

Limerick City and County Council

Planning Department

Section 5 Application


DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Babylon Coffeehouse LTD

Applicant's Address: 19 Gardens International,

Henry St, Limerick

V94 N125


Telephone No. 

Name of Agent (if any): Dave Mulvey

Address: 39 Hillcroft, Singland,

Limerick

V94 N125

Telephone No. 

Address for Correspondence:

Babylon Coffeehouse LTD

19 Gardens International, Henry St, Limerick

V94 N125

Location of Proposed development (Please include EIRCODE):

Babylon Coffeehouse, 19 Borders International,
Henry St, Limerick.
V94 N125

Description of Proposed development:

The proposed development consists of the installation of 2 fixed non branded, non motorized awnings to the side elevation of the existing building. The awnings will be mounted at ground level and positioned above existing windows. The structure is light weight & non illuminated. The lowest projection is 2.5m. It is 2.9m wide and 2m deep, this applies to both awnings.

Section of Exempted Development Regulations and/or section of the Act under which exemption is claimed:

Part V

Is this a Protected Structure or within the curtilage of a Protected Structure.

YES/NO

Applicant's interest in site: Director of Operations

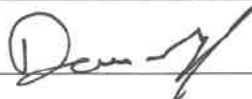
List of plans, drawings, etc. submitted with this application:

- Site location map
- Site layout plan
- positioning of awnings highlighted in yellow on document C.

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)



NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

Limerick City & County Council
Planning Department

**APPLICATION FOR DECLARATION OF EXEMPTION
FROM THE REQUIREMENTS OF PART V
Part V Planning & Development Act 2000 (as amended)**

Office Use Only

Date Received _____

Reference No. _____

PLEASE NOTE This Form **MUST** be submitted as part of the completed Planning Application.

Application must be accompanied by the following information

1. 2 copies of site location map (to scale 1:1000) with site clearly outlined in red
2. Outline in green the total parcel of land purchased
3. Site layout plan (to scale 1:500)
4. The signed declaration

APPLICANT PERSONAL DETAILS

APPLICANT NAME Babybon Coffeehouse LTD → Dawn MoloneyADDRESS 19 International Gardens, Henry St, Limerick V94 N125

TEL NO _____ MOBILE NO [REDACTED] E-MAIL: [REDACTED]

ADDRESS FOR CORRESPONDENCE

Same as above

DETAILS OF AGENT (if acting on behalf of applicant)

NAME David Moloney

ADDRESS OF AGENT 39 Hillcroft, Singland, Limerick, V94 W9K2

TEL NO _____ MOBILE NO [REDACTED] E-MAIL [REDACTED]

WHERE THE APPLICANT IS A COMPANY REGISTERED UNDER THE COMPANIES ACTS, PLEASE STATE

NAME OF THE COMPANY Babylon Coffeehouse LTD

ADDRESS OF COMPANY 19 Gardens International, Henry St, Limerick, Ireland

REGISTRATION NUMBER 782383

NAME(S) OF DIRECTORS Cian Bourke, Brian Murphy

STREET NAME, TOWNLAND, OR POSTAL ADDRESS OF PROPOSED DEVELOPMENT

19 Gardens International, Henry St, Limerick, Ireland.

DESCRIPTION OF PROPOSED DEVELOPMENT The proposed development consists of the installation of 2 small fixed awnings to the side elevation of the existing building. Awnings will be mounted at ground level and positioned above existing window openings. The structure is lightweight, non illuminated and constructed of a metal frame with fabric covering. It is non braced, non motorised. 2.9m wide x 2m deep.

SITE AREA HECTARES 0 ACRES 0

ZONING OF LAND (see relevant City/County/Local Area Plan for zoning) City Centre

SIGNATURE OF THE APPLICANT


APPLICANT

1/4/26
DATE

Office use only	
Zoning	_____
No. of units	_____
Planning Authority	_____
Date	Signature _____

STATUTORY DECLARATION IN THE MATTER OF THE
 PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)
 AND IN PARTICULAR SECTIONS 96 AND 97

I David Kelly aged 18 years and upwards do solemnly and sincerely declare as follows:

- (a) the applicant, or any person with whom the applicant is acting in concert, has not been granted, within the period of 5 years prior to the date of making of the application, a certificate under Section 97 of the Act which at the time of the application remains in force

- (b) the applicant, or any person with whom the applicant is acting in concert, has not carried out, or has not been granted permission to carry out, a development consisting of the provision of 4 or fewer houses or of housing on land of 0.1 hectares or less, within the period of 5 years prior to the date of making of the application for a certificate, on land in respect of which the certificate is being sought or land in its immediate vicinity

I am not aware of any facts or circumstances that would constitute grounds under subsection (12) of Section 97 of the Planning and Development Act 2000 (as amended), for the refusal by the Planning Authority to grant a certificate.

