

Development Management - Delegated Officer Report

Application Number: AWDM/0690/26

Recommendation – Approve

Site: 48 Buckingham Road, Shoreham-by-sea

Proposal: Application to vary Condition 1 (Approved plans) and 3 (Nursery Management Plan for Outdoor Activities) of approved AWDM/1083/18. Amendment: Update to the Management Plan to allow use of wildlife area by up to 16 children at any time

Date of site visit: 22 July 2026

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

Planning permission was allowed on appeal in 2018 for the change of use of 48 Buckingham Road to a daycare nursery for up to 75 children (AWDM/0301/17). Condition 3 requires the nursery to operate in full accordance with the Nursery Management Plan for Outdoor Activities.

The application site is set within a large plot on the eastern side of Buckingham Road. The nursery garden extends across the rear of Nos 50 and 52 Buckingham Road and that section of the garden is referred to as a wildlife area. The Management Plan states that the wildlife garden is not an area of play and it is fenced and gated off from the main garden.

The current application seeks to amend the Management Plan to allow children to use the wildlife area as a learning area for structured play for up to 16 children at any one time. The children would be supervised by staff. The proposal does not involve increasing the overall capacity of the nursery which is currently limited to up to 75 children.

Relevant Planning History

AWDM/1083/18 - Variation of condition 2 (list of approved plans) of approved AWDM/0301/17 (Change of use from single dwelling house to daycare nursery (to accommodate up to 75 children) with single flat and replacement of existing conservatory with single storey extension) in order to accommodate a garden room in the rear garden - approved

AWDM/0301/17 - Change of use from single dwelling house to daycare nursery (to accommodate up to 75 children) with single flat and replacement of existing conservatory with single storey extension – approved on appeal

Consultations

Environmental Health: No objection. Having read the acoustic report I understand the dilemma the acousticians have had in trying to quantify the

noise impact of including extra external space for the children's use. Particularly as there is no specific guidance on this matter. That said, I am not convinced on the efficacy of the approach taken or the subsequent conclusions.

The Noise Policy Statement England 2010 sets out the Government's policy on noise management. The aim is not to stop all noise, rather the aim is to minimise noise as far as reasonably practicable. In reality the children's voices will be audible in the neighbouring properties, whether originating from the existing garden or from the proposed use of the wildlife garden. To prevent nuisance the aim is to avoid the noise becoming excessive and this is where the noise management plan fits in. The Noise management plan manages the use of the outside space, numbers of children and the hours of use, which is supervised by the staff. The reduction in the hours of use of the wildlife garden offered by the applicant is a fair compromise and on this basis I can confirm that there are no EH objections to this proposal.

Finally, I would note that if the extended hot weather we have experienced recently is going to become a theme of our summers, then having an outside area that provides natural shade will be necessary for providing a safe and comfortable learning environment for the children, regardless of the other learning opportunities this space can provide.

Representations

5 objections from occupiers of 46, 50, 52, 54 Buckingham Road:

- Increased noise and disturbance
- Quiet enjoyment of neighbouring gardens and homes being diminished
- Hours of use need to be clarified
- Frequency of use needs to be clarified
- Will additional children be using the garden?
- Existing boundary does not provide an adequate noise barrier
- Staff make as much noise as the children
- There is a lack of an on site contact for neighbours to raise complaints
- Outdoor use needs to be more rigorously monitored
- If nature is so important to the children why was the original grass lawn replaced with astro turf?
- The number of log seats in the wildlife area exceeds 16
- The use of the area should be restricted to 16 children at any one time, not at any time
- There should be no extension of hours of use of the garden beyond 9am-5pm
- Noise assessment is inadequate

5 support from residents at 85A Buckingham Road, 37 Cyprus Road Burgess Hill, 52 Downside, Mill Warbler, Mill Lane:

- Will benefit children
- This is not an intensification of the use of the site as a whole

Relevant Planning Policies

Planning Assessment

Principle

The principle of the change of use was established when the appeal was allowed and the nursery use is now established. The main issue is the effect of the use of the wildlife area on the amenities of neighbouring residential occupiers.

Residential amenity

There have been objections from the occupiers of the four nearest dwellings to the nursery who have complained about noise from the existing use of the garden and they have expressed concern that the proposal will worsen the situation.

The application explains that there will not be an increase in the number of children using the garden overall but that up to 16 children at a time will be allowed into the wildlife garden which sits directly behind Nos 50 and 52 Buckingham Road to the west. To the east, there is the car park of Buckingham park primary school.

In order to provide more control, the applicant was asked to amend the Management Plan to make it clear that the children will only be allowed to use the garden during the period of 09.00 and 17.00 which includes the use of the Wildlife Area as a learning area rather than for general play, and use of the Wildlife Area shall be restricted to a maximum of 16 children at any one time for a maximum of 5 hours each day (2.5 hours in the morning and 2.5 hours in the afternoon).

The Plan also includes a contact name, email address and number should residents have any noise complaints.

While there is sympathy with local residents' concerns, the proposal does not increase the time that the children will be in the garden or the number of children using the garden. By limiting the access, numbers and time that the wildlife area can be used, it is considered that the residents' amenity will be adequately safeguarded. The area is more of a learning area than for play, with the Nursery stating:

“the woodland learning area will give children a calm, natural space to explore, imagine and connect with the outdoors. Surrounded by trees, natural materials and open-ended resources, this environment will be used for our daily Forest School sessions with the pre- school. They will plan hands-on activities such as making bird feeders to care for local wildlife, planting and growing seeds to learn about life cycles, and creating crafts and structures using sticks, leaves, stones and other natural resources. This space will support curiosity, independence and a love of nature as the children learn through play, discovery and real outdoor experiences.”

The Environmental Health Officer has no objection on this basis. It is therefore considered that permission can be granted.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. The Travel Plan approved under application reference AWD/0301/17 shall continue to be implemented in full accordance with the timetable within the Plan. The Travel Plan shall thereafter be monitored annually and the findings submitted to the local planning authority for review and any necessary new measures or interventions shall be implemented accordingly.
3. At all times the nursery shall operate in full accordance with the Nursery Management Plan for Outdoor Activities received 30 July 2026.
4. The garden room shall only be used in connection with the use of the site as a daycare nursery and no amplified music or speech shall be used in the garden room at any time.
5. The building (48 Buckingham Road) shall be used only as a children's day nursery and single flat and for no other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to the Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).
6. The off-street parking spaces on the site shall be reserved for the sole use of parent / carer pick-up / drop-off and are not to be made available for staff or other parking purposes.
7. Deliveries to and from the nursery shall not take place between the hours of 07:45 - 09:15 and 16:45-18:15 Monday-Friday.

Is recommendation contrary to letter(s) of representation? Y

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett

Date: 30 July 2026

Authorised by: Jo Morin

Date: 30.07.2026