

Session – II

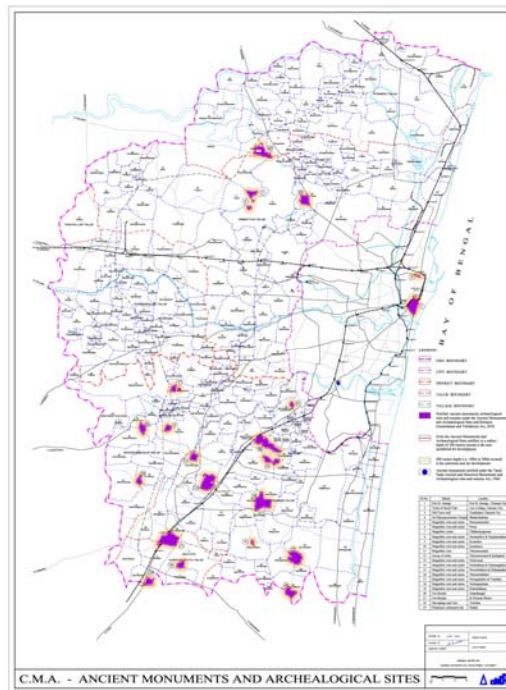
## Development Regulation provisions for Heritage Conservation in Chennai Metropolitan Area

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- ❖ Heritage Conservation has gained more importance after the UN Convention on protection of World Cultural and Heritage held in Paris in 1972
- ❖ UNESCO is declaring world heritage monuments of international importance.
- ❖ At National level, the GoI's Ancient Monuments and Archaeological Sites and Remains Act 1958 provides for listing of heritage monuments for preservation.



- ❖ At State level, the Tamil Nadu Ancient and Historical Monuments Archaeological Sites and Remains Act, 1966 provides for listing of heritage monuments for preservation
- ❖ At Local level, i.e., City/Town level, Town Planning Legislations include provisions of listing of heritage buildings for conservation.
- ❖ When at International, National and State levels, the regulations address preservation of more than 100 years old monuments, the town planning regulations at city level address the conservation of heritage buildings not covered by the above regulations.

## **History of Conservation efforts in CMA**

- ❖ Govt. of Tamil Nadu initiated action in 1997 to conserve heritage buildings.
- ❖ A committee headed by DTCP was constituted by GoTN in 1998 (G.O.Ms.No.179 H &UD dated 25.05.98 to look into the aspects related to enactment of Heritage Act).
- ❖ The Committee had drafted Draft Tamil Nadu Heritage Conservation Act, 1999 and submitted it to GoTN.
- ❖ Subsequently the Government in G.O. Ms. No.290, dated 17.09.2007 constituted an Inter Disciplinary Expert Committee (IEDC) headed by Vice-Chairman, Tamil Nadu State Planning Commission to look into all aspects of conservation of heritage buildings including the need for enacting the law.
- ❖ The IDEC met on 20.11.2007 and recommended for constitution of many sub-committees on
  - Heritage Buildings
  - Religious faiths
  - Cultural aspects and
  - Legal issues.
- ❖ DTCP being the Member-Secretary of the Committee requested for constitution of the sub-committees; G.O. is awaited.
- ❖ CMDA was asked separately to draft the regulations under DCR to conserve heritage buildings /precincts in CMA.
- ❖ CMDA had constituted HCC in 1999.
- ❖ The HCC prepared the draft Rules and a draft list of heritage buildings in Chennai City (mostly covering the southern part of the Chennai City )
- ❖ CMDA forwarded the draft rules and the draft list (186 buildings/Precincts) to GoTN.
- ❖ Observing that views of all the concerned in the matter were to be obtained and CMDA may re-examine the issues on heritage along with the Second Master Plan, the GoTN returned the DCR in 2003.
- ❖ CMDA re-examined the matter taking into account of the draft rules circulated by the GoI, the rules in force at Mumbai and Hyderabad, and the local requirements, and drafted the regulations and proposed it as part of the D.R. in the SMP.
- ❖ SMP was approved by the Government on 02.09.2008 and the special rules for conservation of heritage buildings/precincts forming part of it have come in to force since then.
- ❖ With the recommendations of the Authority the Government constituted the HCC under DR in G.O.Ms.No.85 H&UD, dated 01.04.2010

## **Composition**

- ❖ The HCC comprises of members from P.W.D., A.S.I., State Archaeological Dept., Madras University, Anna University, NGO, INTACH and CMDA.