All the information furnished in relation to the said application for an exemption certificate is correct. I understand that it is my responsibility to establish my obligations regarding Sections 96 & 97 of the Act and that a false or misleading declaration under the Act is an offence.

I make this solemn declaration conscientiously believing the same to be true pursuant to the provisions of the Planning and Development Act 2000 (as amended) and the Statutory Declarations Act, 1938.

Signed by Applicant(s) David Kelly _____
 Signature Signature

Commissioner of Oaths Stamp

Declared before me this

_____ day of _____ 20____

Commissioner of Oaths



Féarriónland
The Bishop

HENRY STREET

POL LANE

LOWER GLEN

MILL LANE

0.37

104

105

0.31

GS Stn

19

66

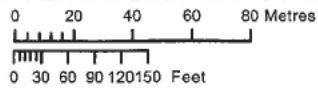
97

98

Mast

Community Centre

Land Registry Compliant Map



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
ITM 557337,656857

PUBLISHED: 05/03/2025 **ORDER NO.:** 50452748_1

MAP SERIES: 1:1,000 **MAP SHEETS:** 4682-22, 4743-02

CAPTURE RESOLUTION:
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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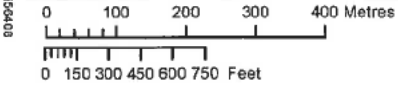
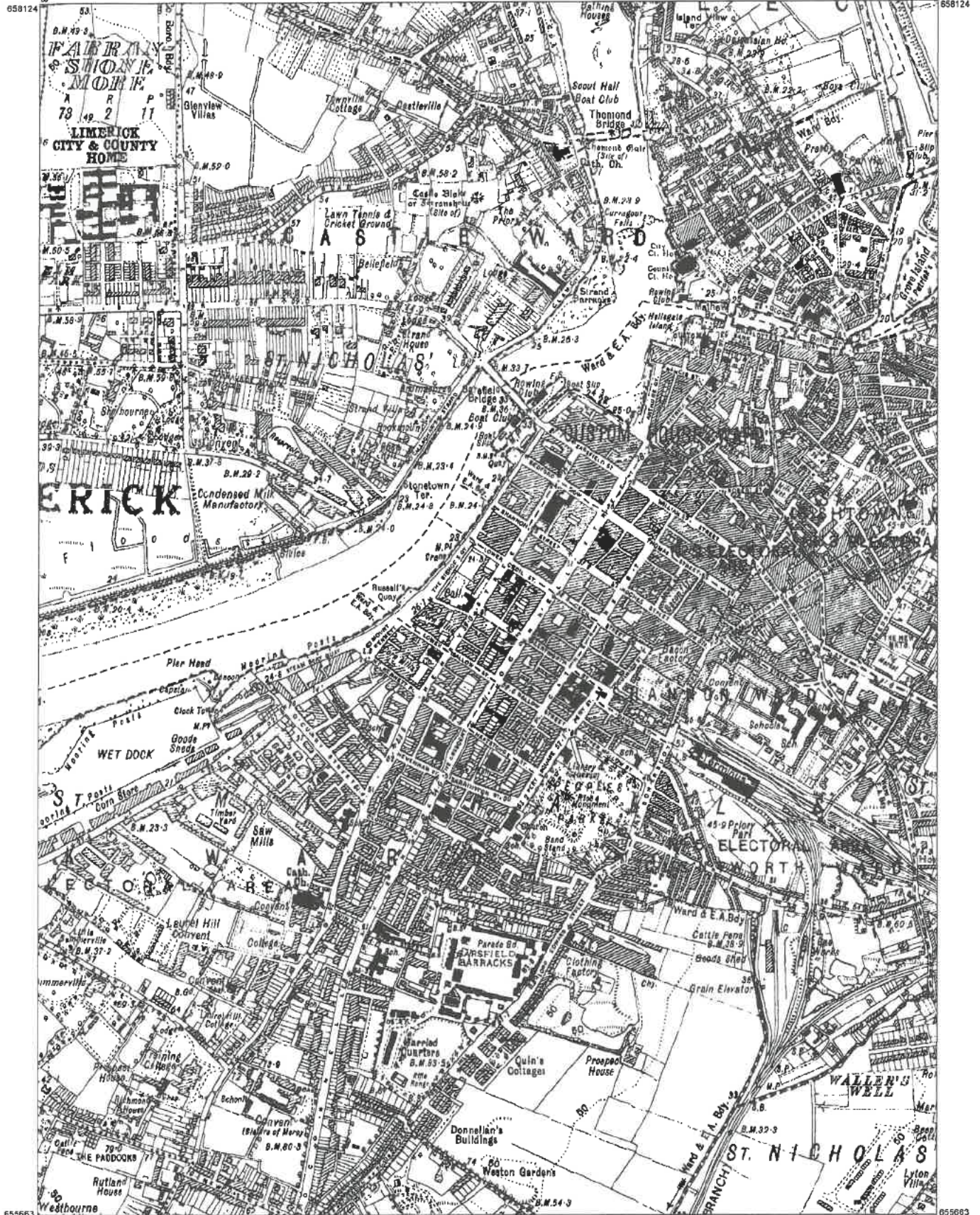
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Tailte Éireann

