



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

- 1.1 Erection of a multi-arts workshop/rehearsal centre including accommodation and associated works at land to the north of Colzium Cottage

2 DETAILS

Reference no.	1240/FUL/19	Owner of site	Colzium Arts Farm Ltd
Applicant	Mr Rob Thorburn	Ward & local members	East Livingston & East Calder Councillor Frank Anderson Councillor Carl John Councillor Dave King Councillor Damian Timson
Case officer	Kirsty Hope	Contact details	01506 282413 kirsty.hope@westlothian.gov.uk

Reason for referral to Development Management Committee: Request by Councillor Timson

3 RECOMMENDATION

- 3.1 Refuse Planning Permission

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 Planning permission is sought for the erection of a multi-arts workshop/rehearsal centre including accommodation, as well as the erection of five individual accommodation pods and associated works. The site is located within a field positioned north of Colzium Cottage and is accessed via an existing single track road that joins the A70.
- 4.2 This development is proposed over two phases, this application being the first phase. This proposed development would be used a purpose built arts centre to create, teach and share skills.
- 4.3 The site slopes down towards the single track access and is bound by a stone wall.

History

- 4.6 1198/FUL/18 – Planning Permission for the erection of a multi-arts workshop/rehearsal centre including accommodation and associated works was withdrawn on 23 August 2019.

5. REPRESENTATIONS

5.1 No representations were received.

6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection	Comments	Planning Response
West Of Scotland Archaeology Service	No	No archaeological work required in relation to this application.	Noted.
WLC Flood Risk Management	No	No flooding concerns. The applicant has demonstrated surface water drainage. Foul treatment requires to be registered and approved by SEPA.	Noted. An advisory shall be attached, if consented.
Pentland Hills Regional Park	N/A	No comments received.	Noted.
WLC Roads & Transportation	Yes	The public road junction at A70 requires to be improved in road safety terms.	The proposal does not include any improvements to the road junction and is not located within the ownership of the applicant. Refusal is recommended taking these comments into account.
WLC Environmental Health	No	Attach a condition in relation to any amplified music shall not be audible from any nearby sensitive receptors (from the premises).	Noted. A condition shall be attached, if consented.

7. ASSESSMENT

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

7.2 The development plan comprises the Strategic Development Plan for South East Scotland (SESplan) and the [West Lothian Local Development Plan](#)

7.3 The relevant development plan policies are listed below:

Plan & Policy	Policy Summary	Assessment	Conform
<p>West Lothian Local Development Plan (LDP) (2018)</p> <p>DES1 - Design Principles</p>	<p>All development proposals will require to take account of and be integrated with the local context and built form. Developments will be required to comply with criteria in the policy.</p>	<p>The proposal is contrary to criteria (b) landscape character, as there would be an adverse impact on the rural character of the locality and (c) accessibility, as the proposed development is not accessible for all and does not encourage active travel given its location.</p>	<p>No</p>
<p>West Lothian Local Development Plan (LDP) (2018)</p> <p>EMP 3 - Employment Development outwith Settlement Boundaries</p>	<p>Proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to criteria (a to h)</p>	<p>See further assessment below.</p>	<p>No</p>
<p>West Lothian Local Development Plan (LDP) (2018)</p> <p>ENV 1 - Character and Special Landscape Areas</p>	<p>Development will not be permitted where it may significantly and adversely affect local landscape character.</p>	<p>The site is situated within a Special Landscape Area.</p> <p>The proposal will have an impact of the local landscape character due to its scale and location however due to the screening it is only likely to be seen from hilltops.</p>	<p>In Part</p>
<p>West Lothian Local Development Plan (LDP) (2018)</p> <p>ENV 3 - Other Development in the Countryside.</p>	<p>Development in the countryside will only be permitted where criteria (a-e) are met.</p>	<p>See further assessment below</p>	<p>No</p>

Plan & Policy	Policy Summary	Assessment	Conform
West Lothian Local Development Plan (LDP) (2018) EMG 6 - Vacant, Derelict & Contaminated Land	Site Investigation phase 1 - required where the Council suspects land contamination and then a phase 2 intrusive site investigation should this be required.	Phase 1 Site Investigation requires a Phase 2 intrusive site investigation which was not submitted along with this application.	No – Applicant has not demonstrated that this site is safe to develop in terms of land contamination.
West Lothian Local Development Plan (LDP) (2018) NRG 1 – Climate Change and Sustainability	Sets out the principles of reducing greenhouse gas emissions through a wide range of measures designed to mitigate and adapt to climate change.	Whilst it is noted there are a number of ways in which this development could contribute to sustainability, the site is not serviced by sustainable travel methods.	In Part
West Lothian Local Development Plan, 2018 (LDP) NRG 1a – Low and Zero Carbon Generating Technology	At least 10% of the current carbon emission reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies.	Whilst there are statements of how this could be achieved it has not been expressly demonstrated, but it is likely that these standards could be met.	Yes, subject to condition if consented.

7.4 Also relevant is the following:

- Supplementary Guidance on Development in the Countryside.
- Supplementary Guidance on Flooding and Drainage.

