Subject: Report of the Planning Committee
Meeting date: 7 November 2017
Report to: Board
Report of: Will McKee, Chair of the Planning Committee
Author: Mick Mulhern, Director of Planning

For Decision

This report will be considered in PUBLIC

1 Summary

1.1 This report provides recommendations in relation to OPDC’s Affordable Housing Nominations paper. The report also provides an overview of the key issues arising from OPDC’s public consultation on the revised draft (Regulation 19) Local Plan and an update on current strategic planning applications, schemes in advanced pre-application discussions and other applications received.

2 Recommendations

The Board is asked to:

2.1 Note the report and the associated appendices.

Affordable Housing Nominations Policy

2.2 Note OPDC Planning Committee’s comments on the Affordable Housing Nominations Policy as set out in this report.

2.3 Approve the Affordable Housing Nominations Policy for London Affordable Rented housing as set out in this report.

2.4 Approve the Affordable Housing Nominations Policy for Intermediate housing units (including London Living Rent and London Shared Ownership) as set out in this report.
Delegate to the Director of Planning the production of the detailed arrangements for the application of the nominations policy and the establishment of the processes that will underpin the working of the policy.

**Revised draft Local Plan Key Issues**

2.7 Note the key issues arising from the public consultation on the revised draft Local Plan (Regulation 19) as contained in Table 2.

**Update on planning applications**

2.8 Note the update on strategic planning applications, pre-application schemes and other planning applications received, as set out in Appendix A.

**3 Affordable Housing Nominations Policy**

**Housing Nominations Overview**

3.1 Local authorities have statutory duties under Part 6 of the Housing Act 1996 to nominate individuals to housing accommodation in accordance with a published housing allocations scheme. The scheme must secure that “reasonable preference” is given to a number of different categories of eligible persons. In determining priorities, the scheme may allow certain factors to be taken into account including any local connection which exists between an individual and the local authority they are being rehoused by. OPDC is not a local housing authority and is not required to undertake these duties; it does not have a list of eligible households from which to nominate. Therefore, OPDC intends to work with the London Boroughs of Brent, Ealing and Hammersmith and Fulham to enable them to nominate to the homes delivered within the OPDC area from their own housing allocations schemes.

3.2 Intermediate housing such as London Living Rent and Shared Ownership also provides an additional housing option for some people, if they can meet the required income and affordability criteria. Sometimes local authorities offer intermediate housing units to eligible households through their housing allocations schemes but may also operate specific intermediate housing waiting lists and advertise available intermediate units to households on this list. Intermediate housing units are also advertised London-wide on the Mayor of London’s First Steps platform.

3.3 Local authorities normally negotiate individual Nominations Agreements with Registered Providers as part of the planning process to ensure that the new housing supply can be used to meet local housing need. This enables local authorities to discharge their Housing Act duties and can also meet local intermediate housing needs.

3.4 Traditionally, local authorities secured 100 per cent of nomination rights to new affordable rented housing units for local housing applicants. However,
since the establishment of regional city-wide government in 1999 there has been a drive to increase housing mobility across the region for households in the social housing sector, much as there is for people living in the private sector who wish to move.

3.5 The pan-London mobility scheme, Housing Moves, was launched by the Mayor of London in 2012 to allow council or housing association tenants to move outside their existing borough to a different part of London. The scheme is open to current secure or assured London social rented housing tenants not subject to a Notice of Seeking Possession or a Notice to Quit and with a clear rent account and no ongoing record of anti-social behaviour. Tenants are placed into priority bands in much the same way as a local authority housing allocations scheme. Tenants who are under-occupying and want to downsize and free up family accommodation which is in short supply are given the highest priority. This is followed by tenants where one or more household members are in employment or in training that will lead directly to employment, tenants who are overcrowded in their current home and then tenants who are providing unpaid voluntary care to a family member or friend who live in a different borough. The final priority group is for tenants who just wish to move.

3.6 Participating boroughs, including the London Boroughs of Brent, Ealing and Hammersmith and Fulham, contribute 5 per cent of affordable rent re-lets from their existing housing stock per year to Housing Moves. The scheme is reciprocal, meaning that boroughs are not gaining or losing from the scheme, depending on whether they are popular places in which to move to or from. An equalisation process is in place to monitor this on a quarterly and annual basis to ensure that no borough provides more than 5 per cent of its overall lettings to the scheme. This is managed by the GLA’s housing mobility team.

