



SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION

IN RESPECT OF

ENFORCEMENT APPEAL 2187592, & PLANNING APPEAL 2189524

BY GET BIKE CREDIT LTD, ORION PARK, W13 9SJ

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1 INTRODUCTION

Ealing Fields Residents' Association (EFRA) is a large residents' association with over 500 subscription members. We represent 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 motorbike 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 motorbike training is not 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 shop in the Northfield Avenue. Northfield Avenue is a designated retail location in the Local Plan, while Orion Park is not an approved retail location.

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.

Excessive noise from the site due to motorbike training

Motorbike 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					
Sunday	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	
Sunday	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
Sunday	22-Jul-12	15.03		B				
Wednesday	25-Jul-12	19.17					E	
Sunday	12-Aug-12	10.43					E	

Source: Council email 20 August 2012

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The complaints to the Council followed repeated and unsuccessful approaches by local residents to the operators of the motorbike 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 2nd September 2012, despite approaches by the Council to the appellant and undertakings that the appellant was previously reported to have made.

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

"Melanie Adams of your Pollution Control Unit has confirmed on 9th 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 confirms that the complaints listed in the above table are exclusively due to the unapproved and unauthorised motorbike 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 motorbike 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 motorbikes 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 motorbikes is excessive. During the summer in particular, the level of noise entering these residential properties is 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 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 Noise Enforcement officers are so concerned about the extent of the levels of noise generated by the motorbike training activities that they installed noise survey equipment in the houses bordering the site and have issued a Noise Enforcement Order.

We understand that the effectiveness and extent of the noise enforcement action by the Council's Anti-Social Behaviour Team is 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.

Site Visits

We suggest that it would be beneficial if the Inspector could carry out site visits at neighbouring homes in Jefferson Close, Mayo Court and Belsize Avenue, and would be happy to facilitate these if that would be of assistance.

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2 THE SITE

The current configuration of Orion Park is shown in the Google Aerial photographs attached as Appendices A 1 and A 2 to this submission.

1998 Application to demolish garages and extend hard standing

Until the granting of planning application P/1998/0504 the portion of the site backing onto Belsize Gardens was occupied by a battery of garages. These are shown on the extract below and, more clearly, in Appendix A 10.

The deletion of these garages was a matter of considerable concern to local residents and is documented in the officer Report to the Planning Committee, Appendix A 8 and the Decision Notice, Appendix A 9.

A major concern was the fear of increased noise from the site due to the increase in its open area. As a result, planning conditions were adopted which restrict the use of the open areas nearest the neighbouring housing. Appendix A 11 is a copy of the sealed site plan showing those locations which can only be used for car parking.

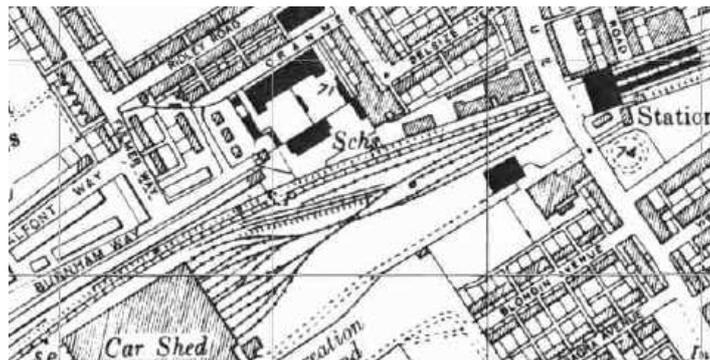
A comparison of Appendix A 11 with the plan provided by Get Bike (Appendix A5) shows that all three of the motorbike training areas extend across land which the planning conditions require to be exclusively used for car parking.

The conditions attached to the granting of application P/1998/0504 also required the insertion of a planted buffer strip, shown on Appendix A 11, and the construction of the 3 metre high "buffalo" fencing.

This fencing was specified to contain the noise levels emanating from the site at the time that application P/1998/0504 was considered. These levels are documented by a consultants report submitted with the application and which can be found on the application file.

Motorbike training did not take place on Orion Park at the time that application P/1998/0504 was considered. The noise reduction provisions contained in the planning conditions were only intended to ameliorate noise from the existing uses. They were never designed to absorb the much louder and more continuous noise from motorbike training. The statements in section 5 of the appellant's Design and Access Statement fail to make this point. The inability of the planted buffer strip and "buffalo" fence to contain motorbike noise is confirmed by the readings and enforcement actions taken by Ealing Council's Noise Enforcement Team.

The map extract below shows the primary school which used to exist on the site of Jefferson Close and explains the low height of the brick wall between these houses and Get Bike's training area 1 shown on Appendix A 5.



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Source: Ordnance Survey 1:10,560 1940

2004 application for change use of Block C and its hard standing

In 2004 the tenant for the whole Orion Park site submitted an application for the change of use of Block C and its hard standing to a motor vehicle repair facility. The Decision Notice is attached as Appendix A 13. This contains a number of conditions to protect the amenity of the neighbouring residents, and in particular those of Jefferson Close.

According to the certified site plan attached to Decision Notice P/2004/0029 (Appendix A 14), the open space on Orion Park that lies behind the gardens of Jefferson Close is explicitly designated as "Rear Car Park".

Despite these restrictions, this part of the site is the area marked as "1" on the plan on page 3 of the appellant's Design and Access Statement (Appendix A 5) and is intensively used by onsite motorbike and scooter trainees from Monday to Friday and at weekends.

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 excessive 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 motorbikes, 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:

- Motorbike / 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 motorbike / 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 motorbikes,
- The trainees using the open area behind the Jefferson Close gardens are the least experienced and are therefore most likely to over-rev their motorbikes / scooters and are most likely to be in need of instruction from their trainers.

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The impact of the motorbike training on the residents of Jefferson Close, Mayo Court and Belsize Avenue are summarised in Appendix A 7.

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.

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3 PLANNING POLICIES AND THE SITE'S STATUS

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. Please see aerial photographs attached as Appendices A 1 and A 2.

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 appellant 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.

Aerial photographs of Trumpers Way and its neighbourhood are attached as Appendices A 3 and A 4.

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 to the UDP and draft LDF Policies/Proposals maps, Orion Park is not located within 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.

National Planning Policy Framework (NPPF)

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."

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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 appellant's unauthorised use of the open area of the site for motorbike training.

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.

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.

Policy 7.15 is titled Reducing Noise and Enhancing Soundscapes

Paragraph B Planning Decisions states:

"Development proposals should seek to reduce noise by:

- 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 motorbike 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 motorbike noise into the rear rooms and back gardens of the adjoining houses.

Draft London 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.

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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 motorbike training.

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 motorbike 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 motorbike 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.

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4 PLANNING HISTORY AND CONDITIONS

Conditions attached to the approval of two key planning applications govern for the use of the Orion Park site. The Decision Notices for applications 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.

It should be noted that the planning history in the Appellant's Design and Access Statement fails to acknowledge the existence of, or refer to, application P/1998/0504 and its associated planning conditions.

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

The Planning Committee report (attached as Appendix A 8) 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 (attached as Appendix A 9) issued on 21st 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 noise of car parking and limited delivery movement on the site which was envisaged at the time of the 1998 planning application. It is not capable of providing the protection needed from the noise of the unauthorised motorbike training that now takes place in Design and Access Statement locations 2 and 3 at weekends, together with the noise of motorbike 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 (attached as Appendix A 11) showing individual parking bays and the HGV manoeuvring area was exchanged with the Council in compliance with condition 6.

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Condition 8 restricts vehicle movements after 1pm on Saturdays.

Planning Application P/2000/1974 – Implementation of P/1998/0504 Condition 9, traffic calming at entrance of the site (attached as Appendix A 12)

In support of application P/2000/1974, the appellant'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 5th January 2001.

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

Planning Application P/2004/0029 – Change of Use of Block C (attached as Appendices A 13 and A 14).

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 (as Appendix 14) to this objection.

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

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

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5 GET BIKE'S USE OF THE SITE

Get Bike's use of Orion Park is set out in their Design and Access Statement.

In section 4, page 3, of the Design and Access Statement, Get Bike acknowledge that they previously used the remote Trumpers Way (please see Appendices A 3 and A 4) for their motorbike training

The areas of Orion Park used for motorbike training, and their proximity to the neighbouring residential properties are shown in the extract from the Design and Access Statement attached as Appendix A 5 to this submission.

This extract from the Design and Access Statement, along with the photographs in Appendix A 6, shows the areas used for the training circuits and the physical closeness of the trainees and trainers to the south-facing gardens of the neighbouring houses.

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

It is apparent from the conditions attached to the granting of planning applications P/1998/0504 and P/2004/0029 that there is no existing approval for any part of the Orion Park site to be used for motorbike training or for retail activities. It is also clear that the conditions attached to these planning applications explicitly prohibit the noise and nuisance that would result from motorbike 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 motorbike training in this location, coupled with the lower walls means that the amenity of these residents is constantly disrupted.

Failure to Consult Neighbouring Residents

We note that the manuscript version of the Application Form states that the appellant 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 motorbike training.

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

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

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Planning Conditions

We note that there has been some discussion about approving motorbike training with conditions.

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

Firstly, we cannot envisage any physical modifications to the site which would reduce the level of noise emitting from the motorbike training to the level of noise considered acceptable to the neighbouring residents at the time of the granting of the conditioned planning approvals P/1998/0504 and P/2004/0029.

The measures introduced at the time of the demolition of the buffer garages P/1998/0054 have proved inadequate as a means to contain the noise from the subsequently introduced motorbike training.

The residents of Jefferson Close are particularly exposed to the noise of motorbike training due to the configuration and the closer proximity of their houses to the training area, along with the low boundary wall and the absence of any buffer strip beyond their back gardens.

Get Bike are a sub-tenant of the main tenant of Orion Park. No indication has been provided that either their landlord and/or the freeholder would be willing to sacrifice a sufficient portion of the site along the Jefferson Close, Mayo Court and Belsize Avenue boundaries, to construct adequate noise reduction structures.

No studies have been shared as to possible noise reduction measures and their potential effectiveness.

The appellant has not provided any indication as to their and/or their landlord's and/or the freeholder's willingness to pay for the cost of noise reduction measures to reduce the level of noise emitting from Orion Park to the level which existed prior to the introduction of motorbike training. The pre-motorbike noise levels are documented in a noise consultant's report submitted as part of application P/1998/0504.

