

Report

On

**Appeal Against Condition 3 Attached To Grant of
Fire Safety Certificate (Reg. Ref. FA 15/1350/7D)**

By

Dublin City Council

For

Material Alteration: There are a number of Material Alterations Proposed to the Hotel which include alterations to the ground floors such as extending the existing restaurant into the existing kitchen, and the existing conference room is changing to an open office plan. The Material Alterations at the upper floors include the conversion of four office to new bedrooms, the removal of lift lobbies,, and to link several separate rooms to single rooms.

at

Temple Bar Hotel, Fleet Street, Dublin 2

Client	:	An Bord Pleanala
An Bord Pleanala Ref No	:	FS29B.FS0524
DCC Reg Ref	:	FA/15/1350/7D
Our Ref.	:	16280_FS29B.FS0524
Date	:	21 st June 2016

1.0 Introduction

This report sets out my findings and recommendations on the appeal submitted by Jeremy Gardner Associates Fire Engineering Consultants [hereafter referenced as JGA] on behalf of Wade Fischer (Pyramid Hotel Limited as agent for Sabden Limited) against Condition 3 attached to the Fire Safety Certificate FSC1323/16/7D (DCC Register Reference No. FA 15/1350/7D) granted by Dublin City Council in respect of an application identified in the application form as:

'There are a number of material alterations proposed to the hotel which include the addition of 5 new bedrooms on the upper levels and minor alterations to the ground floors such as extending the existing restaurant into the existing kitchen, and the existing conference room is changing to an open office plan. In addition to this it is proposed to separate the existing Busker's Bar area from the hotel accommodation to be occupied by a separate tenant.'

1.1 Subject Matter of Appeal

An application for a 7 Day Notice Fire Safety Certificate under Part IIIA of the Building Control Regulations 1997-2014 was made by JGA on behalf Wafe Fischer on 17th August 2015.

The Fire Safety Certificate was granted by Dublin City Council on 26th February 2016 with 3 Conditions attached.

An appeal against Condition 3 was lodged with An Bord Pleanala by JGA on 24th March 2016.

The condition under appeal read as follows:

Condition 3

The lift serving all hotel bedrooms on the upper levels of the hotel inclusive of the first, second, third & fourth floors are to be approached by means of protected lobby. This protected lobby should afford a minimum of 30 minutes fire resistance complete with 30 minute fire resisting self closing door-sets FD30S.

Reason

To comply with Part B1 of the Second Schedule to the Building Regulations 1997-2014

1.2 Documents Reviewed

- Fire Safety Certificate Application and supporting documentation: -
 - Completed application form for a 7 Day Notice Fire Safety Certificate to Dublin City Council dated 10th August 2015.
 - Fire Safety Certificate Application Documentation by JGA lodged in support of this application.
 - Additional Information (including revised compliance report and drawings) dated 6th October 2015 from JGA to Dublin Fire Brigade.
 - Revised Application Form from JGA to DCC on 14th October 2015.
 - Email correspondence from JGA to DCC dated 17th September.
 - Email correspondence from DCC to JGA dated 17th September.
 - Additional Information (including revised drawings) dated 21st October 2015 from JGA to Dublin Fire Brigade.
 - Minutes issued by JGA on 22nd February 2016 to DCC relating to a telephone conversation between JGA and DCC.
 - Additional Information (including revised compliance report and drawings) dated 18th February 2016 from JGA to Dublin Fire Brigade.
- The Granted Fire Safety Certificate with 3 attached conditions dated 26th February 2016.
- Appeal submissions to An Bord Pleanála:
 - Submission dated 24th March 2016 by JGA
 - Fire Officer Observations on the appeal submission dated 12th April 2016.
 - Submission dated 18th May 2016 by JGA

Having regard to the nature of the Condition under appeal, it is considered that the appeal can be adjudicated upon without consideration of the entire of the application.

2.0 Technical Consideration

2.1 Case made by the Applicant/Appellant:

Condition 3

The appellant states that the purpose of the lobbies is to ensure smoke does not spread from one floor to the next. However considering the nature of the building and the frequent use of these lobbies, the doors may be wedged open. In the event of a fire on ground floor, where there is no lobby, the smoke could directly enter the lift shaft, passing through the protected lobbies and eventually into the bedroom corridors.

