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DETAILED TOWN PLANNING SCHEME
FOR
ELAMBULAM ROAD

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FOR
ELAMBULAM ROAD



PREPARED BY
THE DEPT. OF
TOWN PLANNING
KERALA STATE

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FOREWORD

Roads are the sinews of land development; this is more so in the case of the settlement pattern of Kerala's towns.

The present trend of urbanisation in and around Cochin City manifests an outward shift of population and activities from the central part. The planning policy for this city as enunciated in the master plan also synchronises with such a natural shift. In guiding such a pattern of urbanisation, roads have to play a vital role.

Elamkulam road is the middle link of the peripheral stretch of three roads from Perandoor to Kadavanthra. These roads run through the mostly underdeveloped periphery of the city. This potential peripheral route if developed can relieve the pressure of traffic in the main city arteries to a considerable extent and can also help in a systematic urban expansion.

This scheme applies only to the sides of Elamkulam road from Kaloor to Elamkulam. The objects of the scheme are to widen this road to 22 M. on an average and to realign it at points where it is necessary, and to exert a planning control on the developments on its sides.

Draft of the proposals of the scheme is published for the information of the public and to elicit objection and suggestion in a creative spirit from those interested.

V. M. Augustine
Executive Trustee
Cochin Town Planning Trust

Detailed Town Planning Scheme For Elamkulam Road, Cochin City.

INTRODUCTION

The area covered by the scheme consists of 86.75 hectares of land. The scheme area is bounded by portion of Tripunithura road on the south, Ernakulam North Town Planning scheme area and Perandoor canal scheme area on the west and Kaloore Town Planning Scheme area on the north. Large stretches of paddy fields and low-lying swampy areas abut the scheme on the eastern side. The scheme area is an elongated parcel of land with an average width of 300 metres and extends to a length of about 3 Kms. The purpose of the scheme is the development of the existing Elamkulam road from Perandoor to Kadavanthara running through the scheme area as one of the arterial roads of Cochin City, and for controlling the land development on either side of the road.

The Elamkulam road, as it exists today has got an average width of 7 metres only. Neither the mode of its alignment nor its width is adequate for carrying the increasing volume of traffic. The land on either side of the road is heavily built up in most reaches with some concentration of educational and religious buildings. In view of the proximity of the area to the developing residential and commercial centres of Elamkulam and Kaloore, the vacant lands in the scheme area offer good potential for development. As per the draft development plan for Cochin city, a major road link is proposed from Thevara on the south to Perandoor on the north along the existing alignments of Kadavanthara road and Elamkulam road to serve as a relief road to M. G. Road. Incidentally this road will link up the major town planning scheme areas in Ernakulam and will boost up the pace of city development in this zone.

PROPOSALS

An average width of 22 metres has been proposed for the Elamkulam Road. Widening along existing alignment is proposed for most of its length. However, for a short stretch near the intersection of Elamkulam Road and Pulleppady-Thammannam Road a deviation to the existing alignment is envisaged, in view of the heavily built up nature of the land there. It is proposed to shift this, junction further southward to a distance of about 60 metres from its present position deviating both the roads. The deviation proposed to the Elamkulam road leaves undisturbed a church and school complex and makes possible the convenient location of a sector centre envisaged as per the Master Plan.

At the point where this arterial road crosses the Ernakulam-Kottayam Railway line an overbridge is proposed. For the approach portions of the road in the vicinity of the bridge a width of 28 metres have been proposed to accommodate residential access roads,

The next hierarchy of roads in the scheme comprises crossconnections the 16 or 15 metres wide at suitable intervals. 10 and 7 metre wide residential access streets complete circulation grid.

Certain stretches of roads and lanes joining the 22 M wide arterial road are proposed for closure for vehicular traffic as they will create too many punctures at awkward locations along this traffic artery. These are clearly shown in the map.

The proposed sector centre is grouped around the church and school complex and land for commercial, public and semi-public uses, park etc. are reserved here. The sector centre will cater to the large needs of the whole scheme area. Apart from the sector centre land for shopping and local community facilities at the neighbourhood level are suitably located.

An area of 17.00 hectares of land is proposed to be acquired for residential development; plots accommodating existing good houses may be released to the owners in this area without detriment to the provisions of the scheme, if decided by the Trust. Specific areas may be set apart for individual housing or flat type of development.

