

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>29 March 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0056
Planning proposal:	Section 42 application for variation of condition 8 of planning permission P/21/1391 to enable up to 15 dwellinghouses to be occupied prior to the agreed road upgrade scheme being implemented in full

## 1 Summary application information

Application type:	Further application
Applicant:	Bancon Homes and HJ Paterson
Location:	Land 115M Northwest of 52 Rickard Avenue Rickard Avenue Strathaven South Lanarkshire

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

## 3. Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (Adopted 2021)**
  - Policy 1 Spatial Strategy
  - Policy 2 Climate Change
  - Policy 3 General Urban Areas
  - Policy 5 Development Management and Placemaking
  - Policy 11 Housing
  - Policy 12 Affordable Housing
  - Policy 14 Natural and Historic Environment
  - Policy 15 Travel and Transport
  - Policy 16 Water Environment and Flooding

◆ **Representation(s):**

▶	164	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Planning and Economic Development Service

## **Planning Application Report**

### **1. Application Site**

- 1.1 The site, which is known as Phases 3 and 4, extends to approximately 8.8 hectares and is part of the larger East Overton Masterplan site of 22.6 hectares. The site is located on the northeast edge of Strathaven. Phase 3 is located west within the masterplan to the north of Phase 2 and the existing East Overton House. It is bounded to the west by surplus Council owned land and to the east by the established Phase 1. Phase 4 is located north within the masterplan. To the north is greenfield land which has been recently zoned for further residential development, known as the East Overton extension area, which would be subject of a separate masterplan in the future. The eastern boundary comprises a length of mature tree belt and beyond to the greenbelt. A section of land to the north of Phase 3 and to the west of Phase 4 is designated for business use within the approved masterplan with access provided from the existing Hamilton Road industrial area.
- 1.2 The application site is irregularly shaped and relatively flat. Vehicular access to these two phases would be taken via the existing infrastructure constructed as part of the earlier phases, linking through to the roundabout on Glassford Road. Phases 3 and 4 are essentially the final private housing phases of the East Overton Masterplan site.
- 1.3 Off-site road works to Berebriggs Road (carriageway widening to permit two way flow along its entire length) is a requirement by the developer of the above site. Berebriggs Road lies to the south of Glassford Road and is currently a steeply sloping and winding single track road with passing places. It connects Glassford Road with Stonehouse Road (A71).

### **2. Proposal(s)**

- 2.1 This application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 to vary condition 8 attached to a previous detailed planning approval P/21/1391, granted in December 2021, for a residential development comprising 105 dwellings, MUGA, landscaping and associated infrastructure on the site described under Section 1 of this report.
- 2.2 The relevant planning condition which the applicant seeks to vary in this case is worded as follows:-

Condition 8 - No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has been implemented in full in accordance with the agreed scheme.

Reason: In the interests of traffic and public safety.
- 2.3 The developer (Bancon Homes) proposes to vary Condition 8 so that up to 15 dwellinghouses may be occupied while the agreed upgrade to Berebriggs Road is being implemented in full, unless otherwise agreed in writing with the Planning Authority.
- 2.4 A letter statement from Bancon Homes has been submitted as supporting information.
- 2.5 The developer requests through this Section 42 application that Condition 8 wording is altered to read:-

“No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two-way flow along its entire length has commenced. No more than 15 dwellinghouses shall be occupied until the agreed scheme has been implemented in full or unless otherwise agreed in writing with the planning authority”.

### **3. Background**

#### **3.1 Local Plan Status**

- 3.1.1 In the adopted South Lanarkshire Local Development Plan 2 (SLDP2) the application site is identified as forming part of the Council’s housing land supply (Policy 12) within the general urban area (Policy 3) and as forming part of the green network and greenspaces area (Policy 13).

#### **3.2 Relevant Government Advice/Policy**

- 3.2.1 Relevant Government guidance is set out within the consolidated Scottish Planning Policy (SPP) 2014 and National Planning Framework 3 (NPF3). NPF3 aims to facilitate new housing development, particularly in areas where there is continuing pressure for growth. SPP introduces a presumption in favour of development that contributes to sustainable development. In terms of residential development, the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements. The Council must also maintain a five-year supply of effective housing land.

#### **3.3 Planning Background**

- 3.3.1 Planning permission in principle (PPP) for the East Overton Residential Masterplan area was granted in December 2014 (EK/12/0003) following Committee approval in March 2012. The PPP contained a condition (Condition 8) which stated:-

“That the introduction of carriageway widening along Berebriggs Road shall be undertaken to permit two-way flow along its length prior to commencing phase 2, 3 or 4 of the development, or otherwise agreed by the Council as Planning Authority.  
Reason: In the interests of traffic and public safety.”

- 3.3.2 Phase 2 (37 dwellinghouse proposal) was granted permission under reference P/20/0523. The development of this additional 37 houses brings the total number of units on the Masterplan site to 179.
- 3.3.3 Going forward, there is a requirement to upgrade Berebriggs Road to two carriageway width, along its entire length, once the Masterplan development has been built out to 180 units. Therefore, with any future development phase, there would be a requirement to upgrade Berebriggs Road to permit two way traffic along its full length.
- 3.3.4 The application to which this Section 42 application relates is the third and fourth phase of the East Overton Masterplan area.
- 3.3.5 Detailed planning permission was sought for Phases 3 and 4 which entailed residential development of 105 dwellings, a MUGA and recreational area together with landscaping and associated infrastructure. (P/21/1391). This was duly approved in December 2021 subject to conditions including Condition 8 which requires the implementation of the Berebriggs Road upgrade prior to the commencement of these phases of residential development. The requirement to upgrade Berebriggs Road has been intrinsically linked to the Masterplan development at East Overton from the outset and all parties involved have been fully aware of this road widening requirement to be undertaken as off-site road works.