Secondly, we are concerned that statements and actions by the appellant noted below might indicate reluctance on their part to wholeheartedly implement any planning conditions that might be proposed.

- The appellant'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 appellant 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."

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- 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 appellant 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 motorbikes 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 motorbikes 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 motorbikes, 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 motorbike 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 appellant 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.

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6 APPELLANT'S GROUNDS OF APPEAL

We have not had sight of the appellant's statement(s)/submission(s) to the Planning Inspectorate and therefore are unable to comment on any claims and assertions it/(they) may contain.

We note that the appellant "ticked" the following grounds for appeal in their questionnaire and have inserted some brief observations.

(a) That planning permission should be granted for what is alleged in the notice

We suggest that National, London and Local planning policies are explicit that activities which generate excessive noise and loss of amenity in a residential area, such as motorbike training, should not be granted planning permission. This interpretation is reinforced by the permitted planning use(s) for the Orion Park site and the planning conditions imposed when applications P/1998/0504 and P/2004/0029 were granted.

(c) That there has not been a breach of planning control

Motorbike training is not permitted by the existing permitted planning uses for the Orion Park site. Get Bike's use of the site for motorbike training, and other unauthorised activities, means that there has been a breach of planning control.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

The existing buffer strip and "buffalo" fence along the Belsize Avenue boundary of the site, which date from application P/1998/0504 have proved unable to contain the unacceptably loud noise from the motorbike training. The boundary with Jefferson Close lacks the measures found along the Belsize Avenue boundary.

The amenity of the neighbouring residents is being materially adversely affected and the provisions of the Planning Enforcement Order should be upheld.

(g) That the time given to comply with the notice is too short

The appellant is well aware of the distress suffered by the neighbouring residents. They have been unable to use their south facing back gardens or open windows in fine weather for the last few years due to the loud noise from the motorbike training. It would be inequitable for these residents to suffer a further summer of misery.

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7 CONCLUSION

We object to the granting of the planning permission 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 appellant 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 appellant to consult the residents whose homes border the Orion Park site.

Given the noise associated with motorbike training, the concerns noted above, the of the human rights of the neighbouring residents and the appellant'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 appeals are refused in their entirety.

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 appellant 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 appellant.

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDICES

- A 1 Google aerial photograph of Orion Park site and surrounding area**
- A 2 Google aerial close up photograph of Orion Park site**
- A 3 Google aerial photograph of Trumpers Way site and surrounding area – previously used by Get Bike**
- A 4 Google aerial close up photograph of Trumpers Way site– previously used by Get Bike**
- A 5 P/2012/3085 – Get Bike motorbike training areas per Design & Access Statement**
- A 6 Photographs of areas used for motorbike training**
- A 7 Comparison of proximity of areas used for motorbike training to neighbouring residential properties.**
- A 8 P/1998/0504 – Planning Committee Report**
- A 9 P/1998/0504 – Decision Notice**
- A 10 P/1998/0504 – Site Plan before changes**
- A 11 P/1998/0504 – Sealed Site Plan after changes**
- A 12 P/2000/1974 – Letter from consulting engineers**
- A 13 P/2004/0029 – Decision Notice**
- A 14 P/2004/0029 – Approved Plan**

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 1 - AERIAL PHOTOGRAPH OF ORION PARK SITE AND NEIGHBOURHOOD



Source: Google

A 1 Aerial Photo Orion Park Neighbourhood

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 2 - AERIAL PHOTOGRAPH OF ORION PARK SITE



Source: Google

A 2 Aerial Photo Orion Park Close Up

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 3 - AERIAL PHOTOGRAPH OF TRUMPERS WAY SITE AND NEIGHBOURHOOD – PREVIOUSLY USED BY GET BIKE

Trumpers Way Industrial Estate is located north of the M4 and between the Canal and a Branch Railway. It is some distance from housing.



Source: Google

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 4 - AERIAL PHOTOGRAPH OF TRUMPERS WAY SITE – PREVIOUSLY USED BY GET BIKE

Trumpers Way Industrial Estate is located north of the M4 and between the Canal and a Branch Railway. It is some distance from housing.

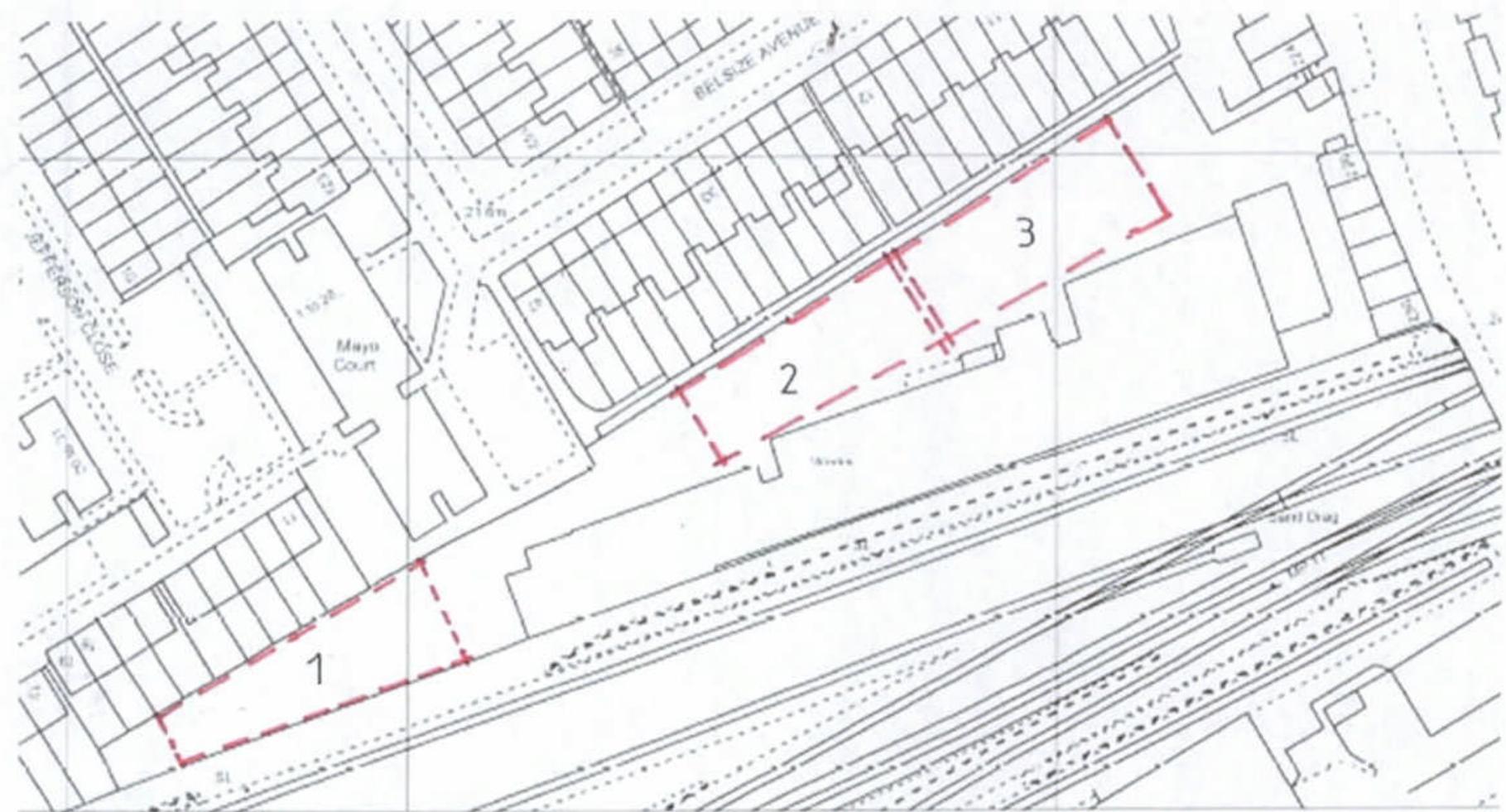


Source: Google

A 4 Aerial Photo Trumpers Way Close Up

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 5 - GET BIKE MOTORBIKE TRAINING AREAS PER DESIGN & ACCESS STATEMENT



GET BIKE TRAINING AREAS

Source: Design and Access Statement, page 3.

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 6

PHOTOGRAPHS OF AREAS USED FOR MOTORBIKE TRAINING

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

Get Bike Training Area 1 - Beside Jefferson Close

Low boundary wall of former primary school on site of Jefferson Close visible to right



**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

Get Bike Training Area 2 & 3 - Beside Belsize Avenue

Trainees performing circuits on Training Areas 2 and 3



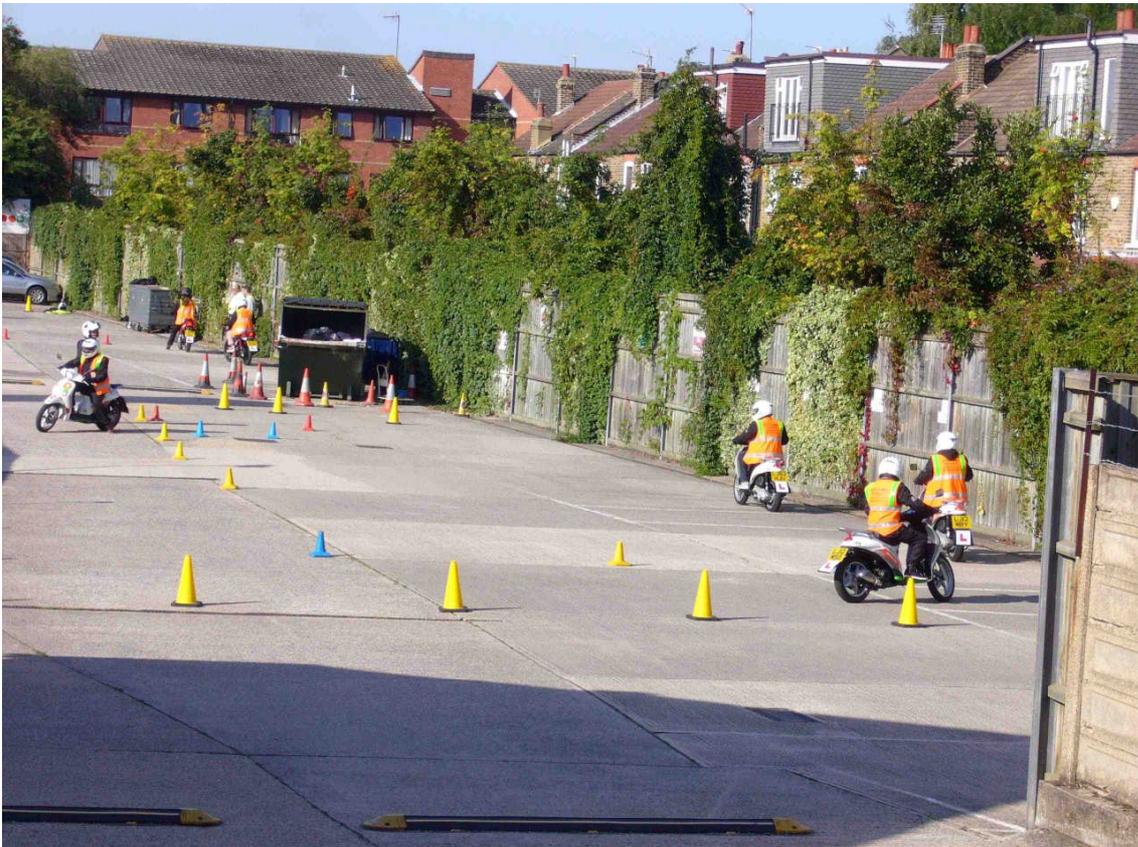
Stationary trainees beside boundary fence on Training Area 3



