

An
Bord
Pleanála

Board Direction
BD-009540-21
ABP-307232-20

The submissions on this file and the Inspector's report were considered at Board meetings held on 09/09/2021 where it was decided to defer the decision for further consideration, and at a meeting held on 26/11/2021.

The Board decided to allow the appeal, for the reasons and considerations set out below and to direct the Building Control Authority as follows:

- Remove Condition number 3
- Remove Condition number 4,

Reasons and Considerations

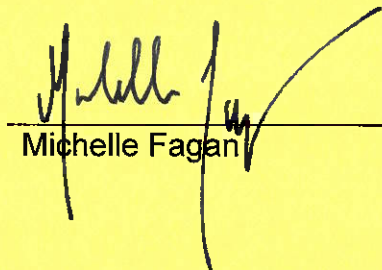
Having regard to the form, use and layout of the building, the proposed provision of an enhanced mechanical ventilation system, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that Condition number 3 as set out in the schedule of conditions attached to the Fire Certificate granted by the Building Control Authority, is unwarranted by reason of demonstrated compliance with requirements set out in Section 3.5.2.5 of TGD-B 2006 for mechanical ventilation of a normal basement car park and where sprinklers are not required, as indicated in Section 5.4.3.1 of TGD-B 2006, and that subject to compliance with the other conditions set out in the Fire Safety Certificate, an adequate level of fire safety would be provided that would comply with Part B5 (Access Facilities for the Fire Services) of the Second Schedule of the Building Regulations 1997 to 2017.

Having regard to the nature of the use of the area proposed to be an area for storage of waste, the provision of an enhanced mechanical ventilation system sufficient to

deal with a fire in the area, and where the area is not a loading bay or a coach park, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and to the report of the Inspector, it is considered that Condition number 4 as set out in the schedule of conditions attached to the Fire Safety Certificate granted by the Building Control Authority, is unwarranted, by reason of the provision of an enhanced mechanical ventilation system, and subject to compliance with the other conditions set out in the Fire Safety Certificate, that an adequate level of fire safety would be provided that would comply with Part B5 (Access Facilities for the Fire Services) of the Second Schedule of the Building Regulations 1997 to 2017.

In not agreeing with the Inspector's recommendation to amend Condition number 3, the Board considered that compliance with the guidance contained in Technical Guidance Document B where basement car parks are not normally expected to be fitted with sprinklers, is the minimum requirement to demonstrate compliance with the building regulations. The minimum requirement for mechanical ventilation of basement car parks is set out in Section 3.5.2.5, and the proposed mechanical ventilation system is designed to exceed the minimum requirement. The Board is satisfied that the carpark can be defined as a normal basement carpark and does not contain any element that would not be covered by the mechanical ventilation system proposed and by the other conditions set out in the Fire Safety Certificate. The application for the Fire Safety Certificate relates to the basement car park element only and consideration of any subsequent Fire Safety Certificate applications for the other elements of the overall proposed development must have regard to the Fire Safety Certificate for the basement car park.

Board Member:


Michelle Fagan

Date: 26/11/2021