

Virdus Works (Pty) Ltd (Reg. No. 2018/585747/07)

Development Management Consultants and

Environmental Assessment Practitioners

Managing Director: DUPRÉ LOMBAARD

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Dear Sir / Madam Geagte Heer / Dame

NOTICE OF LAND DEVELOPMENT APPLICATION IN THE STELLENBOSCH MUNICIPAL AREA

Locality: Erf 775, 8 Krige Street, Stellenbosch

Applicant: Dupré Lombaard, Virdus Works (Pty) Ltd, 5 Vygeboom Close, Vygeboom, Durbanville, 7551; Cell: +27 82 895 6362; Email: dupre.lombaard@virdus.com

Owner: Staytus on Krige (Pty) Ltd (Reg. No. 2020/864634/07), Represented by: Dr W Roux, Cellular: +27 83 787 3000, E-mail: werner@staytus.co.za, Address: Rouxcor House, 20 Herold Street, Stellenbosch, 7599

Stellenbosch Municipality reference number: LU 15102 / TP 222/2022

Application type: Application in terms of Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015, for:

- a) Removal of the following restrictive title deed conditions, condition D(a), (b), (c), and (d) to permit the development of a hotel with a coffee shop and two suites / apartments on ground level in terms of Section 15(2)(f) of the Land Use Planning Bylaw.
- b) Rezoning of Erf 775, Stellenbosch from Conventional Residential Zone to Mixed-use Zone in terms of Section 15(2)(a) of the Land Use Planning Bylaw.
- c) Permanent departure, to encroach the 4,5m and 3,0m common building lines to 0m to construct an hotel, in terms of Section 15(2)(b) of the Land Use Planning Bylaw.
- d) Permanent departure, from the development parameters to exceed the allowable coverage of 50% by developing a building with a coverage of 73,68%, in terms of Section 15(2)(b).
- e) Permanent departure, from the development parameters to provide 13 parking bays in lieu of the required 14 bays, in terms of Section 15(2)(b).

Notice is hereby given in terms of the provisions of Section 46 of the said Bylaw that the above-mentioned application has been submitted to the Stellenbosch Municipality for consideration. The application is available for inspection on the Planning Portal of the Stellenbosch Municipal Website for the duration of the public participation process at the following address: <https://www.stellenbosch.gov.za/planning/documents/planning-notice/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application can be requested from the Applicant.

You are hereby invited to submit comments and / or objections on the application in terms of Section 50 of the said Bylaw with the following requirements and particulars:

- The comments must be made in writing;
- The comments must refer to the Application Reference Number and Address,
- The name of the person that submits the comments;
- The physical address and contact details of the person submitting the comments;
- The interest that the person has in the subject application;
- The reasons for the comments, which must be set out in sufficient detail in order to:
 - Indicate the facts and circumstances that explain the comments;
 - Where relevant demonstrate the undesirable effect that the application will have if approved;
 - Where relevant demonstrate any aspect of the application that is not considered consistent with applicable policy; and
 - Enable the applicant to respond to the comments.

The **comments must be addressed to the applicant by electronic mail** as follows: Dupré Lombaard, Viridus Works, **dupre.lombaard@viridus.com**. The comments must be submitted within 30 days from the date of this notice to be received on or before the **closing date of 14 April 2022**.

It should be noted that the Municipality, in terms of Section 50(5) of the said Bylaw, may refuse to accept any comments/ objection received after the closing date. For any enquiries on the Application or the above requirements, or if you are unable to write and /or submit your comments as provided for, you may contact the Applicant for assistance at the e-mail address provided or telephonically by WhatsApp at +27 82 895 6362 during normal office hours.

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK IN DIE STELLENBOSCH MUNISIPALE AREA

Ligging: Erf 775, 8 Krige Street, Stellenbosch.

Aansoeker: Dupré Lombaard, Viridus Works (Pty) Ltd, 5 Vygeboom Close, Vygeboom, Durbanville, 7551; Cell: +27 82 895 6362; Email: dupre.lombaard@viridus.com

Eienaar: Staytus on Krige (Pty) Ltd (Reg. No. 2020/864634/07), Represented by: Dr W Roux, Cellular: +27 83 787 3000, E-mail: werner@staytus.co.za, Address: Rouxcor House, 20 Herold Street, Stellenbosch, 7599

Stellenbosch Munisipaliteit Verwysing: LU 15102 / TP 222/2022

Tipe aansoek: Aansoek ingevolge Artikel 15 van die Stellenbosch Munisipaliteit Grondgebruik Verordening, 2015 vir:

- a) Verwydering van die volgende beperkende titelvoorwaardes uit die akte: Voorwaardes D(a), (b), (c), and (d) om die ontwikkeling van 'n hotel met 'n koffiewinkel en twee suites op grondvlak toe te laat; ingevolge Artikel 15(2)(f) van die Grondgebruik Verordening.
- b) Hersonerig van Erf 775, Stellenbosch van Konvensionele Residensiële Sone na Gemengde gebruik Sone ingevolge Artikel 15(2)(a) van die Grondgebruik Verordening.
- c) 'n Permanente afwyking om die gemeenskaplike boulyne van 4,5m en 3,0m te verminder na 0m vir die oprigting van die hotel ingevolge Artikel 15(2)(b) van die Grondgebruik Verordening.
- d) 'n Permanente afwyking van die grondgebruik parameters om die toegelate dekking van 50% te oorskry ingevolge Artikel 15(2)(b) deur die oprigting van 'n gebou met dekking van 73,68%.
- e) 'n Permanente afwyking van die grondgebruik parameters ingevolge Artikel 15(2)(b) om 13 parkeerplekke in plaas van die vereiste 14 plekke te voorsien.

