

Cabinet – 23 October 2013

Walsall Market - Temporary move to facilitate the redevelopment of St Matthew's Quarter – Old Square Phase 1

Portfolio: Councillor Andrew, Deputy Leader, Regeneration and Transport

Related portfolios:

Service: Regeneration: Development and Delivery

Wards: St. Matthews

Key decision: No

Forward plan: No

1. Summary

- 1.1 The regeneration proposals for St. Matthew's Quarter require the temporary move of stalls forming Walsall Market to facilitate the necessary hoardings, demolition and associated access for the development.
- 1.2 Old Square Phase 1 (planning approval 11/0560/FL) is due to commence on site in January 2014. This development will comprise of the partial demolition of the Old Square Shopping Centre to facilitate the construction of two retail units for Primark and the Co-Op with an associated service yard. Some of the hoardings necessary to protect the public during demolition will be located along the Digbeth frontage whilst vehicular access will be gained from Lower Hall Lane. This will effectively create a demolition exclusion zone that will require the temporary relocation of 23 stalls and 2 catering units, both within the area covered by the existing temporary permission for the market and into the old market square where stalls have been located in the past (illustrated in Plan no. EMPS 3869).
- 1.3 To ensure continuity of trade for permanent traders, the use of various delegations to the Executive Director within the Constitution will be enabled, particularly around the ability to decline to upgrade casual traders to permanent stalls during the period of works to the Old Square.
- 1.4 There are aspirations for a significant retail, catering and leisure redevelopment in Digbeth/Lower Hall Lane as well as future phases of Old Square, all within the St Matthew's Quarter area of the town centre. Should this development be realised, a similar demolition exclusion zone may need to be created in both the old Market Square and Lower Hall Lane.
- 1.5 The power to operate a market in Walsall town stems from historic charter. The Walsall Corporation Act 1969 means the Council has the power to relocate the market, but it is the Constitution that sets out how that power will be exercised.

The power to temporarily move market stalls is not contained within the delegation to the Executive Director of Regeneration and Transportation. Therefore, an approval by Cabinet is required.

- 1.6 The purpose of this report, therefore, is to seek formal Cabinet approval for the temporary relocation of stalls forming Walsall Market in order to facilitate the redevelopment plans for St. Matthew's Quarter.

2. Recommendations

- 2.1 That Cabinet agree the temporary relocation of stalls forming Walsall Market in order to facilitate the redevelopment plans for St Matthew's Quarter – Old Square Phase 1
- 2.2 That the power to authorise the further temporary relocation of stalls during the period of the Old Square Phase 1 redevelopment and to enable the redevelopment of the Old Square be delegated to the Executive Director for Regeneration and Transportation in consultation with the Portfolio Holder for Regeneration.
- 2.3 That Cabinet notes that during the period of works for Old Square Phase 1, casual traders will not automatically be granted a permanent licence but that pursuant to the Executive Director's delegated authority (Constitution Para 18.10) applications will be reviewed and considered having regard for the capacity of free and appropriate stalls.

3. Report detail

- 3.1 The Walsall Corporation Act 1969 gives the Council the power to relocate the market, but it is the Constitution that sets out how that power will be exercised. The power to temporarily move market stalls is not contained within the delegation to the Executive Director of Regeneration and Transportation therefore an approval by Cabinet is required.
- 3.2 There is a temporary planning permission granted for the current relocation of the market (planning reference 13/0433/FL, as illustrated on Plan no. EMPS 3869). This permission is for two years and will expire in April 2015.
- 3.3 Old Square Phase 1, as outlined in paragraph 1.2, is due to commence on site in January 2014. Therefore, the temporary relocation of stalls forming Walsall Market in order to facilitate this redevelopment will need to be realised prior to this. Council officers have started to plan the temporary move in close consultation with the Market Trader's Association (MTA).
- 3.4 On 30th July 2013, the Council held a consultation event that was well-attended by market traders, in order to explain the necessity of the temporary move and to present a first-draft plan for discussion. The feedback given at the event was taken into consideration and has been reflected in both the further drafts of the plan and the proposed timescale for the move. Traders were against the stalls being relocated in December 2013 due to the potential negative impact on footfall

and trade in their busiest month. The Council is therefore planning for enabling works to take place in late 2013, with the move of the stalls themselves planned for early January 2014.

