

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 17 December 2013 10:24  
**To:** Data Scanning  
**Subject:** FW: Application no. 13/00650/FUL

**From:** [REDACTED]  
**Sent:** 13 December 2013 01:47  
**To:** Claire Buckley  
**Subject:** RE: Application no. 13/00650/FUL

Dear Claire,

One other thing we wanted to bring to your attention was that the nonsensical "noise assessment" was carried out monitoring eight children. Aside from the fact that there will be in excess of 72 children screaming and shouting outside my garden (which makes the so called assessment even more laughable), what about the childcare staff we always hear shouting at the children? This also gives you an indication of how loud the staff are being able to hear them shouting above the numerous children.

[REDACTED]

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**From:** [Claire.Buckley@Rochford.gov.uk](mailto:Claire.Buckley@Rochford.gov.uk)  
**To:** [REDACTED]  
**Subject:** RE: Application no. 13/00650/FUL  
**Date:** Thu, 12 Dec 2013 08:24:15 +0000

Dear [REDACTED]

Thank you for your email.

Kind regards,

Mrs Claire Buckley (Robinson)  
Senior Planner (Development Management)  
Rochford District Council  
01702 318096  
<http://www.rochford.gov.uk>

Please rate this email



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**From:** [REDACTED]  
**Sent:** 12 December 2013 00:24

**To:** Claire Buckley  
**Subject:** RE: Application no. 13/00650/FUL

Dear Claire,

Following my previous email and our conversation earlier today, I wish to add that in respect of the application for the change of use from the retail shop to a restaurant in 2006, SK Architects have compared this to the above application on several occasions and make a point of saying how worse the previous change of use would have been for the residents of Daws Heath Road. However, the outside of the retail shop was completely omitted from the plans. Therefore, the restaurant would have been solely operated from the retail shop only which is in Eastwood Road thus there would not have been any disruption to the residents in Daws Heath Road.

Yours sincerely,

[REDACTED]

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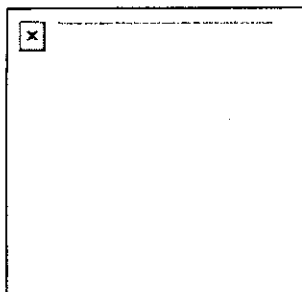
**From:** [Claire.Buckley@Rochford.gov.uk](mailto:Claire.Buckley@Rochford.gov.uk)  
**To:** [REDACTED]  
**Subject:** RE: Application no. 13/00650/FUL  
**Date:** Mon, 9 Dec 2013 16:10:55 +0000  
**Dear** [REDACTED]

Thank you for your email which will be considered as part of this application.

If you follow this link it should take you to the plans and documents for the 2006 application that we discussed:  
[http://msp.rochford.gov.uk/Planning/core/timeout.page?org.apache.shale.dialog.DIALOG\\_NAME=gfplanningsearch&Param=lg.Planning&SDescription=06/00056/COU&viewdocs=true](http://msp.rochford.gov.uk/Planning/core/timeout.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lg.Planning&SDescription=06/00056/COU&viewdocs=true)

Kind regards,

Mrs Claire Buckley (Robinson)  
Senior Planner (Development Management)  
Rochford District Council  
01702 318096  
<http://www.rochford.gov.uk>



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**From:** [REDACTED]  
**Sent:** 09 December 2013 15:35  
**To:** Claire Buckley  
**Subject:** Application no. 13/00650/FUL

Dear Sir/Madam,

Application no. 13/00650/FUL  
Applicant: Rainbow Day Nursery

Before I respond to the applicant's (Mrs Argentieri's) above application I have copied below some of my response to her previous application to give you an indication of the kind of person my neighbours and I have to deal with:

"Following my conversation with Claire Robinson last Thursday 11th and on Tuesday 16th regarding the above I reiterate what I explained by placing on record the following:

I contacted the owner of Rainbow Day Nursery, Myra Argentieri, and we met last Thursday before I spoke to Claire Robinson.

I took Mrs Argentieri into my garden as I wanted to know what exactly was being planned for the part of the proposed area which runs adjacent to my garden. However, Mrs Argentieri informed me she was unaware of any plans for this part of the proposed area as she said it was a family run business and her family were dealing with this part of the proposal. Mrs Argentieri said she was only aware of what was being proposed with the building (currently still owned by Suttons) which said she is due to purchase. Whilst in my garden, Mrs Argentieri asked me to listen and said the children were so quiet one could not hear a sound. I actually found her behaviour rather strange as the children were not even outside. However, I am fully aware of how noisy the children are when they are playing in their playground at the Rainbow Day Nursery.

