

Change of Use of Former Nursing Home to 20 Bedroom Student Accommodation

KEY INFORMATION

Ward Coldside

Address

Rose House
16-18 Constitution Terrace
Dundee
DD3 6JE

Applicant

Mr & Mrs Rashid Kashlaw
Property Services Ltd

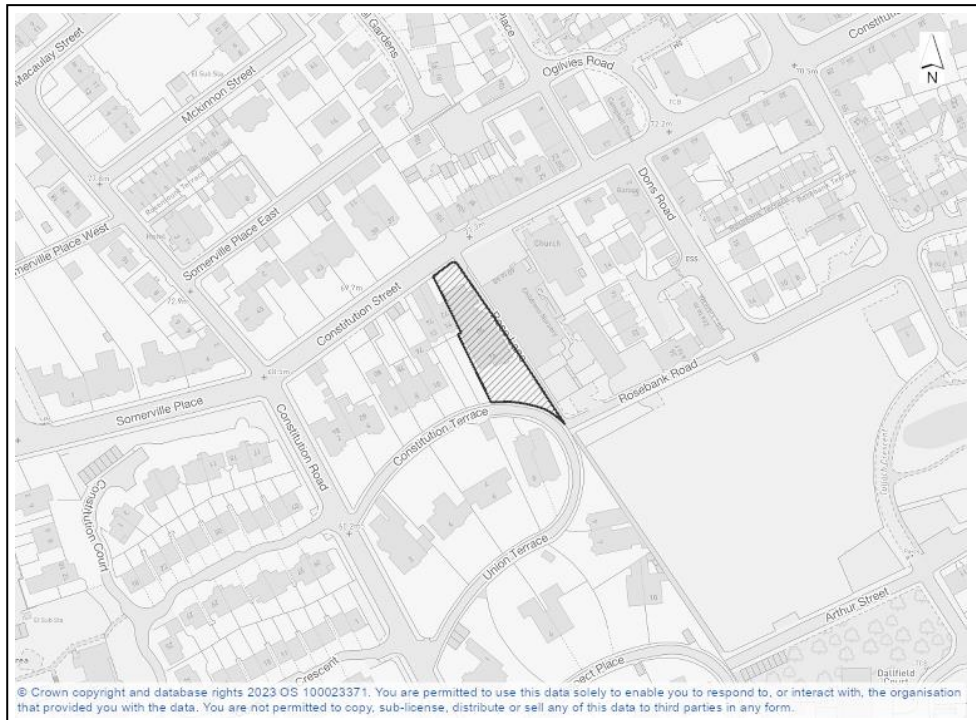
Agent

Jon Frullani Architect

Registered: 24 Oct 2022

**Report by Head of Planning
& Economic Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Planning permission is sought for the change of use of a former residential care home to student accommodation, comprising 20 bedrooms along with communal facilities including lounges, kitchen and dining areas and a gym.
- The application is in accordance with National Planning Framework 4 and the Dundee Local Development Plan 2019.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. Fifteen letters of objection have been received. These raise concerns in relation to impact on the character of the conservation area, residential amenity, road safety and parking. One letter of support was received, which considers the proposed development would contribute to the range and availability of student accommodation in the city.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six or more valid written objections have been received and the recommendation is for approval.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RK9J4IGCMXB00>

RECOMMENDATION

The proposal is in accordance with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED** subject to conditions.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application is for a change of use of a vacant property, formerly a residential care home, to student accommodation. The student accommodation would provide 20 bedrooms and associated facilities including lounge, kitchen and dining areas,
- 1.2 Internally, alterations are proposed to create 20, one bedroom rooms for occupation by students and associated facilities. The rooms will each include bed and toilet facilities, with shared shower rooms proposed towards the centre of the building. Within the ground floor will be 7 bedrooms, along with lounge, kitchen, dining room, gym and laundry room. Within the first floor 13 bedrooms are proposed, with lounge, kitchen/dining area and lounge/dining area. The existing access locations, lift and stairways are to be retained as existing.
- 1.3 No external alterations are proposed to Rose House, and the existing front garden ground is to be maintained and utilised by the proposed student accommodation. To the north of Rose House, the existing rear service area is to be retained and 3 car parking spaces and 10 secure cycle parking spaces are to be provided.
- 1.4 The applicant has submitted the following in support of the application:
 - Planning Statement;
 - Transport Statement; and
 - Design Statement.