#### **4. Consultation(s)**

- 4.1 **Roads Development Management Team** – offer no objections subject to recommendations. They intimate that the proposed condition is clear that the construction of Berebriggs Road must commence before any works start on the housing development. The developer has advised that they anticipate the works will take approximately 26 weeks to complete and a road closure will be required. The Roads Engineer considers it is unlikely that any dwellings will be occupied before the widening works to Berebriggs Road is completed. They also state that in the unlikely scenario that up to 15 units were occupied, the additional volume of traffic would be insignificant and would only be for a short period of time. In addition, in general, traffic volumes during the morning and evening peaks have reduced since Covid restrictions were introduced and this trend is continuing. They have therefore advised that the slight increase in generated trips will not result in a significant impact. Notwithstanding the above, the Roads Service would recommend that the applicant provides a programme for the widening works to demonstrate that the road closure will be for the shortest duration possible in order to minimise the disruption for local road users. They would also recommend that the definition of starting road works is clearly defined. In respect of the Road Construction Consent (RCC), it has been submitted and is at an advanced stage in the approval process. Finally, they advise that a Road Bond will be required prior to the works commencing on Berebriggs Road. This is to ensure that the Council can complete the widening works should the applicant fail to do so.

**Response:** Noted. Appropriate conditions regarding the detail and timing of the upgraded Berebriggs Road have been attached.

- 4.2 **Planning and Economic Development Services** - is supportive as this housebuilder is employing significant numbers of people and boosting the South Lanarkshire economy. Failure to progress this application and continue with further phases of the development could cause building work to stall or cease with a loss of local jobs and a detrimental impact on the supply chain.

**Response:** Noted and agreed.

#### **5. Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal was also advertised in the local press as not all neighbours could be identified. One hundred and sixty six letters of representation were received, the points of which are summarised below:-

- a) **It has already been assessed by South Lanarkshire Council that no further development should take place until Berebriggs Road is upgraded. Why would South Lanarkshire Council now agree to phases 3 and 4 being started without this upgrade?**

**Response:** The applicant has submitted the RCC to the Council's Roads and Transportation Service. This is progressing towards imminent approval. They are committed to undertaking the required Berebriggs Road upgrade works in their entirety. It is considered that permitting a limited degree of flexibility to permit the build programme to continue and to permit the occupation of 15 dwellings is acceptable and would allow the developer build continuity and importantly provide job security for site staff. It should be noted that while the Berebriggs Road upgrade is being undertaken this road would require to be temporarily closed.

- b) **The allowance of 15 further dwellings before upgrading Berebriggs also indicates the purchase of the land adjacent to Berebriggs is not finalised and might possibly never be finalised otherwise these works would go ahead as originally planned.**

**Response:** It is understood that the purchase of the land transaction is in the process of being finalised.

**c) The road is presently unsafe.**

**Response:** It is agreed that the current single track road is sub-standard. The required upgrade works will result in Berebriggs Road accommodating two-way flow traffic along its entire length which is to the benefit of the overall Strathaven community.

**d) The upgrade must happen, it is already in poor repair, subsidence at passing places and the treacherous pathway down needs to be improved for links to the main roads in and out of Strathaven.**

**Response:** See c) above.

**e) As residents of Overton Gardens we have not received notification of this change restricting the opportunity for local residents to make informed decisions.**

**Response:** Statutory Neighbour Notification procedures were carried out and the proposal was advertised in the local newspaper as not all neighbours could be identified. This gave notice to the wider community.

**f) Approval would create a precedent meaning it would be difficult to object to similar proposals.**

**Response:** Each application is considered in its own merits.

**g) There is already overdevelopment in the area resulting in significant traffic congestion.**

**Response:** The upgrade of Berebriggs Road to two-way traffic would improve traffic movement within the local area.

**h) Failure to hold Bancon to Condition 8 will be a dereliction of Council duties in terms of planning, road safety and the local community's widely held opinion.**

**Response:** The Council recognises the wealth of public interest that this application has generated. The Council has no intention of removing the requirement for the upgrade of Berebriggs Road. However, approval of the variation in the wording of Condition 8 would enable a limited degree of flexibility in the build programme. Notwithstanding, the developer would not be permitted to start Phase 3 prior to the commencement of the works on Berebriggs Road upgrade.

**i) Current proposals to bring traffic through the estate rather than open up to Hamilton Road should be strongly reconsidered.**

**Response:** This application is not considering this matter. An opportunity for residents to comment on a future Phase 5 residential development will be available when the developer lodges the planning application in the near future.

**j) While temporary improvement to Berebriggs Road by the developer was originally carried out, the road is now in poor condition due to increased traffic, the volume of traffic is not suitable for a single road.**

**Response:** It was a requirement under the approval of the first phase of development at East Overton that some verge widening and passing places be introduced on Berebriggs Road. This was undertaken timeously. The current required upgrade works will result in Berebriggs Road accommodating two-way flow traffic along its entire length which is to the benefit of the overall Strathaven community.

**k) Bancon must now show a commitment to upgrading Berebriggs Road.**

**Response:** See a) above.

**l) Failure to upgrade Berebriggs Road will mean more traffic diverting through the town centre.**

**Response:** See a) above.

- m) **Berebriggs Road required upgrade on the 180<sup>th</sup> house. That was the trigger point and that's why South Lanarkshire Council should enforce Condition 8.**

**Response:** The Council has no intention of removing the requirement for the upgrade of Berebriggs Road. However, approval of the variation in the wording of Condition 8 would enable a limited degree of flexibility in the build programme. Notwithstanding, the developer would not be permitted to start Phase 3 prior to the commencement of the works on Berebriggs Road upgrade.

- n) **The road is in poor condition and floods constantly with running water which forms ice and pot holes.**

**Response:** The proposed upgrade would resolve these issues with the widening to two lanes and the installation of drainage works.

- o) **The developers have not provided any evidence as to why the planning condition should be relaxed.**

**Response:** The developer has provided a letter in support of their proposal, the details of which are outlined in Paragraph 6.3 of this report.

