



With reference to the proposed disposal of a site at Gulistan Terrace, Rathmines, Dublin 6 to the Health Service Executive (HSE) for the development of a Primary Care Centre and the proposed acquisition from the H.S.E. of the Health Centre, St Michael's Estate, Emmet Road, Inchicore, Dublin 8.

The City Valuers Office has through intensive discussions with the HSE agreed the disposal of the fee simple interest in part of the former DCC Depot site at Gulistan Terrace, Rathmines, Dublin 6 to the HSE. The agreed purchase price is the sum of €5.5 million. The purchase will be funded by the HSE by way of a land exchange and financial contribution.

The HSE will transfer the fee simple interest in the Health Centre site at Emmet Road, purchase price agreed at €3.5m, to Dublin City Council for the planned St. Michael's Estate regeneration project and pay a balancing financial contribution of €2m to the Council. In advance of the transfer of title to the Emmet Road site, the HSE will hand-over possession of same to DCC by 30th June 2021 at the latest, as DCC urgently requires possession to advance the St. Michael's regeneration project (for which a design team has been appointed).

In the event the HSE does not complete the acquisition of the Gulistan Terrace site, fail to apply for or receive planning permission or proceed with construction of the development, DCC will acquire the Emmet Road site in fee simple, at the agreed purchase price of €3.5m, on an unrestricted basis, i.e. with no uplift clauses or conditionality around building, etc.

The terms and conditions of the transaction provide for the HSE receiving the Fee Simple interest in a cleared site for the development of a Primary Care Centre, subject to Planning Approval. Furthermore, the HSE will be granted a temporary licence over part of the retained Public Realm/Open Space/Access areas to the extent required to develop the necessary access and public realm to service their development.

Report of the Assistant Chief Executive No.352/2020 presented to the City Council on 7th December 2020 outlined a set of criteria for assessing the suitability of disposing of selected council owned sites and properties. The proposed disposal of part of the former DCC depot at Gulistan Terrace was assessed in accordance with the criteria and the required report is attached. The report concludes that the proposed disposal meets the criteria as outlined. Therefore, it is now proposed to dispose of part of the former DCC depot at Gulistan Terrace to the HSE subject to the following terms and conditions, which the Chief Valuer has recommended as fair and reasonable:

1. That Dublin City Council shall, subject to conditions 8 and 9 below, dispose of the freehold interest with vacant possession in the property at Gulistan Terrace, Rathmines, Dublin 6 having a gross area of 0.6620 acres/ 2,679sq.m or thereabouts, as shown with the boundary hatched in red on map index no. SM-2020-0383, for identification purposes only, to the HSE. The previous map index No. SM-2020-0383, has been included for comparison purposes only. Dublin City Council shall take-in-charge upon completion the main access road at the approved development, as shown marked E and coloured yellow and hatched in orange on map index no. SM-2020-0383- see condition No. 12 below. A formal map shall be prepared for disposal purposes arising from the planning permission.

