

Montmerie Park Simplified Planning Zone - Statement of Decisions

Intention to Adopt without Material Modifications

The Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995

North Ayrshire Council have summarised all objections received to the Montmerie Park SPZ by the issues raised within the following table with reasons for each decision relating to the issues raised.

Total number of representations received = 21	
Summary of issue raised	Council response/ reason for decision
<p><u>Impact on Amenity</u></p> <ul style="list-style-type: none"> • Impact on residential amenity from increase residents. • Proximity to existing development – some representations wish to see a path behind fence line to separate developments. • Building heights adjacent to existing residential properties. • Impact daylight and overshadowing • Privacy and Overlooking 	<p>The SPZ does not change the land use zoning for the site, which is allocated for residential use, and has been since it was included in the housing land supply in 1989 in subsequent development plans. Residential development at this location is acceptable in principle.</p> <p>All infrastructure implications of the development of the wider Montmerie Park have been considered in development plans dating back to the identification of the site for residential purposes; and in the development of the project and wider management of development at Montmerie Park. The Council has committed a capital allocation towards provision of infrastructure to support the development of the site and a new Montmerie Park school, in the Council’s capital programme – both of which are dependent on the development proposals. The SPZ documents outline infrastructure requirements of the developer.</p> <p>In terms of impact on existing properties, conditions in the SPZ would ensure that overlooking, loss of daylight and privacy are addressed by including a range of pre-development conditions. If the developer does not comply with the SPZ conditions, then the development does not benefit from planning consent.</p> <p>Daylight test were carried out when preparing the SPZ and the tests confirmed that the existing levels (from topographic survey May 2019) and conditioned separation distances would not result in a significant detrimental impact to residential amenity. All level changes have to be agreed in writing with the Planning Authority before development can commence on site.</p> <p>The impact on privacy and overlooking is not considered to be of an extent that would have a significant detrimental</p>

	<p>impact on amenity as it would not be greater than the current situation of neighbouring properties within existing developments. In addition, the SPZ requires a minimum window to window separation distance of 18 metres and a condition has been amended highlighting existing boundaries with residential properties as sensitive and where possible finished floor level within the SPZ should reflect those of existing adjacent properties on these boundaries.</p> <p>The SPZ contains a condition that proposed dwellings along boundaries shared with existing dwellings cannot be more than 2 storeys in height and there is a 'cover-all' condition that requires a minimum separation distance between dwellings of 18 metres. An appropriate residential amenity standard would be maintained.</p> <p>It should be noted that the SPZ does not prescribe the layout of the site; instead it imposes conditions on any prospective developer to ensure that any development provides a sufficient level of residential amenity for existing and proposed properties. It is not considered that the SPZ, as a matter of principle, would create an unacceptable residential amenity standard.</p>
<ul style="list-style-type: none"> • Drainage impact on existing dwellings • Loss of natural flood barrier 	<p>There are conditions in the SPZ to ensure that appropriate drainage infrastructure is provided by the development. This matter would also be addressed within the building warrant process.</p>
<ul style="list-style-type: none"> • SUDS provision and capacity. 	<p>SEPA and NAC Flooding have not raised any objections on flooding or drainage grounds and the conditions proposed within the SPZ are considered appropriate for the scale and nature of the development and location.</p> <p>SUDS ponds are already in place and have enough capacity. No objections have been raised by SEPA or NAC Flooding in this respect.</p>
<ul style="list-style-type: none"> • Loss of footpaths • Loss of greenspace does not comply with the LDP. • Impact on landscape and environment • Lack of open space 	<p>The SPZ is conditioned so that the site would remain well connected with all existing footpaths remaining open. The development would improve connections through the site by providing a walking and cycling route from the existing development. No footpath route will be lost as a result of the SPZ. The existing footpath will form part of the proposed road.</p> <p>The woodland and Regalia Park remain within proximity to the development and the development would improve accessibility and ensure the site would be well connected. A stage 1 habitat appraisal has also been carried out which is accounted for within the SPZ conditions therefore</p>

	<p>mitigating any significant impacts.</p> <p>The development is not considered to have a detrimental impact on the landscape. Conditions within the SPZ would ensure the development will be developed with the surrounding environment in mind.</p>
<ul style="list-style-type: none"> • Increase in traffic and pollution. • Light pollution 	<p>The development is conditioned so that it would be in accordance with Designing Streets, the National Roads Design Guide and NAC Roads guidance which ensures that all proposed roads would be safe and would be designed to accommodate traffic flow. Any increase in pollution would not have a significant impact on air quality given the nature and density of the development of the SPZ proposal.</p> <p>The development proposed is not considered to be out of character within a residential setting and raises no significant concerns in relation to light pollution.</p>
<ul style="list-style-type: none"> • Type and tenure of housing proposed 	<p>The SPZ does not identify a preferred tenure for new houses. It is expected that the site would be marketed for private market houses, which is in line with the expected contribution of the site within the housing land audit. It is vital that sites contained in the housing land audit produce an effective supply of new houses to meet housing need and demand in the North Ayrshire housing market area.</p>
<ul style="list-style-type: none"> • Impact of house values 	<p>The impact of development on existing house values is not a material planning consideration and cannot be considered in determining planning proposals.</p>
<ul style="list-style-type: none"> • Construction noise and dust 	<p>Impact of construction on the existing area is time limited and not a material planning concern. Any concerns about adverse noise issues could be addressed through the relevant Environmental Health legislation.</p>
<ul style="list-style-type: none"> • Parking for new school 	<p>The school is out with the control of the SPZ and would be managed by separate consultative, development management and transportation processes.</p>
<ul style="list-style-type: none"> • Change to the proposed primary route from the 2003 masterplan 	<p>The changed direction complies with modern road standards to avoid a large section of straight road that could be used as a through route by road users out with the development. The new route and proposed path ensure safety through design and maximise the quality of place.</p>
<ul style="list-style-type: none"> • That the road from Long Drive is not complete 	<p>The road to Long Drive would be completed as future phases of Montgomerie Park are released. The SPZ development would kickstart the first section of this road allowing future developers to complete the link.</p>
<ul style="list-style-type: none"> • Concerns about the funding support for the SPZ and compliance with grant fund conditions 	<p>The Scottish Government provided £30,000 funding for development works related to the implementation of a pilot Simplified Planning Zone. Criteria related to the funding, required the Council to meet the stages of the regulations related to SPZ implementation. The Council</p>

