

**15/00041/FUL****LAND BETWEEN MAIN ROAD AND RECTORY ROAD AND  
CLEMENTS HALL WAY HAWKWELL****APPLICANT: DAVID WILSON HOMES EASTERN COUNTIES****ZONING: METROPOLITAN GREEN BELT****PARISH: HAWKWELL****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. 1289 requiring notification of referrals to the Director by 1.00 pm on Wednesday, 24 June 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 housing 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 that was subsequently varied by an application approved on 3 June 2014 under application reference 13/00709/FUL to vary condition 20 of the then existing permission and allow implementation under a revised flood risk assessment.

1.2 Condition 15 of the decision notice for 13/00709/FUL states:-

"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".

REASON: To ensure that loose materials and spoil are not brought onto the highway in the interests of highway safety.

**2 PROPOSAL**

- 2.1 Permission is now sought to vary condition 15 to the permission 13/00709/FUL granted on 3 June 2014 under application no. 13/00709/FUL to:-
- 2.2 "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".
- 2.3 This variation of condition seeks to remove the requirement for the mechanical wheel spinner to be present for the remaining duration of the construction period on the site and only clean construction vehicle wheels by way of jet washing only. The mechanical wheel spinner was removed from the site in the autumn of 2014. Prior to the removal of the mechanical wheel spinner and since its removal from the site, the applicants have provided mechanical road sweeping by vacuum tanker.
- 2.4 The applicants request that the condition be varied due to logistical constraints on site. An area of 40m long by 6m wide is required to take vehicles off the access road, up into the facility and back out to the exit. Work has commenced on plots adjacent to the site access off Clements Hall Way that prevents a mechanical wheel washing facility being located at the site entrance. It is the applicants' contention that installing a wheel spinning facility further into the site would be of no benefit as vehicles would have to pass over muddy roads after washing to reach the site exit, defeating the purpose of such a facility.

**3 PLANNING HISTORY (since the 1990s)**

- 3.1 Application No. 14/00892/FUL
- 3.2 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.

3.3 Permission refused on 6 March 2015 for the following reason:-

1. The proposed change in condition 11 would result in a residue of mud and stones along Rectory Road.

3.4 The application is now the subject of an appeal by the applicants.

#### **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.

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 of the highway outside the site. 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 condition was necessary to the original permission granted on 17 December 2012 under application 12/00381/ FUL to ensure that loose materials and spoil were not brought onto the highway such as to risk danger through skidding or other harm to highway users. The condition was an adaptation by District officers of that recommended by the County Highway officers on the original application, which required the submission of suitable details for wheel cleaning. District officers required the inclusion of the mechanical apparatus because of the regular haul away of excavation material. A construction management plan was submitted by the applicants to cover a number of matters required to be discharged by condition to the

original permission and this included the provision of the apparatus for construction vehicles to drive onto and for wheels to be spun in situ to allow mud and other material, including stones, to spin off before cleaning with jet wash. This requirement was carried forward into the decision on the revised permission granted on 3 June 2014 under application 13/00709/FUL and to which condition 15 of that permission is now sought to be revised.

- 4.4 A near identical application (reference: 14/00892/FUL) was reported to the Council's Development Committee on 26 February and refused by the Council in the decision notice dated 3 March 2015 which sought to vary condition 11 of that permission granted under application 14/00561/FUL made in respect of the redesign of four plots. Condition 11 of that permission is the same requiring the retention of the mechanical wheel spinner for the duration of the construction. This decision is now subject to a pending appeal (PINS reference: APP/B1550/W/15/3011875). The decision made by the Council on 3 March 2015 is a material consideration in the determination of this pending application.
- 4.5 In the debate that concerned the application (reference: 14/00892/FUL), Members expressed concern at the inadequacy of jet wash measures without the spinner, as had been evidenced since the autumn of 2014. There had also been occasions when the mechanical vacuum sweeping machine had not been in attendance or when it had, the extent of mud and stones was in large lumps such that the vacuum sweeper ran over it and compacted it upon the road surface rather than being able to pick it up. For this reason Members, having considered the officer report and recommendation that the condition could now be varied as proposed, came to a different view that it was essential that the mechanical wheel spinner was necessary to remove the greater quantity of material from construction vehicles to be finished off by the jet wash before entering the highway. In Members' view it was essential that both equipment worked together and that such remaining material that could be carried onto the highway could be ably collected by the vacuum sweeper, particularly as there remained much work to be done on the site and large volumes of top soil were being removed. The Council therefore considered that the wheel spinner should be returned to the site as previously agreed.
- 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.
- 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 just before leaving the site. The applicants also have a mechanical road sweeping machine in attendance sweeping the site and on the highway network.