2. That the HSE shall, subject to conditions 8 and 9 below, transfer to Dublin City Council the freehold interest with vacant possession in the property at the HSE Health Centre, St. Michael's Estate, Emmet Road, Inchicore, Dublin 8 having an area of 1,785sq.m or thereabouts, as shown outlined in red on map index no. PD2008-083, for identification purposes only, for no monetary consideration. A formal map shall be prepared for contract purposes.
3. That the balancing consideration payable for the Council site at No. 1 above in full and final settlement shall be in the sum of €2,000,000 (two million euro) which shall be payable as follows:
 - a. €1,000,000 per annum with the first payment being made no later than a date two months after the date of final grant of planning permission for a Primary Care Centre on the site at No. 1 above and the final payment of €1,000,000 on or before the next anniversary of that date, or the date of entry on the site for the purposes of commencing construction of the Primary Care Centre, whichever is the earlier.
 - b. Interest at the rate of 5% per annum may apply to outstanding amounts which have not been paid as they have fallen due.
4. That the Law Agent shall prepare the necessary contract documents, to be ready for execution by the parties within twelve weeks of the date of issue of the formal approval of the transaction by the Council. The HSE must execute and return such documentation within twelve weeks of receipt of same.
5. That the HSE must lodge a planning application for the development of a Primary Care Centre and access road at the lands outlined at No. 1 above within eighteen months of receipt of the requisite approvals of the City Council to this proposed disposal. If this does not occur the City Council, at its absolute discretion, may decide to rescind this agreement. The HSE will issue a report to Dublin City Council at a date 9 months after City Council approval on the progress made by the design team appointed in preparing the design of the building and outlining any pre-planning consultations with the planning Authority, in anticipation of submitting the planning application.
6. That the HSE shall submit a valid planning application to Dublin City Council and, if required, an appeal to An Bord Pleanála. If necessary, a second application may be submitted within three months of the Council or An Bord Pleanála refusal.
7. That if planning permission for a Primary Care Centre development, in accordance with provisions of condition No. 6 above, is either refused (by Dublin City Council or An Bord Pleanála), or granted subject to onerous conditions, then either party may rescind the agreement within eight weeks of the refusal or final grant of planning permission, without penalty or compensation due to the other party. All related costs to be borne by the HSE. In the case of a grant of permission the HSE must indicate in writing that it is an acceptable grant of planning permission within four weeks of the decision, or in the case of a decision by Dublin City Council that the applicant intends to appeal to An Bord Pleanála.
8. That Dublin City Council shall use its best endeavours to ensure that the transfer of title to the lands at No.1 above shall be completed no later than a date two months after the date of final grant of planning permission for a Primary Care Centre at No.1 above. The HSE shall use its best endeavours to vacate the site at No. 2 above and handover clear possession to Dublin City Council, on or before 30th June, 2021. DCC shall have the right to call for the transfer of title and/or a works licence in relation to the site at No. 2 above, at any time after 30th June, 2021.

9. That in the event that Dublin City Council receive title to site No. 2 for no consideration and if the agreement is ultimately rescinded under No. 5 or 7 above, the Council shall become liable to transfer a total sum of €3.5million, inclusive of VAT, to the HSE, payable in three equal yearly instalments.
10. That the HSE shall use its best endeavours to commence work on the proposed Primary Care Centre on site No. 1 above within thirteen months of the date of final grant of planning permission and to complete the entire development within twenty months from that date.
11. That Dublin City Council reserves the right to re-purchase the site at No.1 for €3.5 million plus any payments made by the HSE under No. 3a above and resume possession thereof, should the HSE fail to substantially commence the development of the Primary Care Centre within three years of the date of final grant of planning permission for same.
12. That Dublin City Council shall provide a letter of consent to the HSE to make a planning application for the lands outlined at No.1 above. In addition, the following shall occur:
 - (a) Dublin City Council shall grant a short term temporary licence and ROW to the HSE, who must construct an enhanced vehicular and pedestrian access road marked E (East), within the lands outlined at No.1 above and as hatched in orange on map index. No. SM-2020-0383. Dublin City Council shall take the area in-charge on completion and also retain title to the area outside of the site No.1 above.
 - (b) The balance of the HSE development area shall be subject to the freehold disposal to the HSE, subject to the Council retaining wayleaves to any services as agreed with the HSE. Dublin City Council or an Approved Housing body shall construct the pedestrian access routes and wider public realm areas marked W (West) and coloured yellow on the attached map index. No. SM-2020-0383.
13. That Dublin City Council shall provide the site at No1 cleared of any buildings only, to the HSE and shall be prepared to grant a short term temporary occupational licence to the HSE of plot W (West) outlined at No. 12 (b) above, if required, in the event the HSE's development precedes the Council works at plot W (West).
14. That if necessary, either party shall be entitled to construct the entire of the works at 12 (a), 12(b) and 13 above to facilitate project scheduling and, in those circumstances, to recover the vouched expenses due from the other party in accordance with their respective responsibilities. If the Council is to carry out the works, it shall receive an appropriate Works Licence from the HSE (if title in site No 1 has already transferred to the HSE).
15. That all site investigations (including archaeological investigations), ground works, services connections or reasonable diversions, planning fees, development and associated professional costs incurred in the delivery of the completed development on the property at No.1 above, shall be borne by the HSE. If, in the event, major infrastructure diversions works are required to accommodate the works, then the costs will be borne by both parties equally.
16. That the HSE shall ensure that all necessary safety precautions are taken in accordance with Health & Safety Regulations and all other statutory requirements.
17. That the HSE shall undertake not to use the said site at No. 1 for, or build on the site, anything other than the buildings shown on the approved drawings and for which planning permission is obtained.

