



Please reply to:
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Ealing
W5 4UH

James Egan
Planning Services
Ealing Council
Perceval House
14-16 Uxbridge Road
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W5 2HL

11th January 2015

Dear Mr Egan,

Planning Application P/2014/5640
Variation of Condition contained in Planning Appeal 2208770 Decision
Motorbike Training, Orion Park, Northfield Avenue, Ealing, W13 9SJ

I write on behalf of our residents' association to object to the above planning application, which is currently shown as "pending" on the Council's website.

1 Introduction

Ealing Fields Residents' Association (EFRA) is a large residents' association with a subscription membership of some 500 members across the more than thirty streets which are centred on Northfields station and Library.

The use of the open areas of the Orion Park site for motorbike training has been a matter of continuing distress and concern to local residents.

This unacceptable loss of amenity in a residential neighbourhood is exacerbated by the following:

- Duration of training in the open areas – Until it was prohibited this lasted for three sessions a day each of two hours duration, making six hours a day in total. In the case of the area behind Jefferson Close these outdoor training sessions take place six days a week.
- Number of trainees per session – usually four trainees and an instructor,
- Inexperienced nature of trainees – which results in poor control of the motorbikes and the frequent emergency intervention of the instructor,

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- Proximity of the training area to residential accommodation – each outdoor training session is conducted immediately and continuously alongside the boundary with the neighbouring residential properties,
- The low nature of the boundary wall between the training area and the homes in Jefferson Close,
- The absence of any soundproof barrier between the training area and the homes in Jefferson Close,
- The arrival and departure of large numbers of inexperienced students with provisional licences on their personal motorbikes and mopeds.

It is important to recognise that the nuisance arises from the use of the open areas of the site by trainees for motorbike training, as set out above and below.

It is the close proximity of the open areas of the site to the neighbouring homes, and the proposed intensity of the outdoor motorbike training which is the fundamental concern of local residents. Noise from the motorbikes used is one of a number of wider concerns.

Our residents' association welcomed the decisions of the independent Government Planning Inspectors in the planning appeals 2189524, dated 18th September 2013, and 2208770, dated 30th May 2014.

We are strongly opposed to any relaxation of the planning conditions contained in the Inspector's decision for appeal 2208770.

We are therefore opposed to this application and request that it is refused.

Our concerns are set out in more detail below.

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2 Application Site

Extensive restrictions apply to the use of the open areas of the Orion Park site. These were imposed as planning conditions when approval was granted for planning applications P/1998/0504 and P/2004/0029.

No application has been submitted for a variation of these planning conditions.

These restrictions of the use of the open areas of the Orion Park site are described in more detail below.

P/1998/0504 Planning Application and Conditions

These were imposed as planning conditions when permission was granted for the demolition of a large number of single storey buildings which had previously provided sound insulation between the site and the neighbouring homes.

Amongst the conditions imposed in the Decision Notice dated 21st January 2000 for planning application P/1998/0504 were:

- 5 *“The car parking spaces shown on the **approved plan** shall be marked out on the site to the satisfaction of the Local Planning Authority, and **these spaces shall thereafter be kept continuously available for car parking and shall not be used for any other purpose without the prior permission in writing from the Local Planning Authority.**”*
- 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.”*

A copy of the “**Approved Plan**” of dedicated car parking spaces referred to in Condition 5 is reproduced on the following page.