- 4.8 Officers have had cause to visit the site from time to time following complaints at the removal of the spinner and material on the road surface 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 and justification for the condition. It is significant that the County Highway Authority does not object to the revision proposed and does not see it therefore essential that the arrangements that have worked for the earlier stages of the construction remain necessary for the later construction stages.
- 4.9 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 an 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. That being the case and notwithstanding the decision reached in relation to the similar application (14/00892/FUL) earlier this year, officers conclude there is no compelling case to justify a different recommendation in relation to this current proposal. A revised condition to the one currently proposed is, though, justified to specifically refer to wheel cleaning and as set out below:-

15. The development shall be implemented with details for the wheel cleaning of construction vehicles before their exiting the site and tjo 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.

- 4.10 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.
- 4.11 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 15 outlined in this report.

## 5 REPRESENTATIONS

### 6.1.5

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- 5.1 HAWKWELL PARISH COUNCIL: Maintains its objection to the removal of the mechanical wheel cleaning machine.
- 5.2 ECC HIGHWAYS: From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
- 5.3 NEIGHBOURS: Two letters have been received from the following addresses:-
- 5.4 Lascelles Gardens: 45a,
- 5.5 Thorpe Road: 84.
- 5.6 And which in the main make the following comments and objections:-
- This is clearly an attempt to water down what was first agreed and an admission that instead of removing mud etc. on the site they will now put it on the road to be cleared by the mechanical sweeper. The sweeper cannot be everywhere at once and the driver presumably has breaks, therefore there will be mud etc., on Clements Hall Way and its junction with Rectory Road, both very busy due to leisure centre traffic, posing a skid hazard when turning in from Rectory Road. They should stick to what they originally agreed.
  - The present mechanical sweeper required for off site roads makes a turnaround at the unmade end of Thorpe Road, churning up both sides of the verge making the end of the road very muddy. Can the vehicle mentioned in this PA please not do this.

## 6 RECOMMENDATION

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

That the application be approved, subject to the following conditions:-

- (1) The development hereby permitted shall commence on or before 16 December 2015
- (2) The development shall be implemented in accordance with the schedule for external materials H4606 Revision S 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 any phase 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 phase and serving the paddocks and open

space areas when part of that phase, 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 1, 10, 12, 13, 14, 16, 17, 23, 29, 30, 36, 43, 44, 46, 47, 52, 54, 60, 61, 62, 73, 75, 77, 78, 81, 86, 89, 91, 94, 98, 99, 102, 103, 104, 106, 107, 111, 112, 117, 121, 128, 129, 132, 136, 150, 153, 155, 159, 160, 161, 165, 168, 169, 172, 173, 175 and 176, 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 until details of the lighting height and luminance for the play areas and pathways through the public open space within the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
- (7) 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 submitted to and agreed in writing by the Local Planning Authority. The scheme 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;

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- 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);
  - a programme for the implementation of both hard and soft landscaping features.

The landscaping scheme shall be implemented in its entirety in accordance with the agreed programme for implementation, or other such programme subsequently agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree, shrub or hedge plant that item or any item planted in replacement for it is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another of the same species and size as that originally planted shall be planted at the same place in the first available planting season following removal, unless the Local Planning Authority gives its written approval to any variation.

- (8) 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 accompanying the application and Drawing No. 280502-P-13 dated June 2012 BY Messrs. Tim Moya Associates.
- (9) 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.

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- (10) Prior to the commencement of the development, the road junction at its centre line on Clements Hall Way shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres to the junction to the south and 2.4 metres by 43 metres to the north, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and shall be retained free of any obstruction at all times. The junction on Rectory Road shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres x 90m in both directions, as measured from and along the nearside edge of the carriageway.
  - (11) The designated access for construction site traffic shall be implemented in accordance with that specified at parts b) and c) to Appendix B to the Construction Management Project Plan Project No. H4606 and dated January 2013.
  - (12) 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.
  - (13) Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The details as may be approved shall be carried out in their entirety prior to the access so drained becoming operational and shall be retained thereafter.
  - (14) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.
  - (15) 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 17th December 2012.
  - (16) Prior to the commencement of the development details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as may be agreed.
  - (17) 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.

