STATUTORY INSTRUMENTS

1965 No. 679

LONDON GOVERNMENT

The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965

Made - - - - 29*th March* 1965

Coming into Operation - 1*st April* 1965

The Minister of Housing and Local Government, in exercise of the powers conferred on him by section 24 (4) and (6) of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965, and shall come into operation on 1st April 1965.

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations—

" the Act " means the London Government Act 1963 ;

" the Act of 1962 " means the Town and Country Planning Act 1962(c) ;

" building " has the same meaning as in the Act of 1962 ;

" highway authority ", in relation to a metropolitan road, means either the Greater London Council or a council to whom the Greater London Council has delegated its powers in respect of that metropolitan road under section 18 of the Act, as the case may be ;

" the Minister " means the Minister of Housing and Local Government ;

" the order of 1963 " means the Town and Country Planning (Use Classes) Order 1963(d).

(3) Any reference in these regulations to an application for planning permission for development of any specified class shall be construed as a reference to an application for planning permission for development which consists of or includes development of that class.

(4) Any reference in these regulations to a numbered regulation shall be construed as a reference to a regulation bearing that number in these regulations.

(a) 1963 c. 33.
(b) 52 & 53 Vict. c. 63.
(c) 10 & 11 Eliz. 2. c. 38.
(d) S.I. 1963/708 (1963 I, p. 857).

3. The Greater London Council shall be the local planning authority for all relevant purposes of the Act of 1962, other than the receipt of applications for, or with respect to the need for, planning permission, in relation to:—

(*a*) any development of land, other than a material change of use from any one of the classes V to IX of the schedule to the order of 1963 to any other of those classes, within any of the areas specified in the schedule to these regulations;

(*b*) development of any of the following classes in the area comprising the whole of Greater London other than the area of the Temples:—

(i) the erection or material alteration of any building having the capacity to accommodate more than 2,500 persons which is to be used as an exhibition or conference centre, a lecture or concert hall, or an arena, or for other similar purposes of public assembly;

(ii) the use of land as a ground for sports or games or as a racing track having, in any such case, the capacity to accommodate more than 2,500 spectators;

(iii) the erection of any building for the purposes of or in connection with the establishment or the expansion of the activities of a university, or of a college, institute or school of a university (other than a medical school within the curtilage of a hospital), or of a college of advanced technology;

(iv) the erection of any building or the carrying out of other works for the purposes of the establishment or extension of a railway terminus, a station for public service vehicles, an airways terminal, an airport or a heliport;

(v) the erection or construction of any building or the carrying out of other works for the purposes of the establishment or extension of any system for the movement of traffic by monorail or hovercraft;

(*c*) the extraction of minerals from a site having an area exceeding 5 acres in the area constituting the whole of Greater London other than the City.

4.—(1) The council of a London borough or the Common Council, as the case may be, shall, before granting an application for planning permission (whether subject to conditions or not) for development of any of the following classes, refer the application to the Greater London Council:—

(*a*) the erection, extension or alteration of a building so as to provide more than 250,000 square feet of floor space (including any existing floor space) to be used as a shop within the meaning of the order of 1963;

(*b*) the erection or extension of a building to a height exceeding 150 feet, if the building is in the area of Greater London (consisting of the City of London, part of the City of Westminster, parts of the Royal borough of Kensington and Chelsea and parts of the London boroughs of Camden, Hackney, Islington, Lambeth, Southwark and Tower Hamlets) which is shown edged black on the map described in paragraph (2) of this regulation, or to a height exceeding 125 feet, if the building is elsewhere in Greater London;

(*c*) the erection, alteration or extension of a building, or the material change of use of a building, if the development will provide more than 5,000 square feet of floor space to be used as an industrial building within the meaning of the order of 1963;

(*d*) the erection, alteration or extension of a building, or the material change of use of a building, if the development will provide more than 2,500 square feet of floor space to be used as an office within the meaning of the order of 1963;

(*e*) any development of land within 110 feet of a passenger station of the British Railways Board or the London Transport Board;

(*f*) development of any of the following classes on land within 220 feet from the centre of a metropolitan road or of a proposed metropolitan road:—

