

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

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 fed from a domestic supply.

Planning Permission

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

YOUR LOCAL BUILDING CONTROL SERVICE

The Building Control Service is here to help. If you are in any doubt over Building Regulation requirements or require further information please telephone or call at your local Building Control Office.

Whilst every care has been taken in compiling this information leaflet and the statements contained herein, the publishers and promoters cannot accept responsibility for any inaccuracies.

Building Regulations are changed from time to time, if you did not receive this leaflet from your local Building Control Authority, check with them that the information herein is still current.

For further advice on this subject or any other Building Control matter please contact your local Building Control Office as detailed below.

Blackburn with Darwen
Borough Council
01254 585747

Blackpool Borough Council
01253 25212

Burnley Borough Council
01282 425011

Chorley Borough Council
01257 515240

Fylde Borough Council
01253 658674

Hyndburn Borough Council
01254 388111

Lancaster City Council
01524 582369

Borough of Pendle
01282 661661

Preston City Council
01772 254881

Ribble Valley Borough Council
01200 425111

Rossendale Borough Council
01706 252526

South Ribble Borough Council
01772 625521

West Lancashire District Council
01695 585136

Wyre Borough Council
01253 887242

Building Regulations

Smokers Shelters

Information Leaflet



LABC

**Local Authority Building Control
Lancashire District**

Aims of the Leaflet

This leaflet is intended to provide advice on a particular aspect of the Building Regulations. It is not a statement of law, but is intended to help you understand the system. For further information you should contact your local Building Control Office.

Introduction

So as to accommodate the desire of some employees, visitors or building/public space users to smoke, "Smoke 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, safety and welfare of people in or about buildings. This embraces the conservation of fuel, power and water, and the welfare of disabled people.

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

Under the Health Act 2006 (Smoke – free premises, Places and vehicles) **Smokers Shelters must not be "enclosed" or "substantially enclosed"**. The Smoke Free (Premises and Enforcement) Regulations 2006 states

Enclosed and substantially enclosed premises

- (1) For the purposes of section 2 of the Act, premises are enclosed if they
 - (a) have a ceiling or roof; and
 - (b) except for doors, windows and passageways, are wholly enclosed either permanently or temporarily.
- (2) For the purposes of section 2 of the Act, premises are substantially enclosed if they have a ceiling or roof but there is –
 - (a) an opening in the walls; or
 - (b) an aggregate area of openings in the walls, which is less than half of the area of the walls, including other structures that serve the purpose of walls and constitute the perimeter of the premises.
- (3) In determining the area of an opening or an aggregate area of openings for the purposes of paragraph (2), no account is to be taken of openings in which there are doors, windows or other fittings that can be opened or shut.
- (4) In this regulation "roof" includes any fixed or moveable structure or device which is capable of covering all or part of the premises as a roof, including, for example, canvas awning.

Building Regulations

Legal Requirements

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

Detached Shelters – Have a floor area not exceeding 15m² (or 30m² 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 30m², 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 Building Regulation 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 15m² (or 30m² as mentioned above).