

Building Control Acts 1990 to 2014

Building Control Authority: Dún Laoghaire-Rathdown County Council

Building Control Authority Register Reference Number: FSC2402123DR7DN

Appeal by Maxi Zoo (Ireland) Limited care of Ciarán Ferry Architects of Fumbally Exchange, Argus House, Blackpitts, Dublin in relation to the decision made on the 5th day of July, 2024 by Dún 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 a retail development at Unit 2C, Nutgrove Shopping Centre, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to condition number 6 attached to the decision of the Building Control Authority:

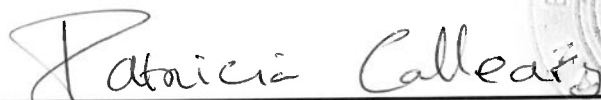
AND WHEREAS An Bord Pleanála is satisfied, having regard to the nature of the said conditions, that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 7 of the Building Control Act 1990 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 authority to delete the said condition number 6 and the reason therefor.

Reasons and Considerations

Having regard to the presented design of the building and the accompanying technical compliance report, to the submissions made in connection with the Fire Safety Certificate application and the appeal and the relevant technical guidance and to the report and recommendation of the reporting inspector, it is considered that it has been demonstrated by the first party appellant that the subject building design would meet the requirements of B1 of the Technical Guidance document (Part B 2006 + A1 2020). In calculating the floor area of the shop, the Board considered it reasonable and correct to discount the first floor area, which, though part of the unit, is not intended for shop use but rather 'back of house facilities' by reference to the submitted drawings and technical compliance report. Therefore the floor area of the shop is below 500 square metres and by reference to Section 1.4.16 of Technical Guidance document (Part B 2006 + A1 2020), no hose reels are required.

The Board was satisfied that if constructed in accordance with the design presented with the application and appeal, and without hose reels, the building would comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997, as amended. Therefore, condition number 6 as originally attached by the Building Control Authority to the grant of the fire safety certificate is not required and should, therefore, be removed.



Patricia Calleary

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this 03 day of June 2025

