



An
Bord
Pleanála

Inspector's Report ABP-302043-18.

Development	Modifications to cinema and change of use of ground floor shops and first floor offices to ancillary cinema use.
Location	Diamond Digital Cinemas Metges Lane Kennedy Road Navan Co. Meath
Planning Authority	Meath County Council
Planning Authority Reg. Ref.	NA/180489.
Applicant(s)	Melcorpo Commercial Properties Unlimited
Type of Application	Full planning permission
Planning Authority Decision	Grant planning permission subject to conditions
Type of Appeal	3 rd Party
Appellant	Ms Niamh White
Observer(s)	None
Date of Site Inspection	17 December 2018.
Inspector	Padraic Thornton

1.0. Site Location and Description

- 1.1. The site is an existing cinema complex in the centre of Navan in County Meath. The existing cinema complex is located to the east of the relatively new Navan Town Centre shopping complex. It is located in a built-up part of the town centre east of Watergate street, north of Kennedy Street and south of Abbey Street.
- 1.2. The main access to the existing cinema complex is from Metges Lane. Metges Lane is a paved lane of varying width which abuts the southern and eastern outer walls of the cinema complex. The entrance to the cinemas is located at the western end of the southern wall of the building. The entrance is located opposite the entrance to the lane from Kennedy Road.
- 1.3. There is a secondary entrance to the cinema building from the east side. This entrance is located beside the main vehicular entrance to the Blue Car Park serving the shopping centre. The entrance to the cinema is not directly from the car park but from outside the parking area close to the vehicular entrance to the car park.
- 1.4. The existing cinema is located in an area which is predominantly in commercial retail and commercial use. The southern end of Metges Lane has a variety of commercial uses on the route in to the cinema entrance. There are however no shops or retail uses fronting on to the parts of the lane which the cinema building fronts onto. I noted one office use, which appears to be currently closed down, fronting onto the inner part of the lane. There is a former house, currently unused, abutting the lane. There are also some apartments abutting the inner part of the lane. These have been constructed to the rear of properties fronting onto Watergate Street.
- 1.5. The Blue Car Park is one of 2 car parks in the Navan Shopping Centre. The other car park called the Green Car Park is located in the eastern part of the shopping centre. There are also some ground surface public car parks, including one to the north of Abbey Street and one to the south of Kennedy Road, located in the vicinity of the cinema complex.
- 1.6. Metges Lane which has its main access onto Kennedy Road to the south also has links to the east to Market Square and to Watergate Street. The lane leading to Watergate Street is less than one metre wide at its narrowest point. This lane appears to be called O'Rafferty's Lane. The lane leading to Market Square is wider.

2.0 Proposed Development

2.1.1 The proposal is to upgrade the facilities in the existing cinema complex by modifying the internal circulation area, providing a larger foyer area, incorporating units initially designed as shop units at ground floor level and office units at first floor level into the overall cinema complex and altering the external elevations mainly through additional signage. The existing entrances to the cinema from Metges Lane and the shopping centre to the west would be altered. A small area at the Metges Lane entrance to the cinema would be incorporated into the modified entrance area. The additional area added to the foyer is indicated to be about 35 square metres. The narrow linkage from the entrance from the shopping centre to the main foyer would be shortened due to the increased foyer area. (The entrance from the east is at a lower level and there is a stair-way up to the foyer level inside the entrance from the shopping centre).

2.1.2 The submitted plans do not indicate any extensions to the building apart from the addition at the Metges Lane entrance. External modifications are alterations to doors and windows and additional signage. Existing shop entrances and windows are to be modified by adding vinyl branding which would be bonded to the internal surfaces.

3.0 Planning Authority Decision

3.0. Decision

The planning authority decided to grant planning permission subject to 5 conditions. None of the conditions significantly alter the development from what was indicated on the plans submitted with the application.

