

**Full Planning Application 05/00282/FUL  
at  
Warriston Farm Road  
(Dalmahoy Estate)  
Currie  
Edinburgh  
EH14 4AF**

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**Development Quality Sub-Committee  
of the Planning Committee**

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**1 Purpose of report**

To consider application 05/00282/FUL, submitted by Mr McDougall. The application is for: **Area to be used for outdoor laser sports**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

**2 The Site and the Proposal**

**Site description**

The site comprises a wooded area which lies to the west of Curriehill Road and to the north of Warriston Farm Road.

It has an area of approximately four hectares.

The site is in the Dalmahoy Designed Landscape.

## Site history

There is no planning history for this site.

## Description of the Proposal

The application proposes to use four hectares of land for outdoor laser sports. The site would be entered via a field gate from Warriston Farm Road and a car parking area would be formed within an existing opening in the trees. The car park would accommodate up to twenty cars. It would be stone chipped to the surface.

The applicant states that no huts or barriers would be erected. Access would be one that is currently in use for obtaining access to the field to the north of the site.

The intended hours of operation are 10am to 9pm for seven days per week/seasonally. There would be a maximum of thirty players per game. Guns used would operate using invisible infrared beams. When fired they would make a simulated shooting noise as well as vibrating, in order to seem more realistic for the player. The packs which are worn by the players serve as a target for other players and have small lights that flash briefly when a player is shot. The length of each game would depend on the objective but in general terms a short game would last for twenty-fourty minutes and a long game would last for up to two hours. The maximum use of the site would be if there were two sessions (morning and afternoon) per day on every day of the week. The most likely use would be a single session a day on weekdays and two sessions a day on Saturdays and Sundays. Allowing for one day off a week, through lack of bookings or holiday this would equal to less than half of the maximum estimate.

The applicant states that he intends to use the natural pathway running through the middle of the woodland and will use each side on alternative months. He states that activity will be limited during the winter months to allow the woodland to rest. The applicant states that he will aim to ensure that new planted trees in the area will remain undisturbed. No trees have been or will be felled. Dead and dangerous tree fall which may pose a risk to participants will be removed or lopped as appropriate. There will be no buildings erected on the site and existing boundary walls and fences will not be altered.

The applicant has submitted an 'ecological impact assessment'. The scope of the study is as follows:

- A detailed phase 1 Habitat Survey of the site highlighting any species or habitats of conservation interest;
- Survey for nesting birds highlighting any species of nature conservation interest;

- Presence/absence survey for bats and badgers.

Copies of this can be viewed in the Group Rooms.

### **3 Officer's Assessment and Recommendations**

#### **DETERMINING ISSUES**

The determining issues are:

- Do the proposals preserve the designed landscape or its setting or any features of special interest which it possesses? If not, there is a presumption against the granting of permission.
- Do the proposals comply with the development plan?
- If the proposals do comply with the development plan area there any compelling reasons for not approving them?
- If the proposals do not comply with the development plan are there any compelling reasons for approving them?

#### **ASSESSMENT**

To address the determining issues the Committee needs to consider whether:

- a) The principle of the proposed use is acceptable given its location;
- b) The proposed use of the land has any significant environmental impacts;
- c) The proposal is satisfactory in terms of access and parking;
- d) There would be any adverse effect on airport safety and
- e) There would be any adverse effect on nearby/ neighbouring property.

a) The site lies within an area where there is presumption against development other than for agriculture, outdoor recreation and other uses appropriate to a rural area. The proposed development is considered to be an appropriate countryside recreational pursuit in accordance with countryside and Green Belt policy. In principle the proposed development would be acceptable.

b) The site consists of predominantly semi natural broadleaved woodland that has significant wildlife value.

The Forestry Commission Scotland states that the area proposed for development is currently under the Woodland Grant Scheme contract 'Dalmahoy' and the owner has obligations towards the Forestry Commission and the sustainable management of this woodland area. It does not support any felling operations taking place, and would like to see the woodland area well maintained and sustainably managed.

