

5f 3/10/1152/FP - Change of use of land to allow market stalls to be positioned in the centre of North Street on Thursdays and Saturdays at North Street, Bishops Stortford for East Herts Council

Date of Receipt: 28.06.2010

Type: Full – Minor

Parish: BISHOPS STORTFORD

Ward: BISHOPS 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 2012.

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.

3. The use of the site as a market, in accordance with the plans hereby approved, shall only occur when a Traffic Regulation Order prohibiting driving in North Street between Bridge Street and Barrett Lane on Thursdays and Saturdays, or as may otherwise be agreed in writing by the Local Planning Authority, has been approved, implemented and is in place.

Reason: In the interest of highway safety

Directive:

1. You are advised to contact the Hertfordshire County Council Passenger Transport Unit in order to consider bus diversion routes.

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 is that permission should be granted.

1.0 Background

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The full background to the site is outlined within the previous Committee report which is attached at Appendix A to this report.
- 1.3 Members will recall that the current planning application was deferred at the 22 September 2010 Development Control Committee meeting to enable further investigation of highways and traffic issues related to the proposal.
- 1.4 A Transport Study has now been carried out to test the closure of North Street between Bridge Street and Barrett Lane, with the view of closing the road for market days on Thursdays and Saturdays. An existing Bishop's Stortford 2005 am and pm peak hour SATURN model has been used for the study.
- 1.5 The Transport Study outlines that there are some limitations to the model which includes that the impact of traffic reassigning along Water lane will not be shown in the model and the accuracy of the model is reduced due to the model covering the whole town. The report also outlines that the model generally underestimates demand compared to observed traffic counts including the south bound flow on North Street itself and the distribution of trips to and from some of the zones in the town centre is questionable and therefore the impact of the proposed closure may be underestimated.
- 1.6 The model's results that are outlined by the study are as follows:-

Following the closure of the southern section of North Street in the model, Link Road is shown to accommodate the majority of the reassigned traffic – predominantly in a north/westbound direction. An increase in eastbound traffic flow along Bridge Street is also observed, as is an increase in flow along Windhill / High Street and Bells Hill.

As a result of the closure of North Street, wider reassignment throughout the model is also apparent (though in small quantities), with northbound town centre through-traffic reassigning away from the North Street / B1004 route to alternative routes such as the B1383 (Stansted Road) and A1250 (Dunmow Road).

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To this end, the closure of North Street is shown in the model to remove a potentially attractive through-route that provides an alternative to the congested A1250 link in the vicinity of the junction with the A1059 Adderley Road. Consequently, additional modelled traffic flow is routed through this junction – most notably in the PM peak.

It should be noted however, that the extent of such assignment is dependent on the accuracy of the assignment in the base model.

Despite the caveats noted above regarding the accuracy of the base model, it would be reasonable to assume that both Link Road and Bridge Street might accommodate a large proportion of diverted traffic, should the southern section of North Street be closed. This is at least reflected in the model reassignment demonstrated during the scenario tests.

- 1.7 The applicant has confirmed that they are now in a position to proceed with the Traffic Regulation Order (TRO) and that in response to the objections that were received they now intend to introduce an experimental order. The experimental TRO would run for 12 months and would start once planning permission has been granted.
- 1.8 Upon receipt of the Transport Study Officers sent letters sent to neighbours, other third parties who have commented on the application and all consultees.

2.0 Site History

- 2.1 The history of the site is detailed within the previous Committee report which is attached at Appendix A.

3.0 Consultation Responses

- 3.1 **County Highways** have commented that they do not wish to restrict the grant of permission and have recommended conditions to require a Traffic Regulation Order to be obtained prior to the first use of the development and that the use shall only be permitted on a Thursday and a Saturday. Highways comment that the highway modelling work carried out by Mouchel Consultants demonstrates that both Link Road and Bridge Street would accommodate the large proportion of traffic in the event of the southern section of North street is closed. Signs and barriers will be put in place to signify when the road is closed, exemptions will be made for emergency vehicles and market traders setting up. Outbound buses would have to divert around the A1250 Link Road. The school route which passes along North Street would have to make a more significant diversion.

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4.0 Town Council Representations

4.1 Bishop's Stortford Town Council has submitted no further representations for the application.

5.0 Other Representations

5.1 No additional letters of representation have been received since the consultation on the amended plans took place.

5.2 Any additional representations that are received will be reported to Members prior to the commencement of the committee meeting.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application remain the same as those outlined within the previous Committee report.

7.0 Considerations

7.1 The considerations in respect of the proposed change of use were set out in the report to Committee in September 2010, which is attached as Appendix A to this report. It is not proposed to re-iterate these considerations within this report, but to only consider the additional information that is now available.

7.2 Following the submission of the Transport Study County Highways maintain that they do not wish to restrict the grant of planning permission, subject to the implementation of a Traffic Regulation Order.

7.3 In relation to access and traffic congestion, the concerns raised by some of the third party representations have been considered. However, County Highways has assessed the impact of the proposal upon vehicular access and congestion and have no objection to the proposed use of North Street subject to a TRO being made to pedestrianise the section of North Street between Bridge Street and Barrett Lane on Thursdays and Saturdays. Having regard to the fact that the proposal does not intend to restrict access to areas from the north of the junction of North Street with Barratt Lane, Officers do not consider that the proposal would result in an unacceptable loss of access or increase in congestion so as to warrant the refusal of the planning application.

7.4 Officers recommend that planning permission is granted for the use of the site for the market for a temporary period of 12 months. This temporary planning permission together with the 12 month trial period for the TRO that

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is now proposed will give the Council the opportunity to monitor the impacts of the road closure and address any problems that arise as a result of the Order being in place.

- 7.5 A condition to restrict the use of the site for the market to the hours between 0500 and 1600 on Thursdays and Saturdays is also recommended to reduce the impact that the road closure would have upon the free flow of traffic during peak evening hours.
- 7.6 Officers accept the necessity of ensuring that a TRO is agreed and implemented prior to the implementation of the additional market use that is currently proposed in order to ensure that the free flow of traffic is maintained and in the interests of highway safety. A condition is therefore recommended to require that the proposed use only occurs when a TRO is implemented and is in place.

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 STC1.
- 8.2 In accordance with the representations made by County Highways and subject to the implementation of a TRO Officers consider that the proposal would not have an unacceptable impact upon access, parking and congestion.
- 8.3 Having regard to the above considerations, it is recommended that planning permission is approved subject to the conditions at the head of this report.