18. That during the building period, the HSE will insure the buildings at No.1 above against fire and all other insurable risks with an appropriate insurance policy and pay all necessary premiums.
19. HSE to commission and fund a new piece of public art as part of the development in line with the new limits and bands as announced by the Department of Culture, Heritage and the Gaeltacht in July 2019.
20. That an older persons Day Care facility would be included in the Primary Care Centre and the HSE will provide a licence, on terms to be agreed, to DCC for use of part of the centre for community purposes.
21. That the HSE and its design team shall indemnify the City Council against any claim for compensation which may be made by any party arising out of building works being carried out on the property at No.1 above, or any working areas or on any access points thereto.
22. That all VAT payable and any Stamp Duty liabilities, on this transaction and any proposed development, shall be the responsibility of the HSE.
23. That as a condition of this disposal the HSE shall provide evidence that it holds the unencumbered freehold title with full vacant possession in the former Health Centre site shown outlined in red on drawing index no. PD2008-083, for identification purposes only.
24. That each party shall be responsible for their own professional costs arising in this transaction.
25. That any of the dates/time frames outlined above may be extended by the Executive Manager at his absolute discretion and all notices must be given in writing.

The site to be disposed of was acquired from the Earl of Meath and the ESB.

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

The disposal shall be subject to any such covenants and conditions as the Law Agent in her discretion shall stipulate.

