

REPORT TO: Planning Committee
MEETING DATE: 2 May 2023
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

5

Note – this application was called off the Scheme of Delegation List by Councillor Collins for the following reasons: To allow fair discussion and comments from the local residents.

Application No. **22/01380/P**

Proposal Siting of containers for sports training facility for temporary period of 36 months (Retrospective)

Location **Hallhill Healthy Living Centre
Lochend Road
Dunbar
EH42 1RF**

Applicant Team East Lothian AC

Per Chris Rhodes Architect

RECOMMENDATION Grant Permission Retrospectively

REPORT OF HANDLING

This application relates to an area of land within the larger Hallhill Healthy Living Centre which incorporates several sports clubs and provides facilities for sporting and leisure activities in Dunbar. The Hallhill Healthy Living Centre building, its associated land and playing fields are all within an area designated as being open space designated by Policy OS1 (Protection of Open Space) of the adopted East Lothian Local Development Plan 2018. The application site is also situated within the Battle of Dunbar II Historic Battlefield Site.

Planning permission is sought retrospectively for a sports training facility comprising two storage containers with associated roof canopy, on land within the Hallhill Healthy Living Centre for a temporary period of 36 months. The sports training facility is operated by Team East Lothian.

The sports training facility is sited on land adjacent to the south of the fenced hockey

astro pitch. It is to the southwest of the Hallhill Healthy Living Centre building and to the west of the grassed rugby pitch and running track.

An area of land some 14.9m in width and some 12.2m in width was excavated to create a flat site on which to position the sports facility. Concrete surfacing was laid and the storage containers were positioned at each side of the excavated area with an area of padded matting placed between them that is covered by the canopy.

Each of the two containers that comprise the sports training facility has a length of 12.5 metres; a width of 2.44 metres and a height of 2.9 metres. The roof canopy that is attached to each of these containers has a length of 10 metres and a height of 2.8 metres, at its peak. Therefore, the overall length of the structure is 14.88 metres; the overall width is 12.6 metres and the height as measured from ground level is 5.7 metres.

The temporary structure is enclosed to the rear (north) by a canopy gable sheeting, to the east and west by the storage containers and is open to the front (south).

The storage containers are of steel construction and have been painted purple to reflect the colours of Team East Lothian and the canopy gable sheeting is an off-white colour.

The applicant's agent has stated that the sports training facility is used as a strength and conditioning training facility by Team East Lothian for sheltered outdoor training due to the lack of any such facilities within the county. The storage containers are used to store the weights and fitness machines and training activities take place beneath the canopied area. The applicant has applied for a temporary planning permission for a period of 36 months to allow Team East Lothian sufficient time to secure a permanent site for the strength and training facility.

In March 2023, an advertisement consent application (reference: 23/00248/ADV) was submitted by the agent for the retrospective display of advertisements in relation to this retrospective planning application. That application stands to be determined on its own merits.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 7 (Historic Assets and places), 13 (Sustainable Transport) 15 (Local Living and 20 minute neighbourhoods) and 21 (Play, recreations and sport) of NPF4 and Policies OS1 (Protected Open Space), CH5 (Battlefields) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

A total of 4 public letters of objection have been received in relation to the application. In summary these state:

i) The visual appearance of the containers, bright purple, has a negative impact on the local surroundings and can be seen from some distance as you approach down

Kellie Road. The objector requests the containers be more subdued to blend in with the area;

ii) The retrospective development is particularly obtrusive in the long view from the East end of Countess Road looking down towards Traprain Law;

iii) The structure is large and out of keeping with the surrounding environment, it is situated in an open space further re-enforcing its visual impact;

iv) The other facilities at Hallhill are open to the community for rugby, football, field sports, running, dog walking, socialising, eating and drinking. This structure is for a private business to benefit, and they have already started advertising classes on Facebook;

v) An objector raises concerns regarding a conflict of interest with a Councillor and the Trust that managed the land the subject of this application; and

vi) The structure is not temporary as there are concrete foundations built and no commitment to restore the ground after 36 months.

In relation to the above objections, subsequent to the registration of the application the agent submitted a revised land ownership certificate which now states the correct name and address of the owner of the land the subject of this planning application.

With regards to the matters raised in relation to a potential conflict of interest, it would be for any Councillor to declare any conflict of interest in the determination of any planning application.

The matter of the structure being for private use is a matter between the applicant and the Trust that operates Hallhill Healthy Living Centre. It is not a matter relevant to the determination of this application.

