
NORTH AYRSHIRE COUNCIL

2nd October 2019

Planning Committee

Title: Adoption of the Montgomerie Park Simplified Planning Zone (SPZ)

Purpose: This report seeks the approval of the Planning Committee to adopt the proposed Montgomerie Park SPZ with no modifications, subject to minor editorial changes that may arise.

Recommendation: That the Planning Committee adopts the Montgomerie Park SPZ with no modifications, subject to referral and clearance from Scottish Ministers.

1. Executive Summary

- 1.1 This report seeks the approval of the Planning Committee to adopt the proposed Montgomerie Park Simplified Planning Zone.
- 1.2 The SPZ Scheme was prepared in conjunction with the Scottish Government as part of the Simplified Planning Zone pilots which will inform the introduction of Masterplan Consent Areas (which will replace SPZ's) through the new Planning Act.

2. Background

- 2.1 Montgomerie Park has been allocated for residential development dating back to approximately 1989. To date 5 sites (totalling 481 dwellings) have been delivered for within Montgomerie Park dating from 2004 through to 2016, with the Persimmon development being the most recent. Since the recession build rates have slowed across North Ayrshire and within Montgomerie Park with a large area (approximately 450 homes) have remained undeveloped with low values and limited commercial interest.
- 2.2 To kickstart the delivery of homes, and to adopt an innovative approach to large scale housing delivery, Council officers secured £30,000 grant funding in 2017 from the Scottish Government to support development costs to make and deliver a pilot Simplified Planning Zone. North Ayrshire is one of three Local Authorities participating in the pilot, however, we the only one utilising the SPZ as a method of delivering major scale residential development. As such, the Montogmerie Park is unique and will help inform the implementation of the recent Planning Act and Masterplan Consent Areas. This incentive is part of a wider approach to placemaking in Montgomerie Park, which includes the Council's capital programme committing £4.6m to supporting

development at the remaining undeveloped portions of land at Montgomerie Park, and a new school at Montgomerie Park – all of which are integral to supporting the total package of investment in placemaking at Montgomerie Park.

- 2.3 An SPZ has a defined development boundary where certain types of development are granted planning permission upfront by providing a framework for certain land uses and development the Council wants to achieve in that area. If developers comply with the SPZ Scheme they do not need to apply to the Local Authority for Planning Permission. The SPZ Scheme sets out pre-commencement conditions and notification processes to allow officers to check, before work commences on site, that the proposed development complies with the conditions and terms of the SPZ Scheme.
- 2.4 If the developers do not comply with the scheme, they do not have planning consent and the works will be unauthorised and subject to enforcement action in line with the Council's Enforcement Charter. The Council seeks to market the land to a volume housebuilder, and it is envisaged that a volume housebuilder would not want to proceed without complying with the SPZ Scheme as any such development would not have planning permission. The Council's ownership of the land provides additional control mechanisms to ensure high quality development.
- 2.4 To stimulate development interest, and maximise land value, rather than setting out onerous conditions and limitations to control development, officers have sought, in conjunction with the Scottish Government, to provide a framework ensuring aspects that are most important are protected and considered within the development. Full details of the SPZ conditions are contained within the attached SPZ Scheme, which include that: -
- there is a clear road hierarchy,
 - a new primary road is delivered which can accommodate a bus service and will eventually connect through to Long Drive as development of the remaining land continues,
 - that boundaries along existing dwelling houses are designed sensitively with an 18-metre separation distance and a maximum build height of two storeys,
 - that footpaths links remains open and
 - that rainwater harvesting is incorporated within the development.
- 2.5 The making of a SPZ is a statutory process. The Montgomerie Park SPZ Scheme has been prepared in line with the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995.
- 2.6 Pre-deposit consultation on the making of the SPZ was carried out initially with statutory consultees SEPA, NAC Flooding, Scottish Water, Scottish Ministers, The Coal Authority and NAC Roads from July 2018. There is no Community Council covering Montgomerie Park, however, the Local Development Plan included Montgomerie Park as a Strategic Development Area and highlighted the remainder of Montgomerie Park as a Strategic Housing Growth Area with the inclusion in part of a Simplified Planning Zone. The Local Development Plan was widely consulted with public consultation event held within the Portal, Irvine and publicised on social media. In addition, a workshop on the SPZ was held at the Hallmark Hotel in May 2017, and publicly advertised, to provide information and seek views from interested parties.

- 2.7 The site has been subject to a Stage 1 Habitat Appraisal, topographic surveys, constraints mapping, archaeological investigations and ground surveys. An Environmental Screening Opinion has been adopted to state that an Environmental Impact Assessment is not required as the development does not raise any likely significant environmental impacts.
- 2.8 On the 14th of August 2019, in line with the requirements of the legislation, the proposed SPZ was advertised within the local paper and the Edinburgh Gazette for two consecutive weeks. All previously consulted consultees were re-notified and invited to make comment on the proposed scheme and site notices (8 in total) were placed on or near the land proposed to be included within the SPZ for a period of at least 6 weeks.
- 2.9 The consultation period ran from the 14th August until the 25th September. Objections have been received on the proposed Montgomerie Park SPZ Scheme; all of which are from members of the public. No statutory consultees raised any objections to the SPZ Scheme.
- 2.10 As a result of the consultation, additional conditions were placed in the scheme to ensure that, in addition to maintaining separation distances from existing properties that would be imposed through planning permission, those houses bounding adjacent residential properties would not exceed two stories in height.
- 2.11 No other issues were raised in consultation that are not addressed through proposed conditions or are matters that alter the recommendations. It should be noted that consultation procedures have been undertaken in excess of that required by regulations; and that the site is already an established residential allocation, which has predated all phases of development adjacent to the site. A full summary of the points raised through representations, and the Planning Authority's response, can be viewed in Appendix 2, which demonstrate that the SPZ will not result in an unacceptable impact on residential amenity for existing or new residents, and that the consultation process were in line with, or in excess of, statutory requirements.
- 2.12 Subject to the recommendations in this report being accepted, the Council will place notices in accordance with regulations and notify Scottish Ministers of the intention to adopt the SPZ. Scottish Ministers have 28 days from being notified to respond, failing which the SPZ will become adopted, and will be in place for 10 years from that date.

3. Proposals

- 3.1 That the Planning Committee adopts the Montgomerie Park SPZ with no modifications, subject to referral and clearance from Scottish Ministers.

4. Implications/Socio-economic Duty

Financial:	None. SPZ pilot has been funded through Scottish Government funding of £30, 000, which may require to be repaid if the SPZ is not adopted.
Human Resources:	The work was undertaken from existing staff resources

Legal:	The Montgomerie Park SPZ Scheme has been prepared in line with the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Simplified Planning Zones) (Scotland) Regulations 1995.
Equality/Socio-economic Duty:	No implications.
Children and Young People:	No implications.
Environmental & Sustainability:	The site has been subject to a Stage 1 Habitat Appraisal, topographic surveys, constraints mapping, archaeological investigations and ground surveys. An Environmental Screening Opinion has been adopted to state that an Environmental Impact Assessment is not required as the development does not raise any likely significant environmental impacts.
Key Priorities:	The Montgomerie Park SPZ provides a strategic framework and an innovative approach to housing delivery whilst supporting the delivery of a number of Council Plan priorities, particularly 'Inclusive, growing and enterprising local economy', 'Affordable, modern and well-designed homes that meet residents needs', 'Vibrant, welcoming and attractive Places' and 'A Sustainable Environment'.
Community Benefits:	No direct procurement implications arising from the recommendations.

5. Consultation

- 5.1 The SPZ Scheme has been consulted in line with statute and has also been supported by the proposed Local Development Plan, as intended to be adopted in October 2019 after approval from the Local Development Plan Committee on the 17th September 2019, which has undergone consultation which exceeded statutory requirements.
- 5.2 Pre-deposit consultation on the making of the SPZ was carried out initially with statutory consultees SEPA, NAC Flooding, Scottish Water, Scottish Ministers, The Coal Authority and NAC Roads from July 2018. There is no Community Council covering Montgomerie Park. However, the Local Development Plan included Montgomerie Park as a Strategic Development Area and highlighted the remainder of Montgomerie Park as a Strategic housing Growth Area with the inclusion of a Simplified Planning Zone. The Local Development Plan was widely consulted with public consultation event held within the Portal, Irvine and publicised on social media.
- 5.3 On the 14th of August 2019, in line with the requirements of the legislation, the proposed SPZ was advertised within the local and the Edinburgh Gazette for two consecutive weeks, all previously consulted consultees were re-notified and invited to make comment on the proposed scheme and site notices (8 in total) were placed on or near the land proposed to be included within the SPZ for a period of at least 6 weeks.

