STATUTORY INSTRUMENTS

1978 No. 602

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978

Made - - - -	*20th April* 1978
Laid before Parliament	*28th April* 1978
Coming into Operation	*19th May* 1978

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The Secretary of State for the Environment in exercise of the powers conferred on him by section 287 of, and paragraphs 3 and 7 of Schedule 3 to, the Town and Country Planning Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978, and shall come into operation on 19th May 1978.

(a) 1971 c. 78.

Interpretation

2.—(1) In these regulations—

"the Act" means the Town and Country Planning Act 1971;

"the Common Council" means the Common Council of the City of London;

"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 London Government Act 1963(**a**), as the case may be;

"metropolitan road" has the same meaning as in the Transport (London) Act 1969(**b**);

"the order of 1972" means the Town and Country Planning (Use Classes) Order 1972(**c**);

(2) The Interpretation Act 1889(**d**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(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 the regulation bearing that number in these regulations.

Development for which the Greater London Council shall be the local planning authority

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

(*a*) any development of land, within any of the areas specified in Schedule 1 to these regulations, other than a material change of use from any one of the classes V to IX of the Schedule to the order of 1972 to any other of those classes;

(*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 hall, concert hall or arena, or for any other similar purpose 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 of or the expansion of the activities of a

(**a**) 1963 c. 33. (**b**) 1969 c. 35.
(**c**) S.I. 1972/1385. (**d**) 1889 c. 63.

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 2 hectares in the area constituting the whole of Greater London other than the City.

Classes of development to be referred to the Greater London Council

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 23,250 square metres of floor space (including any existing floor space) to be used as a shop within the meaning of the order of 1972;

(*b*) the erection or extension of a building to a height exceeding 46 metres, 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 38 metres, 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 would provide more than 465 square metres of floor space to be used as an industrial building within the meaning of the order of 1972;

(*d*) the erection, alteration or extension of a building, or the material change of use of a building, if the development would provide more than 280 square metres of office floor space within the meaning of that term as defined in section 75(3) of the Act;

(*e*) any development of land within 34 metres of a passenger station of the British Railways Board or the London Transport Executive, except 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 not more than 50 per cent of the area of floor space in the existing building, or not more than 465 square metres, whichever is the less;

(*f*) development of any of the following classes on land any part of which is within 67 metres of the centre of a Category A metropolitan road: —

(i) development which includes or involves the making of a new means of access or the alteration of an existing means of access, to a Category A metropolitan road or would, in the opinion of the council dealing with the application, result in a material increase in the use of any existing access to that road;

(ii) 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;

(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 having an area of more than 50 per cent of the area of floor space in the existing building, or more than 465 square metres, whichever is the less;

(iv) 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 sub-paragraph, if the develoment involves building in advance of the line of that main wall of the existing building which is nearest to the Category 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, would 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 would, 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 54 of the Act:

Provided that, except in the case of development falling within any of the classes set out in sub-paragraphs (*b*), (*c*), (*d*) and (*k*) of this paragraph, the council of a London borough or the Common Council shall not be required to refer an application to the Greater London Council if an application for planning permission for development of the same type relating to the same building or to a building of similar size on the same site on the land has been

(a) 1947 c. 48.

referred to that Council within the period of three years before the date of the present application and either—

(i) no direction was issued under regulation 5 of these regulations, (or under the corresponding provision of the regulations revoked by these regulations), or

(ii) such a direction was issued requiring the imposition of conditions and the council of the London borough or the Common Council, as the case may be, wish to impose the same conditions when granting planning permission on the present application.

(2) The map referred to in sub-paragraph (*b*) of the last foregoing paragraph is a map prepared in duplicate, signed by an Under Secretary in the Department of the Environment and marked "Map referred to in regulation 4(1) of the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978". One duplicate of the map is deposited in the offices of the Secretary of State for the Environment 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—

"Category A metropolitan road" means a metropolitan road or proposed metropolitan road within Category A as defined in a direction made by the Secretary of State under section 30(1) of the Transport (London) Act 1969;

"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" has the same meaning as in section 30 of the Transport (London) Act 1969.

Greater London Council's power of direction in respect of applications referred under regulation 4

5. Where an application has been referred to the Greater London Council under regulation 4 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 Greater London development plan or in the initial development plan for Greater London (so far as that plan is in force in the area in which the land is situated) 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.

Reference to the Greater London Council of applications which conflict with the development plan

6. Where the Council of a London borough or the Common Council, as the case may be, consider that planning permission should be granted on an application which, in the opinion of that authority, relates to matters which would conflict with, or prejudice the implementation of: —

(*a*) any provision of the Greater London development plan;

(*b*) a fundamental provision of the initial development plan for Greater London so far as that plan is in force in the area;

(*c*) any provision of a local plan which has been inserted into that plan by the Secretary of State by way of modification when approving the plan;

they shall, before dealing with the application, refer it to the Greater London Council.

