

**APPEALS CHECK LIST**

REG. REF. NO. 91A 1117

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	COPIES OF DECISION FOR WEEKLY LIST (LAURA/MARY)	/
6	DECISION CIRCULATED TO LISTED PERSONS	/
6	TO BONDS & CONTRIBUTIONS FOR FINANCIAL ASSESSMENT	
7	TO E. DOYLE FOR NOTING	

**CHANGE STATUS IN PLANAPS:**

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 WITHDRAWN: .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

PLANNING APPLICATION FEES

Reg. Ref. 91A/1117

Cert. No. 25936

PROPOSAL... Change of use of Building... to... Production & Storage

LOCATION... Braunston House, Kingswood Cross, Condamkin

APPLICANT... Water Displays Europe 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 460 m <sup>2</sup>	@£1.75 per m2 or £40	805	903.52	903.52	(overpayment)
5	x .1 hect.	@£25 per .1 hect. or £250				
6	x .1 hect.	@£25 per .1 hect. or £40				
7	x .1 hect.	@£25 per .1 hect. or £100				
8		@£100				
9	x metres	@£10 per m2 or £40				
10	x 1,000m	@£25 per £1000m or £40				
11	x .1 hect.	@£5 per .1 hect. or £40				

Column 1 Certified: Signed: *[Signature]* Grade: *SAD/Y* Date: *5-2-91*

Column 1 Endorsed: Signed: *[Signature]* Grade: Date:

Columns 2,3,4,5,6 & 7 Certified: Signed: *[Signature]* Grade: Date: *8/3/91*

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

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1982

ASSESSMENT OF FINANCIAL CONTRIBUTION

EG. REF.:

*9/12/117*

ONT. REG. NO.

SERVICES INVOLVED: WATER/POUL SEWER/SURFACE WATER

REA OF SITE:

LOCAL AREA OF PRESENT PROPOSAL:

*5,534 sqm*

MEASURED BY:

*A. H. H. 5-4-11*

CHECKED BY:

METHOD OF ASSESSMENT:

TOTAL ASSESSMENT

ANALYST'S ORDERED NO: R/ / /  
DATED

ENTERED IN CONTRIBUTIONS REGISTER:

DEVELOPMENT CONTROL ASSISTANT GRADE

P/1678/92

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

BELGARD

FINANCIAL CONTRIBUTION :-	
AMOUNT €NIL	
F/NOT CONDITIONED	

Proposed retention of change of use of 3 no. existing buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin for Water Displays Europe Ltd. By order P/4178/91, dated 30/8/91 the Council made a decision to refuse permission for this proposal. On Appeal, An Bord Pleanála made the following order on 31st March, 1992:-

PL6/5/86945

### AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1117

APPEAL by Water Displays Europe Limited care of Joseph Miller of 13 Eaton Square, Terenure, Dublin against the decision made on the 30th day of August, 1991 by the Council of the County of Dublin to refuse permission for retention of change of use of three buildings for production and storage of ornamental fountains at Brownstown House, Kingswood Cross, Clondalkin, 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 change of use in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule hereto, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.

### FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements, as well as to the sequential nature of the production process, it is considered that, subject to compliance with the condition set out in the Second Schedule hereto, the proposed retention of change 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

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.

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

- 2 -

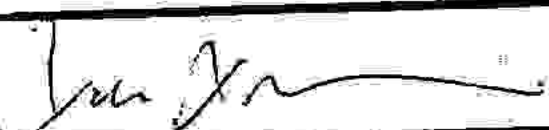
PL6/5/86945

AN BORD PLEANÁLA

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 TO 1990

County Dublin

Planning Register Reference Number: 91A/1117

Noted: L.D	
Date: 23 <sup>rd</sup> APRIL 92	ASST. COUNTY MANAGER
to whom the appropriate powers have been delegated by order of the Dublin City and County Manager.	
Dated 10 <sup>th</sup> day of FEBRUARY 19 92	

COMHAIRLE CHONTAE ATHA CLIATH

TO: G. Boothman,  
Executive Planner

REG. REF. 91A/1117

RE: Proposed retention of change of use of 3 no. existing buildings  
to Production and Storage of Ornamental Fountains at Brownstown  
House, Kingswood Cross, Clondalkin for Water Displays Europe Ltd.

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

Please reply before: 23rd January, 1992

S  
for Principal Officer

DATED: 9 January 1992

OBSERVATIONS:

*[The observation area contains a large diagonal line and a handwritten signature that appears to be 'D. ...']*

Signature of person making observations: \_\_\_\_\_ Countersigned: \_\_\_\_\_  
(S.E.D.C.)

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

Richard:

I feel that mine's probably lost  
this anyway

Do you feel it requires  
comment?

Geraldine  
29/1

Geraldine,

I think we should comment on  
1) large display areas for public  
plus 8m x 1m sign on Naes Rd.  
We do not want public attracted into  
this site, whatever <sup>it should be</sup> about a production  
only

2) There should be overall scheme for  
site showing production / storage / office

But no border centre of ~~public~~ retail trade.  
stress traffic hazard

Richard

31/1

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1117.  
DEVELOPMENT: Change of use of 3 no. existing buildings to  
Production and Storage of Ornamental Fountains.  
LOCATION: Brownstown House, Kingswood Cross, Clondalkin.  
APPLICANT: Water Displays Europe Ltd.  
DATE LODGED: 3.7.91.

