

Dear Mr Toole

I am writing to you to raise my concerns about the proposed changes to Conditions 4 and 5 that have been applied for by Daisy Chain Nursery - in particular - condition 5.23.

We objected strongly in 2006 when the planning permission was first applied for due to the impact on the neighbourhood and also because of the traffic issues. We accepted that planning permission was granted and have adapted our lives as best we can to living next door to a childrens' nursery. It seems very strange and alarming to us that there is no come back on the flaunting of the planning restrictions that were designed to allow this business to fit into a residential area.

The submitted planning statement states that "the nursery has been registered by Ofsted to operate at an increased capacity above 28 children since 2006 and has been operating at an increased capacity of 39 children since 2016. The children have had unrestricted access to the garden in terms of hours and numbers of children since 2006.

Both breaches have been taking place without causing harm to the amenity of neighbouring properties or attracting complaint to Environmental Health or Hampshire County Highways".

However, this is obviously from the nursery's perspective. For us, from the spring to autumn, the noise levels with children playing outside and the adult 'carers' actively encouraging noisy play can become unbearable and in the summer it is impossible to sit outside or work in the house with the windows and doors open. We are double glazed but even with our windows and doors closed it is so loud inside our house that we have to make a complaint either by email or by phone as requested by the owner. We have shared 2 examples of written complaints to the owner with you. We have always been encouraged to let the owner know when there is a problem rather than reporting it and now we know why - It seems they have been contradicting the terms of their planning approval and breaching the planning conditions for a long time!

We wrote to the HBC Planning Department in September 2018 to enquire if the conditions had changed due to the noise and traffic. This was her response:

"I have now had the opportunity to look into your enquiry and can advise that the planning permission 05/51618/001 permitted the change of use of 99 Havant Road from residential to mixed residential and day nursery. Conditions formed part of the permission restricting opening hours to 08.00 – 18.00 Monday to Friday. The number of children permitted at any one time was restricted to 28 and a condition was attached to ensure outside play be restricted to two separate one hour periods per day for no more than 10 children each period. To date we have received no applications seeking to vary these conditions."

The owners of the nursery did not consult with us on this application nor any of their other neighbours, presuming it will proceed without challenge. Whatever they claim in their planning statement about the local area, it is predominantly residential.

Their 'green travel' plan may be the same as originally agreed but in our experience this has always caused disruption on the Havant road because the parking area is not big enough for the number of cars required to drop off 39 children. There are regularly cars parked on the cycle path because the car park is full with cars queueing on the road waiting to turn in. This

happens on most mornings and evenings at collection time. The Brookfield Hotel has also installed ANPR in their car park to limit non residents from using it.

I am most concerned that if such a breach is 100% sanctioned and the conditions are changed that the owners will increase the numbers still further and then apply for another retrospective change. The Childrens' Learning Centre in Emsworth has restrictions with the number of children that are allowed outside at any one time and the hours are limited because local residents have raised their concerns in the past. The Appeal attached as Appendix B in this application actually lists the reasons for not allowing any further hours of outside play and therefore the appeal was partially refused. There are no documents to prove that these restrictions have now been lifted.

I am fully in support of the Environmental Health Officer's comments regarding 5.23 of the "planning statement" which asks for use of the garden for nearly a full day on all 5 days a week. (At some times there could be 28 children playing in the garden and the noise will be unbearable!).

The officer wants to see this condition amended and states 'so there is still some control in terms of number of child using the outside area at any one time and restrictions on play periods.'

Here is the example given by the nursery for the future daily use of the garden:

08:30-09:30 Babies (maximum 12 children)

09:30-11:15 2-5 year olds (maximum 28 children)

14:00-15:00 2-5 year olds (maximum 28 children)

15:00-16:00 Babies (maximum 12 children)

16:45-17:30 Mixture of ages/children attending nursery all day..

This totals to 5 1/2 hours of outdoor play 5 days a week. I am unsure how this can be justified considering the original planning permission from 2006 restricted them to 2 hours a day (which they clearly haven't been obeying for quite some time). It will be extremely difficult for neighbours to the nursery to sit out and enjoy their gardens in the summer or have doors and windows open to keep their homes cool due to the noise from the nursery. We will certainly be notifying Environmental Health on every occasion in the future when the noise level becomes unbearable should condition 5.23 be permitted in its current form.

