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A Study on the Improvement of Building Permit System in Response to Changes of Architectural Environment

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SUMMARY

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Chapter 1 – Introduction

This The purpose of the building permit is to create a quality living environment by checking the legality of the relevant statutes, and those who want to build or repair buildings apply for building permit according to the procedures prescribed by the Building Act. A representative problem raised in relation to building permit is that matters that need to be checked and discussed in accordance with the Building Act and related statutes are concentrated in the building permit stage. As a result, the administrative burden of the permit issuer increases, and in the case of a permit applicant, he should review the statutes related to construction and prepare documents accordingly. However, despite changes in size and layout during the approval stage, technical books such as structure, energy, and environment must be also prepared to apply for a building permit.

To solve these problems and effectively respond to recent changes in the architectural environment, such as securing design quality, strengthening safety, and rebuilding of

collective buildings, it is necessary to improve and advance the systems in a way that the statues that needed to be checked is simplified and the permit processing period is shortened. Specifically, confirmation of compliance with technical standards such as structural design, facilities, and fire prevention required for building permit can be considered to supplement the expertise of the permit issuer by utilizing local building safety centers, etc. during the groundbreaking report stage. On the other hand, overall improvement in operation of the system, such as adjustment of the number of books required for submission, is needed for permit applicant to efficiently follow related procedures at the approval and groundbreaking report stages. It is also necessary to enhance the utilization of e-KBC so that access to laws and regulations related to building permit can be made easier.

The purpose of this study is to identify procedural and content problems arising from the operation of the building permit system and to find solutions to these problems to increase convenience for permit applicants such as building owners and construction companies, and to suggest ways to make the system more reasonable and advanced. Specifically, we want to review the Building Act and other related laws to simplify the building permit process, and adjust the number of books needed to be submitted. We also wish to suggest ways to improve the approval criteria for the reconstruction of old collective buildings. In addition, to facilitate the handling of complaints by users when applying for building permits and groundbreaking reports, we will review the operation direction of Seumter, and systematically organize laws, so that they require the use of e-KBC when reviewing permit applications and groundbreaking reports, and will prepare a checklist of related statues.

Chapter 2 – Current State of the Building Permit System

We analyzed the administrative procedures of the building permit system, submission documents related to building permits, and laws needed to be checked when applying for building permit to identify fundamental problems with the building permit system and set the direction for improvement based on the understanding.

The building permit system consists of three stages of "pre-decision – building permit – groundbreaking report", and the work procedures carried out at the building permit stage are particularly complicated. In addition to the location and size of a building, the

safety of its structure and fire-fighting capability must be verified, and when applying for building permit, books from various fields, such as construction, structure, machinery, electricity, etc., must be prepared. The time required to apply for a building permit varies from at least two days to up to 70 days depending on the person who has the right to issue the permit. Regarding the building permit criteria, there is an exception to the ownership of the land to revitalize the reconstruction of old buildings, but only 3.9 percent of the public buildings are subject to exceptions. In fact, the application is excluded for collective buildings such as old officetels and commercial buildings that are in urgent need of reconstruction, so improvements are needed.

The submission documents required for building permits and groundbreaking reports can be found in the Enforcement Rules of the Building Act and the Guidelines for Preparation of Architectural Design Documents [Attachment 2], which are almost identical to the specifications of each drawing. In addition, the Enforcement Rules of the Building Act [Attachment 4-2] corresponds to the "Basic Work of the Contents of the Actual Design Book" of the Guidelines for Preparation of Architectural Design Documents. Furthermore, there are differences in how to distinguish areas such as architecture, structure, machinery, and civil engineering. Therefore, it is necessary to match the fields of books that are classified in each of the two criteria and to ensure consistency between the two. The confusion also appears in "Seumter," the online platform that handles construction-related complaints, including those related to building permits, and the folders that upload drawings needed for groundbreaking report are not linked, and standard folders of submission drawings are very complicated, causing considerable difficulties for architects acting on behalf of building owners. According to a collection and analysis of books written and submitted by field architects to obtain building permits, there are much more documents actually submitted than the building permit design book standards stipulated by the law. In particular, when building deliberations and traffic impact assessments are carried out prior to building permits, drawings are prepared to the level equivalent to the submission of groundbreaking reports. In order to simplify such complicated building permit system, institutional improvements that permit applicants can feel with their skin in the field, along with the consistency of standards on books to be submitted for building permit should be considered.

