

COMMITTEE REPORT

Planning Committee on
Item No
Case Number

24 September, 2015
04
15/1588

SITE INFORMATION

RECEIVED: 6 May, 2015

WARD: Queen's Park

PLANNING AREA: Kilburn & Kensal Consultative Forum

LOCATION: The Maqam Centre, Tiverton Road, London, NW10 3HJ

PROPOSAL: Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate

APPLICANT: Maqamat Ltd

CONTACT: Burke Rickhards Ltd

PLAN NO'S: See condition 2.

SITE MAP



Planning Committee Map

Site address: The Maqam Centre, Tiverton Road, London, NW10 3HJ

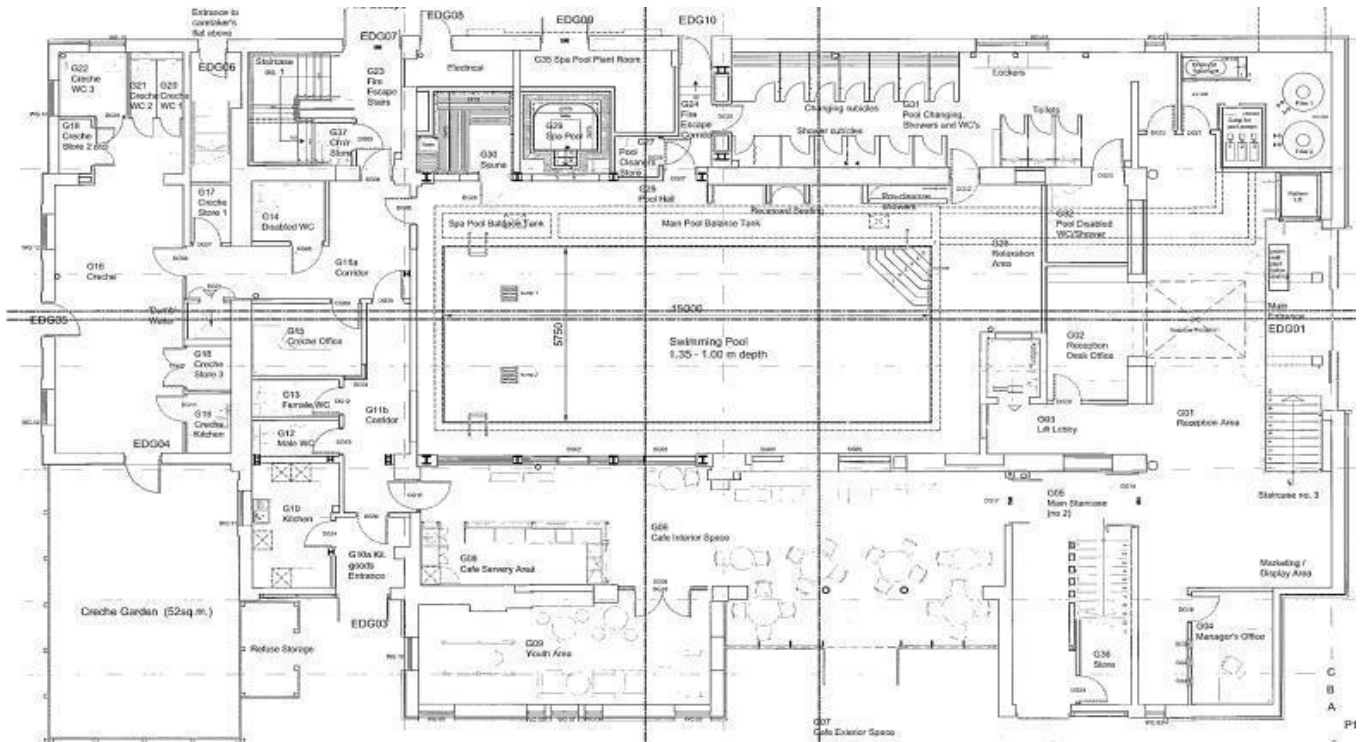
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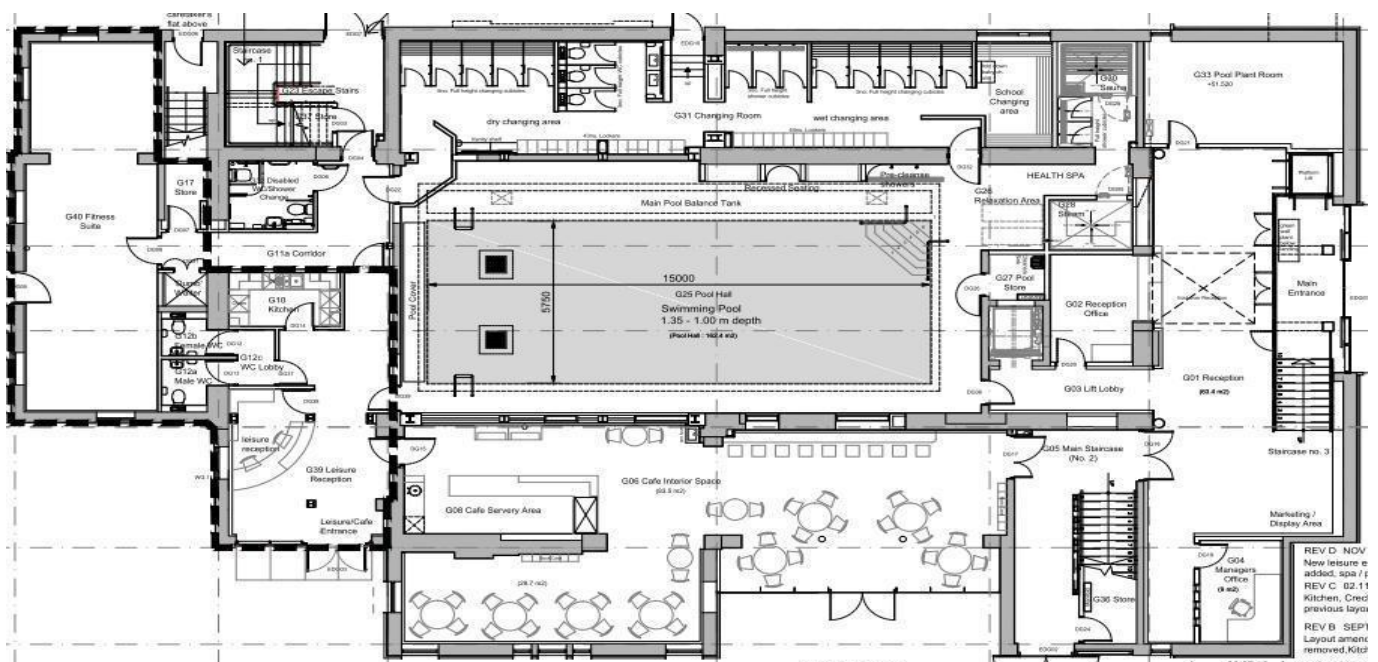
This map is indicative only.

