MR MRS D FERMER
10 EASTERN AVE
SHOREHAM-BY-SEA BN43 6PD.

Dear Sirs

Date 28-01-2011

Legal and General Building, 1 – 3 Eastern Avenue

Thank you for consulting me on the two planning applications you have received regarding the above site. I would like to comment on these as follows.

ADC/0465/10: Continued use of building as warehouse without complying with Condition 2 of SU/20/85 (to enable occupation by another firm) Amended Description

All previous applications regarding this site, both approved and refused, have been for named occupants, eg, Eversheds, Legal and General, Grange Press. This allows the Council to make an informed decision regarding the use of this warehouse in a predominantly residential area.

The reason for the occupancy condition of the 1985 permission states "Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal."

The reason for the occupancy condition of the 1989 permission states "In order to safeguard the residential amenities of nearby dwellings and enable the Local Planning Authority to retain control over the type of warehousing use".

The current application seeks to remove the restrictive covenant condition to enable occupation by any occupier using the premises as a warehouse for "storage and distribution" (Use Class B8).

Use Class B1 would be more appropriate. This Use Class specifically mentions a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Use Class B8 states for use as a storage or distribution centre with no mention of potential detriment to residential amenity.

We respectfully ask the Council therefore to refuse this application until a named occupant can be found as has happened previously, or change the Use Class to B1 which would appear to be more appropriate for a predominantly residential area.

ADC/0466/10: Variation of Conditions 11 and 12 of SU/20/85 to change operating hours and hours of HGV movements to 7 am – 7 pm Monday to

Friday and 7 am – 1 pm on Saturdays with limited working on Sundays and Bank Holidays (Amended Description)

Policy AE16 of Adur District's Local Plan identifies the need to regard the importance to the amenity of nearby residents as well as the business, and specifically that there are "no significant adverse effects on the amenity of nearby residents".

I ask the Council to not vary this condition and leave the hours of use of this warehouse as they currently are, ie, 7.30 am – 5pm (8 am for HGV's), 7.30 am – 1 pm (8 am for HGV's) on Saturdays, no working Sundays and Bank Holidays. The Reason for this condition originally was "In the interest of amenity of nearby residential properties" and I do not understand how this "interest" can be considered changed.

Ian Coomber's letter of 17 November 2010 regarding the economic welfare of Adur is to be commended, however, Dolphin Road is closeby and more suitable for such unsociable hours if they are imperative to his clients. In addition, this warehouse is in a residential area meaning it is constantly overlooked and therefore unlikely to be vulnerable to vandalism, graffiti, or illegal raves.

Traffic in this vicinity has steadily increased since 1985 when this warehouse was built. Rush hour traffic, the bus route, and the traffic jam that ensues when the railway gates are closed, should all be taken into consideration when deciding this application. Have any surveys been carried out in this regard?

HGV's may exceed an acceptable level of noise and impact on the residents' amenity. British Standard 4142 concerns itself with a "Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas." We appreciate that this document is not necessarily definitive, but has any kind of survey been carried out regarding an HGV's engines and reversing lights etc in such close proximity to our homes?

As a resident whose family home is in this area, I have a reasonable expectation to be able to enjoy my house and garden, especially in the evenings and weekends.

Conditions attached to previous permissions appear to imply that in 1985 the Local Planning Authority were mindful of the sensitivity of this site with regard to commercial viability as well as residential amenity. Conditions attached to that original permission were the rules of occupation to protect the amenity of local residents and changing these rules now should not be allowed.

I urge the Council to therefore refuse both of these applications.

Yours faithfully

[redacted]

Print Name DONALD. E.T. FERMER
DOREEN. G. FERMER

cc: Cllr Rod Hotton
Cllr Mike Mendoza