

## **STIRLING COUNCIL**

**MINUTES of MEETING of the LOCAL REVIEW BODY held as a VIRTUAL MEETING by MICROSOFT TEAMS on WEDNESDAY 7 JULY 2021 at 10.30 am.**

### **Present**

Councillor Jim THOMSON  
Councillor Douglas DODDS  
Councillor Alastair MAJURY

### **In Attendance**

Richard Callender, Planning Adviser  
Ewan Grant, Legal Adviser  
Sheila McLean, Governance Officer (Clerk)

### **Also Present**

Mrs V Gray, Applicant  
Paul Houghton, Agent

### **LR173 APOLOGIES**

There were no apologies or substitutions.

### **LR174 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **LR175 APPLICATION FOR REVIEW**

**ERECTION OF DWELLING HOUSE AND GARAGE – LAND 470M NORTH EAST  
OF WEST TORRIE, DOUNE – MRS V GRAY  
APPLICATION NO: 20/00467/PPP  
- HEARING**

Prior to consideration of the item, the Chair outlined the procedure for the Hearing.

At a meeting held on 14 December 2020, Members considered a Notice of Review submitted by the Applicant's Agent, seeking a review of the decision by the Appointed Officer of the Council to refuse planning permission for the erection of a dwelling house and garage at land north east of West Torrie, Doune.

At that meeting, the Local Review Body agreed:-

1. that there was insufficient information before it to decide the matter without further procedure;
2. that in relation to the West Torrie Fort and Dun scheduled monument a further written submission be provided by the Applicant in the form of an objective written assessment prepared by a suitably qualified and experienced archaeologist and based on relevant guidance in the Historic Environment Scotland publication Managing Change in the Historic Environment – Setting. The assessment should take into account the significance of the asset and its setting and attempt to quantify the extent of the impacts of the removal of the agricultural shed and the erection of a dwellinghouse and garage. It should also set out a reasoned justification for the removal of the agricultural shed being dependent on the construction of a new house in the vicinity;
3. that the submitted assessment be referred to all interested parties, including Historic Environment Scotland, for consideration and comment
4. that a Hearing take place to consider the following matters:-
  - to consider the assessment and response from Historic Environment Scotland
  - to hear from the Applicant or their representative on the need for a house at this location, the design and position of the house and the impact of demolishing the shed;
5. that the matter be duly referred to a future meeting of the Local Review Body.

The Planning Adviser described the proposal, the reasons for the Appointed Officer's decision and the grounds for the Notice of Review, and answered a number of questions from Members. He provided a visual presentation which included location details and photographs of the site.

Members sought clarification on the current status of the agricultural building on the site. The Planning Adviser confirmed that the application was based on the understanding that this building was redundant and could be considered for redevelopment in terms of Housing in the Countryside guidelines.

Members considered the assessment provided by the Applicant and the responses received from Historic Environment Scotland (HES), an Interested Party and the Planning Case Officer.

The Chair invited the Agent and Applicant to present their case.

At 10.50 am, on being advised by the Agent and Applicant that they were both experiencing difficulty in hearing the proceedings, having joined the meeting by phone, it was agreed to take a short recess.

The meeting reconvened at 11.00 am, with the same parties present.

The Agent and Applicant both confirmed that they could now hear proceedings and the meeting continued.

The Planning Adviser was invited to repeat his earlier presentation and response to question regarding the agricultural building, for the benefit of all present. The Planning Adviser also confirmed the definition of scheduled monument as:-

*'Archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long-term legal protection of the monument in the national interest, in situ and as far as possible in its existing state and within an appropriate setting.'*

The Chair then invited the Agent and Applicant to present their case in support of the Hearing Statement included with the Agenda papers.

#### Agent

Mr Houghton accepted that the proposals were a departure from the Development Plan and that relevant policies would place the house where the agricultural building stood currently. The application, however, proposed that the house be built elsewhere on the site to minimise inter-visibility with the scheduled monument.

Mr Houghton referred to the assessment provided by the Heritage Consultant and the response from HES, which had both concluded that the site would benefit from removal of the agricultural building.

#### Applicant

Mrs Gray presented her case to Members, setting out the farming background and experience of herself and her husband, and their future plans.

Mr Houghton and Mrs Gray responded to a number of questions from Members.

### **Decision**

The Local Review Body agreed:-

1. that there was sufficient information before it to decide the matter without further procedure;
2. that, having considered the Notice of Review and other supporting documents and Hearing Statement submitted by the Applicant and the other papers submitted by the Planning Authority, and having regard to the whole circumstances, to allow the review, subject to Conditions set out on 47-48 of the Agenda, and the following additional conditions:-
  - i) to take account of the request of Historic Environment Scotland)in their letter dated 31 March 2021 (case ID: 300045854) for additional mitigation measures to lessen the impact of the proposed house on the setting of the monument.

This includes:-

- a) the retention of trees, and landscaping around the footprint of the agricultural building to remove the hardstanding, as specified in the letter, and

- b) that the proposed house be of a scale, design and finishing commensurate to the setting of the monument.

for the following reasons:-

The proposed dwelling, associated removal of a large agricultural shed adjacent to the West Torrie Fort and Dun scheduled monument and landscaping of the site of the agricultural shed and surrounding hard standing would result in the removal of a structure that presently had a significant adverse effect on the setting of this scheduled monument, an archaeological site of national or international importance. Sympathetic siting, design and landscaping of the proposed house would also lessen any adverse impacts of the replacement house.

Taking account of these exceptional circumstances the proposal therefore satisfies the requirements of Stirling Local Development Plan Policy 7.1: Archaeology and Historic Building Recording (designated and undesignated buildings/sites)

(a) There will be a presumption against development that would have an adverse effect on a scheduled monument or on the integrity of its setting except in exceptional circumstances.

- 3. to remit to Officers to prepare and issue the Decision Notice.

The Chair declared the Meeting closed at 11.30 am

.