Figure 1 – Proposed Ground Floor Plan

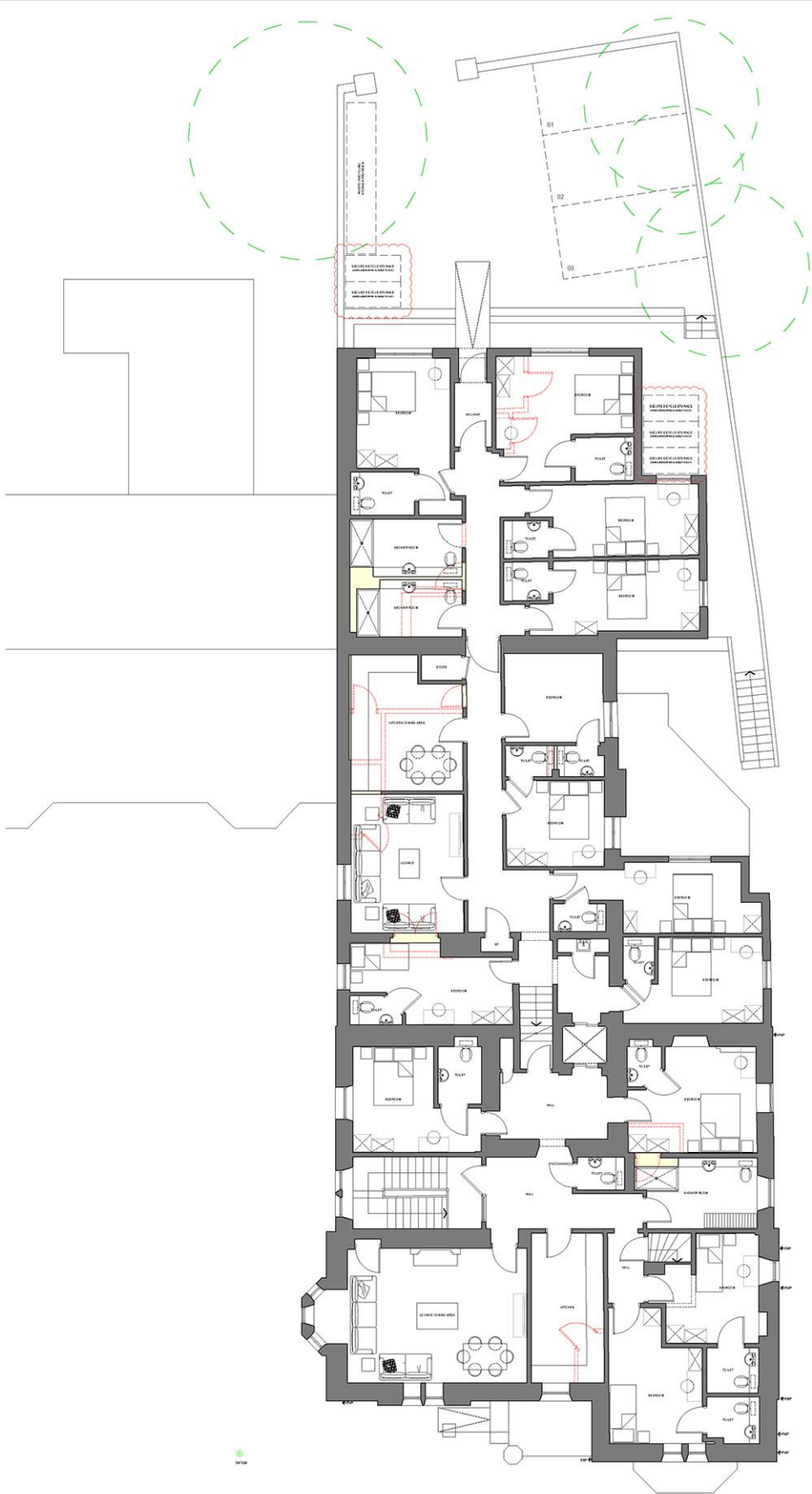


Figure 2 – Proposed First Floor Plan

2 SITE DESCRIPTION

- 2.1 The application site is Rose House at 16-18 Constitution Terrace, and associated grounds.
- 2.2 Rose House is two storeys in height within the south of the site, with single storey elements towards the north (rear). The building features a traditional stone finish with slate roof. The front (south) elevation contains the main entrance to the building and bay windows, along with access to front garden ground and footpath to Constitution Terrace. To the north (rear) of the building is a modern extension with access to a parking area and bin storage space. There is a vehicle access onto Constitution Street. The building which was originally constructed as a villa has been extended and subject to different uses during its history, including a young women's hostel and most recently a residential care home.
- 2.3 It is understood that the residential care home was last occupied in March 2021.
- 2.4 The building is category B-listed and located within the Crescents Conservation Area.



