CHAPTER 4

Development Control in CMA

This Chapter critically examines the Development Control that is practiced in the Chennai Metropolitan Area and focus on the merits and demerits of the system.

The building rules were first introduced in Chennai in the year 1940 and that was the starting point for the evolution of Control on Developments. The scope of the building rules were limited to the regulations relating to sanitary aspects, lighting, ventilation and structural stability of the buildings. The Public Health Act and the Municipal Acts provided for broad designation of areas within the city for residential or industrial purposes and also prohibition of certain types of uses in a particular area of the city.

4.1 Town Planning Schemes: (T.P.Schemes)

The Town Planning Act 1920 enacted based on the British Act provided for the preparation, publication and sanction of General Town Planning Schemes for the Municipal Areas and Detailed Town Planning Schemes for local areas within the urban centres. It laid the foundation for zoning of different parts of areas, especially new developments. There were two components in the Town Planning Scheme viz., a land use plan which designated uses for different parcels of land and a set of scheme clauses which prescribed the regulations governing each type of development. There were only four classifications of land use advocated - residential, shopping and business, open space and industry. In the land use plan circulation was also incorporated showing the existing road network, newly proposed, widening and closure of streets. The Town Planning Schemes covered about 15% of the city area (CMDA, 1975). In the rest of the area building rules, under the Chennai City Municipal Corporation Act 1919 (CCMC Act 1919) were followed for building regulations. In the Municipalities outside the city building rules under the District Municipalities Act 1920 are followed and in the case of Town Panchayats, and Village Panchayats building rules framed
under Tamil Nadu Panchayat Act 1958 are adopted since 1970. Still these rules are being operated in respect of the local bodies (Map No. 23), the whole emphasis of these rules are on individual building. The rule explicitly stipulate the minimum requirements of various parameters for the land and building development. Land development includes layout development also. As per rule 3, the owner or the registered powers of Attorney have to get prior approval for the layout from the competent Authority (CMDA/DTCP). The developer of the layout must relinquish his rights on the streets, public places in favour of the Executive Authority. Minimum 10% of the area in the layout have to be earmarked for common amenities, like park, play ground or for communal purposes. The Building rules under CCMC Act 1919 is more or less similar to the other Local Body Acts excepting certain powers to be exercised by the Commissioner.

The land or building use or the environmental considerations are not the criteria for buildings. In the Town Planning Act 1920 there was a provision to collect betterment levy from the developers covered under Town Planning Schemes. This concept is based on the assumption that there would be an appreciable increase in the land values, due to the execution of Town Planning Scheme and naturally state should have a share on such appreciations. This concept failed as the Authorities could not prove that the increase in land value is due to the execution of the Town Planning Schemes. The parameters prescribed for building construction varied depending upon the location and extent of the Town Planning Schemes.

The parameters like plot extent, set backs vary from scheme to scheme. For example - In Mylapore Southern Section Area T.P. Scheme sanctioned in G.O.Ms.No.172, Public Health, dt. 26.6.44, the plot extent was fixed at 0.4 Hec. (1 acre) (max) and 120 sq.m. (1200 sq.ft.) (min). Detached buildings had to have side set backs from (4.5m)(15’). For all buildings rear set back shall be (4.5m) (15’). Coverage also varies from 65% to 75%. Building line prescribed is varied to the width of a abutting road and varies from 1.5mts (5’) to 4.5mts (15’) and there was no restriction on height. As a measure of controlling density only one dwelling unit is permitted in a single plot irrespective of its size.
The increase in cost of land values resulted in further sub-division of plot. The parameters are not found to be realistic with reference to the big size plots. To quote an example in the Nungambakkam Eastern Section area scheme, the site extent varied from 120sq.m. (1200 sq.ft.) to 260sq.m. (2600 sq.ft.) and irrespective of plot size not more than one dwelling was permitted. For poor class area in row housing, not more than 8 houses were permitted. Building line was fixed at 7.2mts (24') from the centre of the road, so as to facilitate FSB which varied from 33mts (10') to 4.5mts (15'), coverage is limited to 50%, minimum side set back was 1.5mts (5') and rear set back was 3mts (10').

The basis on which such variance in the prescribed parameters is not known. Due to the above short comings and lacunae the T.P.Schemes could not be implemented effectively.

This concept of T.P.Schemes and attendance to regulation was not effective against developments due to rapid urbanisation and industrialisation seen during 1950 to 1960. To tackle the associated urban problem and for effective management of both the urban and rural areas, the Government of Tamilnadu enacted a new legislation i.e. - Tamil Nadu Town and Country Planning Act 1971.

4.2 First Master Plan (Master Plan 1991)

The T&CP Act 1971 (Town and Country Planning Act - 1971) was subsequently amended providing constitution of CMDA as a Planning Authority for the Chennai Metropolitan Area in the year 1974. Under the T&CP (amendment) Act 1973 (Tamil Nadu Act No.22 of 1974) CMDA has prepared a Master Plan for the CMA for the horizon Year 1991 to control and regulate Developments in CMA. This is the 'First Master Plan' for Chennai, which has been prepared by making use of the previous studies on Chennai particularly, interim Plan 1967 and comprehensive Traffic and Transport studies by the Directorate of Town and Country Planning, Government of Tamil Nadu, C.M.A. Plan 1971-1991 prepared by Rural Development and Local Administration Department, and Chennai Urban Development Project, 1974 by
The said Master Plan was approved by Government in G.O.Ms.No.1313 RDLA dated 1.8.1975.

Proposed form of Development:

After examining the various forms adopted in the metropolitan cities of the world and particularly those of Mumbai, Delhi and Calcutta, the strategy of development of radial corridors linked to satellite towns has been established for the Chennai Metropolitan Area (Map.No.1.1). This concept combines the advantages of radial corridor type of development and the concept of satellite towns or ring towns, which was considered to be the most suitable, ease of direction for movement towards employment and housing and less costly of adoption as it recognised the trend of development (CMDA - Master Plan for CMA 1991).

### Table 4.1 Proposed Population Distribution in CMA - 1991

<table>
<thead>
<tr>
<th>Area</th>
<th>Population (in 000')</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chennai City</td>
<td>3600</td>
</tr>
<tr>
<td>Manali</td>
<td>300</td>
</tr>
<tr>
<td>Minjur</td>
<td>200</td>
</tr>
<tr>
<td>Ambattur</td>
<td>300</td>
</tr>
<tr>
<td>Avadi</td>
<td>300</td>
</tr>
<tr>
<td>Alandur</td>
<td>200</td>
</tr>
<tr>
<td>Tambaram</td>
<td>300</td>
</tr>
<tr>
<td>Other areas (urban)</td>
<td>364</td>
</tr>
<tr>
<td>Rest of Metropolitan Area (Rural)</td>
<td>256</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,820</strong></td>
</tr>
</tbody>
</table>


The physical strategy for CMA, as contemplated in the First Master Plan include creation of six major urban nodes at Manali, Ambattur, Avadi, Alandur and Tambaram outside the city proper but close to it along the three corridors, apart from limited development along Calcutta Trunk Road, Poonamallee High Road and Lattice
Bridge Road. Each major node is designed for a population of 200 to 300 thousand and would be connected to the city and as well to the three satellite towns, viz., Gummidipoondi, Tiruvallore and Marai Malai Nagar (Map No. 4.1). The nodes among themselves would be connected by both rail and road system. It was also thought that provision of services like water supply and drainage, would be simpler and communication costs would be limited only to the improvement of the radial roads and railways and construction of regional peripheral communication links. The country side would be within easy reach as the green wedges penetrate the urban developments. It is contemplated in the First Master Plan by 1991, the city would accommodate only 3.6 million (2.47 million 1971), whereas the new centres are to accommodate 1.96 million persons by 1991 (Table 4.1). This is essentially a policy of dispersal to decongest the city.