The Minister of Land, Infrastructure and Transport publicly announces "Integrated

Standards Related to Construction" to expedite the processing and for the convenience of permit issuer and applicants. In this, the laws are classified into three categories: Laws that agendicize laws for the issuance of building permits; laws that needed to be checked for the issuance of building permits; and additional laws that needed to be checked. Separately, Article 12 of the Building Act stipulates laws and ordinances that the permit issuer must process through the Comprehensive Civil Petitions Council. In addition, there are cases where other laws and subordinate statutes agendicize the issuance of building permits, so the laws that needed to be checked for building permits are interconnected in a very complicated manner, requiring a review from multiple perspectives. The e-KBC, which was established to publicize building regulations based on Article 25 of the Framework Act on Construction, provides services such as legal system for construction search service, information search for individual buildings, and others on a trial basis. Recently, the Ministry of Land, Infrastructure and Transport is preparing a legal search service using e-KBC separately from the "Integrated Standards Related to Construction" to effectively provide legal system search service. Here, the laws that need to be checked for building permits are classified into two categories: the laws restricting the location of building and construction practices (25 statutes, 52 clauses); and the laws related to buildings (19 statutes, 63 clauses). For additional laws that need to be checked, they will be classified into: the laws related to deliberations for building permits (13 statutes, 14 clauses); the laws related to certification and evaluation (11 statutes, 19 clauses); the laws related to special cases on locations (17 statutes, 27 clauses); the laws related to special cases on buildings (11 statutes, 19 clauses); and the laws related to standards for individual purpose facilities (6 statutes, 10 clauses) to facilitate more effective search. In addition, separate from the legal information search service, an itemized checklist will be provided through e-KBC to allow applicants to easily review related laws and ordinances when applying for building permits. Currently, e-KBC provides building usage and scale information and building facility standard information linked with address. The function of extracting the laws that need to be checked for construction stages (issuance of building permit – groundbreaking report – building usage permit) is still insufficient. It is expected that the use of e-KBC will be further enhanced if the system is improved to provide legal information linked with address information for the extraction of relevant laws necessary for building permits and groundbreaking reports.

Chapter 3 – Comparative Analysis of Domestic and Foreign Building Permit Systems

In order to find new possibilities for the improvement of the building permit system, we analyzed the permit systems of the U.K., France, Italy, the U.S., and Japan for similar development activities such as reconstruction projects, housing construction projects, and apartment remodeling.

According to the Building Act, the Urban Maintenance Act, and the Housing Act, buildings and shared buildings housing 30 or more households can receive permits for rebuilding even if they only have 75 to 80% of the land share. On the contrary, collective buildings such as old officetels and commercial buildings must have 100% of the land share if they are to obtain reconstruction permits. In order to solve this inequality problem, and to secure the safety of old officetels and commercial buildings, as well as to revitalize the construction industry, it is necessary to consider easing the standards for securing land ownership for officetels and commercial buildings in the Building Act.

