

Report of the Cabinet Member for Enterprise, Development and Regeneration

Cabinet - 16 March 2017

CASTLE GARDEN DEVELOPMENT AND PUBLIC REALM OPPORTUNITIES

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| Purpose: | To present a context and an appraisal of options to support the enhancement and potential development opportunity within part of Castle Square, and to report back on the representations which were received following the publication of a formal Public Open Space Notice. |
| Policy Framework: | Swansea Local Development Plan: Deposit Plan (2016), Swansea Unitary Development Plan (2008), Swansea Central Area Regeneration Framework (2016) |
| Consultation: | Access to Services, Finance, Legal, Highways and Transportation, Corporate Building and Property Services, Culture and Tourism, City Centre Management, Planning |
| Recommendation(s): | It is recommended that: <ol style="list-style-type: none"> 1) Cabinet considers this report that summarises the key responses following the Public Open Space Notice 2) Cabinet support the preparation of an options appraisal and brief for the site in alignment with the wider City Centre development and report back to Cabinet prior to any site marketing. |
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1. Introduction

- 1.1 A report was presented to Cabinet on 16th June 2016 which sought authority to consider the scope for partial redevelopment opportunities within Castle Square and the enhancement of its public realm.

- 1.2 The report was responding directly to a speculative approach by a developer with an idea for the enhancement and the partial development of the area for a restaurant/café or kiosk use. In order to facilitate any future proposals for bringing forward such a scheme, a formal Public Open Space notice was published in the press, along with a press release and notices on site and at the Civic Centre at the end of July and during August 2016. It is important to highlight that the notice referred to disposal by way of a long leasehold interest rather than to present any proposal for the wholesale selling off of the Square.
- 1.3 This report back to Members has two overall objectives, firstly to highlight the further appraisal work which has been undertaken which sets a context for bringing forward appropriate proposals for Castle Square, and secondly to set out the main themes emerging from the representations received to the publication of the formal Public Open Space notice in order that Cabinet can consider them in order to comply with the statutory legislation governing the notice. The report concludes by setting out a suggested way forward with regard to the incorporation of key themes and options within a development and marketing brief.

2.0 Context for Partial Development and Enhancement

2.1 Planning policy and supporting information

The following policies are relevant consideration to future partial development and enhancement of the Square which are outlined further in the attached document Appendix A which accompanies this report,

- **Swansea Central Area Regeneration Framework (2016)** This indicates how consideration should be given to enhancing and refreshing the Square, and reconfiguring it to allow it to better integrate adjacent areas such as the space around the Castle and Princess Way. It is suggested that it is an opportunity to fundamentally change the environment of the Square to one which is more useable, supports activity and interest and responds positively to the setting of the Castle.
- **Swansea Unitary Development Plan (2008)**- Policies EV1 Design, Policy EV4 Public Realm, Policy EV5 Art in the Environment Policy EV6 Historic Environment, Policy CC5 Creating an attractive environment.
- **Swansea Local Development Plan: Deposit Plan (2016)** specific reference is made to the potential for the enhancement and reconfiguration of the Square and highlights how Place Making is a cornerstone of the national planning agenda and sustainable development objectives.
- An **Open Space Assessment Report** was presented to Cabinet in January 2017 provides a framework for well-located sport, recreation and leisure facilities which has directly informed the preparation of the Swansea Local Development Deposit Plan.

3.0 Appraisal of Issues and Opportunities

- 3.1 An Appraisal has been undertaken to provide an evidence base of key themes, issues and opportunities for bringing forward new proposals for the partial development and enhancement of Castle Square. The Appraisal is

also incorporated within Appendix A. A summary of key themes that are in that Appraisal are outlined below:

