



**Report of the Cabinet Member for  
Children, Education & Lifelong Learning**

**Cabinet – 19 October 2017**

**21<sup>ST</sup> Century Schools Programme  
New Build for Gorseinon Primary School  
at Parc Y Werin**

**Purpose:**

- To decide whether the land at Parc y Werin, Gorseinon, Swansea should be appropriated for the purposes of Education..
- To confirm the commitment to the Capital Programme the scheme for the new build for Gorseinon Primary School subject to entering into a contract with Welsh Government.

**Policy Framework:**

- The Revenue and Capital Budget as reported to and approved by Council on the 9 February 2017
- QEd 2020 programme
- Corporate Priority 1 - Safeguarding people from harm
- Corporate Priority 2 - Improving Education and Skills
- Corporate Priority 3 – Transforming our Economy and Infrastructure
- Corporate Priority 4 – Tackling Poverty
- Corporate Priority 5 - Transformation and Future Council development
- One Swansea Plan
- Asset Management Plan 2014-17

**Consultation:**

Education, Finance, Legal, Democratic Services and Business Intelligence, Corporate Building and Property Services, Cultural Services, Housing and Public Protection, Planning and City Regeneration.

<b>Recommendation(s):</b>	It is recommended that:
1)	Cabinet resolve that the land currently held by the Council as housing and leisure land identified at Appendix A is no longer required for the purpose for which it is currently appropriated.
2)	The land at Parc y Werin, Gorseinon, Swansea, identified on the plan at Appendix A is appropriated for the purposes of education under section 122 Local Government Act 1972, namely the construction of a new primary school building.
3)	The capital scheme as detailed together with the financial implications set out in Appendix C is approved, subject to entering into a contract with the Welsh Government.
4)	The area of land being approximately 3.212 acres, which is proposed to incorporate an all-weather pitch and Multi Use Games Area (MUGA) and is shown on the plan attached at Appendix B, will form part of the new school grounds and as such will remain under the control of the school, but the (all-weather pitch and MUGA shall be made available for community use when they are not required to be used by the school, the details of which shall be set out in a community use agreement.
5)	The Head of Legal, Democratic Services and Business Intelligence is authorised to enter into any necessary documentation required to achieve the scheme.
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## 1. Introduction and background

- 1.1 The Strategic Outline Programme (SOP) detailing the re-organisation and investment needs for schools across Swansea was submitted to the Welsh Government (WG) in 2010.
- 1.2 In December 2011 further approval in principle was granted by WG to proceed with the schemes outlined within “Band A” of the programme subject to contract and local authority contribution of 50% towards overall costs.
- 1.3 The Capital Budget and Programme capital budget for 2017/18– 2020/21 provides an outline spending profile for the Phase 2 Schemes totalling £25.409 million, which includes £6.080million for a new build for Gorseinon Primary School.

- 1.4 The scheme has been subject to the successful approval of a Business Case by WG and obtained planning approval in December 2015, application number 2015/2074.
- 1.5 The site on which it is proposed to construct the new school build is contained within Parc y Werin in Gorseinon, which was the subject of a Village Green application (VGA) in November 2015.
- 1.6 Consequently, the scheme was put on hold pending the outcome of that application. The VGA inquiry was held on the 14-16 February 2017.
- 1.7 The application to register Parc y Werin, Gorseinon as a Village Green was recommended for refusal by the Independent Inspector. The Inspector's report was considered by Swansea Council's Planning Committee on the 6 June 2017, when in accordance with the Inspector's recommendation, the application to register the land known as Parc y Werin as a Village Green was refused. The Planning Committee resolved that; the application for Village Green status at Parc y Werin be refused, and 'that no part of the land of the application site be added to the Register of Town or Village Greens under section 15 of the Commons Act 2006.'
- 1.8 The Council also has to make a decision as to whether the land on which it is proposed to build the school should be appropriated for that purpose and is no longer required for the purpose for which it was held immediately before such appropriation in order to satisfy the provisions contained within Section 122 (1) of the Local Government Act 1972 (as amended).
- 1.9 To enable this, the Council published a notice of the intended appropriation of the said land at Parc y Werin in The South Wales Evening Post on the 23 and 30 May 2015, and again on 30 June 2017 with an extended deadline for objections until 4 August 2017, and then on 16 August and 23 August for 2 consecutive weeks with a deadline for objections of the 7 September 2017.
- 1.10 Cabinet originally considered this matter on the 16 July 2015, however, in view of the decision to consider the appropriation process again, and the fact that the delay to the commencement of the scheme has resulted in a delay to the overall programme and an increase in costs, this is now being brought back to Cabinet for further consideration.
- 1.11 The delay and increase in costs of the scheme has also required a change request to the Council's Strategic Outline Programme (SOP). This has been submitted to WG, and we are awaiting confirmation.

## **2. Description of Scheme**

- 2.1 Gorseinon Infant School and Gorseinon Junior School were amalgamated in September 2012. The new school is now called Gorseinon Primary School but still operates out of three sites, with the aspiration to move the new primary school from its existing three school sites.

- 2.2 The nursery school is located 0.5 miles from the junior school with the junior school a further 0.3 miles from the Infant school. The distance between the nursery and infant school is 0.6 miles. The route between the infant and junior, and the Infant and Nursery schools involves the crossing of the B4296.
- 2.3 The only 'green' areas within the primary school are to be found at the junior site, which has drainage issues due to the geography and geology of the site and so can only be used during the driest months. In addition, even though the green area is within the curtilage of the school grounds, this area has a public right of way crossing through it. As it is accessible to the public it has to be risk assessed prior to every use by the school.
- 2.4 Whilst the school are making use of the resources available to them as reported by Estyn in 2014, there is no appropriate transition from indoor to outdoor learning environments, or immediate access to suitable habitat and grassed areas.
- 2.5 The Business Case included appraisals of the shortlisted options;
- Option 5 - Extension and remodelling/refurbishment on Junior site
  - Option 8 - New build at Junior site for single new build
  - Option 9 - New Build at Parc y Werin which was the preferred way forward based on the outcome of the economic appraisals.
- 2.6 The Full Business Case, which included actual tender costs for Option 9, was approved by WG in January 2016.
- 2.7 The proposed capacity of the new build is 1.5 form entry (315 pupils) plus nursery, with hall, corridor and ancillary spaces designed to accommodate a 2 form (420 pupils) plus nursery entry school. It has been designed and set out in such a way that further classrooms can be added within the curtilage of the proposed school grounds to accommodate 2 form entry. This future proofed building would then be able to meet future demand arising from possible new developments in the locality.
- 2.8 The proposed new build for Gorseinon Primary School represents a land take of 3.212 acres from Parc y Werin currently incorporating two mini pitches, car park and a modestly equipped playground.
- 2.9 The proposals include for the relocation and upgrade of the playground, a modest allowance for the enhancement of the remaining facilities and/or other facilities in the locality and the provision for the school of an all-weather mini pitch and Multi-Use Games Area (MUGA). It is proposed to work with the school and community to design and establish a means by which these facilities can be shared between the school and the community, and establish a community use agreement.
- 2.10 Furthermore, the proposed site can accommodate the guidelines for external areas contained in Building Bulletin (BB) 99 with the exception of

the full pitch requirement, however this can be fulfilled by the school utilising free of charge the retained facilities at Parc y Werin.

2.11 The other facilities, which would still be accessible to the community include:

- Full size grass sports pitch.
- Upgraded and re-sited playground.
- Two bowling greens and pavilion.
- Outdoor fitness equipment

2.12 Delivery of a purpose built primary school on the proposed site will offer opportunities to engage the community in a range of activities by enhancing amenities and facilities in the area. The proposal seeks to develop community engagement within the new school building and its school community, where this is demonstrated to be sustainable.

2.13 The proposals include for a 'zoned' area within the school building which incorporates the hall and a community room; these will be capable of being available for community use subject to booking with the school. It will also provide opportunities to provide family learning and after school clubs.

### **3. Objectives of the Scheme**

3.1 The construction of a new Gorseinon Primary School will provide:

- Pupils and staff with a safe, sound and fit for purpose school environment
- An appropriate environment that facilitates an improvement in attainment levels across the whole age range of Gorseinon Primary School
- Greater operational efficiencies
- Community usage of school facilities

### **4. Proposed Appropriation**

4.1 The proposed new build for Gorseinon Primary School represents a land take of 3.212 acres from Parc y Werin currently incorporating two mini pitches, car park and a modestly equipped playground as indicated on the plans attached at Appendix A and B.