Site Location Map



OUTPUT SCALE: 1:10,560



CENTRE COORDINATES:
ITM 557317,656894

PUBLISHED:
18/03/2026

MAP SERIES:
6 Inch Raster
6 Inch Raster

ORDER NO.:
50524422_1

MAP SHEETS:
CE063+063A
LK005

CAPTURE RESOLUTION:
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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Tailte Éireann

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

File Reference number	EC-056-26
Applicant(s)	Babylon Coffeehouse LTD
Location	Babylon Coffeehouse, Gardens International, 19 Henry Street, Limerick, V94 N125

Description of Site and Surroundings:

The application concerns a café space situated within the 0.6-acre Gardens International office site, in Limerick City Centre. The subject site area of this application is positioned on the ground-floor corner of the existing office building, at the intersection of Lower Glentworth Street and Henry Street. The site falls within the South City Centre and Newtown Perry Architectural Conservation Area (ACA 1) and is zoned as City Centre under the Limerick Development Plan 2022-2028.

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or are not exempted development:

- The applicant is proposing the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation, above the ground-floor windows, of the Gardens International office building
 - The applicant notes the awnings are lightweight, non-illuminated, 2.9 metres wide, 2 metres deep, with 2.5 metres height clearance at the lowest projection

This Section 5 declaration includes the following:

- Application form
- Site location maps
 - It is noted no elevations, floor plans or site layout drawings have been provided, meaning the awnings have not been shown within the submitted application, either in isolation or in situ
 - Application forms relating to declarations under Part V & regarding Sections 96 and 97 were also submitted; however, these matters are not relevant to the Section 5 determination

Planning History:

Subject site:

08/770184 – Withdrawn – Demolish the existing premises and build a five storey premises consisting of a retail unit on the ground floor and four floors of offices overhead and associated site works.

08/770210 – Refused – Demolish the existing premises and build a five storey premises consisting of a retail unit on the ground floor and four floors of offices overhead and associated site works.

16/8002 – Part 8 Granted with Conditions - (i) the completion of the existing partially completed office building, (ii) the construction of a new 5 storey office building on the site of no. 19 Henry Street, (iii) the refurbishment/repair of the former GPO, mercantile building and hanging gardens, (iv) completion of the basement and (v) all associated site works. The completed development will provide for 10 400sq.m. (approx.) of office and ancillary retail and commercial space

18/933 – Conditional Permission – Construction of a mezzanine floor in corner unit, alterations to ground floor layout, signage and all ancillary site works.

19/1167 – Conditional Permission – The erection of signage and logo manifestation with all ancillary site works.

Adjacent:

00/770085 – Conditional Permission – Construction of a new Youth Centre replacing the existing structure, which is to be demolished, basement to 3rd floor to accommodate staff and students, with live in units on 4th floor.

01/770314 – Conditional Permission – Construction of a six-storey extension to the rear of the proposed youth centre Pl. Ref. P.00/85.

Enforcement History:

None found.

Relevant An Coimisiún Pleanála referrals:

No relevant An Coimisiún Pleanála referrals found for the site.

Assessment:

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3(1) defines **‘development’** as ‘the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land’.

The proposal concerns, the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation above the ground-floor windows of the Gardens International office building, constituting ‘works’ and ‘development’.

Is the proposal exempted development?

The proposed development involves the installation of fixed external alterations to the building façade which would materially affect its external appearance. Accordingly, the proposal does not fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended). Furthermore, the proposal does not fall within any class of exempted development provided for under the Planning and Development Regulations 2001 (as amended). Accordingly, the development proposal cannot be considered exempted development.

Article 9 Restrictions

As the proposed works comprise external alterations to a structure located within an Architectural Conservation Area, involving development which may materially affect the character of the area, any potential exempted development status is disapplied by Article 9(1)(a)(xii) of the Planning and Development Regulations 2001 (as amended).

Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

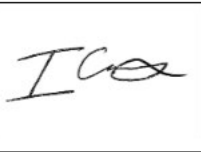

Conclusion/Recommendation

The proposal, the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation above the ground-floor windows of the Gardens International office building, is considered to be development. However, the development proposal does not fall within the provisions of Section 4(1)(h) the Planning and Development Act 2000 (as amended) nor does the proposal fall within any class of exempted development provided for under the Planning and Development Regulations 2001 (as amended). The development proposal cannot therefore be considered exempted development.

