



An
Bord
Pleanála

Inspector's Report

ABP-306564-20

Development	Demolition of existing dwellinghouse and construction of 2 detached dwellinghouses and all ancillary site works.
Location	Carrigadrohid, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	195018
Applicant(s)	Michael and Marion O'Sullivan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Michael and Marion O'Sullivan
Observer(s)	None
Date of Site Inspection	14 th March 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The site is located within Carrigadrohid village, approx. 7km west of Macroom and 23km to the east of Cork City. The site is located to the north of the village and to the northwest of the R618, which runs between Ballincollig and Macroom on the northern side of the Lee Valley. Carrigadrohid is a small residential settlement laid out around a crossroads on the local road network and set within hilly terrain.
 - 1.1.1. The site lies on elevated land above frontage residential development addressing the R618. The site is accessed via a minor local road off the R618. There is an existing derelict dwelling on the site.
 - 1.1.2. The site is of regular shape with a stated site area of 0.128ha. This site is bound to the northwest by an mature hedgerow, to the south by a post and wire fence separating the site from the GAA grounds, the south-eastern boundary is undefined and there is no roadside (north-eastern) boundary. The River lee is located 300m to south/southeast of the site.

2.0 Proposed Development

- 2.1. The development comprises:
 - The demolition of the existing dwelling house and the construction of two detached dwelling houses with individual on-site proprietary treatment units and polishing filters, new entrance, boundary walls together with all other ancillary works.
- 2.2. Further information was requested on 16th June 2019 requiring the applicant amend the proposal to provide for one dwelling house only, in addition to further information in relation to boundary details, sightlines, surface water and sewerage disposal. The response retained two dwellings on the site and a revised site characterisation report was carried out. Further clarification was sought on 22nd October 2019 in relation to surface water and effluent disposal noting that the site does not appear to be suitable for two dwellings at the scale proposed. A further site characterisation report was carried out.

2.3. The design of the proposed dwellings reflects - one dormer style three-bedroom dwelling with a floor area of approx. 144sqm and one three-bedroom single storey dwelling with attic conversion with a floor area of approx. 134sqm in area.

3.0 **Planning Authority Decision**

3.1. **Decision**

Permission was refused for the following reason:

Having regard to the steeply sloping nature of the terrain and restricted area of the site the proposal for foul drainage including a soil polishing filter would be prejudicial to public health due to the risk of effluent seeping onto adjacent properties. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The final planners report dated 13th January 2020 concluded that given the constraints of the site that only one dwelling can be accommodated on the site. Concern is expressed about the proximity of the percolation area of site no. 1 to the boundary of the neighbouring property given the level difference between the two and the possibility of seepage. The constructability of the soil polishing filter at a depth of 2.8m is also questionable. A refusal is recommended for the reason set out in section 3.1 above.

3.2.2. **Other Technical Reports**

Area Engineer – Final report dated 13th January 2020 concluded that given the constraints of the site that only one dwelling can be accommodated on the site without negatively affecting the neighbouring property on the eastern boundary. The report notes changes carried out on the eastern site boundary without the consent of the relevant landowner. A refusal is recommended for the reason set out in section 3.1 above.

3.3. **Prescribed Bodies**

ESB – Letter dated 27th November 2019 setting out that the ESB has no objection to discharging a surface water pipe into ESB property at Carrigadrohid Reservoir.

Irish Water – Report dated 14th June 2019 sets out no objection to the development.

3.4. **Third Party Observations**

The Area Planner in their report refers to receipt of one submission in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- Reference is made to previous planning CCC 17/07111 setting out that one dwelling only can be accommodated on the site.
- Over proliferation of treatment systems and the proximity of the polishing filter to their site.
- Level difference between the sites and the potential for overlooking

4.0 **Planning History**

Site

CCC 17/07111 – Application withdrawn for the demolition of the existing dwelling house and the construction of two detached dwelling houses.

Surrounding

CCC 17/7123 – Permission granted for five serviced sites to the northeast of the site.

5.0 **Policy Context**

5.1. **National Policy**

National Planning Framework, (2018)

Sustainable Rural Housing-Guidelines for Planning Authorities (2005)

EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009)

5.2. **Development Plan**

The statutory plan is the Cork County Development Plan 2014

5.2.1. The site is located within the settlement boundary of Carrigadrohid, as set out in the Blarney Macroom Municipal District Local Area Plan 2017 (LAP).

5.2.2. Section 5.2 Village Nuclei

There are 25 Village Nuclei in the Blarney – Macroom Municipal District including Carrigadrohid.