3.7 Since 2014 the GLA has also taken a top slice of new affordable rented homes that it funds through the Affordable Homes Programme for Housing Moves, in addition to the annual re-let contribution. In the latest (2016) Homes for Londoners funding guidance this is set at 5 per cent (increasing to 10 per cent on sites of 150 homes or more) of all affordable rented housing in receipt of grant. For new-build homes, Pan-London nomination only applies at the initial let after which it reverts to the host local authority.

3.8 In addition, 10 per cent of the affordable rented homes on schemes that receive GLA grant can be retained by the Registered Provider for them to use for management moves and their own transfer lists. However, evidence suggests that many Registered Providers effectively give their allocation straight back to the host local authority as they no longer operate their own transfer lists and rely instead on borough nominations.

3.9 London’s only other Mayoral Development Corporation, the London Legacy Development Corporation (LLDC), provides an example of how sub-regional nominations can work within a mayoral development corporation working across a group of local authorities. The LLDC agreed
a Legacy Communities Scheme nominations policy for affordable rented units on the following basis:

- 10% to the Mayor of London’s Pan London Mobility Scheme (Housing Moves);
- 40% to the host borough where the development is taking place;
- 10% to a Registered Provider;
- 30% to the East London Housing Partnership sub-region (comprising the boroughs of Barking and Dagenham, City of London, Havering, Hackney, Redbridge, Tower Hamlets and Waltham Forest);
- 10% to the LLDC, effectively let via Housing Moves.

Nominations on OPDC Planning Applications to date

3.10 The Planning Committee has considered and resolved to approve six major planning applications to date. As OPDC does not currently have an agreed policy, the nomination rights to be secured on planning applications have been considered on a case by case basis and primarily been aimed at helping the boroughs to meet local housing need. Table 1 below summarises the nominations arrangements agreed in each planning application to date.

Table 1: Nominations in planning applications agreed to date

<table>
<thead>
<tr>
<th>Planning Application</th>
<th>Nominations Approach</th>
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| Oaklands             | 70% nominated by host borough  
|                      | 10% nominated by Housing Moves  
|                      | 10% Registered provider  
|                      | 5% each other borough (Brent and Ealing)  
|                      | This has now been secured in a Section 106 agreement |
| North Kensington Gate North | Intermediate housing units only allocated on the following basis:  
|                      | Existing tenants and serving military personnel;  
|                      | Residents and workers in Brent, Ealing and Hammersmith & Fulham;  
|                      | Other first-time buyers. |
| North Kensington Gate South | As per North Kensington Gate North |
| Mitre Yard           | Intermediate housing units offered in accordance with Hammersmith & Fulham’s standard approach to prioritisation. If unable to nominate then offered to eligible applicants from Brent and Ealing |
| First Central        | 70% nominated by host borough, Brent |
Consultation on a draft affordable housing nominations policy

3.11 OPDC officers have been working with officers in the host boroughs and the GLA over the last six months to develop an Affordable Housing Nominations Policy which meets local and London-wide housing needs. An initial proposal whereby 30 per cent affordable rent nominations are pan-London, 10 per cent are given to the Registered Provider and the remaining 60 per cent given to the three boroughs (comprising 40 per cent for the host borough and 10 per cent each for the other two boroughs) was not supported by the host boroughs for the following reasons:

- In normal circumstances on large regeneration schemes and where there is not a Mayoral Development Corporation involved, the boroughs would look to maximise nominations for their own eligible households given their Housing Act duties and obligations for households on local housing registers. The boroughs are already making annual contributions to pan-London mobility based on 5% of their total lettings in the previous year from their existing housing stock;
- The number of households applying for housing help in the boroughs is increasing and is expected to continue to increase as demand for affordable housing locally outstrips supply;
- There are thousands of households in temporary accommodation in the boroughs which is costly to procure and an increased supply of affordable rented homes can reduce reliance on temporary accommodation;
- For these reasons, the boroughs felt that the 30 per cent pan-London element was too high and that the new homes should help to meet local housing need first, and then to contribute to pan-London mobility.