Although I was dubious, Mrs Argentieri said she would telephone me either on Tuesday 16th or Wednesday 17th to advise me of the exact proposals for the outside area in dispute as I stressed the deadline for opposing the application was on Thursday 18th which I told her I and at least one other neighbour I was aware of were intending to do.

It was of no surprise to me when she did not call as it appeared she was using stalling tactics until after the deadline date which I informed her of.

I am now aware Mrs Argentieri is the sole owner of Rainbow Day Nursery and is solely behind the application."

This is not the first time Mrs Argentieri has been dishonest in trying to obtain what she wants which is why neither myself, my family nor other neighbours hold her in much regard.

In respect of the application 13/00650/FUL and noise disturbance, page three, paragraph seven of the report states the applicant has a full waiting list of children and paragraph eight goes on to say this demand will be even greater which highlights that the noise problem and vehicle congestion already experienced will be doubled if the application is accepted.

The noise will be amplified not only because of the proposed proximity which is a total invasion of our private space, but also due to the applicant's projection and plans to increase their number of children.

Irrespective of the submitted "noise assessment" which is largely based on conjecture there is no real proposal for sound control, which is probably because this is impossible in the case when the children are outside, which runs along our private gardens, with merely a fence as a divide.

The applicant's operating hours of Monday to Friday 07:00-18:30 would clearly be unsociable and the plans would be totally unjust to myself, my family the neighbouring residents and a disruption to the peace, and an invasion of private personal space which will include a noise disturbance that will only worsen as the amount of children increase.

SK Architects themselves state on Page four, paragraph one that there is an ongoing problem with the

limitations to the existing structure and want to redevelop the proposed adjacent property known as Suttons to improve their constrained parking access.

However, it is unlikely this will improve their constrained parking access as those entering the nursery are not only parking on the surrounding space on Suttons forecourt but using the space beyond Suttons on the neighbouring forecourt.

This congestion alone has been an unnecessary problem and shows a total lack of consideration which is evidence alone that the current parking issues will only worsen especially when the number of children increases.

Much of SK Architects' document is repetitive and champions the applicant's achievements to date and accolades their intentions.

However, in respect of the "executive summary" on page five number one, how on earth can one provide a noise report on an event that has yet to take place?

How can one measure the noise of children who are not even there?

Moreover, how can one suggest there would be no adverse harm for neighbours in particular myself, my family and other neighbours as a result of noise coming from numerous children and staff from 7am throughout the day?

It is difficult enough we have to endure the noise from children and staff where the applicant is already situated.

In respect of the "executive summary" on page five number seven, Suttons have always been a quiet retail furniture outlet that has never posed a problem to any neighbour with noise or parking. They have never even used their rear garden which runs along both my garden and my neighbours'.

I also notice the above states Suttons as "a shortly to become vacant commercial building". However, the "sound assessment" states the applicant has already purchased Suttons.

I am wondering whether this has anything to do with the fact that the applicant (Mrs Myra Argentieri) had been informing people that she had withdrawn from her plans which now appears to be another ruse to stop neighbours from submitting their responses who are against her plans.

SK Architects go on to state on page six, paragraph four "To the rear the external space has very large and mature landscaping providing screening and privacy to a deep and long lawn garden".

This is precisely the sole reason why I purchased my property.

I had to be close to the busy town and amenities which begin close to my property but I also required the privacy, serenity and scenery of the rear and it took me a long while to find the perfect property to fit this criteria which I have enjoyed for nearly eight years.

This, however, is the area the applicant wants to turn into a children's playground.

SK Architects state on page six, paragraph six "The existing nursery premises is located in one of a pair of semi-detached family houses with exceptionally large rear gardens".

So if the garden of their existing premises is exceptionally large then why do they need to use another external space which SK Architects themselves confirm is very large.

In respect of SK Architects' statement on page six, paragraph eight, the existing nursery may have been supported by parents whose children attend there but even situated at their current premises they have been problematic for both myself and my neighbours in respect of noise and vehicle congestion and are certainly not supported by us.

SK Architects are reiterating in paragraph eleven the issue regarding insufficient space for parking but have placed on record that the applicant will create approximately six childcare staff.

Under the childcare guidelines for day nurseries the ratio of staff to children states there must be one childcare professional to every four children and one childcare professional to eight children from the age of three years old which means it is possible the applicant could have up to an extra 48 (fourty eight) children attending if they expanded into the proposed premises.

How then would they "benefit enormously by improving highway safety and access arrangements" especially as parents already use Suttons' and neighbouring forecourts?

It will do nothing but exacerbate the current congestion problem on an already busy roundabout.

Further, the guidelines for day nurseries state premises must have plenty of safe space to play inside and out.

But the rear space that runs along my garden is clearly unsafe for children.

