

Guidelines for Temporary Accommodation in Existing Buildings - Single Persons & Family type Accommodation

May 2022

(Revised June 2023 and updated October 2023)

This revised version comes into effect for projects which are commencing design phase after 16th June 2023



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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 or policy issues and only provides limited guidance on the obligations of such service providers.

As the Emergency Refurbishment (Ukraine) Programme has progressed it has shown that the capital investment required to bring the majority of projects into to use for Beneficiaries of Temporary Protection (BoTPs) is too great for the properties to be used for just two years.

Therefore, an MOU (Memo of Understanding) was agreed between the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), the Department of Housing, Local Government and Heritage (DHLGH) and the County and City Management Association (CCMA) to allow for refurbished properties to be used by BoTPs for a period of two years in the first instance, and for continued use for a) displaced persons or b) housing, community or tourism use thereafter.

Therefore, these guidelines which were originally produced in May 2022 have been reviewed and slightly modified to avoid inconsistencies with the guidance set out in the Department of Justice and Equality's National Standards for Accommodation offered to people in the protection process, in respect of persons who are Beneficiaries of Temporary Protection (BOTP).

These guidelines do not supersede the National Standards for Accommodation offered to people in the protection process but provide Guidelines for Temporary Accommodation in Existing Buildings for Single Persons & Family type Accommodation to meet the needs of all cohorts seeking temporary accommodation. Architects and Designers should be cognisant of both documents as this document focuses on accommodation offerings only whilst the National Standards address person specific needs which must be met.

This original guidance was 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.

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.

2. Assessment of Need

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.

According to EU figures a total of 3.9 million Ukraine nationals were benefitting from Temporary Protection across the EU. To date, end of May 2023, a total of 83,565 TP's have been granted in Ireland. 82% of all arrivals have stated, that they require accommodation, with 65,500 currently being accommodated. Coupled with unprecedented levels of applications for International Protection, A constant stream of additional accommodation solutions will be required in the medium to long- term to meet this demand.

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

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, throughout the country in the short to medium term.

3. General Considerations

In the 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 five years, to allow for refurbished properties to be used by BoTPs for a period of two years in the first instance, and for continued use for a) displaced persons or b) housing, community or tourism use thereafter.

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. The potential long term use of the buildings should be considered in the interest of value for money, efficient use of resources and the feasibility for future conversion for use by BOTP, or 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, 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,
- Service Provision,
- Programme, Project Management & Delivery,
- Confirmation of statutory obligations submitted & approved prior to occupation.

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; Priority is given to buildings located within an existing settlement, with good connections to transport, medical and educational infrastructure,
- 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? What is the potential long-term use for the building?

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, but not longer than 12 months. 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

The Percentage of family accommodation provided must be agreed with the commissioning bodies prior to the design stage of the refurbishment process. Buildings offering temporary accommodation, 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 it should be sound, internally and externally, with roof, roofing tiles or 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, a door and containing separate ventilation,
- (vi) 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

As the refurbishment of existing buildings is considered a medium to long-term accommodation solution, priority is given to providing own-door, self-catering family units. If a self-catering option is not available, the service provider will be required to provide shared catering facilities, which meets the needs and respects cultural, religious, dietary, nutritional and medical requirements of all residents. Kitchen facilities preferably with an associated dining area and which are shared between a number of families should be considered. No more than 10 people

should be sharing one kitchen unit. Where kitchen units are shared, separate food storages, including fridges must be provided.

Suitable and adequate food storage, preparation and cooking facilities should be provided and in the case of a self-contained unit, 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:

- A washing machine in individual units, 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 meet these requirements including:

- 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. It is accepted that some buildings may only allow for single accommodation, however designs should endeavor to include family accommodation as much as possible. The approximate ratio of single to family accommodation should be agreed before design commences.

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. However, bunk beds cannot be used for persons over the age of 15 years.

In this type of accommodation it is to be assumed there will be communal kitchens, 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 m²) for residents with particular needs,

- In larger facilities there should be consideration of the provision of at least for one individual bedroom of 8.5 m² and associated accessible bathroom for a person with severe mobility impairment. This should be provided at the rate of 1 such bedroom per 20 bed spaces,

² This represents a marginal rounding up of the absolute minimum effective floor area set out in the 1966 Housing Act of 4.65 m²/person to avoid overcrowding

