

M. G.

DUBLIN COUNTY COUNCIL

REG. REF:

91A/656.

LOCATION:

St. Teresa's, Ballydowd, Lucan.

APPLICANT:

Mr & Mrs Barrett.

PROPOSAL:

Vehicular entrance.

DATE LODGED:

23.4.91.

The site fronts onto a slip lane on the west bound section of the Lucan By Pass (National Primary Route), which is a heavily trafficked high speed route. The slip lane serves an adjoining filling station and pub.

Condition 6 of ZA/523 which was granted on the site to the west stated that "one vehicular access only be provided onto the National & Primary Route to serve the existing house to the east, the proposed house and the lorry park."

Condition 7 of ZA/523 requiring future access to the south only is no longer possible.

Roads are opposed to a multiplicity of access and turning points on this road on grounds of safety. Some driver confusion may also arise at this location due to proximity of filling station and pub. It is also Council policy to restrict frontal development on National Primary Routes.

Permission should be refused as the proposal would endanger public safety by reason of a traffic hazard, and would contravene Condition 6 of ZA/523.

Note: See other current application 91A/657.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
 Date 22-05-91
 Time 12-45

TR/BMcC
22.5.91.

SIGNED:

James Pope

ENDORSED:

G. B. Smith

DATE:

24/5/91

DATE:

22/5/91

1 July '91.

Dear Mr Mc Manus, - I wish to
 withdraw my name from notices
 of resolutions pursuant to sec. 4 of
 the City & County Management Amendment
 Act 1955 served on 26th & 28th June
 in regard to planning application
 91 A. 0657 / 91A 0651 / 91A 0656

Yours sincerely
 Finbar Finnelan



MH

We the members of Dublin County Council having considered only the proper planning and development of the area and being of the opinion that the proposed development is consistent with the proper planning and and development of the area hereby require and direct pursuant to Section 4 of the City and County Management (Amendment) Act 1955, the Dublin City and County Manager, or any Assistant Manager having delegated powers, to make a decision to grant planning permission in accordance with Section 26 (one) of the Local Government (Planning and Bevelopment) Act 1963 in respect of application 91a/0651 for planning permission for a new vehicular entrance at St. Theresas Ballydown, Lucan for Mr. & Mrs. Barrett.

BALLYDOWN

ref
H. Conway
102
Timothy Handa

SECRETARIAT
26 JUN 1991

FILE DISCUSSED AT COUNCIL/COMMITTEE MEETING

FILE REF: 91A 656 + 657

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
<p>BELGARD H + P <u>28-5-91</u> <u> </u> <u> </u></p>	<p>Clks Fleming + F. Harrahan Recommended permission due to history of site + Palmerston By Pass Applicants have one entrance to two houses + a large park. Due to change in layout of estate at rear no access now through that. This would only cause two more cars to access onto N4 Beside a Pub where lots of cars access N4.</p>		

LOCATION GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

REG. REF.:

CONT. REG.:

SERVICES INVOLVED: WATER/FOUL SEWER, SURFACE WATER

AREA OF SITE:

FLOOR AREA OF PRESENT PROPOSAL:

MEASURED BY:

CHECKED BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

MANAGER'S ORDERED NO: R/ /
DATED

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

55/86765

P/0959/92

FINANCIAL
CONTRIBUTION :-
AMOUNT & NIL
F/ REFUSAL

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/656

APPEAL by T. Barrett care of Niall Phelan of 11 The Willows, Castletown, Celbridge, County Kildare against the decision made on the 7th day of August, 1991 by the Council of the County of Dublin to refuse permission for the retention of two vehicular entrances onto the Lucan By-pass at "Santa Maria", Ballydowd, Lucan, County Dublin.

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the retention of the said entrances for the reasons set out in the Schedule hereto.

SCHEDULE

1. It is considered that the vehicle movements generated by the entrances onto and off the heavily trafficked national primary route (the Lucan By-pass) along which the site is located would endanger public safety by reason of traffic hazard and that the retention of the entrances would, accordingly, be contrary to the proper planning and development of the area.
2. The retention of the entrances would contravene materially condition number 6 attached to the permission granted by Dublin County Council under planning register reference number ZA.523.

John Dwyer

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

Dated this 30th day of *January* 1992.

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/656

Order Noted:	<i>L.D.</i>
Date:	<i>FEB - 92</i>
to whom the <i>ASST. COUNTY MANAGER</i> have been delegated by order of the Dublin C. <i>Manager</i>	
Dated	<i>10th</i> day of <i>FEBRUARY</i> 19 <i>92</i>

DECISIONS

APPEALS CHECK LIST

REG. REF. NO. 91A/656

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN PLANAPS: I.E.:	
	Appeal Decision: R.P.	/
	Appeal Date: 30/1/92	/
5	COPY OF DECISION FOR WEEKLY LIST (LAURA/MARY)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	No
7	TO L. DOYLE FOR NOTING	✓

CHANGE STATUS IN PLANAPS:

REFUSAL:.....55
 GRANT:.....62
 WITHDRAWN:.....54
 CONDITIONS:.....53

P/2712/PJ
5/3708/91

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Register Reference : 91A/0656

Date Received : 23rd April 1991

Correspondence : Niall Phelan,
Name and : 11 The Willows,
Address : Castletown,
Celbridge,
Co. Kildare.

Development : Retention of 2 no. vehicular entrances to dwelling off
the Lucan Bypass.

Location : Santa Maria, Ballydowd, Lucan.

Applicant : Mrs Barrett

App. Type : Permission

Zoning : A

(MG/AC)

Report of the Dublin Planning Officer dated 11 June 1991.

This is an application for PERMISSION for the retention of 2 no. vehicular entrances to a dwelling off the Lucan By-Pass at Santa Maria, Ballydowd, Lucan, Co. Dublin for Mrs. Barrett.

The proposed site fronts onto a slip lane on the westbound side of the Lucan By-Pass, to the east of Lucan Villlage. It adjoins an existing lorry park and bungalow site to the west.

PLANNING HISTORY

Reg. Ref. No. YA.740 refers to a refusal of permission by both the County Council and An Bord Pleanala for a dormer bungalow on the adjoining site to the west.

Reg. Ref. No. ZA.523 refers to a grant of planning permission for a lorry park and bungalow on abovementioned adjoining site. The applicant in that instance was J. Barrett. Under this application the applicant was requested by additional information to clarify whether a shared access arrangement could be reached with the adjoining house (i.e. the site of the current application). In response the applicants submitted a proposal which provides for a single vehicular access to serve the existing house and the proposed lorry park and bungalow. Lodged plans identified an access to the north-west of the lorry park site which incorporated the westernmost entrance to the adjoining house "Santa Maria". Drawings also indicated 2 no. pedestrian entrances onto the Lucan Road to serve each of the houses.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg. Ref: 91A/0656

Page No: 0002

Location: Santa Maria, Ballydowd, Lucan.

Condition No. 6 of the grant of permission under Reg. Ref. No. ZA.523 stated: "That only one vehicular access be provided onto the national primary route to serve the existing house to the east, the proposed house and the lorry park".

Condition No. 7 of this grant of permission stated:

"That provision be made to provide permanent access to the site from the south when the Ballydowd area is developed. When alternative access is available from the south access onto the National Primary Route is to be closed".

The area to the rear (south) has been developed and access is not available from this location.

There is a current application under Reg. Ref. No. 91A/657 to form a new vehicular entrance to dwelling off the Lucan By-Pass at St. Theresa's Ballydowd, Lucan for Mr. & Mrs. Barrett, i.e. the bungalow granted planning permission under Reg. Ref. No. ZA.523. A decision of this application is pending.

The proposed site was inspected on 05.06.91. There are 2 existing entrance gates to Santa Maria off the Lucan Road. The pavement is dished at both locations. Vehicular access is available via the existing lorry park to the rear of Santa Maria. A separate entrance has been formed into this lorry park i.e. to the west of that granted permission under Reg. Ref. No. ZA.523. Vehicular access is also available through the lorry park to the adjoining house to the west.

Correspondence submitted with the application states that the existing gates have been used regularly. This letter also states that the access arrangement conditioned under Reg. Ref. No. ZA.523 is totally dependent on the goodwill of the owner of the lorry park and should ownership of the lorry park change the ~~arrangement may be left with no vehicular access to the house.~~

The Roads Department report states that the site fronts onto a slip lane on the west bound section of the Lucan By-Pass (National Primary Route), which is a heavily trafficked high speed route. The slip lane serves an adjoining filling station and pub. Roads Department are opposed to a multiplicity of access and turning points on this road on grounds of safety. This report states that some driver confusion may also arise at this location due to proximity of filling station and pub. It is also Council policy to restrict frontal development on National Primary Routes. This report states that permission should be refused as the proposal would endanger public safety by reason of a traffic hazard, and would contravene Condition No. 6 of Reg. Ref.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/0656

Page No: 0003

Location: Santa Maria, Ballydowd, Lucan.

