

DELEGATED DECISION REPORT

SMD/2023/0647
Valid 29/01/2024

**COUNTRY PARK VISITOR
CENTRE GRANGE PARK
DRIVE
BIDDULPH**

**NEW WASTE MANAGEMENT
DRAINAGE TO VISITOR'S
CENTRE**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether the proposed development is permitted by Part 12 at Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

DESCRIPTION OF SITE

The Country Park Visitor Centre is situated within the National Trust owned 'Biddulph Grange Country Park' grounds. The original single storey building was built in 1989 and comprises a Visitor Centre/Café with adjoining Kitchen Facilities, a Craft Room with Office, and Public Toilet facilities accessed externally. The site lies within a Conservation Area designated 'Biddulph Grange Conservation Area'.

The Visitor Centre was built by Staffordshire Moorlands District Council in 1988 under planning permission Ref. SMD/1988/0446. Management of the Visitor Centre was taken over by Biddulph Town Council in 2020 and The Hideaway Café was opened in 2021.

The Visitor Centre and surrounding land (the application site) belongs to Staffordshire Moorlands District Council. The applicant is Alliance Norse Ltd a partnership between Norse Commercial Services and SMDC responsible for the maintenance of the Council's property and buildings.

PROPOSAL

It is proposed to install a sewerage treatment plant Klargestar BioDisc model (max daily flow capacity of 7000 litres) to the north of the visitor centre. The plant would have a short outfall to an unnamed tributary of Biddulph Brook to the west.

The existing outfall foul sewer serving the Visitor Centre is a 100mm diameter pipe running to the west and terminating at the garden of No 5 St James Court. St James Court drains in turn to the Biddulph Grange Sewage Plant Company's system at the main house. This existing sewer arrangement has become unserviceable because over the years neighbours and developers have either disconnected the system and/or built decking and summerhouses etc. over the inspection chambers etc. thus it has become impossible to undertake a survey. The current system has been disconnected from the neighbouring systems and Assets have been emptying the chambers etc. every week at a cost of £600 per week. Assets are managing the current system as

best they can in the current circumstances and are in negotiation with the neighbours as and when required.

There is evidence that inspection chambers are backing up and overflowing with foul waste water in areas where visitors might walk.

Connecting to the public foul sewer within the public highway at Grangefields, 300m to the north-west of the Visitor Centre, has been discounted by the developer as being an impracticable/unfeasible solution. In view of ground levels, it would be necessary to convey the sewage, at least partially by pumping. The sewage would flow under gravity as far as Grange Park Drive where a pumping station would be required to lift it to the public sewer in Grangefields. Extensive road opening in Grange Park Drive, Grange Road and Grangefields would be necessary to accommodate the rising main.

Attempts to gain approval for a direct connection to the Biddulph Grange Sewage Plant Company's system at the main house have been unsuccessful.

CONSULTATIONS

Publicity

Press Advert: a press advert appeared in the Biddulph Chronicle

Public Comments

None

Town / Parish Comments

Biddulph Town Council: Recommend Approval, have an interest in the Visitor Centre

Head of Assets

Support

Planning History

The previous Planning application for the erection of the visitor's centre is detailed as follows;

- SMD/1988/0446 - Erection of agricultural building with workshop storage and mess facilities – GRANTED 1989

OFFICER COMMENTS

The application was originally submitted to gain planning permission for the proposal. However, it is apparent that the proposed development would actually be permitted development that does not actually need planning permission from the planning authority. It is apparent that Part 12 (development by local authorities) of the GPDO 2015 which would provide for the development to be delivered expeditiously.

In those circumstances the applicant has asked that the Planning Authority, instead, to issue a Certificate of Lawfulness if the development can be determined as being lawful in those terms.

The relevant Part of the GPDO is considered below.

PART 12 Development by local authorities

Class A

Permitted development

The erection or construction and the maintenance, improvement or other alteration by or on behalf of a local authority of - (a)any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers.

The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

The proposed development that would replace the failing foul sewerage system to the Visitor Centre building could amount to the maintenance and improvement of that building. However the Visitor Centre building has a capacity exceeding 200 cubic metres and it is therefore excluded from the definition of a *small ancillary building* for the purposes of Part 12.

The development however, could also, or alternatively, be considered to be the construction of works or equipment on land belonging to the local authority required for the purposes of a function exercised by them (the function of the local authority here is the provision of a visitor centre for the public and the treatment and disposal of foul sewerage generated by use of the visitor centre). The tank would not exceed 4 m in height, it would be subterranean, and with dimensions 2.45m by 3.34m by 3.3m, it would not have a capacity greater than 200 cubic metres. The development would be permitted in these terms.

PART 12A Development by Local Authorities and Health Service Bodies

Class A - Emergency development by a local authority or health service body

This section (development by health service) was introduced as a direct response to the Covid-19 pandemic. It has now timed out. However remains part of the GPDO for now. The single part within it, will not be expanded upon, but the legislation remains in the event that it needs to be extended in the future.

CONCLUSION / PLANNING BALANCE

The proposed development is permitted by Part 12 of the GPDO. It does not require planning permission and would be therefore lawful in those terms.

**OFFICER RECOMMENDATION : APPROVE AND GRANT CERTIFICATE OF
LAWFULNESS**

Case Officer: Ben Hurst

Recommendation Date: 25th March 2024

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council