- (18) The proposed bell mouth junction with Clements Hall Way, inclusive of cleared land necessary to provide the visibility splays, shall be constructed up to and including at least road base level and be available for use prior to the commencement of any other development, including the delivery of materials.
- (19) Prior to the commencement of the development details of all independent paths, including their lighting and drainage, shall be submitted to and agreed in writing by the Local Planning Authority. Paths shall be a minimum of 2 metres wide. The development shall be implemented in accordance with such details as may be agreed.
- (20) The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Richard Jackson Ltd Job No. 43929 and dated September 2013 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 to consider flow routes/pathways across the site. Full calculations must be submitted to demonstrate that there is capacity within the system (both on site and within any receiving systems/water courses) for all events up to and including the 1 in 100 year storm, inclusive of climate change, without increasing flood risk elsewhere.
  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. This agreement shall include details of all aspects of the scheme, including, but not limited to, swales, detention basins, over sized storage facilities

(above and below ground), pipe networks, outfalls and water courses where surface water will be discharging to.

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.

- (21) 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.
- (22) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and agreed in writing by the Local Planning Authority:-
  - i) Preliminary risk assessment which has identified all previous uses. Potential contaminants associated with those uses. A conceptual model of the site indicating sources, pathways and receptors. Potentially unacceptable risks arising from contamination of the site.
  - ii) A site investigation scheme based on i) above to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site.
  - iii) The site investigation results and the detailed risk assessment in ii) and, based on these, an options appraisal and remediation strategy giving details of the remediation measures required for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
  - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (23) A Written Scheme of Investigation for the archaeological watching brief shall be submitted to and approved by the Local Planning Authority for

the works required. Such a scheme shall set out the scope of the archaeological works required, the measures to be employed should significant archaeological remains be encountered (and cover all phases of the development in a single document) and shall ensure the appropriate identification, recording, reporting and duration of any archaeological remains encountered. The scheme shall also form the basis for the appointment of an appropriate archaeological organisation to conduct the works that would be procured through an appropriate tender process. Such a scheme shall negate the need to agree subsequent mitigation strategies with the Local Planning Authority during the course of the works, as an appropriate mechanism to signal and agree variations to recording procedures, should significant remains be exposed, will be appropriately set-out and agreed in the Written Scheme of Investigation. Further, appointment of a single approved archaeological contractor to conduct the full works will ensure the integrity of the final site archive. The development shall be implemented in accordance with such Written Scheme of Investigation as may be approved.

Any change to these components require the express consent of the Local Planning Authority

- (24) Prior to the occupation of the 22nd dwelling hereby approved the junction improvements works at the Main Road, Hall Road and Rectory Road roundabout have been provided entirely at the developer's expense. Such junction improvement works shall include the widening of the Rectory Road arm to provide two lanes on approach (as shown in principle on Ardent CE drawing No. D540-004) submitted as part of the application particulars.
- (25) None of the dwellings hereby approved shall be occupied until such time as the passenger transport infrastructure along Rectory Road adjacent to the site is relocated and upgraded where appropriate. All works shall be provided entirely at the developer's expense and include new shelter and footway facilities comprising of lighting, seating and timetable information, together with raised kerbs where necessary and the relocation of telegraph poles and lighting along Rectory Road in the vicinity of the site.
- (26) Construction traffic shall access the site in accordance with the details of the construction management of the site, as set out in section 14.8 to the Planning Statement by Messrs. Kember Loudon Williams LLP reference: 12/016 submitted in support of the application.
- (27) Notwithstanding the requirements of condition 7 above details of any tree planting proposed within the highway, together with a programme for implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to planting. Such trees must be sited clear of all underground services and visibility splays and must be sympathetic to the

street lighting scheme. If within a period of five years from the date of planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the same place, in the first available planting season following removal, unless the Local Planning Authority, in consultation with the Highway Authority, gives written approval to any variation.

