

NOTICE OF LAND DEVELOPMENT APPLICATION

APPLICATION FOR CONSENT USE: REMAINDER ERF 66, FRANSCHHOEK

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

Application Property Address: 45 Dirkie Uys Street, Franschhoek
Application Property Number: Remainder Erf 66, Franschhoek
Applicant: ARoux Town Planning andre@arouxplanning.co.za
Owner: Philippe Olivier Vinee, Frédéric Paul Vinee, Gauthier Emmanuel Vinee & Mathias Johann Vinee
philippevinee@yahoo.com
Application Reference: LU/17628 (TP891/2024)

Description of land development proposal:

- Application for **consent use** in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning, 2023, to utilise the existing four (4) bedroom dwelling unit as a tourist dwelling unit on Remainder Erf 66, Franschhoek.

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-notice/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 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: André Roux andre@arouxplanning.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 **11 December 2024**.

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 021 180 3171 during normal office hours.

Yours faithfully

André Roux
ARoux Town Planning

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

AANSOEK VIR TOESTEMMINGSGEBRUIK: RESTANT ERF 66, FRANSCHHOEK

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

Adres van aansoek eiendom: 45 Dirkie Uys Straat, Franschhoek

Aansoek eiendom beskrywing: Restant Erf 66, Franschhoek

Aansoeker: ARoux Stadsbeplanning andre@arouxplanning.co.za

Eienaar: Philippe Olivier Vinee, Frédéric Paul Vinee, Gauthier Emmanuel Vinee & Mathias Johann Vinee
philippevinee@yahoo.com

Aansoek Verwysing: LU/17628 (TP891/2024)

Besonderhede van die grondgebruiksaansoek:

- Aansoek om toestemmingsgebruik ingevolge Artikel 15(2)(o) van die Stellenbosch Munisipaliteit se Verordening op Munisipale Grondgebruikbeplanning, 2023, om die bestaande vier (4) slaapkamer wooneenheid as 'n toeriste-wooneenheid op Restant Erf 66, Franschhoek, 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-notice/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.

