



Quarry Investments Ltd.

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30. **This leaved the overriding issue being the impact on Castle Gogar** itself and we cover this in some detail below. The Castle is virtually invisible to the outside world and the proposed development would have no impact on either the character, appearance or setting of Castle Gogar nor interrupt or impact on any views into or out of the Castle Grounds.

Reason 1 - The proposals do not comply with LDP policy Env 3 Listed Buildings- Setting and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it is likely to impact on the setting of the listed building.

31. The planning statement addresses the issue of the impact on the Castle Gogar. We have been consistent in our opinion that the siting of the Castle and its surrounds has already been irreparably and irreversibly compromised by development at Castle Gogar Rigg (and the continued expansion of Edinburgh Airport to the north and east).

32. This evolution will continue as the **International Business Gateway** emerges to the immediate south, east and west, further developing the land surrounding the Castle and dwarfing the wider Castle Gogar site further obliterating any views of the Castle.

33. For some time now, Castle Gogar has ceased to be the focal point of the wider area. **The initial enabling development ensured its survival whilst significantly compromising its setting. This trade off was deemed worthy of saving the Castle building acknowledging that it's importance beyond its garden walls was forever diminished.**

34. The further development of six innovatively designed new homes will add to this sense of place whilst the Castle will remain the key element in the area, though almost totally hidden from public view. **Its intrigue and influence is almost entirely in what cannot be seen. It is a key element, but certainly not the key focus** and this will only be exacerbated as development continues all around it.

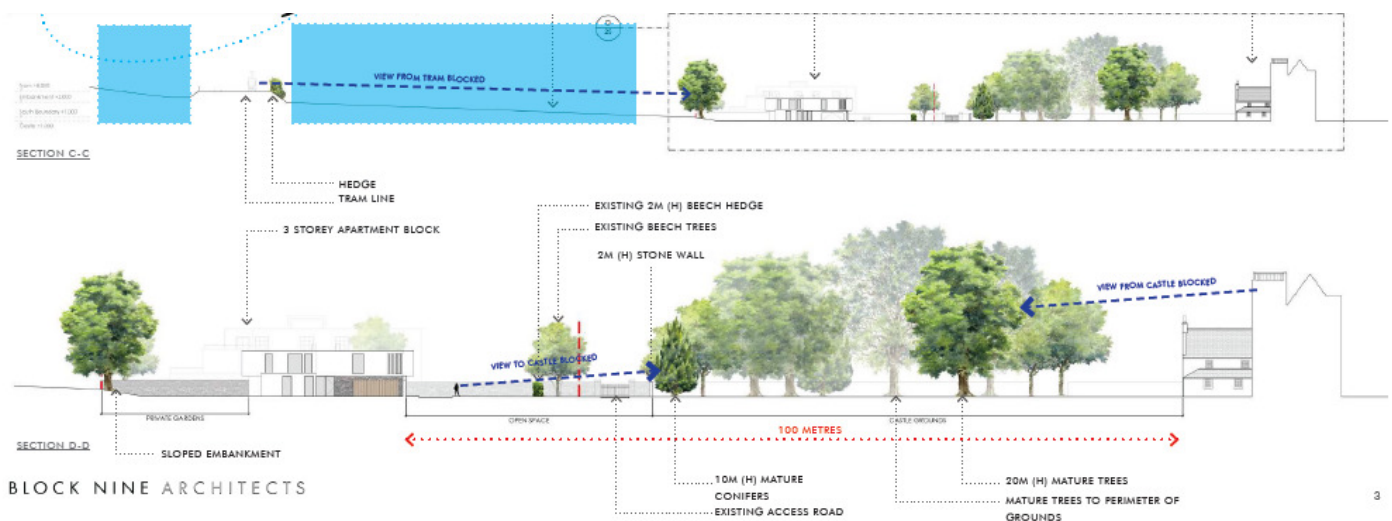
35. **The proposals will have no impact on the architectural character of the Castle** (and surrounding buildings), **its appearance, historic interest** (this is limited to the immediate curtilage given the previous development and the fact you cannot see the Castle from outside its walls) and we have clearly stated our opinion with regards to the already compromised setting of Castle Gogar. Furthermore (and as also covered when looking at Reason 6) there is no tangible, historic, recorded relationship between the Castle and the area of ground to the south that has erroneously and without reason recently become known as the 'paddock'.