## **Terms of Reference**

- ❖ To advise on the preparation of draft list of Heritage Buildings/ Precincts.
- ❖ Advise the Member Secretary, CMDA on the individual applications for permissions for the developments referred to in sub Regulation No. (2) – Annexure XXV of the Development Regulation.
- ❖ To advise the M.S. on the matters relating to alterations, modifications, or relaxation of provisions or other regulations contained in the DR where necessary.
- ❖ To advise the M.S., CMDA on the matters relating to grant of TDR.
- ❖ Tenure of the non-official members in the committee shall be 3 years and they can be reappointed for only one term.
- ❖ HCC met three times after its constitution in April, 2010.
- ❖ The criteria for listing the heritage buildings/ precincts in CMA finalized.
- ❖ The process of assessment/documentation of heritage buildings has been initiated.
- ❖ Students and faculty members of 10 Colleges/ Universities in and around Chennai will be involved in the identification, assessment, documentation and listing of heritage buildings / precincts in CMA.
- ❖ It is proposed to complete the task within a time frame of 6 months.
- ❖ The documentation done by the students will be scrutinized by an Expert Committee to be constituted and will be further discussed and draft list will be prepared by the H.C.C.

## **The criteria decided for listing of heritage buildings / precincts:**

### **I - Historical**

(a) Date / Period of construction:

This criteria may ensure that the building / precincts age is give due consideration in determining historic significance

(b) Trends exhibited by the building:

The building or a precinct may reflect a particular social, economic, political or cultural pattern, characteristic of the local settlement area.

(c) Events associated with:

A building or structure may be directly linked to an event of local, regional, or national significance or a noteworthy historical event.

(d) Persons associated with:

Building or precincts may be linked to a notable person, group, and institution and has historical significance.

## **II – Architectural**

### **(a) Design**

The building may be significant because of its excellence artistic merits, or uniqueness of its design, compositions, craftsmanship or details. It includes decoration, colour, texture, massing notable proportion.

### **(b) Style**

The building may exhibit features of a particular architecture style, period of construction (style compared to others of its particular architecture style)

### **(c) Designer/Builder**

The building might have been designed by an Architect / Engineer or other design professional or constructed by a builder whose work is local, regional or national importance.

### **(d) Physical conditions**

The condition of the structure may be superior or it may require minor structural repair, or extensive repair, or it may be in a dilapidated condition.

### **(e) Design Integrity**

In a heritage building if alterations had already been carried out, then its repairable nature and worthiness to conserve.

## **III - Cultural**

### **(a) Community context**

For sentimental/symbolic reasons, the building/ precincts might have become significant part of community identity.

## **Screening of heritage buildings**

- ❖ Inventory making and evaluation with proper documentation (including photographs and reports) are very big tasks to be attended to, when considering the no. of such buildings / precincts in this metropolis.
- ❖ Heritage buildings or precincts will be screened first with reconnaissance survey;
- ❖ The eligible ones will be further evaluated, and then the overall scoring and rating with rank in the metropolitan area will be arrived at.
- ❖ Based on this overall rating, it may be categorised as Grade I, II or III

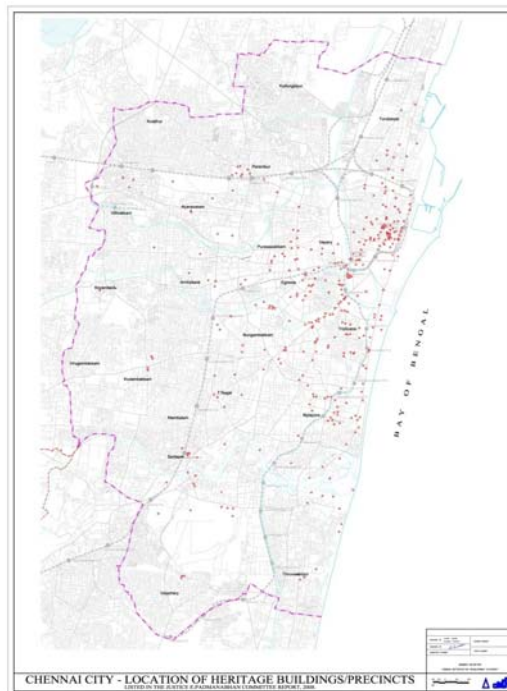
## **The sequence of actions involved in the process is -**

- (i) Finalisation of the evaluation criteria ( done )
- (ii) Notification in the newspapers (informing about the criteria also), inviting suggestions from the public proposing the buildings / precincts within CMA to be

included in the list of heritage buildings / precincts to be conserved as per the DR ( done )