4.2 That land consists of two land acquisitions as indicated on the plan at Appendix B. The land to the west was originally acquired under the Housing Act in 1924 to provide housing for the working class. Part of the site was developed for Housing as originally intended and the other part now forms part of Parc y Werin. The land has been used as part of Parc y Werin since 1970's and has always been maintained by Parks but its statutory function was originally for Housing purposes. The Head of Housing & Public Protection has formally confirmed that the land is surplus to requirements and the proposed scheme will not impact on service

delivery. The Council will compensate the Housing Revenue Account for the value of this part of the land in the event of an appropriation and the valuation figure of £25,200 will be contained within the financial implications of the scheme.

- 4.3 The western part of the park is held corporately but managed by Culture/Parks and was acquired under the Public Health Act. The Head of Cultural Services has also confirmed that the land is surplus to requirements and the proposed scheme will not impact on service delivery.

## **5. Consultation**

- 5.1 The Council published a notice of the intended appropriation of the said land at Parc y Werin in The South Wales Evening Post on the 23 and 30 May 2015. No objections were received in response to this notice.

- 5.2 In consideration of the Inspector's report it was decided that this process should be undertaken again and a further Notice was published on 30 June 2017 with a deadline for receipt of objections by 28 July 2017. Due the number of Freedom of Information (FOI) requests received prior to and during that period and the significant amount of correspondence and documentation referred to within the responses to the FOI requests, a decision was made to extend the deadline for objections until 4 August 2017.

- 5.3 However, the objections highlighted the fact that the notice was only published on one week and not two consecutive weeks as required.

- 5.4 The notice was therefore republished on Wednesday 16 August and Wednesday the 23 August for 2 consecutive weeks with a deadline for objections of the 7 September 2017.

- 5.5 A total of 228 pieces of correspondence (Emails and letters) were received as a result of the notice of the 30 June 2017. A further 510 (Emails and letters) were received as a result of the notice of the 16 August and 23 August 2017.

POS closing date 4 August

- 5.6 A total of 154 letters of objection were received from 92 different addresses. Of the 154 letters received 111 were in the form of a signed copy of one of 2 standard letters having identical content.

- 5.7 In total, 74 emailed items of correspondence were received one of which was in three parts. 17 emails were in the form of two standard pieces of correspondence having identical content.

- 5.8 There were 5 people who submitted more than one emailed objection.

- 5.9 A total of 8 people sent in both an email and a written letter of objection and of those 3 were the same letter submitted through both mediums.

POS closing date 7 September

- 5.10 Of the 510 pieces of correspondence received (Email and letters), a total of 500 letters of objection were received from 371 different addresses. Of the 500 letters received 495 were in the form of a signed copy of one of 2 standard letters having identical content.
- 5.11 Of the 10 emails received two were from people who had also sent an email in answer to the 4 August POS deadline.

<b>POS closing date 20 June 2015</b>				
	<b>emails</b>	<b>letters</b>	<b>total</b>	<b>narrative</b>
	0	0	0	pieces of correspondence

<b>POS closing date 4 August 2017 summary</b>				
	<b>emails</b>	<b>letters</b>	<b>total</b>	<b>narrative</b>
	74	154	228	pieces of correspondence
	3			same correspondence from same person
	5			number of people that submitted more than one email
		92		number of addresses from which received
Of which the following standard items of correspondence were received				
L33		20		
L63/E22	13	91		
E21	4			
	17	111		

<b>POS closing date 7 September summary</b>				
	<b>emails</b>	<b>letters</b>	<b>total</b>	<b>narrative</b>
	10	500	510	pieces of correspondence
				same correspondence from same person
	2			number of people that submitted more than one email
		371		number of addresses from which received

Of which the following standard items of correspondence were received				
L63/E22		472		
L318		23		
	0	495		

5.12 The responses fall into the eleven main categories which are set out below together with the Council's response thereto:-

### Item one

*'The notice claims that the land to be appropriated is 'considered to be surplus to requirements'. There is a shortage of open space for recreation, outdoor sport and childrens' playgrounds in the area. The removal of 0.6ha of accessible land at Parc y Werin will result in a 28% reduction space available for public use and a lack of open spaces for sports and leisure in the ward.'*

*Some objections gave the impression that the whole of the park would be lost.*

*'The annual carnival will not be able to be held there if 38% of the park will be used to build a new school.'*

*'Right Now Parc y Werin services all:*

- *The Exercise Stations are used, people cycling, walk, have picnics and enjoy this open space.*
- *People walk their dogs here and bring their children here,*
- *Children play here in the play area and the grass area alike.*
- *Rugby, Football, Cricket are all played here.*
- *Children cycling, run, climb trees, make dens and learn about nature here, all the time developing their imagination, confidence and social skills.'*

*'Whilst children need decent schools, they also need green spaces to play and run around when they are not in school! Once this area is built up it can never be recovered as a green open space.'*

*'This area is used for 2 grass mini football pitches for from September to April for organised mini football games by the Swansea Junior League for under 8's to under 11's. It was used for off pitch training from May until August for those teams who wished to continue their training but this service was removed by the Parks Department which left only the Elba to train off pitch in early summer. The alleged alternative MUGA pitches are not suitable for organized mini football games, and are much more expensive than grass pitches for us to use as a training facility.'*

### Council's Response

The current facilities at Parc y Werin comprise of;



1. Full size grass sports pitch.
2. Two bowling greens and pavilion.
3. Outdoor fitness equipment
4. Children's playground
5. Two mini-football pitches
6. Car park

The school is proposed to be sited on the location of the children's playground, two mini-pitches and the car park.

The proposal would provide for the retention of the full size pitch, two bowling greens and pavilion and outdoor fitness equipment.

The children's playground would be relocated and upgraded.

A new car park would be available for community use in the evenings, weekends, and during the school holidays.

The two grass mini pitches would be lost, but it is proposed that the new MUGA would be available for community use free of charge and an all-weather pitch would also be available for letting by the community, at cost and not for profit for a range of training opportunities in a range of sports.

In considering whether the area of land which is proposed to be appropriated is surplus to the requirements of Culture/Parks, the existing use and future needs have been considered alongside current and proposed provision.

The existing mini pitches at Parc y Werin are booked through Cultural Services at a cost of £14 per pitch. Currently their main use is on a Saturday and occasionally on a Sunday.

During the week, the pitches are occasionally booked by local schools which do not incur a charge and the same schools could use the proposed all-weather pitch in agreement with the School.

As these are mini pitches they are only suitable for use for under 10's and 11's and are only available for organised games for which booking is required. During 2013/2014, the mini pitches were booked out on 53 occasions, decreasing to 46 for 2014/2015.

All Under 11s football in Swansea is played on a round-robin basis and pitches are not allocated to local teams so there are no 'home and away' fixtures. Therefore, teams from anywhere in Swansea can be allocated any pitch. Alternative provision for the current Under 10 and Under 11 fixtures at Parc y Werin will be accommodated elsewhere in Swansea.

The proposals also involve the provision of an all-weather pitch which would be made available for letting by community groups and sports clubs during evenings, weekends and holidays, as is the current case.

A contribution will also be made from the project to further compensate for the loss of the pitches which it is intended will support the new full size 3G pitch at the Penyrheol Comprehensive School site.

The proposed MUGA will provide a further enhancement and it is proposed that that will be available to the community out of hours free of charge.

The existing playground is of 'reasonable' quality but would benefit from improvement; the proposals also allow for the relocation and enhancement of the playground which will improve the quality of equipped play provision for the ward.

The new car park, will provide for continued off street parking by the community out of school hours.

### **Sports Council Wales**

As part of the planning application process, Sports Council Wales initially objected to the proposals raising a number of concerns. The questions and the Council's answers thereto are detailed below;

#### Question 1 Sports Council Wales

*In terms of the grassed playing field area and its use for formal sport - particularly under 11s football - concerns remain about whether the proposed 3G football pitch is an adequate replacement for the existing use. The existing pitches which both measure 50m x 37m fall just short of the dimensions recommended for under 11s by the Football Association of Wales (FAW) (55m x 37m) but the proposed 3G is smaller again (45m x 27m). Sport Wales therefore questions its suitability for existing matches to continue. Since it's not seen as an equivalent facility, could you please provide evidence that matches can be accommodated elsewhere within the community to demonstrate that there is sufficient provision?*

#### Answer 1 Council's response

All Under 11s football in Swansea is played on a round-robin basis and pitches are not allocated to local teams so there are no 'home and away' fixtures. Therefore, teams from anywhere in Swansea can be allocated any pitch. Based on the proposed size of the 3G pitch it is intended that the site be allocated for Under 8 fixtures who play on pitches of approximately 30mx20m.

