

**From:** Planning  
**Sent:** 08 February 2021 15:10  
**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 3:10 PM on 08 Feb 2021 from Mr Donald MacLellan.

## **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

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## **Customer Details**

**Name:** Mr Donald MacLellan

**Email:**

**Address:** 54 Hamilton Park North Hamilton

## **Comments Details**

**Commenter Type:** Member of public

**Stance:** Customer objects to the Planning Application

**Reasons for comment:**

**Comments:** I refer to the above Planning Application.

Over recent years a number of applications concerning this site have been made by the owner. All have been rejected.

Under the current "Design Statement" submitted by the applicant's agents, statements of intent have been made, presumably to overcome the rationale for previous rejections.

These statements will either be genuine or a non binding strategy simply designed for the current proposal to receive a more favourable hearing than previous planning attempts.

Either way, they are meaningless unless legally binding.

In particular, I refer to the following within the "Design Statement"

"Of the remaining area, the applicant will retain the area

within the red line boundary of the application site. The applicant is prepared to gift the remaining areas of woodland in their ownership (out with the red line boundary) to the residents of Hamilton Park South so that this local amenity can be controlled and enjoyed by the local residents"

If genuine, the applicant will have no hesitation in ensuring a legally binding commitment to this statement of intent, which binding commitment would require to be suitable and acceptable to the residents of Hamilton Park South, prior to any consideration being given to development plans.

While the production of any legal agreement falls outwith the remit of South Lanarkshire Planning Department, presumably any such agreement can be formulated between the parties representing the Applicant and the residents of Hamilton Park South and form an essential part of any planning decision.

Such action would test the veracity of the Design Statement which, on the face of it, appears full of non binding intent and short on accountability.

Examples of this would be:

- The figure of 84% of the site being retained as managed woodland appears inaccurate.
- .... "the proposal to properly manage the remaining 84% of the woodland will have a net beneficial impact on the locus" This is in conflict with the response from Scottish Forestry stating the action proposed would result in a net loss.
- The proposal to properly manage the woodland in the future suggests it is not properly managed currently - despite the fact it is owned by the applicant. This could suggest more of a concern for a favourable response to the planning application rather than any concern for the locus.

All of the above does not negate the current objections which have been raised and which would presumably persist even after the applicant had made such a commitment. It would, however display the applicants intentions, if true.

I believe this planning application should only be considered in the following circumstances and order:

- 1) No consideration of this application should be given by South Lanarkshire Planning Department until an official and binding commitment, acceptable to Hamilton Park South residents, is received from the applicant stating that all terms in the Design Statement will be fulfilled.
- 2) Should this fail to materialise, South Lanarkshire Planning Department assume the Design statement is a tactic rather than a commitment and treat all terms of the Design Statement as dubious.
- 3) Even if an official statement as outlined above is given to South Lanarkshire Planning Department, all objections received for other reasons would be fully considered.
- 4) Any planning consent (after full consideration of all

objections received) would be subject to the legal transfer of ownership, acceptable to Hamilton Park South residents, of all agreed areas prior to the commencement of any works.