

REPORT TO: Planning Committee

MEETING DATE: 1 October 2024

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

1

***Note:** This application has been called off the Scheme of Delegation List by Councillor McIntosh for the following reasons: As it has clearly caused a significant amount of interest and comment within the town, it would benefit from a discussion at Planning Committee.*

***Note:** This application has been called off the Scheme of Delegation List by Councillor Jardine for the following reasons: A high level of engagement from the community both for and against the application.*

Application No. **24/00126/P**

Proposal Formation of pump track, skate park, basketball court, erection of cafe building (Class 3), changing room building and associated works

Location **Land South of Hallhill Sports Centre
Kellie Road
Dunbar
East Lothian**

Applicant Mr Robert Peters

Per Blueprint (Dunbar) Ltd

RECOMMENDATION Consent Granted

REPORT OF HANDLING

SITE CONTEXT

This application relates to five parcels of land that are located within a larger area of land approved as open space through the grant of planning permission 20/00110/PM for the erection of 245 residential units and associated works at Hallhill North in Dunbar. Planning permission 20/00110/PM has been implemented and works to build the residential units are well underway. The land the subject of planning permission 20/00110/PM was allocated and safeguarded by Proposals DR2 and DR3 of the adopted East Lothian Local Development Plan 2018 respectively. Proposal DR2: Hallhill North allocated the land for a residential development and includes an area of land on which the open space and play area for the development is to be provided. Proposal DR3: Hallhill Healthy Living Centre Expansion Land safeguarded a further area of land for the provision of a community sports pitch.

Planning permission 20/00110/PM was granted subject to the prior conclusion of a S75 legal agreement which amongst other things required (i) the transfer to East Lothian Council at no cost of the land of Proposal DR3 of the adopted East Lothian Local Plan 2018, and the northern access strip of land projecting from it, required for the new community facilities (community sports pitch and changing facilities) as shown on the docketed drawings and (ii) the transfer to East Lothian Council at no cost of the land of the play area and surrounding open space as shown outlined in red and marked as 'East Lothian Council Transfer Land' on the docketed drawings. To date that land transfer has not yet taken place but is expected to take place in the next month.

The larger area of land, approved as open space through the grant of planning permission 20/00110/PM, is bounded to the north, east and west by Lochend Woods which is a local biodiversity site and designated as ancient woodland. To the south of the site, there is an existing lit footpath which is the primary pedestrian and cycle link between the housing development to the west at Hallhill South and Kellie Road to the east, and beyond to other facilities within Dunbar. The nearest neighbouring residential property, named 'Lochend Cottage', is located to the southeast and is listed as being of special architectural or historic interest (Category C). The larger area of open space is within the Battle of Dunbar II Historic Inventory Battlefield and within a surface water flood risk area.

Through the grant of planning permission 20/00110/PM the larger area of open space was approved to have the community sports pitch formed on the northern part of it, a play area formed on the southwest part of it and otherwise to be laid out as grassed open space. However, through a non-material variation (NMV) Ref: 20/00110/NMV1, approval has been given to amend the layout of the open space. Through that NMV the play area, which will be delivered by Taylor Wimpey, has been reduced in size to allow the community sport pitch to be formed on the southern part of that larger area of open space. Construction access for the community sports pitch will be from an access to be formed from the road serving the Lochend Campus of Dunbar Primary School.

Whilst the community sports pitch and play area have not yet been formed, soil has been transported from the western part of the site, where the houses are currently being built, and is being stored on a fenced off part of that open space land. The soil will be used to level the land to allow the formation of the community sports pitch, play park and open space and otherwise to form bunding associated with the play park. The levelling of the area of land and the work to form the community sports pitch will be undertaken as the first phase of development of the site and the works to form the pump track, skate park, cafe and changing room building will follow on from that work.

PROPOSAL

Planning permission is now sought for the formation of a pump track, skate park, basketball court, changing room and cafe building on the larger area of land approved by planning permission 20/00110/P as open space.

The proposed pump track would be formed on the area of land that will be to the north of the grassed community sports pitch and the proposed skate park would be formed on the area of land to the north of the proposed pump track. The proposed cafe building (Class 3) and a changing room building would be formed on the area of land to the west of the proposed skate park and the basketball court would be formed on the area of land to the west of the community sports pitch. For the avoidance of doubt all the proposed new facilities will be on land already approved as open space by planning permission 20/00110/P and will not encroach into the woodland to the north, east or west. In addition, the community sports pitch and play area are already approved through the grant of

planning permission 20/00110/PM and thus they are not the subject of this planning application.

The proposed pump track would be orientated on an east to west axis and would occupy some 2,100 square metres of the area of open space which it would be sited on. It would be positioned to the north of the approved grass community sports pitch.