3.12 The boroughs were also clear that they wanted recognition that they have households with intermediate housing needs who meet the income and affordability requirements and that they want to be able to help them to secure suitable intermediate housing by having priority access to London Living Rent and Shared Ownership homes delivered in the local area. This was also discussed with GLA officers. Only affordable rented housing units should be provided for Housing Moves the pan-London mobility scheme aimed at helping existing social tenants to move boroughs. GLA officers also commented that Affordable Homes Programme funded schemes delivering intermediate housing units should have a competitive London-wide element to them through advertising on the Mayor’s
Proposed Nominations Policy

3.13 The primary objective of the Affordable Housing Nominations Policy is to help the London Boroughs of Brent, Ealing and Hammersmith and Fulham to meet local housing needs first while recognising the strategic importance of the site and that it can also contribute to meeting London-wide housing needs.

3.14 It is proposed that all London Affordable Rent nominations will be allocated on first and subsequent lettings as follows:

- 70% to the Host borough where the development is taking place;
- 20% to the other two boroughs (10% each);
- 10% to the Mayor of London’s pan-London mobility scheme Housing Moves;
- There will be the option on re-letting rented units for the host borough to agree to give 5% to a Registered Provider where they have a transfer list if the host borough and Registered Provider agree.

3.15 It is proposed that Intermediate housing units (Shared Ownership and London Living Rent) funded by the Affordable Homes Programme are offered on a London-wide basis to households who meet the income and affordability requirements. Where there is more than one eligible applicant priority can be given to a household on the host local authority intermediate waiting list. On schemes where there is no funding the host borough will be able to nominate to 100% of the intermediate units in the first instance, followed by the other two boroughs. If a tenant or buyer cannot be found for the intermediate housing unit locally then the unit will be offered competitively on a London-wide basis.

3.16 This approach seeks to strike a balance between two key priorities:

A. Meeting local housing needs first: OPDC’s Strategic Housing Market Assessment (SHMA) demonstrates that there is a need for 44,400 affordable homes across the three local authorities of Brent, Ealing and Hammersmith and Fulham. The boroughs indicate that there are over 20,000 households on their housing waiting lists and increasing numbers of people in temporary accommodation. The boroughs also have households who are looking to enter intermediate housing such as London Living Rent or Shared Ownership. The Nominations Policy, therefore, must ensure that most nominations are set aside for the three participating local authorities to help them to discharge their housing duties to housing
applicants who need affordable rented homes and to help local households access intermediate housing; and

B. Contribute to meeting London housing needs: As a Mayoral Development Corporation regenerating the Old Oak and Park Royal Opportunity Areas, there is the ability and capacity to develop homes to meet strategic London needs as well as local needs, especially given the high level of accessibility from the rest of London to the area when the new transport infrastructure is in place. Therefore, the Nominations Policy should provide a proportion of new homes for pan-London nominations.

Operation of Proposed Nominations Policy

3.17 In addition to agreeing the overall proportion of homes to be made available to the participating boroughs and London-wide, policies and procedures for OPDC and the participating local authorities will also need to be agreed to ensure that the Nominations Policy operates effectively. Draft broad principles are outlined below.

3.18 Each year OPDC will forecast the number of affordable rented properties to be made available to let and will apply the agreed proportions to determine the anticipated number of units that would likely be made available for local or London-wide lettings. Officers in the participating local authorities would be asked to confirm this number is in accordance with the Nominations Policy on an annual basis.

3.19 The host borough will receive the first affordable rented nominations up to the maximum proportion. It will be up to the host borough to then apply its housing allocations scheme and nominate in accordance with a household’s housing needs. Once this has been completed the other two boroughs will then receive their allocations and apply their own allocations schemes to nominate suitable households to the available units. The remaining units will be made available to pan-London mobility via the Housing Moves website. This is the simplest system to use. Any proposal to allocate units by measures of housing need or bed size requirements would require more complicated systems and checks and balances to ensure that no borough gets over and above the agreed proportions.

3.20 Four weeks before an affordable rented unit is due to be made available for first letting, property details (e.g. address, number of bedrooms, rent, service charges, accessibility details etc.) will be provided to the borough due to nominate so that it can be placed onto its Choice Based Lettings (CBL) or property list so that housing applicants can bid or be made direct offers.

3.21 Once the boroughs have received their allotted nominations on a scheme then the remaining 10 per cent will be offered to the Mayor of London’s Housing Moves Scheme. Again, property details will be provided to the
Housing Moves operator four weeks before the unit is due for letting to enable advertising and bidding to take place.