ZA.523.

The Development Department report states that there is nothing in the agreed terms in relation to the entrances to "Santa Maria" or "St. Theresa's" as now proposed.

The proposed development is considered unacceptable. The grant of permission for development of the adjoining sites to the west was dependent on only one vehicular access being provided onto the Lucan dual carriageway in compliance with Council policy which seeks "to protect national routes from frontage access (Para.2.15.1)". In fact, by the inclusion of condition no. 7 it is clear that the Planning Authority envisaged the elimination of access onto the Lucan Road at this point. While it is noted that this cannot be achieved it is considered that a proliferation of entrances should be avoided at this location.

I recommend that a decision to REFUSE PERMISSION be made under the Local Government (Planning and Development Acts) 1963-1990, for the following (7) reasons:

REASONS FOR REFUSAL

- 01 The proposed development which involves the retention of 2 no. vehicular entrances is considered unacceptable. The proposed site fronts onto a heavily trafficked National Primary Route, the Lucan By-Pass and the resultant movement of vehicles into and out of the site would endanger public safety by reason of a traffic hazard.
- 02 The proposed development would contribute to a proliferation of vehicular entrances onto a National Primary Route is contrary to Council policy which states that "National and Regional routes will be fully protected from frontage access and will have a minimum number of junctions" (Para. 2.15.1) and as such would be contrary to the proper planning and development of the area.
- 03 The proposed development would contravene materially a condition of a ~~previous~~ permission, i.e. Condition No. 6 of Order No. P/3717/84, dated 13 December, 1984 and would, therefore, be contrary to the proper planning and development of the area.

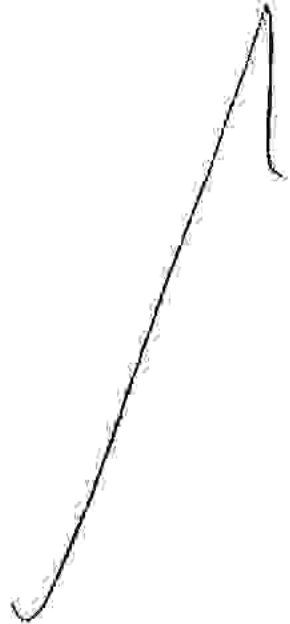
COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/0656

Page No: 0004

Location: Santa Maria, Ballydowd, Lucan.



Sm

M. Hendry
.....
for Dublin Planning Officer

M. J. Hanley
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 (3) reasons set out above is hereby made.

Dated : *7/8/91* ~~June 1991~~ *E. J. Hanley*
ASSISTANT CITY AND COUNTY MANAGER *Approved Official*

to whom the appropriate powers have been delegated by order of the Dublin City and County Manager dated 26th April, 1991.

~~19th June 1991~~
6th August 1991

M.C.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/656.

LOCATION: St. Teresa's, Ballydowd, Lucan.

APPLICANT: Mr & Mrs Barrett.

PROPOSAL: Vehicular entrance.

DATE LODGED: 23.4.91.

The site fronts onto a slip lane on the west bound section of the Lucan By Pass (National Primary Route), which is a heavily trafficked high speed route. The slip lane serves an adjoining filling station and pub.

Condition 6 of ZA/523 which was granted on the site to the west stated that "one vehicular access only be provided onto the National & Primary Route to serve the existing house to the east, the proposed house and the lorry park."

Condition 7 of ZA/523 requiring future access to the south only is no longer possible.

Roads are opposed to a multiplicity of access and turning points on this road on grounds of safety. Some driver confusion may also arise at this location due to proximity of filling station and pub. It is also Council policy to restrict frontal development on National Primary Routes.

Permission should be refused as the proposal would endanger public safety by reason of a traffic hazard, and would contravene Condition 6 of ZA/523.

Note: See other current application 91A/657.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
 Date 23.05.91
 Time 3.50

TR/BMcC
22.5.91.

SIGNED: *James Hayes*
 DATE: 24/5/91

ENDORSED: *G.P. Smith*
 DATE: 22/5/91

M.B.



P.O. Box 174
Bosca 174,
2/3 Cearnog Parnell,
2/3 Parnell Square,
Baile Atha Cliath 1.
Dublin 1.
Telephone. (01)727777
Fax. (01)727247

*Com m' fion
leach full
Rohmen
Her
4/6*

Mr. Pat Kenny,
Administrative Officer,
Planning.

Our Ref. CA.97/80A
Your Ref.
Date 29th May, 1991.

Re: Planning Applications - Reg. Ref. 91A/656 and 91A/657
Ballydowd, Lucan.

I refer to attached applications which you forwarded for observations.

The files in relation to the relevant plots in the Palmerstown/Ballydowd C.P.O. have been checked and there is nothing in the agreed terms in relation to the entrances to "Santa Maria" or St. Teresa's as now proposed.

Senior Staff Officer,
Development.

EM/EF

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Retention of 2 no. vehicular entrances to dwelling off the Lucan Bypass at Santa Maria, Ballydowd, Lucan for Mrs. Barrett.

Niall Phelan,
11 The Willows,
Castletown,
Celbridge,
Co. Kildare.

Reg. Ref. 91A/0656
Appl. Rec'd: 23.04.1991
Time Ext. let. rec'd: 20.06.1991
Time Ext. up to: 08.08.1991

Report of the Dublin Planning Officer, dated 20 June 1991

This is an application for retention of 2 no. vehicular entrances to dwelling off the Lucan Bypass.

In accordance with Section 26(4A) of the Local Government (Planning and Development) Act, 1963, as amended by Section 39(F) of the Local Government (Planning and Development) Act, 1976, the applicant has furnished his consent in writing to the extension by the Council of the period for considering this application within the meaning of subsection (4A) of Section 26, up to and including 8th August, 1991.

I recommend that the period to be extended accordingly.

Reason: To facilitate full consideration of the application.



for Principal Officer.

Order: A decision pursuant to Section 26(4A) to extend the period for considering the application as recommended is hereby made.

Dated: 20 June, 1991.



Approved Officer

to whom the appropriate powers have been delegated by order of the Dublin City and County Manager dated 19th June, 1991.

NOTE: I have checked that the necessary entry has been made recording details of the period as extended.



SENIOR STAFF OFFICER.

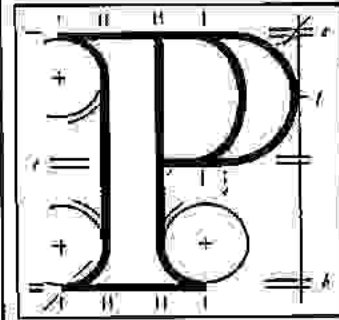
Our Ref: PL 6/5/86765
P.A. Ref: 91A/656

03 FEB 92
b/v

ph

Principal Officer,
Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre.

An Bord Pleanála



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

Date: 31 JAN 1992

Appeal re: Retention of two vehicular entrances onto
the Lucan By-pass at "Santa Maria", Ballydowd,
Lucan, County Dublin.

Dear Sir,

An order has been made by An Bord Pleanála
determining the above-mentioned appeal under the
Local Government (Planning and Development) Acts,
1963 to 1990. A copy of the order is enclosed.

Yours faithfully,


Miriam Baxter.

Encl.

BP 352

DEVELOPMENT
- 6 FEB 1991
CONTROL

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/656

APPEAL by T. Barrett care of Niall Phelan of 11 The Willows, Castletown, Celbridge, County Kildare against the decision made on the 7th day of August, 1991 by the Council of the County of Dublin to refuse permission for the retention of two vehicular entrances onto the Lucan By-pass at "Santa Maria", Ballydowd, Lucan, County Dublin:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, permission is hereby refused for the retention of the said entrances for the reasons set out in the Schedule hereto.

SCHEDULE

1. It is considered that the vehicle movements generated by the entrances onto and off the heavily trafficked national primary route (the Lucan By-pass) along which the site is located would endanger public safety by reason of traffic hazard and that the retention of the entrances would, accordingly, be contrary to the proper planning and development of the area.
2. The retention of the entrances would contravene materially condition number 6 attached to the permission granted by Dublin County Council under planning register reference number ZA.523.



John Dwyer

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

Dated this 30th day of *January* 1992.

