

Cheshire West and Chester Council

Application to close Chester Market Hall, The Forum, Chester

Pursuant to the Chester Improvement Act 1845 and the Chester Corporation Act 1929.

Statement of Case

1. Introduction

1.1 Cheshire West and Chester Council ("the Council") applies pursuant to section 185 of the Chester Improvement Act 1845 and section 75 of the Chester Corporation Act 1929 for approval to close Chester Market Hall in order to relocate it within the proposed redevelopment of the Northgate area of Chester.

1.2 Chester has a market tradition that dates back to the 12th Century. The provision of a market in Chester was formalised through the granting of a number of Royal Charters culminating in the Great Charter of 1506. These powers have devolved to the Council, which now holds the exclusive right to hold markets in Chester. The Council has actively defended that right in order to avoid the creation of unauthorised markets and to license and control others.

2. The History of Chester Market

2.1 In 1865 the then "new" Victorian market hall was constructed on Northgate Street in a position to the south of the Town Hall. It is likely that this resulted in several smaller market halls and buildings in Chester being closed, as most of the trading became concentrated in the new, large market hall. The Victorian market hall was demolished in 1964.

2.2 The current market hall ("the Market Hall") was constructed in 1967 in conjunction with the new Council Offices, associated car parks and the Forum Shopping Centre. The Market Hall has a retail floorspace of 2,446sqm and an overall gross market area of 2,991sqm.

2.3 It is necessary to close the Market Hall in order to relocate it within the proposed redevelopment of the Northgate area of Chester ("the Scheme"). The retail floorspace of the proposed market hall within the Scheme will be 2,189sqm, and the overall gross market area 2,949sqm.

3. The Legislative Framework

3.1 The relevant extract from the Chester Improvement Act 1845 ("the 1845 Act") is provided at Appendix 1. Sections 185 and 186 of the 1845 Act provide as follows:

"185. ...[I]t shall be lawful for the Council when and as they shall think fit to enlarge the present Market Halls and Market Places in the Borough, or any of them, and to erect and build such other and more spacious and convenient Market Halls and Places within the Borough, for buying and selling of Meat, Fish, Poultry, Eggs, Butter, Corn, Vegetables, and all and every the several other marketable

Commodities now usually sold or exposed for Sale in the present Market Halls and Market Places within the Borough, as the Council shall from Time to Time think expedient...

186. ...[W]hen any new Market Halls or Market Places shall have been provided as aforesaid, it shall be lawful for the Council either to discontinue the Use of the present Market Halls and Places as such, and to use and convert the same to or for any other Purpose whatsoever, or to continue the same as such Market Halls and Places as aforesaid, notwithstanding the Erection and building of such other Market Halls and Places as aforesaid".

3.2 Section 75 of the Chester Corporation Act 1929 ("the 1929 Act") is provided at Appendix 2. Section 75(1) is worded as follows:

"75(1). If at any time after the passing of this Act the Corporation shall exercise the powers conferred upon them by section 185 [...] of the Act of 1845 in so far as those powers relate to the erection and building of other market halls and places it shall be lawful for the Corporation with the approval of the Minister either to discontinue the use of any market halls and places for the time being vested in the Corporation as such and to use and convert the same to or for any other purpose or to continue the same or parts thereof as such market halls and places as aforesaid notwithstanding the erection and building of such other market halls and places as aforesaid".

3.3 In summary, therefore, the statutory scheme operates as follows. Under section 185 of the 1845 Act the Council has power to erect and build "more spacious and convenient" market halls. If it does so, section 186 of the 1845 Act empowers the Council subsequently to discontinue the use of existing market halls. Section 75 of the 1929 Act, however, subjects the latter power to a requirement to obtain ministerial approval.

3.4 Some or all of the Council's common law powers relating to the holding and closing of markets may have survived the implementation of this legislation but the Council does not consider that it needs to rely on any such powers in relation to this application.

3.5 Whilst section 185 of the 1845 Act requires any replacement market hall to be "more spacious and convenient", there is no requirement that the replacement market hall be larger than the previous market hall. The Council has worked with a team of expert consultants to ensure that the new market hall will utilise its space more efficiently, as well as being in a more convenient location. Details of this are provided below.

3.6 The Council therefore considers that the requirements of the legislation are satisfied and requests that approval to close the Market Hall be granted under section 75 of the 1929 Act.

4. Chester Market — General Description

4.1 The current Market Hall provides a rectangular retailing area on the ground floor of 2,446sqm. Storage is available in the service bay, and on the first floor providing 2,991sqm in total. The Market Hall operates as a general market six days per week, selling an extensive range of goods and services. The Council owns the freehold and actively enforces the "market rights" held by it. This includes the licensing and monitoring of all market operations within a 6 mile radius of its market operation.