	has worked with the Government throughout the process.
<ul style="list-style-type: none"> Complaints about the consultation processes undertaken, including that incomplete information was published, site notices were inadequately located and placement of material on websites 	<p>The Council's progression of work related to the SPZ has met, and indeed, exceeded statutory requirements in relation to consultation; and the Council has worked in partnership with Scottish Government to ensure compliance. In addition, the Council undertook consultation on the SPZ through the emerging Local Development Plan. Sites notices were placed at 10 locations around the site, and press notices were published to advertise the consultation, in line with statutory procedures. The SPZ was publicised on both the Council and community planning websites. The information published is a draft, as required by legislation at the current stage of preparation of the SPZ; however, all information related to the consultation was published online and in a sufficient form to allow comments by members of the public. There were no incomplete forms published with the consultation.</p>
<ul style="list-style-type: none"> Clarity if flats are permitted by the SPZ and that no sensitivity has been given to Persimmon and David Wilsons Homes development whilst Morven Lodge has been highlighted within the SPZ as a sensitive receptor. 	<p>Residential development is permitted by the SPZ to provide flexibility to the market. Flats have not been ruled out of the SPZ Scheme. The reference to Class 9 houses has been removed to clarify this point and height restrictions are in place to ensure development does not exceed 3 storeys in height; and no more than 2 storeys in height adjacent to existing residential properties.</p> <p>Morven Lodge has been highlighted as a sensitive location as three boundaries of Morven Lodge may be impacted by the development. Therefore, to ensure this property will not have a significant detrimental impact from the SPZ, extra sensitivity is highlighted as a consideration through the scheme. It is not uncommon in housing developments for gardens to be back to back. However, to address consultation concerns the existing dwellings have also been highlighted as a sensitive location within the concept masterplan to address residents' concerns. As such, any developer would have to consider this within their design.</p>
<ul style="list-style-type: none"> Residents do not want a failed development similar to Ladeside Gardens, Kilbirnie. 	<p>Ladeside was a self-build development. It was not a SPZ. The site is to be sold to a housebuilder not individuals.</p>
<ul style="list-style-type: none"> Residents do not want to share back fences. 	<p>This is not a requirement of the SPZ and relates to legal titles.</p>
<ul style="list-style-type: none"> An extension to the bus service is not required 	<p>To ensure a sustainable and well-connected development it is important that the existing bus route is extended to ensure public transport coverage for all. SPT has indicated support for such an extension of the route.</p>
<ul style="list-style-type: none"> Lack of school and shops 	<p>Sites have been allocated for a new school and commercial facilities within Montgomerie Park. These facilities would be delivered separately from the SPZ.</p>
<ul style="list-style-type: none"> Loss of view 	<p>Loss of view is not a material planning consideration.</p>

<ul style="list-style-type: none"> • Ongoing factoring issues within Montgomerie Park 	<p>Ongoing factoring issues are out with the terms of the SPZ.</p>
<ul style="list-style-type: none"> • The opening of the pedestrian access at Ladyacre Wynd – fear that it would attract anti-social behaviour 	<p>This link is currently closed off by a fence but was earmarked for future access. The re-opening of this route would ensure an accessible and well-connected development for both existing and new residents’ Concerns about anti-social behaviour should be referred to the Police. The SPZ is conditioned so that houses will front this path to provide active surveillance.</p>
<ul style="list-style-type: none"> • Impact on trees and shrubs along boundary at Morven Lodge, and future maintenance 	<p>Any trees and shrubs out with the Council’s ownership and the SPZ boundary remain in the control of the owner and would not be removed as part of the development.</p> <p>A landscape plan is required as part of the SPZ and would take account of existing trees and shrubs. Morven Lodge is identified as a sensitive location and developers must demonstrate sensitivity to this property including its boundary. A minimum separation distance is also required as part of the SPZ scheme which will mitigate any detrimental impacts.</p> <p>Access for maintenance would have to be agreed with the landowner. However, it is within the developer’s interest to ensure existing trees and shrubs can be maintained.</p>
<ul style="list-style-type: none"> • The Sensitive Boundaries identified should not just cover Morven Lodge. They should be extended to cover all residential boundaries. • Morven Lodge only two boundaries have been identified as sensitive. 	<p>This change has been incorporated within the SPZ based on consultation feedback.</p> <p>The SPZ boundary does not extend past those two boundaries identified and, as such, the other two boundaries cannot be included within the SPZ Scheme.</p>
<ul style="list-style-type: none"> • SPZ does not comply with Policy 14 of the LDP: Green and Blue Infrastructure 	<p>The SPZ is considered to comply with Policy 14: Green and Blue Infrastructure. The SPZ promotes a well-connected place with footpath/cycle links to the woodland and Eglinton Park remaining. The use of rain water harvesting and bioretention of surface water is also a condition within the SPZ.</p>