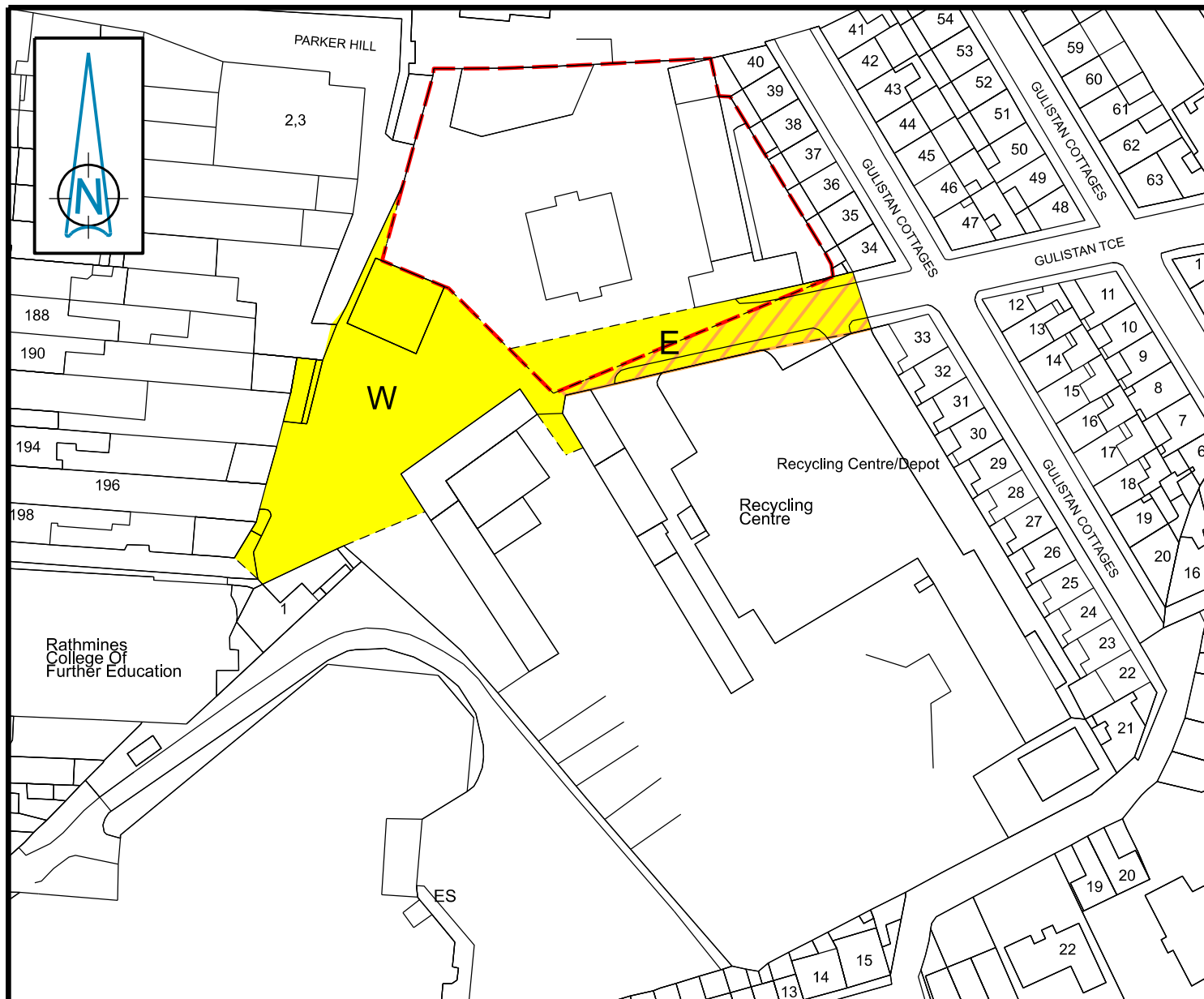
This proposal was approved by the South East Area Committee at its meeting on 12th April 2021.

This report is submitted in accordance with the requirements of Section 183 of the Local Government Act, 2001.

Resolution:

That Dublin City Council notes the contents of Report No. 155/2021 and assents to the proposal outlined therein.

Richard Shakespeare
Assistant Chief Executive
28th April 2021



GULISTAN TERRACE, RATHMINES

DCC to HSE for Primary Care Centre - Shown thus --- Area: 2,679m²

Public Realm/Open Space - Identified as **W** and **E**

Temporary Licence to HSE shown thus Area: 278m²



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

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29-03-2021

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T. Curran

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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN

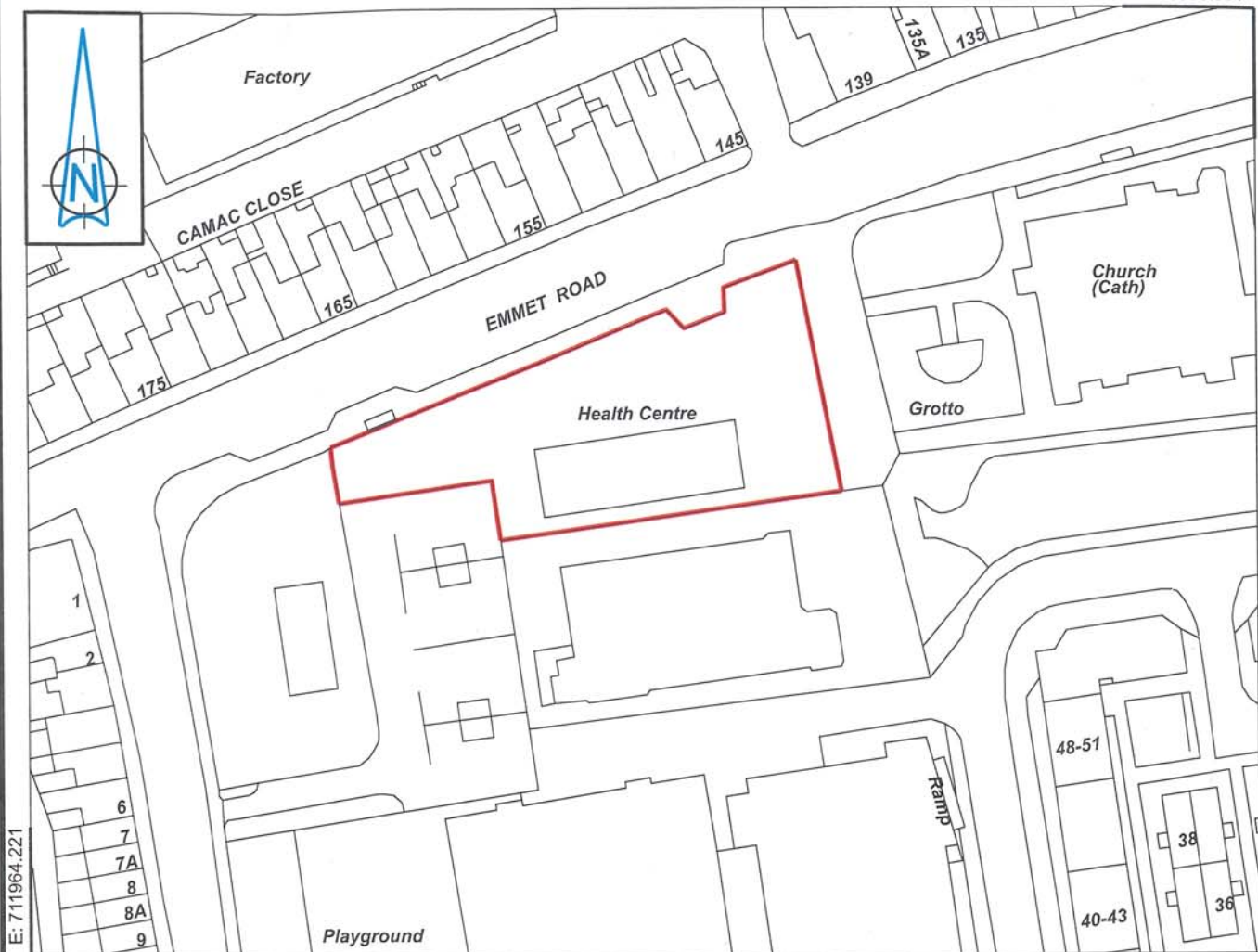
ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

Dr JOHN W. FLANAGAN

CEng FIEI FICE
CITY ENGINEER

INDEX No.

SM-2020-0383



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Emmet Road Health Centre - Site at

HSE to Dublin City Council

Acquisition of Simple Fee



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

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SURVEY, MAPPING AND RELATED RESEARCH APPROVED

APPROVED

THOMAS CURRAN

ACTING MANAGER LAND SURVEYING & MAPPING
DUBLIN CITY COUNCIL

INDEX No.

SM-2021-0132

Dr JOHN W. FLANAGAN

CEng FIEI FICE

CITY ENGINEER



With Reference to the proposed disposal of part of the former depot at Gulistan Terrace, Rathmines in accordance with the Criteria for Disposing of City Council Sites/Properties

The criteria for disposing of city Council owned sites/properties has been agreed with the Planning and Urban Form SPC and the elected members of the City Council. It is now proposed to dispose of part of the former depot at Gulistan Terrace as it has met the criteria as demonstrated below:

1. Site description:

- a. The site comprises a site area of 2679m² and is located at the northern end of the former Gulistan Depot, Rathmines. The site is shown outlined in red on the attached map SM 2021-0383.
- b. The site forms part of an exchange with lands at Emmet Road, Inchicore.