Section 5.1.2 states - It is a strategic aim of the Cork County Development Plan, 2014 to preserve the rural Character of village nuclei and encourage small scale expansion at a scale, layout and design that reflects the character of each village, where water services and waste Water infrastructure is available generally through low density individual housing, in tandem with the provision of services.

5.2.3. Section 5.2.10 states - This level of proposed development is based on the assumption that the required wastewater infrastructure and water supply improvements identified will be delivered. If these projects are not delivered the given the wastewater issues affecting some settlements development potential will be limited to a small number of individual dwellings supported by individual wastewater treatment systems

5.2.4. GO---01 General Objectives for Village Nuclei sets out that: -

In the absence of a public wastewater treatment plant, only the development of individual dwelling units served by individual treatment systems will be considered, subject to normal proper planning and sustainable development considerations. Any new dwellings with individual wastewater treatment must make provision for connection to the public system in the future and have a sustainable properly maintained private water system, unless a public supply is available. Such proposals will be assessed in line with the appropriate EPA code of practice and will have regard to any cumulative impacts on water quality

5.2.5. Section 5.2.20 states that – The vision for Carrigadrohid/Killinardrish is to retain and improve local services and facilities, protect the unique character and heritage of the settlement and to promote Sympathetic development in tandem with the provision of appropriate infrastructure

5.2.6. Objective DB-01 of the LAP states “within the settlement boundary encourage the development of up to 5 additional, dwelling units during the plan period”.

5.3. **Natural Heritage Designations**

The site is located 7.5km east of The Gearagh SAC (site code 000108) and 8.2km east The Gearagh SAP (site code 004109).

5.4. EIA Screening

Having regard to the nature and scale of the proposed development, the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the planning application is in compliance with the EPA Code of Practice on Wastewater Treatment and Disposal serving single houses.
- It is set out that the development is in compliance with relevant setback distances.
- In light of the refusal the appeal submission includes a proposal to revise the polishing filter from 45sqm to a 15sqm sand polishing filter. The sand polishing filter has been calculated as follows:
 - 6 persons at 150 litres per persons per day/ loading are per square metre
 - $6 \times 150 = 900$ litres divided by 60 litres / metre squares/day = 15sqm
- It is set out that the invert level of the polishing filter is 2.8m below the ground and that this is the same level as the neighbouring garden. It is stated that considering the T-value of the existing ground, the ground water flow from the polishing filter is going to the vertical and it would not be impossible for the effluent to weep. Reference is made to table 6.1 of the EPA CoP – specifically slope break/cuts 4 m.
- It is set out that the separation distance to the adjoining site is now 11m.
- A full method statement will be submitted in relation to the constructability of the polishing filter.

- It is proposed to replace the reinforced concrete wall with a 2m concrete post and panel fence as there will be no weeping from the site.
- It is set out that in light of the proposal to reduce the polishing filter on site the applicant has no objection to putting a soak pit on site to deal with surface water.
- It is set out that the location of the site within the village boundary should be maximised and two dwelling house are appropriate

6.2. **Planning Authority Response**

None

7.0 **Assessment**

7.1.1. In their appeal submission the appellant has presented a proposal to revise the polishing filter from a 45sqm polishing filter to a 15sqm sand polishing filter to the Board for consideration. The revised proposal seeks to address the disposal of effluent on this restricted site and the potential impact on adjoining properties. In addition, and in light of the proposal to reduce the polishing filter on site the applicant is proposing to construct a soak pit on site to deal with surface water. The following assessment has regard to this alternative proposal.

7.1.2. The main issues in this appeal are those raised in the grounds of appeal. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Principle of Development
- Services – Wastewater and Surface Water
- Appropriate Assessment

7.2. **Principle of Development - Design and Layout**

7.2.1. The development provides for the demolition of the existing derelict dwelling on the site and the construction of two replacement dwellings within the defined boundaries of the village as set out in Blarney Macroom Municipal District Local Area Plan 2017. The design of the dwellings reflects a contemporary take on the traditional cottage form. I have no issue in principle with the individual designs.

- 7.2.2. The site is elevated above the regional road to the southwest and the landscape rises gradually in a southwest to northeast direction. Notwithstanding, the wider landscape topography the cross-section drawing submitted in response to the appeal would indicate that there is minimum cut and fill works proposed on the site. The planning authority in their assessment refer to the sloping nature of the terrain and whilst I note the site is at a higher level than the dwellings to the southwest, the site itself reflects a gradual level change and consistent with the levels identified.
- 7.2.3. Sightlines have been indicated at 90m and 60m respectively , in the context of the village setting and the associated speed limit in addition to the carrying capacity of the minor local road fronting the site, there is no issue with sightlines at this location. I note the Area Engineer expressed no concerns in this regard also.
- 7.2.4. It is a strategic aim of the Cork County Development Plan, 2014 to preserve the rural Character of village nuclei and encourage small scale expansion of villages at a scale, layout and design that reflects the character of each village, where water services and waste Water infrastructure is available generally through low density individual housing, in tandem with the provision of services. I am satisfied that the principle of developing the proposed houses within the village boundaries of Carrigadrohid is acceptable, subject to planning and environmental considerations addressed below.

