

COMHAIRLE CHONTAE ATHA CLIATH

Register Reference No.: 91A-1364

Letter No.: 881

Planning Department,
Block 2, Irish Life Centre,
Lower Abbey St.,
Dublin 1.

Tel: (01) 724755

Fax: (01) 724896

17th OCTOBER 1991

M. MAGUIRE

THE RANCH HOUSE,
OLD KINGSWOOD, NAAS RD.,
CLONDALKIN, DUBLIN 22.

Re: RETENTION OF 1 EXISTING GREENHOUSE STRUCTURE OF APPROX. 364 SQ. M.
USED FOR THE FINISHING OF GARDEN FOUNTAINS AT BROWNSTOWN HOUSE
KINGSWOOD CROSS, BROWNSBAEN, NAAS RD.

Date of decision to refuse permission 16th OCTOBER '91 subject to 2
reasons.

Dear Sir/Madam,

With reference to your representations/objections, I wish to inform you that a decision has been made on the above planning application. This decision has been entered in the Planning Register which is available for inspection at the Planning Department, Irish Life Centre, Lower Abbey Street, Dublin 1, during office hours (9 a.m. to 12.30 p.m. and 2.15 p.m. to 4.30 p.m.) A certified copy of the entry in the register may be purchased on payment of £5.00.

Yours faithfully,

L. Doyle
for Principal Officer.

NOTE: An appeal against this decision by an aggrieved person must be made within the period of twenty one days beginning on the date of the decision to refuse permission, indicated above. The appeal shall be in writing and shall state the subject matter of the appeal and the grounds of appeal and shall be addressed to An Bord Pleanala, Floor 3, Blocks 6 and 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

1. An appeal by an aggrieved person to An Bord Pleanala will be invalid unless accompanied by a fee of £50.00
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 £50.00
3. A person who is not a party to an appeal must pay a fee of £15.00 to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.
4. Interested parties are advised to consult the Planning Authority or An Bord Pleanala to ascertain if an appeal has been lodged by an applicant.

97A/1364
1365

P.K/MH

88J

The Ranch House
Old Kingswood
Naas Road
Clondalkin
Dublin 22

PLANNING DEPT.
RECEIVED
27 AUG 1991

Dublin County Council Planning Department

Irish Life Building
Dublin 2

F.A.O. : PRINCIPLE PLANNING OFFICER

Re
28/8

Dear Sir

We would like to offer our support to the company 'Fountains & Decor' operating within our community. We find them to be a caring and obliging company who are very positive in their attitude to the local environment.

The reasons for our support are as follows :-

In a short time span, they have converted a derelict site (an environmental hazard) into a modern and high class garden centre. The perimeter grass verge from Kingswood Village to the Naas Road, so neglected by the local authority is now maintained by these people.

This garden centre offers the local residents an amenity similar to the Japanese Gardens, residents have been known to spend an afternoon browsing among the various plants, fountains and fish displays.

The action taken by the local authority against this operation has resulted in a number of job losses. This we think, must be rectified at your earliest convenience to allow the company to expand and increase employment prospects.

There are several retail outlets in the horticultural business operating in Kingswood area, we would presume that they operate within the same guidelines and principles as applied to 'Fountains & Decor' by the local authority. In the interest of fair play, we must have a level playing pitch.

Yours sincerely

[Handwritten signature]

M. Maguire

Joseph Hickey

J. Hickey

Willow James

W. James

H. James

H. James

c/c Councillor Colm McGrath, Clondalkin, D. 22.



Blac 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/1364

Date : 26th August 1991

Dear Sir/Madam,

Development : Retention of 1 existing greenhouse structure of approx. 364sq.metres, used for the finishing of garden fountains

LOCATION : Brownsbarn House, Kingswood Cross, Brownsbarn, Naas Road

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Date Recd : 19th August 1991

Your application in relation to the above was submitted with a fee of 364.00 .

On examination of the plans submitted it would appear that the appropriate amount should be 637.00 .

I should be obliged if you would submit the balance of 273.00 as soon as possible as a decision cannot be made on this application until the correct fee is received.

Yours faithfully,

.....
for PRINCIPAL OFFICER

Joseph Miller,
13 Eaton Square,
Terenure,
Dublin 6

PLANNING APPLICATION FEES

Reg. Ref. 91A/1364 Cert. No. 26400
 PROPOSAL Greenhouse
 LOCATION Braunston House, Braunsborn, Naas Road
 APPLICANT Albert Crowley, Fountains P Door Ltd

CLASS	DWELLINGS/AREA LENGTH/STRUCT.	RATE	AMT. OF FEE REC.	AMOUNT LODGED	BALANCE DUE	BALANCE PAID
1	Dwellings	@£32				
2	Domestic,	@£16				
3	Agriculture	@50p per m ² in excess of 300m ² . Min. £40				
4	Metres <u>364.0m</u>	@£1.75 per m ² or £40	<u>637</u>	<u>364</u>	<u>273</u>	
5	x .1 hect.	@£25 per .1 hect. or £250			<u>273 paid</u>	
6	x .1 hect.	@£25 per .1 hect. or £40				
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres	@£10 per m ² or £40				
10	x 1,000m	@£25 per £1000m or £40				
11	x .1 hect.	@£5 per .1 hect. or £40				

Column 1 Certified: Signed: [Signature] Grade D/H Date 23/8/91
 Column 1 Endorsed: Signed: Grade Date
 Columns 2,3,4,5,6 & 7 Certified: Signed: [Signature] Grade S.A Date 23/8/91
 Columns 2,3,4,5,6 & 7 Endorsed: Signed: Grade Date

HOUSING GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1983 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF. NO. **91A/1364**

DATE REC'D:

SERVICES DISCOUNTED: WATER, FUEL, SEWER, SURFACE WATER

AREA OF SITE:

TOTAL AREA OF PROPOSED PROPOSAL: **3918 FT²**

MEASURED BY:

CHECKED BY:

J.Y.
28/8/91.

