

Administrative Officer,
Planning Policy Unit,
Cork City Council,
City Hall,
Anglesea Street,
Cork

4th October 2021

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

Dear Sir/Madam,

We make this submission to 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 service station at Ballincollig, Co. Cork.

Our clients wish to contest the proposed rezoning of their service station at Ballincollig, 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 not just its ongoing commercial use but its future development potential.

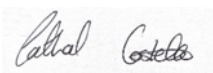
It is submitted that the proposed rezoning of the southern side of Main Street in Ballincollig, part of the existing Town Centre of the town with a Long-Term Strategic Regeneration objective is entirely inappropriate. There is no equivalent between Ballincollig Town Centre with zones such as the Cork Docklands, Tivoli, and others. The very way that the zoning objective is described and detailed in Chapter 12 of the Draft Plan reflects its inappropriateness to account properly for the whole range of permitted and established town centre uses in existence to the south of Main Street in Ballincollig, many of which are retail orientated.

On this basis, the submission strongly requests that the service station be zoned 'Urban Town Centre' in light of the strong and sustained planning merits pertaining to its existing and permitted use and its location within the existing Town Centre of Ballincollig.

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,

A handwritten signature in black ink, appearing to read 'Cathal Costello'.

Cathal Costello
Coakley O'Neill Town Planning Ltd.

1.0 Circle K Service Station, Ballincollig, Cork City.

- 1.1 The subject service station is located on the southern side of Main Street in Ballincollig town centre. It is bounded to the rear by residential housing. A single storey off licence shop is located at the eastern side of the site and shares the same vehicular access points off the roadway. A pedestrian lane providing access to housing the rear bounds the western side of the site.
- 1.2 The station comprises a single storey station building with retail and staff areas. The canopied forecourt has four pump islands. A car services area is located at the western end of this forecourt. A car wash facility is located on the southern boundary of the site. A monolith sign is located centrally onto the public roadway.



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

- 1.3 The **Governing Permission** at this site was granted under **Application Reg. Ref: 97/3299**: conditional permission granted to Statoil Ireland on the 20th July 1998 for the redevelopment of petrol station including replacement underground fuel tanks, canopy, shop building, carwash, petrol pumps and ancillary works.
- 1.4 The site is an established commercial business operating as a service station and located in a town centre area. While the land use in the immediate vicinity is mainly retail, and commercial there are some residential amenities nearby.
- 1.5 There has been a service station on the subject site for many years. The established local service function use of the service station is evident, and it will continue to serve to the local needs of the surrounding population.

Current Planning Policy Context

- 1.6 The site is currently regulated under the Cork County Development Plan 2014.
- 1.7 The site is zoned 'TC' or 'Town Centre' which reflects the operation and development of the service station with respect to the normal expected range of uses at such facilities. The objective is as follows:

County Development Plan Objective ZU 3-8: Appropriate Uses in Town Centres/ Neighbourhood Centre's

- a) *Promote the development of town centres and neighbourhood centre's as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre. Residential development will also be encouraged particularly in mixed use developments.*
 - b) *Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area.*
- 1.8 As Per the County Development Plan, Ballincollig is identified as a Sub Regional/ Large Metropolitan Town where the objective is:

TCR 44: *Support the vitality and viability of the metropolitan towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas, with an emphasis on convenience and appropriate comparison shopping.*