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In view of the chequered planning history of this site we must refer you to our previous Report of 30.11.90 in respect of 90A/1757.

Further intensification of development on this site will only serve to exacerbate the traffic situation.

Refusal recommended.



Register Reference : 91A/1117

Date : 12th July 1991

Development : Change of use of 3 no. existing Buildings to  
Production and Storage of Ornamental Fountains

LOCATION : Brownstown House, Kingswood Cross, Clondalkin

Applicant : Water Displays Europe Ltd

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 3rd July 1991

PLANNING DEPT.  
DEVELOPMENT CONTROL SECT  
Date ..... 22.08.91 .....  
Time ..... 10.00 .....

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  
17 JUL 1991  
SAN SERVICES

*Paul Tobin*

for PRINCIPAL OFFICER

Date received in Sanitary Services .....

FOUL SEWER

*No foul sewer requirements indicated.*

SURFACE WATER

*Available - existing system.*

DUBLIN Co. COUNCIL  
SANITARY SERVICES  
20 AUG 1991  
*W.M.*

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

*T. J. O'Brien 15/8/91.*

*J.R.  
16/8/91*

PLANNING DEPT.  
DEVELOPMENT CONTROL SECT  
Date ..... 22.08.91 .....  
Time ..... 10.00 .....

Register Reference : 91A/1117

Date : 12th July 1991

.....  
ENDORSED \_\_\_\_\_

DATE \_\_\_\_\_

WATER SUPPLY. Available for general use 24 hours storage to be provided. There are existing supplies to the premises which are to be metered by the water Dept at applicants expense. Water available for fire fighting in this area in force.  
Refer to C.F.O.

ENDORSED \_\_\_\_\_

DATE \_\_\_\_\_

*Moran* 16/8/91

*J. Harty*  
25/7/91

DUBLIN CO. COUNCIL  
SANITARY SERVICES  
20 AUG 1991  
*WME*

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1117.

DEVELOPMENT: Change of use of 3 no. existing buildings to Production and Storage of Ornamental Fountains.

LOCATION: Brownstown House, Kingswood Cross, Clondalkin.

APPLICANT: Water Displays Europe Ltd.

DATE LODGED: 3.7.91.

In view of the chequered planning history of this site we must refer you to our previous Report of 30.11.90 in respect of 90A/1757.

Further intensification of development on this site will only serve to exacerbate the traffic situation.

Refusal recommended.

PLANNING DEPT.  
 DEVELOPMENT CONTROL SECT  
 23.7.91  
 2.10

TB/BMCC.  
19.7.91.

SIGNED: [Signature]

ENDORSED: \_\_\_\_\_

DATE: 19/7/91

DATE: \_\_\_\_\_

7

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

Proposed retention of change of use of 3 no. existing Buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin, for Water Displays Europe Ltd.

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

Reg. Ref. 91A/1117  
Appl. Rec'd: 3/7/91  
Floor Area: 516.3sq. m.  
Site Area: 3.060 acres  
Zoning: 'B'

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Report of the Dublin Planning Officer, dated 29 August 1991

This is an application for PERMISSION for the retention of change of use of three existing buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin.

The area in which the site is located is zoned with the objective "to protect and provide for the development of agriculture". *The site is situated to the 3.060 acres.*

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

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.

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 2,000 square feet" 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.

Contd/.....

## COMHAIRLE CHONTAE ÁTHA CLIATH

### Record of Executive Business and Manager's Orders

Proposed retention of change of use of 3 no. existing Buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin, for Water Displays Europe Ltd.

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 unit, offices, storage yard, car parking, fencing, storage and display area, plus retention of existing barn and outbuildings for painting and production of garden sculpture.

By Order 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.

91A/1117, application now under consideration, submitted 3rd July, 1991, for change of use of 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, current 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.

Contd/.....

# COMHAIRLE CHONTAE ÁTHA CLIATH

## Record of Executive Business and Manager's Orders

Proposed retention of change of use of 3 no. existing Buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin, for Water Displays Europe Ltd.

Roads Department refer to their previous report on 90A/1757, which recommended refusal for development on this site because of the undesirable intensification of use of a site adjacent to a very busy junction on the N7 National Primary Route where speeds are high. The increase in traffic turning movements would endanger public safety by reason of traffic hazard.

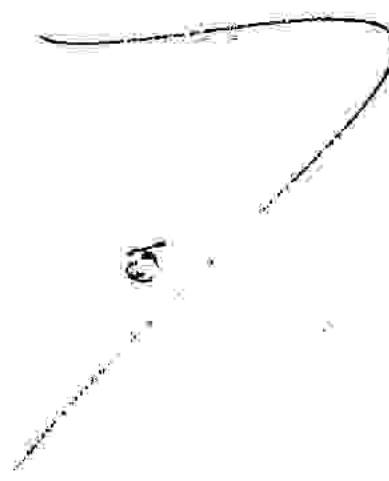
The scale and nature of the development proposed for this site, taking all of the abovementioned applications and photographic evidence into account, is quite unsuitable at this location. Furthermore, the haphazard and uncontrolled piecemeal development now being carried out ~~could~~ not be acceptable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

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 (1) reason:-

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

Contd/.....



