

6. Appraisal of Effects on Visual Receptors

Effects on visual amenity are the changes to views that would result from the introduction of the proposed development. The assessment of effects on views was carried out through site survey. The assessment of effects on views is based on three representative viewpoints. Baseline photography has been presented with the location of the six new dwellings apparent relative to the existing dwellings on the site. This is not representative of the form, detail, style or materials of the proposed building but is an indication of location in relation to the existing developments.

Three viewpoints have been selected to represent the visual amenity of the surrounding area. The baseline character of the view from each viewpoint is described and then the predicted effects are assessed in respect of the sensitivity of the view and the degree of change that will occur to the view as a result of the proposed development, taking into account the mitigation measures incorporated into the design of the layout.

Visibility across the surrounding landscape is limited by the combination of the enclosure of landform, tree cover and built-form, such that the only aspect with potential to be affected is to the south and south-west and the only receptors with potential to be affected being the A8 and the Edinburgh Tram. The viewpoints are, therefore, representative of the local area to the south and south-west of the site.

6.1 Viewpoints

Viewpoint 1: A8 Gogarburn Bridge

The viewpoint is located on the northern side of the Gogarburn Bridge, south of the proposed development, and looking north towards it. It represents a localised area from which elevated and open views towards the site can be experienced by road-users, cyclists and pedestrians. The view comprises a mix of rural and urban features, with the open farm fields of arable and the predominantly deciduous tree cover highlighting the agricultural origins of this settled landscape, while the presence of the A8 and overbridge, the tramline and Edinburgh Airport emphasises the extent to which development has encroached into this peripheral area to the west of the city. The existing residential dwellings on this site form a prominent feature owing to their white render and modern flat roof structures.

Sensitivity

The value of this view is medium to low. The view is not taken from a formal viewpoint and the area is not covered by any landscape designations which would otherwise denote a special value. It is a view that is experienced incidentally by road-users, cyclists and pedestrians crossing the bridge. Many workers at RBS Headquarters use the bridge to connect with Gogarburn tram stop.

The susceptibility of road-users, cyclists and pedestrians crossing the bridge is medium. Whilst the proposed development would be visible from

this location, it would be seen from only a short section of the wider route from which this elevated and open view would be experienced and seen in association with the existing residential dwellings.

The combination of the value of this view and susceptibility of road-users, cyclists and pedestrians users gives rise to an overall **medium** sensitivity.

