

2.3 REFERENCE NO - 22/500007/FULL		
APPLICATION PROPOSAL Change of use of former bus depot (Sui Generis) to vehicle servicing and repair business (Class B2) and construction of additional workshop unit.		
ADDRESS Sheerness Bus Station Bridge Road Sheerness ME12 1RH		
RECOMMENDATION That delegated powers are given to the Head of Planning to Grant planning permission, subject to confirmation that the development is acceptable in terms of flood risk and clarification whether a relocated bus shelter facility can be accommodated.		
SUMMARY OF REASONS FOR RECOMMENDATION: The development proposal for a change of use from use as a former bus depot (Sui Generis) to vehicle servicing and repair business (Class B2) and the construction of additional workshop unit are not considered to result in undue harm to the visual amenity of the area. In addition, the proposal will not result in harm to the significance of the nearby designated heritage assets. The noise impact assessment provided by the applicant also confirms that the noise levels associated with the development will not result in unreasonable harm to neighbouring amenity. The proposal is therefore considered to meet the requirements of the Swale Local Plan 2017.		
REASON FOR REFERRAL TO COMMITTEE The application is contrary to the views of Sheerness Town Council.		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT WP Commercials Ltd AGENT Kevin Wise Town Planning
DECISION DUE DATE 14/03/2022		PUBLICITY EXPIRY DATE 27/06/2022

RELEVANT PLANNING HISTORY

SW/89/0731 – Construction of bus maintenance building - Approved pre 1990
Decision Date: 23.06.1989

SW/00/0812 - Erection of supermarket and bus depot - Grant of Conditional PP
Decision Date:

SW/05/1244 - Variation of condition (1) of permission SW/00/0812 (for erection of supermarket and bus depot) to extend the period for commencement of the development by three years - Grant of Conditional PP
Decision Date: 21.11.2005

TN/00/0003 - Replacement of existing cabinet and 12m mast with omni-antennas with new 2.5m x 3.7m x 2.8m high cabin and new 15m mast with 3 no. back- to-back directional antennas all enclosed by 1.8m high green chainlink fence. - Prior Approval Not Required
Decision Date:

PN/13/0057 - Replacement 15m high telecommunications monopole with installation of four equipment units and ancillary works. - Prior Approval Not Required
Decision Date: 24.07.2013

1. DESCRIPTION OF SITE

- 1.1 The application site is a former bus depot measuring approximately 0.32 hectares in size. The existing site was formerly used predominantly for the storage of buses and other large vehicles, and it is made up of large areas of hardstanding. The site also includes a paved area which contains a bus shelter. A section of pavement runs along the front of the site and it is included in the applicant's ownership. A workshop building measuring approximately 7.5 metres x 16.5 metres and approximately 7.5 metres in height is located in the corner of the site.
- 1.2 The site lies in a central location adjacent to Sheerness Rail Station. The site lies in close proximity to the grade II listed war memorial and to Sheerness High Street, within the built-up area boundary of the town.

2. PROPOSAL

- 2.1 The development proposal relates to a change of use of the land from sui generis use as a bus depot to a Class B2 use to allow vehicle servicing and repairs to be carried out on the site. The application proposal also includes an extension to the existing workshop building on the site to facilitate the creation of an additional workshop. The proposed extension will be single storey and measure approximately 17.2 metres x 10.5 metres in size. The proposed extension has been designed with a flat roof in a similar manner to that of the existing workshop building.

