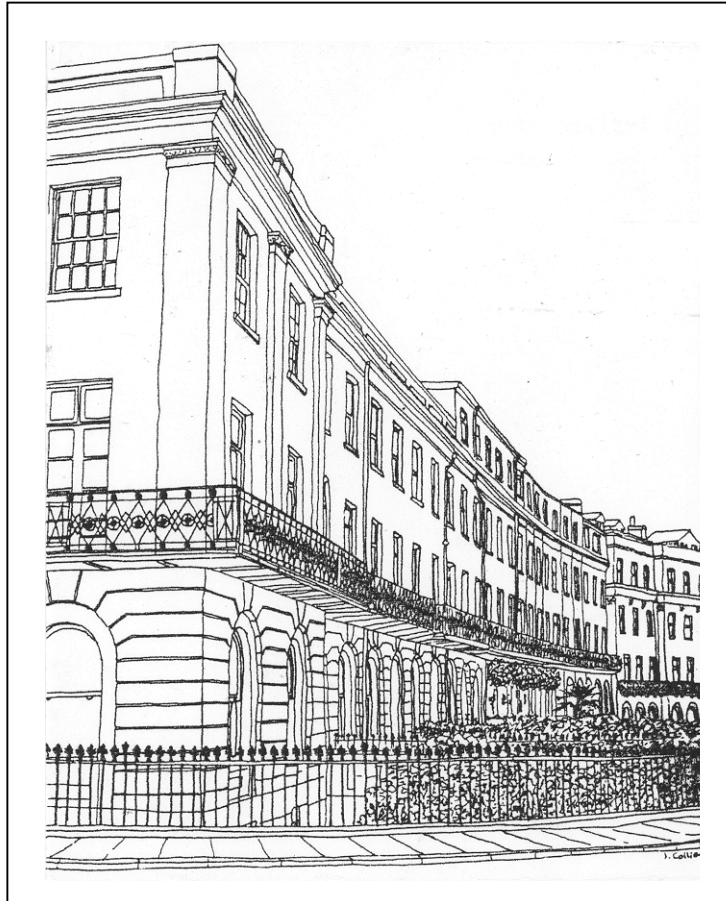


GUIDANCE NOTE ON FLAT CONVERSIONS



Support for Good Development

Department of Planning Services
Planning and Building Standards
February 2005



A great place to live, work & play

FOREWORD

This Guidance Note on Flat Conversions was the subject of public consultation in late 2000. In response to comments received, the Borough Council agreed a number of revisions at its meeting on 22nd May, 2001. The guidance has now been adopted in this revised form by the Council and will be taken into account in the determination of planning applications.

The note is for guidance and draws together the various requirements of planning, building regulations, and environmental health. Each case will always be considered on its merits, and the attached document should provide a clear indication of what type of development is likely to be acceptable to the Council.

Please note that since adoption an inaccuracy in the minimum size of further bedrooms was noted and has been amended. Contact addresses have been revised and the SPG is up to date as of August 2004.

GUIDANCE NOTE ON FLAT CONVERSIONS

CONTENTS

1.0	Introduction	p.2
2.0	What Type of Property is Suitable for Conversion?	p.3
3.0	Conversion to HMOs/Hostels/Student Accommodation	p.3
4.0	Flat Layout	p.4
5.0	Fire Precaution and Noise Insulation	p.5
6.0	Room Sizes and Requirements	p.6
7.0	Refuse Storage	p.9
8.0	Conversion of Listed Buildings	p.9
9.0	Conversions in Conservation Areas	p.10
10.0	Crime Prevention and Security	p.12
11.0	Conversion of Flats to Tourist Accommodation	p.12
12.0	Disabled Access	p.13
13.0	Energy Efficiency	p.13
14.0	Parking and Cycling Facilities	p.14
15.0	What Does and Does Not Require Planning Permission?	p.15
16.0	Obtaining Planning Permission and Building Regulations Approval	p.16
17.0	Relevant Contacts	p.16