Alternative provision for the current Under 10 and Under 11 fixtures will be accommodated elsewhere in Swansea. It is proposed that additional provision is allocated at King George V playing fields in Sketty where the current pitches are not fully utilised.

#### Question 2 Sports Council Wales

*Sport Wales accepts that the 3G pitch will be a useful facility for football matches involving younger children and for other activities and that the MUGA will provide new opportunities for court sports. Is it possible that floodlighting can be installed to maximise their usage?*

Answer 2 Council's response

Floodlighting is not installed at the site now and due to the proximity of residential dwellings it is not proposed to install it in this area, furthermore the ongoing running and maintenance costs mean that this is not a viable option for this site.

Question 3 Sports Council Wales

*Sport Wales would like a guarantee that the community will be able to use these facilities out of school hours through evidence of a community use agreement.*

Answer 3 Council's response

The Authority has made a commitment to facilitate community use of the 3G and MUGA facilities together the car park, community facilities within the school buildings and of course the upgraded and relocated play area outside of the school site.

There is also an allowance for investment in other facilities in the locality identified as a contribution towards the provision of a full size 3G pitch at Penyrheol.

Question 4 Sports Council Wales

*Aside from the formal sport aspect, Sport Wales is also concerned about the impact of the proposal on informal sporting activities. Is it possible for the 3G and MUGA to remain open when not used formally?*

Answer 4 Council's response

It is not expected that the 3G will be available for free access but will be available 'at cost' and 'not for profit' for a range of training opportunities in a range of sports in addition to formal matches. It is not considered practical for a 3G facility to be made available for free access in any case as in other venues, as it would make the maintenance regime unmanageable.

However, it is proposed that there will be no charge for the use of the MUGA which will be available for informal community use, outside of school hours.

Question 5 Sports Council Wales

*Also, could you please confirm if the area including the senior football pitch will be publicly accessible and if there are other similar spaces in the community?*

Answer 5 Council's response

Yes the area including the senior football pitch will be publicly accessible. Similar spaces in the community include playing fields at Penyrheol Comprehensive School/Community Leisure Centre, which is approximately 400m away.

With regard to comments that the bowling facilities are not open to the public the bowling green is currently under self-management licence to the Parc y Werin Bowls Association. As part of this arrangement, members of the public are able to access the green when the facility is open.

Sports Council Wales review of the planning application following consideration of the further information;

*'Having considered the information, Sport Wales is satisfied that the proposal will not have a detrimental effect on formal sport. This is because its main use, the under 10 and under 11 fixtures, can be accommodated elsewhere and that the new 3G pitch and MUGA will provide new and varied sporting opportunities. In particular, the 3G pitch and the intensity of use it can afford will be able to host several matches a week (albeit for a younger age group) plus training and other activities. It is also noted that the proposal will make a financial contribution to a new 3G pitch at Penyrheol Comprehensive School which will be able to play a major role in serving sporting needs in the area.*

*With formal sport being addressed and a replacement play facility being provided, Sport Wales only remains concerned about the effect on informal sporting activities. On balance however, with the MUGA to be open for informal use outside of school hours with no charge, the area including the senior football pitch remaining publicly accessible along with other playing fields being available nearby, plus the important fact that the school and its pupils will get access to new and improved facilities for sport and PE, Sport Wales is removing its objection.*

*Please note this is conditional on evidence of a community use agreement for the 3G pitch and MUGA being signed and the area including the senior football pitch remaining publicly accessible.'*

The requirement for a community use agreement for the 3G pitch and MUGA is contained within the planning conditions – condition 14 to ensure that the 3G pitch and the Multi Use Games Area are available for wider community use outside of school hours.

### **Planning Committee**

*The views above are further endorsed in the final report to Planning Committee approved on 9<sup>th</sup> December 2015;*

*"Whilst there is some loss of open space as a result of the proposals, it is considered that sufficient mitigation is being provided to ensure that alternative provision of at least equal community benefit is being made available."*

*The existing full size football pitch is being retained along with adjacent amenity open space. The bowling green and associated pavilion are unaffected by the development and whilst the existing playground is being lost it is being replaced elsewhere on Parc y Werin with new, upgraded and enhanced facilities. With regard to comments that the bowling facilities are not open to the public the bowling green is currently under self-management licence to the Parc y Werin Bowls Association. As part of this arrangement members of the public are able to access the green when the facility is open.*

*Unlike the mini pitches these facilities, including the MUGA, would be suitable for all age groups within the community and would be available for a wide range of sports including hockey, soccer, rugby, basketball, tennis and netball.*

*Given that school use of the MUGA and 3G pitch would be during school hours and term time there would be minimal impact on potential users as the 3G and MUGA would be available for evening and weekend use, which is consistent with the current pattern of usage. In addition the 3G pitch would also provide an all year round all-weather facility compared to the existing mini pitches which are subject to cancellation due to adverse weather conditions.*

The Planning committee report concludes;

*“Having regard to the above, whilst the proposed development would result in the loss of a section of community recreation land within Parc y Werin, when assessed against the criteria of Policy HC23, and Planning Policy Wales, it is considered that the proposed development would satisfy these policies. To comply with these policies it is only necessary to meet one of the criteria set out and Sport Wales and the Council’s Parks department do not object to the proposal given the information submitted. It is concluded therefore that the development of the application site in the manner proposed would be in accordance with the provisions of UDP Policy HC23 (ii and iv) and PPW 11.1.2 (criterion 2) and the loss of the area of open space is considered to be outweighed by the wider education, community and recreation benefits that it is intended to provide and the mitigation measures proposed are considered to be at least of equivalent community benefit.”*

## **Item 2**

*The Council has given many reasons over the last two years as to why it wants to build a new Gorseinon Primary School at Parc y Werin. There is plenty of fault with all of those reasons. The school is much needed. But to claim in this context, that the Parc y Werin land is ‘surplus to [recreational] requirements’ means there can be only one objective consideration to arrive at that conclusion. Namely a study of the Open Spaces Assessment (OSA). Details obtained from a recent freedom of information request have been circulated in the community. Likewise some correspondence with Fields In Trust Cymru whose prescribed standards are used to compile an OSA.*

*At first sight, the OSA appears to put the Fields In Trust Standard (FIT) as applied to the wider Gorseinon area, just over the 2.4 hectares per 1000 head of population target (based on the 2011 Census as quoted on the assessment sheets). However, on a closer look, the FIT provision figures are all inflated by a collection of non permissible entries. Parks and Gardens (P&G) is the most obvious, and largest. Fields In Trust Cymru have confirmed that P&G areas are non permissible. Additionally, they said that this inclusion is a commonly made mistake by local authorities. After all, FIT is all about the provision of outdoor sport, and childrens and teenagers play areas. Inclusion of P&G has an enormous effect on the figures for both Upper and Lower Loughor, reducing the FIT totals by one half! Which takes them well under the FIT Standard of 2.4 ha. Likewise Penyrheol, where a park is shown on the map that doesn’t even exist (off Gower View Road)! Argyll Gardens with no sporting connection at all, is also included!*

*The land is not surplus in consideration of the Open Spaces Assessment; When all the non-permissible areas and errors are taken into account, the final FIT Standard provision in the Gorseinon area\* is a total of 21 hectares. Not the 59.8 hectares quoted on the OSA. The hectares equates to, based on the 2011 Census, but not allowing for any of the increased housing and therefore new people in the area since the compilation of the 2014 OSA, an actual FIT Standard of 1.11 hectares per 1000 head of population. That's 46% of the target, or, a deficiency of 54%! So, how can the Council argue under scrutiny, that the land at Parc y Werin is 'surplus'?*

*City & County of Swansea – Open Space Assessment ANGS: There is over fifteen thousand hectares of ANGS which equates to over 66.7ha per 1000 head of population, some 64ha above the recommended target set by CCW. The distribution of ANGS is very uneven with the majority found in rural areas and the urban fringe. Most of the wards within the County have over 80% ANGS provision with Newton, Oystermouth and Mayals having 100% coverage. There are only two wards with less than 50% coverage, Kingsbridge with 36% and Upper Loughor with 26%. Accessibility FIT: In order to enable more precise outputs, access points have been plotted for each open space site that falls under the FIT category. 300 metre buffers were then applied to each access point and all urban areas outside this catchment were identified as having insufficient access to FIT provision.*

*\*Please note that the Gorseinon area referenced in the extract from the objection above covers the wards of Gorseinon, Penyrheol, Lower Loughor, Upper Loughor and Kingsbridge.*

## **Council's Response**

In assessing the proposal for a new build development at this location or any other area of open space/community recreation land the policy basis on which a decision must be made is the Council's adopted Unitary Development Plan (UDP). The Open Space Assessment (OSA), is not the basis for determining whether or not the land proposed to be appropriated for Education purposes may be treated as being surplus to requirements.

