

4.2**ERF 335, 31 ROCKLANDS ROAD, WESTCLIFF, HERMANUS, OVERSTRAND MUNICIPAL AREA: APPLICATION FOR CONSENT USE: MESSRS PLAN ACTIVE TOWN & REGIONAL PLANNERS ON BEHALF OF MI EDWARDS**

335 HWC (3161)
H van der Stoep
10 February 2020

(028) 313 8900

Hermanus Administration

1. EXECUTIVE SUMMARY

An application for consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 has been received on 30 May 2019 from Messrs PlanActive Town & Regional Planners on behalf of MI Edwards in order to conduct a guesthouse with five (5) guestrooms from the primary dwelling on Erf 335, Hermanus.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 335, Hermanus is zoned for Residential Zone 1: Single Residential purposes and measures 1491m² in extent. The purpose of the application is to conduct a five (5) bedroom guesthouse from the property.

4. SUMMARY OF APPLICANT'S MOTIVATION

Only the main points of motivation are summarised as follows (the detailed report is attached as Annexure B):

- ❖ An application was approved on 20 August 2008 to utilise the second dwelling unit on the property as a self-catering unit. It will now be utilised as accommodation for the manager of the guesthouse and not for self-catering purposes.
- ❖ The predominant uses in the area are Residential Zone 1 and consent uses for guesthouses.
- ❖ The Title Deed of the property contains no restrictive conditions to accommodate the proposed guesthouse.
- ❖ The ground floor of the dwelling will consist of an entrance lobby, sitting room/lounge, dining room, kitchen, office, laundry, gym, bathroom, one (1) guestroom with en-suite, owner's bedroom with en-suite, a single and a double garage, a covered dining terrace and a swimming pool. The first storey will consist of four (4) guestrooms with en-suites.
- ❖ The existing access from Rocklands Road will be used to gain access to the single and the double garage that will be for the exclusive use of the owner and the manager. Access for the guest parking will be gained from Westcliff Street

via a new access gate. Ample space for vehicles to manoeuvre on the property exists as well as to exit the property in a forward driving position.

- ❖ All services already exist and there would be a minimal impact on services.
- ❖ The property is situated in a popular tourist area for guests visiting and staying over in Hermanus.
- ❖ The guesthouse will be compatible with the existing surrounding residential land use and built form and will be visually pleasing.
- ❖ The guesthouse is compatible with the SDF.
- ❖ The dwelling is not earmarked for heritage conservation purposes.
- ❖ The proposal does not trigger any listed activities in terms of NEMA.
- ❖ The proposal is in line with planning policies and principles.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	31 October 2019	6 December 2019
Ward councillor	Yes	31 October 2019	6 December 2019
Total comments	ONE (1)		
Total letters of support	NONE		
Was public participation undertaken in accordance with Section 46 - 50 of the By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly?			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA?			Yes

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

Name	Date received	Summary of comments
Building Department	31/10/2019	No objection. Building plans to comply with all applicable law.
Local Heritage	6/11/2019	Supported.
Fire Department	7/11/2019	No objection provided that the structures comply with the National Fire Protection Regulations SANS T : 2011 and the Community Fire Safety By-Law.
Environmental Services	7/11/2019	No objection to application.
Engineering Services	14/11/2019	Attached as Annexure F.

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

WR & A Mapham, Erf 5356, 46 Westcliff Road

Commenters are concerned that insufficient provision has been made for the increase of sewage that the guesthouse will produce over that of a private residence – commenters need assurance that these tanks are sufficient for the increased volume of sewage.

Response from Applicant

The guesthouse will be accommodated within the existing dwelling and there will be no impact on existing services. Should any additional service capacity be required it will be according to the specifications of the Municipality's Engineering Department. The Building Department was approached and a building inspector and an official from the Engineering Department will conduct a site-visit to confirm that the specifications of the septic tank is up to standard to accommodate the guesthouse and should it be necessary to upgrade the septic tank, the owner intends to co-operate.

Response from Town Planner

In its comment on the application the Engineering Department laid down a condition that the landowner investigate and determine the limitations of the site in terms of sewer drainage. The latter will ensure if sufficient capacity exists for the guesthouse or whether the sewer system needs to be upgraded.

The plans provided do not show any provision for the expected increase in sewage volume by way of conservancy tanks or water borne sewage.

Response from Applicant

As mentioned the Building Department confirmed that the necessary inspections will be conducted to ensure that the existing septic system will be sufficient to accommodate the guesthouse.

Response from Town Planner

As mentioned above the Engineering Department laid down a condition that the landowner investigate and determine the limitations of the site in terms of sewer drainage. The latter will ensure if sufficient capacity exists for the guesthouse or whether the sewer system needs to be upgraded.

Sewage overflows would be a health hazard in the Galpin Pool swimming area immediately below Erf 335.

Response from Applicant

The owner acknowledges that sewage overflow has a health hazard, but more to the owner himself. The owner intends to comply with the specifications for the provision of a septic system and will ensure that the necessary maintenance is done to keep the system in good condition.

Response from Town Planner

Same response as on the above points of comment. The commenters insinuate that problems with the sewer system will affect the swimming area without any substantial evidence. Environmental Services of the Municipality unconditionally supports the application and no further comment is offered on this point.

There is a problem with noise pollution when the tanker pumps out sewage at other guesthouses in Westcliff Road and this happens twice per day.

Response from Applicant

The owner cannot be held accountable for noise caused by other property owners in the vicinity. There is no water borne systems in the area which means that many other properties in the area make use of the septic tank system (not only guesthouses) and also makes use of the septic tanker services.

Response from Town Planner

The applicant's response on this point is agreed with. The commenters should take its concern up with the Operational Department of the Municipality. It is the opinion that the point raised is unrelated to the application. The commenters should rather have focused on the desirability and essence of the application.

In order to protect the environment, it would be sensible to restrict the number of guesthouses until the infrastructure are in place.

Response from Applicant

It would be unfair towards the owner to restrict new guesthouses in the area. The application was circulated to numerous property owners in the area and the only objection was received from the owner of Erf 5356 that is not situated adjacent to Erf 335. The septic tank is sufficient to accommodate the existing structures on the property and no changes are proposed to these structures.