COMHAIRLE CHONTAE ATHA CLIATH

Tel.: 724755
Ext. 268/269

Planning Department,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

Your Ref.: PL6/5/86765

25.09.91

Our Ref.: 91A.656

An Bord Pleanála,
Blocks 6 and 7,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1983

Proposal: Retain two vehicular entrances at
'Santa Maria' Ballydewol, ducean,
Co. Dublin

Applicant: Mrs Barnett

Dear Sir,

With reference to your letter dated 13.09.91 I enclose
herewith:-

(1) & (2) A copy of the application which indicated the applicant's
interest in the land or structure.

(3) A copy of the public notice given, i.e

IRISH PRESS 19.04.91

(4) The plan(s) received from the applicant on 23.04.91.

(6) & (7) A certified copy of Manager's Order P/3708/91,

DATED, 07.08.91 together with technical reports in
connection with the application.

(8) History file ; for YA.740 see PL 6/5/65992

Yours faithfully,

M. Murtash

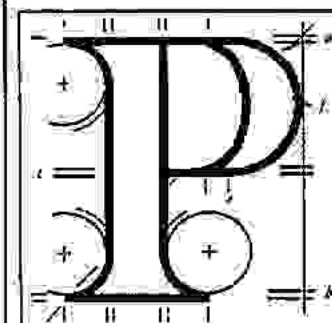
for Principal Officer.
Encls.

Our Ref: PL 6/5/86765
Your Ref: 91A/656

219

PK

An Bord Pleanála



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

R
19/9

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

Date: 13th September 1991.

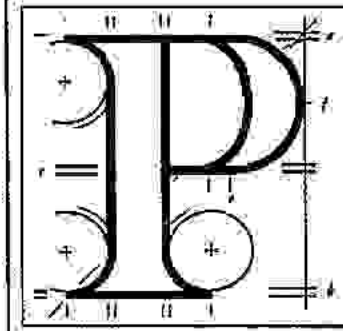
Planning authority decision re: Retain two vehicular entrances at "Santa Maria", Ballydowd, Lucan, County Dublin.

Dear Sir/Madam,

Enclosed is a copy of an appeal under the Local Government (Planning and Development) Acts, 1963 to 1990, in relation to the above-mentioned decision. So that consideration of the appeal may proceed, you are requested to forward to the Board within two weeks:

- (1) The application made to the planning authority.
- (2) Particulars of the applicant's interest in the land or structure, as supplied to the planning authority.
- (3) A copy of the public notice, whether published in a newspaper or on the site.
- (4) Any drawings, maps, particulars, information, evidence or written study received or obtained from the applicant, including the ordnance survey number.
- (5) Copies of requests (if any) to the applicant for further information relating to the application under appeal and copies of reply and documents (if any) submitted in response to such requests.
- (6) A certified copy of the relevant Manager's Order.
- (7) Copies of any technical or other reports relevant to the decision on the application.
- (8) Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development close by.

An Bord Pleanála



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

Please note that the other party/parties to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of this letter. It would be appreciated if parties could be facilitated in this regard.

Copies of the representations or observations made to the planning authority in relation to the application should not be sent to the Board. It is assumed that the planning authority has notified observers of the decision made and of the right of appeal.

The planning authority may make to the Board, in writing, such observations on the appeal as it thinks fit. Where practicable, any such observations should be submitted with the documents listed above but the furnishing of the documents should not be held up until observations are available. In any event, to ensure that they will be taken into account in the determination of the appeal, any such observations should be furnished within one month of the date of this letter.

Please quote the above appeal reference number in any further correspondence.

Yours faithfully,


Suzanne Lacey

Encl.

BP 005

6/9/91
f50 chg
B.M. 7/62

An Bord Pleanála,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

5th September, 1991.

Re: Retention Of 2 No. Vehicular Entrances At "Santa Maria" Ballydowd, Lucan,
For Mrs. Barrett.

Dear Sirs,

On behalf of my client Mrs. Barrett I wish to appeal against the Dublin County Council Decision to Refuse Permission for the retention of 2 no. vehicular entrances at "Santa Maria" Ballydowd, Lucan. The Plan Reg. Ref. No. of the Decision is 91A/0656, P/3708/91 dated 7th August 1991.

1. The first reason given by the Dublin County Council for the Decision to Refuse Permission is that the entrance would "front onto a heavily trafficked National Primary route, and that the resultant movement of vehicles into and out of the site would endanger public safety by reason of a traffic hazard". Since its construction, "Santa Maria" has had a vehicular access onto the main Dublin / Galway road. When the Lucan By-Pass was constructed by the County Council the vehicular entrance from "Santa Maria" onto the Lucan By-Pass was maintained. It was not until a later date that the second vehicular entrance was erected. My client is quite prepared at this stage to forfeit one of the vehicular entrances and retain just one vehicular entrance.

The vehicular access to "Santa Maria" has been used quite regularly over the past number of years and has proven to be more than satisfactory and could not in any way be classified as a traffic hazard.

2. With regard to the second reason given by the Dublin County Council where it states that the creation of "an additional access onto the National Primary route is contrary to Council policy which states that National and Regional routes will be fully protected from frontage access", I would like to make the following point. There are several existing properties in the immediate locality which are heavily trafficked and have frontage access onto the Lucan By-Pass. The following are among the properties;

(a) The 24 hour garage and service station. The garage generates a great deal of traffic coming into and leaving the garage every day.

(b) The Foxhunter Lounge Bar again has frontage access onto the Lucan By-Pass and can also generate very heavy traffic onto the Lucan By-Pass.

(c) The Hermitage Golf Club which is directly across the carriageway also has an entrance directly onto the Lucan By-Pass.

(d) The Spa Hotel which is a mile westward along the carriageway has direct access onto the Lucan By-Pass and also has the facility of allowing traffic from the west to cross the Lucan By-Pass and enter the Spa Hotel.

When one considers the amount of traffic being generated by the above mentioned properties, the retention of a single entrance gate at "Santa Maria" which has proven to be safe through the years, would not adversely affect traffic in the area.

3. The third reason given by the Dublin County Council for refusal is that the "proposed access would contravene materially a condition of a permission, i.e. condition 6 of order no. P/3717/84 dated the 13th December 1984". With reference to condition no. 7 of that same Grant of Planning Permission it stated that "provision be made to provide permanent access to the site from the south when the Ballydowd area is developed". This condition can no longer be complied with as there are houses built directly up against the southern boundary of "Santa Maria". My client would have appealed against the condition no. 6 of that Grant of Permission had they known that access would never be available to them from the south. The wording of condition no. 7 implied that there would be access to the site from the south.

During the construction of the Lucan By-Pass it became obvious to my client that the new roadway would be approximately 2.2m above the floor level of "Santa Maria". My client did not object to this at the time but has since suffered severe flooding within their driveway as a result of the difference in level. In fact they facilitated the Dublin County Council Road's Department during the construction of the Lucan By-Pass by allowing construction traffic to park on the lorry park adjacent to "Santa Maria".

I am enclosing a cheque for £50 made payable to An Bord Pleanala as fee to determine the appeal. I am also enclosing photographs of the following areas; the entrance to the Foxhunter Lounge, the entrance to the Hermitage Golf Club, the existing entrance gate being used by both the lorry park and "Santa Maria", photograph of the existing 2 no. vehicular entrance gates.

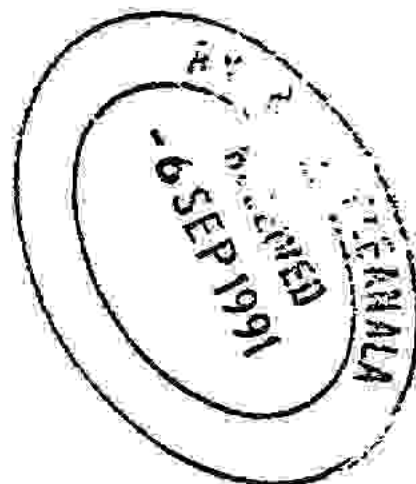
I trust that sufficient information has been provided to enable you to determine this appeal in favour of my client, and thereby reversing the Dublin County Council Decision to Refuse Permission and issue a Grant of Permission for the new vehicular entrance.