- p) **It is surely in the developers' own interests to ensure that this road is safe and suitable for their existing and impending house purchasers.**

**Response:** Agreed.

- q) **Why will there be no access from the future phases of housing from Hamilton Road? What data drove this decision?**

**Response:** This matter is not associated with this application. An opportunity for residents to seek answers to the above questions will be available when the detailed planning application for a future Phase 5 housing is lodged in the near future.

- r) **The Council is urged to inspect the road to see that it is in need of urgent repair let alone a full upgrade.**

**Response:** Berebriggs Road is monitored for repairs as part of the overall public roads network.

- s) **As housing has been constructed on the site, but no works have been carried out on the Berebriggs Road, the applicant is in breach of this planning consent.**

**Response:** No breach of planning consent has taken place as Bancon has adhered to the agreed position that no more than 180 homes are to be built before the requirement for the upgrade of Berebriggs Rd is triggered.

- t) **No documentation has been uploaded on the Council's portal to justify change to the Council's historic position that no units beyond 180 may be occupied prior to the Berebriggs Road upgrade works being completed. In particular, no documentation has been uploaded that would demonstrate from a traffic and public safety perspective that any number of units beyond 180 can safely come forward.**

**Response:** The applicant has provided a letter in support of their proposal, the details of which are outlined in Paragraph 6.3 of this report. The applicant has submitted an RCC to the Council's Roads and Transportation Service. This is progressing towards imminent approval. They are committed to undertaking the required Berebriggs Road upgrade works in their entirety. It is considered that permitting a limited degree of flexibility to permit the build programme to continue and to permit the occupation of 15 dwellings is acceptable and would allow the developer build continuity and importantly provide job security for site staff. It should be noted that while the Berebriggs Road upgrade is being undertaken this road would require to be temporarily closed, in any event.

- u) **No missive has been concluded to acquire land rights necessary to enable the widening of Berebriggs Road. As a general observation in this matter, works to widen Berebriggs Road cannot commence until the relevant land rights to do so have been secured.**

**Response:** While it is agreed that the road upgrade works cannot proceed until the relevant land rights have been secured, the Council understand that such land transactions are progressing towards conclusion.

- v) **It is also noted that in the event of refusal of the Section 42 Application, this has no effect on planning permission P/21/1391. Planning permission P/21/1391 will remain extant and capable of being implemented (subject to compliance with any pre-commencement planning conditions).**

**Response:** Agreed, however the Council consider it appropriate that a limited degree of flexibility is permitted to enable build continuity to safeguard job losses to site staff.

5.2 These letters are available for inspection on the planning portal.

## **6. Assessment and Conclusions**

- 6.1 The applicant, Bancon Homes, has made an application to vary condition 8 attached to previous permission P/21/1391 which granted a detailed planning permission for a residential development of 105 dwellings, MUGA and landscaping and associated infrastructure. In this case the applicant is seeking to vary the said condition to ensure continuity of development by permitting up to 15 dwellings to be occupied prior to the upgrade of Berebriggs Road being completed.
- 6.2 Section 42 of the Town and Country Planning (Scotland) Act, as amended, is clear that the Planning Authority, in determining applications made under this part of the legislation, shall consider only the conditions attached to the original planning permission and subsequent associated permissions in the further application. The original permission EK/12/0003 established the requirement for the road upgrade prior to a certain number of dwellings being constructed/occupied. The application P/21/1391 gave detailed approval for phases 3 and 4 of the residential masterplan development and it is therefore not necessary to revisit this matter when assessing the current proposal.
- 6.3 Bancon Homes is committed to delivering the Berebriggs Road improvements. In this respect the applicant has submitted a Roads Construction Consent (RCC) to the Council's Roads and Transportation Service. This is currently under consideration and making good progress towards being approved. The approval of the RCC would allow the road widening/ upgrade works to commence. As part of this application a supporting statement has been received from the developer outlining the reason for requesting to vary Condition 8. It states that Phase 2 of East Overton is programmed to be complete at the beginning of May 2022. It is anticipated that the works to complete Berebriggs Road could take over 6 months and whilst this is programmed for a Spring start, a six week statutory notification may delay this. These timings would give the Berebriggs Road improvement works a project completion date of around September 2022 at the earliest. These timings result in an over 4 month void period where Bancon Homes will be unable to undertake any works on Phase 3; as the condition does not permit a site start in advance of the works to improve Berebriggs Road being completed. In real terms, this prevents the developer from having continuity to their site build programme. Fundamentally, the developer would have a period of no work for their site staff (of whom at any one time there are up to 60 on-site). This would result in layoffs. This is of concern to the developer and they would wish this to be avoided.



- 6.4 In addition, the developer intimates the occupation of a small number of homes would have a negligible impact on the road. They state that whilst these homes are being completed the road works would be underway and the Berebriggs Road would be temporarily closed at this time in any event.
- 6.5 Furthermore it has been stressed by Bancon Homes that they are committed to delivering the Berebriggs Road improvements and the submission of the RCC and their readiness to see it through to conclusion confirms that commitment. The road works would bring a wider improvement to the local roads network. Agreeing to a variation of the condition 8 would allow for the developer to continue their build programme and importantly provide job security for their site staff.
- 6.6 In light of the advanced status of the RCC which will imminently be approved, the Planning Service considers that it would be prudent to permit a degree of flexibility and to permit the build programme to continue, allowing no more than 15 dwellinghouses to be occupied until the agreed road widening scheme has been implemented in full. The Council's Economic Development Service is supportive of this application as this housebuilder is employing significant numbers of people and boosting the South Lanarkshire economy. Failure to progress this application and continue with further phases of the development could cause building work to stall or cease with a loss of local jobs and a detrimental impact on the supply chain.
- 6.7 Overall the suggested change to condition 8 does not alter the intent or purpose of the original permission and will ensure the continuity of the residential build programme without the risk of job losses. The proposal therefore complies with Policies 1, 2, 3, 5,11,12, 14, 15 and 16. It is therefore recommended that the application is granted.