The proposed skate park would be orientated on an east to west axis and would occupy some 1,925 square metres of the area of open space land. It would be positioned immediately to the north of the proposed pump track.

The proposed basketball court would be orientated on a north to south axis and would be positioned on the area of open space land in a position to the west of the approved grass community sports pitch. It would be rectangular in shape and would measure some 32 metres long and some 19 metres wide.

The proposed café building would be single storey in height, orientated on a north to south axis and rectangular in shape. It would measure some 15 metres long, some 9.8 metres wide and some 2.7 metres high to the upper surface of its flat roofed top above ground level. It would be positioned to the west of the proposed skate park.

The proposed changing room building would be single storey in height, orientated on a north to south axis and rectangular in shape. It would measure some 12.3 metres long, some 3.1 metres wide and some 2.7 metres high to the upper surface of its flat roofed top above ground level. It would have 10 solar panels installed on top of its roof. It would be positioned to the west of the proposed skate park and café building.

The proposed new facilities will be constructed after the works to form the community sports pitch have commenced and will use the same access from the road serving the Lochend Campus of Dunbar Primary School as will be used in the works to form the community sports pitch.

The larger area of open space, prior to part of it being fenced off, was accessed from the road serving the Lochend campus of Dunbar Primary School via an existing opening in the woodland adjacent to the school campus. The application drawings indicate that the existing access path is to be upgraded to an adoptable standard by East Lothian Council as a safe route to school and will connect to the existing lit footpath that lies to the south of the application site. The works to upgrade the existing access path, located adjacent to the application site, are permitted development and thus they do not form part of this planning application.

Subsequent to the registration of this planning application, the applicant's agent has submitted a Supporting Statement, a Biodiversity Plan, a Parking Strategy report and a diagram to show the proposed changes within the existing car park/grounds of Dunbar Primary School.

The supporting statement submitted with this application states that the area of open space in the middle of Lochend Woods was identified by East Lothian Council (ELC) as land to be used for recreation as part of the Local Development Plan at Hallhill North. It states that this land will be transferred to the Council's ownership and will include a children's play park delivered by Taylor Wimpey Ltd through planning permission 20/00110/PM. It states that ELC will also develop a new football pitch on part of this land. It states that Council staff have also been looking for a site in Dunbar for a pump track that will provide a safe route to school and that this site, the subject of this current planning application, has been identified as the best location for these new facilities. It states that, during the development

process, it was also clear that the community had a desire to have a skate park and a basketball court and that this location was seen as the best place to develop these facilities. It states that Dunbar Community Development and Heritage Trust (DCDHT), who own the land at Hallhill Sports Centre and the land at Lochend Woods, became involved and supported the community groups to bring forward an application that would deliver these proposed facilities (alongside the football pitch that will be delivered by the Council together with the proposed pump track). It states that it was also agreed that they would benefit from having a community café with toilet facilities and hanging rooms for the different sports that will take place in the new park. It states that the proposed facilities will be available for the whole community to use (just like all the existing facilities at Hallhill).

It states that the proposed skate park, basketball court, changing rooms and café will be delivered through the DCDHT for the community and that DCDHT will also manage the day-to-day operation of the facilities through an agreement with another community organisation. It states that the land and the proposed facilities will continue to be owned by the Council but would be managed by DCDHT through a Service Level Agreement. It states that the café and toilet facilities are expected to be open between 10am and 10pm every day. It states that DCDHT have an agreement with the Education Estates Department and the Head Teacher of Dunbar Primary School to fence off the school car park from the school and use it in the evenings, and at weekends, when the school is closed. It states that signage will be erected to inform the community of the access times of the car park. It states that the construction of the site will be required to comply with the planning consent for the houses being developed at Hallhill North and, to deliver this, the Council will create a new park entrance from the access road to the school at Hallhill Sports Centre. It states that the construction management plan will be agreed with ELC. It states that the site has good access, at all times, for any emergency vehicles from both the south and north ends of the site and that a drainage system for the surface water will have a SUDS system at the north end of the site before entering into the Scottish Water drainage system.

It goes on to state that Councillor Norman Hampshire is a community volunteer and is the chairman of DCDHT. It states that DCDHT has been working with people in the community who are interested in developing sporting facilities for bikes, skateboards, and other wheeled equipment. It states that, as part of his role as a local Councillor, Norman Hampshire agreed to have meetings with them and agreed to try and help the community to and deliver the new facilities they want. It states that this planning application was submitted by the Development Company Trustee, Mr Robert Peters, as Councillor Hampshire is a member of the planning committee. It states that Councillor Hampshire has been supporting the skateboarding group named 'Space Dunbar' to help develop their plans for the new skatepark and that Council officers have been working on the development of the design of the pump track along with other proposed tracks across East Lothian. It states that the proposed facilities will be a great addition to the fantastic sporting facilities already in place at Hallhill Sports Centre. The successful management of these facilities will be replicated within the application site and will be enjoyed by the Dunbar Community.

