

9

APPEALS DECISIONS

APPEALS CHECK LIST

REG. REF. NO. 92A 51

1	ENTERED IN OBJECTORS BOOK	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS BOOK	✓
4	ENTERED IN PLANAPS: I.E.:	✓
	APPEALS DECISION • R.P.	✓
	CHANGE STATUS 55	✓
	APPEALS DATE 1/7/92	✓
5	COPY OF DECISION FOR WEEKLY LIST (MARY/LAURA)	✓
6	DECISION CIRCULATED TO LISTED PERSONS	✓
7	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	
8	TO L. DOYLE FOR NOTING	
9		
10		

CHANGE STATUS IN PLANAPS:

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 WITHDRAWN.....54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

NEW APPEALS

9

NEW APPEALS

APPEALS CHECK LIST

REG. REF. NO. 929 51

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN APPEALS INDEX	✓
5	ENTER PAGE No. OF APPEALS REGISTER IN OBJECTORS REGISTER	✓
6 ENTER IN PLANAPS	Appeal Notified:	✓
	Appeal Type/Appellant Type:	✓
	Bord Pleanal Ref:	✓
	DOCS SENT TO AN BORD: (CHANGE STATUS TO 52)	✓
7	WRITTEN UP ON WEEKLY LIST FOR MARY/LAURA	✓
8	OBJECTORS NOTIFIED	✓
9	BREAKDOWN OF CALCULATIONS REQUIRED - YES /NO	✓
10		
11		

F.

FILE DISCUSSED AT COUNCIL/COMMITTEE MEETING

FILE REF: 92A 51

MEETING	COMMENTS	NOTED IN DEV. CONTROL	NOTED BY
SOUTH DUBLIN PLANNING SUB-COMMITTEE 7/5/92	Noted by all Welsh Residents Concerned over ^{trading} hours - Hopes Bud will put some control		

Register Reference : 92A/0051

Date : 12th March 1992

Dear Sir/Madam,

Development : Extension of opening hours to 1 a.m. on Friday,
Saturday and Sunday and 12.30 a.m. on Monday, Tuesday,
Wednesday and Thursday at existing Fast Food Take Away
Premises

LOCATION : 3 Main Street, Tallaght

Applicant : Donato Borza

App. Type : PERMISSION

I wish to inform you that by Order dated 11.03.92 it was decided to GRANT PERMISSION for the above proposal.

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

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

Celia Taylor
2 Main Road
Tallaght
Dublin 24

Register Reference : 92A/0051

Date : 12th March 1992

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

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

Yours faithfully,

J. de R. Keel

for PRINCIPAL OFFICER

PK

MS
7/2

0 2 FEB 92

25.

2 Main Road,
Tallaght,
Dublin 24
30th January 1992

Re: 17th January 1992 - B 92 A/0051 - 3 Main Street, Tallaght
- Extension of opening hours to 1 a.m. on Friday, Saturday
and Sunday and 12.30 a.m. on Monday, Tuesday, Wednesday
and Thursday at existing fast food take-away premises -
Donato Borza

Dear Sirs,

I wish to object most strongly to any possible granting of permission to the above planning application. Mr. Borza has already been granted permission to keep his premises open until 12 midnight and it is notable that he does not keep to these opening hours, staying open sometimes until 1.30 a.m. Kindly contact your Enforcement Department to confirm details, i.e. the number of letters I have written complaining about these breaches of the planning code. It is significant that my letters of complaint only represent a fraction of the number of such breaches. Kindly also contact the Dublin County Council Cleansing Department in Tallaght whose staff will outline to you the volume of litter and filth created by the above business.

I suggest that the above planning application is only a way of deferring any possible action by Dublin County Council against the above business. I suggest therefore that you refuse permission for the above application and take immediate proceedings against the owners of the above premises. I would remind you that the 1983 County Dublin Development Plan recognized the problems caused by take-away premises:

"These uses (fish and chip shops, take-away food shops, amusement arcades, pool halls and turf accountants) can create problems particularly in residential areas by reason of noise nuisance and traffic generation at night and to ensure that the development of such uses will be controlled either by way of refusal of permission if it is considered that their development would be prejudicial to the amenities of residential communities or by the grant of permission subject to stringent conditions. In the latter case the Council may specify the hours during which the proposed use will be permitted.

Where permission is granted for such uses the Council will ensure that there is strict compliance with all the conditions of the permission so as to obviate any potential nuisance in the area."

