



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/1132

Date : 23rd October 1991

Dear Sir/Madam,

Development : Food take-away facility from premises

LOCATION : 12A Cypress Park, Templeogue

Applicant : Mr. Noel Counihan

App. Type : PERMISSION

I wish to inform you that an appeal has been lodged with An Bord Pleanala against the Council's decision to REFUSE PERMISSION .

All further correspondence in relation to this appeal should be addressed to The Secretary, An Bord Pleanala, Blocks 6 & 7 Irish Life Centre, Lower Abbey Street, Dublin 1.(Tel.728011).

Please note that submissions or observations made to An Bord Pleanala by or on behalf of a person (other than the applicant) with regard to an appeal made by another person must be accompanied by a fee of £15.

Yours faithfully,

L.S.
.....

for PRINCIPAL OFFICER

Patricia O' Reilly,
19 Cypress Park,
Templeogue,
Dublin 6W.



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Brendan O' Reilly,
19 Cypress Park,
Templeogue,
Dublin 6W.



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Yours faithfully,

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L.D

for PRINCIPAL OFFICER

David Mc Donnell,
15 Cypress Park,
Templeogue,
Dublin 6W.



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for PRINCIPAL OFFICER

Mr. Crean,
21 Cypress Park,
Templeogue,
Dublin 6W.



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Yours faithfully,

.....L.S.D.....

for PRINCIPAL OFFICER

Mr. B. O' Reilly,
19 Cypress Park,
Templeogue,
Dublin 6W.

22 October 1991

Senator Pat Upton, M.C.C.,
Seanad Eireann,
Baile Atha Cliath, 2.

Dear Councillor Upton,

I wish to refer to your recent letter on behalf of the Cypress Park Residents who object to an application for planning permission submitted on behalf of Mr. Noel Counihan for a proposed food take-away facility from premises at 12A Cypress Park, Templeogue.

I wish to inform you that on the 4th September, 1991 the Planning Authority refused permission in respect of this proposal. A copy of the Notification of Decision to refuse is enclosed for your information.

Yours faithfully,

for PRINCIPAL OFFICER

DD/MC



(~~DD~~) DD
Caly b8k
LABOUR

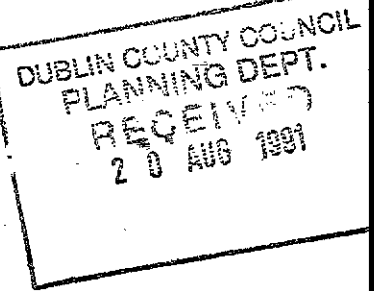


133 LIMEKILN GREEN,
LIMEKILN FARM,
DUBLIN 12.

Tel. 504772

Cllr. EAMONN WALSH

17th August 1991.



Mr M. Drumgoole,
Senior Administrative Officer,
Planning Department,
Irish Life Centre,
Lr. Abbey Street,
Dublin 1.

Dear Mr Drumgoole,

I wish to make representations to you on behalf of Residents of Cypress Park Templeogue, Dublin 6W. Regarding a Pizza Parlour at 12A Cypress Park Ref. No. 91A/1132. I would like to make the following points on behalf of the Local Residents.

1. The Company that has applied for Planning Permission for this Pizza Parlour has advertised that they will be operating late opening hours which means they will operate until the Phones stop Ringing. This is a serious concern to the Residents of the Area as the Peace and Quiet in the Area will be greatly interfered with.

2. No Planning Permission was ever obtained for the Division of 12 Cypress Park. Therefore, 12A does not seem to come under the Planning Requirements for the Area. In other words, No Permission has been sought for the Sub-Division.

The granting of this Application would be detrimental to the Amenity of the Area, and it is the opinion of the Residents that this division would not be in accordance with good and proper Planning for the Area.

Already a Flood-Lit Exterior advertises the Premises and attracts quite a large number of young people around the Area, resulting in Noise and Nuisance to the Residents. This Development has created further Traffic in the Area and causes problems as a Result, especially in the late hours.

/...



LABOUR



Cllr. EAMONN WALSH

**133 LIMEKILN GREEN,
LIMEKILN FARM,
DUBLIN 12.**

Tel. 504772


Contd...

There is no big Demand in the Area by the Local Residents for this service, as there is already in the immediate Area, facilities similar to this Development. The Residents feel that the granting of this application would encourage further undesirable sub-division of Shops locally.

The Residents have also informed me that although the date of Application is the 5th July 1991, the business has been carried on since 13th March 1991.

I would therefore be grateful if you would take these Points into account when deciding whether or not to Grant Planning Permission for 12A Cypress Park.

Yours sincerely,



EAMONN WALSH. M.C.C.

Mr. M. Drumgoole,
Senior Administrative Officer,
Planning Department,
Irish Life Centre,
11, Abbey Street,
Dublin 1.



for Country

D. Drungpole

P. Upton

SEANAD ÉIREANN
BAILE ÁTHA CLIATH
(Dublin 2.)

PU

RECEIVED
- 6 SEP 1991
PLANNING DEPT.

12. SEPT. 91
DUBLIN CITY COUNCIL
PLANNING

Principal Officer,
Planning Department,
Block 2,
Irish Life Centre,
Abbey Street,
Dublin 1.

September 5, 1991.



398

Dear Principal Officer,

I am in receipt of representations from residents on Cyprus Park, Templeogue in relation to an Application for Planning Permission (Reference Number 91A/1132).

I wish to support the objections which the residents have lodged because the granting of this application would cause a considerable nuisance in this area and because the local needs are well catered for from the Templeogue Village and from the Terenure Village and from a take-away which already exists on Cyprus Park.

I look forward to hearing from you in relation to this matter.

Yours sincerely,

Pat Upton

Senator Pat Upton.

Councillor Eamonn Walsh,
133 Limekiln Green,
Limekiln Farm,
Dublin 12.

Our Ref.: 91A/1132

9 September 1991

RE: Proposed food take-away from premises at 12A Cypress Park,
Templeogue, for Mr. Noel Counihan.

Dear Deputy,

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

I now wish to inform you that by Order dated 4th September, 1991, it was decided to refuse permission.

Yours faithfully,

C. D.

for Principal Officer.

Councillor Frank Buckley,
4 Highfield Drive,
Marley Grange,
Dublin 16.

Our Ref.: 91A/1132

9 September 1991

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Yours faithfully,

 L.D.
for Principal Officer.

Councillor Stanley Laing,
Chairman,
Dublin County Council,
46-49 Upper O'Connell Street.

Our Ref.: 91A/1132

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Yours faithfully,

L. D.
for Principal Officer.

Mr. Gay Mitchell, T.D,
Dail Eireann,
Dublin 2.

Our Ref.: 91A/1132

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Dublin 1.
Telephone. (01)724755
Fax. (01)724896

Register Reference : 91A/1132

Date : 5th September 1991

Dear Sir/Madam,

Development : Food take-away facility from premises

LOCATION : 12A Cypress Park, Templeogue

Applicant : Mr. Noel Counihan

App. Type : PERMISSION

I wish to inform you that by order dated 04.09.91 it was decided to REFUSE PERMISSION for the above proposal.

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

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

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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 £15.

Mr. B. O' Reilly,
19 Cypress Park,
Templeogue,
Dublin 6W.

Yours faithfully,

..... L.D
.....

for PRINCIPAL OFFICER



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Mr. Crean,
21 Cypress Park,
Templeogue,
Dublin 6W.

Yours faithfully,

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David Mc Donnell,
15 Cypress Park,
Templeogue,
Dublin 6W.

Yours faithfully,

..... L. J. D.

for PRINCIPAL OFFICER



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19 Cypress Park,
Templeogue,
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Yours faithfully,

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for PRINCIPAL OFFICER



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Patricia O' Reilly,
19 Cypress Park,
Templeogue,
Dublin 6W.

Yours faithfully,

.....*l. D.*.....

for PRINCIPAL OFFICER

Dublin County Council



~~###~~
Jm-CB
Please attach
Reg file
410
LABOUR



133, LIMEKILN GREEN,
LIMEKILN FARM,
DUBLIN 12.

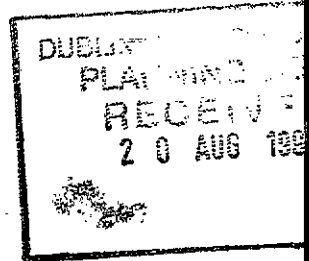
91A1132

Cllr. EAMONN WALSH

Tel. 504772

*File
me*

17th August 1991.



