

Forward/Strategic Planning
 Cork City Council
 City Hall
 Anglesea Street
 Cork
 T12 T997

4th October 2021

RE: Submission to the Draft Cork City Development Plan 2022-2028

Dear Sir/Madam,

We make this submission to the draft Cork City Development Plan 2022-2028 on behalf of our clients, Circle K Ireland Energy Group Limited, Circle K House, Beech Hill, Clonskeagh, Dublin 4, and in relation to their existing Circle K Frankfield service station in Cork City.

Our clients wish to contest the proposed zoning of their service station at Frankfield Road with a land use zoning that, firstly, does not reflect or properly account for the established and permitted commercial use of the site and, secondly, restricts its ongoing commercial use and its future development potential.

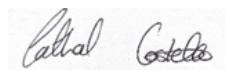
Our clients are of the view that the proposed 'ZO 01 Sustainable Residential Neighbourhoods' zoning objective poses a risk to the operation of the service station and could damage its future development prospects.

The submission therefore appeals for the service station to be rezoned as 'ZO 09 Neighbourhood and Local Centres' in light of the strong and sustained planning merits pertaining to its current use for a range of such uses.

The submission is set out hereunder in detail. It is trusted that the submission will be seen as a constructive and productive contribution to the preparation of the final Plan, and, in this regard, we request that it is given favourable consideration.

Please forward all correspondence in relation to this submission to this office.

Yours sincerely,



Cathal Costello
 Coakley O'Neill Town Planning Ltd.

1.0 Circle K Frankfield, Frankfield Road, Cork

- 1.1 The subject site comprises an existing Circle K service station located on Frankfield Road to the south of Cork City. The service station site is generally triangular in shape, is comprised of 4 no. pump islands with a canopy over and a single storey amenity building which contains a main retail area, coffee making facilities, staff facilities as well as back of house areas.
- 1.2 The service station is accessed via two entrances off Frankfield Road. The main ID sign is located between these two entrances, adjacent the roadside boundary. Car services such as air and water and a car wash facility are located to the east of the site.
- 1.3 To the north of the site is a travel Lodge which shares an access with Frankfield Service Station.

