STATUTORY INSTRUMENTS

1981 No. 1082

TOWN AND COUNTRY PLANNING, ENGLAND AND WALES

The Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981

Made - - - -	*28th July* 1981
Laid before Parliament	*10th August* 1981
Coming into Operation	*1st September* 1981

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The Secretary of State for the Environment, in exercise of the powers conferred on him by sections 24, 25, 31, 34 and 287 of the Town and Country Planning Act 1971(a) and sections 148(2) and 150(2) of the Local Government, Planning and Land Act 1980(b) and of all other powers enabling him in that behalf, hereby makes the following order:—

PART I

TITLE, APPLICATION, COMMENCEMENT AND INTERPRETATION

Application, citation and commencement

1.—(1) This order shall apply to land within the London Docklands urban development area.

(2) Subject to the provisions of this order, the General Development Order shall apply to the land to which this order applies.

(3) This order may be cited as the Town and Country Planning (London Docklands Urban Development Area) Special Development Order 1981 and shall come into operation on 1st September 1981.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

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

"the 1980 Act" means the Local Government, Planning and Land Act 1980;

"development area" means the London Docklands urban development area;

"development corporation" means the London Docklands Development Corporation;

"the General Development Order" means the Town and Country Planning General Development Order 1977(c); and expressions used in this order shall have, unless the contrary intention appears, the meaning which they bear in the General Development Order;

"the London Docklands urban development area" means the area of land designated as an urban development area by the London Docklands Development Corporation (Area and Constitution) Order 1980(d) as amended by the London Docklands Development Corporation (Area and Constitution) (Amendment) Order 1981(e), and "the London Docklands Development Corporation" means the corporation established by that order;

"new street" has the same meaning as in Part X of the Highways Act 1980(f);

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

"unapproved means of access" means a means of access which is not shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act.

(2) In the General Development Order "local planning authority", in

(a) 1971 c. 78. (b) 1980 c. 65.
(c) S.I. 1977/289, amended by S.I. 1980/1946, 1981/245.
(d) S.I. 1981/936. (e) S.I. 1981/937. (f) 1980 c. 66.
(g) S.I. 1972/1385.

relation to the development of land in the development area, where the development corporation are the local planning authority in place of any other local planning authority in relation to that land and to such development by virtue of an order made under section 149 of the 1980 Act, shall be construed as meaning the development corporation.

PART II

PERMISSION FOR DEVELOPMENT

Permitted development

3. Subject to the following provisions of this order, development within the development area of the following class, namely, development in accordance with proposals approved by the Secretary of State under section 148(1) of the 1980 Act (not being development for which permission under Part III of the 1971 Act is granted or deemed to be granted otherwise than by this order) is hereby permitted subject to such of the limitations and conditions set out in articles 4 to 7 of this order as are applicable to the development and subject—

(*a*) to the development being commenced within the period of five years beginning with the date on which the proposal for such development is approved by the Secretary of State under section 148(1) of the 1980 Act or such other period (whether longer or shorter) beginning with the said date as is specified in the proposal as approved by the Secretary of State; and

(*b*) where the development consists of or includes the erection, extension or alteration of any buildings, and the development is not to be carried out by the development corporation, to the approval by the development corporation of the siting, design and external appearance of the buildings, means of access, provision for vehicle parking and for loading, unloading and storage of vehicles and containers, storage of materials in the open and landscaping of the site; and

(*c*) where the development consists of or includes the formation, laying out or alteration of a means of access to any highway used by vehicular traffic or the laying out of a new street, and the development is not to be carried out by the development corporation, to the approval by the development corporation of detailed plans thereof.

Industrial development

4. Nothing in this order shall operate so as to permit any development in respect of which an industrial development certificate issued under section 67 of the 1971 Act would be required if an application had to be made to the local planning authority under Part III of the 1971 Act, unless the Secretary of State has issued an industrial development certificate in respect of such development; and any planning permission granted under article 3 of this order in respect of such development shall be deemed to have been granted subject to any conditions which may have been attached to such certificate.

Exception from permitted development where section 45 order previously made

5. Where planning permission for development has been granted on an application made under Part III of the 1971 Act and that permission has subsequently been revoked by an order made under section 45 of the 1971 Act, nothing in this order shall operate so as to permit the carrying out of development of the same description as that which was authorised by the revoked permission on the land to which the revoked permission applied.

