

Item No.	Classification:	Date:	Meeting Name:
7.1	Open	11 November 2015	Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/3073 for: S.73 Vary/remove conds/minor alterations Address: 190 SOUTHAMPTON WAY, LONDON SE5 7EU Proposal: Variation of Condition 3 'Opening Hours' of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: Monday to Friday 7:00 to 20:30 and Saturdays 09:30 to 17:15hrs		
Ward(s) or groups affected:	Brunswick Park		
From:	Mumtaz Shaikh		
Application Start Date 04/08/2015		Application Expiry Date 29/09/2015	
Earliest Decision Date 13/09/2015			

RECOMMENDATION

1. Refusal of planning permission.

BACKGROUND INFORMATION

2. This application is reported to Members following a referral request from ward councillors.

Site location and description

3. The application site is a two-storey semi-detached property with single storey rear extension located on the south side of Southampton Way. The property is being used as a children's day nursery which caters for approximately 20 children aged 3 months - 4 years old and it had the opening hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays. However, under recent planning permission ref: 14/AP/4259 (granted by Planning Sub-Committee A in May 2015), the nursery has been granted the following extension of opening hours:

07:00 to 19:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays

4. To the west of the property is a vacant site owned by Family Mosaic that has been granted planning permission for housing development under ref: 14/AP/0764 and to the east is a row of residential properties. To the north are a row of two storey properties that comprise a mix of commercial properties on the ground floor with residential above. To the south of the site is Melbury Drive that comprises a cul-de-sac

of residential dwellings with a car park directly to the south of the site. The car park is not for private use.

5. The application property is not located within a Conservation Area. However it is a Grade II listed building and is part of a group including numbers 192 and 194 Southampton Way.
6. In July 2004 planning permission was granted by the Camberwell Community Council for a change of use of the ground floor of the single family dwelling house to provide a children's day nursery for under 2's for a temporary period of one year.
7. In September 2005 planning permission was granted by the Camberwell Community Council for a continued use of the ground floor of the single family dwelling house as a day nursery for children aged 3 months to 4 years and increases in the number of children from 12 to 20 for a temporary period of one year. Subsequent to this, under ref. 08/AP/1376, permission was granted on appeal for the entire property to be used as a children's day nursery, subject to conditions. One of these conditions, condition 3, stipulated that the hours of operation for the nursery were to be 08:00 to 18:00 Monday to Friday with no operation on Saturday, Sunday and Bank Holiday.
8. On 12/11/2014, a planning application was submitted under ref: 14/AP/4259 to extend the opening hours of the nursery granted under ref: 08/AP/1376 to allow opening:

07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.

9. This application was approved by Plans sub Committee A on 12 May 2015 subject to conditions, that allowed the longer hours sought during the week but maintained no operation at weekends and bank holidays to protect the amenity of neighbouring residents. Condition 3 of this permission therefore reads:

The day nursery use hereby permitted shall not be carried on outside of the hours 7am - 7pm Mondays - Fridays and not at all on Saturdays, Sundays and Bank Holidays.

10. Following the above, a second planning application under ref: 15/AP/2180 for *Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08/AP/1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: 07:00 to 19:00 on Monday to Friday and to allow further extension of opening hours: 09:30 to 17:30 on Saturdays.* This application was refused under officers' delegated powers on 28/07/2015 on the following grounds:

Reason: 1

The proposed extension of the operating hours of the existing day nursery on Saturdays would be detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends. The proposal as such would be contrary to the NPPF Core Planning Principles, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007.

Details of proposal

11. This application is now seeking planning permission for Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13 May 2015 to allow further extension of opening hours of existing nursery from **07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays.**
12. The applicant advises that this is to enable the nursery to respond to increased demand for child care at weekends, due to increased flexible working from parents. The applicant has also submitted the 3 petitions in support for the application which are summarised below:
 - Petition with names of 15 parents requesting Saturday nursery places
 - Petition with 12 signatures/names from local businesses in support of change in nursery opening hours.
 - Petition with 9 signatures/names from local residents in support of change in nursery opening hours.
13. Additionally, a letter has been received from the applicant dated 24 September 2015 saying they are prepared to undertake sound insulation works, accept a 6 month trial period and use transport to take children out on a regular basis. Further, they have advised that they have met with residents and local businesses to explain the rationale behind this application.

