

31 January 2019
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Planning Policy and Access Team
Council Headquarters
Newtown St Boswells
Scottish Borders
TD6 0SA

Adam Henry
E: ahenry@savills.com
DL: +44 (0) 131 247 3769

Sent by email to localplan@scotborders.gov.uk

Wemyss House
8 Wemyss Place
Edinburgh EH3 6DH
T: +44 (0) 131 247 3700
savills.com

Dear Sir / Madam

Scottish Borders Local Development Plan – Main Issues Report
LDP Sites: APEEB044 Rosetta Road and MPEEB006 Rosetta Road Mixed Use
Representation on behalf of [REDACTED]

On behalf of [REDACTED] (The Fund) we are submitting these representations to the Scottish Borders Local Development Plan (LDP) – Main Issues Report (MIR) to object to LDP site requirements for APEEB044 and MPEEB006 and should these requirements be maintained by the Council to request that the site is wholly rezoned for residential use.

Within the adopted LDP the wider Rosetta site is covered by two allocations, a housing allocation (LDP Ref: APEEB044) for 100 residential units and a mixed use allocation including 30 residential units (LDP Ref: MPEEB006).

The proposed housing allocations are therefore of particular interest to The Fund and on its behalf we wish to make the following observations.

Question 1: Do you agree with the main aims of the LDP2? Do you have any alternative or additional aims?

The Fund agrees with the thrust of the main aims summarised on page 20 of the MIR to encourage sustainable economic growth and the protection of and enhancement of the quality of the natural and built environment as an asset for that growth. Indeed during its ownership of Rosetta, The Fund has made significant efforts to deliver a sustainable mixed use residential and tourism related development which has been hampered by the Council's position on developer contributions.

Question 7: Do you agree with the preferred options for additional housing sites? Do you agree with the alternative options? Do you have other alternative options?

Introduction

Whilst The Fund welcomes an allocation covering the wider Rosetta site, on its behalf we have identified a number of inconsistencies regarding the designations that need to be addressed and incorporated within the Proposed LDP.

The redevelopment of the Rosetta site for a mixed use development including residential and leisure is currently unviable due to the Scottish Border Council's (SBC) requirement for a vehicular link over the Eddleston Water between Rosetta Road and the A703 (The Dalatho Street Bridge). On behalf of The Fund, we have submitted separate MIR representations on the Dalatho Street Bridge along with another representation to amend the proposals map to properly illustrate what is being proposed to help with the physical delivery of the proposals - see separate letters for full details.

Should the Reporter not be willing to alter the LDP Policy IS2, then the proposed development at Rosetta will remain unviable and therefore, ultimately undeliverable. Given the leisure proposals will therefore not be able to come forward and given the identified shortfall in housing land supply, the entire site should be allocated for housing.

An allocation for 280 houses on the site would enable the level of contributions required for SBC to deliver the Dalatho Street Bridge for the benefit of the wider road network Peebles.

Background

The Rosetta Holiday Park was acquired by The Fund in 2010. At that point Bridge Leisure Management was appointed to manage the existing facility and ensure the business remained trading as an important tourist asset for the town of Peebles. It quickly became clear that, in order for the business to be sustainable, significant improvements would be required to upgrade the tourist facilities to a suitable standard. The holiday park is therefore considered not to be viable in the long term without significant investment. Indeed, the holiday park has made a loss since purchase and despite some improvement, remains loss making for the majority of the year. Without a solution, this is unsustainable for The Fund. In order to keep the holiday park open and provide the required capital for the necessary improvements, The Fund entered into lengthy and detailed consultations with SBC's planning officers and submitted a planning application for Planning Permission in Principle (Planning Ref: 13/00444/PPP) in 2013. This was for 'a mixed use development comprising new housing, relocation of caravan park incorporating static pitches and erection of facilities building and sales office'. SBC's Planning & Building Standards Committee made its 'minded to grant' decision on 30 March 2015 subject to the consideration of further detailed costing information of the Dalatho Street Bridge.