Kennis word hiermee gegee in terme van die voorskrifte van die Artikel 46 van die genoemde Verordeninge dat bovermelde aansoek by die Stellenbosch Munisipaliteit ingedien is vir oorweging.

Die aansoek is beskikbaar vir insae op die Beplannings Portaal van die Stellenbosch Munisipaliteit se Webtuiste vir die tydsduur van die publieke deelname proses by die volgende adres: <https://www.stellenbosch.gov.za/planning/documents/planning-notices/land-use-applications-advertisements>. Indien die webtuiste of tersaaklike dokumente nie toeganklik is nie, kan die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek ingevolge Artikel 50 van die tersaaklike Verordening wat die volgende vereistes en besonderhede moet bevat:

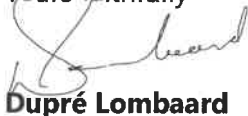
- Die kommentaar moet skriftelik wees;
- Die kommentaar moet die aansoek se verwysings nommer en adres insluit;
- Die naam van die persoon wat die kommentaar lewer;
- Die fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer.
- Die belang wat die persoon wat die kommentaar lewer, in die aansoek het.
- Die redes vir die kommentaar wat gelewer word, welke redes genoegsame besonderhede moet bevat ten opsigte van die volgende aspekte:
 - Die feite en omstandighede aantoon wat die kommentaar toelig;
 - Indien toepaslik, aantoon wat die onwenslike resultaat sal wees indien die aansoek goedgekeur word;
 - Waar toepaslik moet aangetoon word indien enige aspek van die aansoek strydig geag word met enige relevante beleid;
 - Dat die insette voldoende inligting sal gee wat die aansoeker in staat sal stel om kommentaar daarop te lewer.

Die **kommentaar moet by wyse van elektroniese pos aan die aansoeker gestuur word** as volg: Dupré Lombaard, Virdus Works, **dupre.lombaard@virdus.com**. Die kommentaar moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die **sluitings datum** van **14 April 2022**.

Daar moet kennis geneem word dat die Munisipaliteit, in terme van Artikel 50(5) van die vermelde Verordeninge, mag weier om enige kommentaar / beswaar te aanvaar wat na die sluitingsdatum ontvang word. Indien daar enige navrae op die aansoek of bovermelde vereistes vir die lewer van kommentaar is, of indien dit nie moontlik is om geskrewe kommentaar te lewer of die kommentaar op die wyse te lewer soos voorsiening gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies per WhatsApp by +27 82 895 6362 gedurende normale kantoor ure.

Your support of the application will be appreciated. // U ondersteuning van die aansoek sal waardeer word.

Yours faithfully



Dupré Lombaard

Erf 775, Stellenbosch



Legend

- Erf
- Servitude Area

0 0.01 0.01 0.03 km

Map Center: Lon: 18°51'25.2"E
Lat: 33°56'26.7"S

Scale: 1:750

Date created: May 23, 2022



Western Cape
Government
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Agriculture

EXECUTIVE SUMMARY

MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR: ERF 775, STELLENBOSCH SG Code: C06700220000077500000 / Location: Lat: 33° 56' 26.758" S Lon: 18° 51' 25.146" E	
<u>Owner:</u> Staytus on Krige (Pty) Ltd (Reg. No. 2020/864634/07) Represented by: Dr W Roux Cellular phone: +27 83 787 3000 E-mail: werner@staytus.co.za Address: Rouxcor House, 20 Herold Street, Stellenbosch, 7599	<u>Project Consultant:</u> Mr Dupré Lombaard Virdus Works (Pty) Ltd Reg. No. 2018/585747/07 SACPLAN: B/8076/1998 Cellular phone: +27 82 895 6362 E-mail: dupre.lombaard@virdus.com Address: 77 Buitekring, Dalsig, Stellenbosch, 7600, South Africa

Staytus on Krige wishes to redevelop Erf 775, Stellenbosch (8 Krige Street) as an apartment hotel. Krige Street is centrally located in Stellenbosch and has a mixed-use character, containing a hotel, similar in scale and nature as proposed, a social club, a sport science institute, shops, offices, residential dwellings, and a filling station. The existing house on the property with an area of 578m² is not of heritage significance, having been reconstructed in the 1980's.

The title deed (T5367/2020) of the property contains restrictions which require removal to permit the proposed three-storey apartment hotel building with 10 suites / apartments, a coffee shop at ground level and basement parking for 13 cars. Conditions D(a), (b), (c), and (d) need to be removed to permit the development of a hotel as proposed, with a coffee shop and two suites / apartments at ground level and nearer than 4,72m of the street and 4,15m of the rear boundary and a coverage exceeding 50%.

This is an application in keeping with Section 15 of the Stellenbosch Municipality Land Use Planning Bylaw, 2015. The application covers the following aspect(s):

- (1) Section 15(2)(a) a rezoning of land from Conventional Residential Zone to Mixed-use Zone;
- (2) Section 15(2)(b) a permanent departure from the development parameters of the zoning scheme to encroach the building lines and to construct the building onto the side boundaries, also covering more than 50% of the site and for the provision of 13 parking bays instead of the required 14 bays; and
- (3) Section 15(2)(f) a removal, suspension, or amendment of restrictive conditions in respect of a land unit to permit its redevelopment for an apartment hotel as proposed.

