

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>24 January 2023</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/22/0819
Planning proposal:	Erection of two detached houses with associated parking and landscaping

## 1 Summary application information

- Application type: Detailed planning application
- Applicant: Mr and Mrs R Lawson
- Location: Land at Rowhead Farm  
Biggar Mill Road  
Biggar  
ML12 6DU

## 2 Recommendation(s)

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

- (1) Refuse detailed planning permission (for the reasons stated).

### 2.2 Other actions/notes

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

## 3 Other information

- ◆ Applicant's Agent: DTA
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): SLDP2: Policy 2 Climate Change  
SLDP2: Policy 4 Green Belt and Rural Area  
SLDP2: Policy 5 Development Management and Placemaking  
SLDP2: Policy 14 Natural and Historic Environment  
SLDP2: Policy GBRA1 Rural Design and Development  
SLDP2: Policy GBRA7 Small Scale Settlement Extensions  
SLDP2: Policy GBRA8 Development of Gap Sites  
SLDP2: Policy NHE16 Landscape

◆ **Representation(s):**

▶	7	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

West of Scotland Archaeology Service

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

Scottish Water

Countryside and Greenspace

## **Planning Application Report**

### **1 Application Site**

- 1.1 The site (extending to 0.2250 ha) forms part of the eastern section of an agricultural field fronting Biggar Mill Road. The site is bounded by Rowhead Farm and associated curtilage to the south, by Davies Burn, an access track and Rowhead Cottage and commercial yardage, to the west by the remaining field area and to the east by Biggar Mill Road and beyond by the banks and floodplain (consisting of marsh and semi natural meadow/grassland) of the Biggar Burn and sloping agricultural fields which extend eastward to Carwood Road.
- 1.2 Although the site is relatively level, it sits above Biggar Mill Road and slopes in a southern and northern direction from Rowhead Farm, down to Davies Burn and Rowhead Cottage.

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

- 2.1 The applicant seeks permission for two one and a half storey (containing 4 bedrooms) dwellings, finished in render and slate (or slate substitute) and feature dormers and steep roof pitches. The design is generally reflective of traditional rural architecture, with a modern interpretation. Each plot will be served by a separate driveway accessing directly onto Biggar Mill Road – three parking spaces and associated turning/standing will be laid out in the front curtilage. A 5m wide shelter belt will be established along the rear boundary (western boundary) whilst landscaping strips will define rear garden areas assigned to each house.
- 2.2 A justification for the proposal and a Planning Statement have been submitted as supporting information.

### **3 Background**

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

The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 and its impact upon residential and visual amenity and townscape character.

- 3.1.1 The 2021 adopted South Lanarkshire Local Development Plan 2 (SLLDP2) identifies the application site as being within the Rural Area, subject to assessment against Policy 4 - Green Belt and Rural Area, Policy 5 - Development Management and Placemaking and GBRA1 - Rural Design and Development. In addition, the proposals require to be assessed against the guidance contained within Policies GBRA7 - Small Scale Settlement Extensions and GBRA8 - Development of Gap Sites which are the most relevant to the assessment of the application. Policies 2 – Climate Change, 14 - Natural and Historic, and NHE16 - Landscape are also of relevance.

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

- 3.2.1 In terms of residential development, Scottish Planning Policy (SPP) advises that the planning system should identify a generous supply of land to support the achievement of housing land requirements and maintaining at least a 5 year supply of land at all times. It should also enable the development of well designed, energy efficient, good quality housing in sustainable locations and focus on the delivery of allocated sites. Consideration should be given to the re-use or redevelopment of brownfield land before development takes place on greenfield sites.

3.2.2 The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023. The next step is its formal adoption and publication by Scottish Ministers. Due to its advanced stage, the Revised Draft NPF4 is now considered to be a material consideration in the determination of this application. However, there are not considered to be any specific implications in respect of the provisions of the draft framework relating to this application. The Revised Draft National Planning Framework 4 aims to encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, whilst stressing the need to ensure the right development happens in the right place.

