



An
Bord
Pleanála

Inspector's Report VV0025

Type of Appeal	Section 9 Appeal against section 7(3) Notice.
Location	Old Tramore Hotel Site, Strand Street, Tramore, Co Waterford.
Planning Authority	Waterford City and County Council.
Planning Authority VSL Reg. Ref.	32.
Site Owner	Patrick O'Neill.
Date of Site Visit	13 December 2017.
Inspector	Stephen Rhys Thomas.

1.0 Introduction

- 1.1. This appeal refers to a section 7(3) notice issued by Waterford City and County Council, stating their intention to enter the site at the Old Tramore Hotel Site, Strand Street, Tramore, Co Waterford on to the Vacant Sites Register (VSR) in accordance with the provisions of section 6(2) of the Urban Regeneration and Housing Act 2015.

2.0 Site Location and Description

- 2.1. The subject site is located at the former Old Tramore Hotel Site in the centre of Tramore, Co Waterford. The site is accessed directly from Strand Street to the west and private rear entrance from Turkey Road to the east.
- 2.2. The former hotel building is largely intact. However, the windows and doors are boarded up and the roof of the northern section of the building is no longer in place. The exterior of the building is well maintained, plasterwork and timber detailing is in good condition and painted. The grounds of the hotel do show signs of neglect and litter collects in some locations along Strand Street.
- 2.3. I was unable to enter the interior of the site or building on account of the condition of the site and safety grounds. The hotel is not currently in use.

3.0 Planning Authority Decision

- 3.1. **Planning Authority Notice:** Waterford City and County Council advised the site owner that the subject site (Planning Authority site ref. 32) had been identified as a vacant site. The notice, issued pursuant to section 7(3) of the Act and dated 27th July 2017, stated that particulars of the site have been entered on the Vacant Sites Register. The notice was accompanied by a map outlining the site boundary.
- 3.2. **Register of Vacant Sites Report:** Site is zoned 'Town Centre', the site is identified as a regeneration. The planning history of the site is outlined – permission refused for the demolition of the hotel and construction of a mixed use development 08/938. The site is suitable for inclusion on the VSR. The report is accompanied by a location map and colour photographs. The report includes a detailed criteria to be assessed for suitability for the VSR and comprises the following:

- The site is a regeneration site and has been vacant/idle for previous 12 months.
- The site accords with section 5(1)(b) of the 2015 Act, and is having an adverse impact on the existing amenities of the area.
- The site accords with section 6(6) of the 2015, insofar as the site is in a ruinous/neglected state and has an adverse impact on the character of the area.

A site inspection took place on the 3rd February 2017.

4.0 Development Plan / Planning History

- 4.1. The **Tramore Local Area Plan 2014-2020**, is the operative local planning framework document for the area. The site is located on lands subject to zoning objective – Town Centre.
- 4.2. Relevant policies and objectives include:
- Objective ETD 2 - To promote the reuse of vacant buildings and vacant upper floors of existing retail premises for office development where suitable.

- Policy BH 4 - It is the policy of the Council to encourage the sensitive redevelopment of vacant or derelict sites in the streetscape.

4.3. The Waterford County Development Plan 2011-2017 is the operative development plan. With regards to the Urban Regeneration and Housing Act 2015, variation 3a of Waterford County Development Plan 2011-2017 states the following:

To be included in Chapter 3 Core Strategy immediately after Section 3.6 Urban Settlement Hierarchy.

3.6a Urban Regeneration

The Urban Regeneration and Housing Act 2015 introduced a vacant site levy in order to incentivise the development of vacant sites in urban areas for housing and regeneration purposes. The application of the levy is intended to bring underutilised and vacant sites and buildings in urban areas into beneficial use.

Waterford City & County Council will examine lands within the towns and villages, as appropriate, for the purposes as set out in the Urban Regeneration and Housing Act 2015 in relation to the vacant site levy.

It is an objective of this Plan to promote the appropriate development and renewal of urban sites and areas, identified having regard to the core strategy, that are in need of regeneration, in order to ensure there is no -

- (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) shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.

4.4. **Planning History**

PA reference **08/938**. Permission refused for the demolition of the hotel and construction of a mixed use development. August 2009.

There are also additional planning applications that relate to the previous hotel use of the site.

