

**AGENDA of the  
Portfolio Committee :Infrastructure and Planning  
17 June 2015  
(Also the agenda for the Mayoral Committee Meeting : 24 June 2015)**

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**2.**

**ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI,  
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN  
ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF SOBREY  
PROPERTY INVESTMENTS CC**

**1746 HSB (2745)**

**H van der Stoep**

**18 May 2015**

**(028) 313 8900**

**Hermanus Administration**

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**1. Executive Summary**

An application in terms of Section 2.2 of the Overstrand Zoning Scheme Regulations has been received on 30 October 2014 from Messrs Plan Active Town- and Regional Planners on behalf of Sobrey Property Investments CC for a consent use for a Place of Institution, for a pre-primary school (also includes change of school's timetable) on Erf 1746, Sandbaai.

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

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Infrastructure and Planning  
Town- and Spatial Planning

**3. Compliance with Strategic Priorities**

Provision of democratic, accountable and ethical governance  
Promotion of tourism, economic and social development

**4. Delegated Authority**

Executive Mayor

**5. Legal Requirements**

Section 2.2 of the Overstrand Zoning Scheme Regulations

**6. Background/Discussion/Evaluation/Conclusion**

**Background**

An application for a departure for a pre-primary school was approved by Council during May 2012. The application for the removal of restrictive title

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conditions were approved during September 2013 by the Department of Environmental Affairs and Development Planning.

An application has been submitted for a consent use for a Place of Instruction in terms of the Overstrand Zoning Scheme Regulations and the amendment of conditions of approval dated May 2012. The application was distributed and 3 objections were received.

**The objections can be summarized as follows:**

Mr W Beukes

**1. One-sided timetable**

- Ø the proposed time table will allow the school to have children outside doing various outdoor activities whenever they wish;
- Ø the original time table is not adhered to and no effort is being made to do so;
- Ø their letter dated 29 March 2012 clearly indicates that the school closes at 17:00, but they are operating till 17:30. At the end of last year and before school holidays children were outside making noise till 20:00;
- Ø the purpose of a pre-primary school is to prepare the children for primary school. How are these children going to adapt to such a change if they are outdoors all the time?; and
- Ø this school does not close during school holidays and the noise is constant.

**2. Noise pollution problem**

- Ø the noise the children make when outside is not being controlled effectively and volumes are unacceptable high;
- Ø the noise of 100 children will double in volume if 200 children are allowed;
- Ø no appropriate treatment or screening of boundaries have been done to minimize the noise impact;
- Ø the school is aware of the noise complaints; nothing has been done to address the issue. Still a bell is used; a trampoline and jumping castle are installed, which are all noise generating activities;
- Ø Erf 1746 comprises of a superette and pre-school, both have high levels of noise in an area which is predominantly residential;
- Ø **superette** - the alarm goes off at 04:00 and from 06:00 to 09:00 it is delivery trucks and customers and at 21:30 the superette's loud alarm is reset and the shop is closed. This kind of noise should not be tolerated in a residential suburb; and
- Ø **pre-school** - noise starts at 07:00 and ends at 17:30. How can it be tolerated in a residential area with an erf bordering on residential properties?

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**3. Inadequate size**

- Ø an ECD requirement is that 1,5m<sup>2</sup> indoor play area per child be provided. For 200 pupils this would mean a 300m<sup>2</sup> indoor area and the total indoor area is about 272m<sup>2</sup> and thus not enough space for indoor play area. The latter should exclude area needed for other activities;
- Ø the ECD requires that indoor and outdoor play areas be separated for various age groups and this is not the case, and
- Ø the ECD requires 1 toilet per 20 children and does not include adult toilet facilities. It is unclear if the pre-school complies with this requirement.

**4. Unsuitable premises**

- Ø Erf 1746 shares its boundaries with 6 properties of which 5 are residential;
- Ø Erf 1746 accommodates a superette and a pre-school of which both generate high levels of traffic and noise;
- Ø the other businesses in the area are situated along Main Road and do not generate high levels of noise and adhere to normal business hours;
- Ø the superette sells alcohol during the school hours and that should be an issue;
- Ø the proposed parking lot is positioned outside my bedroom window and it is unclear if entrance to the school will be from the parking area - again the noise issue;
- Ø the inclusion of the parking lot is not beneficial to the children who are already in a confined space, and
- Ø most of the classrooms are located in wendy houses and this is not in keeping with the standard of the other businesses in Sandbaai.

**5. Location**

- Ø contrary to claims, there is property available in Sandbaai zoned for institutional development. This property shares its borders with community oriented establishments, not residential. This erf will meet all the requirements necessary for such an activity;
- Ø the parking area shared by the 2 different land use activities are already problematic. The parking lot is too close to the stop street. This parking lot is also favoured by the delivery trucks;
- Ø the school has a negative impact on the surrounding properties value and privacy, and
- Ø having a school sharing boundaries with residential properties comes with complications other than noise, such as children damaging surrounding properties, balls and toys constantly littering the surrounding properties.

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**6. Business Ethics**

- Ø Paddakoor Academy started operating in 2012, before it had any rights;
- Ø the owners had full knowledge that the property was incorrectly zoned;
- Ø the school does not respond to Council with regard to the conditions of approval and request with regard to rules, and
- Ø in purchasing my property there was a shop with a small room with a few babies and once the school grew the noise levels became unbearable.

**7. Recommendation**

- Ø The application not be approved.