36. **We therefore disagree that the proposed development 'is likely to impact on the setting of the listed building' whilst the wording of the refusal is in itself less than definitive.**

37. Conversely, the impact could be positive in that it further enhances the wider setting of Castle Gogar making it the key part of a development of the highest quality. Again this is exacerbated by the emerging IBG which will see further significant change to the wider Gogar area.

38. In response to this key reason for refusal (in fact THE key reason for refusal), we have produced an Addendum to the Design and Access Statement examining the levels and viewpoints of where the Castle can be seen from. It offers compelling evidence that clearly demonstrates that;

- the castle is invisible from all key viewpoints that could be altered as a result of this proposal;
- that any views of the Castle (for instance from Eastfield Road as you head to the airport) would remain the same; and
- due to the topography of the site, any new homes proposed would sit well below the level of the Castle and importantly below the horizon of any identified key viewpoints.



39. In detail the document highlights the following key features:

- There are three rows of mature tall TPO protected trees of varying ages between the Castle and the application site. These trees cannot be removed or extensively cut or pollarded. These trees are evergreen and will continue to detach the Castle from our site which is over 100m away. This is the same during the winter months (evergreen) and when cropped/maintained.
- The application site is currently a dumping ground for building debris and offers no historically significant 'setting' to the Castle, and if anything it detracts from the setting. The Castle is entirely bound by its surrounding landscaped walls and trees.
- The photo sequences demonstrate that the Castle cannot be seen from within or outwith the site, with the exception of from great distance to the South West. Moreover and as above the proposed development cannot be seen from outwith the site.



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- **At no point can the Castle and the proposed development be seen together.** The elevated position of the tram is the only location where the site can be seen, but the tram view is entirely obscured by a hedge row, and even if completely cut back, the view would only be to the top of the proposed green roofs. At no stage would the castle be visible. **The development cannot therefore compromise the Castle's setting.**

Site Sections

40. **The site sections clearly demonstrate that there is no connection between the proposed site and the Castle, nor a view from the tram across our site to the Castle that simultaneously incorporates the proposed development.** This is due to 2 rows of tall mature trees within the castle grounds (over 25m tall), a very tall row of dense conifers within the Castle's South boundary wall (over 12m in height), a row of mature trees to the south of the application site which will be retained (over 20m in height) and a dense hedge to the entire tram track edges (over 4m in height). In the very occasional small gaps in the hedge, the Castle still cannot be seen until some 150m west of the axis of our site
41. To accompany the document lodged with this appeal, please see below:
 - 1.0 - From the A8** – Demonstrates that only the rooftop gables of the Castle are visible from a great distance and to the west of the site. Our proposed new homes will never be in view (*only the very top of the already built 3-storey apartments are partially visible*).
 - 2.0 – From the elevated RBS bridge over the A8** – Neither the site nor the Castle are visible at any point from the bridge and are fully concealed behind protected evergreen trees.
 - 3.0 – Entry sequence to the appeal site and Castle Gogar Rigg** - This sequence demonstrates that the Castle is not in view from the approach road. The permanent gates and boundary walls conceal the approach view, and the multiple layering of mature trees (again protected by TPO's) mean the castle is entirely invisible from this approach.
 - 4.0 – View From the appeal site towards the Castle** – demonstrates that the Castle is not visible from anywhere around the site which is currently a wasteland of building debris with no historical significance. The reference of a 'paddock' is not on any historical maps or within any HES listing. The wider Castle Gogar site will also be completely encompassed by the International Business Gateway.
 - 5.0 – View from Tram line** – The extent of the tramline to the South of the site is concealed by a tall hedgerow. This sequence was taken only in front of this hedge row **across the proposed International Business Gateway site which itself will, over time create an entirely new view from the tramline and across to the Castle and appeal site.** It clearly demonstrates that even from in front of this hedge, the Castle is completely concealed by multiple layers of TPO's trees.



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6.0 – Existing and proposed views from entry to Castle Gogar Rigg – This sequence of existing and proposed images (side by side) clearly demonstrate that the site does not provide any sort of setting (contextual or historical) to the castle, and the buildings (only legible in image 2) have no impact on the context of the castle which is completely invisible.

