



**Please reply to:**

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Northfields  
Ealing  
W5 4UH

Phillip Taylor  
Planning Services  
Ealing Council  
Perceval House  
14-16 Uxbridge Road  
Ealing  
W5 2HL

Dear Mr Taylor,

**Planning Application P/2012/3085**  
**Get Bike, Orion Park, Northfield Avenue, W13 9SJ**

I write on behalf of our residents' association in respect of the above planning application.

**1 Introduction:**

Ealing Fields Residents' Association (EFRA) is a large residents' association with about 500 members in the neighbourhood that centres on Northfields station. We have members who live in both Belsize Avenue and Jefferson Close who are most affected by Get Bike's planning application to use Orion Park for its motorcycle training operation.

The noise associated with the training of motorcyclists on the Orion Park site has been the subject of repeated complaints by neighbouring residents for a number of years. Local residents have also sought clarification from the local authority that motorcycle training is a permitted use for the site.

Investigations by Ealing's Planning Service revealed that Get Bike does not have permission to use the open areas of Orion Park for the training of motorcyclists. Nor does Get Bike have approval to transfer its retail activities onto Orion Park from its previous location at a now empty shop in the Northfield Avenue.

Although EFRA wishes to support the development and growth of local businesses, we believe that those businesses must operate in a way that is compatible with the residential nature of our area. Accordingly, EFRA opposes the use of the car park at Orion Park for the training of motorcyclists. Our reasons for opposing the planning application are set out below.

**2 Summary**

We object to the granting of the planning application for the following reasons:

- Noise nuisance resulting in the loss of amenity by the residents of the adjoining properties and in particular: Belsize Avenue, Mayo Court and Jefferson Close,
- Loss of privacy and amenity to the residents of Jefferson Close,
- The repeated and sustained failure of the applicant to comply with the planning conditions that apply to the site,
- The failure of the application to comply with National, Regional (London) and Local planning policies,
- Significant inaccuracies in the preparation of the planning application,
- The failure of the applicant to consult the residents whose homes border the Orion Park site.

Given the noise associated with motorcycle training, the above concerns and the applicant's track record of failing to comply with existing planning conditions for the site, we do not consider a conditioned approval of their application to be acceptable, and request that the application is refused in its entirety.

The above concerns are set out in greater detail below.

**3 Loss of Amenity of Surrounding Residents due to Noise from the site**

Motorcycle training on the open areas of the Orion Park site has been a source of excessive noise and loss of amenity to the surrounding residents. It has been the subject of repeated complaints to the Council, as evidenced by the following table.

**Get Bike - Noise Complaints Logged by Council**

Day	Date	Time	Resident (anonymised)						
Thursday	8-Jun-06	12.14	A						
<b>Sunday</b>	16-Jul-06	13.36	A						
Tuesday	17-Apr-07	12.36		B					
Wednesday	18-Apr-07	16.16			C				
Monday	10-Sep-07	9.59				D			
Monday	14-Jun-10	16.36		B					
Monday	4-Jul-11	11.22					E		
<b>Sunday</b>	20-Nov-11	11.33					E		
Tuesday	27-Dec-11	12.06					E		
Tuesday	13-Mar-12	10.36		B					
Wednesday	23-May-12	10.39						F	
Saturday	30-Jun-12	11.37					E		
Saturday	21-Jul-12	9.36							G
<b>Sunday</b>	22-Jul-12	15.03		B					
Wednesday	25-Jul-12	19.17					E		
<b>Sunday</b>	12-Aug-12	10.43					E		

Source: Council email 20 August 2012

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The complaints to the Council followed repeated unsuccessful approaches by local residents to the operators of the motorcycle training facility.

The table confirms that noise generating activities have taken place on Sundays despite a blanket ban on all activities on that day. Sunday use was witnessed as recently as 2<sup>nd</sup> September 2012, despite approaches by the Council to the applicant and undertakings that the applicant was previously reported to have made.

