

Our Ref: 21/00982/PPP  
Your Ref:  
Contact: Gordon Liddell  
Tel: 01236 632500  
E-mail: [Planningenquiry@northlan.gov.uk](mailto:Planningenquiry@northlan.gov.uk)  
Date: 28 January 2022



North Lanarkshire Council  
c/o Ironside Farrar  
111 McDonald Road  
Edinburgh  
Scotland  
EH7 4NW

**Enterprise And Communities**

Lorna Bowden  
Planning And Place Manager  
Fleming House  
2 Tryst Road  
Cumbernauld G67 1JW

Dear Sir/Madam,

**Town and Country Planning (Scotland) Act 1997**

**Proposal: Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)**

**Address: Site At, 150 Birkshaw Brae, Gowkthrapple, Wishaw, North Lanarkshire, ML2 0LF**

I advise you that your application was **approved subject to conditions** on 27 January 2022.

I enclose a copy of the Decision Notice.

If you are submitting any further information in connection with this application please do so via the eplanning portal at <http://ePlanning.scot> using the post submission form. This will ensure that information reached us quickly and will allow us to deal more efficiently with your submission.

This applies to revised plans, supporting reports and information in relation to planning conditions. Please click on the following link for full guidance on the use of Post Submission Additional Documentation form on the ePlanning portal  
<https://www.eplanning.scot/ePlanningClient/default.aspx>

Yours faithfully,

A handwritten signature in black ink that reads "L. Bowden".

**Lorna Bowden**  
**Planning And Place Manager**





**PLANNING PERMISSION IN  
PRINCIPLE**

**Committee Decision**

Town and Country Planning (Scotland) Act 1997

No: 21/00982/PPP  
Date: 27 January 2022  
To: North Lanarkshire Council  
c/o Ironside Farrar  
111 McDonald Road  
Edinburgh  
Scotland  
EH7 4NW

With reference to your application dated 10 June 2021 for planning permission in principle under the above Acts and Regulation for the following development:

**Proposal: Residential development, ancillary retail, open space, landscaping, SUDS, access, associated works and demolition (in principle)**  
**Address: Site At, 150 Birkshaw Brae, Gowkthrapple, Wishaw, North Lanarkshire, ML2 0LF**

North Lanarkshire Council, in exercise of its powers under the above Acts and Regulations, hereby **GRANTS** planning permission in principle for the said development subject to the attached condition(s) and reason(s).

The proposal is in accordance with the current development plan.

The council's reasoning for arriving at the above decision is as follows:-

Reasoned Justification

The proposed development is considered to satisfactorily accord with the Development Plan and the Council's Supplementary Planning Guidance. The development would integrate acceptably within the surrounding area and as a masterplan sets out appropriate parameters for future development to follow.

**Lorna Bowden**  
**Planning And Place Manager**

## Conditions and Reasons

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority for each phase of the proposed development, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin on that phase until the written approval of the planning authority has been given, and the development shall be carried out in accordance with that approval.

- (a) the siting, design and external appearance of all buildings and other structures;
- (b) the new roads and means of access to the site;
- (c) the layout of the site, including all roads, footways and parking areas
- (d) the details of, and timetable for, the hard and soft landscaping of the site;
- (e) details of the management and maintenance of the areas identified in (d) above;
- (f) the design and location of all boundary walls and fences;
- (g) the provision of surface drainage works incorporating SUDS;
- (h) the disposal of sewage;
- (i) details of existing trees, shrubs and hedgerows to be retained;
- (j) details of existing and proposed site levels.
- (k) details of play areas commensurate with the scale of the proposed development.

Reason: To accord with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Unless otherwise agreed in writing by the planning authority, and subject to the conditions of this permission, the proposed development shall reflect the design concept, and be restricted to no more than 300 as illustrated on the Indicative Concept Masterplan (PPiP) Drawing 105 Revision D.

For the avoidance of doubt, no permission is granted for the Phase 1 detailed layout illustrated within the Masterplan Framework.

Reason: To ensure an acceptable quality of design, ensure the site is not overdeveloped to the detriment of design and the amenity of the surrounding area, and to limit impacts on roads, drainage infrastructure and education provisions.

