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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2323/18**

**Appeal** by BC McGettigan Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 12<sup>th</sup> day of April, 2018 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Development at 'Block B' of The North Star Hotel involving (i) the construction of two number additional floors (1,254 square metres) over the existing seven storey building bringing it to nine stories high and a total building height of 27.53 metres, providing 36 new hotel bedrooms; (ii) associated elevational changes to the facades of 'Block B'; (iii) the inclusion of a lift shaft for building regulations and fire safety purposes and minor internal amendments to accommodate this on all existing floors of 'Block B' in addition to an external fire escape door to the Foley Street elevation and any ancillary contingent works to facilitate this development, at The North Star Hotel (a Protected Structure), 27 Amiens Street, Dublin.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development 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.

## **Reasons and Considerations**

Having regard to the zoning objective of the site 'Z5 – City Centre' in the Dublin City Development Plan 2016-2022, to the pattern of development in the area, to the location of the site in close proximity to a public transport hub, to the contents of the submissions received and to the Inspectors report, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not injure the character or setting of the adjacent protected structure, would be acceptable in terms of visual amenity, would not seriously injure the residential amenity of adjoining properties or result in an unacceptable loss of daylight or unacceptable level of overshadowing and would increase the provision of hotel bedrooms in this inner city location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that the proposed development was visually acceptable in the context of the prevailing streetscape and was in compliance with height limits set in the Dublin City Development Plan and further considered that the proposed development would not lead to an unacceptable degree of overshadowing or be overbearing and took sufficient cognisance of its receiving environment.

## **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

3. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

4. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

5. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

6. The developer shall pay to the planning authority a financial contribution in respect of Luas Cross City (Saint Stephen's Green to Broombridge Line) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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**Paul Hyde**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this            day of            2018.**