Regard has been had to –

- (a) Section 2, 3, 4 & 5 of the Planning and Development Act 2000 (as amended)
- (b) Article 6, 9 of the Planning and Development Regulations, 2001, as amended.
- (c) The plans & particulars submitted with the application received on the 9th of April 2026.

It is therefore considered that said works are development but not exempted development under the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Graduate Planner	Isaac Cunningham	Date: 15/04/2026
Signature:		
Senior Executive Planner	Gráinne O'Keeffe	Date: 23/04/2026
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-056-26
(e) Brief description of the project or plan:	The applicant is proposing the installation of 2 no. fixed non-branded, non-motorised awnings on the side

	elevation, above the ground-floor windows, of the Gardens International office building.
(e) Brief description of site characteristics:	The application concerns a café space situated within the 0.6-acre Gardens International office site, in Limerick City Centre. The subject site is positioned on the ground-floor corner of the office building, at the intersection of Lower Glentworth Street and Henry Street. The site falls within the Newton Perry Architectural Conservation Area (ACA) and is zoned as City Centre under the Limerick Development Plan 2022-2028.
(e) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/00216	0.13	None	N
River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/spa/004077	0.20	None	N

STEP 3: Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:



Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g <ul style="list-style-type: none"> - Vegetation clearance - Demolition - Surface water runoff from soil excavation/infill/landscaping (including borrow pits) - Dust, noise, vibration - Lighting disturbance - Impact on groundwater/dewatering - Storage of excavated/construction materials - Access to site 	None. No direct encroachment or hydrological connection

- Pests	
Operation phase e.g. <ul style="list-style-type: none"> - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - Noise/vibration - Changes to water/groundwater due to drainage or abstraction - Presence of people, vehicles and activities - Physical presence of structures (e.g collision risk) - Potential for accidents or incidents 	None. No direct encroachment or hydrological connection
In-combination/Other	N/A.

(a) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site 	None. No direct encroachment or hydrological connection

(a) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

STEP 4: Screening Determination Statement
The assessment of significance of effects: Describe how the proposed development alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives.
Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not required.
Conclusion: AA is not required.

	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
ii. It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
iii. Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 Isaac Cunningham, Graduate Planner _____ 21/04/2026	
Signature and Date of the Decision Maker:	 _____ 23/04/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	EC-056-26
Development Summary:	The applicant is proposing the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation, above the ground-floor windows, of the Gardens International office building.
Was a Screening Determination	Yes. no further action required

IC

Isaac Cunningham, Graduate Planner

21/04/2026

Signature and Date of the Decision Maker:

G. Madle

23/04/2026



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, Oidhreacht agus Corn Ryder
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach. V94 WV78

Planning, Heritage and Ryder Cup
Limerick City and County Council
Dooradoyle Road
Dooradoyle
Limerick. V94 WV78

t: +353 (0) 61 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Babylon Coffeehouse LTD
19 Gardens International
Henry St,
Limerick.

EC/056/26

27 April 2026

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,



(for) Senior Planner,
Development Management

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/482

File Ref No. EC/056/26

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **An installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation, above the ground-floor windows at Babylon Coffeehouse, Gardens International, 19 Henry Street, Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/031 dated 18th March 2026, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Grainne O'Keeffe, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Q Now therefore pursuant to the delegation of the functions aforesaid, I, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Isaac Cunningham, Graduate Planner dated 15/04/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Babylon Coffeehouse LTD, 19 Gardens International, Henry St, Limerick to state that the works as described above is

Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT,
PLANNING

Date

28/4/26



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Pleanáil, Oidhreacht agus Corn Ryder
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach. V94 WV78

Planning, Heritage and Ryder Cup
Limerick City and County Council
Dooradoyle Road
Dooradoyle
Limerick. V94 WV78

t: +353 (0) 61 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/056/26

Name and Address of Applicant: Babylon Coffeehouse LTD, 19 Gardens International, Henry St, Limerick

Agent: Dave Moloney, 39 Hillcroft, Singland, Limerick

Whether the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation, above the ground-floor windows at Babylon Coffeehouse, Gardens International, 19 Henry Street, Limerick is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 09th day of April 2026.

AND WHEREAS the Planning Authority has concluded that the installation of 2 no. fixed non-branded, non-motorised awnings on the side elevation, above the ground-floor windows at Babylon Coffeehouse, Gardens International, 19 Henry Street, Limerick **DOES NOT** come within the scope of exempted development under the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended). See Report attached.

NOW THEREFORE the Planning Authority in exercise of the powers conferred on it by Section 5(2) (a) of the Planning and Development Act 2000 (as amended) hereby decides that the said development as described above is **Development and is NOT Exempt Development.**

Signed on behalf of the said Council

Date:

27.4.2026

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.