5.4 The consultation period ran from the 14th August until the 25th September. Objections have been received on the proposed Montgomerie Park SPZ Scheme. All of which are from members of the public, no statutory consultees (SEPA, The Coal Authority and Scottish Water, NAC Roads and NAC Flooding) raised any objections to the SPZ Scheme. A summary of the points raised, and the Planning Authority's response can be viewed in Appendix 2.

RUSSELL McCUTCHEON
Executive Director (Place)

For further information please contact **Joanna Glacken, Assistant Planning Officer**, on **01294 323480**.

Background Papers

Appendix 1: Montgomerie Park SPZ Scheme - Information Document

Appendix 2: Montgomerie Park SPZ Scheme - Consent

Appendix 3: Summary of Representations

simplified planning zone draft scheme

1

montgomerie park, irvine

info



contents

1 SPZ info

A. our place

why an SPZ?

B. i-build

who gets involved?

C. u-build

when can building start?

2 SPZ consent

A. our place

where is the site?

B. i-build

how will Council help?

C. u-build

what is required?

The SPZ has been split into 2 parts. Part 1 provides standard **information** on SPZs whilst Part 2 provides specific details about what we will **consent** for Montgomery Park. Both parts have been divided into **our place**, **i-build** and **u-build** and are as easy to read as A,B,C.

our place

why an SPZ?

advantages

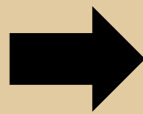
- **proactive** approach by the Council to place making and speed of delivery with development ready land.
- **certainty** for anybody wishing to develop sites, as well as the community, as to what will be allowed by the Council.
- **simple** process to help attract investment to the area.



legals...the small print

- **provisions** - this Simplified Planning Zone (SPZ) scheme has been prepared in line with provisions of Sections 49 and 50 and Schedule 5 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) as amended by the Planning Etc. (Scotland) Act 2006 and the Town and Country Planning (Simplified Planning Zones (Scotland) Regulations 1995 (the Regulations).
- **no planning application required** - detailed designs need only demonstrate compliance with the scheme, and its design conditions.
- **other consents** - the SPZ scheme only grants planning permission. It is the developer's responsibility to ensure compliance with all other relevant legislation. For example, separate approval will be required from the Council for building warrants and Roads Construction Consent.
- **permitted development** - Nothing in this SPZ removes, cancels, or otherwise makes void the national permissions granted by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (the GDPO).

10 years



this is how long the provisions of the SPZ scheme will be valid for from the date of its adoption.

SPZ definition

A SPZ is where, for a particular area, the local authority puts in place a SPZ scheme. This is a document which sets out, and gives, authorisation for the type of development the Council wishes to see developed in that area, along with the conditions and design criteria that must be complied with.

The Council will engage with the community and statutory consultees before finalising the scheme.

When proposals come forward that comply with the SPZ scheme there is no need for the developer to apply separately for planning permission, as the principles have been thought through and the consent is put in place upfront by the Council.

i-build

who gets involved?

roles

- **everyone** has a role from the council to the community including statutory consultees.

The reason for this is because the SPZ follows an inclusive approach. This means that the local community can feel reassured that all the right checks and consultations have been put in place before any development begins.

B

around the table

council

lead role in place making

- commits to creating development ready sites and setting the design requirements

consultees

expertise

- offer views on the draft SPZ scheme to shape the consent and conditions -

community

offer ideas and comments

- opportunity to feed-in local knowledge and ideas as well as voice any concerns



customer

developer or individual

- liaises with the Council and responds to the design requirement – either directly or through an architect or design team.

architect /

design team

designs

- works to create the best design outcome which clearly meets the requirements in the SPZ scheme.

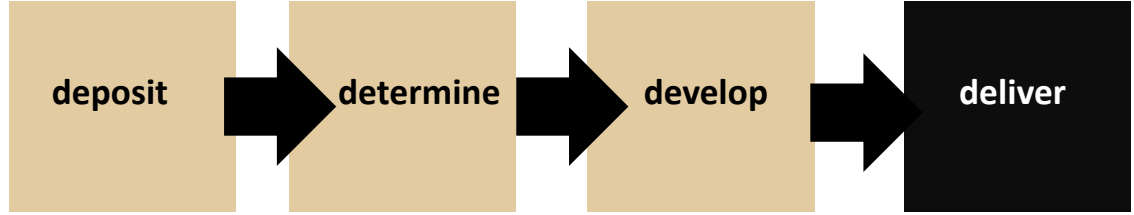
u-build

when can building start?

as soon as...

C

process



forms

- pre-development notification
- commencement
- completion

only

3

forms

Developers notify the Council at 3 key stages

Pre-development Notification

Prior to the commencement of development under the provisions of the SPZ Scheme, it is the developer's responsibility to notify the local planning authority using the Pre-development Notification Form.

It is important that accurate information is provided to allow the Council to ensure that development is in accordance with the SPZ's conditions and for monitoring.

The Council will acknowledge the notification and respond regarding the suitability of any additional information within 14 days.

If the Council doesn't respond in writing within this period, or request further information (with specified reasons) it will be deemed to be mean that the pre-notification requirement has been fulfilled.

Development Commencement

Developers are required to complete and return the Development Commencement form as soon as practical after starting works to carry out development under the provisions of this SPZ Scheme.

Completion

Developers are required to complete and return the Completion notification form when they finish developing the site.

forms

pre-development

1

SPZ Pre-development notification form (page 1 of 4)

1. Contact Details

Developer

Contact Name

Company/organisation

Address

Post Code

Telephone number

Email:

Agent (if applicable)

Contact Name

Company/organisation

Address

Post Code

Telephone number

Email:

forms

pre- development

1

SPZ Pre-development notification form (page 2 of 4)

2. Location of proposed development

3. Details of the proposed development

4. Estimated date works will commence

forms pre- development

1

SPZ Pre-development notification form (page 3 of 4)

Notes for developers

Completion of this form is a mandatory requirement if development is undertaken under the provisions of the SPZ scheme. It is essential that the local planning authority maintains an accurate record of the development activity so that the terms of the SPZ are complied with.

On receipt of this form, the planning authority will

- within 10 working days provide acknowledgement to the agent or developer if no agent is specified. Acknowledgement of the form does not constitute the local planning authority's confirmation that the proposal is compliant with the SPZ.
- within 14 working days respond as to the suitability of the submitted information.

If developers want a formal decision from the planning authority about the proposal's compliance with the SPZ they must apply for a Certificate of Lawfulness of Proposed Use or Development under section 151 of Town and Country Planning (Scotland) Act 1997.

Submitted information

I/we submit the following required information (please tick):

- ☐ Site location plan
(scale 1:1250 or 1:2500)

Other information to comply with the pre-commencement conditions (please tick & attach):

Condition

- ☐ 4 Site Layout
(block plan 1:500 or 1:200)
- ☐ 5 Vehicle swept path
- ☐ 6 Floorplans
- ☐ 7 Elevations
- ☐ 8 Boundary treatment details
- ☐ 9 Hard & soft landscaping scheme
- ☐ 10 Details of all earth movement and proposed level changes
- ☐ 11 Drainage Strategy and Plan
- ☐ 12 Coal Mining Risk Assessment

forms pre-development

1

SPZ Pre-development notification form (page 4 of 4)

4. Developer declaration

I/we

hereby give notice of the intention to carry out development under the provisions of the Montgomerie Park Simplified Planning Zone Scheme.

shall carry out the proposed work in accordance with the details included on this form and the associated scaled plans.

confirm that the development will be undertaken in accordance with the conditions and informatives of the SPZ.

understand that any material variation from the details I/we have provided will require a revised pre-development notification to be made.

understand that the local planning authority may take enforcement action if it considers that the proposed development is not permitted by the SPZ, or is not in accordance with the details that have been provided herewith.

Name:

Signature:

Date:

forms

commencement

2

SPZ Development Commencement form (page 1 of 2)

Notes for developers

A person who has commenced development for which notification has been given under the terms of the SPZ, must, as soon as practicable after starting works, give notice to North Ayrshire Council by returning this completed Notice to:

North Ayrshire Council
Planning
Cunninghame House
Irvine
Scotland
KA12 8EE

01294 324 380

ldp@north-ayrshire.gov.uk

Reference Number

Previous Notification Date

Developer

Proposal

Address

Full name and address of all owners of the property/land to be developed if different from the developer

SPZ Development Commencement form (page 2 of 2)

Full name and address of person(s),
company or body carrying out the
development (if different from
developer):

Full name, address and contact details
of person(s), company or body
appointed to oversee the carrying out of
the development:

Start Date:

Signed

* On behalf of
(delete where inappropriate)

Date

forms completion

3

SPZ Completion of Development form

Notes for developers

A person who has completed development for which notification has been given under the terms of the SPZ, must, as soon as practicable after completion, give notice to North Ayrshire Council by returning this completed Notice to:

North Ayrshire Council
Planning
Cunninghame House
Irvine
Scotland
KA12 8EE

01294 324 380

ldp@north-ayrshire.gov.uk

Reference Number

Previous Notification Date

Developer

Development

Address

Completion Date

Signed

Name

* On behalf of....