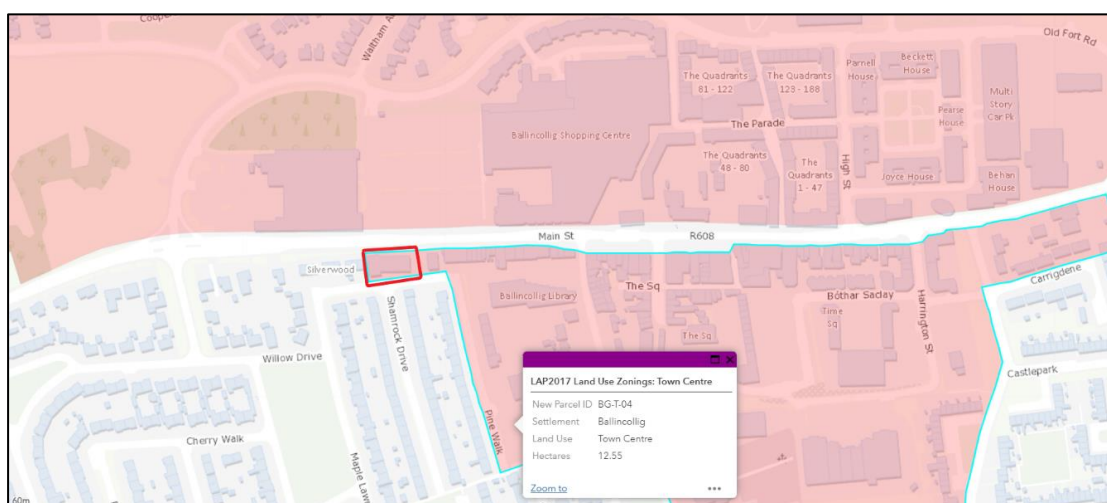


Figure 2: Existing Site Zoning (site generally outlined in red, Cork County Development Plan annotated Coakley O'Neill)

- 1.9 The current Cork County Development Plan, 2014 has a secondary objective on our clients site. This objective related to an area of regeneration and coincide with the Town Centre Zoning.

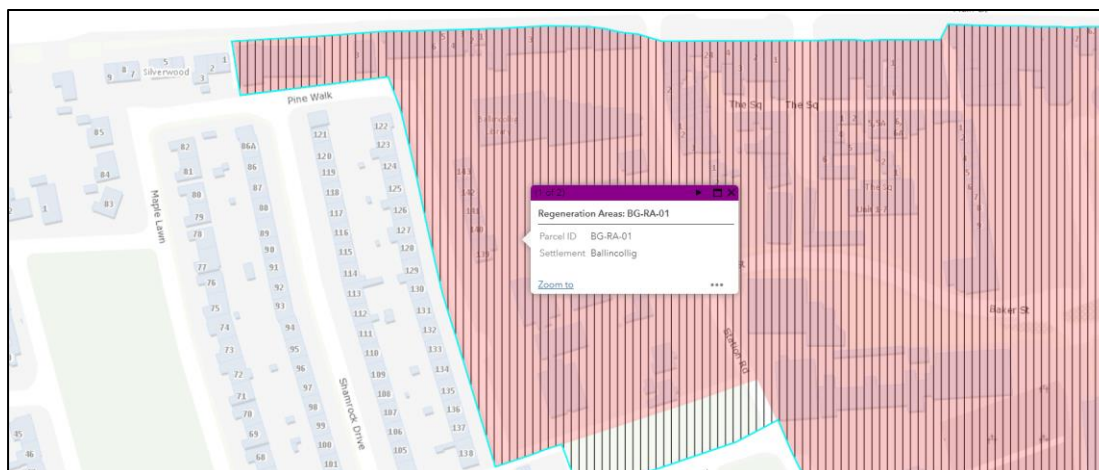


Figure 2: Existing Site Zoning (site generally outlined in red, Cork County Development Plan annotated Coakley O'Neill)

- 1.10 With regards regeneration the current Development Plan states:

County Development Plan Objective TCR 9-1:

Vacancy and Regeneration

- a) *Develop a strategy to reduce vacancy in town centres during the lifetime of the plan by utilising measures which seek to manage and ease overall vacancy. Aim to reduce the amount of vacant floorspace within core retail areas by 50% in the short term, half of which should be occupied by retail use and the remainder by nonretail uses or retail services.*
- b) *Monitor vacancy levels in town centres during the lifetime of the plan and to take appropriate actions to address the issue as necessary.*
- c) *Promote the appropriate revitalisation of vacant and derelict properties and to facilitate the adaptation of existing property in town centre areas for retail and other town centre activities.*
- d) *Promote the use of upper floors of existing buildings for residential and office use, where new development can positively contribute to the commercial vitality of the town centre.*
- e) *In the Local Area Plans, particularly in more peripheral locations which are experiencing significant vacancy issues the Council will identify and encourage the redevelopment of vacant/undertiled commercial premises to facilitate residential use.*

Proposed Planning Policy

1.11 As a result of the boundary extension Ballincollig is now located within the Cork City Jurisdiction and the service station site forms part of an area identified for Long Term Strategic Regeneration.

