



An
Bord
Pleanála

Inspector's Report

ABP-321217-24

Development	Removal of 15 car parking spaces for construction of a café and all associated site works
Location	Newtown Centre, Newtown, Annacotty, Co. Limerick
Planning Authority	Limerick City and County Council
Planning Authority Reg. Ref.	2460835
Applicant(s)	Eastside Properties Ltd
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party v Refusal
Appellant(s)	Eastside Properties Ltd
Observer(s)	None
Date of Site Inspection	07 th February 2025
Inspector	Clare Clancy

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Appendix 1 – Form 1: EIA Pre-Screening, Form 2 EIA Preliminary Examination

1.0 Site Location and Description

- 1.1.1. The appeal site is located on the eastern periphery of Limerick city approx. 4.5 km to the east, off the Castletroy College Road and in the Annacotty area of the city. The site is bounded to the northwest by the Castletroy College Road, to the south by the Castletroy neighbourhood park and skate park, and to the southeast and east by existing residential development. The Limerick Southern Ring Road is located approx. 390 m to the south of the site. To the west of the site, Castletroy College secondary school is located across the road. There a bus stop adjacent to the site and a cycling lane serves the area.
- 1.1.2. The appeal site forms part of the Newtown Centre which is a neighbourhood centre serving the Annacotty area. It comprises of a commercial and retail centre and includes a pharmacy, Centra, hairdressers, beauty salon, financial / accountancy firm, dentist, medical centre, a bar and restaurant and 4 other restaurants / take-aways and a Montessori / creche. The existing retail and commercial units are served by a large surface car parking area to the front and to the rear of the premises.

2.0 Proposed Development

- 2.1.1. Permission is sought for:
- The removal of 15 no. car parking spaces.
 - The construction of a café facilitating 32 seating spaces internally.
- 2.1.2. The appeal site has a stated area of 0.040 ha and forms part of the overall neighbourhood centre. The gross floor area of the proposed café building is 156 m² and will have a max roof height of 7.301 m.
- An outdoor seating area is proposed adjacent to the southwest elevation facilitating 20 spaces.
 - It is proposed to connect the subject development to the existing public water mains and public sewer. Surface water is to be discharged to the public sewer / drain.
 - A covered bin store area is proposed in the northeastern side of the site.

- A pedestrian linkage is proposed from the site to the adjoining public footpath off the adjoining Castletroy College road.
- External material finishes comprise of slated roof, brick façade, cladding to the southeast elevation, powder coated metal screening to northwest elevation.

3.0 Planning Authority Decision

3.1. Decision

The planning authority decided to refuse permission for the proposed development for the following reasons:

1. *Having regard to the proposed site layout, and the location of the proposed standalone cafe unit at a remove from the established commercial building on the site, and within the designated car park for the site, the development, if permitted would result in a haphazard and disorderly form of development and would detract from the setting of the established use on the site. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *In the absence of a comprehensive proposal including supporting documentation, the planning authority cannot be satisfied that the proposal can comply with the relevant policies and objectives set out in the Limerick Development Plan 2022-2028, specifically the requirements set out under Section 11.6.2.2 Takeaways / Restaurants / Kiosk / Popup (Container) Trading Units and Development Management Standards set out in Table DM9(a). Therefore, the proposal would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

One planning report forms the basis of the assessment and recommendation. The following is noted:

- The site is zoned 'Local Centre' in the Limerick Development Plan 2022-2028.

- The distance of the subject site from the main commercial / retail building and existing access and its proximity to the adjacent public road is noted.
- Notes the removal of 15 no. car park spaces and that access to the premises will be from the existing car park.
- Notes the proposal to provide a paved footpath to wrap around the café including a glass wind breaker around the external seating area on the southwestern side, and the provision of a pedestrian linkage from the adjoining Castletroy College road.
- Noted that operational details of the café were not provided.
- Raised concern in relation to it being similar to a 'container' café having regard to its location at a distance from the adjoining commercial premises, its location within an existing car park and its location to the adjoining public road to which pedestrian access is proposed.
- Considered the proposal as a separate standalone catering business at a remove from the existing commercial / retail centre on the site.
- Haphazard car parking arising from the proposal is raised as an issue within the adjoining site but also along the public road where there is the existing footpath, cycle lane and bus stop due to the nature of use of the proposal, and the location of lands the intended use for which is to provide car parking.
- Notes the number of existing food and beverage establishments within the neighbourhood centre already serving the local community.
- Noted the report received from the Roads Section recommending further information (FI) and concluded that the proposal did not provide an adequate assessment to address traffic impact arising from the proposed development at the location.

