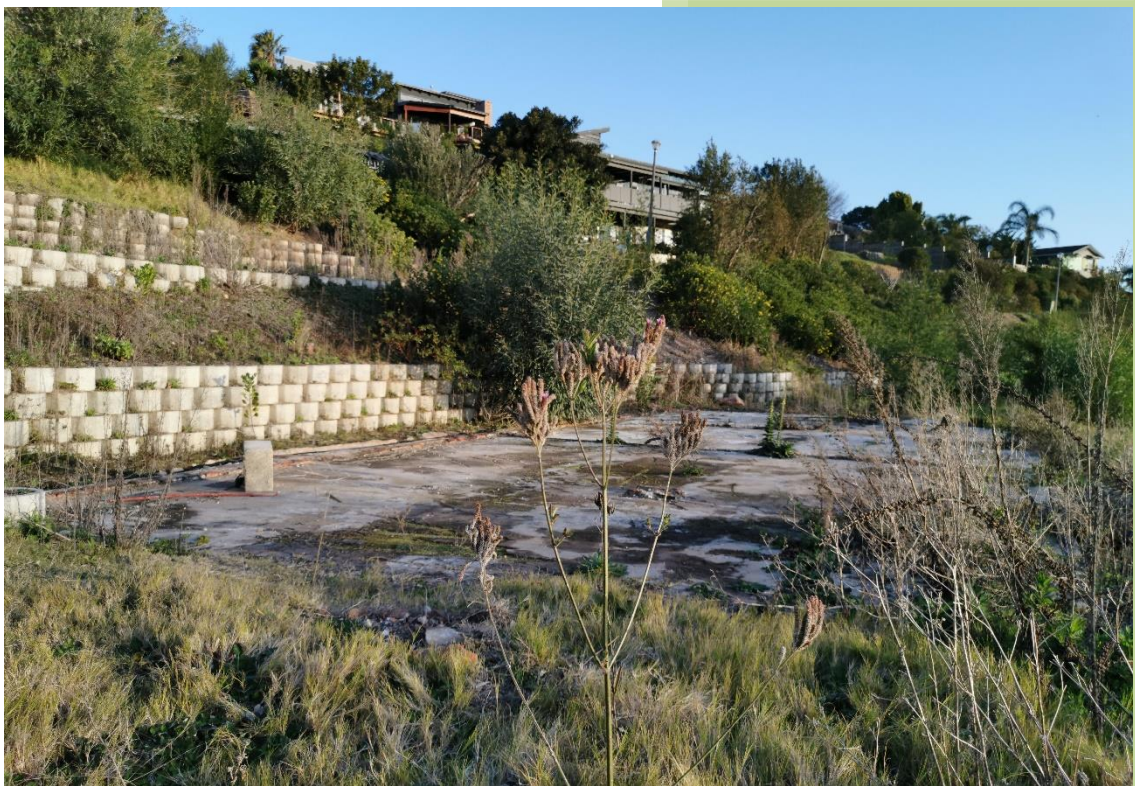


ERF 5349 KNYSNA

Consent Use Application



Lundikazi Khuphiso

www.vpmsa.co.za

7/10/2020

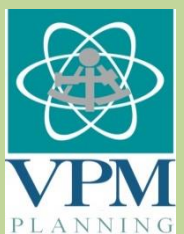


TABLE OF CONTENTS

1.	INTRODUCTION.....	1
2.	BACKGROUND	1
3.	PROPERTY INFORMATION	1
3.1	LOCALITY	1
3.2	BIO-PHYSICAL SITE CONDITIONS.....	2
3.2.1	Topography	2
3.2.2	Vegetation.....	2
3.3	PROPERTY DETAIL	2
4.	PROPOSAL	3
5.	FACTORS TO CONSIDER.....	4
5.1	DESIRABILITY OF THE PROPOSED UTILISATION OF LAND	4
5.2	COMPLIANCE WITH KNYSNA ZONING SCHEME	5
5.3	ANTICIPATED IMPACTS OF THE PROPOSAL	5
5.3.1	Impact on the character of the area	5
5.3.2	Impact on property value.....	6
5.3.3	Impact on the road network	6
5.3.3	Impact on the biophysical environment	6
5.4.4	Impact on municipal services	6
5.4	CONSIDERATION OF KNYSNA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (SDF) 2020.....	6
5.5	POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT	7
5.5.1	Spatial Justice:	7
5.5.2	Spatial Sustainability:	7
5.5.3	Spatial Efficiency:	7
5.5.4	Spatial Resilience and Good Administration:	8
6.	SUMMARY OF APPLICATION	8

LIST OF PLANS:

DIAGRAM 1: Locality Plan

DIAGRAM 2: Aerial Photo

DIAGRAM 3: Zoning Map

DIAGRAM 4: CBA Map

DIAGRAM 5: Site Plan & Elevations

LIST OF ANNEXURES:

ANNEXURE A: Power of Attorney

ANNEXURE B: Title Deed

ANNEXURE C: General Plan

INFORMATION REQUIRED IN TERMS OF SECTION 38. OF THE BY-LAW

COMPULSORY INFORMATION AND DOCUMENTATION REQUIRED

	CONSENT USE CONTEMPLATED IN THE ZONING SCHEME	ANNEXURE REFERENCE
Completed & signed application form	√	T2
Power of Attorney / Owner's consent (1)	√	Annexure A
Resolution (2)	√	Not required
Proof of registered ownership (3)	√	Annexure B
Bondholder's consent (if any)	√	Not required
Written motivation (4)	√	Main document
S.G. diagram / Extract of general plan	√	Annexure C
Locality plan	√	Diagram 1
SDP / conceptual layout plan	√	Diagram 5
Subdivision plan [incl street name(s) &no]	-	Not required
Proof of payment of application fees	√	Attached
Copy of title deed	√	Annexure B
Conveyancer certificate (7)	√	Not required
Minutes of pre-application meeting (8)	√	Not available
SUPPORTING INFORMATION AND DOCUMENTATION REQUIRED		
Zoning plan	-	Diagram 4
Phasing plan	-	No Phasing required
Consolidation plan	-	
Proof of lawful use right	-	
Proof of failure of HOA (9)	-	
Copy of original approval letter (s)	-	

1. INTRODUCTION

VPM Planning has been appointed by **Elfrieda Loubser**, the owner of Erf 5349 Knysna, to prepare and submit the following application in terms of Section 15 (2) and Chapter IV of the Knysna Municipality: Standard Municipal Land Use Planning By-Law, to the Knysna Municipality (See Power of Attorney attached as **Annexure A**).

- i. Section 15 (2) (o): Application for a Consent Use to allow a second dwelling unit.

2. BACKGROUND

- Erf 5349 Knysna was created when Erf 5150 was subdivided into two hundred erven in 1984.
- The property forms part of Eastford Extension No.2 that is known as Knysna Heights.
- The site is currently vacant, it contained a residential home that was destroyed by Knysna fires which took place in June 2017.
- The owner intends to re-build the house on the existing building footprint with an additional second dwelling unit of more than 60m².

3. PROPERTY INFORMATION

3.1 LOCALITY

The subject property is situated in Knysna Heights. The site is a vacant stand in Campbell Drive, (See locality Plan attached as **Diagram 1**).

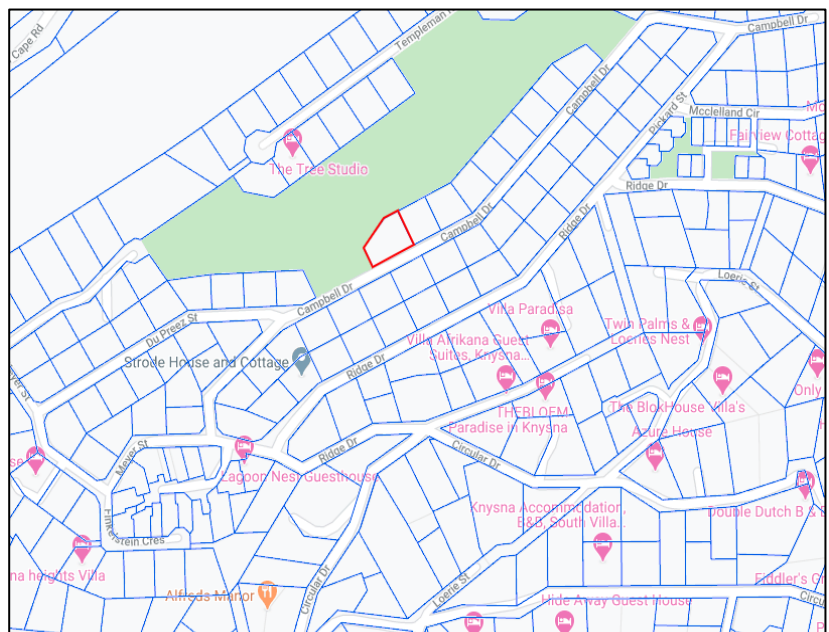


Figure 1: Extract indicating locality of the subject property.

3.2 BIO-PHYSICAL SITE CONDITIONS

3.2.1 Topography

- The gradient of the site is relatively steep. However, the property was previously developed, and the natural slope has been modified to create a platform and access point.

3.2.2 Vegetation

- Erf 5349 does not consist any sensitive vegetation.
- The property has no conservation value and does not serve a corridor function. Moreover, the property has not been identified as a Critical Biodiversity Area (CBA) or Ecological Support Area (ESA) according to the most recent maps from the Western Cape Biodiversity Framework (See *Diagram 5: CBA Map*).



