

APPEALS CHECK LIST

REG. REF. NO. 91A 1365

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 WITHDRAWN:.....54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



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/1365

Date : 12th December 1991

Dear Sir/Madam,

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : at 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,

A handwritten signature in black ink, appearing to be 'L. Dea', written over a dotted line.

for PRINCIPAL OFFICER

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

BAI 18.12.91 TH

POSTAS 032 EF 65119

[Handwritten signature]

het



[Handwritten signature]

DEVELOPMENT CONTROL
- 6 JAN 1991

RETURN TO
[illegible]

Dublin Corporation



Mr. J. J. Conroy
R. Abbey St
Dublin 1



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

Register Reference : 91A/1365

Date : 12th December 1991

Dear Sir/Madam,

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : at 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:~.....

for PRINCIPAL OFFICER

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

COMHAIRLE CHONTAE ATHA CLIATH

Register Reference No.: 91^A-1365

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: Proposed RETENTION OF AN EXISTING RETAIL GARDEN CENTRE OF 4,599 SQ. M.,
ADVERTISING BOARDS AND HOARDINGS, GREENHOUSE STRUCTURE FOR RETAILING 2 PORTACASINS
AS OFFICES, PAVING + GRAVEL AREAS, PLANT + GARDEN EQUIPMENT AND ASSOCIATED CAR PARKING
AT BROWNSTOWN HOUSE, KINGSWOOD CROSS, BROWNSBARN, NAAS ROAD.

Date of decision to refuse permission 16th OCTOBER '91 subject to 3
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. M.H.

881

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]

Notify

[Handwritten signature]

M. Maguire

[Handwritten signature]

J. Hickey

[Handwritten signature]

W. James

[Handwritten signature]

H. James

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



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/1365

Date : 26th August 1991

Dear Sir/Madam,

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : Brownstown 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 726.15 .

On examination of the plans submitted it would appear that the appropriate amount should be 1078.50.

I should be obliged if you would submit the balance of 352.35 as soon as possible as a decision cannot be made on this application until the correct fee is received.

Yours faithfully,

.....

for PRINCIPAL OFFICER

Mr. Joseph Miller Dip. Arch.,
13 Eaton Square,
Terenure,
Dublin 6

PLANNING APPLICATION FEES

Reg. Ref. 91 A/1365 Cert. No. 2001
 PROPOSAL.. Retention of Flays & Flaydes Greenhouse + offices + Paved Area
 LOCATION.. Brauns town House, Braunsborn, Kingswood, Cross Mas Road
 APPLICANT.. Albert Charles Fontana's Decol 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 m2 in excess of 300m2. Min. £40				
4	Metres <u>401.80m</u>	@£1.75 per m2 or £40	<u>£708.50</u>	<u>£708.50</u>		
5	x .1 hect.	@£25 per .1 hect. or £250				
6	x .1 hect. <u>0.695HA</u>	@£25 per .1 hect. or £40	<u>£175</u>	<u>£22.65</u>	<u>£152.35</u>	<u>3/9/91 £152.35 paid N4773</u>
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres <u>19.52m</u>	@£10 per m2 or £40	<u>£200</u>	<u>NIL</u>	<u>£200</u>	<u>£200 3/9/91 paid N4773</u>
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 DTC Date 26/8/91
 Column 1 Endorsed: Signed: [Signature] Grade..... Date.....
 Columns 2,3,4,5,6 & 7 Certified: Signed: [Signature] Grade S.O Date 21/8/91
 Columns 2,3,4,5,6 & 7 Endorsed: Signed:..... Grade..... Date.....

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF.: *91A/1365*

CAT. REF.:

SERVICES INVOLVED: WATER/POUL SEWER/SURFACE WATER

REA. OF SITE: *1.72 Acres*

FLOOR AREA OF PRESENT PROPOSAL: *4325 FT²*

MEASURED BY:

CHECKED BY:

*J. Y.
23/8/91.*

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

MANAGER'S ORDERED NO: P
DATED

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

COMHAIRLE CHONTAE ÁTHA CLIATHFINANCIAL *
CONTRIBUTION :-
AMOUNT & N/C**Record of Executive Business and Manager's Orders**

BELGARD

N/A
CONDITIONS

Proposed retention of an existing Garden Centre of 4,599 sq.m., advertising boards & hoardings, 1 Green House structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd. By order P/4762/91 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:-

PL6/5/87348

AN BORD PLEANÁLA**LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990****County Dublin****Planning Register Reference Number: 91A/1365**

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 use of existing retail garden centre of 4,599 square metres, advertising boards and hoardings, one greenhouse structure for retailing, two portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking 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 retention of the said use in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements and to the sequential nature of the production process on the site which incorporates the display of finished products in an appropriate garden setting, it is considered that, subject to compliance with the conditions set out in the Second Schedule hereto, the proposed retention of use 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

1. No retail activity shall take place on Saturdays, Sundays and Bank Holidays.

Reason: To restrict the scope of retail business to trade related activity ancillary to the main company products.

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

PL 6/5/87348

-2-

SECOND SCHEDULE (CONTD.)

2. Notwithstanding the exempted development provisions of the Local Government (Planning and Development) Regulations, 1977, no signs, symbols, name plates, flag poles or advertisements associated with the use of the site shall be erected in the vicinity of the site without a prior grant of permission from the planning authority or An Bord Pleanála on appeal.

Reason: To protect the amenities of the area.

3. 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.

4. Use as a garden centre shall cease if the curtilage of the centre is subdivided from that part of the land in use for manufacturing activity.

Reason: In the interest of orderly development.

P/1676/92

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

3

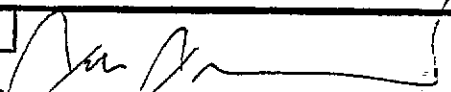
PL6/5/87348

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1365

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

COMHAIRLE CHONTAE ATHA CLIATH

TO: G. Boothman,
Executive Planner

REG. REF. 91A/1365

RE: Proposed retention of an existing retail Garden Centre of 4,599 sq.m. advertising boards & hoardings, 1 Greenhouse structure for retailing, 2 portacabins as offices, paving and gravel areas, plant & garden equipment, & associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road for Mr. A. Crowley, Fountains & Decor Ltd., Water Displays (Europe) Ltd.

I attach for your observations memo/letter dated 12th December 1991 from An Bord Pleanala.

Please reply before: 21st January, 1992

S. McMillan
for Principal Officer

DATED: 7 January 1992

OBSERVATIONS:

Further letter of 29/1/92 ABP

DECISION MADE

Signature of person
making observations: _____

Countersigned: _____
(S.E.D.C.)

DATE: _____

DATE: _____

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2 Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking 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/1365
Appl. Rec'd: 19/9/91
Floor Area: 401.8sq. m.
Site Area: .46 hectares
Zoning: 'B'

Report of the Dublin Planning Officer, dated 10 October 1991

This is an application for PERMISSION for the retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2 Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr. Albert Crowley, Fountains and Decor Ltd., and Water Displays (Europe) Ltd.

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 3.060 acres.

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

By Order P/1460/66, dated 10/2/66, 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 20/12/68, 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 No. P/1204/74, dated 30/4/74, 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 (PL6/5/27244), and Permission Granted.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2-Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr. Albert Crowlev, Fountains and Decor Ltd., and Water Displays (Europe) Ltd.

By Order No. P/3467/76, dated 21/10/76, Reg. Ref. H.845, a decision to Grant Permission for an office structure "to a limit of 2,000sq. 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.

By Order No. P/1356/77, dated 27/4/77, Reg. Ref. M.439, a decision to Refuse Permission for "a change of use of ground floor portion of the existing 2-storey dwellinghouse 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 Order No. PL6/5/56892, Reg. Ref. WA.1747, permission was refused for an Office Development.

By Order No. PA/2190/83, Reg. Ref. YA.653, permission was Granted for a 2-storey office building. Decision was upheld on appeal. Previously granted in 1975, G.442, PL6/5/27244.

By Order PL6/5/77733, Reg. Ref. 87A/1383, permission was refused for factory units, 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 No. 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.545sq. metres, car parking and septic tank, for use as a Production Unit for Ornamental Fountains and Stores, Offices and Showrooms.

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

Record of Executive Business and Manager's Orders

Proposed retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2 Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr. Albert Crowley, Fountains and Decor Ltd., and Water Displays (Europe) Ltd.

By Order No. 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.

91A/1364, current application for retention of 1 existing greenhouse for the finishing of garden fountains.

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

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

Roads Department in a report dated 23rd September, 1991 states that this retention is undesirable for the following reasons:-

1. The site is adjacent to a busy junction on a National Primary Route (N7). The increase in traffic turning movements at this junction will endanger public safety by reason of a traffic hazard.
2. The vision from the site access towards the south is impeded by a large hedgerow in the adjoining property. This would appear to be outside the applicant's control.

They recommend refusal of the development.

The scale and nature of the development proposed for this site, taking all of the abovementioned 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.

RC The proposed intensification of retailing would greatly increase the amount of traffic generated on this site, with a corresponding increase in traffic hazards. I would therefore recommend refusal of this application.

I recommend that a decision to Refuse Permission be made under the Local Government (Planning and Development) Acts, 1963-1990, for the following (3) reasons:-

Contd/.....

COMHAIRLE CHONTAE ÁTHA CLIATH

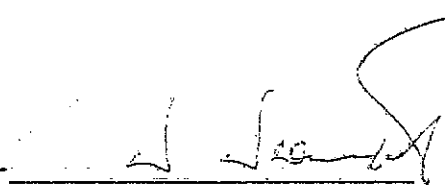
Record of Executive Business and Manager's Orders


Proposed retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2 Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr. Albert Crowley, Fountains and Decor Ltd., and Water Displays (Europe) Ltd.

