

**AGENDA of the
Portfolio Committee : Infrastructure & Planning
19 November 2019
(Also the agenda for the Mayoral Committee Meeting: 27 November 2019)**

**2.
ERF 817, E90 ESSEX ROAD, HAWSTON, OVERSTRAND MUNICIPAL AREA:
PROPOSED CONSENT USE : JJ MANUEL**

817 HHW (2974)

R Kuchar

20 October 2019

Senior Manager: Town & Spatial Planning

(028) 313 8900

1. Executive Summary

Application has been received on 8 July 2015 from J Manuel on Erf 817, Hawston for a departure from the relevant Scheme Regulations in order to utilize a portion of the existing dwelling as a house shop.

A Locality Plan of the property concerned is attached as Annexure A. The proposed Site Development Plan is attached as Annexure B, while the Motivation Report in support of the proposal is attached as Annexure C.

2. Service Delivery and Budget Implementation - IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priority

Provision of Democratic and Accountable Governance.

4. Delegated Authority

Executive Mayor

5. Legal Requirements

Section 2.2 of the Overstrand Municipal Zoning Scheme

6. Background/Discussion/Evaluation/Conclusion

Background/Discussion

The owner of Erf 817, Hawston applied to operate a house shop from a portion of the dwelling.

Erf 817 is zoned Residential Zone I and measures approximately 298m². There is an existing dwelling and outbuilding on the property. The owner proposes using a portion of approximately 10m² for a house shop.

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A previous application was submitted in 2014, which was withdrawn. The land owner now again applied for house shop rights.

The applicant motivates that the house shop will provide a closer shopping option for people in the area, and that it will create work opportunity.

The application was sent out to surrounding neighbours, and no objections were received.

The application was also circulated to all relevant municipal departments, and no objections were received.

Evaluation

The evaluation will be considered in terms of the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).

Physical Characteristics of the Property

Erf 817, Hawston measures approximately 298m² in extend. The dwelling measures approximately 80m² and an outbuilding on the property measures approximately 65m².

Location and Accessibility

Erf 817, Hawston is situated in Essex Road, on the corner with Emerald Cul-de-Sac. The erf is easily accessible to surrounding neighbours by vehicle or by foot.

Vehicles will be able to access the site from an access/egress point off the Cul-de-Sac on the western side of the property. There is sufficient space for at least three vehicles to park on the western side of the property. There is also an existing single garage on the property obtaining access direct off Essex Road.

House shops are created to deliver a service to immediate surrounding neighbours, therefore most clients visit house shops by foot.

Existing Land Uses and Character of the Area

The property is surrounded by residential properties. The closest other legal house shops in the vicinity are one approximately 240m to the north in Essex Road, and another south of Erf 817 160m away in Chester Street. There is also what appears to be another illegal house shop to the north of Erf 817 in Essex Road, approximately 220m away.

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The new Overstrand Zoning Scheme makes provision for a Home Occupation and even a small day care, etc. as primary rights. This is to empower people to generate income and stimulate the economy.

A house shop is not a primary right, but a consent use, meaning that the Municipality may approve a house shop if it complies with the criteria as stipulated in the Zoning Scheme for house shops. This once again provides opportunity for entrepreneurs and help people to create an income for themselves. The guidelines/restrictions should ensure minimal impact on surrounding property owners, but it also ensures that the house shop is run from a facility that complies with fire regulations and health requirements. If it is not operated in line with these guidelines, affected people should inform the Municipality, and these approvals can be rescinded.

In some communities house shops do form part of the fabric of residential areas, to provide a service to the community. Considering the fact that there are approximately 10 to 11 house shops (in terms of Town Planning records) in Hawston, clearly shows that the greater community of Hawston supports house shops, and is part of the character of this area.

Considering the above, this application is desirable and can be supported.

Policy

The application must also be considered in terms of the Guidelines for House Shops.

The application submitted is in line with such guideline, in that it is proposed that only approximately 10m² area of the total building size of 115m² will be utilized as a house shop. The guideline allow for up to 25% to a maximum of 30m² of buildings on an erf that can be utilized as house shop.

