

**DETAILED TOWN PLANNING SCHEME
FOR
PERANDOOR ROAD**

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PREPARED BY
THE DEPT. OF TOWN PLANNING
KERALA STATE

PUBLISHED BY
THE GREATER COCHIN DEVELOPMENT AUTHORITY
COCHIN-20

DRAFT SCHEME

The Detailed Town Planing Scheme for Perandoor Road, Ernakulam

Title.

1. This scheme may be cited as the Detailed Town Planning Scheme for Perandoor Road, Ernakulam.

Definition.

2. In the scheme unless there is anything repugnant in the subject or context:-
 - a) "Act" means Travancore Town Planning Act 1108 as amended.
 - b) "Municipal Act" means the Kerala Municipal Corporation Act, 1961.
 - c) "Authority" means the Greater Cochin Development Authority formed under the Act.
 - d) "Secretary" means the Secretary of the Greater Cochin Development Authority
 - e) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
 - f) "Scheme" means the Detailed Town Planning Scheme for Perandoor Road , Ernakulam.
 - g) "Arbitrator" means the arbitrator appointed for the scheme under Sec. 27 of the Act.
 - h) "Schedule" means a Schedule append to the Scheme.
 - i) "Map" means a map annexed to the Scheme.
 - j) "Street" includes roads, street and lanes.
 - k) "Date of Scheme" means the date of notification of the Scheme under Sub-Section 12 of the Regulation in the Kerala Government Gazette.
 - l) "Rules" means the rules made under Section 41 of the Regulation.
 - m) "Government" means the Government of Kerala.
 - n) "Building Line" means a line which is in the rear of the street alignment and which the main wall of the building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the Kerala Municipal Building rules in force.

cost of constructing the streets, provided that if 50% of the owners or occupiers abutting on any new street have surrendered lands free of cost for the streets, and paid the cost of construction, the responsible authority shall undertake to construct the street without delay, and recover the balance from the remaining owners or occupiers.

6) No person shall build any wall or erect any fence or other construction or projection or make any encroachment in or over any land intended for use as a street or lane.

7) The responsible authority, shall so far as the funds at his disposal may permit provide a sufficient and satisfactory system of drains along the public street in the area affected.

Submission of layout plans:

8 1) If any owner of land within the area intends or proposes to layout a street, lane or pathway or subdivide, utilise, lease or otherwise dispose of any land as a site or sites for building purposes, he shall, submit for the approval of the responsible authority, a site or layout plan showing the land and the site or sites intended or proposed for building purposes and the street or the streets either existing already or intended to be laid out and made by the owners for giving access to the site or sites.

2) Save in such cases as the site or sites intended for building purposes may abut on any existing public street or an existing private street the owner of the land shall layout and made the street or streets giving access to the site or sites and connecting with an existing street in compliance with the provisions of the scheme.

3) The owners of the land shall not proceed to sub-divide, utilise, sell, lease or otherwise dispose of the site or sites intended for building purposes unless he has carried out or otherwise made arrangement to carry out the street works in compliance with the provisions of the scheme.

4) If the street or streets have not been made as required by sub clauses (i), (ii) and (iii) above the responsible authority may order the street works to be carried out or carry out the works himself in the manner prescribed by in the scheme in which case, the cost of such works will be recovered from the owners or occupier.

5) For the purpose of adjusting the boundary of any street the responsible authority may with the approval of the Chief Town Planner make an exchange of land forming part of any street that it may require, with or without paying or receiving any money for equality of exchange or otherwise.

Approval of layout plans:

9. 1) a) No owner or other person shall layout a street lane or pathway or sub divide, utilise, sell, lease or otherwise dispose of his land or portion or portions of the same as site or sites for building purposes until a site or layout plan or plan of sub-division has been approved by responsible authority provided, that the concurrence of the Chief Town planner is obtained for the layout plan or plans prepared for laying out of a street lane or path way or for sub-dividing the lands.

(b) The application for approval of a site or layout plan or plans of a subdivision shall be submitted to the responsible authority in the prescribed form.

The responsible authority may in the interest of the schemes impose reasonable restrictions and conditions and also insist on such modification of the plan as he thinks fit or cause to be made such modifications of the plan as the Chief Town Planner may consider necessary according to clause 9 (1) (a).