Response from Planner

Environmental Services of the Municipality indicated that it has no objection to the application. In terms of the forward planning documents the tourism industry for Overstrand must be promoted and numerous accommodation establishments have thus been approved in the area already. Further, each application is dealt with on its individual merit. Should infrastructure capacity in the area be problematic, the Engineering Department would have indicated it as such in its comment. As already mentioned the Engineering Department laid down a condition that the landowner investigate and determine the limitations of the site in terms of sewer drainage. The latter will ensure if sufficient capacity exists for the guesthouse or whether the sewer system needs to be upgraded.

As a general note it should be mentioned that the commenters' residence is not situated adjacent to the subject property but two properties away to the east. It seems that the commenters are more concerned about possible sewerage issues in the area than the proposed guesthouse itself. The core of its comment does not address the desirability of the guesthouse from a town planning perspective. Operational issues are not a function of the Town Planning Department.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

As 7. above.

9. MUNICIPAL ASSESSMENT OF COMMENTS

As 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

The application will not perpetuate spatial injustices.

Spatial sustainability

The application is located within the urban edge and thus will not lead to urban sprawl. No natural habitat is impacted upon and it will have no negative influence on the environment.

Efficiency

The application will optimize the use of property in terms of municipal services and infrastructure.

Spatial resilience

The accommodation establishment will ensure that the existing resource (land) is used to its maximum in an affordable manner and in line with the Overstrand Municipality's forward planning documents.

Good administration

The application follows the required planning procedures and a good public participation process has been followed.

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

Consistent with the Zoning Scheme and the Spatial Development Framework.

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

N/A

10.6 Impact on Municipal engineering services

The existing services are available and have been viewed positively by the Engineering Department.

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

N/A

10.8 Existing and proposed zoning comparisons and considerations

The application is in line with the Overstrand Spatial documents.

10.9 Additional Planning Motivation For Removal of Restrictive Condition

N/A

11. THE DESIRABILITY OF THE PROPOSAL

The guesthouse will have a low impact on the rights of surrounding property owners and the surrounding built environment or the character of the area as the guesthouse will be conducted from an existing functional dwelling unit. Further, only one (1) comment was received from landowners that are situated two properties away to the east of the subject property. The points of comment does not relate to the essence of the application being the rights to conduct a five (5) bedroom guesthouse from the property, but to the sewage system on the property that might be problematic. The latter has already been addressed in response to the points of comment (paragraph 7. above).

Land uses in the broader area of the subject properties vary from single residential dwellings to various tourist related uses such as guesthouses. It is therefore apparent that the subject property is situated in an area where rights have already been obtained to establish guesthouses/accommodation establishments. Further, each application is addressed on its merit and the forward planning documentation of the Municipality must also be taken into consideration when evaluating the application since such documentation promotes the tourism industry in the Overstrand.

Approval for consent use was obtained during 2008 to utilise the second dwelling unit on the property as a self-catering unit for tourists. The applicant however indicated that it will be utilised as accommodation for the manager of the guesthouse and not as a self-catering unit anymore. Although the right cannot be rescinded a condition should be imposed that it may not be utilised as a self-catering unit for as long as the guesthouse is in operation since it will be in contradiction with the approved policy on accommodation establishments that allows a maximum of five (5) guestrooms per residential property.

Ample and practical parking for the guesthouse can be provided on the property. The property is bordered by Rocklands Road to the north and Westcliff Road to the

south. It is proposed that guests gain access to the property from Westcliff Road and the owner from Rocklands Road. In this regard Engineering Services laid down a condition that the owner obtains written approval from the Area Manager: Hermanus to develop and construct the additional access point from Westcliff Road.

There are no restrictive clauses in the Title Deed of the property that restricts the utilisation of the property to single residential purposes only.

All applicable development parameters as set out in the Zoning Scheme will be maintained.

In view of the above, it is the opinion that the application under consideration for the consent use holds sufficient merit not to be deemed undesirable from a town planning perspective.

12. RECOMMENDATION

1. that the comments be noted;
2. that the application in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Land Use Planning, 2015 (By-Law) for consent use in order to utilise the existing primary dwelling on Erf 335, Hermanus as a five (5) bedroom guesthouse, **be approved** in terms of the provisions of Section 61 of the By-Law, subject to the following conditions:
 - (a) that a maximum of five (5) bedrooms be let to guests/tourists from the existing primary dwelling unit;
 - (b) that the existing second dwelling unit may not be utilised as a self-catering unit for as long as the guesthouse is in operation – it is to be utilised by the manager of the guesthouse;
 - (c) that the owner obtains written approval from the Area Manager: Hermanus to develop and construct the additional access point from Westcliff Road;
 - (d) that the landowner investigate and determine the limitations of the site in terms of sewer drainage;
 - (e) that building plans be submitted to the Building Department for approval and that all conditions of the Building- and the Fire Department be complied with at that stage;
 - (f) that the owner/manager resides permanently on the premises, and be responsible for the proper management of the guest house;
 - (g) that the guesthouse is utilized as such – no self-catering will be permitted;
 - (h) that no kitchen facilities and/or prep bowls be allowed in the guestrooms;

- (i) that no facilities (bar/restaurant or any other) be provided for non-residents of the accommodation establishment and that these facilities only be used by bona-fide guests of the establishment;
 - (j) that the selling or serving of liquor on the property will be subject to the owner obtaining the necessary Liquor Licence;
 - (k) that a minimum of one (1) permanently demarcated parking bay per guestroom, two (2) for the owner/manager and one (1) for the second dwelling unit be provided within the erf boundaries;
 - (l) that the applicable rates and service tariffs, as determined by the annual budget is applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (m) that the accommodation facility complies with Health and Safety Legislation and that this approval will be subject to regular inspections by the Fire Control Co-ordinator and the Health Inspector;
 - (n) that only a single non-illuminated sign that complies with the Municipal By-Law on Signage, may be displayed on the premises;
 - (o) that the guesthouse be conducted in such a manner that it is not found to be detrimental to the peacefulness and amenity of the surrounding area;
 - (p) that a Certificate of Acceptability from the Health Department of the Overberg District Council and Fire Prevention Certificate be obtained from the Municipal Fire Department;
 - (q) that the conditions of Engineering Services (attached as Annexure F), be complied with;
 - (r) that this approval does not absolve the landowner from compliance with any other relevant legislation, and
 - (s) that all other applicable development parameters as prescribed in the relevant Zoning Scheme be complied with.
3. that the applicant and the commenter be notified of its respective appeal rights in terms of Section 78 of the Overstrand Municipality By-Law on Land Use Planning, 2015 with regard to the above conditional approval.