Yours sincerely,

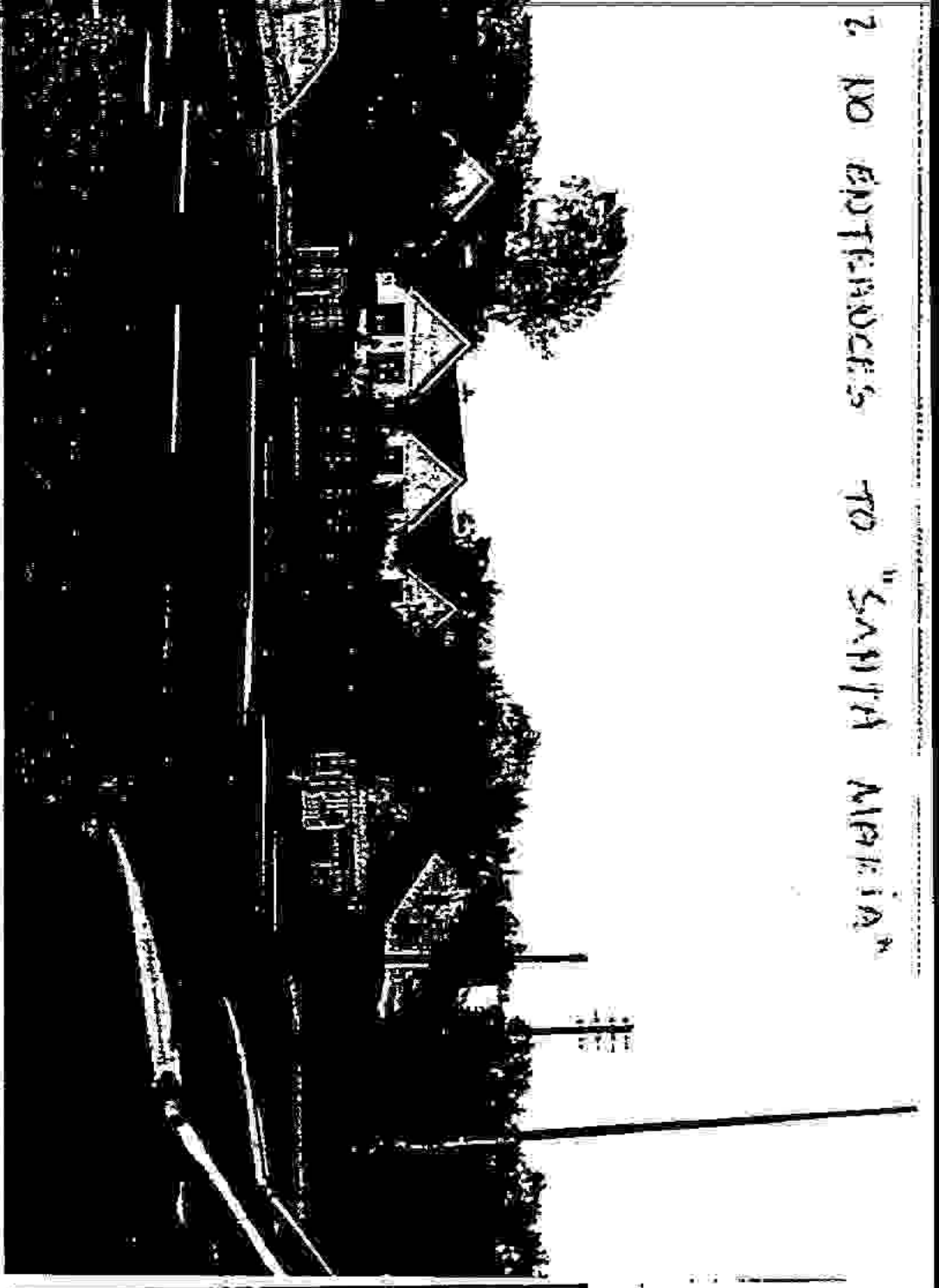
Niall Phelan.

C.C. Mrs. Barrett, "Santa Maria", Ballydowd, Lucan, Co. Dublin.

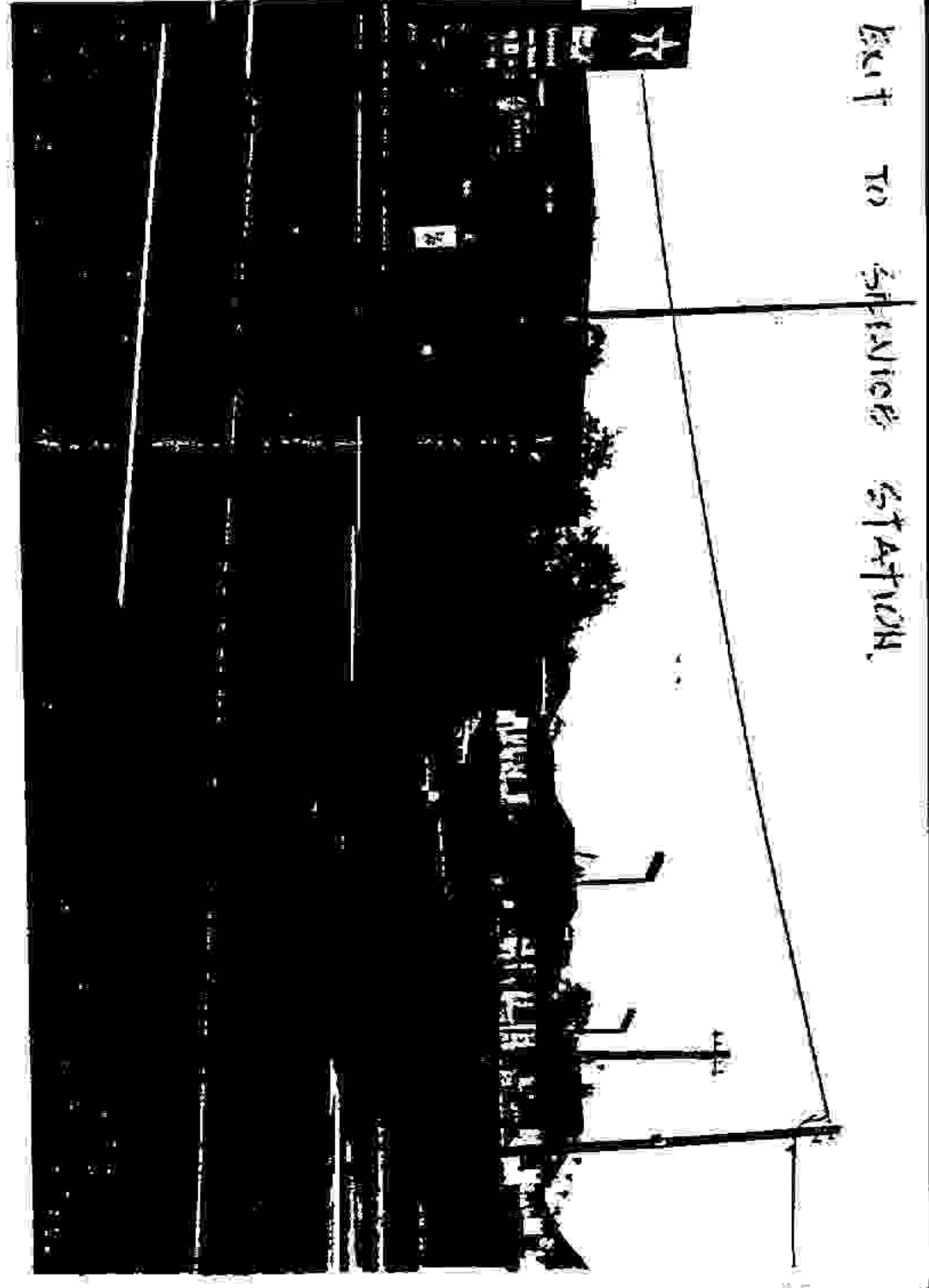
Encls.



