

# Planning Committee

26 July 2023



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| <b>Application No.</b> | 23/00557/SCC  |
| <b>Site Address</b>    | Sunbury Fire Station, Staines Road West, Sunbury-on-Thames, TW16 7BG  |
| <b>Applicant</b>       | Surrey County Council   |
| <b>Proposal</b>        | Surrey County Council consultation for the redevelopment of the former Sunbury Fire Station site for a mixed-use hub building incorporating Class E (Commercial, business and service) and Class F1 (Learning and non-residential) uses including library plus 12 no. supported independent living units (use class C3).<br>(SCC Consultation reference: 2023-0051) |
| <b>Case Officer</b>    | Kelly Walker / Kiran Boparai  |
| <b>Ward</b>            | Sunbury Common  |
| <b>Called-in</b>       | N/A   |

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| <b>Application Dates</b> | Valid: 03.05.2023   | Expiry: N/A | Target: N/A |
| <b>Executive Summary</b> | <p>The application is a consultation from Surrey County Council (SCC) for the erection of community facilities, including commercial uses, library and residential accommodation in the form of supported independent living units. The proposed facility would support the borough of Spelthorne and would replace the former Sunbury fire station, which was demolished in 2020 following its closure.</p> <p>Because the application is for a community facility which is provided by SCC as a function of their services, they will determine this planning application. As such, this application is a consultation on a planning application which has been submitted by SCC, seeking the views of Spelthorne Borough Council (SBC) as the site is located within Spelthorne. SCC as the determining authority also consult with various statutory consultees including the County Highway Authority (CHA) and the Environment Agency (EA). All comments received by consultees will be taken into account when the application is determined by the County.</p> <p>The application site is a rectangular piece of land located on the southern side of Staines Road West. The former fire station building has been demolished and the site is currently surrounded by a hoarding. To the east of the site is Forest Drive which is a cul-de-sac consisting of residential properties in the form of flats. To the west of the site is Sunna Lodge, a four-storey flatted development and to the</p> |             |             |

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|                                    | <p>south is Ashton Lodge, a two-storey nursing home.</p> <p>The building would provide floorspace over 5 storeys with parking and cycle spaces, associated refuse and servicing bay within the site. The ground floor would contain library floorspace and a community hub. The first floor would be community floorspace, including adult education. The second floor would offer flexible community/commercial space and the third and fourth floor would provide 12 no. supported living units, and associated staff space.</p> <p>The proposal is for a community hub, providing a range of community facilities including a library, adult education and supported living accommodation. It is an efficient use of land on a brownfield site in a sustainable location and would meet a community and housing need. It would have an acceptable design and appearance, as well as have an acceptable impact on the amenity of neighbouring residential properties. Contaminated land, air quality, impact on trees, landscaping and ecology are also considered to be acceptable.</p> |
| <p><b>Recommended Decision</b></p> | <p>It is recommended that Spelthorne Borough Council raises NO OBJECTION to this proposal, as set out at Paragraph 8 of the Report.</p>  |

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- EN1 – Design of New Development
- EN3 – Air Quality
- EN11 – Development and Noise
- EN15 - Development on Land Affected by Contamination
- CO1 – Providing Community Facilities
- HO1 - Providing for New Housing Development
- HO4 - Housing Size and Type
- CC1 - Renewable Energy, Energy Conservation and Sustainable Construction
- CC2 - Sustainable Travel
- CC3 – Parking Provision

1.2 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 - 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.

- 1.3 An examination into the Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved the following: *Spelthorne Borough Council formally requests the Planning Inspector to pause the Examination Hearings into the Local Plan for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the Local Plan and after the three month pause the Council will decide what actions may be necessary before the Local Plan examination may proceed.*
- 1.4 The following policies of the draft Spelthorne Local Plan 2022-2037 are of relevance:
- Policy PS2: Designing places and spaces
  - Policy E4: Environmental Protection
  - Policy H1: Homes for All
  - Policy ID2: Sustainable Transport for New Developments
- 1.5 The NPPF policy states at [para 48](#) that: Local planning authorities may give weight to relevant policies in emerging plans according to: a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 1.6 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance with an emerging plan, although emerging policies may be a material consideration.
- 1.7 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.
- 1.8 National Planning Policy Framework (NPPF) 2021 is of relevance.
- 1.9 National Design Guide 2021 is of relevance to the proposal.