Date

Completion quality

monitoring

It is important that the Council are able to monitor development activity, to allow outcomes to be measured and to achieve the SPZ scheme's primary objective of encouraging high quality and sustainable residential development.

Developers must provide information using the pre-development notification process and submit the Commencement and Completion of development forms, to allow progress to be checked and any monitoring to be carried out.

enforcement

Failure to provide accurate information may lead to enforcement action being taken by the Council. If the Council considers that development is in breach of the SPZ Scheme's provisions, or other planning permission, it may take enforcement action. Any action will be undertaken at the Council's discretion in accordance with its [Planning Enforcement Charter](#).

confirmation of compliance

If prospective developers require the Council's formal confirmation that a proposed development is approved by the SPZ Scheme, they can apply for a Certificate of Lawfulness is required together with the requisite application fee (Section 151 of the 1997 Act).

The Council will endeavour to determine applications for a Certificate of Lawfulness in respect of the SPZ Scheme within 28 days. If the application is refused, the applicant will have the normal rights of appeal.

alteration of the scheme

North Ayrshire Council intends the SPZ Scheme to remain unaltered for the entirety of its period of operation (10 years).

However, it has the right to propose alterations to the Scheme including to; add to, remove or otherwise alter the planning controls (under the provisions of Section 53 of the 1997 Act). Any alterations will be subject to further public consultation and will only come into effect 12 months from the date of adoption of any changes.

almost there...

thanks

contact details

North Ayrshire Council
Planning
Cunninghame House
Irvine
Scotland
KA12 8EE

Call 01294 324 380
ldp@north-ayrshire.gov.uk

back page



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

simplified planning zone

2

this SPZ shows North Ayrshire's
commitment to **innovation** by
taking forward a new way of
delivering quality new homes.

montgomerie park, irvine

consent



our place

why an SPZ?

- place
- policies
- preps
- process

A

place

relationship to town centre

Location

- Edge of settlement greenfield site (part of an existing masterplan)

History

- Greenfield

Ownership

- North Ayrshire Council

Size

- Site A - 6.72 acres
- Site B - 7.81 acres

Capacity

- Site A - 65 units (approx)
- Site B - 85 units (approx)

Mix of house types

- Family housing (2-5 beds)



place

drone footage



aerial



os map

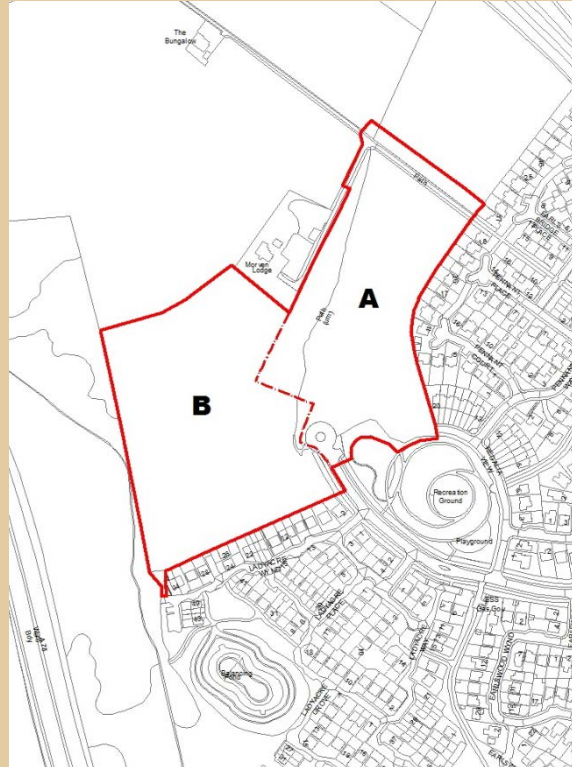
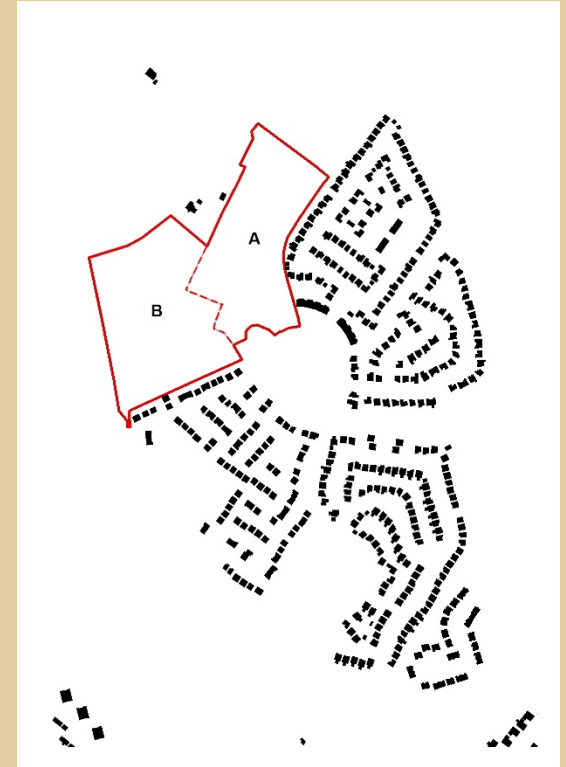


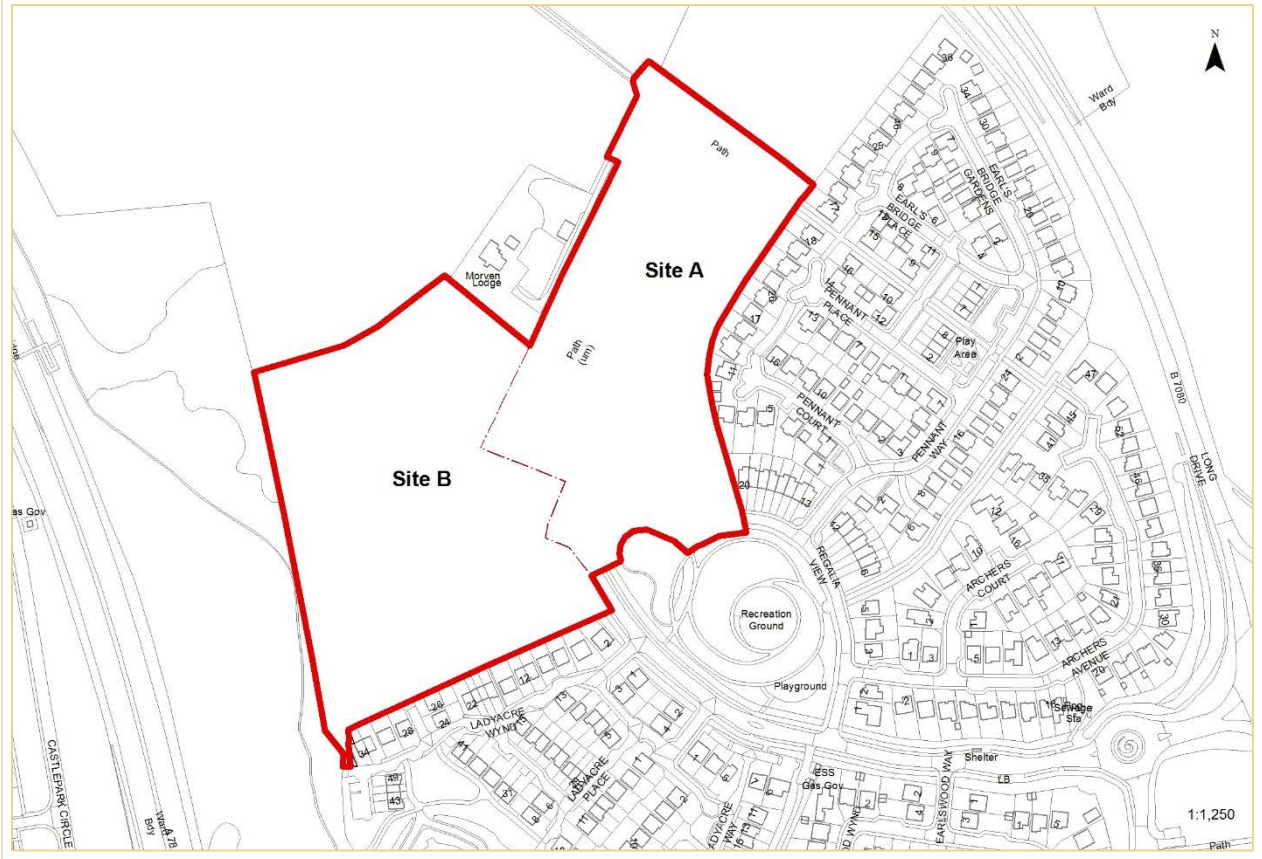
figure ground



spz consent & boundary

this SPZ Scheme grants planning permission to deliver residential development and any associated development required to aid the delivery of new homes.