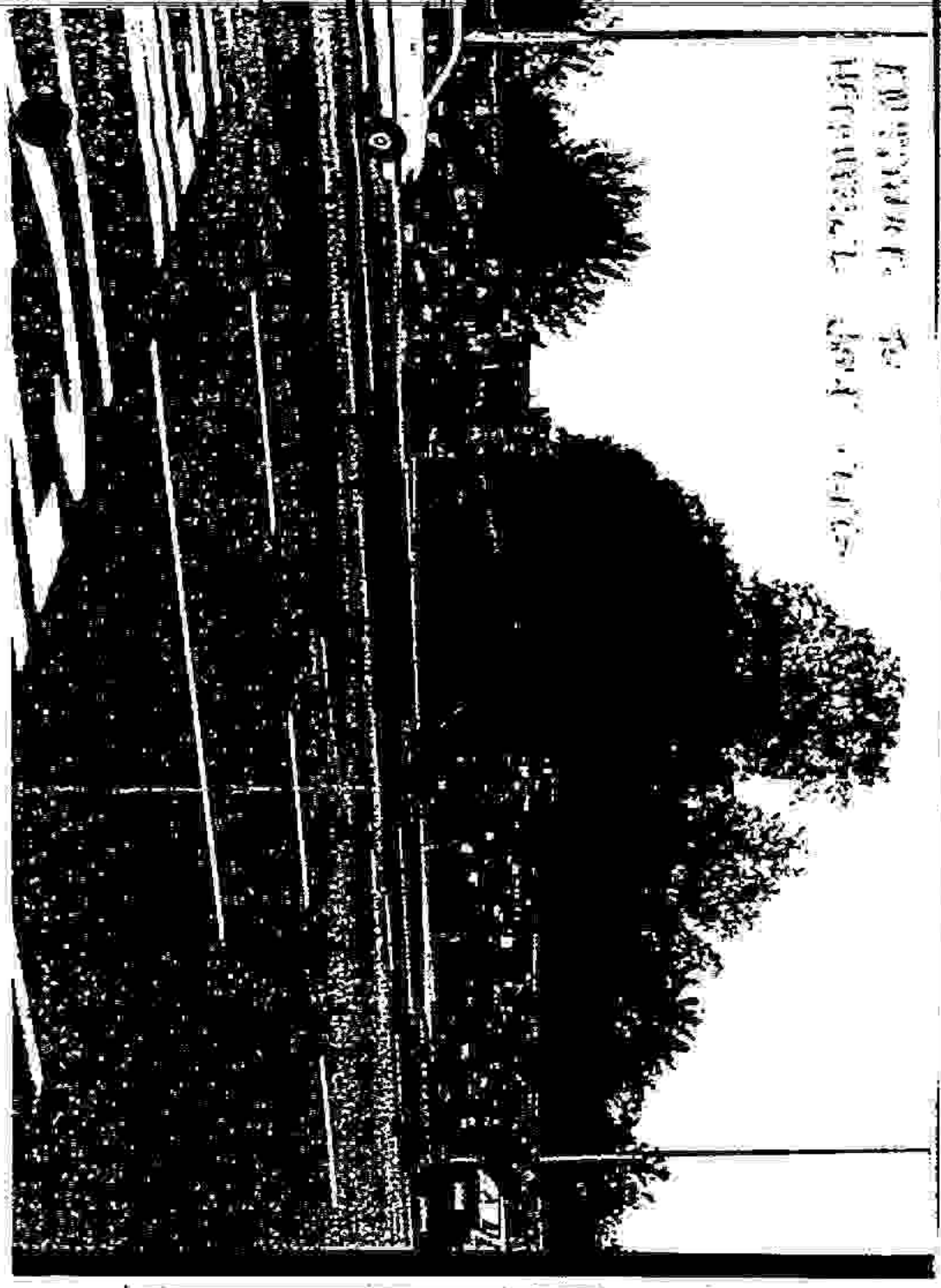
2. NO ENTRANCES TO "SANTA ALBINA"



