

IMPLEMENTING STREET MARKET IMPROVEMENTS

Submitted by: Markets & Regeneration Officer

Portfolio: Regeneration, Planning & Town Centres

Ward(s) affected: Town

Purpose of the Report

To seek Members' approval for key actions to facilitate delivery of the town centre public realm and market refurbishment project, including removal and replacement trees in High Street and Hassell Street taking account of the Economic Development and Enterprise Scrutiny Committee's recommendations.

Recommendations

- (a) **To approve the removal and re-provision of trees to facilitate delivery of the Town Centre Market improvements.**
- (b) **To authorise officers to prepare and submit a planning application for the proposed new market stalls.**

Reasons

To enable delivery of the previously-approved town centre public realm and market refurbishment project whilst taking due account of the importance of safeguarding the visual amenities of the town centre by virtue of the natural landscaping contained therein.

1. Background

- 1.1 The town centre public realm scheme agreed by Cabinet in July 2011 included changes to the layout of market stalls in order to bring them closer to the pavement. Now that detailed plans have been drawn up, with the preferred size of market stalls, it has highlighted a number of areas where the positioning of trees around the market area will need to be re-considered. In particular the preferred/optimum layout will require the removal of some existing trees, although it is noted that there is the potential for the planting of new ones both in lower High Street and in Hassell Street.
- 1.2 Cabinet has previously considered the case for the public realm and market refurbishment scheme and have approved its delivery. The scheme was proposed in response to a number of external studies which highlighted that:
- Through-traffic in Hassell Street negatively impacts on the trading performance of the lower end of High Street;
 - The street market is in decline, specifically:
 - There is evidence of reducing income
 - Poor layout that doesn't integrate with the grain of the town
 - Declining footfall
 - Stalls in need of replacement.

These conclusions were supported by the Borough Council's own experience which is that the market stalls south of Hick Street are the least popular for traders due to lower pedestrian numbers in this area.

1.3 As the public realm scheme has progressed to more detailed layout planning it is now appropriate to consider the proposals in light of town centre landscaping and specifically the trees in the market area. Following consultation with the Portfolio Holder for Regeneration, Planning & Town Centres on this issue, he requested that the Economic Development & Enterprise Overview & Scrutiny Committee be invited to consider Officer proposals in detail and make recommendations to him. Accordingly a sub-group of this Committee was tasked with visiting the site, reviewing Officer proposals and making recommendations back to the Committee. The sub-group highlighted that there was a need to listen to local traders and to support the economic development of the area, whilst ensuring the town was visually attractive with re-landscaped tree provision. The Economic Development and Enterprise Overview and Scrutiny Committee considered the matter on 22 November and they highlighted a range of issues as follows:

- That the re-provision of seating is considered to ensure that there are sufficient seats in the area.
- That any trees removed are replaced and that Landscape Officers make recommendations on the species of trees to be planted.
- Views from partner agencies regarding CCTV were noted and it was highlighted that the new tree species would have smaller tree canopies and therefore not hinder the CCTV camera views to the same extent as the existing tree foliage.
- That there is more certainty on the reuse of the tree pits prior to trees being removed.
- That consideration is given to providing 3 rows of stalls by the Guildhall as it was felt that this area is more popular. It should be noted that if this was considered then smaller stalls would need to be provided, which means that the Council could not deliver the larger stalls requested by market traders.
- That the Scrutiny Committee reviews the operation of the market stalls 12 months after operation to ensure that the space is used appropriately, including vehicle parking and storage of trader containers and waste.

2. **Issues**

2.1 **Layout of the Market Stalls**

In the current market layout, stallholders at the lower end of the market (below Hassell Street) push display equipment out towards the pavement which has contributed to criticism about the untidy appearance of the market. At the top of the market, in the prime trading frontage (between the Guild Hall and Hassall Street), the stalls trade away from the pavement and have their storage and refuse areas opposite the shop fronts. This has the impact of making the pavement close to the shops look cluttered and potentially distracts shoppers away from the shops. The proposed market stall layout is designed to address these issues by creating parallel trading frontages that face the retail shops (with servicing / storage undertaken in the central corridor).

2.2 **Provision of new Market Stalls**

Following consultation with market traders over the replacement market stalls, agreement has been reached that 10ft wide and 15ft deep canopies should be provided on the new market stalls. These stalls are intended to give each market trader a larger footprint to trade from and remove the need for traders to build further extensions on to the stalls. Putting the stalls

closer to the pavement aims to make the stall displays more visible to passing pedestrians and promote sales as well as strengthening the interaction with the existing retail shops.

2.3 Tree Locations

The locations where the position of trees in the High Street causes conflict with the proposed stall layout are set out below:

(a) The area by Superdrug

- (i) A row of 5 trees separates the market area from the shop fronts/pavement. This includes three mature trees and two smaller trees. Particular issues are:
- The degree of disturbance which the tree roots cause to the pavement in this area which is not conducive to pedestrian safety ;
 - Blockage to the trading frontage of stalls facing onto the pavement;
 - The degree of light blocked out by this cluster of trees;
 - Hygiene issues associated with the number of bird droppings generated by roosting birds;
 - An existing issue from market traders in this area concerning alleged allergic reactions to the trees because of the duration and proximity of their exposure to the trees during the trading day.

