

Register Reference : 91A/1657

Date : 5th March 1992

Dear Sir/Madam,

Development : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : Additional Information

I wish to inform you that by Order dated 05.03.92 it was decided to REFUSE PERMISSION for the above proposal.

This decision, together with the conditions/reasons attached thereto, is recorded in the Planning Register kept at this office in accordance with Section 8 of the Local Government (Planning and Development) Act 1963. This register may be inspected during office hours [9.00a.m. - 12.30p.m. 2.15p.m. - 4.30p.m.] and interested party may obtain a certified copy of an entry therein on payment of a fee of £5 in respect of each entry.

It should be noted that the proposer may appeal to An Bord Pleanala against the decision or any conditions attached to the Council's decision within one month beginning on the day of receipt by him of the Council's decision. Any other person may appeal to An Bord Pleanala within three weeks beginning on the date of decision. Interested parties are advised to consult the Planning Authority or An Bord Pleanala to ascertain if an appeal has been lodged by the applicant.

All appeals against decisions of the Planning Authority and all correspondence in relation to new and existing appeals should be addressed to The Secretary, An Bord Pleanala, Blocks 6 & 7 Irish Life Centre, Lower Abbey Street, Dublin 1. (Tel. 728011). Any appeal made to An Bord Pleanala will be invalid unless the correct fee is received by An Bord Pleanala within the statutory appeal period. The fee in respect of an appeal by an applicant for permission relating to commercial development is £200; any other appeal is £100.

Submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) as regards an appeal made by another person must be accompanied by a fee of £30.

Mr. J. Gardiner,
1 Glendoo Close,
Green Park,
Walkinstown, Dublin 12.

Yours faithfully,

.....
for PRINCIPAL OFFICER

Chris Flood Esq., T.D.,
Minister of State -
Department of Health,
Office of the Minister of State
at the Department of Health,
Baile Atha Cliath 2.

Our Ref.: 91A/1657

6 March 1992

RE: Retention of Health Club at 11 Lugnaquilla Avenue,
Walkinstown for George Kerslake.

Dear Minister,

I refer to your recent representations in connection with the
above planning application.

I now wish to inform you that by Order Dated 5th March, 1992 it
was decided to REFUSE PERMISSION in relation to the above
proposal.

Yours faithfully,

L.D.
for Principal Officer.

FILE DISCUSSED AT COUNCIL/COMMITTEE MEETING

FILE REF: 91A 1657

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
BELGARD H + P <u>28/1/92</u> <u> </u> <u> </u>	Noted by Ollie Walsh + Lenny		



Bloc 2, Ionad Bheathúla hEireann,
Bloc 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1,
Dublin 1.
Telephone (01) 724755
Fax (01) 724896

Register Reference : 91A/1657

Date : 16th December 1991

Dear Sir/Madam,

Development : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : PERMISSION

With reference to the above, additional information was requested in relation to this application on 13.12.91 and particulars of this request have been entered in the Planning Register. The Register is available for inspection at the Planning Department, Irish Life Centre, Dublin 1, during office hours (9 a.m.-12.30 p.m. and 2.15 p.m.-4.30 p.m.)

A certified copy of an entry in the Register may be purchased on request at the public counter at a cost of £5 per entry.

Yours faithfully,

.....
.....

for PRINCIPAL OFFICER

Mr. J. Gardiner,
1 Glendoo Close,
Green Park,
Walkinstown, Dublin 12.



91A/1657
1113

1 Glendoo Close
Green Park
Walhurstown

Dublin 12

Nov 14th 91

REF. 91A 1657

MR. G. Kerlake
11 Lugaquilla Ave
Green Park
Walhurstown

Dubb 12.

Dear Sir,

Further to my telephone call re-
the above named who is subsequently
running a health centre from the said
address which he has since extended.

I wish to state my
objections to the continuation of this for
the following reasons.

(1) I bought my house and was assured
this was a residential estate, it certainly
is not that now, it has been turned
into a commercial area.

(2) My view to the playing fields and
parkland is obscured by the

Health Centre from the back of my house.

(3) All the cars parked along the road on both sides, and on the corner is lightly dangerous, I hope I am wrong but it is so dangerous, it is only a matter of time until there is a serious accident.

I trust you will give this matter your urgent attention, and I await your reply.

Yours faithfully

John Gardner.

FILE DISCUSSED AT COUNCIL/COMMITTEE MEETING

FILE REF: 91A 1657

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
BELGARD H + P <u>31/10/91</u>	Miss Tipping + Walshe Rec Refusal. Business in a Residential area - Should not have got Reg. Permission No provision for parking		

PLANNING APPLICATION FEES

Reg. Ref. 91.A/1657 Cert. No. 26906

PROPOSAL..... Health Club

LOCATION..... 11 Lugnaquilla Ave

APPLICANT..... George Kenslake

CLASS	DWELLINGS/AREA LENGTH/STRUCT.	RATE	AMT. OF FEE REC.	AMOUNT LODGED	BALANCE DUE	BALANCE PAID
1	Dwellings	@£32				
2	Domestic,	@£16				
3	Agriculture	@50p per m ² in excess of 300m ² . Min. £40				
4	Metres 118.0m	@£1.75 per m ² or £40	£206.50	£206.50		
5	x .1 hect.	@£25 per .1 hect. or £250				
6	x .1 hect.	@£25 per .1 hect. or £40				
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres	@£10 per m ² or £40				
10	x 1,000m	@£25 per £1000m or £40				
11	x .1 hect.	@£5 per .1 hect. or £40				

Column 1 Certified: Signed: *[Signature]* Grade: D/T Date: 22/10/91

Column 1 Endorsed: Signed: Grade: Date:

Columns 2,3,4,5,6 & 7 Certified: Signed: *[Signature]* Grade: S.O Date: 21/10/91

Columns 2,3,4,5,6 & 7 Endorsed: Signed: Grade: Date:

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1987

ASSESSMENT OF FINANCIAL CONTRIBUTION

EC. REF.: 91A/1657

DVT. REF.:

SERVICES INVOLVED: WASTEWATER/FOUL SEWER/SURFACE WATER

REA. OF SITE:

FLOOR AREA OF PROPOSED PROPOSAL:

1270 ^{FT²}

J.Y.
22/10/91.

MEASURED BY:

DELIVER BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT:

ASSESSOR'S OFFICE NO: 2/17
DATE:

ENTERED BY CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

P. 756/92

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

BELGARD

Register Reference : 91A/1657

Date Received : 7th January 1991

Correspondence : George Kerslake,
Name and : 11 Lugnaquilla Avenue,
Address Walkinstown,
Dublin 12.