Figure 2: vegetation.



Figure 3: Topography.

3.3 PROPERTY DETAIL

Title Deed Description:	Erf 5349, in the Municipality & Division of Knysna, Western Cape.
21 Digit code	C03900050000534900000
Title Deed Number:	T000042901/2019 (Attached as Annexure B)
S.G./ GP Diagram No:	G.P. 8747/83 (attached as Annexure C)
Title Deed Restrictions:	None
Property Size:	1350 (One thousand three hundred and fifty) m ²
Property Owner:	Elfrieda Loubser
Bonds:	None
Land Use	Vacant
Zoning:	Single Residential Zone I

4. PROPOSAL

The property burnt down during the 2017 Knysna fires and the site is presently vacant. Prior to the fire, the property consisted of a double storey dwelling house. The owner intends to re-build the house to the existing building footprint, but instead of constructing one large double storey house, the new owner wish to create two dwelling units, one on the ground floor and one the first floor. The unit on the first floor will serve as the main dwelling and measures $\pm 143\text{m}^2$ while the unit on the ground floor, measuring $\pm 80\text{m}^2$, will be regarded as the second dwelling unit.

The subject property is zoned Single Residential Zone I in terms of the Knysna Zoning Scheme By-Law that is applicable to the Knysna Heights area. According to the newly enacted Zoning Scheme By-Law, the primary right in this zone includes a second dwelling unit of not more than 60m^2 .

Second dwelling units measuring larger than the allowed floor area of 60m^2 may be erected with the consent of the Council on a land unit in Single Residential Zone I, provided that the units shall remain on the same cadastral unit as the main dwelling house. The total floor space of a second dwelling may not exceed 150m^2 including the floor space of all ancillary buildings. It must be constructed in a style that is similar to the architecture of the main dwelling house. A second dwelling unit that is contained within the same building as a dwelling house must be designed so that the building appears to be a single dwelling house. Moreover, the main dwelling and the additional unit may both have a ground floor, or one unit may be on the ground floor and the other unit above.

The planned second dwelling measures approximately 80.2m^2 in extent. It will remain on the same cadastral unit as the main dwelling unit. In terms of design, it will be built in a similar architecture as the main dwelling house. The additional unit will be enclosed within the structure of the main dwelling and it will be designed in such a way that the building will give the impression of being a single dwelling house.

The proposed additional dwelling unit complies with the second dwelling provisions stipulated on Knysna Zoning Scheme Regulations due to the specifics mentioned above; and its compliance to Single Residential Zone I development parameters as set out in paragraph 5.2.

Therefore, an application for a Consent Use is being made to the Council.



Figure 4: Existing drive way.



Figure 5: Existing platform.

5. FACTORS TO CONSIDER

5.1 DESIRABILITY OF THE PROPOSED UTILISATION OF LAND

Desirability refers to the place, i.e. is the land suitable for the type of land-use/activity being proposed and how will it fit in and impact on the surrounding environment. The desirability of this proposal can be listed as follows:

- The property previously consisted of a dwelling house that was destroyed by the 2017 Knysna fires.
- The proposal will result into one additional dwelling and it will not impact negatively on the surrounding properties since the area is characterised by residential homes.
- The property is situated within the urban fabric of Knysna where services are available and easy to connect to.
- The site is not environmentally sensitive or required for rehabilitation, conservation, or connectivity.
- The site is presently vacant, its development would prevent alien vegetation that cause a fire risk in the area.

5.2 COMPLIANCE WITH KNYSNA ZONING SCHEME

SINGLE RESIDENTIAL ZONE I		
DEVELOPMENT PARAMETERS	RESTRICTION	COMPLIANCE
Coverage	Erf size greater than 500m ² shall not exceed 50% of the area of the erf.	<p>The site measures 1350 m².</p> <p><i>Ground storey (second dwelling): 80.2 m²</i></p> <p><i>Covered Patio: 32.7 m²</i></p> <p><i>First storey: 143.2 m²</i></p> <p><i>Covered deck: 6.5 m²</i></p> <p><i>Porch: 1.9 m²</i></p> <p>Total areas: 264.5 m²</p> <p>Existing footprint: 138.9m²</p> <p>New footprint: 151.6 m²</p> <p><u>Coverage:</u></p> <p>$151.6\text{m}^2 \div 1350\text{m}^2 \times 100 = 11.23\%$</p>
Height	At most 8.5m above natural ground level directly below a given point of the building with a maximum of 2 storeys.	The development will not exceed 8.5m height restriction.
Building Lines	<u>Front building line</u> 4,5 metres	The development complies with 4.5 street building line restriction.
	<u>Side and rear building line</u> 2 metres	Lateral and rear building lines of 2m are complied with.