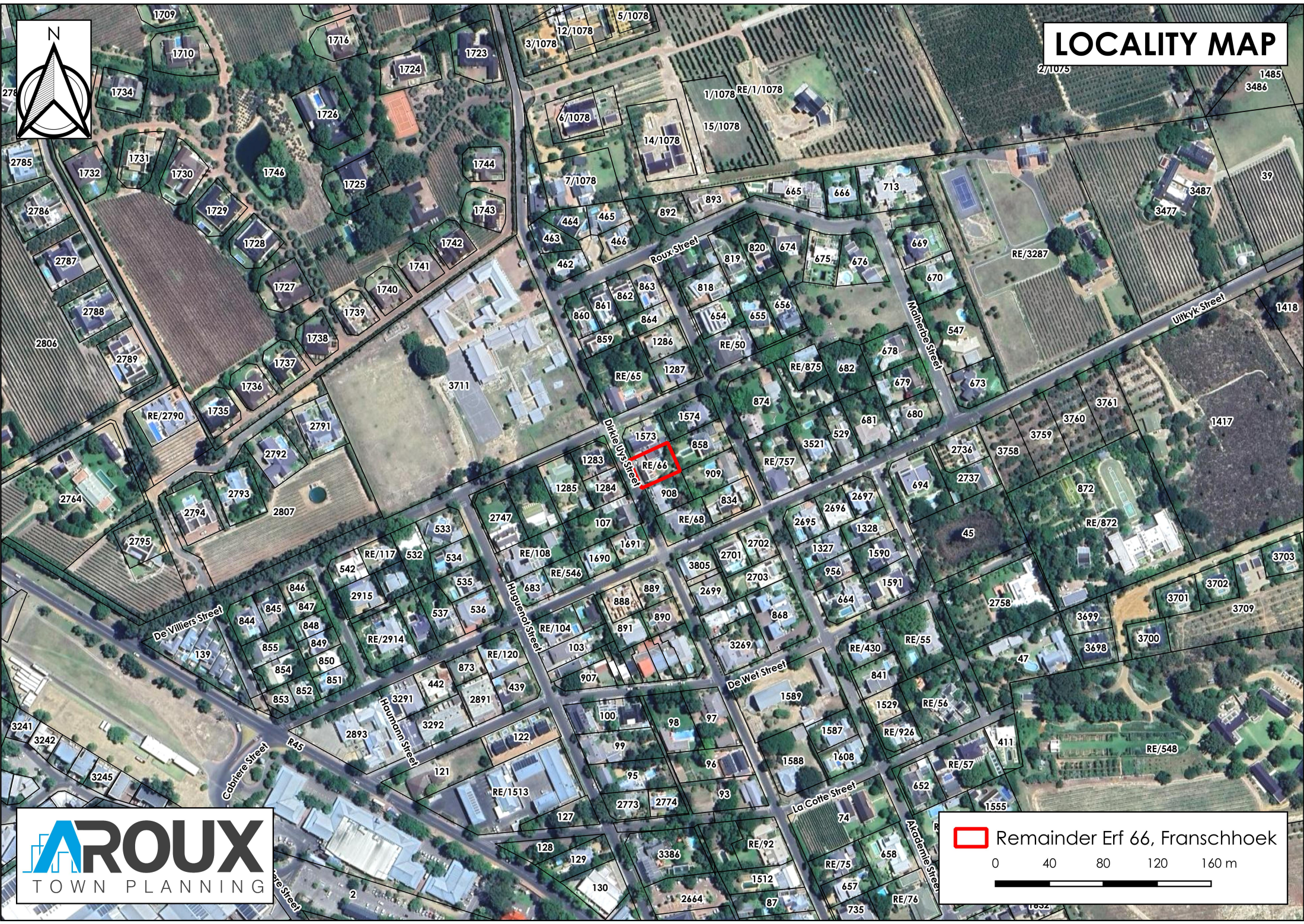
Kommentaar en/ of besware kan vervolgens gedien word op die aansoek in terms van Artikel 50 van die tersaaklike Verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysings nommer van die aansoek, die name, fisiese adres en kontak besonderhede van die persoon wat die kommentaar 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: André Roux andre@arouxplanning.co.za. Deur 'n beswaar, kommentaar of versoë 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 **11 Desember 2024**.

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 voorsienning gemaak is nie, kan die Aansoeker geskakel word vir bystand by die vermelde elektroniese pos adres of telefonies by 021 180 3171 gedurende normale kantoor ure.

Die uwe

André Roux
ARoux Stadsbeplanning



LOCALITY MAP





REMAINDER ERF 66, FRANSCHHOEK

APPLICATION FOR COUNCIL'S CONSENT TO PERMIT A TOURIST DWELLING UNIT

SUBMITTED TO THE STELLENBOSCH MUNICIPALITY

ON BEHALF OF PHILIPPE OLIVIER VINEE, FRÉDÉRIC PAUL VINEE, GAUTHIER EMMANUEL VINEE &
MATHIAS JOHANN VINEE

SEPTEMBER 2024

(Revision 1)



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REGISTERED AT



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Council for Planners
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1.0 INTRODUCTION

1.1 PROPERTY AND APPLICATION DETAILS

Table 1 below provides a summary of the property and application details (the land use application form is attached as **Annexure A**):