Planning history

14. The application premises have a fairly lengthy planning history as summarised above, and below. However, the planning history relating to planning application refs: 15/AP/2180, 14/AP/4259 and 08/AP/1376 is most relevant to the current proposal.
15. **04/AP/0320** Temporary planning permission was granted in July 2004 for the change of use of ground floor of single family dwelling house to provide a children's day nursery for under 2's.
16. **04/AP/1665** Planning permission was granted in January 2005 for the installation of 1.8m high gate to provide new pedestrian access into Melbury Drive in connection with use of ground floor of building as a nursery.
17. **05/AP/0725** Planning permission granted for continued use of ground floor as a day nursery for children age 3 months to 4 years and increase in number of children from 12-20.
18. **06/AP/0976** Application type: Full Planning Permission (FUL)
Continued use of the ground floor as a day nursery for 20 children aged 3 months to 4 years.

Decision date 28/11/2006 Decision: Granted (GRA)
19. **08/AP/1376** Application type: Full Planning Permission (FUL)
Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery.

Decision date 23/12/2008 Decision: Refused (REF) Appeal decision date: 17/11/2009
Appeal decision: Planning appeal allowed (ALL)

Reasons for refusal:

1. The proposal will result in the loss of a three bedroom residential unit of which there is a significant need for in the Borough. The proposal is therefore contrary to Policy 4.6 'Loss of Residential Accommodation' of The Southwark Plan July 2007.

The appeal lodged against the refusal of a planning permission under ref: 08/AP/136 was allowed subject to following five conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The use hereby permitted shall not begin until an evaluation of the potential for noise transmission has been carried out and full particulars and details of any measures necessary to insulate the premises against the transmission of airborne and impact sound have been submitted to and approved in writing by the Local planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.
 3. The use hereby permitted shall not be carried out outside the hours of 0800 to 1800 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.
 4. Notwithstanding the provisions of the Part D of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendments or enactment of those Orders) the use hereby permitted shall not include any use within Class D1 other than a children's day nursery.
 5. The use of the first floor as an extension to the ground floor day nursery shall not commence before details of the arrangements for the storing of refuse have been submitted to and approved in writing by the Local Planning Authority and the facilities approved have been provided and available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and for no other purpose.
20. **07/EN/0329** Enforcement type: Unauthorised building works (UBW)
Erection of a large orange type porta-cabin in garden, roof above garden wall
Sign-off date 10/12/2009 Sign-off reason: Final closure - no breach of control (FCNB).
21. **14/AP/4259** Application type: S.73 Vary/remove conds/minor alterations (VAR)
Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow opening: 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.
- Decision date 13/05/2015 Decision: Granted (GRA) but with no opening allowed on Saturdays, Sundays or Bank Holidays
22. **15/AP/2180** Application type: S.73 Vary/remove conds/minor alterations (VAR)
Variation of condition 3 of planning permission ref: 14/AP/4259 granted on 13/05/15 for the "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays" to allow opening hours: 07:00 to 19:00 on Monday to Friday and not at all on

Saturdays, Sundays and Bank Holidays: to allow further extension of opening hours: 09:30 to 17:30 on Saturdays.

Decision date 28/07/2015 Decision: Refused (REF)
Reason(s) for refusal is as follows:

"The proposed extension of the operating hours of the existing day nursery on Saturdays would be detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends. The proposal as such would be contrary to the NPPF Core Planning Principles, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007."

Planning history of adjoining sites

184-188 Southampton Way/5A Havil Street SE5 7EU located to the west of the application site

23. 14/AP/0764 – Erection two new buildings, the first fronting on Havil Street being up to five storeys in height, with the second fronting onto Southampton Way and being up to four storeys in height together comprising 24 residential units (10 x 1 bed, 11 x 2 bed and 3 x 3 bed) with associated balconies and terraces, wider landscaping and cycle / refuse stores" Was granted subject to Section 106 Agreement.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

24. The main issues to be considered in respect of this application are:
- a) Impact of proposed development on amenity of adjoining occupiers
 - b) Traffic issues.