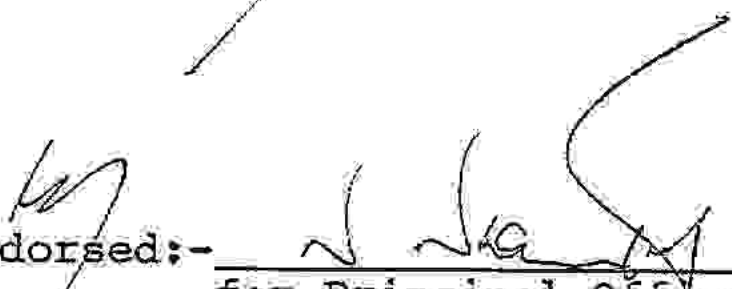
**COMHAIRLE CHONTAE ÁTHA CLIATH**

**Record of Executive Business and Manager's Orders**

Proposed retention of change of use of 3 no. existing Buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin, for Water Displays Europe Ltd.

6

(GB/CM)

Endorsed:-   
for Principal Officer

  
For Dublin Planning Officer

30 8 91

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

Dated: 30 August, 1991.



Assistant City & County Manager.

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

*G. Boothman*

Ⓢ

Register Reference : 91A/1117

Date : 12th July 1991

Development : Change of use of 3 no. existing Buildings to  
Production and Storage of Ornamental Fountains

LOCATION : Brownstown House, Kingswood Cross, Clondalkin

Applicant : Water Displays Europe Ltd

App. Type : PERMISSION

Planning Officer : G. BOOTHMAN

Date Recd. : 3rd July 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 .....	22.08.91
Time .....	10.00

Yours faithfully,

.....
.....
.....
.....
.....

for PRINCIPAL OFFICER

Date received in Sanitary Services .....

FOUL SEWER

*No foul sewer requirements indicated.*

SURFACE WATER

*Available - existing system.*

DUBLIN CC. COUNCIL
SANITARY SERVICES
20 AUG 1991
<i>[Signature]</i>

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

*[Signature]* 15/8/91

*J.R.*  
14/8/91



PLANNING DEPT.  
DEVELOPMENT CONTROL SECT  
Date ..... 22.08.91 .....  
Time ..... 10.00 .....

Register Reference : 91A/1117

Date : 12th July 1991

.....  
ENDORSED \_\_\_\_\_

DATE \_\_\_\_\_

WATER SUPPLY..... Available for year round use, 24 hours steady  
to be provided. There are existing supplies to this  
premises which are to be maintained by the water  
Dept at applicants expense. Water available for  
fire fighting within area in force.  
Refer to C.F.O.

ENDORSED McDonnell

DATE 16/8/91

DUBLIN CO. COUNCIL  
SANITARY SERVICES  
20 AUG 1991  
*[Signature]*

G. B.

DUBLIN COUNTY COUNCIL

REG. REF: 91A/1117.  
DEVELOPMENT: Change of use of 3 no. existing buildings to  
Production and Storage of Ornamental Fountains.  
LOCATION: Brownstown House, Kingswood Cross, Clondalkin.  
APPLICANT: Water Displays Europe Ltd.  
DATE LODGED: 3.7.91.

In view of the chequered planning history of this site we must refer you to our previous Report of 30.11.90 in respect of 90A/1757.

Further intensification of development on this site will only serve to exacerbate the traffic situation.

Refusal recommended.

TB/BMcC.  
19.7.91.



SIGNED: G. B. Smith

ENDORSED: \_\_\_\_\_

DATE: 19/7/91

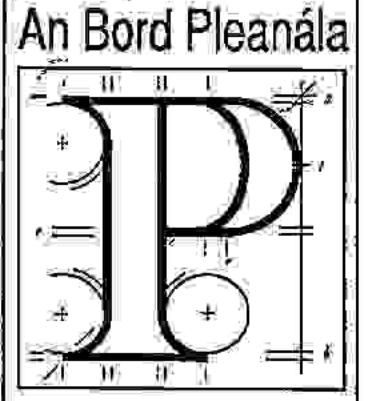
DATE: \_\_\_\_\_

Our Ref: PL 6/5/86945  
P.A. Ref: 91a/1117

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



*Copy to Pat Kenny*  
SB  
221



Date: 02 APR 1992

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

**Appeal re:** Continuance of use of three buildings for production and storage of ornamental fountains at Brownstown House, Kingswood Cross, Clondalkin, Dublin.

Dear Sir,

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

Yours faithfully,

  
Miriam Baxter.

Encl.

BP 352

AN BORD PLEANÁLA

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

County Dublin

Planning Register Reference Number: 91A/1117

**APPEAL** by Water Displays Europe Limited care of Joseph Miller of 13 Eaton Square, Terenure, Dublin against the decision made on the 30th day of August, 1991 by the Council of the County of Dublin to refuse permission for retention of change of use of three buildings for production and storage of ornamental fountains at Brownstown House, Kingswood Cross, Clondalkin, 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 change of use in accordance with the said plans and particulars, subject to the condition specified in the Second Schedule hereto, the reason for the imposition of the said condition being as set out in the said Second Schedule and the said permission is hereby granted subject to the said condition.

FIRST SCHEDULE

Having regard to the planning history of the site, the pattern of development in the vicinity, the access and parking arrangements, as well as to the sequential nature of the production process, it is considered that, subject to compliance with the condition set out in the Second Schedule hereto, the proposed retention of change 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

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

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

  
Ann Linn Quinn

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

Dated this 31<sup>st</sup> day of March, 1992.

