

Report to An Bord Pleanala

on

Appeal against Condition No. 2

Regularisation Certificate (Ref No. FSC14/63)

by

Monaghan County Council

for

**Material Alterations to provide upgrade works to existing Single Storey
Mental Healthcare Residential Unit**

At

Brookvale House, Milltown, Monaghan, Co Monaghan

CLIENT	:	AN BORD PLEANALA
AN BORD PLEANALA REF NO	:	FG18A.FG0019
BCC REF No.	:	FSC14/63
OUR REF.	:	16117_FG18A.FG0019_R01.
DATE	:	28 September 2016

1.0 Introduction

This report sets out my findings and recommendations on the appeal submitted by FCC Fire Cert Ltd [hereafter referenced as FCC] on behalf of The Health Service Executive [hereafter referenced as HSE] against Condition No. 2 of granted Regularization Certificate (BCA Reference No. FSC14/63) by Monaghan County Council [hereafter referenced as MCC] in respect of an application identified in the Grant of Certificate as

“Material Alterations to provide upgrade works to existing Single Storey Mental Healthcare Residential Unit”

Condition 2 states the following:

“The width of an exit from any room or escape route that is required to be used by non-ambulant person(s) shall be not less than 900mm”

Having reviewed the documents on the appeal file I am satisfied that the determination by the Board of this application as if it had been made the Board in the first instance would not be warranted. Accordingly I consider that it would be appropriate to use the provisions on Article 40(2) of the Building Control Regulations 1997-2015 in this instance.

1.1 Subject Matter of Appeal

1.1.1 Following the invalidation by MCC of the original FSC application made by FCC a subsequent application for a Regularisation Certificate under Part III of the Building Control Regulations 1997-2014 was made by FCC on behalf of the HSE on 23.06.2015.

The scope of the application was identified to be:

“Material change of use to existing single storey domestic dwelling to provide community-based supported living dwelling at Brookvale House, Milltown, Co. Monaghan”

1.1.2 A Regularisation Certificate was granted by MCC on 26.04.2016 with 2 conditions attached.

Condition 2, which is the subject matter of this appeal, states:

The width of an exit from any room or escape route that is required to be used by non-ambulant person(s) shall be not less than 900mm”

1.1.3 An appeal against Condition 2 was lodged with An Bord Pleanala by FCC on 25.05.2016 requesting that the Condition be removed and that Condition 1 be amended to remove the reference to the subsequent condition.

1.2 Documents Reviewed

1.2.1 Regularisation Certificate Application and Supporting Documentation

- Completed application form and accompanying Written Submission, drawings and other support documents for a Regularisation Certificate by FCC dated 26.02.2015 and stamped as received by MCC dated 22.06.2015.
- Subsequent supplementary submissions made by FCC dated 07.03.2016 (date stamped as received by MCC on 09.03.2016), 23.03.2016 (date stamped as received by MCC on 30.03.2016), 01.04.2106 (date stamped as received by MCC on 04.04.2016), 07.04.2106 (date stamped as received by MCC on 11.04.2016) together with email from FCC to MCC dated 20.04.2016

1.2.2 Various correspondences between MCC and FCC prior to and during the course of the consideration of the Regularisation Certificate application including email dated 14.04.2016 enquiring as to the mobility of the intended Residents of the premises. Recommendation of the Case Officer and Chief Fire Officer in relation to the application dated 26.04.2016.

1.2.3 Appeal submissions to An Bord Pleanala:

- Appeal submissions dated 25.05.2016 and 15.07.2016 by FCC
- MCC submission to the Board dated 16.06.2016
- Submission dated 16.09.2016 by FCC in response to the Board's letter dated 30.08.2016

2.0 Building Control Authority's case

Whilst noting that there were various discussions and correspondences between MCC and FCC in relation to the nature of the application the central point of concern to MCC relates to the width of exit doors from areas with non-ambulant residents – if any.

In that regard MCC make the following observations in their submission to the Board:

- MCC note that the basis for compliance with Requirement B1 (Means of Escape) of the Building Regulations is identified in the FCC Written Submission Rev C dated 07.04.2016 as Sections 1.2-1.4 of Technical Guidance Document B and the Purpose Group is identified to be Propose Group 2(a) Residential (Institutional). MCC correctly note that Section 1.2.4 of Technical Guidance Document B stipulates that the minimum width of exits in buildings in Residential Institutional Use [Purpose Group 2(a)] is 900mm.
- MCC note that FCC in their Written Submission Rev C in Footnote 5 identifies that all *“occupants are ambulant”* and that if their *“mobility deteriorates over time, they will be relocated to a higher dependency unit”*
- MCC point out that Condition 2 only impacts on escape routes if a Resident is non-ambulant and therefore they note that the Condition should have no impact if the Residents are ambulant as was stated in the FCC Written Submission
- In regard to the Appellant's reference in their appeal submission to Part M of the Building Regulations, MCC note that Part M is concerned with Access & Use primarily and not with considerations arising out of emergency evacuation due to fire occurrence.
- MCC also note that the guidance issue by the Department Of Environment for existing Nursing Homes – *A Guide to Fire Safety in Existing Nursing Homes and Similar Type Premises* – prescribes, in paragraph 4.2.3, that the width of an exit should not normally be less than 900mm and should be such as to permit the adoption of the planned evacuation procedure.
- In regard to the Appellant's reference to the *Draft Code of Practice for Fire Safety in New and Existing Community Dwellings* in which a minimum clear opening width is

stipulated, MCC note that the draft also acknowledges that widths in excess of 750mm may be required to “*meet operational requirements*” and that premises ought to be considered on their individual merits.

