



An  
Bord  
Pleanála

## Inspector's Report

**ABP-304474-19**

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<b>Development</b>	Construction of extension to Enterprise Centre
<b>Location</b>	Guinness Enterprise Centre, Taylor's Lane, Dublin 8
<b>Planning Authority</b>	Dublin City Council South
<b>Planning Authority Reg. Ref.</b>	2313/19
<b>Applicant(s)</b>	Guinness Enterprise Centre
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First Party
<b>Appellant(s)</b>	Guinness Enterprise Centre
<b>Date of Site Inspection</b>	None
<b>Inspector</b>	Colin McBride

## 1.0 Site Location and Description

- 1.1. The appeal site, which has a stated area of 0.3726sqm, is located in The Liberties in Dublin 8 to the west of the city centre. The appeal site is located off Taylors Lane which runs on a north south axis between Marrowbone Lane to the south and School Street to the north. The site is occupied by a three-storey warehouse structure that is occupied by the Guinness Enterprise Centre (historically part of St. James Gate Brewery). An existing warehouse building part of the brewery abuts the existing Enterprise Centre to the north and there is another warehouse structure part of the brewery to the west of the site. To the south is residential development consisting of four-storey apartment blocks.

## 2.0 Proposed Development

- 2.1. Permission is sought for a two-storey extension over the existing three-storey Guinness Enterprise Centre, consisting of 3,735sqm of incubator and co working space, including the provision of an external stairs and passenger lift and all ancillary site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

Permission granted subject to 10 conditions. Of note is the following condition...

Condition no. 2: A Section 48 development contribution of €280,498.50 was applied.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Planning report (15/04/19): the proposal was considered acceptable in the context of land use policy, design, scale visual amenity and the amenities of adjoining properties. A grant of permission was recommended based on the conditions outlined above.

#### 3.2.2. Other Technical Reports

Drainage Division (13/03/19): No objection subject to condition.

### 3.3. **Prescribed Bodies**

None.

### 3.4. **Third Party Observations**

None.

## 4.0 **Planning History**

- 4.1 2018/97: Permission granted for conversion and alteration of an existing structure to provide for a Business Enterprise and Technology Centre.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

The relevant Development plan is the Dublin City Council Development Plan 2016-2022. The site is zoned Z5 with a stated objective 'to consolidate and facilitate the development of the central area, and to identify, reinforce, strengthen and protect its civic design character and dignity'.

### 5.2. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

### 6.1. **Grounds of Appeal**

- 6.1.1 A first party appeal has been lodged by Reddy a+u on behalf of the applicants, Guinness Enterprise Centre. The grounds of appeal are as follows...

- The appeal concerns the application of condition no. 2, which is a Section 48 Development contribution for €280,498.50.
- The appellants note that they are a not for profit organisation providing for a community and training facility and are a registered charity. The development should not be liable for contributions under the Dublin City Council Section 48 Development Contribution Scheme.
- The appellants note that the proposal is to enable the GEC provide an Entrepreneurial Super-Hub to connect the GEC itself and entrepreneurial hubs in the regions in Ireland with global universities and business schools.
- The company operates on a not for profit basis and all profits are returned to the business and the community.
- The company objectives are closely aligned with the DCC Local Economic and Community Plan 2016-2021 and with objectives of the DCC Promoting Economic Development Plan.
- It is noted that the GEC should be exempt from contribution due to its status and the fact that the extension to the GEC will provide workshop and training facility space for persons with disability. It is noted that there are currently a number of staff with disabilities in the organisation and the improved facilities will benefit staff with disabilities. In addition it is noted that one of enterprises which has been incubated and resident in the GEC is an access consultancy.

## **6.2. Planning Authority Response**

### **6.2.1 Response by Dublin City Council.**

- The Planning Authority note that the application has been reviewed and that the correct development contribution rate was applied. It is noted that the type of development is not exempt under the current contribution scheme and the status of the Guinness Enterprise and Technology Centre as a registered charity does not exempt it from the requirement to pay a development contribution if deemed applicable under the terms of the development Contribution Scheme.

