



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/17/1517

Appeal by Melon Mount Limited care of Michael Slattery Associates of 19 Windsor Place, Lower Pembroke Street, Dublin in relation to the decision made on the 22nd day of March, 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 construction of a new building consisting of an eight-storey hotel with basement level. A restaurant and bar area will be provided at ground floor level. An independent commercial unit will be located at ground floor level. This unit will also include a mezzanine level which will be accessed via an open stair at River House, Chancery Street, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 1 attached to the decision of the Council:

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 said authority to delete the said condition number 1 and the reason therefor and to attach new conditions numbers 1 and 4 so that they shall be as follows for the reasons set out:

1. The proposed basement shall be subdivided by 90 minutes fire-resisting compartmentation to ensure a single maximum compartment size of not more than 200 square metres.

Reason: To comply with the requirements of Part B5 (Access and Facilities for the Fire Service) of the Second Schedule to the Building Regulations 1997 to 2017.

4. The proposed mechanical smoke ventilation system for the two number fire-fighting stairways shall be designed to Clause 27.1.3 of BS 9999:2017 with validation of the design by full comparative analysis to the satisfaction of the Building Control Authority and specifically re-designing the proposed inlet air paths so as not to compromise the fire-resisting enclosures to the fire-fighting stairways.

Reason: To comply with the requirements of Part B5 (Access and Facilities for the Fire Service) of the Second Schedule to the Building Regulations, 1997 to 2017

Reasons and Considerations

Having regard to the proposed height, use and layout of the building, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal, to the provisions of Technical Guidance Document B (2006) used as the basis for design and to achieve compliance with the functional requirements of Part B of the Building Regulations and to the report and recommendation of the reporting Inspector, it is considered that, subject to the deletion of condition number 1 and the attachment of a new condition number 1 as set out above, and the attachment of new condition number 4 as set out above, 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 to 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.