

Cabinet – 18th March 2015

Walsall Market – Relocation of market stalls to facilitate the redevelopment of St Matthew's Quarter

Portfolio: Councillor M Nazir
Deputy Leader
Regeneration

Related portfolios:

Service: Regeneration: Development and Delivery

Wards: St. Matthews

Key decision: No

Forward plan: No

1. Summary

- 1.1 The regeneration of the Norton & Proffitt-owned site at Market Square/Lower Hall Lane in St. Matthew's Quarter, Walsall requires the relocation of 12 stalls and 2 catering vehicles forming part of Walsall Market to facilitate the necessary demolition of existing property, hoardings and associated access for the development.
- 1.2 Norton & Proffitt are currently seeking possession of the existing shop units within the scheme (planning approval 13/1421/FL). The development will comprise the demolition of the retail units fronting Market Square and Lower Hall Lane as well as the former multi-storey car park on Lower Hall Lane to facilitate the construction of an 11-unit retail scheme with associated rear servicing. The planning consent for the demolition and subsequent redevelopment of the site is subject to a series of planning conditions that will require discharge by the Local Planning Authority prior to commencement of the demolition works. Some of the assumed hoardings that are necessary to protect the public during demolition will be located along the Market Square frontage, whilst vehicular access will be gained from Lower Hall Lane.
- 1.3 The above will effectively create a demolition Exclusion Zone that will require the removal of 12 stalls and 2 catering vehicles in this area of the market, to be partially relocated into the area covered by the planning permission for the market (ref: 14/1871/FL) as well as the area of the historic market in old Market Square, where stalls are currently located.
- 1.4 In October 2014, Cabinet resolved to endorse the relocation of necessary market stalls in order to facilitate other specific regeneration activity in the Town Centre in 2015, namely the Network Rail electrification works in Park Street and the Market Exclusion Zone that exists as part of the Old Square Phase 1

development (Primark and Co-Operative units, to open Summer 2015). Planning permission, as part of Phase 1 of the permanent Walsall Market proposals, has also been granted for these relocations. By way of an update on activities associated with the reason for Phase 1 of the permanent Walsall Market implementation, the requirement for the Market Exclusion Zone remains; stalls will be relocated to facilitate this within the timescales required. However; the stalls that were envisaged to be relocated to facilitate the electrification works being undertaken by Network Rail will remain in situ until the revised timeline for the works commences. Currently this is estimated to be October 2015.

- 1.5 The possible future need for the Exclusion Zone now requested in this report, in order to facilitate the redevelopment of St. Matthew's Quarter, was also referenced in the October 2014 Cabinet report.
- 1.6 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 relocate market stalls is not contained within the delegation to the Executive Director for Regeneration.
- 1.7 The purpose of this report, therefore, is to seek formal Cabinet approval for the relocation of 12 stalls and 2 catering vehicles forming part of Walsall Market in order to facilitate the Norton & Proffitt redevelopment plans within St. Matthew's Quarter.

2. Recommendations

- 2.1 That Cabinet approve the removal and relocation of 12 stalls and 2 catering vehicles forming part of Walsall Market (the south side of Market Square adjacent to the existing retail units) in order to facilitate the Norton & Proffitt redevelopment plans within St Matthew's Quarter, as shown on the attached plan.

3. Report detail

- 3.1 The Norton and Proffitt scheme, as outlined in paragraph 1.2, will require a demolition Exclusion Zone to be created. Therefore, the removal and relocation of some stalls forming part of Walsall Market in order to facilitate this redevelopment will need to be realised prior to the commencement of demolition. Officers have started to plan the stall and trader relocations in close consultation with the Market Trader's Association (MTA). The 12 stalls and 2 catering vehicles that are to be affected are illustrated on the plan that forms Appendix A, accompanying this report.
- 3.2 As mentioned in para 1.4, on 29th October 2014 Cabinet resolved to endorse the relocation of necessary market stalls in 2015 in order to facilitate specific regeneration activity in the Town Centre, namely the Network Rail electrification works in Park Street and the Market Exclusion Zone that exists as part of the Old Square Phase 1 development. Cabinet was also made aware of the possible need for further stall relocations in order to facilitate the Norton & Proffitt scheme, which this report now addresses.

