

An  
Bord  
Pleanála

## Board Order ABP-321217-24

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**Planning and Development Acts 2000 to 2022**

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

**Planning Register Reference Number: 24/60835**

**Appeal** by Eastside Properties Limited care of HRA Planning of 3 Hartstonge Street, Limerick against the decision made on the 14<sup>th</sup> day of October, 2024 by Limerick City and County Council to refuse permission.

**Proposed Development:** Removal of 15 number car parking spaces, construction of a café, connection to existing services, including pedestrian access off the Castletroy College Road, and all associated site development works, all at Newtown Centre, Newtown, Annacotty, County Limerick.

### Decision

**GRANT** permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

## Reasons and Considerations

Having regard to the provisions of the Limerick Development Plan 2022-2028, the zoning objective of the site, the location of the site in a neighbourhood centre in an established urban area, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not result in a shortfall of car parking spaces to the detriment of the existing Newtown Centre, would not endanger public safety by reason of a traffic hazard, and would not seriously injure the visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

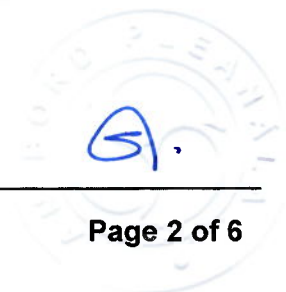
## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the planning application, 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. Prior to commencement of development, a Traffic and Car Parking Management Plan for the overall site (i.e. the Newtown Centre) shall be submitted to, and agreed in writing with, the planning authority. This shall include details of all roads, footpaths, set-down areas, pedestrian crossings, road markings, directional and regulatory signage, car parking design, layout, including the provision of accessible spaces, electrical vehicle charging points and dedicated charging spaces, and management of the car park.

**Reason:** In the interest of traffic safety.



3. Details of the materials, colours and textures and specifications of all the external design/finishes to 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. Details of the proposed external 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.

5. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs, including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed café building or within the curtilage of the site, other than that agreed under condition number 4 of this Order.

**Reason:** To protect the visual amenities of the area.

6. The hours of operation shall be restricted to between 0700 and 1800 hours Mondays to Sundays.

**Reason:** To protect the amenities of the adjoining properties.

7. The sale of hot food for consumption off the premises (i.e. take-away) shall be secondary to the primary function as a seated café, otherwise a separate grant of planning permission shall be required, notwithstanding the provisions of the Planning and Development Regulations 2001, as amended.

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

8. 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 and surface water management.

9. The developer shall ensure that the development is served by adequate water supply and wastewater facilities and shall enter into a connection agreement with Uisce Éireann to provide for service connections to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

10. All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

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

11. 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 or public holidays. Deviation from these times shall 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.

12. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

13. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) details of all proposed hard surface and/or permeable surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
- (d) details of proposed boundary treatments and pedestrian access at the perimeter of the site, including heights, materials and finishes.

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

14. 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 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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**Emer Maughan**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this 27<sup>th</sup> day of February 2025.