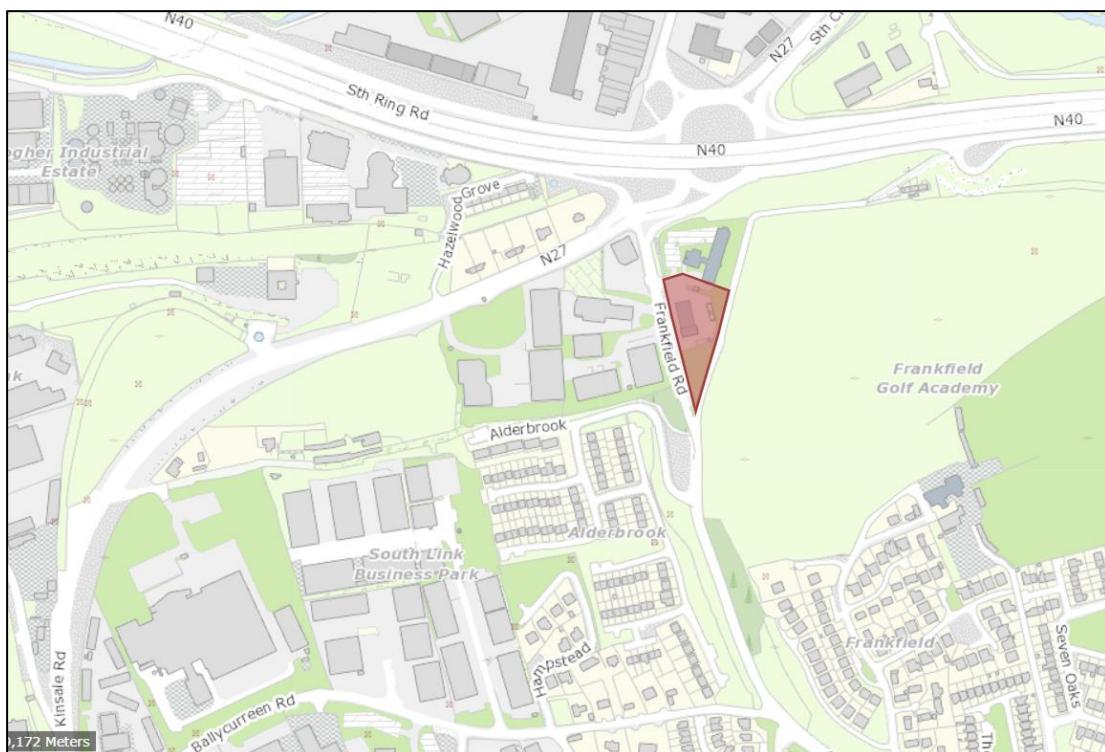


Figure 1: Site Location (generally outline in red, source MyPlan, annotated Coakley O'Neill)

Current Planning Policy

1.4 In the current Cork County Development Plan, 2014, the existing service station site is zoned as Existing Built Up Area'. The objective is as follows:

County Development Plan Objective ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plan's development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

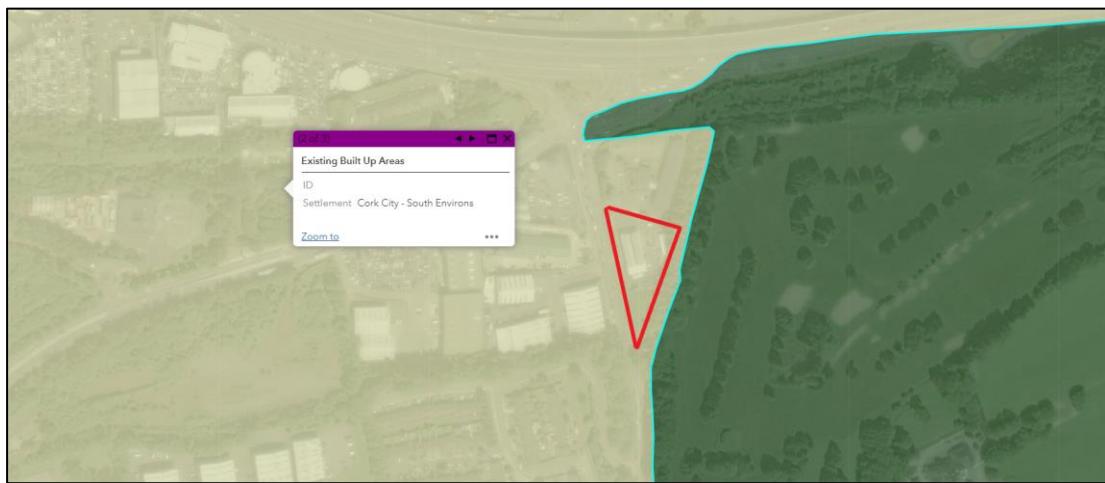


Figure 2: Current Site Zoning, Cork City Development Plan 2015 - 2021, annotated Coakley O'Neill

1.5 The current Plan also states at in relation to this land-use zoning that:

Section 14.3.1 *Areas of existing development are shown simply as 'existing built up area' in the Local Area Plans. This approach has been taken in order to allow a more positive and flexible response to proposals for the reuse or redevelopment of underused or derelict land or buildings particularly in the older parts of the main towns. "Existing built up areas" include all lands within a development boundary which do not have a specific zoning objective attached. Therefore, it includes a mix of land uses which may have existing buildings in place, brownfield lands and undeveloped greenfield lands within the development boundary*

Section 14.3.3 *Within predominantly built up areas, development proposals normally involve infill development, redevelopment or refurbishment or changes of use. It is important to recognise that this is part of the cycle of development or redevelopment in settlements that contributes to the character of towns. In many ways, this is more sustainable than continually encouraging growth to concentrate only towards undeveloped areas.*

Proposed Planning Policy

1.6 In the Draft Development Plan, 2022, guidance on petrol stations is outlined in section 11.183 in chapter 11 'Placemaking and Managing Development' section 11.183 and as follows:

Applications for petrol stations including refurbishments to existing premises will be required to have a high standard of design and layout. To take account of same, standard corporate designing may need to be modified as required. Consideration will be given to the following:

1. *Distribution of existing facilities in the city.*
2. *Access to filling stations will not be permitted closer than 35 metres to a road junction.*
3. *Frontage on primary and secondary routes must be at least 20 metres in length.*
4. *All pumps and installations shall be set back at least 5 metres from the roads.*
5. *A wall, of a minimum height of 0.5 metres, must separate the forecourt from the public footpath.*
6. *The provision of low emission fuel/recharging infrastructure.*
7. *Forecourt lighting including canopy lighting should be limited to that which is necessary for the safe operation of a petrol station. All external lighting should be cowled and directed away from the public roadway to prevent traffic hazard. The use of high-level and powerful lighting should not interfere with the amenities of adjoining premises.*
8. *A proliferation of large, illuminated projecting signs will not be permitted at filling stations. Generally, only one such sign will be permitted.*
9. *Car-washing and turbo-drying facilities are to be sited so as not to interfere with residential amenities.*
10. *A landscape masterplan will form part of any planning application.*
11. *Pedestrian routes to and from retail areas shall be clearly defined.*

1.7 In the Draft Plan, the site is to be zoned for 'ZO 01 - Sustainable Residential Neighborhoods' uses, as illustrated in figure 3, below.



Figure 3: Proposed Site Zoning as per Map 04 in the Draft Cork City Development Plan, annotated Coakley O'Neill

1.8 The ZO 01 Sustainable Residential Neighbourhoods zoning objective is outlined in section 12.23 of the draft Plan and as follows:

The provision and protection of residential uses and residential amenity is a central objective of this zoning. This zone covers large areas of Cork City's built-up area, including inner-city and outer suburban neighbourhoods. While they are predominantly residential in character these areas are not homogenous in terms of land uses and include a mix of uses. The vision for sustainable residential development in Cork City is one of sustainable residential neighbourhoods where a range of residential accommodation, open space, local services, and community facilities are available within easy reach of residents.

1.9 A perhaps unintended effect of the proposed Draft Plan zoning, therefore, could be a continued restriction of the operation and development of the permitted and established service station use, all on the basis of the zoning objective which does not properly reflect this use.

Discussion and Submission

1.10 This submission argues that a 'ZO 09 Neighbourhood and Local Centers' zoning objective should be applied to the site of the existing Circle K Frankfield service station.

1.11 The subject site is located on Frankfield Road. It currently comprises an existing Circle K service station and has been in use as a service station for an extended period of time. It is therefore reasonable to consider it as part of the established retail resource serving not just the surrounding commercial enterprises and national road network but also the wider local community.

1.12 On this basis, a 'Neighbourhood and Local Centres' zoning would be much more appropriate to the service station site as outlined under objective 7.30 in the draft Plan:

ZO 09 Neighbourhood and Local Centres *To support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities. It is also aimed to support and facilitate the designation of new Neighbourhood and Local Centres where significant additional population growth is planned or where a demonstrable gap in existing provision is identified, subject to the protection of residential amenities of the surrounding area and that they are adequately served by sustainable transport. Proposals should demonstrate the appropriateness of the site by means of a Sequential Test, demonstrate retail impact and provide for a mix of uses appropriate to the scale of the centre.*

1.13 With regard to this request, the Planning Authority will note that the service station site is strategically located adjacent the South Ring Road and the Kinsale Road, used daily by thousands of commuters. It is extremely accessible, near existing residential areas and located adjacent to existing employment areas.

1.14 The site will continue to operate as a fuel station, but the focus in the future, as with all fuel and forecourt retailing, will be on expanding the range of services, including additional retail floorspace, expanded foodcourt/restaurant/cafe uses and other active ground floor uses.

1.15 The subject site therefore effectively operates as a local centre use supporting the vitality and viability of that area and, on this basis, we request the site be rezoned as a local centre to properly reflect this permitted and established context.

1.16 It is clearly evident that the proposed residential zoning does not reflect the nature of the established and permitted service station use at the subject site, nor is it fully consistent with the grants of planning permission at the site.