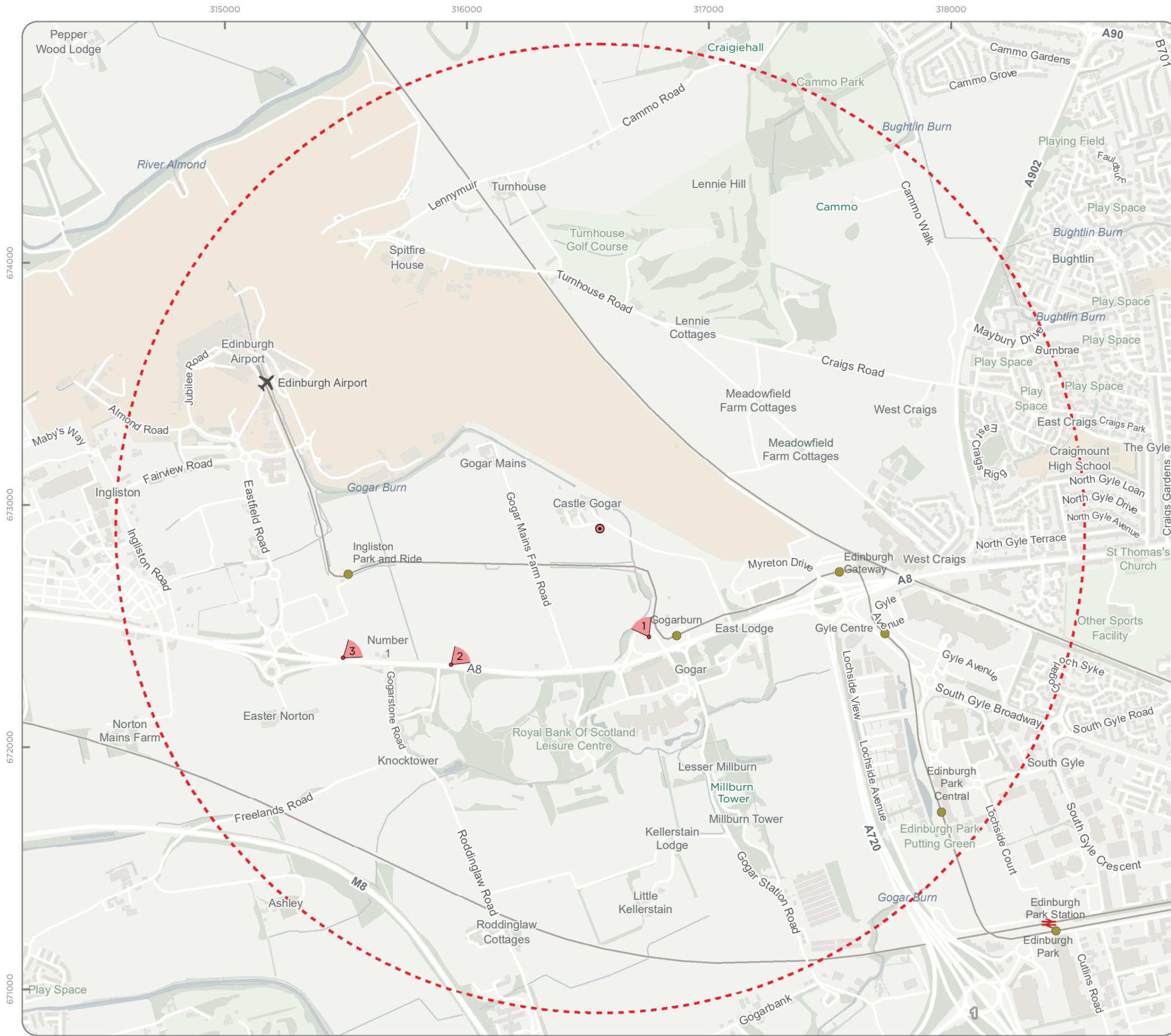
Magnitude of change

The magnitude of change as a result of the proposed development would be **medium**. The proposed development would be seen in the context of the existing developments at Gogar Riggs and, therefore, would not add a new feature to this area, but instead be seen to extend an existing feature. While the existing dwellings on the western side of the site form quite exposed features, the proposed dwellings, more towards the eastern side of the site would benefit from the partial screening of the mature tree cover along the southern site boundary and the slight dip in landform levels towards the burn in this easterly direction. There would be good integration between the existing and proposed dwellings owing to their similar design and scale, such that would appear as part of a unified whole.

Level of effect

The effect of the proposed development would be **moderate**. This finding relates principally to the influence of the existing dwellings on this view and the extent to which the proposed dwellings would integrate with both the existing dwellings and the wooded landscape context.





- Legend**
- Site Location
 - 2km Study Area Boundary
 - Viewpoint Locations
 - 1 Gogarburn Bridge
 - 2 A8 near Gogarburn Golf Club
 - 3 A8 near Airport Junction



CASTLE GOGAR RIGG

Figure 4.
Viewpoint Locations

Ref No: 181217	Created By: LA	Rev No: 2
Scale: 1:16,000	Drawing Size: A3	Date: 08/08/2019
Coordinate System: BNG OS GB 1936 Datum		

Viewpoint 2: A8 opposite Gogarburn Golf Club

The viewpoint is located on the A8 between Viewpoint 1: A8 Gogarburn Bridge and Viewpoint 3: A8 close to Edinburgh Airport junction. It is situated to the north of Gogarburn Golf Club and while this aspect is largely enclosed by mature road-side trees, to the north, the views open out across arable farmland.