### 3.3 **Planning Background**

3.3.1 A previous planning application P/21/1829 was withdrawn in March 2022 to allow consideration of concerns raised by Planning. This has resulted in a resubmission for an identical house design, however, the total site area has been reduced by 16 per cent.

## 4 **Consultation(s)**

4.1 **WOSAS** – The plot of ground that is proposed for development falls within an archaeological consultation trigger, which in this instance has been defined in relation to a crop-marking, identifying the presence of a circular enclosure that was visible on aerial photographs taken by Historic Scotland and the Department of Archaeology in 1998. Although the recorded position of this crop-marking lies around 100m to the south-west of the plot of ground that is the subject of the application, its presence does demonstrate the potential for sub-surface archaeological deposits and features to survive in this area. Material of this type would be disturbed or removed as a result of ground disturbance associated with construction of the proposed new houses and their associated infrastructure. Government policy as set out in Scottish Planning Policy is that planning authorities should ensure that prospective developers arrange for the archaeological issues raised by their proposals to be adequately addressed. Where the survival of significant archaeological material is uncertain and the scale of the development is reasonably limited, as in this case, the West of Scotland Archaeology Service would advise planning authorities to consider attaching an archaeological watching brief condition to any consent they may be minded to grant.

**Response:** If Committee determine to grant planning permission, the recommended condition could be attached to the Decision Notice.

4.2 **Roads and Transportation Services** – The general impact of the development proposal is suitable at this location. Access would be taken onto Biggar Mill Road via proposed private accesses. The required visibility splays of 2m x 43m have been shown on a plan and are achievable. A Road Opening Permit under Section 56 of the Roads (Scotland) Act would be required for the new accesses. A channel drain should be provided along the road edge to prevent any surface water from spilling onto the public road. Driveway gradients should not exceed 1 in 12. The site was visited during the school morning peak period and there were only a few pedestrians on the road. The development traffic would not generate significant vehicle movements. For 4-bedroom houses, at least 3 off-street car parking spaces are required. These have been shown on a plan with adequate turning space. Roads do not wish to object to this application.

**Response:** Noted. If the Planning Committee determine that the planning application should be approved, then appropriate conditions can be attached.

4.3 **Environmental Services** - No objection subject to informatives relating to construction noise, nuisance and contaminants.

**Response:** The recommended informatives will be attached if consent is granted.

4.4 **Flood Unit** – No response to date.

**Response:** Noted.

4.5 **Scottish Water** - There is sufficient capacity at the Coulter Water Treatment Works and the Biggar Waste Water Treatment works. For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. There may be limited exceptional circumstances where they would allow such a connection for brownfield sites only, however, this will require significant justification from the customer taking account of various factors including legal, physical and technical challenges. In order to avoid costs and delays where a surface water discharge to their combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. They will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**Response:** Noted. If consent is granted a condition will be attached requiring confirmation from Scottish Water that they are willing to accept drainage discharge into their system, if such a connection is required.

4.6 **Countryside and Greenspace** – No comment.

**Response:** Noted.

## **5 Representation(s)**

5.1 In response to the carrying out of neighbour notification and the advertisement of the application in the local press due to Development Contrary to the Development Plan and non-notification of neighbours, 7 letters of objection have been received. The issues raised are summarised below:-

**a) On-going issue of smell from the existing sewerage network which is now only being addressed.**

**Response:** There is no evidence that this development will contribute to smell in the sewerage network. Nuisance from smell from the sewerage network would be addressed separately by Scottish Water and Environmental Services.

**b) The objector experiences low water pressure – any further demands on the water pressure will have a negative impact.**

**Response:** Scottish Water in their consultation response have not objected to this application. Any future complaint about low water pressure is a matter which would be investigated by Scottish Water.

**c) Increase of traffic on a narrow section of road which has no pavement.**

**Response:** In their consultation response, Roads and Transportation Services have not objected, nor have they highlighted any public and traffic safety concerns.

