

Taylor Wimpey South Wales
Ground Floor
Eastern Business Park
Wern Fawr Lane
St Mellons
Cardiff CF3 5EA

T: 02920 534700
F: 02920 534777

www.taylorwimpey.co.uk

Vale of Glamorgan Council,
Planning Department
Civic Offices,
Holton Road,
Barry
CF63 4RU

8th October 2014

Dear Rob Lankshear,

**Re: Application for a Non-Material Amendments following a Grant of Planning Permission Town and Country Planning Permission Act 1990
Application for approval of Reserved Matters: Residential Development (up to 128 dwellings by Taylor Wimpey Homes) and associated infrastructure works, parking, servicing and landscaping at site known as West Pond, Barry Waterfront, Barry
Planning Permission Ref: 2012/00806/EAR**

Please find enclosed an application for the non-material amendment application in relation to the aforementioned permission.

The application requests the removal of conditions 9 and 10 of planning permission 2012/00806/EAR which require the proposed dwellings to meet the Code for Sustainable Homes Standards and read as follows:

Condition 9

Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

Taylor Wimpey UK Limited
Registered Number:
1392762 England and Wales.
Registered Office:
Gate House, Turnpike Road
High Wycombe, Buckinghamshire
HP12 3NR

Taylor Wimpey South Wales is a
division of Taylor Wimpey UK Ltd

Condition 10

Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

In light of the withdrawal of *Technical Advice Note 22: Planning for Sustainable Buildings* and the revision of *Planning Policy Wales* in July 2014, the Code for Sustainable Homes is no longer a planning policy requirement. Therefore, it is requested the conditions listed above are removed from planning permission 2012/00806/EAR to reflect this.

It is considered, after review of the *Planning Guidance: Approving Non-Material Amendments to an Existing Planning Permission* published by Welsh Government in July 2014, that the removal of the above conditions qualify as a *Non-Material Amendments* and meets the tests set out in that guidance which include the following, and will be addressed in turn below:

- (a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?; and,***
(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?
(b) would the interests of any third party or body be disadvantaged in planning terms;
or,
(c) would the proposed change conflict with national or development plan policies?

1. *(a)(i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme*

The removal of the conditions relating to Code for Sustainable Homes will not change the development in terms of what have been approved under the consent. The impact of the development would be the same if these conditions were removed. Since there is no change to the development as approved this criterion of the test is met.

2. *(a)(ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?*

The removal of the Code for Sustainable Home conditions will not alter the visual appearance of the development or have a detrimental impact in terms of local amenity as approved under planning permission 2012/00806/EAR.

3. *(b) would the interests of any third party or body be disadvantaged in planning terms;*

As mentioned above, the removal of the conditions will not alter the proposal approved under the consent and will not therefore have a detrimental impact on the interests of any third party or body

in planning terms. The removal of the conditions, and therefore this application, is reactionary to the changes in planning policy and therefore is considered acceptable and in compliance with the criterion (b) of the test.

4. (c) *Would the proposed change conflict with national or development plan policies?*

Technical Advice Note 22: Sustainable Buildings was withdrawn on the 31st of July 2014 to coincide with changes to Part L (relating to energy efficiency) of the Building Regulations coming into force. To account for this, *Planning Policy Wales* has been revised to remove the requirement of Code (edition 7 published in July 2014). The removal of planning conditions relating to the Code for Sustainable Homes is without doubt in accordance with national policy and complies with part (c) of the test.

I trust the above discussion, and the enclosed, is satisfactory in order to approve the application for the non-material minor amendment to this permission (2012/00806/EAR).

Please find a cheque for £83.00 for the application fee and a CD with the following information:

- A copy of a completed and dated application form
- The planning permission for this application relates.

I look forward to notification of the registration of the application.

If you require any more information please do not hesitate to get in contact.

Yours sincerely,



Laura Powell
Planning Coordinator