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11 December 2024

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR CONSENT USE FOR A TOURIST DWELLING UNIT ON ERF 834, FRANSCHHOEK – 26 UITYKYK STREET

The following land use application in terms of the Stellenbosch Land Use Planning Bylaw refers:

Application Property Address: **Erf 834, Franschhoek**
Application Property Number: **26 UITYKYK STREET**
Applicant: **Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)**
Owner: **William and Julie Herman**
Application Reference: **TP940/2024**

Description of land development proposal:

Application is made in terms of Section 15(2) (a) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Erf 834, Franschhoek:

- **Consent use in terms of Section 15(2)(a) of the said bylaw to utilise the existing five bedrooms dwelling unit as a tourist dwelling unit.**

Notice is hereby given in terms of the provisions 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-notices/land-use-applications-advertisements>. If the website or documents cannot be accessed, an electronic copy of the application must 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. Written comment, which must include the reference to the application, the name, contact

Notice: Erf 834, Franschhoek 1

details and physical address of the person to submit the comments, the reasons for the comments, and the interest of the person who submits the comment in the application, may be submitted to the Applicant by electronic mail as follows: carlien@archtownplanners.co.za . By lodging an objection, comment or representation, the person doing so acknowledges that information may be made available to the public and to the applicant.

The comments must be submitted within 30 days from the date of this notice to be received on or before the closing date of **10 February 2025**.

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 at **072 262 5304** during normal office hours.

Yours faithfully

Carlien Coetzee

For Arch Town Planners (Pty) Ltd

Notice: Erf 834, Franschhoek 2



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11 December 2024

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

Die volgende grondgebruiksaansoek in terme van Stellenbosch se Verordeninge op Grondgebruikbeplanning verwys:

AANSOEK OM VERGUNNINGSGEBRUIK OM DIE BESTAANDE VYFSLAAPKAMERHUIS AS 'N TOERISTEWOONEENHEID TE BENUT OP ERF 834, FRANSCHHOEK – 26 UITKYK STRAAT

Adres van aansoek eiendom: Erf 834, Franschhoek

Aansoek eiendom beskrywing: 26 Uitkyk Straat

Aansoeker: Arch Town Planners (Pty) Ltd (Carlien Coetzee, carlien@archtownplanners.co.za)

Eienaar: William and Julie Hermon

Aansoek Verwysing: TP940/2024

Besonderhede van die grondgebruiksaansoek:

Aansoek word gedoen in terme van Artikel 15(2) (a) van die Stellenbosch Munisipaliteit se Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende op Erf 834, Franschhoek:

- Vergunningsgebruik ingevolge Artikel 15(2)(a) van die genoemde verordening om die bestaande vyfslaapkamerwooneenheid as 'n toeristewooneenheid te benut.

Kennis word hiermee gegee in terme van die voorskrifte 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, moet die Aansoeker versoek word om 'n elektroniese kopie van die aansoek beskikbaar te stel.

Notice: Erf 834, Franschhoek 3

Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terme van Artikel 50 van die Tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar, en die belang van die persoon wat die kommentaar lewer in die aansoek, by die Aansoeker ingedien word by wyse van elektroniese pos as volg: Carlien Coetzee, carlien@archtownplanners.co.za. Deur 'n beswaar, kommentaar of verfoë te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

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 **10 Februarie 2025**.

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 gestrewe 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 by **072 262 5304** gedurende normale kantoor ure.