(c) The restrictions and conditions as laid down by the responsible authority or as decided by the Chief Town Planner shall be adopted by the owner or other person and shall be enforceable.

2) (a) No owner or other person shall construct or reconstruct or in any way alter or add to a building without conforming in every particular with the requirements of the Scheme; and unless he has applied for and obtained permission of the responsible authority under section 15 of the Act and in compliance with the requirements of 5 (a) below. No building shall be constructed or reconstructed in any land in which building is expressly forbidden or which is reserved in the scheme for any purpose incompatible with building.

(b) The responsible authority may for the purpose of the scheme demolish or cause to be demolished or alter or cause to be altered any building in the area so far as may be necessary for carrying, the scheme into effect.

3) The responsible authority shall, before granting permission under Section 15 of the Act, for any site plan or layout plan of Sub-division or for construction or reconstruction of a building in a site in the area take into consideration the desirability of reconstitution or redistribution of boundaries or any land or plot or plots or site or sites under clause 18 of the scheme as he thinks fit and may impose any restrictions or conditions or pass such order as may be necessary to secure such reconstitution or redistribution of boundaries of the land, plot or plots or site or sites. The restrictions or conditions imposed or the orders passed by the responsible authority shall be complied with by the owner or owners or the person or persons concerned, and shall be enforceable.

4) Not with standing anything contained in the Scheme, the responsible authority may prepare a layout plan for any portion of the area to determine the line on which the detailed development of such area shall take place and the manner in which the street, subdivisions of lands into sites for building purposes and the reservation of lands into sites for building purposes and the reservation of any lands for communal or public purposes shall be laid out in consultation with the Chief Town Planner and the same shall be read as part of the scheme, and shall be enforceable

5) (a) Subject to the provisions of the Section 15 of the Act every application for permission required to be obtained under Clause 2 (a) above shall be submitted to the responsible authority in the form specified in the building rules made under Sec. 222 of Kerala Municipalities Act 1960 with such variations as circumstances may require and shall be accompanied by a site plan and plans of each floor, elevation and section of the existing building or buildings and also a specification or specifications in regard to the design, materials architecture, drainage, water supply, use of buildings and other details of building constructions.

(b) The responsible authority shall have power to impose reasonable restrictions and conditions while granting permission and to make reasonable modification or alteration in the location, structural or architectural design or materials of the building or buildings as he thinks fit or shall cause to be made such modifications or alterations as the Chief Town Planner may consider necessary. The restrictions and conditions as laid down by the responsible authority shall be complied with and plans and specifications approved or modified or altered by the responsible authority or as decided by the Chief Town Planner shall be adopted by applicant, owner or other persons concerned and shall be enforceable. If the responsible authority fails to give a reply or pass any orders within 3 months from the date of receipt of the application, the application shall be deemed to be sanctioned, if not otherwise inconsistent with the provisions of the scheme.

Reservation of land & zoning

- 10 (a) A list of lands reserved for streets and other purposes is given in Schedule V.

For the purpose of the Scheme the streets or foot paths which may be approved or made in accordance with the provisions of the Scheme which are not mentioned in Schedule V shall also be deemed to be included under lands reserved for the purpose of the Scheme.

(b) The Authority may from time to time, to meet the demand, declare any part of the area with the approval of the Chief Town Planner or and subject to such conditions and restrictions as he may think fit, to be reserved for commercial activity housing or for such other purposes which can be prescribed under sub sections (k) of Section 3

of the Act. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) Agriculture or horticulture may be permitted in the areas reserved under (a) and (b) above.

(d) Commercial activity will not be permitted except in areas specified for the same.

Note:- For the purpose of this sub clause "Shop" means a building designed for the purpose of carrying on retail trade not being a special industrial building or petroleum filling station and includes a light industrial building (not being a factory or workshop within the meaning of the Indian Factories Act 1934) on the same premises and ordinarily incidental to the conduct of retail business thereon, a market or a hotel.

Business premises means a building designed for use as an office, theatre or for any business purpose but does not include a petroleum filling station, industrial building, factory or workshop.

(e) Factories, warehouses and industrial buildings shall be permitted only in the localities specified for the purpose provided that light industries of a non-offensive nature driven by electric motor up to 20 H.P. may be permitted with the approval of the Chief Town Planner in the areas reserved for commercial activity. A list of industrial uses permissible in the light of industrial zone is appended to the scheme.

