

LABSS INFORMATION PAPER INFOP38 - Version 1 – February 2023**Non-Domestic buildings with sleeping accommodation****Information for verifiers****BACKGROUND**

It is essential that there is a clear understanding of the implications of applying the Non-Domestic handbook to the design of buildings with sleeping accommodation.

This information paper has been prepared in response to feedback from SFRS and some verifiers who provided examples where designers apply the Non-Domestic Technical Handbook to such buildings without full regard to the intent of the guidance within that handbook.

This paper will assist the verifier in validating any design approach, or where necessary, highlight the need for further discussion with the applicant

Feedback from verifiers on such matters confirmed a range of opinions and thoughts such that an information paper, while not able to provide a definitive answer, would assist the verifier when considering the assessment of Non-Domestic buildings with sleeping accommodation.

PURPOSE

The purpose of this information paper is to provide guidance for verifiers on the application of appropriate standards to buildings containing sleeping accommodation.

This specifically relates to the construction of residential buildings which may resemble a traditional 'flatted dwelling' but are designed to the guidance contained in the Non-Domestic Technical Handbook.

The varied nature of such development means that this information note will not be prescriptive but will offer information which the verifier may find useful when assessing any proposal as part of a building warrant application.

Feedback from the BSD

In the context of general type 'serviced apartments' and how these should be assessed it is important from the outset that discussion with the applicant will determine the intent of occupation, including management.

Once this is established the initial holistic review of the proposals, building and risks e.g. cooking facilities, layout/configurations, fire safety provisions, evacuation strategy, occupant characteristics, communal areas, communal alarms, level of management, height above ground etc. will help to confirm the manner of subsequent verifier assessment i.e. DTH or NDTH or possible combination of both, to achieve a safe building for occupation.

This information paper may be used until such time as further definitions or clarification are provided by the BSD.

RELATED DEFINED TERMS AND GUIDANCE CLAUSES

Domestic building means a dwelling or dwellings and any common areas associated with the dwelling.

Dwelling means a unit of residential accommodation occupied (whether or not as a sole or main residence):

by an individual or by individuals living together as a family; or

by not more than six individuals living together as a single household (including a household where care is provided for residents)

and includes any surgeries, consulting rooms, offices, or other accommodation, of a floor area not exceeding in the aggregate 50 square metres, forming part of a dwelling and used by an occupant of the dwelling in a professional or business capacity.

Residential building means a building, other than a domestic building, having sleeping accommodation.

0.1.6 states that 'It is also a general principle that where a building or part of a building might be seen as falling into more than one category it should be designed to meet the most stringent recommendations.

2.0.8 notes:

Houses in Multiple Occupation (HMOs) - Section 2 of the Domestic Technical Handbook should be used for multi-occupancy dwellings designed for not more than six individuals living together as a single household. This includes houses, maisonettes and flats (including flatted student accommodation and cluster flats that are essentially designed as self-contained flats), regardless of the evacuation strategy. Section 2 Fire of the Non domestic Technical Handbook should be used for shared multi-occupancy residential buildings designed for more than six individuals including student accommodation designed on the traditional "halls of residence" principle, with bedrooms having shared sanitary and cooking facilities.

It should be noted that multi-occupancy dwellings and shared multi-occupancy residential buildings may also require to be licensed for use as a 'House in Multiple Occupation' (HMO) under the Civic Government (Scotland) Act 1982 (Licensing of Houses in Multiple Occupation) - Order 2000. In relation to fire safety aspects, HMOs which require a licence are also subject to Part 3 of the Fire (Scotland) Act 2005, as amended and guidance is available on the Firelaw website.

Shared residential accommodation and shared multi-occupancy residential buildings are clearly defined and are therefore not considered within this information paper.

Other terms commonly used in connection with these matters such as 'serviced apartment' or 'hotel' are not defined.

It should be noted that type and length of tenure of any such building is generally not indicative of either domestic or non-domestic use. In addition, the provision of a service such as cleaning is also not indicative of either domestic or non-domestic use.

VERIFIER CONSIDERATIONS

If there is any dubiety around the use of a particular building or the handbook against which it has been designed, the verifier should seek an explicit statement in this regard from the applicant.