7.5 The determining issues of the application are listed below:

Principle of Development – Employment development outwith settlement boundaries

7.6 Policy EMP 3 of the LDP states that proposals for new small scale business development on sites outwith settlement boundaries (including the re-use and conversion of existing farm and industrial buildings) will be supported subject to criteria being met. In terms of assessing the proposals against the relevant criteria of policy EMP 3, the following comments are made:

- 7.7 It has not been demonstrated that there is no other suitable alternative site available for the proposal within a settlement boundary or indeed another other part of the district. It is noted that it is desirable (from the applicant) to have a countryside location. The supporting evidence provided by the applicant indicates that only the land which they own has been considered. Therefore it has not been demonstrated that the site has been selected because of its suitability and not simply because of its availability in terms of ownership.
- 7.8 Whilst it is noted from viewing the business plan that this document indicates that the development could be successful, it has not been demonstrated that there is a locational need which justifies that the development should be within a sensitive countryside location.
- 7.9 The proposed development does not constitute a farm diversification enterprise.
- 7.10 Whilst it is noted that development would create a peaceful location with views across the countryside and Pentlands, it has not been demonstrated that this would justify its location or that the proposal will help sustain the rural economy or create significant social benefits.
- 7.11 The scale, layout and design of the proposal within this rural location is not appropriate for the rural character of the site and surrounding area.
- 7.12 The site is a considerable distance from residential properties. Environmental Health has requested a condition in relation to audible music which shall be applied if the application is approved.
- 7.13 The site cannot be easily accessed by public transport and or by footway connections given that there is a single access track to the site only.
- 7.14 Therefore the criteria of policy EMP 3 - Employment Development out with Settlement Boundaries have not been met.

Principle of Development - Other Development in the Countryside

- 7.15 Policy ENV 3 of the LDP states that development in the countryside will only be permitted where it meets the guiding principles within the policy. In terms of assessing the proposals against the relevant criteria of policy ENV 3, the following comments are made:
- 7.16 The proposed development is not justified for agriculture, horticulture and or forestry use. It has not been demonstrated that this development requires a countryside location, although it is noted that this is desirable from the applicant's submission. It is noted that this proposal would provide a recreational facility for a limited number of individuals. However, this would not offset the harm to the countryside in this rural location. This proposal would not respect the existing development pattern and would lead to a somewhat sprawled development site within an open field. The proposed development within a sensitive rural location is not justified.

- 7.17 The application site does not involve the restoration of an existing brownfield site or re-use any farm buildings in the countryside. The proposal does not infill development within the curtilage of an existing grouping, nor does it infill gaps between existing buildings in the countryside.
- 7.18 The proposal by virtue of its design, location and landscape setting does not make it an exceptional contribution to the appearance of countryside.
- 7.19 The proposal is therefore contrary to policy ENV 3 of the Local Development Plan.

Access

- 7.20 It is noted that the visibility onto the A70 is severely restricted. The council's Roads and Transportation unit has objected to the proposal on the grounds of poor visibility at the A70 junction (for the public to be attending this site). Whilst it is noted that a separate planning application has been approved to alter the access onto the A70, this is not within the ownership of this applicant and the implementation of this upgrade is not within the applicant's control.
- 7.21 Whilst it is noted that the council's Roads and Transportation has no comments regarding the private access track, the single access track leading to the site has no footpath or set passing places, which given that this site could accommodate up to 24 individuals in the cabin/pods as well as within the multi-arts rehearsal building, the additional level of traffic generated by this proposal would be detrimental to the environmental amenity of this rural location. From the details (in the design statement) this site would be developed across 2 phases and it is proposed to accommodate up to a maximum of 50 individuals. This in turn, would have a significant impact upon the access and rural area. The application site is not well served by public transport and would not encourage other sustainable modes.

8. CONCLUSION AND RECOMMENDATION

- 8.1 The site is located in a remote location, outwith any settlement boundary, within the Pentland Hills Special Landscape Area and abutting the Pentlands Regional Park, where there is a strong presumption against new development in the countryside unless it is justified in terms of the development plan policies. The proposal fails to meet policy criteria for development in the countryside and it is therefore recommended that planning permission is refused as set out in the draft reasons attached to this report.

9. BACKGROUND REFERENCES & ATTACHMENTS

- Draft Reasons for refusal
- Location Plan
- Aerial Plan
- Location Plan
- Site Plan
- Phasing Plan with legend
- Elevation and Flood Plan of Arts Centre and associated accommodation
- Elevations and Floor Plan of Cabins
- 3D Visuals
- Local Member Referral Form