13. REASONS FOR RECOMMENDATION

- ❖ The application has followed due procedure.
- ❖ The points of comment by the commenters do not relate to the essence of the application being the rights to conduct a five (5) bedroom guesthouse from the property, but to the sewage system on the property that might be problematic.
- ❖ No internal objections were received.
- ❖ Ample and practical parking for the guesthouse can be provided on the property.

- ❖ It is in line with policy documents.
- ❖ The accommodation establishment will be beneficial for optimization of the erf.
- ❖ It will promote the tourism industry, thus in line with the forward planning documentation of the Municipality.
- ❖ Is not regarded as being undesirable from a town planning point of view.

14. ANNEXURES

Annexure A: Locality Plan
Annexure B: Motivation Report
Annexure C: Site Development Plans
Annexure D: Letter of comment
Annexure E: Applicant's comment
Annexure F: Services Report
Annexure G: Extract from Overstrand GIS

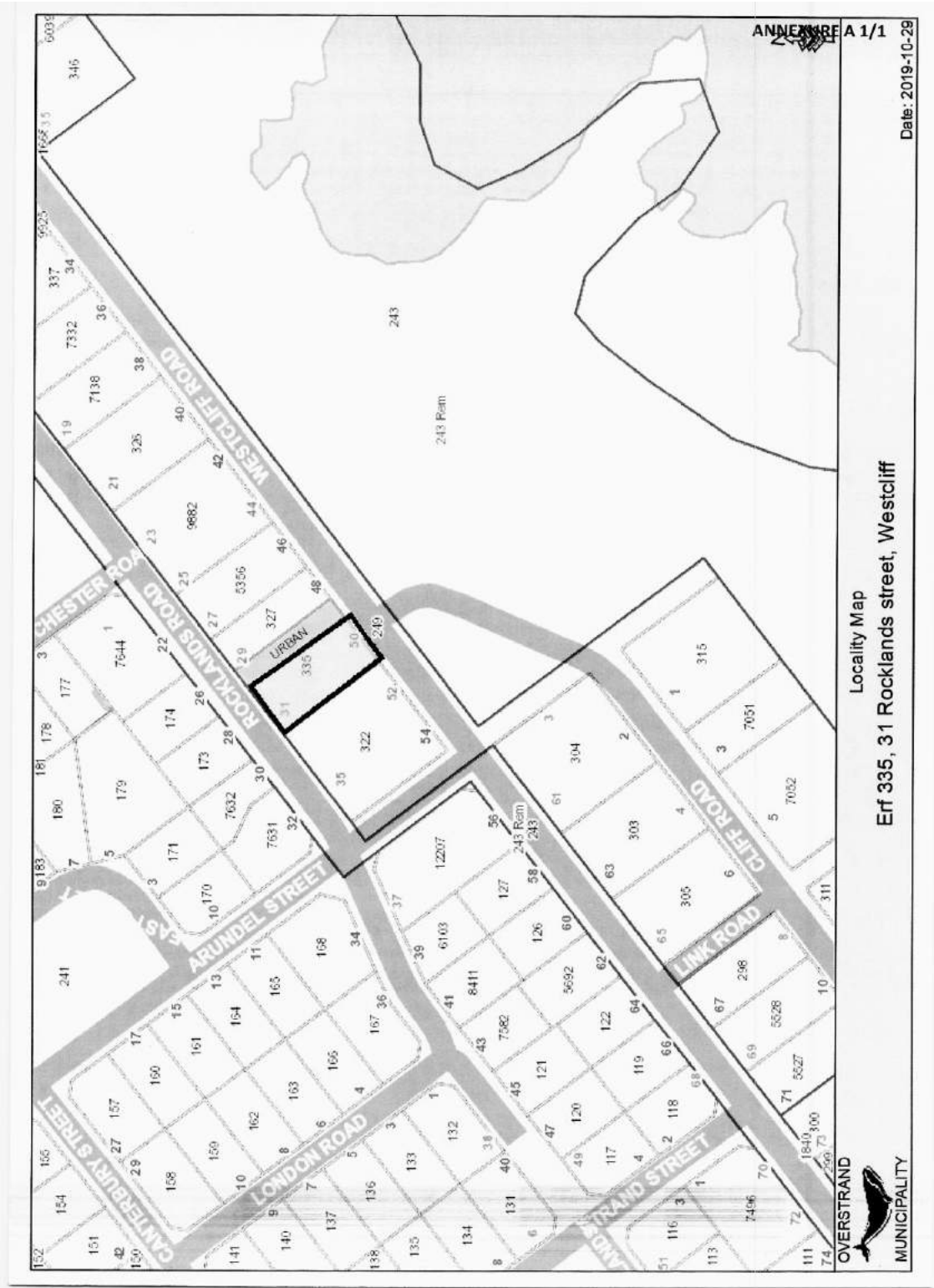
REGISTERED PLANNER

Name: **H VAN DERSTOEP**

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

Signature: _____

Date: _____



PROPOSED CONSENT USE
ERF 335 HERMANUS
OVERSTRAND MUNICIPALITY

MOTIVATION REPORT

1. BACKGROUND

The company Plan Active has been instructed by the owner of Erf 335 Hermanus, Mr. M.I. Edwards to apply for a consent use in order to accommodate a guesthouse on Erf 335 Hermanus.

It is proposed that the existing dwelling established on Erf 335 Hermanus be converted into a 5 bed room guesthouse. A previous application was approved to utilise the existing second dwelling unit as a self-catering unit. Please refer to the enclosed approval dated 20 August 2008. The second dwelling unit will be utilised as accommodation for the manager of the proposed guesthouse and not for self-catering purposes.

2. APPLICATION DETAILS

In order to accommodate a guest house on Erf 335 Hermanus an application must be lodged in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 335 Hermanus to accommodate a guesthouse on the subject property;

3. DESIRABILITY

3.1 PROPERTY DESCRIPTION

Erf 335 Hermanus is situated between Rocklands Street and Westcliff Street, Hermanus. Please refer to the enclosed locality plan. The property details are as follow:

Erf Number	Size (m ²)	Title Deed Nr.	Owner	Zoning
335 Hermanus	1491	T51054/2018	Mr. M.I. Edwards	Residential Zone I

3.2 ZONING

Erf 335 Hermanus is zoned Residential Zone I. A consent use application was approved to utilise the existing second dwelling unit as a self-catering unit.

