



An
Bord
Pleanála

Inspector's Report

ABP-317198-23

Development	Change of use from office to fast food restaurant.
Location	Unit 3, Hazelwood Shopping Centre, Glanmire, Co. Cork
Planning Authority	Cork City Council
Planning Authority Reg. Ref.	2341709
Applicant(s)	Maano Foods (Cork) Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Mícheál O'Dowd
Observer(s)	None on file
Date of Site Inspection	15 th July 2023
Inspector	Sarah Moran

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1.0 Site Location and Description

1.1. The site, stated area 0.0278 ha, is an existing standalone, single storey unit within the Hazelwood Shopping Centre, Glanmire, Co. Cork. It is adjacent to the access to the centre from Hazelwood Road. The rear of the building looks onto the R639, the main road through Glanmire and the northern side elevation faces Hazelwood Road. The building appears to be unoccupied at present.

2.0 Proposed Development

- 2.1. Permission is sought to change the use of the premises (176 sq.m.) from financial services to take-away restaurant premises including changes to the front elevation and new signage on all elevations.
- 2.2. The applicant submitted revised elevations omitting illuminated signage, also details of proposed hours of operation, a Noise Report and an Operational Waste Management Plan to the planning authority on 12th April 2023 in response to a request for further information (RFI) by Cork City Council (CCC).

3.0 Planning Authority Decision

3.1. Decision

3.2. CCC issued a RFI on 13th March 2023, for particulars as set out in the report of the Executive Planner dated 9th March 2023. The planning authority issued a Notification of a Decision to Grant Permission on 9th May 2023, subject to 16 no. conditions. Condition no. 2 limited the hours of operation of the premises from 12pm to 12 am, Monday to Sunday. Condition no. 3 omitted proposed signage from the clock tower. The remaining conditions imposed did not involve any significant changes to the proposed development.

3.3. Planning Authority Reports

3.3.1. Planning Reports

- Executive Planner report, 9th March 2023, recommends RFI for issues raised in the technical reports below, also revised design with omission of illuminated

signage from proposed elevations and details of proposed hours of operation. Second report of EP, 4th May 2023, considers that the matters raised in the RFI have been satisfactorily addressed and recommends permission subject to conditions.

- Senior Executive Planner report, 10th March 2023, recommends RFI as per the report of the Executive Planner. SEP comment, 9th May 2023, recommends permission subject to conditions.

3.3.2. Other Technical Reports

- CCC Waste Management & Control Environment Directorate, 30th January 2023. Recommend RFI for details of waste management and potential noise impacts. Second report, 19th April 2023, on foot of RFI, states no objection subject to conditions.
- CCC Area Engineer CCC Operations/Road Maintenance, 17th February 2023, no objection subject to conditions.
- CCC Infrastructure Development Directorate, A/Senior Executive Engineer, 20th February 2023, no objection.
- CCC Transport & Mobility Roads & Transportation Directorate, 28th February 2023. Recommends RFI for details of proposed illuminated signage. Second report, 2nd May 2023, states satisfaction with the response to RFI and recommends conditions.
- CCC Development Contributions Report, 9th March 2023, calculates recommended development contributions.

3.4. **Prescribed Bodies**

- 3.4.1. None on file.

3.5. **Third Party Observations**

- 3.5.1. There is one third party submission on file by the above named appellant, which objects to the development on grounds similar to those raised in the grounds of appeal.

4.0 Planning History

4.1.1. Reg. Ref. 15/5897

Permission granted for alterations to east elevation (front), north elevation (side) and west elevation (rear) of existing bank to comprise replacement of existing signage with new signage, and, proposed replacement of existing sign to west of existing bank with new sign, and all associated site works.

5.0 Policy Context

5.1. Cork City Development Plan 2022-2028

- 5.1.1. The site has the land use zoning objective ZO 6, Urban Town Centre, with the following stated objective:

To consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services.

The following related policies apply:

ZO 6.1 This zone applies to the central areas of the major urban towns of Ballincollig, Blarney and Glanmire. These areas each have distinct characters and cultures and have great potential to contribute to the sustainable compact growth of Cork City. Chapter 7 Economy and Employment sets out further objectives for Urban Town Centres.

