

A Study on Approval Process and Its Impact on the Time Delay of Apartment Project

Gopinath.S¹, Sakthivel.S²

^{1,2}The Kavary Engineering College, Mecheri

Abstract- *the building approval is a very important priority for constructing a new building. The approval process from DTCP (director of town and country planning) is relatively slow and delay in launching the project. There is no clear clearance from various fields recommended by "DTCP". At present, the government is strictly following the regulations to grant building permits and the government is taking action against those who violate the protocol. So, by the government's mandate, customers and advertisers are endorsed by DTCP. By conducting an interview with the DTCP department and promoters, another study is undertaken to find that the customer is analyzed by the relevant key indicator without approving access to the DTCP. Problems and causes of delays have been identified. Suggestions will be provided to clients and promoters to get approvals in correct manner and to reduce the delays.*

has its jurisdiction over the entire Tamil Nadu except Chennai metropolitan development area (CMDA). The important functions of DTCP are to approve layouts after verifying the rules.

LOCAL PLANNING AUTHORITY

LPA provides technical approval for the layout plans proposed by the developers for which the final approval is accorded by the local body.

PLANNING PERMISSION

Planning Permission is the approval to be obtained before carrying out any development in the land/ building in both plan and non-plan areas. Plan areas are those areas in Tamil Nadu other than CMDA (Chennai Metropolitan Development Authority Areas), wherein the department of town and country planning has prepared master plan which are duly approved by the government. Non-Plan areas are those areas other than plan areas within the jurisdiction of DTCP, which do not have an approved master plan. Under Sec.47 (A) of the Town and Country Planning Act 1971, Planning permission is required in both plan and non-plan areas. Clients or promoters have to apply to the concerned Local Planning Authority, Municipal, Corporation, Town, Village Panchayat which would be based on the power delegated to them for issuing the planning permission. If all the documents are submitted as per the DTCP check list. Planning permission may be issued within the maximum period of 45 days. The Planning Permission is valid for 3 years and it can be renewed for another period of 3 years before one month of the expiry of the first permission

I. INTRODUCTION

GENERAL

A building approval is formal permission which is required before starting any new constructions or renovations work and it can be obtained from authority concerned (DTCP department) where the work will take place. There are several mandatory documents that are necessary for applying the building approval. These include application form, topo plan and site plan, FMB sketch and strap license, land ownership document, encumbrance certificate, sale deed certificate, NOC from tahsildar and fire department, structural stability certificate. In addition, sewage treatment plant, rain water harvesting, solar water heating system has shown in drawing is now mandatory. It is important to seek out the approval for building in order to keep the value of it in the event of building, selling and also ensures that all construction is safe, legal, and sound.

DIRECTORATE OF TOWN AND COUNTRY PLANNING

The Directorate of Town & Country Planning (DTCP) headed by the Director is functioning under the Tamilnadu. DTCP functions under the secretariat of Housing & Urban Development Department (H&UD). The department

Table 1. Powers Delegated to Local Bodies

Approving authority- Local Bodies (corporation, municipality, panchayat)	Upto 2000 Sq.ft for commercial building (G+1) (OR) 4000 Sq.ft for residential building restricted to G + 2 No delegation for approval of layouts
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Table 2. Powers Delegated to Local Planning Authority

Approving Authority- Member Secretary	Residential and commercial building upto 25000 Sq.ft., school building without restriction on area.
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Table 3. Powers Delegated to DTCP

Approving Authority : DTCP	Any type of building more than 25,000 Sq.ft
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CONDITIONS OF PLANNING PERMISSION

Any kind of construction - Residential, Commercial, Industrial and Institutional and formation of layouts require planning permission.

The building construction can be one of the following types viz.