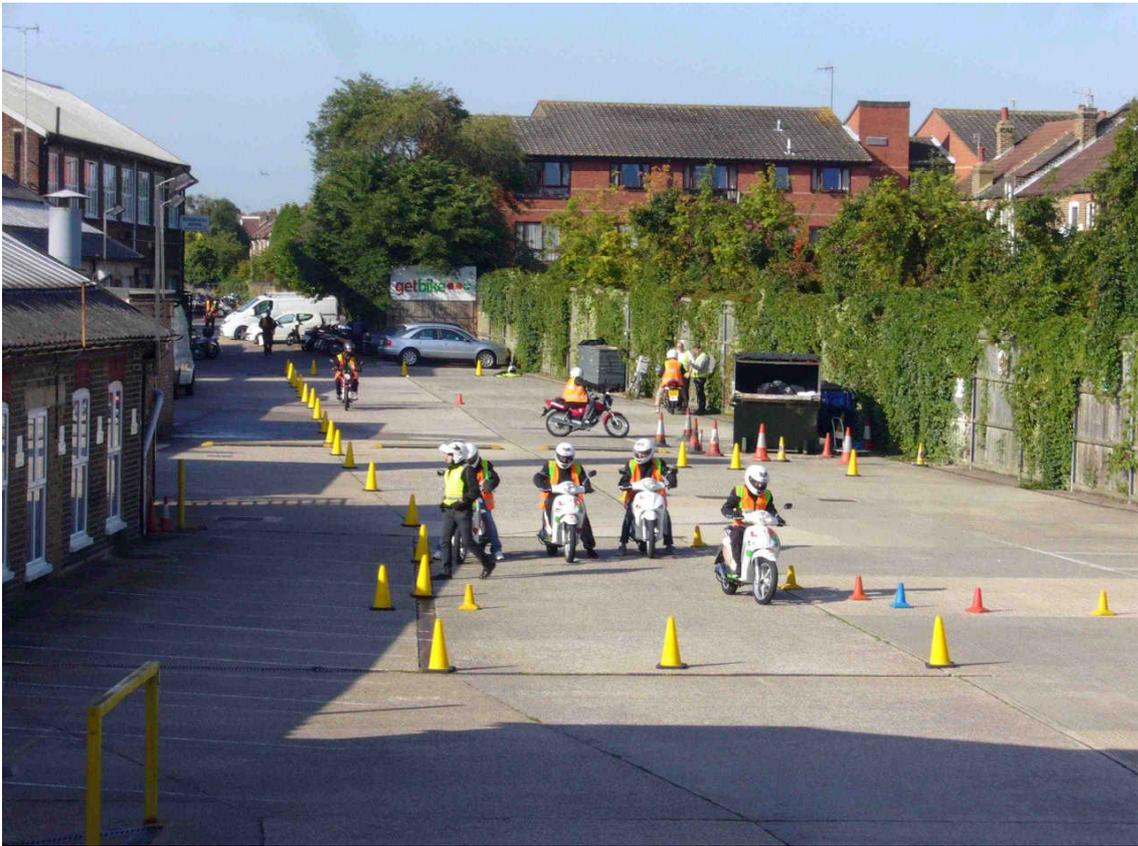
**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

Get Bike Training Area 2 & 3 - Beside Belsize Avenue

Stationary motorbike trainees beside boundary fence on Training Area 2



Stationary motorbike trainees beside boundary fence on Training Area 2 and on Area 3



**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

Get Bike Sunday Training



**COMPARISON OF LOCATION OF THE ON-SITE MOTORCYCLE TRAINING AREAS
TO THE NEIGHBOURING RESIDENTIAL PROPERTIES
AND TO THE RESTRICTIONS IMPOSED BY PLANNING CONDITIONS**

	<u>Houses in Jefferson Close</u>	<u>Flats in Mayo Court</u>	<u>Houses in Belsize Avenue</u>
1 On-site motorcycle training locations per Design & Access Statement , section 3, page 3	"Location 1"	"Location 1"	"Locations 2 & 3"
2 Locations used for on-site motorcycle training are in breach of P/1998/0504 Condition 5 which states that car parking spaces shall not be used for any other purpose. Designated car parking spaces occupy majority of applicant's Design & Access Statement's "Locations 1, 2 & 3" (See sealed car parking plan LBE Seal Book, Vol. V, No. 21107932)	Breach of planning condition	Breach of planning condition	Breach of planning condition
3 Days when vehicle movements are forbidden on the site. Saturday Afternoons Sundays See P/1998/0504 Condition 8	Breach of planning condition	Breach of planning condition	Breach of planning condition
4 Days above "locations" are used for <u>unauthorised</u> on-site motorcycle training	Monday Tuesday Wednesday Thursday Friday Saturday	Monday Tuesday Wednesday Thursday Friday Saturday	(Locations 2 & 3 used as car park Monday to Friday) Saturday
5 Hours site is used for above <u>unauthorised</u> motorcycle training	7am arrival of instructors to set up - through to 7pm		
6 <u>Unauthorised</u> training activities continue to take place on Sundays	Sunday	Sunday	Sunday
7 Neighbouring Residential Housing	Jefferson Close	Mayo Court	Belsize Avenue

	<u>Houses in Jefferson Close</u>	<u>Flats in Mayo Court</u>	<u>Houses in Belsize Avenue</u>
8 Configuration of Neighbouring Housing	All Ground Floor living rooms are at the back facing motorcycle training. Only small kitchen at ground floor front	Retirement flats. Upper storey flats are not protected in any way from noise of motorcycle training by wall or fence	Edwardian terraced houses
9 Length of Rear Gardens / Grounds of Flats - all south facing	9 metres	3 to 4 metres	14 metres
10 Height of householder's wall or fence at bottom of rear garden nearest motorcycle training	2 metres	2 metres	2 metres
11 Alley space between rear garden and motorcycle training area	none	none	1 metre
12 Buffer strip required by Council as protection against the noise of car parking and goods deliveries only See P/1998/0504 Condition 3	none - see note	none - see note	2 metres
13 Planting in buffer strip required by Council, as protection against the noise of car parking and goods deliveries only See P/1998/0504 Condition 4	none - see note	none - see note	Yes
14 Height of "Buffalo" wooden fence required by Council as protection against the noise of car parking and goods deliveries only See P/1998/0504 Condition 7 This fence is located between south side of buffer strip and area subsequently used for <u>unauthorised</u> motorcycle training.	none - see note	none - see note	3 metres

Note:

The current unauthorised daily use of the space behind Jefferson Close for motorcycle training means that the residents of these houses lack even the minimal and inadequate protection against noise which the 3 metre wide buffer zone and 3 metre high "Buffalo" fence affords to the residents of Belsize Avenue.

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 8

**APPLICATION P/1998/0504
PLANNING COMMITTEE REPORT**

PLANNING EAST COMMITTEE

SCHEDULE ITEM: E19

DATE: 1 July ~~1988~~¹⁹⁹⁸

REF: RPC/TPHP 2451/6

PLANNING APPLICATION REPORT

WARD: NORTHFIELD

PLANNING OFFICER: Robert Coomber

PLANNING SERVICES MANAGER: Janet Thomas

Address: Orion Park, Northfield Avenue W13

Proposal: Stopping up and closure of public footpath rear of 1-47 Belsize Avenue, demolition of 27 lock up garages, extension to existing parking, service and access areas, including rearrangement and retention of existing number of parking spaces, provision of articulated lorry turning area, erection of 3m close boarded fence and layout of landscaping buffer on northern side of site.

Application Received: 11 February 1998

Application Revised: 12 March 1998

Type of Application: Full

RECOMMENDATION

Subject 1) to the applicant and any other person with an interest in the land entering into a legal agreement with the Council: a) to make available and to apply solely for that purpose, a sum of money to cover the cost of maintaining the planted buffer strip on the northern side of the site in accordance with a standard to be specified in that agreement; b) to provide for the agreed works to be carried out; c) to provide and instal three security gates in the private alleyways which serve the rear of 1-47 Belsize Avenue; d) to pay the costs of the Council in connection with the proposed Section 257 order for closure of the footpath; and e) to pay the Council's reasonable professional and legal fees in association with the completion of this agreement and 2) the public footpath to the south of the garages behind 1-47 Belsize Avenue being stopped up pursuant to Section 257 of the Town and Country Planning Act 1990, I recommend that the Committee authorise the Assistant Director of Environment Group (Planning and Surveying Services) in concurrence with the Chair to GRANT permission subject to the following conditions.

- 1) 0105 Time limit
- 2) 0106 In accordance with drawing Nos B295/201B and B295/201
- 3) 0210 Details of walls and fences
- 4) 0209 Details of landscaping
- 5) 9006N Parking retained
- 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 in relation to the site.
- 7) Before any work starts on site, details of the acoustic fence to be installed on the north boundary of the parking and servicing area to demonstrate its fitness for the purpose shall be submitted to and approved in writing by the local planning authority. The fence shall be constructed before the new parking and servicing area is brought into use and shall thereafter be retained in the form so approved.
Reason: To protect the amenities of neighbouring residents
- 8) Movements by heavy goods vehicles shall be limited to ten per week between the hours of 7.30 am to 6.00

pm on weekdays only, and none outside those hours or 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 9.00 am to 1.00 pm

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

- 9) Before any work starts on site, details of traffic calming measures at the vehicle entrance to the site shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use and shall thereafter be retained in the form so approved.

