

DETAILED TOWN PLANNING SCHEME FOR THAVAKKARA SOUTH, CANANNORE

The area included in the draft detailed town planning scheme for Thavakkara South lies on the south and south-west sides of the Canannore Railway Station. At present there is no proper access to the scheme area due to higher level of the road and railway line. Southern railway has started construction of a sub way to the existing Thavakkara Road at the existing level crossing on the south of Canannore Railway station. Large extent of marshy land including paddy fields and other vacant land is available around this area.

When the subway is completed this area will get proper access which may invite a faster pace of development. Unless guided properly this may result in haphazard development. In order to overcome the negative trends in development, the municipal council has decided to prepare a detailed town planning scheme for thavakkara south area, and to complement certain priority projects.

SCHEME AREA:

The scheme area comprises of 25 hectares (approximate) of land in Cannanore-1. Village of Canannore taluk. Canannore Municipality.

Boundaries of the Scheme Area:

NORTH: Ward No.2, Block No.9, T.S.No.625(p)

EAST: Ward No.4, Block No.2, T.S.No.94 & 95
Ward No.4, Block No.3, T.S.No.97

SOUTH: Ward No.5, Block No.1, T.S.Nos. 21, 22, 17, 18 & 5
Ward No.3, Block No.18, T.S.Nos. 902, 903, 904, 905, 913(P)
and 780.
Ward No.3, Block No.16, T.S.No.796(P)

WEST: Ward No.2, Block No.4, T.S.No.127 & 151.
Ward No.3, Block No.16, T.S.No.783(P)
Ward No.3, Block No.17, T.S.No.845(P), 846(P), 849,
862(p), 862(P), 871, 873(P), 874(P), 875(P), 878,
879(P), 880, 881(P).

AREA INCLUDED IN THE SCHEME:

Ward No.2, Block No.9, T.S.No.625(P).
Ward No.3, Block No.16, T.S.No.782, 783(P), 784 to 795,
796(P), 797, 798, 800 to 835.
Ward No.3, Block No.17, T.S.Nos.836 to 844, 845(P),
846(P), 850 to 861, 862(P), 863 to 870, 873(p), 874(P)
875(P), 876, 877.
Ward No.3, Block No.18, T.S.No.882, to 901, 1087.
Ward No.3, Block No.19, T.S.No.914 to 918.
Ward No.5, Block No.1, T.S.No.1 to 3, 19, 20.

The scheme area is adjacent to Detailed Town Planning Scheme for Thavakkara North. Robertson Road passes through the north boundary of the scheme area, major part of the scheme area is under residential use.

OBJECTIVES:

The objectives of the scheme can be summarised as follows:

1. To make available sufficient land suitable for development of a Municipal Bus Stand, lorry stand and shopping centre.
2. To improve the circulation pattern within the scheme area and to improve accessibility.
3. To pave way for the development of the areas which are at present under developed due to lack of infrastructure.
4. In general to optimise the land use by assigning appropriate uses.

SCHEMES CONCEPT:

The scheme area is envisaged as a transportation, Commercial-cum-residential neighbourhood centre of the town. The existing and proposed land in the scheme area is given in Table 1 & 2.

The following are the major proposals in the scheme.

1. Acquisition of land for the construction of a planned Bus Stand and Lorry Stand.
2. Acquisition of land for the construction of an organised shopping centre.
3. Formation of 20M and 16M road for improving the accessibility in the scheme area.
4. Widening and improvement of existing roads.
5. Specific land use zoning for various uses within the scheme area.

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DRAFT SCHEME

The Detailed Town Planning Scheme for Thavakkara South, Cannanore.

TITLE:

1. This scheme may be cited as the Detailed Town Planning Scheme for Thavakkara South, Cannanore.

DEFINITION:

2. In this scheme unless there is anything repugnant in the subject or context.
 - a. "Act" means the Madras Town Planning Act, 1920.
 - b. "Municipal Act" means the Kerala Municipalities Act, 1960.
 - c. "Council" means the Municipal Council, Cannanore.
 - d. "Executive Authority" means the Commissioner of Cannanore Municipality.
 - e. "Director of Town Planning" means the Chief Town Planner to the Government of Kerala herein after called the Chief Town Planner.
 - f. "Scheme" means the Detailed Town Planning Scheme, Thavakkara South, Cannanore.
 - g. "Arbitrotor" means the arbitrator appointed for the scheme under section 27 of the Act.
 - h. "Schedule" means a scheduled appended 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 section 14 of the Act in the Kerala Government Gazette.
 - l. "Rules" means the rule under section 44 of the Act.
 - m. "Government" means the Government of Kerala.

