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**Building Control Acts 1990 to 2014**

**Building Control Authority: Laois County Council**

**Building Control Authority Register Reference Number: 29/2020**

**Appeal** by HSE care of FCC Fire Cert Limited of Unit A4, Nutgrove Office Park, Rathfarnham, Dublin in relation to the decision made on the 16<sup>th</sup> day of February, 2021 by Laois 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 proposed construction of new Mountmellick Community Nursing Unit (CNU) at Saint Vincent's Community Nursing Unit, Mountmellick, County Laois in accordance with plans and particulars lodged with the said authority.

**WHEREAS** the said appeal relates only to conditions number 1, 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 1 and 3 and to attach condition number 4 for the reasons set out.

## **Reasons and Considerations**

Having regard to the guidance set out in Technical Guidance Document B of the Building Regulations 1997, the mitigation measures being proposed in relation to the break-out areas, the nurse's bases and the reception area, it is considered that the provision of sprinkler protection is not warranted and that condition number 1 is, therefore, unnecessary.

Having regard to the guidance set out in Technical Guidance Document B of the Building Regulations 1997, the nature, scale and use of the proposed development, the provision of alternative horizontal escape routes suitable for bed movement from the bariatric rooms, it is considered that the requirement for evacuation lifts, and for the lifts not to be located in the same protected area/stairway as set out in condition number 3 is not warranted.

Having regard to the provision of occupant limit notice on rooms that are capable of accommodating more than 20 people, and where a single escape route is accommodated as set out in condition number 4, it is considered that such signage would not detract from the ambience of the development, and that it is reasonable to require the erection of such signage, and that condition number 4 should be attached.

The Board is satisfied that the removal of conditions number 1 and 3, and the attachment of condition number 4, 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 the Second Schedule of the Building Regulations 1997 to 2017.

## 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.

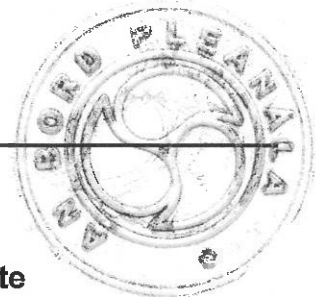


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**Michelle Fagan**

**Member of An Bord Pleanála**

**duly authorised to authenticate  
the seal of the Board.**



Dated this <sup>6<sup>th</sup></sup> day of *December* 2021.