

4.4**ERF 1287, 305 MAIN ROAD, EASTCLIFF, HERMANUS : PROPOSED CONSENT USE AND DEPARTURE : SM SMITH ON BEHALF OF THE JUS-TAY TRUST****1287 HEC (3585)****P Roux****17 October 2017****(028) 313 8900****Hermanus Administration****1. EXECUTIVE SUMMARY**

An application has been received on 17 February 2017 from SM Smith on behalf of the owners of Erf 1287, Hermanus, the Jus-Tay Trust, for the following:

- consent use in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to establish a guest house (five (5) bedrooms) on the property;
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the street building line with Golf Road from 4m to 2m to accommodate the first storey's balconies for Suites 3 – 5; and
- departure in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 to relax the lateral building line from 2m to 0,9m.

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

2. DECISION AUTHORITY

Municipal Planning Tribunal

3. BACKGROUND / SITE HISTORY

Erf 1287 is situated in Hermanus (Eastcliff) and is zoned Single Residential Zone 1. The subject property has two (2) street boundaries - one borders Main Road and the second Golf Street. The property measures 896m² in extent. A building plan was approved for a dwelling and subservient outbuildings in March 2017 and construction on the property has started.

The applicant proposes to construct a five (5) bedroom guesthouse from the property. Furthermore, the applicant seeks to encroach upon the 4m street boundary in order to construct a first floor balcony, and to encroach upon the lateral building line in order to accommodate the extension of the existing garage.

4. SUMMARY OF APPLICANT'S MOTIVATION

The motivation for the proposed application can be summarised as follows:

- ❖ The proposed guesthouse will be situated in the existing dwelling
 - five (5) bedrooms will be supplied together with the manager's accommodation;
 - seven (7) parking bays will be provided;

- various other guest houses are located close by;
 - the upgraded structure will add value to the immediate area and aesthetically enhance both streetscapes.
- ❖ The existing structure encroaches over the 4m street building line at Golf Street to the north
- balconies are proposed for Suites 3 to 4 and a slab over the store room;
 - the encroachment will have no negative impact as there is a 9m pavement;
 - the main section of the dwelling will maintain the 4m building line;
 - the proposal will enhance the street scape.
- ❖ The garage is to extend 1,1m over the eastern lateral building line;
- the existing structure encroaches 0,3m over the lateral building line;
 - the only space to add a garage with room for garden storage and a work bench is over the 2m lateral building line.
- ❖ The application is only for the upgrading of the existing structure, and the requirements of SPLUMA and LUPA are not applicable.

5. ADMINISTRATIVE COMPLIANCE

Methods of advertising		Date published	Closing date for comments
Notices	Yes	15/05/2017	23/06/2017
Ward councillor	Yes	15/05/2017	23/06/2017
Total letters of objection	TWO (2)		
Was public participation undertaken in accordance with Section 45 - 49 of the Proposed Draft By-Law on Municipal Land Use Planning?			Yes
Was the application processed correctly (if no, elaborate below):			Yes
Is the proposal consistent with the principles referred to in Chapter 2 of SPLUMA and Chapter VI of LUPA? (can be elaborated further below)			Yes

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

Name	Date received	Summary of comments	Recommendation
Operational Services	15/05/2017	Annexure F.	Positive
Building Department	22/05/2017	Supported subject to submission of plans in compliance with SANS 10400.	Positive
Heritage	23/05/2017	No comment.	Positive
Fire Department	27/06/2017	See Annexure G.	Positive
Services Report	03/07/2017	See Annexure H.	Positive

7. SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION

Two (2) objections were received, from M and J Smith who are residents in Berg 'n See retirement village and from C Fisher who is the chairman of the Board of Trustees at Berg 'n See Retirement Village. The letter received from C Fisher was received four (4) days after the closing date of the public participation notice and will therefore be regarded as a late submission.

M and J Smith's objection can be summarized as follows:

- M and J Smith's house faces directly towards the double storey elevation;
- the main objection is against the add-on fabricated balconies;
- the balconies can be setback with little problem;
- a 2m high wall needs to be built on the erf boundary facing Gholf street with trees and bushes to hide the new structure, subject to an agreement with the Municipality;

C Fisher's objection can be summarized as follows:

- relaxing the 4m building line will jeopardize the overall success of the proposed development on Erf 1287;
- granting the request might create a precedent for similar applications by other property owners along Golf Street, which will negatively impact on the ambiance of the street;
- do previous encroachments over statutory building lines justify the continuation of this practice.

8. SUMMARY OF APPLICANT'S REPLY TO COMMENTS

- ❖ the houses face Erf 1289 directly; Erf 1287 is in the peripheral view;
- ❖ noise and dust is due to building projects, the site is kept clean;
- ❖ the new building will have no impact on the views from Berg 'n See as the previous building had a pitched roof, it is not clear which views are Smith referring to;
- ❖ photos attached indicate negligible impact on the Smith's privacy and the addition of the proposed balcony does not add to this perceived impact;
- ❖ the views from Erf 1289 is towards the mountain and do not focus on the Smith's house;
- ❖ no proposal is made for a 2m high wall – the landscaping on the road verge will be reinstated and the Smith's will be consulted on the planting of trees to the benefit of both parties;
- ❖ the existing building encroaches over the 4m street building line by 2m for approximately 30% and by 0,6m for the remainder. The proposed balconies will therefore extend by 1,4m along 70% of the northern facades of the length;
- ❖ the design is more aesthetically pleasing that will enhance the immediate street scape and add to the economy of Hermanus.

9. MUNICIPAL ASSESSMENT OF COMMENTS

It is noted that the objection received only refer to the proposed first storey balconies and not to any of the other aspects of the application such as the proposed guesthouse and the 2m building line encroachment.

The objection and the response thereto are noted. The following will be further considered:

- ❖ the only section of the existing building which encroaches upon the 4m building line is single storey portions which were approved in 1984;
- ❖ the existing encroachments does not mean that the application for proposed encroachments will be favourably considered, and
- ❖ the impact on the existing street scape will have to determine.

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

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

The impact of the proposed application is limited to the adjacent residential properties which are established since 1925 and onwards. It can be motivated that the planning principles are adhered to as follows:

Spatial Justice

The Zoning Scheme makes provision for the proposed use which will promote economic growth and job securing.

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 will not have any negative influence on the environment.

Efficiency

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

Spatial resilience

The application 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 followed the required planning procedures to ensure that land use activity is in line with Municipal By-Laws and the public process has been followed.

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

Same as above

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

The proposed application is in line with the strategic documents.

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

Not applicable.

10.5 Impact on Municipal engineering services

The existing services are available.

No additional accesses are proposed.

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

Not applicable.

10.7 Existing and proposed zoning comparisons and considerations

The subject property is zoned Residential Zone 1 and therefore Residential Zone 1 parameters as described in the relevant Zoning Scheme are applicable. Therefore, 4m street building lines and 2m lateral building lines are applicable.

The operation of more than two guestrooms from a residential property requires consent from the Municipality.

In terms of Section 16.1.1(b) of the Overstrand Zoning Scheme, 2013 provision is made for the erection of an outbuilding, which encroaches onto the side and rear building line, on condition that no building shall exceed one (1) storey and it is not longer than 9m or a third of the boundary. The aforementioned clause cannot be acted upon due to other structures being constructed over the lateral building line. Thus, the reason for the application.

10.8 The desirability of the proposal

Erf 1287, Hermanus is developed with an existing main dwelling. It should be noted that the subject property is situated between two (2) roads, Main Road borders the property at the southern end and Golf Street borders the property at the northern end. Building plans for the property was recently approved indicating that all first storey structures comply with the building line parameters. The application as applied for will be considered and discussed in point form.

Guesthouse

The applicant seeks to acquire consent in order to operate five (5) guest rooms on the property. The application was circulated to the surrounding property owners and internal departments and no objection was received against the proposed guesthouse. Sufficient parking is provided on the property and the main access to the property will be from Main Road. Various other guesthouses have also been approved in the area as the locations of the properties are ideal for tourists visiting Hermanus and its various recreational and commercial facilities. Therefore, the opinion is held that the alteration in use does not in any way change the character of the dwelling nor will it have a negative effect on the character of the area.