We draw your attention to the following statement in the letter of 1<sup>st</sup> September 1997 from ABT Architecture & Planning, the freeholder's planning agent:

*"Melanie Adams of your Pollution Control Unit has confirmed on 9<sup>th</sup> July 1997 that no objection to noise or other problems has been received from adjoining residents for as far back as your Council's record go, i.e. 1993."*

This suggests that the above complaints are exclusively due to the unapproved and unauthorised motorcycle training on this site, which began at a later date.

Residents on the south side of Belsize Avenue, Mayo Court and Jefferson Close suffer excessive amounts of noise from the motorcycle training offered by Get Bike at Orion Park. The training takes place seven days a week. Residents have collected evidence that this activity starts at 7am with the arrival of staff and instructors on motorcycles and continues throughout the day into the late afternoon/early evening. The gardens of the properties backing on to the site are small and noise transmission to the properties from the motorcycles is excessive. During the summer in particular, the noise levels are intolerable especially as windows at the rear of properties often need to be left open to aid ventilation.

There are many retired people living in properties adjacent to the site who spend much of their time at home. There are also many self-employed people who similarly are at home for most of the week. There are also the economically non-active who would be in residence for the whole week and not just at weekends.

By definition too the residents of the purpose built sheltered housing at Mayo Court are over 55 years of age and are likely to be at home most of the day, seven days a week.

Council officers were so concerned about the extent of the noise generated by the motorcycle training activities that they recently installed noise survey equipment in the houses bordering the site.

We understand that the effectiveness and extent of the proposed noise enforcement action will be constrained by the use of the site which is permitted by the planning system. If an innately noisy use is permitted, then it is much harder for the Council's environment officers to pursue successful noise control action.

### **4 Loss of Privacy and Amenity to the Residents of Jefferson Close**

According to the certified site plan attached to Decision Notice P/2004/0029, the open space on Orion Park that lies behind the gardens of Jefferson Close is explicitly designated as "Rear Car Park". Please see the copy attached to this objection.

This part of the site is the area marked as "1" on the plan on page 3 of the applicant's Design and Access Statement and is intensively used by onsite motorcycle and scooter trainees Monday to Friday and at weekends.

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The low boundary walls and short back gardens of the houses in Jefferson Close means that these residents are exposed to an unacceptable loss of privacy in addition to the noise nuisance.

These circumstances are exacerbated by the internal configuration of the houses in Jefferson Close. Exceptionally, their living rooms are located at the rear of the houses and open onto the back gardens which border the Get Bike training area, while their kitchens are at the front of their houses. This means that there is no daytime place of refuge which does not face onto the area intensively used by Get Bike for training.

Residents report that trainers and trainees look into their bedrooms during training sessions.

Of the nine Jefferson Close houses that back onto the training area used by Get Bike, seven are occupied by their residents during daytime. Four of these houses are occupied by retired residents, two by families with young children with parent at home, and the remaining house by a resident who works from home.

The daytime nuisance is excessive and runs from when the trainers, on powerful motorcycles, arrive for work and continues until they leave at the end of the day.

When compared to the residents of Belsize Avenue, the loss of amenity experienced by the residents of Jefferson Close is exacerbated by the following factors:

- Motorcycle / scooter training takes place every day at the bottom of their gardens, rather than just at weekends,
- Their gardens are shorter,
- There is no buffer alley and planting between the bottom of their gardens and the area used by Get Bike for motorcycle / scooter training
- The wall at the bottom of their gardens is much lower than the 3 metre tall "Buffalo" fence installed behind the Belsize Avenue gardens as planning condition 7 of P/1998/0540. It should be noted that this fence along the Belsize Avenue boundary was only specified to the standard needed to reduce the noise nuisance from parking cars and delivery vehicles, it was never intended to address the noise from constantly revving motorcycles,
- The trainees using the open area behind the Jefferson Close gardens are the least experienced and are therefore most likely to over-rev their motorcycles / scooters and are most likely to be in need of instruction from their trainers.