2. Site Context:

- i. Character of adjoining sites:
Gulistan Depot is a 1.13 Ha (2.8 acre) site located in the heart of Rathmines, to the rear of the Swan Shopping Centre and Rathmines College/former Town Hall. The site comprises a former depot, a bring centre and a defunct ESB premises, now acquired by DCC.
- ii. Planning history on site and adjoining sites:
Whilst no relevant planning history pertains to the Gulistan site, there are however a number of nearby sites of relevance including:
 1. 4778/05 + 1843/08 – Swan Leisure Centre, Rathmines Road. Part 8 planning application granted permission for a new civic space, a combined sports pool, leisure & residential building, a childcare building, underground car park, and a new public park accommodated in an 8 storey building. This complex has been operating successfully at the heart of Rathmines for approximately a decade.

2. 4568/19 + ABP 306742/20 – Rathmines House, 143-149 Rathmines Road. Permission was granted for a 7 storey Co-Living development with 10 individual units.
 3. 3567/19 + ABP305659/19 – 3 Ardee Road. Permission was granted for a 7 storey Co-Living development with 102 individual units.
- iii. Wider context –mix of use and adequacy/provision of amenities/facilities:
- Rathmines is a Key District Centre with a range of retail and community services serving this part of the city, including a public library, Garda station, a swimming pool (Swan Leisure Centre) and a variety of educational facilities. The Rathmines Area has significant tenure diversity, including private housing, houses in multiple occupation and social housing e.g. Mount Anthony and Rathmines Ave. However, Rathmines has an identified need for a modern Primary Health Care Centre, offering a full range of health and welfare uses and supports.

3. Planning Status:

- a. The Site is zoned for Mixed Use Purposes (Z4) in the City Development Plan in order to enhance the role of Rathmines as a Key District Centre serving the wider Rathmines Area. The site is well served by public transport, with pedestrian access to Rathmines Road and a vehicular entrance via Gulistan Terrace to Mountpleasant Avenue.
- b. Permitted and Suitable uses:
The permissible and suitable uses for Z4 include buildings for the health and welfare of the public, civic building, community facilities, recreational/cultural uses, education, live/work units, media based activity, medical uses, office up to 600m², open space, residential, restaurant, shops, training centres.
- c. Relevant policies and objectives:
The Development Plan contains the following policy for District Centres. District centres, which include urban villages, provide a higher level of services than neighbourhood centres. They have outlets of greater size selling goods or providing services of a higher order, and their catchment area extends spatially to a far greater area than that of neighbourhood centres. To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use for additional commercial/retail/services or residential use with appropriate social facilities. Higher densities will be permitted in district centres, particularly where they are well served by public transport. The district centre can provide a focal point for the delivery of integrated services and the designated key district centres have, or will have in the future, the capacity to deliver on a range of requirements, the most important of which are:
 - An increased density of development

- A viable retail and commercial core
- A comprehensive range of high-quality community and social services
- A distinctive spatial identity with a high-quality physical environment

4. LAP or SDRA or Framework Plan:

Yes

A draft Masterplan has been produced for the Gulistan Area – see attached. This Draft Masterplan, which will be subject to further consultation, provides the context for the integrated redevelopment of the overall site. The main components of the Masterplan are arranged around and integrated within a new Civic Space as follows:

- a) A new primary Health Care Centre located on the northern part of the site, (gross floor area approx. 3,500m²).
- b) A new Age Friendly housing scheme to the eastern side of the site adjacent to existing housing.
- c) A new Civic Space, approximately 1,500m² in size.
- d) A new Cost Rental Scheme is proposed on the west side of the site, opposite the Age Friendly homes, across a new tree lined street.
- e) The Stone Building (250m²) is to be repurposed so that it can accommodate a variety of uses e.g. craft shops, artists' studios.
- f) A new private mews development for premises on Rathmines Road. It should be noted that this will be a private development and is not part of this scheme.

