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**Building Control Acts 1990 to 2014**

**Building Control Authority: Clare County Council**

**Building Control Authority Register Reference Number: DAC2300032CE**

**Appeal** by David Keating, EI Electronics care of O'Neill O'Malley of Technology House, Galway Technology Park, Parkmore, Galway in relation to the decision made on the 14<sup>th</sup> day of March, 2023 by Clare County Council to grant subject to conditions a disability access certificate under section 6 (2)(a)(ix) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of the demolition of an existing service yard and enclosing walls to facilitate the construction of a new two-storey gym facility connected to the existing building, including external services area and all associated site works at Bay 161 Shannon Free Zone, Shannon, County Clare in accordance with plans and particulars lodged with the said Building Control Authority:

**WHEREAS** the said appeal relates to conditions numbers 3 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, as amended by section 6 of the Building Control Act 2007, 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 remove the said conditions numbers 3 and 4 and the reasons therefor and to attach a new condition so that it shall be as follows for the reason set out:

#### **New Condition**

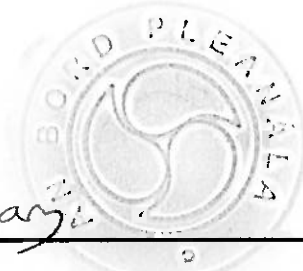
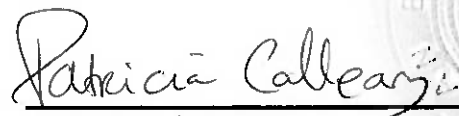
Accessible changing, showering and WC facilities for independent use shall be provided within the ground floor extension, at a location close to the communal separate-sex changing facilities, in accordance with section 1.4.3.5 of Technical Guidance Document M, 2010 (TGD: M 2010). This shall be in the form of a self-contained accessible shower and changing room incorporating an accessible WC in accordance with Diagram 21 of TGD:M 2010.

**Reason:** In order to comply with Part M of the second schedule to the Building Regulations 1997, as amended.

P.C.

## Reasons and Considerations

Having regard to the presented design of the development and the accompanying technical compliance report, to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that the works to which the application relates, if constructed in accordance with the plans, calculations, specifications and particulars submitted, and subject to compliance with the conditions attached to the Disability Access Certificate, including the removal of conditions numbers 3 and 4 and the attachment of a new condition as set out above, will comply with the requirements of Part M of the Second Schedule to the Building Regulations 1997, as amended.



**Patricia Calleary**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *27* day of *March* 2024.