It must be remembered that the open space on Orion Park behind the Jefferson Close gardens is designated for the outdoor car parking space associated with the indoor car repair and servicing in Block C that was permitted under planning application P/2004/0029. There is no basis in that approval, and its associated planning conditions, for the unauthorised noisy and invasive use of this location by Get Bike.

### **5 Failure to Comply with Existing Planning Conditions**

The two key planning applications for the use of the Orion Park site, P/1998/0504 and P/2004/0029, explicitly refer to the impact of noise on the residential neighbours and also contain explicit planning conditions which are designed to prevent any loss of residential amenity.

### 5.1 Planning Application P/1998/0504 – Demolition of Garages to provide designated parking spaces and manoeuvring space for articulated HGV's.

The Planning Committee report for this application contains repeated officer assurances that:

*“This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit these by use of planning condition.”* See planning officer responses to consultation points 17, 21 and 36.

The Chief Environmental Health Officer commented:

*“I am concerned about possible future increase in noisy vehicular movement”*

The Decision Notice issued on 21<sup>st</sup> January 2000 contains the following conditions:

- 6** *“No car or light vehicle parking shall take place on the site except within the marked car parking bays and the lorry turning and manoeuvring areas shall be kept free from obstruction at all times.*

***Reason: To protect the amenities of neighbouring residents and to discourage excessive traffic generation to the site.”***

- 8** *“Movements by heavy goods vehicles shall be limited to ten per week between the hours of 7.30am to 6.00pm on weekdays only, and none on weekends or bank holidays. Other service vehicle movements shall be limited to these periods except on Saturday when no movements or operation of the vehicles shall take place except between the hours of 9.00am to 1pm.*

***Reason: To prevent unacceptable levels of noise and disturbance to neighbouring residents.”***

It should be noted that the wooden “Buffalo” fence illustrated in Section 5, on page 4, of the Design and Access Statement was only installed behind the houses in Belsize Avenue. It has limited sound absorption capacity and is only capable of moderating the car parking and limited delivery movement envisaged at the time of the 1998 planning application. It is not capable of providing the protection needed from the noise of the unauthorised motorcycle training that now takes place in Design and Access Statement locations 2 and 3 at weekends, together with the noise of motorcycle traffic passing to and from location 1 at the western end of the site which is in daily use.

A signed and sealed site plan showing individual parking bays and HGV manoeuvring area was exchanged with the Council in compliance with condition 6.

Condition 8 restricts vehicle movements after 1pm on Saturdays.

### 5.2 Planning Application P/2000/1974 – Implementation of P/1998/0504 Condition 9, traffic calming at entrance of the site.

In support of application P/2000/1974, the applicant's consulting engineers stated:

*“The planning permission granted relates to improved parking facilities and not an intensification in the use of the site. There is no increased generation of traffic either entering or leaving the premises.”* Scott White Hopkins letter 5<sup>th</sup> January 2001.

This further confirms that the subsequent use of the site by Get Bike for motorcycle training was neither envisaged nor approved by application P/1998/0504.

### **5.3 Planning Application P/2004/0029 – Change of Use of Block C.**

This application approved the internal change of use of Block C from mechanical assembly (B1) to the servicing and mechanical/bodywork repairs of motorcars (B2).

The application included a plan showing those external areas that would be used for the parking of the motorcars awaiting service, and no other purpose. The plan explicitly defines the open area is a Rear Car Park” A copy of the certified site plan is attached to this objection.

The application included three planning conditions, numbers 3, 5 and 6, and which referred to protecting the interests and living conditions of the residents of the nearby properties.

Explicit reference was made in these conditions to requiring that any machinery in Block C operated below a specified noise level and that Block C was adequately soundproofed to ensure that any noise was contained within the building.