Engineers SWECO undertook a design analysis, Flood Risk Study and cost review on the delivery of the Dalatho Street Bridge - these documents can be made available if required. This information and a viability assessment were submitted to SBC, which demonstrated that this development alone could not support the cost of the Dalatho Street Bridge in addition to also delivering the required affordable housing and education contributions. Having taken its own advice over a lengthy period, SBC determined that the development must provide the Dalatho Street Bridge, despite the Fund's detailed evidence. The Fund's position has subsequently proven to be correct, as no parties have been found to deliver the improvements, despite the development opportunity being widely marketed to regional and national housebuilders, many of whom expressed an initial interest in the site. *Alternative Option*

A single residential allocation combining LDP sites APPEEB0044 and MPEEB006 for 280 homes, removing the unviable holiday park use on the site and the link to the current 'minded to grant' planning permission.

Given the current developer contribution burden placed by SBC on the site makes the proposed development unviable and improvements to the leisure facilities will not come forward to make that business sustainable, The Fund has had to consider other development options.

Given the holiday park will regrettably have to close shortly unless this position changes, the entire site will regrettably become vacant and unused. The only viable alternative economic use for the site would be for residential development alone. There has been a substantial increase in the housing land requirement set out with the Proposed SESplan Examination Report (July 2018) and SBC requires housing sites that can deliver in the short term.

The MIR acknowledges (para 5.7) that historically Peebles has a vibrant market for housing development and the development industry will continue to seek further land in this area to meet demand. Due to a number of physical and infrastructure constraints further housing site options are limited. As such, an increased size of residential development at Rosetta offers a deliverable and effective opportunity to meet SBC's housing land requirement over the course of the new five year plan period, whilst also meeting the full burden of affordable housing and developer contributions for education and infrastructure improvements that SBC is currently demanding.

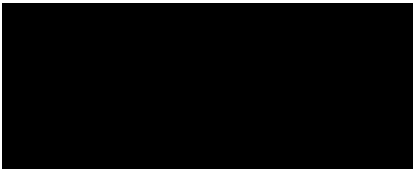
Summary

In that scenario, The Fund therefore requests that the entirety of the existing MPEEB006 and APEEB0044 allocations be changed to residential development as illustrated on the enclosed plan with an indicative capacity of 280 homes. This should also note that developer contributions should be sought to enable the Council to deliver the Dalatho Street Bridge, prior to the occupation of the 140th house.

We trust that the above comments will be taken into consideration in preparing the Scottish Borders Local Development Plan – Proposed Plan. Notwithstanding, we reserve our right to amend or withdraw these representation in the future.

Please do not hesitate to contact me should you have any queries or require any further information.