3.2.2. Other Technical Reports

- Roads Section – Recommended FI in relation to the following:
 - The submission of a Traffic Impact Assessment, Stage 1 Road Safety Audit.
 - Justification for the removal of 15 no. spaces having regard to adjoining uses on site.

- To submit details in relation to staff car parking, visitor bays, accessible spaces.
- To submit details in relation to directional and regulatory signage, road markings for the existing internal access road and existing parking layouts.
- Revised drawings and proposals to comply with Limerick City and County Council's Surface Water & SuDs Specification.
- Fire Officer – No objection raised.

3.3. Prescribed Bodies

- Uisce Éireann – No objection in principle subject to standard conditions relation to water and wastewater connection agreements, no building over existing assets, the requirement to install a suitable grease trap on the foul sewer outlet serving the development.
- Environmental Health Department (HSE West) – Outlines the requirements in relation to water, drainage, ventilation, the storage of refuse and tobacco control relating to external areas proposed for smoking.

3.4. Third Party Observations

3.4.1. One third party observation was made in relation to the planning application. The following is a summary of the issues raised:

- The location of the proposed development relative to 3 no. schools resulting in safety concerns for pedestrians and loitering.
- Increased traffic congestion particularly at school drop off and collection times.
- The removal of 15 car parking spaces is a significant loss to the existing area.
- The design and layout of the proposal is not in-keeping with the character of the area.
- The site is located in close proximity to the River Mulkear which is prone to flooding and the proposed development may give rise to impacts by altering the existing drainage patterns.

- Concerns raised regarding increased noise, odours, disturbances, deterioration of quality of life of existing residents.
- Impact to nearby residential amenities relating to noise from operational activities.

4.0 Planning History

Adjoining Area Newtown Centre

- P.A. Ref. 98/1131 – Permission granted for 6 no. retail units and 32 no. apartments.
- P.A. Ref. 01/2739 – Permission granted for construction of two-storey building providing bar at ground floor level, restaurant at first floor level, car parking.
- P.A. Ref. 02/1244 - Permission granted for change of use from office to restaurant at units 8, 9, 10 on first floors.
- P.A. Ref. 03/570 – Permission granted for change of use of ground floor of unit 9 from retail to café / bistro.
- P.A. Ref. 03/716 – Permission granted to operate take-away service from existing Chinese restaurant at first floor at units 8, 9, 10.
- P.A. Ref. 03/2170 – Permission granted change of use of unit 6 ground floor from retail to doctors surgery.
- P.A. Ref. 04/1034 – Change of use granted from office to weight loss centre.
- P.A. Ref. 07/1408 – Permission granted for change of use from off license to pizzeria with take-away element and the construction of an extension to existing premises.
- P.A. Ref. 09/1467 – Permission granted for single storey extension to the side of bar for doctor's surgery, smoking area.
- P.A. Ref. 17/24 – Permission granted for change of use from commercial unit to retail restaurant and proposed extension of restaurant, provision of ancillary take-away.
- P.A. Ref. 17/289 – Retention granted for amalgamation of 2 no. units into 1 unit.

- P.A. Ref. 17/443 – Permission granted to reposition the main entrance of the existing shop and advertising signage.
- P.A. Ref. 17/559 – Permission granted for extension to rear of existing shop, provision of off-license within existing shop units.
- P.A. Ref. 18/214 – Permission granted for change of use to existing office unit 2 first floor to dental surgery.
- P.A. Ref. 22/1250 – Change of use granted from office to medical practice .
- P.A. Ref. 24/60798 – Permission granted for ground floor extension to rear of the existing pharmacy for dispensary and storage.

5.0 Policy Context

5.1.Limerick Development Plan 2022-2028

5.1.1. Volume 2a Level 1 – Limerick City and Suburbs (in Limerick) Mungret and Annacotty

- Zoning – The appeal site is zoned ‘Local Centre’ (Map 3)

‘Local / Neighbourhood Centre’

Objective: To protect and provide local centre facilities to serve the needs of new/existing neighbourhoods and residential areas.

