

## 4.5

**ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: PROPOSED DEPARTURES: MESSRS PLAN ACTIVE TOWN AND REGIONAL PLANNERS ON BEHALF OF KEE PROPERTY INVESTMENTS (PTY) LTD**

848 HNC (3296/2019)

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6 August 2020

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Hermanus Administration

**1. EXECUTIVE SUMMARY**

An application has been received on 19 August 2019 from Messrs Plan Active Town and Regional Planners on behalf of Kee Prop Inv Pty Ltd on Erf 848, Hermanus in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 for the following departures :

- ❖ To depart from the prescribed height restriction from 14m to 17,060m to accommodate two (2) residential units (two bedroom apartments);
- ❖ To depart from the permissible number of storeys from four (4) to five (5), and
- ❖ To depart from the provisions of parking bays required, and buy-out of four (4) parking bays.

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 from the applicant in support of the proposal is attached as Annexure C.

**2. DECISION AUTHORITY**

Municipal Planning Tribunal

**3. BACKGROUND / SITE HISTORY**

The property is located in High Street and Main Road and measure 1175m<sup>2</sup> in extent. The property, known as Carriages, was developed to provide parking shortfall of Erf 10695, known as Village Square. In 2015 the owner of the property received an approval to buy out three (3) parking bays due to the establishment of a car wash.

The building consists of shops at ground floor level and floors 1, 2 and 3 consist of parking e.g. parking garage. The car wash is located on the third floor of the building.

**4. SUMMARY OF APPLICANT'S MOTIVATION**

The motivation for the application is as follows:

The owner wishes to construct two (2) two-bedroom apartments on the fifth floor.

Departures from the height restriction and permissible floors

The height restriction in Business Zone 1 is restricted to 14m from ground level and only four (4) storey buildings are permissible. In order to accomplish that is to depart the height restriction from 14m to 17,060m.

The proposed departure for the permissible number of floors will have a minimum impact on the character of the surrounding area. Three (3) of the floors are used for parking facilities, which means that the height of the three (3) storeys is individually lower than an average storey. The ground floor has a height of 3,420m from ground level to first floor level, whilst floors 1 to 3 have a height of 2,430m individually. The extra floor proposed will not have a major impact because of the lower ceiling heights of the undercover parking. The total height of the existing building is 12,710m from ground level to the top of the building, thus 1,29m under the height restriction. The proposed height will exceed the height restriction by 3,06m.

The proposed height will be in line with the other buildings in the area. Erf 11057, Hermanus (Woolworths building) is situated adjacent and a similar development is being constructed at the moment. The total height of the completed building, including the lantern is at 19,457m. It has however only four (4) storeys.

Access and parking to the development on Erf 848, Hermanus is via High Street. The subject property has seventy two (72) parking bays, which accommodates the commercial development on ground floor and parking for the Village Square development on Erf 10695, Hermanus. A total number of thirty seven (37) parking bays are allocated for the Carriages development and thirty five (35) parking bays for the Village Square development.

With the proposed two (2) apartments an additional four (4) parking bays are required. A survey was done to determine the occupation rate of the existing parking bays on the subject property on five (5) different days and timeslots. The results of the survey prove that on average less than 50% of the parking bays are occupied and that there is always parking bays available. The existing parking facility is underutilised and has an average occupancy rate of 44,88%. The shortage of four (4) parking bays will not have any impact on the surrounding properties.

The site is fully serviced and additional services required will be done in accordance to the specifications of the Overstrand Municipality.

### **Forward Planning**

#### Overstrand Municipal Wide Spatial Development Framework, 2019:

The property is earmarked for business purposes.

#### Overstrand Growth Management Strategy, 2010:

The property falls within Unit 13 that consists of the Hermanus Central Business District (CBD). Residential densification is proposed for this planning unit to create a mixed land use area.

### **Planning Principles**

#### Spatial Justice:

N/A

#### Spatial sustainability:

The proposed departures and residential units will be accommodated in an established mixed area. Spatially the land use will be in keeping with the mixed-use character of the area that consists of similar establishments in the Hermanus CBD. The proposed height of the building is in line with the height of existing buildings in the vicinity.

Efficiency:

The proposed residential units' area is easily accessible and conveniently located within the Hermanus CBD.

Spatial Resilience:

N/A

Good Administration:

The application will follow due procedure as stipulated by the Overstrand Municipality.

**5. ADMINISTRATIVE COMPLIANCE**

Methods of advertising		Date published	Closing date for comments
Press	Yes	6 November 2019	13 December 2019
Gazette	No	N/A	N/A
Notices	Yes	6 November 2019	13 December 2019
Ward councillor	Yes	6 November 2019	13 December 2019
Total comments	<b>THREE (3)</b>		
Total letters of support	<b>NONE</b>		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			<b>Yes</b>
Was the application processed correctly (if no, elaborate below):			<b>Yes</b>
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			<b>Yes</b>

**6. SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS**

Name	Date received	Summary of comments
Engineering Services	19/11/2019	See Annexure F.
Fire Department	7/11/2019	No objection provided that the structure complies to the National Fire Protection Regulations SANS-T:2011 and Community Fire Safety By-Law. (Comprehensive Fire Protection Plan to be submitted.)
Building Control	12/11/2019	No objection. Building plan application to comply with all applicable law.

Local Heritage Committee	14/11/2019 & 12/12/2019	Departure request for additional height to this tall free standing not supported as this would create an unwanted precedent.
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## 7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Letters of objection were received from the following three (3) parties:

- Hermanus History Society
- Hermanus Ratepayers Association
- V Romano

It is to be noted that the objection received from V Romano was received after the comment/objection period.

Objections attached as Annexure D and the applicant's response to the objections received is attached as Annexure E.

The objections can be summarized as follows:

- **Objection 1**

***V Romano – (late objection)***

***The impact of the proposed residential unit on top of the existing building on the morning sun and the views from his property (Erf 813, Hermanus).***

Applicant's response

The objector could not identify for certain that the proposal will have a direct impact on Erf 813. It is clear that the additional units on top of the existing building on Erf 848 will not have any additional impact on the views and the morning sun on Erf 813. The mentioned building is located on the eastern side of Erf 813. The proposal will have no impact on the amount of sun that is received by the balcony given the distance of 20m of the proposed additions from the mentioned balcony.

Town Planner's response

The objector did lodge his objection outside the comment period, but will be dealt with.

The objector raised a valid point with regard to the impeding of sunlight onto the eastern balcony. This aspect has been addressed by the consultant, however it did not really address the concern. The architect did not submit a plan assessing the impact of the height of the proposed building on the objector's property, Erf 813. The objector has a real concern due to the additional 3m above the restriction of 14m that may impact on his building.

- **Objection 2**

**Hermanus Ratepayers Association**

***It is unconscionable for the Municipality to accept the application. Precedents have been set in the past to depart from development regulations. The intention of the proposal is to acquire additional elevated near seafront land in Hermanus for practically free at the cost of four parking bays and the physical domination of one of the most attractive streetscapes in the historic part of Hermanus High Street.***

**Applicant's response**

The application documentation was deemed as being complete by the Overstrand Municipality. With reference to the character of the area, the proposal falls in line with the character of the area. No precedent will be set since the proposal is an addition to a building and will not create a building taller than the existing buildings already established in the CBD. The streetscape will not be negatively impacted upon due to developments of similar height such as buildings on Erven 10327, 6845 and 7017, Hermanus.

The total height of the building will be 17,060m in comparison with the Woolworths building, lantern included which is 19,457m in height. Thus 2,3m lower. It is clear that precedents have been set in the past.

The shortage of parking as indicated in the motivational report will have no impact, since the parking garage is less than 50% occupied.

**Town Planner's response**

Firstly, the Municipality may not refuse an application if it complies with the required documentation and the fee has been paid. It is not for an official to determine the outcome of the application and therefore has no right to refuse an application.

The building is existing and the proposed residential development is set back from the street, thus mitigating some of the impact on the streetscape.

The consultant emphasizes the Woolworths building of 19m with the lantern included that in height is 19m and excluding the lantern on 17m, similar which is proposed in the application. The fact is that the Woolworths building were approved before the Overstrand Zoning Scheme. The Hermanus Scheme Regulations 7 was still applicable whereby buildings were restricted to four (4) storeys with no height restriction of roofs. The apartments were included on the building plan and later omitted as a further phase. Thus the building in its totality was evaluated and the view corridors determined. Thus when the apartment phase came into being, the applicant had to request a departure of height to implement the next phase of the Woolworths building and it was evaluated as such, bearing in mind that no departure was requested in terms of storeys or parking. The building is located on an island surrounded by streets and does not impede on any residential and or other commercial uses. It is thus not correct to use the Woolworths building as an example in this regard since it is not similar in statue or circumstance.

The objector is correct in the manipulation of the Woolworths building scenario to obtain additional rights of the property who has reached its capacity as far as use rights and development parameters are concerned.

- **Objection 3**

**The Hermanus History Society (R Lee)**

***The objector stated that the application form indicated that no restrictions exist and it is not true. The objector also stated that no motivational report was attached to the application and was unaware of the motivation of the application and for the departures.***

**Applicant's response**

The application was duly scrutinised and found that no restrictive conditions pertaining this application is applicable.

The advertisement process is dealt with by the Municipality and the client cannot be held responsible if documentation is not attached. However, the advertisement clearly indicates and invites people to view the full application at the Overstrand Municipality's Town Planning Department.

**Town Planner's response**

The erf was developed and the building was demolished before the present building was developed. The conditions in Title Deeds does not impede on the present application. There is no impediment of any roads or thoroughfares over the property. The conditions as stipulated refers to Title Deeds of 1920 and 1945 that Mr Boucher and his successor in title as seller must give his consent for any dealings on the property. This condition was between Mr Boucher and Mr Westcott and thus is not applicable on present day dealings.

The objector would not receive an application in person, since it was not distributed to the Hermanus History Society, however the Society could at any stage during the public participation process requested a copy of the application.

- **Objection 4**

***The objector states that there appears to be problems with the zoning as it is zoned for business and the application is for two residential units.***

**Applicant's response**

In terms of the Zoning Scheme, under Business Zone 1, it is a primary right to develop flats above ground floor.

**Town Planner's response**

The Zoning Scheme does allow residential development above ground floor. However, there is a height restriction of 14m and the number of storeys is restricted to four (4) storeys.

- **Objection 5**

***The objector objects to the proposed departures which will further compound the problem arising from the current residential units on the Woolworths building and reduce the line of sight further from the coastline to Hoy's Koppie.***

Applicant's response

With the submission of the building plans of both the Carriages and Woolworths buildings, a view corridor was established in consultation with Heritage Western Cape and the Local Heritage Committee as indicated in the area shaded in red. The proposed residential units will have no impact on the view corridor.

Town Planner's response

The view corridor is maintained however the overall feel and ambiance by departing of buildings above 14m in height will be negatively impacting the view corridor.

- **Objection 6**

***The proposed application is not in line with the Revitalisation Plan for the Central Business District, 2016 which is still under consideration. The Public Space Manual also proposes a different approach to historic streets in the old town.***

Applicant's response

The Revitalisation Plan and the Public Space Manual are both mechanisms and proposals that are planned for the future and place much emphasis on the open spaces and pedestrian friendly environments. The proposed residential units on top of the existing building will not have any impact on the pedestrian friendly environments or open spaces as the proposal is to develop vertically and not to expand the existing footprint of the existing building.

Town Planner's response

The Hermanus CBD Regeneration Framework, 2016 clearly indicates the High Street Development proposal as a pedestrian dominated space, removing parking and vehicles to connect the proposed Mitchell Square development and the Woolworths node. The proposed application of residential activity is in line with the Framework to establish a mixed use development to ensure the viability of the CBD with a residential component. The objector is not correct in its assessment of the proposal and the interpretation of the Framework. The objector is correct in her comments that the shortage of parking on the application erf can have an influence in the redistribution of parking in and around the CBD, which is already under stress with the providing of parking. More important is that the current building has taken up its 4 storey height by providing parking in lieu of parking not provided on Village Square. Thus the argument that the CBD Revitalization supports the proposal is not correct as it does not encourage departure on storeys or height.

- **Objection 7**

***The objector stated that the building already dominates the eastern end of High Street and the proposal will make it worse. It will have a negative impact on the street and its primary use by tourists on foot.***

Applicant's response

The sidewalks within the road reserve around the building are already paved and pedestrian friendly. The proposal is still in line with the Hermanus CBD Regeneration Framework Final Report, 2016 for the proposal of a more pedestrian friendly High Street. The proposed pergola/canopies as shelter along High Street is still possible and the expansion of Erf 848 will not have any impact on the proposals as set out in the Framework.

Town Planner's response

The application for the residential units will not influence the walk ability of High Street as it is a vertical development and not horizontal. However, it will impact on the sense of place due to its scale and massing which is not in sync with the surrounding buildings. The Revitalisation Strategy does also not encourage departure from 4 storeys and 14m height restriction.