1. BACKGROUND

1.1 Introduction

Erf 775, 578m² in extent, is located in Krige Street in central Stellenbosch, in what is also indicated as the heritage core area of the town. Krige Street has a mixed-use character, containing a hotel, similar in scale and nature as proposed, a social club, a sport science institute, shops, offices, residential dwellings, and a filling station. The existing house dates from the 1980's, when apparently the previous house was completely reconstructed by a previous owner.

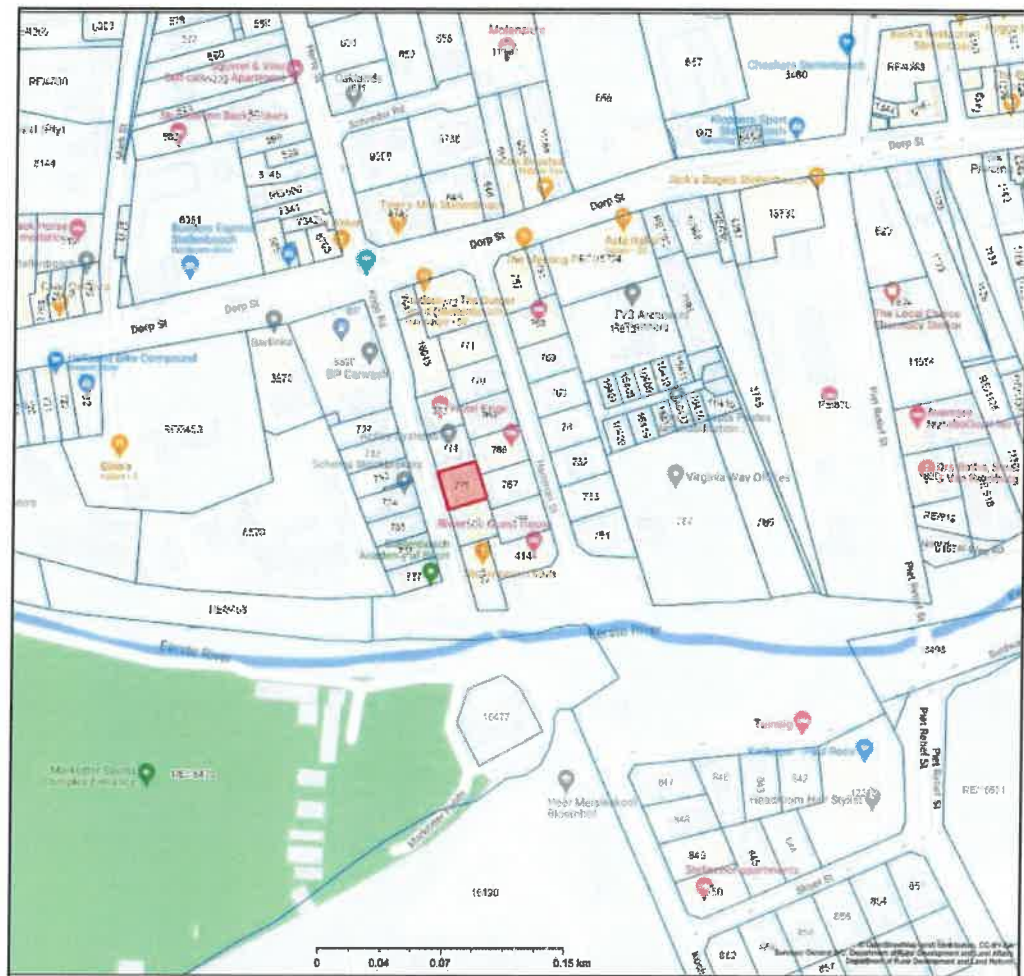


Figure 1: Erf 775 locality shown in red

The property is no longer an ideal single dwelling residential use property, being located in a cul-de-sac where the majority of movement and activity is due to non-residential uses. On the other hand, it is located within walking distance of many tourist attractions in the town, the Stellenbosch CBD, Dorp Street and the core heritage area, the University, and the schools south of the Eerste River. It makes it an ideal locality for densification and the establishment of a hotel for visitors, subject to the removal of the restrictive title conditions.

The owner wishes to redevelopment it for a three-storey apartment hotel, with 10 separately registerable suites / apartments, a coffee shop of 110m² at ground level and basement parking for 13 cars.

1.2 Title deed

The title deed (T5367/2020) of the property contains restrictions which require removal to permit the proposed three-storey apartment hotel building with 10 suites / apartments, and a coffee shop. Moreover, as the proposal is for coverage exceeding 50% and nil metre building lines on the side boundaries and less than the title deed building lines front and back, certain of the restrictive title conditions require removal.

1.3 Land use planning / land development application

1.3.1 Section 15(2)(a) a rezoning of land from Conventional Residential Zone to Mixed-use Zone.

1.3.2 Section 15(2)(b) a permanent departure from the development parameters of the zoning scheme.

The following land development parameters apply to the property:

- Hotel (with coffee shop inside) – 4,5m street building line at all levels;
- Hotel (with coffee shop inside) – 4,5m common boundary building line ground and first floor and 6,0m second floor and higher;
- Hotel (with coffee shop inside) – 50% coverage.
- Parking to be provided at a ratio of 0,7 bays / suite and 4 bays / 100m² restaurant – 14,4 bays.

The application is to encroach the building lines as follows:

- Hotel – 2,0m street building line at all levels to allow for the lift shaft and motor room to encroach;
- Hotel – nil metre side common boundary building line at all levels;
- Hotel – 3,0m rear common boundary building line at all levels to allow for the apartments.
- Parking is provided at a ratio of 0,7 bays per suite and 3 bays / 110m² restaurant (coffee shop) – 13 bays, i.e. shortfall of 1,4 bays.

