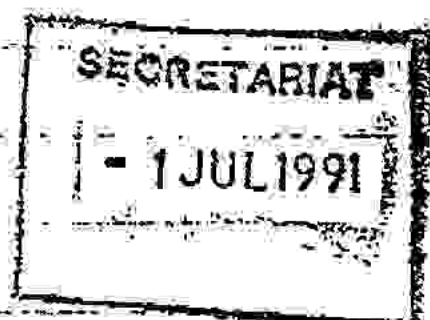


1 July '91.

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 passed on 26th & 28th June
in regard to planning application
91 A 0657 / 91A 0651 / 91A 0656

Yours sincerely

Timothy Finlay



FILE REF: 91A 656 + 657

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
<p>BELGARD H + P 28-5-91 ==</p>	<p>Cllrs Fleming + F. Harrahan Recommended Permission due to history of site + Palmerston By Laws 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>		

91A/0657

CERTIFICATE NO: 25079

New entrance gates onto luan By Pass

PROPOSED: St Teresa Ballydoon, luan
LOCATION: Mr P Mrs Burnett
APPLICANT:

1	2	3	4	5	6	7
CHALLENGE/AREA LENGTH/STRUCT	RATE	AMT. OF FEE REC.	AMOUNT LOANED	BALANCE DUE	DATE PAID	DATE RECEIPT
0.000000	00.00					
	00.00	4/16	4/16	-		

Signed: Grade: S.O. Date: 29/4/91

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

LOCATION GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1983 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 NOW BY /
DATED

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRDES

DECISIONS

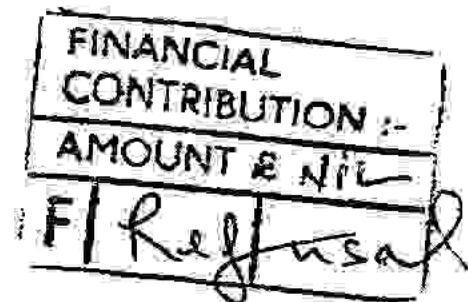
APPEALS CHECK LIST

REG. REF. NO. 91A/657

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: <u>30/1/92</u>	✓
5	COPY OF DECISION FOR WEEKLY LIST (LAURA/MARY)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	
7	TO L. DOYLE FOR NOTING	

CHANGE STATUS IN PLANAPS:

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 WITHDRAWN:.....54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

AN BORD PLEANÁLALOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1990County DublinPlanning Register Reference Number: 91A/657

APPEAL by J. and 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 development comprising the provision of a vehicular entrance onto the Lucan By-pass at "Saint Teresa's", Ballydowd, Lucan, County Dublin:

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

SCHEDULE

1. It is considered that the vehicle movements generated by the proposed development 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 proposed development would, accordingly, be contrary to the proper planning and development of the area.
2. The proposed development would contravene materially condition number 6 attached to the permission granted by Dublin County Council under planning register reference number ZA.523.

John Dayer

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/657

Order Noted:	L.D.
Dated:	 FEB. 92 MARCH ASST. COUNTY MANAGER
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated	10 th day of FEBRUARY 19 92

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Register Reference : 91A/0657

Date Received : 23rd April 1991

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

Development : Forming of a new vehicular entrance to dwelling off the
Lucan Bypass

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

Applicant : Mr & Mrs Barrett

App. Type : Permission

Zoning : A

(MG/BB)

Report of Dublin Planning Officer dated 7th June, 1991.

This is an application for planning permission for a new vehicular entrance to a dwelling off the Lucan By-Pass at St. Teresa's, Ballydowd, Lucan for Mr. & Mrs. Barrett.

The proposed site is located to the south of the Lucan By-Pass to the east of Lucan Village. It fronts onto the a slip lane on the west bound side of the abovementioned by pass. It adjoins an existing lorry park and dwelling to the east.

Reg. Ref. No. YA 740 refers to a refusal of permission for a former bungalow on a 0.55 acre site (which incorporated the subject site), by both Dublin County Council in 1985 and An Bord Pleanála in 1984.

Reg. Ref. No. ZA 523 refers to a grant of planning permission for a lorry park and bungalow (St. Teresa's) at this location in 1984. The applicant in that instance was J. Barrett. Under this application the applicant provided for access to the proposed bungalow through the lorry park site. The applicant was requested by additional information to clarify whether a shared access arrangement could be reached with the adjoining house (Santa Maria). In response the applicants submitted a proposal which provided for a single vehicular access to serve the lorry park, the proposed bungalow and the existing dwelling. Lodged plans identified an access to the north ^{east} ~~west~~ of the lorry park site which incorporated the western most entrance to the adjoining house "Santa Maria". Drawings submitted indicated access to the site of the current application as being through the lorry park. A pedestrian entrance was to be provided in the front boundary to the Lucan Road which was to comprise of 5 ft. high plastered block wall with planting behind.

Condition No. 6 of this grant of permission under Reg. Ref. No. ZA 523 stated:

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg. Ref: 91A/0657

Page No: 0002

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

"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:-

"The 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/656 for permission to retain 2 no. vehicular entrances to the nearby dwelling "Santa Maria" for Mrs. Barrett. A decision on this application is pending.

The proposed site was inspected on 5th June, 1991. Vehicular access to "St. Teresa's" the subject site is available via the existing lorry park. There are two existing entrances off the Lucan By-Pass to the nearby house "Santa Maria". Vehicular access to this site is also available through the lorry park. The subject site is bounded by a wall at the Lucan By-Pass frontage. The footpath is dished at this location.

Correspondence submitted with the application states that there was a previous agricultural access at this location. This letter also states that the existing 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 applicants may be left with no access to their dwelling.~~ Roads Department report on this application 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 and state 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 6 of ZA/523.

The Development Department reported that there is nothing in the agreed terms in relation to the entrances to either Santa Maria or St. Teresa's as now proposed.

