CHAPTER 2

PHILOSOPHY OF DEVELOPMENT CONTROL

The developments that are taking place in the metropolitan area are extremely volatile in character. They are being continuously put under pressures by environmentally endogenous variables like spatial contiguity, access and physically exogenous variables like economic input and social fabrics (Sorensen and Auster 1989). A development plan, be it a Structure Plan or Master Plan or Detailed Development Plan or local plan, uses this generalized development trends at metropolitan scale to allocate structured proposals for development. By purpose and nature the development plans are abstracts and long term perspectives, and anticipate various local developments to modulate within this abstract frame. Conversely, the development control act as instrument in realizing the objectives of the plan, considers each development proposal in great detail; but it draws strength for scrutinizing developments from planned proposals of a development plan. It matches individual development to that of planned proposals with some flexibility and some firmness. Thus, the plan becomes a guiding force and development control acts as an executive instrument (Keeble 1983). Operationally, the development plan, development control system and actual physical development form a triangularity with their own goals and operants, but together it contribute to the development at large. Since the operation of development control is being almost live and bound by statute to refer the plan, it becomes the operational wing of the development plan.

It is thus hypothesized here that the development control process is a potential tool for information feedback for plan preparation, review and evaluation of development plans. It is supported by many studies that a methodology could be evolved around this hypothesis to generate required
information from development control process. It is thus essential to study the structure and procedures of development control process to consider the extent to which the potential information could be generated for planning process (Pountney and Kingsbury 1983).

2.1 DEFINITION OF DEVELOPMENT AND DEVELOPMENT CONTROL

2.1.1 Definition of Development

The urban development and control has originated with statutory basis. The definition of 'development' marginally varies from country to country, but generally falls with that of Town Planning Act of England, the first known user of the word 'Town Planning' which hails from England's 1909 Housing and Town Planning Act. The definition of development is evolved from this Act and the Town and Country planning Act 1971 (of England) defines the development as (Section 22(1): "The carrying out of building, engineering, mining and other operations in, on, over or under land, and the making of any material change in the use of any buildings or other land" (HMSO 1970). This is a wide spectrum which includes all land owners, private, public to seek permission for 'development'. This procedure is common in many countries including India.

2.1.2 Definition of Development Control

As the 'development' means the activity of use of land and building, the regulating mechanism is the 'development control.' The instrument of regulating the use of land and building is through issue of 'planning permission.' Planning permission is issued through an application to the appropriate development authority for the purpose of enabling development to be carried out in accordance with the plan. No person, other than agencies listed, shall use the land and building or develop for other than conformity with the development plan. In the process of issuing planning permission, a
set of procedure is adopted. For instance, Tamil Nadu Town and Country planning Act 1971, Section 47 through 58 defines the procedures through which the development control is operated. It defines with the major headings of 'Use and development of land to be in conformity with development plans, restrictions on buildings and lands in the areas of the planning authority, application for permission, duration of permission, exemption for works in process, obligation to acquire land or building on refusal of permission or grant of permission in certain cases, compensation for refusal of permission or grant of permission subject to condition in certain cases, power of revocation and modification of permission to development, bar of claim to compensation in certain cases, power to require removal of unauthorized development, power to stop unauthorized development and development undertaken on behalf of any state government or Central Government or local authority.' Thus the operations of urban development are governed one by the definition of development and second by control development in terms of norms/standards, guidelines, regulations and acts that permit a given development (Davies et al. 1986).

2.2 EVOLUTION OF DEVELOPMENT CONTROL MECHANISM IN URBAN PLANNING

The development control mechanism of the urban plan is evolving in nature as one tries to accommodate development requirements at different point of time. To ride over health problems during pre- and post World War periods, many of the cities in industrialized nations imposed many guidelines to regulate the building size, shape, light and ventilation (McLoughlin 1973). The industrialization, especially in Europe had brought in rapid urbanization leading to mushrooming development with little environmental compatibility. This had caused the concerns of the state/local authorities to think to guide individual buildings through regulations.
At this time in evolution, the first Housing and Town Planning Act was introduced in United Kingdom in the year 1909. This is supposed to be the first Parliamentary Act of Town Planning (McLoughlin 1973). Similar Acts were introduced in different parts of the world to regulate urban development. These Acts had many commonalities and few differences. The commonalities were two folds: First, there had been always reference to a physical development plan; the second some regulatory measures which act up on the development of plan’s objectives. Practically, these regulatory measures were widely intermingled with sectoral and administrative laws such as Agricultural and Forestry land Act and Pollution Control Act.

2.3 CHARACTERISTICS OF DEVELOPMENT PLAN AND DEVELOPMENT CONTROL

Development control is the key operation in implementing the development plan. The actual developments are happening on selective basis at the behest of developers. Their selection, characteristics of applicants to be served are highly influenced by socio-economic and physical proximity. While development plans are prepared with certain level of flexibility, some amount of firmness could only provide broad contents of development (Table 2.1). Development control deals with day to day planning process, and individual cases for planning permission.

