STATUTORY INSTRUMENTS

1980 No. 443

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1980

Made - - - -	*25th March* 1980
Laid before Parliament	*8th April* 1980
Coming into Operation	*1st May* 1980

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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 1980, and shall come into operation on 1st May 1980.

(a) 1971 c. 78.

Interpretation

2.—(1) In these regulations—

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

"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) 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.

(3) 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 the area 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*) 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 shall, before granting planning permission (whether subject to conditions or not) on any application made after the coming into operation of these regulations which relates to development of any of the following classes, refer the application to the Greater London Council:—

(*a*) the erection or material alteration of any building which would, on completion of the development, have the capacity to accommodate more than 2,500 persons and 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;

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

(*c*) 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

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

station for public service vehicles, an aerodrome (as defined in section 64(1) of the Civil Aviation Act 1971(a)) or an air passenger terminal (whether within or outside an aerodrome);

(*d*) 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;

(*e*) the erection, extension or alteration of a building so as to provide more than 20,000 square metres of floorspace (including any existing floorspace) to be used as a shop within the meaning of the order of 1972;

(*f*) the erection, alteration or extension of a building, or the material change of use of a building, if the development would provide more than 4,645 square metres of floorspace to be used as an industrial building within the meaning of the order of 1972;

(*g*) the erection, alteration or extension of a building, or the material change of use of a building, if the development would provide more than 2,785 square metres of floorspace for use as an office within the meaning of the order of 1972;

(*h*) any development of land within 100 metres of any railway passenger station which is operated by the British Railways Board or the London Transport Executive and which is specified in Schedule 2 to these regulations, 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 floorspace having an area of not more than 50 per cent of the area of floorspace in the existing building, or not more than 465 square metres, whichever is the less;

(*i*) development of any of the following classes on land any part of which is within 50 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 floorspace having an area of more than 50 per cent of the area of floorspace 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 floorspace of a lesser area than that specified in the last preceding sub-paragraph, if the development involves building in advance of the line of that main wall of the existing building which is nearest to the Category A metropolitan road;

(*j*) the provision of a car park for more than 100 cars;

(a) 1971 c. 75.

(*k*) any development of land which is allocated for green belt in the development plan, 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;

(*l*) 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 the council of a London borough shall not be required to refer an application to the Greater London Council in the following circumstances:—

(*a*) in the case of any development other than development falling within any of the classes set out in sub-paragraphs (*f*), (*g*) and (*l*) of this paragraph, where a similar application to the present application has been 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 Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978**(b)** or of any regulations revoked by those regulations); or

(ii) such a direction was issued requiring the imposition of conditions and the council of the London borough wish to impose the same conditions when granting planning permission on the present application; or

(*b*) in the case of development falling within the class set out in sub-paragraph (*l*), where—

(i) application for listed building consent has been made in respect of all the works for the demolition or material alteration of a listed building which constitute or form part of the development; and

(ii) the London borough council have submitted the relevant application or applications to the Greater London Council in accordance with paragraph 6 of Schedule 11 to the Act.

(2) 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;

"proposed metropolitan road" has the same meaning as in section 30 of the Transport (London) Act 1969;

"similar application" means an application which relates to the same class of development as the application in question and which—

(*a*) relates to the same building; or

(*b*) relates to the erection of a building of similar or larger size on the same site or on land which includes the same site.

(a) 1947 c. 48. **(b)** S.I. 1978/602.

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 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 (*e*) of regulation 4, the need for improved shopping facilities in the area where the development is to take place, the size of the development and the suitability of its location, the amount of additional road traffic which it is likely to generate, and the effect which the development is likely to have on shopping centres in the vicinity;

(*b*) in the case of development falling within paragraph (*f*) or (*g*) 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;

(*c*) in the case of development falling within paragraph (*h*) 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;

(*d*) in the case of development falling within paragraph (*i*) or (*j*) 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 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 the 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 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 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 Savings

10. The Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978 are hereby revoked but without prejudice to the validity of anything done thereunder; and any application for, or with respect to the need for, planning permission, or for any approval required under a development order, which was made before the coming into operation of these regulations shall be dealt with as though these regulations had not been made.

