



An
Bord
Pleanála

FSC Report ABP 303558-19

Appeal v Refusal	Appeal to a Condition attached to a Granted Fire Safety Certificate
Development Description	Fire Safety Certificate : Construction of new office building. The Distillers Building, Smithfield, Dublin 7
An Bord Pleanála appeal ref number:	303558 – 19
Building Control Authority Fire Safety Certificate application number:	FA/18/1480
Appellant & Agent:	Mairead Barden - Jeremy Gardner and Associates
Building Control Authority:	Dublin City Council.
Date of Site Inspection	Not applicable
Inspector/ Board Consultant:	Eamon O Boyle, Eamon O Boyle and Associates (EOBA)
Appendices	Not Applicable

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2.0 Introduction

- 2.1. A Fire Safety Certificate application was received by the Building Control Authority (Dublin City Council) on the 31st August 2018. The application sought to demonstrate compliance with Part B of the Second Schedule to the Building Regulations (SI 497: 1997). The application concerned the construction of a new office building in Smithfield Dublin 7..
- 2.2. The Fire Safety Certificate proposed the construction of a six floors of office space, ancillary plant area on roof level, retail and restaurants at ground level and two stories of basement carpark.
- 2.3. The Appeal to ABP is in reference to Condition No. 3 attached by the Building Control Authority to grant a Fire Safety Certificate for the construction of a new building comprising six floors of office space, ancillary plant area on roof level, retail and restaurants at ground level and two stories of basement carpark. The condition stated “ *Layout of fire-fighting shafts shall be in compliance with the provisions of Section 20.2 of BS 9999:2017 and in particular a fire-fighting shaft shall not provide access to services serving the remainder of the building*” the reasons for the condition was “ *to ensure compliance with Part B of the second schedule to the Building Regulations, 1997 to 2017* ”

3.0 Information Considered

- 3.1. In considering the application I have made reference to the following information.
 - Letter of Appeal from Jeremy Gardner and Associates (JGA) dated 25th January 2019 and enclosures.
 - Fire Safety Certificate Application prepared by JGA and submitted to the Building Control Authority on the 31st August 2018
 - Additional information (ref 18/1480) received by the Building Control Authority on the 13th December 2018 (including revised Compliance Report)
 - Notice of Grant (FSC4453/18) from the Building Control Authority dated 2nd December 2018
 - Letter of comments of appeal submitted by the Building Control Authority dated 14 February 2019
- « The following Drawings were also furnished (drawings with Rev A were submitted with additional information on 13th Dec 2018)

Drawing Number	Drawing Title	Scale
QI/1683/1/1	OS Map	1:500 @ A1
01/1683/1/2	Site Plan	1:250 @ A1
01/1683/1/3	Basement Level —2	1:100 A1
01/1683/1/4	Basement Level —1	1:100 @ A1
QI/ 1683/1/5	Ground Floor Plan	1:100 @ A1
01/1683/1/6	First Floor Plan	1:100 @ A1
QI/1683/1/7	Second Floor Plan	1:100 A1
QI/1683/1/8	Third Floor Plan	1:100 @ A1
01/1683/1/9	Fourth Floor Plan	1:100 A1
QI/1683/1/10	Fifth Floor Plan	1:100 @ A1
QI/1683/1/11	Sixth Floor Plan	1:100 @ A1
QI/1683/1/12	Roof Level Plan	1:100 @ A1
QI/1683/1/13	Section AA	1:100 A1
QI/1683/1/14	Section DD	1:100 @ A1
01/1683/1/15	North Elevation	1:100 @ A1
QI/1683/1/16	South Elevation	1:100 @ A1
QI/1683/1/17	East Elevation	1:100 A1
QI/1683/1/18	West Elevation	1:100 @ A1

DrawingNumber	Drawing Title	Scale
01/1683/1/2 Rev A	Site Plan	1:250 @A1
QI/1683/1/3 RevA	Basement Level-2	1:100 @A1
01/1683/1/4 Rev A	Basement Level-1	1:100 @A1
QI/ 1683/1/5 Rev A	Ground Floor Plan	1:100 @ A1
QI/1683/1/6 RevA	First Floor Plan	1:100 @A1
01/1683/1/7 Rev A	Second Floor Plan	1:100 @A1
QI/1683/1/8 RevA	Third Floor Plan	1:100 @A1
QI/1683/1/9 RevA	Fourth Floor Plan	1:100 @A1
QI/1683/1/10 RevA	Fifth Floor Plan	1:100@ A1
QI/1683/1/11 RevA	Sixth Floor Plan	1:100 @A1

4.0 Relevant History/Cases

4.1. We are not aware of any previous appeals that that have been submitted in respect of service risers within a firefighting shaft or of similar Fire Safety Certificate Applications.