Planning policy

National Planning Policy Framework (the Framework) 2012

25. The following "Core Planning Principles" of the NPPF are relevant to the proposal:
- always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings contribute to conserving and enhancing the natural environment and reducing pollution.

Section 11, conserving and enhancing the natural environment is also relevant to this application.

London Plan 2015 (consolidated with alterations since 2011)

26. Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Policy 3.18 Education Facilities

Core Strategy

27. Strategic Policy 2 – Sustainable transport
Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles

Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

28. The Council's cabinet on 19 March 2013, as required by paragraph 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

2.2 - Provision of new community facilities

3.2 - Protection of amenity

5.2 - Transport impacts

5.3 - Walking and cycling

Principle of development

29. The principle of development has been established as the use of all of the existing premises as a day nursery (Use Class D1) was granted under previous planning permission ref: 08/AP/1376. The only changes sought here are for longer opening hours, as such there are no land use changes. The nursery falls within the D1 planning use class and therefore can be considered to be a 'community facility'. There is support for the enhancement of community facilities in Strategic Policy 4 of the Core Strategy. The previous planning application ref: 14/AP/4259 for the first time sought planning permission to provide greater flexibility for parents in providing increased hours of operation during the week, and weekend and bank holiday. However, only increased hours of operation during the week has been approved due to its adverse impact on the amenity of neighbouring occupiers during weekends and bank holidays.
30. Following the conditional approval of application ref. 14/AP/4259, which maintained the restriction of no weekend and bank holiday operation, the applicants again sought some weekend operation via application ref. 15/AP/2180. This sought additional Saturday operation from 09:30 to 17:30 and was refused on amenity grounds as explained above. The current application is the third attempt therefore to secure some weekend operation (from 09:30 to 17:15 on Saturdays) but also a further extension of weekday hours (from 07:00 to 20:30 hours). As with the previous applications ref: 14/AP/4259 and 15/AP/2180, it is important that this is considered alongside the requirement to protect amenity and conditions of highway safety. This assessment is set out below.

Impact of proposed development on amenity of adjoining occupiers and surrounding area

31. The application property forms part of a group with Nos. 192 and 194 Southampton Way to the east which are also two-storey Grade II listed, and are in residential use. A vacant site (No. 184-188 Southampton Way/5A Havil Street) owned by Family Mosaic is located to the west of the application site and it has been granted planning permission for housing development under ref: 14/AP/0764 which is to start imminently. To the south of the application site is Melbury Drive, a cul-de-sac of residential dwellings with a car park directly to the south of the site. To the north of the application site (i.e. across the road) lie two storey residential properties including those containing commercial units on the ground floor.