ZO 6.2 The primary purpose of this zone is to consolidate and develop the existing urban town centre areas as primary locations for retail, economic, residential, cultural, community, leisure, civic and other related uses. 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 be encouraged particularly in mixed use developments.

ZO 6.3 Development proposals in this zone must demonstrate how the proposal would respect, reflect or contribute to the character and vibrancy of the particular urban town centre, commensurate with the nature and scale of the development.

Developments must deliver a quality urban environment and public realm with a focus on accessibility and permeability.

- 5.1.2. The Core Strategy set out in development plan Chapter 2 includes the following as cited in the grounds of appeal:

2.29 Cork City has an existing and emerging network of neighbourhoods within the city centre, the city suburbs and the four urban towns. This network is based on 10-minute walking areas (800m) that provide a mix of homes, schools, shops, parks, jobs and community spaces. Planning for Liveable Walkable Neighbourhoods requires the integration of a range of house types and tenures, jobs, recreation, green space, local shops, medical centres, small businesses and more. New developments need to reflect and respond to existing context by delivering the right mix of uses at a scale and design that creates high quality places. They also need to enhance the neighbourhood by increasing social interactions that improve the quality of life.

- 5.1.3. Glanmire is listed as a Small Urban Town Centre at level 3 of the Retail Hierarchy set out in development Plan Chapter 7:

7.90 Blarney and Glanmire are Small Urban Town Centres (Level 3 in the Retail Hierarchy). They have a more limited retail role and function than Level 2 District Centres and Large Urban Town Centres. Retail representation in these centres is primarily focused on local convenience and service provision, with a limited comparison offer such as small-scale hardware, retail pharmacies and clothes shops. Given the level of proposed residential growth in Blarney and Glanmire some additional retail development could be directed towards these centres in order to allow them to adequately cater for the needs of their future populations, thereby reinforcing their Small Urban Town status.

- 5.1.4. Development plan Chapter 11 sets out development management policies and objectives. The following are noted in particular.

11.177 Non-Retail Employment Uses in the City, Town and District Centres

The mix of uses being proposed within individual development schemes, particularly in mixed use areas such as the City Centre, Town, District Centres need to be orientated towards placemaking and creating vibrant centres both in terms of the mix

of uses (avoiding an over-dominance of non retail uses) and the design (including the scale, massing, layout and appearance) of the scheme. Where possible, proposals should prioritise the provision of active uses at ground floor level and optimise opportunities to incorporate landscaping and facilitate public realm and urban design improvements. Proposals should also:

- 1. Consider compatibility with adjoining uses;*
- 2. Be supported by a travel plan;*
- 3. Ensure that signage is of an appropriate scale and design so as to be compatible with the character of the area and avoid cumulative proliferation of signage;*
- 4. Incorporate dedicated waste management/ storage facilities on-site;*
- 5. Maximise opportunities to incorporate climate mitigation and action measures in accordance with Objectives contained in Chapters 5 and 6.*

11.185 Cafés / Restaurants

The positive contribution of cafés and restaurants and the clusters of such uses to the vitality of the City is recognised. The following shall be considered in assessing applications for cafés/ restaurants:

- 1. The need to retain, protect and strengthen the vitality and multi-use function of designated centres;*
- 2. The number/frequency of cafés / restaurants in the area;*
- 3. The effect of noise, fumes, hours of operation, and general disturbance on nearby amenities and residents. Full details of any external extractor fans/vents and hours of operation of the development shall form part of a planning application;*
- 4. Traffic implications including adequate and safe delivery areas;*
- 5. Waste storage facilities;*
- 6. Any proposed signage/advertising/lighting shall be suitable and unobtrusive.*

11.186 Hot Food Takeaways / Fast-food Restaurants

In order to maintain an appropriate mix of uses and protect night-time amenities in a particular area, it is the objective of Cork City Council to prevent new takeaways in inappropriate locations, to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area. In order to protect residential amenity, fast-food takeaway units will be resisted in predominantly residential areas and only permitted in designated centres and will be subject to the criteria below. The provision of hot food takeaways/fast-food restaurants will be strictly controlled having regard to the following:

- 1. The need to safeguard the vitality and viability of designated centres in the city and to maintain a suitable mix of retail and other uses. The proliferation or oversupply of takeaways that cause or are likely to cause disturbance or nuisance, detract from amenities or seriously detract from an area generally in terms of use and services mix will not be permitted;*
- 2. Land use zoning and specific objectives contained in the plan (for example Objectives 10.6 City Centre Land Use on Primary Retail Frontages and Objective 10.7 City Centre Land Use on Secondary Retail Frontages);*
- 3. The potential impacts on buildings on the RPS, NIAH or in Architectural Conservation Areas;*
- 4. The impact on the economic viability of streets;*
- 5. The number/frequency of such facilities in the area;*
- 6. The effect of fumes, hours of operation, and general disturbance on nearby amenities and residents;*
- 7. The need for adequate ventilation systems which are to be integrated into the design of the building;*
- 8. Design of the unit in particular the shopfront and the need to avoid dead frontage onto the street;*
- 9. Any proposed advertising/lighting should be suitable and unobtrusive. Any advertising/ signage should be removed on the cessation of operation of the business;*

10. Traffic implications resulting from the proposed development;

11. Fast food outlets/takeaways with proposed drive-through facilities will generally only be acceptable within designated Level 2 District/ Large Urban Town Centres (Ballincollig) and will be assessed on a case-by-case basis.

5.2. Natural Heritage Designations

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

5.3. EIA Screening

5.3.1. Having regard to the modest scale and nature of the proposed development being a change of use of commercial premises at an existing building in a built up area, I consider that the requirement for submission of an EIAR and carrying out of an EIA may be discounted at a preliminary stage.

6.0 The Appeal

6.1. Grounds of Third Party Appeal

6.1.1. The grounds of appeal may be summarised as follows:

- There is already an over concentration of existing takeaway type uses in the Glanmire area. There are at least eight premises out of c. 40 units in the Hazelwood/ Crestfield centre alone, which results in c. 20% of all businesses in the principal commercial centre for Glanmire are takeaway businesses. There are three business that offer hot freshly made pizzas of the same type as proposed by the applicant. This concentration of a single type of service is not in accordance with the proper planning and development of the area, note development plan policies 2.29 and 11.186.
- The building is currently vacant because the current owners have chosen to leave it unoccupied and not because of lack of demand for the existing established financial services use. There is demand for high quality commercial buildings in Glanmire and there is a lack of financial and professional services,

retail, community facilities and doctor surgeries in the area. The choice to be made is not between a vacant unit and a fast food business but between a fast food takeaway and a different business.

- The development would result in increased traffic and car parking demand in the Hazelwood area. Use of the development will be primarily car based in contravention of development plan policy. The site is located at a 'pinch point' at the access to the Hazelwood Shopping Centre. There is a lack of parking in the immediate vicinity of the premises. There is often high demand for parking at the Hazelwood Centre due to its proximity to a school and a funeral home. There is no parking enforcement at the centre. A condition should be imposed requiring the proposed use to operate as a delivery business only. A traffic survey should be carried out by the applicant.
- The planning authority did not give adequate consideration to the above issues in its planning assessment of the proposed development.

6.2. Applicant Response

6.2.1. The applicant has submitted a response to the third party appeal. The following points of same are noted:

- The applicant has engaged with the planning authority and has clarified details relating to signage, hours of operation and waste management to its satisfaction.
- The proposed reuse of the building is a significant improvement from its current vacant state.
- The proposed use is in accordance with the Z06 zoning objective and related development plan objectives.
- The development will not result in any overconcentration of use at the mixed use Hazelwood shopping centre, as noted in the planning reports on file, and will not have any adverse impact on the economic viability of the area.
- The development is not adjacent to any residential properties and will have no adverse impact on residential amenities.

- The development will not have any adverse traffic impacts as customer arrivals will be spread out throughout opening hours of the facility and will mainly occur in the later afternoon and evening when many of the retail and business uses at the Hazelwood Centre will already be closed. The technical reports on file do not raise any concerns in relation to traffic impacts.