Conclusion

No objections were received against the application.

The relevant municipal departments indicated that they had no objections against the application.

The application was duly considered in terms of the Guidelines for House shops in terms of the Overstrand Zoning Scheme, and the criteria to determine desirability in terms of Section 36 of the Land Use Planning Ordinance, 1985.

This application was considered on its own merits, and is found to be desirable.

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7. Financial Implications

None

8. Staff Implications

None

9. Comments from other Departments, Divisions and Administrations

Engineering Services

Attached as Annexure D.

Fire Department

No objection – may not trade in flammable liquids or liquid petroleum gas products.

Building Control

Supported – building to be compliant with SANS 10400.

Traffic Department

There is enough parking space. No obstruction will be caused on sidewalk to pedestrians or road users.

Electrical Department

No comments.

Waste Management

No objection. No accumulation of refuse on the premises.

10. Annexures

Annexure A: Locality Plan
Annexure B: Site Plan
Annexure C: Motivation Report
Annexure D: Services Report

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RECOMMENDATION:

1. that, in terms of Section 2.2 of the Overstrand Municipal Zoning Scheme, the application for a consent use on Erf 817, Hawston in order to utilize a portion of the dwelling as a house shop, **be approved**, subject to the following conditions:
 - (a) that only a portion of the dwelling, not exceeding 25% of all the buildings on the property or 30m², whichever is the greatest, may be utilized as a house shop;
 - (b) that no more than one vehicle, not exceeding 3500kg gross weight, may be utilized to make deliveries at the house shop at any one time;
 - (c) that adequate provision be made to manage the behaviour of patrons (both inside and outside the building) and for security and protection of surrounding properties, patrons, vehicles, etc. to the satisfaction of the Senior Manager : Town and Spatial Planning;
 - (d) that this approval does not absolve the owner/applicant from compliance with any other relevant legislation;
 - (e) that the house shop may not be used for the purposes of noxious trade, risk activity, sale of alcoholic beverages, place of entertainment or gambling purposes;
 - (f) that no products, goods or supplies connected to the house shop may be stored on the property outside the building;
 - (g) that a single non-illuminated sign, that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (h) that the trading hours of business only be between:

Monday to Friday: 08:00 to 17:00
Saturday: 08:00 to 13:00, and that should the hours of business be extended in terms of the proposed House Shop Policy, such hours of operation will be applicable.
 - (i) that the number of people employed be restricted to three;
 - (j) that the owner/manager resides on the premises;
 - (k) that a Certificate of Acceptability from the Health Section of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;

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- (l) that the approval is not transferable, and the house shop area may not be sublet to any other person by the applicant;
 - (m) that the conditions in the Engineering Report be adhered to (Annexure D);
 - (n) that the Overstrand Municipality retains the right to enforce any relevant legislation, regulations, law and order regarding these premises, the applicant and the departure in land use;
 - (o) that this consent use approval is valid for a maximum period of five years, after which it will expire if application is not made for the extension of the validity period within the five year period;
 - (p) that on-site parking be provided to the satisfaction of the Senior Manager: Town and Spatial Planning;
 - (q) that Council reserves the right to rescind the approval without payment of compensation, should any justified objection be received to the manner in which the house shop is functioning or should the operation of the house shop be found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (r) that commercial rates and service tariffs as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (s) that application is made for a Business Licence at the Overstrand Municipality prior to operation of the house shop;
 - (t) that should any building changes be required due to reaching compliance with the above-mentioned conditions, building plans should be submitted to the Building Department for approval;
 - (u) that no accumulation of refuse occur on the premises, and
 - (v) that there be no trading in flammable liquids or liquid petroleum gas products on the premises.
2. that the applicant be notified of its right of appeal in terms of the Local Government : Municipal Systems Act, 2000 (Section 62) with regard to the above conditions of approval.

