

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/15/1359

An Bord Pleanála Reference Number: 29B.FS.0523

APPEAL by Targeted Investment Opportunities PLC care of G. Sexton and Partners of Deise House, Link Road, Railway Square, Waterford in relation to the decision made on the 23rd day of February, 2016 by Dublin City 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 construction of a new mixed use building comprising nine floors of apartments/office over a ground floor office/retail area, over a basement car park at 76 Sir John Rogerson's Quay, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates to conditions numbers 2, 3, 4, 8, 9 and 12 attached to the decision of the Council:

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 conditions numbers 3 and 9 and the reasons therefor, to attach the said condition number 2 and the reason therefor and to amend the said conditions numbers 4, 8 and 12 so that they shall be as follows for the reasons set out:

4. The final exit door leading to Britain Quay from the lobby/exit corridor from stair 1 shall be increased in width from 1,700 millimetres to 1,900 millimetres clear width where clear width is as defined in 1.0.10(c) of Technical Guidance Document B - Fire Safety.

Reason: To comply with Part B1 (Means of Escape in the Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

8. External vertical shaft enclosures having a minimum 30 minutes fire rating shall be provided from both the 1.5m² lobby AOV and the 1.5m² smoke shaft at 7th Floor Communal Roof Garden, extending to a distance of at least 1.5 metres above roof level. Furthermore, the smoke shafts in both residential Blocks 02 and 03 shall comply with Section 14.2.3.2 (a) (b) (d) (e) (f) (g) (h) (i) and (j) of BS 9991 2015.

Reason: To comply with Part B1 (Means of Escape in the Case of Fire) of the Second Schedule of the Building Regulations 1997 to 2014.

12. All electrical and mechanical service risers in the entire development shall be designed and constructed so as to fully satisfy the recommendations in Part B3 (Internal Fire Spread (Structure)) of Technical Guidance Document B - Fire Safety with respect to achievement of adequate compartmentation and resistance to fire spread in the building. Prior to commencement of the works, the applicant shall submit to the Building Control Authority for agreement, detailed drawings and performance specifications demonstrating compliance with the recommendations of Part B3 (Internal Fire Spread (Structure)) of Technical Guidance Document B - Fire Safety.

Reason: To comply with Part B3 (Internal Fire Spread (Structure)) of the Second Schedule of the Building Regulations 1997 to 2014.

REASONS AND CONSIDERATIONS

Having regard to the form and layout of the proposed mixed use development, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal and to the report and recommendation of the Inspector, the Board considered that, subject to the attachment of revised conditions numbers 4, 8 and 12 as set out above, to the attachment of condition number 2 and, notwithstanding the deletion of conditions numbers 3 and 9, together with conditions numbers 1, 5, 6, 7, 10, 11, 13 and 14 of the Building Control Authority, the proposed building would achieve an adequate level of fire safety that would comply with the requirements of Part B (Fire Safety) of the Second Schedule of the Building Regulations 1997 to 2014.

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.

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

Dated this day of 2016.