No services will be affected and sufficient parking is provided on site.

Departure from the 4m street building line

Two (2) objections have been received regarding the proposed additions. The main points in the objections are that the character of the area will be negatively affected and that the privacy of the owners in Berg 'n See will be negatively affected. A site inspection was done and it was found that there are sufficient plants and shrubs to keep the privacy of the Berg 'n See residents unaltered from ground storey elements, however should the first storey be extended to include a balcony then it will encourage guests from the guestrooms to use the outdoor area on the first floor. This will enable an additional six (6) people to view unto Berg 'n See and the next door neighbours' properties.

During the inspection it was noted that there are twelve (12) erven in Golf Street, out of the twelve (12) erven only three (3) of the properties have historically approved plans for structures close to the street boundary of Golf Street. Building plans which show structures close to the street boundary of Golf Street were all approved prior to the adoption of the Overstrand Zoning Scheme. Consideration must therefore be taken that the Overstrand Zoning Scheme states that a 4m building line is applicable. The 4m building line is provided in order to protect the character of the streetscape and to limit additional bulk on the street front. Should one (1) or two (2) additional property owners also be allowed to build additional bulk on first storey levels over the 4m street building line then the accumulative affect will negatively affect the feel and character of Golf Street.

The subject property's ground storey elements, which encroach the 4m street building line, were approved during 1984. However, as stated by the applicant, the new proposed encroachments will encroach 70% (77% to be exact) of the total width of the 4m street building line. The opinion is held that the proposed encroachment is not minor and creates additional bulk unto 2m from the erf street boundary line.

Considering the abovementioned the proposed application to extent the first storey balconies over the street building line is not considered desirable.

Departure from the 2m lateral building line

The proposed 2m lateral building line departure is a minor alteration to the existing structure and it only affects one (1) neighbour, who has given consent for the structure. Furthermore, the proposed garage complies with the provisions of Section 16.1.1(b) of the Overstrand Zoning Scheme, 2013. The opinion is held that the garage will have no negative impact on the adjacent property owner.

There are no title deed restrictions which prohibit the proposed application.

The application was circulated to the relevant departments who indicated that there are no objections in terms of service delivery for the proposed erven.

Considering the above the proposed application is supported.

10.9 ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS

The financial or other value of the rights

N/A

The personal benefits which will accrue to the holder of rights and/or to the person seeking the removal

N/A

The social benefit of the restrictive condition remaining in place, and/or being removed/amended

N/A

Will the removal, suspension or amendment completely remove all rights enjoyed by the beneficiary or only some of those rights

N/A

11. RECOMMENDATION

1. that the objections be noted;
2. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for a departure on Erf 1287, Hermanus to relax the street building line with Golf Street from 4m to 2m to accommodate the first storey's balconies for Suites 3 – 5, **not be approved** in terms of the provisions of Section 61 of the By-Law, due to the following reasons:
 - (a) objections were received against the proposal.
 - (b) the alteration will not have a minor impact on the character of the street scape;
 - (c) by approving the proposed application a precedent will be created which will negatively affect the privacy and amenity of the surrounding properties, and
 - (d) 77% of the width of the 4m street building line will be encroached by 2m creating additional bulk which is not in line with the residential character of Golf Street.
3. that, in terms of Section 16(2)(o) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016 the application for consent use on Erf 1287, Hermanus in order to operate a five (5) bedroom guest house on the property, **be approved** in terms of the provisions of Section 61 of the By-Law;

4. that in terms of Section 16(2)(b) of the Overstrand Municipality By-Law on Municipal Land Use Planning, 2016, the application for a departure to relax the lateral building line from 2m to 0,9m, **be approved** in terms of the provisions of Section 61 of the By-Law;
5. that the recommendation in 3. and 4. above be subject to the following conditions:
 - (a) that this approval only has reference to the Site Plan as submitted with the application (attached as Annexure C);
 - (b) that all the conditions in the comment from Fire Services and the Services Report (attached as Annexures G and H), be complied with;
 - (c) that building plans be submitted to the Building Department for approval and that all comments from the Fire and Building Departments be adhered to at that stage;
 - (d) that the facility be utilized as a **guest house only**;
 - (e) that a maximum of **five (5) bedrooms** to be let in the main dwelling, be permitted;
 - (f) that the owner/manager resides on the premises;
 - (g) that the guest house is utilized as such - no self-catering will be permitted;
 - (h) 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;
 - (i) that the selling or serving of liquor on the premises will be subject to the applicant obtaining the necessary liquor licence;
 - (j) that a minimum of one (1) permanently demarcated parking bay per guest room (as indicated on the Site Plan submitted) and two (2) for the owner/manager be provided within the erf boundaries;
 - (k) that the applicable rates and service tariffs, as determined by the annual budget, be made applicable, which tariffs are automatically adjusted in terms of the annual budget;
 - (l) 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;
 - (m) that a single non-illuminated sign that complies with the Municipal By-Law on signage, may be displayed on the premises;
 - (n) that guests of the guest house and delivery trucks can only obtain vehicular access onto the property from Main Road;

- (o) that a R918 Certificate of Acceptability must be applied for at the Overberg District Municipality;
 - (p) that all signage and advertisement are indicative that the main access to the guest house is obtained from Main Road;
 - (q) that no on street parking is permitted;
 - (r) that deliveries to the guest house can only be made with a 3500kg truck;
 - (s) that this approval does not absolve the applicant from compliance with any other relevant legislation, and
 - (t) that all other development parameters as prescribed in the relevant Zoning Scheme be complied with.
6. 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, 2016 with regard to the above conditions of approval/non approval.

11. REASONS FOR RECOMMENDATION

Approval point 2 & 3:

- ❖ The application has followed due procedure.
- ❖ None of the internal departments have any objection.
- ❖ The proposed alteration is minimal.
- ❖ Similar land uses are conducted from the surrounding properties.
- ❖ No objection received.
- ❖ The objections from the adjacent property owners are noted and will have to address in the submission of revised building plans.

Non-approval of point 1:

- ❖ Objections were received against the proposal.
- ❖ The alteration will not have a minor impact on the character of the street scape.
- ❖ By approving the proposed application a precedent will be created which will negatively affect the privacy and amenity of the surrounding properties.
- ❖ 77% of the width of the 4m street building line will be encroached by 2m creating additional bulk which is not in line with the residential character of Golf Street.

12. Annexures

- Annexure A: Locality Plan
- Annexure B: Motivation Report
- Annexure C: Site Plan
- Annexure D: Objections received
- Annexure E: Applicant's response to objections received
- Annexure F: Operational Services
- Annexure G: Fire Services
- Annexure H: Engineering Services