Development : Retention of Health Club

Location : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : Permission

Zoning : To protect and/or improve residential amenity.

Floor Area : Sq.metres

^{pcS}
(NOB/CM)

Report of the Dublin Planning Officer dated 17th February, 1992.

This is an application for PERMISSION for the retention of a health club at 11, Lugnaquilla Avenue, Walkinstown.

Reg. Ref. SB 771 refers to a decision to grant permission for a domestic garage at this address to the side of an existing detached dwelling.

Reg. Ref. TB 852 refers to a decision to grant permission for a revised garage incorporating a utility room at this address.

Reg. Ref. WA 1786 refers to a decision to grant a temporary permission for 1 year for a health club at this address.

Reg. Ref. YA 739 refers to a decision to refuse permission for first storey extension to the existing health club.

Reg. Ref. YA 931 refers to a decision to refuse permission on appeal for the continued health club use.

Reg. Ref. 88A-1027 refers to a decision to grant permission for a new pitched roof and alterations to the health club. Condition No. 4 of this permission requires the roof space shall be used solely for storage. This development has not been carried out in accordance with the plans approved or condition no. 4. A large gable window has been provided in the front elevation, the roof

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/1657

Page No: 0002

Location: 11 Lugnaquilla Avenue, Walkinstown

lighting is at variance with the plans submitted.

Reg. Ref. 88A-1608 refers to a decision to grant a temporary permission for the retention of a health club use for two years. This permission has now expired.

The health club which it is proposed to retain is located in a two storey pitched roof structure to the side of an existing domestic dwelling. The site is located in an area subject to the zoning objective "to protect and/or improve residential amenity."

A number of temporary permissions have been granted since 1980 with the reason given as "to enable the effects of the developments on the amenities of the area to be reviewed having regard to the conditions then obtaining." The health club is currently operating as a commercial use. The submitted plans do not indicate the new pitched roof. No indication has been given of the number of customers using the extended premises. No off-street car parking has been provided to serve the development and accordingly kerbside parking is generated.

An objection on the grounds of parking problems, and non-residential use is noted.

Roads Department report noted.

Supervising Environmental Health Officer's report not received.

Additional Information was requested from the applicant with regard to the following:-

1. The plans lodged with this application do not correspond with the "as constructed" development on the site. The lodged plans do not provide any detail of the development at first-floor level. The applicant is requested to submit revised plans showing the "as constructed" development on the site.
2. The applicant is requested to submit details of the proposed use of the first-floor extension to the Health Club.
3. The applicant is requested to submit details of any available off-street car parking existing or proposed.

In reply the applicant has submitted a revised plan indicating a pitched roof to the health club but not in accordance with the as constructed situation in that the plans do not indicate a window at first floor level to the front. The applicant in a letter dated 6th January, 1992 indicates that the first floor area is used for storage only but the plans indicate provision for the first

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/1657

Page No: 0003

Location: 11 Lagnaquilla Avenue, Walkinstown

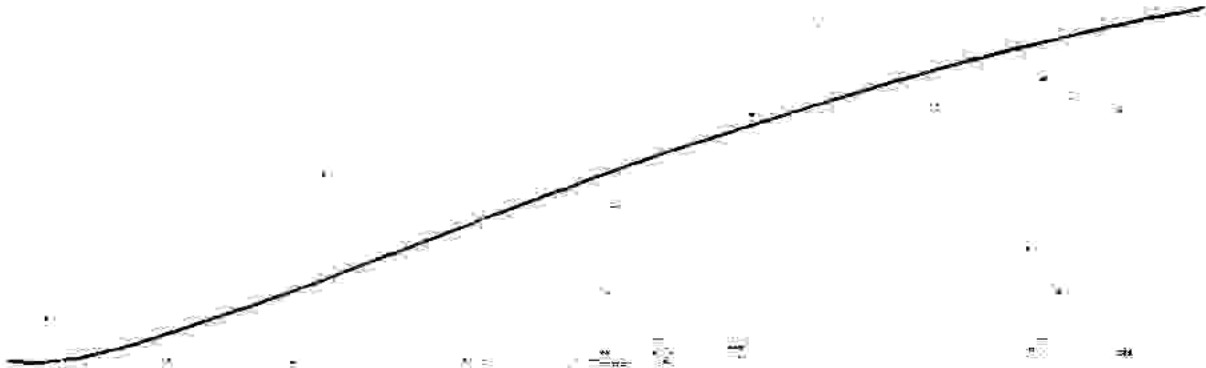
floor area to be used as an open utility area.

No details of any available off-street car parking have been provided.

Roads Department report dated 22nd November, 1991 recommends refusal due to traffic hazard arising from the lack of car parking and proximity to a junction. An objection on the grounds of zoning and traffic parking is noted.

I recommend that a decision to Refuse Permission be made under the Local Government (Planning and Development) Acts, 1963-1990, for the following () reasons:-

REASONS FOR REFUSAL

- 01 The site is located in an area subject to the zoning objective indicated in the County Development Plan, "to protect and or improve residential amenity". The proposed retention would contravene materially this Development Plan objective and would hence be contrary to the proper planning and development of the area.
 - 02 No off-street car parking has been provided to serve the Health Club. The roadside car parking and additional traffic generated by the Health Club endangers public safety by reason of a traffic hazard and interferes with the safety and free flow of traffic on the adjoining roads.
 - 03 The Health Club by reason of its scale, traffic generated, noise and general disturbance is seriously injurious to the residential amenities of adjoining properties.
 - 04 The plans submitted with the application do not correspond with the development as it exists and details submitted with the application are deficient in respect of the uses within the premises, the numbers attending and the hours of business.
- 

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/1657

Page No: 0004

Location: 11 Lugnaquilla Avenue, Walkinstown

G. Boothman ASED
.....
for Dublin Planning Officer

[Signature]
.....
Endorsed:
for Principal Officer

Order: A decision pursuant to section 26(1) of the Local Government (Planning and Development) Acts, 1963-1990 to REFUSE PERMISSION for the above proposal for the (4) reasons set out above is hereby made.

5th March
.....
Dated :
FEBRUARY 1992

[Signature]
.....
ASSISTANT COUNTY MANAGER/~~APPROVED OFFICER~~
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager dated *10th February* 1991.