The integration of development plan and development control needs detail studies on its structure and operation. The result of such studies opens up the issues of strong and weak points for integration. This integration would assemble means to assess whether the planning is prone to failure or not, if so how? and how to rectify? (Sorensen and Auster 1989).
Table 2.1 Characteristics of Development Plan and Development control

<table>
<thead>
<tr>
<th>Development Plan</th>
<th>Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Generally have only two statuses, i.e., existing, and proposed land use</td>
<td>Continuous assessment of development process referring to development plan and other statutes pointing toward regulations and negotiations</td>
</tr>
<tr>
<td>2. Reference of development is not very specific to individual property</td>
<td>Details on control procedures are drawn down to each property, and therefore case based process</td>
</tr>
<tr>
<td>3. Synthesized based on one time compilation of policies and guidelines and in operation mostly stand alone plan (Davies et al. 1986)</td>
<td>In operation each case is to be scanned with reference to the guidelines, policies and plan and serves a best platform for public participation (Lichfield 1979)</td>
</tr>
<tr>
<td>4. Its evaluation is based on synthesis of developments that had taken place during the plan period, and hence relying on development control.</td>
<td>Its evaluation is based on decisions made on individual case and its validity on aggregated implications on plans and policies.</td>
</tr>
</tbody>
</table>

2.4 DEVELOPMENT PLAN AND PLANNING POLICIES

Under the statute of many countries preparation of a development plan is mandatory. The scope and details of these plans vary with countries. These development plans are also named differently according to the scope and content such as Structure Plan, Master Plan, Detailed Development plan, Development Plan and Zonal Plans. The development of urban area is not exclusively governed by physical form; there are many policies of the government to be accommodated while making decision on planning permission. Many policies/Acts/guidelines come into the picture of urban planning, as every development has to ultimately take place on land. In general, the purpose of a development plan is “to present the policies and
proposals designed to achieve the stated planning goals for the area. The development plan must be sufficiently flexible to deal with all matters that are subject to planning control and influence" (HMSO 1970). The policies that are referred along development control permission vary widely from country to country as well as between planning authorities in a country. The major policies that are referred are the plan and issues relating to environmental and economic management like agriculture and forest development, pollution control, traffic control, and sometimes regional planning law and urban renewal law (Hooper 1988).

2.5 DEVELOPMENT CONTROL IN DEVELOPING AND DEVELOPED COUNTRIES

Present day development control adopted by many countries were evolved from the bye-laws of public health authorities (McLoughlin 1973). These bye-laws govern the physical conditions of the buildings specially that of light, ventilation, height and spacing. Factors of industrialization in Europe and North America had caused social, physical and environmental degradation. Post war period also had brought in special urban problems like redevelopment and urban renewal in industrialized countries. These were realized by the concerned governments and they were forced to adopt various legislation to protect and conserve their physical environment.

In developing countries, these problems were different. In most of these countries, population size and its growth, economic conditions forced the physical development in a different fashion and in most of the developing countries, the population size is very large with a high growth rate. The migrant population with very little or no skill put a heavy burden on the already meagre and over-strained urban infrastructure. Informal economy and unplanned physical development had dominated the urban growth. Thus the adoption of development control in developing countries is varying and still in evolving process (Njoh 1995).
In this context, to review the development control process as a guiding force to hold development in select countries is essential. Such a review would confirm the use of development control as a tool in governing urban development, and reveal courses of changes and validate the methodology developed in this research under wider context of urban development issues rather than a narrow planning problem. An analysis of the content, nature and the method of development planning and development control, their relationship under different socio-economic situations would clarify many issues. The outcome of such an analysis would also become useful inputs into the future model for development control based information capturing. Therefore the detail of development control processes in England, France, Japan and Philippines (Manila) has been studied with reference to definition of development control, procedure for development control and basis of the plan and policies.

2.5.1 Development control in England

England is having the privilege to be noted, to use the term ‘Town Planning’ in its statute for the first time in the history. This was statuted in 1909 Housing and Town Planning Act. Earlier to this Act, the physical developments of building were directed by the norms of health authority.

Definition of ‘development’ and ‘development control’

The statute, Town and country planning Act 1971, section 22(1) defines development as:

"The carrying out of buildings, engineering, mining and other operations in, on over or under land and the making of any material change in the use of any building."
This legislation covers the entire country, and hence, a binding universal law. However, the use of land for agriculture and forestry is exempted from this statute. Certain important activities by the Central Government and statutory authorities have been identified as 'deemed' permission category. Planning permission for certain construction of agricultural buildings, certain types of industrial processes are defined as 'permitted' development which need not seek planning permission. Along with this, a few other uses listed in the general development order, and listed under use classes order such as shops, does not require permission for change of use (Davies 1988). Certain special activities under enterprises zone and simplified planning zones were, if developed in accordance with the planning scheme would receive planning permission automatically (Davies 1988). The development control is the binding procedure which envisages that every proposal for development either by private or public should necessarily obtain planning permission from the local planning authority.

**Procedures for Development Control**

The applicant has to submit the application to the District Council. The District Council's planning departments scrutinize the application in consultation with the concerned agency such as highways, regional water authority and for few cases the Heritage Council. In most of the cases, the decision is made to either approve or refuse or approve with conditions by the District Council unless power is delegated to a planning committee or to a planning official. The decision has to be made by the District Council within eight weeks time from the date of application, after which it is deemed to be a refusal unless the applicant agrees for an extension of time (Davies 1988).