Scottish Natural Heritage are now satisfied that the applicant has addressed their concerns in terms of minimising potential damage to trees and loss of woodland. They wish to ensure that detailed rotation plans, showing the activity zones are submitted to the council before full planning permission is granted. Conditions are suggested to ensure that the parts of woodlands affected would not be damaged or lost.

Historic Scotland are content that the proposed development will not have a significant and unacceptable impact upon the integrity of the Dalmahoy Designed Landscape.

The applicant has carried out an ecological survey and impact assessment to ascertain the existing biodiversity value of the site. The assessment demonstrates that there are no known protected species issues on the site. The most likely protected species encountered would be badgers and bats. Although bats and field signs of badgers were identified, no setts, roosts or breeding sites were located during the surveys carried out. The impact on the ecology of the site will be acceptable. It is suggested that where felled trees remain on site that some or all of these are retained as they provide a rich habitat for invertebrates, birds and other wildlife.

It is recommended that conditions are imposed on any consent to ensure the woodland is reinstated if the facility closes down in future.

In terms of the effect on the Designed Landscape, the historic woodland and biodiversity at the site, the proposal is acceptable.

c) Transport have no objections to the proposed development. In terms of parking and highway safety the proposal would be acceptable.

d) The proposal involves the use of hand held lasers which do not emit a visible beam. The proposal would therefore not have any adverse effect on aircraft safety. BAA raise no objections to the proposal.

e) The Director of Environmental and Consumer Services raises no objection subject to a condition relating to hours of operation and restricting any permission to a temporary period of one year to establish whether the proposal is suitable for this location.

In conclusion, the proposed development would be acceptable in principle, would not have any adverse effect on the Designed Landscape, the biodiversity in the area, the ancient woodland, airport safety, transport issues

or on neighbouring property. There are no other material considerations which outweigh this conclusion.

It is recommended that Committee approves this application subject to conditions relating to a time limit on the consent, restricting the hours of operation and means of protecting woodland.

*Alan Henderson*

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Karen Robertson on 0131 529 3990 (FAX 529 3716)
<b>Ward affected</b>	01 - Balerno
<b>Local Plan</b>	Currie Balerno Local Plan
<b>Statutory Development Plan Provision</b>	Countryside/Green Belt
<b>Date registered</b>	18 February 2005
<b>Drawing numbers/ Scheme</b>	1-5 Scheme 1

#### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, Helen Martin on (0131) 529 3517. Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@edinburgh.gov.uk)

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) or [sarah.bogunovic@edinburgh.gov.uk](mailto:sarah.bogunovic@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** Warriston Farm Road  
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**Proposal:** Area to be used for outdoor laser sports

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## Consultations, Representations and Planning Policy

### Consultations

#### Transport

*I have no objections to the application.*

#### BAA

*The proposed development has been examined from an aerodrome safeguarding perspective and as long as the lasers are hand held and do not emit a visible beam as stated in the letter from the applicant dated 2 April 2005, this does not conflict with safeguarding criteria. There are no objections to this proposal.*

#### East Lothian Council

*The site falls to be considered against Policy ENV2 of the Edinburgh & the Lothian's Structure Plan 2015. This states that a presumption against development or changes of use in the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry, countryside recreation, other uses appropriate to the rural character of the area or operations covered by Policies ECON3 and ECON4 of the Plan.*

*The application seeks permission for an area of land to the west of the Heriot Watt University Riccarton Campus for outdoor laser sports use. It is considered that the proposed use is an appropriate countryside recreational pursuit under the terms of the above Structure Plan policy. As such, East Lothian Council would not wish to formally object to this application.*

## **Environmental and Consumer Services**

*The application area has one domestic dwelling in close proximity, at the corner of Warriston Farm Road and Curriehill Road. Protecting this dwelling is a wall running the length of Warriston Farm Road, which will act as a partial barrier to any noise that may escape from the application site.*

