Report to CABINET

Shaw Market – approval to apply for planning permission to hold the market on Market Street

Portfolio Holder: Councillor J McMahon, Cabinet Member - Economy and Enterprise

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14th December 2015

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Reason

Shaw Market – approval to apply for planning permission to hold the market on Market Street

for Decision

The purpose of the report is to ask Cabinet to give approval for officers to submit a planning application to enable Shaw Market to be held on Market Street and for the original market ground on Westway to be used as car park.

Executive Summary

Shaw market has been declining for a number of years with a steadily reducing number of market traders and reducing customer base. Following a public consultation in Autumn 2014, the Council decided to run a trial market for 10 weeks on Market Street between Farrow Street East and Beal Lane. The rationale for selecting this location for the trial was to try and move the market closer to the area of highest footfall and attract new customers to visit the market and also to draw that footfall towards the local shops and businesses in the heart of the District centre.

The Council’s Licensing Panel granted a temporary licence and the trial market began on the 27th August. During the trial period extensive consultation took place. In response to the largely positive response from the formal consultation with Market Street businesses and feedback from the public and market traders, the Council’s Licensing Panel granted a permanent licence on the 2nd November 2015 for the market to be held on Market Street between Farrow Street East and Beal Lane and on a section of Newtown Street.

At the beginning of the trial, there were only 9 existing market traders. During the trial, 2 of the regular traders decided not to continue, but these were replaced plus additional traders attracted, giving a total of 11 traders operating during the trial. As a result of the trial, additional Market Street shops and businesses have agreed to the placing of a stall in front of their premises and the market is now in a position to grow to 20 stalls and the time of writing, the Markets Manager has already filled 17 pitches.
The Council now needs to apply for planning permission to hold the market on Market Street and will also need to apply for permission to demolish the fixed stalls on the existing market ground at Westway and to change the use of that area to become a free car park in accordance with the Council’s current policy for parking in District Centres.

**Recommendations**

The Cabinet is recommended to approve the submission of a planning application for

- Shaw Market to be held on Market Street between Farrow Street East and Beal Lane and on a section of Newtown Street as shown in the plan at Appendix 3; and

- The change of use of the market ground at Westway to a car park
Shaw Market – approval to apply for planning permission to hold the market on Market Street

1 Background

1.1 The Council made a decision on the 23rd February 2015 to run a trial ‘On Street Market’ on Market Street, Shaw. The trial was introduced following an informal public consultation process with local residents, Shaw market traders and local businesses about potential alternative locations for the market. The reason for exploring alternative locations was a fear that the market, which has been steadily declining over a number of years, would continue to decline despite its existing loyal customer base unless more customers and market traders could be attracted. This decline has taken place despite various efforts to publicise the market to new traders and to provide rent incentives. The rationale for moving the market on street was to take it closer to the areas of heavier footfall on Market Street and generated in particular by the supermarkets on Eastway and High Street.

1.2 The potential locations which were the subject of the original public consultation were:-
- Milne Street car park
- Market Street – between Farrow Street East and High Street.

There were no clear preferences and a large proportion of existing market customers wanted the market to stay on its Westway site. However, during the consultation with supermarket shoppers and people who did not use the market, there were indications that moving the market closer to the supermarkets might encourage them to visit the market. In addition, because of the location of the pedestrian crossing point on Eastway and the larger area on Market Street between Farrow Street East and Beal Lane, this area was identified as a better alternative option.

1.3 It was recognised that there were a number of practical issues that needed to be considered before making a decision to move the market permanently, and in view of this, the decision was taken to run an on-street market for a trial period. The purpose of the trial was to provide a practical test of whether the market is more successful on-street, whether it had an impact on local businesses and local residents living near Market Street and also to assess the impact on traffic movements in and around Shaw Town Centre. A plan of the area for the trial market and the existing market ground on Westway can be found at Appendix 1.

1.4 Since the decision to hold the trial, the Council has introduced an Experimental Traffic Regulation Order (TRO) which became operative on 29th June 2015 which enables Market Street to be closed to traffic on market days. An Experimental TRO provides a six month period within which objections can be made. Any objections received would be heard at the next appropriate TRO Panel scheduled in March 2016 unless the Council choose to consider any objections received after this period or to hold a special TRO Panel earlier in 2016.