32. The application is proposing extension of the opening hours of existing day nursery use from 07:00 to 19:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow further extension of opening hours of the existing nursery from 07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays but not on Sundays and Bank Holidays.
33. Given that the application property is surrounded by residential properties on the east and south and will have new residential properties built close to the western boundary, additional noise from the proposed extension of operating hours needs to be carefully considered. The front of the site is already relatively noisy given that Southampton Way is a fairly busy road throughout the day. However, the rear of the site is quieter as here the application site faces various residential properties, and it is here that the main outside play area for the children is located. Therefore, it is considered that the play times give rise to the greatest impact on neighbours' amenity.
34. The proposed extension of opening hours from 07:00 to 20:30 Monday to Friday and from 09:30 to 17:15 on Saturdays would increase the opening hours of nursery granted under ref: 14/AP/4259 by further 1.5 hours in the evening during weekdays (i.e. Monday to Friday). The application is also seeking to open nursery on Saturday from 09:30 to 17:15. It should be noted that this is the third application seeking extension of opening hours of nursery during weekdays and weekends and of that one hour longer than the Saturday opening hours that were unacceptable under ref: 14/AP/4259 and 15 minutes fewer than the Saturday opening hours refused under ref: 15/AP/2180.
35. The proposed extension of opening hours of nursery beyond 07:00 to 19:00 Monday to Friday allowed under ref: 14/AP/4259 and Saturday opening hours from 09:30 to 17:15 would be a cause for concern. This is because residents will, quite reasonably, have a greater expectation of peace and quiet at weekends and after 19:00 Monday to Friday as surrounding background noise after 19:00 is more likely to subside. During Saturdays play times will clearly be required (as during the week) which will inevitably result in increased noise and potential disturbance at the rear of the property, and to a lesser extent at the front, which it is considered will have a significant impact on neighbours' amenity as they are more likely to be at home during this time, and to have an expectation of greater peace and quiet during these times. Furthermore, by extending the hours of operation beyond 19:00 during the week is also considered to have an undue impact on neighbours' amenity as children may still seek to play outside at that time (particularly during summer months when it is still light outside) and even if they are kept inside noise from the nursery will still be discernible. Operating until 20:30 on weekdays would result in some parent pick-ups not occurring until this time, with the consequent noise that comes with such activity. Given that some children will have been dropped at the premises at 07:00, overall this is considered to be too long a period of operation taking into account neighbouring amenity. For this reason, the extension of opening hours after 19:00 during weekday and Saturdays is not acceptable. The applicant was advised by officers in the previous application ref: 14/AP/4259 that the variation of hours sought for weekends (including Saturdays) and Bank Holiday operation could not be recommended. As a result, extension of opening hours by the applicant was revised to allow the longer weekday hours (i.e. 07:00 to 19:00) and only Saturday operation. However, as extension of longer weekday hours (i.e. 07:00 to 19:00) could be justified but not for Saturday, the previous application ref: 14/AP/4259 was granted planning permission to allow only the longer weekdays hours but not Saturday. Also, for the same reason, planning application ref: 15/AP/2180 seeking planning permission for extension of Saturdays opening hours from 09:30 to 17:30 was refused.
36. This application for the same reason as the previous applications, refs: 14/AP/4259 and 15/AP/2180, is not supported as it is considered to have a detrimental impact on

the amenity of the neighbouring occupiers as they are more likely to be at home during this time, and to have an expectation of greater peace and quiet during these times. As set out below, careful consideration has been given to the representations made in support of the application and to the proposed mitigation measures proposed by the applicant, however these are not considered to outweigh/overcome the amenity concerns set out above.

37. The application is supported by 3 petitions of which one contains names of 15 people requesting Saturday nursery places, one contains 12 names/signatures of people from local businesses and one contain 9 names/signature of people residing in SE5, SE22 and SE15. Furthermore 19 representations have been received including support from a representative for the Havill Street and Southampton Way Development Project on behalf of Family Mosaic (the Housing Association responsible for redeveloping vacant land to the west of the application site). However, whilst support from these parties is noted and it is appreciated that there is demand for greater flexibility of hours from children's nurseries like this; overall it is not considered that this outweighs the particular harm identified with these extended hours that will impact upon the residential occupiers nearest this site. It is considered that the extended weekday hours granted under permission 14AP4259 represent the appropriate balance between flexibility of operation and the need to maintain a reasonable level of amenity.
38. With regards to the mitigation measures proposed by the nursery. The soundproofing offered would not mitigate the noise from the children playing outside, which is a key concern, and the installation would be complicated by the fact that this is a listed building. The proposal to take the children away from the premises to play was explored as part of application 14AP4259 but discounted as it is not considered to be practical and would be difficult to enforce and monitor. A trial period is not considered to be appropriate as once the longer hours are embedded and parents have agreed work patterns accordingly it will be very difficult to revert back to the previous hours if required, and in any event it is considered that undue harm would result in the interim.

Impact of adjoining and nearby uses on occupiers and users of proposed development

39. As the neighbouring uses are predominantly residential, it is not envisaged that the occupiers and users of proposed development would be adversely affected.

Transport issues

40. The applicant had previously advised that the proposal for extension of the opening hours of the existing day nursery would not result in an increase in the number of children attending the day nursery. Previously it is also confirmed that at present the majority of children to the day nursery are dropped off and picked up by their parents who use either public transport or arrive on foot as they reside within close proximity to the nursery.