## **7. Reasons for Decision**

- 7.1 The proposal complies with the relevant policies of the adopted South Lanarkshire Local Development Plan and will ensure the continuity of the residential build programme without the risk of job losses.

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 17 March 2022

### **Previous references**

- ◆ P/21/1391 – Planning Committee – 14 December 2021

### **List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification letter dated 26 January 2022
- ▶ Local Newspaper Advert dated 2 February 2022
  
- ▶ Consultations
  - Roads Development Management Team 15.03.2022
  - Planning and Economic Development Service 15.03.2022

► Representations	Dated:
Mrs Carol Findlay, 3 Henderson Way, Strathaven, ML10 6BJ	09.02.2022
Mr David Campbell, 18 Baron Todd Road, Lauder Gardens, Strathaven, ML10 6GQ	09.02.2022
Mr David Raeside, 17, Henderson way, Strathaven, ML10 6GS	09.02.2022
Mrs Semple MJ, 2 Rutherford Street, Strathaven, ML10 6GJ	09.02.2022
Mr David Crawford, 12 Tukalo Drive, Strathaven, ML10 6UX	09.02.2022
Mr Andy Dawson, 32 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mr Gordon Milne, 11 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mr Dennis Jones, 6 Avenel Crescent, Strathaven, ML10 6JF	09.02.2022
Miss Audrey Meikle, 1 Rutherford Street, Avondale Gardens, Strathaven, ML10 6GJ	09.02.2022
Mr Desmond Wilmot, 3 Ramsay Mews, Strathaven, ML10 6GN	28.01.2022 28.01.2022
Dr Yvonne Vance, 24, Glassford Road, Strathaven, ML10 6LL	15.02.2022
Mrs Anne Dobinson, 44 Rickard Avenue, Strathaven, ML10 6GW	16.02.2022
Mr Jonathan Penny, 10 Glassford Road, Strathaven, ML10 6LL	15.02.2022
Mrs Elaine Neilan, 29 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mr Robert Nimmo, 6 Avondale Meadows, Floors Farm, Stonehouse Road, Strathaven, ML10 6TA	11.02.2022
Mr Colin Kennedy, 12 Neilly Place, Strathaven, ML10 6YW	14.02.2022
Mrs Ann Ogilvie, 4, Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mr Stewart Laing, 6 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mrs Alison Harley, 15 Fleming Boulevard, Strathaven, ML10 6GU	14.02.2022
Mrs Hayley Gill, 11 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022

Mr Mark Chillingworth, 19 Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022
Mr Mervyn McMullan, 2 Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mrs Fiona Speirs, 2 George Allan Place, Strathaven, ML10 6EH	16.02.2022
Mr Andrew Evans, 6 Menzies Way, Overton Gardens, Strathaven, ML10 6YU	15.02.2022
Ms C Taylor, 38, Hamilton Road, Strathaven, ML10 6JA	16.02.2022
Mrs Aisling Charnley, 22 Rees Way, Lauder Gardens, Strathaven ML10 6GR	09.02.2022
Mr Robin Kerr, 21 Chestnut Walk, Strathaven, ML10 6GY	09.02.2022
Mr Iain MacGregor, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Miss Carolanne Kerr, Floors Farm, Stonehouse Road, Strathaven, ML10 6TA	10.02.2022
Mr Jonathan Kyle, 4 Neilly Place, Strathaven, ML10 6YW	09.02.2022
Mr Karen Chalmers, 16 Rickard Avenue, Strathaven, ML10 6GW	09.02.2022
Mrs Bernadette Steel, 5 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr James J Costello, Middlefield, 40B Hamilton Road, Strathaven, ML10 6JA	10.02.2022
Miss Julie Brownlee, 10 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Mr Iain MacGregor, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Mr Ian Campbell, 6 Baron Todd Road, Strathaven, ML10 6GQ	11.02.2022
Mr Donald McCallum, 3 Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022
Mr Craig Smith, 4 Overton Park, Strathaven, ML10 6UW	12.02.2022
Mr William Kerr, 4 Neidpath Place, Strathaven, ML10 6JE	18.02.2022
Mr Euan Cumming, 3 Fleming Boulevard, Strathaven, ML10 6GU	09.02.2022

Mr Leonardo Pettorelli, Hills Road, Strathaven, ML10 6LQ	10.02.2022
Mrs Margot Macsween, 6 Flemington Court, Strathaven, ML106FL	11.02.2022
Mrs Lisa Paton, 4 Rees Way, Strathaven, ML10 6GR	11.02.2022
Mrs Kay Hendry, 3 Flemington Court, Strathaven, ML10 6FL	15.02.2022
Mr Chris Baillie, 15, Overton Road, Strathaven, ML10 6JW	15.02.2022
Mr Paul Sclater, 11 Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Mrs Dorothy Read, 37 Rickard Avenue, Strathaven, ML10 6GW	13.02.2022
Mr Peter Williams, 36, Commercial Road, Strathaven, ML10 6LX	15.02.2022
Miss Karen Kelly, 1 Dunavon Avenue, Strathaven, ML10 6GZ	15.02.2022
Mr Ian Valentine, 9 Barbush Place, Strathaven, ML10 6JQ	15.02.2022
Mr Joe Mccrory, 12 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mrs Tracy Campbell, 3 Greystone Close, Strathaven, ML10 6FW	12.02.2022
Miss Claire O'Neill, 2 Watsons Close, Strathaven, ML10 6YZ	12.02.2022
Mr Donald Nicolson, 24 Hills Road, Strathaven, ML10 6LQ	14.02.2022
Mrs Pamela Waugh, 2 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Craig Coid, 47 Rickard Ave, Strathaven, ML10 6GW	09.02.2022
Mr Alaster Chalmers, 4, Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Ms Barbara Simpson, 20 Glassford Road, Strathaven, ML10 6LL	10.02.2022
Mrs Sarah Lipowski, 8 Greystone Gardens, Strathaven, ML10 6FT	10.02.2022
Mrs Christine Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	13.02.2022
Mr James Buchanan, 29, Glassford road, Strathaven, ML10 6LL	10.02.2022
Mr John Hamilton, 17, Orchard Gdns, Strathaven, ML106UN	15.02.2022
Mrs Liza Linton, 10 Cameron Drive, Strathaven, ML10 6ED	18.02.2022

