

**14/00892/FUL**

**LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND  
CLEMENTS HALL WAY HAWKWELL**

**APPLICATION TO VARY CONDITION 11 TO PERMISSION  
GRANTED ON 1 OCTOBER 2014 FOR RE-PLAN OF PLOTS  
160, 172, 173, 175 UNDER APPLICATION 14/00561/FUL**

**FROM:**

- 11. THE DEVELOPMENT SHALL BE IMPLEMENTED IN ACCORDANCE WITH THE DETAILS FOR THE MECHANICAL WHEEL CLEANING OF CONSTRUCTION VEHICLES BEFORE THEIR EXITING THE SITE COMPRISING OF NOT LESS THAN ONE RAMPED WHEEL SPINNING FACILITY TOGETHER WITH JET WASH HOSES AND AS SPECIFIED AT APPENDIX C TO THE CONSTRUCTION MANAGEMENT PROJECT PLAN PROJECT NO. H4606 AND DATED JANUARY 2013 ACCOMPANYING APPLICATION 12/00381/FUL AS APPROVED ON 17 DECEMBER 2012.**

**REASON: TO ENSURE THAT LOOSE MATERIALS AND SPOIL ARE NOT BROUGHT ONTO THE HIGHWAY IN THE INTERESTS OF HIGHWAY SAFETY.**

**TO:**

- 11. THE DEVELOPMENT SHALL BE IMPLEMENTED WITH JET WASHER ON SITE AND MECHANICAL SWEEPER AS REQUIRED FOR OFF SITE ROADS AND AS SPECIFIED AT APPENDIX C TO THE CONSTRUCTION MANAGEMENT PROJECT PLAN NO. H4606 AND DATED JANUARY 2013 ACCOMPANYING APPLICATION 12/00381/FUL AS APPROVED ON 17 DECEMBER 2012.**

APPLICANT: **DAVID WILSON HOMES EASTERN COUNTIES**

ZONING: **SER 4 – SOUTH HAWKWELL**

PARISH: **HAWKWELL PARISH COUNCIL**

WARD: **HAWKWELL WEST**

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List No. 1272 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 18 February 2015 with any applications being referred to this meeting of the Committee. The item was referred by Cllr Mrs C M Mason.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

## **1 NOTES**

- 1.1 This application is to part of a larger development site extending from Clements Hall Way westwards to both sides of Thorpe Road and north of Rectory Road, Hawkwell. A development of 176 dwellings (175 net) is currently being implemented on the site under a permission granted on 17 December 2012 under application reference 12/00381/FUL.
- 1.2 This application relates to a small part of the approved layout comprising four plots located opposite Read Close and Royer Close fronting Clements Hall Way and between the site access onto Clements Hall Way and the retained paddock to the north. The current application site relates to four plots adjoining Clements Hall Way. Those plots were also part of an application to revise twelve plots granted permission on 6 May 2014 under application 14/00139/FUL. There then followed a further revised layout for the four plots Nos. 160,172,173 and 175 granted permission on 1 October 2014 under application 14/00561/FUL.

## **2 THE PROPOSAL**

- 2.1 The current application seeks to vary condition 11 of the consent for the latest revision to those four plots as approved on 1 October 2014 under application reference 14/00561/FUL. This condition requires certain wheel cleaning operations for construction vehicles leaving the site and which currently reads as follows:-
- 2.2 11) The development shall be implemented in accordance with the details for the mechanical wheel cleaning of construction vehicles before their exiting the site comprising of not less than one ramped wheel spinning facility, together with jet wash hoses, and as specified at Appendix C to the

Construction Management Project Plan Project No. H4606 and dated January 2013 accompanying application 12/00381/FUL as approved on 17 December 2012.

- 2.3 REASON: To ensure that loose materials and spoil are not brought onto the highway in the interests of highway safety.
- 2.4 The current application seeks to vary condition 11 and implement the approved development on the basis of a revised condition 11 as follows:-
- 2.5 11) The development shall be implemented with jet washer on site and mechanical sweeper as required for off site roads and as specified at Appendix C to the Construction Management Project Plan No. H4606 and dated January 2013 accompanying application 12/00381/FUL as approved on 17 December 2012.
- 2.6 The reason for the condition would remain unchanged.
- 2.7 The application has arisen following extensive progress on the site with ground work and drainage excavations now covering much of the site leaving little or no operational room to provide the wheel spinning facility on the site. The applicants removed the wheel spinning facility in the autumn last year and have since cleaned vehicle wheels using a jet wash system only and as specified in the revised condition now proposed. In essence the condition would be the same but for the reference to the mechanical wheel cleaning facility known as a spinner.

