

Subject : Planning Consultation: Land Rear Of Princes Street, Princes Street, Rugby, ,  
Warwickshire, - R24/0111

recipient : Ella.Casey@rugby.gov.uk

Received date : 2024-03-07T14:04:26Z

Sender : EHCS@rugby.gov.uk

Hello

**Planning application: Land Rear Of Princes Street, Princes Street, Rugby, ,  
Warwickshire,**

**Application Reference: R24/0111**

**Cx Case Reference: 4745**

**Planning Consultation.**

Comments as follows;

I have no objections to the proposed development subject to the following comments. I have recommended conditions and informative notes which should be attached to any decision notice, should approval be granted. I have referred to certain documents that have addressed (subject in some cases to approval by other consultees) issues I would otherwise have recommended as conditions.

In summary, the air quality assessment is acceptable subject to confirmation by WCC that the transport assessment is agreed. Additional information is required for the contaminated land assessment and the noise assessment. Some alterations are required to the construction management plan.

### **Air quality**

The Hoare Lea Rounds Gardens Rugby St. Modwen Homes Air Quality Assessment rev 01 31 January 2024 first issue Project number: 34/22356 Document reference: 3422356-HLE-RP-AQ-Rugby Rounds Gardens\_Rev01.docx is noted. Space and water heating is to be provided by electrical systems including use of Air Source Heat Pumps and the comments within section 6.3.1 on air quality neutral are noted. Both the construction and operational phases have been considered. The mitigation identified in section 7 should be implemented with regard being given to table 14.

There is significant traffic on Newbold Road and Edward Street throughout the day and particularly around rush hour with very slow stop and start, or stationary traffic often seen. This development will add to those movements. The PJA St. Modwen

Homes Land North of Rounds Gardens, Rugby Transport Assessment January 2024 Project Code: 05554 version B 31 January 2024 is noted and if accepted by WCC transport / highways shows that a stage 1 and then stage 2 air quality assessment would be required, which has been carried out and may therefore be considered acceptable and be implemented.

## **Contaminated land**

The Roberts Limbrick Land north of Rounds Gardens, Rugby Detailed landscape Proposals Public Open Space project no. 10689 number P8003 rev C01 notes the removal of topsoil for the Public Open Space (POS) and testing to BS 3882:2015 to check if it is suitable for re-use. It is stated that imported top soil shall be to BS3882:2015.

Reference is made in the Planning Statement Land North of rounds Gardens, Rugby for St. Modwen Homes January 2024, doc ref Final Version, 31st January 2024 6.63 to a PJA preliminary ground investigation, May 2021 indicating presence of contaminants of concern on the site. The PJA project Newbold Road, Rugby subject: Preliminary Ground Investigation Summary of Findings doc ref 05554-TN-001 project no. 05554 date 13/7/221 1st Issue which includes DRAFT marked trial pit logs is noted.

A copy of the Atkins report should be provided as it has been referred to within the technical note. It is not clear if Tier Environmental Ltd have produced their own report which was summarised by PJA Civil Engineering Ltd in their technical note, in which case the Tier report is requested. A final version of the trial pit logs should be provided with any updates.

The proposed change of land use introduces new, more sensitive receptors to the development. Having regard to the information supplied, the current and historic uses as playing fields and parking indicate the land is subject to a degree of contamination. I have considered the guidance within the National Planning Policy Framework, December 2023 in particular paragraphs 180, 189, 190 and 191 in addition to Land Contamination: Risk Management updated 20th July 2023. At this time the details provided are not sufficient to demonstrate compliance with a site investigation carried out with regard to the Land Contamination Risk Management (LCRM), so I have recommended the full contaminated land condition.

## **Noise**

The Hoare Lea Land North of Rounds Gardens, Rugby. (R9122). St Modwen Homes Acoustics Proposed Residential Development Baseline Noise Assessment Revision 1 22 January 2024 Rev. 1 22/01/2024 Updated report following client comments project number 10-15212 is noted. Section 7 Discussion notes the general ambient noise climate across the site is dominated by rails noise...There was no significant noise impact on the site from the industrial premises to the north. I have noted the comment that it is considered that whilst there is the potential for intensification of the works to the north, this can be accommodated by the more stringent proposed mitigation measures required to reduce train noise levels down to an appropriate level. It is also noted that the majority of this rail noise is attributable to rail-wheel noise which has a characteristic mid-frequency tonal peak at 500Hz-2kHz.

The discussion in 7.3.1 for standard thermal double glazing is noted, however, I would expect any design criteria to be based around  $R_w$  (Ctr) spectrum adaption term for standardized road traffic as it is also applicable to railway traffic at low speeds. This would be appropriate taking account of the comments referred to about rail noise.

