



An
Bord
Pleanála

FSC Report

ABP 303 987-19

Appeal v Refusal or Appeal v Condition(s)

Appeal to a Condition attached to a Granted Regularisation Fire Safety Certificate

Development Description

Regularisation Fire Safety Certificate for Doagh Famine Village, Isle of Doagh, Clonmany, Lifford, Co. Donegal

An Bord Pleanála appeal ref number: 303 987-19

Building Control Authority Fire Safety Certificate application number: FS/17/35/R

Appellant & Agent: Mr. Patrick Doherty (appellant), John Doherty (Agent) Doherty Building Surveying

Building Control Authority: Donegal

Date of Site Inspection Not Applicable

Inspector/ Board Consultant: Eamon O Boyle, Eamon O Boyle and Associates

Appendices Not Applicable.

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1.0 Introduction

- 1.1. A Fire Safety Certificate application was received by the Building Control Authority (Donegal County Council) on the 29th March 2017. The application sought to demonstrate compliance with Part B of the Second Schedule of the Building Regulations (S.I. 497: 1997). The application is concerned with the regularisation of works undertaken at an Events Centre at the Isle of Doagh, Clomnmany, County Donegal.
- 1.2. The Fire Safety Certificate Application concerns the retention of a store room at first floor level, store at main hall and an extra door at main entrance level.
- 1.3. The appeal relates to a condition attached to the grant of the Regularisation Fire Safety Certificate by the Building Control Authority. The reason for the condition was *“to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997 – 2006”*.

2.0 Information Considered

- 2.1. In considering the application I have referred to the following information.

No.	Date	Description
1	29/03/17	Application submitted to Donegal County Council
2	19/04/17	Application validated by Donegal County Council
3	18/12/17	Email sent to Donegal County Council with drawings attached
4	20/12/17	Email from Donegal County Council to clarify query
5	26/04/18	Further information request from Donegal County Council
6	25/06/18	Extension of time request submitted to Donegal County Council
7	25/06/18	Extension of time granted by Donegal County Council
8	27/06/18	Received email from Donegal County Council regarding extension of time
9	27/06/18	Email sent to Donegal County Council to clarify reference number
10	27/06/18	Email from Donegal County Council to clarify reference number
11	23/08/18	Email from Donegal County Council regarding awaiting F.I response
12	23/08/18	Email from to Donegal County Council regarding awaiting F.I response

13	23/08/18	Email sent to Donegal County Council with extension of time attached
14	12/09/18	Doherty Building Surveying responded to F.I from Donegal County Council dates 26/04/18
15	11/10/18	Received letter from Donegal County Council regarding further information
16	27/09/18	Extension of time request submitted to Donegal County Council
17	24/10/18	Received email from Donegal County Council in regarding to extension of time
18	24/10/18	Doherty Building Surveying issued extension of time
19	24/10/18	Received email from Donegal County Council in response to previous email
20	29/11/18	Received email from Donegal County Council in regards to extension of time
21	29/11/18	Extension of time request submitted to Donegal County Council
22	29/11/18	Received email from Donegal County Council in regards to extension of time
23	21/01/19	Doherty Building Surveying responded to F.I from Donegal County Council dated 11/10/18
24	20/02/19	Received Regularisation Certificate with 5 conditions

Additionally I have made reference to the previously Granted Fire Safety Certificate (FS/14/3) together with its report and drawings and the appeal submissions made by the Building Control Authority and the Appellant.

The following drawings were also furnished for consideration:

- 021-13-1467-FD-001 Rev 00
- 025-13-1467-FD-001 Rev 02
- 025-13-1467-FD-001 Rev 03

3.0 Relevant History/Cases

- 3.1. I am not aware of any previous appeals that have been submitted in respect of similar issues have arisen.

