

Bishop's Stortford Civic Federation

Registered Charity Number R264557

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Sent by email

Dear Kevin

NORTHGATE END MULTI-STOREY CAR PARK (MSP)
Your Ref: 3/18/0432/FUL

1. I am writing on behalf of the Bishop's Stortford Civic Federation to object to this resubmitted planning application to build a multi storey car park (MSP) at Northgate End, Bishop's Stortford, the previous permission having been quashed by order of the High Court.

Timing of the Application

2. We drew attention in our previous letters (dated 19 March and 29 May 2018) to major shortcomings in both the concept of the scheme and the assessment of its impacts. The Court's judgment provided a welcome opportunity for the Council to reassess its overall objectives for the area and how best they might be achieved. It is therefore a considerable disappointment to see that, with the exception of the removal of the MUGA, the changes proposed are entirely cosmetic and do not address at all the Court's reasons for quashing the decision which related to the inappropriate nature of a development such as this in the Conservation Area and the failure of officers to advise Development Management Committee members properly of the weight they should attach to its unsuitability in reaching their decision.

3. Instead, a broadly identical proposal has been advertised with the bare minimum period allowed for responses. Sadly, the only conclusion one can draw from this is that the Council is desperate to force this through before the local elections take place in May. We note that previous representations will be taken into account and wish to reiterate that they remain valid and have not been satisfactorily addressed in this revised application.

Conservation Area Status

4. In making his order which the Council have accepted as the basis for quashing the permission, the Deputy High Court Judge observed that

*'It is arguable that the importance of conserving the character and appearance of the Conservation Area was not properly recognised in the officer's report and that members were significantly misled thereby... My concern about the treatment of the Conservation Area is increased by the absence of any express consideration of policy BH6** the development plan policy which expressly addresses new developments in Conservation Areas.*

* This policy has been replaced by policy HA4 in the recently adopted District Plan but the intentions underlying it remain the same.

5. Policy HA4 of the District Plan includes the following provisions which are relevant to this application

'1. New development, extensions and alterations to existing buildings in Conservation Areas will be permitted provided they preserve or enhance the special interest, character and appearance of the area. Development proposals outside a Conservation Area which affect its setting will be considered likewise. Proposals will be expected to

- (a) respect established building lines, layouts and patterns*
- (b) use materials and adopt design details which reinforce local character and are traditional to the area*
- (c) be of a scale form height design and overall character that accords with and complements the surrounding area*
- (d) [not relevant]*
- (e) have regard to any 'Conservation Area Character Appraisals' prepared by the District Council and safeguard all aspects which contribute to the area's special interest and significance, including important views and green spaces*
- (f) where development proposals relate to Conservation Area Management Proposals the duty to preserve or enhance will be applied....*

6. The site falls within the Bishop's Stortford Conservation Area for which a Management Plan has been adopted by the Council. This identifies the whole area consisting of Grange Paddocks and Town Meads together with Castle Gardens as an important open space. It recommends (para 6.143) that unless the need for small scale recreational or other community facilities are required, it is important that the site be protected from development and remains available as a diverse open space for residents of the town and visitors to the adjacent town centre. The existence of this Management Plan appears not to have been acknowledged either by the EHDC case officer in her report dated 4 April 2018 or in the Planning Statement Addendum by RPS dated January 2019. It should, however, provide the detailed basis which informs the Council on the conservation and enhancement of heritage assets.

7. Policy HA4 (f) is explicit that in the case of this site the duty to preserve or enhance will be applied. It reflects para 200 of the National Planning Policy Framework (NPPF) which enjoins local planning authorities to look for opportunities for new development within Conservation Areas which enhance or better reveal their significance. By no stretch of the imagination could the imposition on the Area of a six floor MSP, illuminated at night, be regarded as complying with the duty to preserve or enhance the Area or with any of the provisions of HA4 listed above. Indeed the only reasonable conclusion which can be drawn is that it will cause substantial harm.

8. This part of the Area has never been developed. Development immediately adjacent to the proposed development site includes an historic single storey school building and is otherwise mostly domestic property. Commercial properties (Waitrose and the Nissan Garage) respect the prevailing maximum building height in the Area of three storeys. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to seek the preservation or enhancement of the character or appearance of the Conservation Area. Proposals for new development must be considered in light of this requirement and the effect is that a higher standard of design is required for any new properties. The proximity of the site to a Scheduled Ancient Monument makes this even more important. Part of the site lies in Green Belt, again a trigger for greater care.