Exception from permitted development where section 51 order previously made

6. Where, by virtue of an order under section 51 of the 1971 Act, the use of land for any purpose is required to be discontinued, or any conditions are imposed on the continuance thereof, or where, by virtue of any such order, any buildings or works are required to be altered or removed, nothing in this order shall operate to permit the carrying out of any development which would result in the resumption of the use of the land or the replacement or restoration of the buildings or works, as the case may be, as they were before the order under section 51 of the 1971 Act took effect.

Consultation before development

7.—(1) Before commencing to carry out any development permitted by this order or granting any approval required by the provisions of article 3(*b*) or (*c*) of this order, the development corporation shall consult with the London borough council in whose area the land on which the development is to be carried out is situated.

(2) In any of the following cases, before commencing to carry out any development permitted by this order or granting any approval required by the provisions of article 3(*b*) or (*c*) of this order, the development corporation shall consult with the following authorities or persons, namely:—

(*a*) in the case of development consisting of the formation, laying out or alteration of an unapproved means of access to a trunk road, with the Secretary of State at such office or address as he may appoint;

(*b*) where it appears to the development corporation that the development is likely to create or attract traffic which would result in a material increase in the volume of traffic entering or leaving a trunk road or using a level crossing over a railway, with the Secretary of State at such office or address as he may appoint;

(*c*) in the case of development involving the formation, laying out or alteration of any means of access to a highway, or to a proposed road the route of which has been adopted by resolution of the local highway authority and notified as such to the development corporation (other than to a trunk road or to a highway shown in a proposal approved by the Secretary of State under section 148(1) of the 1980 Act and not being so shown as a highway, access to which is required to be the subject of such consultation), with the local highway authority;

(*d*) in the case of development which appears to the development corporation to be likely to result in a material increase in the volume of traffic entering or leaving a classified road or proposed road, the route of which has been adopted by resolution of the local highway authority and notified as such to the development corporation, to prejudice the improvement or construction of such a road or to result in a material change in the character of traffic entering or leaving or using such a road, with the local highway authority;

(*e*) in the case of development consisting of the laying out or construction of a new street, with the local highway authority;

(*f*) in the case of development which appears to the development corporation likely to affect land outside their area, with the Common Council or the council of the London borough, as the case may be, in whose area that land is situated, unless that authority have already been formally consulted;

(*g*) where the development is of land which is within 800 metres from any royal palace or park, and might affect the amenities of that palace

or park, with the Secretary of State at such office or address as he may appoint;

(*h*) where the development consists of or includes:—

(i) the carrying out of works or operations in the bed or on the banks of a river or stream;

(ii) the carrying out of building or other operations or use of land for the purpose of refining or storing mineral oils and their derivatives;

(iii) the use of land for the deposit of any kind of refuse or waste;

(iv) the carrying out of building or other operations (other than the laying of sewers, the construction of pump houses in a line of sewers, the construction of septic tanks and cesspools serving single dwelling-houses or single buildings in which not more than ten people will normally reside, work or congregate and works ancillary thereto) on land, or use of land, for the retention, treatment or disposal of sewage, trade waste or sludge; or

(v) the use of land as a cemetery,

with the water authority exercising functions in the area in which the development is to take place;

(*i*) where the development is of land in an area of special interest notified to the development corporation by the Nature Conservancy Council in accordance with section 23 of the National Parks and Access to the Countryside Act 1949**(a)**, with the Nature Conservancy Council, except where the Nature Conservancy Council dispense with this requirement;

(*j*) where the development is of any land on which there is a theatre, as defined in the Theatres Trust Act 1976**(b)**, with the Theatres Trust;

(*k*) in the case of development or a class of development specified in any direction for the time being in force under the General Development Order by which the development corporation are required to consult with any authority or person in respect of applications for planning permission, with that authority or person.

(3) When required by this order to consult with any authority or other person the development corporation shall give to such authority or person not less than 28 days' notice in writing, specifying the site of, and giving particulars sufficient to describe, the proposed development and, where applicable, particulars of the proposed approval under article 3(*b*) or (*c*) of this order; and shall not commence to carry out the development or grant the proposed approval until the expiration of the period of such notice; and the development corporation shall take into account any objections or other representations received from such authority or person.

(4) Where any objection or representation has been made by an authority or other person consulted as aforesaid and has not been withdrawn, the development corporation shall send particulars of the proposed development and, where applicable, of the proposed approval under article 3(*b*) or (*c*), and of the objection or representation to the Secretary of State in writing, and shall not commence to carry out the development or grant any approval under article 3(*b*) or (*c*) of this order until the Secretary of State has notified the development corporation that he does not intend to give a direction under article 8 of this order in respect of the development.