The application is further to allow for coverage of 75%.

1.3.3 Application in terms of Section 15(2)(f) a removal, suspension, or amendment of restrictive conditions in respect of a land unit as detailed above.

The title deed restrictions imposed in terms of the Townships Ordinance, 1934, Ordinance 33 of 1934, imposed in 1947 with the creation of the Erf are more onerous land development parameters than are applicable in terms of the Stellenbosch Zoning Scheme Bylaw, 2019. At the time the conditions were imposed in favour of the then Administrator and the Municipality when the Municipality did not have a township or zoning scheme through which to manage land use.

The title conditions are no longer appropriate to the area, where densification and more intensive land use is required in the core of the town and within walking distance of major attractions, sporting facilities, educational facilities, and businesses. These conditions could be removed, suspended, or relaxed where a zoning scheme is in effect.

Conditions D(a), (b), (c), and (d) need to be removed to permit the development of a hotel as proposed, with a coffee shop and two apartments at ground level and nearer than 4,72m of the street and 4,15m of the rear boundary and a coverage exceeding 50%.

The following restrictive title conditions (D(a) – (d)) which need to be removed for purposes of the proposed development apply to the property, as detailed in the attached conveyancer's certificate and title deed (Annexure D and E):

*D. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T.11286/1947, imposed by the Administrator by virtue of Ordinance No. 33/1934, as amended, in which conditions thus imposed any words and expressions that are used therein will be considered to have the same meaning as which have been assigned to them by the Regulations published in terms of the Provincial Notice No. 401 dated 17 October 1935 or by the Memorandum which accompanied the said Regulations:-*

AS BEING IN FAVOUR OF THE LOCAL AUTHORITY, AND THE REGISTERED OWNER OF ANY ERF IN THE SUBDIVIDED ESTATE:

(a) The erf shall be used for residential purposes only.

(b) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on this erf.

(c) Not more than half the area of this erf shall be built on:

(d) No building or structures or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 4,15 metres of the lateral or rear boundary common to any adjoining erf.

2. LAND DEVELOPMENT APPLICATION AND MOTIVATION

2.1 Development context

The subject property is located in the middle of Krige Street, between single dwellings to the rear, offices, a hotel, social club, businesses, the Sport Science Institute, professional practices, and a guest house. The buildings in the area vary between single and three storeys.

Many houses in the area have been modernised and erven redeveloped. Some houses have retained their original scale and form and have some heritage value, but overall, the area does not have a significant heritage character.



Figure 2: Erf 775 situation in heritage context

2.2 Land use motivation

The property is located in the core of Stellenbosch town where more intense and dense development is important to create a more sustainable socio-economic environment. The central locality of the property lends it to a more intense use than a single storey dwelling house for occupation by a single family. It could be significantly better used for multiple occupancy and commercial related purposes, thus contributing to the economic growth and sustenance of the area. Land for such uses is scarce in the central area, thus existing dwellings

The judgment in the *Camps Bay Ratepayers and Residents Association and Others v Minister of Planning, Culture and Administration, Western Cape 2001(4) SA294 (C)* indicates that one or more of the following needs to be indicated for the removal of a restriction:

- a) It must be desirable to remove the restriction in the interests of the public;
- b) It must be desirable to remove the restriction in the interests of an establishment;
- c) It must be desirable to remove the restriction in the interests of a development; or
- d) It must be desirable to remove the restriction in the interests of any area.

It further indicates that any removal, amendment, or suspension of a restrictive title deed condition must be in accordance with Section 25 of the Constitution of the Republic of South Africa Act, 1996, Act 108 of 1996 (The Constitution), in so far as

it implies a deprivation of land rights. The requested removal must therefore be supported by the written consent of all those affected, or beneficiary property owners as contemplated in Section 25 of The Constitution. It appears that the surrounding residents have already consented to such changes, considering the development of similar scaled buildings in the street and surrounding area.



Figure 3: Architectural concept for apartment hotel on Erf 775

The title deed development parameters are restrictive and cause a building to be set far back into the erf, away from the street. Residents are thus obliged to make use of the street facing sides for gardening and outdoor living. This creates a green buffer to the street, which is lost when the new buildings are erected on the street boundary. However, in the central location of the site, the streetscape is rather of sensitively designed buildings facing onto and integrating with the street than that of green garden space. The design of the apartments therefore create space between the street and the building with a 4,5m building line. Planters and trees could thus be accommodated in the space between the street and the building as shown on the plans, but street facing balconies and a stoep at street level ensure interaction between the building and the street. The design incorporates an elevator on the front of the building that encroaches over the 4,5m building line, up to 2,0m. It however improves on the efficiency of the design and allows for the best use of the available land for apartments and aligns to the buildings in the street.

Vehicular access to and egress from the property is possible off Krige Street, albeit a mixed-use cul-de-sac street with significant pedestrian movement to and from the bridge over the Eerste River to the Markotter Sportsgrounds and Koch Street.

The street has sufficient sidewalk space to allow for pedestrian movement and it leads to it being an attractive street for more intensive residential use in proximity of the core of the town. The proposed basement parking access is at grade / street level and operates with a vehicle lift. The building setback of 4,5m allows for a vehicle to safely exit the street and wait in front of the lift for it to open and for access to the building.