3. Notwithstanding the terms of condition 1 above, the internal street layout for each phase shall be designed in accordance with the principles of Designing Streets. A Street Engineering Review (SER) shall be submitted with the applications for each phase, containing the appropriate information as set out in Designing Streets. The layouts shall also include:

Unless otherwise agreed in writing by the planning authority, parking provided on the following basis;

Units with 1 or 2 bedrooms - 2 spaces  
Units with 3 or 4 bedrooms - 3 spaces  
5 bedrooms - 4 spaces

Visitor parking shall be provided on the basis of 0.3 spaces per unit distributed evenly.

Reason: To ensure an appropriate standard of design, level of parking provision and integration with the local road network.

4. Notwithstanding the terms of condition 1 above, before any development starts, a phasing scheme that specifies the order that all elements of the site (including the residential, retail, new roads and junctions, foot/cycle path links, open space, play facilities and associated landscaping) will be implemented shall be submitted to and approved in writing by the planning authority. Development shall thereafter take place only in accordance with the approved phasing scheme unless otherwise agreed in writing by the planning authority.

Reason: To ensure adequate phasing of the development in the interests of the proper planning of the area.

5. Notwithstanding the terms of Condition 1 above, all applications for the approval of matters specified in condition shall be accompanied by details of existing and proposed site levels and cross sections.

Reason: To allow the planning authority to consider these matters in detail.

6. Notwithstanding the requirements of Conditions 1 and 2, unless as may otherwise be agreed in writing by the planning authority, each application for the approval of matters specified in condition shall be accompanied by a landscape plan and strategy taking forward the wider landscaping strategy for that phase of the site. The plan shall reflect the details illustrated on the Indicative Concept Masterplan (PPiP) Drawing 105 Revision D.

The open space and landscaping details shall be finalised to reflect the regeneration vision and shall be developed on principles of Biodiversity Net Gain.

Reason: To allow the planning authority to consider these matters in detail.

7. Notwithstanding the requirements of condition 1 above, unless otherwise may be agreed in writing by the planning authority, an updated noise assessment, carried out by an appropriately qualified engineer, shall be submitted to and approved in writing by the planning authority for each phase of the proposed development. The assessment shall take into account all recommendations within the previous Noise Impact Assessment by Noise Consultants, dated February 2021 and shall support the proposed layouts, setting out appropriate mitigation where required. Thereafter, any mitigation proposals shall be implemented before that phase of development comes into use, or dwellinghouses are occupied, to the written satisfaction of the planning authority.

Reason: To safeguard the amenity of the area and to enable the planning authority to consider these aspects in detail.

8. Before works of any description start on any individual phase of the application site, unless otherwise agreed in writing with the planning authority, a comprehensive site investigation report shall be submitted to and approved in writing by the planning authority. The investigation must be carried out in accordance with current best practice advice, such as BS 10175: 'The Investigation of Potentially Contaminated Sites' or CLR 11. The report must include a site-specific risk assessment of all relevant pollution linkages and a conceptual site model. Depending on the results of the investigation, a detailed remediation strategy may be required.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future users of the site.

9. Before works of any description start on any individual phase of the application site, a Radiological Walkover Survey report shall be submitted to and approved in writing by the Planning Authority and shall be carried out to a methodology firstly submitted to and approved in writing with SEPA. The survey shall be completed in accordance with the Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended). Any radioactive material or radioactive waste shall be addressed in accordance with the Environmental Authorisations (Scotland) Regulations 2018.

Reason: To establish whether or not site decontamination is required in the interests of the amenity and wellbeing of future users of the site.

10. Any remediation or mitigation works identified by the Site Investigation or Radiological Walkover Survey required in terms of Conditions 8 and 9 above, shall be carried out to the written satisfaction of the planning authority. Before the development is brought into use, a certificate (signed by a chartered environmental engineer) shall be submitted to the planning authority confirming that any remediation/mitigation works have been carried out in accordance with the terms of the remediation/mitigation strategy.

Reason: To ensure that the site is free of contamination in the interests of the amenity and wellbeing of future users of the site.