## 7.0 Assessment

- 7.1. This is an appeal in relation to the application of a development contribution only. The Board will not determine the application as if it was made to it in the first instance and will only determine the matters under appeal.
- 7.2. An appeal may be brought to the Board under section 34 considers the terms of the Development Contribution Scheme have not been properly applied in respect of any condition laid down by the planning authority. In this appeal, the issue is considered whether the terms of Scheme have been properly applied.
- 7.3. The proposal is for a two-storey extension over the existing three-storey Guinness Enterprise Centre, consisting of 3,735sqm of incubator and co working space, including the provision of an external stairs and passenger lift and all ancillary site works.
- 7.4. Under condition no. 2 a Development Contribution of €280,498.50 was applied based on a rate of €75.10 per sqm. This is the correct rate for industrial/commercial class development under the current Dublin City Development Contribution Scheme. Based on this rate and the floor area of the proposed development at 3,735sqm the Development Contribution liable is €280.498.50.
- 7.5 The issue raised in this appeal is that the appellants/applicants should be exempt from the contribution under the Section 48 Development Contribution Scheme. This is based on the fact that the appellants/applicants are a registered charity, a not for profit organisation with the profits returned to the business and the community, provide for a training facility that is beneficial to the community and cater for persons with disabilities. The Guinness Enterprise Centre is an enterprise centre that supports start-up companies and is not for profit based on the information submitted by the appellants/applicants and that available from research on the internet. The appellants/applicants are listed as a registered charity on the Charities Regulators website.

7.6 Section 12 of the Dublin City Council Development Contribution Scheme 2016-2020 outlines the Exemptions and Reductions that apply under the scheme. The list of exemptions are very specific regarding the categories of development which will be exempted from development contributions and I have attached the scheme with this report. I would first note that the fact that the appellants/applicants are a registered charity does not exempt them from development contributions and is not a specific category identified under Section 12. In relation to not for profit development the following two categories are identified...

“Non-for profit, community run childcare facilities.

Development to be used for social, recreational or religious purposes and not to be used for profit or gain”.

I would consider that the proposal does not fall under either of these categories. In relation to developments catering for persons with disabilities, which is referred to in the appellants’ submission the following category is noted...

“development to be used as a workshop, training facility, hostel or other accommodation specifically for persons with disabilities and not to be used for profit or gain”.

I would consider that the proposed development is an extension of an existing enterprise centre that caters for start-up companies and does not come under the description of a workshop, training facility, hostel or other accommodation specifically for persons with disabilities”.

7.7 I would note that the proposed development does not conform to the description of any of the categories of development under Section 12 for which exemptions from development contributions apply. I would note that there are aspects of the proposal that are similar to some components of the exemptions listed however, the exemptions are very specific and the proposed development does not fall under any of the categories listed. I would be of the view that the proposed development is not

liable for any exemptions for Development Contributions under the Dublin City Development Contribution Scheme and that the application and amount of development contribution applied under Condition no. 2 is in accordance with the terms of the scheme as written. I would consider that the Development Contribution scheme has been applied correctly and would recommend that condition no. 2 be retained.

## **8.0 Recommendation**

8.1. I recommend that Dublin City Council be directed to RETAIN condition no. 2.

## **9.0 Reasons and Considerations**

9.1. Having regard to the provisions of the Dublin Council Development Contribution Scheme 2016-2020, which requires a development Contribution of €75.10 per square metre for industrial and commercial development and having regard to the exemptions from such contributions set out under Section 12 of the scheme, the proposed development does fall into any of the categories of development for which an exemption would apply and the amount of the Development Contribution applied has been correctly calculated and applied in accordance with the development Contribution Scheme as written.

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Colin McBride  
Planning Inspector

30<sup>th</sup> July 2019