- **Objection 8**

***The acquisition of additional parking bays not be approved as it will increase vehicular traffic and become a problem to pedestrians in the street.***

Applicant's response

The impact of the shortage of four (4) parking bays will be minimal due to the fact that the existing parking bays were never fully occupied during the survey that has been done.

Town Planner's response

The shortage of four (4) parking bays will have an influence as indicated in the Framework Plan that it is already a concern. The survey done by the consultant may indicate that the parking garage is less than 50% occupied, however with the implementation of the High Street proposal, this may change significantly. The Carriages parking garage serve as parking for shop owners and employees of the CBD. Some of the bays are rented out illegally on a personal long term basis of which the lessees do not use everyday. Also the reservation of these personal bays prohibits the general public to make use of the parking bays. The applicant's observation and conclusion is thus skewed by the illegal letting of parking.

**Objection 9**

***Inspections of the premises indicated that some of the business premises on the ground floor of the Carriage building are vacant and further extension of the building seem unnecessary.***

Applicant's response

Under Business Zone 1 zoning, residential units are not allowed on the ground floor. It is clear that the economy in the CBD of Hermanus has decreased lately and the property owners have to diversify and make use of alternatives in order to make the properties in the CBD more viable. It is important to create a mechanism that will



boost the economy of Hermanus especially the CBD. The versatility of buildings in the CBD will allow interaction between people and their needs and would create the incentive for the economy to grow. The proposed mixed use building will be beneficial to the CBD of Hermanus.

#### Town Planner's response

The commercial space on ground floor level should preferably not be converted into residential space as the viability of the business erf may be impeded, due to loss of business income. This will not be in line with the High Street proposal as indicated in the Framework.

One must remember that the development of the erf and the provision of parking bays in lieu of parking not provided on Market Square. Thus the applicant maximised the development on Market Square creating maximum potential where now the applicant wants to add additional rights to extent his development.

- **Objection 10**

***The property falls under the Heritage Overlay Zone and the Council was hasty to accept the application. The Hermanus History Society reserves the right bring a costs application should the Department proceed further.***

#### Applicant's response

The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey report (2009). The original structure was demolished and a new building was erected.

#### Town Planner's response

It is not disputed that the erf falls under the Heritage Overlay Zone, but is not earmarked as conservation worthy. This has been dealt with during the demolition of the original building. However, the overlay purpose is to look at the overall development of buildings in terms of design and aesthetics to ensure that they talk to each other and the sense of place be kept intact.

The relaxation of the height of Carriages building will have an impact in terms of massing on High Street. Also to allow a 5 storey building and depart from the parking requirements of the building would negatively impact on the historical fabric contained adjacent to this building and traffic in the CBD with the impact that spills over to adjacent properties.

#### Internal Departments

No negative comments were received in terms of technical evaluation by the various departments.

#### The following negative comment was received from the Local Heritage & Aesthetics Committee:

The departure from the height restriction will set a precedent for other buildings in Hermanus.

Applicant's response

The area where the subject property is situated is known for high rise buildings. The proposal will not stand out in any way as a precedent has already been created in this area namely the Woolworths building.

Town Planner's response

Every application is dealt with on merit. The Woolworths building was dealt on merit as it came from a previous Zoning Scheme and transitions into the Overstrand Integrated Scheme. The Woolworths building is a standalone development surrounded by streets and forms a nodal point emphasizing the eastern boundary of the CBD. It therefore cannot be used as a precedent to allow all the buildings in the CBD to relax development parameters. If the argument of the applicant to use Woolworths building to motivate his proposal to depart from the storeys and height restriction, the same argument will then stand if any future applicant uses Erf 848 to warrant further departures. The Zoning Scheme Regulations parameter aim is to create a certain character and impact in the CBD which blend with the natural-, built- and historical ambiance.

**8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS**

See Paragraph 7 above.

**9. MUNICIPAL ASSESSMENT OF COMMENTS (Town Planner's comment on objections/and response thereon)**

See Paragraph 7 above.

**Internal and External Departments**

See Paragraph 7 above.

**10. MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)****10.1 Background**

N/A

**10.2 (In)consistency with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)**

The application is in line with the planning objectives applicable to this application.

The objectives relating to:

Spatial Justice

N/A

Spatial sustainability

The development does not impact on environmental or agricultural potential of the property since it is a developed erf. The erf is optimally developed within the acceptable parameters of the Zoning Scheme and the excessive proposed development does not fall within the sustainable parameters of the Zoning Scheme.

Efficiency

All municipal services are available. The proposed development will exceed the efficiency limitation of the erf, due to the departures required. This could have long term detrimental effect on the operational efficiency in the Hermanus CBD and surrounding area.

Spatial Resilience

The building has been approved in terms of the National Building Regulations and thus compliant. The proposed residential units is proposed outside building lines, the spatial resilience will be threatened by the fact that reduced parking is provided and the overall impact of the ambiance of the CBD.

Good administration

The applicant's Consultant did follow the prescribed procedure in terms of documentation submitted and public participation.

**10.3 (In)consistency with the principles referred to in Chapter VI of the Land Use Planning Act, 2014 (Act 3 of 2014)**

Same as Point 10.2 above.

**10.4 (In)consistency with the IDP/Various levels of SDF's/Applicable policies**

N/A

**10.5 (In)consistency with guidelines prepared by the Provincial Minister**

N/A

**10.6 Impact on Municipal engineering services**

None.

**10.7 Outcomes of investigations/applications i.t.o other legislation**

N/A

**10.8 Existing and proposed zoning comparisons and considerations**

The application complies with the existing zoning, but deviate from the development parameters.

**11. ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS**

N/A

## 12. THE DESIRABILITY OF THE PROPOSAL

The present application's motivation for the departures of height, number of storeys and parking requirements are based on the Woolworths building located on Erf 11057, Hermanus. The latter which has a height of 15,67m to roof, but  $\pm 19,547\text{m}$ , including the lantern. It is imperative to note that the lantern dimensions are  $3\text{m} \times 4,5\text{m}$  ( $\pm 15\text{m}^2$ ), thus a small structure in comparison with the proposed apartments on a fifth floor as indicated in the application. The bulk of the Woolworths building is however below 15,67m in height.

The context and development of the Woolworths building cannot be viewed in the same light as the proposed application. The Woolworths building with the apartments was designed as a unit. View corridors were determined. The building also serves as the eastern boundary of the CBD, similar to the Checkers development. The development of the Woolworths building was done under the Hermanus Scheme Regulations 7, which allows for four (4) storeys and a roof. All the development parameters are met with regard to storeys and parking. The apartments were a Phase 2 of the development of which a departure application was necessary under the Overstrand Zoning Scheme. The Woolworths Building was designed from the start as a four storey building.

The application erf is located in High Street, adjacent to the building of a lesser height and of historical value. The application is to depart from the height, storey and parking requirements in order to erect two (2) apartments on Erf 848, Hermanus known as the Carriages building. The building was purpose built – therefore a compact block building. The added apartment will further contribute to the vertical block architecture out of sync with the surrounding buildings.

In terms of the application to deviate from the parking requirements: The Carriages Building was designed with a ground floor for commercial purposes and three storeys of parking. The parking garage established, was to comply with the shortfall of parking on the erf known as Village Square. To maximise the development potential at the waterfront, the Municipality and the previous owner agreed to a payment in lieu of the shortfall or to provide the parking elsewhere in the CBD. The previous owner opted for the latter.

In 2015 the owner of Erf 848, Hermanus applied for a car wash to be located in the parking garage to optimise the use of the building and make it more financially viable. The application entailed the buying out of three (3) parking bays. The motivation was accepted and evaluated as such. The use was located within an existing approved building and did not infringe on streetscapes or privacy. The applicant mentioned in his determination of occupation the rate of the parking garage. In addition to the aforementioned, however did not disclose all the facts why the occupation rate was on average less than 50% or any further assumption. It is also not clear what time of day, month or year this determination was done. However, parking bays are marked out to shop owners and employees of the CBD. Thus the survey cannot be a true reflection of the availability of the parking bays to the public. This aspect was dealt with in detail under Objection no. 8. The erf has reached its maximum development potential with regard to parking requirements as stipulated in the Zoning Scheme. Should the parking requirement be relaxed this will again impact on availability of parking within the CBD.

The motivation discusses the lesser height of the storeys due to its function as a parking garage and therefore the same height can be attained as the Woolworths

building. The impact of the height of the Carriages Building must be viewed in the context of High Street and the surrounding area. It cannot be viewed as a stand-alone building on Erf 848. Currently the building complies with the parameters of the Scheme Regulations and the applicant's argument to exceed the height, storeys and parking request is solely motivated for his own benefit to allow two (2) units.

The building is located between High Street and Main Road. The policies applicable for this area are the Zoning Scheme, the Overstrand Heritage Survey Report, 2009 and the Regeneration Framework, 2016.

In terms of the Zoning Scheme, the height is 14m to the top of the roof and 4 storeys applicable to the erf. The reasons to restrict the height are as follows:

The Hermanus Section 7 Scheme Regulations the parameters for the area was 4 storeys, but no restriction was placed on the total height. This has led to excessively high buildings due to high roof structures. The restriction on height is to ensure that buildings take due consideration for local context. This entails the protection of heritage values, reducing the impact on the town's character and viability. The aforementioned has been established by the then Hermanus Regulations 7 and the transition to the Overstrand Zoning Scheme, the four storey building parameter remained in place, but it became evident that developers started to abuse the no height restriction to try and maximise any sea or mountain views to be detriment of the overall experience in the CBD.

In order to protect local views and ambience, maintaining views and ambience of the surrounding landscape and reduce the impact on neighbouring properties, the height of buildings are restricted to 14m.

The proposed height of the Carriages Building will impact negatively on the neighbouring property in terms of access to daylight and visual privacy.

The Overstrand Heritage Survey Report earmarked the area as conservation and special area. The report indicates that poor planning and heritage related decisions have led to over-permissive bulk concessions and lack of appropriate height restriction and tendency towards over-scaled commercial and residential development. Erf 848 is located in the abovementioned area and based on this report, a height restriction was imposed, 14m applicable in the CBD. The erf has reached its maximum development potential and the request for the departure in height and storeys in its location will have a definite impact on the neighbouring properties and heritage character of High Street.

The Regeneration Framework, 2016 has identified High Street as a pedestrian development to ensure that the heritage buildings retain its visual and aesthetics character. The presence of heritage buildings and given importance of High Street as an integral part of the Regeneration of the CBD, the proposed development of Erf 848 cannot be evaluated as a stand-alone development or validated by referring to other buildings, such as the Woolworths Building's height.

The context and its location determine whether the application can be viewed in a positive light.

The over bulking and excessive height is not in line with the local context of which none of the buildings are 5 storeys and predominantly less than 14m in height. The

request for 17m can be viewed as vertical sprawl impeding on the overall character and ambience of the CBD and greater landscape.

The proposed development of 17m will impact on the proposal for High Street due to excessive massing vertically. The 17m high building will create a canyon effect in a street earmarked as a viable public space. It should be noted that the 17m relates only to the proposed apartments, however, the building accommodates telecommunication structures, which will result that the height will exceed the proposed 17m height. This aspect was not addressed in the application.

It is clear that the excessive height is necessary to accommodate the apartments, irrespective of the impact on the surrounding buildings or sense of place.

This in terms of locality, function, the Woolworths building cannot be emulated in a similar fashion as to the proposed application on Erf 848, the Carriages building. The notion that it is similar to the Woolworths building is not correct in terms of actual height, locality and use. The latter is located at the end of High Street and serves as a focal point connecting Mitchell Square and the Woolworths building defining the High Street development. The Woolworths Building locality and purpose in terms of streetscape and sense of place is different. .

Hermanus has a high quality environment and both the natural and built environment play a significant role for its major industry i.e. tourism. This had a major impact on the decision to restrict the height in the CBD to four (4) storeys and a height of 14m to top of the roof. The reasoning was that mass building of tall blocks causes the environment to be drab. This development should interact with other buildings of the street, and help safety, diversity, social interaction, environment and welfare of the neighbours. An application to deviate from the height restriction in the CBD will be contrary to the sense of Place to be created by the implantation of the Regeneration Plan, especially High Street that has a predominately historical character in terms of its built form.

The visual sight line down High Street towards the mountain will be severely impacted upon should height restriction be exceeded.

In conclusion, the development of Erf 848 has reached its maximum potential. The locality and function of the proposed departures are not advantageous to the High Street development and sense of place of the CBD and will lead to vertical sprawl.

The Zoning Scheme and Policy documents are there to protect local views and vistas throughout the CBD, thus ensuring the importance of heritage character and the connection between the natural environment and built form.