Caroline Myburg

- Ø I rent a house as a retiree in Sandbaai due to its tranquillity and not the present noise levels;
- Ø why must a Place of Instruction be in a residential area?;
- Ø the facilities are not enough, where will an additional 100 children be accommodated?;
- Ø according to the new time table, children will mostly be outside, and
- Ø the application should not be approved.

Sandbaai Ratepayers Association

- Ø there is an objection, especially with regard to noise pollution;
- Ø should the academy double the amount of children it will have the potential to create a problem;
- Ø there is an erf available;
- Ø due cognizance is taken that there is a major need for such a facility in the community, and
- Ø it is proposed that should the consent application be approved, that strict adherence to the hours of business be complied with. It is also recommended that a high wall be erected between the classrooms and residential erven to prevent children to climb over the walls and to provide privacy to the owners.

**Applicant's response on the objections received**

Erf 1746, Sandbaai has always been a business property with established business rights and was created with the original Sandbaai layout to function as a business node. Any person that purchased land adjoining Erf 1746 knew what the land use rights were and business objections can therefore not be taken into consideration.

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With the previous application Mr Beukes was contacted to discuss his objections in order to see if mitigating measures could be put in place. Mr Beukes and his team raised issues relating to legislation pertaining to management and made false accusations to our client for not abiding to these rules. Proof was furnished that the school was and is still operating legally and approvals are in place. The client is still in favour of having reasonable discussion with the objectors to discuss reasonable mitigating measures.

The application is to change the existing departure approval for a school to a consent use and to amend the school's time table. No additional rights will be obtained. The operating hours and/or the traffic generation of the superette have no relevance to the application.

It is mentioned that Erf 1746, Sandbaai is not a suitable premises for business purposes and a school due to its proximity to the residential erven. As mentioned the erf has always been a business erf. The surrounding erven, especially along the Main Road have changed their land use to business either by means of a departure and/or as home occupation. The types of business uses granted are seen as compatible with the residential land use.

Erf 1746 accommodates the Sandbaai Superette and Paddakoor Academy, previously known as Kidz Academy that was established in 2004. The school has never accounted any so called unwanted elements wandering about the school grounds as stated in the objections.

The layout of the Site Development Plan (SDP) has not changed with this application. The Site Plan remains as it was approved including the parking area. It should be remembered that Erf 1746 is only partially developed and can be developed further with additional parking provided on any location of the site. The primary development rights under the existing zoning are shops, flats and offices. It should be noted that the definition for a shop also makes provision for a retail concern where goods are sold, manufactured and repaired provided that the floor space does not exceed 50% of the floor space of the shop. The aforementioned will have a greater impact on the abutting erven than the existing school.

The prefabricated classrooms were built by Kidz Academy and taken over by Paddakoor Academy and were part of the previously approved Site Plan. Mr Beukes did not object at that time. The classrooms are well maintained and suitable for the use.

The existing parking layout in front of the superette was used to design the approved parking layout and circulated to the Overstrand Engineering Department. If there was any safety issues at the time the site- and parking layout plan would not have been approved.

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Paddakoor Academy continues to lease the property and continued to use it for educational purposes that were established in 2004. Once the landowner was informed that the land use is not in line with the current zoning, an application for a departure and removal of restrictive conditions was lodged and approved by Council.

Paddakoor Academy fulfils a great need in the community and the application is to change the departure to a consent use as per the Overstrand Zoning Scheme and amend the time table. The number of children accommodated, the SDP and parking layout will remain the same.

**Paddakoor Academy response on objections**

Paddakoor Academy offers child care services from the ages of 3 months infants to 12 years old. The hours of operation are from 07:00 to 17:30 Mondays to Fridays. We are closed on all public holidays and 2 weeks in December/January. The school opened with 5 children and has grown to 100 children. The present business plan stipulates that children are at school for 10 hours of which only 2½ hours are allocated for outdoor activities. The average child can only concentrate for 15 minutes and thereafter they need to change their environment. Younger children can easily be entertained through board games, etc., but the older children require more stimulation.

The benefits for children playing outside are as follows

Build up their immune system, provides exercise, stimulates imagination, promotes problem solving skills and provides Vitamin D.

The proposed time table is not one sided. A thorough search was done prior to submitting the proposed time table. Not all children will be doing outdoor activities at the same time. The only time all the children will be outside is during the fire drill and play time as indicated on the schedule. Certain functions are held annually such as Grade R graduation, Christmas fun day and fund raising events, usually on a Saturday morning.

Paddakoor Academy is registered and approved by the Department of Social Services and complies with all the requirements.

Allegations made by Mr Beukes has been noted, however it needs to be put on record the following problems we have to endure from Mr Beukes such as swearing at the children while they are playing outside, verbal abuse towards the teachers, balls that are slashed if accidentally kicked over the fence, rubbish thrown in sandpits, especially on Mondays, air rifle shots fired into the trees whilst children play outside, traumatizing the children while standing on the roof to take pictures, intimidating phone calls to keep the children quiet or bear the consequences. We would like to put on record the pictures submitted by Mr Beukes of children climbing over the wall to fetch a ball, I personally

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assisted the children to retrieve the ball, however the picture was taken in 2012 and since then no child has climbed over the walls.

The objectors were well aware when purchasing their properties of the school abutting their properties. If common ground could not be found, the objectors should relocate to erven not abutting any other use.

**Town Planner's comment on the objections received**

It should be noted the management or the activities of the superette is not part of this application and thus has no relevance pertaining to this application, and the objections in this regard will be ignored.

