



Full Council
2 March 2015

**Report from the Strategic Director of
Regeneration & Growth**

Wards affected:
Alperton, Harlesden, Kensal Green,
Stonebridge, Tokyngton

**Old Oak and Park Royal Development Corporation Scheme
Of Delegation**

1.0 Summary

1.1 Agreement is sought for the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation. This Scheme of Delegation is an arrangement between the OPDC and the London Borough of Brent, which formalises the delegation of certain planning functions from the OPDC to London Borough of Brent in those parts of the OPDC area that fall within the borough boundary.

2.0 Recommendations

2.1 That Members:

2.2 Agree the OPDC Scheme of Delegation for Planning Functions in the London Borough of Brent, as set out in Appendix A.

2.3 Agree the Protocol for handling planning applications and other planning – related functions attached as Appendix B.

2.4 Agree that the functions to be discharged by the Council on behalf of the OPDC be delegated to the Planning Committee and officers in accordance with the current arrangements for carrying out planning functions and that the Planning Committee Terms of Reference and Part 4 of the Constitution be amended accordingly as shown underlined in Appendix C.

2.5 Agree that any minor ancillary matters arising from time to time in respect of the Scheme of Delegation or the Protocol are delegated to the Strategic Director, Regeneration & Growth.

2.6 Agree that the matters set out in 2.1 – 2.4 above take effect from 1st April 2015 or such other time as the OPDC planning functions become effective.

3.0 Background

3.1 Under the Localism Act 2011 the Mayor of London has powers to establish a Mayoral Development Corporation ('MDC'). The Old Oak and Park Royal Development Corporation Establishment Order was made on 23rd January 2015 and comes into effect on 1st April 2015. The OPDC has been established to drive forward the regeneration of Old Oak and Park Royal in light of the proposed HS2 interchange. The corporation boundary includes land within Brent, Ealing and Hammersmith & Fulham (see Appendix A for map of boundary). The OPDC can acquire planning functions for the area covered by the MDC and it is understood that the Planning Order will be made and will come into effect on 1st April 2015. Accordingly from 1st April 2015, the OPDC will become the Local Planning Authority for the land within its boundary.

3.2 The OPDC will have a Planning Committee that includes one elected member from each of the three boroughs affected. The Council supported this approach, as although the majority of development will be located within Hammersmith & Fulham, some will be within Brent and all will have considerable impacts on the wider infrastructure and populations in Brent and Ealing.

3.3 The OPDC will also have a Board comprising an elected member from each of the three boroughs affected, a representative from the Greater London Authority, Transport for London, Department for Transport, High Speed 2, Network Rail, a local business representative, a representative from the residential community, the Chair of the OPDC Planning Committee, an independent business representative, an expert in regeneration and an expert in education. The OPDC Board will be seeking a nominated representative of Brent Council to serve on the Board. The Council will also need to nominate an elected member to represent the Council on the OPDC Planning Committee at Full Council on 20th May 2015. In both cases it will be for the Mayor of London to make the appointment, and the Council's schedule of appointments to outside bodies will be amended accordingly. Details around the need for an alternate for both the Board and Committee are yet to be finalised.

3.4 Under the Localism Act 2011, the OPDC can delegate some of its planning functions back to the Council. The OPDC therefore is seeking agreement to a Scheme of Delegation between OPDC and Brent. The Scheme is attached as Appendix A. In summary it is proposed the OPDC will delegate back the following functions:-

- Planning Applications – the OPDC will delegate planning applications for certain types of development to Brent for determination on OPDC's behalf. Generally, the OPDC would delegate minor applications to Brent, however, there are some exceptions as set out in full in the appendix.
- Appeals - Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to Brent, responsibility for defending that appeal will also be delegated to Brent.
- Section 106 Agreements - Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to Brent.

- 3.5 The OPDC will not be able to delegate any of its functions until the Scheme of Delegation is agreed. Should Full Council not agree the Scheme, on becoming the Local Planning Authority on 1st April 2015 the OPDC will determine all applications in those parts of the OPDC area that fall within the Brent's boundary.
- 3.6 In addition to the Scheme of Delegation OPDC and Brent officers have developed a protocol setting out a commitment to working together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns. The protocol is included in full in Appendix B, in summary it sets out the following:-
- Pre-application advice, submission, validation and determination of planning applications - All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority. OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to Brent as soon as is reasonably practicable and within 5 working days of receipt.
 - Enforcement - Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and Brent will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
 - Locally Listed Buildings - OPDC will maintain a local list of heritage assets in the Mayoral development area. At present there is only one locally listed building within the area – Canal Cottage, Twyford. Where it is considered appropriate to add a building or structure to the local list, OPDC and Brent will cooperate in that process.
 - Designation of Conservation Areas - Where it is considered appropriate to designate a conservation area, OPDC and Brent will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.
 - Local Land Charges - OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with Brent.
 - London Development Database - OPDC will provide Brent with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission.
 - Local Land and Property Gazetteer - Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with Brent. OPDC will provide London Borough of Brent with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN.

