

5d 3/11/2050/FP – Continued use of land to allow market stalls to be positioned in the centre of North Street on Thursdays and Saturdays at North Street, Bishop’s Stortford for East Herts District Council

Date of Receipt: 01.12.2012

Type: Full – Minor

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD - MEADS

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. The use hereby permitted shall cease on or before 28th February 2013.

Reason: To allow the impact of the proposed road closure on the free flow of traffic in the area to be monitored and assessed in the interests of highway safety.

2. The use of the market hereby permitted shall be restricted to the hours of 0500 to 1600 on Thursdays and Saturdays only.

Reason: In the interests of highway safety.

Directive:

1. You are reminded that the temporary TRO (Traffic Regulation Order) terminates on the 30 December 2012 and you will therefore need to apply for an extension to the TRO for the remaining period of this permission if the market is to continue in the centre of North Street.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1 and STC1. The balance of the considerations having regard to those policies and the approval of planning permission within LPA reference 3/10/1152/FP and the acceptability of the development in highway terms, is that permission should be granted.

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3/11/2050/FP

Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 Members may recall that planning permission was granted by the Development Control Committee on 09 February 2011 for market stalls to be located in the centre of North Street on Thursdays and Saturdays. That was a temporary permission which expires on the 28 February 2012. A temporary permission was granted to allow the impact of the road closure on the free flow of traffic in the area to be monitored and assessed in the interests of highway safety.
- 1.3 The market has been in operation over the last year and the applicant has submitted traffic monitoring information with the application to support the continuation of the use of the land for a market on Thursdays and Saturdays.
- 1.4 The use of the land for market stalls is part of a revitalisation programme which is using countryside performance reward grant funding to try and make Bishop's Stortford more competitive by introducing a range of improvements including pedestrianisation, relocation of stalls, the purchase of new uniform stalls and the installation of electricity for the stalls.
- 1.5 The focus of the revitalisation programme is the consolidation of the town's Thursday market in North Street.

2.0 Site History:

- 2.1 The only relevant planning history is that mentioned above (LPA reference 3/10/1152/FP) – the grant of planning permission for a temporary period for the change of use of the land in North Street for market traders.

3.0 Consultation Responses:

- 3.1 Hertfordshire County Council Highways have commented that they do not object to the planning application. The Highways Officer comments that the findings of the traffic monitoring report are as to be expected.

The Highways Officer does have some criticism that the traffic monitoring report does not make reference to queue length or journey time surveys nor does it refer to changes to the conditions at the Bridge Street/Link Road junctions or implications on traffic flow and capacity on Link Road.

3/11/2050/FP

The Highways Officer also notes that the report refers to an increase in traffic flows along Water Lane of 59% which, when using the figures contained within the report actually equates to a 147% increase in traffic flows.

4.0 Town Council Representations:

4.1 Bishop's Stortford Town Council have made no comment on the planning application but seek clarification from the Council in respect of the following issues:

- North Street is not currently closed on a Saturday for the market traders;
- The original application was for a six month trial period;
- Better signage for 'no parking' when the road is closed;
- Clarification of the requirements of stall holders.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Three letters of representation have been received which can be summarised as follows:

- The traffic survey undertaken by the applicant is insufficient in terms of the location, number of surveys and time of the year;
- The traffic survey does not properly take into account other future changes to the town and parking;
- The closure of North Street results in traffic congestion to the surrounding highway network;
- The market has not been operating on Saturdays and therefore the traffic implications of a closure on this day have not been assessed;
- The application and the TRO are linked and the termination period of the application should therefore be 30 December 2012;
- Fire and emergency vehicle access has not been adhered to;
- No new traders are being allowed in South Street/Potter Street and traders have some concerns with the current operation of the market in North Street.

5.3 Councillor N Symonds has commented that she has no objection to the application but does comment that the stall holder's views should be sought.

3/11/2050/FP

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1 Design and Environmental Quality
STC1 Development in Town Centres and Edge-of-Centre

7.0 Considerations:

7.1 The site is located within the built up area of Bishop's Stortford where, in principle there is no objection to development. The main considerations relate to whether the siting of the market place within North Street is acceptable in retail planning terms, having regard to policy STC1 of the Local Plan. The other key consideration is whether the development is acceptable in highway terms.

Policy STC1

7.2 Policy STC1 of the Local Plan states that the preferred location for new retail proposals will be the town centre, followed by edge-of-centre sites and that such developments will be permitted where the proposal is consistent with the character and role of the town centre; the development would be accessible by a choice of transport means other than the private car and where parking provision, access and traffic congestion are satisfactory. The site is in a town centre location and as such complies with the aims of Policy STC1.

7.3 Several bus stops are within proximity of North Street which, together with the train station allows visitors to access the town centre by public transport modes.