Condition number 1 requires that the development be carried out in accordance with the plans submitted. Conditions 2, 3 and 4 refer to construction issues such as the disposal of waste and parking of vehicles. Condition number 5 requires that all signage details shall be agreed in writing with the planning authority prior to the commencement of development.

3.1. Planning Authority Reports

3.1.1. Planning Report

The planning report points out that the site is located in an area zoned B1 which is “To protect, provide for and/or improve town and village centre facilities and uses”. The planner considered the proposed development to be acceptable in principle. She also considered the signage proposed to be acceptable at the location. It was also considered that the development would not give rise to a demand for additional car parking. It was considered that having regard to the established use of the site, the provisions of the development plan, the character and pattern of development in the area and the nature and design of the works proposed the development was acceptable.

3.1.2. Other Technical Reports:

The planning report indicates that the conservation officer had no objection on conservation grounds and that the Fire Officer would examine the fire safety issues in more detail at the Fire Safety Certification stage. Reports from the Fire Officer or the Conservation Officer do not appear to have been submitted

4.0 Planning History

The planning report indicates some previous permissions for internal modifications to the building, including some change of use of part of the basement area not involved in the current application. Permission was granted for the change of use of a children's play area to use for food retail. That application involved modifications to the glazing and the provision of access doors from the shopping centre side i.e. an access from near the entrance to the Blue Car Park. The development, which has not been carried out to date, involved some alterations to the existing kerbing and guard rails adjacent to the car park entrance. (Case ref. NA/160857) The decision to grant permission is dated 29 September 2016.

5.0 Policy Context

5.0. Development Plan

The site is located in an area zoned to protect, provide for and/or improve town centre facilities and uses in the Navan Development Plan 2009. This, which has been varied on a couple of occasions is still the current development plan for the area. Policy INF Pol 31 of the plan is to apply the car parking standards as included in the Development Management Guidelines and Standards section of the plan. There is however no such section in the plan. There is a table of car parking standards in the Co. Meath Development Plan. The standard for cinemas is one space for 3 seats.

5.1. Natural Heritage Designations

The nearest designated natural heritage area is the River Boyne and River Blackwater Spa and SAC. This designated site is located a short distance from the proposed development. The river Boyne is about 150 metres from the site.

6.0 The Appeal

6.0. Grounds of Appeal

The grounds of appeal are that the proposal does not adequately link the development with the shopping centre mall and the development is accordingly a haphazard one. It is submitted that the proposal does not address the core need to consolidate the town centre. The appellant also raises questions about the development in terms of urban design and its relationship to Metges Lane. It is submitted that the entrance via the car parking entrance is not viable and the applicant has failed to provide adequate car parking for the increased patronage of the cinema. It is stated that the nearby car park in the shopping centre (The Blue Car Park) closes at 7pm (9.30pm on Thursdays and Fridays) and the cinema does not close until 11.30pm with some later screenings. It is submitted that the documentation does not indicate the total number of cinema seats following the works proposed. The County Meath Development Plan requirement is one car parking space per 3 seats. It is submitted that parking demand has increased considerably since the cinema was built (circa 1998). It is submitted that the development would be an over intensification of the area resulting in impeded access on Metges Lane, noise causing disruption to businesses and residents on Metges Lane and there are inadequate measures to protect pedestrians at the entrance from the car park. Reference is also made to the provision of disabled spaces in the auditoriums and to the need to review the emergency exits.

6.1. Applicant Response

The applicant's agent in responding to the appeal points out that the current owner of the cinema complex acquired the property in 2017 and it is currently screening 20 to 25 screenings per day. The business attracts considerable footfall to the town centre, including evening and night activity. The applicant is seeking a number of internal and external alterations in order to modernise and improve the quality of the accommodation. It is submitted that the cinema is fully integrated into the

neighbouring streetscape. The entrance from the west is adjacent to the Blue Car Park and is not from the car park. The entrance is largely unused at present and the development will result in this entrance being upgraded and becoming fully operational. This will improve access from the shopping centre. The development is well integrated with developments to the east through the lane connections.