1.12 The objective for the proposed zoning is as follows:

To provide and promote a mix of residential, employment and other uses in the long term, to ensure the creation of a vibrant, compact, and sustainable urban area.

1.13 The purpose of this zone is to promote the development of key sites and large-scale regeneration projects for the development of new employment, housing and supporting infrastructure. It is stated that these sites have a potential to contribute significantly towards the sustainable compact growth of Cork City.

1.14 The range of permissible uses within this zone includes residential, general employment uses, offices, local services, conference centre, education, hospital, hotel, commercial leisure, cultural uses, civic institutions, childcare services, business, and technology / research uses, open space, riverside and marina uses, community and civic uses.

1.15 The Draft Development Plan identifies Ballincollig as an urban town where the objectives 10.54 and 10.56 area stated as:

Objective 10.54 Ballincollig Retail Development Consolidate the majority of new retail development within the identified Core Retail Area. Save for exceptional circumstances where no suitable site is available within the Core Retail Area. Large scale standalone retailing will not be permitted in other areas of Ballincollig.

Objective 10.56 Ballincollig Regeneration and Public Realm Strategy During the lifetime of this Plan, Cork City Council will prepare a regeneration and public realm strategy aimed at regenerating the Main Street/Times Square area.

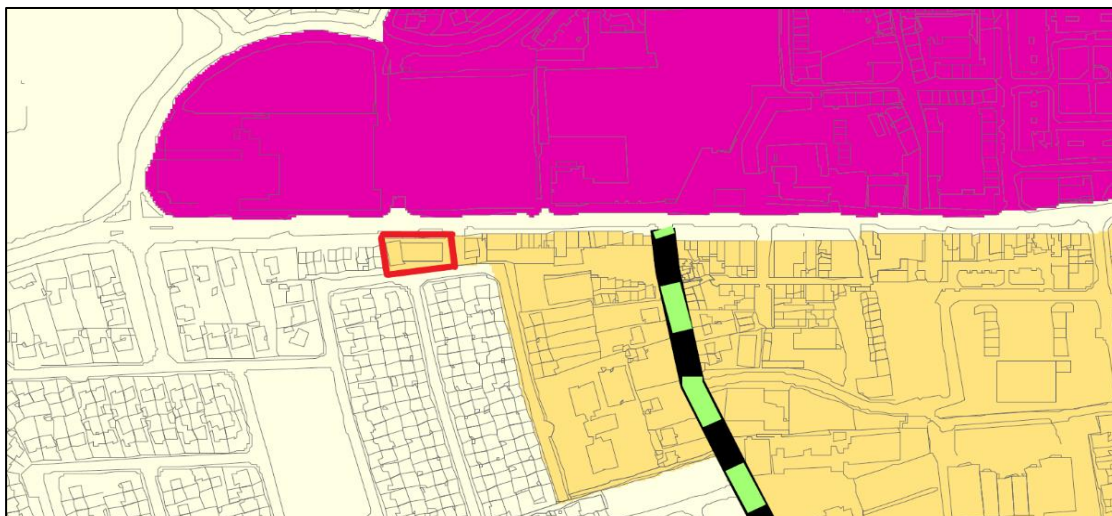


Figure 4: Proposed Site Zoning (site generally outlined in red, Draft Cork City Development Plan annotated Coakley O'Neill)