- 3.5 The longer-term aspirations for a permanent location of Walsall Market and the process by which this could be achieved were also outlined at this same consultation event, most notably the Council's desire to create a fit for purpose, modern, permanent home for the Market.
- 3.6 In January 2013, Cabinet noted the conclusions of the Regeneration Scrutiny and Performance Panel and Markets Working Group (created in June 2012 by the Regeneration Scrutiny and Performance Panel) and endorsed the recommendation to request a feasibility and design study to assess the planning considerations, design and financial implications of creating a new Market square on The Bridge, including the relocation of The Fountain, and an enhanced town centre public realm, all subject to the granting of planning permission.
- 3.7 Consultants have now been commissioned to carry out this initial stage of work. A report to Cabinet for endorsement of the preferred option will be needed alongside a consideration of a budget to undertake the works. This report to Cabinet is currently scheduled for early Spring 2014, with the submission of a planning application following thereafter. This will allow for the physical works to commence as early as late 2014, subject to the outcome of that planning application.
- 3.8 The Walsall Market feasibility study needs to ensure that the preferred option for the permanent location for the Market takes into consideration the Market Exclusion Zone that is to be implemented prior to the practical completion of the Old Square Phase 1 Scheme, currently estimated to be early 2015 (the Market Exclusion Zone is illustrated on Plan no. EMPS 3869). This Market Exclusion Zone has arisen from the Council's negotiations with the owners of the Old Square Shopping Centre and prospective tenants Primark and will create an area of public realm adjacent to the new retail units.
- 3.9 The timescale of the Market feasibility study appreciates the need for the market to be permanently relocated by April 2015 which is when the current planning permission (13/0433/FL) for the temporary location of the market will expire. It will also be coordinated with work on the emerging Area Action Plan for Walsall Town Centre, which will both produce work and consultation responses to inform decisions on the market and set out policies to protect and support it.
- 3.10 The need to minimise the number of temporary moves to the market in order to facilitate the developments in St. Matthews Quarter and the permanent home for the market is recognised, but it is to be noted that more than one move may be necessary in order to realise the wider, longer-term plans for the area. Cabinet is therefore being asked to delegate its authority to undertake future temporary moves of the Market, as necessary, in order to facilitate the redevelopment of Old Square Phase 1.

4. Council priorities

- 4.1 The Council has committed to focus on three priorities in the Corporate Plan and one of these is the economy. Continuing to support Walsall Market will sustain an income to the Council, and support small businesses growth and the vitality of Walsall town centre as set out in the Black Country Core Strategy and in the emerging Walsall Town Centre Area Action Plan, which was the subject of an 'Issues and Options' consultation earlier this year.
- 4.2 The temporary and permanent proposals for Walsall Market are inline with the following objectives as set out in the Marmot Review:
- Create fair employment and good work for all
 - Create and develop healthy and sustainable communities.

5. Risk management

- 5.1 There is a risk that, if the temporary move of the necessary market stalls is not endorsed by Cabinet, the on-site commencement of Old Square Phase 1 may be delayed which could have financial implications at a later date, should the overall target completion date not be met. The move of the stalls highlighted on Plan no. EMPS 3869 is crucial in ensuring that the necessary site hoardings can be erected and demolition access can be gained. The Council is keen to ensure that the timescales associated with the Old Square Phase 1 project are completely aligned to the timeline for moving the 23 stalls and catering vehicles so to enable the demolition works to commence. Enabling works will be undertaken and contractors will be programmed to undertake works in line with the agreed timescales. Alternatively, the only way to mitigate against this risk would be to completely remove the affected stalls, subject to Cabinet approval, which would lead to a loss of revenue from the market service as well as damage to the Council's reputation and, potentially, to individual traders.
- 5.3 If, for any reason, the development of Old Square Phase 1 was not to proceed, there would be no need for the temporary relocation of the market stalls in question. There is a risk that, if contractors for the temporary market move have been appointed, there may be financial implications arising from abortive work. Whilst quotes from contractors can be obtained in advance of any works commencing on Old Square Phase 1, the Council will not formally appoint the contractors until a formal start on-site date has been agreed for Old Square.
- 5.4 Various external factors such as inclement weather and contractor staffing issues present the risk that, should the necessary temporary relocation of affected market stalls not be completed on time, then the commencement date for the Old Square Phase 1 scheme might be compromised. This risk is to be mitigated by ensuring early engagement with contractors and traders alongside the preparation of a detailed project plan that allows a realistic time period in which to complete the move should any compromising issues arise.
- 5.5 There is a risk that the estimated cost of the temporary move will be exceeded, particularly due to inclement weather during the Winter months. This risk is to be minimised by robust project management and ensuring early and ongoing engagement with the contractors.

- 5.6 The success of the market traders businesses that are to be relocated to the old market square will be supported by a robust marketing plan and a financial package, to be agreed by the Executive Director for Regeneration in consultation with the Portfolio Holder for Regeneration and will be subject to a periodic review.
- 5.7 The risk around refusing applications for a permanent licence could result in a loss of income and increase in vacant stalls as casual traders are not financially penalised for failure to arrive to trade. However, this risk will be minimised through weekly monitoring of applications, permanent trader numbers and stall availability, ensuring that stalls are able to be allocated, as appropriate.

