

NIG /73/57/1

20 November 2015

Development Planning and Environment Manager,
West Lothian Civic Centre,
Howden South Road,
Livingston,
West Lothian,
EH54 6FF

Dear Sirs,

**WEST LOTHIAN LOCAL DEVELOPMENT PLAN: PROPOSED PLAN
REPRESENTATION ON BEHALF OF BIZSPACE LIMITED:
FLEMING HOUSE, SIMPSON PARKWAY, LIVINGSTON**

We are instructed by Bizspace Limited, to make representations to the Local Development Plan Proposed Plan consultation with respect to property they own, at Fleming House, Simpson Parkway, Livingston.

A written representation prepared by Rapleys LLP has been electronically uploaded to the Online Consultation Response portal at https://www.esurveycreator.co.uk/s/WLC_PROPOSEDPLAN

The representation objects to the Local Development Plan proposed plan proposal to designate land occupied by Fleming House within the defined Employment Area boundary where Policy EMP1 Safeguarding and Developing Existing Employment Land applies. The objectors are seeking removal of the site from the existing Employment Area and redefinition for mix of uses which will be demonstrated below, remain compatible with Policy EMP1.

As is evidenced within the attached supporting statement, the site provides a small scale, effective and deliverable opportunity for future housing development in West Lothian. There is a current lack of available small scale housing opportunities. There is a falling demand for the type of serviced business accommodation as exists at Fleming House. The site therefore provides an opportunity to contribute towards the strategic housing development objectives of the Local Plan through the re-use of the site for a use in need, and within a sustainable brownfield location.

The re-allocation of this land for housing, would secure a new use for the underutilised site. The new use has less risk to cause a detrimental impact on the local amenity, and would be compatible with the surrounding mix of uses within a parkland setting.

In summary, our client's are actively seeking the redevelopment of the site to housing and consider the removal of this site from the existing defined Employment Area boundary will help expand its re-use potential within the forthcoming LDP.



Should you require any additional details, please do not hesitate to contact me.

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Yours sincerely,

Neil Gray MA(Hons), MSc, DipTP MRTPI
Partner – for and on behalf of Rapleys LLP



Fleming House – Simpson Parkway, Livingston

West Lothian Proposed Local Development Plan Consultation – November 2015

Located on Simpson Parkway, the site is located towards the western edge of Livingston, within Kirkton Campus, an existing established industrial/business park (Appendix 1). Fleming House is a two storey business/industrial unit, offering 1,477 m² business space, with units ranging from 167 sq ft to 4,195 sq ft (15 sq m to 389 sq m). It offers flexible managed workspace for companies looking for office or workshop premises. Under agreement, company's can rent space for a short duration of a few months or alternatively opt for a longer term arrangement on space for lease. These options provide extremely adaptable solutions to suit companies specific business needs when looking for commercial space for rent in Livingston. However, the market has been in significant decline for this type and format of business space at this location. Currently there is only a 67% occupancy and market interest has been extremely challenging despite refurbishment of the premises, landlord incentives and other innovative marketing techniques to attract further occupiers.

The current Employment Area designation within the context of a challenging business space property market, as described above, does not offer the landowner certainty about future re-development prospects. Rapleys has undertaken "soft" marketing of the site to potential housebuilding interests to gauge market interest. Whilst there is interest, these companies are not willing to fully commit without the certainty of a Local Development Plan allocation despite the locational attraction, the availability of land, free from constraint and a willing landowner.

Fleming House is bounded by an area safeguarded for open space both to the east and the north of the site. The site is currently identified in the adopted West Lothian Local Plan 2009 (WLLP) as being situated within an Employment Land Area Boundary (Policies EM 5-6). These policies seek to protect the redevelopment or loss of employment land to other uses not supported by the policy unless as per Policy EM6 "*there is a clear demonstration of the direct benefits to those working in that employment area and where:*

- a. the retention of the site or premises for use classes 4, 5, and 6 had been explored without success;*
- b. the use would not restrict the range of uses which can be carried out by businesses and industry on nearby sites; and*
- c. the proposed use would cause no traffic, amenity or environmental problems."*

Given the evidence of poor market interest for any business/industrial use at this location (see Appendix 2), the landowner wishes to persuade West Lothian Council to allocate the site for housing development given the current shortfall of suitable, deliverable housing sites with Livingston and West Lothian. It is believed that the site provides a ready made, effective opportunity for housing development.

Market evidence demonstrates that the need for employment land of this type and stock within Livingston and West Lothian is less and unlikely to pick up in the new LDP life. A recent report provided by Ryden states that; "*Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector.*" (Appendix 3) However demand for housing West Lothian of the right type and scale remains strong given the areas prime location and connections to Edinburgh, Glasgow and other key

employment areas within West Lothian along the M8 corridor. As such, we strongly believe that the site should be retained as a housing allocation in the forthcoming Local Development Plan, providing an ideal location for a deliverable housing development of 50-60 units.

