

APT Planning & Development.
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Quarry Investments.
C/o APT Planning And
Development
6 High Street
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Decision date: 20 December 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Proposed development of five new detached homes.
At Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Application No: 19/04849/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 10 October 2019, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 1, as it does not meet the criteria for housing development within the International Business Gateway.
2. The proposal is contrary to adopted Edinburgh Local Development Plan policy Des 4, as the proposal will have a negative impact upon the setting of its surroundings.
3. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 3, as the proposal will be detrimental to the setting of the listed building.

4. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 12, as the proposal is likely to have a damaging impact upon trees worthy of retention.
5. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 16, as the proposal may have an adverse impact upon species protected under European or UK law.
6. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 18, as the proposal will result in the loss of valuable open space which will have a significant impact upon the quality and character of the local environment.
7. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 21, as the proposal may increase a flood risk or be at risk of flooding itself.
8. The proposal is contrary to Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on setting as the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar.
9. The proposal is contrary to adopted Edinburgh Local Development Plan policy Emp 6, as it does not meet the criteria for housing development within the International Business Gateway.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-41, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with adopted Edinburgh Local Development Plan policy Hou 1, Emp 6, Des 4, Env 3, Env 12, Env 16, Env 18, Env 21 and the Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on setting. The proposals fail to preserve the setting of the listed building and so do not meet the requirements of S59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. No information has been provided to justify the harm and no alternative sites have been investigated. There are no compelling reasons to approve the proposal.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly on 0131 529 3422.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 19/04849/FUL At Land 80 Metres South Of 6, Castle Gogar Rigg, Edinburgh Proposed development of five new detached homes.

Item	Local Delegated Decision
Application number	19/04849/FUL
Wards	B01 - Almond

Summary

The proposal does not comply with adopted Edinburgh Local Development Plan policy Hou 1, Emp 6, Des 4, Env 3, Env 12, Env 16, Env 18, Env 21 and the Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on setting. The proposals fail to preserve the setting of the listed building and so do not meet the requirements of S59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. No information has been provided to justify the harm and no alternative sites have been investigated. There are no compelling reasons to approve the proposal.

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDES01, LDES03, LDES04, LDES05, LEN03, LEN12, LEN16, LEN18, LEMP06, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LTRA02, LTRA03, LTRA04, LTRA12, LRS06, NSG, NSGD02, HES, HESSET,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site relates to two areas of green open space forming part of the grounds associated with Castle Gogar, a white harled, four storey, Baronial style tower house dating from 1625 with later 19th century extensions. The castle, stables, gatehouse and garden walls are category A listed (item no. 27092).

The first area, or plot lies to the south-west of the castle in amongst the previously approved dwelling houses and the converted original stable block. It has been referred to in previous applications as the "Village Green".

The second area lies to the south and south east of the castle, a tree lined open space area which stretches along the main drive. It was previous utilised as a paddock and is still referred to as such in the submitted plans.

Five detached houses and the stable block conversion were granted in 2005 under 04/02302/FUL and 04/02302/LBC as an enabling development for the restoration of the castle. Further developments have since been approved within the grounds such as the erection of two apartment blocks and a separate dwelling under 15/01051/FUL and then another further dwelling house was approved under 17/00202/FUL.

Castle Gogar is situated approximately six miles from Edinburgh city centre and 0.25 miles from the Gogar Roundabout on the north side of Glasgow Road (A8). The site is accessed off the A8 through the original gatepiers onto a single track, tree lined drive, approximately 600 metres in length. The tram line to Edinburgh Airport crosses the drive just after the gatehouse and the road is two-lane at this point.

There are groups and bands of mature deciduous trees within the grounds, notably the avenue lining the main drive and mature tree belt around the former paddock.

The secondary runway of Edinburgh Airport adjoins the north and east boundaries of the site and the Royal Bank of Scotland headquarters lies directly south on the opposite side of the A8. The surrounding undeveloped land is primarily agricultural. A strip of land to the south of the site is, however, defined in the Local Development Plan (LDP) as open space for the proposed International Business Gateway.

2.2 Site History

25.02.2005 - listed building consent granted to restore 17th century Castle Gogar as family residence, restore and convert existing ruined stables block into two residential properties, alter south boundary of walled garden and demolish greenhouses and former piggery (04/02302/LBC).

31.05.05 - planning permission granted to restore 17th century Castle Gogar as family residence, restore and convert existing ruined stable blocks into two residential properties and erect one office building and five residential properties (04/02302/FUL).

02.03.06 - planning application withdrawn to construct new build four contemporary residential properties, one new-build vernacular gate house, garage and associated walled gated entrance (05/03335/FUL).

09.09.2015 - planning permission granted to erect two apartment blocks (total of 8 apartments) and one detached dwelling house with associated access, parking, garden ground and landscaping on land adjacent to 9 Castle Gogar Rigg (15/01051/FUL).

31.03.2017- planning permission granted for the erection of 1 dwelling house immediately to the south of 9 Castle Gogar Rigg (17/00202/FUL)

Main report

3.1 Description Of The Proposal

The application is for planning permission for the erection of five, two-storey, three- and four- bedroom, large detached dwelling houses with associated access, parking, private gardens and landscaping.

Four of the houses proposed shall be constructed within the open space "paddock" area, while one is proposed within another open space area. An office block has been approved within this area under planning consent 04/02302/FUL. The consent for the office building is still extant.

The proposed houses are contemporary in design with white rendered walls, flat, lead appearance roofs or zinc pitched roofs, dark grey aluminium clad timber framed windows and cedar faced doors.

Each house has a double garage and off street parking.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states 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.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are 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?

3.3 Assessment

To address these determining issues, it needs to be considered whether:

- a) the proposal is acceptable in principle in this location;
- b) the proposals will adversely affect the setting of the listed buildings or the existing estate;
- c) the proposals will have an adverse impact on the open space and the character and/or landscape quality of the area;
- d) the proposals will negatively impact upon trees and ecology;
- e) the proposals will be detrimental to residential amenity and the design proposed is appropriate
- f) the proposal will not impact upon road or pedestrian safety;
- g) the proposals can proceed without risk in terms of flooding or aerodrome safety;
- h) other material matters have been addressed
- i) all issues raised in representations have been addressed

a) Principle

The site is located within the area identified for the development of an International Business Gateway (IBG) as defined in the Edinburgh Local Development Plan (LDP) and identified in NPF3. LDP policies Emp 6 and Hou 1 permit housing in this area as a component of a business-led mixed-use proposal subject to further consideration through the masterplan process, appropriate infrastructure provision and where consistent with the objectives of NPF3.

Table 4 of the LDP - Housing Proposals- identifies an opportunity for housing development as a component of business-led mixed use proposals within the IBG, of which this site is part, where it would contribute to place making and sustainable development objectives.

Whilst the development of housing on this site, contained within an existing cluster of residential units would not prejudice the opportunity to create an International Business Gateway, the proposed development 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.

The proposal therefore does not comply with LDP policy Hou 1 or Emp 6.

b) Setting of Listed Buildings and existing estate

The Historic Environment Policy for Scotland (HEPS) outlines how we should undertake our duty of care whenever a decision affects the historic environment. It contains a number of policies including a policy statement that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. Other policies stress that detrimental impacts should be avoided. Where appropriate opportunities for enhancement should be sought.

Historic Environment Scotland's guidance notes on Managing Change in the Historic Environment set out the principles that apply to altering the setting of historic buildings.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on setting sets out the principles that apply to developments affecting the setting of historic assets or places.

LDP policy Env 3 states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

LDP policy Des 4 states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings, including the character of the wider townscape and landscape and impact upon existing views.

The previously approved enabling development for the restoration of Castle Gogar (04/02302/FUL) has been completed, except for the single storey office building measuring approximately 680m² in floor area which was to occupy the "village green" area of open space to the north of this current development site. The five large detached houses and apartments which have been erected within the extended curtilage of the listed building have changed its setting.

The previous development granted under 04/02302/FUL was a calculated approach to ensure the refurbishment of Castle Gogar. The development approved under 15/01051/FUL was to enable suitable, valuable green space to remain within the heart of the estate and to minimise the impact of the development upon the setting of the castle (the apartments are positioned further away than the proposed office block). As a result it can be argued that the listed building no longer dominates much of its immediate surroundings as it did prior to the enabling development and later developments. That being said the importance of the "village green" was noted in the report of handling for 15/01051/FUL and the significance of the paddock, the main tree-lined drive and the green open space enclosed by mature trees to the south of the Castle, to the setting of the estate and to the listed building is noted in all subsequent reports relating to proposed development at this site.

Historic Environment Scotland was consulted as part of the assessment of the application, it responded;

HES Managing Change guidance notes that setting can be important to the cultural significance of an historic asset if it contributes to the way in which the historic structure or place is "understood, appreciated and experienced". We agree with your Council's assessment that the surviving setting of Castle Gogar consists of the southern tree-lined approach to the building and the open ground of the tree-lined paddock. The historical approach to the Castle includes the listed gate piers, adjacent lodge and hog-back bridge. This adds to the landscape context and sense of place of Castle Gogar. Although new development is visible to the west on the approach to the castle, it has not yet overwhelmed the setting here. We consider the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar. The still open semi-rural approach to the castle would be significantly diminished, as would the tree-lined paddock area of open ground.

They continue;

As above, although consent for an office development in the centre of the site was given in 2004, the decision to agree additional housing in 2015 was taken on the assumption that this area would not now be built upon. Our decision not to comment at this stage was also based on the balance of development on the site. We therefore consider the 'village green' should ideally remain open ground, with the consequent benefit this gives to the setting of the stable range (included within the A listing). We consider the current proposals would have a detrimental impact on the setting and historical significance of Category A listed Castle Gogar (and the stable cottages contained within its listing) and that they should be resisted.

The proposed houses to be located within the existing "paddock" ground would significantly impact upon the setting of the A listed castle as they would then be the dominant features, not the tree lined, rural, approach. The proposed dwelling to be sited within the existing "village green" would also be detrimental to the setting of the castle and the nearby stable range which is also A listed.

Currently the stables can be read from within the estate, and do have a good area of open undeveloped green space near to them. However the formation of a large dwelling, essentially in front of it, would remove this and would be detrimental to its setting.

The proposed development would also negatively impact upon the setting of the new estate. There is an established built layout and setting to the existing properties as they are all clustered together to the west of the castle and do not impede further to the east than the listed stable block. The four houses proposed within the "paddock" area would mean development spilling out of this cluster and would negatively impact upon the rural tree lined approach not just to the listed castle but to the modern development.

In terms of the wider setting, Castle Gogar is largely hidden from public view due to its distance from Glasgow Road and presence of Edinburgh Airport to the north-east. The recently completed tram link to the airport has however, created new viewpoints from the south and west. Although the proposed houses shall be screened to a degree by the trees on the site, the housing proposed on the "paddock" area especially will be visible from the tram.

The proposal will be detrimental to the setting of the castle, its associated buildings and to the wider estate.

The proposal does not comply with LDP policy Env 3, Des 4 and the HES Guidance on Managing Change in the Historic Environment on setting.

c) Green/open space and landscape character

LDP policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

The private garden grounds of the proposed five dwellings are not overly large considering the footprint of the buildings. That being said the houses proposed within the paddock area will be constructed broadly in accordance with the established building line. It is also noted that the properties with smaller gardens will have access to a balcony. The proposal therefore generally complies with LDP policy Hou 3.

LDP policy Env 18 states that proposals involving the loss of open space will not be permitted unless it is demonstrated that:

- (a) there will be no significant impact on the quality or character of the local environment;
- (b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and
- (c) the loss would not be detrimental to the wider network including its continuity or biodiversity value.

Paragraph 194 of the LDP states *The Council will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality*

It is noted that one of the houses proposed shall be constructed on an area of ground in which an office building was previously approved under planning consent 04/02302/FUL. It is acknowledged however that application 04/02302/FUL was also for the construction of 5 dwelling houses and the conversion of the stable block to enable the restoration of the listed castle. At the time this was felt to be the maximum level of development permitted in order to enable the restoration works. From the plans submitted at the time there were quite large areas of the site that were to be left undeveloped as open/green space.

A later planning application (15/01051/FUL) permitted the erection of 2 apartment blocks (total of 8 apartments) and 1 detached dwelling house, within a large area of the site that was not planned for development under 04/02302/FUL. However, the report of handling for 15/01051/FUL makes reference to;

"The current proposals are in lieu of the office development as it is in the existing residents' interests to preserve this area as a 'village green'".

It is further noted that on the approved site plans for 15/01051/FUL, there was a further open space for the estate shown. Planning permission has however subsequently been granted under 17/00202/FUL for the erection of a dwelling house on this site. This house has now been constructed.

The apartment blocks approved under 15/01051/FUL have also now been constructed and further limit the amount of open and green space which is usable around the estate. The other four proposed dwelling houses will be constructed within an area of the site noted as "the paddock", also previously shown as being free from development. The intrusion into this area will further dramatically reduce the amount of open/green space available to residents of the estate. As shall be detailed later, the "paddock" area provides not only an important open space but is extremely valuable in terms of the landscape character as you approach the estate and the listed building. The impact that the proposal would have on the setting of the estate and the listed building shall be discussed in detail in the section below.

The "village green" area also helps limit the density of development within this rural estate and does add to the character and quality of the local environment.

It is further acknowledged that other areas around the site are largely contained by fencing around the airport, the walls of the private castle grounds and farm land which is also constrained by the nearby new tram tracks.

Whilst it is noted that an office block could still technically be constructed at this part of the site, this office was granted consent in 2005 when there was less development and more green/open space proposed within the site. The level of development within the site and subsequent need for this area of open space to remain has now increased. The granting of a dwelling on this green space and the four dwellings within the "paddock" area would be contrary to LDP policy Env 18.

The proposal does not comply with LDP policy Env 18.

d) Impact on trees and ecology

LDP policy Env 12 states that development will not be permitted if likely to have a damaging impact upon a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The Edinburgh Design Guidance states that a suitably qualified Arboriculturalist should be used to survey and evaluate the existing tree and woodland resource within the site and 12 metres beyond. A tree survey is required in the form of specified in BS 5837:2012 for all trees with a stem diameter of 75mm or more, at 1.5 metres above ground on the site or within 12 metres of the boundary.

The site has many large mature trees worthy of retention especially those which are located along the long entrance to the site. It is noted that the dwelling houses proposed within the paddock area will be sited within close proximity of these trees. The Councils arboriculturalist has raised concerns about the harm that the development of these houses may have on tree roots and that their proximity may make them vulnerable to requests to be felled or severely cut back in the future.

It is noted that no tree survey or protection plan has been submitted with the application as clearly highlighted as being a requirement in section 3.5 of the Edinburgh Design Guidance.

No evidence has been provided to show that the proposal complies with LDP policy Env 12.

LDP policy Env 16 states that planning permission will not be granted for development that would have an adverse impact upon species protected under European or UK law.

The Councils Ecologist was consulted as part of the assessment of the application. They stated that a stage 1 bat survey would be required to ascertain whether or not the nearby trees and woodland areas would be capable of sustaining bats. Badgers have previously been seen on the site. A preliminary ecological assessment would also be required to be submitted for assessment.

It is noted that a bat survey and habitat report was submitted for the 15/0105/FUL application at the site. No bat survey or preliminary ecological assessment has been submitted with this application.

No evidence has been provided to show that the proposal complies with LDP policy Env 16.

e) Design and Amenity

LDP policy Des 4 states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings, having regard to height and form, scale and proportions, position of buildings and materials and detailing.

LDP policy Des 5 states planning permission will be granted for development where it is demonstrated that the amenity of neighbours will not be adversely affected and that future occupiers will have acceptable levels of amenity in relation to noise, daylight, privacy and immediate outlook.

The proposed buildings are modern and are large in scale. The dwellings proposed within the paddock area are broadly similar in design to that which has already been approved within the grounds of the wider site. The property which shall be developed near to the stable blocks is slightly different in design, it has a pitched roof, but would still be appropriate, given the context of the properties which already surround the site. As previously discussed, however, the proposed position of the buildings would negatively impact upon its surroundings, including the character of the wider landscape.

The proposal has been designed as to not have a negative impact on existing properties in terms of potential loss of privacy. The proposed dwellings will also provide future occupants with acceptable levels of amenity. Some concerns are however raised in relation to the proposed construction of house three and its proximity to the house directly to the north, in terms of loss of sunlight/daylight to this property and its

garden grounds. No information has been submitted to measure the impact that this property would have on its neighbours in terms of loss of sunlight/daylight. There are no other concerns in regards to sunlight/daylight within the proposal.

It is noted however that the site plan submitted does show proposed house five with its garage to the west of the plot and the main dwelling to the east, while the elevation and floor plan drawings showing this building the other way around.

Environmental Assessment has no objections to the proposed development, subject to an informative to protect the amenity of residents from any future use of the second runway. If the application was granted it is recommended that this be applied.

The proposal does not comply with LDP policy Des 4 but does comply with LDP policy Des 5

f) Road Safety

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking complies with and does not exceed the parking levels set out in Council Guidance. LDP policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage complies with the standards set out in Council Guidance. LDP policy Tra 4 sets out the design considerations that will be taken into account where off street parking is required.

