

Building Control Acts 1990 to 2014

Building Control Authority: Dun Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC2104472DR/7DN.

Appeal by Colin Galligan care of BB7 of Unit D, Mountpleasant Business Campus, Rathmines, Dublin in relation to the decision made on the 4th day of October, 2021 by Dun Laoghaire-Rathdown County 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 works consisting of the combination of existing units located on the second floor and second floor mezzanine levels contained within the Dun Laoghaire Shopping Centre. At Level 2 (level access with George's Street Upper) unit numbers 220, 221 and 222 shall be combined, whilst at the Level 2 mezzanine M21 and M22 shall be combined and the mezzanine shall be interconnected with the floor level below, all at George's Street, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Building Control Authority:

WHEREAS the said appeal relates to conditions numbers 5 and 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 conditions, 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 5 and the reason therefor, and to amend the said condition number 6 so that they shall be as follows for the reason set out:

6. All new elements of structure and compartmentation (walls and floors) shall be a minimum of 120 minutes fire resisting construction (load bearing capacity, integrity and insulation) in accordance with Section 3.5.3 of the Technical Guidance Document B and Clause 14.4 of BS 5588: Part 10.

Reason: To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2019.

Reasons and Considerations

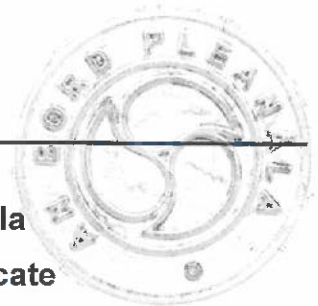
Having regard to the location of the existing fire hose reels, where there is a single fire hose reel adjacent to the lift shaft on each level of the shopping centre, where fire hose reels are not provided within the existing shop units, and where the subject shop unit is proposed to be fully protected by means of sprinklers, it is considered that this would be in accordance with the existing fire strategy for the building, and would achieve an adequate level of fire safety and would comply with Part B of the Second Schedule to the Building Regulations 1997 to 2019.

The Board was not satisfied that the case for reducing the fire resisting construction for the new elements of structure and compartmentation to less than 120 minutes had been justified, and considered an amended condition to be warranted.

Therefore, it is considered that, subject to the removal of condition number 5, and the amendment of condition number 6 as set out above, the proposed works would achieve an adequate level of fire safety and would comply with Part B of the Second Schedule to the Building Regulations 1997 to 2019.


Michelle Fagan

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



Dated this 19th day of September 2022.