Mr M. Hodgins,
Senior Administrative Officer,
Planning Department,
Irish Life Centre,
1r. Abbey Street,
Dublin 1.

Dear Mr Hodgins,

I am making representations to you on behalf of a number of Residents of Cypress Park, but, in particular Brendan O'Reilly 19 Cypress Park, Templeogue, Dublin 6W. It concerns a Pizza Parlour at 12A Cypress Park Registration Ref. No. 91A/1132.

The Residents of this Area are strongly opposed to this unauthorised development, and the following points were made to me by these residents.

NO PLANNING PERMISSION WAS EVER OBTAINED FOR THE DIVISION OF NO 12 CYPRESS PARK. The existing Solarium referred to in the current application was unauthorised.

It would appear from the Residents also that the application was Dated 5th July 1991 for Permission, although this business has been trading since 13th March 1991. It would appear that there are 2 Distinct Problems in this Area.

One is whereby there is an unplanned, unauthorised Development in existence which has not been granted permission through the Planning Process.

Two That the Residents involved in this business have now applied for Planning Permission and are seeking permission for the retention of these businesses.

I would be grateful if you as the Enforcement Officer would have this matter investigated as to whether or not a Breach of the Planning Legislation exists at 12A Cypress Park, and whatever appropriate steps necessary be taken.

Eamonn Walsh
Yours sincerely,

EAMONN WALSH. M.C.C.



LABOUR



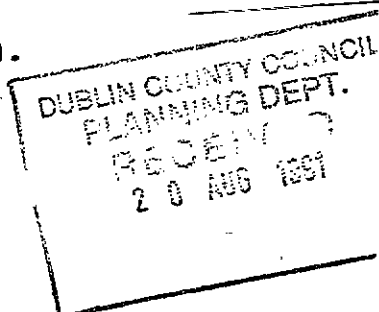
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Cllr. EAMONN WALSH

OBJ

17th August 1991.



Mr M. Drumgoole,
Senior Administrative Officer,
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Irish Life Centre,
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Dear Mr Drumgoole,

I wish to make representations to you on behalf of Residents of Cypress Park Templeogue, Dublin 6W. Regarding a Pizza Parlour at 12A Cypress Park Ref. No. 91A/1132. I would like to make the following points on behalf of the Local Residents.

1. The Company that has applied for Planning Permission for this Pizza Parlour has advertised that they will be operating late opening hours which means they will operate until the Phones stop Ringing. This is a serious concern to the Residents of the Area as the Peace and Quiet in the Area will be greatly interfered with.
2. No Planning Permission was ever obtained for the Division of 12 Cypress Park. Therefore, 12A does not seem to come under the Planning Requirements for the Area. In other words, No Permission has been sought for the Sub-Division.

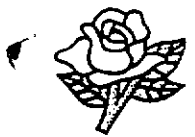
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LABOUR



133 LIMEKILN GREEN,
LIMEKILN FARM,
DUBLIN 12.

Cllr. EAMONN WALSH

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Contd...

There is no big Demand in the Area by the Local Residents for this service, as there is already in the immediate Area, facilities similar to this Development. The Residents feel that the granting of this application would encourage further undesirable sub-division of Shops locally.

The Residents have also informed me that although the date of Application is the 5th July 1991, the business has been carried on since 13th March 1991.

I would therefore be grateful if you would take these Points into account when deciding whether or not to Grant Planning Permission for 12A Cypress Park.

Yours sincerely,


EAMONN WALSH. M.C.C.



MH
LABOUR



**133 LIMEKILN GREEN,
LIMEKILN FARM,
DUBLIN 12.**

Cllr. EAMONN WALSH

Tel. 504772

17th August 1991.

Mr M. Hodgins,
Senior Administrative Officer,
Planning Department,
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DUBLIN
PLANNING
RECEIVED
20 AUG 1991

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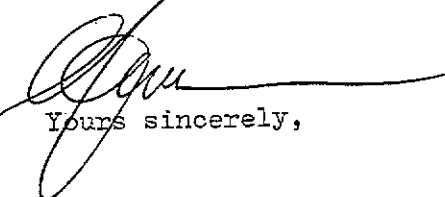
NO PLANNING PERMISSION WAS EVER OBTAINED FOR THE DIVISION OF NO 12 CYPRESS PARK. The existing Solarium referred to in the current application was unauthorised.

It would appear from the Residents also that the application was Dated 5th July 1991 for Permission, although this business has been trading since 13th March 1991. It would appear that there are 2 Distinct Problems in this Area.

One is whereby there is an unplanned, unauthorised Development in existence which has not been granted permission through the Planning Process.

Two That the Residents involved in this business have now applied for Planning Permission and are seeking permission for the retention of these businesses.

I would be grateful if you as the Enforcement Officer would have this matter investigated as to whether or not a Breach of the Planning Legislation exists at 12A Cypress Park, and whatever appropriate steps necessary be taken.


Yours sincerely,

EAMONN WALSH. M.C.C.

26th July 1991

Cllr. Stanley Laing,
Chairman,
Dublin County Council,
46-49 Upper O'Connell Street.

Dear Chairman,

I wish to acknowledge your recent representations relating to an application for permission for food take-away from premises at 12A Cypress Park, Templeogue.

I wish to inform you that this application, 91A/1132, was received in this Department on 5th July 1991. No decision has been made to date.

Your representations have been noted and will be brought to the attention of the Planning Officer for the area.

Yours faithfully,



PRINCIPAL OFFICER

UD

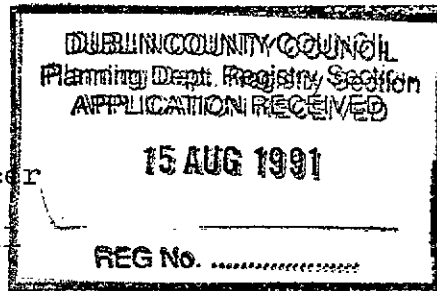
91A/1132

(773)

CYPRESS PARK RESIDENTS

Phone 90 21 05

Chief Planning Officer
Planning Department
Dublin County Council
Block 2
Irish Life Centre
DUBLIN 1



19 Cypress Park
Templeogue
DUBLIN 6W

15th August '91

Re:- PIZZA PARLOUR, 12A CYPRESS PARK
REGISTER REFERENCE 91A/1132

Dear Sir

The residents of this area are strongly opposed to this unauthorised development.

We do not want our well run Residential Service Shops being sub-divided into "HONKY TONK" late-night operations.

Some years ago we were forced into the expense of obtaining a court order to control the opening of the fish and chip shop referred to in Architect's, S. McGovern's, letter of application. This underlines the strength of our feelings on undesirable trading from our residential area.

This Company has in their Press Advertisement stated the lateness of their opening quote "LATE WHICH MEANS UNTIL THE PHONES STOP RINGING." It is in the business of not serving the local residents but the late night life of a large area of Dublin. It should not be allowed in a quiet cul de sac where people should be free to enjoy the peace and quiet of their homes.

Further to individual complaints already made we add the submissions below and trust in the protection of your planning laws.

1. NO PLANNING PERMISSION WAS EVER OBTAINED FOR THE DIVISION OF NO. 12 CYPRESS PARK. The existing Solarium referred to in the current application was unauthorised.
2. Granting of this application would be seriously detrimental to the amenity of this good class development.
3. Already its flood lit exterior and advertising is attracting young people to hang around after midnight with resultant noise etc. (We dread the approach of the dark evenings and after parties' gangs).

4. It has already caused more traffic to circle the park at late hours.
5. There is no need for this development as local needs, if any, are adequately catered for from Templeogue Village and Fast Free Delivery Pizzaworks, 92 Terenure Road North who have placed call cards in all houses in this area.
6. Granting of this application would encourage further undesirable sub-division of our shops by non residential big business.
7. We note that this seemingly inadequate application was dated 5th July 1991 though the business commenced trading on the 13th March 1991.

