

An  
Bord  
Pleanála

**Board Order**  
**ABP-313082-22**

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**Planning and Development Acts 2000 to 2021**

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

**Planning Register Reference Number: 21/1293**

**Appeal** by Michael Portley care of O'Neill and Company, Solicitors of 25 Glentworth Street, Limerick against the decision made on the 24<sup>th</sup> day of February, 2022 by Limerick City and County Council to grant permission subject to conditions to Afro Delight Limited care of Hutch O'Malley Consulting Limited of "The Railway Station", Patrickswell, County Limerick in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of a portion of the existing building from a betting shop to a commercial kitchen for the purposes of food preparation for consumption off the premises only. Planning permission also sought for the construction of a roof mounted mechanical extract ventilation unit, and all ancillary site works at 11 Lock Quay, 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.**

## Reasons and Considerations

Having regard to the city centre location of the proposed development and the centre zoning objective relating to the site, it is considered that, subject to compliance with the conditions set out below, the proposed change of use from betting shop to a commercial kitchen for the purposes of food preparation for consumption off the premises only, would not be prejudicial to public health and would add to the vitality and vibrancy of the city centre. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

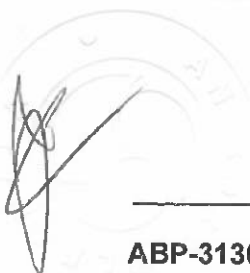
## Conditions

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 received by the planning authority on the 25<sup>th</sup> day of November, 2021 and on the 2<sup>nd</sup> day of February, 2022, 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. 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.



3. A daily refuse collection system shall be operated from the premises when the premises is in operation. The laneway adjacent to the premises shall not be used for the storage of any food waste.

**Reason:** In the interest of public health and orderly development.

4. A plan containing details for the management of waste (and in particular recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular recyclable materials and for the ongoing operation of these facilities within the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

5. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of public health and to protect the amenities of the area.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location or at any point along the boundary of the site shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

**Reason:** To protect the residential amenities of property in the vicinity of the site.

7. Details of the external shopfront and signage shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of the development.

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



8. The hours of operation shall be between 1600 hours and 2200 hours  
Thursdays to Sundays unless otherwise agreed in writing with the planning  
authority.

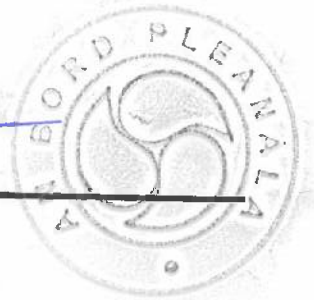
**Reason:** In the interest of protecting the amenities of property in the vicinity.



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**Joe Boland**

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



Dated this 20<sup>TH</sup> day of June 2022