6. Financial implications

- 6.1 The temporary move of Walsall Market is to be funded by the Regenerating Walsall Capital Programme 2013/14. The financial incentive package to be offered to affected traders will be financially supported by the markets service whose income will reduce accordingly. The associated marketing plan will also be funded by the Regenerating Walsall Capital Programme 2013/14.
- 6.2 There will be financial implications for the Council in the temporary move of market stalls to facilitate the redevelopment of St. Matthew's Quarter. In addition to the cost of the physical works, there may also be a loss of income from the Market due to the lower rent rates in the proposed relocated position. Income from the market traders may also fall if it is deemed impossible to grant permanent licences throughout the period of works. This will become more prevalent during inclement weather as casual traders are not obliged to trade.

7. Legal implications

- 7.1 Planning permission for the proposed temporary move will not be required as the stalls that are proposed to be moved are either within the existing temporary planning permission boundary (13/0433/FL) or within the historic area of Walsall Market. Should there be a future need to temporarily relocate any stalls outside of the boundary of the current temporary planning permission (before April 2015 when it expires) or outside of the historic market area, then planning permission will be required. As mentioned in paragraph 3.6, the permanent location of the market, which is to be developed through the Market feasibility study, will require a planning permission. It is anticipated that the necessary planning application will be submitted in late Spring 2014.

8. Property implications

- 8.1 The market is currently located on land owned by the Council and it is proposed that any relocated stalls will continue to be situated on Council-owned land.

9. Health and wellbeing implications

- 9.1. None directly arising from this report.

10. Staffing implications

- 10.1 Staff in Development and Delivery have been involved in this project thus far, and further input will be required from this Council service area as well as from Legal Services, Development Management and Highways.

11. Equality implications

- 11.1 It is considered that the citizens of the Borough will welcome and benefit from the delivery of Old Square Phase 1, aspirations for St Matthew's Quarter and a permanent home for the Market. These projects will improve the environment and enhance the Borough's attractions in the town centre where they will be most accessible to all sections of the community. The first stage, Old Square Phase 1, will be facilitated by the temporary market move.
- 11.2 The design and layout of the reconfigured market will make provisions for the needs of people with limited mobility.

12. Consultation

- 12.1 As discussed in paragraph 3.3, consultation with market traders has commenced and will be ongoing throughout the project to ensure support and understanding.
- 12.2 Local stakeholders including local businesses are also being consulted.
- 12.3 The Walsall Corporation Act 1969 requires for notice of the temporary move to be publicised in a local newspaper closer to the date of implementation.
- 12.4 There will be no public consultation for temporary move of the market but there will be public consultation throughout the different stages of the Market feasibility study. There will also be public consultation through the statutory planning process once the preferred permanent location for the market is submitted for planning permission in April 2014 and it is to be noted that the current planning permission (13/0433/FL) for the temporary location of the market was also subject to public consultation.

Background papers

Response to the Regeneration Scrutiny and Performance Panel Report on Walsall Market - 23/01/13 Cabinet

Redevelopment of Old Square Shopping Centre and Supplementary Paper (Private Session) - 24/04/13 Cabinet

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A handwritten signature in blue ink, appearing to be 'SN', written over a light blue rectangular background.

Simon Neilson
Executive Director

14 October 2013

A handwritten signature in blue ink, appearing to be 'Andrew', written over a light yellow rectangular background.

Councillor Andrew
Portfolio Holder

14 October 2013

WALSALL MARKET LOCATION PLAN



key:

- Existing Planning Application Boundary
- Historic Market Boundary outside of Planning Application boundary
- Primark exclusion zone
- Emergency access only
- Construction Zone - Stalls to be relocated prior to construction
- Existing stalls unaffected by construction zone
- Existing stalls numbered 1 through to 8 to be reconfigured as shown
- Existing Food concession vans unaffected by construction zone
- Location of 3 no. reinstated stalls
- Relocated positions of stalls affected by construction zone
- Relocated positions of food concession vans affected by construction zone - trader names relating to vehicle sizes as shown

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REGENERATION - DEVELOPMENT & DELIVERY	
PROJECT:	Walsall Market Location Plan
LOCATION:	Walsall Town Centre
DRAWING TITLE:	Current Proposals for temporary relocation of Walsall Market
SCALE:	1:500 @ A2
DATE:	3rd October 2013
DRAWN BY:	JAW/HKES
Plan No:	EPMS 3869