APPENDIX A: Local Plan Policies

1.0 INTRODUCTION

- 1.1 It is important that property owners make best use of their buildings and that alterations and conversions are carried out to a high standard. This guidance note clarifies what the Council will expect in terms of internal and external improvements as part of the conversion process. The guidance pulls together Planning, Building Regulation and Housing and Environmental Health matters to provide a comprehensive guide to developers on how to submit applications which are most likely to be acceptable to the Council.
- 1.2 Applications for planning, listed building or building regulations approval will, as with any planning application, be judged against policies contained within the Scarborough Borough Local Plan (April 1999) (see Appendix A). The purpose of this guidance is to clarify what these policies mean. This is not a policy document in itself. Its aim is to assist potential developers in planning flat conversions. It will save time through outlining the main Building Control and Environmental Health as well as Planning requirements. This will make developers aware from the beginning of the quality Scarborough Borough Council expects from flat conversions. The Council accepts that there may be some instances where it is not feasible to accommodate all the requirements in the leaflet. Those cases will be considered on their merits within the parameters of Local Plan policy.
- 1.3 This Guidance clarifies existing Local Plan policies H10, H11, H12, H13, L5 and E14 which are included in Appendix A. The broad aims of the policies are to:
 - Ensure that there is suitable provision made for family housing, by way of retaining and protecting small terraced properties and family housing stock.
 - Satisfy a need for small, low cost, affordable accommodation by encouraging flat conversions.
 - Ensure that in any conversion to flats, residents' amenity is protected.
 - Improve the character and appearance of buildings where these conversions take place.
 - Protect Listed Buildings and Conservation Areas from inappropriate development.
 - Restrict the creation of further HMOs (Houses in Multiple Occupation) and encourage the upgrading of existing HMOs and Hostels.
 - Protect existing hotel stock in Prime Holiday Areas defined in the Local Plan and in all cases hotels of over 30 bed spaces.
- 1.4 The Borough Council positively encourages conversions, provided that the buildings to be converted are suitable for that purpose and the conversion itself will not lead to harm.
- 1.5 The advantages of conversions are:
 - They can contribute to urban regeneration.
 - They can help restore buildings that are listed and in Conservation Areas.
 - They reduce pressure for housing on greenfield sites.

- Buildings suitable for conversion are usually in sustainable locations, i.e. close to facilities and public transport links, and within walking distance of the town centre.
- They can lead to improved accommodation through upgrading of HMOs and bedsits.

2.0 WHAT TYPE OF PROPERTY IS SUITABLE FOR CONVERSION?

2.1 Properties which are suitable for sub-division to flats include:

- Large detached or semi-detached properties which are no longer suitable for single family occupation. This may include large terraced housing
- Other large non-residential properties suitable for conversion subject to compliance with other policies in the Local Plan
- Any property that is in existing use as bedsits or an HMO which would benefit from upgrading to self-contained flats
- Any shops with vacant space above

2.2 Inappropriate types of property would include:

- Family size houses where conversion would lead to the loss of a valuable source of family housing. This includes small/medium terraced housing.
- Housing in unsustainable locations, i.e. not close to public transport and remote from shops, jobs, schools etc.
- Properties adjacent to 'bad neighbour' uses e.g. above or near bars, take-aways or noisy industrial premises.
- Hotels of over 30 bed spaces and hotels in Prime Holiday Areas (see policy L5 in Appendix A)

3.0 CONVERSION TO HMOS/HOSTELS AND STUDENT ACCOMMODATION

HMOs AND HOSTELS

- 3.1 HMOs and Hostels include living accommodation where facilities such as kitchen, bathroom and WC are shared by a number of occupants who otherwise live separately. The definition of a HMO for the purposes of this guidance depends on the element of self containment to the individual bedrooms or bedsits in a house or building, and the degree to which individuals live together or separately.
- 3.2 Although HMOs can sometimes provide useful accommodation for people who do not wish to or cannot afford to buy property, it is desirable, wherever possible, to

upgrade the standard of accommodation to that of self contained flats in the interests of health, safety and amenity for the occupants.

- 3.3 The provision of new HMOs and hostels will not be permitted because there is sufficient supply to meet demand in the Borough and they provide inferior accommodation which does not meet with guidelines contained within this leaflet.

STUDENT ACCOMMODATION

- 3.4 In any application for conversion of buildings to student accommodation, the following will need to be demonstrated as part of the application:

- In certain circumstances, and depending on the size of the unit, accommodation for an on-site warden may be required.
- That only bona fide students in full-time education at a local University or College will be housed in the converted flats.
- That there is a demonstrable unmet need for additional student accommodation in the area which cannot be met elsewhere (for example through existing Local Plan allocations).
- How the accommodation will be utilised outside of term time.
- The accommodation complies with the relevant health and safety standards. There are more stringent requirements for the installation of fire escapes, fire alarms, smoke alarms and so on for student accommodation. Any developer should consult the Building Control Surveyor at an early stage, to ascertain these requirements.

- 3.5 A legal agreement may be required as part of any planning permission for student accommodation to ensure that the relevant requirements are met.

- 3.6 For information on the above and other relevant issues please refer to the SPG entitled “Student Accommodation” (April 2004).

4.0 FLAT LAYOUT

- 4.1 Guidelines on flat layout are necessary to ensure a reasonable level of amenity for occupiers and other occupants in adjacent flats or houses.

- 4.2 It is good practice to ensure, where possible, that similar rooms are located above and below each other in a “stacked” layout, i.e. kitchens above and below kitchens, bedrooms above and below bedrooms.

- 4.3 Where possible layouts should be designed to avoid overlooking of neighbours' gardens/private spaces.

- 4.4 Where pipework cannot be accommodated internally, layouts should be designed so that bathrooms are located to the rear of the property in order to avoid new waste pipes and drains running down front elevations.

- 4.5 Proposals for bedsits which consist of a combined bedroom and living room, with or without a kitchen will not be acceptable. The Council welcomes applications to upgrade existing bedsits or HMOs to self-contained flats.