SIGNATURES**AUTHOR:**Name: **PETRUS ROUX**

Signature: _____

SACPLAN registration number: **A/2246/2015**

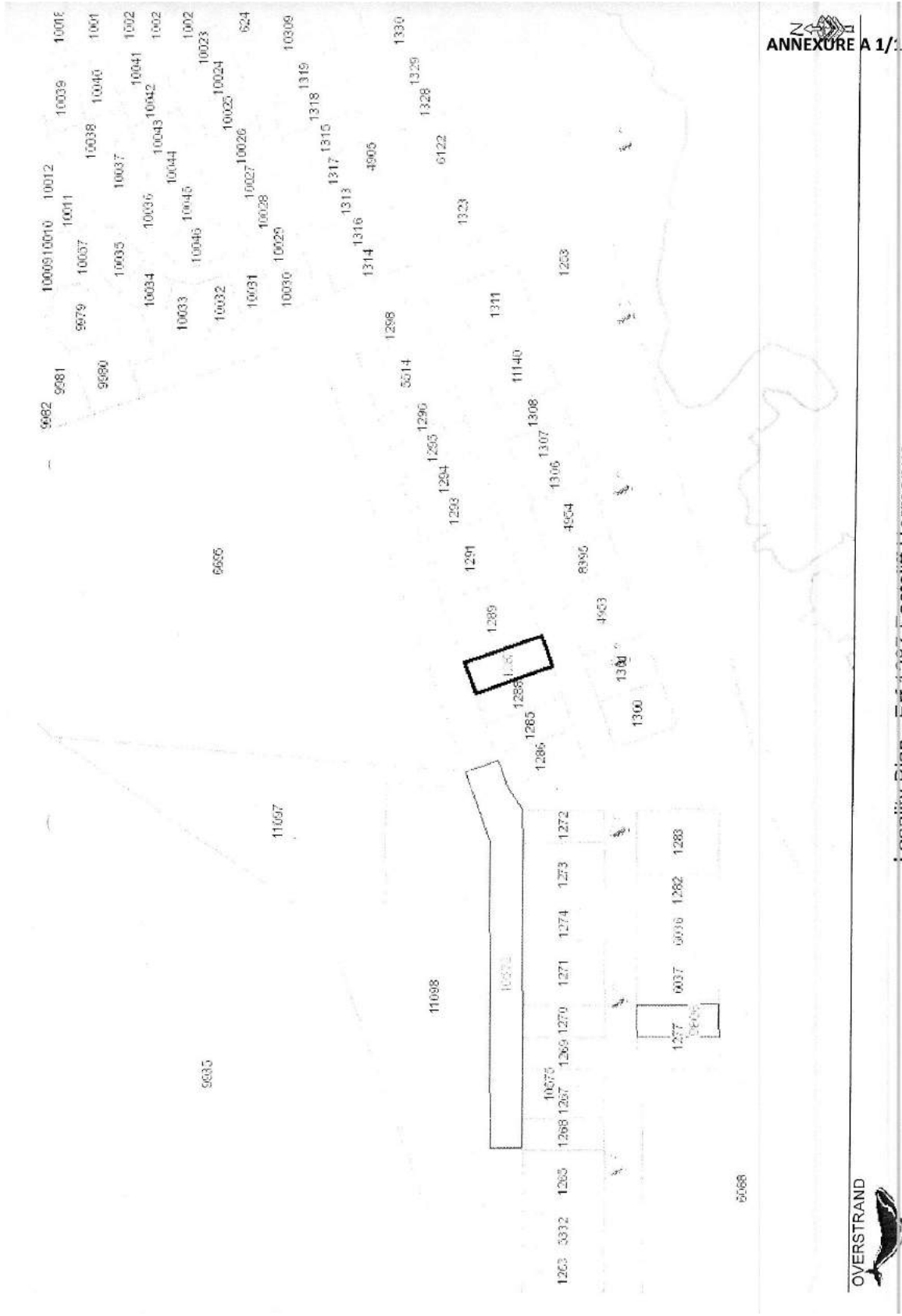
Date: _____

REGISTERED PLANNERName : **S VAN DER MERWE**

Signature : _____

SACPLAN registration number: **A/1850/2014**

Date: _____



ANNEXURE A 1/1

Date: 2017.09.29

Locality Plan - Erf 1267 Eastcliff Hermanus



5068



FILE NO:	EL 1287-Herm
SCAN NO:	36
COLLABORATOR NO:	1009697



TP-A Theart
(C. Holivier)

LETTER OF MOTIVATION

Erf 1287 305 Main Road Eastcliff Hermanus

A. CONSENT USE Section 16[2][g]

We propose to create a guest house by modifying an existing derelict structure and adding first storey to accommodate five guest suites and a manager/ owners apartments indicated on the sketch plans. We will provide a minimum of 7 parkings as indicated on the layout.

We propose to offer quality accommodation within walking distance of the Hermanus Golf Club and the world renowned Walkerbay cliff paths.

The proposed guest house will have no adverse impact on the immediate neighbours, erf 1288 to the West and erf 1289 to the West. The property to the West, Bamboo Guest House erf 1288, is owned by the applicant Jus-tay trust. The propose parking and potential outside recreational areas will adjacent to those occurring on erf 1288. There will no encroachment on either neighbours privacy as the proposed first storey balconies will be focused on the mountains to the North and the ocean to the South.

In our view the proposed upgraded structure will add value to the immediate area and aesthetically enhance both streetscapes.

B. DEPARTURE STREET BUILDING LINE Section 16[2][b]

The existing structure encroaches over the 4m Golf Street building line to the North.

To take full advantage of the favorable Northern aspect and the spectacular mountain views we propose to extend the first storey balconies for suites 3 and 4 to 2m from the Northern property boundary using light weight steel and timber structures. We also propose to use the slab over the store room as a balcony for suite 5.

We feel that the encroachment over the 4m building will have no negative impact on the existing environment due to the generous 9m wide planted pavement and the fact that the masonry component of proposed the second storey structure adheres to the 4m buiding line. There are existing structures along Golf Street that historically encroach over the 4m building line.

In our view this proposal will aesthetically enhance the street scape.

TP

- 3 APR 2017

C. PARTURE LATERAL BUILDING LINE Section 16[[2][b]

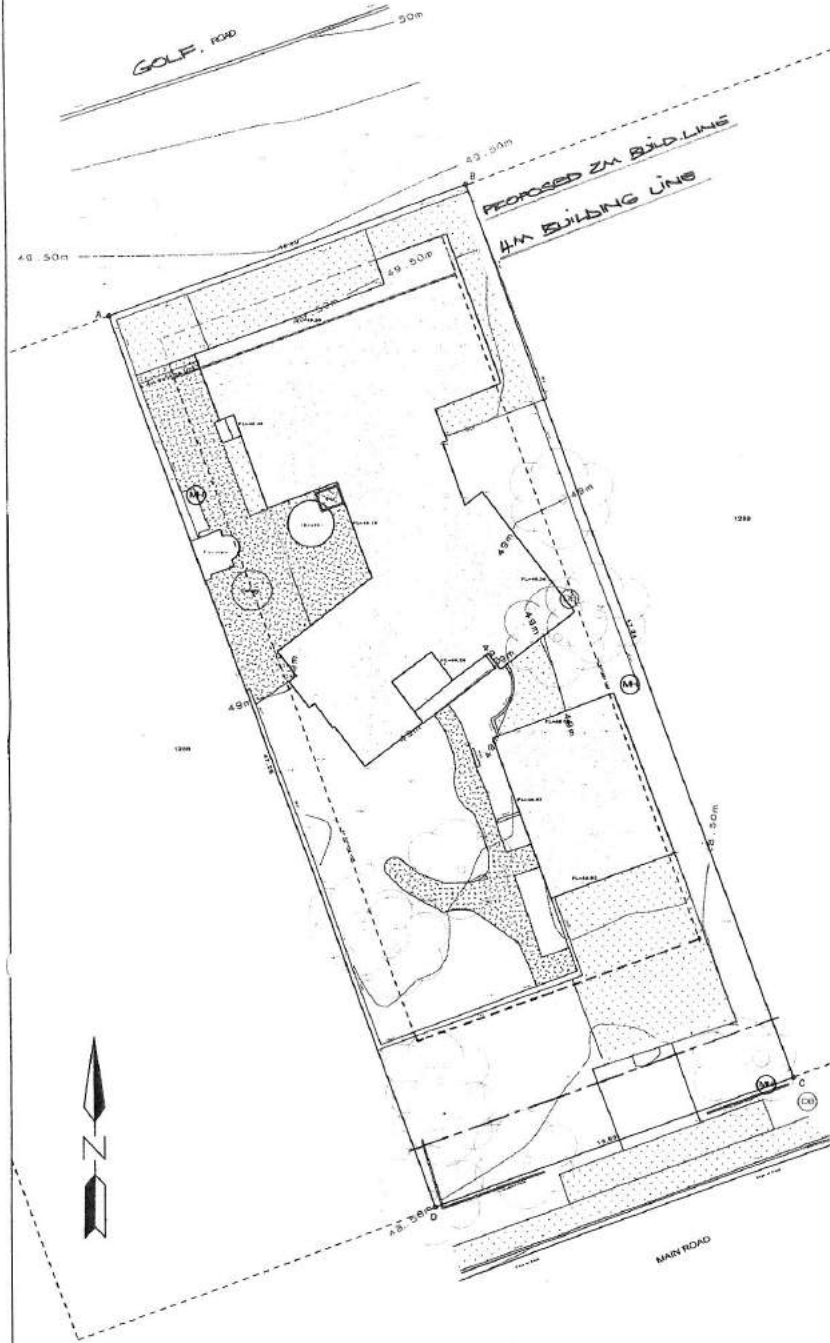
The existing structure encroaches 300mm over the 2m building line along the Eastern common property boundary with erf 1289 for lengths of 3.5m and 8.5m.

