

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 planning permission is Granted subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development is 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 unacceptable harm to the living conditions of neighbours. The proposal is therefore considered to meet the requirements of the Swale Local Plan 2017.		
REASON FOR REFERRAL TO COMMITTEE Town Council objection		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT WP Commercials Ltd AGENT Kevin Wise Town Planning
DECISION DUE DATE 14/03/22	PUBLICITY EXPIRY DATE 22/09/22	CASE OFFICER Megan Harris

Planning History

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

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

SW/00/0812

Erection of supermarket and bus depot.

Grant of Conditional PP Decision Date:

SW/89/0731

CONSTRUCTION OF BUS MAINTENANCE BUILDING

Approved pre 1990 Decision Date: 23.06.1989

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 and

maintenance of buses and it is made up of large areas of hardstanding, with a workshop / maintenance building to the rear. The site formerly included an open hardsurfaced and partial landscaped area to the front, which included a bus shelter.

- 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. It falls within the town centre boundary and within the Port of Sheerness Regeneration Area. It is also within Flood Zone 3.

2. PROPOSAL

- 2.1 Planning permission is sought for the change of use of the land from its use as a bus depot (sui generis) to a vehicle servicing and repairs business (Class B2). This use has now commenced on the site and as such is retrospective. The application 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.
- 2.2 During the course of the application, palisade fencing has been erected around the front boundary of the site and the bus shelter has been removed. This fencing is currently sited adjacent to a highway and requires planning permission. This application proposes to relocate the fencing 2 metres back into the site.

3. PLANNING CONSTRAINTS

- 3.1 Area of Archaeological Potential
- 3.2 Flood Zones 2 and 3
- 3.3 SSSI Impact Risk Zone
- 3.4 Regeneration Area – Regen 3
- 3.5 Town Centre Boundary – ST2
- 3.6 Kent Minerals and Waste Sites – 250m buffer

4. POLICY AND CONSIDERATIONS

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

Supplementary Planning Guidance (SPGs)

The SBC Parking Standards SPD 2020

Sheerness Mile Town Conservation Area Appraisal

National Planning Policy Framework 2021

5. LOCAL REPRESENTATIONS

5.1 Letters were sent to neighbouring occupiers; a site notice was displayed near the site and the application was advertised in the local press. In response to this, two local representations have been received from the same person 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.

5.2 **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 impact upon this.

6. CONSULTATIONS

6.1 **Historic England:** No comment

6.2 **Conservation Officer:** No objection to the change of use and due to the scale, siting and form of the proposed workshop and intervening distance between the identified heritage assets and site, the proposal would not cause harm to the assets or their setting. Also confirmed that the fencing at the front of the site is acceptable due to the 2 metre set back and adequate room for landscaping to the front of the fencing.

6.3 **Kent County Council Archaeology Team:** No objection, subject to condition requiring the submission of a programme of archaeological works.

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 they accept the findings of the report and raise no objections to the scheme, as long as conditions are imposed relating to the permitted hours of operation on the site and contamination.

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 raised to access arrangements or the proposed use. 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 privately owned and it may be difficult to relocate given the limited footway width available.

7. BACKGROUND PAPERS AND PLANS

7.1 All documents associated with application 22/500007/FULL.

8. APPRAISAL

Principle of Development

8.1 Policy ST3 of the Swale Local Plan 2017 sets out the settlement strategy for the borough, it 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 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, it would be difficult to argue that the proposed change of use would be inappropriate given the former and lawful principal land use on the site is transport-related and involves the storage of larger vehicles on the land.

8.4 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 clear connection to the operation of the port, I do not consider that the proposal could be held to be unacceptable in this regard.

8.5 In light of the policy position as set out above, and importantly the former lawful use of the site as a bus depot, 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.

Character and Appearance

8.6 Policy CP4 of the Local Plan 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.

- 8.7 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.
- 8.8 The proposed extension to the existing workshop building reflects the simple form and appearance of the existing workshop 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.
- 8.9 During the course of the application, palisade fencing was erected at the front of the site, abutting the public footway to the front of the site. As part of this work, two established trees were removed from the site frontage. The erection of fencing in this prominent position is considered to be harmful to the open character of the surrounding area. The agent was informed of this concern and the application has been amended to set the fencing 2 metres back from the front boundary of the site, painted green, and with a landscaping strip between the fence and road. Four trees and a native hedgerow have been shown on the plans to the front of the fencing, however officers consider that a greater level of landscaping should be provided, although this can be secured via planning condition. Subject to this, the visual impact of the fence and site is considered acceptable
- 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 in excess of 50 metres from the road so would 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. Although the fence line would be closer to the road than was the case with the former depot site, the landscaping to the frontage would help mitigate this. As a consequence the special architectural and historic interest of each asset will not be detrimentally impacted. The Conservation Officer has reviewed the application and raises no objection to the development.