Housing construction projects require the preparation of design documents in accordance with the Standards for the Preparation of Housing Design Documents, and the types of design documents are more detailed and specific than those specified in the Building Act. In particular, in the case of building permits and groundbreaking reports under the Building Act, it is required to draw up a book by referring to the building design documents, but it is rather confusing due to the difference from the building codes, so it is necessary to clarify them for the issuance of building permits and groundbreaking reports. In addition, administrative procedures are carried out in accordance with the Housing Act, but design documents and other documents are required to comply with the Building Act, so it is necessary to carefully think about ways to improve the document requirement system within the building permit system, so it can be harmonized with the procedures for remodeling of shared housings under the Housing Act. In the case of laws where the process of agendicizing is carried out for similar development activities, there are some that are identical to those of the Building Act, and some that are stipulated separately. These differences need to be improved for the convenience of applicants. In addition, it takes a long time to prepare documents necessary for various agendicizing, so it is necessary to improve agenda items so that some of them can be checked in the groundbreaking report stage after the issuance of building permits.

British and French building permit systems are mostly for reviewing the relationship between construction activities and the urban environment. Compliance with technical regulations, building safety and disaster prevention capabilities are checked after construction. In the case of Japan or the United States, the technical standards of the building are reviewed in detail only if construction begins after the administrative issuance of the building permit without a separate groundbreaking report procedure. As such, it may be reasonable and efficient in the mid- to long-term to simplify the permit stage, such as in the U.K. and the U.S., rather than clearly distinguishing the stages of building permits and groundbreaking reports. Most of the overseas cases are handled by experts who are qualified architects, so in the mid- to long-term, we should consider hiring licensed architects as professional civil servants to handle these matters. It is also necessary to review the safety of buildings by external institutions, such as Japan's designated inspection agencies. In this regard, it is necessary to actively consider using a local building safety center composed of experts such as architects and structural engineers. In order to secure the quality of building design and clearly distinguish responsibility for poor design and construction, it is necessary to actively consider the introduction of a new insurance system such as the U.S.'s "expert liability insurance system" and the U.K.'s "expert guarantee insurance."

Chapter 4 – Improvement of Building Permit System

The ideas for improvement direction of the building permit system were derived based on the analysis of the actual conditions of the operation of the building permit system, the analysis of building permit procedures and system operation in similar development activities, and the case analysis of building permit systems in advanced countries. The main direction of the improvement of the system was to revamp the building permit system so that it could actively address public inconvenience caused by complex and opaque regulations and effectively respond to changes in the architectural environment such as low growth, the Corona outbreak and the fourth industrial revolution. The approach to system improvement was divided into short-term plans to maintain the current Building Act and relevant administrative systems and to establish a new framework by referring to the cases of advanced foreign countries that pursue harmonious building activities while emphasizing the relationship between buildings and urban environment. The short-term plan is to distribute roles between the building permit stage and the groundbreaking report stage. It should be adjusted that the former stage handles matters related to building's scale, location, and purpose while the latter handles safety and technical issues. In addition, we can revitalize the construction industry and build a safe society by easing the standards for reconstruction permits for collective buildings such as old officetels and commercial buildings. To this end, we would like to propose measures to improve the online-based construction-related civil service system, Seumter and e-KBC, as well as the revision of related legal regulations. The mid- to long-term plan is to clearly distinguish the review items for each construction stage on the premise of a complete overhaul of the building permit system and simplify the process of issuing building permit into the two stages of preliminary permission and main permission to actively consider the relationship between buildings and urban environment. In addition, experts, such as architects who are not currently utilized properly in Korea, should be actively hired to handle matters related to building permits. Also, we propose the introduction of an expert guarantee insurance system that guarantees defects in architectural design through insurance, and a designated agency system for the inspection of matters related to building permits.

○ Short-term Improvement Plan for Building Permit System

The short-term improvement plan of the building permit system is to simplify the stages of building permits by improving some details while maintaining the framework of the existing "pre-decision - building permit - groundbreaking report" system. We proposed that the building permit stage handles matters related to building's scale, location, and purpose, while the groundbreaking report stage handles safety and technical issues. Further, we proposed the easing of standards for reconstruction of collective buildings such as old officetels and commercial buildings to revitalize the construction industry and establishment of a safe society.