**d) The site is not a gap site.**

**Response:** Although there are neighbouring properties to the north and south, the proposal does not adequately meet criteria set down in Policy GBRA8 – Development of Gap Sites.

**e) The site is outwith the designated settlement boundary of Biggar.**

**Response:** Noted. The site adjoins the northern edge of Biggar.

**f) The application site should not be deemed an infill site as it is bound by an existing water course and road between properties.**

**Response:** Noted. The water course and track are situated between the northern boundary of the site and Rowhead Cottage.

- g) **The area was recently affected by flooding and any additional development will only increase the run-off into other properties and roads.**

**Response:** If planning permission is granted conditions can be attached requiring a flood risk assessment and the installation of a Sustainable Urban Drainage System (SUDS) to control and manage surface water run-off.

- h) **Additional pressure in the sewerage system will cause further issues.**

**Response:** In their consultation response Scottish Water have confirmed that there is sufficient capacity in the sewage network.

- i) **Prior to the application being heard the applicants should be required to carry out detailed environmental surveys to ensure there are no endangered species present.**

**Response:** The site is on improved agricultural land, devoid of natural habitat, woodland and trees which would support wildlife. In these circumstances an ecological survey is not considered necessary.

- j) **This is agricultural land which forms part of an open field. It has no natural screening or landscaping.**

**Response:** Noted. Currently along the western boundary there are no natural or built features providing a defensible boundary between the site and the remaining field area.

- k) **Does not meet the criteria for a gap site. To the side of Plot One are two house plots not habitable houses and Plot 2 is two house plots, not habitable houses and Plot 2 is bounded by Davies Burn and an access road.**

**Response:** Noted. The site is not closely bounded by existing buildings and, therefore, the development would lack the necessary visual cohesion.

- l) **There is sufficient available new build property within the town boundary.**

**Response:** Noted. Each development is assessed on its individual merits. Local Plan policies do support, in particular circumstances, development outwith town boundaries subject to there being no adverse impacts upon rural character, landscape quality and residential development, as set down in criteria detailed in relevant policies.

- m) **Davies Burn which runs along the edge of Plot 2 has also flooded significantly in recent years. In the SEPA flood maps the site is not identified as being at risk from flooding.**

**Response:** The proposed dwellings sit at a higher level than the burn, of which the channel is narrow with a low water volume flow in normal conditions. Notwithstanding, if planning permission is granted a condition will be attached requiring a flood risk assessment to determine any necessary mitigation measures prior to the commencement of development.

- n) **The existing services in Biggar are at capacity whether it be the health centre or local schools.**

**Response:** An additional two dwellings would be unlikely to generate significant pressure on existing services.

- o) The applicant has openly declared that its long-term intent is to expand the town boundary to include the entire field for which he seems determined to erode.**

**Response:** There is no evidence to substantiate this claim.

- p) To facilitate his existing planning application for two plots on the small site, previously occupied by Rowhead Farm, he has already moved a fence to increase the site footprint and in turn create the supposed gap that he intends to fill with the application.**

**Response:** The movement of a fence is not a material consideration. The assessment relates to the area enclosed by the application site boundaries.

- q) A reduction in privacy and in time the proposed screening will affect the light to the property.**

**Response:** In considering the orientation of the proposed dwellings and distance to nearest dwellings, privacy standards will not be compromised. The shelter belt runs along the western boundary, therefore, only the edge of it faces towards the objector's garden – light is more likely to be restricted by existing mature trees and vegetation within the objector's garden. Trees and landscaping could be established at any time without any requirement for prior approval.

- r) Will contribute to flooding elsewhere.**

**Response:** See points m) and g) above.

- s) Where a document is submitted in the public record with photos of an adjacent property it would be common courtesy to ensure it is accurate. The indicated yardage described in the application is not associated with Rowhead Cottage. It has its own separate access and is associated with the fields behind.**

**Response:** Noted.

- t) This is a repeat application that was withdrawn previously by the applicant, and nothing has changed.**

**Response:** The current application has a slightly smaller area than that for the withdrawn application.

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

## **6 Assessment and Conclusions**

6.1 The determining issues in the consideration of this application are its compliance with the adopted South Lanarkshire Local Development Plan 2 (SLLDP2).