Irrespective of the numerous foxes who live in this space, which will endanger a child who is anywhere near that area, the main part of my garden is raised two feet. This means if the applicant erected a six foot fence this would become four foot thus, aside from the noise, would be a total invasion of me and my family's privacy.

Further, I will be building a decking area which would lower the height by a minimum of another two feet making the situation no better than a shared garden with numerous screaming children running around in an open playground.

The children will also be able to venture into my garden and vice versa.

Moreover, I own a number of dogs some of which are very temperamental and in particular do not take to children or noise. They would effortlessly be able to venture onto the applicants proposed land (which they have done in the past witnessed by the owner of Suttons).

This would not only endanger the children but also themselves and is totally impractical and clearly unsafe for all parties involved.

The application incorporates a proposal to employ six childcare professionals.

In addition to the number of children who currently attend the applicants premises, the guidelines for the ratio of staff to children would suggest the applicant will have a large amount of children occupying a playground that will expand their current "exceptionally large rear gardens" through to the "very large and

mature landscaping" which SK Architects themselves state "provides screening and privacy to a deep and long lawn garden" throughout the day all year round.

SK Architects have included on page seven the planning history and background.

In respect of the "approval" for the change of use from the retail shop to a restaurant in 2006, this was a couple of months before I purchased my property. However, after speaking with neighbours, I am informed they were very unhappy that they were not properly informed about the application and therefore complaints were raised which precipitated the applicant withdrawing their plans.

On Page nine "Proposed Change of Use", SK Architects merely continue to reiterate as they have done throughout their document how much the community will be improved by the applicant's plans.

This, however, has no bearing on the problems the application would cause and in respect of paragraph seven which states the applicant "will provide acoustic fencing to remove any potential harm to neighbouring amenities", I have already explained why this would only exacerbate the problems that would surface.

Further, there is no mention of space between the proposed land and my garden.

This is because there is no space between the proposed land and my garden which lay juxtaposed together and therefore acoustic fencing which will be around 2 feet high once I have built my decking will make no difference to the noise problems generated.

In relation to SK Architects statements that "the proposed change of use will dramatically improve both vehicular and pedestrian access" etc. and "the customer parking and drop off will not be used by staff" etc, I have already confirmed the problems with the parking congestion at the applicant's current place of business which I believe will be substantiated by other neighbours.

Therefore, it will do nothing but exacerbate the problem with many more customer's vehicles congesting the forecourts and the already congested busy road and roundabout.

As for the statement about the customer parking and drop off etc. This is totally untrue.

If this were true then why are they not doing it now what with there being an ongoing problem with the vehicle congestion.

In respect of page ten, I have already explained and substantiated why the applicant's plans are impractical for my family and I and for my neighbours and also unsafe for their children.

Moving on, the document in paragraph two states "To the rear the extensive soft landscaping and mature planting will remain to create a unique green setting for the nursery" but "maintain screening to the surrounding domestic dwellings as well as the acoustic fencing".

This report is becoming more farcical by the page.

Page eleven again has no bearing whatsoever on the problems the application will cause to my family and I and my neighbours.

In respect of the "Impact on Neighbouring Amenity", I have already explained the problems we already

have when the children are outside the applicant's current premises and the parking congestion endured.

However, I find it quite astonishing that SK Architects have submitted a noise assessment based on conjecture, thus totally inaccurate, without fully assessing the situation for others save for their client, the applicant.

In any event, the proposal to erect a six foot six "barrier" along my private garden which is totally out of character would make no difference at all to the noise pollution which would continue to reverberate throughout both my home and my neighbours', and I have already explained how my garden is raised and the complications the plans would cause.

In respect of the "Conclusion" on page thirteen, the Council may have referred to the fact that the previous application would have generated an unacceptable noise disturbance but there are many other problems this application will cause which has to be taken into consideration.

The report repeats "loosely based on" or "we anticipate" etc.

Again, I am astounded that a noise assessment based on conjecture, because it is conjecture, has even been submitted let alone considered as supporting evidence.

In respect of the report under "Site Description – Surrounding Area" 3.1, for the avoidance of doubt, to the left is not "a convenience store that will remain open until late evening" but Thermoglaze whose operating hours are 9am to 5pm.

They too are also very unhappy about the applicant's proposal and, as I have already mentioned, customers of the applicant use their forecourt when the applicant's and Suttons' frontage is congested.

In respect of "Site Description – Surrounding Area" 3.2, again, for the avoidance of doubt, Daws Heath Road is a very long residential road save for Rayleigh Motorist Centre which is situated opposite my home over the other side of the road.

They are a business operated by a father and son and have always been very respectful without being any nuisance with parking or noise.

Their place of work is inside their garage and office and neither I nor to my knowledge any other neighbour have had any problems with them.