Image 1 – The new properties have very little bearing on the entrance road, and are almost invisible on the approach to the existing bridge entering Castle Gogar Rigg. The proposals have far less and a lower impact than the existing 3 storey apartments due to their natural stone lower walls rooting the properties firmly within their rural context

Image 2 – The natural stone walls are evident when close up to proposed units 1 & 2, but this ties the proposals in well to the stone walls of a comparable height around the castle boundary and the rural context of the approach road.

Image 3 – The ‘wasteland’ of the existing site has a backdrop of a 3 storey apartment building. The castle is entirely imperceptible in both existing and proposed views and the existing site bears no relevance or context to the Castle which is tucked behind multiple layers of evergreen and TPO trees.

Gate Image – demonstrates that there is no context or setting between the castle and the site, even when immediately at the entrance gates to the castle. Visitors and residents can perambulate around the entire South East, South and West of the site with absolutely no concept of the Castle’s presence.

MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

42. The ‘*Managing Change*’ document asks to identify the likely listed structures that are likely to be impacted. We have done this with the key building being Castle Gogar itself. Before assessing impact we must understand the setting in terms of how the building is ***understood, appreciated and experienced***. In this instance, the privately owned Castle Gogar has been hidden from the public for many years by a combination of policy walls and mature planting.
43. In terms of the existing landscape setting, key vistas into and out from the historic asset, its prominence and aesthetic qualities, the relative seclusion of the building mitigates against these potential impacts from the very outset. There are no key vistas into or out from Castle Gogar, it is not a prominent feature in the landscape, especially from ground level and **it now sits in a rapidly changing landscape** including the development of modern homes at Castle Gogar Rigg and the every changing environs of the Airport which is soon to take on a whole new character when **the International Business Gateway** commences development.



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44. We mention that the Castle setting has been compromised throughout our submissions and this is very much the case. **What this development is intended to do is ensure that the Castle at least sits in the midst of a very high quality residential setting, with interesting, modern but sensitively styled homes.**

Fundamentally, the initial decision to permit the enabling development accepted the compromise that the setting of the Castle would be forever diminished. It was agreed to concentrate on the restoration of the Castle building at the clear cost of the wider setting. These proposals have no detrimental impacts on the Castle nor would they undermine the initial decision taken to protect the Castle but allow significant change to the wider setting.



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Reason 2 - The proposals do not comply with LDP Hou 1 Housing Development and Emp 6 International Business Gateway as it is not part of a business-led mixed-use proposal, nor does it meet any of the other use criteria defined under LDP policy Emp 6.

45. The proposals represent an appropriate and high quality extension and completion of the Castle Gogar Rigg neighbourhood. The site is part of the **International Business Gateway** as defined in the 2016 and emerging Local Development Plan. The wording of Policy EMP6 does not make it an explicit necessity that every proposed development of new homes has to be part of a mixed business and residential development.
46. **The aim of Policy Emp6 is to ensure that the IBG does not represent a major residential land release by another name, as well as underpinning major commercial development.** The point of the policy is not to prevent a development such as the application before you.
47. There is an extant permission for an office building at the heart of Castle Gogar Rigg (which in theory could make the housing development an appropriate element of a mixed use, business led development) but we agree with the Council that this would no longer be an appropriate use at this location.
48. The proposed development of six new homes at Castle Gogar Rigg will **complement and not compromise the wider IBG initiative**; is appropriate to the location (given the surrounding character of development of other high-end residential properties) with no negative impacts on the immediate and wider setting.
49. If the design and layout of the proposals at Castle Gogar Rigg are deemed appropriate (and we strongly promote that they are) then it would be unrealistic and unnecessary to insist that they form part of a wider business-use led proposal due to ownership and practical complexities.
50. **This development will not prejudice the implementation of the IBG** nor does it result in any detrimental impacts that would make the development unacceptable simply in seeking good planning decisions and outcomes. It would be unreasonable to hold this site to the same parameters and conditions of the far more extensive IBG site.
51. In short, these proposals are acceptable and the IBG designation merely provides important context as to the location of the appeal site and in highlighting the scale of change that the area is going to experience. **The aim of EMP6 was not to prevent small scale, high quality development such as the proposal before you.**



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Reason 3 - Insufficient evidence has been provided to show that the proposal complies with LDP policy Env 12 Trees.