Directions restricting development permitted by this order

8.—(1) If the Secretary of State is satisfied that it is expedient that any

(a) 1949 c. 97. **(b)** 1976 c. 27.

development of the class specified in article 3 of this order should not be undertaken unless permission is granted on an application in that behalf, the Secretary of State may direct that the permission granted by article 3 of this order shall not apply to that development.

(2) Notice of a direction given by the Secretary of State under this article shall, except in the case of development to be carried out by the development corporation, be served by the development corporation on the owner and occupier of every part of the land affected, and such direction shall come into force in respect of any part of the land on the date on which notice thereof is served on the occupier of that part or, if there is no occupier, on the owner.

PART III

APPLICATION OF GENERAL DEVELOPMENT ORDER

Directions restricting development permitted by the General Development Order

9.—(1) Article 4 of the General Development Order (directions restricting permitted development) shall apply to the development area as if for paragraphs (10) and (11) there were substituted:—

"(10) In this article "appropriate local planning authority" means the local planning authority by whom would be exercisable the function of determining an application for planning permission for the development to which the relevant direction under this article relates or is proposed to relate.

(11) On making a direction under this article or submitting such a direction to the Secretary of State for approval, the appropriate local planning authority shall:—

(*a*) in the case of the Greater London Council, notify the development corporation;

(*b*) in the case of the development corporation, notify the Greater London Council;

(*c*) in either of the preceding cases, notify the London borough council in whose area the land to which the direction relates is situated;

(*d*) in the case of a London borough council, notify the Greater London Council and the development corporation.".

Applications under articles 5 and 6 of the General Development Order

10. Article 7 of the General Development Order (general provisions relating to applications) shall apply to the development area as if for paragraphs (1) and (2) the following were substituted:—

"(1) Any application made under article 5 or 6 shall where the land is in the London Docklands development area be made to the development corporation.

(2) Where an application is lodged with the development corporation in accordance with paragraph (1) of this article the corporation shall, if necessary, transfer the application to the local planning authority.".

Consultations before the grant of permission

11. Article 15 of the General Development Order (consultations before the grant of permission) shall apply to the development area as if:—

(*a*) after paragraph 2 there were inserted:—

"(2A) Before the development corporation grants permission, whether subject to conditions or not, for development falling within

any of the following classes, they shall consult with the Greater London Council:—

(*a*) the erection or material alteration of any building which would, on completion of the development, have the capacity to accommodate more than 2,500 persons and which is to be used as an exhibition or conference centre, a lecture hall, concert hall or arena, or for any other similar purpose of public assembly;

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

(*c*) the erection of any building or the carrying out of other works for the purposes of the establishment or extension of a railway terminus, a station for public service vehicles, an aerodrome (as defined in section 64(1) of the Civil Aviation Act 1971**(a)**) or an air passenger terminal (whether within or outside an aerodrome);

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

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

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

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

(*h*) any development of land within 100 metres of either of the London Bridge passenger stations which are operated respectively by the British Railways Board and the London Transport Executive, except the extension of an existing building or the erection, within the curtilage of an existing building, of a building to be used for the same purpose as the existing building, so as to provide in either case, additional floorspace having an area of not more than 50 per cent of the area of floorspace in the existing building, or not more than 465 square metres, whichever is the less;

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

(*j*) any development which would, in the opinion of the development corporation, involve the demolition, in whole or in part, or the material alteration, of a building which is on a list of buildings of special architectural or historic interest compiled in pursuance of section 54 of the 1971 Act.";

(a) 1971 c. 75.

(*b*) for paragraph (3) there were substituted:—

"(3) Before granting permission for development of any land in the development area, the Greater London Council shall consult with the development corporation and with the council of the London borough in which the land is situated.".

Register of applications

12. Article 21 of the General Development Order (register of applications) shall apply to the development area as if:—

(1) in paragraph (1)(*a*)(ii) "development corporation" were added after the words "Common Council";

(2) in paragraph (5) "the development corporation" were added after the words "register kept by".