- 3.3 In addition to the above, a planning permission has recently been submitted for the second phase of the Old Square Shopping Centre redevelopment (14/1886/FL). Should this development be realised, a similar demolition Exclusion Zone may need to be created in the future on the opposite side of Market Square to the Norton & Proffitt scheme, to maintain pedestrian safety which may also require the relocation of market stalls.
- 3.4 There is a planning permission granted for the current location of the market (planning reference 14/1871/FL).
- 3.5 The proposed layout for the market once the now-proposed relocations for the Norton & Proffitt scheme have been implemented, as well those that have been previously endorsed, is illustrated in Appendix B.
- 3.6 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 move market stalls is not contained within the delegation to the Executive Director for Regeneration therefore an approval by Cabinet is required.
- 3.7 Whilst the overall number of stalls within Walsall Market will be reduced as a result of implementing this demolition exclusion zone, the number of permanent traders will not be affected. These traders have been invited to apply to occupy existing void stalls or relocated stalls within the new market layout. However, stall availability for casual traders will be limited which will impact on income levels. As with the previous temporary move, officers will continue to work closely with the Market Traders Association and affected traders to communicate the key information once the details and exact timeline of the requirement is clearer.
- 3.8 It is intended for the proposed layout shown in Appendix B to be implemented in late March/early April 2015. It will be implemented as one move, so not to prejudice any affected traders during the stall allocations process. However, as referenced in para 1.4, the stalls that were envisaged to be relocated to facilitate the electrification works being undertaken by Network Rail (stalls 9/10 and 31-36 on Appendix A) will remain in situ until the revised timeline for the works commences to minimise disruption to businesses and market traders. Currently this is estimated to be October 2015. This decision has been made in close consultation with the affected stallholders.
- 3.9 The Council remains committed to realising the long-term aspirations for the delivery of the permanent Walsall Market. A planning application for the permanent market, including a temporary layout to facilitate the immediate town centre developments outlined in para 3.4, has now been approved by the Local Planning Authority (planning permission no. 14/1871/FL). The next step is to appoint specialist consultants to take the project through to the implementation stage, including the technical drawings and contractor procurement. The appointment of consultants is necessary due to the requirement for very specific skills. Following the granting of planning permission, work on tendering for the second stage of works has commenced, as endorsed by Cabinet in October 2014.

- 3.10 As set out in para 1.4, the requirement for creation of the Market Exclusion Zone as part of Phase 1 of the permanent Walsall Market implementation plan remains; affected stalls will be relocated to facilitate this within the timescales required.

4. Council priorities

- 4.1 The Council's Corporate Plan 2015-2019 seeks to ensure that with fewer resources available there is concentration on protecting the most vulnerable and reducing inequalities through a small number of key priorities. Two of these priorities are:

- creating jobs and helping people get new skills;
- helping local high streets and communities.

Continuing to support Walsall Market will in turn 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 in 2013.

- 4.2 Sustaining Walsall Market as well as supporting the wider regeneration of Walsall town centre through schemes such as the Norton & Proffitt development is intended to have positive impacts in terms of the creation of employment and good work for all (an important objective of the 'Marmot Review'). The creation of new job opportunities as well as improvements to the appearance of the local environment, by facilitating the development of land, should lead to positive impacts on the lives of local people. Private sector investment in the retail offer will result in a stronger town centre and associated job creation.

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 the Norton and Proffitt Scheme 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 in Appendix A is crucial in ensuring that the necessary site hoardings can be erected and demolition access can be gained.
- 5.2 If, for any reason, the development of the Norton and Proffitt scheme was not to proceed, the stalls and catering vehicles in question would have deemed to have been relocated unnecessarily. This poses a reputational risk, disruption to traders and could be deemed to have been an unnecessary cost. This risk is to be mitigated through close and regular dialogue with the developer in regard to timescales and progress and conditionality set out in legal agreements.
- 5.3 Various external factors such as inclement weather and contractor staffing issues present the risk that, should the necessary removal/relocation of affected market stalls not be completed on time, then the commencement date for the hoarding-off for the Norton and Proffitt 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.

- 5.4 There is a risk that the estimated cost of the temporary move will be exceeded due to inclement weather and unknown factors at the implementation stage. This risk is to be minimised by robust project management and ensuring early and ongoing engagement with the contractors.
- 5.5 The success of the market traders businesses that are to be relocated to the old Market Square will be supported by the existing financial package in place (i.e. rent reduction) to support those currently trading in Market Square. This rent reduction agreement is subject to annual review. Para 18.10 of Part 3.5 allows the Executive Director for Regeneration to vary rental levels in consultation with the Portfolio Holder for Regeneration.