The submitted Parking Strategy report states that it is anticipated that many visitors to the application site will live in the local community and will travel to the site by walking, skateboarding or cycling as many of its users will not be at an age to drive. However, it states that to accommodate the few people who have no alternative but to use the car to use these facilities, it is proposed to share the use of the existing school car park when it is closed. It states that it will be at this time (i.e. when the school is closed) when there will be the greatest demand to use the proposed facilities. It states that, to improve safety and security at the school, the applicant proposes to erect a fence and gate around the school car park to separate it from the school grounds. It states that this will allow the school car

park to remain open when the school is closed - particularly in the evenings, weekends or during the school holidays. The car park will also have disabled parking to help people with disabilities who are able to take part in the sports facilities proposed within the site. It states that the proposed pump track, skate park and basketball court will be used by people for casual activity and that the majority of the time they will arrive at the facility by walking or on their bikes and skateboards. However, should any organised event be scheduled to take place, the organisers will work with the Hallhill Centre Manager to make sure it will not clash with events at the Sports Centre such that the Parking available at the school car park and at the Hallhill car park will accommodate any cars attending the event. It states that there are 30 parking spaces within the school car park and 78 spaces at the Hallhill Sports Centre car park. It states that whilst there is the potential to increase the car parking spaces available at the school, the applicant's aim is to try and encourage more people to travel by sustainable means rather than provide additional parking. It also states that the majority of customers using the proposed café will be by people using the proposed pump track, skate park and basketball facilities and thus it will not generate any additional parking requirements.

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 1 (Tackling the climate and nature crises) 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 7 (Historic assets and places), 13 (Sustainable Transport), 14 (Design, quality and place), 15 (Local Living and 20-minute neighbourhoods), 21 (Play, recreation and sport) and 22 (Flood risk and water management) of NPF4 are relevant to the determination of this application.

Proposals DR2 (Hallhill North, Dunbar) and DR3 (Hallhill Healthy Living Centre Expansion Land) and Policies CH1 (Listed Buildings), CH5 (Battlefields), NH3 (Protection of Local Sites and Areas), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are also relevant to the determination of this application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

REPRESENTATIONS

A total of 76 representations have been received to this application. Of these representations, 55 object to the application, 20 representations support the application and 1 representation makes comment but neither objects nor supports the application.

The main grounds of objection, as summarised, are:

- (i) the location is inappropriate as it is used by local wildlife (particularly deer and foxes) and as an area of outdoor green space;
- (ii) the application site is in a secluded area where young people congregate to drink, take drugs and make fires etc. and the proposals would exacerbate these anti-social behaviour matters;
- (iii) the application site is at risk of surface water flooding and is flooded for at least two thirds of the year and there appears to be no drainage plans submitted to demonstrate how flooding will be alleviated;
- (iv) the proposals will result in a destruction of valuable wildlife habitat and green space and should be located elsewhere - similar facilities are already provided at Hallhill which includes a café, sports fields and a play park. There is also a skate park in the woods at Dunbar which is underused and thus there appears to be no justification or requirement for these facilities at this location;
- (v) the proposals could impact upon the safety of children as anyone using this area could approach children at school or take photographs of them in the playground;
- (vi) there has not been any significant consultation with the public relating to these proposals;
- (vii) there is insufficient car parking in this area to accommodate the proposals and cars are often parked on double yellow lines and on both sides of the road when other recreational events are taking place in the area;
- (viii) construction traffic is to be taken next to the primary school and there are on-going safety concerns with increased traffic generation and parking in the area;
- (ix) Dunbar Community Development and Heritage Trust, who appear to be behind the proposals, list Norman Hampshire as the chair of the Trust but there appears to be a conflict of interest given his role as Leader of the Council. It also raises questions as to whether any profit will be made from the facilities (particularly the café) and, if so, to whom will the proceeds benefit?
- (x) the proposals contradict the objectives outlined by Policy 3 of NPF4 and they will neither conserve, restore or enhance biodiversity;
- (xi) the proposals threaten to diminish one of the last remaining semi-natural open spaces close to the town centre which provides local residents with accessible green space for leisure and relaxation;
- (xii) the proposals are intrusive to the environment and will disrupt the existing ecosystem and landscape;
- (xiii) there is no ecological and environmental impact assessments, hydrological surveys, archaeological surveys or carbon or climate impact statements submitted with this application and thus the impact on the proposals on the environment, local wildlife, habitats and community is unclear;
- (xiv) there is no feasibility study/options appraisal or assessment of net biodiversity gain;
- (xv) there are concerns relating to safety, access for emergency services and serving of the site. Operational details such as predicated user numbers and hours of operation remain unclear;
- (xvi) the application site is in the middle of woodland and will result in the cutting down of trees and irreversible damage to the green space;
- (xvii) there is no provision for disability access and it is not clear how deliveries will be made, or how refuse will be collected, to and from the café when there is no means of access road to serve it;
- (xviii) it is not clear how litter will be managed or what the long term management plans/funding for the site will be in the future;
- (xix) it is not clear what lighting and safety provision is in place for the proposed location of these facilities and that flood lights will further erode and damage the wildlife and biodiversity of the woods and open space land;
- (xx) the proposals are likely to degrade the woodland through removal of buffer habitat and the proposed facilities will exert visual and noise disturbance on the surrounding