(f) In the lands shown as reserved under Schedule V, construction of buildings shall be absolutely prohibited. The lands in such localities may be used as parks, gardens or for agriculture, horticulture or other similar purposes.

(g) Except as otherwise provided in the scheme, every part of the area shall be entirely utilised for residential purposes and uses incidental thereto only, provided that buildings for public and Semi public uses may be permitted by the responsible authority with the concurrence of the Chief Town Planner.

(h) No land in the area which is under wet cultivation or which is low lying shall be fit for residential or other building construction unless its level is raised suitably above the level of the adjoining street, or as may be approved by the responsible authority.

Acquisition of lands:

11. Any land in the area required for the purpose of the scheme may be acquired by purchase, exchange or otherwise by the Authority at any time subject to the Provisions of the act and without prejudice to the interests of the Scheme.

The notifications of the Scheme under sub section 5 of the section 12 of the Act in the Kerala Government Gazette shall in respect of any land mentioned in Schedule VI operate as a declaration under Section 6 of land Acquisition Act in force for the purposes of the Scheme.

Disposal of land:

12. The responsible authority may with the approval of the Trust dispose of any land belonging to the trust (Corporation) or acquired under the Scheme by sale, auction, exchange, lease, or otherwise, subject to rules framed for the purpose by the Trust and these rules shall be binding on the purchaser, transferee, heirs, assignee and their successors.

Minimum areas for dwelling house

13. (a) Minimum plot sizes for residential purposes is given below

Conditions	Area	Minimum width in metre on road frontage.
For one family dwelling houses (Single or double storied)	1.5 ares	9 m.

(b) Every site intended for commercial use shall be not less than 90 Sq. m. in area and width 6.0 m.

(c) Where a plot or site held in single ownership prior to the date of notification of the schedule under section 10 and 12 of the Act is less than the minimum prescribed in sub clause (a) the responsible authority shall decide whether in the interest of the Scheme, permission shall be given to build on such plots or sites or whether the plot shall be incorporated in adjacent plots or site or sites by reconstitution or redistribution of boundaries of plots. If the latter course is proposed the matter shall be decided by Arbitrator in accordance with the provision of rules.

(d) In the land proposed to be developed for residential purposes, the average gross density of the dwelling unit should be 55 per hectare of land.

14. (i) Every site for dwelling house or other building shall, unless it abuts on an existing public street or an existing private street in conformity with the provisions of this scheme be made to abut to its full width in front on a street laid down and made in accordance with the provisions of this scheme.

(ii) The building line in respect of all the streets shall be as shown in Map 2 and specified in Schedule III.

(iii) Boundary walls or fences alone shall be erected in the space between the building line and the edge of the adjacent street.

(iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 1.5 m. measured from the level at the centre line of such street. Provided also where the level of the compound is higher than that of the road this height may be exceeded so as to have a height of 1 m. above the level of the ground of the plot.

(v) Open space requirement of a building shall be in conformity with the municipal building rules, in force unless otherwise provided for in the scheme.

(vi) Minimum off street parking spaces for motor vehicles shall be provided for various types of building as per the following table

Minimum off street parking spaces

Type of use	One parking space of 18 sq. metres shall be provided for every
Theatres & Auditoriums	20 seats of accommodation
Commercial	90 sq.m. carpet area or fraction thereof
Office buildings	90 sq.m. of office floor space
Restaurants	15 cents of accommodation
Hotels	4 Guest rooms provided
Industrial buildings	100 employees in industry
Multifamily dwelling	6 dwelling units
Lodging without eating facilities for public	6 guest rooms provided

(vii) The responsible authority in consultation with the Chief Town Planner shall have power to fix the height for the storeys of the shops, business and commercial buildings and the ultimate height of the whole building or line of buildings according to their individual architectural details may be incorporated in the design provided that the individual architectural requirement of any part shall be viewed in consideration of the general appearance.

Prohibition of building in unhealthy sites

15 With a view to prevent contamination of water sources and channels due to existence of burning grounds, sewage tanks and stations, power plants or insanitary or lowlying lands, the responsible authority may refuse to sanction any building within portions of the area, in the vicinity of which in his opinions the erection, of building would be objectionable.