Car Parking

41. The application property at present has a vehicular access to its frontage which is hard surfaced and therefore it is capable of providing off-street car parking for 1 or 2 cars. However, the existing frontage of the nursery has play equipment and is gated and therefore it does not appear to be used for providing off-street car parking.
42. Accordingly, vehicle drop off will need to be on-street. However, it is important to take into account that on-street drop off is an existing and long established situation with this nursery. The number of children attending the nursery is not forecast to significantly increase as a result of this extension of hours, indeed the longer hours

should spread arrival/departure times.

Cycle Storage

43. The existing day nursery has no cycle parking/storage provision. It is not proposed to significantly increase the number of children attending the nursery as a result of this variation in hours and therefore the number of staff and parents at the site/dropping off should not significantly change. For this reason it is not considered reasonable or necessary to impose a condition securing cycle parking as part of this recommendation.

Trip Generation/Highway Impact

44. An assessment of additional trips has not been undertaken. It can be assumed that travel patterns will be similar to the existing given the comments from the applicants that they do not intend to significantly expand their numbers as a result of this variation in hours. In the circumstances therefore this is not considered to be a cause of concern.

Travel Plan

45. A travel plan was not required under the previous permissions at this site. In the circumstances as the recommendation is only to vary the condition to allow additional hours during weekdays and on Saturdays, it is not considered necessary or reasonable to impose a travel plan condition in this situation.

Design issues

46. The proposal does not give rise to any design issues as the application proposal only relates to extension of the operating hours of the existing day nursery which is restricted by condition 3 of the previous planning application ref: 14/AP/4259.

Impact on character and setting of a listed building and/or conservation area

47. The application property is not located within Conservation Area. However it is a Grade II listed building and is part of a group including neighbouring numbers 192 and 194 Southampton Way.
48. As mentioned in the above paragraph, the application relates to extension of the opening hours of the existing day nursery with no alterations proposed to the building. Given this, there are no material considerations relating to the listed building, or those adjacent, arising out of the application

Sustainable development implications

49. The site is situated in an established residential area with some local transport provision. The proposal will increase the hours of operation which will enable greater flexibility for parents in terms of hours of drop off and pick up. The nursery can be considered to be a 'community facility' and, as mentioned above, there is support for community facilities in Development Plan policy, particularly in sustainable and accessible locations, provided that this is balanced against the need to consider impacts on local amenity.

Other matters

50. S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material 'local financial

consideration' in planning decisions. The requirement for Mayoral and Southwark CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. While Southwark's CIL will provide for infrastructure that supports growth in Southwark. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

Conclusion on planning issues

51. For the reasons set out above, the nursery does not raise land use issues as it is an existing use. Moreover, it is important to recognise that there is support in Development Plan policies for enhanced community facilities. However, this needs to weigh against the need to protect neighbours' amenity and conditions of highway safety. Given the context of the site, with the close proximity of neighbouring residential properties, there is concern that late evenings (i.e. after 19:00) during weekdays and weekend (i.e. Saturdays in this case) operation will cause an undue impact on neighbours' amenity. Indeed, late evenings after 19:00 and Saturday operation would cause an undue impact as it is not considered to be reasonable or enforceable to impose a condition restricting hours of play time. The proposal is therefore recommended for refusal.

Community impact statement

52. In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a) The impact on local people is set out above.

Consultation

53. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

54. Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

55. In total 20 responses have been received following consultations of the proposal. Of which 19 responses are in support of this application saying that the application proposal would meet their required need for their child care provision to enable them to work more flexible hours. However, one response received raises objection to the proposal on the following grounds:

Our objection to this application remains the same as to the last two? (14/AP/4259 and 15/AP/2180), referring to the condition attached by The Planning Inspectorate (Appeal/Decision Ref: APP/A5840/A/09/2100924) limiting hours of use on Mondays to Fridays with none at all on Saturdays, Sundays and Bank Holidays? This condition is stated as 'reasonable and necessary to safeguard the living conditions for nearby occupiers'? In the decisions regarding the last two applications, reasons for refusal of permission to open on any days other than weekdays are given as 'to safeguard the amenities of neighbouring residential properties' and that Saturday opening 'would be

detrimental to the amenities of the occupiers of the neighbouring residential properties by reason of increased activity, noise and disturbance associated with it, as residents will have a greater expectation of peace and quietness at weekends'? As before, we can see no reason why these conditions should not still apply? When the large residential development to the west of the nursery is occupied there will be many more people affected.