6.3. Planning Authority Response

6.3.1. None on file.

6.4. Observations

6.4.1. None on file.

6.5. Further Responses

6.5.1. None on file.

7.0 Assessment

7.1. I have read through the file documentation and the relevant provisions of the City Development Plan and have carried out a site inspection. The main issues are those raised in the grounds of appeal. Overall, I am satisfied that no other substantive issues arise. The development is connected to the public sewer and water supply and the site is located in Flood Zone C as per the Strategic Flood Risk Assessment of the current development plan. The matters of external illuminated signage and waste management at the premises were resolved to the satisfaction of the planning authority by way of a Request for Further Information, as per the planning and technical reports on file. They have not been raised in the grounds of appeal and I see no reason to revisit them here. The relevant issues may therefore be dealt with under the following headings:

- Principle of Development
- Roads and Traffic Issues
- Appropriate Assessment

7.2. Principle of Development

- 7.2.1. Glanmire is defined as a Small Urban Town Centre at level 3 of the Retail Hierarchy set out in Chapter 7 of the Cork City Development Plan 2022-2028. Development plan section 7.90 notes that the Small Urban Town Centres of Blarney and Glanmire have a more limited retail role and function than Level 2 District Centres and Large Urban Town Centres. Retail representation in these centres is primarily focused on local convenience and service provision, with a limited comparison offer such as small-scale hardware, retail pharmacies and clothes shops. The development plan states that, given the level of proposed residential growth in Blarney and Glanmire some additional retail development could be directed towards these centres in order to allow them to adequately cater for the needs of their future populations, thereby reinforcing their Small Urban Town status.
- 7.2.2. The development site is zoned Z06 Urban Town Centre, with the stated objective to consolidate and provide for the development and enhancement of urban town centres as primary locations for mixed use retail, economic and residential growth which also act as a focus for a range of services. I consider that the proposed takeaway use is acceptable in principle under this zoning objective, noting also related objectives ZO 6, ZO 6.2 and ZO 6.3 as set out above.
- 7.3. The appellant submits that the proposed takeaway pizza franchise at the subject site will result in an overconcentration of such outlets in the area. Development plan policy 11.177 relating to 'Non-Retail Employment Uses in the City, Town and District Centres' states that an over dominance of non-retail uses should be avoided in mixed use areas such as the City Centre, Town, District Centres. Development plan policy 11.186 relating to cafés/restaurants recognises the positive contribution of clusters of cafés and restaurants to the vitality of the city and states issues to be considered in assessing proposals for such uses, including the need to retain, protect and strengthen the vitality and multi-use function of designated centres; the number/frequency of cafés/restaurants in the area and the need for placemaking and creating vibrant centres, avoiding an over-dominance of non-retail uses. Development plan policy 11.187 relating to hot food takeaways/ fast-food restaurants states:

In order to maintain an appropriate mix of uses and protect night-time amenities in a particular area, it is the objective of Cork City Council to prevent new takeaways in inappropriate locations, to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area. In order to protect residential amenity, fast-food takeaway units will be resisted in predominantly residential areas and only permitted in designated centres and will be subject to the criteria below.

7.3.1. The proposed development may be considered with regard to the detailed criteria set out in policy 11.187 as follows:

- *The need to safeguard the vitality and viability of designated centres in the city and to maintain a suitable mix of retail and other uses. The proliferation or oversupply of takeaways that cause or are likely to cause disturbance or nuisance, detract from amenities or seriously detract from an area generally in terms of use and services mix will not be permitted;*

The applicant has submitted a Noise Report and an Operational Waste Management Plan. I am satisfied that the proposed use will not have any significant adverse impacts on adjacent amenities by way of noise or disturbance, noting also that the site is located in an established town centre area and is not immediately adjacent to residential properties. While there are other takeaway outlets in the Hazelwood and Crestfield shopping centres, there is no such outlet in the immediate vicinity of the development site.

- *Land use zoning and specific objectives contained in the plan (for example Objectives 10.6 City Centre Land Use on Primary Retail Frontages and Objective 10.7 City Centre Land Use on Secondary Retail Frontages);*

As discussed above, the proposed use is considered to be acceptable in principle under the Z06 zoning objective.

- *The potential impacts on buildings on the RPS, NIAH or in Architectural Conservation Areas;*

There are no protected structures or conservation areas in the immediate vicinity of the development site.

- *The impact on the economic viability of streets;*

The site is located in an established and apparently thriving mixed use Small Town Centre.