### 13. RECOMMENDATION

1. that the application in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2015 applicable to Erf 848, Hermanus for the following departures:
  - ❖ to depart from the prescribed height restriction from 14m to 17,060m to accommodate two (2) residential units (two (2) bedroom apartments);
  - ❖ to depart from the permissible number of storeys from four (4) to five (5), and

- ❖ to depart from the provisions of parking bays required, and buy-out of four (4) parking bays

**not be approved**, due to the following reasons:

- (a) the erf has reached its full development potential in terms of the Overstrand Zoning Scheme;
  - (b) the deviation of the height will lead to vertical sprawl ;
  - (c) excessive massing in High Street is contrary to create the street as a visual and viable potential pedestrian walkway;
  - (d) impact on the residential component on Erf 813, Hermanus was not properly addressed in view of recent court cases;
  - (e) the development is not in line with the Central Business District development vision of sense of place;
  - (f) dwarfing of heritage buildings due to excessive height;
  - (g) the erf had already bought out three (3) parking bays and the additional proposed buy-out of another four (4) parking bays clearly indicates that the development potential of the erf has been reached;
  - (h) the existing telecommunication infrastructure on the building will lead to a building higher than 17m, which has not been addressed by the applicant;
  - (i) the proposed height will create a canyon effect in High Street;
  - (j) the proposed development is not in line with the policy documents, and
  - (k) the application does not address the telecommunication structures already exceeding the height, which will contribute to a height above the requested 17m.
2. that the applicant and objectors be notified of their right of appeal in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above decision.

#### **14. REASONS FOR NON APPROVAL**

- ❖ the erf has reached its full development potential in terms of the Overstrand Zoning Scheme;
- ❖ there are no five (5) storey buildings in the Central Business District;
- ❖ excessive massing in High Street as a potential pedestrian walkway;
- ❖ impact on the residential component on Erf 813, Hermanus was not properly addressed in view of recent court cases;
- ❖ the development is not in line with the Central Business District development vision of sense of place;
- ❖ dwarfing of heritage buildings due to excessive height, and
- ❖ the erf had already bought out three (3) parking bays and the additional proposed buy-out of another four (4) parking bays clearly indicates that the development potential of the erf has been reached.

**15. ANNEXURES**

Annexure A: Locality Plan  
Annexure B: Site Development Plan  
Annexure C: Motivation Report  
Annexure D: Objections received  
Annexure E: Applicant's response to objections received  
Annexure F: Services Report

**SIGNATURES****REGISTERED PLANNER**

Name: **H VAN DER STOEP**

SACPLAN Reg No: **A/1708/2013**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





**PROPOSED DEPARTURES**  
**ERF 848 HERMANUS**  
**DIVISION: CALEDON**  
**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Mr A.B. Booysen on behalf of KEE PROP INV PTY LTD, owner of Erf 848 Hermanus, has instructed the company Plan Active to apply for departures from the permissible height restriction and the number of floors with reference to the land use restrictions applicable to Erf 848 Hermanus, zoned Business Zone 1.

A four-storey building is established on the subject property. The four storey building has the following land uses:

- The ground floor consists shops.
- The first, second and third floor houses parking facilities that accommodate required parking for the businesses established on the ground floor as well as required parking bays for the Village Square development situated on Erf 10695 Hermanus.
- A car wash is established on a section of the third floor of the building.

The owner wishes to construct two 2-bedroom apartments on the fourth floor. In order to accommodate the 2 apartments an application for departures will have to

be made in order to exceed the permissible height restriction and the number of floors allowed on a Business Zone 1 zoned property.

Erf 848 Hermanus is 1175m<sup>2</sup> in extent and is held by Title Deed No.37356/2017.

The detail of the application follows.

## **2. APPLICATION DETAILS**

Application is made in terms of:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, for the departures from:
  - the prescribed height restrictions (m),
  - permissible number of floors,
  - the provision of parking bays required and that the shortage of 4 parking bays be bought out,

applicable to Erf 848 Hermanus under the current zoning of Business Zone 1 in terms of the Overstrand Municipality Zoning Scheme.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

The subject property is situated in High Street, also abutting Main Road, Hermanus. Please refer to the enclosed locality plan. Erf 848 Hermanus is 1175m<sup>2</sup> in extent and it is situated within the Hermanus CBD.

### **3.2 ZONING**

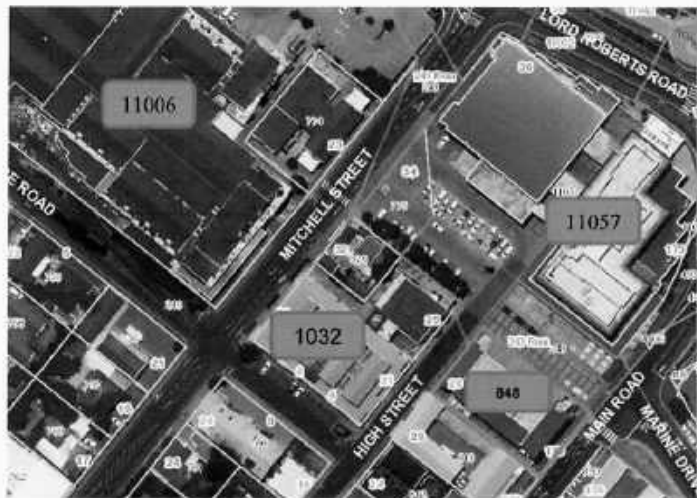
Erf 848 Hermanus is zoned Business Zone 1: Bulk Zone 1 and is utilized as shops on the ground floor, parking facilities on first, second and third floor and car wash on the third floor. Surrounding properties are also zoned for business purposes.



**3.3 LAND USE**

Erf 848 Hermanus is used for commercial use, a car wash and parking facilities. Land uses that surround the subject property are offices, shops, restaurants, public parking and public roads.

There are also a similar, development in the area that is proposed with commercial uses on the ground floor and residential units on the top floor.



### 3.4 PROPOSAL

The following are proposed:

- Chapter 4, Section 16(2)(b) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015, for the departures from:
  - the prescribed height restrictions (m),
  - permissible number of floors,
  - the provision of parking bays required and that the shortage of 4 parking bays be bought out,

applicable to Erf 848 Hermanus under the current zoning of Business Zone 1 in terms of the Overstrand Municipality Zoning Scheme.

The intention of the owner is to develop two, 2-bedroom apartments on top of the existing structure. The existing building consists of four floors. The existing building with the proposal can be summarised as follows:

Floor	Use
Ground floor	Commercial use
1 <sup>st</sup> floor	Parking
2 <sup>nd</sup> floor	Parking
3 <sup>rd</sup> floor	Parking and carwash
4 <sup>th</sup> floor	Proposed residential units

The proposed residential units will consist of the following:

- 2 en-suite bedrooms;
- Sitting area;
- Dining area;
- Kitchen area;
- Laundry/scullery;
- Covered terrace;
- Service yard.

### **Departures from height restriction and number of permissible floors.**

The height restriction for properties with a Business Zone 1 zoning is 14m from natural ground level and only four storey buildings are permissible. The proposal of the residential units on top of the existing building on Erf 848 Hermanus will result in a departure of the height restriction and the number of floors permissible.

- Departure of the height restriction of 14m to 17,060m is proposed with the proposed additions of the two 2-bedroom apartments.
- Departure of the permissible number of storeys from four to five storeys.

(d) **Height**

- (i) The maximum height of a building measured from the base level to the top of the roof is determined in accordance with the bulk zone as specified in the table below:

Bulk Zone	Height	Storeys
Bulk Zone 1 (B1)	14,0 m	4
Bulk Zone 2 (B2)	10,5 m	3

The proposed departure to accommodate more than the permissible number of floors will have a minimal impact on the character of the surrounding area. The existing building consists of four floors. Three of the four floors are used for parking facilities, which means that the height of the three storeys, individually, are significantly lower than an average storey. The ground floor which consists of shops, have a height of  $\pm 3.420\text{m}$  from ground level to the top of the first storey. The following floors (floor 1 to floor 3) which consist of the parking bays are significantly lower respectively than the ground floor with a height of  $\pm 2.430\text{m}$  for each floor.

The extra floor to be added will not have a major impact on the surrounding properties, because of the low "ceiling heights" of the undercover parking (floors with parking facilities). The total height of the existing building is approximately 12.710m from the ground level to the top of the building. The number of permissible floors has been reached but the building is still  $\pm 1.29\text{m}$  under the height restriction. The additional floor

(residential units) will result in the building departing from the permissible height restriction of 14m. It is proposed that the new height of the development will be at a height of  $\pm 17.060\text{m}$  from mean ground level.

The permissible height for properties with a Business Zone 1 Zoning is 14m as seen in the abstract above. The proposed residential units will result in the building on Erf 848 Hermanus to exceed the height restriction by approximately 3.06m. The view from the property behind the subject property will not be impacted by the proposed residential units on the fourth floor as the building situated at 25 High Street (Erf 10327) is only one storey, which means with the existing building on Erf 848 Hermanus, the view of the sea is already obstructed for some of the properties in High Street Hermanus.



Single storey building right behind erf 848 Hermanus in High Street.

The proposed height will be in line with the other buildings in the area. Erf 11057 Hermanus, where the Woolworths building is situated, a similar development is being constructed at the moment. As can be seen in the pictures below, it is clear that a similar height will be achieved with the proposed penthouses on Erf 848 Hermanus, as the development on Erf 11057 Hermanus. Although the development on Erf 11057 Hermanus only consists of four floors it gives an indication of the lower height of the floors (parking floors) on Erf 848 Hermanus relative to the building situated on Erf 11057 Hermanus as it is much higher than the Carriages building situated on Erf 848 Hermanus.



The total height of the completed building situated on the Erf 11057 Hermanus is  $\pm 19.457\text{m}$ , it includes the lantern vs the height of the building situated on Erf 848 Hermanus that is  $12.710\text{m}$  at the moment. With the inclusion of the 2 proposed apartments that will qualify as a 4<sup>th</sup> floor (5<sup>th</sup> Storey) the total height will be  $\pm 17.060\text{m}$ . The total height of the building will therefore be  $\pm 2.397\text{m}$  lower than the highest point of the building situated on Erf 11057 Hermanus (Woolworths Building).

The proposed departures will not have a negative impact on the surrounding properties. The development phase of the proposal will also create job opportunities for local people which will be beneficial for the local community. The proposal will promote mixed-use properties within the Hermanus CBD. The residential units within the CBD creates an environment where people can live within walking distance of job opportunities. The proposal will be in line with the current built character of the area.





### 3.5 ACCESS & PARKING

Access to the proposed parking facility is via the existing access in High Street.

On the subject property a total of 72 parking bays are established. These parking bays were created to accommodate the Carriages development on the subject erf and the Village Square development on Erf 10695 Hermanus. A total of 37 parking bays are allocated to the Carriages development and a total of 35 parking bays are allocated to the Village Square development.

With the proposal for the two 2-bedroom apartments on the fourth floor of the building situated on Erf 848 Hermanus an additional four parking bays are required as per the Overstrand Municipality Zoning Scheme.

A survey was done to determine the occupation rate of the existing parking bays on the subject property on 5 different days and timeslots. The results are indicated in the table below:

Date	Day	Time	Total Parking Bays	Total Parking bays occupied	Total Parking bays empty	% Parking Bays occupied
15-Jul-19	Monday	12:00	72	32	40	44,4
17-Jul-19	Wednesday	10:00	72	37	35	51,4
18-Jul-19	Thursday	15:00	72	41	31	56,9
24-Jul-19	Wednesday	13:00	72	29	43	40,3
27-Jul-19	Saturday	12:00	72	19	53	26,4
Average				31,6	40,4	44,88

The results of the survey prove that at average less than 50% of the parking bays are occupied and that there are always parking bays available. The fact that the owner can not provide sufficient on-site parking bays for the proposed 2 apartments, ample parking however exists on-site that can be utilised and will not impact negatively on the variety of land uses in the vicinity. The existing parking facility is underutilised and has an average occupancy rate of  $\pm 44.88\%$ . Even during the rush hours of the day (lunch time, especially weekends) the parking occupation rate was also less than 50%.

From the above is it our opinion that the shortage of 4 parking bays will not have any impact on the surrounding properties and can the application for a departure from the parking requirements be supported and that the client can buy out the shortfall of the 4 parking bays.

### **3.6 SERVICES**

Erf 848 Hermanus is already developed, all services exist to which the 2 proposed departments can connect to. Additional services required will be done according to the specifications of the Overstrand Municipality and the impact on the current services network would be minimal.

### **3.7 TITLE DEED**

The Title Deed T37356/2017 has no restrictions that need to be removed in order for this application to be approved.

### **3.10. FORWARD PLANNING**

#### **Overstrand Municipal Wide Spatial Development Framework (2006)**

In terms of the Overstrand Wide Spatial Development Framework the subject property is earmarked for business purposes. The business zoning of the subject property will be retained after the proposed residential units on the fourth floor will be developed on the subject property.

#### **Overstrand Growth Management Strategy (2010)**

With reference to the Overstrand Growth Management Strategy the subject property falls within Planning Unit 13 that consists of the Hermanus CBD. Residential densification is proposed for this planning unit to create a mixed land use area. The departure application is to develop residential units above a commercial used building and is therefore in line with the Overstrand Growth Management Strategy proposals.