(i) the erection of a building, other than a building which is within the curtilage of an existing building and is to be used for the same purpose as the existing building;

(ii) the extension of an existing building or the erection, within the curtilage of an existing building, of a building to be used for the same purpose as the existing building, so as to provide, in either case, additional floor space having an area of more than 10% of the area of floor space in the existing building, or more than 5,000 square feet, whichever is the less;

(iii) the extension of an existing building or the erection, within the curtilage of an existing building, of a building to be used for the same purpose as the existing building, so as to provide, in either case, additional floor space of a lesser area than that specified in the last preceding paragraph, if the development involves building in front of the front main wall of the existing building, or includes or involves the making of a new means of access, or the alteration of an existing means of access, to a metropolitan road, or will, in the opinion of the council dealing with the application, result in a material increase in the use of an existing access to a metropolitan road;

(iv) the making of a material change in the use of an existing building, if the development includes or involves the making of a new means of access, or the alteration of an existing means of access, to a metropolitan road, or will, in the opinion of the council dealing with the application, result in a material increase in the use of an existing access to a metropolitan road;

(*g*) any development of land which, in the opinion of the council dealing with the application, ought to be developed together with adjoining land in order to restrict access to a metropolitan road or to segregate traffic serving the land which is the subject of the application from through traffic on a metropolitan road;

(*h*) any development which, in the opinion of the council dealing with the application, will result in a material increase in traffic using a metropolitan road;

(*i*) the provision of a public car park for more than fifty cars ;

(*j*) any development of Green Belt land other than the erection on agricultural land (as defined in the Agriculture Act 1947(a)) of a building requisite for the use of that land for the purposes of agriculture, or the alteration of such a building ;

(*k*) any development which will, in the opinion of the council dealing with the application, involve the demolition, in whole or in part, or the material alteration, of a building which is on a list of buildings of special architectural or historic interest compiled in pursuance of section 32 of the Act of 1962.

(2) The map referred to in sub-paragraph (*b*) of the last foregoing paragraph is a map prepared in duplicate, sealed with the official seal of the Minister and marked " Map referred to in regulation 4 (1) of the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965 ". One duplicate of the map is deposited in the offices of the Minister and the other is deposited and available for inspection at the offices of the Greater London Council, and a copy is deposited and available for inspection at the offices of the Common Council and at each of the offices of the councils of the City of Westminster, the Royal borough of Kensington and Chelsea and the London boroughs of Camden, Hackney, Islington, Lambeth, Southwark and Tower Hamlets.

(3) In this regulation—

" existing " means existing at the date when the application for planning permission is made to the council of the London borough or to the Common Council, as the case may be ;

" proposed metropolitan road " means—

(*a*) an existing highway in respect of which an application has been made to the Minister of Transport for designation under section 17(2) of the Act as a metropolitan road ; or

(*b*) a new highway which, in the opinion of the Greater London Council, should be provided, either as a metropolitan road or as an extension or realignment of an existing metropolitan road, and the proposed route of which has been notified in writing by the Greater London Council to the Common Council or to the council of any London borough in which the metropolitan road, extension or realignment, or any part thereof, will be situate, as the case may be.

5. Where the council of a London borough or the Common Council, as the case may be, consider that an application should be granted for planning permission for development inconsistent with a development plan referred to in section 25 of the Act, they shall, before dealing with the application, refer it—

(*a*) if the development is inconsistent with the initial development plan or with the Greater London development plan, as the case may be, to the Greater London Council ;

(a) 10 & 11 Geo. 6. c. 48.

(*b*) if the development is inconsistent with the local development plan for the London borough or for the City of London, as the case may be, to the Minister:

Provided that such council may deal with an application relating to development inconsistent with the initial development plan or inconsistent with the local development plan without such reference as is mentioned in this regulation if they are of the opinion that the development would not constitute a substantial departure from the provisions of the said development plan.

6. Where the Greater London Council consider that any application which falls to be dealt with by them by virtue of regulation 3 or any application referred to them under regulation 5 should be granted for development which is inconsistent with the initial development plan, with the Greater London development plan or with a local development plan, as the case may be, they shall, before dealing with the application, refer it to the Minister, unless, in the case of development inconsistent with the Greater London development plan, or in the case of any application which falls to be dealt with by them by virtue of regulation 3, they are of the opinion that the development would not constitute a substantial departure from the provisions of the said development plan.