Our Ref: PL 6/5/86945  
P.A. Reg. Ref: 91A/1117

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

Date: 12th December 1991.

Appeal re: Retention of change of use of 3 existing buildings to production and storage of Brownstown House, Kingswood Cross, Clondalkin, 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.

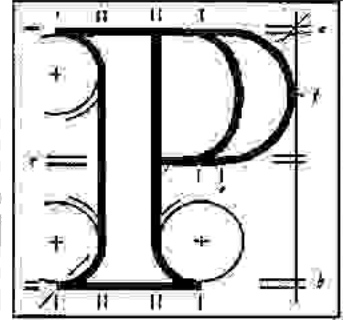
Please quote the above appeal reference number in any further correspondence.

Yours sincerely,

*Suzanne Lacey*  
Suzanne Lacey

BP 553A

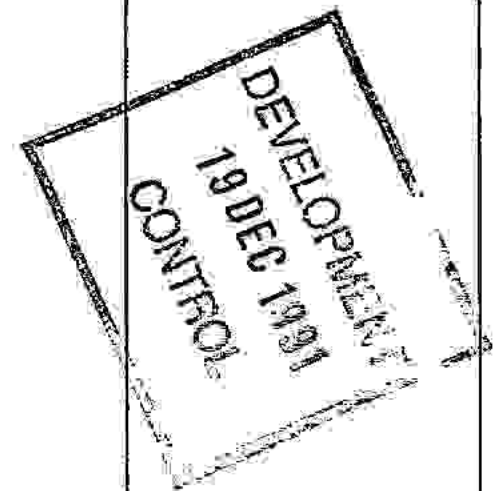
*pd*  
An Bord Pleanála



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

*19/11*  
16 DEC 91

*ds*



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 6/5/86945

Dear Sir,

Further to my letter of appeal dated 27.9.91, I now wish to submit detailed grounds. This appeal is now one of three appeals, referring to the same landholding, currently before you for consideration, two further appeals having been lodged by registered post on 15.11.1991.

This appeal relates to the use of 3 existing buildings and including retention of building no.2, on site plan herewith, for production of concrete based ornamental statues and fountains. The appeal lodged in relation to ref. 91A 1364 refers to another production/finishing building, which is an integral part of the production process. The third appeal relates to sale and display of production, temporary office structures, advertising signs and hoardings, ref. 91A/1365.

As the three elements are separate but interlinked, it is proposed to give a background history to the site development and then to deal with the specific reasons for refusal given by Dublin County Council.

#### Site History

The site outlined on the site location map, now submitted with this for your information, has a history of usage related to the building industry since before the advent of planning legislation. Over the intervening years it has been continuously used for similar activities and permissions have been granted on the lands.

When Mr. Crowley purchased the lands in 1987, he purchased them from a builder who was producing concrete products and who has an existing permission for a substantial office building location centrally on site and for conversion of Brownstown House to offices.

As the existing layout of the land was designed for production of concrete products and this was the basis for his business, the site was particularly suitable. The yard at the roadside frontage was laid out with aggregate bays and mixing area suitable for concrete production. A large drying shed existed and an internal yard for storage of concrete products.

On purchasing the yard Mr. Crowley utilised and developed existing facilities. He enclosed the open drying shed, built a lean-to shed and utilised a disused granary. It is the use of these structures to which this appeal relates.

Contd/..

### Production Process

The entire site area is fully utilised for the design, manufacture, display and sale of concrete based statues, fountains and garden ornaments. Ancillary to the production process is the display in situ and context of finished products and necessary ancillary items such as water pumps, underwater lighting, exotic fish, pond plants, oxygenators etc. Trees, shrubs, peat bales etc. are maintained on site in relation to the sale of the main production as complete packages.

Virtually 100% of the materials and designs are Irish origin. The basic products are finely finished and painted statuary, fountains and ornaments. They are designed and copyrighted by local artists, including students from the College of Art and Design who gain initial work experience from this source.

The designs are made into rubberoid models in the previously disused store (Building One), and reinforced by fibreglass shapes.

These moulds are then filled in the lean-to building (Building Two) with concrete mixed in the outer yard from base materials supplied locally. Roadstone Belgard works adjoin. These casts are then left to cure before being broken out and moved to the drying shed (Building Three), for further drying, curing, quality assessment and repair. The rubber moulds are subject to frost damage and will deteriorate if they are not kept in a centrally heated building, such as building no.2.

In the next phase the models are moved outside for further drying in the inner yard area. From here models are taken, as required to fill orders, to the finishing shed (Building Four, greenhouse finishing structure). Here they are checked for defects and rejected if necessary, air holes are filled and a fine finish is developed. The final phase is painting to create special effects of bronzing, antiquing etc. The greenhouse type building is particularly suitable due to the need for natural light for colour matching, painting, drying etc.

In excess of 90% of this production is sent directly from the Kingswood premises by container to the company's warehouse in Germany for distribution to markets, mostly there and Holland. Prior orders are gained through Continental agents and attendance at exhibitions on the Continent, particularly Cologne, Essen and Utrecht.

A small representative number of the finished product are retained on site and shown in the showroom (Building Five). This building also houses an aquarium and trade counter in relation to Oase pumps and fountain equipment for which a main agency is held. A small amount of retailing of ancillary garden products is done from a second counter in this building.