## 2. Relevant Planning History

- 2.1 The site has the following planning history:

|              |   |                             |
|--------------|---|-----------------------------|
| 20/00236/SCC | Surrey County Council consultation for the prior notification of proposed demolition of all existing buildings on the site. | No Objections<br>13.03.2020 |
|--------------|---|-----------------------------|

## 3. Description of Current Proposal

- 3.1 This application is a consultation on a planning application which has been submitted by Surrey County Council (SCC), seeking the views of Spelthorne Borough Council (SBC) on the proposal to construct a new mixed-use

building incorporating Class E and Class F1 uses including library plus 12 no. supported independent living units (use class C3). Because the application is for a community facility which is a function of the County's services, SCC are the authority responsible for determining this particular application yet are required to consult with SBC and many other statutory consultees as part of their assessment.

- 3.2 The application site is a rectangular piece of land, which is currently surrounded by hoarding. The Sunbury Fire Station was demolished in 2020, following its closure (along with Ashford Fire station) with a new Fire Station constructed at Fordbridge roundabout in their place.
- 3.3 The site is located on the southern side of Staines Road West. To the east of the site is a row of trees and Forest Drive which is a cul-de-sac consisting of residential properties in the form of flats. Ash Lodge is a 4-storey block of flats located on the corner of Forest Drive and Staines Road West, and Lime Lodge is another 4-storey block of flats, located further along the cul-de-sac to the south. Adjacent to Ash Lodge fronting Staines Road West is Elm Court a 15-storey residential tower, with further towers towards Sunbury Cross including Kempton Point.
- 3.4 To the west, fronting Staines Road West, is Sunna Lodge, a 4-storey flatted development, with landscaping/amenity space and parking located behind. Located behind Sunna lodge, also to the west of the application site, is Cedar House which is a tall residential tower of 14 storeys. Directly to the south of the application site is Ashton Lodge, a two-storey nursing home.
- 3.5 On the opposite side of the road is Crownage Court at 99 Staines Road West. This is a former office building which has been converted to residential and has planning permission to extend on top of the existing building with an additional 2 floors proposed to measure approximately 20 metres in height. To the east further along Staines Road West is Sunbury Cross and the M3. Staines Road West at this point contains a mixture of uses including residential with many flats and commercial uses, including offices, a church, shops, hotel and car sales. There are also many tall buildings in the vicinity including residential towers, The View, Isobel House, and Hotel Premier Inn.
- 3.6 The proposed scheme is for a new building up to 6 stories in height, which would contain a mix of community, commercial and residential floorspace. The ground floor would contain library floorspace and a community hub. The first floor of the building would be community floorspace in the form of adult education. The second floor would offer flexible community/commercial space and the third and fourth floor would provide 12 no. supported living units, and associated staff space, which would be retained and managed by Surrey County Council. A total of 35 parking spaces would be provided on-site including 3 disabled spaces. There would also be a dedicated refuse and servicing bay within the development. 13 public cycle parking spaces and 12 secure staff cycle spaces, as well as 5 motorcycle spaces are also proposed.
- 3.7 The building would have a maximum height of 24.4 metres, with variations through the reduction in height as the building drops down to 21 metres and then 13 metres nearest to the eastern elevation, on top of which would be external communal spaces.

