

Tamil Nadu Combined Development And Building Rules, 2019: An Insight
written by Bhavani Navaneedhan | March 8, 2019

INTRODUCTION:

On February 2, 2019, the Tamil Nadu government notified the Tamil Nadu Combined Development and Building Rules, 2019 ("Rules") that revised the existing rules under the Tamil Nadu Town and Country Planning Act, 1971 ("TN Act") and combined the development regulations of the Chennai Metropolitan Development Authority ("CMDA") and the regulations for the rest of the state coming under the purview of the directorate of town and country planning. These Rules apply to developments, redevelopments, part constructions or reconstructions and to any additions or alterations to a building. The main objective behind the Rules are to simplify and streamline the process of obtaining permits by developers and to impose accountability to maintain standards and certain social obligations on developers and professionals like engineers and architects working in the construction industry.

MANNER

OF OBTAINING PERMISSION:

For any type of developments two kinds of approvals have to be obtained which are the planning permission and the building permit. The former is obtained from the CMDA and the latter from the respective city municipal corporation and both were governed by different laws and regulations making the process of obtaining permission for construction quite tedious and time consuming for the developers. The Rules combine development regulations for Chennai metropolitan area, rules for the rest of the state to be adhered for obtaining planning permission under TN Act and integrate building rules for obtaining building permits under the respective Acts and regulations of local Governments. Further, under these Rules there are only two kinds of buildings that can be constructed namely, high rise buildings which is above 18.30 meters in height and non-high rise buildings. The applicant seeking permission to develop the land should either be the owner, leaseholder or power of attorney holder and should along with the application submit proof of ownership, detailed plans, specifications, site plan, key plan and topo plan for development of land and buildings. Further, the applicant also needs to remit scrutiny fee to review the application along with the plans. Before giving permission, the competent authority may conduct inspection of the site to assess any risks involved in the development. If the plan and information furnished by the applicant do not provide all the particulars necessary to process the application satisfactorily, the competent authority^[1] may within 15 days from the date of receipt of plans or applications require

the production of such further particulars and details as it deems necessary.

If the plan and the information furnished by the applicant are found to satisfy the requirements of these Rules, the competent authority shall issue the written permission within 45 days after the receipt of the plan and all other requirements.

STRICT CONFIRMITY WITH THE RULES:

The Rules have to be strictly adhered to as no land, premises or building shall be developed, constructed, altered, reconstructed, subdivided, changed or put to use which is not in conformity with the provisions of these Rules. The developments need to be either in conformity with detailed development plan or the master plan as applicable to it. In furtherance of this objective, the Rules require the owner or registered developer to submit a completion report certifying that the building has been constructed as per the approved plan in order to obtain a completion certificate. Only after obtaining the completion certificate can the owner or developer apply for service connections like electricity and water.

REGISTRATION

OF PROFESSIONALS:

The Rules make it mandatory for professionals in the construction industry like Architects, Engineers, Structural engineers, Construction engineers, Quality auditors, Town planners and Developers to register themselves with the competent authority by paying a fee of INR 5000. The committee to screen the applications of these professionals shall be constituted by the Chennai Corporation, Commissioner of Municipal Administration and the Directorate of Rural Development. The registered professionals should clearly indicate on all plans and documents their designation and registration details. They have onus not to participate in any development or construction that is in contravention of the TN Act and these rules and bring to the notice of the competent authority any deviations that they are aware of.

SOCIAL AND

ENVIRONMENTAL OBLIGATIONS:

1. In any development proposed, where the Floor Space Index (FSI) area exceeds 4000 square meters either the applicant shall provide housing for lower income groups for an extent of 10 % of Floor Space Index area with dwelling units not exceeding 40 square .meters in carpet area or shelter charges as prescribed in the TN Act. The rate of shelter charges payable shall be 1% of the Guide Line Value (GLV).
2. In order to make access easier for the elderly, differently-abled and children all buildings and facilities used by the public such as educational, institutional, assembly, commercial, business,

mercantile

buildings and group housing constructed on plots having an area of more than 2000

square meters, shall be specially designed taking into consideration the needs

and comfort of such persons.

3. The Rules cast the duty upon any person who constructs a building within 15 metres of a water body to take adequate measures to prevent passing of waste from the building into the water body and contaminating it.

4. The Rules mandate the installation of solar water heating system in high rise common use buildings like hospitals, hostels, railway stations, hotels, educational institutions, government buildings and private residential buildings depending on the floor area. The executive authority before issuing building permit for the construction of new building shall ensure if it has a provision in the building design itself for an insulated pipeline from the rooftop in the building to various distribution points where hot water is required. Further, installation of solar energy system is mandatory in all buildings in the category of high rise buildings and non-high rise buildings exceeding 16 dwelling units and 300 square meter of commercial building.

CONCLUSION:

The Rules will assist in streamlining the construction industry and promoting ease of doing business. The Central Government passed the Real Estate Regulatory Development Act in 2016 mandating registration of projects and real estate agents and the regulations have been enforced in Tamil Nadu among other states. By mandating registration of professionals and placing accountability on them the Rules further the goal of enhancing the regulation of the real estate industry and making it more transparent for all parties involved that will in turn stimulate the industry.

Contributed by – Bhavani Navaneedhan

[1]

The competent authority for issue of planning permission in Chennai Metropolitan Area is, the Chennai Metropolitan Development Authority or a Local

Authority concerned to whom the Chennai Metropolitan Development Authority has

delegated the powers for issue of Planning Permission.

The competent authority for issue of Planning Permission in the rest of the State is, the Appropriate Planning Authority delegated by the Directorate of town and city planning

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