

**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, Bishop's Stortford for East Herts Council**

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**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. Three Year Time Limit (1T121)
2. The use of the site as a market, in accordance with the plans hereby approved, shall not be brought into use unless and until 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 and implemented.  
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 (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 comments of County Highways is that permission should be granted.

\_\_\_\_\_ (101152FP.NB)

**1.0 Background**

- 1.1 The application site is shown on the attached OS extract. It is comprised of 3 sections of North Street where market stalls are proposed to be located on Thursdays and Saturdays.

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- 1.2 Market stalls are proposed to be located on both sides of the southern section of North Street up to the junction with Barrett Lane. From this junction the stalls are proposed to occupy one side of the street up to a point that would be adjacent to the Half Moon Public House and close to the junction with Hadham Road.
- 1.3 The existing market in North Street currently operates on a Thursday during which times the street is not currently pedestrianised. The existing market on Saturdays is held in Market Square, Potter Street and South Street. The proposal is to use both sides of North Street from the area south of the junction with Barrett Lane for the market on a Thursday and introduce the market in North Street on a Saturday in addition.
- 1.4 The proposal would require the area of North Street between the junctions with Barrett Lane and Bridge Street to be pedestrianised on those days. The applicant proposes to improve and enhance the existing market by additional measures to include new uniform stalls for all market traders, the introduction of electricity for the traders and town centre events, improved signage, new street furniture, cycle racks and kerb enhancement. However, Members should note that these enhancements do not form part of the current planning application.
- 1.5 Members should be aware that following concerns raised by third parties within their written representations, the applicant submitted an amended site plan to limit the areas where changes to the markets are proposed. This amended plan sought to clarify that the proposal would only involve the pedestrianisation of North Street between the High Street and Barrett Lane and that access north from Barrett Lane would be maintained.
- 1.6 The applicant has applied for a Traffic Regulation Order (TRO ) to enable the pedestrianisation of North Street between Bridge Street and Barrett Lane to take place on those days. The decision on the TRO is expected to be made prior to the Development Control Committee Meeting and therefore the outcome of this will be reported to Members at the meeting.

### **2.0 Site History**

- 2.1 There is no relevant planning history for this site.

### **3.0 Consultation Responses**

- 3.1 County Highways has commented that they do not wish to restrict the grant of permission subject to a condition to require that a Traffic Regulation Order to prohibit driving in North Street between Bridge Street and Barrett

Lane on Thursdays and Saturdays shall be made. County Highways comment that 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. A number of bus services use North Street and therefore outbound buses would have to divert around the A1250 Link Rd and the school route which passes along North St would have to make a more significant diversion. There are two sets of bus stops which would be within walking distance of North Street. County Highways confirms that it is essential that the HCC Passenger Transport Unit are informed if the development proceeds.

#### **4.0 Town Council Representations**

4.1 Bishop's Stortford Town Council has no objection to the proposal, however, requests that the Council moves all stalls to one side on Carnival Day to enable the procession to take place.

#### **5.0 Other Representations**

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

5.2 4 letters of representation have been received which can be summarised as follows:-

- Concerns in relation to potential restrictions to access to Sworders Yard and therefore the application should be restricted to the section of North Street south of Barrett Lane;
- Road closure would result in delivery vehicles using Barrett Lane and Water Lane which may result in congestion and damage to buildings;
- Demand for market stalls has declined over the last 10 years;
- Restrictions should be made to prevent market traders from parking in North Street;
- The plans do not show sufficient space for emergency vehicles;
- There is inadequate disabled access along North Street;
- Loss of parking on Saturdays;
- Location of stalls away from shopping centre;
- The proposal should be for a trial period;
- The one way system in Water Lane and Barratt Lane should be reversed;
- Plan submitted not to scale.

## **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 principle consideration in this case is whether the proposed use of North Street complies with the Policies contained within the Development Plan.

7.2 Policy STC1 states that the preferred location of 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.

7.3 Notwithstanding the concern raised by a third party that the market is to be located away from where the majority of the town centre retailers are found, the site is in a town centre location and as such complies with the aims of Policy STC1.

7.4 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.

7.5 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.

7.6 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

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loss of access or increase in congestion so as to warrant the refusal of the planning application.

- 7.7 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 a TRO be made prior to the implementation of the planning permission that is the subject of this application.

### **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 representation 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.