PART IV

DIRECTIONS BY THE GREATER LONDON COUNCIL AS LOCAL HIGHWAY AUTHORITY

Certain applications affecting metropolitan roads to be notified to the Greater London Council

13.—(1) The development corporation shall before granting planning permission (whether subject to conditions or not) on any application made after the coming into operation of this order which relates to development to which paragraph 2 of this article applies, notify the Greater London Council in their capacity as local highway authority:

Provided that the development corporation shall not be required to notify the Greater London Council of an application under this article where a similar application has been so notified within the period of three years before the date of the application in question, or a similar application has been referred to the Greater London Council within that period under regulation 4 of the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1980**(a)** (or under the corresponding provision of the Town and Country Planning (Local Planning Authorities in Greater London) Regulations 1978**(b)**) and either—

(*a*) no direction was issued by the Greater London Council in respect of the application; or

(*b*) such a direction was issued requiring the imposition of conditions and the development corporation wish to impose the same conditions when granting planning permission on the present application.

(2) This article applies to development of any of the following classes on land any part of which is within 50 metres of the centre of a Category A metropolitan road:—

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

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

(*c*) the extension of an existing building or the erection, within the curtilage

(a) S.I. 1980/443. **(b)** S.I. 1978/602.

of an existing building, of a building to be used for the same purpose as the existing building, so as to provide, in either case, additional floorspace having an area of more than 50 per cent of the area of floorspace in the existing building, or more than 465 square metres, whichever is the less;

(*d*) the extension of an existing building or the erection, within the curtilage of an existing building, of a building to be used for the same purpose as the existing building, so as to provide, in either case, additional floorspace of a lesser area than that specified in the last preceding sub-paragraph, if the development involves building in advance of the line of that main wall of the existing building which is nearest to the Category A metropolitan road.

(3) Where the Greater London Council have been notified of an application under this article and they are of the opinion that permission for the development should not be granted or should be granted subject to conditions, they may give to the development corporation a direction as to the manner in which the application is to be dealt with:

Provided that, in considering whether to give such a direction in respect of any such application, the Greater London Council shall not have regard to any matters other than any proposals by a highway authority for the construction or improvement of metropolitan roads, any proposals for the landscaping of metropolitan roads, and the possible effect of the proposed development on traffic conditions and on the provisions for the parking of cars in the area.

(4) In this article—

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

"existing" means existing at the date when the application for planning permission is made;

"highway authority" means either the Greater London Council or a council to whom the Greater London Council has delegated its powers in respect of that metropolitan road under section 18 of the London Government Act 1963**(b)**, as the case may be;

"metropolitan road" and "proposed metropolitan road" have the same meaning as in sections 29 and 30 of the Transport (London) Act 1969;

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

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

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

Tom King,
Minister for Local Government
and Environmental Services,
Department of the Environment.

Signed by authority of
the Secretary of State,
28th July 1981.

(a) 1969 c. 35. **(b)** 1963 c. 33.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order is a special development order made under section 24 of the Town and Country Planning Act 1971 applying to land within the London Docklands urban development area.

Under section 148(1) of the Local Government, Planning and Land Act 1980 the Secretary of State, after consultation with the appropriate local planning authority and with any other local authority which appears to him to be concerned, may approve proposals submitted to him by an urban development corporation for the development of land within the urban development area. Section 148(2) of that Act provides that a special development order may grant permission for any development of land in accordance with proposals so approved.

Article 3 of this order grants permission for the carrying out of any development in accordance with proposals approved by the Secretary of State. The permission is subject to limitations in relation to industrial development which would require an industrial development certificate if an application for permission had to be made to the local planning authority (article 4) and it does not apply to the carrying out of development of the same description as development which has been made the subject of an order under section 45 (power to revoke or modify planning permission) or section 51 (orders requiring discontinuance of use or alteration or removal of buildings or works) of the 1971 Act (articles 5 and 6). It is also subject to conditions relating to the period within which the development must commence, requiring approval of certain details by the development corporation (where the development is being carried out other than by the development corporation) and requiring consultations in certain cases (articles 3 and 7). The permission may be withdrawn by the Secretary of State by direction in relation to any particular development (article 8).

The following articles of the General Development Order 1977 are modified in relation to the development area and to the development corporation:—

Article 4 (directions restricting permitted development), the development corporation to be the "appropriate local planning authority" (article 9);

Article 7 (general provisions relating to applications), applications relating to planning permission to be made to the development corporation (article 10);

Article 15 (consultations before the grant of planning permission), the development corporation to consult the Greater London Council in some cases and the Greater London Council to consult the development corporation before granting permission for development in the development area (article 11).

Article 21 (register of applications), the development corporation to be the "local planning register authority" for the development area (article 12).

This order also, in article 13, enables the Greater London Council, in their capacity as local highway authority, to give directions as to the way in which certain applications affecting metropolitan roads are dealt with.

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