

**The Chairman and Members of
North West Area Committee.**

Planning and Development Department

Meeting: 18th July 2023

Item No: 8

With reference to the proposed Disposal of Site 2, Parkview, Park Lane West, Ballymun, Dublin 11 to Ó Cualann Cohousing Alliance CLG.

Housing and Community Services has requested the disposal of Site 2, Parkview, Park Lane West, Ballymun, Dublin 11, as shown delineated in red on Map Index No. SM-2023-0301, to Ó Cualann Cohousing Alliance CLG, an approved housing body and registered charity, who propose to develop the site to provide units of residential accommodation.

Ó Cualann Cohousing Alliance CLG is funding this development through construction finance debt to Ó Cualann from either Home Building Finance Ireland (HBFI) or Allied Irish Banks (AIB).

The property comprises an area of approximately 0.2 hectares and is shown delineated in red on Map Index No. SM-2023-0301.

The Chief Valuer has reported that agreement has been reached with Ó Cualann Cohousing Alliance CLG to dispose of the City Council's freehold interest in Site 2, Parkview, Park Lane West, Ballymun, Dublin 11 for a Sheltered Apartment Scheme for Older Persons subject to the following terms and conditions:

1. That the subject site is located at Parkview, Park Lane West, Ballymun, Dublin 11 and is shown delineated in red on attached map SM-2023-0301. The site extends to approximately 0.2 hectares or thereabouts.
2. That the purchaser has obtained planning permission (ref 3069/22) for the development of a sheltered apartment scheme for older persons comprising 32 apartment units.
3. That the Council shall dispose of the Freehold title in the subject site under the terms of the Low Cost Sites Scheme, to the purchaser, following the receipt of the requisite approvals.
4. That the disposal price shall be €127 (one hundred and twenty seven euro) per residential site i.e. 32 units in total. In the event whereby planning permission is subsequently granted for more units on the site, the disposal price shall be adjusted on a pro-rata basis to reflect this.
5. That the site shall be disposed of in its current condition and title transfer shall be subject to a building covenant that the sheltered older persons apartment development, on the subject site shall be completed in compliance with planning permission (ref 3069/22) granted (and any subsequent planning grants and amendments) and all other statutory approvals and consents including inter alia fire regulations, buildings regulations etc.

6. That should the construction of the sheltered apartment scheme for older persons on the subject site not be practically complete within 18 months following the transfer of title, or, in the event of the purchaser's bankruptcy or insolvency, Dublin City Council reserves the right to take possession of the site and all of the housing units, (partially completed or otherwise), at no cost to the Council, save in the case of a financial institution which has entered into a mortgage with the purchaser, for the purpose of the financial development of the site.
7. That the benefit of the planning permissions and design of the scheme shall transfer free of charge to Dublin City Council in the event that the purchaser does not proceed or complete the development.
8. That prior to the transfer of title if necessary, the purchaser and its contractor and professional team shall be permitted to enter onto the site and connect to any drainage or other services as required, subject to the prior written consent of the relevant DCC Department, under a Building Licence agreement, on standard terms to be agreed, for the purposes of commencing the approved development.
9. That the purchaser shall be responsible for all costs in relation to the planning process and the development of the site as approved, including any relocation of services and boundary works.
10. That this disposal is subject to a wayleave to Irish Water due to the presence of a foul sewer on the site, shown yellow on Map Index 2023-0301.
11. That the development of the site including all boundaries shall be completed via one continuous building contract. The purchaser will be responsible for completing all development works including all snagging works, landscaping etc. The purchaser will provide the completed units in full compliance with all statutory consents and in Turnkey Condition (see terms 13 & 14 below).
12. That there is an inhibition on the title that the subject site can only be used for social housing purposes.
13. That the completed units will be managed by Tuath or an alternative Approved Housing Body to be agreed at the discretion of the Executive Manager, Housing and Community Services Department. Tuath, or an alternative Approved Housing Body will acquire the subject units in Turnkey Condition from Ó Cualann Cohousing CLG on an agreed construction cost basis.
14. That the completed units are deemed to be in the 'Turnkey Condition' referred to in 13 above when they reach an accepted level of 'Practical Completion. This means they are completed in accordance with the Planning Permission granted and that: (i) the Housing Units in the development are capable of beneficial use and occupation and (ii) that any items of work outstanding or any other defects are of a minor and trivial nature only and are such that their completion or rectification would not interfere with or interrupt such use and (iii) where the Building Control (Amendment) Regulations 2014 require that a completion certificate be included on the Statutory Register before the Housing Units can be opened, occupied or used. Practical Completion shall not be deemed to be reached until the Certificate of Compliance or Completion has been submitted to the building control authority and relevant particulars thereof have been included in the Register maintained under Part IV of the Building Control (Amendment) Regulations 2014.
15. That Dublin City Council shall enter into a Capital Assistance Scheme or Capital Advance Leasing Facility Agreement with Tuath or an alternative Approved Housing Body agreed by the Executive Manager, Housing and Community Services Department and the Council shall have 100% nomination rights to all of the units constructed on site.