This latter issue is unique in the town to this particular trading area as it is the only area where people spend several hours a day clustered around such a large and mature group of trees.

- (ii) With regard to this particular cluster of trees, there is a long-standing request from market traders and members of the Civic Society to consider removing all of them. The agent for 61- 63 High Street (the former Castle Hotel) has also requested their removal to improve visibility of the frontage of this historically significant building. The Borough Council's Conservation Officer also supports the proposal to remove these trees for the latter reason not least because the building has recently been the subject of substantial grant-funded refurbishment works to improve the appearance of the building's facade.

(b) The Lower High Street Area

There are 5 trees in the lower High Street area which conflict with the proposed stall layout by being so close to the front of a stall as to make it unusable. This is a cluster of 4 trees outside of the Missoula Public House and 1 tree outside of the Rotisserie Café.

2.4 Landscape impact of removing the trees

The Council's specialist Landscape Officers have recently conducted a survey of the trees in this area in accordance with good practice advised in British Standard 5837. Its findings were:

- (a) For the row of trees by Superdrug, the two smaller trees are classified as category A (high quality) and the three larger trees are category B (moderate quality) trees. In summary these are tree categories which it is preferred to retain where possible. Of the smaller category A trees, one of these is proposed for removal if the larger neighbouring tree is retained as the larger tree is suppressing the growth of the smaller tree.

- (b) For the larger trees, your Landscape Officers consider that if trees of this stature are removed from the town centre it is very unlikely that any replacement trees would grow to the same size. This is based on the growth rate of trees planted in recent years in the town centre.
- (c) The tree survey acknowledges the disruption to the pavement caused by some of the trees in the area by Superdrug.
- (d) There would be no objection, on landscape grounds, to removal of the tree outside of 'Rotisserie' which is category C (low quality).
- (e) Of the four trees outside 'Missoula', two are category B, (moderate quality) which it is preferable to retain and of the remaining two, one is category C (low quality) and the other is classified U (unremarkable) neither of which would cause concern if they were to be removed. The proposals indicate that one of the category B trees would be retained with the other three trees to be removed.

2.5 Tree Ownership

Some of the trees are owned by the County Council, who have advised that should the trees in their ownership be removed then it is likely that some mitigation measures will be required. This may not necessarily have to be within the town centre.

2.6 Public Consultation

Both informal and formal consultation on the public realm scheme has taken place over a period of time. This looked at the principles of the scheme layout rather than the specific issue of potential loss and re-provision of trees. Specifically:

- (a) In 2007 and 2008, the Borough Council worked informally with an 'influencers group' of people with an interest in the town centre to explore options for the market stall design and potential options for the layout of the market and taxi rank in the town centre. Having considered other options for the taxi rank locations and market stall layout, the layout as currently proposed was the option that balanced the conflicting requirements of different groups whilst delivering the project outcomes.
- (b) A formal public consultation took place in November and December 2010, which resulted in some changes being agreed to the scheme in the Friars Street area. The results of this were considered by Cabinet in July 2011.
- (c) The Newcastle Hackney Association has been involved in refinement of the proposals for a taxi rank in Lower High Street.
- (d) Market Traders have been engaged both through meetings with the local branch of the National Market Traders Federation and also individually, most recently when a wooden mock-up of the proposed market stall was placed on site in April 2012 and at a meeting in July 2012. It is worth noting that the market traders would like more trees removed to make the stalls more accessible and to remove issues such as leaf and bird waste dropping on or by the stalls.

2.7 Planning Permission

Planning permission will be required for the erection of 51 new market stalls. Authority is sought for the preparation and submission of the application. Officers have the expertise and

capacity to undertake this element of the project within existing work programmes and the application fee of £195 will be met from within the project budget.

3. **Options Considered**

3.1 **The trees by Superdrug**

(a) **Not remove any trees**

The proposed new stall layout relies on the trees in this area being removed to allow market stalls to trade out towards the pavement. If this is not done the only other option is to retain the current market layout in this area. If this were the case then 15ft deep canopies could not be provided on the new stalls since this would not provide sufficient space for vehicle loading in the space between them. There would be no improvement to the appearance of the market from the Superdrug area as the market traders would continue to use the space between the trees for storage and refuse. The anticipated improved functional relationship between the retail shops and market traders would not be achieved neither would the adjacent buildings be made more visible within the High Street. Additionally the issues raised at section 2.3(a) would not be addressed.

(b) **Remove all of the trees in this area**

From a purely commercial perspective, removal of all 5 trees in the area by Superdrug would provide the most open frontage for market stalls and also the adjacent businesses. This is reflected in the requests for removal as stated in paragraph 2.3 (a) above. Removing all 5 trees would however have a significant impact on the visual attractiveness of this area through the loss of 3 large mature trees and the complete removal of any natural landscaping features. Generally complete removal of trees in this manner can be expected to be met with significant protest from other interested sections of the community. In this particular instance it would also denude this core part of the town centre Conservation Area of the tree canopies that soften the built environment and contribute to the distinctive character of the centre.

