

30 October 2023



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**Planning Portal Reference: PP-12523772**

Dear Sir / Madam

**LAND TO THE REAR OF: THE RED LION PUBLIC HOUSE, 19 AND 21 ST MARY'S ROAD, EALING, LONDON, W5 5RA**

**SUBMISSION OF APPLICATION FOR A NON MATERIAL AMENDMENT UNDER SECTION 96A OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

I write on behalf of the Applicant, in respect of a Non-Material Amendment (NMA) Application under Section 96A of the Town and Country Planning Act 1990 (as amended) pursuant to planning permission reference: 180366FUL granted on 29<sup>th</sup> January 2019. This permission granted

*Construction of two pairs of semi-detached residential houses (a total of four) comprising ground and basement levels with private and communal amenity space at basement and ground level, landscaping, refuse and cycle storage.*

This planning permission has been lawfully implemented as confirmed by the issue of a Certificate of Lawfulness on 14<sup>th</sup> April 2022 (ref. 220740CPE).

*Confirmation of implementation of planning permission 180366FUL dated 29th January 2019 for "Construction of two pairs of semi-detached residential houses (a total of four) comprising ground and basement levels with private and communal amenity space at basement and ground level, landscaping, refuse and cycle storage" (Lawful Development Certificate for an Existing Development)*

## Introduction

This application seeks the removal of the words refuse storage from the description of development on this planning permission. This is because the refuse storage for the approved development is to be relocated to a new location in the passageway alongside the Red Lion Pub at 13 St. Mary's Road. This passageway is not in the red line area of the approved application and so the change cannot be done as a S.73 Minor Material Amendment. The applicant has signed a deed of easement with the Pub which gives them access rights and also the legal right to improve the passageway and install structures. The refuse storage for the approved development is currently in land immediately to the rear of no. 19 St. Mary's Road and accessed via a passageway from The Park running to the rear of nos. 21 and 23 St. Mary's Road. The relocation of the bin store to the passageway from St. Mary's Road alongside the pub is supported by the owner occupiers of nos. 19, 21 and 23 St. Mary's Road.

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The deed of easement and rights of access now afforded to the applicant means that the implemented development for the 4 houses on land to the rear of the Red Lion Public House and 19 St. Mary's Road can now be primarily accessed via the passageway from St. Mary's Road. This was not possible when the application was submitted and granted but is considered to be a much better route for future occupiers. Again, this change is wholly supported by residents living in nos. 19 to 23 St. Mary's Road.

Concurrent applications are to be submitted. One is for the relocated refuse storage facilities and other alterations to this passageway in connection with it being used as the primary access to the four houses. The other is a S.73 MMA application to amend the implemented planning permission by removing the refuse storage from the drawings and relocating the bike store. We anticipate that a legal agreement may be required in order to tie the 3 permissions together and ensure that the refuse storage for the development is provided.

The two concurrent applications to be submitted (planning portal references provided) are as follows:

The S.73 MMA application

**PP-12523781** - *Minor Material Amendment to Planning Permission ref. 180366FUL granted on 29<sup>th</sup> January 2019 for the Construction of two pairs of semi-detached residential houses (a total of four) comprising ground and basement levels with private and communal amenity space at basement and ground level, landscaping and cycle storage, namely the relocation of cycle storage.*

The Planning Application

**PP-12539066** - *Detailed works to the existing passage way alongside the Red Lion Public House, 13 St. Mary's Road including the installation of 2 x security gates, 2 x green roof bin enclosures, floor mounted post and parcel boxes and new permeable blocks in connection with the implemented planning permission 180366FUL for four dwellinghouses.*

This NMA application is required therefore to remove the word 'refuse' from the description of development of the approved scheme so that the planning permission can be amended under S.73. The description of development would read as follows.

*Construction of two pairs of semi-detached residential houses (a total of four) comprising ground and basement levels with private and communal amenity space at basement and ground level, landscaping and cycle storage.*

We consider that this is a non material amendment to the planning permission because the refuse store is to be re-provided elsewhere in a separate planning application which can be linked to the approved permission by a legal agreement. This will ensure that the development of 4 houses will be serviced by satisfactory refuse storage facilities.

A list of submission documents is set out below:

The completed application form;  
180366FUL Decision Notice;

I trust you have all of the necessary information in order to register and determine the application. If you require anything further, please do not hesitate to contact me in the first instance (07813 997 162 or [bill.taylor@savills.com](mailto:bill.taylor@savills.com)).

Yours sincerely,



**Bill Taylor**