habitat and species that live and forage in the area, contrary to Policies NH3, NH4 and NH5 of the ELLDP 2018;

(xxi) the existing skate park located in the "tree scheme" to the north of the railway and the existing pump track at Lochend Woods are barely used which indicates that there is little demand for the proposed facilities at this location. If there is a need for the proposed facilities then the existing skate park and pump track should be upgraded and improved rather than building new ones;

(xxii) the application site is inhabited by a diverse range of species, including bats, mammals, birds, reptiles, amphibians, insects, grasses, wildflowers and fungi which will be obliterated by the proposals;

(xxiii) the use of the proposed facilities may result in noise intrusion to local residents in the area;

(xxiv) the proposals will negatively impact upon the environment and are inconsistent with the declaration by ELC of a Nature Emergency and a Climate Change Crisis;

(xxv) the planning application forms do not appear to be competent in that it states that the applicant is 'Mr Robert Peters' yet the forms indicate that the applicant is not an individual but rather an organisation/corporate entity and that no details of the organisation/corporate entity are provided;

(xxvi) the drawings supplied by 'The Space' and 'Velosolutions' identify ELC as the client and drawings prepared by the architect 'Blueprint' name DCDHT as the client;

(xxvii) it is not clear if the land ownership details are correct as there was a land transfer to Dunbar Community Development and Heritage Trust on 15th March 2024 and part of it was previously used by the school for outdoor learning; and

(xxviii) the application ignores the environmental issues outlined within the deer impact survey and ecology survey relating to the Hallhill North development which recommends that this area should remain habitat.

In response to some of the points raised by objectors:

This planning application is a local development type in accordance with the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Accordingly, there is no statutory requirement for public consultation to have taken place prior to the submission of the planning application.

The supporting statement states that the application was submitted by the Development Company Trustee, Mr Robert Peters, and that the Chair of the DCDHT is Norman Hampshire who has been assisting with the promotion and submission of this planning application. Councillor Hampshire's involvement does not, in itself, result in a conflict of interest, however, should this planning application be heard and decided at planning committee, Councillor Hampshire would have to declare an interest in this application such that he would not be able to take part in the discussion or cast a vote.

The **Council's Active Business Unit & Amenity Services Team Manager** advises that the area of land, in which the proposed pump track, skate park, café and changing room buildings would be sited on, is on the area of land to be transferred to the Council. He advises that the Council has included money within its approved capital plan for the delivery of pump tracks (subject to planning approval) across each main town in East Lothian. However, in this instance, the DCDHT have submitted one application to cover all amenities to demonstrate how they will all work together. It is also stated that the Council has considered options for the location of a pump track within Dunbar taking feedback from community representation and internal departments. It states that consideration was given to Winterfield Park and Pine Street in addition to Hallhill, however given the application site's proximity to existing provision for management at Hallhill, as well as adjacent parking, facilities and access, the site the subject of this application is the preferred location.

One of the objector's to this application states that the proposals will impact upon the wildlife and green space at Deer Park yet the application site is not located within that area of Dunbar.

On the matter of land ownership as stated above planning permission 20/00110/PM was granted subject to the prior conclusion of a S75 legal agreement which amongst other things included (i) the transfer to East Lothian Council at no cost of the land of Proposal DR3 of the adopted East Lothian Local Plan 2018, and the northern access strip of land projecting from it, required for the new community facilities (community sports pitch and changing facilities) as shown on the docketed drawings and (ii) the transfer to East Lothian Council at no cost of the land of the play area and surrounding open space as shown outlined in red and marked as 'East Lothian Council Transfer Land' on the docketed drawings.

In terms of emergency access the supporting statement states that the site has good access for emergency vehicles from both the south and north ends of the site.

