

**Report for An Bord Pleanála**

**on**

**Appeal against Condition 2 to Fire Safety Certificate  
(FSC1162/19/7D)**

**for**

**Material Alterations to the existing Ground Floor**

**at**

**Dylan Hotel, Eastmoreland Place, Dublin 4**

Client:	An Bord Pleanála
An Bord Pleanála Ref:	303802-19
Our Ref:	ABP_R001_Issue 1
Date:	30 <sup>th</sup> April 2019

## **1.0 Introduction**

This report sets out my findings and recommendations on the appeal submitted by Michael Slattery Associates, acting on behalf of Lyndonmont Ltd., against Condition 2 to Fire Safety Certificate (FSC1162/19/7D) by Dublin City Council in respect of an application for works related to the Proposed Material Alterations to the existing Ground Floor at Dylan Hotel, Eastmoreland Place, Dublin 4.

It is noted that having regard to the nature of the Conditions under appeal, it is considered that the appeal can be adjudicated upon without consideration of the entire of the application.

## **1.1 Subject of Appeal**

Condition 2 of the Fire Safety Certificate (FSC1162/19)/7D granted by Dublin City Council is as follows: -

***Condition 2:***

*A new exit door shall be provided from the Reception direct to outside and shall comply with section 1.4.7 of Technical Guidance Document B 2006.*

***Reason:***

*To comply with Part B of the Second Schedule of the Building Regulations, 1997 to 2017.*

## **2.0 Documentation Reviewed**

- 2.1 Fire Safety Certificate Application (application form, compliance report and fire safety drawings) submitted by Michael Slattery Associates, on behalf of Lyndonmont Ltd., on 19<sup>th</sup> December 2018.
- 2.2 Letter from Michael Slattery Associates to Dublin Fire Brigade dated 17<sup>th</sup> January 2019.
- 2.3 Report on Assessment of Fire Safety Certificate Application recommending that a Fire Safety Certificate is granted with 2 conditions attached dated 19<sup>th</sup> January 2019.
- 2.4 Granted Fire Safety Certificate No. FSC1162/19/7D from Dublin City Council dated 23<sup>rd</sup> January 2019.
- 2.5 Letter of Appeal from Michael Slattery Associates, acting on behalf of Lyndonmont Ltd, received by An Bord Pleanála on 20<sup>th</sup> February 2019.
- 2.6 Fire Officer's report on the Fire Safety Certificate Appeal dated 25<sup>th</sup> March 2019 to An Bord Pleanála giving comments in relation to appeal of Condition 2.

### **3.0 Building Control Authority's Case**

The decision of the Building Control Authority to impose Condition 2 is on the following basis: -

The reason for Condition 2 is to ensure that an alternative exit is apparent and available at all times for persons needing to use it. The proposed installation of a fire curtain in lieu of traditional double swing fire doors is not considered an appropriate arrangement. In the event of the fire curtain descending, it is felt that occupants of the reception seating area will have no option but to travel through a small computer / store room and an existing library in order to reach the corridor. In addition, these occupants will be expected to negotiate two sliding doors which is not considered permitted in Technical Guidance Document B 2006.

They further state that an alternative solution to Condition 2 would be to: -

- a. Provide a set of double swing fire doors held open by electro-magnetic hold-open devices in lieu of the proposed fire curtain as per the arrangement between the Lounger Bar and the corridor, or
- b. Provide a new exit door in lieu of the current window between the reception room to the main entrance.

### **4.0 Appellant's Case**

The appellant's case for removing Condition 2 is as follows: -

- 4.1 The proposed primary egress route from the reception seating area via the main entrance is not being compromised by the provision of an automatic fire curtain. They note that the fire curtain will be linked to the AFDA system to descend automatically in the event of smoke being detected in the reception seating area. This curtain will have motorised controlled descent which will incorporate an appropriate delay and normal visual / audible alarms before the curtain descends to facilitate escape from the reception seating area before the curtain fully descends.
- 4.2 In the event that an individual has not exited the space before the curtain descends, he/she can use an alternative route via the lobby linking the reception seating area to the library and onward to the egress route from the stairs via doors from the library.

The use of sliding doors on this egress route is considered acceptable on the basis of the very small number of persons that may have to use this route in an emergency.

They further note that BS 9999 2019 in section 14.3 recognizes that manually operated sliding doors can be used in some circumstances on egress routes provided that the reliability of these can be demonstrated to the appropriate authorities. In this case they submit that as these doors will be used on a day to day

basis by staff and indeed patrons the reliability of these as an egress route is fully assured. They also state that these doors will be more often than not be in the open position.

Furthermore they state that in any event it is considered extremely unlikely that the primary egress route will not be available for egress to occupants of the reception seating area given the time delay on the fire curtain operation and the warning signals provided, so that the requirement for the alternative egress route via the library should never arise.

- 4.3 Finally it is noted that it is possible to comply with Condition 2 as it would materially alter the character of the protected structure and will not be permissible under planning. To support this, they have provided an opinion from a Conservation Architect.