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 Waterford City and County Council to enter the subject site on the Register. The grounds of the appeal can be summarised as follows:

- The appellant appeals the notice to place the site on the Register.
- Solicitors acting on behalf of the landowner wishes the matter to be postponed due to the illness of the landowner and their inability to instruct the solicitor with regard to the sale of the property.

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 grounds of appeal have already been addressed previously as part of the section 7(1) process.
- The underlying methodology for site selection has been forwarded to ABP and the planning authority will accept any determination with regard to the site and VSR.

6.0 Assessment

6.1. An appeal under section 9 of the Act, requires that 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 Waterford City and County Council VSR on the 27th July 2017.

- 6.2. The subject site is located in an area zoned Town Centre in the current Tramore LAP and provides for an integrated mix of residential, commercial, community and social uses. The County Development Plan provides overarching policies and objectives. Section 3.6a *Urban Regeneration* of the Development Plan states that the vacant site levy applies to lands suitable for housing and regeneration purposes. Given that residential use is not the predominant use, the site is considered regeneration lands for the purposes of the 2015 Act.
- 6.3. The appellant states that the poor health of the landowner has limited their ability to manage the site. The 2015 Act makes no allowances for the health status of a landowner and has no impact upon the assessment of whether a site should be included on the register or not. This assessment therefore considers the appeal in the context of section 5(1)(b) and section 6(6) of the 2015 Act.
- 6.4. The findings of the Council in relation to the condition of the site were confirmed by me on the date of my site visit. The building's windows have been boarded up and a section of roof has been removed. Almost half of the buildings on site can be considered ruinous. In addition, litter has accumulated behind railings to the front of the former hotel buildings and forecourt areas are not well maintained. The external appearance of the site is one of vacancy and no apparent use is being carried out at present. The site is therefore vacant and its lack of use indicates idleness.
- 6.5. In accordance with section 6(6) of the 2015 Act, that states:

(6) A planning authority, or the Board on appeal, shall determine whether or not the site being vacant or idle has adverse effects on existing amenities or reduces the amenity provided by existing public infrastructure and facilities (within the meaning of section 48 of the Act of 2000) in the area in which the site is situated or has adverse effects on the character of the area for the purposes of this Part by reference to whether—

(a) land or structures in the area were, or are, in a ruinous or neglected condition,

(b) anti-social behaviour was or is taking place in the area, or

(c) there has been a reduction in the number of habitable houses, or the number of people living, in the area,

and whether or not these matters were affected by the existence of such vacant or idle land.

- 6.6. The site being vacant or idle has adverse effects on the character of the area by reference to the ruinous condition of a large portion of the former hotel building and the neglected state of the building curtilage. In addition, the presence of litter indicates that anti-social behaviour was or is taking place. The character of the area is affected by the existence of such vacant or idle land.
- 6.7. The site is zoned 'Town Centre' and is identified in the Local Area Plan as land suitable for regeneration. The site meets the criteria for 'regeneration land' as stated in section 5(1)(b) and further elaborated upon by section 6(6) of the Urban and Regeneration and Housing Act 2015. Given the foregoing, I conclude that the majority of the site is vacant or idle in accordance with the 2015 Act. I am satisfied that the entry of the subject site on the Vacant Sites Register of Waterford City and County Council should be confirmed.

7.0 Recommendation

- 7.1. I recommend that in accordance with section 9(5) of the Urban Regeneration and Housing Act 2015, the Board should confirm that the Old Tramore Hotel Site, Strand Street, Tramore, County Waterford was vacant or idle for the 12 months concerned. Therefore, the entry on the Vacant Sites Register on the 27th July 2017 shall be deemed to take effect from that date.

8.0 Reasons and Considerations

- 8.1. Having regard to
- (a) the information submitted to the Board by the planning authority in relation to the entry of the site on the Vacant Sites Register,
 - (b) the grounds of appeal submitted by the appellant,
 - (c) the report of the Inspector, and
 - (d) the ruinous and neglected condition of the former hotel buildings, the evidence that anti-social behaviour was or is taking place that results in adverse effects on the existing amenities of the area

the Board considered that it is appropriate that a notice be issued to the planning authority to confirm the entry on the Vacant Sites Register.

Stephen Rhys Thomas
Planning Inspector

20 February 2018