The OSA is background information that has been gathered to help inform the Council's emerging Local Development Plan which will replace the UDP in due course. It has not been formally adopted and therefore carries no weight in decision making. Moreover if/when it is adopted as supplementary planning guidance it would only inform, but not outweigh, the policies in the Council's adopted Development Plan.

The OSA provides an assessment of both the quantitative and qualitative provision of open/play space within a locality. Current policy allows for loss of open space/community recreational land where existing facilities can be retained and enhanced or alternative provision of equivalent community benefit is made available. It is fully acknowledged that the new build school will result in the loss of some quantity of open space, however that is more than compensated for by the quality of the new facilities that are being provided which will enable year

round use and for a wider range of sports and opportunities for use of other school facilities by the wider community.

The Planning committee report notes;

*'In terms of the existing provision within the area, the Council have prepared an Open Space Assessment to inform the Local Development Plan. This assessment has been based on the "Fields in Trust" (FIT) benchmark standards for outdoor sport and play. In terms of provision for children's outdoor playing space FIT recommends a standard of 1.6ha per 1,000 population for Outdoor Sport with a standard of 0.8ha per 1,000 population for Children's Playing Space with 0.25ha of the total relating to equipped playgrounds.'*

*The assessment for Gorseinon identifies that it has an over provision of Outdoor Sport facilities (2ha) but a deficiency in Children's Playing Space (0.3ha) and Equipped Playgrounds (0.03ha). The relocation and upgrading of the equipped playground means that this standard is largely unaffected although the quality of provision is far enhanced.*

*Whilst some Outdoor Sports space is being lost (noting that the space is only really suitable for under 11's and currently only used for soccer/rugby) the fact that there is already excess provision in the ward and that facilities are being enhanced by virtue of the all-weather 3G provision and being made available for users of all ages and a wide range of sports including hockey, soccer, rugby, basketball, tennis and netball, mitigates this impact. The provision of a MUGA within the park which would be available for use as a children's playing space during school time (by the school), evenings, weekends and holidays and suitable for use during all-weather conditions would, it is considered enhance children's playing space.*

*The assessment also identifies that Gorseinon has 11.5 ha per 1000 head of population of Accessible Natural Green Space which is 9.5ha above the recommended target, and it is recognised that this makes an important contribution to the quality of the environment and the quality of life in urban areas.'*

*Whilst the proposed development would result in the loss of a section of community recreation land within Parc Y Werin, when assessed against the criteria of Policy HC23, and Planning Policy Wales, it is considered that the proposed development would satisfy these policies. To comply with these policies it is only necessary to meet one of the criteria set out and Sport Wales and the Council's Parks department do not object to the proposal given the information submitted. It is concluded therefore that the development of the application site in the manner proposed would be in accordance with the provisions of UDP Policy HC23 (ii and iv) and PPW 11.1.2 (criterion 2) and the loss of the area of open space is considered to be outweighed by the wider education, community and recreation benefits that it is intended to provide and the mitigation measures proposed are considered to be at least of equivalent community benefit."*

The objections attempt to discredit the information in the OSA, in order to reduce the quantity of classifiable open space within the locality. However as stated above the OSA has no standing in decision-making. Moreover the OSA is the Council's interpretation of open space at the local level and seeks to reflect local circumstances. For example, it excludes areas Fields in Trust Cymru would include such as golf courses, as they would skew results and includes areas such as parks and gardens as the view is taken that parks can provide the opportunity for various casual/informal outdoor sports even if the areas are not formally defined.

The OSA is a working document that is constantly changing as open/play space areas are improved, added, removed or made more accessible. An Open Space Strategy for the Council is currently being prepared and once adopted one of the actions arising will be to review the levels of useable outdoor playing space within each ward.

### **Item 3**

*The new build primary school should be constructed on the junior school site. Just under 20% more space, central to catchment, easy walking distance for the vast majority, close to local shops for traders to benefit. If the projected facilities are built there, the school would still have access to all the publically accessible sports facilities at Parc y Werin, and so would the whole community.*

*Swansea Council have also released plan to build a new primary school on Pontarddulais Road this is the ideal location for the school, the documents also states it would cost £5m to build therefore creating a stronger case than Parc y Werin.*

### **Council's Response**

The Council's Asset Management Plan 2013-2017, states that;

Due to the current significant financial constraints that exist across all areas of the Public Sector, it is critical that this active management is demonstrated through the reduction of a number of assets that the City and County of Swansea hold. The financial benefits of reducing the portfolio are significant in that in most cases capital receipts can be generated, revenue running costs are saved and the potential impact on the Council's capital programme, due to the removal of the need to undertake capital maintenance works, is no longer necessary. The Authority need to embrace this challenge and continually assess whether the retention of assets is necessary in all areas and fundamentally that there is no expansion of the current asset base unless it leads to a wider rationalisation of cost saving.

This is reinforced further by Sustainable Swansea - fit for the future.

In 2016, Cabinet agreed to go out to consultation on draft budget proposals which aimed to help save at least £90m over the following three years.



During the consultation with the public, there was strong agreement that the Council should be making sure we dispose of property we don't need and generate income by selling land or buildings. Other ideas included a suggestion to transfer assets to community groups so they could develop the facilities for themselves.

The Council was already looking at its assets and the assets of other public sector and third sector organisations in a geographical area-by-area way to see what council-owned buildings can be used, shared with others or potentially sold.

By adopting this approach to our assets it is anticipated that they will be more effectively and efficiently used in the years ahead. This should help produce savings on maintenance and running costs as well as produce income from sales.

This approach is also consistent with the strategic aims of the Welsh Government's (WG) national 21<sup>st</sup> Century Schools Programme; Investment Objective Two of the WG's strategic case for Band B of the programme is to 'optimise the use of infrastructure and resources, to deliver public services for our communities by 2024. This will include flexibility of our assets so that space and facilities available for our stakeholders are maximised. Our aspiration is for all facilities that receive investment commit to making assets available for community use if local demand exists.'

In considering options for a new build for Gorseinon Primary School, a number of alternative potential sites were identified following an area review of local authority owned assets in the Gorseinon area.

The Department for Education and Skills Building Bulletin (BB) 99 sets out a briefing framework for primary school schemes. This document outlines area guidelines for all types of space in primary schools and sets out recommended space standards.

The nursery and infant sites, Argyle Gardens and the Canolfan Gorseinon site are not large enough to satisfy the standards contained in Building Bulletin (BB) 99.

Melin Mynach is very close to Penyrheol Primary School, at the edge of the catchment area and is remote from where the majority of Gorseinon Primary pupils live.

The former Somerfield site, the land opposite Asda and the Valeo site are not in the local authority's ownership, and they were not therefore considered as if it were feasible to purchase any of these options it would be at considerable cost.

Two of the possible options considered included the use of the existing junior school site, to provide primary provision on one site, either through a new build or extension and curriculum led remodelling and refurbishment of the existing junior school building. The key benefits of this option being that the provision of all through primary on one site delivering greater operational efficiencies through a reduction in the running cost across the three existing buildings. Avoiding

impact on learning time of travel between sites to access facilities, as well as address safety concerns.

The junior site is 5.54 acres with tarmac area and an open grassed area; however, the site excluding the youth service, scouts and car park is 3.8 acres. This is larger than the site at Parc y Werin and could potentially satisfy 21st century school teaching and learning standards and the guidelines contained in Building Bulletin (BB)99.