The objections will be dealt with under the following headings:

- ECD requirements and approval
- Noise pollution
- Location
- Time table
- Amount of children

**ECD Requirements and approval**

The Department of Education and Social Services via the Overberg District Municipality has issued a permit of compliance in 2011. It also stipulated that the application property can accommodate 150 children with the present facilities.

In terms of The Children's Act, Act 38 of 2005 read with Regulations 2010, the requirement for an indoor play area is 1,5m<sup>2</sup> per child and 2,0m<sup>2</sup> per child outdoor play area. Thus for a 100 children the indoor play area is 150m<sup>2</sup> and for the outdoor play area it is 200m<sup>2</sup>. The indoor facilities are 272m<sup>2</sup>, which includes a baby room and the outdoor play area is 1025m<sup>2</sup>. The question raised by the objectors that the facilities do not comply with the ECD requirements is thus unfounded. The requirements such as toilet, kitchen etc. has been approved for 150 children as per the Overberg District Municipality's letter dated 2011.

**Noise pollution**

It is clear from the objectors that the noise pollution is of great concern. The fact that the objectors are abutting the pre-school will be affected by the noise generated by young children. However, the management of the school should be sensitive to the surrounding residential erven. The objectors must also realize that they bought a property with existing rights and associated rights attached to the property, which allows for a range of possible land uses. Within a local business node such as Erf 1746, there will be activities associated that

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generate noise levels higher than an area not abutting a main road and/or business erven.

**Location**

The school is located on a business erf and in terms of the size of the erf and adequate parking area available, is ideally located. In terms of physical contributes. It is situated on an erf earmarked for business and developed as such, thus services and infrastructure are available.

The activities allowed are not of residential nature, thus is more practical to combine different uses in 1 location as to have it spread out within a residential core of the Sandbaai Township. The area has a mixed use trend of development with an area earmarked for community development and local economic opportunity. It is correct that there is an erf zoned for community purposes in close proximity of the present school. The erf is however in private ownership and is vacant, thus the expense to purchase and erect the required present facility will be expensive and the cost will have to be recuperated by means of the school fees. Parents are presently having difficulty to keep up with rising school fees, and it is most likely that they will not be able to afford exorbitant school fees.

However, because the erf borders five residential properties, the erf is not ideal for a pre-school. Also, alcohol is sold on the same premises, which is not compatible with a pre-school. The impact on the noise generating activity such as a pre-school does have a negative impact on the residential erven adjacent to the application site. The noise levels generated is constant, except in December. This aspect renders the location of the property negatively.

**Time table**

The time table as per the application does not allow any quiet time for the surrounding residents. It is understandable that children need time to play and in order to accommodate different age groups and outdoor activities relevant to the education of children. However, the proposed time table is vastly different from the original proposed time table and that in itself does create problems. The proposed time table will allow various groups of children outside during the whole day and this will exacerbate the noise pollution issue.

**Number of children**

Paddakoor started in January 2012 with five children and has grown rapidly to hundred at present. It is clear from the many complaints that the current number of children is excessive and should be restricted.

The registration of the school restricts the amount to one hundred and fifty children for the present facility. Although the applicant makes reference that a

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requested two hundred children were mentioned in the previously approved application, the present registration only allows for one hundred and fifty children. The applicant did indicate in her response that the previous business place was based on a smaller amount of children and with the growth of the school needs to be amended. This has led to the present problem with adjacent neighbours.

### **Discussion**

The property forms part of the Sandbaai Local Economic Node, which consists of a community retail centre, offices, and high density residential developments. The erf was previously used by a pre-school, known as Kidz Academy. In the process of changing of ownership it was found that the zoning does not make provision for a pre-school and the applicant had to apply for a departure and a removal of restrictive Title Deed conditions. Both the applications were approved by the Municipality and the Department of Environmental Affairs and Development Planning.

In the approval letter, dated 26 September 2013, the operation hours were stipulated as a condition of approval. The objector, Mr W Beukes, has on numerous occasions since the approval complained about the operation hours in so far that the school does not adhere to the approved times. Mr Beukes indicated that he has been complaining since 2008 and that the noise, when the children play, is excessive and no effort is made to lessen the noise. The Municipality did inform the applicant of the complaints and indicated that the operation times during the school holidays do pose a problem, similarly weather conditions. The Planning Department investigated and inspected the site and found that the school on occasions does not adhere to the approved operating hours. The applicant was informed that the transgression cannot be tolerated and that they must adhere to the prescribed times and if not, an item will be submitted to rescind the departure approval. The approved operation hours were transgressed during the school holidays, due to adverse weather conditions and also during the normal school term.

The one aspect that is in contention is that Mr Beukes did indicate that the school closes at 17:00, but children are still on the premises. It should be made clear that the operation of the school stops at 17:00, but the children is kept on the premises until the parents collect them. The present application is to request the amendment of the time table in view of objections received and operation of the school. In order to accommodate the outdoor activities, the approved time table does not accommodate school holidays and adverse weather conditions.

It is clear from the objections received that conflict between the parties exists with regard to the compliance of the present time table. The school has by arrangement with the Municipality conducted fire drills, and thus cannot adhere to the approved time table on that specific day.

