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FRS Report No. 2843

An Bord Pleanála Appeal

29S.FS0515

**regarding attachment of Conditions No. 2 to a
Fire Safety Certificate for material alteration of ground floor and
new mezzanine level management suite at
Eyre Square Shopping Centre, Co. Galway**

Client: An Bord Pleanála,
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BUILDING CONTROL ACTS, 1990 AND 2007 – APPEAL

**FIRE SAFETY CERTIFICATE APPLICATION FOR UPGRADE OF MANAGEMENT
SUITE INCLUDING PROVISION OF NEW MEZZANINE FLOOR AT
THE EYRE SQUARE SHOPPING CENTRE, GALWAY**

**APPEAL AGAINST ATTACHMENT BY GALWAY CITY COUNCIL OF
CONDITIONS NO. 2 TO FIRE SAFETY CERTIFICATE
(REF. FS 86/15) ON 22nd SEPTEMBER 2015**

AN BORD PLEANÁLA APPEAL REFERENCE FS61.FS0515

Local Authority: Galway City Council
Appellant: Eyre Square Management
c/o Jeremy Gardner Associates

RECOMMENDATION

The appeal should be upheld. Appealed Condition No. 2 should be set aside. The original additional 3 no. conditions (Conditions No.'s 1, 3 and 4) as attached by Galway City Council to the granted Fire Safety Certificate and not subject of this current appeal shall stand.

Dr. Raymond J Connolly
BE, PhD, CEng, MIEI, MIFireE, MSFPE

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1. RELEVANT INFORMATION

- (i) Application for Fire Safety Certificate by Jeremy Gardner Associates on behalf of Eyre Square Management to Galway City Council, dated 21st May 2015, including Report YG/296R1 (Issue 1) and associated 5 no. drawings.
- (ii) Fire Safety Certificate Register Reference FS 86/15 issued by Galway City Council on 22nd September 2015 and subject of 4 no. Conditions.
- (iii) Letter of appeal from Jeremy Gardner Associates on behalf of Eyre Square Management to An Bord Pleanála dated 21st October 2013.
- (iv) Relevant History Case Files 65/13 and 99/11.

2. BACKGROUND

The subject building was granted a Fire Safety Certificate FS 86/15 by Galway City Council on 22nd September 2015 subject of 4 no. Conditions including:-

Condition No. 2

An alternative means of escape direct to open air shall be provided from the ground floor accommodation adjacent to the turnstiles.

Reason: *In order to comply with Part B1 of the Second Schedule to the Building Regulations 2006.*

The above Condition is subject of the current appeal. The remaining 3 no. conditions (Conditions No.'s 1, 3 and 4) are not subject of the current appeal and shall stand attached to the Fire Safety Certificate. There is not a requirement to consider the application *de novo* in this instance.

3. REPRISE OF APPEAL (AS PRESENTED)

Eyre Square Shopping Centre is existing and is currently subject of fire safety upgrading works as previously approved by Galway City Council under Fire Safety Certificates Ref. FS 99/11 and 65/13. The current approval (FS 86/15) relates to the following proposed works:-

1. The extension of existing ground floor toilets to include baby changing and accessible WC facilities.
2. The material alteration of the ground floor level to form a new Fire Control Centre.
3. The extension of the building by means of a new mezzanine level comprising management suite, offices and conference room.
4. The material alteration of the ground floor level of Unit 108 to increase the fire-resisting and smoke-containing separation between the unit and the adjacent escape route. It would appear that this work was previously proposed and approved under Fire Safety Certificate FS 99/11.

The appellant suggests that the statutory obligation in this instance of a material alteration is not to give rise to a new or greater contravention with Building Regulations. More specifically, the existing single direction travel distance at ground floor level is 27 metres (Drawing PI/1397/01 Rev. B confirms same) and is unchanged by the proposed works. Further the appellant states that the standard of fire safety to the ground floor is increased as a result of the works in that:-

- (i) Change of use of the ground floor management suite to toilets will reduce the fire load.
- (ii) The new cleaners store and Fire Control Room are to be enclosed in 30 minutes fire-resisting construction.
- (iii) The escape route from the toilets is now to be separated from the mall and from Unit 108 by 60 minutes fire-resisting construction
- (iv) The toilets and the escape route are to be sprinkler protected.

- (v) The width of the final exit has been increased.

- (vi) The automatic fire detection systems installed in shops as a result of upgrading works under FS 99/11 and 65/13 will ensure earlier detection of a fire and evacuation of the Centre.

Galway City Council offered no views regarding this appeal.

4. CONSIDERATION

The relevant areas of the ground floor are existing and in use as Centre Management offices and public toilets. The existing "worst case" single direction travel distance is 27 metres. The proposed use for the space is as public toilets with a cleaners store and Fire Control Room. The proposed maximum single direction travel distance is to remain at 27 metres.

The proposed new use does not give rise to an increase in occupant numbers given that the rooms in question are generally not habitable rooms.

The proposed new use does not give rise to an increased fire load.

The proposed arrangements include automatic fire detection and alarm systems, as well as automatic sprinkler (quick response) fire suppression.

There is no increase in risk profile arising from the change in use.

Both the previous usage and proposed usage are ancillary to the main use of the building as a public assembly shopping centre.

The inclusion of turnstiles along the escape route is not detailed other than to suggest their automatic release in the case of fire. It is noted that the Fire Authority has not raised any specific concerns regarding the turnstiles. It is presumed that the detailed design and installation of the turnstiles by a competent person shall consider their clear width and ease of opening in the direction of escape as measured against the criterion that they do not unduly impair escape. Issues relating to same are adequately considered under the Fire Services Act 1981 and 2003, as opposed to the Building Regulations, and do not require further consideration within this Appeal.

In the context of an existing building, Condition No. 2 is excessive and the appeal should be upheld on the basis that the new arrangement does not give rise to a new or greater contravention with Part B1 to the Building Regulations, 1997 to 2013.

5. CONCLUSION

The appeal should be upheld. Condition No. 2 should be set aside.

The original 3 no. conditions (Conditions No.'s 1, 2 and 4) as attached to the granted Fire Safety Certificate and not subject of this current appeal shall stand.

Dr. Raymond J Connolly

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