### **5.4 Implications of Uses and Conditions contained in P/1998/0504 and P/2004/0029**

It is apparent from the above planning applications that there is no existing approval for any part of the Orion Park site to be used for motorcycle training or retail activities. It is also clear that the conditions attached to these planning applications explicitly prohibit the noise and nuisance that would result from motorcycle training.

It should be noted that the rear boundary garden walls of Jefferson Close are much lower than those behind Belsize Avenue. While this area was used for car parking the disruption to the neighbouring residents was minimal.

The introduction of unauthorised weekday and weekend onsite motorcycle training in this location, coupled with the lower walls means that the amenity of these residents is constantly disrupted.

## **6 Planning Status of Orion Park**

According to the UDP and draft LDF Policies/Proposals maps, Orion Park is located in a long established Residential Area.

It is not located in either a “Strategic Industrial Location” or a “Locally Significant Industrial Location”, which are the Council’s designations for important employment sites.

Under the UDP Orion Park is designated an Employment site within a Residential Area. This designation is not being carried forward into the successor draft LDF policy documents.

In Section 4, on page 4, of their Design and Access Statement, the applicant states that Get Bike previously operated from Trumpers Way. The UDP and LDF categorise Trumpers Way as a Locally Significant Industrial Location. Trumpers Way is remote from residential housing.

Trumpers Way’s status, in planning policy terms, is very different from Orion Park’s. Orion Park lacks an Industrial Location classification and is located in the midst of a residential area.

A further concern is the conduct of retail and retail related activities on the Orion Park site. According the UDP and draft LDF Policies/Proposals maps, Orion Park is not located with in a designated retail location. Retail and related use within this site, rather than in the shops along its Northfield Avenue frontage, would therefore be inappropriate.

Key planning policies governing applications for the site are noted below.

## **7 National Planning Policy**

Paragraph 123 of the NPPF states:

*“Planning policies and decisions should aim to:*

- *Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;”*

The NPPF refers to the Noise Policy Statement for England (DEFRA) which states that:

*“The first aim of the Noise Policy Statement for England (is to) Avoid significant adverse impacts on health and quality of life from environmental, neighbour and neighbourhood noise within the context of Government policy on Sustainable developments.”*

Testimony of the residents of Belsize Avenue, Mayo Court and Jefferson Close, plus the studies conducted by Ealing Council’s environmental health officers, have confirmed the excessive and adverse nature of the noise generated by the applicant’s unauthorised use of the open area of the site for motorcycle training.

## **8 Regional (London) Planning Policy**

Key guidance is contained in London Plan Policies 3.2 and 7.15. There also is relevant guidance in The Mayor’s draft supplementary planning guidance on Housing.

### **8.1 Policy 3.2.D Planning Decisions states:**

*“New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help reduce health inequalities.”*

In this context, the Get Bike application is a “new development” and can scarcely be presented as improving the health of the elderly and housebound residents of Belsize Avenue, Mayo Court and Jefferson Close.

### **8.2 Policy 7.15 is titled Reducing Noise and Enhancing Soundscapes**

Paragraph B Planning Decisions states:

*“Development proposals should seek to reduce noise by:*

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- a *Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals*
- b *Separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation*
- c *Promoting new technologies and improved practices to reduce noise at source.”*

In this context, the Get Bike application is the “new development” referred to in sub-paragraph “a” and can scarcely be presented as reducing noise levels from the minimal levels which existed prior to the unauthorised arrival of the Get Bike training activities on the Orion Park site.

In the case of sub-paragraph “b”, the physical layout of the Orion Park site renders these hypothetical solutions impossible to achieve. Get Bike use the areas directly bordering on the residential back gardens for their motorcycle training. No amount of reconfiguration will satisfactorily mute noise and vibration over such a short distance. A further constraint is the role of the hard surfaced buildings on the site, which act as a sound reflector and direct motorcycle noise into the rear rooms and back gardens of the adjoining houses.