For the development contemplated in the First Master Plan, a policy framework for future development, was thought to serve as a basis for the regulation of development through control over the use of land and building. The First Master Plan came into force in August 1975. The Master Plan with the intention to regulate the growth as per the strategy spelt out consisted two inter-related parts, the Land use Plan designating uses for the entire CMA which has been based on the existing land use 1975 and a set of Development Control Rules. It was tried to achieve the objectives of proper environment planning and through DCR, the building activity in each zone has been regulated. The city has been divided into sixteen planning divisions and for each of these planning units, detailed land use plans are made to a scale of 1:3168 or 1:6336. Rest of the Metropolitan Area has been divided into twelve Planning Grids for which landuse plans have been made to a scale of 1:15,840. Further the city area covered by Planning Divisions are divided into 99 Planning Units for the purpose of preparation of Detailed Development Plans. Since Planning Grids do not pin point the land use for a particular survey number, the proposed land use have been incorporated to the village level maps in the rest of the city area. The land use in Planning Divisions and Planning Grids have been transferred on to a map of the city Map No. 1/75 (scale 1:21,120) (Map No. 4.2) and to a map of Metropolitan Area Map No. 4/75 (1:63,360) respectively. (Map No. 4.3). The geographical distribution of land
Map No. 4.2  PROPOSED LAND USE 1991 (CITY)

Source: CMDA - First Master Plan
uses viz., Primary Residential, Mixed Residential, Commercial, Light Industrial, General Industrial, Special and Hazardous Industrial, Open Space Recreational, Institutional, Agricultural and Non urban which form the basis for zoning is given in Map No.4.2 and 4.3.

4.2.1 Land use Zoning:

The following ten land use zones have been adopted:


The land use has been in force from 5.8.75 i.e. the date on which the Master Plan has been approved. The proposed land use pattern for city and for the urban nodes is given in table 4.2. Which indicates that about 41% for City and 52% for Urban Nodes have been allocated for residential. In the case of industrial land use it is 6.4% City and 19.4% for Urban Nodes. As per DCR there are certain uses that will be permitted normally, and certain other uses that could be permitted by special sanction of CMDA, other uses will be specifically prohibited. The important draw back in this system is that certain uses permissible in lower order land uses are getting admitted in the higher order land use zones, irrespective of whether they are compatible or not.

Table 4.2 Proposed Land Use Structure - City and Urban Nodes 1991.

<table>
<thead>
<tr>
<th>Land use</th>
<th>Chennai City</th>
<th>Urban Nodes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Extent in hectares</td>
<td>Percentage to total</td>
</tr>
<tr>
<td>Residential</td>
<td>5,253.6</td>
<td>40.8</td>
</tr>
<tr>
<td>Commercial</td>
<td>496.4</td>
<td>3.9</td>
</tr>
<tr>
<td>Industrial</td>
<td>819.2</td>
<td>6.4</td>
</tr>
<tr>
<td>Public and Semi-Public</td>
<td>2,088.4</td>
<td>16.2</td>
</tr>
<tr>
<td>Open spaces</td>
<td>1,164.4</td>
<td>9.0</td>
</tr>
<tr>
<td>Transport and Communication</td>
<td>3,034.0</td>
<td>23.7</td>
</tr>
<tr>
<td>Total</td>
<td>12,856.0</td>
<td>100.0</td>
</tr>
</tbody>
</table>

* Not separately computed.

Source: First Master Plan, CMDA.
4.2.2 Development Control Rules:

The Development Control Rules (DCR) laid down the stipulations with which any development must comply and any person intending to make any development is required to apply to CMDA for permission under Section 48 of the Town and Country Planning Act, 1971. Development, as stated in the Act, means and includes the initiation of any use, or a change of use besides the normally understood construction, reconstruction, sub-division and laying out of land. (Section 2 (13) of T&CP Act 1971 as amended).

For the purposes of regulation, CMA has been divided into the following three tracts, which is mainly based on the type of growth which has been spelt out earlier i) George Town and continuous Building areas - Thickly populated and heavily built-up areas, ii) Rest of the city and Municipal Township areas - development is not intensive, iii) Other areas within CMA sparsely developed areas.

These divisions of development have been made taking into account the type and intensity of development, level of available infrastructure facilities and land value Planning parameters such as Plot extent, frontage, FSI, Coverage and Set back varies depending upon the special characteristics of the above areas, in which the development is proposed. Three special characteristic areas have been identified within the three divisions for special regulations viz., i) Continuous building areas. ii) Economically Weaker Sections where special concessions are offered with regard to plot extent, frontage and set backs and iii) Multi-storeyed Building area where special set of regulations are applicable for development.

There are specific provisions in the DCR to regulate. plot sub-divisions, layouts, street alignment / Building line, Parking. There are also certain provisions in DCR like Architectural Control, preservation of trees and buildings of historical and architectural importance and advertisement control, which are not exercised with seriousness. For the sake of continuity, the Town Planning schemes have been continued as it is by equating the designated uses in Town Planning schemes to that of use classifications of Master Plan (Appendix-II). As may be seen from the equivalent
land use classes, the TP Scheme classes have been matched with the land use zones adopted in the First Master Plan. However, there are no zones of Agriculture and special and hazardous industries, which have not been considered in Town Planning Schemes.

The minimum requirement of plot extent and plot frontage, is not applicable to properties, sub-divided and registered prior to 5th August 1975. For the purposes of development the ground and first floor buildings are categorised as ordinary buildings and buildings having more than 4 dwelling/more than 2 floors and commercial buildings exceeding 30sq.m. (300 sq.ft.) in floor area, are classified as special buildings and more than 4 floors and/or 15.5mts height are Multi-Storeyed Buildings.

Group development - accommodation for residential, or Commercial or combination of such activities housed in two or more blocks in a particular site irrespective of whether the structures are interconnected or not - is regulated by special provisions made in the DCR. Street alignment have been proposed for all major road corridors (Map No.4.4 and 4.5). The list of roads are given in the Appendix III.

Each of the above type are governed by different set of parameters. Rules are very stringent in respect of special buildings and Multi-storeyed Public Buildings. An abstract of the comparison of DCR between different characters of buildings are given in Appendix IV. Planning Permission of MSB are placed before a panel consisting officials of CMDA, Chennai Corporation, Director of Fire Service, Chennai Metropolitan Water Supply and Sewerage Board, Tamil Nadu Electricity Board and Traffic Police. The suggestions on recommendations by the panel are incorporated in the plans before it is approved.

The Development Control rules categorise the details of activities permissible under each zone into two,(a) those that are normally permissible and (b) those that are permissible under special sanction of the Authority. Normally permissible cases can be dealt and disposed by the local authorities under delegation of powers. Those developments which are requiring special sanction are dealt and disposed of by
Map No. 4.4  PROPOSED STREET ALIGNMENTS (CITY)

Source: CMDA - First Master Plan
Map No. 4.5  PROPOSED STREET ALIGNMENTS (CMA)

Source: CMDA - First Master Plan
CMDA. Apart from this CMDA clearance is necessary for the special buildings, like MSBs, public buildings, group development.