5. Site Condition:

Gulistan is a relatively flat, brownfield site. It contains some functional buildings, including a salt barn, a stone former depot building and a former ESB structure. There are no trees on the site.

6. Site Constraints:

- a. **Access:** There is a pedestrian only access from Rathmines Road (although this is also an opportunity for a traffic calmed civic area). Vehicular access is from Gulistan Terrace at present.
- b. **Services:**
The site is well served by all utilities although the infrastructure within the site may need to be upgraded. The draft Masterplan (attached) demonstrates that health care uses can be accommodated on the site.
- c. **Other:**
This is a relatively flat site, the main constraints being the presence of large buildings on the site, including an ESB structure.

7. Valuation of site: (Provide range)

Open Market Value:	€5,500,000
Standalone value	€5,500,000
Integration into adjoining development	€N/A

8. Site Capacity/Development Potential

Is the site considered suitable/viable for Housing **N**

Reasons: The draft Masterplan for the area which provides for a complementary mix of uses/tenure (for aged persons, cost rental and a Health Care centre, a Civic space, the height of buildings), has evolved over a considerable length of time, and the development of a Primary Care Centre on this site is considered to be the most appropriate use having regard to the draft Masterplan. There are no other sites in the locality suitable for a Primary Health Care Centre.

Is the site considered suitable for Commercial Development **Y**

Reasons: The site is zoned Z4 for mixed use and adjacent to the Swan Shopping Centre.

Is the site considered suitable/viable for Community use **Y**

Reasons: The site is suitable for community / healthcare uses as set out in the Draft Masterplan.

9. Proposed Use for site and rationale for recommending same

The proposed use of the northern part of the site is for a Primary Health Care Centre which is an objective of the draft Masterplan which sets out the following aims:

- To provide a high quality mixed use development including community uses which will enhance Rathmines as a Key District Centre.
- To guide the delivery of a coherent development of enduring architectural quality which complements the character of Rathmines and makes this a place of which people are proud to be a part.
- Create a new, high quality civic space with pedestrian linkages back into Rathmines and the wider public realm.
- To respond and contribute to the rich character of Rathmines, with its significant heritage buildings, (including views of the clock tower) and to the pedestrian/cycling permeability of the area. This will include links to Parker Hill, Castlewood Terrace, Gulistan Terrace and along the side of the clock tower.

- e) Ensure all development is of the highest architectural quality and achieves best practice sustainability standards (e.g. Energy conservation and Sustainable Urban Drainage Systems – SuDS) in accordance with DCC's Climate Change Action Plan.
- f) To protect the amenities of adjacent residential areas.
- g) To create synergies between the uses/activities both on the Gulistan site and with the surrounding area.

This new Health Care Centre will operate as a "Network Centre" and could have a full range of health related uses including, medical facilities, speech and language, an older persons day care centre and a café facing the Plaza. The Health Care Centre will be architect designed with an urban scale featuring heights up to approximately 4 storeys.

Parking will be provided in accordance with the standards set out in the Development Plan of 2 spaces per consulting room and any planning application would normally include a Mobility Management Plan to demonstrate minimum car use e.g. shared car pools.

This is a stand-alone development and comprises one of the main components of the draft Masterplan which are arranged around and integrated within a new Civic Space as follows:

- a) A new primary Health Care Centre located on the northern part of the site, (gross floor area approx. 3,500m²).
- b) A new Age Friendly housing scheme to the eastern side of the site adjacent to existing housing.
- c) A new Civic Space, approximately 1,500m² in size.
- d) A new Cost Rental Scheme is proposed on the west side of the site, opposite the Age Friendly homes, across a new tree lined street.
- e) The Stone Building (250m²) is to be repurposed so that it can accommodate a variety of uses e.g. craft shops, artists' studios.
- f) A new Private Mews Development for premises Rathmines Road. It should be noted that this will be a private development and is not part of this scheme.