The Roads Authority was consulted as part of the assessment of this application. They responded that they had no objections subject to certain informatives being added to the consent, if granted.

It states that the Council's RCC guidance requires that property/dwellings of 6 or more are served by a road. However the presence of mature trees along the edges of the existing private access makes it difficult to achieve because of damage to tree roots. The existing access has passing places for vehicles to pass each other and priority is given to traffic entering from the A8, ensuring there is no queueing back onto this strategic road at the access junction. The distance between the access gate piers and the stop line at the junction is 9.8m and that allows 1 vehicle to be accommodated at the mouth of the access without causing any obstruction to the traffic on the A8. It is considered that the proposed development will generate fewer vehicular trips than the consented office development.

The proposals will not therefore be detrimental to road or pedestrian safety.

The Roads Authority also state that the two parking spaces proposed with each dwelling breaches the Council's parking standards. However this is considered acceptable given the site location and existing private access which could potentially be used for parking without control.

Cycles could securely be stored within the garages of the proposed dwellings.

The proposal complies with LDP policy Tra 3 and Tra 4. Whilst the proposal does breach LDP policy Tra 2, the breach is minor and is acceptable in this instance.

g) Flooding and Aerodrome Safety

LDP policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

The site falls within the 1 in 200-year fluvial flood event zone, is located near to the Gogar burn and the southern part of the "Paddock" area just falls within an Area of Importance for Flood Management. This is also shown on the Scottish Environment Protection Agency (SEPA) online flood mapping plans.

SEPA were consulted as part of the assessment of the application. It confirmed that according to the provided drawings proposed house three is outwith the functional floodplain, houses five and four are partially within the functional floodplain, and proposed houses six and eight are almost fully within the functional floodplain. SEPA stated that it would require a flood risk assessment (FRA) to demonstrate that all of the developments are located outwith the functional floodplain, in line with Scottish Planning Policy. However, this may only serve to confirm that some parts of the application site are unsuitable for development.

Flood Prevention was also consulted and confirmed that a Surface Water Management Plan and FRA would be required for the application.

None of these have been submitted.

No evidence has been provided to show that the proposal complies with LDP policy Env 21.

Edinburgh Airport was consulted and had no objections subject to an informative being applied to the consent, if granted, relating to the requirement for the developer to consult with the aero drome prior to any crane being used on the development.

h) Other material matters

Water and Sewerage

Scottish Water was consulted as part of the assessment of the application and confirmed that it had no objections to the proposal.

Communities and families

Communities and families confirmed that a level of developer contributions will be required if the application is approved.

Waste

Waste Planning was consulted and confirmed that it had no objections as the Council already serves the estate.

i) Representations

The application received 23 letters of objection.

Material objection

-Impact on setting of listed building, stables and estate- This is addressed in section 3.3 c

-Overdevelopment, loss of open space/greenspace. -This is addressed in section 3.3 b

-Design is inappropriate - This is addressed in section 3.3 e

-Traffic impact and road/pedestrian safety - This is addressed in section 3.3 f

-Impact on residential amenity- loss of sunlight/daylight, privacy, noise intrusion- This is addressed in section 3.3 e

-Impact on trees and ecology- This is addressed in section 3.3 d

-Concerns relating to flooding -This is addressed in section 3.3 g

-Concerns about waste and water - This is addressed in section 3.3 h

Non Material Objections

-Costs of repairing bridge

-Developer promised never to build on green

-Concerns regarding neighbour notification for previous applications.

-Plans for the future Business District and intrusion into former greenbelt called into question.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 1, as it does not meet the criteria for housing development within the International Business Gateway.
2. The proposal is contrary to adopted Edinburgh Local Development Plan policy Des 4, as the proposal will have a negative impact upon the setting of its surroundings.

3. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 3, as the proposal will be detrimental to the setting of the listed building.
4. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 12, as the proposal is likely to have a damaging impact upon trees worthy of retention.
5. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 16, as the proposal may have an adverse impact upon species protected under European or UK law.
6. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 18, as the proposal will result in the loss of valuable open space which will have a significant impact upon the quality and character of the local environment.
7. The proposal is contrary to adopted Edinburgh Local Development Plan policy Env 21, as the proposal may increase a flood risk or be at risk of flooding itself.
8. The proposal is contrary to Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on setting as the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar.
9. The proposal is contrary to adopted Edinburgh Local Development Plan policy Emp 6, as it does not meet the criteria for housing development within the International Business Gateway.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

23 letters of objection were received in relation to this application. This points raised shall be addressed in section 3.3 of this report.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Statutory Development

Plan Provision

Date registered 10 October 2019

Drawing numbers/Scheme 01-41,

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail:robert.mcintosh@edinburgh.gov.uk Tel:0131 529 3422

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Emp 6 (International Business Gateway) sets out uses that will be supported in principle for the development of an International Business Gateway within the boundary defined on the Proposals Map.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 12 (Edinburgh Airport Public Safety Zones) establishes a presumption against new development within the Airport Public Safety Zones apart from in exceptional circumstances.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Appendix 1

Consultations

Environmental Protection

Environmental Protection has no objections to this proposed development.

Informative

No development should take place until a scheme for protecting all bedrooms and living rooms of the residential development against aircraft noise has been devised. The scheme should be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 35 dB LAeq, D

T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 - 2300

The application proposes the construction of five detached residential properties at Castle Gogar Rigg. To the north and west of the site are existing residential dwellings, including Castle Gogar. To the east and west is open ground with the Edinburgh Tram line over 100m to the south.

This proposed development site will see residential dwellings placed in close proximity to Edinburgh Airport's second runway. Although this runway is rarely used and the site falls outwith the airport's recognised noise contours, an informative is recommended to protect the amenity of residents in particular from any future use of the second runway.

Roads Authority

ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant proposes double garage for each of the 5 proposed houses (see note b);
2. Electric vehicle charging should be incorporated in the garages;
3. 3 Cycle parking spaces to be provided(garages).

Note:

- a. It is understood that this application replaces the consented 743.2sqm office development for the site;

- b. The proposed 2 parking spaces breaches the Council's parking standards, however the proposed is considered acceptable given the site location and existing private access which could potentially be used for parking without control.
- c. The Council's RCC guidance requires that property/dwellings of 6 or more are served by a road, however the presence of matured trees on along the edges of the existing private access makes it difficult to achieve because of damage to tree roots;
- d. The existing access has passing places for vehicles to pass each other and priority is given to traffic entering from the A8, ensuring there is no queueing back onto this strategic road at the access junction.
- e. The distance between the access gate piers and the stop line at the junction is 9.8m and that allows 1 vehicle to be accommodated at the mouth of the access without causing any obstruction to the traffic on the A8;
- f. The existing access junction has a visibility to the right of X=4.5m; Y=150m and complies with the standards set out in the DMRB for an all-purpose trunk road with a 40mph (c.65kph) speed limit (50kmh;70m DMRB);
- g. The proposed development is predicted to generate 3 two-way vehicular trips for each of the morning and evening peak hour periods; and this is significantly fewer than the consented office development for the site predicted to generate 13 and 10 two-way vehicular trips for the morning and evening peak hour period respectively.
- h. At both stop lines on the private access to the tram cross over, the visibility of the tram route and oncoming trams is very good as follows:
 - o North stop line (from site)
Visibility to the right - c.250metres
Visibility to the left - c.150metres
 - o South stop line (to the site)
Visibility to the right - c.230metres
Visibility to the left - c.250metres

TRAMS - Important Note:

The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- o Any excavation within 3m of any pole supporting overhead lines;
- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>

Historic Environment Scotland

Our Advice

Castle Gogar is an L-plan tower house dating from 1625 with later alterations. The building is Category A listed, with the listing extending to include the adjacent estate structures, including walling and stable cottages. Other separately listed structures on the estate include a seventeenth century bridge, the gatehouse and the eighteenth century gatepiers on the Glasgow Road (the elaborate gates appear to have disappeared before 2008 - without LBC?).

We note the findings of the Heritage Report. We agree that the loss of green space around Castle Gogar has had a detrimental impact on its setting, and that the setting has been compromised by more recent development. Some of this development (5 houses and a proposed office range in 2004) was part of an enabling scheme which has seen the repair/reuse of the Castle, and repair and conversion of the stable cottages. This enabling development was approved because your Council considered it was 'essential to secure the survival of Gogar House'.

The new (2004) housing is largely to the west and south west of Castle Gogar in the location of the former walled garden and ancillary buildings of the estate including the stable cottages. There has been subsequent infilling and additional development in 2015 and 2017; (15/01051/FUL and 17/00202/FUL).

The green space in the centre of the site had permission (2004) for the erection of an office development which has not proceeded. However, the 2015 application (15/01051/FUL) for two new apartment blocks and a house is noted in the Report of Handling as being 'in lieu of the proposed office block' with the application's intention to preserve this space as a 'village green' for the development.

Both the 2015 and 2017 Reports of Handling note the setting of the Castle now consists of the 'main tree-lined drive and the green open space enclosed by mature trees to the south of the castle' (the Paddock).

HES Managing Change guidance notes that setting can be important to the cultural significance of an historic asset if it contributes to the way in which the historic structure or place is "understood, appreciated and experienced". We agree with your Council's assessment that the surviving setting of Castle Gogar consists of the southern tree-lined approach to the building and the open ground of the tree-lined paddock. The historical approach to the Castle includes the listed gatepiers, adjacent lodge and hog-back bridge.

This adds to the landscape context and sense of place of Castle Gogar. Although new development is visible to the west on the approach to the castle, it has not yet overwhelmed the setting here.

We consider the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar. The still open semi-rural approach to the castle would be significantly diminished, as would the tree-lined paddock area of open ground.

As above, although consent for an office development in the centre of the site was given in 2004, the decision to agree additional housing in 2015 was taken on the assumption that this area would not now be built upon. Our decision not to comment at this stage was also based on the balance of development on the site. We therefore consider the 'village green' should ideally remain open ground, with the consequent benefit this gives to the setting of the stable range (included within the A listing).

In conclusion, new development was initially allowed on the Castle Gogar site specifically to allow the repair and restoration of A listed buildings. Later applications have infilled adjacent ground and appear to have 'swapped' development sites.

We consider the current proposals would have a detrimental impact on the setting and historical significance of Category A listed Castle Gogar (and the stable cottages contained within its listing) and that they should be resisted.

END

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Miss Anoushka Morillo

Address: Castle Gogar 180 Glasgow Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: i wish to object to this development as it will be directly in front of my home which is an a listed castle and the setting of the castle has to be protected. these flat roof houses are not in keeping with the style of my house. i walk up and down a single track road which already has too much traffic on it. It is a private road, narrow with no lights and i have often had workmen on previous construction drive far too fast. we have been subject to such terrible noise the last four years with the development of the apartments even on sunday mornings which is most annoying when the weekend is only time off. I also want to make sure that the badgers and deer and local wildlife (not to mention the trees) are fully protected.

COMMUNITIES AND FAMILIES - CONSULTATION RESPONSE

Location	Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh
Proposal	Proposed development of five new detached homes.
Application number	19/04849/FUL
Assessment date	31.10.19

The Council has assessed the impact of the growth set out in the LDP through an [Education Appraisal](#) (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's [Action Programme](#) (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on '[Developer Contributions and Infrastructure Delivery](#)' (August 2018).

Assessment and Contribution Requirements

Assessment based on:
5 Houses

This site falls within Sub-Area W-1 of the '*West Edinburgh Education Contribution Zone*'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£80,930

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£10,210

Note – no indexation to be applied to land contribution.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr RICHARD BAILEY

Address: 6 Castle Gogar Rigg, Edinburgh EH12 9FP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:19/04849/FUL.

- The office block planning has expired/been withdrawn (there is no current planning consent for offices) and this withdrawal was used as a trade-off for the last phase of development of 10 new properties.
- The original second round approval was for 8 flats and 1 house. And there was then a further successful application for 1 additional house, making 10 additional units in total.
- The Gogar estate has now more than doubled, from 9 to 19 properties.
- This new application cannot use the office parking trade-off for additional road usage, as that has been used in previous applications and has therefore been forfeited for any further attempts at planning for additional houses.
- The drive is 0.5 mile in length, single track, with 9 passing places and has a very narrow 250-year-old bridge crossing the Gogar Burn.
- The current level of domestic and trade traffic is at saturation point.
- The road and bridge cannot be widened. The bridge cannot be physically widened, and the drive cannot be widened without the removal of valuable mature trees.
- From ECC in October 2017.....quote,

"Roads have accepted this current situation but would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case.

From a planning point of view, any further development would start encroaching unacceptably on the setting of the category A listed Castle Gogar and the adoption of the access road would not be acceptable due to the inevitable loss of mature trees."

- From the current Planning and Design Statement....quote,

2.35. Furthermore, and at significant cost, the applicant has painstakingly restored the bridge over the Gogar Burn, enhancing its setting and seeking to ensure that its future condition and maintenance is secured. This benefits the whole of the Gogar Rigg development (both practically and in terms of its attractive restoration) whilst also providing a historic link and clue to what lies beyond, even though the Castle is completely hidden from view.

2.35 is factually incorrect and therefore questions the accuracy of the whole application. Willie Scott went ahead with the bridge "repair" without consultation with existing property owners, then billed 9 owners for almost £1400 each and the payment was made to Willie Scott. We were threatened with legal action if we didn't pay. The bridge was subject to at least 6 months of excessive and heavy building traffic before the repair. That may be the reason for the repair being required?

4.1 Shows new house Three, on the "Green". It dwarfs houses to the north and east and completely removes the outlook from these 4 properties; cottages # 1-3 and house # 6 Castle Gogar Rigg. House Three has an apex roof and is completely different to the 5 original houses within the gated area. The 3 cottages have an apex roof but are only 1.5 stories high.

4.5 The fifth property (house Three) does not respect the house to the north, it completely obliterates the house's view to the south. It also obliterates the west view from the 3 cottages, demonstrated by the west elevation of proposed house Three. The west elevation plan for house Three shows this in graphic detail. It should be noted that the elevation of house # 6 in this plan is the south elevation of property # 6, not the west elevation. The vast majority of windows of house # 6 face south and the proposed location of house Three will completely remove the views from that house.

The ground floor plan for House Three shows it to be sitting on "Plot for approved offices". This is factually incorrect. There is no approval for offices.

- The pumping station (PS) is an issue. A previous maintenance company stated that the capacity of the PS was sufficient for the original 9 properties but could not accommodate an additional 10 properties. We are all experiencing problems with the PS currently and that is exacerbated by the additional properties, of which only 2 of 10 are currently occupied. It can only get worse as

properties are sold. The addition of a further 5 properties can only tip the PS into a complete failure mode.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Stuart Robinson

Address: 11/4 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Stuart Robinson

11/4 Castle Gogar Rigg

Objection to:

19/04849/FUL

04/11/2019

- The site will be over developed with the addition of the proposed 5 new houses along with the 1 house already planned and the 8 new apartments that are not yet occupied
- The above will potentially add 30-40 more residents and up to 28 more cars using the site
- The access into and from the site at the A8 Glasgow road will not cope with the increased traffic, the entrance (which is a blind entrance) along with the tram track will become potentially dangerous for traffic and is not adequate for the increased number of cars that will use it.
- The Bridge (B listed) and built in 1672 along with the single-track road from Glasgow Road into Castle Gogar Rigg is not adequate for the number of residents and cars. Most residents have 2 cars, the total number of potential cars will be over 50 cars using the road and leaving / entering the Castle Gogar site. The infrastructure will not cope with this.
- Proposed house number 3 will take away all of the existing green area within the community and this area should be protected at all cost, it is a key aspect of the community and green areas such as this must be protected.
- I understand that the current pumping station that deals with all the household waste is potentially not adequate for the current number of residents and this is before all of the apartments have been sold / occupied.
- The pumping station connects, at a higher level, into a Scottish Water sewer that feeds towards the Airport and there is a requirement for a Pre-Development Application Form to be completed. There is no evidence, that I can see, that this has been submitted and Scottish Water may not accept additional feed into their sewer.

- When we purchased our apartment 11/4 Castle Gogar we were given verbal assurance by the developer and his sales agent (Coulter's) that he was only going to develop up to 3 more properties and we have written confirmation that an office block would never be built on the site. The developer also stated he would never build on the "green" which is the site proposed for house number 3.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr David Campbell

Address: 7 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- The drive is 0.5 mile in length, single track, with 9 passing places and has a very narrow 250-year-old bridge crossing the Gogar Burn.

- The current level of domestic and trade traffic is at saturation point.

- The road and bridge cannot be widened. The bridge cannot be physically widened, and the drive cannot be widened without the removal of valuable mature trees.

- From ECC in October 2017.....quote,

"Roads have accepted this current situation but would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case.

From a planning point of view, any further development would start encroaching unacceptably on the setting of the category A listed Castle Gogar and the adoption of the access road would not be acceptable due to the inevitable loss of mature trees."

- From the current Planning and Design Statement....quote,

4.1 Shows new house Three, on the "Green". It dwarfs houses to the north and east and completely removes the outlook from these 4 properties; cottages # 1-3 and house # 6 Castle Gogar Rigg. House Three has an apex roof and is completely different to the 5 original houses within the gated area. The 3 cottages have an apex roof but are only 1.5 stories high.