METHOD OF ASSESSMENT:

TYPE OF ASSESSMENT:

ANNUAL VALUE COLLECTED NO. OF
DATE

DATE OF CONTRIBUTIONS REGISTER:

EMPLOYMENT CONTROL ASSISTANT GRADE

Geraldine Bookman.

SS + EMO

R

Register Reference : 91A/1364

Date : 3rd September 1991

Development : Retention of 1 existing greenhouse structure of approx. 364sq.metres, used for the finishing of garden fountains

LOCATION : Brownsbarn House, Kingswood Cross, Brownsbarn, Naas Road

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991

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

Yours faithfully,

DUBLIN Co. COUNCIL
10 SEP 1991
SAN SERVICES

DUBLIN Co. COUNCIL
SANITARY SERVICES
FOR PRINCIPAL OFFICER
- 4 OCT 1991
Returned *gg*

Date received in Sanitary Services 10 SEP 1991

FOUL SEWER

*See report dated 27.9.91
on 9A/1365. copy attached*

SURFACE WATER

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 04.10.91
Time 2.30

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

G. Boothman
27.9.91
J.R.
30/9/91

TRAINING DEPT.
DEVELOPMENT CONTROLS

Date 04.10.91

Time 2.30

Register Reference : 91A/1364

Date : 3rd September 1991

.....

ENDORSED _____ DATE _____

WATER SUPPLY..... Water is available for 24 hour use 24 hour storage to be provided. Supply to be metered by the Co Co at applicants expense.

[Signature]
12/9/91

Refer to C.F.O. There is insufficient quantity of water available at this location for fire fighting purposes

ENDORSED *[Signature]* DATE 2/10/91

[Signature]
13/9/91

Gerardine Boothman

Register Reference : 91A/1364

Date : 3rd September 1991

Development : Retention of 1 existing greenhouse structure of approx. 364sq.metres, used for the finishing of garden fountains

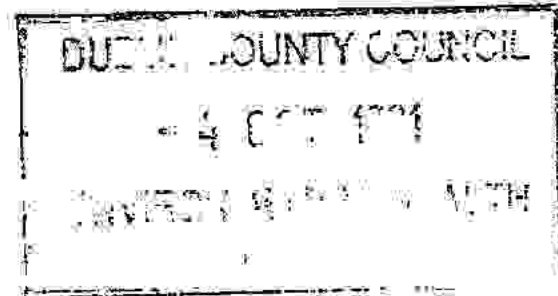
LOCATION : Brownsbarn House, Kingswood Cross, Brownsbarn, Naas Road

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991



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

Yours faithfully,

Paul Tablin

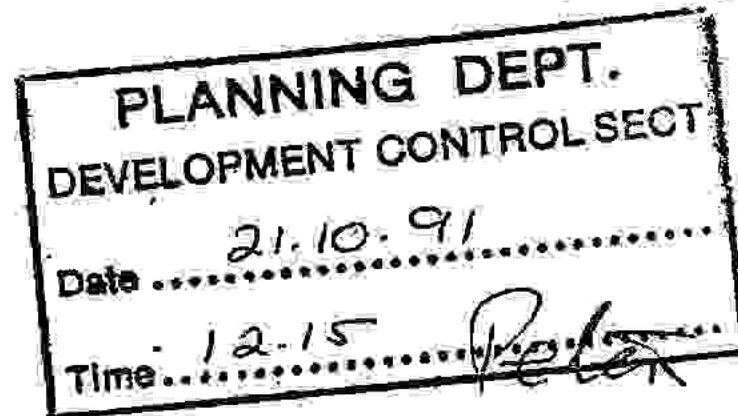
THE ABOVE PROPOSAL IS UNACCEPTABLE FOR THE FOLLOWING REASONS,

SEE PREVIOUS REPORT 90A/1757. NONE OF THE 7 CONDITIONS HAVE BEEN CLARIFIED IN THIS APPLICATION

NOTE: APPLICANTS informed me that TRAFFIC LIGHTS HAVE BEEN PREVIOUSLY INSPECTED. HOWEVER AS NO CROSS REFERENCE IS AVAILABLE I HAVE NO DETAILS OF THIS.

for *Stella Devine*
John O'Reilly
SUPER. ENVIRON. HEALTH OFFICER,
33 GARDINER PLACE,
DUBLIN 1.

15/10/91



Peter Whelan

14/10/91

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of 1 existing greenhouse structure of approx. 364 sq. m. used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Mr. Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.

Joseph Miller, Architect,
13, Eaton Square,
Terenure,
Dublin 6.

Reg. Ref.	91A-1364
Appl. Rec'd:	19.08.1991
Floor Area:	364 sq. m.
Site Area:	3.060 acres
Zoning:	B

Report of the Dublin Planning Officer, dated 11 October 1991.

This is an application for PERMISSION for the retention of 1 existing greenhouse structure of approx. 364 sq. m. for the finishing of garden fountains at Brownstown House, Kingswood Cross, Clondalkin.

The area in which the site is located is zoned with the objective "to protect and provide for the development of agriculture." The site is stated to be 3.06 acres.

The history of the site is long and detailed, culminating in a High Court Action.

By order P/1460/66 dated 10th February, 1966, a decision to refuse outline permission for the development of part of this site as a Motel, Service Garage and Chalet units was made by the Council.

By order P/1981/68 dated 20th December, 1968, Reg. Ref. A 1402, a decision to refuse outline permission for a Hotel Development on part of the subject site was made by the Council.

By order P/1204/74 dated 30th April, 1974, Reg. Ref. G. 442, a decision to refuse outline permission for the erection of a Building Contractors Administrative Offices on a site 2.5 acres in extent at Brownsbarn was made by the Council. This decision was reversed on appeal to the Minister for Local Government (PL 6/5/27244), and permission granted.

By order P/3467/76 dated 21st October, 1976, Reg. Ref. H 845, a decision to grant permission for an office structure "to a limit of 2,000 sq. ft." and to refuse permission for a warehouse structure on a site at Brownsbarn was made by the Council. This decision was upheld on appeal to An Bord Pleanála.

(Continued)

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of 1 existing greenhouse structure of approx. 364 sq. m. used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Mr. Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.