The basis for taking decision for every planning application is, on consideration of a development plan and any other material consideration for the particular application for planning permission. The development plan is not legally binding to make a decision in planning permission. Other materials
for consideration have a great value for planning permission which are interpreted by legislation by court of law. Therefore, the decision for planning permission is discretionary in nature.

There are two categories of application for planning permission which is defined by General Development Order (Davies 1988). One is comprehensive planning permission, which prescribes precise information of site plan, layout, elevation, materials and landscaping. Second is the initial outline planning permission. This permission establishes agreement of the local authorities for a specific development in principle only. The applicant reserves the rights of design, massing, setback, open space and several similar parameters. The applicant must apply for prior comprehensive planning permission if he decides to develop the area. No development is allowed with outline planning permission.

**Basis of plans and policies**

The local authorities empowered to issue planning permission should make themselves clear in two matters before initiating planning permission application scrutiny. One is the reference to the plan. The plan may be a structure plan, detailed development plan or local plan which is governed by statute of the legislation. The second is relevant to other material of consideration including policies/Acts/guidelines that are considered necessary to take decision of a given application. Some of these features may vary and some are common to all application. However, building permission is separate from that of planning permission in U.K. (Davies 1988). On disagreement with the decision of the local authority, a provision is made for the applicant to appeal to the secretary of state or court of law for consideration with valid reasons. The preparation or revision or review of the plans is guided by the Town and Country planning Act.
2.5.2 Development control in France

Until recently, France was a unitary state having strong centralized power. The law of that country devolved powers to bureaucratic control, and political system play a secondary role, specially with reference to physical development. The other major factor that tunes the physical characteristics of France is the overall density of the country which is very less compared to other European counter part. The administrative framework for France planning is having four level of hierarchy, i.e., National Government, The regions (22 economic planning regions), the departments (96 departments established by Napoleon), and the lowest level is the commune (like a village). Each of these levels plays a potential role in the decision making process including development control (Booth 1985).

Definition of development and development control

As in other countries, the planning permission is issued to individual and organizations on the basis of an application to planning permission to the appropriate authority, in most cases it is the mayor of the commune. In France planning permission is considered for building rather for land use (Punter 1988). The legal definition of ‘development’ is comprehensive. A permit is virtually essential for all type of construction works even for minor building. The exemption of a permit extends only to the activities like street furniture and small supportive structures. Buildings covered under official secrets Act are given standing rules for exemption. Activities like telecommunication work, schools and production of energy require preliminary declaration before the commencement of work. Large scale development of building requires special public enquiry. There are number of conservative proceedings on demolition of old buildings and conservation areas. The subdivision of plots are controlled separately and building permits in these subdivided plots are to be obtained separately.
Application of planning permission for any construction is a must. The applications for building permits are submitted to the mayor of the commune. The application has to be made on a nationally standardized form. Each application should be accompanied by a set of listed details. The scrutiny would be carried by nationally prescribed rules by technical staff of the commune. The technical staff of the commune refer to the concern plans to draw Technical details to take decision. There is a time limit for application process, and declaration of permit or rejection is within two months. If the authority does not notify the decision within this period, the applicant has the right of deemed permission. Building permits in France are complicated by the procedure of computing various levies. A formal decision is presented in the form of a decision notice ('arrete') (Booth 1985). A copy of this would be sent to the commissioner concerned to verify the legality of the notice. In the event of the decision of rejecting the applicant’s proposal, or reserving the decision, it must be justified. It gives an idea to the applicant as to the means to appeal against such decision (Punter 1988). The decision notice is displayed in the town hall as well as on the site within a week’s time of the decision. If the decision notice allows a building proposal, it is valid for two years. If the construction is not undertaken or stopped for more than one year, then the permit becomes invalid (Booth 1985). Before the start and after completion of work, the owner should submit on application to the authority. After completion of the work, the authority would visit the site and issue a conformity certificate. If the work is not in conformity with the permit, then powerful sanction is instituted including the demolition of the buildings (Punter 1988). All stages of development control process, namely application submission, scrutiny, consultation, decision and implementation are standardized. Compared to the British system, the scope for discretion is limited. Still, a considerable amount of discretion is left with means of interpreting the rules. Yet another significant difference from British system
is that the France development control descriptions do rest with the bureaucrats and technocrat control rather with the politician.

**Basis of plans and policies**

The planning permits in France are governed by the plans of a concerned region. There are four levels of the plan. They are a national plan and its component regional plan at one level, a strategic long term development plan for cities, and land-use zoning plan for local level (Punter 1988). The land use zoning plan (Plan d’Occupation des soles [POS]) provides details on all the legislature and regulatory permissions. POS itself elaborates all the rules of location, servicing, size, sifting, volume and external appearance of development. Wherever there is no publication of POS, National Rules of Urban Planning (Regles Nationales d’Urbanisme[RNU]) applies. These rules being applied throughout the country, and these general in nature. Decentralization of development control is passed on to the mayor of the commune, if the local plan is already approved for the concerned area (Punter 1988). The plan at various levels requires the technical clearance for planning permission. Administration and hierarchy of government provides the legislative provision for issuing planning permission. The preparation of plan and planning permission are integrated for better decision making process in manipulating physical development.