Niall O'Byrne

Register Reference : 91A/1657

Date : 30th October 1991

Development : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : PERMISSION

Planning Officer : N.O'BYRNE

Date Recd. : 17th October 1991

DUBLIN COUNTY COUNCIL
17 DEC 1991
ENVIRONMENTAL HEALTH
OFFICERS

Attached is a copy of the application for the above development .Your report would be appreciated within the next 28 days.

Yours faithfully,

.....
for PRINCIPAL OFFICER

- THE ABOVE PROPOSAL IS ACCEPTABLE TO THIS OFFICE SUBJECT TO*
- 1 Compliance with THE BUILDING BY-LAWS.*
 - 2 MECHANICAL EXTRACT VENTILATION TO BE PROVIDED IN THE SHOWERS AREA.*

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 02.01.92
Time 3.00

*for Stadenino
John O'Reilly*

SUPER. ENVIRON. HEALTH OFFICER,
33 GARDINER PLACE,
DUBLIN 1.

19/12/91.

*Peter Whelan
19/12/91*

Paul O'Byrne SS & CMO

(P)

Register Reference : 91A/1657

Date : 30th October 1991

Development : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : PERMISSION

Planning Officer : N.O'BYRNE

Date Recd. : 17th October 1991

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date ... 16.12.91
Time ... 4.00

Attached is a copy of the application for the above development .Your report would be appreciated within the next 28 days.

Yours faithfully,

DUBLIN CO. COUNCIL
 SANITARY SERVICES
 for PRINCIPAL OFFICER

Date received in Sanitary Services .. 13 DEC 1991 ..

Returned *Gf*

FOUL SEWER

Available to the existing system, subject to all surface water being disposed of separately to the available surface water system -

SURFACE WATER

No approval should be granted until the applicant can demonstrate that all surface water has been separated out of the foul system

SENIOR ENGINEER,
SANITARY SERVICES DEPARTMENT,
46/49 UPPER O'CONNELL STREET,
DUBLIN 1

Blumhorris
4-12-91

J.R.
5/12/91

Attn: SS & CMO

Register Reference : 91A/1657

Date : 30th October 1991

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 16.12.91
Time 4.00

ENDORSED _____ DATE _____

WATER SUPPLY. Available for zoned use, 24hour storage to be provided. Supply to be metered to commercial premises at owners expense. Refer to C.F.O.

L. J. Spain
20/11/91

J. Hartley A/SEC
21/11/91

ENDORSED [Signature] DATE 9/12/91

p/5556/91

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Register Reference : 91A/1657

Date Received : 17th October 1991

Correspondence : George Kerslake,
Name and : 11 Lugnaquilla Avenue,
Address Walkinstown,
Dublin 12.

Development : Retention of Health Club

Location : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerslake

App. Type : Permission

Zoning : To protect and/or improve residential amenity.

Floor Area : 124 sq.metres

^{not}
(NOB/DK)

Report of the Dublin Planning Officer dated 3rd December, 1991.

This is an application for PERMISSION for the retention of a health club at 11, Lugnaquilla Avenue, Walkinstown.

Reg. Ref. SB 771 refers to a decision to grant permission for a domestic garage at this address to the side of an existing detached dwelling.

Reg. Ref. TB 852 refers to a decision to grant permission for a revised garage incorporating a utility room at this address.

Reg. Ref. WA 1786 refers to a decision to grant a temporary permission for 1 year for a health club at this address.

Reg. Ref. YA 739 refers to a decision to refuse permission for first storey extension to the existing health club.

Reg. Ref. YA 931 refers to a decision to refuse permission on appeal for the continued health club use.

Reg. Ref. 88A-1027 refers to a decision to grant permission for a new pitched roof and alterations to the health club. Condition No. 4 of this permission requires the roof space shall be used solely for storage. This development has not been carried out in accordance with the plans approved or condition no. 4. A large gable window has been provided in the front elevation, the roof lighting is at variance with the plans submitted and ~~the roof space area is in use as an extension to the floor space at the health club.~~

Reg. Ref. 88A-1608 refers to a decision to grant a temporary permission for the retention of a health club use for two years. This permission has now expired.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Retention of Health Club at 11 Lugnaquilla Avenue, Walkinstown for George Kerslake.

The health club which it is proposed to retain is located in a two-storey pitched roof structure to the side of an existing domestic dwelling. The site is located in an area subject to the zoning objective "to protect and/or improve residential amenity".

A number of temporary permissions have been granted since 1980 with the reason given as "to enable the effects of the developments on the amenities of the area to be reviewed having regard to the conditions then obtaining". The health club is currently operating as a commercial use. The submitted plans do not indicate the new pitched roof. No indication has been given of the number of customers using the extended premises. No off-street car parking has been provided to serve the development and accordingly kerbside parking is generated.

An objection on the grounds of parking problems, and non-residential use is noted.

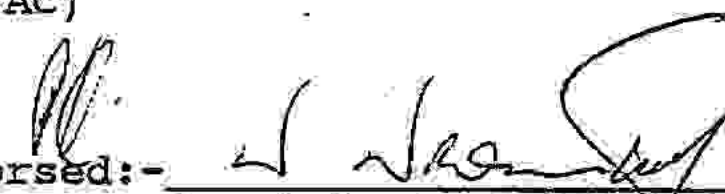
Roads Department report noted.

Supervising Environmental Health Officer's report not received.

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:-

1. The plans lodged with this application do not correspond with the "as constructed" development on the site. The lodged plans do not provide any detail of the development at first-floor level. The applicant is requested to submit revised plans showing the "as constructed" development on the site.
2. The applicant is requested to submit details of the proposed use of the first-floor extension to the Health Club.
3. The applicant is requested to submit details of any available off-street car parking existing or proposed, ~~as required.~~

(NP/AC)

Endorsed: - 
for Principal Officer


For Dublin Planning Officer

Order:- I direct that **ADDITIONAL INFORMATION** be requested from the applicant for planning permission as set out in the above report and that notice thereof be served on the applicant.

Dated: 13th December, 1991.


ASSISTANT COUNTY MANAGER

to whom the appropriate powers have been delegated by Order of the Dublin City and County Manager, dated 10th December 1991.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1657.
DEVELOPMENT: Health Club.
LOCATION: 11 Lugnaquilla Ave.
APPLICANT: G. Kerslake.
DATE LODGED: 17.10.91.

The proposal is for retention of gymnasium in the side garden of an existing house, with a gross floor area of 124 sq. metres. A pedestrian access is proposed onto Lugnaquilla avenue.

The development plan off-street car parking requirement for this development based on function rooms is 31 spaces. No off-street parking is proposed.

