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**Report of: Corporate Director of Place & Community**

**Relevant Portfolio Holder: Councillor David Evans**

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**SUBJECT: USE OF CAPITAL FUNDING FOR PUBLIC REALM IMPROVEMENTS AT  
WHEATSHEAF WALK**

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Wards affected: Scott Ward

**1.0 PURPOSE OF THE REPORT**

1.1 Further to the consideration of this matter by Cabinet on 9 June 2020 and their resolution on the matter, to seek the Committee's agreed comments regarding the use of capital funding for urgent public realm improvements at Wheatsheaf Walk, to include the removal of the pagoda and planters to create a more open and functional space to aid social distancing and the re-opening of businesses during the current COVID-19 outbreak.

**2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

2.1 That Members note the consultation feedback on the Wheatsheaf Walk public realm improvement proposals provided at Appendix 2 to this report.

2.2 That the Committee agree comments on the proposals for consideration by the Director of Place and Community in consultation with the Portfolio Holder for Planning.

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**3.0 BACKGROUND & CURRENT POSITION**

3.1 Council agreed £30,000 of capital funding for the improvement of the public realm at Wheatsheaf Walk in July 2019. The Council consulted with the public

and local businesses on what that public realm improvement project should include in August 2019. The feedback from that consultation in relation to Wheatsheaf Walk is provided at Appendix 2.

- 3.2 Officers were in the process of refining proposals for the project in light of the public consultation feedback, and aligning them with the aims of the Ormskirk High Street Heritage Action Zone programme, which will enable a wider improvement of the Town Centre environment in keeping with the heritage of the town centre, when the COVID-19 pandemic and subsequent lockdown disrupted work. However, as the Town Centre and wider economy emerge from the lockdown, ensuring this project is delivered in an appropriate way and at the right time will be important in assisting the recovery of the town centre and businesses within it.

#### **4.0 ISSUES AND PROPOSALS TO BE IMPLEMENTED**

- 4.1 As the Council seeks to aid the economic recovery of Ormskirk Town Centre and the businesses within it, the timing of projects for new or improved physical improvements to the public realm environment will be important, as the Council do not want to be undertaking major works which will cause further disruption to the Town Centre at a time when businesses are starting to re-open and recover or take-up space within the town centre with works when social distancing will be a challenge to maintain in the town centre as it is. As such, the overall public realm improvements at Wheatsheaf Walk, agreed as part of the capital funding programme in July 2019, will be delayed until such a time as the disruption they cause will have less of an impact. Illustrative drawings of this full set of improvements at Wheatsheaf Walk are provided at Appendix 3, to show how the space may look when all the works are completed.
- 4.2 However, one aspect of the Wheatsheaf Walk improvements is considered beneficial at this time with the need to support businesses in the town centre, and it should be brought forward as soon as possible. As the photos below show, the pagoda and planters at Wheatsheaf Walk dominate the small space off Burscough Street that leads to the businesses within Wheatsheaf Walk, and it is considered that removing them will create a much more useful, opened-up space that will help businesses as the business frontages will be much more visible to visitors walking along Burscough Street and also aid social distancing (through providing more space for outdoor seating and for people to move through the space) on Wheatsheaf Walk.. Of the businesses directly adjacent to the space within Wheatsheaf Walk containing the pagoda and planters, four (Barnyard, Wetherspoons, Pandora's Box and Andrew Collinge) all strongly support the removal of the pagoda and planters, with only one (Queenscourt) stating that they wish to see the pagoda retained.



- 4.3 The works to remove the pagoda and planters can also be carried out quickly and with minimal disruption, and will not, at this point, involve the wider changes to the paving surface of Wheatsheaf Walk at this time (the works for which can be more disruptive and take longer) other than the temporary installation of new surfacing where the pillars of the pagoda and the planters currently stand (this temporary new surfacing will use materials already used elsewhere in the town centre to ensure the new surfacing is in-keeping with the existing surfacing until the full works are undertaken). These improvements would fall within the remit set out within the original capital funding submission that was agreed by Council in July 2019.
- 4.4 There are two aspects to the benefits to social distancing that removing the pagoda and planters will have. Firstly, and most centrally to the proposals, is the prospect of using part of the space that would be created to enable The Barnyard and Wetherspoons to have outdoor seating and tables to compensate for the fact they will not be able to accommodate as many customers inside their premises due to social distancing. This would have the effect of creating a small and pleasant pavement café-style environment within the square, just off the main shopping frontage, without creating any impediment to movement on the main thoroughfare of Burscough Street or within Wheatsheaf Walk to the Wheatsheaf car park. It will also improve the visibility of the other businesses on Wheatsheaf Walk from Burscough Street, businesses (such as Pandora's Box and Andrew Collinge hairdressers) which are largely blocked from view from Burscough Street currently because of the pagoda (as the photos above show). This emphasis on enabling the recovery of businesses following lockdown is key, in particular where (as is the case at Wheatsheaf Walk) these businesses are the Council's tenants.
- 4.5 Secondly, the benefit to a safer, social distanced movement through Wheatsheaf Walk should not be understated. The main movement through Wheatsheaf Walk is that between the Wheatsheaf car park and the general direction of the Clock Tower. This involves a blind bend from Wheatsheaf Walk into/out of Burscough Street where the path is only 2m wide because of the pillar of the pagoda (see photo below). As such, people virtually walking into each other as they negotiate the bend is not uncommon and two people passing in this location would certainly not be maintaining 2m distance. The removal of the pagoda and planters, however, would enable a much wider path (possibly 4m or more) around the bend for pedestrians, while still leaving ample space for a pavement café and for any small queues outside the other units in Wheatsheaf Walk.