However, the shape and topography of the site is challenging in terms of both layout and construction, and the highway and access issues to the site would compromise the developable site area and it is likely therefore that access to the playing pitch at Parc y Werin, would be necessary to fully satisfy the external area requirements. This is accessed via the A4240.

The sloping site also provides some accessibility challenges.

There would be disruption to the existing school (years 3-6) during the construction period, and this could be further exacerbated by the management of construction traffic.

There would also be the loss of the playing field during construction.

The challenges faced with highway and access improvements would result in concerns in respect of traffic, highway and child safety issues as well as the inadequate highway infrastructure; where there are no controlled or uncontrolled crossing facilities along Alexandra Road.

The following were cited significant highways issues;

- The school is primarily accessed off a classified road (Pontarddulais Road, B4296) and is shared with a busy rear car parking facility for a Sainsbury super market. This potentially will give rise to many highway safety concerns especially in view of increasing pupil/staff numbers from the locality.
- The existing highway infrastructure at the 'School Gate' and peripheral is not ideal, and may be inadequate given the current lack of highway infrastructure; however, this may be challenging given the existing highway foot print.
- There are limited controlled or uncontrolled crossing facilities for pedestrians who wish to head towards Alexandra Road (A4240) and in general there is little provision for pedestrians and especially potential foot fall of children.
- Significant logistical/access issues for construction works; the Construction Management Plan brings many challenges;
- There is a lane from Llanerch Crescent to Pontarddulais Road that may need to be closed during the construction phase.
- The geometry of the highway network peripheral does not particularly lend itself in terms of suitability to traditional construction traffic

movements and may take some considerable consideration and consultation.

- Temporary alterations to the highway geometry may be required at considerable cost to facilitate the movements of construction traffic.
- In addition the streets are predominated by housing frontages which may give rise to considerable opposition.

The figure of £5m quoted was an indicative figure included in the Strategic Outline Programme submission to WG in November 2011, before any detailed feasibility work had been undertaken, and this figure does not take into account increase in construction costs and inflation over this period.

The site at Parc y Werin meets the 21st Century Schools standard and satisfies the space standards set out in Building Bulletin (BB)99, including enabling the School to have immediate access to the existing playing field at Parc y Werin.

The Parc y Werin site will provide access to an appropriate outdoor teaching and learning environment to meet the requirements of the foundation phase and for sport. It will also provide pupils with direct access to existing facilities to support them in accessing outdoor green spaces for play and learning and presents the lowest risk to delivery compared to the junior school site.

In addition, this option retains and improves the community facilities at Parc y Werin with the existing playground being re-sited and regenerated, along with further opportunities of flexible co-located facilities that could be utilised by adults and young people within the community for the benefit of the school and the community. This site would reinforce links between the new school and its community to help promote the fact that all education relates to the life and well-being of the wider community, as well as the social and economic benefits to the individual.

#### **Item 4**

*Traffic and parking concerns; there has been no assurance that the car park will be available to the public during or after school hours. It is currently well used by the Welsh Nursery/Cylch, Bowling club, local football/rugby teams while they train and general public. These cars would be forced to park on the road, adding to an already busy area for traffic.*

#### **Council's Response**

The Highway consultation undertaken as part of the planning application process concluded that the combining and relocation of the three schools onto one site at Parc y Werin will result in some traffic reassignment. Not all of the traffic impact identified at the new site will be as a result of new traffic movements as some movements are likely to already be taking place on this route to the existing sites located nearby.

Congestion at the school start and finish times occurs at all school sites and will likely be the case here. Improvements have been identified that will help to

minimise this and accommodate as much of the demand as possible with safety enhancements being of general benefit to all and any additional parking facilities being available for wider community use outside of school operating hours.

Users of the remaining community facilities at the site will be able to make use of any additional parking facilities and any community use of the school facilities will have access to the school car park outside of school hours.

The following Planning conditions were applied;

**Condition 4**

Prior to the commencement of development, full details of the off-site local highway improvement works to address school parking demand, reduce vehicle speeds and improve highway safety shall be submitted to and approved in writing by the Local Planning Authority. The approved off-site works shall be provided in accordance with the approved details prior to the first beneficial use of the school hereby permitted.

Reason: In the interests of highway safety.

**Condition 5**

Prior to the commencement of development, full details of cycle parking provision for a minimum of 32 spaces within the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be provided prior to the first beneficial use of the school hereby permitted and shall be retained as such thereafter at all times.

Reason: To ensure adequate cycle parking provision is made available for the school to promote sustainable means of transport.

**Condition 7**

Prior to the first beneficial occupation of the new school hereby approved, 38 car parking spaces each measuring a minimum of 2.6m by 4.8m and 2 disabled spaces measuring a minimum of 3.6m by 6m shall be clearly laid out on the ground within the proposed car park and retained as such thereafter for the parking of vehicles.

Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the school.

**Condition 15**

The car parking area hereby permitted shall be made available for members of the public when the School hereby permitted is not open and the barrier shall remain up outside of School opening hours.

Reason: To ensure that the car parking area is available for members of the community outside of school opening hours.

**Condition 19**

Prior to the first beneficial use of the school hereby permitted, full details of a School Travel Plan to include measures to reduce reliance on private vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall be monitored and updated as required by the School Travel Co-Ordinator responsible for the plan.

Reason: To promote sustainable means of transport to the school during the development.

## **Item 5**

*The cost of 'pay to play' on the new facilities would be prohibitive and the park is too small and not in appropriate place; what's now open available land will become chargeable, this deprives the less wealthy and deprived families of this area access to what is now freely available to them at Parc y Werin.*

## **Council's Response**

The proposals would not deprive families of access to facilities at Parc y Werin.

The existing facilities, which would still be accessible to the community include:

- Full size grass sports pitch.
- Upgraded and re-sited playground.
- Two bowling greens and pavilion.
- Outdoor fitness equipment

In addition, it is proposed that the new MUGA would be available for community use free of charge and an all-weather pitch would also be available for letting by the community, at cost and not for profit for a range of training opportunities in a range of sports.

It is not considered practical for an all-weather facility to be made available free of charge as is the case for other venues, it would make the maintenance regime unmanageable.

## **Issue 6**

*The much trailed 'relocated and upgraded' playground for Parc y Werin, is not going to be all its beefed up to be; not on the plans with the 2015 planning application/consent..... relocated in an unsatisfactory location under/near trees and a hedge on the Princess Street side, away from the families along and in the Brynawel Road area. Just one traditional swing with two seats, five other more older child-friendly rides/apparatus; and one small three seater bench for adults. No wonder in the planning documentation, this new playground was referred to as 'a modest investment'.*

*Another commented; concerned about the proposed new play area for the children. 'The play equipment chosen for the playground seems to be more appropriate for very young children, slides; see-saws; infant swings. There is nothing that would appeal to children aged 10 and over. This will not help levels of boredom and antisocial behaviour among the youth locally. Yet again no thought has been given to older children'.*

*'No consultation has taken place regarding the play area / relocation'. The whole project at Parc y Werin is a 'modest investment' in the local community.*

## Council's Response

The current playground is approx. 750sq/m there are only 6 pieces of play equipment situated there, which would safely fit into an area measuring 200sq/m. The proposed new location of the playground offers 420sq m of fenced equipped playground as stated but will be sited on a grassed area which can be accessed far more easily than its current location offering further opportunities for informal children's play. It is proposed the new playground will have 9 play items; they will be installed in accordance with the manufacturer instructions and to the relevant Standard EN1176 which will includes free space between items.

The existing playground is proposed to be relocated within Parc y Werin with new, upgraded and enhanced facilities. The proposed new site is flat, open with small trees towards the two bowling greens and larger specimens towards the football pitch side and fringed with hedging on Princess Street and the rear of the two bowling greens.

The site is not screened by the existing landscaping and parents and carers would be able to easily view their children at play in the knowledge that the periphery hedgerows would protect their children from the road, noise and atmospheric pollution. The trees would provide shade and shelter and add interest.

It is proposed that the playground will include the relocation of the following existing equipment which is in good condition and suitable for reuse;

- Multi play unit – target junior age range
- Basket swing
- Accessible roundabout

The following new equipment is proposed to be installed;

- Multi play unit - target range 2-6 years
- Two seat cradle swings
- Net or pyramid climber
- Seasaw
- Two spring mobiles
- 30 metre one direction cable runway (zip wire) outside of the fence adjacent to the two bowling greens hedge, with safety surfacing and wearing course.