The appellant submits that the elevational changes on Metges Lane will be entirely positive. The existing vacant retail/ commercial units detract from the streetscape and the alterations will enhance the presentation of the building and create a more pleasant environment for pedestrians using the lane. The applicant submits that there is a clearly defined pedestrian access route to the western access from the shopping centre. There is a raised footpath with clearly defined crossing points and barriers to the adjoining carriageway. There is direct and safe access from the shopping centre. The lane network provides safe access from the eastern direction. The applicant submits that the total number of cinemas, at 6, remains the same as at present but the total number of cinema seats reduces from about 900 to 515, due to the provision of more comfortable seats. The gross floor area increases by only 35 sq. metres. It is submitted that a strong case could be made that the development will result in a reduction in parking demand due to the reduction in cinema seats and the removal of 5 shop units. The proposal does not give rise to a demand for additional car parking facilities. It is also submitted that the Green Car Park and the Blue Car Park between them have capacity for 1500 cars and these spaces are accessible for the vast majority of the times when the cinema is operating. When they are closed post 10.00pm there is ample free on-street parking available. The Green Car Park closes at 10.00pm.

It is submitted that due to the nature and scale of the development a traffic and Transport Assessment is not required. It is submitted that no work is proposed in the public realm on Metges Lane and no new units are proposed there. The lane will continue to operate as an accessible route for those living and working in the area. No additional environmental or transport studies are required. It is submitted that a Disability Access Certificate has been obtained and a Fire Safety Certificate will be secured in accordance with Building Regulations

6.2. **Planning Authority Response**

The planning authority submits that the application is for internal and external modifications to an existing cinema facility. The 2 existing entrances have been in existence since the cinema was built in 1998. The incorporation of the existing vacant units into the cinema complex is seen as a positive change. The application does not involve an increase in the number of seats in the cinema. The planning authority considers that all the issues raised were considered and requests the Board to uphold its decision to grant planning permission

7.0 **Assessment**

- 7.0. I noted on inspection that some of the works proposed in the application have been carried out and works were proceeding at the time of my inspection. There appeared to be some differences between the works proposed and those being carried out e.g. some toilet facilities are retained in the foyer area near proposed cinema number 1. My assessment is based on the proposed development as indicated in the plans submitted to the planning authority.
- 7.1. The existing cinema complex, with 6 cinemas, is located beside the relatively new shopping centre in the commercial centre of the town. The cinema occupies a back-land area between the new shopping centre and the old retail/commercial town centre. The area is zoned for town centre uses in the development plan. I consider that the existing use is an appropriate one for this town centre location and the upgrading of the facility and its consolidation in the town centre is acceptable and in accordance with the proper planning and sustainable development of the area.
- 7.2. The proposal does not involve any significant change to the cinema complex in so far as access is concerned. The existing 2 access points would continue to serve the facility. The changes to the access arrangements are to a large extent cosmetic with signage being provided to provide a greater focus to the cinema access and advertise the venue. I consider that the development now proposed does not give rise to a need to modify the access arrangements or to provide more direct access from the shopping centre to the west. There is also no evidence of the applicant

being in a position to provide greater or improved access from the west side or directly from within the Blue Car Park.