3. PLANNING CONSTRAINTS

- 3.1 The site constraints are as follows:

Area of Archaeological Potential
Flood Zones 2 and 3
SSSI Impact Risk Zone
Regeneration Area – Regen 3
Town Centre Boundary – ST2
Kent Minerals and Waste Sites – 250m buffer

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- ST1 Delivering sustainable development in Swale
 - ST3 The Swale Settlement Strategy
 - ST6 The Isle of Sheppey Area Strategy
 - CP1 Building a strong, competitive economy
 - CP4 Requiring Good Design
 - CP8 Conserving and enhancing the historic environment
 - Regen 3 The Port of Sheerness: Regeneration Area
 - DM1 Maintaining and enhancing the vitality and viability of town centres and other areas
 - DM2 Proposals for main town centre uses

- DM7 Vehicle parking
- DM14 General development criteria
- DM16 Alterations and extensions
- DM19 Sustainable design and construction
- DM28 Biodiversity and Geological Conservation
- DM32 Development involving listed buildings
- DM33 Development affecting a Conservation Area

4.3 Swale Borough Council Parking Standards 2020

4.4 Sheerness Mile Town Conservation Area Appraisal

5. LOCAL REPRESENTATIONS

5.1 One local representation has been received objecting to the proposal on the grounds that there is a need for regeneration/improvement in Sheerness and the representee does not support the positioning of a large vehicle servicing station at such a pivotal point in the town.

6. CONSULTATIONS

6.1 **Sheerness Town Council** – Object to the proposal on the following grounds:

- 1) The application is detrimental to the character of the area, and regarding the council's levelling up bid.
- 2) The site is considered to have a negative impact upon the nearby heritage assets.
- 3) The Council has concerns regarding access to the site and the impact on pedestrians and other vehicles and the loss of a paved area, which includes a bus shelter which is no longer accessible.
- 4) The existing workshop was a supporting element of the primary use of the site as a bus terminus, not a primary use in its own right. The current site already negatively impacts upon the area and an extension of operations would further this.

6.2 **Historic England** – No comment

6.3 **Kent County Council Archaeology Team** – No objection, subject to condition.

6.4 **Environmental Health** – Initial concerns raised regarding noise. However, the applicant has since provided a noise survey and the Environmental Health Officer has confirmed that he accepts the findings of the report and raises no objections to the scheme, as long as conditions are imposed relating to the permitted hours of operation on the site.

6.5 **Kent County Council Minerals and Waste Planning Policy Team** – No objection

6.6 **Environment Agency** – No objection

6.7 **Kent County Council Flood and Water Management Team** – No objection. Advise that the Environment Agency's Flood Map for Surface Water shows a flow path crossing the site and whilst the proposal is situated within the low-risk area of this flow path the applicant may wish to consider appropriate mitigation measures as part of their build.

6.8 **Natural England** – No comments

6.9 **Kent County Council Highways Team** – No objection. There are no public highway rights around the bus shelter and there is no evidence that demonstrates that KCC have been maintaining any of the land behind the footway. The bus shelter is owned by Clear Channel and it may be difficult to relocate given the limited footway width available.

7. **BACKGROUND PAPERS AND PLANS**

7.1 Please refer to the existing and proposed plans.

8. **APPRAISAL**

Principle of Development/Change of Use

8.1 Policy ST3 of the Swale Local Plan 2017, which sets out the settlement strategy for the borough, states that development proposals which are to be located on land falling within the built-up area boundary of established towns and villages will generally be supported in principle, subject to the proposal meeting other relevant local plan policy requirements. Policy CP1 seeks to support employment uses and economic development in the right locations.

8.2 The application site is centrally located within Sheerness town centre and the site lies in close proximity to the railway station. The site is in a sustainable urban location.

8.3 The site is located within the town centre. Policy DM1 of the Swale Local Plan 2017 states that where a proposed development site is located outside of the primary and secondary shopping frontages or local centres as defined by Policy DM2, the Borough Council will permit a non-retail use if it maintains the area's role, functioning, vitality and viability, and it does not result in the loss of existing residential accommodation, the loss of a use important to the community, and it does not lead to a loss of residential amenity.