(Continued)

By order P/1356/77 dated 27th April, 1977, Reg. Ref. M 439, a decision to refuse permission for a "change of use of ground floor portion of the existing 2 storey dwelling house together with the use of the remainder site curtilage including the existing haybarn and single storey stable and yards for use as a Builders Yard and ancillary offices" on a site at Brownsbarn was made by the Council.

The Council authorised prosecution proceedings (relating to the unauthorised use of the Haybarn type structure which is located on the subject site and is being used for the repair and spray painting of motor vehicles) against Anthony Walsh and Brian Fleming in respect of their failure to comply with a Warning Notice dated 28th July, 1981. (Enf. File 2317 (a)).

By ref. PL 6/5/56892, Reg. Ref. WA 1747, permission was refused for an Office Development.

By order PA/2190/83, Ref. Ref. YA 653, permission was granted for a 2-storey office building. Decision was upheld on appeal. Previously granted in 1975, G 442, PL 6/5/27244.

By ref. PL 6/5/77733, Reg. Ref. 87A-1383, permission was refused for factory unit, offices, storage yard, car parking, fencing, storage and display area, plus retention of existing barn and outbuildings for painting and production of garden sculpture.

By order P/1477/91, Reg. Ref. 90A-1757, permission was granted as a Material Contravention of the Development Plan by Section 4 of the City and County Management (Amendment) Act, 1955, for a 2-storey structure of c. 545 sq. m., car parking and septic tank, for use as a Production Unit for Ornamental Fountains and Stores, Offices and Showrooms.

By order P/4178/91, Reg. Ref. 91A-1117, permission was refused for retention of change of use of 3 existing buildings to production and storage of ornamental fountains.

Ref. Ref. 91A-1364 subject application for retention of 1 existing greenhouse for the finishing of garden fountains.

Reg. Ref. 91A-1365 current application for retention of an existing retail garden centre of 4,599 sq. m., advertising boards and hoardings, greenhouse structure for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking.

(Continued)

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of 1 existing greenhouse structure of approx. 364 sq. m. used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Mr. Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.

(Continued)

Enforcement File 2317(c) applies and contains photographic records and affidavits concerning this site.

Roads Department refer to their report on 91A-1365 which recommends refusal for development on this site because the increase in traffic turning movements would endanger public safety by reason of traffic hazard. Vision from the site to the south is impeded by a large hedgerow in the adjoining property.

The scale and nature of the development proposed for this site, taking all of the above mentioned applications and photographic evidence into account, is quite unsuitable at this location. Furthermore, the haphazard and uncontrolled piecemeal development now being carried out is not acceptable to the Planning Authority.

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 intensification of this manufacturing use would contravene materially a development objective indicated in the ¹⁹⁸³ ~~1983~~ Development Plan for the use primarily of this area for agricultural ^{purposes} and so be contrary to the proper planning and development of the area.

2. The proposed development, represents an undesirable intensification of use of a site adjacent to a very busy junction on the N7 National Primary Route where traffic speeds are high. The increase in traffic turning movements entailed in the proposal would endanger public safety by reason of a traffic hazard.

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: 16th October, 1991.


Asst. Co. Manager Assistant City and County Manager

to whom the appropriate powers have been delegated by Order of the Dublin City and County Manager, dated 16th October 1991.

Genevieve Boothman

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1364.
DEVELOPMENT: Retention of 1 existing greenhouse structure of approx. 364sq. metres, used for the finishing of garden fountains.
LOCATION: Brownsbarn House, Kingswood Cross, Naas.
APPLICANT: Albert Crowley, Fountains & Decor Ltd.
DATE LODGED: 19.8.91.

Refer also to the Roads Report for application number 91A/1365. This retention is undesirable and should be refused under Item 1 of said report.

JF/BMcC
23.9.91.

PLANNING DEPT.
DEVELOPMENT CONTROL SECTION
Date 08.10.91
Time 3.30

SIGNED: J. Fitzsimons

ENDORSED: 4. R. K.

DATE: 23-9-91

DATE: 23/9/91

jeanine

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1364.

DEVELOPMENT: Retention of 1 existing greenhouse structure of approx. 364sq. metres, used for the finishing of garden fountains.

LOCATION: Brownsbarn House, Kingswood Cross, Naas.

APPLICANT: Albert Crowley, Fountains & Decor Ltd.

DATE LODGED: 19.8.91.

Refer also to the Roads Report for application number 91A/1365. This retention is undesirable and should be refused under Item 1 of said report.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
 Date 24.09.91
 Time 9.30.

JF/BMcC
 23.9.91.

SIGNED: *J. Fitzsimons*
 DATE: 23.9.91

ENDORSED: *Y.R.K*
 DATE: 23/9/91

P/1677/92

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

BELGARD

FINANCIAL CONTRIBUTION :-
AMOUNT € Nil
F | Not Conditioned

Proposed retention of 1 existing greenhouse structure of approx. 364 sq.m. used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd. By order P/4796/91 dated 16.10.91 the Council made a decision to refuse permission for this proposal. On Appeal, An Bord Pleanála made the following order on 31st March, 1992:-

PL6/5/87349

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1364

APPEAL by Albert Crowley, Fountains and Decor Limited and Water Displays Europe Limited care of Joseph Miller of 13 Eaton Square, Terenure, Dublin against the decision made on the 16th day of October, 1991 by the Council of the County of Dublin to refuse permission for retention of an existing greenhouse structure of approximately 364 square metres used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said retention of use in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule hereto, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.

FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements as well as to the sequential nature of the production process on the site, it is considered that, subject to compliance with the condition set out in the Second Schedule hereto, the proposed retention of the greenhouse for finishing of fountains would not result in undue intensification of use, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

Water supply and drainage arrangements, including disposal of surface water, shall comply with the standards of Dublin County Council Council for such works and services.

