

An
Bord
Pleanála

Board Order
ABP-310628-21

Building Control Acts 1990 to 2014

Building Control Authority: Galway County Council

Building Control Authority Register Reference Number: FSC2103410GC

Appeal by Finian Hanley care of Ryan and Associates of 50 Lower Salthill, Galway in relation to the decision made on the 27th day of May, 2021 by Galway 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 of the Building Control Act 2007, in respect of the material change of use as a restaurant at first floor level and minor material alterations to the existing ground floor bar at The Quay, Kinvara, County Galway in accordance with plans and particulars lodged with the said Building Control Authority:

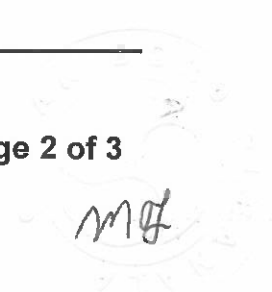
WHEREAS the said appeal relates to conditions numbers 2 and 4 attached to the decision of the said Building Control Authority:

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 Building Control Authority to attach the said condition 2 and the reasons therefor, and to remove the said condition number 4 and the reasons therefor:

Reasons and Considerations

Having regard to the form and nature of the conditions, the submissions lodged with the Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority and the Appellant and to the report and recommendations of the reporting inspector and in particular the issues raised by the Building Control Authority, the Board is satisfied that it has been fully demonstrated that condition number 2 should be retained, and that condition number 4 should be removed.



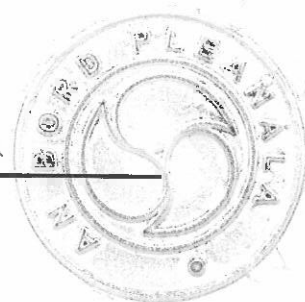
In deciding to remove condition number 4 which required the stairs to be a protected stairs, the Board had regard to the fact that fire and smoke curtains are to be provided around the kitchen, that the bottom of the stairs is located immediately adjacent to an exit which opens to the outside, to the fact that there will be less than 50 people at first floor level, that the first floor and ground floor will be provided with a mist sprinkler system and that there is an additional alternative exit for the ground floor of the building. On this basis, the Board concurred with the Inspector that it was appropriate to remove condition 4.

DR. *Maria FitzGerald*

Maria FitzGerald

Member of An Bord Pleanála

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



Dated this *28th* day of *July* 2022.