

Report for An Bord Pleanála

on

Appeal against Condition to Fire Safety Certificate (FSC1974/17)

for

Material Alterations / Extension to an Existing Building

at

**Candle Community Trust, P.O. Box 1145 Lynch's Lane,
Ballyfermot, Dublin 10**

Client:	An Bord Pleanála
An Bord Pleanála Ref:	29B.FS0566
Our Ref:	ABP_R001_Issue 3
Date:	13 th November 2017

1.0 Introduction

This report sets out my findings and recommendations on the appeal submitted by McGarry Ni Eanaigh Architects, against Condition 6 to Fire Safety Certificate (FSC1974/17) by Dublin City Council in respect of an application for works related to the Proposed Extension and Modification works to the Candle Community Trust, P.O. Box 1145, Lynch's Lane, Ballyfermot, Dublin 10.

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 6 of the Fire Safety Certificate (FSC1974/17) granted by Dublin City Council is as follows: -

Condition 6:

The 'kitchen' at ground floor will not contain and may never contain any cooking facilities. There shall be no cooking in this area and it shall be enclosed, in 30 minute fire resistant construction with FD30S doorsets.

Reason:

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

2.0 Documentation Reviewed

- 2.1 Fire Safety Certificate Application (application form, compliance report and fire safety drawings) submitted by McGarry Ni Eanaigh Architects on behalf of Candle Community Trust Board on 8th March 2017.
- 2.2 Report on Assessment of Fire Safety Certificate Application by Mr Keith Brunkard, Senior Executive Fire Prevention Officer recommending that a Fire Safety Certificate is granted with 6 conditions attached dated 30th May 2017.
- 2.3 Granted Fire Safety Certificate No. FSC1974/17 from Dublin City Council dated 31st May 2017.
- 2.4 Letter of Appeal from McGarry Ni Eanaigh Architects received by An Bord Pleanála on 27th June 2017, with following attached: -
 - copy of Fire Certificate granted document with conditions 1-6
 - copy of originally submitted FSC report and drawings
 - copy of revised FSC GA Plan CTB-051 (revised to illustrate the proposed compartment wall in response to FSC Condition no. 6
- 2.5 Fire Officer's report on Fire Safety Certificate Appeal dated 12th July 2017 to An Bord Pleanála giving comments in relation to appeal of Condition 6.
- 2.6 Letter from McGarry Ni Eanaigh Architects received by An Bord Pleanála on 18th September 2017.
- 2.7 Fire Officer's report on Fire Safety Certificate Appeal dated 27th September 2017 to An Bord Pleanála giving comments in relation to appeal of Condition 6.

3.0 Building Control Authority's Case

The decision of the Building Control Authority to impose Condition 6 is on the following basis: -

- 3.1 It was felt that the location of an open kitchen on a main circulation route of an assembly area was not appropriate and the condition was applied.
- 3.2 The proposed additional works as proposed by the Appellant do not negate this.
- 3.3 It is disagreed that the Kitchen is not on a main circulation route. The community room adjacent where persons will congregate between and after classes will necessitate continual circulation past the kitchen.

4.0 Appellant's Case

The appellant's case for removing Condition 6 is as follows: -

- 4.1 The appellant considers Condition 6 unduly onerous and have sought clarification from Dublin City Fire Brigade on the above condition but have received no clear response.
- 4.2 The proposed works to the existing building and the demolition of an existing Computer Room alleviates the emergency escape provisions within the Community Room (R0.22) by providing 3 no. final exits directly to outside (where there were formally only two).
- 4.3 The existing internal lobby will be demolished at the existing entrance door (D-0.010) Final Exit No. 7 which will 'declutter' the escape route and facilitate emergency escape from this room.
- 4.4 The resultant works to this area mean that the primary route(s) of escape from this room will be away from the Kitchen (R0.23) and discharge directly to outside via. Final Exit 6, 7 and 10.
- 4.5 All final exits will comply with the provisions of Part B Section 1.4.7.
- 4.6 Upon review of the FSC granted the appellant has proposed to include the provision of a 60 minute compartment wall which will effectively compartmentalise the Community Room (R.022) and the kitchen area (R0.23) as a fully separate compartment to the rest of the existing building. This compartment will comply fully with the provisions of Part B Section 3.2.
- 4.7 No works are being carried out that cause a new or greater contravention of the Building Regulations.
- 4.8 The kitchen is not located on a main circulation route.

