

5j **3/12/0467/FO – Variation of condition 2 of LPA reference 3/11/2050/FP (positioning of market stalls in North Street) to alter hours from 05:00-16:00 to 05:00-17:30 on Thursdays and Saturdays at North Street, Bishop’s Stortford for East Herts District Council**

Date of Receipt: 27.03.2012

Type: Full – Other

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 05:00 to 17:30 on Thursdays and Saturdays only.

Reason: In the interests of highway safety.

3. Approved plans (2E103) – Site Plan B

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 3/11/2050/FP and the acceptability of the development in highway terms, is that permission should be granted.

1.0 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 29 February 2012 for market stalls to be located in the centre of North Street on Thursdays and Saturdays within LPA reference 3/11/2050/FP. The Officers report relating to that application is attached as appendix A to this report. That report details the site history and relevant policy considerations.
- 1.3 The application now before Members seeks consent to alter planning condition 2 attached to that permission which restricted the operation of the market stalls to 05:00 - 16:00. This application seeks consent to alter the time of operation to 05:00 – 17:30. The applicant has set out that the request for the extension of time is to enable traders to have sufficient time to take down the stalls.

2.0 Consultation Responses:

- 2.1 Hertfordshire County Highways comment that they do not object to extending the hours to 17:30. The Highways Officer sets out that the Traffic Regulation Order (TRO) does allow for the road to be closed off and therefore the market use in place, or being packed away, until 17:30. However, the TRO does not come into effect until 06:00 in the morning – not 05:00.

3.0 Town Council Representations:

- 3.1 Bishop's Stortford Town Council have raised no objection.

4.0 Other Representations:

- 4.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 4.2 One letters of representation has been received which comments that the closure of North Street on a permanent basis combined with the Old River Lane development will result in significant adverse highways effects. Furthermore, the third party comments that the proposed extension into the evening peak hours is likely to be detrimental to local highway conditions.

5.0 Considerations:

- 5.1 The planning consideration relevant to this application is whether the extension of the hours of operation of the street market (or extended time to allow for packing away) is acceptable in terms of its highway impact. The principle of the development and other planning matters that related to that are set out in appendix A.
- 5.2 Taking into account the comments from the Highways Officer, who does not raise any objection to increasing the hours of operation of the market as proposed (or additional time for packing away) and, taking into account the considerations as set out in Appendix A, Officers do not consider that the proposal will result in any additional harmful impact in relation to highway safety, access or congestion matters within the town or on surrounding road network.
- 5.3 With regard to the commencement time matter, the applicant comments that, whilst the permission in place permits the operation of the use from 05:00, the requirements of the TRO are understood and acknowledged and the road is not closed off to vehicular traffic until 06:00.
- 5.4 No permanent provision is enabled if this application is supported as it seeks to vary a condition in relation to permission 3/ 11/2050/FP. That permission expires at the end of February 2013. The concerns in relation to the permanent closure of the road should not be given weight therefore.

6.0 Conclusion:

- 6.1 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 STC1.
- 6.2 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.
- 6.3 Having regard to the above considerations, it is recommended that planning permission is granted subject to the conditions at the head of this report.