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## RECOMMENDATION

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This document shows the case officer's recommended decision for the application referred to below.  
This document is not a decision notice for this application.

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<b>Applicant</b>	Ms Nicole Bennett	<b>Reg. Number</b>	15/AP/3073
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	<b>Case Number</b>	TP/2229-186
<b>Recommendation</b>	Refuse permission		

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### Draft of Decision Notice

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**Planning Permission was REFUSED for the following development:**

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

**At:** 190 SOUTHAMPTON WAY, LONDON, SE5 7EU

**In accordance with application received on 03/08/2015 08:03:39**

- **and Applicant's Drawing Nos.** Site Location Plan
  - Petition with names of 15 parents requesting Saturdays 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.

**Reason for refusal:**

The proposed extension of the operating hours of the existing day nursery during Monday to Friday and on Saturdays would be detrimental to the amenity of the occupiers of the neighbouring residential properties by reason of the increased activity, noise and disturbance associated with it. The proposal as such would be contrary to the Section 11 of the National Planning Policy Framework 2012 and its Core Planning Principles, Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan July 2015, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

The application was not considered to be in accordance with the relevant development plan policies and as such the development was not acceptable.