

**Observations on Planning Application 3357/25 by Tesco Ireland Ltd
(Reuben Street / Herberton Street / James's Walk)**

Liam Cunnane
Apartment 10
2 Herberton St.
Rialto
Dublin 8

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Dublin City Council
Planning Department
Civic Offices
Wood Quay
Dublin 8

Dear Sir/Madam,

I'm a resident homeowner living in a second-floor corner apartment at the intersection of Herberton Street and Reuben Street in the building where the proposed Tesco Express commercial unit is to be located. While I do not object to the principle of the planned development, I wish to raise detailed concerns to safeguard residential amenity and request the following conditions be attached to any grant of permission.

1. Prohibition on Use of the Private Courtyard

One elevation of the proposed commercial unit directly adjoins a private internal courtyard that is designated for resident-only use. This courtyard is part of the common areas managed by the Owners' Management Company and is not intended for public, commercial, or operational use under any circumstances.

I request that a condition be attached to the planning permission prohibiting any access to or use of the private courtyard by the occupier of the commercial unit, their employees, agents, contractors, or delivery personnel, for any purpose whatsoever, including but not limited to:

- Customer or staff access;
- Storage or staging of goods, waste, or equipment;
- Transport of goods or materials;
- Movement or gathering of staff during breaks or shift changes.

This restriction should apply even in cases where employees of the commercial occupier are also residents of the development, in order to prevent informal or indirect use of the courtyard for

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commercial purposes. The courtyard should remain exclusively for the use of residents, as originally intended in the design and function of the development.

2. Noise Control

i. Deliveries

Given the residential setting and the likely operating hours of a Tesco Express (7am–10pm), I request delivery hours be strictly limited to:

- 8am–8pm on weekdays, and
- 9am–8pm on weekends and public holidays.

These hours protect residents' quiet enjoyment while allowing reasonable commercial operations. Additionally, I suggest incorporating noise level limits similar to previous Irish permissions.

ii. Plant Room on Herberton Street / Reuben Street Corner

The plant room is proposed at ground level near my residential corner unit, two floors below me. I request that:

- The applicant provide full specifications of all equipment (refrigeration, HVAC, electrical, etc.);
- Noise emissions, including low-frequency vibration and tonal components, be capped at appropriate levels—such as 55 dB(A) daytime 7am-7pm, 50dB(A) 7-10pm and 45 dB(A) at any other time.
- All equipment be acoustically enclosed and mounted on vibration-damping mounts;
- No external ducting, vents, or plant fixtures be visible on the Herberton Street facade unless fully screened;
- Heat, odour or air discharge not cause nuisance to residential units or their air intakes.
- All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise, measured at the façade of the nearest residential dwelling;
- Procedures for the purpose of determining compliance with these limits should be submitted to, and agreed in writing with, the planning authority within a specified timeframe.
- A post-installation noise survey should be submitted to the Planning Authority within 3 months of trading commencement.
- Operational and plant-related noise should not exceed 55 dB(A) LAeq during the day or 45 dB(A) LAeq at night.

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3. Irish Precedent for Noise Limits

Irish planning authorities have enforced specific decibel restrictions in past cases. For example, in Cork's Tesco Express appeal case (ABP-302233-18), the condition stated: *The noise level shall not exceed:*

- *55 dB(A) (1 hour) between 07:00–19:00, Monday to Sunday inclusive;*
- *50dB(A) (1 hour) between 19:00-22:00 Monday to Sunday inclusive and;*
- *45 dB(A) (15 minutes) at any other time. The noise at such time shall not contain a tonal component.*

The planned development should respect living conditions through measurable, enforceable noise standards.

4. Waste Storage and Cost Allocation

There is currently no dedicated commercial waste store and residential bin stores are funded via OMC service charges. I request conditions requiring:

- A separate, enclosed, commercial waste store within the commercial footprint;
- Prohibition of use of residential bin facilities;
- Assurance that all commercial waste removal costs are borne by the operator or unit owner - not subsidised by residential service charges.