Reference to the Secretary of State of applications which conflict with the development plan

7. Where the development proposed in an application for planning permission, which falls to be dealt with by the Greater London Council by virtue of regulation 3 or has been referred to them under regulation 6, would in the council's view conflict with or prejudice the implementation of any such provision of a development plan as is referred to in paragraphs (*a*), (*b*) and (*c*) of regulation 6 but the council consider that permission should be granted on the application they shall, subject to the provisions of regulation 8, refer the application to the Secretary of State before dealing with it.

Greater London Council's power of direction where development conflicts with development plan

8. Where an application has been referred to the Greater London Council under regulation 6 and they are of the opinion that permission for the development should be refused, or that it 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; and if, in the opinion of the Greater London Council, a grant of planning permission subject to conditions will secure that the development can be carried out without conflicting with or prejudicing the implementation of any such provision of a development plan as is referred to in paragraphs (*a*), (*b*) and (*c*) of regulation 6, they may give such direction without referring the application to the Secretary of State.

Secretary of State's power of direction

9. Where an application has been referred to the Secretary of State under regulation 7, the Secretary of State may give to the council of the London borough, or to the Common Council or to the Greater London Council, as the case may be, a direction as to the manner in which the application is to be dealt with.

Revocation and Saving

10. The statutory instruments specified in Schedule 2 hereto are hereby revoked:

Provided that in so far as these regulations contain a corresponding provision anything done under the statutory instruments hereby revoked shall be deemed to have been done under the corresponding provision of these regulations.

SCHEDULE 1

AREAS OF GREATER LONDON TO WHICH REGULATION 3(*a*) APPLIES

1. The following comprehensive development area, as defined in the initial development plan for Greater London: —

The South Bank Comprehensive Development Area.

2. 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, signed by an Under Secretary in the Department of the Environment and marked "Map referred to in Schedule 1 to the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978", one copy of which is deposited in the offices of the Secretary of State 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.

SCHEDULE 2

STATUTORY INSTRUMENTS REVOKED

Title of Instrument	Reference
The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965.	S.I. 1965/679
The Town and Country Planning (Local Planning Authorities in Greater London) (Amendment) Regulations 1967.	S.I. 1967/430
The Town and Country Planning (Local Planning Authorities in Greater London) (Amendment) Regulations 1974.	S.I. 1974/450

Peter Shore,
Secretary of State for the Environment.

20th April 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations re-enact with amendments the provisions of the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1965 to 1974. The regulations prescribe the classes of development in respect of which the Greater London Council are the local planning authority (in respect of the areas specified in the regulations) for all the purposes of the Town and Country Planning Act 1971 (except for the receipt of certain applications) and they make provision for the manner in which application for planning permission for development of land in Greater London are to be dealt with. Regulation 3 prescribes the classes of development in respect of which the Greater London Council shall be the local planning authority, in the areas of Greater London specified in respect of such classes, for all purposes of the Town and Country Planning Act 1971 other than the receipt of applications for planning permission and applications for determinations under section 53 of the Act of 1971 as to whether planning permission is necessary (by virtue of this exclusion the applications in question will be lodged with the London borough council, or the Common Council of the City of London, even though they fall to be dealt with by the Greater London Council). Regulations 4 and 5 provide for the reference to the Greater London Council of applications for planning permission for certain classes of development, and for the giving of directions by the Greater London Council as to the manner in which those applications are to be dealt with. Regulations 6 to 8 make provision for the reference to the Greater London Council or to the Secretary of State of applications for planning permission for development which would conflict with the development plan.

The principal amendments to the provisions of the previous regulations are as follows: —

(*a*) certain areas of land have been taken out of the scope of regulation 3(*a*) and Schedule 1 which prescribe the areas in which the Greater London Council shall be the local planning authority for the development of land; ie the areas defined in the initial development plan for Greater London as the Elephant & Castle, Knightsbridge Green, Lambeth Walk, North-West Stepney, Stepney and Poplar, and West Bethnal Green comprehensive development areas and the Bermondsey and Bunhill Fields comprehensive development areas and supplementary town map areas.

(*b*) the regulations have been amended to take account of the fact that the Greater London development plan (which is the structure plan for Greater London) is now in operation and the fact that the development plan for any district in Greater London is now the following plans taken together: the Greater London development plan, the initial development plan for Greater London which is for the time being in force in the area, and any local plan;

(*c*) some restrictions on the powers of the Greater London Council to give directions to London borough councils and the Common Council as to the manner in which applications for planning permission are to be dealt with are removed, in that: (i) the provisions of the former regulation 7 limiting the matters which the Greater London Council may take into account in considering certain types of application referred to them under the regulation have been re-enacted in regulation 5 but now apply only in

respect of applications referred to them under regulation 4 (which requires applications relating to certain specified classes of development to be referred to the Greater London Council if the London borough council or Common Council dealing with the application wish to grant permission) instead of, as formerly, both to those applications and to applications referred to the Greater London Council as departures from a development plan; and (ii) the requirement that the Greater London Council shall refer to the Secretary of State applications referred to them (under regulation 6) as departures from a development plan where they consider that permission should be granted no longer applies where the Greater London Council are of the opinion that a grant of planning permission subject to conditions will secure that the development can be carried out without conflict with a development plan.

There are also a number of minor drafting amendments.

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