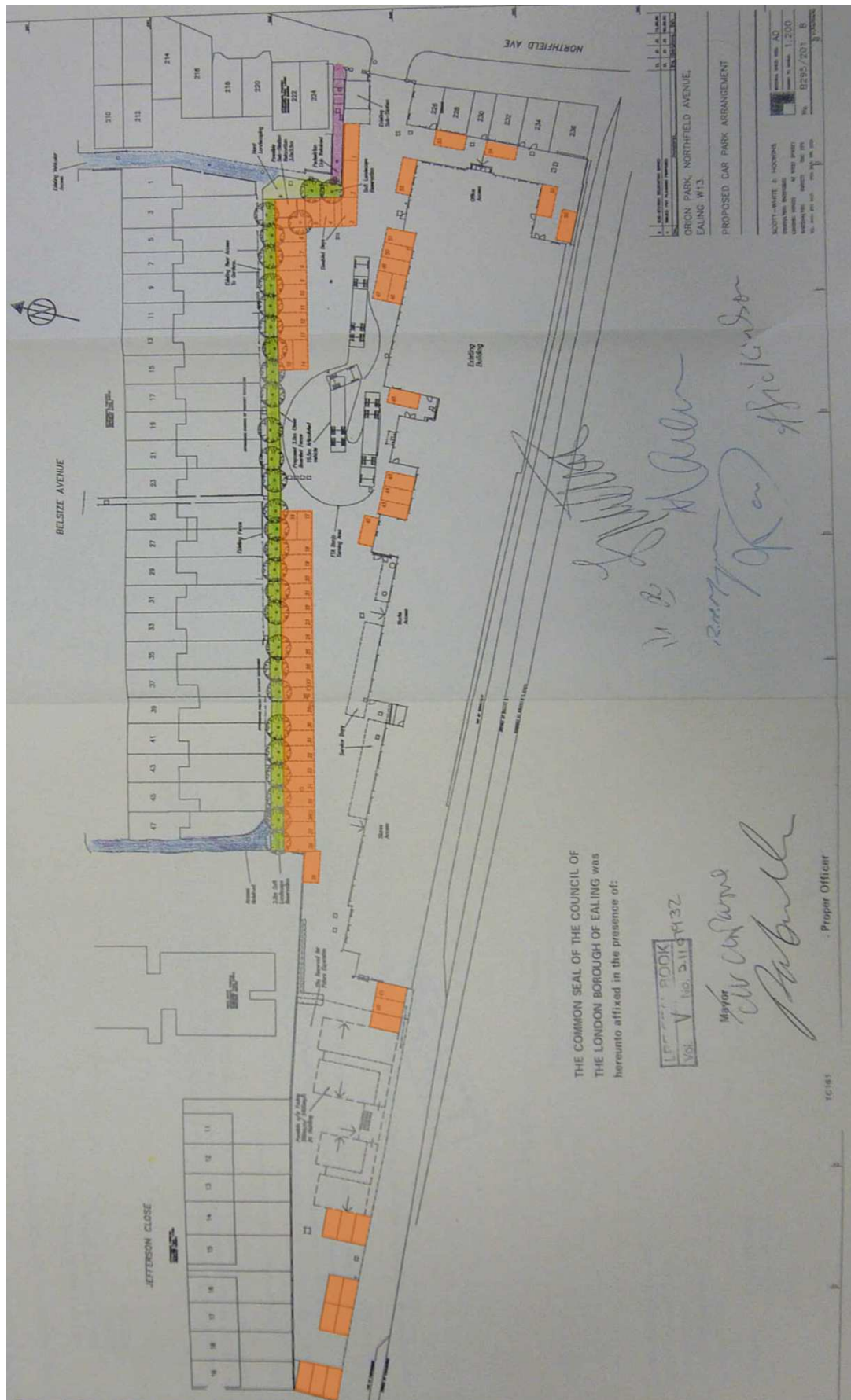
The dedicated car parking spaces have been shaded orange to assist in their identification. It will be noticed that there is an almost continuous buffer zone of car parking spaces along the edge of the Orion Park site.

The following reproduction contains the reference of the sealed original in the Council’s legal archives.

The reproduction can be found in a spiral bound document in one of the four paper files in the Greenford Archive for application P/1998/0504.

