

Guidelines for Temporary Accommodation in Existing Buildings for those fleeing the war in Ukraine - Single Persons & Family type Accommodation

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1. Introduction

Government decision S180/20/10/2271 dated 26/04/2022 calls for the development of an agreed standard of temporary accommodation in existing buildings, for use by those fleeing the war in Ukraine.

The purpose of these Guidelines is to meet this commitment, provide guidance to building owners (public and private) on the standard of accommodation required and clarity on the application of statutory processes related to development. It does not address the operational issues nor does it provide guidance on the obligations of such service providers.

This guidance is broadly based on Homeless Emergency Accommodation, which has been developed in recent years to respond to the needs of those presenting as homeless and to reduce reliance on commercial hotel and B&B accommodation. This generally consists of private sleeping accommodation for families and/or individuals and shared facilities for cooking, laundry, recreation etc.

This document has been developed by DHLGH in consultation with DCEDIY and relevant State Agencies/Government Departments within the context of the Humanitarian Crisis Housing Taskforce.

This document provides guidance on appraisal criteria, including general considerations such as location, current state of building, general standards, accommodation standards, statutory requirements etc.

In general, where suitable and feasible the development of self-contained apartments in existing buildings that will have a long term use as part of the permanent housing stock is desirable. However, this document does not cover such conversion or alterations. For self-contained apartment units, the appropriate standards are set out in the Design Standards for New Apartments 2018¹. While the standards provide minimum floor areas in respect of new apartments, they also note that some variations may be acceptable in the case of the conversion of an existing building. *Bringing Back Homes -Manual for the reuse of existing buildings* is also a useful reference document for such development.

¹ <https://www.gov.ie/en/publication/15f0b-design-standards-for-new-apartments-dsfna-2018/>

2. Assessment of Need

According to UN figures, nearly 8 million people are internally displaced and 5.5 million have fled Ukraine since Russian forces began advancing across Ukraine February 2022. Some 13 million people are currently estimated to be stranded in affected areas or unable to leave.

Though estimates vary, most EU Member States are planning on the basis that over 10 million civilians will ultimately leave Ukraine, with NGOs working in Poland estimating this might reach 13-14 million. It is possible, in this context, that more than 100,000 fleeing the war may arrive in Ireland during the conflict. This will present the State with a challenge of unprecedented immediacy and magnitude, requiring an equally unprecedented and extraordinary emergency response to accommodate those already here and those yet to come.

To date, May 2022, almost 28,000 Ukrainians and third country nationals have arrived in Ireland from the conflict. Viewing these arrivals as distinct family units sees that approximately 53% are single individuals, 5% are couples with no children, 8% are couples with an average of 2.2 children and 33% are lone parents with an average of 1.6 children. Table 1 provides a detailed synopsis of the family units observed among arrivals.

Persons arriving in Ireland fleeing the war in Ukraine							
	<i>Persons</i>		<i>Mean family size</i>	<i>Mean number of children under 16</i>	<i>Distinct family groups</i>		
	<i>number</i>	<i>%</i>			<i>number</i>	<i>%</i>	
Single/No association recorded	8,956	30.1%	1.0	0.0	8,956	53.3%	
Couple without children	1,724	5.8%	2.0	0.0	862	5.1%	
Couple with children	5,405	18.1%	4.2	2.0	1,389	8.3%	
Lone Parent Families	13,305	44.7%	2.6	1.4	5,499	32.7%	
Other family group	404	1.4%	4.9	1.9	107	0.6%	
All	29,794	100.0%			16,813	100.0%	

* This data is reflective of the larger cohort of persons fleeing the war in the Ukraine collected by the D/SP for the purposes of universal payment processing and is not restricted to the cohort seeking State supported accommodation

Of those who have arrived, to date, 18,700 persons have sought State supported accommodation, 15,000 of these are in serviced accommodation with around 1,000 in emergency accommodation e.g. local authority provided rest centres with 3,100 bed capacity, at any one time.

A constant stream of additional accommodation solutions will be required in the medium to long-term to meet this demand.

While a range of delivery mechanisms are being pursued, the use, conversion, or alteration of vacant existing buildings has been identified as one such mechanism that has the potential to deliver temporary accommodation for those fleeing the war in Ukraine, throughout the country in the short to medium term.