There are no trees located within the application site and the submitted drawings do not show the intention to remove any trees from outwith the site. In addition, no floodlighting is proposed to serve the pump track, skate park, basketball court, café or changing room buildings.

The remaining points raised by the objectors and representors are addressed elsewhere within this report of handling.

The main grounds of support to this application, as summarised, are:

- (i) there is little for children to do in Dunbar and thus the addition of a pump track and stake park near the school and Hallhill Sports Centre will be hugely popular as those wishing to use facilities of this nature either have to travel to neighbouring towns or outwith East Lothian;
- (ii) the proposals will provide outdoor facilities for new families who move into the area;
- (iii) the proposals have the ability to inspire and improve the lives of the whole community by providing much needed community space;
- (iv) Skate parks and pump tracks are multi-generational spaces that build respect in communities and allow the younger generation to learn and grow from the older generations, in a relaxing and supportive environment, which is lacking in Dunbar;
- (v) the play park area and football pitch at this site have already received planning permission and the additional facilities proposed through this application addresses the need for inclusive community facilities in Dunbar for young people within a growing town;
- (vi) the proposed skatepark and pump track would create a social hub and could become a great place for a diverse mix of young people to hang out, to be safe, to do positive things and to be supported and encouraged;
- (vii) a survey carried out in 2022 focused on the skate park and pump track proposals at Hallhill with around 500 people responding - 73% of which were under the age of 18 - just over half were male and just under half were female. 88% of the respondents supported the idea of a new outdoor skate park and pump track in Dunbar and 72% said that someone in their family would use the facility. In terms of the location at Hallhill, 54% were positive, 32% were negative and 14% were neutral;
- (viii) the proposed skate park is designed to be an inclusive park, perfect for beginners, with social spaces built in for relaxing and chatting with friends. It will encourage young people to stay out of trouble, become part of the skate community, learn new skills, bond and take up a sport;
- (ix) a community cafe will provide jobs for young people and will compliment the other

facilities proposed. It will give children a safe space to gather;
(x) a small area of unused land is not going to be missed and the benefits that this proposal will bring to the community outweighs any loss of green space land; and
(xi) the neighbouring woods are currently used by dog walkers who do not keep their dogs on a leash - dogs off the lead in the woods pose more of a threat to wildlife than children have a place to play.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council (DCC), as a consultee to this application, state that this application was discussed at their open meeting held on 18th March 2024. They state that, with the exception of one of their members, DCC are supportive of the development proposals recognising that it has the potential to add greatly to the recreation and sports offer for Dunbar residents, particularly for younger people looking for positive, informal recreation in a supported quality environment.

However, DCC also state that there were concerns at the lack of any clear plan in respect of:

- (i) meeting the requirements of Policy 3 of NPF4, that the development should contribute to the enhancement of biodiversity;
- (ii) limitation of risk that the new facility would exacerbate an existing issue with youth anti-social behaviour in the woods;
- (iii) management of traffic and parking both during the construction phase and on completion;
- (iv) access for emergency vehicles at any time of day or night; and
- (v) mitigation of the risk of ground water flooding to the site and adjacent infrastructure.

West Barns Community Council (WBCC) state that this application was also discussed at their meeting on 29th February 2024. They state that they object to this application as it is felt to be inconsistent with the declaration by ELC of a nature emergency and a climate change crisis. They state that the proposals are also felt to be inconsistent with the charitable objective of the applicant, DCDHT, regarding "the preservation, enhancement and interpretation of the built and natural heritage of Dunbar and environs, whether as principal or otherwise".

WBCC also state that there are a number of errors and omissions on the submitted planning application forms as (i) part of the site is believed to be an area previously used by Dunbar Primary School for outdoor education; (ii) the applicant is named as Robert Peters but the application is said to be on behalf of an organisation - the name of the organisation is not given on the forms; (iii) the applicant address is given as Hallhill Healthy Living Centre which is the same address recorded for DCDHT at Companies House. However, the recorded address is the residential home of Councillor Norman Hampshire who is the Chair of DCDHT but also the Leader of ELC and Planning Convenor; (v) the Jampot area and the grass open space are regularly wet and are prone to flooding contrary to what is stated in the application forms and it is not clear from the forms or plans if there will be SUDS drainage provision; (vi) there was no public consultation process regarding demand/need for the proposed facilities although there is known to be some interest in skateboarding/BMX within Dunbar and East Lothian; (vii) there is potential for duplication of existing facilities (there is already a skatepark and a basketball court at Pine Street, a café at Hallhill Sports centre and at Bleachingfield Centre and a pump track within Lochend Woods) and no options appraisal appears to have been carried out. There is also no feasibility study to consider the suitability of the site; (viii) the proposals are not supported by Policy 3 of NPF4 and will be damaging to the biodiversity of the area which is a mix of grassland and wet woodland habitat. The proposals have also not taken that into account

the impact on climate change; (ix) the application forms state that there will be no new access provided to the site and thus it is unclear where construction traffic, emergency vehicles, delivery vehicles (for the café facility) or refuse/recycling collection will be taken from; (x) the proposals do not show any parking for the facilities but suggests that parking would be utilised within the existing school car park which is only for staff and pupils with disabilities.

