



Belfast City Council

Report to: Health and Environmental Services Committee

Subject: **Consultation on Amendments to the Building Regulations (Northern Ireland) 2000 – Phase 1**

Date: 8th September, 2010

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Relevant Background Information

Building Regulations set down the standards to be achieved when undertaking building work and are designed for 'securing the health, safety, welfare and convenience of persons in or about buildings'. They are concerned with issues such as structures, fire safety, disabled access, drainage, furthering the conservation of fuel and power etc. The regulations are made by the Department of Finance and Personnel (the Department) under the primary legislation and are reviewed and updated periodically and in line with the powers contained in the accompanying Order.

In March 2009, the Building Regulations (Amendment) Act (Northern Ireland) 2009 received Royal Assent. A significant feature of this act was to allow for increased flexibility within the regulations by introducing a guidance based approach as opposed to the current deemed-to-satisfy provisions.

This current consultation is phase one in a three phase consultation process to completely replace the current Building Regulations (Northern Ireland) 2000 with more up-to-date standards.

Phase one deals with updating technical matters in areas such as site preparation and sound insulation. It will also look at the transfer of issues under fire safety, drainage, glazing, stairs and ramps, etc. from a 'deemed to satisfy' legal position to a more open guidance based system.

Phase two will further update the remainder of the technical provisions such as energy conservation and the associated regulations such as ventilation and also align the remainder of the regulations into the guidance based system.

Finally phase three will be a review of the Prescribed Building Regulations Fees.

~~After discussion, the Committee recommended that the application be refused on the grounds that the granting of the licence would be detrimental to the residential amenity of the area in terms of the creation of noise, nuisance and general disturbance, particularly at unsocial hours.~~

~~This recommendation was subsequently ratified by Council on 4th April 2000.~~

~~Consequently, the applicant appealed the Council's decision to refuse the application and the Judgement, delivered on the 14th December 2000, allowed the appeal and directed that the licence be granted, albeit subject to the following restrictive special conditions:~~

~~The public bar is not licensed for entertainment.~~

~~The foyer is not licensed for entertainment.~~

~~The meeting room is a licensed area limited in numbers to 20 persons.~~

~~The dining room is limited in numbers to 120 in total and specifically 80 in the Bowness Suite and 40 in the Kessick Suite.~~

~~The licence is to run from 11.30am to 12.00 midnight Monday to Sunday.~~

~~Entertainment is limited to pre-booked functions e.g. weddings.~~

~~On the 26th November 2002, Mr Macklin made application for the renewal and variation of the Entertainments Licence. The nature of the variation sought was to change the latest hour to which entertainment could be provided from 12:00 midnight to 1:00am from Monday to Sunday.~~

~~At a Special Health and Environmental Services Committee meeting of 24th March 2003 Members heard representations from local residents, the PSNI, and the applicant in connection with objections to the above proposed variation of the licence. After discussion the Committee recommended that the application be granted for the renewal and variation, subject to:~~

~~The provision of entertainment being permitted during the under noted hours:~~

~~— Monday-Thursday — 11.30am till 12:00 midnight~~

~~— Friday & Saturday — 11:30am till 01:00 the following morning~~

~~All other special conditions as determined in the Court Judgement to remain on the licence.~~

~~This recommendation was subsequently ratified by Council on 1st April 2003.~~

~~The current days and hours of use and the areas where entertainment may be provided remain unchanged from those noted above.~~

Key Issues

The following changes are proposed within the consultation document.

Move from 'Deemed to Satisfy' to Guidance Documents.

Presently with 'deemed to satisfy' documents if the Department wish to adopt solution methodologies into the Building Regulations they must go through the formalities of consultation and the associated process of forming legislation. This is because the 'deemed to satisfy' documents have a specific legal status. By removing that specific legal status and making them guidance notes, the process for amending or including new documents is simpler and quicker. As proposed in the Building Regulations (Amendment) Act 2009, the new format of regulations allows for the transfer from 'deemed-to-satisfy' to a 'guidance' based system. This will allow greater flexibility in changing regulations in order to keep a pace with construction technology and design features.

An example of where this may be utilised is the Waste Management Guide recently developed by the Waste Management Groups including Arc21, which in future could be adopted as best practice guidance.