SCHEDULE 1

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

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 1980", 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

Passenger stations to which regulation 4(1)(*h*) applies:—

Archway
Baker Street
Barking
Bexleyheath
Blackfriars
Brixton
Broad Street
Bromley North
Bromley South
Camden Town
Cannon Street
Charing Cross
Clapham Junction
Crystal Palace
Dalston
Ealing Broadway
Earls Court
East Croydon
East Putney
Edgware
Eltham Well Hall
Enfield Chase
Enfield Town
Euston
Feltham
Fenchurch Street
Finsbury Park
Golders Green
Hammersmith
Harrow on the Hill
Hatton Cross
Heathrow Central
High Barnet
Holborn Viaduct
Hounslow Central
Ilford
Kings Cross
Kingston
Lewisham
Liverpool Street
London Bridge
Marylebone
Moorgate
Morden
Neasden
Orpington
Paddington
Peckham Rye
Plaistow
Putney
Rainham
Richmond
Romford
St Pancras
Seven Sisters
South Kensington
Stratford
Streatham
Surbiton
Sutton
Tooting Broadway
Turnpike Lane
Uxbridge
Victoria
Wallington
Walthamstow Central
Waterloo
Waterloo East
Wembley Central
Wembley Park
West Croydon
West Ham
West Hampstead
Willesden Junction
Wimbledon
Wood Green
Woolwich Arsenal

25th March 1980.

Michael R. D. Heseltine,
Secretary of State for the Environment.

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 1978. The regulations prescribe the manner in which applications 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. Applications of the kinds referred to will be lodged with the London borough council (this term includes 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:—

1. The Greater London Council will no longer be the local planning authority (except in relation to the class of development prescribed in regulation 3(*b*)) in respect of the South Bank Comprehensive Development Area (as defined in the initial development plan for Greater London), as this area has been excluded from Schedule 1 to these regulations.

2. In most areas of London the Greater London Council will no longer be the local planning authority for any class of development except (on sites over 2 hectares) the extraction of minerals. The classes of development for which the Greater London Council were formerly (in the whole of Greater London other than the Temples) the local planning authority have however been included (with one exception) in regulation 4 of the new regulations as classes of application which need to be referred to the Greater London Council if the London borough council wish to grant planning permission. (The exception is development consisting of the erection of a building for the purposes of a university, etc (former regulation 3(*b*)(iii)), with which the Greater London Council will no longer be concerned.)

3. Some classes of development will no longer need to be referred to the Greater London Council under regulation 4, namely: the erection of a building exceeding a certain height; development of land which, in the London borough council's opinion, ought to be developed together with adjoining land for purposes connected with the regulation of traffic on a metropolitan road; development which would, in the London borough council's opinion, result in an increase of traffic on a metropolitan road; and development involving the demolition or alteration of a listed building, where an application for listed building consent has already been referred to the Greater London Council.

4. The following changes of detail are made to the classes of development which, by virtue of regulation 4, have to be referred to the Greater London Council:—

(*a*) with regard to shops, the minimum size limit is lowered from 23,250 sq m to 20,000 sq m;

(*b*) with regard to industrial buildings, the minimum size limit is raised from 465 sq m to 4,645 sq m;

(*c*) with regard to offices, the minimum size limit is raised from 280 sq m to 2,785 sq m and the definition of the class is amended to take account of the repeal of section 85 of the Act of 1971;

(*d*) the former class comprising any development of land within 34 m of a railway passenger station is replaced by one which comprises any development of land within 100 m of selected stations only (specified in Schedule 2);

(*e*) with regard to the development of land near a Category A metropolitan road, this class now applies to land within 50 m of such a road, instead of 67 m;

(*f*) the former class comprising public car parks with a capacity of over 50 cars is replaced by one comprising all car parks (not only public ones) with a capacity of over 100 cars.

5. Proviso (*a*) to regulation 4 (which exempts certain classes of development from the requirements of the regulation in circumstances where a similar application has been referred to the Greater London Council within the previous three years) has been extended to cover cases where a previous application relating to a larger building or to a building on land which includes the same site has been so referred.

6. Proviso (*a*) to regulation 5 (which relates to an application for planning permission for shops which has been referred to the Greater London Council under regulation 4(1)(*e*)), has been amended to provide that the Council may take into account the need for improved shopping facilities in the area (instead of the need for additional shops) and the effect which the development is likely to have on shopping centres in the vicinity.

There are also some minor drafting amendments.