



An
Bord
Pleanála

Inspector's Report ABP-303645-19

Development	Amalgamation of 2 no. separate retail units and the change of use of the combined space to a café with new shopfront and signage, an extension to the rear and the provision of external seating with 2 no. awnings.
Location	Units 1a and 1b Hazelwood Centre Ballincrossig, Glanmire, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/6549
Applicant	Vincent Edwards
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party v. Grant
Appellant(s)	Oliver O'Neill
Observer(s)	None
Date of Site Inspection	9 th May 2019
Inspector	Elaine Power

1.0 Site Location and Description

- 1.1. The subject site comprises 2 no. vacant retail units within the Hazelwood Centre in Glanmire. The units are single storey with a hipped roof and have a combined gross floor area of 127sqm. The site is bound to the north by Hazelwood (public road L-2965), to the south by a dental practice, to the east by the River Glasaboy and to the west by the internal access road to the Hazelwood Centre. There are double yellow lines located directly outside the subject site.
- 1.2. The Hazelwood Centre was constructed in the early 1990's and is located in a designated Flood Risk Zone. The centre accommodates a variety of commercial and retail uses with a large communal car park in the centre. The centre is linked to the Crestfield Shopping Centre via a vehicular bridge over the River Glasaboy.

2.0 Proposed Development

- 2.1. The proposed development comprises the follows: -
 - a. The amalgamation of 2 no. separate retail units;
 - b. The change of use from retail to café;
 - c. Alterations to the northern elevation to provide a new shop front and signage;
 - d. A 5.1sqm rear extension; and
 - e. An external seating area with 2 no. tensile fabric awnings.
- 2.2. The application included a Flood Impact Assessment.
- 2.3. Further information was requested regarding 2 no issues. The issues related to (1) clarity of the address of the subject site and (2) the submission of a Draft Construction, Demolition and Environmental Management Plan. The response to further information did not result in any alterations to the design or layout of the development.

3.0 Planning Authority Decision

3.1. Decision

Permission was granted subject to 7 no. conditions. The relevant conditions are noted below: -

Condition 1 Clarified that permission was granted for the development submitted by way of further information.

Conditions 2 and 3 related to surface water drainage arrangements for the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The final Area Planners report recommended that permission be granted subject to conditions.

3.2.2. Other Technical Reports

Area Engineer: No objection

Environmental Report: No objection

3.3. Prescribed Bodies

Irish Water: No objection.

3.4. Third Party Observations

There are 2 no. submission on file (1) Oliver O'Neill, who runs a café in Glanmire, the concerns raised are similar to those in the third-party appeal submission and (2) Josephine Griffin, who owns the adjoining dental clinic. The concerns raised are summarised below: -

- The development address is incorrect, the adjoining unit (a dental clinic) is No. 1a.
- Insufficient drainage information has been submitted with the application. There are on-going issues with foul and storm drains associated with the subject site and the adjoining unit.
- The existing water supply is interconnected with the adjoining unit (dental practice). Concerns are raised that the proposed works would impact on water supply.
- Building regulations need to be complied with.
- There are concerns that noise generated by the development both during the construction phase and the day to day operation of the café would have a negative impact on clients of the adjoining dental clinic. It is recommended that conditions be attached to limit and prevent noise.

4.0 Planning History

Subject Site

Reg. Ref. 96/255, Reg. Ref. 97/4655 and Reg. Ref. 99/7244 relate to minor alterations and extensions to a medical centre.

Reg. Ref. 02/2963: Permission was granted in 2002 for the change of use of first floor apartments to a doctor's surgery and a change of use of ground floor from medical centre to retail.

Adjoining Site

Reg. Ref. 13/4249: Permission granted in 2013 for a first floor extension to an existing dental practice. An Extension of Duration (Reg. Ref. 18/4605) was granted in 2018.