Die uwe

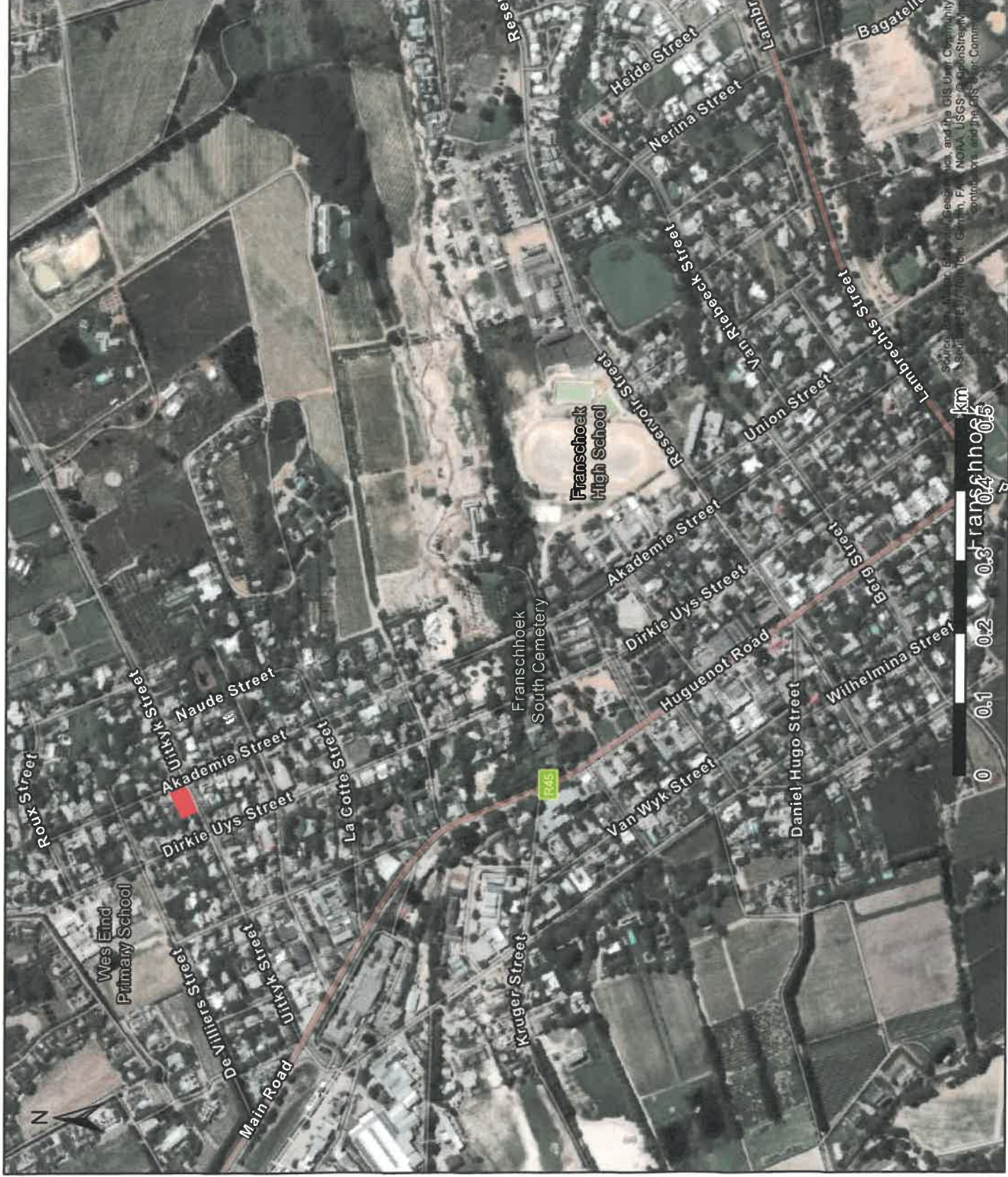
Carlien Coetzee

Vir Arch Town Planners (Pty) Ltd

Notice: Erf 834, Franschhoek 4

Locality Plan - Erf 834, Franschoek

Legend



Map Center: Lon: 19°7'15.7"E
Lat: 33°54'29.6"S

Scale: 1:9,028

Date created: 2024/28/10



Western Cape
Government

FOR YOU

APPLICATION FOR CONSENT USE FOR TOURIST DWELLING UNIT

**ERF 834 FRANSCHHOEK
26 UITKYK STREET**



October 2024

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



Postal Address: Postnet Suite #027
Private Bag X5071
Stellenbosch, 7600
Email: marike@archtownplanners.co.za
Website: www.archtownplanners.co.za

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Table 1:	Property Details
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Table 3:	Permitted Land Uses Under Conventional Residential Zone
Table 4:	Compliance with Development Parameters
Table 5:	Assessment of Application in terms of Section 65 (1) of the By-Law

1. INTRODUCTION

1.1 Background Information

Erven 834, Franschoek (26 Uitkyk Street) hereafter referred to as the application site, is situated within the historical area of Franschoek. The surrounding neighbourhood has a residential character, with many houses which have been converted to guest houses. The owner of the property would like to obtain land use approval to use the existing house as a tourist dwelling unit, similarly to some of the houses in the surrounding area.

1.2 Planning Brief

In light of the above, Arch Town Planners (Pty) Ltd has been appointed by the owner of the application site to prepare and submit the required land use application to the Stellenbosch Municipality to allow for the use of the existing house as a tourist dwelling unit. Refer to **Annexure A** for the application form.

The power of attorney and resolution is attached to this report as **Annexure B**.

1.3 Applications to Stellenbosch Municipality

Arch Town Planners (Pty) Ltd hereby officially submits an application in terms of Sections 15(2) (o) the Stellenbosch Municipality Land Use By-Law, 2023 (hereafter referred to as 'the By-Law') to allow for the following on Erf 834 Franschoek:

- i. In terms of Section 15(2) (o) Consent to allow for a **tourist dwelling unit** on Erf 834, Franschoek.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 834, Stellenbosch	William Roderick and Julie Margaret Hermon	768.9 m ²	T000002485/2018	None

Table 1 Property Details

Please refer to **Annexure C** for a copy of the Title Deed.

