



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FSC1015/18

Appeal by Ziggurat Dominick Street Ireland Limited-Ziggurat Student Fund IV care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 9th day of January, 2018 by Dublin City Council to grant subject to conditions a fire safety certificate under section 6 (2)(a)(ii) of the Building Control Act, 1990, as amended by section 5(a) of the Building Control Act 2007 in respect of the construction of a new student accommodation block with the building designed to be between three to five storeys in height at 25 to 29 Dominick Street Upper, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 3 attached to the decision of the Building Control Authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said condition, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 and by Article 40 (2) of the Building Control Regulations, 1997, and based on the reasons and considerations set out below, hereby directs the Building Control Authority to remove condition number 4 and the reason therefor and to amend condition number 3 so that it shall be as follows for the reason set out:

3. (a) The staircase enclosures in Cores A and B shall be designed to conform to the recommendations in Clause 50 of BS9991 including EI120 rating for the walls enclosing the staircase, FD60S rated self-closing door sets between the common lobbies and the stairs, and the dry riser landing valves to be located within the staircase enclosure.
- (b) Access to the stairs at ground level of Core B shall accord with Figure 34(a) of BS9991, to include vented lobbies between the route to the stairs and the ground floor residences.
- (c) The fire tender access roadway, as indicated on the Basement and Ground Floor Drawing Number A1/3524/1/3A received by the Building Control Authority on the 14th day of November, 2017, shall conform to Table 5.2 of the Technical Guidance Document B 2006 for Pump appliances.

Revised particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the Building Control Authority.

Reason: To comply with Requirement B5 of the Second Schedule to the Building Regulations 1997 to 2017.

Reasons and Considerations

Having regard to the proposed form and layout of the building, to the nature of the proposed works, to the submissions lodged in connection with the Fire Safety Certificate Application and the appeal, and to the report and recommendation of the reporting Inspector, it is considered that, subject to the removal of condition number 3 and the attachment of the replacement condition number 3, as set out above, and the removal of condition number 4, the application of BS999:2015 is appropriate and the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B5 (Access and Facilities for the Fire Service) of the Second Schedule of the Building Regulations 1997 to 2017.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Building Control Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2018.