

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 Polefield service station on Commons Road in Blackpool, Cork City.

Our clients strongly oppose the proposed zoning of their service station at 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.

Our clients wish to contest the proposed zoning of their service station at Commons 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 damages 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,

A handwritten signature in black ink that reads 'Alannah Hurley'.

Alannah Hurley
Coakley O'Neill Town Planning Ltd.

1.0 Circle K Polefield, Commons Road

- 1.1 The subject site comprises an existing Circle K Polefield service station located on Commons Road in Blackpool to the north of Cork City. The service station site is generally triangular in shape, is comprised of 3 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 Commons Road/N20. 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 as well as a laundry kiosk are located to the south of the main amenity building. A Parcel Motel is also located at the eastern side of the building.
- 1.3 The site is bound to the north by Commons Road, to the west by residential estates such as Mulberry & St. Michael's, to the south is a Dino's Restaurant and to the east is the N20 with Blackpool Retail Park located at the opposite side of the road.

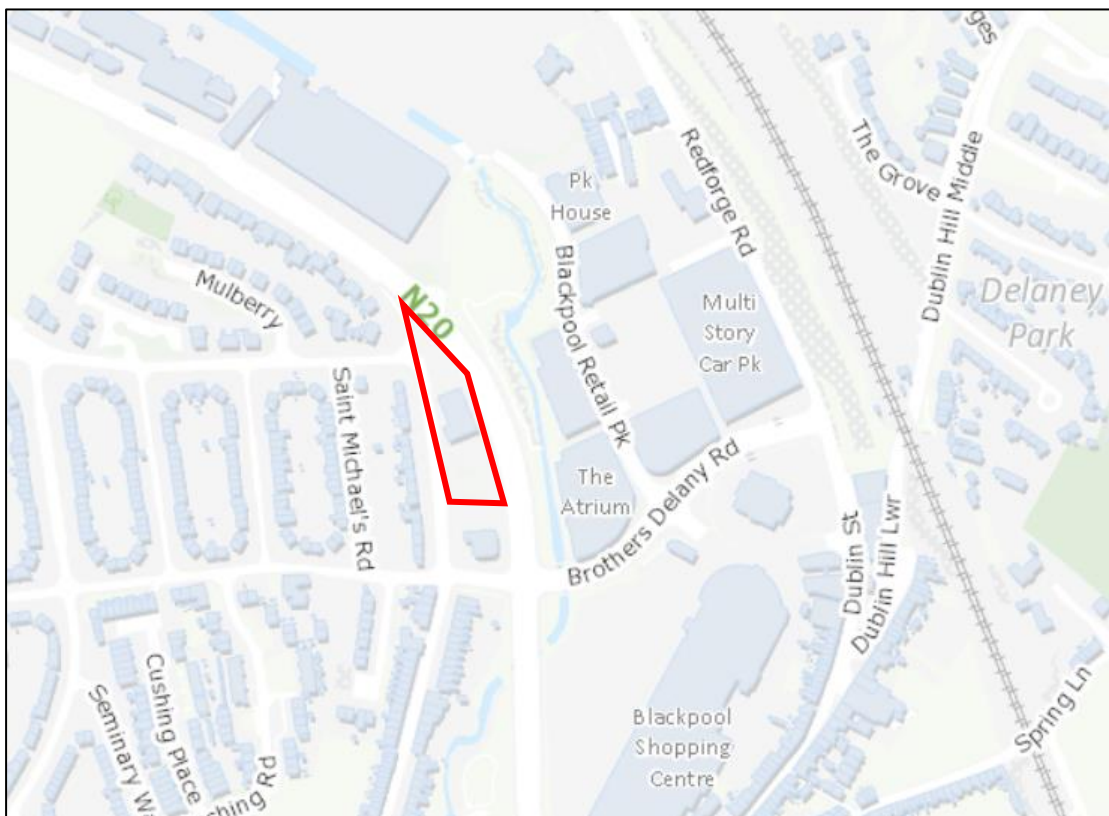


Figure 1: Site Location (generally outline in red, source MyPlan, annotated Coakley O'Neill)

Current Planning Policy

- 1.4 In the current Cork City Development Plan, 2015, the existing service station site is zoned '4 – Residential, Local Services and Institutional Uses' which has had the effect of undermining 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:

Objective for ZO 4 Residential, Local Services and Institutional Uses' To protect and provide for residential uses, local services, institutional uses, and civic uses, having regard to employment policies outlined in Chapter 3.



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

- 1.5 The current Plan also states at section 15.10 in relation to this land-use zoning that:

The provision and protection of residential uses and residential amenity is a central objective of this zoning, which covers much of the land in the suburban area. However other uses, including small scale local services, institutional uses and civic uses and provision of public infrastructure and utilities are permitted, provided they do not detract from residential amenity and do not conflict with the employment use policies in Chapter 3 and related zoning objectives. Small scale 'corner shops' and other local services such as local medical services, will be open for consideration. Schools, third level education institutes, and major established health facilities are located within this zone and appropriate expansion of these facilities will be acceptable in principle. The employment policies in Chapter 3 designate particular locations for offices, office based industry, major retailing development and these uses are not generally permitted in this zone (Chapter 3: Enterprise and Employment). New local and neighbourhood centres or expansion of same are open for consideration in this zone provided they meet the criteria for such centres set out in Chapter 4.

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 Neighbourhoods' 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

- 1.0 This submission argues that a 'ZO 09 Neighbourhood and Local Centres' zoning objective should be applied to the site of the existing Circle K Polefield, Commons Road service station.
- 1.11 The subject site is located on N20/Commons 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 N20 national route, used daily by thousands of commuters. It is extremely accessible, near existing residential areas to the west and south and is also located adjacent to significant 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.
- 1.18 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.
- 1.19 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.

- 1.20 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.

- 1.21 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.
- 1.22 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;
- 1.23 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

- 1.24 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 along the N20, nearby existing residential to the west and south and also nearby significant 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.**
- 1.25 On all these grounds our client's 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 is directly undermined by the proposed Sustainable Residential Neighbourhoods zoning in the Draft Plan.
- 1.26 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 services in accordance with customer expectations and the proper planning and sustainable development of the area.
- 1.27 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.
- 1.28 In addition, it places an appropriate emphasis on the regeneration and intensification of existing developed lands and the provision of sustainable employment generating uses.
- 1.29 In conclusion, our clients strongly oppose the proposed zoning of their service station at Commons 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 not just its ongoing commercial use but its future development potential.
- 1.30 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.