With the proposal, the above-mentioned forward planning documentation applicable to the Hermanus CBD, the proposed departures from the height restrictions, permissible number of floors and the departure from the provision of additional parking bays will not have a negative impact on the surrounding properties. Therefore, the proposed departure application falls within the prescribed guidelines for the specific area of Hermanus.

### **3.11. OTHER RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION**

#### **3.11.1. HERITAGE VALUE**

Erf 848 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage.

In light of the above mentioned it is evident that the proposed departure application will not have a negative impact on the heritage value of the subject property or the greater area of the Hermanus CBD area.

#### **3.11.2. IMPACT ON THE BIOPHYSICAL ENVIRONMENT**

The proposed departure application does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

### 3.12. PLANNING PRINCIPLES

The planning principles of spatial justice, spatial sustainability, efficiency and spatial resilience of this application can be described as follows:

Spatial justice: The Principle of spatial justice is not applicable to this application.

Spatial sustainability: The proposed departures and residential units will be accommodated in an established mixed-use area. The proposed application will have no impact on the conservation worthy areas of the Hermanus CBD. Spatially the land use will be in keeping with the mix-use character of the area that consists of similar establishments in the Hermanus CBD such as the development on the adjoining erf, Erf 11057 Hermanus. The proposed addition of the 2 apartments and the total height of the building is in line with the height of existing buildings in the vicinity as mentioned.

Efficiency: The proposed residential units are easily accessible and conveniently located within the Hermanus CBD where similar mix-use developments are established. The last mentioned makes travelling to the subject property and proposed apartments easy and accessible.

Spatial resilience: Not applicable to this application.

Good administration: Our Company is committed to the principle of good administration and will cooperate with the Overstrand Municipality to ensure a time efficient, uncomplicated land use planning process. The land use application will follow due process as stipulated in the relevant municipality's bylaw and related provincial and national land use planning legislation. All measures will be taken to ensure an efficient and streamlined process within the applicable timeframes as stipulated by the Overstrand Municipality's By-law on Municipal Land Use Planning, 2015.

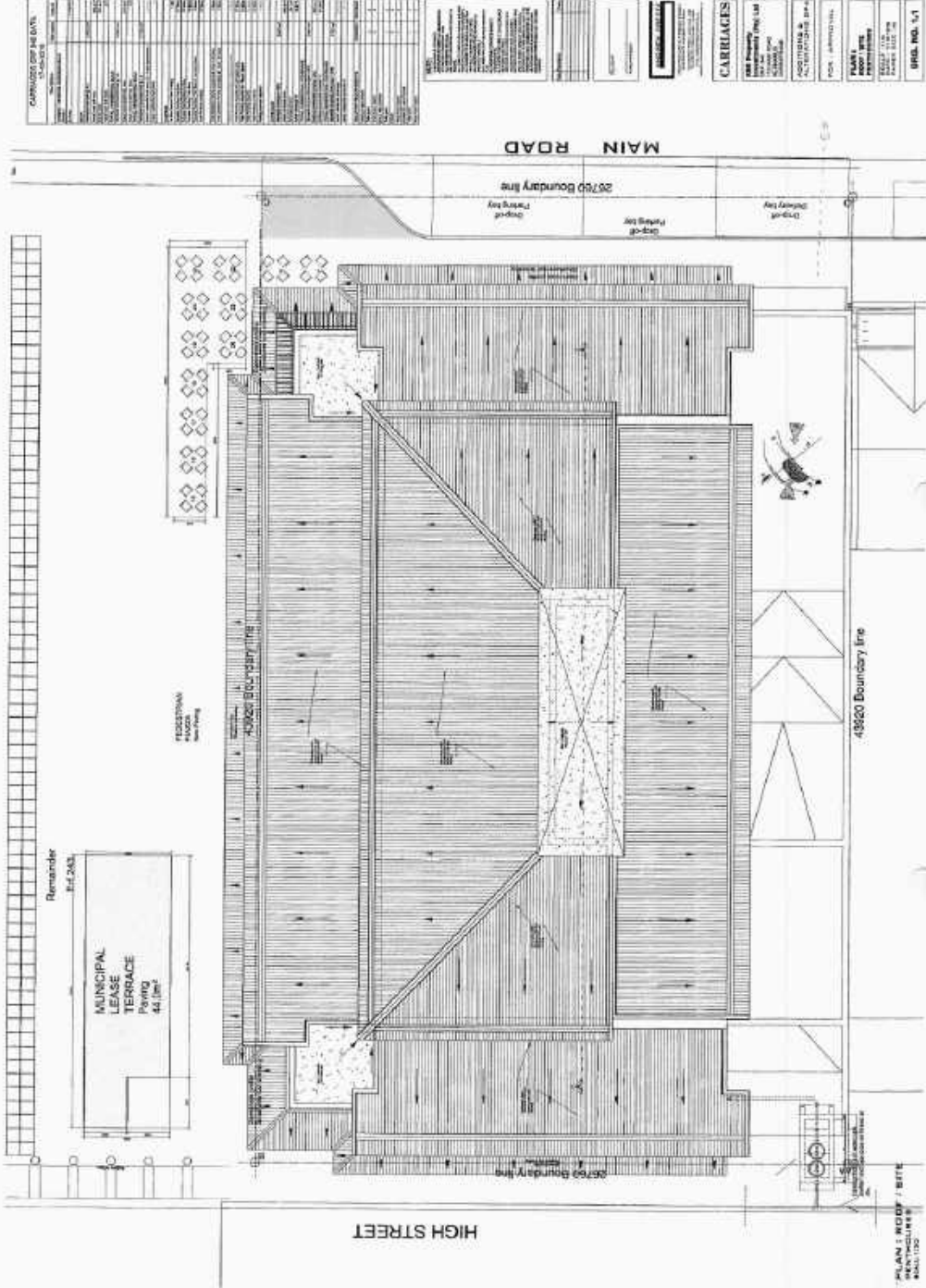
#### 4. **RECOMMENDATION**

When this application is evaluated it is important to take note of the following:

- The proposed departures fall within the existing land use tendencies in the area;
- The impact on services will be minimal;
- The proposed departures will not have a negative impact on the current character and land values of the surrounding erven;
- A survey that was conducted over five different days and timeslots indicated that the existing parking facility has the ability to accommodate the proposed 2 apartments' parking requirements;
- The proposal creates an opportunity for people to live within walking distance of job opportunities and also promotes mixed use developments within the CBD of Hermanus.

With regards to the above mentioned it would be appreciated if the application would be considered favourably for the departures from the permissible height, number of floors and a departure from the provision of 4 additional parking bays to establish 2, two bedroom departments on Erf 848 Hermanus.

ANNEXURE C 1/7



CAPRISSO CITY BE BAY  
15-04-2018

Room No.	Room Name	Area (sqm)	Volume (cu m)
1	RECEPTION	12.5	37.5
2	OFFICE	15.0	45.0
3	CONFERENCE	20.0	60.0
4	STAIR	10.0	30.0
5	TOILET	5.0	15.0
6	RESTROOM	5.0	15.0
7	LOBBY	30.0	90.0
8	STAIR	10.0	30.0
9	TOILET	5.0	15.0
10	RESTROOM	5.0	15.0
11	OFFICE	15.0	45.0
12	CONFERENCE	20.0	60.0
13	STAIR	10.0	30.0
14	TOILET	5.0	15.0
15	RESTROOM	5.0	15.0
16	LOBBY	30.0	90.0
17	STAIR	10.0	30.0
18	TOILET	5.0	15.0
19	RESTROOM	5.0	15.0
20	OFFICE	15.0	45.0
21	CONFERENCE	20.0	60.0
22	STAIR	10.0	30.0
23	TOILET	5.0	15.0
24	RESTROOM	5.0	15.0
25	LOBBY	30.0	90.0
26	STAIR	10.0	30.0
27	TOILET	5.0	15.0
28	RESTROOM	5.0	15.0
29	OFFICE	15.0	45.0
30	CONFERENCE	20.0	60.0
31	STAIR	10.0	30.0
32	TOILET	5.0	15.0
33	RESTROOM	5.0	15.0
34	LOBBY	30.0	90.0
35	STAIR	10.0	30.0
36	TOILET	5.0	15.0
37	RESTROOM	5.0	15.0
38	OFFICE	15.0	45.0
39	CONFERENCE	20.0	60.0
40	STAIR	10.0	30.0
41	TOILET	5.0	15.0
42	RESTROOM	5.0	15.0
43	LOBBY	30.0	90.0
44	STAIR	10.0	30.0
45	TOILET	5.0	15.0
46	RESTROOM	5.0	15.0
47	OFFICE	15.0	45.0
48	CONFERENCE	20.0	60.0
49	STAIR	10.0	30.0
50	TOILET	5.0	15.0
51	RESTROOM	5.0	15.0
52	LOBBY	30.0	90.0
53	STAIR	10.0	30.0
54	TOILET	5.0	15.0
55	RESTROOM	5.0	15.0
56	OFFICE	15.0	45.0
57	CONFERENCE	20.0	60.0
58	STAIR	10.0	30.0
59	TOILET	5.0	15.0
60	RESTROOM	5.0	15.0
61	LOBBY	30.0	90.0
62	STAIR	10.0	30.0
63	TOILET	5.0	15.0
64	RESTROOM	5.0	15.0
65	OFFICE	15.0	45.0
66	CONFERENCE	20.0	60.0
67	STAIR	10.0	30.0
68	TOILET	5.0	15.0
69	RESTROOM	5.0	15.0
70	LOBBY	30.0	90.0
71	STAIR	10.0	30.0
72	TOILET	5.0	15.0
73	RESTROOM	5.0	15.0
74	OFFICE	15.0	45.0
75	CONFERENCE	20.0	60.0
76	STAIR	10.0	30.0
77	TOILET	5.0	15.0
78	RESTROOM	5.0	15.0
79	LOBBY	30.0	90.0
80	STAIR	10.0	30.0
81	TOILET	5.0	15.0
82	RESTROOM	5.0	15.0
83	OFFICE	15.0	45.0
84	CONFERENCE	20.0	60.0
85	STAIR	10.0	30.0
86	TOILET	5.0	15.0
87	RESTROOM	5.0	15.0
88	LOBBY	30.0	90.0
89	STAIR	10.0	30.0
90	TOILET	5.0	15.0
91	RESTROOM	5.0	15.0
92	OFFICE	15.0	45.0
93	CONFERENCE	20.0	60.0
94	STAIR	10.0	30.0
95	TOILET	5.0	15.0
96	RESTROOM	5.0	15.0
97	LOBBY	30.0	90.0
98	STAIR	10.0	30.0
99	TOILET	5.0	15.0
100	RESTROOM	5.0	15.0

REVISIONS

No.	Description	Date
1	ISSUED FOR PERMIT	15-04-2018
2	REVISIONS	15-04-2018
3	REVISIONS	15-04-2018
4	REVISIONS	15-04-2018
5	REVISIONS	15-04-2018
6	REVISIONS	15-04-2018
7	REVISIONS	15-04-2018
8	REVISIONS	15-04-2018
9	REVISIONS	15-04-2018
10	REVISIONS	15-04-2018

PROJECT INFORMATION

Project Name	CapriSSo City Be Bay
Client	CapriSSo City Be Bay
Location	CapriSSo City Be Bay
Site No.	CapriSSo City Be Bay
Scale	CapriSSo City Be Bay
Drawn By	CapriSSo City Be Bay
Checked By	CapriSSo City Be Bay
Approved By	CapriSSo City Be Bay
Date	15-04-2018

CARRIAGES

Carriage No.	1
Carriage No.	2
Carriage No.	3
Carriage No.	4
Carriage No.	5
Carriage No.	6
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Carriage No.	45
Carriage No.	46
Carriage No.	47
Carriage No.	48
Carriage No.	49
Carriage No.	50

PLAN 1 BODY / SITE  
MUNICIPAL LEASE TERRACE

DISPOSABLE TO BE RECYCLED  
0.748 100%

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	CONCRETE	100	YD	
2	BRICK	100	YD	
3	ASPHALT	100	YD	
4	GRAVEL	100	YD	
5	WOOD	100	YD	
6	STEEL	100	YD	
7	GLASS	100	YD	
8	PAPER	100	YD	
9	PLASTIC	100	YD	
10	TEXTILE	100	YD	
11	HAZARDOUS WASTE	100	YD	
12	OTHER	100	YD	

**NOTES:**

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. FINISHES ARE AS SHOWN ON THE DRAWINGS.
3. REFER TO THE SPECIFICATIONS FOR MATERIALS AND METHODS OF CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
7. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE.
9. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
11. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
13. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE.
15. THE CONTRACTOR SHALL MAINTAIN THE SITE AT ALL TIMES.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.
17. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
19. THE CONTRACTOR SHALL MAINTAIN A SAFE WORKING ENVIRONMENT AT ALL TIMES.
20. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL AND DISPOSAL OF ALL DEBRIS AND WASTE.