52. The implications of POLICY ENV12 have been covered in the planning statement accompanying this application. It has never been questioned or challenged.
53. Following the refusal of planning application **19/04849/FUL** we undertook a tree survey in specific response to the reasons for refusal. This tree survey has never been questioned nor has there been a request for any further information to respond to any questions/concerns.
54. It is very disappointing that Reason 3 has been given. There was ample opportunity to engage with the applicant and/or ecologist to respond to any questions. **It is our professional opinion that in terms of potential impacts on trees on the site, the proposed development is acceptable.**
55. **It is impossible and unprofessional to state that 'insufficient evidence'** has been provided when there has not been a single request for any further information and a tree survey has been undertaken and submitted in support of this application at the applicants expense and in direct response to earlier comments.
56. This report, prepared by a reputable tree specialist (**CALEDON TREE SURVEYS**) is more than sufficient to enable the determination of the application (and appeal). The tree survey concludes;

"Historic canopy management has been rather deficient, with multiple instances of ill-advised tree surgery and uncorrected structural defects, most notably among the avenue specimens."

"A programme of felling and tree surgery is required to address current safety issues on the avenue, and a higher standard of arboricultural management will be required to provide an enduring future for this historic landscape feature."
57. It would be counterproductive to promote a high quality, executive style development that would undermine the presence and quality of the existing and remaining trees. They provide an attractive backdrop to development and will be supplemented by significant additional landscape planting as development is completed (avenue planting along the main access road being a case in point).
58. With many of the trees on site being of a similar maturity, the inclusion of replacement planting with young specimens will help to diversify the age profile and avoid the site becoming devoid of trees when the mature trees come to the end of their lives at a similar time.



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59. This will also deliver a more varied range of habitats to the area with managed grounds and gardens presenting their own biodiversity benefits.
60. These findings align with the proposals at Castle Gogar Rigg and no request for any supplementary information was made. **One can only conclude that the work is professionally sound and the findings have in no way been questioned.**
61. **In the absence of any credible response or challenge to the CALEDON TREE SURVEYS report, this reason for refusal must be set aside.**



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Reason 4 - Insufficient evidence has been provided to show that the proposal complies with LDP policy Env 16 Species Protection.

62. The implications of POLICY ENV16 have been covered in the planning statement accompanying this application. It has never been questioned or challenged.
63. Following the refusal of planning application **19/04849/FUL** we undertook a protected species survey in specific response to the reasons for refusal and concerns expressed at a previous local review body hearing. **This survey has never been challenged nor has there been a request for any further information to respond to any questions/concerns.**
64. It is very disappointing that Reason 4 has been given. There was ample opportunity to engage with the applicant and/or tree specialist to respond to any questions. **It is our professional opinion that all practical tree protection measures will be employed and that any tree removal is justified in terms of their current condition and actual danger of failure.**
65. It is impossible and unprofessional to state that *'insufficient evidence'* has been provided when there has not been a single request for any further information and a protected species survey has been submitted in support of this application.
66. ITP Energised undertook the Protected Species Survey Report and with the exception of some monitoring at the time of pre-construction (to minimise any potential otter disturbance) there are no *'red flags'* that could prevent development. Badger and Bat potential was identified but well outside the red line application boundary.
67. There are no Protected Species *'show-stoppers'* with regards to the application site and proposals so it is mystifying how a report could conclude that insufficient evidence has been provided (and again when no further information was requested).
68. **In the absence of any credible response or challenge to the ITP Protected Species Survey, this reason for refusal must be set aside.**



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Reason 5 - The proposals do not comply with LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features and Des 4 Development Design - Impact on Setting as it impact on the setting of the existing new build houses and surrounding area.

69. The use of Policy Des4 as a reason for refusal is baffling. **The proposals at Castle Gogar Rigg have been designed to specifically respond to the criteria of Policy Des4.**
70. The height and form of the new homes (2 storey, modern design) directly relates to the existing modern properties built at Castle Gogar Rigg, as can be said for the scale, generous proportions and the spacing of the properties which reflects existing development patterns. The siting of the proposed houses follows a logical pattern in completing the Rigg development whilst respecting and taking cues from the main Castle building in the north-east portion of the site (though actually bearing no visible relation to the new homes unless seen directly from above).
71. The materials and detailing of the proposed new homes represents an evolution of the modern homes already built at the application site, which in itself responds and contrasts to the converted steading buildings. There is little physical or visual relationship to the main Castle building but the white render, dark roofed approach does reflect the key design features of the Castle in terms of colours and approach.