10. Assess whether and to what extent the monetary benefit to the council from disposing of the site outweighs the long-term social and economic benefit foregone in terms of the necessary development of housing and other public uses.

The benefit of this disposal is to provide a much needed PHCC for Rathmines and to allow for the redevelopment of the Emmet Road site for Cost-Rental Housing, as part of the Councils objective to provide affordable homes. The PHCC is part of a complementary range of uses for the overall Gulistan site which will also provide for 90 cost-rental homes, 66 Age Friendly Homes and a community facility.

The draft Masterplan (attached) includes substantial inputs from the following:

1. Housing Manager
2. Chief Valuer
3. City Architect
4. City Planner
5. Area Manger

The Draft Masterplan is available to view here:

<https://dublincity.sharefile.eu/d-s4164c5e6abed42cd93b803e2776a34aa>

Conclusion:

Therefore, it is now proposed to dispose of a site at Gulistan Terrace, Rathmines to the HSE in part exchange for a site on Emmet Road, as the proposal has met the criteria as demonstrated above and subject to the terms and conditions, which the Chief Valuer has recommended as fair and reasonable.



Richard Shakespeare
Assistant Chief Executive

MEMO

MEAMRAM



City Valuers Office, Planning & Property Development Department,
Block 3, Floor 2,
Civic Offices, Wood Quay, Dublin 8

Oifig Luachálaí na Cathrach, An Roinn Pleanála & Forbairt Maoine,
Bloc 3, Urlár 2,
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T. 01 222 2112 F. 01 222 2682 E. cityvaluersoffice@dublincity.ie

Please Quote: Our Ref: MB/187-18

27th April 2021

Paul Clegg,
Executive Manager,
Planning & Property Development Department,
Block 4 Floor 3,
Civic Offices.

RE: Proposed Disposal of a site of 0.6620 acres/ 2,679sq.m at Gulistan Terrace, Rathmines, Dublin 6 to the HSE for the development of a Primary Care Centre.

With regard to the above matter, I would advise the following :

The subject property is located at Gulistan Terrace, Rathmines, Dublin 6.

In 2018 Dublin City Council engaged with the HSE who had identified a requirement for a Primary Care Centre in Rathmines, the negotiations have taken some time to perfect in order to reflect the requirements of the Local Area, Dublin City Council and the HSE.

As per the valuation of site requirement of the "Criteria for Disposing of City Council Sites/Properties", I have assessed the proposed disposal under the following headings:

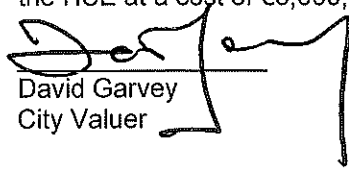
- Open Market Value €5,500,000
- Standalone Value €5,500,000
- Integration into adjoining development N/A

The Gulistan Terrace site the subject of the disposal measures 0.6620 acres/ 2,679sq.m or thereabouts with access off Gulistan Terrace. I am of the opinion that the agreed disposal price of €5,500,000 reflects the Market Value/Standalone Value of the development site and therefore recommend it for agreement as part of the terms of the disposal.

The proposed disposal is part of a land exchange with the HSE, (i) Dublin City Council shall dispose of the Gulistan Terrace site to the HSE, purchase price €5,500,000 (ii) the HSE will dispose of the Emmet Road site at the former St. Michaels Estate to Dublin City Council, purchase price (€3,500,000). Therefore, there will be a cash balance payable to Dublin City Council from the HSE of €2,000,000.

The acquisition of the Emmet Road site is of critical importance to the redevelopment of the former St. Michaels Estate as part of a mixed use scheme. The Emmet Road sites provides significant frontage onto Emmet Road for the delivery of a well balanced mixed use scheme. In the event the Gulistan

Terrace disposal does not proceed Dublin City Council will need to acquire the Emmet Road site from the HSE at a cost of €3,500,000.



David Garvey
City Valuer