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Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Sharon Campbell

Address: 7 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- The drive is 0.5 mile in length, single track, with 9 passing places and has a very narrow 250-year-old bridge crossing the Gogar Burn.

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Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

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Case Officer: Robert McIntosh

Customer Details

Name: Mr David Campbell

Address: 1 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

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Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

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Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Sharon Campbell

Address: 1 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

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By email to:
robert.mcintosh@edinburgh.gov.uk

City of Edinburgh Council
Planning and Strategy
4 Waverley Court
East Market Street
Edinburgh
EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300041070
Your ref: 19/04849/FUL
06 November 2019

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh - Proposed development of five
new detached homes.

Thank you for your consultation which we received on 24 October 2019. We have
assessed it for our historic environment interests and consider that the proposals have
the potential to affect the following:

Ref	Name	Designation Type
LB27092	GLASGOW ROAD, CASTLE GOGAR WITH COTTAGE, GATE HOUSE, STABLES, OUTBUILDINGS, GATE AND GATEPIERS	Listed Building

You should also seek advice from your archaeology and conservation service for matters
including unscheduled archaeology and category B and C-listed buildings.

Our Advice

Castle Gogar is an L-plan tower house dating from 1625 with later alterations. The
building is Category A listed, with the listing extending to include the adjacent estate
structures, including walling and stable cottages. Other separately listed structures on the
estate include a seventeenth century bridge, the gatehouse and the eighteenth century
gatepiers on the Glasgow Road (the elaborate gates appear to have disappeared before
2008 – without LBC?).



We note the findings of the Heritage Report. We agree that the loss of green space around Castle Gogar has had a detrimental impact on its setting, and that the setting has been compromised by more recent development. Some of this development (5 houses and a proposed office range in 2004) was part of an enabling scheme which has seen the repair/reuse of the Castle, and repair and conversion of the stable cottages. This enabling development was approved because your Council considered it was 'essential to secure the survival of Gogar House'.

The new (2004) housing is largely to the west and south west of Castle Gogar in the location of the former walled garden and ancillary buildings of the estate including the stable cottages. There has been subsequent infilling and additional development in 2015 and 2017; (15/01051/FUL and 17/00202/FUL).

The green space in the centre of the site had permission (2004) for the erection of an office development which has not proceeded. However, the 2015 application (15/01051/FUL) for two new apartment blocks and a house is noted in the Report of Handling as being 'in lieu of the proposed office block' with the application's intention to preserve this space as a 'village green' for the development.

Both the 2015 and 2017 Reports of Handling note the setting of the Castle now consists of the 'main tree-lined drive and the green open space enclosed by mature trees to the south of the castle' (the Paddock).

HES Managing Change guidance notes that setting can be important to the cultural significance of an historic asset if it contributes to the way in which the historic structure or place is "understood, appreciated and experienced". We agree with your Council's assessment that the surviving setting of Castle Gogar consists of the southern tree-lined approach to the building and the open ground of the tree-lined paddock. The historical approach to the Castle includes the listed gatepiers, adjacent lodge and hog-back bridge. This adds to the landscape context and sense of place of Castle Gogar. Although new development is visible to the west on the approach to the castle, it has not yet overwhelmed the setting here.

We consider the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar. The still open semi-rural approach to the castle would be significantly diminished, as would the tree-lined paddock area of open ground.

As above, although consent for an office development in the centre of the site was given in 2004, the decision to agree additional housing in 2015 was taken on the assumption that this area would not now be built upon. Our decision not to comment at this stage was also based on the balance of development on the site. We therefore consider the



'village green' should ideally remain open ground, with the consequent benefit this gives to the setting of the stable range (included within the A listing).

In conclusion, new development was initially allowed on the Castle Gogar site specifically to allow the repair and restoration of A listed buildings. Later applications have infilled adjacent ground and appear to have 'swapped' development sites.

We consider the current proposals would have a detrimental impact on the setting and historical significance of Category A listed Castle Gogar (and the stable cottages contained within its listing) and that they should be resisted.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Yours faithfully

Historic Environment Scotland

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: CC Ratho & District Community Council

Address: c/o Ratho Library School Wynd Ratho, Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Ratho and District Community Council has been contacted by local residents at Castle Gogar Rigg who have expressed their concerns at the above proposals. In support of the issues raised Ratho & District Community Council objects to the planning application.

Castle Gogar, along with its outbuildings, is an A-Listed property and the Community Council is concerned that the proposed development will have a detrimental impact on the historic setting of the Castle. The existing houses and apartments within Castle Gogar Rigg are part-set into the walled garden and are largely screened from direct view of the Castle. The Council's policy on listed buildings states that "the feeling of spaciousness of the grounds in relation to the main building should be protected for the amenity of the property and any development should be controlled so as not to crowd or obscure the building". The proposed five houses would do just that and would be intrusive to the setting and privacy of the Castle.

The grounds for the Community Council's concerns about the proposals are summarised as follows:

- The proposal represents an over-development of the site;
- The proposal would result in a loss of privacy for existing residents and would visually impact on the setting of an A-Listed building;
- The private access road to the development, which involves 0.5mile length of single-track road with passing places, is very narrow and has no footpath nor safety lighting facilities;
- There are reported concerns about the need for improved sewerage facilities for the whole development;
- The impact of the proposed development on the variety of protected wildlife within the area.

The Ratho & District Community Council therefore requests that the above matters be fully considered by the Planning Authority in consideration of this planning application and recommends that the proposal be refused.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Miss Kathy Mackin

Address: 11/4 Castle Gogar Rigg Edinburgh Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: Kathy Mackin

11/4 Castle Gogar Rigg

Objection to:

19/04849/FUL

11/11/2019

- The site will be over developed with the addition of the proposed 5 new houses along with the 1 house already planned and the 8 new apartments that are not yet occupied
- The above will potentially add 30-40 more residents and up to 28 more cars using the site
- The access into and from the site at the A8 Glasgow road will not cope with the increased traffic, the entrance (which is a blind entrance) along with the tram track will become potentially dangerous for traffic and is not adequate for the increased number of cars that will use it.
- The Bridge (B listed) and built in 1672 along with the single-track road from Glasgow Road into Castle Gogar Rigg is not adequate for the number of residents and cars. Most residents have 2 cars, the total number of potential cars will be over 50 cars using the road and leaving / entering the Castle Gogar site. The infrastructure will not cope with this.
- Proposed house number 3 will take away all of the existing green area within the community and this area should be protected at all cost, it is a key aspect of the community and green areas such as this must be protected.

- I understand that the current pumping station that deals with all the household waste is potentially not adequate for the current number of residents and this is before all of the apartments have been sold / occupied.

- The pumping station connects, at a higher level, into a Scottish Water sewer that feeds towards the Airport and there is a requirement for a Pre-Development Application Form to be completed. There is no evidence, that I can see, that this has been submitted and Scottish Water may not accept additional feed into their sewer.

- When we purchased our apartment 11/4 Castle Gogar we were given verbal assurance by the developer and his sales agent (Coulter's) that he was only going to develop up to 3 more properties and we have written confirmation that an office block would never be built on the site. The developer also stated he would never build on the "green" which is the site proposed for house number 3.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Colin McLean

Address: 31 Barnton Avenue Edinburgh

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As an Edinburgh resident I object to this proposal as damaging to the setting of a listed building that represents an important part of Edinburgh's heritage. The plan for the IBG has been called in due to inadequate transportation provision, questioning whether the green belt policy that was replaced by the IBG should be further compromised without careful consideration and resolution of the transport and infrastructure issues that concern the Scottish Government. The access has space for only one vehicle without causing obstruction to the A8 traffic. Comparisons throughout, and in the transport claims in particular, to existing office consent are inappropriate as that development did not commence within 3 years. It is a false comparison as previous permission and applications carried significant restrictions and in any event were withdrawn or expired. There would also be unacceptable loss of mature trees and habitat.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Adam Campbell

Address: 1 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:19/04849/FUL.

- The office block planning has expired/been withdrawn (there is no current planning consent for offices) and this withdrawal was used as a trade-off for the last phase of development of 10 new properties.

- The original second round approval was for 8 flats and 1 house. And there was then a further successful application for 1 additional house, making 10 additional units in total.

- The Gogar estate has now more than doubled, from 9 to 19 properties.

- This new application cannot use the office parking trade-off for additional road usage, as that has been used in previous applications and has therefore been forfeited for any further attempts at planning for additional houses.

- The drive is 0.5 mile in length, single track, with 9 passing places and has a very narrow 250-year-old bridge crossing the Gogar Burn.

- The current level of domestic and trade traffic is at saturation point.

- The road and bridge cannot be widened. The bridge cannot be physically widened, and the drive cannot be widened without the removal of valuable mature trees.

- From ECC in October 2017.....quote,

"Roads have accepted this current situation but would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case.

From a planning point of view, any further development would start encroaching unacceptably on the setting of the category A listed Castle Gogar and the adoption of the access road would not be acceptable due to the inevitable loss of mature trees."

- From the current Planning and Design Statement....quote,

2.35. Furthermore, and at significant cost, the applicant has painstakingly restored the bridge over the Gogar Burn, enhancing its setting and seeking to ensure that its future condition and maintenance is secured. This benefits the whole of the Gogar Rigg development (both practically and in terms of its attractive restoration) whilst also providing a historic link and clue to what lies beyond, even though the Castle is completely hidden from view.

2.35 is factually incorrect and therefore questions the accuracy of the whole application. Willie Scott went ahead with the bridge "repair" without consultation with existing property owners, then billed 9 owners for almost £1400 each and the payment was made to Willie Scott. We were threatened with legal action if we didn't pay. The bridge was subject to at least 6 months of excessive and heavy building traffic before the repair. That may be the reason for the repair being required?

4.1 Shows new house Three, on the "Green". It dwarfs houses to the north and east and completely removes the outlook from these 4 properties; cottages # 1-3 and house # 6 Castle Gogar Rigg. House Three has an apex roof and is completely different to the 5 original houses within the gated area. The 3 cottages have an apex roof but are only 1.5 stories high.

4.5 The fifth property (house Three) does not respect the house to the north, it completely obliterates the house's view to the south. It also obliterates the west view from the 3 cottages, demonstrated by the west elevation of proposed house Three. The west elevation plan for house Three shows this in graphic detail. It should be noted that the elevation of house # 6 in this plan is the south elevation of property # 6, not the west elevation. The vast majority of windows of house # 6 face south and the proposed location of house Three will completely remove the views from that house.

The ground floor plan for House Three shows it to be sitting on "Plot for approved offices". This is factually incorrect. There is no approval for offices.

- The pumping station (PS) is an issue. A previous maintenance company stated that the capacity of the PS was sufficient for the original 9 properties but could not accommodate an additional 10 properties. We are all experiencing problems with the PS currently and that is exacerbated by the additional properties, of which only 2 of 10 are currently occupied. It can only get worse as

properties are sold. The addition of a further 5 properties can only tip the PS into a complete failure mode.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Miss Lesley Greer

Address: 14 Maingait Medway Newcraighall

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: I wish to object to the above planning application. I am disappointed to read in the various documents that were submitted that it is the opinion that because there were no objections to Planning application 15/01051/FUL that the above application be approved. There were no objections because there was no consultation, the 8 neighbour notifications were sent to 8 RAF houses situated on Castle Gogar Farm Road that had been demolished. Had the residents known about the application for two blocks of flats there would have been an opportunity to object.

The documents do not seem to take into consideration Gogar Castle which is A Listed. The castle is A Listed for a reason and must be protected from further development. Four of the proposed houses would have an unacceptable and adverse impact on the Castle's unique and historic setting.

Castle Gogar is an A Listed Castle and I would wish to see it protected from further development. I am aware of the West of Edinburgh Planning Documents and development of the IBG but none of these would adversely affect the setting quite like this planning application.

I would wish this application rejected on the following points:

- Too many houses sharing a single track private road not enough capacity for any more vehicles
- Overdevelopment
- Loss of privacy for the A Listed Building
- Visual impact of the setting of the A Listed building

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Miss Ruth Lunny

Address: 2 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to record my objection to the above planning application for the following reasons:

1. Access to and road serving the development site

There are currently 19 properties on the Gogar estate, 11 of which are currently occupied. The remainder are still for sale.

The estate is accessed via an approximately 0.5 mile single track, tree lined road, with 9 passing places, extending over a narrow B listed bridge which crosses the Gogar Burn ("the road"). The road is accessed directly from the main A8 Glasgow Road through a single vehicle width set of B listed gate piers and entails crossing the tram lines.

Even with only two of the nine additional properties recently developed on the estate (ref planning application 15/01051/FUL, only completed in the summer of this year) being currently occupied, the road and access to it are barely fit for purpose having regard to the existing levels of domestic and trade use which is more significant than perhaps might be appreciated, and certainly accounted for in the present application.

Entrance from the A8 to the road leading down to the estate is relatively hidden from driver sight and creeps up very suddenly. There is no advance signage of this junction on the A8 east bound. Other drivers don't know it's there and appear to assume left signalling to be an expression of intent at the Gogar roundabout, or a mistake. As such, they don't slow down and by consequence have to break suddenly when residents and visitors turn off the main road into the estate access road. This is an issue regardless of the time of day or what day of the week it is, but at busy times it is particularly dangerous, made more so by the aggravation it causes to other road users.

Given also that the gate piers at the entrance to the road can, at present, only accommodate passage of a single vehicle at a time, it is becoming an ever frequent occurrence that traffic travelling along the A8 has to stop suddenly whilst a vehicle seeking to access the road from the A8 awaits clearance of a vehicle exiting from it.

The problem is even more acute for larger vehicles. I have experience of goods not being delivered to my house because of delivery vehicles being unable to navigate the tight entrance and I am aware of damage caused to the piers by heavy lorries carrying construction materials seeking to access the estate in the course of developing the most recent properties. The B listed bridge further down the road is another sticking point for larger vehicles and construction traffic.

Pressures on the road and the A8 access to and from it in particular will inevitably be exacerbated when all existing properties on the estate become occupied and even more so in the event of even further development on the estate to a level that cannot be acceptable.

A road serving such a number of properties ought to be adopted and it is somewhat surprising that permission in respect of planning application 15/01051/FUL for 8 apartments and 1 detached house, adding to the pre-existing 9 properties, was granted permission without adoption of the access road coming to pass or any adjustment requiring to be made, particularly given local planning policy at that time.

On enquiry in October 2017 regarding the status of the road and its potential adoption, particularly in the event of any future development, City of Edinburgh Council advised that the roads authority "...would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case."

CEC have also advised, however, that "from a planning point of view.....adoption of the access road would not be acceptable due to the inevitable loss of mature trees" which is a presumed consequence of having to widen the road in order for it to be adoptable.

If permission for the present application is to be granted, with the significantly increased number of properties to be served by it, steps ought to be taken to ensure a suitable entrance and access road is provided and adopted by the roads authority. If the roads authority maintain the position that the road cannot be adopted on grounds of suitability and planning considerations are such that steps cannot be taken to remedy this, then permission for any additional housing to be accessed by the existing road ought to be refused.

2. Pumping station, sewerage and drainage etc

The estate as currently constituted is served by a private pumping station which pumps domestic sewage into the main sewage system. Costs associated with the maintenance of this pump are

shared equally between the existing occupied properties. A previous maintenance company advised in connection with consideration of the planning application for the two apartment blocks and house that the capacity of the pumping station was sufficient for the original 9 properties but could not accommodate an additional 10. As stated above, development of these apartment blocks and house (10 properties) is now complete but even with only two of these ten properties occupied, problems with the capacity of the pumping station to cope with the additional waste are already coming to the fore. This will only get worse as more of these properties become occupied and the addition of a further five properties will put unbearable/unacceptable pressure on the existing infrastructure.

I would suggest that, should planning permission for this latest proposal be approved, such approval should be conditional on the entire drainage infrastructure serving the estate being adopted by Scottish Water with any associated costs to achieve this being borne by the Applicant.

3. Adverse impacts on the amenity and setting of the stable block

The Applicant has failed to demonstrate that development of proposed house number 3 will have a positive impact on its surrounding, as required under Policy Des 4, and not adversely impact on the amenity of the existing surrounding houses. The design specification of proposed house number 3 will have a significant adverse impact on the amenity of the stable block cottages and existing house number 6 in relation to daylight, sunlight, privacy and immediate outlook - gardens will be overshadowed and upper floor windows will look directly into bedrooms and bathrooms at close proximity. The Stable Block, moreover, is a B listed building. Under Policy Env 3 "Developmentaffecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting." The design specification for proposed house number 3 is at odds with this policy.

4. Previous Advice

I wish to draw attention to advice provided previously by the planning department when asked about the prospects of future development specifically on the site of proposed house no 3 and those on the Paddock, that is numbers 4, 5, 6 and 8.