Yours faithfully

Signatures

Brendan O'Reilly	No 19.	Cypress Park
E. Geary	No. 21.	"
B. Stenson	No. 3.	"
David McDonnell	" 15	"
Michael Lohart	No. 16	"
Brian Lynch	No 17	"
C. Quigley	No 13	"
John O'Byrne	No 14	"
Hugh O'Byrne	No 14	"
Maxine Moran	No 9.	"
Emer Clancy	No 11.	"
Patrick Meill	No 1	"
Colleen Donnelly	No 32	"
Kathleen Moran	No 18	"
Delia [Signature]	No 6.	"

NB.

The Pizza another out

THE Italians, like our good selves, have long been influencing the ways of the world. Mass emigration over the years has seen to that. Most notable for their excesses in the fashion arena, their influences on our eating habits have become more prominent over the last decade, witnessed by the growth of pizza outlets around our fair city and outlying suburbs.

1990 saw the arrival of The Pizza Co, arguably one of the most innovative to appear on our promenades for some time. Almost a year to the day, the company have opened their second outlet in Templeogue, making accessible a service which residents of Dundrum and its surrounds have come to depend on.

Yet we are still two to three years behind the USA when it comes to pizza consumption, who see pizzas as an integral part of their diet. But if the number of outlets springing up at present is anything to go by, we are definitely catching up.

While acknowledging the quality of the product and service that the The Pizza Co offer, two recent events have contributed immensely to this phenomenal growth: Ninja Turtles and the increase in demand for delivered foods.

Chinese restaurants have been catering for this market for some time, so the increase in pizza deliveries isn't all that surprising. Add to

that the effect of cartoon characters such as Michelangelo and Donatello — of mutant turtle fame — gorging themselves on leviathan-sized portions of pizza and you have one of the other reasons for this expeditious increase. Kids.

It's not uncommon to have parents ordering "their" pizzas, stop and pause for the extra toppings their siblings require.

And if we're to believe many within the industry, it's not just the kids. During the world cup, The Pizza Co experienced unprecedented levels of demand, as we munched our way through tons of pizzas washed down by similarly large quantities of canned nectar.

So does The Pizza Co have a magnificent formula for success. A secret recipe for the pizza bread perhaps. Or special blends of herbs and spices. Not really. But they do differ in a number of distinct and important ways, making them slightly unique to eating "in" Italian style in Dublin.

Firstly, they offer Dublin's biggest pizza which "weighs" in at a whopping 16 inches, and according to the menu should sate the appetites of between three to six hungry bods.

Toppings come in an amazing array of 20 varieties, well outstripping the competition where the norm is around 12. Choose from all the

standard fillers like pepperoni, mushroom, sweetcorn etc. adventurous and capers, spicy b. cottage cheese t. your bored and c. buds.

Pizzas come in the aforementioned on offer include hot and spicy p. and the cheese novel and welco world of pizzas, this outfits progr. rous nature. Or y. your own pizza f. tensive toppings.

Folks at The quick, and keen health aspects o. nating from the equipped kitchen excellent alternat. which to be fair same league.

All ingredie. mouthwatering pared fresh each selection from vegetable marke. infamous friends. cousins "burgers. no grease or fat cooking stages.

One thing

The Pizza

Company open let in Templeo

ke ham, onion, pep-
rooms, pineapple,
or be a bit more
go for anchovies,
beef, emmenthal or
o whet and delight
ft unemployed taste

in 9", 12" and the
16". Combinations
the super pizza, the
pizza, the vegetarian
feast. The latter is a
ome addition to the
and a reflection of
essive and adventu-
ou can simply create
om the range of ex-

Pizza Co are both
to point out the
eating pizzas ema-
r modern and well
s. Firstly they are an
ive to frozen pizzas,
are really not in the

nts used in their
creations are pre-
day/morning, after
he city's fruit and
ts. And unlike our
"fish & chips" and
& co" they contain
n the preparation or

which this scribe

would like to see is the advent of a wholemeal based pizza. Staff at The Pizza Co however feel its arrival in Ireland is unlikely as the demand is not there as yet. Time, technology and the growing awareness of healthy eating will hopefully extinct this situation in the near future.

Other tempting foods on offer include homemade garlic bread and coleslaw. As you expect they also provide a range of minerals.

And if all this doesn't impress you, and it should, then what about their hours of opening. Open noon to midnight Monday to Thursday and Sunday, and noon until late (which translated means until the phones stop ringing) on Friday and Saturday. This effectively means you can have pizza delivered to your office for lunch with a minimum of fuss. Or perhaps you fancy a mid afternoon feed. Again The Pizza Co will provide the ideal option. Other Pizza companies would do well to take note.

Delivery is, as you might or might not expect, free of charge. Couriers work on a commission basis, so your guaranteed the fastest delivery in the "west."

The time when a pizza was an incongruous item on our dinner table, would appear to be passed. Its place as a nutritional and extremely tasty feed in our changing culture would appear to be assured.



● The manager of the Templeogue Pizza Company

Co have Dublin's biggest

PLANNING APPLICATION FEES

Reg. Ref. 91A/1132 Cert. No. 25956
 PROPOSAL Take away facility
 LOCATION 12^A Cypress Park, Tomleague
 APPLICANT Noel Conruden

CLASS	DWELLINGS/AREA LENGTH/STRUCT.	RATE	AMT. OF FEE REC.	AMOUNT LODGED	BALANCE DUE	BALANCE PAID
1	Dwellings	@£32				
2	Domestic	@£16				
3	Agriculture	@50p per m2 in excess of 300m2. Min. £40				
4	Metres <u>36m</u>	@£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				

Handwritten: £63 / £63 →

Column 1 Certified: Signed: [Signature] Grade 6/20/91 Date 11/2/91
 Column 1 Endorsed: Signed: [Signature] Grade [Signature] Date [Signature]
 Columns 2,3,4,5,6 & 7 Certified: Signed: [Signature] Grade [Signature] Date 10/7/91
 Columns 2,3,4,5,6 & 7 Endorsed: Signed: [Signature] Grade [Signature] Date [Signature]

LOCATION GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1953 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF.:

91 B / 1132

CONT. REF.:

SERVICES INVOLVED: WATER/FOUL SEWER/SURFACE WATER

AREA OF SITE:

TOTAL AREA OF PRESENT PROPOSAL:

387 sq ft

MEASURED BY:

[Signature]

CHECKED BY:

[Signature]

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

MANAGER'S ORDERED NO: P/ /
DATED

$$\frac{387}{1000} \textcircled{0} \textcircled{750}$$

ENTERED IN CONTRIBUTIONS REGISTER:

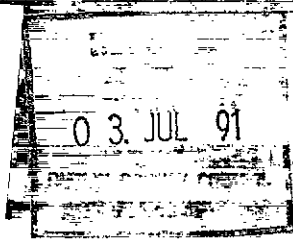
= 290-25

31/9/81

DEVELOPMENT CONTROL ASSISTANT GRACE

9/6/81
270/4

OBJECTOR



21A/132

540

19, Cypress Park,
Templeogue
Dublin D14.

1st July 1991

To whom it may concern,

I am writing to you in connection with a planning application in the Irish Press dated 22.6.1991 for permission to have a takeaway service at their Pizza Parlour in Cypress Park.

Let me say this Pizza Parlour was allowed to open in my area without planning permission and now want a further facility of takeaway. This would entail late evening and as there is a chip shop next door (who incidentally the residents took to

Count over late evening and won)
It could mean the same
problem again for the residents.

This is a quiet cul-de-sac
and I want to say I object
in the strongest terms to any
such permission being granted.
It appears that nowadays the
planning laws are flouted
time & time again without
investigation. I made phone calls
about the Pizza Parlour when it
was being changed from
its former use and complained
but nothing happened. I trust
this time that this is not
allowed to happen.

Sincerely
(Mrs) Patricia Keilly

R E C E I P T
SOUTH DUBLIN COUNTY COUNCIL

DATE : 22/07/99 TIME : 09:58:59
CHECK NUMBER : 23/894651
PLANNING REGISTER COPIES

SARAH RYAN
32 CYPRESS PARK
TENNILAGHE
DUBLIN 8W

CASH 7.30
TOTAL AMOUNT = £7.30
=====

CASHIER : 025 SUL

RECEIVED WITH THANKS

FINANCIAL CONTRIBUTION :-	
AMOUNT £	

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1132

APPEAL by Noel Counihan care of Sean McGovern of 63 Wellington Road, Ballsbridge, Dublin against the decision made on the 4th day of September, 1991 by the Council of the County of Dublin to refuse permission for a take-away food facility from 12A Cypress Park, Templeogue, County Dublin:

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

SCHEDULE

It is considered that the proposed use, by reason of the noise, traffic and general disturbance to which it would give rise during the late-night opening hours, would seriously injure the amenities of property in the vicinity and would be in conflict with the residential zoning of the area as set out in the current Dublin County Development Plan, which zoning is considered to be reasonable.

