

Minutes of a Meeting of the Town Council held at the Town Hall, Rye, on Monday 18 April 2011

- PRESENT** Councillors Granville Bantick, John Breeds (**Mayor**), Brian Elliott, Bernardine Fiddimore, Lorna Hall (**Deputy Mayor**), Sonia Holmes, Jo Kirkham, Paul Osborne, Frank Palmer, Ian Potter, Shaun Rogers, David Russell, Mary Smith, Sam Souster
- IN ATTENDANCE** Richard Farhall - Town Clerk; Andy Hemsley – *Rye Observer*, 59 members of the public – including Sainsbury’s representatives: Andrew Weaver (GKA Architects), Andrew Pepler (Regional Town Planning Manager), Gary Morris (WYGP Planning), Tony Brown (Mayer-Brown Transport Consulting), Barry Harper-Smith (GKA Architects)

The meeting commenced at 6.30

108 APOLOGIES
Apologies for absence – and the reason logged with the Clerk – were accepted from Councillor David Wright.

109 DISCLOSURES OF INTEREST

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|--------------------|-----------------|-----------------|---|
| Cllr Brian Elliott | <i>personal</i> | item 110 | Lives close to the proposed development |
| Cllr Shaun Rogers | <i>personal</i> | item 110 | Lives close to the proposed development |

110 PLANNING APPLICATION RR/2011/506/P (Com)
Former Thomas Peacocke Lower School site, Ferry Road, Rye
Construction of A1 class retail food store of 3,451sqm gross external floorspace, service yard, customer car park, landscaping improvements and a new access from Ferry Road. Demolition of Queen Adelaide Public House and 25 Ferry Road.
Applicant: Sainsbury’s Supermarkets, 33 Holborn, London

Members were invited to determine the Council’s comments to the Planning Authority.

The Mayor adjourned the meeting for comments/questions from members of the public present. (See **Appendix**.)

7.41 *The meeting reconvened.*

RESOLVED To suspend Standing Orders 28(j) (not speaking more than once) and 29 (requirement to stand when speaking).

Cllr Smith suggested that, because there were so many unanswered questions – for example, flood risk, increased traffic, fire station access, proximity of the level crossing - RTC could not make an informed decision until it had more information. The site currently looks unsightly and this could be exacerbated. She reminded the meeting that there could be different Councillors on RTC and RDC after 5 May.

Cllr Souster observed that although the site was not ideal – and was (strictly speaking) earmarked for housing – there were currently no suitable alternative sites. He had read the material supplied with the application and considered that RTC did have sufficient information to enable it to make comments to RDC. The only reason that the land was not being considered for housing was because ESCC (which had owned most of the site) and tried to extract the maximum possible value from the site. The main issues appeared to be the proximity of the crossing and increased vehicular movements.

Cllr Osborne suggested that locating a supermarket on the periphery of the town would risk killing the high street. He observed that the properties in Tillingham Avenue averaged 11.2m at the ridge and the proposed store measured 11.8m – and he favoured a reduction. *Sainsbury's* On the advice of the Environment Agency, the store had been raised by 1m.

Cllr Osborne added that 12,500-13,000 vehicles a day use the A259; whereas, only 2,500-3,000 use Udimore Road. He had asked a RDC Planning Officer if it would be possible to require both applicants to commence their build within 12 months of gaining planning consent.

Cllr Palmer suggested that some of the objections raised were based on fear. The volume of traffic in Udimore Road was nowhere near that of the A259, which suffered from illegally parked vehicles. The Valley Park development would generate c54 affordable homes. A doubling of the train service in the foreseeable future was unlikely. He had know the footpath referred to for 70 years, it had not been looked after in recent times, and he was of the opinion that *Sainsbury's* proposals for it would constitute an improvement. The majority of people he had consulted informally were in favour of a development proceeding.

Cllr Kirkham considered that the planning application had addressed many of the concerns raised and that, on this occasion, the wishes of the majority should prevail as they would benefit.

It was agreed generally that the residents of Tillingham Avenue had done an excellent job presenting their concerns to RDC.

RESOLVED (9 for – 2 against) To support approval of the application – subject to:

- (a) **No objections from the Highways Authority and Network Rail in respect of the proposed site access arrangements;**
- (b) **The applicant addressing, as far as is possible and practical, the concerns of the occupants of properties neighbouring the site – particularly in relation to the height of the proposed store, illumination levels, noise and landscaping;**
- (c) **The Planning Authority's Environmental Health Department considering whether air pollution issues associated with vehicle movements on the site need to be addressed.**

The meeting ended at 8.08pm

Date Chairman

ADJOURNMENT (PUBLIC QUESTIONS/COMMENTS)

Andy Pepler (AP) summarised the application: Sainsbury's wished to provide a new food store which would provide consumers with more choice and reduce their journey times – as well as providing employment and improving a run down site. There had been pre-application discussions with the LPA which had resulted in a proposed RH turn into the site in order to address concerns in relation to the level crossing and queuing traffic.

Stuart Harland (MLAG) suggested that the estimate of 2-3 vehicles waiting in the RH turn lane was unrealistic and that there remained a high risk of traffic congestion. He wondered also if – assuming planning consent was granted – whether Sainsbury's would have no objections to there being a train service every 30 minutes.

Tony Brown (TB) advised that the right turn lane was further from the crossing than that proposed by Tesco. The Sainsbury's scheme had been fully safety audited and was based on national modeling which showed that queuing would be minimal. There would be no gridlock and it would not be in Sainsbury's interests to promote an inadequate main access. Sainsbury's would have no problem with a more frequent train service.