SELECTED SITE PLANS SELECTED SITE PLANS

Previously approved ground floor plan

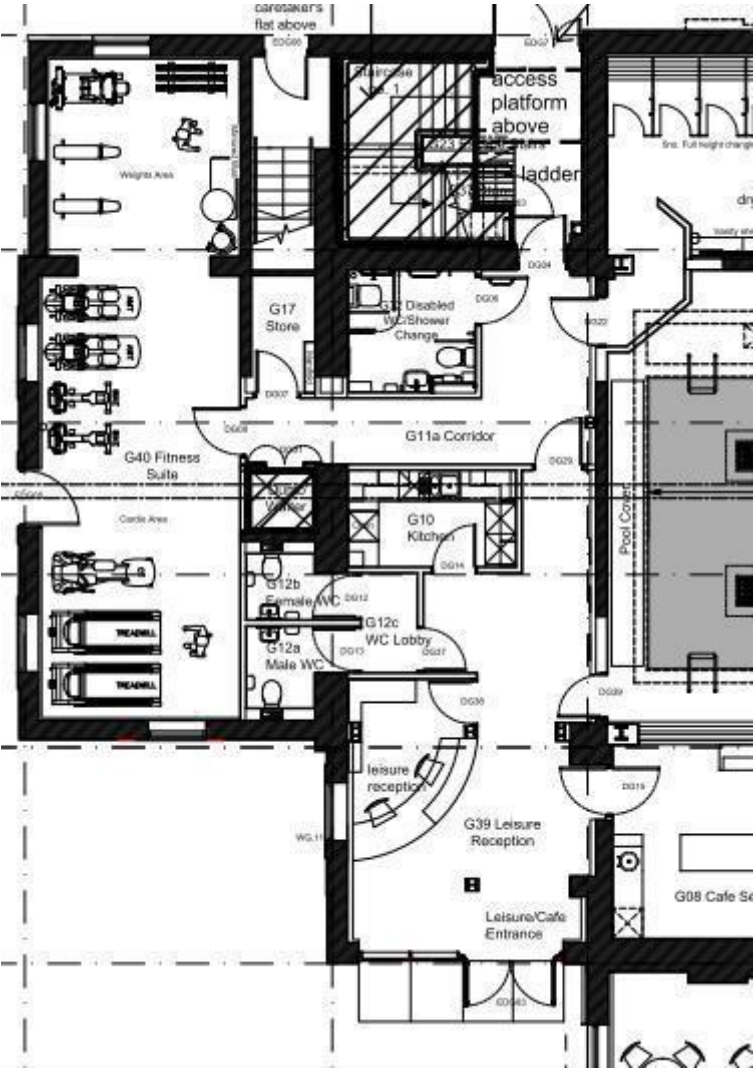


Proposed Ground Floor Plan

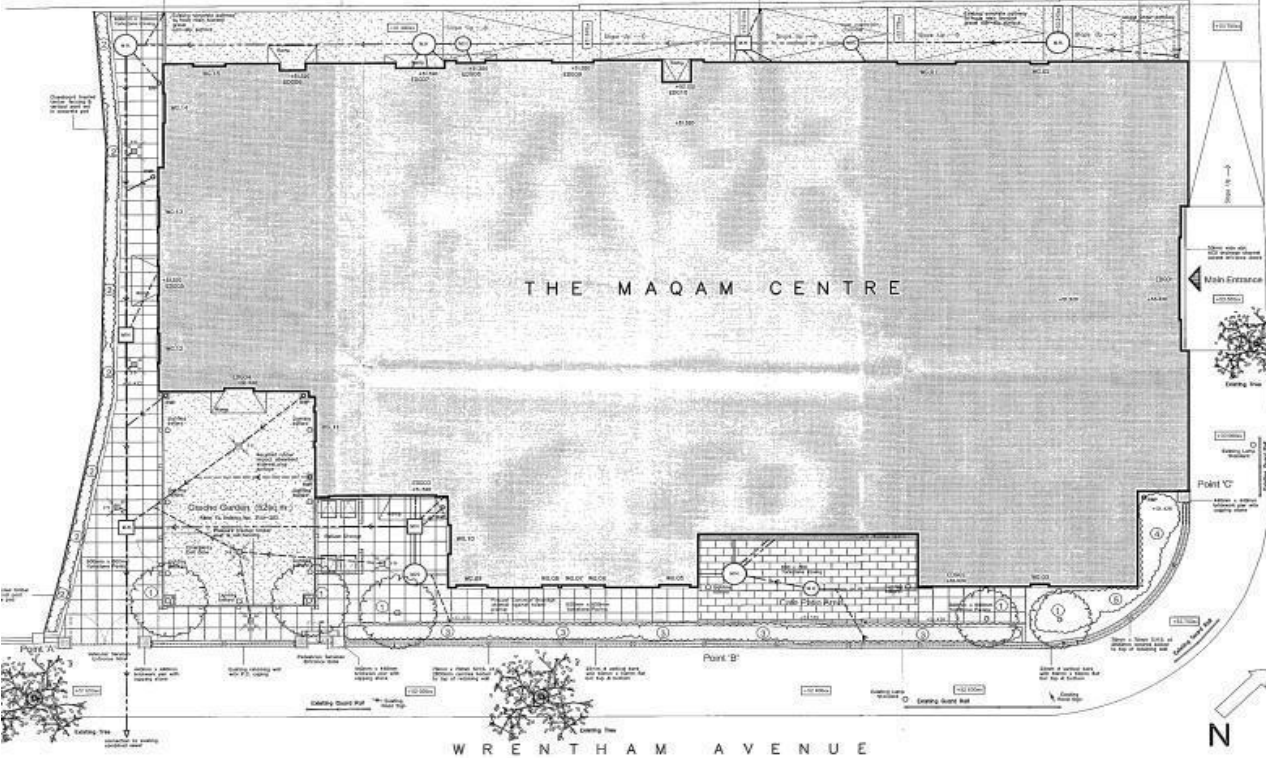


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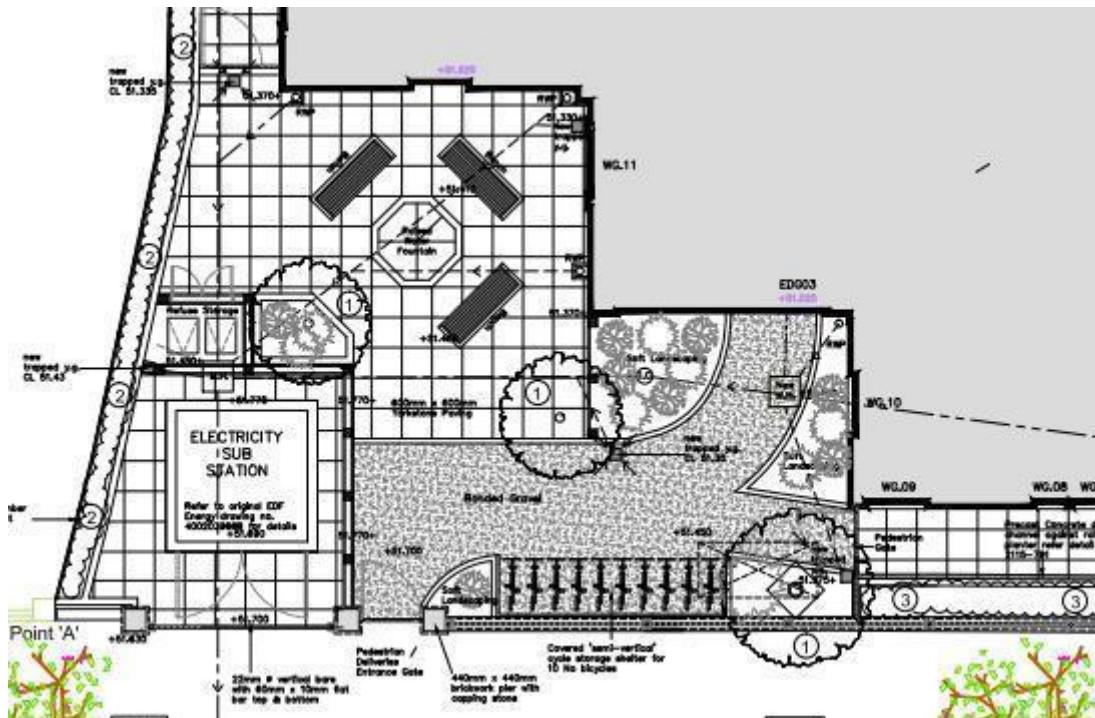
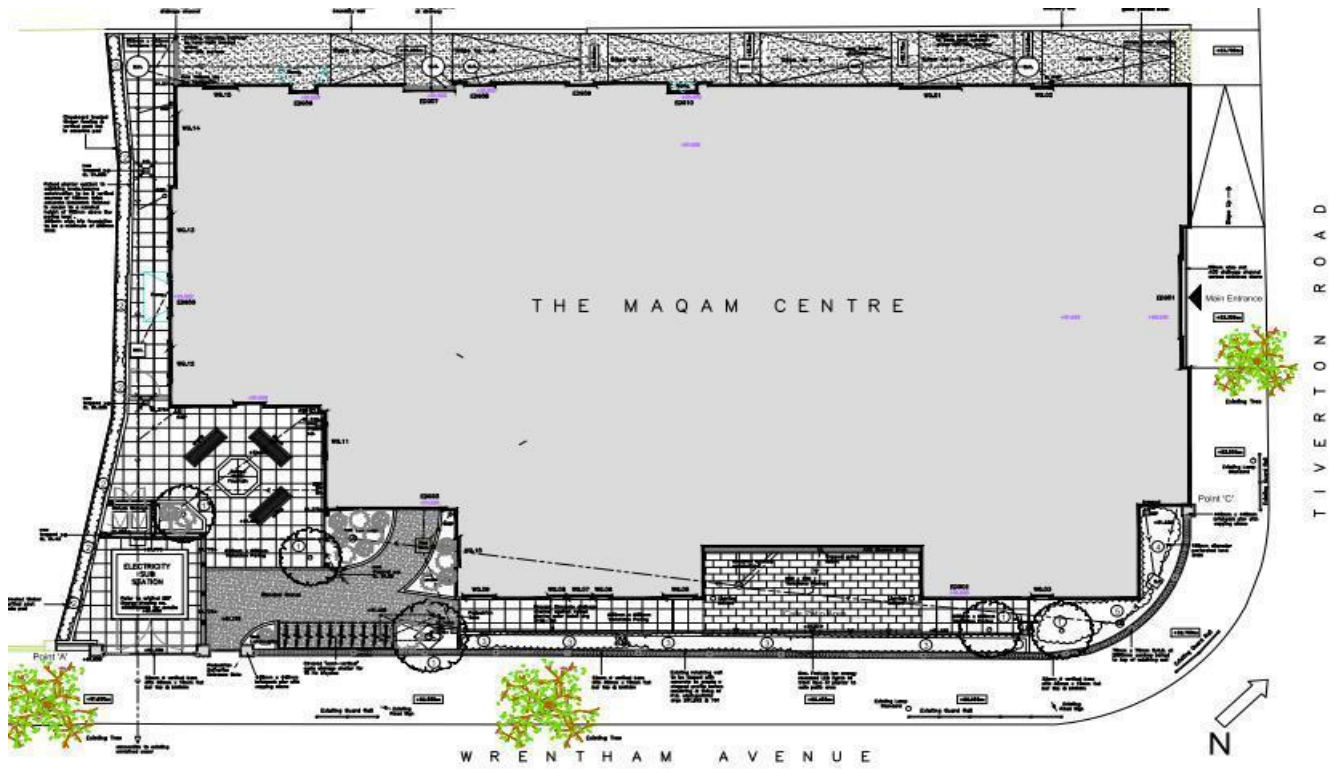
Proposed Ground Floor Plan



Previously approved external works



Proposed external works



RECOMMENDATIONS

GRANT planning permission, subject to the conditions set out in the Draft Decision Notice.

A) PROPOSAL

Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate.

B) EXISTING

The Maqam Centre (formerly the Tiverton Youth and Community Centre) is a former church building situated on the northwest corner of Tiverton Road and Wrentham Avenue. The building is currently vacant and has been in various states of construction since extensions and alterations to the building were originally permitted in 1998 under permission 98/0988.

The adjoining properties on Wrentham Avenue and Tiverton Road are residential properties, the immediate neighbour to the west being a post-war housing block, with 1930s semi-detached and terraced properties to the south. Residential uses characterise the area, although the Queen's Park Community School and community college is 200m to the northwest. To the opposite side of Tiverton Road to the northeast is the Tiverton Green Public Open Space.

The building is not listed (statutory or locally) and is not within any conservation area or area of distinctive residential character (ADRC).