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P/1998/0504 - Approved Plan of spaces to be exclusively used for Car Parking



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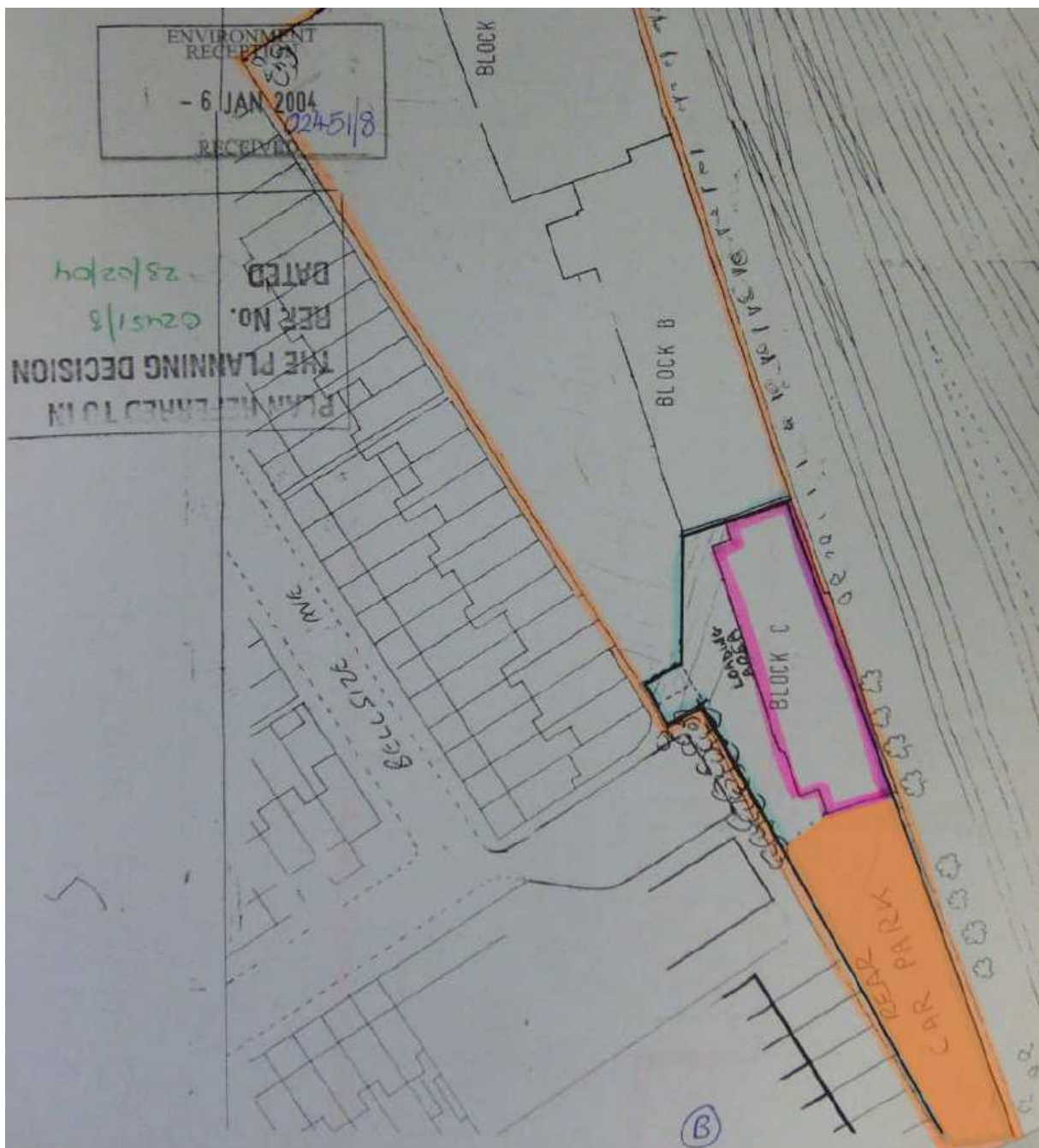
P/2004/0029 Planning Application and Conditions

In 2004 there was an application to permit Block C at the western end of the site to be used for motor car repair and servicing.

This was granted with conditions to protect the amenity of the neighbouring residents.

The following plan formed part of this application and designates the open area to the west of Block C as car parking for the vehicles awaiting service and collection.

