this does not affect the land's status as registered common land. It appears from the plan that the western end of the 'waste collection turning' road could be on part of the Common and would require additional consents from the owners of the Common and the Secretary of State for surfacing.

The following Plans are enclosed to support this boundary matter:

1. Copy of plan showing extent of scheme of management
2. Copy of 1906 OS map showing property boundaries
3. Copy of 1910 Inland Revenue map showing boundaries
4. Contemporary plan showing approximate location of the boundary of the Common and approximate location of the new access road.