

Re: Planning Application AWDM/0690/26

[48 Buckingham Road, Shoreham-by-Sea](#)

Variation of conditions 1 and 3 of planning permission AWDM/1083/18

Dear Sir or Madam,

I write to object to application AWDM/0690/26 as the occupier of the neighbouring property.

I have previously raised complaints regarding disturbance arising from the nursery's outdoor activities, and I am therefore particularly concerned by this proposal to extend active use into the rear Wildlife Area.

My objection is based on the impact on neighbouring residential amenity, particularly noise, disturbance and privacy.

1. Clarification on the hours that the area is proposed to be used

Please provide clarification on the hours that this change is proposing.

I would also ask the Council to confirm, in clear terms, whether the reference to up to 16 children using the Wildlife Area means those children are included within the nursery's existing outside overall numbers, or whether they would be in addition to the children already allowed elsewhere in the garden. While the application documents suggest that this is intended to be a redistribution of existing outdoor activity rather than an increase in total capacity, this should be made explicit and unambiguous in any officer report or decision notice so that there can be no uncertainty for neighbouring residents.

2. Inadequate control over frequency and duration of use

Although the application refers to up to 16 children using the Wildlife Area at any one time, there does not appear to be any meaningful restriction on how often groups may be rotated through the area during the day. As a result, the area could be in near-continuous use between 09:00 and 17:00. This would be likely to increase the duration and persistence of disturbance for adjoining residents.

3. Existing disturbance is already a concern

In my experience as an immediate neighbour, the current outdoor use already causes noise and disturbance. The application's noise assessment appears to compare the proposal against the existing nursery operation, rather than properly considering whether the current situation is already harmful to living conditions. If the present level of noise is already intrusive, comparing the proposal to that baseline does not demonstrate that the proposal is acceptable.

4. Limitations in the noise assessment

I am not satisfied that the submitted acoustic assessment reflects the real impact on neighbouring occupiers. In particular:

- it appears to rely on averaged technical noise data which may understate the impact of intermittent children's voices and shouting;
- it does not appear to reflect the practical reality of staff shouting down the garden, particularly when children leaving, which can materially add to the overall level of disturbance experienced by neighbouring residents
- it does not appear to address the use of walkie talkies at a high volume, which can be intrusive and is different in character from general background play noise
- the monitoring was undertaken over a limited period in February, which may not reflect the worst-case conditions experienced during warmer months when gardens and open windows are in normal use;
- the assessment focuses on a theoretical redistribution of noise, but does not properly address the lived impact on immediate neighbours;

- there are inconsistencies within the submitted figures regarding the numbers of children assumed in different scenarios, which raises questions about the reliability of the assessment.

5. Management measures are too vague and not sufficiently enforceable

The proposed management plan contains broad operational statements, but it does not provide robust or enforceable limits on how frequently the Wildlife Area may be used, how long children may remain there, or what specific action will be taken if noise complaints continue.

6. Boundary treatment, privacy and previous complaints

The submitted Management Plan states that fences will be maintained to a high standard to act as a noise barrier and for privacy, or that new fencing will be erected if required. However, my own experience gives me little confidence that these measures are effective in practice. I have previously raised concerns about objects being thrown over the boundary and about the fencing not being high enough to provide adequate screening and protection. The response I received was: "you may wish to consider installing slightly higher fencing on your side if you feel this would provide increased privacy".

In my view, that response demonstrates that the operator has not adequately addressed the boundary issues arising from the nursery's use of the site. It is not reasonable for the burden of mitigation to be placed on adjoining residents when the impacts arise from the nursery's operation and the applicant is relying on boundary treatment as part of its justification for the proposal. If the applicant now wishes to rely on the boundary treatment as part of its case on noise and privacy, that boundary treatment must first be shown to be genuinely effective in practice rather than assumed to be sufficient. The present position suggests otherwise.

7. Lack of direct contact mechanism for neighbours

The submitted Management Plan states that a contact will be provided for neighbours, usually the nursery manager, in order that issues with noise can be reported and logged. It also states that complaints or suggestions from neighbours will be kept on a register and responded to within 28 days. However, this does not reflect my actual experience. When I previously requested direct contact details, the response I received was: "regarding your request for direct details i'm unable to provide these as our procedure requires all external concerns to be directed through our complaints team". In practice, therefore, there is no direct contact for neighbours, despite what is suggested in the submitted documentation. In my view, this undermines confidence in the effectiveness, transparency and enforceability of the proposed management arrangements.

8. Weekend activity and lack of communication with neighbours

The submitted Management Plan states that the nursery will be closed between 18:00 and 08:00 and completely at weekends and bank holidays. It also states that children will only be allowed to use the garden between 09:00 and 17:00. However, in practice, when open days have taken place on weekends there has been no communication with neighbouring residents in advance.

I have also previously had to contact the nursery regarding children being outside outside the agreed hours, which further increases my concern about the extent to which the operational commitments set out in the submitted documentation can be relied upon in practice.

If the applicant wishes the Council to place weight on its management procedures and neighbour liaison arrangements, those arrangements should be shown to operate consistently and transparently. My experience is that they do not.

9. Weight to be given to neighbouring residents' experience

I would also ask the Council to give appropriate weight to the source of any comments submitted in support of the application. While I appreciate that some current nursery users may support the proposal, their connection to the site may be temporary in nature. By contrast, neighbouring residents are directly affected by the operation of the site on a long-term and ongoing basis. Those living immediately adjacent to the nursery experience the day-to-day effects on noise, disturbance and enjoyment of their homes. In my view, the lived experience of immediate neighbours should therefore carry particular weight when assessing the impact of this proposal on residential amenity.

10. Harm to residential amenity

This is a quiet residential area, and neighbouring occupiers are entitled to the reasonable enjoyment of their homes and gardens. The proposal would introduce additional activity, voices and disturbance into an area of the site that was previously more restricted. In my view, this would result in unacceptable harm to neighbouring amenity and would conflict with local planning policy requiring development to avoid unacceptable impacts on adjacent residential properties. I would invite the Case Officer to personally observe the marked difference in noise levels before and after 5:00pm. As an immediate neighbour, I find myself looking forward to 5:00pm simply for a short period of peace and quiet in my garden.

For these reasons, I respectfully request that the application be refused.

If the Council is minded to approve the application despite local objections, I ask that any permission be subject to much tighter controls, including:

- a requirement for the applicant to provide and maintain effective boundary treatment to prevent overlooking, object throwing and noise breakout;
- a formal review mechanism if complaints continue; and
- an enforceable noise management condition.

Yours faithfully,

Tabie Thomson
50 Buckingham Road