Reason: In the interests of highway safety.

- 10) Before any work starts on site, details of security measures for the northern side of the site, including the adjoining residential alleyways, shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use and, insofar as this can be done on land in the control of the applicant, shall thereafter be retained in the form so approved

Reason: In the interests of public safety in accordance with the Council's approved planning policies..

- 11) Before any work starts on site, details of the materials to be used for the acoustic fence and for the surface of the parking and servicing area shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking area and servicing area is brought into use and thereafter retained.

Reason: In the interests of the visual amenity of the area

- 12) Before any work starts on site, details of the proposed lighting scheme for the parking and servicing area shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use and thereafter retained.

Reason: To protect neighbouring residents from unnecessary disturbance from any lighting to be installed on the site

- 13) The site shall not be used for the overnight parking of Heavy Goods Vehicles

Reason: To protect the amenities of the occupiers of this predominantly residential area

CONSULTATION:

A public meeting was organised by the Applicants on 18 May. 21 Residents attended. The proposal was also publicised by press advertisement and site notice.

Neighbour Notification: 74 neighbouring occupiers - 19 replies (two questionnaires, one with 21 signatures from the Belsize Residents' Association, the other from the sheltered housing at Mayo Court with 24 signatures) making the following points:

- 1 Lorries turning at end of gardens in Belsize Avenue, floodlighting and car parking will cause unacceptable noise (engines, doors slamming, air brakes, car radios, etc.) and be an eyesore. They will be unacceptably close

Response: *The screen fence, proposed landscaping and requirement to submit details of lighting would prevent noise and visual intrusion.*

- 2 Limited access to parking area rear of Northfield Avenue will be further restricted

Response: *The proposal has been amended to deal with this. The objector now supports the proposal and withdraws points 3) and 4) below.*

- 3 The access area rear of Northfield Avenue should be maintained by the applicant

Response: *This is outside the scope of this application, is not part of the application and is not a planning matter*

- 4 The footpath closure should start at Northfield Avenue for health and safety reasons
Response: This is outside the scope of this application, is not part of the application and is not a planning matter
- 5 Increased air pollution from traffic coming closer to houses.
Response: This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit these by use of planning condition. The proposed parking and servicing area, including the garage court is already used for vehicle access.
- 6 Fence and tree buffer will block out sunlight from gardens and back rooms
Response: This is not the case. The fence is sufficiently far away from the garden boundary to ensure this will not happen. The tree screen will need to be low growing to prevent this and will be subject of detailed approval with this in mind.
- 7 This is a residential area not an industrial estate and the proposal should not be allowed
Response: The lock up garages have a long established commercial storage use. The land in question is not used for residential purposes at present.
- 8 Loss of public footpath
Response: The path is little used and is not a very safe area. Its closure would not conflict with Council planning policy.
- 9 This is just another ploy to erect buildings on the site. This was previously rejected.
Response: The proposal does not imply that any future development proposal for the site will receive planning permission. Any such application would have to be considered on its own merits. This decision will set no precedent.
- 10 Vibration from lorries will cause disturbance
Response: There would be little or no vibration. The acoustic fence and the fact that the lorries would have to move slowly would prevent this. A condition proposes a strict limit on the number of lorries. This can readily be enforced. moreover, lorry movements are restricted to weekday daytime hours when they will be least noticeable.
- 11 The area at the west of the site is shown for a possible future development. This is unacceptable.
Response: The proposal does not imply that any future development proposal for the site will receive planning permission. Any such application would be considered on merit.
- 12 The substation would be within yards of our property.
Response: This is not likely to happen immediately. However any new substation would be well screened from neighbouring occupiers and considerably smaller than the existing one. It is not likely to be an eyesore.
- 13 The sewer under the planted strip would be harmed.
Response: Suitable planting can avoid this.
- 14 Trees would cause mess and overhang our gardens.
Response: The right trees and suitable maintenance, which the proposed legal agreement would provide, can avoid this.
- 15 The access to the site is dangerous
Response: The application does not propose any changes to the site access. In fact, it gives you the opportunity to improve the situation by introducing traffic calming measures and a limit on the number of Heavy Goods Vehicles visiting the site. The ability of large lorries to enter and leave the site in forward gear which this proposal allows for the

first time would also reduce the danger.

16 The traffic the site generates will change the character of this residential area

Response: Traffic would continue to enter and leave the site from Northfield Avenue only. It would not change the residential character of Belsize Avenue.

17 Increased traffic and congestion. Increased number of lorries on Northfield Avenue may damage the bridge and the road.

Response: This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit them by planning condition. There is no limit at present. The parking and servicing area and the garage court are already used for vehicle access.

19 It is not legal to stop up the right of way.

Response: Planning law allows this to be done. If planning permission is granted, the proposal will then have to undergo certain extra publicity and such other legal procedures. Only if the law then allows it can the footpath be closed.

20 Belsize Avenue properties will lose value

Response: This is not a matter you can consider under planning law.

21 Heavy vehicles will damage neighbours' property.

Response: This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit these by use of planning condition. The parking and servicing area is already used for vehicle access without any control on the number of vehicles

22 The lorries will cause car alarms to go off and disturb residents.

Response: This is not likely to happen as a result of the proposal

23 The area at the end of the site could be used for lorry turning.

Response: The area referred to is not as wide as the proposed turning area and appears to be unsuitable.

24 The existing layout maintains UDP policies on privacy.

Response: This proposal would not affect privacy.

25 The loss of the garages and their replacement with a timber fence will reduce acoustic screening.

Response: The fence would be of acoustic quality. The applicants claim that it will in fact increase the level of protection from noise. Because of the conditions I propose am satisfied that there will not be any extra noise. The Chief Environmental Health Officer is satisfied that a suitable fence can be constructed to achieve this.

26 If the footpath is not closed at Northfield Avenue there will be a transfer of unsocial activities in the footpath to the rear alleyways behind the houses in Belsize Avenue

Response: The applicant is now proposing security measures to prevent this, including providing security gates for the residents of Belsize Avenue by legal agreement.

27 The extension of the private right of way is impractical without residents' agreement and might cause security problems.

Response: There is no proposal to extend the private right of way. The proposed fencing condition and the legal agreement would make sure that security could be achieved.

28 Parking zone should be moved further into site to provide additional daylight and protection from noise/pollution.

Response: I do not consider there would be loss of light or increased sense of enclosure for the properties in Belsize Avenue. The section submitted by the applicant demonstrates this.

29 The landscaped zone should be made secure and details of planting first approved.

Response: The report provides for this.

30 The acoustic barrier should be 225 mm brickwork.

Response: The proposed fence is sufficient for the purpose. A properly designed fence can provide a better level of protection than a brick wall as it can absorb noise rather than reflect it which a wall may do. It is expected to provide sufficient sound attenuation.

31 The landscaped zone and fence will create a dark and unsafe tunnel, which the planting will reinforce.

Response: I believe it will provide a good buffer between the site and the housing. It can be made secure and the proper use of species and maintenance (which the legal agreement should secure) should make sure that this is not a problem.

32 HGVs should not be encouraged. This area is suitable only for light industry.

Response: It is often necessary for HGVs to deliver to light industrial premises. This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit them by planning condition. The parking and servicing area and the garages site are already used for vehicle access without any control on the number of vehicles.

33 Noise, disturbance and pollution during building work.

Response: This is a relatively minor project which will cause comparatively little disturbance during construction. Environmental Health controls over construction works would limit its impact.

34 Patrons of the Spinning Wheel already cause disturbance to residents. This car park will allow them to park at the back as well as the front of Belsize Avenue.

Response: The gates of the site are usually closed at night for security reasons and this is a private car park so this will not happen.

35 Unlimited access from Northfield Avenue will present a security risk.

Response: The proposal does not increase access from Northfield Avenue.

36 Lack of local parking is already a problem. This proposal will just draw more cars into the area.

Response: This application does not propose an increase in vehicle movements. In fact, it offers the opportunity to limit these by use of planning condition. The parking and servicing area is already used for vehicle access without any control on the number of vehicles.

37 Some local resident have already annexed the private right of way into their own gardens. This proposal will mean I cannot get to my back garden from the rear.

Response: This is a private property matter which neighbours must resolve amongst themselves and not a reason for refusing planning permission.

38 The fence is not a safe and secure barrier against vehicles out of control.

Response: The layout of the site and the relationship to neighbouring properties make this extremely unlikely. The fence and landscaping strip should be a sufficient safeguard.

39 Insufficient detail of proposal to lay out landscaping strip.

Response: Proposed conditions deal with this. I am satisfied that there is sufficient detail to decide the principle of this proposal.

40 What guarantee have residents got that this strip will be maintained by the Council?

Response: The proposed legal agreement will be binding and will require this.

Belsize Residents Association: Comments are included above

Ealing Fields Residents Association: No comment

Southern Electric: No response

London Underground: No response

Chief Environmental Health Officer: No objection in principle.

The consultant's noise report confirms that the fence provided will be a three metre high acoustic fence. A condition should require submission of a detailed specification which must satisfy the Council before works commence. This type of barrier relies on it remaining intact so it must be maintained in future.

I am concerned about possible future increase in noisy vehicular movement. To minimise any impact, hours should be restricted to 0800 - 1800 weekdays, 0900 - 1300 Saturdays and no time on a Sunday or bank holiday

Response: The applicants have proposed a different hours of operation condition. I feel this meets the objectives which the Chief Environmental Health Officer has set. It proposes slightly (but not, in my view, unreasonably) longer weekday hours but rules out Saturdays altogether for HGVs. Moreover, it limits the number of HGVs to ten per week in total. As the condition proposed is acceptable to the applicant, it is much more likely to be adhered to and is therefore more enforceable.

I propose a condition to provide for approval of the construction of the fence and its retention in a satisfactory form.

Assistant Director Corporate Resources - Law & Administration: If you grant planning permission, fresh procedures will be needed under S257 of the Town and Country Planning Act to pursue the closure of the footpath including publicity and consultation..

Parks and Cemeteries: Are prepared to take on maintenance of the landscaped area on payment of a suitable commuted sum to finance it.