Sensitivity

The value of this view is medium to low. The viewpoint is not representative of a formal viewpoint and is not located in an area covered by a landscape designation. The view will be experienced incidentally by road-users, cyclists and pedestrians travelling on the A8 and is representative of the open views of the landscape in which rural development is a baseline feature.

The susceptibility of road-users, cyclists and pedestrians to the proposed development is low. From this section of the A8, although the rise in the landform is subtle, it is of sufficient elevation to largely screen both the existing dwellings and the proposed dwellings from this section of the A8.

The combination of the value of the view and the susceptibility of road-users gives rise to an overall **medium to low** sensitivity.

Magnitude of change

The magnitude of change as a result of the proposed development would be **negligible**. The intervening landform would largely screen the proposed development from this section of the A8. Whilst it may be possible for the roof tops to be visible towards the west or the east from the viewpoint, the magnitude of change on these views would be very limited.

Level of effect

The effect of the proposed development would be **minor**. This finding relates to the very limited visibility that would be experienced by road-users, cyclists and pedestrians on this section of the A8.



Viewpoint 3: A8 near Edinburgh Airport junction

The viewpoint is located on the A8, east of the junction to Edinburgh Airport. The view looks north-east, over the open arable fields towards the site. The view is representative of the views of east-bound road-users, cyclists and pedestrians. The key feature in the view is Edinburgh Airport, which is seen on the left of the view (to the north of the viewpoint). While the control tower acts as a landmark feature, the other modern blocks extend over a wide horizontal extent to form a notable urban influence. In contrast, the view to the north-east is predominantly rural, characterised by open fields of arable with tree cover and low hills adding to the perceived extent of this area. The existing residential dwellings at Gogar Rigg are visible from this viewpoint, although seen as distant and relatively small scale features, set within a wooded backdrop.

Sensitivity

The value of this view is medium to low. The viewpoint is not representative of a formal viewpoint and is not located in an area covered by a landscape designation. The viewpoint is representative of the views experienced incidentally by road-users, cyclists and pedestrians travelling east-bound along the A8. The key feature is Edinburgh Airport which detracts from the rural character of the wider landscape.

The susceptibility of road-users, cyclists and pedestrians at this location is low. This is because the proposed development would occur as a distant feature and seen in the context of much closer range and larger scale development associated with Edinburgh Airport.

The combination of the value of the view and the susceptibility of road-users gives rise to an overall **low** sensitivity.

Magnitude of change

The magnitude of change as a result of the proposed development would be **low**. The extent to which the proposed development would be visible would be limited by the separation distance from the viewpoint, the screening effect of parts of the proposed dwellings by the existing dwellings and the partial screening formed by intervening landform and tree cover. A comparison with the large scale and extent of the developments associated with Edinburgh Airport would further accentuate the relatively small scale of the proposed development.

Level of effect

The effect of the proposed development would be **minor**. This finding relates to the low sensitivity of the visual receptors and the low magnitude of change they would experience as a result of the proposed development. It would form a relatively distant and small scale feature in this view.



7. Summary

A Landscape and Visual Appraisal (LVA) has been prepared in support of the planning application for Gogar Rigg and this follows best practice guidance produced by the Landscape Institute in its Guidance for Landscape and Visual Impact Assessment (GLVIA) (3rd Edition 2013). It evaluates the level of effect on the landscape character, and visual amenity of the site and its surroundings.

The proposed development comprises the addition of six residential dwellings, associated infrastructure, open and private space, tree and hedge planting, on the Gogar Rigg site to the south of Castle Gogar. The potential effects relate to the changes to landscape character on this urban / rural fringe, and changes to the visual amenity of road-users, cyclists and pedestrians on the A8 and Gogarburn Bridge.

