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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February 2013

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

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

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.

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.

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.

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.

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

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."*

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.

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.

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.

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.

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 <u>not</u> 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 <u>not</u> 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.

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 to 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 <u>not</u> 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."

- 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.

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.

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.

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

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

Source: Google

APPENDIX A 2 - AERIAL PHOTOGRAPH OF ORION PARK SITE

Source: Google

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

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

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

Source: Design and Access Statement, page 3.

APPENDIX A 6

PHOTOGRAPHS OF AREAS USED FOR MOTORBIKE TRAINING

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 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 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 Sunday Training

APPENDIX 7 **GET BIKE NOISE**

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

		Houses in Jefferson Close	Flats in Mayo Court	Houses in Belsize Avenue
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 unauthorised 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 unauthorised motorcycle training	**7am arrival of instructors to set up - through to 7pm**		
6	Unauthorised training activities continue to take place on Sundays	**Sunday**	**Sunday**	**Sunday**
7	Neighbouring Residential Housing	**Jefferson Close**	**Mayo Court**	**Belsize Avenue**

		Houses in Jefferson Close	Flats in Mayo Court	Houses in Belsize Avenue
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 unauthorised 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.

APPENDIX A 8

APPLICATION P/1998/0504

PLANNING COMMITTEE REPORT

APPENDIX A 9

APPLICATION P/1998/0504

DECISION NOTICE

APPENDIX A 10

APPLICATION P/1998/0504

SITE PLAN BEFORE CHANGES

APPENDIX A 11

APPLICATION P/1998/0504

SEALED SITE PLAN AFTER CHANGES

APPENDIX A 12

APPLICATION P/2000/1974

LETTER FROM CONSULTING ENGINEERS

APPENDIX A 13

APPLICATION P/2004/0029

DECISION NOTICE

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