A member of the public followed this up with an observation that, currently, there is traffic congestion in the vicinity of the crossing at 6pm and the crossing itself is notoriously unreliable. TB observed that Network Rail has CCTV cameras covering the crossing and is able to detect vehicles on the track. Network Rail is not objecting to the right turn lane.

John Howlett observed that Network Rail had been unhappy with Tesco's application and that approval would be needed from the Highways Authority. TB responded that that was prior to Tesco suggesting a right turn lane and added that the Highways Authority had no objections. *If required – and as a fallback position – there is the possibility of traffic lights being installed on the site to hold back traffic whilst fire appliances exited Mill Lane.*

The Mayor observed that the signal controller will not open the crossing gates 'inbetween trains' – which has been known to result in traffic waiting either side of the gates for 10-12 minutes.

Margaret O'Neill was concerned that additional traffic in the area could result in more congestion and drivers increasingly taking risks with the crossing.

Responding to a question put by Cllr Potter, TB advised that Network Rail was happy with the right turn lane proposals put forward by both supermarkets.

A tenant of one of the Ferry Road terraced properties facing demolition stated that: he could not afford to live elsewhere in the town; he had an (expanding) business locally; he was acting as the terrace's unofficial caretaker – if he had to move out criminal damage (including arson) was likely to increase; the houses were in poor condition. He wondered if he would receive relocation costs. He concluded by observing that some young families could not afford Budgens/Jempsons' prices. Andrew Weaver advised that was already in dialogue with the tenant.

Christopher Strangeways was concerned about blight should the site continue to remain undeveloped and observed that the site was designated for housing in the Rother District

Local Plan – 40% of which would be affordable. He was aware that Tesco would be required to provide/fund this affordable housing 'elsewhere'.

Andy Stuart was in favour of employment opportunities but was concerned about the impact on trade elsewhere in the town. Tesco considered that the 'worst scenario' for other retailers was a reduction in turnover of 10%. He was concerned about the possible loss of greengrocers and the deli in the High Street.

Barry Harper-Smith (BHS) advised that Sainsbury's had commissioned an impact assessment which had produced a figure of 9% (including Budgens/Jempsons). He pointed out that a lot of food trade was going out of Rye and that if this could be addressed those doing their main food shop in the town were, perhaps, more likely to shop for other goods locally. He added that the supermarkets could not compete with the personal service provided by small independent retailers.

Summary of Tillingham Avenue residents' concerns

(some of whom had submitted comments and montages to the LPA in respect of both supermarkets' applications – and had met the Sainsbury's team on site prior to the Council meeting)

- (a) The design of the store appears to have been influenced disproportionately by the likely 'impact from the Citadel'. Whilst this was an important consideration, (at least) equal weight should have been afforded to those living immediately adjacent to the site.
BHS It was. Sainsbury's is conscious of the need to balance its interests with those of its neighbours. There would be enhanced landscaping along the site boundary and the store will be lower in height than the company's 'standard store'.
- (b) The site bordered a footpath leading into the High Weald – yet the landscaping proposed consisted of evergreen shrubs.
- (c) On Friday and Saturdays it was estimated that there would be 3 cars a minute coming on to the site – this would result in greater traffic noise and air pollution.
Sainsbury's A noise assessment report had been submitted to Environmental Health but it had not yet responded. It would provide an air quality assessment if the LPA requested such.

Residents displayed a montage they had produced to demonstrate the likely view from some of their properties. They acknowledged that it had not been verified.

A member of the public asked if Sainsbury's intended to encroach on the Railway Corridor.

Gary Morris (GM) advised that there were few notable trees within the TPO and most of it was self-seeded scrub. Sainsbury's would remove some of the depth, clear out the scrub and replant with native hardwoods. This should improve the belt's appearance and increase its height.

John Howlett congratulated the residents of Tillingham Avenue for their work – especially in getting a RDC Planning Officer to meet them on site – and suggested that both RDC and RTC should defer making a decision until after the elections.

David Slack suggested that the majority view was that Rye needed a second supermarket. This was especially important to younger families on low incomes. John Howlett agreed but the design of a new store needed to be appropriate.

Margaret O'Neill suggested that the site was not ideal and expressed the fear that competition could result in Budgens/Jempsons closing and its staffing being made redundant. She doubted that Rye could sustain two supermarkets during the winter months.

Mike Eve considered that the competition brought about by a second supermarket would be beneficial but suggested that the planning picture was muddled: the site was allocated for housing; the LPA was allowing Jempsons/Budgens to expand; and Rye has ended up with affordable housing on a greenfield site.

Keith Taylor stated that he walked frequently along Ferry Road and was aware of the volume of traffic in the vicinity and the difficulties encountered crossing the road. He asked if the extra traffic likely to be generated by the Valley Park development had been taken into account – as well as that coming into the town to use the new supermarket.
Sainsbury's Yes.

Cllr Fiddimore suggested that the main issues to be addressed were design, access and noise. Some parishioners on low incomes cannot afford to travel out of town to do their food shopping.

A resident of Ferry Road stated that she would like a new supermarket – but not in her back garden.

Cllr Rogers was pleased with the attendance and considered that many valid points had been raised; however, he was concerned about the consequences of Sainsbury's and Tesco not being able to reach agreement on who should develop the site.
Sainsbury's Sainsbury's owns 99% of the site. The main area of difficulty is the Queen Adelaide. It was hoped that an agreement could be reached.

Cllr Potter was concerned that the 'stalemate' could continue for 2-3 years. Cllr Fiddimore asked if Sainsbury's had found itself in a similar situation elsewhere.
Sainsbury's Yes, but the site was much larger. Sainsbury's owned 85% of the land and the matter was resolved without recourse to a CPO. A CPO could not be considered until both planning applications had been determined.