**CARRIAGES**

ALL PROPERTY  
FOR THE PROJECT SHALL  
BE STORED IN THE  
CARRIAGES  
AT ALL TIMES.

**PERMITS**

ALL PERMITS  
NECESSARY FOR THE  
PROJECT SHALL BE  
OBTAINED BY THE  
CONTRACTOR AT ALL  
TIMES.

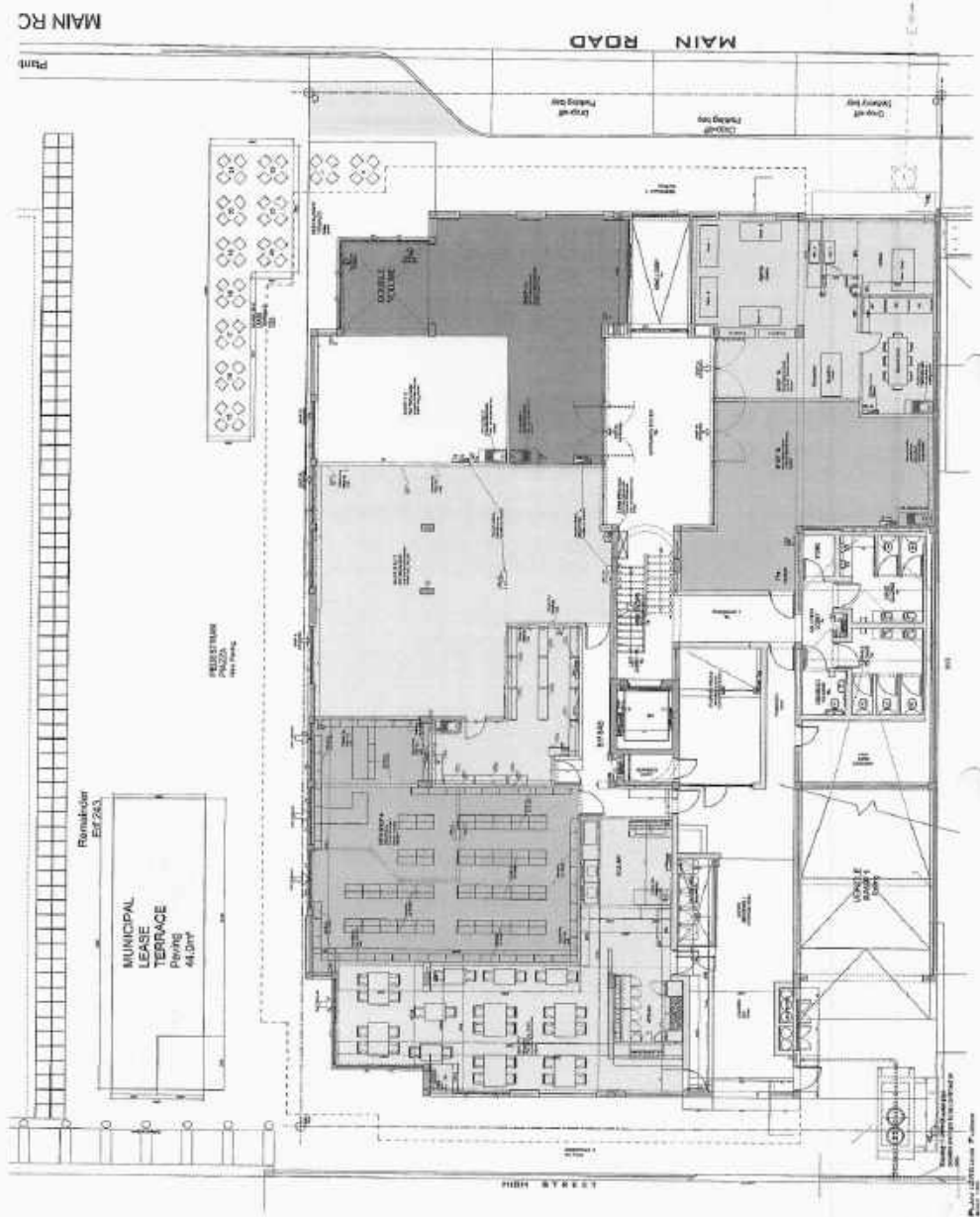
**PLANS**

ALL PLANS  
SHOWN ON THE  
DRAWINGS SHALL BE  
CONSIDERED AS PART  
OF THE CONTRACT.

**GENERAL NOTES**

ALL WORK SHALL BE  
DONE IN ACCORDANCE  
WITH THE SPECIFICATIONS  
AND THE DRAWINGS.

2/7



Scale: 1/8" = 1'-0"

DATE: 10/10/2010

PROJECT: [REDACTED]



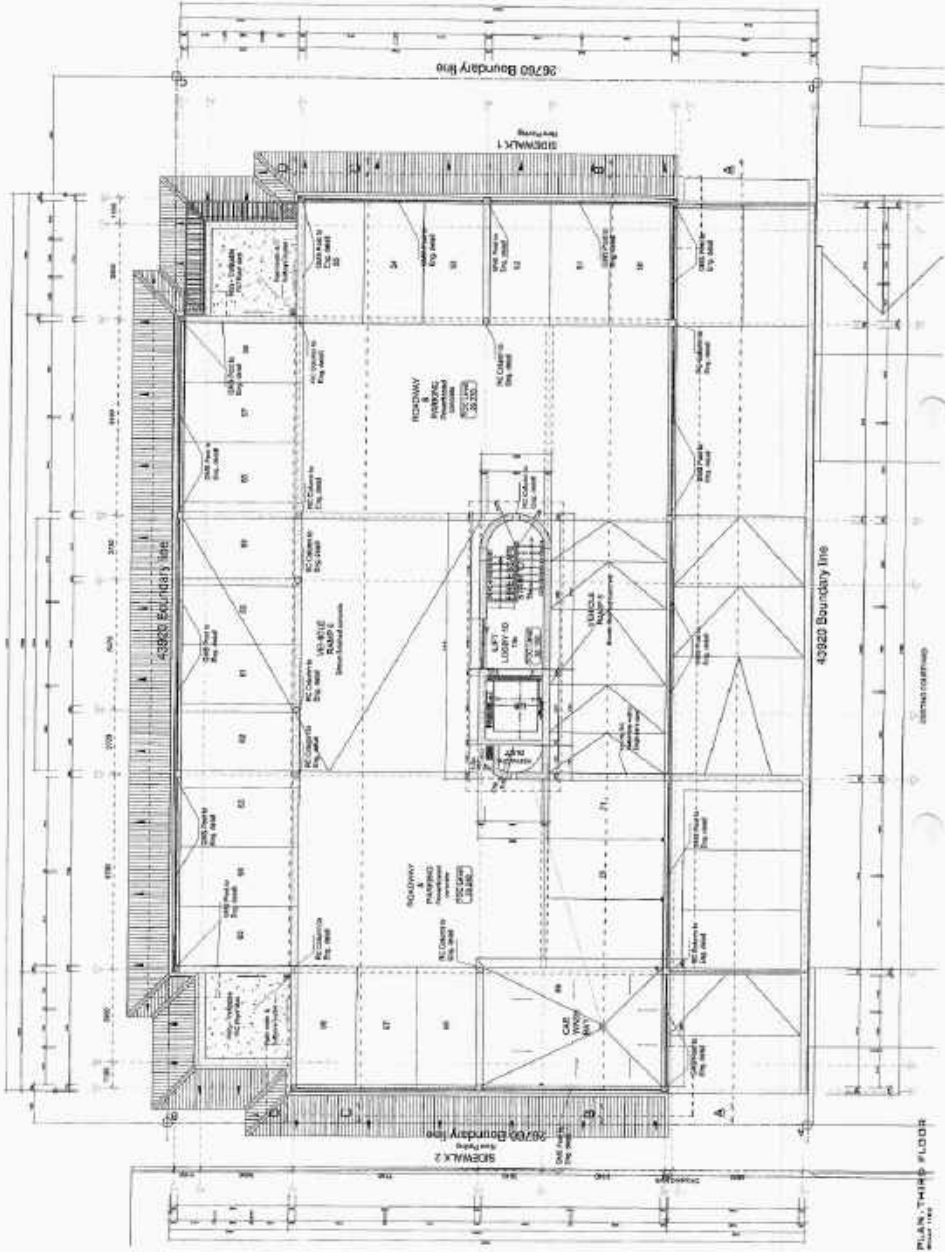




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CARRIAGES	
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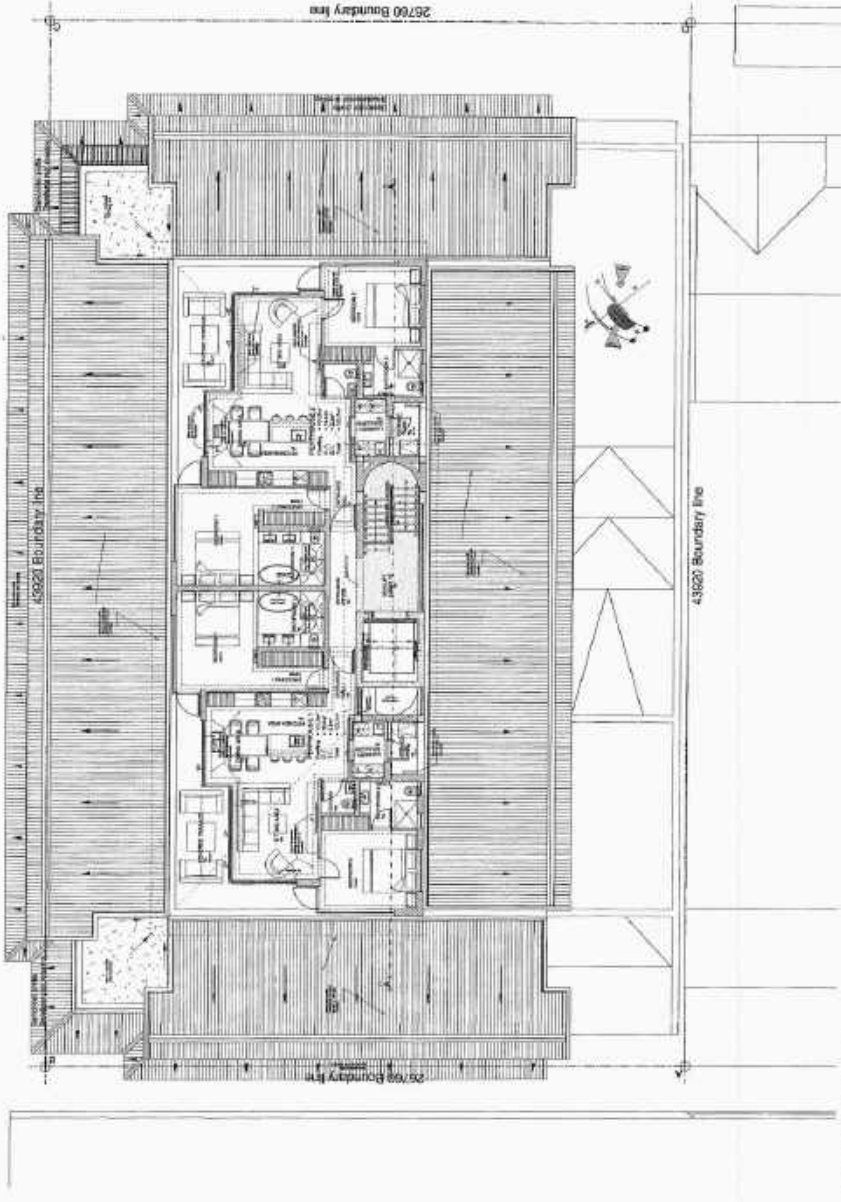
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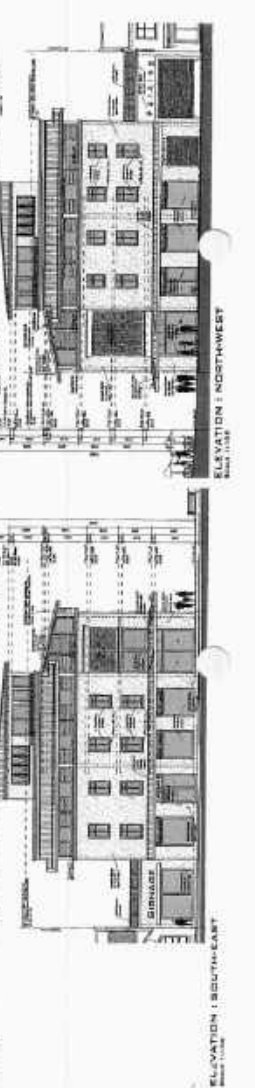
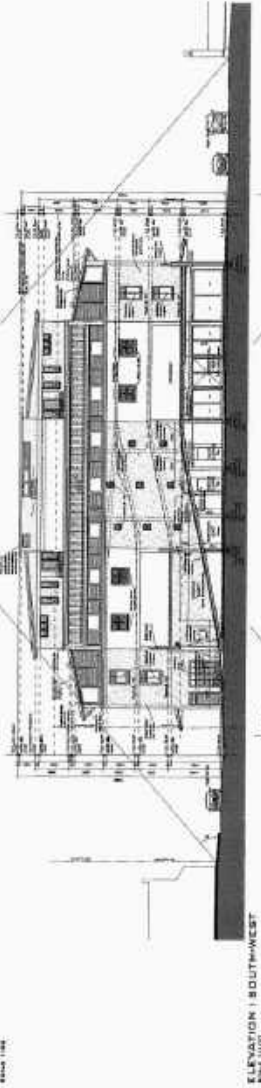
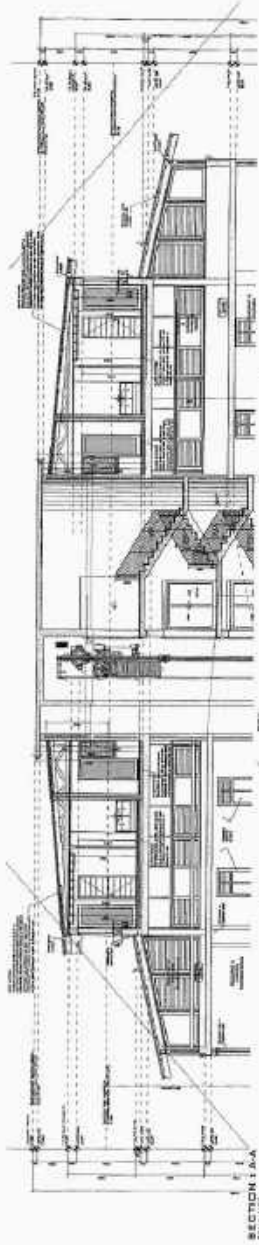
NOTES:  
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE OF THE PHILIPPINES AND ALL APPLICABLE LOCAL ORDINANCES.  
 2. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL BUILDING OFFICIAL.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING OFFICIAL.  
 4. ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED.  
 5. ALL FINISHES SHALL BE AS SPECIFIED IN THE SCHEDULE OF FINISHES.  
 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 7. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 8. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO ANY EXCAVATION WORK.  
 9. ALL WASTE AND DEBRIS SHALL BE REMOVED AND DISPOSED OF PROPERLY.  
 10. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORKING ENVIRONMENT AT ALL TIMES.