2.2 Locality

The application site is situated at 26 Uitkyk Street, situated on the corner of Uitkyk street and Akademie Street, in Franschhoek. The application site has an existing vehicular access from van Akademie Street, providing access to the double garage with on-site parking in front of the garage.



Figure 1: Locality Plan within Stellenbosch - Erf 834, Franschhoek

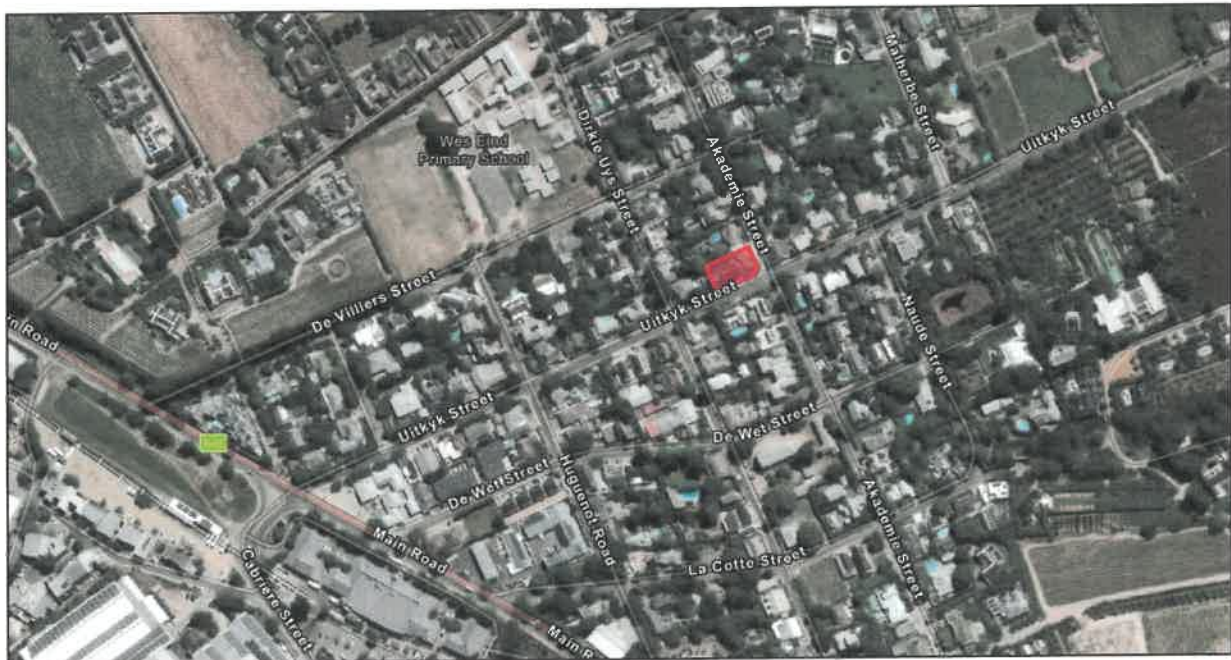


Figure 2: The Application Site – Erf 834 Franschhoek



Figure 3: Aerial View of the Application Site – Erf 834, Franschhoek

2.3 Physical characteristics, existing and surrounding land uses

The application site is a total of 768.9 m² in extent and has an existing single-storey house with access points from both Uitkyk Street and Akademie Street. The application site lies within the historical town area among many other guest houses and tourist dwelling units. The site is situated within walking distance of all the surrounding tourist attractions, such as the restaurants, shops, galleries, and museums. Though some of the surrounding houses in the area are still occupied by single families, many of the houses have been converted to guest houses and tourist dwelling units such as the proposed.

There are no servitudes registered on this property.

