



An
Bord
Pleanála

Board Order 16.FS.0560

Building Control Acts 1990 to 2014

Building Control Authority: Mayo County Council

Building Control Authority Register Reference Number: FS16/073

Appeal by Joe Corcoran care of Keith O'Connell of Cox's Yard, Distillery Road, Westport, County Mayo in relation to the decision made on the 15th day of March, 2017 by Mayo 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 (1) inclusion of smoking area in occupancy calculations by virtue of the creation of direct visual and physical connection between the ground floor nightclub areas, incorporating the previous circulation corridor and smoking area, (2) omission of previously proposed partition doors on the first floor and (3) retention of roof covering of external fire escape at the Plaza Hotel, Castlebar Street, Westport, County Mayo 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 planning authority:

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 and to attach 5 new conditions numbers 1, 2, 3, 4 and 5 so that they shall be as follows for the reasons set out:

1. The occupancy of the first floor shall be limited to 518 people, the ground floor to 743 people and the smoking terrace to 330 people.

Reason: To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

2. The 955 millimetres door from the smoking area into the entrance area shall be reversed to open in the direction of escape and signed as an exit. The door shall be either free from fastenings or fitted with panic bolts complying with standard IS EN 1125:2008.

Reason: To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

3. The doors between the smoking area and the nightclub shall be upgraded to FD30 fire resisting door-sets. These doors can be held open with electromagnetic devices to release in the event of a fire.

Reason: To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

4. Fire alarm sounders shall be provided in the smoking terrace linked to the fire detection and alarm system in the nightclub.

Reason: To ensure compliance with Part B1 of the second schedule to the Building Regulations, 1997 to 2017.

5. Emergency lighting shall be provided in accordance with IS 3217:2013 and IS EN 1838:2013 standards in order to adequately indicate and illuminate all escape routes within and from the smoking area.

Reason: To ensure compliance with Part B1 of the Second Schedule to the Building Regulations, 1997 to 2017.

Reasons and Considerations

Having regard to the proposed use, form and layout of the building, to the submissions lodged in connection with the Revised Fire Safety Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that, subject to the removal of condition number 1 and attachment of 5 number replacement conditions as set out above, and the renumbering of the remaining 3 number conditions (not subject of the appeal), the proposed works and use 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.