The following table sets out the findings of the appraisal in terms of the sensitivity of each receptor and the magnitude of change as a result of the proposed development. The level of effect defines the extent to which landscape character or visual amenity will be redefined by the proposed development and is determined by combining the sensitivity rating with the magnitude of change rating.

Receptor	Sensitivity	Magnitude of change	Level of effect
Lowland Farmland: West Craigs Farmland	medium to low	low	minor
VP 1:	medium	medium	moderate
VP 2:	medium to low	negligible	minor
VP 3:	low	low	minor

The appraisal has found that the effects of the proposed development on the surrounding landscape and visual receptors would be limited in terms of level of effect and extent of effect, with all effects contained within the local area. This finding relates to the following factors:

- The presence of existing residential dwellings on the Gogar Rigg site establishes this type and style of development as part of the baseline character;
- The proposed development would be contained within the well-defined curtilage of Castle Gogar and avoid extending into the distinctive surrounding rural farmland;
- The existing residential developments form a screen to parts of the proposed development, especially from the west;
- The design of the proposed development ensures it integrates visually with the existing residential developments;
- The relatively low vertical scale of the proposed dwellings means that the effects rapidly dissipate with distance from the site;
- The landform of the site and surroundings is relatively flat such that the site is not prominent within the wider landscape;
- The mature trees along the northern, eastern and southern boundaries would reduce the extent to which the proposed development would be visible across the wider landscape;
- The inclusion of additional tree and hedge planting would enhance the existing landscape setting and reduce the urban influence of the proposed development; and
- The presence of Edinburgh Airport contributes to a context where large scale development forms an established part of the baseline character, thus reducing the comparative influence of the relatively small scale of the proposed development.

The main finding of the appraisal has been that most of the effects as a result of the proposed development would be contained within the local area around the site. Visibility of the proposed development would be very limited in extent, especially to the north and east where visibility would be negligible owing to the dense screen of the woodland edge, as well as to the south-east, where tree cover screens visibility from much of the adjacent area. This creates a situation in which visibility is concentrated to the immediate south and south-west where the A8 overbridge and the A8 occur.

In terms of effects on landscape receptors, the site constitutes a very small proportion of the much wider *West Craigs Farmland LCT*, which is already influenced by the presence of the existing residential dwellings at Gogar Rigg. The contribution the site makes to the character of the wider LCT is very limited and this reduces the level of effect that the proposed development would have on the landscape character.

In terms of effects on visual receptors, there would be no major effects. A moderate effect has been assessed for the closest range viewpoint; Viewpoint 1: A8 Overbridge to the immediate south of the site. This effect relates to the proximity of the viewpoint to the proposed development and its elevated position, although the proposed development would be seen as an integrated extension to the existing development. Visibility from the A8 would be intermittent and where open views towards the proposed development would occur, the proposed development would be seen as a distant and small scale feature, partly screened by intervening landform and existing tree cover around the southern site boundary. The level of effect on these views would be minor.

This report concludes that while effects may arise as a result of the proposed development, these would be mostly minor and occur within the localised area of the site. These effects would also be mitigated by the responsive and integrated design of the layout and proposed mitigation planting.

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QUARRY INVESTMENTS LTD.



REVIEW STATEMENT

APPLICATION 22/02294/FUL

Proposed Residential Development

Castle Gogar Rig, Edinburgh

November 2022

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In 2005 The City of Edinburgh Council took a decision that saw the refurbishment of Castle Gogar (04/02302/FUL). This decision also permitted development in the former grounds of the Castle severely diminishing its influence over its wider setting. The saving of the Castle was deemed worth the compromise, but the setting was forever diminished.

Further development has since been permitted including the delivery of 8 apartments and a substantial detached home. Application 22/02294/FUL represents an exceptional design response the remaining vacant land at Castle Gogar Rigg. The proposed homes will therefore sit within a small neighbourhood of other existing modern, high quality properties and provide a coherent and attractive final phase of development at Castle Gogar essentially completing the work started by the Council in granting that first decision on the 31st May 2005.