~~The~~ ~~one~~ proposed development is considered unacceptable. The grant of permission for development of the subject sites and the lorry park site to the west was dependant ~~and~~ only one vehicle access being provided onto the Lucan Dual Carriageway in compliance with Council's policy which seeks "To protect

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/0657

Page No: 0003

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

national routes from frontage access" (Paragraph 2. 15.1). In fact by the inclusion of condition No. 7 of the Planning Authority envisaged the complete 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 subject to the following (3) conditions:-

REASONS FOR REFUSAL

- 01 The proposed development which involves the creation of a new 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 involve creating an additional access 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" (paragraph 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 6 of Order No. P/3717/84 dated 13th December, 1984, ^{by P.P. 28.5.83} and would therefore be contrary to the proper planning and development of the area.

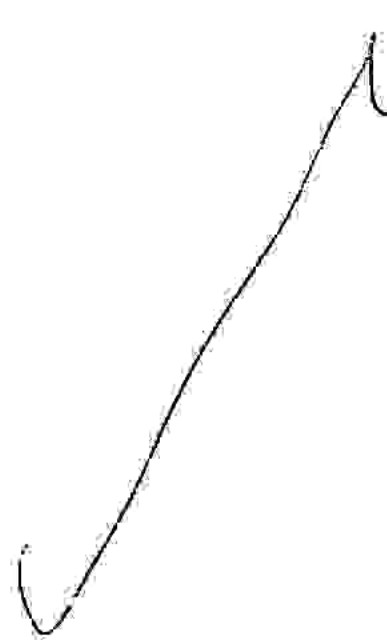
COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 91A/0657

Page No: 0004

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



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

7 August 1991
Dated :

[Signature]
.....
ASSISTANT CITY AND COUNTY MANAGER *Hollowed Officer*

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

10th June 1991
1st Aug - 1991

DUBLIN COUNTY COUNCIL

REG. REF:

91A/657.

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 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/656.



TR/BMcC
22.5.91.

SIGNED: _____

Francis Ryan

ENDORSED: _____

C. J. Bank

DATE: _____

24/4/91

DATE: _____

22/5/91



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

*Comments for
Cork full to
Rathmen
Her
4/6*

Mr. Pat Kenny,
Administrative Officer,
Planning.

Off 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

M.G

DUBLIN COUNTY COUNCIL

REG. REF:

91A/657.

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 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/656.

PLANNING DEPT.
 DEVELOPMENT CONTROL SECT
 DATE 22.05.91
 TIME 12.45

TR/BMcC
22.5.91.

SIGNED:

Teresa Ryan

ENDORSED:

C. J. K

DATE:

24/4/91

DATE:

22/5/91

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed permission for forming of a new vehicular entrance to dwelling off the Lucan Bypass at St. Teresas, Ballydowd, Lucan for Mr. and Mrs. Barrett.

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

Reg. Ref. 91A-0657
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 permission for forming of a new vehicular entrance to dwelling off the Lucan Bypass at St. Teresas, Ballydowd, Lucan for Mr. and Mrs. Barrett.

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.



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 6/5/86764
P.A. Ref: 91A/657

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

Date: 31 JAN 1992

Appeal re: Provision of vehicular entrance at "Saint
Teresa's", 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.

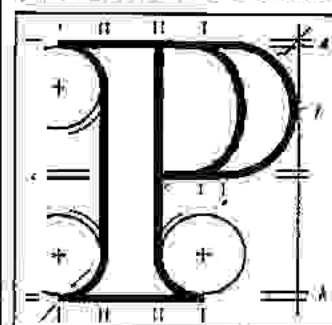
Yours faithfully,


Miriam Baxter.

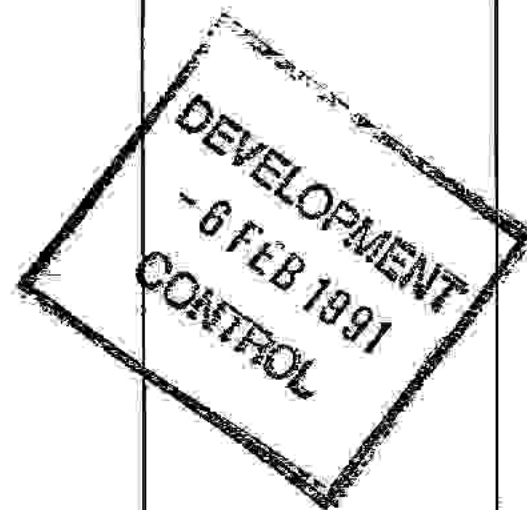
Encl.

BP 352

PA
An Bord Pleanála



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



AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/657

APPEAL by J. and 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 development comprising the provision of a vehicular entrance onto the Lucan By-pass at "Saint Teresa's", Ballydowd, Lucan, County Dublin:

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

SCHEDULE

1. It is considered that the vehicle movements generated by the proposed development 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 proposed development would, accordingly, be contrary to the proper planning and development of the area.
2. The proposed development 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.: PL6/5B 6764

25.09.91

Our Ref.: 91A-657

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: New vehicular entrance at
St Teresa's, Ballydowd, Lucan,
Co. Dublin.

Applicant: Mr + 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/266.9/91.

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

(8) History file; for yn 740 see PL 6/5/63992

Yours faithfully,

M. Murtagh

for Principal Officer.

Encls.

Our Ref: PL 6/5/86764
Your Ref: 91A/657

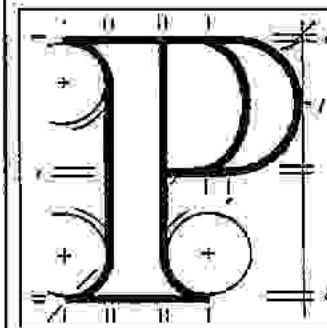
219

PM

R
18/9

The Secretary,
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: 13th September 1991.

Planning authority decision re: New vehicular
entrance at St. Teresa's, 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.

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.