- n. "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 extent and beyond which no portion of the Building may extent except as prescribed in the Kerala Building Rules, 1984 in force.

RESPONSIBLE AUTHORITY: 3. The Executive Authority shall be the Responsible Authority for the purpose of the scheme and shall function as such for a period of 20 years from the date of the scheme unless the Government order otherwise.

AREA OF SCHEME:

4. The area to which the scheme applies shall be that within the inner edge of the boundary lines (dot and dash) marked in the map.

Nothing in the clauses shall be deemed to restrict or otherwise affect the powers of the Council to claim or levy betterment contribution from the owner of any property not included within the area, which will come under purview of sections 23 and 24 of the Act and Clause 21(1) of the scheme.

OWNERSHIP & EXTENT:

5. The ownership of all lands in the area with extent as per the registers maintained in the Municipality and or the Revenue Office as on the date of publication of the notification, under section 90i) 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 Form No.II. Schedule II.

The net cost is proposed to be financed as therein stated. The estimate is liable to such revisions as the responsible authority may consider necessary.

2. The execution of any works which under the scheme and to be executed by the responsible authority or any other agency may be undertaken in such order and at such time as the responsible authority may determine and completed within the 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 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 of the scheme.

STREETS

- 7.1 Subject to the provisions of the scheme, all streets mentioned in schedule-III (Form No.8) shall be constructed by the responsible authority on the lines shown in the Map DSN/2 provided that responsible modifications in the alignment if the streets 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. The streets mentioned in Schedule III and shown in Map DSN/2 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 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 Municipality 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 scheme area with the permission of the responsible authority and in conformity with the proposed development of the area shall comply with section 15(5)a of Kerala Building Rules, 1984 issued under Section 222 of Kerala Municipal Act, 1960.
4. The responsible authority may with the sanction of the Chief Town Planner, 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 owner or occupiers according to the frontage of their respective lands or in such portions as may be settled by the responsible authority.
5. The responsible authority may, notwithstanding anything contained in sub Clause(3) and (4) above, with the approval of the Chief Town Planner and subject to any 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 sufficient and satisfactory system of drains along the public streets in the area affected.

SUBMISSION OF LAYOUT
PLANS

8. If any owner of land within the area intends or proposes to layout a street, lane or pathway or sub-divide, utilise, leads 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 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.
3. The owner 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 arrangements 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 Clause(1)(2) and (3) 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.
5. For the purpose of adjusting the boundary of any streets the responsible authority may with the approval of the Chief Town Planner make an exchange of land forming part of any street that if may require, with or without paying or receiving any money for equality or exchange or otherwise.

- APPROVAL OF 9.1(a) No owner or other person shall layout
LAYOUT PLANS a street lane or pathway or subdivide, 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 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 sub dividing the lands.
- b. The application for approval of a site or layout plan or a sub division shall be submitted to the responsible authority in the prescribed form in the Kerala Building Rules, 1984.

The responsible authority may in the interest of the scheme impose reasonable restrictions and conditions and also insist on such modifications 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 restriction 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 confirming in every particular with the requirements of the scheme and unless he has applied for and obtained permission of the responsible authority under section 17 of the Act and in compliance with the requirements of Clause 5(a) below. No building shall be constructed 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 17 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 reconstruction or redistribution of boundaries of any land or plot or plots or site or sites under clause 13 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 with the approval of the Chief Town Planner prepare a layout plan for any portion of the area to determine the lines on which

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 land for commercial or public purposes shall be laid out and the same shall be read as part of the scheme, and shall be enforceable.