The planning system was established to promote development and planning policy established to facilitate and enable that role. Over the years it has become far more restrictive in its implementation, losing its focus on the positive **outcomes** of development.

We should all work within the system to deliver high quality, positive **OUTCOMES** and it is on this basis that we have lodged this appeal to the Local Review Body.

The LRB Panel is able to take a more holistic view of these proposals and we strongly contend that the reasons for refusal are exaggerated and do not respond to the information lodged in support of the application.

Fundamentally, the setting of Castle Gogar has changed significantly in the last 20 years and the aim is now to complete the development of Castle Gogar Rigg to the highest quality whilst ensuring there are no unacceptable impacts on the Castle. The application before you meets these aims and complies with all the relevant tests in the extant and emerging Local Development Plan.



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Executive Summary

- a. **Planning permission 04/02302/FUL, granted in May 2005 resulted in the saving of Castle Gogar, but the irreversible change in its setting within the wider landscape.** The enabling housing development significantly compromised this setting and subsequent development, though of the highest quality, has further eroded the influence of the Castle on its surroundings. This application seeks to complete the sympathetic development of the site to deliver six attractive new homes and ensuring the Castle's hinterland provides an appropriate high-quality context for the hidden Castle in its north-east corner.
- b. Planning should focus on the **outcome** of the process and not restrict itself to too narrow a focus on the strict interpretations of planning policy. **Planning policy is a framework within which we are all charged with reaching the best decisions, the best outcomes.**
- c. In this instance, we are applying for six very high quality, innovatively and sustainably designed new homes within an existing modern neighbourhood of other large, high quality homes.
- d. We encourage The Local Review Panel to consider that the design, layout and location of the proposed development **will not result in any unacceptable impacts on the character and appearance on the Castle Gogar group of buildings.** Despite other policies referred to in the reasons for refusal, **we believe that it is the setting of Castle Gogar itself that is the key determining issue.**
- e. The Local Review Panel has **the advantage of looking at the application afresh** and not be hamstrung by planning policies. Regardless, we believe the reasons for refusal greatly exaggerate the potential impacts of the development and therefore **invite the Panel to look again at the actual situation at Castle Gogar Rigg.**
- f. **The Panel is able to take a more holistic view,** and determine that in-the-round, the application represents an **excellent and innovative design solution** for the site; that it would represent an appropriate and high quality final phase of development at Castle Gogar Rigg and should be granted planning permission.
- i. In responding to an earlier refusal we have provided reports dealing with flooding, ecology and tree protection. We have also consistently provided information and justification with regards to the potential impact on Castle Gogar. Due in part to the lack of any engagement from the case officer, we are unaware of any issues with any of the professional reports lodged in support of the application. **We must therefore assume that these reports, dealing with tree protection and protected species, are credible and accurate. Their findings have not been challenged.**



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- j. **The committee report acknowledges that the Castle is no longer the dominant feature of the site.** While it must be protected in its own right as a significant historic building, its influence beyond the policy walls is now far more limited. This is amplified by the earlier development in the walled garden.
- k. **The so called ‘paddock’ area to the south of the Castle walls has no historic reference or relevance.** No historic maps or HES documents make reference to it. It is merely private land within the general area and currently surplus to the previous high-end developments.
- g. As the supporting information clarifies, **the Castle is almost entirely hidden from view** from anywhere within The Rigg development and further afield. The proposed new homes would never be seen as part of any limited views from the south-west. **In other words, the new homes will never interrupt or impact on any existing minor views of the Castle.**
- h. The visual and cross-sectional analysis submitted as an **Addendum to the Design and Access Statement** and in direct response to the concern over impacts to the Castle, clearly demonstrates that the height of development, coupled with the existing site levels and protected trees, ensures that not view towards the Castle can be interrupted by the proposed development.
- i. **The proposals will not therefore have a detrimental impact on how the Castle and its grounds can be understood, appreciated and experienced exactly as is the case now.**
- j. The historic relevance of Castle Gogar is no longer tied to its setting but through an acknowledgement of its history both architecturally and culturally. The proposals do nothing to diminish this interpretation but seek to ensure the Castle sits in a high quality environment befitting a Category ‘A’ listed building.
- k. We strongly contend that the proposed development of up to six well-designed well positioned new homes, designed to reflect the enabling and subsequent development that has gone before, will ensure that the Castle sits in its own environs whilst neighbouring development is of the highest quality, ensuring it sits in an environment befitting the quality of the Castle itself.
- l. **The applicant has also coordinated a programme of bridge repairs (the bridge is a Category ‘B’ listed structure). This improves the quality of the approach to both Castle Gogar Rigg and the Castle itself. This work amply illustrates the applicant’s commitment to the site (where he lives). His intent is to create a high-quality environment at Castle Gogar through landscape management and maintenance alongside appropriate and high-quality development.**