5.0 Policy and Context

5.1. Cobh Municipal District Local Area Plan, 2017

5.1.1. Glanmire is identified as a 'Main Town' in the Local Area Plan. The subject site is located in an area zoned GM-T-01 – Town Centre / Neighbourhood Centre, with the associated Objective GM-T-01 – to consolidate the Hazelwood Shopping Centre.

5.1.2. The site is located in an Area Susceptible to Flooding. The OPW have prepared a Glashaboy Flood Relief Scheme. It is intended that the plan will be implemented within the lifetime of this LAP. Policy GM-GO-04 relates to supporting the implementation of the plan.

5.2. Cork County Development Plan, 2014

Policy TCR 13-1 provides guidance on shopfront signage.

5.3. National Guidance

- *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)*

5.4. Natural Heritage Designations

The site is located approx. 1.6km north of Cork Harbour SPA (site Code 004030).

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was submitted from Oliver O'Neill who owns a café in Glanmire. The concerns raised in the appeal are summarised below.

- There is an overprovision of cafés / food outlets in Glanmire. The proposed development will negatively impact on existing businesses in the area.

- The development is located within a flood zone.
- No parking associated with the units. It is located at a busy junction with no traffic lights or pedestrian crossing. The proposed development would be a traffic hazard.

6.2. Applicant Response

A detailed response was submitted to the issues raised in the appeal. The response is summarised below.

- The main concern raised in the appeal relates to potential competition from the proposed development. This is not a planning issue. The proposed development is compliant with national and local planning guidelines. A detailed list of existing food outlets in Glanmire has been provided and CSO data has been provided which indicates that there is a sufficient population in Glanmire to support the existing and proposed food outlets in the area.
- The proposed design and layout is in keeping with the character of the centre. The proposed café will contribute to the vibrancy, vitality and viability of the area. The development will not injure the amenities of the area or property in the vicinity.
- It is acknowledged that the site is located within Flood Zone. However, as the buildings are existing and having regard to the scale of the works it is considered that the proposed development is acceptable. The applicant refers to the guidance set out in the Planning System and Flood Risk Management: Guidelines for Planning Authorities and notes that the proposed use is a 'less vulnerable development' and is appropriate in this instance.
- The proposed development will operate as a complementary service to the existing using within the Hazelwood Centre and will not generate a significant increase in pedestrian movements accessing the Hazelwood Centre. Communal car parking is provided for the centre. No individual unit is proposed

with designated car parking. The proposed development will not result in a traffic hazard or result in any road safety issues.

- It is also noted that the applicant has entered into discussions with the adjoining property (Dental Clinic) and that all concerns raised in the submission to the Planning Authority regarding water services, noise and the structural stability of the development have been resolved.

6.3. Planning Authority Response

None

6.4. Further Responses

The appellant submitted a response to the applicant's submission and reiterated the concerns raised in the appeal regarding an oversupply of food outlets in the area, the location of the site within a flood zone and the potential for a traffic hazard. The response also noted that parking restrictions have recently been implemented in the Hazelwood Centre as spaces were being used as long-term car parking for local residents commuting to work in Cork City.

7.0 Assessment

- 7.1. The main concern raised in the appeal relates to economic considerations and the impact that a new café would have on the appellants existing business. Section 2.5.3 of the Retail Planning Guidelines, 2012 states '*the planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation*'. Therefore, the issue of oversupply of cafes / food outlets will not be given consideration in the assessment.
- 7.2. The subject site is located within an established commercial centre which accommodates a variety of services, including banking, medical and retail. The site is zoned GM-T-01 – Town Centre. The proposed amalgamation of 2 no. vacant retail units, the change of use to a single café use with a small scale (5.1sqm) rear extension

and the provision of an outdoor seating area is considered compatible with this zoning objective.

7.3. The main planning issues in this appeal relate to an under provision of car parking and flood risk. Appropriate Assessment requirements are also considered. I am satisfied that no other substantial planning issues arise. The main issues can be dealt with under the following headings:

- Parking and Traffic
- Flood Risk
- Appropriate Assessment.