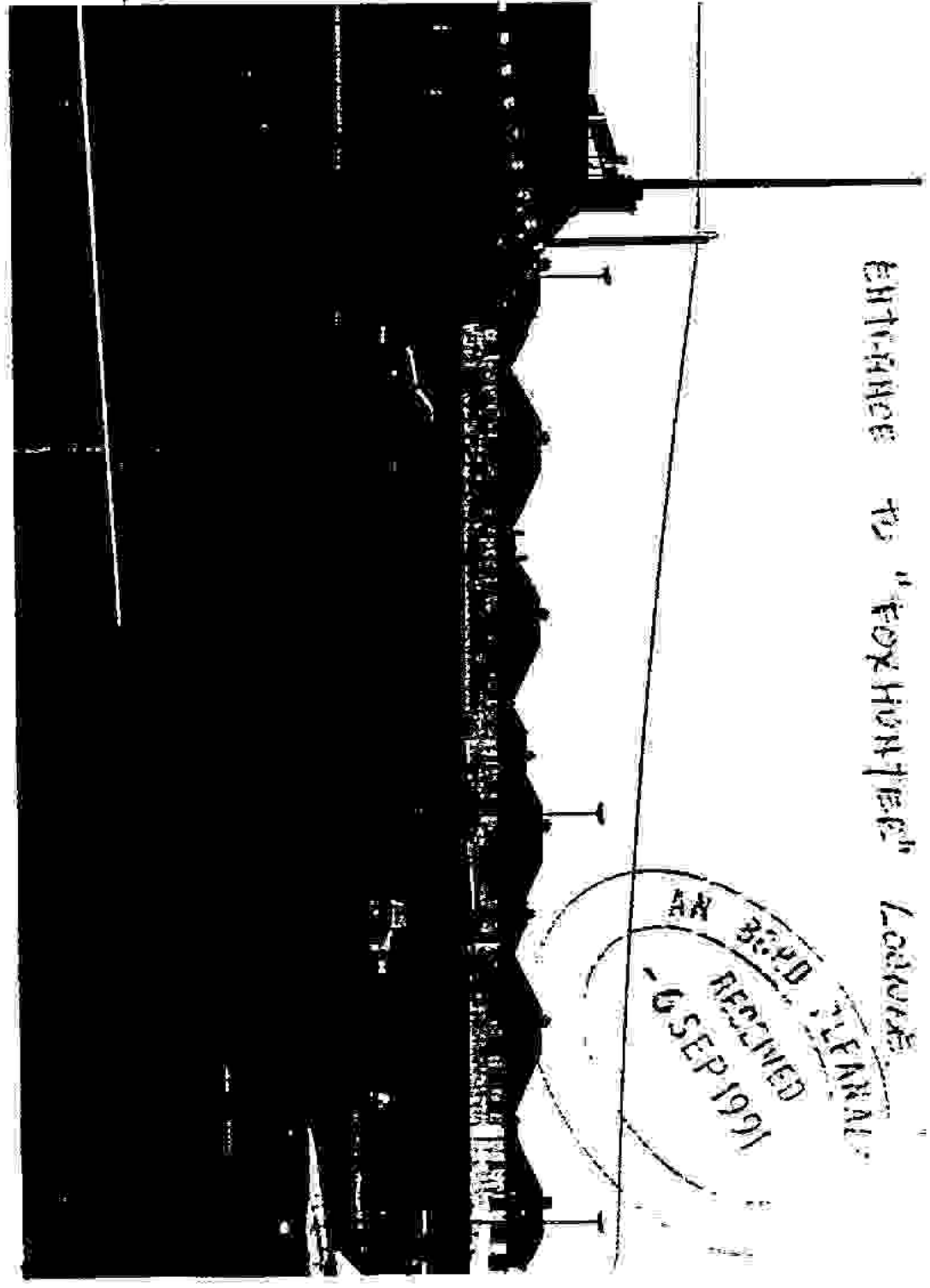
EXIT TO SENIOR CENTER



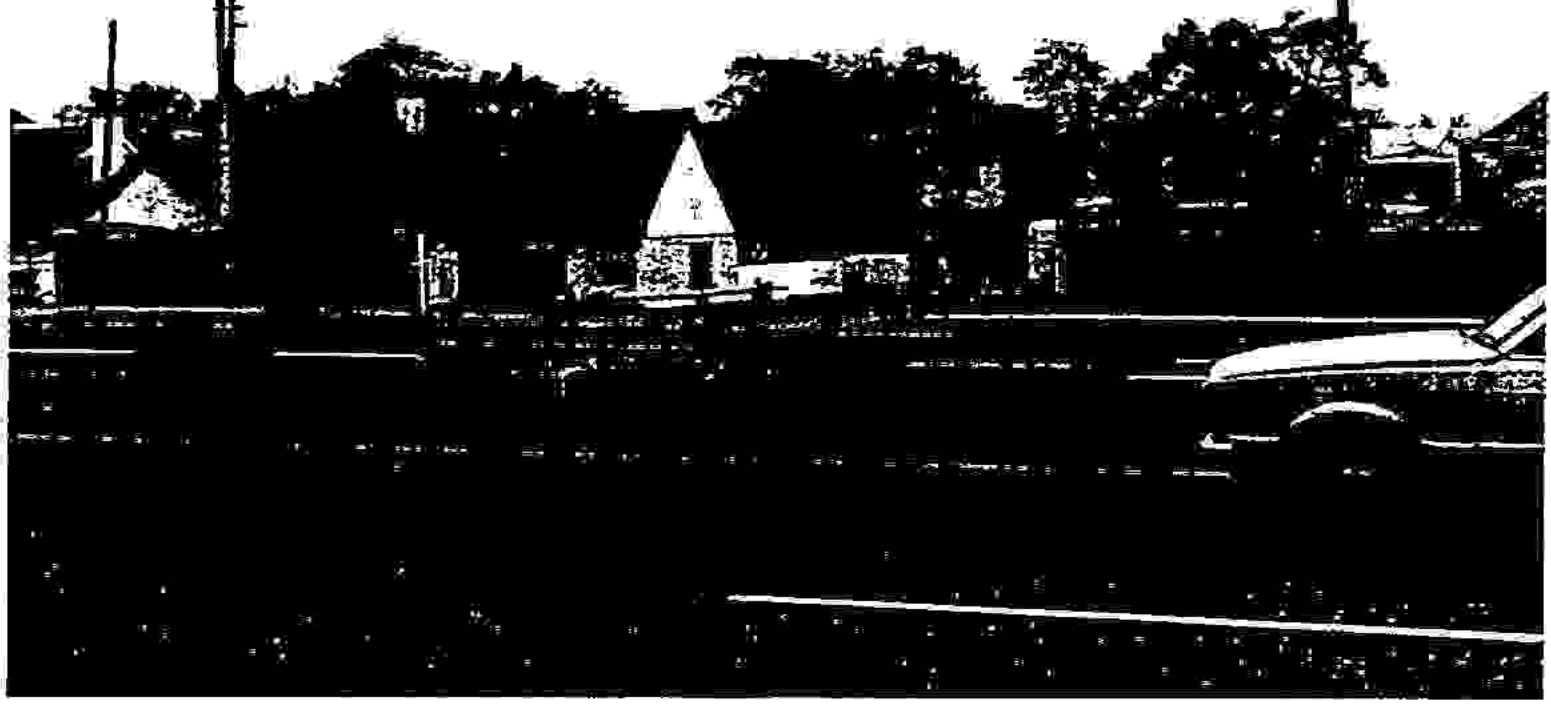
ENTRANCE TO
HIGHLAND GOLF COURSE



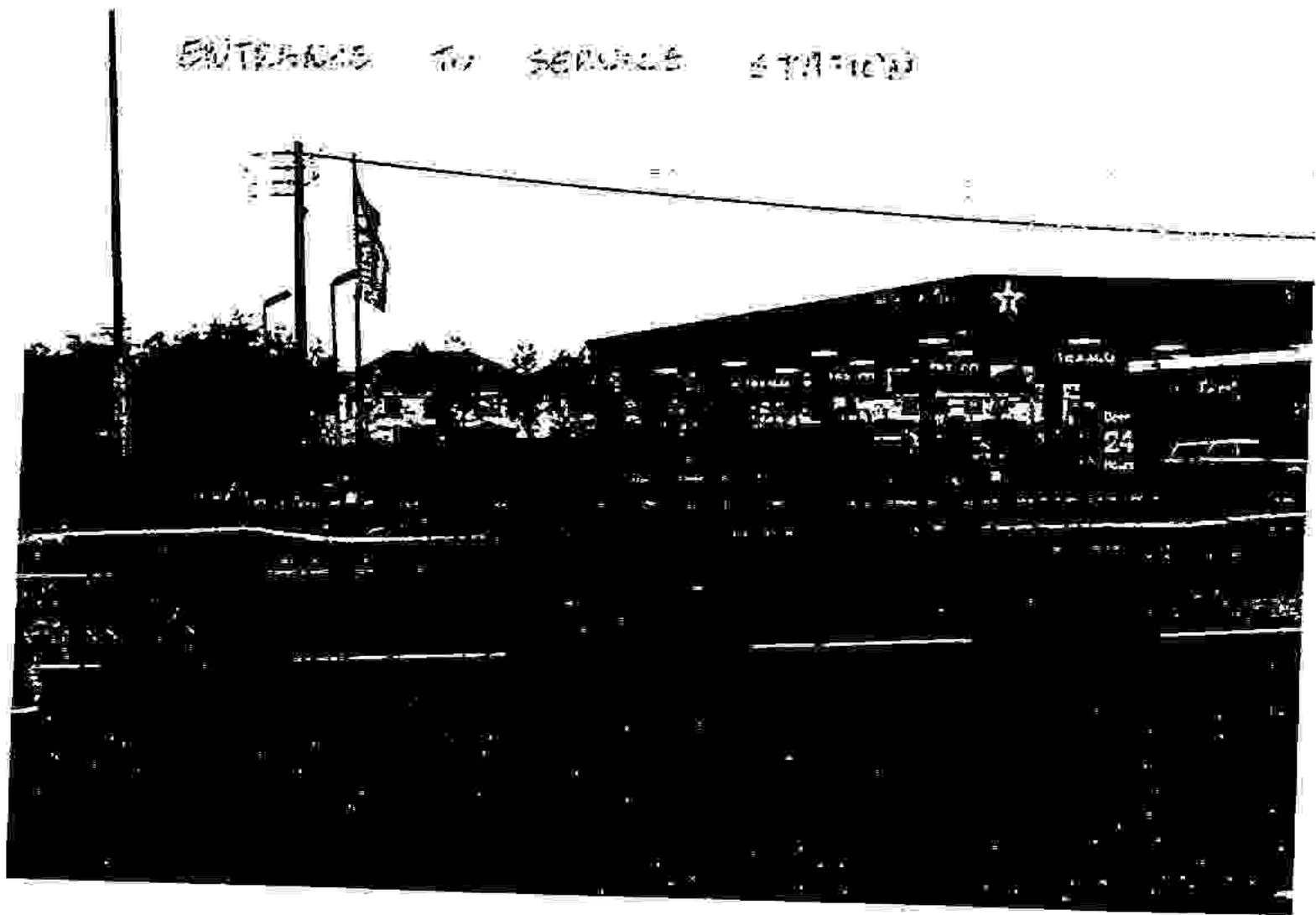
ENTRANCE TO "FOXHUNTER" LODGE



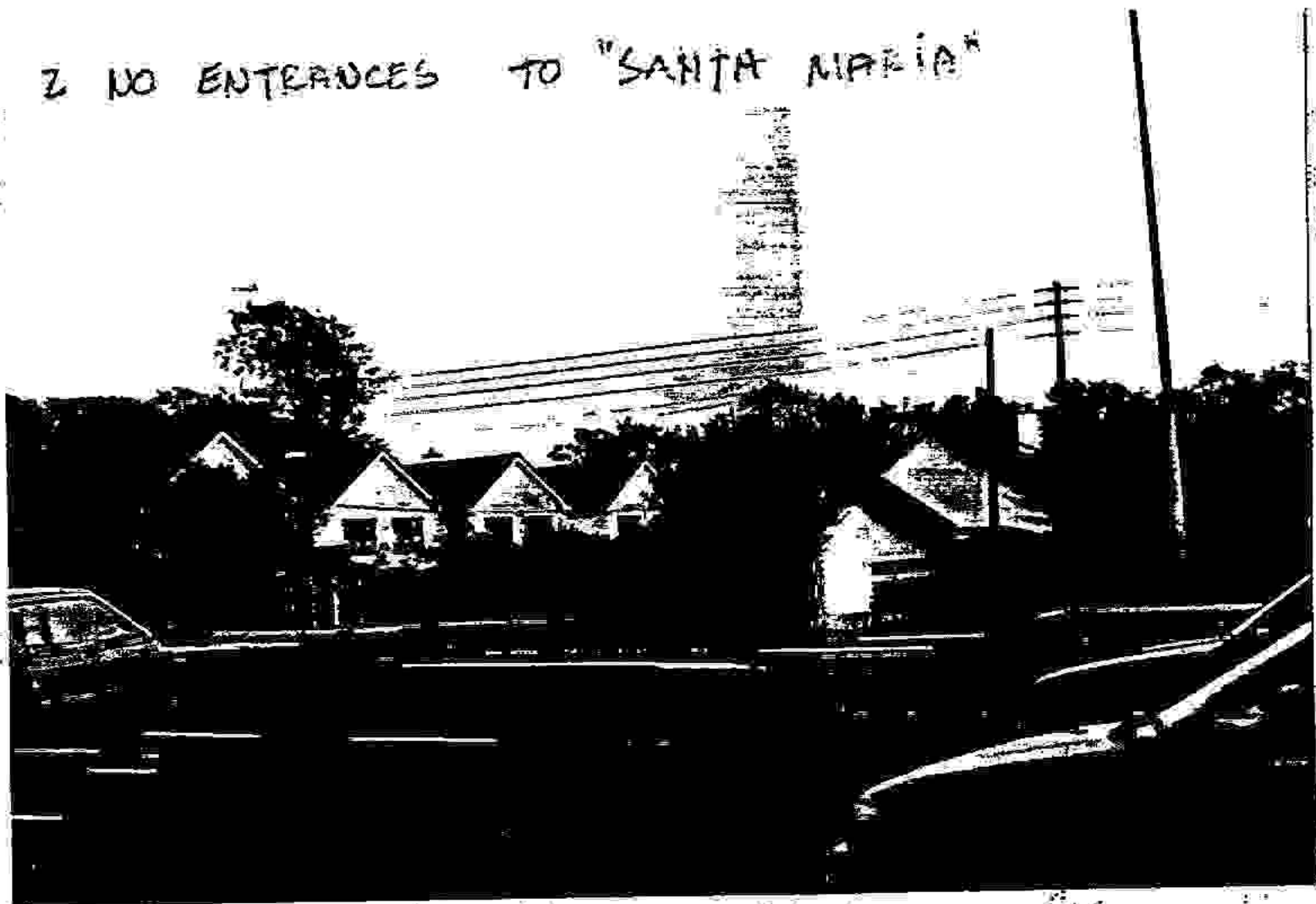
ENTRANCE TO LOBEY PARK



ENTRANCE TO SERVICE STATION



Z NO ENTRANCES TO "SANTA MARIA"



DUBLIN COUNTY COUNCIL

PLANNING DEPARTMENT,
BLOCK 2,
IRISH LIFE CENTRE,
LR. ABBEY STREET,
DUBLIN 1.

