



An
Bord
Pleanála

Inspector's Report VV0001

Type of Appeal	Section 9 Appeal against section 7(3) Notice.
Location	1-5 Grangegorman Villas, Grangegorman Lower, Dublin 7
Planning Authority	Dublin City Council
Planning Authority VSL Reg. Ref.	VS-0051
Site Owner	HSE
Date of Site Visit	22 June 2017
Inspector	Gillian Kane

1.0 Introduction

- 1.1.1. This appeal refers to a section 7(3) notice issued by Dublin City Council, stating that the site 1-5 Grangegorman Villas, Grangegorman Lower, Dublin 7 has been entered on the Vacant Sites Register (VSR), in accordance with the provisions of of the Urban Regeneration and Housing Act 2015.

2.0 Site Location and Description

- 2.1. 1-5 Grangegorman Villas comprises a terrace of two storey dwellings with a range of out buildings to the rear. The buildings are currently boarded up, with no access. A 1m high stone wall has been secured with palisade fencing and gates, bounding the site to the front adjoining a pedestrian path. No.s 1 and 5 have a gable fronted bay projection, forming a clear demarcation to the start and the end of the terrace. The site is overgrown with debris and litter accumulated at points throughout each plot.
- 2.2. The site is bound to the rear (east), north-west and west by the Grangegorman DIT campus. A terrace of 5 no. dwellings to the immediate north of the subject site is in occupation.
- 2.3. Photographs and maps are attached in Appendix 1.

3.0 Planning Authority Decision

- 3.1. **Planning Authority Notice** Dublin City Council advised the site owner that the subject site (Planning Authority reg. ref. VS-0051) had been identified as a vacant site by reference to section 5(1)(a) and 5(2) of the Urban Regeneration and Housing Act 2015. The notice, issued in accordance with section 7(1) of the Act, stated that particulars of the site would be entered on the Vacant Sites Register on the 31st of March 2017. The notice was accompanied by a map outlining the site boundary.
- 3.2. **Register of Vacant Sites Report:** Site is zoned residential (Z1) and has been vacant or idle for 12 months preceding site visit of 11/05/2016. Anti-social behaviour evident in the form of a large amount of graffiti on the front boundary of the site. Site contains a terrace of 5 no. two storey residential dwellings with associated outbuildings that are in a bad state of repair. Openings boarded, graffiti and overgrown vegetation on site. Site is highly visible, prominent location, has adverse effects on amenity and character of the area. Should be included on VSR.

4.0 **Dublin City Development Plan 2016-2022**

- 4.1. One of the key strategies of the plan, as set out in section 4.4 is the creation of a consolidated city, whereby infill sites are sustainably developed and new urban environments are created, by actively promoting active land management, a key component of which is the vacant site levy.
- 4.2. **Section 2.2.8.4** of the plan states that in accordance with the Urban Regeneration and Housing Act 2015, it is a key pillar of the development plan to promote the development and renewal of areas, identified having regard to the core strategy, that are in need of regeneration, in order to prevent: (i) adverse effects on existing amenities in such areas, in particular as a result of the ruinous or neglected condition of any land, (ii) urban blight and decay, (iii) anti-social behaviour or (iv) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses
- 4.3. **Section 14.9** of the DCC development plan states that the VSL will apply to lands zoned Z1, Z2, Z3, Z4, Z5, Z6, Z7, Z8, Z10, Z12 and Z14.
- 4.4. **Policy CEE16** states that it is the policy of DCC to: (i) To engage in the ‘active land management’ of vacant sites and properties including those owned by Dublin City Council, as set out in the Government’s Planning Policy Statement 2015; to engage proactively with land-owners, potential developers and investors with the objective of encouraging the early and high quality re-development of such vacant sites. (ii) To implement the Vacant Land Levy for all vacant development sites in the city and to prepare and make publicly available a Register of Vacant Sites in the city as set out in the Urban Regeneration and Housing Act 2015. (iii) To improve access to information on vacant land in the city including details such as location, area, zoning etc. via appropriate media/online resources and the keeping of a public register as a basis of a public dialogue in the public interest. (iv) To encourage and facilitate the rehabilitation and use of vacant and under-utilised buildings including their upper floors. (v) To promote and facilitate the use, including the temporary use, of vacant commercial space and vacant sites, for a wide range of enterprise including cultural uses, and which would comply with the proper planning and sustainable development of the area and the provisions of the Development Plan.

