

Adjournment

RR/2018/545/P

Andrew Gray (AG), a chartered town planner with Aitchison and Rafferty (BP's agent) introduced the revised application:

- The applicant had tried to address the Planning Authority's reasons for refusing the previous application and, thereby, improve the scheme.
- The development sightlines would lie outside the AONB.
- The site is officially classified as 'white land' – ie land having no specific allocation within a development plan.
- The development would be easy to access and would provide employment.
- The draft RNP identifies a need for another filling station.
- The site is free from flood risk – BP's sequential tests demonstrated that it is the only suitable location within the Parish for such a development.
- The two potential sites identified within the RNP are unsuitable because they lie within flood risk zones.
- Neither the EA nor the Highways Authority had objected to the first application – although the latter had recommended that the 30mph limit be extended.
- Aitchison Rafferty (AR) has 30 years' experience of filling stations development.
- The revised development sits lower in the landscape (having been moved 5m to the east) and the illumination levels have been reduced and refined.
- The proposal would not impact on the landscape adversely (it is not a hilltop location).
- RDC's Core Strategy identifies a retail convenience shortfall in Rye (Policy RY1).

Comments/Questions from/by Members included:

Cllr Boyd No-one in the Public Gallery supports the proposal. It is difficult to understand why anyone would wish to site a filling station on a B road with poor access. The A259 would seem to be the logical place for the development. There is nothing in the revised application to suggest that Planning Authority would alter its previous position. Jempsons' recent store extension will have contributed towards the retail shortfall. He understood that the filling station at Brenzett was seeking to open 24/7. He had formed the impression that AR considers that the draft RNP is obstructing BP's plans for the Valley Park 'upper site'.

AG BP had assessed the whole of the parish and determined that there are significant environmental constraints on development – including flood risk and conservation designated areas. The proposed site is not affected by either. Fuel storage tanks cannot be located in areas of flood risk. The Core Strategy identifies the need for 1650sqm of additional retail space in, or adjacent to, the town centre.

Cllr Fiddimore observed that, in addition to My Costcutter, Rye is served by two shops at Tilling Green – and there are two supermarkets within 5 miles. There is concern that a retail and fuel offering on the site proposed would lead to increased vehicular use of two narrow lanes in the adjoining Parish of Udimore – Dumbwomans and Hundred House.

AG The draft RNP identifies the need for both a second filling station and an additional retail convenience offer. In relation to the previous application, the Highways Authority expressed no concern about increased vehicle movements to/from the site. Paragraph 32 of the NPPF states that there must be serious objections to an application for it to be turned down.

Colonel Kimber (AK) referred to **APPENDIX B** and added:

- His role was to place the application in the context of the draft RNP.
- Aitchison Rafferty (AR) appears to attach little weight to the fact that the draft RNP has reached the Reg 14 consultation.
- AR appears to have greater regard to RDC's Development and Site Allocations Local Plan (DaSA) – which is only draft. This is at odds with AR's acknowledgement that 'planning should be plan-led, empowering local people to shape their surroundings'.
- Government advice is that NPs should be 'written by the local community, the people who know and love the area, rather than the Local Planning Authority'.
- The draft RNP recognises the need for a second filling station and retail food outlet.
- The second planning application differs little from the first – it has shifted 5-6m to the east – and sits a little lower – but would still extend development into open countryside. Furthermore, the site is adjacent to the AONB, would be prominent (particularly at night), be contrary to local and national policies – and be likely to draw traffic up the B2089.
- What is the point of having a settlement boundary if it can be disregarded?
- The Planning Inspector approved Valley Park because it 'could be contained within the landscape and sit comfortably within the context of the adjoining development'.
- The site remains agricultural and had never been included in any plan - including the 2013 Strategic Housing Land Availability Assessment (SHLAA) – within the last 10 years.
- The RNP identifies alternative sites.
- AR suggests that the A259 area of Rye is unsuitable for fuel storage because it lies within a flood risk area'; however, in Harbour Road there are currently fuel storage facilities – as well as a top tier COMAH site.
- In Norton Fitzwarren (Somerset) BP was criticised for failing to demonstrate adequate sequential testing in respect of alternative sites – and it was suggested that its traffic impact assessment was flawed.
- In December, in Norton Ryedale (Yorks), BP proposed locating a filling station entirely within a flood zone 3a (like Rye) on the basis that the NPPF considers filling stations to be 'less vulnerable'. How is Rye different?
- How would the proposed development impact on Rye's (mainly) small independent traders? How could drawing traffic from the A259 and up the (already congested) B2089 be considered sustainable?
- The RNP attempts to reflect the wishes of the community – the 'upper site' has never been identified as being suitable for development.
- The RNPSG considers that the proposal is the right one – but in the wrong place.
- AR has submitted a detailed response to the Reg 14 consultation and this was appreciated. The comments would be considered carefully – with advice being sought when necessary – in due course.

Cllr John Breeds reminded Members that Government planning guidance permits Planning Authorities to refer to emerging NPs when determining planning applications.

AG A NP remains draft - and has no legal effect - until it has been examined and adopted at referendum. He reminded Members that planning applications have to be judged on their individual merits. The site will always be viewed as being 'sequentially developable'. He was unaware of the Norton Ryedale case cited by AK.

Cllr Creaser observed that the RNP had been worked on for 4 years (thus far) and that the Steering Group (comprising Elected Members and community members) had briefed RTC throughout this time. The SG had sought guidance regularly from RDC officers and its consultants.

AG AR is willing to consider ideas for how the develop proposed might be improved further.

Comments from the members of the public present included:

- Road rage and vehicle damage is observed in Udimore Road currently.
- A filling station and shop will draw more drivers up Udimore Road, causing additional pollution.
- The A259 is the best place for a filling station.
- When Valley Park was being considered there was a proposal that would have resulted in fewer cars being parked along the top part of Udimore Road – but it did not come to anything.
- A highways officer had stated previously that cars parked on Udimore Road help to keep traffic speeds down.
- If the price of fuel at the filling station proposed was cheaper than that at Skinner's, this would have the effect of generating more vehicle movements.
- When Cadborough Farm was subdivided the Planning Authority stipulated that the rural character should remain. When the VP development was approved the LPA required a green buffer between it and the AONB. The LPA has ensured that the eastern entrance to Rye remains attractive.
- The Rye Conservation Society has objected to both applications. It considers that the second application does not address the LPA's previous reasons for refusal. The development proposed would extend development into the countryside, affect adversely the rural character of the area, encourage people to drive to it – and detract from the amenity enjoyed currently by nearby residents.

Cllr Gilbert thanked AK and AG for their contributions. She expressed concern that the development would draw people from the town. She observed that petrol is not a sustainable fuel source; expressed concern that the filling station would be located close to the AOB; suggested that, if approved, development on the site was likely to be permanent – and asked AR to work with the community.

It was noted that that has been communication between AR and AK prior to the reg 14 consultation but that, for some reason, it has broken down. Cllr Creaser asked AK and AG to liaise with each other in order to determine what had gone wrong.

Cllr Stuart considered that it was likely that BP has the experience, expertise and resources necessary to safely install fuel storage tanks in flood risk areas.

AG advised that in respect of the illumination of the site, the floodlighting had been replaced with low level bulkheads and, at night, lighting would come on when vehicles entered the forecourt only.

Cllr Creaser thanked AG for his attendance.