



An
Bord
Pleanála

Board Direction
BD-015595-24
ABP-316230-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2024.

The Board decided to treat this case under section 40(2) of the Building Control Regulations 1997, as amended. The Board also decided, based on the Reasons and Considerations set out below that the building control authority be directed, as follows:

Remove condition numbers 3 and 4

Reasons and Considerations

Having regard to the presented design of the retail development and the accompanying technical compliance report, to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party appellant in the application and appeal documentation that the requirement for compliance with 1.4.5(b) of Technical Guidance Document M 2010 has been met through the amendments to the WC layout presented as part of the appeal and therefore **Condition No.3** is not necessary to meet the guidance set out in TGD: Part M 2010 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

The requirement for a separate WC as is required by **Condition No. 4** attached by the Building Control Authority is not necessary as the design presented as part of the application and appeal has demonstrated compliance with Section 1.4.3 of TGD: Part M 2010 as the proposed customer wheelchair accessible unisex WC will be available to staff and customers and will not segregate any particular user group. Therefore condition number 4 as originally attached by the Building Control Authority to the Disability Access certificate is not necessary to meet the guidance set out in TGD: Part M 2010 or accordingly to demonstrate compliance with Part M of the Second Schedule to the Building Regulations 1997, as amended.

The Board was satisfied that, subject to the attachment of the **remaining** conditions (Conditions No.s 1 and 2), it has been demonstrated that the building, if constructed in accordance with the design presented with the application and appeal, would comply with the requirements of Part M of the second schedule to the Building Regulations 1997, as amended.

Board Member



Patricia Calleary

Date: 28/02/2024