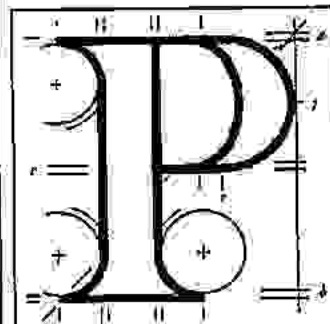
Yours faithfully,

Suzanne Lacey
Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



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

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

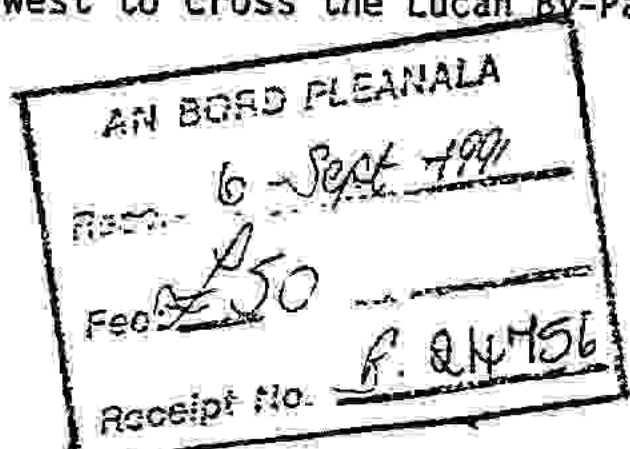
5th September, 1991.

Re: Proposed Entrance Gate At St. Teresa's For Mr. & Mrs. Barrett

Dear Sirs,

On behalf of my client Mr. & Mrs. Barrett I wish to appeal against the Dublin County Council decision to Refuse Permission for the forming of a new vehicular entrance at St. Teresa's, Ballydowd, Lucan. The Plan Reg. Ref. No. of the Decision is 91A/0657, P/2669/91 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". This reason is not applicable in this case. Mr. Barrett presently uses the existing entrance to the lorry park and therefore would not add to any traffic problems in the area. The forming of a new vehicular entrance to my client's dwelling would not interfere with or increase in any way the movement of vehicles onto the Lucan By-Pass.
2. With regard to the second reason given by the County Council where it states that the creation of "an additional access onto the National Primary route is contrary to County 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 which is directly beside my client's house. This 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 it is absolutely clear that the creation of a single vehicular access to St. Teresa's would not adversely affect traffic circulation in the area. As previously stated, the forming of the new access will not increase the traffic coming onto the Lucan ByPass in any way as my client is presently using the entrance to the lorry park as a vehicular entrance.

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 St. Teresa's. 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.

The present arrangement for access to my client's dwelling is via the lorry park adjacent to his site. This lorry park is not owned by my client and is totally dependant upon the good will of the owner of the park for access. There is no right of way across the lorry park and the present arrangement is purely by word of mouth. There is in fact an agreement signed between my client and the adjoining owner that this access can be withdrawn at any time by the owner of the lorry park. Should this ever happen it would leave my client with no vehicular access onto the Lucan By-Pass.

Condition No. 9 of the Dublin County Council Grant of Permission, Decision Order No. P/3717/84 states that the lorry park should be restricted to no more than 4 no. lorries / trailers. This condition is being adhered to by the owner of the lorry park, and in fact there are no more than 2 no. lorries parked in the yard at any time. One of these lorries visits the site only twice a week in order to get fuel. As the Planning Permission outlined above is for the use of 4 no. trucks in this lorry park and there are only 2 no. trucks parking there at any time the forming of a new vehicular entrance would still be within the traffic movements as envisaged by the Planning Authority at that time.

The footpath along the roadway has been "dished" by the Dublin County Council themselves in the location where my client intends to locate the new vehicular entrance. This would indicate that the Dublin County Council themselves anticipated that at some stage there would be a vehicular entrance in this location.

I have been requested by my client to inform you that they have no objection whatsoever to using the existing vehicular access through the lorry park and would continue to do so even if Planning Permission were received for the new entrance gate. Planning Permission for the new entrance gate is being sought mainly as a safeguard against the existing access via the lorry park being revoked by the owner of the lorry park.

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 St. Teresa's, and the low front boundary wall in which it is intended to locate a new vehicular access.