4.5. **Policy QH3** states that it is policy of the Council (i) To secure the implementation of the Dublin City Council Housing Strategy` in accordance with the provision of national legislation. In this regard, 10% of the land zoned for residential uses, or for a mixture of residential and other uses, shall be reserved for the provision of social and/or affordable housing in order to promote tenure diversity and a socially inclusive city. (ii) To engage in active land management including the implementation of the vacant levy on all vacant residential and regeneration lands as set out in the Urban Regeneration and Housing Act 2015.

5.0 The Appeal

5.1. Grounds of Appeal

5.1.1. The landowner has submitted an appeal to the Board, against the decision of DCC to enter the subject site on the Register. The grounds of the appeal can be summarised as follows:

- Upon notification of the Councils intention to enter the site on the register, the site owner notified the Council that it was their intention to develop the property, that planning permission had been granted – reg. ref. 2505/16 on the 16th of June 2016, that a Fire Safety Certificate had been granted on Nov 22 2016 and that a Disability Access Certificate was granted on the 9th Feb. 2017.
- The Design Team has been in contact with the Council due to the dangerous condition of the existing structures.
- The 12 month construction period will run in excess of Jan 2018 and therefore the buildings will be unoccupied on that date. The site owner will be subject to a 3% levy based on the market value of the property after Jan 2018.
- It is not possible to expedite the development process outside of the statutory timeframes.
- The Board is requested to direct the Council to remove the site from the register.

5.2. Planning Authority Response

5.2.1. The Planning Authority responded to the appeal, requesting that the following observations be noted by the Board:

- The Council's report sets out why the site was included on the VSR.
- The owners statement that further discussion has taken place with the Council has not been supported with further information.
- No construction has taken place on site since the original site inspection on 11/05/2016.
- The Board is requested to uphold the decision of the Council to include the site on the VSR.

6.0 **Assessment**

- 6.1. By reference to the Planning Authority notice, it is noted that the subject site comprises residential land for the purposes of the Vacant Site Levy.
- 6.2. An appeal under section 9 of the Act, the burden of showing that the site or a majority of the site was not vacant or idle for the 12 months preceding the date of entry on the Register is on the owner of the site. Section 9(3) of the Act states that the Board shall determine whether the site was vacant or idle for the duration of the 12 months concerned or was no longer a vacant site on the date on which the site was entered on the register. The subject site was entered onto the DCC VSR on the 31st of March 2017.
- 6.3. The Planning Authority planning report states that a site visit was undertaken on the 11th of May 2016 and the site was found to be vacant or idle for the preceding 12 months (i.e. from 11th May 2015). It also refers to the site characteristics, zoning, planning history and other constraints/ comments.
- 6.4. The site owner, in their appeal to the Board has indicated that permission has been given for work to be undertaken to re-develop the site. No information or no evidence has been submitted however, to counter the Councils statement that the site has been vacant or idle from May 2015 to March 2017. The Act is clear: the test for inclusion is the past condition of the site from the date of entry on the Register. I refer to Circular Letter PL7/2016, Appendix 3, which states that "where a vacant site has an extant planning permission associated with it, this should not be a consideration in determining whether to apply the levy. If such a site meets the criteria for a vacant site in respect of either residential or regeneration land, then the levy may be applied".

6.5. The findings of the Council in relation to the condition of the site were confirmed by me on the date of my site visit. I am satisfied that the subject site was vacant and idle on the date of my site visit 22/06/2017 and that no information or evidence has been submitted by the site owner to refute the finding of the City Council that the subject site has been vacant and or idle, in accordance with the requirements of the Act, in the 12 months up to and including 31 March 2017.

7.0 Recommendation

I recommend that the Board should determine that the site at 1-5 Grangegorman Villas, Grangegorman Lower, Dublin 7 was vacant or idle for the duration of the 12 months preceding the date of entry on the Vacant Sites Register on the 31st March 2017 and was still a vacant site on that date.

8.0 Reasons and Considerations

8.1. Having regard to

- (a) The evidence placed before the Board by the Planning Authority in relation to the condition of the site over the relevant period,
- (b) The absence of any substantive contrary evidence in the appellant's submission and
- (c) The report of the Planning Inspector

the Board is satisfied that the site was vacant or idle for the relevant period.

Gillian Kane
Planning Inspector

18 July 2017