5. (a) Subject to the provisions of section 17 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 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 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 design or materials of the building or building as he thinks fit,

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or small cause to be made such modifications or site actions as the Chief Town Planner may consider necessary. 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 or as decided by the Chief Town Planner shall be adopted by the applicant, owner or other persons concerned and ~~shall~~ 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 applications, the application shall be deemed to be sanctioned if not otherwise inconsistent with the provisions of the scheme.

RESERVATION OF
LAND AND ZONING

10. (a) A list of lands reserved for streets and other purpose is given in Schedule IV
(Form No.10)

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 IV shall also be deemed to be included under lands reserved for the purpose of the scheme.

(b) The Municipal Council 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 ~~the~~ be reserved for

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commercial activity, or for such other purposes which can be prescribed under sub sections (k) of section 4 of the Act. Any part of the area so declared shall be included under lands reserved under the scheme and treated as such.

(c) All future developments in respect of land within the scheme area shall conform to the zoning regulations given below: (any uses not mentioned therein shall be prohibited).

1. Residential use Zone

(7) Uses permitted:- All residences, community halls, clubs, parks and playgrounds incidental to the residential uses, clinics, dispensaries, Public Utility building such as water supply, drainage and electric installations of a minor nature and small service industries of a non-nuisance character engaging not more than 3 workers with power limited to 3 H.P. or 6 workers without power. Convenience shops such as vegetable shops, groceries, panshops etc.

(ii) Uses Restricted:- The following shall be permitted by the responsible authority with the approval of the Chief Town Planner. Minor educational buildings, library reading room, police and fire stations, small post offices, telegraph offices, hostels, boarding houses, commercial and professional offices,

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petrol filling stations, small autogarages engaging not more than 5 workers and other non nuisance type service industries engaging not more than 10 workers with power limited to 10 H.P. or 20 workers without power and new areas or buildings for religious uses.

(iii) Uses Prohibited:- All other uses not mentioned above.

(2) Commercial Zone

(1) Uses permitted:- Whole sale and Retail shops, professional offices, studios, commercial offices, hostels, hotels, lodging houses, restaurants, cart stand, taxi stand, bus stops, libraries and reading rooms, clinics, dispensary, non-nuisance types of service and small industries employing not more than 10 workers and installations not exceeding 10.0 H.P. motors and existing residential uses.

(ii) Uses Restricted:- The following uses shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Social welfare institutions, printing presses, service garages, industrial uses of non nuisance character employing not more than 20 workers and power not exceeding 30 H.P. petrol filling stations, areas and excludings for religious uses and small residential building not exceeding 50 M² plinth area.

(iii) Uses Prohibited:- All other uses not mentioned above.

3. Mixed Residential cum commercial use Zone

1. Uses Permitted:- All permitted uses as specified under residential and commercial use zones.

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(11) PUBLIC AND SEMI-PUBLIC
ZONE

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(1) Uses permitted:- Government establishments, social and cultural establishments, community facilities including clinics, dispensaries, educational institutions etc. public utilities and related buildings.

(ii) Uses Restricted:- The following uses shall be permitted by the responsible authority with the approval of the Chief Town Planner.

Recreational park, open air stage and residential uses incidental to uses coming under 4(i) above and religious uses.

(iii) Uses Prohibited:- All other uses not mentioned above.

5. Coverage and F.A.R.

Coverage and F.A.R. any development within the scheme area shall be as specified for various uses in the Kerala Building Rules in force.

NOTE: The maximum percentage of coverage shall limit the plinth area of a building. The floor area ratio or FAR value shall limit the total built up area on all floor, FAR shall limit the total built up area on all floor, FAR shall be calculated as below.

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F.A.R. = $\frac{\text{Total covered area on all floor}}{\text{Plot area}} \times 100$

F.S.I = $\frac{\text{Total covered area area on all floors}}{\text{Plot area}}$

ACQUISITION OF
LAND

11. (1) Any land in the area required for the purpose of the scheme may be acquired by purchase, exchange or otherwise by the council or any other agency at any time subject to the provisions of the Kerala Land Acquisition Act and without prejudice to the interests of the scheme.
- (2) The responsible authority may take up acquisition of any land which may be found necessary in future and which is not included in the scheme within the land for acquisition with the specific consent of the Chief Town Planner and the Government to the interest of the scheme.