Section 8 Recommendations are noted. As noted, any glazing and background ventilation vents should be specified using the  $R_w$  (Ctr) spectrum adaption term.

For the fencing to provide a noise barrier effect to the gardens, I have recommended a condition for the minimum specification for construction however the heights may need to be revisited.

I hold concerns that the GE site, though currently operating, is in a relatively quiet period as noted by the limited site noise in the assessment. Although current operations centre around turbine design and manufacture, they also carry out power station machinery refitting and other power generation activities. There is a clear potential for manufacturing and refitting operations to recommence with commensurate noise (and vibration). I have spoken to one of the facilities management team who confirm the potential for such operations however I am still awaiting a more detailed response. In considering the Department for Levelling Up, Housing and Communities National Planning Policy Framework December 2023 and Paragraph 193 which refers to the agent of change principle, I request additional comment under noise, to assess for reasonable levels of noise associated with activities at the GE site which may recommence in the foreseeable future. Such assessment should include further appraisal of recommended attenuation to the facades of proposed dwellings and protection of external amenity (garden) areas, consideration of the proposed ASHPs to ensure no adverse impact on neighbouring residential receptors, as well as including the  $R_w$ (Ctr) spectrum adaptation term.

## **Demolition / construction**

The St. Modwen Homes Land North of Rounds Gardens, Rugby Demolition Specification January 2024 Project Code: 05554-R-04-A Version A 31 January 2024 is noted. Section 2.13 notes that an asbestos demolition survey for the existing building on the site was undertaken by Environmental Essentials on 23rd October 2023 (report reference P-457961) and is provided in appendix B. This Environmental Essentials Asbestos Demolition Survey for St. Modwen Homes Limited at Land North of Rounds Gardens (Rugby) Pavilion Building Rugby CV521 2EZ Amended Report survey date 23 October 2023 project ref P-457961 version 2 11/12/2023 should be followed.

A Dust Management Plan (DMP) shall be produced as per the specifications outlined in the report.

The St Modwen Homes Construction Environmental Management Plan Land North of Rounds Garden, Rugby January 2024 is noted. Section 3.2 hours of work, 4.1 site operation and 6.1 Fencing will need the Saturday times adjusted to match those of the normal construction hours in Rugby, these being Monday to Friday 0730-1800hrs, Saturday 0830-1300hrs, no working on Sundays or Bank Holidays. Although staff may arrive and depart outside these hours, no noisy activities such as start up or close down, nor loading or unloading, deliveries or collections etc will be permitted outside the normal hours.

Section 7.2 vibration is noted and if piling is to be used in any foundation design, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods. A piling risk assessment document shall be submitted and agreed as part of such discussions.

A precondition survey should be considered for offering to properties along the routes to be used by demolition and construction traffic such as Edward Street, Willans Place and Essex Street. Complaints of damage (both cosmetic and structural) have been received by the Council from construction traffic when routed through residential streets. Offering to undertake such a survey would help reassure residents that were any damage to occur, it would be corrected.

## **Conditions**

### **Contaminated land**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) as updated 20th July 2023.

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following

completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by the local planning authority in accordance with condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Reason: in the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority

### **Fence**

The boundary fences or walls shall be of solid construction, without gaps or holes to the sides or at the base. They shall have a minimum surface density of 10kg/m<sup>2</sup>. If of a close boarded design they shall be of solid. Feather edged boarding shall not be used and if an overlapping construction is used, wide overlaps shall be used to ensure gaps do not develop.

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

### **Informative notes**

#### **Construction hours**

To reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday Friday 7.30 a.m. 6.00 p.m.

Saturday 8.30 a.m. 1.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority

### **Impacts from existing activities**

The development is in close proximity to existing commercial /industrial operations, in addition to being close to a main road and railway line. It will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with the activities. Such activities may extend into the night time period.

### **Smoke control area**

The development is within a smoke control area, therefore any occupiers should be aware that only authorised fuel should be burnt, or use made of an exempt appliance with the appropriate permitted fuel. Specific advice is available from DEFRA.

Regards

Michael Warren

Environmental Health Officer

01788 533804

Hello

**Planning application: Land Rear Of Princes Street, Princes Street, Rugby, , Warwickshire,**

**Application Reference: R24/0111**

**Cx Case Reference: 4745**

### **Planning Consultation.**

Comments as follows;

I have no objections to the proposed development subject to the following comments. I have recommended conditions and informative notes which should be attached to any decision notice, should approval be granted. I have referred to certain documents that have addressed (subject in some cases to approval by other consultees) issues I would otherwise have recommended as conditions.