3. General Considerations

In this context of Section 2 Assessment of Need, it is clear there is a need for this form of temporary accommodation to be made available as soon as possible and then on a rolling basis.

While it is difficult to say how long the temporary accommodation will be required for, the Temporary Protection Directive allows for a period of one to three years.

The condition and location of existing buildings whether for use, conversion, or alteration should be carefully considered as these initial decisions significantly influence the extent of works required, the cost, the time, and regulatory issues that arise in delivering suitable temporary accommodation in existing buildings, for use by those fleeing the war in Ukraine. Also the potential long term use of the buildings should be considered in the interest of value for money and efficient use of resources and the feasibility for future conversion to housing (private, affordable or social), to commercial/hospitality facilities etc., should also be considered

Where building works are needed to meet the standard of accommodation required in this document, statutory compliance e.g. Planning permission, Building Regulations, Building Control Regulations, may be required. See section 6 of this document for further guidance. No works should be carried out to a building, which would cause a new or greater contravention of any provisions of the Building Regulations.

a. Assessment of Existing Building

Where a building is under consideration for conversion, or alteration as temporary accommodation for those fleeing the war in Ukraine, a thorough assessment should be carried out, taking into account the following, non-exhaustive list of issues;

- Suitability of Site location (See below)
- Ownership of buildings
- Type of accommodation proposed e.g. family units, shared facilities, single only
- No of persons to be accommodated
- Potential long term use
- Detailed building condition survey (see below)
- Nature and extent of proposed building works, and cost of acquisition where relevant
- Cost estimate of proposed building works
- Site Constraints & Site Abnormalities
- Planning, Building control and conservation status
- Risk Identification / Management
- Programme, Project Management & Delivery
- Confirmation of statutory obligations

i. Suitability of Building Location

Location should be a key up-front element of assessment, as it has a significant impact on the likely quality of life and well-being of people using this accommodation both on a temporary basis and for its long term use. The following should be considered in the initial assessment of an existing building;

- 1) Is the building located within, adjoining or outside a settlement?
 - If it is outside a settlement, how is it connected to the nearest settlement(s), if at all - i.e. footpath/walking distance; public transport (rail or bus and frequency); by road only;
 - If within a settlement, where is it located within that settlement? i.e., is it within walking distance (and connected by safe footpath) or public transport access (again rail/bus and frequency) and accessible to a range of necessary services and facilities, including schools, childcare, healthcare, shops, other community services, employment and parks/recreational facilities. A centrally located building is likely to be accessible to a range of services, although this may well depend on the following;
- 2) What is the scale of the host/nearest settlement(s)?
 - Larger settlements will generally have a larger range of facilities and services, as well as employment and public transport options?
- 3) What will be the scale of the population accommodated relative to that of the host settlement?
 - There should be a general objective not to disproportionately alter the balance of established communities; anything in excess of 5% of the current population should be very carefully assessed
- 4) Is the scale of the settlement sufficient to meet the basic/daily needs of the temporary accommodated community, especially in terms of schools/healthcare?
- 5) What level of capacity may be available in necessary services e.g. in schools, childcare and other community services that will serve those accommodated in the building?
- 6) Is there adequate broadband capacity/connectivity in the area in which the building is located.
- 7) Is there capacity for shared open space/garden or convenience to a public park?
- 8) What is the potential long-term use for the building?

ii. Detailed building condition survey

Buildings chosen should ideally be in good repair, free from obvious structural defects, damp and anything other than limited localised water penetration, and from other obvious deficiencies which would be expensive to remediate and also likely to cause delay in delivery. The extent of the works should also be such as to allow earliest possible delivery. However, suitably located buildings which require more significant refurbishment may be considered as suitable for medium term delivery. In the context of ease and speed of delivery, Protected Structures should not ordinarily be considered, unless the building has already been purposed for this type of accommodation and the works involved are limited to minor refurbishment works.

4. General Standards & Provisions

Buildings offering temporary accommodation for use by those fleeing the war in Ukraine, must be safe, well-maintained and in good repair and meet the following;

a. Structural Condition

The building should all be maintained in a proper state of structural repair, meaning sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.

Where a window has an opening section through which a person may fall, and the bottom of the opening section is more than 1400mm above external ground level, suitable safety restrictors should be fitted. Unless suitable guarding is fitted, safety restrictors shall restrain the window sufficiently to prevent such falls.