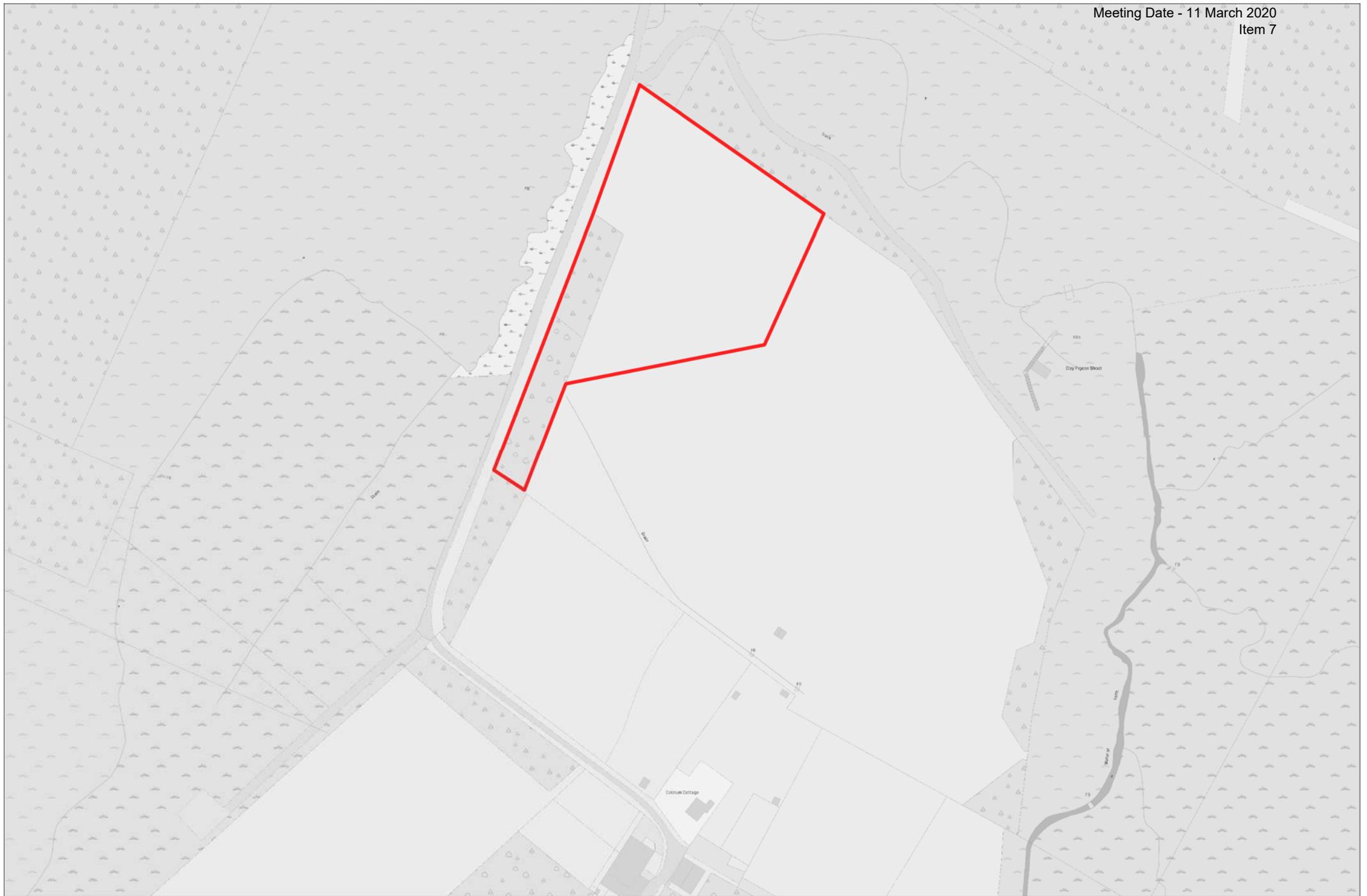
Craig McCorrison

Head of Planning, Economic Development and Regeneration Date: 11 March 2020

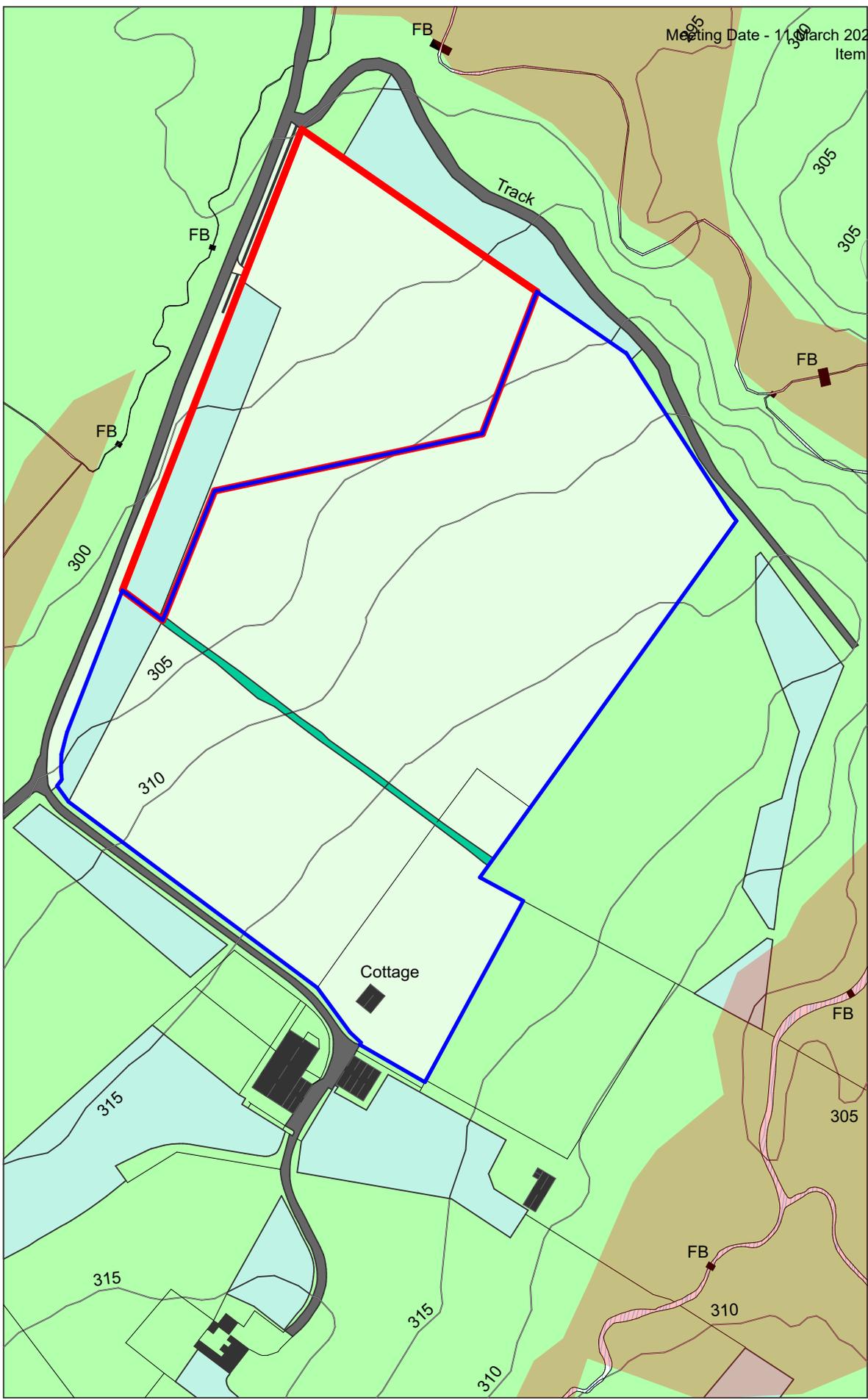
DRAFT REASONS FOR REFUSAL – APPLICATION 1240/FUL/19