3.22 The host borough may decide to share 5% of its Affordable Rent nominations proportion on re-letting to a Registered Provider partner where they have a transfer list. This will be for the host borough to arrange.

3.23 Intermediate housing units funded by the GLA’s Affordable Homes Programme will be required to be offered advertised to all eligible Londoners on a London-wide basis through the First Steps (Shared Ownership) and Share to Buy (London Living Rent) websites. Where there is more than one eligible applicant, providers should determine priority through use of the host local authority intermediate housing waiting list, or as a last resort by first-come, first-served. Providers will be expected to ensure that applicants meet the affordability and income requirements.

3.24 Where there is no GLA grant involved households on intermediate housing waiting lists who meet the affordability and income requirements in the host borough will be offered the intermediate housing units in the first instance, provided that the Registered Provider is satisfied through an affordability assessment that they can afford the unit. Intermediate housing units can then be offered to households in the other two boroughs, again subject to the Registered Provider being satisfied through an affordability assessment that the household can afford the property. Units may then be offered on a London-wide basis via the Mayor of London’s First Steps website.

3.25 The Nominations Policy will be reviewed by OPDC on an annual basis to ensure that it is meeting the requirements set out above and complies with any legislative changes.

Planning Committee comments

3.26 OPDC Planning Committee generally supported the proposed approach to affordable housing nominations.

3.27 Within the committee there was a discussion about the balance of London Affordable Rent nominations between the host borough and the other two boroughs. The councillors of Brent and Hammersmith and Fulham supported the proposed approach to the division of London Affordable Rent nominations. However, the Ealing Councillor suggested that the host borough allocation should be reduced in order that the other two boroughs could benefit from more of the affordable rented nominations.

3.28 There was also discussion about a potential buffer approach, where schemes within a certain distance of another local authority’s boundary would result in more nominations to that neighbouring local authority.
However, officers consider this approach would be complex to design, implement and monitor.

3.29 All members supported the proposed approach to intermediate housing.

Next Steps

3.30 If the Affordable Housing Nominations Policy is adopted, OPDC and the boroughs will need to agree the processes that will underpin the working of this policy.

4 Revised draft Local Plan Key Consultation Issues

Background

4.1 Old Oak and Park Royal Development Corporation (OPDC), as a local planning authority, is responsible for the preparation of planning policy for the area, including a Local Plan and Community Infrastructure Levy (CIL).

4.2 The Local Plan, once adopted, will be OPDC’s key planning policy document for the area, setting a blueprint for how OPDC will guide regeneration over the next 20 years. The Local Plan is a Development Plan Document (DPD), which is part of the Government’s planning policy system introduced by the Planning and Compulsory Purchase Act 2004. It sits alongside the National Planning Policy Framework (NPPF), London Plan, West London Waste Plan DPD and any Neighbourhood Plans, and would be used as the key planning policy document against which planning applications within the OPDC area will be assessed.

4.3 There are a number of steps in the production and adoption of the Local Plan:

- Regulation 18 is the first stage of consultation;
- Regulation 19 is the second stage of consultation;
- Regulation 22 is the submission stage, when the Regulation 19 version of the local plan is submitted to Secretary of State along with any representations received during public consultation;
- This is followed by an examination in public, which is undertaken by a planning inspector; and
- following this examination, if the document is found sound, the Local Plan is adopted by OPDC Board.

4.4 OPDC consulted on the Regulation 19 (revised draft) Local Plan from 29 June to 11 September 2017. OPDC received comments from 119 respondents, resulting in nearly 2,900 individual comments.
4.5 Before submitting the document to the Secretary of State for Examination in Public, OPDC must review all consultation responses, summarise the main consultation issues and make any changes it considers appropriate to the Local Plan. Table 2 sets out the key consultation issues arising from the revised draft Local Plan public consultation. This list is by no means exhaustive, instead the list focusses on the key issues that officers will need to dedicate considerable time addressing prior to submission. The submission of the Local Plan will be accompanied by a much more detailed set of consultation issues and officers’ responses to these issues.