D) SUMMARY OF KEY ISSUES

The key planning considerations in this case are as follows:

- Principle of Change of Use – The proposal is considered an appropriate change of use given its

- modest scale and its ancillary nature to the swimming pool and the rest of the building
- Impact on Character – The proposed external changes and landscaping proposals are considered acceptable and would provide an appropriate level of soft landscaping
- Impact on Neighbouring Amenity – The proposal is considered to form an acceptable relationship with neighbouring occupiers
- Transportation Impact – The proposal is considered acceptable in transportation terms

RELEVANT SITE HISTORY

Reference No	Proposal	Decision
10/3199	Erection of single storey glazed extension to the Wrentham Avenue frontage, external seating area, inclusion of a swimming pool (use class D2) within the building (in place of the originally approved hall area) and other alterations, including tree planting, erection of boundary wall and provision of a green wall at ground floor level fronting Wrentham Avenue.	Granted
08/1509	Erection of a single-storey front extension, single-storey and two-storey side extension, single-storey and two-storey opposite side extension, single-storey and three-storey rear extension and new stair/cooling tower reduced in height with a glazed link at the second floor including open gallery, formation of 1 self-contained, one-bedroom caretaker's flat, alterations to roof materials and windows level to former church building (Use Class D1 - non-residential institutions), and continued use for purposes within Class D1, including use as a community centre centred around the Islamic faith but accessible to all, and incorporating a range of uses, including gymnasium/games space, creche, exhibition space, performance space, and ancillary coffee shop and bookshop and office space	Granted
07/0340	Erection of a single-storey front extension, single-storey and two-storey side extension, single-storey and two-storey opposite side extension, single-storey and three-storey rear extension and a 19.4m high, stair-tower extension with a glazed link at the second floor, formation of 1 self-contained, one-bedroom caretaker's flat, alterations to roof materials and windows level to former church building (Use Class D1 - non-residential institutions), and continued use for purposes within Class D1, including use as a community centre centred around the Islamic faith but accessible to all, and incorporating a range of uses including gymnasium/games space, creche, exhibition space, performance space, and ancillary coffee shop and bookshop and office space (as amended)	Granted
01/1716	Variation of planning consent 98/0988 (for erection of single-storey front and side extensions and alterations to lower ground-floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through a lift within the proposed tower, and continued use of the premises as a community centre/religious centre within Use Class D1) to include new internal fire-escape staircase, rearrangement of caretaker's flat on lower ground and mezzanine floors and additional plant room on upper floor	Granted
01/1613	Variation of Planning Permission 98/0988 (erection of single-storey front and side extensions and alterations to lower ground floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through a lift within the proposed tower and continued use of the premises as a community centre/religious centre within Use Class D1) involving a raising of the enclosure around the stairwell on the Wrentham Avenue frontage, replacement of the roof with blue/black fibre cement slates and removal of the timber cladding and aluminium louvres around the existing	Granted

	lantern and its replacement with glazing.	
98/0988	Erection of single-storey front and side extensions and alterations to lower ground-floor to provide caretaker's flat, reading rooms, conference room and entrance foyer, provision of access for the disabled through lift within proposed tower, and continued use of the premises as a community centre/religious centre within Use Class D1	Granted

CONSULTATIONS

Statutory neighbour consultation period (21 days) started on 13/05/2015. Further letters were subsequently sent on 05/06/2015 to widen the public consultation to include all neighbours who were consulted and who made comments on the most recent planning application (10/3199). In total 404 neighbours were consulted.

To date 57x representations have been received objecting to the proposal. In addition to this Councillors Shaw, Nerva and Southwood raise an objection to the proposal as do the Aylestone Park Residents and Tenants Association (APRATA). 3x additional objections have been received by the Case Officer however these objectors have not supplied their addresses. In any case these comments fall within the comments summarised below.

Objection raised	Response
Proposal would put pressure on an already heavily parked area.	See paragraphs 13-15
The building has been an 'eyesore' for years	See paragraphs 16-18
The building is turning into a commercial leisure centre rather than a community centre	See paragraphs 3-6
A commercial gym would increase the catchment area of visitors and would mean an increase in visitors	See paragraphs 13-15
Proposal would attract visitors in the evenings and weekends when parking is less restricted	See paragraphs 13-15
Proposed use would be out-of-character with a residential area	See paragraphs 7-11
Proposal would be detrimental to highway safety	See paragraphs 13-15 <i>Officer note: Colleagues in Transportation do not raise any concerns in terms of highway safety</i>
The tower and other extensions/alterations have been unsympathetic to the building	<i>Officer note: The tower and extensions were approved under previous applications</i>
None of the previously proposed landscaping or replacement trees have been planted on the site	See paragraphs 8-10
Proposal would result in the loss of a D1 facility	See paragraphs 3-6
There is no need for the fitness suite as there are other facilities nearby	<i>This is not considered a material planning consideration</i>
The proposed landscaping scheme does not sufficiently compensate for the TPO trees previously removed on the site.	See paragraph 9
An electricity sub-station is shown on the plans	<i>Officer note: The sub-station identified on the plans was evident on the approved plans for previous permissions and</i>

	<i>does not form part of the current proposal</i>
The applicants have submitted numerous applications over the years without completing the works for any of them	See paragraphs 16-18
It is not clear who would be able to use the fitness suite, would it be open to the everyone?	See paragraph 6
The café would create noise disturbance	<i>Officer note: The café was previously approved and does not form part of this application</i>
The public consultation has been inadequate	<i>Officer note: As outlined at the beginning of this section, the consultation for this application was widened to include all those who were consulted or made comments for application ref: 10/3199.</i>

Two letters of support have also been received.