7.4. ***Parking and Traffic***

7.4.1. Concerns have been raised that the lack of dedicated car parking adjacent to the site would result in a traffic hazard.

7.4.2. Car parking for all units within the Hazelwood Centre is provided within a central area. The Hazelwood Centre is linked via a vehicular bridge over the Glasaboy River to the Crestfield Centre, with access to additional car parking spaces. Having regard to the location of the site within the centre of Glanmire and the number of car parking spaces provided both within the Hazelwood Centre and the Crestfield Centre it is considered that there is sufficient car parking to accommodate the proposed development without impacting on the surrounding road network.

7.4.3. Concerns were also raised regarding the potential for conflicted between vehicular and pedestrian movements at a busy junction with no traffic lights. The site is located within an existing urban centre with footpaths linking the site to the town centre and surrounding residential estates. Having regard to the nature and scale of the proposed development it is my opinion that the proposed development is unlikely to generate a significant number of additional vehicular trips to the Hazelwood Centre and would not endanger public safety by reason of a traffic hazard or result in any road safety issues.

7.5. **Flood Risk**

- 7.5.1. The site is immediately adjacent to the Glasaboy River and is located within a Flood Zone. The applicants Flood Risk Assessment notes that the subject site is located within Flood Zone A. The OPW Maps - Lee Catchment Flood Risk Assessment and Management Study submitted to the Planning Authority indicates the site is located in Flood Zone B, adjacent to Flood Zone A.
- 7.5.2. In Flood Zone B the probability of flooding from rivers and the sea is moderate (between 0.1% and 1% or between 1 in a 1000 and 1 in 100 for river flooding). The OPW maps do not indicate any flood events in the vicinity of the site.
- 7.5.3. The Planning System and Flood Risk Management Guidelines, 2009 outlines in Table 3.1 the 'vulnerability of different types of development'. The proposed use is considered a less vulnerable development. In accordance with Table 3.2 of the guidelines a Justification Test is not required for a less vulnerable use in Flood Zone B.
- 7.5.4. The guidelines also refer to minor proposals which are unlikely to result in significant flooding issues, unless they obstruct important flow paths, introduce a significant additional number of people into a flood risk area or relate to the storage of hazardous substances. They note that as such minor proposals relate to existing buildings the sequential approach cannot be used to relocate them in lower risk areas, and the Justification Test will not apply. However, a risk assessment should accompany any application and shall demonstrate that the proposed development would not have an adverse impact or impede access to a watercourse, floodplain or flood protection and management facilities.
- 7.5.5. The proposal has been the subject of a site specific flood risk assessment which indicates that the proposal is a less vulnerable development and that the proposed 5.1sqm rear extension would not increase the risk of flooding. The assessment notes that the finished floor level of the existing units and the proposed extension is 310mm above future anticipated flood levels. The document also contains a flood

management plan to minimise flood risk to people, property, the economy and the environment.

- 7.5.6. It is noted that the Planning Authority's Area Engineer raised no concerns regarding the proposed development. I have reviewed all the submitted relevant documentation and I would conclude that the proposed development would adequately satisfy the flood risk concern.

7.6. ***Appropriate Assessment.***

The subject site is located approx. 1.6km north of Cork Harbour SPA (Site Code. 004030). Having regard to the nature and small scale of the proposed development within a serviced urban area and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

8.0 **Recommendation**

- 8.1. It is recommended that permission be granted subject to conditions.

9.0 **Reasons and Considerations**

Having regard to the 'Town Centre' zoning objective of the subject site, the pattern of development in the area and the small scale of the proposed development it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable and would not seriously injure the amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of December 2018 by way of further information, 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. Prior to commencement of development the applicant shall agree the hours of operation with the planning authority.

Reason: In the interest of amenities of property in the vicinity

3. Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to protect the historic fabric of the building.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. The developer shall control odour emissions from the premises in accordance with measures which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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 residential amenities of property in the vicinity.

Elaine Power
Planning Inspector

20th May 2019