

30 October 2023

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

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Planning Portal Reference: PP-12523781

Dear Sir / Madam

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

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 - MINOR MATERIAL AMENDMENT APPLICATION

I write on behalf of our client to submit an application for a S.73 (TCPA 1990) to amend the planning permission 180366FUL which was granted on 29th 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 14th 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)

Background

This application seeks to amend the approved drawings with the relocation of the bike storage facilities and the removal of the bin storage facilities. There is also a consequent need to remove condition 7 from the planning permission that relates to the provision of bin storage facilities.

The application is submitted concurrently with two other applications. One application is for relocated refuse storage facilities and other alterations to the passageway alongside the Red Lion Public House accessed from St. Mary's Road in connection with it being used as the primary access to the approved four houses. The other is a S.96A NMA application to remove the word 'refuse' from the description of development of the approved scheme so that the planning permission can be amended under this S.73 application. The description of development, as amended, 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.

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The reason for these three concurrent applications 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 and bike store 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.

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.

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.96A NMA application

PP-12523772 - *Non Material Amendment to Planning Permission ref. 180366FUL granted on 29th January 2019 to remove the word 'refuse' from the description of development. The amended description of development to read 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.*

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.*

Proposed amendments

This MMA application therefore seeks changes to the approved drawings which will relocate the cycle storage elsewhere within the development site and remove the bin storage from the drawings (as these are now to be provided elsewhere). The bike store is to be relocated from the land to the rear of no. 19 St. Mary's Road to a location in the corner of the walled garden area to the rear of the Pub where the four houses are situated. The area to the rear of no. 19 returns to being a lawned area. The drawings also remove the security gates at the end of the passageway from The Park, lighting and new paving as this is no longer to be the primary access to the houses. The existing gate will remain in situ.

We consider that these changes are minor material amendments in the context of the approved development, as amended by the S.96A application. The refuse store is to be re-provided elsewhere in a separate planning application which will also include new gates to the passageway from St. Mary's Road and 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 and will have a more appropriate route and entrance to them.

Proposed Amendments

The amendment relates to the following:

- Relocation of bike store to an alternative location within the development site;
- Removal of bin store due to its relocation to an alternative location outside the development site covered by a separate planning application;
- Removal of security gate, security lighting and paving from the passageway from The Park.

The following drawings are updated to show these changes and are submitted with this MMA Application.

Drawing	Consented 180366FUL	Proposed
Proposed Site Plan	P002 Rev R	P002 Rev R
Proposed Block Plan	P003 Rev G	P003 Rev J
Proposed Landscape Plan	P004 Rev O	P004 Rev R
Proposed Block Plan – Land Ownership	P005 Rev A	P005 Rev D
Proposed Basement Floor Plan	P009 Rev I	P009 Rev L
Proposed Ground Floor Plan	P010 Rev J	P010 Rev M
Proposed Roof Plan	P012 Rev I	P012 Rev L
Proposed East Elevation (West Block)	P030 Rev H	P030 Rev K
Proposed South Elevation (West Block)	P031 Rev G	P031 Rev J
Proposed West Elevation (West Block)	P032 Rev G	P032 Rev J
Proposed North Elevation (West Block)	P033 Rev G	P033 Rev J
Proposed Bike Store	P034 Rev I	P034 Rev M
Proposed East Elevation (North Block)	P035 Rev E	P035 Rev H
Proposed South Elevation (North Block)	P036 Rev E	P036 Rev H
Proposed West Elevation (North Block)	P037 Rev E	P037 Rev H
Proposed North Elevation (North Block)	P038 Rev E	P038 Rev H
Proposed Section 01	P040 Rev G	P040 Rev J
Proposed Section 02	P041 Rev G	P041 Rev J

Condition 12 of the planning permission is relevant and will need updating with the revised drawing numbers above.

<p>Condition 12</p> <p>8no. cycle parking spaces, as indicated on drawing reference drawing references P002_Rev R; P003_Rev G; P004_Rev O; P010_Rev J; P030_Rev H; P032_Rev G; P033_Rev G; P034_Rev I; P035_Rev E; P037_Rev E; and P040_Rev G shall be provided and brought into use prior to the first occupation of the development permitted and retained permanently thereafter.</p> <p><i>Reason: To provide adequate facilities for cyclists, in accordance with policy 6.9 of the London Plan (2016).</i></p>

Condition 7 on the planning permission relates to the refuse store and so will need to be removed from the decision notice.

7 Refuse and recycling storage areas as indicated on drawing references P002_Rev R; P003_Rev G and P004_Rev O; and the refuse collection and storage arrangements as outlined within the Transport Note (dated October 2018) shall be provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

Reason: To protect the living conditions of occupiers of the area and in the interests of the future occupants of the development in accordance with policies with policies 3.5 and 7B of the Ealing Development Management Plan (2013), policies 1.1 (e) of the Adopted Ealing Development (Core) Strategy (2012) and The London Plan (2016) policy 5.16.

Assessment

London Plan Policy T5 – *Cycling*, highlights the parking standards for residential development.