PLANNING ASSESSMENT

The proposed pump track, skate park, café and changing room and basketball court would be sports and recreational facilities that would be formed on an area of land already approved as public open space. As facilities to be used in association with the open space they are appropriate to their setting and would not prejudice the scheme of development approved by the grant of planning permission 20/00110/PM, including the use of the proposed community sports pitch and the approved play area. Furthermore, the proposed pump track, skate park, café and changing room and basketball court would provide additional recreational facilities to support, and enhance, the current sport and recreational facilities available at Hallhill for use by the local community in the Dunbar area. Therefore, the proposals do not conflict with Policy 21 of NPF4 or Proposals DR2 or DR3 or Policy OS1 of the adopted East Lothian Local Development Plan 2018.

The proposed pump track would be orientated on an east to west axis and would be positioned to the north of the approved community sports pitch. It would comprise of a continuous looped track with closely spaced rollers, rolling features of variable heights and bermed corners. The pump track would measure some 32 metres long as its longest length and would have a minimum width of some 2 metres wide. It would measure some 1.5 metres high above ground level at its highest point. It would have an Asphalt surface finish. Parts of the proposed pump track would be contained within grass bunds.

The proposed skate park would also be orientated on an east to west axis and would be positioned immediately to the north of the proposed pump track. It would contain a skate bowl, steps, ramps, railings and platforms. It would measure some 2 metres high above ground level at its highest point. It would have a concrete surface finish. Parts of the proposed skate park would be contained within grass bunds.

The proposed café building would be single storey in height, orientated on a north to south axis and would be rectangular in shape. It would measure some 15 metres long, some 9.8 metres wide and some 2.7 metres high to the upper surface of its flat roofed top above ground level. It would be positioned to the west of the proposed skate park.

The proposed basketball court would be orientated on a north to south axis and would be positioned to the east of the approved play park area and to the west of the approved community sports pitch which are to be delivered on parts of the open space land. It would be rectangular in shape and would measure some 32 metres long and some 19 metres wide.

The proposed café building would be single storey in height, orientated on a north to south axis and would be rectangular in shape. It would measure some 15 metres long, some 9.8 metres wide and some 2.7 metres high to the upper surface of its flat roofed top above ground level. It would be positioned to the west of the proposed skate park.

The proposed changing room building would be single storey in height, orientated on a north to south axis and rectangular in shape. It would measure some 12.3 metres long, some 3.1 metres wide and some 2.7 metres high to the upper surface of its flat roofed top above ground level. It would have 10 solar panels installed on top of its roof. It would be

positioned to the west of the proposed café building.

The proposed pump track, skate park, basketball court, café and changing room buildings would be well contained within the area of open space to which they would be sited on due to the high trees to the north, east and west of the application site. They would be seen from the existing footpath to the south of the site. Whilst the form and appearance of the proposed facilities would reflect the simple functionality of their use, they would nevertheless, as part of a larger area of open space, be appropriate to their place and well absorbed into their surroundings. They would also be viewed in the context of the already approved grass community sports pitch and children's play area and against the backdrop of the existing trees to the north, east and west of the application site. Furthermore, the grass bunding of parts of the proposed pump track and skate park would further help to soften their visual impact from the access paths to the west and south respectively. So too would the single storey flat roofed forms of the proposed café and changing room buildings. By virtue of their sizes, heights, forms, materials and positions, the proposed pump track, skate park, basketball court, café and changing room buildings would not appear as harmfully dominant, intrusive or incongruous features within their setting. They would not be harmful to the character and appearance of the area of open space or to the character and appearance of this part of the area. They would not be harmful to the setting of the listed building named 'Lochend Cottage'.

The use of the proposed pump track, skate park, basketball court, café and changing room buildings would not, due to their positions and orientations, allow for harmful overlooking of any neighbouring residential properties.

Owing to their sizes, forms, positions and orientations, the proposed pump track, skate park, basketball court, café and changing room buildings would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties.

Historic Environment Scotland raise no objection to this planning application. It can therefore be reasonably deduced that the proposals would not harm the designated Battle of Dunbar II Inventory Battlefield Site.

