

**VICINITY CONTROL SCHEME**

*FOR*

**ALWAYE HOUSING PROJECT**

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PREPARED BY  
THE DEPT. OF  
TOWN PLANNING  
KERALA STATE

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*Greater Cochin Development Authority.*

# Vicinity Control scheme For Alwaye Housing Project

## THE SCHEME

The Vicinity Control Scheme for Alwaye Housing Project covers an area of 6.60 hectares. The purpose of the scheme is to control the developments in the area surrounding the Alwaye Housing Project (originally taken up by the Municipal Council). The scheme area is bounded by the Market road, Railway Station Road, High Road and the road connecting Market Road and High Road. The main objects of the scheme are:-

- 1) Re-organisation of the existing land utilisation pattern in tune with the Master Plan proposals of the town.
- 2) Improvements of circulation facilities including improvement of road junctions.
- 3) Setting apart sufficient land along market road for commercial development including provision for acquiring and developing shopping and civic centres.
- 4) Organising the residential pockets in the scheme area into a coherent residential unit with higher population density.

## Proposed Land Use

Area retained as residential use including existing access roads	} 2.75 hectares
Area proposed to be acquired for residential purposes	} 1.56 " 0.86 ha
Area proposed to be reserved for commercial use	} 0.78 "
Area proposed to be acquired for commercial purposes	} 1.25 " 1.90 ha
Area proposed to be acquired for roads	0.26 "
<b>TOTAL</b>	<b>6.60 hectares</b>

The scheme envisages the boosting up of the existing residential density of 30 persons per acre to 50 persons per acre. The lands proposed to be acquired for commercial purpose can be utilised for shopping centres, cinemas, hotels and such other uses, for civic and recreation centres etc. Along with the overall development of the area in terms of organised land use and circulation, provision and improvement of public amenities such as water supply, street lighting etc. are also contemplated.

T. O. KHATHIR DILLAI

Secretary

for and on behalf of the  
Greater Cochin Development Authority

V. M. Augustine

Executive Trustee

For and on behalf of the COCHIN TOWN PLANNING TRUST.

# Vicinity Control Scheme For Alwaye Housing Project

## Title

1. This scheme may be cited as the Vicinity Control Scheme for Alwaye Housing Project.

## Definition

2. In this scheme unless there is anything repugnant to in the subject or context:
  - a) "Act" means the Town Planning Act IV of 1108.
  - b) "Trust" means the ~~Cochin Town Planning Trust~~ *Authority Greater Cochin Development Authority* formed under the Act.
  - c) "~~Executive Trustee~~" means the ~~Executive Trustee of Cochin Town Planning Trust,~~ *Secretary Secretary of the Greater Cochin Development Authority*
  - d) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
  - e) "Scheme" means the Vicinity Control Scheme for Alwaye Housing Project.
  - f) "Arbitrator" means the arbitrator appointed for the scheme under section 26 of the Act.
  - g) "Schedule" means a schedule appended to the scheme.
  - h) "Map" means a map annexed to the scheme.
  - i) "Streets" includes roads, street and lanes.
  - j) "Date of scheme" means the date of notification of the scheme under sub-section 5 of section 12 of the Act in the Kerala Government Gazette.
  - k) "Rules" means the rules made under section 41 of the Act.
  - l) "Area" means the area to which the scheme applies.
  - m) "Government" means the Government of Kerala.
  - o) "Building line" means a line which is in the rear of the street alignment and to 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.

## Responsible Authority

3. The ~~Executive Trustee~~ *Secretary* shall be the responsible authority for the purpose of the scheme for a period of 10 years from the date of the scheme unless the Government order otherwise.

## Area of the scheme

4. The area to which the scheme applies shall be that within the inner edge of the boundary line marked in the map.

Nothing in this clause shall be deemed to restrict or otherwise affect the powers of the ~~Trust~~ <sup>Authority</sup> to claim or levy betterment contribution from the owner of any property not included within the area, which will come under the purview of sections 22, 23 and 24 of the Act and Clause 21-(I) of the scheme.

### Ownership & Extent

5. The ownership of all lands in the area with extent as per the registers maintained in the Corporation and or the Revenue Office as on the date of publication of the notification, under section 8 of the Act is given in schedule I.

### Estimate of the cost

6. 1) An estimate of the total and net cost of the scheme is given in schedule II. The net cost is proposed to be financed as there-in stated. The estimate is liable to such revision as the responsible authority may consider necessary.

2) The execution of any work which under the scheme is to be executed by the responsible authority or any other agency may be undertaken in such order and at such time as the ~~Trust~~ <sup>Authority</sup> may determine and completed within a period of 20 years unless the Government for financial or other reasons order otherwise.

3) The responsible authority shall have power to specify any date or period within which the execution of any works which under the scheme are to be executed by an authority, owner or other person as the responsible authority thinks necessary and expedient for the purpose of securing the development of the area without delay and ensuring the efficient operation of the scheme.