The predominant zonings found in the vicinity of the subject erf are Residential Zone I, and consent uses for guesthouses. Business zonings and Community Zones are located towards town within the Hermanus CBD.

3.3 LAND USE

Erf 335 Hermanus is currently used for residential purposes only. Erven in the vicinity are also primarily used for residential purposes. Guesthouses are also established in the area. Tourist accommodation establishments intensifies towards the Hermanus CBD along Marine Drive and consists of a combination of residential uses, guesthouses, boutique hotels, flats, and business orientated land uses within the Hermanus CBD.

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Properties adjoining the subject property are used for single residential purposes.

3.4 PROPOSAL

Application is made in terms of:

- Chapter 4, Section 16(2)(o) of the Overstrand Municipality's By-law on Municipal Land Use Planning, 2016, for the consent use of Erf 335 Hermanus to accommodate a guesthouse on the subject property;

The owner intends to establish a guesthouse on Erf 335 Hermanus.

In order to accommodate the guesthouse it would be required that we apply for a consent use of Erf 335 Hermanus. The Title Deed of Erf 335 Hermanus contains no restrictive conditions that will have to be removed in order to accommodate the proposed guesthouse on the subject erf. The detail of the application can be described as follows:

3.4.1 Proposed Consent Use

The owner intends to accommodate a guesthouse on Erf 335 Hermanus.

With reference to the above and the enclosed site development plan, the proposed guesthouse will consist of the following:

GROUND FLOOR:

The ground floor will be occupied by the owner and consists of:

- Entrance Lobby;
- Sitting Room / Lounge;
- Dining Room;
- Kitchen;
- Office;
- Laundry;
- Gym;
- Bathroom;
- Court Yard;

- 1 x guest bedroom and en-suite bathroom;
- Owner's bedroom and en-suite bathroom;
- Existing single garage;
- Existing double garage;
- Covered dining terrace;
- Swimming Pool;

Second Dwelling Unit:

- 2 Bedrooms;
- Bathroom;
- Cloaks Room;
- Kitchen;
- Sitting Room.

FIRST FLOOR:

The first floor will be used to accommodate 4 guest rooms and consists of:

- 4 Guestrooms with en-suite bathrooms.

With reference to the above mentioned land uses please refer to the proposed site development plan. The detail of the above mentioned land uses are as follows:

- **Entrance Lobby**

The entrance lobby faces Westcliff Street and will be used as main access to the guesthouse for the guests. The office will be used for administration purposes of the guesthouse.

- **2 Bedrooms on the ground floor**

1 bedroom will be accommodated by the owner of the guesthouse. The other bedroom labelled as Guest Bedroom 5 will be accommodated by paying guests. Each guestroom will accommodate 2 guests.

- **Kitchen**

The Kitchen is located on the ground floor and will be used to prepare food for the residing owner and for paying guests.

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- **Sitting Room / Lounge**

The sitting room / lounge will be used by the owner and will also be accessible to paying guests.

- **Single Garage**

The single garage will be used as a dedicated parking for the second dwelling that will be occupied by the manager of the proposed guesthouse.

- **Double Garage**

The double garage will be for the exclusive use of the owner.

- **Guest Rooms**

In total 5 guestrooms will be provided. 4 of the 5 guestrooms will be provided on the first floor as indicated on the proposed building plan. Each guest room consists of a bedroom area and an en-suite bathroom. 3 of the guestrooms face Westcliff Street and 2 bedrooms face Rocklands Street. The 2 guestrooms on the first floor will have exquisite views over Walker Bay.

- **Dining Room**

The dining room is centrally situated on the ground floor of the proposed guesthouse. The dining room will be used by guests but will also be accessible to the residing owner and will not be accessible to the general public.

- **Dining terrace**

The dining terrace is also located on the ground floor in the vicinity of the dining room that will be for the use of guests and the residing owner.

- **Gym**

A proposed gym that is situated in close proximity to the laundry on the western side of the guesthouse behind the single garage will be used by the owner and will also to be enjoyed by the guests.

- **Swimming Pool**

A proposed swimming pool that will be situated on the north-eastern corner of the property as indicated on the site development plan will be used by the owner and will also be enjoyed by the guests.

- **Second dwelling**

The manager of the guesthouse will use the second dwelling unit as his / her residence as indicated on the enclosed site plan. The second dwelling consists of 2 bedrooms, bathroom, cloaks room, kitchen and sitting room.

3.5 ACCESS & PARKING

The existing access from Rocklands Street to Erf 335 Hermanus will be used to gain access to the existing single and double garage that will be for the exclusive use of the owner and manager of the guesthouse. Parking bays for the guests are located in the south-western corner of the subject erf. Access to these parking bays will be from Westcliff Street via a proposed access gate.

All parking bays are 2.5m x 5m in extent as indicated on the site plan. 7.5m Manoeuvre space is provided behind each parking bay. Vehicles will have ample space to manoeuvre on-site to exit the property in a forward driving position. Please refer to the proposed site plan.

With reference to the Overstrand Zoning Scheme, 1 parking bay will be required per guestroom, 1 parking bay for the second dwelling unit and 2 parking bays will be required for the owner.

The required parking bays can be calculated as follow:

Land Use	Parking Bays Required	Parking Bays Provided
5 Guestrooms	5	5 (Open parking)
Second Dwelling	1	1 (Single garage)
Manager / Owner	2	2 (Double garage)

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There will be no public accessed areas and therefore no additional parking bays will have to be provided.

3.6 SERVICES

All services already exist and the proposed guesthouse can connect thereto. There is sufficient capacity to accommodate the proposed guesthouse. It is our opinion that there would be minimal impact on services due to the fact that the main use of the dwelling and second dwelling will remain residential with a consent use for a guesthouse consisting of 5 lettable rooms.

3.7 THE POTENTIAL OF THE PROPERTY (DESIRABILITY OF THE PROPOSED UTILIZATION)

The subject property is ideally positioned to explore all the great attractions of the greater Hermanus area. Due to the location and accessibility of the property the subject property has the potential to be developed as a guesthouse. The subject property is situated in the picturesque Hermanus and last mentioned is known as a popular tourist area for guests visiting and staying over in Hermanus.