1.5 A licence for the trial market to be held for 10 weeks was granted by a special meeting of the Council’s Licensing Panel, held on the 5th August 2015. This licence was granted based on 14 businesses giving consent to a stall being placed in front of their premises. The support from these 14 businesses enabled 11 stalls to be placed on Market Street for the trial period.

1.6 The 11 stalls that formed the trial market allowed the traders that traded from the existing market ground to move to the on street location if they so wished, and enabled some new traders to come for the trial. All of the market traders have reported to market officers an
increase in trade and takings compared to when they traded on the exiting market grounds. These traders have expressed their desire to continue the market on Market Street. In addition due to the success of the trial a further seven traders have approached market officers about obtaining a stall on Market Street. However, it was not until the licence was made permanent that market officers could look at accommodating these requests.

2

2.1 Current Position

During the trial, extensive consultation took place along with formal and informal traffic observations. A summary of the results of this consultation and traffic observations can be found at Appendix 2. Monitoring of traffic took place both before and during the trial period including monitoring of the traffic queues on Eastway when the pedestrian crossings are in use. There were no unacceptable traffic flow issues noted during monitoring. There has been regular consultation with the bus companies, the local mail order companies, the emergency services and the larger supermarkets. There have been no negative reports from any of these organisations. The consultation included informal consultation with members of the public and local businesses plus statutory consultation with business on Market Street that either had a stall/potential for a stall in front of their premises or were materially affected by the market.

2.2 The licence for the market to occupy the highway on Market Street was granted by Licensing Panel on 2nd November 2015. The licence was granted for the whole of Market Street from Farrow Street to Beal Lane and for part of Newtown Street. See appendix 3. Stalls will only be placed on one side of Market Street and outside those premises who gave consent. However, if frontager businesses wish to change their mind, i.e. either give consent for a stall or withdraw consent for a stall outside their premises, they can do so in writing to the Licensing Team. At the time of writing this report, 21 frontager businesses have given their consent for a stall to be placed in front of their premises.

2.2 In order to make the market move permanent, there is also a need to seek planning consent to enable Shaw Market to be held on Market Street and for the original market ground on Eastway to be used as car park. This will involve the demolition of the permanent market stalls and a change of use to the original market ground to provide additional car parking in Shaw town centre.

2.3 Parking in District Centres is currently free of charge, although restrictions are in place on some car parks in terms of length of stay. Consultation would be undertaken with local Ward Members to determine the type of free car parking to be provided (i.e. short stay or long stay)

2.4 Whilst there is no current intention to change the market day from Thursday or to hold a market on additional days, the Council is able to hold an additional 20 markets during any calendar year without planning consent. This would enable specialist markets to be held on other days either on Market Street or even on the existing market ground at Westway if considered appropriate. This would enable existing regular events to continue to take place at Westway such as those held by Shaw Parish Council.

3

3.1 Options/Alternatives

3.1 Option 1 - Do nothing and leave the market on street. This would means that the on street market would operate without planning consent on Market Street. In addition, no consent for the original market ground would exist, the stalls would not be demolished, would fall into disrepair or would become an expensive liability and the site would not be available for additional free car parking.

3.2 Option 2 - Do not apply for planning permission and move the market back to the original market ground. The market traders trading on street on Shaw Market have already stated
that they do not want to move the market back to the original market ground. If the market is moved back, we would not have any traders on the market and would struggle to attract new traders (this has been very difficult in the past) which would result in Shaw potentially losing its market.

3.3 Option 3 – Do not apply for planning permission, move the market back to the original market ground and invest in the demolition of the existing fixed stalls and use demountable gazebo type stalls. This option involves the same amount of expenditure as Option 4 and does not move the market closer to the supermarkets where there is heavier footfall.

3.4 Option 4 - Apply for planning permission to hold the market on Market Street. If granted, this would mean that the market would be operating with full planning permission and the original market ground can be used for additional free car parking for Shaw Centre and additional space for events.

4 Preferred Option
4.1 Option 4 is the preferred option. There is a budget of £120,000 in the Capital Programme to facilitate the market move and the demolition of the permanent stalls on the original market ground.