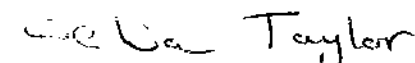
I note that under the forthcoming Development Plan the Main Road of Tallaght has been zoned "to protect and/or improve residential amenity". The Borza premises adjoins this area and destroys and reduces the residential amenity of the area. My neighbour's house has been broken into and vandalized on a number of occasions by gangs which hang around the premises concerned. On one occasion, while I was walking down the laneway at the side of this neighbour's house, I saw two young men involved in a financial transaction which they obviously wished to keep secret. What were they selling?

Kindly note that within the last five years I went through this sordid planning permission business on a previous occasion. I even appealed Dublin County Council's planning permission to An Bord Pleanála, which, as you will appreciate, used up a lot of time and energy, not to mention money. That planning application was also a response to my attempts to get the Borza family to adhere to their planning permission hours of trading. From the date of their opening of the take-away until that planning application within the last five years, the closing time was always supposed to be 11 p.m. Unfortunately, despite the filth and annoyance created by that premises I did not know of the 11 p.m. closing time under the original planning permission. I only discovered it by looking up some old files in Dublin County Council's Planning Office. In other words, the Borza family operated their business outside the law for about eighteen years!

When will Dublin County Council get off this squalid merry-go-round of enforcement letters/planning applications/planning permissions/planning appeals/planning permissions? This is a fatuous and idiotic way of running a town planning system which is intended to regulate planning "for the common good". The Planning Department should take positive steps to ensure adherence to their planning regulations instead of allowing chip-shop owners to make a mockery of them! When this planning application is sorted out, will its provisions be enforced? No. If neighbours write to the Enforcement Department to ensure that these provisions are complied with, will any positive action be taken? No, instead the owner will make another application and so on ad infinitum. Will this be going on into the next millenium? Yes, probably.

I also note from studying some recent planning permissions that no one from the Planning Department visits the sites concerned before decisions are made.

Yours faithfully,


Celia Taylor

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1977

ASSESSMENT OF FINANCIAL CONTRIBUTION

REG. REF.:

CONT. REF.:

SERVICES INVOLVED: WATER/POUL SEWER, SURFACE WATER

AREA OF SITE:

LOCAL AREA OF PRESENT PROPOSAL:

MEASURED BY:

CHECKED BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

MANAGER'S CHECKED NO: P /
DATED

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

PLANNING APPLICATION FEES

Reg. Ref. 92A/0051 Cert. No. 27.675

PROPOSAL..... extension of planning hours to take away

LOCATION..... 3 Main Street, Tullaght

APPLICANT..... Donato Borza

CLASS	DWELLINGS/AREA LENGTH/STRUCT.	RATE	AMT. OF FEE REQ.	AMOUNT LODGED	BALANCE DUE	BALANCE PAID
1	Dwellings	@£32				
2	Domestic,	@£16				
3	Agriculture	@50p per m2 in excess of 300m2. Min. £40				
4	Metres	@£1.75 per m2 or £40				
5	x .1 hect.	@£25 per .1 hect. or £250				
6	x .1 hect.	@£25 per .1 hect. or £40				
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres	@£10 per m2 or £40				
10	x 1,000m	@£25 per £1000m or £40				
11	x .1 hect.	@£5 per .1 hect. or £40				

2/40

2/40

—

Column 1 Certified: Signed: Grade Date

Column 1 Endorsed: Signed: Grade Date

Columns 2,3,4,5,6 & 7 Certified: Signed: [Signature] Grade Date 72/1/92

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

1992.

Dated this 7th day of July.

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

[Handwritten signature]

It is considered that the proposed extension of opening hours would
injure the amenities of residential property in the vicinity and
thereby be contrary to the proper planning and development of the
area.

SCHEDULE

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

APPEAL by Celia Taylor of 2 Main Road, Tallaght, Dublin against the
decision made on the 11th day of March, 1992 by the Council of the
County of Dublin to grant subject to conditions a permission to
Donato Borza of 3 Main street, Tallaght, Dublin for development
comprising the extension of opening hours to 1.00 a.m. on Friday,
Saturday and Sunday and 12.30 a.m. on Monday, Tuesday, Wednesday
and Thursday at Fast Food Take-away premises at 3 Main Street,
Tallaght, Dublin:

Planning Register Reference Number: 92A/0051

County Dublin

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

FINANCIAL CONTRIBUTION:
AMOUNT €112
P/Refused

AN BORD PLEANALA

P/3551/92

Dub./S.

P/3551/92
AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 92A/0051

Order Noted: <i>L.D.</i>	<i>[Signature]</i>
Date: <i>27 July 92</i> ASST. COUNTY MANAGER	
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated 27th day of JULY <i>JULY</i> 1992	

L.D.