I was advised that the Handling Report pertaining to application 15/01051/FUL identified the main drive and "The Paddock" as significant to the setting of Castle Gogar and "needs to be protected". As such, "development would be inappropriate". Furthermore, part of the agreement to allow the most recent development of apartment blocks and additional house was based on the abandonment of planning approval previously granted for development on what is the site of proposed house no 3 in the present application, in favour of the retention of this area as green open space. "The loss of this space would be detrimental to the amenity of the site and the ratio of buildings to green open space would be imbalanced." "In my opinion the site has reached development saturation and any further houses or flats would be detrimental to the appropriate

ratio of buildings to green open space." (Clare Macdonald, Senior Planning Officer, 14 March 2016)

5. Supplementary / miscellaneous considerations

I take this opportunity to comment on the significant inconvenience caused to and endured by residents during the 3 year course of construction of the apartment blocks and additional house. The noise associated with the construction works, which, for the most part, ensued 7 days per week, starting early in the morning - around 0630 - was, at times, unbearable. Should planning permission in respect of the present application be granted, it would be greatly appreciated if restrictions could be put in place to ensure construction works only take place within ordinary weekday working hours.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Michael Lunny

Address: 30 Ernest Wynd Motherwell

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to record my objection to the above planning application for the following reasons:

1. Access to and road serving the development site

There are currently 19 properties on the Gogar estate, 11 of which are currently occupied. The remainder are still for sale.

The estate is accessed via an approximately 0.5 mile single track, tree lined road, with 9 passing places, extending over a narrow B listed bridge which crosses the Gogar Burn ("the road"). The road is accessed directly from the main A8 Glasgow Road through a single vehicle width set of B listed gate piers and entails crossing the tram lines.

Even with only two of the nine additional properties recently developed on the estate (ref planning application 15/01051/FUL, only completed in the summer of this year) being currently occupied, the road and access to it are barely fit for purpose having regard to the existing levels of domestic and trade use which is more significant than perhaps might be appreciated, and certainly accounted for in the present application.

Entrance from the A8 to the road leading down to the estate is relatively hidden from driver sight and creeps up very suddenly. There is no advance signage of this junction on the A8 east bound. Other drivers don't know it's there and appear to assume left signalling to be an expression of intent at the Gogar roundabout, or a mistake. As such, they don't slow down and by consequence have to break suddenly when residents and visitors turn off the main road into the estate access road. This is an issue regardless of the time of day or what day of the week it is, but at busy times it is particularly dangerous, made more so by the aggravation it causes to other road users.

Given also that the gate piers at the entrance to the road can, at present, only accommodate passage of a single vehicle at a time, it is becoming an ever frequent occurrence that traffic travelling along the A8 has to stop suddenly whilst a vehicle seeking to access the road from the A8 awaits clearance of a vehicle exiting from it.

The problem is even more acute for larger vehicles. I have experience of goods not being delivered to my daughter's house because of delivery vehicles being unable to navigate the tight entrance and I am aware of damage caused to the piers by heavy lorries carrying construction materials seeking to access the estate in the course of developing the most recent properties. The B listed bridge further down the road is another sticking point for larger vehicles and construction traffic.

Pressures on the road and the A8 access to and from it in particular will inevitably be exacerbated when all existing properties on the estate become occupied and even more so in the event of even further development on the estate to a level that cannot be acceptable.

A road serving such a number of properties ought to be adopted and it is somewhat surprising that permission in respect of planning application 15/01051/FUL for 8 apartments and 1 detached house, adding to the pre-existing 9 properties, was granted permission without adoption of the access road coming to pass or any adjustment requiring to be made, particularly given local planning policy at that time.

On enquiry in October 2017 regarding the status of the road and its potential adoption, particularly in the event of any future development, City of Edinburgh Council advised that the roads authority "...would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case."

CEC have also advised, however, that "from a planning point of view.....adoption of the access road would not be acceptable due to the inevitable loss of mature trees" which is a presumed consequence of having to widen the road in order for it to be adoptable.

If permission for the present application is to be granted, with the significantly increased number of properties to be served by it, steps ought to be taken to ensure a suitable entrance and access road is provided and adopted by the roads authority. If the roads authority maintain the position that the road cannot be adopted on grounds of suitability and planning considerations are such that steps cannot be taken to remedy this, then permission for any additional housing to be accessed by the existing road ought to be refused.

2. Pumping station, sewerage and drainage etc

The estate as currently constituted is served by a private pumping station which pumps domestic

sewage into the main sewage system. Costs associated with the maintenance of this pump are shared equally between the existing occupied properties. A previous maintenance company advised in connection with consideration of the planning application for the two apartment blocks and house that the capacity of the pumping station was sufficient for the original 9 properties but could not accommodate an additional 10. As stated above, development of these apartment blocks and house (10 properties) is now complete but even with only two of these ten properties occupied, problems with the capacity of the pumping station to cope with the additional waste are already coming to the fore. This will only get worse as more of these properties become occupied and the addition of a further five properties will put unacceptable pressure on the existing infrastructure.

I would suggest that, should planning permission for this latest proposal be approved, such approval should be conditional on the entire drainage infrastructure serving the estate being adopted by Scottish Water with any associated costs to achieve this being borne by the Applicant.

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4. Previous Advice

I wish to draw attention to advice provided previously by the planning department when asked about the prospects of future development specifically on the site of proposed house no 3 and those on the Paddock, that is numbers 4, 5, 6 and 8.

On enquiry made on behalf of my daughter, I was advised that the Handling Report pertaining to application 15/01051/FUL identified the main drive and "The Paddock" as significant to the setting of Castle Gogar and "needs to be protected". As such, "development would be inappropriate". Furthermore, part of the agreement to allow the most recent development of apartment blocks and additional house was based on the abandonment of planning approval previously granted for development on what is the site of proposed house no 3 in the present application, in favour of the retention of this area as green open space. "The loss of this space would be detrimental to the amenity of the site and the ratio of buildings to green open space would be imbalanced." "In my

opinion the site has reached development saturation and any further houses or flats would be detrimental to the appropriate ratio of buildings to green open space." (Clare Macdonald, Senior Planning Officer, 14 March 2016)

5. Supplementary / miscellaneous considerations

I take this opportunity to comment on the significant inconvenience caused to and endured by residents during the 3 year course of construction of the apartment blocks and additional house. The noise associated with the construction works, which, for the most part, ensued 7 days per week, was unacceptable. Should planning permission in respect of the present application be granted, it would be greatly appreciated if restrictions could be put in place to ensure construction works only take place within ordinary weekday working hours.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Catherine Lunny

Address: 30 Ernest Wynd Motherwell

Comment Details

Commenter Type: Other

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to record my objection to the above planning application for the following reasons:

1. Access to and road serving the development site

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Even with only two of the nine additional properties recently developed on the estate (ref planning application 15/01051/FUL, only completed in the summer of this year) being currently occupied, the road and access to it are barely fit for purpose having regard to the existing levels of domestic and trade use which is more significant than perhaps might be appreciated, and certainly accounted for in the present application.

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Given also that the gate piers at the entrance to the road can, at present, only accommodate passage of a single vehicle at a time, it is becoming an ever frequent occurrence that traffic travelling along the A8 has to stop suddenly whilst a vehicle seeking to access the road from the A8 awaits clearance of a vehicle exiting from it.

The problem is even more acute for larger vehicles. I have experience of goods not being delivered to my daughter's house because of delivery vehicles being unable to navigate the tight entrance and I am aware of damage caused to the piers by heavy lorries carrying construction materials seeking to access the estate in the course of developing the most recent properties. The B listed bridge further down the road is another sticking point for larger vehicles and construction traffic.

Pressures on the road and the A8 access to and from it in particular will inevitably be exacerbated when all existing properties on the estate become occupied and even more so in the event of even further development on the estate to a level that cannot be acceptable.

A road serving such a number of properties ought to be adopted and it is somewhat surprising that permission in respect of planning application 15/01051/FUL for 8 apartments and 1 detached house, adding to the pre-existing 9 properties, was granted permission without adoption of the access road coming to pass or any adjustment requiring to be made, particularly given local planning policy at that time.

On enquiry in October 2017 regarding the status of the road and its potential adoption, particularly in the event of any future development, City of Edinburgh Council advised that the roads authority "...would not wish to see any further development on this site for road safety reasons. Roads would want to adopt the access road if this were the case."

CEC have also advised, however, that "from a planning point of view.....adoption of the access road would not be acceptable due to the inevitable loss of mature trees" which is a presumed consequence of having to widen the road in order for it to be adoptable.

If permission for the present application is to be granted, with the significantly increased number of properties to be served by it, steps ought to be taken to ensure a suitable entrance and access road is provided and adopted by the roads authority. If the roads authority maintain the position that the road cannot be adopted on grounds of suitability and planning considerations are such that steps cannot be taken to remedy this, then permission for any additional housing to be accessed by the existing road ought to be refused.

2. Pumping station, sewerage and drainage etc

The estate as currently constituted is served by a private pumping station which pumps domestic

sewage into the main sewage system. Costs associated with the maintenance of this pump are shared equally between the existing occupied properties. A previous maintenance company advised in connection with consideration of the planning application for the two apartment blocks and house that the capacity of the pumping station was sufficient for the original 9 properties but could not accommodate an additional 10. As stated above, development of these apartment blocks and house (10 properties) is now complete but even with only two of these ten properties occupied, problems with the capacity of the pumping station to cope with the additional waste are already coming to the fore. This will only get worse as more of these properties become occupied and the addition of a further five properties will put unacceptable pressure on the existing infrastructure.

I would suggest that, should planning permission for this latest proposal be approved, such approval should be conditional on the entire drainage infrastructure serving the estate being adopted by Scottish Water with any associated costs to achieve this being borne by the Applicant.

3. Adverse impacts on the amenity and setting of the stable block

The Applicant has failed to demonstrate that development of proposed house number 3 will have a positive impact on its surrounding, as required under Policy Des 4, and not adversely impact on the amenity of the existing surrounding houses. The design specification of proposed house number 3 will have a significant adverse impact on the amenity of the stable block cottages and existing house number 6 in relation to daylight, sunlight, privacy and immediate outlook - gardens will be overshadowed and upper floor windows will look directly into bedrooms and bathrooms at close proximity. The Stable Block, moreover, is a B listed building. Under Policy Env 3 "Developmentaffecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting." The design specification for proposed house number 3 is at odds with this policy.

4. Previous Advice

I wish to draw attention to advice provided previously by the planning department when asked about the prospects of future development specifically on the site of proposed house no 3 and those on the Paddock, that is numbers 4, 5, 6 and 8.

Enquiry made on behalf of my daughter, advised that the Handling Report pertaining to application 15/01051/FUL identified the main drive and "The Paddock" as significant to the setting of Castle Gogar and "needs to be protected". As such, "development would be inappropriate". Furthermore, part of the agreement to allow the most recent development of apartment blocks and additional house was based on the abandonment of planning approval previously granted for development on what is the site of proposed house no 3 in the present application, in favour of the retention of this area as green open space. "The loss of this space would be detrimental to the amenity of the site and the ratio of buildings to green open space would be imbalanced." "In my opinion the site

has reached development saturation and any further houses or flats would be detrimental to the appropriate ratio of buildings to green open space." (Clare Macdonald, Senior Planning Officer, 14 March 2016)

5. Supplementary / miscellaneous considerations

I take this opportunity to comment on the significant inconvenience caused to and endured by residents during the 3 year course of construction of the apartment blocks and additional house. The noise associated with the construction works, which, for the most part, ensued 7 days per week, was unacceptable. Should planning permission in respect of the present application be granted, it would be greatly appreciated if restrictions could be put in place to ensure construction works only take place within ordinary weekday working hours.

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Chris Walker

Address: 9 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to this application on the basis of the transportation and safety grounds. The access is some 800m long single track with small passing places, which currently struggle to cope with cars let alone HGVs.

The entrance, is a particularly difficult entrance for cars off a veryt busy dual carriageway and must be incredibly dangerous for large vans or HGVs. As there are no foot paths on this road I walk my children on the road and would be very concerned about site traffic using this road.

Regards

Chris Walker

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Veronika Walker

Address: 9 Castle Gogar Rigg Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please register my objection to this application as there is inadequate access to this development at this time. There are 11 properties occupied with the further 8 still to be occupied. Cars regularly come face to face on this one car road, and is just a matter of time before there is an accident on one of the two blind corners. My children regularly walk on the road as there are no paths to use.

The foul water drainage system appears unable to cope with 10 properties and it is currently broken, adding an additional 10 properties will ensure the system will no cope forget adding another 5 properties. The narrow entrance to the drive is from a very busy dual carriageway and is dangerous at the best of times. I would not like to think how problematic articulated lorries would deal with this entrance.

Thanks

Veronika Walker

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mr Charles Greer

Address: 37 Oxbang Road Grangemouth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: Chief Planning Officer

Waverley Court

4 East Market Street

Edinburgh

EH8 8BG

Planning Application Number 19/04849/FUL

I wish to object to the above planning application on the basis that

Castle Gogar is an A Listed Castle and the scale, design and positioning of the proposed houses would have an unacceptable and adverse impact of the setting of the listed building. I would therefore urge you to reject this application on the grounds of :-

- Overdevelopment, several of the existing homes or apartments were built over two years ago and still remain unsold.
- Serious loss of privacy.
- Unacceptably high density of homes and traffic within a small holding
- The existing sewage and drainage systems were originally designed for only several homes, therefore it is extremely unlikely that these could handle the much increased flows and volumes.
- Visual impact of the setting of an A Listed building
- Access road not suitable for more cars as it is a single track road or lane with various blind spots and has no pavements or lighting. The main tramline to and from the airport crosses over this lane very close to Glasgow Road entrance/exit and has NO barriers. Any further increase in traffic here will be a serious health and safety hazard and potentially a serious accident waiting to happen, with the closure of the tramline being a likely outcome.
- Noise and Disturbance for all owners who have just had to endure 4 years of non stop building work 7 days a week

Chas Greer
Charles Greer
37 Oxbang Road
Grangemouth
FK3 9BZ

Comments for Planning Application 19/04849/FUL

Application Summary

Application Number: 19/04849/FUL

Address: Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh

Proposal: Proposed development of five new detached homes.

Case Officer: Robert McIntosh

Customer Details

Name: Mrs Shona Greer

Address: 37 Oxbang Road Grangemouth

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Councillor's Reference

Comment: Chief Planning Officer

Waverley Court

4 East Market Street

Edinburgh

EH8 8BG

Planning Application Number 19/04849/FUL

I wish to object to the above planning application on the basis that

Castle Gogar is an A Listed Castle and the scale, design and positioning of the proposed houses would have an unacceptable and adverse impact of the setting of the listed building. I would therefore urge you to reject this application on the grounds of :-

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- Noise and Disturbance for all owners who have just had to endure 4 years of non stop building work 7 days a week

Shona Greer
37 Oxbang Road
Grangemouth
FK3 9BZ

MEMORANDUM

PLACE

To: **Robert McIntosh**

Our Ref: T/TP/DC/40463/KA

Your Ref: 19/04849/FUL

Date: 13 November 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION NO: 19/04849/FUL

FOR: PROPOSED DEVELOPMENT OF FIVE NEW DETACHED HOMES.

AT: LAND 80 METRES SOUTH OF 6, CASTLE GOGAR RIGG, EDINBURGH

ROADS AUTHORITY ISSUES

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant proposes double garage for each of the 5 proposed houses (see note b);
2. Electric vehicle charging should be incorporated in the garages;
3. 3 Cycle parking spaces to be provided(garages).

Note:

- a. It is understood that this application replaces the consented 743.2sqm office development for the site;
- b. The proposed 2 parking spaces breaches the Council's parking standards, however the proposed is considered acceptable given the site location and existing private access which could potentially be used for parking without control.
- c. The Council's RCC guidance requires that property/dwellings of 6 or more are served by a road, however the presence of matured trees on along the edges of the existing private access makes it difficult to achieve because of damage to tree roots;
- d. The existing access has passing places for vehicles to pass each other and priority is given to traffic entering from the A8, ensuring there is no queuing back onto this strategic road at the access junction.
- e. The distance between the access gate piers and the stop line at the junction is 9.8m and that allows 1 vehicle to be accommodated at the mouth of the access without causing any obstruction to the traffic on the A8;
- f. The existing access junction has a visibility to the right of X=4.5m; Y=150m and complies with the standards set out in the DMRB for an all-purpose trunk road with a 40mph (c.65kph) speed limit (50kmh;70m DMRB);
- g. The proposed development is predicted to generate 3 two-way vehicular trips for each of the morning and evening peak hour periods; and this is significantly fewer than the consented office development for the site predicted to generate 13 and 10 two-way vehicular trips for the morning and evening peak hour period respectively.
- h. At both stop lines on the private access to the tram cross over, the visibility of the tram route and oncoming trams is very good as follows:
 - North stop line (from site)
Visibility to the right – c.250metres
Visibility to the left – c.150metres
 - South stop line (to the site)
Visibility to the right – c.230metres

Visibility to the left – c.250metres

TRAMS - Important Note:

The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained.

Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way

<http://edinburghtrams.com/community/working-around-trams>



Policy Consultation Response- Principle of use for residential development

Policy Officer – Lindsay Robertson

19/04849/FUL

Land 80 Metres South Of 6 Castle Gogar Rigg

The Application

5 detached dwelling houses

Assessment

The site is within the area identified for the development of an International Business Gateway as defined in the Edinburgh Local Development Plan (LDP) and identified in NPF3. LDP policies **Emp 6** and **Hou 1** permit housing in this area as a component of a business-led mixed-use proposals subject to further consideration through the masterplan process, appropriate infrastructure provision and where consistent with the objectives of NPF3.