This representation aims to demonstrate that there is an over supply of serviced employment space of this stock and that a future economic viable use is to re-develop the site for residential use. The residential use is effective because as a small scale site it can be delivered in a short period of time and can be readily integrated into the existing urban form.

Changed Ownership

Bizspace Limited recently acquired the Fleming House property from a portfolio belonging to Highcross Strategic Advisers Limited. The new owners have undertaken a strategic review of its portfolio of sites. Amongst a range of options following that review, Bizspace Limited wish to explore re-development options for the property given the weak market performance for serviced office accommodation. A range of uses, including retention of a reasonable level of business space, is proposed. The uses may include ancillary supporting services (such as childcare, self-storage/"pop up" storage) with residential use required to enable the development to occur. Re-definition of the proposed employment area boundary to accommodate the proposed uses would help Bizspace Limited plan with greater certainty in the short to medium term by securing planning permission for a mixed use residential led development.

Poor Market Interest for Business Space of this Type

Given the evidence of poor market interest for business/industrial use at this location (there are currently 12 vacant units within the business centre, totalling a combined floorspace of 670 sq m or only 67% occupancy rate) (see Appendix 2), the landowner is seeking West Lothian Council to relax the safeguarded uses for this site to expand the potential of the site for redevelopment within a mix of uses, including residential.

Market evidence demonstrates that the need for employment land of this type and stock within Livingston and West Lothian is now much reduced, and unlikely to pick up in the new LDP's life. A recent report prepared by Ryden states that; "*Areas such as Fife, West Lothian, Falkirk and Grangemouth have experienced a reduction in enquiries from this normally active (industrial) business sector.*" (Appendix 3) However demand for housing in West Lothian of the right type and scale remains strong given the area's prime location with good strong transport connections to Edinburgh, Glasgow and other key employment areas within West Lothian along the M8 corridor. As such, we strongly believe that the site should be retained as a housing allocation in the forthcoming Local Development Plan, providing an ideal location for a deliverable housing development of 50 - 60 units.

Opportunity for Change of Use Compatible

The site is located in a predominantly business/industrial area set within mature parkland. However the vacancy rate for most units in the vicinity, coupled with the high number of undeveloped opportunity sites for employment uses, does not create the image of a busy commercial business area nor does it offer confidence that future investment will be forthcoming to meet the Council's requirements. The site is highly accessible, with frequent bus services running around the town providing connections to further beyond. The redevelopment of this site to a mix of ancillary uses, led by housing, would therefore not be out of keeping with the place setting, and can be readily adapted to accommodate the wider range of uses proposed. On the

contrary to do nothing, continue to operate an underutilised out of date business centre would cause future detriment to the overall parkland amenity of the area through lack of occupation, further vacancy and potential degradation of the local environmental quality as a result.

This representation aims to demonstrate that there is an over-supply of serviced employment space of this type of stock and that a future economic viable use is to re-develop the site for a mix of supporting uses, led with residential. The residential use is effective because as a small scale site it can be delivered in a short period of time and can be readily integrated into the existing urban form.

Employment Land

The site is located within the Kirkton Campus Employment Area Boundary, however it is not specifically allocated as an employment site within the campus itself. Kirkton Campus provides business accommodation for primarily Class 4, 5, and 6 uses. The Employment land Allocation provided in Appendix One of the Proposed Plan (see Appendix 4) suggests that due to the decline in demand for the properties on site, there is a need to diversify the acceptable use classes as defined in the Town and Country Planning (Use Classes) (Scotland) Order 1997 ; from the familiar Class 4,5,6 (business, general industry, storage and distribution) to include Class 2 – Financial/Professional Services or other uses not in a class of their own e.g. sui generis. As such, it is evident that there is now a surplus of Employment land available within Livingston and West Lothian.

A review of the property's planning history shows that planning permission was granted in 2013 for the change of use of 3 units within Fleming House to change from office space to Fitness Centre – reference 0809/FUL/12 (see Appendix 5). This strengthens our evidence that a need for serviced office accommodation of this form and scale within West Lothian is no longer high in demand should other compatible uses be proposed where there is a market interest. With the building now ageing and with more superior and better located premises available elsewhere within West Lothian the landlord cannot justify rental values to compete with these other locations. The quality of location, building and purpose is a definitive factor and as such any risks to losing further occupiers may lead to a downward decline of the property itself. This is not a desirable position to reach. Bizspace Limited is therefore looking for support and future certainty from the Local Plan process to help stem this effect.