Figure 3 – View of Application Site From Constitution Terrace



Figure 4 – View of Application Site from Constitution Street (North Entrance)

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises

Policy 7 c, d: Historical Assets and Places

Policy 9 d: Brownfield, vacant and derelict land and empty buildings

Policy 12 a: Zero Waste

Policy 13 b: Sustainable transport

Policy 14 b: Design, quality and place

Policy 15 a: Local Living and 20 minute Neighbourhoods

Policy 16 c: Quality Homes

Policy 23 d, e: Health and safety

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking

Policy 15: Student Accommodation

Policy 39: Environmental Protection

Policy 40: Air Quality

Policy 44: Waste Management Requirements for Development

Policy 49: Listed Buildings

Policy 51: Development in Conservation Areas

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning application 01/25217/D for the alteration and extension of a nursing home at 16-18 Constitution Terrace was approved in July 2001.

4.2 Application 01/01897/DLB for listed building consent to alter and extend a nursing home at 16-18 Constitution Terrace was approved in August 2002.

4.3 Application 22/00726/LBC for listed building consent to undertake internal alterations associated with a proposed change of use to student accommodation is currently under consideration.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 Fifteen letters of objection were received. The letters of representation raise the following concerns:

- the proposed development will generate additional traffic and parking requirements, to the detriment of road safety and local parking pressures;

- the use of Rose House as student accommodation raises concerns in relation to noise and disturbance which would impact on residential amenity;
 - windows of the proposed student accommodation would afford overlooking of neighbouring property, and bedrooms would have a low quality outlook;
 - the use of the site as 20 bedroom student accommodation is overdevelopment; and
 - the proposal would have a detrimental impact on the character and appearance of the conservation area.
- 5.3 One letter of support was received, which considers the proposed development would contribute to the range and availability of student accommodation in the city.
- 5.2 The matters raised within the representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

- 6.1 **Head of Community Safety and Protection** – commented on the following matter:
- Air Quality** – the proposed use of the building’s existing heating system would have no detrimental impact on air quality.
- 6.2 **Head of Sustainable Transport and Roads** – reviewed the Transport Statement submitted with the application and is satisfied with its conclusion. Planning conditions are recommended should planning permission be granted in the interests of promoting active and sustainable transport modes.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission (other than for a national development) shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

NATIONAL PLANNING FRAMEWORK 4

- 7.2 **Policy 1: Tackling the Climate and Nature Crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.3 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, air quality, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.

- 7.4 The proposed student accommodation would occupy an existing building. The building which has occupied the site for over 100 years has been vacant since 2021. The proposal would support the re-use of an existing building to provide residential accommodation for students. The location of the site is appropriate for the proposed development, with links to surrounding road and footpath networks which support the use of active travel. The site is within walking distance of higher education institutions, shops and services minimising the need to travel by car.
- 7.5 The proposals would support the long-term maintenance of the building and landscaping within the site.
- 7.6 **The proposal is in accordance with Policy 1.**
- 7.7 **Policy 7 c: Historical Assets and Places** - states development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- 7.8 Internal alterations are required to form 20 bedrooms and associated amenities within the listed building. The alterations include the removal of a small number of partition walls, formation of new partition walls and installation of bathroom and kitchen facilities. Internally, the building has been altered with modern interventions during its use as a care home. There are therefore limited features of merit remaining within the building. The layout and design of the proposed student accommodation has been considered with window locations, access doors and circulation routes retained as existing.
- 7.9 The formation of bedrooms and amenity spaces has been primarily achieved through the utilisation of existing accesses and room layouts. The proposed internal alterations are minor in nature, work within the constraints of the building and allow the retention of the original layout. The proposal would retain the existing accesses to the north and south of Rose House, including the main entrance towards Constitution Terrace.
- 7.10 The proposal would have no detrimental impact on the historic character of the building and allows the student accommodation to be of a reasonable size and layout with a range of shared spaces and amenities. Overall, the proposed alterations would have no detrimental impact on the character or fabric of Rose House and the development would secure the future of the building which is presently vacant, helping to preserve the character of the building.
- 7.11 **The proposal is in accordance with Policy 7.**
- 7.12 **Policy 7 d: Historical Assets and Places** - states development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i architectural and historic character of the area;
 - ii existing density, built form and layout; and
 - iii context and siting, quality of design and suitable materials.
- 7.13 As no alterations are proposed to the exterior elevations of Rose House or associated garden ground the architectural and historic character of Rose House would be retained and the street scene would be as existing. The proposed cycle storage units are of an appropriate scale and

form, and would be located towards the rear of building, with restricted views from the surrounding area. The proposed change of use would not have any significant detrimental impact on any features of historic importance or density and form of development within the site. The return to use of a vacant building would help to preserve the character and appearance of the Crescents Conservation Area.

7.14 **The proposal is in accordance with Policy 7.**

7.15 **Policy 9 d: Brownfield, Vacant and Derelict Land and Empty Buildings** - states development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

7.16 The proposal seeks to change the use of Rose House from a residential care home to student accommodation. The proposals support the re-use and long-term maintenance of a historic building which contributes to the character of the Crescents Conservation Area. The building is suitable for conversion, with the proposed internal alterations being appropriate to the scale and form of development proposed. The proposed use is suitable in this accessible location, with historic uses of Rose House including a residential care home and young women's hostel.