The **Council's Senior Environmental Health Officer** advises that he has concerns regarding potential noise associated with the use of the pump track and skate park. He states that noise, in the form of impact noise from bikes/skateboards on the track surfaces or noise from speech from users of the tracks, will be time varying and will depend on the conduct and behaviour of the individual users such that the impact of noise is difficult to predict. He states that it would be difficult to impose any enforceable conditions on a grant of planning permission with regards to noise and thus is unable to advise whether or not the use of the pump track and skate park will generate noise that may impact upon neighbouring amenity. Notwithstanding the above, the Council's Senior Environmental Health Officer also advises that if the proposed facilities are used correctly then they will not cause any issues. He also states that it is the behaviour of persons who may congregate there or use them/abuse them that could be an issue which would be for Police Scotland and/or the Council's Antisocial Behaviour Team to investigate as and when such issues arise.

The **Council's School Estate Planning Officer** advises that he is willing to support this planning application if the existing school gates remain at the front of the school car park to give the option of closing them and if security fencing and an access gate is installed at the opposite end of the car park to secure the school boundary.

The **Council's Amenity Services Officer** raises no objection to this planning application and advises that the proposals will provide a positive local amenity resource and enhance

the outdoor play and sport provision for the Dunbar area, as well as benefiting young people and the wider community. She also states that the design of the pump track and skate park make good use of the space and location and is supportive that the facilities are not enclosed.

The **Council's Acting Active Business Unit Team Leader** raises no objection to this application and advises that the proposals will increase physical activity levels, assist and improve mental health and wellbeing and create more intergenerational socialisation opportunities for Dunbar residents and the wide county. He advises that, with increased housing across the area, the proposals the subject of this application increases the available space for different groups to be physically active at the same time, as well as providing different stimuli to be active (i.e. wheeling, skateboarding and multi play opportunities). He states that each of the facilities (i) can be used for formal and informal play and sport; (ii) can be used by different age groups at the same time; (iii) foster community cohesion; (iv) can be utilised by the local schools and Active Schools programmes; and (v) lend themselves to existing and the creation of future associated groups or clubs. He also states that the proposed pump track is an excellent entry level activity for wheeled activity, which allows for progression at the participants pace and personal development, and that the location of it will encourage active travel to and from the site, further increasing activity levels and reducing environmental impact. The Council's Acting Active Business Unit Team Leader also advises that the proposed café building will be key to providing a safe, secure social space for all ages and that the proposed changing room building will provide toilets and baby changing facilities.

The **Council's Structures and Flooding Team Manager** advises that SEPA's Flood Hazard Mapping indicates that the site is at risk from a surface water flood event with a return period of 1 in 200 years plus climate change. He also advises that within SEPA's Land Use Vulnerability Guidance, the proposed pump track, skate park, basketball court and changing room building are classed as 'Water Compatible Uses' and thus they are acceptable to be built/located within the 1 in 200 year plus climate change functional flood plain. However, he advises that the proposed café building falls under the 'Least Vulnerable Uses' category where there is less scope for buildings in the functional flood plain. Notwithstanding the above, the Council's Structures and Flooding Team Manager states that the surface water flood risk is shown to be at depths below 0.3 metres, and at potentially very low levels, such that he raises no objection to the café building if it were to incorporate a minimum 300mm freeboard. He advises that he has no objection on the grounds of flood risk to the basketball court and that the skate park and pump track show land raising and very small levels of reduction which, whilst not generally encouraged by SEPA, is recognised that the functionality of the proposals rely on land raising. He also advises that the submitted drainage plan for the skate park is relatively low on detail and thus he recommends that a drainage layout plan and details of the proposed Sustainable Drainage System and Surface Water Management Plan for the site be submitted prior to the commencement of development. Subject to such controls, the proposals do not conflict with Policy 22 of NPF4, Policies NH10 and NH11 of the adopted East Lothian Local Development Plan 2018 or with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)'.

The **Council's Biodiversity Officer** advises that the application site is located adjacent to Lochend Woods, a Local Biodiversity Site, and that there are no records of protected species in the area. She also notes that the submitted drawings do not show any trees to be felled to facilitate the proposed development and thus advises that the proposals will not impact bats or breeding birds. The Biodiversity Officer also notes that two biodiversity conditions were imposed on the grant of planning permission 20/00110/PM which required a preliminary ecological assessment and a deer impact assessment to be undertaken prior to the commencement of that approved scheme of development and that no further survey

work is required relating to the proposals being sought for through this current planning application. However, she advises that a Biodiversity Enhancement Plan be produced in accordance with Policy 3 of National Planning Framework 4. Subject to this recommended control, which can reasonably be imposed as a condition on a grant of planning permission, the proposals do not conflict with Policy 3 of NPF4 or Policy NH3 of the adopted East Lothian Local Development Plan 2018.