### 2.5.3 Development Control in Japan

Uniqueness of Japan’s urban management process is in its integrated approach (Alden 1984). Being developed in a small geographical area with high concentration of urban and industrial development, its management is a task for urban planners. Fundamentally, Japan also relies on the city plan and legislation to support urban planning. But it has different operational management. Two important issues are, the environment and the utilization of space either in rural or urban areas. The civil law (civil law Act of 1898) is
having a great impact of development control (UNCRD and CPR 1991a). Japan is divided into 47 large local bodies called 'prefectures'. It is further classified into municipalities, cities, towns and villages, and local bodies totaling 23,252 (UNCRD and CPR 1991a). These local bodies have authority to carry out administration. However, the local bodies are controlled by the central government in terms of financial allocations.

**Definition of development and development control**

The civil law act 1898 has given rights to use land and buildings as independent ownership with independent rights. Therefore, the land ownership and the right of ownership of buildings on that land shall be the property of another individuals. Development and transfer of land also governed by public acquisition of land, wherein, any third party transfer of land could be acquired by government. Therefore, the development and development control in Japan is governed by many legislations under City Planning Law and Building Standard Law. The individual or organization intended to promote development should seek the permit. The scrutiny of application is carried with two major premises: One is city planning law, and the other is the building standard law. Each of these laws has wider coverage of norms. The application is processed by the Governor of the prefecture or mayor of the municipality and cities. The implementation of land use as such is carried out indirectly in Japan by means of regulating measures. They include development permit system and building conformity system. If the proposed development is less than 0.1 hectare of land, planning permission is exempted (UNCRD and CPR 1991a).

**Procedures for development control**

The procedures for development control in Japan is governed by two major legislations: One city planing law, and the other the building standard law. The city planing law derives its strength by designating urbanization
promotion area and urbanization control area as well as zoning regulations. Development is centered around eight land use zones (UNCRD and CPR 1991a). Each zone has limits on building coverage and floor area ratio (FAR). A unique characteristic of Japan's City planning is the adoption of city planning projects. Under city planning law, City planning projects detail out placement of infrastructural facilities and characteristics of urban area developments such as land readjustment projects, new residential urban area development projects, whereas building standard law concerns mainly first with the individual building and its serviceability, and second, with the relationship of the proposed building with that of other elements in its vicinity. Regulations concerning individual building cover sanitation, safety, structure, fire proofing, disaster, planning the mechanical systems of buildings and other local government ordinance, whereas the relationship of the proposed building to that of its environment is scanned based on site, street, land use zone, restrictions on building coverage, building height and restrictions based on disaster prevention.

Any application for development from urbanization control area is prohibited. In an urbanization promotion area, development proposals require a permit from the mayor / Governor. To secure a planning permit in an urbanization promotion area the proposal should be adherent to the standards under building standard law and city planning law explained above. The authority concern will examine the proposal and may summon the applicant for consultation. The application, on satisfying ordinances, will be issued with a permit application. On submission of permit application, the authority would issue a permit by opening a development project regulation file. After notification of permit, construction work starts. The building work is continuously under the supervision of the authority to confirm that the developmental activities meet the permit requirements. On completion of the building, a public notice is announced. Later, the land / building or both ownership would be transferred along with public land and facilities to the local authority.
Subdivision of land, transfer of property is taken care by urban development projects. They include land readjustment, new urban development projects, industrial estate development projects, urban redevelopment projects, new urban infrastructure development projects and residential block construction projects. For development of these natures, Government has the right to regulate the third party transfer of property and could acquire the property for urban development.

Under these restriction and rules, the demand and supply of various housing and space requirement in Japan are faced high price of land and rent. In 1989, new legislation called basic land act was introduced to accommodate national policy to accelerate the supply of housing. Under this policy, pockets of priority areas are identified. Under each category, the government expedites the housing supply by granting incentives. By this means the supply of housing has been promoted. These incentives are specific target areas bound, and cannot be applied in general.

**Basis for Plans and Policies**

The structure of urban planning and development control followed in Japan is comprehensive. It relies on many laws starting from the civil law, city planning law, building standard law and many such norms and standards of local authority. The planning permit system again considers provision of infrastructure facilities while issuing a permit. It has also overriding powers to acquire public facilities and land for public use through planning permits. Since the country has a great pressure for land and competing uses, the whole planning system is integrated to deal with the situation not as seen elsewhere in the developed countries. Planning permits, layout development, and infrastructure developments are not administered by separate governmental entities in Japan. Special projects like land readjustment, and the local authority's ruling on third party transfer of property are again unique to Japan. Design, lease and rental characteristics
are strongly influenced by independent ownership of land and building on that land. Though the basic urban plan of Japan is much similar to developed countries, its development control procedures are far integrated and unique in total urban planning solution. Therefore, the plan and policy basis of development control is much stronger in Japan.

2.5.4 Development Control in Manila, Philippines

Philippine is one of the developing Asian countries. Manila is the national capital of Philippines. Comparatively, Philippines have higher population growth with emerging economy. Therefore, with reference to urban planning, managing development control is an important task to be performed by the planners. The local government of Philippines is political in nature and is to manage the local development themselves. There are 73 provinces, 2 sub-provinces, 60 cities, 1534 municipalities and about 41657 bearings. Metropolitan manila is a special unit consisting of 4 cities and 13 municipalities. The metropolitan manila is headed by a Governor who is one among the mayors of the city (UNCRD and CPR 1991).