In front of the showroom there is an outdoor display area in which large feature fountains and water displays are shown. Also a number of model gardens featuring statues, fountains, cascades etc. in situ in finished garden context are displayed. Beyond this in brick surrounded ponds are held aquatic plants. These, along with alpines, heathers, ground cover, trees and oxygenators are part and parcel of any fountain/waterfall, cascade setting.

### Reason I

This reason is that the proposed intensification of this manufacturing use would contravene the objective to use this area for agriculture and be contrary to the proper planning and development of the area.

Firstly, there has not been and there is no proposed intensification of use associated with the retention of change of use of the 3 existing buildings. The site always had a concrete product manufacturing history and no intensification arises from exploiting the natural capacity of the site for its established use.

Contd/..

The basic use is accepted and it is unreasonable not to allow it to be accommodated indoors to improve working conditions and product quality. The zoning objective means that the use would be considered as a non-conforming use. The development plan indicates that where permission for reasonable development is requested for a non-conforming use, permission may be granted without being a material contravention. Therefore it is submitted that retention of the use of the 3 buildings in relation to the production process outlined above comes within the scope of the existing development plan.

Due to the sequential nature of the production process, it would not be possible to continue if any one building were omitted. It is requested that the existing buildings be permitted to continue to be used for the uses specified. In order to assimilate the use of the site to the development plan and to overcome thwarting of normal development by reference to contravention of agricultural zoning, a submission has been made to Dublin County Council in respect of the Draft Development Plan review, seeking rezoning to E which provides for industrial and associated uses.

The land immediately to the south of the site, used as a truck repair depot is already zoned E. Other similar pockets in the vicinity have also been shown as E in the Draft Plan. (See Draft Development Plan extract).

Indeed, approximately 300 acres to the south and south west has been similarly rezoned. Recently under your ref. P 6/5/85771, Bord Pleanala granted permission for phase one of this development, as the industrial development would afford significant economic benefits both locally and nationally thereby endorsing the policy of Dublin County Council to encourage and facilitate job creation as expressed in paragraph 2.10.1 of the current County Development Plan. \*

While this permission is welcomed it seems ironic that permission should have been refused for use of existing buildings by a thriving employment source, Irish owned and operating, as opposed to a foreign originated development which is no more than a speculation at present, depending on a number of continuing positive indicators before it becomes a reality.

#### Reason II

This reason again refers to intensification of use and then links this to increased traffic movements causing a traffic hazard at a busy junction on the N7.

It is emphasised that no intensification is proposed, for the reasons set out above. It is accepted by the County Council Roads Department, in discussion, that the main fear relating to granting permissions on this site was the prospect of open ended retailing, attracting unlimited numbers of car-borne customers along a busy national road.

This is not the case in relation to this proposal. The situation as described above and in the reason for refusal cannot occur in relation to the production aspect. Therefore, as no new traffic will occur the reason is not relevant. The production element generates minimal traffic generation along the N7 on a daily, weekly or yearly basis. Also there is no direct access but from the old Naas Road in Kingswood Village which is served by an existing full grade junction and slip road.

#### Previous Permissions

In 1991 Dublin County Council granted permission for a two storey building containing production area, trade showroom and offices on site and providing for 15 car parking spaces, ref. 90A/1757. This application was submitted to retrieve a situation lost through the withering of permission for a previous similar structure. However, the building is not suitable for the production process at present. What the permission indicates however, is that they are prepared to grant permission, without reference to traffic hazard, for production related activity on the site.



Contd/..

A development on this site would generate much less unnecessary traffic than the access to the Roadstone Social Club involving clubhouse, recreation facilities and a very large car park of c.200 cars via Kingswood village, granted in 1990. This indicates that Dublin County Council are prepared to tolerate unnecessary recreational/social traffic through the junction but not vital commercial traffic (Ref.89A1535). This permission required a contribution which has been paid towards the provision of a traffic management scheme on the N7 to facilitate the development.

### Conclusion

In view of the catastrophic economic and unemployment situation in Ireland at present, I would request that Bord Pleanala take into account to some extent the contribution that this business makes to alleviating the problem.

Mr. Crowley started this business in 1983 as an import replacement manufacturing business. It is now an indigenous, 100% Irish owned, export orientated business which has survived the start-up phase and is now firmly in the development phase.

The manufacturing process employs 30 people approximately, directly. These range from apprentices to specialist model designers, makers. In addition, additional employment is provided for architects, art students, special effects painters and transport companies. The company is fully backed by IDA, ITB, and FAS. Exports in 1990 exceeded £0.5 million and in 1991/1992 are headed towards £1 million. (See supporting documents).

The company is now No.2 in Europe in this particular product area. The main opposition is an English company which previously and presently exports into the Republic via Northern Ireland. At present, an amount of the Kingswood production is supplied to garden centres in the Republic as an import replacement business.

There is also a significant contract business whereby a design service and made-to-order facility is available to architects, contractors, local government, state and semi-state companies. Examples of fountains and statues can be seen in O'Connell Street, Dame Street, Sweepstakes Development, Ballsbridge, The Square, Tallaght, etc. Other contracts are being developed for other parts of the country.

In addition, the company designs and produces wrought iron fountains, statues, street furniture and pumps. A design service is provided and materials are fabricated in a foundry in Co. Laois, which was previously closed.