P/1010/92

C-8696

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

BELGARD

CONTRIBUTION:

Standard: *Nil*

Roads: *Partial*

S. Sers:

Open Space:

Other:

SECURITY:

Bond / C.I.F.:

Cash:

Register Reference : 92A/0051

Date Received : 17th January 1992

Correspondence : Mr David Torpey,
Name and : 101 Coolgreena Road,
Address : Beaumont,
Dublin 9.

Development : Extension of opening hours to 1 a.m. on Friday,
Saturday and Sunday and 12.30 a.m. on Monday, Tuesday,
Wednesday and Thursday at existing Fast Food Take Away
Premises

Location : 3 Main Street, Tallaght

Applicant : Donato Borza

App. Type : Permission

Zoning : C1

Floor Area : 40 Sq.metres

(200) (ROD/BB)

Report of Dublin Planning Officer dated 3rd March, 1992.

This is an application for PERMISSION for the extension of opening hours to 1 am on Friday, Saturday and Sunday and 12.30 am on Monday, Tuesday, ~~and~~ Wednesday and Thursday at existing fast food takeaway premises at 3 Main Street, Tallaght for Donata Borza.

The site is located in an area zoned C1 "to protect, provide for and/or improve local/neighbourhood centre facilities" in the Development Plan. The premises at no. 3 Main Street is currently in use as a fish and chip shop and domestic residence.

PLANNING HISTORY

Reg. Ref. F. 877 - Planning permission was granted for change of use to fish and chip shop on 29th June, 1973.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg. Ref: 92A/0051

Page No: 0002

Location: 3 Main Street, Tallaght

Reg. Ref. 89A/629 - Planning permission was granted by Dublin County Council for retention of use of take away from 11 pm to 1am. This decision was appealed and An Bord Pleanála held that the takeaway premises should not be open to the public between midnight and 0800 hours on any day. (PL 6/5/79785 dated 9th January, 1990). *In this regard it should be noted that there is a long enforcement history concerning the opening hours of the take away on file (Ref. Enf. 4311).*

Reg. Ref. 89A/2128 - Permission was granted for retention of existing gate and open shed to rear yard and proposed first floor extension incorporating utility room to rear of premises on 25th January, 1990.

The current proposal seeks an extension of opening hours at the take-away to 1 am on Friday, Saturday and Sunday and 12.30 am for the remaining week days. The applicant states that his business is suffering as a result of having to close the premises at 12 midnight. The take-away opens daily at 12 noon.

In a similar development An Bord Pleanála on appeal (Reg. 6/5/86713, Reg. Ref. 91A/992) recently (16/12/1991) granted permission for an extension of opening hours at Silvio's takeaway, 190 Templeogue Road. This site is also located in an area zoned C1 in the Development Plan. The decision of An Bord Pleanála permits the take-away to open for trading between 12 noon and 1 am on Sunday to Thursday inclusive and between 12 noon and 2.00 am on Friday and Saturday.

A letter of objection has been received from the occupant of a nearby dwelling.

The proposed extension of trading hours at Borza's takeaway, no. 3 Main Street, Tallaght is considered reasonable having regard to the timescale involved i.e. an hourly increase at weekends and a half hourly increase on weekdays; the location of the site in an existing commercial area along a busy traffic route and finally the recent Bord Pleanála's decision, Reg. Ref. 91A/0992 of December, 1991, in a similar development.

I recommend that a decision to GRANT PERMISSION be made under the Local Government (Planning and Development) Acts, 1963-1990 subject to the following conditions:-

CONDITIONS / REASONS

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 92A/0051

Page No: 0003

Location: 3 Main Street, Tallaght

01 That the premises shall only be open for trading between the hours of 12 noon and 1.00 am on Friday, Saturday and Sunday inclusive and between the hours of 12 noon and 12.30 am on Monday, Tuesday, Wednesday and Thursday inclusive.

Reason in the interest of the proper plan + development of the area.

02 That no advertising sign or structure be erected except those which are exempted development, without prior approval of Planning Authority.

REASON: In the interest of the proper planning and development of the area.

03 That no music or other sound shall be broadcast or amplified from the premises.

REASON: To preserve the amenity of the area.

04 That adequate provision be made for the disposal of refuse and litter outside the premises. Litter bins to be provided in prominent locations both inside and outside the premises.

REASON: In the interest of public health.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Reg.Ref: 92A/0051

Page No: 0004

Location: 3 Main Street, Tallaght

Richard Cronin SEP
.....
for Dublin Planning Officer 6.3.92

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

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

Dated :
11th MARCH 1992

[Signature]
.....
ASSISTANT COUNTY MANAGER/~~APPROVED OFFICER~~

to whom the appropriate powers have been delegated by order of the Dublin City and County Manager dated *10th February* 1991.

