

**To the Chairperson and Members of the
South East Area Committee**

Meeting: 11th May 2020

**With further reference to the proposed grant of a temporary convenience letting of a site
at Beggars Bush, Shelbourne Road, Dublin 4.**

By way of Temporary Convenience Letting a site at Beggars Bush, Shelbourne Road, Dublin 4, shown outlined red and coloured pink on Map Index No. 12861 was demised by Dublin City Council to Eircom Limited for use as a car park for a term of 5 years from 29th September 2003 and subject to an annual rent of €25,000. The letting expired on 28th September 2008. Eircom Limited continued to pay rent up to 28th September 2012 and were overholding on this site until a new letting agreement was commenced 29th September 2012 for a period of 5 years at an annual rent of €18,000.

A report on the proposed grant of a further Temporary Convenience Letting of the site to Eir (formerly Eircom) was placed on the agenda for the meeting of the South East Area Committee, held on the 8th July 2019 (copy attached). At that meeting Councillors requested further information, on foot of which the information and photographs below were emailed to South East Area Councillors on the 29th August 2019.

The Deputy City Planning Officer has reviewed documentation going back to 2000/2001 and confirms that issues identified in the original reports from that time are still relevant. Given the limited depth of the site, the character of the road and the relationship of the site to existing developments on adjoining sites, the Planning Department still have objections to the breaking of the building line on Shelbourne Road and would not be supportive of the redevelopment of this site.

The City Architect's Department have also re-examined earlier documentation and have reported as follows:

Site Configuration:

The site is situated to the west side of the Shelbourne Road at a bend in the road. The site is bounded on the East and the South by a stone wall approximately 2 metres high and a 2.5 metres high wall the North. The total site area is approximately 270m². The street frontage of the site is 27 metres and is centred on a bend in the road. The stone wall to the road seems to be contemporaneous with the construction of Beggar's Bush Barracks (circa 1827). Presently there is no wall or boundary separating the site from property owned by Eir to the West.

Site Condition:

The site has approximately 20 mature trees along the East and South boundary. These trees appear to be mix of species and they form a screen to the office building behind, and in wider context they are a continuation of the row of trees along the East side of Shelbourne Road that run up to the junction of Haddington Road.

Site Access:

There is no direct access into the site from Shelbourne Road and due to the bend in the road it is unlikely that a vehicular entrance could be formed along the frontage due to sight lines and it would be preferable not to disturb the existing wall. Any access would have to be shared with the present Eir vehicular access at the south of the site which may prove problematic.

Site Services:

Sewers: GIS indicates that no public sewers cross the site.

Electrical: GIS indicates that a Medium or Low Voltage underground cable runs across the south edge of the site.

Planning Status:

The Site is zoned Z1: To protect, provide and improve residential amenities

Potential Development:

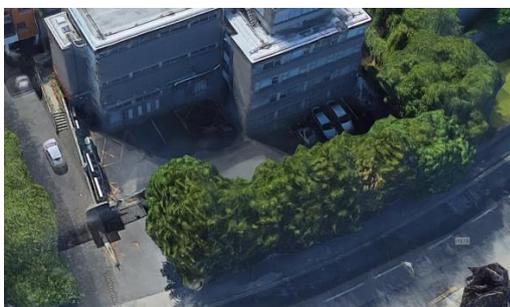
As stated previously (City Architect’s Report 30/08/2000) the site due to its configuration is “unsuitable for a family type housing and is a severe limiting factor for other uses also”.

From a preliminary examination any reasonably sized apartment development would require 160m2 footprint (i.e. No.2 70m2 per floor i.e. two apartment per floor with a shared stairs and lift core) of a 270m2 site leaving very little amenity space of apartments, off-street parking, bin storage or threshold buffer zones.

The overlooking of the site by the four storey Eircom building to rear of the site is undesirable. It is also questionable if the full site area can be utilised as it would be preferable to retain the existing wall to Shelbourne Road and form a 1-1.5 metre strip between it and any new structure.

Conclusion:

The site, in its current configuration, presents very limited development potential. The site depth is only 10 metres and any development would contravene the existing building line on Shelbourne Road which is not desirable and would require the removal of the existing mature trees on the site.”





The proposed grant of a licence was again placed on the agenda for the meeting of the South East Area Committee, held on the 9th September 2019, at which further information was requested from the Housing Department, in reply to which the following statement was received:

“This site has been inspected by the Housing Department. It is too narrow in its current form and not suitable for public housing, unless an option arose to enlarge the site”.

The proposed grant of a licence was again placed on the agenda for the meeting of the South East Area Committee, held on the 11th November 2019, at which further information was requested from the Arts Officer with regard to the suitability of the site for artistic or cultural use. The Arts Officer responded on 6 March as follows, “Further to the findings of City Architects and Planning departments for this site it seems to me that any building including a cultural building would not be suitable for this space. Equally there is no Capital provision for such a development”.

There was also a query as to whether a Men’s Shed could be developed on site and our Community Section advise that they are working on providing a Men’s Shed in Pembroke Cottages, Donnybrook which is in relatively close proximity to Shelbourne Road and that a second Men’s Shed is not required at this time.

Councillors also queried the rental value in 2012 and why there was a rent reduction compared to the rent achieved in 2003. The Open Mark Rental Value for the site at Beggars Bush, Shelbourne Road was calculated in 2012 based on comparison of car parking spaces in Dublin 2 and 4 at the time. It is worth noting that this was post/mid recession years.

Rental Value 2012

11 car spaces @€125 p.m. gave an Annual rental value €16,500
Terms and conditions were set at €18,000

Comparisons at the time:

Corn Exchange, Poolbeg Street Dublin 2 @ €150p.m.
Pembroke Square, Grand Canal Street, Dublin 4 @ €125 p.m.
70 Baggot Lane, Ballsbridge, Dublin 3 @€100 p.m.

The new 5 year agreement effective from 29th September 2017 was calculated again using comparisons which ranged from €150p.m. to €300p.m. in different parts of the city centre.

Rental Value 2017

10 car spaces @ €180 = €18,000
Terms and conditions were set at €23,000

*The site can accommodate 11 car parking spaces as Eircom uses the site in conjunction with its own site and can maximise the number of spaces at 11, but a third party would not achieve the same number of spaces

In summary as the Planning Department state that they would not be supportive of the redevelopment of this site (the total site area is approximately 270m²); the City Architects Division advise that the site, in its current configuration presents very limited development potential, the Housing Department has said that this site is not considered suitable for any housing development and the City Arts Officer has confirmed that the site is not considered suitable for any artistic or cultural activity, it is now proposed to a grant a further Temporary Convenience Letting of the site for use as a car park to Eir subject to the following terms and conditions: -

1. That the letting shall be made under Section 211(5) of the Planning and Development Act, 2000.
2. That the subject property is as shown outlined in red and coloured pink on Map Index No. SM-2017-0411 (previously known as Map Index No. 12861).
3. That the term of the letting shall be for a five year period commencing on 29th September 2017.
4. That the rent shall be payable at the rate of €23,000 (twenty three thousand euro) per annum.
5. That no building shall be erected or constructed on the site.
6. That the letting shall include such conditions and covenants which the Council's Law Agent deems appropriate for a letting of this nature.
7. That each party shall be responsible for their own fees in this matter.

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

The proposed disposal shall be subject to such conditions as to title to be furnished, as the Law Agent in her discretion shall stipulate.

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

Paul Clegg

Executive Manager

30th April 2020

Date: _____