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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork City Council**

**Planning Register Reference Number: 17/37519**

**Appeal** by Tesco Ireland Limited care of GVA Planning of 4<sup>th</sup> Floor, 2-4 Merrion Row, Dublin against the decision made on the 3<sup>rd</sup> day of July, 2018 by Cork City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Erection of a three-metre high by 16.5 metres wide acoustic screen along the northern boundary of the car park. This application also seeks to amend the noise limits previously approved under condition number 5 of planning register reference number TP 12/35372, An Bord Pleanála appeal reference number PL 28.241294 at Tesco Express, Douglas Road, Cork. Further public notices were received by the planning authority on the 8<sup>th</sup> day of June, 2018.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## **Reasons and Considerations**

Having regard to the need to reduce the noise impacts arising from the established retail outlet in the interest of amenity and having regard to the form, layout and height of the proposed acoustic screen, it is considered that, subject to compliance with the conditions set out below, the proposed development would significantly reduce noise levels emanating from the operation of this outlet beyond the site boundary, would positively impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact and would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is considered that the proposed amendment of condition number 5 of the permission granted by An Bord Pleanála under appeal reference number PL 28.241294 (planning register reference number T.P. 12/35372), taken in conjunction with the erection of the proposed acoustic screen, would not result in excessive adverse noise impacts on adjoining residential property at weekends arising from the development and would not, therefore, seriously injure the residential amenity of property in the vicinity. The development as amended would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for the amendment of condition number 5 of the permission granted under An Bord Pleanála appeal reference number PL 28.241294 (planning register reference number T.P. 12/35372), the Board considered that the implementation of the conditions of the permission granted under An Bord Pleanála appeal reference number PL 28.241294 (planning register reference number T.P. 12/35372 together with the mitigation effects of the proposed absorption barrier would facilitate reducing existing and potential excessive adverse noise impacts on adjoining residential property at weekends arising from the servicing of the retail outlet and, as a consequence, the revised noise limits would not seriously injure the residential amenity of property in the vicinity.

## Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted to the planning authority on the 24<sup>th</sup> day of May, 2018, 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. Prior to commencement of development, details of the specification of the acoustic screen shall be submitted to, and agreed in writing with, the planning authority.

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

3. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
- (i) An Leq,1hour value of 55 dB(A) during the period 0700 hours to 1900 hours from Monday to Sunday inclusive.
  - (ii) An Leq,1hour value of 50 dB(A) during the period 1900 hours to 2300 hours from Monday to Sunday inclusive.
  - (iii) An Leq,15 minutes value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.
- (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Procedures for the purpose of determining compliance with these limits shall be submitted to, and agreed in writing with, the planning authority within one month of the date of this Order.

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

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**Terry Ó Niadh**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2019.**