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72. The continuation of a contemporary minimal design ensures that it does not compete with the ornate forms of the baronial castle (which is unperceivable behind the trees) as was the acceptable approach with the other housing built on the site.
73. However the material palette is sensitively juxtaposed with both the modern housing and the natural rural materials of their context (in natural stone and timber cladding). The proposals nestled very low within the naturally dipped site, substantially lower than the elevated 3 storey apartments to their immediate West.



74. Paragraph 154 could literally describe the design approach illustrated in this application – ***“Where the built environment is of high quality and has a settled townscape character, new development proposals will be expected to have similar characteristics to the surrounding buildings and urban grain”***. That is exactly what the proposals at Castle Gogar Rigg aim to achieve in continuing the pattern development and modern high-end design of the individual properties. ***“The siting and design of development should also be guided by views within the wider landscape and an understanding of local landscape character, including important topographical features, e.g. prominent ridges, valleys and patterns of vegetation”***.



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75. Again this is the aim of the design proposals that form this application. We have always been conscious and respectful of the Castle building in the north-east corner of the wider site. However it is completely hidden from view (especially from within the Rigg development) so whilst the geometry of the proposed layout respects the existing castle boundary walls, key design pointers have been taken from the existing modern development. It is essentially a flat site and with the exception of the mature trees, as many of which as possible will be retained, has no prominent of topographical features, no ridges, valleys or patterns of vegetation.
76. It is an area of dynamic change as the airport continues to grow and the International Business Gateway emerges from the surrounding open fields. In the more immediate vicinity it is also an area of contrasts and change with the modern development that has been completed almost 20 years ago being the most identifiable characteristic of the site given that the Castle is hidden behind high walls and vegetation. In fact, even when the front gate is open, you still do not see the Castle. It was always meant to be hidden, and what this proposal intends to do is complete a very high quality setting for the Castle.



77. **For the reasons given above, we contend that the proposals do comply with design policies Des3 and Des 4. At the very heart of the decisions taken on design and layout was the desire to create an attractive and appropriate final phase at Castle Gogar.**



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Reason 6 - The proposals do not comply with Env 18 Open Space Protection as the granting of proposed dwellings within the "paddock" area would result in the loss of open space.

78. The site is not *'green open space forming part of the grounds associated with Castle Gogar'*. The so called *'paddock'* is not tree lined (nor is it in anyway a paddock either currently or in any historic context) and the description in the officer report is misleading.
79. The area is not designated or defined open space. It is private ground that has been significantly compromised by previous development and it does not offer public access to open space or as an amenity area for the wider Castle Gogar Rigg population.
80. **Importantly, there is no historic reference to *'the paddock'* in relation to the Castle.** It is a title that has gathered momentum during the planning application processes since 2004. **There is no record anywhere that this small area of land played any significant role in the character and setting of Castle Gogar.** It was simply part of the policies. It is far more likely (historically) that the paddock/enclosure would have been the walled garden to the north-west (and since developed as part of the enabling argument).
81. The 2015 permission referenced in the case officer report was not to enable green space at all. That was never part of the consideration, in fact permission still exists for the office building in the central green space which we continually offer to remove as a development option. That will be an outcome of this application.
82. The paddock does not present a rural setting in any way shape or form. It is surrounded by development, there is an international airport next door and tram depot a short distance to the south-east. The emerging IBG will significantly alter the setting of Castle Gogar and the Rigg still further.
83. At no point will the new homes be a dominant feature (in fact quite the opposite as they will sit slightly down in their landscape setting). They will be part of a high-end modern neighbourhood in the wider policies of the Castle which over time has retreated into its own immediate environs
84. **The proposals are not contrary to Policy Env18 and there will be no loss of formal or informal open space. Furthermore there is no historic record or reference to the *'paddock'* to the south/front of Castle Gogar and far too much emphasis has been placed on it in recent years when considering development at Castle Gogar.** It is simply significantly compromised surplus land and the proposals have demonstrated that the area will benefit from a high quality, well designed final phase of development at Castle Gogar Rigg.