A site notice displayed at the site on 05/06/2015 for at least 21 days and the application was advertised in the local press as being in the public interest.

CONSULTEES:

Transportation: No objection subject to gates being altered so that they do not open onto the highway and providing the existing redundant crossover is removed and returned to footway. Officer note: gates are no longer proposed to open onto the footway

Environmental Health: No objection raised but recommend condition securing noise insulation measures

Landscape Team: No objection

In addition to the above, a representation has been received from APRATA stating that works to implement the development approved under 10/3199 are due to commence, but that the original application has expired given it was granted over 3 months ago. As a result, they consider that the development would be unlawful.

Officers have investigated the matter and visited the site. Application 10/3199 expired on 29/09/2014. The applicants have responded to this by saying that drainage works in connection with the approved swimming pool were installed on 25/09/2014. Building Control records show that this work was carried out and a Building Control application for the drainage was passed on 29/09/2014 and the applicant has provided a plan and photos of the installed drainage works. Some pre-commencement conditions have not been formally discharged by the Council however these conditions are not considered to go 'to the heart' of the permission and so it is considered that it would be unreasonable for the Council to suggest that any development which takes place would be unlawful on this basis alone. Officers are satisfied, having considered the circumstances set out above, that the drainage works would constitute a commencement of development and that the drainage was installed prior to the expiry date of the application.

POLICY CONSIDERATIONS

National Planning Policy Framework (NPPF) (2012):

Section 7 – Requiring Good Design

Core Strategy (2010):

CP17 – Protecting and Enhancing the Suburban Character of Brent

Brent's Unitary Development Plan (UDP) (2004):

BE2 – Townscape: Local Context and Character

BE7 – Public Realm: Streetscape

BE9 – Architectural Quality

CF2 – Location of small scale community facilities

TRN22 – Parking Standards: Non-residential developments

DETAILED CONSIDERATIONS

Introduction:

1. The proposal site is the Maqam Centre located on the corner of Wrentham Avenue and Tiverton Road. Planning permission was granted in 1998 for extensions and alterations to the building with a view to use the building as a community/religious centre aimed at those of the Islamic faith. Variations to the permission were granted in 2001 (01/1613 and 01/1716) and further extensions and alterations to the tower were permitted under 07/0340 and 08/1509. Permission 10/1399 allowed the erection of a glazed single storey extension fronting Wrentham Avenue and the change of use of a hall area on the ground floor to a swimming pool.
2. Building work has been taking place on the site since the original permission and it is understood that the site has not yet been used for its intended use as a community/religious centre. Some of the extensions have been erected but are un-finished state. Hoarding currently surrounds the site and inside the interior of the building remains unfinished as confirmed by a site visit by Officers. The fact that the works here remain uncompleted has evidently caused concern to people living nearby and does not positively enhance the visual appearance of the area.

Principle of Development:

3. The proposal relates to a 113m² area of the ground floor in the south-western corner of the building originally identified as a crèche in the 2008 permission (08/1509). The area in question represents approximately 15% of the ground floor of the building and just under approximately 9% of the building as a whole. The floor area of the fitness suite itself, excluding the reception, toilets and storage for example would be approximately 50m². The proposed fitness suite is considered modest in scale in comparison to the approved swimming pool approved under 10/3199 and the building as a whole and is considered likely to be primarily used in conjunction with the swimming pool. The applicant has provided a proposed floor plan showing an indicative layout of gym equipment which indicates 10 pieces of gym equipment being accommodated. This is considered to demonstrate the relatively modest scale of the proposed use meaning it is unlikely to be an intensively used free-standing use.
4. The swimming pool was permitted as a change of use from D1 (non-residential institutions) to D2 use (assembly and leisure) on the basis that the use would contribute to the facilities of the building and the overall community use of the site as a whole.
5. It is acknowledged that the proposed use along with the already permitted pool use has raised concerns that the nature of the use of the building is changing from the originally intended community use. However as discussed above, the proposed use is not considered to impact unacceptably on the level of provision of D1 use at the site and is considered to compliment the overall community offering on the site.
6. The pool element of the centre was approved on the basis that the pool would be made available to members of the public in selected single sex sessions and to school groups. The fitness suite would be ancillary to the pool and access to it would be on the same basis which is considered acceptable. As with the 10/3199 permission, a management plan with details of access arrangements for members of the general public can be secured by condition.