Due to the parking requirement, the location of existing buildings and 8.145m statutory road widening building line we are only able to accommodate a single garage on the Eastern edge of the property. To create sufficient space for the storage of garden implements and a workbench we propose to 1.1m over the building line as indicated in the layout diagram.

The proposed project focuses on the upgrading of an existing structure, the creation of employment opportunities and the provision of quality accommodation. We therefore feel that the requirements of both SPLUMA and LUPA are not applicable for these applications.

PrSArch -ST.1563 e-mail dj@ghostfountain.co.za voip 0875501504 cell 0833580330

ANNEXURE C 1/4



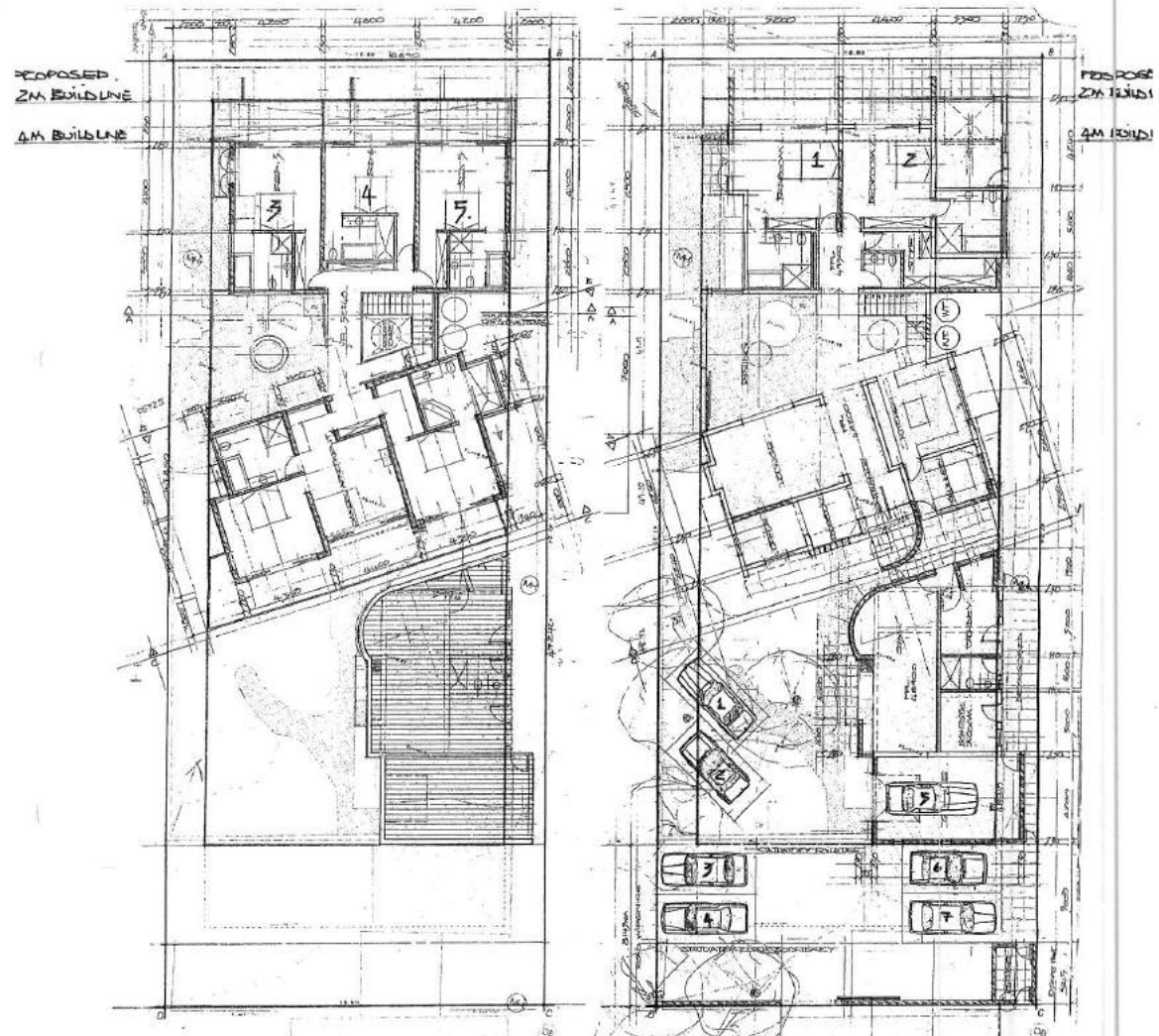
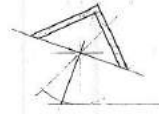
- Paving
- Concrete
- DB Box
- Valve
- Manhole

Notes:	
Beacon Description:	
A, B ... 12mm iron peg	
C, D ... Drill Hole in concrete	
VAN DYK & ASS. inc.	
P.O.Box 2025	
HERMANUS	
7200	
SOUTH AFRICA	
TEL. (028) 313 0077	
FAX. (028) 312 1351	
Stelsel:	WGS (Lo 19)
System:	
Hoogte Stelsel:	Local
Height System:	
Skaal:	1 : 200
Scale:	
Datum:	November 2016
Date:	
Landmeter:	L A van Dyk
Land Surveyor:	
Projek Titel:	ERF 1287 HERMANUS
Title:	
Title:	TOPOGRAPHICAL SURVEY
Projek Nummer:	V16481
Project Number:	
Tekening Nummer:	V16481
Drawing Number:	
Vol	van
Sheet	of
1	1

ANNEXURE C 2/4



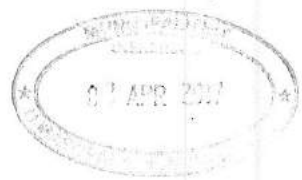
HOUSE SMITH erf 1287 Eastcliff Hermanus
DESIGN & CITY ARCHITECTURAL DESIGNER
TEL: 021 551 1311 FAX: 021 551 1312



