



## Building Control Policy Briefing Note.

PN/GU/08

### Smoke-free Regulations and their relationship with Building Regulations.

#### Introduction.

So as to accommodate the desire of some employees, visitors or building/public space users to smoke, "Smokers Shelters" may be proposed to be erected in consequence of the smoking ban in premises and other spaces.

In the simplest form a Smokers Shelter is likely to consist of a roof supported by posts, piers or stanchions.

Under the Building Regulations such a structure is regarded as a "building" and therefore falls under the considerations of those Regulations.

The Building Regulations are a series of rules and requirements for the purposes of ensuring the health, welfare and safety of people in and around buildings.

Some minor buildings which are not considered to present undue risks to people are exempt the Regulations, and in some cases this will include some "Smokers Shelters".

#### Legal Requirements.

For a "Smokers Shelter" to be exempt the Building Regulations (i.e. not to require consent from the Council to build) it must meet certain criterion - as follows: -

##### Detached Shelters.

Have a floor area not exceeding 15m<sup>2</sup> (or 30m<sup>2</sup> if the shelter is more than 1 metre from the boundary of the site, or constructed of non-combustible materials).

##### Shelters attached to an existing building.

The shelter must be at ground level, have a floor area not exceeding 30m<sup>2</sup>, and any glazing must be safety glass (and easily and safely cleaned).

##### Temporary Shelters.

Shelters must not be on site for more than 28 days.

Shelters that do not meet any of the above standards will require consent before construction commences.

## Shelters requiring consent .

Examples would include: -

- Shelters built upon a roof, within a roof garden, or on a balcony.
- Shelters built on raised decking which is 380mm, or more, above the level of the adjacent ground.
- Shelters on loading docks, or raised platform floors.
- Shelters on the landing of a stairway that has two, or more, risers (steps).
- Shelters built on sloping ground where the drop from the edge of the shelter floor/base to the actual ground on which it is built is 380mm or more.
- Shelters added to say another detached cycle shelter where the combined floor areas exceed 15m<sup>2</sup> (or 30m<sup>2</sup> as mentioned above).

If the Smokers Shelter requires consent under the Building Regulations plans and specifications will be required, in addition to a "Standard Full Plans Application Form" and a "Plans Fee" (which is determined in relation to the total cost of the work involved).

## Technical Requirements.

Any Shelter requiring Building Regulation consent will have to: -

- Be structurally stable under all weather and ground conditions.
- Not present a fire safety risk, or obstruct an escape route in case of fire.
- Be accessible to all (including people with temporary, or permanent, disabilities).
- Not create a hazard, especially to anyone with sight impairment.
- Have glazing that is robust, or safety glass.
- Ensure any roof water does not create a nuisance, or cause a safety risk especially in very cold/frosty weather.
- Not cause any fluepipe to become inefficient, obstructed, blocked, a fire safety risk or other hazard.
- Have safe steps, where necessary, and suitable handrails and guarding where appropriate.
- Have safe electrical installations, if the supply is feed from a domestic supply.

Should you require any further information, or a greater explanation of the above please do not hesitate to contact Building Control Services on 01274 433807 or 01535 618010.

Please note that the information given above only relates to the Building Regulations and therefore it is essential that guidance is also sort in relation to Town Planning Legislation.