DISPOSAL OF LAND

12. The responsible authority may with the approval of the council dispose of any land belonging to the Municipality or acquired under the scheme by sale, auction, exchange, lease

or otherwise, subject to rules framed for the purpose by the council and these rules shall be binding on the purchaser, transfers, heirs, assignee and their successors.

13.(i) Every building site unless it abuts on an existing public street or an existing private street in conformity with the 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 No.DSN/2 and specified in Schedule III.

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

(iv) No boundary wall or fence created between the building line and edge of the adjacent street shall be of a greater height than 1.5m. 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.

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- (v) Open space requirements of a building shall be in conformity with the Municipal Building rules in force unless otherwise provided for the scheme.
 - (iv) Minimum off street parking spaces for motor vehicles shall be provide for various types of buildings as per rule 20(1) to (7) of Kerala Building rules, 1984.
 - (vii) The responsible authority in consultation with the Chief Town Planner shall have power to fix the height of the storeyes 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 BUILD-
ING IN UNHEALTHY SITES

14. With a view to prevent continuation of water sources and challens due to existence of burning grounds, sewage tanks and stations, power plants or insanitary or lawlying lands, the responsible authority may refuse to sanction any building within portions

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of the area, in the vicinity of which in his opinion the creation of building would be objectionable.

DRAINAGE

15.

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

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

RECONSTITUTION OF BOUNDARIES

17. (a) Where ever necessary, boundaries of sites or lands shall be redistributed and plots reconstituted in the manner prescribed in the Act (1) to suit the

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alignment of the proposed streets (ii) to alter or improve the size and shape of any site of plot in order to render it more suitable for building purpose (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 value at any time unless the Arbitrator or by notification specified any particular time or period when such proposals should be made to him.

ADVERTISEMENT

18. No form of advertisement other than that of the traders name and business exhibited in public buildings shall be permitted within the area unless otherwise approved by the responsible authority.

CLAIM FOR
COMPENSATION

19. Any person whose property is injuriously affected by any refusal to grant the permission applied for under section 17 of the Act and or by making of the scheme shall if he wants to make a claim for the purpose under section 20 of the Act submit such

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claim within 12 months of the date of the scheme.

CLAIM FOR
BETTERMENT

20. (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 Council to the Arbitrator in accordance with the rules, within 36 months 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 Council may with the previous approval of the Government, agree with the owner to receive a fixed payment either in a lump-sum or by instalments in lieu of the betterment contribution.

POWER OF THE
RESPONSIBLE
AUTHORITY TO
MAKE AGREEMENTS

21. Subject to the provisions of section 36 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.

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REGULATION OF
SCHEME RULES

22. (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 requirements of the scheme other than the requirements of the 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 and in consultation with the Chief Town Planner dispense with or modify any of the requirement of the scheme other than the requirement made obligatory by any law and their decision shall be final.

EXECUTION OF THE
SCHEME PROPOSALS

- (a) The responsible authority may on the sanction of the scheme from Government, execute the scheme proposals in a phased manner. The authority may co-ordinate with the Government departments and other agencies in the execution of the scheme proposals and may cause the cost of implementation of the scheme by various agencies to be included in the annual budgets of these agencies on a priority criteria.

- (b) Pending sanction of the scheme by Government, the responsible authority may after publication of the scheme and approved by the authority, take up priority projects and necessary land acquisition after obtaining sanction for the same from the Chief Town Planner and the Government.
- (c) After sanctioning of the scheme by the Government the same will be in operation till such time the scheme is revoked or another scheme is notified and published for the same on or part of the area included in this scheme.
- (d) After sanctioning of the scheme by the Government the responsible authority may allow reasonable time to any owner or person to carry out or execute any works or to fulfill his obligation under the scheme.

PENALTY

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

SCHEDULE

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

APPENDIX-1

PREScribed BUILDING LINES FOR SCHEME ROADS

Sl. No.	Width of road in metres	Building line in metres
1	2	3
1.	20 metres and above	4.5
2.	16 m. and below 16	3.0

CHIEF TOWN PLANNER

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