6. Financial implications

- 6.1 The temporary layout of Walsall Market is to be funded from the existing Regenerating Walsall Capital Programme 2014/15. The financial incentive package to be offered to affected traders, i.e. traders located to the Market Square will attract a lower rent, will be financially supported by the Markets Service whose income will reduce accordingly.
- 6.2 In addition to the cost of the physical works, there will also be a loss of income from the Market if the traders currently trading from the 12 stalls to be removed/relocated cannot be accommodated in the new layout. This may be due to traders finding the alternative stalls offered to them less attractive than where they currently stand, and therefore leaving Walsall Market as a result. Currently, over the course of a week, each of these stalls attracts a rent of £108.75 if fully let. It is anticipated that on most days all of these traders can be accommodated on other vacant stalls in the market so that loss of income is kept to a minimum.

7. Legal implications

- 7.1 Planning permission for the proposed relocations and removals will not be required as the stalls that are proposed to be moved for the Norton & Proffitt scheme (and those that may be proposed to be moved in the future to facilitate the Old Square Shopping Centre Phase II Scheme) are either within the existing planning permission boundary and submitted layouts (14/1871/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 planning permission or outside of the historic market area, then planning permission will be required.

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.
- 10.2 There will be no staffing implications or risk of redundancies arising from the proposed stall relocations/removals.

11. Equality implications

- 11.1 It is considered that the citizens of the Borough will welcome and benefit from the delivery of the Norton & Proffitt scheme, wider aspirations for St Matthew's Quarter including the proposals to the Old Square Shopping Centre and a permanent home for Walsall 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.
- 11.2 The design and layout of the reconfigured market will make provisions for the needs of people with limited mobility. An EQIA has been completed for the permanent Walsall Market proposals which include the majority of these proposed reconfigurations as 'Phase 1'. In addition, the permanent market proposals have been subject to statutory comprehensive consultation via the planning process.

12. Consultation

- 12.1 Consultation with market traders has taken place in regard to the proposed layout and stall allocations process and will be ongoing throughout the project to ensure support and understanding. In addition, consultation has taken place with Markets Staff to ensure that the proposals are achievable.
- 12.2 Local stakeholders including local businesses have been consulted on the wider market proposals through the statutory planning process.
- 12.3 In addition to the above, there has been extensive discussion with and updates provided to the Business, Employment and Local Economy Scrutiny and Performance Panel regarding both the Walsall Market project and the wider regeneration projects in the Town Centre.
- 12.4 There will be no specific public consultation for the temporary move of the market to enable the Norton & Proffitt scheme, but there has been extensive public consultation throughout the different stages of the Permanent Market feasibility study and subsequent planning submission through the statutory planning process and this is proposed to continue.

Background papers

Response to the Regeneration Scrutiny and Performance Panel Report on Walsall Market Feasibility Study – 30/04/14 Cabinet

St. Matthews Quarter – Disposal of Land in High Street – 10/09/14 Cabinet (Public and Private Report)

Response to the Regeneration Scrutiny and Performance Panel Report on Walsall Market Feasibility Study – 29/10/14 Cabinet (Public and Private Report)

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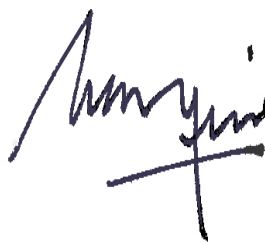
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18th March 2015




