

Comhairle Chontae Atha Cliath Theas

PR/0465/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0201 **Application Date:** 20-Jul-2021
Submission Type: Additional **Registration Date:** 07-Mar-2022
Information

Correspondence Name and Address: Desmond J. Halpin 15, Carriglea Drive, Firhouse,
Dublin 24

Proposed Development: Retention of original garage converted into a hair
dressing salon; internal alterations and part front
elevation.

Location: 17, Killakee Court, Dublin 24

Applicant Name: Liam & Valerie Staunton

Application Type: Retention

(CS)

Description of Site and Surroundings

Site Description

No. 17 Killakee Court is a two storey, semi-detached residential dwelling with a single storey element (garage conversion) to the side and is located towards the end of a cul-de-sac. The area is mainly characterised by other semi-detached dwellings.

Site Area: Stated as 272.8Sq.m.

Proposal

- The applicant seeks retention permission for change of use of the original garage that is now converted into a hair dressing salon.
- Retention includes for alterations to front elevation whereby garage door to front has been replaced by direct access door to hair dressing salon.
- Area for retention measures c.18.05sq.m.

The applicant states in their cover letter submitted that they have been carrying out hair dressing services from the property for private clients by appointment only and that only one client is taken at a time.

The applicant states that they work three days a week only where hours of business are between 10.00am to 12.00 noon & 2.00pm to 4.00pm weekdays. The majority of clients are from the local area.

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Zoning

The site is subject to land-use zoning objective – 'RES' – 'To protect and/or improve residential amenity.'

Consultations

H.S.E. Environmental Health Officer – No report received.

Irish Water – No objection, subject to **conditions**.

Surface Water Drainage – No objection, subject to **conditions**.

Roads – No objection.

SEA Sensitivity Screening

No overlap indicated with the relevant environmental layers.

Submissions/Observations/Representations

None received.

Relevant Planning History

None traced to subject site.

Adjacent sites.

SD12A/0191: 15, Killakee Court, Dublin 24.

Proposed ground floor partial front extension with pitched roof over; proposed change of use of area of ground floor of dwelling to beautician use, floor area 19.4sq.m.

Decision: **GRANT PERMISSION.**

Relevant Enforcement History

None traced.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Development Plan 2016 – 2022

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non-Residential)

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Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Section 11.3.0 Land Uses

Section 11.3.10 Home Based Economic Activity

'The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.'

Section 4.4.0 Home Working

Small scale home based economic activity offers flexibility to self employed persons and employees. This can contribute to a decrease in the demand for travel and reduce the costs associated with starting a business. Small scale home based economic activities that do not have a negative impact on the amenities of an area are generally supported.

ECONOMIC AND TOURISM (ET) Policy 4 Home-Based Economic Activities

It is the policy of the Council to support small scale home-based economic activities at appropriate locations.

ET4 Objective 1:

To support and facilitate home-based economic activity that is subordinate to the main residential use of a dwelling and where, by virtue of their nature and scale, they can be accommodated without adversely impacting on the amenities of the area.

ET4 Objective 2:

To support and encourage the provision of ground floor live-work units as part of mixed use and residential developments in appropriate locations, as a means of enlivening streets and to provide flexible accommodation for small businesses. Standards and criteria for Home Based Economic Activities are detailed under Section 11.3 of this Plan.

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

Assessment

The main issues for assessment are

- Zoning and Council policy;
- Residential & Visual Amenity;
- Services and Drainage;
- Access and Parking;

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- Environmental Health;
- Screening for Environmental Impact Assessment (EIAR);
- Screening for Appropriate Assessment (AA).

Zoning and Council Policy

The proposed site is subject to zoning objective, 'RES' – 'To protect and/or improve residential amenity'. A hair dressing salon is Open for Consideration based on the 'RES' zoning objective for the area.

The application for retention is considered acceptable in principle subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan including *Section 11.3.10 Home Based Economic Activity* of the SDCC Development Plan 2016-2022 which is set out below and states the following:

*Development proposals for small scale home based economic activities will be considered where the **applicant is the resident of the house** and can demonstrate that the proposed activity is subordinate to the main residential use of the dwelling. Proposals that adversely impact on the existing residential amenity of the area by way of increased traffic, noise, fumes, vibration, smoke, dust or odour will not generally be favourably considered*

The Planning Authority will assess the suitability of the residential site to accommodate the proposed home based economic activity having regard to the size and scale of the site and dwelling, the prevailing density of the area, the availability of adequate safe car parking and the general compatibility of the nature of the use with the site context.