- Improvement plan for laws related to building permits

- Proposal for the adjustment of agenda processing related to building permits: Delete the provisions of 'Report on the Construction of Temporary Buildings at Construction Site' under Article 20-3 of the Building Act, and 'Report on the Installment of Work Pieces' under Article 83 of the Building Act; these provisions should be revised to be complied during the groundbreaking report stage.
- Proposal for the adjustment of statutes on Comprehensive Civil Petitions Council: Urban Traffic Improvement Promotion Act, Article 36 (Application and collection of traffic inducement charges) is imposed after the completion of a building, so the statute should be removed from the building permit stage. The provisions of Firefighting Facilities Act, Article 7 (Agreements related to building permit, etc.) should also be moved to the groundbreaking report stage so the standards for fire prevention, etc. can be closely checked.

- Proposal for the improvement of submission books for building permits and groundbreaking reports

- Revision of the regulations related to design books for building permits and groundbreaking reports: Among design books and documents needed for building permits under the Enforcement Rules of the Building Act [Attachment 2], 'Structure, Structural Statement, Structural Safety Confirmation, Interior Finishing, Energy Saving Plan, and Firefighting System' should be moved to the groundbreaking report stage. We also propose to display 'Guidelines for Preparation of Architectural Design Documents' in the note section so it can be used when compiling design books for

building permits and groundbreaking reports.

- Proposal for the revision of 'Guidelines for Preparation of Architectural Design Documents' [Attachment]: With the Enforcement Rules of the Building Act [Attachment 2] concerning design books needed for building permits and groundbreaking reports [Attachment 4-2] as basis, we propose a revision of Guidelines for Preparation of Architectural Design Documents, so that it can be harmonized with the adjustments in the books needed to be submitted for building permits and groundbreaking reports.

We also propose to adjust the contents of the intermediate designs so that the floor plan, section drawing, and capacity calculations of septic tank, design drawings of structural, mechanical, electrical, civil engineering, and landscape are excluded from the basic list and carried out as additional tasks according to contract.

- Proposal for the revision of statutes following the adjustment of submission books for building permits and groundbreaking reports: To ensure a thorough review of the technical books of buildings, we propose that the energy saving plan and the underground safety impact assessment documents are adjusted to the groundbreaking report stage, and that the relevant statutes are revised.
- Proposal for the easing of standards for building permits
- Proposal for the easing of standards for reconstruction permits of collective buildings in the Building Act. In Article 47 of the ownership and management of condominium buildings Act acknowledges the land ownership if sectional owners resolve for re-building. The Building Act should be revised so that the same can be applied to collective buildings such as aging officetels and commercial buildings.
- Mid- to long-term improvement plan for building permit system (future task)
- Introduction of the preliminary permission and main permission procedures
- Preliminary permission stage: Comprehensive review of the context of buildings and urban environment at the basic design level to determine whether a building can be constructed for a certain purpose in a certain size
- Main permission stage: Review of structural safety, facilities, energy saving plan, etc. of buildings

- Introduction of self-certification system for architects and expert guarantee insurance
- Utilization of licensed architects for the management of building permit system
- Consign works related to building permits to designated private agencies

Chapter 5 – Conclusion (Future tasks)

This study was conducted to find ways to improve the building permit system in response to changes in the architectural environment, such as low growth, the Corona outbreak, and the fourth industrial revolution. In consultation with the Ministry of Land, Infrastructure, and Transport, we proposed short-term improvement plans that will produce quick results that can be verified within a short time frame.

In the future, more in-depth research is needed on ways to improve the building permit system from a mid- to long-term perspective. To this end, utilization of licensed architects as civil servants, and introduction of expert guarantee insurance system that guarantees defects in building designs, which is absent in Korea, needed to be considered.

Keyword

Building permit, Groundbreaking report, Building permit system, Construction administrative system, Submission documents for building permits, Laws to be checked when applying for a building permit