With Livingston and the wider West Lothian area seeing a decline in the demand for office accommodation of this scale, the evidence suggests that alternative uses are being considered by the council to prevent an increase in vacant properties. As such, it is believed that this site provides an excellent opportunity for quick and effective housing development which would contribute towards the strategic requirements whilst offering a wider flexible mix of business uses that are compatible and viable at this location.

Housing

Measuring a total area of 2.7 acres (1.1 ha), the site is relatively small in comparison with other large housing sites allocated and preferred in the emerging LDP Proposed Plan. It would be expected that the site could accommodate between 50-60 residential units. This small number

would provide a deliverable source of housing for Livingston without the need to use greenfield land, or to extend the town into the urban edge.

Scottish Planning Policy (SPP) para 40 requires spatial strategies within development plans to promote a sustainable approach to redevelopment. It requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this, decisions should be guided by the following policy principles:

- optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;
- using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;
- considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;
- considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and
- locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.

The Strategic Development Plan (SESPlan) Policy 5 – Housing, identifies that for the period from 2009 up to 2024, there is a requirement for sufficient housing land to be allocated so as to enable 107,545 houses to be built across the SESplan area, including on land which is currently committed for housing development. 22,300 of this required is required to be delivered within West Lothian.

It was the intention of West Lothian Council to deliver this requirement, through a number of Core Development Areas (CDA's) which would provide large scale housing delivery along with associated infrastructure and services. However, given the financial crash, these growth areas were not as successful as hoped and did not deliver the housing figures as expected given the large scale of the developments. Small sites such as the Fleming House property can therefore provide a certain, short term boost to the housing land requirement with little large scale investment in infrastructure needed for other CDA locations.

The West Lothian Housing Land Audit (2014) identifies a total supply of 22,315 houses may be delivered across West Lothian between 2014 and 2019. This figure matches the SESplan requirement but it only offers a snap shot of the projected supply in any given year and therefore cannot be the single only source of projecting future housing land performance. Despite the total supply, around 7,953 of these sites are identified as constrained. With many of these likely to be slow or unlikely to be delivered for a number of reasons; the council should seek to find alternative sites to replace and enhance the supply. The redevelopment of Fleming House for a residential led mix of uses would provide certainty to the landowner as SPP emphasises the role of Development Plans (para 120) is to provide certainty. This approach would help Bizspace Limited to formally market the site with a clear disposal strategy and enable genuinely interested commercial development companies to deliver housing in future.

PAN 2/2010 identifies the criteria for effective housing supply. We have used the criteria to assess the effectiveness of the site, i.e. that it can be delivered. Guidelines state that it must be demonstrated that within the five-year period beyond the date of the audit the site can be developed for housing (i.e. residential units can be completed and available for occupation), and will be free of constraints on the following basis:

- land ownership: the site is in single ownership has no issue releasing it for development.
- physical: the site is free from constraints related to slope, aspect, flood risk, ground stability and vehicular access
- contamination: previous use has not resulted in contamination of the site
- marketability: the site can be developed in the period under consideration, with several house builders already showing a keen interest;
- infrastructure: the site is well connected to the existing roads network, in an established urban area, with existing public transport connections
- land use: housing is the sole preferred use of the land in planning terms with marketability point to housing being a realistic option.

Para 58 of PAN 2/2010 advises that Local Authorities should “ensure that at all times sufficient effective land is available to meet the housing land requirement for at least the following 5 years.”

A mixed use, residential led development at Fleming House would provide a sustainable and deliverable source of housing which is in high demand for this region. In keeping with the surroundings, development in this area would benefit from existing services and infrastructure and could be delivered without compromising the amenity of surrounding land uses.

Within a constant changing market, the projected figures generated in the HLA were compiled in 2012/13 when the market was less prosperous than at present. Given the recent improvements to the house market across West Lothian and the wider SESPlan area, it is important that a plentiful and effective allocation of sites is available for delivery.