Permission should be refused as:-

1. The proposed development by reason of its lack of provision of off-street parking would lead to on-street parking at and near the junction of Lugnaquilla avenue and Glendoo close and thereby endanger public safety by reason of traffic hazard.

(Previous applications on this site have been refused by An Bord Pleanala (Reg. Ref: YA/931) Roads have consistently recommended refusal. However, permissions have been granted on Section 4 motions).

GC/BMCC
22.11.91.



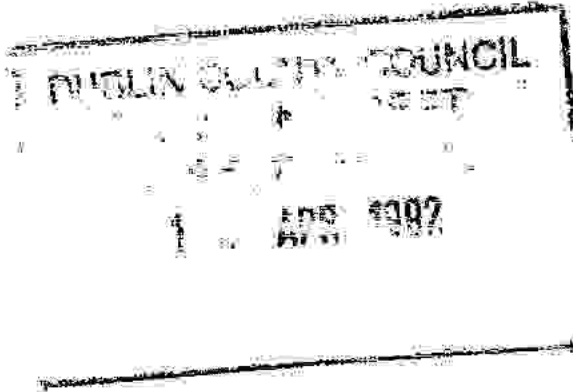
SIGNED: Garnett Curran
DATE: 22/11/91

ENDORSED: E. W. Adde
DATE: 22nd Nov '91

Our Ref: PL 6/5/88455
P.A. Reg. Ref: 91A/1657

E.D.H.

Pheney



The Secretary,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

Date: 10th April 1992.

Appeal re: Retention of Health Club at 11
Lugnaquilla Avenue, Walkinstown, County Dublin.

Dear Sir/Madam,

Enclosed for your information is a copy of a letter
issued in relation to the above-mentioned appeal.

Yours faithfully,

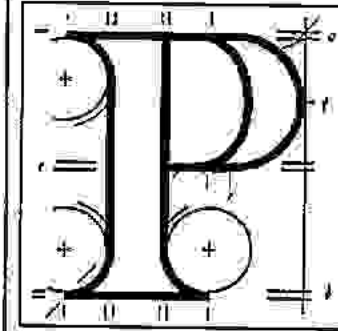
Suzanne Lacey
Suzanne Lacey



Encl.

BP 554

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel(01)728011

Our Ref: PL 6/5/88455
P.A. Reg. Ref: 91A/1657

George Kerslake,
11 Lugnaquilla Avenue,
Greenpark,
Walkinstown,
Dublin 12.

Date 10th April 1992.

Planning authority decision re: proposed retention
of Health Club at 11 Lugnaquilla Avenue,
Walkinstown, County Dublin.

Dear Sir,


An Bord Pleanála has received your letter dated the
7th of April, 1992 appealing under the Local
Government (Planning and Development) Acts, 1963 to
1990, against the above-mentioned decision.

The Local Government (Planning and Development)
Acts, 1963 to 1990, provide that an applicant may
appeal against a decision of a planning authority
within one month beginning on the day of receipt by
him of the decision. To be in time, an appeal must
be either in the post or be delivered by hand within
that period and, even if it is in the post within
the period, it must be received not later than the
third day after the end of that period.

In this case the decision of the planning authority
was made on the 5th of March, 1992, their
notification to you was dated the 5th of March,
1992, and it is assumed that it was received by you
on the 6th of March, 1992. To have been in time your
appeal should have been posted or delivered by hand
not later than the 5th of April, 1992. However, your
appeal was delivered by hand on the 8th of April,
1992 and appears, therefore, to be invalid as not
being in time.

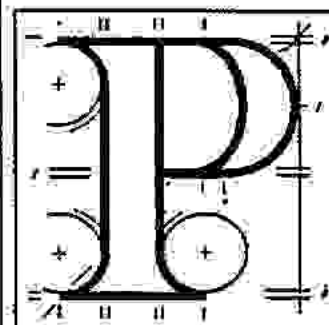
If, however, evidence to the contrary can be
produced, the matter will be reconsidered. If no
such evidence is received within twenty-one days,
the Board will regard the appeal as invalid and
return the fee lodged by you. A receipt for the fee
is enclosed.

Yours faithfully,


Kevin Carleton
Executive Officer

Encl.
BP 052

An Bord Pleanála



Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011



Bloc 2, Ionad Bheatha na hEireann,
Bloc 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone (01) 724755
Fax (01) 724896

NOTIFICATION OF DECISION TO REFUSE PERMISSION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963-1990.

Decision Order Number : P/ 0756 /92 Date of Decision : 5th March 1992
Register Reference : 91A/1657 Date Received : 7th January 1991
Applicant : George Kerlake
Development : Retention of Health Club
Location : 11 Lugnaquilla Avenue, Walkinstown
Floor Area : Sq.Metres

Time Extension(s) up to and including :

Additional Information Requested/Received :131291//070191

In pursuance of its functions under the above mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to REFUSE PERMISSION in respect of the above proposal.

For the Reasons set out on the attached Numbered Pages.

NUMBER OF REASONS:-4...ATTACHED.

Signed on behalf of the Dublin County Council... *Rose Kerlake* ...
for Principal Officer

Date: ...5.3.92...

George Kerlake,
11 Lugnaquilla Avenue,
Walkinstown,
Dublin 12.

NOTES

1. An appeal against the decision may be made to an Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty one days beginning on the date of this decision.

2. An appeal shall be in writing and shall state the subject matter and grounds of appeal. It should be addressed to:—

An Bord Pleanala,
Blocks 6 and 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

3. An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by the prescribed fee.

(a) An appeal against a decision relating to commercial development by the person by whom the application was made must be accompanied by a fee of £100 (one hundred Pounds).

"Commercial Development" means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

(b) An appeal other than an appeal mentioned at (a) above, including third party appeal must be accompanied by a fee of £50 (fifty pounds).

(c) A party to an appeal making a request to An Bord Pleanana for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanana a fee of £50 (fifty pounds).

(d) A person who is not a party to an appeal must pay a fee of £15 (fifteen pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

4. If the Council makes a decision to grant permission / approval and there is no appeal to An Bord Pleanala against this decision, PERMISSION / APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION / APPROVAL after the withdrawal.

5. Approval of the Council under the Building Bye-Laws must be obtained for new work and the terms of the approval must be complied with in the carrying out of the work before any development which may be permitted is commenced. Approval under the Building Bye-Laws is not applicable to garden walls and entrances etc. Approval under the Building Bye-Laws cannot be obtained in cases involving retention of works previously carried out.