*Noise from laser gun operation is unlikely to be significantly audible within the dwelling, therefore the main concern for this Department is vocal disturbance from participants disturbing nearby residents.*

*As the operation is not currently running, and there are no similar operations within the Edinburgh area that have properties in such close proximity, it is difficult for this Department to fully assess the potential impact on amenity this application may have. Therefore this Department would recommend that this proposed development be granted for a temporary period of one year to assess the proposal if complaints are received.*

*This Department has no objections to the application, subject to the following conditions:*

- 1. Planning permission is granted for a temporary period of one year.*
- 2. Hours of operation to be 10.00 hours to 21.00 hours.*

## **Scottish Natural Heritage**

*Scottish Natural Heritage do not object to the proposal subject to conditions in respect of the following matters:*

- 1) Much of the existing woodland is categorised as being Long established (of plantation origin), as classified in the Ancient Woodland Inventory of Scotland. We would wish to ensure that suitability worded planning conditions and/or legal agreements are in place to prevent any net loss of woodland.*
- 2) Exclusion areas should be sectioned off and activity zones re routed to encourage regeneration as necessary using monthly rotations. Details on rotation plans and areas to be rotated should be submitted to the Council before planning consent is granted.*

*Further comments dated 1 September 2005*

*After receiving a copy of the response letter from the applicant with regard to the points raised, we are now satisfied that the applicant has addressed our main concerns, in terms of minimising potential damage to trees and loss of woodland. However, we would wish to ensure that detailed rotation plans, showing the activity zones, are submitted to the Council before full planning consent is granted.*

## **Forestry Commission**

*Our records show that the woodland at Warriston Farm Road forms part of the Green belt land, part of the Scottish Semi-Natural woodland inventory of broadleaved semi-natural origin, and it also forms part of the Dalmahoy Designed Landscape. It is therefore a sensible area.*

*This area proposed for development is currently under the Woodland Grant scheme contract 'Dalmahoy' (ref. 035000155/001) and hence the owner has obligations towards Forestry Commission Scotland for the conservation and the sustainable management of this woodland area.*

*Forestry Commission Scotland do not support any felling operations taking place in the above location; we would like to see the woodland area maintained and sustainably managed.*

## **Historic Scotland**

*Historic Scotland are not minded to object in principle to the development. It would be helpful however to know whether it will be necessary to fell any significant trees. We note that boundary walls and fences are mentioned amongst external building materials. It would be helpful to know what materials are proposed for these structures.*

*Further comments dated 1 September 2005*

*We are content that the proposed development will not have a significant and unacceptable impact upon the integrity of the Dalmahoy Designed Landscape.*

## **Representations**

The application was advertised on 4th March 2005 and no representations were received.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

## **Planning Policy**

### **Edinburgh and Lothians Structure Plan**

Important elements of the built and natural environment, including non-statutory designations, will be protected from harmful development.



Areas designated as countryside require careful protection to focus development on the core development areas. The plan seeks to strike a balance between protecting the character of the countryside from development pressures while allowing some limited and appropriate development.

### **Currie Balerno Local Plan**

The site lies within a Countryside Policy Area and Green Belt of the Currie Balerno Local Plan where there is a presumption against new development, rural character and amenity to be safeguarded.

### **Finalised Rural West Edinburgh Local Plan**

The site also lies within the Green Belt and falls within a Designed Landscape of the Finalised Rural West Edinburgh Local Plan.

### Relevant Policies:

#### **Edinburgh and the Lothians Structure Plan**

Policy ENV3 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met within the urban area and is compatible with the rural character of the area.

Policy ENV2 presumes against development in the Green Belt unless necessary for the purpose of agriculture, forestry, countryside recreation or other uses appropriate to the rural character of the area.

Policy ENV1C states that local plans should include policies for protecting and enhancing International and National Historic or Built Environment Designations.

Policy ENV1F states that development proposals affecting any designated natural heritage site, protected priority habitat or species or other important non-statutory locations will require an appropriate level of environmental and biodiversity assessment.