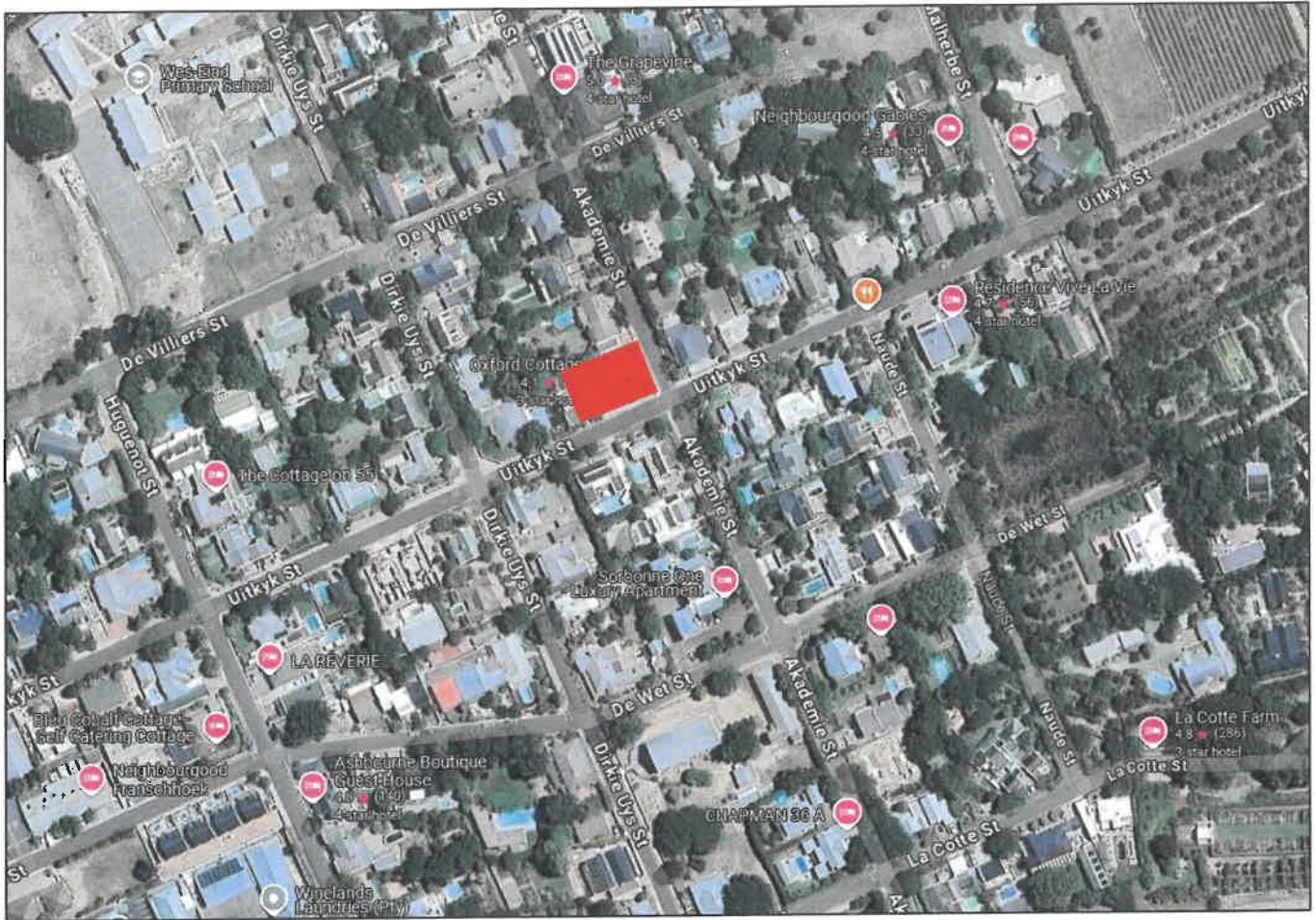


Figure 4: Aerial Photo of the Application Site and Surrounding Erven

As mentioned above, Erf 834 has an existing vehicle access from Akademie Street, and also from Uitkyk Street, which provides access to two more parking bays, thus 4 on-site parking bays plus to additional parking in the garage. Please refer to **Annexure D** for a full copy of the approved building plans which clearly shows the parking areas as well as Figures 5 and 6 below.



Figure 5: Parking on-site on Uitkyk Street side



Figure 6: Garage parking (on-site) on Akademie Street side

2.4 Current Zoning

According to the Stellenbosch Municipality Zoning Scheme By-Law (2023), the application site is zoned Conventional Residential Zone. The application site has to comply with the land use rights and building development parameters applicable to the Conventional Residential Zone, as set out in Table 2 below:

Area of Land Unit	Street boundary building lines (m)	Common boundary building lines (m)	Coverage	Max Height
Up to 250m ²	2m	1m	70%	2 storeys
251m ² to 500m ²	3m	1m	The greater of 175m ² or 60%	2 storeys
501m² to 1 500m²	4m	2.5m	The greater of 300m² or 50%	2 storeys
Greater than 1 500m ²	4m	2.5m	The greater of 750m ² or 40%	2 storeys

Table 2: Conventional Residential Zone Building Development Parameters

Primary Uses	Additional Uses	Consent Uses
<ul style="list-style-type: none"> Dwelling house 	<ul style="list-style-type: none"> Bed and breakfast establishment Home day care centre Home occupation practice Home lodging Second dwelling Occasional use (one event/year) Private road 	<ul style="list-style-type: none"> Commune Extramural facility Group housing Guest house House shop Occasional use (>one event/year) <u>Tourist dwelling unit</u> Additional uses exceeding parameters in this chapter

Table 3: Permitted Land Uses under Conventional Residential Zone

3. Stellenbosch Spatial Development Framework and Historical Core

The Stellenbosch Municipality Spatial Development Framework (SDF) 2023 outlines key guidelines for the development of tourist facilities, including tourist dwelling units and similar accommodations:

Tourism in Franschhoek:

One of the key policy imperatives of the SDF (2023) is the protection and expansion of tourism assets. The SDF also mentions that the role of Franschhoek town as a service and tourism center must be reinforced.