- Annual Monitoring Report - OPDC will provide Brent with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report.

4.0 Financial Implications

- 4.1 There are no immediate or major financial implications relating to this report as it is not envisaged that the proposals would result in any significant reduction in the number of Planning applications determined by Brent. Any additional call on staffing and other financial resources will need to be contained within the current budget available to the service supplemented by any additional income generated.
- 4.2 Within the Scheme of Delegation proposals the OPDC will transfer the planning application fee for all delegated applications to Brent. Where Brent are to determine the application, Brent will provide pre-application advice in accordance with its established pre-application charging service. Where appropriate, OPDC will strongly encourage applicants to contribute to Brent's costs of resourcing its involvement in the application. If the Scheme of Delegation is not agreed no planning applications and therefore no fees will be transferred to Brent.
- 4.3 Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer. Where Brent determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, Brent will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

5.0 Legal Implications

- 5.1 Part 8 Chapter 2 of the Localism Act 2011 provides the legislative basis for the Mayor of London to designate a Mayoral Development Area and for the planning functions for that area to be undertaken by the resulting Mayoral Development Corporation. Section 203 of the Localism Act 2011 enables the Mayoral Development Corporation (in this case the Old Oak and Park Royal Development Corporation) to make arrangements for the discharge of planning functions under Part 3 of the Town and Country Planning Act 1990 to be undertaken by the Council responsible for that area. Where such arrangements are in place the Council may make arrangements for those functions to be discharged by a committee, sub committee, or officer of the Council.
- 5.2 The Old Oak and Park Royal Development Corporation proposed Scheme of Delegation seeks to transfer certain planning functions back to the Council and it is recommended to members that such functions be undertaken by the Council through its Planning Committee and by officers on the same basis that planning functions are currently carried out.
- 5.3 The Localism Act also provides that the Mayoral Development Corporation may seek that the Council give assistance with the Mayoral Development Corporation's discharge of its functions under Part 2 or Part 3 of the Planning and Compulsory Purchase Act 2004. Some of those functions arise under the proposed Protocol between Old Oak and Park Royal Development Corporation and the Council.

5.4 Section 110 of the Localism Act 2011 (and as the National Planning Policy Framework paragraphs 178-181 refers), provides that Old Oak and Park Royal Development Corporation and Brent have a duty to cooperate, engage constructively and actively on an ongoing basis in relation to planning of sustainable development.

6.0 Diversity Implications

6.1 The proposal to establish the OPDC has been subject to an assessment on equality and inclusion. The Mayor has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between different minority groups. The assessment states the Mayor will take these duties into account when making any decisions relating to the OPDC, and would expect to work with the OPDC to involve women, BAME and disabled groups in its work. The Council has a duty under S149 Equality Act 2010 to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. There are no apparent equalities issues arising from the matters to be decided by members in this report.

7.0 Staffing/Accommodation Implications

7.1 The OPDC will determine some applications which otherwise would have been determined by Brent. However, based on an assessment of previous levels of applications within the OPDC area it is not envisaged this would result in a significant reduction in the number of planning applications determined by Brent. Furthermore, there will be resource implications in terms of providing comments and guidance to the OPDC and sharing data.

8.0 Environmental Implications

8.1 As the local planning authority the OPDC will need to ensure planning applications accord with the requirements of the Town and Country Planning (EIA) Regulations 2011. The regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

Contact Officers

Any person wishing to inspect the above papers should contact Claire Jones, Planning & Development 020 8937 5301.

Andy Donald
Strategic Director, Regeneration & Growth

Appendix A

Old Oak and Park Royal Development Corporation – Scheme of Delegation for Planning Functions in the London Borough of Brent