4.2 The estimated costs associated with the preferred option are:

<table>
<thead>
<tr>
<th><strong>Highways costs</strong></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent TRO</td>
<td>2,000</td>
</tr>
<tr>
<td>Amendment to car park orders and signing</td>
<td>4,700</td>
</tr>
<tr>
<td>Pedestrian signage</td>
<td>280</td>
</tr>
<tr>
<td>New bus stop</td>
<td>8,000</td>
</tr>
<tr>
<td>Highways signage changes</td>
<td>5,000</td>
</tr>
<tr>
<td>Contingencies</td>
<td>2,500</td>
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<tr>
<td>Professional fees</td>
<td>1,800</td>
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<td><strong>Sub - total</strong></td>
<td><strong>24,280</strong></td>
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<table>
<thead>
<tr>
<th><strong>Change of use of current site to car park</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Demolition</td>
</tr>
<tr>
<td>New car park layout</td>
</tr>
<tr>
<td>Planning fees</td>
</tr>
<tr>
<td>Contingency 10%</td>
</tr>
<tr>
<td>Unity fees @9%</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Replace Trader WC and refurbish existing storage facility.</strong></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6,500</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Market service costs</strong></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning fees for new location</td>
<td>385</td>
</tr>
<tr>
<td>New stalls</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Sub total</strong></td>
<td><strong>10,385</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>119,958</strong></td>
</tr>
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</table>

5 Consultation
5.1 A public consultation exercise and a formal consultation exercise for the purposes of Licensing took place during September/October to assess the views of the public, local
businesses and market traders in the light of the 10 week trial of the on street market. The results of the consultation can be found at Appendix 2.

5.2 In addition to the public consultation a petition signed by 384 residents was received objecting to the relocation of the market on to Market Street and seeking investment in the current market ground as outlined in Option 3. The petition states:

‘Oldham Labour want to wreck our market and close Market St for a day each week. The Liberal Democrats are opposed to this and want to see a dedicated market site with Farmers markets and Continental markets added to bring back shoppers to our town. We want to see Shaw Market stay on its present site with investment to bring Farmers Markets and Christmas Markets to our area as well. I am opposed to closing Market St to traffic every week bringing traffic chaos to Shaw and Crompton.’

5.3 A petitioners meeting was held on the 10th November and was attended by Cllrs Sykes, Williamson and Turner. The District Executive meeting on the 1st December the District Executive agreed with the recommendation of the petitioners and would urge the Council to honour their request.

6 Financial Implications

6.1 Capital

6.1.1 The cost of moving the market onto the street are £119,958 as shown in the table in 4.2. The capital strategy has an allocation of £120,000 for the market relocation in 2015/16. Should all the works not be carried out before the Year End the budget will be carried forward into 2016/17.

6.1.2 There are no further unallocated funds within the Capital Programme therefore the costs will need to be contained within the £120,000 budget.

6.2 Revenue

6.2.1 Any revenue implications of the relocation will be contained within the Markets budgets which are currently forecasting an overall outturn pressure of £24,050 at month 7. The pressure primarily relates to under achievement of income within the Market Hall units.

(Sam Smith)

7 Legal Services Comments

7.1 If Shaw market is to be moved onto Market Street it will be necessary to obtain planning permission. The legal use of the highway for the holding of a market has been dealt with by the grant of a licence by the Licensing Panel on 2 November. (A Evans)

8 Co-operative Agenda

8.1 The success and the market and the success of local shops and businesses rely upon increasing customer footfall and diversifying the town centre offer to make it more attractive to new customers whilst retaining their loyal customer base. This requires mutual co-operation and the Council’s Markets Team has been facilitating this to ensure that the market is of benefit to as many local business as possible.

9 Human Resources Comments

9.1 None

10 Risk Assessments
10.1 The main risks with the on-street market are associated with the road closure and temporary nature of the stalls. The gazebos are to be placed away from the pavements and any designated crossing points. All traders are issued with the adverse weather policy and understand that in severe weather, there is a risk that the market will be abandoned for that day. All stalls are erected with weights and have drop down sides and removable guttering. All stall holders have a designated retail area and all have to comply with the timings of the market for loading and unloading to minimize any risk to pedestrians. The road closure is well signposted. All traders have to have a licence stating that they must not cause any obstructions.

11 IT Implications
11.1 None

12 Property Implications
12.1 Cath Conroy

13 Procurement Implications
13.1 There will a procurement process to select a contractor for the demolition and re-instatement of the original market ground. There may also be a procurement process in respect of a lighting solution for the on-street market.