5.0 FIRE PRECAUTION AND SOUND INSULATION

FIRE PRECAUTION REQUIREMENTS

- 5.1 Flat conversions must be undertaken in such a way as to ensure that all occupants have a safe means of escape from fire, by way of providing a protected stairwell (enclosed stairway which is protected from fire and smoke), fire resistant doors, walls, floors and stairway, and by ensuring there is a satisfactory escape route.
- 5.2 It is impossible in a general guide such as this, to describe every requirement for fire and noise insulation, as there are many ways of achieving the required standards, and standards vary depending on the proposal. However, all conversions will be required to satisfy the provisions of Approved Document B of the Building Regulations 1991 (2000 edition or subsequent amendment). The following list presents a general guide to the main requirements for flat conversions:
- All flats will normally be required to have their own lobby area and front door. Planning permission and Building Regulations approval will not generally be granted for flats that have habitable rooms accessed directly from the main stairwell.
 - Each flat entrance door *must*:
 - 1) have a thirty minute fire resisting standard door (type FD30S) which is fitted with heat and smoke seals and installed using three door hinges.
 - 2) be fitted with a lock which is capable of being opened from the inside without a key, but only capable of being locked from the outside with a key. (Thus avoiding someone being trapped outside or inside their flat without a key.)
 - Structural elements including walls, floor and stairways should achieve the relevant degree of fire resistance (30 minutes). Guidance on the various ways of achieving this can be obtained from the Building Control Surveyors at the Council.
 - Inner rooms in flats will not be acceptable unless the inner room has its own fire escape. An inner room is a room that can only be accessed through another room.
 - Smoke/heat alarms, fire warning systems and escape lighting may also be required, depending on the scale of the development.
 - Fire regulations will differ if the proposed conversion is more than four storeys, or where one of the units is a maisonette.
 - Where a building is listed, care must be taken to ensure that fire prevention measures are designed so as to be compatible with the building (see Section 8), whilst still ensuring that standards of fire safety are met.

SOUND INSULATION REQUIREMENTS

- 5.3 Sound insulation is one of the most significant and expensive factors in converting a building into flats. It is essential that all floors are upgraded to meet sound insulation standards. There are various ways of achieving these standards, and advice on different methods are contained in The Building Regulations 1991, Approved Document E – ‘Resistance to the passage of sound’.
- 5.4 To minimise noise disturbance it is good practice to ensure, where possible, that similar rooms are located above and below each other in a “stacked” layout, i.e. kitchens above and below kitchens, bedrooms above and below bedrooms.
- 5.5 Acoustics in buildings is a very complex science, and it depends on a multitude of factors. In all cases it is important that the design incorporates the correct materials, and that the installation is carried out to meet very specific requirements. Some of the methods may be unsuitable for listed buildings, and it is important that proper advice is sought in all cases.
- 5.6 In general, some walls (see figure 1) and all floors between flats must be upgraded to achieve 1 hour fire resistance and adequate sound insulation. This will involve the construction of an independent sound insulating ceiling beneath the floor, or upgrading the existing ceiling, or the fixing of sound absorbent material between the joists with a floating floor on suitable resilient material.