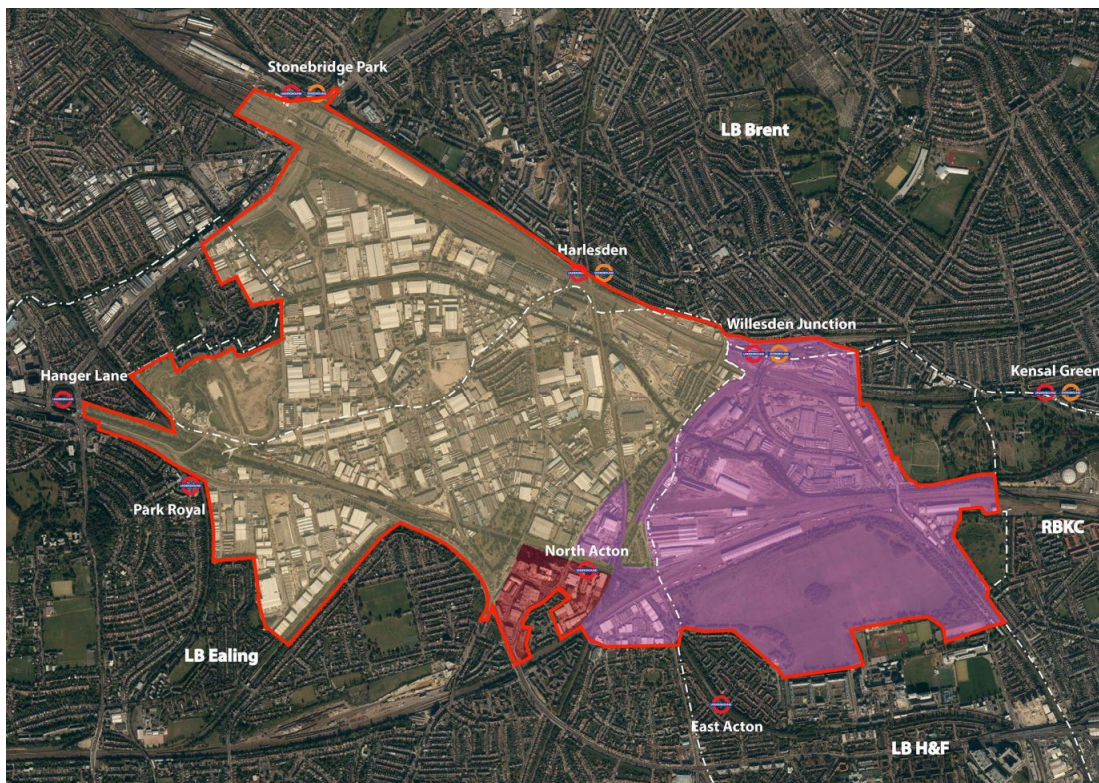
1. Introduction and purpose

This Scheme of Delegation is an arrangement between the Old Oak and Park Royal Development Corporation (“OPDC”) and the London Borough of Brent (“LBB”), which formalises the delegation of certain planning functions from the OPDC to LBB in those parts of the OPDC area that fall within the LBB boundary.

What follows is a guide to the types of planning applications and other planning functions that will be delegated to and dealt with by LBB. It should be read in conjunction with the attached protocol for delegated applications (Appendix I).

2. Geographical coverage

The OPDC area is divided into three sub-areas: Old Oak; Park Royal; and North Acton. Two of these sub-areas, Old Oak and Park Royal, fall within the LBB boundary (see pink and yellow areas on map below). Different arrangements for the delegation of planning functions are in place in the North Acton sub-area, which falls within the London Borough of Ealing and is subject to a separate Scheme of Delegation. This Scheme of Delegation applies only to those parts of the Old Oak and Park Royal sub-areas that fall within the LBB boundary.



3. Functions to be delegated to LBB

a) OPDC will delegate planning applications for the following types of development to LBB for determination on OPDC's behalf:

i) in Old Oak:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 10 new units in use class C3 or less than 1,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- material change of use of existing buildings, including listed buildings, below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) below 1,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis;
- transport applications related to new and/or altered road crossovers;
- transport measures related to an individual unit as per C1, C2, C2A, and C3 of the Use Class Order 1987;
- transport measures related to individual units below 1,000 sqm as per A1 to A5, B1 to B8, D1 to D2 and sui generis of the Use Class Order 1987.

ii) in Park Royal:

- material change of use of existing buildings, including listed buildings, from C1, C2, C2A, C3 or C4, to any other use;
- alterations, conversions and extensions to existing buildings, including listed buildings, in use classes C1, C2, C2A, C3 or C4;
- the construction of less than 50 new units in use class C3 or less than 5,000 sqm of floorspace for a use falling in class C1, C2 or C4 of the General Use Classes Order 1987 (as amended);
- alteration, extension and construction of buildings, structures or land (including listed buildings or listed structures) of less than 10,000 sqm in use classes A1 to A5, B1 to B8, D1, D2 and sui generis (excluding waste development);
- waste facilities with a waste capacity throughput of less than 50,000 tonnes;
- development for a use, other than residential use, that includes provision of less than 200 car parking spaces in connection with that use;
- development that comprises or includes mining operations (meaning the winning and working of minerals in, on or under land, whether by surface or underground working) .

b) Other types of applications delegated to LBB for determination:

- Reserved matters applications submitted in connection with planning permission for a type of development falling under the thresholds set out in part a) above
- Discharge or variation of conditions on a planning permission for a type of development falling under the thresholds set out in part a) above
- Non-material (S96a) and minor material (S73) amendments to a planning permission for a type of development falling under the thresholds set out in part a) above

c) Appeals:

Where an appeal is made under Section 78 of the Town and Country Planning Act 1990 in respect of an application delegated to LBB, responsibility for defending that appeal will also be delegated to LBB.

d) Section 106 agreements:

Where a Section 106 agreement is required to make a delegated application acceptable in planning terms, responsibility for negotiating the agreement and signing on behalf of OPDC will be delegated to LBB.

e) Exceptions:

- In Park Royal, applications for the relocation of existing uses from one location to another within the Mayoral Development Area will be determined by OPDC and not delegated to the borough.
- In Park Royal, applications for new and altered vehicle, rail, pedestrian and cycle infrastructure including but not limited to applications for new roads, tunnels and bridges, will be determined by OPDC and not delegated to the borough.
- In exceptional cases, applications for types of development that exceed the thresholds set out in part a) above, may be delegated to LBB by mutual agreement between OPDC and LBB.
- In exceptional cases, applications for types of development under the thresholds set out in part a) above, may be determined by OPDC if they raise issues of strategic importance or have implications for the coordinated planning and regeneration of the area.

Appendix B

Protocol for handling planning applications and other planning-related functions

Background

On 1st April 2015, OPDC will assume all the powers of a local planning authority in respect of the entirety of the designated Old Oak and Park Royal Mayoral Development Area that are listed in sections 202 (2) to (5) inclusive of the Localism Act 2011.

Under section 110 of the Localism Act 2011 and as set out in the National Planning Policy Framework (paragraphs 178-181), OPDC and LBB have a duty to cooperate on planning issues. The purpose of this protocol is to facilitate general cooperation between the parties with respect to the range of planning functions and to define roles and responsibilities in relation to those functions.

As a general principle, OPDC and LBB commit to work together to ensure a coordinated approach to development, the identification of strategic planning priorities and the resolution of joint planning issues and concerns.

Where information and documentation is exchanged between OPDC and LBB, this will be done electronically insofar as practicably possible.

Pre-application advice

- All requests for pre-application advice will be submitted in the first instance to OPDC as local planning authority.
- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation will be forwarded to LBB as soon as is reasonably practicable and within 5 working days of receipt.
- LBB will provide pre-application advice in accordance with its pre-application charging service.
- For proposals that will be determined by OPDC, LBB will be notified of the pre-application request and invited to attend relevant meetings.

Submission, validation and determination of planning applications

- All applications for planning permission and other types of planning consent will be submitted to OPDC in this first instance, as the local planning authority.
- Any applications submitted to LBB in error shall be returned to the applicant, with advice to resubmit to OPDC.

- OPDC will assess the proposal against the thresholds in the Scheme of Delegation. Proposals that meet the criteria for delegation to LBB will be transferred as soon as is reasonably practicable and within 5 working days of receipt.
- OPDC will transfer the planning application fee for all delegated applications, to LBB in a single monthly payment no later than the 10th day of the month following receipt of the applications.
- LBB will be responsible for registering, validating, publicising and undertaking all necessary consultations and ensuring procedural requirements are followed on delegated applications .
- LBB will validate delegated applications in accordance with its Local Validation Checklist.
- LBB will be responsible for publishing delegated applications on its Part 1 (applications pending) and Part 2 (applications determined) registers in accordance with its normal practice.
- LBB will use all reasonable endeavours to determine delegated applications within the relevant statutory determination period as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- OPDC will carry out statutory consultation on planning applications that it will determine. OPDC will consult LBB on such applications within or proximate to its area, allowing a minimum of 21 days to respond, such period to be extended by mutual agreement on a case-by-case basis.
- OPDC acknowledge that for large scale developments, LBB may wish to report the application to its own planning committee for comment. In such cases, LBB will do so expediently and in accordance with any timescale agreed with OPDC, so as not to unduly delay determination of the application by OPDC.

Enforcement

- Unless otherwise agreed, OPDC will undertake planning enforcement functions in the Mayoral development area and will authorise enforcement action where it is expedient to do so. OPDC and LBB will cooperate with one another to ensure a coordinated approach to enforcement against breaches of planning control in the Mayoral development area.
- OPDC will work proactively with LBB to cooperate on enforcement action where there is a failure to comply with legal obligations pursuant to section 106 of the Town and Country Planning Act 1990, particularly where those obligations relate to payments or infrastructure to be passed to or otherwise to the benefit of the borough.

