

Our Ref: 24/00041/CLP
Contact: Stewart MacCallum
Tel: 01236 632487
E-mail: Planningenquiry@northlan.gov.uk
Date: 23 January 2024



Enterprise And Communities

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

Mr Tommy Franzen
Mount Lodge
84 Waldegrave Road
Teddington
TW11 8LH

Dear Sir/Madam,

Proposal: Use of dwelling as short term let (retrospective application for certificate of lawfulness of development proposed)

Address: 10 Nicol Street, Airdrie, North Lanarkshire, ML6 6HD

I refer to your application for a Certificate of Lawful Use for the above proposal. I 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: 24/00041/CLP
Date: 23 January 2024
To: Mr Tommy Franzen
Mount Lodge
84 Waldegrave Road
Teddington
TW11 8LH

With reference to your application dated 17 January 2024 under the above Acts for the following development:

**Use of dwelling as short term let (retrospective application for certificate of lawfulness of
development proposed)
10 Nicol Street, Airdrie, North Lanarkshire, ML6 6HD**

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

That, based on the details submitted with the Certificate of Lawfulness application, the development at the nature and level proposed, does not constitute a material change in the use of the property and, as such, an application for planning permission is not required. The property is not located within a Short Term Let Control Area under the Town and Country Planning (Scotland) Act (as amended). A Certificate of Lawfulness can therefore be issued. The applicant should note that this Certificate does not affect the requirement to obtain a licence for a short term let.

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 24/00041/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.

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. **Requirements for other permissions and consents:** This consent does not exempt you from obtaining other types of consent such as:
 - a. a Building Warrant
 - b. permission to display certain advertisements
 - c. permission to carry out certain works within a council house and on land attached
 - d. permission for a caravan site licence
 - e. a licence for the sale of supply of alcoholic liquor
 - f. 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
 - g. permission to use the public water supply and the public sewerage system
 - h. the supply of electricity and/or gas
 - i. and/or any other consent or approval not mentioned in this form

2. **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>

3. **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.

4. **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.
5. **Utility infrastructure.** Utility maps for your site are now available online at www.linerearchbeforeudig.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.
6. **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.