Reason: In the interest of public health, and to ensure a proper standard of development.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

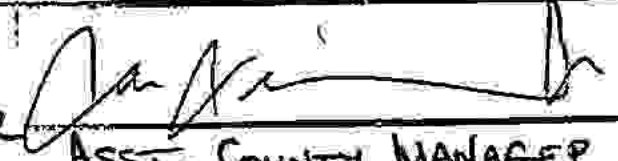
PL6/5/87349

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1364

Order Number:	L-3
Dated:	3 rd APRIL 92 
	ASST. COUNTY MANAGER
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated:	10 th day of FEBRUARY 19 92

DECISIONS

APPEALS CHECK LIST

REG. REF. NO. 91A 1364

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 E. DOYLE FOR NOTING	

CHANGE STATUS IN PLANAPS:

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



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/1364

Date : 12th December 1991

Dear Sir/Madam,

Development : Retention of 1 existing greenhouse structure of approx. 364sq.metres, used for the finishing of garden fountains

LOCATION : Brownstown House, Kingswood Cross, Brownsbarn, Naas Road

Applicant : Mr. Albert Crowley, Fountains &

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.D.....

for PRINCIPAL OFFICER

M. Maguire and others,
The Ranch House,
Naas Road,
Clondalkin, Dublin 22.

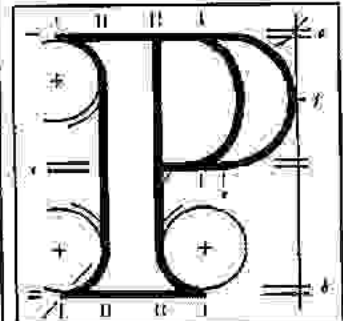
Our Ref: PL 6/5/87349
P.A. Ref: 91A/1364

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



Handwritten initials

An Bord Pleanála



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

Date: 02 APR 1992

Appeal re: Continuance of use of one greenhouse structure of approximately 364 square metres for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, 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
Miriam Baxter.

Encl.

BP 352

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1364

APPEAL by Albert Crowley, Fountains and Decor Limited and Water Displays Europe Limited care of Joseph Miller of 13 Eaton Square, Terenure, Dublin against the decision made on the 16th day of October, 1991 by the Council of the County of Dublin to refuse permission for retention of an existing greenhouse structure of approximately 364 square metres used for the finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, Dublin in accordance with plans and particulars lodged with the said Council:

DECISION: Pursuant to the Local Government (Planning and Development) Acts, 1963 to 1990, it is hereby decided, for the reason set out in the First Schedule hereto, to grant permission for the said retention of use in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule hereto, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.

FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements as well as to the sequential nature of the production process on the site, it is considered that, subject to compliance with the condition set out in the Second Schedule hereto, the proposed retention of the greenhouse for finishing of fountains would not result in undue intensification of use, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the proper planning and development of the area.

SECOND SCHEDULE

Water supply and drainage arrangements, including disposal of surface water, shall comply with the standards of Dublin County Council for such works and services.

Reason: In the interest of public health, and to ensure a proper standard of development.

Ann Con. Quinn

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

Dated this 31st day of March, 1992.

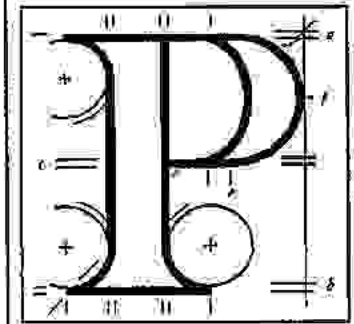
Our Ref: PL 6/5/87349
P.A. Reg. Ref: 91A/1364

Copy to A ^{PK}

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

[Handwritten signature]
19/12/91

An Bord Pleanála



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

Date: 12th December 1991.

16 DEC 91

Appeal re: Retention of 1 existing greenhouse structure for finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, 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

[Handwritten notes and stamps in the right margin, including a date stamp 'DEC 19 1991']

13 Eaton Square
Terenure
Dublin 6

4th December 1991

To the Secretary,
An Bord Pleanála,
Floor 3,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.

Your Ref: PL 6/5/87349

Dear Sir,

REF. 91A/364

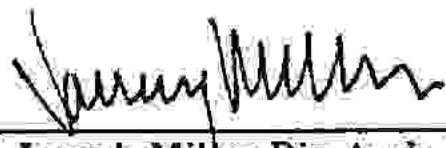
Further to my letter of appeal dated 13/11/91, I now wish to submit detailed grounds of appeal, as promised. To simplify understanding of the proposal, these grounds of appeal should be considered in conjunction with those submitted in relation to concurrent appeals, references PL/6/5/86945 and PL/6/5/87348.

This appeal relates to the retention of a greenhouse style structure for the drying, finishing and painting of fountains, statues and ornaments. It is building no.4 referred to previously. The grounds of appeal contained in Ref. PL/6/5/86945 apply entirely.

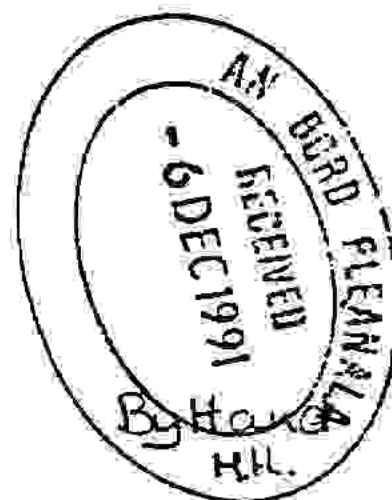
I can only add that this particular building is probably the most vital one in the entire process. It has revolutionised the conditions in which a very finely finished product can be achieved. The light and air conditions and exaggerated drying effect of the translucent structure could not be more suitable to this part of the process and also greatly benefits working conditions for the operative.

I request that permission be granted as requested.

Signed:



Joseph Miller Dip.Arch., M.R.I.A.I.





INDUSTRIAL DEVELOPMENT
AUTHORITY OF IRELAND

Planning Department
Dublin County Council
Abbey Street
Dublin 1

WILTON PARK HOUSE
WILTON PLACE
DUBLIN 2 IRELAND
TELEPHONE NO. 556933
592442 502742
FACSIMILE (GT) 593703
TELEX 93431

28 November 1991

Dear Sirs

At the request of Mr Albert Crowley we are happy to submit the following comments, giving our view of Water Displays Europe Ltd. We trust they will be helpful to you in your deliberations on the company's current application.