#### **4. Consultations**

- 4.1 The following table shows those bodies consulted and their response. All comments received have been sent onto the Case Officer at SCC for them to take into account in their assessment of the application as the determining authority.

| <b>Consultee</b>                              | <b>Comment</b>  |
|---|---|
| <b>Environmental Health (Noise)</b>           | No objection - recommends condition   |
| <b>Environmental Health (Contamination)</b>   | Requested further details. Any comments or recommended conditions will be sent directly onto SCC. |
| <b>Environmental Health (Air Quality)</b>     | No objection – recommends conditions  |
| <b>Crime Prevention Officer</b>               | No objection  |
| <b>Tree Officer</b>                           | No objection  |
| <b>Sustainability (Renewable Energy)</b>      | No objection – recommends condition   |
| <b>Sustainability (Biodiversity, Ecology)</b> | No objection  |

## **5. Public Consultation**

- 5.1 The applicant has carried out consultation with the local community, by the use of a consultation website, a virtual consultation and an in-person exhibition. Two drop-in public exhibition events were held at Sunbury Adult Learning Centre and at Sunbury Library, 41-43 The Parade, Staines Road West. Members of the project team were on hand during the session and feedback forms were provided. In addition, a phone number and email address were made available, and an invitation was posted to 2,009 residential and business addresses surrounding the site.
- 5.2 As Spelthorne is a consultee, SCC have notified adjoining neighbours of the application and displayed site notices. Five letters have been received noting the following: -
- Parking provision/pressures
  - Concerns about the type of people living in the accommodation.
  - Support for the community hub
  - The proposed metal cladding is not a suitable choice
  - Concerns with the space for rehousing the library and adult education, being inappropriate, inadequate and inaccessible. Need more detail for properly assessment.
  - Public exhibition was not very informative as people running it were not knowledgeable.

One of these letters was received from the SCAN Officer (Spelthorne Committee for Access Now) who is in support of the application noting that

the proposal provides much needed living accommodation for people with disabilities.

## 6. Planning Issues

- Principle
- Community Facilities
- Housing Need
- Design and Appearance
- Highway and parking issues
- Residential amenity
- Sustainability and renewable energy
- Contaminated land and Air Quality

## 7. Planning Considerations

### Principle of development

- 7.1 The application site is brownfield land which has previously been developed. It is within an accessible location, within close proximity to public transport links and local facilities, including Sunbury Cross shopping centre. The area has a mix of types of uses including commercial and residential in the form of flats and houses. As such, the proposed use as a community hub, providing a range of community facilities including a library, adult education and supported living accommodation is considered to be acceptable in principle, subject to policy requirements which are discussed further below.

### Community facilities

- 7.2 Policy CO1 of the of the Council's Core Strategy and Policies Development Plan Document states that the Council will seek to ensure community facilities are provided to meet local needs by supporting the provision of new facilities for which a need is identified in locations accessible to the community served. The proposed building would incorporate such community facilities with a library, community hub, adult learning areas, commercial spaces, a community roof terrace, as well as supported housing.
- 7.3 The applicant has submitted a Statement of Community Need noting that, *'...In the current economic climate, it is more important than ever that every penny of public finance is used in the most efficient way, to support delivery of critical services to residents. The Council's Service Hubs programme looks to do exactly this and more. They bring together multiple local services into a collocated interoperable facility. Providing efficiencies to residents who can access multiples services in a single location and to the public sector through operational elements such the requirement to only run a single modern efficient local facility.'*
- 7.4 They go on to explain the project aims of the County's Service Hub programme as follows: -

*'The project aims to move services from several existing old and run-down properties into a modern, fit for purpose, new building. This will generate capital receipts, save on high future costs of maintaining current buildings,*

*and provide a facility which contributes to meeting the Council's net zero ambitions. It will also improve residents' experience and enhance the area and community.'*

7.5 The applicant explains that the Former Sunbury Fire Station site at Staines Road West was selected specifically for the delivery of supported independent living accommodation for people with a learning disability and/or autism and for people with a mental health need. The site would provide accommodation for 12 individuals in one bed self-contained flats across two floors. The applicant notes that six would be designated for residents with a learning disability and/or autism and the remaining six units would provide accommodation for residents with mental health needs, along with communal and outdoor space for residents with care and support needs.