1992

Ref: PL 6/5/88406

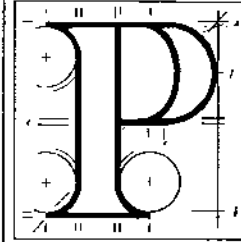
Ref: 92A/0051

EM

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

DUBLIN COUNTY COUNCIL
PLANNING DEPT.
08 JUL 1992
RECEIVED

An Bord Pleanála



Date: -7 JUL 1992

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

Appeal re: Extension of opening hours at Fast Food
Take-away premises at 3 Main Street, Tallaght,
Dublin 24.

DEVELOPMENT
CONTROL

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

AN BORD PLEANÁLA

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

County Dublin

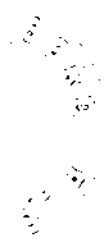
Planning Register Reference Number: 92A/0051

APPEAL by Celia Taylor of 2 Main Road, Tallaght, Dublin against the decision made on the 11th day of March, 1992 by the Council of the County of Dublin to grant subject to conditions a permission to Donato Borza of 3 Main street, Tallaght, Dublin for development comprising the extension of opening hours to 1.00 a.m. on Friday, Saturday and Sunday and 12.30 a.m. on Monday, Tuesday, Wednesday and Thursday at Fast Food Take-away premises at 3 Main Street, Tallaght, Dublin:

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

SCHEDULE

It is considered that the proposed extension of opening hours would injure the amenities of residential property in the vicinity and thereby be contrary to the proper planning and development of the area.


Dennis W. Murphy

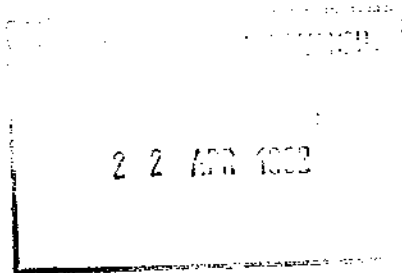
Member of An Bord Pleanála duly
authorised to authenticate the
seal of the Board.

Dated this 7th day of July. 1992.

Our Ref: PL 6/5/88406
P.A. Reg. Ref: 92A/0051

CD'H

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



Date: 16th April 1992.

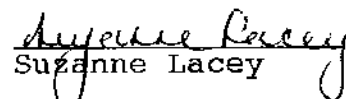
Appeal re: Extension of opening hours to 1.00 a.m. on Friday, Saturday and Sunday and to 12.30 a.m. on Monday, Tuesday, Wednesday and Thursday at existing fast-food take-away premises at 3 Main Street, Tallaght, County Dublin.

Dear Sir/Madam,

Enclosed for your information is a copy of correspondence received in relation to the above-mentioned appeal. While it is not necessary for you to furnish any comments on the correspondence, you may do so if you wish. Any such comments should be forwarded within fourteen days from the date of this letter to ensure that they will be taken into consideration in the determination of the appeal.

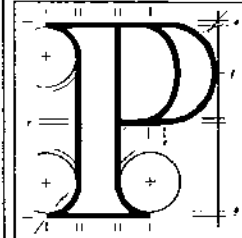
Please quote the above appeal reference number in any further correspondence.

Yours sincerely,


Suzanne Lacey

BP 553A

An Bord Pleanála



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

6/5/88406

2 Main Road,
Tallaght,
Dublin 24
2nd April 1992

Re: Extension of opening hours to 1 a.m. on Friday, Saturday
and Sunday and 12.30 a.m. on Monday, Tuesday, Wednesday
and Thursday at existing fast-food take-away premises -
Register: 92 A/0051 - 3 Main Street, Tallaght - Donato
Borza

Dear Sirs,

Further to my recent letter of appeal concerning the above planning permission, as you will notice from the letters columns of newspapers the sums charged for planning appeals by third parties has produced widespread anger which contributes to the feelings of alienation and cynicism which is most concerned peoples' attitudes to planning authorities. We reserve feelings of particular contempt for planning authorities who obviously do not even visit the location of the application concerned and pay absolutely no attention to the legitimate and worthy concerns of the people affected by these planning permissions. In view of the fact that local government in this country is being paid for by the ordinary tax-payer, local government agencies have scant regard for the people paying for their existence - this is indeed taxation without representation. In the social milieu in which I was brought up we were encouraged to spend our money wisely, not to waste money or spend it on luxuries before necessities. I believe the phrase goes "Look after the pennies and the pounds will look after themselves". I am still looking after the pennies, but I have to spend the pounds in order to protect the amenity of my surroundings. I have been forced into this situation by the Planning Department of Dublin County Council.