4.2.3 Detailed Development Plan:

Detailed Development Plans are prepared as follow-up to implement the objectives of the master plan. The Detailed Development Plan indicates the land use for each property, and well defined for regulating the land use, since the land use designated is only broad based. The sixteen planning divisions of the city has been further sub-divided into 99 planning units for preparation of DDP. For the rest of CMA, the village level is the planning unit. As in the case of Master Plan the DDP comprises of two parts - the ordinance of the scheme (a set of schedules and the land use plan). The ordinance is a written document describing the salient features and contains the legal stipulations on which development is to be regulated. It sets out in detail among other things, ownership extent of lands, their existing land uses, new streets, widening of streets and street alignment. New streets (Map No.4.4 and 4.5), widening of streets and street alignment have never become reality in the plan period. The street alignments are realised in bits and pieces, as and when the planning permission is granted.

The DCR and special regulations as stipulated under Master Plan is carried over in DDP. Public participation in the preparation of DDP is ensured by inviting objection and suggestion from the Public during the course of preparation of DDP which is statutory requirement. But, the public participation is not so much effective due to defects in the system of consultation.

Till date 50 DDPs have been prepared and adopted. The Detailed Development Plans are based on the Master Plan, Land use and on the existing land uses. There is no scope for acquisition of land for infrastructure development especially for roads. These DDPs are devoid if any proposal for provision of infrastructure facilities and amenities. It is merely a physical plan and not an economic plan with infrastructure development. To reality, DDP is true replica of Master Plan land use incorporated to individual
parcel of land. Hence, the DDP is not flexible to cope up with the needs and aspirations of the society.

It was CMDA's experience that implementation of the Master Plan has brought many associated problems. The land use plans are more rigid and do not provide flexibility for achieving the desired options of the owner. DCR is more complex and parameters are stringent. Many of the stake holders of DCR suggested to amend the DCR to make it more simple and flexible. The local bodies in CMA have been delegated powers for issue of Planning Permission for ordinary buildings and for those cases which is inconformity with the land use zones.

As per the statutory requirement made in the T&CP Act 1971, the Master Plan has got to be reviewed once in five years, which is too short a period for review. Sufficient time has elapsed since the advocation of the First Master Plan. Also considerable progress has been made in the field of urban planning in CMA, and taking advantage of the liberalisation policies of the Government of India, new projects formulated for improving the economic development in CMA, by the State Government. Due to relocation projects taken up by CMDA, and technological development, the first Master Plan has been reviewed and the Second Master Plan (Master Plan for CMA 2011) has been prepared by CMDA, to take care of the short comings of the first Master plan, apart from providing for the new policies, programmes and projects of GOI, GTN and CMDA.

4.2.4 Development Enforcement:

An enforcement wing was created in CMDA in the year 1986 and is entrusted with responsibility of enforcement of the Development Control Rules in CMDA. Also, full powers have been delegated to the local bodies in CMA for initiate enforcement Action under T&CP Act as well. The enforcement measures delayed by CMDA are seldom exercised by the Local Bodies.

Whenever any development which is either unauthorized or is not in conformity with the approved plan is detected. CMDA issues a stop work notice under Sec.57 of
the T&CP Act. This is followed with the Demolition notice under Sec. 56 requiring the developer either to restore the land to its original condition before the development took place in case of unauthorized developments or to comply with the sanctioned plan in cases of developments which are not in conformity with the approved plans. The owner is given for one month's time to comply with the directions. In case of failure to comply with the directions CMDA after expiry of the one month period can take up demolition of the unauthorized construction or deviated portions to secure compliance with the sanctioned plan.

In case of unauthorized conversions or change of use of land, premises, a discontinuance Notice is issued on the owner or occupier. In case of failure to comply with the same, CMDA can prosecute the owner/user. The demolition and prosecution are carried out as per provisions under Sec. 56 read with Sec. 85 of the T&CP Act. The loophole in the provisions of Act and the inadequate staff to tackle the voluminous cases resulted in the poor enforcement against unauthorised/deviated constructions.

4.2.5 Approval of layouts:

Regulation of Laying out or sub-division of land is one of the main tools available with the CMDA under DCR of the Master Plan for regulation of open plot developments and growth of developments. Any person intends to do sub-division or lay out of land has to seek approval from CMDA, for lands/site falling within Chennai Metropolitan Area. Prior to 1975, the local bodies concerned were sanctioning layouts with prior technical clearance of the Directorate of Town Planning. From 1975 onwards CMDA is issuing planning permission for such layouts under the T&CP Act 1971 and the respective local bodies in CMA sanction them under the respective local body Acts.

The following points are considered for approval of layouts:

i) the site should conform to the land use designated in the Master Plan
ii) It should be level ground and should not be affected by water logging
iii) It should abut or gain access from a public street maintained by the local body
iv) Applicant should have the title to develop the land
v) The site should be free from land acquisition proposals for public purposes.
vi) The site should be within the prescribed ceiling limits evidenced by urban land ceiling clearance certificate, if the site lies in the declared urban agglomeration area.
vii) The site should lie beyond the distance from burial / burning ground as prescribed.
viii) The road network in the layout area is worked out / proposed taking into account of the following:
   a) Availability of public road linkages to the site
   b) Need to provide access to the surrounding lands
   c) Need for opening up of a thoroughfare in the area taking advantage of the layout proposal received
   d) Incorporation of proposals like road alignments/railway alignments
   e) Number of plots a road serves and its length
ix) 10% of the total area excluding road is reserved as park in layouts the extent of which exceeds 10,000 sq.m. A charge in lieu of Open Space Reservation (OSR) is collectable for layouts. Where extent is between 3000 sq.m. and 10,000 sq.m. and reservation of land for park or payments of OSR charge is optional. Such reservations are detailed with the reservations in the adjoining area. The OSR will be so located so that public would have access to that.
x) If the extent of the layout exceeds 2 acres 10% of the area excluding roads is reserved as EWS plots.
xi) Where the extent of the site exceeds 10,000 sq.m., 10% of the area is reserved as public purpose in order to facilitate Government Departments post, police etc., to purchase the land from the layout owner / developer, promoter, on paying the cost of the land so reserved. The reservation is valid for ten year and the developer can sell the land as residential plots after ten year. In very large layouts, where
extent exceeding 30 acres, to CMDA at its discretion reserve plots for specific purposes such as Post Office, Fire Station, Bus Stand etc.

The applicant has to apply for layout approval through the concerned local body along with the ownership documents, seven sets of layout copies indicating the existing, proposed road width, High Tension and Low Tension lines, survey/sub-division numbers and a topo plan indicating the surrounding details such as existing roads, approved layout if any with details of approval, and existence of burning and burial grounds if any.

