

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

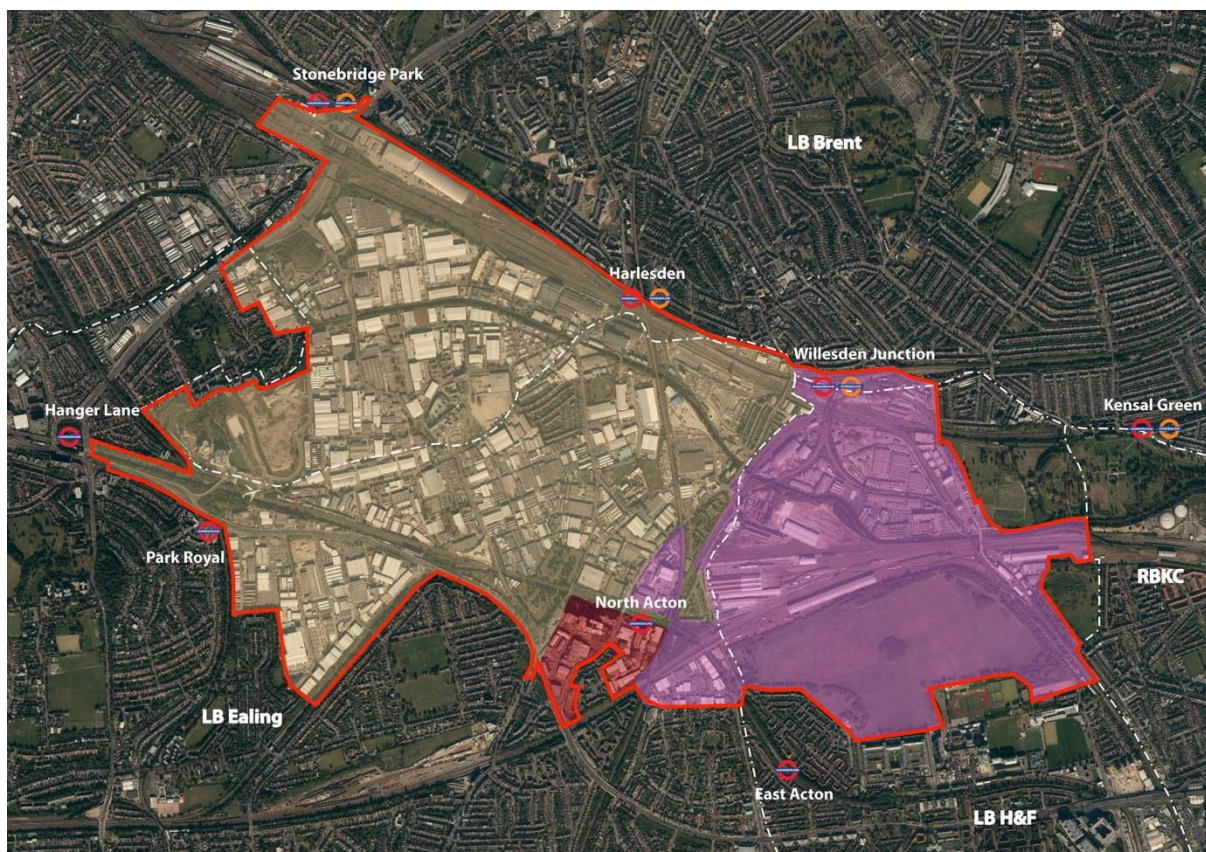
1. Introduction and purpose

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 1).

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

The following planning functions are delegated to LBB subject to OPDC's ability to retain and determine an application itself where appropriate (see s 203(3) of the Localism Act 2011)

- 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;

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- 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 on behalf of OPDC will be delegated to LBB. OPDC will be co-signatories to these agreements and the allocation of monies secured through Section 106 agreements to specific projects will be approved by OPDC. OPDC will continue to be responsible for charging, collecting and spending Community Infrastructure Levy.

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 LBB.
- 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 LBB.
- In exceptional cases, applications for types of development that exceed the thresholds set out in paragraph 3 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 paragraph 3 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 1

Protocol for handling planning applications and other planning-related functions

Background

On 1 April 2015, OPDC assumed 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 24-27), 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 Scheme of Delegation and Section 203(3) of the Localism Act (2011) and record its preliminary view whether it plans to delegate the potential application. This will be held on the pre-application file and published in the event that a planning application is submitted.
- LBB will be notified of this preliminary decision and will have 5 working days to make representations
- Proposals that are delegated to LBB will be forwarded 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. OPDC will be invited to attend pre-application meetings and to review pre-application reports before they are issued to the applicant.

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- For proposals that will be determined by OPDC, LBB will be notified of the pre-application request and invited to attend relevant meetings. Copies of pre-application advice issued by OPDC will be provided to LBB.

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 application against the Scheme of Delegation and Section 203(3) of the Localism Act and will decide whether to delegate the planning application. This decision will be published on the planning application register on OPDC's website.
- LBB will be notified of this decision and will have 5 working days to make representations
- Delegated applications will be transferred to LBB 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 quarterly payment no later than the 10th day of the month following receipt the end of a quarter.
- 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 OPDC's 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 2015 or as agreed with the applicant in writing, either through a Planning Performance Agreement or Extension to Time.
- LBB will determine delegated planning applications in accordance with the Development Plan for the OPDC area, unless there are material considerations that indicate otherwise.

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- OPDC officers will be kept regularly updated on key matters pertinent to LBB's consideration of delegated applications and LBB will share draft officer reports on major planning applications (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015) with OPDC for review 5 working days before officer's reports are due to be published.
- If an application is referred to LBB's Planning Committee, an OPDC officer can attend this meeting.
- In the event a delegated application is referable to the Mayor of London under The Town and Country Planning (Mayor of London) Order 2008 and the Mayor issues a direction to refuse that application under Article 6 (1) of the Order, OPDC should be consulted on any subsequent amendments to the application to address issues that have been raised.
- 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 where an application has been retained for determination by OPDC, 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.

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- 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 Agreements and monitoring

- LBB will engage with OPDC during the drafting of Section 106 Heads of Terms and agreements for delegated applications.
- The allocation of monies secured through Section 106 agreements to specific projects will be approved by OPDC, in accordance with OPDC's Section 106 governance arrangements¹.
- 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, LBB will be responsible for monitoring the associated 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.

¹ <https://www.london.gov.uk/moderngovopdc/documents/s57670/Item%2007-%20CFO%20Report.pdf>

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- 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;
 - Local Development Orders made by OPDC;

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- 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) and creating new addresses and Unique Property Reference Numbers (UPRN) will remain with LBB.

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- 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 B1 & other suitable employment uses in Park Royal area to 2017. When: Annually	CP3 and CP12
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 B1 and related uses 2007-2017 in SIL and LSIS	CP1, CP3 and CP20

		When: Annually	
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 housing development.	New or extended floorspace that meets rate of population growth. When: Annually	CP7, CP8, CP9, CP10,CP11 and CP23
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 or regional/sub-regional significance (Core)	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 Nature Conservation) When: Annually	CP18
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 Policy 5.13A*
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

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	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	B1 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.

Review of the Scheme of Delegation and protocol

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This Scheme of Delegation for Planning Functions in the London Borough of Brent and accompanying Protocol for handling planning applications and other planning-related functions will be reviewed on an annual basis.