Figure 4: Erf 775 apartment hotel ground floor layout

The ground floor activities allow for the creation of a café or coffee shop, which can serve guests and visitors. It is open to the street and on-street parking will be retained for quick-stop visitors, while three parking bays are provided in the basement parking for visitors who stay longer, e.g., to visit a hotel resident. The floor area of the café is 140m², allowing for 10 – 15 guests to be seated and served. The ground floor lobby area also accommodates the management office, reception, and common facilities together with two ground floor suites / apartments. Being set back in the building and essential to maintain a threshold resident population, the two suites will have no negative effect on the streetscape or activities of the hotel and café. The ground floor suites are also more accessible to disabled visitors and will diversify the accommodation choice.

Each suite / apartment is a limited self-catering unit, albeit without any kitchen. Suites will be provided with undercounter fridges, microwave ovens, kettles, and basic utensils, but not fitted for full meal preparation. The restrictive title condition relating to the use of the property for a single dwelling only, needs to be removed to allow for the use of the property for an apartment hotel. The right to the occupation of the two-bedroomed suites will be sold through a time share or

fractional ownership model, to allow visitors to acquire their own accommodation for short-stay accommodation. The suites will all form part of a rental pool managed by a hotel operator and will be open to any visitors and guests who wish to book accommodation as and when suites are available.

The hotel operates as a business, and it incorporates a publicly usable café and coffee shop. This facility improves the interaction between the street and the development / use, which improves the integration of the building into the street and surrounding community. The related restrictive condition should therefore be removed to allow for the best use of the property as a business enterprise in keeping with the spatial planning policies for the expansion and strengthening of the tourism sector.

Due to the small size of the Erf, it is necessary to encroach on the building lines and to exceed the coverage as in the restrictive title conditions and the ZSB. Moreover, the character of the area can be better enhanced with a development in keeping with the more recent buildings erected in the street, where similar departures were granted, and restrictions have been lifted. Infilling, increased density and intensity of development can only be achieved if the parameters are relaxed, and the site can be used to its maximum capacity.

The proposed rear building line of 3m is in keeping with building lines as determined in the ZSB. The building line of 4,15m on rear and side boundaries is a throwback to the days when the area was used for single dwelling purposes and a low density of development was supported. As indicated above, the change in urban development norms, standards, and principles necessitate a much denser and intense use of the scarce land and thus the establishment of lesser building lines to ensure better utilisation of the available resources. The proposed 3m rear building line allows for the ground floor units to have some garden space, while the upper floors could use the balconies provided for outdoor use. The effect of the building on the neighbouring properties would probably be most obvious in overshadowing in the afternoons with a setting sun. The building height and form would in any event cause such overshadowing and the difference in 1,15m distance from the boundary would have insignificant benefit for the neighbours. Moreover, it is foreseen that over time all properties in the area would be redeveloped to allow for a denser more efficient urban area where the building lines of the ZSB rather than the restrictive title conditions would apply.

Due to the small size of the Erf, a nil metre side boundary building line and a coverage of 80% are essential to allow for a meaningful and economically viable development. Setting the building back from the side boundaries would cause significant loss in floor space and the ability to create a viable hotel with sufficient off-street parking.

The proposal is in line with the Stellenbosch Municipal Spatial Development Framework and other recent approvals in the area as it is seen as a form of densification that contributes to the sustainable use of land and infrastructure within existing urban areas. As it is unlikely that the proposed development will detract from the character of the area, and it would blend in with the surrounding existing and future land development, the required departures could be supported

in order to allow for a tourism related development with positive local economic benefits. The proposed development does not comply with the parking requirements of the ZSB. The entire usable land area is used to create a basement that can accommodate 13 parking bays, instead of the 14,4 as required (10 suites x 0,7 bays + 4 bays / 100m² restaurant x 110m² = 14,4 bays). As indicated above, this is one of the reasons why the development is designed with nil metre side building lines and a coverage of 80%.

Due to the locality of the apartment hotel and the nature of the use, the lack of one (1,4) parking bay will not be significant. The hotel is not permanently occupied by residents and visitors will seldom consist of independent households sharing a single suite, i.e., provision could be made for parking per suite (10 bays), rather than 0,7 bay per room. The ZSB provides for this in Table A: Off-street parking requirements. The suites are for the accommodation of parents with children who will not visit using their own transport. The proposed 10 bays for the suites will be sufficient, also in view of the locality of the facility, where visitors would be within walking distance of the core of the town. The coffee shop is primarily for use by the in-house visitors, albeit open to the public. Thus, additional parking for the coffee shop need not be provided at the full ratio of 4 bays / 100m² and the provision of 13 bays should suffice for the facility, as also confirmed in the traffic impact statement contained under Annexure H.

The general welfare and safety of the residents and landowners in the area will not be affected by the proposal, which is primarily of residential nature, and it would not cause any noise or other disturbances due to fumes or emissions. The removal of the restrictive title deed conditions as applied for will allow the owner to maximise the use of the property and facilitate its redevelopment with socio-economic benefits in keeping with the Municipality's spatial development policies.

2.3 IDP and SDF

- The Integrated Development Plan 2021 (IDP), including the municipal spatial development framework approved in 2019 makes specific provision for the intensification and densification of the town centre. On the one hand the SDF promotes the better utilisation of properties in the central core, which is located walking distance of schools, the central business district and historic core, and the University. Densification is promoted, as is the establishment of tourism-businesses. On the other hand, the SDF promotes the retention of the character of the central area. The proposed development is in keeping with other high intensity developments in the street and will fit the overall character thereof.