1. The proposed intensification of commercial use on the site by the development of a retail garden centre would contravene materially a development objective indicated in ~~the 1983~~ ^{the 1983} Development Plan for the use primarily of this area for agriculture and so would be contrary to the proper planning and development of the area.
2. The proposed retail garden centre, with advertising boards and five flag poles facing the Naas Road Dual Carriageway, 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.
3. The proposed advertising boards and five flag poles located at the junction of the Naas Road dual carriageway with Brownsbarn, would cause distraction to drivers on this busy National Primary Route and would ~~thus create~~ ^{endanger public safety by reason of} a traffic hazard.

(GB/CM)


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 (3) reasons set out above and PERMISSION is REFUSED accordingly.

Dated: 16th October, 1991.


Assistant County Manager.

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

Geraldine Boothman

SS + EHO

Register Reference : 91A/1365

Date : 3rd September 1991

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green-house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

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

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 04.10.91
Time 2.30

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
for PRINCIPAL OFFICER

Date received in Sanitary Services

FOUL SEWER

*Insufficient information
The applicant has not indicated the location
(or sumps) of percolation areas, associated with existing septic tanks.*

SURFACE WATER

*Insufficient information.
The applicants should be required to provide
adequate pump drainage for the car park
to the requirements of B.B.C. Dept.*

SENIOR ENGINEER,
SANITARY SERVICES DEPARTMENT,
45/49, UPPER O'CONNELL STREET,
DUBLIN 1

Alan Moore
27.9.91

Geraldine Boothman

SS + EHO

(R)

Register Reference : 91A/1365

Date : 3rd September 1991

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green-house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : at Brownstown 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.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 04.10.91
Time 2.30

Date received in Sanitary Services

DUBLIN Co. COUNCIL
10 SEP 1991
SAN SERVICES

Yours faithfully,

[Signature]
DUBLIN Co. COUNCIL
SANITARY SERVICES
for PRINCIPAL OFFICER
- 4 OCT 1991
Returned *[Signature]*

FOUL SEWER

Insufficient information
The applicant has not indicated the location of percolation areas ^(or sumps) associated with existing septic tanks.

SURFACE WATER

Insufficient information
The applicants would be required to provide adequate sump drainage for the car park to the requirements of B.B.C. dept.

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

[Signature]
27.9.91
J.R.
30/9/91

PLANNING DEPT.
 DEVELOPMENT CONTROL SEC.
 Date 04.10.91
 Time 2:30

Register Reference : 91A/1365

Date : 3rd September 1991

.....
 ENDORSED _____ DATE _____

WATER SUPPLY. Water is available for zone use 24 hours storage to be provided. Supply to be meted by to to at applicant's expense. Refer to C.F.O. There is insufficient quantity of water available at this location for fire fighting purposes.

P. Howell
 13/9/91
 12/9/91

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

Geraldine Boothman.

Register Reference : 91A/1365

Date : 3rd September 1991

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green-house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

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

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991

DUBLIN COUNTY COUNCIL
- 4 OCT 1991
ENVIRONMENTAL
DEPARTMENT

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

Yours faithfully,

Paul Tobin

for PRINCIPAL OFFICER

SEE REPORT for 91A/1364.

Proposal unacceptable.

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 21.10.91
Time 12.20

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

19/10/91

Peter Condon

14/10/91.

Geraldine Bothman.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1365.
DEVELOPMENT: Retention of an existing retail Garden Centre.
LOCATION: Brownstown House, Kingswood Cross, Naas.
APPLICANT: Mr. Albert Crowley, Fountain and Decor Ltd.
DATE LODGED: 19.8.91.

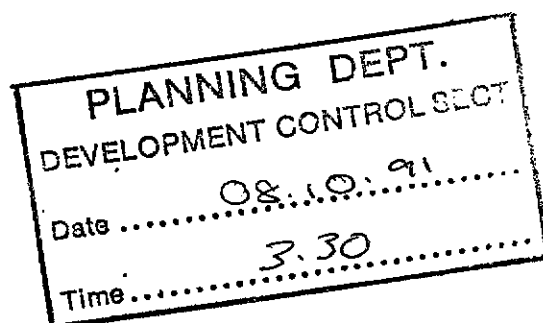
There have been a number of previous applications on this site. An application was made on 6.11.87 (87A/1383) by Water Displays Ltd., for a factory unit with ancillary offices. This application was refused permission by the Council and by an Bord Pleanala. A subsequent application was made on 2.10.90 (90A/1757) by Water Displays Ltd. for a similar development of factory unit, stores and car park. A motion for a material contravention was passed by the Council members and planning permission was granted on 12.4.91. It appears from this current application, that the development was not carried out in accordance with plans lodged under 90A/1757.

This retention is undesirable for the following reasons:-

1. The site is adjacent to a busy junction on a national primary route (N7). The increase in traffic turning movements at this junction will endanger public safety by reason of a traffic hazard.
2. The vision from the site access towards the south is impeded by a large hedgerow in the adjoining property. This would appear to be outside the applicant's control.

Permission should, therefore, be refused.

JF/BMcC
23.9.91.



SIGNED: J. Fitzsimons

ENDORSED: 4. B. 2

DATE: 23-9-91

DATE: 23/9/91

Geraldine Sootman.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1365.
 DEVELOPMENT: Retention of an existing retail Garden Centre.
 LOCATION: Brownstown House, Kingswood Cross, Naas.
 APPLICANT: Mr. Albert Crowley, Fountain and Decor Ltd.
 DATE LODGED: 19.8.91.

There have been a number of previous applications on this site. An application was made on 6.11.87 (87A/1383) by Water Displays Ltd., for a factory unit with ancillary offices. This application was refused permission by the Council and by an Bord Pleanála. A subsequent application was made on 2.10.90 (90A/1757) by Water Displays Ltd. for a similar development of factory unit, stores and car park. A motion for a material contravention was passed by the Council members and planning permission was granted on 12.4.91. It appears from this current application, that the development was not carried out in accordance with plans lodged under 90A/1757.

This retention is undesirable for the following reasons:-

1. The site is adjacent to a busy junction on a national primary route (N7). The increase in traffic turning movements at this junction will endanger public safety by reason of a traffic hazard.
2. The vision from the site access towards the south is impeded by a large hedgerow in the adjoining property. This would appear to be outside the applicant's control.

Permission should, therefore, be refused.

GF/BMCC
23.9.91.

PLANNING DEPT.	
DEVELOPMENT CONTROL SECT	
Date	24.09.91
Time	9.30

SIGNED: J. Fitzsimons

ENDORSED: *[Signature]*

DATE: 23-9-91

DATE: 23/9/91

Geraldine Boothman

Register Reference : 91A/1365

Date : 3rd September 1991

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

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

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991

DUBLIN COUNTY COUNCIL
- 4 OCT 1991
ENVIRONMENTAL
OFFICER

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

Yours faithfully,

Paul Tobin

for PRINCIPAL OFFICER

SEE REPORT for 91A/1364.

Proposal unacceptable

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 23.10.91
Time 9.00

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

17/10/91

Peter O'Keefe

14/10/91.

SS + EHO

(P)

Register Reference : 91A/1365

Date : 3rd September 1991

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green-house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

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

Applicant : Mr. Albert Crowley, Fountains &

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 19th August 1991

DUBLIN COUNTY COUNCIL
- 4 OCT 1991
ENVIRONMENTAL SERVICES

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

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 23.10.91
Time 9.00

Yours faithfully,

DUBLIN Co. COUNCIL
10 SEP 1991
SAN SERVICES

DUBLIN Co. COUNCIL
SANITARY SERVICES
for PRINCIPAL OFFICER
- 4 OCT 1991
Returned *[Signature]*

Date received in sanitary services

FOUL SEWER

Insufficient information
The applicant has not indicated the location of percolation areas, ^(or sumps) associated with existing septic tanks.

SURFACE WATER

Insufficient information
The applicants should be required to provide adequate sump drainage for the camp park to the requirements of B.B.C. dept.

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

[Signature]
27.9.91

J.R.
30/9/91

Register Reference : 91A/1365

Date : 3rd September 1991

DUBLIN COUNTY COUNCIL
- 4 OCT 1991
ENVIRONMENTAL
PLANNING

ENDORSED

DATE

WATER SUPPLY. *Water is available for zone use 24 hour storage to be provided. Supply to be metered by to to at applicant's expense. Refer to CEO. There is insufficient quantity of water available at this location for fire fighting purposes.*

P. Howell
13/9/91
12/9/91

ENDORSED

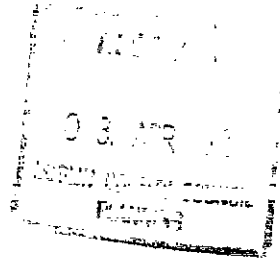
DATE

JG *2/10/91*

PLANNING DEPT.
DEVELOPMENT CONTROL SECT
Date 23.10.91
Time 9.00

Our Ref: PL 6/5/87348
P.A. Ref: 91A/1365

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



Date: 02 APR 1992

Appeal re: Continuance of use of retail garden centre of 4599 square metres, advertising boards and hoardings, 1 greenhouse structure for retailing, portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking 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.

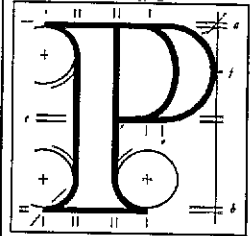
Yours faithfully,


Miriam Baxter.

Encl.

BP 352

1
Hott
S.S.
An Bord Pleanála



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

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1365

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 use of existing retail garden centre of 4,599 square metres, advertising boards and hoardings, one greenhouse structure for retailing, two portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking 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 retention of the said use in accordance with the said plans and particulars, subject to the conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said permission is hereby granted subject to the said conditions.

FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements and to the sequential nature of the production process on the site which incorporates the display of finished products in an appropriate garden setting, it is considered that, subject to compliance with the conditions set out in the Second Schedule hereto, the proposed retention of use 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

1. No retail activity shall take place on Saturdays, Sundays and Bank Holidays.

Reason: To restrict the scope of retail business to trade related activity ancillary to the main company products.