Daragh A. Murphy

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

Dated this 5th day of February, 1992.

Order Noted: <i>LD.</i>	<i>[Signature]</i>
Dated: <i>9th March 1992</i> <i>FEB 92</i>	ASST. COUNTY MANAGER
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated <i>10th</i> day of <i>FEBRUARY</i> 19 <i>92</i>	

DECISIONS

222

APPEALS CHECK LIST

REG. REF. NO. 91A/1132

1	ENTERED IN OBJECTORS REGISTER	✓
2	ENTERED IN BLUE FOLDER	✓
3	ENTERED IN APPEALS REGISTER	✓
4	ENTERED IN PLANAPS: I.E.:	
	Appeal Decision:	✓
	Appeal Date:	✓
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

COMHAIRLE CHONTAE ATHA CLIATH

TO: G. Boothman,
Executive Planner.

REG. REF. 91A/1132

RE: Proposed food take-away facility from premises at 12A Cypress
Park, Templeogue for Mr. Noel Counihan

I attach for your observations memo/letter dated 14th October, 1991
from An Bord Pleanala.

Please reply before: 14th November, 1991

S.M.M.

for Principal Officer

DATED: 31 October 1991

OBSERVATIONS:

No comment.

[Handwritten mark]

Signature of person
making observations: _____

Countersigned: *P. Cennin*
(S.E.D.C.)

DATE: *GB* 14/11/91

DATE: 14/11/91

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed food take-away facility from premises at 12A
Cypress Park, Templeogue for Mr. Noel Counihan.

S. McGovern & Assocs.,
63 Wellington Road,
Ballsbridge,
Dublin 4.

Reg. Ref. 91A/1132
App. Recd: 05.07.91
Floor Area:
Site Area: 200 sq.m.
Zoning: 'A'

Report of the Dublin Planning Officer, dated 2 September 1991

This is an application for PERMISSION for a take-away food facility at 12A Cypress Park, Templeogue.

The area in which the site is located is zoned with the objective "to protect and/or improve residential amenity".

The site is one of a parade of shops (7 in all). They consist of a supermarket, newsagent, chemist, clinic, hot food take-away, the existing pizza shop, and a hairdressers.

There is no history of planning applications on this site, but the Enforcement Section has been involved for some time. "Unit 12" had been sub-divided around 1977 to a hairdressers and solarium. The solarium was subsequently taken over as a pizza delivery service, in which customers telephone orders for pizzas to be delivered.

Enforcement Section became involved with regard to the subdivision and again when the applicant began selling pizzas directly from the shop. That use has now ceased pending the outcome of this application.

At present the applicant operates the telephone delivery service. It directly adjoins the existing hot food take-away, which sells mainly fish/chips, and remains open until midnight each night. The applicant has advised this Department that customers continually call at the pizza shop in the evening, but that they can only be told of the telephone service; this apparently can lead to annoyance.

There is an objection on file signed by a number of residents in Cypress Park who are not in favour of the proposal. There are other objections on the Enforcement file, No. 7927. See also 2214 and 5694 - Enf. Files. Representations from local Councillors are also noted.

Over

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed food take-away facility from premises at 12A Cypress Park, Templeogue for Mr. Noel Counihan.

A report on file from the Supervising Environmental Health Officer indicates that the proposal is acceptable in principle, provided suitable ventilation is provided and good hygiene regulations are complied with.

A report from Roads Department indicates that they find the proposal undesirable due to a possible increase in car parking. They state that there is no space for staff parking at the rear of the premises.

This site is located in a small parade of shops and in a cul-de-sac. The area is strongly residential and the shops provide services of a local nature. The existing hot-food takeaway would perhaps have a wider catchment and longer opening hours with a consequential effect on residential amenity. It would be undesirable and injurious to residential amenity to add a further element which would attract car borne customers from a wide area over an extended period each day. The development of this proposed food take-away would therefore seriously injure the amenities and depreciate the value of property in the vicinity.

I recommend that a decision to Refuse Permission be made under the Local Government (Planning and Development) Acts, 1963-1990, for the following (2) reasons:-

1. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by reason of its traffic generation and extended opening hours.
2. The proposed development is undesirable and contrary to the proper planning and development of the area in that it would lead to increased carparking the vicinity.


Contd/.....

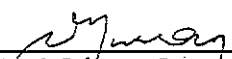
COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed food take-away facility from premises at 12A Cypress Park, Templeogue for Mr. Noel Counihan.

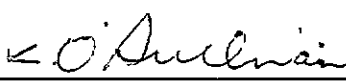
(GB/AC)

Endorsed:- 
for Principal Officer


For Dublin Planning Officer

Order:- Pursuant to Section 26(1) to the Local Government (Planning and Development) Acts, 1963-1990 a decision to **REFUSE PERMISSION** for the above proposal is hereby made by the Council for the (2) reasons set out above and **PERMISSION** is **REFUSED** accordingly.

Dated: 4 September, 1991.


Assistant City & County Manager

to whom the appropriate powers have been delegated by Order of the Dublin City and County Manager, dated 4th September, 1990.

DUBLIN COUNTY COUNCIL

REG. REF: 91A-1132
DEVELOPMENT: Food take-away facility from premises
LOCATION: 12A Cypress Park, Templeogue.
APPLICANT: Mr. Noel Counihan.
DATE LODGED: 5th July, 1991.

The proposal is for the sale of take-away food from the premises. Prior to this the premises was for deliveries only. The previous use at this location was a solarium.

The proposal is undesirable as it may lead to an increase in car parking in the vicinity. ^{on street}

(It is noted that unlike applications at No. 8 (Reg. Ref. 90A-2029, 90A-2347) the applicant's site does not extend sufficiently at the rear to provide for staff-car parking.)

PLANNING DEPT.
DEVELOPMENT CONTROL SEC
Date 30.08.91
Time 3.45

GC/MM
19.8.91

SIGNED: Garnett Cune
DATE: 21/8/91

ENDORSED: [Signature]
DATE: 21/8/91

Grainne Scully

DUBLIN COUNTY COUNCIL

REG. REF: 91A-1132

DEVELOPMENT: Food take-away facility from premises

LOCATION: 12A Cypress Park, Templeogue.

APPLICANT: Mr. Noel Counihan.

DATE LODGED: 5th July, 1991.

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(It is noted that unlike applications at No. 8 (Reg. Ref. 90A-2029, 90A-2347) the applicant's site does not extend sufficiently at the rear to provide for staff car parking.)

PLANNING DEPT.
 DEVELOPMENT CONTROL SEC
 Date 30.08.91
 Time 3.45

GC/MM
19.8.91

SIGNED: *Garratt Curran*
 DATE: 21/8/91

ENDORSED: *John Henry*
 DATE: 21/8/91

Geraldine

DUBLIN COUNTY COUNCIL
17 JUL 1991
ENVIRONMENTAL HEALTH OFFICERS

Register Reference : 91A/1132

Date : 12th July 1991

Development : Food take-away facility from premises

LOCATION : 12A Cypress Park, Templeogue

Applicant : Mr. Noel Counihan

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 5th July 1991

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

Yours faithfully,

for PRINCIPAL OFFICER

These proposals are acceptable to this section subject to suitable method of ventilation to the entire premises being provided. Compliance with the food Hygiene Regulations 1950-89

By Smyth EHO 22/7/91

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 25.07.91
Time 9.30

for Ita Devine
John O'Keilly
SUPER. ENVIRON. HEALTH OFFICER,
33 GARDINER PLACE,
DUBLIN 1.

DUBLIN COUNTY COUNCIL
17 JUL 1991
ENVIRONMENTAL HEALTH OFFICERS

Register Reference : 91A/1132

Date : 12th July 1991

Development : Food take-away facility from premises

LOCATION : 12A Cypress Park, Templeogue

Applicant : Mr. Noel Counihan

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 5th July 1991

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John O'Keefe 22/7/91

for
Ma Devine
John O'Keefe
SUPER. ENVIRON. HEALTH OFFICER,
33 GARDINER PLACE,
DUBLIN 1.