The appellant contends that the provision of automatic smoke curtains on all floor levels (including ground) in lieu of lobbies will ensure that the protected lift shaft will not fill with smoke in the event of a fire on any level. As a result of this the bedroom corridors will not be affected when compared to the ground floor existing situation. The appellant notes that the lift doors are provided with 60 minute fire resistance (no smoke seals) and as the bedroom corridors are enclosed in 30 minute fire resisting construction with a limited fire load, they can be considered a sterile space similar to a protected lobby / corridor serving an escape stair. Therefore the proposed smoke curtains are an improvement from the existing situation as the main risk of smoke entering the lift shaft is from a fire at ground floor level.

The appellant further notes that there is a maximum of 8 bedrooms within the enclosed space open to the lift and that these bedrooms are provided with an alternative escape route leading away from the lift area.

2.2 Case made by the BCA

Condition 3

Dublin City Council notes that section 1.4.9.2 of Technical Guidance Document B states

'A lift well connecting compartments should form a protected shaft'

DCC contend that the proposal to remove the lobby protection from the lift areas on the upper levels would compromise the means of escape being safely and effectively used. This proposal increases the risk to occupants of the hotel bedrooms and would not be accepted as being compliant with the Building Regulations,

The proposal would reduce the level of protection affordable to sleeping risk (hotel bedrooms) in this very busy city centre location.

It is the management's responsibility to ensure that fire doors are not 'wedged open with no hold open devices'.

A fire rated lobby would offer better protection to the hotel bedroom corridor from the situation at Ground Floor (the lift opens direct into the general Foyer / Reception communication area) should a fire occur.

The protected lobby to the lift would ensure increased escape time for occupants from the hotel bedrooms before encountering smoke dispersal around the hotel bedrooms corridors. As opposed to the time it takes for the smoke curtain to descend or obstructions

such as cleaner's trolleys, baggage trolleys, general baggage etc which may be present and impede the descent of the proposed fire rated curtains.

2.3 Consideration of the Issues arising

Condition 3:

The issue under consideration is whether or not smoke curtains to the lifts (Ground to Fourth Floor) provide an equivalent level of safety to the provision of lobby protection (First to Fourth Floor).

Section 1.4.9.2 of TGD-B 2006 states the following: -

A lift well connecting different compartments should form a protected shaft (see section B3, 3.2)

Lifts should be approached only by way of a protected lobby (or protected corridor) in basements, or in any storey that contains high fire risk areas and where the lift also delivers directly into corridors serving sleeping accommodation.

It is noted that the issue of whether or not the lift shaft is a protected shaft I believe is moot. Section 1.4.9.2 of TGD-B 2006 looks for lobby protection in addition to the protection of the shaft. Also it is noted that with no lobby in front of the lift on ground floor then this is an obvious weak point in the design. The lift at this level will have no smoke seal. The provision of a smoke curtain at this level provides this smoke seal.

The DCC's concerns regarding obstructions such as cleaner's trolleys etc are not valid as fire doors would be more at risk to these obstructions. The fire curtain will be directly in front of the lift whereas the lobby is an obvious location for the storage of these items and have been known to cause issues with doors in hotels.

Furthermore it is noted that Appendix B – Fire Doors of TGD- B 2006 states: -

A fire door is a door or a shutter, provided for the passage of persons, air or objects, which together with its frame and furniture as installed in a building is intended when closed to resist the passage of fire and/or gaseous products of combustion, and is capable of meeting specified performance criteria to these ends.

The very definition of a fire door includes shutters. Shutters and curtains are operationally / functionally the same.

Also the management's responsibility to fire doors and smoke curtains are equal. It is noted that fire doors and smoke curtains are both recognised fire safety protection measures and the use of both are acknowledged in numerous fire safety codes of practice.

Given all the above it is my opinion that the provision of smoke curtains at ground to fourth floor in lieu of lobby protection from first to fourth floor provides at least an equivalent level of safety.

3.0 Recommendation

On the basis of the foregoing assessment, I recommend that An Bord Pleanála should direct the Building Control Authority to Grant the Fire Safety Certificate with Condition 3 removed

Des Fortune

Director | Chartered Engineer | BSc(Eng) DipEng MSc (Fire Eng) CEng MIEI

Date: 21st June 2016