The **Council's Road Services** note that this application is for additional sports facilities (a pump track, skate park and basketball pitch) on land to the south of Hallhill Sports Centre in Dunbar. They note that a football pitch and a play area, which were approved in May 2022 through the grant of planning permission 20/00110/PM, will be constructed alongside the proposed new facilities along with a new café/changing room facility to support their use. They also note that a 'Parking Strategy' document has been provided and, upon review, that the parking demand for each of these facilities is 12 spaces for the basketball pitch and 6 spaces for the skate park and pump track. They state that the proposed café/changing facility is an auxiliary use which is not expected to generate additional parking demand and, whilst no parking allocation was made for the football pitch when it was granted planning permission, consider that the football pitch requires 11 spaces.

Accordingly, the Council's Road Services advise that 29 parking spaces will be required, with 5% of these (2 spaces) to be accessible and notes that the parking spaces will be accommodated within the school car park at Dunbar Primary School. They state that the school car park has 30 parking spaces which is deemed to be acceptable given that the main use of the new facilities will be outwith school times and that there is additional parking outside the main Sports Centre building. They state that they have no objection to this application providing that all works shown on the plan titled 'Proposed changes within the existing car park / grounds of Dunbar Primary School' are completed and brought into use prior to the use of the facilities proposed in this application which includes (i) 2 accessible parking spaces within the eastern end of the school car park (as shown within the area coloured in blue); (ii) the formation of a turning head within the southwest end of the school car park (in the location shown in yellow); (iii) the erection of new fencing and lockable gates at the western end of the car park (in the location shown in red); and (iv) the retention of the existing fence and gates at the eastern end of the car park and the retention of the existing turning head to the east of the car park (as shown in green). They also recommend that a Construction Method Statement, to minimise the impact of construction activity on the safety and amenity of the area, be submitted for the prior approval of the Planning Authority prior to the commencement of development and that a wheel washing facility be provided and maintained in working order during the period of construction works to prevent deleterious materials being carried onto the public road. Subject to appropriately worded conditions, the proposals do not conflict with Policy 13 of NPF4 or with Policies T1 or T2 of the adopted East Lothian Local Development Plan 2018.

At its meeting on Tuesday 27 August 2019, Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building(s) and from the completed development should be imposed on relevant applications for planning permission. Such a condition should be imposed on a grant of planning permission for this proposed development. Subject to the imposition of this condition, the proposals do not conflict with Policies 1 or 2 of NPF4.

On these considerations, the proposals are consistent with Policies 1, 2, 3, 4, 7, 13, 14, 15, 21 and 22 of National Planning Framework 4 and with Proposals DR2 and DR3 and Policies CH1, CH5, NH3, NH10, NH11, DP1, DP2, T1 and T2 of the adopted East Lothian Local Development Plan 2018. Therefore, 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 proposal's accordance with the Development Plan.

CONDITIONS:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 Prior to commencement of development hereby approved, a drainage layout plan and full details of the proposed Sustainable Drainage System scheme including a Surface Water Management Plan for the site, which both must meet the vesting requirements of Scottish Water and be in accordance with the Council's Supplementary Planning Guidance 'Sustainable Drainage Systems (SuDS)', shall be submitted to and approved by the Planning Authority. The development shall thereafter be carried out in strict accordance with the details and Surface Water Management Plan so approved, unless otherwise agreed in writing with the Planning Authority

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 3 Prior to the commencement of development hereby approved, the details of the measures to be taken to enhance biodiversity within the application site shall be submitted to and approved by the Planning Authority which shall include a timetable for their implementation. Thereafter those measures identified to enhance biodiversity shall be carried out within the timescales stated unless otherwise agreed in writing by the Planning Authority.

Reason:

To enhance biodiversity in accordance with Policy 3 of NPF4.

- 4 Prior to the use of the pump track, skate park, basketball court, café and changing room buildings hereby approved all works shown on the docketed plan titled 'Proposed changes within the existing car park / grounds of Dunbar Primary School', shall be completed and brought into use in accordance with agreement by the Roads Authority and shall include:

- (i) 2 accessible parking spaces within the eastern end of the school car park (as shown within the area coloured in blue);
- (ii) the formation of a turning head within the southwest end of the school car park (in the location shown in yellow);
- (iii) the erection of new fencing and lockable gates at the western end of the car park (in the location shown in red); and
- (iv) the retention of the existing fence and gates at the eastern end of the car park and the retention of the existing turning head to the east of the car park (as shown in green).

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the commencement of development hereby approved, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work and details of any temporary measures to be put in place throughout the duration of the construction process. The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 6 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. The wheel washing facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth or mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason

In the interests of road safety.

- 7 Prior to the commencement of development hereby approved, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