Definition of Development and Development Control

The definition of 'development' in Manila refers to any change or modification in use of building and land. The land development activities such as layout sub-division are looked after by Housing and Land Use Regulation Board (HLURB). Building permits are governed by National Building Code and operated by municipal engineers of the city (UNCRD and CPR 1991). In order to promote housing supply for poor, the building standards for poor are relaxed by an act passed in 1982 (Bat as Pambamsa 220). This Act authorizes Housing and Urban Development Coordinating Council (HUDCC) to allow different level of standards and technical requirements / or specialist housing projects in urban and rural areas.
Procedures for development Control

The process of layout, and subdivision of plots starts with submission of a plan to the housing and land use regulatory board. The submitted plan should follow the subdivision rules with minimum size, street, passages, waterways, services, drainage and sewerage. The approval would be done based on the comparison of land use plan and zoning ordinance applicable to the case. A development permit would be issued after payment of processing fees. Each developer should also get a license to sell the plot by paying development costs, and the plan will be verified on the site by land management bureau for its management and locational authenticity.

The building permit system is governed by national building code, zoning, density control, and height restrictions (UNCRD and CPR 1991). On receipt of the building plan proposal, the municipal engineer verifies the proposed buildings structure, land use and zoning regulations. The official also verifies the title, road lots, property line, streets or highways. In the next stage, technical staff evaluate the proposed building's architectural, structural, sanitary / plumbing, electrical and mechanical works. On conformity with the rules, the authority authorizes the applicant to pay the building permit fees. As mentioned above, there are certain concessions considered towards housing projects for the poor.

Basic plans and policies

Urban planning and development in Manila is regulated by comprehensive zoning ordinance for the National Capital Region, i.e., Metropolitan Manila. It is preferred under the guidelines of Housing and the Land Use Regulatory Board (HLURB). The guidelines emphasize the integration and interdisciplinary analysis of different sectors. These include social sector, infrastructure sector, economic sector, physical sector, fiscal sector and/or local government administrations. The comprehensive zoning
ordinance for the National Capital Region, defines the city into land use zoning, specification of patterns and density. The development control process involves many issues in Manila. It is technically integrated to sectoral plans and development, and, not merely physical development. To that extent the development control process has far reaching impact on many sectors of the city.

From the select case countries, it reveals that development control is the tool used to manage urban development. However, the levels of integration of development control to that of other sectors such as the infrastructure and services are varying to country. In cases like Japan and Manila, the development control is attached to property transfer. In Manila, it is seen that the development control is deeply linked to several sectors of development and envisages better management of urban affairs as a whole rather than only to physical development (Table 2.2).

2.6 STRUCTURES AND STRATEGIES OF DEVELOPMENT CONTROL

By way of planning urban environment, the responsibility and goals of urban planners are higher compared to that of their powers (Faludi 1984). Urban planners are ultimately expected to harmonize the social and economic environment of an urban area, but with ultimate powers to control only the physical environment. This leads to a dilemma in practice of what to do and what not to do with urban environment. The development control, has therefore, to react to many aspects of subsystems of urban areas. They are, but not limited to:

One Increasing pressure from number of applications, appeals and enquiries from the applicants and developers.
<table>
<thead>
<tr>
<th>S. No.</th>
<th>Country</th>
<th>Reference of Development</th>
<th>Time frame for approval</th>
<th>Limits of exemptions</th>
<th>Nature of planning permission</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>England</td>
<td>Comprehensive, refers to building and land use</td>
<td>8 weeks, after that period deemed refusal</td>
<td>Some development exempted</td>
<td>Discretionary powers rest with the government</td>
</tr>
<tr>
<td>2.</td>
<td>France</td>
<td>Comprehensive, building and land use separately</td>
<td>Two months, after that deemed approval</td>
<td>Activities under official secrete act exempted</td>
<td>Limited discretionary powers rest with the bureaucrat</td>
</tr>
<tr>
<td>3.</td>
<td>Japan</td>
<td>Comprehensive, building and land use separately</td>
<td>Continuous process in many department</td>
<td>Less than 0.1 Ha of developments</td>
<td>Governed by urbanization promotion and control area</td>
</tr>
<tr>
<td>4.</td>
<td>Manila</td>
<td>Building and land use</td>
<td>-</td>
<td>Relaxation for poor housing</td>
<td>Integration of many sectoral proposals</td>
</tr>
</tbody>
</table>
Table 2.2 (Continued)

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Country</th>
<th>Appeal to</th>
<th>Reference of plan/policies</th>
<th>Unique characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>England</td>
<td>Government</td>
<td>Plan, and other material consideration</td>
<td>Refers to development plan and other materials of consideration for sanction of plan, more discretionary</td>
</tr>
<tr>
<td>2.</td>
<td>France</td>
<td>Mayer</td>
<td>Development plan</td>
<td>Bureaucratic control, governed by national rules of urban planning</td>
</tr>
<tr>
<td>3.</td>
<td>Japan</td>
<td>Governor</td>
<td>City planning law, building standards and land use zones</td>
<td>Development is controlled by urbanization promotion area and urbanization control area, regulate third party transfer of property, integrated to services and infrastructure</td>
</tr>
<tr>
<td>4.</td>
<td>Manila</td>
<td>Housing and landuse regulatory board</td>
<td>Land use plan and national building code</td>
<td>Integrated to social, infrastructure, economic, physical, fiscal and local government, need licence to sell plots</td>
</tr>
</tbody>
</table>
Two Public who are much more vigilant and concerned with the standards of environmental quality and protection.