It is noted that an alternative exit to open air direct from the library is possible and would not materially alter the character of the protected structure.

It is noted that the appellant did not take the opportunity to respond to the Fire Officer's report on the Fire Safety Certificate Appeal dated 25<sup>th</sup> March 2019.

## 5.0 Consideration

There are two main considerations;

- 1.0 is a shutter / curtain acceptable on the only escape route from a public area in a hotel, and
- 2.0 is the use of sliding doors acceptable on an alternative escape route from a public area in a hotel, where the primary escape route is via a shutter / curtain.

### 5.1 Shutter / Curtains

The provision of a shutter / curtain across a single escape route is not normally considered acceptable. It is noted that in a situation where occupants are trained to react to an alarm activation and the potential of a descending shutter then an argument can be made. However, in the proposed arrangement the area in question will have members of the public who will not only not be familiar with a fire shutter / curtain but also will not understand that they will need to escape within the delay period. It is not uncommon for members of the public to ignore fire alarms or at least wait in place to see how other people are reacting. An alternative escape route is essential in the proposed arrangement to ensure that occupants of the seating area have a safe means of escape available.

## 5.2 Sliding Doors

It is noted that section 1.4.3.3 of TGD-B 2006 states the following: -

Manual sliding doors may be permitted, in certain limited circumstances only, such as doors from rooms in industrial or storage buildings which are occupied by not more than 10 persons and where swing doors would be impracticable.

It is clear from above that the proposed arrangement does not comply with the recommendations of section 1.4.3.3 of TGD-B 2006.

It is further noted that section 14.3 of BS 9999 2017 states the following: -

### 14.3 Generally unacceptable means of escape

The following systems should not normally be adopted as means of escape, but they may be used in some situations provided that the reliability of the method can be demonstrated to the appropriate authorities:

- a) lifts, except for a suitably designed and installed evacuation lift that may be used for the evacuation of people who find other evacuation routes difficult in a fire;
- b) fixed ladders, except those in plant rooms which are rarely used and accommodate less than ten people. Where such ladders are used they should conform to BS EN ISO 14122-4;
- c) portable ladders and throw-out ladders;
- d) manipulative apparatus and appliances, e.g. fold-down ladders;
- e) power-operated or manually operated sliding doors, except those designed to fail open on loss of power or that can break open from any position throughout their operating parameters (see BS 7273-4);
- f) security grilles and shutters (roller, folding or sliding), loading doors, goods doors, sliding doors and up-and-over doors, unless they are capable of being easily and quickly opened. If power-operated they should:
  - 1) be provided with a fail-safe system for opening if either the mains supply and/or any alternative power supply fails;
  - 2) be capable of being easily and quickly opened manually;
- g) wicket doors and gates at exits from high risk areas;
- h) escalators. These do not normally form part of the means of escape. They should be treated as accommodation stairs in that they are effectively a method of transportation between floors that are in addition to the means of escape. The management solution for the premises should ensure that occupants are discouraged from using escalators during an incident.

*NOTE In certain situations, such as transport interchanges, escalators may be used as part of the means of escape solution. In these cases a fully fire engineered assessment will be needed, which would include an ASETIRSET analysis as explained in BS 7974.*

Therefore BS 9999 2017 recommends that sliding doors are generally not acceptable on means of escape except in some situations provided that their reliability can be demonstrated. The appellant has stated that given that the sliding doors are in

constant use and are more often than not open that their reliability is fully assured. However, they have not addressed the issue of the potential occupants that may have to use them (i.e. members of the public, intoxicated persons, elderly, infirm, disabled etc). It is far from fully assured that all occupants of the reception seating area will be able to use sliding doors to safely evacuate.

The risk in an assembly type building where occupants can be very unfamiliar with their surroundings is significantly greater than that to a limited number of trained personal in a building that they are familiar with.

Given the above neither a shutter / curtain nor sliding doors are considered acceptable across an escape route in a hotel reception area.

The alternative options therefore are as follows: -

- a. Provide a door from the reception seating area direct to open air. This option has been ruled out due to the protected status of the building.
- b. Provide a set of fire doors held open by electro-magnetic hold-open devices in lieu of the proposed fire curtain.
- c. Provide a new exit door in lieu of the current window between the reception seating area to the reception corridor.
- d. Replace the sliding doors with single swing doors.

## 6.0 Recommendation

On the basis of my findings and conclusions I recommend that An Bord Pleanála should direct the Building Control Authority to replace Condition 2 with the following: -

**Condition 2:**

*The Reception Seating Area is to be provided with either a door direct to open air, a door to the reception corridor, or a route via the library that is not dependent on sliding doors (i.e. the sliding doors to be replaced with single swing doors). All new doors shall comply with section 1.4.3 of Technical Guidance Document B 2006.*

**Reason:**

*To comply with Part B of the Second Schedule of the Building Regulations, 1997 to 2017.*

**Signed by:**

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**Des Fortune**

MSc(Fire Eng), BSc(Eng), CEng MIEI, MIFireE

**Date:**                   **30<sup>th</sup> April 2019**