6.2 Scottish Planning Policy (SPP) states that the planning system should in all rural and island areas promote a pattern of development that is appropriate to the character of the particular area and the challenges it faces and encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. In this instance, it is considered that the proposed development is not consistent with SPP in that it would further erode the quality of the countryside and represents the continuing urbanisation of the rural area within this vicinity. The proposal, if approved, would not protect, or enhance the environment at this location, nor support a prosperous and sustainable community. Local Plan policies already allow for multiple opportunities for small scale housing development in the rural area.

- 6.3 Policy 4 'Green Belt and Rural Area' of the adopted South Lanarkshire Local Development Plan 2 specifies that within the Rural Area, the aim is to protect the amenity of the countryside while at the same time, supporting small scale development in the right places that is appropriate in land use terms and is of a high environmental quality that will support the needs of communities. It functions primarily for agriculture, forestry, recreation and other uses appropriate to the countryside. Development which does not need to be in the countryside will be expected to be accommodated within the settlements identified on the proposals map. Isolated and sporadic development will not be supported. There are several instances where small scale residential developments could be acceptable including redevelopment of previously developed land, gap site development, consolidation of building groups and proportionate expansion of settlements. In this case the relevant policies are described below.
- 6.4 Policy 'GBRA7 Small Scale Settlement Extensions' states that within the Rural Area proposals for new houses on sites adjoining existing settlements will be required to meet the following criteria:-
1. The development shall round off the existing built form of the settlement and maintain a defensible settlement boundary. This should be achieved through the retention or enhancement of existing features or by additional structural planting.
  2. The proposals shall respect the specific local character and the existing pattern of development within the settlement. The development should be of a scale proportionate to the size of the existing settlement.
  3. The location, siting and design of the new house(s) shall meet existing rural design policy and guidance as set out in Policy GBRA1 and in supporting planning guidance.
- 6.5 Policy GBRA8 development of gap sites outlines criteria which should be adhered to in order for a proposal on a gap site to be favourably considered; the salient criteria are as follows:-
- ◆ the building group should form a clearly identifiable nucleus with strong visual cohesion. The site should be bounded on at least two sides by habitable houses or other buildings that are either in use or capable of being brought back into use. The distance between the existing buildings shall be no more than that needed to form a maximum of two house plots of a size in keeping with the curtilage and frontage of the existing group
  - ◆ the proposed house size to plot ratio shall be comparable to existing properties in the building group
  - ◆ the proposed development shall not result in ribbon development or coalescence with another building group
  - ◆ exceptionally, within the rural area only, the layout of the existing group of houses may allow the infill of a small area up to a natural boundary, for example, an established tree belt or other landscaping feature, a physical feature such as a boundary wall or road
- 6.6 In considering the current proposal in conjunction with the two dwellings which have been approved within the curtilage of Rowhead Farm (Planning Permission P/21/0815 for two detached dwellings, granted July 2021), cumulatively this would create a one sided ribbon of development extending along Biggar Mill Road. To the east there is open countryside following the course of the Biggar Burn, therefore, in such circumstances there would be no benefit of consolidation or rounding off of the settlement edge. There is a proposal to create a shelter belt along the western boundary, however, that would take time to mature and become established. The open agricultural fields and flood plains to the east, devoid of woodland and mature