- 4.6 Given Wheatsheaf Walk is located within a Conservation Area, removal of the pagoda, as a substantial built structure, will require Prior Notification with the Council's Planning service, and this Prior Notification may take up to 28 days to be confirmed. However, this will allow time for contractors to be procured and appointed ready to go on-site as soon as Prior Notification is confirmed. The Prior Notification will be submitted by the Council's Estates Service, as landowner. Subject to that confirmation of Prior Notification, and the appointment of contractors, it is anticipated that the works will be able to take place in late July 2020.
- 4.7 Some members of the public have raised concern about the loss of the pagoda in terms of its heritage value and, while Wheatsheaf Walk is in a Conservation Area (that covers virtually all of Ormskirk Town Centre), this does not necessarily mean that every structure within the Conservation Area is of heritage value. Indeed, it is the view of officers of this Council that the pagoda and planters actually detract from the character of Burscough Street and from the heritage value of this part of the Conservation Area, a view endorsed by the consultant appointed to advise the Council by Historic England (who are providing to help deliver the wider public realm improvements at Wheatsheaf Walk as part of the Ormskirk High Street Heritage Action Zone).
- 4.8 Other concerns raised by members of the public have included the loss of a shelter from the rain if the pagoda were to be removed. Notwithstanding the fact that Church Walks (which offers far greater shelter from the rain and has a glass veranda on its properties fronting Burscough Street) is directly opposite the pagoda on Burscough Street, the fact that people may choose to shelter under the pagoda actually raises a concern in relation to social distancing, as enabling

even a small group of people to shelter under the pagoda from the rain would be contrary to social distancing.

- 4.9 A further consideration of the removal of the pagoda is that it could encourage delivery vehicles to park or turn around within the small square within the hours that the Traffic Regulation Order for the town centre allows. This could potentially damage the Wheatsheaf motif on the paving within the square. To prevent this, it is proposed that temporary bollards will be installed where the front two pillars of the pagoda currently stand. This would also provide added protection for the pavement café seating should The Barnyard or Wetherspoons have tables and chairs out of an evening.
- 4.10 Finally, it is acknowledged that removal of the pagoda will not be without controversy as the public consultation in August 2019 showed that some local residents would like to see it retained. However, the same consultation also shows that the majority of respondents and local businesses (including Council tenants at Wheatsheaf Walk), having viewed the indicative illustrations at Appendix 3 as to what the space could look like when the full set of public realm improvements are implemented, actually support its removal as the pagoda is seen as an impediment to business and the space could be better used for activities which would encourage visitors to the town centre.
- 4.11 It is noted that there has been very recent activity on social media around the potential removal of the pagoda. However this was not part of any formal consultation exercise and people did not have the benefit of seeing the illustrations of how the area could be improved. It was noticeable at the previous consultation exercise that when people had chance to study the drawings and understand the reasoning behind the removal of the pagoda, most were in favour of its removal. Many of the recent comments on social media have also been around the removal being a 'waste of money', but the budget has already been allocated for the work and it could help sustain businesses in that area who are Council tenants.
- 4.12 The only alternative to that which is proposed is to retain the pagoda and planters and consider their removal or long-term retention at a later date with the wider public realm improvements at Wheatsheaf Walk. Given the consultation feedback showed that the majority of respondents would agree with the proposal to remove the pagoda and the fact that retaining the pagoda would not help businesses (tenants) at this time in the face of business recovery and social distancing measures, it is not considered necessary to delay these works for consideration within the wider public realm improvements.

## **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The improvement of the public realm generally in Wheatsheaf Walk will have positive implications for sustainability, and this would have been considered as part of the decision process in agreeing capital funding for the schemes, as well as being reflected in the Heritage Action Zone bid to Historic England, which was successful and secured additional funding to improve the heritage character and environment of Ormskirk Town Centre.

