

Building Control Acts 1990 to 2014

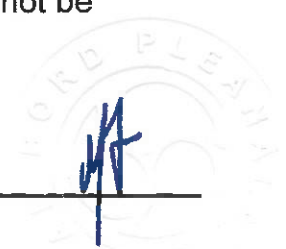
Building Control Authority: Galway City Council

Building Control Authority Register Reference Number: FS 123/19

Appeal by the Crown Square Developments Limited care of Maurice Johnston and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 23rd day of April, 2020 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 material alteration and extension to existing incomplete double basement at The Crown Site, Monivea Road, Mervue, Galway in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 3 and 4 attached to the decision of the planning authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said 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:



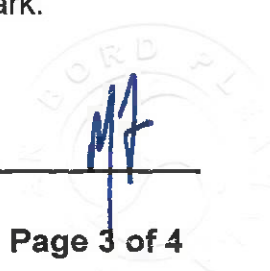
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the said authority to delete the said conditions numbers 3 and 4 and the reasons therefor:

Reasons and Considerations

Having regard to the form, use and layout of the building, the proposed provision of an enhanced mechanical ventilation system, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that condition number 3 as set out in the schedule of conditions attached to the Fire Certificate granted by the Building Control Authority, is unwarranted by reason of demonstrated compliance with requirements set out in Section 3.5.2.5 of the Technical Guidance Document B Building Regulations 2006 for mechanical ventilation of a normal basement car park and where sprinklers are not required, as indicated in Section 5.4.3.1 of the Technical Guidance Document B Building Regulations 2006, and that subject to compliance with the other conditions set out in the Fire Safety Certificate, an adequate level of fire safety would be provided that would comply with Part B5 (Access Facilities for the Fire Services) of the Second Schedule of the Building Regulations 1997 to 2017.


Having regard to the nature of the use of the area proposed to be an area for storage of waste, the provision of an enhanced mechanical ventilation system sufficient to deal with a fire in the area, and where the area is not a loading bay or a coach park, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that condition number 4 as set out in the schedule of conditions attached to the Fire Safety Certificate granted by the Building Control Authority, is unwarranted, by reason of the provision of an enhanced mechanical ventilation system, and subject to compliance with the other conditions set out in the Fire Safety Certificate, that an adequate level of fire safety would be provided that would comply with Part B5 (Access Facilities for the Fire Services) of the Second Schedule of the Building Regulations 1997 to 2017.

In not agreeing with the Inspector's recommendation to amend condition number 3, the Board considered that compliance with the guidance contained in the Technical Guidance Document B Building Regulations 2006 where basement car parks are not normally expected to be fitted with sprinklers, is the minimum requirement to demonstrate compliance with the building regulations. The minimum requirement for mechanical ventilation of basement car parks is set out in Section 3.5.2.5 of the Technical Guidance Document B Building Regulations 2006, and the proposed mechanical ventilation system is designed to exceed the minimum requirement. The Board is satisfied that the car park can be defined as a normal basement car park and does not contain any element that would not be covered by the mechanical ventilation system proposed and by the other conditions set out in the Fire Safety Certificate. The application for the Fire Safety Certificate relates to the basement car park element only and consideration of any subsequent Fire Safety Certificate applications for the other elements of the overall proposed development must have regard to the Fire Safety Certificate for the basement car park.



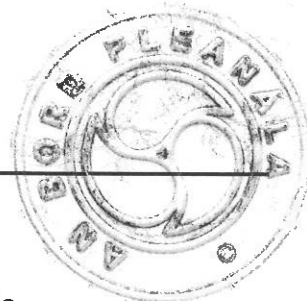
Matters Considered

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.



Michelle Fagan

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



Dated this 2nd day of December 2021.