Table 4 of the LDP – Housing Proposals- identifies an opportunity for housing development within the IBG, of which this site is part, where it would contribute to place making and sustainable development objectives.

The proposed development is not part of a business-led mixed-use proposal. There are two parts to the site. Part of the site is within an existing cluster of residential units which have been developed over recent years. The remainder of the site forms an extension of this cluster to the east and south east of the site. The development of this area could be complimentary to the existing cluster of residential units and seen as completion of the existing grouping.

The LDP supports the provision of housing in sustainable locations through Policy Hou 1 which priorities delivery of housing land supply identified in the plan and on other suitable sites in the urban area. It identifies an element of housing as a potential use within this area. The development of housing on this site, contained within an existing cluster of residential units would not prejudice the opportunity to create an International Business Gateway as supported by LDP Policy Emp 6.

The development of this site for housing is acceptable in principle subject to meeting other relevant policies of the Development Plan. The LDP proposals map shows that a small part of the site is within an area of importance for flood management. Policy Env 21 would therefore apply.

Robert McIntosh
City of Edinburgh Council
By email

11 November 2019

Dear Robert

Your Ref: 19/04849/FUL
Development: Proposed development of five new detached homes, Castle Gogar Rigg, Edinburgh
Our Ref: EDI2836

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Yours sincerely



Claire Brown
Edinburgh Airport Limited
0131 344 3359
safeguarding@edinburghairport.com



By email to:
robert.mcintosh@edinburgh.gov.uk

City of Edinburgh Council
Planning and Strategy
4 Waverley Court
East Market Street
Edinburgh
EH8 8BG

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300041070
Your ref: 19/04849/FUL
06 November 2019

Dear Sir/Madam

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh - Proposed development of five
new detached homes.

Thank you for your consultation which we received on 24 October 2019. We have
assessed it for our historic environment interests and consider that the proposals have
the potential to affect the following:

Ref	Name	Designation Type
LB27092	GLASGOW ROAD, CASTLE GOGAR WITH COTTAGE, GATE HOUSE, STABLES, OUTBUILDINGS, GATE AND GATEPIERS	Listed Building

You should also seek advice from your archaeology and conservation service for matters
including unscheduled archaeology and category B and C-listed buildings.

Our Advice

Castle Gogar is an L-plan tower house dating from 1625 with later alterations. The
building is Category A listed, with the listing extending to include the adjacent estate
structures, including walling and stable cottages. Other separately listed structures on the
estate include a seventeenth century bridge, the gatehouse and the eighteenth century
gatepiers on the Glasgow Road (the elaborate gates appear to have disappeared before
2008 – without LBC?).



We note the findings of the Heritage Report. We agree that the loss of green space around Castle Gogar has had a detrimental impact on its setting, and that the setting has been compromised by more recent development. Some of this development (5 houses and a proposed office range in 2004) was part of an enabling scheme which has seen the repair/reuse of the Castle, and repair and conversion of the stable cottages. This enabling development was approved because your Council considered it was 'essential to secure the survival of Gogar House'.

The new (2004) housing is largely to the west and south west of Castle Gogar in the location of the former walled garden and ancillary buildings of the estate including the stable cottages. There has been subsequent infilling and additional development in 2015 and 2017; (15/01051/FUL and 17/00202/FUL).

The green space in the centre of the site had permission (2004) for the erection of an office development which has not proceeded. However, the 2015 application (15/01051/FUL) for two new apartment blocks and a house is noted in the Report of Handling as being 'in lieu of the proposed office block' with the application's intention to preserve this space as a 'village green' for the development.

Both the 2015 and 2017 Reports of Handling note the setting of the Castle now consists of the 'main tree-lined drive and the green open space enclosed by mature trees to the south of the castle' (the Paddock).

HES Managing Change guidance notes that setting can be important to the cultural significance of an historic asset if it contributes to the way in which the historic structure or place is "understood, appreciated and experienced". We agree with your Council's assessment that the surviving setting of Castle Gogar consists of the southern tree-lined approach to the building and the open ground of the tree-lined paddock. The historical approach to the Castle includes the listed gatepiers, adjacent lodge and hog-back bridge. This adds to the landscape context and sense of place of Castle Gogar. Although new development is visible to the west on the approach to the castle, it has not yet overwhelmed the setting here.

We consider the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar. The still open semi-rural approach to the castle would be significantly diminished, as would the tree-lined paddock area of open ground.

As above, although consent for an office development in the centre of the site was given in 2004, the decision to agree additional housing in 2015 was taken on the assumption that this area would not now be built upon. Our decision not to comment at this stage was also based on the balance of development on the site. We therefore consider the



'village green' should ideally remain open ground, with the consequent benefit this gives to the setting of the stable range (included within the A listing).

In conclusion, new development was initially allowed on the Castle Gogar site specifically to allow the repair and restoration of A listed buildings. Later applications have infilled adjacent ground and appear to have 'swapped' development sites.

We consider the current proposals would have a detrimental impact on the setting and historical significance of Category A listed Castle Gogar (and the stable cottages contained within its listing) and that they should be resisted.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Steven Robb who can be contacted by phone on 0131 668 8089 or by email on Steven.Robb@hes.scot.

Yours faithfully

Historic Environment Scotland

To: Robert McIntosh
From: Colin Brown, Environmental Protection, Place

Date: 4/11/19

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
PROPOSED DEVELOPMENT OF FIVE NEW DETACHED HOMES. AT
LAND 80 METRES SOUTH OF 6 CASTLE GOGAR RIGG, EDINBURGH
(19/04849/FUL)**

Environmental Protection has no objections to this proposed development.

Informative

No development should take place until a scheme for protecting all bedrooms and living rooms of the residential development against aircraft noise has been devised. The scheme should be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following internal noise levels:

**Bedrooms - 30dB LAeq, T and 45dB LAfmax
Living Rooms - 35 dB LAeq, D**

**T - Night-time 8 hours between 2300 - 0700
D - Daytime 16 hours between 0700 – 2300**

The application proposes the construction of five detached residential properties at Castle Gogar Rigg. To the north and west of the site are existing residential dwellings, including Castle Gogar. To the east and west is open ground with the Edinburgh Tram line over 100m to the south.

This proposed development site will see residential dwellings placed in close proximity to Edinburgh Airport's second runway. Although this runway is rarely used and the site falls outwith the airport's recognised noise contours, an informative is recommended to protect the amenity of residents in particular from any future use of the second runway.

Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5802.

1st November 2019

Edinburgh City Council
Waverly Court 4 East Market Street
Edinburgh
EH8 8BG



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Local Planner

EH12 Edinburgh 6 Castle Gogar Rigg 80M South
PLANNING APPLICATION NUMBER: 19/04849/FUL
OUR REFERENCE: 784399
PROPOSAL: Proposed development of five new detached homes

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Marchbank Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link**
<https://www.scottishwater.co.uk/Business-and-Developers/Connecting-to-Our-Network>

Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk

Yours sincerely

Angela Allison

Angela.Allison@scottishwater.co.uk

COMMUNITIES AND FAMILIES - CONSULTATION RESPONSE

Location	Land 80 Metres South Of 6 Castle Gogar Rigg Edinburgh
Proposal	Proposed development of five new detached homes.
Application number	19/04849/FUL
Assessment date	31.10.19

The Council has assessed the impact of the growth set out in the LDP through an [Education Appraisal](#) (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's [Action Programme](#) (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on '[Developer Contributions and Infrastructure Delivery](#)' (August 2018).

Assessment and Contribution Requirements

Assessment based on:
5 Houses

This site falls within Sub-Area W-1 of the '*West Edinburgh Education Contribution Zone*'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£80,930

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Total land contribution required:

£10,210

Note – no indexation to be applied to land contribution.

Our ref: PCS/168950
Your ref: 19/04849/FUL

If telephoning ask for:
Alasdair Milne

16 December 2019

Robert McIntosh
City of Edinburgh Council
City Development
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

By email only to: planning@edinburgh.gov.uk

Dear Sir

**Planning application: 19/04849/FUL
PROPOSED DEVELOPMENT OF FIVE NEW DETACHED HOMES
LAND 80 METRES SOUTH OF 6, CASTLE GOGAR RIGG, EDINBURGH**

Thank you for your consultation email which SEPA received on 28 November 2019.

Advice for the planning authority

We **object** to this planning application on the grounds of a lack of information relating to flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

1. Flood Risk

- 1.1 We **object** to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.
- 1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

Technical Report

- 1.3 Review of the SEPA Flood Map (Scotland) 200-year flood outline (i.e. the flood with a 0.5% chance of occurring in any single year) indicates that this area lies within this envelope and as such is potentially at risk of fluvial flooding from the Gogar Burn.
- 1.4 Scottish Planning Policy paragraph 255 states that “The planning system should promote flood avoidance by safeguarding flood storage and conveying capacity, and locating development away from functional flood plains and medium to high risk areas”.



Chairman
Bob Downes

Chief Executive
Terry A'Hearn

SEPA Edinburgh Office

Silvan House, 3rd Floor, 231 Corstorphine Road,
Edinburgh EH12 7AT.

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- 1.5 According to the provided drawing (PL L(90)03, Rev. T), house three is outwith the functional floodplain, houses five and four are partially within the functional floodplain, and six and eight are almost fully within the functional floodplain. We require a flood risk assessment (FRA) to demonstrate that all of the developments are located outwith the functional floodplain, in line with Scottish Planning Policy. However, this may only serve to confirm that some parts of the application site are unsuitable for development.
- 1.6 The Gogar Burn is culverted past Castle Gogar on the north eastern side of the site. Any FRA undertaken should consider the potential for and impact of blockage at this culvert.
- 1.7 For your information SEPA maintain and operate a flow monitoring station on the Gogar Burn close by at Turnhouse, NGR NT 161 733. A number of FRA's have been undertaken on the Gogar Burn in the past and the City of Edinburgh Council may hold additional helpful information that can be included in a site specific FRA for the current planning application.

Summary of Technical Points

- 1.8 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:
- A flood risk assessment showing that the development accords with Scottish Planning Policy.

Caveats & Additional Information for Applicant

- 1.9 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>
- 1.10 We refer the applicant to the document entitled: "*Technical Flood Risk Guidance for Stakeholders*". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.
- Please note that this document should be read in conjunction Policy 41 (Part 2).
- 1.11 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.
- 1.12 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.
- 1.13 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "*Flood*

Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).
- 2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.
- 2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:
- is more than 4 hectares,
 - is in excess of 5km, or
 - includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's [Sector Specific Guidance: Construction Sites \(WAT-SG-75\)](#) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

- 2.4 Below these thresholds you will need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.
- 2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

Silvan House, 231 Corstorphine Road, Edinburgh, EH12 7AT, tel 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@sepa.org.uk

Yours faithfully

Alasdair Milne
Senior Planning Officer

Planning Service

ECopy to: [REDACTED]

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

JM PLANNING SERVICES

31 Kilburn Wood Drive, Roslin Midlothian EH25 9AA

My Ref: PL/MM/SG/CGRE/85

Chief Planning Officer
PLACE
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

22nd November 2019

Dear Sir/Madam,

19/04849/FUL - Proposed development of five new detached homes on Land 80 Metres South of 6 Castle Gogar Rigg Edinburgh

I am submitting this letter on behalf of my clients, Mr Malcolm Mills and Ms Sheevaun Gallagher, who own the property at No 3. Castle Gogar Rigg, Edinburgh which is one of 3 terraced cottages which sits at the northern end of the row in a former stables building. The building was partly converted to residential (part of it was already a cottage – No. 1 at the opposite end of the building to No. 3) as part of the original development at Castle Gogar Rigg.

The letter sets out their detailed objections to the above planning application submitted by Quarry Investments and which has been submitted within the notification period for comments which expires on 22nd November 2019.

1.0 Context

The former stables is a Category A Listed Building which, among other features, is included as part of the Castle listing (LB27092). This is an important factor when considering the development of land within the immediate vicinity of my client's property and the potential impact on its setting as a Category A listed building, since it is located immediately to the east of the site for a new dwelling which forms part of the current planning application.

2.0 Objections

My clients' objections mainly focus on the proposed house on the site opposite their own property. However, they also have significant concerns over the wider proposals for 4 other houses on the land outwith the existing small gated Castle Gogar Rigg community.

By way of general comment initially, the planning history demonstrates that development at this location has been incremental and piecemeal which contradicts the applicant's suggestion that the overall scale of development now being envisaged at Castle Gogar Rigg had been planned all along from the outset, as hinted in the Planning and Design Statement which states that "*the site now has an unfinished feel to it*" and that this current application is regarded as the "*final phase of development*" representing the "*logical conclusion of development along the southern boundary of the site.*"

My clients strongly disagree with these statements and believe that the application proposals represents "development creep" and a speculative attempt to increase development at a location that is not suitable for new development, for a number of reasons as set out in this letter.

2.1 Planning History

The planning history for the development at this location is extensive and complex, dating back to 2004 (Application Ref 04/02302/FUL – the restoration of Castle Gogar, erection of 5 new houses, conversion of stables building to 2 houses and erection of an office building). Despite reviewing the Council's planning portal, it has been difficult to trace all the relevant documentation for the previous applications. In particular, there do not appear to be any the drawings publicly available on the Council's planning portal of the office building associated with Application Ref 04/02302/FUL other than a Perspective Drawing showing the proposed layout for the office building, 5 houses and converted stables building. There is, however, a subsequent variation application which provides these details.

It has been possible to obtain a good understanding from the Reports of Handling for the 2004 application and the Reports of Handling and various other documents associated with the further applications in 2015 (Ref 15/01051/FUL – 2 Apartment Blocks (8 apartments) and 1 House) and 2017 (Ref 17/00202/FUL – Erection of 1 house). Application Ref 14/04109/FUL for the Erection of 2 apartment blocks and 1 'Gatehouse' property, with associated access, parking, garden ground and landscaping on Land 80 Metres South of 6 Castle Gogar Rigg Edinburgh which was subsequently withdrawn, is also of relevance. Therefore, the objections contained in this letter are, to a certain degree, relied upon by that planning history.

It is noted that the 2014 application was submitted on the basis of additional residential development "in lieu of" the originally consented office building. That application was withdrawn and an alternative but similar scheme still proposing housing to replace the office building was submitted under the terms of the 2015 application which also related to the land to the south west of the original consented development but also included another area of "open space" between 1 apartment block and a house originally approved under the 2004 consent.

Information submitted in support of that 2015 application confirmed that it was a replacement for Application 14/04109/FUL. In the absence of any partial revoking of the original 2004 consent to prevent the office building from being implemented in the future, it would appear that the 2004 consent remains extant in that regard. Nevertheless, the idea promoted in the 2014 application and inferred by the replacement 2015 application that the consented office site would be a village green is a matter which remains significant in the consideration of the suitability of that location for development at all, particularly since it was the developer's own promotion of the idea to replace the office with housing elsewhere in the development:-

"Further, the relocation of development footprint from the "green" at the centre of the Rigg site to the southern area diminishes further impact on the setting of the Castle and the established houses by a more sympathetic and appropriate setting of further development to the southern part of the Rigg site." (Ref. Planning and Design Statement, October 2014)

The 2017 application was submitted on the basis as a substitute house for one of the houses consented in 2015 (on a plot to the east of one of the apartment blocks) and relocated to the area previously identified as "open space". However, the 2015 consent had already been implemented and the new house was approved with no partial revoking of the 2015 consent, resulting in a further 1 additional house and the loss of the "open space" between the previously consented buildings.

Consequently, the new build aspect of the development has incrementally been allowed to increase in size from 5 houses when originally approved to **15** residential units comprising 7 houses and 8 apartments (in 2 building blocks) with the Council's Planners acceding to the additional requests for development each time in 2015 and 2017. The total amounts to **17** residential units when taking into account the converted stables building to 2 houses.

My clients consider that Castle Gogar Rigg has already reached its maximum capacity and that this further proposal for new development should be resisted.

2.2 Consultation

My clients are encouraged to note from the applicant's own supporting Planning and Design Statement, that Council Planning Officials are disinclined to accept any further development at this location based on early pre-application discussions, which suggests that the Council considers that Castle Gogar Rigg has reached its maximum level of development and that, possibly, further development would be an overdevelopment at the location, as well as having potential further detrimental and adverse impacts on the setting of the Listed Buildings.

The section of the Planning and Design Statement entitled "Pre-application Engagement" at paragraphs 2.37 to 2.40 has sought to highlight an "inclusive and proactive approach" to engagement with the Council. My clients would wish it to be noted that no such approach has been adopted by the developer with them or with other residents, either as part of these proposals or with the other 2 previous application proposals, even on an informal and advisory basis. This is despite the existence of an established and active Residents Committee of which the developer was and is a member.

This demonstrates the developer's complete lack of regard for the interests of those who will be most affected by new development proposed around them.