Since the owners are familiar with the high demand for guest accommodation in Hermanus they took the aforementioned into consideration and decided to contribute towards the tourist industry of Hermanus.

3.8 TITLE DEED

The Title Deed applicable to Erf 335 Hermanus contains no restrictions that will have to be removed in order to establish the proposed guesthouse.

Erf Number	Size (m ²)	Title Deed Nr.	Owner	Bond Registered
335 Hermanus	1491	T51054/2018	Mr. M.I. Edwards	No Bond

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3.9 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates that Erf 355 Hermanus is within planning unit 16 that consists of the mature Westcliff residential area. Densification is proposed for this area by means of subdivision to allow for a second and third dwelling unit respectively. Erf 355 Hermanus is within a visual sensitive interface as indicated in the contextual overview plan.

It is our opinion that the application does constitute the increase in density due to the fact that only 5 guestrooms are provided as a consent use on a single residential property. The proposed guesthouse is compatible with the existing surrounding residential land use and built form. The proposed guesthouse will be in line with the built character of the area and will be visually pleasing.

The Overstrand Municipal Wide Spatial Development Framework (2006) earmarks the site as residential. Our application consists of a consent use for a guesthouse and the single residential zone will be retained. It is therefore our opinion that the proposed guesthouse is compatible with the SDF.

With reference to the above mentioned forward planning guidelines and Structure Plan it is clear that the proposed application for a consent use could be supported.

3.10 THE RELEVANT LEGISLATION FOR CONSIDERATION OF THE APPLICATION

3.10.1 HERITAGE VALUE AND IMPACT

Erf 355 Hermanus is situated within the Heritage Overlay Zone as determined by the Overstrand Municipality Growth Management Strategy (2010). The existing dwelling situated on Erf 355 Hermanus is not earmarked for heritage conservation purposes in terms of the Overstrand Heritage Survey Report (2009).

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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 the light of the above mentioned it is evident that the proposed consent use will not have a negative impact on the heritage value of the subject property or the Greater area of Hermanus.

3.11.2. ENVIRONMENTAL IMPACT

The proposed consent use of Erf 335 Hermanus does not trigger any listed activities in terms of the National Environmental Management Act (NEMA), 1998 (Act no. 107 of 1998).

3.11 PLANNING PRINCIPLES

Spatial justice: The proposed guesthouse will create employment opportunities for local residents in town. Most of the staff who will benefit from working in the proposed guesthouse will be local residents living in the informal settlements of Hermanus (i.e. previously disadvantaged communities). Guests will visit the CBD of Hermanus and surrounding towns where shops and restaurants will be supported from which they would benefit financially from.

Spatial sustainability: The proposed guesthouse will be accommodated in an established residential area. The proposed application will have no impact on the conservation worthy areas of Hermanus. Spatially the land use will be in keeping with the residential character of the area.

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Efficiency: The guesthouse is easily accessible and conveniently located close to the Hermanus CBD, beaches and other tourist attractions in the area. Last mentioned, makes travelling to the subject property, to make use of the proposed guest accommodation, easy and accessible to everybody.

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, 2016.

4. RECOMMENDATION

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

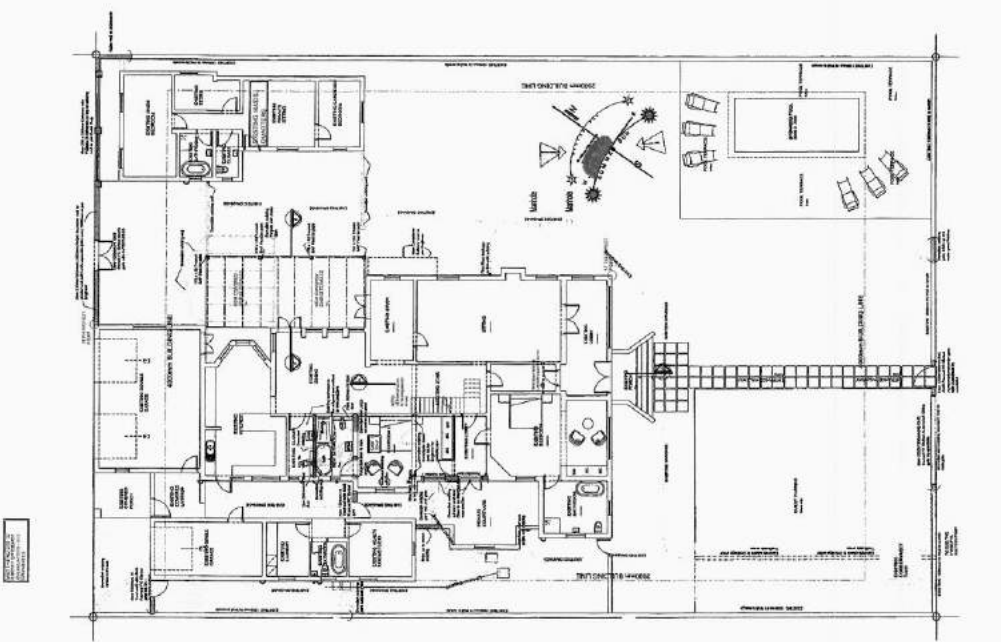
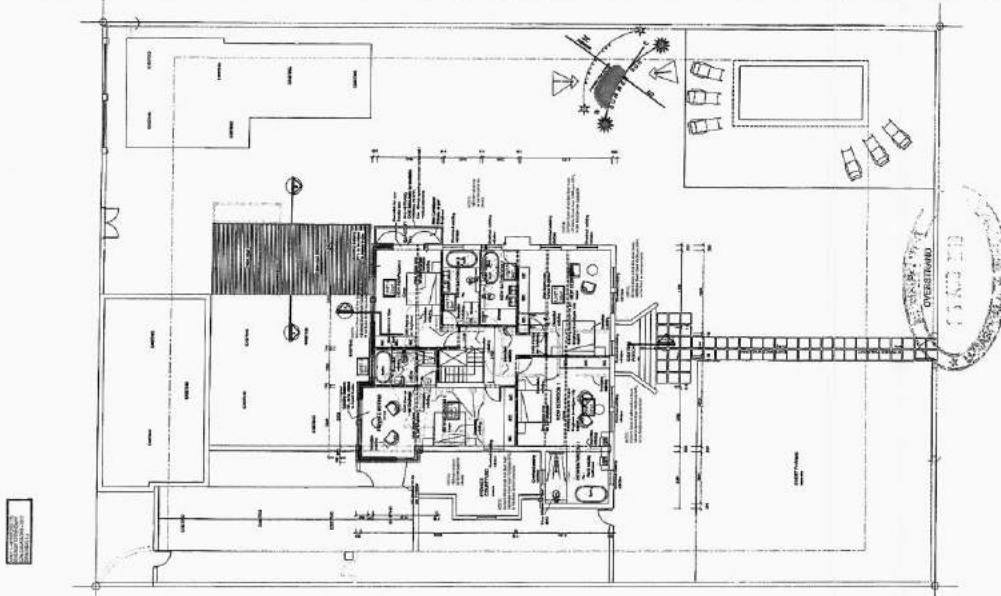
- The proposed consent use of Erf 335 Hermanus is compatible with the existing built character of the area;
- The proposed land use is compatible with the land uses of the area;
- All services on the subject property already exist;
- The proposed guesthouse will have a minimal impact on the current bulk services due to the fact that the application consists of a consent use for a guesthouse with 5 rooms.
- There are no environmental or heritage factors that prohibit the proposed land use;
- The proposed consent use will not have a negative impact on the current character and land values of the surrounding erven;