Transport Strategy and Projects: No objection but the relocation of the substation would be desirable

RELEVANT PLANNING HISTORY:

There is no directly relevant planning history. Proposals for redevelopment of the site, including new buildings for the existing occupiers, were rejected by the Council in the past, but there have been no recent applications

PLANNING CONSIDERATIONS:

SUMMARY

The proposal will provide better parking and servicing for an existing poorly serviced employment use, will not harm neighbours' amenities, and will provide better security and outlook for neighbours. It will improve traffic conditions on Northfield Avenue.

SITE DESCRIPTION AND DETAILS OF PROPOSAL

This site (0.52 ha) on the west of Northfield Avenue and to the south of Belsize Avenue is in three parts:

1. **Orion Park.** An existing industrial site occupied by George Meller Limited as their headquarters. The company makes pumps, but most of this now takes place in Bradford. There is some light assembly on site but its main function is as the company headquarters offices (B1 use). The site is long, narrow and tapers

away from Northfield Avenue. It is bounded on the south by the Piccadilly Line. It is not wide enough for HGVs to turn within the site. Consequently these have either to reverse into or out of the site and across Northfield Avenue at one of its busiest points. The site is well below the level of Northfield Avenue which is banked up at this point to cross the railway. On the north boundary is an almost continuous concrete panel fence of varying height with two weld mesh gates. The buildings have 2658 m² of floor space. There are 56 car parking spaces on site. This meets your current car parking standard of 1 space for every 47 m².

Vehicle access to the site is solely from Northfield Avenue. As there is no turning area for large vehicles within the site, these have either to enter or leave in reverse gear. The entrance is half way up the slope to Northfield Station where there is a pedestrian crossing on the bridge. It is a busy part of the road. It has a heavy traffic load, particularly during peak times. Close to the entrance is a bus shelter. Because of the station it is a busy spot for bus passengers to queue, alight and embark. In the rush hours there is much pedestrian movement in different directions. People using the station are also dropped off from and collected by cars.

The applicants have submitted details of their vehicle movements. Service vehicle movements at the site amount to about 15 per day. Only one of these on average is a Heavy Goods Vehicle.

- 2. **The public footpath between Northfield Avenue and Northcroft Road.** This is maintained by the Council but of unknown ownership. It is 2 m wide. As a pedestrian route it offers little or no advantage over Belsize Avenue. Many people would perceive it as an unsafe option. It is unlit and little used. A survey undertaken by the applicants provides evidence to this effect which supports my own observations. Most people use Belsize Avenue instead. I have visited the site during the morning and evening rush hours. Each time I saw a steady stream of people walking along Belsize Avenue. At the same time the public footpath was unused.

The applicants set up close circuit cameras to monitor the footpath on 18 and 19 July last year for twelve hours from 7.30 am on each day. Over the two days 8 people walked the full length of the path. A further 6 people followed a parallel route cutting through the garages instead of using the whole footpath.

Over the same two twelve hour periods 36 people went down the steps from Northfield Avenue and cut through behind the shops to the top end of Belsize Avenue.

6 people over the two days entered and left from Northfield Avenue, using the alley to urinate.

By comparison, it is quite common to see five or more people walking towards the station along the length Belsize Avenue at any one time during the morning peak.

- 3. **An area of 27 lock-up garages behind 1-43 Belsize Avenue.** Vehicle access to these is from Belsize Avenue. They are owned and occupied by George Meller and are used for commercial storage. This use has continued for more than 10 years and is immune from planning enforcement control. The area varies in width from 12 to 4 metres. The garages are about 2 metres high. They are in four blocks. They do not form a continuous screen between the factory land and the houses. Immediately north of this is the back access alley to the houses in Belsize Avenue. It is about 1 m wide. The back gardens of the houses in are between 12 and 14 m long.

Both garages and footpath are in poor repair. They are an eyesore and have both suffered from rubbish dumping.

The proposal is to demolish the garages, close the footpath, provide a planted strip and acoustic fence on the north boundary, reorganise the parking within the site, and provide an area where HGVs can turn and two lorry parking bays. There is no proposal to increase the amount of parking. The acoustic fence would be about 3 m from the rear garden fences of the houses. Between them, the planted strip would be 2m wide.

In response to residents' concerns over security, the applicants have offered, at no cost to residents or the Council, to erect security gates to restrict access to the private rear alleyways of the houses on this side of Belsize Avenue.

PLANNING POLICY

The factory yard is designated as an Employment Site in the Unitary Development Plan (UDP). Employment Sites are considered to be part of residential areas and to accommodate uses compatible with residential areas. The garage area and the footpath fall within land designated Residential. Employment uses are not excluded from residential areas but must not harm them (See Policy R1).

- B1 New buildings should reflect the best elements of local character and be of good design through scale, bulk, materials and layout.
- B5 New buildings or uses should not harm neighbours' amenities through noise, visual intrusion, etc.
- E7 Employment sites should be retained for local employment purposes which do not harm the amenity of residential areas.
- T18 Seeks to improve off street freight loading and access.
- T42 Adequate vehicle parking and servicing should be provided on commercial sites to promote vehicle and pedestrian safety
- T47 Car parking for office or light industrial uses should be provided at a rate of 1 space per 47m².
- T60 Requires one lorry parking bay for every 465 m² of floor area for industrial premises
- T63 Encourages improvement to existing service areas to allow vehicles to enter and leave a site more safely
- ES5 Seeks to ensure that increased noise and vibration does not result from new developments
- B20 Seeks to ensure that new developments result in a safer environment

REASONED JUSTIFICATION**Planning Issues:**

The proposal will meet Council planning policy. It will promote the effective operation of an employment site. It will improve traffic conditions on Northfield Avenue because lorries will no longer cause hold ups by reversing on the approach to the station at a dangerous point on the road. It will improve on site servicing.

The proposal will give the Council control over traffic and parking on a site where previously it could not. Thus the Council can pursue its objectives on car restraint by restricting the amount of car parking on the site.

The number of servicing bays meets Council policy because the predominant use of the site is offices which do not require such provision. I am satisfied that the two bays proposed will meet the needs of the approximately 1000m² storage and workshop floor space on site.

I am satisfied that the construction works will result in an improvement to the appearance of the area.

The proposal will protect the amenity and security of neighbours. Noise and vibration will be controlled. It will provide a green buffer between the employment site and its residential neighbours. Fencing and gating will improve security and prevent fly tipping. This is particularly welcome and consistent with council planning policy on personal safety and general security. The proposal may reduce the noise. It is unlikely to increase it.

Because of the length of the gardens, the height of the proposed fence and the ability to control what is planted in the buffer strip, the proposal will not harm daylight to living rooms or gardens. It will not have an overbearing effect on them. the applicants' section drawing demonstrates this.

Conditions proposed will ensure that suitable materials and design are used in the surfacing and the fence.

E19

Public Footpath:

Section 257 of the Town and Country Planning Act 1990 allows the Council to resolve to close a footpath after suitable publicity and procedures if it is necessary in order to enable a development to be carried out. In taking this decision, you will be indicating whether or not in principle you support the closure of the footpath.

Even allowing for the fact that the applicant's survey was taken at the beginning of the summer holiday period, there is no doubt that footpath use is extremely low when compared to the alternative route along Belsize Avenue and Northfield Avenue. The reasons are obvious: the path is ill kept and litter strewn; it is not lit; it is not overlooked; the path is not widely visible from any public area; it is largely enclosed and it does not offer any means of sanctuary or escape for users in the event of a threat to their security.

Nevertheless, the path represents a public amenity which would be lost if the development goes ahead.

You must decide whether the loss of the path is unacceptable.

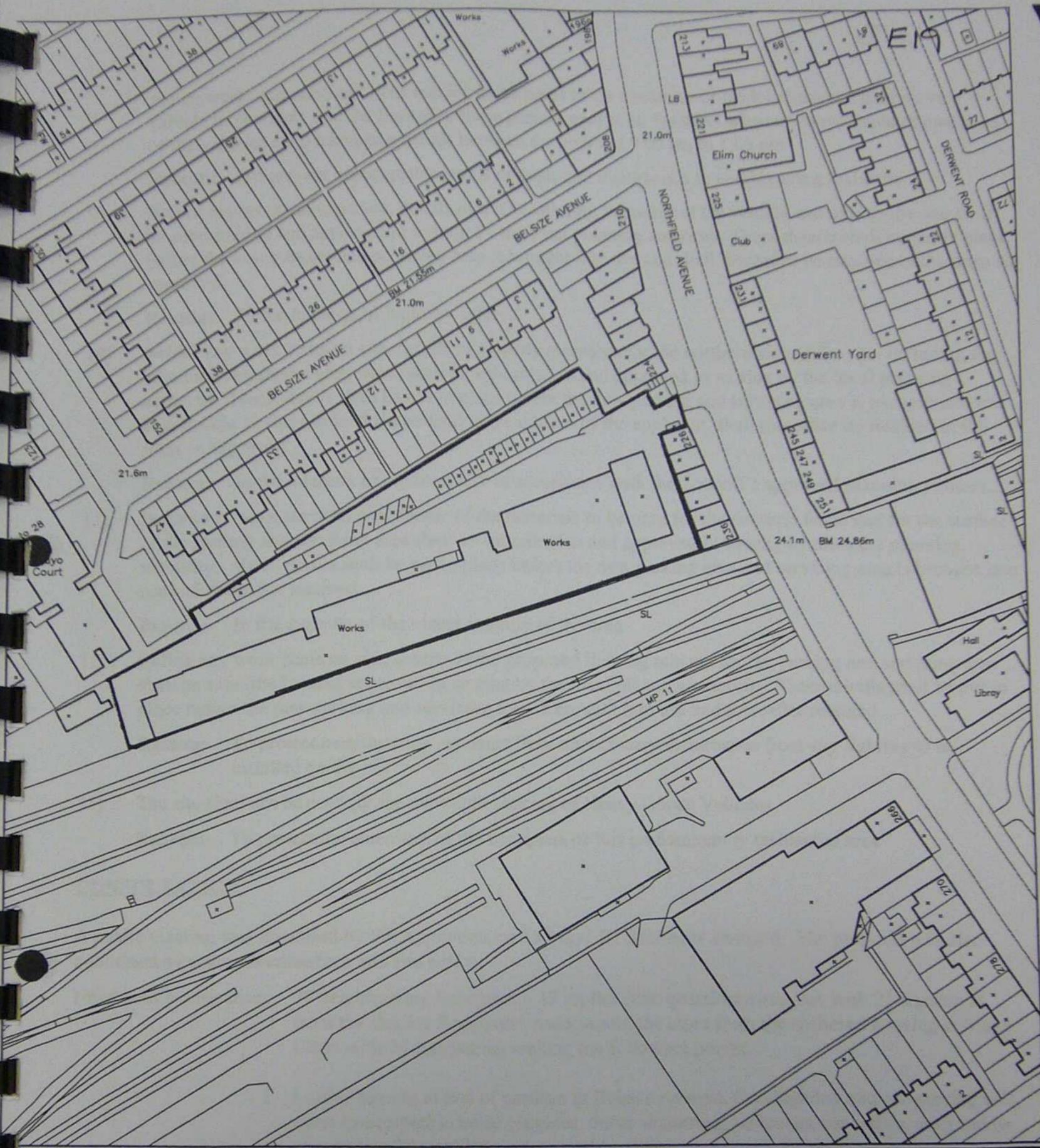
You must further decide whether the benefits of the proposed development exceed the benefits of the path which would be lost. If you do not think they do, you should refuse planning permission.