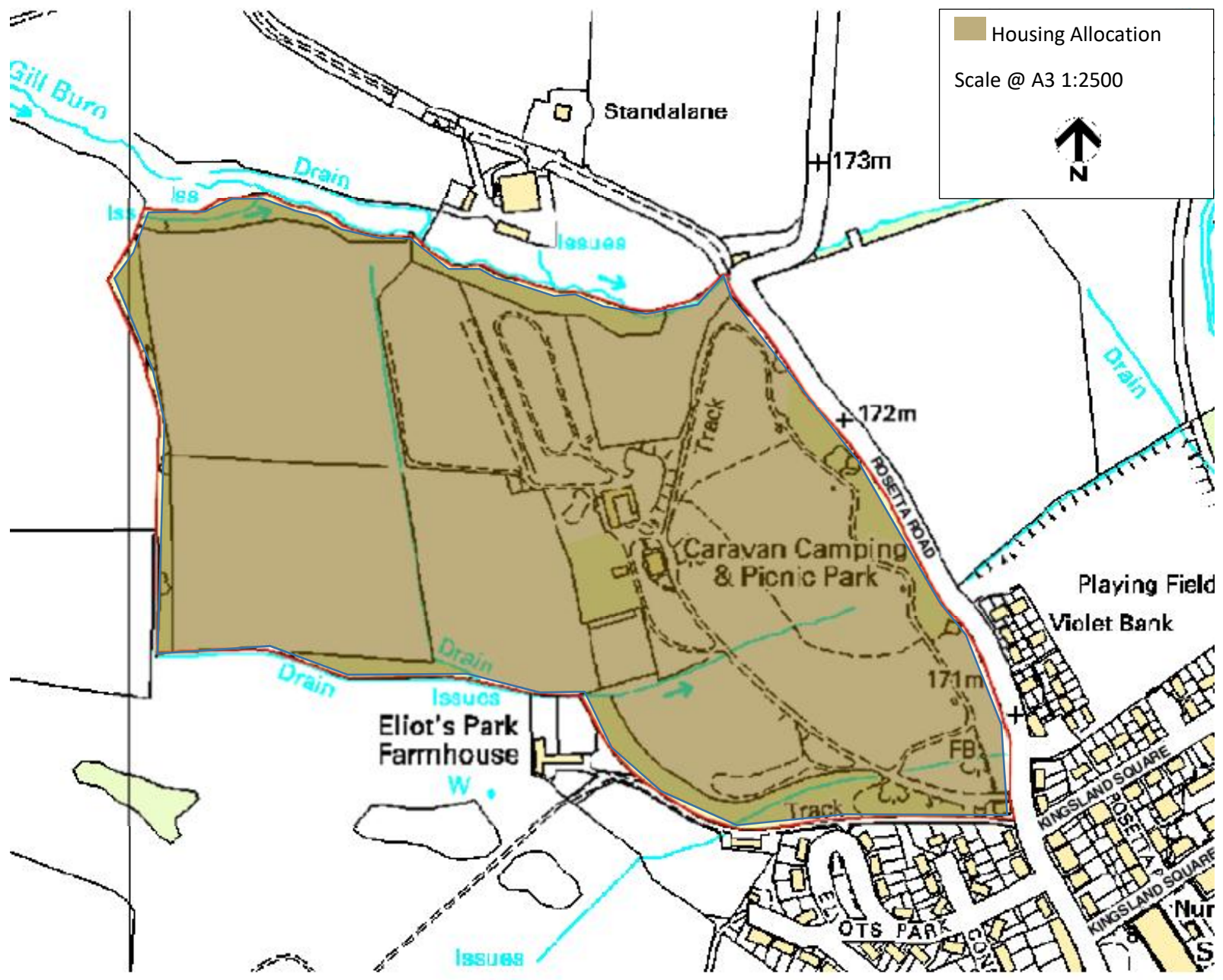
Yours faithfully



Adam Henry
Senior Planner

cc.





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19 01 31 Rosetta MIR - Rep 2 Unlinked Allocations.docx



Planning Policy and Access Team
Council Headquarters
Newtown St Boswells
Scottish Borders
TD6 0SA

Adam Henry
E: ahenry@savills.com
DL: +44 (0) 131 247 3769

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8 Wemyss Place
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Dear Sir / Madam

**Scottish Borders Local Development Plan – Main Issues Report
LDP Sites: APEEB044 Rosetta Road and MPEEB006 Rosetta Road Mixed Use
Representation on behalf of [REDACTED]**

On behalf of [REDACTED] (The Fund) we are submitting these representations to the Scottish Borders Local Development Plan (LDP) – Main Issues Report (MIR) to object to LDP site requirements for APEEB044 and MPEEB006. The Fund wishes to ensure that the LDP allocation properly reflects the development proposed, removing the link between both allocations and the ‘minded to grant’ planning permission to help allow the development to be delivered.

Within the adopted LDP the wider Rosetta site is covered by two allocations, a housing allocation (LDP Ref: APEEB044) for 100 residential units and a mixed use allocation including 30 residential units (LDP Ref: MPEEB006).

The proposed housing allocations are therefore of particular interest to The Fund and on its behalf we wish to make the following observations.

Question 1: Do you agree with the main aims of the LDP2? Do you have any alternative or additional aims?

