



Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: FA/18/1029

Appeal by Kells – Donn O’Shaughnessy care of Jeremy Gardiner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 22nd day of October, 2019 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 mixed use development at the junction of Dawson Street and Nassau Street. The accommodation will consist of a basement car park, retail and office areas over seven storeys. It is also proposed to provide an atrium, which will span the full height of the office levels from second to fifth floors, all at 60-75 Dawson Street and 34-43 Nassau Street, Dublin in accordance with plans and particulars lodged with the building control authority:

WHEREAS the appeal relates only to condition number 2 attached to the decision of the building control authority:

AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the 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 authority to delete condition number 2 and the reason therefor.

Reasons and Considerations

Having regard to the proposed use as a basement car park, the nature of the car park, the scale, form and layout of the building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, and the report of the reporting Inspector, it is considered that, subject to the removal of condition number 2, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B of the Second Schedule of the Building Regulations 1997-2019.

In not agreeing with the recommendations of the reporting Inspector, the Board had regard to

- Section 3.5.2 of the TGD-B 2006 which indicates that a normal basement car park that is sufficiently mechanically ventilated does not require sprinklers;
- Section 3.5.2.5 of the TGD-B 2006 which outlines the minimum requirements of a mechanically ventilated system for normal basement car parks;
- Section 5.4.3.1 of the TGD-B 2006 which states that “Basement car parks are not normally expected to be fitted with sprinklers”;
- the provision of the fire-fighting shaft together with the dry riser location that provides for the basement car park to be within 45 metres hose coverage;

- the separation from the retail units above by a floor construction achieving 60 minutes fire resistance; and
- the requirements of BS 7346 Part 7.

In light of the foregoing, the Board considers the imposition of sprinkler protection is not warranted in respect of compliance with the requirements of Part B 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.

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

Dated this day of 2020.