### **3 PLANNING HISTORY**

- 3.1 The site has an extensive planning history. The most relevant applications comprise that for the greater development being implemented and as set out below:-
- 3.2 Application No. 12/00381/FUL  
Demolish existing dwelling and construct development of 176 houses with access off Thorpe Road, access off Clements Hall Way, access for one plot off Rectory Road, road network, cycle way and footpath network, public open space, landscaping and location of high pressure gas main  
Permission granted 17 December 2012.  
This permission is now being implemented.
- 3.3 Application No.13/00035/NMA  
Application to vary condition No. 4 to application No. 12/00281/FUL for development of 176 dwellings approved on 17 December 2012 and (summarised) to vary those plots to which obscure glazing of side windows would otherwise be required in favour of two alternative conditions 4 and 4A. Permission granted 30 April 2013, subject to alternative variation Condition 4R, which adds to existing condition 4, a further 18 No. plots with outward facing side windows that need not be obscure glazed.

- 3.4 Application No. 13/709/FUL  
Application to Vary Condition 20 to Application for residential development of 176 dwellings approved on 17 December 2012 under application 12/00381/FUL to allow development to be implemented in accordance with revised Flood Risk Assessment.  
Permission granted 3 June 2014.
- 3.5 Application No. 13/00719/FUL  
Application to vary condition 24 to permission granted on 17 December 2012 under application reference 12/00381/FUL to allow up to 22 dwellings to be occupied before junction improvements to Hall Road/Rectory Road roundabout are to be provided.  
Permission refused 7 March 2014.
- 3.6 Application No. 14/00139/FUL  
Revised layout, access and house designs for 12 plots (plots 160 and plots 165-175) to part of approved layout to development adjoining Clements Hall Way.  
Permission granted 3 June 2014.
- 3.7 Application No. 14/00561/FUL  
Re-plan of plots 160, 172, 173, 175 revision to 14/00139/FUL  
Permission granted 1 October 2014.

#### **4 MATERIAL CONSIDERATIONS**

- 4.1 The Allocations Plan (2014) forms part of the Development Plan for the Rochford District. The Allocations Plan superseded the proposals map that accompanied the 2006 Replacement Local Plan. Following adoption of the Allocations Plan the land is designated as Policy SER 4 - South Hawkwell and to provide 175 dwellings (net) and is no longer subject to the former Green Belt designation of the 2006 Replacement Local Plan. The principle of the residential development of the site is therefore accepted. The site now benefits from the grant of permission being implemented on the site and as set out in the relevant site history above.
- 4.2 The current application concerns a single issue to review the agreed apparatus previously considered necessary to ensure detritus and arisings from the construction work did not carry off the site on vehicle wheels causing a danger to the road surface. That said, in law it is, however, required that the decision notice for the whole development be re-issued to reflect any changes so far and the need for previous conditions.
- 4.3 The applicant states that condition 11 requires review because the removal from the site of the mechanical wheel spinner does not comply with the construction management plan. Given the location of the site it is not possible to provide within that part of the site a ramped wheel washing facility.

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- 4.4 The wheel spinner was first installed close to the initial construction access / exit off Thorpe Road and was then moved to a location at the new construction access point off Clements Hall Way.
- 4.5 The wheel spinner works by the vehicle driving onto or reversing onto a series of rollers built into a ramped frame. The vehicle transmission is engaged and the driving wheels turn at speed and as a consequence spin off substantial amounts of mud, stones and other material picked up by the vehicle wheels. It is important to bear in mind that non-driven wheels such as the front steering wheels are largely unaffected by this part of the process. As so far agreed, the vehicle wheels and mud collecting areas such as lower chassis framing, wheels and wheel arches to the body work are then jet washed as the vehicle exits the site.
- 4.6 Officers understand that the ramped apparatus requires a working area of some 40m on a hard surface close to the site exit in order to be effective. The rate of construction on the site is such that most plots have now had some preliminary ground works including the below ground drainage areas such that much of the site is muddy and chewed by construction machines. There is no room now available that is not trafficked close to the exit where they could spin the wheels and then stay on a clean track to exit the site. There is no room within the small site for the four plots at issue in this specific application for the wheel spinner to be installed.
- 4.7 The spinner was removed from the site as construction advanced last autumn. Since that time the site management practices have continued to use a water bowser with powered jet wash located close to the site exit. Vehicles are jet washed in the manner described above just before leaving the site. The applicants have a mechanical road sweeping machine also in attendance.
- 4.8 Officers have had cause to visit the site from time to time following the removal of the spinner but on each occasion have not found excessive mud or loose material on the road surface such as to cause a danger to road users, which is the reason for the condition.
- 4.9 The condition at issue was part of those recommended by the County Highway Authority. The County Council has direct responsibility and power to take action against material on the road surface causing a danger, including the capability to clean the surface and recover that cost from the developer. The County Highway Authority has not raised objection to the revision to the condition, as suggested. It is the case that the wheel spinner has fulfilled its purpose for those stages of the construction where it is more likely that significant material could have otherwise been carried onto the road surface, but with the construction phase advanced as now is the case, the remaining regime in place has worked effectively since the spinner was removed. A revised condition is now justified but should be better clarified than that