*Home-based economic activity will generally be permitted on a short-term or **temporary basis** to enable an ongoing assessment of any impact of the activity on residential amenity.*

The hair dressing salon (18.05sq.m) seeking retention is based in the original garage of the existing dwelling. The internal floor area of the dwelling including the hair salon is stated as c.155.36sq.m. The use of the hair dressing salon is considered to be subordinate to the main residential use of the residential dwelling by virtue of nature and scale. The original garage door has been replaced with an additional front entrance door which provides direct access to the hair dressing salon. The application for retention is not considered to have a significant adverse impact on residential and visual amenity.

Services and Drainage

Both Irish Water & Surface Water Drainage have no objection, subject to **conditions**. An extract taken from the Irish Water report states the following:

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Irish Water requests that any grant of permission will be **conditioned** as follows:

- 1. The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.*
- 2. All development shall be carried out in compliance with Irish Water Standards codes and practices.*
- . Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.*
- 4. Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details*

Reason: To ensure adequate provision of water and wastewater facilities.

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No objection subject to:
Flood Risk No Objection Subject To:*

The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

It is considered appropriate to attach the above **conditions** in the event of a grant.

Access and Parking

The Roads Department has submitted a report expressing no objection and requesting no condition in the event of a grant of permission. The report indicates that the Roads Department does not consider the application for retention for the partial change of use for the hair dressing salon to have any impact on the parking provision in the area. Notwithstanding the report from the Roads Section, it is deemed appropriate to request **additional information** on the car parking arrangements and if this would have an impact on traffic and parking.

Environmental Health

No report was received from the Environmental Health Officer in this instance. However, it is deemed appropriate to request **additional information** on the arrangements in place for any extractor fans and air ventilation systems and if this would have an impact on residential and visual amenity.

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Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Other Issues

Development Contributions

- The application for retention relates to a partial change of use and retention for original garage conversion to hair dressing salon.
- Assessable area is 18.05sq.m for change of use.

Strategic Environmental Assessment Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Hair salon	18.05
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.02728

Conclusion

While there is no objection in principle with application for retention, it is deemed appropriate to request additional information in order to make an assessment of the impact of the proposed development on the residential amenities of the residential area, in accordance with Development Plan policy.

- Access & Parking
- Environmental Health

Recommendation

Request Further Information.

Further Information

- Further Information was requested on 13/09/2021.
- Further Information was received on 07/03/2022.

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No submissions/observations on the further information have been made.

The following Further Information was requested.

Item 1: Environmental Health

The applicant is requested to submit details and information which may include drawings on any arrangements in place for extractor fans/air ventilation systems.

Item 2: Access & Parking

The applicant is requested to submit information on the car parking arrangements and location for clients attending the hair salon.

Item 3: Client.

(a) In relation to Section 11.3.10 of the Development Plan, the applicant is requested to demonstrate and confirm that the salon operator is a resident of the house.

(b) Section 11.3.10 of the Development Plan outlines that 'Home-based economic activity will generally be permitted on a short-term or temporary basis to enable an ongoing assessment of any impact of the activity on residential amenity.' The applicant is requested to outline the full history of the ongoing use for retention and provide a rationale for an appropriate future term of operation.

Further Consultations

Roads Section – **Refusal** recommended.

Environmental Health – Acceptable subject to **conditions**.

Further Submissions/Observations

None received.

Assessment

Item 1: Environmental Health

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

Item 1.

The area will be ventilated in compliance with technical guidance document – Ventilation. The openable front window, door to lobby/permanent wall vents to equal to a min of 1/20 of the floor area or by mechanical wall mounted heat recovery ventilation unit [by specialist] to achieve 6 air changes per hour of fresh air.

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Based on the additional information submitted an extract taken from the EHO report states the following:

***Development Summary:** This development is for the retention of a garage that has been converted into a hair salon at the side of the property. This converted garage is currently being used as a hair salon business. South Dublin County Council requested Additional Information in relation to any extractor fans or ventilation systems that may have an impact on residential amenity. The AI received details that the mechanical ventilation provided will be in compliance with technical guidance on ventilation and will be installed by a ventilation specialist.*

*The above proposal **is acceptable** to the Environmental Health Department – subject to the following condition(s):*

Operational Phase

Noise

- 1. The mechanical ventilation system shall be installed by a ventilation specialist and be in compliance with technical guidance document on ventilation as detailed in the AI received.*
- 2. All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.*

***Reason:** In the interest of public health.*

- 3. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.*

***Reason:** In the interest of public health.*

The applicant has submitted a drawings and information for arrangements that will be in place for extractor fans/air ventilation systems. The EHO has issued a report recommending the application to be **acceptable subject to conditions**. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

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Item 2: Access & Parking

The applicant has submitted a cover letter and revised drawings in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

Item 2.

