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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Limerick City and County Council**

**Planning Register Reference Number: 19/166**

**Appeal** by Tara O'Brien of White Ash, Clogher West, Kilmallock, County Limerick against the decision made on the 18<sup>th</sup> day of October, 2019 by Limerick City and County Council to grant subject to conditions a permission to Ladbrokes (Ireland) Limited care of Fergal FitzPatrick of 1 The View, Sallins Park, Sallins, County Kildare in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The internal extension of the existing single storey mid-terrace Ladbrokes licensed betting office, to incorporate the adjoining vacant single storey mid-terrace "Burkes" retail premises. Proposed works shall include for the formation of three number structural openings through the existing party wall, the associated change of use of the extended part ("Burkes") from retail to licensed betting office, the internal amalgamation of the adjoining units together with all associated internal alterations, new shopfront signage to front (south-west) elevation and all associated site development works. Ladbrokes licensed betting office being a protected structure. All at Ladbrokes licensed betting office and "Burkes", Sarsfield Street, Kilmallock, County Limerick.

## **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 'Town Centre' zoning objective of the subject site, the pattern of development in the area, and the modest scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the protected structure and would not adversely impact on the car parking provision within the town centre. 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 24<sup>th</sup> day of September, 2019, 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. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and to protect the historic fabric of the building.

3. Details of the materials, colours and textures of all the external finishes, external windows and doors to be replaced within the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. In respect of the fabric to be removed, the masonry party wall shall be exposed through manual removal of all plasters on both faces of the elevations. Thereafter, the exposed faces shall be assessed by an appointed Architectural Conservation Consultant, in company with the Architectural Conservation Officer of Limerick City and County Council, for presence of historic wrought stone and evidence of past openings. Satisfactory notice for the scheduling of these openings shall be given so that timely arrangements can be put in place.

**Reason:** In the interest of architectural heritage and the proper planning and sustainable development of the area.

5. Proper records of all works undertaken shall be maintained. These records shall include archival standard photographs taken before, during and after the completion of each stage of the work. Two copies of the final report, including photographs and records of reports previously submitted combined into a cohesive document shall be submitted to the planning authority upon completion of the work. Samples of the exterior finishes, set out on a captioned panel, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of architectural heritage and the proper planning and sustainable development of the area.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

7. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

**Dated this            day of            2020.**