7.17 **The proposal is in accordance with Policy 9.**

7.18 **Policy 12 a: Zero Waste** - states development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

7.19 As required by this policy, there is sufficient provision for waste reduction and waste separation within the existing bin storage area to the rear (north) of Rose House. The proposal would support waste separation, recycling and reduction in line with the waste hierarchy.

7.20 **The proposal is in accordance with Policy 12.**

7.21 **Policy 13 b: Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

- viii adequately mitigate any impact on local public access routes.
- 7.22 **Criterion i** – the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in the city centre and Hilltown. Staff and residents would have access to secure bicycle storage.
- 7.23 **Criteria ii and iii** – bus stops within 400 metres of the site on Rosebank Street and Hilltown are served by frequent services to the City Centre, Ninewells, Craigowl and Kirkton. City centre bus services enable integrated journeys through Dundee Railway Station and Dundee Bus Station.
- 7.24 **Criteria iv** – there are three existing parking spaces to the rear of Rose House. Subject to any requirements under building standards there is scope for electric vehicle charging points to be provided in a safe and convenient location to serve these spaces.
- 7.25 **Criterion v** - the applicant proposes to erect five, twin cycle storage lockers within the site providing secure covered storage for 10 bicycles. The provision of 10 spaces exceeds Dundee City Council Streets Ahead guidance for student accommodation, which requires a minimum of 3 spaces to be provided for a development of this size. In the interest of supporting sustainable transport, it is recommended the provision of the 5 twin cycle lockers as proposed, prior to occupation of the development, is controlled by condition.
- 7.26 **Criterion vi** – the proposal would utilise existing access locations, including a vehicle access onto Constitution Street and pedestrian access onto Constitution Terrace. The existing accesses ensure that safe and adequate provision is made for walking, cycling and road vehicles including delivery and refuse vehicles. No alterations are proposed to the existing accesses onto surrounding public roads.
- 7.27 **Criterion vii** – the site layout would be retained as existing, ensuring the development is safe and accessible for all users. Pedestrian access locations are towards the front of the site with connections onto Constitution Terrace, vehicle access including access for service vehicles is located towards the rear of the site.
- 7.28 **Criterion viii** – the pedestrian and vehicle access locations would be retained as existing, ensuring there is no impact on public access routes.
- 7.29 **Policy 13 e: Sustainable Transport** - states development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- 7.30 The proposed development would have no significant effect on the capacity or safe functioning of the existing road network.
- 7.31 The proposed development would be served by 3 parking spaces. The level of parking provision is appropriate for the proposed use, which would not generate a significant travel demand. Student accommodation does not generate a significant parking demand, with car ownership lower than mainstream residential accommodation. The site is within an accessible location, within walking distance of the universities, the city centre and surrounding shops and services. Residents would have access to a range of transport options including walking and cycling. The proposed development would be accessible to residents of all abilities and there would be no barriers to access by disabled people.
- 7.32 **The proposal is in accordance with Policy 13, subject to conditions.**

- 7.33 **Policy 14 b: Design, Quality and Place** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.34 The proposal relates to the redevelopment of a brownfield site for residential use within an established residential area.
- 7.35 With regard to the character and amenity of Constitution Terrace and Rose House, the historic character and appearance of the site is to be retained as existing, retaining the distinctive character of the local streetscape.
- 7.36 Within the site, the applicant proposes to retain the garden ground to the front (south) of the property as existing. The garden ground contributes positively to the character and setting of the site and Rose House. Towards the rear (north) of Rose House, the existing car park and service area are to be retained and utilised by the proposed development. The location of the cycle storage lockers ensures the provision can be easily accessed, and does not impact on the principle elevation of Rose House. There is provision of public transport in the surrounding area with Dundee bus station and railway station within walking distance. Service vehicles including deliveries would access the site from Constitution Street.
- 7.37 The proposal will result in the returning to use of a vacant listed building within an established residential area in a manner which maintains the character of the wider area and would provide a high quality, safe and attractive development which is well connected to the surrounding area. Overall, the proposed development would retain the existing character and appearance of Rose House and the wider streetscape.
- 7.38 In respect of the 6 qualities of successful place, the Planning Statement and Design and Access Statement considers the development would contribute positively to the local area. The layout of the site and access locations would be retained as existing, and the re-use of a vacant listed building would contribute to the positively to the character of the wider area. Measures to support the use of sustainable transport are to be provided, and the site will be connected to existing pedestrian and cycle networks. The proposal demonstrates compliance with the six qualities of successful places.
- 7.39 **The proposal is in accordance with Policy 14.**
- 7.40 **Policy 15 a: Local Living and 20 minute neighbourhoods** - states development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:
- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
 - employment;
 - shopping;
 - health and social care facilities;
 - childcare, schools and lifelong learning opportunities;
 - playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;

- publicly accessible toilets; and
- affordable and accessible housing options, ability to age in place and housing diversity.

