

22nd May 2024

Dear Sir/Madam

Proposed Non-material (S96a) Amendment to Permission Ref. 20180041

This application is made under Section 96A of the Town and Country Planning Act 1990.

The Court of Appeal, in R (on the Application of Fulford Parish Council) v City of York Council [2019], has confirmed that the statutory power under section 96A of the Town and Country Planning Act 1990 to make non-material changes to a planning permission can be used to make non-material changes to conditional reserved matters approvals.

The Court of Appeal concluded that:

- The approval of reserved matters is not, itself, the grant of a planning permission and that an application for such approval is not, itself, an application for planning permission; but
- The “planning permission” to which section 96A refers is the “package” consisting of the grant of planning permission itself, together with any conditions to which the grant is subject. An application for an amendment to an approval, or conditional approval, of reserved matters is an application for the alteration of an existing condition, which is expressly permitted by section 96A(3)(b).

Application Ref. 20180041 represents the submission of Reserved Matters, by virtue of discharging matters reserved by condition on 20141214.

Persimmon Homes are not seeking to vary or alter any of the technical details submitted to discharge these conditions. There are no variations sought to the housing types, designs or quantum.

This application specifically pertains to an altered location for two electric vehicle charging points approved on relation to Condition 32 of outline consent 20141214 via the above Reserved Matters submission and approval. The proposal description for this application is thus:

‘Non-material amendment to 20180041, seeking to amend the location of two communal electric vehicle charging points’

The relevant approved plans are:

- 16/2047/SK34 Rev K (‘Parking Plan’)
- 16/2047/SK41 Rev U (‘Site Layout’)



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The proposal seeks to replace the aforementioned plan with:

- 386-SK34 ('Parking Plan')
- 386-SK41 ('Site Layout')

The variation between the two sets of plans is highlighted with a red cloud on both replacement plans. The variations are as follows:

- Remove communal parking charger shown between parking spaces 225 and 226 (north of development, along northern border;
- Remove communal parking charger shown between parking spaces 384 and 385 (north of development, along northern border;
- Insert additional communal charging point to the north of the central children's play area within the centre of the site (south of units 124 and 123, centre of development), as indicated by a blue dot amongst the six approved Visitor Parking spaces;
- Insert additional communal charging point to the south of the central children's play area within the centre of the site (north of units 33- and 32), as indicated by a blue dot amongst the six approved Visitor Parking spaces.

No other changes are proposed.

Persimmon Homes seeks this change as the provision of communal parking within the two parking courts subject to this application has become impractical, and parking spaces are allocated. This means that the majority of the parking court users do not benefit from the charger, only those with spaces allocated immediately adjacent.

As an alternative Persimmon Homes propose the installation of two additional vehicle charging points within the two visitor parking bays around the children's play space within the centre of the site. We consider that this allows for the maximum number of potential users and beneficiaries, including those elsewhere in the development who do not benefit from on-site electric vehicle parking, and visitors.

I trust that the above is clear, however, should any further information be required, please do not hesitate to contact me.

Yours sincerely,



Matthew Besant
(Senior Planning Manager, Persimmon Homes South East)