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RESPONSIBLE OFFICIAL :	H OLIVIER
TARGET DATE FOR IMPLEMENTATION :	11 DECEMBER 2019
TARGET DATE TO INFORM APPLICANT :	11 DECEMBER 2019
TARGET DATE TO INFORM OBJECTOR :	N/A

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R Kuchar

20 October 2019

Senior Manager: Town & Spatial Planning

(028) 313 8900

**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON
19 NOVEMBER 2019, WHICH COMMITTEE SUPPORTED THE RECOMMENDATION**

RESPONSIBLE OFFICIAL :

H OLIVIER

TARGET DATE FOR IMPLEMENTATION :

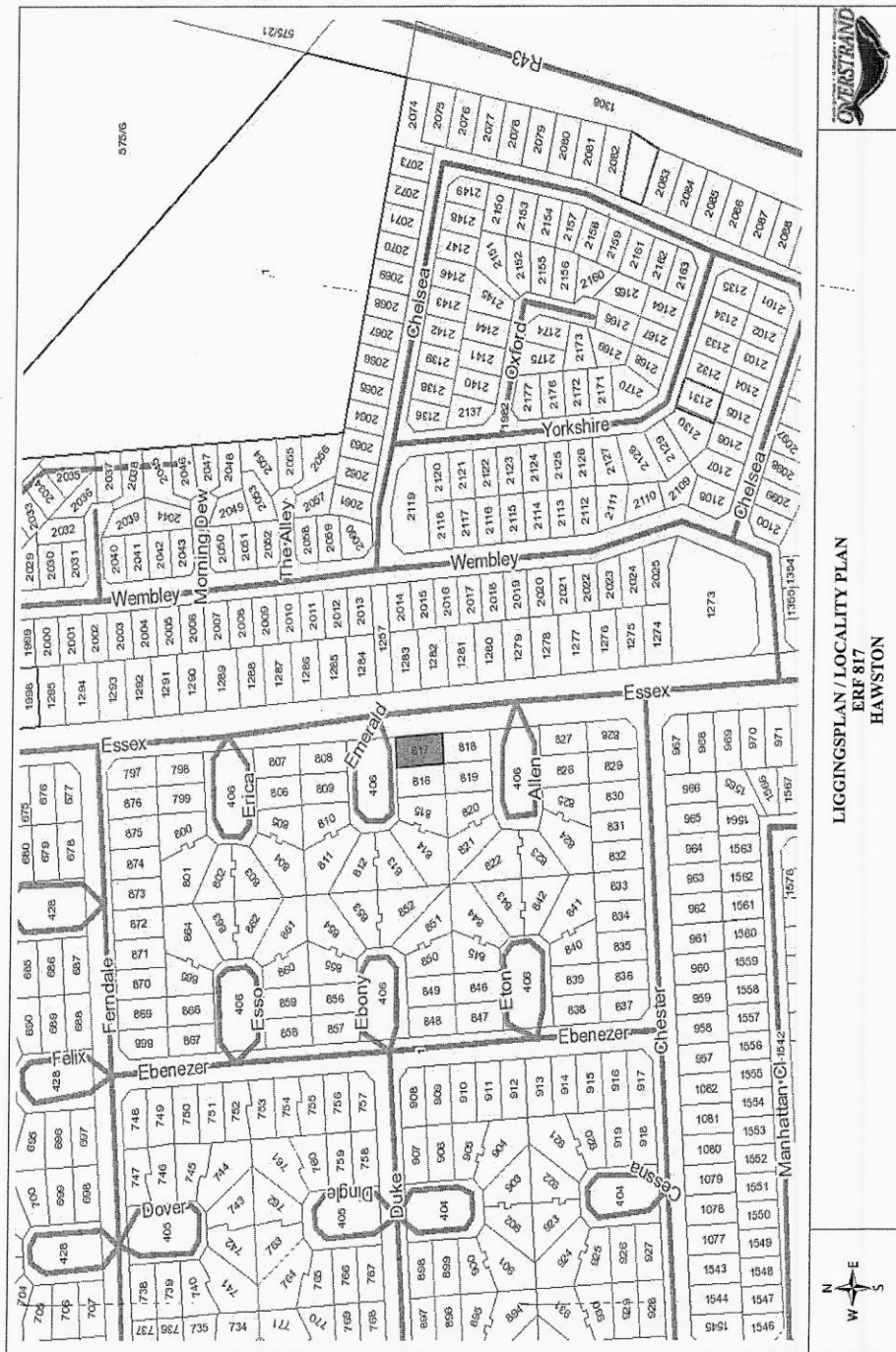
11 DECEMBER 2019

TARGET DATE TO INFORM APPLICANT :