8.4 The site has an existing longstanding lawful use as a bus depot, but this has now ceased. The proposed use bears a number of similarities to the former use, insofar that it is for a transport related use, for a servicing and repair business. Although it can be said that the site occupies a relatively prominent location next to the train station, the proposed change of use would not negatively impact the wider function, vitality, and viability of the area as the current principal land use on the application site is already transport-related and involves the storage of larger vehicles on the land. In addition, the application site is set away from the main High Street, where the main focus is on retail and other complementary uses so the vitality of the High Street will remain unaffected by the development proposal. The proposed extension to the existing workshop building and the change of use for B2 purposes will not result in the loss of existing residential accommodation or lead to a loss of residential amenity.

8.5 Policy Regen 3 of the Swale Local Plan 2017 states that within the Port of Sheerness, proposals will be supported where they are in accordance with the objective of maintaining and enhancing the Port of Sheerness as a deep-water gateway port to Europe and the proposals are of a scale, use and external appearance that would not detract from the visual appearance or residential amenity of the locality. The site falls within this regeneration area but is not specifically highlighted for any alternative use or

development. Given that the existing site does not have a connection to the operation of the port, I do not consider that the proposal could be held to be unacceptable in this regard.

- 8.6 Whilst I consider that the redevelopment of the site for other uses could be held to be a more attractive proposition, taking into account its prominent location next to the train station, the site does lie within an area with a range of land uses, including the train station, depot, local waste centre, a day centre and living accommodation at Bridge House and the Sheppey College opposite. In light of this and taking into account the policy position as set out above, the change of use and development of the site as proposed is not considered to be in conflict with any local plan policies as a matter of principle, taking into account the existing site use.

Impact on Visual Amenity

- 8.7 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.
- 8.8 Policy DM16 of the Swale Local Plan 2017 supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.
- 8.9 The proposed extension to the existing workshop building is considered to be proportionate to the scale and form of the existing building. The design reflects the utilitarian appearance of the existing workshop structure and the flat roof design of the proposed workshop reflects the character of the existing built form on the site. The flat roof also helps to keep any perceived bulk to a minimum. As the building is single-storey and sufficiently set back from both Bridge Road and from the nearest neighbouring boundaries, it will not appear overly bulky or excessive in scale, and is discreetly set back from the road. The workshop building will be a steel portal framed structure constructed with brown profile steel sheeting. The materials proposed are typical of buildings intended for commercial or industrial use and they are considered to be appropriate in the context of the site as the existing workshop building is also metal framed.
- 8.10 The proposal is therefore considered to be acceptable from a design perspective and in accordance with policy requirements.

Impact on Heritage

- 8.11 Policy DM32 of the Swale Local Plan 2017 states that proposals that affect a designated heritage asset, or its setting, will be permitted only where the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.
- 8.12 Policy DM33 of the Swale Local Plan 2017 states that new development within, or adjacent to, a conservation area is expected to be both of an appropriate use, of a very

high standard of design, and to respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place.

- 8.13 The application site is located approximately 22 metres from the boundary of the Sheerness Royal Naval Dockyard and Bluetown Conservation Area. The site is also approximately 22 metres from the Sheerness defences, a scheduled monument and approximately 23 metres from the Sheerness War Memorial, which is grade II listed. The site also lies approximately 60 metres from the boundary of the Sheerness Mile Town Conservation Area.
- 8.14 Although an extension to the existing workshop building has been proposed, it is sufficiently small in scale to avoid negatively impacting the significance of the nearby heritage assets and it is set back from the road so should not impact the views leading into either of the Conservation Areas in a negative manner. In addition, whilst the proposed change of use of the land will result in B2 use on the site in the place of sui generis use, when the proposed use is compared to the existing authorised use of the site (a bus depot), the visual appearance of the site and its associated impact upon the setting of the listed heritage assets or on the approach to the Conservation Area boundaries is likely to be similar to the existing. As a consequence the special architectural and historic interest of each asset will not be detrimentally impacted.
- 8.15 I have consulted with the Conservation Officer, who has confirmed that due to the scale, siting and form of the proposed workshop extension and due to the intervening distance between the identified heritage assets and the site, the proposal would not cause any harm to the heritage assets or to their setting.
- 8.16 Whilst the comments of Sheerness Town Council are noted, the proposal is considered to meet the requirements of Policies DM32 and DM33 of the Swale Local Plan by preserving the setting of the designated heritage assets.