Reasons for refusal

1. The proposal is unacceptable in that it represents unjustified development in the countryside as it fails to meet any of the policy requirements set out in policies EMP 3 and ENV 3 and as it would harm the rural character of the countryside. The proposal is thus contrary to policies EMP 3, ENV 3 and DES 1 of the West Lothian Local Development Plan.
2. The application site is in an isolated and rural location that is not easily served by public transport and or by other sustainable transport modes. Additionally, the scale of the development is unsustainable in terms of its location. The proposal is therefore contrary to policies DES 1, EMP 3 and NRG 1 of the West Lothian Local Development Plan.
3. The visibility onto the A70 is severely restricted and any improvement is out with the control of the applicant. The access onto the A70 without improvement would not be suitable to serve the development and would have adverse impact on road safety. The proposal is therefore contrary to policy DES 1, EMP 3 and NRG 1 of the West Lothian Local Development Plan.
4. The applicant has failed to demonstrate that the site has no adverse contaminated land issues as a phase 2 site investigation report has not been submitted in support of the proposal. The proposal is therefore contrary to Policy EMG 6 of the West Lothian Local Development Plan.







Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

**COLZIUM ARTS
FARM EH27 8DH**
Rob Thorburn & Suzanne Enoch

Location plan
922.00.01A

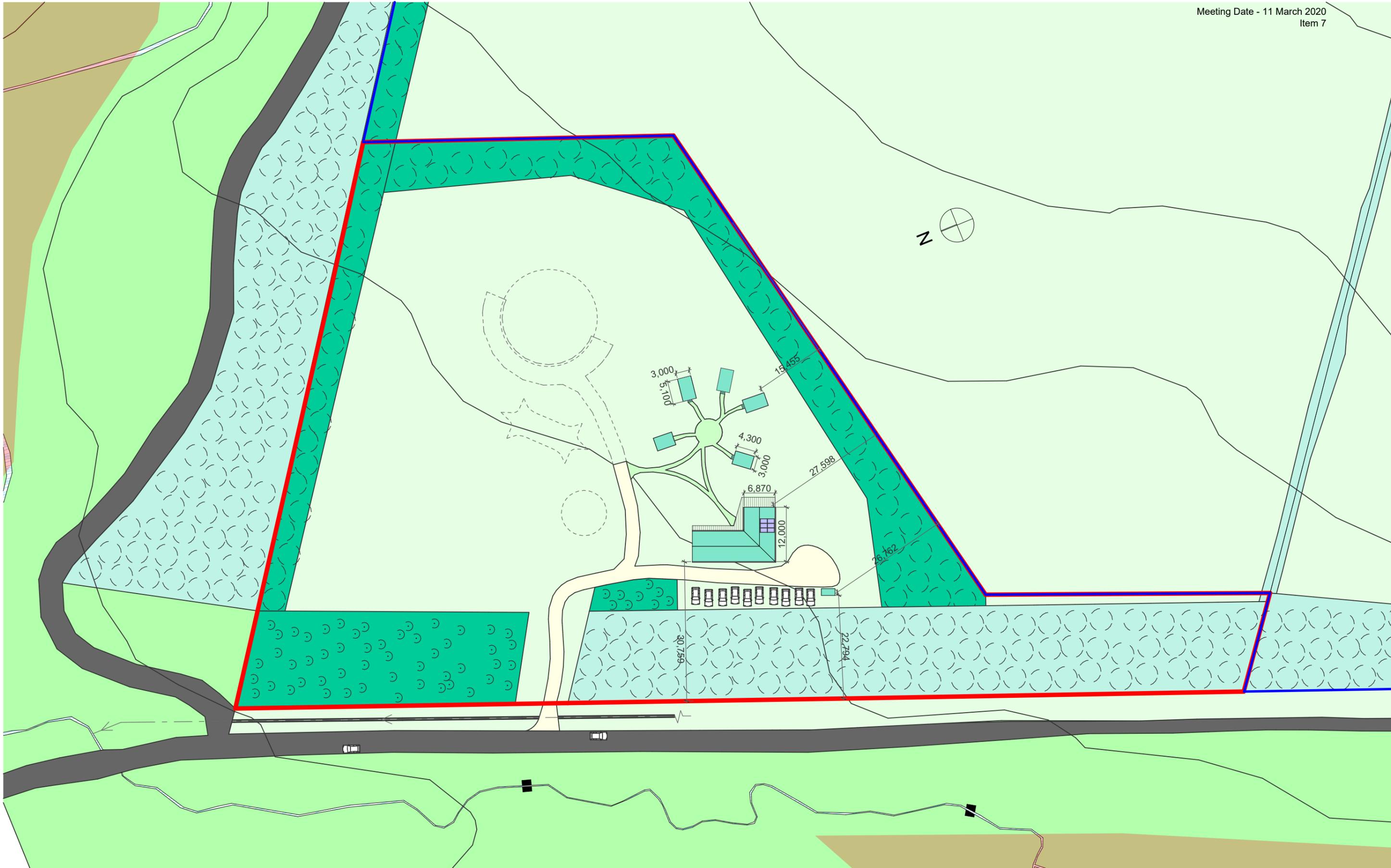
Scale:
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Drawing Status:
Planning

Drawn by: Remi Lecomte
Checked by: Gordon Duffy

Date: 19/12/2018

3 cm ACTUAL
IF THE ABOVE DIMENSION DOES NOT MEASURE THREE CENTIMETERS (3 cm) EXACTLY, THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.



Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

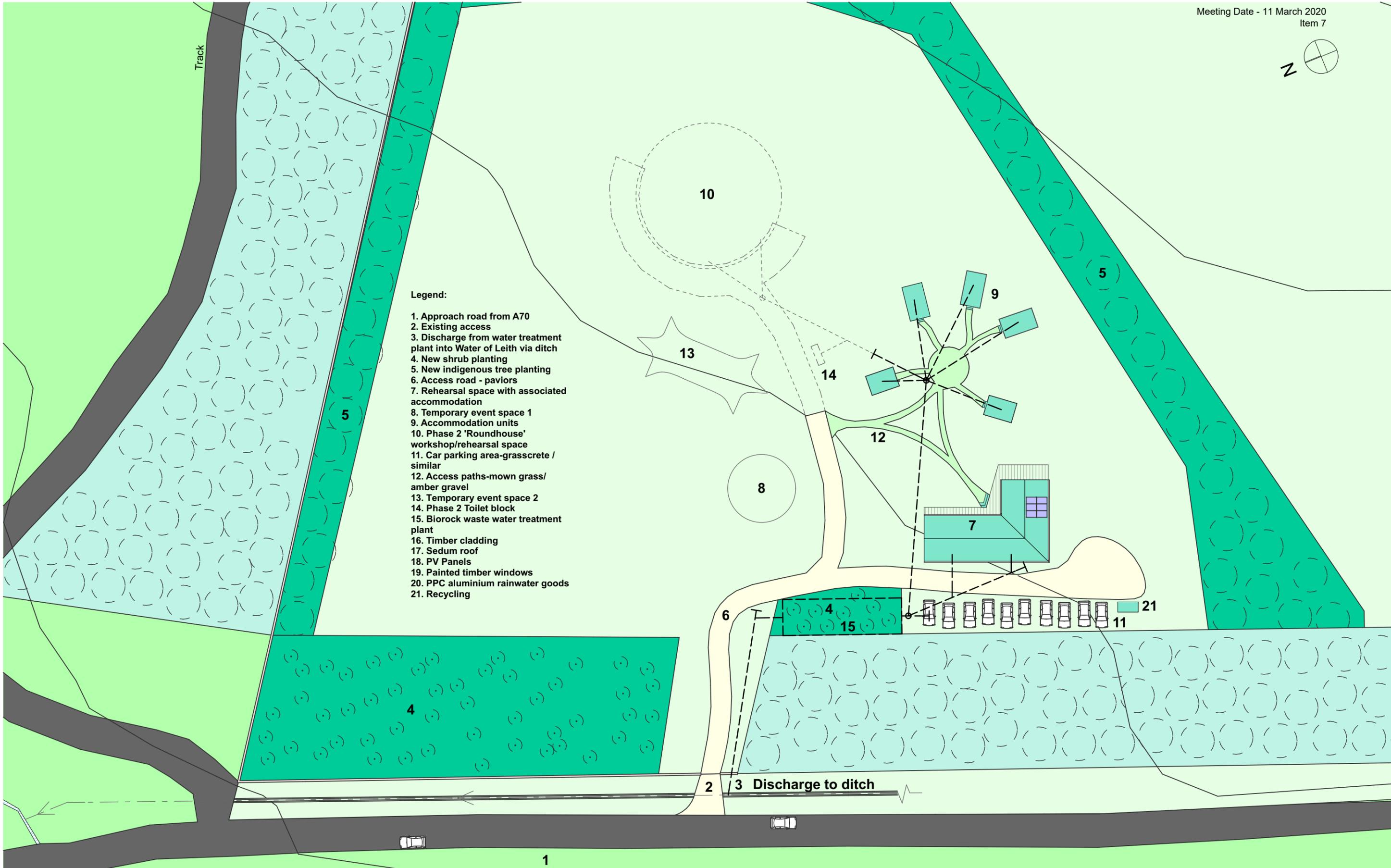
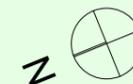
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Site plan setting out
922.06.01A

Scale:
1:750
Drawing Status:
Planning

Drawn by: Remi Lecomte
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Date: 06/11/2019

3 cm ACTUAL
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Legend:

- 1. Approach road from A70
- 2. Existing access
- 3. Discharge from water treatment plant into Water of Leith via ditch
- 4. New shrub planting
- 5. New indigenous tree planting
- 6. Access road - paviers
- 7. Rehearsal space with associated accommodation
- 8. Temporary event space 1
- 9. Accommodation units
- 10. Phase 2 'Roundhouse' workshop/rehearsal space
- 11. Car parking area-grasscrete / similar
- 12. Access paths-mown grass/amber gravel
- 13. Temporary event space 2
- 14. Phase 2 Toilet block
- 15. Biorock waste water treatment plant
- 16. Timber cladding
- 17. Sedum roof
- 18. PV Panels
- 19. Painted timber windows
- 20. PPC aluminium rainwater goods
- 21. Recycling



Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

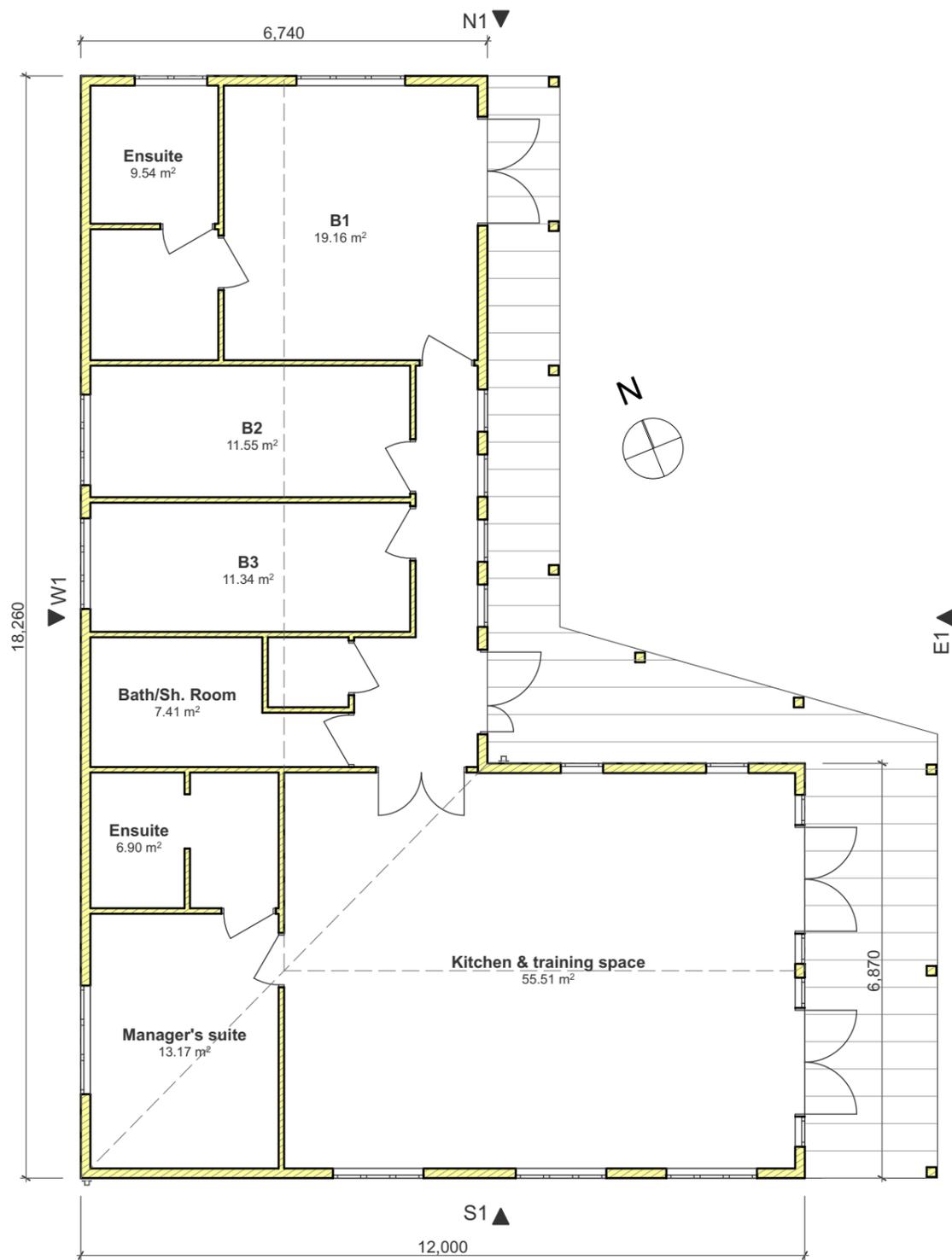
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Site plan & indicative drainage layout
922.03.01A

Scale:
1:500
Drawing Status:
Planning

Drawn by: Remi Lecomte
Checked by: Gordon Duffy
Date: 06/11/2019

3 cm ACTUAL
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Rehearsal space with associated accommodation



