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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4036/17**

**Appeal** by Knockrobin Nursing Home Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in relation to the application by Dublin City Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 4 of its decision made on the 15<sup>th</sup> day of March, 2018.

**Proposed Development:** (1) the proposed demolition of the existing swimming pool building on site and removal of the existing ESB substation and for installation of new ESB substation in alternative location on site, (2) the proposed erection of a 144 bed nursing home consisting of four storeys over a part basement level on Site A which has an area of 0.5592 hectares, comprised of (a) laundry, staff changing and w.c. facilities and plant rooms at basement level (b) 30 number bedrooms with reception area and administration offices, nurses station, day room sitting area, physiotherapy room, kitchen, dining room, staff facilities, w.c.'s and ancillary store rooms at ground floor level (c) 38 number bedrooms with nurses station, day room sitting areas, hair salon, dining room, satellite kitchen facilities, w.c.'s and

ancillary store rooms at first floor level (d) 38 number bedrooms with nurses station, day room sitting areas, assisted bathroom, dining room, satellite kitchen facilities, w.c.'s and ancillary store rooms at second floor level and (e) 38 number bedrooms with nurses station, day room sitting areas, assisted bathroom, dining room, satellite kitchen facilities, w.c.'s and ancillary store rooms at third floor level, (3) the proposed erection of two number storage sheds ancillary to the nursing home on site (4) the provision of 79 number car parking spaces (40 number spaces located on Site A and 39 number overflow spaces located on Site B including six number designated disabled parking spaces, 20 number bicycle parking spaces and proposed access from the existing access road serving the adjacent C.I.D.P. premises and Primary Care Centre (5) together with all ancillary boundary treatments, services and associated site works on lands denoted as Site A which has an area of 0.5592 hectares and Site B which has an area of 0.1181 hectares, all at Navan Road, Cabra, Dublin.

## **Decision**

**The Board, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, for the reasons and considerations set out below, that condition number 4 did not come within the scope of section 48(2)(c) of the Planning and Development Act, 2000, as amended, and directs the Council to REMOVE condition number 4 and the reason therefor.**

## **Reasons and Considerations**

It is considered that sufficient evidence has not been provided by the planning authority to establish that specific and exceptional costs would be incurred by the authority in providing public open space, over and above the provision of public open space provided for under the Dublin City Council Development Contribution Scheme, that would specifically benefit the proposed development, and accordingly the imposition of the financial contributions set out in condition number 4 would not come within the scope of Section 48 (2) (c) of the Planning and Development Act, 2000, as amended.

## **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.

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

**Dated this            day of            2019**