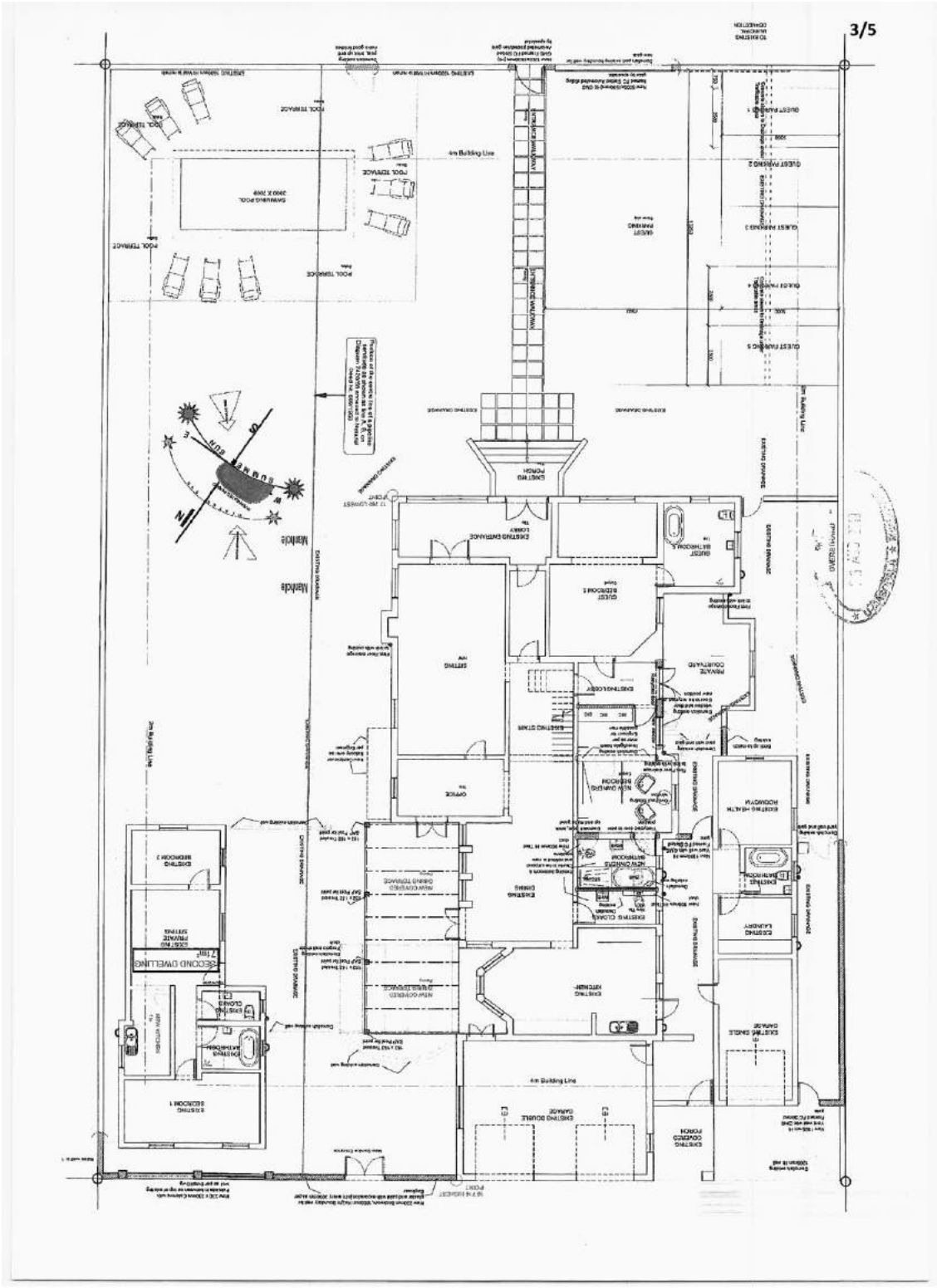
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- There are adequate parking bays provided and they are located on site;
- The proposed application complies with the spatial planning policies of the area;
- The proposed consent use is a low impact guest accommodation establishment.
- The proposed guesthouse will be a professional run upmarket establishment that will be an asset to Hermanus's tourist industry.

With regards to the above mentioned it would be appreciated if the proposed consent use of Erf 335 Hermanus be approved.