Table 1 – Property and Application Details	
Applicant	ARoux Town Planning
Property Description	Remainder Erf 66, Franschoek
Property Address	45 Dirkie Uys Street, Franschoek
Registered Owner	Philippe Olivier Vinee, Frédéric Paul Vinee, Gauthier Emmanuel Vinee & Mathias Johann Vinee
Property Extent	756m ²
Municipality	Stellenbosch Municipality
Applicable Zoning Scheme	Stellenbosch Municipality Zoning Scheme By-Law (2019)
Current Zoning	Conventional Residential Zone
Overlay Zone	Franschoek Urban Conservation Area
Current Land Use	Single dwelling house / Tourist Dwelling Unit
Title Deeds	T21661/2013 (registered on 13 May 2013) and T13966/2023 (registered 6 April 2023)
Title Deed Restrictions	No
Proposed Development / Land Use	Council's Consent to regularise the existing Tourist Dwelling Unit (dwelling house rented out on "Air BnB")
Subject to PHRA / SAHRA	No – Although existing building is older than 60 years, no additions or alterations proposed.
Subject to NEMA	No
Policy Compliant	Yes

The Application

Application is hereby made for **Council's consent** to permit a tourist dwelling unit on **Remainder Erf 66, Franschoek** in terms of Section 15(2)(o) of the Stellenbosch Municipality By-law on Municipal Land Use Planning (2023), read with Section 49(1) of the Stellenbosch Municipality Zoning Scheme By-Law, 2019.

The above application is made by ARoux Town Planning on behalf of Philippe Olivier Vinee, Frédéric Paul Vinee, Gauthier Emmanuel Vinee & Mathias Johann Vinee, who are the registered property owners. A power of attorney and resolution are attached as **Annexure B**.

1.2 BACKGROUND

Remainder Erf 66, Franschhoek, is situated in the northern region of Franschhoek, within an established residential suburb. The property contains an old Cape Dutch-style residential cottage. The property is owned by a French family who resides in Europe and is used as their residence when they visit the country. During the times that the property is not used by the owners, it is rented out as a self-catering dwelling house (on platforms such as “Air BnB”).

The owners were recently served with a compliance notice from the Stellenbosch Municipality as the use of the property as a “tourist dwelling unit” is not permitted by the property’s Conventional Residential Zone as a primary land use right and is therefore considered a contravention of the Stellenbosch Municipality Zoning Scheme By-Law. A tourist dwelling unit, as defined in the aforementioned Zoning Scheme By-Law, is permitted in the Conventional Residential Zone with Council’s consent only and therefore requires approval of a land use application. The owners were not aware that a land use approval was required to permit this land use and have therefore not made the necessary application to the Municipality.

ARoux Town Planning has been appointed by the property owners to submit the required land use application to the Stellenbosch Municipality on their behalf (refer to power of attorney and resolution attached as **Annexure B**).

This report serves as the motivation for the approval of this land use application and, with the attached annexures, provides all information required for the decision-making authority to make an informed decision.

Note that this application is made to regularise the existing land use as a tourist dwelling unit only. No additions or alterations to the property are proposed.

1.3 STATUTORY INFORMATION OF THE PROPERTY

The property is registered as Remainder Erf 66, Franschhoek and is owned by Philippe Olivier Vinee (One half) and Frédéric Paul Vinee, Gauthier Emmanuel Vinee & Mathias Johann Vinee (One half) as confirmed in the title deeds T21661/2013 & T13966/2023 (refer to copies of the title deeds attached as **Annexure C**). The property does not contain any restrictive conditions that prevents the use of the property as a tourist dwelling unit.

There are no servitudes registered over the property (refer to the SG Diagram attached as **Annexure D**).

The property is zoned Conventional Residential Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019).

2.0 LOCALITY AND CONTEXT

2.1 LOCALITY

Remainder Erf 66, Franschhoek (“the property”) is situated on Dirkie Uys Street within the northern region of the Franschhoek residential area. The property is located approximately 30m from the intersection with De Villiers Street and 300m from Main Road (Refer to **Figures 1 and 2**). A locality map is attached as **Annexure E**.

2.2 CHARACTER OF THE AREA

The local area is a medium-density residential neighbourhood, with most properties containing single- or double-storey dwelling houses. Many properties in the area are utilised as guest accommodation facilities, either in the form of bed and breakfast establishments, guest houses or self-catering dwellings.

Most properties in the area are zoned Conventional Residential Zone. Wes-Eind Primary School (Erf 3711), situated north-west of the property, is zoned Education Zone (refer to **Figure 3**).