- 7.3. The existing access from the west is from the access road serving the main vehicular entrance to the car park known as the Blue Car Park in the shopping centre. There is a raised footpath, with a protective railing, leading to the cinema complex entrance along the north side of the vehicular access road to the car park. This path leads to the main north/south route through the shopping complex. The existing access to the cinema is set to the side of the access road and is not clearly visible to persons approaching from the west. The modifications and signage proposed would help to highlight the entrance. Whilst the access is not directly accessible from within the Blue Car Park and access for pedestrians through the main vehicular entrance is not desirable the entrance is accessible through following the pedestrian entrances and exits from the car park. (There is a sign on the vehicular main exit from the car park prohibiting pedestrian exit).
- 7.4. The proposal would result in a decrease rather than an increase in the overall number of seats in the cinema complex. The applicant indicates a decrease from about 900 seats to 515 seats. (The plans indicate the 6 cinemas proposed would contain 531 seats). The proposal also involves the removal of 5 retail units and some office units and the incorporation of the space made available into the cinema complex. In the circumstances I consider that it would be unreasonable to require the provision of additional car parking to serve the modified development although it may be reasonable to assume that the cinema operators anticipate a greater number of patrons to the upgraded facility.
- 7.5. I accept the applicant's submissions that adequate parking facilities would be available in the town centre to serve the cinema complex even if the nearby Blue Car Park continues to close at 7pm on most evenings. It is also probable that closing times of the car parks would be altered if the demand increases to justify remaining open. I consider that it would be undesirable to force a town centre business use, such as that in question, to relocate to an out of town location in order to provide single use parking facilities. It would be unreasonable to attempt to retrospectively impose the car parking standard set out in the general County Meath Development Plan on this existing Navan town centre cinema use.

7.6. The proposal involves the incorporation of 5 small retail units and some office units into the cinema complex. The submissions indicate that the units in question have been unoccupied for a considerable period of time. There appears to be no demand for the units in question for retail or office use. There are no existing retail uses in the inner part of the lane. I consider that there is no reasonable land use planning objection to the incorporation of these units into the cinema complex as proposed. The existing units do not contribute anything positive to the vitality or life of the town centre. I also do not consider that the proposed development would interfere with existing uses on the lane due to noise or disturbance.

7.7. I consider that the external alterations proposed are generally of a cosmetic nature being in the form of signs and lighting. I consider that the existing building is not of particular architectural or townscape value or significance. The cinema is located to the rear of and outside the nearest architectural conservation area which includes Watergate Street and Market Square to the east. I consider that the development proposed would not detract from the architectural conservation area or its setting. The modifications would add to the vibrancy, life and vitality of this back-land area and, in my opinion, they are acceptable at this location

7.8. Environmental Impact Assessment:

The proposed development does not fall into any of classes of development set out in Annex I or Annex II of EU Directive 200/ 92, as amended. Even if the development is considered to be an urban development project as referred to in Class 10 (b) of Annex II of the Directive the development would not be likely to have significant effects on the environment having regard to its nature, size and location. In these circumstances an environmental impact assessment of the project as referred to in the EU Environmental Impact Assessment Directive is not required.

7.9. Appropriate Assessment.

The River Boyne is about 150 metres from the site. I consider that, as piped drainage facilities are already provided and available and having regard to the nature and scale of the proposal, the development, individually or in combination with other projects, would not be likely to have any significant effect on the River Boyne and Blackwater River designated natural heritage site. I do not consider that a second stage appropriate assessment is required in this case.

8.0 Recommendation

Having regard to the reasons and considerations set out below I recommend that planning permission be granted for the proposed development subject to the conditions also set out below. I do not consider that the conditions in relation to construction works set out in the planning authority's decision are necessary having regard to the scale of the works involved.

9.0 Reasons and Considerations

Having regard to, zoning of the area for town centre uses in the current Navan development plan, the town centre location of the site, the existing and permitted use of the premises and to the nature of existing land uses in the vicinity it is considered that the proposed development would not give rise to a need for additional car parking facilities not available in the area or be otherwise contrary to 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, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity and to ensure that the development is carried out in accordance with the plans and particulars submitted with the application.

2. Details of all external signs and external lighting shall be submitted to the planning authority for written agreement prior to such signs or lighting being erected. The signs and lighting to be erected shall be in accordance with the details agreed in writing by the planning authority.

Reason: In the interests of visual amenity

Padraic Thornton
Planning Inspector

13 January 2019