

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 12 February 2021 16:12:19

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:12 PM on 12 Feb 2021 from Mr John Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio flats
above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake
[Click for further information](#)

Customer Details

Name: Mr John Hall

Email:

Address: 58-60 High Street, Renfrew PA4 8QP

Comments Details

Commenter Type: Other organisation

Stance: Customer made comments in support of the Planning
Application

Reasons for comment:

Comments: I am the solicitor acting for the applicants.

Further to my earlier comments, I understand some doubts have been expressed about the nature of our clients' offer to donate the remaining woodland to the residents.

I first made this offer by email on 12th September 2016 to the solicitor acting for the residents. It has been confirmed that the general principle of reaching an agreement was of interest to the residents and I have been in correspondence with their solicitors to reach full agreement on the detail. My clients have agreed now to all of the residents requirements but the residents solicitor has still to confirm his clients' final agreement.

The last remaining issue was regarding an area of ground which my clients originally wanted to retain but my clients agreed to the residents request to include that area and this was communicated to their solicitor with fresh plans on 3rd February 2020.

I was last in correspondence with the residents solicitor before Christmas last where he advised me that his clients had found it difficult to meet to discuss this with him due to the current Covid restrictions but it is still very much a live issue.

I remain of the view that this would be of great benefit to the residents.

I am not able to publish any emails which I have received from the residents solicitor as these are confidential however I am happy to share my correspondence and plans and I have submitted these this afternoon to the Planning Department via email.

Law, Aileen

From: Suzanne Bagnall c/o John Hall
Sent: 12 February 2021 16:15
To: Planning
Cc: John Hall
Subject: FAO Jim Blake - Planning Application - Land at Bothwell Road, Hamilton -
Attachments: Council Submission 12.02.2021.pdf

Hi Jim,

Further to John's additional comment this afternoon, I attach the correspondence and plans he refers to for your records.

John has no problem with this being made available on the portal but was unable to see a way to attach them to his comment. Would you be able to add them to the application portal please?

Kind regards,

Suzanne Bagnall
Solicitor
McAuley, McCarthy & Co.
58-60 High Street, Renfrew, PA4 8QP

Please note our office is no longer in DX.

This email may contain confidential or legally privileged information. If you have received this e-mail message in error you are requested to contact the sender immediately, delete the message from your computer and not to disclose or make use of this information. If the content of this message does not relate to the official business of this firm it is neither from nor endorsed by this firm.

Suzanne Bagnall

Subject: FW: Chaudhary - Hamilton Plan
Attachments: doc20200131093104140187.pdf; doc20200131093009140185.pdf

-----Original Message-----

From: John Hall

Sent: 03 February 2020 15:54

To: [REDACTED]

Cc: Suzanne Bagnall [REDACTED]

Subject: FW: Chaudhary - Hamilton Plan

Hi [REDACTED]

My clients have produced a new plan which I attach.

They are offering to transfer the two green areas and the yellow area outright to your clients subject to the other points previously discussed being included in the overall agreement. They have moved away from the yellow area simply being subject to a no build agreement and hopefully that will give your clients the further reassurance they seek.

Can you please take instructions and get back to me?

This email is not intended to be binding or contractual in effect.

Best wishes,

John.

John Hall.

Partner.

McAuley McCarthy & Co.

58-60 High Street, Renfrew, PA4 8QP
[REDACTED]





McAuley McCarthy & Co.

From: McAuley McCarthy & Co. [REDACTED]
Sent: 12 September 2016 11:17
To: [REDACTED]
Cc: [REDACTED]
Subject: Shahid Chaudhary & Shahida Chaudhary v Ian Brown and others - Application under the Title Conditions (Scotland) Act 2003-Ground on the North East side of Bothwell Road, Hamilton. Lands Tribunal for Scotland Ref: LTS/TC/2015/0021
Attachments: doc20160912111606034099.pdf

Sent on behalf of John Hall: -

Hi [REDACTED]

I have met with my clients and I have put to them a proposal for settling this matter between our respective clients which I think would be to the best advantage of all parties concerned.