2.3 Site for one House (House Type 3)

2.3.1 The Principle of Development

It is evident that the 5 houses which were approved under the 2004 consent have all been implemented, as well as the stables conversion to 2 cottages, but the office building has never been implemented. The 2015 application (Ref 15/01051/FUL) was submitted on the basis that the proposed 8 apartments (within 2 building blocks) and 1 detached dwelling would be a replacement for this unimplemented office development. The Planning and Design Statement accompanying the 2015 application confirms that "*Application 14/04109/FUL has subsequently been withdrawn to be replaced by this application.*" It is significant to note that the Planning Case Officer maintained that this replacement 2015 application was still proposing new housing in place of the office building, as confirmed in the Report of Handling for the 2015 application which states:-

"The current proposals are in lieu of the office development as it is in the existing residents' interests to preserve this area as a 'village green'."

It was accepted then that the significant level of additional housing (**9** new residential properties) would replace the previously proposed office development and that this further development would take place on land further away from the existing Castle Gogar and stables cottage properties, all of which are Category A Listed Buildings. As noted in the planning history earlier, the preservation of a village green type of open space was to help reinstate some of the setting for these listed properties which would have been completely lost had the office development been implemented as part of the 2004 consented scheme.

My clients strongly oppose the proposal to develop on this land as they (along with other existing residents) believe the opportunity to build on that land has been lost based on subsequent proposals to omit the office development and the intention to create a village green. The consenting in 2015 of housing development on land further away with less impact on the listed buildings, in place of the previously consented office building, with that land being retained as open space, as was intended, is a material planning consideration for the current application. Consequently, my clients believe this should have considerable weight when assessing this proposal which re-introduces the prospect of developing this site again.

2.3.2 Siting and Design of House Type 3

The plans for proposed house type 3 illustrate a style of house which is 2 storey in height and with a pitched roof, similar to what would be found in any modern urban or suburban development. It also has a single storey element to it as an off-shoot, creating an odd L-shape at an offset angle. The roof ridge of the 2 storey element extends to a similar height as the property to the north (No. 6 Castle Gogar Rigg) and the single storey roof ridge is comparable with the roof ridge height of the converted stables building to the east (Nos. 1 to 3 Castle Gogar Rigg).

In addition to my clients' objection to the principle of a house at this location, for the reasons stated earlier, they also object to the style and design of the house type and to its siting on the plot.

Firstly, in terms of its style and design, the shape of the building footprint with a combination of single storey and 2 storey elements, both with pitched roofs, would introduce a wholly incongruous and alien building relative to its surroundings, both in respect of the Category A Listed Buildings of the converted Stable Buildings (Nos. 1 to 3 Castle Gogar Rigg) and the new build houses, which reflect a more modern and contemporary design approach consistent throughout.

Secondly, the proposed house is to be sited close to the northern and eastern boundaries of the plot, close to the properties at Nos. 1 to 3 and No. 6 Castle Gogar Rigg. The properties at Nos. 1 to 3 have their garden to the front (west) and their main outlook is to the west, based on the internal layout. No. 2 and No. 3 will be particularly impacted on as both the single storey and the 2 storey part of the proposed house will be directly across from them respectively, giving a sense of enclosure rather than a more open outlook that they presently enjoy. The positioning of the proposed house, combined with the design, scale and massing of the building will therefore create an overbearing and dominating appearance on these immediately adjacent properties, in particular, dwarfing the listed converted stables buildings. This will have a significant adverse and detrimental impact on the setting of this Category A Listed Building.

In the absence of the approved drawings being available for the office building, as alluded to earlier, it has not been possible to undertake a detailed comparison exercise with the proposed house proposal. However, the site perspective drawing, if depicting a correct location for the office building, clearly shows the office building being sited further away from the closest buildings to the north and east, as described above. This reflects a better relationship with these buildings and demonstrates greater respect for the setting of the Category A Listed stables building in particular.

Any new development at this location, if it was ever to be deemed acceptable again by the Council, should relate to the more modern part of the development and should therefore only be sited further to the west on its plot, as per the office building originally accepted. The design, scale and massing of any building should also reflect the modern style of housing in that part of the development. However,

the expectation by my clients and the other residents at Castle Gogar Rigg was previously and still is for this area to be a village green and the developer should be required to honour this since it was part of the 2015 application to justify the further residential development elsewhere in the development in place of the office building.

It is considered therefore that the proposed house as submitted is **contrary to Policy Env 3 Listed Buildings - Setting** in the adopted Edinburgh Local Development Plan 2016.

2.3.3. Site for 4 houses

It is considered important to draw reference to the Council's Planner's reports for the 2015 and 2017 applications, in which it is stated: ***"the important part of the curtilage can now be defined as the main tree-lined drive and the green open space enclosed by mature trees to the south of the Castle."*** This area represents the main part of the current application site where it is proposed to erect 4 new houses. The Heritage Impact Assessment which supports the application appraises the potential impact on the cultural assets that exist in the vicinity of the site, of which it is noted that there are many, in addition to the Castle itself.

The conclusion of the assessment (paragraph 6.7) appears to struggle with the suitability of the development, admitting that it would have a detrimental impact on the setting of the Category A Listed Castle and the Bridge. The mitigation used to allow the development to be considered in a more favourable light appears apologetic and the detrimental impact of past development should not be used to excuse further unacceptable and inappropriately sited additional development at this location.

My clients would argue initially that the housing proposed on these 4 plots represents new development outwith the established existing gated residential community. This in itself demonstrates that the location is not a logical and natural location for further development, in addition to their belief that this area was **NOT** always regarded suitable for a "final phase of development" and was **NOT** part of a long term plan from the outset by the developer.

More importantly, they contend that the landscaped grounds either side of the driveway and the area to the south of Castle Gogar containing the identified listed structures remain the important setting for the Castle itself and these other listed buildings and help to define what remains of the cultural heritage context for the location. My clients believe they are features which add to the desirability of residing at Castle Gogar Rigg. Conversely, they do not consider it appropriate that these areas should in any way be considered as being "up for grabs" for development merely because some of the land has been used as a "building compound" for the development already permitted, according to the justification presented in the Planning and Design Statement. It is clear, therefore, to my clients that the developer has demonstrated a complete lack of respect in their initial approach to considering the suitability of this location for further development.

Clearly, the proposed development for this location would compound the detrimental impacts on the Category A Listed Buildings (Gogar Castle itself and the Bridge) that have already occurred. It is considered that the remaining important setting for the cultural heritage assets should be preserved and the application proposals would not seek to do so.

In that regard, the application is deemed to be **contrary to adopted LDP Policy Env 3**.

2.3.4 Roads/Traffic/Transport

In 2004, the Roads Department were mindful of the enabling development attributes of the proposals and did not object to that original application. In particular it was stated:-

“As the access road has a reduced standard due to the extent of tree loss if the road were upgraded to meet adoptable standards, the road will remain private.”

It is important to highlight that the same support was not evident in each of the 2015 and 2017 applications for subsequent further development at Castle Gogar Rigg, with the Council's Transport Planning Department recommending refusal of each application.

It appears that they have made concessions on the following: the access driveway road not being brought up to adoptable standards to preserve the existing trees; and improvements not being sought to the access driveway with its crossing of the Tram line and its proximity to the junction with the A8 including widening of the road, due to ownership constraints and impacts on the listed gate piers and walls at the entrance.

While the applicant has attempted to draw into the equation the unimplemented office development which has an extant consent, there was an understanding and expectation from the proposals in 2015 that the 9 new additional houses (8 apartments and 1 house) would be “in lieu of” the consented office building.

With 17 new houses already in existence, this was not the level of development that was envisaged when the initial 2004 application contained the office building, as demonstrated by the absence of any long term masterplan prepared at that time nor since. It has been allowed to develop incrementally and the current application is another piecemeal and speculative proposal representing “development creep” well beyond the level of development that was predicted would take place back in 2004.

Although it is understood that the consent for the office development appears to remain extant according to the information obtained from the Council's planning portal, my clients are of the opinion that the opportunity to revisit developing the site for the office has since been lost by the developer's subsequent consents for additional housing elsewhere in place of the office building. There was and still is a strong expectation by residents for this area to become a village green. This factor alone would allow the Council to assess the road safety implications of the 5 new houses in isolation and with no comparison with a scenario involving traffic generated from the office development. In that regard, the additional traffic generated by 5 houses over and above the significant level of development that has taken place since the 2004 consent is a further material consideration in the assessment of this application.

The Council's Transport Planning Department have had their recommendations overturned on the past 2 previous occasions and it is anticipated that they will likely make a similar recommendation on this proposal given the application represents a further increase in numbers. My clients would hope that both Planning and Transport Planning Officials will concur that the proposed development constitutes a further intensification of the use of the access driveway and junction with the A8 and agree that no more development is acceptable at this location on road safety grounds.

2.3.5. International Business Gateway (IBG) allocation

The housing development approved in 2015 was accepted as being in compliance with emerging planning policy in the Edinburgh Local Development Plan, since adopted in 2016. It was also considered that since the five large detached houses had impacted significantly on the setting of Gogar Castle and that the further development would be further away, the additional development of 2 apartment blocks (8 apartments in total) and a house would not have as detrimental an impact on the Listed Building as the original development.

The impacts of further development on these listed assets has already been covered in this letter.

With regard to other policy in the adopted LDP, the IBG allocation remains of relevance under the terms of Policy Emp 6 for this further development proposal at this location.

Both previous applications in 2015 and 2017 were rightly considered against a planning policy framework which identified the land as part of the IBG within the Development Plan, and it was determined at that time that the proposed housing was compliant with the relevant policies in SESplan and the emerging and then adopted LDP.

Wherein the policies advocate for economic development and an allowance for some limited residential development, the scope for housing within the allocation was to have been assessed as part of a masterplan exercise. Specifically, **Policy Emp 6** in the adopted LDP states:-

*“Housing as a component of a **business – led mixed use** proposal subject to further consideration through the **master plan process**, appropriate infrastructure provision and where consistent with the objectives of the National Planning Framework 3.”*

It further states:-

“All IBG proposals must accord with the IBG development principles and other relevant local development plan policies. The West Edinburgh Strategic Design Framework (WESDF), supported by master plans where appropriate, provides further guidance for development proposals, including guidance about the required contributions towards meeting the mode share targets.”

Notwithstanding the level of development that has already taken place at Castle Gogar Rigg in the recent past, any further new development would appear to be in conflict with the policy objectives for IBG which state that housing proposals should come forward in a comprehensive and planned way as part of the masterplanning process for the area and be part of a business led, mixed use proposal.

Furthermore, and given that the WESDF identifies the listed building at Castle Gogar as a “constraint” to development and that the indicative layouts in that document do not identify the land which is the subject of the current application to be included within any of the proposed development areas, recognising the importance of the setting for the listed building, the proposals represent an ad hoc and piecemeal attempt to introduce new housing within this strategically important Development Plan allocation in an unplanned way.

It is considered that the Council would be entitled to re-consider the suitability of the principle of further housing development at this location against the policy requirements set out in Policy Emp 6, taking cognisance also of the WESDF document.

In that regard, my clients' position is that they believe that the application is in **conflict with the stated Development Plan policy objectives for the IBG.**

3.0 Conclusion

The application proposals as submitted represent additional unacceptable development, both on land within the existing Castle Gogar Rigg development and outside its established boundary, for the reasons set out in this letter. The application is contrary to the relevant policies in the Development Plan and should be refused.

My clients, Mr Mills and Ms Gallagher, respectfully request that their objections, as represented by this letter submitted on their behalf, are duly considered by the Council's Planning Department and that the Council supports their position and refuses planning permission for application Reference 19/04849/FUL.

I would be grateful if you could acknowledge receipt of this letter of representation by return.

Yours sincerely,

A black rectangular redaction box covers the signature area. A thin grey line extends from the bottom left corner of the box, curving downwards and to the left, suggesting a signature or a pointer.

John MacCallum BSc (Hons), MRTPI
Planning Consultant

cc Clients

RMCIT/Local
2

Dear Sir/Madam,

Application Number 19/04849/FUL

I am writing with regard to the above planning application. I wish to put forward an objection to the proposed development. I am a resident of Castle Gogar, 180 Glasgow Road, and I therefore neighbour the proposed development.

The proposed development fails to deliver upon the policies outlined in Part 2 of the Edinburgh Local Development Plan (November 2016). I discuss the reasons for this below. As you will well be aware, when determining a planning application, the Council must have regard to the provisions of the Local Development Plan [Section 37(2), Town and Country Planning (Scotland) Act 1997].

Policy Des 1 Design Quality and Context

'Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance'

I argue that the proposed development damages the character and appearance of the area. The pre-existing houses at Castle Gogar Rigg are designed in a thematically appropriate way, incorporating cylindrical design elements that imitate the turrets of the Castle. The proposed development, on the other hand, makes no effort to imitate the Castle other than in their colour. House 3 in particular bears no resemblance to any of the other houses at the Rigg and fails to make any effort whatsoever to imitate the Castle. The applicants, in their planning and design statement, draw attention to their efforts to make Houses 4,5,6, and 8 appropriately shaped to act as 'gate lodges' and 'symbolic gate posts'. However, the flat facades of these houses make them clash both with the other contemporary houses at the Rigg and with the Castle. The applicants can talk of symbolism all they want, but the proposed houses do not adequately cohere with the pre-existing buildings at the site. This problem is exacerbated by the placement of Houses 4, 5, 6, and 8 (See Des 4).

Policy Des 4 Development Design – Impact on Setting

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

Building Standards
7 Nov 2019
Planning &

The placement of Houses 4, 5, 6, and 8 has an unacceptable impact on views from the Castle. The placement in particular of Houses 5 and 6 means that they will be in direct view of the historic drawing room in the Castle which looks Southwards over the front gate and boundary wall.

The key distinction between previous development and Houses 4, 5, 6, and 8 is that previous development was confined to the West and Southwest side of the Castle. This:

- Preserved the Castle's southward views,
- Ensured that the historical Castle (and the namesake of the Rigg) was the first structure that visitors encountered,
- Ensured that there was a clear, undistracted view of the Castle from further down the lane.

The current development spills out too far to the South and Southeast. This ruins the sense of place which the pre-existing site achieved by confining development to one side of the Castle. Furthermore, the pre-existing residences at the Rigg are adequately spaced; the proposed development risks making the site cluttered.

Policy Env 3 Listed Buildings – Setting

Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

For the reasons outlined above, the proposed development's placement and design is detrimental to the setting of the Castle. Far from already being compromised, the appropriately designed, placed, and spaced structures at the Rigg still preserve the setting of the Castle. The proposed development will disrupt this finely balanced setting.

Policy Env 16 Species Protection

Planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless:

- a) there is an overriding public need for the development and it is demonstrated that there is no alternative*
- b) a full survey has been carried out of the current status of the species and its use of the site*
- c) there would be no detriment to the maintenance of the species at 'favourable conservation status'*
- d) suitable mitigation is proposed*

Many badgers inhabit the grounds of the Castle, and the land in the lane (particularly around the proposed development). These are protected under the Protection of Badgers Act 1992. The applicant makes no effort to identify any risks posed to these creatures by the construction work, nor do they offer any solutions for how this risk can be mitigated. The proposed development would unquestionably have an adverse impact on these badgers, and the applicant ought to follow the above steps before being granted planning permission.

• Housing and the Failure of Gogareight

I end by saying that I appreciate the need for new housing to be built in order to meet Edinburgh's housing needs. However, one need only look at the applicant's failure to sell 7/8 of their Gogareight apartments to see that there is no market for housing at this site.

For all of the reasons given above, I urge you to reject this planning application. Many thanks for your time.

Yours sincerely,

Benedict Morillo



2/11/19

Castle Gogar
Glasgow Road
Edinburgh
EH12 9BQ

RMC/T/
Local 2

Chief Planning Officer
PLACE
Waverley Court
4 East Market Street
Edinburgh
EH8 8 BG

Wednesday 30 October 2019

Planning &
31 OCT 2019

Dear Sirs

Application Number 19/04849/FUL

I am writing with regard to the above planning application.

I am grateful for this opportunity to object to this planning application. I have read all the documents and suffice to say that it is littered with inaccuracies.

Let me first comment and object to statements made on the Planning and Design Statement submitted in the section headed Neighbourhood Context may I refer you to paragraph 3.18, it states "Application 15/01051/FUL was granted planning permission on September 2015 for the development of two apartment blocks and a single detached dwelling. Application 17/00202/FUL was subsequently granted permission in March 2017 for the erection of a further single detached dwelling house on land at Castle Gogar Rigg. To the best of my knowledge none of the existing residents at the time received notice of those planning applications. We at Castle Gogar got no notifications at all. The current application 19/04849/FUL is the first opportunity we have had to register any objection.

On the same Planning and Design statement may I refer you to paragraph 2.35 ..."Furthermore and at significant cost, the applicant has painstakingly restored the bridge over the Gogar Burn, enhancing its setting and seeking to ensure that it's future condition and maintenance is secured...." This is simply not the case. The bridge "suddenly" needed repair six months after building works on the two apartment blocks started. There is a weight restriction on the B Listed Gogar Burn bridge and coincidentally it needed repair after innumerable HGV's and other heavy lorries had crossed it. Further the developer went ahead with bridge "repair" without consultation and billed the existing residents £1390 each. I enclose copies of said/.....

said bill and accompanying legal threats issued if none payment ensued. So it is untrue that the developer PAID for the bridge repairs. What he certainly did do was damage it.