Listed buildings

- OPDC will maintain a local list of heritage assets in the Mayoral development area. Where it is considered appropriate to add a building or structure to the local list, OPDC and LBB will cooperate in that process.
- OPDC will consult LBB on applications for listed building consent within its area. In determining applications for listed building consent, OPDC and LBB shall cooperate in making appropriate resources available to advise on matters in relation to the proposal.

Section 106 monitoring

- Where OPDC determines a planning application subject to a section 106 agreement, it will be responsible for monitoring the section 106 agreement and will receive the monitoring fee from the developer.
- Where LBB determines a delegated planning application and signs a section 106 agreement on OPDC's behalf, LBB will be responsible for monitoring that section 106 agreement and will receive the monitoring fee either directly from the developer or via OPDC.

Appeals

- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of an application determined by OPDC, OPDC will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an appeal is made under s78(a) of the TCPA 1990 or s20 of the Listed Buildings and Conservation Areas Act 1990 in respect of a delegated application determined by LBB on OPDC's behalf, LBB will be responsible for defending that decision and resourcing the appeal appropriately.
- Where an award of costs is made by an appeal inspector, the lead authority defending or resourcing the appeal in question will bear the liability for, or receive the benefit of, those costs as appropriate.

Planning history

- Where OPDC receives a planning application, it shall endeavour to obtain the planning history from the LBB website.
- Where OPDC is unable to obtain the complete planning history from the LBB website, OPDC will request the planning history direct from LBB. Where such a request is made, LBB will provide the planning history to OPDC within 5 working days.

Planning Performance Agreements

- OPDC will enter into Planning Performance Agreements with applicants on a case-by-case basis. It will consult LBB on any draft PPA affecting land within its area and will include an appropriate timescale for consultation with the borough. As LBB will bear resource costs associated with reviewing planning applications, OPDC will strongly encourage applicants to contribute to LBB's costs of resourcing its involvement in the application.
- LBB will be free to enter into Planning Performance Agreements with applicants on delegated applications.

Designation of Conservation Areas

- Where it is considered appropriate to designate a conservation area, OPDC and LBB will cooperate in that process both in defining the extent of the conservation area and the content of the appraisal document, making relevant resources available as appropriate.

Local Land Charges

- OPDC will not be designated as the registering authority for the area and responsibility for registering local land charges under the Local Land Charges Act 1975 will remain with LBB.
- OPDC will provide LBB with sufficient information to register a local land charge, in relation to:
 - Planning applications, listed building, advertisement and other planning consents submitted to OPDC, and copies of resolutions and decision notices issued by OPDC in relation to such applications;
 - Copies of enforcement, breach of condition and stop notices served by OPDC; and copies of resolutions and decisions to instigate enforcement proceedings;
 - Environmental impact assessment screening and scoping opinions made by OPDC;
 - Provisional and confirmed tree preservation orders and conservation area designations made by OPDC;
 - Agreements made by OPDC under section 106 of the Town and Country Planning Act 1990 and sections 38 and/or 278 of the Highways Act 1980;
 - Local Development Orders made by OPDC;
 - Compulsory Purchase Orders made by OPDC;
 - traffic schemes;
 - details of assets of community value made pursuant to section 87 of the Localism Act 2011;
 - liability for community infrastructure levy;
 - any appeal against OPDC.

- OPDC will provide this information within five working days of the relevant document being received or completed, as appropriate.

London Development Database

- Responsibility for completing information returns to the London Development Database will continue to be the responsibility of LBB, in accordance with the Information Scheme agreement in place with the LDD.
- OPDC will provide LBB with sufficient information to report relevant planning permission and development completion information in relation to developments for which it grants planning permission. Such information will be provided in a monthly report of planning permissions and prior approvals granted and appeals allowed in whole or in part that involve:
 - New build residential units or any loss or gain of residential units through change of use or conversion of existing buildings
 - Seven or more new bedrooms for hotels, hostels, student housing or residential homes
 - 1,000 sq.m. or more of floorspace changing from one use class to another or created through new build or extension in all other non-residential categories
 - The loss or gain or change of use of open space
- LDD will enter on the LDD all planning permissions granted to the above definition within three months of the decision date.
- OPDC will provide LBB with monitoring data for planning permissions especially starts and completions including date of action/date of survey/evidence (e.g. site visit, letter from developer).
- LBB will update the LDD with start and completion dates on an annual basis.
- OPDC will cooperate with LBB to respond to any queries raised by LDD

Local Land and Property Gazetteer

- Responsibility for updating the Local Land and Property Gazetteer (LLPG), create new addresses and Unique Property Reference Numbers (UPRN) will remain with LBB.
- OPDC will provide LBB with sufficient information to maintain the LLPG and to allocate new UPRNs for properties without an existing address and/or UPRN. Such information will comprise:
 - Site plan
 - Address comprising Building Name (if applicable), Building Number (if applicable), Street Name, Postcode

- Easting and Northing
 - Details of the use
 - What was previously on the site including the LLPG UPRN. If a building is sub-divided and each sub-division has its own address, the floor number of each unit should be provided
 - Information will be sent to pdb@brent.gov.uk within three working days of receipt by OPDC
- LBB will process the above information according to its standard procedures and shall provide the information on new properties to OPDC by email (or another format as may be agreed) within five working days.