Reg.Ref. 91A/1657
Decision Order No. P/ 0756 /91
Page No: 0002



Bloc 2, Ionad Bheatha na hEireann,
Bloc 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone (01) 724755
Fax (01) 724896

REASONS FOR REFUSAL

- 01 The site is located in an area subject to the zoning objective indicated in the County Development Plan, "to protect and or improve residential amenity". The proposed retention would contravene materially this Development Plan objective and would hence be contrary to the proper planning and development of the area.
- 02 No off-street car parking has been provided to serve the Health Club. The roadside car parking and additional traffic generated by the Health Club endangers public safety by reason of a traffic hazard and interferes with the safety and free flow of traffic on the adjoining roads.
- 03 The Health Club by reason of its scale, traffic generated, noise and general disturbance is seriously injurious to the residential amenities of adjoining properties.
- 04 The plans submitted with the application do not correspond with the development as it exists and details submitted with the application are deficient in respect of the uses within the premises, the numbers attending and the hours of business.

NOTES

1. An appeal against the decision may be made to an Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty one days beginning on the date of this decision.

2. An appeal shall be in writing and shall state the subject matter and grounds of appeal. It should be addressed to:—

An Bord Pleanala,
Blocks 6 and 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

3. An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by the prescribed fee.

(a) An appeal against a decision relating to commercial development by the person by whom the application was made must be accompanied by a fee of £100 (one hundred Pounds).

"Commercial Development" means development for the purposes of any professional, commercial or industrial undertaking, development in connection with the provision for reward of services to persons or undertakings, or development consisting of the provision of two or more dwellings, but does not include development for the purposes of agriculture.

(b) An appeal other than an appeal mentioned at (a) above, including third party appeal must be accompanied by a fee of £50 (fifty pounds).

(c) A party to an appeal making a request to An Bord Pleanana for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanana a fee of £50 (fifty pounds).

(d) A person who is not a party to an appeal must pay a fee of £15 (fifteen pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

4. If the Council makes a decision to grant permission / approval and there is no appeal to An Bord Pleanala against this decision, PERMISSION / APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION / APPROVAL after the withdrawal.

5. Approval of the Council under the Building Bye-Laws must be obtained for new work and the terms of the approval must be complied with in the carrying out of the work before any development which may be permitted is commenced. Approval under the Building Bye-Laws is not applicable to garden walls and entrances etc. Approval under the Building Bye-Laws cannot be obtained in cases involving retention of works previously carried out.

Building Control Department,
Liffey House,
Tara Street,
Dublin 1.
Telephone: 773066



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1,
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1657

Date : 8th January 1992

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

Dear Sir/Madam,

DEVELOPMENT : Retention of Health Club
LOCATION : 11 Lugnaquilla Avenue, Walkinstown
APPLICANT : George Kerslake
APP. TYPE : Additional Information

With reference to the above, I acknowledge receipt of additional information received on 7th January 1991.

Yours faithfully,

.....
for PRINCIPAL OFFICER

George Kerslake,
11 Lugnaquilla Avenue,
Walkinstown,
Dublin 12.

91A/1657

1.2.0

A.1



11 Lagnaquilla Ave.,
Greenpark,
Kilbinstown,
DUBLIN 12.

Planning Section.
Dublin County Council.
Block 2, Irish Life Centre,
Lower Abbey Street,
DUBLIN 1.

7th January 1992.

RE: ADDITIONAL INFORMATION FOR RETENIION OF HEALTH CLUB.

REGISTER REFERENCE: 91A/1657.

Dear Sir/Madam,

I enclose two sets of plans as requested by the Inspector for the County Council.

A Window has been put in the Front Gable of the Building in Lou of Three Roof Lights, as there are over a dozen Roof Lights shown on the original plans which are optional. Three Roof Lights have been put on the outside of the Roof for security reasons as there is a Flat Roof next to the New Roof and it is very easy to gain entry into the Building. The Top part of the Building is being used as a Storage Area only.

The Health Club has been established for the last ten years.

Yours faithfully,


George Karalaka.

Geroge Kerslake,
11 Lugnaquilla Avenue,
Walkinstown,
Dublin 12.

Reg. Ref. No. 91A/1657

13 December 1991

Re: Permission for retention of Health Club at 11
Lugnaquilla Ave., Walkinstown.

Dear Sir,

With reference to your planning application, received here on 17th October, 1991, in connection with the above, I wish to inform you, that before the application can be considered under the Local Government (Planning and Development) Acts, 1963-1990, the following additional information must be submitted in quadruplicate:-

1. The plans lodged with this application do not correspond with the "as constructed" development on the site. The lodged plans do not provide any detail of the development at first-floor level. The applicant is requested to submit revised plans showing the "as constructed" development on the site.
2. The applicant is requested to submit details of the proposed use of the first-floor extension to the Health Club.
3. The applicant is requested to submit details of any available off-street car parking existing or proposed.

Please mark your reply "Additional Information" and quote the Reg. Ref. No. given above.

Yours faithfully,


for Principal Officer.

George Kerslake.
11 Lugnaquilla Ave
Greenpark
Walthamstow.

Ref No: 91A/1657

D. 12.
13/11/91

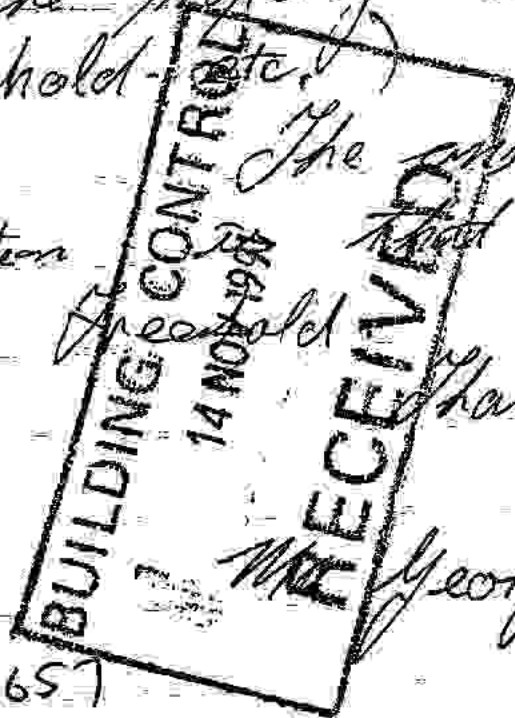
Dear Sir / Madam.

