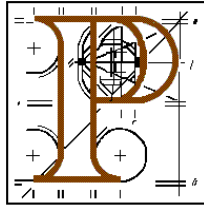


An Bord Pleanála



BUILDING CONTROL ACTS, 1990 TO 2014

Dublin City

Building Control Authority Register Reference Number: FA/15/1069/7D

An Bord Pleanála Reference Number: 29B.FS.0527

APPEAL by Barry Comer care of Jeremy Gardner Associates of 9 Upper Baggot Street, Dublin in relation to the decision made on the 30th 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 a mixed use development currently under construction consisting of two main blocks over a common basement, which is being constructed in two phases. The second phase involves the construction of the two-storey basement comprising car parking, storage, plant and a leisure centre. The Fire Safety Certificate is for the basement levels only which is considered an extension to the building. Revisions are also being made to the design at the ground floor level at 126 Pembroke Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said authority:

WHEREAS the said appeal relates only to conditions numbers 2 and 3 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 3 and the reason therefor and to amend the said condition number 2 so that it shall be as follows for the reason set out:

2. Either

The proposed sprinkler system shall be extended to provide coverage throughout the basement levels -1 and -2 (including the car parking areas) and shall be designed and installed in accordance with BS EN 12845:2015

or

Fire-fighting shafts shall be provided at Stairs Numbers 1, 6, 11 and 15 at both basement levels comprising fire-fighting stairs, dry falling main outlets and fire-fighting lobbies in accordance with the requirements set out in Clause 5.3.4 of Technical Guidance Document B (but for avoidance of doubt excluding fire-fighting lifts) with each fire-fighting lobby being fitted with smoke ventilation comprising not less than 1.0 m² high level manually openable natural vents direct to open air or to a smoke shaft only serving that level, with smoke discharging at ground level not less than 1,800 millimetres remote from escape routes.

Reason: To comply with Part B5 (Access and Facilities for The Fire Service) of the Second Schedule to the Building Regulations 1997 to 2014.

REASONS AND CONSIDERATIONS

Having regard to the form and layout of the proposed mixed use building, to the submissions lodged in connection with the Fire Safety Certificate application and the appeal and to the report and recommendation of the reporting Inspector, it is considered that, notwithstanding the deletion of condition number 3 and subject to the imposition of the amended condition number 2 as set out above, together with conditions numbers 1, 4 and 5 of the Building Control Authority, the proposed works would achieve an adequate level of fire safety that would comply with the requirements of Part B5 (Access and Facilities for The Fire Service) 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.