



An
Bord
Pleanála

FSC Report

ABP 315392-22

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

Appeal v Refusal

Development Description

It is proposed to subdivide an existing unit within Eyre Square shopping centre for use by separate tenants, i.e. 214 and 215

**An Bord Pleanála appeal ref
number:**

ABP-315392-22

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

FSC2206650GY

Appellant & Agent:

Appellant : Mr. Patrick Fagan
Agent: EOBA

Building Control Authority (BCA):

Galway City Council

Date of Site Inspection

NA

Inspector/ Board Consultant:

Stefan Hyde

Appendices

NA

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2.0 Introduction

2.1 Subject Matter of Appeal

This report sets out my findings and recommendations on the appeal submitted by Eamon O’Boyle & Associates (EOBA) on behalf of Mr. Patrick Fagan, against the decision by Galway City Council [hereafter referenced as GCC] to refuse to grant a Fire Safety Certificate (Reg Ref No. FSC2206650GY) in relation to the works described as *“It is proposed to subdivide an existing unit within Eyre Square shopping centre for use by separate tenants, i.e. 214 and 215”* at Unit 215 Eyre Square Centre, Galway.

The Fire Safety Certificate was refused on 7th December 2022 with one reason attached.

The reason read as follows:

Conditions and Reasons:

Reasons: *Failure to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997-2019 Section B: Means of Escape in Case of a Fire.*

2.2 Documents Reviewed

- 2.2.1 Fire Safety Certificate Application and Supporting Documentation submitted by the applicants agent EOBA on behalf of their Client
- 2.2.2 Refused Fire Safety Certificate issued by GCC on 07.12.2022
- 2.2.3 Appeal submission to An Bord Pleanála by EOBA dated 16.12.2022
- 2.2.4 Documents submitted by GCC to An Bord Pleanála 03.01.2023 consisting of formal copies of the application submitted, the subsequent Refusal certificate and associated documentation.
- 2.2.5 Letter generated by An Bord Pleanála to GCC dated 22.02.2023 seeking comments on the appeal.

3.0 Consideration of Arguments by Appellant and BCA

Refusal – stated reason:

Failure to demonstrate compliance with Part B of the Second Schedule of the Building Regulations 1997-2019 Section B: Means of Escape in Case of a Fire.

Case made by EOBA in respect of the refusal

The key points made by EOBA in the appeal submission dated 16th December 2022 are summarised as follows:

- 1) Whilst EOBA acknowledge the travel distance within the proposed units exceeds the recommendations in BS 5588 Part 10, Section 9.1.2 the overall travel distances to the nearest storey exits is well within the combined allowed limits.
- 2) EOBA note alternative means of escape are available when the unit exit is reached.
- 3) The maximum number of occupants is <50 persons which allows for sufficient exit capacity through a single escape route.
- 4) Whilst the size of each unit exceeds the limits in the BS 5588 Part 10 the units are small enough for persons occupying to have a clear view of the overall unit which will provide early visualization of a fire in the unit, prompting immediate escape.
- 5) The units will be provided with fast-response sprinkler heads limiting the development of a fire within the units.
- 6) Staff will be familiar with the layout of the escape routes to aid in evacuation of the units if required.
- 7) L2/L3 Fire detection and alarm system coverage to IS 3218: 2013 + A1 2019 will give early warning allowing occupants to escape.
- 8) The mall is provided with smoke venting provisions which further enhance the means of escape within the shopping mall.

Case made by GCC in respect of the refusal

GCC did not issue any comments in relation to the EOBA appeal submission dated 16th December 2022 following two separate requests.

4.0 Assessment

The main issue at the centre of this appeal is Clause 9.1.2 of BS5588 Part 10.

1. In the commentary Section 9.1.1 it is noted that *“the amount of smoke that is likely to be produced from a fire in shop or other unit in a covered shopping mall complex could be so great as to put at risk people in other units facing on the same mall”*. It notes that alternative means of escape should be provided from these units. There is however an exception noted due to the number of kiosks and speciality shops provided and *“subject to limitations on size, a single escape via the mall is considered acceptable from these small units”*.
2. Section 9.1.2 confirms the size of these units to be a maximum of 25m² with a maximum depth from the mall frontage to be 5m.

It is noted that BS 9999: 2017 which replaced BS 5588: Part 10 also has the same limitations in size, travel distance and number of escapes for small units/kiosks.

The proposed units as per the Fire Safety Certificate application are as follows:

Proposed Unit 215

The new proposed Unit 215 measures circa 85m² in net floor area with main dimensions of 11.622m deep from the mall front and 7.283m wide as indicated on the EOBA drawings submitted.

Proposed Unit 214

The new proposed Unit 214 measures circa 39m² in net floor area with main dimensions of 10.495m deep from the mall front and 3.617m wide as indicated on the EOBA drawings submitted.

It is clear that the design of these proposed units exceeds the very clear limitations set out by 9.1.2 of BS 5588 Part 10 with the depth of the unit from the mall entrance being more than double the 5m limit set out in both instances. The travel distances within the units also appear to be quite generous in assuming direct routes to the mall exit assuming a sparse fit out within each unit. The distances quoted of 11m and 11.5m would most likely be greater in both instances.

EOBA set out a number of points in the appeal as potential compensatory features however these were either previously committed to in parent FSC applications for the unit or provided for in the centre design strategy (as noted in the compliance report submitted). Therefore, these cannot be considered as reasons for justifying the significant increase in unit size and dead end travel distance.

5.0 Conclusion/Recommendation

In light of the foregoing, I consider that the BCA are justified in the refusal of the Fire Safety Certificate.

Accordingly, I recommend that the refusal be upheld.

6.0 Reasons and Considerations

The Applicant has not in my opinion provided any technical solutions that would allow the BCA to approve the design which deviates fundamentally from relevant recommendations for means of escape provisions in small units in shopping complexes.

7.0 Conditions

None

STEFAN HYDE

Chartered Engineer | BA, BAI, PDip FSP, MA, CEng, MIEI
Consultant/Inspector

Date : 14th November 2023