The applicant, however, has been nothing but a problem to myself, my family and other neighbours at their existing premises.

Moving on, the report measures 13m as the distance from my home "façade" to the "site boundry".

What about the distance between my private garden and the site boundry?

I spend with my family and dogs a great deal of time in the garden in the quiet and serene private surroundings.

The distance between my private garden and the site boundry is not referred to because there is no distance.

They lay side by side.

That is the same site boundry which has been proposed to be changed into a childrens playground.

In reference to the report which goes on to refer to noise criteria under 5.1.

Similar in style? I don't believe I have read something so nonchalant concerning such a grave and delicate matter.

If they want to adhere to a method for assessing the impact of noise, let them record the many children the applicant has in their current playground that I have seen at one time and the large amount of extra children they will have in the garden of the proposed area and then submit their findings.

The report goes on to say "Note that whilst BS4142 is not strictly applicable for assessing the impact of noise from nurseries, it has been used, as the closest applicable standard".

So what they are saying is there is no standard of assessing the noise but the noise assessment they are undertaking is similar to something which is not strictly applicable for assessing the impact of noise from nurseries anyway!

The report continues "As the existing nursery levels is directly adjacent and the types of activity and sound levels of children playing in either or simultaneously both gardens are known, then we have also calculated sound levels in the new site by adding +3db (A) to the calculation".

How can the sound levels be known if the children are only playing in one area and the applicant has nowhere near the amount of children that would be in both areas?

Therefore how can a calculation be made by adding 3db to the equation?

It is impossible to know how loud or how many children there are going to be in the new premises.

Further, the few children may not have been shouting and screaming at the time of being monitored as I have heard many more at one time do on a number of occasions.

So, in regards to the noise disturbance, this so called noise assessment once again is no more than a biased piece of rhetoric based on conjecture.

Moreover, it is stated that a group of eight children were measured for the report. But, as I have already placed on record, I have witnessed numerous more children at one time screaming and shouting both from inside my home and when I have been in my garden.

So, this report is not only based on conjecture but is also fabricating the truth.

This, however, is of no surprise being that it is Mrs Argentieri herself who has fabricated that only eight children are outside at any one time.

The report further states "The installation of an acoustic fence would decrease sound levels further and make complaints unlikely".

However, the noise over the other side in the applicant's current premises is already difficult to bear when

the children are outside.

So, with the proposed area running along my garden with an acoustic fence lowered to approximately 2 feet high when my decking area is erected, this statement is totally unfounded and again would make no difference to the noise disturbance which would also be a gross invasion of privacy resulting in an unsafe environment for the applicant's children and my dogs.

We, and I think I can speak for my neighbours, are just grateful we still have our privacy intact.

There are many points placed on record in the report that are totally untrue and unfounded which one can only think would be written in an effort to make the application more favourable.

However, it is the general consensus that nothing has changed from Mrs Argentieri's previous application save that an inaccurate so called noise assessment having no set standard for noise from nurseries and based on conjecture and fabrication has been drafted.

We just want to live in the privacy of our own homes without the disturbance of Mrs Argentieri's day nursery encroaching on our private space.

I have been advised by Bairstow Eves who recently valued my property that it will lower in value should the applicant's plans be accepted.

This has been attached for your attention.

If this planning application is passed the noise will be intolerable and any privacy my family and I have will be ruined.

The fact that the applicant would erect a six foot acoustic fence barrier should their application be granted will make no difference whatsoever to the noise as, it has already been established, my garden is raised two feet higher than the proposed site boundry and a further two feet (minimum) will be lowered from the fence barrier when my decking is erected which as I have already said would make the situation no better than a shared garden with numerous screaming children running around making unbearable noise in an open playground which is a total invasion of me and my family's privacy and an unsafe environment for the applicant's children and my dogs.

The outside area in dispute is clearly unsuitable for what the applicant wishes to use it for and I have no doubt that having been to the site, you yourself will conclude the obvious reasons why.

[REDACTED]

Yours sincerely

[REDACTED]

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From: [rayleigh@bairstowevescountrywide.co.uk](mailto:rayleigh@bairstowevescountrywide.co.uk)

To: [REDACTED]

Subject:

Date: Mon, 9 Dec 2013 13:26:40 +0000

Dear [REDACTED]

Re- 2 Daws Heath Road

Having recently viewed your property and advised you of what I believe is the current market value, the information you told me today regarding the day nursery could in my opinion have an adverse affect on the marketing of your property.

Should you wish to discuss the matter further please do not hesitate to contact me.

Regards



For email disclaimer details please click or visit [www.countrywideplc.co.uk/disclaimer](http://www.countrywideplc.co.uk/disclaimer)

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