- 7.41 The proposal is for the change of use of a former 23 bed residential care home to 20 bed student accommodation development. The site is within a highly accessible location, within walking distance of the city centre and a range of shops, services and amenities. The site is connected to the surrounding area by existing footpaths, and within 20 minutes of a range of facilities including higher education institutions, public open space, places of employment and health and social care facilities.
- 7.42 The site is connected by public footpaths to open spaces within the wider area, including Dudhope Park and there are playgrounds and sports facilities within the local area.
- 7.43 The proposal would provide accommodation for students studying in the local area, contributing to the availability of student accommodation within the city. The proposal would contribute to the range and availability of purpose-built student accommodation in the city and help meet a growing demand for accommodation.
- 7.44 Overall, the proposed development is well connected to surrounding facilities and services by existing footpaths and roads. The site is within walking distance of the city centre where residents would have access to a wide range of services, supporting the provision of 20 minute neighbourhoods.
- 7.45 **The proposal is in accordance with Policy 15.**
- 7.46 **Policy 16 c: Quality Homes** - states development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include homes for people undertaking further and higher education.
- 7.47 At present, student accommodation within the city comprises University halls of residence, other private halls of residence, rented accommodation/HMO and at home/living with parent accommodation. The proposed development would support the return to use of a vacant listed building in an established residential area to the north of the city centre.
- 7.48 The applicant considers that there is demand for the proposed 20 bedroom development of student accommodation, and the proposals will complement and improve the existing offer.
- 7.49 The proposed development would support the returning to use of a vacant listed building within the Crescents Conservation Area. The proposal maintains the appearance and character of Rose House, whilst ensuring students are provide with appropriate high-quality amenities and facilities including kitchens, lounges and a gym. The proposals to adapt the listed building for use as student accommodation are appropriate and would ensure the character of Rose House is retained.
- 7.50 In relation to gaps in provision, the proposed development is of a small scale and within proximity to higher education institutions within the city. The proposals would contribute positively to the type and range of student accommodation within the city, and ensure the existing supply is enhanced.
- 7.51 **The proposal is in accordance with Policy 16.**

- 7.52 **Policy 23 d: Health and Safety** - states development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.
- 7.53 The applicant has confirmed the existing gas heating system which served the residential care home is to be used by the proposed student accommodation. Following review, the Head of Community Safety and Protection has no objection to the proposal.
- 7.54 **The proposal is in accordance with Policy 23 d.**
- 7.55 **Policy 23 e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.56 The site is within an established residential development, and has historically been operated as a residential care home and young women's hostel. The use of the site as a residence of multiple occupation is historically established.
- 7.57 The proposed student accommodation would provide 20 bedrooms. This would be a reduction in the number of residents and staff compared to the existing use as a 23 bedroom residential care home. The residential nature of the property, and use of the amenity areas would be in keeping with that of the existing use. It is expected that noise from residents within the property would be in keeping with that of a residential dwelling and have no significant impact on the amenity of neighbouring residents.
- 7.58 The proposed change of use would maintain the residential nature of the development and not result in any unsatisfactory level of disturbance on the surrounding area.
- 7.59 **The proposal is in accordance with Policy 23 e.**

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- 7.60 **Policy 1: High Quality Design and Placemaking** - states all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the 6 qualities of successful place in accordance with the guidance provided in Appendix 1.
- 7.61 Design and placemaking are considered under Policy 14 b of National Planning Framework 4. The proposal would result in the re-use of a vacant listed building in a manner which maintains the character and appearance of the local streetscape. The proposed development is within a highly accessible location and would contribute to the provision of student accommodation within the city.
- 7.62 **The proposal is in accordance with Policy 1.**