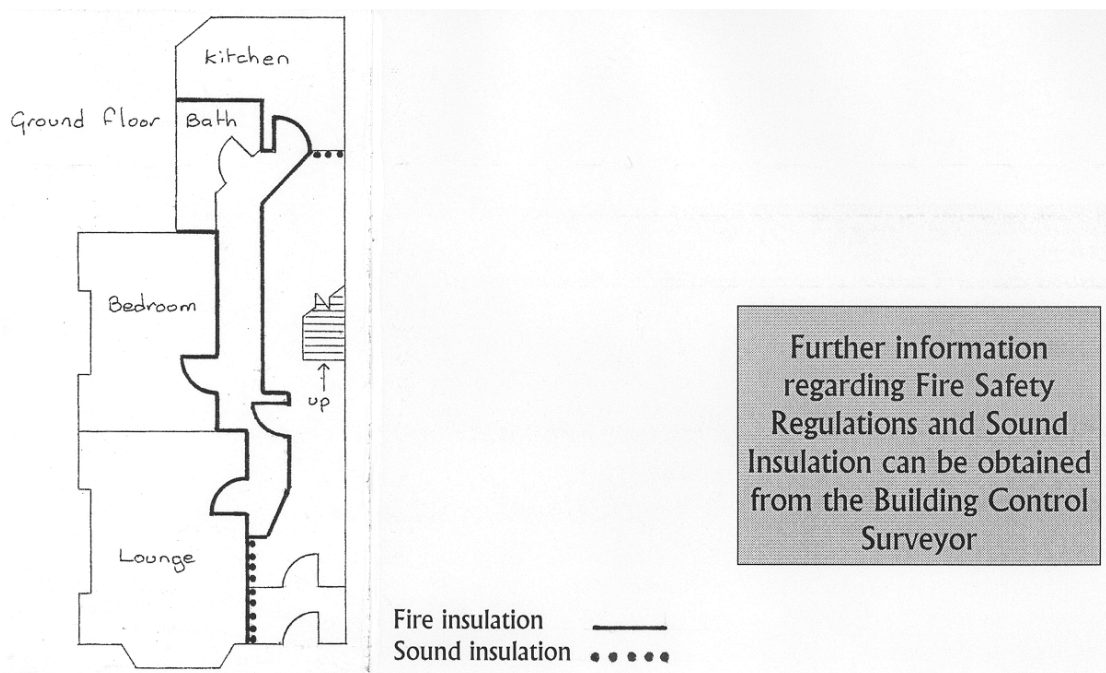


Fig 1: Floor plan showing some of the fire and sound insulation requirements

6.0 ROOM SIZES AND REQUIREMENTS

- 6.1 Applications for planning permission should, where possible, conform with the following standards in terms of room sizes. These are the standards normally expected by the Council although it is accepted that in exceptional circumstances, variations may be acceptable. It should be noted that windows will normally require trickle ventilation to comply with Building Regulations standards.

Room Type	Can it be internal ?	Minimum Floor Area	Minimum Window Area
Kitchen	Yes	7.65m ²	Preferably window with a view. Artificial mechanical extract ventilation is compulsory.
Bathroom	Yes	Must be 1m ² of circulation space in bathroom	Preferably with window to outside. Artificial mechanical extract ventilation is compulsory
Main Bedroom	No	10.22m ²	10% floor area. Openable window must be at least 5% floor area.
Further Bedrooms	No	6.5m ²	10% of floor area. Openable window must be at least 5% floor area.
Bedroom for child under 10	No	4.7m ²	10% of floor area. Openable window must be at least 5% floor area.
Living Room	No	13m ²	10% floor area. Openable window must be at least 5% floor area
Living Room with Kitchenette	No	15m ²	See living rooms and kitchens for ventilation requirements.
Other rooms (e.g. study/dining room/store)	Yes	N/A	Preferably with a window, but artificial lighting and mechanical extract ventilation acceptable.
Note: The floor should be measured on a plane 2.0m above the floor, or 1.5m where there is a sloping ceiling or intruding part of the structure.			

KITCHENS

- 6.2 It is preferable to have a separate kitchen, but in some circumstances, a kitchenette as part of a living room will be acceptable. If this occurs it is expected that the joint space reflects that shown in the table above. It will not be acceptable however, to have a kitchen within a bedroom area (i.e. a bedsit).
- 6.3 The normal minimum size for a kitchen is 7.65m². In some cases a lower standard may be acceptable provided that the room has a safe and workable layout for the preparation and cooking of food.

- 6.4 Kitchens should be naturally ventilated and lit, with a window with an outlook. However, internal kitchens with artificial mechanical extract ventilation and lighting may in exceptional circumstances be acceptable.

BATHROOMS AND TOILETS

- 6.5 There must be at least one toilet in each living unit and at least one bath or shower.
- 6.6 An en-suite bathroom with WC will be acceptable for one bedroom flats. If there is more than one bedroom in the flat, a bathroom/WC must be provided that is available to all occupants (i.e. if there is one en-suite, then there should be another bathroom for the other occupants of the flat).
- 6.7 Ideally, bathrooms should be naturally lit and ventilated. Internal bathrooms without natural lighting and ventilation will be acceptable provided mechanical extract ventilation and lighting is provided. Where bathrooms and WCs have windows they should be obscure glazed (this does not include rooflights).
- 6.8 Bathrooms/toilets should be accessible from the common circulation space in the flat (i.e. corridors or hallways). Planning permission will not be granted for any flats where bathrooms or WCs are located off kitchens or living rooms.

BEDROOMS

- 6.9 Bedrooms must be self contained and accessed from the main circulation space. It will not be acceptable to have internal or inner bedrooms.
- 6.10 All bedrooms must have adequate natural light and ventilation. This means that the glazed area of any bedroom must be at least 10% of the overall floor space, and the opening section of the window must be at least 5% of the overall floor space.
- 6.11 The minimum floor area for an adult double room is 10.22m². The minimum floor area for an adult single bedroom is 6.5m² and 4.7m² for a child's room (under 10) but ideally, proposals should aim to achieve a minimum of 8.4 m².
- 6.12 There should be not more than one room per flat of the smallest size (4.7m²) and at least one room of the largest size (10.22m²). If the flat is a one bedroom flat, then it must be to this double size standard.

LIVING ROOMS

- 6.13 The same rules apply to living rooms in terms of window areas – i.e. there must be a glazed area that is the equivalent to 10% of the floor space, and there should be opening sections of the window that are 5% of the overall floor space. The minimum size for a living room is 13m².
- 6.14 All habitable rooms (bedrooms and living rooms) must have natural light and ventilation, and be accessible from a main corridor.

OTHER ROOMS

- 6.15 It is acceptable to have studies/dining rooms/stores as internal rooms. They will be acceptable as inner rooms provided there is a direct means of escape from that inner room. It is, however, always preferable to have rooms with direct light and natural ventilation.

OUTDOOR AMENITY SPACE

- 6.16 It is desirable to have some outdoor amenity space for future occupants of flats. For example, an area for washing lines, and children's play. Where this space exists, it should be reserved for the use of occupants and all occupants should have convenient access to it. It is accepted however, that many properties are unlikely to have this space.