Three Pressures from developers/financial institutions to release more and more space as well as relaxations of standards for development.

Fourth The plan, policies, zoning regulations, public organizations imposing number of new regulations that affect development control (Rivkin 1978, Levy 1992) and

Fifth The overall planned objectives of the plan and its capability to interpret all the above pressures and yet to yield a judgement, keeping plan and proposed development in a balanced manner is a challenging process.

One possible way to manage such pressures is looking at it on time scale; i.e., How the pressures are evolved through time and its ultimate results to that of a plan? (McLoughlin 1973) Development control is the process through which the realistic result of a plan is to be achieved. As a result, the development control process cannot be visualized as mere routine operation but more of a decision making process. It is also visualized from the study of various countries that the decision making process of development control draws tactical knowledge, judgment and lot of broader range of factors that vary depending on the context and characteristics of each planning permission case (Leary 1987).

2.6.1 Structure of Development Control

Technical aspects of development control

The relationship between the development plan and development control is established through the technical references of one with the other
Any improvement is envisaged in development plan or development control is based on how the technical link is made. It is anticipated that the characteristics of better planning are its responsiveness and flexibility to the changing conditions (Willis 1995). The technical aspect of the development control may require key information in a contextual analysis of planning permission. For example, while deciding a complex case for planning permission, the planner may seek "how many such cases earlier been issued or rejected with planning permission?" or the validity check with all other policy concerned, the decision has been correctly made or not? It is also interesting to note, that no development plan could give property wise details on allowable development. Even if it is done, it becomes too rigid and its implementability is weak. At the same time, if a development plan is preferred showing very huge area of kilometer squares marked as residential, then almost any proposal may find a fitness within it. Then it becomes the responsibility of development control to make the judgement on each proposal based on various regulatory procedures (Keeble 1983). Development control feedback has the potential information in sensing the practicability of plan's proposal. Another interesting area of information utility from development control is the context of review of a development plan. A development plan for urban areas is usually prepared for 15 to 20 years plan period. All the proposals envisaged for such a long time in the plan may not take place. There may be proposals which are not anticipated at the time of plan preparation. The trend of development may also warrant a review of the plan. Under these circumstances, regular information updates from the development control feedback would help the development authority to validate the plan now and then and enable them to review the plan.

The signals for review of a plan may be many. A few important parameters to test the validity of the plan or to have a review should be tested against number of unintended developments that have come up in an urban area. Slackness of development from the anticipated development plan may
also serve as an indicator to review the plan. Context of these indicators could be learnt only from the development control process.

The development control desaggregated individual applications that are piped through, rather to describe and explain the form of the physical environment that evolves (Procos and Harvey 1977). Development control also provides opportunity for the planners to learn the implications of the plan from the public reactions which either are echoed welcoming or indicating the limitations of the plan. Consultation with the applicant during case study is informative and good platform to know the plan as perceived by the general public. There are many such potential analyses possible to synthesis from development control activity as a feedback system. Several commentators have identified lack of integration between development plan and development control as an area of weakness in current planning practice (Davies et al. 1986).

Legal aspects of Development Control

As a parallel to the technical aspect as core to development control, legal aspects also play a great role in planning. The review by the Royal Town and Country Planning Institute, "was concerned entirely with the mechanisms of the development control process and with the causes and effects of delays and the consequent abuse of natural justice" (Preece 1990, Faludi 1984). As seen earlier, that the ownership of land and related activities are tightly connected to fundamental laws (Hamm 1983). It also involves various policies and regulations of other department. For example, under the British Planning system, there are as many as 87 possible planning considerations while processing applications (Davies et al. 1986). Similarly, in France there are 90 possible consultations in any permit (Punter 1988). Under the Building Standard law of Japan, the off-site and on-site infrastructure and its relationships are built in the planning permit system themselves (UNCRD and CPR 1991a). In Denmark for example, planning legislation includes
coordination and integrates between public bodies (Edwards 1988). Sectoral approach is adopted in preparing and implementing plan in Metropolitan Manila (UNCRD and CPR 1991). There are several occasions in which the legal interpretation of a given development is self-defeating with different policies (Pountney and Kingsbury 1983).

The legal aspects of development control are having very strong implications on physical development. If properly applied, it has the potentiality to tune the physical and social environment. For instance, California state enacted a legislation requiring employers to pay the cash value of parking provided to reduce the traffic congestion and air pollution (Shoup 1995), whereas in Southern California, Zoning codes cause parking to be oversupplied. This in turn caused more automobile commuting, low building density and low land value that resulted in the automobile oriented urban design paving way for the spread of urban development (Shoup 1995).

