



An
Bord
Pleanála

Board Direction
BD-016067-24
ABP-317203-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2024.

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 conditions 2, 5 and 8.

Reasons and Considerations

Condition 2

The maximum travel distance when measured from the furthest point to the entrance to the stairs is 18.5m is marginally above that recommended maximum (18m) travel distance in Technical Guidance Document B, 2006 (TGD: B) and Building Bulletin 100 (BB100) and is considered acceptable having regard to the following matters:

- The area where the marginal excess occurs is in a staff room and not a classroom,
- 0.5m will have negligible impact of the escape time of the occupants of the staff room,
- The majority of the travel distance is within a protect corridor and lobby and this will reduce the potential negative impact of the single direction of travel.

The Board was therefore satisfied that condition 2 is not a reasonable requirement and decided to remove this condition accordingly.

Condition 5

Given that no lift access is proposed within the building and that the ground floor and first floor both contain a 'school age children' room, being a room to be used for the provision of after school care of school age children, it is considered reasonable that the first floor is not required to be provided with a disabled refuge space in accordance with the requirements of Section 1.4.15 (Provisions for People with Disabilities) of TGD:B. Therefore, the Board was satisfied that Condition 5 is not a reasonable requirement and should be removed. Of relevance to the consideration of this condition, and on the matter of vertical access, the Board noted that the building will separately be subject to the requirements of Part M (Access and Use) of the current Building Regulations and that the matter before the Board in this case relates solely to Part B (Means of Escape) of the current building regulations.

Condition 8

The Board noted the guidance contained in section 4.4.2.1(b) of BB 100, which the Board considered to be relevant on the basis of the rationale set out in the inspector's report, which the Board agreed with, the first floor of the proposed premises can be served by a single stair once it would not have an occupancy of above 120 pupils plus supervisors. The proposed occupancy of the first floor meets this requirement. The Board also noted, as set out in the inspector's report, that the condition requiring compliance with section 3.3.4 of Fire Safety in Pre-Schools (Department of Environment, 1999) and to limit the maximum number of children (who are not sleeping) accommodated at first floor level to 20, is onerous given the proposed use of the floor for after school care (rather than pre-school care) and the age of the children (school going age rather than pre-school age) that will be using this space at first floor level. Therefore, the Board was satisfied that Condition 8 is not a reasonable requirement and should be removed.

Board Member

Patricia Calleary

Date: 12/04/2024

Patricia Calleary