



Appendix 11

Building Surveying and Damage Mapping

Building Surveying

Building Surveying can be used for all residential properties. Building surveys can provide a full picture of the building construction and condition and can be useful if the property has become dilapidated or damaged.

Building Surveyors advise on many aspects of construction including:

- design
- maintenance
- repair
- refurbishment
- restoration

They can provide

- A detailed inspection or investigation.
- A general or comprehensive view.
- A gathering of a sample of data or opinions considered to be representative of a whole.

They are also able to deal with insurance assessment and claims assistance, defect investigation and maintenance and be an adviser for negotiating dilapidations.

Belfast Building Control liaise with the Department of the Environment - Historic Buildings, when issuing notices on structurally defective or open and vacant “listed buildings” to ensure that the appropriate action is taken. It is important the notice is not used as a means of demolishing and clearing the site when securing would be sufficient.

Policy and Guidance on Listed Buildings

Works to buildings in the Province which are either listed or in conservation areas require the same consents as buildings in England, Scotland and Wales, and the legislation is generally similar. In this case, primary legislation is provided by the Planning (Northern Ireland) Order 1991 www.opsi.gov.uk

The Planning policy on Areas of Townscape published in August 2005 sets out the Department's planning policies for demolition of buildings, new development and the control of advertisements in areas of townscape character. The aim of the document is to ensure development proposals respect the appearance and qualities of each townscape area whilst maintaining or enhancing their distinctive character. The document was produced as an addendum to the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage which was published in March 1999 and they should be read together.

It is acknowledged by the planning service that very occasionally a building will have to be demolished. In rare cases the department decide to grant an order for demolition, conditions may be imposed such as:-

Prohibiting demolition until planning has been granted and ensuring contractors have signed for the redevelopment of the site.

Ensuring the building is appropriately recorded before demolition.

The administration of planning controls in Northern Ireland operates in a very different manner from the rest of the United Kingdom as the Government currently fulfils the planning functions of both local and national government. The Department of the Environment for Northern Ireland (DoE) is a unitary

planning authority responsible for regulating development and the use of land in the public interest. The Planning Service, an agency within the Department, administers its planning functions.

A few key differences to be aware of:

- all applications for planning permission, Listed Building Consent or conservation area consent should be made to the DoE Planning Service
- The Environment and Heritage Service, a separate agency within the DoE, provides specialist advice on matters affecting the historic environment (listed buildings and conservation areas, historic parks, gardens and demesnes, scheduled monuments and archaeology)
- appeals are heard by the Planning Appeals Commission
- all places of worship which are in use remain exempt from usual listed building and conservation area consent requirements
- trees in conservation areas are not protected unless covered by a tree preservation order
- a non-statutory register of parks, gardens and demesnes of special historic interest, based on a comprehensive inventory, is being prepared for publication
- Section 51 of the Planning (Northern Ireland) Order 1991 covers the demolition of historic buildings and section 52 cover grants in relation to conservation areas. Section 80 covers urgent works required to preserve a building and section 62 covers in the event of emergency situations. (Refer to the end of this document for detailed explanations of these sections)

Roles and Responsibilities

Local and Regional

Applications for listed building consent are handled by local planning authorities, with appeals dealt with by the Planning Appeals Commission.

Lead Government Department

DOE Planning (Northern Ireland) is the Lead Government Department for planning controls on listed buildings. The Department shall formulate and coordinate policy for securing the orderly and consistent development of land and the planning of that development.

Funding

If the building is in a conservation area the Department may provide grants or loans. These may be given for the purpose of preservation or enhancement of the character or appearance of the area or any part of it. The department will place conditions on the grant or loan it as it sees fit and they may involve the Department of Finance and Personnel in their decision.

Applicable Sections of the Planning (Northern Ireland) Order 1991

Control of demolition in conservation areas - 51.

(1) This Article applies to all buildings in conservation areas other than

- (a) listed buildings;
- (b) buildings of a class specified in Article 44(8);
- (c) buildings in relation to which a direction under paragraph (3) is for the time being in force.

(2) A building to which this Article applies shall not be demolished without the consent of the Department.

(3) The Department may—

(a) direct that this Article shall not apply to a description of buildings specified in the direction; and

(b) vary or revoke that direction by a further direction.

(4) Where the Department gives a direction under paragraph (3), it shall publish a copy of the direction in the Belfast Gazette and in a newspaper circulating in the area in which the buildings are situated.

(5) The following provisions, namely—

(a) Articles 44 to 48, 77 to 79, 94 and 113(1) (b) and (4); and

(b) Article 65 of the Planning (Northern Ireland) Order 1972, 1972 NI 17 shall have effect in relation to buildings to which this Article applies as they have effect in relation to listed buildings, subject to such exceptions and modifications as may be prescribed.

(6) If this Article ceases to apply to a building—

(a) any proceedings on or arising out of an application for listed building consent made while this Article applied to the building shall lapse;

(b) any listed building consent granted with respect to the building shall also lapse;

(c) the cesser shall not affect the liability of any person to be prosecuted and punished for an offence under Article 44 or 77 committed by him with respect to the building while this Article applied to it.

Grants in relation to conservation areas - 52.

(1) The Department may, in relation to any conservation area, make grants or loans for the purpose of defraying in whole or in part any expenditure incurred or to be incurred in or in connection with, or with a view to the promotion of, the preservation or enhancement of the character or appearance of the area or any part thereof.

(2) A grant or loan under this Article may be made subject to such conditions as the Department thinks fit.

(3) Any loan under this Article shall be made on such terms as to repayment, payment of interest and otherwise as the Department may with

the approval of the Department of Finance and Personnel determine; and all sums received by the Department by way of interest on, or repayment of, such a loan shall be paid into the Consolidated Fund.