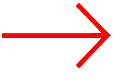


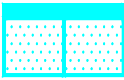
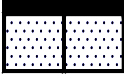
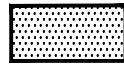
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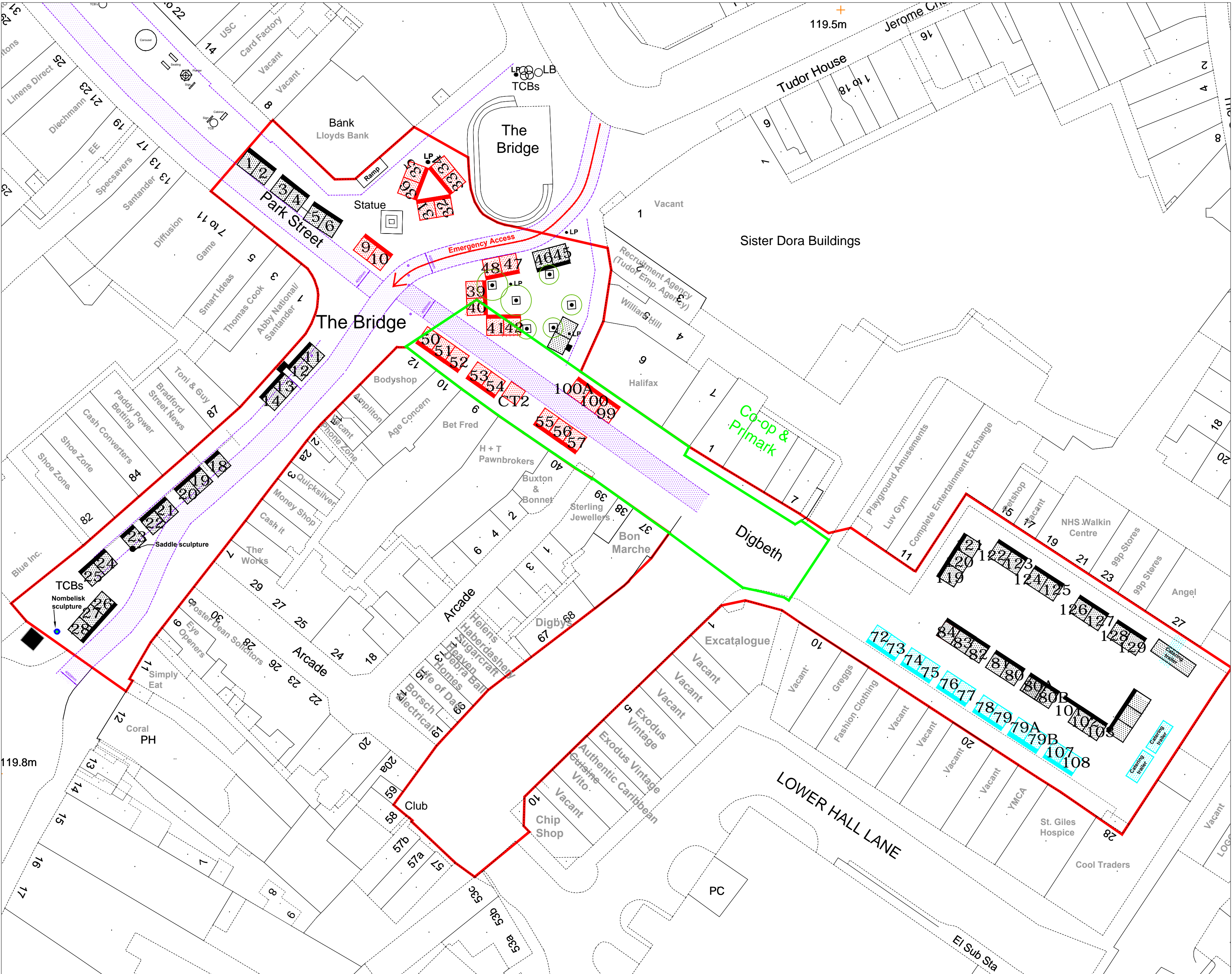
18th March 2015

MARKET STALLS AFFECTED BY WORKS



key:

-  Red Line Boundary of Phase 1 Planning Permission.
-  Emergency access only
-  Permanent Market Exclusion Zone
-  Existing stalls / catering vehicles affected by works (Network Rail Electrification + Market Exclusion Zone) - relocations previously endorsed by Cabinet
-  Additional Stalls / catering vehicles proposed for relocation / removal
-  Stalls not affected by works
-  Food concession vans not affected by the works



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REGENERATION - DEVELOPMENT & DELIVERY