Impact on Neighbouring Amenity

- 8.17 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and that due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 8.18 With regards to the potential impact of the change of use and the associated workshop extension upon neighbouring amenity, the proposed extension to the existing workshop building is considered to be sufficiently small in scale and set back from the nearest neighbouring boundaries, such that it will not physically impact neighbouring access to daylight or sunlight – noting the closest residential accommodation is at Bridge House. In addition, the proposed works to the workshop building will not impact neighbouring outlook or privacy due to the distance between the site of the workshop building and the nearest neighbouring properties.
- 8.19 With regards to the potential for noise pollution from the site as a consequence of the proposed change of use, the nearest residential accommodation to the site is located

within Bridge House, which is located on the adjacent site. It is understood that the building is used to provide residential accommodation as part of a young person's housing scheme on the upper floors and is used as a day centre on the ground floor. Bridge House is located approximately 5 metres from the application site boundary and approximately 29 metres from the site of the proposed workshop extension.

- 8.20 Whilst initial concerns relating to noise pollution were raised by the Environmental Health team, the applicant has since provided an acoustic survey. The report confirms that the risk of an adverse noise impact from the change of use on the site and the additional workshop to Bridge House would be low.
- 8.21 It is also accepted that in the context of the site's previous use as a bus depot, vehicle movements would historically have occurred on the site from the early morning until late at night, whereas it is proposed that the vehicle repair works on the site will only be carried during the day until the business closes at 6pm. Accordingly any late evening vehicle movements on the site will be minimal and the level of noise in the evening should be reduced.
- 8.22 The Environmental Health team have confirmed that they are satisfied with the report findings and have raised no concerns in relation to the proposal, subject to a condition to restrict the opening hours and hours of operation. A condition will be added on this basis and is considered reasonable and necessary to protect the amenities of the surrounding area including neighbours.
- 8.23 In light of the above, subject to condition, the proposal is considered to meet the requirements of Policy DM14 of the Swale Local Plan 2017.

Flood Risk

- 8.24 Policy DM21 of the Swale Local Plan 2017 relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance, and inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere should be avoided. The policy states that site specific flood risk assessments should be carried out to the satisfaction of the Environment Agency and, where relevant, the Internal Drainage Board.
- 8.25 The application site is located within flood zones 2 and 3a and a flood risk assessment (FRA) has been provided by the applicant. The Environment Agency has raised no objection to the proposal on flood risk grounds. However officers have noted that the FRA does not explicitly pinpoint the application site, but a location nearby. The applicant has been asked to rectify this, although it is not expected that a revised FRA would be likely to reach any different conclusions on flood risk. Members will be updated on this matter. As the Environment Agency will need to be reconsulted on a new document, members will not that I have sought delegation from committee to deal with this.
- 8.26 Kent County Council Flood and Water Management Team have also been consulted in respect of the application and they have raised no objection to the development proposal. However, they have advised that as the Environment Agency's Flood Map for

surface water shows a flow path crossing the site, the applicant should consider incorporating appropriate mitigation measures as part of the construction process. An informative will be added to advise the applicant of their recommendations in this regard.