The Fund agrees with the thrust of the main aims summarised on page 20 of the MIR to encourage sustainable economic growth and the protection of and enhancement of the quality of the natural and built environment as an asset for that growth. Indeed during its ownership of Rosetta, The Fund has made significant efforts to deliver a sustainable mixed use residential and tourism related development which has been hampered by the Council's position on developer contributions.

Question 7: Do you agree with the preferred options for additional housing sites? Do you agree with the alternative options? Do you have other alternative options?

Introduction

Whilst The Fund welcomes an allocation covering the wider Rosetta site, on its behalf we have identified a number of inconsistencies regarding the designations that need to be addressed and incorporated within the Proposed LDP.

The redevelopment of the Rosetta site for a mixed use development including residential and leisure is currently unviable due to the Scottish Border Council's (SBC) requirement for a vehicular link over the Eddleston Water between Rosetta Road and the A703 (The Dalatho Street Bridge). On behalf of The Fund, we have submitted a separate MIR representation on this matter (see separate letter for full details).

That representation explains why the delivery of the Dalatho Street bridge is not required as a result of the proposed development at Rosetta. If SBC wishes to pursue the delivery of this infrastructure for the benefit of the wider Peebles road network, fair contributions should be sought from all future housing developments. This representation seeks to further assist the delivery of the proposed development at Rosetta by removing the link between the two constituent parts of the minded to grant consented development in order to allow these to be brought forward by separate developers.

This would allow a specialist leisure developer/operator and separate housing developer to deliver the development proposed on the proposals map and provide affordable housing and the relevant developer contributions for education and infrastructure.

Background

The Rosetta Holiday Park was acquired by The Fund in 2010. At that point Bridge Leisure Management was appointed to manage the existing facility and ensure the business remained trading as an important tourist asset for the town of Peebles. It became clear that, in order for the business to be sustainable, significant improvements would be required to upgrade the tourist facilities to a suitable standard. The holiday park is therefore not considered to be viable in the long term without significant investment. Indeed, the holiday park has made a loss since purchase and despite some improvement, remains loss making for the majority of the year. Without a solution, this is unsustainable for The Fund.

In order to keep the holiday park open and provide the required capital for the necessary improvements, The Fund entered into lengthy and detailed consultations with SBC's planning officers and submitted a planning application for Planning Permission in Principle (Planning Ref: 13/00444/PPP) in 2013. This was for *'a mixed use development comprising new housing, relocation of caravan park incorporating static pitches and erection of facilities building and sales office*. SBC's Planning & Building Standards Committee made its 'minded to grant' decision on 30 March 2015 subject to the consideration of further detailed costing information of the Dalatho Street Bridge.

Engineers SWECO undertook a design analysis, Flood Risk Study and cost review on the delivery of the Dalatho Street Bridge - these documents can be made available if required. This information and a viability assessment were submitted to SBC, which demonstrated that this development alone could not support the cost of the Dalatho Street Bridge in addition to delivering the required affordable housing and education contributions. Having taken its own advice over a lengthy period, SBC determined that the development must provide the Dalatho Street Bridge, despite the Fund's detailed evidence. The Fund's position has subsequently been proven to be correct, as no parties have been found to deliver the improvements, despite the development opportunity being widely marketed to regional and national housebuilders, many of whom expressed an initial interest in the site.

The requirement for the developer to deliver both leisure and housing elements through the current allocation has also seriously hindered delivery of the development, given that housebuilders and holiday park developer/operators are specialists in their specific areas and not both. For this reason, the allocation should properly reflect the actual development proposed.

The LDP designation (Site Ref: MPEEB006) dictates that the proposed development should accord with the current 'minded to grant' planning application (Planning Ref:13/00444/PPP). Within the Housing Supplementary Guidance (SG) (November 2017) the site is identified for mixed use development, directly conflicting with the planning application masterplan, which shows that this part of the site has only been identified for residential use.

The Housing SG identifies an indicative site capacity of only 30 units for Site MPEEB006, a level much lower than illustrated within the planning application masterplan, which shows this part of the site will contain the majority of the housing allocation. The Development Management comment within the Housing SG site assessment (Ref: MPEEB006) agrees that the proposed housing capacity of 30 is low and doesn't reflect the adopted LDP figure.