The SPZ only applies to land within the **red line boundary**.



Existing b-plan

drawings behind the design thinking

b-plan – clearly identifies relationships between existing movement, buildings and space before committing pen to paper.



policies

national & local

We have picked out some of the key policy documents for speed of reference to Montgomerie Park.

planning

National

- [Scottish Planning Policy](#) Planning Policy (SPP) and the [Six Qualities of Successful Places](#)

Local

- [Local Development Plan \(LDP\)](#) North Ayrshire Council's Proposed LDP supports Montgomerie Park as a Strategic Development Area promoting the delivery of housing and an SPZ on site.
- **Design guidance** - North Ayrshire Council's [Neighbourhood Design Guidance](#).

roads

National

- [Designing Streets](#)
- [SCOTS National Roads Development Guide](#)

Local

- [North Ayrshire Council Roads Design Guide](#), which is the adopted guidance for NAC (**Note:** refer to for parking numbers)
- [Key Transportation Areas for Development](#).
- **Key headings:**
 - No. of vehicles per dwelling
 - No of access points
 - Design speeds
 - Carriageway widths
 - Footway widths
 - kerb heights
 - Verge and service strip
 - Distance between speed restraint features
 - Forward visibility
 - Minimum centre line radii
 - Direct vehicular access

building control

The following documents would be expected with a building warrant.

- Proposed Site Plan
- Elevations showing all drainage, materials, structural details, vents etc
- Floorplans – showing the size each room distance to the boundary, position of appliances, electrical points and switches, structural and thermal efficiency details
- Drainage details.
- Structural Certificates
- Electrical Certificates
- Energy Performance Certificate
- Information on construction safety
- Site Investigations/ Ground Conditions Information.
- STAS Certificate if developer part of STAS.

Building Standards accept a STAS certificate as evidence of compliance of the building standards. No further checks, other than local site conditions, are made for a design which has been approved nationally. This results in faster responses and faster approvals of building projects. For further advice about building warrants and STAS, telephone 01294 324348 or email

buildingstandards@north-ayrshire.gov.uk

what's the deal

the scheme

we would like to help your development achieve joint Planning, Road Construction Consent (Stage 1) and Building Warrants.*



***the SPZ scheme only grants planning permission, However, to help you we have provided lists of all the information that you will need to provide to achieve the above.**

i-build

how will the Council help?

masterplan

North Ayrshire Council are committed to helping speed up the delivery process by helping you as much as possible

we have set out diagrammatically existing infrastructure, our future committed investment plans for Montgomerie Park as well as a Concept Masterplan of what we consider to be the important for place and design that must be considered when developing the site

B

preps.

these are lists of all the preparation work we have covered.

physical

Ground i.e. gradient/slope & condition

- All surveys undertaken :
 - Topographical survey (2019)
 - Preliminary Environmental Assessment 2019 (includes Habitats Survey phase 1)
 - AECOM mineral conditions (mapped) (including constraints map & ground stabilisation).
 - Coal Mining Risk Assessment will be required – see conditions
- Note:** Potential developers may wish to carry out further survey work as due diligence.

Water

- AECOM Drainage strategy
- Flood Risk Assessment (FRA) - not required.
- Site specific Drainage Strategy is required – see conditions.

Waste

- Connections (shown on map)
- Foul Water Sewerage connection (shown on map).
- Surface Water Connection (shown on map)

Wires

- Services available i.e. electrical and telecom (shown on map).

Note: Montgomerie Park is served by superfast fibre broadband (speeds up to 24mbps). Plus Stanecastle Exchange has capacity).

Ecology

- Stage 1 Habitat Survey

Designations

Local Nature Conservation Site (woodland adjacent to Site B.

social

Council

- **Internal Department consultations**
 - all relevant consultations have taken place within the council
- **Councillor awareness/consultations**
 - The proposed LDP was approved by elected members which included the intent to commence a SPZ for Montgomerie Park.
- **Committee cycles**
 - every month (with the exception through recess)
- **Project team**
 - a project team has been set up to manage this site.

Consultees

- Scottish Water - no issues
- SEPA – no comments but referenced our own internal officer advice
- Coal Authority – need Coal Mining Risk Assessment

Community

- **LDP consultation**
 - no objections received regarding the SPZ.
 - The LDP was publicly advertised and consultation events were held in conjunction with Irvine Community Council.
- **Land owners** – N/A
- **6 week consultation on draft SPZ scheme**
- **Site Notices & Press Adverts** – to be done during consultation (August -Sept 6 weeks)
- **Public Services**
 - New primary School – will be provided
 - Public transport - Council will work with SPT and local operators to seek an extension to the bus service.

economic

Time

- **Site** – ready.
- **Phasing** – if required

Money

- **Funding** - The Council has allocated capital funding for potential contribution to infrastructure.
- **Affordable housing** - No affordable housing contributions will be sought.