- 1 Water Displays Europe Ltd has been strongly supported under the Industrial Development Authority Small Industries Programme, beginning with a Feasibility Study Grant in 1985 and continuing through to the last Capital Grant approval in 1987. This approval was for grant assistance towards the company's development at Brownstown House, Kingswood Cross.
- 2 In 1988 the IDA remained in close touch with the company through its participation in our intensive Company Development Programme. Throughout this period it was our clear understanding that the planning permission issue was being dealt with and that it was not insurmountable since there was an existing planning permission for further building on the site. We were aware of the delays. Grant monies were released to the company on foot of the usual undertakings regarding repayment of grants if planning permission was not received.

In December 1988 the company's development plan was presented to the IDA Small Industries Board and approval was given for continuing close involvement with the company.

In the summer of 1989 the company participated in the IDA sponsored Mentor Programme with further positive results for its development.



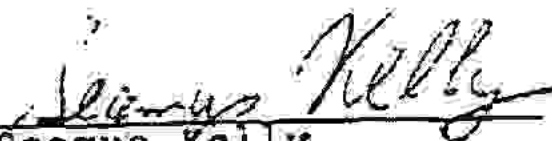
Page Two

3 We continue to view this company as having excellent growth prospects. Mr Crowley has engaged in a persistent and, in our view, a very effective marketing programme, given the limited management resources typically available to a small start-up company. His company is now at the point of achieving the significant growth in sales which has been patiently planned over the past few years, particularly in the German market where there is only one other major supplier of its range of products. However, this growth opportunity can not be effectively availed of (and may be missed altogether) unless and until the issue regarding planning permission and the company's proposed plant development is settled. The increased production capacity will immediately result in increased employment since this is a labour intensive enterprise.

In addition, this enterprise has been supported by the IDA because of the significant level of import substitution achieved through the range of products manufactured at Kingswood Cross.

We are providing you with this background information in order to be as helpful as possible to the company in its application for planning permission. The company's delay in getting the permission has of course been a matter of no little concern to us and we are anxious to see a resolution of the issue.

Yours sincerely


Seamus Kelly
Projects Manager
Dublin Small Business
Industrial Products

cmcl





Merrion Hall
Strand Road
Sandymount
Dublin 4 Ireland
PO Box 273

Telephone 353 - 1 269 5011
Fax 353 - 1 269 5220

An Bord Tráchtála / The Irish Trade Board

21st November 1991

Dublin County Council
Irish Life Building
Abbey Street
Dublin 1

Dear Sirs,

I understand that Mr Albert Crowley of Water Displays Europe Ltd is applying to develop the company's site at Kingswood Cross on the Naas Road and also to construct additional buildings on the site. On behalf of Bord Tráchtála, I would support this application.

Water Displays Europe, since it's establishment in 1986, has grown substantially to its current position, where sales are projected at £500,000 for this year. The company has plans to double its turnover in the next few years, which would result in increasing the existing employment level of 30.

95% of the company's sales are exported. Water displays has exhibited at the leading European Garden Fair in Cologne for the last five years. The Water Displays products have very good potential to grow substantially. However to meet this demand and make these additional sales the company will need to develop it's existing site, according to it's application. Therefore I would ask you to favourably consider this application.

Yours sincerely,

Orna Fitzpatrick
Marketing Advisor
Consumer Products Department

COMHAIRLE CHONTAE ATHA CLIATH

Tel.: 724755
Ext. 268/269

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

Your Ref.: PL6/5/ 87349

Our Ref.: YIA/1364

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: Ret. of 1 existing greenhouse structure of approx 364 sq. m
used for the finishing of exterior facades of Brossa-
town Clinic, Kinswood Cross, New Ross.

Applicant: Water Displays (Europe)

Dear Sir,

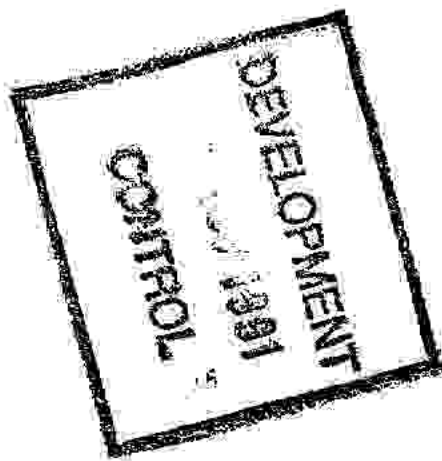
With reference to your letter dated 20/11/91 I enclose
herewith:-

- (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 14/5/91.
- (4) The plan(s) received from the applicant on 17/5/91.
- (6) & (7) A certified copy of Manager's Order 2/4/91,
DATED, 16/10/91 together with technical reports in
connection with the application.
- (8) History to follow

Yours faithfully,

R. J. Kelly.
for Principal Officer.
Encls.

Our Ref: PL 6/5/87349
Your Ref: 91A/1364

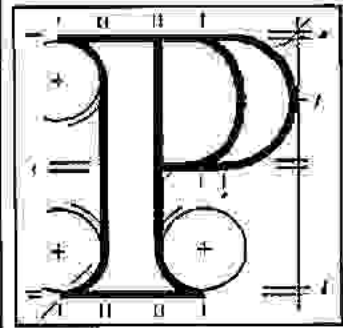


Handwritten: 25/11

Handwritten: [Signature]

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

Handwritten: NOV 91

Date: 20th November 1991.

Planning authority decision re: Retention of one existing greenhouse structure for finishing of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, County Dublin.

Dear Sir/Madam,

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

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

Please note that the other party 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.

