

# Regularisation Fire Safety Certificate for Conversion of Retail Unit to Restaurant/Extension at Unit 1B, Barna, Co. Galway

Consideration of Appeal against Condition  
attached to Fire Safety Certificate (Reg Ref: FS  
54/2019)

MSA Reference > 19005

ABP Reference > ABP-305124-19

For An Bord Pleanála

**MMS**

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## /1 INTRODUCTION

This report sets out my findings and recommendations on the appeal submitted by John O'Shaughnessy, Fire Engineering Consultant against Condition attached to the Fire Safety Certificate (Reg Ref No. FS 54/2019) granted by Galway County Council on 17/07/2019, for the conversion of a retail unit to a restaurant and an extension thereto.

### 1.1 Subject of Appeal

An application was made by Padraic Hession Consulting Engineer to Galway County Council on 04/04/2019 for a Regularisation Fire Safety Certificate under Article 20C of the Building Control Amendment Regulations for conversion of existing vacant retail unit to restaurant (+ancillary rooms)/13.2 m<sup>2</sup> ground floor extension thereto to result in ground floor area of 167.2 m<sup>2</sup> and 1<sup>st</sup> floor area of 38.8 m<sup>2</sup>. The existing 1<sup>st</sup> floor area at the rear of the premises will continue to be used for storage purposes.

The Fire Safety Certificate (Ref Ref FS 54/2019) was granted on 17/07/2019 with 1No. Condition attached. This condition which is subject of this Appeal reads:

**Condition:** *The door ope between the kitchen and the protected escape stairs from the 1<sup>st</sup> floor shall be closed up and an additional escape door shall be provided directly from the kitchen to the rear elevation. Or, a ventilated protected lobby shall be provided between the kitchen to the protected escape stairs from the 1<sup>st</sup> floor as per 1.3.8.1 (d) and in accordance with 1.3.8.4 of TGD B 2006 Fire Safety.*

**Condition reason:** B1 – Means of Escape in case of Fire

The appeal was lodged by John O'Shaughnessy on 08/08/2019 against this Condition.

### 1.2 Documents Reviewed

- Regularization Fire Safety Certificate application dated 04/04/2019 with supporting Compliance Report and drawings prepared by Padraic Hession
- Supplementary submission by Padraic Hession to Galway County Council on 16/08/2019
- Decision and grant of Regularisation Fire Safety Certificate FS 54/2019 by Galway County Council on 17/07/2019 with 1No condition attached
- Appeal submission to An Bord Pleanála by John O'Shaughnessy Fire Engineering Consultant on 08/08/2019
- Galway County Council Fire Service submission to An Bord Pleanála on 30/08/2019
- John O'Shaughnessy further submission to An Bord Pleanala on 25/09/2019

## /2 CONSIDERATION OF APPEAL SUBMISSION MADE BY APPELLANT AND RESPONSE SUBMISSION BY GALWAY FIRE SERVICE

The Appellant in the appeal submission dated 08/08/2019 submitted that the Condition requiring the closing up of the door to the stairs or the provision of a ventilated lobby to the stair was unjustified on the basis that Galway Fire Service were using findings from an inspection when they found evidence of cleaning

equipment in the stair and the door to the stair being wedged open, as a reason for imposing this Condition.

The Appellant noted that the Management have addressed these issues and have since introduced management measures to ensure these transgressions do not arise.

The Appellant notes the means of escape arrangements are in compliance with Section B1 of Technical Guidance Document B 2006 noting that:

- i) Section 1.3.81(d) TGDB: 2006 requires the inclusion of a protected lobby between a protected stairway and a place of special risk – as defined under Clause 1.0.9, TGDB. Inter alia, this includes a "large commercial kitchen". The kitchen in this case has a floor area of 31.6m<sup>2</sup> and includes an 'Ansul' automatic suppression system over deep fat frying equipment. This kitchen with a limited floor area does not constitute a place of special fire risk
- ii) The level of occupation of the first floor by members of staff only would be relatively low and infrequent due to the limited size of the premises and the possibility of doors being held open would be remote when compared to larger/busier premises.
- iii) A Category L2/L3M fire alarm system to IS 3218:2013 + emergency lighting system to IS 3217: 2013 + A1: 2017 are included in the premises as necessary (indicated on application drawings/detailed in compliance report).

Galway Fire Service in their response submission dated 30/08/2019 to the Bord:

- Noted their observations on a site inspection of the premises, which raises concerns in their view of potential for door to the stair being wedged open and/or of goods being stored in the Stair
- They also noted that the first floor store room was observed to be functioning also as a Manager's office and that while the "first floor office WC, storage and staff canteen may be occupied by staff on a periodic basis" the protected stair is the only means of escape with the potential for the door into the stair being wedged open
- Noted their view the current arrangements with kitchen opening into the stairs are in contravention of 1.3.6.8 and 1.3.8 of Technical Guidance Document B on the basis that in their view the kitchen is a place of special fire risk.

The Appellant's submission of 25/09/2019 responds to Galway Fire Service points regarding management of the premises and attaches an email with photographs for the restaurant owner given an explanation for the transgression found by the Fire Officer on his inspection and noting that staff and management are fully briefed and aware of the importance of the fire protection of this stair as an escape route from the first floor.

The appellant also reiterates his view that the kitchen is not a place of "special fire risk" which is also supported by the fact that there is no fire doorset between the kitchen and the restaurant which would indicate that the kitchen was not assessed as being an area of high fire risk.

The key issue in my opinion is whether the kitchen falls with the definition of a "place of special fire risk" in Technical Guidance Document B.

Section 1.0.9 of TGD-B defines places of special fire risk to be: "*Places of special fire risk – Transformer and switchgear rooms, large commercial kitchens, boiler rooms, fuel or other highly flammable substance storage spaces, rooms housing a*



*fixed internal combustion engine and areas where flammable vapours are likely to be present in the atmosphere."*

In 1.3.6.8 of TGD-B it is recommended that places of special fire risk should not communicate directly with a protected stairway. Section 1.3.8.4 notes that protected lobbies provided between a stair and an area of special fire risk should be provided with a permanent opening (smoke vent) of 0.4 m<sup>2</sup> to open air.

There is no basis for the Galway Fire Services argument that this small kitchen area is a place of special risk noting its limited size and the fact that the fryers in the kitchen are protected by an automatic fire suppression system. It is noted that the Fire Safety Certificate application submission notes on the drawings that: "*Deep Fat Frying unit/s to include "Ansul" or Equivalent automatic suppression system. Kitchen extraction system direct to open air to HVCA TR19 & DW/172. Kitchen to include gas leak detection system with link to external automatic shut off valve and fire alarm system.*"

Accordingly there is no justification in my opinion for the position being adopted by Galway Fire Services having regard to the

- Limited size and fire risk presented by the kitchen (not being a place of special fire risk) to the stairs
- Limited size and occupancy level (being periodic only) of the first floor

### 13 RECOMMENDATIONS

I recommend that the Bord allows the appeal against the Condition attached to Fire Safety Certificate Reg Ref FS 54/2019 and accordingly directs the Building Control Authority to remove the condition.

Yours Sincerely



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