Freedom of Information Requests

- Requests made under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 will be dealt with by the authority the request is made to.

Annual Monitoring Report

- OPDC will provide LBB with information relating to developments in the Brent part of the Mayoral development area, in order to inform its Annual Monitoring report. The relevant monitoring points, derived from the Core Strategy and Site Specific Allocations document, are set out in tables 1 and 2 below.

Table 1: Core strategy monitoring targets

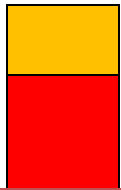
| Performance Measure | Target | Monitoring Point | Specific policies to be monitored |
|---|--|--|--|
| Amount of land developed or redeveloped in Park Royal for employment purposes (Core) | Development or redevelopment of 50 hectares of land for employment purposes | 1200m ² annual net increase in gross internal floorspace (m ²) for BI & other suitable employment uses in Park Royal area to 2017. When: Annually | CP3 and CPI2 |
| No net loss of floorspace in other SIL and LSIS (Core) | No Net loss of floorspace in SIL & LSIS outside of site specific allocations (Park Royal has separate target). | No net loss of gross internal floorspace (m ²) for use classes BI and related uses 2007-2017 in SIL and LSIS When: Annually | CP1, CP3 and CP20 |
| Secure job placements from new development | Secure 800 job placements p.a from 2007-17. | Number of placements made by Brentin2Work each year. When: Annually | CP1 |
| Provision of new or extended community facilities. | Provide new community facilities at a rate of 370 m ² per 1000 new population created by | New or extended floorspace that meets rate of population growth. When: Annually | CP7, CP8, CP9, CPI0, CPI1 and CP23 |

| | | | |
|---|---|--|------------------------------------|
| | new housing development. | | |
| Provide new school places for increased population. | Approval for and construction of new and extended schools in Growth Areas and Park Royal as set out in policies CP7 to CP12 inclusive | Number of new schools and extensions to schools with permission for development and completed or underconstruction by 2017. When: Annually | CP7, CP8, CP9, CP10, CP11 and CP12 |
| Health Facilities-facilities to meet GP service needs as set out in IIF. | To meet target for GP facilities related to population growth needs. | Secure floorspace for 1 GP per 1500 new population. When: Annually | CP7, CP8, CP9, CP10, CP11 and CP12 |
| Total additional Homes (Core) | Minimum of 11,200 homes (9150 self contained) supplied 2007/8 -2016/17 | No. of homes completed in borough. When: Annually | CP2 |
| No. of affordable Units (Core) | Minimum of 4,575 or 50% completions; 2007/8 - 2016/17. | No. of completed units. When: Annually | CP2 |
| Ensure reasonable proportion of family homes (Core) | That 25% of all self-contained homes are 3 bed or larger. | No. of new family homes completed per annum. When: Annually | CP21 |
| Wheelchair adaptable | 10% (of 10 units + schemes) | No. of completed new homes that are wheelchair adaptable. When: Annually | London Plan Policy 3.8Bd* |
| Lifetime homes. | 100% | No. of completed new homes built to lifetime home standards. When: Annually | London Plan Policy 3.8Bc* |
| Secure interchange improvements | Secure major improvements at First Central by 2017 | Record Planning Obligations and direct works that secure improvements. When: Annually | CP14 and CP15 |
| Protection of all open space of value (Core) | No net loss of open space to alternative uses | Amount of open space lost to alternative uses. When: Annually | CP18 |
| Protection of areas designated for intrinsic environmental value including sites of national | No net loss of areas of wildlife and nature conservation importance | No net loss of land of nature conservation value on designated sites (SSSI, local nature reserves, Sites of more than local Importance for | CP18 |