vegetation means the site is exposed and would be prominent and easily visible from higher ground particular for traffic leaving or entering Biggar from Carwood Road. The site is not closely bound by physical development on two sides, one of the reasons being that there has been no commencement of development of the approved dwellings adjacent to Rowhead farm to the east. The minor access track and the Davies Burn running along the northern boundary do not provide sufficient physical visual presence to create a defensible edge and certainly could not be described as complying with the term exceptional circumstance as outlined in Policy GBRA8 – Development of Gap Sites. The size of the proposed plots is large and not commensurate with the average density within the adjoining settlement of Biggar. In paragraph 3.16 of the adopted Local Plan it states '*The development of gap sites will not normally be acceptable in locations characterised by a scattering of houses or outbuildings/other buildings in open countryside or where the development would result in the extension of an existing ribbon of development or contribute to coalescence with another building group*'. As alluded to earlier, this development would cause ribbon development, also consideration must be given to the nature, garden size and characteristics of countryside properties which are generally different to densities and characteristics found within urban settings. For this reason, the applicant referring to the curtilage size of Rowhead Cottage to the north does not provide a convincing justification for allowing the development, due to established countryside and urban differences. This proposal would merge the settlement edge of Biggar with Rowhead Cottage and adjacent yardage, resulting in coalescence of separate building groups, eroding the quality of the rural area. In support of the development the applicant has cited various examples of planning approvals in locations throughout South Lanarkshire, inferring the establishment of precedence, however, this location at the edge of Biggar is distinctive and unique and not comparable to the examples quoted. On this basis, it is considered that the application proposal is contrary to Policies 4, GBRA7 and GBRA8 of the adopted SLLDP2.

- 6.7 The proposed development has also been considered against Policies 5 'Development Management and Place Making' and GBRA1 'Rural Design and Development'. Proposals should not have a significant adverse impact on the local area and address the six qualities of placemaking. In addition, any new development must relate satisfactorily to adjacent and surrounding development in terms of scale, massing, materials and intensity of use. Proposed developments shall be well related to locally traditional patterns of scale and shall avoid the introduction of suburban-style developments into the rural environment. Proposals specifically for residential development should not be isolated or sporadic. The character and amenity of the area must not be impaired by reason of traffic generation, parking, overshadowing, overlooking or visual intrusion. Development proposals shall incorporate suitable boundary treatment and landscaping proposals to minimise the visual impact of the development on the surrounding landscape. Existing trees, woodland and boundary features such as beech and hawthorn hedgerows and stone dykes shall be retained on site. Proposals shall be readily served by all necessary infrastructure. Proposals shall have no unacceptable significant adverse impact on the natural and historic environment and no adverse effect on the integrity of Natura 2000 sites.
- 6.8 A shelter belt along the western boundary is proposed which will eventually, when mature, contribute to the landscape character of the area. No important landscape features will be lost, and the proposal will not have a significant impact upon protected habitats or species. Suitable parking has been provided and Roads and Transportation Services in their consultation response have not raised any traffic or public safety issues. There are no infrastructure constraints. It is a reasonable quality design, generally sensitive to the rural character, however, slate or slate substitute

would be preferable to tile. In consideration, the proposal generally complies with most of the criteria outlined in Policies 5 and GBRA1.

- 6.9 Policy 14 – Natural and Historic Environment states that the Council will assess all development proposals in terms of their impact on the natural and historic environment, including landscape. The Council will seek to protect important natural and historic sites and features from adverse impacts resulting from development, including cumulative impacts. Category 3 areas include Special Landscape Areas where development which would have a significant adverse impact following the implementation of mitigation measures will only be permitted where the effects are outweighed by significant social or economic benefits. Policy NHE16 – Landscape advises that development proposals within Special Landscape Areas will only be permitted where they can be accommodated without having an unacceptable significant adverse effect on the landscape character, scenic interest and special qualities and features for which the area has been designated. All proposed development should take into account the detailed guidance contained in the South Lanarkshire Landscape Character Assessment 2010.
- 6.10 The site falls within the Rolling Farmlands Landscape type where the rolling topography may allow natural screening of some smaller developments. However, the landscape would be sensitive to schemes which break ridgelines and fail to respond to topography. Developments should generally be of a small scale, well sited to maximise the natural screening and integration provided by topographic and woodland variety. The imposition of developments which require medium to large scale modifications to the undulating topography should be resisted; developments and their external areas should be tailored to ‘fit’ the landscape or sites selected which permit their integration. New land uses that would result in the loss of traditional features, or the introduction of new features, should be discouraged, particularly in more prominent areas. The design has been influenced by traditional rural architecture and no significant alterations to the topography are proposed. No landscape features which make a significant contribution to the landscape character of the area will be affected and a shelter belt along the western boundary is proposed. Although the development will be visually prominent from viewpoints along Carwood Road, the development area is relatively small scale and will not significantly encroach into the landscape whereby the aims of policies 14 and NHE16 would be compromised.
- 6.11 In view of the above, it is concluded that the proposal does not comply with the requirement of applicable policies within the adopted South Lanarkshire Local Development Plan 2. It is therefore recommended that permission is refused.