Design and Impact Considerations:

The SDF provides detailed guidelines to ensure that tourist facilities integrate well with their surroundings:

- **Architectural Compatibility:** Facilities should align with local architectural styles and scales, maintaining the visual harmony of the neighborhood.
- **Scale and Intensity of Use:** The scale must be appropriate for the property and surrounding area to prevent excessive strain on local infrastructure.
- **Traffic and Parking:** Adequate parking must be provided to avoid street congestion, and traffic impact assessments may be required.
- **Noise and Privacy:** Measures should be implemented to minimize noise and ensure privacy for neighbors, including soundproofing and strategic design.
- **Environmental Impact:** Development should minimize environmental impacts by preserving green spaces and managing waste.
- **Compliance with Local Regulations:** Designs must adhere to local building codes, health and safety regulations, and municipal guidelines.

Development Application Process:

Proposals for new tourist facilities or the conversion of existing properties require formal application and must demonstrate compliance with the SDF and municipal regulations.

4. DEVELOPMENT PROPOSAL

This section should be read with the approved building plans Attached as **Annexure D**, which shows the Floor Plans and Elevations.

It is firstly important to note the definition, as set out in the Stellenbosch Municipality Zoning Scheme By-Law (2019), of a Tourist Dwelling Unit:

“tourist dwelling unit” means the use of a furnished dwelling house and/or second dwelling and/or a dwelling in flats, where the entire dwelling unit is rented out for the accommodation of transient guests and where accommodation is only provided on a self-catering basis, provided that if more than 4 dwelling units on the same property are rented out by the same owner or proprietor as an enterprise it is deemed to be a tourist accommodation establishment.

The proposed development entails no internal alterations or external changes to the existing house. It is merely to allow for the existing house to be used as a tourist dwelling unit, which can be rented out on a self-catering basis to either a family or one group of people, which differs from a guest house which can accommodate more than one unrelated group of people. It is also important to note that the proposed tourist dwelling unit can easily be converted back to a single-family house without any changes. Ample parking is provided, being four on-site parking bays with two additional parking bays in the garage.

The existing house consists of a three-bedroom house with a separate outbuilding with two bedrooms and a double garage (please refer to an extract from the approved building plan below).