Where necessary, adequate provision shall be made to prevent harbourage or ingress of pests or vermin.

b. Sanitary Facilities

Suitable and adequate sanitary accommodation facilities, should be provided, i.e.

(a) A water closet, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and

(b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

These sanitary facilities should be:

(i) be maintained in a safe condition and good working order,

(ii) have safe and effective means of drainage,

- (iii) be properly insulated,
- (iv) have minimum capacity requirements for hot and cold water storage facilities, and
- (v) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

Toilets, bathrooms and private spaces should have locks.

c. Heating Facilities

Every room used, or intended for use, as a habitable room, and any bathroom, or shower-room shall contain a permanently fixed:

- (a) heat emitter,
 - (b) heat distribution system, or
 - (c) heat producing appliance,
- capable of providing effective heating.

The room should contain suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air where a heat producing appliance is used.

A heat producing appliance should be installed so that there is an adequate supply of air to it for combustion, to prevent overheating and for the efficient working of any flue pipe or chimney serving the appliance.

All appliances shall be maintained in a safe condition and in good working order and good repair.

The building should contain, where necessary, suitably located devices for the detection and alarm of carbon monoxide.

d. Food Preparation and Storage and Laundry

Suitable and adequate food storage, preparation and cooking facilities should be provided.

Kitchen facilities should include

- 4 ring hob with oven and grill,
- Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,
- Fridge and freezer or fridge-freezer,
- Microwave oven,
- Sink, with a piped supply of potable cold water taken direct from the service pipe supplying water from the public main or other source to the building and a facility for the piped supply of hot water, and an adequate draining area,
- Suitable and adequate number of kitchen presses for food storage purposes,

Occupants should have access to laundry facilities.

This may be provided offsite or on premises, in the case of the latter;

- Washing machine, or access to a communal washing machine facility within the curtilage of the building, and
- Where the building does not contain exclusive outdoor space for drying, a dryer (vented or recirculation type) or access to a communal dryer facility.

All facilities shall be maintained in a safe condition and in good working order and good repair. Unless a bespoke collection and delivery service is provided, where located off site it should be within reasonable distance of the facility.

e. Ventilation

Every room used, or intended for use, as a habitable room shall have adequate ventilation. All means of ventilation shall be maintained in good repair and working order. Adequate ventilation shall be provided for the removal of water vapour from every kitchen and bathroom.

f. Lighting

Every room used, or intended for use, as a habitable room, shall have adequate natural lighting.

Every hall, stairs, and landing and every room used, or intended for use, by occupants shall have a suitable and adequate means of artificial lighting.

The windows of every room containing a bath or shower and a water closet shall be suitably and adequately screened to ensure privacy.

g. Fire Safety

Adequate provisions should be made in relation to fire safety e.g. compliance with a fire safety certificate or the obligations under the Fire Services Acts.

In this context each building should contain

- a suitable fire detection and alarm system (mains wired) for the particular building installed and maintained to current applicable standards and legislation
- an emergency evacuation plan,
- drawings of each floor displayed inside the entrance door to dormitories, bedrooms, or family accommodation, showing all escape routes from the building .

Emergency lighting shall be provided in all common areas

Fire detection and alarm systems and emergency lighting systems shall be maintained in accordance with current standards.

h. Refuse Facilities

The building shall have access to suitable and adequate pest and vermin proof refuse storage facilities.

i. Gas, Oil and Electricity Installations

Installations for the supply of gas, oil and electricity including pipework, storage facilities and electrical distribution boxes shall be maintained in good repair and safe working order and have been recently serviced and approved for use by a suitably registered operative (i.e. RECI or RGI).

5. Accommodation Standards & Provisions

Accommodation should be light and tranquil, finished in appropriate colours and finishes and domestic in scale and character.

Buildings may cater for a mix of singles, couples and family accommodation. It is not envisaged that there should be any need to provide separate accommodation for singles, and the conversion of a building that includes a mix of unit sizes will ordinarily provide some accommodation for single/couple occupancy.

a. Single Accommodation Standards

Where single persons/couple is envisaged, the guidance below should be regarded as setting the general minimum standards for this form of accommodation, however, in converting existing buildings, some compromises may be necessary. These standards have been devised from those published for youth hostels with suitable increases to reflect the longer term nature of the stay, and from published standards for domiciliary hostels with an average provision taken where published standards differ.