P/2004/0029 - Approved Plan of area to be used for Car Parking



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Motorbike Training Areas

The following plan shows the open areas of the site used for motorbike training.

There are three training areas, each of which has been shaded in red.

It will be apparent from a comparison of the plan below with the car parking plans above that the operator is carrying out motorbike training:

- On areas which are exclusively designated for car parking in the planning conditions associated with P/1998/0504 and P/2004/0029, and
- Immediately behind the rear garden fences of the homes in Belsize Avenue and Jefferson Close.



3 Applicant's letter dated 4th November 2014

There are inconsistencies in the letter dated 4th November 2014 which Smith Jenkins has submitted on behalf of the applicant.

In its second paragraph the letter refers to a relaxation of Condition 1 in order to permit on-site training, *"between 1000 and 1200 hours Monday to Friday only, excluding bank holidays."*

Yet in the subsequent paragraphs the hours of the requested relaxation are stated as, *"between the hours of 1000 and 1600 hours Monday to Saturday (excluding bank holidays)"*.

The extended hours and Saturday usage proposed by the applicant in the latter quote are clearly unacceptable given the adverse implications of the outdoor training on the neighbouring residents whose homes border the Orion Park site.

We are also concerned at the unrepresentative nature of the "onsite demonstration" which is referred to on the third page of the Smith Jenkins letter.

A single vehicle, driven by an experienced motorcyclist is not representative of six hours (two hours times three sessions) manoeuvring by four inexperienced trainees.

We believe that Condition 1 should not be relaxed until comprehensive and independent trials which are truly representative of the proposed use have taken place. The demonstration referred to in the Smith Jenkins letter is inadequate and should not be relied on to support any relaxation of existing planning Condition 1.

The Smith Jenkins letter states that all CBT training, including the practical "on-road" module Element E, will be carried out using electric scooters.

The letter does not clarify if a CBT certificate gained on an electric scooter is valid for the use of a petrol powered motorbike or moped.

We are concerned that some form of conversion training may be required, and that this could result in familiarisation training on the open areas of the Orion Park site. We therefore request that written clarification is sought before this application is decided.

4 Possible planning conditions

While strongly opposed to any relaxation of the existing Condition 1, we draw your attention to the possibility of restricting any relaxation of Condition 1 in terms of hours and the number of trainees.

When considering the hours when on-site motorbike training might take place on the open areas of Orion Park, we draw your attention to the restricted hours and number of users proposed as possible conditions in the Council's submission to PINS in respect of appeal 2208770.

Outdoor training hours

All the neighbouring homes have south facing rear gardens, which in the case of Jefferson Close are both extremely short and have a low boundary wall. It is therefore essential that the residents of these houses are able to enjoy the amenity of their homes and gardens in peace and quiet on summer weekday afternoons and on Saturdays.

In the event that the Council was minded to agree to a relaxation of Condition 1 in order to permit the use of electric powered "scooters" we believe that such use should be restricted to the morning hours of 9.00am to 11.00am, so that the outdoor training activity ceases before the hours when the majority of neighbouring residents would wish to use their rear gardens.

Number of trainees

As the major nuisance will result from the number of inherently inexperienced trainees seeking to learn to control their electric powered "scooters", we believe that the number of trainees at any time should be limited along the lines proposed in the Council's submission to appeal 2208770 and suggest that each session should be limited to one or at the most two trainees.

Proximity to neighbouring homes

In the event that the Council was minded to accept a relaxation of Condition 1, we believe that a requirement should be introduced which would prohibit outdoor training activity taking place on the open areas of Orion Park within 15 metres of the site's boundary walls/fences Jefferson Close, Mayo Court and Belsize Avenue.

Such a condition would protect and reflect the exclusive reservation of designated open areas of the Orion Park along the boundaries with the homes in Jefferson Close and Belsize Grove site for car parking. Please see the planning conditions attached to applications P/1998/0504 and P/2004/0029 and the map extracts above.