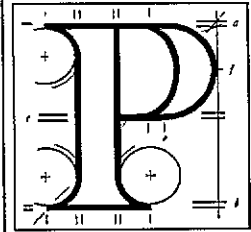
Our Ref: PL 6/5/87348
P.A. Reg. Ref: 91A/1365

J. Booth

pa

*R.L.
6/2*

An Bord Pleanála



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

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

Date: 29th January 1992.

Appeal re: Proposed development 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.

DEVELOPMENT
- 6 FEB 1991
CONTROL

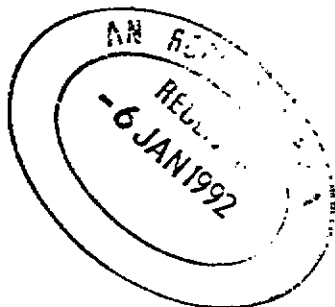
Please quote the above appeal reference number in any
further correspondence.

Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

31 JAN 92



19th December, 1991

AN BORD PLEANALA
IRISH LIFE CENTRE
LOWER ABBEY STREET,
DUBLIN, 1.

THE RANCH HOUSE,
KINGSWOOD VILLAGE,
NAAS ROAD,
CO. DUBLIN.

REF-FOUNTAINS AND DECOR LTD, WATER DISPLAYS EUROPE LTD AND
MR A CROWLEY. UNDER 91A-1365, AND P-4762-91.

DEAR SIRS

ON BEHALF OF THE KINGSWOOD RESIDENTS ASSOCIATION I HAVE
BEEN INSTRUCTED TO WRITE TO YOU IN SUPPORT OF THE ABOVE APPEAL
AND THE APPLICANTS.

MR CROWLEY AND HIS BUISNESS HAS BEEN IN OUR VILLAGE
SINCE 1987, IN THIS TIME HE HAS TURNED AN EYE SORE DERELICT SITE
INTO A CLEAN WELL RUN BUISNESS. THE SITE AND PREMISES IS WELL
MAINTAINED AND MR CROWLEY MAINTAINS THE GRASS OUTSIDE HIS
PROPERTY RIGHT OUT TO THE NAAS ROAD, HIS EMPLOYEES HAVE BEEN SEEN
REGULARLY CLEANING THE FOOTPATHS AND ROADS OUTSIDE HIS PROPERTY.

SINCE MR CROWLEY AND HIS BUISNESS MOVED IN TO KINGSWOOD
OVER 4 YEARS AGO, NO COMPLAINTS WERE MADE TO THIS ASSOCIATION
ABOUT HIM. THE KINGSWOOD RESIDENTS ASSOCIATION REGARDS THIS AS AN
IMPORTANT BUISNESS IN THIS AREA GIVING EMPLOYMENT TO LOCAL MEN
AND WOMEN. WE WISH MR CROWLEY CONTINUED SUCCESS WITH HIS BUISNESS
AND WE OFFER HIM OUR FULL SUPPORT. WE HOPE THE BOARD WILL GIVE
HIS APPEAL A FAVOURABLE DECISION .

WE THANK YOU FOR YOUR ATTENTION

YOURS SINCERELY


MICHAEL MAGUIRE
CHAIRMAN
KINGSWOOD RESIDENTS ASSOCIATION.

ACK
COPY TO —
DATE 30.12.91

Our Ref: PL 6/5/87348
P.A. Reg. Ref: 91A/1365

R
6/v

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

Date: 29th January 1992.

Appeal re: Proposed development 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.

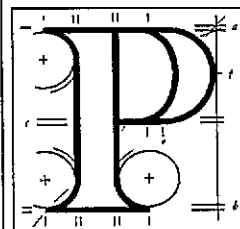
Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

31 JAN 92

PR
An Bord Pleanála



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

DEVELOPMENT
- 6 FEB 1991
CONTROL

obs

14-1-92


AN BORD PLEANALA
FLOOR 3 BLOCK 6 & 7
IRISH LIFE CENTRE
LOWER ABBEY STREET
DUBLIN 1

RE- YOUR REF PL6/5/87348 PA REF 91A/1365

DEAR SIRS

ENCLOSED HERewith PLEASE FIND OUR BANKERS DRAFT VALUE
15.00 PUNTS OMITTED FROM OUR LETTER OF THE 19/12/91 IN RELATION
TO THE ABOVE CASE.

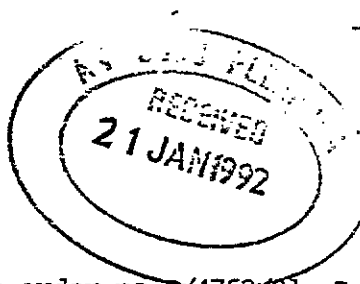
YOURS FAITHFULLY


MICHAEL MAGUIRE CHAIRMAN
KINGSWOOD RESIDENTS ASSOCIATION
KINGSWOOD NEAS ROAD
DUBLIN 22.

AN BORD PLEANALA
DATE: 15/1/92
AMOUNT: £15 DRAFT
REF: B.26471

Your Ref: PL 6/5/87348
reg.ref. 91A/1365.

AN BORD PLEANALA,
Floor 3, Blocks VI & VII,
Irish Life Centre,
Lower Abbey St.,
Dublin, 1.



- Mrs. Kathleen Walsh,
Kingswood,
Naas Road,
Dublin, 22.

17th January, 1992.

Re: Reg. ref. no. 91A/1365. Decision order no.P/4762/91. Dated 16/10/91.
APPLICANT: Mr. Albert Crowley, Fountains & Decor Ltd. + Water Displays (Europe) Ltd. Brownstown House, Brownsbarn, Kingswood, Dublin, 22.
PROPOSAL: Retention of an existing Retail Garden Centre of 4599 square metres, Advertising Boards and Hardings, 1 Green-house Structure for Retailing, 2 Portacabins as Offices, Paving and Gravel areas, Plant and Garden Equipment and associated Carparking.

Dear Sir/Madam,

I am replying to Mr. Miller's letter of the 23rd December 1991 re; the above Planning Application.

- 1) Due to undertakings given by Mr. Crowley to the high court, i.e. removal of signs, flags, poles and the general recession in business, this would have contributed to the small amount of cars going to and from this premises at present.
- 2) The above planning application is for retention of existing retail garden centre. A full page feature in the Daily Tribune dated the 14/3/'91 describes this premises as being "Ireland's most magnificent Garden Centre". The signs say 'Garden Centre', as you will see from the enclosed photograph, and the products sold in this garden centre are readily available in all garden centres of this size and are not in any way exclusive. This is a very large garden centre with a covered area of 364 square metres requiring two portacabins for offices, which in itself is an indication of it's size.
- 3) My letter did not refer to the case of Mr. Carey on 31/10/90, but to the general burning of rubbish in the skip on Mr. Crowley's premises. However, at a recent meeting of the Resident's Association, of which Mr. Crowley is Honorary Secretary, Mr. Crowley indicated that this burning would cease.

Yours faithfully,

Kathleen Walsh

Kathleen Walsh, Mrs.

ENC: One Photograph, and Newspaper copy.





● The Fountains and Decor team (from left): managing director Albert Crowley, garden centre manager Aidan Dillom, complex manager Ann Walsh, computer operator Patricia Lynam and designer Gordon Ledbetter

New garden paradise — Ireland's most magnificent new garden centre opens tomorrow

By Kieran O'Daly and
Brian Rothery

IRELAND'S most magnificent new garden centre opens tomorrow, minutes up the road from the Green Isle Hotel at the Kingswood and Baldonnell junctions.

The people of Dublin and adjoining counties get an opportunity this week-end to sample a new age of gardening and a level of quality which signals the end for the garden game in Ireland. The Germans have already been buying the quality Irish products that are now on display. This is your opportunity to take a good look at what

we call the garden, but what is more and more being called the "room outside".

Tomorrow, Friday 15 March, sees the opening of Albert Crowley's Fountains and Decor, the most comprehensive garden centre to be found in Ireland. Situated at Kingswood Cross on the Naas dual carriageway, just up the road from the Green Isle Hotel, it is ideally located, not only for the adjacent suburban area but for the whole of south county Dublin and Kildare as well.

Fountains and Decor is one of the largest garden centres in Ireland, offering a comprehensive range of

garden accessories. Anything you could possibly want for your garden can be found in the attractive surroundings of this new gardener's paradise. Look no further.

A visit to Fountains and Decor is not just another shopping expedition for the gardening enthusiast, but a treat. There is something for everyone here: whether shopping or just browsing, even the most reluctant gardener is sure to be impressed.