It has been estimated that the annual delivery rate of plots in the private sector has been about 10,000 units during 1981-82 which has increased to about 18,000 units during 1990-91 whereas the share of approved plots among the total plots was only 16% in 1981-82 and this has increased to nearly 50% in 1990-91. (PMG-SAP 1994) The main reasons for unauthorised plots that are normally attributed by Planners are: i) The ignorance of layout developers for getting approval and on the rules and regulations. ii) The developers presumption that the rules and regulations and the procedure of approval are time consuming and stringent. iii) Inadequacy of existing provisions in the law to book and punish the unauthorized developers. iv) to circumvent the ULC Act provisions and escape from high cost of provision of amenities and thereby make money at the cost of public interests and v) fear of land acquisition by public agencies like TNHB, Highways etc.

In this context, it is felt by Planners that it would become a Herculean task to integrate the unauthorized layouts with the existing settlements and authorised layouts and to ensure the provision of public amenities and facilities, CMDA has made sincere attempts by evolving the following guidelines to regularise the unauthorized layouts.

i) The unauthorized layout should abut or gain access from a public, road of sufficient width.

ii) The owners of the plots, or at least 50% of the owners, after forming an Association have to jointly apply for regularisation with complete details as required for layout approval.
iii) The internal roads in the unauthorized layouts should satisfy DCR norms. If not, a consent letter from the plot owners to widen the roads to the width stipulated in DCR should be furnished.

iv) The Association have to undertake to pay for the Development charge, improvement charge, open space reservation charge. Regularisation charge and other charges for the entire layout. Open space charges is collectable, in cases where land for park as per DCR requirement is not reserved.

v) The Association should furnish an undertaking from the vendor to handover the roads to local body after getting necessary instructions from CMDA.

The layouts regularised under these guidelines have become under the fold of regular developments by Law.

4.2.6 Scrutiny of applications for development:

The developer has to obtain planning permission before he proceeds to take up development. Any development proposed are examined with reference to a) the permissibility of that activity in the land use zone, and b) compliance of planning parameters prescribed

4.2.7 Permissibility of activity in the land use zone:

The proposal contained in the Survey Number is taken for its permissibility in the land use plan. In case if there is doubt on the site, then Field Measurement Books are used for reference. In case of Detailed Development Plan areas, Survey Numberwise land use is identifiable without any difficulty. Also, the land use map serves to distinguish whether it is EWS or continuous Building area. While scrutiny of application, the suitability of site for development is also examined such as that it should be free from flooding, away from burial / burning grounds and not below HT Line. The site should not be attracted by ULC and should not be affected by land acquisition by public agencies or not affected by the proposals contemplated in the Master Plan.
After scrutiny with reference to land use, the development should be in conformity with the land use - the development should satisfy the planning parameters, which is defined in the DCR for different land use zones. In a broad form, the parameters can be categorised as: i) the size of the plot, ii) Bulk of the building, iii) Set backs, iv) Road and and v) Parking.

4.2.8 Size of the Plot:

The DCR provides for different plot size for different activities varying size of the plot is prescribed in different tracts of CMA like Chennai city, outlying area and continuous building area. The DCR provides a minimum of 90 sq.m of plot extent and 6 mts of plot frontage for a residential building. However, plots of lesser extent and frontage are being recognized provided that

i) Plot should exist prior to 5.8.1975 (the date on which the first Master Plan was approved by the Government)

ii) Unauthorized sub-division made prior to 3.8.1976 (before the enactment of urban land ceiling Act), the road in front of which is more than 4.8 mts (16 feet) and connected to a public road on one end

iii) Plot of an unauthorized sub-division made prior to 31.12.89 the road in front of which has been taken over by the concerned local body for maintenance by passing a resolution to that effect

iv) Plots of an approved layout in special schemes like Sites and services, Slum Improvement etc.,

4.2.9 Bulk of the Building:

The restriction on the bulk of the building indirectly controls the density of the particular area. The earlier concept of density restrictions is achieved by restricting the coverage, permissible Floor space index and height of the building.

a) Coverage and Floor Space Index:

The coverage is expressed as the percentage of the covered area to the total site area. The coverage rule is applicable not only at ground level but for all floors. The coverage is proposed to be uniform as 65%.
The FSI is expressed as the percentage of the total plinth area to the site area. While calculating the permissible FSI decide structures which are to be included and those to be excluded from the computation of FSI. For instance, the floor area of the stair case Lift Room etc. at each floor level are to be included. Maximum FSI of 1.75 for CBD and CBA, 1.5 for the rest of city and outer municipalities in CMA and 1.25 for the rest of CMA were in vogue as contemplated in the Master Plan. Subsequently, for commercial areas FSI of 2 have been advocated for a short while only. CMDA has got an amendment to DCR approved providing a uniform FSI of 1.5 for Residential and Commercial activities throughout CMA. This means a reduction of FSI for commercial activities from 2 to 1.5, for CBA from 1.75 to 1.5 and an increase of FSI for the developments outside city from 1.25 to 1.5. Adoption of uniform FSI of 1.5 worked against the dispersal of activities from CBD, City to outside and against the policy adopted in the Master Plan.

b) Set backs:

DCR prescribes minimum setbacks in the front, sides and rear of the building. In continuous building areas no side set backs and rear set backs are insisted. The required FSB is related to the width of the abutting road, the RSB relates to the depth of the plot and SSB relates to the height of the building. Set back also varies according to the building activity. Following structures are permitted in the front set backs.

(a) Sunshade 0.6 m
(b) Open, non-continuous balcony, 1.0 m, Wardrobes 0.6 m

For a corner plot, the FSB shall be based on the width of the road on either side. In the rear set back a structure for servant quarter is permissible to a stretch of 1/3rd width of the rear boundary, 3 mts height, 6 mts in length. Servant quarters are made permissible by an amendment.

c) Height of the Building:

The bulk of the buildings is also controlled by the restriction on the height of the buildings. The height of the buildings as per DCR, shall not exceed 1 1/2 times the abutting road width. The height of the Special Buildings shall not exceed 15.5 mts, and buildings exceeding 15.5 mts is classified as Multistoreyed Buildings for which MSB rules, more stringent parameters are applied.
4.3 Roads

The DCR ensures that every plot is having an access either public or private. The width of the passage shall be 3 mts for 2 plots, 3.6 mts for 4 plots, 4.8 mts for 10 plots. The minimum road width is 10 mts for Special buildings and 18 mts for MSBs. Street alignments and Building lines are prescribed for important arterial and sub-arterial Roads (Map No 4.4 and 4.5).

4.4 Car Parking

The Car Parking space is prescribed on the floor area and also the activity of the building. The Car Parking standards is given in Appendix VI.

Additions to the existing buildings is permissible only if they are sanctioned by the competent authority. However, buildings more than 15 years are considered as authorised, for which there should be documentary evidence.

4.5 Permissible uses:

In Primary Residential use zone, residences and incidental activities like convenience shop occupying floor space not exceeding 20 sq.m., schools, professional consulting offices upto floor space of 40 sq.m. cottage industries and craft centres with 5 Horse power are ordinarily permissible. Uses of other than residential character like Community Halls, religious buildings, clubs etc., upto a maximum floor space of 300 sq.m. and banks upto a maximum of 300 sq.m. could also be permitted among residential use subject to observing certain safeguards depending upon individual situations and context and these would be permissible herein with the special sanction of CMDA. However, apart from residential activity, only one non-residential activity is permissible in a site.

4.5.1 Mixed Residential Zone:

Uses of Banks, Offices, Hotels, Lodges with floor space not exceeding 500 sq.m. manufacturing and service establishments, industries of environmentally non-objectionable nature with power installations upto 15 HP are permissible in this zone.
The same activities (except service industries) without the ceiling on floor space can be permitted only with the special sanction of the CMDA.