currently proposed to specifically refer to wheel cleaning and as set out below:-

- 4.10 11.The development shall be implemented with details for the wheel cleaning of construction vehicles before their exiting the site and to comprise of not less than one jet washer on site and mechanical sweeper as required for off site roads and as specified at Appendix C to the Construction Management Project Plan No. H4606 and dated January 2013 accompanying application 12/00381/FUL as approved on 17 December 2012.
- 4.11 Whilst some conditions on the original permission have been discharged and do not require to be repeated now, others are included below, but are amended to reflect the current position.
- 4.12 There have been no policy changes that affect the principles on which the permission granted on 1 October 2014 under application 14/00561/FUL is based and which would now lead to a different decision for the scheme as a whole. Planning permission can therefore be granted on the same basis other than the change to condition 11 outlined in this report.

## **5 REPRESENTATIONS**

- 5.1 HAWKWELL PARISH COUNCIL: The Parish Council objects to this application on the basis of existing concerns about the current state of Rectory Road due to the residue of mud and stones.
- 5.2 ESSEX COUNTY COUNCIL HIGHWAYS: From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
- 5.3 ROCHFORD DISTRICT COUNCIL ENGINEERS: No comment to make.
- 5.4 NEIGHBOUR REPRESENTATIONS

1 Letter has been received from the following address:-

Rectory Road: 331

And which in the main makes the following comments and objections:-

- Our house overlooks the site and we can confirm that the automated wheel washer was removed from the site at least 3 months ago and we are certain that the removal took place before the permission granted for the re-planning of certain designated plots on 1 October 2014.
- Our understanding of the planning process is that any application to vary conditions (in this case clause 11 relating to wheel washing) should be made before such changes are implemented.

- Surely if the application is made after the changes have been introduced the application should be described as "retrospective"?
- After the automatic wheel washer was removed we noticed for a number of weeks that there was significantly more mud and especially small stones all along the road from the exit from Clements Hall Way past our house and continuing down towards Main Road (this is especially important to us as our house is very near the road and loose stones have in the past broken or chipped our windows).
- The DWH Site Manager will confirm that we have complained about this problem on numerous occasions both in the past and only this morning we rang him to advise of a lot of small stones in the kerbs. We also advised him that the road sweeper that for a number of months had been regularly employed 3/4 times daily now only made rare ventures from the site and down Rectory Road.
- The site manager with one of his colleagues came to view the problem today personally and within the hour the road sweeper appeared.
- Although the jet washer does seem effective in reducing the amount of mud, it is not as effective (from our personal observations) in dealing with small stones. In addition, it is essential the road sweeper makes regular scheduled runs up and down Rectory Road.
- Finally, we understand that heavy vehicles delivering to the site are not allowed under the planning consent to arrive before 0800 hours. We can confirm that vehicles are in breach of this condition important to local residents on an almost daily basis.

## 6 RECOMMENDATION

### 6.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision U for the dwellings as approved. Any further variation shall be submitted to and agreed in writing by the Local Planning Authority and the development implemented in accordance with such variation as agreed.
- (3) Prior to the commencement of the development hereby approved, plans and particulars showing precise details of any gates, fences, walls or other means of screening or enclosure, to be erected within

the development shall be submitted to and agreed in writing by the Local Planning Authority. Such details of screening or other means of enclosure as may be agreed in writing by the Local Planning Authority, shall be erected prior to that part of the site to which they relate first being occupied and thereafter maintained in the approved form, notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification).

