

Officer's Report

Application Number	HGY/2023/1351
Type	Non-Material Amendment
Location	Unit 51 - 52 Wood Green Shopping City, High Road, London N22 6YA
Proposal	Non-material amendment following a grant of planning permission to HGY/2022/2364. Proposed installation of a plant deck, plant equipment and a substation within the rear service yard.
Case Officer	Gareth Prosser
Valid Date	19/05/2023
Applicant	-
Agent	Mr Luke Sumnall

RECOMMENDATION

Approve

RECOMMENDATION

GRANT Non-Material Amendment

PROPOSED DEVELOPMENT AND LOCATION DETAILS

Approved development

Proposed installation of a plant deck, plant equipment and a substation within the rear service yard.

Proposed amendments

- Swap the location of the consented UKPN Sub-Station for the proposed location for the back-up generator. The new sub-station enclosure will be a brick-built with a roof, constructed to UKPN's specifications.

Site and surrounds

The Mall is located in the centre of Wood Green, with adjoining Units 51-52 and 53 situated on the ground floor within the enclosed area of the Mall. Both units are currently used as an NHS Diagnostic Centre. The use of the Units as medical services has been confirmed to fall under Class E by the Council under planning application ref: HGY/2021/3170. The rear of the units faces onto the Mall's service yard, which is accessed by Mayes Road.

The site comprises a small area at the rear of Units 51-52 and 53 and a redundant generator enclosure on the street elevation to Mayes Road, both within the service yard space. It falls within the designated Wood Green Primary Shopping Area, Wood Green District Centre, Wood Green Growth Area and The Mall Strategic Site Allocation; although it does not form part of the Primary or Secondary Shopping Frontage. The wider shopping centre building is not listed, is not in close proximity to any listed buildings, and does not fall within a conservation area.

The existing building is six to seven storeys in height, with the shopping centre uses occupying the first three storeys and a further three to four storeys of residential dwellings above. On the opposite side of Mayes Road are the side frontages of houses that front Park Ridings and Hornsey Park Road.

ANALYSIS/ASSESSMENT

S96 of the Town and Country Planning Act 1990 (as amended) allows the Council to make a change to any planning permission if satisfied that the change is not material. An application for a non-material amendment can only be made by or on behalf of a person with an interest in the land to which the planning permission relates and the application may be made only in respect of so much of the planning permission as affects the land in which the person has an interest.

The National Planning Practice Guidance (NPPG) sets out that there is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application. As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management Procedure) (England) Order 2015¹ provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

The NPPG states that when making a decision the local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004² does not apply.

Analysis

This application is associated with wider works for the delivery of Phase 2 of an NHS Community Diagnostics Centre located within units 51-53 of the Mall. Community Diagnostic Centres are being introduced by the NHS across the country, away from hospitals, so that patients can receive checks such as MRI and CT scans quicker and closer to their homes.

Planning permission ref. HGY/2022/2364 achieved planning permission for the proposed plant for the Diagnostic Centre, including a UKPN sub-station. A separate planning application (ref. HGY/2022/4409) was submitted to apply for planning permission for a back-up generator enclosure to serve the diagnostics centre.

However, upon further inspection from the Contractor, design team and arborists, it has been found that there are complications with breaking out the existing slab in the consented sub-station location, and subsequently with complying in full with UKPN constraints and working close to the tree roots.

Therefore, it is proposed to swap the location of the consented UKPN Sub-Station for the proposed location for the back-up generator. The new sub-station enclosure will be a brick-built with a roof, constructed to UKPN's specifications.

This proposed non-material amendment application now seeks to amend planning permission ref. HGY/2022/2364 to swap in the generator to the consented sub-station location. Significantly, both the proposed sub-station and generator remain within the existing servicing area for the shopping centre.

Given that the principle of having a substation and a generator located in this area had already been deemed acceptable by the LPA, and any noise implications have already been assessed and found acceptable, it is not considered that the changes proposed have any material impact upon the local area in terms of amenity or appearance.

On this basis, it is considered that a non-material amendment can be granted.

RECOMMENDATION

GRANT Non-Material Amendment.