- The minimum bedroom floor area, where communal cooking, dining and laundry facilities are provided elsewhere on the premises, should be 5.0 m² per person², however this should be exceeded where possible to 6.5 m² per person³,
- It would be preferable if the limit on each shared bedroom was at most two persons with no bunk beds incorporated (for use by persons under the age of 15 years only) An increase to 3 persons sharing per room may be acceptable where it can be shown that the practicalities of converting the building so require,
- In addition, a built-in wardrobe of minimum 0.5 m²/person should be provided,
- Screening, or other privacy measures, should be provided in shared rooms to ensure privacy for personal care, once they are in line with fire regulations,
- Private lockable storage facilities of at least 0.7 m³ per person also need to be provided, either convenient to the entrance or in each sleeping room.

ii. Sanitary Provision:

- Adequate toilets and showers should be provided, with appropriate heating, adequate ventilation and mechanical extract, located convenient to the bedrooms,
- The ratio of WC provision to bed spaces should normally be at least 1 per every 7 bed spaces, with a minimum provision of 3 WCs. Wash hand basins with hot and cold water supply should be provided in the ratio of 1 per 7 bed spaces, again with a minimum provision of 3,
- Showers should be provided at the ratio of 1 per 10 bed spaces as individual cubicles with closable door or curtain, and provided with hot and cold water supply. Where shower has a shower door, same should be at minimum opaque and not see-through.
- In addition, urinals should be provided in male toilet facilities. In female toilet facilities, at least one WC additional to the provision derived from the above ratio.
- Where possible showers should be located separate from shared toilet facilities,
- At least one accessible WC, WHB and Shower should be provided (and considered in the context of similar bedroom provision).

iv. Shared facilities

- In general, the following provisions should be adequate,

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 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 m²/person
 - Dining: 1.0 m²/person,
- 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 m²/person with a minimum provision of 20 m². 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 12 m² 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 Standards

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 in own-door bedroom style facilities, 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 5.0 m² per bed space⁴, and

⁴ This represents a marginal rounding up of the absolute minimum effective floor area set out in the 1966 Housing Act of 4.65 m²/person to avoid overcrowding

ordinarily should not accommodate more than two to four 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 m²/person should be provided,
- Cooking and laundry facilities are to be provided in separate areas from the bedroom,
- 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 m³ per person also need to be provided, either convenient to the entrance or in each sleeping room,
- 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 m², 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 bed spaces, but this may vary depending on the extent of shared communal living spaces available,
- Kitchen facilities should allow for members of a family to dine together. Kitchen facilities, preferably with an associated dining area, shared between two families (or a maximum of 10 people) should ordinarily be acceptable,. 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,
- Where such communal cooking and dining facilities is considered acceptable, 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 m²/person

Dining: 1.0 m²/person

- Laundry facilities can be shared by any reasonable number of families, and if launderette 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,
- Where provided, separate living room spaces should be at least 13 m² for up to four bed spaces, and 15 m² for up to seven bed spaces. Where a separate living room is not provided to a family unit, the floor area of the shared living space (excluding the floor areas of kitchens and dining) shall be not less than 20% larger than the living space which would have been required had it been provided on the basis of bed spaces, to individual family units. Such shared communal living space shall in addition be subdivided into functional areas, including dedicated study areas.

6. Recreational Space

- The accommodation Centre has adequate space for recreational activities for all residents.
- The service provider makes available appropriate, secure and adequate play, sports and recreation spaces, both indoor and outdoor, for children and young people respectively. Play spaces for children are not positioned close to the road and have secure gates,
- The service provider makes available appropriate and adequate indoor and outdoor recreation and sports facilities for adults which are accessible,,
- The service provider makes available appropriate and adequate study facilities for children and young people.

7. 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. Governance and Accountability

The service provider performs its functions as outlined in relevant legislation, regulations, national policies and standards to protect residents living in the accommodation in a manner that promotes their welfare and respects their dignity

The Service provider will further adapt its functions and responsibilities in the event of a change of use of the accommodation need within the building. This may include but is not limited to a change in physical provisions to residents living in the accommodation, updates to licensing/contractual agreements, including revised rates.

b. Contingency Planning and Emergency Preparedness

The Service Provider will carry out a regular risk analysis of the service and develop a risk register. This must include but is not limited to identifying risk, fire drills and proposals for continuity of service.

C. *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).

Whether the service provider has availed of planning exemptions or not, in the event of a change of tenancy, it will be the responsibility of the service provider to ensure all planning requirements are met.

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 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.

d. 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.

e. 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 existing buildings 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,
- Major renovations⁸

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.
- (c)

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.

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.

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.

f. 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 40 m² (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 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.

g. 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).

h. 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 subdivided into a number of units for separate occupancy,,
 - c) Works in connection with the extension of a building by more than 25 m²,
 - d) A building as regards which a material change of use takes place.
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- 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.