- 8.15 Whilst the comments of Sheerness Town Council are noted, the proposal is considered to preserve the setting of the designated heritage assets and accord with Policies DM32 and DM33 of the Swale Local Plan 2017.

Living Conditions

- 8.16 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.
- 8.17 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.
- 8.18 With regards to the potential for noise pollution from the site as a consequence of the proposed change of use, Bridge House 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.
- 8.19 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.
- 8.20 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.
- 8.21 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.
- 8.22 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

- 8.23 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.
- 8.24 The application site is located within flood zones 2 and 3a and both national and local policy sets out that new development will only be permitted in these flood zones if it can be demonstrated that it satisfies the requirements of the sequential test, and where required, the exception test. However the NPPF does set out at paragraph 168 that applications for some minor development and changes of use should not be subject to the sequential or exception tests. In this case, the development involves the change of use of the site to a commercial use and the extension to an existing workshop. The floorspace created by the development is approximately 180m², and as such meets the definition of minor development set out in footnote 56 of the NPPF. As such, the sequential and exception tests are not required in this case.
- 8.25 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, and I note that this application is predominantly for a change of use with associated minor development and with similar characteristics to the former use of the site. Taking this into account, I consider the development is acceptable from the flood risk perspective.
- 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 is proposed to advise the applicant of their recommendations in this regard.

Parking/Highways/Transport Issues

- 8.27 Policy DM7 of the Swale Local Plan states that vehicle parking should be in accordance with the guidance set out in adopted standards, which in this case are the Swale Borough Council Parking Standards SPD 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 former bus depot incorporated a bus shelter within the frontage of the site, serving a bus stop on the road immediately outside the site. The shelter has now been removed and the land enclosed by fencing. Some concerns have been raised in respect of the loss of the shelter. The Kent County Council Highways team have confirmed that the bus shelter was stationed on private land and never publicly maintained, and that there are no highways rights around the retention of the shelter. Nonetheless, officers have queried whether a replacement shelter could be provided closer to the highway as part of the development.
- 8.32 This matter has been raised with the applicant / agent, who has resisted the provision of a new shelter but did suggest they would be willing to lease part of the land for a public shelter to be erected. However, both KCC Highways and the Swale Borough Council Parking and Engineering team advise that there is no funding to support this and as such it would not be viable to maintain. KCC Highways also advise that the loss of the shelter would not be of significant concern, noting that the bus shelter was unlikely to have been well used, given the main footfall of bus passengers would be to disembark at this stop rather than to be waiting for a bus.
- 8.33 On this basis, whilst the proposal has resulted in the loss of a bus shelter, it would appear that this was erected on private land, and that the impact on public transport users would be very limited.

Other Matters

- 8.34 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 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, not harm neighbouring amenities. On this basis, the proposal is considered to be acceptable, subject to the conditions set out below.

10. RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) No development shall take place other than in accordance with the following approved plans: KWTP.03, KWTP.04, KWTP.05, KWTP.07 (all received on 27.01.22) and KWTP.08 (received 30.03.23).

Reason: For the avoidance of doubt and in the interests of proper planning.

- (2) The site shall not be open or in use other than between 0600 to 1800 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.

(3) No development (including excavations) related to the construction of the workshop unit approved by this permission shall be commenced until a contaminated land assessment (and associated remediation strategy if relevant), has been submitted to and approved in writing by the Local Planning Authority, comprising:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report, submitted upon completion of the works. The Closure Report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure any land contamination is adequately dealt with.

(4) No development (including excavations) related to the construction of the workshop unit approved by this permission 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) Within 3 months from the date of this decision, the fence as shown on drawing no. KWTP.08 shall be erected and the original access as shown on the drawing shall be fenced off and closed to vehicular traffic. The fence shall thereafter be retained and maintained as approved and the former access shall not be re-opened.

Reason: In the interests of visual amenity and in the interests of highways safety.

(6) Within 3 months from the date of this decision, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall incorporate landscaping across the site frontage and shall include existing and proposed trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (7) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (8) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) The site and workshop as outlined in red on the approved plans shall 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.

- (10) 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.

- (11) 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.

- (12) 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

- (13) Within 3 months of the date of this decision, 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.

- (14) 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.



Ordnance Survey - data derived from OS Premium

 **22/500007/FULL - Sheerness Bus Station, Bridge Road, Sheerness. ME12 1RH**
Scale: 1:1250
Printed on: 15/5/2023 at 15:56 PM by KellyS

 **ASTUN**
TECHNOLOGY
© Astun Technology Ltd