#### **Currie Balerno Local Plan**

Policy 2.2 states that no development in the countryside will be permitted for purposes other than agriculture, outdoor recreation or other purposes appropriate to a rural area.

Policy 2.9 states that planning permission will not be granted for new development or redevelopment in the Green Belt for purposes other than agriculture, recreation or other uses appropriate to a rural area. Planning consents will contain provisions for the safeguarding of amenity and the landscape.

Policy 2.15 states that the Council will encourage and promote the conservation management and improvement of the landscape and its wildlife habitats.

Policy 2.21 states that proposals for outdoor recreation in the lowland countryside areas will be supported if they are compatible with farming and wildlife interests.

### **Finalised Rural West Edinburgh Local Plan**

Policy E23 states that in the Green Belt and Countryside, improvement or extension of outdoor recreational and sporting facilities will only be permitted where they would not adversely affect rural character, the amenity of the countryside or environmental quality.

Policy E5 restricts development in Green Belt and Countryside policy areas to protect their landscape qualities, rural character and amenity.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or Countryside must meet high standards of design and landscaping and meet criteria to safeguard local amenity.

Policy E14 seeks to protect "Designed Landscapes" of national significance and their setting. Proposed development will only be permitted where it assists restoration and would not adversely affect its value.

Policy E15 seeks to ensure the survival and retention of healthy mature trees. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

Policy E16 promotes the protection of significant individual trees, tree groups and shelter belts through Tree Preservation Orders. No new development shall be sited within 20 metres of the trunk of a protected tree or within 10 metres of its canopy, whichever is the greater. Through its Urban Forestry

Strategy, the Council will promote and support additional woodland planting, promote the enhancement of existing woodland and to ensure the sympathetic integration of new trees in woodlands, particularly in Areas of Great Landscape Value where there will be a presumption against large scale coniferous afforestation.

Policy E20 seeks to maintain and improve the nature conservation and biodiversity value of the countryside outwith the areas identified in policies E17 and E18. The impact of proposed development on wildlife, habitat, geological/geomorphologic features and the overall landscape will be an important consideration for applications.

Policy TRA4 requires provision for Pedestrians, Cyclists and Car/Cycle Parking in Development Proposals in conformity with the Council's approved standards.

Sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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## Conditions/Reasons associated with the Recommendation

### Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

### Conditions

1. Permission is granted for a limited period of one year from the date of consent.
2. Within one month of the date of expiry of the limited period of consent, the site shall be restored to its condition prior to the temporary works hereby approved being carried out, to the satisfaction of the Head of Planning & Strategy.
3. Hours of operation shall be limited to 10.00 hours to 21.00 hours.
4. The mitigation recommendations stated in section 5 of the Ecological Impact Assessment submitted by Oliver Shorter shall be complied with at all times unless otherwise agreed in writing by the Head of Planning and Strategy.
5. For the duration of this consent no work to trees shall be carried out without the written approval of the Head of Planning and Strategy.

Operations shall not begin until details of management of the trees, including any new planting and measures to protect trees during operations have been agreed in writing by Head of Planning and Strategy.