Purpose: To provide a mix of community and commercial neighbourhood facilities to primarily serve the immediate needs of the local working and residential population and complement, rather than compete with the City Centre. A mix of appropriate convenience retail, commercial, community, childcare and medical facilities, residential and recreational development of a local scale will be considered. Larger scale office and residential development will be considered in new developments where public transport is available.

The retail scale and type will be controlled to prevent negative impacts on the retail function of Limerick City Centre at the top of the hierarchy. A materially broader range of comparison goods than currently exists shall not be allowed in order to avoid further competition with the City Centre. Any proposal for retail development shall comply with the Retail Strategy for the Limerick Shannon Metropolitan Area and County Limerick.

- 5.1.2. Restaurant / Café use is a use that is ‘generally permitted’ on lands zoned for ‘Local / Neighbourhood Centres’

Chapter 11 Development management Standards

- 5.1.3. Section 11.6.2.2 Takeaways / Restaurants / Kiosk / Popup (Container) Trading Units

- Notes that such premises are often of concern to people who live close by and those living in the wider area, when noise and disturbance is generated by increased pedestrian and vehicular traffic drawn into an area. In order to maintain an appropriate mix of uses and protect nighttime amenities and in a particular area and to promote a healthier and more active life style, it is an objective of Limerick City and County Council to prevent an excessive concentration of take-aways and to ensure that the intensity of any proposed take-away is in keeping with both the scale of the building and the pattern of development in the area.
- Recognises the rise in ‘container’ take-away cafés across the City and County, that the container café is a permanently ‘portable development’ with its own water supply and power generation. The provision of such facilities will be strictly controlled. In such cases, the onus is on the applicant to demonstrate that such proposed development will not be detrimental to the residential, environmental quality, or the established character and function of the area. Lists the following matters to be taken into consideration:
 - The amenity of neighbouring residents and occupiers;
 - Hours of operation;
 - Traffic management;
 - Frontage treatment and impact on streetscape;
 - Proposed signage.

- 5.1.4. Section 11.8.3 Car and Bicycle Parking Standards

Table DM 9(a) addresses car parking and bicycle parking requirements for Limerick City and Suburbs (in Limerick), Mungret and Annacotty according to the parking zones.

The parking zones in Limerick City and Suburbs (in Limerick), Mungret and Annacotty are the same as the density zones which are set out in Table 2.6 of Chapter 2 Core Strategy.

- Car Parking Spaces Required (max. spaces per unit / Gross Floor Area– Zone 2
 - Take-away/Fast-food Restaurant/ Café / Bar / Lounge <100 m² -1 space per 50 m² public floor area.
 - Retail Convenience >100 m².
- Bicycle Parking Spaces Required (minimum spaces per units / Gross Floor Area
 - Take-away/Fast-food Restaurant/ Café / Bar / Lounge <100 m² -1 space per 50 m² public floor area + 1 space per 5 staff.

5.2. Natural Heritage Designations

- Lower River Shannon SAC (Site Code 002165) – approx. 670 m to the east.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – approx. 6.5 km to the west.
- pNHA Fergus Estuary and Inner Shannon, North Shore (Site Code 002048) – approx. 6 km to the west.
- Slievefeilm to Silvermines Mountains SPA (Site Code 004165) – approx. 9 km to the east.

5.3. EIA Screening

- 5.3.1. Refer to Form 1 in Appendix 1 (EIA Pre-Screening). Class 10(b)(iv) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for a development comprising urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 5.3.2. Refer to Form 2 in Appendix 1 (EIA Preliminary Examination). Having regard to the nature, size and location of the proposed development comprising the removal of 15 no. car parking spaces and the construction of a café on a site with a stated area of 0.040 ha, and to the criteria set out in Schedule 7 of the Planning and Development

Regulations 2001 (as amended), I have concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA is therefore not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of this first party appeal may be summarised as follows:

Planning History

- Parent permission P.A. Ref. 98/1131 granted the construction of 6 no. retail units and 32 no. apartments in the main building south of the application site which included the provision of car parking on the site.
- The second building to the east was constructed under P.A. Ref. 01/2739 and comprised of a ground floor bar, first floor restaurant, basement and car parking.
- Numerous changes of use from office to retail use occurred over time, including amalgamations and extension to units.