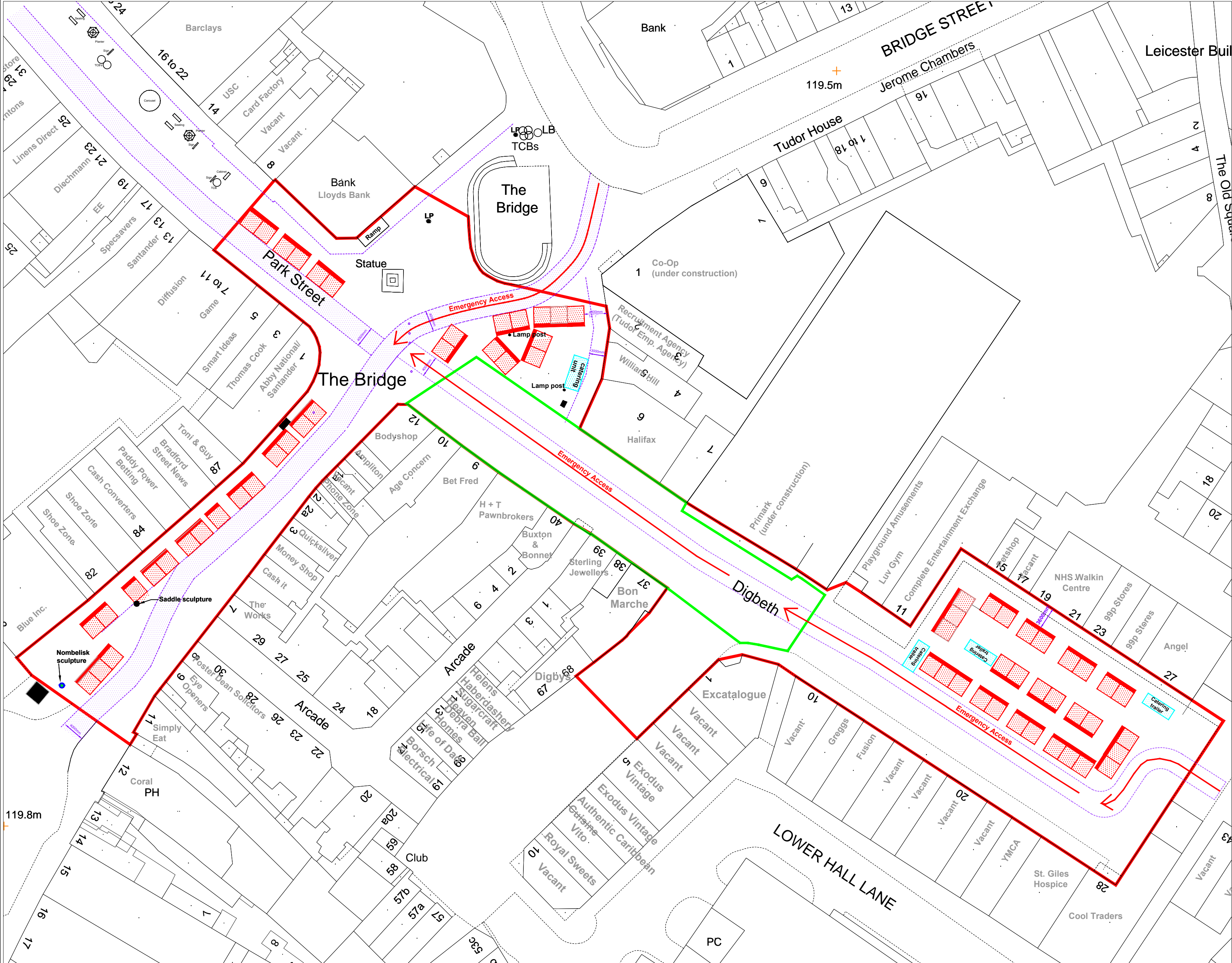
PROJECT:	Town Centre with Walsall Market Location Plan		
LOCATION:	Walsall Town Centre		
DRAWING TITLE:	Market Stalls affected by Works		
SCALE:	1:500 @ A2	DATE:	10th March 2015
DRAWN BY:	JG/ES	Plan No:	SK10-03-2915

WALSALL TOWN CENTRE MARKET LAYOUT



key:

- Phase 1 boundary
- Permanent Market Exclusion Zone
- Emergency access
- Stalls
- Food / Catering vehicles



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REGENERATION - DEVELOPMENT & DELIVERY

PROJECT:	Walsall Market Layout		
LOCATION:	Walsall Town Centre		
DRAWING TITLE:	Site Layout		
SCALE:	1:500 @ A2	DATE:	10 Mar 2015
DRAWN BY:	JG/ES	Plan No:	SK10032015-1