- 6 SEP 1977

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,

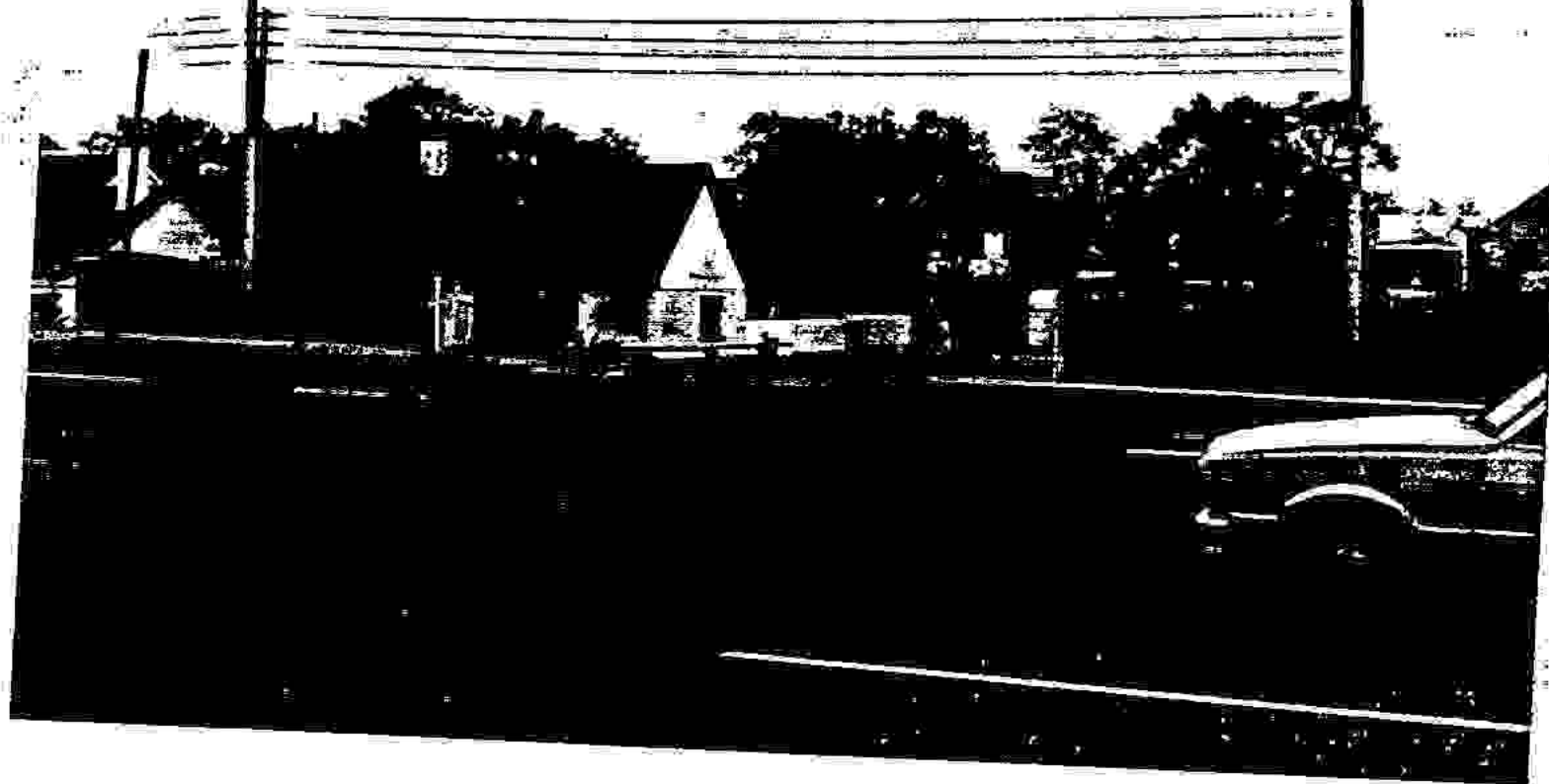
Niall Phelan

Niall Phelan.

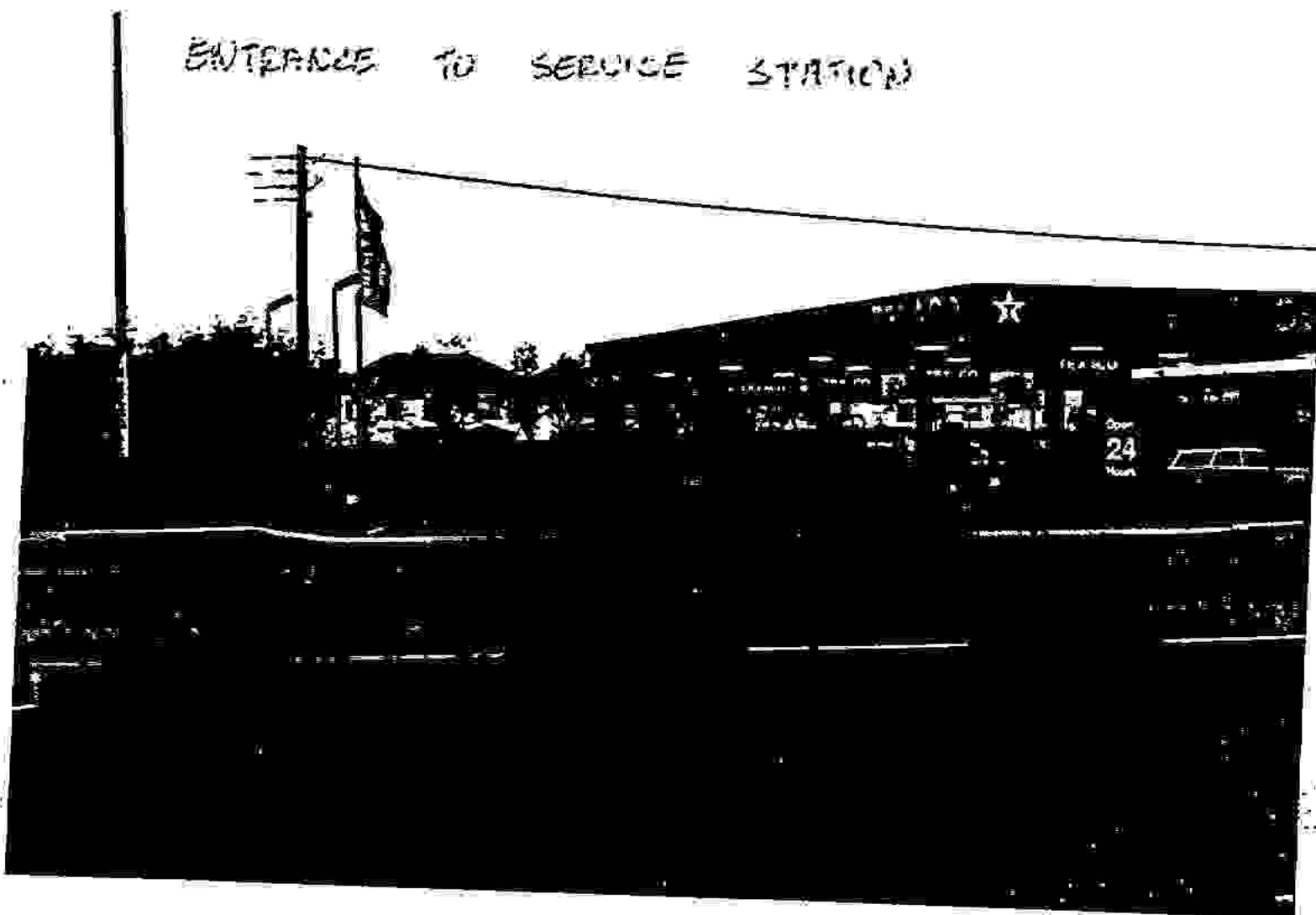
C.C. Mr. & Mrs. Barrett, St. Teresa's, Ballydowd, Lucan.



ENTRANCE TO LOKEY PARK.