place

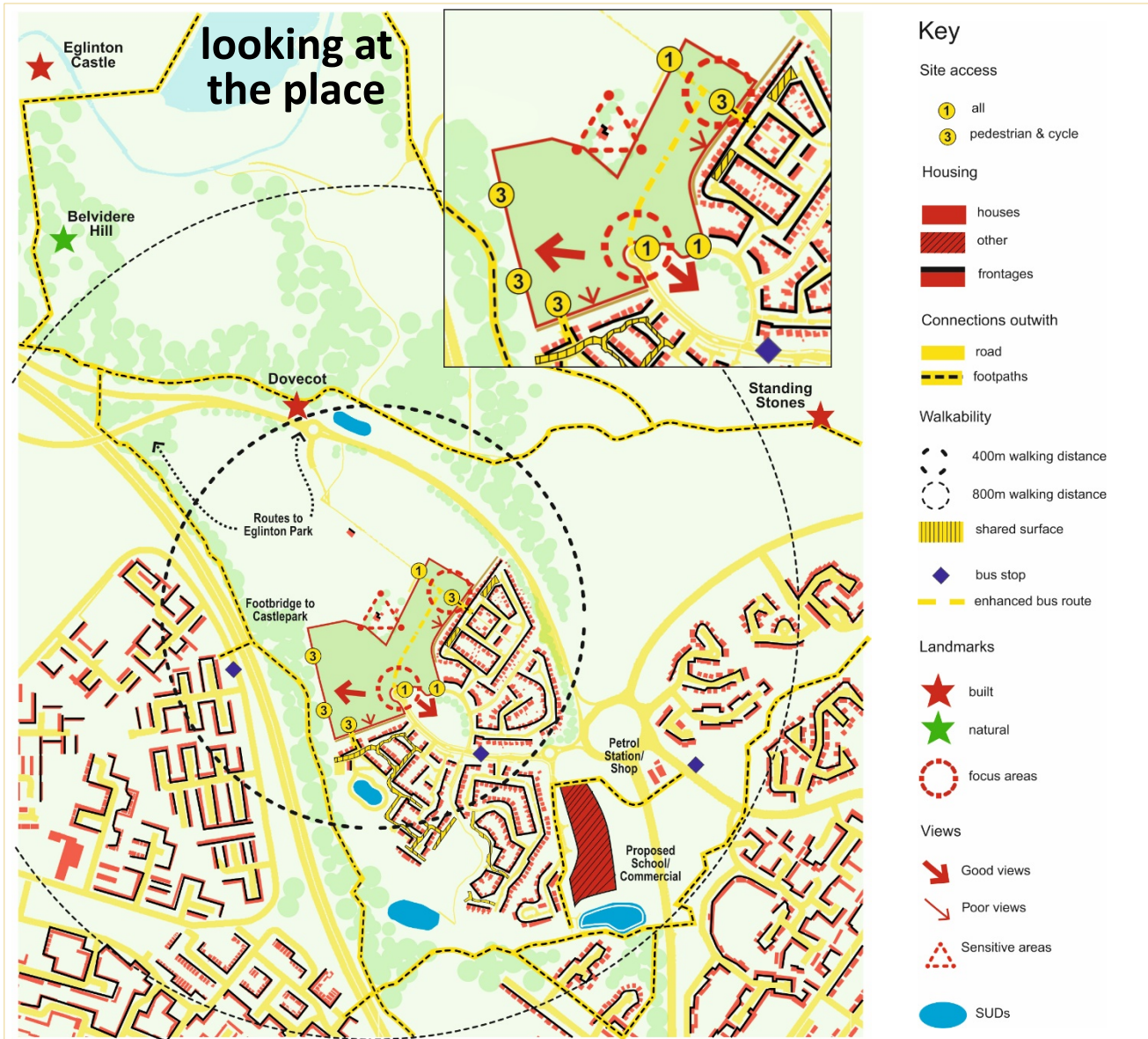
existing



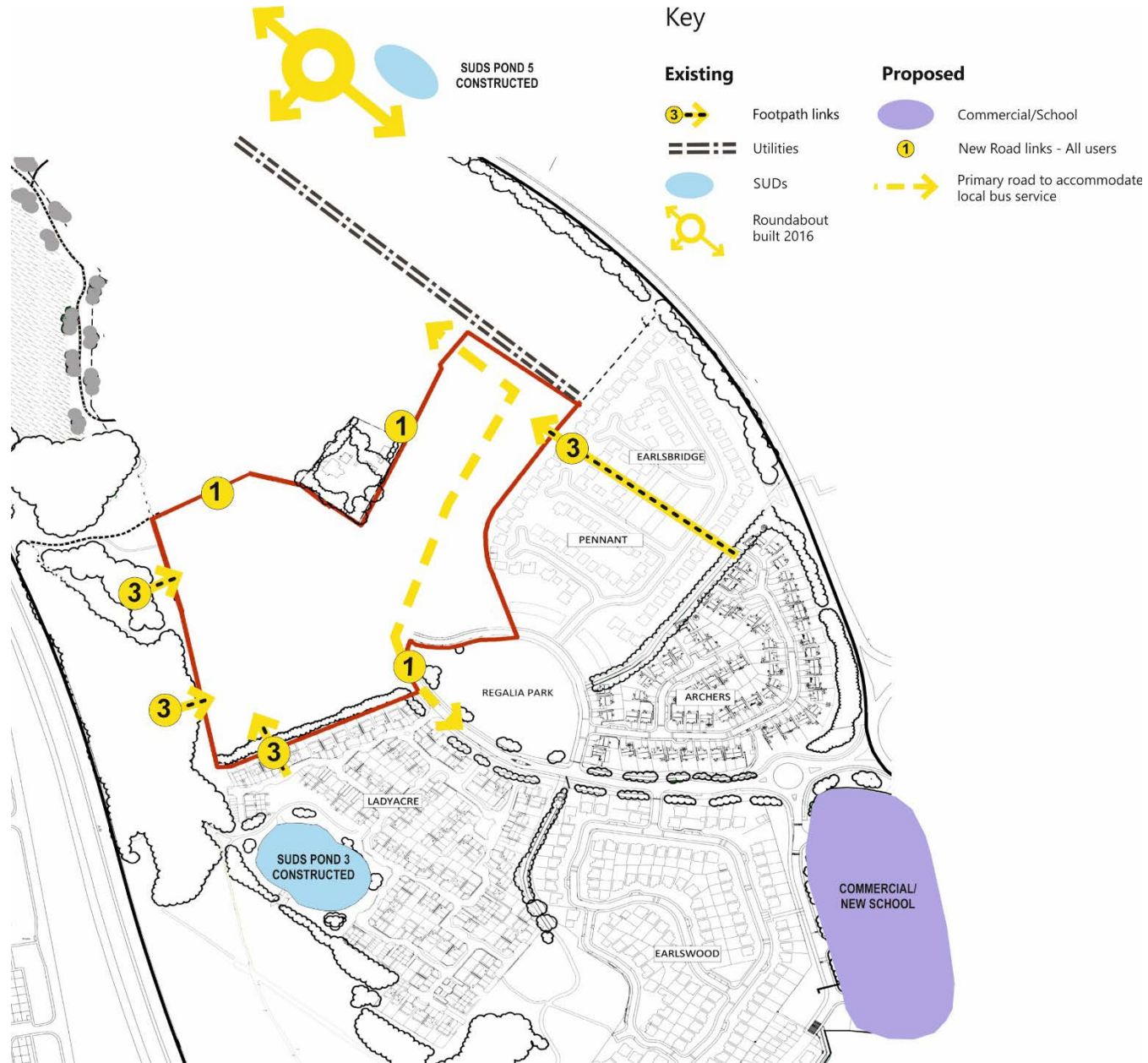
Legend

- Core Path (Existing)
- SPZ Boundary
- Regalia Park
- Bus Stop
- Bus Route 30
- Bus Route 29 & 29A
- Bus Route 22
- Local Nature Conservation Sites
- Eglinton Park
- Footpath Links

observation



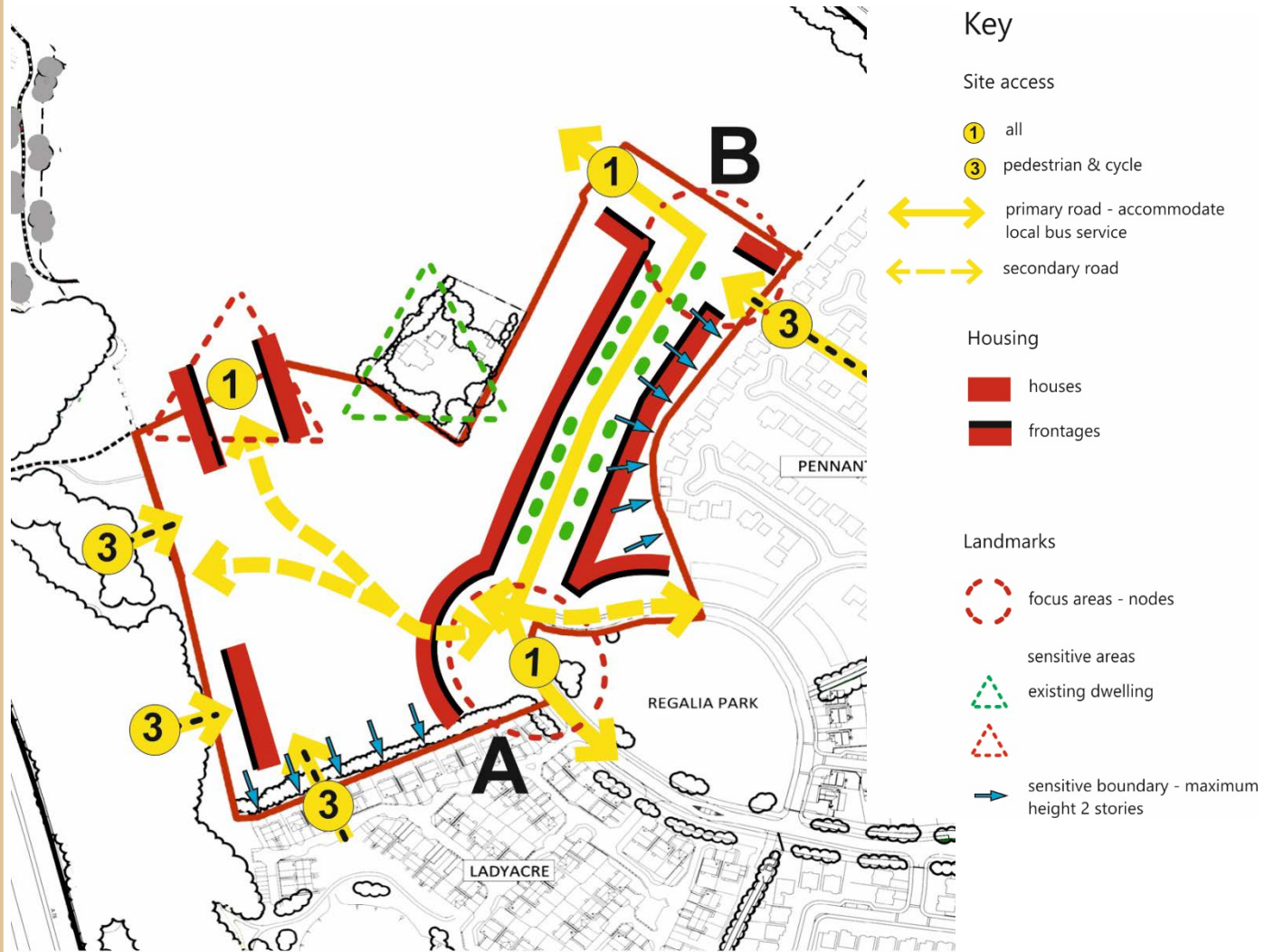
infrastructure & investment



existing infrastructure and future committed investment

concept masterplan

what we think is important



u-build

what is required?