4.5.2 Commercial Zone:

All commercial activities, Wholesale retail, offices, warehouses upto 1000 sq m manufacturing and service establishments with or without power installations not exceeding 50 HP and employing not more than 25 workers are ordinarily permissible. These uses are permitted without restriction on floor space by special sanction of the Authority.

4.5.3 Light Industrial Area:

Industries excluding polluting industries using machinery not exceeding 130 H.P. employing not more than 100 workers are permissible. If the installed power is more than 130 HP (but less than 200 sq.m) or if the proposed activity is storage of petroleum timber, or some other similarly objectionable activity it is permitted only by special sanction of the Authority.

4.5.4 General Industrial Zone:

All industries upto 500 HP provided they are in no way obnoxious or hazardous in nature are normally permitted in this zone; so also, all commercial and industrial uses ordinarily permissible in the light industrial zone. All uses permitted with the special sanction in the light industrial zone, however are permissible only with special sanction here, besides those ordinarily permissible as above without the ceiling or power installed.

4.5.5 Special and hazardous Industrial zone:

In this zone, any activity whose performance characteristics are of objectionable, obnoxious or hazardous nature is permitted, even then only if the power installation is less than 500 HP and the site extent is less than 0.5 Ha. However, the ceiling in either case could be relaxed with the special sanction.
4.5.6 Institutional Zone:

Public and semi-public uses like public offices, museums, cultural centres, religious buildings and allied activity are normally permitted. Power installation upto 50 HP for purposes incidental to the main use are also permitted like air-conditioning, motor for pumping water etc. However, installations beyond that are permitted by special sanction of the Authority.

4.5.7 Open space and Recreational Zone:

Recreational uses (not commercial recreation) parks, play grounds are normally permitted. Commercial recreations like Cinema Theatres, Fairs, Restaurants etc. with power installations that are incidental to main use are also permitted but only with special sanction.

4.5.8 Agricultural Zone:

Agricultural and allied uses including poultry farms, dairy and cattle farms with or without power installations of electric machinery upto 15 HP are permitted normally. However, sewage farms, burial and burning grounds, brick kilns, grinding and hulling mills are permitted by special sanction of the Authority.

4.5.9 Non Urban Zone:

In this zone, cemeteries, burning and burial grounds, salt pans, brick kilns, quarries with or without power installation upto 50 HP for these uses are permitted with special sanction broad casting installations, transportation terminals and all uses permissible in agricultural zone are also permitted.

4.6 Coastal Zone Management Plan:

In India, the Ministry of Environment and forest has defined the Coastal Regulation Zone (CRZ) under the Environment (Protection) Act 1986, as coastal stretches of seas, bays, estuaries, creeks, rivers and back waters which are influenced by tidal action in the land ward side upto 500 mts from the High Tide Line (HTL) and to land between the Low Tide Line (LTL) and HTL. In these coastal regulation zones
certain restrictions are imposed on the setting up of industries, operations, process etc. (D.S.Meshram and M.L.Chotani 1993).

In 1991 the Ministry of Environment and Forest, Government of India, have issued a notification setting out regulations for regulating development in the coastal stretch of the Nation and directed the State Govts., to prepare a Coastal Zone Management Plan. This notification gained significance in 1996 when the Supreme Court disposing writ petition has ordered preparation of Coastal Zone Management Plan before 30.6.96. CMDA has accordingly, prepared a Coastal Zone Management Plan for the coastal stretch of CMA and got it approved by Government of India.

The Government of India notification stipulated that coastal stretch should be classified as Coastal Regulation Zone I, II, III and IV, (CRZ I, II, III and IV) based on the existing developments and infrastructure facilities available. CRZ I areas are those which are sensitive in nature like mangroves, animal, bird sanctuary etc., CRZ II area are those, the urban areas, developments have came up to sea-shore, infrastructure like roads, sewerage, water supply, electricity are provided. CRZ III are semi urban areas, partial developments have come and some of the amenities like road, water supply are available.

In CRZI areas developments are permissible in the 500 mts zone. IN CRZ II, developments are permissible on the landward side of existing roads subject to local Town Planning norms. IN CRZIII in the first 200 mts no developments are permissible and in the remaining 300 mts Hotels/resorts are permissible with 0 33 FSI and Ground plus First Floor buildings. CRZ I, II and III are applicable to CMA. Classification of these zones are marked in Map No.4.6.

CMDA has classified the northern coastal stretch as CRZ II and southern coastal stretch as CRZ III.

Rivers, Creeks and backwaters are also be brought under CRZ. 100 m wide of the banks on either side are to be classified as CRZ III. It is applicable to a distance upto which tidal wave effects are felt. However, as per the First Master Plan, all
developments are banned along the coast between the sea and west of Buckingham Canal (Map No 4.6). Planning Permission for construction in approved layouts beyond 500 mts line is issuable. After introduction of the ban by G.O.Ms 190 H&UD dated 23.2.1980, no layouts are approved.

4.6.1 Delegation of Powers to Local Bodies:

The powers for sanction of details of activities that are ordinarily permissible under each land use zone are delegated to the local body, except special and hazardous use zone and those which are under special sanction by the Authority are regulated by CMDA and for which the applications are routed through the concerned local body.

In cases of sub-divisions and the layouts approval depending on the availability of technical man power and competence, powers for issue of planning permission approval of sub-division / layout with difference extent restrictions have been delegated to the Chennai Corporation, Municipalities / Townships, Panchayat Union and Town Panchayats. But in view of the 73rd and 74th constitutional amendments, total delegation to the Local Bodies are expected.

4.6.2 Review by CMDA:

CMDA have been delegated the powers of inspection of the local bodies, previously performed by the Directorate of Town and Country Planning vide G.O.Ms.No.60, R D & L A, dt. 11.1.1978. A review Team under the guidance of a Deputy Planner in CMDA periodically review the building licenses, planning permissions issued by the local bodies. The Review Team also check the records / registers / accounts maintained by the local bodies for issue of planning permissions / building licenses and give advice wherever necessary either directly or through their Heads of Departments concerned. However, this is only a guidance from CMDA to the local body. As long as the shortage of qualified personnel to the local bodies continue this type of arrangement in long run can not improve the quality vide Chapter V.
4.6.3 Charges collected towards issue of Planning Permission:

4.6.3.1 Development Charge:

As per Section 60 of the T&CP Act for all developments in CMA, Development charge is collected at the prescribed rates, while issuing planning permission by CMDA and the local body. When any land appurtenant to an existing use is to be sub-divided, and, or developed for any use it shall be deemed to be institution of use for the purposes of assessment and levy of development charges. Development charges are collected for the institution of use, first change of use and also for subsequent changes as per the rates fixed from time to time. The Development charge collected by the local bodies are being transferred to the CMDA.

The rate of development charges for the institution of use for residential purposes or first-change of use from agricultural or present use to residential use shall be as determined by the Authority not being less than Rs.1 Lakh per hectare of land and Rs.25/sq.m. of building. The rate so determined is termed as Residential rate (Land) which is arrived based on the prevailing land value. Based on the residential rate, Development charge for industrial, Commercial and miscellaneous category are fixed as 1 1/2, 2 and 2/3 times.