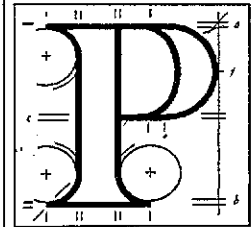
PLANNING DEPT.
DEVELOPMENT CONTROL SECT.
Date 31.07.91
Time 5.00

Our Ref: PL 6/5/87001
P.A. Ref: 91A/1132

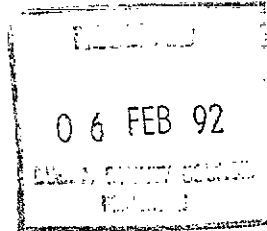
PK
7/2

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

An Bord Pleanála



Date: 05 FEB 1992



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

Appeal re: Take-away food facility from 12A Cypress
Park, Templeogue, County Dublin.

Dear Sir,

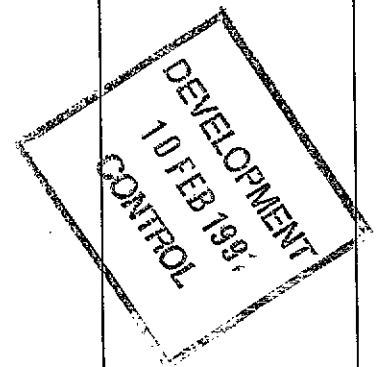
An order has been made by An Bord Pleanála
determining the above-mentioned appeal under the
Local Government (Planning and Development) Acts,
1963 to 1990. A copy of the order is enclosed.

Yours faithfully,


Miriam Baxter.

Encl.

BP 352



AN BORD PLEANÁLA

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

County Dublin

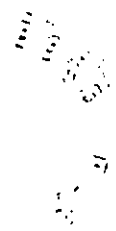
Planning Register Reference Number: 91A/1132

APPEAL by Noel Counihan care of Sean McGovern of 63 Wellington Road, Ballsbridge, Dublin against the decision made on the 4th day of September, 1991 by the Council of the County of Dublin to refuse permission for a take-away food facility from 12A Cypress Park, Templeogue, County Dublin:

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

SCHEDULE

It is considered that the proposed use, by reason of the noise, traffic and general disturbance to which it would give rise during the late-night opening hours, would seriously injure the amenities of property in the vicinity and would be in conflict with the residential zoning of the area as set out in the current Dublin County Development Plan, which zoning is considered to be reasonable.

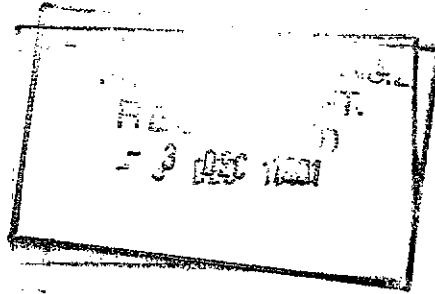

Daragh A. Murphy

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

Dated this 5th day of February, 1992.

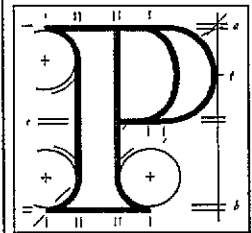
Our Ref: PL 6/5/87001
P.A. Reg. Ref: 91A/1132

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



Rev
6/12

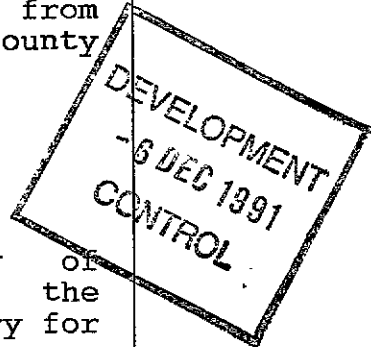
An Bord Pleanála



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

Date: 29th November 1991.

Appeal re: Proposed food take-away facility from premises at 12A Cypress Park, Templeogue, 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.

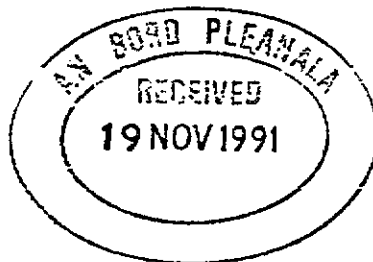
Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

Cypress Park Residents Association

An Bord Pleanála,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.



16 Cypress Park,
Templeogue,
Dublin 6W.

15/11/91.

Re: Pizza Parlour 12a Cypress Park

Ref No 91a/1132 (Dublin Co. Council)

Your Ref No 6/5/87001

A Chara

On 12/11/91 We the above lodged Submissions with you and a cheque for £15 against the appeal Submitted to you from Noel Counihan of 12a Cypress Park.

We now wish to add the following Submissions:

1. Most Shops in this area close at 6 or 7 pm with the exception of the Take-a-Way at 10 Cypress Park which generates traffic - cars & motor - bikes & a take-a-Way at 12a will generate more Noise[^] traffic.
2. There are houses opposite & very Near 12a as the park is a cul-de-sac & residents can even hear the special loud phone Ringing in 12a, even late at Night.
3. Older people do Not buy pizzas, therefore it will be all young persons , Who will use the pizza Take-a Way, if such is allowed & congregate there.
4. It takes 25/30 minutes to prepare & cook a pizza Therefore the persons

Who order & Wait will be "hanging" around & that means trouble especially in Summer.

5. The extra parking of clients' cars & motor bikes Would mean blocking of Roadway & entrances to houses & if a fire brigade or ambulance were Required they could Not gain entrances, because of parking on a Narrow Road.

6. This being a cul-de-sac most of the traffic will go - around the "green" to get to the main - Road.

7. We will suffer from the Noise of blaring radios in cars, banging doors, shouting & urinating at walls & doors also the Walls Will be used to sit & eat the food from the take-away.

8. People in the park-many old & Retired & children go to sleep around 10pm & their sleep Will be broken by the added Noise from 12a.

9. There's a Rere lane to No 12a & undesirables will use same for undesirable Reasons.

10. Visitors to the area will be afraid to pass congregating crowds outside the 2 take-aways shops, if such happens.

11. The Residents previously have had alot of problems with a proposed public house & the late opening hours of the Take-away at No 10 & have objected even at high Court Level.

Most of the Residents live here for the past 30 yrs & are entitled to peace in their old age.

Mr. Noel Counihan does not live here & is a complete outsider coming in to make money at the expense of Residents, who will only gain further annoyance if permission is granted for 12a.

Sincerely Yours

Michael Lahart
Michael Lahart
(Hon. Sec).



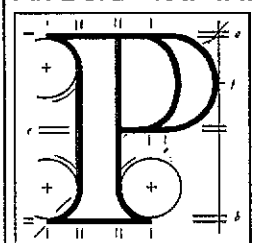
Our Ref: PL 6/5/87001
P.A. Reg. Ref: 91A/1132

PM

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

RS
27/11
25 NOV 91

An Bord Pleanála



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

Date: 21st November 1991.

Appeal re: Proposed food take-away facility from premises at 12A Cypress Park, Templeogue, 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
Suzanne Lacey

DEVELOPMENT
27 NOV 1991
CONTROL

BP 553A

CYPRESS PARK RESIDENTS ASSOCIATION

c/o 16, Cypress Park,
Templeogue,
Dublin 6.W.

12th November, 1991.

An Bord Pleanála,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

6/87001

Re: Pizza Parlour, 12 Cypress Park,
Register Reference 91A/1132

AN	By Hand MH
RECEIVED	12/11/91
FILED	ehg
NO. 825652	

Dear Board Members,

We strongly oppose the above appeal and ask you to uphold the policy set out in the Draft Development Plan of 1983, Page 2, which states quite clearly that take-away outlets can create problems, particularly in residential areas, by noise, nuisance of traffic during late hours, and also problems of litter.

We stress again the seven points of objection raised in our letter sent to the Planning Officer of the Dublin County Council on 15th August 1991 (copy attached).