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SUMMARY

85. This LRB Appeal relates to the refusal of application **22/02294/FUL** for the development of six new homes on land at Castle Gogar Rigg and following the development of 17 new homes over the past 15 years. We were naturally very disappointed to receive the refusal (4th August 2022) especially as there has been no feedback or engagement from the planning officials despite repeated requests.
86. This appeal statement addresses each of the reasons for refusal in turn and we believe that there are no insurmountable obstacles to prevent further development at Castle Gogar Rigg.
87. **It is our opinion that the key consideration regards the impact of the proposals on the character and setting of Castle Gogar and specifically with reference to policy Env3 and Historic Environment Scotland publications.**
88. **The wider setting of Castle Gogar has been compromised over time**, by the airport to the north and east, the tram embankment to the south and the depot at Gogar and the development of the Royal Bank of Scotland Headquarters to the south. The International Business Gateway represents the latest and alongside the Airport, most impactful, development and will further change the wider landscape context of Castle Gogar.
89. An important consideration, according to Historic Environment Scotland, is how an historic asset is understood, appreciated and experienced. **It is our opinion that the setting of Castle Gogar has already been so compromised that the proposed development will make no material change.** This is especially the case when considering the extensive new development proposed to the south, north and east (IBG, Elements Edinburgh etc.) which will dwarf the Castle Gogar site further compromising its setting in the wider landscape.
90. Fundamental to the consideration of this appeal is that a decision was taken in 2005 to save the Castle building whilst permitting development on other parts of the Castle Gogar site. This was a deliberate decision to see the setting of the Castle significantly diminished to secure the refurbishment and long term future of the main building.
91. Subsequent development has seen the site evolve further. These proposals will see further high quality development deliver the final phase of development and essentially finish the work that was started with the granting of planning permission 04/02302/FUL
92. To further understand the potential impacts on Castle Gogar, we have submitted an Addendum to the Design and Access Statement and in specific response to the first reason for refusal. It clearly illustrates that the proposed development cannot impact on any view to or from the Castle and that any long distance views of the Castle from the north-west are not interrupted at all by the proposals.



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93. Furthermore, due to their height and site topography, the proposed new homes will site below any views of the general Castle Gogar area from the south-east, south and south-west. **These proposals literally have no impact on the integrity of the Castle or what remains of its setting.**
94. These carefully considered aspects of the proposals are intended to improve the way that the Castle and its setting are **understood, appreciated and experienced.**
95. With regards to Protected Species and Tree Protection, professionally prepared reports were submitted in support of the application. These reports do not contain any '*red flags*' or '*show-stoppers*' yet two of the reasons for refusal refer to insufficient evidence being submitted. **This is not credible given that no concerns were ever raised over the content of these reports – their findings were never challenged.**
96. **This final piece in the jigsaw at Castle Gogar Rigg will ensure that development within the immediate environs of Castle Gogar is of the highest quality and although the Castle does not respond to, nor interact with 'The Rigg', the completion of the modern development will ensure that the Castle sits as the hidden gem amongst a very high-quality setting.**
97. The application site and access road are under single ownership, not only ensuring the delivery of the new homes, but also (and has been the case over recent years) ensuring the maintenance and upkeep of the development. The applicant is also a resident of Castle Gogar Rigg and has already spent a great deal of time and money restoring the bridge over the Gogar Burn, itself, a listed structure. **This sense of responsibility and stewardship will continue into the future.**
98. **The site has an unfinished feel to it and this application seeks to secure permission for the final phase of development which we believe represents the logical and appropriate conclusion of development along the southern boundary of the site and will finish the work that was started in 2005.**
99. This application represents an opportunity to introduce further limited high quality residential development to the site, complementing existing homes, sitting comfortably and appropriately in its setting and providing six executive style homes at an attractive and marketable location.
100. The proposals seek to introduce a modern, simple yet high quality design, taking appropriate reference from the existing built form and acting as an appropriate conclusion to development at Castle Gogar Rigg. No concerns have been raised with regards to the proposed design of the new homes.
101. We strongly contend that these proposals offer an appropriate and high quality development opportunity to complete this discreet neighbourhood in an attractive and high quality way and maintaining and enhancing the character of Castle Gogar Rigg.