3.2 **Lower High Street Area**

Approximately 5 stalls in the lower High Street area would be unusable if the trees are not removed as proposed. This is because the gap between the front of the stall and the tree would either be too small for easy pedestrian access or give no pedestrian access at all. The stalls would have to be retained in their current position in the middle of High Street and a small working area retained behind each stall (as is provided in the current layout). Consequently a 15ft deep canopy could not be used as the remaining vehicle access area around the outside of the stalls would be limited to one vehicle depth which would cause problems in the market loading times. There is also a pinch point where the minimum distance between the stall frontage and other street furniture would not comply with current fire access requirements. It is likely that stallholders will continue to build out towards the pavement in order to achieve sales and there would be little improvement to the appearance of the market in this area.

4. **Proposal**

4.1 Following the working group meeting and site visit with officers on Wednesday 24 October 2012, the following is proposed for re-landscaping of the town centre. The trees are referenced to the plan attached at Appendix A for ease of identification.

- (a) That the tree outside the Rotisserie Café should be removed. Officers should consider replacing the tree on the same side but further up (position 26 on the plan).
 - (b) That 3 of the 4 trees outside Missoula should be removed, leaving one tree remaining. (On the plan, tree 15 retained and tree 13, 14 and 16 removed)
 - (c) That 5 trees should be planted on Hassell Street. (positions marked in green on the plan)
 - (d) That 1 larger tree and 2 smaller trees outside of Edinburgh Woollen Mill (former Castle Hotel) are removed, leaving 3 mature trees in this area. (On the plan, tree 7, 9 and 10 removed and trees 5 6 and 8 retained)
 - (e) That in position 22 and 23, where the trees are already stumps, the re-use of the existing tree-pits to replant should be explored.
- 4.2 This would result in market stall and tree positioning as shown in the plan attached at Appendix B.

5. **Reasons for Preferred Solution**

- 5.1 It is proposed that Cabinet accepts the recommendations of the Economic Development and Enterprise Overview and Scrutiny Committee that the selective removal and re-provision of trees in the way proposed balances the commercial needs of the town centre with the attractiveness of its natural landscape features. This proposal will result in net removal of 7 trees and 2 tree stumps and the planting of 8 new trees if the tree pits are re-usable. If the tree pits should prove not to be re-usable the net result would be the removal of 7 trees and 2 tree stumps and the planting of 6 new trees.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 The project is within the Borough of Opportunity corporate priority, specifically the outcome of making the town centre more vibrant and attractive. The re-landscaping proposals allow delivery of the aims of the project which are to:
- Address the severance caused by through traffic in Hassell Street
 - Improve the appearance of the market
 - Improve the trading profitability of the market for market traders (and consequentially to improve the performance of the market for the Borough Council)
 - Open up views of the Guildhall

7. **Legal and Statutory Implications**

- 7.1 Since April 2012¹ a local planning authority is able to remove trees within a Conservation Area without further permission.

8. **Equality Impact Assessment**

No differential impact has been identified.

¹ (Town and Country Planning (Tree Preservation) (England) Regulations 2012)

9. **Financial and Resource Implications**

- 9.1 The cost of removal and replacement of the trees will be found from within the existing capital budget allocation of £554,000 for the scheme.
- 9.2 The submission of the planning application for the erection of the 51 market stalls will cost £195. This will be met from the existing budget. Existing officer resources will be deployed to prepare the planning application.

10. **Major Risks**

- 10.1 A full risk assessment is maintained for this project.

11. **Key Decision Information**

- 11.1 The decision has been included in the Forward Plan
- 11.2 The proposals are located within the Town Ward although all users of the town centre will benefit.

12. **Earlier Cabinet/Committee Resolutions**

- 12.1 July 2011 Members considered the results of a public consultation that had taken place in November and December 2010 and approved the scheme for implementation including introduction of a taxi rank at lower High Street and in the Ironmarket, changes to the layout of the market stalls and the introduction of new market pitches in Hassell Street and revised access arrangements for Friars Street to allow 24 hour access for deliveries.
- 12.2 September 2010 Cabinet authorised the scheme for public consultation and also the dedication of land at the bus station for Highway purposes to enable the works on Barracks Road to be completed.
- 12.3 January 2010 Members considered in detail the rationale for the public realm and market refurbishment scheme and authorised Officers to pursue the daytime closure of Hassell Street to through traffic and its repaving to emphasise its pedestrian focus; the replacement of market stalls and the removal of market stalls from lower High Street up to its junction with Hick Street,
- 12.4 November 2012 the Economic Development and Enterprise Scrutiny recommended the proposal outlined in this report.

13. **List of Appendices**

Appendix A Plan of Trees
Appendix B Proposed market layout and landscaping

14. **Background Papers**

Town Centre Strategic Investment Framework.