

Adaptive Reuse of Our Built Heritage / Environment

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Construction
Industry Federation

The Irish Home Builders
Association is a constituent
Association of the Construction
Industry Federation

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Executive Summary

How do we make greater use of our towns and city centres, bring vibrancy and communities back to our centres, re-use existing vacant/derelict-built environment, avail of the embedded infrastructure and mitigate additional pressures on our transport nodes?

Currently there is a disparity between sections of our approvals process for the conservation and energy retrofit of older, traditional and heritage buildings around the country.

- *Fire demands an airtight space but does not take account of the historic fabric or the embodied carbon in removing older items like lime plaster.*
- *Compliance with Building Regulations, which provide a critical function in the delivery of high-quality homes, prove difficult when applying current standards to older buildings built and designed in a different era.*
- *Marrying the historic fabric and the value of embodied carbon in a building requires conservation officers to be flexible to achieve energy efficiency and comply with the goal of Irelands Policy for Climate action 2019.*
- *The financing of these projects is fully achievable once a Fire Safety Certificate is achieved. However without a Fires Safety Certificate adapting buildings back to residential will simply not be viable.*

All of which, requires alignment with planning from the outset.

Long Term - Ireland would hugely benefit from a change of 'listing' from a single protected structure status to a graded listing.

Similarly Local Authorities rely on the "Architectural Heritage Protection Guidelines for Planning Authorities" which was written in 2011 and should be updated for current needs and national policy objectives.

These options could require legislation change and may not be the sole or most suitable option in the short term.

The introduction of a series of short- and long-term targeted measures could provide for the safe adaptive reuse of our built heritage / environment while complying and aligning planning, fire, building regulation and heritage policies.

Proposals: Short Term

(a) Amendment to Article Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018).

The aim of the Planning and Development (Amendment) Regulations 2018 was to facilitate the re-use of existing and vacant commercial buildings for residential purposes by providing an exemption for the change of use, and any other related works, of certain vacant commercial premises to residential use, without the need to obtain planning permission.

Add an additional sub-section to Article 10 of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018). Potential wording provided later in this document.

(b) ‘Guidance Circular’

Provide direction to give discretion to planning departments on how to deal with the adaptive reuse of our vacant and underused older buildings and encourage local authority planning departments to have a multi-disciplinary team to deal with special section 57 adaptive reuse. All applications should only be furnished by an experienced conservation consultant.

Expanded details for clarification provided later in this document.

(c) ‘Pilot Programme in key Urban Locations’

Under the Climate Action Plan 2019 to retrofit traditionally built buildings to a B2 equivalent Building Energy Rating, commence a pilot programme in each of Ireland key urban centres where works can progress for the adaptive reuse of traditional buildings under robust advice to the professionals involved.

(d) ‘Grant Scheme’

Special grant could be assigned to several exemplar projects in Dublin, Galway, Limerick and Cork (a minimum of 2 in each city) to encourage a quick uptake then these could be also used to promote the concept across a wider audience and prove the benefits all round to reusing our existing buildings to go some way towards solving the housing crisis.

Proposals: Long Term

(e) ‘Enhance the existing listing from a single protected structure to a graded listing’.

There is a disparity between sections of our approvals process for the conservation and energy retrofit of older, traditional and heritage buildings around the country. Fire demands an airtight space and pays no attention to the historic fabric or the embodied carbon in removing older items like lime plaster. Building Regulations need to be also brought in line to respect historic fabric and the value of embodied carbon, the conservation officers need to be more flexible on what is of value and extra flexibility in the name of energy efficiency. Planning must then align with this process from the outset.

Alter the current listing from a single protected structure status to a graded listing similar to that of the UK.

(f) ‘Update Protection Guidelines for Planning Authorities’

Local Authorities rely on the “Architectural Heritage Protection Guidelines for Planning Authorities” which was written in 2011. Update for current needs and alignment with national policy objectives.

2. Review of Existing Legislation

National Legislation

Planning and Development Act 2000 (as amended) PART IV Architectural Heritage Chapter 1 Protected Structures

(1) For the purpose of protecting structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, every development plan shall include a record of protected structures, and shall include in that record every structure which is, in the opinion of the planning authority, of such interest within its functional area.

(2) After consulting with the Minister for Arts, Heritage, Gaeltacht and the Islands, the Minister shall prescribe the form of a record of protected structures.

(3) Subject to any additions or deletions made to the record, either under this Part or in the course of a review of the development plan under Part II, a record of protected structures shall continue to be part of that plan or any variation or replacement of the plan.

<http://www.irishstatutebook.ie/eli/2000/act/30/section/51/enacted/en/html>

National Monuments Acts 1930-2004

Notification and / or consent requirements under these Acts, Buildings protected under these Acts are exempt from compliance with the Building Regulations (Class 8, Third Schedule, S.I No. 496 of 1997)

<http://www.irishstatutebook.ie/eli/2004/act/22/enacted/en/html>

3. Key Conservation Principles

Keeping a Building in Use

- *Usually, the original use for which a building was built is most appropriate.*
- *Most buildings are capable of adaptation to an appropriate new use.*
- *Where a change of use is proposed, every effort should be made to minimise change to, or loss of, significant fabric.*
- *The special interest of the building should not be compromised during the process of change.*

Understanding the Building

- *Before proposing changes, research the buildings history and how it has changed over time.*
- *Don't look at the problems in isolation, but in the context of the whole building.*
- *Understand how traditionally built structures work.*
- *Analyse the results of research so as to understand the reasons for any decay.*

Getting the Right Advice

- *Poor repairs and alterations are damaging and expensive to undo.*
- *Get advice from independent professionals.*
- *Use people with the right skills and expertise.*

Minimal Intervention

- *Do as much as necessary or as little as possible.*
- *Blemishes are not necessarily defects.*

Repair Rather than Replace Keeping a Building in Use

- *Preserve the authentic fabric of the building where possible.*
- *Good repair delays the processes of decay and prolongs the life of the building without damaging its special interest.*
- *Traditional building materials such as timber and wrought iron can usually be repaired.*

4. Planning & Protected Structures

All works which materially affect the character of a protected structure require planning permission. This includes works to the interior and exterior of the buildings and works should comply with building regulations & fire safety certificates.