ENTRANCE TO SERVICE STATION



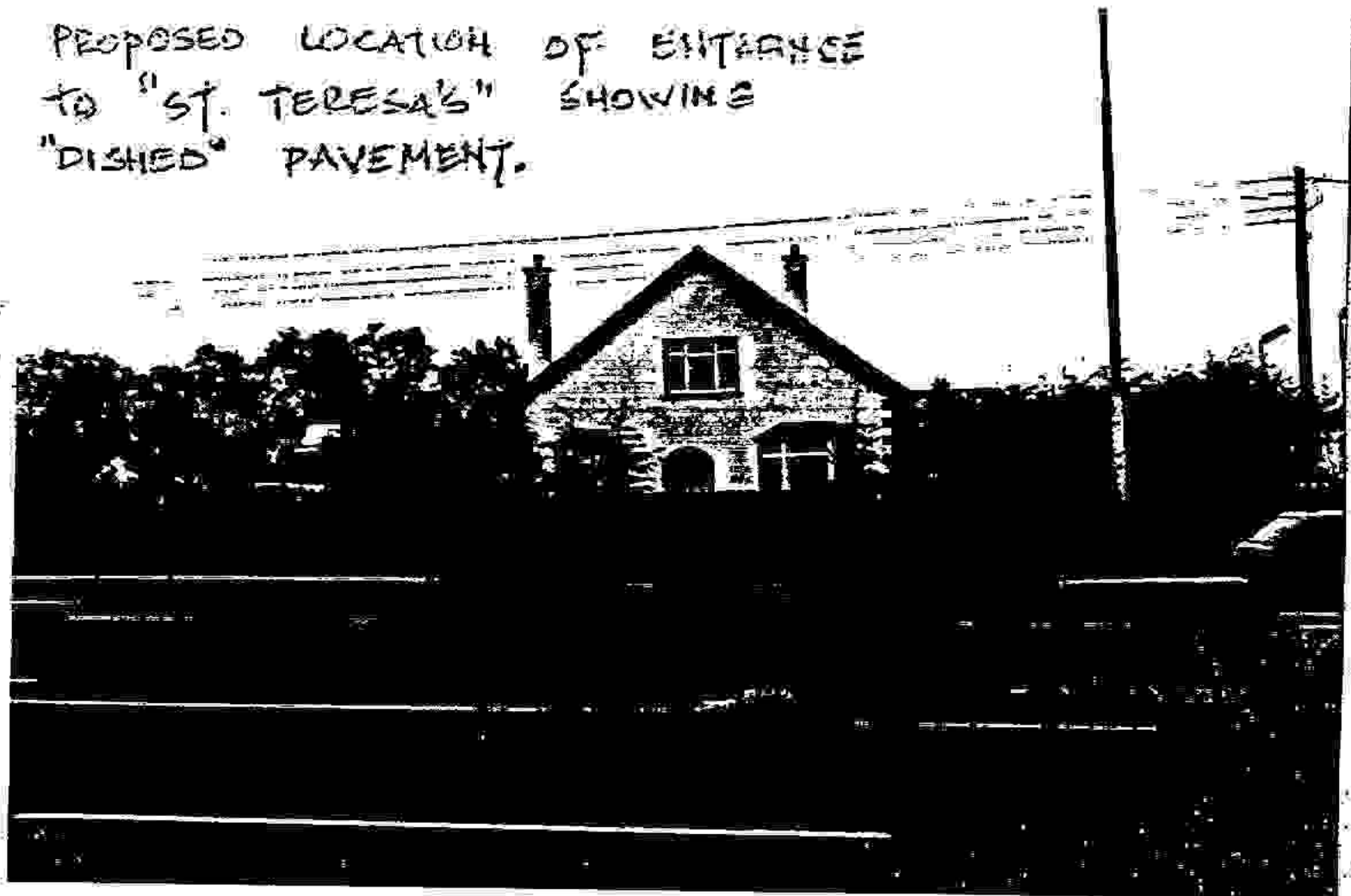
ENTRANCE TO "FOXHUNTER" LOUNGE.



