



An
Bord
Pleanála

Board Order
ABP-314775-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4485/22

Appeal by Mondelez Ireland care of Hughes Planning and Development Consultants of 85 Merrion Square, Dublin against the decision made on the 8th day of September, 2022 by Dublin City Council to refuse a permission for the proposed development.

Proposed Development: The development will consist of: (i) the demolition of an existing 1950's, four number storey concrete framed vacant office building located adjacent to the southern boundary of the subject site, including associated outbuildings, walls and footpaths and; (ii) amendments to the existing car parking area located to the north of the office building proposed for demolition, to provide for a modified car parking area and a HGV/truck parking and marshalling area. More specifically, the development will include the following: (a) a modified car parking area for staff parking including 55 number parking spaces (including two number accessible parking spaces and six number electric vehicle charging spaces); and (b) a parking area for HGVs and trucks comprising 15 number parking bays, together with space for loading and unloading of vehicles and a 'Pit' Type Weigh Bridge

flush with the paved surface. The proposed development will also include all ancillary works necessary to facilitate the proposed development including hard and soft landscaping, a new bicycle shelter, footpaths, EV car charging stations and the removal of existing gates and the provision of new electric sliding gates to the HGV/truck parking area. All at Mondelez Ireland, Old Malahide Road, Malahide Road, Coolock, Dublin.

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.

Reasons and Considerations

Having regard to the provisions of the Dublin City Development Plan 2022 - 2028, to the 'Z6' zoning objective, which seeks to provide for the creation and protection of enterprise and facilitate opportunities for employment creation, and to the building's current and advancing state of disrepair, the Board is satisfied that the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.



Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Construction and demolition waste shall be managed in accordance with a Construction Waste and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects", published the EPA 2021. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.



3. Water supply and drainage arrangements, including the disposal and attenuation of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

5. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

6. The construction of the development shall be managed in accordance with a comprehensive Demolition and Construction Management and Demolition and Construction Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include details of intended demolition and construction methodology, traffic management and control of noise and dust management measures for the development.



Reason: In the interests of orderly development, public safety and convenience and the amenities of the area

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

Reason: In the interests of visual and residential amenity.

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall – (a) notify the relevant planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

All archaeological pre-construction investigations shall be carried out in accordance with the details specified in the EIAR submitted with the application.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.



9. All lighting shall be operated in such a manner as to prevent light overspill to areas outside of compounds and works areas.

Reason: In the interests of visual and residential amenity and the protection of local biodiversity.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of streets, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development




Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this 28TH day of November 2023.