9. In scale and appearance the proposed development will be wholly out of keeping with its surroundings and entirely inconsistent with policy HA4. The proposal, as well as being a gross intrusion on previously undeveloped land, will also lead to a substantial loss of mature trees and drastically alter the important views from the adjoining open spaces and from the Castle Gardens which has now received lottery funding for a major refurbishment. It is often difficult to imagine

how architects' plans and elevations will translate into reality. We suggest that a good real life proxy for this proposal is the multi storey car park in Gascoyne Way Hertford. What is being suggested for the Bishop's Stortford Conservation Area will be very similar in appearance but will be two floors higher than the Hertford car park.

10. It is all the more disturbing in this case that the promoter of the scheme is the Council itself. As the promoter, the Council cannot claim, as it has with other town centre schemes, that it has to work with what developers are prepared to offer. By promoting this scheme itself it calls into question whether the Council has any serious commitment to preserving our heritage assets at all. At the very least this application does not address the defects in the assessment of its adverse impacts which caused the High Court to quash the previous planning permission.

Content of Scheme

11. The purpose of this application is to facilitate the development of the Old River Lane (ORL) site. It is in fact integral to that development and should be considered as part of any proposals which eventually emerge for the overall development of the site and not as a free standing development. The effect of treating it as a free standing development is that the traffic impacts of development in the whole of the area will never be properly considered. This applies to

- The operation of Northgate End junction. This appears to be operating at close to capacity already, and the extra population at Bishop's Stortford North and the traffic demand generated by the ORL development will worsen its performance. This could be mitigated by installing traffic signals, and it does not require the MSP to make such an improvement.
- Pedestrian/vehicle conflicts. Siting the car park on the north side of Link Road would create a major conflict where there is only a minimal pedestrian flow at present. The plans for enhancing Castle Gardens also envisage a second improved pedestrian crossing on Link Road, to provide better connectivity to the town. Two major crossings so close together will exacerbate traffic queuing on a part of the network that already suffers severe traffic congestion.
- How much traffic the ORL development will generate and how traffic will gain access to it is speculative. While it appears that Old River Lane itself will continue to provide vehicle access to Waitrose car park, it will as a result eliminate one of the supposed public interest benefits of the ORL development – creation of a pedestrian boulevard between the new development and Cooper's. Without this new pedestrian route to the main retail area, the rationale for relocating the public car park to the north side of Link Road disappears entirely.

12. If the MSP were to be tabled as a constituent part of the ORL development, all these uncertainties could be properly tested and appropriate mitigation developed or the development itself could be modified if the adverse impacts were seen to be unacceptable. It would also be possible to evaluate the public interest benefits against any adverse consequences.

13. Looked at as free standing application, however, any supposed public interest benefits from the proposed ORL development have to be disregarded. No scheme has been developed or submitted for planning approval and at least some of its content – 'high-end retail' – is fanciful to put it mildly in the current retail climate. Whether the next administration after the local elections will regard any of the ORL development as a prudent use of resources must be open to question, given that the current uses earn a 5% return on the Council's investment.

14. As a free standing scheme, this proposal provides a net extra 141 parking spaces. While it also includes some flats and commercial development these are next to a busy road junction which would not normally be thought a suitable location for such uses. Indeed the main purpose of this appears to be to try to screen the gross intrusion of the MSP in the Conservation Area and to meet some of the costs that will arise from having to support the new structures on 20 metre piles.

15. With work now well under way at Bishop's Stortford North and just commencing at the Station Goods Yard we think it would be most unwise to subject the town centre and its road network to further pressure by embarking on development on the application site (or indeed ORL) at the same time. We also think that the quashing of the planning permission provides the opportunity to remedy the shortcomings in the transport assessment identified in our previous letters. In summary these are