7.6 The hub would also include adult learning and a library. The applicant notes that the inclusion of Surrey Adult Learning services within the multi-purpose community Sunbury Hub would allow for no break in existing services, and would provide new and futureproofed facilities, for an existing well used facility which needs updating. They state having the combination of uses would add value to the delivery of the service, as well as improving links to related and partner services. Noting that: -

*'The Hub is centrally located enabling easier access from all parts of the community to Adult Learning services. Co-location with the partner services such as the library will enable greater opportunities for learners to extend their studies, through easier access to reference and other materials on site. The increased footfall will increase marketing opportunities and improve access for potential learners to sign-up for courses.'*

7.7 The applicant states that the proposal aims to move services from several existing old and run-down properties into a modern, fit for purpose, new building. All the service facilities will remain open until the service has relocated to the proposed new building. The Community Hub will provide an enhanced building which will consolidate services and create an active building with a variety of uses which will benefit the community. Although a community use of the fire station has been lost at the application site, this has been re-provided at the other end of Staines Road West, to the west by Fordbridge roundabout.

7.8 As such the proposal would provide a range of community facilities in one accessible location on a brownfield site. These community facilities would be provided to meet local needs and would support the provision of new facilities for which a need is identified in a location accessible to the community served. Therefore, the proposal is considered to conform to the requirements of Policy CO1.

#### Housing need

7.9 Policy HO1 states that the Council will ensure provision is made for housing by, *'encouraging the inclusion of housing in mixed use schemes where housing can be accommodated in an acceptable manner without compromising other planning objectives... ensuring effective use is made of urban land for housing by applying Policy HO5 on density of development and opposing proposals that would impede development of suitable sites for housing.'*

- 7.10 Policy HO4 states that the Council will ensure that the size and type of housing reflects the needs of the community by encouraging the inclusion within housing schemes of a proportion of dwellings that are capable of meeting the needs, as occupiers, of people with disabilities.
- 7.11 Accordingly, the proposed use for housing in this location as part of the mixed-use scheme is considered to be acceptable. The applicant has demonstrated there is a particular need for the type of supported accommodation proposed in this instance and it accords with Policies HO1 and HO4 on housing as well as CO1 regarding community need.

#### Design and Appearance

- 7.12 Policy EN1 of the Council's Core Strategy and Policies Development Plan Document states that proposals for new development should demonstrate that they will 'create buildings and places that are attractive with their own distinct identity,' contributing to the character of the area, whilst also being sympathetic to the height, scale, materials, and other elements of design of nearby buildings. They should also be designed in an inclusive way to be accessible to all members of the community, create a safe environment, and incorporate landscaping and waste facilities, as well as providing for renewable energy generation.
- 7.13 [Paragraph 126](#) of the NPPF refers to the importance of well-designed places and how this is a fundamental element of what development should achieve. It notes that good design is also a key aspect of sustainable development as it can help to create thriving communities suitable for living and working.
- 7.14 The National Design Guide (2021), details what makes well designed places. It notes that these places should enhance existing positive qualities and improve negative ones. Well-designed new developments should effectively integrate with their surroundings, though equally, this section highlights that 'well-designed places do not need to copy their surroundings in every way.'
- 7.15 The proposed scale of the building which would be predominantly 5/6 storeys at the frontage is considered to fit in well within the setting of the area, where the built scale of the surroundings buildings varies significantly from 4-15 storeys, fronting Staines Road West. The tallest part of the building is to the west and would be seen in context with Cedar House which is 14 storeys in height and set back from the road, behind Sunna Lodge. The reduction in height of the building to the east and south of the site, is considered to pay due regard to the surrounding buildings, in particular the 4 storey flats along Forest Drive and the 2 storey care home to the rear of the site. As a result, this helps to ensure the building would not appear overly dominant or out of keeping in the street scene. The proposed building would be set in from the side boundaries of the site. This along with the fact that the adjacent blocks of flats are set back from their boundaries with the application site and the presence of the road to the side at Forest Drive, results in gaps between the built development being retained. In addition, the proposed building would be set back from the street frontage with Staines Road West, which, although would be closer to Staines Road West than Sunna Lodge to the west, would be in line with the side of Ash Lodge to the east.
- 7.16 The proposed building would consist of a variety of materials including brick, cladding, aluminium windows and aluminium screening. The materials provide



a visual differentiation between the public community hub/library area and the independent living areas. As such the proposed building is considered to integrate into the existing street scene where a variety of materials are present and would make a positive contribution to it, conforming to Policy EN1.