The addition of 10 hotel suites to the central area contributes to the achievement of the goal set for the increased density in Stellenbosch town (SDF paragraph 3.3). Not only that, but it also contributes to the "*densification of traditional residential areas through second dwellings, guest establishments*" as envisaged in paragraph 6.7 of the SDF.

The hotel will offer limited self-catering and catered accommodation for ten households where currently a single household is accommodated.

The SDF further promotes the consideration of relaxed parking requirements for centrally located commercial development. Under the MSDF Policies, it states that the Municipality should: *"Move away from self-reinforcing conditions for development in terms of car parking minimum standards, and ensure the active participation and collaboration between land owner, developer, and municipality towards the provision of alternatives to car use"*. The developer has made an innovative proposal to accommodate as many vehicles as possible on the site by the proposal to install a car lift to basement parking for 13 vehicles, inclusive of a bay for disabled who will have access to the ground floor suites.

The SDF goes further and contains a decision-making checklist to be used in the consideration of development application. Under commercial development in the checklist, there is specific provision to evaluate the parking requirements and to consider rational parking proposals such as contained herein.

2.4 SPLUMA Principles

The principles referred to in Section 42 of the Spatial Planning and Land Use Management Act, 2013, Act 16 of 2013 (SPLUMA) with reference to Chapter 2 and in Chapter VI of the Western Cape Land Use Planning Act, 2014 (LUPA), have been and are addressed in the process, with specific reference to:

A. Spatial Justice	
a. Redress	Redress is achieved by reversing the effects of past socially and spatially segregated development. By establishing a development that would cater for visitors who would not normally be able to afford such accommodation in town, it creates economic as well as social opportunities, through which upliftment of the area could be achieved.
b. Inclusion	Experience has shown that this kind of affordable medium to high density apartment hotel development attracts mobile socio-economic groups and not specific race or social groups. While it would not contribute to the creation of integrated communities, it will allow for visitors to the area who would otherwise find it difficult to afford visitor accommodation in the centre of town.
c. Flexibility for all types of settlements	The surrounding area is characterised by free-standing single residential development for middle and higher income residents, businesses, educational, and social facilities. The proposed apartment hotel development aimed at fractional ownership will, together with the adjacent hotel development and other similar smaller complexes, offer a wider range of choice and opportunities for small households wanting to visit the area.
d. Tenure and informality	Experience has shown that ownership in apartment hotels is distributed between investors purchasing apartments for rental to those who do not have access to capital to acquire their own properties and owners who cannot afford more costly accommodation. While informality is not directly addressed through the proposed development, it does create affordable opportunities for upwardly mobile

	residents to acquire property in an otherwise unaffordable environment.
e. Settlement upgrading	No settlement upgrading is achieved in the process.
f. Responsive	The development is in response to a range of needs, from the need for affordable visitor accommodation units to the need to densify the town centre by small-scale development.
B. Spatial Sustainability	
a. Capacity of state	The Municipality has the capacity to provide the bulk services required for the proposed development, which would have benefits for the local attractions and businesses. Moreover, the Municipality has the capacity to service the development and the visitors to the town.
b. Food security	Food security is not affected by the development.
c. Environmental sustainability	The mixed-use nature of the development and the decreased need for travel by visitors to the town allows for more environmentally friendly movement patterns. The development does not have any known negative environmental effect other than the demand for services.
d. Land markets	The proposed development does not diminish the supply of affordable land intended for the provision of subsidised housing or community facilities.
e. Costs of infrastructure	The engineering services reports in support of the development application indicate that sufficient municipal infrastructure services exist in the surrounding area, and in the bulk services, to accommodate the proposed development with minor upgrading.
f. Sustainable settlements	Settlement sustainability includes amongst others, the efficiency of the development in the use of scarce resources and its contribution to carbon emissions and other climate change catalysts. Due to the location and nature of the development very few of the envisaged visitors would need vehicular travel to satisfy their needs other than for traveling to the hotel and back to their origins. The development will satisfy the SANS requirements for energy efficient development, inclusive of water saving and other similar systems that contribute to the environmental sustainability of the development.
g. Innovation	The most innovative part of the development is the proposed basement parking that leads to significant space saving and better use of the available scarce land.
h. Context specific development	The development is primarily focused on the provision of affordable visitor accommodation to the Stellenbosch town centre, inclusive of the academic and sporting attractions. It creates an opportunity for people to invest in their own visitor accommodation to be able to attend out of season training camps, short academic courses, festivals, events, and to visit the area for extended periods. By purchasing a hotel room for a specific period during a year, the owner can predetermine the cost of the accommodation and the visit and afford to visit the area more often, with obvious benefit to the local economy.