4.2 The Market Hall can accommodate a maximum of 68 permanent stalls, some of which are let as multiples. As of April 2017, these were operated by 44 traders. In addition, there are a number of casual stalls.

4.3 Stalls are classified as either A, B or C stalls. A stalls are located on the periphery of the trading floor, tucked under the mezzanine floor. They are in effect "lock-up" units. B stalls are located within the main market floor area and can in some cases trade off two or three frontages. C stalls are casual stalls and are located in the centre of the Market Hall.

4.4 The A stalls vary in size but the majority fall into three categories, 25 m sq, 30 m sq and 42 m sq. The individual B units are all 11 m sq and the C stalls are 4 m sq.

4.5 There are 23 A stalls located on the periphery of the trading floor. Some of these have been adapted to incorporate adjacent units, for example the café, which operates from 2 original A stalls. There are a further 45 B stalls and some of these have also been combined into multiples to provide larger trading areas. Both the A and B stalls are let on a combination of Landlord and Tenant Act 1954 protected annual tenancies and agreements contracted out of the Landlord and Tenant Act.

4.6 In the centre of the Market Hall are 28 C stalls which were historically trestle tables. These are subject to a tollage which is collected daily.

4.7 As of April 2017, there were three A stalls and one B stall vacant, equating to approximately 8% of the available space for A and B stalls. For the casual stalls there are a larger number of vacancies, which, when included in the total, bring the overall occupancy to 71%, below the 75% national average for traditional, indoor markets.

4.8 A mezzanine floor houses the administrative office for the market and six storage rooms are available and used by traders for storage of dry goods.

4.9 The loading and servicing area lies below the trading floor with access from Hamilton Place and egress onto Princess Street via an informal one-way system. Access to the upper floor is via two goods lifts and 2 staircases.

5. Current Market Hall — Issues

5.1 The current Market Hall suffers from a number of major constraints preventing it from developing into a vibrant retail attraction, to which the traders, Council and customers aspire.

5.2 Key to these constraints is the loss of profile that took place when the Market Hall was moved from its original Victorian location fronting Market Square to the current position behind the Town Hall. Visitors to Chester rarely discover the market hidden behind both the Forum and Town Hall shops. Whilst signage has sought to address this issue, lack of profile has remained a major difficulty in promoting greater footfall in the Market Hall. The only way of addressing the current poor customer flow is by undertaking a major redevelopment of the site to fully integrate it as part of the Scheme and the wider city centre.

5.3 Customer circulation in the Market Hall is very poor. The primary pedestrian route runs north/south at the eastern end of the market and there are very poor sightlines. There is no area for customers to gather, other than seating areas provided by individual units. This creates a situation where the stalls are trading in isolation as opposed to providing a coherent market experience for shoppers. The quieter, western end of the market has always suffered a regular turnover of traders and this has been reflected in the zoning method used to set rentals, with lower rents being applied to the stalls in this area. Environmental conditions in the Market Hall are poor. Particular problems have been experienced with a leaking roof structure and unacceptably high temperatures, incompatible with food storage needs. Occupancy levels are artificially buoyed by the rent levels, which are substantially

lower than other local markets, reflecting the fact that there has been no substantive investment in the Market Hall for many years.

6. The New Market Hall

6.1 Relocation into a new market hall within Phase 1 of the Scheme will revitalise the market due to greatly increased visibility from its significant frontages onto Princess Street and Market Square. The new market hall will also be adjacent to a new cinema (to be operated by Picturehouse) and restaurants in an area of constant activity and high footfall. Access and footfall will be further boosted by the inclusion of five key entry points off Market Square, Princess Street and Hunter Street, as well as an improved link through the new Hunter's Walk arcade to Town Hall Square. The location of the new market hall is shown in the diagram at Appendix 3.

6.2 The new market will utilise space more efficiently than the current Market Hall through:

6.2.1 individually designed stalls which will create greater flexibility and will meet modern and efficient operational requirements for traders;

6.2.2 back of house facilities integrated to maximise the efficiency of the market;

6.2.3 a zoned layout allowing for improved customer wayfinding; and

6.2.4 the addition of extra food & beverage traders situated around a communal seating area which will also bring the new market in-line with contemporary market trends.

6.3 The new market hall has been designed to remain open at least 6 days per week and into the evening, according to current customer expectations. This will be achieved by a physical barrier which will "close off" the day-time offer, allowing evening traders to continue.

6.4 The new market hall will also meet the traders' reasonable requirements by providing a modern, purpose-built building with upgraded facilities and a much-improved environment. Servicing of the new market hall will be from a "service lay-by" running the full length of the hall, along its interface with Hunter Street. This arrangement provides for direct access into the back of house area of the new market hall.