7. Where an application has been referred to the Greater London Council under regulation 4 or 5 and the Greater London Council are of the opinion that permission for the development should not be granted, or should be granted subject to conditions, they may give to the council of the London borough or to the Common Council, as the case may be, a direction as to the manner in which the application is to be dealt with:

Provided that, in considering applications for development of the following classes, the Greater London Council shall not have regard to any matters other than—

(*a*) in the case of development falling within paragraph (*a*) of regulation 4, the need for additional shops in the area where the development is to take place, the size of the development and the suitability of its location and the amount of additional road traffic which it is likely to generate;

(*b*) in the case of development falling within paragraph (*b*) of regulation 4, the suitability of the location for a building of the height proposed and the effect which the proposed building will have upon the skyline;

(*c*) in the case of development falling within paragraph (*c*) or (*d*) of regulation 4, the policy set out in the initial development plan or in the Greater London development plan with regard to the distribution of industrial premises or offices, as the case may be, in Greater London;

(*d*) in the case of development within paragraph (*e*) of regulation 4, any proposals by a highway authority for the construction or improvement of metropolitan roads, the possible effect of the proposed development on traffic conditions and on the provision for the parking of cars in the area, and the Greater London Council's policy with regard to the relationship between different forms of transport;

(*e*) in the case of development falling within paragraph (*f*), (*g*), (*h*) or (*i*) of regulation 4, any proposals by a highway authority for the construction or improvement of metropolitan roads, any proposals for the landscaping of metropolitan roads, and the possible effect of the proposed development on traffic conditions and on the provision for the parking of cars in the area.

8. Where an application has been referred to the Minister under regulation 5 or 6, the Minister may give to the council of the London borough, to the Greater London Council or to the Common Council, as the case may be, a direction as to the manner in which the application is to be dealt with.

SCHEDULE

Areas of Greater London to which Regulation 3 (a) applies

1. The following comprehensive development areas and supplementary town map areas, as defined, in each case, in the initial development plan :—

The Bermondsey Comprehensive Development Area and Supplementary Town Map Area ;

The Bunhill Fields Comprehensive Development Area and Supplementary Town Map Area ;

The North-West Stepney Comprehensive Development Area and Supplementary Town Map Area ;

The Stepney and Poplar Comprehensive Development Area and Supplementary Town Map Area.

2. The following comprehensive development areas, as defined, in each case in the initial development plan :—

The Elephant and Castle Comprehensive Development Area ;
The Knightsbridge Green Comprehensive Development area ;
The Lambeth Walk Comprehensive Development Area ;
The South Bank Comprehensive Development Area ;
The West Bethnal Green Comprehensive Development Area.

3. The area, consisting of part of the City of Westminster and part of the London borough of Camden, which is shown edged black on the map prepared in quadruplicate, sealed with the official seal of the Minister and marked " Map referred to in the schedule to the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965 ", one of which is deposited in the offices of the Minister and the others of which are deposited and available for inspection at the offices of the Greater London Council, the council of the City of Westminster and the council of the London borough of Camden respectively.

Given under the official seal of the Minister of Housing and Local Government on 29th March 1965.

(L.S.)

R. H. S. Crossman,
Minister of Housing and Local Government.

EXPLANATORY NOTE

(*This Note is not part of the regulations, but is intended to indicate their general purport.*)

These regulations, which are made under section 24 of the London Government Act 1963, make provision for the manner in which applications for planning permission for development in Greater London are to be dealt with. Regulation 3 provides that the Greater London Council shall be the local planning authority for all purposes of the Town and Country Planning Act 1962, other than the receipt of applications, in respect of certain classes of development in certain areas of Greater London. Regulations 4 to 8 provide for the reference to the Greater London Council or to the Minister of applications for permission for certain classes of development, and for the giving of directions by the Greater London Council or by the Minister, as the case may be, as to the manner in which those applications shall be dealt with.