Discussion and Submission

- 1.16 The service station is proposed to be rezoned from its existing Town Centre zoning to form part of an area for Long Term Strategic Regeneration in the Draft Cork City Development Plan.
- 1.17 This proposal is not supported by our clients and does not find any significant support in established national planning policies relating to the development of established town centre areas.
- 1.18 Central Ballincollig is identified in the Draft Plan as a large district centre west of Cork City, soon to benefit from improved public transport connectivity with the Cork Light Rail project set to provide frequent services to the City and Mahon.
- 1.19 The proposed zoning of Long-Term Strategic Regeneration does not reflect the site's long established and permitted town centre use. with retail uses not listed as one of those acceptable in principle, the proposed zoning risks undermining the reasonable expansion of our clients business in the short to medium terms.
- 1.20 The proposed zoning objective places a greater emphasis on the large scale long term regeneration as opposed to support for the continued viability and operation of existing and permitted employment related uses within the town centre.
- 1.21 This approach may be entirely reasonable in terms of large brownfield industrial locations such as Tivoli or Cork Docklands, but it is wholly inappropriate for an existing town centre, in its failure to properly support and promote existing employment and retail uses vital to the continued vitality and sustainability of the town.

- 1.22 The subject site fronts onto Main St. Ballincollig. It comprises a Circle K Service Station. It is located adjacent to number of commercial properties and has been in use as an established service station for an extended period of time. The current operation and uses on site demonstrate that the station provides a 'Town Centre' function to the surrounding area. The zoning proposed however may not allow for reasonable expansion and growth of these uses and therefore unduly curtails any reasonable development of the services provided.
- 1.23 The site effectively as a Town centre use supporting the vitality and viability of that area. The Planning Authority will note that the station is strategically located relative to existing and proposed population and employment areas, is extremely accessible by car, bicycle and on foot.
- 1.24 It is our submission that an approach similar to the current approach of zoning the lands Town Centre with a secondary objective of Regeneration would be much more suited and applicable approach to the development and regulation of our clients lands and the commercial properties in the area in general.



Figure 4: Site context illustrating strong commercial and residential character of area surround service station, which is shown in red.

- 1.25 Into the future, our clients site will continue to operate as a fuel station, but the focus may be on expanding the range of services, including additional retail floorspace, expanded food court/restaurant/cafe uses and other active ground floor uses.
- 1.26 It is evident that the proposed Long Term Strategic Regeneration zoning objective use does not reflect the nature of the established and permitted service station use at the subject site.
- 1.27 Our clients cannot 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. In this respect it is submitted that the proposed Long Term Regeneration zoning objective is anti-competitive and contravenes the Retail Planning Guidelines in terms of its impact upon an existing retail outlet.
- 1.28 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. The planning policy rationale underpinning this is set out below.

- 1.29 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.

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

- 1.31 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. On this basis, planning authorities are advised to have regard to the changing role of cities 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; see district centres below;
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;

- 1.32 Service stations uses are continuing to grow and expand. It is now common practice for convenience food stores, whether at service stations or not, to increase their services as part of their product offering.
- 1.33 In this regard, any proposed zoning objective is important to our clients as it allows for future flexibility to operate, change, and expand, as necessary. A failure of the planning process to allow our clients this flexibility would be anti-competitive.
- 1.34 On all these grounds, this service station site presents a strong credible case for the zoning designation that allows for the continued operation of the existing permitted service station use, something which would be directly achieved by an Urban Town Centre zoning.

Conclusion

- 1.35 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 at Ballincollig Town Centre, 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 'Long Term Regeneration' zoning objective for the site fails to reflect its current and permitted use.**
- 1.36 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 Long Term Regeneration zoning in the Draft Plan.
- 1.37 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.
- 1.38 Furthermore, the site's designation as an Urban Town 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.
- 1.39 In conclusion, our clients contest the proposed zoning of their service station at Ballincollig 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.
- 1.40 The submission therefore strongly appeals for the service station to be zoned as a Urban Town Centre in light of the strong and sustained planning merits pertaining to its current use for a range of such uses.