In this type of accommodation it is to be assumed there will be communal kitchens where meals are served, laundries where clothes can be washed/dried, (or alternatively access to convenient off-site facilities may be acceptable) and communal lounges and recreation areas.

i. Sleeping accommodation:

- There should be some provision of single rooms (each a minimum of 7.5 sqm) for residents with particular needs.
- The minimum bedroom floor area, where communal cooking, dining and laundry facilities are provided elsewhere on the premises, should be 5.0 sqm per person², however this should be exceeded where possible to 6.5 sqm per person³.
- It would be preferable if the limit on each shared bedroom was at most four persons.
- In addition, a built-in wardrobe of minimum 0.5 sqm/person should be provided.
- Screening, or other privacy measures, should be provided in shared rooms to ensure privacy for personal care.
- Private lockable storage facilities of at least 0.7 cubic metres per person also need to be provided, either convenient to the entrance or in each sleeping room.
- In larger facilities there should be consideration of the provision of at least one bedroom and associated bathroom for a person with severe mobility impairment.

ii. Sanitary Provision:

- The ratio of WC provision to bedspaces should normally be at least 1 per every 8 bedspaces.
- Wash hand basins with hot and cold water supply should be provided in the ratio of 1 per 6 beds spaces.
- Showers should be provided at the ratio of 1 per 12 bed spaces as individual cubicles with closable door or curtain, and provided with hot and cold water supply.
- Where possible showers should be located separate from shared toilet facilities.
- At least one WC, WHB and Shower should be provided for persons with severe mobility impairment, (and considered in the context of similar bedroom provision).

iii. Shared facilities

- In general, the following provisions should be adequate.
- In respect of communal cooking and dining facilities with all residents to be seated at a single sitting, the following general space standards should be applied. In a larger facility, the provision may drop below the provisions stated, and in a smaller facility will certainly exceed these areas.
 - Kitchen/food storage : 1.1 sqm/person
 - Dining: 1.0 sqm/person

² This represents a marginal rounding up of the absolute minimum effective floor area set out in the 1966 Housing Act of 4.65 sqm/person to avoid overcrowding

³ This represents the usual provision for a twin bed room unit in social housing dwellings, and reflects the longer-term stay.

- In respect of kitchen sizes, it should be noted that there are other provisions (for instance appropriate Food Safety legislation and the HSE: Guide to the Health Safety and Welfare at Work Act 2007) which will apply, with requirements such as staff changing, locker and ablution facilities which may slightly increase the above space standards.
- There should be provision made for a Lounge/Recreation area: 1 sqm/person with a minimum provision of 20 sqm. In larger facilities, consideration should be given to dividing the communal lounge into two separate facilities, for instance one for active recreation such as games and one for TV viewing.
- Laundry/Storage: it is difficult to offer precise guidelines based on published standards, and the space required will differ where provided on a self-service, and whether linen is handled on site, but a commercially equipped laundry of 12sqm can handle a large volume of clothes washing and drying.
- Circulation area should be kept to a minimum, approximately 10% of net floor area.

b. Family Accommodation

i. General:

The following represents the absolute minimum standards for family accommodation, though accommodation reasonably in excess of this could be provided accepting always that in the event of the conversion of an existing premises, some compromises will be necessary from the ideal.

ii. Accommodation Standards:

- All family members should be accommodated together, for sleeping purposes. Bedroom space should be sufficient for the family taking into account ages and gender of children. Bedrooms should be a minimum of 5.0sqm per bed space⁴, and ordinarily should not accommodate more than two to three persons per room. Shared rooms should provide screening, or other privacy measures, to ensure privacy for personal care.
- In addition, a built-in wardrobe of minimum 0.5 sqm/person should be provided.
- Screening, or other privacy measures, should be provided in shared rooms to ensure privacy for personal care.
- Private lockable storage facilities of at least 0.7 cubic metres per person also need to be provided, either convenient to the entrance or in each sleeping room.

