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Property & Estate Management

BUILDING CONTROL APPROVAL



Building Control Authority

Under the Building Safety Act 2022, the Building Safety Regulator (BSR), who oversees all areas of building safety, is deemed the Building Control Authority for higher-risk buildings in the UK.

What does this mean?

In all high-rise residential buildings, all building control applications are now handled by the BSR. Legally, building control applications must be submitted to the BSR when:

- Constructing a new higher-risk building;
- Carrying out building work on an existing higher-risk building (e.g. roof replacement);
- Development of a non-higher-risk building that will make it higher-risk (e.g. adding an additional storey)

Building Control Application (BCA)

A Building Control Application is required in all instances where 'building works' are required on a higher-risk building (residential buildings over 18 metres or 7 storeys). The term 'building works' can be broadly defined and divided into two categories, depending on its complexity and significance.

The information included in this document does not represent advice; rather, it is a summary of our understanding as at the time of publication.

Who is responsible for submitting a BCA?

The Client, under CDM Regulations, is ultimately responsible for the building control (approval) application to the Building Safety Regulator for higher-risk building work or building work to an existing higher-risk building. The application process can be fairly complex, therefore a third party such as a Surveyor is normally needed to oversee the application or can submit the application on the Client's behalf, with a condition that the Client has provided then with written proof of authorisation i.e. a client confirmation statement. This authorisation confirms the Client's consent and that the information in the application is true.

Who is the Client?

The onus is very much on the Client to ensure building works will comply with building regulations, by establishing protocols for the planning, management, and oversight of a project. The 'Client' can be a developer, an individual or an organisation, depending on the nature of the work, for example;

- If the work is for an existing higher-risk building, the nominated Accountable Person is the Client (i.e. a Resident Management Company or a Freeholder)
- If the work is within a flat itself, then it would be the leaseholder who would be considered a domestic client under CDM (but still responsible for submitting a BCA ahead of work commencing)
- In the event that work is required when constructing a higher-risk building, the developer is deemed the Client. The developer is legally responsible under the BSA to ensure that safety, quality and regulatory standards are met across all new higher-risk building

What does the BSR require from the application for HRBs?

The BSR mandates that applicants submit detailed, high-quality building control applications that explicitly and thoroughly illustrate adherence to building laws. Incomplete or ambiguous applications may result in delays in the approval process. High-quality applications enable the BSR to make educated choices fast, minimising the danger of misinterpretation and assuring compliance with all building control criteria. Should an application lack the required level of detail or fails to demonstrate clear compliance, the BSR will not proceed with such applications, causing further delays and any revisions may also incur a fee.

What information is required for the application?

- Relevant building documentation
 - Includes all necessary drawings, plans, specifications and calculations
- Accurate data
 - Includes measurements, materials and methods
- Information that demonstrates compliance with building regulations
 - Includes Competence Declarations, Construction Control Plans, Change Control Plans, Client Authorisation, Fire Compliance Statement and the Building Regs Compliance Statement
 - Proposed design and/or materials which do not pose safety risks
 - Clear evidence that the proposed works will meet energy efficiency standards
 - Accessibility for all residents, including those with disabilities
- Strategies or procedures
 - Effective methods for managing any changes to the proposed works
 - Effective procedures for reporting issues or incidents
 - Proof of qualified professionals, demonstrating their competence
 - MOR Plan
 - Stage Work Statement
 - Fire & Emergency file

How much information is required if submitting an application for work within an individual property/flat?

The person responsible for the works must include sufficient information that clearly demonstrates that the work will be managed appropriately and also adheres to all applicable building requirements. Using the framework for building control approval applications for larger projects will ensure the risks are properly considered and the correct information is presented.

What approach does the Building Safety Regulator require from applicants when submitting their building control applications for HRB projects?

The regulator requires quality, detailed building control applications that clearly and comprehensively demonstrate compliance with building regulations. There is a sheer amount of information that is required for the application, this includes accurately categorising the proposed building works in either category A or category B.

What is Category A work versus Category B work, as part of the application?

“Category A work” and “Category B work” in accordance with Regulation 12 of the Building (Higher Risk Building Procedures) Regulation, pertains to different types of construction activities carried out on higher-risk buildings.

Category A

Category A includes major structural, fire safety, or design changes to a higher-risk building. If this type of work is not deemed significant, then the work is classified as Category B. Category A typically includes:

- Structural work that changes the building’s height or width
- Floor and layout changes, such as alterations that affect the number of storeys (e.g. the addition or removal of a mezzanine) or changes to the internal layout
- Work that changes the living space, such as the number of flats or residential rooms within the building
- Fire safety measures, such as any work that may affect passive (e.g. fire-resistant materials) or active fire safety systems (e.g. sprinklers or alarms)
- Work that affects escape routes, such as the number or width of staircases
- Any changes to common areas, as well as external walls which do not comply with regulation 7(3) of the 2010 Regulations.

Category B

Category B comprises all work that is not classified as Category A, and is somewhat simpler in scope.

Should the proposed work have no significant effect on the building’s structure, fire safety, or escape route, it falls under Category B.

Exclusions

There are certain types of work that does not belong to either Category A or Category B, this includes:

- Scheme work
- Exempt work
- Emergency repairs - as stated under Regulation 10, which permits notice of emergency repairs to existing HRBs



Submission and Charges

When a building control approval application is submitted, the Client is required to pay a charge, as established by Building Safety Regulator. This charge is designed to cover the costs associated with processing, assessing, and overseeing compliance with building regulations for HRBs. For a more comprehensive understanding of the Building Safety Regulator's charging scheme, please visit the Building Safety Regulator Charging Scheme section on the HSE website.