- **conditions**
 1. Policy (plus advisory note)
 2. Pre-commencement (general, Road Construction Consent Stage 1 and surveys)
 3. Standard
 4. Tailored (plus illustrated in the conditions diagram).
- **indicative ideas for u**

C

policy

Development carried out under the SPZ scheme **MUST** comply with the following:

1	National	Roads & Street Guidance	<ul style="list-style-type: none"> • Designing Streets • SCOTS National Roads Development Guide
2	Local	Council policies	<ul style="list-style-type: none"> • North Ayrshire Council's Local Development Plan • North Ayrshire Council's Adopted Roads Design Guide • North Ayrshire Council's Standard Road Construction Detail Drawings • North Ayrshire Council's Key Transportation Areas for Development • North Ayrshire Council's Guidance for Waste & Recycling Collection Services: Information for Developers
3	Masterplan	Concept	The Montgomerie Park Simplified Planning Zone Concept Masterplan
4	Advisory	Contamination	<p>Note: If contamination becomes evident during construction, work MUST cease immediately and the contamination brought to the attention of North Ayrshire Council's Environmental Health team.</p> <p>Thereafter, a suitable investigation strategy, as agreed with North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.</p>

pre commencement

general

The following information **MUST** be submitted to, and approved in writing, by North Ayrshire Council as Planning Authority prior to the commencement of the development on site.

5	Masterplan	<p>Site layout(s), drawings and/ or cross sections indicating the position, materials and colour of:</p> <p>Movement</p> <ul style="list-style-type: none"> • Hard surfacing (including roads, footways, footpaths, shared spaces and driveways); • Car parking areas (including confirmation of car parking provision for each dwelling and visitor parking to be formed). <p>Buildings</p> <ul style="list-style-type: none"> • Location of each house type with floorplans and elevations. <p>Space</p> <ul style="list-style-type: none"> • Areas of open space • All boundaries to be formed (including height details) • Landscaping - including details of all proposed species and planting densities. <p>Infrastructure</p> <ul style="list-style-type: none"> • Proposed earth movement and level changes, both throughout the site and in relation to adjacent land.
6	Design & Access Statement	A Design & Access Statement MUST be accompanied with the masterplan layout

pre commencement road construction consent

If you submit the following information to the Roads Authority this will enable you to get stage 1 Road Construction Consent.

movement

7	Connections (within)	<p>Street hierarchy plan – including projected peak flow diagram.</p> <p>Pedestrian facilities – crossing points, dropped kerbs (including kerb heights) and controlled crossings etc.</p> <p>Cycling facilities – crossing points, dropped kerbs and controlled crossings, bike racks etc.</p>
8	Public Transport	<p>Public transport facilities - including bus stops, shelters etc. The developer should ensure future provision for a bus stop along the primary route through site A.</p>

infrastructure

9	Levels	<p>Preliminary roads levels design - including sample cross and long sections.</p>
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layout

10	Traffic & Parking	<p>Traffic speed – Design speeds for all roads should not exceed 20mph</p> <p>Vehicle swept path analysis – refuse, emergency, bus and pantechnican vehicles.</p> <p>Road Safety Audit - Stage 1 and 2 and designers response.</p> <p>Speed controlling features – distance between them.</p> <p>Road geometry plan - horizontal geometry, junction spacing, carriageway widths/ footway widths, corner/centre line radii and forward junction visibility.</p> <p>Parking Layout - including private (allocated) and public (unallocated) provision.</p>
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pre commencement

road construction consent

continued.

detail

11	Streets & Spaces	Reducing clutter: <ul style="list-style-type: none">• Signs - preliminary locations• Street markings -preliminary drawings• Lighting - preliminary street lighting design layout• Construction Detail drawings - preliminary• Structures - bridges, culverts & retaining walls etc.• Adoption details plan
12	Drainage	Waste & Water - Drainage drawings including surface, foul and SUDS details (plus 1:200 year flood path). Utilities - Schematic layout (including service strip locations).

area

13	Access	Parking <ul style="list-style-type: none">• Driveway Access points• Size of parking spaces• Location – front/side/rear.• No. of spaces per house.• Garages - internal dimensions (See Standard Construction Detail Drawings for guidance).
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pre commencement strategies & surveys

The following surveys and strategies **MUST** be carried out prior to the commencement of the development on site. All development thereafter **MUST** accord with the findings and recommendations of the following surveys and strategies.

space

14	Habitats and protected species survey	<p>Update of Ecology Appraisal</p> <p>The Preliminary Ecological Appraisal for Montgomerie Park Drive, Irvine undertaken by Wild Survey Ltd (July 2019) MUST be updated with additional survey work as recommended in paragraph 5.2 of the Appraisal. All such survey work MUST be undertaken and certified by a suitably qualified and competent person.</p> <p>Note:</p> <p>Additional surveys - The findings of the additional surveys required above shall be submitted to North Ayrshire Council as Planning Authority prior to the commencement of the development.</p> <p>Mitigations - any mitigation measures or actions required, as advised by the additional surveys, shall be implemented in line with the advice from, and certified by, a suitably qualified and competent person.</p>
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infrastructure

15	Drainage	<p>a. discharge of surface water to the water environment MUST accord with the principles of the SUDS Manual (C753), published by CIRIA in November 2015, and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Discharge rates and locations MUST be provided for approval, along with details of appropriate water quality treatment measures, prior to commencement of the development on site.</p> <p>b. sub catchments - development proposals MUST not alter the extents of the sub-catchments of the existing ponds, as shown on Drawing No. 44762782/0121, without first identifying and implementing appropriate mitigation measures. Such amendments MUST be agreed with North Ayrshire Council's Flooding Officer prior to implementation.</p>
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pre commencement strategies & surveys

continued.

16	Drainage	<p>Developments within the SPZ MUST accord with the findings and recommendations of a drainage strategy. The drainage strategy MUST include a:</p> <p>land drainage strategy to include/demonstrate:</p> <ul style="list-style-type: none"> • locations of cut-off drains, discharge location(s) and other associated assets • details of appropriate water quality treatment and attenuation where necessary • that the proposals accord with the requirements of Condition 15.
		<p>surface water drainage strategy to include/ demonstrate:</p> <ul style="list-style-type: none"> • locations of all proposed drains, sewers and other relevant assets; • consideration of the technical and legal requirements of Scottish Water; • that people and property will not be put at risk during critical rainfall events (plus an allowance for climate change) when the capacity of the proposed surface water infrastructure is exceeded • any requirement for temporary surface water storage over and above the volume permitted by Scottish Water; • that the proposals accord with the requirements of Condition 15.
		<p>maintenance and management schedule to include:</p> <ul style="list-style-type: none"> • details of the parties responsible for all new land and surface water drainage assets.
		<p>redundant features strategy to include:</p> <ul style="list-style-type: none"> • a method for dealing with relic features such as field drains and other aging or redundant features.

pre commencement

strategies & surveys

continued.

17	Coal Mining Risk Assessment	<p>a coal mining risk assessment MUST be undertaken.</p> <p>Note</p> <p>a) The Coal Mining Risk Assessment may require intrusive site investigations. If intrusive site investigations are required a site investigation strategy MUST be submitted to, and agreed in writing, by the Planning Authority. Thereafter the agreed strategy shall be implemented to the satisfaction of the Planning Authority.</p> <p>b) The intrusive site investigations may require a remediation strategy. The findings of the intrusive site investigations and, if required, a remediation strategy shall be submitted for written approval of the Planning Authority prior to the commencement of the remedial works on site.</p> <p>c) The works required by the remediation strategy MUST be complete prior to the commencement of the development.</p> <p>*All the above investigations and works must be carried out by a suitably qualified and competent person.</p>
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standard