Mr Craig Davidson, 7 Greystone Place, Strathaven, ML10 6NZ	16.02.2022
Mr Ian Baird, 18 Tukalo Drive, Strathaven, ML10 6UX	16.02.2022
Mr Albert Brownlee, 15 Golf View, Strathaven, ML10 6AZ	16.02.2022
Mr Paul Minns, 7, Cherrytree Place, Strathaven, ML10 6JG	16.02.2022
Mr James Brunton, 11 Hunterlees Gardens, Glassford, Strathaven, ML10 6GE	16.02.2022
Mr George Walters, 38 Commercial Road, Strathaven, ML10 6LX	16.02.2022
Joan Callander, By Email	21.02.2022
Mrs Janice Baird, 54 Overton Road, Strathaven, ML10 6JP	10.02.2022
Mrs Helen Baird, 18 Tukalo Drive, Strathaven, ML10 6UX	16.02.2022
Mr Gavin Lindsay, 1 Laureate Grove, Strathaven, ML10 6FU	10.02.2022
Mrs Kirsty Fawbert, 6 Rees way, Strathaven, ML10 6gr	15.02.2022
Mr Douglas Kay, 21 Turnbull Way, The Paddock, Strathaven, ML10 6UZ	14.02.2022
Mr John Syme, 6 Dunavon Park, Strathaven, ML10 6LP	10.02.2022
Mr James Bowie, 7 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mr Alan Mulholland, 11 Eaglesfield Crescent, Strathaven ML10 6HY	09.02.2022
Mr Martin Hill, 1 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mrs Elaine Bell, 15 Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mr Christopher Willmott, Netherfield Lodge, Stonehouse Road, Strathaven,, ML10 6TA	10.02.2022
Mr Martin Wright, 20 Heald's Drive, Strathaven, ML10 6XL	09.02.2022
Mr William McKinlay, 15, Avenel Crescent, Strathaven, ML10 6JF	09.02.2022
Mrs Kirsty McKay, 4 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Scott McKay, 4 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mr Ross McGill, 8 Baron Todd Road, Strathaven, Lanarkshire, ML10 6GQ	11.02.2022

Ms Alison Wilmot, 3 Ramsay Mews, Strathaven, ML10 6GN	12.02.2022
Ms Maureen Kinloch, 3 Woodhill Road, Strathaven, ML10 6NX	16.02.2022
Mrs Johanne Raeside, 17 Henderson Way, Strathaven, ML10 6GS	16.02.2022
Mr Paul Cox, 22 Glassford Road, Strathaven, ML10 6LL	11.02.2022
Ms Amanda Minns, 7 Cherrytree Place, Strathaven, ML10 6JG	11.02.2022
Mr Colin Atherton, 42 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr Adrian Wood, 4 Flemington Court, Strathaven, ML10 6FL	12.02.2022
Mrs Kara Thomson, 8 Fleming Boulevard, Strathaven, Strathaven, ML10 6GU	13.02.2022
Mr Martin Low, 6 Flemington Avenue, Strathaven, Strathaven, ML10 6FJ	10.02.2022
Mr George Burns, 16 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Miss Vicki McGaw, 3 Rickard Avenue, Strathaven, ML10 6GW	11.02.2022
Mr Nicholas Bather, 1 Beechwood Court, Strathaven, ML10 6NY	11.02.2022
Mr Nicholas Lavin, 40, Rickard Avenue, Strathaven, ML10 6GW	12.02.2022
Mr Charlie Watt, 12 Turnbull Way, Strathaven, ML10 6UZ	12.02.2022
Mr Anthony Neilan, 29 Orchard Gardens, Strathaven, ML10 6UN	16.02.2022
Mr George Scott, 14 Chestnut Walk, Strathaven, ML10 6GY	16.02.2022
Mr Ian Lucas, 23 Glassford road, Strathaven, ML10 6LL	11.02.2022
Mr Richard Harley, 15 Fleming Boulevard, Strathaven, ML10 6GU	14.02.2022
Mrs Emma MacDonald, 14 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mrs Angela Robertson, 8 Neidpath Place, Strathaven, ML10 6JE	15.02.2022
Dr Cathy Lenaghan, 14 Rickard Ave, Strathaven, ML10 6GW	09.02.2022

Mr Gordon Forbes, 1 Henderson Way, Strathaven, ML10 6GS	09.02.2022
Mr Alan Mulholland, 11 Eaglesfield Crescent, Eaglesfield Crescent, Strathaven, ML10 6HY	09.02.2022
Mr Stuart McDowell, 8 Greystone Place, Strathaven, ML10 6NZ	10.02.2022
Mrs Laura Ford, 7 Greystone Close, Strathaven, ML10 6FW	10.02.2022
Mr Gavin Johnston, 20 Hamilton Road, Strathaven, ML10 6JA	10.02.2022
Mr Russel Winship, 29 Hamilton Road, Strathaven, ML10 6JA	14.02.2022
Ms Suzanne Robertson, 1 Laureate Grove, Strathaven, ML10 6FU	09.02.2022
Mr Greg Miller, 8 Boyd Orr Mews, Strathaven, ML10 6GT	09.02.2022
Mrs Lyndsey Shankland, 17 Rickard Avenue, Strathave, ML10 6GW	12.02.2022
Mr Harry Read, 37 Rickard Avenue, Strathaven, ML10 6GW	14.02.2022
Mrs Fiona Hendry, 5 Hamilton Road, Strathaven, ML10 6JA	14.02.2022
Mr David MacDonald, 14, Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Mr Chris Kelso, 1 Dunavon Avenue, Strathaven, ML10 6GZ	15.02.2022
Ms Leanne Johnstone, 11 Greystone Close, Strathaven, South Lanarkshire, ML10 6FW	15.02.2022
Mrs Margaret Baillie, 15, Overton Road, Strathaven, ML10 6JW	15.02.2022
Mr John Quinn, 4, Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Dr James Thomson, 8 Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Mrs Aileen Stewart, 6 Greystone Close, Strathaven, ML10 6FW	10.02.2022
Mrs Erin Davies, 21 Henderson Way, Strathaven, MI10 6GS	12.02.2022
Mr Peter Todd, Strathfire Designs, 16 Ravenswood Road, Strathaven, ML10 6JB	12.02.2022
Mr Kevin O'Donnell, 9 Staneholm Road, Strathaven, ML10 6JH	13.02.2022