- 7.63 **Policy 15: Student Accommodation** - states student accommodation will only be supported where:
- 1 it can be suitably demonstrated that a demand exists within the particular area for the level and type of student accommodation proposed;
 - 2 it is within convenient walking distance of the higher education institution to which a need exists and is well connected to local services and facilities; and
 - 3 the design and layout of the proposed development is of a high quality and provides an appropriate level of amenity space, car parking provision, refuse/recycling storage space and secure bike storage facilities.
- 7.64 The applicant proposes the student accommodation would be targeted at post graduate students, a market which the applicant considers to have grown in recent years, accounting for 40% of growth in student numbers in 2022. The proposed development is of a small scale and would deliver purpose-built student accommodation which works towards addressing short to medium term supply issues. The site is accessible to both university campuses and benefits from ready access to the wider services and amenities available in the city centre. The applicant considers the proposals would be in keeping with the historic use of the property, and is well placed with access to higher education facilities within the city.
- 7.65 The applicant considers there to be sufficient demand for the proposed 20 bedroom development. No detailed assessment of existing provision has been provided. However, it is acknowledged the proposal is of a small scale and there is demand for a limited number of student bedrooms. The proposed development will increase the choice of student accommodation within the city and is of a scale which will not result in an oversupply of the type of accommodation proposed.
- 7.66 To ensure the development does not change into mainstream residential accommodation without full assessment, and to retain control over the use of the proposed purpose-built student accommodation it is recommended that a condition is attached to control the duration of occupancy of the accommodation.
- 7.67 The site is within walking distance of higher education institutes, with University of Abertay Campus 400 metres to the south of the site and University of Dundee Campus 850 metres to the south west of the site. The site is connected to each Campus by existing public footpaths.
- 7.68 As the proposed student accommodation is located within walking distance of the city centre, residents would have access to a range of shops and services. The site is also within walking distance of bus stops on surrounding roads including Hilltown, Rosebank Street, Dudhope Terrace and Infirmary Brae which provide access to services across the city.
- 7.69 The design of the proposed development is assessed under Policy 14b of National Planning Framework 4. It is considered the change of use of a vacant residential care home to student accommodation would provide residents with a high-quality environment. The site layout provides residents with a high standard of residential amenity and access to open spaces, study areas and surrounding services. The level of amenity space, cycle parking and refuse/recycling storage space are appropriate for the number of bedrooms proposed.
- 7.70 With regard to supply, as considered above the present application is for a development of a small scale, and the applicant has demonstrated there is demand for the type and scale of student accommodation proposed. In accordance with Policy 15, any further applications for student accommodation will require to demonstrate that there is demand for the level and type of accommodation proposed, and will be considered on their own merits.

- 7.71 **The proposal is in accordance with Policy 15.**
- 7.72 **Policy 39: Environmental Protection** - states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.73 As considered under Health and Safety Policy 23 e of National Planning Framework 4, the site is within an established residential area. The proposal student accommodation would operate in a similar manner to the sites previous use as a residential care home, with communal areas provided within the building, and garden ground and bin storage areas being retained as existing.
- 7.74 The proposed change of use would maintain the residential nature of the development and not result in any unsatisfactory level of disturbance on the surrounding area.
- 7.75 **The proposal is in accordance with Policy 39.**
- 7.76 **Policy 40: Air Quality** - states there is a general presumption against development proposals that could significantly increase air pollution or introduce people into areas of elevated pollution concentrations unless mitigation measures are adopted to reduce the impact to levels acceptable to the Council.
- 7.77 Air quality is considered under Policy 23 d of National Planning Framework 4. The use of the existing gas heating system is acceptable and would have no significant impact on local air quality.
- 7.78 The Head of Community Safety and Protection has reviewed the application and raised no objection.
- 7.79 **The proposal is in accordance with Policy 40.**
- 7.80 **Policy 44: Waste Management Requirements for Development** - states development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans to be prepared and used during the construction of major developments.
- 7.81 Waste management is considered under Policy 12a of National Planning Framework 4. The existing bin storage area is to be utilised by the proposed development.
- 7.82 **The proposal is in accordance with Policy 44.**
- 7.83 **Policy 49: Listed Buildings** - states development proposals in close proximity to or within the curtilage of a listed building should have regard to the preservation or enhancement of the setting of the listed building. The alteration of a listed building will only be acceptable where the proposals have regard to the preservation or enhancement of the building or its setting or any features of special architectural or historic interest which it possesses. Alterations will not be permitted where the works would diminish the architectural integrity of the building or its

historic interest. A detailed justification statement shall be required to accompany an application for alterations to a listed building.

- 7.84 As considered under Policy 7 a of National Planning Framework, the proposed development would provide a long-term use for a vacant listed building.
- 7.85 The applicant has provided statements in support of the application which demonstrate the minor internal alterations proposed can be undertaken without any significant loss of fabric and the historic interests and setting of the building will be protected.
- 7.86 The proposed alterations would have no detrimental impact on the character of Rose House and secure the buildings future in a manner which maintains the architectural integrity of the category B listed building.
- 7.87 **The proposal is in accordance with Policy 49.**
- 7.88 **Policy 51: Development in Conservation Areas** - states within conservation areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features that contribute to the character and appearance of the conservation area.
- 7.89 As considered under Policy 7 d of National Planning Framework, the proposal would preserve the appearance of the Rose House and surrounding grounds. The proposal would return a vacant building to use in a manner which is in keeping with the established character of the site. The proposed development would maintain the character of the local streetscape and Crescents Conservation Area.
- 7.90 **The proposal is in accordance with Policy 51.**
- 7.91 **Policy 54: Safe and Sustainable Transport** - states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and

- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

- 7.92 With regard to Criteria 1 – 3, the proposed development would provide access to sustainable modes of transport being within walking distance of bus stops and with safe and convenient links to adjacent walking and cycling networks. The proposal will include secure cycle storage lockers for 10 bicycles.
- 7.93 With regard to Criteria 4 - 6, the submitted Transport Statement has been reviewed by the Head of Sustainable Transport and Roads who is satisfied with its conclusions. There are existing parking pressures in the surrounding area, with limited on street parking on Constitution Terrace and Constitution Street. However, the proposed development would not generate a significant travel demand and is in a highly accessible location within walking distance of the city centre and Universities. The proposal would provide 3 in curtilage parking spaces, and cycle storage is to be provided. The site is also within walking distance of surrounding car parks, including Bell Street multi storey car park. The proposed development would have no significant impact on the local road network.
- 7.94 Criterion 7 requires a travel plan to be prepared. It is recommended the submission of a comprehensive travel plan to support and encourage the use of sustainable modes of transport and enhance the accessibility of the development be controlled by condition.
- 7.95 **The proposal is in accordance with Policy 54, subject to conditions.**
- 7.96 **Policy 56: Parking – Developments Outwith the City Centre**

Vehicle Parking – all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. Residential developments should include infrastructure to provide electric car charging points, either through electrical connections adjacent to private driveways, or through infrastructure for the installation of charging points within communal car parking areas.

Cycle Parking – all new developments should include cycle parking facilities in accordance with Dundee City Council's adopted guidance on roads standards and the Appendix 4 design standards.

- 7.97 The proposal includes provision for three parking spaces. The Dundee City Council Streets Ahead guidance does not contain a car parking standard for student accommodation. As considered under Policy 54, due to the site's accessible location the provision of three on-site parking spaces is acceptable. There is existing public parking provision within walking distance of the site, including the Dudhope Castle, Hilltown West and Bell Street car parks which are within 400 metres of Rose House.
- 7.98 In respect of electric vehicle charging points, there is scope to provide infrastructure for the installation of charging points within the car parking area. It is recommended that a condition be attached to any permission granted requiring the provision of such infrastructure. It is generally expected that this would as a minimum take the form of cable ducting to enable the future installation of cabling to connect charging points to the electricity supply in the main building.

- 7.99 The proposal would include 10 cycle spaces, comprising 5 twin cycle lockers within accessible locations towards the rear of Rose House. The provision of 10 spaces would meet Dundee City Council's road standards. It is recommended that a condition be attached to any permission granted requiring the secure and covered cycle storage is provided prior to occupation.
- 7.100 **The proposal is in accordance with Policy 56, subject to conditions.**
- 7.101 **The proposal is in full accordance with the Local Development Plan.**

STATUTORY DUTY

- 7.102 **Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.**
- 7.103 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires planning authorities, in considering applications that affect listed buildings, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which they possess.
- 7.104 Section 64 of the Act requires that the Council have special regard to any buildings or other land in a conservation area and special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the area.
- 7.105 This matter has been considered in the assessment of the proposed development under policy 7 of National Planning Framework 4 and Policy 51 of the Dundee Local Development Plan 2019. It was concluded that the proposed development would have no detrimental impact on the character or setting of Category B listed Rose House. The proposal would maintain the character of the site as existing, and would return a vacant building to use. The proposal would maintain the historic character of the local streetscape and wider Conservation Area.
- 7.106 It is considered that the application discharges the statutory duties as set out above.

MATERIAL CONSIDERATIONS

A – REPRESENTATIONS

- 7.107 Fifteen letters of objection were received, raising the following matters:
- 7.108 **Objection** - the proposed development will generate additional traffic and parking requirements, to the detriment of road safety and local parking pressures.
- 7.109 **Response** – the applicant has submitted a transport statement in support of the application. The statement concludes the development would introduce a low number of trips during the morning and evening peak periods. However, the trips generated would be fewer than the existing use as a residential care home. The existing vehicle access to the rear of the building would be retained, and public roads to the north and south of the site provide safe access to vehicles attending the site.
- 7.110 The development would be occupied by students, and is in a highly accessible location. The level of car ownership of residents would be low given the nature of the use and the location of Rose House, close to the universities and city centre which would support sustainable and active travel. The provision of a travel plan which supports the use of sustainable transport options, and its distribution to residents is to be controlled by condition. The site would retain three in-curtilage parking spaces and on street parking is available within reasonable walking distance in surrounding streets and in off street public car parks. Overall, the level of traffic

generated by the proposed development and availability of parking within the site and surrounding area ensures there would be no significant impact on local parking provision or road safety.