5.0 Consideration

Section 1.1.6 of TGD-B 2006 states the following: -

- (i) Assembly and recreation buildings other than those used as a public house, restaurant, or similar premises, sports pavilion, stadium, grandstand or other spectator accommodation or school:

Appropriate guidance is contained in the following:

- BS 5588: Part 6: 1991, Fire precautions in the design, construction and use of buildings, Part 6, Code of practice for places of assembly; and
- Sub-section 1.4 (general provisions for means of escape) of this Technical Guidance Document.

It is noted that neither the appellant or the Building Control Authority referred to BS 5588 Part 6 or indeed any recommendations from TGD-B 2006 or other codes of practice that are relevant to kitchens and their recommended location / protection / separation etc in Assembly and Recreation buildings.

It is noted that TGD-B 2006 refers to large kitchens and large commercial kitchens as 'places of special fire risk' and recommends these areas should be compartmented. In addition TGD-B 2006 in several instances refers to kitchens as 'high fire risk'. It recommends that kitchens should be lobby protected from lifts that serve also sleeping accommodation and details fire detection and emergency lighting requirements.

BS 5588 Part 6 addresses directly the issue of kitchens, section 15 states: -

15 Kitchens, staff restaurants and canteens

15.1 Commentary

In kitchens, staff restaurants and canteens the main fire risk is associated with the kitchen; it is therefore desirable that the kitchen be separated from its associated restaurant/canteen area by fire-resisting construction. This may not always be conveniently possible, in which case the protection ought to encompass the kitchen and restaurant/canteen areas and the kitchen ought to be sited remotely from the canteen exit.

15.2 Recommendations

The following recommendations are applicable.

- a) A kitchen should have at least one escape route independent of any service door to the restaurant or canteen area.
- b) An escape route from a restaurant or canteen area should not pass through the kitchen.

Table 9 of BS 5588 Part 6 also states: -

Table 9 — Structural fire protection of areas of ancillary accommodation

Area of ancillary accommodation	Cross-reference	Type of construction needed to separate ancillary accommodation from other parts of the building
1. Storage areas not greater than 450 m ² a b	11	} Robust construction having a minimum standard of fire resistance of 30 min ^c
2. Repair or maintenance workshops ^a	12	
3. Kitchens, staff restaurants, canteens	15	
4. Transformer, switchgear, and battery rooms for low-voltage or extra-low-voltage equipment		
5. Dressing rooms or changing rooms	13.3	
6. Projection rooms for non-flammable film	10.4	

Both TGD-B 2006 and BS 5588 Part 6 refer to kitchen as high fire risk areas. BS 5588 Part 6 further states that it is desirable that kitchens are separated from their associated restaurant / canteen with fire rated construction. It does acknowledge that this may not always be possible and that kitchens and restaurants / canteens can be open to one another but the following needs to be achieved: -

- The kitchen should be remote from the restaurant / canteen exit
- The kitchen should have at least one fire exit that is independent of the service door to the kitchen / canteen.
- Escape routes from the restaurant / canteen should not escape through the kitchen.

The kitchen in the Candle Community Trust is in a Community Room. Although this area is not defined, it is clear it is not simply a canteen. Therefore, given the use of the building, the kitchen in the Community should be fire separated from the rest of the Community Room. By reference to Table 9 of BS 5588 Part 6 the fire rating of this separation should be 30 minutes.

6.0 Recommendation

On the basis of my findings and conclusions I recommend that An Bord Pleanala should direct the Building Control Authority to replace Condition 6 with the following: -

Condition 6:

The 'kitchen' at ground floor shall be enclosed in 30 minute fire resistant construction with FD30S doorsets.

Reason:

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

Signed by:

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

Date: **13th November 2017**