Nature of the Proposed Development

To provide breakfast, lunchtime meals, beverages, proposed hours of operation 07:00 – 18:00 seven days per week. It is anticipated that 15 staff will be employed.

Principle of Development

- The proposed café is intended to serve the local community and customers visiting other services in the area within the neighbourhood centre. The land is appropriately zoned and the development is acceptable in principle.

Car Parking

- The proposed development seeks to use serviced land currently for car parking which is in excess of the immediate requirement of the neighbourhood centre.
- The neighbourhood centre has 194 no. car parking spaces which is significant and well in excess of the requirements of the Limerick Development Plan 2022-2028. The proposed café could be accommodated while still maintaining 179 spaces. A

site layout plan is provided to show the remaining car parking within the site which can be distributed to accommodate the other existing uses within the site:

- Proposed café 3
 - Creche 9
 - Pub 28
 - Main Retail / Commercial Building 139
- The main retail / commercial building has a gross floor area of 2,162.4 m² which requires 31 no. spaces per current standards.
 - The loss of 15 spaces is negligible having regard to the quantum of car parking provision which is significant, particularly in the context of the function of the neighbourhood centre which serves the adjoining area. Regard should also be given to the adjoining bus stop adjacent to the appeal site.

Orderly Development

- There are 3 separate buildings within the neighbourhood centre and the proposed development would create a fourth. It would be located 23 m from the main commercial building and will front onto the adjoining public road. The proposed development will break the monotonous appearance of the existing sea of car parking that separates the buildings in the neighbourhood centre from the Castletroy College road and would provide a more interesting environment creating a sense of place and compliment existing businesses. Figure 2.0 of the submission provides a contiguous elevation.

Development Plan Provisions

- The proposed development is in compliance with the relevant policies and objectives of the development plan, in particular the zoning for the site.
- There are no other relevant policies or objectives against which the development can be assessed.
- There are no specific provisions for the proposed development in Chapter 11 Development Management Standards.

- The planning authority referenced Section 11.6.2.2 of the development plan in the second reason for refusal noting that it could not be satisfied that the proposal can comply with the requirements.
- Section 11.6.2.2 refers to take-aways which the proposed development is not. A take-away element may be provided, it would be subsidiary to the main purpose of function as a sit-down café.

Compliance with Section 11.6.2.2 and 9 criteria set out

- i. Hours of Operation, Litter, Fumes, Amenity Impacts
 - The nature of use of the café is as sit-down destination providing food and beverages between 07:00 and 18:00 7 days per week.
 - Litter will be managed by proposed bin storage area.
 - The nearest residential dwelling is located in Glenside c. 40 m from the appeal site and is separated by the distributor road to the north.
- ii. Odour Impact Assessment
 - A ventilation and extractor plant will be placed at roof level with a carbon filter to negate any odorous impacts at source.
 - The location of the café is appropriately located ensuring that any odorous plume will be diluted and dispersed.
 - The location of the extractor plant at roof level also increases the length of pathway further increasing dilution and dispersion.
- iii. Safeguard Vitality and Viability of Shopping Areas, Maintain A Suitable Mix of Retail Uses.
 - The café is proposed, there are no other such similar service in the area or within the existing neighbourhood centre and it will not impact the existing or future operation of the centre.
- iv. Traffic Considerations
 - The proposed development will utilise the existing access and car parking facilities.
 - The proposed development will attract 3 no deliveries per week.

