

Litter Summit 2013

Martin McCook

13 November 2013
Mossley Mill
Newtownabbey



Playing our part in the stewardship of the Built Environment.

A Building Control perspective

Martin McCook
Senior Building Control Officer
Coleraine Borough Council

Role of Building Control

- To ensure the health, safety and welfare of people in and about buildings.

The Primary Concerns

- Dangerous Places and Ruinous and Dangerous Buildings (Dangerous Structures)
- Ruinous and Dilapidated Buildings and neglected sites; and,
- Unfinished development.

Consequences of not adequately addressing these issues:-

- Anti-social behaviour
- Arson
- Bad Press
- Cost and time to retrospectively resolve
- Economic impact on area
- Fly tipping
- Injury and fatality
- Negative perception of Council and Borough
- Vermin
- Visual aspect.....

Consequences of not dealing with the problem effectively?

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NEWS

THE CHRONICLE, OCTOBER 25, 2012



Christopher Robert Connor. CC52-72a

Coroner to seek answers from Coleraine Borough Council about health and safety concerns

Man died in 'unsafe' derelict building

by Peter Winter

cc@the.news@thechronicle.uk.com

A CORONER is to write to Coleraine Borough Council about access to derelict buildings after a drunk Coleraine man fractured his skull inside an abandoned hotel.

Christopher Robert Connor was found slumped at the foot of stairs inside the former Montague Arms on Portstewart's Promenade on Monday, December 19 last year.

During his inquest last week the court heard the heavily intoxicated 28-year-old had been escorted from the next door night club two days earlier.

caused "unsteadiness" and inco-ordination." He said the blow would have rendered him unconscious for around an hour before death occurred.

Harrowing

Mr Connor's cousin then provided a harrowing account of the search which led to the discovery of his body.

Concern for his whereabouts were raised on Sunday, December 18 - the morning after he was last seen in Club Havana. By Monday evening a search party had been organised and Simon Creighton was inside the Montague when he found

ager Emily McAllister told the court: "He was swaying a bit and kept missing his glass every time he tried to pick it up." Staff later refused to serve him any more

drinks and he was eventually escorted off the premises.

"I think you were quite right to take the action you did - to instruct your staff not to give him any

more," said the coroner. He added: "As far as I am concerned, what you did was entirely appropriate."

However the family's lawyer Brendan Kearney questioned the club's decision to eject Mr Connor through a rear exit which provided access to the next door Montague. "The tragedy is that Mr Connor was put out an emergency exit," he said. "In all probability, if he had been put out the front door, he would have gone straight to a taxi rank."

Dangerous

The witness pointed out that the front door was down three flights of stairs and when customers were at a certain level of

for the customers." Investigating officer, Det Sgt Soren Stewart said CCTV footage from a nearby guest house captured Christopher entering the derelict building. When he arrived after the body had been discovered he judged conditions so dangerous he called in the Fire Service to remove it.

"The way no doubt whatsoever the building was unsafe." It was owned, he said, by CRF Developments Ltd, a company now administered by a Belfast based firm of accountants, BDO.

The detective Sergeant said the firm had finally secured the building two days after the incident.



Christopher Connor Sr, with his daughter, Laura Connor, leaves the inquest into his son Christopher Connor's death at Coleraine Corners Court. CC43-65s

'£60 could have saved my son's life'

Challenges:-

- Scale of the problem
- Limitations of Resources available
- Apparent apathy and lack of responsibility exercised by developer owners

Opportunities:-

- Recent upturn in construction
- Availability of DSD and other funding body Monies
- Working in partnership with the local community
- BCOs working pro-actively in Districts with high level of local knowledge and expertise;
- Enforcement

What Legislation?

- **Dangerous Structures Legislation:-**
 - Town Improvement Clauses Act 1847;
 - Town Improvement Ireland Act 1854-
Section 39;

(Owner required to take down, secure or repair)

What Legislation?

- **Dangerous Structures Legislation:-**
 - Public Health Act Amendment Act 1907-
Section 30 (can be cited as The Public
Health (Ireland) Acts 1878-1907

**(Owner required to repair, remove, protect
or enclose)**

What Legislation?

- **Pollution Control and Local Government (N.I.) Order 1978- Article 66**
- Must be able to prove property is:-
 - *“Ruinous and dilapidated” and*
 - *“seriously detrimental to the amenities of the area”.*

(Owner required to repair and restore in accordance with schedule prepared by Council or demolish)

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How can we quantify and qualify “seriously detrimental to the amenity of the area”?

- Matrix of Key Criteria:-
 - Legal considerations
 - History of complaints received
 - Media coverage
 - Location of property
 - Physical condition and appearance of the property
 - Any tangible proof of redevelopment plans
 - Resources available to us

Limitations of Article 66:-

- No guaranteed quick fix
- Questionable if Art 66 can be used where property is half build (ie was never complete to become ruinous and dilapidated)
- Enforcement dependant on establishing ownership

Start



Conclusion



Intermediate



What Legislation?

- **Planning (NI) Order 1991-**
 - Article 37 (Completion Notices) and
 - Article 80 (Urgent Works Notice)

Planning (NI) Order 1991- Article 37

30 April 2013

'Eyesore' at former Strand hotel site being demolished



Demolition is under way at an abandoned development in Portstewart, County Londonderry. The site of the former Strand Hotel, on Strand Road, has been left unfinished for nearly a decade.

But Environment Minister Alex Attwood has found a directive within planning laws that gives developers a certain time to complete a building.

In the late 90s, his company NM Developments was granted permission to build an apartment block, but only the first level was erected. However, several months ago the Planning Service served a completion order to the developer for that site - the first time this has ever happened in Northern Ireland. The Department of Environment said: "The power to issue a completion order under Article 37 of the Planning Order arises where the department is of the opinion that the development will not be completed within a reasonable period."

Planning (NI) Order 1991-Article 80

Environment minister issues ultimatum to save iconic Coleraine building



The old workhouse at the former Coleraine Hospital site on Mountsandel Road Coleraine.

Published on the 30 August, 2012

ENVIRONMENT Minister Alex Attwood has issued an ultimatum to the owner of an endangered listed building in Coleraine. The former Workhouse and Coleraine Hospital which dates back to 1841 has been the subject of vandalism in recent years. The site surrounding the Tudor Gothic-style building on the Mountsandel Road has been the focus of stalled proposals for a new housing development. Mr Attwood said the owner would be given seven days to start work to repair and protect the building from further damage, or face a bill for the work, which would be otherwise carried out by his department. Mr Attwood's department said the NI Environment Agency had tried repeatedly to encourage the owner to take action. **An Urgent Works Notice under article 80 of the Planning (Northern Ireland) Order 1991 has now been issued.**

Conclusions:-

- Legislation in respect of dangerous structures is old
- Councils have been reluctant to apply Article 66
- Planning Order only used in extreme cases to date

However:-

- Consistent administration of well formed policies and procedures, combined with effective communication, intervention and, as a last resort prosecution, can result in successful resolution of all issues associated with abandoned buildings and derelict sites.
- Simply securing is not a solution.

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