

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Galway City

Building Control Authority Register Reference Number: FS 138/16

An Bord Pleanála Reference Number: 61.FS.0552

APPEAL by Bryant Park QIAIF care of Jeremy Gardner Associates of Office 3, Monterey Court, Galway in relation to the decision made on the 20th day of December, 2016 by Galway City 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 omission of the requirement to provide fire rated construction at the interface of the Anchor with the existing Eyre Square Shopping Centre Mall at Eyre Square, Galway in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 1 attached to the decision of the Council:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said condition, 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 condition number 1 and the reason therefor:

REASONS AND CONSIDERATIONS

Having regard to:

- the submissions made in connection with the Fire Safety Certificate application and the appeal,
- the type of use and layout of the building (as a multi-level shopping mall with a large anchor unit opening to the mall at two levels),
- the extent of provision with regard to active fire/smoke protection systems (sprinkler system, mechanical smoke extract system and automatic smoke curtains/shutters) within the Dunnes Stores unit,
- the fact that these provisions were previously regarded by Galway City Council as compliant with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2017 without the need to further compartment the unit from the mall (by virtue of granting Fire Safety Certificate FSC 98/15) and the fact that there have been no further material alterations in the interim that would be considered as having a material effect on that decision, and
- the requirement to have consideration (in an application for a Fire Safety Certificate) only to the specific works that are the subject of the application,

it is considered that the appeal should be allowed and condition number 1 be deleted.

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.