- The proposed development will operate in synergy with existing businesses providing a seated café to serve customers of the existing centre, walkers, cyclists, and public park users.
- v. The Number / Frequency of Such Facilities In The Area
 - The café will not function as a take-away, it will have a take-away element which is secondary to the principle use.
- vi. The Need to Integrate The Design of Ventilation Systems into the Design
 - At roof level, a ventilation system will be integrated as per drawing provided with the appeal.
 - An Odour Neutralization & Sound Attenuation Report for Air Extract and Intake is appended to the appeal, detailing how the proposed plant operates and mitigation measures proposed.
 - The system is designed to operate within 55dBA daytime noise level thresholds.
- vii. Provision of Suitable Waste Disposal
 - Bin facilities are proposed within the vicinity of the external seating area, and covered bin storage area to serve the café is proposed on the northeast side of the proposed development.
- viii. The Number and Frequency of Such Take-away Facilities within 1 km Radius of the Proposed Development
 - There are a number of evening / nighttime eateries in the vicinity of the site, there are limited cafes within a 1 km radius. The general area is largely residential in nature, the Castletroy shopping centre touches the 1 km radius and provides a range of services.
- ix. Context and Character of the Street, where the aim is to maintain and improve the vitality of the shopping experience by encouraging a range of convenience and / or comparison retail shops
 - The existing neighbourhood centre provides a range of services and facilities including convenience shopping, restaurants, offices, healthcare services. The proposed development represents plan led development and creates a focal

point within the centre. It will complement and support existing retail services within the area.

Note: The appeal is accompanied by a colour coded car parking allocation plan, a contiguous elevation and photomontage showing the proposed café relative to the existing environment, and a copy of plans (no amendments notes).

6.2.Planning Authority Response

None received.

6.3.Observations

None received.

7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered is as follows:

- Principle of Development
- Car Parking / Access / Traffic
- Visual Amenity

7.1.Principle of Development

- 7.1.1. The appeal site is located in Newtown Centre, Annacotty which is located at the eastern periphery of Limerick city. The Newtown Centre is an established neighbourhood centre serving the Annacotty area. It includes a number of retail and commercial units that include for a Centre retail store, pharmacy, hairdressers, beauty salon, financial / accountancy firm, dentist, medical centre, a bar and restaurant, 4 other restaurants / take-aways and an adjoining Montessori creche.

- 7.1.2. The appeal site, included in the Newtown Centre, is zoned 'Local Centre' in the development plan. The zoning objective for the site is 'to protect and provide local centre facilities to serve the needs of new/ existing neighbourhoods and residential areas'. The Zoning Matrix indicates that restaurant / café use is generally permitted in principle, as are fast food outlets / take-aways.
- 7.1.3. The proposed new café is to be located within the car park area of the existing neighbourhood centre. In the provision of the new development, 15 no. car park spaces will be removed.
- 7.1.4. In its assessment, the planning authority expressed concern in relation to the café being similar to a 'container' café, having regard to Section 11.6.2.2 of the development plan. The planning authority are further of the view that the proposed development would be a separate catering structure and a standalone business located at a remove from the main commercial centre, resulting in the removal of car parking associated with the adjoining commercial and retail centre and the first reason for refusal reflected this.
- 7.1.5. The first party describes the nature of the café in the appeal as providing 32 internal seats. The café will serve breakfast and lunchtime meals offering soups, salads, sandwiches, baked goods, breakfast baps, eggs, granola and coffee. The hours of operation are stated to be 07:00 am – 18:00 pm 7 days per week and 15 staff will be employed. I note also from the details on file that a take-away element will be provided and that a serving hatch is indicated on the plans and drawings, in addition to 20 outdoor spaces for external dining. Having regard to the foregoing, I consider that the nature of the proposed use comes within the scope of a café / restaurant.
- 7.1.6. The purpose of the zoning for the site is to provide a mix of community and commercial neighbourhood facilities to serve primarily the immediate needs of the local working and residential population noting that a mix of appropriate convenience retail, commercial, community, childcare and medical facilities will be considered.
- 7.1.7. In the context of the appeal site, it is located within the established Newtown neighbourhood centre which has a good mix of the uses listed above. There is 1 bar which includes a restaurant (The Top House), 1 fast food take-away which offers delivery (McAris) and 3 restaurants (Tuscany Bistro, Washoke Asian Food, Zweton)

which also operate on a 'dine in' or 'take-away' basis. The Centra shop has a deli counter.

- 7.1.8. Having regard to the location of the proposed development on service lands, zoned 'local / neighbourhood centre' in which a café use is generally acceptable in principle for this zoning, it is reasonable to conclude that in principle, the proposed café development is acceptable. The principle however, is subject to all other planning consideration including car parking, traffic, visual amenities and other considerations which I will address further below.