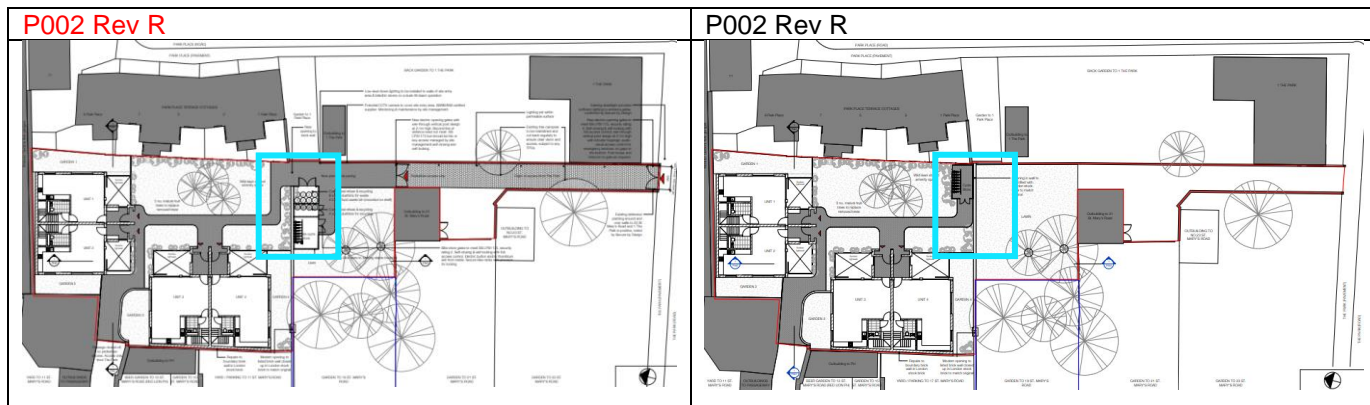
Core Strategy Policy 1.2(g) *Delivery of the Vision for Ealing 2026*, desires the proactive conservation and enjoyment of Ealing's heritage assets and their significance.

Ealing's Development Management Policy 7.4 *Ealing Local Variation – Local Character*, the council require all development to complement the street sequence, building pattern, scale, materials and detailing.

Ealing's Development Management Plan Policy 7B *Design Amenity*, focuses on providing a high standard of amenity for its users by ensuring, high quality design; coherent development of the site and appropriate levels of development on site. The external treatments, fittings and materials must compliment the building and wider context.

Ealing's Development Management Plan Policy 7C *Heritage*, sets out that development within or affecting the setting of Conservation Areas should retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the Conservation Area; retain elements identified as contributing positively and seek to improve or replace elements identified as detracting from the Conservation Area; the significance of heritage assets should be understood and conserved when applying sustainable and inclusive design principles and measures; and harm to any heritage asset should be avoided. Proposals that seek to cause harm should be exceptional in relation to the significance of the asset, and be clearly and convincingly justified in line with national policy.

Proposed Site Plan



The amendment relates to the repositioning of the cycle store to within the walled garden. The approved plans indicate a pedestrian access gate in this location, however, this is no longer required as access to the development will now take place from St. Mary's Road. The boundary wall will be reinstated. The cycle store will be constructed of proprietary timber with sedum blanket roof.

The revised cycle store is of similar scale to that approved and is considered to be of suitable design and is located appropriately for the development. It will not cause any harmful impact on the character and appearance of the conservation area nor the setting of the listed buildings at nos. 19 and 21 St. Mary's Road. The continuation of the boundary wall to the garden is considered to be a positive impact on the conservation area and listed building setting.

The number of cycling parking spaces provided will remain the same. The London Plan highlights a minimum "• 1 space per studio or 1 person 1 bedroom dwelling • 1.5 spaces per 2 person 1 bedroom dwelling • 2 spaces per all other dwellings". The proposal will retain all 8 spaces provided in the approved scheme in line with London Plan requirements.

The removal of the refuse store means that the area to the rear of 19 St. Mary's Road can be reinstated as garden area and this is again considered to be beneficial to the setting of the listed building. The refuse store is to be located in the passageway running alongside the Red Lion Pub, accessed from St. Mary's Road. This proposal is dealt with in a separate but concurrent application. The bin store provision meets the requirements of the development and is considered to be in a better location. The concurrent applications can be tied together by a S106 agreement in order to ensure that the bin store provision is made in connection with the development and before the dwellings are occupied.

Conclusion

The proposals are therefore considered to be in compliance with Policy T5 of the London Plan 2021, Policy 1.2(g) of Ealing's Core Strategy 2012 and Policies 7.4, 7B and 7C of Ealing's Development Strategy 2012 and are suitable small-scale alterations to the approved development 180366FUL. The Minor Material Amendment causes no harm to the sites appearance, residential amenity or the character and appearance of the conservation area.

This application should be read in conjunction with the submitted NMA application (Planning Portal Reference: PP-12523772) and Full Planning Permission (Planning Portal Reference: PP-12539066) which provides full details of the non-material amendments and details of the full planning permission.

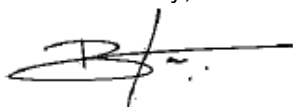
PP-12523772- for the Non-material Amendment of application 180366FUL to amend the description of development to - *Construction of two pairs of semi-detached residential houses (a total of four) comprising*

ground and basement levels with private and communal amenity space at basement and ground level, landscaping, ~~refuse~~ and cycle storage

PP-12539066- *Detailed works, including, installation of 2x security gates, 2x green roof bin enclosures and new permeable blocks to the existing passage way alongside the Red Lion Public House joining St Mary's Road. Works to enable access to the land behind the Red Lion Public House in order to facilitate approved planning permission 180366FUL and improve resident security.*

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).

Yours sincerely,

A handwritten signature in black ink, appearing to be "Bill Taylor", with a long horizontal stroke extending to the right.

Bill Taylor