<p>SRT ARCHITECTS CC P. J. SIMON, ARCHITECT 7500 ROSKROW THRONON 10000 0774-458852 0774-458853 0774-458854 0774-458855 0774-458856 0774-458857 0774-458858 0774-458859 0774-458860 0774-458861 0774-458862 0774-458863 0774-458864 0774-458865 0774-458866 0774-458867 0774-458868 0774-458869 0774-458870 0774-458871 0774-458872 0774-458873 0774-458874 0774-458875 0774-458876 0774-458877 0774-458878 0774-458879 0774-458880 0774-458881 0774-458882 0774-458883 0774-458884 0774-458885 0774-458886 0774-458887 0774-458888 0774-458889 0774-458890 0774-458891 0774-458892 0774-458893 0774-458894 0774-458895 0774-458896 0774-458897 0774-458898 0774-458899 0774-458900 0774-458901 0774-458902 0774-458903 0774-458904 0774-458905 0774-458906 0774-458907 0774-458908 0774-458909 0774-458910 0774-458911 0774-458912 0774-458913 0774-458914 0774-458915 0774-458916 0774-458917 0774-458918 0774-458919 0774-458920 0774-458921 0774-458922 0774-458923 0774-458924 0774-458925 0774-458926 0774-458927 0774-458928 0774-458929 0774-458930 0774-458931 0774-458932 0774-458933 0774-458934 0774-458935 0774-458936 0774-458937 0774-458938 0774-458939 0774-458940 0774-458941 0774-458942 0774-458943 0774-458944 0774-458945 0774-458946 0774-458947 0774-458948 0774-458949 0774-458950 0774-458951 0774-458952 0774-458953 0774-458954 0774-458955 0774-458956 0774-458957 0774-458958 0774-458959 0774-458960 0774-458961 0774-458962 0774-458963 0774-458964 0774-458965 0774-458966 0774-458967 0774-458968 0774-458969 0774-458970 0774-458971 0774-458972 0774-458973 0774-458974 0774-458975 0774-458976 0774-458977 0774-458978 0774-458979 0774-458980 0774-458981 0774-458982 0774-458983 0774-458984 0774-458985 0774-458986 0774-458987 0774-458988 0774-458989 0774-458990 0774-458991 0774-458992 0774-458993 0774-458994 0774-458995 0774-458996 0774-458997 0774-458998 0774-458999 0774-459000</p>	<p>General Notices: CONTRACTOR TO VERIFY ALL DIMENSIONS ON-SITE BEFORE COMMENCING WORK. USE FIGURED DIMENSIONS IN PREFERENCE TO SCHED. ALL WORK TO COMPLY WITH NATIONAL, ALLIANCE, IBSB AND LOCAL AUTHORITY REQUIREMENTS. ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH SPECIFICATION AT ALL TIMES. ANY DIMENSIONS TO BE REPORTED TO ARCHITECT IMMEDIATELY. ALL DIMENSIONS ARE IN MM. CLAY BRICK WALLS OF THICKNESS SHOWN ON PLAN. SLABS & BEAMS TO ENGINEERS SPEC.</p>	<p>CLIENT: _____ ARCHITECT: _____</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>Description</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	Description	DATE													<p>ADDITIONS AND ALTERATIONS</p> <p>GROUND & FIRST STOREY PLANS</p>	<p>HOUSE EDWARDS ENF-335 WESTCLIFF ROAD WERRIMUN OVERSTRAID</p>	<p>FORMAL: EDWARDS DATE: 01/02/19 SCALE: 1:100</p> <p>DWG. NO. 1.2</p>
No.	Description	DATE																			





SRT ARCHITECTS CO
 170 MAY 1937
 1700 W. 10TH AVE
 DENVER, CO 80202
 TEL: 333-1100
 FAX: 333-1100
 WWW.SRTARCHITECTS.COM

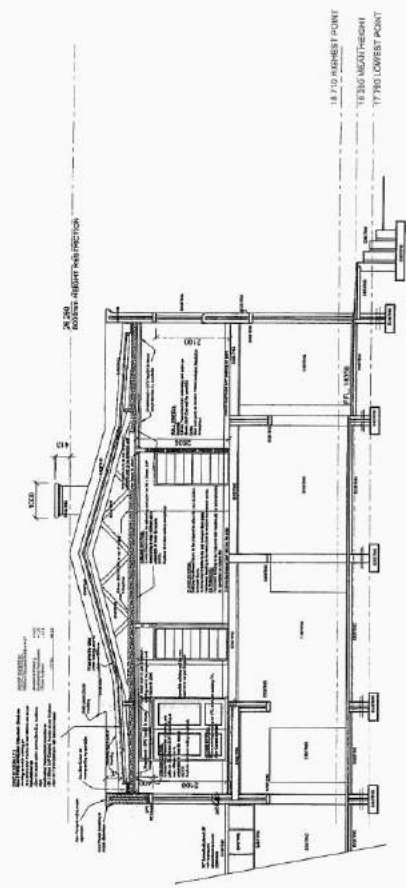
General Notes:
 THE DRAWING IS COPYRIGHT:
 CONTRACTOR TO VERIFY ALL DIMENSIONS
 ON SITE BEFORE COMMENCING WORK.
 USE THE BEST MATERIALS IN
 ACCORDANCE WITH THE
 ALL WORK TO COMPLY WITH NATIONAL,
 STATE AND LOCAL AUTHORITY
 REQUIREMENTS.
 ALL DIMENSIONS TO BE READ IN
 CONJUNCTION WITH SPECIFICATION AT
 ALL TIMES.
 ANY DISCREPANCIES TO BE REPORTED
 TO ARCHITECT IMMEDIATELY.
 ALL DIMENSIONS ARE IN FEET.
 CLAY BRICK WALLS OF THICKNESS
 SHOWN ON PLAN.
 SLABS & BEAMS TO BIDDERS SPEC.
 CLIENT: _____
 ARCHITECT: _____

No.	Revisions/Issue	Date

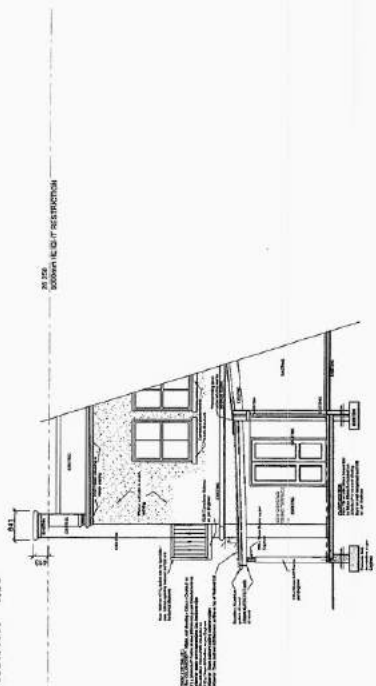
ADDITIONS AND ALTERATIONS
SECTION A-A & B-B