All these products are displayed to the trade from the manufacturing premises and are also available to a limited number of private buyers who would have money and space to accommodate the products, which are necessarily quite expensive. The minimum price for any item would generally be from £50 to circa £4,000. For this reason the numbers and type of customers frequenting the premises are vastly different to that which would be expected from normal retail garden centres.

All activities on site are ancillary to and necessary for the survival of the business. It is noted from the draft County Development Plan Paragraph 1.1.12 that "employment in manufacturing industry has declined in the Dublin Area since 1971. Despite the best efforts of the Council in association with the IDA unemployment levels continue to increase. Emigration has reached a new level. Industrial activity in terms of new development has declined. Surely a development which seeks to redress all these problems, Irish owned with exports heading for £1m. and profits retained within the economy, providing employment in a local blackspot and import replacement, is exactly what is needed.

Contd/..

Due to the sequential nature of the process, the amount of space taken up by natural drying, display and show room, this particular site is most suitable for the use. It is much superior to an industrial estate location, where such uses are not welcome as dust creation affects computers and electronics. Therefore, normal alternatives are not available as indicated in the areas having industrial zoning objectives in the Development Plan. The reasons for refusal does not reflect an ability to accommodate industries having particular locational requirements in the context of the plan.

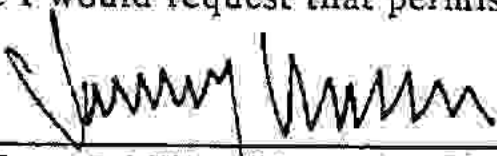
The business was originally located in unit 17A, Bay 6, Clondalkin Industrial Estate, however due to objection from adjacent premises, and due to lack of storage space, production space and finishing space, the premises was vacated to move to this more appropriate site where ample storage and production space is available. The use is more "at home" in a area where dust is created by traffic on the Naas dual carriageway and the Roadstone Belgard pit, and has not detrimental effect on the local environment.

Mr. Crowley lives in Brownstown House. He is therefore available to supervise the business 24 hours a day. He can also maintain security over valuable items which, because of their nature and function, must be stored and shown out of doors. These things cannot be done in an industrial estate and for these reasons, any suggestions of simply relocating to industrial estates are not reasonable or practical. The business is labour intensive and time consuming using local raw materials in sand and gravel and has more in common with resource based rural industries (whose presence outside towns is accommodated in the plan) than high-tech 9-5 industrial estate business which can be abandoned at weekends.

The use is established and this is accepted. The development would not represent establishment of a large industrial usage. What is being sought is permission to have the existing logical production system in proper covered conditions to guarantee a good product for discerning markets to ensure company survival. The proposal would not imply intensification, however, it is the legitimate right and goal of all business to develop and prosper. This development proposal could not be seen as being contrary to the proper planning and development of the area.

The proposed development has no implications for air traffic of the type which arose in relation to a previous building which Bord Pleanala refused - P 6/5/77733. Therefore I would request that permission be granted as requested.

Signed:

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

Encl. copies of the site plan  
letter from Irish Trade Board  
and the Industrial Development Authority



Merrion Hall  
Strang Road  
Sancymount  
Dublin 4 Ireland  
PO Box 203

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 its 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 its existing site, according to its 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

Planning Department  
Dublin County Council  
Abbey Street  
Dublin 1

WILTON PARK HOUSE  
WILTON PLACE  
DUBLIN 2 IRELAND  
TELEPHONE (01) 666633  
692444 607244  
FACSIMILE (01) 693703  
TELEX 91431

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

COMHAIRLE CHONTAE ATHA CLIATH

Tel.: 724755  
Ext. 268/269

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

Your Ref.: PL6/5/ ~~86945~~

17.10.91

Our Ref.: ~~91A-1117~~

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:

~~Retain e.o.v. of 3 existing buildings  
to production and storage at  
Brownstown House, Kingswood Cross, Clondalkin.~~

Applicant:

~~Water Displays Europe Ltd.~~

Dear Sir,

With reference to your letter dated 01.10.91 I enclose  
herewith:-

(1) & (2) A copy of the application which indicated the applicant's  
interest in the land or structure.

(3) A copy of the public notice given, i.e

~~IRISH PRESS 29.06.91~~

(4) The plan(s) received from the applicant on 03.04.91.

(6) & (7) A certified copy of Manager's Order P/4178/91.

DATED, 20/10/91 together with technical reports in  
connection with the application.

(8) HISTORIES; FOR G:442 see PL 6/5/27244

WA-1744

6/5/56892

YA-653

6/5/65216

87A-1383

6/5/47733

Yours faithfully,

[Signature]  
for Principal Officer.

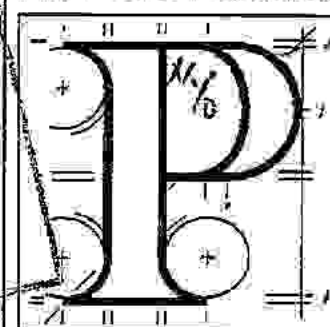
Encls.

Our Ref: PL 6/5/86945  
Your Ref: 91A/1117

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: 1st October 1991.

**Planning authority decision re:** Retention of change of use of 3 existing buildings to production and storage of Brownstown House, Kingswood Cross, Clondalkin, County Dublin.