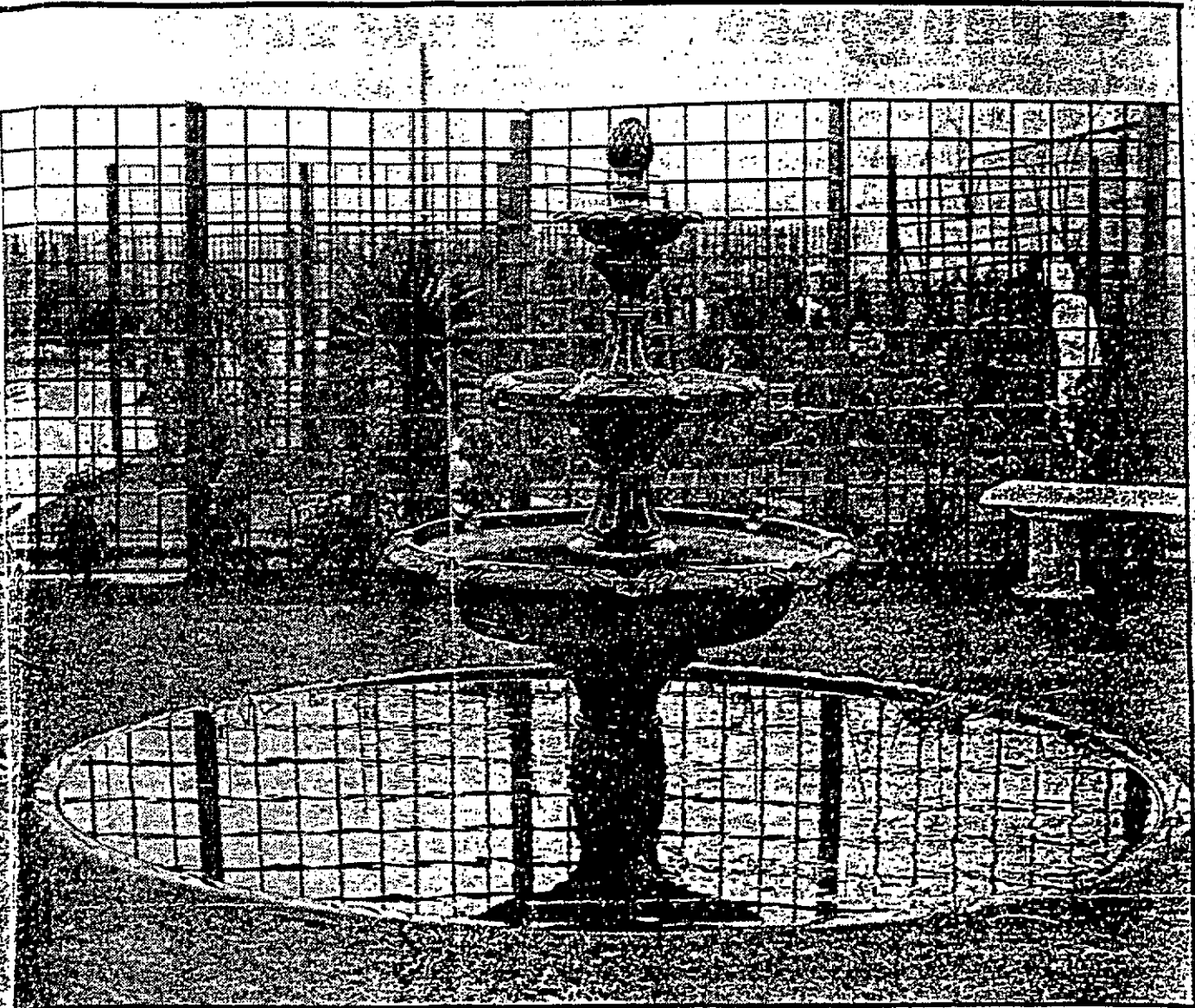
The splendid layout and design of the Kingswood Cross site is the work of Gordon Ledbetter. Over the years, Ledbetter has accumulated a wealth of experience in this particular area, being the architect of numerous similar projects all over the world. Gordon specialises in water-based designs

Fountains of all shapes and sizes, both indoor and outdoor, are also available, ranging in price from £70 to £20,000. These, like the statues, are all made from concrete with a spray painted finish. Examples of these fountains can be seen in the recently opened Square at Tallaght.

Fountains and Decor has the largest supply of water plants and stock ponds of any garden centre in Ireland. They also have a wide variety of al-pines, small shrubs, herbaceous plants, conifers and the very popular heathers which enhance many a rock garden. The indoor section houses everything from gardening tools to fertiliser, as well as indoor plants, garden furniture and water filtration kits and pumps.

A lot of thought has

LEBO SIGMA



The Teardrop Fountain, just one of the many beautiful garden features available at Fountains and Decor, where the staff are ready to help you turn an ordinary garden into an extraordinary one

em. He attended a seminar telling you cannot export sand, gravel, cement or water. These important but heavy materials are so low-priced and expensive to transport that you can only ship them over short distances - for example, from the nearest quarry. Only a mad person would think of exporting these products in large quantities to shops and garden centres.

Most have never attended a workshop or seminar telling him that you cannot export sand, gravel, cement or water. These important but heavy materials are so low-priced and expensive to transport that you can only ship them over short distances - for example, from the nearest quarry. Only a mad person would think of exporting these products in large quantities to shops and garden centres.

bronze or plaster, unless one simply wants the finish in smooth plaster or imitation stone. The range is extraordinary - goddesses, nymphs, little boys and girls under umbrellas, crocodiles, most of which also serve as fountains. There are straightforward monumental specimens with up to several tiers of falling water, plus some magnificent fountains which would not look out of place in a great house.

shrubs, flowers and plants on an expanded premises. To this he adds aquaria, fertilizer and garden equipment and accessories. Aware that his premises bordered the Naas Road, Albert took the latest step in adding value. Why not catch the attention of the million motorists that pass by? So the fountains were moved, the sign went up, the flags flew and Ireland's most impressive new garden centre was launched. After all, why not catch the Irish market as well? Gordon Ledbetter, who designed the layout of Fountains and Decor, has long been interested in the water-based aspects of Japanese gardens and the effects they create. He has designed a multitude of public parks and gardens throughout the world, particularly in the tropics in



many in the form of beautiful and magnificent statues and fountains, made from local sand, aggregate, cement and

There are 19 staff employed in the factory and adjoining garden centre. There will be six more shortly when the new garden extension is completed.

water-based aspects of Japanese gardens and the effects they create. He has designed a multitude of public parks and gardens throughout the world, particularly in the tropics in

DEKO SIGNS

Deko Fabrications Ltd.
SIGN & METAL FABRICATORS
ALUMINIUM • BRASS • STAINLESS STEEL
BRONZE & PLASTIC
ILLUMINATED SIGNS
DISPLAY WORK AND REPAIRS.

*All types of signs
for trade and industry*

'Large Enough to Cope
& Small Enough to Care'

**FAST EFFICIENT SERVICE
PLEASE GIVE OUR
SERVICE A TRY**

FREE ADVICE & QUOTATIONS

962597

6 PARKER HILL,
LOWER RATHMINES RD., D.6.

architect of numerous similar projects all over the world. Garden specialists in which are modern and elegant at Albert Crowley's new garden centre, with more than 10 water displays and a number of small fountains adorning the premises.

A Japanese water garden is one of the focal points of attention outside, along with a globe fountain with over 50 spouts and underwater lighting, the design of the OASE company, Albert's German mould suppliers. The Japanese have always believed in the soothing powers of water and this notion has caught on here with a surge in the number of fountains to be found both in and out doors all around the country.

Every taste in garden statues is catered for with nymphs, cherubs, figurines, birds and frogs being among the most popular. An added bonus is that the statues are actually cast in the factory adjoining the premises and can be made to order.

plants, garden furniture and water filtration kits, and more. Making things as convenient and comfortable as possible for visitors to Fountains and Decor. For instance, all of the outdoor walkways are paved, a feature which enables shoppers to push trolleys with greater ease. Gravel paths, which are usual in garden centres, tend to be unsuitable for trolleys, or even prams. The display areas are at a comfortable height, allowing visitors to see everything at a glance. The indoor section is designed with specific entrance and exit doors making it easier for customers to get around. There are also numerous display conservatories and a chalet where refreshments are served.

At Fountains and Decor, Aidan Dillon is the manager of the highly trained staff of horticulturists who are always on hand to offer their help and expert advice on what to buy to suit your particular garden. This imaginative addition to Ireland's list of garden centres should have the answer to all your gardening needs.

There is an old story about the Wright Brothers, saying that one year before their historic flight, a book proving that heavier-than-air machines could not fly had been published. The Wright Brothers had not read the book and so, in their ignorance, they invented and flew the first aircraft.

Albert Crowley of Kingswood Cross, Naas Road, Co Dublin, apparently had a similar prob-

many in the form of beautiful and magnificent statues and fountain water.

Without giving away any secrets we can look at the process at Fountains and Decor. Albert Crowley's manufacturing facility in the magnificent landscape setting of new factory and garden centre on the left-hand side of the Naas Road.

First each of the components cement, sand, gravel and aggregate (small stones) is chanced in an Irish Standard, and it may surprise some to learn that the standard for such materials. Do not forget these same materials in houses, hospitals, bridges and office blocks, using finished product of concrete. The Fountains and Decor demand these materials is specific; however, cannot use the same of sand and stone statue of Venus as would for laying a path, but such is the satility of concrete it can compete with bronze and bronze, in our sculpture.

After the correct proportions have been received correct mix of sand and water takes place to produce the flowing, liquid concrete. The secrets begin here. In the next stage, the art mould makers are employed to mould the concrete into various shapes. After some time, the moulds are left to dry before the unwrapped reveals the object. The final step is a coat of paint which looks



Fountains and Decor Limited

The Water Display Specialists

Manufacturers & Designers of
Unique Water Fountains.

Visit our Water Gardens,
Aquatic Centre, and Garden Centre
over St. Patrick's Weekend

**DISPLAY CENTRE
OPEN 7 DAYS**

Mon - Fri 8.30a.m. - 5.30p.m.
Saturday 9.00a.m. - 6.00p.m.
Sunday 10.00a.m. - 6.00p.m.

**SPECIAL
OPENING OFFER**

10% OFF ALL
GOODS OVER
ST. PATRICKS WEEKEND.

Open St. Patricks Day 9a.m. - 6p.m.

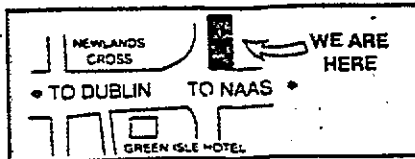
Fountains & Decor Limited

Kingswood Cross,
Naas Road, Clondalkin.
Dublin 22.

Tel: (01)

592205-592284-591724

Fax: 592613



Otter

Offer fountains, Pumps, Pool Liners, Nets, Filters, U.V. Sterilisers are all available from our Irish Agents:

Fountains & Decor



Trident Water Garden Products are the largest Water Garden Distributors in the U.K.

played in the factory and adjoining garden centre. Completed and an additional 14 more have been employed building the new centre under the supervision of architect, Gordon Ledbetter.

Albert Crowley's German market did not fall into his hands. He lived in Germany and attended the large gardening exhibitions, such as the one at Cologne. Many people had tried to export garden furniture and failed. Albert's success can be put down to three major factors; solving the technical problems in manufacturing moulds for concrete art products, the quality of his production and the penetration of the market.