4.6.3.2 Development charges for Buildings:

Similarly as in the case of Development charge for land, the development charges for new constructions are collected, which is based on the building value, prevailing in the local area. The rate of development charges for new constructions for residential use additions to existing constructions for residential use and first change of use of existing buildings to residential use shall be as determined by the authority not being less than Rs.0.5 per sq.m and not more than Rs.2.5 per sq.m. The rate is termed as Residential rate (building). As per land, the Development charges for first change of use to industrial, commercial and miscellaneous use of building is fixed 1 1/2, 2 and 2/3 times of residential rate (building). CMDA review the Development charges from time to time. The local body is also made responsible to collect the Development Charge as the case may be and transfer to CMDA. A sum of Rs.524.50 lakhs have been collected over a period of 5 years (1991-95)-Table 4.3.
Table 4.3  Development charge and 1% contribution (Rs. in Lakhs)

<table>
<thead>
<tr>
<th>Year</th>
<th>Development Charge</th>
<th>1% Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991 - 92</td>
<td>127.22</td>
<td>16.94</td>
</tr>
<tr>
<td>1992 - 93</td>
<td>123.14</td>
<td>49.76</td>
</tr>
<tr>
<td>1993 - 94</td>
<td>130.06</td>
<td>12.33</td>
</tr>
<tr>
<td>1994 - 95</td>
<td>144.08</td>
<td>58.47</td>
</tr>
<tr>
<td>Total</td>
<td>524.50</td>
<td>137.50</td>
</tr>
</tbody>
</table>

Source: CMDA Annual Reports.

4.6.3.3 Scrutiny charge:

For all the development proposals a Scrutiny Charge at the rate of Rs. 1/sq.m. is being collected by CMDA as part of amount to meet the establishment charges.

4.6.3.4 Open Space Reservation Charges:

The cost of the land in lieu of the land to be reserved as Open space is collected as OSR charge in cases of layouts, special buildings, group developments and multi-storeyed buildings as provided in Development Control Rule. Local bodies also collect OSR charges at the time of issue of planning permission in unauthorized sub-divisions made after 1975 and this charge is also being transferred to CMDA. The guideline value as given by Registration Dept., is taken as the basis for this levy. However, guide line value differs from the market value. Depending upon the area, the guide line value may be lower than the market value and some time it is higher than the market value.

4.6.3.5 Regularisation charge:

As and when regularisation of unauthorized sub-divisions made after 3 8.76 and issue of planning permission for building construction in these plots, regularisation charges are collected at the rates fixed by CMDA as a penal charge. The regularisation charges collected by the local bodies are being transferred to CMDA.
4.6.3.6 Security Deposit:

In order to ensure that the buildings are constructed as per the approved plan, refundable, non-interest security Deposit is collected from the developers for special buildings, group developments and Multi-storeyed Buildings. It is Rs 50/sq m for special buildings and Rs.100 /sq.m. for MSB. This Security Deposit would be forfeited if the construction is made in deviation to the approved plan.

4.7 Contribution by Local Bodies and Local Body Assistance Programme:

As per Section 65 of the T & C P Act, 1972, every planning Authority have to maintain a separate Fund called the planning and Development Fund Account also known as Fund Account which can be established with the grants, advances or loans obtained from the State. This provision of the Act was effected by G.O.Ms.No 1305 (Rural Development and Local Administration Department) dt. 18.1.1977, wherein the Government directed all the local authorities including the Corporation of Chennai (Panchayats, Townships, Panchayat Union Councils and Municipalities) comprised within CMA to contribute a sum not less than 1% of the 'general fund' of such local authority to the Fund Account of CMDA, with effect from 1.4.1971 List of schemes for which funds are allotted under Local Body Assistance Programme is given in Table 4.4. Only about 6% out of the other projects have been funded for development of parks and play fields.

The Development charges collected from the local bodies are also being credited to the Fund Account. This fund is being utilised by the local bodies in the form of loans and grants for the developmental works of the local bodies, for improvement of roads, storm water drains, culverts, parks and for improving solid waste management.

The proposal for developmental works of the various local bodies are routed through the heads of the respective departments. Need based programmes for building up infrastructure in local bodies are assessed by CMDA and funds are allocated to the local bodies in the form of loans and grants.
### Table 4.4 CMDA LOCAL BODIES ASSISTANCE PROGRAMME (LAP)
Distribution of Schemes Sectorwise: Status Yearwise 1991-92 to 1995-96

#### Number of Schemes at the end of the year

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Water supply/Well</td>
<td>19</td>
<td>33.3</td>
<td>22</td>
<td>33.3</td>
</tr>
<tr>
<td>Roads/Bridges</td>
<td>9</td>
<td>15.8</td>
<td>9</td>
<td>13.6</td>
</tr>
<tr>
<td>Bus Stand/Shelter/Shop</td>
<td>7</td>
<td>12.3</td>
<td>7</td>
<td>10.6</td>
</tr>
<tr>
<td>Drainage/Culverts</td>
<td>6</td>
<td>10.5</td>
<td>12</td>
<td>18.2</td>
</tr>
<tr>
<td>Tractor/Lorry etc</td>
<td>6</td>
<td>10.5</td>
<td>6</td>
<td>9.1</td>
</tr>
<tr>
<td>Park/Garden/Play Ground</td>
<td>4</td>
<td>7.1</td>
<td>4</td>
<td>6.1</td>
</tr>
<tr>
<td>Burial Ground</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Cattle Pound</td>
<td>0</td>
<td>0.0</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Night Shelter</td>
<td>6</td>
<td>10.5</td>
<td>6</td>
<td>9.1</td>
</tr>
<tr>
<td>Total</td>
<td>57</td>
<td>100.0</td>
<td>66</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: CMDA Annual Reports from 1991-92 to 1995-96
This concept of collection of Development charges arising out of Development Control and utilization by the local bodies for improvement of services is a welcome change. But this funds have to be utilised for those purposes for which the Local Body cannot find sources of finance. Development of parks and play fields should have been given top priority, but it is not so (Chapter 5, Para 5.7.1)

4.8 Co-ordination between CMDA and local authorities:

Co-ordination in regulation of development is a crucial point wherein the interaction between CMDA and local authorities in CMA is significantly great. The sharing of experience and information between CMDA and the local bodies assumes greater significance and relevance. But this is not actually reflected from this feedback of perception and attitude of the local body officers (Chapter 5, Para 5.5)

Local bodies in CMA are made to associate with CMDA in the task of regulation of development. The delegation of powers by CMDA to the local bodies is for quick disposal, avoiding delay in forwarding the planning permission application to CMDA and the likely hardship thereon to the public. The local bodies can themselves issue planning permission directly, subject to certain guidelines, for ordinary buildings. which means:

i) a residential building not exceeding 4 dwelling units as well as not exceeding 2 floors i.e. Ground + 1

ii) a commercial building not exceeding 300 Sq.m. as well as not exceeding 2 floors.

The powers delegated to local bodies in dealing ordinary buildings are as follows:

i) Issue of planning permission for certain categories in approved subdivisions / authorised sites.

ii) Issue of Planning Permission for ordinary residential building in unauthorized sub-division made prior to 3.8.1976 subject to fulfillment of certain guidelines and

The local bodies are expected to forward the planning permission application of ordinary buildings with their inspection reports in the following cases:


ii) Proposal/Existing building for violating set back by more than 10% width stipulated.

iii) Proposal/regularisation in the S No. on which clarification on land use is needed.

iv) Proposal/regularisation on the sites abutting major roads like GST Road, GNT Road etc., for which the local bodies are not empowered to issue of planning permission.