- 7.111 **Objection** – the use of Rose House as student accommodation raises concerns in relation to noise and disturbance which would impact on residential amenity.
- 7.112 **Response** – noise associated with the proposed change of use is considered under Policy 39. The use of the property would remain residential in nature, and no alterations are proposed to the form or layout of external spaces. The accommodation will be managed, with matters such as ground maintenance and site upkeep being addressed. Noise associated with residents attending and residing within the site would be in keeping with residential uses within the surrounding area. Noise from the site would not be significantly different to noise associated with past and historic uses including a care home and hostel. Any noise from the site would be in keeping with the residential nature of Constitution Terrace and no greater than a development which accommodates long-term residents.
- 7.113 **Objection** – windows of the proposed student accommodation would afford overlooking of neighbouring property, and bedrooms would have a low-quality outlook.
- 7.114 **Response** – there are windows of the property which are within close proximity to the site boundary, including windows on the south west elevation which afford views towards neighbouring garden ground. The windows are existing, and no additional overlooking would be afforded compared to the existing situation. Neighbours considered the nature of the existing use as a care home has a lesser impact on privacy than student accommodation. Whilst some rooms are being altered within Rose House, the residential nature of the building is being maintained, and the use of specific rooms can be altered without any requirement for planning permission. Similarly, some rooms towards the centre of the building would have views towards existing boundary treatments. The rooms would however benefit from natural light and maintain the use of the property as residential accommodation. Overall, the level of amenity afforded to neighbouring residents, and to residents of the proposed student accommodation, would be in keeping with the existing quality of residential amenity.
- 7.115 **Objection** – the use of the site as 20 bedroom student accommodation is overdevelopment.
- 7.116 **Response** – the site formerly provided residential care for up to 23 residents, and was attended by care staff. The proposed use would accommodate 20 residents and would be attended by a small number of staff for management and maintenance purposes. The proposed use would be a reduction in the number of residents occupying the site, and would require fewer service/delivery vehicles. The proposed internal layout provides residents with a range of facilities including lounge and kitchen areas, and external amenity areas are to be retained. The site is within walking distance of public open spaces and shops and services within the city centre. Overall, the proposal is considered to be of an appropriate design and scale for this location, maintains the established use as residential accommodation and would not result in overdevelopment of the application site.
- 7.117 **Objection** – the proposal would have a detrimental impact on the character and appearance of the conservation area.
- 7.118 **Response** – the proposal would maintain the character and appearance of Rose House. The nature of the proposed use would generate footfall. However, the site has historically operated in uses of multiple occupation including a young women's hostel and residential care home. The proposed use is in keeping with the nature of historic uses at Rose House and would maintain the character of Constitution Terrace and Constitution Street.

- 7.119 The matters raised in the representations have been considered and addressed in the report. Planning conditions are recommended to ensure the travel plan and cycle storage provision is implemented prior to occupation of the development. Concerns in relation to impact on road safety, the character of the conservation area and overdevelopment are not supported.
- 7.120 One letter of support was received, which considers the proposed development would contribute to the range and availability of student accommodation in the city. Student accommodation is considered under Policy 15 of the Dundee Local Development Plan. It is acknowledged there is limited demand for student accommodation within the city and that the proposed development of 20 bedrooms would positively contribute to the supply of high-quality student accommodation within an accessible location.
- 7.121 **It is concluded that there are no material considerations of sufficient weight which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application for a change of use to student accommodation is in accordance with National Planning Framework 4 and the adopted Local Development Plan. It is recommended that planning permission be granted subject to conditions.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- Condition** – the development hereby permitted shall be commenced within 3 years of the date of this permission.
Reason – to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.
 - Condition** - the twin cycle lockers, as detailed on Drawing “04B – Proposed Floor Plans” dated 24 April 2023 shall be installed on site prior to first occupation of the development.
Reason – in the interest of ensuring that provision is made for sustainable transport measures.
 - Condition** - prior to the first occupation of any part of the development, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car and encouraging use of sustainable transport shall be submitted to and approved in writing by Dundee City Council. The Plan shall include details of when it will be reviewed and updated, and how and when it will be distributed to residents. Thereafter, the agreed Travel Plan shall be published and distributed in accordance with the approved details.
Reason – in the interests of promoting sustainable transport to all residents.
 - Condition** – prior to the commencement of development details of infrastructure for the future installation of electric vehicle charging points shall be submitted to and approved in writing by Dundee City Council. The agreed infrastructure shall be installed in accordance with the approved details prior to the first occupation of the development.

Reason – in the interest of ensuring that infrastructure is available to encourage the future installation of electric vehicle charging points in the interests of promoting sustainable transport measures.

- 5 **Condition** - the student accommodation hereby approved shall be used solely for the purposes of providing student accommodation and ancillary facilities associated with their needs, unless otherwise agreed in writing by the planning authority.

Reason - to retain control of the use of the building.