In summary, the air quality assessment is acceptable subject to confirmation by WCC that the transport assessment is agreed. Additional information is required for the contaminated land assessment and the noise assessment. Some alterations are required to the construction management plan.

## **Air quality**

The Hoare Lea Rounds Gardens Rugby St. Modwen Homes Air Quality Assessment rev 01 31 January 2024 first issue Project number: 34/22356 Document reference: 3422356-HLE-RP-AQ-Rugby Rounds Gardens\_Rev01.docx is noted. Space and water heating is to be provided by electrical systems including use of Air Source Heat Pumps and the comments within section 6.3.1 on air quality neutral are noted. Both the construction and operational phases have been considered. The mitigation identified in section 7 should be implemented with regard being given to table 14.

There is significant traffic on Newbold Road and Edward Street throughout the day and particularly around rush hour with very slow stop and start, or stationary traffic often seen. This development will add to those movements. The PJA St. Modwen Homes Land North of Rounds Gardens, Rugby Transport Assessment January 2024 Project Code: 05554 version B 31 January 2024 is noted and if accepted by WCC transport / highways shows that a stage 1 and then stage 2 air quality assessment would be required, which has been carried out and may therefore be considered acceptable and be implemented.

## **Contaminated land**

The Roberts Limbrick Land north of Rounds Gardens, Rugby Detailed landscape Proposals Public Open Space project no. 10689 number P8003 rev C01 notes the removal of topsoil for the Public Open Space (POS) and testing to BS 3882:2015 to check if it is suitable for re-use. It is stated that imported top soil shall be to BS3882:2015.

Reference is made in the Planning Statement Land North of rounds Gardens, Rugby for St. Modwen Homes January 2024, doc ref Final Version, 31st January 2024 6.63 to a PJA preliminary ground investigation, May 2021 indicating presence of contaminants of concern on the site. The PJA project Newbold Road, Rugby subject: Preliminary Ground Investigation Summary of Findings doc ref 05554-TN-001 project no. 05554 date 13/7/221 1st Issue which includes DRAFT marked trial pit logs is noted.



A copy of the Atkins report should be provided as it has been referred to within the technical note. It is not clear if Tier Environmental Ltd have produced their own report which was summarised by PJA Civil Engineering Ltd in their technical note, in which case the Tier report is requested. A final version of the trial pit logs should be provided with any updates.

The proposed change of land use introduces new, more sensitive receptors to the development. Having regard to the information supplied, the current and historic uses as playing fields and parking indicate the land is subject to a degree of contamination. I have considered the guidance within the National Planning Policy Framework, December 2023 in particular paragraphs 180, 189, 190 and 191 in addition to Land Contamination: Risk Management updated 20th July 2023. At this time the details provided are not sufficient to demonstrate compliance with a site investigation carried out with regard to the Land Contamination Risk Management (LCRM), so I have recommended the full contaminated land condition.

## **Noise**

The Hoare Lea Land North of Rounds Gardens, Rugby. (R9122). St Modwen Homes Acoustics Proposed Residential Development Baseline Noise Assessment Revision 1 22 January 2024 Rev. 1 22/01/2024 Updated report following client comments project number 10-15212 is noted. Section 7 Discussion notes the general ambient noise climate across the site is dominated by rails noise...There was no significant noise impact on the site from the industrial premises to the north. I have noted the comment that it is considered that whilst there is the potential for intensification of the works to the north, this can be accommodated by the more stringent proposed mitigation measures required to reduce train noise levels down to an appropriate level. It is also noted that the majority of this rail noise is attributable to rail-wheel noise which has a characteristic mid-frequency tonal peak at 500Hz-2kHz.

The discussion in 7.3.1 for standard thermal double glazing is noted, however, I would expect any design criteria to be based around  $R_w$  (Ctr) spectrum adaption term for standardized road traffic as it is also applicable to railway traffic at low speeds. This would be appropriate taking account of the comments referred to about rail noise.

Section 8 Recommendations are noted. As noted, any glazing and background ventilation vents should be specified using the  $R_w$  (Ctr) spectrum adaption term.

For the fencing to provide a noise barrier effect to the gardens, I have recommended a condition for the minimum specification for construction however the heights may need to be revisited.

I hold concerns that the GE site, though currently operating, is in a relatively quiet period as noted by the limited site noise in the assessment. Although current operations centre around turbine design and manufacture, they also carry out power station machinery refitting and other power generation activities. There is a clear potential for manufacturing and refitting operations to recommence with commensurate noise (and vibration). I have spoken to one of the facilities management team who confirm the potential for such operations however I am still awaiting a more detailed response. In considering the Department for Levelling Up, Housing and Communities National Planning Policy Framework December 2023 and Paragraph 193 which refers to the agent of change principle, I request additional comment under noise, to assess for reasonable levels of noise associated with activities at the GE site which may recommence in the foreseeable future. Such assessment should include further appraisal of recommended attenuation to the facades of proposed dwellings and protection of external amenity (garden) areas, consideration of the proposed ASHPs to ensure no adverse impact on neighbouring residential receptors, as well as including the Rw(Ctr) spectrum adaptation term.

