



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/18/1480

Appeal by Linders of Smithfield Limited care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 20th day of December, 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 office building in Smithfield, adjacent to the main Smithfield Square. The building will consist of six floors of office space, ancillary plant area on roof level, retail and restaurants at ground floor level and two storeys of basement car park. A full-height atria in the centre of the building will connect the various office levels, all at The Distillers Building, Smithfield, 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 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 3 and the reason therefor.

Reasons and Considerations

In arriving at its decision, the Board had regard to the Fire Safety Certificate application for the construction of the proposed building, including the design and details that formed part of the application, the subsequent submissions made in connection with the appeal and the reporting Inspector's report and recommendation. The Board considered that condition number 3, as set out in the schedule of conditions attached to the fire certificate granted by the Building Control Authority, FSC4453/18, register reference number FA/18/1480, should be removed. The Board further considered that, subject to the removal of condition number 3, it has been demonstrated that, if constructed in accordance with the design presented, the proposed works would provide an adequate level of fire safety, such as to achieve compliance with Part B5 of the Second Schedule of the Building Regulations 1997-2019.

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.

Stephen Bohan

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

Dated this day of 2019.