7.2. Car Parking / Access / Traffic

- 7.2.1. Having regard to the details on the file, a key issue that arises relates to the location of the proposed development relative to the main commercial / retail building, and the loss of car parking spaces to serve same. In addition, the planning authority also raised concern with regard to the proposed café leading to haphazard parking in the event that the car park is full, including along internal access roads, on the public road, footpath, bus stop and cycle lane. This is reflected in the first reason for refusal however I note that the planning authority have not refused the café on parking grounds.
- 7.2.2. The Roads Report of the planning authority recommended FI in relation to a number of matters, in particular the submission of a traffic assessment for the overall site. It noted the absence of directional and regulatory signage serving the area and required a justification for the removal of 15 spaces, having regard to the numerous different uses on site. It also required car parking details for staff, visitor, accessible parking bays and EV charging spaces.
- 7.2.3. The first party argues that the current car parking provision serving the Newtown Centre is well in excess of the car parking standards set out in Table DM 9(a) of the development plan. In accordance with these standards, it is submitted that the main commercial / retail building has a gross floor area of 2,162.4 m² and would require 31 no. spaces, and that the proposed development can be accommodated while still maintaining a significant level of car parking 179 no. spaces.
- 7.2.4. I note from the file details that there is a total of 194 existing car parking spaces serving the Newtown Centre which are laid out in a manner that serves the main buildings

within the site. The medical centre, pub and restaurant in the northern corner of the site has its own access off the main internal road and car parking located directly adjacent to the premises. The existing Montessori / creche located to the east is independent of the main commercial / retail centre as it is served by its own direct access off the adjoining internal road and contains car parking within the site curtilage. Car parking is provided to the front and rear of the main commercial / retail building. It would appear that the car parking to the rear along with the access road is used for deliveries and staff car parking, but does not appear to be restricted to such use. The area to the front of the main commercial / retail building (including the appeal site) is a designated car parking area and includes a line of spaces along the northern boundary of the site adjacent to the public road.

- 7.2.5. Access to the appeal site will be via the primary access to the Newtown Centre and through the car parking area. Given the nature of the uses in the Newtown Centre together with the extensive surface car parking available to the front and rear of the main commercial element, it was evident at time of site inspection that the existing retail, commercial uses including the medical centre generate significant trips that are reliant on car usage and that the internal road and parking layout is car-dominated.
- 7.2.6. A site layout plan is provided with the appeal which indicates the remaining car parking provision on foot of the new development. I note that the application site boundary does not incorporate any car parking spaces or a set-down / delivery area. In the provision of the new development, I note that the main commercial / retail centre will see the net loss of 18 car parking spaces (15+3 that the café use requires).
- 7.2.7. Excluding the medical centre, pub, restaurant, and creche areas, I note that the main commercial / retail building has a gross floor area of 2,162.4 m² and is served by 157 car parking spaces. This would allow approximately 13 car parking spaces per unit. Notwithstanding the difficulty in reviewing each unit individually given the extensive site history, I note that the current development plan standards for car parking to serve the main retail / commercial building is 1 space per 40 m², which would equate to approx. 54 spaces. In this regard, there is headroom to allow for the proposed development which would generate a total of 3 spaces, and I would consider that even with a net loss of 18 spaces, that there is a sufficient level of car parking available within the overall site. I would also note that there is likely potential to off-set existing

car parking spaces where there are dual uses operating within the overall area, having regard to the site history.

- 7.2.8. In relation to traffic movement generated by the proposed use, in particular with regard to deliveries, no indication is provided as to where or how they will be facilitated. It is stated in the details that 3 no. deliveries per week is anticipated which is not significant. However, based on the site layout plan submitted this would result in turning movements and parking in existing car parking spaces or on the internal access road network. As noted above the Roads Report required the submission of a Traffic Impact Assessment Stage 1 Road Safety Audit for the overall area, and I noted pursuant to site inspection that the overall area would benefit by better traffic and car parking management measures, including road markings and directional and regulatory signage as highlighted in the Roads Report. Notwithstanding, having regard to the relatively limited scale of the proposed development and its location adjacent to the adjoining uses where it is likely that there will be a synergy of uses and dual usage of existing car parking spaces, its location relative to residential areas, community uses and public transport, I am satisfied that the capacity of traffic generated by the proposed café will be limited. I therefore do not consider that the proposal will endanger public safety.
- 7.2.9. Should the Board be minded to grant permission, I consider it appropriate to include a condition requiring the provision of a traffic management plan for the overall site incorporating directional and regulatory signage and road markings, and recommend the Board to do so in the event of a grant.