### **Demolition / construction**

The St. Modwen Homes Land North of Rounds Gardens, Rugby Demolition Specification January 2024 Project Code: 05554-R-04-A Version A 31 January 2024 is noted. Section 2.13 notes that an asbestos demolition survey for the existing building on the site was undertaken by Environmental Essentials on 23rd October 2023 (report reference P-457961) and is provided in appendix B. This Environmental Essentials Asbestos Demolition Survey for St. Modwen Homes Limited at Land North of Rounds Gardens (Rugby) Pavilion Building Rugby CV521 2EZ Amended Report survey date 23 October 2023 project ref P-457961 version 2 11/12/2023 should be followed.

A Dust Management Plan (DMP) shall be produced as per the specifications outlined in the report.

The St Modwen Homes Construction Environmental Management Plan Land North of Rounds Garden, Rugby January 2024 is noted. Section 3.2 hours of work, 4.1 site operation and 6.1 Fencing will need the Saturday times adjusted to match those of the normal construction hours in Rugby, these being Monday to Friday 0730-1800hrs, Saturday 0830-1300hrs, no working on Sundays or Bank Holidays. Although staff may arrive and depart outside these hours, no noisy activities such as

start up or close down, nor loading or unloading, deliveries or collections etc will be permitted outside the normal hours.

Section 7.2 vibration is noted and if piling is to be used in any foundation design, the developer is to consult with Rugby Council Commercial Regulation Team to obtain guidance. This will reduce the chance of enforcement action should an unsuitable method of piling be chosen which causes nuisance by way of noise and/or vibration. Continuous Flight Auger or other methods shall be prioritised for use over driven piling methods. A piling risk assessment document shall be submitted and agreed as part of such discussions.

A precondition survey should be considered for offering to properties along the routes to be used by demolition and construction traffic such as Edward Street, Willans Place and Essex Street. Complaints of damage (both cosmetic and structural) have been received by the Council from construction traffic when routed through residential streets. Offering to undertake such a survey would help reassure residents that were any damage to occur, it would be corrected.

## **Conditions**

### **Contaminated land**

No development other than that required to be carried out as part of an approved scheme of remediation shall commence [in any phase of the development] until condition (a) to (d) below have been complied with [for that phase]. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the local planning authority until condition (d) below has been complied with in relation to that contamination.

(a) An investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be subject to approval in writing by the local planning authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to approval in writing by the local planning authority. The report of the findings shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to human health, existing or proposed property and buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s) to be conducted in accordance with UK Government and the Environment Agency's Land Contamination Risk Management (LCRM) as updated 20th July 2023.

(b) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and subject to approval in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be prepared and subject to approval in writing by the local planning authority.

(d) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition (a) and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition (b) which shall be subject to approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which shall be subject to approval in writing by the local planning authority in accordance with condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, ecological systems, property and residential amenity and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Reason: in the interests of residential amenity, to ensure the details are acceptable to the Local Planning Authority

### **Fence**

The boundary fences or walls shall be of solid construction, without gaps or holes to the sides or at the base. They shall have a minimum surface density of 10kg/m<sup>2</sup>. If of a close boarded design they shall be of solid. Feather edged boarding shall not be used and if an overlapping construction is used, wide overlaps shall be used to ensure gaps do not develop.

Reason: in the interests of residential amenity and to ensure the details are acceptable to the Local Planning Authority

### **Informative notes**

#### **Construction hours**

To reduce the likelihood of local residents being subjected to adverse levels of noise annoyance during construction, work on site should not occur outside the following hours: -

Monday Friday 7.30 a.m. 6.00 p.m.

Saturday 8.30 a.m. 1.00 p.m.

NO WORK ON SUNDAYS & BANK HOLIDAYS.

If work at other times is required permission should be obtained from the local planning authority

### **Impacts from existing activities**

The development is in close proximity to existing commercial /industrial operations, in addition to being close to a main road and railway line. It will be subject to reasonable disturbance from noise, dust, odour, vibration and light associated with the activities. Such activities may extend into the night time period.

### **Smoke control area**

The development is within a smoke control area, therefore any occupiers should be aware that only authorised fuel should be burnt, or use made of an exempt appliance with the appropriate permitted fuel. Specific advice is available from DEFRA.

Regards

Michael Warren

Environmental Health Officer

01788 533804