5.0 Appellant's Case

The appellants grounds for appeal states that due to the layout of the cores, a landlord electrical riser is accessed from each firefighting shaft. BS 9999: 2017 recommends that risers not relevant to the firefighting shaft be accessed or contained within the firefighting shaft, it does not take into consideration the number of firefighting shafts provided, the contents of the riser, compartmentation strategy, or the firefighting strategy of the riser.

The distillers building is proposed to be provided with two firefighting shaft. Should a fire occur in one riser in the firefighting shaft, the other firefighting shaft maybe utilised. The appellant also states that there are two escape stairs enclosed in 90 minutes compartment construction.

The appellant further states that the BS 9999:2017 does not take into consideration the potential contents of the riser within the firefighting shaft. As part of the strategy of the application, the

landlord riser within the firefighting shaft is proposed to contain namely:

Sub mains cables

Cable trays

Sub-distribution boards

The appellant also states that the contents of the risers pose less fire risk than typical mains cables.

The appellant also proposes to both horizontally and vertically fire stop the electrical riser in each firefighting shaft to achieve 90 minutes fire resistance for compartmentation in both directions. It is also stated that the risers will only be accessed intermittently by the landlord and doors to the risers normally be locked shut.

The appellant also states that the office building will be constructed with compartment floors with each floor achieving 90 minutes fire resistance for stability, integrity and insulation, this reduces the fire risk of spread between more than one floor.

The appellant also states that the Building Control Authority has granted Fire Safety Certificates in adjacent buildings with a similar arrangement.

6.0 Building Control Authority Case

The Building Control Authority's response was received on the 18th of February 2019. In their response they made the following points.

The applicant stated in their Fire Safety Certificate application compliance report that the basis of compliance will be BS 9999:2017 "Fire Safety in the design management and use of buildings close "

The Building Authority further states that section 20.2.3. of BS 9999:2017 states the following "only services associated with the firefighting shaft should pass through or be contained within the firefighting shaft. A firefighting shaft should not contain any cupboards or provide access to service shafts serving the remainder of the building"

The Building Control Authority is further of the view that the importance of firefighting shaft within such developments at the nature of the specific guidance on this matter in the document used to demonstrate compliance must be followed.

7.0 Assessment

7.1. Details lodged with application

We have examined the Fire Safety Certificate plans and reports submitted and consider that the information submitted is sufficient to enable ABP to make a determination in respect of the appeal.

7.2. Content of Assessment

In making the assessment is it necessary to only examine the degree of compliance with Building Regulation B5 as there is no alteration with any of the other Building Regulations (i.e. Regulations B 1, B2, B3 or B5) from what has been previously granted by the Building Control Authority. The basis of our assessment is confined to the recommendations contained in Technical Guidance Document B (TGD B) or BS 9999:2017.

7.3. Having reviewed the plans and particulars lodged with the appeal application, as well as the subsequent comments from Building Control Authority. We are of the view that the plans and particulars provided are adequate to enable the board to establish compliance with Part B of the Building Regulations.

8.0 Conclusion / Recommendation

8.1. Our overall conclusion in the case is that the Condition No 3 should be removed from the Fire Safety Certificate by the Building Control Authority. Our conclusion is based upon the fact that the Building Control Authority did not give adequate weight to the appellant's argument and did not give weight to the following:

The fire resistance of the floors

The two firefighting shafts within the building

The provision of horizontal and vertical fire stopping in each firefighting shaft

9.0 Reasons and Considerations

Having regard to the form and nature of the Application, the submission lodged with the Fire Safety Certificate Application and the Appeal, the reports from the Building Control Authority and the Appellant and to the report and recommendations of the reporting inspector and in particular in regard measure being proposed by the appellant — the Board is satisfied that it has been fully demonstrated that the Application would achieve an adequate level of Fire Safety that would comply with Regulation B5 of the Second Schedule of the Building Regulations 1977-2017.

Eamon O Boyle

Chartered Engineer
Inspector / Consultant
20 September 2019