It is to be learned that causes of legislation that is enacted for development control do not stop in forming a physical form alone, but also cause social and economic impacts. Any legislation enacted to control or to encourage a set of physical form should be evaluated to the resultant overall impact. This is rarely done. Basically all the development control enactments have a set of objectives to reach to an overall physical form. The means of approaching this is by regulating each planning application.

Another legal aspect of development control is the coordinated development. At municipal level, there are many agencies involved in keeping up of urban environment. Each department has its own norms to be followed in formulating and implementing the plan. Unless some coordinated efforts are made, the ultimate result of many developmental efforts to keep up the urban form is at risk of mismatched development. Since the development control procedure has knowledge on developmental trends, it could be an efficient guiding force. An example of Japan development control procedures
may be cited for better integrated execution of work, especially safety and infrastructural management (UNCRD and CPR 1991a).

**Social aspects of development control**

People and their culture reflect in the process of development. People’s awareness, their desire to participate in the developmental process influences the development control process. Population, its size, mobility and economic power do reflect in shaping the physical environment. For example, developing country like India, where about 40 per cent of metropolitan population live in slum or slum like environment (Mathur 1980). Their living space and standards are below minimum. Any proposal or plan for physical development cannot ignore it. If provisions are to be made to improve the poor’s living conditions many incentives in planning standards are to be adopted.

Public participation is one more avenue where the development control could learn the desirable and practicable ends of a plan (Keeble 1983). At each stage of planning process, i.e., plan preparation, review and implementation should provide desirable proportion of public participation. It is also interesting to note that the social and cultural change too affect the development control. For instance, there is growing trend in Germany that demand for single person housing with more floor space per person is the trend (David 1987). Developments like inner city redevelopment do not attract the developers there even after government allows many relaxations.

**Economic aspects of development control**

Economic aspects of development control play a dual role: One, the national, and local government’s investment for development, and the second, individuals, groups, or organizations as developers investing on urban development. For both, specially in urban areas, development control has a
bearing. It is to be noted that only in selected countries, the sectoral investments are guided through coordinate development control. At metropolitan level, some countries participate to prepare comprehensive plan on spatial led sectoral plan. Like metropolitan Manila, more integration to spatial development is done with social, infrastructure, economic, physical and fiscal sectors. Plan for these sectors are drawn up and integrated at spatial level. While issuing of development permission, various sectoral proposals are also looked into. This gives credential support for plan and guided urban development, where the costly social and infrastructural developments are synchronized with the physical development. This approach resolves many conflicting proposals from various departments.

The second set of economic aspects of development control relates to the investment made by promoters. While promoters invest for profit, they treat every proposal as a business. The promoters try to optimize space as well as capital investments, whereas, the planning permission for development validate any proposal with standards. Applying planning standards and zoning regulations socialize the space and thus, reduce the profitable space counter to social space. Conversion of single family plots to flats is an increasing phenomenon. This ultimately changes the whole physical environment apart from overtaxing of infrastructure (Keeble 1983, Patton and Sophoulis 1983) (Figure 2.1). Delay in processing planning permission applications causes depreciation of project value especially large scale commercial development.

**Aesthetic aspects of development control**

In the process of development control, the development authorities do try to mould the physical as well as, to an extent, social environment of urban areas. Many countries treat design quality as some check points in development control. In most of the developing countries, the design quality is restricted to certain notified areas and notified structures only. Information
Figure 2.1 Aspects of Development Control Process
of design quality, checks as skyline, colors of the exteriors of buildings and urban design quality is not much published in the context within which the design decisions are discussed by the promoters as well as the local or development authority (Beer 1983). In most of the cases, specially for residential development, four criteria are checked. They are site-layout, appearance of buildings, external spaces and site assessments.

It is also argued in a few of the rarely published design quality and development control research papers, that the involvement of professional designers by the developers and the development authority do matter much in the final output. The result of design quality check in development control over a period of time a sizeable portion of city environment is being changed. (Beer 1983).

**Political aspects of development control**

Political system, specially in a democratic setup, has the ultimate authority to decide the policies (Edwards 1988). Planning system, particularly development control is the sharp edge on which the planners and politicians meet. At the societal level, politicians view the goals of development control as to generate better physical environment. So he enacts many safeguards in the interest of the citizen to whom he is most obliged (Friedmann 1989). The development control process is a peculiar case where the political system enacts many safeguards at the interest of the society, and interestingly, breaks its own act to favour individuals or investors at a later date on appeal/application (David 1987). In the politician's point of view this act of favoring individuals may fit him with added political strength; while viewing it in the angle of professional practice, it may be an unfortunate decision if the rulings of the development authorities are overruled by the political system.

Given the context of legal frame work of development plan and development control, it is inevitable to have appeal procedures. However, indiscriminate use of such clause causes worry to the planning system
(Fredmann 1988). There must be a procedure through which both decision on appeal and safeguarding of the plan are taken care of. For instance relaxation of standards of FSI, setback and height would press hard upon the environment and living space. Hence, studies with reference to political spheres of development control are essential to capture and transmit the feedback to the planning system.