In referring to my Application
in Retention of Health Club
at address above - You asked
if the property was leasehold or
Freehold etc.

The answer to your
question is that the property
is Freehold.

Thank You.

George Kerslake.



91A/1657
1.0.0

Building Control Department,
Liffey House,
Tara Street,
Dublin 1.
Telephone: 773066



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1657

Date : 18th October 1991

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990

Dear Sir/Madam,

DEVELOPMENT : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

APPLICANT : George Kerslake

APP. TYPE : PERMISSION

With reference to the above, I acknowledge receipt of your application received on 17th October 1991.

Yours faithfully,

.....
for PRINCIPAL OFFICER.

George Kerslake,
11 Lugnaquilla Avenue,
Walkinstown,
Dublin 12.



Bloc 2, Ionad Bheatha na hEireann,
Block 2, Irish Life Centre,
Sraid na Mainistreach Iacht,
Lower Abbey Street,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1657

Date : 18th October 1991

Dear Sir/Madam,

Development : Retention of Health Club

LOCATION : 11 Lugnaquilla Avenue, Walkinstown

Applicant : George Kerlake

App. Type : PERMISSION

Date recd. : 17th October 1991

I refer to your planning application in connection with the above.
You have omitted to state your/your client's legal interest in this
property, (i.e. whether freehold, leasehold etc.).

This information is required to comply with Article 17 of the Local
Government (Planning and Development) Regulations 1977.

Please submit this information at your earliest convenience.

Yours faithfully,

.....
for PRINCIPAL OFFICER

George Kerlake,
11 Lugnaquilla Avenue,
Walkinstown,
Dublin 12.



PLEASE READ INSTRUCTIONS AT BACK BEFORE COMPLETING FORM. ALL QUESTIONS MUST BE ANSWERED.

1. Application for Permission Outline Permission Approval Place / in appropriate box.
Approval should be sought only where an outline permission was previously granted. Outline permission may not be sought for the retention of structures or continuances of uses.

2. Postal address of site or building 11 Lagnaquilla Ave
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent) George Kerlake

Address 11 Lagnaquilla Ave, Greenpark Walkinstown Tel. No 512963

4. Name and address of person or firm responsible for preparation of drawings
Tel. No

5. Name and address to which notifications should be sent George Kerlake

11 Lagnaquilla Ave, Greenpark Walkinstown - DUBLIN 12

6. Brief description of proposed development Health Club

7. Method of drainage

8. Source of Water Supply

9. In the case of any building or buildings to be retained on site, please state:-

(a) Present use of each floor or use when last used EXERCISE

(b) Proposed use of each floor

10. Does the proposal involve demolition, partial demolition or change of use of any habitable house or part thereof? N/A

11. (a) Area of Site 1.1005 Block Plan 1,2500 Site 540m² Sq. m.

(b) Floor area of proposed development 124 Sq. Metres Sq. m.

(c) Floor area of buildings proposed to be retained within site as above Sq. m.

12. State applicant's legal interest or estate in site (i.e. freehold, leasehold, etc.)

13. Are you now applying also for an approval under the Building Bye Laws? Yes No Place / in appropriate box.

14. Please state the extent to which the Draft Building Regulations have been taken in account in your proposals

RECEIVED
17 OCT 1991
Reg. Sec.

15. List of documents enclosed with application PLANS FOR Retention

DUBLIN COUNTY COUNCIL
I wish to apply for the retention of Health Club at No 11 Lagnaquilla Ave., Walkinstown, Dublin 12. Signed George Kerlake.

Location Plan & Newspaper Notice

16. Gross floor space of proposed development (See back) Sq. m.

No of dwellings proposed (if any) Class(es) of Development

Fee Payable £ Basis of Calculation

Signature of Applicant (or his Agent) George Kerlake Date 17/10/91

Application Type Retention FOR OFFICE USE ONLY

Register Reference 11A 11A 2 91A 1657

Amount Received £ 12000 1-4-0

Receipt No 22-1

Date 22-1

Irish Times 9/10/91

20550 17/10
150915

17/10

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 1977 to 1984.

Outline of requirements for applications for permission or Approval under the Local Government (Planning & Development) Acts 1963 to 1983. The Planning Acts and Regulations made thereunder may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2.

1. Name and Address of applicant.
2. Particulars of the interest held in the land or structure, i.e. whether freehold, leasehold, etc.
3. The page of a newspaper, circulating in the area in which the land or structure is situate, containing the required statutory notice. The newspaper advertisement should state after the heading Co. Dublin.
 - (a) The address of the structure or the location of the land.
 - (b) The nature and extent of the development proposed. If retention of development is involved, the notice should be worded accordingly. Any demolition of habitable accommodation should be indicated.
 - (c) The name of the applicant.

NB. Applications must be received within 2 weeks from date of publication of the notice.
4. Four (4) sets of drawings to a stated scale must be submitted. Each set to include a layout or block plan, proposed and existing services to be shown on this drawing, location map, and drawings of relevant floor plans, elevations, sections, details of type and location of septic tank (if applicable) and such other particulars as are necessary to identify the land and to describe the works or structure to which the application relates (new work to be coloured or otherwise distinguished from any retained structures). Buildings, roads, boundaries and other features bounding the structure or other land to which the application relates shall be shown on site plans or layout plans. The location map should be of scale not less than 1: 2500 and should indicate the north point. The site of the proposed development must be outlined in red. Plans and drawings should indicate the name and address of the person by whom they were prepared. Any adjoining lands in which the applicant has an interest must be outlined in blue.
5. In the case of a proposed change of use of any structure or land, requirements in addition to 1, 2, & 3 are:
 - (a) a statement of the existing use and the proposed use, or, where appropriate, the former use and the use proposed.
 - (b) (i) Four (4) sets of the drawings to a stated scale must be submitted. Each set to consist of a plan or location map (marked or coloured in red so as to identify the structure or land to which the application relates) to a scale of not less than 1:2500 and to indicate the North point. Any adjoining lands in which the application has an interest must be outlined in blue.
 - (ii) A layout and a survey plan of each floor of any structure to which the application relates.
 - (c) Plans and drawings should indicate the name and address of the person by whom they were prepared.
6. Applications should be addressed to: Dublin County Council, Planning Department, Irish Life Centre, Lr. Abbey Street, Dublin 1, Tel. 724755.

SEPTIC TANK DRAINAGE: Where drainage by means of a septic tank is proposed, before a planning application is considered, the applicant may be required to arrange for a trial hole to be inspected and declared suitable for the satisfactory percolation of septic tank effluent. The trial hole to be dug seven feet deep at or about the site of the septic tank. Septic tanks are to be in accordance with I.I.R.S. S.R. 6:75.