### 8.3 Draft Supplementary Planning Guidance on Housing

This document identifies the Home as a Place of Retreat.

It identifies a number of requirements, including protection from noise.

In these circumstances, it would be perverse to allow a planning application which is certain to generate increased noise pollution for the residents of adjoining housing. In the case of Orion Way, the consented use of P/2004/0029 for outdoor parking associated with a car servicing and repair activity must be regarded as the existing use, rather than the unauthorised motorcycle training.

## 9 Ealing’s UDP Policies

As a designated Employment Site, acceptable uses of Orion Park are set out in the UDP.

This states that acceptable uses should:

*“minimise any adverse effect on adjoining residential areas” and be  
“compatible with their location.”*

(UDP Chapter 6, page 92)

The noise from unauthorised the motorcycle training activity is excessive. It lasts from early morning until the evening every weekday and at weekends. It occupies all the open area at the rear of the site backing onto Jefferson Close and Mayo Court every day and the central open area backing onto Belsize Avenue at weekends.

In these circumstances the Get Bike application should be refused because of the adverse impact of the motorcycle noise on the residential amenity of neighbouring residents and the surrounding environment.

Further guidance is contained in Table 5F on page 84 of the UDP. This states:

*“Development should ensure that: (ii) Access and car parking areas do not create significant noise and disturbance for existing residents in adjoining areas, or for those occupying the proposed development.”*

While this refers to residential developments, we believe the principle of this provision is equally applicable to applications for a change of use alongside residential properties.

## **10 Inaccuracies in the Planning Application**

We draw your attention to the following errors and omissions in the planning application.

### **10.1 Usage Classes**

The applicant has submitted the application under category Sui Generis and describes the activity on the Application Form as Bike Training.

#### **Training Activities**

According to the DCLG guidance, Non-residential Education and Training Centres should be classified as usage class D1. We therefore believe that all the outdoor activities and such indoor training as is carried out in the building described in P/2004/0029 as Block C should be classified as usage class D1, and not Sui Generis.

#### **Sales and Rental Activities**

We note that the applicant has recently closed its motorcycle and scooter showroom on Northfield Avenue, which was located within the designated Neighbourhood Retail Centre, and moved this activity to the building described in P/2004/0029 as Block C. We suggest that the portion of this building that is used as a sales and rental showroom should be classified as Sui Generis.

We draw your attention to the fact that Block C is located towards the rear, western end, of Orion Park is not within an approved UDP or LDF retail location.

We understand that it is an objective of planning policy to protect and strengthen designated retail locations, especially in the current economic downturn and the increasing number of vacant shops. In these circumstances it would seem inappropriate to approve a planning application which condoned the migration of a retail activity from a designated retail frontage to a non-retail location.

### **10.2 Site Plan**

We note that the site plan on page 3 of the Design and Access Statement contains two onsite training areas, numbers 2 and 3, that lie outside the parking area marked on the plan submitted in support of P/2004/0029.

There is no evidence that the applicant has formalised their use of these areas for motorcycle training with the freeholder.

### **10.3 Serving Notice on Site Owner**

The Application Form requires the applicant to serve notice on the freeholder if a leasehold interest has less than seven years to run.

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We note that the applicant has served notice on Miller or Millder Holdings. We assume the applicant means Mellor Holdings Limited.

We draw your attention to the letter dated 6<sup>th</sup> January 2004 from the Company Secretary of Mellor Holdings Limited on file P/2004/0029 in which he says:

*“Our Company has been located on the Orion Park site for more than 30 years and our lease on the site extends until 2014”*

In these circumstances we believe that the freeholder of the Orion Park site should have been notified of this application.

We note that in 1997 the freeholder was identified as Ledale Investment Holdings Ltd by the planning agent acting for them in respect of application P/1998/0504.

As any physical alterations to the site can only be made with the approval of the freeholder, we believe that they should be contacted and their opinions sought.

