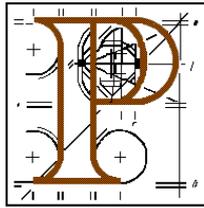


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Laois County

**Planning Register Reference Number: 15/437**

An Bord Pleanála Reference Number: PL11.247593

**APPEAL** by Michelle Byrne and Paul Gallagher of 9 Rathmiles Grove, The Heritage, Killenard, Portarlinton, County Laois and by others against the decision made on the 25<sup>th</sup> day of October, 2016 by Laois County Council to grant subject to conditions a permission to Billy Byrne National Children's Charity Limited care of MCOH Architects of Old Church, Church Street, Portlaoise, County Laois in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Change of use of (1) the existing "Bowling Area" internally, to be fitted out to provide a new "all ability ecoplay sensory experience" with an upgrade of the existing toilets and café; (2) the existing "Bowling Green" externally, to provide a new sensory garden to include two number garden rooms (one number 9.5 metres by 3.5 metres) and (one number 10 metres by 3 metres), toilet facilities and selected landscaping and screening to compliment that existing. The development will also include a new external wheelchair ramp to link the existing entrance to the Bowling Arena with new external signage and six number flagpoles including selected landscaping at The Clubhouse, The Heritage Resort, Killenard, County Laois.

## DECISION

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **REASONS AND CONSIDERATIONS**

Having regard to the nature of the proposed development, its location within an overall leisure related resort complex, the pattern of existing recreational uses within the resort and the planning history of the site, together with the provisions of the current Laois County Development Plan 2011-2017, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **CONDITIONS**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19<sup>th</sup> day of October 2015, the 13<sup>th</sup> day of September, 2016 and the 30<sup>th</sup> day of September, 2016, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The use of the development shall be as stated in the plans and particulars received. The usage of the facility shall cater for a maximum of 14 families per session and access to the facility shall be via a pre-arranged booking system only. No change of use of the subject premises to any other type or form of use shall occur without a separate grant of planning permission.

**Reason:** In the interest of clarity, and in order to delimit the use permitted.

3. The hours of operation of the proposed development shall be restricted to between 0900 hours and 2200 hours in relation to the use of the internal area and between 0900 hours and 2000 hours in relation to the use of the external garden area.

**Reason:** In the interest of the amenities of residential property in the vicinity and of clarity.

4. Prior to the commencement of the use of the facility, the developer shall implement the provision of the set-down area for buses and the demarcation of the parking bays, in particular the provision of disabled bays, as indicated on the revised parking layout as indicated on drawing number 15-35/PP05 received by the planning authority on the 13<sup>th</sup> day of September, 2016, and shall make provision for the availability of the overflow car parking area as indicated on drawing number 15-35/PP10 received by the planning authority on the 13<sup>th</sup> day of September, 2016.

**Reason:** In the interests of the traffic safety and the management of vehicular movements associated with the proposed development.

5. Apart from the specific signs and flagpoles shown on submitted drawings, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity and orderly development and to permit the planning authority to assess any such development through the statutory planning process.

6. Within six months of the date of this order, the developer shall submit to, and agree in writing with, the planning authority details relating to the external lighting of the rear garden area.

**Reason:** In the interest of the amenities of residential property in the vicinity.

7. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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

**Dated this            day of            2017.**