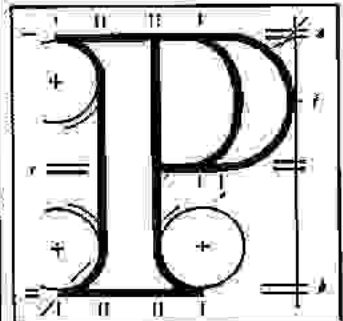
Yours faithfully,

Suzanne Lacey
Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



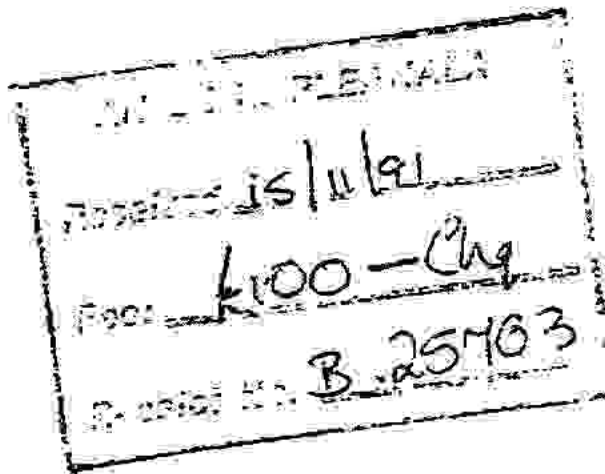
Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

13 Eaton Square
Terenure
Dublin 6

13th November 1991

REGISTERED POST

An Bord Pleanala,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.



Dear Sir,

Re: Proposed retention of 1 existing greenhouse structure of approx. 364 sq.m. for use for the finishes of garden fountains at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road

I refer to the Notification of a Decision to Refuse Permission for the above mentioned application made on behalf of Albert Crowley, Fountains and Decor Ltd., Water Displays Europe Ltd. and dated 16/10/1991.

The Register Reference No. is 91A/1364 and the Order No. is P/4796/91, a copy of which is attached.

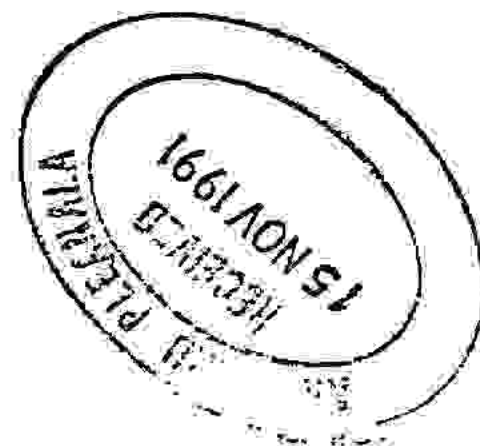
On behalf of Albert Crowley, Fountains and Decor Ltd. and Water Displays Europe Ltd. I wish to appeal this decision by Dublin County Council and I attach a cheque of £100 made payable to An Bord Pleanala which is the applicable fee.

The full grounds upon which the appeal will be made will be the subject of a further written submission to you. However we do not accept that the alleged intensification of manufacturing will contravene the objective of proper planning and development of the area as envisaged by 1983 Development Plan, and furthermore we believe that this development will not generate an intensification of traffic which would endanger public safety by causing a traffic hazard.

Please acknowledge receipt of this appeal in due course.

Yours faithfully,

JOSEPH MILLER Dip.Arch. M.R.I.A.I.



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:

~~APPLICATION FOR PERMISSION:~~ PERMISSION: ~~APPROVED~~

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

To Joseph Miller, Architect, Register Reference No. 91A-1364
13, Eaton Square, Planning Control No.
Terenure, Application Received 19.08.1991
Dublin 6. Additional Information Received

Applicant Albert Crowley, Fountains and Decox Ltd. and Water Displays (Europe) Ltd.

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/ 4796/91 dated 16.10.1991 decided to refuse:

~~APPLICATION FOR PERMISSION:~~ PERMISSION ~~APPROVED~~

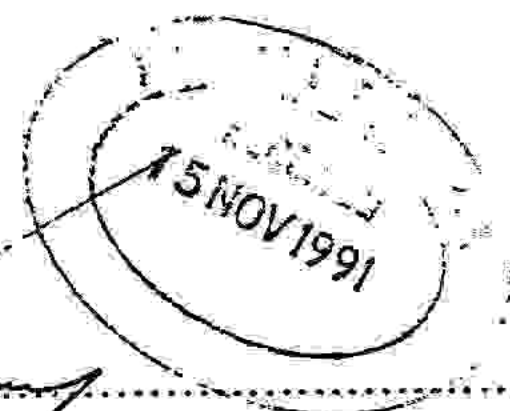
For retention of 1 existing greenhouse structure of approx. 364 sq. m.
used for the finishing of garden fountains at Browns' House,
Kingswood Cross, Brownsburn, Naas Road,
for the following reasons:

1. The proposed intensification of this manufacturing use would contravene materially a development objective indicated in the Dublin County Development Plan 1983 for the use primarily of this area for agricultural purposes and so be contrary to the proper planning and development of the area.
2. The proposed development, represents an undesirable intensification of use of a site adjacent to a very busy junction on the N7 National Primary Route where traffic speeds are high. The increase in traffic turning movements entailed in the proposal would endanger public safety by reason of a traffic hazard.

Signed on behalf of the Dublin County Council

[Signature]
for PRINCIPAL OFFICER

Date 16.10.1991



IMPORTANT:

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

FORM 6 - FUTURE PRINTING

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:

~~PLANNING PERMISSION~~ PERMISSION: ~~PLANNING PERMISSION~~

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

To Joseph Miller, Architect, Register Reference No. 91A-1364
13, Eaton Square, Planning Control No. _____
Terenure, Application Received 19.08.1991
Dublin 6. Additional Information Received _____
Applicant Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.

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/ 4796/91 dated 16.10.1991 decided to refuse:

~~PLANNING PERMISSION~~ PERMISSION ~~PLANNING PERMISSION~~

For retention of 1 existing greenhouse structure of approx. 364 sq. m.
used for the finishing of garden fountains at Brownsford House,
Kingswood Cross, Brownsbarn, Naas Road.
for the following reasons:

1. The proposed intensification of this manufacturing use would contravene materially a development objective indicated in the Dublin County Development Plan 1983 for the use primarily of this area for agricultural purposes and so be contrary to the proper planning and development of the area.
2. The proposed development, represents an undesirable intensification of use of a site adjacent to a very busy junction on the N7 National Primary Route where traffic speeds are high. The increase in traffic turning movements entailed in the proposal would endanger public safety by reason of a traffic hazard.