Furthermore, we wish to emphasise the following points:

1. The Fast Food Parlour, in an unauthorised subdivision of 12 Cypress Park is currently trading 'till midnight.
2. It is impacting very adversely on our residential environment by noise and bright lights at a time when the younger children of surrounding families are trying to sleep.
3. The existing terrace of shops are residential, with families living overhead.
4. There are high numbers of schoolgoing children in neighbouring houses.
5. There are many elderly and retired people, the quality of whose lives would be affected.
6. Strange characters are being drawn into the area and exacerbate the problems caused by a pre-1963 chip shop next door, which has already had a restraining Court Order placed on it by the litigation of the Joint Residents Associations.

>>>

- 7. Residents feel that this application, if granted and trading successfully would be extended into the remainder of number 12, thereby causing an impossible situation.

Taking those points on board, we feel you will agree this is a most unsuitable development for our quiet cul-de-sac in a residential area. We request the Board to uphold the decision of the Local Authority whose officers, together with our Local Representatives have accorded us the protection of the planning laws.

We enclose a cheque for £15.00 being the requisite fee. Please let us know if an oral hearing is to be held as we are prepared to attend same.

Yours sincerely,

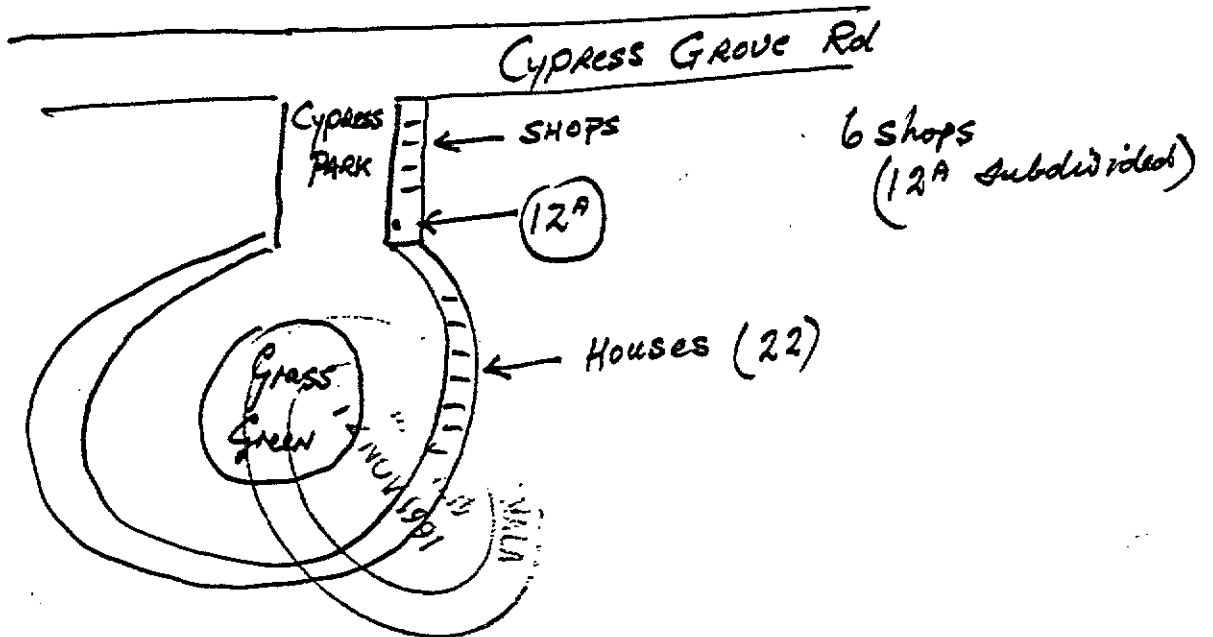
G. Griffin,
Chairman.



Michael Lahart.
M. Lahart,
Secretary.

P.S: Please forward a
copy of grounds of
appeal.

Brendan O'Reilly
B. O'Reilly,
Treasurer.



CYPRESS PARK RESIDENTS

Phone 90 21 05

19 Cypress Park
Templeogue
DUBLIN 6W

Chief Planning Officer
Planning Department
Dublin County Council
Block 2
Irish Life Centre
DUBLIN 1

15th August '91

Re:- PIZZA PARLOUR, 12A CYPRESS PARK
REGISTER REFERENCE 91A/1132

Dear Sir

The residents of this area are strongly opposed to this unauthorised development.

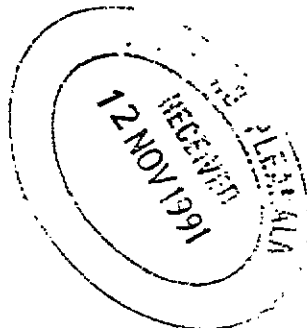
We do not want our well run Residential Service Shops being sub-divided into "HONKY TONK" late-night operations.

Some years ago we were forced into the expense of obtaining a court order to control the opening of the fish and chip shop referred to in Architect's, S. McGovern's, letter of application. This underlines the strength of our feelings on undesirable trading from our residential area.

This Company has in their Press Advertisement stated the lateness of their opening quote "LATE WHICH MEANS UNTIL THE PHONES STOP RINGING." It is in the business of not serving the local residents but the late night life of a large area of Dublin. It should not be allowed in a quiet cul de sac where people should be free to enjoy the peace and quiet of their homes.

Further to individual complaints already made we add the submissions below and trust in the protection of your planning laws.

1. NO PLANNING PERMISSION WAS EVER OBTAINED FOR THE DIVISION OF NO. 12 CYPRESS PARK. The existing Solarium referred to in the current application was unauthorised.
2. Granting of this application would be seriously detrimental to the amenity of this good class development.
3. Already its flood lit exterior and advertising is attracting young people to hang around after midnight with resultant noise etc. (We dread the approach of the dark evenings and after parties' gangs).

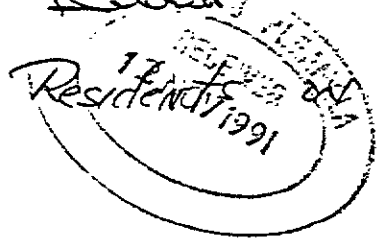


4. It has already caused more traffic to circle the park at late hours.
5. There is no need for this development as local needs, if any, are adequately catered for from Templeogue Village and Fast Free Delivery Pizzaworks, 92 Terenure Road North who have placed call cards in all houses in this area.
6. Granting of this application would encourage further undesirable sub-division of our shops by non residential big business.
7. We note that this seemingly inadequate application was dated 5th July 1991 though the business commenced trading on the 13th March 1991.

Yours faithfully

<u>Signatures</u>	Brennan O'Reilly	No 19. Cypress Park	
	E. Gean	No. 21.	"
	P. Stenson	No. 3.	"
	David McDonnell	" 15	"
	Milae Lalant	No. 16	"
	Bernie Lynch	No 17	"
	C. Quigley	No 13	"
	John O'Byrne	No 14	"
	John O'Byrne	No 14	"
	Maxim Moran	No 9.	"
	Emer Clancy	No 11.	"
	Patrick O'Neill	No 1	"
	Colgin Donnelly	No 32	"
	Karla Moran	No 18	"
	David [Signature]	No 6.	"

NB. other



Annual holidays

COMHAIRLE CHONTAE ATHA CLIATH

Tel.: 724755
Ext. 268/269

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

Your Ref.: PL6/5/87001

31.10.91

Our Ref.: 9/A-1132

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: Food take-away facility from premises
at 12A Cypress Park, Templeogue,
Co. Dublin

Applicant: Nobel Counihan

Dear Sir,

With reference to your letter dated 14.10.91 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 22.08.91
- (4) The plan(s) received from the applicant on 05.07.91.
- (6) & (7) A certified copy of Manager's Order P/4204/91.
DATED, 04.09.91 together with technical reports in connection with the application.

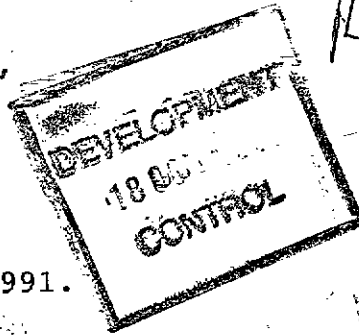
(8)

Yours faithfully,

M. Murtagh
for Principal Officer.
Encls.

Our Ref: PL 6/5/87001
Your Ref: 91A/1132

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



16 OCT 91

Date: 14th October 1991.