The value-added concept, so fundamental to successful enterprise in Ireland can be seen across Albert Crowley's activities. He makes and sells garden statues, ponds and fountains, so now he adds trees,

Japanese gardens and the effects they create. He has designed a multitude of countries like Malaysia and Singapore. It would be true to say that the sun never sets on his creations. Gordon has also designed indoor butterfly parks with simulated tropical rainforest conditions containing thousands of varieties of butterfly. He has written two books on the subject of gardens, one of which, Water Gardens, has been ten years in print and is one of the best-selling books of its type.

Lancelot "Capability" Brown, one of the great garden designers of 18th century Britain with the gardens of Kew, Stowe and Blenheim among his achievements, earned his nickname by always referring to the capabilities of landscaping and, while we cannot all be Lancelot Browns, a little bit of thought and effort will go a long way in creating our dream garden in the "room outside".



● Albert Crowley, managing director of Fountains and Decor

Congratulations & Continued Success from
OASE Pumpen Germany
The Fountain Technology Experts.

Manufacturers & suppliers of OASE World Leading Fountain Equipment.

Sole Agents in Ireland:

Fountains and Decor Limited

Kingswood Cross, Naas Road, Clondalkin.

LAZER ALUMINIUM LTD.



Manufacturers & Installers Aluminium Windows, Porch Doors, Conservatories, Shop Fronts.

Free Estimates & Design

Ph: 574826

Brookfield House, Clondalkin, 22. Newcastle House, Newcastle, Co. Dublin.

J.W. CARNEGIE & CO LTD.

Haulage Contractors Suppliers of Washed Sand, Gravel Filling, Crushed Stone & Washed Pebble.

Sweetmans Avenue, Blackrock, Co. Dublin. Tel: 882458 - 831109. Pst: (045) 65618 - 65610. Fax: 882458.

IRELAND'S LEADING COMMERCIAL GREENHOUSE SUPPLIER

Would like to wish FOUNTAINS & DECOR every success for the future.



GROW WITH **HIGHBANK**

CUFFESGRANGE, Tel: 056-29916 CO. KILKENNY. Fax: 056-29957

Best wishes from
PAT WHITE
Pumping & Electrical Contractor
 Coolmine, Clonfilla, Co. Dublin.
 Fax: 592613

Congratulations to
FOUNTAINS & DECOR
from
Louis & Philip
of
CITYWIDE DIRECT
COLLECTIONS & DELIVERIES
 Ph: 088-576636 or 088-576646
 or 508293 - 907609.

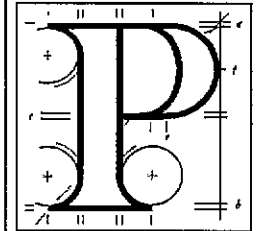
Our Ref: PL 6/5/87348
P.A. Reg. Ref: 91A/1365

g Boothman
pd

13/11

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

An Bord Pleanála



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

Date: 7th January 1992.

Appeal re: Retention of existing retail garden centre, advertising boards and hoardings, 1 greenhouse for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking 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



09 JAN 92

13 Eaton Square
Terenure
Dublin 6w

23rd December 1991

To the Secretary,
An Bord Pleanála,
Floor 3,
Blocks 6 & 7,
Irish Life Centre,
Lower Abbey Street,
Dublin 2.



Dear Sir,

Re: Retention of existing retail garden centre, advertising board and hoardings, 1no. greenhouse for retailing, 2no. portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking at Brownstown House, Kingswood Cos, Brownsbarn, Naas Road, Co. Dublin.
Register Reference PL/6/5/87348

I refer to the unsigned letter of observation by Mrs. Kathleen Walsh on the above mentioned Appeal.

In respect of item (1) Mrs. Walsh's fear that cars may have to be parked along the main Kingswood Road are without foundation. From the date mentioned in item 3, 14th March 1991, this has not been the case, otherwise Mrs. Walsh would have stated so in her letter. There is more than adequate car parking space on site for the limited number of visitors who visit the site.

In respect of item (2) Mrs. Walsh's views on the number of garden centres in the area. As explained in recent correspondence with An Bord Pleanála I explained that a description as a garden centre is not accurate. The premises is mainly used for the production, manufacture and finishing of decorative fountains. Only a limited amount of specialised retailing in respect of these fountains and associated products. The premises therefore cannot be compared to the garden centres which she lists.

In respect of item (3)

No burning takes place as part of the manufacturing process. The burning of rubbish referred to in Mrs. Walsh's letter was carried out by the neighbour Mr. Carey. Mr. Crowley called the Fire Brigade to have the fire put out.

In respect of item (4) no comment.

In respect of item (5) There is no provision for overturning a planning decision to grant permission for the reason stated in Mrs. Walsh's letter. If the 5 year period set out in the Planning Act the planning permission will automatically wither.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Joseph Miller".

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

Our Ref: PL 6/5/87348
P.A. Reg. Ref: 91A/1365

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

[Handwritten signature]
16 DEC 91 19/11 ✓

Date: 12th December 1991.

Appeal re: Retention of existing retail garden centre, advertising boards and hoardings, 1 greenhouse for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking 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.

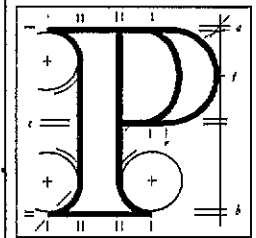
Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A

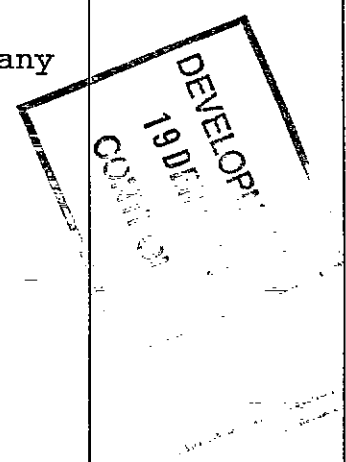
PK

An Bord Pleanála



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

[Handwritten signature]



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/6/5/87348

Planning Ref: REF. 91A/1365

Further to my letter of appeal dated 13/11/1991, 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/6/5/87349.

This appeal relates to retention of existing retail garden centre, advertising structures, structure for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking.

The history of the site usage has been given on Ref. PL/6/5/86945. During 1989, Mr. Crowley was inaccurately informed that development of a garden centre was an agricultural activity and an exempted development. The resultant garden centre was subject of Enforcement Proceedings. The Court instructed that permission be sought for particular uses, using particular wording. In his judgement Justice Lardner indicated that Mr. Crowley was victim of ill considered advice. Therefore, the wording contained in the public notice attached to this appeal does not convey the limited weight attached to public retailing in comparison with the main production business. 17

The elements to which the appeal relates can be broken down into separate elements for ease of consideration.

a) Outdoor Garden Centre, indicated as 7 on the site plan, covering 4,599m² including paving and gravel areas. This is the outdoor area towards the front of the site, in which large feature fountains and water displays are shown. A number of model garden settings featuring statues, fountains, cascades etc. in situ, in finished context are displayed.

Beyond the garden settings, in brick surround ponds are held aquatic plants and oxygenators. A statue hardstand adjoins. A Japanese style display setting featuring bridge and Oriental models is located to the front of this area.

Adjoining are two rows of rectangular bays containing alpines, heathers, ground cover, shrubs and trees which are sold mainly as part and parcel of any fountain/waterfall/cascade setting. However, the percentage of area devoted to these plants is small and would not be sufficient to support a viable garden centre per se.

a) Advertising Boards and Hoardings:

One board is attached to the front face of the drying shed (Building 3). This merely identifies the company, is necessary for corporate identity and relates to the production company, not any retailing function.

Three free standing structures inside the front perimeter fence also identifies the company, but these have been removed with the five flagpoles and permission is no longer sought for them.

A third sign indicated Garden Centre, Fountains, Fish, Water Plants. However, it is now proposed to alter the wording to omit advertising a garden centre to avoid confusion and to merely identify main products and ancillary items. (see attached drawing AC-6C-10-91.

c) Greenhouse Structure for Retailing:

This is building five as referred to in the main text. The main function of this building is as the trade area for the production. Inspection will show that the main floor area is devoted to operating fountains, ornaments, pumps, filters, pipes, lights etc. The building also houses an aquatic centre. Less than 25% of the floor area is devoted to garden equipment or materials. Therefore its main function is as a trade showroom, similar to many other production companies, and is as vital as any other building in the system.

d) Portacabin Offices:

These offices house the company offices. In a developing company, it is not always possible to construct a corporate headquarters until the business has developed a substantial status. These buildings would be of a temporary nature, pending determination of the permanent existence of the business in this location.

e) Car Parking Area:

A similar car parking area has been granted permission by Dublin County Council under ref. 90A 1757.

1.00 Reasons for Refusal

1.01 The first reason for refusal refers to intensification of the commercial use on the site by the development of a retail garden centre contravening a development objective. I would request the Board to consider the limited weight attached to public retailing in the business as being standard in relation to any trade showroom which is a necessary part of production finished products. Regular trips from foreign buyers are organised by the Irish Trade Board who must see a fine presentation.

1.02 In the main products are displayed to the trade from the manufactured output. A limited number of private purchasers who would have space and money to accommodate the products, which are necessarily expensive, can view the entire range of production only at this location. The company also holds the Irish franchise for OASE pumps and products associated with aquaria, fountains and water features. The normal sale price for any item would be from £50 to circa £4000. For this reason the numbers and type of customers frequenting the premises are vastly different to those which would be expected at a normal garden centre where high volume, low value week-end trading is the norm.