- (4) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (including any Order revoking or re-enacting that Order, with or without modification) all first floor side windows shall be glazed in obscure glass and shall be of a design not capable of being opened below a height of 1.7m above first floor finished floor level and no alteration is to be made to that arrangements thereafter. The exception shall be windows to the outward facing elevations of dwellings not facing the elevations of neighbouring housing to plots 160, 172, 173 and 175, which can be clear glazed.
- (5) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) order 1995 (including any Order revoking or re-enacting that Order, with or without modification, no enlargement of or provision of additional windows, doors or other means of opening shall be inserted in the side or rear elevations of the dwellings hereby permitted.
- (6) No development shall commence, before plans and particulars showing precise details of the hard and soft landscaping which shall form part of the development hereby permitted, have been agreed in writing by the Local Planning Authority. Any scheme of landscaping details as may be agreed in writing by the Local Planning Authority, which shall show the retention of existing trees, shrubs and hedgerows on the site and include details of:-
  - schedules of species, size, density and spacing of all trees, shrubs and hedgerows to be planted;
  - existing trees to be retained;
  - areas to be grass seeded or turfed, including cultivation and other operations associated with plant and grass establishment;
  - paved or otherwise hard surfaced areas;
  - existing and finished levels shown as contours with cross-sections if appropriate;

- means of enclosure and other boundary treatments;
- car parking layouts and other vehicular access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
- existing and proposed functional services above and below ground level (e.g. drainage, power and communication cables, pipelines, together with positions of lines, supports, manholes, etc.);

shall be implemented in its entirety during the first planting season (October to March inclusive) following commencement of the development, or in any other such phased arrangement as may be agreed in writing by the Local Planning Authority. Any tree, shrub or hedge plant (including replacement plants) removed, uprooted, destroyed, or be caused to die, or become seriously damaged or defective, within five years of planting, shall be replaced by the developer(s) or their successors in title, with species of the same type, size and in the same location as those removed, in the first available planting season following removal.

- (7) The development hereby approved shall be implemented in accordance with the measures for the retention and protection of trees retained as set out in the Arboricultural Impact Assessment and Drawing No. 280502-P-13 dated June 2012 by Messrs. Tim Moya Associates accompanying application 12/00381/FUL as approved on 17 December 2012.
- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order with or without modification) the garages hereby permitted shall be retained for the parking of vehicles and shall not be converted to habitable accommodation.
- (9) The proposed private drive accesses from Clements Hall Way shall be constructed and provided with an appropriate dropped kerb crossing of the footway prior to the occupation of the dwellings proposed to take access therefrom.
- (10) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
- (11) The development shall be implemented in accordance with the details for the wheel cleaning of construction vehicles before their exiting the site and to comprise of not less than one jet washer on site and mechanical sweeper as required for off site roads and as specified at

Appendix C to the Construction Management Project Plan No. H4606 and dated January 2013 accompanying application 12/00381/FUL as approved on 17 December 2012.

- (12) The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- (13) The development hereby permitted shall only be carried out in accordance with the revised Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated January 2014 and the following mitigation measures detailed in the FRA:-
1. Surface water run off generated on site shall be restricted to a maximum of 59.9 l/s.
  2. Storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, and shall be designed to incorporate sustainable drainage techniques and consider flow routes/pathways across the site.
  3. Prior to first habitation, details of who shall be responsible for the maintenance of the surface water scheme in perpetuity shall be agreed in writing with the Local Planning Authority.
  4. No dwellings shall be placed within flood zones two and three as confirmed within the submitted FRA.
  5. General ground levels within the flood plain shall not be raised as a result of this development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed in writing by the Local Planning Authority.

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- (14) No part of the development shall be occupied until a system of operational street lighting serving that part of the development has been provided and the system shall be maintained operational and in good repair until adopted.
  - (15) The development shall be implemented in accordance with the terms and conditions of the legal agreements to application 12/00381/FUL.
  - (16) The development hereby approved shall be implemented in accordance with the advice, recommendations and mitigation measures set out in the Ecology Strategy by Messrs. Liz Lake Associates dated June 2012 File Name 1079A5 Rev. A. accompanying application 12/00381/FUL as approved on 17 December 2012.



Shaun Scrutton

Head of Planning and Transportation

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### Relevant Development Plan Policies and Proposals

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - H1, H2, H5, H6, CP1.

Rochford District Council Local Development Framework Allocation Plan Adopted 25 February 2014.

SER4 - South Hawkwell

Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014 - DM1, DM30.

Rochford District Replacement Local Plan (2006) as saved by Direction of the Secretary of State for Communities and Local Government and dated 5 June 2009 in exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 - HP6.

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010- C3

Rochford District Council Local Development Framework Supplementary Planning Document 2 Housing Design (January 2007).

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If you would like this report in large print, Braille or another language please contact 01702 318111.