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Application 22/02294/FUL - Proposed Residential Development - Castle Gogar Rigg
LRB Review Statement

INTRODUCTION

1. **apt planning & development** has prepared this Review Statement on behalf of **Quarry Investments Ltd.** with regards to application **22/02294/FUL** seeking planning permission for the erection of six new two-storey homes on land at Castle Gogar Rigg, Edinburgh. The application was refused via delegated powers on 4th August 2022.
2. Application for planning permission **22/02292/FUL** was accompanied by a suite of supporting documents (and also submitted in support of this appeal), including a comprehensive Design & Access Statement, Landscape and Visual Analysis, Protected Species Survey, Tree Survey, Flood Risk Assessment and Transportation Statement.
3. This appeal statement tries not to repeat much of what has been written before, but will concentrate on the reasons for refusal given when the application was refused via delegated powers in December. To this end, no concerns over flooding, transportation or the design of the homes have been raised. It is taken that these elements of the proposal are acceptable.
4. Despite this comprehensive approach, which in itself addressed concerns raised during a previous LRB determination, there was no engagement from the application case officer, nor was and further information requested to better inform the determination process.

SITE CHARACTERISTICS & PLANNING HISTORY



5. The appeal site lies close to the Category 'A' listed Castle Gogar at the end of a 600m access driveway off the A8 Glasgow Road, close to Edinburgh Airport to the west and north, the new tram line and Gogar Tram Depot to the south and east, as well as the Gyle Shopping Centre and Royal Bank of Scotland Headquarters (immediately to the south) at Gogarburn.



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6. The wider Castle Gogar site was the subject of **planning permission 04/02302/FUL** which sought the refurbishment/redevelopment of Castle Gogar, enabled by the development of a number of residential properties within the environs of the Castle.
7. **Application 15/01051/FUL** was granted planning permission (via delegated powers) in September 2015 for the development of two apartment blocks and a single detached dwelling.
8. **Application 17/00202/FUL** was granted permission in March 2017 for the erection of a single detached dwelling house on land at Castle Gogar Rigg. This house has been completed.
9. This brings the total number of **new** dwellings at Castle Gogar to 17 (including the two new homes created from the conversion of the existing stable buildings) alongside Castle Gogar that remains on the north-east part of the site, though almost totally hidden from its neighbours, owing to a combination of the high stone walls and mature tree cover.
10. The last fifteen years has therefore seen an **evolution of Castle Gogar**, initially by way of enabling development to secure the restoration of the Castle, but more recently, by way of allowing further, appropriate and high quality development in the immediate vicinity of the previous developments.
11. Application **19/04849/FUL** was then lodged in 2019 for the development of 5 homes in similar positions within the site to this application. Despite attempts to engage proactively with the Council planning officials, there was no post-submission feedback, the application was refused via delegated powers and an appeal via the LRB process was lodged. This appeal (June 2020) saw support for the logic of the layout and design of the proposals but there were concerns that there was insufficient information in support of the application with specific regard to flooding, ecology and tree protection. **These matters were therefore fully addressed as part of the preparation for the submission of application 22/02294/FUL.**
12. **This proposal is very much the final stage of the evolution of Castle Gogar Rigg, creating a high quality and established residential neighbourhood in its own right but also in relation to Castle Gogar.**
13. Development in and around Castle Gogar and Castle Gogar Rigg is further underpinned by the allocation of the **International Business Gateway (IBG)** on land to the south and west, creating a significant new business, commercial, leisure and residential area between the Gogar Roundabout and Tram Depot and Edinburgh Airport.
14. The entire Castle Gogar site is included within the IBG allocation and the additional large scale development around the wider Castle Gogar location will further diminish any sense of a rural setting.



