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## **COUNCIL EXECUTIVE**

### **DISPOSAL OF LAND AT THE FORMER XCITE LIVINGSTON SITE, ALMONDVALE PARKWAY, LIVINGSTON**

#### **REPORT BY HEAD OF FINANCE AND PROPERTY SERVICES**

##### **A. PURPOSE OF REPORT**

The purpose of this report is to advise Council Executive of the outcome of the exercise to remarket the former Xcite Livingston site at Almondvale Parkway, Livingston and to seek approval for the sale of that site to Cruden Homes Limited for £3,116,248.

##### **B. RECOMMENDATION**

It is recommended that Council Executive:

1. Approves the sale of the site of the former Xcite Livingston, Almondvale Parkway, Livingston to Cruden Homes Limited for £3,116,248 on the terms set out in this report.
2. Authorises the Head of Finance and Property Services to carry out any further negotiations of the terms of sale for the property provided that any revised terms and conditions still represent best value for the council.
3. Notes that arrangements for the relocation of the "Symbiosis" sculpture have been agreed.

##### **C. SUMMARY OF IMPLICATIONS**

<b>I</b>	<b>Council Values</b>	Caring and compassionate Open, honest and accountable Collaborate, inclusive and adaptive.
<b>II</b>	<b>Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)</b>	The recommendations are consistent with the council's Surplus Property Procedure and Corporate Asset Management Strategy.  The recommendations satisfy the council's legal requirement to obtain best value under the 1973 and 2003 Local Government (Scotland) Acts.
<b>III</b>	<b>Implications for Scheme of Delegations to Officers</b>	Recommendation B2 above seeks delegated authority for the Head of Finance and Property Services to carry out further negotiations provided that any revised terms represent best value for the council.

<b>IV</b>	<b>Impact on performance and performance Indicators</b>	The disposal of surplus assets contributes to the council's annual capital receipts targets.
<b>V</b>	<b>Relevance to Single Outcome Agreement</b>	<p>We live in resilient, cohesive and safe communities</p> <p>We make the most efficient and effective use of resources by minimising our impact on the built and natural environment</p>
<b>VI</b>	<b>Resources - (Financial, Staffing and Property)</b>	The disposal of the site will generate a capital receipt for the General Services Account during the 2025/26 financial year.
<b>VII</b>	<b>Consideration at PDSP</b>	None.
<b>VIII</b>	<b>Other consultations</b>	<p>Head of Housing Customer and Building Services</p> <p>The local elected ward members have been sent a copy of this report for information.</p>

## **D. TERMS OF REPORT**

### **D1. Background**

The land at Almondvale Parkway in Livingston, which extends to 1.106 hectares and is shown crosshatched in black on the location plan at Appendix 1, is the site of the former Xcite Livingston Swimming Pool (formerly known as "Bubbles").

On 15 August 2023, Council Executive declared the former swimming pool surplus to requirements and the site was advertised for sale on the open market in the autumn of 2023.

On 7 November 2023, Council Executive approved the sale of the former swimming pool to West Coast Estates Limited (WCEL) for £850,000.

In order to prevent public health and safety risks associated with vandalism and youths entering the building, earlier this year the building on the site was demolished and the site was cleared for development. This also helped mitigate the council's holding costs.

Negotiations with WCEL subsequently fell through and the site was brought back to the market for sale in September this year.

The site is situated in a prominent town centre location. Policy TCR1 of the adopted West Lothian Local Development Plan 2018 supports a variety of town centre uses, which includes commercial and high density residential uses, and therefore offers for a variety of proposed uses were expected.

### **D2. Proposed sale of the site**

In line with the council's approved Surplus Property Procedure, officers advertised the site on the open market with a closing date of 7 October 2024.

A number of offers were received for either residential or commercial uses. This level of interest points to an active market, but also demonstrates strong demand for Livingston town centre as a retail centre and provides further evidence of the housing need in the area.

No offers or expressions of interest were received from the community and there were no requests for community asset transfer.

The offers have been evaluated by officers and, having considered the merits of each bid, the offer of £3,116,248 received from Cruden Homes Limited (CHL) is considered to represent the best terms reasonably obtainable by the council.

CHL's offer is based on a proposed residential development of 122 apartments over four storeys. The precise tenure and mix of CHL's housing development is not confirmed at this stage, as this would form part of the statutory planning application process, and CHL would be required to engage with the council in its capacity as the strategic housing authority to discuss and agree appropriate, statutory affordable housing provisions in relation to this proposed development.

CHL may seek to include a provision in the contract which allows them to reduce their offer on a pro-rata basis if the projected housing density is not achieved. CHL's offer is also "gross" of Section 75 developer contributions and any abnormal development costs, with those costs being deductible from the £3,116,248 headline price. The Section 75 developer contributions will be largely determined by the number of units that CHL are permitted to build on the site and as such can only be accurately quantified once a detailed planning application has been submitted and approved. Similarly, it will only be possible to accurately quantify any abnormal development costs once CHL have undertaken detailed site investigation and project development works.

CHL would be required to apply for and secure detailed planning permission for their proposed development and their offer is conditional upon them securing that permission.

Established in 1943, CHL is a large development company with a proven track record of delivering similar residential schemes throughout the country and have the financial means to purchase the site and fund the construction of the scheme.

The key terms and conditions of the offer from CHL can be summarised as follows:

Seller:	West Lothian Council
Purchaser:	Cruden Homes Limited
Subjects:	1.106 hectares at Almondvale Parkway, Livingston shown cross-hatched in black on the location plan at Appendix 1.
Price:	£3,116,248 (gross).
Proposed use:	Residential development of 122 apartments over four storeys.
Purchaser's assumptions:	No contamination on site. Suitable grid capacity. No diversions required. Standard foundations.
Abnormal cost deductions:	Any service diversions. Utility upgrades (including a substation) Archaeological works. Section 75 contributions. Abnormal foundations.
Suspensive conditions:	Satisfactory title. Suitable site investigations. Planning and technical consents. Vacant possession. Board approval.
Indicative timescales:	Purify title – within 4 weeks of missives Submit planning – 22 weeks Utilities – 16 weeks Investigations - 16 weeks
Legal fees	Each party will meet their owns costs.

It is recognised that the final capital receipt received by the council from the sale of this site will be less than the £3,116,248 headline figure, however having fully analysed, compared and contrasted all of the offers received at the closing date, officers are satisfied that the offer received from CHL presents the council with the highest potential capital receipt from the sale of this site, even allowing for a potential reduction in the number of units, and represents the best terms reasonably obtainable by the council.

### **D3. Public Artwork**

Arrangements are in place to relocate the public artwork "Symbiosis", a concrete sculpture in the southeast corner of the site, to an agreed alternative location in Almondvale Park, Livingston before the end of 2024/25 financial year.

### **E. CONCLUSION**

Following the recent marketing campaign, the offer from CHL of £3,116,248 is considered to be the best terms obtainable by the council in the current circumstances and therefore a disposal of the site on the basis of the terms set out in this report is recommended.

## **F. BACKGROUND REFERENCES**

Council Executive – 15 August 2023 – Surplus Properties: Swimming Pools  
Council Executive 7 November 2023 – Update on Disposal of Surplus Former  
Swimming Pool Properties  
Council Executive – 13 August 2024 – Disposal of the former Xcite Livingston  
Swimming pool, Almondvale Parkway, Livingston  
Local Government (Scotland) Act 1973 and 2003

Appendices/Attachments:

Appendix 1: Location Plan

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**Kenneth Ribbons**  
**Acting Head of Finance and Property Services**

Date of meeting: 5 November 2024