- The net increase in publicly available parking is overstated and has not been justified. Policy TP9 of the relevant Neighbourhood Plan makes it clear that developments leading to an increase in public parking provision will be supported only if there is a demonstrated need. The evidence for that need has not been provided and alternative means of provision have not been properly explored (see below).
- The issue of conducting traffic counts during the Bishop's Stortford College summer holiday has not been addressed. Now would be an ideal time to conduct fresh counts, since it is during school term time and (at least at the time of writing) there are no major road works in Rye Street or Hadham Road which might be causing traffic to divert. The traffic flows are therefore likely to be more representative than those used in the assessment.
- The use of TEMPRO to uplift traffic forecasts rather than specific factors linked to planned developments is unsatisfactory. The justification that BSN will be largely self contained in traffic terms seems to be based on mistaken assumptions, and the impact of the development of ORL itself is a major unknown.
- While the performance of the Northgate End junction shows some improvement if the roundabout is replaced with signal controls, it does not require the creation of the MSP to reconfigure the junction in this way.
- Traffic backing up to enter the Waitrose car park would no longer be an issue, but the Northgate End junction would still be operating at capacity as soon as the MSP opens, and relocating the car park creates a major vehicle/pedestrian conflict which does not exist at present.

Alternatives

16. We have previously suggested that a better approach to providing a net increase in parking, if the evidence justifies it, would be to relocate all day parking provision to the edge of town, supported by Park and Ride so that additional space would be released for short stay parking in the town centre without the need for new construction. Since Park and Ride would take some time to get established, short term enhancement could be achieved by adding floors to the new facility on the site of Charrington's House. This could also provide temporary additional space if parking elsewhere on the ORL site were taken out of use during the course of development. If the adjoining site were to be developed as an arts centre an immediately adjacent car park there might be a sensible provision for the longer term as well.

17. The Shaping Stortford Steering Group commissioned a report which claims to show that Park and Ride would not work. Any remaining spaces in the town centre would have to be charged at a rate of £9 a day; land would have to be acquired on the edge of town, and the road network provides no room for dedicated bus lanes. However, typically of the lack of joined up thinking which afflicts parking management in Bishop's Stortford, the costs of this approach were not compared with the costs of the alternative implicit in this application. This appears to suggest that it is better to spend millions of pounds on a town centre MSP so that all day users can continue to occupy town centre parking spaces at a cost of only £4.40 a day. In doing so the municipal car parks undercut the station car park which already charges £9.00 a day, which rail commuters who don't mind a short walk from a town centre car park no doubt think is a bargain.

18. Rather than looking for evidence to prove that Park and Ride would never work perhaps the consultants should be asked to look at a settlement where it has been operating successfully for the last 15 years. Salisbury with a population of 41000 is about the same size as Bishop's Stortford. While it is not a magnet for rail commuters, tourism creates a similar demand for all day

car parking. The ring road system is incomplete, and the mediaeval street pattern prevents creation of dedicated bus lanes. There are five park and ride sites on the edge of the city which are free of charge with a return bus fare to the city centre of £3.00 (currently suspended to encourage a revival of tourism). All day parking is available in the city centre at a cost of £8.90 per space.

Conclusion

19. Sir Christopher Wren's tomb in St Pauls' Cathedral bears the inscription '*Si monumentum requiris, circumscipe*' - if you seek a monument, look around you. If we look around the centre of Bishop's Stortford the legacy of past planning decisions is deplorable. A succession of brownfield sites provided an unrivalled opportunity to create a really exciting town centre re-orientated towards the river. Instead we have had a succession of lowest common denominator commercial developments which bear no relation to each other or their surroundings and turn their backs towards the river. We are hoping that the station goods yard will turn out better. But the site of this application has never been developed (except as a cattle market). Unlike the other town centre sites, it is in the Conservation Area. It is difficult to imagine a more unsuitable, out of scale proposal than this one. It has no public benefit except to liberate Old River Lane itself for development, the nature of which is entirely speculative and may never happen.

20. We therefore believe that the right course of action would be for the applicant to withdraw this application. Development of the ORL site, including parking requirements, should treat Link Road as the boundary for development. If, however, when those plans are finalised they still involve the provision of new parking outside the site, then that should form part of any application for the overall development, so that the benefits and adverse impacts can be properly assessed. If the application is not withdrawn then, as a free standing proposal, it has no merit. It is contrary to both relevant national policy and policy relating to Conservation Areas in the District Plan and permission should therefore be refused.

21. I am copying this letter to James Parker CEO of Bishop's Stortford Town Council with a request that he arranges for members of the Town Council's Planning Committee to receive copies.

Kind regards

JOHN RHODES
PRESIDENT