Impact on Character:

7. Changes to the hard and soft landscaping to the Wrentham Avenue frontage and some elevational changes to the building itself are also proposed as part of this application.
8. To the front of the secondary Wrentham Avenue entrance to the site the previously approved external layout showed a crèche garden as well as Yorkstone paving. The previously approved layout also showed the site surrounded by hedging. The proposal would replace the crèche garden with a courtyard area with a water feature, planting and benches. Bonded gravel would provide a footpath to the Wrentham Avenue entrance to the building surrounded by areas of soft landscaping. The cycle parking would be re-positioned to the southern boundary alongside the boundary with Wrentham Avenue. The pedestrian gate would be re-positioned slightly to be adjacent to the larger gates serving the electricity sub-station.

9. One of the key issues with the schemes which were determined in 2007 and 2008 was the matter of trees and landscaping on the site. For information, the site is subject to a TPO where 10 trees were protected. Seven of the trees have been removed from the site, as was authorised by the original permission to develop the site (98/0988, October 1999) subject to details of replacement planting and landscaping. The planting of 5x replacement trees on the Wrentham Avenue frontage have been agreed by Officers in the past including the species and sizes. The originally submitted landscaping scheme for this application proposed 3x trees however a revised landscaping scheme has been received which provides 5x trees as previously agreed. The Council's Tree Officer is satisfied with these replacements. The wording of the condition can be such that all the proposed landscaping is planted prior to the occupation of the development.
10. Overall the proposed changes to the external hard and soft landscaping are considered relatively minor and would result in an acceptable balance of hard and soft landscaping and an appropriate setting to the development.
11. The alterations to the building would be to replace a door opening with a window on the south elevation facing Wrentham Avenue and alterations to the secondary entrance on Wrentham Avenue to increase the proportion of glazing to the entrance. Overall the proposed alterations are relatively minor and are not considered to impact detrimentally on the overall character and appearance of the building or the surrounding area.

Impact on Neighbours:

12. The use of the area of the building in question as a fitness suite is not considered to raise an undue direct impact on neighbours in terms of noise disturbance. Potential noise disturbance could be created by amplified music in the fitness suite for example however as with permission 10/3199, a condition can be attached preventing music from being played which is audible at the site boundary. The abovementioned modest scale of the fitness suite is not considered to result in a level of use and vehicle movements which would impact unacceptably on the amenities of neighbours in comparison to the use of the rest of the site and the previously approved crèche use of this part of the building. The hours of use of the centre were restricted under 10/3199 to 0900-2100 from Sunday to Thursday and 0900-2300 on Fridays and Saturdays. It is considered appropriate to apply these opening hours to the fitness suite.

Transportation:

13. The application site is located on the north-western side of Wrentham Avenue, a local access road which is defined as being heavily parked. The site lies within CPZ "KS" which operates 08:00 – 18:30 Monday to Friday, and has moderate accessibility with a PTAL rating of level 3. Kensal Rise Station (Overground rail) is within walking distance of the site, however, and six bus routes are locally available. The site does not benefit from off-street car parking or vehicular access facilities, except for a servicing access and bay on the Wrentham Avenue frontage.
14. The parking standards for the D2 and D1 uses are set out in sections PS10 and PS12 of the Brent UDP (2004) respectively. The crèche would be permitted one space per five staff plus 20% for visitors, whilst the proposed use as a fitness centre is also permitted one space per five staff, plus one space per 60 visitors.
15. Officers in the Council's Transportation Unit have been consulted and raise no objection in terms of the impact of the proposal on parking. Given the small scale of the proposed use and its intended ancillary relationship to the approved pool, as well as the fact that a crèche was previously intended to be provided in this area, the proposal is not considered to significantly affect parking availability in the area or generate a significant level of additional vehicle movements to and from the site. It is also borne in mind that the proposed use would not attract the concentrated 'pick-up' and 'drop-off' movements typically associated with a crèche for example. The opening hours of the fitness suite can be conditioned to be those of the centre as a whole. The swimming pool was previously considered acceptable in transportation terms, as was the centre as a whole and the provision of a small fitness suite is not considered to unacceptably worsen the parking situation in the area. The proposal is therefore considered acceptable in transportation terms.

Other issues:

16. A large body of local concern is centred around the visual state of the building and it's having been under construction for a long period of time. This is understandable. It is acknowledged that the building remains unfinished since permission was originally granted for extensions in 1998. Scaffolding has recently been removed from the tower however areas of the building remain unfinished including the

single storey extensions which are prominent on the building but are not yet finished.

17. The applicant has submitted a phasing plan for the development, as requested by Officers. The applicant indicates that their intention is to continue the implementation of permission 10/3199 from September 2015 with the intention of completing and opening the facility in September 2016. The intention would then be to re-commence work on the remainder of the building in October 2016 with the intention of completing the entire project by December 2017. The applicant has indicated that the hoarding is intended to be removed and the railings and landscaping installed within 12 months. The café and seating area and the remaining work to the tower is intended to be completed within 12 months. All exterior work is intended to be completed within 15 months. The approved plans for the single storey extension fronting Wrentham Avenue show this finished in a green wall; the applicant has indicated that until the green wall is installed a temporary banner displaying a graphic of a green wall would be installed to improve the visual appearance of this element.
18. This offers some comfort in indicating the applicants' intentions for the site moving forward however Officers appreciate the level of local concern surrounding the length of time the works have taken so far. It is considered appropriate however to secure implementation of the external hard and soft landscaping works prior to the first occupation of the fitness suite currently proposed. Permission 10/3199 included a similar condition requiring landscaping to be provided on site prior to the occupation of the development which the applicants would still need to comply with. This would ensure some visual enhancements to the site and provide an appropriate setting for the proposed development.