- 1.03 The small amount of trees, shrubs and garden materials are incidental to and ancillary to the main trade function of the business. The manager of the showroom is an internationally acknowledged expert on care and breeding of exotic fish species. His main interest is in the upkeep of the aquarium and supplying fish stock with fountains than retailing gardening materials. X
- 1.04 Although the Board may feel restricted to considering the specific wording as presented and reject the appeal, you are invited to restrict in any suitable way, the scope of the retailing to trade related activity ancillary to main company products. X
- 1.05 In general the layout of buildings and grounds per se are not offensive or contrary to proper planning and development and they play a very important role in continued successful trading and production. A reasonable amount of corporate identity and profile is necessary and the Board is requested to permit the reasonable amount relating to the production function and company identity as now proposed.
- 2.00 The second and third reasons for refusal relate to traffic hazard as a result of undesirable intensification of use related to retailing and retail advertising. It has been ascertained that the fear of the Roads Department of Dublin County Council was in relation to the prospect of open ended retailing leading to generation of large numbers of commuters. X
- 2.01 When it was explained that this was not the case or intention, it was indicated that a limited function related to the production process and viability would be in order.
- 2.03 The boards attention is drawn to the fact that under reference 89A 1535, Dublin County Council granted permission for the large Cement Roadstone club house, recreation facility and car park for 200 cars approx. on a site across the old road and using the same junction. Therefore, it was then accepted that no hazard would arise from social traffic.

Conclusion

A mistake was made through illconsidered advice, which is acknowledged and regretted. The Board is requested to consider sympathetically those elements vital to the continued good health of the production company to allow its continued future development and the benefits deriving therefrom. X

Signed:



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

Encl. 3no. copies of site plan
letter from the Irish Trade Board and
the Industrial Development Authority



Merrion Hall
Strand Road
Sandymount
Dublin 4 Ireland
PO Box 303

Telephone 353 1 269 5011
Fax 353 1 269 5820

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



INDUSTRIAL DEVELOPMENT
AUTHORITY OF IRELAND

WILTON PARK HOUSE
WILTON PLACE
DUBLIN 2 IRELAND
TELEPHONE (01) 666533
688444 602244
FACSIMILE (01) 603700
TELEX 93431

Planning Department
Dublin County Council
Abbey Street
Dublin 1

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

Our Ref: PL 6/5/87348
P.A. Reg. Ref: 91A/1365

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

Date: 29th November 1991.

Appeal re: Retention of existing retail garden centre, advertising board and hoardings, 1 greenhouse for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, County Dublin.

Dear Sir/Madam,

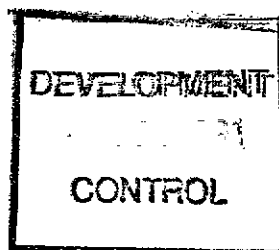
Enclosed for your information is a copy of correspondence received in relation to the above-mentioned appeal. While it is not necessary for you to furnish any comments on the correspondence, you may do so if you wish. Any such comments should be forwarded within fourteen days from the date of this letter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

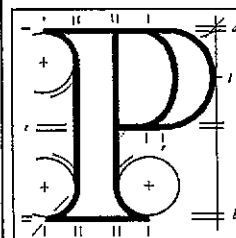
Yours sincerely,

Suzanne Lacey
Suzanne Lacey

BP 553A



Handwritten initials
An Bord Pleanála



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

BORD PLEANALA,
Floor 3, Blocks VI and VII,
Irish Life Centre,
Lower Abbey St.,
Dublin, 1.

Kathleen Walsh,
Kingswood,
Naas Road,
Dublin, 22.

12th November, 1991.

Re: Reg. ref. no.91A/1365. Decision order no.P/4762/91. Dated 16/10/91.
APPLICANT: Mr. Albert Crowley, Fountains & Decor Ltd. + Water Displays
(Europe) Ltd. Brownstown House, Brownsbarn, Kingswood, Dublin, 22.
PROPOSAL: Retention of an existing Retail Garden Centre of 4599 square
metres, Advertising Boards and Hoardings, 1 Green-house Structure for
Retailing, 2 Portacabins as Offices, Paving and Gravel areas, Plant and
Garden Equipment and associated Carparking.

Dear Sir/Madam,

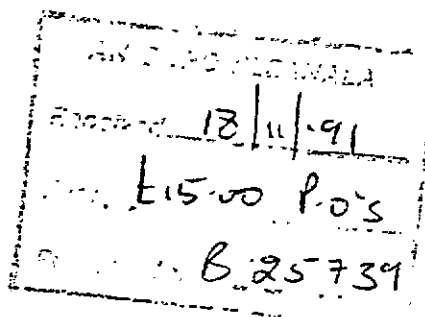
Having overrun the time limit for objecting to the above application, please
accept this observation in support of the decision made by Dublin County Council
refusing planning permission to Mr. A. Crowley, Fountains & Decor Ltd., for the
following reasons:

- 1) As stated in Report no. 4762/91, re; point 2, I would like to add that I
fear cars may have to park along the main Kingswood Road, and this increase
in traffic going to and from same would interfere with my personal enjoyment of
the peace and quiet that Kingswood has to offer. As can plainly be seen in
Johnstown at the garden centre there.
- 2) I feel that the area is very well served with garden centres, three local,
one at Johnstown and one at Texas Homecare, Kylemore Cross, Naas Road. Both
of these large garden centres are within 15 minutes drive of the area. This
being so, the above application should not qualify for consideration under
agricultural zoning re;- the 1991 Draft Plan, ref;- report PL6/5/85771 1st
Schedule, Paragraph 2, application no. 90A/2340.
- 3) While there is not a litter problem on these premises, there is however
a large skip in which a lot of burning takes place. I would be concerned
with what is being burnt in this skip, as there is sometimes a very strong
smell as well as a lot of smoke, which could be considered a health hazard.
- 3) This garden centre has only been opened since the 14th of March 1991.
- 4) The lands in question have already been granted permission for a two storey
structure of C. 545 square metres, septic tank, carparking, production unit for
the manufacture of ornamental fountains, incorporating stores, offices and
showrooms, ref 90A/1757. Decision no. P1477/91, dated 12/4/91, and so should not
need to install portacabins for offices, unless it is not intended to go ahead
with this application, in which case ref; 90A/1757 should be overturned.

I am enclosing a cheque for £15.00. for this observation.

Yours faithfully,

Kathleen Walsh, Mrs.



COMHAIRLE CHONTAE ATHA CLIATH

1.: 724755
Ext. 268/269

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

Your Ref.: PL6/5/ 87348

Our Ref.: 910/1365

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 exist. retail garden centre (4,599 square metres),
advertising boards, handrails, 1 greenhouse for retailing, 2
pathways as office, paving, gravel areas, plant & garden equipment
Applicant: Mr. A. Crowley

Dear Sir,

With reference to your letter dated 20/1/91 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 16/8/91.
- (4) The plan(s) received from the applicant on 19/8/91.
- (6) & (7) A certified copy of Manager's Order P/4762/91, DATED, 16/10/91 together with technical reports in connection with the application.
- (8) Histories to follow

Yours faithfully,

R. Jewell
for Principal Officer.
Encls.

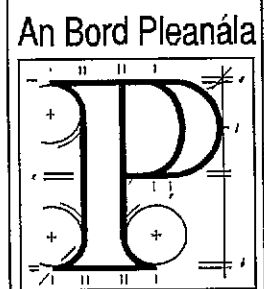
Our Ref: PL 6/5/87348
Your Ref: 91A/1365

25/11

pr

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

21 NOV 91



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

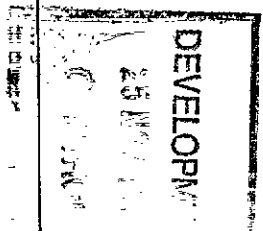
Date: 20th November 1991.

Planning authority decision re: Retention of existing retail garden centre (4,599 squared metres), advertising boards and hoardings, 1 greenhouse for retailing, 2 portacabins as offices, paving and gravel ares, plant and garden equipment and associated car parking 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.



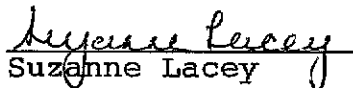
Please note that the other party to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of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

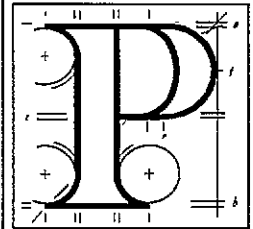
Yours faithfully,


Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



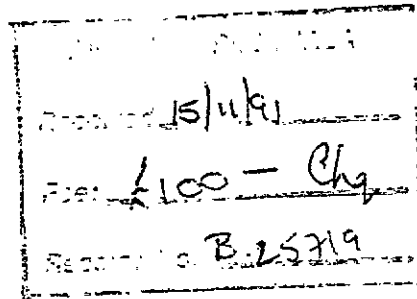
Floor 3 Blocks 6 & 7
Irish Life Centre
Lower Abbey Street
Dublin 1
tel (01) 728011

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 an existing retail Garden Centre of 4,599 sq.m., advertising board, hoardings, 1 greenhouse, structure for retailing, 2 portacabins as offices, paving and gravel areas, plant and garden equipment and associated car parking at Brownstown House, Kingswood Cross, Brownsbard, 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. and Water Displays Europe Ltd. and dated 16/10/1991.

The Register Reference No. is 91A/1365 and the Order No. is P/4762/91, a copy of which is attached.

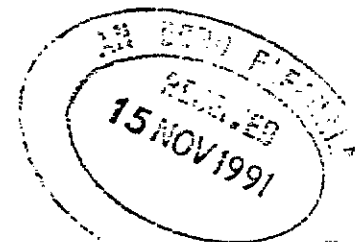
On behalf of Albert Crowley, Fountains and Decor Ltd. and Water Displays Europe Ltd. I wish to appeal this decision by Dublin County Council and I attach a cheque of £100 made payable to An Bord Pleanala which is the applicable fee.