#### Highway and parking issues

- 7.17 The applicant has submitted a Transport Assessment (TA), Travel Plan, Car Park Management Plan and Construction Transport Management Plan (CTMP). The TA notes that providing a range of uses at the site, has the potential to reduce the number of vehicular trips through combined linked trips which are already being undertaken.
- 7.18 Two vehicular access points are proposed to serve the new building, in similar locations to the existing accesses. There would be an access for entry to the east of the site and an exit point to the west of the site. A one-way internal carriageway would link the access and egress from the site allowing for vehicles to re-circulate the site if required. SCC as the determining authority will consult the County Highway Authority (CHA) and National Highways, taking into account any comments raised. It is understood that the CHA has requested more detail from the applicant on the proposed accesses.
- 7.19 The location of the site is on a dual carriageway with good capacity and transport links, including for motor vehicles, trains and buses, as such the site is considered to be well connected. Given this and the nearby local facilities including commercial and retail units at including at Sunbury Cross, the site is considered to be in a sustainable location. The proposal includes 35 parking spaces, including 3 disabled spaces. There would also be a dedicated refuse and servicing bay within the development. 13 public cycle parking spaces and 12 secure staff cycle spaces, along with 5 motorcycle spaces are also proposed. Overall, it is considered that the proposals would not lead to a severe adverse impact on the surrounding highway network and would encourage sustainable modes of transport in line with [relevant NPPF paragraphs](#) and Policy CC2.

#### Residential amenity

- 7.20 Policy EN1 (b) of the Council's Core Strategy and Policies Development Plan Document requires that all new developments achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts in terms of loss of privacy, daylight, sunlight, or overbearing effect due to bulk proximity or outlook.
- 7.21 The SPD on the 'Design of Residential Extensions and New Residential Development' acknowledges that most developments will have some impact on neighbours, but the aim should be to ensure that the amenity of adjoining occupiers is not significantly harmed. It states the "*scale and position of buildings, including window positions, should not create any unacceptable impact on the amenity enjoyed by adjoining occupiers*".
- 7.22 To the east of the site are residential blocks of flats on Forest Drive. Ash Lodge is located on the corner with Staines Road West and this block of flats would look out towards the proposed new building, which would take up much of the front of the application site. Lime Lodge, which is located further to the south, would look out towards the proposed car park at the rear of the site.

The proposed separation distance between the flats and the new building would be approximately 24 -27 metres, with the building reducing in height to the east, with a reduced height of approximately 13.4 metres nearest the eastern boundary, it is considered that the proposed building would have an acceptable relationship with this block of flats. Furthermore, the line of trees located close to the eastern boundary of the site would help to screen and soften the new building. The rear elevation of the flats face onto Forest Drive, for the most part, the existing ground floor and patio windows on Ash Lodge look out onto the rear boundary fence. As such it is considered that the proposed building would not have a significant impact on the amenity of these properties in regard to loss of outlook or light.