1.17 Our clients should not be expected to accept a zoning proposal that risks fundamentally undermining the ongoing operation of the service station and damages both its current valuation and future development prospects, particularly when there is no inherent planning rationale for doing so. In addition, it puts our clients at a competitive disadvantage against operators who have a retail zoning objective applied to their site.

1.18 In this sense, the proposed zoning could be considered anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet. This is not the intention of the planning process and no other major retail operator in Cork City would accept such an outcome. The planning policy rationale underpinning this view is set out below.

1.19 The aim of **Development Plans, Guidelines for Planning Authorities, June 2007** is to improve the quality and consistency of development plans, and thereby improve the quality and consistency of decisions on planning applications.

1.20 The recently published draft update of these Guidelines from August 2021 advises:

Ensuring that the economic or employment strategy of the development plan is translated into the appropriate land use zoning proposals is an important consideration in the plan preparation process. The evidence and rationale underpinning the zoning of land for employment purposes must be clear and strategic in nature. Development plan preparation should include a comprehensive approach to estimating the differing zoning requirements for employment uses.

Planning authorities should ensure that retail objectives in development plans support placemaking and the regeneration for core town centre areas and NPF strategic policy objectives of increased compact growth.

1.21 Additionally, the **Retail Planning Guidelines for Planning Authorities 2012** set out a framework to ensure that retail development is plan-led, to promote city centre vitality through the sequential approach to development, enable good quality development in appropriate locations, facilitate modal shift and to deliver quality design outcomes.

1.22 A central theme of these Guidelines is the importance of the statutory development plan process with their first objective being that retail development is plan led. Also critical to the planning framework, this establishes the importance of existing retail centres, which are seen as the optimum location for new retail development.

1.23 On this basis, planning authorities are advised to have regard to the changing role of urban areas and the value of maintaining retailing when preparing development plans and retail strategies. Among the matters to be included in plans are the following:

2. *Outline the level and form of retailing activity appropriate to the various components of the settlement hierarchy in that core strategy;*
3. *Define, by way of a map, the boundaries of the core shopping areas of city and town centres and also location of any district centres (See Section 3.4);*
6. *Identify sites which can accommodate the needs of modern retail formats in a way that maintains the essential character of the shopping area;*

1.24 In the context of these national level policies objectives, it is our submission that the existing service station at Frankfield Road requires an appropriate zoning objective that properly reflects its existing and permitted retail use and, on this basis, merits rezoning as a Local Centre.

Conclusion

1.25 In conclusion, and with regard to nature of this submission's request and the subject site, we ask the Planning Authority to note:

- **The service station's strategic location adjacent to the South Ring Road and Kinsale Road, nearby existing residential and also existing employment areas.**
- **Its current commercial use and the fact that it has been part of the local retail resource for an extended period of time.**
- **The proposed 'residential' zoning objective for the site fails to reflect its current and permitted use and has undermined its operation in the past.**

1.26 On all these grounds our clients' site presents a strong credible case for a zoning designation that allows for the continued operation of the existing permitted service station use, something which could be directly undermined by the proposed Sustainable Residential Neighbourhoods zoning in the Draft Plan.

1.27 The reality is that this Circle K service station is already an established use. Its rezoning will therefore reflect its established use and will enable it to develop its range of services in accordance with customer expectations and the proper planning and sustainable development of the area.

1.28 Furthermore, the site's designation as a local centre demonstrates a strong compliance with national, regional, and local planning policy with regard to the sustainable development of compact urban centres of sufficient critical mass to support their strategic roles within wider settlement structures.

1.29 In addition, it places an appropriate emphasis on the regeneration and intensification of existing developed lands and the provision of sustainable employment generating uses.

1.30 In conclusion, our clients contest the proposed zoning of their service station at Frankfield Road with a land use zoning that, firstly, does not reflect the established and permitted commercial use of the site and secondly, risks restricting not just its ongoing commercial use but its future development potential.

1.31 The submission therefore strongly appeals for the service station to be zoned as a Local Centre in light of the strong and sustained planning merits pertaining to its current use for a range of such uses.