14 Environmental and Health & Safety Implications
14.1 Full risk assessments have been carried out to ensure that the operation of the market is safe for operatives, stall holders, adjacent businesses and residents. Highways safety issues have been fully addressed by Traffic Officers.

15 Equality, community cohesion and crime implications
15.1 The removal of the permanent stalls on the existing market ground at Westway will remove opportunities for anti-social behavior.

16 Equality Impact Assessment Completed?
16.1 Yes

17 Key Decision
17.1 Yes

18 Key Decision Reference
18.1 ECEN-21-15

19 Background Papers
19.1 None

20 Appendices
Appendix 1 - Location plan showing the area of the trial on street market and the original market ground
Appendix 2 - Summary of the results of the public consultation and business consultation and the traffic observations
Appendix 3 – Location plan showing the extent of the permanent license granted
Appendix 1 - Location plan of on street trail and original market ground

Location of the original market ground and trial on-street market

[Map showing the location of the original market ground and trial on-street market]
Appendix 2 - Summary of Public Consultation and Traffic Surveys

Public Consultation

The face-to-face / public consultation, seeking feedback on the market pilot, ran from 18th Sept to 16th October. The questionnaire was available online, in the Lifelong Learning Centre, Library and Children’s centre. Officers also sought opinions in Asda, on the street and on the market itself.

There were 673 responses to this consultation the results of which are:-

- 70.43% had used Shaw Market previously and 28.38 % had not used the Market previously. Since the market moved on street, more people have used the market with 78.31% using the market whilst it’s been on street compared to 21.55% who had not.

- For the majority of those who responded (66.57%) the market move has not made any difference to their shopping habits, however 25.56% stated they use local shops and businesses more now that the market has moved.

- Majority of those who responded (59.44%) prefer the new on street location, with only 26.89% preferring the original market ground location, however 12.18% were indifferent or had no opinion over the location.

- When asked about making the market permanent on street on Thursdays, the majority 68.2% said it would have a positive impact, 18.87% thought it would have a negative impact and 11.14% thought it would have no impact at all.

- The majority of responses (45.62%) came from those over the age of 65, but a good range of responses also came from other age groups across the local demographic. Many market traders have noticed a lot of new customers using the market including more younger people.

Traffic Surveys Shaw Market

Background

Concerns were raised by the Highways Team when the proposal to relocate Shaw Market to a street market was initially under discussion.

The main concerns were the delays that could be experienced by the distribution centre traffic and the effect this would have on their operations. There was also a concern regarding the difficulties that motorists could experience when egressing from Eastway into Greenfield Lane, due to the increase in vehicles that may choose to use Eastway as an alternative route, if Market Street is closed to traffic.

The closure of Market Street would also require the bus service to be diverted, but initial discussions with Transport for Greater Manchester and the bus operators confirmed both were willing to support the market trial.

Discussions were also undertaken with the Transport Managers of both distribution centres and they initially had reservations regarding the delays that could be imposed to their operations, as they only have a 15 minute window to receive and process deliveries, but both were willing to support the market trial.
Traffic Diversion Routes

To try and reduce the number of vehicles using the Beal Lane and Greenfield Lane junctions of Eastway, general traffic has been diverted along Crompton Way, with only the bus service diverted along Eastway.

Traffic Surveys

Traffic survey equipment was introduced in February 2015, prior to the Market trial, to determine the volume of traffic using Market Street, Eastway and Farrow Street East. These surveys were repeated in September, when the Market Trial had commenced, to determine how traffic has displaced on Thursdays, when the Market is in operation.

The results of the traffic surveys are detailed in the following table.

The survey results show that traffic on the lower section of Market Street has reduced together with the easterly traffic along Farrow Street East (towards Market Street).

Traffic heading in a westerly direction along Farrow Street East (towards Westway) has however increased. This could be explained by observations undertaken on market day which revealed an increase in the number of motorists that travelled along Milne Street, from Eastway, and then crossed Market Street to travel along Farrow Street East.

The traffic surveys undertaken along Market Street, prior to the market trial, revealed an average hourly flow of 140 vehicles (between 7.00am and 6.00pm). The southerly traffic flows along Eastway have increased on average by 48 vehicles per hour in the same time period on market day, which would suggest approximately a third of the Market Street traffic has diverted along Eastway, with the remaining two thirds diverting along other routes such as Crompton Way.