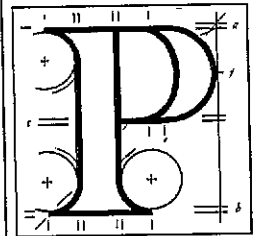
Planning authority decision re: Proposed food take-away facility from premises at 12A Cypress Park, Templeogue, County Dublin.

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.

222
pn
An Bord Pleanála



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

obs

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.

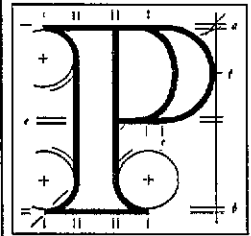
Yours faithfully,

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

SEAN McGOVERN, B.Arch.M.R.I.A.I.

63 WELLINGTON ROAD, BALLSBRIDGE
DUBLIN 4. TELEPHONE 684179
681038

SMcG/CO'D

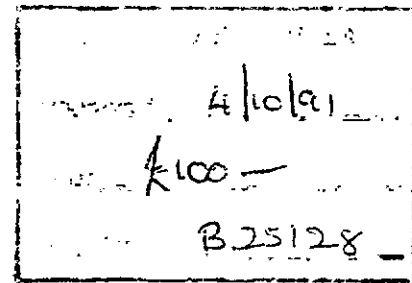
Our Ref

Your Ref

2nd Oct. 1991.

Date.....

The Secretary,
An Bord Pleanála,
Lower Abbey Street,
Dublin, 1.



Ref. Decision of Dublin County Council ref. P/4204/91
Ref: The Pizza Co., 12A Cypress Park, Templeogue, Dublin, 6.

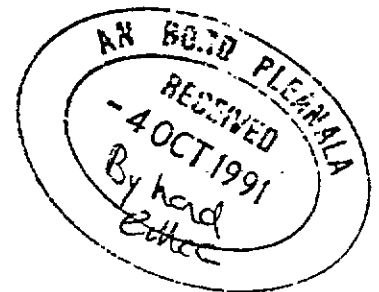
Dear Sir,

We wish to appeal against the decision of Dublin County Council ref. No. P 4204/91 (copy enclosed) to refuse our application ref. the above.

My clients premises are one of a complex of seven shops, all part of an approved business use in keeping with the general commercial use permitted in the area to service the residential development in the vicinity.

The shops are as follows;

- No 2. A small supermarket
- No 4. Newsagent and sweet shop.
- No 6. Chemist
- No 8. Doctor's Surgery.
- No 10. Take Away Food. Shop
- No 12a. Pizza home delivery
Service (the subject of this appeal)
- No 12b. Hairdresser's.



My client's shop cannot be held to injure the amenity of the area nor can it depreciate the value of the property any more than any of the other businesses existing there.

His business is a home pizza delivery service. 80% of his sales are derived from deliveries done by one vehicle. Incoming stock arrives at the shop about four times a week in the firms own vehicle. (not even once a day). So the business itself cannot be held to generate traffic.

As potential customers are offered a free delivery service they will only call at the premises if they are resident in the area and/or calling to one of the other shops. Therefore the traffic generated by customers is also minimal.

The shops all have residential units on the first floor but none of the houses of Cypress Park are either near or opposite them. If there was any traffic problem the residential units above the shops would be the first to be affected.

Because of the type of their customer, my clients would not wish to extend opening hours beyond that already accepted by residents in the area e.g. 12. p.m. We have already explained in our letter to the Planning Authority that his customers are not young and unattached people but working people and parents of families.

Our proposal would enable him to serve them on the premises if they happened to call and allow him to avoid the ludicrous obligation of refusing to provide them with their order (even for people already shopping in the area) other than by delivery.

The development we propose is not contrary to the proper planning of the area, inasmuch as it consists of a business in an area already approved for business and it would not lead to an increase in car parking for the reasons already stated.

We look forward to an early and favourable decision ref. this appeal.

Yours sincerely,



Sean McGovern

Encls. Photographs of all the shops

Copy of the refusal to grant permission of Dublin County Council Planning Authority.

Cheque for £100.



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:

OUTLINE PERMISSION: PERMISSION: APPROVAL

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

To S. McGovern & Assocs. Register Reference No. 91A/1132
63 Wellington Road, Planning Control No.
Ballsbridge, Application Received 5/7/91
Dublin 4. Additional Information Received

Applicant Mr. Noel Counihan

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/ 4204/91 dated 4/9/91 decided to refuse:

~~OUTLINE PERMISSION~~ PERMISSION ~~APPROVAL~~

For Proposed food take-away facility from premises at 12A Cypress Park,
Templeogue.

for the following reasons:

1. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by reason of its traffic generation and extended opening hours.
2. The proposed development is undesirable and contrary to the proper planning and development of the area in that it would lead to increased carparking the vicinity.

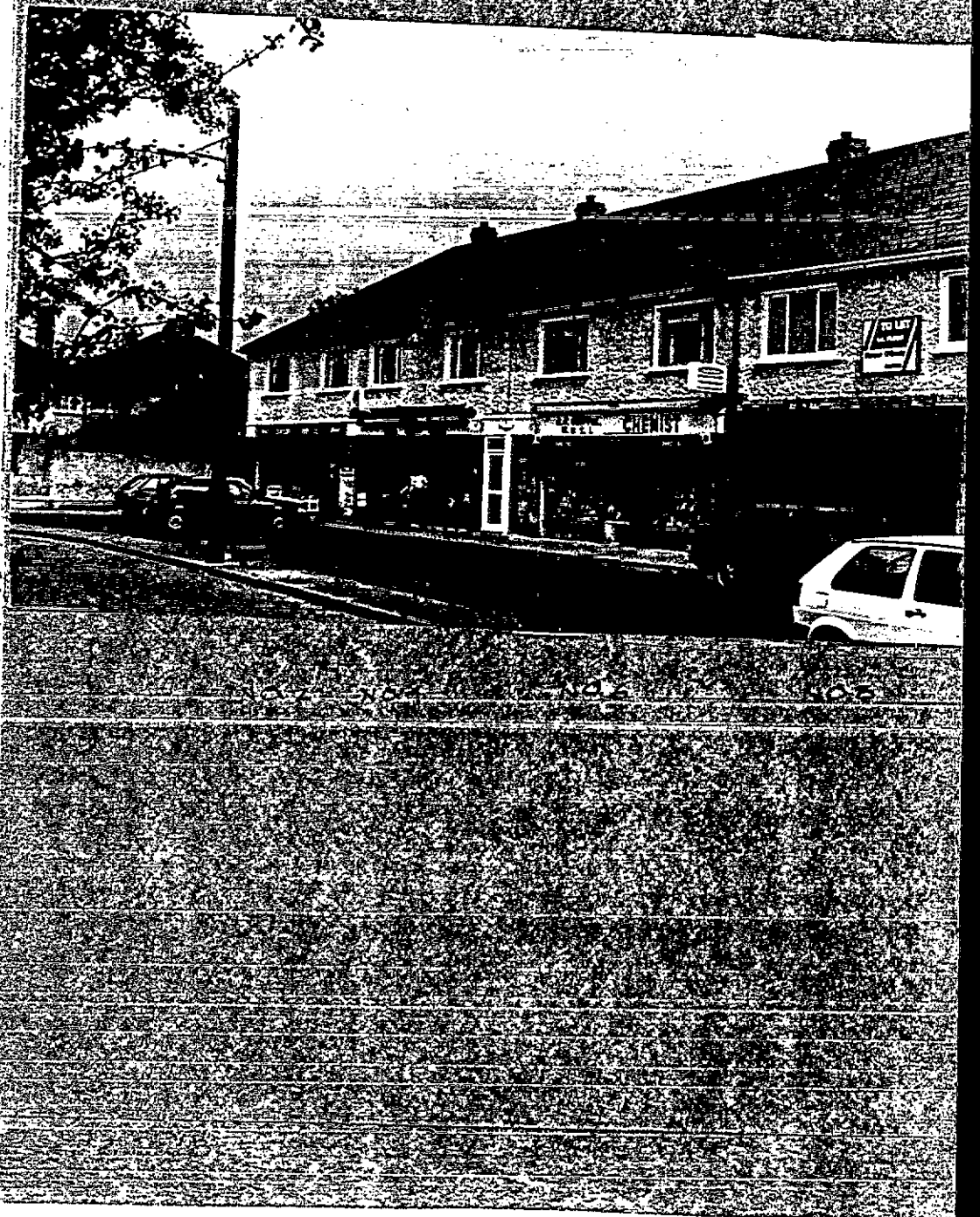
Signed on behalf of the Dublin County Council

[Signature]
for PRINCIPAL OFFICER

Date 4/9/91

IMPORTANT:

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





NO 10 NO 127 NO 128
INJECT OF ADVICE



PR



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

S. McGovern & Associates,
63 Wellington Road,
Ballsbridge,
Dublin 4.

91A/1132

4 September 1991

RE: Proposed food take-away facility from premises at 12A
Cypress Park, Templeogue, for Mr. Noel Counihan.