Conclusion:

19. Overall the proposal is considered an acceptable use on the site in principle which would contribute to the overall provision of community facilities on the site, particularly when it is considered within the context of previous proposals on the site. The use is considered to have an acceptable impact on the amenities of neighbours and is considered acceptable in transportation terms. The proposed changes to the hard and soft landscaping and elevational changes are considered to have an acceptable impact on the character of the host building and surrounding area. The proposal is therefore considered an acceptable form of development which complies with the Development Plan and is recommended for approval.

DRAFT DECISION NOTICE



Brent

DRAFT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

DECISION NOTICE – APPROVAL

Application No: 15/1588

To: Mr Stephen Rickhards
Burke Rickhards Ltd
Devcor House
91 North Hill
Plymouth
PL4 8JT

I refer to your application dated 16/04/2015 proposing the following:
Change of use of previously approved creche (Use Class D1) to fitness suite (Use Class D2) and reception area. Amendments to external works to include alterations to bin and cycle storage, hard and soft landscaping and entrance gate
and accompanied by plans or documents listed here:
See condition 2.
at The Maqam Centre, Tiverton Road, London, NW10 3HJ

The Council of the London Borough of Brent, the Local Planning Authority, hereby GRANT permission for the reasons and subject to the conditions set out on the attached Schedule B.

Date:

Signature:

Head of Planning, Planning and Regeneration

Notes

1. Your attention is drawn to Schedule A of this notice which sets out the rights of applicants who are aggrieved by the decisions of the Local Planning Authority.
2. This decision does not purport to convey any approval or consent which may be required under the Building Regulations or under any enactment other than the Town and Country Planning Act 1990.

DnStdG

SUMMARY OF REASONS FOR APPROVAL

1 Overall the proposal is considered an acceptable use on the site in principle which would contribute to the overall provision of community facilities on the site, particularly when it is considered within the context of previous proposals on the site. The use is considered to have an acceptable impact on the amenities of neighbours and is considered acceptable in transportation terms. The proposed changes to the hard and soft landscaping and elevational changes are considered to have an acceptable impact on the character of the host building and surrounding area. The proposal is therefore considered an acceptable form of development which complies with the Development Plan.

1 The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

2115-300-G
A-2115-300
2115-130
2115-200 E
2115-200
2115-110B
2115-110
2115-100A
2115-201 C

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The landscape works and planting shown on the approved plans shall be carried out in full:-
(a) prior to the occupation of any part of the development;
(b) in accordance with a programme agreed in writing with the Local Authority. The programme must include details of future maintenance arrangements.

Any planting that is part of the approved scheme that within a period of five years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same position, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the development and to ensure that the proposed development enhances the visual amenity of the area.

4 The community centre, including the fitness suite hereby approved, shall not be used outside the hours of 0900-2100 from Sunday to Thursday and 0900-2300 on Fridays and Saturdays. The external patio area on the Wrentham Avenue frontage shall not be used outside the hours of 0900-1900 on any day.

Reason: To preserve the amenity of adjoining occupiers and the area generally.

5 No music, public-address system or any other amplified sound shall be audible at any boundary of the site.

Reason: To preserve the amenity of adjoining occupiers and the area generally.

- 6 Prior to the first use of the development hereby approved, the existing dropped kerb serving the site on Wrentham Avenue shall be removed and the kerb and footpath reinstated and existing on-street bays extended at the cost of the developer and to the satisfaction of Transportation Section at Brent Council, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- 7 Prior to the first use of the development hereby approved, details shall be submitted in pursuance of the outstanding pre-commencement conditions of approved permission ref: 08/1509. Such details shall be submitted to and approved in writing on site by the Local Planning Authority and the agreed details implemented on site prior to the first use of the development hereby approved.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- 8 A Management Plan relating to the use of the fitness suite, including use by the general Public, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use of the facility and any such plan, as is agreed, shall be fully implemented.

Reason: To ensure community use of the facility and assess likely highway implications of the use.

- 9 Prior to the installation of the brick walls and piers around the site, details of the materials to be used, including details of bricks and pier caps shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the agreed details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

INFORMATIVES

- 1 The removal of a crossover fronting Wrentham Avenue including the reinstatement of the public footpath shall be carried out by the Council as the Local Highway Authority at the applicant's expense. Such application should be made to the Council Highway Consultancy. The grant of planning permission, whether by the Local Planning Authority or on appeal does not indicate that consent will be given under the Highways Act.

Any person wishing to inspect the above papers should contact David Raper, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 020 8937 5368