COMMUNITY COUNCIL

Dunbar Community Council (DCC) have submitted an objection to the planning application in their capacity as a consultee. In summary this states:

i) DCC are concerned that the applicant did not seek planning permission for such a large structure before works began and it was already in use for commercial coaching classes before an application was validated;

ii) The structure is very dominant in its setting given its scale and colour and that it can be seen from the East Coast mainline;

iii) It is queried if, given the size of the Team East Lothian logos on the structure, Advertising Consent should also be applied for;

iv) DCC have concerns about the security of the structure. The opening under the canopy faces away from the main sports centre building. It is not overlooked by housing and is a quiet area at night. It could potentially be a hangout place for youths or the shipping containers be vulnerable to break in;

v) DCC note any planning permission should not exceed 36 months; and

vi) DCC request a condition be applied to any grant of planning permission that the

structure is removed and the area restored once the facility is no longer required. This should be before 36 months if the Meadowmill move should occur before the 36 month period.

The Council as Planning Authority cannot decline to determine a planning application because it has been made retrospectively. It will be determined on its merits in accordance with the development plan unless material planning considerations indicate otherwise.

An advertisement consent application (reference: 23/00248/ADV) has been submitted by the agent for the retrospective display of advertisements in relation to this retrospective planning application. That application stands to be determined on its own merits.

With regards to the concerns raised about the security of the site this is not a material planning consideration relevant to the determination of this application.

PLANNING ASSESSMENT

The use of the storage container sports facility for strength and conditioning training is in keeping with the sport and recreational use of Hallhill Healthy Living Centre and has not encroached onto any sports pitches or areas of land in use for formal sports. Therefore it is a facility that enhances and does not undermine or affect the existing sport and recreational use of the wider Hallhill Healthy Living Centre. In this location it contributes to local living and the 20 minute neighbourhood principle. Therefore the siting of this strength and condition facility in this location is not contrary to Policies 15 and 21 of NPF4 or Policy OS1 of the adopted East Lothian Local Development Plan 2018.

In its position on land to the south of the Hallhill Healthy Living Centre the sports training facility is readily visible from public views where it is seen in the context of the adjacent sports pitches and facilities of the larger Hallhill Healthy Living Centre, including the Dunbar United football ground with its newly built spectator stand. Therefore whilst visible it is appropriate for its location within this sporting setting and is not a form of development that is out of keeping with the larger Hallhill Healthy Living Centre. However, it is of a functional design that reflects its use for a temporary period and is not suitable for being permanently sited at this location. Therefore, it should be made a condition of any grant of planning permission that after the expiration of a period of 36 months and unless any further planning permission is granted to allow its retention, that the facility is removed and the ground on which it is sited be returned to its original condition. Subject to the imposition of this planning control the sports training facility by virtue of its size, form, materials and positioning will not have a long-term harmful impact upon the character and appearance of the area and does not conflict with Policies OS1 and DP2 of the adopted East Lothian Local Development Plan 2018.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority, to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

In relation to the above, there are no neighbouring residential properties that fall within 18 metres of the facility and thus the use of it does not allow for any harmful overlooking or loss of amenity to any neighbouring residential properties. It does not result in a harmful loss of sunlight or daylight to any neighbouring residential properties.

The Council's **Environmental Health Department** has been consulted on the application and advise they raise no objection.

The structure by being located on land at Hallhill Healthy Living Centre is centrally located within Dunbar and is easily accessible by pedestrian and cyclists. There is a hardsurfaced car park which is open and available to all users of the centre, including those using the strength and conditioning facility. Therefore it does not conflict with Policy 13 of NPF4 or with Policy T1 of the adopted East Lothian Local Development Plan 2018.

Given the temporary nature of the structures and of its location within the Hallhill Healthy Living Centre it will not have a significant adverse effect on the Battle of Dunbar II Historic Battlefield Site.

Given the above considerations, the sports training facility is consistent with Policies 7, 13, 15 and 21 of NPF4 and Policies OS1, CH5, DP2 and T1 of the adopted East Lothian Local Development Plan 2018.

In conclusion, the proposals are considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposals accordance with the Development Plan.

CONDITIONS:

- 1 Planning permission is granted for a temporary period of 36 months beginning from the date of this grant of planning permission after which time, unless planning permission is granted, the 2 storage containers, canopy and concrete surfacing shall be removed from the site.

Reason:

To safeguard the landscape character and appearance of the surrounding area.

- 2 Within 2 months of the containers, canopy and concrete surfacing being removed from the site the land on which they are sited shall be restored to its former state as a grassed landscape area, all to the satisfaction of the Planning Authority.

Reason:

To safeguard the landscape character and appearance of the surrounding area.