Tel. 724755 (ext. 262/264)

NOTIFICATION OF A DECISION TO REFUSE:

~~GRANTING PERMISSION:~~ PERMISSION: ~~APPROVED~~

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963-1983

To Niall Phelan, Register Reference No. 91A/0656
11. The willows, Castletown, Planning Control No.
Celbridge, Application Received 23.04.91
Co. Kildare. Additional Information Received

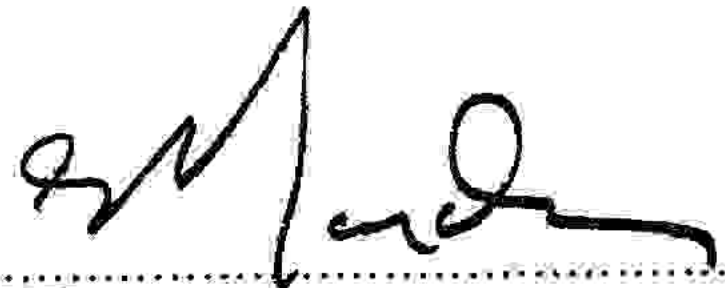
Applicant Mrs. Barrett.

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, P/ P/3708/91 dated 07/08/91 decided to refuse:

~~GRANTING PERMISSION~~ PERMISSION ~~APPROVED~~

For retention of 2 no. vehicular entrances to dwelling off the Lucan By-pass at Santa Maria, Ballydowd, Lucan.
for the following reasons:

1. The proposed development which involves the retention of 2 no. vehicular entrances is considered unacceptable. The proposed site fronts onto a heavily trafficked National Primary Route, the Lucan By-Pass and the resultant movement of vehicles into and out of the site would endanger public safety by reason of a traffic hazard.
2. The proposed development would contribute to a proliferation of vehicular entrances onto a National Primary Route is contrary to Council policy which states that "National and Regional routes will be fully protected from frontage access and will have a minimum of junctions" (Para. 2.15.1) and as such would be contrary to the proper planning and development of the area.
3. The proposed development would contravene materially a condition of a permission i.e. Condition No. 6 of Order No. P/3717/84, dated 13.12.84, Reg. Ref. ZA.523, and would, therefore, be contrary to the proper planning and development of the area.



Signed on behalf of the Dublin County Council
for PRINCIPAL OFFICER
Date 7 August 1991

IMPORTANT:

NOTE: (1) An appeal against the decision may be made to An Bord Pleanála. The applicant may appeal within one month from the date of receipt by him of this notification. The appeal shall be in writing and shall state the subject matter of the appeal and grounds of appeal and should be addressed to *An Bord Pleanála, Irish Life Centre, Lower Abbey Street, Dublin 1.* An appeal lodged by an applicant or his agent with An Bord Pleanála will be invalid unless accompanied by a fee of £36. (Thirty-six pounds). (2) A party to an appeal making a request to An Bord Pleanála for an oral hearing of an appeal must, in addition to (1) above, pay to An Bord Pleanála a fee of £36. (Thirty-six pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten pounds) to An Bord Pleanála in relation to an appeal. When an appeal has been duly made and has not been withdrawn, An Bord Pleanála will determine the application for permission as if it had been made to them in the first instance.

Mr. Niall Phelan,
11, The Willows,
Castletown,
Celbridge,
Co. Kildare.

Reg. Ref. 91A-0656

20 June 1991


Re: Retention of 2 no. vehicular entrances to dwelling off the Lucan Bypass at Santa Maria, Ballydowd, Lucan for Ms. Barrett.

Dear Sir,

With reference to your planning application received here on 23rd April, 1991, (letter for extension period received 20th June, 1991), in connection with the above, I wish to inform you that:-

In accordance with Section 26(4A) of the Local Government (Planning and Development) Act, 1963, as amended by Section 39(F) of the Local Government (Planning and Development) Act, 1976, the period for considering this application within the meaning of subsection (4A) of Section 26 has been extended up to and including 8th August, 1991.

Yours faithfully,


for Principal Officer.

NIALL PHELAN, N.D.C.S.(Arch), M.B.I.A.I.**architectural consultant**

Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

19th June, 1991.

Att: Mr. P. Kenny

Re: Plan Reg. Ref. No. 91A/0656 - Retention Of 2 No. Vehicular Entrances At Santa Maria, Ballydowd, Lucan.

Dear Sirs,

Further to a recent planning application on the 23rd April 1991, for the retention of 2 no. vehicular entrances at Santa Maria, Ballydowd, Lucan, for Mrs. Barrett, I have been instructed by my Client to request an extension of the appropriate period as provided for under Section 26 (4A) of the Local Government (Planning & Development Act 1963) until the 8th August 1991.

Trusting that this is to your satisfaction.

Yours faithfully,



Niall Phelan.

C.C. Mrs. Barrett.

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/0656

Date : 24th April 1991

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

Dear Sir/Madam,

DEVELOPMENT : Retention of 2 no. vehicular entrances to dwelling off
the Lucan Bypass.

LOCATION : Santa Maria, Ballydowd, Lucan.

APPLICANT : Mrs Barrett

APP. TYPE : PERMISSION

With reference to above, I acknowledge receipt of your application received
on 23rd April 1991.

Yours faithfully,

.....
PRINCIPAL OFFICER

Niall Phelan,
11 The Willows,
Castletown,
Celbridge,
Co. Kildare.



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 Santa Maria, Ballydowd, Lucan, Co. Dublin.
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent) Mrs. Barrett

Address Santa Maria, Ballydowd, Lucan. Tel. No. 6267069

4. Name and address of person or firm responsible for preparation of drawings Niall Phelan, 11 The Willows, Castletown Celbridge, Co. Kildare. Tel. No. 6271530

5. Name and address to which notifications should be sent Niall Phelan, 11 The Willows, Castletown Celbridge, Co. Kildare.

6. Brief description of proposed development Retention of 2 no. gateways onto the Lucan Bye Pass

7. Method of drainage N/A 8. Source of Water Supply N/A

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 N/A

(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 1100m² Sq. m.

(b) Floor area of proposed development N/A Sq. m.

(c) Floor area of buildings proposed to be retained within site N/A Sq. m.

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

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 proposal:
N/A

15. List of documents enclosed with 4 copies of drawing nos. 9159/01 and 02, Newspaper advertisement, cheque for £16, covering letter.

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

No of dwellings proposed (if any) N/A Class(es) of Development 2

Fee Payable £ 16 Basis of Calculation

If a reduced fee is tendered details of previous relevant payment should be given N/A

Signature of Applicant (or his Agent) Niall Phelan Date 18th April, 1991

Application Type P FOR OFFICE USE ONLY

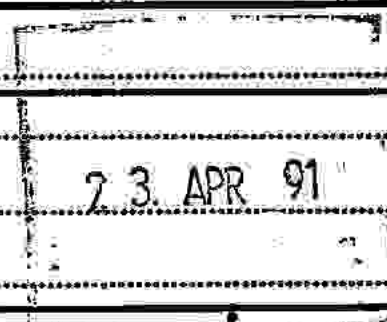
Register Reference 91A/0656

Amount Received £ 28.0

Receipt No

Date

Irish Press 19/4/91



916 24/4 N 35349

DUBLIN COUNTY COUNCIL
Planning permission is being sought for the retention of 2 no. vehicular entrances to dwelling off the Lucan Bypass at Santa Maria, Ballydowd, Lucan. For Mrs. Barrett.