- 7.23 The proposed windows on the first and second floors of the proposed building facing towards the east and the properties along Forest Drive, serve the adult education and commercial spaces. As such, given the separation distance and the use of these areas, along with the presence of the trees which provide further screening, the proposal is not considered to lead to an overlooking or loss of privacy issue that would cause a significant loss of amenity to the existing flats located to the east at Ash Lodge. †
- 7.24 The property to the south of the site is a two-storey nursing home at Ashton Lodge and the side of this building adjoins the application site. The proposed building would be set back from this boundary, and a separation distance between the 2 buildings of approximately 19 metres at its closest point. There are some windows on the northern side elevation of Ashton Lodge which face towards the proposed development. 4 of these windows serve bedrooms at the care home and are the only window to 4 bedrooms in the care home (2 on the ground floor and 2 on the first floor). It is to be noted that the ground floor windows look out onto the existing boundary wall. Although the proposed building goes up to 5 stories in height, (the plant on the 6<sup>th</sup> floor is located to the front of the site), only part of the building is this height at its full depth. The stairwell is the element which extends furthest into the site and therefore closest to the rear boundary and is within approx.19 metres of Ashton Lodge. The main part of the proposed building would be set back further from the rear boundary at some 23m from Ashton Lodge. This 5 storey part of the building would have a width of some 16m, with the remainder of the width of the proposed building, being set further back from the rear at second floor level. As this point the proposed building would be over 30m from the care home. As such it is considered that the proposal would not have a harmful loss of light, be overbearing, cause loss of outlook or overlooking impact to the residents of Ashton Lodge care home.
- 7.25 The external roof terraces which are proposed to be situated to the east of the building are not considered to adversely impact the amenity of the adjacent buildings. The existing trees on Forest Drive and separation distances are considered to mitigate any adverse impacts of the roof terrace on the blocks of flats on Forest Drive. The height of the privacy screens and means of enclosure would prevent people from getting too close to the edge of the terrace which is considered to mitigate any noise or disturbance to Ashton Lodge to the rear of the site.

- 7.26 To the west of the site, to the side of the application site, is a 4-storey flatted development at Sunna Lodge, fronting Staines Road West. On the eastern elevation of these flats, facing the application site, are two existing windows, both of which serve living rooms for units on the second and third floor. It is considered that these windows would be classified as secondary, as these living rooms are also served by a rear window with a balcony area to the south, which would provide the main source of light to these living room areas. As a result, the new building is not considered to adversely impact light to these neighbouring units. The proposed building would be located approximately 11 metres to the side of Sunna Lodge and would extend much deeper into the site than Sunna Lodge with an average height of 21 metres. As such this is likely to result in some overshadowing impact, however, given these properties have a side by side relationship, the proposed gap between the buildings, and the adjacent existing parking/landscaping area, the impact is not considered to be adverse. The proposed development is therefore considered to have an acceptable relationship on the amenity of the occupants of Sunna Lodge in regard to potential overlooking, overbearing impact and loss of outlook or light.
- 7.27 The proposal would be to the south of Crownage Court, 99 Staines Road West which is located on the opposite side of Staines Road West across the dual carriageway. However, given the distance between buildings, and the public domain between them, the relationship is considered to be acceptable and there would be no significant loss of amenity to occupiers of this property. In addition, the submitted daylight sunlight survey illustrates that all of the windows on the southern elevation of Crownage Court, facing the application site would be within the guidelines for daylight and sunlight, as such, the impact in regard to loss of light, outlook and privacy, as well as being overbearing are acceptable.
- 7.28 When viewed in context of the surrounding area, the height, scale and design of the proposed building is considered to have an acceptable relationship with and impact on the amenity of the neighbouring residential properties avoiding any adverse loss of privacy, outlook, daylight and sunlight. The proposal therefore accords with Policy EN1.

#### Sustainability and renewable energy

- 7.29 The proposal is considered to make effective use of the land which is a brownfield site. [Paragraph 120 of the NPPF](#) states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. In addition, the site is considered to be situated in a sustainable location in close proximity to other town centre uses with an existing bus stop to the west of the site on Staines Road West. The proposed provision of electric vehicle charging points and a car club for this scheme further promotes sustainable transport.
- 7.30 The submitted energy and sustainability information identifies the ways in which the development would incorporate sustainable measures including the provision of new landscaping/planting, air source heat pumps and solar panels. The solar panels would provide 38.8% of the regulated energy demand of the building. This would comply with Policy CC1 which states that the Council would support the provision of renewable energy by requiring

residential development of one or more dwellings and other development involving new building to include measures to provide at least 10% of the developments energy demand from on-site renewable energy sources.

- 7.31 The Council's Sustainability Officer has reviewed the information and is satisfied that the renewable energy requirements would be met.