Internal Consultation

56. Environmental Protection comments: This application would cause a loss in amenity from noise to the local residents if granted, therefore I would recommend refusal to the application.

Human rights implications

57. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
58. This application has the legitimate aim of providing extended opening hours. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2229-186 Application file: 15/AP/3073 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0585 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning
Report Author	Mumtaz Shaikh, Planning Officer
Version	Final
Dated	30 October 2015
Key Decision	No

CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER

Officer Title	Comments Sought	Comments included
Strategic director, finance and governance	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and modernisation	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team		30 October 2015

APPENDIX 1

Consultation undertaken

Site notice date: 21/08/2015

Press notice date: 13/08/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 18/08/2015

Internal services consulted:

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 4 84-86 Brook Drive SE11 4TS
Email
Flat 1 Orange Tree Court SE5 7LS
Flat 2 Orange Tree Court SE5 7LS
Flat 9 Beacon House SE5 7ET
137 Southampton Way London SE5 7EW
179 Southampton Way London SE5 7EJ
Flat 6 Orange Tree Court SE5 7LS
Flat 7 Orange Tree Court SE5 7LS
Flat 8 Orange Tree Court SE5 7LS
Flat 3 Orange Tree Court SE5 7LS
Flat 4 Orange Tree Court SE5 7LS
Flat 5 Orange Tree Court SE5 7LS
Flat 8 Beacon House SE5 7ET
161b Southampton Way London SE5 7EJ
Flat 1 Beacon House SE5 7ET
Flat 10 Beacon House SE5 7ET
149 Southampton Way London SE5 7EW
2 Sedgmoor Place London SE5 7SE
161a Southampton Way London SE5 7EJ
Flat 5 Beacon House SE5 7ET
Flat 6 Beacon House SE5 7ET
Flat 7 Beacon House SE5 7ET
Flat 2 Beacon House SE5 7ET
Flat 3 Beacon House SE5 7ET
Flat 4 Beacon House SE5 7ET
Second Floor And Third Floor Flat 181 Southampton Way SE5 7EJ
Second Floor Flat 177a Southampton Way SE5 7EJ
First Floor And Second Floor Flat 169 Southampton Way SE5 7EJ
First Floor Flat 177a Southampton Way SE5 7EJ
First Floor Flat 181 Southampton Way SE5 7EJ
159b Southampton Way London SE5 7EJ
159c Southampton Way London SE5 7EJ
159a Southampton Way London SE5 7EJ
First Floor And Second Floor Flat 171 Southampton Way SE5 7EJ
Flat 12 Orange Tree Court SE5 7LS
157a Southampton Way London SE5 7EJ
157b Southampton Way London SE5 7EJ
Flat 9 Orange Tree Court SE5 7LS
Flat 10 Orange Tree Court SE5 7LS
Flat 11 Orange Tree Court SE5 7LS
Flat 2 155 Southampton Way SE5 7EJ
Flat 3 155 Southampton Way SE5 7EJ
Unit 5 2 Sedgmoor Place SE5 7SE
Unit 6 2 Sedgmoor Place SE5 7SE
Unit 9 2 Sedgmoor Place SE5 7SE
Flat A 167 Southampton Way SE5 7EJ
Room 8 2 Sedgmoor Place SE5 7SE
Top Flat 173 Southampton Way SE5 7EJ
Room 1 2 Sedgmoor Place SE5 7SE
Room 2 2 Sedgmoor Place SE5 7SE
Room 7 2 Sedgmoor Place SE5 7SE
Flat 3 165 Southampton Way SE5 7EJ
First Floor Flat 190 Southampton Way SE5 7EU
Flat 2 165 Southampton Way SE5 7EJ
163b Southampton Way London SE5 7EJ
Flat 1 165 Southampton Way SE5 7EJ
173 Southampton Way London SE5 7EJ
175 Southampton Way London SE5 7EJ
177 Southampton Way London SE5 7EJ
167 Southampton Way London SE5 7EJ
169 Southampton Way London SE5 7EJ
171 Southampton Way London SE5 7EJ
141 Southampton Way London SE5 7EW
143 Southampton Way London SE5 7EW
145 Southampton Way London SE5 7EW
181 Southampton Way London SE5 7EJ
194 Southampton Way London SE5 7EU
139 Southampton Way London SE5 7EW
165 Southampton Way London SE5 7EJ
Unit 13 2 Sedgmoor Place SE5 7SE
Unit 14 2 Sedgmoor Place SE5 7SE
Unit 15 2 Sedgmoor Place SE5 7SE
Unit 11 2 Sedgmoor Place SE5 7SE
Unit 12 To Unit 15 2 Sedgmoor Place SE5 7SE
Unit 12 2 Sedgmoor Place SE5 7SE
163 Southampton Way London SE5 7EJ
149a Southampton Way London SE5 7EW
153 Southampton Way London SE5 7EJ
35 Mile End Road London E1 4TP
Eform
Flat 10, Wiseman Court, Woodland Road SE19 1PQ

