

Building Control Acts 1990 to 2014

Building Control Authority: Dublin City Council

Building Control Authority Register Reference Number: DAC/2020/0400

Appeal by Briargate Developments Harold's Cross Limited care of Staples Owley Limited of M1, Wexford Enterprise Centre, Kerlogue, Wexford in relation to the decision made on the 11th day of November, 2020 by Dublin City Council South to grant subject to conditions a disability access certificate under section 6 (2)(a)(ix) of the Building Control Act, 1990, as amended by section 5 of the Building Control Act 2007, in respect of construction of a three to five storey over basement mixed use building to accommodate a ground floor retail unit and 67 number apartments at ground to fourth floors with associated balconies, ramped vehicular access from Harold's Cross Road to basement level accommodating 35 number car parking spaces, bicycle parking, refuse stores and plant rooms, landscaping, boundary treatments, retail signage, bicycle parking and all associated site works and services at 280-288 Harold's Cross Road, Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to condition number 6 attached to the decision of the said 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, as amended by section 6 of the Building Control Act 2007, 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 Building Control Authority to remove the said condition number 6 and the reasons therefor.

Reasons and Considerations

Having regard to the nature and extent of the proposed works, to the guidance given in Technical Guidance Document M: 2010 (Access and Use), to the submissions made in connection with the Disability Access Certificate application and the appeal, and to the report and recommendations of the reporting inspector, it is considered that, subject to the removal of condition number 6, that compliance with the current statutory requirements of Part M of the current Building Regulations, specifically M1 (adequate provision shall be made for people to access and use a building, its facilities and environs) would be achieved.

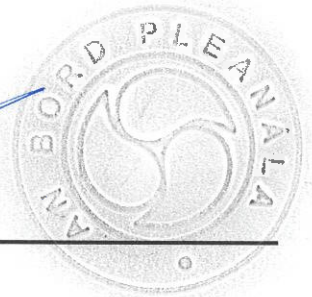
Matters Considered

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.



Paul Hyde

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



Dated this 22nd day of June 2021