- Ordinary building,
- Special building,
- Group Development and
- Multi-storied building

ORDINARY BUILDING

Ordinary building is the building upto 2 floors and with less than 4 dwelling units in case of residential and in the case of commercial building the floor areas is less than 300 m²

SPECIAL BUILDING

Residential:-1. More than 2 floors not exceeding 4 floors inclusive of ground floor and basement/ Stilt + 4 floors total height of building should not be more than 15m

2. Building with more than 4 dwelling unit

Others :- A building accommodating Commercial, Industrial, Institutional and Combination of such activities exceeding a floor area of 300 m²

GROUP DEVELOPMENT

Group Development means a development accommodating residential, commercial or institutional building with two or more blocks of buildings in a particular site.

MULTI-STORIED BUILDING

Multi-storeyed building means a building exceeding 4 floors (including ground floor or if this ground floor is used for parking under stilts), whose height is 15 m or more.

MASTER PLAN

Master plan / New Town Development Plan is a land use plan prepared for towns with regulatory guidelines to ensure orderly development of the planning area.

ZONE REGULATIONS

The development authorities allocate approvals based on land use and zoning regulations.

Zone I = Residential Zone

(A) Primary Residential Zone

(B) Mixed Residential Zone

Zone II = Commercial Zone

Zone III = Industrial Zone

(A) Controlled Industrial Zone

(B) General Industrial Zone

(C) Special Industrial and Hazardous Zone

Zone IV = Educational Zone

Zone V = Public and Semi- Public Zone

Zone V = Agricultural Zone

RESIDENTIAL USE ZONE

(a) Primary residential use zone

1. All residential buildings including single and multi – family dwellings, apartment dwelling and tenements together with appurtenances.
2. Professional consulting offices of the residents and other incidental uses
3. Petty shops dealing with daily essentials including retail provision, soft drinks, cigarettes, newspaper, milk, Kiosks, cycle repair shops and single persons tailoring shops.

(b) Mixed residential use zone

1. All uses permitted under use zone (a) Primary residential use zone
2. Hostels and single person's apartments
3. Community Halls, Marriage Hall, religious buildings, welfare centres.
4. Recreation clubs, libraries and reading rooms.

COMMERCIAL USE ZONE

1. All uses permitted under use zone 1 (a) and 1 (b), residential use zone
2. Business offices and other commercial and financial institutions
3. Cinema theatres and other commercial entertainment centres
4. Transportation terminal, including bus stands, railway and urbanized parking lots.

INDUSTRIAL USE ZONE

- (a) Controlled industrial use zone
- (b) General industrial use zone
- (c) Special industrial and hazardous use zone

(a) Controlled industrial use zone

1. Hotels, restaurants and clubs, places for social intercourse, recreation and workshop and dispensaries and clinics
2. Residential building for care takers, watchman and other essential staff required to be maintained in the premises

(b) General industrial and hazardous use zone

1. All commercial uses listed use zone 1(a), 1(b) and i.e. residential and commercial use zone
2. Hotels, restaurants and clubs, places for social intercourse, recreation and workshop and dispensaries and clinics

(c) Special industrial and hazardous use zone

1. All commercial uses listed use zone 1(a), 1(b) and residential and commercial use zone
2. All industries permissible in the use zone III (a) and III (b) the controlled and general industrial use zones.

EDUCATIONAL USE ZONE

1. Schools, colleges and other higher education and training institutions and the uses connected herewith.
2. Hotels and single person apartments
3. Recreational clubs, libraries and reading rooms.