FIRST FLOOR PLAN 1:00

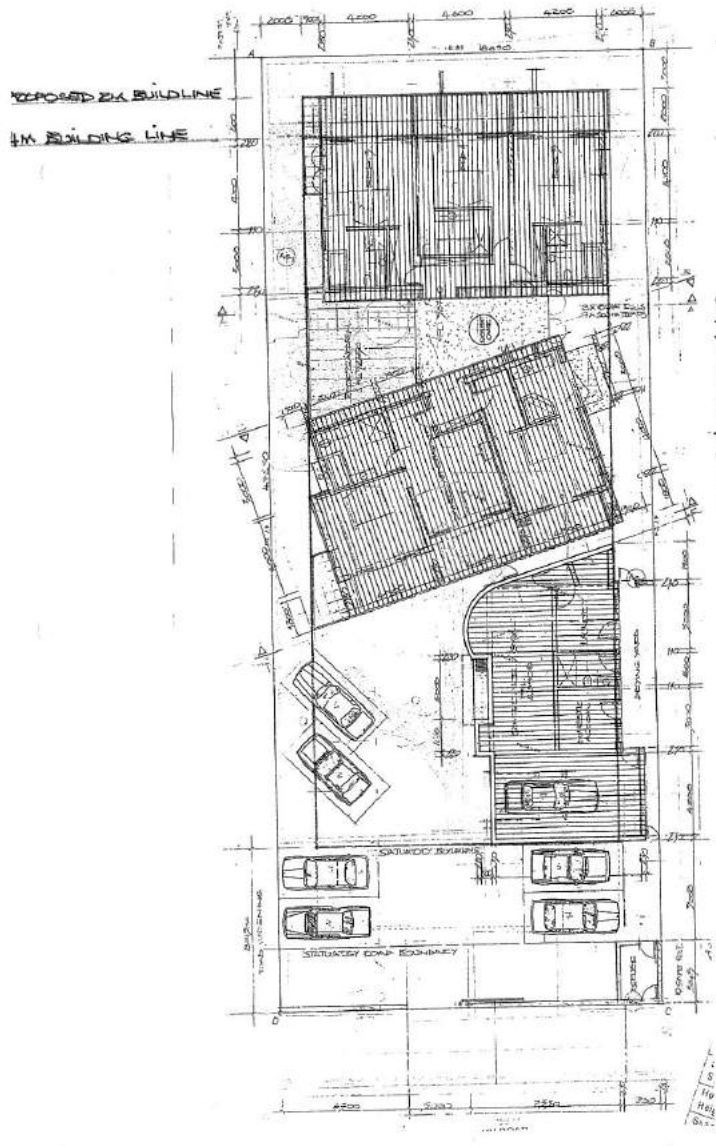
GROUND FLOOR PLAN 1:00

COVERAGE 44.18 %

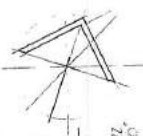




HOUSE SMITH off 1287 Eastcliff Hermanus
DOMINUS DEIT ARCHITECTURAL DIVISION
P.O. BOX 101 1287 EASTCLIFF HERMANUS



ROOF / SITE PLAN 1:100



EAST ELEVATION 1:100

FILE NO:		TR A Theat C Holivier	ANNEXURE D 1/3
SCAN NO:	EL 1287		
COLLECTOR NO:	Hermanus		
Alida Conradie - Erf 1287, 305 Main Road, Eastcliff, Hermanus ----- Proposed Consent use and Departure ----- S M Smith (obo JUS - TAY TRUST)			
1059354			

From: "Mike & Jill" <mikejill@hermanus.co.za>
 To: <aconradie@overstrand.gov.za>
 Date: 2017/06/13 09:02 AM
 Subject: Erf 1287, 305 Main Road, Eastcliff, Hermanus ----- Proposed Consent use and Departure ----- S M Smith (obo JUS - TAY TRUST)



Good Morning and for the attention of Director of Infrastructure and Planning - S Muller
 Town Planner P Roux- File Reference HEC (3585)
 dated 15th May 2017

Further reference is your letter to Erf 6695 STO ----- Berg En See, Private Bag X06
 Hermanus, 7200

Dear Sir/Madam

The copy of the letter of motivation for the above property including sketch plans has been passed onto me by the trustees of Berg en See as the owner of unit No 18 - Erf 6695STO18 for my consideration and comment.

I would like to comment as follows---

Problem

My home in Berg en See faces directly onto the 5 new guest suites - with three on the elevated first floor level being built across the road from me - three of the first floor suites will have fabricated add on balconies extending over the 4 m building line. This project is in a well advanced stage with much noise, dust and inconvenience to ourselves and I note that the walls are already up to first floor level and the shuttering has now arrived for the concrete slab. The letter of motivation does not take into consideration the impact of this new building on our property and others in Berg en See. The effect on my home in Berg En See which I have just finished upgrading at great expense will be substantial in that I will be looking directly into this newly elevated building with apartments and balconies overlooking my home and spoiling my view. We did make contact with Bamboo Inn and they assured us Mr S Smith the owner would contact us and to date no contact has been made.

Solution - my comment -----
 I do not think I can complain about a structure being built within the 4m building line and within municipal height regulations. What I do not accept is any encroachment over the 4m building line and the addition of the add-on fabricated balconies. These balconies can be set back into the suites with little problem. A

14 JUN 2017

2m high wall needs to front the property along Golf course road and a firm agreement needs to be made with the municipality by the new guest house to grow trees and bushes to hide this new structure from our front verandah and garden view.

I am trying to be user friendly and do not wish to see my capital floating down the drain and I ask you for no

leniency towards removal of building line restriction and I ask for your support.

Yours faithfully

Jill.P. Smith @ 18 Berg en See, P.B. X06, Hermanus 7200

Telephone 028 3124572

e-mail mikejill@hermanus.co.za

P.S. I shall be in the USA until 20th July and suggest you make contact with Alex Maroudas - manager of Berg en See if necessary.

BERG 'N SEE

The Director: Infrastructure and Planning
Overstrand Local Municipality

Dear Mr Muller

ERF 1287, 305 MAIN ROAD, EASTCLIFF, HERMANUS : PROPOSED
CONSENT USE AND DEPARTURE

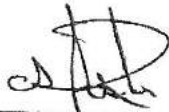
We thank you for the opportunity to comment on this application.

Berg 'n See Retirement Village's Southern boundary faces onto Golf Street over a distance of 260m, by virtue of which we are by all means an affected party.

We request that you consider carefully

- Whether **refusing** to relax the statutory 4m building line on Golf Street (down to only 2m) would really jeopardize the overall success of the proposed development on Erf 1287 or not;
- Whether **granting** the request would not create a precedent for similar applications by other property owners along Golf Street, which would then deleteriously affect the relaxed and spacious **ambiance** of the street (in line with that of Berg 'n See Village itself) and exemplified by the sensitive alignment of the existing pavement to avoid the lovely big Eucalyptus tree there;
- Whether previous encroachments over statutory building lines justify the continuation of this practice.

Yours sincerely



Mr C Fisher
Chairman of the Board of Trustees

BERG 'N SEE - PRIVATE BAG X06 - HERMANUS - 7200

028 - 312 1155 (T) / 028 - 312 3966 (F)

bergusee@hermanus.co.za



EL 1287-HEC ✓
COLLABORATOR NO:
SCAN NO:
FILE NO: 1050717



TP - A Theart
(Holivier)

REPLY TO OBJECTION

FILE REFERENCE: 1287 HEC (3585)

JUSTAY TRUST Erf 1287 305 Main Road Eastcliff Hermanus

The Director: Infrastructure & Planning – S. MULLER
Town Planner: P. Roux

Regarding objection received from JP Smith of Erf 6696 STO18 – Berg En See

Dear Sirs

We will address the Smiths objections point by point as received. This letter also serves to answer the late and generally vague comments received from the Chairman of the Berg En See Board of Trustees Mr C Fisher. It seems, according to correspondence - email L1 - from the Estate manager to the complainants, that the Board of Trustees agrees that the impact of the balconies will be negligible.

As clearly illustrated in the Surveyor's cadastral diagram and photos 1 & 2 [taken from the front of the Smiths balcony] the Smiths house faces Erf 1289 directly and not Erf 1287 which is peripheral in view.

In our experience noise and dust are part and parcel of all building projects. The site is kept tidy with rubble removed regularly.

The new building will have no impact on views as there was previously an existing elevated pitched roof structure. It is in fact not clear which views the Smiths refer to in their objection.

As clearly illustrated in photos 3a, 3b, 4a, 4b, 5a and 5b taken from each of the first storey North facing rooms 5-3 [as per approved plan] a. from the bedroom door and b. from the proposed balcony, there is negligible impact on the Smiths privacy and the addition of the proposed balcony does not add to this perceived impact. The views from the Guest House, as illustrated in the Surveyors diagram, are towards the mountain and do not focus on the Smiths house which is a distance of 43m and an angle of 45 degrees to the East.

On receipt of the message left at Bamboo Guest House we attempted to contact the Smiths on the landline number given with no answer or messaging option available.

We do not propose to build a 2m high wall along the Northern edge of the property. We will reinstate the landscaping on the 9m wide verge and are more than willing to consult with the Smiths regarding the planting of tree/trees to benefit all parties.

TP 10 JUL 2017

To make this proposed Guest House a viable business proposition we have used as much of the existing building as structurally possible to reduce costs. The existing building encroaches over the 4 m Golf Street building line by 2m for approximately 30% and by 0.6m for the remainder. The proposed balconies will therefore only extend by 1.4m along 70% of the Northern façade length.

