



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Development Management Manager

1 DESCRIPTION AND LOCATION

Change of use from general industrial (Class 5) to gymnasium (Class 11) at Unit 7, 26 Brewster Square, Brucefield Industrial Estate, Livingston.

2 DETAILS

Reference no.	0686/FUL/11	Owner of site	The Brucefield Estate Trustee Company Limited
Applicant	Astro Gymnastics Trust	Ward & local members	Livingston South L Fitzpatrick P Johnston D Logue J Muir
Case officer	Steven McLaren	Contact details	01506 282404 steve.mclaren@westlothian.gov.uk

Reason for referral to Development Management Committee: Proposals recommended for approval contrary to development plan.

3 RECOMMENDATION

Grant planning permission

4 DESCRIPTION OF THE PROPOSAL AND PLANNING HISTORY

- 4.1 The proposal is for the change of use of an industrial unit from general industrial (Class 5) to be used as a gymnasium (Class 11).
- 4.2 The building is located on the northern periphery of Brucefield Industrial Park with vehicular access being from both Calder Road on the north of the building and Brewster Square on the south side of the building.
- 4.3 There are 20 car parking spaces serving the 4 units in the block and pedestrian access links with the footpath network to Bellsquarry and surrounding area.
- 4.4 The gymnastics club currently operates from West Lothian College but due to restrictions at that location, an alternative location is sought.

- 4.5 It is a matter of fact that in the current economic climate a broad range of commercial and industrial premises on industrial estates are lying vacant. On 1 December 2011 the Development and Transport Performance Development and Scrutiny Panel (D&TPDSP) agreed to the preparation of Supplementary Planning Guidance (SPG) which will consider the use of employment land and premises for other uses. Even though the current proposal is contrary to policies on the use of industrial land in the development plan, the commencement of the SPG is a material planning consideration.
- 4.6 The units were originally granted planning permission by Livingston Development Corporation.

5 PLANNING POLICY ASSESSMENT

Plan	Policy	Assessment	Conform?
Edinburgh and the Lothians Structure Plan (ELSP)	ECON 1 (Economic land supply)	Local plans should include policies and, where appropriate, proposals to support development of the established economic land supply. Local plans should review the established supply of of business and industrial land and; <ul style="list-style-type: none"> a) where appropriate, reallocate to other uses sites no longer suitable for industrial or business use; and b) consider the need to replace some or all sites lost from the established land supply and allocate suitable replacement sites. Such sites would be in addition to the provisions made for new allocations in policies ECON 2 and ECON 3. <p>The application site lies within an allocated employment area in the West Lothian Local Plan. The proposed leisure use does not accord with this policy.</p>	No
ELSP	RET1 (Sequential Approach to the Location of Retail and Commercial Leisure Developments)	New retail, commercial and other developments appropriate for town centres should be located in accordance with the following priorities, depending on the availability of suitable opportunities within the expected catchment area of the proposed development: within a town centre; on the edge of a town centre or sufficiently close to form an effective extension to the centre; within another established shopping location; on the edge of such established shopping locations or elsewhere within an existing or planned urban area defined in the local plan. The proposals would have to undergo a sequential test to confirm that other sites had been investigated. A sequential test has not been carried out although there is a supporting statement from the applicant.	Partly

Plan	Policy	Assessment	Conform?
West Lothian Local Plan (WLLP)	EM2 (The supply of employment sites)	The employment sites shown on the land allocation plan are allocated for business, general industrial, storage or distribution uses (Classes 4, 5 & 6). The proposed use is for Class 11 (assembly and leisure) which does not accord with the local plan.	No
WLLP	EM5 (Employment areas and estates)	The expansion, conversion or re-development of premises within the areas shown on the proposals map, and on other established sites, will be encouraged for uses falling within classes 4, 5 and 6, or as restricted in policy EM 2 and specified in Appendix 5.1. The proposed use is for Class 11 (assembly and leisure) which does not accord with the local plan.	No
WLLP	EM6 (Employment areas and estates)	Planning permission for uses other than Classes 4, 5 & 6 within employment sites will not be granted unless there is a clear demonstration of the direct benefits to those working in that employment area. No such demonstration has been made in this case.	No
WLLP	TC1 (The sequential requirements)	New retail, commercial leisure and other developments appropriate to town centres should be located in accordance with the sequential principles, depending on the availability of suitable opportunities. The application site lies within an allocated employment area in the West Lothian Local Plan. The proposed leisure use does not accord with this policy of employment land supply	No
WLLP	TC3 (Town centre growth opportunities)	Livingston Town Centre is the preferred location for retail, leisure and entertainment developments appropriate to town centres. Proposals for such developments outwith Almondvale Town Centre which fail the sequential test or which detract from the centre achieving full sub-regional status, will be resisted. The proposals would have to undergo a sequential test to confirm that other sites had been investigated. No sequential test has been carried out however a supporting statement has been provided.	Partly