Site Observations

Although traffic has increased along Eastway when the Market is in operation, site observations have been undertaken to determine the delays being experienced at the Beal Lane and Greenfield Lane junctions with Eastway. The dates the observations were undertaken are detailed below:

Date - Thursday 3rd September 2015
Time - 8am-9am and 3pm-4pm

Date - Friday 4th September 2015
Time – 8am-9.15am and 3pm-3.30pm

Date - Thursday 10th September 2015
Time – 8am-9.15 and 5pm-5.30pm

Traffic observations were undertaken at the Eastway / Greenfield Lane junction and the Rochdale Road / Beal Lane / Milnrow Road junction on market days and non-market days to compare queue lengths

Both market days and non-market days revealed no significant queue lengths, the longest queue observed was approximately 7 vehicles which had to wait behind the bus stopped at the bus stop. The vehicles couldn't manoeuvre around the stationary bus as delivery vehicles were stopped outside the carpet shop located on the opposite side of the road to the bus stop. Once the bus moved off, it took less than a minute for the vehicles to manoeuvre through the junction of Eastway and Greenfield Lane.
On the 5pm visit on Thursday 10th September there was a minor traffic accident involving two vehicles which resulted in the bus stop area being obstructed whilst the drivers exchanged details. The bus arrived during this event but the service was not affected and motorists were able to manoeuvre around the obstruction.

Vehicles were not observed blocking the junction of Rochdale Road, Milnrow Road, Beal Lane and High Street due to an increase in vehicles wanting to turn right into Eastway from Beal Lane; the maximum of vehicles observed waiting behind a right turning vehicle was 2.

Motorists were not observed to be experiencing difficulty exiting from Beal Lane into Eastway; queue lengths did not differ from market day to non-market day.

Feedback from Distribution Centres, TFGM and Emergency Services

During the trial period contact had been maintained with the Transport Managers of the distribution centres, Transport for Greater Manchester and the emergency services to determine if their services have been affected by the closure of Market Street.

The Transport Managers from both distribution centres have confirmed their deliveries have not been affected by the market trial.

The Fire Brigade have not had any reported problems.

TFGM / First Manchester have not reported any problems from a bus operational point of view.

Recommendation

In view of the observations that have been undertaken and that no adverse comments have been received from the distribution centre transport managers, TFGM and emergency services, the Highways Team would support the street market being made permanent.
## Shaw District Centre Traffic Surveys

<table>
<thead>
<tr>
<th>Time</th>
<th>Market Street (Farrow St East to High St)</th>
<th>Eastway</th>
<th>Farrow Street East</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>South</td>
<td>North</td>
</tr>
<tr>
<td>5.00</td>
<td>17</td>
<td>20</td>
<td>81</td>
</tr>
<tr>
<td>6.00</td>
<td>43</td>
<td>18</td>
<td>36</td>
</tr>
<tr>
<td>7.00</td>
<td>107</td>
<td>29</td>
<td>101</td>
</tr>
<tr>
<td>8.00</td>
<td>124</td>
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<td>146</td>
</tr>
<tr>
<td>9.00</td>
<td>164</td>
<td>39</td>
<td>136</td>
</tr>
<tr>
<td>10.00</td>
<td>144</td>
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<td>134</td>
</tr>
<tr>
<td>11.00</td>
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<td>59</td>
<td>170</td>
</tr>
<tr>
<td>12.00</td>
<td>143</td>
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<table>
<thead>
<tr>
<th>Mean Speed</th>
<th>19.8 mph</th>
<th>19.0 mph</th>
<th>23 mph</th>
<th>24.1 mph</th>
<th>12.1 mph</th>
<th>11.5 mph</th>
</tr>
</thead>
<tbody>
<tr>
<td>85th Percentile</td>
<td>24.4 mph</td>
<td>23.1 mph</td>
<td>27.3 mph</td>
<td>28.7 mph</td>
<td>15.0 mph</td>
<td>13.9 mph</td>
</tr>
</tbody>
</table>
Appendix 3 – Extent of Licence

Although the licence was granted for the whole of Market street, a stall will not be placed outside of those businesses who did not give consent.