Mrs Jennifer Jones, 4 Pierowall Court, Strathaven, ML10 6FR	13.02.2022
Mr David Canavan, 4 Aspen Place, Strathaven, ML10 6PY	13.02.2022
Mr Peter Smith, 11 Flemington Avenue, Strathaven, ML10 6FJ	13.02.2022
Mrs Elizabeth Nicolson, 24 Hills Road, Strathaven, ML10 6LQ	14.02.2022
Mr Stan Hogarth, 11 Young Street, Young Street, Strathaven, ML10 6LH	13.02.2022
Mrs Margaret Wilson, 6 Ravenswood Road, Strathaven, Strathaven, ML10 6JB	15.02.2022
Mr Alan Mathieson, 9 Overton Road, Strathaven, ML10 6JW	15.02.2022
Mrs Joanna Wood, 23 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022
Mr Alex Blair, 15 Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Mr David Miller, 6Cherrytree Place, Strathaven, ML10 6JG	15.02.2022
Mrs Caroline Temisanren, 1 Dunavon Park, Strathaven, ML10 6LP	15.02.2022
Dr Garrick Osbourne, 1 Avenel Crescent, Strathaven, ML10 6JF	15.02.2022
Mrs Sarah MacDonald, 26 Orchard Gardens, Strathaven, MI10 6UN	15.02.2022
Mr Andrew Webb, 3 Fleming Boulevard, Strathaven, ML10 6GU	09.02.2022
Mr Gerry Wilson, 2 Pinewood Walk, Strathaven, ML10 6UL	15.02.2022
Mr Gordon Alexander, 2 Fortrose Gardens, Strathaven ML10 6FH, Strathaven, ML10 6FH	15.02.2022
Miss Fiona Robertson, 8 Neidpath Place, Strathaven, ML10 6JE	15.02.2022 15.02.2022
Mrs Elizabeth Horton, 10 Turnbull Way, Strathaven, MI10 6UZ	13.02.2022
Chris Willmott, By Email	14.02.2022
Mr Stuart Rae, 30 Glassford Road, Strathaven, ML106LL	14.02.2022
Mrs Lindsay MacGregor, 45, Commercial Road, Strathaven, ML106LX	15.02.2022
Mr William King, 25 Orchard Gardens, Strathaven, MI106un	15.02.2022



Mr Jonathan Wood, 23 Chestnut Walk, Strathaven, ML10 6GY	15.02.2022
Ms Carla Salveta, 34 Rickard Avenue, Strathaven, South Lanarkshire, ML10 6GW	15.02.2022
Mrs Claire Mackie, 7 North Street, Strathaven, ML10 6JL	16.02.2022
Mrs Lesley Wilson, 14 Chestnut Walk, Strathaven, G12 9JY	16.02.2022
Mr Euan Chalmers, 16 Rickard Avenue, Strathaven, ML10 6GW	10.02.2022
Miss Emma Letham, 21 Baron Todd Road, Strathaven, ML10 6GQ	09.02.2022
Mrs Lorraine King, 25 Orchard Gardens, Strathaven, ML10 6UN	15.02.2022
Mr Douglas Ballantyne, 17, Fleming Boulevard, Strathaven, ML10 6GU	16.02.2022
Mr Andrew Watson, 8 Golf View, Strathaven, ML10 6AZ	15.02.2022
Dr James Dale, 9 Rickard Avenue, Strathaven, ML10 6GW	16.02.2022
Mrs Margaret Gilmour, 35 Glassford Road, Strathaven, ML10 6LL	16.02.2022
Mr Ian Allan, 8 Staneholm Road, Strathaven, ML10 6JH	15.02.2022
Mr Harry Menzies, 14 Young Street, Strathaven, ML10 6LH	11.02.2022
Mr Eric Rice, 1, Neidpath Place, Strathaven, ML10 6JE	15.02.2022
Mrs Kim Gordon, 28, Crosskirk Crescent, Strathaven, ML10 6FG	15.02.2022

### **Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

Maud McIntyre, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455043

Email: [maud.mcintyre@southlanarkshire.gov.uk](mailto:maud.mcintyre@southlanarkshire.gov.uk)

### **Conditions and reasons**

01. That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

02. That before the dwellinghouses hereby approved are completed or brought into use, a private vehicular access or driveway of at least 6m metres in length shall be provided and the first 2 metres of this access from the heel of the footway/service strip shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.

Reason: In the interests of traffic and public safety.

03. That the driveway dimensions shall be detailed as per the National Roads Development Guide, 3m x 6m for each parking space. These dimensions exclude pedestrian access. To allow a garage to count as a space it will require to meet the minimum dimensions as per the National Roads Development Guide, an internal minimum size of 3m x 7m, unless otherwise agreed.

Reason: To ensure adequate on-curtilage parking is provided.

04. That a suitable system of site drainage shall be required to prevent surface water flowing onto the public road, details of which shall be submitted for consideration and approval to the Council as Planning and Roads Authority.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

05. That all construction and/or other vehicles shall be able to access and exit the site in forward gears, therefore a turning area must be provided, together with sufficient parking to accommodate all site staff/operatives parking requirements, details to be submitted for approval in writing by the Council as Planning and Roads Authority.