7.0 REFUSE STORAGE

- 7.1 Refuse storage facilities must be conveniently accessible to all flats in the development. Ideally such facilities should be at the rear of the property and have a level access from the rear access passage or other access. If access to the rear yard is restricted, the storage facility should, where possible, be within 20 metres of the entrance door serving any flat. However, in exceptional circumstances, a distance of 30 metres will be acceptable. Where there is sufficient space and adequate access, each flat should be provided with a wheeled refuse bin. Where there is insufficient space for individual bins then a large communal bin can be provided subject to there being adequate access for emptying.
- 7.2 If it is not possible to provide refuse storage at the rear then a fully enclosed refuse store will need to be provided at the front of the property. The refuse store must be of sufficient size to accommodate wheeled bins for each flat or a large communal bin. Where a refuse store at the front is proposed, the location and construction details must be discussed with the Planning Officer at an early stage. Particular attention must be paid to quality of design and materials of the store where the building is listed, or in a conservation area.
- 7.3 Refuse storage must be located in such a way as not to harm the amenity of residents, for instance, refuse storage should not be located directly below windows, and must not be located in such a way as to cause a noise nuisance to residents.

8.0 CONVERSION OF LISTED BUILDINGS

- 8.1 The conversion of a Listed Building will only be permitted where the character of the building is preserved. This means that where rooms are to be altered, careful consideration must be given to the retention of original architectural features and they must be retained if at all possible.

- 8.2 The subdivision of rooms is not encouraged, particularly where partition walls would impinge upon or divide existing windows. Subdivision should only occur where it is absolutely essential in order to meet other requirements laid out in this guidance.
- 8.3 When an application is submitted to convert a listed building into flats the following must be included in the submission:
- Existing layout plans must be supplied which illustrate existing architectural features in each room, e.g. cornice mouldings, ceiling roses, fire surrounds, original panelled doors and doorcases etc.
 - All plans, existing and proposed must be drawn to scale.
 - Any architectural features to be removed, re-sited or concealed must be clearly marked.
 - Details of the effect of Building Regulations must be shown (e.g. sound proofing/fire proofing, etc.)
 - Sound and Fire proofing techniques can be used that are appropriate to listed buildings. There are many ways of upgrading panelled doors to fire door standard and advice on this can be given by the Conservation Officer. Panelled doors should never be covered.
 - The siting and route of any new services must be clearly illustrated, e.g. mechanical extract vents, waste pipes, boilers etc.

The Conservation Officer is available to provide pre-application assistance with the above where needed.

- 8.4 Listed Building consents may be accompanied by conditions requiring the improvement of exterior features of the building (see Figure 2). This may include conditions to ensure the removal of inappropriate existing features. Any conversion should follow the list of Do's and Don'ts set out in paragraphs 9.4 and 9.5.
- 8.5 Any alteration or removal of features in a listed building without listed building consent is a criminal offence.

9.0 CONVERSION TO FLATS IN CONSERVATION AREAS

- 9.1 Conversions of dwellings to flats within Conservation Areas must, by law, preserve or enhance the character of the Conservation Area. Any proposal which does not satisfy this overall requirement will be refused. Local Plan policies relevant to conversions in Conservation Areas are included in Appendix A.
- 9.2 The Council may require that proposals in Conservation Areas and proposals to alter Listed Buildings or other buildings of merit will include a requirement to undertake the restoration of buildings where this has been adversely affected by unsuitable alterations in the past. This may mean re-instating original windows, porches, front doors, railings and other detailing that may have fallen into disrepair or been

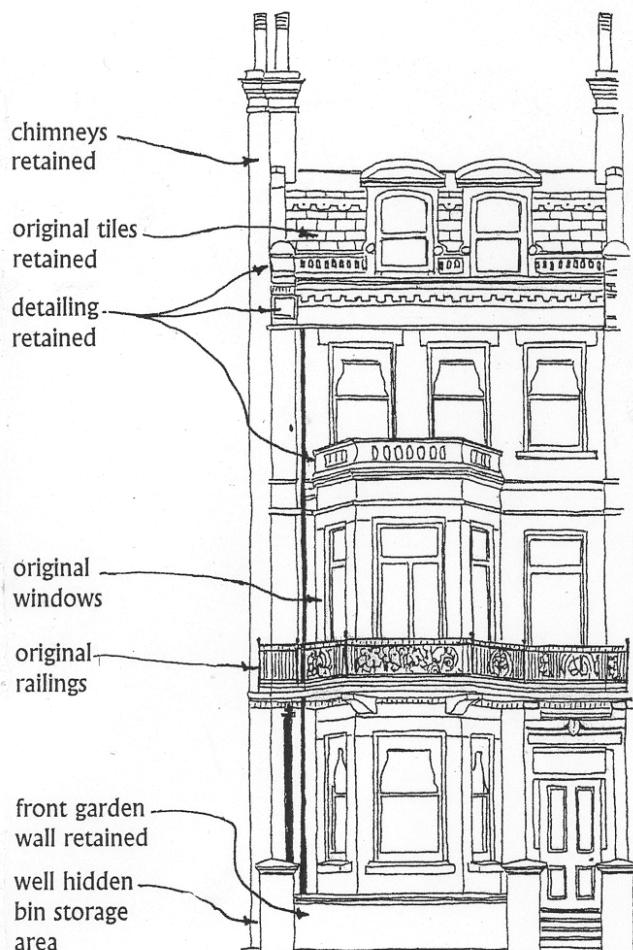
removed. These things may be included in conditions attached to any planning permission or listed building consent.