3.0 Appellant's Case

In their appeal submissions to the Board dated 25.05.2016 and 15.07.2016 the Appellant makes the following central arguments:

- FCC argue that the 900mm dimension in 1.2.4 of Technical Guidance Document B is intended for bed evacuation whereas they say that bed evacuation does not form part of the escape strategy for Brookvale House. It is noted that the FCC interpretation of 1.2.4 is not necessarily correct since bed based evacuation may require doors considerably wider than 900mm depending on the bed design and having regard to corridor dimensions.
- FCC argue that the width being proposed for Brookvale House exceeds the minimum width recommended in the *Draft Code of Practice for Fire Safety in New and Existing Community Dwellings*. It is noted that this guide is currently only in draft and has not been issued for general circulation i.e. is only in circulation within the Drafting Group. It is also noted that the Guide in its current form is only applicable to premises with up to 6 residents whereas Brookvale House has capacity for 8 residents.
- FCC argue that a previous appeal decision by the Board (ABP Ref No FS07.FS0439) provides a precedent for 800mm doors. That appeal related to an extension and alteration to an existing Nursing Home and not to a Community Dwelling. Nevertheless the Report of the Inspector Mr Colm Traynor offers some useful insight into the substance of that decision.
- In their submission dated 15.07.2016, FCC state that PEEPs (Personalised Emergency Evacuation Plans) are in place within the unit. However FCC do not include any sample PEEPs which might apply, for instance, to non-ambulant residents (if any).

In light of the lack of clarity in the various submission documents as to the mobility status of residents, the number of staff available to effect evacuation and the intended method of evacuation of non-ambulant residents the Appellant was requested by the Board in their correspondence dated 30.08.2016 to provide additional information in regard to these issues.

In their subsequent submission to the Board dated 16.09.2016, FCC confirm that the premises does cater for non-ambulant residents and that on the date of their response the premises accommodated 4 residents who required assistance with weight bearing transfer and that the remaining 4 residents require physical guidance in the event of evacuation.

FCC also confirm that there are 3/4 daytime staff and 2 night staff in Brookvale House and a similar complement in the neighbouring Millbrooke House and that in the event of the need for evacuation of Brookvale House additional staff are available from the neighbouring Millbrooke House i.e. presumably allowing for one of the staff in the Millbrooke House to assist in the event of evacuation of Brookvale House with one staff member remaining to look after the residents of Millbrooke House. FCC do not, however, set out the means by which staff in the neighbouring Millbrooke House will be alerted to an alarm activation in Brookvale House.

FCC also confirm that the intended method of evacuation of non-ambulant residents is by means of wheelchair or “ski-pad” evacuation sleds and that if a resident’s needs require bed evacuation, as might be the case with a bariatric resident for instance, they will not be accommodated in Brookvale House.

FCC also confirm that the actual measured clear width of doors in Brookvale House are min. 860mm from bedrooms and 840mm at the final exits to open air and these widths are shown on the plan drawing FC-001 Rev D which they include with their submission.

FCC assert that these widths are sufficient to cater for the intended mode of evacuation (i.e. by wheelchair or “ski-pad” evacuation sleds) and that there are sufficient staff resources available to undertake the evacuation with assistance from the neighbouring Brookvale House.

4.0 Consideration of Issues/Recommendation

Having considered the various submissions, including in particular the submission made by the Appellant in response to the Board's letter of 30.08.2016, I conclude that the door widths as declared by the Appellant are sufficient to cater for the intended mode of evacuation of non-ambulant residents as advised by the Appellant subject to their being no residents present whose mobility would require the use of bed evacuation as stated in the FCC submission.

Accordingly I recommend that the Building Control Authority be directed to amend Condition 2 so that it shall be as follows for the reason set out:

- 2 *The works shall be carried out in accordance with the additional particulars submitted by FCC Fire Cert Limited under cover of their letter dated 16.09.2016 with particular reference to the intended method of evacuation, staffing levels and mobility status of residents as set out in their correspondence. A means shall also be provide to alert staff in the neighbouring Millbrooke House to a fire alarm activation in Brookvale House - e.g. pager system – and details of same are to be agreed in writing with the Building Control Authority.*

Reason: To comply with Part B of the Second Schedule of the Building Regulations 1997 to 2014.

MAURICE JOHNSON

Managing Director | Chartered Engineer | BE(Hons), CEng., MStructE, MIEI, MSFPE

Date : _____