PUBLIC AND SEMI – PUBLIC USE ZONE

1. Government and quasi – government offices.
2. Art galleries, museums acquires and public libraries.
3. Harbours, airport and flying club

USE ZONE VI – AGRICULTURAL USE ZONE

1. All agricultural uses.
2. Farm houses and building for agricultural activities.
3. Rural settlements with allied uses

SCOPE AND OBJECTIVE

- To study the complete process of approval for apartment projects in Tamilnadu.
- To create awareness among clients and promoters about approval processes.
- To reduce the complexity and time involved in getting the approvals.
- To reduce the delay in initiating a project.
- To avoid the hurdles in approval process in future Apartment projects.
- To provide a clarity for getting approvals in faster manner

DEVELOPMENT CONTROL RULES AND REGULATION

Development control rules and regulations of local planning authority for apartment projects such as group building and special building

REGULATION FOR SPECIAL BUILDING

Special buildings” means -

- a) A residential or commercial buildings with more than two floors; or
- b) A residential building with more than four dwelling units; or
- c) A commercial building exceeding a floor area of 300 square meter

Table 4. Planning Parameters of Special Buildings

S.No	Description	Residential
1	Minimum plot extent	220 Sq .m.
2	Minimum plot width/ frontage	9 m
3	Minimum road width	9 m
4	Maximum height of building	15m or G+3 floors or lt + 4 floors
5	Maximum Floor Space Index (FSI)	1.5
6	Front set back	Min – 3m Upto 18 m – 3m 18 m to 24 m – 4.5 m More than 24 m , NH & SH – 7m

7	Side set back	3m or 1/4 th height whichever is higher
8	Side set back	3m or 1/4 th height whichever is higher

GROUP DEVELOPMENT

Group Development means accommodation for residential, commercial or institutional building in two or more blocks of building.

RAIN WATER HARVESTING

There shall be a pebble bed of 1 meter width and 1.5 meters depth all around the building and filled with rounded pebbles of 5 cm to 7.5 cm size. The concrete paving around the building has to be slopped at about 1 in 20 towards the pebble bed, so that rain water from the terrace and side open spaces flow over this pavement and spread into the pebble bed around. Dwarf walls in masonry of 7.5 centimeters, height shall be constructed at the entrance and exit gates to retard rainwater collected into the compound from draining out to the road.

LAND CEILING ACT, 1978

An act that restricts the ownership of land by individuals. However, there is still considerable confusion in the process required for the clearance of land for buildings, the repeal has not had much impact on the ground.

LAND REFORMS ACT, 1961

A redistribution of agricultural land (especially government action).

REGISTRATION ACT, 1908

The purpose of this Act is the conservation of evidence, assurances, title, publication of documents and prevention of fraud.

TOWN AND COUNTRY PLANNING ACT 1947

The Town and Country Planning Act 1971 under section 2(b) of 49 requires that anyone who wants to develop any land or building should take a planning permission before commencement of the development work. Section III provides that when permission has to be taken under this Act is not taken then the development will be unauthorized even if a permission or license is taken under any other law. This means that planning permission is a prerequisite for any

development. When the Local bodies are delegated with powers to issue planning permission, the planning permission and building license can be issued simultaneously. In case of issue of planning permission is retained with Local Planning Authority, building license or any other license should be issued by local body only after planning permission is issued by Local Planning Authority.

INDIAN STAMP ACT, 1899

A legal statute, which provides for the payment of stamp duty in case of all real estate transactions to duty to the local government. The value of the stamp duty depends on the rental payable, the lease term or the sale value as the case may be. This duty is paid by purchasing non judicial Indian Stamp Paper, on which the lease/sale agreements are documented.

THE FIRE AND RESCUE SERVICES ACT 2004

In 1947 the Fire Services Act became law, making the fire service a department in its own right and provided a legal framework how fire service should be setup and administrated. The fire safety roll was defined in subsection 1(1)(f) which states the fire service should provide fire prevention advice on request and with regards to the special services roll, it stated that fire brigade equipment could be used for other than fire fighting purposes. This chapter describes the methodology used in this research. It includes research procedure and data collection.

II. LITERATURE REVIEW

DATA COLLECTION

The DTCP has earlier inherited powers to LPA and local bodies. The local planning authority for granting approvals to apartment buildings up to 25,000 sq.ft. For additional construction in existing buildings, applicants had to approach the local planning authority for approvals. So, Clients or Promoters have to apply to the Local Planning Authority concerned on the subject of getting approval for apartment building. The LPA provide check list to clients and promoters. Based on the check list of required documents should be submitted by the applicant in concerned LPA office. If all the documents are submitted as per norms to local planning authority then the planning permission is issued after one month by local body.

