



Appeal Against Condition of Regularisation Fire Safety Certificate (FS/19/63R)

Project	Blackthorn Amusements, Bridgend, Co. Donegal
Local Authority	Donegal County Council
Date	30 th October 2019

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1.0 INTRODUCTION

The project involves the Regularisation Fire Safety Certificate for an existing two storey Casino Building in Bridgend Co. Donegal. The Regularisation Fire Safety Certificate was provided for material alterations at ground floor level only.

A Fire Safety Certificate application for the works was granted on the 1st of July 2019 which was subject to five conditions.

The appellant wishes to appeal condition 3 of the fire safety certificate grant which refers to the following: -

Condition 3

The single protected stairwell to be provided with: -

1. An openable window at each upper storey or landing;

Or

2. An openable vent having a clear openable area of not less than 1m² situated at the top of the enclosure. The vent shall be automatically openable by activation of the fire detection and alarm system in the stairwell enclosure and also be manually openable for fire brigade use.

Reason

To demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997 – 2006 Section B5: Access and Facilities for the Fire Service.

2.0 INFORMATION REVIEWED

In assessing this appeal, the following information was considered: -

- Fire safety certificate application including report and drawings received.
- Appeal submission from Clarke Engineering and Consultancy Services dated 28th July 2019.
- Fire Officers Report on Fire Safety Certificate appeal dated 6th August 2019.

3.0 DISCUSSION

Condition 3

The single protected stairwell to be provided with: -

3. An openable window at each upper storey or landing;

Or

4. An openable vent having a clear openable area of not less than 1m² situated at the top of the enclosure. The vent shall be automatically openable by activation of the fire detection and alarm system in the stairwell enclosure and also be manually openable for fire brigade use.

Reason

To demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997 – 2006 Section B5: Access and Facilities for the Fire Service.

BCA's Case

The BCA noted that the existing Fire Safety Certificate (Ref: FS/151) highlighted that two protected escape stairs serving the first-floor level. As part of the Regularisation Fire Safety Certificate, the Fire Officer noted that a new or greater contravention has occurred because: -

- o Introduction of timber linings into the protected escape stair in which the applicant's agent noted would be treated using intumescent paint.
- o The re-configuration of the escape route at ground floor level reduces the exit capacity of the main entrance / exit from the building and in turn relies on the final exit [Exit 01] from the stairs as an escape route.
- o The introduction of a reception area in the protected stair has materially altered the primary access point for fire service access.
- o In accordance with 5.0.2 of the TGD-B: 2006 fire appliances need access to entry points near the fire mains. The protected stair is located on the front elevation and faces onto the primary access road for fire service.

Therefore, based on the above, the BCA state that an AOV or openable window on the upper landing is required.

Appellant's Case

Clarke Engineering and Consultancy Services note that the first-floor level of the building functioned as Purpose Group 5 Assembly and Recreation prior to the 1st of June 1992 and therefore did not attract fire safety certification. The Appellant claims that the new works have not created a new or greater contravention of any existing fire safety design/provisions previously granted at ground floor and also that the two external escape stairs are suitable for fire fighting entry.

Discussion

The existing Fire Safety Certificate (Ref: FS/151) for the building noted a change in use from commercial to assembly and recreation at ground floor only. Although no reference to the first-floor level is mentioned, the approved Fire Safety Certificate drawings highlight two protected escape stairs serving the first-floor level and discharging directly to the outside. The appellant claims that the first-floor level is unchanged and has not been addressed in any existing fire safety certificate and was previously an assembly and recreation premises.

As part of the works at ground floor level, one of the existing escape stairs no longer discharges directly to the outside and the other escape stair now includes a reception area within the stair at ground floor level. The appellant notes that two additional external escape stairs have now been provided at first floor level which are included for means of escape. However, it is unclear when these external escape stairs were introduced and also if they comply with Section 1.3.9 and Diagram 8 of the TGD-B. Therefore, it cannot be confirmed if the external stairs are appropriately separated from the existing building. Although the external escape stairs may be suitable for means of escape during the early stages of fire due to the presence of an automatic fire detection and alarm system, the external escape stairs may become compromised during the time the fire

begins and the arrival of the Fire Service. As a result, the external escape stairs cannot be considered suitable for fire service access to the first-floor level.

Although I am of the opinion that no new or greater contravention occurs within the means of escape strategy as part of the Regularisation Fire Safety Certificate, the proposed layout changes potentially results in only one stair being suitable for fire service entry to first floor level. It is also noted that the recommendation in the TGD-B for stair venting is a B5 (firefighting facilities) requirement and not for means of escape. Therefore, JGA agree with the conditions of BCA and recommend that either an AOV or openable window on the upper floor level be provided to the escape stair located along the front elevation of the building.

4.0 RECOMMENDATIONS

The BCA should uphold Condition 3 of the Fire Safety Certificate Grant.

Signed 
Martin Davidson
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Date: 30th October 2019