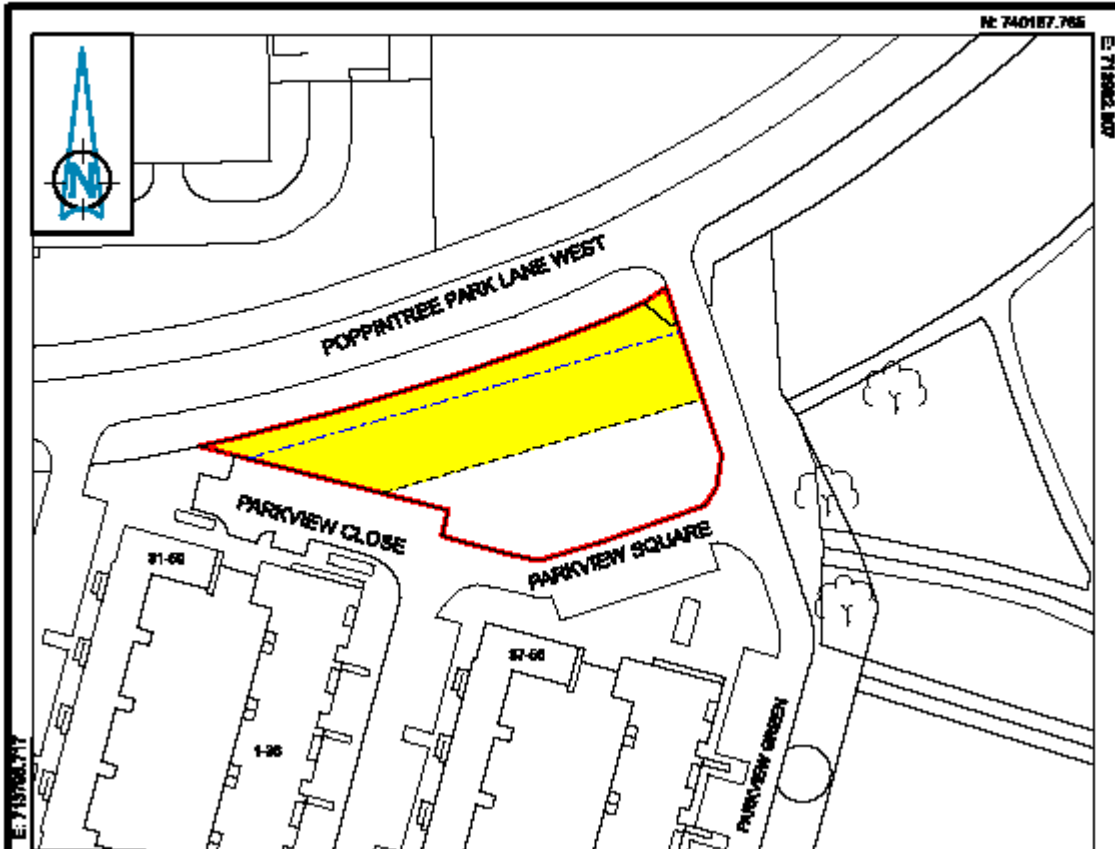
16. That the purchaser and the agreed Approved Housing Body managing the completed subject units (see term 13 above) shall not sell, assign, sublet or part with possession of the property or part thereof without obtaining the written consent of the City Council.
17. That in the event that the completed development ceases to be used for the purposes of social housing by the purchaser and/or Tuath Housing Association or an alternative Approved Housing Body to be agreed at the discretion of the Executive Manager, Housing and Community Services Department, it will revert free of charge to Dublin City Council.
18. That each party shall be responsible for their own legal fees.
19. That the purchaser shall be liable for the payment of VAT or Stamp Duty should any payments arise from this disposal.
20. That the legal agreement shall include any amendments and / or conditions deemed appropriate by Dublin City Council's Law Agent.
21. That the above proposal is subject to the necessary approvals and consents being obtained.

The dates for the performance of any of the requirements of the proposed agreement may be amended at the absolute discretion of the Executive Manager.

No agreement enforceable at law is created or is intended to be created until an exchange of contracts has taken place.

Máire Igoe
Máire Igoe
Acting Executive Manager

04/7/23
Date



N: 749023.797

PARK LANE WEST - LAP Site No. 26
 Ballymun, D11 Site 2

Dublin City Council to ÓCuisleann Cohousing Alliance CLG shown thus -

Grant of Wayleave to Irish Water shown thus -

Irish Water Pipe Shown thus - - - - - -

Map for Disposal

Comhairle Cathrach
 Bhaile Átha Cliath
 Dublin City Council

An Roinn Comhshaoil agus Iompair
Rannán Suirbhéireachta agus Léarscáilithe
 Environment and Transportation Department
 Survey and Mapping Division

O.S REF 3131-08	SCALE 1@1000
DATE 16-06-2023	SURVEYED / PRODUCED BY D.White

INDEX No	DWG No	REV
FILE NO	F:\SM-2023-0301 - 001 - A.dgn	

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 CITY ENGINEER

APPROVED
 THOMAS CURRAN
 ACTING MANAGER LAND SURVEYING & MAPPING
 DUBLIN CITY COUNCIL

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