INDUSTRIAL DEVELOPMENT:

The proposed use of an industrial premises should, where possible, be stated together with the estimated number of employees, (male and female). Details of trade effluents, if any, should be submitted.

Applicants to comply in full with the requirements of the Local Government (Water Pollution) Act, 1977 in particular the licencing provisions of Sections 4 and 16.

PLANNING APPLICATIONS

CLASS NO.	DESCRIPTION	FEE
1.	Provision of dwelling — House/Flat.	£32.00 each
2.	Domestic extensions/other improvements.	£16.00
3.	Provision of agricultural buildings (See Regs.)	£40.00 minimum
4.	Other buildings (i.e. offices, commercial, etc.)	£1.75 per sq. metre (Min. £40.00)
5.	Use of land (Mining, deposit or waste)	£25.00 per 0.1 ha (Min. £250.00)
6.	Use of land (Camping, parking, storage)	£25.00 per 0.1 ha (Min. £40.00)
7.	Provision of plant/machinery/tank or other structure for storage purposes.	£25.00 per 0.1 ha (Min. £100.00)
8.	Petrol Filling Station.	£100.00
9.	Advertising Structures.	£10.00 per m ² (min £40.00)
10.	Electricity transmission lines.	£25.00 per 1,000m (Min. £40.00)
11.	Any other development.	£5.00 per 0.1 ha (Min. £40.00)

BUILDING BYE-LAW APPLICATIONS

CLASS NO.	DESCRIPTION	FEE
A	Dwelling (House/Flat)	£55.00 each
B	Domestic Extension (improvement/alteration)	£30.00 each
C	Building — Office/Commercial Purposes	£3.50 per m ² (min. £70.00)
D	Agricultural Buildings/Structures	£1.00 per m ² in excess of 300 sq. metres (min. - £70.00) (Max. - £300.00)
E	Petrol Filling Station	£200.00
F	Development or Proposals not coming within any of the foregoing classes.	£9.00 per 0.1 ha (£70.00 min.)
		Min. Fee £30.00 Max. Fee £20,000

Cheques etc. should be made payable to: Dublin County Council.

Gross Floor space is to be taken as the total floor space on each floor measured from the inside of the external walls. For full details of Fees and Exemptions see Local Government (Planning and Development) (Fees) Regulations 1984.

COMAIRLE CHONTAE ÁTHA CLIATH

DUBLIN COUNTY COUNCIL

46/49 UPPER O'CONNELL STREET,
DUBLIN 1.

Issue of this receipt is not a
acknowledgement that the fee
tendered is the prescribed application
fee. N-50915

PAID BY

CASH

CHEQUE

M.O.

B.L.

I.T.

£ 206.50

Received this

17th day of October

1991

from Gtm Kerlake

the sum of two hundred and six

Pounds

fifty

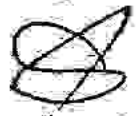
Pence, being

66

planning application at 11 Lignaquilla Avenue

Michael O'Hara

Cashier



S. CAREY
Principal Officer

Class
4

17/10/91

George Kerlake
11 Lignagulla AVE
Greenpark Walkinstown 12

Applying to Retention Health Club
at above Address -

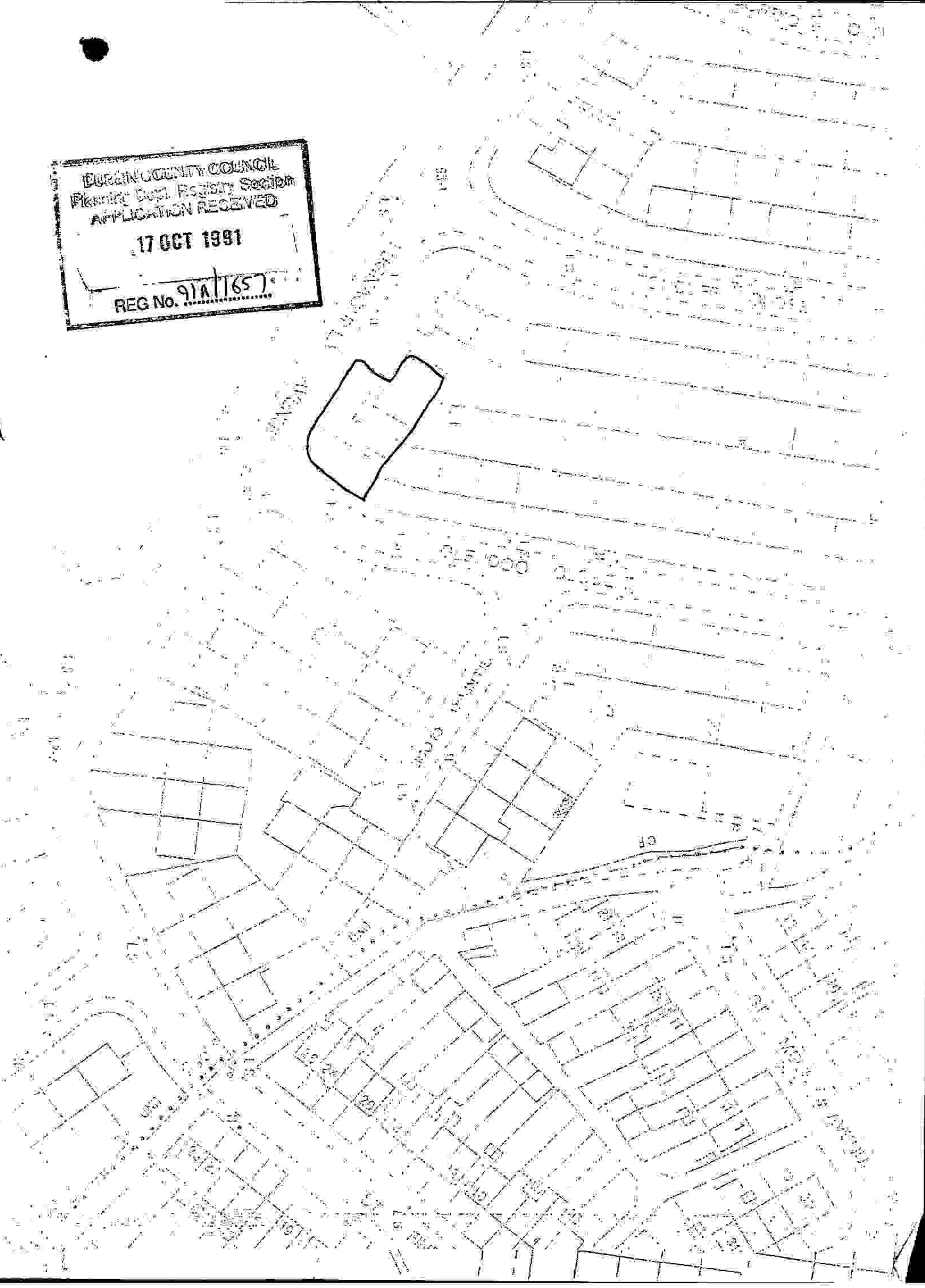
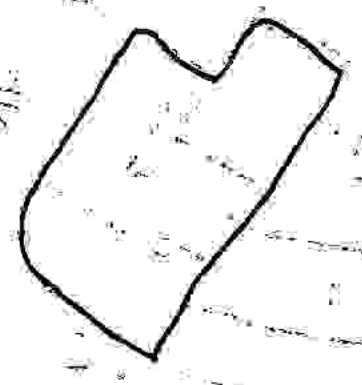
Cheque No. 90-03-75