Dear Sir/Madam,

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

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

Please note that the other party/parties to the appeal are being notified that copies of the planning authority documents relevant to the decision which gave rise to the above-mentioned appeal will be available for inspection at your offices after the expiration of a period of fourteen days from the date of this letter. It would be appreciated if parties could be facilitated in this regard.

Copies of the representations or observations made to the planning authority in relation to the application should not be sent to the Board. It is assumed that the planning authority has notified observers of the decision made and of the right of appeal.

The planning authority may make to the Board, in writing, such observations on the appeal as it thinks fit. Where practicable, any such observations should be submitted with the documents listed above but the furnishing of the documents should not be held up until observations are available. In any event, to ensure that they will be taken into account in the determination of the appeal, any such observations should be furnished within one month of the date of this letter.

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

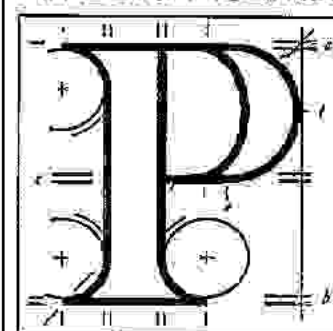
Yours faithfully,

*Suzanne Lacey*  
Suzanne Lacey

Encl.

BP 005

An Bord Pleanála



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

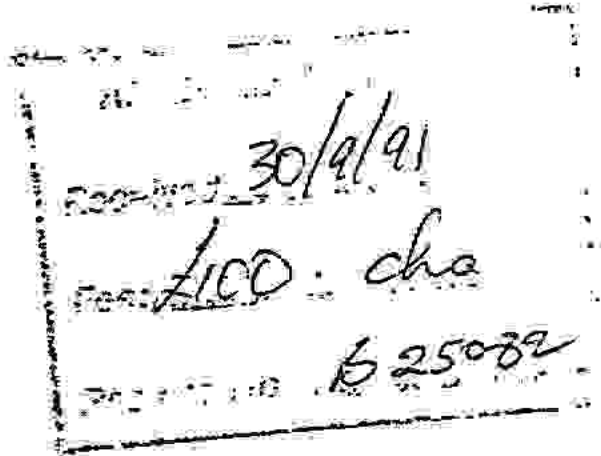


REGISTERED POST

13 Eaton Square  
Terenure  
Dublin 6

27th September 1991

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



Dear Sir,

**Re: Proposed retention of change of use of 3no. existing buildings to production and storage of ornamental fountains at Brownstown House, Kingswood Cross, Clondalkin**

I refer to the Notification of a Decision to Refuse Permission for the above mentioned application made on behalf of Water Displays Europe Ltd. and dated 30/8/1991.

The Register Reference No. is 91A/1117 and the Order No. is P/4178/91, a copy of which is attached.

On behalf of 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 Pleanála which is the applicable fee.

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

Please acknowledge receipt of this appeal in due course.

Yours faithfully,

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

# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

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

## NOTIFICATION OF A DECISION TO REFUSE:

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

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

To Joseph Miller, Architect, Register Reference No. 91A/1117  
13 Eaton Square, Planning Control No. ....  
Terenure, Application Received 3/7/91  
Dublin 6, Additional Information Received.....  
Applicant 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/ 4178/91 dated 30/8/91 decided to refuse:

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

For Proposed retention of change of use of 3 no. existing buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondalkin.  
for the following reasons:

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

Signed on behalf of the Dublin County Council .....  
*Rose Kennedy*  
for PRINCIPAL OFFICER  
Date ..... 30/8/91

### IMPORTANT:

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

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



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

Register Reference : 91A/1117

Date : 4th July 1991

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

Dear Sir/Madam,

DEVELOPMENT : Change of use of 3 no. existing Buildings to  
Production and Storage of Ornamental Fountains

LOCATION : Brownstown House, Kingswood Cross, Clondalkin

APPLICANT : Water Displays Europe Ltd

APP. TYPE : PERMISSION

With reference to above, I acknowledge receipt of your application received  
on 3rd July 1991.

Yours faithfully,

.....

for PRINCIPAL OFFICER

Joseph Miller, Architect,  
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. RETENTION   
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, KINGSWOOD CROSS, CLONDAKIN DUBLIN 22  
(If none, give description sufficient to identify)

3. Name of applicant (Principal not Agent) WATER DISPLAYS (EUROPE) LTD.

Address BROWNSTOWN HOUSE, KINGSWOOD CROSS, CLONDAKIN DUBLIN 22 Tel. No. 502284 / 502205

4. Name and address of JOSEPH MILLER DIP. ARCH. ~~SEN~~ M.R.I.A.I  
person or firm responsible for preparation of drawings 13 EATON SQUARE, TERENURE DUBLIN 6 Tel. No. 904534

5. Name and address to which JOSEPH MILLER DIP. ARCH. M.R.I.A.I  
notifications should be sent 13 EATON SQUARE, TERENURE, DUBLIN 6

6. Brief description of proposed development EXISTING STONE BUILDING, EXISTING BARN, EXISTING OUTBUILDING TO BE RETAINED AS MOULD MAKING SHOP, FINISH SHOP/STORE AND PRODUCTION UNIT RESPECTIVELY

7. Method of drainage SEPTIC TANK 8. Source of Water Supply MAINS AND WELL

9. In the case of any building or buildings to be retained on site, please state:  
(a) Present use of each floor or use when last used. EXISTING HOUSE AND THOSE MENTIONED ABOVE (6)

(b) Proposed use of each floor AS PER (6) ABOVE

83.52 3/4  
N CROSS

Irish Press  
29/6/91

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 3.060 ACRES Sq. m.