7.3. Visual Impact

- 7.3.1. The first reason for refusal in the planning authority decision states that the proposed development would detract from the setting of the established use on the site, having regard to its location at a remove from the established commercial building.
- 7.3.2. Having regard to the nominal scale of the proposed development and having regard to the adjoining urban area, I am satisfied that there are no issues relating to visual impacts arising. I therefore do not agree with the planning authority's first reason for refusal. I recommend that a condition is included relating to advertising signage, in the event of a grant.

8.0 AA Screening

- 8.1.1. I have considered the proposed development comprising of the provision of a new café building in light of the requirements of S177U of the Planning and Development Act 2000 (as amended).
- 8.1.2. The proposed development comprises the removal of 15 no. car parking spaces. The appeal site comprises of the Newtown Centre which is a local neighbourhood centre. It is located in an urban area characterised by established residential development, school(s), public park, skate park. The existing neighborhood centre is characterised by commercial and retail development including restaurants, medical centre, shops, pharmacy and offices.
- 8.1.3. A screening report for Appropriate Assessment was not submitted with this planning appeal case. However, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Limerick City and County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined.

8.2. European Sites

The nearest European designated sites are the following:

- Lower River Shannon SAC (Site Code 002165) – approx. 670 m to the east.
- River Shannon and River Fergus Estuaries SPA (Site Code 004077) – approx. 6.5 km to the west.
- Slievefeilm to Silvermines Mountains SPA (Site Code 004165) – approx. 9 km to the east.

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation or Special Protection Area (SPA).

- 8.2.1. The boundary of the nearest European Site is within c. 670m and 6.5 km. These are:
- Lower River Shannon SAC (Site Code 002165).
 - River Shannon and River Fergus Estuaries SPA (Site Code 004077).

The boundary of the Slievefeilm to Silvermines Mountains SPA (Site Code 004165) is at a remove located approx. 9 km to the east of the site.

- 8.2.2. A detailed description of the proposed development is set out in Section 2.0 above. In summary, the appeal site has a stated area of 0.040 ha and forms part of the overall adjoining neighbourhood centre. It is modest in scale and the intended use will facilitate 32 seats and 15 staff. The proposed development will result in the loss of 15 existing car parking spaces. There is a requirement to install a grease / oil trap on the foul sewer outlet to serve the development prior to connection with the public sewer. Waste and wastewater will be connected to the adjoining public services.
- 8.2.3. The subject site is located in a serviced urban centre and the surrounding area is characterised by multiple land uses that include the adjoining commercial and retail uses. The site is zoned 'Local / Neighbourhood Centre' which permits the use of a café on such zoned lands.
- 8.2.4. The nearest European site is the River Mulkear, and is located 650 m to the east of the site, and the River Shannon. There are no watercourses or other ecological features of note located on the site that would connect it directly to European Sites in the wider area.

8.3. Likely impacts of the project (alone or in combination)

- 8.3.1. The main impacts identified arising from the proposed development is surface water run off relating to pollutants to water from construction activities. At operational stage, the main impact identified relates to bi-products associated with the use of a café such as oils, greases. It is a requirement to install a grease trap to on the foul sewer outlet serving the development.
- 8.3.2. Given the nature of the site, the serviced lands, the area in which it is located, and the presence of other land uses adjacent to the appeal site and between the site and the nearest water course i.e. the River Mulkear to the east, there is a significant buffer area between the appeal site and the River Mulkear. There is a lack of any hydrological connection between the subject site and the above identified European sites.

8.4. Likely significant effects on the European sites in view of the conservation objectives

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SAC or SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance.

There will be no direct or ex-situ effects from disturbance on mobile species during construction or operation of the proposed development.

8.5. In combination effects

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the installation of the grease trap interceptor as a standard measure to prevent ingress of bi-product pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SAC or SPA sites.

8.6. Overall Conclusion

8.6.1. Screening Determination

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely the Lower River Shannon SAC (Site Code 002165) and the River Shannon and River Fergus Estuaries SPA (Site Code 004077) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site.
- The nature of the urban environment in which the site is located comprising of zoned and serviced lands.
- The distance from and weak indirect connections to the European sites.
- No significant ex-situ impacts on wintering birds.