Also of relevance is Scottish Planning Policy (2010) and Planning Advice Note 75: Planning for Transport. Consideration must also be taken of the D&TPDSP's decision on 1 December 2011 to approve a paper: Supplementary Planning Guidance (SPG) - Non-Employment uses within Industrial Areas - Initiation of Consultation Process - Report by Head of Planning and Economic Development

6 REPRESENTATIONS

The application has been advertised in the local press and the period for comments has expired. No representations have been received.

7 CONSULTATIONS

This is a summary of the consultations; the full responses are contained in the application file.

Consultee	Comments	Planning Response
Transportation	No objections	Noted.

8 ASSESSMENT

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Development Plan: Edinburgh and the Lothians Structure Plan

- 8.2 The site lies within the employment area of Brucefield Industrial Estate. Appropriate uses within the designated employment area of Brucefield Industrial Estate relate to Use Classes 4, 5 and 6, Business, General Industrial and Storage or Distribution uses. The introduction of a Class 11, assembly and leisure use within the property does not accord with the structure plan policy on the provision of employment land and consequently, the development is contrary to policy ECON 1 of the ELSP.
- 8.3 Leisure uses are more appropriate for town centres or close to the edge of town centres. A sequential test needs to be carried out to assess whether the proposed location has been assessed against the availability of suitable space within appropriate town centre locations. A sequential test has not been carried out however, the applicant has provided a statement in support of the proposals. Nevertheless, the proposal is contrary to policy RET 1 of the ELSP.

West Lothian Local Plan

- 8.4 There are a number of policies within the WLLP which are relevant in this case. Four of these, EM2, EM5 and EM6 seek to protect employment areas and resist development not falling within use classes 4, 5 or 6, unless there is a clear demonstration of the direct

benefits to those working in that employment area or there is a compatibility with adjacent uses. The proposal does not demonstrate a benefit to the employment area in relation to these policies, and in this regard, the proposals are contrary to EM2, EM5 and EM6 of the WLLP.

- 8.5 WLLP policies TC1 and TC3 seek to ensure shopping and leisure uses are located within or close to town centre locations. There is a requirement in the local plan for sequential testing to be carried out as an assessment of the availability of premises within town centres, adjacent to town centres or within/adjacent to other local shopping areas. A sequential test has not been carried out although a supporting statement has been submitted, nevertheless, the proposal is contrary to policies TC1 and TC3 of the WLLP.

Other Material Considerations

- 8.6 Scottish Planning Policy (2010) is a material consideration. SPP defines town centres as being the focus for a mix of uses including retail, leisure, entertainment, recreation, cultural and community uses. The proposal as a Class 11, assembly and leisure use, is more appropriate for a town centre location in this regard. SPP also states that a sequential approach needs to be applied to the siting of retail and commercial leisure uses. No test has been applied in this case.
- 8.7 In conclusion, it is clear that the use of employment land for class 11 (assembly and leisure) use is contrary to the development plan. Against this background however, there are now changed circumstances that, in this case, allow the development plan presumption to be set aside.
- 8.8 Members will be aware of the numerous occasions that recommendations to members on similar planning applications have been overturned. In turn, this has given rise to the commencement of supplementary planning guidance to review the approach currently set out in the development plan. The report to the D&TPDSP agreeing to the commencement of the SPG is now a material planning consideration.
- 8.9 It is unlikely that class 11 uses are suitable for all vacant industrial and commercial buildings. Matters such as road safety, the character of existing uses and the appropriateness of the premises are all site specific matters that need to be addressed. However, in the context of the current proposal, there are grounds to allow the change of use.

