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**Building Control Acts 1990 to 2014**

**Building Control Authority: Cork City Council**

**Building Control Authority Register Reference Number: FSCA/5327/20**

**Appeal** by HQ Developments care of Maurice Johnson and Partners of The Anchorage, Charlotte Quay, Dublin in relation to the decision made on the 16<sup>th</sup> day of March, 2021 by Cork City Council to refuse 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 for proposed material alterations to the previously approved Level 6 design - register reference number FSCA/4961/18 for The Dean Hotel, The Horgan's Quay Development, Cork in accordance with the plans and particulars lodged with the said authority.

**Decision**

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby allows the appeal, based on the Reasons and Considerations set out below, and directs the Building Control Authority to grant a fire safety certificate in accordance with the said plans and particulars and subject to the condition set out under.

## Reasons and Considerations

Having regard to the size and occupant capacity of the sixth floor assembly spaces (function rooms and meeting rooms), the capacity of the escape stairs, and the proposed functions to be accommodated, it is considered that the reduction in area of the sixth floor assembly spaces would not ensure an occupancy limit of 270 persons, and that a detailed event management plan which details approved layouts and protocols to be adopted by the hotel management would ensure the permitted occupancy limit of 270 persons would not be exceeded, and that adequate means of escape in case of fire, would be provided in compliance with Part B1 of the Second Schedule to the Building Regulations 1997-2020.

## Condition

The applicant shall demonstrate to the satisfaction of the Building Control Authority that the overall occupancy level of 270 persons for sixth floor public assembly spaces (function rooms and meeting rooms) shall not be exceeded, and shall submit for the written approval of the Building Control Authority, prior to occupation of these spaces, the following:

- (a) Preparation and submission of a set of detailed layout drawings for the bar and restaurant and for each terrace, in which
  - (i) the extent of fixed tables and seating is shown, and
  - (ii) it is then demonstrated in the case of the combined use of the bar/restaurant and the two terraces that the realistic aggregate holding capacity in practical terms will not exceed 270 persons.

- (b) Preparation and submission of a detailed event management plan which details the approved layouts and the protocols being adopted by the hotel management to ensure the permitted occupancy limit of 270 persons will not be exceeded in practice.

**Reason:** To ensure adequate means of escape in case of fire, in compliance with Part B1 of the Second Schedule to the Building Regulations 1997-2020.

### **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 2<sup>nd</sup> day of December 2021.