The proposals also include the provision of litter bins, seating and signage.

The proposed equipment will target children between the ages of 2-14 years of age.

If the proposals proceed, the design of the playground will be finalised in continued consultation with the Council's Parks Department and also with the Council's Play Team.

As stated the MUGA can also be used for children's play and will be available to the community outside of school hours.

The 'modest investment' referred to is not in relation to the playground. This is an additional allowance in the cost plan for investment in other facilities in the locality, which was identified as a contribution towards the provision of a full size 3G pitch at Penyrheol.

### **Item 7**

*The loss of green space would be detrimental to health; please don't take our park away from us, research shows that parks and green spaces in urban areas can improve the wellbeing and quality of life for those living in the area.*

### **Council's Response**

It is not proposed to take the park away.

The facilities which would still be accessible to the community include:

- Full size grass sports pitch.
- Upgraded and re-sited playground.
- Two bowling greens and pavilion.
- Outdoor fitness equipment

The proposed new build for Gorseinon Primary School represents a land take of 3.212 acres from Parc y Werin incorporating two mini pitches, car park and a modestly equipped playground.

The remaining area of the park will be 5.56 acres, whilst of the 3.212 acres that it is proposed is appropriated for Education purposes, 0.749 acres incorporating the all-weather pitch and MUGA as well as the car park will still be available for community use.

The proposed school building will occupy 0.562 acres of the 3.212.

A key element of the proposal relates to the replacement of the existing playground with a new modern purpose built playground nearby on Parc y Werin, to the south of the two bowling greens.

The new playground will be constructed as part of the first phase of works (this is also now a Planning condition), and will include re-use of some of the equipment as well as new equipment in an area of approximately 420 square metres.

Condition 17 of the Planning Decision Notice states;

The proposed playground as indicated on Drawing No. L(91)003 shall be implemented in accordance with the approved details prior to the closure of the existing playground.

Reason: To ensure the replacement playground is provided prior to the existing playground being removed to ensure adequate play provision is maintained.

The report to Planning Committee states; "It is concluded therefore that the development of the application site in the manner proposed would be in accordance with the provisions of UDP Policy HC23 (ii and iv) and PPW 11.1.2 (criterion 2), and the loss of the area of open space is considered to be outweighed by the wider education, community and recreation benefits that it is intended to provide and the mitigation measures proposed are considered to be at least of equivalent community benefit".

If Gorseinon Primary School is situated adjacent to the park, it will provide an increased opportunity for the families of the children attending the school to enjoy the park and its facilities.

### **Item 8**

*The proposal would have a negative impact on local trees and habitats. There is also the threat of losing the line of poplar trees, which have been in the middle of the park for over 30 years.*

### **Council's Response**

The black poplar tree is out of the proposed site range and would not be affected by the construction of a new school.

As the report to Planning Committee explains, in terms of its Arboricultural Impact Assessment, the survey acknowledges that the proposed development would result in the removal of 2 x moderate quality Sessile Oak Trees (Ref: T991 & T992) which are small in size and of a very early mature age, planted adjacent to the parking area. Nonetheless, the survey concludes that the removal of these trees would have a minor visual impact on the amenity of the area which can be readily mitigated for with additional tree planting post construction phase.

The Council's Landscape Officer commented on the application and raised no objections to the proposals on the basis that the proposed planting would mitigate the loss of these trees and a condition to this effect would be attached to any grant of consent.

With regards to ecology, an Extended Phase 1 Habitat Survey was prepared which summarises that a small number of habitats are present on site including neutral grassland and amenity grassland. Accordingly the survey provides recommendations relating to any protected species encountered during the construction phase; any necessary vegetation clearance; and a site specific strategy to prevent harm to reptiles and amphibians. A follow up bat survey was also undertaken which identifies that the proposed development is unlikely to have considerable impact on the local bat population.



Natural Resources Wales (NRW) welcomed the submission of the reports and raised no objections to the application, however they have recommended the proposals are discussed with the Council's Ecologist.

The Ecologist advised that ecological surveys carried out on the site demonstrate that the majority of the site is of low ecological value. The grassland strip to the south of the site is considered suitable for reptiles and therefore a reptile mitigation scheme should be provided.

Neither NRW nor the Council's Ecologist raised any issues in terms of the adequacy of the bat survey.

Condition 16 of the Planning Decision Notice states;

The works hereby approved shall be undertaken in accordance with the recommendations contained within sections 5 and 6 of the Arboricultural Report dated 28th September, prepared by ArbTS.

Reason: To secure the protection of trees growing on the site whilst the development is being carried out.

Condition 19 of the Planning Decision Notice states;

Prior to the commencement of development, full details of a reptile mitigation method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the reptile population during development

As there is the possibility of nesting birds in the shrubs and trees on the site, care will be taken when working on buildings particularly during the bird nesting season March-August.

The submitted Ecological Survey recommends a bat box is attached to the proposed school building to improve biodiversity and this approach is welcomed by the Council's Ecologist, and will be implemented.

## **Item 9**

*The location of the school at Parc y Werin would create additional noise.*

## **Council's Response**

Policy EV40 was applied during the Planning process which states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008).

As part of the Planning consultation process, the Council's Pollution Control Officer raised no concerns with regards to the proposals following the

assessment of an acoustic report with regards to the plant/ machinery proposed for the school building but requested a condition to control future noise from the site. The Officer raised no other concerns with regards to noise and pollution as a result of the proposals.

Given the proximity of neighbouring properties, it was also considered appropriate to attach a condition to the Planning Approval requiring the submission of a Construction Site Management Plan.

Condition 13 of the Planning Decision Notice states;

Prior to the commencement of development a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:

- a) Construction programme and timetable;
- b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
- c) Proposed working hours;
- d) Principal Contractor details, which will include a nominated contact for complaints;
- e) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
- f) Details of on-site dust mitigation measures having regard to BPM;
- g) Details of on-site noise mitigation measures having regard to BPM;
- h) Details of waste management arrangements (including any crushing/ screening operations);
- i) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To protect residential amenity and the environment during the construction phase.

With regard to the proposals, the report to Planning Committee notes that the existing site currently has two mini football pitches on it and a children's playground and as such, there is considered to be some noise and disturbance associated with uses such as these, albeit that they are predominantly used on the weekend and in evenings. The proposed use would generate noise throughout the day on a consistent basis but the MUGA and 3G pitch would be located in a similar location to the existing sports pitches and the school playground would be located 35 metres away from the nearest residential property, which is further away than the existing playground. Similarly, the new relocated children's playground would be located 35 metres away from the nearest dwelling. These distances exceed the Fields in Trust "Planning and Design for Outdoor Sport and Play"

recommended distance of 20 metres between the activity zone and the habitable room façade of the nearest dwelling. No floodlighting is proposed for the 3G pitch or the MUGA.

#### **Item 10**

*The notice was only published for one week and not two consecutive weeks as required.*

#### **Council's Response**

This was an oversight in the instruction to the Evening Post and the notice was then republished on Wednesday 16/08/17 for 2 consecutive weeks with a deadline for objections at 5pm on 07/09/17.

*There is a discrepancy in the formal notice published in the local paper. It should read Section 122 (1) (2a).*

#### **Council's Response**

The wording of the original notice and further notice was correct.

*The plan at the Civic Centre does not show the land in which to be appropriated but merely a picture of a school and not the extent of the devastating consequence by taking away such a large area that it would have on Park Y Werin.*

#### **Council's Response**

The plan displayed at the Civic Centre accurately shows edged red the extent of the land that it is proposed is appropriated.

#### **Item 11**

*Construction work will have an adverse effect on the area and houses will be de-valued.*

#### **Council's Response**

As for issue 9 above, Condition 13 of the Planning Decision Notice is intended to protect residential amenity and the environment during the construction phase.

### **6. Officers' appraisal**

- 6.1 Some of the discounted options included curriculum led remodelling and refurbishment programmes, which were considered insufficient to meet the needs of most of the investment objectives and critical success factors, whilst the option to 'do minimum' was not viewed as being a viable choice to meet the needs of Gorseinon Primary School.