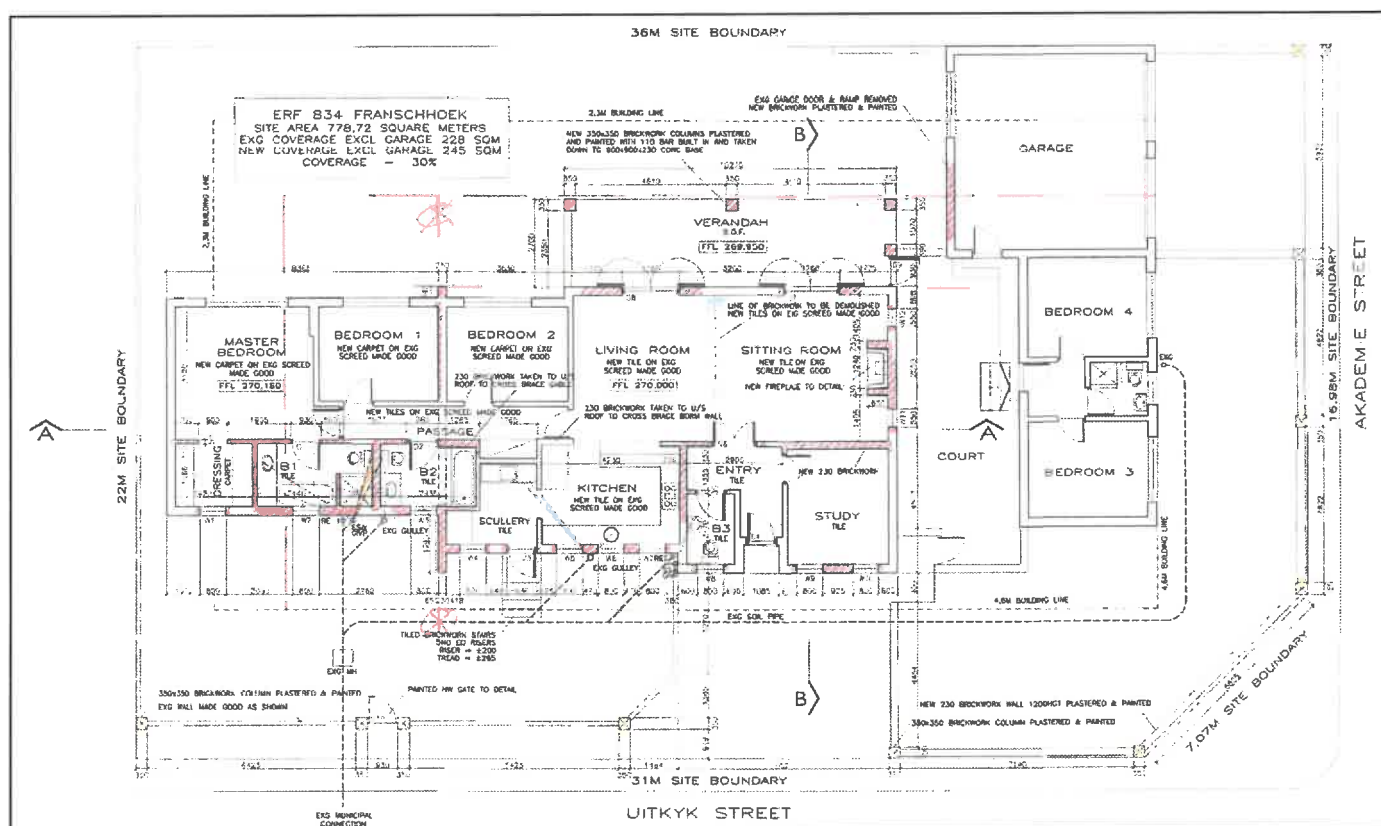


Figure 11: Approved Building Plans

The study is currently being used as a fourth bedroom and bedroom 3 of the outbuilding is begin used as a study. The proposed tourist dwelling unit will therefore have 5 bedrooms in total.

4.1 Building Development Parameters

Table 3, below, is a summary of the applicable building development parameters pertaining to development on this site.

Land Use Parameters	Conventional Residential Zone	Proposed Development	Compliance / Departs
Street Building Line (BL) (house)	4m	4.6m	Complies
Common Boundary BL	2.5m	1.47m	Departs but has approval (as indicated on the approved Building Plans)
Max Coverage	The greater of 300m ² or 50%	30% (excl garage) 37.59% (incl garage)	Complies
Max Height	2 storeys	1 storeys	Complies
Parking (dwelling house)	2 bays	4 bays	Complies

Table 4 Compliance with Development Parameters

4.2 Traffic Impact and Availability of Services

It is considered that the change of use of an existing residential house to tourist dwelling unit will have a no impact on services capacity and should therefore be supported. As existing access points will be used for both vehicular and pedestrian access, it is motivated that the proposed development will not have a negative impact on the traffic flow/movement.

5. MOTIVATION

5.1 Stellenbosch Municipality Land Use By-Law (2023)

As set out in Section 65(1) of the By-law, certain criteria need be met in consideration of an application by the decision-making authorities. In line with this section, Table 4 below, sets out the criteria and assesses the application accordingly:

Section 65(1) Criteria	Assessment of Proposal
a. Application submitted in terms of the By-law.	The application is submitted in terms of Sections 15 (o) of the By-law.
b. Procedure followed in processing the application.	To be decided.
c. Desirability of land use	<p>The applications for consent use for a tourist dwelling unit is considered desirable. The reasons for the desirability of the applications may be summarised as follows:</p> <p>Franschhoek is seen as one of the main tourist hubs in the Winelands area. Tourism is playing a leading role in Franschhoek. According to an article by Pam Golding, Franschhoek has been rebranded as the Valley of Dreams and named a one of the "World's Greatest Places" in 2022 by Time Magazine. After the two-year pandemic hiatus, international arrivals in Cape Town increased by 480% where many of these visitors take a trip to Franschhoek to experience world renowned bistros, restaurants, art galleries, wine farms and chocolatiers.</p> <p>The proposed tourist dwelling unit will allow for optimal use of the property as it will allow for it to be used as a tourist dwelling unit at times when the owner does not use the house. This serves as additional income to the owner and allows flexibility to optimize use of the house according to their needs. By using it as a tourist dwelling unit and not a guest house or hotel, it ensures that the house can easily be converted back to a single dwelling unit at times when it is not rented out to tourists.</p> <p>The proposed development can provide accommodation to tourists who can then stay over in town and stimulates the economy by supporting the restaurants/shop, where day</p>

visitors can choose to drive in for the day and leave without having to visit the restaurants/shops to provide for their basic needs.

i. Socio-economic impact:

The proposed development is expected to boost local tourism, create jobs, and benefit nearby businesses. Though the surrounding area is in general a residential neighbourhood, many of the houses have been converted to guest houses/tourist dwelling units similar to the proposed.