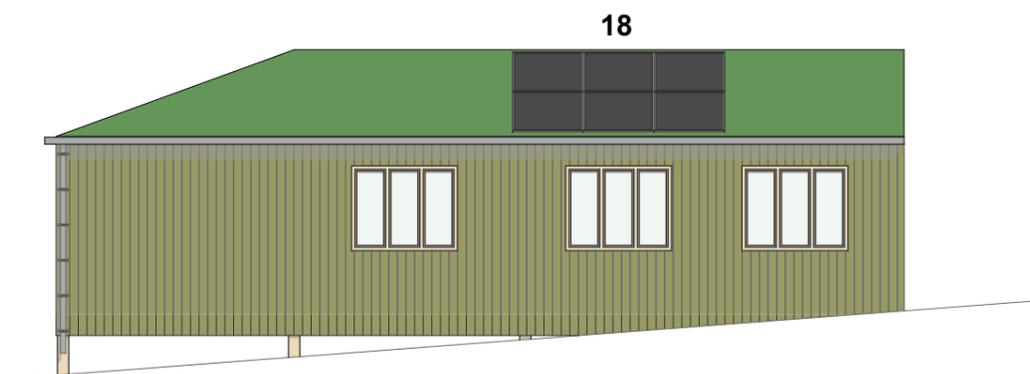
East Elevation



North Elevation



West Elevation



South Elevation



Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

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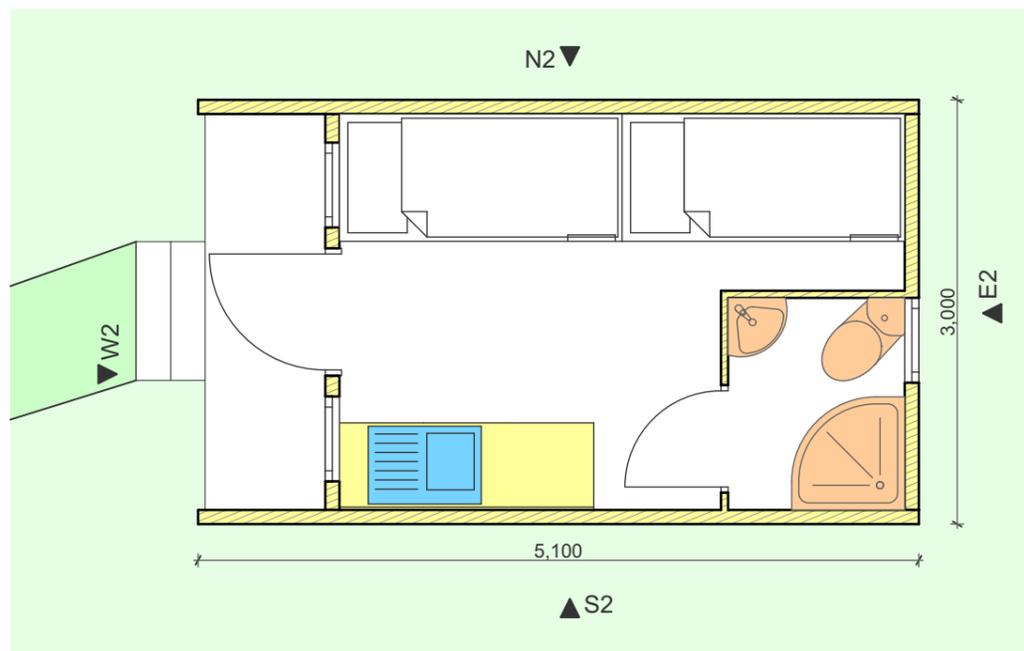
Rehearsal space with associated accommodation
922.03.03B

Scale:
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Drawing Status:
Planning

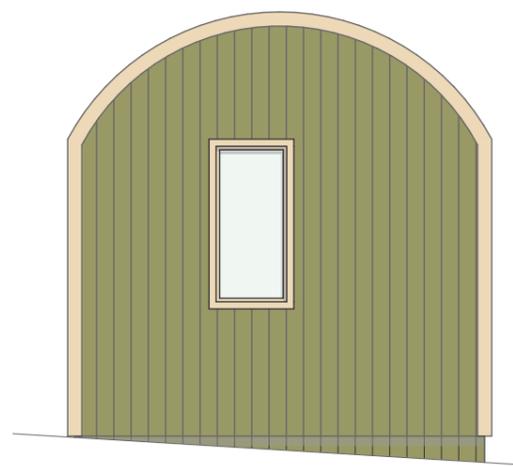
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Checked by: Gordon Duffy
Date: 17/12/2019

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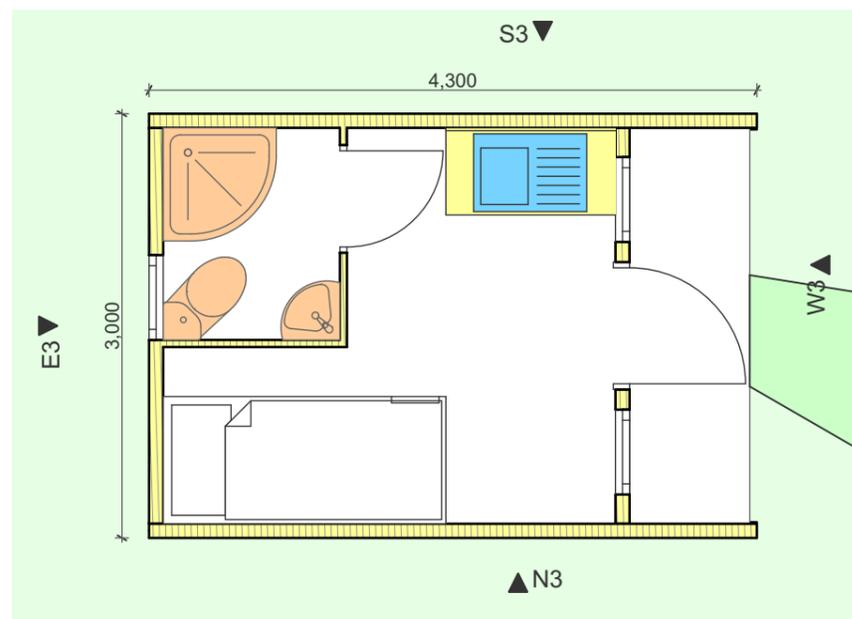
4 Persons Cabin Plan