## **7 Reasons for Decision**

- 7.1 The proposed development does not comply with the requirements of Policies 4 (Green Belt and Rural Area), GBRA7 (Small Scale Settlement Extensions) and GBRA8 (Development of Gap Sites) of the adopted South Lanarkshire Local Development Plan 2.

**David Booth**

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

Date: 16 January 2023

## **Previous references**

- ◆ None

## List of background papers

▶	Application form	
▶	Application plans	
▶	South Lanarkshire Local Development Plan 2 (adopted 2021)	
▶	Neighbour notification letter dated	
▶	Consultations	
	West of Scotland Archaeology Service	23.06.2022
	Roads Development Management Team	06.07.2022
	Environmental Services	04.07.2022
	Roads Flood Risk Management	No response
	Scottish Water	28.06.2022
	Countryside and Greenspace	07.07.2022
▶	Representations	Dated:
	Mr Stewart Houston, 21 Rowhead Terrace, Biggar, ML12 6DU	20.07.2022
	Mr Andrew Gupwell, Rowhead Cottage, Biggar, ML12 6LY	04.07.2022
	Mr Brian Warnock, 27 Rowhead Terrace, Biggar, South Lanarkshire, ML12 6DU	03.08.2022
	Mrs Kate Allister, Hillwood, Biggar Mill Road, Biggar, ML12 6LY	18.07.2022
	Mrs Lorraine Murray, 33 Rowhead Terrace, Biggar, ML12 6DU	22.06.2022
	Miss Eleanor Smith, 30 Knocklea, Biggar, ML12 6EE	17.07.2022
	N/A Ross and Lesley Armstrong, Oakburn, Biggar Mill Road, Biggar, ML12 6LY	21.06.2022