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### **Evaluation**

The erf is located in an Economic Development Zone and is zoned Business Zone 3: Local Business, which entails the following land uses as primary rights: *shops, flats above floor level and offices.*

The consent uses include: *bottle stores, business premises, clinics, conference facilities, flats on ground floor, town housing, guest houses, hotels, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential buildings, restaurants, roof top base stations, sale of alcoholic beverages, service stations, service trade and transmission towers.*

The municipal property towards the southern side of the erf is earmarked for institutional purposes, thus indicating that the area is as per the Overstrand Growth Management Strategy located in the Local Economic Node. It is also relevant that although the municipal land is available it is subject to a tender process and the development of a vacant erf is expensive. Erf 2153, opposite the application site is zoned for a pre-school, however is undeveloped and in private ownership. The applicant did consider the erf, but the development of the erf would not be financially viable.

The pre-school fulfil an essential function within the community of Hermanus. The town does not have any pre-school erven available and this type of activity is located on residential erven. In a few cases such as this, the erf is actually located in a development node, which is more in line with similar business related activities.

The objectors purchased or rented their properties since 2007/2008, with full knowledge that a pre-school is operating from the application erf. The school was established in 2004 and with the extension and development of the towns in the Overstrand the need for educational and after care facilities are evident, considering the growth experiencing within the municipal area. The objectors must realise that the property is only partially developed and can be developed fully and thus the primary rights can be executed to its full extent and that noise pollution will always due to their locality next to a business erf be a reality. The erf has existing rights and the residential component will have to abide by the rights associated with Erf 1746. The Overstrand Growth Management Strategy as well as the Overstrand Municipality Zoning Scheme Regulations did go through extensive public participation processes and all inhabitants of the Overstrand Municipal area had full access to the documents. At no stage were the business rights and or the development of the Sandbaai Local Economic Node in dispute.

The planning policies of the Overstrand are focused on densifying the residential areas as well as condensing similar land uses on existing erven or areas. This is to ensure that various land uses are located with the least influence on the residential townships. However, in areas where a mixed land

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use pattern exists, mitigating measures must be put in place to limit the influence of activities on each other.

The pre-school does have an effect on the residential erven, however the opposite is also true as the residential erven place a restriction on the normal activity of the pre-school with regard to the outdoor activities for the children.

Erven for educational purposes, except on municipal land, is not available in the residential townships of the Hermanus area. This aspect is of major importance as most parents are employed within Hermanus and the schools are also situated in Hermanus and Sandbaai. The pressure for pre-schools and after care is in and around Hermanus town and where possible these activities are to be located in areas allocated for economic development and or in areas earmarked for densification as per the Overstrand Policy Documents as approved by Council.

The need and desirability of the pre-school has been proven if one should take cognizance of the growth of the school.

The growth of the school has rendered the premises' location unfavourable since the needs of the required outdoor activities cannot be catered for adequately. In order to achieve the aforementioned, the pre-school with its present amount of children and projected growth should be accommodated on an erf zoned for such purposes. It is clear that both the needs of the children/parents and surrounding owners should be taken into account. The pre-school will have to be scaled down to accommodate the educational needs of the children and the fact that most parents already paid the school fees. It is thus not practical to close or expect immediate scale down of the pre-school in the middle of the year. The objectors should take due cognizance of the aforementioned.

**The following mitigating measures are proposed:**

- the wall between the school and the residential erven be raised to 2,1m.
- the previous time table be amended to make provision for the closing time of the school at 17:30.
- fund raising, graduation and Christmas events be included in the approval.
- the school makes other arrangements for outdoor activities that cannot be catered for into the existing time table;
- the school be restricted to fifty to seventy five children;
- the school be sensitive to the surrounding residential component and not make use of noise generating instruments such as bells for daily operation of the school;
- the surrounding property owners will be informed of special functions such as fire drills one week in advance, and
- the screening by means of natural vegetation should be implemented.

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**Conclusion**

The deliberation and recommendation as per Council's resolution dated 30 May 2012 remains applicable.

**7. Financial Implications**

None

**8. Staff Implications**

None

**9. Comments from other Departments, Divisions and Administrations**

**Engineering Services Department**

Annexure G.

**10. Annexures**

Annexure A:	Locality Plan
Annexure B:	Site Development Plan
Annexure C:	Motivation Report
Annexure D:	Objections
Annexure E:	Applicant's comment on objections received
Annexure F:	Council's resolution dated 30 May 2012
Annexure G:	Letter dated 18 September 2013 received from the Department of Environmental Affairs and Development Planning
Annexure H:	Services Report

**RECOMMENDATION:**

1. that, in terms of Section 2.2 of the Overstrand Municipality Zoning Scheme Regulations promulgated in accordance with Section 9 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) the application for a consent use on Erf 1746, Sandbaai for a Place of Institution, for a pre-primary school, **be approved**;
2. that the amended time table **not be approved**, but that the time table as per approval 30 May 2012 be amended to read as follows:
  - (a) that the business hours be restricted to 07:00 until 17:30 from Monday to Friday.