Parking/Highways

- 8.27 Policy DM7 of the Swale Local Plan states that vehicle parking should be in accordance with the guidance set out in the Swale Borough Council Parking Standards SPG 2020.
- 8.28 The guidance states that where any new proposed developments relating to vehicle servicing and repairs are being proposed, one parking space should be provided for every two members of staff or alternatively four parking spaces should be provided for every service bay.
- 8.29 In this case, the applicant has confirmed that ample off-road parking will be provided on the large forecourt to the front and side of the workshop. Given the size and nature of the site, it is considered that there will be ample parking opportunities for future users of the site.
- 8.30 The vehicular and pedestrian accesses to and from the site are as per existing access arrangements and they will be unaffected by the proposed works. Their suitability is already established by virtue of their current use.
- 8.31 The existing site incorporates a bus shelter set some way back from the highway, and a bus stop is located on the road immediately outside the site. The shelter has been fenced off and is not currently in use, and the proposed development would result in the permanent removal of the shelter. Some concerns have also been raised in respect of the loss of the shelter. I have consulted with the Kent County Council Highways team, who have confirmed that the bus shelter was never publicly maintained and that there are no public highways rights around the shelter. Nonetheless, officers have queried whether a shelter can be re-established closer to the highway as part of the development. KCC Highways have stated a preference for a shelter to be provided if possible, and Members will be updated on this prior to the committee meeting.

Other Matters

- 8.32 Area of Archaeological Potential – The site is located within an area of archaeological potential. I have consulted with Kent County Council Archaeology team, who have confirmed that a condition should be added to any future consent to ensure that any archaeological finds during the construction phase of the development are suitably recorded. A condition will be added in accordance with their recommendations.

9. CONCLUSION

- 9.1 The development proposal is considered to meet the requirements of the local plan policies and it will bring a site within the town centre back into active use, which will benefit the local economy. Whilst the comments of the town council have been taken to consideration, the proposal is unlikely to impact the nearby designated heritage assets in a negative manner. The visual impact of the proposal will not detract from the character of the surrounding area owing to similarities with the existing permitted land use. On this basis, the proposal is considered to be acceptable, subject to the conditions set out below.

10. RECOMMENDATION

That delegated powers are given to the Head of Planning to Grant planning permission subject to the resolution of flood risk impacts, clarification over the ability to provide a bus shelter and the imposition of the following conditions:.

CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission:

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. No development shall take place other than in accordance with the following approved plans:

KWTP.03, KWTP.04, KWTP.05, KWTP.07

Reason: To ensure a satisfactory appearance to the development.
3. The site shall not be open or in use other than between 06:00 to 18:00 hours Monday to Saturday, and no uses or operations within the workshop shall take place other than between the hours of 0700 to 1800 from Monday to Saturday. The site shall not open or operate on Sundays or Public Holidays.

Reason: In the interest of the amenities of occupiers of neighbouring properties.
4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.
5. The development shall be implemented in accordance with the flood mitigation measures as outlined on page 1 of the Landmark Flood Risk Assessment Report Reference:276692596.

Reason: To mitigate against flood risk.

6. The site and workshop as outlined in red on the approved plans is to be used for the purpose of vehicle servicing and repair (Class B2) and the site shall be used for no other purpose, including any other purpose considered to fall within a B2 use, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that Order.

Reason: In the interests of neighbouring amenity.

7. The approved development shall be constructed in accordance with the materials specified on the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

8. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

9. No vehicles shall be stored on the site other than for the purposes of servicing and repair at the premises.

Reason: In the interests of visual amenity

10. Prior to first use of the development hereby permitted, details of any areas of the site to be used for the external storage of parts, equipment, materials or products together with the maximum height levels for such storage and details of any enclosures of works to contain such areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved details. No external storage of parts, equipment, materials or products shall take place within the site other than as approved.

Reason: In the interests of visual and neighbouring amenity.

11. No works or operations involving the use of power tools or air impact tools shall take place outside of the workshop building.

Reason: In the interests of neighbouring amenity.

INFORMATIVES

1. The applicant should be aware that the Environment Agency's Flood Map for Surface Water shows a flow path crossing the site. Accordingly, whilst the proposal is situated within the low-risk area of this flow path the applicant may wish to consider appropriate mitigation measures to address the risk of surface water flooding as part of the construction process.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