5. Loading Bay on James's Walk

James's Walk is a narrow one-way street (east to west) with a two-way cycle lane alongside the Luas Red Line. In this constrained environment, loading operations pose serious risks:

- Disruption to cyclist safety and potential obstruction of pedestrian routes or Luas access;
- Increased noise, vibration, and emissions right under residential windows;
- Emergency vehicle access could be compromised during deliveries.

I request that loading not occur on James's Walk. If unavoidable, require a traffic and noise impact assessment and restrict loading to within the hours proposed for deliveries in 2. above.

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6. Courtyard-Facing Doors and Windows – Prohibition on Use or Opening

The elevation of the proposed commercial unit that borders the private internal courtyard contains a number of glass doors and windows that can be opened. These open directly onto a resident-only amenity space.

I request that the Planning Authority include a specific condition prohibiting any use of these openings by the commercial occupier, their staff, agents, contractors, or customers for any purpose whatsoever. This should include:

- Prohibiting the opening of courtyard-facing windows and doors for access, ventilation, servicing, or waste handling;
- Requiring that all such doors and windows remain locked and inaccessible at all times from the commercial side;
- Preventing their use for informal or unauthorised activities (e.g. staff breaks, smoking, deliveries, waste storage).

This restriction should apply even in cases where employees or agents of the commercial occupier are also residents of the development. This is necessary to prevent informal or indirect commercial use of the courtyard, which is a designated private amenity space for residents. Any use or opening of these features by the occupier would materially affect residents' quiet enjoyment, safety, and amenity.

7. Louvered Screens on Reuben Street Elevation

The proposed development includes the installation of louvered screens on the Reuben Street elevation to serve the internal plant room. I request that a condition be attached requiring:

- Full specification of the equipment located behind the louvered screens;
- Confirmation that the louvres will be acoustically treated to prevent noise spill;
- Certification that warm air, odours, or any mechanical emissions vented through the louvres will not cause nuisance to adjacent residents;
- That the design, material, and colour of the screens be visually integrated into the building facade to preserve streetscape quality.

8. Gaps in the Planning Justification Report and Site Drawings

The planning justification report submitted by the applicant omits key operational details that materially affect the residential context in which this proposed commercial unit is to be located. These omissions warrant specific conditions to protect the amenity of nearby residents.

Firstly, the planning letter confirms the use of louvered screens on the Reuben Street and Herberton Street elevations to conceal the internal plant room. However, no acoustic, ventilation, or emissions details are provided. A condition should require full disclosure of plant specifications

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and noise profiles, and the application of acoustic treatment to louvres where mechanical equipment is vented.

Secondly, the application fails to identify any enclosed commercial waste store. No plans or text explain how waste will be stored, segregated, or collected, despite the applicant intending to amalgamate multiple units into a single large store.

Thirdly, although the plans show openable glass doors and windows along the courtyard-facing elevation, the submission does not clarify their intended use or operational restrictions. These doors and windows open directly onto a private resident-only courtyard. All courtyard-facing doors and windows should be fixed shut, non-openable, and designated as emergency exits only.

9. Additional Protections for Residential Amenity

To safeguard the quiet enjoyment of neighbouring homes and mitigate the operational impacts of the proposed retail unit, the following additional conditions should be attached to any grant of permission:

- Opening hours for the commercial unit should be limited to between 7am and 10pm. No access by staff, contractors, or delivery drivers should occur outside these hours.
- All external lighting, including signage, should be designed to avoid light spill into residential units. Lighting should be fully extinguished within 30 minutes of closing, and no illuminated signage should face onto the residential courtyard.
- Permission should be limited strictly to convenience retail use only. The use of the unit as a takeaway, restaurant, café, hot food preparation area, or off-licence should be expressly excluded unless subject to a separate grant of permission.
- The use of roller shutters and wheeled delivery cages should be restricted to within permitted delivery hours only, with sound-dampening measures required on all such equipment.

Yours faithfully.

Liam Cunnane