6.5 The back of house area is on two levels with dry goods storage and the market management suite at an upper mezzanine level with links between the levels provided by goods lifts and stairs. The back of house area will also contain cold storage facilities, preparation areas and washing up facilities for food and beverage traders. Welfare provision for traders and their staff, public toilets and refuse collection and dispatch areas are also included.

6.6 Observations were made of the delivery area and parking for the current Market Hall in May 2017. The data collected shows many of the vehicles being parked there were not being used for servicing or deliveries and were parked for the whole day or half days. In addition to long stay parking, there were a number of short stay deliveries made by van at various points during the day, which accords with a conventional servicing pattern for a modern market and which is adequately catered for at the proposed new market.

7. Planning

7.1 Planning permission for the new market hall was granted on 21 September 2016, along with permission to demolish and redevelop the existing Market Hall as part of the wider Scheme.

7.2 All other consents necessary for the Scheme and for the relocation of the Market Hall are in place with the exception of a highways stopping up order and the acquisition of the necessary third party land interests which will be dealt with primarily through the compulsory purchase procedure. Vacant possession of the Market Hall will be secured using powers in the Landlord and Tenant Act 1954.

8. Public Consultation

8.1 The Scheme was widely publicised and consulted upon as part of the planning application process, including a three-stage pre-application consultation and statutory consultation between September 2015 to March 2016, prior to the application being determined.

8.2 The Council has also created a dedicated website for the Scheme (www.chesternorthgate.com), including details in respect of the market, which is regularly updated.

8.3 Across all three stages of consultation, over 1,100 people viewed the proposals at public events, and 10,000 have visited the website since its launch in 2015. Interested parties were able to provide their feedback through a variety of channels - in person at events, by post, email or telephone. Feedback forms were made available to those who attended events, or accessed the website. Over 90% of respondents thought it would be 'very good' or 'good' to relocate the market.

9. Trader Consultation

9.1 All existing Chester Market traders have been consulted during the design process of the proposed new market hall, alongside experts in the food and drinks industry. A presentation to the market traders took place in January 2016 to update attendees on the changes to the Scheme since the consultation on the draft masterplan in 2012, and to receive feedback and comments prior to the submission of the planning application. The result of this will be a market which is custom tailored to meet the operational requirements of existing traders, whilst giving consideration as to how modern food and beverage operators in other highly successful locations, such as Altrincham, utilise their space.

9.2 Of the 44 traders in the existing market, most have been very supportive of the market moving into a brand new facility and 34 traders have applied and been accepted for a place in the new market. The council continues to work with the remaining traders to enable them to take up a stall in the new facility.

9.3 All market traders will be served with formal notification of the making of the Compulsory Purchase Order. They will also be notified of the application to close the Market Hall to which this Statement relates and be given an opportunity to make representations to the Secretary of State. Site Notices in the Market Hall and press notices will alert the public to their right to make representations.

10. Summary of Benefits

10.1 The proposed arrangement makes the market considerably "more convenient" by placing it at the very centre of a new loop of activity generated by the new theatre development, numerous additional restaurants and cafes and a new 6 screen cinema. The building will enjoy close proximity with the Town Hall and Town Hall Square, and will be seen clearly from Hunter's Walk, Princess Street, and from Goss Street to the south. Additionally, patrons of these new spaces will walk beside and through the market to access the bus stops and public car parking to the west. The front doors of the market will open onto Market Square, a new signature public space which will become a hive of activity in the future.

10.2 In addition to greater visibility and ease of access for customers, the new market hall will be more convenient for traders too. The individual design of the stalls coupled with direct access from the market hall into the back of house area and servicing along Hunter Street will provide improvements for traders. The new stall designs will also be more convenient for customers. Ease of access by lift to dry goods storage at mezzanine level is another more convenient feature for traders.

10.2 The new market hall will also be "more spacious" by using its space more efficiently. Key to this is placing traders into zones by offer type, increasing circulation areas and improving sightlines, and providing a communal seating area instead of individual unit seating. Although the new market hall is smaller than the Market Hall, the overall gross market area is broadly the same. Customers and traders will not be impacted by any loss of floor area as the space is being used more efficiently to create a modern layout which feels more spacious to those using it by avoiding wasted and unused spaces and creating good sight lines and permeability through the retail area.

10.3 As a modern purpose-built market with new finishes and new services, the building will offer much improved environmental conditions in comparison to the existing Market Hall. Market traders will be offered fully equipped stalls and equipment which is designed to meet their operational needs. In addition, the new market hall will have both public and trader toilet facilities, which the current market does not enjoy.

10.4 The new market hall will include both existing Chester Market traders who wish to move across, as well as new tenants, proactively recruited from a targeted list of local, independent traders, who will enhance and complement the existing offer.