The Department is proposing to introduce, through this consultation, guidance for:

- Fire safety
- Stairs ramps, guarding and protection from impact
- Drainage and
- Glazing

These guidance booklets will also contain the provisions of the actual building regulations followed by the associated guidance which is designed to make it easier for the industry to understand the intent of the regulation. The Department is also intending to include a 'performance' section to outline the objectives of the regulations as well as verifying and demonstrating compliance.

Updating Existing Regulations.

Preparation of Site and Resistance to Moisture

Proposals to update the technical requirements deal with:

- extending this regulation to material change of use in buildings,
- amending the regulations for radon in connection with sub soil drainage and technical upgrade of constructional elements, and
- making provisions and guidance for developers to recognise and deal with ground contamination.

The guidance document will also be updated to be aligned with current planning requirements. However whilst agreeing with the guidance document on site investigation, dealing with contamination, the draft response asks the Department to ensure greater interrelation with planning conditions and building regulation compliance.

In the provision of mitigating measures to prevent flooding, the draft response proposes to the Department that this should be a consideration under the building regulations. In doing so the Local Authority can ensure that all the planned measures are constructed.

Sound Insulation

Current standards of sound insulation in dwellings can be traced back to the 1950's. This consultation proposes a technical uplift in the requirements as well as the transfer to the guidance base. This most welcome amendment proposes increased standards of insulation which are designed to reflect the modern lifestyle with increased dependence of domestic appliances as well as the propensity for home entertainment systems in the modern home.

It will introduce the ability for authorities to ask for pre-completion testing as a method of ensuring compliance. As such test methods are expensive the proposals allow for "robust details" to be used as an alternative to testing. Robust details are pre-tested design solutions that achieve a result substantially better than the requirements. Experience else where in the UK would show that most designers/builders will use the "robust details" as a solution to achieve compliance.

The Department, in its regulatory impact assessment, estimates that the per-dwelling cost of the 'Sound insulation of dwellings' technical upgrade will range from £180 in a detached

premises, £273 for a semi detached house, through to £1,871 for a flat/maisonette. A full impact assessment is available on the Department website which can be circulated, should the Members wish to have a copy.

Significantly the proposals also include extending the regulations beyond dwellings to include Schools and Colleges which we welcome.

General Comment

In general the Building Control Service welcomes not only the proposed change to a 'guidance' based approach, but also the proposed technical upgrades. This is particularly true in relation to Sound Insulation in dwellings as this is an area of construction where the Service receives the greatest number of enquiries especially from residents who reside in apartments.

A copy of the consultation document and a draft response are appended to this report.

~~Application for the renewal and variation of the 6-Day annual Entertainments Licence based on the Council's Standard Conditions to provide music, singing, dancing or other entertainment of a like kind has now been received from Mr Brian Macklin.~~

~~The nature of the variation is to permit entertainment to be provided in the public bar and lobby areas.~~

~~The applicant has advised that the variation is being sought primarily for private functions, namely for wedding guests or tour groups, and it is not the intention to provide nightly entertainment for the general public. Entertainment to be provided in the lobby or bar areas will be of the nature of two piece bands, traditional Irish music, or a piano player.~~

~~The areas of the Hotel currently licensed to provide entertainments are the:-~~

- ~~The meeting room, with a maximum capacity of 20 persons.~~
- ~~The Bowness Suite, with a maximum capacity of 80 persons.~~
- ~~The Kessick Suite, with a maximum capacity of 40 persons.~~
- ~~The Bowness/Kessick Suite, with a maximum capacity of 120 persons.~~

~~The applicant has indicated that during the past year entertainment, being in the form of live bands and solo artists, was provided on approximately 30 occasions for weddings and Christmas parties.~~

~~No representations have been lodged objecting to the renewal and variation of the Licence, nor has the Police Service of Northern Ireland objected to the appli~~

Resource Implications

Financial

There will be no financial implications associated with the proposals with the consultation under phase one.

Human Resources

The changes will involve additional training on the new requirements for our staff. It is anticipated that this will be absorbed within current training budgets and that economies of scale will be gleaned by working across the local authority Building Control sector in Northern Ireland.

Asset and Other Implications

There is no asset or other implications with the proposed changes.

Recommendation

The Committee is recommended to adopt, subject to ratification by the Council, the attached response on the proposed new regulations and to make representations to the Department as outlined.

Documents Attached

For your information, the following supporting documents are appended to this report:-

- Letter to consultees
- Building Regulations consultation document.
- Draft response.