# 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



### **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?

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

Man died in 'unsafe'

derelict building



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#### by Peter Winter colleiche.news@thechronicle.uk.com

to Coleraine Borough Council about access to deretict buildings after a drunk Coleraine man fructured his skull inside before death occurred. an abandoned hotel.

Christopher Robert Connor was found slumped at the foot of stairs inside the former Montague Arms on Portstewart's Promonade last year.

During his inquest last week the court heard the heavily intoxi- By Monday evening a cated 20-year-old had been escorted from the next door night club two Creighton was inside the days carlier.

A CORONER is to write caused "unsteadiness" and inco-ordination." He said the blow would have rendered him unconscious for around an hour Harrowing

Mr Connor's cousin then provided a harrowing account of the search which led to the discovery of his body. Concern for his whereon Monday, December 19 abouts were raised on Sunday, December 18 the morning after he was last seen in Club Havana. search party had been organised and Simon Montague when he found

ager Emily McAllister drinks and he was eventu- more," said the coroner. told the court: "He was ally escorted off the He added: "As far as I am swaying a bit and kept premises.

missing his glass every "I think you were quite time he tried to pick it right to take the action up." Staff later refused to you did - to instruct your serve him any more staff not to give him any-



concerned, what you did was entirely appropriote."

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

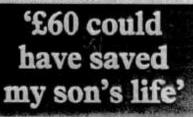
"The was no doubt whatsoever the building was unsafe." It was owned, he said, by CRF Developments Ltd, a company now administered by a Belfast based firm of accountants,

BDO. The detective Sergeant usid the firm had finally secured the building two dows after the incident.



THE CHRONICLE, OCTOBER 25, 2012

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



### **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



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

### (Owner required to take down, secure or repair)



- 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)



- 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)



### 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

Senior Building Control Officer Coleraine Borough Council

### **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





### Intermediate



### Conclusion





- 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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