C. Efficiency	
a. Optimises use of existing resources	As indicated above, the land resources in town are under-utilised and could be better utilised, to improve on the economic efficiencies of the town. Infill development benefits municipal service provision, making collection routes shorter, increasing the intensity of use of existing infrastructure and reducing traffic movement for visitors.
b. Processes to limit negative impact	No negative impacts have been identified.
c. Streamlined processes	The municipal land use consideration process is unfortunately not efficient.
d. Innovation	No specific aspect to report.
e. Spatial Performance Management	Performance is a reflection of how a development was designed and built and should be a reflection of the community in which it exists. The success of a mixed-use development depends on how well the property is managed after completion and the success of the development in community context is how it contributes to uplifting the socio-economic situation. It remains to be assessed.
f. Development Planning Tools	The Municipality needs to implement planning processes and structures that can efficiently respond to development applications and shorten the timelines for evaluation and decision-making.
g. Institutionalise for Efficiency	As above, systems and processes need to be implemented by the Municipality to lead to efficiencies in the development process and resultant willingness of investors to support development projects.
D. Resilience	
a. Sustainable livelihoods	Although at a small and local scale, the proposed development and especially the better use of the land are likely to improve the economic outlook for some of the local residents and attractions.
b. Resilience against shocks [avoid + bounce back ability]	Given the expected positive socio-economic effects of the proposed development it should improve the resilience of the surrounding community without any expected negative effects that could jeopardise their situation.
c. Innovation	The establishment of an apartment hotel is a relatively new and unique development in Stellenbosch. It creates affordable opportunities for visitors who can acquire their own temporary accommodation in Stellenbosch and thus predetermine their visitor (accommodation) expenditure.
d. Context specific	By adding a more affordable hotel and tourist accommodation, where units are owned on a fractional basis by individuals in the town centre, visitor frequency and duration to the town is increased. This improves the resilience of the tourism sector, as more visitors can come to the town more often regardless of the seasonal fluctuations in accommodation costs.
e. Flexibility	The apartment hotel creates flexibility in the provision of accommodation for visitors. Not only does it create more affordable accommodation units which could be occupied for longer periods due to the affordability thereof, but it also

	allows owners and visitors to visit the town year round without being impeded by seasonal peak bookings.
E. Good Administration	
a. Planning Decision-making tools	The Municipality needs to introduce a system whereby developments with economic benefit are prioritised and dealt with expeditiously. This significantly improves investor outlook and causes investors to participate in projects from the early stages.
b. IGR and integrated approach	No comment.
c. Meet time frames	As part of the decision-making system, the Municipality must provide a decision-making process program and continuously update the system to ensure the meeting of timeframes.
d. Transparency	Meetings and communications need to be recorded and shared, leading to transparency in the decision-making process.
e. Community empowerment	Public participation for development applications ensures that those owners and residents who could potentially be affected by the proposed development have the opportunity to give input on the development proposal.
f. Spatial Performance Management	Performance is to be measured against the success of the development in uplifting the surrounding area and improving the socio-economic situation. It remains to be assessed.
g. Values	It is obvious that the Municipality attaches value to economic and tourism-related investment in the area, as highlighted in the SDF.

Municipalities have been tasked with driving spatial transformation. The achievement of the spatial transformation objective must be measured against the reaching of the need to improve on inclusivity, mobility and access, economic development that drives local and regional growth prospects and transforms space in a manner that is socially and environmentally sustainable. It is likely that the apartment hotel development will contribute to the achievement of the spatial transformation objective even if it is a relatively small development.

While there is no agreed definition for spatial transformation, it is referred to as *"major urban change or restructuring"* with resulting socio-economic benefit, which is a likely outcome for the development as set in the surrounding community. The addition of shared and shareable accommodation makes it possible for households to visit Stellenbosch all-year round at predetermined and affordable rates. This will increase the number of visitors who can afford to stay in the town centre and be less dependent on vehicular transport.

The proposed development being a mixed-use development, albeit small, adheres to the principles of "New Urbanism" (walkability, connectivity, mixed-use and diversity, mixed-housing, quality architecture, as well as urban design and traditional neighbourhood structures). While there are two schools of thought with respect to mixed-use: some arguing that mixed-use is an urban

development principle and it cannot be applied to an isolated property development, others argue that mixed-use property development forms a key part of sustainable urban development. The proposed apartment hotel development satisfies both arguments, as it introduces a new land use of which only one is currently available to the surrounding community and it creates a tourist accommodation facility where visitors to the town need not travel unless for experiencing attractions elsewhere in the district or region.

2.5 Provincial planning

The principles referred to in Chapter VI of the LUPA, with specific reference to spatial justice, spatial sustainability, efficiency, and good administration have all been considered, as are elaborated on above. In addition, the proposal adheres to the policy guidelines of the Western Cape Provincial Spatial Development Framework (PSDF).

- ✓ The PSDF focuses strongly on densification and intensification of urban areas to achieve its desired outcomes. The average gross residential density of urban areas should increase to 25 units / ha before extensions to an urban edge are considered. In this instance the urban edge is not relevant to the argument, the proposal being consistent with the SDF, as indicated above.
- ✓ The policy of more intense use of nodes and urban core areas further requires consideration of the bio-physical environment, cultural heritage, municipal infrastructure services and social infrastructure issues and factors. With these in mind, the density targets should be achieved by allowing a variety of development methodologies, including, but not limited to demolition and redevelopment of existing properties; utilisation of vacant and under-utilised land and changing of permitted land use of existing developments. The purpose of densification is primarily to maintain sustainable supplies of natural resources, for food production and ecological functioning, to achieve more economical use of municipal services infrastructure and community facilities, provide for efficient public transport services and reduce traveling distances to a variety of opportunities. This fits with the location of the property in an urban area with full services, in proximity of major feeder roads, where a business use will not have any significant negative consequences or effect, and where residents (visitors) can walk to the major attractions in the town. The mix of land uses in the area is supportive of a change in zoning and land use on the subject property.
- ✓ The proposed use of the property for an apartment hotel in the scale and form of buildings in the area contributes to intensification and densification by appropriate use of the property in terms of its location. It leads to improvement of the efficiencies in service provision as set out above, on under-utilised land within an identified urban node. It does not diminish the supply of ecological or agricultural resources, opportunities for redress, or improved spatial integration with access to land for those previously dispossessed.