The full grounds upon which the appeal will be made will be the subject of a further written submission to you. We do not accept the alleged intensification of commercial use on the site of a retail garden centre will contravene the development objectives of the Dublin County Development Plan. We do not accept that the five flagpoles and advertising boards will create an undesirable intensification of traffic which would endanger public safety by reasons of a traffic hazard. Furthermore we do not believe the advertising boards and five flagpoles will cause a distraction to drivers and cause 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:

██████████: PERMISSION: ██████████

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

To..... Joseph Miller, Architect,..... Register Reference No. 91A/1365.
..... 13 Eaton Square,..... Planning Control No.
..... Terenure,..... Application Received 19/8/91
..... Dublin 6. Additional Information Received.....
Applicant..... Mr. A. Crowley, Fountains & Decor Ltd. 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/ 4762/91, dated..... 16/10/91 decided to refuse:

██████████ PERMISSION ██████████

For..... Proposed retention of an existing retail Garden Centre of 4,599sq. metres
advertising boards & hoardings, 1 Greenhouse structure for retailing, 2 Portacabins
as offices, paving & gravel areas, plant & garden equipment, & associated car
parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road.
.....
for the following reasons:

1. The proposed intensification of commercial use on the site by the development of a retail garden centre would contravene materially a development objective indicated in Dublin County Development Plan 1983 for the use primarily of this area for agricultural purposes and so would be contrary to the proper planning and development of the area.
2. The proposed retail garden centre; with advertising boards and five flag poles facing the Naas Road Dual Carriageway, 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.
3. The proposed advertising boards and five flag poles located at the junction of the Naas Road dual carriageway with Brownsbarn, would cause distraction to drivers on this busy National Primary Route and would endanger public safety by reason of a traffic hazard.

Signed on behalf of the Dublin County Council
for PRINCIPAL OFFICER
Date 16/10/91

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.

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:

██████████: PERMISSION: ██████████

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

To..... Joseph Miller, Architect, Register Reference No. 91A/1365
..... 13 Eaton Square, Planning Control No.
..... Terenure, Application Received 19/8/91
..... Dublin 6. Additional Information Received.....
Applicant..... Mr. A. Crowley, Fountains & Decor Ltd. 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/ 4762/91, dated..... 16/10/91 decided to refuse:

██████████ PERMISSION ██████████

For..... Proposed retention of an existing retail Garden Centre of 4,599sq. metres, advertising boards & hoardings, 1. Greenhouse structure for retailing, 2. Portacabins as offices, paving & gravel areas, plant & garden equipment, & associated car parking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road.

for the following reasons:

1. The proposed intensification of commercial use on the site by the development of a retail garden centre would contravene materially a development objective indicated in Dublin County Development Plan 1983 for the use primarily of this area for agricultural purposes and so would be contrary to the proper planning and development of the area.
2. The proposed retail garden centre; with advertising boards and five flag poles facing the Naas Road Dual Carriageway, 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.
3. The proposed advertising boards and five flag poles located at the junction of the Naas Road dual carriageway with Brownsbarn, would cause distraction to drivers on this busy National Primary Route and would endanger public safety by reason of a traffic hazard.

Signed on behalf of the Dublin County Council


for PRINCIPAL OFFICER

Date

16/10/91

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.

GOMHAIRLE CHONTAE ÁTHA CLIATH

RECEIPT CODE

PAID BY — DUBLIN COUNTY COUNCIL

46/49 UPPER O'CONNELL STREET
DUBLIN 1.

Issue of this receipt is not an
acknowledgement that the fee
tendered is the prescribed application
fee. N. 47703

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

£352.35

Received this 3rd day of September 1991

from Fountain & Deane Ltd,
Kingswood Cross,
Maas Road

the sum of three hundred and fifty two Pounds
thirty five Pence, being Balance

of fee en 91A/1965

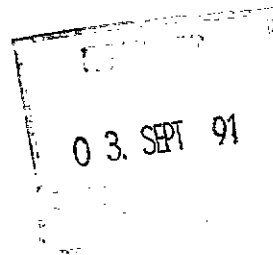
Niall Deane Cashier

S. CAREY
Principal Officer
Claw 4

13 Eaton Square
Tenenure,
Dublin 6

2nd September 1991

To Mr Richard Whelan
Planning Department
Dublin County Council
Block 2
Leitir Life Centre
Lower Abbey Street
Dublin 2



Re: Register Reference No's 91A/1364 and 91A/1365
at Brownstown House, Kingswood Ave, Brownsham Naas Rd.

Dear Sir,

I refer to your two letters, dated 26th August 1991
regard an additional Planning fee for both applications

I now enclose a cheque for £625 - 35.

I would be obliged to be informed by letter from you the reasons
for these additional charges

Yours faithfully

Joseph Millers Dip Arch. M.R.I.A.I.

and



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/1365

Date : 26th August 1991

Dear Sir/Madam,

Development : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : Brownstown 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 726.15 .

On examination of the plans submitted it would appear that the appropriate amount should be 1078.50.

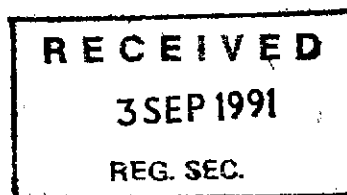
I should be obliged if you would submit the balance of 352.35 as soon as possible as a decision cannot be made on this application until the correct fee is received.

Yours faithfully,

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

for PRINCIPAL OFFICER

Mr. Joseph Miller Dip. Arch.,
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/1365

Date : 20th August 1991

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

Dear Sir/Madam,

DEVELOPMENT : Retention of an existing retail Garden Centre of 4,599 square metres, advertising boards & hoardings, 1 green- house structure for retailing, 2 portacabins as offices paving and gravel areas, plant & garden equipment & associated carparking

LOCATION : Brownstown 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

Mr. Joseph Miller Dip. Arch.,
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, Naas Road,
(If none, give description sufficient to identify) Clondalkin, Dublin 22.
3. Name of applicant (Principal not Agent) Mr. Albert Crowley, Fountains & Decor Ltd. + Water Displays Ltd.
Address Brownstown House, Kingswood Cross, Clondalkin, 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 Joseph Miller, 13 Eaton Square, Terenure, Dublin 6.
notifications should be sent
6. Brief description of Retention of flags and flagpoles, advertising boards and hoardings,
proposed development and garden equip. one greenhouse structure, two portacabins, paving & gravel area, plants
7. Method of drainage Septic tank 8. Source of Water Supply Public main & private well.
9. In the case of any building or buildings to be retained on site, please state:-
(a) Present use of each floor existing house, stone building, existing barn, outbuildings to be ret.
or use when last used. as mould making ship, finishing shop, and production unit
(b) Proposed use of each floor

J. Press 16/8/91

- 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 46 hectares Sq. m.
(b) Floor area of proposed development 401.8 Sq. m.
(c) Floor area of buildings proposed to be retained within site existing house and those to be retained Sq. m.

19/8

12.6.13

147571

DUBLIN COUNTY COUNCIL
PLANNING
RE
19 AUG 1991

12. State applicant's legal interest or estate in site Freehold
(i.e. freehold, leasehold, etc.)
13. Are you now applying also for an approval under the Building Bye Laws?
Yes No Place / in appropriate box.
14. Please state the extent to which the Draft Building Regulations have been taken in account in your proposal:

- Where applicable and where possible
15. L. County Council for the retention of an existing retail Garden Centre of 4,599 sq metres, advertising boards and hoardings, 1 Greenhouse structure for retailing, 2 Portacabins as offices, paving and gravel areas, plant and garden equipment, and associated carparking at Brownstown House, Kingswood Cross, Brownsbarn, Naas Road, for Mr Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.
16. G. Basis of Calculation 401.8 x £1.75 plus .45 hectare at £5 per 1 hectare
- Fee Payable £ 726.15
- If a reduced fee is tendered details of previous relevant payment should be given

Signature of Applicant (or his Agent) Albert Crowley Dip Arch M.R.I.A.I. Date 19th August 1991

Application Type P. FOR OFFICE USE ONLY
Register Reference 91A/1365
Amount Received £
Receipt No
Date

2-8-4

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 1977 to 1984.

Outline of requirements for applications for permission or Approval under the Local Government (Planning & Development) Acts 1963 to 1983. The Planning Acts and Regulations made thereunder may be purchased from the Government Publications Sales Office, Sun Alliance House, Molesworth Street, Dublin 2.

1. Name and Address of applicant.
 2. Particulars of the interest held in the land or structure, i.e. whether freehold, leasehold, etc.
 3. The page of a newspaper, circulating in the area in which the land or structure is situate, containing the required statutory notice. The newspaper advertisement should state after the heading Co. Dublin.
 - (a) The address of the structure or the location of the land.
 - (b) The nature and extent of the development proposed. If retention of development is involved, the notice should be worded accordingly. Any demolition of habitable accommodation should be indicated.
 - (c) The name of the applicant.
- NB. Applications must be received within 2 weeks from date of publication of the notice.**
4. Four (4) sets of drawings to a stated scale must be submitted. Each set to include a layout or block plan, proposed and existing services to be shown on this drawing, location map, and drawings of relevant floor plans, elevations, sections, details of type and location of septic tank (if applicable) and such other particulars as are necessary to identify the land and to describe the works or structure to which the application relates (new work to be coloured or otherwise distinguished from any retained structures). Buildings, roads, boundaries and other features bounding the structure or other land to which the application relates shall be shown on site plans or layout plans. The location map should be of scale not less than 1: 2500 and should indicate the north point. The site of the proposed development must be outlined in red. Plans and drawings should indicate the name and address of the person by whom they were prepared. Any adjoining lands in which the applicant has an interest must be outlined in blue.
 5. In the case of a proposed change of use of any structure or land, requirements in addition to 1, 2, & 3 are.
 - (a) a statement of the existing use and the proposed use, or, where appropriate, the former use and the use proposed.
 - (b) (i) Four (4) sets of the drawings to a stated scale must be submitted. Each set to consist of a plan or location map (marked or coloured in red so as to identify the structure or land to which the application relates) to a scale of not less than 1:2500 and to indicate the North point. Any adjoining lands in which the application has an interest must be outlined in blue.
 - (ii) A layout and a survey plan of each floor of any structure to which the application relates.
 - (c) Plans and drawings should indicate the name and address of the person by whom they were prepared.
 6. Applications should be addressed to: Dublin County Council, Planning Department, Irish Life Centre, Lr. Abbey Street, Dublin 1, Tel. 724755.