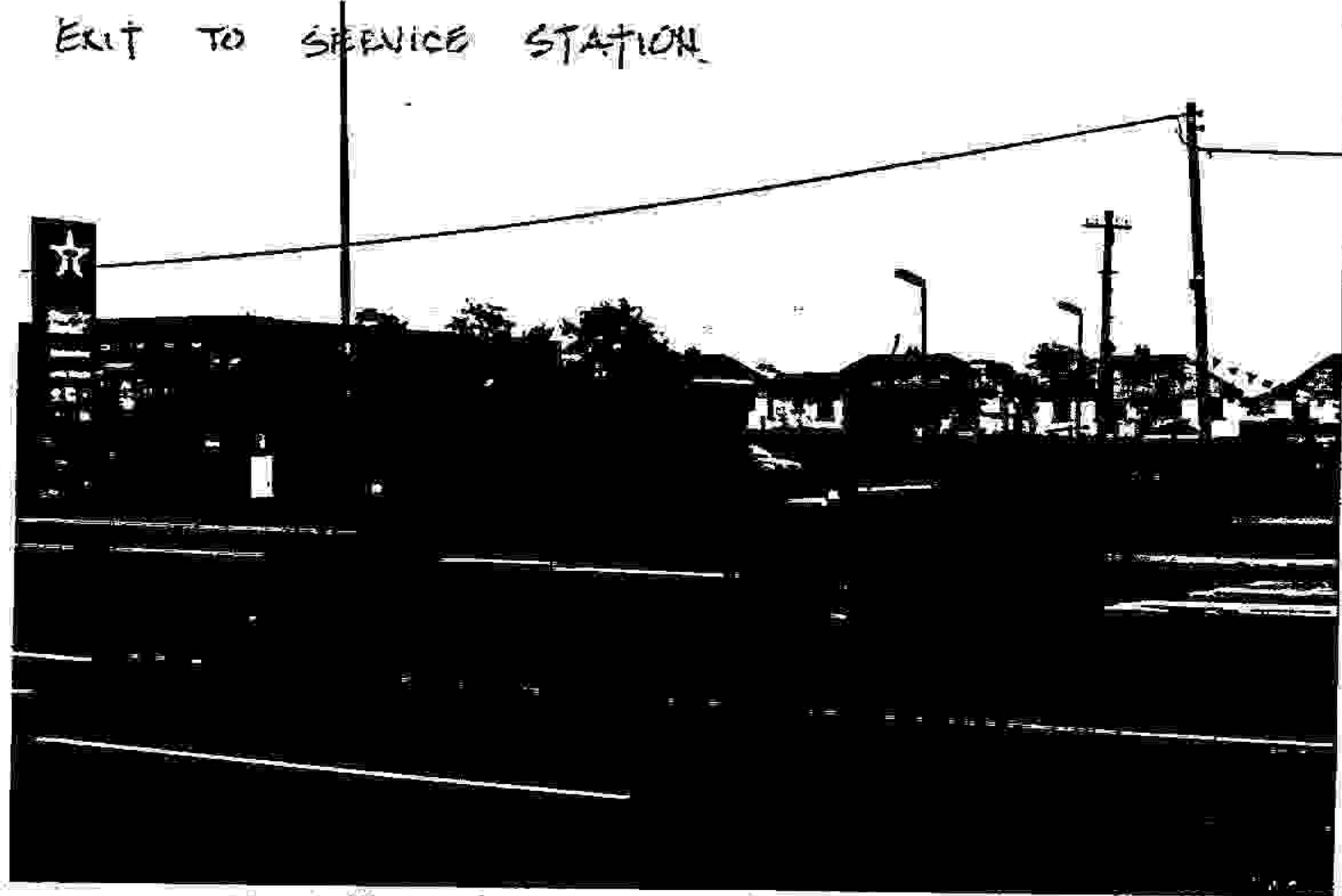
ENTRANCE TO
HERITAGE GOLF CLUB.



PROPOSED LOCATION OF ENTRANCE
TO "ST. TERESA'S" SHOWING
"DISHED" PAVEMENT.



EXIT TO SERVICE STATION



DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

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

NOTIFICATION OF A DECISION TO REFUSE:

~~CUTE INE PERMISSION~~: PERMISSION: ~~PERMISSION~~

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

To Mr. Niall Phelan, Register Reference No. 91A/0657
11 The Willows, Planning Control No.
Castletown, Celbridge, Application Received 23.04.1991
Co. Kildare, Additional Information Received.....
 Applicant Mr. and 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/.....2669/91..... dated.....07.08.1991 decided to refuse:

~~CUTE INE PERMISSION~~ PERMISSION ~~PERMISSION~~

For.....forming of a new vehicular entrance to dwelling off the Lucan Bypass at St. Teresa's, Ballydowd, Lucan.

for the following reasons:

1. The proposed development which involves the creation of a new 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 involve creating an additional access 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" (paragraph 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 6 of Order No. P/3717/84 dated 13th December, 1984, 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 7th August, 1991.

IMPORTANT:

NOTE: (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. 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 Pleanala, Irish Life Centre, Lower Abbey Street, Dublin 1. An appeal lodged by an applicant or his agent with An Bord Pleanala 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 Pleanala for an oral hearing of an appeal must, in addition to (1) above, pay to An Bord Pleanala 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 Pleanala in relation to an appeal. When an appeal has been duly made and has not been withdrawn, An Bord Pleanala 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-0657

20 June 1991

Re: Proposed permission for forming a new vehicular entrance to dwelling off the Lucan Bypass at St. Teresas, Ballydowd, Lucan for Mr. and Mrs. 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 J. PHELAN N.D.C.S.(Arch), M.B.I.A.I.

CASTLETOWN,
CELBRIDGE,
CO KILDARE,
PHONE 271530.**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: New Entrance At Saint Teresa's, Ballydowd, Lucan, For Mr. & Mrs. Barrett
- Plan Reg. Ref. No. 91A/0651.

Dear Sirs,

Further to a recent planning application on the 23rd April 1991, for the forming of a new vehicular entrance at St. Teresa's, Ballydowd, Lucan, for Mr. and Mrs. Barrett. Plan Reg. Ref. No. 91A/0651, I have been instructed by my Client to request an extension of the appropriate period as provided for under Section 26 (4A) Local Government (Planning & Development Act 1963) until the 8th August 1991.

Trusting that this is to your satisfaction.

Yours faithfully,



Niall Phelan.

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/0657

Date : 24th April 1991

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

Dear Sir/Madam,

DEVELOPMENT : Forming of a new vehicular entrance to dwelling off
the Lucan Bypass

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

APPLICANT : Mr & 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 St. Teresa, Ballydowd, Lucan, Co. Dublin.
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent) Mr. & Mrs. Barrett.
Address St. Teresa, Ballydowd, Lucan. Tel. No. 6261180

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

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

6. Brief description of Forming new vehicular entrance and gates onto the Lucan
proposed development By-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 N/A
or use when last used. N/A
(b) Proposed use of each floor N/A

*Drill
Pres
19/4/91*

NIL

10 Does the proposal involve demolition, partial demolition No
or change of use of any habitable house or part thereof?

11.(a) Area of Site <u>864m²</u>	Sq. m.
(b) Floor area of proposed development <u>N/A</u>	Sq. m.
(c) Floor area of buildings proposed to be retained within site <u>N/A</u>	Sq. m.

23 APR 91

12.State applicant's legal interest or estate in site Freehold
(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 proposal:
N/A

15.List of documents enclosed with application 4 copies of drawing nos. 9160/01 and 02, Newspaper Notice, Cheque for £16, Covering letter.

DUBLIN COUNTY COUNCIL
Planning permission is being sought for the forming of a new vehicular entrance to dwelling on the Lucan Bypass at St. Teresa's, Ballydowd, Lucan. For Mr. & Mrs. Barrett.