ii. Compatibility with surrounding uses:

There is multiple tourist accommodation in the surrounding areas. Thus, the proposed development is compatible with surrounding land uses. The proposed land use will be situated within an existing house and will have no impact on visual character of the area. The tourist dwelling unit can easily be converted back to a single dwelling house without requiring any changes to the existing building. The approval of the application will not have a negative impact on the surrounding properties, the proposed development is in character with the immediate surrounding area.

iii. Impact on the external engineering services:

The proposed development will have no impact on external engineering services.

iv. Impact on safety, health and wellbeing of the surrounding community:

The proposed development will have no negative impact on the surrounding community with regards to safety, health and wellbeing.

v. Impact on heritage:

The proposed development, situated within an existing building will have no impact on heritage.

vi. Impact on the biophysical environment:

The proposed development will have no negative impact on the biophysical environment as it is planning on upgrading an existing house which mostly consists of internal alterations of an existing house.

vii. Traffic impacts, parking, access and other transport related considerations:

The proposed development will have minimal impact on increased traffic. The application site provides two access points in order for all parking to be provided on site. Thus, no street parking will be required.

	<p>viii. <i>Whether the impositions of conditions can mitigate an adverse impact of the proposed use or development of land:</i></p> <p>The proposed development complies with all relevant regulations and development parameters. There are no adverse impacts that will require additional conditions.</p>
d. Comment in response to public participation.	The application to be advertised in accordance with the Stellenbosch Municipality's requirements.
e. Applicants response to comments received.	To be submitted as part of the Portfolio of Evidence upon conclusion of the Public Participation Process.
f. Investigations in terms of other laws.	Not Applicable.
g. The impact of the proposed land development on engineering services.	No impact
h. The integrated development plan, including the municipal spatial development framework	<p>The proposed development aims to utilise an existing house within the urban edge, thus, the urban edge will not be expanded but rather maintained.</p> <p>A tourist dwelling unit can boost the local economy as it accommodates tourists visiting the area that support local businesses.</p> <p>The proposed development of a tourist facility aligns with the Stellenbosch Municipality Spatial Development Framework (SDF) 2023 in several key ways. The application supports the SDF's policy of enhancing tourism assets and reinforcing Franschhoek's role as a tourism centre. It adheres to the SDF's design and impact guidelines by ensuring architectural compatibility with the local character, maintaining an appropriate scale to avoid overstrain on infrastructure and providing adequate parking to prevent congestion.</p>
i. Section 42 of the Spatial Planning and Land Use Management Act.	The application is considerate towards the requirement and provisions of Section 42 of the Spatial Planning and Land Use Management Act.
j. The principles referred to in Chapter VI of the Land Use Planning Act.	<p>Spatial Justice:</p> <p>The application site will provide accommodation to tourists and can be seen as optimal use of property as it will be used as a tourist dwelling unit which can easily be changed back to a dwelling house used by a family, in relation to market trends. It can create job opportunities directly and indirectly as well as supporting the existing local businesses in the area.</p> <p>Spatial Sustainability:</p> <p>The proposed application site will utilise the existing house and maintain the aesthetic and character of the existing neighbourhood. It will make optimal use of existing infrastructure and will not place strain on the environment or agricultural areas outside</p>

	<p>the urban edge as the proposed development is in an existing building within the urban edge. The proposed tourist accommodation unit is within walking distance from the main tourist area within Franschhoek.</p> <p>Efficiency: As mentioned above, the proposed development will be within in existing house that will make use of the existing urban infrastructure. No services upgrades are required, and it will result in the more efficient use of well-located land and existing infrastructure.</p> <p>Good Administration: The application includes transparent processes that involves relevant stakeholders including public participation to ensures their inputs on matters that affects them.</p> <p>Spatial Resilience: it is important to note that this is a tourist dwelling unit which is not a hotel, guest house or bed and breakfast that can accommodate individual people or different groups in one building which can result in a daily influx of people coming and going. The proposed tourist dwelling unit will be rented out to one group or one family which is considered to reduce the impact on the surrounding neighbours.</p>
k. The applicable provisions of the zoning scheme.	As discussed, the proposal is in line with the building parameters of the Conventional Residential Zone of the Zoning Scheme as it does not require any departures from either building lines, height, or coverage. The Conventional Residential does allow for tourist dwelling unit as a consent use, meaning with permission from council which is the aim of this application.
l. Any restrictive condition applicable to the land concerned.	None, please refer to attached title deed.
m. The impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999).	The application site within the Franschhoek Urban Conservation Overlay Zone, however, as discussed above, the proposed development does not involve any alteration to the existing building.