We feel that we have designed an aesthetically pleasing building that will enhance the immediate street scape and generally add to the economy of Hermanus by providing quality accommodation and employment opportunities.

We look forward to your response.

Kind Regards



Douglas Carr

PrSArch – ST 1563

0833580330 (douglas) voip 0875501504 mail dj@ghostfountain.co.za

/ L 1:

----- Forwarded message -----
From: **Alex Maroudas** <bergensealex@gmail.com>
Date: Thu, Jun 29, 2017 at 12:39 PM
Subject: Erf 1287,305 Main Rd,Eastcliff
To: Mike & Jill <mikejill@hermanus.co.za>

ANNEXURE E 3/8

Dear Jill & Mike,

Trust that you're enjoying your holiday and keeping well?

The board at our meeting on Tues discussed on the agenda your concern over the request by the owner Mr Shaun Smith to relax the building line from 4m to 2m, to accommodate the first storey's balconies for suites 3-5.

With you as the nearest Berg n See neighbour, the board felt although the impact may be negligible, as the existing section of building already sits on the original 2m line from the boundary that it was duty bound to support your letter.

I had a visit yesterday from the concerned owner Shaun Smith over the issue which, if not amicably resolved will put further continuation of the project on hold until your revised opinion may favour his request.

We walked to your unit by his request, to see first-hand what the impact would be in direct line-of-sight. I noticed with close scrutiny that the balconies in question will not exceed the already existing structure which remains as part of the new build.

I have undertaken to write to you and express my view on the matter as his visit was intended to be able to meet and discuss with you personally.

My opinion after having met Shaun, is that he is an amicable and amenable young man of good character, with good intentions and a person with others and Hermanus first in mind. I'm sure you'll agree with me once you've met him.

He has assured me and I agreed, once completed that there will be limited if any disturbance or exposure to your unit, as the majority of tourists spend most of the time away for the day. I feel these aspects and the fact that sufficient parking off Main Rd negates any noisy cars which will come & go in your vicinity, are a positive scenario for future harmony and good neighbourliness.

Shaun has promised to work in close collaboration with you over the landscaping or any other related requests. etc.

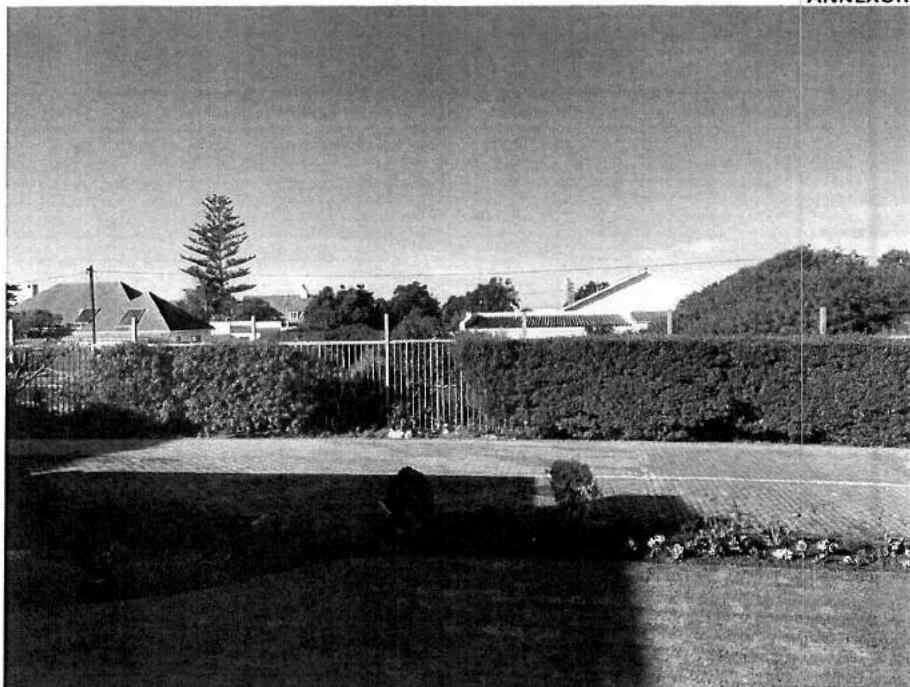
It would be I feel, a gesture of goodwill if you could discuss this together and allow the plan as proposed to be implemented on schedule with my undertaking to vouch for his credentials.

All the best guys.....travel safe,

Best Regards.....Alex



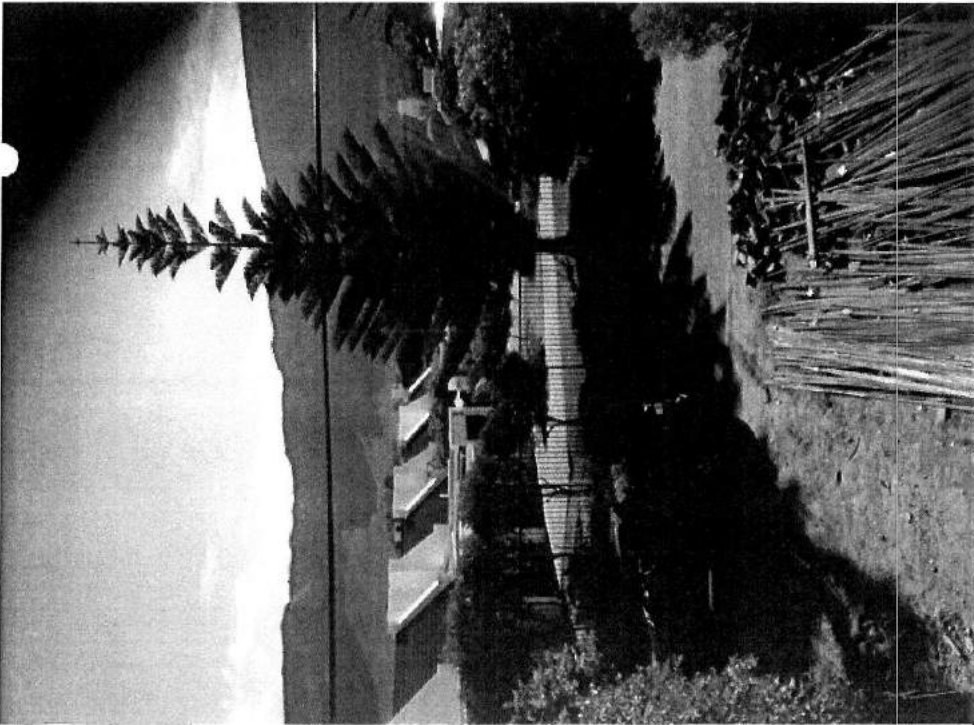

geomatics africa
LAND SURVEYING & CONSULTANTS
 PO Box 2345 Hermanus, 7200
 3 College Rd, Hermanus, 7200
 E-mail: info@geomatics.co.za
 Tel: 028 - 3131236 Fax: 028 - 3131237