7.4 It is acknowledged that some of the existing short-stay parking spaces along North Street would not be available during the market's operating times on Thursdays and Saturdays, however adequate public car parking is available elsewhere to serve the market and the town centre as a whole.

Highway matters

7.5 The previous approval of planning permission within LPA reference 3/10/1152/FP, considered that the provision of the market stalls within North Street would not result in significant congestion or restrict access to an extent that would warrant refusal of planning permission. A planning condition was attached to the previous permission requiring the

3/11/2050/FP

provision of a temporary TRO (Traffic Regulation Order) which, in addition to the temporary planning permission (which expires on 28 February 2012), would give the Council an opportunity to monitor the impacts of the road closure and address any problems that arise as a result of the Order being in place.

- 7.6 Monitoring of the situation with regards to traffic flows has been undertaken and has been submitted with the application. Two traffic data surveys took place to assess the impact of traffic on other roads in the vicinity when access to that part of North Street (between its junction with the High Street and Barrett Lane) was restricted to vehicular traffic. Both surveys covered a seven day period at three locations, 1) at Water Lane, at the position where it meets its junction with Potter Street, 2) the A1250 Link Road in the vicinity of Charringtons House and 3) at the High Street in the vicinity of the Corn Exchange.
- 7.7 From the Town Council comments and third party letters of representation it is understood that the market has not been operating in the centre of North Street during a Saturday. The traffic report has only therefore provided information of the traffic situation on a Thursday.
- 7.8 The first survey commenced on the 16 May 2011 (prior to the TRO being put in place) and the second survey was undertaken on the 05 December 2011. The time delay between the two surveys was considered to be appropriate to allow the 'bedding in' of the TRO.
- 7.9 The Report finds that there was generally an increase in traffic flows throughout the week when comparing the May and December figures. The report indicates that this is not unexpected, given that traffic volumes are increasing nationally by 6-9% and given that the December survey was undertaken in the approach to the festive season and during a period of adverse weather where higher car use would be expected. With regards to the Thursday traffic flows the report indicates that there is an increase of 59% in traffic flows on a Thursday at the Water Lane location. Although the comments from the Highways Officer indicate that, using the information submitted, that there has been an increase in traffic flows at Water Lane of 147%.
- 7.10 The report does, however, comment that the findings were to be expected, insofar as it was anticipated that traffic volume would migrate to other roads when the TRO is in place. However, the report indicates that there is no evidence to suggest that other roads are not able to cope with the additional capacity, and the Highway Authority appears to concur with that conclusion.

3/11/2050/FP

- 7.11 Whilst the County Highways Officer does have some criticisms of the report, the Officer confirms that its findings are to be expected and concludes that the Highways Authority does not therefore wish to object to the continuation of the Market until the end of the TRO. Whilst Officers are therefore mindful of the criticism raised with the traffic report by Highways and third parties letters of representation, they are guided by the Highway Authorities conclusions that the continued use of North Street for a market will not result in an unacceptable loss of access or increase in congestion so as to warrant the refusal of the planning application.
- 7.12 As noted above, the market has not been operating on a Saturday. The application does however seek an extension of the permission for a year on both a Thursday and Saturday. The monitoring information submitted by the applicant provides information only with regard to the current situation of the market operating on a Thursday. The grant of this further temporary permission will, however, allow for further monitoring of the traffic implications of Saturday markets, and the Council will then be able to reassess the situation at the expiry of this permission.
- 7.13 It is noted that the TRO expires on 30 December 2012 and this application proposes to extend the temporary permission for the use of the land for a market until February 2013. If the market were to operate between the expiry of the TRO and the expiry of any planning permission granted, an extension of the temporary TRO would be required and Officers recommend that a directive is attached to the grant of planning permission informing the applicant of this. Officers note that a planning condition was attached to the previous permission requiring the implementation of a TRO. However, as a planning condition is not necessary where it replicates the requirements of other legislation, and Officers are aware that a TRO is necessary in this case to close the road to vehicular traffic, the provision of a planning condition requiring this is not therefore considered necessary in this case.
- 7.14 A condition was imposed within LPA reference 3/10/1152/FP to restrict the use of the site for the market to the hours between 0500 and 1600 on Thursdays and Saturdays. This is also recommended as a planning condition on this application and it will, in Officers opinion, reduce the impact that the road closure may have upon the free flow of traffic during peak evening hours.

8.0 Conclusion:

- 8.1 The proposal is for a use that is appropriate to the town centre location of the site and as such the development complies with the aims of Policy

3/11/2050/FP

STC1.

- 8.2 In accordance with the representations made by County Highways, Officers consider that the proposal would not have an unacceptable impact upon access, parking and congestion. A further temporary permission will enable greater monitoring of traffic movements as a result of the development, and in particular will enable an assessment to be made of any impacts resulting from the development on Saturdays.
- 8.3 Having regard to the above considerations, it is recommended that planning permission is granted subject to the conditions at the head of this report.