190 Southampton Way London SE5 7EU
Caretakers Flat 2 Sedgmoor Place SE5 7SE
First Floor And Second Floor Flat 163 Southampton Way SE5 7EJ
179a Southampton Way London SE5 7EJ
151 Southampton Way London SE5 7EJ
179b Southampton Way London SE5 7EJ
147 Southampton Way London SE5 7EW
Unit 10 2 Sedgmoor Place SE5 7SE
Unit 3 2 Sedgmoor Place SE5 7SE
Unit 4 2 Sedgmoor Place SE5 7SE
Flat C 167 Southampton Way SE5 7EJ
Flat D 167 Southampton Way SE5 7EJ
Flat B 167 Southampton Way SE5 7EJ
Flat 1 155 Southampton Way SE5 7EJ

13 Strudwick Court Binfield Road Sw4 6te
12 Mistral House Sceaux Gardens Eastate SE5 7DR
Flat 6 75 Blakes Road London Se15 6HE
13b Mundania House
19 Marchwood Close London SE5 7HD
Flat 46 Bentley House London SE5 7NB
13 Strudwick Court Binfield Road SW4 6TE
Flat 12 Mori Court 61 Edmund Street Se5 7fj
Flat 4 84-86 Brook Drive London SE11 4TS
89 Southampton Way SE5 7EU
201 Southampton Way Camberwell SE5 7EU
14 Matthews Street London SW11 5AB
194 Southampton Way London SE5 7EU
190 London se5 7eu
1 Elizabeth House Reedworth Street SE11 4NN

Re-consultation: n/a

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

None

Neighbours and local groups

Caretakers Flat 2 Sedgmoor Place SE5 7SE
Flat 10, Wiseman Court, Woodland Road SE19 1PQ
Flat 12 Mori Court 61 Edmund Street Se5 7FJ
Flat 4 84-86 Brook Drive London SE11 4TS
Flat 46 Bentley House London SE5 7NB
Flat 6 75 Blakes Road London SE15 6HE
Room 7 2 Sedgmoor Place SE5 7SE
1 Elizabeth House Reedworth Street SE11 4NN
12 Mistral House Sceaux Gardens Eastate SE5 7DR
13 Strudwick Court Binfield Road SW4 6TE
13 Strudwick Court Binfield Road SW4 6TE
13b Mundania House
14 Matthews Street London SW11 5AB
161b Southampton Way London SE5 7EJ
175 Southampton Way London SE5 7EJ
19 Marchwood Close London SE5 7HD
190 London SE5 7EU
190 London SE5 7EU
194 Southampton Way London SE5 7EU
201 Southampton Way Camberwell SE5 7EU
89 Southampton Way SE5 7EU