

Our Ref: 22/00448/CLP
Contact: Alex Reid
Tel: 01236 632500
E-mail: Planningenquiry@northlan.gov.uk
Date: 6 May 2022



Enterprise And Communities

Lorna Bowden
Planning And Place Manager
1st Floor Civic Centre
Windmillhill Street
Motherwell ML1 1AB

Mrs Claire Wicker
18 Queensbank Avenue
Mount Ellen
Gartcosh
North Lanarkshire
G69 8BP

Dear Sir/Madam,

Removal of Mullion to fit Single Panel Window (In Retrospect) 18 Queensbank Avenue, Mount Ellen, Gartcosh, North Lanarkshire, G69 8BP

I refer to your application for a Certificate of Lawfulness for the above proposal, which was registered on 6 May 2022. I write to advise that this proposal was assessed as being lawful and as such planning permission is not required.

I enclose a copy of the Certificate, the plans and any other relevant submissions which form part of this Decision Notice. All the approved documents can be viewed online at www.northlanarkshire.gov.uk/planning-and-building/planning-applications/view-and-comment-on-planning-applications

Yours faithfully,

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

Lorna Bowden
Planning And Place Manager





**CERTIFICATE OF LAWFULNESS OF
PROPOSED USE OR DEVELOPMENT**

Town and Country Planning (Scotland) Act 1997

No: 22/00448/CLP
Date: 6 May 2022
To: Mrs Claire Wicker
18 Queensbank Avenue
Mount Ellen
Gartcosh
North Lanarkshire
G69 8BP

With reference to your application dated 8 April 2022 under the above Acts for the following development,

**Removal of Mullion to fit Single Panel Window (In Retrospect)
18 Queensbank Avenue, Mount Ellen, Gartcosh, North Lanarkshire, G69 8BP,**

North Lanarkshire Council, in exercise of its powers under Section 151 of the Town and Country Planning (Scotland) Act 1997 APPROVES A CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT. The Council's reasoning for arriving at the above decision is as follows:-

Reasoned Justification

According to the dimensions set out in the drawing provided, it is considered that proposed development of the single panel window does not require planning permission and can be regarded as permitted development under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) 1992 Order, as amended. The proposal is, therefore, considered to be lawful.

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

**Lorna Bowden
Planning And Place Manager**

Notes to Applicant

1. That the development permitted by this 'Certificate of Lawfulness of Proposed Use or Development' shall be carried out strictly in accordance with the plans and other relevant documents submitted as part of the application 22/00448/CLP. These plans and other relevant documents can be viewed on North Lanarkshire Council's Planning Application online at <https://eplanning.northlanarkshire.gov.uk/online-applications/> It must be noted that any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
2. Before making any changes to the scheme covered by this certificate, you are advised to contact the Planning Authority for further advice.

SUPPLEMENTARY INFORMATION

PLEASE READ THESE NOTES CAREFULLY, THEY 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) Even if you have been granted planning permission, you may require other consent or approval under other enactments. For example, you may need to:-
- (a) apply to North Lanarkshire Council, as Building Authority, for a Building Warrant under the Building (Scotland) Act 2003, and/or
 - (b) apply to North Lanarkshire Council, as Planning Authority, for permission to display certain advertisements, and/or
 - (c) apply to North Lanarkshire Council, as Housing Authority, for permission to carry out certain works within a Council house and on land attached, and/or
 - (d) apply to North Lanarkshire Council, as Environmental Health Authority, for a caravan site licence under the Caravan Sites and Control of Development Act 1960, and/or
 - (e) apply to North Lanarkshire Licensing Board for a licence for the sale of supply of alcoholic liquor under the Licensing (Scotland) Act 1976, and/or
 - (f) apply to North Lanarkshire Council for permission (a) to take a new access from a public highway, or alter an existing access, and/or (b) to construct a new street, or widen, extend or otherwise alter an existing street, and/or
 - (g) apply to Scottish Water for permission to use the public water supply and the public sewerage system, and/or
 - (h) apply to the Electricity and/or Gas Companies, to arrange for the supply of electricity and/or gas, and/or any other consent for approval not mentioned in this form.

In appropriate instances, applicants should also ascertain the requirements of other enactments, e.g. Health and Safety at Work Act 1974, Offices, Shops and Railway Premises Act 1963, Food Hygiene (Scotland) Regulation 2006, Water Environment (Controlled Activities) (Scotland) Regulations 2005, etc., all as amended.

MINERAL STABILITY :

NEW BUILDINGS (Excluding extensions to existing buildings or 'temporary' buildings) AND PIPE-LINES.

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals.

Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works.

Property specific summary information on any past, current and proposed surface and underground coal mining activity likely to affect the development can be obtained from the Coal Authority at the following address :-

The Coal Authority, Mining Reports & Information Centre, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG Tel : 0845 762 6848 www.coal.gov.uk.

- (2) If the applicant is aggrieved by this decision of the Planning Authority he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 within **three** months of this decision. No additional matters are to be raised unless specifically requested by the Directorate for Planning and Environmental Appeals.

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.

NOTE: An appeal should be addressed to The Directorate for Planning and Environmental Appeals, Scottish Executive, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR (Tel : 01324 696 400) from whom the appropriate form is available. In your appeal form, please advise the Directorate for Planning and Environmental Appeals which Area of North Lanarkshire Council dealt with your application.

- (3) As an alternative to the contents of paragraph (2) above, the applicant may in accordance with Section 42 of the Act, where planning permission has been granted subject to conditions, apply to North Lanarkshire Council, as Planning Authority, for relief from any or all of those conditions. Such an application can be made at any time providing that the permission has not become time-expired.
- (4) If permission to develop land is granted subject to conditions, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Sections 88 to 94 of the Town and Country Planning (Scotland) Act 1997.
- (5) Where it appears to the Planning Authority that there has been a breach of planning control, they may serve enforcement and stop notices requiring the breach to be remedied.
- (6) **Extensions to Residential Properties** : It should be noted that there could be gas pipes, electricity cables, telephone cables, cable TV services, water mains and sewer pipes at shallow depth within the curtilage of private dwellinghouses. **Prior** to starting work on site you should contact the public utilities **Symology System on 01324 682170 (www.symology.co.uk)**. **Symology** will notify all Utilities Pipelines Operators and the Local Authority of your proposed works. Given sufficient notice, the Operators can supply you with drawings, which will help you avoid danger from interfering with underground services.

NOTE TO APPLICANT

The Felling of Trees

Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers **should note** that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended).

Developers should note that **any felling carried out without either a licence or other valid permission is an offence**. This can mean, on conviction, a fine of up to £2,500 (level 4 on the standard scale) or twice the value of the trees, whichever is higher, with the conviction being recorded.

Contact your local Forestry Commission Scotland Office if you are not certain whether exemptions apply. You can get an application form for a felling licence from the Forestry Commission website www.forestry.gov.uk/forestry/inf-d-5ygf-rm or any Forestry Commission Scotland Office.