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**Building Control Acts 1990 to 2014**

**Building Control Authority: Galway City Council**

**Building Control Authority Register Reference Number: FS/12/18**

**Appeal** by Carrowmore Property Limited care of Jeremy Gardner Associates of Office 3, Monterey Court, Salthill, Galway in relation to the decision made on the 15<sup>th</sup> day of August 2018 by Galway City Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of the construction of a new five-storey Student Accommodation building above the existing Coach Station on Fairgreen Road, Galway in accordance with plans and particulars lodged with the said authority.

**WHEREAS** the said appeal relates only to condition number 3 attached to the decision of the planning authority:

**AND WHEREAS** An Bord Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority

to amend the said condition number 3 so that it shall be as follows for the reason set out:

3. The shared living units where the bedrooms are an inner room off the kitchen/living room shall either be provided with a Class 1 sprinkler in compliance with BS 9251:2014 and the cooker hob shall not be located within 1.5 metres of the escape route from the bedroom, or the design shall be amended to comply with Figure 10 of BS 9991: 2015.

**Reason:** To achieve compliance with Part B1 of the Second Schedule to the Building Regulations 1997-2018 and

to attach a new condition number 7 so that it shall be as follows for the reason set out:

7. The INTREO office accommodation at first floor level shall either be separated from residential stair 02 route by way of a vented lobby or alternatively an independent stair shall be provided.

**Reason:** To achieve compliance with Part B1 of the Second Schedule to the Building Regulations 1997-2018.

## **Reasons and Considerations**

In arriving at its decision, the Board had regard to the Fire Safety Certificate application for the construction of a new five-storey student accommodation building, including the design and details which formed part of the application and the subsequent submissions made in connection with the appeal, and the consultant inspector's report and recommendation.

The Board considered that Condition Number 3, as set out in the schedule of conditions attached to the fire certificate granted by the Building Control Authority should be amended and a new condition should be inserted (Condition Number 7), both to read as set out above. The Board further considered that, subject to the attachment of the amended Condition Number 3 and the insertion of the new Condition Number 7, it has been demonstrated that the proposed works, would, if constructed in accordance with the design presented, provide adequate means of escape in the case of a fire, and in doing so, would achieve compliance with Part B1 of the Second Schedule to the Building Regulations 1997-2018.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Stephen Bohan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**