SALE DEED CERTIFICATE

A sale deed act as the main legal document for evidencing sale and transfer of ownership of property (land) in

favour of the buyer, from the seller. Further, it also acts as the main document for further sale by the buyer. As it establishes proof of ownership of the property (land). Sale deed certificate were written on stamp duty which a kind of tax levied on documents Need original certificate with two set xerox of NOC certificate to get the approval from LPA.

NOC FROM TAHSILDAR

NOC in original from tahsildar specifying

1. There is no poromboke land
2. There is no 4(1) notification issued by any department for acquisition
3. The site is not covered under Land Ceiling Act, 1978
4. The site is not covered under Land Reforms Act, 1961
5. The site will not be affected by Flood during the rainy season

ENCUMBRANCE CERTIFICATE

EC certificate contains all the transactions registered relating to a particular property for a period.

ROAD REGISTERED GIFT DEED COPY

- Gift deed copy given by client to government that must be written on 100 rupees stamp paper to submit corporation department along with ID proof (Ration card, pan card, voter ID card) and requisition letter should be enclosed
- Cost of obtaining certificate is depends on the area that amount should be paid in treasury challan which is available in concerned area office (limit).
- Time required for obtaining gift deed copy clearance certificate is 1 week or 10 days

NOC FROM FIRE DEPARTMENT

The building height within 15 m the clearance is approved by District fire office and the above 15 m the clearance are approved by Director of fire service department

ADDITIONAL DOCUMENTS REQUIRED

- To get approval STP details shown in the drawing or provision of sewage connection from local body
- To get approval rain water harvesting shown in the drawing
- To get approval solar water heating system shown in the drawing

- To get approval Site plan in any scale between 1:400 to 1:800
- To get approval detailed plan, elevation, sectional details in scale not less than 1:100
- To get approval topo plan about 500 m radius superimposing in the village map showing all existing developments around the boundaries of the site

FINAL APPROVAL ISSUED BY LPA

- Finally, submit all the documents as per check list and norms to get approval for apartment project to local planning authority.
- After submitting in the LPA office following procedure is adopted
- Member secretary will
- Scrutinizing the application and call for further particulars if necessary
- Site inspection will be conducted
- Forward proposal to collector
- Discussion on proposal by member secretary and collector
- Decision according to discussion (accepted or rejected)
- If it is accepted planning permission is issued after that plans are to be returned to the respective Local bodies from where the applicant can collect the planning permission and building

III. DATA ANALYSIS

The data was analyzed based on the data collected from the Licensed Building Surveyor (respondents). The survey has completed with 25 and data has been analyzed and ranked using Relative Importance Index (RII) method.

Relative Importance Index (RII) analysis was employed to measure the Likert (ordinal) importance scale. In this study, four scale rating was used and the weight was give as below:

- 4– Too Tough
- 3– Tough
- 2 – Moderate
- 1 – Easy

The RII was calculated by using the formula as below

$$RII = \frac{\sum w}{A * N}$$

w = weight of scale

A = highest weight

N = total number of respondent

From the analysis of data the following results were obtained and ranked according to the rank indexes.