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3. that the Council's resolution dated 30 May 2012 (attached as Annexure F) remains applicable;
4. that the wall between the school and the residential erven be raised to 2,1m;
5. that fund raising, graduation Christmas events be part of the pre-school activities;
6. that the school be restricted to fifty children and that this condition be applicable from 1 January 2016;
7. that all the conditions in the Services Report (attached as Annexure H) be complied with;
8. that screening by means of natural vegetation be implemented; and
9. that the applicant/objector be notified of their right of appeal in terms of Section 62 of the Local Government : Municipal Systems Act No 32 of 2000 with regard to the above decision.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM OBJECTORS :</b>	<b>8 JULY 2015</b>

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**2.**

**ERF 1746, CORNER OF MAIN ROAD AND LONG STREET, SANDBAAI,  
OVERSTRAND MUNICIPAL AREA : PROPOSED CONSENT USE : MESSRS PLAN  
ACTIVE TOWN- AND REGIONAL PLANNERS ON BEHALF OF SOBREY  
PROPERTY INVESTMENTS CC**

**1746 HSB (2745)**

**H van der Stoep**

**18 May 2015**

**(028) 313 8900**

**Hermanus Administration**

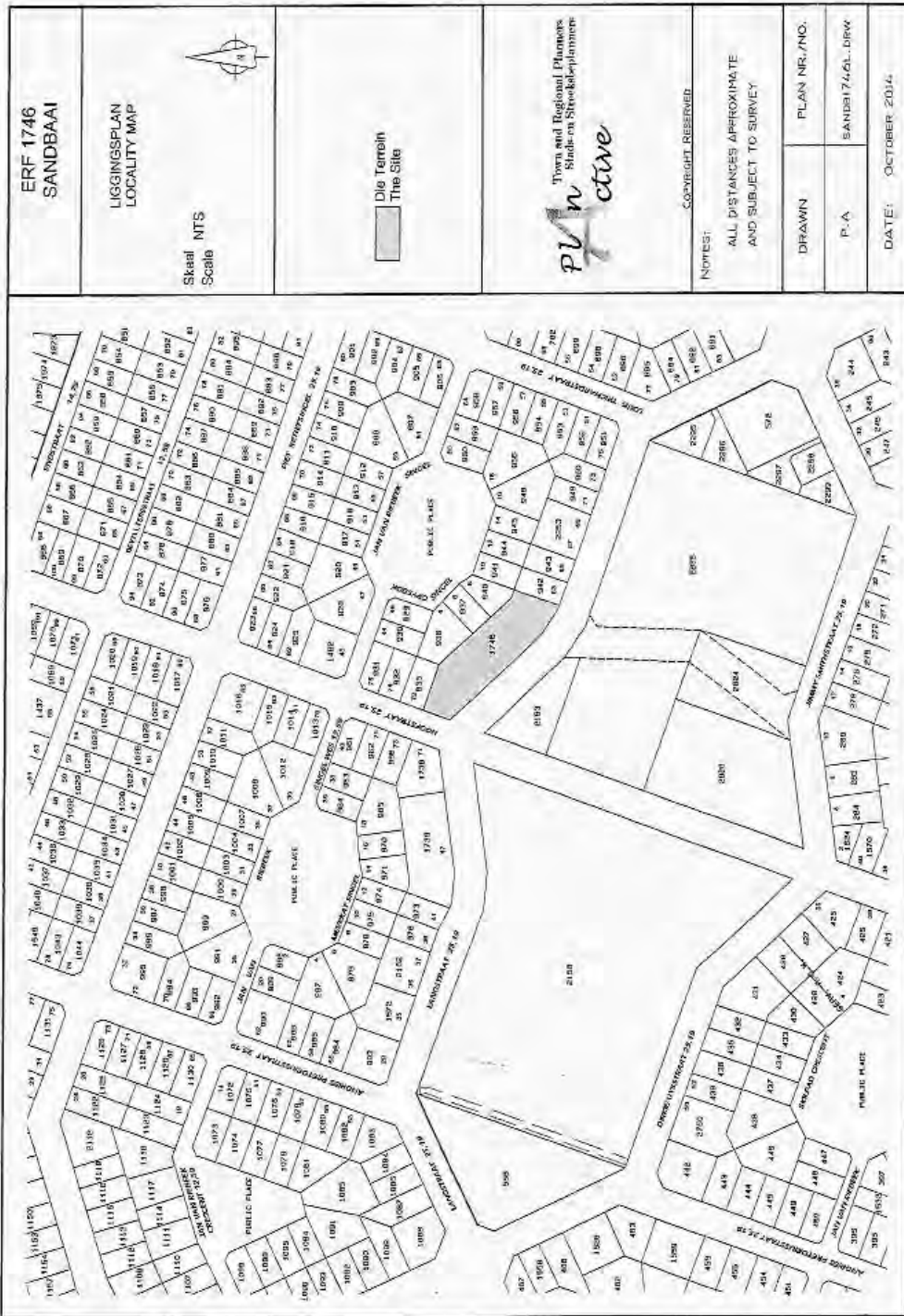
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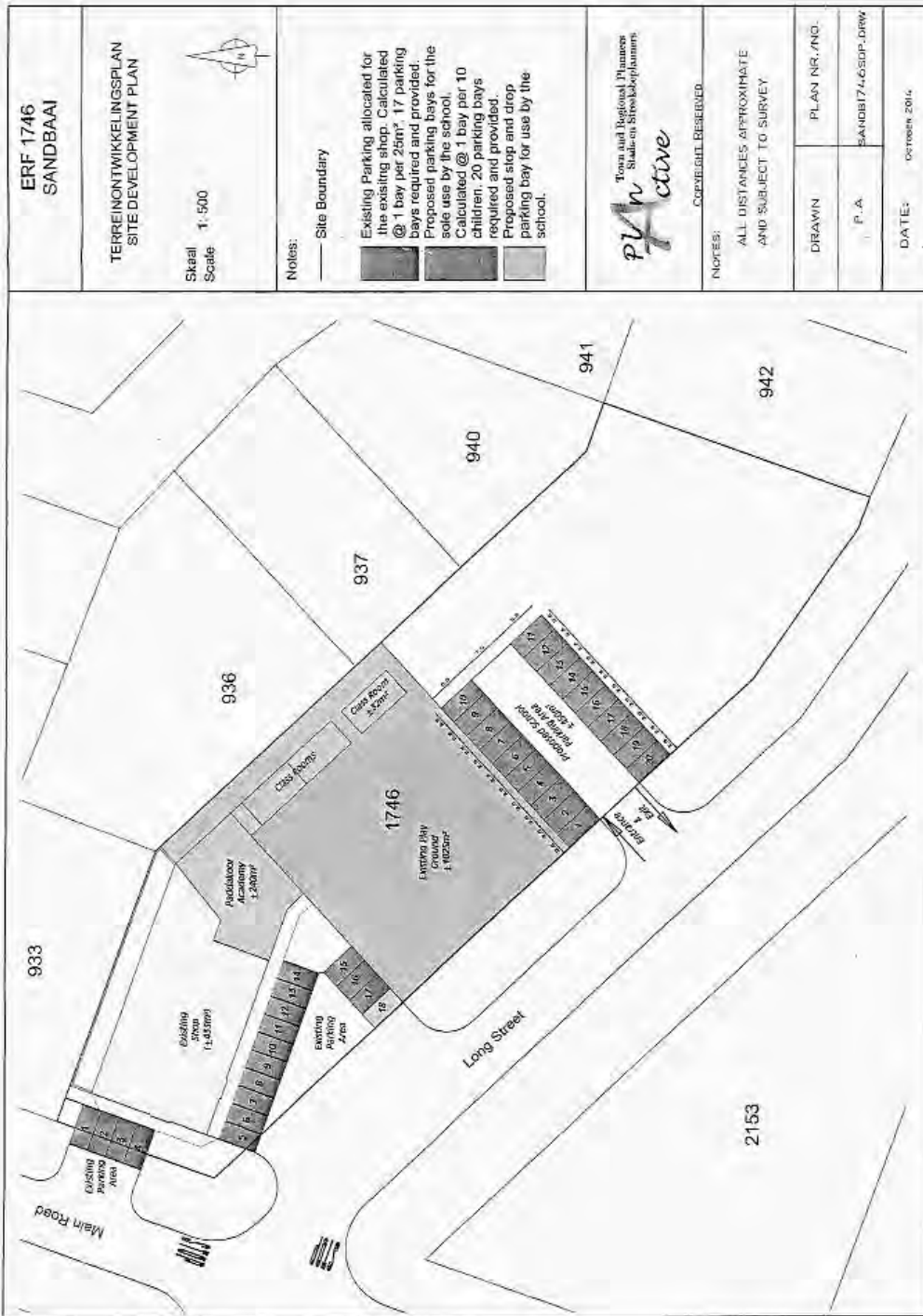
**THIS MATTER SERVED BEFORE THE JOINT PORTFOLIO COMMITTEE ON  
17 JUNE 2015, WHICH COMMITTEE RECOMMENDED AS FOLLOWS:**