Even though, the local bodies are empowered to refuse planning permission in the case of proposal violating Development Control Rules, local bodies are expected to examine whether violations can be rectified through suitable revision, or those violation which are within the powers of CMDA for relaxation, can be forwarded to CMDA for consideration. Under these circumstances, CMDA periodically advises, or by training methods, educates the local bodies, how to deal with these cases, to avoid delay.

4.9 Reclassification:

If the proposed activity is not permissible in a particular site as per the given land use the owner has to apply to CMDA for reclassification. While applying for reclassification the details of ownership, duly filled in the questionnaire for reclassification has to be submitted along with the remarks of the local body and also meet out the cost of publications and scrutiny charges.

The reclassification is a tedious and time-consuming process. The reclassification involves the following stages:

i) suitability of the land for a particular use is considered with reference to the adjacent developments and their impacts as well as compatibility of the surrounding developments.
ii) Objections / suggestions are obtained from general public after publishing the reclassification proposals with clear details in the leading dailies.

iii) After getting the objections and suggestions, the proposal is examined by technical committee consisting of officials from CMDA, DTCP, Director of Industries and Commerce, Tamilnadu Pollution Control Board.

iv) The view of Technical Committee are placed before the CMDA board for suitable decision. Government of Tamil Nadu has delegated powers to CMDA for spot reclassification. For comprehensive reclassification, GTN have to clear.

v) On approval, the variation maps are prepared and notified in the Tamil Nadu Government Gazette* for reclassification. The variation is also communicated to the local bodies. The land use variation is finally incorporated in the land use map of Master Plan for adoption. A study on reclassifications made over a period of six months from 15.10.92 to 13.3.93 in CMDA do indicate that there are 54 cases out of 57 for which reclassification is made from Agriculture to Primary Residential. Out of 20 cases, 17 cases are reclassified from Primary Residential to Mixed Residential. Out of 17 cases, 11 cases are reclassified from PR to commercial. Out of 8 cases, 3 are from Agriculture to Institutional and 5 are from PR to Institutional. For light industry out of 24 cases, 13 from Agriculture, 5 from PR, 1 from MR, 2 from Institutional, 3 from O&R. There were 16 cases for G.I., 5 from Agriculture, 6 from PR, 4 from Institutional and 1 from O&R. Out of 4 cases for Special and hazardous Industry, 1 from Agriculture, 2 from PR and 1 from MR. In normal course, the process takes nine months and has to wait until then for the property to be utilised for the purpose of his choice. Mostly reclassification are from Agriculture to Primary Residential use, from Primary Residential to Mixed Residential and from Primary Residential to Commercial. In the latter cases, mixed zone would help to avoid reclassifications.

* Gazette is a government notification periodically made for public information.
It is also observed Table 4.5 that out of 146 reclassification cases, 97 cases (66%) belong to small size of land less than one hectare and 43 cases (30%) for an extent of 1 to 5 hectares and about 6 cases (4%) only have been for extent greater than 5 hectare.

Also it is noted that out of 146 cases about 24% cases related to city and the rest are from outside city in CMA (Table 4.6).

Table 4.5 CMA - Reclassification of Land Use - Distribution of Requests by Extent

<table>
<thead>
<tr>
<th>Extent of Land for which Reclassification Requested (HCC)</th>
<th>Number</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 0.25</td>
<td>50</td>
<td>34.25</td>
</tr>
<tr>
<td>0.25 - 1.00</td>
<td>47</td>
<td>32.19</td>
</tr>
<tr>
<td>1.00 - 5.00</td>
<td>43</td>
<td>29.45</td>
</tr>
<tr>
<td>&gt; 5.00</td>
<td>6</td>
<td>4.11</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>146</strong></td>
<td><strong>100.00</strong></td>
</tr>
</tbody>
</table>

Source: CMDA Reclassification Records

Table 4.6 CMA - Reclassification of Land Use - Distribution of Requests in City and Non-city Areas

<table>
<thead>
<tr>
<th>Area</th>
<th>No. of Requests</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>35</td>
<td>24.0</td>
</tr>
<tr>
<td>Non-city</td>
<td>111</td>
<td>76.0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>146</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>

Source: CMDA Reclassification Records

Numerous reclassification in short period and delay in completing the formality are the two factors which require attention for simplification process and for flexible system so as to reduce the reclassifications.
Planning Administration

Planning permission Applications received and issued for the period from 1990-91 to 1994-95, for the three different categories viz., Ordinary Residential, Commercial buildings processed by Channel A, special buildings / group developments, processed by Channel B and Industries, Institutions / M.S. buildings, processed by Channel C in CMDA have been examined and presented in Table 4.7.

Table 4.7 PP Applications - Approved - Refused - Pending (Channel A+B+C)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Approved</th>
<th>% Approved</th>
<th>Pendency</th>
<th>% Pending</th>
<th>Refused</th>
<th>% Refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990-91</td>
<td>7718</td>
<td>2460</td>
<td>31.87</td>
<td>1429</td>
<td>18.52</td>
<td>3829</td>
<td>49.61</td>
</tr>
<tr>
<td>1991-92</td>
<td>7765</td>
<td>2476</td>
<td>31.89</td>
<td>1556</td>
<td>20.04</td>
<td>3733</td>
<td>48.07</td>
</tr>
<tr>
<td>1992-93</td>
<td>6882</td>
<td>2158</td>
<td>31.36</td>
<td>1310</td>
<td>19.04</td>
<td>3444</td>
<td>49.61</td>
</tr>
<tr>
<td>1993-94</td>
<td>4407</td>
<td>1348</td>
<td>30.59</td>
<td>1016</td>
<td>23.05</td>
<td>2043</td>
<td>46.36</td>
</tr>
<tr>
<td>1994-95</td>
<td>4864</td>
<td>1527</td>
<td>31.39</td>
<td>736</td>
<td>15.13</td>
<td>2601</td>
<td>53.47</td>
</tr>
<tr>
<td>Total</td>
<td>31636</td>
<td>9969</td>
<td>31.42</td>
<td>6047</td>
<td>19.15</td>
<td>15620</td>
<td>49.43</td>
</tr>
<tr>
<td>Average</td>
<td>6327</td>
<td>1994</td>
<td>31.42</td>
<td>1209</td>
<td>19.15</td>
<td>3124</td>
<td>49.43</td>
</tr>
</tbody>
</table>

Note: Totals include Pendency
Source: CMDA Annual Reports

On an average in a year 6327 applications have been received and 1034 cases have been approved (31%) 3124 cases (about 50%) have been refused and 1209 cases have been kept pending for want of particulars (about 19%). Total number of applications received during 1990-91 was 7718 and shows a declining trend. The cases of ordinary buildings / Residential Commercial buildings are duly decreasing, whereas the cases of special buildings, group development, industries, institutions, multi-storeyed buildings are more or less remaining the same (Fig 4.1)

Source: CMDA Annual Reports
Perhaps, more number of cases of ordinary buildings may be disposed of at local body levels due to delegation of powers. Regarding approvals, it may be noted that almost one third of the applications approved and the pendency remain around 15 to 20 percent. More particularly it may be seen from fig 4.2 pendency in the cases of ordinary residential and commercial buildings have reduced whereas planning permission applications for Industries, Institutions, M.S. buildings and special buildings, the pendency remains the same. However in CMDA, steps have been taken to reduce the pendency in cases of approval of special buildings, group development, industries institutional and M.S. buildings. It is also a noted fact that the applicants of such special and M.S buildings cases would like to go to Government on appeal for getting relaxation.