(b) Floor area of proposed development 516.3 Sq. m.

(c) Floor area of buildings proposed to be retained within site EXISTING HOUSE AND THOSE TO BE RETAINED Sq. m.

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

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

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 List of documents with 4 NO. COPIES OF DRAWING AC-01-90A, WDE-03-91A

DUBLIN 22 retention of use is sought from Dublin County Council for the change of use of 3 No existing Buildings to Production and Storage of Ornamental Fountains at Brownstown House, Kingswood Cross, Clondakin. For Water Displays Europe Ltd.

COVERING LETTER, NEWSPAPER ADVERT IRISH PRESS 29TH JUNE 1991

CHEQUE FOR PLANNING FEE

16 Gross floor space of proposed development (See back) 516.3 Sq. m.

No of dwellings proposed (if any) NONE Class(es) of Development

Fee Payable £ 903.52 Basis of Calculation 516.3 sq.m at £175 PER SQ.M

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

**RECEIVED**  
**03 JUL 1991**

Signature of Applicant (or his Agent) Joseph Miller Dip Arch M.R.I.A.I Date 29th JUNE 1991

Application Type P FOR OFFICE USE ONLY 3/7

Register Reference 91A/117

Amount Received £ 3,800

Receipt No 21-7

Date

COMHAIRLE CHONTAE ÁTHA CLIATH

PAID BY: DUBLIN COUNTY COUNCIL

CASH  
CHEQUE ✓  
M.O.  
B.L.  
I.T.

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 44055

£903.52

Received this 3rd day of July 19 91

from Fountains & Decor Ltd.

Browstown House

Kingswood Cross, Naas Rd.

the sum of nine hundred & three Pounds

fifty two Pence, being 100 for

planning application at Browstown House

Noel Dean Cashier

S. CAREY  
Principal Officer

# DUBLIN COUNTY COUNCIL

724755 (ext. 262/264)

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

Notification of Decision to Grant Permission/

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

To **Mr. J. Miller,** Decision Order **P/1477/91 12.04.91**  
**13 Eaton Square,** Number and Date  
**Terenure,** Register Reference No. **90A/1757**  
**Dublin 6.** Planning Control No.  
 Applicant **Water Display (Eurpoe) Ltd.** Application Received on **28.02.91**  
**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  For Principal Officer

Date **12 April 1991**

IMPORTANT: Turn overleaf for further information

CONDITIONS

REASONS FOR CONDITIONS

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

7. That the requirements of the Roads Department be ascertained and strictly adhered to in the development.

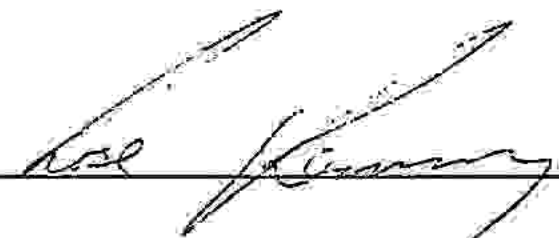
8. That a financial contribution in the sum of £9,300 be paid by the proposer to the Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.

**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.

6. In the interest of the proper planning and development of the area.

7. To comply with the requirements of the Roads Department.

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.



**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.

13 EATON SQUARE,  
TERENURE,  
DUBLIN 6w.

29th June 1991

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



Dear Sir,

Re: Retention of 3no. existing buildings at Brownstown House,  
Kingswood Cross, Clondalkin, Dublin 22

We have been instructed by Water Displays Europe Ltd. to apply for the retention of two existing structures, formally used as agricultural buildings and one additional building, at present used for manufacturing, storage and a painting shop.

Recently a Planning Permission was granted for the erection of a new building on the site, being 2 storey for use as production unit for ornamental fountains, incorporating stores, offices and showrooms.

The Decision Order No. is P/1477/91, a copy of the Planning Permission is attached.

By granting this permission the Dublin County Council altered the development plan in respect of this site from agricultural use to permit offices and production of ornamental fountains.

The use of the three existing structures, i.e. the original store, the barn and the other building as production and finishing facilities which support the manufacturing process, and we request their retention for that use.

We request you to delete the standard clause usually clause 2, which obliges the applicant to obtain Building Bye-Law approval prior to the commencement of the works, as this is not possible.



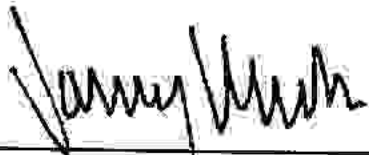
The following documents are enclosed:

4no. copies of the drawing AC-01-90A AND WDE-03-91A  
Dublin Co. Council Planning Application Form duly complete.  
A cheque for £ 903.52 based on 516.3 sq.m. at £1.75 per sq.m. = £903.52  
A copy of the newspaper advertisement from the Irish Press dated  
29th June 1991.

Please, in the event of any difficulty in dealing with this matter  
contact me by telephone at 2882661 or write to the above address.

We look forward to receiving your permission in due course.

Yours faithfully,



JOSEPH MILLER Dip.Arch.

Encl/..