**RECOMMENDATION:**

that the item be held in abeyance until the Mayoral Committee meeting.

<b>RESPONSIBLE OFFICIAL :</b>	<b>H VAN DER STOEP</b>
<b>TARGET DATE FOR IMPLEMENTATION :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM APPLICANT :</b>	<b>8 JULY 2015</b>
<b>TARGET DATE TO INFORM OBJECTORS :</b>	<b>8 JULY 2015</b>





**PROPOSED CONSENT USE**  
**ERF 1746 SANDBAAI**  
**DIVISION: CALEDON**  
**OVERSTRAND MUNICIPALITY**

**MOTIVATION REPORT**

**1. BACKGROUND**

Mr. Aubrey Bothma, on behalf of SOBREY PROPERTY INVESTMENTS CC, the owner of erf 1746 Sandbaai, has instructed the company Plan Active to apply for a consent use.

Erf 1746 Sandbaai is 4245m<sup>2</sup> in extent and is held by title deed number T84306/2004. It is the intention of the owner of erf 1746 Sandbaai to change the departure approval for the Paddakoor Academy to a consent use for the following reasons:

- The land use is now provided for in the Overstrand Municipality Zoning Scheme under the property's current zoning;
- To amend the schools timetable.

The property is situated on the corner of Main Road and Long Street Sandbaai. The portion of Erf 1746 Sandbaai on which the pre-primary school is situated is next to the existing corner café and approximately in the centre of the subject property.

The site plan that was approved with the previous application for departure and the removal of restrictive title deed conditions will remain unchanged. Please refer to the enclosed letter of approval dated 26 September 2013 and the approved site plan for

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Motivation report

easy reference as Addendum A. With this application no additional rights will be obtained.

## **2. APPLICATION DETAILS**

Application is made for:

- Consent use in terms of the Overstrand Municipality Zoning Scheme.

## **3. DESIRABILITY**

### **3.1 PROPERTY DESCRIPTION**

The subject property is situated on the corner of Main Road and Long Street, Sandbaai. Please refer to the locality plan attached. Erf 1746 Sandbaai is 4245m<sup>2</sup> in extent and it is situated in a mixed use area consisting of business uses, offices and residential uses.

### **3.2 ZONING**

Erf 1746 Sandbaai is zoned Business Zone III and is utilized as such. Surrounding properties are zoned for Business and Single Residential purposes.

