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**Building Control Acts 1990 to 2014**

**Building Control Authority: Dublin City Council**

**Building Control Authority Register Reference Number: FA/20/1105/7D**

**Appeal** by Ballymore Properties Limited care of Jensen Associates of 16 Clanwilliam Terrace, Grand Canal Quay, Dublin in relation to the decision made on the 1<sup>st</sup> day of April, 2021 by Dublin City Council to grant 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 construction of new building: the Ormond project is a large residential mixed use scheme consisting of five apartment blocks above a podium. The blocks range from 5 to 12 storey. One of the blocks (Block A) also consists of a primary care unit on the lower levels at former Ormond site, Ashtown, Dublin.

**Decision**

Pursuant to the powers conferred on it by section 7 of the Building Control Act, 1990, An Bord Pleanála hereby refuses the appeal based on the reasons and considerations set out below.

## Reasons and Considerations

Having regard to the form, height, layout and nature of the building, the submissions lodged in connection with the Fire Safety Certificate application and the appeal, the application of BS9999:2017 as the basis for the design of the car park, and the report and recommendation of the Inspector, it is considered that condition number 2 as set out in the schedule of conditions attached to the Fire Safety Certificate granted by the Building Control Authority is justified, because the car park does not satisfy the 'open-sided' criteria set out in BS9999 and, therefore, the imposition of a requirement for sprinkler protection of the car park is warranted in order to achieve an adequate level of fire safety that would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997 to 2019, Section B3 - Internal Fire Spread (Structure).

## 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.

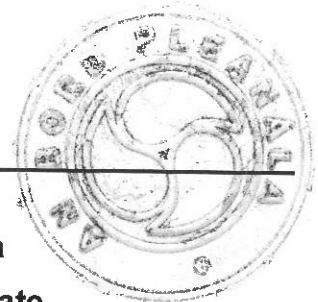


Michelle Fagan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 14<sup>th</sup> day of December 2021.