- **Movement-** Castle Square is a nodal space within the Central Area which plays an important role in linking various complementary areas. The space is crossed by pedestrian routes through the space, includes areas that are not useable and is surrounded by busy traffic routes. A significant level difference of approximately 4m falls east to west across the Square also constrains accessibility through the space. Any potential new development of restaurant units/ kiosks must not block these pedestrian routes and the adaptation of the space should improve the provision for pedestrians.
- **Activity and uses-** Castle Square is Swansea's Civic Space, and it is the focal point for events, celebrations and protests. Day to day, the space is used for informal sitting, especially south facing amphitheatre steps and low walls and benches are also well used for informal sitting and for watching the large TV screen. However, the space has limited appeal to families and young children and whilst the fountain adds animation it is segregated from the public realm and appears dated.
- **Greening-**Castle Square contains 22 trees which provide visual softening and a sense of enclosure to the large space. These trees have now matured to the extent that they are blocking key views and would benefit from selective removal and crown raising. Also, large areas of Castle Square consist of lawned grass areas but the Square gives the general perception of being largely hard paved space rather than one which is 'green' space. This is because the grassed areas are elevated above the ground level and surrounded by low walls. Therefore, the grass areas are rarely used because they are not very visible nor accessible.
- **Heritage-** Castle Square falls predominantly within the Wind Street Conservation Area which includes a number of listed buildings, and at the heart of what was the medieval City, immediately adjacent to the historic landmark Swansea Castle, which is a grade 1 listed building and ancient monument.
- **Active frontages-** Castle Square is the largest public space within the City Centre at 85m x 100m. It is broken down into a central space separated from movement routes on all sides by planting areas, level changes and roads. As a result there is no 'active frontage' or surveillance directly onto Castle Square. This means that the space often feels lacking in activity when there are actually a number of vibrant uses including cafes/ pubs and restaurants located around the edges of the Square on Princess Way, Temple Street and Caer Street.
- **Integration and Connectivity of St. Marys Square and Castle Square**
There should be consideration for enhancing the space between Castle Square and St Mary's Square. At present they are separated by highways infrastructure, and a clutter of street items. St. Marys will have a prominent new interface with the St. David's development (now known as Swansea Central) immediately to the south with both St Marys and Castle Square playing a pivotal role as part of the City's North South Green artery. Both spaces need to work together as the centre of gravity in the central area changes and these spaces become a more prominent part of the centre with higher footfall.

4.0 Summary of Responses to the Public Open Space Notice

Following the formal publication of a Public Open Space Notice, as required under section 123(2A) of the Local Government Act (1972), forty seven representations were received. The range of concerns and issues are summarised below, and set out in more detail in Appendix B.

4.1 **Disposal of Public Open Space**-The majority of responses (44) raised objections to the idea of the disposal of public open space. Concerns included, the implications of any private ownership for future use and access by members of the public. The Square is viewed as an essential element in the fabric of the City which should remain in public control and for public use and enjoyment for a range of uses and events.

4.2 **Responses and Comments:** A range of other comments were also received which are highlighted briefly in the sections below and in Appendix B:

- **Maintenance**-Twenty one respondents expressed concerns over the future maintenance of the Square, with many noting a need to upgrade/refurbish and introduce more greening of the space, with suggestions for improved street furniture and opportunity for shelter. Some acknowledged the financial constraints that have been imposed on the Council that could affect its ability to properly maintain the Square, and there were concerns over future maintenance if the responsibility was in private hands.
- **Heritage and character**-17 of the responses referred to heritage or historical links relating to Castle Square, as a memorial place and having regard to its links with Swansea Castle and Swansea's Medieval and Norman history.
- **Commercial and Events Uses** 12 people did not want to see restaurants developed on the Square, either because this would conflict with public access at the current level or because they believed existing vacant buildings within the city centre should be used if there is a need. A further 11 respondents highlighted the importance of the Square as a place for social gatherings/events.
- **Planning Policy**-Respondents highlighted the absence of any references to adopted planning policy and Swansea Central Area Regeneration Framework (2016), which is now clearly identified in this report and would be incorporated in any future development and marketing documentation. It was also suggested that "pavilion" style restaurants would not work in this location, that connectivity to elsewhere in the city centre must be maintained and possible impact on the strategic priority of developing the Swansea Central Area scheme.