⁴ This represents a marginal rounding up of the absolute minimum effective floor area set out in the 1966 Housing Act of 4.65 sqm/person to avoid overcrowding

- Sanitary facilities should be provided within the family private space for the exclusive use of the family. Bathroom area should be a minimum of 4 sqm, with a wc, whb, and a bath or shower, with hot and cold water supply. A bath is preferred for small children and offers greater flexibility.
- In addition, each family unit should preferably have a separate living room space and a number of bedspaces, but this may vary depending on the extent of shared living spaces available. Where provided, separate living room spaces should be at least 13 sqm for up to four bed spaces, and 15 sqm for up to seven bed spaces.
- Kitchen facilities should allow for members of a family to dine together. Kitchen facilities, preferably with an associated dining area, shared between two families should ordinarily be acceptable, though in limited situations and for smaller families, sharing between three families may be possible. Where shared, separate food storage should be provided and separate fridges would be preferable. Whilst perhaps not the most ideal, experience suggests that prepared meals served in a communal dining room may also be acceptable.
- Laundry facilities can be shared by any reasonable number of families, and if laundrette services are available in the vicinity, may not even need to be provided on the premises.
- A dedicated private open space per family may be difficult to provide, but there should be some provision of open space, shared but private to the residents, for hanging out laundry and for children's play.

6. Statutory Procedures

A wide range of legislation applies to this form of development. It is the responsibility of the Building Owner to satisfy themselves in term of compliance. The text below highlights some of the most relevant legislation.

a. Planning

Planning permission may be required for alterations to existing buildings or for a material change of use of a building.

However, Planning exemptions exist with respect to the conversion of hotels, hostels, convents, monasteries, Defence Forces barracks etc. to refugee accommodation and reception and orientation centres for 'protected persons' (as per S.I. No. 582/2015). Other planning exemptions may also be of relevance such as the conversion of vacant commercial buildings, including public houses, for residential use (as per S.I. No. 75/2022).

The Minister proposes to introduce temporary planning regulations which shall allow for a range of developments by or on behalf of State authorities to provide accommodation for those fleeing the war in Ukraine without the need for planning permission where they are required to meet the State's obligations under the EU Council Directive No 2001/55 EC relating to providing temporary protection to those fleeing Ukraine. This shall include certain classes of temporary development (including conversion/change of use of existing buildings and the construction of temporary buildings). However, such development would only benefit from disapplication from the normal provisions of the Act for the period covered by the regulations. Planning Authorities will be notified of these proposed Regulations by Circular letter when the Regulations are made.]

After the expiry of the proposed regulations, an application for planning permission under the normal provisions of the Act or consent (which might include orders granted under the Act), would be required for the continuation of such development.

Section 181(2) of the Planning Act also provides for the making of orders by a Government Minister in situations of emergency, whereby the normal provisions of the Act would not apply to specified projects carried out by or on behalf of the Minister, the Commissioners or a statutory undertaker. Where development such as modular accommodation is required for part of the emergency response but is likely to be required for a longer period, a Ministerial order may be considered. There is also potential for local authority chief executive emergency planning powers to be used through the Part 8 planning process for local authority own development.

Any development proposed to be carried out pursuant to regulations or orders which requires environmental assessment would be required to follow streamlined assessment procedures as set out in the Planning and Development Act 2000, as amended.

b. Planning - Protected Structures

The emergency planning regulations or order, as the case may be, which have yet to be issued, as set out above, will enable temporary use of and works to, all buildings, including statutory protected structures (historic buildings).

However, any works proposed to protected structures, including works to their interiors, must be carefully considered, should be temporary in nature and reversible without affecting the historic/special character of the building.

The opinion of the planning authority should be sought in respect of any works proposed to a protected structure to ensure that they would not affect the character of the structure or any element of the structure that contributes to its special interest.

c. *Building Regulations:*

i. **General**

Building Regulations apply to existing buildings where works⁵ are being performed on a building as prescribed in the Building Regulations 1997 (S.I. No. 497 of 1997) as amended. The requirements of the Building Regulations are set out in 12 parts (classified as Parts A to M). Technical Guidance Documents (TGDs) are published to accompany each part of the Building Regulations indicating how the requirements of that part can be achieved in practice.

In the case of material alterations or material changes of use of existing buildings, the adoption of the guidance in TGDs without modification may not, in all circumstances, be appropriate. In particular, the adherence to guidance including codes, standards or technical specifications, intended for application to new work may be unduly restrictive or impracticable. To address this, some technical guidance documents provide specific guidance on works to an existing building e.g.

