



The application site comprises a vacant former public house, with surface car parking areas around, situated between Wentloog Road and Downton Road. The site is surrounded by residential dwellings.

The building is of two storey pitched roof construction, with a long frontage to Wentloog Road.

## **LEGISLATION & GUIDANCE OF PARTICULAR RELEVANCE**

The Town & Country Planning Act 1990

The Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales)

Welsh Office Circular 31/95: Planning Controls over Demolition

Development Management Manual

## **REPRESENTATIONS/CONSULTATIONS**

The application was advertised by way of site notice by the applicant as required by Part 31 of the Town & Country Planning (General Permitted Development) Order 1995.

Local Ward Members have contacted the planning department requesting that consideration is given to service of an Article 4 Direction preventing such demolition under PD rights.

The Civic Society has also contacted the Council asking that the council exercise its judgement in this case and issue an Article 4 Direction. It should be noted that planning permission for demolition and construction of flats was refused in April last year, and Cardiff Council's own officers cited the Rompney Castle refusal as an example of good practice. Furthermore, it would be premature to demolish the pub in view of the emerging LDP, and the premiss that it will have a document of 'locally listed' public houses appended to it.

The Transportation Manager has been consulted and raised no transport concerns, noting that the Demolition Method Statement indicates that a banksman will check all vehicles are clean before leaving site. It seems that no pedestrian or road closures are proposed, although if they are CC Network Management will need to be contacted for the relevant licenses.

The Shared Regulatory Services Managers (Cont Land & Noise/Air) have been consulted and no comments have been received.

The County Ecologist notes that a Preliminary Bat Roost Assessment was submitted previously under planning application 22/00094/MJR (same applicant). It is also of note that this document does not form part of this current application. The County Ecologist comments as follows:

*It has now been 24 months since that survey (above), beyond that recommended by CIEEM for survey validity. Thus ideally it should be repeated. The report needs to clearly state the level of bat roosting potential this time around. There were gaps present, including a gap facing south.*

*The area is still fairly green, with Trowbridge Mawr to the east and the Gwent Levels to the south, connected via back gardens. The report doesn't discuss back gardens, even though*

*these would be clearly used by pipistrelles.*  
Furthermore:

*As a minimum, the Preliminary Roost Assessment (PRA) should be repeated by a suitably experience ecologist to determine the status of bats at the building that will be affected. The PRA should follow Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) and follow CIEEM competencies for bat survey. The potential of the building for roosting bats must be clearly stated. Please note, if the building is determined to have bat roosting potential and will be directly affected by the proposals, further survey work via dusk emergence and/or dawn re-entry surveys will be required to be undertaken, prior to re-submission of the proposals. Nesting birds that may utilise buildings should also be considered during the PRA. This can be added as an additional section. An appropriate report should be provided, with a minimum of an introduction, methodology, results and recommendations.*

## **ANALYSIS**

Para. 17 of W/O Circular 31/95, 'Planning Controls Over Demolition', details that only in cases where it is considered that a proposal is likely to have a significant impact on its surroundings should it be necessary to require formal submission for details for approval.

Having regard for the demolition methodology provided, it is considered that whilst demolition works may cause some local disturbance (such as inevitable with any development), the proposal is unlikely to have any significant impact upon the general amenities of the locality.

The proposal has been assessed in accordance with the Habitats Directive. As noted in the detailed comments from the County Ecologist, insufficient information is considered to be provided in this regard given the nature of the site and its surroundings. On this ground, Prior Approval is therefore required.

Condition A.2(b)(i) under Class A of Part 31 to Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 states:

*The developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the method of demolition and any proposed restoration of the site:*

Although it is understood that the owner still intends to submit an application to redevelop the site, that must be treated separately to this PND application, not least because the merits of any such proposal have not been considered, while demolition in advance of any such redevelopment could result in a vacant site which has potential to have serious adverse impacts on the amenity of the area. The application as submitted does not include any details regarding the restoration of the site post demolition, and therefore Prior Approval is also required to address the proposed restoration of the site.

## **RECOMMENDATION**

That the applicant be advised that **Prior Approval is required**.

The following information is required to support the application for prior approval:

A new/updated preliminary Roost Assessment, prepared by a suitably qualified ecologist, which

should follow Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd Edition) and follow CIEEM competencies for bat survey.

If the building is determined to have bat roosting potential and will be directly affected by the proposals, further survey work via dusk emergence and/or dawn re-entry surveys will be required to be undertaken, prior to submission. Nesting birds that may utilise buildings should also be considered during the PRA.

An appropriate report should be provided, with a minimum of an introduction, methodology, results and recommendations.

Full details of post demolition site restoration