In my opinion, the closure of the path will result in hardly any loss to pedestrians. I believe that the benefits of improved servicing and access for the Employment Site would outweigh this loss. Moreover, there would be a gain also for pedestrians because safety at the site entrance would improve.

It is also important to note that the part of the right of way which is most used is not affected by this proposal.

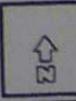
CONCLUSION

The proposal complies with Council planning policy, represents an improvement to the locality and will not harm neighbours' amenities. In my opinion, the loss of the public footpath is acceptable and more than compensated for by the benefits offered by the development.



Ealing
Environment Group
 London Borough of Ealing
 Perceval House
 14-15 Uxbridge Road
 Ealing
 London W5 2HL

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Environment (Planning East) Subcommittee	
Address : Orion Park Northfield Avenue W13	
Ref No/TPO :	Item No: E19
Date: June 1998	Scale: 1 : 1250
	

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 9

APPLICATION P/1998/0504

DECISION NOTICE



NOTICE OF PLANNING DECISION

Ealing Reference Number: RPC/TPHP 02451/6

To: ABT Architects & Planning
2/26-28 Gloucester Square
London
W2 2TB

In accordance with the provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, the Council of the London Borough of Ealing has considered your application, illustrated by plan(s) and drawing(s), for permission received 10th February 1998, to carry out the following development.

Site: Orion Park, Northfield Avenue, W13

Proposal: Stopping up and closure of public footpath rear of 1-47 Belsize Avenue, demolition of 27 lock up garages, extension to existing parking, service and access areas, including rearrangement and retention of existing number of parking spaces, provision of articulated lorry turning area, erection of 3m close boarded fence and layout of landscaping buffer on northern side of site

and hereby gives notice that permission is **GRANTED** subject to the conditions set out in the attached schedule.

Signature: _____

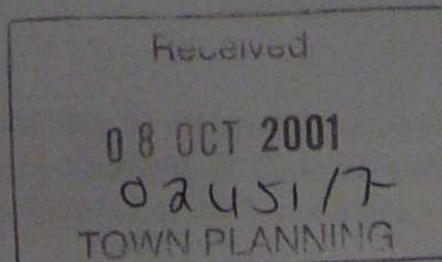
Janet Thomas
Planning Services Manager
(the Proper Officer)

London Borough Of Ealing
Town Planning Division
Perceval House
14-16 Uxbridge Road
London, W5 2HL

Serial No: P/1998/0504 / 02451/6

Dated: 21st January 2000

Telephone: 0181-579 2424
Fax: 0181-758 5656



Notes: i) This decision DOES NOT imply any consent which may be required under the Building Regulations or under any enactment or provision other than Section 57 of the **Town and Country Planning Act 1990**. Nor does it override any private rights which any person may have relating to the land affected by this decision.

ii) The notes below set out the rights of applicants who are aggrieved by decision of the local planning authority. **If you are not the applicant, please make sure that these notes are drawn to his/her attention.**

Rights of Applicants Aggrieved by Decisions of the Local Planning Authority

1. Appeals to the Secretary of State

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment, under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which is obtainable from the Department of the Environment, Room 1011, Houlton Street, Bristol BS2 9DF (tel: 0117 987 8754).

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or that it could not have done so without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

2. Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment refuse permission to develop land, or grants it subject to conditions, whether by the local planning authority or the Secretary of State, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the London Borough of Ealing. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. Compensation

In certain circumstances, compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 of the Town and Country Planning Act 1990.



Planning Decision Number: RPC/TPHP 02451/6

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of five years of the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out only in accordance with drawing Nos. B295/201B and B295/202 to the satisfaction of the Local Planning Authority.

REASON: To ensure that the development is carried out as approved by the Local Planning Authority.

3. Details of a scheme of screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on site and the approved scheme shall be implemented to the satisfaction of the Local Planning Authority before the development hereby permitted is first occupied.

REASON: In the interests of the visual amenity of the area and to restrict access to the approved points.

4. Details of a scheme depicting hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any work on the site. Such landscaping to be carried out in accordance with a phased programme of works to be agreed in writing with the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season to the satisfaction of the Local Planning Authority.

REASON: To ensure that the development is landscaped to the satisfaction of the Local Planning Authority in the interests of the visual amenity of the area.

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 of the Local Planning Authority.

REASON: To ensure that adequate provision for car parking is made within the site.

- 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 in relation to the site.

- 7) Before any work starts on site, details of the acoustic fence to be installed on the north boundary of the parking and servicing area to demonstrate its fitness for the purpose shall be submitted to and approved in writing by the local planning authority. The fence shall be constructed before the new parking and servicing area is brought into use and shall thereafter be retained in the form so approved.

Reason: To protect the amenities of neighbouring residents

- 8) Movements by heavy goods vehicles shall be limited to ten per week between the hours of 7.30 am to 6.00 pm 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 9.00 am to 1.00 pm

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

- 9) Before any work starts on site, details of traffic calming measures at the vehicle entrance to the site shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use and shall thereafter be retained in the form so approved.

Reason: In the interests of highway safety.

- 10) Before any work starts on site, details of security measures for the northern side of the site, including the adjoining residential alleyways, shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use and, insofar as this can be done on land in the control of the applicant, shall thereafter be retained in the form so approved

Reason: In the interests of public safety in accordance with the Council's approved planning policies..

- 11) Before any work starts on site, details of the materials to be used for the acoustic fence and for the surface of the parking and servicing area shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking area and servicing area is brought into use.

Reason: In the interests of the visual amenity of the area

- 12) Before any work starts on site, details of the proposed lighting scheme for the parking and servicing area shall be submitted to and approved in writing by the local planning authority. These details shall be put in place before the new parking and servicing area is brought into use.

Reason: To protect neighbouring residents from unnecessary disturbance from any lighting to be installed on the site

- 13) The site shall not be used for the overnight parking of Heavy Goods Vehicles

Reason: To protect the amenities of the occupiers of this predominantly residential area



Planning Decision Number: RPC/TPHP 02451/6

Informatives

The following items are also brought to the applicant's attention:

- 1) The Council's Environmental Health Services has powers to control noise and disturbance during building works. It considers that normal and reasonable working hours for building sites are from 8.00 am to 6.00 pm Monday to Friday, from 8.00 am to 1.00 pm on Saturdays and not at all on Sundays. If any activities take place on the site beyond these times which give rise to noise audible outside the site the Council is likely to take action requiring these activities to cease.
- 2) The Council wishes to make it clear that this decision is not intended in any way to imply that planning permission will be forthcoming for any future development or redevelopment proposals for this land or any other adjoining land in the control of the applicants.
- 3) The landscaping details must take into account the need to select tree species which will not restrict daylight to the back gardens of the houses in Belsize Avenue and which will not harm the sewer which runs under the land on which they are to be planted. The Council will not approve details which do not meet these criteria.
- 4) The details of traffic calming measures referred to in condition 9 should include means of improving drivers' visibility between the access road and the pavement and carriageway on Northfield Avenue through the installation of mirrors.

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 10

**APPLICATION P/1998/0504
SITE PLAN BEFORE CHANGES**

H. M. LAND REGISTRY GENERAL MAP

NATIONAL GRID PLAN
GREATER LONDON

TQ1679

SECTION AJ

Scale 1/1250

THE COMMON SEAL OF THE COUNCIL OF
THE LONDON BOROUGH OF EALING was
hereunto affixed in the presence of:

BOROUGH OF EALING

LBE SEAL BOOK

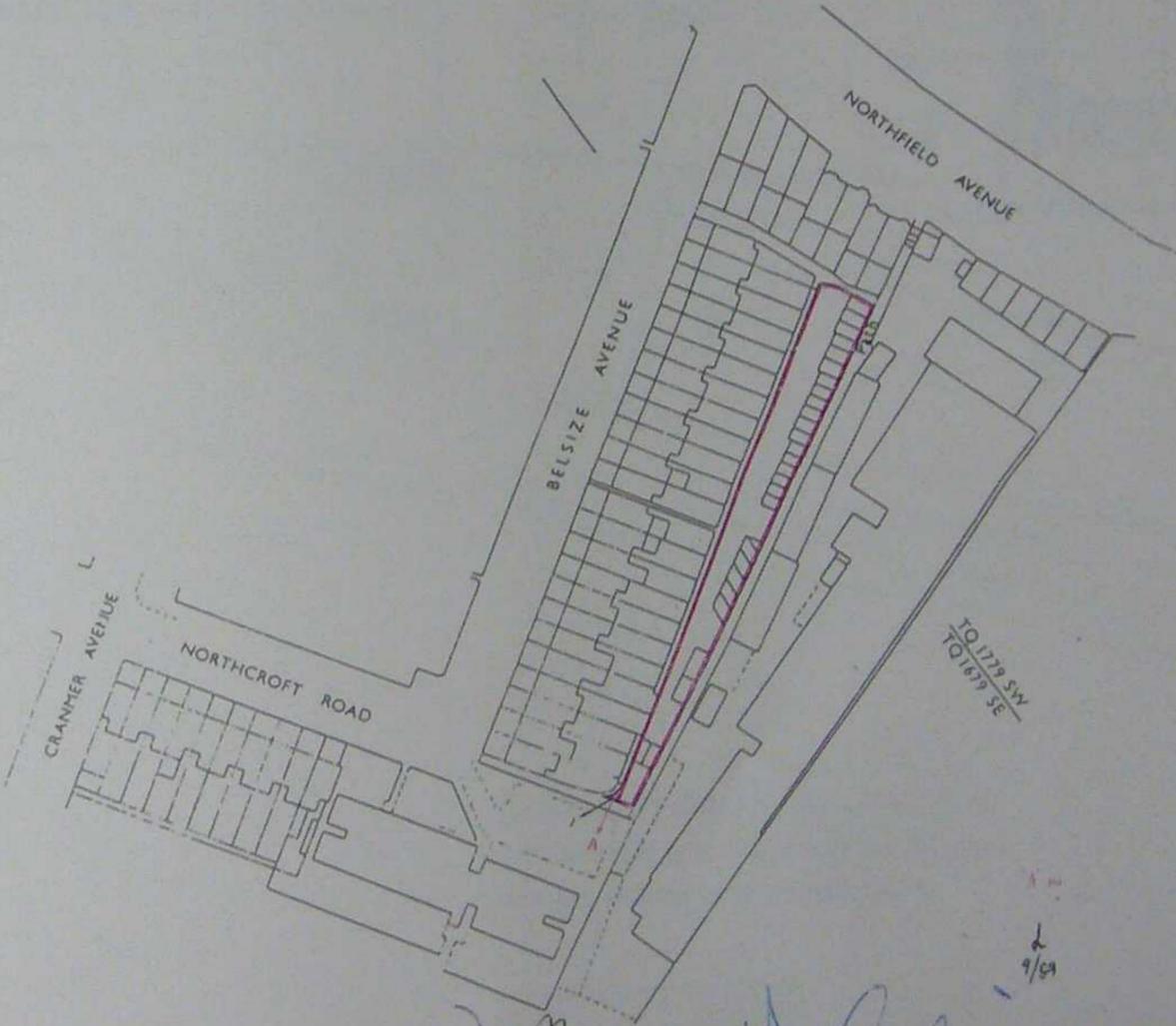
Vol. V No. 211 of 1932

Mayor

W. C. Payne
Palmer

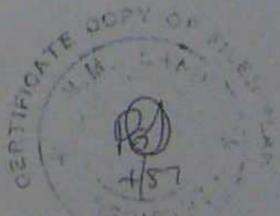
TC161

Proper Officer



Palmer
Hickinson

Old Reference MIDDLESEX XV 16 BL
Made and printed by the Director
General of the Ordnance Survey,
Chasington, Surrey 1965 for HMLR
Crown Copyright 1965



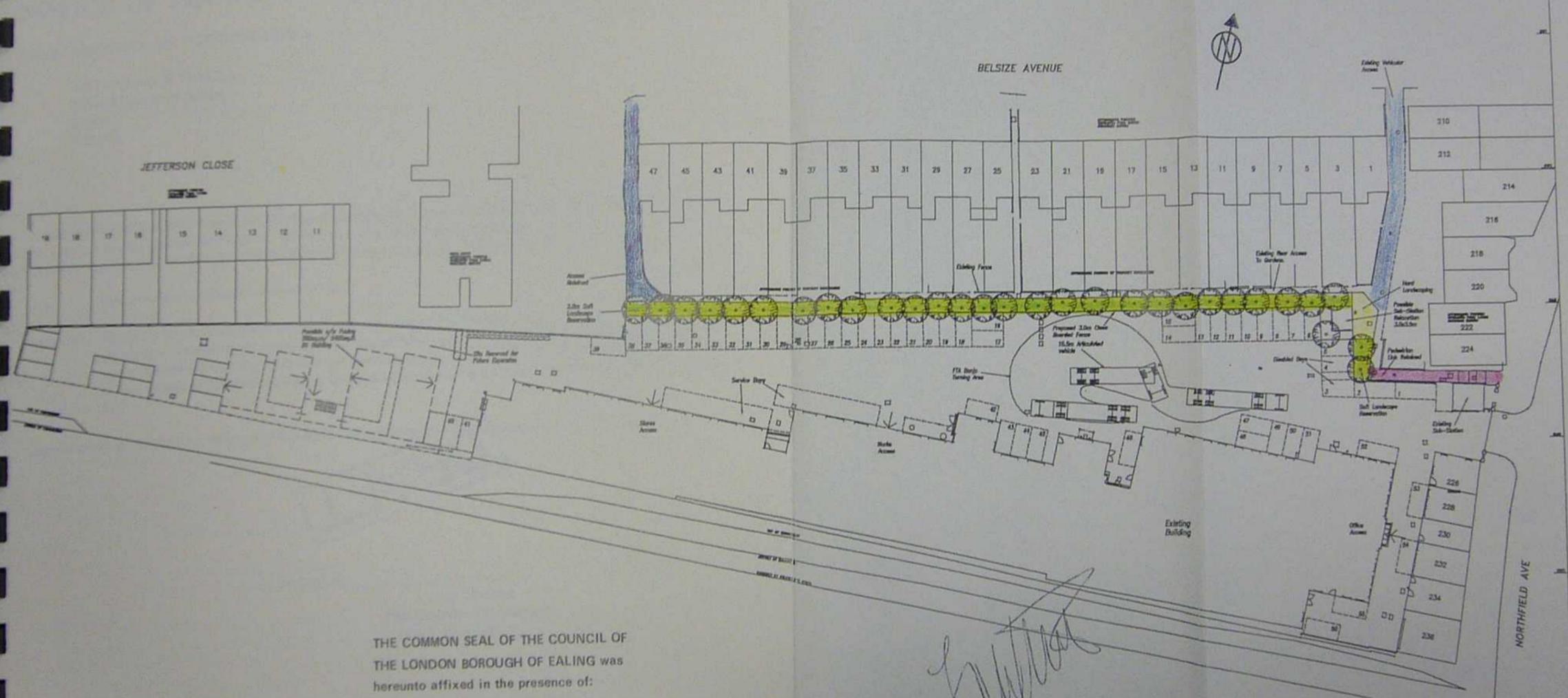
**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 11

**APPLICATION P/1998/0504
SEALED SITE PLAN AFTER CHANGES**

Notes

1. The drawing is based on the 1990 Ordnance Survey map of Ealing, 1:25,000, 1990 edition.
2. The drawing is based on the 1990 Ordnance Survey map of Ealing, 1:25,000, 1990 edition.
3. The drawing is based on the 1990 Ordnance Survey map of Ealing, 1:25,000, 1990 edition.



THE COMMON SEAL OF THE COUNCIL OF
THE LONDON BOROUGH OF EALING was
hereunto affixed in the presence of:

LEAFLET BOOK
Vol. V No. 2.1197132

Mayor
Clive Adams
Paul Bull

Proper Officer

M. B. [Signature]
[Signature]
[Signature]
[Signature]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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ORION PARK, NORTHFIELD AVENUE,
EALING W13.

PROPOSED CAR PARK ARRANGEMENT

SCOTT-WHITE & HOOKING
CONSULTING ENGINEERS
100, NORTHFIELD AVENUE, EALING, MIDDLESEX, ENGLAND, W13 3PH
TEL: 0181 871 1111 FAX: 0181 871 1112

DATE: 10/10/99
SCALE: 1:200
NO: 8295/201 B

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 12

APPLICATION P/2000/1974

LETTER FROM CONSULTING ENGINEERS



SCOTT - WHITE & HOOKINS

CONSULTING ENGINEERS

LONDON HOUSE, 42 WEST STREET, CARSHALTON, SURREY SM5 2PR
TEL 020-8773 3131 FAX 020-8773 2605 email car@swh.co.uk

E. Abt Esq.,
Abt Architecture & Planning,
27 Gloucester Square,
London,
W2 2TB

5th January 2001

DAC/vjs/B295

Dear Eli,

Orion Park, Northfield Avenue, Ealing, W13

I am in receipt of your fax, received yesterday, in connection with the traffic calming measures and the letter received by you dated 3rd January 2001 from Ealing Transport Services.

I am surprised, in view of the informative accompanying the planning permission, that the Council are asking for more than these measures to safeguard pedestrians. 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.

I would draw your attention to the fact that there are already speed reducing humps internally on the access road and due to the rising gradient on leaving the site which in itself reduces the speed of vehicles any further speed hump would be inappropriate. The installation of a controlled barrier or contrasting road surfaces would seem unnecessary in these circumstances.

We propose to provide a new mirror as originally suggested in informative and I would further suggest that we provide road markings in the form of warning look left/right on the exit road as suggested. I believe that this should be sufficient to discharge Condition 9 of the Planning Approval.

Yours sincerely,

DOUGLAS CLASBY

CARSHALTON BEDFORD WINCHESTER



PARTNERS
For Ing PETER W BLAKE Esq. BSc. CEng. FStruct. E. Cond.
For Ing CLASBY DOUGLAS Esq. MSc. MInst. CE. MBT. F. Cond.
For Ing GLENNON W. Esq. BSc. CEng. FInst. CE. Cond.
For Ing GIBSON V. Esq. BSc. CEng. FICE. MInst. CE. Cond.
For Ing WESTWOOD Esq. BSc. CEng. MInst. CE. Cond.
For Ing MICHAEL WEAVY Esq. CEng. MICE. F. Cond.
For Ing WERNER G. Esq. BSc. CEng. MICE. MInst. CE. Cond.
CONSULTANTS
For Ing S. BROWN Esq. MICE. F. Inst. CE. F. Cond. MAE
For Ing J. SMITH Esq. BSc. CEng. MICE. F. Inst. CE. Cond.



PRINCIPAL ASSOCIATES
SIMON FOWLE BSc. CEng. CInst. CE. MInst. CE.
DOUGLAS ISALCOCK BSc. BEng. CEng. MICE. MInst. CE.
MARTIN J. BOYCE BSc. CEng. MInst. CE. MInst. CE.
GEOFFREY W. CANNELL BSc. CEng. MInst. CE.

CARSHALTON ASSOCIATES
PAUL G. ANCOCK Esq. MInst. CE.



FS11493

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 13

APPLICATION P/2004/0029

DECISION NOTICE

NOTICE OF PLANNING DECISION

Ealing Reference Number: **DAS/TPLB 02451/8**

To: Meller Holdings Limited
Orion Park
Northfield Avenue
Ealing, London
W13 PSJ

In accordance with the provisions of the Town and Country Planning Act 1990 and the Orders made thereunder, the Council of the London Borough of Ealing has considered your application received 06/01/2004, accompanied by plan(s) and drawing(s) with the following references: B, C, D1 received 06/01/2004, for permission to carry out the following development.