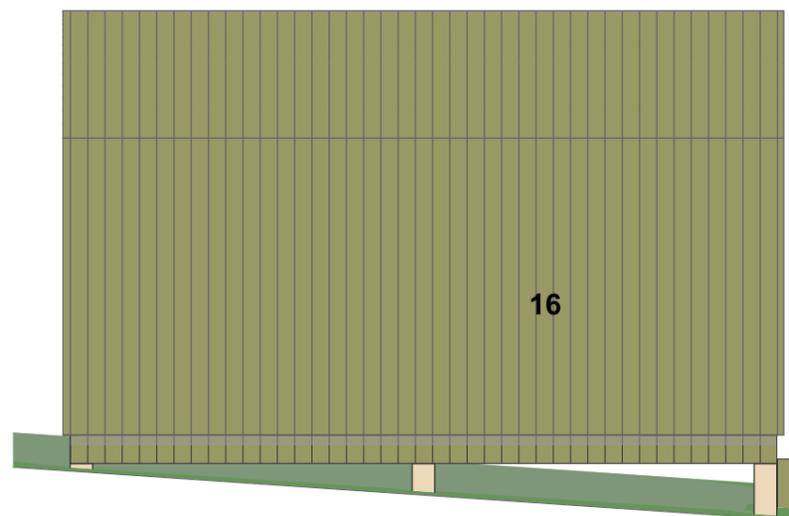
East Elevation E2/3



West Elevation W2/3



2 Persons Cabin Plan



North Elevation N2



North Elevation N3



Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

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Rob Thorburn & Suzanne Enoch

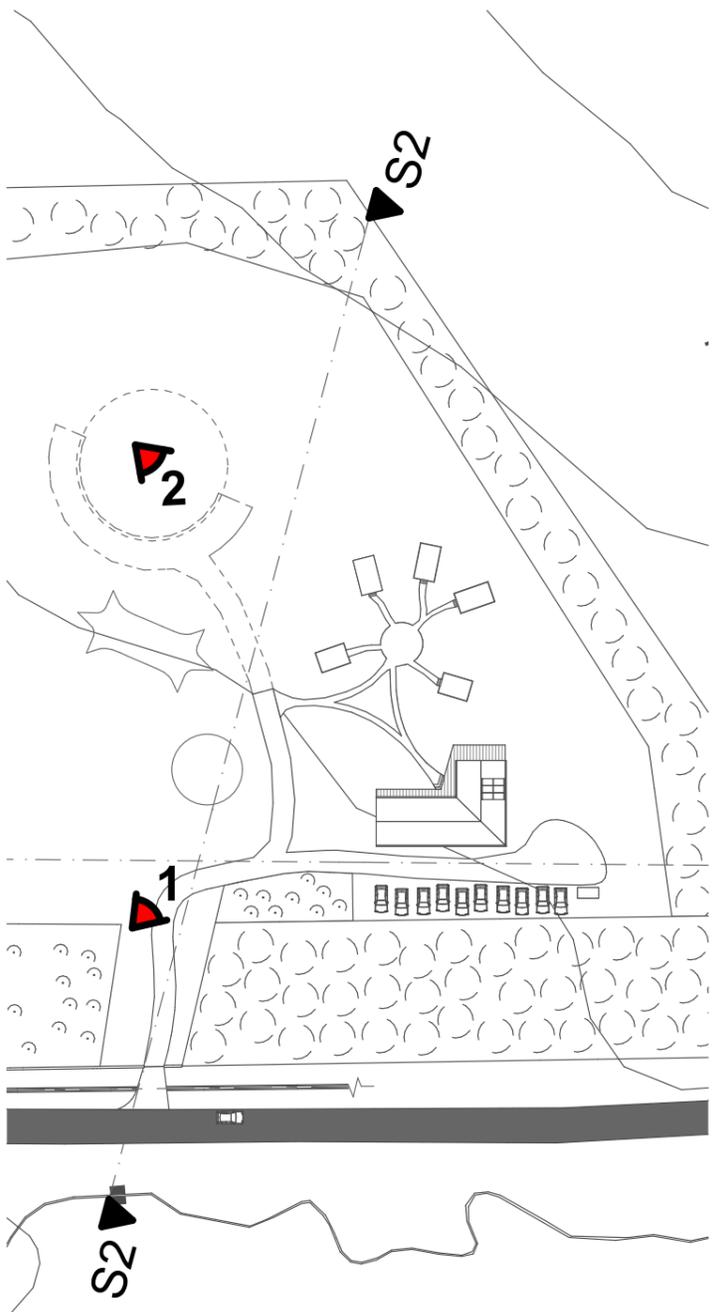
2 and 4 Persons Cabins
922.03.04A

Scale:
1:50
Drawing Status:
Planning

Drawn by: Remi Lecomte
Checked by: Gordon Duffy
Date: 19/12/2018



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Generic Perspective 2.2



Generic Perspective 1.2



Studio DUB
17a/2 West Crosscauseway
Edinburgh
EH8 9JW
0131 668 1536
studiodub@mac.com

**COLZIUM ARTS
FARM EH27 8DH**
Rob Thorburn & Suzanne Enoch

3D Views
922.03.09/A

Scale:
1:1000
Drawing Status:
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Drawn by: Remi Lecomte
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Date: 06/11/2019



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☒ LOCAL MEMBER REFERRAL REQUEST ☒

Members wishing a planning application to be heard at the Development Management Committee must complete and return this form to Development Management within 7 days (and by 12 noon).

The planning application details are available for inspection on the council's web site at <http://planning.westlothian.gov.uk/WAM133/searchsubmit/performOption.do?action=search>

<u>Application Details</u>	<u>Reason For Referral Request</u> (please tick ✓)
Application Reference Number 1240/FUL/19.....	Applicant Request✓
Site Address Colzium Cottage, Kirknewton, West Lothian, EH54 8DH.....	Constituent Request✓
Title of Application Erection of multi-arts workshop/rehearsal centre including accommodation and associated works.....	Other (please specify) <input type="checkbox"/>
Member's Name CllrDamian Timson.....	
Date 17 th February 2020.....	