Conclusion

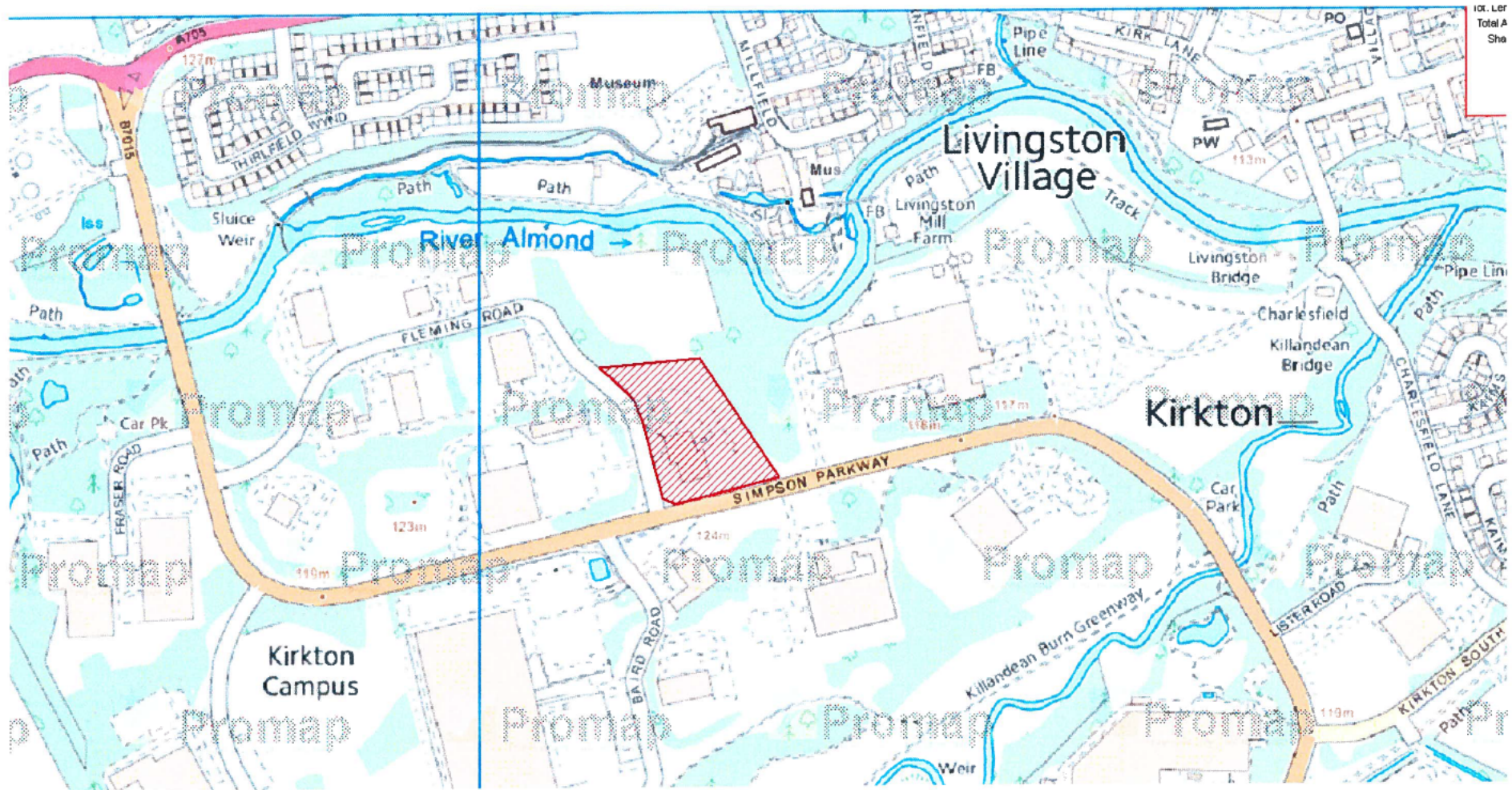
Bizspace Limited objects to the designation of property at Fleming House within the existing Employment Area and seeks this definition to be relaxed to enable a wider range of commercial uses, to support a residential led scheme to be developed here.

A redefinition of the site within the emerging replacement LDP would provide certainty to the new owners and enable it to extend the “soft marketing” recently conducted with interested housebuilders to advance the redevelopment of the site.

We have demonstrated the business space itself is no longer attractive to the weak market for this type of office stock and there are better, higher quality locations and office facilities elsewhere within a reasonably over-supplied office stock in West Lothian. The loss of this use at this site is therefore acceptable given other, better opportunities elsewhere.

We have demonstrated the demand for smaller, quicker deliverable housing sites of the scale, position and type suited to this site is good, as the housebuilding sector recovers. This is evident across all sizes and products – more specifically mid market products, and for affordable needs would be best suited to this location. The land is available and can be delivered in the life of the new plan.

Fleming House - Site Plan





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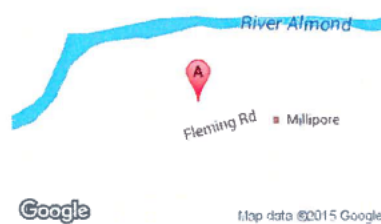
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This centre is within Kirkton Campus, which houses a wide range of international companies and also benefits from close proximity to the Almonvale Shopping Centre. This site lies to the west of Livingston town centre and is accessible from both Junction 3 and 3a of the M8 Edinburgh to Glasgow motorway. Access is further enhanced with Edinburgh International Airport approximately 14 miles away.



This centre in Livingston comprises a 15,905 sq ft (1,477 m²) business centre with units ranging from 167 to 4,195 sq ft (15 to 389 m²). It offers flexible managed workspace for companies looking for office or workshop premises.



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- Underground N/A
- Train Station Livingston North
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- Airport Edinburgh Airport

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