I would now like to refer to the document entitled House Type CGIs. I would like to congratulate them on the creative use of foliage to completely hide the Castle, in an era of fake news what can I say other than it is a distortion of the truth. I believe Council policy on listed buildings states, ..."the feeling of spaciousness of the grounds in relation to the main building should be protected for the amenity of the property. The scale of the new development should be controlled so as not to crowd or obscure the house. No building of similar to greater bulk should be erected close to the main listed building.

This new proposal is too near the Listed Building and I believe is a case of overdevelopment.

This brings me to access. The developer has submitted a transport report produced by SWECO. It beggars belief that the images are from Google. A few measurements have been taken and a number of "simulations" are submitted and that is it. What it fails to tell you is that the single lane carriageway has a considerable number of blind spots and has no lighting. We have endured over 3 1/2 years of building works with tradesman, building site workers treating the single carriageway as their own private racing track. I do not own a car, I use public transport, I am 58 years old and walk the lane everyday early in the morning and have had to jump clear as budding 'Lewis Hamilton's' have got to the building site. It is a matter of time before there is a serious accident.

The consultants at SWECO are hardly independent arbiters, lets not forget who paid their fees, they do not live here or use the lane. I live here and use the lane as do my children!! The total darkness on the lane, there and no lights, during the long hours of darkness in the winter and the considerable number of blind spots make it a hazard and unsafe for even more traffic.

Finally the impact on the future "sellability" of all properties is already in existence. Conveniently the developer has chosen not to tell you that the bulk of the properties already built as a result of the September 2015 application 15/01051/FUL remain unsold despite many changes of estate agents marketing them and substantial price reductions. It has already affected the value of existing properties. The submission reads as if some higher environmental ethos is motivating the further application by the developer. This is an application by an unscrupulous greedy developer whose only motivation is profit and in the process exhibits a total disregard for current residents and neighbours.

Castle/....

Castle Gogar is an A Listed Castle and the scale, design and positioning of the proposed houses would have an unacceptable and adverse impact of the setting of the listed building. I would therefore urge you to reject this application on the grounds of

- Overdevelopment
- Loss of privacy
- Unacceptably high density within a small holding
- Visual impact of the setting of an A Listed building
- Access road not suitable for more cars not to mention the highway safety of those who choose to walk and cycle down the access road on a daily basis (no lights, no paths)
- Noise and Disturbance due to endless years ahead of more building work
- Inadequate capacity of existing private sewage/pump station
- The impact on the numerous wildlife within the estate specifically roe deer, badgers and hedgehogs (the castle has both natural and man made badger setts on its grounds)
- The impact on the future sellability and value of Castle Gogar and the other existing properties.

Thank you

Yours sincerely

A black rectangular redaction box covering the signature of Albert Morillo.

Albert Morillo

PS I enclose the repair invoice and accompanying letter from the developer in regard to the Gogar Burn bridge repair

Castle Gogar
Glasgow Road
Edinburgh
EH12 9BQ

NMCT/local
2

Chief Planning Officer
PLACE
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Monday 28 October 2019

Dear Sirs

Application Number 19/04849/FUL

I am writing with regard to the above planning application.

I wish to object most strongly to this development on various grounds.

Castle Gogar is an A Listed property and this proposed development would have a severe detrimental impact on the historic setting of the Castle. The existing houses and apartments within Castle Gogar Rigg are mostly part set into the walled garden and screened from direct view of the Castle (but still visible from some rooms). In this most recent attempt to make an easy profit the developer has shown a complete disregard for the setting of the Castle with his attempts to overdevelop such a small site. We were not informed about the previous planning applications on the estate namely 15/01051/FUL so didn't get the chance to object. First we knew about it was when the contractors arrived onsite in January 2016. On checking the planning portal site, all the neighbour notifications for this application appear to have been sent to properties which were derelict and/or demolished and one was sent to the developers house (hardly likely he was going to object). Given the magnitude of that particular development and the small estate I feel it would have been appropriate to have sent notification to all residents as this has affected all of us.

The/.....

Building Standards
31 OCT 2019
Planning &

The council policy on listed buildings state "the feeling of spaciousness of the grounds in relation to the main building should be protected for the amenity of the property and any development should be controlled so as not to crowd or obscure the house". These proposed 5 houses would do exactly that. I find it incredible that the CGI images conveniently appear to only show the roof the Castle and seem to have it illustrated as being hidden away as almost an irrelevance in a forest like setting. I can assure you that is not the case.

Even the descriptions in the Planning and Design Document are completely laughable, "invisible castle", "hidden from view by high walls and an impenetrable gate", "castle is the invisible element of the site", "impenetrable to views from out with its boundary". Despite what the CGI images suggest my house is visible as soon as you reach the B Listed Bridge and the estate and other houses are visible from my windows and my garden. I will be able to see the new houses and vice versa. They would be directly in front of my access gates and in full view of every room to the front of my property which are all the formal rooms and all the bedrooms would overlook this development. The style of the houses with their flat roofs and 'office block' appearance are unsympathetic in style to a 400 year old Castle. Two of the proposed houses have large balconies on the first floor which would completely overlook my property. House 3 with its pitched roof is completely out of keeping with the other houses and appears to dwarf over the cottages and I would imagine completely shadow the garden of no 6.

Furthermore access to the estate is by a single track road bordered with mature trees (most subject to tree preservation orders) with various passing places which would be entirely unsuitable for 24 residences. This road is too narrow to be adopted by the Council. The B listed gate piers on Glasgow Road are also far too narrow and can only accommodate one car at a time. During the building work for the apartments the tight turn off Glasgow Road meant that often lorries were jammed between the entrance gates (photos attached) causing horrific traffic jams on Glasgow Road not to mention damage to the Gate piers (which have since been fixed at the expense of the developer).

Infact in general there are often near misses when we try to turn into the driveway off Glasgow Road despite signalling and slowing down lorries, buses and cars think you are signalling "by mistake" they don't slow down. Lorries have also been wedged on the B Listed bridge accessing the development and their continued usage of the bridge caused severe damage to the bridge.

The/.....

The last four years have caused no end of stress and hassle due the constant noise 7 days a week whilst the apartments were being built, we have had to endure the last 3 summers not being able to enjoy the garden in its entirety due to the neverending endless noise from the building site. Due to it's category A listing our house has single glazing and with this proposed development even nearer to the Castle the noise would be exacerbated. We have had to contend with workmen using the private lane both as a racetrack and a rubbish dump not to mention verbal abuse from both the developer and the workmen. It is completely unacceptable.

Whilst building the apartments the developer has linked into the private pumping and sewage station which serves the existing houses which I understand had no capacity for further development. This reckless act has caused endless flooding and an astronomical increase in electricity useage (I believe around £90 a day) within the pump station as it cannot cope with the increased usage. The developer is refusing to pay to increase the capacity of the pumping station or rectify any damage he has done. It has also been suggested that he has allegedly (investigations pending) linked into the soakaway which is on my property without my knowledge or consent. The soakaway on my property was for the initial houses within the walled garden. If the apartments or no 10 have linked into this it is without my permission or knowledge

May I also further comment on the Planning and Design Document. This document is full of so many inaccuracies, the ones that caught my eye are 2.35/2.24 where they state that the applicant overseen and funded the significant refurbishment works to the listed Bridge. What a lot of utter rubbish. The B listed bridge was damaged due to the amount of heavy lorries on the estate carting away thousands of tonnes of soil over a 2/3 month period. It wasn't the applicant who paid for this, it was the residents. Letters were sent to the residents from the developer demanding payment for £1390 per household (money to be payable to him directly not his company) and those who didn't pay were subject to threats of court action and verbal abuse. One of the neighbours was taken to court twice for non payment of invoices, she won on both occasions but the developer took it upon himself to hound her out of the estate as she had the audacity to stand up to his bullying ways. This impacted severely on both her health and the state of her marriage and they sadly separated and divorced due to the stress and anxiety of what they endured living here.

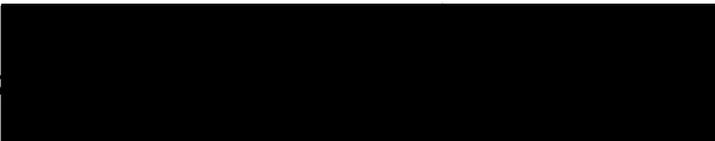
This/....

This letter is both an objection and an impact statement as I feel it is very important to highlight the detrimental effect the last four years have had on, not only our health and wellbeing but those of the other residents. Enough is enough for building work within this small estate, we now deserve the chance to enjoy our homes and gardens without years of further disruption, without fear of being knocked over in the lane, without fear of being subject to verbal abuse and monetary demands, we just now want a peaceful existence and an end once and for all to further building work.

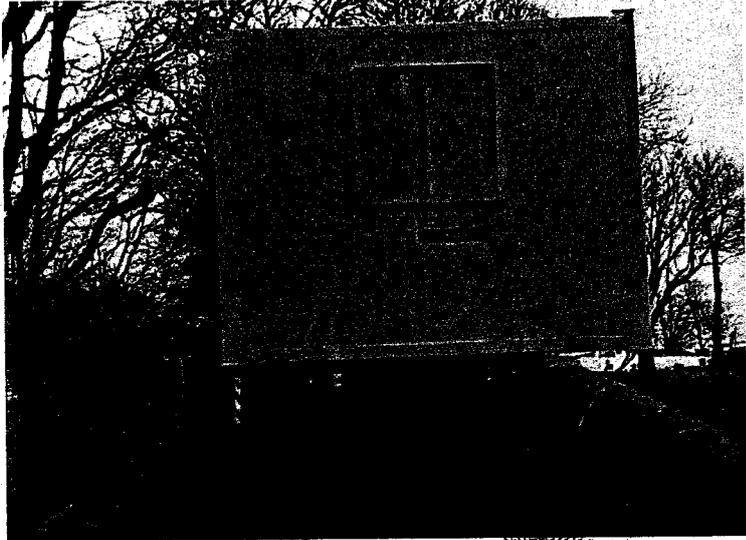
Castle Gogar is my home, this proposed housing would alter the character and setting of my house forevermore and I would please urge you to reject this application on the grounds of

- Overdevelopment
- Loss of privacy
- Unacceptably high density within a small holding
- Visual impact of the setting of an A Listed building
- Access road not suitable for more cars not to mention the highway safety of those who choose to walk and cycle down the access road on a daily basis (no lights, no paths)
- Noise and Disturbance due to endless years ahead of more building work
- Increased mental stress for residents due to the noise, disturbance and direct actions of the developer
- Inadequate capacity of existing private sewage/pump station
- The impact on the numerous wildlife within the estate specifically the roe deers, the badgers and the hedgehogs (the castle has both natural and man made badger setts on its grounds)
- This development in the opinion of a very prominent Edinburgh Estate Agent will have a severe impact on the future sell ability of the castle and most probably a decrease in value
- No desirability to live in this location, the apartments despite being ready for over 18 months remain mostly unsold and other properties within the estate that were marketed over the past few years have either taken a few years to sell or have been withdrawn from sale.

Yours sincerely



Aleda Morillo



4 Burnbrae Avenue
Edinburgh
EH12 8AU

RM ET/
Local 2

Chief Planning Officer
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Sunday 10 November 2019

Planning Application Number 19/04849/FUL

I wish to object to the above planning application on the basis that

Castle Gogar is an A Listed Castle and the scale, design and positioning of the proposed houses would have an unacceptable and adverse impact of the setting of the listed building. I would therefore urge you to reject this application on the grounds of

- Unacceptable overdevelopment of a small estate
- Loss of privacy
- Visual impact of the setting of an A Listed building
- Access road is not suitable for more vehicles, it is notoriously difficult to get out onto Glasgow Road during peak traffic time and the lane itself with blind spots, no pavement and no lighting not safe as it is for pedestrians

I would therefore urge that you reject this application.

Yours sincerely



Ms J Rafferty

Planning &
12 NOV 2019
Building Standards

ACK SH.
3/2

JM PLANNING SERVICES

31 Kilburn Wood Drive, Roslin Midlothian EH25 9AA

My Ref: PL/MM/SG/CGRE/85

Chief Planning Officer
PLACE
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

22nd November 2019

Dear Sir/Madam,

19/04849/FUL - Proposed development of five new detached homes on Land 80 Metres South of 6 Castle Gogar Rigg Edinburgh

I am submitting this letter on behalf of my clients, Mr Malcolm Mills and Ms Sheevaun Gallagher, who own the property at No 3. Castle Gogar Rigg, Edinburgh which is one of 3 terraced cottages which sits at the northern end of the row in a former stables building. The building was partly converted to residential (part of it was already a cottage – No. 1 at the opposite end of the building to No. 3) as part of the original development at Castle Gogar Rigg.

The letter sets out their detailed objections to the above planning application submitted by Quarry Investments and which has been submitted within the notification period for comments which expires on 22nd November 2019.

1.0 Context

The former stables is a Category A Listed Building which, among other features, is included as part of the Castle listing (LB27092). This is an important factor when considering the development of land within the immediate vicinity of my client's property and the potential impact on its setting as a Category A listed building, since it is located immediately to the east of the site for a new dwelling which forms part of the current planning application.

2.0 Objections

My clients' objections mainly focus on the proposed house on the site opposite their own property. However, they also have significant concerns over the wider proposals for 4 other houses on the land outwith the existing small gated Castle Gogar Rigg community.

By way of general comment initially, the planning history demonstrates that development at this location has been incremental and piecemeal which contradicts the applicant's suggestion that the overall scale of development now being envisaged at Castle Gogar Rigg had been planned all along from the outset, as hinted in the Planning and Design Statement which states that "*the site now has an unfinished feel to it*" and that this current application is regarded as the "*final phase of development*" representing the "*logical conclusion of development along the southern boundary of the site.*"

My clients strongly disagree with these statements and believe that the application proposals represents "development creep" and a speculative attempt to increase development at a location that is not suitable for new development, for a number of reasons as set out in this letter.

E-Mail: johnmaccallum@jmplanningservices.co.uk

Mobile: 07780465240

2.1 Planning History

The planning history for the development at this location is extensive and complex, dating back to 2004 (Application Ref 04/02302/FUL – the restoration of Castle Gogar, erection of 5 new houses, conversion of stables building to 2 houses and erection of an office building). Despite reviewing the Council's planning portal, it has been difficult to trace all the relevant documentation for the previous applications. In particular, there do not appear to be any the drawings publicly available on the Council's planning portal of the office building associated with Application Ref 04/02302/FUL other than a Perspective Drawing showing the proposed layout for the office building, 5 houses and converted stables building. There is, however, a subsequent variation application which provides these details.

It has been possible to obtain a good understanding from the Reports of Handling for the 2004 application and the Reports of Handling and various other documents associated with the further applications in 2015 (Ref 15/01051/FUL – 2 Apartment Blocks (8 apartments) and 1 House) and 2017 (Ref 17/00202/FUL – Erection of 1 house). Application Ref 14/04109/FUL for the Erection of 2 apartment blocks and 1 'Gatehouse' property, with associated access, parking, garden ground and landscaping on Land 80 Metres South of 6 Castle Gogar Rigg Edinburgh which was subsequently withdrawn, is also of relevance. Therefore, the objections contained in this letter are, to a certain degree, relied upon by that planning history.

It is noted that the 2014 application was submitted on the basis of additional residential development "in lieu of" the originally consented office building. That application was withdrawn and an alternative but similar scheme still proposing housing to replace the office building was submitted under the terms of the 2015 application which also related to the land to the south west of the original consented development but also included another area of "open space" between 1 apartment block and a house originally approved under the 2004 consent.

Information submitted in support of that 2015 application confirmed that it was a replacement for Application 14/04109/FUL. In the absence of any partial revoking of the original 2004 consent to prevent the office building from being implemented in the future, it would appear that the 2004 consent remains extant in that regard. Nevertheless, the idea promoted in the 2014 application and inferred by the replacement 2015 application that the consented office site would be a village green is a matter which remains significant in the consideration of the suitability of that location for development at all, particularly since it was the developer's own promotion of the idea to replace the office with housing elsewhere in the development:-

"Further, the relocation of development footprint from the "green" at the centre of the Rigg site to the southern area diminishes further impact on the setting of the Castle and the established houses by a more sympathetic and appropriate setting of further development to the southern part of the Rigg site." (Ref. Planning and Design Statement, October 2014)

The 2017 application was submitted on the basis as a substitute house for one of the houses consented in 2015 (on a plot to the east of one of the apartment blocks) and relocated to the area previously identified as "open space". However, the 2015 consent had already been implemented and the new house was approved with no partial revoking of the 2015 consent, resulting in a further 1 additional house and the loss of the "open space" between the previously consented buildings.

Consequently, the new build aspect of the development has incrementally been allowed to increase in size from 5 houses when originally approved to 15 residential units comprising 7 houses and 8 apartments (in 2 building blocks) with the Council's Planners acceding to the additional requests for development each time in 2015 and 2017. The total amounts to 17 residential units when taking into account the converted stables building to 2 houses.