This statement should clearly outline the handbook against which the building is being designed, along with justification for this approach, including reference to the building's evacuation strategy and any alternative to guidance approaches. This declaration by the applicant should be the starting point for the verifier in terms of assessment.

If the verifier feels that the applicant is using a handbook incorrectly then this should be discussed with the applicant. Where the applicant declares the use is either Domestic or Non-Domestic, all parts of the relevant handbook should apply, unless considered via an alternative means of compliance or as outlined in the handbooks i.e. within guidance clause 2.0.8.

Irrespective of the handbook on which a design may be based, the primary responsibility of the applicant is to meet the requirements of Mandatory Standard 2.9. to Schedule 5 of Regulation 9 within the Building(Scotland) Regulations 2004 (as amended).

Where a building does not clearly fall within the scope of either domestic or non-domestic guidance it is common for an alternative means of compliance to be provided.

For a building that may resemble a traditional ‘flatted dwelling’, but otherwise is considered to be a non-domestic building due to the occupancy and management, it may be reasonable to base any alternative means of compliance on the recognised fire safety measures within the Domestic Technical Handbook. Additionally, incorporating where necessary, further fire safety measures to address the characteristics of the occupants and management regime of the building.

This does not imply that the verifier should necessarily apply the Domestic Technical Handbook to the premises in question, but merely that consideration of the fire safety measures incorporated within a block of flats may assist in formulating a suitable fire engineering solution for these premises.

While further fire safety measures to be considered will vary from project to project these should be based on the additional risks faced by occupants in the building. Table 1 below identifies the main fire safety and fire fighting measures that only apply to either domestic or non-domestic buildings. It can be seen from this table that for a building that resembles a traditional ‘flatted dwelling’ the Domestic Handbook is the most appropriate reference point.

Table 1 – Means of escape and fire-fighting measures exclusive to Domestic or Non-Domestic buildings

Domestic	Non-Domestic
Suppression system	Simultaneous evacuation strategy
Stay put evacuation strategy	Escape route widths
Protected enclosure	Escape stair widths
Protected Lobby	2 stairs in buildings with a storey more than 7.5m
2 stairs in buildings with a storey more than 18m	Dry fire main buildings more than 7.5m
Dry fire main in buildings more than 7.5m	Inner room not to be used as sleeping accommodation
Fire resistant construction between residential units	Fire resistant construction between sleeping accommodation and corridor
Storey identification signs and dwelling indicator signs	
Evacuation alert system for use by the fire and rescue service	

The main risk factor that is different for residential buildings, which may resemble a traditional ‘flatted dwelling’, is the unfamiliarity of the residents with the building. The applicant should therefore also consider additional measures to address this factor, such as (examples only):

- Simultaneous evacuation policy
- Enhanced Fire detection and alarm system (including cause and effect)
- Confirmation stair width is appropriate for numbers within building
- Emergency lighting in accordance with BS5266 Part1, (regardless of height)
- Automatic opening vents triggered by detection within the common area

EVACUATION STRATEGY

Guidance within the Domestic and Non-Domestic Handbooks are based on common evacuation strategies used in buildings. For example, the Domestic Handbook is based on a stay put strategy, where fire is contained in the dwelling of fire origin and relies on separation between flats. In the unlikely event of a partial or full evacuation of a block of flats, this will be controlled by the fire and rescue service incident commander.

On this basis, a building with a stay put evacuation strategy would not be considered suitable to be assessed against the Non-Domestic Technical Handbook.

Non-domestic buildings would generally use a simultaneous or phased evacuation strategy. Guidance clause ND 2.9.31 notes that ‘as phased evacuation relies on some occupants remaining where they are until instructed to leave, it is only suitable for buildings where the occupants are awake and familiar with the building’.

On this basis phased evacuation would not generally be suitable for a non-domestic building containing sleeping accommodation.

With a simultaneous evacuation strategy further design considerations would also apply, for example as related to the category of fire detection and fire alarm system.

In a non-domestic residential building the Fire Scotland (Act) 2005 should be considered by the person having responsibility under this act and with further reference to the Fire (Scotland) Act sector guidance - <https://www.gov.scot/publications/practical-fire-safety-guidance-existing-premises-sleeping-accommodation-2/>

This guidance may also be useful for the verifier when considering buildings with both domestic and residential use and/or conversions.

End.