Site: **BLOCK C, ORION PARK NORTHFIELD AVENUE EALING LONDON W13 9QU**

Proposal: **Change of use of block C from mechanical assembly (B1) to servicing and mechanical/bodywork repairs of motor cars (B2)**

and hereby gives notice that permission is **GRANTED** subject to the conditions set out in the attached schedule.



Signature:.....

Maggie Jones
Head of Development Control & Planning
(the Proper Officer)

Ealing Council
Planning Services
Perceval House
14-16 Uxbridge Road
London, W5 2HL

Serial No: **P/2004/0029**

Dated: **23/02/2004**

Telephone: 020-8825 6600
Fax: 020-8825 6610

Notes: i) This decision DOES NOT imply any consent which may be required under the **Building Regulations** or under any enactment or provision other than Section 57 of the **Town and Country Planning Act 1990**. Nor does it override any private rights which any person any have relating to the land affected by this decision, including the provisions of the **Party Wall etc. Act 1996**.

ii) The notes below set out the rights of applicants who are aggrieved by decision of the local planning authority. **If you are not the applicant, please make sure that these notes are drawn to his/her attention.**

Rights of Applicants Aggrieved by Decisions of the Local Planning Authority

1. **Appeals to the Planning Inspectorate**

If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development, or to grant permission subject to conditions, you may appeal to the Secretary of State for the Environment, Transport and the Regions, under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice.

Applications registered from 5th September 2003 are subject to a 3 months appeal from the date of the notice of the Authority's decision, using a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, BRISTOL BS1 6PN, Telephone: 0117 372 6372.

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or that it could not have done so without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

2. **Purchase Notices**

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and the Regions refuse permission to develop land, or grants it subject to conditions, whether by the local planning authority or the Secretary of State, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the London Borough of Ealing. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

3. **Compensation**

In certain circumstances, compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 of the Town and Country Planning Act 1990.

Planning Decision Number: DAS/TPLB 02451/8

Schedule of Conditions

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In order to comply with the provisions of the Town and Country Planning Act 1990.

2. Details of refuse storage in accordance with the standards adopted by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. Such provision shall be brought into use prior to the first occupation of the development permitted and retained permanently.

REASON: To protect the living conditions of occupiers of the area.

3. The use permitted shall not operate outside 7.30am to 7pm Monday to Saturday and not at any time on Sundays or Bank or Public Holidays.

REASON: In the interests of the living conditions of occupiers of nearby properties.

4. Before any works commence on site, details of a scheme to provide parking for cyclists in accordance with adopted standards shall be submitted to and approved by the Local Planning Authority, and such details as approved shall be implemented and brought into use prior to first occupation, and retained permanently.

REASON: To provide adequate facilities for cyclists.

5. Details shall be submitted for approval of the Local Planning Authority before the development is commenced, to demonstrate that any machinery audible outside the premises will be designed to satisfy an acoustic standard not exceeding:
NR35 Leq, 5mins, for plant which will operate during the period of 2300 - 0700 hrs weekdays and anytime on Saturdays, Sundays and Bank Holidays,
NR40 Leq, 1hr for plant which is controlled by time switches only to run during the period 0700-2300hrs Mondays to Fridays, measured or calculated at 1m from the nearest facade of the nearest affected noise sensitive premises with all machines running together.

REASON: To protect the living conditions of neighbouring occupiers, in accordance with Unitary Development Plan (UDP) Adopted Policies B8, ES5, Replacement UDP Policy 4.11.



6. Details shall be submitted for the approval of the Local Planning Authority before the development is commenced, for the composite sound reduction index, R_w , of the building envelope with windows and doors closed and other means of ventilation provided, to demonstrate that the insulation is sufficient to prevent noise disturbance. The approved insulation shall be implemented before the development is commenced and retained permanently thereafter.

REASON: To protect the living conditions of neighbouring occupiers, in accordance with Unitary Development Plan (UDP) Adopted Policies B8, ES5, Replacement UDP Policy 4.11.

7. Prior to the use commencing, details relating to any paint spraying methods shall be submitted for the approval of the Local Planning Authority to demonstrate an appropriate system of fume extraction. The approved extraction method shall be implemented before the development is commenced and retained permanently thereafter.

REASON: To protect the living conditions of neighbouring occupiers, in accordance with Unitary Development Plan (UDP) Adopted Policy B5, Replacement UDP Policy 4.1.

A handwritten signature in black ink, appearing to read 'NRJ' followed by a flourish.

Planning Decision Number: DAS/TPLB 02451/8

Informatives

The following items are also brought to the applicant's attention:-

1) The decision to grant planning permission has been taken having regard to the policies and proposals in the Adopted Ealing Unitary Development Plan and the deposit replacement Ealing Unitary Development Plan and to all relevant material considerations including Supplementary Planning Guidance:

Adopted UDP Policies

E7- Employment Sites

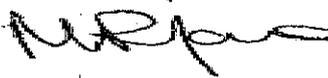
E12- Industry and Warehousing Development

Replacement UDP Policies

6.1- Supply of Land and Property for Business Use: The Council will seek to develop a sustainable economic mix in the area by retaining an appropriate land supply for industrial and warehousing units on Employment Sites

6.4- Industry and Warehousing in Major Employment Locations

10.15- Employment Sites.

A handwritten signature in black ink, appearing to be 'NRJ' followed by a flourish.

UPRN is 12153531

Records 1 to 22 of 22

Planning Applications for Orion Park, Northfield Avenue, West Ealing, W13 9SJ

Application Number	Site Address	Development Description	Decision	Decision Date
02451	53/0235	CHANGE OF USE FROM DYERS AND CLEANERS TO LIGHT ENGINEERING.	REFUSED	11-01-1954
02451/1	65/4793	ERECTION OF ACCESS PLATFORM OVER ROOF OF FACTORY.	GRANTED CONDITIONALLY	02-03-1967
02451/2	69/0288	WIDENING OF EXISTING VEHICULAR ACCESS TO CLASSIFIED ROAD.	GRANTED CONDITIONALLY	30-07-1969
02451/3	69/1004	ERECTION OF SINGLE STOREY EXTENSION FOR USE AS COMPRESSOR HOUSE.	GRANTED CONDITIONALLY	30-07-1969
02451/4	76/0977	ERECTION OF TWO-STOREY OFFICE BLOCK WITH CAR PARKING PROVISION. (OUTLINE)	GRANTED CONDITIONALLY	16-03-1977
02451/4/DDR	77/0880	ERECTION OF TWO STOREY OFFICE BLOCK WITH CAR PARKING PROVISION. (DETAILED DRAWINGS)	GRANTED UNCONDITIONALLY	02-11-1977
02451/5	82/0085	ERECTION OF INDUSTRIAL UNIT WITH ANCILLARY OFFICES AND PARKING PROVISION. (OUTLINE)	GRANTED CONDITIONALLY	21-04-1986
02451/5/D	83/0281	ERECTION OF INDUSTRIAL UNIT WITH ANCILLARY OFFICES AND PARKING PROVISION. (DETAILS)	GRANTED UNCONDITIONALLY	09-05-1983
02451/6	P/1998/0504 Orion Park Northfield Avenue West Ealing W13	Stopping up and closure of public footpath to rear of 1-47 Belsize Avenue, demolition of twenty-seven garages, extension to existing parking, service and access areas, including rearrangement and retention of existing number of parking spaces, provision of articulated lorry turning area, erection of 3m close boarded fence and layout of landscaping buffer on northern side of site.	GRANTED CONDITIONALLY	21-01-2000
02451/6/B	P/2000/1974 Orion Park Northfield Avenue London W13 9sj	Details of traffic calming pursuant to condition 9.	GRANTED UNCONDITIONALLY	16-01-2001
02451/6/C	P/2000/1975 Orion Park Northfield Avenue London W13 9sj	Details of lighting and car park surfacing pursuant to conditions 12 and 11.	GRANTED UNCONDITIONALLY	09-01-2001
02451/6/D	P/2001/0142 Orion Park Northfield Avenue London W13 9qu	Details of security measures required by condition 10 and of landscaping required by condition 4.	GRANTED CONDITIONALLY	25-06-2002
02451/7	P/2001/3505 Orion Park, Northfield Avenue, West Ealing, Lon	Removal of Condition 10 of Planning Permission 02451/6 on 21/01/00 for a new parking and servicing area which requires details of security measures for	REFUSED	27-11-2001

		the northern side of the site including the adjoining residential alleyways to be approved by the council		
02451/8	P/2004/0029 Block C, Orion Park Northfield Avenue Ealing Lon	Change of use of block C from mechanical assembly (B1) to servicing and mechanical/bodywork repairs of motor cars (B2)	GRANTED CONDITIONALLY	23-02-2004
02451/A	54/0258	ERECTION OF EXTENSION TO INDUSTRIAL PREMISES.	GRANTED CONDITIONALLY	28-06-1954
02451/B	54/0270	ERECTION OF BOILER HOUSE.	GRANTED UNCONDITIONALLY	27-09-1954
02451/C	55/0306	ERECTION OF STORAGE BUILDING.	GRANTED CONDITIONALLY	13-06-1955
02451/D	55/0324	INSTALLATION OF NON ILLUMINATED ADVERTISEMENT AT WORKS ENTRANCE.	GRANTED CONDITIONALLY	22-09-1955
02451/E	57/0395	ERECTION OF WORKSHOP AND TOILET ACCOMMODATION.	GRANTED CONDITIONALLY	11-02-1957
02451/F	60/0603	ERECTION AND DISPLAY OF ILLUMINATED SIGN.	GRANTED CONDITIONALLY	05-09-1960
02451/G	60/0627	ERECTION OF SINGLE STOREY STORAGE BUILDING.	NOT DEVELOPMENT	07-12-1960
02451/H	65/4793	ERECTION OF ACCESS PLATFORM OVER ROOF OF FACTORY.	PERMITTED DEVELOPMENT	08-03-1965

**GET BIKE ENFORCEMENT & PLANNING APPEALS 2187592 & 2189524
SUBMISSION BY EALING FIELDS RESIDENTS' ASSOCIATION**

APPENDIX A 14

APPLICATION P/2004/0029

APPROVED PLAN

ORION PARK PLANNING APPLICATION P/2004/0029

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