9.0 Recommendation

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard the provisions of the Limerick Development Plan 2022-2028 and the zoning objective of the site, to the location of the site in neighbourhood centre in an established urban area, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions as set out below, the proposed development will not result in a shortfall of car parking spaces to the determinant 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.

11.0 Conditions

1.	<p>The development shall be carried out in accordance with the plans and particulars lodged with the planning application on the 20th day of August 2024 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>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. This shall include details of all roads, footpaths, set-down areas, pedestrian crossings, road markings including parking bays and accessible spaces, and directional and regulatory signage.</p> <p>Reason: In the interest of traffic safety.</p>

3.	<p>Electric Vehicle Charging Points and dedicated charging spaces shall be provided at accessible locations. Details to be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: To provide for and / or future proof the development such as would facilitate the use of Electric Vehicles.</p>
4.	<p>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.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>Details of proposed external signage shall be submitted to, and agreed in writing with the planning authority, prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>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 café building or within the curtilage of the site, other than that agreed under Condition 4 of this Order.</p> <p>Reason: To protect the visual amenities of the area.</p>
7.	<p>The hours of operation shall be restricted to between 07:00 and 20:00 hours Monday to Sunday.</p> <p>Reason: To protect the amenities of the adjoining properties.</p>
8.	<p>The subject premises shall not be used for the sale of hot food for consumption off the premises (i.e. take-away) without a separate grant of planning permission, notwithstanding the provisions of the Planning and Development Regulations 2001 (as amended).</p> <p>Reason: In the interest of clarity.</p>

9.	<p>Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
10.	<p>The disposal of surface water shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: To prevent flooding and in the interests of sustainable drainage.</p>
11.	<p>The developer shall enter into a water and/or wastewater connection agreement(s) with Uisce Eireann, prior to commencement of development.</p> <p>Reason: In the interest of public health,</p>
12.	<p>All service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
13.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
14.	<p>Prior to commencement of works, 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 development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>
15.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the</p>

	<p>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.</p> <p>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.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Clare Clancy
Planning Inspector

14th February 2025

Form 1

EIA Pre-Screening

An Bord Pleanála	ABP-321217-42		
Case Reference			
Proposed Development Summary	Permission for removal of 15 car parking spaces for construction of a café and all associated site works		
Development Address	Newtown Centre, Newtown, Annacotty, Co. Limerick		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes	✓	Class 10(b)(iv) – Urban development	
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			
No	✓		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes	✓	<p>Class 10(b)(iv) – Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. ("business district" means a district within a city or town in which the predominant land use is retail or commercial use).</p> <p>The appeal site is located on the eastern side of Limerick city within an existing neighbourhood centre and has a stated site area of 0.040 ha which is below the stated threshold of 2 ha.</p>	Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?		
No	✓	Pre-screening determination conclusion remains as above (Q1 to Q4)
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-321217-24
Proposed Development Summary	Permission for removal of 15 no. car park spaces, and construction of café and ancillary site works
Development Address	Newtown Centre, Newtown, Annacotty, Co. Limerick
<p>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</p> <p>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</p>	
<p>Characteristics of proposed development (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The proposed development comprises the construction of a café and the removal of 15 existing car parking spaces to accommodate the proposed café on a site with a stated area of 0.040 ha. The appeal site is located within an established neighbourhood centre.</p> <p>The development comes forward as a standalone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance.</p> <p>The development by virtue of its type does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. It presents no risk to human health.</p>
<p>Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European</p>	<p>The site is not located within or immediately adjacent to any designated site. The proposed development would use the public water and wastewater services of Uisce Éireann, upon which its effects would be marginal.</p> <p>It is considered that the proposed development would not be likely to</p>

sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	have a significant effect individually or in-combination with other plans and projects on a European site and Appropriate Assessment is therefore no required.	
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, likely limited magnitude and spatial extent of effects, there is no potential for significant effects on the environmental factors listed in Section 171A of the Act.	
Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	Schedule 7A Information required to enable a Screening Determination to be carried out.	-
There is a real likelihood of significant effects on the environment.	EIAR required.	-

Inspector:

Date:

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)