Emergencies - 62.

(1) If it appears to the Department—

(a) either—

(i) that the community or part of it is being or is likely to be deprived of an essential service or commodity; or

(ii) that there is or is likely to be a shortage of such a service or commodity affecting the community or part of it; and

(b) that the presence of a hazardous substance on, over or under land specified in the direction in circumstances such that hazardous substances consent would be required, is necessary for the effective provision of that service or commodity, it may direct that, subject to such conditions or exceptions as it thinks fit, the presence of the substance on, over or under the land is not to constitute a contravention of hazardous substances control so long as the direction remains in force.

(2) A direction under this Article—

(a) may be withdrawn at any time;

(b) shall in any case cease to have effect at the end of the period of three months beginning with the day on which it was given, but without prejudice to the Department's power to give a further direction.

(3) The Department shall send a copy of any such direction to the district

council in whose area any land affected by the direction is situated and to the Department of Economic Development.

Urgent works to preserve building - 80.

(1) Where it appears to the Department that works are urgently necessary for the preservation of—

(a) a listed building, or

(b) a building in respect of which a direction has been given by the Department that this Article shall apply, the Department may, subject to the following provisions of this Article, execute the works, which may consist of or include works for affording temporary support or shelter for the building.

(2) The ground on which the Department may give a direction that this Article shall apply to a building is that the building is in a conservation area and it appears to the Department that its preservation is important for maintaining the character or appearance of the conservation area.

(3) If the building is occupied works may be carried out only to those parts which are not in use.

(4) The owner of the building shall be given not less than seven days' notice in writing of the intention to carry out the works and the notice shall describe the works proposed to be carried out.

(5) Paragraphs (6) to (10) have effect for enabling the expenses of works executed under this Article to be recovered by the Department.

(6) The Department may give notice to the owner of the building requiring him to pay the expenses of the works.

(7) Where the works consist of or include works for affording temporary support or shelter for the building—

(a) the expenses which may be recovered include any continuing expenses involved in making available the apparatus or materials used; and

(b) notices under paragraph (6) in respect of any such continuing expenses may be given from time to time.

(8) The owner may within 28 days of the service of the notice appeal to the planning appeals commission against the notice on any of the following grounds—

(a) that some or all of the works were unnecessary for the preservation of the building;

(b) in the case of works for affording temporary support or shelter, that the temporary arrangements have continued for an unreasonable length of time;

(c) that the amount specified in the notice is unreasonable or that the recovery of it would cause him hardship.

(9) The planning appeals commission shall give notice of its determination, the reasons for it and the amount recoverable to the owner of the building and to the Department and the determination of the appeals commission shall be final.

(10) Any expenses recoverable by the Department under this Article shall be a civil debt recoverable summarily.

Repairs to properties

Background and Context

The provision of adequate, safe and healthy housing following an emergency is obviously a key concern, especially going into the medium term. During the flooding in Belfast in June 2007, over 600 residential properties were affected and Belfast City Council provided assistance to 609 of these properties.

Policy and Guidance

Building Control liaise with Northern Ireland Housing Executive in the event of severe storm or structural damage to occupied housing stock.

Severe structural damage to domestic or non-domestic properties not immediately adjacent to occupied housing is dealt with under legislation implemented under Building Control.

Belfast City Council has a duty to protect members of the public from dangerous structures in Belfast. Belfast City Council has a Dangerous Structures and Places Policy which can be found at

www.belfastcity.gov.uk/buildingcontrol

The policy provides information on legislation, the Council's objectives, good enforcement and how to categorise a dangerous structure.

Social Housing

Monday-Friday 9am-5pm the Housing Executive may be contacted on **028 9024 0588** or **0844 8920 900**

Outside normal opening hours and during holidays the Housing Executive may be contacted on the **0844 8920 901**. A textphone service is available for

those who are deaf or hard of hearing: **0845 6504 381**. These numbers are to be used in emergencies only when the District Offices are closed. Less serious repairs should be reported in the normal way.

Homeless

If you become homeless, or are at risk of becoming homeless the phone number is **028 9056 5444**. After 5pm, Homelessness assistance may be accessed through the after hours service as detailed above.

Emergency Repairs Service

Housing Executive tenants needing emergency repairs may contact the Belfast Emergency Repairs Service on **0844 8920 901**.

Both housing strategies and enforcement of housing standards will be carried out by the Housing Executive District. They will inspect the buildings and issue enforcement letters if required. As such, the Housing Executive will play the major role in any housing standards aspect of a recovery project.

Building Control in Belfast City Council will also carry out enforcement by issuing dangerous structure notices followed by summons on dangerous buildings, signs, walls etc.

The Building Control office can be contacted on **028 90 270432**.

Private Housing

Building Control in Belfast City Council **028 90 270432** will inspect the dangerous or open and vacant property. They will also call out to general enquiry calls and will provide safety and structural checks as well as advice following the aftermath of a disaster. The emergency out of hours phone number is **0785 049 962**.

Belfast Building Control have produced a guide to choosing a builder (See appendix 1)

The Federation of Master Builders may also be of help in finding a builder for repair work. Their website is www.fmb.org.uk

Securing of sites is a joint effort and is discussed at silver level of recovery working group.

Trading Standards

The local Trading Standard service has previously worked in liaison with Belfast City Council to enforce regulations where rogue builders have built sub-standard extensions and alterations.

Trading Standards offer advice and assistance for consumers who are seeking repairs to domestic properties and/or are having problems.

Incidences of rogue trading activity can also be reported to Trading Standards for investigation. The number is **028 9024 3249**

Anyone needing further advice can call Consumer advice helpline on **0845 600 62 62** 9am-5pm Mon – Fri. Information can be found on the website www.consumerline.org