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

BUILDING BYE-LAW APPLICATIONS

CLASS NO.	DESCRIPTION	FEE	CLASS NO.	DESCRIPTION	FEE
1.	Provision of dwelling — House/Flat.	£32.00 each	A	Dwelling (House/Flat)	£55.00 each
2.	Domestic extensions/other improvements.	£16.00	B	Domestic Extension (improvement/alteration)	£30.00 each
3.	Provision of agricultural buildings (See Regs.)	£40.00 minimum	C	Building — Office/Commercial Purposes	£3.50 per m ² (min. £70.00)
4.	Other buildings (i.e. offices, commercial, etc.)	£1.75 per sq. metre (Min. £40.00)	D	Agricultural Buildings/Structures	£1.00 per m ² in excess of 300 sq. metres (min. - £70.00) (Max. - £300.00)
5.	Use of land (Mining, deposit or waste)	£25.00 per 0.1 ha (Min. £250.00)	E	Petrol Filling Station	£200.00
6.	Use of land (Camping, parking, storage)	£25.00 per 0.1 ha (Min. £40.00)	F	Development or Proposals not coming within any of the foregoing classes.	£9.00 per 0.1 ha (£70.00 min.)
7.	Provision of plant/machinery/tank or other structure for storage purposes.	£25.00 per 0.1 ha (Min. £100.00)			Min. Fee £30.00
8.	Petrol Filling Station.	£100.00			Max. Fee £20,000
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)			

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.

COMHAIRLE CHONTAE ÁTHA CLIATH

PAID BY DUBLIN COUNTY COUNCIL
46/49 UPPER O'CONNELL STREET
DUBLIN 1.

Use of this receipt is not an
acknowledgement that the sum
tendered is the prescribed application

- CASH
- CHEQUE
- M.O.
- B.L.
- I.T.

N 35349

£ 16.00

Received this 24th day of April 1991

from Noel Nolan
11 The Willows
Castletown, Celbridge

the sum of sixteen Pounds

Pence, being 700 for

planning application at Santa Maria
Ballydowl

Noel Nolan Cashier

S. CAREY Principal Officer 10/11/91

15th April, 1991.

Dublin County Council,
Planning Department,
Block 2,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

Re: Retention Of Entrance Gates At Santa Maria, For Mrs. Barrett

Dear Sirs,

On behalf of my Client Mrs. Barrett I wish to apply for Planning Permission to retain the 2 no. vehicular entrances together with gates at "Santa Maria", Ballydowd, Lucan.

These gates have been used for vehicular access to the dwelling house on a regular basis since the construction of the Lucan By-Pass, and have proven to be in no way hazardous to traffic on the Lucan By-Pass.

Considerable disruption has been caused to my Client as a result of the construction of the Lucan By-Pass i.e. level of footpath to the front of "Santa Maria" was raised by approximately 2m resulting in a rather steep entrance driveway. My Client did not object to this arrangement at the time as she felt that vehicular access would be allowed directly from "Santa Maria" onto the Lucan By-Pass.

On the Dublin County Council, Grant of Permission, Plan Reg. Ref. No. ZA 523 dated 13th December 1984 which was for a bungalow and Lorry Park adjacent to "Santa Maria" it stated that "one vehicular access could only be provided onto the national and primary route to serve the existing house to the east, the proposed house and Lorry Park". The existing house to the east being referred to is my Clients house "Santa Maria". This arrangement has proven to be extremely inconvenient and is totally dependant upon the goodwill of the owner of the Lorry Park. Should the ownership of this Lorry Park change, my Client could be left with no vehicular access to her house.

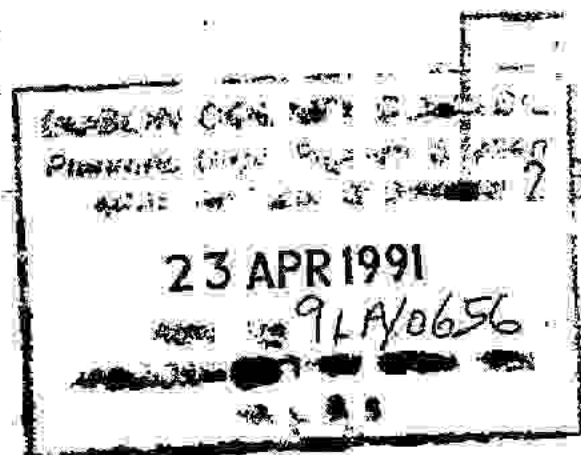
I am enclosing four copies of drawing nos. 9159/01 and 02, completed application form, and newspaper notice dated the 19th of April 1991.

I trust that sufficient information has been provided to enable you to assess this application and look forward to receiving from yourselves an early favourable decision.

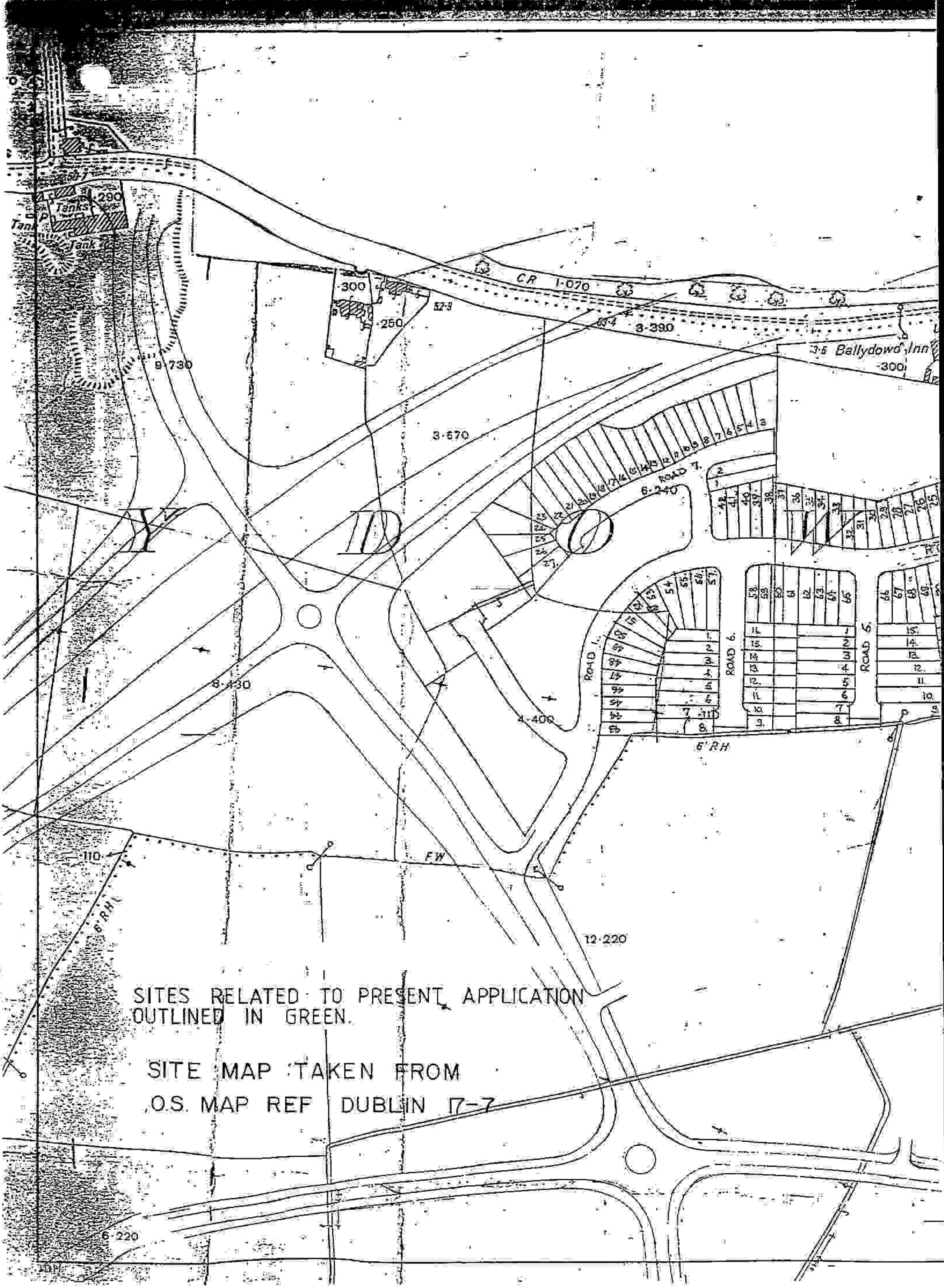
Yours sincerely,

Niall Phelan
Niall Phelan.

C.C. Mrs. Barrett - "Santa Maria".



B. APR 91



SITES RELATED TO PRESENT APPLICATION
 OUTLINED IN GREEN.

SITE MAP TAKEN FROM
 O.S. MAP REF DUBLIN 17-7

6-220