£ 206.50

DUBLIN COUNTY COUNCIL
Planning Dept. Registry Section
APPLICATION RECEIVED
17 OCT 1991
9115/1657
REG NO.
Reg No. ZA 1692

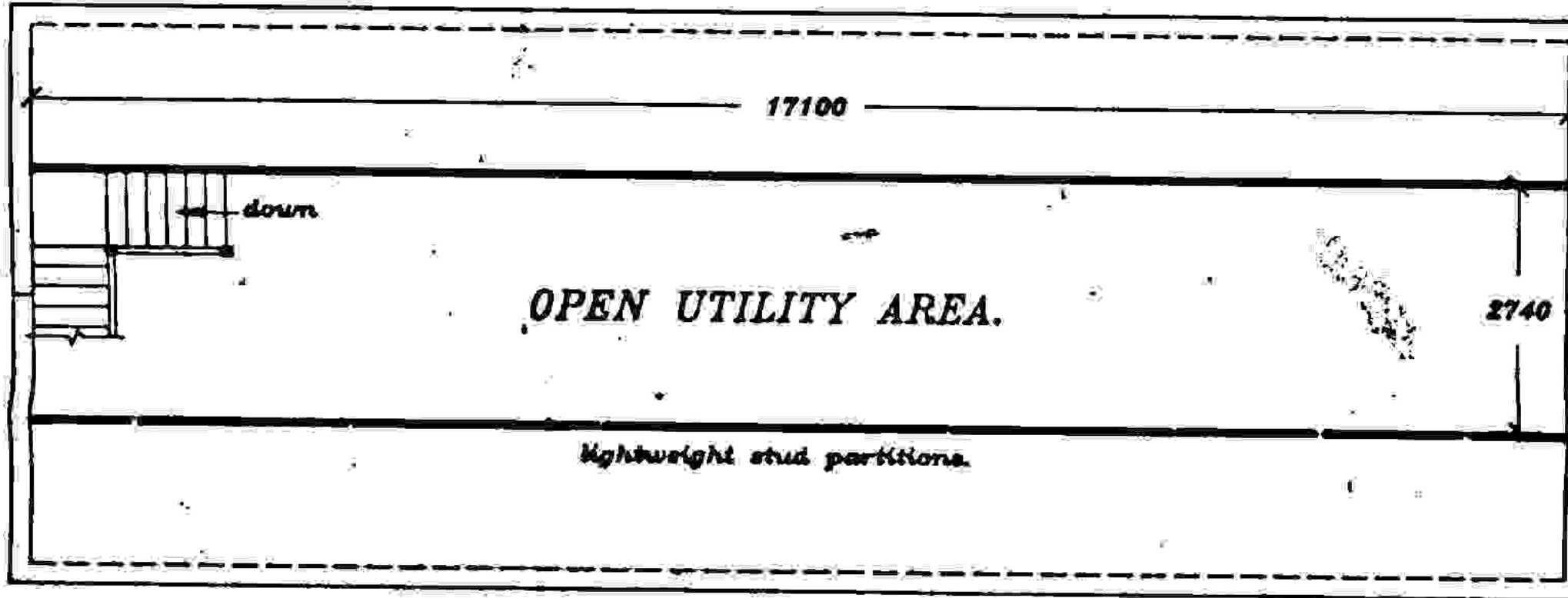
George Kerlake

DURHAM COUNTY COUNCIL
Planning Dept. Registry Section
APPLICATION RECEIVED
17 OCT 1981
REG No. 91A/1657

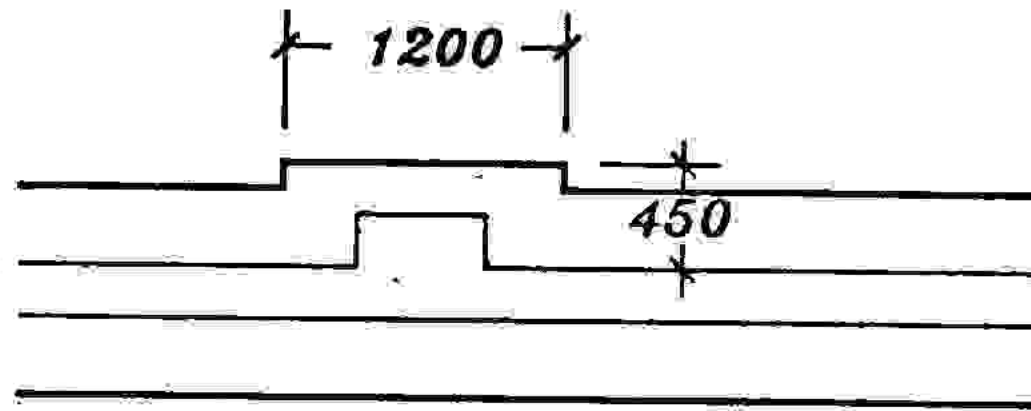


FIRST FLOOR PLAN scale 1 : 100.

225mm
hollow
block work.



ROOF PLAN scale 1 : 100.



**FOUNDATION PLAN FOR PIER
scale 1 : 50.**

1/2" DIA. 20' RADIUS
SINKER, WITHIN 10' OF EXISTING
BRICK FOUNDATION 10' 9" IN HEIGHT.

EXISTING
OUTFALL #1

TO SW
SEWER

PLAN