Two car parking spaces are located in front driveway with one car parking in front road beside clients dwelling. Over 80% of her clients are OAP's and located mostly at the Firhouse Care Centre in the Firhouse Shopping Centre and taken to hairdressing salon by wheelchair.

Although the applicant has submitted information on the car parking arrangements and the location for car parking where clients attending the hair salon will park, Roads Section have serious concerns regarding the proposed car parking arrangement. Based on review of the additional information submitted Roads Section have recommended **Refusal**. An extract taken from the Roads Section states the following:

Roads Department Assessment:

*The applicant has submitted a drawing detailing three proposed parking spaces. **The parking on the public road outside the dwelling must not be included in the applicant's vehicle parking arrangements.** The layout of the remaining two on curtilage spaces does not allow for **independent movement of vehicles** and could only be considered as a single space for commercial use. The location of the business in a small residential development with limited vehicle manoeuvring space could result in a traffic hazard.*

Roads recommends refusal on the grounds that insufficient room has been provided for on-curtilage parking spaces, and there is no design revision that would provide the necessary room at this location.

Following further consultation with the Roads Section a request for Clarification of Additional Information was recommended. However, notwithstanding the recommendation from Roads Section it is considered that the application for retention would be acceptable subject to **conditions** that only one client be permitted at a time by appointment and 1 on-curtilage car parking space for clients attending the salon be provided that allows for the independent movement of vehicles. It is noted there is ample on-street, car parking in the vicinity. In addition, control of opening hours to off peak times as proposed by applicant will mitigate car parking impact.

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Item 3: Client.

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

Item 3.

As the client is currently receiving 'partial capacity payment' from social welfare due to a shoulder injury, she is limited to 10 to 12 hours

per week to work and works alone. The existing and proposed retention working days and hours would be Mondays – Wednesdays – Fridays and opening hours from 10am – 12 am & 2pm – 4 pm with max. of two clients per day. The remainder are local clients and attend by appointment only. It is hoped to continue to carry out these hairdressing service as existing and await your decision.

3(a) Although item 3 (a) was not responded to in the request for additional information the agent for the applicant has advised the Planning Authority that the salon operator is a resident of the house. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

3(b) The applicant has provided the information requested and the Planning Authority are satisfied that the application for retention will not have a significant adverse impact on residential amenity. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Other Issues

Development Contributions

- The application for retention relates to a partial change of use and retention for original garage conversion to hair dressing salon.
- Assessable area is 18.05sq.m for change of use.

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Hair salon	18.05
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Conclusion

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.

The development shall be retained and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 07/03/2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

(b) Drainage - Irish Water.

(i). The applicant shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in

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that agreement.

(ii). All development shall be carried out in compliance with Irish Water Standards codes and practices.

(iii). Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Irish Water for written approval prior to works commencing.

(iv). Separation distances between the existing Irish Water assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details

(v). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(vi). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(vii). The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(viii). There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(ix). All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

(c) Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

(d) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and

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13.00 hours on Saturdays. No works shall take place at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

3. Car parking/client booking requirements/hours of opening.
 - (a) Only one client shall be permitted at a time by appointment and one on-curtilage car parking space for clients attending the salon shall be provided that allows for the independent movement of vehicles.
 - (b) The permitted hours of use shall be three days per week (Mondays, Wednesdays and Fridays) with opening hours from 10am to 12noon and 2pm to 4pm unless otherwise agreed in writing with the Planning Authority.

REASON: In the interest of residential amenity and orderly development.

4. EHO requirements.

Operational Phase (Noise)

 - (a) The mechanical ventilation system shall be installed by a ventilation specialist and be in compliance with technical guidance document on ventilation as detailed in the AI received.
 - (b) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time.

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(c) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interest of public health.

5. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €1,782.62 (one thousand seven hundred and eighty two euros and sixty two cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION

Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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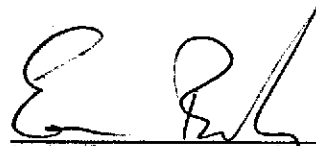
**REG. REF. SD21A/0201
LOCATION: 17, Killakee Court, Dublin 24**



**Jim Johnston,
Senior Executive Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 11/4/22



Eoin Burke, Senior Planner