- 6.2 Two of the possible options considered included the use of the existing junior school site, to provide primary provision on one site, either through a new build or extension and curriculum led remodelling and refurbishment of the existing junior school building. The key benefits of this option being that the provision of all through primary on one site delivering greater operational efficiencies through a reduction in the running cost across the three existing buildings, and avoiding impact on learning time of travel between sites to access facilities, as well as address safety concerns.
- 6.3 However, this option raised concerns particularly given that the construction management plan would disrupt the existing school (years 3-6). The challenges faced with highway and access improvements would result in concerns in respect of traffic, highway and child safety issues as well as the inadequate highway infrastructure; where there are no controlled or uncontrolled crossing facilities along Alexandra Road.
- 6.4 The improvements to access and parking arrangements that may be required at the junior site are likely to further impact on the available site, the shape and topography of the site is challenging in terms of both layout and construction.
- 6.5 A number of alternative potential sites were identified following an area review of local authority owned assets in the Gorseinon area; however, the review determined that any new site for the school would already have to have been in the Council's ownership. The options to establish a new build primary school on a site within private ownership or within a remodelled public owned non-educational facility were thus discounted. The review also identified that the site would need to be capable of meeting the needs of a 21st century school, including on-site green space, and within the Gorseinon Primary School catchment areas.
- 6.6 The site at Parc y Werin represents an optimum solution given its location, which ensures convenience and ease of access for pupils and parents and remains in the heart of the community. Achieving the catchment area plan and reinforcing the fact that education relates to the life and well-being of the wider community, as well as the social and economic benefits to the individual.
- 6.7 In addition, this site provides ample green space for children to learn and play and as a result pupils of Gorseinon Primary School would have the same degree of access to green space as pupils of Pontybrenin and Penyrheol Primary Schools. Moreover the construction management plan would bring fewer challenges compared to the existing junior site insofar as there would be no disruption to pupils while construction is underway and therefore is considered a more cost-effective solution that would provide better value for money.
- 6.8 The scheme is for the construction of a new primary school, including car park, MUGA, all weather pitch and associated hard and soft landscaping

works at Parc y Werin, Gorseinon, as well as the relocation of the existing playground onto adjacent land.

- 6.9 The proposed development will comprise of a new purpose built 1.5 form entry school (315 pupils), including nurture room, nursery and reception, 'shared/communal, external' and administrative areas. There is also a community room that would be available for letting by arrangement with the school. The development is future proofed to enable future extension to a 2 form entry school (420 pupils); such there would be no need for extra land take in the years ahead.
- 6.10 The proposed school building will be sited in the north eastern portion and will comprise of an "L" shaped layout, which measures approximately 2275 square metres and thus occupies approximately 17% of the main site area. The proposed building would be single storey with a higher central area above the hall area and will comprise of a modern design finished in an assortment of high quality materials.
- 6.11 Access into the site and car park will be achieved from Brynawel Road with separate pedestrian and bike access points, and a separate service yard access point in the northernmost corner of the site. In addition a bus and car drop off layby will be formed along the frontage to Brynawel Road and the existing footpath will be retained along the north-eastern boundary.
- 6.12 The development will include a new hard surface 40 space car park, including 2 no. disabled spaces. The car park is proposed for on-site staff and visitors and will be made available for community use when the school is closed at evenings, weekends and holidays, 32 cycle spaces are also proposed.
- 6.13 The development also incorporates the provision of an all-weather sports pitch and MUGA in the south-western portion of the site. These facilities will be enclosed by a 3 metre expanded ball stop fence and will be made available for letting by community groups and sports clubs during daylight hours when not in school use and will be accessible via an access path from the car park area.
- 6.14 The remaining areas of land will comprise an appropriate mix of soft and hard landscaping, along with storage sheds and shelters. The main school grounds will be enclosed by a 2.4 metre expanded metal perimeter fence, albeit the car park will remain open apart from perimeter landscaping to help soften its impact.
- 6.15 A key element of the proposal relates to the replacement of the existing playground with a new modern purpose built playground nearby on Parc y Werin, to the south of the bowling greens. The new playground will be constructed as part of the first phase of works (this is also now a Planning condition), and will include re-use of some of the equipment as well as new equipment in an area of approximately 420 square metres.

- 6.16 The site is currently part of Parc y Werin and is designated as Community Recreation Land. The Unitary Development Plan Policy HC23 requires that proposals that involve the loss of land for community recreation purposes, whether in public or private ownership, will only be favourably considered subject to a series of criteria.
- 6.17 Only part of Parc y Werin would be developed as a result of the proposals. The existing full size football pitch is being retained along with the bowling greens and pavilion which are unaffected by the development and there is therefore an opportunity to enhance and improve the community facilities here.
- 6.18 The proposed development will bring about substantial community benefits. Not only would there be a relocated and upgraded playground with new equipment designed to meet the needs of local children but the proposals include a new community room within the school building which would be available for hire to community groups. Furthermore, the provision of a MUGA which would be made available to the community at weekends and holidays free of charge and an all-weather pitch would be made available for letting by community groups and sports clubs at weekends and holidays and the new car park will remain open during evenings and weekends so that it can be used by the community.
- 6.19 The proposals are also considered to help develop Parc y Werin as a community park, discourage antisocial behaviour and increase perceptions of the park as a place in the heart of its community available for people to relax and enjoy.
- 6.20 Furthermore, all pupils at the new school would have easy, direct and safe access to green space for lessons and for play, encouraging children to follow their sporting dreams. For the first time ever, pupils at Gorseinon Primary School would have the same degree of access to green space as pupils of nearby primary schools.

## **7. Community impact**

- 7.1 Delivery of a purpose built primary school on a new site will offer opportunities to engage the community in a range of activities by enhancing amenities and facilities in the area. Through community consultation the proposal seeks to develop community engagement within the new school building and its school community, where this is demonstrated to be sustainable.
- 7.2 The proposals include for a 'zoned' area within the school building which incorporates the hall and a community room; these will be capable of being available for community use subject to booking with the school. It will also provide opportunities to provide family learning and after school clubs.

- 7.3 The available development area is 3.212 acres incorporating two mini pitches, car park and a modestly equipped playground from a total of 8.77 acres at Parc y Werin. The proposals include for the relocation of the playground, and also the provision for the school of an all-weather pitch and MUGA. However, it is proposed to work with the school and community to design and establish a means by which the facilities can be shared between the School and the community.
- 7.4 A community use agreement has not yet been finalised, but this will be in place before the school take occupation of the new buildings. This is also now a Planning condition.
- 7.5 Work has been ongoing towards a community use agreement, as can be seen from the proposed site plan submitted as part of the planning application, the design of the external layout has been developed in conjunction with the School and the Authority's Community Sport and Leisure Team, to ensure that community use can be easily facilitated;
- 7.6 The all-weather pitch and MUGA sit outside the School's Secure by Design boundary fence and are only protected by ball stop fencing.
- 7.7 Access to the facilities is via gates from within the school's grounds, and also via gates outside the School's Secure by Design boundary fence.
- 7.8 They are sited in proximity to the car park and are served by a footpath outside the School's Secure by Design boundary fence.
- 7.9 Like many local authorities Swansea is undertaking commissioning reviews talking to external groups, and not-for-profit organisations and communities to see how facilities can be run in future. The running of the proposed facility at Gorseinon that will be made available to the community by the school also fits with this sustainable model for the future.

## **8. Concluding comments in relation to the proposed appropriation**

- 8.1 The purpose for the proposal is that the Council will be able to provide a fit for purpose school building for the local primary school accommodating 315 pupils plus nursery.
- 8.2 The legal considerations above demonstrate that it is for the Council to decide when it is appropriate to decide an area should change its use from Leisure use to Education purposes under the appropriation procedure, and attempts by some members of the local community to demonstrate that the general park is well used is not the sole consideration.
- 8.3 The size of Parc y Werin is 8.77 acres.
- 8.4 The overall proposed school site is 3.212 acres, which is 37% of the total park area.

- 8.5 Within that 3.212 acres the school building footprint is 2275 m sq. which is approximately 0.562 acres, and 6.4% of the total park area.
- 8.6 Within that 3.212 acres, the remaining external area is 2.65 acres, of which the car park, MUGA and all-weather pitch will be made available for community use.
- 8.7 As a consequence only 2.463 acres will be taken away from community use.
- 8.8 The community facilities within the park will be upgraded; whilst the junior pitches will be lost, the park will benefit from a new all-weather pitch, and MUGA.
- 8.9 The existing playground will be relocated and upgraded with new equipment.
- 8.10 A contribution will be made from the project to further compensate for the loss of the pitches which it is intended will support the new full size 3G pitch at the Penyrheol Comprehensive School site.
- 8.11 In consideration of all of the above, and the proposed enhancements and community benefits, it is therefore concluded that the land to be appropriated is no longer required for the purpose for which it was held immediately before the appropriation.