- *The number/frequency of such facilities in the area;*

I note the comments of the appellant that there are at least eight takeaway premises out of c. 40 units in the Hazelwood/ Crestfield centre, including three businesses that offer hot freshly made pizzas of the same type as proposed by the applicant. Having inspected the site and surrounding area and with regard to the documentation on file, I note that there is a variety of business premises and local services currently operating from the Hazelwood and adjoining Crestfield shopping centres including a supermarket, funeral home, library, credit union, post office, bar/restaurant, pharmacy, financial services, health and personal care services, several cafes and smaller specialised retail outlets. I accept that there are several takeaway outlets, including pizza takeaway services, however, I do not consider that there is any undue concentration of such premises such as would have any adverse impact on residential or other amenities, or to the detriment of other neighbourhood / district services and amenities, with regard to the relevant development plan policies and objectives set out above. I further note in this regard section 2.5.3 of the Retail Planning Guidelines which states:

The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market.

- *The effect of fumes, hours of operation, and general disturbance on nearby amenities and residents;*
- *The need for adequate ventilation systems which are to be integrated into the design of the building;*
- *Design of the unit in particular the shopfront and the need to avoid dead frontage onto the street;*

The planning authority has not raised any significant concerns in relation to these matters. The site is not immediately adjacent to residential properties. I am satisfied that these issues may be managed by condition.

- *Any proposed advertising/lighting should be suitable and unobtrusive. Any advertising/ signage should be removed on the cessation of operation of the business;*

The issue of illuminated commercial signage at the premises was resolved to the satisfaction of the planning authority by way of RFI and is not raised by the appellant. A condition to regulate this matter may also be imposed if permission is granted.

- *Traffic implications resulting from the proposed development;*

See discussion of this matter below.

- *Fast food outlets/takeaways with proposed drive-through facilities will generally only be acceptable within designated Level 2 District/ Large Urban Town Centres (Ballincollig) and will be assessed on a case-by-case basis.*

Not applicable.

- 7.3.2. I consider on this basis that the proposed takeaway use is acceptable with regard to the criteria set out in development plan policy 11.187 and therefore is acceptable at the subject site, subject to conditions.

7.4. Roads and Traffic Issues

- 7.4.1. The appellant submits that the proposed land use will result in a traffic hazard adjacent to a 'pinch point' at the access to the Hazelwood Centre, also that the development will add to existing traffic congestion and that there is insufficient car parking to cater for demand generated by the development. I note that the site was previously in use as a retail bank premises. I consider that the proposed takeaway use is unlikely to generate additional traffic movements or result in additional car parking demand to those of the previous retail bank use. There is extensive existing car parking at the Hazelwood and Crestfield shopping centres and I consider that this is sufficient to accommodate demand generated by the development without impacting on the surrounding road network. I also accept the point of the applicant that the development will generate parking demand primarily in the late afternoon and early evening when many other units at the Hazelwood Centre are closed.

Several technical reports on file address roads and traffic issues, as summarised above, and state no objection on traffic grounds. I note in particular the report of CCC Area Engineer, Operations/Road Maintenance, dated 17th February 2023, which states that there is adequate parking and turning movements to serve the development within the Hazelwood Centre. I therefore consider that the development would not have any undue adverse roads or traffic impacts such as would warrant a refusal of permission.

7.5. Appropriate Assessment

- 7.5.1. The subject site is located approx. 1.6 km 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. Having read the appeal and submissions on file, had due regard to the provisions of the Cork City Development Plan 2022-2028, carried out a site visit and all other matters arising. I recommend that permission is granted subject to the conditions set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the provisions of the Cork City Development Plan 2022-2028, to the Z06 land use zoning of the site, the nature of the proposed change of use to the pattern of development in the surrounds, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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 12th day of April 2023 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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>The proposed signage on the clock tower shall be omitted from the development design.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.</p> <p>Reason: In order to achieve a satisfactory standard of development.</p>
3.	<p>Prior to commencement of development the applicant shall agree the hours of operation with the planning authority.</p> <p>Reason: In the interest of amenities of property in the vicinity</p>
4.	<p>Details of the proposed advertising signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to protect the historic fabric of the building.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing</p>

	<p>with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>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.</p> <p>Reason: In the interest of public health and to protect the amenities of the area.</p>
7.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
8.	<p>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.</p> <p>Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Sarah Moran
Senior Planning Inspector

16th July 2023