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

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

Fee Payable £ 16 Basis of Calculation N 35348

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 19th April 1991

Application Type P FOR OFFICE USE ONLY
Register Reference 91A/0657
Amount Received £ 17-7 2.8.0
Receipt No. _____
Date _____

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.

Issue of this receipt is not an acknowledgment that the fee tendered is the prescribed application fee. N° 35348

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

€ 16.00

Received this

24th

day of

April

19 91

from

Nigel Nolan,

11 The Willows,

Castle town, Celbridge

the sum of

€ 16.00

Pounds

Pence being

00

planning application at St. Teresa,
Ballydowd, Lucan

Adrian Deane

Cashier

S. CAREY
Principal Officer

[Signature]

15th April, 1991.

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

Re: Proposed Entrance Gate At St. Teresa's For Mr. & Mrs. Barrett

23 APR 91

Dear Sirs,

On behalf of my Client Mr. & Mrs. Barrett I wish to apply for Planning Permission for the forming of a new vehicular entrance at the front of their dwelling at St. Teresa's, Ballydowd, Lucan. Both Planning Permission and Bye-Law Approval was obtained from the Dublin County Council, Planning Department, for the dwelling, Plan Reg. Ref. No. ZA 523, Decision Order No. P/3717/87 dated 13th December 1984. Condition No. 6 of that Grant of Permission stated that "one vehicular access only be provided onto the national and primary route to serve the existing house to the east, the proposed house, and Lorry Park". This is presently the only vehicular access to my Clients' house, i.e. through the Lorry Park.

Condition No. 7 of the above Grant of Permission stated that provision would be made for vehicular access to the south of my Clients' site when that area was being developed. This access is no longer possible as there are houses built up against the southern boundary.

The arrangement as it presently exists with regard to vehicular access to St. Teresa's is dependant upon the goodwill of the owners of the Lorry Park. Should this ownership change hands in the future, my Client could possibly be left with no access to their dwelling.

The footpath on the Lucan By-Pass is already "dished" in order to accommodate vehicular access, so it is simply a matter of forming a 2.5m wide opening in the existing boundary wall and erecting gates as outlined on the enclosed drawing.

Prior to the construction of this house I am informed that a gate existed in the very same location. This entrance was obviously formed for access to the land for agricultural reasons.

I am also enclosing four copies of drawing nos. 9160/01, and 02, completed application form, and newspaper notice dated 19th April 1991.

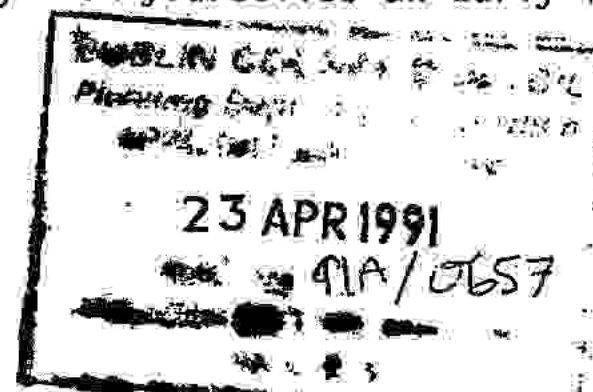
I trust that sufficient information has been provided to enable you to assess this application and look forward to receiving from yourselves an early favourable decision.

Yours sincerely,

Niall Phelan

Niall Phelan.

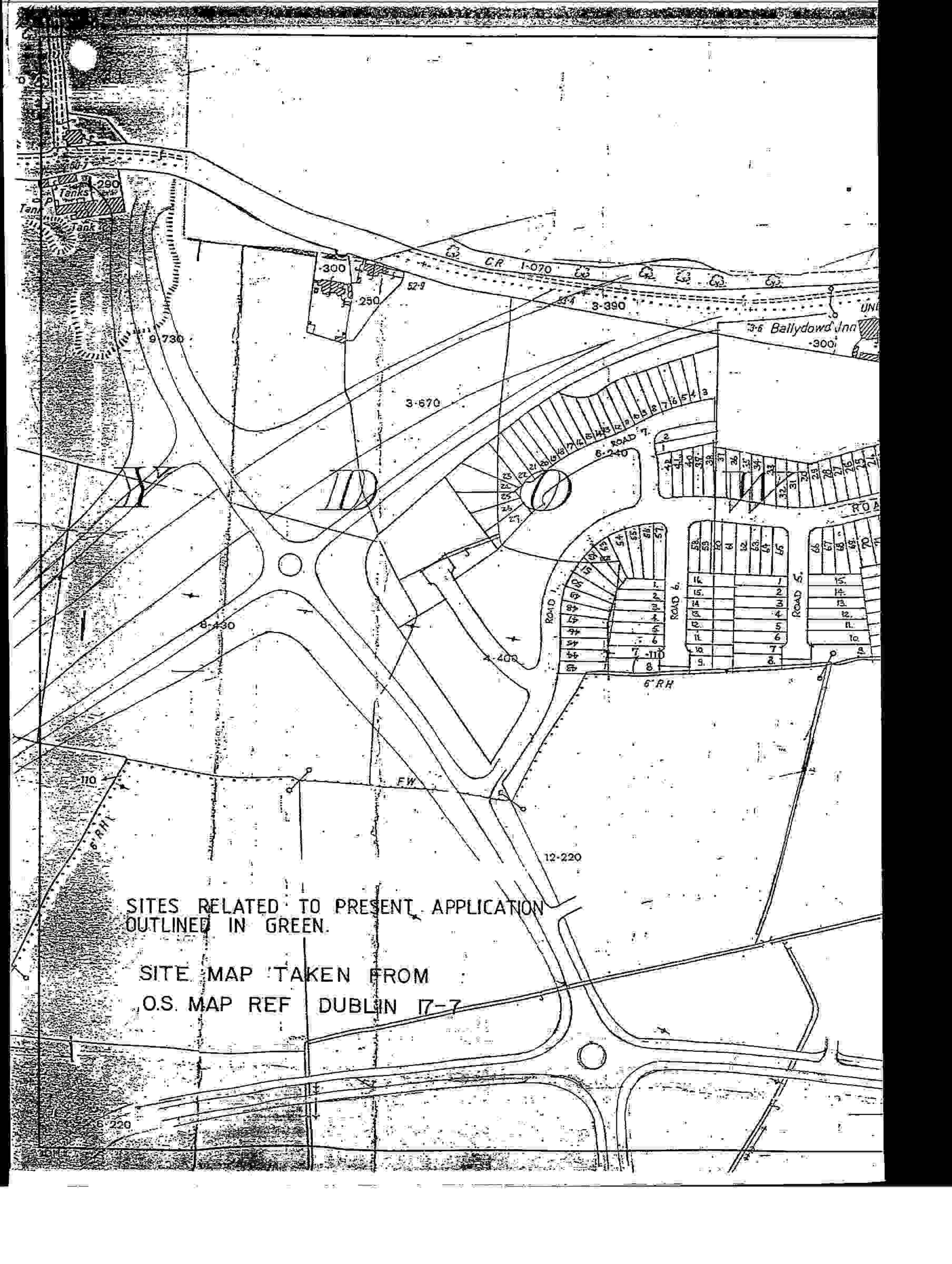
C.C. Mr. & Mrs. Barrett.