Arrival and departure of instructors and trainees

The neighbouring residents have repeatedly raised concerns over the noise generated by Instructors and trainees when they arrive and leave the Orion Park site. Instructors often arrive on high powered motorbikes and repeatedly accelerate across the site behind the rear bedrooms of the neighbouring homes. Many trainees arrive and depart on their personal petrol powered motorbikes and mopeds, and only transfer to Get Bike vehicles for the duration of their lesson.

We are therefore extremely concerned that the applicant's proposed rewording of Condition 1 fails to address the noise which has, and would, result from the arrival to and departure from Orion Park of instructors and trainees on their personal motorbikes and motorcycles prior to the start, and after the end, of Get Bike training sessions.

5 Planning Inspectors' Reports

Two planning Inspectors have assessed the impact on the neighbouring residents of the motorbike training carried out on the open areas of the Orion Park site.

Both Inspectors also observed the impact of this training from neighbouring residential properties.

Their observations and conclusions are contained in the following extracts from the Planning Inspectors' reports on appeal 2189524, dated 18th September 2013, and appeal 2208770, dated 30th May 2014.

"The essential point in this case is that there is simply insufficient separation between the conflicting existing and proposed uses. They are just too close to one another for any mitigating measures or conditions controlling the operation to be able to adequately address the harm arising. I conclude that the noise and disturbance generated by the use would result in unacceptable damage to the living conditions of neighbouring residential occupiers. As such the proposed use conflicts with both national and local planning policies concerned with protecting neighbouring amenity."

Appeal 2189524, paragraph 17.

". . . The external training proposed would involve the constant running of up to four motorcycles on area 1 beside the boundary with residential properties for up to 6 hours each day other than Sundays. Having regard to the very short lengths of the gardens of the terraced houses in Jefferson Close, separated from the area concerned by a wall some 1.5 – 1.8m high, the noise from the activity would be unduly intrusive and would seriously and unacceptably reduce the occupiers' enjoyment of their gardens. In addition, having regard to the modest size of the houses, the noise would also be unacceptably disturbing from within the properties if rear windows were to be opened."

Appeal 2189524, paragraph 12.

"To the north of each of the three areas identified are residential properties. The external training involves the constant running of up to four motorcycles on area 1 beside the boundary with residential properties. I experienced the impact of the development from No 16 Jefferson Close. Having regard to the very short lengths of the gardens of the terraced houses in Jefferson Close, separated from the area concerned by a wall some 1.5 – 1.8m high, the noise from the external training is unduly intrusive and seriously and unacceptably reduces the occupiers' enjoyment of their gardens. In addition, having regard to the modest size of the houses, the noise is also unacceptably disturbing from within the properties whilst the rear windows are opened. I note that some of the flats in Mayo Court to the east of Jefferson Close lie even closer to the boundary than the terraced houses in Jefferson Close and the occupiers also are similarly affected."

Appeal 2208770, paragraph 9.

6 Use of Other Sites and their Planning Status

We draw your attention to the following statement in the applicant's Design & Access Statement for planning application P/2012/3085, which subsequently became the subject of planning appeal 2189524 referred to above:

"They previously operated from a site in Trumpers Way, W7."

Design & Access Statement, Section 4, on PDF Page 4

Both Ealing's Local Plan, and the former Unitary Development Plan, categorises the Trumpers Way Industrial Estate as a "Locally Significant Industrial Location". It is remote from housing. Noisy activities, such as open air motorbike training on the Industrial Estate, cannot be heard by residents.

The status of Orion Park is completely different. It has never been defined as an Industrial Location. Its status is that of an employment site located within a defined residential area. As such, its activities are constrained by planning conditions so that they do not result in loss of amenity for the neighbouring residents.

7 Conclusion

We share the unambiguous conclusions of both Planning Inspectors that any motorcycle training activity, and related activity, on the open areas of Orion Park has an adverse impact on the on the amenity of neighbouring residents and therefore should be prohibited in its entirety.

For the reasons set out above we request that this application is unconditionally refused.

Yours Sincerely

James Guest

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