My clients consider that Castle Gogar Rigg has already reached its maximum capacity and that this further proposal for new development should be resisted.

2.2 Consultation

My clients are encouraged to note from the applicant's own supporting Planning and Design Statement, that Council Planning Officials are disinclined to accept any further development at this location based on early pre-application discussions, which suggests that the Council considers that Castle Gogar Rigg has reached its maximum level of development and that, possibly, further development would be an overdevelopment at the location, as well as having potential further detrimental and adverse impacts on the setting of the Listed Buildings.

The section of the Planning and Design Statement entitled "Pre-application Engagement" at paragraphs 2.37 to 2.40 has sought to highlight an "inclusive and proactive approach" to engagement with the Council. My clients would wish it to be noted that no such approach has been adopted by the developer with them or with other residents, either as part of these proposals or with the other 2 previous application proposals, even on an informal and advisory basis. This is despite the existence of an established and active Residents Committee of which the developer was and is a member.

This demonstrates the developer's complete lack of regard for the interests of those who will be most affected by new development proposed around them.

2.3 Site for one House (House Type 3)

2.3.1 The Principle of Development

It is evident that the 5 houses which were approved under the 2004 consent have all been implemented, as well as the stables conversion to 2 cottages, but the office building has never been implemented. The 2015 application (Ref 15/01051/FUL) was submitted on the basis that the proposed 8 apartments (within 2 building blocks) and 1 detached dwelling would be a replacement for this unimplemented office development. The Planning and Design Statement accompanying the 2015 application confirms that "*Application 14/04109/FUL has subsequently been withdrawn to be replaced by this application.*" It is significant to note that the Planning Case Officer maintained that this replacement 2015 application was still proposing new housing in place of the office building, as confirmed in the Report of Handling for the 2015 application which states:-

"The current proposals are in lieu of the office development as it is in the existing residents' interests to preserve this area as a 'village green'."

It was accepted then that the significant level of additional housing (9 new residential properties) would replace the previously proposed office development and that this further development would take place on land further away from the existing Castle Gogar and stables cottage properties, all of which are Category A Listed Buildings. As noted in the planning history earlier, the preservation of a village green type of open space was to help reinstate some of the setting for these listed properties which would have been completely lost had the office development been implemented as part of the 2004 consented scheme.

My clients strongly oppose the proposal to develop on this land as they (along with other existing residents) believe the opportunity to build on that land has been lost based on subsequent proposals to omit the office development and the intention to create a village green. The consenting in 2015 of housing development on land further away with less impact on the listed buildings, in place of the previously consented office building, with that land being retained as open space, as was intended, is a material planning consideration for the current application. Consequently, my clients believe this should have considerable weight when assessing this proposal which re-introduces the prospect of developing this site again.

2.3.2 Siting and Design of House Type 3

The plans for proposed house type 3 illustrate a style of house which is 2 storey in height and with a pitched roof, similar to what would be found in any modern urban or suburban development. It also has a single storey element to it as an off-shoot, creating an odd L-shape at an offset angle. The roof ridge of the 2 storey element extends to a similar height as the property to the north (No. 6 Castle Gogar Rigg) and the single storey roof ridge is comparable with the roof ridge height of the converted stables building to the east (Nos. 1 to 3 Castle Gogar Rigg).

In addition to my clients' objection to the principle of a house at this location, for the reasons stated earlier, they also object to the style and design of the house type and to its siting on the plot.

Firstly, in terms of its style and design, the shape of the building footprint with a combination of single storey and 2 storey elements, both with pitched roofs, would introduce a wholly incongruous and alien building relative to its surroundings, both in respect of the Category A Listed Buildings of the converted Stable Buildings (Nos. 1 to 3 Castle Gogar Rigg) and the new build houses, which reflect a more modern and contemporary design approach consistent throughout.

Secondly, the proposed house is to be sited close to the northern and eastern boundaries of the plot, close to the properties at Nos. 1 to 3 and No. 6 Castle Gogar Rigg. The properties at Nos. 1 to 3 have their garden to the front (west) and their main outlook is to the west, based on the internal layout. No. 2 and No. 3 will be particularly impacted on as both the single storey and the 2 storey part of the proposed house will be directly across from them respectively, giving a sense of enclosure rather than a more open outlook that they presently enjoy. The positioning of the proposed house, combined with the design, scale and massing of the building will therefore create an overbearing and dominating appearance on these immediately adjacent properties, in particular, dwarfing the listed converted stables buildings. This will have a significant adverse and detrimental impact on the setting of this Category A Listed Building.

In the absence of the approved drawings being available for the office building, as alluded to earlier, it has not been possible to undertake a detailed comparison exercise with the proposed house proposal. However, the site perspective drawing, if depicting a correct location for the office building, clearly shows the office building being sited further away from the closest buildings to the north and east, as described above. This reflects a better relationship with these buildings and demonstrates greater respect for the setting of the Category A Listed stables building in particular.

Any new development at this location, if it was ever to be deemed acceptable again by the Council, should relate to the more modern part of the development and should therefore only be sited further to the west on its plot, as per the office building originally accepted. The design, scale and massing of any building should also reflect the modern style of housing in that part of the development. However,

the expectation by my clients and the other residents at Castle Gogar Rigg was previously and still is for this area to be a village green and the developer should be required to honour this since it was part of the 2015 application to justify the further residential development elsewhere in the development in place of the office building.

It is considered therefore that the proposed house as submitted is **contrary to Policy Env 3 Listed Buildings - Setting** in the adopted Edinburgh Local Development Plan 2016.

2.3.3. Site for 4 houses

It is considered important to draw reference to the Council's Planner's reports for the 2015 and 2017 applications, in which it is stated: ***"the important part of the curtilage can now be defined as the main tree-lined drive and the green open space enclosed by mature trees to the south of the Castle."*** This area represents the main part of the current application site where it is proposed to erect 4 new houses. The Heritage Impact Assessment which supports the application appraises the potential impact on the cultural assets that exist in the vicinity of the site, of which it is noted that there are many, in addition to the Castle itself.

The conclusion of the assessment (paragraph 6.7) appears to struggle with the suitability of the development, admitting that it would have a detrimental impact on the setting of the Category A Listed Castle and the Bridge. The mitigation used to allow the development to be considered in a more favourable light appears apologetic and the detrimental impact of past development should not be used to excuse further unacceptable and inappropriately sited additional development at this location.

My clients would argue initially that the housing proposed on these 4 plots represents new development outwith the established existing gated residential community. This in itself demonstrates that the location is not a logical and natural location for further development, in addition to their belief that this area was **NOT** always regarded suitable for a "final phase of development" and was **NOT** part of a long term plan from the outset by the developer.

More importantly, they contend that the landscaped grounds either side of the driveway and the area to the south of Castle Gogar containing the identified listed structures remain the important setting for the Castle itself and these other listed buildings and help to define what remains of the cultural heritage context for the location. My clients believe they are features which add to the desirability of residing at Castle Gogar Rigg. Conversely, they do not consider it appropriate that these areas should in any way be considered as being "up for grabs" for development merely because some of the land has been used as a "building compound" for the development already permitted, according to the justification presented in the Planning and Design Statement. It is clear, therefore, to my clients that the developer has demonstrated a complete lack of respect in their initial approach to considering the suitability of this location for further development.

Clearly, the proposed development for this location would compound the detrimental impacts on the Category A Listed Buildings (Gogar Castle itself and the Bridge) that have already occurred. It is considered that the remaining important setting for the cultural heritage assets should be preserved and the application proposals would not seek to do so.

In that regard, the application is deemed to be **contrary to adopted LDP Policy Env 3**.

2.3.4 Roads/Traffic/Transport

In 2004, the Roads Department were mindful of the enabling development attributes of the proposals and did not object to that original application. In particular it was stated:-

"As the access road has a reduced standard due to the extent of tree loss if the road were upgraded to meet adoptable standards, the road will remain private."

It is important to highlight that the same support was not evident in each of the 2015 and 2017 applications for subsequent further development at Castle Gogar Rigg, with the Council's Transport Planning Department recommending refusal of each application.

It appears that they have made concessions on the following: the access driveway road not being brought up to adoptable standards to preserve the existing trees; and improvements not being sought to the access driveway with its crossing of the Tram line and its proximity to the junction with the A8 including widening of the road, due to ownership constraints and impacts on the listed gate piers and walls at the entrance.

While the applicant has attempted to draw into the equation the unimplemented office development which has an extant consent, there was an understanding and expectation from the proposals in 2015 that the 9 new additional houses (8 apartments and 1 house) would be "in lieu of" the consented office building.

With 17 new houses already in existence, this was not the level of development that was envisaged when the initial 2004 application contained the office building, as demonstrated by the absence of any long term masterplan prepared at that time nor since. It has been allowed to develop incrementally and the current application is another piecemeal and speculative proposal representing "development creep" well beyond the level of development that was predicted would take place back in 2004.

Although it is understood that the consent for the office development appears to remain extant according to the information obtained from the Council's planning portal, my clients are of the opinion that the opportunity to revisit developing the site for the office has since been lost by the developer's subsequent consents for additional housing elsewhere in place of the office building. There was and still is a strong expectation by residents for this area to become a village green. This factor alone would allow the Council to assess the road safety implications of the 5 new houses in isolation and with no comparison with a scenario involving traffic generated from the office development. In that regard, the additional traffic generated by 5 houses over and above the significant level of development that has taken place since the 2004 consent is a further material consideration in the assessment of this application.

The Council's Transport Planning Department have had their recommendations overturned on the past 2 previous occasions and it is anticipated that they will likely make a similar recommendation on this proposal given the application represents a further increase in numbers. My clients would hope that both Planning and Transport Planning Officials will concur that the proposed development constitutes a further intensification of the use of the access driveway and junction with the A8 and agree that no more development is acceptable at this location on road safety grounds.

2.3.5. International Business Gateway (IBG) allocation

The housing development approved in 2015 was accepted as being in compliance with emerging planning policy in the Edinburgh Local Development Plan, since adopted in 2016. It was also considered that since the five large detached houses had impacted significantly on the setting of Gogar Castle and that the further development would be further away, the additional development of 2 apartment blocks (8 apartments in total) and a house would not have as detrimental an impact on the Listed Building as the original development.

The impacts of further development on these listed assets has already been covered in this letter.

With regard to other policy in the adopted LDP, the IBG allocation remains of relevance under the terms of Policy Emp 6 for this further development proposal at this location.

Both previous applications in 2015 and 2017 were rightly considered against a planning policy framework which identified the land as part of the IBG within the Development Plan, and it was determined at that time that the proposed housing was compliant with the relevant policies in SESplan and the emerging and then adopted LDP.

Wherein the policies advocate for economic development and an allowance for some limited residential development, the scope for housing within the allocation was to have been assessed as part of a masterplan exercise. Specifically, **Policy Emp 6** in the adopted LDP states:-

*"Housing as a component of a **business – led mixed use** proposal subject to further consideration through the **master plan process**, appropriate infrastructure provision and where consistent with the objectives of the National Planning Framework 3."*

It further states:-

"All IBG proposals must accord with the IBG development principles and other relevant local development plan policies. The West Edinburgh Strategic Design Framework (WESDF), supported by master plans where appropriate, provides further guidance for development proposals, including guidance about the required contributions towards meeting the mode share targets."

Notwithstanding the level of development that has already taken place at Castle Gogar Rigg in the recent past, any further new development would appear to be in conflict with the policy objectives for IBG which state that housing proposals should come forward in a comprehensive and planned way as part of the masterplanning process for the area and be part of a business led, mixed use proposal.

Furthermore, and given that the WESDF identifies the listed building at Castle Gogar as a "constraint" to development and that the indicative layouts in that document do not identify the land which is the subject of the current application to be included within any of the proposed development areas, recognising the importance of the setting for the listed building, the proposals represent an ad hoc and piecemeal attempt to introduce new housing within this strategically important Development Plan allocation in an unplanned way.

It is considered that the Council would be entitled to re-consider the suitability of the principle of further housing development at this location against the policy requirements set out in Policy Emp 6, taking cognisance also of the WESDF document.

Castle Gogar Rigg, Edinburgh

In that regard, my clients' position is that they believe that the application is in **conflict with the stated Development Plan policy objectives for the IBG.**

3.0 Conclusion

The application proposals as submitted represent additional unacceptable development, both on land within the existing Castle Gogar Rigg development and outside its established boundary, for the reasons set out in this letter. The application is contrary to the relevant policies in the Development Plan and should be refused.

My clients, Mr Mills and Ms Gallagher, respectfully request that their objections, as represented by this letter submitted on their behalf, are duly considered by the Council's Planning Department and that the Council supports their position and refuses planning permission for application Reference 19/04849/FUL.

I would be grateful if you could acknowledge receipt of this letter of representation by return.

Yours sincerely,

A black rectangular redaction box covering the signature of John MacCallum.

John MacCallum BSc (Hons), MRTPI
Planning Consultant

cc Clients

From: Aleda Roskamp Morillo
Sent: 13 Apr 2020 22:43:11 +0000
To: Local Review Body
Cc: Gina Bellhouse
Subject: Re: YOUR REF 20/00034/REV REF.....Planning Application:
19/04849/FUL

Dear Gina, I refer to the attached which my neighbour Mr Bailey has kindly sent to me. We have not received the Notice of Review either by mail or by email which is rather disappointing. I notice from the planning portal website that yet again they are using heavily doctored photographs which appear to show the Castle as being engulfed by a forest and therefore not visible to the rest of the estate or the proposed development which is not the case and as Mr Bailey has stated the paragraph regarding Mr Scott paying for the bridge is untrue, verbal abuse, letters threatening court by the developer (not his lawyer) for non payment of the £12,000 invoice were issued to residents by the developer after the bridge was fixed without any consultation with the residents.

I echo what Mr Baillie has written and I stand by my original letter dated 28 October 2019 which I would urge you to read when I objected to this planning application. The 22 page Report of Handling that was issued by the Council thereafter was full and thorough and I am entirely grateful to Historic Environmental Scotland for their detailed response indicating the detrimental effect it would have on my property, Castle Gogar. At the time of purchasing the Castle in 2007 we were told that no further works would be permitted on the estate after John Dennis Development completed the 5 houses within the blueprint of the walled garden.

We are now in completely uncharted territory with what is going on worldwide and I can only imagine that what lies ahead of us is a complete horrendous recession and economic downturn and to date the developer has still only managed to sell 2 flats in 4 years and the last thing we all need is years and years of building work given what we have all been put through during the neverending construction of the flats (even during this social isolation there are people working on the flats its just madness).

If you are doing a Notice of Review for this planning application then I feel strongly that you should also do an investigation as to why the flats actually got planning permission (15/01051/FUL) in the first place, noone got neighbour notifications and noone was able to object. Had we all known about it I have no doubt the whole estate would have strongly objected as they have to this application. The only people who did get neighbour notification was the developer himself and a whole row of demolished ex RAF houses which are a considerable distance from the estate but noone in close proximity who would be severely affected by years of building work was actually notified.

If there is a new date given to this review I should like to be informed and I please urge you once again to refuse the appeal.

Thank you.

Sincerely

Aleda Morillo
Castle Gogar
Glasgow Road
Edinburgh
EH12 9BQ

From: Richard Bailey [REDACTED] >
Sent: 07 April 2020 02:22 PM
To: localreviewbody@edinburgh.gov.uk <localreviewbody@edinburgh.gov.uk>
Cc: Gina.Bellhouse@edinburgh.gov.uk <Gina.Bellhouse@edinburgh.gov.uk>
Subject: YOUR REF 20/00034/REV REF.....Planning Application: 19/04849/FUL

Hi Gina

I trust you are keeping well in these very challenging times, as we plough through completely uncharted waters.

I refer to your Notice of Review dated 25th March 2020, referenced as above.

The planning department carried out a very detailed analysis of the original Application and gave a very forensic explanation as to why the Application was rejected. There is no new evidence to suggest that the original rejection should be reversed.

I would like to re-iterate the following point which was included as part of my original objection on 3rd November 2019.

“2.35. Furthermore, and at significant cost, the applicant has painstakingly restored the bridge over the Gogar Burn, enhancing its setting and seeking to ensure that it’s future condition and maintenance is secured. This benefits the whole of the Gogar Rigg development (both practically and in terms of its attractive restoration) whilst also providing a historic link and clue to what lies beyond, even though the Castle is completely hidden from view.”

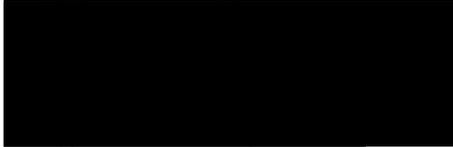
2.35 is factually incorrect and therefore questions the accuracy of the whole application. Willie Scott went ahead with the bridge “repair” without consultation with existing property owners, then billed 9 owners for almost £1400 each and the payment was made to Willie Scott. We were threatened with legal action if we didn’t pay. The bridge was subject to at least 6 months of prior excessive and heavy building traffic before the repair. That may be the reason for the repair being required in the first place?

Thank you for considering this further communication.

I look forward to hearing the outcome of the Review in June. Though this date may well have to be postponed because of the current pandemic.

RICHARD, CHAIR, CGRA

Very best regards



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