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15. In more general (SESPlan) terms, residential development is to be steered to '*sustainable locations where there is infrastructure capacity*'. Policy 1A of SESPlan identifies 13 Strategic Development Areas (SDA's), one of which is West Edinburgh and including the Castle Gogar site within its boundary.
16. The Edinburgh LDP was adopted in November 2016 and remains the extant Local Development Plan offering the Council's most up to date planning policies. Although the application site is too small to be considered in depth as a LDP proposal, we tested the proposal against relevant policies.
17. The proposed development at Castle Gogar will complement the future plans for this area of Edinburgh whilst the limited scale of development will not prejudice any wider employment use proposals that may have an element of residential development.
18. This is a very site-specific proposal, both in terms of the land being available under a single ownership and in being able to respond to the common design character evident throughout the site and especially in the various iterations of new build homes over the past 15 years.
19. Great care has been taken, with all the phases of development at Castle Gogar to ensure that a **common design character has been adopted**, typically a clean, modern approach, picking up on some key design elements of the Castle, whilst also creating interesting and high quality homes, fit for modern living.
20. We have continued this ethos with this final proposal for development at Castle Gogar Rigg. **The new homes will be high quality, appropriate and will not have a detrimental impact on the surrounding area.** The design of the individual properties has evolved since the last application to use natural stone at ground floor to root the houses to their rural surroundings and echo the stone walls which surround the Castle grounds. At the core of the design concept, the layouts of the site plan also form a legible connection to the boundary walls around the castle and reinforce the historic geometry of the site.
21. Each of the phases have been delivered under a single ownership, ensuring control in the delivery of the development but perhaps more importantly, an assurance over the design detail, enabling the overall character of Castle Gogar Rigg to evolve sympathetically, sensitively and attractively.
22. **The applicant is a resident of Castle Gogar Rigg. This ensures great care being taken in the design and maintenance of the wider site, and it is the applicant that has overseen and funded the significant refurbishment works to the listed bridge over the Gogar Burn just before you reach the application site.**



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23. The applicant has lived at Castle Gogar Rigg since it was developed in 2004/2005 and is **invested in its future not simply as a developer but as a local resident**. He is also responsible for ensuring that the wider landscape has been maintained, whether through grass cutting or more complex tree maintenance (ultimately in removal and replacement) and this dedication ensures that in the longer-term it is the wider setting of Castle Gogar itself that benefits (with no input or contribution from the owner of the Castle itself).