2.6 Heritage

The proposed land development does not require authorisation in terms of Section 34 or 38 of the National Heritage Resources Act, 1999, Act 25 of 1999. The house was built in the 1980's and has been renovated and changed over time. There are no townscape character area guidelines applicable to the surrounding area and the proposed hotel will fit the character of the recent buildings erected in the street.

2.7 Engineering

Storm water, water and sewerage services are existing, and the demand will not change significantly. Solid waste is removed by the Municipality. The existing connections are sufficient and could be replaced with new connections for the proposed hotel.

Electrical services and capacity are existing, but an upgraded connection will be required to service the hotel.

The proposed use will add minimal additional traffic to the area. No upgrading of the road infrastructure is required.

3. CONCLUSION

From the above it is clear that the area and the street can accommodate change. Residential uses in Krige Street are apparently no longer desirable from a single dwelling landowner perspective, hence most of the properties along it have been converted to offices and businesses. Rezoning of the property and the simultaneous removal of the restrictive title conditions will allow for the development of an apartment hotel with 10 suites with a coffee shop / restaurant at ground level, to increase the diversity of use in the street. Moreover, such redevelopment with benefits to the tourism sector is aligned to the Municipality's spatial and economic development policies. The limited size of the Erf does not allow for its economically viable development in keeping with the land use restrictions imposed in 1947 when the town was envisaged as a low density settlement where land was not a scarce resource.

The removal of the restrictive title conditions will also allow for the redevelopment and business use of Erf 775 in terms of the land development parameters as set out in the Stellenbosch Municipality Zoning Scheme Bylaw, 2019 without any identified negative effect on the surrounding properties, which will over time be redeveloped with similar buildings and uses.

The application in terms of Section 15(2)(a) for the rezoning of Erf 775 from Conventional Residential Zone to Mixed-use Zone can be approved in view of its compliance with the SDF and related policies and its contribution to the tourism sector.

The application in terms of Section 15(2)(b) for permanent departures from the development parameters of the zoning scheme could be approved to allow for:

- A 2,0m street building line at all levels to allow for the lift shaft and motor room;
- A nil metre side common boundary building line at all levels to allow for the economically viable redevelopment of the property;

- A 3,0m rear common boundary building line at all levels to allow for the developable of liveable apartments that do not negatively affect abutting properties;
- The shortfall of 1,4 parking bays can be accepted in view of the integrated nature and primary use of the coffee shop for in-house guests rather than external visitors; and
- Coverage of 75% of the Erf in view of the design and provision of on-site parking.

The following restrictive title conditions which apply to the property can be removed in terms of Section 15(2)(f) as detailed above to allow for the improved use and development of the property:

*D. **SUBJECT FURTHER** to the following special conditions contained in Deed of Transfer No. T.11286/1947, imposed by the Administrator by virtue of Ordinance No. 33/1934, as amended, in which conditions thus imposed any words and expressions that are used therein will be considered to have the same meaning as which have been assigned to them by the Regulations published in terms of the Provincial Notice No. 401 dated 17 October 1935 or by the Memorandum which accompanied the said Regulations:-*

AS BEING IN FAVOUR OF THE LOCAL AUTHORITY, AND THE REGISTERED OWNER OF ANY ERF IN THE SUBDIVIDED ESTATE:

(a) The erf shall be used for residential purposes only.

(b) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on this erf.

(c) Not more than half the area of this erf shall be built on:

(d) No building or structures or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 4,15 metres of the lateral or rear boundary common to any adjoining erf.



WP BOSCH & ASSOCIATES
ARCHITECTS



1 -01. Basement Level
1 : 100

KRIGE STREET HOTEL

KRIGE STREET | STELLENBOSCH





WP BOSCH & ASSOCIATES
ARCHITECTS

EXISTING
NEIGHBOURING
BUILDING

EXISTING
NEIGHBOURING
BUILDING



1 00. Ground Floor
1 : 100

PARKING SCHEDULE

Parking required	10 Units	10 Bays
@ 1 Bay / Unit	110m ² restaurant	4,4 Bays
@ 1 Bay / 100m ²		
Parking provided	13 Bays	
Parking shortfall	1,4 Bays	

AREA SCHEDULE | ERF 775

BASEMENT LEVEL	13 PARKING BAYS
GROUND FLOOR	
- UNIT 1	81m ²
- UNIT 2	81m ²
FIRST FLOOR	
- UNIT 1	80m ²
- UNIT 2	80m ²
- UNIT 3	83m ²
- UNIT 4	83m ²
SECOND FLOOR	
- UNIT 1	80m ²
- UNIT 2	80m ²
- UNIT 3	83m ²
- UNIT 4	83m ²
TOTAL LETTABLE AREA	846m ²
TOTAL ERF AREA	570.65m ²
TOTAL COVERAGE	420.48m ²
	73.68%

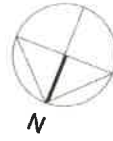
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1 01. First Floor
1 : 100

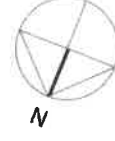
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02. Second Floor
2 1:100

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NOTICE: LAND USE **APPLICATION**

**PLEASE CONSULT THE PLANNING PORTAL FOR
FURTHER DETAILS**

**STELLENBOSCH MUNICIPAL WEBSITE
(www.stellenbosch.gov.za)**

ADVERTISING PERIOD: 09/03/2023 – 14/04/2023

ERF: 775, Stellenbosch (8 Krige Street)

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Durbanville, 7551; Cell: +27 82 895 6362;
Email: dupre.lombaard@viridus.com**