9 CONCLUSION AND RECOMMENDATION

- 9.1 The applicant currently operates out of West Lothian College on Monday and Thursday evenings and during the day on Saturday. The venue is restrictive for the applicant, who requires premises to facilitate this use on a more permanent basis, in so far as the gym hall is used by many sports, and setting up/clearing time is required, bringing heavy equipment from an external storage container. The cancellation of classes is an issue as the hall at the college is required for other uses and the class times are restrictive.

- 9.2 By operating from a different site, the club would be able to install a permanent sprung floor, increase class numbers, maintain a regular class schedule and improve the training facilities available to aspiring gymnasts. The use of the industrial unit at Brewster Square would help to achieve this goal.
- 9.3 In the context of the current surplus of employment land, the emerging SPG and the suitability of the premises in physical and land use planning terms, it is recommended that planning permission is granted, contrary to the development plan.

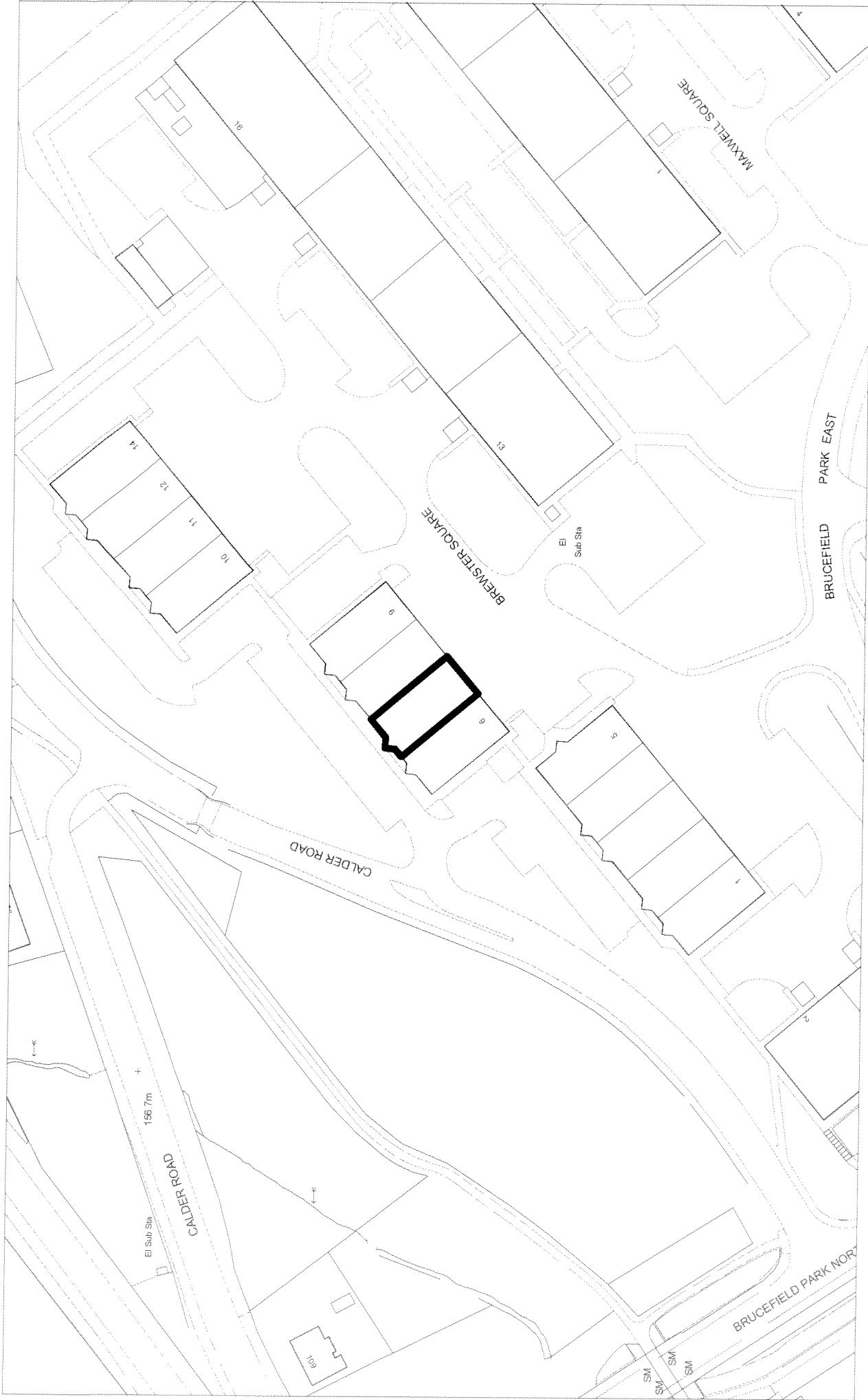
10 ATTACHMENTS

- Location plan
- Draft conditions
- Supporting statement



CHRIS NORMAN
Development Management Manager

Date: 14 December 2011



0686/FUL/11



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DRAFT DECISION - APPLICATION 0686/FUL/11

- 1 Unless otherwise agreed in writing with the planning authority, the Class 11 use hereby approved shall be operated as a gymnasium by Astro Gymnastics Trust.