Signed on behalf of the Dublin County Council
[Signature]
for PRINCIPAL OFFICER
Date 16.10.1991

IMPORTANT:

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

COMHAIRLE CHONTAE ÁTHA CLIATH

DUBLIN COUNTY COUNCIL

46/49 UPPER O'CONNELL STREET

DUBLIN 1.

issue of this receipt is not an acknowledgment that the fee tendered is the prescribed application fee N-47704

Balance

PAID

CASH

CHEQUE

M.O.

B.L.

LT.

£ 273.00

Received this 3rd day of September 1991

from Fountains Decor Ltd.

Kingswood Cross

Naas Road

the sum of two hundred and seventy three Pounds

Pence, being balance

of fee on 91A/1364

Noel Deane Cashier

S. CAREY Principal Officer

Class 4



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/1364

Date : 26th August 1991

Dear Sir/Madam,

Development : Retention of 1 existing greenhouse structure of approx. 364sq.metres, used for the finishing of garden fountains.

LOCATION : Brownsbarn House, Kingswood Cross, Brownsbarn, Naas Road.

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Date Recd : 19th August 1991

Your application in relation to the above was submitted with a fee of 364.00 .

On examination of the plans submitted it would appear that the appropriate amount should be 637.00 .

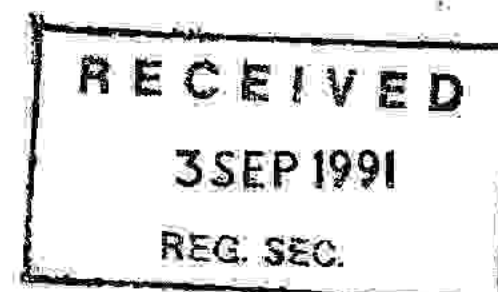
I should be obliged if you would submit the balance of 273.00 as soon as possible as a decision cannot be made on this application until the correct fee is received.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'P. Miller', written over a dotted line.

for PRINCIPAL OFFICER

Joseph Miller,
13 Eaton Square,
Terenure,
Dublin 6



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/1364

Date : 20th August 1991.

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

Dear Sir/Madam,

DEVELOPMENT : Retention of 1 existing greenhouse structure of
approx. 364sq.metres, used for the finishing of garden
fountains

LOCATION : Brownsbarn House, Kingswood Cross, Brownsbarn, Naas
Road

APPLICANT : Mr. Albert Crowley, Fountains &

APP. TYPE : PERMISSION

With reference to the above, I acknowledge receipt of your application
received on 19th August 1991.

Yours faithfully,

.....

for PRINCIPAL OFFICER

Joseph Miller,
13 Eaton Square,
Terenure,
Dublin 6



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 Brownstown House, Brownsbarn, Kingswood Cross,
(If none, give description sufficient to identify) Naas Road, Clondalkin, Dublin 22.

3. Name of applicant (Principal not Agent) Mr. Albert Crowley, Fountains & Decor Ltd. + Water Displays Ltd.
Address Brownstown House, Kingswood Cross, Naas Road, D.22. Tel. No. 592205

4. Name and address of Joseph Miller, DIP. Arch. M.R.I.A.I.
person or firm responsible for preparation of drawings 13 Eaton Square, Terenure, Dublin 6. Tel. No. 2882661 or 904534

5. Name and address to which notifications should be sent Joseph Miller, 13 Eaton Square, Terenure, Dublin 6.

6. Brief description of proposed development Retention of existing greenhouse structure sought.

7. Method of drainage Septic tank 8. Source of Water Supply Public mains & private well

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. Existing house, stone building, barn, outbuilding, greenhouse and
tacabins.
(b) Proposed use of each floor As above (9a)

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 3.06 acres 364 Sq. m.
(b) Floor area of proposed development 364 Sq. m.
(c) Floor area of buildings proposed to be retained within site Existing house and those to be retained 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. EBC No.

14. Please state the extent to which the Draft Building Regulations have been taken in account in your proposal:
Where applicable and when possible

15. List of documents enclosed with application. 470 copies of drawing no.'s AC-GC-03, 04 - 1991
covering letter, newspaper advert Irish Press 16-8-91
cheque for planning fee. 364 19/8

16. Gross floor space of proposed development (See back) 364 Sq. m.
No of dwellings proposed (if any) none Class(es) of Development 1A
Fee Payable £ 637 Basis of Calculation 364 sq.m. @ £1.75
If a reduced fee is tendered details of previous relevant payment should be given

Signature of Applicant (or his Agent) Joseph Miller Dip Arch M R I A I Date 19th August 1991

Application Type 1A FOR OFFICE USE ONLY
Register Reference 1364
Amount Received £ 2919/8
Receipt No 21/7
Date 21/7

DUBLIN 22 Planning permission sought from Dublin County Council for the retention of 1 existing greenhouse structure of approx. 364 sq metres, used for the finishing of garden fountains, at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr Albert Crowley, Fountains and Decor Ltd. and Water Displays Ltd.

J. Press 16/8/91

364 19/8
N 47573

AIRLE CHONTAE ÁTHA CLIATH

DUBLIN COUNTY COUNCIL

46/49 UPPER O'CONNELL STREET,

DUBLIN 1.