### Streets

7. 1) Subject to the provisions of the scheme all streets mentioned in schedule III shall be constructed by the responsible authority on the lines shown in the map provided that reasonable modifications in the alignment of streets or in the layout of any portion of the area may be made by the responsible authority in consultation with the Chief Town Planner.

2) The street mentioned in schedule III and shown in map shall be demarcated, formed and constructed by the responsible authority in such manner as he thinks necessary for the proper development of the area or expedient for the safety or convenience of the public, provided that two third of the entire cost of acquisition of lands and of metalling, surfacing, draining and lighting of the streets, may be recovered from the owners or occupiers of lands and buildings abutting the streets in such proportion as may be decided by the responsible authority.

Provided also that whenever the owner has been required to pay or has paid the proportionate cost under the above provision or has been required to leave or has left lands freely for the streets, the ~~Trust~~ <sup>Authority</sup> shall levy only such portion of the betterment contribution payable under the scheme or it may forgo the contribution entirely.

3) Any other private street that may be permitted in the area with the permission of the responsible authority and in conformity with the proposed development of the area shall comply with the following conditions.

a) Every street intended to be used as a cart or carriage road shall be of at least 7 metres width, provided that cul-de-sacs not more than 200 metres in length can be permitted with a width of 5.5 metres.

b) Every street intended to form the principal approach or means of access to any particular site intended for building purposes but is not intended for use as a cart or carriage road shall be at least 3.5 metres in width, provided that such site is considered suitable for building purposes and provided also that in the opinion of the responsible

opinion of the responsible authority a street to be used as a cart or carriage way cannot be or need not be made in compliance with the requirements of sub clause (a).

4) The responsible authority may undertake to carry out any private street work or widening of any existing private street (not included in the scheme) whether with the consent of owners or occupiers of buildings or lands fronting or abutting on such streets, or by acquiring the land covered by the street, provided that, the expense incurred shall be paid by the owner or occupiers according to the frontage of their respective lands or in such proportions as may be settled by the responsible authority.

5) The responsible authority may, notwithstanding anything contained in sub clause (2), (3) and (4) above in consultation with the Chief Town Planner and subject to any agreement with the owners or occupiers as to the cost of construction, undertake to construct any new street within the area, when the owners of the lands through which the street may pass, have surrendered lands free of cost for the street, and agreed to contribute the 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 sub divide, 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 make 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.

4) If the street or streets have not been made as required by sub clauses (i) (ii), (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 owner or occupier.

5) For the purpose of adjusting the boundary of any street the responsible authority may in consultation with 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 equity of exchange or other wise.

**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.
- (b) The application for approval of a site or layout plan or plan of a sub-division shall be submitted to the responsible authority in the prescribed form. The responsible authority may in the interest of the scheme 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 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 or 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 of 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 orders 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) Notwithstanding anything contained in the Scheme, the responsible authority may prepare a layout plan for any portion of the area to determine the lines on which the detailed development of such area shall take place and the manner in which the streets, sub-divisions 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 Section 15 of the Act every application for permission required to be obtained under clause 2 (1) above, shall be submitted to the responsible authority in the form specified in the building rules made under section 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 building and other details of building construction.
- (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. The restrictions and conditions as laid down by the responsible authority shall be complied with and the plans and specifications approved or modified or altered by the

or buildings as he thinks fit. The restrictions and conditions as laid down by the responsible authority shall be complied with and the plans and specifications approved or modified or altered by the responsible authority shall be adopted by the 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 IV.

For the purpose of the scheme the streets or footpaths which may be approved or made in accordance with the provisions of the scheme which are not mentioned in schedule IV shall also be deemed to be included under lands reserved for the purpose of the scheme.

b) The ~~Trust~~<sup>Authority</sup> may from time to time, to meet the demand, declare any part of the area in consultation with the Chief Town Planner 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-section (k) of section 3 of the Act. Any part of the area so declared shall be included under lands reserved under this scheme and treated as such.

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

(d) Shops and business premises 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 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 motors upto 20 HP may be permitted with the approval of the Chief Town Planner in the areas reserved for commercial activity.

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

(g) Save as otherwise provided in the Scheme, every part of the area shall be entirely utilised either for residential purposes, for commercial purposes, provided that building for public and semipublic uses may be permitted by the responsible authority.

(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.

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### 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 Trust~~ <sup>the Authority</sup> at any time subject to the provisions of the Act and without prejudice to the interests of the scheme.

The notification 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 the Land Acquisition Act in force for the purpose of the scheme.

### Disposal of land

12. The responsible authority <sup>Authority</sup> may with the approval of the ~~Trust~~ <sup>Authority</sup> dispose of any land belonging to the ~~Trust~~ <sup>Authority</sup> or acquired under the scheme by sale, auction, exchange, lease, or otherwise, subject to rules framed for the purpose by the ~~Trust~~ <sup>Authority</sup> and those rules shall be binding on the purchaser, transferee, heirs, assignee and their successors.