Table 5. The top 5 delay factors according to the rank index

S.NO	DELAY FACTOR	RII	RANK
1	NOC From NH/SH	0.76	1
2	NOC from Tahsildar	0.74	2
3	Clearance certificate for road registered gift deed copy from Corporation	0.69	3
4	NOC from Fire Department	0.68	4
1 5	Clearance certificate for approved layout from Corporation	0.65	5

IV. IDENTIFY THE REASON FOR DELAY AND HURDLES

CLIENTS AND PROMOTERS SIDE

- Clients and promoters require too many NOC's and clearance certificate from various authorities. The delays in getting these approvals slow down the approval process.
- Lack of transparency in approval process.
- Applicants have to make several visits to concerned officers at every level to access information about the status of clearance certificate and NOC's.
- No clear timelines are set by approving authorities leading to delays in approvals.
- Unofficial costs are incurred by clients and promoters to the approval process.
- Most of the times change of officers in authorities/local bodies makes the process of approvals even more slow than usual
- Clients and promoters have inadequate knowledge about the required documents for approval
- Proper technical awareness is not found
- Areas of division of very large and minimum staffs are employed hence verification for the NOC's are delayed
- Shortage of skilled officials in authorities
- Improper response of the concerned officer to the promoters

GOVERNMENT SIDE

- In government sector approval process includes verification of certificates from the initial stage to final stage. Hence time consumption is very high.
- Availability of Tahsildar is very rare since he is attending various government schemes and distribution of patta's welfare schemes, auditing and verification works etc.
- Approving authorities inadequate to handle the number of applications for approvals.
- Not submitting required documents on time
- Complete ownership document properly not submitted by the applicant including EC (Encumbrance certificate) due to that delay of verification.
- Not followed rules and regulations.
- Mostly not followed side set backs.
- Not reporting to correct person.
- Scarcity of revenue staffs in all department.
- Updating of revenue records up-to-date.
- Shortage of skilled officials in authorities.
- Working staff residence away from the working place.
- Mal practices.
- Data entry missing.
- Spelling mistake in document entry
- Wrongly numbered data.
- Recommendation makes the officer irritate
- Client will visit same officer more than once a time

SUGGESTIONS TO GOVERNMENT DEPARTMENTS AND CLIENTS

- A single window clearance for obtaining local/state and central approvals should be set up so that the clients and promoters do not have to follow up with different authorities separately. The single window system should co-ordinate with the government agencies and obtain the required clearances. The file should move automatically from one department to another in a pre-defined way. Further an online system should be developed to track the approval process in the single window system. This would be effective both for the authorities as well as the clients and promoters who could get complete status of their application at one place.
- Requirements of minimizing the necessary certificate are avoiding the delays.
- Time limit should be prescribed for each approval and approving authorities should strictly maintain it. If due to some reasons, approval cannot be given within prescribed time limit, it should be intimated to the applicant within first 10-15 days of submission of

application with reasons. Clients and promoters on their part should submit proper documents as required by the authorities to make the process less cumbersome.

- Developing a computerization system for submission of application forms with tracking facility would bring in transparency and efficiency in the approval system. It will also help in reducing the personal interface with the government officials which will significantly help in containing unofficial costs for the clients.
- Adequate trained/technical staff is needed to process files within time.
- Particulars necessary for issuing NOC's and clearance certificate to be outlined and exposed by the relevant department.
- Documents required for each approval should be clearly listed on the website of the approving authority. Clients and promoters should submit documents as required by authorities to prevent any delay in obtaining approvals.
- Decentralization of powers at the local level is to be needed
- Revenue records should be up-dation
- The authorities must have sufficient skilled staff to fulfill their role in their area of work
- Working environment to be peaceful

V. CONCLUSION

The building approval is foremost for constructing a new building in and around Tamilnadu. The process of getting approval from DTCP (Directorate of Town and Country Planning) is very difficult and it leads to delay in commencement of the project. So, from this study, I collected all the documents based on DTCP check list to get apartment project approval from local planning authority and questionnaires were prepared.

In another study, based on checklist to find out where they are lacking to approach the DTCP for getting approval and identified the reason for delays, hurdles and lacking of awareness by conducted interviews from government departments, clients and promoters. Finally suggestions are provided to government departments, clients and promoters to get approval in correct manner and to reduce the delays in initiating a future projects. The expected outcome of the project will reduce the complexity and time involved in getting the approvals from DTCP departments and LPA.

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