5.0 Way Forward

5.1 Subject to Member agreement to progress this opportunity the next course of action should be to prepare a Brief for the Square. In the light of the key themes raised through the Appraisal study and having regard to the scope of issues and comments raised through the consultation exercise, a range of key objectives for the Brief are set out below:

- There is an opportunity to introduce an element of commercial activity into the Square in the form of restaurant pavilions/ food kiosks with external seating to significantly increase the feeling of vitality, safety and security. The type and quantum of uses should complement the emerging Swansea Central Scheme.
 - Overall design must be high quality that complements the city and its setting, heritage and links to the surrounding area.
 - The space needs to work as a destination year round, and be practical for events, commercial seasonal and cultural opportunities.
 - Any proposal should not result in the net loss of useable public open space, and selective thinning and new planting should ensure that there is no net loss of trees.
 - More positive use needs to be made of areas of grass which are currently slightly elevated, and not accessible or well used.
- 5.2 To achieve the above objectives, the appraisal work undertaken to date, would suggest that the optimum potential locations for any partial development opportunity in the Square would be a footprint of 200sqm at the following locations:
1. Within the unused areas of Castle Square occupied by some trees which are adjacent to Temple Street.
 2. Within areas of Castle Square which are currently landscaped to grass adjacent to Princess Way.
 3. this could be via a split level site along a similar line of the original gardens and 'covered areas'.
- There may also be further opportunities to consider the development of two or three kiosk sites within the space, and these potential opportunities are also evaluated in the Appraisal document appended to this report.
- 5.3 Consideration is given to the scheme being delivered as part of the wider City centre regeneration and the intention for the council to retain ownership and control of the Square. In any event a future Development and Marketing Brief needs to set out the options summarised above and also to also consider the following:
- To clarify the role of the council and/or any development partner in delivering the development, in terms of the management of space and events, and consider the scope of any long lease provisions.
 - It is anticipated that any residual value of the land arising from its redevelopment will need to finance part of the public realm element of the scheme. There are potentially public sector funding sources that may assist with the delivery of the wider public realm element of the development which need to be explored further.
 - To support the delivery of the wider scheme of public realm enhancement part of the rental income will need to be ring fenced for management maintenance and events.
 - An overall principle of retaining public access and contributing to a "greener City centre.

6.0 Equality and Engagement Implications

6.1 Should Cabinet decide to proceed with redevelopment or refurbishment of Castle Square a full Equality Impact Assessment will be required. The EIA will be carried out with guidance from the Access to Services Team and will include, and be informed by, feedback from a wide public consultation on any proposal.

7.0 Financial Implications

7.1 None at this stage. Full financial implications and delivery options will need to be further developed to inform the Development and Marketing Brief.

8.0 Legal Implications

8.1 Separate legal advice will be required regarding the future disposal of any land at Castle Square, and as public open space, procedures have been followed under the provisions of Section 123(2A) of the Local Government Act 1972. A copy of the notice plan and description are set out in Appendix C.

8.2 The Council has a legal obligation under Section 123 of the Local Government Act 1972 and under its own constitution that it shall not dispose of land for a consideration less than the best that can be reasonably obtained. Therefore, as required by the Council's constitution, any disposal whether by way of freehold sale or grant of a lease exceeding a term of 7 years, the land will need to be marketed or, if there is a special purchaser then the Interim Director of Place will need to certify compliance with those provisions accordingly.

8.3 It is recommended by the Head of Legal that before the land is considered for disposal that consideration be given as to any contractual obligations the Council may have in respect of the "Big Screen" facility. Consideration may also need to be given in terms of whether a formal appropriation under s.122 of the Local Government Act 1972 is required should the Council wish to use the Square itself for anything other than Public Open Space.

Background Papers: None

Appendices to accompany this report are as follows:

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| Appendix A | Castle Square - Appraisal |
| Appendix B | Schedule of Consultation Responses |
| Appendix C | Public Open Space Notice, Plan and description |