### Minimum areas for dwelling houses and buildings

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

Conditions	Area	Minimum width 10 m. on road frontage
For the family dwelling houses (single or double storeyed)	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 sections 8 to 10 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 25 per hectares of land.

14. (i) Every site for dwelling 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. It shall be 1.5 M for all other streets.

(iii) Boundary walls or fences alone shall be erected in the space between the building line and the edge of the adjacent street, except in shopping areas where arcaded verandah or roofed pathway of a pleasing character and of design and material approved by the responsible authority shall be permitted.

(iv) No boundary wall or fence erected between the building line and edge of the adjacent street shall be of a greater height than 1.6 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 1m. above the level of the ground of the plot.

(v) Open space requirements of a buiding shall be in conformity with the

### Minimum Off Street Parking Spaces

Type of Use	One parking of space 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 seats of accommodation
hotels	4 guest rooms provided
Industrial buildings	100 employees in industry
Multi-family dwellings	6 dwelling units.
Lodging with 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 of 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 requirements and to insist that any other 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

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 low-lying lands, the responsible authority may refuse to sanction any building within portions of the area, in the vicinity of which in his opinion the erection of building would be objectionable.

### Drainage

- 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 buildings shall be provided with suitable drains leading there from 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 scheme

- Housing schemes may be undertaken in conformity with the provisions of the scheme by the ~~Trust~~ <sup>Authority</sup> or the ~~Trust~~ <sup>Authority</sup> 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.
  - The owners of dwelling houses within the housing scheme area may be exempted from acquisition of their lands appurtenant to a reasonable extent as decided by the responsible authority.

### Reconstitution of boundaries

- Where necessary boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed by the Act (i) to suit the align-

ments 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 as the case may be, to the Arbitrator in accordance with the rules at any time unless the Arbitrator by notification specified any particular time or period when such proposals should be made to him.

#### Advertisement

19. No form of advertisement other than that of the trader's name and business exhibited on shops or notice exhibited on public buildings shall be permitted within the area unless otherwise approved by the ~~Trust~~ Authority.

#### Claim for compensation

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

#### Claim for betterment

21. (1) Claims for betterment contribution under section 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 ~~Trust~~ 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 and 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 ~~Trust~~ 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 36 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 any particular case and subject to any conditions as he may impose, dispense with or modify in consultation with the Chief Town Planner, any of the requirements of the scheme other than 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 a they may impose either suomote or as on appeal dispense with or modify any of the requirements of the scheme, other than the requirement made obligatory by any law and their decision shall be final.

by any law and their decision shall be final.

**Time of execution of scheme**

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 obligations under the scheme.

**Manner of execution of the scheme**

25. This sub section of the rules makes it binding upon the undermentioned agencies, the timely execution of the works assigned to them by raising finances of their own.

(a) Kerala State Electricity Board      Lighting of all the streets and extending power lines to the scheme area.

(b) Public Health Engineering Dept.      Construction of public drainage systems and sewerage systems and extension of Public water supply system within the scheme area.

26. Maintenance of the streets, open spaces, street lights, water supply, sewerage and drainage systems

1. Any street laid out or altered by the <sup>Authority</sup> Trust duly levelled, paved, metalled, flagged and channelled, sewered and drained in the manner provided in the plans shall on completion vest in Alwaye municipal Council and shall thenceforth be maintained and kept in repair by the Municipal Council.

2. Lamps, lamp posts and other apparatus necessary for lighting of such roads as provided by the Kerala State Electricity Board, water and other sanitary conveniences provided in such street by the public health engineering department shall on completion vest in the Alwaye Municipal Council and thereupon be maintained, kept in repair lighted and cleansed by the Municipal Council.

3. Any open space for purposes of ventilation or recreation has been provided by the <sup>Authority</sup> Trust in executing the scheme, shall on completion be transferred to the Alwaye Municipal Council and shall thereupon vest in and be maintained at the expense of the Municipal Council.

27. Any person who commits or knowingly permits a 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 the scheme, the rules or the Act shall on conviction be punished in accordance with section 43 of Act.

T. O. KHATHIR PILLAI

Secretary

For and on behalf of the  
Greater Cochin Development Authority

V. M. Augustine

Executive Trustee

For and on behalf of the COCHIN TOWN PLANNING TRUST.

**SCHEDULE**

1. Ownership and extent of land included in the Scheme Form No. 7.
2. Estimate of total and net cost of Scheme in Form No. 11.
3. List of new streets and widening of existing streets in Form No. 8
4. Land proposed to be reserved in Form No. 10
5. Land proposed to be acquired for the Scheme in Form No. 9.