Currently there is no separate planning process for protected structures. Should a separate planning application process for protected structures be considered to allow flexibility without undermining the planning and conservation of these buildings?

Declarations: Section 5 of the Act

In accordance with Section 5 of the Planning and Development Act 2000 as amended any person may request a declaration as to whether development is exempt. An application should be made in writing to the planning authority, to determine whether a proposal requires permission or is considered exempted development. The planner will then assess the application and make a decision within four weeks. The applicant can appeal the decision to An Bord Pleanála.

Declarations: Section 57 of the Act

Section 57 of the Planning and Development Act 2000 as amended allows for the owner or occupier of a protected structure to apply to the planning authority for a declaration as to the type of works which it considers would or would not materially affect the character of the structure or any element of the structure. The declaration will clarify which works would be considered exempted development.

A Section 57 Declaration may be requested in writing from the local authority by the owner or occupier of the protected structure. It is not necessary to have specific works in mind when requesting a section 57 declaration. Local authority will inspect the building and the declaration can be issued within 12 weeks of the request. A declaration cannot exempt any works which would otherwise require planning permission.

5. New Requirements & Guidance

Climate Action Plan 2019

Action 50 (d) of the Climate Action Plan 2019 is to Develop retrofit standard / guidance for traditionally built buildings (i.e. pre -1940 construction)

Under the CAP 2019, some 500,000 homes are to be retrofitted to a B2 equivalent Building Energy Rating or cost optimal equivalent or carbon equivalent by 2030 (less than 8 years 6months time)

The new guidance will update and compliment the guidance from the current 2010 publication. The publication should provide clear and robust advice to the professional user while being accessible to a wide audience. It will be applicable to both residential and non-residential traditional buildings and include modelled case studies. Public consultation is expected shortly with final publication end 2021.

6. Expanded Proposals

Proposals: Short Term

(a) Amendment to Article Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018).

The aim of the Planning and Development (Amendment) Regulations 2018 was to facilitate the re-use of existing and vacant commercial buildings for residential purposes by providing an exemption for the change of use, and any other related works, of certain vacant commercial premises to residential use, without the need to obtain planning permission.

This formed part of the Governments action plan to increase much needed housing supply, maximise the use of vacant underutilised buildings and spaces including listed building to assist in the rejuvenation of inner core urban areas. Like the Strategic Housing Policy initiative, the new exempted development provision is intended as a measure to address the current housing crisis.

Add an additional sub-section to Article 10 of the Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018).

- *The change of use to residential must be completed by the end of 2025.*
- *Works must be internal or if external not significantly materially affect the appearance of the building.*
- *The wording would be similar to Section 4. (1)(h) of the Planning and Development Act 2000 (as amended)*

“shall not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.”

Note: ‘Internal works should not include structural alteration or demolition and should be restricted particularly in protected structures to the rejuvenation of the property and all necessary upgrading works necessary to achieve a Fire Certificate and compliance with the Building Regulations and Health and Safety.

In respect to works affecting character of protected structures or proposed protected structures the following exemption under Section 57(1) of the Planning and Development Act 2000 (as amended) should be included.

Notwithstanding section 4(1)(h), the carrying out of works to a protected structure or a proposed protected structure, shall be exempted development only if works would not materially affect the character of-

- (a) the structure, or*
- (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

All properties intended for renting should comply with Housing (Standards for Rented Homes) Regulations 2019.

(b) 'Guidance Circular'

Provide direction to give discretion to planning departments on how to deal with the adaptive reuse of our vacant and underused older buildings and encourage local authority planning departments to have a multi-disciplinary team to deal with special section 57 adaptive reuse. All applications should only be furnished by an experienced conservation consultant.

Guidance could be provided on;

- (a) All office buildings vacant for 2 years or more and units with a Pre 63 status, could be given a temporary dispensation allowing them to proceed by complying with the current Fire Safety Standards for Apartments.***
- (b) Construction methods could be in line with recommendations as set in Architectural Heritage Protection Guidelines to Planning Authorities (DEH&LG) 2004, however obtaining a Fire Safety Certificate should take precedence on these buildings.***
- (c) All external elements of the building should be retained to keep in character of adjoining structures and surrounding streetscape.***
- (d) Units should be exempt from the current minimum unit size. Utilising existing floor layouts would provide greatest efficiency and allow 2 residential units per floor to be achieved. All other requirements as set out in S.I. No. 137/2019 - Housing (Standards for Rented Houses) Regulations 2019 can be achieved with discretion being provided on unit sizes.***
- (e) The standard to be sought should be in line with Chapter 5.0 Build-To-Rent and Shared Accommodation Sectors under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines to Planning Authorities (DHP&LG) March 2018.***

(c) 'Pilot Programme in key Urban Locations'

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6. Proposals (continued)

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