- (iii) Involving the interested voluntary groups, NGOs, students of architecture through their institutions, and other interested and competent groups, taking inventory of the buildings, collecting details and documentation for consideration by the HCC (being done)
- (iv) Arriving at the initial draft list, and notifying it for public consultation as per the DR;
- (v) Addressing the owners of the draft listed buildings / precincts giving an opportunity to represent regarding the proposed inclusion of their building in the list,
- (vi) Conducting public consultation meetings at select locations within CMA.
- (vii) Conducting a workshop / seminar on the subject with the experts and interested groups
- (viii) Scrutinise the objections / suggestions received, re-examine the list, place it before the HCC and the Authority and forward it to the Government for the final approval and notification in the Gazette

### **Major provisions relating to heritage conservation in the Development Regulations**



- ❖ No development or redevelopment or additions, alterations, repairs, renovation of listed heritage buildings / precincts shall be carried out without the prior written permission of the MS, CMDA.
- ❖ The MS, CMDA shall act in consultation with HCC

- ❖ In relation to religious buildings in the said list changes, repairs, additions, alterations and renovations required on religious grounds mentioned in sacred texts, or as a part of holy practices laid down in religious codes shall be treated as permissible, subject to their being in accordance and consonance with the original structure and architecture, designs, aesthetics and other special feature thereof.

### **Grading of listed buildings/precincts.**

- ❖ The heritage buildings/precincts in CMA will be graded as Grade - I, II or III

#### **Grade-I**

- ❖ Heritage buildings/precincts of national or historical importance, embodying excellence in architectural style and design.
- ❖ They are the prime landmarks of the city.
- ❖ No intervention should be permitted either on the exterior or interior unless it is necessary.
- ❖ If it is absolutely essential, minimal changes would be allowed which must be in accordance with the original

#### **Grade-II**

- ❖ Comprises of heritage buildings/precincts of regional or local importance possessing special architectural or aesthetical merit, cultural or historical value .
- ❖ Internal changes and adaptive reuse will be generally allowed. But external changes will be subject to scrutiny.
- ❖ The extension or additional buildings in the same plot is allowed provided that they are in harmony with existing heritage buildings / precincts, especially in terms of height and façade

#### **Grade-III**

- ❖ Comprises of important for town spaces. They evoke architectural, aesthetic or sociological interest, though not as much as in heritage grade-II
- ❖ External and internal changes and adaptive reuse would be generally allowed

#### **TDR**

- ❖ If any application for development on a private land other than Government or quasi government or agency or a religious institution or trust or a society or charitable institutions, etc. is refused under this regulation, the private owner shall be compensated by grant of Development Rights Certificate

## **Repair Fund**

- ❖ The listed heritage buildings shall be repaired by the owners of the said buildings themselves
- ❖ Monetary help will be given for such repairs to a limited extent in deserving cases ,where the owner could not repair it. A separate fund will be created which would be kept at the disposal of M.S, CMDA for disbursement in consultation with H.C.C.

## **Conclusion:**

- ❖ Recently the GoI has amended the Central Act providing for preservation of monuments.
- ❖ According to the Act, within 100 m. around the notified ASI monuments, no development is permissible.
- ❖ Further 200 m area around it, developments are restricted and any proposal is to be cleared by ASI Committee.
- ❖ ASI may come up with Heritage-monument-specific / site-specific regulation instead of prohibiting any development in the area within 100 m. radius and restricting developments within 200 m wide belt around it.
- ❖ In Metropolitan areas, it is may be neither warranted, nor feasible for compliance.
- ❖ For e.g. in Chennai, the Tomb of David Yale , a small structure within High court premises and a short mud wall viz. old town wall at Tondiarpet have been notified as Archaeological Monuments. They are in the midst of heavily built up area and lies in the CBD of Chennai. Will the prohibition work ? Is it required ? The ASI may examine.
- ❖ For the Heritage Conservation legislations or rules to be effective, the regulations shall be simple to follow and the authorities who deal with applications for development in and around should dispose off them within a stipulated time. The process shall also be transparent.
- ❖ Due consideration for conservation of heritage buildings/precincts shall be given by all the authorities concerned including urban planning authorities, PWD, Government departments/ agencies who own heritage buildings, religious and charitable institutions, industries, corporate firms and private.
- ❖ Notification of statutory list is not an end in itself. It is to be followed by a conservation plan for these buildings/precincts, to be prepared in phases and recommended to the owners of the buildings
- ❖ Financing for the implementation of the conservation plan to be explored. Sources may be GoI's JnNURM , Finance Commission grants, State Government grants and CMDA's Repair Fund.



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