16 Sufficient means of effectual drainage and discharge of sewage shall be provided in every private street by the owners or occupiers of sites abutting thereof and every site and building shall be provided with suitable drains leading therefrom to the nearest street drain. All the

sullage water shall be disposed of in such a way as to prevent it from running on to or stagnating on adjacent streets. It may be used for watering gardens and compounds if no nuisance is created thereby or allowed to flow into drains or channels on it having previously been treated sanitarily in the manner required by the responsible authority

Housing Schemes

- 17 (a) Housing Schemes may be undertaken in conformity with the provisions of the scheme by the Authority or the Authority may enter into contract with co-operative, Housing Societies or other housing agencies, to take up housing schemes with the previous sanction of the Government.

(b) The owners of dwelling houses within the housing scheme area may be exempted from acquisition of their lands appurtenant to reasonable extent, as decided by responsible authority

Reconstitution of boundaries

- 18 (a) Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed in the Act (i) to suit the alignments of the proposed streets, (ii) to provide frontage on streets (iii) to alter or improve the size and shape of any site or plot in order to render it more suitable for building purposes, or (iv) to procure the transference of ownership of land or portion of land from one person to another.

(b) Proposals for redistribution or alteration of boundaries of sites or lands or for reconstitution of plots or sites in the area shall be made by the owner or owners concerned or by the responsible authority the case may be, to the Arbitrator in accordance with the rules at any time unless the Arbitrator by notification specifies any particular time or period when such proposals be made to him.

Advertisement

- 19 No form of advertisement other than that of the traders name and business exhibited on shops or notices exhibited on public buildings shall be permitted within the area unless otherwise approved by the Authority.

Claim for Compensation

- 20 Any person whose property is injuriously affected by any refusal to grant the permission applied for under sec. 15 of the Act and or by making of the scheme shall be if he wants to make a claim for the purpose under sec. 18 of the Act submit such claim within 12 months of the date of the Scheme.

Claim for betterment

- 20 (1) Claims for betterment contribution under sec. 23 of the Act in respect of all properties which have increased or are likely to

increase in value by the making of the Scheme shall be made by the Authority to the arbitrator in accordance with the rules, within 36 months of the date of the Scheme. The betterment contribution shall be levied, and recovered in accordance with the provisions of Section 23 & 24 of the Act every year at 10% of the increase in value for a period of 20 years.

(2) Notwithstanding anything contained in the above sub clause, the Authority may with the previous approval of the Government, agree with any owner to receive a fixed payment either in a lump-sum or by instalments in lieu of the betterment contribution.

- 22 Subject to the provisions of section 37 of the Act the responsible authority may make any agreement with any person or body in furtherances of carrying out of the scheme or any matter in connection therewith provided that such agreement is not inconsistent with the Scheme.

Regulation of Scheme Rules:

- 23 (1) The responsible authority, may, if it thinks in particular case and subject to any conditions as he may impose, dispense with or modify with the concurrence of the Chief Town Planner, any of the requirements of the Scheme other than the requirements made obligatory by any law, provided that it is satisfied that there are circumstances warranting such dispensation or modification.

(2) Government may in any particular case and subject to any condition as they may impose either suo moto or as on appeal dispense with or modify any of the requirement of the scheme either than the requirement made obligatory by any law and their decisio shall be final

Time of Execution of map:

- 24 Notwithstanding anything contained in the scheme the responsible authority may without prejudice to the efficient operation of the scheme.

(1) Defer the execution of any or all works for a period of not more than two years from the date of the scheme unless otherwise permitted by the Government.

(2) Allow reasonable time to any owner or person to carry out or execute any works or to fulfil his obligation under the scheme.

penalty:

- 25 Any person who commits or knowingly permits breach of any of the provisions of the scheme or who neglects or fails to comply with any of the provisions of the scheme or any orders, conditions,

proceedings, restrictions, limitations or terms made or imposed under or in pursuance of any of the provisions of scheme, the rules or the Act shall on conviction be punished in accordance with Section 44-B of the Act.

T. O. KHATHIR PILLAI

Secretary

Grater Cochin Development Authority

Cochin-20

SCHEDULES

- I. Owership and extent of land included in the scheme in form No. 7
- II. Estimate of total and net cost of scheme in form No. 11
- III. List of new streets and widening of existing streets in form No. 8
- IV. Land proposed to be reserved form No. 10
- V. Land proposed to be acquired for the scheme in form No. 9