Table 2: Revised draft Local Plan key consultation issues

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<thead>
<tr>
<th>ID</th>
<th>Key issue</th>
<th>Raised by</th>
<th>Proposed next steps</th>
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<tbody>
<tr>
<td>1</td>
<td>There are two opposing issues regarding <strong>development capacities, densities and building heights</strong>:</td>
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<td></td>
<td>Reduction in capacity, density or heights</td>
<td>Various community groups and residents, including Grand Union Alliance, Hammersmith Society, Wells House Road Residents Association and Old Oak Interim Forum</td>
<td>Undertake further capacity analysis with the Old Oak Masterplan consultancy team to inform submission version of the Local Plan. Consider including further detail in the Local Plan in respect of density and a definition of tall buildings.</td>
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<td></td>
<td>• Community groups have expressed concerns about the proposed development capacities and resultant densities. They have also asked for further information on the densities proposed and on the location, heights and definition of tall buildings.</td>
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<td></td>
<td>Increase in capacity</td>
<td>Various landowners and developers</td>
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<td>• A number of landowners have identified new development sites (Old Oak Lane industrial sites, Quattro waste site, The Castle Pub, Twyford Abbey Road and Twyford Tip) and recommended increases in capacity if existing development sites (Boden House, Tea Crate, Mitre Wharf, Car Giant and EMR).</td>
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<td>Concerns regarding OPDC’s <strong>family housing</strong> policy and target for 25% family units (3 bed +). Developers suggest the target will be challenging to achieve at high densities. Community groups also recognise the challenge of achieving the target at high densities, but want the target increased to 50% family housing to meet needs identified in OPDC’s Strategic Housing Market Assessment.</td>
<td>Old Oak Park Ltd Various community groups and residents, including Grand Union Alliance, Hammersmith Society, Wells House Road Residents Association and Old Oak Interim Forum</td>
<td>Undertake further deliverability analysis with the Old Oak Masterplan consultancy team to inform the submission version of the Local Plan.</td>
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<td>3</td>
<td>Concerns regarding OPDC’s <strong>affordable housing</strong> target and tenure split (30% London Affordable Rent (LAR)/70% intermediate). Developers have challenged whether the target is feasible given the need to fund a significant amount of infrastructure and the challenging local constraints on sites (ie. contamination). The councils and community groups have also challenged the deliverability of the target, but also consider that the tenure split should require a greater proportion of LAR housing, to align with the need identified in OPDC’s Strategic Housing Market Assessment for over 80% LAR.</td>
<td>Old Oak Park Ltd Brent, Ealing and Hammersmith and Fulham Council and various community groups and residents</td>
<td>Additional supporting text to further define the role of viability in delivering affordable housing and the need to strike a balance with infrastructure delivery requirements.</td>
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<td></td>
<td>Description</td>
<td>Responsible Parties</td>
<td>Action</td>
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<td>4</td>
<td>The Elizabeth Line depot is not likely to be brought forward for the delivery of homes and jobs within the plan period. Reference to it as a site allocation and being delivered within the plan period should be removed from the Local Plan.</td>
<td>The Mayor of London, TfL and various community groups</td>
<td>Work with TfL and the Mayor of London to consider implications for the Local Plan and long-term development of the depot.</td>
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<td>5</td>
<td>High density development with tall buildings in Old Oak South cannot be delivered without <strong>mechanical ventilation of the HS2 box.</strong></td>
<td>HS2 Ltd</td>
<td>Work with HS2 Ltd to consider implications for the Local Plan and long-term development of HS2 site and surrounds.</td>
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<td>6</td>
<td>Community groups and developers have challenged the work supporting the Local Plan which shows a <strong>funding gap.</strong> There are concerns that the Local Plan does not present a clear strategy for how this funding gap will be addressed. There are concerns from Old Oak Park Ltd that the expectation is that developers will have to fund all infrastructure through CIL and S106 that would render delivery of these sites unachievable, subsequently stalling development.</td>
<td>Old Oak Park Ltd and various community groups.</td>
<td>Officers will clarify that the expectation is not that infrastructure is wholly funded through CIL and S106. To address this concerns the Local Plan will be amended and will supported by additional information to demonstrate how OPDC is progressing complementary funding sources.</td>
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<td>7</td>
<td>Criticism of OPDC’s <strong>social infrastructure</strong> evidence base. The three host boroughs provided a joint response requesting that amendments are made to the Education and Health Needs Study assumptions on surplus capacity and that OPDC need to undertake feasibility studies looking at the existing schools proposed for expansion.</td>
