

An
Bord
Pleanála

Board Order
ABP-317569-23

Building Control Acts 1990 to 2014

Building Control Authority: Offaly County Council

Building Control Authority Register Reference Number: FS/22/35

Appeal by Eamon Power on behalf of White Box Property Development care of GPS Fire Limited of Deise House, Link Road, Railway Square, County Waterford in relation to the decision made on the 13th day of June, 2023 by Offaly 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 the construction of a nursing home at Arden Road, Tullamore, County Offaly in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1 and 2 attached to the decision of the Building Control Authority:

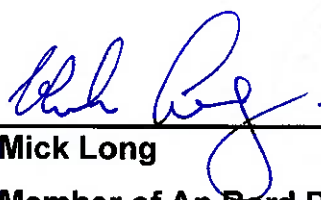
AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

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 authority to remove conditions numbers 1 and 2 and the reasons set out below:

Reasons and Considerations

Having regard to the presented design of the development and the compliance report, drawings and application form, to the submissions made in connection with the Fire Safety Certificate application and the appeal and to other relevant decisions made by the Board, it is considered that it has been demonstrated by the appellant that the proposed building meets the relevant requirements of both Section B3 and Section B5 of Technical Guidance Document B 2006 – Fire Safety (2020 Reprint). It is considered that the additional measures required by the Building Control Authority to those required by Technical Guidance Document - Fire Safety 2006 (2020 Reprint) are not necessary and it is accepted that evidence of compliance with the relevant technical guidance document will, prima facie, indicate compliance with Part B of the Second Schedule of the Building Regulations and there is no justification to attach condition number 1 and condition number 2 to the decision of the planning authority.

The Board was satisfied that, subject to the attachment of the remaining conditions, excluding conditions numbers 1 and 2 as removed by the Board, it has been demonstrated that the buildings, if constructed in accordance with the design presented with the application, would comply with the requirements of Part B of the second schedule to the Building Regulations 1997, as amended.



Mick Long

Member of An Bord Pleanála

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

**Dated this 27th day of October
2024.**