### 2.6.2 Strategies of Development Control

One of the imputations to this research and other critical review already made on development control mechanisms is to view it as means and not as an end process. Till recently, the potentialities of development control feedback were not thought to be a worthwhile exercise (Joseph and Pathak 1995). Though there are several studies citing critically on using development control related information for urban planning process, only selective studies devote much attention toward these aspects (Table 2.3). In one such study Davies and his team worked for the department of environment and concluded that the relationship between development plan and development control is robust (Davies et al. 1986). Aspect on usage of information for evaluating development plans or urban planning processes was sketched in this study.

Pountney and Kingsbury's study in the relationship between development control and its usage in urban planning process observes that

"Two objectives of the study were established; first, to examine the framework provided by the local plans for development control and to assess the scope for its improvement; and secondly, to consider the extent to which various types of development control information are used in the preparation and review of local plans" (Pountney and Kingsbury 1983).
The only laudable argument on the linkage between development control and urban planning process is outlined by McLoughlin in his book on control and urban planning (McLoughlin 1973). He in essence postulates many circumstances in which an efficient and comprehensive information system of development control would improve urban planning process in a variety of ways. He puts forth that,

"the most effective and helpful action for planners may simply be to provide better information about the urban systems "First, to indicate when required, how much development of what kind has been approved or refused and when and where ..... in order to improve the information base for the planning function. More specifically it will help to ensure that the planning authority is fully aware of the overall demands on land and how much demands change over time ....to assist in the provision of an up-to-date picture of the land use in administrative country ....to evaluate the continued relevance of current plans and policies (and) to provide the statistical returns required by central government. Secondly to provide when required information for the better management of the work of development control. More specifically to establish a remainder system indicating the impeding expiry of temporary planning constants and to help in the preparation of statistics for reporting (quarterly) to the country planning committee" (McLoughlin 1973). He continues to express that "The success a system clearly derives from a sophisticated view of the planning process and the relevance of control as a means of monitoring of the actual course of change and as error activated device wherein outcomes in terms of physical developments are compared with the intentions
embodied in plans and policies". He also suggest that "development control should be integrated not only with detailed physical planning but with many other kinds of public activities of a detailed executive kind" (McLoughlin 1973).

Several such studies, specially from developed country, evidences support to the argument putforth above. They are mostly concerned with one or two specific aspects of development drawing information similar to that is dealt in development control process.

Table 2.3 Studies related to Development control process hypothesized to influence urban development issues

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Urban development issues</th>
<th>Source of hypothesis</th>
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<tbody>
<tr>
<td>3.</td>
<td>Facility planning</td>
<td>Innes (1988)</td>
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Attempts significant of above nature to exploit or expand or integrate development control in Indian metropolitan planning scheme is limited, rather it is nil. It is only in recent times such an issue has surfaced among senior urban planners in India (MUD, GOI. 1995) and urban planning professionals (Balasubramanian 1992, Gurusamy 1990).

Development control process is the meeting point between the plan and the implementation. The case studies acknowledge that the relationship
between development control and development plan is robust; but it is not that all about the planning system. It does represent major part of the plan’s life cycle wherein, throughout the plan period, plan is linked to reality through development control (Davies et al. 1986). The scope of the development plan, technically, could not be elaborated to site level. Development control fixes certain norms and standards in order to look after the process of planning permission. This phenomena is also a universal application. The development control by means of plan rules, regulations, Act have sense of flexibility and at the same time some aspects of firmness.

Dealing effectively with all aspects of urban development is hard to follow. Development control being an important agenda of development authority, several commentators have identified lack of integration between development plans and development control as an area of weakness in current planning practice (Pountney and Kingsbury 1983).

Development control at core deals with the technical and legal aspects warped up by social, economic, aesthetic and political aspects (Figure 2.1). Adoption, intensity of its applications within development control process vary over countries. Understanding the relationship between plan and development control and its aspects are important to improve the effectiveness of urban planning system. The ineffectiveness of development control,

"is pity because planning proposals are particularly useless except to the extent to which they are translated into work of various kinds on the ground; so if planning theory and development control practice do not match, there is something wrong with one of them or both." (Keeble 1983).

Delays in processing planning permission may cause irreversible damage to the planning system. Delays may be expensive in achieving the plan objectives. Secondly, delay in planning permission is yet another area
which is considered to be for more important by the promoters (Pountney and Kingsbury 1985). For instance, if a promoter invests about Rs.100 lakhs in a project, simple interest of 24 per cent per year will cost about Rs.7,000 per day, apart from inflation, apart from the promoter’s office establishments and capital investment on land. It is quite natural that any promoter views the delay in planning permission as a critical issue. Individual’s affordability, specially for housing and consequent development control influences physical environment greatly. The desaggregated data that are generated through development control are immense feedback to the urban planning system as brought out by Pountney and Kingsbury who points out that,

"There is a growing, albeit, not very widespread awareness that the potentialities of the development control process has not been fully exploited (Procos and Harvey 1977). The nature of development control work ensures that it is an important part of the development’s early warning system. Processing the applications lead to detailed local knowledge which in turn makes for an early awareness of anticipated and actual development pressure. In fact, the planning application procedures provides an antenna sensitive to which development options in a plan are currently in favor and which are not" (Pountney and Kingsbuy 1983).

It is also to be understood that the nature of planning process and development control are context sensitive to social, economic and cultural value of the society and country. It is therefore, difficult to transfer the experience of development control from one country to other. It has to be learned much of oneself (David 1987).