Reason: In the interests of traffic and public safety.

06. That access to all off street parking should be by means of a drop kerb footway / service strip crossing. All service strip crossings should be constructed as footway / carriageway specification.

Reason: In the interests of traffic and pedestrian safety.

07. That the applicant shall provide a Traffic Management Plan (TMP), including details of the haul road link with the industrial estate, the traffic routes of construction vehicles, site compound, show where all vehicles and deliveries will be located, on-site parking and wheel washing facilities/road cleaning systems. The TMP should restrict all site work (incl. vehicle movements) from operating within the school opening and closing times, unless otherwise agreed. No work shall commence until the TMP has been approved in writing by the Council as Planning Authority.

Reason: In the interests of road and public safety.

08. No development shall take place on the site until a scheme, approved in writing by the Planning Authority, for the carriageway widening of Berebriggs Road to permit two way flow along its entire length has commenced. No more than 15 dwellinghouses shall be occupied until the agreed scheme has been implemented in full or unless otherwise agreed in writing with the planning authority.

Reason: In the interests of traffic and public safety.

09. That the carriageway widening at Berebriggs Road will be considered to have commenced upon the earliest date on which any material operation begins to be carried out. For the avoidance of doubt, the definition of material operation is as per section 27(4) of the Town and Country Planning (Scotland) Act 1997. The applicant shall advise the planning authority in writing that the carriageway widening has commenced in advance of construction commencing at phases 3 and 4 or unless otherwise agreed in writing with the planning authority.

Reason: In the interests of traffic and public safety and to retain effective planning control.

10. That all new residents within the approved site shall be issued by the applicant with a Residential Travel Pack.

Reason: To encourage the use of public transport, walking and cycling.

11. That prior to commencement of works on site, details of provision of vehicle electric charging points associated with each dwelling shall be submitted to and approved in writing by the Council as Planning and Roads Authority.

Reason: In the interests of climate change.

12. That the surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland and with the Council's Sustainable Drainage Design Criteria (or any subsequent updated version of this guidance) and shall be agreed in writing with the Council as Planning Authority in consultation with SEPA.

Reason: To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.

13. That prior to commencement of works on site the applicant shall submit a flood risk assessment is to be carried out in accordance with the latest industry guidance. Copies of the self-certification and Independent Check certificates contained within Appendices A and B (refer to the Council's developer design guidance May 2020) duly signed by the relevant party is to be submitted.

Reason: In order to ensure the risk of flooding to the application site from any source is at an acceptable level as defined in the Scottish Planning Policy and there is no increase in the future flood risk to adjacent land as a result of the proposed development.

14. That prior to commencement of works, a drainage strategy to support development Phase 3 and 4 and a sustainable drainage system serving the application site, designed and independently checked in accordance with the Council's current developer design guidance May 2020 is to be provided. Copies of the self-certification and Independent Check certificates contained within Appendices C and D (refer to the Council's developer design guidance May 2020) duly signed by the relevant parties are to be submitted.

Reason: To ensure the provision of a satisfactory land drainage system.

15. That the approved landscaping scheme (Drawing No. BH255-BHL-XX-XX-DR-A-L(90)001 P03 shall be completed to the satisfaction of the Council as Planning Authority during the first available planting season following occupation of the buildings or completion of the development hereby approved, whichever is the sooner, and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.

Reason: In the interests of amenity.

16. That prior to any work commencing on the site, a maintenance management schedule for the landscaping scheme approved under the terms of Condition 15 above shall be submitted to and approved by the Council as Planning Authority. Thereafter, the landscaping shall be maintained in accordance with the approved management schedule to the satisfaction of the Council.

Reason: In the interests of amenity and to retain effective planning control.

17. That prior to the completion, or occupation, of the last dwellinghouses within the development all of the works required for the provision of equipped play area(s) included in the scheme hereby approved, shall be completed, and thereafter, that area shall not be used for any purpose other than as an equipped play area.

Reason - In order to retain effective planning control.

18. That the developer shall arrange for any alteration, deviation or reinstatement of statutory undertakers apparatus necessitated by this proposal all at his or her own expense.

Reason: In the interests of amenity.

19. That no development shall commence on site until the applicant provides written confirmation from Scottish Water to the Council as Planning Authority that the site can be satisfactorily served by a sewerage scheme designed in accordance with Scottish Water's standards.

Reason: In order to retain effective planning control.

20. That notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, a change of use of any garage (whether integral or detached) to living accommodation associated with the dwellinghouse on the plot shall be subject to a further planning application to the Council as Planning Authority.

Reason: In order to retain effective planning control.

21. That details of the construction and makeup of the footpath/cycleway linking the development with Hamilton Road and the peripheral woodland footpaths shall be submitted for approval in writing by the Council as Planning Authority within 3 months of the date of this consent. For avoidance of doubt the 3 metre wide footpath/cycleway shall incorporate a pedestrian barrier, drainage and street lighting.

Reason: These details have not been submitted.

22. The footpath/cycleway and peripheral woodland footpaths referred to in Condition 21 above shall be implemented and operational prior to the completion of the last dwellinghouse. Thereafter, the footpath/cycleway shall be constructed and maintained to the satisfaction of the said Authority.

Reason: To encourage the use of public transport, walking and cycling.

23. Where the footpath/cycleway, referred to in Conditions 21 & 22 above meets Hamilton Road, the existing footway, over the boundary of the applicants' site, shall be widened to a minimum of 2 metres to the satisfaction of the Council as Roads Authority.

Reason: In the interests of public safety.

24. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In order to safeguard any archaeological items of interest or finds.

