

From: [Planning](#)
To: [Planning](#)
Subject: Comments for Planning Application P/21/0029
Date: 28 January 2021 12:13:06

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

Comments were submitted at 12:13 PM on 28 Jan 2021 from Mrs Kate O'Connor.

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: Mrs Kate O'Connor

Email:

Address: 71 Hamilton Park South Bothwell Road Hamilton Park
South Hamilton

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I am formally submitting my objections to the proposed development detailed above based on the following:-
(a) Existing Use - Although not directly relevant to Planning Approval, as background to my objection, this site is designated as Amenity Land for the 40 flats at Hamilton Park South (HPS) and a Title Burden prohibits development of any kind. In January 2016 the owners of the site applied to the Land Tribunal for Scotland to have the title burden removed. In response the residents of HPS engaged a Solicitor who lodged an objection to any amendment to the title on our behalf. This was based on protection of the natural environment and safeguarding access to local amenity land. This objection remains in place.
(b) Right of Way - The designation of the site as Amenity Land implies that access rights to woodland in favour of residents of HPS exist and 'Prescriptive Servitude' could be applied for to gain permanent access as the rights have been in existence for over 20 years without interruption. Statutory access rights already exist in favour of the public at large and the site is an established public link between

Bothwell Road (Public Park) and Hamilton Race Course, Palace Grounds and Strathclyde Park. There are gates in the perimeter fencing at Hamilton Park North to encourage unhindered access to Greenspace with families and dog walkers crossing the site on a daily basis. The site has therefore connected 2 public places for over 100 years.

(c) No Environmental Statement has been submitted however a Survey commissioned by the National Trust for Scotland and verified by the National Biodiversity Network (Scotland) records that a great variety of birds and wildlife use this site and the surrounding area as their natural habitat. They include Buzzards; Goldfinch and Greenfinch (protected under Wildlife Countryside Act 1981); as well as a wide range of common birds such as Rooks; Robins; Blue Tits; Gulls and Woodpigeons. In addition Bats; Deer; Toads; and Squirrels also inhabit this particular site.

(d) Woodland - Scotland has only 18% of tree cover (with only 4% classed as Native woodland) compared to 37% in Europe. There is concern not only about tree removal but infrastructure damage to the root system when trees are removed.

There is strong evidence that trees make a major contribution to the Eco system and bring benefits to local communities including :- Improved physical and mental health; Recreational; Carbon Storage; Cleaner Air; Longer Life Expectancy; Reduced Stress; and Increased Property values. Woodlands also provide food and shelter to thousands of plants and animals.

(e) Tree Preservation Order - TPO - The site is covered in ancient woodland tracing back to the Duke of Hamilton Estate and is protected by a Tree Preservation Order to protect the natural environment;

(f) Climate Change - The Scottish Government is at the centre of a Climate Change Emergency and is committed to protecting woodland and increasing tree coverage. The COP26 International Conference event being held in Glasgow later this year confirms this acknowledgement of the Climate Emergency and the fact that we need woodlands now more than ever. The removal of any Greenspace and trees contravenes the Climate Change Agenda.

(g) No Flood Risk Assessment (FRA) has been submitted and the site is designated as Medium

Risk on the SEPA Flood Maps. Regular local flooding is evident, especially on the eastern area of the site where the proposed new buildings will be located. As neighbours we have a concern how the developer might reroute the flooding displaced by any new build to prevent it encroaching on our land.

(h) Zoning - The site is zoned as 'Green Network' in the South Lanarkshire Local Development Plan Settlement Maps and not Housing.

(i) COVID - During current COVID 19 restrictions the Scottish Government is encouraging people to take exercise outside and near their homes to limit transfer of infection. This land is utilised on a daily basis by the public to access green space for fresh air and exercise and any development will prohibit this use.

(j) Overlooking/ Loss of Privacy - Although the proposed development is Low Density the North facing gable wall of the house adjacent to Hamilton Park South development

would be only 10 metres from the dividing fence at Hamilton Park South and only a further 1 ½ metres from the Hamilton Park South building. This proposed gable incorporates 1 window and 2 sets of Double Patio Doors at ground level, and 3 windows and a balcony at first floor level. All of these windows will directly face onto the gable of the 8 flats in Hamilton Park South which have large floor to ceiling windows.

The new development will therefore result in overlooking and a loss of privacy for the 8 flats looking directly onto the proposed development - Nos 61,63, 67,69, 73, 75, 79, 81. It will also result in a loss of light and overshadowing especially for the flats on the lower levels.