9.3 Any application on a listed building, in a conservation area, or concerning a building of architectural merit will be expected to incorporate the do's and don'ts below and will be judged against these criteria

9.4 Good Practice: DO

- Provide only one external letterbox
- Restore windows and doors to original features
- Restore brickwork and detailing on eaves
- Ensure that any existing architectural features are retained
- Where pipework cannot be accommodated internally, ensure bathrooms/kitchens are provided to the rear to avoid obtrusive flues/drains on front elevations
- Consider conservation rooflights instead of dormer windows
- Provide well hidden, covered bin storage areas of high quality construction and design

GOOD PRACTICE



BAD PRACTICE

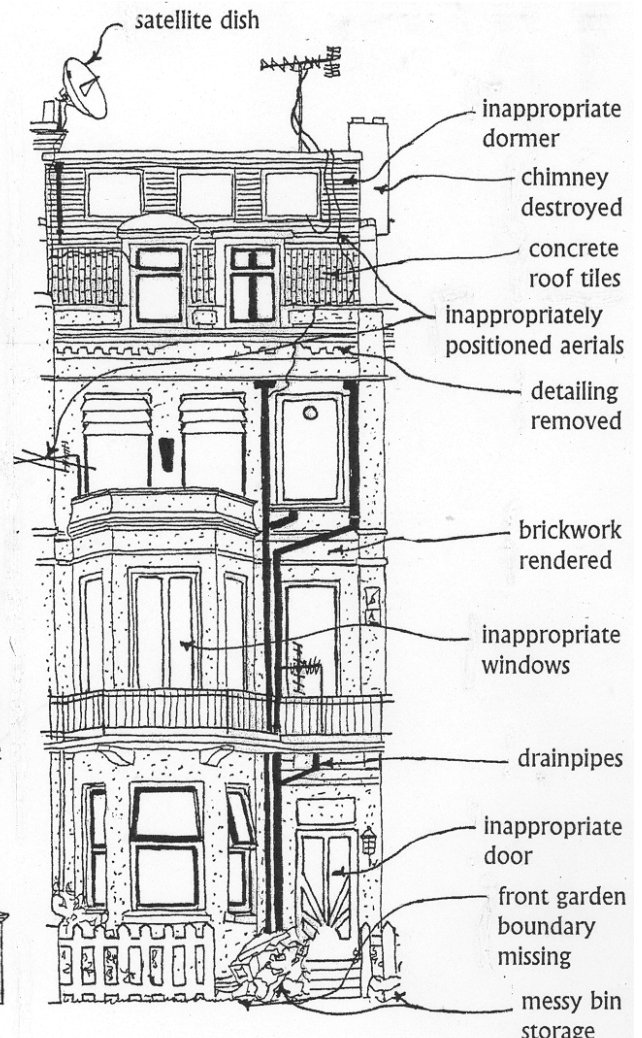


Fig 2: Examples of good and bad practice to external alterations for flat conversions

- Retain or restore front garden boundary walls or railings
- Position aerials out of sight. If a satellite dish is to be provided, it must serve all flats to avoid a proliferation of satellite dishes on a building.
- Check what needs planning permission or listed building consent
- Incorporate cycle storage facilities if possible
- Landscape front areas of flats
- Incorporate Building Regulations requirements into the planning application

9.5 Bad Practice: DON'T

- Add ornamental features not in keeping with the building's architecture
- Add aerials/satellite dishes in prominent positions
- Insert inappropriate windows and doors
- Remove any existing architectural features without permission
- Insert new dormer windows
- Remove railings/walls/gardens for car parking
- Provide untidy, uncovered front bin storage facilities
- Put new flues/waste pipes on front elevations
- Carry out alterations without planning permission or listed building consent
- Render or paint brickwork without permission

10.0 CRIME PREVENTION AND SECURITY

10.1 Consideration must be given to security for flat occupants. Regard should be had to the document "Secured by Design", a copy of which can be provided by the local police Architectural Liaison Officer. To meet the relevant standards contained in that document, the following will be required in any application:

- all proposals will be expected to have a call entry system at the main entrance
- where possible passageways and entrances should be gated
- there should be suitable lighting in any passageways or common entrances
- any communal areas should be securely gated to avoid being used by non-residents
- ground floor/french windows should be fitted with secure locks