## Contact for further information

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

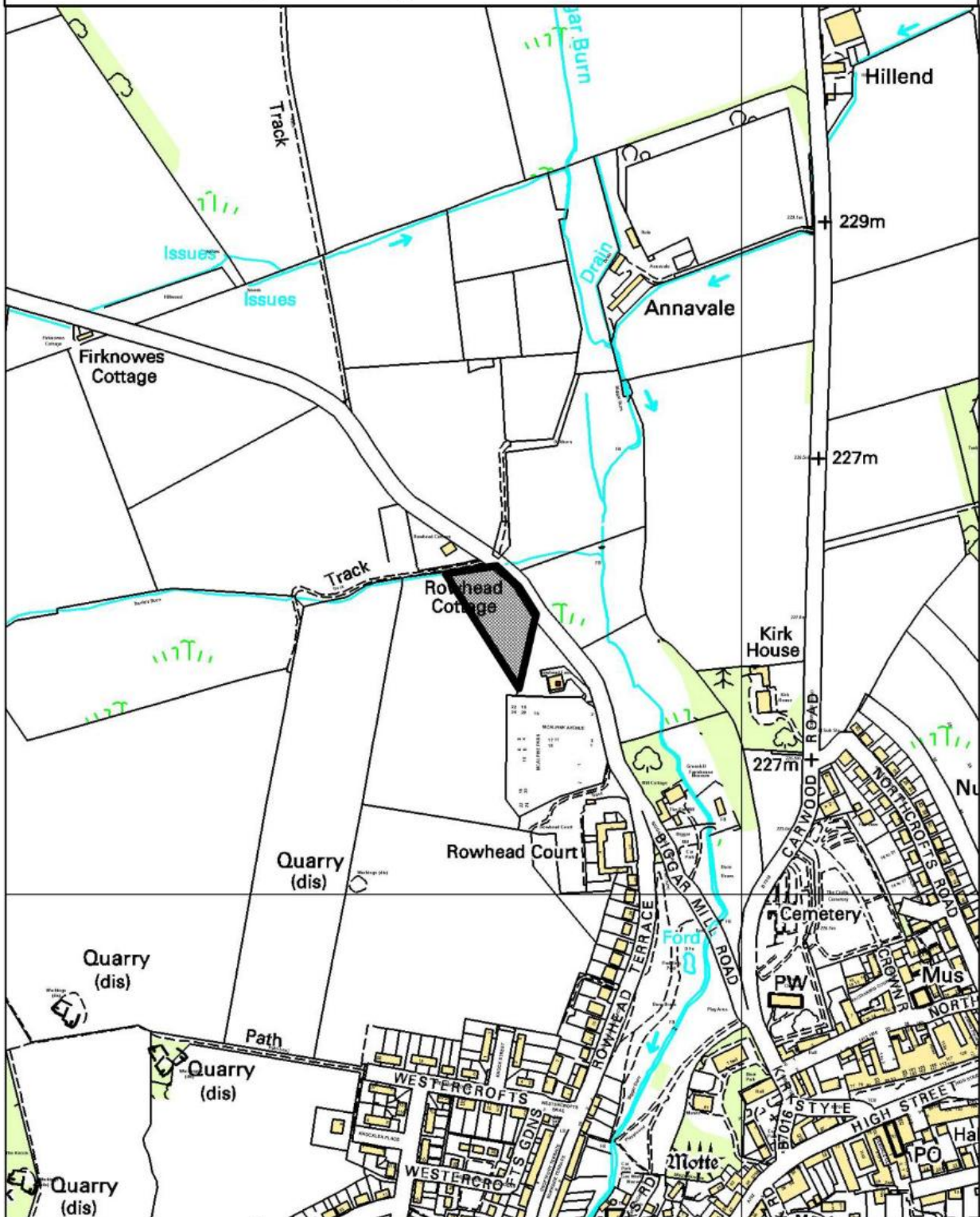
Ian Hamilton, Planning Officer, Floor 6, Council Offices, Almada Street, Hamilton, ML3 0AA  
Phone: 07551 845 733  
Email: [ian.hamilton@southlanarkshire.gov.uk](mailto:ian.hamilton@southlanarkshire.gov.uk)

**Reason for refusal**

01. The proposal would be contrary to Policy 4 (Green Belt and Rural Area) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification, which adversely affects the character of the Rural Area at this location.
02. The proposed residential dwelling on the site would be contrary to Policy GBRA8 (Development of Gap Sites) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The site is not closely bounded on two sides by existing buildings and the proposed dwelling and associated curtilage would be significantly larger than existing plots within the linear group. The proposal would exacerbate the impression of existing ribbon/linear development adversely affecting the amenity of the Rural Area at this location.
03. The proposed residential dwelling on the site would be contrary to Policy GBRA7 (Small Scale Settlement Extensions) of the South Lanarkshire Local Development Plan 2 as it would constitute an inappropriate form of development, without appropriate justification. The development would not round off the existing built form of the settlement nor maintain a defensible settlement boundary, rather it would extend in ribbon like fashion beyond the edge of the settlement, an impression exacerbated by the open nature of the countryside on the east side of Biggar Mill Road, devoid of any existing built development to provide the necessary consolidation and rounding off.

P/22/0819

Land at Rowhead Farm, Biggar Mill Road, Biggar



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Scale:  
1:5,000  
Date:  
21/12/2022



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