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_

**CARRIAGES**  
 6/7  
 ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING CODE OF THE PHILIPPINES AND ALL APPLICABLE LOCAL ORDINANCES.  
 ALL DIMENSIONS SHALL BE IN METERS UNLESS OTHERWISE SPECIFIED.  
 ALL FINISHES SHALL BE AS SPECIFIED IN THE SCHEDULE OF FINISHES.  
 ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.  
 THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO ANY EXCAVATION WORK.  
 ALL WASTE AND DEBRIS SHALL BE REMOVED AND DISPOSED OF PROPERLY.  
 THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORKING ENVIRONMENT AT ALL TIMES.



PLAN - FOURTH FLOOR - MULTISTORY  
 DWG. NO. LF



NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2015 IBC AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND SIDEWALKS.
6. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LANDSCAPE AND TREES.
7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SIGNAGE.
8. THE CONTRACTOR SHALL MAINTAIN THE EXISTING LIGHTING.
9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING PAINT.
10. THE CONTRACTOR SHALL MAINTAIN THE EXISTING ROOFING.
11. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FLOORING.
12. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CEILINGING.
13. THE CONTRACTOR SHALL MAINTAIN THE EXISTING WALLS.
14. THE CONTRACTOR SHALL MAINTAIN THE EXISTING DOORS.
15. THE CONTRACTOR SHALL MAINTAIN THE EXISTING WINDOWS.
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17. THE CONTRACTOR SHALL MAINTAIN THE EXISTING ELEVATORS.
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19. THE CONTRACTOR SHALL MAINTAIN THE EXISTING ELECTRICAL SYSTEMS.
20. THE CONTRACTOR SHALL MAINTAIN THE EXISTING PLUMBING SYSTEMS.
21. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FIRE PROTECTION SYSTEMS.
22. THE CONTRACTOR SHALL MAINTAIN THE EXISTING SECURITY SYSTEMS.
23. THE CONTRACTOR SHALL MAINTAIN THE EXISTING ACCESSIBILITY FEATURES.
24. THE CONTRACTOR SHALL MAINTAIN THE EXISTING HISTORIC FEATURES.
25. THE CONTRACTOR SHALL MAINTAIN THE EXISTING ARCHITECTURAL DETAILS.
26. THE CONTRACTOR SHALL MAINTAIN THE EXISTING MATERIALS.
27. THE CONTRACTOR SHALL MAINTAIN THE EXISTING COLORS.
28. THE CONTRACTOR SHALL MAINTAIN THE EXISTING PATTERNS.
29. THE CONTRACTOR SHALL MAINTAIN THE EXISTING TEXTURES.
30. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FINISHES.

NO.	DATE	DESCRIPTION

**ARCHITECT**  
**PROJECT**  
**DATE**

**CARRIAGES**  
 1000 10th Ave  
 San Francisco, CA 94103  
 (415) 774-1000  
 www.carriges.com

**SECTION 1**  
 ARCHITECTURAL  
 NORTHWEST  
 NORTHWEST  
 NORTHWEST

**FOR APPROVAL**  
 CITY OF SAN FRANCISCO  
 DEPARTMENT OF PUBLIC WORKS  
 300 GOLDEN GATE AVENUE  
 SAN FRANCISCO, CA 94102  
 (415) 558-6000

**DRG. NO. 23**

TP- A. (Hoy)  
(H. Ollie)

ANNEXURE D-1/10



**OBJECTION TO APPLICATION FOR PROPOSED DEPARTURES ON ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS**

1. The scope of this objection includes Erf 848 and Erf 373. These are treated separately in the 2017 Deed of Transfer, and cannot be considered separately in the present context either.
2. We have developed a brief history of the site, which (we believe) was not fully considered when permission was given to erect the Carriages Building in the first place. The site is of significant historical interest. It was surveyed in 1892, and the first owner was Mr Adel Allengensky (later Allen). The Allen family were well-known in Hermanus from the 1880s to the 1980s. Among other things, they modernised the commercial fishubg industry, built the first cinema (The Adelphi) and owned the Windsor Hotel. Records show that in 1920, the site was bought by the very well-known businessman and Mayor of Hermanus for a total of nine years, Mr WH Boucher. He owned a successful general dealers business from the site. Boucher sold the site in 1942, and one of the restrictions of sale prohibited new owners building any structures on the site, without his approval of the plans. It is not clear whether this restriction was ever removed. In 1945, erf 814 and 813 appear to have been consolidated, together with erf 373, into one erf (848), the site under objection.
3. There were restrictions on erf 373 as well, recorded thus: "all roads and thorough over the land...shall remain free and uninterrupted, until closed or altered by the competent authority". It was further agreed that all rights and servitudes relating to the land in question would persist. Documents provided by the Municipality do not reveal whether these conditions were ever altered.
4. Because the two pieces of land are subject to different conditions, they are still treated separately, including in the 2017 Deed of Transfer. In 2012, the property was sold under Deed of Transfer T52002/2012, but it is unclear who sold it to whom as this document is not included in the bundle provided by the Municipality. In 2013, the property was sold again, this time to the Leaf Property Fund Trust (under Deed of Transfer T546/2013). In 2017, the trust, in turn, sold the land, including Erf 848, to Kee Property Investments. The sale took place subject to the special conditions described above. Also, the sale was subject to terms contained in the 2012 Deed. We do not know what those conditions are, as we have not been provided with a copy of the deed.
5. Mr McLachlan, who completed the Town Planning Application Form, indicated on the Form that the property was not subject to any restrictive conditions. This is not a true statement, as there are restrictive conditions attached to the ownership of the land. Also, no Letter of Motivation was attached to the Form, as we received, so we are unaware of the motivation of the applicants is for these departures.
6. Also, there appear to be problems arising from zoning, as the site is zoned business, and the application proposes to build two residential units in a business zone. The Hermanus History Society objects strongly to this departure, which will compound the problem arising from the current building of a residential unit on the Woolworth Building and further reduce the line of sight from the coastline to Hoy's Koppie.
7. We also object to the precipitate action implied by the Town Planning Department in considering this application, when the revitalisation plan for the Central Business District is still under consideration, and, according to meetings we attended, is likely to go in a direction opposite to the departures requested in this application. To entertain an application for any property is unacceptable and is not in accordance with the public participation process, which is itself still ongoing. The Public Space Manual (on which we recently commented) also supports a different approach to historic streets in the 'old town'.

FILE NO:	GF 818
	Hermanus 1
SCAN NO:	62
COLLABORATOR NO:	1366133

TP 1 DEC 2019

8. The Carriages Building already dominates the eastern end of High Street, and the proposed increase in height beyond the maximum permissible height will make this worse. The pedestrianisation of High Street and its primary use by tourists on foot will be negatively affected.
9. We believe the acquisition of additional parking bays not to be approved because it will inevitably increase vehicular traffic and become a problem in the possible pedestrianisation of High Street.
10. Recent inspection reveals that some of the business premises on the ground floor of the Carriages Building are themselves vacant, possibly due to economic conditions. Under these conditions, further extension of the building seems unnecessary.
11. We wish to place on record that a pack of relevant documents had not been prepared when a representative of the Hermanus History Society called at the Town Planning Department. Also, the materials, when hastily copied (while our representative waited), are insufficient to answer all our concerns about this application.

#### **Details supporting the Objection**

**Name of objector:** Dr Robin Lee, on behalf of the Hermanus History Society

**Address:** 32 Fernkloof Village, Fir Avenue, Hermanus 7200

**Postal address:** as home address

**Phone:** 028 312 4072

**Email:** [robinlee@hermanus.co.za](mailto:robinlee@hermanus.co.za)

**Interest in the application:** The Hermanus History Society believes that revitalisation of the CBD, including awareness of its historical importance and its potential to increase the tourist income earned in the area, should be the guideline for all decisions about the CBD. These considerations preclude the granting of applications for departures within the Hermanus CBD.

**Reasons for comment:** this is the second Application for Departure advertised in two sensitive streets in the past six months. The other was in respect of 24 Long Street. Besides, the Western Cape Gambling and Racing Board has advertised for comment on a proposed betting shop at 19 Long Street. It appears that neither the Municipality nor the Gambling Board is paying attention to the ongoing Hermanus Central Business District Revitalisation public participation process, and treating applications as if that process is of no relevance. The Hermanus History Society is gravely concerned at the increasing number of individual applications for departures from original approvals. Objecting to each of these takes time and incurs costs by organisations, individuals and other interested and affected parties that wish to object. This is not in accordance with the spirit in which the Hermanus History Society engaged in the public participation process.

11 December 2019



TP. N. A. the  
Cl. Olivia

FILE NO:	Er 848	3/10
	Hermanus	
SCAN NO:	39	
COLLABORATOR NO:	1366674	

**OBJECTION TO APPLICATION FOR PROPOSED DEPARTURES ON ERF 848, 28 HIGH STREET, NORTHCLIFF, HERMANUS (revised)**

Pleasure note that this is a revised version of a document already submitted. It is submitted because new information because new information reached the objectors. The vised version is submitted before the advertised date.

1. The scope of this objection includes Erf 848 and Erf 373. These are treated separately in the 2017 Deed of Transfer, and cannot be considered separately in the present context either.
2. We have developed a brief history of the site, which (we believe) was not fully considered when permission was given to erect the Carriages Building in the first place. The site is of significant historical interest. It was surveyed in 1892, and the first owner was Mr Adel Allengensky (later Allen). The Allen family were well-known in Hermanus from the 1880s to the 1980s. Among other things, they modernised the commercial fishing industry, built the first cinema (The Adelphi) and owned the Windsor Hotel. Records show that in 1920, the site was bought by the very well-known businessman and Mayor of Hermanus for a total of nine years, Mr WH Boucher. He owned a successful general dealers business on the site. Boucher sold the site in 1942, and one of the restrictions of sale prohibited new owners building any structures on the site, without his approval of the plans. It is not clear whether this restriction was ever removed. In 1945, erwen 814 and 813 appear to have been consolidated, together with erf 373, into one erf (848), the site under objection.
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4. Because the two pieces of land are subject to different conditions, they are still treated separately, including in the 2017 Deed of Transfer. In 2012, the property was sold under Deed of Transfer T52002/2012, but it is unclear who sold it to whom as this document is not included in the bundle provided by the Municipality. In 2013, the property was sold again, this time to the Leaf Property Fund Trust (under Deed of Transfer T546/2013). In 2017, the trust, in turn, sold the land, including Erf 848, to Kee Property Investments. The sale took place subject to the special conditions described above. Also, the sale was subject to terms contained in the 2012 Deed. We do not know what those conditions are, as we have not been provided with a copy of the deed.
5. Mr McLachlan, who completed the Town Planning Application Form, indicated on the Form that the property was not subject to any restrictive conditions. This is not a true statement, as there are restrictive conditions attached to the ownership of the land. Also, no Letter of Motivation by the applicant was attached to the Form, as we received it, so we are unaware of the motivation of the applicants is for these departures.