#### Contaminated land and Air Quality

- 7.32 The Council's Environmental Health Officer (EHO) has been consulted on contaminated land. They have requested further detail from the applicant, which has been received and is currently being assessed. Any further comments received, including the recommendation of planning conditions, would be forwarded to SCC to consider when they determine the application.
- 7.33 Policy EN3 sets out that the Council will seek to improve the air quality of the Borough and minimise the harm from poor air quality. The applicant has submitted an Air Quality Assessment which recommends a Construction Environmental Management Plan (CEMP) is put in place to secure the environmental management that is required through the construction process. The EHO has raised concerns about dust issues during construction, given the proximity to residences along the site boundary and therefore has recommended that a condition to secure this is imposed, as well as one for the CEMP. It is also recommended that due to the potential exposure of residents to air pollution the development should incorporate mechanical ventilation with suitable air treatment/filtration to protect the residents from the ingress of traffic emissions related air pollution. As such there is no objection, subject to the imposition of conditions. The responses have been sent onto SCC as the determining authority.

#### Other matters

- 7.34 Policy EN11 sets out that the Council will seek to minimise the adverse impact of noise. The Council's EHO has been consulted and raises no objection, but has recommended conditions relating to noise from plant and road traffic.
- 7.35 In regard to trees, landscaping and ecology, SBC's Tree Officer and Biodiversity Officer have been consulted and raise no objection.
- 7.36 One tree would be removed on site, in order to accommodate the access. The existing trees along the eastern boundary, which help to screen the site from the adjacent flats, would remain and tree protection measures would be incorporated during construction. The applicant has also submitted a Preliminary Ecological Assessment (PEA). The Council's Biodiversity Officer has noted that, '*...the biodiversity value of the proposed design is a huge improvement on the previous and existing use of the land, and it incorporates some desirable nature-based solutions such as rain gardens and green roofs that will set a good example for future development in the Borough.*' The proposal would incorporate a number of ecological and landscaping enhancements and is therefore considered to be acceptable.
- 7.37 The applicant has submitted a Fire Strategy in order to meet recommendations for Building Control. This would include an automatic water fire suppression system for the residential accommodation, given the potential for occupants needing assistance in their evacuation in the event of a fire. The report notes that fire safety features and systems would need to be further developed and incorporated into the design and specifications. This is a

matter for Building Control and SCC are likely to consult with the Surrey Fire Service during the application as part of their assessment.

- 7.38 In regard to drainage and flooding, the applicant will consult with the Environment Agency (EA) and SCC as the Local Lead Flood Authority (LLFA) and take into account any comments in their determination.

#### Conclusion

- 7.39 The proposal is for a community hub, providing a range of community facilities including a library, adult education and supported living accommodation. It is an efficient use of land on a brownfield site in a sustainable location and would meet a community and housing need. It would have an acceptable design and appearance, as well as have an acceptable impact on the amenity of neighbouring residential properties. Contaminated land, air quality, noise, ecology and impact on trees and landscaping are also considered to be acceptable and as such SBC recommend no objection is raised to SCC as the determining authority. As noted previously SCC will also consult many other statutory consultees who comments will be taken into account when they determine the application.

#### Equality Act 2010

- 7.34 In the submitted Design and Access statement the applicant notes that the building would be designed for accessibility and inclusivity. The building has been designed to be accessible to all users. Finished floor levels have been set to enable level threshold throughout with easily identifiable path leading to the main entrances/ exits while taking into account the existing topography, in accordance with Part M of the Building Regulations principles. The Community Hub and the Independent Living core, both provide fully compliant Part M lifts. All community hub and commercial spaces are equipped with disabled showers and WC's. In particular the Independent Living Accommodation is designed to fully comply with Building Regulations Part M4[2] (accessible and adaptable units) and Part M4[3] (wheelchair user units).
- 7.35 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

#### Human Rights Act 1998

- 7.36 This planning This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.37 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

- 7.38 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.39 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, officers have concluded on balance that the rights conferred upon the applicant/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

## **8. Recommendation**

- 8.1 That Surrey County Council be informed that Spelthorne Borough Council raises NO OBJECTION to the proposed new mixed use hub building incorporating Class E and Class F1 uses including library plus 12 no. supported independent living units (Use Class C3).