5.3 ANTICIPATED IMPACTS OF THE PROPOSAL

5.3.1 Impact on the character of the area

As can be seen on the Zoning map (attached as **Diagram 3**) the area is characterised by residential zonings. Erf 5349 is zoned Single Residential Zone I; second dwellings of not more than 60m² are allowed in this zoning. Second dwellings can therefore be regarded as part of the character of the area. The proposed second dwelling unit measures 80.2m² in extent. Although the size of the proposed second dwelling will be slightly bigger (20.2m²) than what is allowed as a primary right, we do not believe that it will have any significant impact on the residential environment.

The planned main house and second dwelling will be contained in one structure that will for all practical purposes appear to be one house.

5.3.2 Impact on property value

Most real estate agents will confirm that a property with a second dwelling has a higher value. With housing prices stretching most buyers, a property with the option to spread the costs is appealing. Buyers can take on tenants to help pay the mortgage, or families can share a home (such as in this case) where parents and kids selling two houses to buy one. Second dwellings also create an option to provide separate staff accommodation for families that employ a nanny or health care worker.

5.3.3 Impact on the road network

The proposed development will gain access through the existing road network. It is submitted that the development will not contribute to or cause any negative additional traffic impacts as there was a building that was destroyed by fire previously.

5.3.3 Impact on the biophysical environment

The subject site does not contain any vegetation, wetlands, streams, or other environmentally sensitivity that need to be considered. The house and second dwelling will be contained in the same building envelope as the original house that burned down.

5.4.4 Impact on municipal services

Erf 5349 is connected to the existing municipal services network. No additional services will be required.

5.4 CONSIDERATION OF KNYSNA MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (SDF) 2020

The property is situated within the urban edge of the Knysna municipal area. The SDF stipulates that formal or informal second dwelling accommodation should be legitimised as a form of densification and means of responding to housing demand. Therefore, the proposal is not in conflict with the provisions of the Spatial Development Framework.

5.5 POLICIES, PRINCIPLES AND PLANNING AND DEVELOPMENT NORMS AND CRITERIA SET BY THE NATIONAL AND PROVINCIAL GOVERNMENT

In considering the application, the decision maker needs to be guided by the DEVELOPMENT PRINCIPLES contained in (Chapter II) of Spatial Planning and land Use Management Act 2013 (Act no 16 of 2013) SPLUMA and Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014) (LUPA).

The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) is a national Act that was passed by Parliament in 2013. SPLUMA aims to develop a new framework to govern planning permissions and approvals, sets parameters for new developments and provides for different lawful land uses in South Africa. SPLUMA is a framework law, which means that the law provides broad principles for a set of provincial laws that will regulate planning.

Section 7 of the Act describes a set of development principles that need to be considered when evaluating any development application. These principles include the following:

5.5.1 Spatial Justice:

The principle of spatial justice requires that past spatial and other development imbalances must be redressed through improved access to and use of land. The location of this property and the type of land use envisaged cannot directly contribute to spatial reform. These matters are best addressed through Spatial Development Frameworks and Zoning Schemes and other management systems. The idea of creating affordable accommodation within existing build-up areas has an element of redress in the sense that it opens more opportunity for people .

5.5.2 Spatial Sustainability:

The proposal supports this principle of spatial sustainability in the sense that it facilitates densification within the urban area and thereby limiting urban sprawl and encouraging the optimal use of exiting urban land and services.

5.5.3 Spatial Efficiency:

The proposal supports the efficient use of existing resources and infrastructure where decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts. The positive consideration of the application will contribute to the efficient use of serviced urban land with minimal negative impact.

5.5.4 Spatial Resilience and Good Administration:

Resilience is the capacity and ability of a community to withstand stress, survive, adapt, bounce back from a crisis or disaster, and rapidly move on. This application will improve the resilience of the owner of Erf 5349 as it will allow her to re-build a structure that was destroyed by 2017 Knysna fires with an additional second dwelling unit. In these troubling times, with increasing levels of unemployment and soaring rent, many families are seeking safe long-term housing for their family members. A second dwelling on an existing property can create a solution to the problem of affordable housing. It can also bring in a rental income that may be needed to shield a family against unexpected loss of income.

6. SUMMARY OF APPLICATION

Application is made for planning permission to allow the owner of Erf 5349 Knysna to re-build a main house that was destroyed by 2017 Knysna fires with an additional second dwelling unit. It is requested that Council consider the approval of this application for the following reasons:

- A second dwelling will allow flexibility to the owner to provide accommodation to a family member, or to generate an additional income.
- The proposal will not impact negatively on any of the neighbours and will not change the residential character of the area in any way.
- The proposal complies with the provisions of the newly promulgated Knysna Zoning Scheme Regulations applicable to the area.
- The proposal supports the densification aims contained in the Knysna Spatial Development Framework.
- The proposal is in line with the development principles set out in Section 7 of SPLUMA.