During the planning application process, a large area of housing was removed from in front of the listed Rosetta House, with the Council accepting an overall maximum site capacity of 130 houses. Given the change, LDP designation (Site Ref: APEEB0044) would find it difficult to deliver the 100 houses identified.

Summary

The allocation should therefore be given the correct capacity of 130 units and the proposals map be adjusted to properly reflect the proposed development and amended (as per the enclosed plan) to help with the delivery of the proposed development.

We trust that the above comments will be taken into consideration in preparing the Scottish Borders Local Development Plan – Proposed Plan. Notwithstanding, we reserve our right to amend or withdraw these representation in the future.

Please do not hesitate to contact me should you have any queries or require any further information.

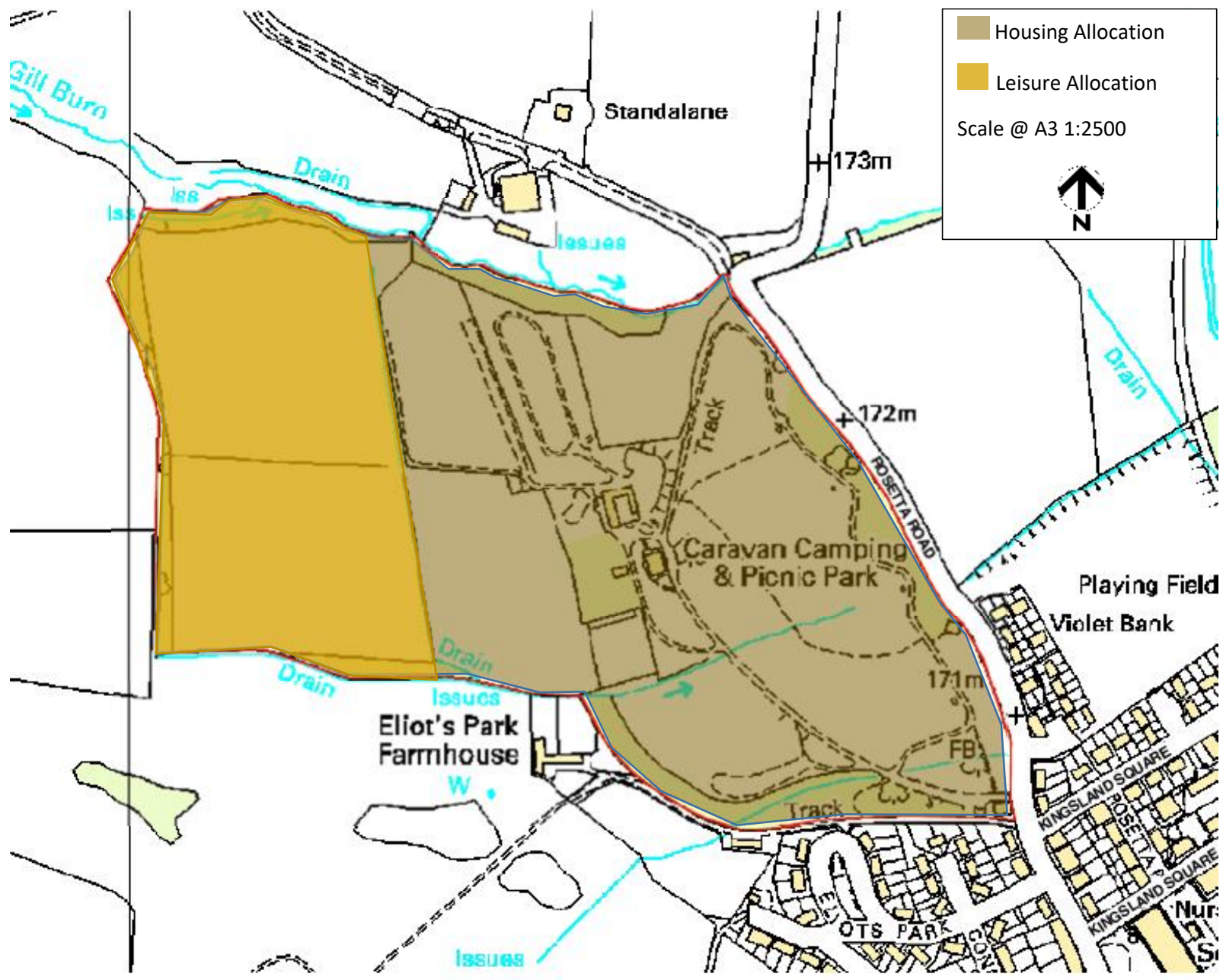
Yours faithfully



Adam Henry
Senior Planner

cc.





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Council Headquarters
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Scottish Borders
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Adam Henry
E: ahenry@savills.com
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Dear Sir / Madam

Scottish Borders Local Development Plan – Main Issues Report
LDP Sites: APEEB044 Rosetta Road and MPEEB006 Rosetta Road Mixed Use
Representation on behalf of [REDACTED]

On behalf of [REDACTED] (The Fund) we are submitting these representations to the Scottish Borders Local Development Plan – Main Issues Report (MIR) to object to the developer contribution burden on the above sites. Their ownership at Rosetta benefits from a 'minded to grant' Planning Permission in Principle (Planning Ref: 13/00444/PPP) for mixed use development including residential and a holiday park. Within the adopted LDP the site is covered by two allocations, a housing allocation (LDP Ref: APEEB044) for 100 residential units and a mixed use allocation including 30 residential units (LDP Ref: MPEEB006).

The required developer contributions and associated charging mechanism are therefore of particular interest to The Fund and we wish to make the following observations on its behalf.

Question 1: Do you agree with the main aims of the LDP2? Do you have any alternative or additional aims?

The Fund agrees with the thrust of the main aims summarised on page 20 of the MIR to encourage sustainable economic growth and the protection of and enhancement of the quality of the natural and built environment as an asset for that growth. Indeed, during its ownership of Rosetta, The Fund has made significant efforts to deliver a sustainable mixed use residential and tourism related development which has been hampered by the Council's position on developer contributions.