I, the undersigned, hereby acknowledge receipt of Notification
of Decision, dated 4 September 1991, in connection with the
above.

Signed: _____

On behalf of:

(Name) _____

(Address) _____

I hereby certify that the above Notification, dated 4 September
1991, was handed by me to the above signed today.

SIGNED: _____

Mary Murphy

DATED: _____

04.09.91

DUBLIN COUNTY COUNCIL

724755 (ext. 262/264)

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

NOTIFICATION OF A DECISION TO REFUSE:

OUTLINE PERMISSION: PERMISSION: APPROVAL

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

To S. McGovern & Assocs. Register Reference No. 91A/1132
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Ballsbridge, Application Received 5/7/91
Dublin 4. Additional Information Received

Applicant Mr. Noel Counihan

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For Proposed food take-away facility from premises at 12A Cypress Park,
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for the following reasons:

1. The proposed development would seriously injure the amenities and depreciate the value of property in the vicinity by reason of its traffic generation and extended opening hours.
2. The proposed development is undesirable and contrary to the proper planning and development of the area in that it would lead to increased carparking the vicinity.

Signed on behalf of the Dublin County Council
for PRINCIPAL OFFICER
Date 4/9/91

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.

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/1132

Date : 8th July 1991

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

Dear Sir/Madam,

DEVELOPMENT : Food take-away facility from premises

LOCATION : 12A Cypress Park, Templeogue

APPLICANT : Mr. Noel Counihan

APP. TYPE : PERMISSION

With reference to above, I acknowledge receipt of your application received on 5th July 1991.

Yours faithfully,

.....
for PRINCIPAL OFFICER

S. McGovern & Associates,
Architects,
63 Wellington Road,
Ballsbridge,
Dublin 4



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 12A CYPRESS PARK TEMPLEOGUE D6.
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent)..... Noel Counihan (Trading as The Pizza Co.)

Address..... 41 Adelaide Strand Road D2 Tel. No. 269 3013

4. Name and address of person or firm responsible for preparation of drawings J. McGOVERN & ASSOC. ARCHITECTS
63 WELLINGTON ROAD BALLS BRIDE DA Tel. No. 684179/6

5. Name and address to which notifications should be sent AS ABOVE.

6. Brief description of proposed development EXISTING SOLARIUM CHANGE OF USE TO PIZZA DELIVERY BUSINESS WITH TAKE AWAY FACILITY.

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

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 12A SOLARIUM. (12B SHOP + RESIDENTIAL OVER)

(b) Proposed use of each floor CHANGE OF 12A TO PIZZA TAKE AWAY FACILITY.

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

11.(a) Area of Site 25 X 24 M = 200 SQ. M. (INSIDE BOUNDARY OF 12A + 12B) Sq. m.
12A ALONE INSIDE BOUNDARY: 140 SQ. M.

(b) Floor area of proposed development NO NEW FLOOR AREA Sq. m.

(c) Floor area of buildings proposed to be retained within site 12A + 12B 170 SQ. M. APPROX INC FIRST FL. Sq. m.

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

CO. DUBLIN Permission is being applied for to have a food take-away facility from premises at 12A Cypress Park, Templeogue for Mr Noel Counihan.

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

14.Please state the extent to which the Draft Building Regulations have been taken in account in your proposal: NOT APPLICABLE

15.List of documents enclosed with application. ONE NEWS PAPER ADVERTISEMENT

..... 4 APPLICATION FORMS

..... 4 COPY LETTERS

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

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

Fee Payable E. 63.00 Basis of Calculation 36 X £1.75

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

RECEIVED
05 JUL 1991
Reg. Sec.

Signature of Applicant (or his Agent) Date 5/7/1991

Application Type P FOR OFFICE USE ONLY 5/7

Register Reference 91A/1132

Amount Received E. 24.0

Receipt No 22/6

Date

Sub
ber
22/6/91

63
NPHOL

COMHAIRLE CHONTAE ATHA CLIATH

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

None of this receipt is not an acknowledgement that the fee tendered is the prescribed application fee. **N 44101**

CASH
CHECK
P.O.
B.L.
I.T.

£63.00

5th

day of July 1991

Received this from S. M. Gorman
63 Wellington Rd
D.H.

the sum of sixty three Pounds

being fee for
planning application at 12A Cypress Park

Andee Deane Cashier

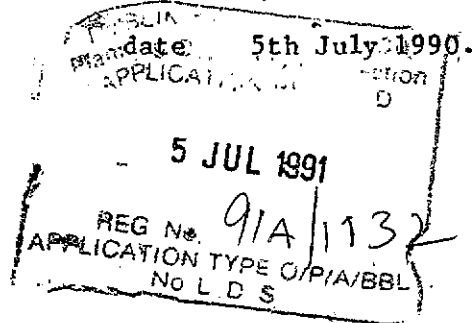
S. CAREY
Principal Officer Class 4

S. McGOVERN & ASSOCIATES Architects

63 WELLINGTON ROAD, BALLSBRIDGE, DUBLIN 4.
TEL: 684179/681038.

Our Ref. SMcG/CO'D

The Chief Planning Officer,
Dublin County Council,
Block 2,
Lower Abbey Street,
Dublin, 1.



Ref: The Pizza Co., 12A Cypress Park, Templeogue, Dublin, 6.

Dear Sir,

In the Spring of this year our client Mr Noel Counihan took a lease on the above premises which were formerly used as a Solarium.

He runs a pizza manufacturing and delivery service. He already has other outlets, and he immediately adapted this premises (changed the windows and external sign.) for the use of his particular business.

His business is mainly in the delivery of pizzas. He explained to me that the ingredients are brought to the particular location, and the pizzas made up on the spot in accordance with the local demand.

He advertises the service in each area by using a leaflet drop to the homes of his customers. Because of the restrictions of his existing planning permission he cannot give his customer the product to take away for consumption off the premises. (The County Council planning office drew his attention to this and he stopped immediately serving customers on the premises. See copy of letter which he wrote to Planning Authority 22.3.1991 enclosed).

This, caused embarrassment and loss of business because customers will continue to call and collect their order when they know that he is operating in the area.

He has instructed me therefore to make application to extend his business use to include the take away facility.

With regard to the application we would make this additional comment. The delivery service is the major part of his business, he estimated approx 80%. His customers are not young and unattached people who might be objected to in a quiet residential suburb, but mainly working people and parents of families. Also there is a fish and chip shop with a take away facility next door to his premises.

I trust you will see his application as reasonable and we look forward to an early and favourable decision.

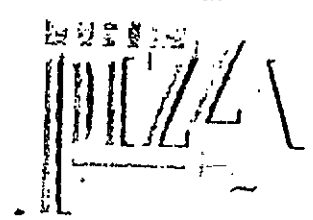
Yours sincerely,

Sean McGovern

c.c. Mr. Noel Counihan.

SEAN McGOVERN B.Arch, FRIAI

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NAME AND ADDRESS: *DUBLIN Co Council
Planning Office
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Lower Abbey St*
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Planning Office,

Postage in accordance with the regulations in Effect on Postal (Post Office Guide) which may be purchased or consulted at any Post Office.

Block 2,
Lower Abbey Street,
Dublin 1.

22nd. March 1991.

Attention : Mr. Richard Dunne.

Dear Mr. Dunne,

Further to your representations to our Company of todays date, we wish to inform you that take-away sales from our Templeogue premises have ceased forthwith.

Hoping this is to your satisfaction.

With kind regards,

Yours faithfully,
THE PIZZA COMPANY.

[Signature]
NOEL D. COUNIHAN.
MANAGING DIRECTOR.