11.0 CONVERSION OF FLATS FOR TOURIST ACCOMMODATION

- 11.1 In many cases, a developer may wish to convert flats for use as self catering tourist accommodation. The English Tourism Council takes a qualitative approach to the provision of this type of accommodation and there are no specific guidelines which determine what size flats should be or specific figures on room sizes.
- 11.2 The qualitative standards of Self Catering Accommodation are outlined in a Quality Standards report by the English Tourism Council. This document provides guidelines on what should be provided in self catering accommodation by way of furniture, facilities etc., and what lighting and ventilation standards are expected. Lighting and ventilation standards are covered by standards set out in this guidance note for normal flat conversions.
- 11.3 The standards state that each room should be large enough to comfortably accommodate the necessary furniture for the number of people provided for. Research shows that an increasing number of self-catering accommodation flats are being used for long term winter lets, and a decreasing number used for short term summer lets.
- 11.4 It is therefore important that all flat conversions for tourist use meet standards set in this guidance note for permanent accommodation. To ensure a consistent standard of accommodation in terms of room sizes, the room size standards laid out in Section 6 of this guidance note will be expected for self-catering accommodation.
- 11.5 A copy of the English Tourism Council Quality Standard Accommodation report is available from the English Tourism Council, at the address given at the end of this guidance note.

12.0 DISABLED ACCESS

- 12.1 Local Plan policy H7 (in Appendix A) outlines the Council's policy on housing for people with disabilities. Guidelines are contained in the Council's Guidance note "Access for All".
- 12.2 Consideration must be given to access for the disabled in all proposals. It is clear that in some instances, access for people with disabilities will be difficult to secure, due to the nature of the building to be converted.
- 12.3 However, an example of where disabled access could be provided is where there is existing level access at ground floor level. Flats which do not have this existing level access can be made accessible by the provision of an external ramp. Where a ground floor flat has been made accessible, it should be converted to comply with access for the disabled standards.

13.0 ENERGY EFFICIENCY

- 13.1 As of 1st January 2001, all new dwellings (including conversions) will be required to have a SAP (Standard Assessment Procedure) energy rating. In brief, this is a calculation of the energy efficiency of a dwelling using a number of factors (e.g. orientation of building for sunlight, location, drafts, insulation, etc.). The result is a figure which equates to the amount of money it would cost to heat the dwelling unit per year. Advice on SAP energy rating can be obtained from the Building Control Surveyor. The Department of Environmental Health and Housing seeks an aspirational SAP target of 65 on any dwelling created by conversion.
- 13.2 It is good practice to achieve as much energy efficiency in the creation of new units as possible – this will also ensure a lower SAP rating which is beneficial to subsequent purchasers of properties. Energy efficiency can be achieved through a number of measures, for example:
- Insulation of cavity walls, lofts and ceilings where possible
 - Condensing boilers
 - Fully lagged water cylinders
 - Draught proofing/double glazing of windows and doors – there are a number of patent draught stripping methods available for sliding sash and other windows. An effective and sensitive way of double glazing is to install internal secondary double glazing which does not detract from the external appearance of the window.
 - Efficient lighting design
 - Water saving devices such as low flow cisterns/tap restrictors
- 13.3 Further advice on energy efficiency in housing can be obtained from the Local Agenda 21 Officer (see Section 17).

14.0 PARKING AND CYCLING FACILITIES

- 14.1 National planning advice set out in PPG3 “Housing” recommends a flexible approach towards parking provision. This means that parking will often not be required in areas that are well served by existing facilities or are close to public transport. An area which is inaccessible to public transport may not be appropriate for development in the first place.
- 14.2 It is not acceptable to include parking spaces in front gardens, particularly if this involves the removal of curtilage walls or vegetation or creates a road safety problem. The loss of garden space for car parking can damage the character of the area, and will therefore not be acceptable. Provision for cycle storage is desirable and should where possible be included in any conversion, either externally in a tidy covered storage area, or internally if there is space. One cycle space should be provided per household.



Fig 3: Car parking in front gardens will not be acceptable

15.0 WHAT DOES AND DOES NOT REQUIRE PLANNING PERMISSION?

15.1 Below is a summary of what requires planning permission/listed building consent/building regulation approval:

- Buildings which contain flats do not benefit from permitted development rights, i.e. any external alteration such as the installation of replacement windows will require planning permission.
- Building Regulations applications will be required to ensure that the conversion meets Building Regulations in terms of noise and fire prevention requirements.
- Listed Building Consent is required for any alterations, internal or external to a listed building. It should be noted that it is a criminal offence to make alterations to a listed building without consent. Listed Building Consent applications are free of charge:
 - If the application is for something that would not normally require planning consent, i.e. internal changes, then only a listed building consent would be required.
 - If the application is for something that would normally require planning consent, then a planning and listed building consent application will be required.
- The subdivision of a single family dwelling house to self-contained flats will require planning permission.

- The change of use of a building from any use to flats requires planning permission, even if there are no external alterations involved. The only exception is the following:
 1. Development consisting of a change of use of a building that is used for retail or shops (A1 Use Class) to retail and a single flat does not require planning permission.
 2. Development consisting of a change of use from A2 use (financial/professional services) to an A2 use with a single flat does not require planning permission.
 3. Development consisting of a change of use from A2 use to A1 use with a single flat does not require planning permission

Therefore permitted development is: A1 to A1 plus flat
 A2 to A2 plus flat
 A2 to A1 plus flat

4. The above permitted development is subject to certain provisos, one of which is that the flat should be above the shop. In all cases, Building Regulations may still be applicable.