<td>Brent, Ealing and Hammersmith and Fulham councils.</td>
<td>Work with the boroughs to update the Education and Health Needs Study. Meet with Sport England to address concerns.</td>
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<td>Sport England criticised OPDC’s evidence for sports space, stating that they needed to better understand OPDC’s assumptions for indoor space and that no work had been undertaken on outdoor space.</td>
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<td>8</td>
<td>TFL have requested OPDC consider the potential relocation of <strong>Victoria Coach station</strong> to Old Oak</td>
<td>Transport for London</td>
<td>Work with TfL to consider implications for the Local Plan and transport network.</td>
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<td>9</td>
<td>Criticism that OPDC has not delivered on some of its promises around community engagement in the <strong>Statement of Community Involvement (SCI)</strong>, such as holding developer forums and hosting genuine pre-application engagement between communities and developers. Community groups stated that the SCI’s requirements should be properly upheld and further revisions should be made to strengthen its requirements relating to community engagement</td>
<td>Various community groups and residents, including Grand Union Alliance, Hammersmith Society, Wells House Road Residents Association and Old Oak Interim Forum</td>
<td>Establish a Community Forum to review emerging development proposals through the pre-application process alongside the already established PLACE review group. Consider whether SCI needs to be updated.</td>
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<td>10</td>
<td>Suggested amendments to <strong>Old Oak North connections</strong> received from consultation responses:  - Old Oak High Street should be better connected into Harlesden  - Old Oak High Street will be challenging to deliver in its current location and further feasibility work should be undertaken to explore its deliverability.  - Amendments to the street network may be requirement to ensure the street network can be</td>
<td>Brent Council, Harlesden Neighbourhood Forum and HS2 Ltd</td>
<td>Undertake further movement network analysis with the Old Oak Masterplan consultancy team to inform submission version of the Local Plan.</td>
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<td>11</td>
<td><strong>Object to potential for Energy from Waste (EfW) on the Old Oak Sidings (Powerday) site, due to its impact of air quality and townscape.</strong></td>
<td><strong>Hammersmith and Fulham Council, local residents and various local community groups</strong></td>
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<td><strong>Provide clearer references to air quality policies and support for Mayoral policy.</strong></td>
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<td>12</td>
<td><strong>Hammersmith and Fulham have requested that the Local Plan references that the host boroughs are the Bodies responsible for air quality and give considerations to incorporating stronger air quality requirements.</strong></td>
<td><strong>Mayor of London, Hammersmith and Fulham Council, local residents and various community groups</strong></td>
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<td><strong>Provide wording clarifying the role of OPDC and the boroughs in relation to air quality and consider amending the policy to incorporate additional requirements.</strong></td>
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<td>13</td>
<td><strong>Further land should be de-designated from Strategic Industrial Location (Old Park Royal, Twyford Tip) to allow for more mixed-use development.</strong></td>
<td><strong>Various local community groups and some Landowners</strong></td>
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<td><strong>Review the new London Plan consultation that is expected later in 2017 and consider any implications as a result and if there needs to be a change to our proposed approach.</strong></td>
<td><strong>If not, continue approach to safeguarding SIL.</strong></td>
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**Next Steps**

4.4 **OPDC officers will look to address these key issues and other issues raised as part of the consultation over the coming months. The submission draft of the Local Plan will be considered at a future OPDC Board meeting. This will be accompanied by details of how OPDC has sought to address consultation issues as part of any edits that have been made to the submission draft of the Local Plan.**
5 Update on strategic planning applications, schemes in advanced pre-application discussions and other planning applications received

5.1 14 planning applications were received by OPDC in the period between 12 August 2017 and 22 September 2017. These are listed in Appendix A. 9 of these applications were delegated to Ealing and 2 were delegated to Brent. Three applications were retained for determination by OPDC during this period.

5.2 The status of strategic planning applications currently under consideration is set out in Table 2 of Appendix A, and schemes in advanced pre-application discussions are identified in Table 3.

6 Financial implications
There are no financial implications arising from this report.

7 Legal implications
There are no legal implications arising from this report and it is consistent with the Corporation’s legal framework.

8 Appendices

Appendix A: Planning Applications Update

9 Background Papers
None

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