

An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/15/1601

An Bord Pleanála Reference Number: 29B.FS.0525

APPEAL by TLC Spectrum Limited care of G. Sexton and Partners Limited of Deise House, Link Road, Railway Square, Waterford in relation to the decision made on the 3rd day of March, 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 building: proposed three-storey nursing home, comprising 149 bedrooms, kitchen areas, living areas and other ancillary spaces at former Smurfit Kappa site at Tonlegee Road, Coolock, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 1 and 4 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 condition number 1 and the reason therefor and to amend the said condition number 4 so that it shall be as follows for the reason set out:

4. The layout of the ground floor shall be revised to ensure that bedrooms 12, 13, 14, 15 and 16 are not inner rooms to the nurses station situated between gridlines 1 and 2 and B and C.

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.

REASONS AND CONSIDERATIONS

Having regard to the form and layout of the proposed nursing home, to the submissions made in connection with the submitted Fire Safety Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that, condition number 1 is not considered necessary to achieve compliance with Part B1 (Means of Escape in the Case of Fire) 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.