As everyone on the area of the Main Road, Tallaght will inform you, the byproducts of the above premises are: litter accumulating in private gardens, noxious smells day and night, litter constantly on the road, noticeable widespread graffiti on buildings adjacent to the premises and loud unpredictable drunk gangs gathering in the area at night. I notice that the employees of the Dublin Corporation office at Main Road, Tallaght have removed all the graffiti from the exterior of their building, but no doubt it will be back before long. You should consult them as to their opinion of the graffiti on their building and its relationship to the business next door.

1992

--/--

In addition, on one night between October and December 1991 I saw two teenage youths involved in a surreptitious transaction in the laneway which leads to the back of the premises concerned. Whatever substance was being handed over was not a legal one, or was obviously something which was not legally available to their age group or not legally purchaseable outside certain outlets.

This business brings groups of people into the area who sometimes throw stones at the windows of neighbouring houses causing breakages. Money is therefore spent on repairs which could be more productively be used elsewhere. At nighttime most of the customers of Messrs. Borza are drunks driving home from the local pubs, which, as you can imagine, puts at risk pedestrians, drivers and residents of the area. These cars are driven along the pavement, at speed on the Main Road and are sometimes parked blocking gates. Local residents usually get a mouthful of obscene abuse if they complain about their inability to enter or leave their own homes.

The fast-food premises concerned, as you can imagine, has led to a deterioration in the amenity of neighbouring dwellings as well as to a deterioration in their financial value.

I notice that the 1983 Development Plan has a special section on, inter alia, take-away food shops:

"In order to ensure the preservation of existing amenities and the proper planning and development of new areas, particular regard will be had to the proposed location and development of uses which could have a detrimental effect on the amenities of an area. Such uses include fish and chip shops, take-away food shops, ..."

"These uses can create problems particularly in residential areas by reason of noise nuisance and traffic generation at night and can be responsible for litter problems. The Council will seek to ensure that the development of such uses will be controlled either by way of refusal of permission if it is considered that their development would be prejudicial to the amenities of residential communities or by the grant of permission subject to stringent conditions. In the latter case the Council may specify the hours during which the proposed use will be permitted."

"Where permission is granted for such uses the Council will ensure that there is strict compliance with all the conditions of the permission so as to obviate any potential nuisance in the area."

--/--

--/--
I consider that permission should never have been given for this development - none of its customers live in the area. The background to this planning appeal is itemised below:

- (1) In 1988 I discovered that the Borzas should have been keeping to strict closing times, which they were not. I wrote to Dublin County Council Enforcement Department asking them to enforce the closing times allowed in the original planning permission.
- (2) The Enforcement Department issued an Enforcement Notice on Donato Borza.
- (3) Because Donato Borza continues to keep his chip shop in service after the permitted time I wrote again to the Enforcement Department.
- (4) Another Enforcement Notice is served on Donato Borza.
- (5) Because Donato Borza continues to infringe the Enforcement Notice, I write again to the Enforcement Department.
- (6) The Borza family puts in a planning application for the extension of their opening hours.
- (7) I write an objection to this planning application.
- (8) Dublin County Council Planning Department grants permission for the extension of opening hours.
- (9) I appeal the grant of permission to An Bord Pleanala.
- (10) An Bord Pleanala grants permission for the extension of opening hours until 12 midnight.
- (11) Donato Borza continues to infringe these new opening hours and I write to the Enforcement Department.
- (12) The Enforcement Department serves an Enforcement Notice on the Borza family.
- (13) Donato Borza continues to infringe the Enforcement Notice and I write again to the Enforcement Department.
- (14) The Enforcement Department serves another Enforcement Notice.
- (15) The application which is the subject of this appeal is made to Dublin County Council.
- (16) I lodge an objection.

---/---

(17) Dublin County Council grants permission for the extension of opening hours.

(18) This is the appeal against that permission.

In view of the fact that the ⁿplanning applications mentioned above are the result of the Enforcement Department's monitoring of the Borza premises, I suggest that they should be dismissed as vexatious. Having read the above itemised history of this planning permission, do you think that this is an intelligent way of dealing with business_{es} which infringe their planning permissions?

I suggest that this planning permission should be overturned as it is not in accordance with the proper planning designation of the area, which under the 1992 Development Plan will be "to protect and improve residential amenity".