## **9. Equality and Engagement Implications**

- 9.1 A full Equality Impact Assessment has been drafted (appendix D) (and will be progressed throughout the life of the scheme) and shows that this scheme will have a positive impact on.
- 9.2 *Age* – Gorseinon Primary School is a school for pupils aged 3-11 years. This scheme will have a very positive impact on the Education of all 3-11 year olds who attend the school in the future.
- 9.3 *Disability* – The design, delivery and implementation of this scheme has taken full consideration of the social model of disability, which recognises that people are disabled by the barriers of society (e.g. physical, environmental, organisational, and attitudinal, communication, etc.) rather than by any physical condition. The design of the new buildings and the running of the school in the future will ensure that ALL the pupils and staff can make the most of their new environment.
- 9.4 *Welsh* – All public signage within the school will be bilingual.



## 10. Financial Implications

### Capital

- 10.1 The WG announced its support in principle for an agreed programme of school building improvements in December 2011. This programme – termed Band A of the 21<sup>st</sup> Century Schools Programme - entails the Welsh Government providing a 50% contribution in relation to schemes costing £51.31 million. The Council is expected to provide the remaining 50% contribution.
- 10.2 The schemes included in both phases of the programme were summarised in the Capital Budget and Programme report presented to Council on the 9 February 2017 with the budget for Gorseinon being £6.080million.
- 10.3 Tenders were received on 30 April 2015 for the above scheme, with Andrew Scott Ltd. emerging as the successful contractor with a tender figure of £4,676,094.00.
- 10.4 It is now anticipated that subject to Cabinet agreeing to the proposed appropriation, that the contractor will start on site in January 2018, and officers have therefore been in discussions with Andrew Scott Ltd. to agree the increase applicable to the delayed start should the scheme proceed.
- 10.5 Andrew Scott Ltd have subsequently revised their costs due to the two year delay in start date and have now presented a revised cost submission for the sum of £5,170,116, which represents an increase of £413,355.
- 10.6 Based on the information provided, current forecasts and the proposed site start date, officers consider the requested increase to be reasonable and justifiable.
- 10.7 During the design development of the scheme, a number of client changes were requested on technical items and a planning condition relating to drainage was submitted, which made information contained within the tender document incorrect, therefore leading to additional costs of £80,666.87.

The changes are shown in the breakdown below.

Andrew Scott Ltd. Tender Sum	£4,676,094.00
Client led changes	£80,666.87
<b>Sub-total</b>	<b>£4,756,760.87</b>
Delayed start costs	£413,355
<b>Total</b>	<b>£5,170,116</b>

It has also been possible to reduce some of the provisional sums in the cost plan, so that the net cost increase overall is £370,424. The revised cost plan is summarised as follows;

	<b>Expenditure</b>	<b>£</b>
1	Construction	£5,170,116
2	Community facilities & playground relocations	£50,000
3	Surveys and external fees	£350,000
4	Additional Traffic Measures	£300,000
5	CBPS Fees	£217,000
6	Education Fees	£90,000
8	Digital Learning	£40,000
9	Decant	£120,000
	<b>Total</b>	<b>£6,337,116</b>
11	Optimism bias @ 1.788%	£113,308
	<b>Total</b>	<b>£6,450,424</b>

- 10.8 Any sum to compensate the Housing Revenue Account in the event of the appropriation of land currently held for housing purposes and presently valued at £25,200 will be contained within the overall cost of the scheme.
- 10.9 The £370,424 less the retention of £77,567 which will slip to Band B 2019/20 can be accommodated within the overall programme funding envelope utilising uncommitted sums remaining within the programme, arising in part from savings achieved in other schemes.
- 10.10 A change request to the Strategic Outline Programme has been submitted to WG and we are awaiting confirmation. Until the Council receives the revised offer of the grant from WG the successful contractor will not receive confirmation to proceed with the project. Details of the revised estimated cost and funding are set out in Appendix C.

#### Revenue

- 10.11 The school's operational revenue costs will continue to be appropriately funded by way of budget share of the total schools delegated budget provided in 2017-18 budget and future years as set out in the medium term financial plan.
- 10.12 All schools are funded on a consistent and transparent basis and the new build on a single site will mean that the school no longer requires split site funding (which is provided to reflect the additional costs incurred when a school operates across more than one site).
- 10.13 Furthermore, there are currently two kitchens operating, at each of the infant and junior sites. The new build will have a single kitchen which will result in a direct revenue saving.

## **11. Legal Property Implications**

- 11.1 The advice of the Head of Legal, Democratic Services and Business Intelligence is as follows: Section 122 (1) of the Local Government Act 1972 provides that 'a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation'.
- 11.2 The key procedural points are;
- The land must already belong to the Council;  
The land must be no longer required for the purpose for which it is currently appropriated; and  
The purpose for which the Council is appropriating must be authorised by statute.
- 11.3 The case of *Dowty Boulton Paul v Wolverhampton Corporation* (1973) established that the local authority is the sole judge of whether or not the land in question is not required for the purpose for which it is held immediately before the appropriation and its decision cannot be challenged in the absence of bad faith.
- 11.4 As with most administrative decisions made by public authorities, the decision to appropriate land is subject to challenge by judicial review. If private rights or alleged town and village green rights are to be overridden the Council must be especially careful. The Council must be able to demonstrate the purpose for the appropriation and that it has taken all the relevant considerations into account and not taken any irrelevant considerations into account. In particular, the Council must consider, having regard to the proposed new facilities for park users, and in the light of the representations made following the consultation exercise, whether that part of Parc y Werin to which the proposed appropriation relates, is no longer required for the purposes for which it is presently held.
- 11.5 The Council's decision must be based on the available evidence and be rational in the sense that it cannot be said that no reasonable local authority could, on the evidence before it, have arrived at that decision: *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) 1 KB 223).
- 11.6 The proposal to appropriate must be the subject of a comprehensive report and decision record or minute, which should evidence that the Council intends to formally appropriate the land under s.122 of the Local Government Act 1972.

- 11.7 Cabinet must be of the view that the land is no longer required for the purpose for which it is currently appropriated.
- 11.8 In addition, s.122 (2A) of the Local Government Act 1972 provides that 'A principal council may not appropriate under subsection 122(1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them'.
- 11.9 The Council has now published notices and complied with the provisions of s.122(2A).
- 11.10 It is essential when coming to their decision that Cabinet consider all objections received and make their decision on all the evidence before them.
- 11.11 The Head of Legal, Democratic Services and Business Intelligence has carried out a report on title on the land and has confirmed that there are no constraints that would affect the proposals.

## **12. Legal and contract procurement implications**

- 12.1 The original contract award to Andrew Scott was approved by Cabinet on 16 July 2015 and Andrew Scott has subsequently undertaken pre construction works in order to develop the scheme. The contractual position between the Council and Andrew Scott has been regulated to date through Letters of Intent to protect the Council's position.
- 12.2 Future contractual liabilities/obligations will be covered by appropriate contract documentation to be prepared and approved by the Head of Legal, Democratic Services and Business Intelligence. The increase in the contract sum is permissible as a contract modification pursuant to Regulation 72 Public Contracts Regulations 2015. The Council's Contract Procedure Rules also require increases in the original contract value to be reported and monitored.

## **13. Property Implications**

- 13.1 It is proposed that a further report is brought to Cabinet to consider the future of the three sites following vacation by the school.

### **Background Papers:**

- Report to Cabinet 16 July 2015 Cabinet - 21st Century Schools Programme – Gorseinon Primary School
- 2015/2074 Land at Parc y Werin, Gorseinon, Swansea SA4 4UX - Report to Planning Committee 8 December 2015

- 2015/2074 Planning Statement
- 2015/2074 Planning Design and Access Statement
- 2015/2074 Planning Play Space Provision letter
- 2015/2074 Planning Decision Notice
- Capital Budget and Programme 2016/17 - 2020/2021 approved by Council 23 February 2017

**Appendices:**

<b>Appendix A</b>	Site plan
<b>Appendix B</b>	Proposed site layout plan
<b>Appendix C</b>	Financial Implications: Summary
<b>Appendix D</b>	Equality Impact Assessment