TP

13 DEC 2019

6. Also, there appear to be problems arising from zoning, as the site is zoned business, and the application proposes to build two residential units in a business zone. The Hermanus History Society objects strongly to this departure, which will compound the problem arising from the current building of a residential unit on the Woolworth Building and further reduce the line of sight from the coastline to Hoy's Koppie.
7. We also object to the precipitate action implied by the Town Planning Department in considering this application, when the Revitalisation Plan for the Central Business District is still under consideration, and, according to meetings we attended, is likely to go in a direction opposite to the departures requested in this application. To entertain an application for any property is unacceptable if it is not in accordance with the public participation process, which is itself still ongoing. The Public Space Manual (on which we recently commented) also supports a different approach to historic streets in the 'old town'.
8. The Carriages Building already dominates the eastern end of High Street, and the proposed increase in height beyond the maximum permissible height will make this worse. The pedestrianisation of High Street and its primary use by tourists on foot will be negatively affected.
9. We believe the acquisition of additional parking bays not to be approved because it will inevitably increase vehicular traffic and become a problem in the possible pedestrianisation of High Street.
10. Recent inspection reveals that some of the business premises on the ground floor of the Carriages Building are themselves vacant, possibly due to economic conditions. Under these conditions, further extension of the building seems unnecessary.
11. We have today been informed that there is a further objection to the present application. Apparently, the entire site lies in the scope of the proposed Hermanus heritage Overlay Zones document. It appears that the Council has (still) not been approved by the Council. Once again, the Department of xxx has been over-hasty in even accepting that an application has any prospect of approval, has decided to process the application, incur costs and put other interested and affected parties to expenditure in objecting. Any costs incurred by the Department in processing the application would be "unnecessary and wasteful expenditure". We reserve our right to bring such an application should the Department proceed any further.
12. We wish to place on record that a pack of relevant documents had **not** been prepared when a representative of the Hermanus History Society called at the Town Planning Department. Also, the materials, when hastily copied (while our representative waited), are insufficient to answer all our concerns about this application.



**Details supporting the Objection**

**Name of objector:** Dr Robin Lee, on behalf of the Hermanus History Society

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**Postal address:** as home address

**Phone:** 028 312 4072

**Email:** [robinlee@hermanus.co.za](mailto:robinlee@hermanus.co.za)

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13 December 2019

6/10  
TP- N. Theart  
(H. Olivier)

Date: 13 December 2019

**The Municipal Manager**  
Overstrand Municipality  
PO Box 20  
Hermanus 7200  
loretta@overstrand.gov.za



Dear Sir

**OBJECTION TO APPLICATION:  
ERF 848, HERMANUS, OVERSTRAND MUNICIPALITY: PROPOSED DEPARTURE TO EXCEED THE PRESCRIBED HEIGHT RESTRICTION PERMISSIBLE, NUMBER OF FLOORS, AND PROVISION OF PARKING BAYS REQUIRED – APPLICABLE TO ERF 848 HERMANUS UNDER THE CURRENT ZONING OF BUSINESS ZONE 1 OF THE OVERSTRAND MUNICIPALITY ZONING SCHEME.**

I wish to object to the above application, on behalf of the Hermanus Ratepayers Association and its members, on the following grounds:

The current application is motivated for departures in order to exceed the permissible height restriction from 14.0m to 17,060m, and the number of floors allowed on a Business Zone 1 zoned property from 4 storeys to 5 storeys.

In our view, it is unconscionable for the Overstrand Municipality to accede to the request of the applicant to bend regulations with the level of elasticity asked for in this application.

Unfortunately, precedents have been set in the past, where regulations were flaunted to allow property owners to exceed all planning parameters pertaining to height restrictions, bulk quotas, building lines and parking requirements - even on new builds.

What is asked for in this particular application amounts to a request for the Overstrand Municipality to grant the owner of the property an additional piece of elevated, near seafront land in the Hermanus CBD – for practically free. This, at the cost of four parking bays and the physical domination of one of the most attractive streetscapes in the historic part of Hermanus - High Street.

We therefore recommend that the Overstrand Municipality rejects the application, as it does not satisfy existing building regulations.

Yours faithfully

**J D Cilliers**  
HRA Exec Member  
38 Canterbury Street, Hermanus 7200  
Cell: 082 900 0517  
E-Mail: jdcilliers@hermanus.co.za

For and on behalf of Hermanus Ratepayers Association

FILE NO:	CF 848
	Hermanus
SCAN NO:	HMS 848
COLLABORATOR NO:	1366921

13 DEC 2019

7/10

**Loretta Gillion - ERF 848 - 28 HIGH STREET (CARRIAGES BUILDING):  
OBJECTION TO APPLICATION**

**From:** Jan Cilliers <jancprop@hermanus.co.za>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 13/12/2019 01:11 PM  
**Subject:** ERF 848 - 28 HIGH STREET (CARRIAGES BUILDING): OBJECTION TO APPLICATION  
**Cc:** Coenie Groenewald <cgroenewald@overstrand.gov.za>, Brian Wridgway <wridg...>  
**Attachments:** HRA OBJECTION ERF 848 HERMANUS (CARRIAGES BLDG).docx

Date: 13 December 2019

**The Municipal Manager**  
 Overstrand Municipality  
 PO Box 20  
 Hermanus 7200  
[loretta@overstrand.gov.za](mailto:loretta@overstrand.gov.za)

Dear Sir

**OBJECTION TO APPLICATION:  
 ERF 848, HERMANUS, OVERSTRAND MUNICIPALITY: PROPOSED DEPARTURE TO EXCEED THE PRESCRIBED HEIGHT RESTRICTION PERMISSIBLE, NUMBER OF FLOORS, AND PROVISION OF PARKING BAYS REQUIRED – APPLICABLE TO ERF 848 HERMANUS UNDER THE CURRENT ZONING OF BUSINESS ZONE 1 OF THE OVERSTRAND MUNICIPALITY ZONING SCHEME.**

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What is asked for in this particular application amounts to a request for the Overstrand Municipality to grant the owner of the property an additional piece of elevated, near seafront land in the Hermanus CBD – for practically free. This, at the cost of four parking bays and the physical domination of one of the most attractive streetscapes in the historic part of Hermanus - High Street.

We therefore recommend that the Overstrand Municipality rejects the application, as it does not satisfy existing building regulations.

Yours faithfully

**J D Cilliers**

**HRA Exco Member**

30 Canterbury Street, Hermanus 7200

Cell: 062 896 0617

E-Mail: [jdcilliers@hermanus.co.za](mailto:jdcilliers@hermanus.co.za)

For and on behalf of Hermanus Ratepayers Association

9/10

TP: A. Ahoort (H. Olivia)

Date: 13 December 2019

The Municipal Manager  
Overstrand Municipality  
PO Box 20  
Hermanus 7200  
loretta@overstrand.gov.za



Dear Sir

**OBJECTION TO APPLICATION:**

**ERF 848, HERMANUS, OVERSTRAND MUNICIPALITY: PROPOSED DEPARTURE TO EXCEED THE PRESCRIBED HEIGHT RESTRICTION PERMISSIBLE, NUMBER OF FLOORS, AND PROVISION OF PARKING BAYS REQUIRED – APPLICABLE TO ERF 848 HERMANUS UNDER THE CURRENT ZONING OF BUSINESS ZONE 1 OF THE OVERSTRAND MUNICIPALITY ZONING SCHEME.**

I wish to object to the above application, on behalf of the Hermanus Ratepayers Association and its members, on the following grounds:

The current application is motivated for departures in order to exceed the permissible height restriction from 14.0m to 17,060m, and the number of floors allowed on a Business Zone 1 zoned property from 4 storeys to 5 storeys.

In our view, it is unconscionable for the Overstrand Municipality to accede to the request of the applicant to bend regulations with the level of elasticity asked for in this application.

Unfortunately, precedents have been set in the past, where regulations were flaunted to allow property owners to exceed all planning parameters pertaining to height restrictions, bulk quotas, building lines and parking requirements - even on new builds.

What is asked for in this particular application amounts to a request for the Overstrand Municipality to grant the owner of the property an additional piece of elevated, near seafront land in the Hermanus CBD – for practically free. This, at the cost of four parking bays and the physical domination of one of the most attractive streetscapes in the historic part of Hermanus - High Street.

We therefore recommend that the Overstrand Municipality rejects the application, as it does not satisfy existing building regulations.

Yours faithfully

**J D Cilliers**  
HRA Exco Member  
33 Canterbury Street, Hermanus 7200  
Cell: 062 686 1617  
E-Mail: jdcill@hermanus.co.za

For and on behalf of Hermanus Ratepayers Association

FILE NO:	OF 848
	Hermanus
SCAN NO:	
COLLABORATOR NO:	

TP

13 DEC 2019

OVERSTRAND MUNICIPALITY  
DEPARTMENT TOWN PLANNING  
P.O. BOX 20, HERMANUS, 7200

10/10

**Loretta Gillion - Application for Departure 848 HNC**

**From:** <vinjac@telkomsa.net>  
**To:** <loretta@overstrand.gov.za>  
**Date:** 24/12/2019 07:35 AM  
**Subject:** Application for Departure 848 HNC



TP. P. Ancoart  
(H. Olivier)

Dear Sir/Madam,

Kindly note that I have just received via registered mail the application for departure on 848 Hermanus Requesting that the 4<sup>th</sup> Floor be allowed.

As the owner of adjoining Erf 813.

I wish to assess the impact of above application on my two apartments situated on the 1<sup>st</sup> Floor of my building.

Specifically the impact on the Eastern boundary side of my building.

What the higher proposed building height will have as far as :

Morning sun

View from the balcony on the Eastern side of the building

As well as any other impediment.

I will be in Hermanus from the 27<sup>th</sup> December.

Once I have had a fair chance to understand and visualize the above impact, I will respond accordingly.

Such response from me by the 10<sup>th</sup> January 2020.

I trust you will find my request to be in order.

Regards,

Vincenzo Romano  
082 884 0000

FILE NO:	Gf 848
	Romano
SCAN NO:	11
COLLABORATOR NO:	1373503

15 JAN 2020



TOWN & REGIONAL PLANNERS  
STADS-EN STREEKSBEPLANNERS

ANNEXURE E 1/11

TP: D. (Heart)  
(H. ud Stoep)



5 Maguila St / Sir  
PO Box / Postbus 256  
HERMANUS  
7200  
Tel: (028) 312 1673  
Fax / Faks: (028) 312 1351  
E-mail:

planactive@hermanus.co.za  
Website: www.planactive.co.za

Our reference: PA19038

Your reference: 848 HNC

27 February 2020

The Municipal Manager  
Overstrand Municipality  
PO BOX 20  
Hermanus  
7200

FILE NO:	OF 848 v
	Hermanus, HNC
SCAN NO:	HNC 848
COLLABORATOR NO:	1388044

FOR ATTENTION: MRS H. VAN DER STOEP  
Sir

**ERF 848 HERMANUS: PROPOSED DEPARTURES**

- **KEE PROPERTY INVESTMENTS (PTY) LTD**

Reference is made to our application dated 19 August 2019 as well as your letter dated 05 February 2020. The objections received from Hermanus History Society (Dr R Lee), Hermanus Ratepayers Association (JD Cilliers), V Romano (received late) and the Heritage and Aesthetics Committee refer and can be summarized as follow:

- **Mr Vincenzo Romano has submitted an objection after the public participation process had concluded. The objector raised concerns about the impact of the proposed residential unit on top of the existing building on the morning sun and the views from his property, Erf 813 Hermanus.**

The objector could not identify for certain that the proposal will have a direct impact on Erf 813 Hermanus.

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Vat. No. 4776250340

John Mc Lachlan: Ndiq (Town Planning) Tech Wetsluiting, MS&PI Nr. 10908, SACPLAN Tch. Plo B/8250/2014  
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)  
Meriel Loran: B. Art et Scien Cum Laude (Town Planning) UNW, SACPLAN Pl. Pla A/158/2009




It is clear that the additional residential units on top of the existing building on Erf 848 Hermanus will not have any additional impact on the views and the morning sun on Erf 813 Hermanus. The mentioned balcony is located on the eastern side of Erf 813 (as seen below). The proposal will have no impact on the amount of sun that is received by the balcony given the distance ( $\pm 20\text{m}$ ) of the proposed additions from the mentioned balcony. The proposal will not have any additional impact on the views towards the ocean nor the mountain, of Erf 813 Hermanus, as the current building on Erf 848 Hermanus is already much higher than the building situated on Erf 813 Hermanus.



- J.D. Cilliers has objected to the proposed application on behalf of the Hermanus Ratepayers Association. The objector states that it is unconscionable of the Overstrand Municipality to accede to the request for the proposed departure application. The objector also states that precedents have been set in the past to depart from development regulations in terms of the height restrictions, bulk quotas, building lines and parking requirements. The objector states that the intention of the proposal is to acquire additional elevated, near seafront land in Hermanus for practically free at the costs of four parking bays and the physical domination of one of the most attractive streetscapes in the historic part of Hermanus-High Street.