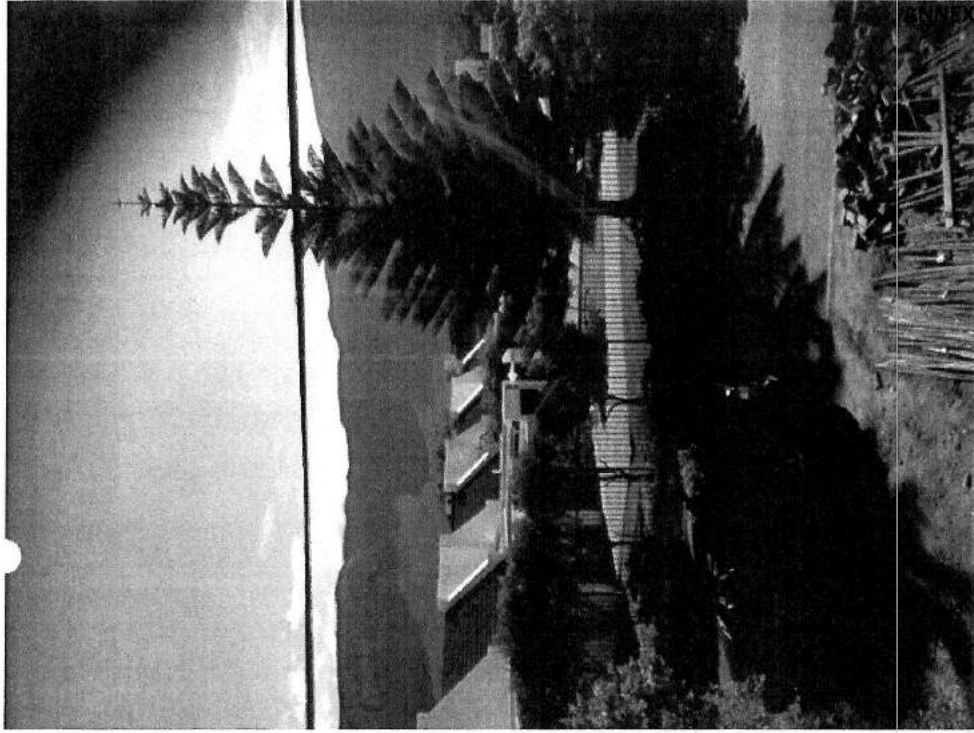
1. DIRECT VIEW TOWARDS ERF 1289



2. PERIPHERAL VIEW TOWARDS ERF 1287



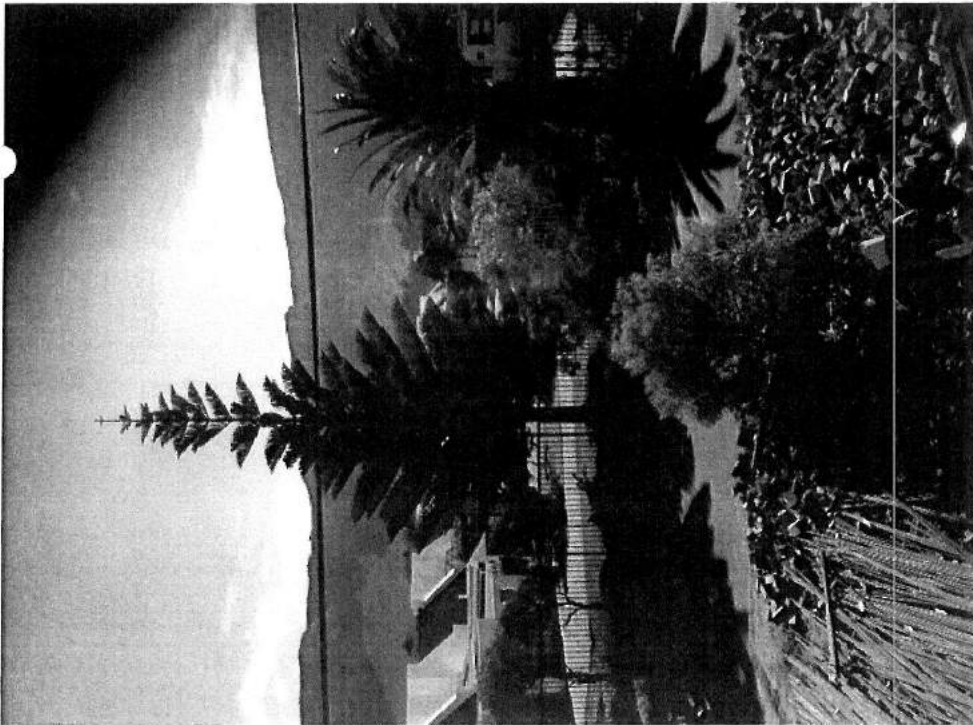
3a. VIEW FROM DOOR



3b. VIEW FROM BALCONY

EXHIBIT E 6/8

BEDROOM 3



4a. VIEW FROM DOOR

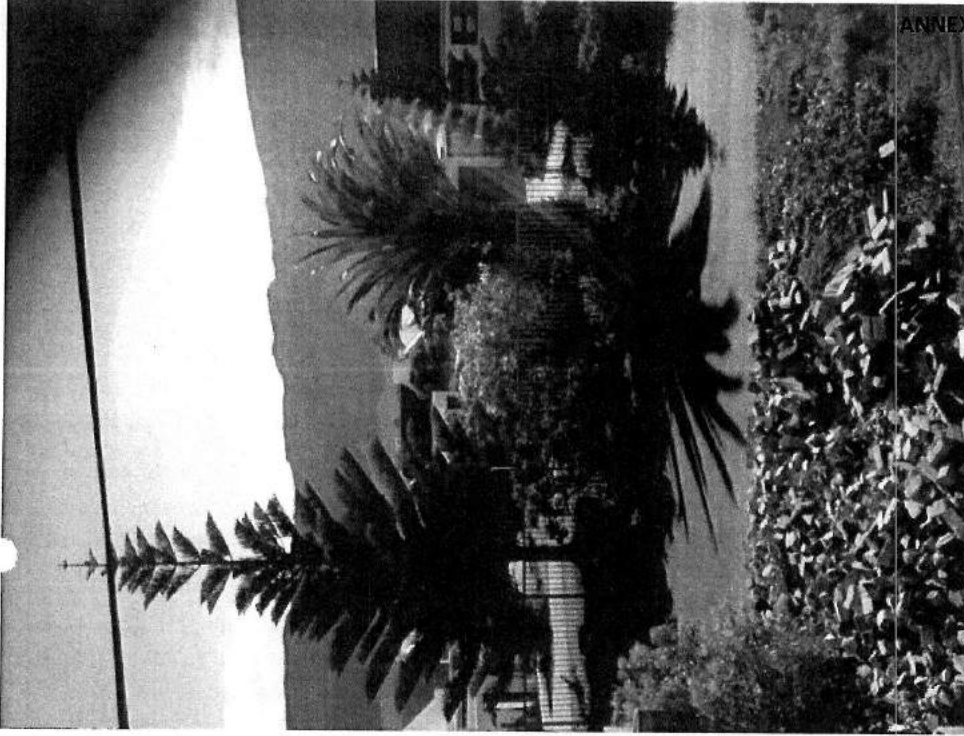


4b. VIEW FROM BALCONY

ANNEXURE E 7/8

BEDROOM 4

ANNEXURE E 8/8



5b. VIEW FROM BALCONY



5a. VIEW FROM DOOR

BEDROOM 5

Munisipaliteit – U-Masipala – Municipality
OVERSTRAND

INTERNAL MEMORANDUM

Aandag / For Attention:	Town Planning department: P Roux	Van / From:	Department: Operational Services
Afskrif / Copy:		Datum / Date:	15 May 2017

Ref: Erf 1287, Eastcliff

**RE: APPLICATION FOR PROPOSED CONSENT USE AND DEPARTURE– ERF 1287,
EASTCLIFF, HERMANUS.**

The request for comment from the Department: Operational Services (Hermanus) dated 15 May 2017 with regard to the abovementioned proposal refers.

The proposal entails the following:

- Consent use to operate a guest house facility on the premises.
- Departure for relaxation of the building lines.

1. ANALYSIS

1.1. Water

- 1.1.1. The existing water connection to Erf 1287 shall be used to service Erf 1287.
- 1.1.2. The proposed departure and consent use will not have a significant impact on the existing municipal water supply network. The Directorate: Infrastructure and Planning must however give comment with regard to network capacity and the relevant Bulk Services Levies.

1.2. Sewer

- 1.2.1. The existing sewer connection to Erf 1287 shall be used to service Erf 1287.
- 1.2.2. The developer must investigate and determine the limitations of the site in terms of sewer drainage, subject to the minimum requirements of *SANS 10400 – P: 2010: Drainage*.
- 1.2.3. The proposed departure and consent use will not have a significant impact on the existing municipal sewer system. The Directorate: Infrastructure and Planning must however give comment with regard to network capacity and the relevant Bulk Services Levies.

1.2.4. Any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.

1.3. Streets

1.3.1. Access can be obtained via Main road.

1.3.2. Any additional and / or extended vehicle entrances will be for the owner's account.

1.3.3. 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 must be made to the office of the Area Manager: Hermanus for written approval.