The following are standard conditions for the SPZ site

movement

18	Connections (within)	<p>a. Layout – the layout of all roads MUST be well connected maximising continuous movement throughout the site</p> <p>Note: Cul-de-sacs and turning areas will only be acceptable where it is demonstrated that there is no other viable option and where they will contribute to the overall quality of the place and efficient use of space.</p> <p>b. Footway widths - There is an existing 3metre shared cycle/footway on Montgomerie Park Drive. This connection MUST be continued along the primary road through site A.</p>
19	Parking	<p>a. Numbers per unit - Car parking for both residents and visitors MUST accord with the current standards adopted by North Ayrshire Council.</p> <p>b. On street parking areas MUST be contiguous with the carriageway.</p> <p>c. Space size - car parking spaces MUST be a minimum of 5 metres in length by 2.5 metres in width.</p> <p>d. Streets MUST not be dominated by car parking within the front curtilage of dwellings. Design solutions should consider dealing with the visual impact of parking. For example, the or use of planting to screen parking or by incorporating parking to the side or rear of dwellings.</p> <p>e. Driveways MUST be hard surfaced with a suitable material</p> <p>Note: The sole use of stone chips as a driveway covering will not be acceptable.</p> <p>e. Surface water - All surface water runoff MUST be directed to a permeable surface or drain within the curtilage of the dwelling house.</p>
20	Junctions	<p>a. Transition between roads - transition areas at junctions MUST be designed to highlight the change in street hierarchy to road users.</p>

buildings

21	Frontages	<p>a. Principle elevations - The principle elevation of all properties MUST front, and have an active frontage onto the road.</p> <p>b. Corner plots - where a dwelling is located on a corner plot the dwelling MUST have a dual frontage to give an active frontages onto all roads.</p>
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standard

The following are standard conditions for the site:

space

22	Boundaries	<p>a. Front gardens - Boundary treatments forward of the front building line, if required, MUST consist of low walls or planting not greater than 1 metre in height.</p> <p>b. All boundaries behind the front building line of the associated dwellinghouse MUST not exceed 2 meters in height.</p> <p>c. Side boundaries fronting a road - Where side boundaries front a road or public space these boundaries MUST be of a higher quality design and materials (see picture below). Full height close boarded timber fences should be avoided where the boundary is visible from the public domain.</p>
23	Planting	<p>Timing - The soft landscaping details shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.</p>
24	Gardens	<p>a. Size - Each dwelling MUST have a private garden with sufficient space to accommodate an outdoor drying area and outdoor amenity space.</p> <p>b. Ancillary buildings - All properties MUST demonstrate provision for cycle storage and bin storage, including for recycling.</p>



standard

The following are standard conditions for the site:

infrastructure

25	Drainage	<p>a. discharge of surface water to the water environment MUST accord with the principles of the SUDS Manual (C753), published by CIRIA in November 2015, and comply with the terms of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Discharge rates and locations MUST be provided for approval, along with details of appropriate water quality treatment measures, prior to commencement of the development</p> <p>b. sub catchments - development proposals MUST not alter the extents of the sub-catchments of the existing ponds, as shown on Drawing No. 44762782/0121, without first identifying and implementing appropriate mitigation measures. Such amendments MUST be agreed with North Ayrshire Council's Flooding Officer prior to implementation.</p>
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tailored

Conditions masterplan

Key

Site access

- ① all
- ③ pedestrian & cycle

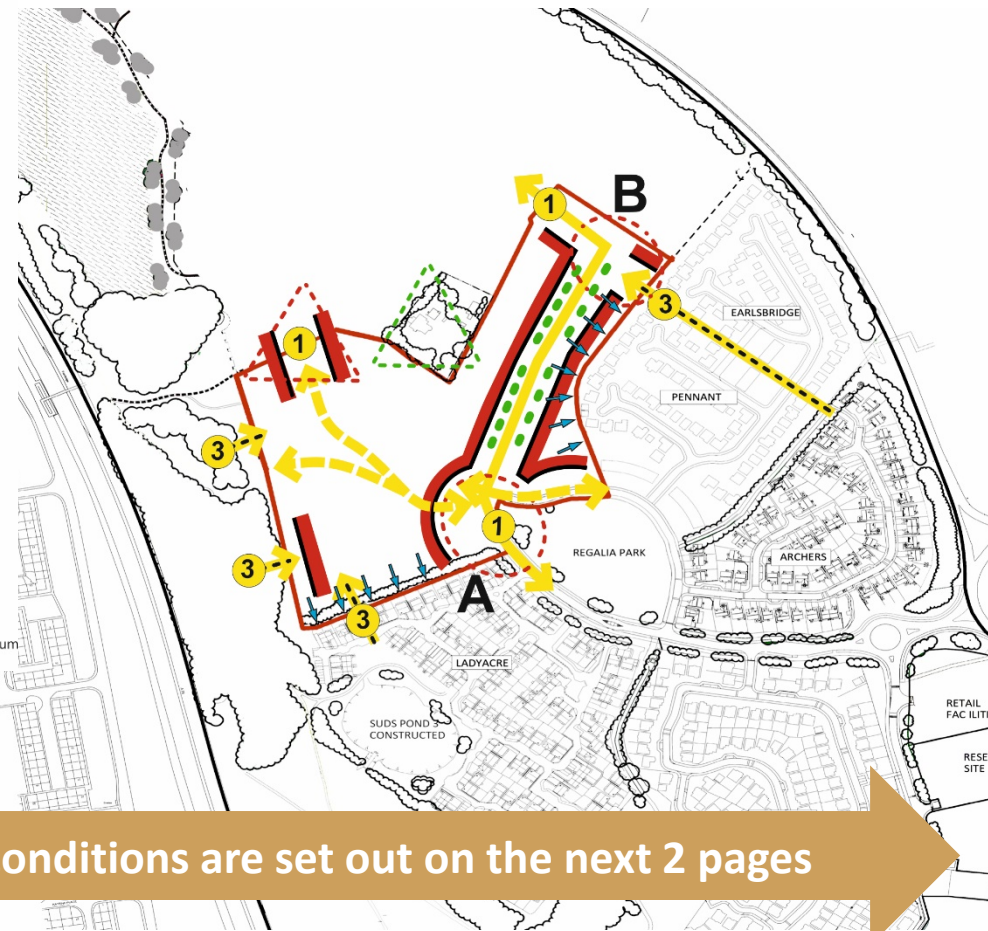
- primary road - accommodate local bus service
- secondary road

Housing

- houses
- frontages

Landmarks

- focus areas - nodes
- sensitive areas
- existing dwelling
- sensitive boundary - maximum height 2 stories



all these conditions are set out on the next 2 pages

movement

primary road

- a. **provision** - the primary access road as shown the Concept Masterplan **MUST** be created through the site. The exact position of this road can be *flexible* provided the road links from Node A to Node B and continues north west from to Reference point 4 as shown on the Concept Masterplan
- a. **bus route** - the road **MUST** be a minimum of 6 metres in width to accommodate a buses.

notes:

- The primary route through site A from node A to node B **MUST** be designed to Street Type 2 as specified in the Street Design Summary Table within [North Ayrshire Council's Key Transportation Areas for Development](#)
- Peak hour flow is assumed as 0.75 vehicles per dwelling for sites A & B
- The primary road **MUST** be constructed as part of the first phase of development

secondary road

- a. **provision** - a secondary road **MUST** be created through site B from node A to reference point 5, as shown on the Concept Masterplan, to provide a connection to the adjacent future development site to the north west providing a connection for all road users.

regalia view road

- a. **provision** – a road connection for all users **MUST** be provided to connect Regailia View to the SPZ development.

nodes

- a. **Provision:** Two nodes **MUST** be created as shown on the Concept Masterplan (applies to Site A only). These nodes must be designed to include landscaping and should contribute to enhancing the amenity and character of the street scene. These nodes **MUST** be completed prior to the occupation of the first dwelling house.

footpaths

- a. **provision** - pedestrian links **MUST** be created as shown on the concept masterplan.
- b. **access to woodland** (site B only) - **MUST** create and/or improve pedestrian links to the woodland in accordance with as the Concept Masterplan.

buildings

frontages

- a. **primary road** - Houses along the primary road **MUST** front the road as shown on the Concept Masterplan.
- b. **woodland views** - The houses to the west of the site, as shown on- the concept masterplan, **MUST** front the woodland.
- c. **regalia park** - houses on regalia park **MUST** front and have an active frontage onto the park.

character areas

a minimum of two character areas **MUST** be provided at around the feature nodes, shown on the Concept Masterplan. These zones **MUST** provide variation in terms of design, heights and materials; consideration should also be given to use of density, spacing, landscaping and design features to create visual interest.

windows

- a. **Distance** - A minimum separation distance of 18 metres **MUST** be applied between directly facing habitable room windows. This includes windows on adjacent sites.

heights

- a. **Across the site** - Buildings **MUST** not be greater than 3 stories in height.

space

boundaries

- a. **sensitive** - Development along the south east boundary of Morven Lodge **MUST** be designed with sensitivity to respect the amenity of the existing dwelling at Morven Lodge.