- TGD E – Sound
- Section 2 of TGD L - Conservation of Fuel and Energy.
- Section 2 of TGD M - Access and Use

Article 9(2) of the Building Regulations 1997 (as amended) prescribes that no works shall be carried out to a building which would cause a new or greater contravention in the building of any provision of Building Regulations.

In addition, subject to Article 3 (Application) and Article 8 (Exemptions), the Building Regulations 1997 (as amended) have specific provisions applying to:

- Material alterations⁶, extensions and repair or renewals⁷;
- Provision of services, fittings and equipment (by way of new work or by way of replacement);
- Material changes of use;

⁵ 'Works' includes any act or operation in connection with the construction, extension, alteration, repair or renewal of a building.

⁶ 'Material alteration' means an alteration, where the work or part of the work carried out by itself would be the subject of a requirement of Part A (Structure), B (Fire Safety) or M (Access and Use) of the Second Schedule to the Building Regulations 1997 (as amended).

⁷ 'Repair or renewal' means works of maintenance or restoration of a routine nature relating to:

- (a) The keeping of a building in good condition or working order
- (b) The return of the fabric of the building to its original condition.

- Major renovations⁸

ii. Material Alterations, Extensions and Repair and Renewals

With regard to material alterations, extensions of buildings and repair and renewals, Article 11 of S.I. No. 497 of Building Regulations 1997 (as amended) applies to:

- (a) All works in connection with the material alteration or extension of an existing building
- (b) Every part of a building affected by such works referred to in Paragraph (a) above but only to the extent of prohibiting any such works which would cause a new or greater contravention, in such a building, of any of the provisions of the Building Regulations
- (c) Any repair or renewal likely to affect the structural integrity of the building or building element that is being repaired or renewed.

In addition, Part L (Conservation of Fuel and Energy) of the Second Schedule to the Building Regulations:

- (a) Shall apply to renewal works to existing buildings involving the replacement of external doors, windows and roof lights
- (b) Requires that replacement oil or gas boilers where practicable should have a boiler efficiency of greater than 90% in dwellings as defined on the HARP database. (Condensing boilers should achieve an efficiency of > 86%).
- (c) Does not apply to works (including extensions) to an existing building which is a 'protected structure' or a 'proposed protected structure' within the meaning of the Planning and Development Act 2000 (S.I. No. 30 of 2000).

iii. Provision of Services, Fittings and Equipment

With regard to building services, Article 12 of S.I. No. 497 of 1997 of the Building Regulations applies to all works in connection with the provision (by way of new work or by way of replacement) in relation to a building of services, fittings and equipment where Parts G (Hygiene), H (Drainage and Waste Water Disposal) or J (Heat Producing Appliances) of the Second Schedule to the Building Regulations impose a requirement.

⁸ 'Major Renovation' means the renovation of a building where more than 25% of the surface of the building envelope undergoes renovation. The 'surface area of the building thermal envelope' means the entire surface area of a building through which it can lose heat to the external environment or the ground, including all heat loss areas of walls, windows, floors and roof.

iv. Material Change of Use

Where a material change of use to a building takes place, Article 13(1) of the Building Regulations 1997 (as amended) provides that the following requirements of:

- Parts A1 and A2 (Structure),
- Part B (Fire Safety),
- Part C4 (Site Preparation and Resistance to Moisture),
- Part E (Sound),
- Part F (Ventilation),
- Part G (Hygiene),
- Part H (Drainage and Waste Water Disposal),
- Part J (Heat Producing Appliances), and
- Part L (Conservation of Fuel and Energy)*

apply to the building undergoing the change of use. In addition, Part M (Access and Use) also applies to the building, where a material change of use to a day centre, a hotel, hostel or guest building, an institutional building, a place of assembly, a shop (which is not ancillary to the primary use of the building), a shopping centre takes place.

v. Major Renovations

With regard to major renovations where works commence to (a) non-domestic buildings on or after 1 Jan 2019 or (b) domestic buildings on or after 1 (TBC) 2019 Part L requires that the minimum energy performance requirement of the building or the renovated part thereof should be upgraded in order to meet the cost optimal level of energy performance in so far as this is technically, functionally and economically feasible. (The energy performance requirements are provided in the relevant TGD L).

vi. Dispensation or relaxations:

Section 4 and 5 of the Building Control Acts make provision to dispense with or relax requirements of building regulations, subject to such conditions (e.g. time bound, exclusively for certain classes and set minimum standards), if it is deemed unreasonable having regard to all the circumstances of the case or the class of works under consideration.

d. Building Control Regulations

A **Fire Safety Certificate** is required for certain works to which the requirements of Part B of the Building Regulations applyⁱ.