2 THE SCHEME

TITLE

1. This Scheme may be cited as Detailed Town Planning Scheme for Elamkulam road area.

DEFINITION

2. In this scheme unless there is anything repugnant in the subject or context:-
 - (a) "Act" means Travancore Town Planning Act IV of 1108 as amended.
 - (b) "Trust" means the Cochin Town Planning Trust under section 44 of the Act.
 - (c) "Executive Trustee" means this Executive Trustee of the Cochin Town Planning Trust.
 - (d) "Chief Town Planner" means the Chief Town Planner to Government of Kerala.
 - (e) "Scheme" means the Detailed Town Planning Scheme for Elamkulam road area as described in para I above.
 - (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) "Street" includes roads, streets and lanes.
 - (j) "Date of scheme" means the date of notification of the scheme under subsection 5 of section 12 of the Act in the Kerala Government Gazette.
 - (k) "Rules" means the rules made under section 41 of Act.
 - (l) "Area" means the area to which the scheme applies.
 - (m) "Government" means the Government of Kerala.
 - (n) "Building Line" means a line which is in rear of the street alignment and to which the main wall of the building abutting into 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 shall be the responsible authority for the purpose of the scheme.

AREA OF SCHEME

4. The area to which the scheme applies shall be that within the inner edge of the boundary line marked on the Map. Nothing in this clause shall be deemed to restrict or otherwise affect the powers of the Trust to claim or levy betterment

contribution from the owner of any property not included within the area, which will come under the purview of section 22 33 & 24 of the Act and Clause 21 (1) of the scheme.

OWNERSHIP AND 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 1.

ESTIMATE OF THE COST

6. (1) An estimate of the total and net cost of the scheme is given in schedule II. The estimate is liable to such revision as the responsible authority may consider necessary.
- (2) The execution of any works which under the scheme are to be executed by the responsible authority or any other agency may be under taken in such order and at such time as the responsible authority may determine and shall be completed within a period of 10 years from the date of the scheme 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 shall be carried out by any 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 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 street or in the layout of any portion of the area may be made by the responsible authority with the approval of the Chief Town Planner.
- (2) 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 unless otherwise approved by the Chief Town Planner.
- (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 and approved by the responsible authority for building purposes and provided also that in the 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).
- (3) 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 expenses incurred shall be paid by the owners, or occupiers according to the frontage of their respective lands or in such proportions as may be settled by the responsible authority.
- (4) The responsible authority may, notwithstanding anything contained in sub clause (2) & (3) above with the sanction of the Taust 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 may recover the balance from the remaining owners or occupiers.

(5) 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.

(6) 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 LAY OUT PLANS

8. (i) 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 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 or sites.
- (ii) Save in such cases as the site or sites intended for building purpose 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.
- (iii) The owner of the land shall not proceed to subdivide utilise, sell lease or otherwise dispose of the sites intended for building purposes, unless he had carried out or otherwise made arrangements to carry out the street works in compliance with the provisions of the scheme.
- (iv) 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 in the scheme in which case, the cost of such works will be recovered from the owner or occupier.
- (v) For the purpose of adjusting the boundary of any street, the responsible authority may with the approval of the Chief Townplanner make an exchange of land forming part of any street for other land 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 subdivide, utilise, sell, lease or other wise 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 the 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 pathway or for subdividing the lands.
- (b) The application for approval of a site or layout plan or plan of a subdivision 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 or as decided by the Chief Town Planner shall be adopted by the owner or other persons 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 and for any site plan or layout plan or plan of subdivision or permission 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 plots or site or sites under clause 18 of the scheme as he thinks fit and may impose any restrictions or conditions or may pass such orders as may be necessary to ensure such reconstructions 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 public purposes shall be laid out in consultation with the Chief Town Planner. The layout so finalised in consultation with the Chief Town Planner 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 (a) above, shall be submitted to the responsible authority in the form specified in the building rules made under section 222 of the Kerala Municipalities Act 1960 with such variations as circumstances may require and shall be accompanied by a site plan and ground plan and plan of each floor, elevation, and sections of the existing building or buildings and also a specification or specifications in regard to 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 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 LANDS AND 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 lanes which may be approved or made in accordance with the provisions of the scheme, which are not mentioned in Schedule IV shall also be included under lands reserved for the purpose of the scheme.

(b) Trust may from time to time, to meet the demand, declare any part of the area, with the approval of the Chief Town Planner and subject to such conditions and restrictions as he may think fit, to be reserved for shopping, 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 the 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 subclause "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, warehouse and industrial buildings shall be permitted only in the localities specified for that purpose provided that light industries of a non-offensive nature driven by electric motor upto 20 H. P. may be permitted with the approval of the Chief Town Planner in the areas reserved for shops and business premises.