Yours faithfully,

Celia Taylor
Celia Taylor

Tel.: 724755
Ext. 268/269

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

Your Ref.: PL6/5/ _____

Our Ref.: _____

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

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

Proposal: _____

Applicants: _____

Dear Sir,

With reference to your letter dated _____ 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. _____
 - (4) The plan(s) received from the applicant on _____
 - (6) & (7) A certified copy of Manager's Order _____
- DATED, _____ together with technical reports in connection with the application.
- (8) _____

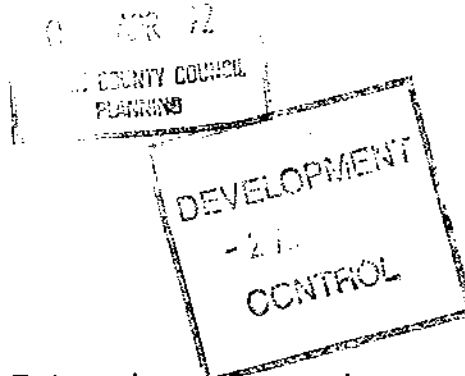
Yours faithfully,

For Principal Officer.
Encls.

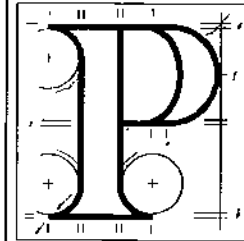
Our Ref: PL 6/5/88406
Your Ref: 92A/0051

EOH

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 31st March 1992.

Planning authority decision re: Extension of opening hours to 1.00 a.m. on Friday, Saturday and Sunday and to 12.30 a.m. on Monday, Tuesday, Wednesday, Thursday at existing fast-food take-away premises at 3 Main Street, Tallaght, 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.

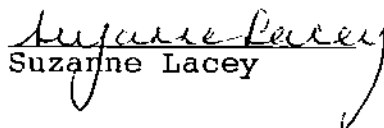
Please note that the other parties to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of 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.

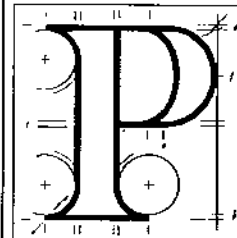
Yours faithfully,


Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



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

30/3/92

By Hand

100 chq

B27510

HMV 2 Main Road,
Tallaght,
Dublin 24

26th March 1992

Re: Extension of opening hours to 1 a.m. on
Friday, Saturday and Sunday and 12.30 a.m.
on Monday, Tuesday, Wednesday and Thursday
at existing fast-food take-away premises -
Register: 12 A/0051 - 3 Main Street, Tallaght -
Donato Borza

Dear Sirs,

I wish to appeal against the above grant
of planning permission and enclose cheque in
the sum of £100. The bases for my appeal are
as follows:

- (a) The byproduct of the above premises in
terms of litter, noxious smells, etc. is far
in excess of any benefit accruing from
this business;
- (b) The activities of this business has led
to a deterioration in the amenity and
financial value of neighbouring dwellings;
- (c) The Development Plan 1983 recognizes the
ill-effects of business premises of this
kind and recommends strict control over
their opening times - I would go further
and say that a business of this kind
should never have been permitted at
this location at all.

I will be forwarding a more detailed
submission in a few days' time.

Yours faithfully,

Celia Taylor



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

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

Decision Order Number : P/ 1010 /92 Date of Decision : 11th March 1992

Register Reference : 92A/0051 Date Received : 17th January 1992

Applicant : Donato Borza

Development : Extension of opening hours to 1 a.m. on Friday,
Saturday and Sunday and 12.30 a.m. on Monday, Tuesday,
Wednesday and Thursday at existing Fast Food Take Away
Premises

Location : 3 Main Street, Tallaght

Floor Area : Sq.Metres

Time Extension(s) up to and including :

Additional Information Requested/Received : //

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

Mr David Torpey,
101 Coolgreena Road,
Beaumont,
Dublin 9.



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

Reg.Ref. 92A/0051
Decision Order No. P/ 1010 /91
Page No: 0002

Subject to the Conditions on the attached Numbered Pages.

NUMBER OF CONDITIONS:- ...⁴...ATTACHED.

Signed on behalf of the Dublin County Council.....*J. de Saiztoed*.....
for Principal Officer

Date:.....*12/3/92*.....

Reg.Ref. 92A/0051
Decision Order No. P/ 1010 /91
Page No: 0003



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

C O N D I T I O N S / R E A S O N S

- 01 That the premises shall only be open for trading between the hours of 12 noon and 1.00 am on Friday, Saturday and Sunday inclusive and between the hours of 12 noon and 12.30 am on Monday, Tuesday, Wednesday and Thursday inclusive. *REASON: In the interest of the proper planning & development of the area*
- 02 That no advertising sign or structure be erected except those which are exempted development, without prior approval of Planning Authority.
REASON: In the interest of the proper planning and development of the area.
- 03 That no music or other sound shall be broadcast or amplified from the premises.
REASON: To preserve the amenity of the area.
- 04 That adequate provision be made for the disposal of refuse and litter outside the premises. Litter bins to be provided in prominent locations both inside and outside the premises.
REASON: In the interest of public health.