A **Commencement Notice** is required for works to an existing building where the works are a material alterations, extensions or change of use where a Fire Safety Certificate is required or where planning is required, and the works are subject to the Building Regulations. In relation to works to an existing building, **SI 9/2014** applies to extensions to dwellings greater than 40sqm (however, **SI 365/2015** facilitates an opt out for extensions) and all works that require a fire certificate.

A valid 7 day notice effectively combines a Fire Safety Certificate application and a Commencement Notice and facilitates work starting on site 7 days from the date of receipt by Building Control. This notice must be accompanied by a 7 day notice statutory declaration form which declares that the works will comply with the Building Regulations and that any modifications required by the Fire Safety Certificate will be completed within the specified time. Consideration should be given to consulting with the fire authority to ensure a good understanding of the scope of works necessary to achieve compliance with Part B requirements, in order to deliver cost certainty and to avoid delays.

A **Disability Access Certificate** is required for certain works to existing buildings to which the requirements of Part M of the Building Regulations apply.

They are;

- The material alteration (excluding minor works) of: (i) a day centre, (ii) a hotel, hostel or guest building, or (iii) an institutional building, or (iv) a place of assembly, or (v) a shopping centre,
- The material alteration of a shop, office or industrial building where additional floor area is being provided, or the building is being subdivided into a number of units for separate occupancy,
- The extension of a building by more than 25 square meters,
- The material change of use where the following uses become so used: (i) a day centre, (ii) a hotel, hostel or guest building, (iii) an institutional building, (iv) a place of assembly, (v) a shop (which is not ancillary to the primary use of the building), or (vi) a shopping centre.

A Disability Access Certificate is not required required for the Material Alteration to a flat, the extension to a flat or a material change of use as defined by Section 3(3) of the Act.

e. Fire Services Act

Regardless of whether works are carried out on the existing building or not, Section 18 of the Fire Services Acts 1981 and 2003 imposes obligations in relation to the fire safety on the persons having control of certain premises, particularly involving the provision of sleeping accommodation (but excluding premises consisting of a dwelling house occupied as a single dwelling)

f. Safety Health & Welfare at Work Act 2005

As service provider personnel will be employed on the premises, it is likely that the Safety, Health and Welfare at Work Act 2005 will be applicable, though as mainly a management provision, its specific application is outside the remit of this guidance, and Building Owners will need to make their own decisions in this regard.

Endnotes

- i a) Works in connection with the material alteration of a day centre, a building containing a flat, a hotel, hostel or guest building or an institutional building, place of assembly or shopping centre. (Excluding minor works).
 - b) Works in connection with the material alteration of a shop, office or industrial building where additional floor area is being provided within the existing building or the building is being sub-divided into a number of units for separate occupancy.
 - c) Works in connection with the extension of a building by more than 25sqm
 - d) A building as regards which a material change of use takes place.
- ii Including:
- (a) take all reasonable measures to guard against the outbreak of fire on such premises,
 - (b) provide reasonable fire safety measures for such premises and prepare and provide appropriate fire safety procedures for ensuring the safety of persons on such premises,
 - (c) ensure that the fire safety measures and procedures referred to in paragraph (b) are applied at all times,
 - (d) ensure, as far as is reasonably practicable, the safety of persons on the premises in the event of an outbreak of fire whether such outbreak has occurred or not.

References:

Northern Ireland Housing Executive, Houses in Multiple Occupancy (HMO) Standards (2002)
Royal Borough of Kensington & Chelsea – HMO Guide to hostels and staff accommodation (2010)
Department of Education, New Zealand, Guidelines TO THE EDUCATION (HOSTELS) REGULATIONS (2005)
The Regional Municipality of Waterloo (Canada) DOMICILIARY HOSTEL STANDARDS (2009)
Ernest & Peter Neufert Architect's Data, Third Edition, Blackwell Science