Our application documentation was deemed as being complete by the Overstrand Municipality and therefore the application was processed. With reference to the existing character and the developed surrounding properties it is clear that the proposal falls in line with the characteristics of the area. It is our opinion that this application will not create a precedent due to the existence of numerous already developed high rise building within the CBD of Hermanus. The proposed addition to the building will not create a building taller than existing buildings already established in the CBD.



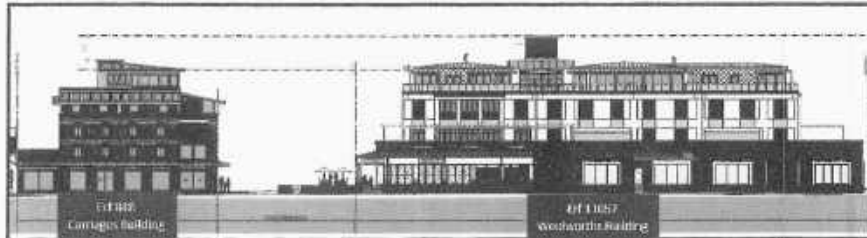
Similar buildings in the area		
ERF 10327	3 STOREYS	
ERF 6845	4 STOREYS	
ERF 7017	4 STOREYS	

The proposed residential units will not have a negative impact on the existing Streetscape of High Street. Precedents have already been created (as seen below) and as previously motivated. The proposed addition to the building will not stand out as the neighbouring buildings will have approximately the same height.



As described in the motivational report it is clear that the proposed penthouses on Erf 848 Hermanus will be considerably lower than the Woolworths development on Erf 11057 Hermanus.

Please refer to the drawing from Andrew Greeff Architects below of the street scape as perceived from Main Road.



Although the development on Erf 11057 Hermanus only consists of four storeys it gives an indication of the lower floor to ceiling heights of the storeys used as a parking garage of the existing building on Erf 848 Hermanus relative to the building situated on Erf 11057 Hermanus. Subsequently with the proposed penthouses on top of the building, the structure will consist of more storeys than what is established within the Woolworths building, but the total height of the Carriages building situated on Erf 848 Hermanus will be significantly lower.

The total height of the completed building situated on the Erf 11057 Hermanus is  $\pm 19.457\text{m}$ , it includes the lantern vs the height of the building situated on Erf 848 Hermanus that is currently  $12.710\text{m}$ . With the inclusion of the 2 proposed apartments that will qualify as a 4<sup>th</sup> floor (5<sup>th</sup> Storey) the total height will be  $\pm 17.060\text{m}$ . The total height of the building will therefore be  $\pm 2.397\text{m}$  lower than the highest point of the building situated on Erf 11057 Hermanus (Woolworths Building).

It is also clear that precedents have been set in the past to depart from development regulations in terms of the height restrictions, bulk quotas, building lines and parking requirements. Thus, we believe that the proposal is in line with the character of the area.

As per our motivational report we also believe that the shortage of parking bays proposed will not have any impact on the surrounding properties or traffic flow in the area. The number of parking bays will suffice for the proposed development as a survey was done over different days and different timeslots proving that the existing parking bays situated in the building are not fully utilised and that the parking bays have an occupancy rate of less than 50%. Below are the findings of our survey:

A survey was done to determine the occupation rate of the existing parking bays on the subject property on 5 different days and timeslots.

The results are indicated in the table below:

Date	Day	Time	Total Parking Bays	Total Parking bays occupied	Total Parking bays empty	% Parking Bays occupied
15-Jul-19	Monday	12:00	72	32	40	44,4
17-Jul-19	Wednesday	10:00	72	37	35	51,4
18-Jul-19	Thursday	15:00	72	41	31	56,9
24-Jul-19	Wednesday	13:00	72	29	43	40,3
27-Jul-19	Saturday	12:00	72	19	53	26,4
Average				31,6	40,4	44,8%

- Dr Robin Lee objected to the proposed departure application on behalf of the Hermanus History Society. A revised objection letter from Dr Robin Lee has also been submitted as it stated that the first objection letter should be deleted/destroyed. The relevant objection letter contains history of the subject property that is not applicable to the proposed application. This history includes information about the previous property owners, restrictions and Title Deeds which is not applicable to the subject property or the proposed application at hand.

The objector stated that the application form indicated that no restrictions exist with reference to the proposed application and that is not true. It is also stated that no motivational report was attached to the application and the objector was unaware of the motivation of the application and that it was for proposed departures.

Title Deed No. 37386/2017 was duly scrutinised, and it contains no restrictions that need to be removed in order for this application to be approved. The proposed application documentation was evaluated by the Town Planner at the Overstrand Municipality and the application was deemed as complete.

The advertising process was controlled by the Overstrand Municipality and neither the applicant nor the owner of the subject property can be held responsible for possible incomplete documents being circulated to the affected neighbours/ interested persons. The objector complains that the document that was sent was incomplete, but the notice received by the complainant clearly stated that the full application can be viewed at the Overstrand Municipality's Town Planning Department.

The statement as per the municipal notice referred to read as follows:

**"Full details regarding the proposal are available for inspection during weekdays between 08:00 and 16:30 at the Department: Town Planning, Paterson Street, Hermanus".**

Although the objector complains that the document received was incomplete, he was granted the opportunity to view the full detail of the proposed application at the Overstrand Municipality.

- **The objector states that there appears to be problems with the zoning of the subject property as it is zoned Business Zone 1, and the proposed application constitutes two residential units.**

According to the Overstrand Municipality Zoning Scheme Regulations, under Business Zone 1, it is the owners primary right to develop flats (above ground floor) of Erf 848 Hermanus. The owner is therefore within his land use rights to develop residential units above ground floor of the existing building on the subject property. Please refer to the abstract below from the Overstrand Municipality Zoning Scheme Regulations:

#### CHAPTER 7: BUSINESS ZONES

##### **7.1 BUSINESS ZONE 1 & 2: GENERAL BUSINESS (B1 and B2)**

###### Use of the property

7.1.1 The following use restrictions apply to property in this zone:

- (a) Primary uses are: business premises, conference facility, flats (above ground floor), guest house, hotel, place of assembly, place of instruction, rooftop base station;

- **The Hermanus History society objects to the proposed departures which will compound the problem arising from the current residential units on the Woolworths building and reduce the line of sight further from the coastline to Hoy's Koppie.**

With the submission of the building plans for the constructions of the existing buildings established on erven 848 (Carriages Building) and 11057 Hermanus (Woolworths Building), the sightlines and visual corridors from the coastline to Hoy's Koppie were discussed with Heritage Western Cape and with the local Heritage Committee and addressed by Andrew Greeff Architects. It was agreed at the time that the area shaded in red on the aerial photograph below between the Carriages Building and the Woolworths building would serve this purpose to create a view corridor from the coastline to Hoyo's Koppie.



The proposed residential units to be situated on top of the existing Carriages Building on Erf 848 Hermanus will not have any impact on the approved view corridor from the coastline towards Hoy's Koppie. The proposal is not to expand the footprint of the building and therefore the sight lines to Hoy's Koppie will remain the same and will not be negative impacted on.

- The objector REFERS to the precipitate action implied by the Town Planning Department in considering this application when the Revitalisation Plan for the Central Business District (2016) is still under consideration and the proposal proposes the opposite of the departures requested. The Public Space Manual also proposes a different approach to historic streets in the old town.

The Revitalisation Plan for the Central Business District and The Public Space Manual are both mechanisms and proposals that are planned for the future. These mechanisms however place much emphasis on the open spaces and pedestrian friendly environments.

The *Public Space Manual* contains the following components:

- *Public Space Considerations and Objectives;*
- *Understanding Public Space in Hermanus CBD;*
- *Material Palette;*

- *Desired Streetscapes; and*
- *Maintenance considerations and implementation strategy.*

The proposed residential units on top of the existing building on Erf 848 Hermanus will not have any impact on the pedestrian friendly environments or open spaces (street scape, street furniture, etc) as the proposal is to develop vertically and not expand the existing footprint of the existing building.

- **It is stated by the objector that the Carriages building on the subject property already dominates the eastern end of High Street and the proposal will make it worse. The proposal will also have a negative impact on the street and its primary use by tourists on foot.**

As seen in the pictures below the sidewalks within the road reserves around the Carriages building on Erf 848 Hermanus are already paved and pedestrian friendly. The proposal will not have any impact on these walkways as the owner of the subject property does not intend to expand the footprint of the current building. The proposal is still in line with the Hermanus CBD Regeneration Framework Final Report 2016 for the proposal of a more pedestrian friendly High Street. The proposal to develop pergola/canopies as shelter along High Street is still possible and the expansion on Erf 848 Hermanus will not have any impact on the proposals as set out by the ***Hermanus CBD Regeneration Framework Final Report 2016.***



- **It is also believed that the acquisition of additional parking bays not to be approved as it will increase vehicular traffic and become a problem to pedestrianisation in the Street.**

As discussed above the impact of the shortage of 4 parking bays will be minimal on the traffic in the area. It is also clear that the existing parking bays were never fully occupied during our survey. Thus, is it our opinion that the proposal will not have any impact on the traffic in the area. The proposal creates an opportunity that will encourage people to make less use of motor vehicles and enhance a better town for pedestrians.

- **Inspections revealed that some of the business premises on the ground-floor of the Carriages building are vacant and further extension of the building seem unnecessary.**

With the Business Zone 1 zoning residential units are not allowed on the ground floor. It is clear that the economy in the CBD of Hermanus has decreased lately and property owners have to diversify their properties and make use of other alternatives in order to make their properties in the CBD viable. It is important to create a mechanism that will boost the economy of Hermanus especially the CBD. The versatility of buildings in the CBD will allow interaction between people and their needs and would create the incentive for the economy to grow. It is our opinion that the proposed mixed-use building will be beneficial to the CBD of Hermanus.

- **According to the objector the subject property falls under the Hermanus Heritage Overlay Zone. The objector feel that council was hasty in accepting an application that has any prospect of being approved and has decided to process it. The Hermanus history society reserves the right bring a costs application should the Department proceed further.**

As discussed in our motivational report, Erf 848 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The property is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

The subject property is not associated with any important persons or groups or important events and activities. The subject property has no association with the history of slavery and is not used for living heritage. In light of the above mentioned it is evident that the proposed departure application will not have a negative impact on the heritage value of the subject property or the greater area of

the Hermanus CBD area. The original structure on the site was demolished and a new building was erected.

- **Comment from the Heritage and Aesthetics Committee (The departure from the height restriction will set a precedent for other buildings in Hermanus.)**

The area where the subject property Erf 848 Hermanus is situated is known for high rise buildings. The proposed departure from the height restriction to erect residential units on top of the existing building on Erf 848 Hermanus will be in line with the characteristics for the subject precinct. The proposal will not stand out in any way as a precedent has already been created in this area namely the Woolworths building. As seen in the pictures below, it is clear that the area is characterised by high rise buildings.



#### Conclusion

The proposal will not have any impact on the streetscape and the pedestrian friendly environment. The environment around the subject property is known to be pedestrian friendly with the paved walkways etc and the proposal will not have any impact as the owner does not intend to expand the footprint of the existing building on the subject property. The proposed residential units on top of the existing building on Erf 848 Hermanus will not create the building to stand out amongst the existing buildings in the area as there are a few tall buildings situated in the area already.



11/11

The proposal will also help to attract additional residents to the CBD of Hermanus which will help with the struggling local economy.

We trust that you will find our comments on the objections received in order and that the application will be dealt with favourably.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Darren Adams', written over a horizontal line.

Darren Adams

## ANNEXURE F

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:  
APPLICATION FOR DEPARTMENTURE: ERF 848, HERMANUS (3296/2019)**

Stormwater (SW) : In Order  
Electricity : In Order  
Water : In Order  
Sewer : In Order  
Roads and traffic : In Order

**Conditions:**

1. that only the existing water and sewerage connections will be available to the development, should larger capacity in any of these services be required, the upgrading will be at the owner'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 owner's cost;
3. that the existing notified electricity demand of 138 kVA or 200 Amps for Erf 848, Hermanus shall not be exceeded.
4. that the developer investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*;
5. that, should any upgrading and/or development of the relevant sidewalks adjacent to the property be required as part of the development, application for such development be made to the office of the Area Manager: Hermanus for written approval;
6. that any additional and / or extended vehicle entrances will be for the owner's account;
7. that stormwater be allowed to discharge through Erf 848, Hermanus, unobstructed;
8. that the developer provides alternative parking supply as specified in section 17.1.2 of the Overstrand Municipal Zoning Scheme Regulations.
9. that no on-street parking be allowed

*D.P. Hendriks*  
DENNIS HENDRIKS  
SENIOR MANAGER: ENGINEERING SERVICES

*19/11/2019*  
DATE