Reason *To define the terms of the consent*

NOTE *Notes to developer:*

This planning permission lapses on the expiration of a period of 3 year (beginning with the date on which the permission is granted) unless the development to which the permission relates is begun before that expiration.

NOTE *Notification of the Start of Development:*

It is a legal requirement that the person carrying out this development must notify the planning authority prior to work starting on site. The notification must include full details of the name and address of the person carrying out the development as well as the owner of the land and must include the reference number of the planning permission and the date it was granted. If someone is to oversee the work, the name and contact details of that person must be supplied. A form is enclosed with the planning permission which can be used for this purpose. Failure to provide the above information may lead to enforcement action being taken.

Notification of Completion of Development:

The person who completes this development must, as soon as practicable after doing so, give notice of completion to the planning authority. A form is enclosed with the planning permission which can be used for this purpose.

13 OCT 2011

0686 / 11

VALIDATION
DATE

REF. No.

STATEMENT

IN SUPPORT OF

APPLICATION BY ASTRO GYMNASTICS TRUST

BACKGROUND

Astro Gymnastics Club is a "not for profit" organisation which is accredited to West Lothian Council and Scottish Gymnastics. It was founded in 1996 at which time a gymnastics package was developed for children aged 18 months to 20 years and beyond into coaching if that was a route any gymnast wished to take. Approximately 100 gymnasts attend classes every week. Astro teaches acrobatic gymnastics and these have been defined as "a sport which combines the power and athletic prowess of tumbling and artistic gymnastics with the grace, artistry and presentation of dance". The club strives to provide a positive, stimulating and safe physical environment in which gymnasts can achieve their potential through an effective partnership involving coaches, parents and the wider community. Our gymnasts follow the Scottish Gymnastics Award Scheme and attain badges and certificates for their achievements. They perform in our Annual Display and can progress into our competition Group. The gymnasts in this group take part in Scottish Development Squad training and some qualify for the British Finals to represent West Lothian and Scotland. Astro Gymnastics Trust has recently been constituted and an application for charitable status has been submitted to OSCR.

CURRENT SITE AND RESTRICTIONS

The Club currently operates within West Lothian College with its classes taking place during the evenings of Monday and Thursday and during the day on Saturday. Unfortunately however there are many restrictions upon the activities of Astro Gymnastics inherent with this venue. The main restrictions are as follows:-

(a) Lack of a sprung floor

The Sports Hall within West Lothian College is of course used for many sports beyond gymnastics and so the mats and all the equipment used by Astro requires to be brought out at the start of each class and lifted again and stored in a container situated outside the hall at the end of each class. This is

very time consuming for the coaches who carry out this task, meaning they require to attend at the premises well in advance of the commencement of each class, and remain behind for some time after each class, in order to set up the equipment for the children and clear it away again afterwards. Furthermore the mats are very heavy and require considerable strength to move them and get them into place. Our ultimate aim is, instead of using mats, to have a sprung floor upon which the children can train but that is a fixed piece of equipment and is not something which can be purchased and laid in a facility which is open to the public.

A sprung floor is a piece of apparatus which would be of considerable benefit in training our performance gymnasts. Such flooring is in use at all of the major competitions which our gymnasts attend and given they have not had a sprung floor to train upon in practice sessions they are at a disadvantage from the outset. Despite that their track record at all major competitions is impressive but this is testament to all of their hard work and that of their coaches and the hours of practice put in. Parity for Astro's gymnasts alongside their competitors is sought and the only way that can be achieved is if we are in a position to move our classes to a location where we can lay such flooring. As things stand at present our gymnasts require to travel twice a month to Edinburgh or Falkirk to use facilities which have sprung floors.