(f) In the lands shown as 'reserved' under Schedule IV, construction of buildings shall be absolutely prohibited. The lands in such localities may be used as parks, garden 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 or for commercial purposes only provided that clubs and buildings for public worship or institutions (other than a reformatory or industrial school for mentally defective or epileptic persons) or buildings for use as places of social intercourse or recreation or as hospitals or dispensaries or for any other 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 Trust 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 V operate as a declaration under section 6 of land Acquisition Act in force for the purpose of the Scheme

DISPOSAL OF LAND

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

MINIMUM AREAS FOR DWELLING HOUSES AND BUILDINGS

13. (a) Minimum area of residential plots is given below.

Conditions.	Area in Sq. metres.	Minimum width in metre on road frontage.
For one family dwelling houses (single or double storeyed)	140	9
For each additional family and its housing convenience	add 75 Sq. metres in area of plot.	

EXPLANATION

"Dwelling house" or "hut" means a house or a hut designed or intended to be used wholly or principally for human habitations and for a single family only together with out houses, latrines and other similar apartments as are ordinarily used or intended to be used there with.

(b) Every site intended for buildings other than dwelling houses shall be not less than 37 sq. metres in area and width 3.6 metres provided that in the case of shops, godowns, fuel depot and other business premises, it shall be open to the responsible authority to specify any suitable extent for each shop, godown etc.

(c) Where a plot or site held in single ownership prior to the date of notification of the schedule under section 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 site 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 the rules.

(d) In the land proposed to be acquired and developed for residential purposes the average gross density of dwelling units should be 60/Hectares of land. This area should be provided with different types of residential accommodation catering to various income groups.

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

(ii) The building line in respect of all streets shall be as shown in the Map 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 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 1.5 metre measured from the level at the centre line of such street except millers; 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 metre above the level of the ground of the plot.

(v) (a) Open space requirements of a building shall be in conformity with the Municipal Building Rules in force unless otherwise provided for in the scheme.

OFF STREET PARKING SPACE FOR MOTOR VEHICLES

(vi) Minimum off-street parking space for motor vehicles shall be provided for various types of buildings as per the following table.

Type of use	One parking space of 18 Sd. metres shall be provided for every:-
Theatre & Auditorium	20 seats of accommodation
Office buildings and Whole sale Business	90 Sd. m. of office floor space.
Restaurants	15 seats of accommodation
Hotels	4 guest room provided
Industrial buildings	100 employees in industry
Multi-family dwellings	6 dwelling units
Lodging estt. (Without eating facilities for public)	6 guest room provided
Retail business	No parking space need be insisted for the first 90 sd. m. of floor area. For every additional 60 Sd. m. one parking space, each shall be provided
Godowns and ware houses	180 Sd. m. of storage space

(vii) The responsible authority shall have power to fix the heights 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 requirements of any part shall be viewed in consideration of the general appearance.

PROHIBITION OF BUILDING IN AN UNHEALTHY SITES

15. With a view to prevent contamination of water sources and channels of unhealthiness 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 are in the vicinity of which in his opinion the erection of building would be objectionable.

DRAINAGE

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 its having previously been treated sanitarly in the manner required by the responsible authority.

HOUSING SCHEMES

17. (i) Housing schemes may be undertaken in conformity with the provision of the scheme by the trust or the trust 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.
- (ii) The owners of the dwelling houses within the scheme areas may be exempted from acquisition of their lands subject to a reasonable extent as decided by the responsible authority.

RECONSTITUTION OF BOUNDARIES

18. (a) Where necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed by the Act (i) to suit the alignment of 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 of 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 notifications specified any particular time or period when such proposals should be made to him.

ADVERTISEMENTS

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

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 for the purpose under section 18 of the Act submit such claim within 12 months of the date of the scheme.

CLAIM FOR BETTERMENT

21. (1) Claim for betterment contribution under section 22 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 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 sections 23 and 24 of the Act every year at 10% of the increase in value for a period of 20 years.

- (2) Notwith standing anything contained in the above sub clause, the Trust 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 35 of the Act the responsible authority may make any agreement with any person or body in furtherance 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. The responsible authority if it thinks fit in any particular case and subject to any conditions as it may impose, dispense with or modify in consultation with 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 and its 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.

(2) allow reasonable time to any owner or person to carry out or execute any works or to fulfill his obligations under the scheme.

PENALTY

25. 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 published in accordance with section 43 of the Act.

EXECUTIVE TRUSTEE
For and on behalf of the
COCHIN TOWN PLANNING TRUST

SCHEDULE

- I. Ownership 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 in Form No. 10.
- V. Land proposed to be acquired for the scheme in form No. 9.

FORM NO. 7
OWNERSHIP