11. Prior to works of any description being commenced on each phase of development, unless otherwise agreed in writing with the planning authority, full details of the proposed surface water drainage scheme for that phase shall be submitted to and approved in writing by the planning authority. For the avoidance of doubt the drainage scheme must comply with the principles of Sustainable Urban Drainage Systems (SUDS) in terms of the relevant CIRIA Manual and other advice published by the Scottish Environment Protection Agency (SEPA).

Reason: To ensure that the drainage scheme complies with best SUDS practice to protect adjacent watercourses and groundwater, and in the interests of the amenity and wellbeing of existing and future users adjacent to and within the development site respectively.

12. The SUDS-compliant surface water drainage scheme approved in terms of Condition 11 above shall be implemented contemporaneously with the development in so far as is reasonably practical. Following the construction of the SUDS, a certificate (signed by a chartered civil engineer) shall be submitted to the planning authority confirming that the SUDS have been constructed in accordance with the relevant CIRIA Manual and the approved plans.

Reason: To safeguard any adjacent watercourses and groundwater from pollution and in the interests of the amenity and wellbeing of existing and future users.

13. Before any works start on site for any phase of development, the developer must confirm in writing to the planning authority that the foul drainage can be connected to the public sewer in accordance with the requirements of Scottish Water for that phase. The surface water must be treated in accordance with the principles of the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland published by CIRIA in March 2000.

Reason: To prevent groundwater or surface water contamination in the interests of environmental and amenity protection.

14. Notwithstanding the terms of condition 1 above, unless otherwise specified under the conditions of this permission, the development shall be designed and implemented in accordance with the principles of, and follow the recommendations contained in the ecological reports (WSP Preliminary Ecological Assessment 2019 and the Black Hill Ecology Ltd Bat Survey Report and associated Method Statement 2020), including securing any necessary licences in respect to Bats.

Reason: To safeguard the amenity of the area, in the interests of protecting nature conservation interests and to ensure the final development design makes adequate provision for all habitat proposals and commitments.

15. Should 12 months or more elapse after each of the ecological surveys submitted with the planning permission in principle, further ecological surveys shall be undertaken on the site to determine the presence of any statutorily protected species, the said surveys shall thereafter be submitted to, and approved in writing by, the planning authority before any development commences on the site. As a result of the study, should any mitigation measures be required for any protected species, this shall be implemented in accordance with a species protection plan agreed in writing with the planning authority before works commence on the site.

Reason: To safeguard the amenity of the area, in the interests of protecting nature conservation interests and to ensure the final development design makes adequate provision for all habitat proposals and commitments.

16. Notwithstanding the terms of this permission, unless otherwise agreed in writing with the planning authority, any future application for matters specified in condition shall be accompanied with up-to-date ecology surveys relevant to that phase of development.

Thereafter, once agreed, any required mitigation shall be implemented to the written satisfaction of the planning authority.

Reason: To ensure appropriate consideration of this matter in the interests of local nature.

17. Notwithstanding the requirements of condition 1 above, unless otherwise may be agreed in writing by the planning authority, before any individual phase of works starts on site, an updated Flood Risk Assessment, carried out by an appropriately qualified engineer, shall be submitted to and approved in writing by the planning authority for each phase of the proposed development. The Flood Risk Assessments shall take into account any recommendations within the previous assessment by Kaya Consulting Ltd, dated February 2021 and shall support the proposed layouts, setting out appropriate design and mitigation where required. Thereafter, any specific design and mitigation measures shall be implemented before that phase of development comes into use, or dwelling houses are occupied, to the written satisfaction of the planning authority.

Reason: To safeguard the amenity of the area and to enable the planning authority to consider these aspects in detail.

## **Additional Notes to Applicant:**

### **PLEASE READ THESE NOTES CAREFULLY.**

These notes do not constitute legal advice, and are not intended to be a comprehensive guide to laws which may apply to the development which you propose to carry out.

If you wish to obtain advice on which you will be entitled to rely, you must consult a solicitor or other appropriate professional adviser, e.g. an architect or chartered surveyor.