Question 18: Do you agree with the suggested policy amendments identified in Appendix 3? Do you think there are any other policy amendments which should be referred to?

Introduction

The Fund wishes to provide comments on Policy IS2: Developer Contributions. Specifically on the Scottish Border Council's (SBC) requirement for a vehicular link over the Eddleston Water between Rosetta Road and the A703 (The Dalatho Street Bridge).

There are no traffic impact reasons that justify the need for the Dalatho Street Bridge. All traffic surveys undertaken by highways engineers SWECO, from 2010 until today, have demonstrated that there is no significant impact from the enhanced mixed use development that require the Dalatho Street Bridge to be delivered.

A recent traffic survey, undertaken by SWECO, over a normal working/school week in September 2018, further demonstrated that traffic in Peebles has not increased at the rate that was initially forecast. This further

emphasises the fact that the Dalatho Street Bridge is not essential, either as a result of development at Rosetta or in terms of current traffic movements in Peebles generally. The Fund's position, based on all technical inputs has always been that the **Dalatho Street Bridge is not needed**.

Background

The Rosetta Holiday Park was acquired by The Fund in 2010. At that point Bridge Leisure Management was appointed to manage the existing facility and ensure the business remained trading as an important tourist asset for the town of Peebles. It became clear that, in order for the business to be sustainable, significant improvements would be required to upgrade the tourist facilities to a suitable standard. The holiday park was therefore not viable without significant investment.

In order to keep the holiday park open and provide funding for the necessary improvements, The Fund entered into lengthy and detailed consultations with SBC's planning officers and submitted a planning application for Planning Permission in Principle (Planning Ref: 13/00444/PPP) in 2013. This was for *'a mixed use development comprising new housing, relocation of caravan park incorporating static pitches and erection of facilities building and sales office*. SBC's Planning & Building Standards Committee made its 'minded to grant' decision on 30 March 2015 subject to the consideration of further detailed costing information for the Dalatho Street Bridge.

