

An
Bord
Pleanála

FSC Report

ABP 310628-21

**Appeal v Refusal or Appeal v
Condition(s)**

Appeal to Conditions attached to a
Granted Fire Safety Certificate

Development Description

Material Change of use as a
restaurant at first floor level and minor
material alterations to the existing
ground floor bar.

AN BORD PLEANÁLA	
LDG- _____	
ABP- _____	
27 MAY 2022	
Fee: € _____	Type: _____
Time: _____	By: <u>POST</u>

An Bord Pleanála appeal ref number: 310628-21

**Building Control Authority Fire Safety
Certificate application number:** FSC2103410GC

Appellant & Agent: Mr Finian Hanley (Appellant) Ryan
and Associates (Agent)

Building Control Authority: Galway County Council

Date of Site Inspection Not Applicable

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

Appendices Not Applicable.

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2.0 Introduction

- 2.1. A Fire Safety Certificate application was received by the Building Control Authority (Galway County Council) on the 15th of February 2021. 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 the change of use of the first floor to a restaurant and minor alterations to the ground floor.
- 2.2. The Fire Safety Certificate Application concerns the change of use of the first floor to restaurant use and the use of a single stair from the ground floor.
- 2.3. The appeal relates to two conditions (Conditions 2 and 4) attached to the grant of the Fire Safety Certificate by the Building Control Authority. The reason for conditions 2 and 4 was to ensure compliance with Regulation B1 of the *Second Schedule of the Building Regulations 1997 – 2006*”.

3.0 Information Considered

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

No.	Date	Description
1	15 /2/21	Application submitted to Galway County Council
2	11/5/21	Request for extension of time email from Galway County Council
3	12/5/21	Request for additional information from Galway County Council in respect of water mist system
4	12/5/21	Email from Ryan and Associates granting extension of time
5	24/5/21	Email from Ryan and Associates to Galway County Council requesting that “the stairs be conditioned”
6	17/6/21	Appeal from Ryan and Associates
7	Various dates	Notes and correspondence from Galway County Council in respect of assessment of application and recommendations for conditions to the granting of the Fire Safety Certificate
8	6/9/21	Building Control Authority response to ABP request for clarifications

The following drawings were also furnished for consideration:

- FSC 00 – Site Location REV ABP
- FSC 01 – Sections and Elevations REV ABP

- FSC 01 – Ground and First Floors REV ABP

4.0 Relevant History/Cases

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

5.0 Appellant's Case

- 5.1. The appellants grounds for appeal to Condition 2 of the Granted Fire Safety Certificate (FS/17/35R) states that the inclusion of the FD30s is not in keeping with the overall effect that they are seeking to create. The appellant is willing to undertake the following: Installation of Smoke Curtains, provide a fire and smoke shutter, in-hood Ansul suppression system, a water mist suppression system at ground and first floor, an L1 Fire Detection and Alarm system. The Appellant's grounds for Condition 4, the final exit at ground floor will be 950mm, there will be less than 50 people at first floor level, an automatic mist suppression system will be provided, the presence of an L1 Fire Detection and Alarm System, the premises is a small premises, accommodation stairs are permitted in BS 9999:2017 as a Means of Escape, fire doors could be wedged open leading to facilitating the spread of heat and smoke, the location of the nearest Fire Station which is stated as being forty minutes away.
- 5.2. After the original Appellant's submission further clarifications were received as a result of a request from ABP. The appellants new submission of the 25th October 2021 further offered an Automatic Opening Vent (AOV) over the cooking area which would open by the activation of a local heat detector (to address Condition 2).

6.0 Building Control Authority Case

- 6.1. The Building Control Authority responded to ABP, their response was received on 5th July 2021 with their file on the application together with a commentary on their assessment and the necessity to attach Condition 1 and Condition 4 to the Granted Fire Safety Certificate.

The Building Control Authority (BCA) sets out its observations that the content of Condition 1 -is necessary as the risk associated with occupants making their way to

the top of the stairs. They also are of the view that a suppression system once activated will generate large volumes of smoke and the mist system will bring the smoke level close to the ground making navigation difficult. The BCA are of the view that it is preferable that the stair from ground to first floor is protected. The BCA's observation in respect of Condition 4 states that an open stair is acceptable when there is an alternative protected stair. It should be noted that the BCA addresses Conditions 6 and 7 in their submission, but these conditions are not being appealed and are not being considered.

7.0 Assessment

7.1. Details lodged with application

7.1.1. 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.

7.2. Content of Assessment

7.2.1. In making the assessment it is necessary to only examine the degree of compliance with the Building Regulations B1 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, BS 9999:2017.

7.2.2. 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.

7.2.3. 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 kitchen proximity to the top of the stair presents a risk to escaping patrons and staff, the provision of fire and smoke curtains and a FD30S Fire Door set will mitigate this risk

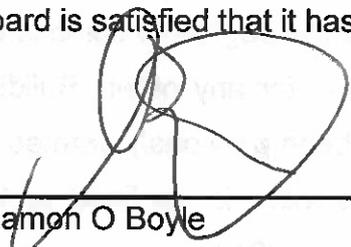
In the case of Condition 4 having considered the case made by the appellants and the commentary of the Building Control Authority I consider that the Building Control Authority did not consider the provisions of Clause 14.2 (d) of BS 9999:2017 where open stairs are permitted as long as the travel distance is not exceeded. We consider that this requirement has been achieved.

8.0 Conclusion / Recommendation

8.1. My overall conclusion in this appeal is the Condition No. 1 should be retained and condition 4 be removed.

9.0 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
26 May 2022