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, or within two years of the date on which the last of the matters specified by condition are approved, whichever is the later, unless the development has started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997.
2. **Further application:** That in accordance with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997 within three years of the date of this permission, an application for approval of the matters, specified in Condition 1 of this permission shall be made to the planning authority. Please refer to Section 59 of the Town and Country Planning (Scotland) Act 1997 for full details.
3. **Rights of aggrieved applicants to seek appeal of the decision:** If the applicant is aggrieved by this decision of the planning authority they may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 within **three months** of the date of this decision. No additional matters are to be raised unless specifically requested by the Planning and Environmental Appeals Division.

The Scottish Ministers may allow or dismiss an appeal, or may reverse or vary any part of the planning authority's decision, whether the appeal relates to that part or not, and may deal with the application as if it had been made to them in the first instance.

Information on how to appeal can be found at the Planning and Environmental Appeals Division website: <https://www.dpea.scotland.gov.uk/>

4. **Application to develop site otherwise than in accordance with the conditions:** Where planning permission has been granted subject to conditions which the developer wishes to have changed or removed, an application can be made for planning permission to develop the site otherwise than in accordance with the previous conditions. (See section 42 of the Town and Country Planning (Scotland) Act 1997). Such an application can be made at any time, providing that the permission has not become time-expired.
5. **Rights of landowners whose land has become incapable of reasonably beneficial use:** If permission to develop land is refused or granted subject to conditions, and the owner of the land considers that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the planning authority a purchase notice requiring the purchase of their interest in the land. (See sections 88 to 94 of the Town and Country Planning (Scotland) Act 1997). The council has the right to challenge any such notice by referring it to the Scottish Ministers.

6. **Requirements for other permissions and consents:** This consent does not exempt you from obtaining other types of consent such as:

- a Building Warrant
- permission to display certain advertisements
- permission to carry out certain works within a council house and on land attached
- permission for a caravan site licence
- a licence for the sale of supply of alcoholic liquor
- permission for new access from a public highway, or to alter an existing access, or to construct a new street, or to widen, extend or otherwise alter an existing street
- permission to use the public water supply and the public sewerage system
- the supply of electricity and/or gas
- and/or any other consent for approval not mentioned in this form

7. **Development affecting the property of other landowners.** The granting of planning permission does not entitle applicants to carry out any work to land or buildings outwith their own ownership. It is the responsibility of the applicant to secure the agreement of all relevant owning parties, before any works take place. This includes securing the agreement of the council as landowner if any works affect council-owned land.

8. **Coal mining legacy risks.** The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.



Property specific summary information on past, current and future coal mining activity can be obtained from: <http://www.groundstability.com> or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: <http://www.gov.uk/coalauthority>

9. **Failure to abide by the terms of this permission.** If you do not abide by the terms of this permission, for example by failing to comply with conditions or by deviating from the approved plans without first agreeing this with the planning authority, this may be a breach of planning control. Where it appears to the planning authority that there has been a breach of planning control, they may pursue enforcement action under the Town and Country Planning (Scotland) Act 1997 in order to require that the breach be remedied. Potentially such action could require the demolition of buildings, with the developer being liable for the cost of carrying out any work to remedy the breach. If you wish to make changes to what this permission allows, contact the planning authority for advice.
10. **Utility infrastructure.** Utility maps for your site are now available online at [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk). This free site will provide you with information regarding the location of any utility companies' assets in your proposed work area (underground and overhead pipelines and cables in the electricity, gas, high pressure fuel/oil, heating, water and fibre optic networks). This should be carried out before any works are undertaken on site. Should a site search identify the presence of any utility company assets you should contact them directly to discuss what may be required to protect, move or divert their apparatus.
11. **Felling of Trees.** Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry and Land Management (Scotland) Act 2018. Any tree felling not expressly authorised by planning permission, and not otherwise exempted, may require felling permission under that Act. Any felling carried out without either a licence or other valid permission is an offence which can mean, on conviction, a fine of up to £5,000 per tree and a criminal record for all involved in the felling.

You can get information about and application forms for felling permission from the Forestry Commission website <https://forestry.gov.scot/support-regulations/felling-permissions>. Contact Forestry and Land Scotland if you require further guidance.