Enc's.

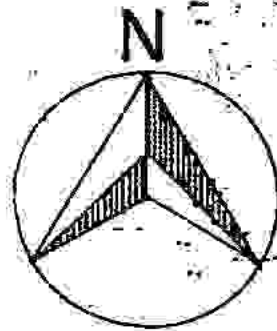
SITES RELATED TO PRESENT APPLICATION
OUTLINED IN GREEN.

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



Hermitage

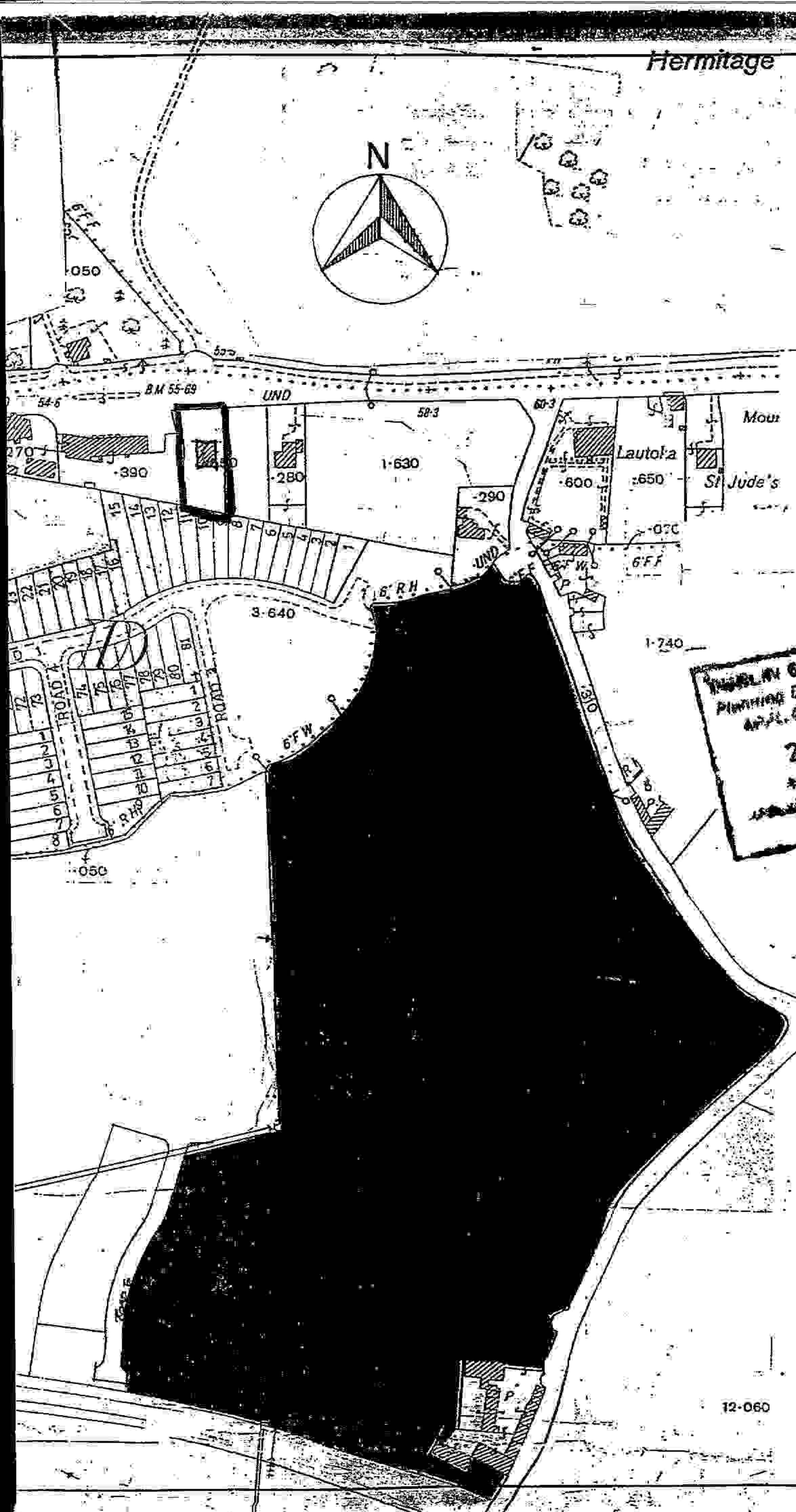
NIALL PHELAN N.D.C.S.A.
11 THE WILLOWS,
CASTLETOWN, CELBRIDGE
CO. KILDARE.



SITE LOCATION MAP.

SCALE..... 1:2500.

DWG. NO. 9160/02.



NIALL PHELAN CONSULTANTS
PLANNING Dept. Request Section
APPL. FOR PLANN. PERMISSION
23 APR 1991
91A/0657