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



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

Register Reference : 92A/0051

Date : 20th January 1992

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

Dear Sir/Madam,

DEVELOPMENT : Extension of opening hours to 1 a.m. on Friday,
Saturday and Sunday and 12.30 a.m. on Monday, Tuesday,
Wednesday and Thursday at existing Fast Food Take Away
Premises

LOCATION : 3 Main Street, Tallaght

APPLICANT : Donato Borza

APP. TYPE : PERMISSION

With reference to the above, I acknowledge receipt of your application
received on 17th January 1992.

Yours faithfully,

.....

for PRINCIPAL OFFICER

Mr David Torpey,
101 Coolgreena Road,
Beaumont,
Dublin 9.



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 3 MAIN STREET, TALLAGHT, D. 24
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent) MR. DONATO BORZA
Address 3 MAIN STREET TALLAGHT Tel. No. 512607

4. Name and address of person or firm responsible for preparation of drawings MR. DAVID TORREY
101 COOLGREENA RD, BEAUMONT Tel. No. 377598

5. Name and address to which notifications should be sent MR. DAVID TORREY
101 COOLGREENA ROAD, BEAUMONT, D. 9

6. Brief description of proposed development EXTENSION OF EXISTING OPENING HOURS TO FAST FOOD PREMISES

7. Method of drainage MAINS B. Source of Water Supply MAINS

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 COMMERCIAL / RESIDENTIAL
(b) Proposed use of each floor BITTO

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

9 Press 10/1/92

(a) Area of Site 214 Sq. m.
(b) Floor area of proposed development 40 Sq. m.
(c) Floor area of buildings proposed to be retained within site 230 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. 1/40 17/1

14. Please state the extent to which the Draft Building Regulations have been taken in account in your proposal: NS4399

15. List of applic DUBLIN 24 Planning permission sought for extension of opening hours to 1 a.m. on Friday, Saturday and Sunday and 12.30 a.m. on Monday, Tuesday, Wednesday and Thursday at existing Fast Food Take Away premises, 3 Main Street, Tallaght for Donato Borza.
4 COPIES FOR 01 COVERING LETTER, NEWSPAPER ADVERT, CHEQUE

16. Gross floor space of proposed development (See back) EXTENSION OF OPENING HOURS ONLY Sq. m.
No of dwellings proposed (if any) 3 Class(es) of Development 3
Fee Payable £ 40.00 Basis of Calculation MIN. FEE FOR COMMERCIAL APPLICATION
If a reduced fee is tendered details of previous relevant payment should be given THIS APPLICATION IS FOR THE EXTENSION OF OPENING HOURS ONLY.

Signature of Applicant (or his Agent) David Torrey Date 16 January '92

Application Type 0214/0051
Register Reference
Amount Received £
Receipt No
Date 22/9

FOR OFFICE USE ONLY RECEIVED 17 JAN 1992 REG. SEC. 2.40

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.

SUMMARY OF CLASSES OF DEVELOPMENT/ FEES

CLASS NO.	DESCRIPTION	FEE
1.	Provision of dwelling - House/Flat.	£32.00 each.
2.	Domestic extensions/other improvements.	£18.00 each.
3.	Provision of agricultural buildings (See Regs.)	£40.00 minimum.
4.	Other buildings (i.e. office, commercial, etc.)	£ 1.75 per sq.metre (Min. £40.00).
5.	Use of land (Mining, deposit or waste).	£25.00 per 0.1 ha. (Min. £250.00).
6.	Use of land (Camping, parking, storage).	£25.00 per 0.1 ha. (Min. £40.00).
7.	Provision of plant/machinery/tank or other structure for storage purposes.	£25.00 per 0.1 ha. (Min. £100.00).
8.	Petrol filling station.	£100.00.
9.	Advertising structures.	£ 10.00 per sq. m. (Min. £40.00).
10.	Electricity transmission lines.	£ 25.00 per 1,000m. (Min. £40.00).
11.	Any other development.	£ 5.00 per 0.1ha. (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.

MAIRLE CHONTAE ÁTHA CLIAITH

RECEIPT CODE

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

Issue of this receipt is not an acknowledgement that the fee tendered is the prescribed application fee.

£ 40 00

day of January 1992

Received this

from D. Borja,
3 Maria St.
Tallaght

the sum of

forty

Pounds

Receipt being

the fee for

planning application of

3 Maria St.

Morice
Driver

Cashier

S. CAREY
Principal Officer
Leas 4

David J. Torpey C Eng Tech ; dip Comp Sc

construction & design consultant

Planning Officer,
Dublin County Council,
Irish Life Centre,
1r. Abbey Street,
Dublin.