11 DECEMBER 2019

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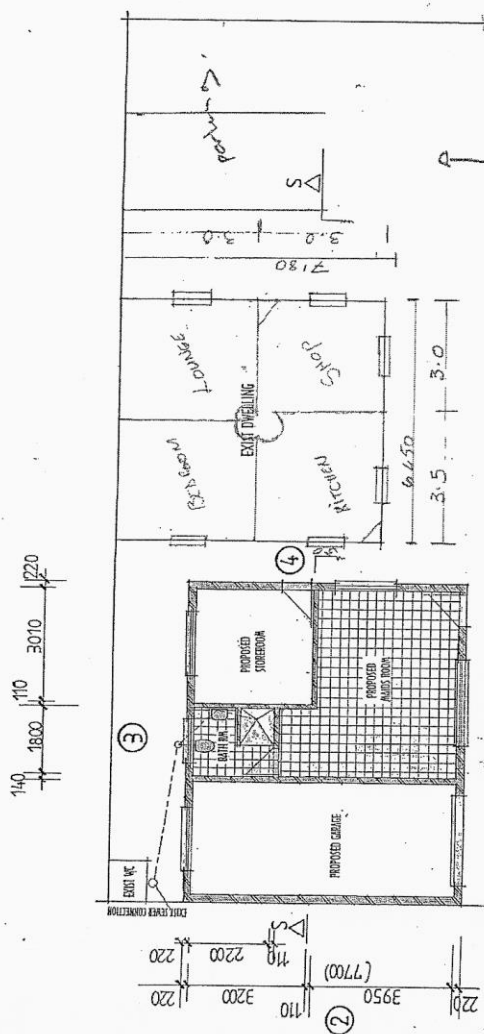
N/A



LIGGINGS PLAN / LOCALITY PLAN
 ERF 817
 HAWSTON



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PLAN : 1 : 100
ROOF COVERAGE : 65sqm
PROPOSED STRUCTURE FOR H.C. MANUEL ON ERF NO 817 HAWSTON
PLAN: C.C. APLOM 028 - 315655

J.J. MANUEL
ESSEX STRAIT
CELL 0791962126

Essex → STRAIT
weg

1050m² area
24/10/2004

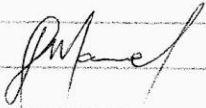
Not to be used as 2nd dwelling unit.
To comply with Tabled condition

SPR

Annexure B-1

AVANSTADSBEPLANNING

EK JACOBUS JOHANNES MANUEL ID NO
710210 6277 087 DOEN AANSOEK VIR LESENSIE
VIR MOBILE CAFE OM DIE WENSE IN DIE
GEMEENSKAP TE HELP VERAL ONS MINDER BEWEGTE
MENSE EN ONS OOR MENS WAT DIE WEER MOET
TROTSEER OM GROOT WINKELS TOE TE GAAN EK SAL
DIE WET EN ORDE HAND HAAR DEUR STRENG
SEKURITEIT TOE TE PAS EN BIT DIEN AS WERK-
SKEPPENING VIR WENSE IN DIE GEMEENSKAP




**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 817, HAWSTON (2974)**

Electricity : In order
Water : In order
Sewer : In order
Stormwater : In order
Roads and traffic : In order

Conditions:

1. that only the existing water and sewerage connections will be available to the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
2. that only the existing electricity connection will be available for the development and that, should additional capacity be required, an investigation be conducted, with regard to the capacity required and that available, at the developer's cost;
3. that should additional services be required the owner will be responsible for the payment of bulk services levies;
4. that stormwater be allowed to discharge through Erf 817, Hawston, unobstructed.



DENNIS HENDRIKS
SENIOR MANAGER:
ENGINEERING SERVICES

2015/09/14
DATE