- 5.2 Specifically in relation to the removal of the pagoda and planters, while the matter of whether their removal has a positive or negative impact on the character and environment of Burscough Street is subjective (being a matter of perception and opinion on whether an individual considers that the pagoda adds to the environment from an aesthetic or heritage perspective), ultimately the fact that the majority of those responding to the consultation considered it a positive thing to remove the pagoda would suggest, for most, that this will have positive sustainability implications.
- 5.3 Certainly from the economic aspects of sustainability, it would be considered to be beneficial to remove the pagoda and planters, as it will benefit local businesses during this difficult time and create a new space that can be used in ways which will attract more visitors (and encourage more re-visits through the creation of a positive visitor experience) as restrictions ease.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The costs for the proposed works will be wholly covered by the £30,000 of capital funding agreed by Council in July 2019. The precise cost for the removal of the pagoda and planters will only be known when the Council moves to procure a contractor for the works, but it is estimated that the works will cost less than £10,000. The budget for wider Wheatsheaf Walk public realm improvements is £70,000, which includes the £30,000 from capital funding and £40,000 coming from HAZ funding and Ormskirk Town Centre Strategy funding. The removal of the pagoda will also help support the businesses in Wheatsheaf Walk, which is a Council owned asset. This will help to secure future income streams to this Council.

## **7.0 RISK ASSESSMENT**

- 7.1 The actions referred to in this report are covered by the scheme of delegation to officers in relation to successful capital funding submissions and any necessary changes have been made in the relevant risk registers. Aside from that, the primary risk associated with this proposal is risk to the perception or image of the Council due to the action being taken, or conversely of no action being taken.
- 7.2 The risk to health (see section 8 below) if social distancing cannot be maintained either within the public realm of Ormskirk Town Centre or within business premises as they re-open is a concern, and it is considered that the proposals outlined in this report will aid social distancing. Should the Council not do all it can to aid social distancing and to support businesses as they re-open, there is therefore a risk of a negative impact on the image of the Council. However, given that some in the Ormskirk community would like to see the pagoda retained due to their view that it adds to the character of the Town Centre, there will also be a risk of a negative impact on the image of the Council for this reason as well.

## **8.0 HEALTH AND WELLBEING IMPLICATIONS**

- 8.1 The health and wellbeing implications of this report focus on the COVID-19 related implications should social distancing not be enabled in the town centre generally and as businesses re-open. It is crucial (from a health perspective) that the Council does all it can to enable social distancing, and the proposals in this report will aid that, creating a pleasant area in the open-air for outdoor pavement café-style seating and movement through Wheatsheaf Walk. Also, subject to one's perception of the pagoda, removing it will improve the environment of Burscough Street and so users' feelings of well-being as they enjoy the Town Centre.
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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders, therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report


### **Appendices**

Appendix 1 – Equality Impact Assessment

Appendix 2 – Consultation Feedback on proposals for Wheatsheaf Walk public realm improvements (undertaken August 2019)

Appendix 3 – Illustrative images of Wheatsheaf Walk public realm improvements



<b>Equality Impact Assessment Form</b>	
	
<b>Directorate: Place and Community</b>	<b>Service: Growth and Development</b>
<b>Completed by: Peter Richards</b>	<b>Date: 04/06/20</b>
<b>Subject Title: Use of Capital Funding to demolish Pagoda and Planters at Wheatsheaf Walk</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	Yes
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	Use of agreed capital funds to bring forward the removal of the pagoda and planters at Wheatsheaf Walk to aid social distancing and business recovery in the town centre.
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i> <i>If you answered <b>No</b> to all the above please complete Section 2</i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this</i>	

<i>form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Businesses, members of the public
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A – work relates to a physical structure, not a service
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	Yes
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The pagoda and planters are part of the public realm at W heatsheaf Walk and this public realm is used by any members of the public visiting that part of Ormskirk town centre.
What will the impact of the work being carried out be on usage/the stakeholders?	The removal of the pagoda and planters will create an open area that can be utilised in a variety of ways going forward and that will make traversing the space more easy for all, particularly those with mobility issues and those whose sight is impaired.  Businesses will also benefit by opening up the space.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Public consultation in August 2019 identified a mixture of views on the proposals, but the majority saw the removal of the pagoda as a positive proposal. However, a significant number of respondents objected to the idea of removing the pagoda and so will not be satisfied should it

	now be removed.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Public and business / stakeholder consultation in August 2019. Current views of local businesses in light of COVID-19 social distancing measures.
If any further data/consultation is needed and is to be gathered, please specify:	No
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Those with mobility issues and impaired eyesight will find traversing the public realm easier with the removal of the pagoda and planters.  Those more vulnerable to COVID-19 (e.g. those over 65) will benefit from improved social distancing.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	There is no negative impact on equality.
What actions do you plan to take to address any other issues above?	No actions.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	No – relates to one-off action to remove a physical structure.