HOUSE EDWARDS
 535-335
 WESTCLIFFE ROAD
 HERMANUS
 OVERSTRAID

Project	Overstrid	DWG. NO.	2.1
Date	04.12.19	Scale	1:30



SECTION A-A 1:50



SECTION B-B 1:50





TP - A Theart
(H Olivier)

FROM :
Mr W.R. and A. Mapham
46 Westcliff Road
Hermanus
ERF 5356

TO : Director: Infrastructure and Planning, Attention S Müller
DATE: 28th November 2019

Your Reference 335 HWC ;
Application ID 3161/2019 Dated 30 October 2019

Dear Sirs,

I am a near neighbour of the property ERF 335 for which the above application is being made and am concerned that insufficient provision has been made for the increase in sewage that a guest house will produce over that of a private residence:

- Westcliff does not have water borne sewage and ERF 335 uses septic tanks. We need assurance that these tanks are sufficient for the increased volume of sewage that a guest house will produce.
- The plans provided do not show any provision for the expected increase in sewage volume by way of conservancy tanks or water borne sewage.
- Sewage overflows would be a health hazard in the Galpin Pool swimming area immediately below erf 335.
- Sewage overflows would be a major problem for those of use adjacent to erf 335.
- There is also a problem with noise pollution when the tanker pumps out the sewage, in other guest houses on Westcliff Road this happens twice a day.
- In order to protect our environment it would be sensible to restrict the number of guest houses until the infrastructure is in place.

Yours Sincerely

W Mapham

Walter Mapham

FILE NO: EL 335 - HWC ✓
SCAN NO: HWC 335
COLLABORATOR NO: 1362000

29 NOV 2019



TOWN & REGIONAL PLANNERS
STADS-EN STREEKSBEPLANNERS



ANNEXURE E 1/3

6 Magnolia St / Str
PO Box / Posbus 296
HERMANUS
7200
Tel: (028) 313 1673
Fax / Faks: (028) 312 1351
Email:
planactive@hermanus.co.za
Website: www.planactive.co.za

Our reference: PA19002
Your reference: 335 HWC

13 December 2019

The Municipal Manager
Overstrand Municipality
PO BOX 20
Hermanus
7200

FILE NO:	CI 335
	Hermanus
SCAN NO:	43
COLLABORATOR NO:	1366691

FOR ATTENTION: MR H. BOSHOFF

Sir

ERF 335 HERMANUS: PROPOSED CONSENT USE

- **MR. M.I. EDWARDS**

Reference is made to our application dated 28 May 2019 as well as your letter dated 11 December 2019.

The objection received from Mr W.R and A. Mapham, property owners of Erf 5356 Hermanus refers and can be summarized as follows:

- The objectors state that they will need assurance that the septic tank installed on Erf 335 Hermanus is sufficient for the increased volume of sewage that a guest house would produce.

The proposed guest house on Erf 335 Hermanus will be accommodated within the existing dwelling on the subject property. There will be no additional impact on the services of the subject property, and if any additional service capacity is required it will be provided according to the specifications of the Overstrand Municipality Engineering Department. With a visit to the building control office on the 11th of December 2019 it was conveyed that a building inspector and an official from the

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Reg. No. 2006/030921/07
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John Mc Lachlan: Ndip (Town Planning) Tech Witwatersrand, MSAPI Nr. 10908; SACPLAN Tch. Pln B/8250/2014
Pauline Spronk: B (Soc Sc) US, BA Hon (UNISA)
Meriké Lem: B. Art et Scien Cum Laude (Town Planning) UNW; SACPLAN Pr. Pln A/158/2009

13 DEC 2019

engineering department will conduct a site visit to confirm that the specifications of the septic tank is up to standard, to accommodate the proposed consent use application (to establish a guest house). If it is required to upgrade the existing septic tank in order to comply with specifications, the owner intends to co-operate.

- **The plans provided does not show any increase to provide for the expected sewage increase because of the proposal for a guesthouse.**

As mentioned above and confirmed by the Building Control Office of the Overstrand Municipality the necessary inspections will be done to ensure that the existing septic system will be sufficient to accommodate the use by the proposed guest house.

- **Sewage overflow would be a health hazard in the Galpin Pool swimming area immediately below Erf 335 Hermanus and a major problem for the surrounding property owners.**

The owner acknowledge that sewage overflow has a health hazard but more so to the subject property owner himself. Therefore the owner intend to comply with the necessary specifications for the provision of a septic tank system as well as to ensure that the necessary maintenance is done to keep the system in a good condition.

- **There is a problem with noise pollution when the tanker pumps out sewage in other guest houses on Westcliff Road and this happens twice per day.**

The property owner of Erf 335 Hermanus cannot be held accountable for the noise pollution caused by other property owners in the vicinity. As stated in the letter of objection, it is clear that there is not a water borne sewage system in the area which means that many of the other properties in the area make use of the septic tank system (not only guest houses) and also make use of the tanker pump services referred to by the objector.

- **In order to protect the environment, it would be sensible to restrict the number of guest houses until the infrastructure is in place.**

It would be unfair towards the property owner to restrict a new guest houses in the area.

The proposed application was circulated to numerous property owners in the vicinity and the only objections was received from the property owner of Erf 5356 Hermanus, that is not situated adjacent to Erf 335 Hermanus. The septic tank system on Erf 335 Hermanus is sufficient to accommodate the existing structures on the subject property and no changes are proposed to the existing structures.

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 'John Mc Lachlan', written in a cursive style.

John Mc Lachlan

**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR CONSENT USE: ERF 335, WESTCLIFF (3161/2019)**

Stormwater (SW) : In Order
 Electricity : In Order
 Water : In Order
 Sewer : In Order
 Roads and traffic : Refer to Conditions 4 & 5.

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 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*;
4. 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;
5. that the developer lodges a formal, written application to the office of the Area Manager: Hermanus for approval to develop and construct the additional, proposed vehicle entrance in Westcliff Street.
6. that stormwater be allowed to discharge through Erf 335, Westcliff, unobstructed;
7. that no on-street parking be allowed.

Dennis Hendriks
 DENNIS HENDRIKS

SENIOR MANAGER: ENGINEERING SERVICES

14/11/2019
 DATE