4.0 Appellant's Case

- 4.1. The appellants grounds for appeal to Condition 1 of the Granted Fire Safety Certificate (FS/17/35R) states that Doagh Famine Village is an existing tourist attraction located in the Isle of Doagh, Lifford County Donegal. The centre provides guided tours of attractions and exhibits that are arranged at scheduled times. It also provides toilet facilities together with a café where teas, coffee, soup and sandwiches are served. The appellant outlined the approvals process that was followed during the assessment period by the Building Control Authority. The appellant asserts that the objective of the Technical Report was to demonstrate that the inclusion of a fire door between the kitchen and reception area complies with the functional requirements of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 – 2006. The appellant further highlights the facilities available for fire fighting, the nature of construction of ancillary accommodation, and the grade of Fire Detection and Alarm System. The appellant sets out the Regulation B3 of the Building Regulations- and the performance guidance set out in Technical Guidance Document B. The appellant further sets out the Purpose Group of the Event Centre as Purpose Group 5. It is also stated that due to the size of Kitchen area, it cannot be considered ancillary to the main purpose group. The appellant also states that the Kitchen cannot be considered a Commercial Kitchen as it is a small kitchen to produce light refreshments. The appellant concludes the omission of compartmentation between the kitchen and reception area is acceptable for the following reasons

- It achieves the aims of compartmentation
- There is limited likelihood of persons becoming trapped due to the means of escape provisions and the fire detection and alarm system
- The “robust” distribution of exits on the perimeter of the building
- All places of special fire hazard are enclosed in Fire Resisting construction

5.0 Building Control Authority Case

- 5.1. The Building Control Authority responded to ABP on the 10 May 2019 with their file on the application together with a commentary on their assessment and the necessity to attach Condition 1 to the Granted Fire Safety Certificate.
- 5.2. The Building Control Authority sets out its observations that the content of Condition 1 –and conditions 2 and 3 are inter-related as they are dependent of the modus operandi of the building. The reason for attaching Condition 1 is not solely a Regulation B3 requirement it also related to Regulation B1 and B3. The Building Control Authority states that as part of the assessment of a Regularisation Fire Safety Certificate the building was inspected. It was noted during the inspection that the requirements of Fire Safety Certificate FS/14/3 were not complied with. In particular the requirements in respect of separation of circulation routes (Section 1.2.3.5 of TGD B) are noted. During the course of the inspection it was noted That the primary circulation route between the kitchen and tearoom at first floor level was via the reception area. It was further note that doors leading to the stairway were wedged open at the time of inspection. The Building Control Authority further refers to Section 1.3.6.3 which addresses the exit requirements from protected stairways. It was also noted that the Reception area had become a sales area for drinks and snacks and had become an overspill area from the kitchen thereby rendering the requirement for a “protected exit passageway” unachievable. The Building Control Authority is further of the view that as the area under the concrete stair is being used as a Staff Toilet/Sluice Room this will result in the reception area being used as a primary circulation space. The Building Control Authority also considered that the presence of Deep Fat Fryers and cookers present (in contrast with the Fridge and Dishwasher shown on the drawings) justified the inclusion of the 60-minute fire resistance requirement. The Building Control Authority also is of the view that the layout in FS/14/3 did not include an opening between the Kitchen and Reception area and given the nature of the equipment being used in the kitchen the 60 minute fire resistance requirement should remain.

6.0 Assessment

6.1. Details lodged with application

- 6.1.1. We have examined the drawings, reports and submissions submitted and consider that the information is sufficient to enable ABP to make a determination in respect of this appeal.

6.2. Content of Assessment

- 6.2.1. In making the assessment it is necessary to only examine the degree of compliance with the Building Regulations B1 and B3 as there is no implication for any other Building Regulation (i.e. Regulations B2, B4 or B5) from what has been previously granted by the Building Control Authority. The basis of our assessment is confined to the provisions of Technical Guidance Document B 2006.
- 6.2.2. Having reviewed the plans and particulars lodged with the appeal as well as the commentary of the Building Control Authority, we are of the view that the particulars provided are adequate to enable the ABP to establish compliance with Part B of the Building Regulations.
- 6.2.3. Having considered the case made by the appellant and the commentary of the Building Control Authority I consider that the Building Control Authority were correct in attaching Condition 1 to the granted Fire Safety Certificate. Our consideration is based upon the following:
- The fact that the reception area which is required to provide a protected passageway to the final exit is compromised
 - The level of risk associated with the kitchen

7.0 Conclusion / Recommendation

- 7.1. My overall conclusion in this appeal is the Condition No. 1 should be retained.

8.0 Reasons and Considerations

Having regard to the form and nature of the condition, the submission lodged with the Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority and the Appellant and to the report and recommendations of the reporting inspector and in particular the issues raised by the Building Control Authority , the Board is satisfied that it has been fully demonstrated that the condition should remain.

Eamon O Boyle

Chartered/Engineer
Consultant/Inspector
29 January 2021