



Building Control Acts 1990 to 2014

Building Control Authority: Donegal County Council

Building Control Authority Register Reference Number: FS/19/07

Appeal by Colm's Amusements care of Clarke Engineering and Consultancy Services of Ard, Cloontagh, Clonmany, County Donegal in relation to the decision made on the 18th day of April, 2019 by Donegal County 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 new works to existing assembly building to include installation of lift to serve first floor, provision of disabled refuge area and enclosure of escape stair 02 at Colm's Amusements, Main Street, Bundoran, County Donegal in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1, 2, 4, 5 and 8 attached to the decision of the building control authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the conditions, 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 building control authority to delete conditions numbers 2, 4, 5 and 8 and the reasons therefor, and to attach condition number 1 and the reason therefor:

Reasons and Considerations

In arriving at its decision, the Board had regard to the Fire Safety Certificate application for material alterations to the existing ground and first floor of an amusement building including the design and details that formed part of the application, the subsequent submissions made in connection with the appeal and the reporting inspector's report and recommendation.

In respect of **condition number 1**, the Board considered it to be reasonable that this condition would remain in order to define the extent of the application and in the interest of clarity.

In respect of **condition number 2**, having regard to the nature and relationship of the cash box and office work spaces, including their limited size when taken individually and in combination, and to the proposal for the provision of an automatic smoke detection linked to the alarm system, it is considered that the proposed arrangement would be sufficient to demonstrate compliance with Part B1 of the Second Schedule of the Building Regulations 1997-2019.

In respect of **conditions numbers 4, 5 and 8**, the provision of stair number 1 has been previously approved by the building control authority and the current works do not present any new or greater contravention of Part B1 (Means of Escape in case of fire) of the Building Regulations 1997-2019. Therefore, these three conditions are not warranted in order to meet the relevant guidance contained in Technical Guidance Document: Part B 2006 and, accordingly, to demonstrate compliance with Part B1 of the Second Schedule of the Building Regulations 1997-2019.

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.

John Connolly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.