Engineers SWECO undertook a design analysis, Flood Risk Study and cost review on the delivery of the Dalatho Street Bridge - these documents can be made available if required. This information and a viability assessment were submitted to SBC and demonstrated that this development alone could not support the cost of the Dalatho Street Bridge, as well as delivering required affordable housing and education contributions. Having taken its own advice over a lengthy period, SBC determined that the development must provide the Dalatho Street Bridge, despite the Fund's evidence. The Fund's position has proven to be subsequently correct as no parties have been found to deliver the improvements, despite the site being widely marketed to regional and national housebuilders many of which were initially interested in the site.

Notwithstanding the financial concerns, the Dalatho Street Bridge is also required to be delivered on third party land with a number of complications that make delivery uncertain.

If the Council is to achieve its policy of delivering sustainable economic growth, it needs to adopt a much more realistic approach to delivering infrastructure improvements.

Policy amendments

Policy IS2: Developer Contributions sets the Council's criteria for developer contribution requirements. Policy IS2 notes that planning applications will be assessed to determine the appropriate level of contribution guided by the Development Contribution Supplementary Planning Guidance (DCSPG). The DCSPG was updated in January 2018.

Within the DCSPG, it is acknowledged that new bridge options over the River Tweed in Peebles are being appraised in order to serve medium to long term development in the town and that in due course developers will be required to contribute towards a second river crossing based upon projected costs. In the interim period, development sites are required to contribute towards improving traffic management in and around the town centre and towards the funding of transport appraisal work in respect of the bridge options. The DCSPG states:

'In this regard (in the interim period) applicants for residential development within or adjacent to the Peebles settlement boundary are required to contribute £1,000 per dwelling unit. Other types of development that may have a potential impact on the Peebles traffic network may be assessed for appropriate development contributions.'

We maintain there is no operational highways issue that requires the construction of the Dalatho Street Bridge. Should SBC still consider that this is needed to make better linkages across the local highways network, a similar charging mechanism should be implemented in respect of the aforementioned Dalatho Street Bridge and the above text amended and included within the LDP as follows:

*'In this regard (in the interim period) applicants for residential development within or adjacent to the Peebles settlement boundary are required to contribute £1,000 per dwelling unit **for both the new River Tweed Bridge and the Dalatho Street Bridge**. Other types of development that may have a potential impact on the traffic network of Peebles may be assessed for appropriate development contributions. **The Council will then proceed to deliver the new bridges, gaining the necessary approvals and consents.**'*

This is a fair and robust measure, already adopted by SBC and other Councils in Scotland, which will reduce the burden of delivering the Dalatho Street Bridge placed solely on the Rosetta site, and enable sharing of the cost with other developers / landowners to help improve the wider road infrastructure of Peebles for the long term. Given the new preferred housing allocation, at land south of Chapelhill Farm (MIR Ref: APPEB056) located to the north of the Rosetta site, it is clear that SBC considers that this area of Peebles can make an important contribution to the SBC's housing supply. It is therefore important that a comprehensive charging mechanism is in place to deliver the necessary infrastructure.

Summary

The Fund's interests in the MIR relate to how SBC seeks future development contributions to be made, specifically in relation to the delivery of the Dalatho Street Bridge in Peebles.

The Fund's position has always been that a **new road bridge is not required** to the support traffic generated by the Rosetta development (Planning Ref: 13/00444/PPP) in isolation. Should SBC view that the wider highways network in the Peebles area would benefit from the Dalatho Street Bridge, it should introduce a charging mechanism for contributions to deliver this bridge from new housing sites coming forward across Peebles.

We trust that the above comments will be taken into consideration in preparing the Scottish Borders Local Development Plan – Proposed Plan. Notwithstanding, we reserve our right to amend or withdraw these representation in the future.

Please do not hesitate to contact me should you have any queries or require any further information.

Yours faithfully



Adam Henry
Senior Planner

cc. Nottinghamshire County Council Pension Fund (c/o Aberdeen Standard)