| | | | |
|--|--|---|---|
| or regional/sub-regional significance (Core) | | Nature Conservation) When: Annually | |
| Improvement of existing and provision for new areas of nature conservation. | Enhance and increase nature conservation areas. Reduce area of wildlife deficiency. | Monies negotiated through S106 agreements for application sites in areas of deficiency, where monies have been spent and extent of areas of wildlife deficiency. When: Annually | CP18 |
| New Tree Planting for new neighbourhoods. | To meet tree planting targets in growth area Park royal 4,000 | Count of new trees planted in growth areas. When: Annually | CP7, CP8, CP9, CP10, CP11 and CP12 |
| Provision for new or improved Children's Play Areas. | Meet standards on children's play as set out in Infrastructure & Investment Framework. | Measure number of compliant schemes. When: Annually | CP5, CP7, CP8, CP9, CP10, CP11 and CP18 |
| Installation of Sustainable Urban Drainage systems (SUDS) in new development. | Appropriate major proposals should secure SUDS or apply water retention or harvesting measures | Applications which include SUD measures. When: Annually | London Plan Policy5.13A* |
| Safeguard existing waste facilities and secure land for new waste operations. | Net increase of waste facilities. No net loss of existing waste facilities. | Planning approvals p.a. When: Annually | London Plan policy 5.17G* and 5.17H* |
| Protection of existing community facilities | No net loss of community facilities unless compensation provided | Number of applications approved resulting in the net loss of a community facility for which no compensation made through planning obligation or other agreement. When: Annually | CP23 |

Table 2: Site Specific Allocations monitoring

| | |
|--|-------------|
| | Completed |
| | On target |
| | Later years |



Behind target

No progress & behind target

| Site Specific Allocation | Landowner | First phase housing complete | Other land uses proposed | Target date for planning application | Achievement 2011-12 |
|---|------------------|-------------------------------------|--|--|---|
| PR1 Former Guinness Brewery | Private | N/A | Industry and warehousing | Planning permission 2008 | Hybrid planning permission granted for plot 1 and 2 development (12/2862) |
| PR2 First Central | Private | 2014 | BI offices / hotel | Planning permission for offices/hotel 1999 part implemented. Planning application for residential 2010 | Planning Permission granted for 545 housing units in March 2012(10/3221) |
| PR3 Former CentralMiddlesex Hospital | Private | N/A | Hospital expansion and industrial / employment development | Planning application 2012 | Revised planning application June 2012. |

Appendix C

PLANNING COMMITTEE

Membership

- The committee comprises 8 councillors.

Terms of Reference

1. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) in respect of the following types of development:-
 - (i) construction of 20 or more dwellings;
 - (ii) outline residential development with a site larger than 0.1 hectare (approximately ¼ acre);
 - (iii) construction of non-residential building exceeding 500 sq. metres in floorspace outside a designated employment area; and
 - (iv) outline non-residential development with a site larger than 0.1 hectare (approximately ¼ acre), outside a designated primary employment area.
2. To determine applications for planning permission, consent or approval (including listed building and conservation area consent) which the Planning Committee has specifically indicated it wishes to consider itself.
3. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which at least three members of the Council have requested, in accordance with the Planning Code of Practice, be considered by the Planning Committee
4. To determine any other application for planning permission, consent or approval (including listed building and conservation area consent) in respect of which written objections have been received from 3 or more households or businesses except where those objections relate to:-
 - (v) Alterations to residential buildings including extensions, outbuildings (including garages), walls, vehicular accesses and hardstandings, and porches
 - (vi) satellite television dishes or aerials
 - (vii) other domestic aerials
 - (viii) certificates of lawful use or development (except applications which relate to the lawfulness of the use of a dwelling house by more than one family unit)

AND except where the officers are in any event minded to refuse the permission, consent or approval.

5. To determine any application for planning permission, consent or approval (including listed building and conservation area consent) which would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, significantly conflict with Council policies.
6. To determine any application for, or revocation of, planning permission or consent or approval (including listed building and conservation area consent) in case where the approval or revocation would, in the reasonable opinion of the Strategic Director Regeneration and Growth or the Head of Area Planning, give rise to the payment of compensation.
7. To authorise the service of an enforcement or stop notice in respect of breaches of planning, listed building, advertisement and hazardous substances control where such action would involve the payment of compensation.
8. To agree to enter into agreements pursuant to section 106 of the Town and Country Planning Act 1990, section 38 of the Highways Act 1980 or any other agreements required in connection with any permission, consent or approval granted by the committee and to authorise officers to make such agreements subject to such restrictions as it considers appropriate.
9. To determine any matter relating to planning or hazardous substances which are delegated to officers, other than Executive functions, but which the Strategic Director Regeneration and Growth or Head of Area Planning considers appropriate for the committee to consider.
10. To authorise the making of Tree Preservation Orders in cases where the relevant officer has declined to make an order.
11. In relation to other planning and/or development control matters:
 - (a) where requested by officers or the Cabinet to do so, to provide comments back to them on any applications for development in neighbouring boroughs and any changes to planning policy in other boroughs.
 - (b) to consider and recommend to the Cabinet or officers amendments to adopted or draft development plan documents, supplementary planning documents, planning briefs or other similar documents.
 - (c) to comment on development proposals following presentations by applicants and their agents of more significant proposals at a pre-application stage

12. To determine, agree, or authorise matters delegated to the Council under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation and the Protocol agreed by Full Council on 2nd March 2015, so far as they fall within those functions delegated to this Committee as set out in paragraphs 1 – 11 above and subject to the limitations below.

