



An
Bord
Pleanála

Board Order 07.FG.0023

Building Control Acts 1990 to 2014

Building Control Authority: Galway County Council

Building Control Authority Register Reference Number: FS131/16

Appeal by Joyce Supermarkets Limited care of John O'Shaughnessy of 3 Dr. Mannix Drive, Salthill, Galway in relation to the decision made on the 21st day of February, 2017 by Galway County Council to grant subject to conditions a regularisation certificate under section 6 (2)(a)(vii) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of material alterations to existing building/retention of existing structure at Lakeview, Claregalway, County Galway in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 4 and 5 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 amend the said condition number 4 so that they shall be as follows for the reason set out and to remove the said condition number 5 and the reason therefor,

4. Suitable passive fire protection provisions shall be incorporated to protect the stairs from smoke and fire ingress from the adjacent accommodation (including where the fire resisting stair enclosure meets internal cavity walls). Details of these provisions shall be set out, and agreed in writing with, the Building Control Authority within 2 months of the date of this order.

Reason: To comply with Part B1 (Means of escape in case of fire) of the Second Schedule to the Building Regulations, 1997 to 2017.

Reasons and Considerations

Having regard to the nature of use, form and layout of the building, to the submissions made in connection with the Regularisation Certificate application and appeal and to the report and recommendation of the reporting Inspector, it is considered that, notwithstanding the removal of condition number 5 and subject to the attachment of the amended condition number 4 as set out above, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B1 (Means of escape in case of fire) of 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.

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

Dated this day of 2017