innovation – rain water

- a. **houses** – each dwelling house **MUST** incorporate facilities for rain water harvesting (for example a water butt or rain water garden). Such facilities **MUST** have a backup connection to the main surface water system in the event that the rain water harvesting system reaches capacity.
- b. **communal landscaped areas** - such as landscaped nodes and verges should incorporate bioretention/ rain garden areas to treat and control surface water runoff, whilst providing amenity value.

ideas for u

masterplan

- to help give you an idea of the sort of **place** we would like you to create we have provided **indicative sketch layouts** for you to look at
- the **indicative layouts** have been created by paying attention to everything that is considered to be important both on, and around, the site
- by creating an **indicative layout** we are confident that you will be able to fulfil our requirements so that together we can build a great **place**

2D layout

Possible Result? – based on SPZ parameters

- Distinctive
- Well connected
- High Quality Place



2D layout

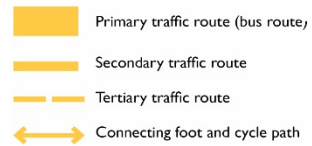
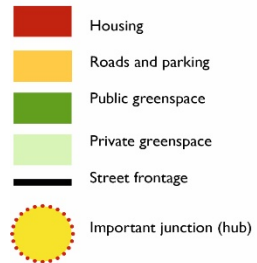
b-plan sketch

- Housing
- 'Landmark' house
- Roads and parking
- Public greenspace
- Private greenspace



2D layout

b-plan details



3D layout

aerial view



entrance



access onto primary road



character

landmark buildings across the site



summary

The following diagrams provide an indicative layout vision of our built new place.

vision

b-plan



streets



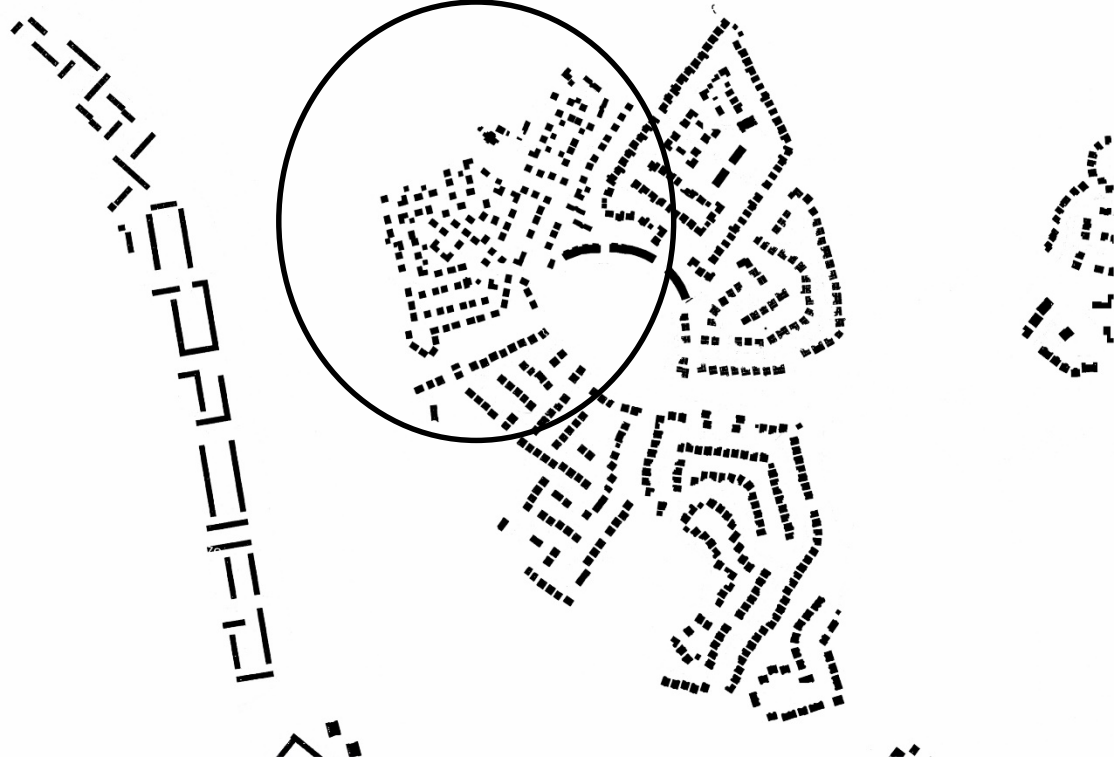
buildings



space



fig-ground



design delivery

we have given you an idea of what we are looking for. the reason we think this is important is that we want to you to create the best design for our place.

**if you follow our design thinking, it means we can create a beautiful place - where people feel both
happy and healthy.**

delivery

Possible Outcome?



3d fly through

Montgomery Park SPZ Possible Outcome – click video link above to play.

conclusion

a summary of our ambitions for our place are provided in the following pages. But first...

happy - we aim to create sociable streets which will allow you to stop and chat with neighbours.

healthy - we are providing the opportunity for you to connect into existing footpaths which will allow easy walking to accessible greenspace etc.

happy & healthy

last bits...

Scheme compliance and rights of appeal

Should prospective developers require North Ayrshire Council's formal confirmation that a proposed use or development is approved by the SPZ Scheme, an application for a Certificate of Lawfulness is required together with the requisite application fee (Section 151 of the 1997 Act).

The Council will endeavour to determine applications for a Certificate of Lawfulness in respect of the SPZ Scheme within 28 days. If the application is refused, the applicant will have the normal rights of appeal.

Monitoring arrangements

For the SPZ Scheme to work efficiently, for outcomes to be measured and for it to achieve its primary objective of encouraging high quality and sustainable residential development, it is important that the Council are able to monitor development activity.

Developers are required to provide information using the pre-development notification, commencement and completion of development forms (For guidance and forms please see the Montgomerie Park SPZ Info Document).

Enforcement

If the Council considers that a development is in breach of the provisions of the SPZ Scheme the Council may take enforcement action. This action is undertaken at the discretion of the Council in accordance with the Council's [Planning Enforcement Charter](#).

Alteration of the SPZ Scheme

The Council intends that the SPZ Scheme will remain unaltered for the entirety of its period of operation (10 years).

However, under the provisions of Section 53 of the 1997 Act the Council has the right to propose alterations to the Scheme including to add to, remove or otherwise alter the planning controls.

In accordance with the regulations, alterations will be subject to further public consultation and will only come into effect 12 months from the date of adoption of any changes.

final info

thanks

contact details

North Ayrshire Council
Planning Services
Cunninghame House
Irvine
Scotland
KA12 8EE

Call 01294 324380
ldp@north-ayrshire.gov.uk

back page



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Appendix 3: Summary of Representations

Total number of representations received = 21	
Summary of issue raised	Council response
<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. 	<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 Montgomerie 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 Montgomerie Park. The Council has committed a capital allocation towards provision of infrastructure to support the development of the site and a new Montgomerie 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 and loss of daylight and privacy are addressed by including a range of pre-development conditions that mean that the SPZ does not apply to any development that fails to provide appropriate residential amenity standards. 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 and no concerns have been raised by SEPA or NAC Flooding in this respect.</p>
<ul style="list-style-type: none"> Loss of path to Eglinton park. Loss of greenspace does not comply with the LDP. Impact on landscape 	<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.</p> <p>The woodland and Regalia Park remain within close 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 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 is not considered to 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 with 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 outwith 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 has worked with the Government in partnership throughout the process.</p>
<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 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 does not have a detrimental impact 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</p>

	location within the concept masterplan to address residents' concerns. As such, any developer would have to consider this within their design.
<ul style="list-style-type: none"> Residents do not want a failed development similar to Ladeside Gardens, Kilbirnie. 	Ladeside was a self-build development. It was not a SPZ. The site is to be sold to a housebuilder not individuals.
<ul style="list-style-type: none"> Residents do not want to share back fences. 	This is not a requirement of the SPZ and relates to legal titles.
<ul style="list-style-type: none"> An extension to the bus service is not required 	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.
<ul style="list-style-type: none"> Lack of school and shops 	Sites have been allocated for a new school and commercial facilities within Montgomerie Park. These facilities would be delivered separately from the SPZ.
<ul style="list-style-type: none"> Loss of view 	Loss of view is not a material planning consideration.
<ul style="list-style-type: none"> Ongoing factoring issues within Montgomerie Park 	Ongoing factoring issues are out with the terms of the SPZ.
<ul style="list-style-type: none"> The opening of the pedestrian access at Ladyacre Wynd – fear that it would attract anti-social behaviour 	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.
<ul style="list-style-type: none"> Impact on trees and shrubs along boundary at Morven Lodge, and future maintenance 	<p>Any trees and shrubs outwith 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>