

Designated Street Suitability Considerations

General principles

The suitability of any location for stationary street trading will depend on a range of factors, including the type of street trading, the space available, the existing streetscape, traffic volume / level of footfall in the immediate area and proximity to crossings, bus stops, etc.

In determining whether a particular site should be designated for the purpose of street trading at stationary pitches the criteria outlined below will be taken into consideration.

Where appropriate, expert advice will be sought from other parties, e.g. PSNI or DfI (Roads) in relation to road safety.

The criteria listed are not exhaustive and other relevant matters may be taken into consideration when determining the suitability of each location.

However, the fact that there may be the potential for adverse impacts arising from a street designation will not necessarily preclude the street, or part thereof, from being designated, if the adverse impacts may be mitigated through restrictions on, for example the number and/or size of pitches, the type of goods and services sold there, or the hours when trading is permitted.

Key criteria

- Is there any other legislation that specifically prohibits trading in that place?
- Would trading be incompatible with future development plans for that location?
- Would trading at that location give rise to unacceptable risks to the safety of the public?
- Is there sufficient space to ensure that trading will not cause any obstruction to pedestrians or vehicles, including emergency vehicles?
- Would trading interfere with sight lines for road users, including at road junctions, or pedestrian crossing facilities?
- Could trading have a detrimental effect on the general amenity of the surrounding area, e.g. due to increased traffic, nuisances due to noise, odour and fumes (from generators) or litter?
- Would trading adversely impact upon the character and appearance of the area?
- Could trading have an adverse effect in terms of anti-social behaviour and public disorder?

Considerations

Is there any other legislation that specifically prohibits trading in that place?

Trading must not conflict with Control of Traffic Orders such as waiting restrictions or trading in car parks.

Trading in off-street car parks is currently prohibited by virtue of Article 19 of the Off-Street Parking Order (Northern Ireland) 2000, i.e. a person shall not use a parking place in connection with the sale of anything to persons in or near the parking place or in connection with the selling or offering for hire of his skill or services

Would trading be incompatible with future development plans for that location?

Consider whether there are any relevant Council policies or plans relating to the area in question whose implementation might be impeded or compromised by the designation

Is there sufficient space to ensure that trading at that location will not give rise to unacceptable risks to the safety of the public or cause any obstruction to pedestrians or vehicles, including emergency vehicles?

Would trading interfere with sight lines for road users, including at road junctions, or pedestrian crossing facilities?

The needs of other users of the street will be of paramount importance and the location will need to be such that it does not compromise safe access for pedestrians or vehicles.

The location of stationary street traders must not, therefore, result in undue interference or inconvenience to pedestrians or vehicles in the vicinity, particularly in relation to disabled people, older people and others with mobility needs including all pram and wheelchair users.

There must be sufficient space to allow customers to queue safely off road and to visit and leave the site safely, without being forced off the footway on to a live road

Issues to consider include:

- other, permanent / existing street furniture or structures in place on the footway that already restrict space for access; and
- other users of the space, for example, if there are high levels of pedestrian footfall
- proximity and nature of any road junctions and pedestrian crossing points.

Decisions will, therefore, be made on a case by case basis, taking account of the characteristics of the site and its surroundings and the space available.

Trading must not be located where it would obstruct access to or emergency egress from adjoining buildings.

In general, a location will not be considered suitable unless the following can be satisfied:

- A minimum footway width of 2.0m clearance can be maintained on the pavement, between the edge of the trading receptacle / display and the edge of the kerb or existing street furniture, whichever is closer
[This will be considered as the minimum under normal circumstances; however, the minimum unobstructed footway width may also need to be increased in areas of higher pedestrian footfall.]
- Exceptionally, a clear footway width of at least 1.5m may be acceptable over short distances to bypass street furniture or other obstructions of short length (less than 2m); however, this would only be acceptable up to a maximum of two obstructions per 10m length of footway.
- Locations where people queue or congregate (e.g. bus stops, cash points, pedestrian crossings etc.) or adjacent to busy loading bays will not be considered suitable unless a minimum footway width of 2.0m can be maintained along the length of the receptacle / display frontage.
- Trading receptacles / displays must be located a minimum of 3.0m from junctions or tactile paving and should not impede footway users' access to the tactile paving/crossing point.
- Any reduction of the minimum clear footway width of 2.0m over a length greater than 6.0m is not acceptable.
- The remaining footway adjacent to a stationary trading pitch must present a straight, obvious, and unobstructed route for pedestrians – trading receptacles must not introduce significant directional change for pedestrians.
- In areas of on-street parking or loading bays where the opening of vehicle doors may present a hazard or cause inconvenience to footway users or drivers, additional footway width 0.45m (resulting in a minimum footway width of 2.45m) may be required.
- Within pedestrianised areas, as a minimum, a 4.0m unobstructed route must be maintained to allow for pedestrians, emergency vehicle and service vehicle access.
[This minimum unobstructed width may, however, be increased in areas of high pedestrian or vehicular activity.]
- The location of receptacles / displays in pedestrianised areas must ensure the clear pedestrian route is in line with adjacent contiguous routes and not introduce significant direction changes for pedestrians or vehicles.

Could trading have a detrimental effect on the general amenity of the surrounding area, e.g. due to increased traffic, nuisances due to noise, odour and fumes (from generators) or litter?

Consider the proximity of the location to residential properties, especially where the nature of the trading would have the potential to give rise to nuisance and/or unreasonable disturbance.

The trading must not damage the structure or surface of the street, including by grease staining.

Would trading adversely impact upon the character and appearance of the area?

Consider the proximity of the proposed location to places of worship, educational institutions, healthcare facilities or places of cultural or historical significance, e.g. City Walls and listed buildings.

Will some street trading locations have the potential to block customer views of windows and promotions of other retail premises?

Could trading have an adverse effect in terms of anti-social behaviour and public disorder?

Consider the potential for anti-social behaviour and nuisance reducing the quality of life for nearby residents.