I presume you already have a copy of my clients Title Sheet LAN149904 and you will therefore know the extent of the ground in their ownership.

I enclose a scanned copy of the Title Plan on which I have crosshatched in black the areas to the South West and North East of your clients development. My clients are prepared to gift these two areas to your clients in exchange for your client's withdrawing their objections to this Tribunal application and to supporting our clients future planning application for the development of the ground remaining in their possession. My clients are proposing to apply for a very small development of detached villas on this area. The rough outline of what I propose is as follows:-

1. Your clients create a Trust to hold the Title to the two areas of ground in perpetuity specifically to be maintained and used for the benefit and recreation of all the proprietors both of your clients development and any successors in ownership of the ground remaining in our clients possession.
2. The Title will be burdened to ensure that the ground will be preserved in all time coming for woodland and amenity and will not be subject to any further development.
3. If everything was agreed between our respective clients in a binding contract between ourselves there would be no actual conveyance to the Trust until the planning application was approved however I would not be suggesting that we make the transfer to your clients conditional on the approval or otherwise or if the Council find other reasons to reject the application. My clients would simply ask your clients to support their application rather than object to it.

I would be grateful if you would canvas this with your clients and let me know if it is of any general interest to them. I am sure that there would be matters of fine detail which would need to be discussed and addressed however I am sure that they could all be worked out.

This email is not intended to be contractual in effect and is not to be taken as binding upon my client.

Best wishes.

John

John Hall, Partner

Direct Email: [REDACTED]

From: Planning
Sent: 05 February 2021 13:25
To: Planning
Subject: Comments for Planning Application P/21/0029

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 1:24 PM on 05 Feb 2021 from Mr John Hall.

Application Summary

Address: Land 120M Northeast Of 55 Bothwell Road Bothwell Road
Hamilton South Lanarkshire

Proposal: Erection of two dwellinghouses with associated studio
flats above attached garage, raised decking at rear and
formation of access.

Case Officer: Jim Blake

[Click for further information](#)

Customer Details

Name: Mr John Hall

Email:

Address: McAuley McCarthy & Co 58/60 High street Glasgow

Comments Details

Commenter Type: Other organisation

Stance: Customer made comments in support of the Planning
Application

Reasons for comment:

Comments: I am the solicitor acting for the applicants and I have
been involved with this site from its original acquisition.

The applicants have made every effort to produce a
proposal which balances their right to a reasonable use of
their property with surrounding issues such as
conservation, amenity and wildlife.

I note that none of the objectors have made reference to
the applicants offer to the neighbouring residents to
donate and convey title to them of the remaining areas
of woodland outwith the proposed development. This
offer was made by me on the applicants behalf. It would
allow the residents to take direct control of the care and
maintenance of the woodland area but so far they have
declined to accept it although the offer remains on the
table to this day.

The contribution from Scottish Forestry and the Tree
Survey Report commissioned by the applicants make it
clear that there is a path whereby the proposed

development can proceed in a sympathetic manner and for the ultimate benefit of the woodland and the neighbouring proprietors.

Many objectors appear to consider my clients private property as their amenity ground but there is no titular basis for this. There is no legal connection between the neighbouring flats and the development site.

Reference was made to the Lands Tribunal case which remains sisted pending the consideration of the applicants offer to donate the woodland to the residents mentioned above as it has always been the applicant wish to progress through consensus rather than dispute. Should agreement not be reached the Tribunal case will resume and the applicants fully expect to be successful in that.

The woodland area has no commercial value as such and in fact is a financial burden in the absence of any reasonable prospect of development and it is neither fair nor reasonable for objections seeking to preserve unentitled amenity at the applicants expense.

Previous planning concerns regarding access to the site have now been addressed and the applicants have worked hard to put in place access arrangements which are safe and which will have no significant impact on traffic flow as some objectors have suggested.

I would submit that any objections on grounds of privacy or prospect be disregarded as not being legitimate or reasonable. Most objectors are residents of a relatively recent flatted development about which many of the concerns expressed could equally have been made.

I am more than happy to support this application.