### **10.4 Employment**

We draw your attention to the fact that the applicant states that their Application Forms that the application will result in zero existing and zero proposed employees.

In these circumstances we believe that any attempt to justify this application on employment grounds should be ignored.

As much, if not all, of the training appears to be delivered by hourly paid staff, it seems likely that the full-time equivalent number of staff employed in the training activity is low.

## **11 Failure to Consult Neighbouring Residents**

We note that the manuscript version of the Application Form states that the applicant has not carried out any pre-application consultation with the neighbouring residents or the local community.

We regard this omission as significant given the extensive representations that have been made by neighbouring residents to Get Bike about the noise and disruption from the motorcycle training.

It seems likely that the applicant chose not to consult the neighbouring residents because the applicant expected an overwhelmingly adverse response.

We ask you to note this failure to consult when drafting your report on the application.

## **12 Planning Conditions**

We note that there has been some discussion about approving this application with conditions.

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While we might look favourably on such an approach in many instances, we are opposed to it in the case of this application.

Our reasons are based on the following:

- The applicant's statement in section 4, on page 4, of the Design and Access Statement that:

*"GET Bike are adamant that a planning change of use is not required."*

- Statements by applicant to neighbouring resident:

*"We believe we are operating inside the restraints of Orion Park's light industrial site designation"*

*"I have had a number of discussions with Ealing Council and I am happy with the direction I have been given about our operation and believe we are following the bylaws and mitigating all noise pollution as best as possible."*

- The claim on the final page of the Design and Access Statement that:

*"The noise levels created by all of the users of Orion Park have been tested by the local authority Environmental Health Department on several occasions and have been certified as acceptable. These tests were carried out in the gardens of adjacent residential properties by Mike Watkinson, the Regulatory Services Officer."*

This statement has not been supported by any test results by the applicant and is inconsistent with correspondence from Jess Murray, Service Manager, Regulatory Services, L B Ealing.

- Continual lack of consideration shown by Get Bikes staff and trainers towards the neighbouring residents. These employees arrive on powerful motorcycles in the early morning and loudly accelerate onto and across the Orion Way site. The same happens in the evening when these employees are reported to "roar across the site" on their motorcycles on their way home.
- The continued failure to use microphones and headsets for training taking place on the Orion Park site. While this wouldn't reduce the noise from trainees revving their motorcycles, it would reduce the need for instructors to shout instructions at the safety helmeted trainees.
- The failure to implement the conditions on noise levels attached to the Decision Notice for P/2004/0029.
- The operation of motorcycle training on the site on Sundays and on Saturday afternoons despite the restrictions contained in the conditions attached to the Decision Notices for P/1998/0504 and P/2004/0029.

Based on this "track record" of reluctance by the applicant to accommodate the concerns of the neighbouring residents, we regretfully do not expect any planning conditions to be implemented with a high degree of commitment.

It is also difficult to identify planning conditions that would adequately protect the amenity of the neighbouring residents given the configuration of the site, especially the portion backing onto the houses in Jefferson Close.

We note that the applicant has not proposed any modification to their operations or physical alterations to the site.

### **13 Conclusion**

For the reasons set out above, and in the interests of the human rights of the neighbouring residents, we request that this application is unconditionally refused.

We believe that Orion Park is an unsuitable location for this activity with its pronounced adverse impact on the amenity of the residents whose homes border the site.

We note that the applicant used to operate out of Trumpers Way, which is a “Locally Significant Industrial Location” and remote from residential housing. We suggest that a site similar to Trumpers Way would be far more appropriate for the activities undertaken by the applicant.

Yours Sincerely

James Guest

Ealing Fields Residents' Association  
Committee Member with responsibility for Planning Matters

Attachment: P/2004/0029 Certified Site Plan

ORION PARK PLANNING APPLICATION P/2004/0029

External Space around Block C is explicitly designated as a Car Park