### **3.3 LAND USE**

Erf 1746 Sandbaai is used for business purposes and accommodates a shop and pre-primary school.

Land uses that surround erf 1746 Sandbaai are dwellings, a retirement village, offices, estate agents, an optometrist, apartments, community hall and public roads. It is therefore evident that erf 1746 Sandbaai is surrounded by mixed land uses.

## Motivation report

Examples of surrounding land uses:

Offices



Doctor's Consulting Rooms & Estate

Agent



Optometrist & Estate Agent



Hairdresser



Retirement Village



Apartments



### 3.4 PROPOSAL

- Consent use in terms of the Overstrand Municipality Zoning Scheme.

An application for a departure and the removal of restrictive Title Deed conditions was approved to accommodate a pre-primary school. The pre-primary school also offers an after school day care service and has been renting a section of the existing building and a

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portion of the property from the land owner since 2004 and has been operational since then. The school was formerly known as Kidz Academy and has change to Paddakoor Academy.

The detail of the change of land use rights from a departure to a consent use can be described as follows, even though the site plan remains the same as it was previously approved:

### 3.4.1 Proposed Consent Use

Erf 1746 Sandbaai is zoned Business Zone III that has primary uses such as shops, flats above ground and offices, with consent uses nl. Business premises, clinic , conference facilities, flats on the ground floor, town housing, guesthouse, hotel, informal trading, institution, place of assembly, place of entertainment, place of instruction, place of worship, recreational facilities, residential building, restaurant, rooftop base station, service station, service trade and transmission tower. A crèche / pre-primary school and day care can be accommodated under the prescribed land uses as a consent use. A place of instruction's definition reads as follows:

:"**place of instruction** means a place for education at **pre-school**, school or post school levels, including a **day care centre**, a **crèche**, farm school, nursery school, primary school, secondary school, college. Lecture hall, university, research institute, environmental research, or other educational centre and associated uses such as boarding hostels, or a civic facility for the promotion of knowledge to the community such a convent, monastery, public library, public art gallery, museum, or a place of instruction in sport or other physical discipline where the main objective is instruction as opposed to participation by the public sector as competitors or spectators, but excludes a reformatory, industrial school, commercial conference facility, institution, health centre or in-house business training centre."

The school has been operating since 2004 and is a well established pre-primary school that also provides the services of an after school day care. The school currently consists of an office, a baby room, 2 indoor class rooms, kitchen facilities, 2 separate toilet facilities for staff member and primary school children, toilet facilities for pre-school

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children consisting of 4 small toilets and wash basins and 2 large wendy houses that accommodates 2 class rooms, a playground and associated infrastructure.

The school currently accommodates 100 learners and wish to expand in the near future in order to accommodate 200 learners due to a great demand.

The pre-primary school accommodates children from the age of 0 to 6 years old and has 8 employees. The employees consist of 3 teachers, 1 assistant, 2 baby minders and 1 chef and a cleaner. The school opens at 7h00 and closes at 17h30. The daily activities can be tabled as follow:

**TIME TABLE PADDAKOOR ACADEMY**

School Terms: Monday – Thursday Day Care	School Terms: Fridays Day Care	School Holidays: Monday – Friday Day Care
School opens @ 7:00 and the children play outside until 8:30.	School opens @ 7:00 and the children play outside until 8:30	School opens @ 7:00 and the children play outside until 9:00.
Education starts @ 8:30 until 10:00 <b>Certain Activities will be done outside between 8:30 – 10:00</b> Movement & Exercise Singing (Bible songs & rhymes) Themes Fire Drill (Twice a month)	Education starts @ 8:30 until 10:00 <b>Certain Activities will be done outside between 8:30 – 10:00</b> Movement & Exercise Singing (Bible songs & rhymes) Themes	A holiday programme to be followed and the children will be indoors from 9:00 to 10:00.
Break is from 10:00 – 12:00	Break is from 10:00 – 12:00	Break is from 10:00 – 12:00
12:00 – 12:30 the children have lunch that is seated outside under covered area.	12:00 – 12:30 the children have lunch that is seated outside under covered area	12:00 – 12:30 the children have lunch that is seated outside under covered area.
Certain Children have nap time from 12:30 to 14:00.	Certain Children have nap time from 12:30 to 14:00.	Certain Children have nap time from 12:30 to 13:30
The children play outside until they are collected by their parents.	The children play outside until they are collected by their parents.	The children play outside until they are collected by their parents.
Closing time is 17:30	Closing time is 17:30	Closing time is 17:30
School Terms: Monday – Thursday After Care	School Terms: Fridays After Care	School Holidays: Monday – Friday After Care
The Grade 1 & 2 children arrive @13:30. On arrival they have lunch	The Grade 1 – 7 children arrive from @ 13:30. On arrival they have lunch.	12:00 – 12:30 the children have lunch that is seated outside under covered area.
The Grade 3 & 7 children arrive @ 14:30 and have their lunch.	The children play outside until they are collected by their parents.	The children play outside until they are collected by their parents.
After lunch the Grade 1 – Grade 7 children do their homework and once completed play outside until they are collected by their parents. Closing time is 17:30	Closing time is 17:30	Closing time is 17:30

**THIS TIMETABLE IS:**

- CURRICULUM DEPENDANT

Please note that in terms of the School Curriculum it is required that the children also be educated outside in terms of various outdoor activities in order to assess their physical skills. The children will be accompanied by a teacher and the same rules will apply as if the children were in their classrooms. These activities cannot be associated as free play and do not qualify as a break.