Table 5 Assessment of Application in terms of Section 65 (1) of the By-Law

6. CONCLUSION

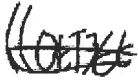
The approval of this application is argued to be favourable, considering the nature of this application, the applicable policies and frameworks of the Stellenbosch Municipality and the legislation in terms of land use regulation. It is therefore respectfully requested that the following applications be considered for approval:

Application in terms of Sections 15(2) (o) the By-Law to allow for the following on Erf 834 Franschhoek:

- i. In terms of Section 15(2) (o) Consent to allow for a **tourist dwelling unit**.

Report compiled by:

Carlien Coetzee (C/9982/2024)



Report reviewed by:

Marike Bolz (Director)



for Arch Town Planners (Pty) Ltd

October 2024



PLASTIC CARTRIDGES TO DETECT
ALL HAZARDOUS AND NON-HAZARDOUS
LIQUIDS AND GASES. AT THE SAME TIME, THE
INSTRUMENT CAN BE USED TO DETECT THE
PRESENCE OF OIL, GREASE, AND OTHER
CONTAMINANTS IN LIQUIDS AND GASES.



CRISTINO BLOCHSTEIN PUT DOWN NO HEIGHT
AS 900MM TALL AND NEW 900MM PETS
IN PORTING AS NEGOTIATED
BLOCHSTEIN PLANNED AND PRINTED

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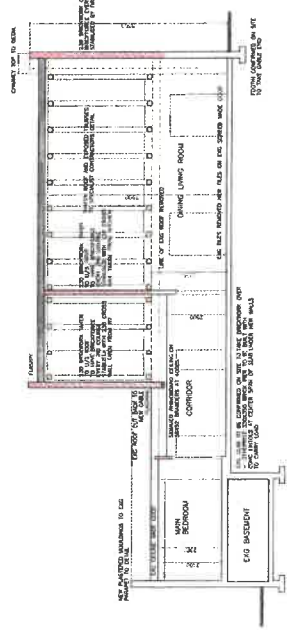
ESTING LAND

ELEVATIONS

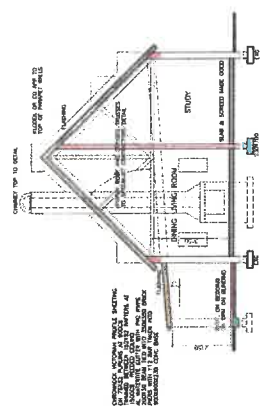
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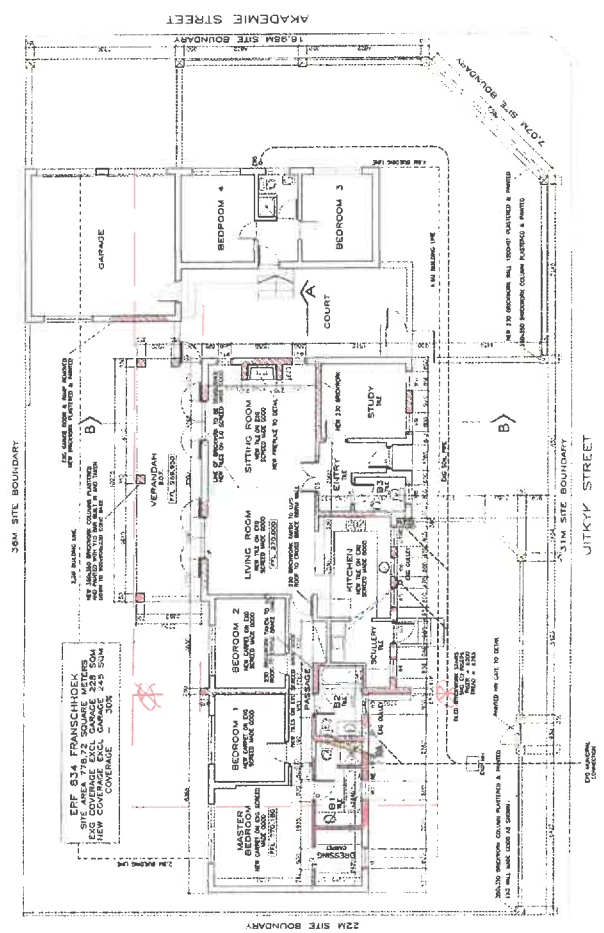


Section AA 1:100



Section BB 1:100

ALL FINISHES & MATERIALS TO MATCH LISTING UNLESS
 OTHERWISE SPECIFIED. ALL FINISHES & MATERIALS AFFECTED
 BY THE PROPOSED WORK ARE TO BE REPLACED. THE FINISHES
 ARE TO REMAIN THE PROPERTY OF THE EMPLOYER.



Site & Ground Floor Plan 1:100

PROJECT
 HOUSE HELINGER
 FRANKFURT
 FRANKFURT
 PLAN
 SECTIONS
 SITE PLAN
 03-14-10

