

Q+A Planning
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Planning Department
Cardiff Council
Development Control
County Hall
Cardiff
CF10 4UW

20 December 2023

Dear Sir/Madam,

RE:PP-12687431: Application for Certificate of Lawful Development in respect of buildings within the curtilage of Pinetree Court, 904 Newport Road, Rumney, Cardiff CF3 4LL

Introduction and Site Description

On behalf of our client Pinetree Care Services Ltd, please find enclosed an application submitted under section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawful Development. The Certificate seeks confirmation that the proposed use of the site and buildings within the curtilage can be used for any use falling within Class C2 – residential accommodation to care for people in need of care, hospitals and nursing homes.

The application form and site location plan have been submitted electronically via the Planning Portal (PP-12687431) and the requisite fee of £230 paid online at the point of submission.

The site is located on Newport Road, within the Rumney area of Cardiff. The residential care facility comprises a two-storey brick-built building with a number of other two storey and single storey ancillary buildings within the site curtilage. Access is from the southwest corner of the site onto Newport Road and parking is to the front of the building. The site is screened by mature trees comprising a mixture of pine and poplars which are protected by a Tree Preservation Order and a close boarded fence.

The site is located within a predominantly residential area with housing to either side and on the opposite side of Newport Road. Directly to the rear is the Monkstone Inn Public House with its associated beer garden and car parking area. The road itself serves as a physical barrier through the residential settlement, being a busy main route into the centre of Cardiff.

Planning History

The planning history shows that the building was originally constructed as a residential training centre for the Guide Dogs for the Blind Association in May 1996 with associated kennels building to the rear (application ref. 96/00461/R) and permission was approved for the 1.8m vertical close boarded fence was granted in August 2002 (application ref 02/01174/R).

The following applications are of direct relevance to the current use.

Application Ref	Description of Development	Decision and Date
05/00858/E	Proposed centre for the treatment of persons with eating disorders, comprising the alteration and extension of the main building, including new first floor extension and infill between the main building and kennel block. The construction of a detached two storey building (site of former porter's lodge) the change of use of two existing garage buildings into single storey offices, decking and alterations to fencing and gates.	Approved 23 June 2005
06/00766/E	Removal of Condition 5 of 05/858E (The premises shall be used for the purpose specified in the application and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or reenacting that Order).	Approved 11 May 2006
06/01921/E	Proposed dormer roof extension of staircase access to plant room, as an addition to previously approved application 05/858E (proposed eating disorder centre).	Approved 28 Sept 2006
13/00543/DCO	New enclosed activity areas to include a 5-a-side half court and basketball half court, enclosed with 3m high green weld mesh fencing.	Approved 26 June 2013

In summary, the planning history shows that:

1. The former Porters Lodge building was rebuilt in 2005 as part of the eating disorder centre approval (application 05/00858/E).
2. Application ref. 06/00766/E removed condition 5 and replaced it with the following condition which clarified the use of the premises as Class C2 with only ancillary Class D1 (day case) use:

Any use of the premises for the treatment of day patients shall remain at all times. ancillary to the primary use of the premises for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

A copy of this decision notice is attached as evidence for this Lawful Development Certificate.

2. Application ref. 13/00543/DCO was for external works within the curtilage of Pinetree Court. The supporting documents included:

A site location plan identifying the red edge of the works and the wider extent of the Class C2 use within the blue edge.

A proposed plan identifying the single storey block to the rear of the building as an office block.

A Design and Access Statement referring to the Class C2 Use.

Copies of these documents are attached in support of this Lawful Development certificate.

The planning history shows that the site has been in continuous Class C2 use for over 17 years albeit the current hospital is not solely for those with eating disorders and also provides care for adults with learning disabilities, challenging behaviours and mental illness.

The Proposed Use

Pinetree Care Services Ltd are seeking a Lawful Development Certificate to confirm that internal works to two of the buildings within the curtilage to reconfigure their function would continue to fall within the same C2 use class as the permitted use of the site.

Confirmation is needed for the Health Inspectorate Wales who require evidence of appropriate planning permission / change of use of the premises or confirmation from the Local Council that this is not required.

The intention is to reconfigure the lodge building at the site entrance to reduce the number of bedrooms from three to two and then to provide a new one-bedroomed studio flat in the therapy area to the rear of the main building. The overall number of bedrooms in the facility will not change and the reconfiguration of the bedrooms associated with the existing operations would continue to fall within the same C2 use class as the permitted use of the site. As such no planning permission would be required.

Copies of the existing and proposed layout plans of both buildings are provided as follows:

- Drawing Ref. 23772.003 – existing ground floor - lodge
- Drawing Ref. 23772.004 – existing first floor - lodge
- Drawing Ref. 23772.103 – proposed ground floor lodge
- Drawing Ref. 23771.104 – proposed first floor lodge
- Drawing Ref. 23772.901 – existing floor plan – therapy room
- Drawing Ref. 23772.912 – proposed floor plan therapy room

These demonstrate that the proposed works only relate to internal alterations and the function of the buildings in building the necessary care to patients. There will be no increase in patient numbers as a result of the proposal.

Legislative Background

Town and Country Planning Act 1990

Section 55(1) of the Town and Country Planning Act 1990 defines the term 'development' which includes the change of use of a building. Section 55(2)(a)(i) explains that alterations of a building which affect only the interior do not constitute development.

Section 55(2)(f) explains that in the case of buildings used for a purpose of any class specified in an order made by the Secretary of State, the use of that building for any purpose within the same class shall not be taken, for the purpose of the Act, as amounting to 'development'.

Section 192 of the Act makes provision for an application to be made to a Local Planning Authority (LPA) by anyone who wishes to ascertain whether any proposed use of a building would be lawful. In such applications the planning merits are not relevant, and the LPA is asked to formally determine that planning permission is not required.

Interpretation of the Legislation

Section 55(2)(f) of the 1990 Act states that a change of use is not development where the approved use and the new use are both within the same class. Changes of uses which are not to be taken as development do not require planning permission.

Conclusion

The permitted use of Pinetree Court, the building and its grounds is a Class C2 Residential Institution.

The buildings and others within the site curtilage have been in operation as a residential care facility since 2006. The reduction in number of bed spaces within the lodge and the repurposing of the existing therapy area to the rear of the main building into a one-bedroomed studio flat in conjunction with the Class C2 use within the site curtilage would therefore fall within the same use class as the permitted use of the site and as such planning permission would not be required.

Accordingly, the Certificate of Lawfulness is sought for confirmation and the application should be granted.

We trust that the Council has all the information required to determine this application, however, should you require anything further please do not hesitate to contact us.

Yours sincerely,



Ruth Child

Director

For and on behalf of

Q+A Planning Ltd