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The placing of the classrooms on the north eastern boundary of Erf 1746 Sandbaai that consist of properly ventilated wooden classrooms creates a buffer between the play area and the existing single residential erven abutting the site. Doing so minimises the possible noise factor for the adjoining land owners during break times.

After 13:30 & 14:30 when the school day ends and the day care starts the school children have lunch and then play outside under the supervision of a teacher. Children that make use of the day care are children from the surrounding primary schools. These children require an environment where they can do their home work and study and not be disturbed. It is therefore required that children that play outside, play in an orderly fashion and not to disturb the children studying or doing home work. This is achieved by constantly having adult supervision inside the classrooms and outside on the play area.

The school is open throughout the year being a pre-primary school and after school day care centre during the school terms. It is a day care centre during the school holidays.

The total area occupied by the pre-primary school is  $\pm 1747\text{m}^2$  and consist of the following:

- The main building and classrooms :  $\pm 272\text{m}^2$
- Playground :  $\pm 1025\text{m}^2$
- Proposed parking area :  $\pm 450\text{m}^2$

Due to the fact that the site plan remains the same the following parking that was provided is still relevant. The shop ( $\pm 433\text{m}^2$ ) exists and a parking ratio of 1 parking bay per  $25\text{m}^2$  was used. The shop would require 17 parking bays. These parking bays are existing and are indicated as such on the site development plan. The parking bay, bay number 18 that is also existing will be utilised as the stop and drop bay for the pre-primary school.

With reference to the pre-primary school the number of parking bays was calculated using the new parking schedule. With reference to the new parking schedule in terms of the Overstrand Municipality Zoning Scheme it would be required that 1 parking bay must be provided for every 10 children. With this application to accommodate 200 children as previously approved by means of a departure, 20 parking bays will have to be provided and 1 stop and drop facility.

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In order to accommodate the last mentioned parking bays a new parking area will have to be created south east of the playground. Please refer to the site development plan that is the same as what was approved with our previous application. A total of 20 parking bays are provided as per the schedule, and as previously mentioned that parking bay number 18 that exists in front of the shop will be utilised as the stop and drop facility for the pre-primary school. A single entrance and exit is provided on Long Street. All parking bays depicted on the site development plan for the sole use by the pre-primary school is 2.5m x 5.5m with a minimum manoeuvre space of 7m.

The Title Deed T84306/2004 has no restrictions that need to be removed due to fact that it was removed with the previous application.

The proposed consent use will have no additional impact on the surrounding properties due to the previous application that was approved for the same land use by means of a departure. The properties surrounding erf 1746 Sandbaai are undoubtedly in a mixed land use area and there is no other land available of this size within a business area where a pre-primary school can be accommodated in Sandbaai. The pre-primary school fulfils an enormous need for pre-primary education and day care facility for Sandbaai and its surrounds. It is centrally situated and easily accessible. Being a business premises it is our opinion that this particular site is the most suited site in Sandbaai to be utilised as a crèche / pre-primary school and day care centre.

The proposed consent use is not in contrast with the existing land use tendencies in the surrounding environment and we therefore do not foresee any problems with the proposed application.

### 3.5 ACCESS

All existing accesses and parking areas on Main Road and Long Street will be used. A new parking area will have to be created south east of the play area as indicated on the site development plan that will gain access also from Long Street. Please refer to the site development plan attached. Please note that the parking layout is unchanged as approved with the previous application for a departure.

### 3.6 SERVICES

All services on the subject property already exist. Additional services will not be required. The site development plan and number of children (200) that was previously approved remains unchanged. The application deals with the change of the approval for the crèche / pre-primary school and day care centre from a departure to a consent use.

### 3.7 TITLE DEED

The title deed T84306/2004 has no restrictions that need to be removed in order for this application to be approved due to the fact the restrictive title deed conditions were removed with the previous application to accommodate the crèche / pre-primary school and day care centre.

### 3.8 FORWARD PLANNING

The Overstrand Municipal Growth Management Strategy (OMGMS) indicates that erf 1746 Sandbaai is included within a development node earmarked for local economic opportunities.

The Greater Hermanus Sub-Regional Spatial Development Framework earmarks the site as part of a commercial node. Retaining the current zoning of Business Zone III in terms of the Overstrand Municipality Zoning Scheme and accommodating the crèche / pre-primary school and day care centre the proposal to change the departure to a consent use is in line with the land use guidelines.

Overstrand Municipal Wide Spatial Development (2006) earmarks erf 1746 Sandbaai for Residential purposes even though a local business node exists. No amendments are required due to the fact that the property will retain its zoning and that the proposed

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change of the departure to a consent use is incorporated under a zoning of Business Zone III as stipulated in the Overstrand Municipality Scheme Regulations.

#### 4. **RECOMMENDATION**

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

- The application is merely for the change of the departure to accommodate the crèche / pre-primary school and day care centre to a consent use and the change of the daily school activities from Mondays to Thursdays, Fridays and school holidays;
- The number of children to be accommodated, the site development plan and parking layout remains the same as previously approved;
- All services on the subject properties already exist;
- The proposed consent use falls within the existing land use tendencies in the area;
- The proposal is compatible with the existing built character of the area;
- The impact on the traffic and services will not increase with this application;
- The proposed change from a departure to a consent use will not have a negative impact on the current character and land values of the surrounding erven.

With regards to the above mentioned it would be appreciated if Council would approve the consent use for erf 1746 Sandbaai.