Limitations

- (a) None of the above will apply to any application for permission or consent which the Council is required to refuse in accordance with a direction to do so from the Mayor of London or any Minister of the Crown issued pursuant to any legislative provision in which case the refusal shall be issued by the Strategic Director Regeneration and Growth or the Head of Area Planning but reported to the Planning Committee for information.
- (b) Nothing in paragraphs 1-12 above shall apply to applications for permission for telecommunication masts submitted by telecom operators under Part 24 of Town and Country Planning (General Permitted Development) Order if the meeting at which the matter would be considered would take place after the deadline specified in that order for responding to the application in which case the application may, for the avoidance of doubt, be determined by officers under delegated powers.

TABLE 1

FUNCTIONS WHICH CANNOT BE EXERCISED BY THE CABINET

| (1) | (2) | (3) |
|---|---|--|
| <i>Function</i> | <i>Provision of Act or Statutory Instrument</i> | <i>Decision maker</i> |
| A. Functions relating to town and country planning and development control | | All of the functions listed under this section A will be exercised by the Strategic Director Regeneration and Growth and/or the Head of Area Planning or by a person nominated or authorised by the Strategic Director Regeneration and Growth , except those functions which are the responsibility of the Planning Committee or which are required to be determined by Full Council |
| 1. Power to determine application for planning permission. | Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990. | |
| 2. Power to determine applications to develop land without compliance with conditions previously attached. | Section 73 of the Town and Country Planning Act 1990. | |
| 3. Power to grant planning permission for development already carried out. | Section 73A of the Town and Country Planning Act 1990. | |
| 4. Power to decline to determine application for planning permission. | Section 70A of the Town and Country Planning Act 1990. | |

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| <p>5. Duties relating to the making of determinations of planning applications.</p> | <p>Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> | |
| <p>6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p> | <p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p> | |
| <p>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p> | <p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p> | |
| <p>8. Power to enter into agreement regulating development or use of land.</p> | <p>Section 106 of the Town and Country Planning Act 1990.</p> | |
| <p>9. Power to issue a certificate of existing or proposed lawful use or development.</p> | <p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p> | |
| <p>10. Power to serve a completion notice.</p> | <p>Section 94(2) of the Town and Country Planning Act 1990.</p> | |
| <p>11. Power to grant consent for the display of advertisements.</p> | <p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.</p> | |

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| 12. Power to authorise entry onto land. | Section 196A of the Town and Country Planning Act 1990. | |
| 13. Power to require the discontinuance of a use of land. | Section 102 of the Town and Country Planning Act 1990. | |
| 14. Power to serve a planning contravention notice, breach of condition notice or stop notice. | Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990. | |
| 15. Power to issue an enforcement notice. | Section 172 of the Town and Country Planning Act 1990. | |
| 16. Power to apply for an injunction restraining a breach of planning control. | Section 187B of the Town and Country Planning Act 1990. | |
| 17. Power to determine applications for hazardous substances consent, and related powers. | Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990. | |
| 18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject. | Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act. | N/A |
| 18A. Power to issue a temporary stop notice | Section 171 E of the Town and Country Planning Act 1990 | |
| 19. Power to require proper maintenance of land. | Section 215(1) of the Town and Country Planning Act 1990. | |

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| <p>20. Power to determine application for listed building consent, and related powers.</p> | <p>Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |
| <p>21. Power to determine applications for conservation area consent.</p> | <p>Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.</p> | |
| <p>22. Duties relating to applications for listed building consent and conservation area consent.</p> | <p>Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 22 of Department of the Environment, Transport and the Regions Circular 01/01.</p> | |
| <p>23. Power to serve a building preservation notice, and related powers.</p> | <p>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |
| <p>24. Power to issue enforcement notice in relation to demolition of listed building in conservation area.</p> | <p>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |
| <p>25. Powers to acquire a listed building in need of repair and to serve a repairs notice.</p> | <p>Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |

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| <p>26. Power to apply for an injunction in relation to a listed building.</p> | <p>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |
| <p>27. Power to execute urgent works.</p> | <p>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> | |
| <p>28. Any other planning related functions which are or become a function which cannot be exercised by the Executive.</p> | | |
| <p>29. <u>Such of the functions listed in 1 – 28 above as shall arise under the Old Oak and Park Royal Development Corporation (OPDC) Scheme of Delegation agreed by the Council on 2nd March 2015</u></p> | <p><u>Section 203 Localism Act 2011</u></p> | |