SEPTIC TANK DRAINAGE: Where drainage by means of a septic tank is proposed, before a planning application is considered, the applicant may be required to arrange for a trial hole to be inspected and declared suitable for the satisfactory percolation of septic tank effluent. The trial hole to be dug seven feet deep at or about the site of the septic tank. Septic tanks are to be in accordance with I.I.R.S. S.R. 6:75.

INDUSTRIAL DEVELOPMENT:

The proposed use of an industrial premises should, where possible, be stated together with the estimated number of employees, (male and female). Details of trade effluents, if any, should be submitted.

Applicants to comply in full with the requirements of the Local Government (Water Pollution) Act, 1977 in particular the licencing provisions of Sections 4 and 16.

PLANNING APPLICATIONS

BUILDING BYE-LAW APPLICATIONS

CLASS NO.	DESCRIPTION	FEE	CLASS NO.	DESCRIPTION	FEE
1.	Provision of dwelling — House/Flat.	£32.00 each	A	Dwelling (House/Flat)	£55.00 each
2.	Domestic extensions/other improvements.	£16.00	B	Domestic Extension (improvement/alteration)	£30.00 each
3.	Provision of agricultural buildings (See Regs.)	£40.00 minimum	C	Building — Office/ Commercial Purposes	£3.50 per m ² (min. £70.00)
4.	Other buildings (i.e. offices, commercial, etc.)	£1.75 per sq. metre (Min. £40.00)	D	Agricultural Buildings/Structures	£1.00 per m ² in excess of 300 sq. metres (min. - £70.00) (Max. - £300.00)
5.	Use of land (Mining, deposit or waste)	£25.00 per 0.1 ha (Min. £250.00)	E	Petrol Filling Station	£200.00
6.	Use of land (Camping, parking, storage)	£25.00 per 0.1 ha (Min. £40.00)	F	Development or Proposals not coming within any of the foregoing classes.	£9.00 per 0.1 ha (£70.00 min.)
7.	Provision of plant/machinery/tank or other structure for storage purposes.	£25.00 per 0.1 ha (Min. £100.00)			Min. Fee £30.00
8.	Petrol Filling Station.	£100.00			Max. Fee £20,000
9.	Advertising Structures.	£10.00 per m ² (min £40.00)			
10.	Electricity transmission lines.	£25.00 per 1,000m (Min. £40.00)			
11.	Any other development.	£5.00 per 0.1 ha (Min. £40.00)			

Cheques etc. should be made payable to: Dublin County Council.

Gross Floor space is to be taken as the total floor space on each floor measured from the inside of the external walls.

For full details of Fees and Exemptions see Local Government (Planning and Development) (Fees) Regulations 1984.

COMHAIRLE CHONTAE ÁTHA CLIATH

RECEIPT CODE

PAID BY **DUBLIN COUNTY COUNCIL**

46/49 UPPER O'CONNELL STREET,
DUBLIN 1.

NOTE: of this receipt is not an
acknowledgement that the fee
tendered is the proper application
fee.

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

£726.15

Received this 19th day of August 1971
from **Fennell Devor Ltd**

the sum of **seven hundred and twenty six** Pounds
thirteen Pence, being **planing**

application at Brownsboro House, Brownsboro, Red Kingsway Cross

Michael Dillon Cashier

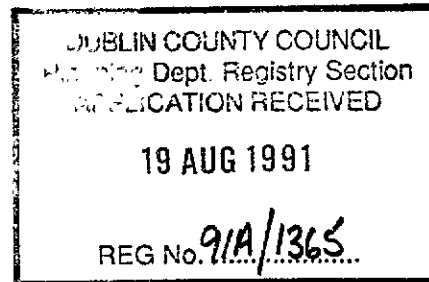
S. CAREY
Principal Officer

C. Leary

13 Eaton Square
Teremure
Dublin 6

19th August 1991

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



Dear Sirs,

**Re: Retention of a Retail Garden Centre at Brownstown House, Brownsbarn for
Mr. Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd.**

I wish on behalf of Mr. Albert Crowley, Fountains and Decor Ltd. and Water Displays (Europe) Ltd. to apply for permission to retain the existing retail garden centre on the at Brownstown House, and all flags and flagpoles, all advertising boards and hoardings, one greenhouse structure, two portacabins and offices, paving and gravel areas and plant and garden equipment.

The area of the portion of the site is approximately .46 hectares.

The purpose of the application is to regularise the situation that exists on site which has developed over a period of time, from the manufacture of decorative fountains.

In addition, as a result of the High Court decision of 22nd July 1991 held before Mr. Justice Lardner, Mr. Crowley and Fountains and Decor Ltd. have undertaken to make this application. One other structure, another greenhouse was also mentioned, however this is the subject of a separate application being also made on this date. The reason for a separate application is obtain permission for this structure separately as it relates to the manufacturing process on site and is not directly associated with the retail garden centre.

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 case must be dealt with on its merits, the only issue being whether permission should properly be granted or refused.

The case must be dealt with on its merits, the only issue being whether permission should properly be granted or refused.

The following documents are enclosed:

- a) 4no. copies of drg. no.'s AC-GC - 03-19; Ac-GC - 04-91.
- b) 4no. copies of the outline specification.
- c) A planning application form duly completed.
- d) The original newspaper advertisement from the Irish Press dated 16th August 1991.
- e) A cheque for the planning fee in the sum of £637.00.

In the event of any difficulty in dealing with this application I may be contacted at the above address.

Yours faithfully,



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

Encl/..

DUBLIN COUNTY COUNCIL

724755 (ext. 262/264)

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

19 AUG 1991

91A/1365

Notification of Decision to Grant Permission/Approval

Local Government (Planning and Development) Acts, 1963-1983

To Mr. J. Miller,
13 Eaton Square,
Terenure,
Dublin 6.

Decision Order Number and Date P/1477/91 12.04.91
Register Reference No. 90A/1757
Planning Control No.
Application Received on 28.02.91

Applicant Water Display (Eurpoe) Ltd. T.X's to 16.4.91

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to grant Permission/Approval for:-

two-storey structure of c. 545 sq.m. car parking and a septic tank
for use as a production unit for ornamental fountains,
incorporating stores, offices and showrooms at Brownstown House,
Kingswood Cross, Clondalkin.

SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS	REASONS FOR CONDITIONS
1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.	1. To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. That before development commences, approval under the Building Bye-Laws be obtained, and all conditions of that approval be observed in the development.	2. In order to comply with the Sanitary Services Acts, 1878-1964.
3. That the requirements of the Sanitary Services Department be ascertained and strictly adhered to in the development.	3. To comply with the requirements of the Sanitary Services Department.
4. That the requirements of the Supervising Environmental Health Officer be ascertained and strictly adhered to in the development.	4. In the interest of health.
5. That all external finishes shall be agreed in writing with the County Council prior to the commencement of development on site.	5. In the interest of visual amenity.

Over


Signed on behalf of the Dublin County Council

Paul Henning
For Principal Officer

Date 12 April 1991

IMPORTANT: Turn overleaf for further information

CONDITIONS	REASONS FOR CONDITIONS
<p>6. That no advertising sign or structure be erected, except those which are exempted development, without prior approval of the Planning Authority.</p> <p>7. That the requirements of the Roads Department be ascertained and strictly adhered to in the development.</p> <p>8. That a financial contribution in the sum of £9,300 be paid by the proposer to the Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.</p> <p>NOTE: Works necessary to meet the requirements of the foregoing conditions may involve development as defined in the Planning Acts 1963-1983 and in respect of which a further planning application may be required.</p>	<p>6. In the interest of the proper planning and development of the area.</p> <p>7. To comply with the requirements of the Roads Department.</p> <p>8. The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.</p>



NOTE:

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

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. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

An appeal shall be in writing and shall state the subject matter and grounds of the appeal. It should be addressed to:— An Bord Pleanala, Blocks 6 and 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

(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 when making submissions or observations to An Bord Pleanala in relation to an appeal.

Approval of the Council under Building Bye-Laws must be obtained and the terms of the approval must be complied with in the carrying out of the work before any development which may be permitted is commenced.

OUTLINE SPECIFICATION

FOR

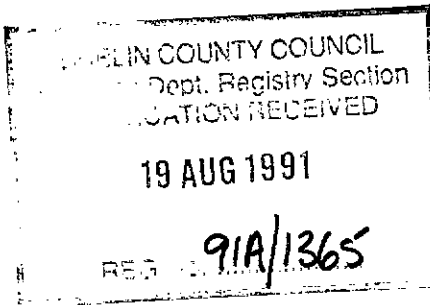
**THE RETENTION OF A RETAIL GARDEN CENTRE
WITH FLAGS AND FLAGPOLES, ADVERTISING BOARDS
AND HOARDINGS, ONE GREENHOUSE STRUCTURE,
TWO PORTACABINS AS OFFICES,
PAVING AND GRAVEL AREAS AND PLANT
AND GARDEN EQUIPMENT**

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

THE GREENHOUSE STRUCTURE

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 multispans 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.

2.00 THE PORTACABIN

Painted galvanised 50mm composite insulated metal sheeting inside and out with integrated openable window system, supported on a 100 x 100mm steel frame with 18mm plywood floor.

3.00 FLAGPOLES AND FLAGS

5no. aluminium tape flagpoles approximately 5 metres high each with a flag of 2.5mm x 1m.

4.00

PAVING AND GRAVEL AREAS

As indicated on the site plan.

The paving to be either 600 x 600, 400 x 400 x 50mm precast concrete plain on exposed aggregate slabs, forming paths and walkways, laid on 50mm sand on 100mm compacted hardcore

or

Coloured concrete paviors 200 x 100 x 60mm laid in various pattern forming paths or workways laid on 50mm sand on 100m compacted hardcore and restrained at the sides with concrete on precast concrete kerbs.

Gravel selected washed stone placed outside the walkways to form decorative areas.

Plants and Garden Equipment

These are contained within the Greenhouse Structure.

5.00

ADVERTISING BOARDS AND HOARDINGS

As illustrated on the site plan and photographs.