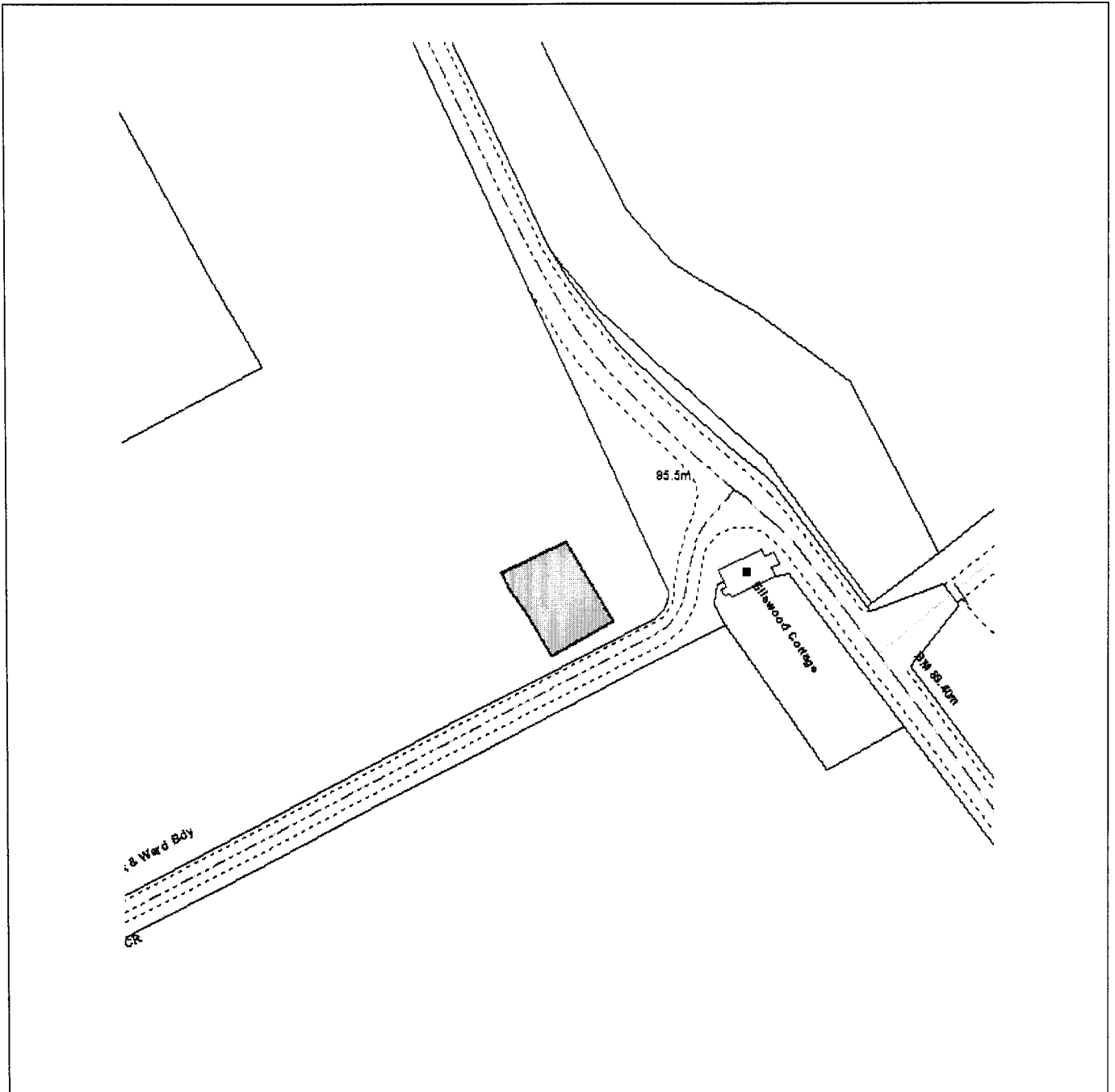
6. No lighting of fires, excavation or depositing of soil will be permitted closer than 20 metres of the trunk of any tree or within 10 metres of the canopy of any tree unless agreed in writing by the Head of Planning and Strategy.

### **Reasons**

1. In order to assess the impact of the development over a trial period.
2. In order to assess the impact of the development over a trial period.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to protect against damage of the woodland, and wildlife associated with it.
5. In order to protect existing mature trees and to provide a high quality landscape
6. In order to protect existing mature trees and to provide a high quality landscape

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**End**



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# **PLANNING APPLICATION**

<b>Address</b>	<b>Warriston Farm Road, (Dalmahoy Estate), Currie, Edinburgh,</b>		
<b>Proposal</b>	<b>Area to be used for outdoor laser sports</b>		
<b>Application number:</b>	<b>05/00282/FUL</b>	<b>WARD</b>	<b>01- Balerno</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			