All applicants are advised to contact the Planning Department regarding the need for planning permission where there is any doubt.

16.0 OBTAINING PLANNING PERMISSION AND BUILDING REGULATIONS APPROVAL

- 16.1 In some circumstances a property may have a restrictive covenant placed on it which would need to be released in order for a flat conversion can take place. Any developer should check this before applying for planning permission or building regulations consent.
- 16.2 It is advisable to contact the relevant Building Control Surveyor and Development Control Officer or send preliminary plans in advance of a formal submission to ensure that the planning/building regulations applications are compatible, and avoid the need for amendments at a later date.
- 16.3 It is advisable to apply for planning permission in the first instance, so that the principle of whether a development is acceptable is established. If the development is acceptable, then the applicant should apply for building regulations approval. Applicants can submit both applications at the same if they wish.
- 16.4 Where the building is listed, the Conservation Officer can be contacted for any specialist advice that may be required prior to submitting an application.
- 16.5 All planning and building control applications should show existing and proposed floor plans. Elevations drawn to scale will also be required if there are any external alterations proposed.

17.0 RELEVANT CONTACTS

17.1 The following is a list of relevant contacts at the Local Authority when submitting a planning application, listed building application or building regulations application for conversion of buildings to flats:

1. Development Control Office
Planning Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Tel: 01723 232323

2. Development Control Office
Northern Area Office
10 Skinner Street
Whitby
YO21 3AD
Tel: 01723 232323

3. Conservation Officer
Planning Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Tel: 01723 232481

4. Building Control Surveyors (Southern Area)
Building Standards Consultancy
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Tel: 01723 232440

5. Building Control Surveyor (Whitby/Northern Area)
Northern Area Office
10 Skinner Street
Whitby
YO21 3AD
Tel: 01723 232439

6. Environmental Health Officers
Environmental Services
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Tel: 01723 232524

8. Head of Leisure and Operational Services
Tourism and Leisure Services Department
Town Hall
St Nicholas Street
Scarborough
YO11 2HG
Tel: 01723 232566

APPENDIX A - LOCAL PLAN POLICIES

H12: The Conversion and Sub-Division of Buildings for Residential Use

With the exception of buildings to which Policy H11 applies (Small Terraced Houses), the conversion of buildings or the sub-division of existing dwellings to form smaller units of accommodation will only be permitted within the defined development limits of towns and settlements where self contained accommodation can be provided without:

- (A) Affecting adversely the amenities of potential occupants or nearby residents; or
- (B) External alterations likely to detract from the street scene; or
- (C) Leading to a concentration of such uses, or otherwise likely to harm the character of the surrounding area.

Proposals for non self-contained accommodation will only be permitted where they satisfy the above criteria and are justified either by a proven housing need or a need to retain the special character and features of particular buildings, e.g. room sizes in listed buildings

H10: Protection of Residential Amenity

Planning permission will not be granted for development that would have a serious effect on residential amenity. In considering proposals account will be taken of:

- (A) The extent of overlooking and loss of privacy;
- (B) The proximity and relationship of new and existing buildings and whether there is an overbearing effect on existing property;
- (C) Disturbance or danger resulting from the level of traffic likely to be generated by the development;
- (D) Levels of noise, smell and other emissions and pollutants;
- (E) The impact of the development on the appearance of the area; and
- (F) The loss of significant open space or landscaped areas.

H11: Protection of Small Terraced Houses

Proposals involving the conversion of small terraced houses to flats will not be permitted.

H13: Residential Use of Upper Floors

The use of upper floors for commercial premises for residential purposes will be permitted unless it would give rise to conflict with existing uses in the area.

H7: Accessible Housing

New housing development will take account of the needs of people with disabilities. The design and layout of development should, where possible, include:

- a) *A proportion of dwellings built to mobility standard as described in H8;*
- b) *Dwellings constructed with level or gently sloping accesses and flush thresholds;*
- c) *Appropriate car parking; and*
- d) *Features incorporated into the layout such as dropped kerbs and tactile paving.*

Conversions and alterations should also be designed to conform as far as practicable and reasonable to the above accessibility standards (B to D)

E14: Extensions and alterations to existing buildings

Extensions and alterations to existing buildings will be permitted provided that:

In the case of alterations:

1. *The alteration will not detract from the character, appearance or historic significance of the building; and*
2. *The alterations will not harm the uniformity of a terraced frontage or otherwise harm the appearance of a streetscene.*

L5: Changes of use of hotels and guest houses

The change of use of hotels with over 30 bed spaces will not be permitted. The change of use of other hotels and guest houses within the prime holiday areas defined on the proposals map will only be permitted where:

1. *It can be demonstrated that overall demand for this type of accommodation during peak periods in the particular town is being met; or*
2. *The proposal will result in a significant environmental improvement or other benefit to the character of the prime holiday area.*