1.4. Storm water

1.4.1. The "Common Law" shall apply with regards to storm water discharge.

1.5. Parking

1.5.1. "On-site parking" must be provided. The parking areas are to be provided at a ratio as described by the Town Planning Scheme, with permanent surfaces and layout to the satisfaction of the Department: Operational Services.

1.6. Other services

1.6.1. The Department: Operational Services does not have any information regarding any Telkom-, other telecommunications- and / or Electrical services which may be affected by the proposed development. The Electrical- and Traffic departments, as well as Telkom and other relevant service providers, must therefore also give their recommendations regarding the application.

1.7. Refuse removal

1.7.1. The proposed development on Erf 1287 must be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus).

1.7.2. Refuse will be removed from sidewalks as per municipal arrangements.

1.8. Irrigation water

1.8.1. No irrigation water is available in this area.

1.9. Waste Water Treatment Works (WwTW)

1.9.1. The proposed departure and consent use will not have a significant impact on the Waste Water Treatment Works. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

1.10. Bulk Water Supply

1.10.1. The proposed departure and consent use will not have a significant impact on the bulk water supply, reservoirs or other bulk water infrastructure. The Directorate: Infrastructure and Planning must however give comment with regard to the relevant Bulk Services Levies.

2. RECOMMENDATION

- 2.1. With regard to the application for the proposed consent use and departure on Erf 1287, Eastcliff towards establishment of a new guesthouse, the **Department: Operational Services has no objection to the application, subject to the following conditions:**
- 2.1.1. That the existing water- and sewer connections to Erf 1287 shall be used to service Erf 1287.
- 2.1.2. That any commercial food preparation facilities (e.g. restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services.
- 2.1.3. 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*.
- 2.1.4. That on-site parking facilities be provided as per the Planning Schedule, and to the satisfaction of the Department: Operational Services.
- 2.1.5. That any additional and / or extended vehicle entrances will be for the owner's account.
- 2.1.6. 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.
- 2.1.7. That the proposed development on Erf 1287 be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus).
- 2.1.8. That refuse will be removed from sidewalks as per municipal arrangement.
- 2.1.9. That the Electrical- and Traffic Departments, as well as Telkom and any other relevant authorities and service providers not have any objections to the application.

Yours faithfully



T.J. Marx
Principal Technician: Operational Services
Hermanus



J. de Villiers Pr. Eng.
Senior Manager: Operational Services
Hermanus



File reference:	1287 HEC (3585)
Date:	15 May 2017

INTERNAL MEMORANDUM

From	: Town Planning Department
Town Planner	: Petrus Roux

TO:

<u>Area Manager</u>	<u>Building Department</u>	District Health	<u>Electrical Department</u>
Environmental Officer	<u>Fire Department</u>	<u>Infrastructure and Planning</u>	Local Heritage Committee
<u>Operational Services</u>	Traffic Department	<u>Ward Councillor (Cllr. K. Brice)</u>	Waste Management

Applicant	SM SMITH (obo JUS-TAY TRUST)
Property Details	ERF 1287, 305 MAIN ROAD, EASTCLIFF
Application Description	PROPOSED DEPARTURE AND CONSENT USE

MUNICIPALITY OF OVERSTRAND
 FIRE BRIGADE / BRANDWEER
 APPROVED / GOEDGEKEUR
 27 JUN 2017

ATTACHMENTS :

1. Notice	Should the information be insufficient for you to make an informative comment, please list any additional documentation that you would require to make informed comments.
2. Locality Plan	
3. Site Development Plan	
4. Motivation	

YOUR DEPARTMENT'S COMMENTS:

Operation of a guesthouse is subject to compliance with the requirements of National Fire Protection Regulations SANS10400:2011 and Section A21 of National Building Regulations SANS10400A:2010. Refer to Annexure A(attached).

Signature:		Date:	2017
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Please provide your comments (with specific reference to any conditions of approval that should be imposed) in the space provided above or in a separate Memo by not later than the date stipulated below. If you require an extension of time for submission of comments, kindly request this in writing. Should no comments be received, it will be assumed that you have no objection to the proposal and where appropriate, the Mayoral Committee will be informed accordingly.

- Building Control Department to confirm that all structures on the property/ies are in accordance with the approved building plans.

COMMENTS REQUIRED BY: 23 June 2017

	<p>OFFICE of THE CHIEF FIRE OFFICER PO BOX 20 HERMANUS 7200 Tel: 028 313 8980 Fax: 028 313 1493</p>	<p>ANNEXURE G 2/2</p> 
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STANDARD REQUIREMENTS FOR OPERATION OF AN ESTABLISHMENT CLASSIFIED HOSPITALITY – H5 - GUEST HOUSE, BED & BREAKFAST OR SELF CATERING TOURIST ACCOMMODATION IN ANY H3 OR H4 CATEGORY BUILDING IN TERMS OF THE NATIONAL FIRE PROTECTION REGULATION SANS10400T:2011

ANNEXURE A – ERF 1287, EASTCLIFF, HERMANUS
TOWN PLANNING APPLICATION No: 1287 HEC (3585)

The operation of a Guest House/B&B is subject to compliance with following requirements together with any other building compliance requirements as prescribed:

Fire Extinguishers:

SANS10400T:2011 – 4.37:

1 x Portable Fire Extinguisher per 100m² of a type - 4.5kg Dry Chemical Powder, 5kg CO₂ or 9 litre H₂O.

Combustibility of Fitted Floor Coverings:

Shall comply with requirements of Section 4.14 of SANS10400T:2011 - Table 8.

Combustibility of Internal Finishes:

Shall comply with requirements of Section 4.15 of SANS10400T:2011 - Table 9.

SANS10400T:2011 – 4.58 require the provision of:

- Escape route signs – Photoluminescent SANS1186-5 in all passages and corridors and also above all exit doors.
- Self-contained luminaires (automatic actuating battery operated lights) in all passages and corridors
- Stand-alone smoke alarms compliant with the requirements of European Standard EN14604 in each:
 - Sleeping room
 - Communal area
 - Passage or corridor leading to rooms
- Fire Hose Reels for premises larger than 250m² at a ratio of 1 per 500m² of the establishment. **(A dedicated 30 metre 19mm Garden Hose may be an alternative due to water supply connection restraints however this must be compensated with the provision of an addition of 2 x 4.5kg Dry Chemical Powder Fire extinguishers)**
- Doors leading to the outside of the building with single turn locks or any other lock device approved by the Fire Authority.

A suitable approved emergency plan indicating evacuation routes that informs guests as to action that must be taken in the event of an emergency that is affixed to the back of each room door or prominent place in the room.

These plans must include:

- Action to be taken when discovering a fire or if an emergency arises
- Action to be taken for evacuation of the building and assuring accountability of all occupants.
- The interim action to be taken pending the arrival of emergency services
- An evacuation floor plan that identifies the escape route, appropriate exit doors and post evacuation mustering point.

Maximum design occupancy total of 16 persons as prescribed by section A21 Table 2 of National Building Regulations SANS10400A:2010 i.e. 4 x 4 sleeper or 8 x 2 sleeper rooms.

Chief Fire Officer

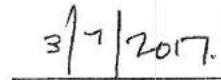
**COMMENTS FROM THE ENGINEERING SERVICES DEPARTMENT FOR:
APPLICATION FOR DEPARTURE & CONSENT USE: ERF 1287,
EASTCLIFF (3585)**

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

Conditions:

1. that only the existing water and sewerage connections will be available to the development, 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 any commercial food preparation facilities (e.g restaurant / guest house etc.) must be provided with a grease trap, which must comply with the standards and specification of the Department: Operational Services;
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 proposed development on Erf 1287 be provided with a central refuse collection facility, which must comply with the standards of the Department: Operations (Hermanus);
6. that stormwater be allowed to discharge through Erf 1287, Eastcliff, unobstructed;
7. that no on-street parking be allowed.


 DENNIS HENDRIKS
 SENIOR MANAGER:
 ENGINEERING SERVICES


 DATE