7.3. Services – Wastewater and Surface Water

- 7.3.1. The planning authority's reason for refusal refers to the steeply sloping nature of the terrain and restricted area of the site and sets out that the proposal for foul drainage including a soil polishing filter would be prejudicial to public health due to the risk of effluent seeping onto adjacent properties.
- 7.3.2. The site is located in an area identified with a "high" vulnerability classification in the GSI Groundwater maps and is located within area defined as a "Locally" Important Aquifer, representing a GWP response of R1 under the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009) (Annex B2).
- 7.4. The trial hole assessment submitted by the applicant following clarification of further encountered no bedrock/ water table at a depth of 2.8m. The site is located within area defined as a "locally" Important Aquifer and Section 3.2 of the site

characterisation form requires a trial hole of a minimum depth of 2.1.m. No trial holes were available for inspection, although the ground was firm underfoot and there was no evidence of waterlogging on the site. The submitted site characterisation records a T-test value of 7.94 min/25mm, which is within the acceptable range for a septic tank (Table 6.3) and would indicate good percolation.

7.4.1. The appellants in their appeal submission state that the proposal is in compliance with the EPA Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses (2009). In order to address the reasons for refusal the appeal submission includes a proposal to revise the polishing filter from 45sqm to a 15sqm sand polishing filter. The sand polishing filter has been calculated as follows:

- 6 persons at 150 litres per persons per day/ loading are per square metre
- $6 \times 150 = 900$ litres divided by 60 litres / metre squares/day = 15sqm

7.4.2. It is set out that the invert level of the polishing filter pipework is 2.8m. The cross-section drawing submitted with the appeal would indicate that the sand polishing filter for house 1 will be installed at a base level of 5m below the finished floor level of the house. This will require significant on-site excavation works within 11m of the adjoining rear garden of the neighbouring property to the southwest. The appellant argues that a full method statement will be submitted in relation to the constructability of the polishing filter in advance of the works. Notwithstanding same, the works require significant manipulation of the existing ground conditions to accommodate the development. Such works are not justified in this instance where existing soil condition are satisfactory for the disposal of effluent and in my opinion such extensive works should only be considered on a site where the percolation characteristics are unsatisfactory.

7.4.3. The proposed development includes a connection to the **public water supply**. I note that the appellant has indicated that **surface water** can be disposed of onsite as part of the revised proposal for a sand polishing filter. However, no drawings or specifications have been submitted in this regard.

Conclusion

7.4.4. The site is 0.128ha. in area and whilst sand polishing filters are ideal for small sites as they have a small footprint, the manipulation of the existing on site soil conditions to accommodate an increased density of residential development at this location is not justified where existing soil condition have been demonstrated satisfactory for the disposal of effluent. The proposed development would result in an excessive concentration of development served by wastewater treatment systems in an area which is considered to be a sensitive water environment within 300m of the River lee to the south /southwest of the site. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

7.5. **Appropriate Assessment**

7.5.1. The proposed development is not directly connected with or necessary to the management of any European site.

7.5.2. The site is neither in nor near a Natura 2000 site. The site is located 7.5km east of The Gearagh SAC (site code 000108) and 8.2km east The Gearagh SAP (site code 004109). There is no obvious direct pathway from the appeal site to the above sites, nor any other Natura 2000 sites beyond.

7.5.3. Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the distance to the nearest European Sites and the lack of an apparent pathway to same, it is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

8.0 **Recommendation**

I recommend that permission be refused for the reasons stated in the attached schedule.

9.0 Reasons and Considerations

1. Having regard to the limited site area at 0.128ha., the proposal to accommodate two dwelling houses on this restricted un-serviced site, and the extensive on site works proposed including the manipulation of the existing on site soil conditions to accommodate an increased density of residential development at this location is not justified where existing soil conditions have been demonstrated satisfactory for the disposal of effluent.

The proposed development would result in an excessive concentration of development served by wastewater treatment systems in an area which is considered to be a sensitive water environment within 300m of the River Lee. The Board is not satisfied that the effluent from the proposed development can be satisfactorily treated or disposed of on site, notwithstanding the proposed use of a sand polishing filter, nor that the proposed development would not result in an excessive concentration of development served by wastewater treatment systems in an area which is considered to be a sensitive water environment. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

Irené McCormack
Planning Inspector

15th March 2020