(b) Cancellation of classes

An additional disadvantage with running our classes at West Lothian College is the fact that frequently our classes have to be cancelled because the Sports Hall is required for some other use. Sometimes we are told well in advance that there are certain dates upon which our classes will be unable to take place but on other occasions the notification we are given is short which means that parents and children require to be emailed or telephoned at the last minute which is far from ideal.

(c) Restrictions in available times for classes

We would like to be in a position to offer more gymnastics classes than are available at present. We always have lengthy waiting lists for our classes (currently in excess of 70 names are on our waiting list) and in addition to those that we currently offer we would like to be able to offer classes to groups with disabilities, nurseries, playgroups, adults and provide more preschool classes. We are not in a position to do this while operating within

West Lothian College because we are already using all of the time which the college can make available to us, whether daytime, evening or at weekends. Approximately 50 of our gymnasts are training at competition level and as a result of lack of training time available at West Lothian College these gymnasts are restricted to training 6 - 12 hours per week (and using inadequate equipment as referred to above) whereas their competitors from other regions are training 15 - 20 hours per week.

In summary, while West Lothian College is an excellent facility in many ways it does not suit our needs either at present or going forward.

PROPOSED NEW SITE

The premises from which we would like to operate Astro Gymnastics going forward are situated at Unit 7, 2b Brewster Square, Brucefield Industrial Estate, Livingston. This is an industrial unit and is one of the middle units in a terrace of four. None of these four units is currently occupied. The unit has a high ceiling, as would be expected in a standard industrial unit, which is critical for gymnastics where gymnasts are frequently practising routines which involve pyramids three high (see photographs marked 1 and 2 attached hereto for reference). The unit has an outer room (see floor plan attached)) which could be used as a reception area or alternatively as a changing area. There is a mezzanine level above said outer room which, with the addition of a staircase, could be used as a viewing area for parents or gymnasts awaiting the commencement of their class. Furthermore we have other interested parties who have indicated to us that they would wish to hold their own sports classes in any facility to which we ultimately move.

There is ample car parking available. There are 20 standard car parking spaces plus two disabled spaces situated to the front of the unit and twelve situated to the rear. All of these spaces are shared with the other three units within the terrace. The vast majority of children are simply dropped off for their class and collected by parents or guardians at the end of the class.

Access to the unit is via Calder Road which is the first entrance on the left after entering Brucefield Industry Park from the A71. Access to the back of the building and the car parking area situated to the rear is via the second entrance on the left after entering the Industrial Park. This means that vehicles travelling to and from gymnastics classes at Unit 7 would not at any point require to drive through the centre of the Industry Park. It is submitted that vehicles travelling to and from our classes would be highly unlikely to impact upon, let alone interfere with, other tenants of, or visitors to, the Industry Park.

While it is the understanding of the coaches of Astro that all gymnasts currently attending classes are brought to classes and collected from them by car, the position regarding public transport has been investigated and there is a safe route to Unit 7 along a short path from the bus stop on the A71 through Old Bellsquarry Village and along the edge of the terrace within which Unit 7 is situated. No one using buses to attend classes would therefore require to walk through the Industry Park proper. Furthermore the path which any pedestrian would require to take to access unit 7 is well lit. In any event coaches do not allow any of the younger children attending classes to leave their classes unless an adult is in attendance to collect them.

A number of photographs showing the access to the unit and also the path which would be taken by any pedestrian are attached for reference.

CONCLUSION

We are aware that the position adopted by the Council is likely to be that clubs such as Astro ought to be situated within, or closer to, the city centre but there are very few city centre buildings with the potential to accommodate a club such as ours (and indeed we are not aware of any premises within Livingston City Centre which would be suitable) and if such premises existed then the rental costs which would require to be met per annum would be prohibitive. The Unit within Brucefield Industry Park to which we would like to move is ideal for our purposes and would allow us to promote a healthy and active lifestyle to a far greater number of children and young adults than can be achieved at present. This will in turn create additional employment opportunities for coaches.

Finally while we appreciate that Unit 7 is located within an area designated for industrial purposes, currently all four industrial units in the terrace within which it is situated are empty. It is submitted that it would be of some benefit to the wider community to have this unit occupied by a club which will have classes running, and therefore vehicles coming and going, on various evenings during the week, and daytimes at the weekend, when other businesses nearby are closed. That must act as some deterrent to vandalism since the Industry Park is dependent solely on CCTV for security purposes during the evening and overnight.