- (28) 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 the application.
- (29) Prior to the first occupation of the development comprising Plots 1 - 56 located west of Thorpe Road, the applicant shall submit details to the Local Planning Authority for the insulation of those dwellings against noise generated by the industrial premises to the north west of the site. Such details shall comprise an assessment of the pre-existing background noise levels at the site, taking into account the permitted hours of operation of the adjoining industrial premises fronting Main Road, Hawkwell and the layout, location and height of the residential properties. Such details as may be agreed shall be fully implemented prior to the first occupation of the dwellings on Plots 1 - 56 and shall be maintained in the approved form thereafter.



Shaun Scrutton

Director

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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 25th February 2014.

SER4 - South Hawkwell

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

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)

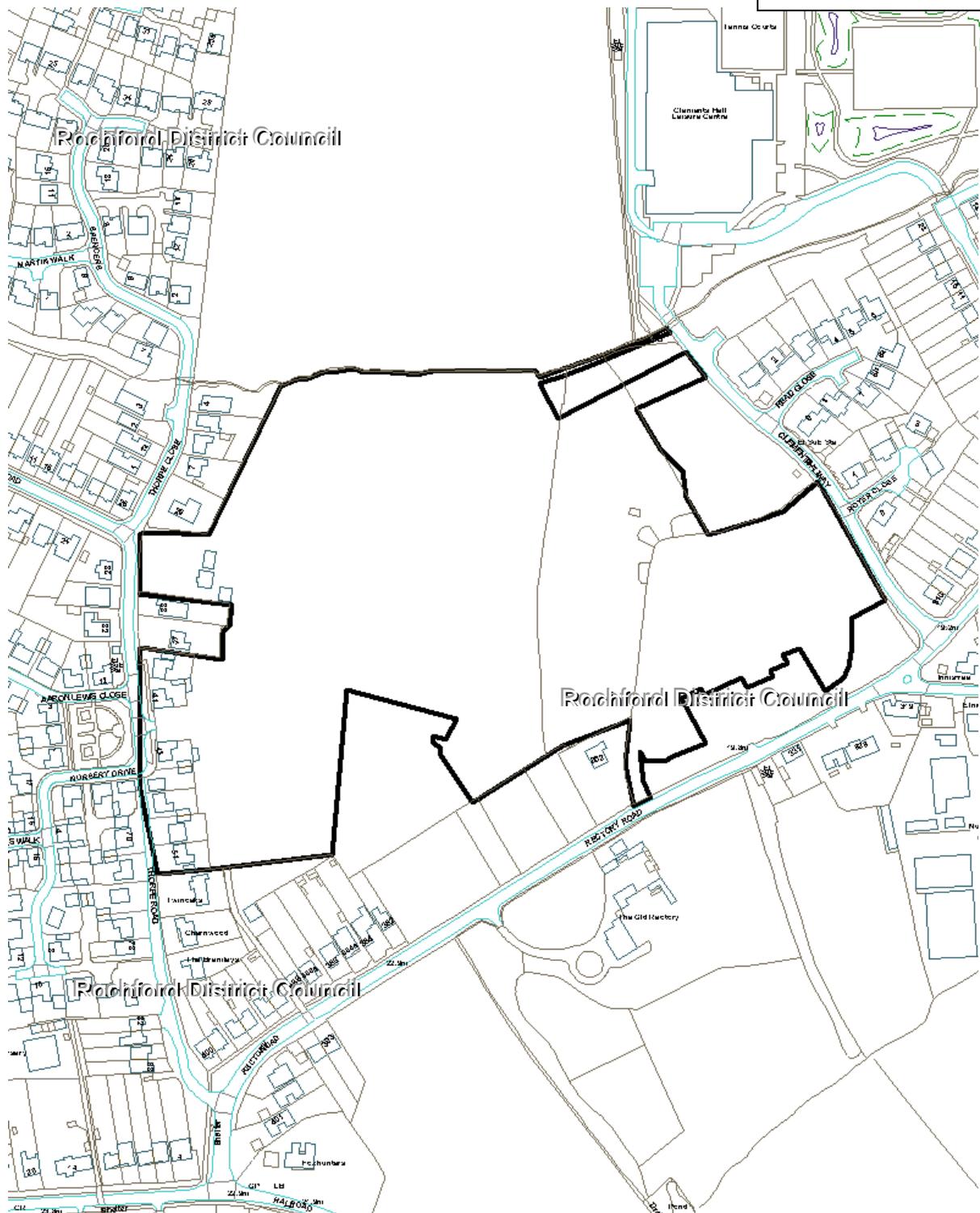
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15/00041/FUL



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