Issue of

STREET,

100

Receipt in red ink

N 47573

€364.00

Received this

19th day of August 1991

from Fantasy Design Ltd

the sum of three hundred and sixty four Pounds

application of Bonstain House, Bonstain, Kildare

Pence, being for by planning

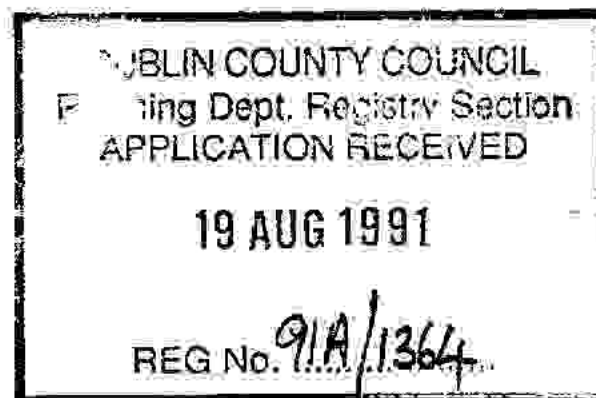
Michael O'Hara Cashier

S. CAREY Principal Officer Classy

13 Eaton Square
Terenure
Dublin 6

19th August 1991

To the Officer-in-charge,
Planning Department,
Dublin County Council,
Irish Life Centre,
Lower Abbey Street,
Dublin 1.



Dear Sir,

Re: One Greenhouse Structure at Brownstown House,
Brownsbarn, Naas Road

I have been instructed, on behalf of Mr. Albert Crowley, Fountains and Decor Ltd., and Water Displays (Europe) Ltd. to seek planning permission for the retention of one existing greenhouse structure of approximately 364 square metres which is being used for the finishing of ornamental garden fountains.

The concrete garden fountains are manufactured on the site.

A planning permission has been obtained for the construction of a two storey structure to be used as a production unit for ornamental garden fountains incorporating offices and showroom - ref. no. 90A/175, a copy of which is attached.

The use of this greenhouse structure is associated with this building for which planning permission has been obtained.

By direction of the High Court on the 22nd July 1991 a list of unauthorised structures was mentioned and this greenhouse structure is one of these structures. As this structure is not directly associated with the retail garden centre, a separate application for retention is therefore sought.

The matter of the garden centre and the other matters listed are the subject of a separate application.

Unauthorised structures or uses

Section 28 of the 1963 Act expressly provides that the power to grant a permission under section 26 includes power to grant permission for the retention of a structure which was erected without permission (or which was constructed with some variation from the approved plans) or for the continuance of a use which was instituted without permission. While it is essential to ensure that unauthorised development is discouraged and that the planning code is respected, it is for the planning authorities to use their enforcement powers to this end. When an application for permission for retention or continuance of a use is validly made, in an effort to regularise the position, it must be fairly dealt with in accordance with the criteria set out in section 26 of the 1963 Act and elsewhere in the legislation. The fact that an offence may have been committed, or the question of whether the person responsible should be prosecuted or penalised, should not affect the determination of such an application.

The following documents are included:

- a) Dublin Co. Council planning application form duly completed.
- b) A cheque for £726.15 for the planning fee (being part of a total cheque of £1,090.15 which includes the fee for the other application.
- c) 4no. copies of drawing no.'s AC-GC - 01-91; AC-GC - 02-91.
- d) 4no. copies of the outline specification.
- e) Various photographs which illustrate the proposal.

If in the event of any difficulty in dealing with this matter I may be contacted by telephone at 288 2661 or at the above address.

Yours faithfully,



JOSEPH MILLER Dip.Arch. M.R.I.A.I.

Encl/..

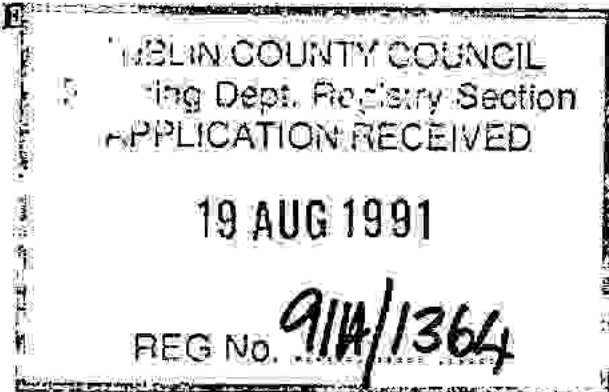
OUTLINE SPECIFICATION

FOR

**THE RETENTION OF
A GREENHOUSE STRUCTURE**

AT

**BROWNSTOWN HOUSE
BROWNSBARN
KINGSWOOD CROSS
NAAS ROAD
CLONDALKIN
DUBLIN 22**



FOR

**MR. ALBERT CROWLEY
FOUNTAINS AND DECOR LTD.
AND WATER DISPLAYS (EUROPE) LTD.**

Architect:

**Mr. Joseph Miller Dip. Arch. M.R.I.A.I.
13 Eaton Square
Terenure
Dublin 6**

August 1991

FRAME

The frame is constructed of Sendzimir galvanised steel strip to standard A36 321 Z 275 or French standard NFU 57064 dated March 1983.

80 x 40 x 2mm rectangular gutter support columns are positioned at 4m spacing.

Wide gutters 2mm thick x 492mm give a 100mm passage to allow easy movement during erection and any other subsequent work, and ensure water run off even during heavy downpours.

The gutters are connected to the columns using 32 x 1.5mm braces (in regions subject to heavy snowfall).

Roof structures are spaced at 2m intervals and comprise of 60 x 1.5mm dia arch (oval tube) a 45 x 1.5mm tie beam and a 32 x 1.5mm vertical stay. 32 x 1.5mm V-shaped strengtheners can be added either under the arches or under the ridge braces.

Ridge purlin tubes are 32 x 1.5mm.

Vertical side walls comprise of 25 x 1.5mm square tube purlins with intermediate posts between the 50 x 30 x 1.5mm rectangular tube columns.

Gable end walls comprise of 50 x 30 x 1.5mm rectangular tube uprights and purlins.

VENT OPENINGS

The frame of the vent opening consists of 35 x 35 x 1.5mm square tubes positioned every 2m and hinged at the ridge.

The opening section represents 50% of the ground area.

The vent is operated by a 32 x 2.5mm drive tube and rack and pinions positioned every 2m. Each 6.40m multispan greenhouse is fitted with manual vent systems.

ACCESS

2m wide sliding doors in the gable ends and side walls.

CLADDING

The frame is to be clad in single polythene sheeting.