![Fig 4.2 Pendency](image)

Source: CMDA Annual Reports

### 4.11 Layouts:

A study on the applications for approval of layouts received by Chennai Metropolitan Development Authority during 1990-91 to 1994-95 indicates that on an average 1018 applications have been received during 1990-91 to 1994-95 (including last pendency). Out of that 203 cases 20% only have been approved and 60% have been refused and the balance 20% is the last pendency. The receipt of layout applications, is slowly reducing and the approval is more or less maintained at the same level. The reason may be attributed for increasing trend in the unauthorized layouts.
within CMA and shift of approved layouts outside CMA due to low land cost. Delay in approval may be an added factor for unauthorised development (PMG-SAP, 1994).

The above view is further supported by the views expressed by officials of CMDA that unapproved layouts are spiraling around Chennai, more particularly in areas like Porur, Valasaravakkam, Guduvanchery, Tambaram, Perungudi, Villivakkam and Maduravoyal. This is due to the reasons that many developers, frightened by Plethora of rules and regulations, such as Urban Land Ceiling and Regulations Act, Municipal Corporation building rules, DCR of CMDA, Government order on conversion of Agricultural Land, Guide lines for coastal area developments etc. Efforts to be taken by CMDA for speedy approval of the layouts. Also there is need to amend the ULC Act.

4.12 Reclassification:

A study on applications for reclassification for a period from 1990-91 to 1994-95 reveals that on an average 409 applications in a year for a period from 1990-91 to 1994-95 have been received. Out of that 86 cases have been approved (21%) and 143 cases (34%) have been refused. Pendency alone accounts for 45%. The receipt of applications during 1990-91 / 1992-93 was as high as 500 which reduced to 300 during 1993-94, showing a declining trend (Fig. 4.3).
During the last three years (1992-93 to 1994-95) the receipt is more or less same about 300 and the cases of approval have not gone up. It remains at 17 to 20%. It has been noted from the feedback from the perception study that the time delay with local authorities and CMDA has been one of the serious problems to the private developers particularly it is very acute in the case of Reclassification. It has been suggested to decentralise powers from Government to CMDA for approval of reclassification proposals. Another suggestion was given to fix up a maximum time limit for disposal of applications.

CMDA has to improve upon the disposal of the reclassification cases and Government have to consider for delegation of powers to the Planning Body. But more important is that the development control mechanism is not flexible due to rigidity of the land use zones.

4.13 Enforcement:

It may be seen from Table 4.8 the demolition notices issued and Demolitions executed by CMDA for a period from 1990-91 to 1994-95.

Table 4.8 Demolition Notices

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
<td>%</td>
<td>No</td>
<td>%</td>
<td>No</td>
</tr>
<tr>
<td>D Notice issued</td>
<td>410</td>
<td>90.91</td>
<td>528</td>
<td>94.45</td>
<td>500</td>
</tr>
<tr>
<td>D N issued Non banned areas</td>
<td>41</td>
<td>9.09</td>
<td>31</td>
<td>5.55</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>451</td>
<td>100.00</td>
<td>559</td>
<td>100.00</td>
<td>520</td>
</tr>
<tr>
<td>Demolition executed</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executed Non banned areas</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
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<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>31</td>
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</table>

Source: CMDA Annual Reports

Even though the number of demolition notices issued is about 450 no demolitions have been undertaken during 1990-92. Demolitions have been carried out from 1992-93 onward. On an average 623 notices per year have been served and 73 per year (about 12%) have been demolished. Demolition could not be done when an
appeal is pending with the Government and there is no time limit to dispose of the appeals and hence the private developers take advantage of such situations and complete the construction. On a comparison between **Non-Banned area and **Banned area (Map No.4.6), in Banned area notices served account for only, around 10% of the total and demolition executed is negligible. Hence, enforcement is not very effective. More vigilance and concentration for enforcement is necessary in both banned and non-banned area.

4.14 Emerging issues:

1. Control through T P Schemes was not effective. Since they were rigid and did not provide for dynamic changes. The character of the area fastly changed due to the vastness of plot size and different types of parameters. The land use designated for shopping and industry was not adequate to cope-up with fast urbanization.

2. Higher FSI of 1.75 for CBD, and 1.5 in city, municipalities and 1.25 for the rest of the area works against the policy of dispersal contemplated in the Master Plan. Consequent to the amendment for adoption of 1.5 FSI uniformly may further aggravate the situation without proper infrastructure development outside city

3. Enforcement of DCR is not very effective. No control on Architecture and lack of measures for preservation of trees and buildings of historical and architectural importance and the control over advertisement.

4. Reclassification for lands less than 1 Hect. is in majority (68%) and about one fourth of the requests are from city. More requests for reclassification from Agriculture to residential and from Primary Residential to Mixed Residential and Primary Residential to Commercial. Since reclassification is a tedious process and time consuming. Decentralisation of powers to CMDA from Govt., may also be needed.

5. Development charge is a good source of revenue which could be deployed for infrastructure development for which funds are not accessible by certain local bodies. Development of Park and Play fields deserve attention for funding under this source for which neither CMDA nor localbody has attached importance.

* Non Banned Area - CMA excluding the Coastal Belt on the south.
* Banned Area - Coastal Belt on the south of Chennai between Buckingham canal and the coast.
6. Declining trend in receipt of PP applications for the layout is observed over a five year period from 1990-91 to 1995-96. The reasons are delay, cumbersome process, urban land ceiling which cause for unauthorised developments. ULC Act has to be amended for expediting the approval of layouts.

7. Declining trend in receipt of PP applications for ordinary, commercial, institutional, industrial buildings, special building and multi-storied buildings is observed over a period of five years from 1990-91 to 1995-96. Declining trend in receipts of Planning Permission applications for ordinary buildings may be explained due to delegation of powers to local bodies, whereas in the case of special buildings, group developments, developers like to get relaxation on appeal to Government which is possible only on rejection of such cases in CMDA.

8. For all Planning Permission applications including layouts and reclassification, the refusal and pending is observed to the same over a period of five years (1990-91 to 1994-95). In the later years, the rate of approval and pendency remained the same. Apart from delegation, more attention is needed to expedite the cases. Perhaps, Geo Information System may be useful tool in reducing the time delay.

9. Enforcement is not very effective. More vigilance and concentration for enforcement is warranted especially in both Banned and non-banned area.

10. Sharing of experience and information between CMDA and the local bodies assumes greater significance and relevance, in the context of 74th Constitutional amendment.

11. The land use plan of the Master Plans and DDP is found to be more rigid. DCR is found to be cumbersome to adopt and time consuming.

The detailed study of the present development control system has clearly indicated that it is not operating in a manner in which it should have been operated. One of the ways to examine the above lacunae is to examine the perception of the community on Development Control Rule. This is done in the next Chapter.