101 Coolgreena Road
Beaumont
Dublin 9

16.1.1992

Dear Sir,

tel. 377598

Re: 3 Main Street, Tallaght - Extension of Opening Hours

On behalf of Mr. Donato Borza please find enclosed the necessary documentation to apply for planning permission for the extension of opening hours to remain open until:-

1am Friday, Saturday and Sunday
12.30am Monday, Tuesday, Wednesday and Thursday.

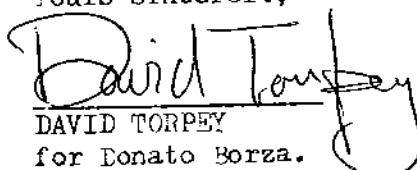
Since 1973 Mr. Borza has operated a take away food business at the above premises (which is also his residence). Planning Permission for same was granted under Plan no. PI 193/73.

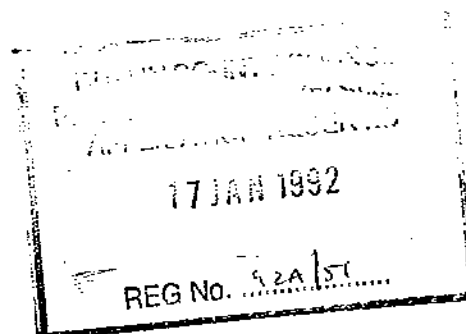
In April 1989 Mr. Borza applied for an extension in opening hours from 11pm until 1am nightly. Permission was granted for same by the Co. Council (Reg. Ref. 89A / 629) but was appealed to An Bord Pleanala by one local resident. An Bord Pleanala granted an extension of opening hours from 11pm to 12am nightly (Ref. Ep 6/5/79/85 dated 9th Jan. 1990).

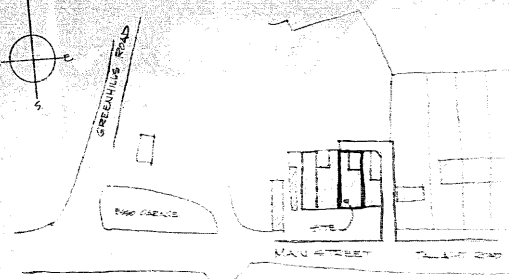
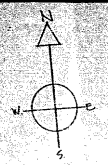
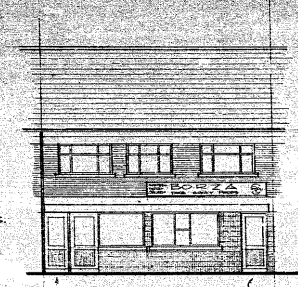
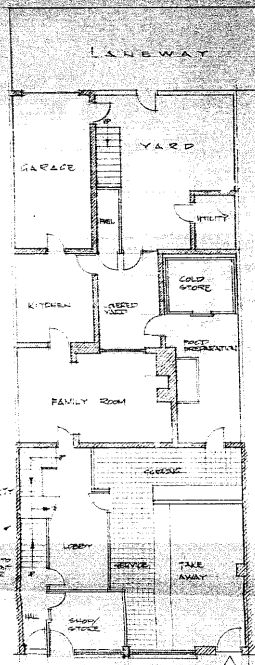
Other take away food businesses in Tallaght have been granted permission to remain open until 1am. Mr. Borzas business is suffering as a result. In the intervening two years since our last application Mr. Borza has operated his business without incident and based on this good record we now seek a reasonable extension to opening hours until 1am restricted to Friday, Saturday and Sunday and 12.30am on Monday, Tuesday, Wednesday, and Thursday. As his business does not commence until 12pm on any day we believe the above request to be a reasonable one.

We trust the enclosed documentation enables you to process this application.

Yours sincerely,


DAVID TORPEY
for Donato Borza.





E.S.G.
 ENTRANCE TO FAMILY RESIDENCE
 FRONT ELEVATION
 TAKE AWAY ENTRANCE

SITE LOCATION MAP (1:1000)

E.S. PROPERTY



SEE ACCESS TO FAMILY RESIDENCE FROM MAIN STREET

FOOT PATH TAKE AWAY ENTRANCE

PARKING

MAIN STREET
 GROUND FLOOR PLAN



NO.	1	ISSUED FOR PLANNING PERMISSION	DATE
WORK		REVISION	DATE
SURVEY OF EXISTING TAKE AWAY FOODS PREMISES AT 3 MAIN STREET, TALLAGHT FOR MR DONATO BORZA			
SURVEYOR: D. TORREY (D.I.B.) 101 COOLGREEN ROAD BEAMMONT DUBLIN 9 TEL: 877508			
PROJ. NO. 0724 DATE 11/00			