Application 22/02294/FUL

24. **Application 22/02294/FUL** was validated on the **16th May 2022**. Despite repeated and unsuccessful requests for further engagement with the planning team, the application was subsequently refused via delegated powers **on 4th August 2022**. Six reasons for this refusal were given and we address each in turn below.
25. The application site is similar to the previous application (19/04849/FUL) though we have applied for an extra unit, and at the previous LRB hearing in June 2020, there was support for the proposals in terms of layout and design but concern expressed that flooding, ecology and tree protection had not been fully explored. Naturally, alongside a revised design approach (though still substantial two-storey villas) these issues were dealt with as a matter of priority.
26. It is reassuring that flood risk is no longer deemed of concern (and is not referenced in the reasons for refusal) though astonishingly, despite the Council having been provided with professionally prepared tree and protected species surveys, these two topics are amongst the reasons given in refusing this application. **Of even more concern is the statement that insufficient evidence had been supplied.**
27. This flies in the face of the work undertaken at considerable cost and effort. At no point did we receive feedback on the protected species report of tree survey or any request for further information of clarification. It is deeply concerning and unprofessional for the Council to use these two reasons for refusal when the information has been provided and no feedback offered. **We would strike these two reasons for refusal immediately from consideration as the Council's position is totally unsubstantiated on these matters.**
28. Similarly when looking at the loss of open space, the land in question is privately owned land, amongst substantial properties all of which benefit from generous existing levels of amenity and open space.
29. The reference to the '*paddock*' areas is erroneous referring simply to an area of surplus land that was once part of the Castle policies but is not referenced anywhere as being the Castle paddock etc. The use of the term creates a romanticised image of horses grazing within the Castle grounds, whilst we can find no historical reference to it whatsoever. In truth, any paddocks would have almost certainly been to the rear of the Castle away from public view and close to servant/staff quarters.



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

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

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

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

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

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

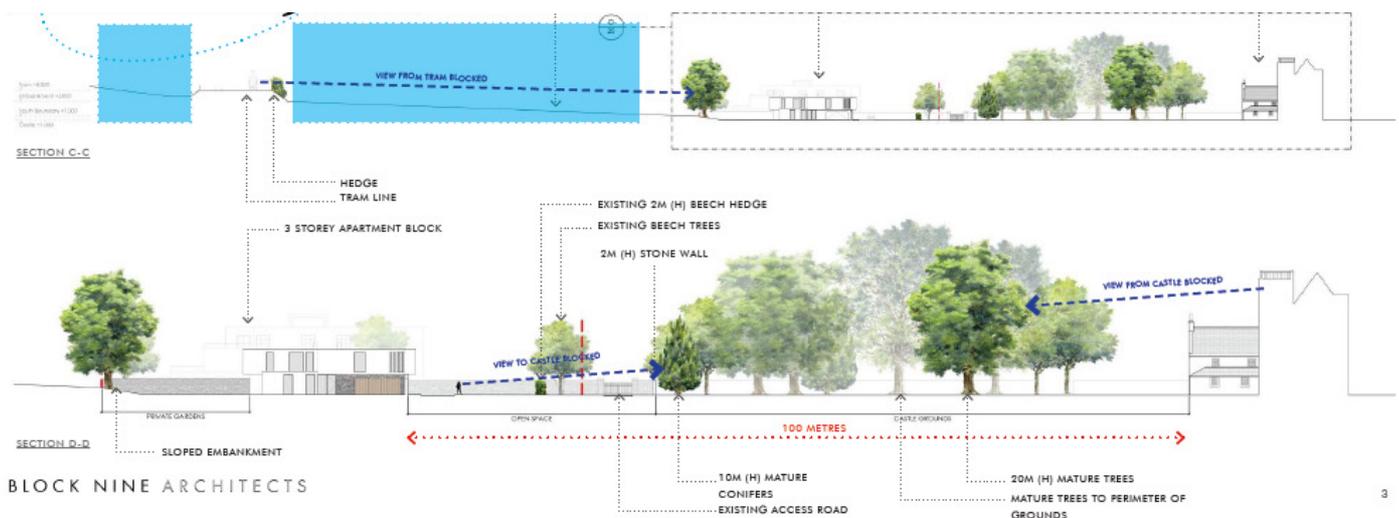
35. **The proposals will have no impact on the architectural character of the Castle** (and surrounding buildings), **its appearance, historic interest** (this is limited to the immediate curtilage given the previous development and the fact you cannot see the Castle from outside its walls) and we have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

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

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

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

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



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

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



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

Site Sections

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



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

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

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

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

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

MANAGING CHANGE IN THE HISTORIC ENVIRONMENT

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



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

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



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

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



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

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

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

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



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



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

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



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

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





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



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



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



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



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

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



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SUMMARY

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



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