25. That the applicant shall undertake a noise impact assessment examining the design and use of the proposed outdoor facilities. The report shall consider the noise escape from the skate park and play areas in connection with any nearby residential properties including those being developed. This shall be submitted to the Council within 3 months of the date of the planning permission, and thereafter approved in writing by the Council as Planning Authority. Any measures required to minimise noise shall be implemented prior to the development being brought into use and shall thereafter be implemented in accordance with the approved scheme to the satisfaction of the Council as Planning Authority.  
For the avoidance of doubt, the report shall identify any measures required to ensure that there is minimal noise impact on neighbouring properties and shall include issues such as management of the facilities and hours of operation.

Reason: In the interests of amenity.

26. Prior to commencement of development, or otherwise agreed by the Council as Planning Authority, the applicant shall undertake a noise assessment to determine the impact of noise from (specify relevant sources) on the proposed development. This shall use the principles set out in British Standard BS 4142:2014 - Method for Rating and Assessing Industrial and Commercial Sound, or a method agreed by the Planning Authority. The assessment shall be submitted to and approved by the Planning Authority and shall identify-
1. The maximum Rating Levels- LAr,Tr (Including penalties either subjective or objective as appropriate)
  2. The statistical average Background Noise Level (LA90,30min) to which any part of the development will be exposed. The Background Noise Level for the most noise sensitive period that the source could operate shall be used for this assessment.
  3. Details of uncertainty shall be provided accompanied with meteorological data for the measurement period
  4. The levels should indicate the compliance with-
    - ◆ The external Community noise levels relative to The WHO Community Noise Guideline levels
    - ◆ The internal noise levels relative to BS8233:2014 Guidance on sound insulation and noise reduction for buildings.

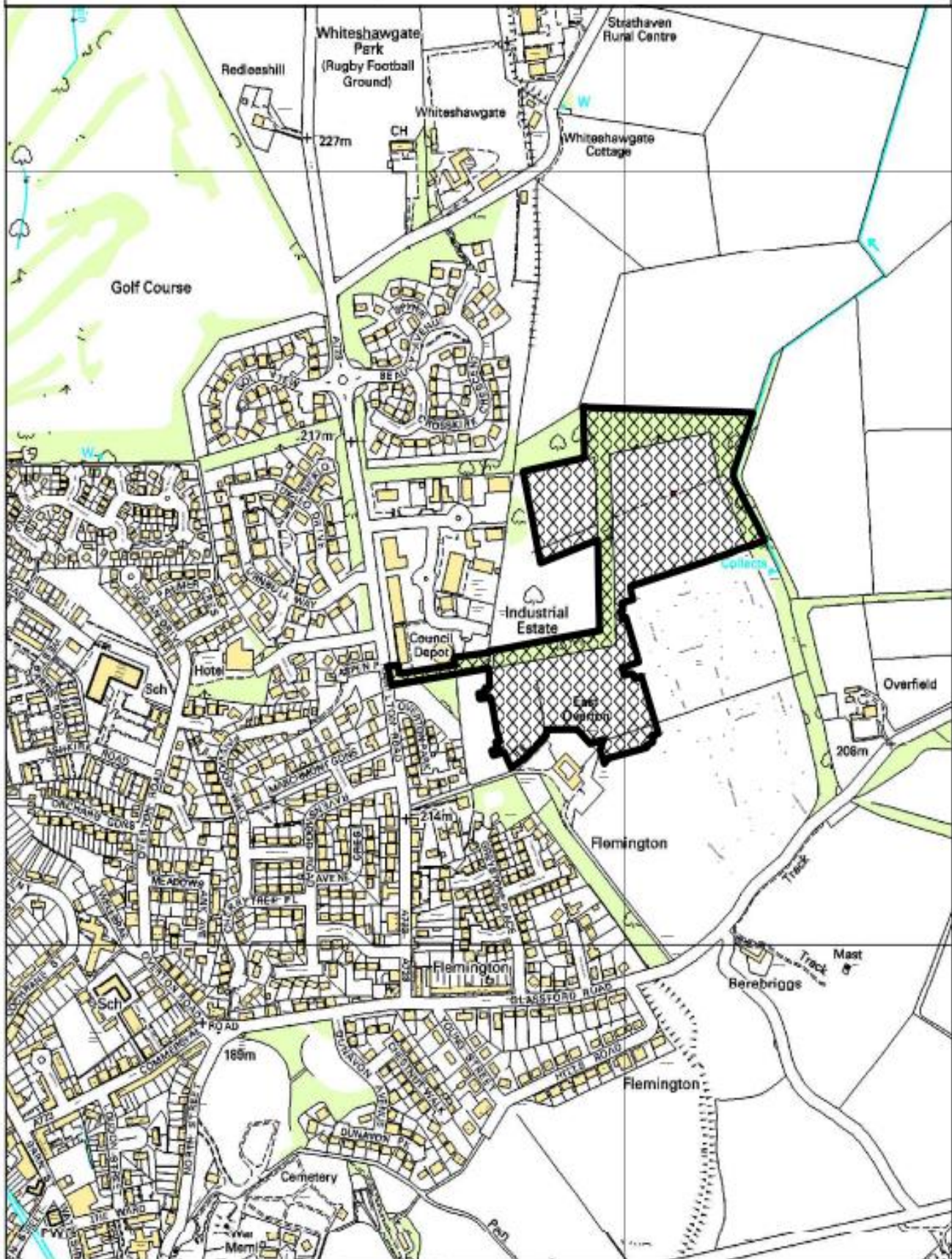
Where the Level of Significance as described within the Scottish Government Document: Technical Advice Note Assessment of Noise, identifies changes in noise as moderate or greater (assessed with windows open), a scheme for protecting the proposed dwelling(s) from the noise shall be submitted to, and approved by, the Planning Authority. The approved scheme for the mitigation of noise shall be implemented prior to the development being brought into use and where appropriate, shall be retained in accordance with the approved scheme to the satisfaction of the Council as Planning Authority. Any survey submitted should assess the noise effects of commercial vehicle deliveries on adjacent dwellings.

Reason: in the interests of amenity.



P/22/0056

Land 115M Northwest of 52 Rickard Avenue, Strathaven



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Date:  
04/03/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development