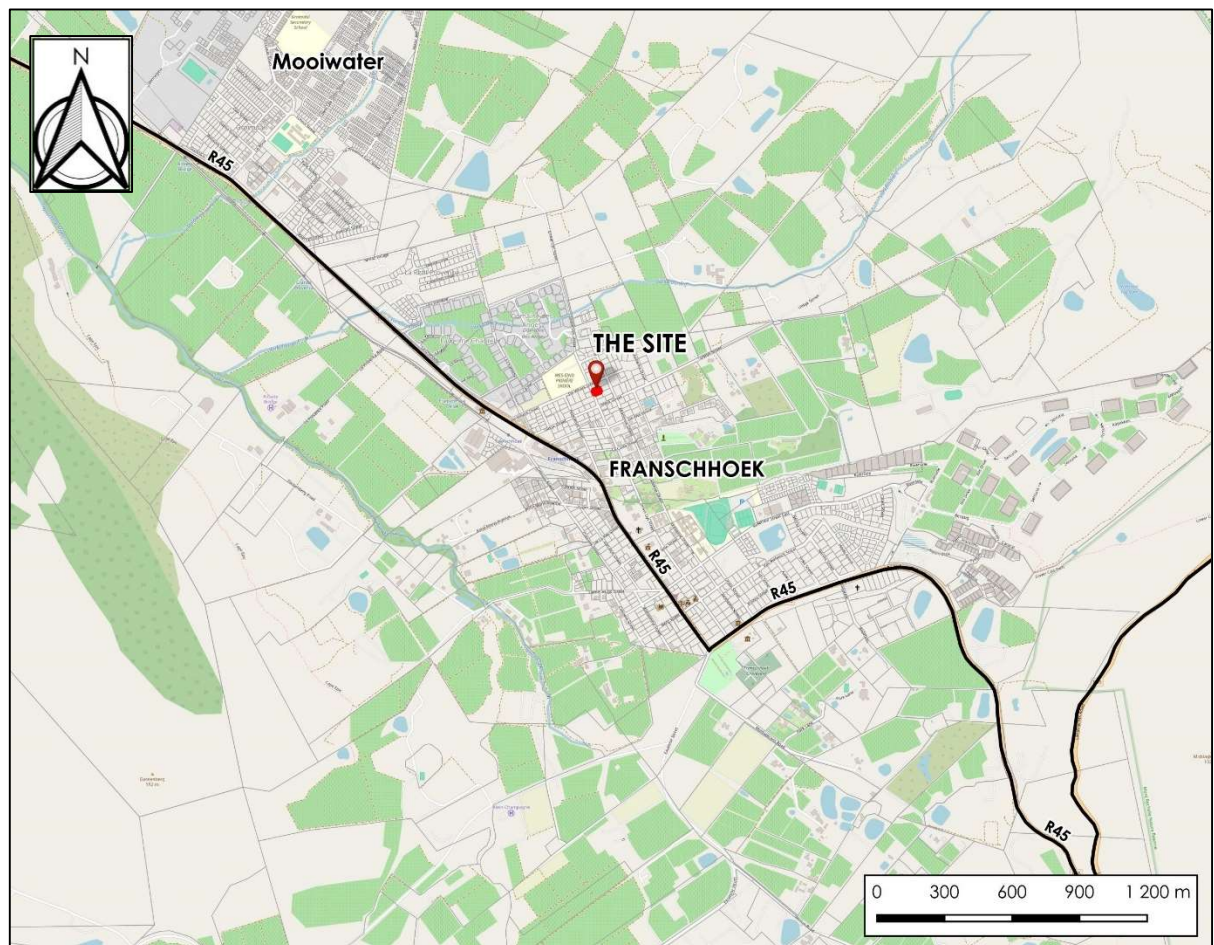


Figure 1 – Regional Context

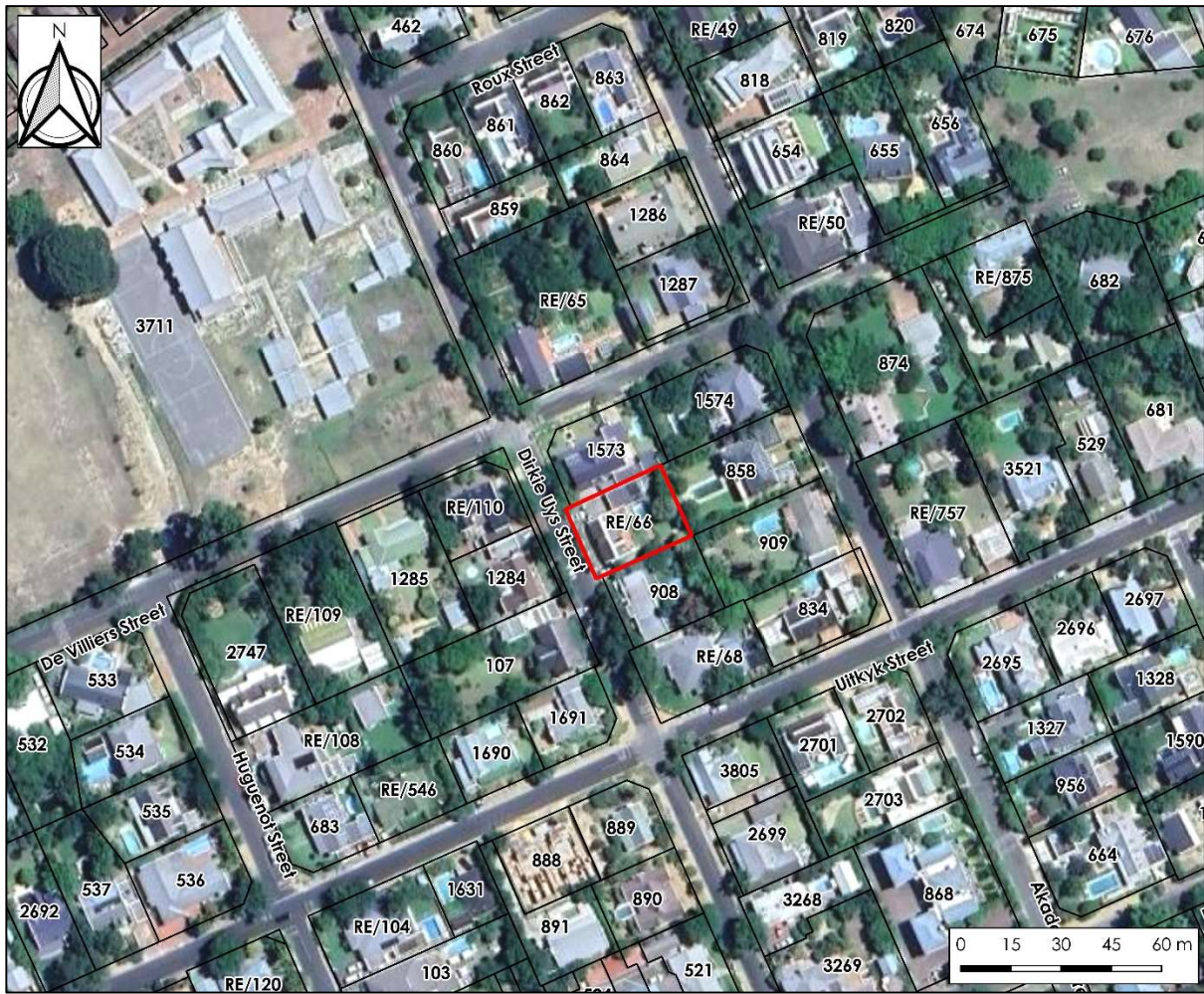


Figure 2 – Local Context

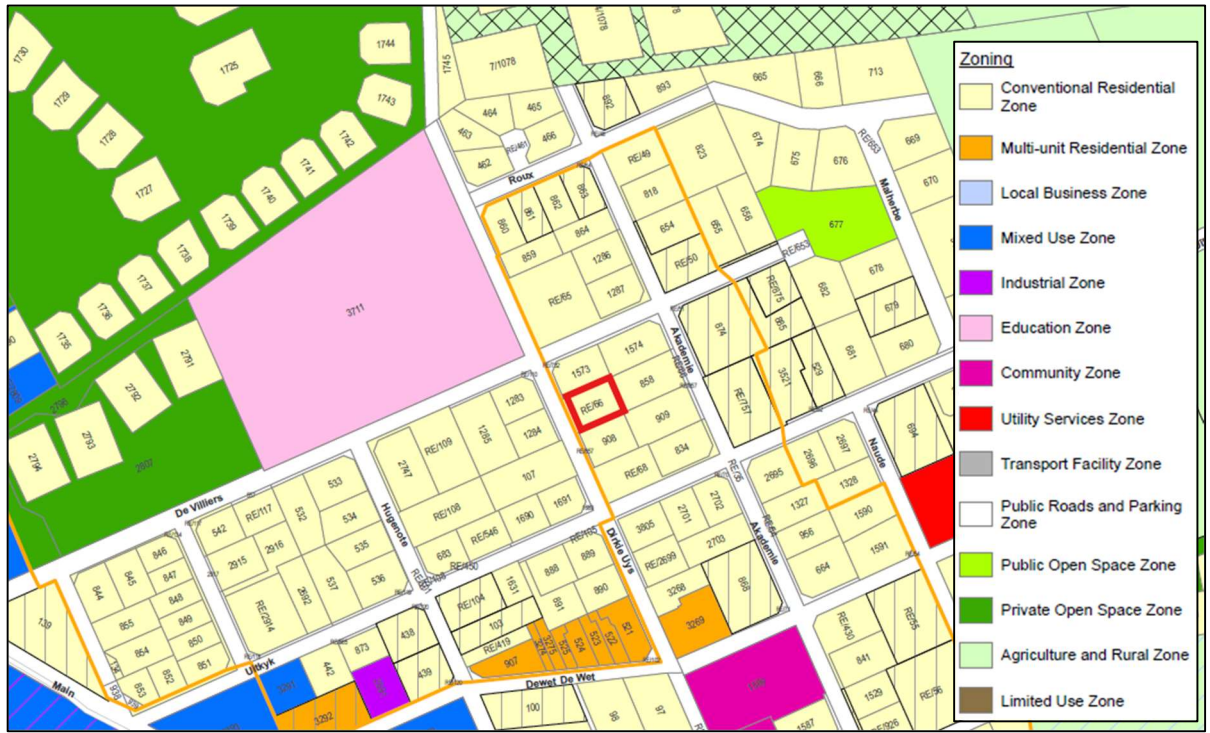


Figure 3 – Extract of the Stellenbosch Municipality Zoning Map

3.0 PROPERTY & LAND USE DESCRIPTION

The property contains an existing double-storey dwelling house, known as “Petite France”. The dwelling house has a total floor area of 412,8m² and contains four bedrooms, bathrooms a living room and kitchen. The backyard area includes a pool and garden area (refer to **Figures 4, 5 and 6**).

A double garage adjacent to the northern common boundary provides for two parking bays. The space in front of the garage, behind the main gate, can accommodate two more parking bays, with space for two more bays in front of the gate. An additional parking space is situated adjacent to the southern boundary.

The building on the property has been constructed in accordance with approved building plans. Copies of these plans are attached as **Annexure F**.

As mentioned, the owners of the property reside mainly in Europe and utilise the property as their residence when they are in the country. Outside of these times, the property is rented out on a short-term self-catering basis as a “luxury cottage”, mostly on the “Air BnB” platform. No one resides permanently on the property. The manager of the property resides nearby and assist with the guests.

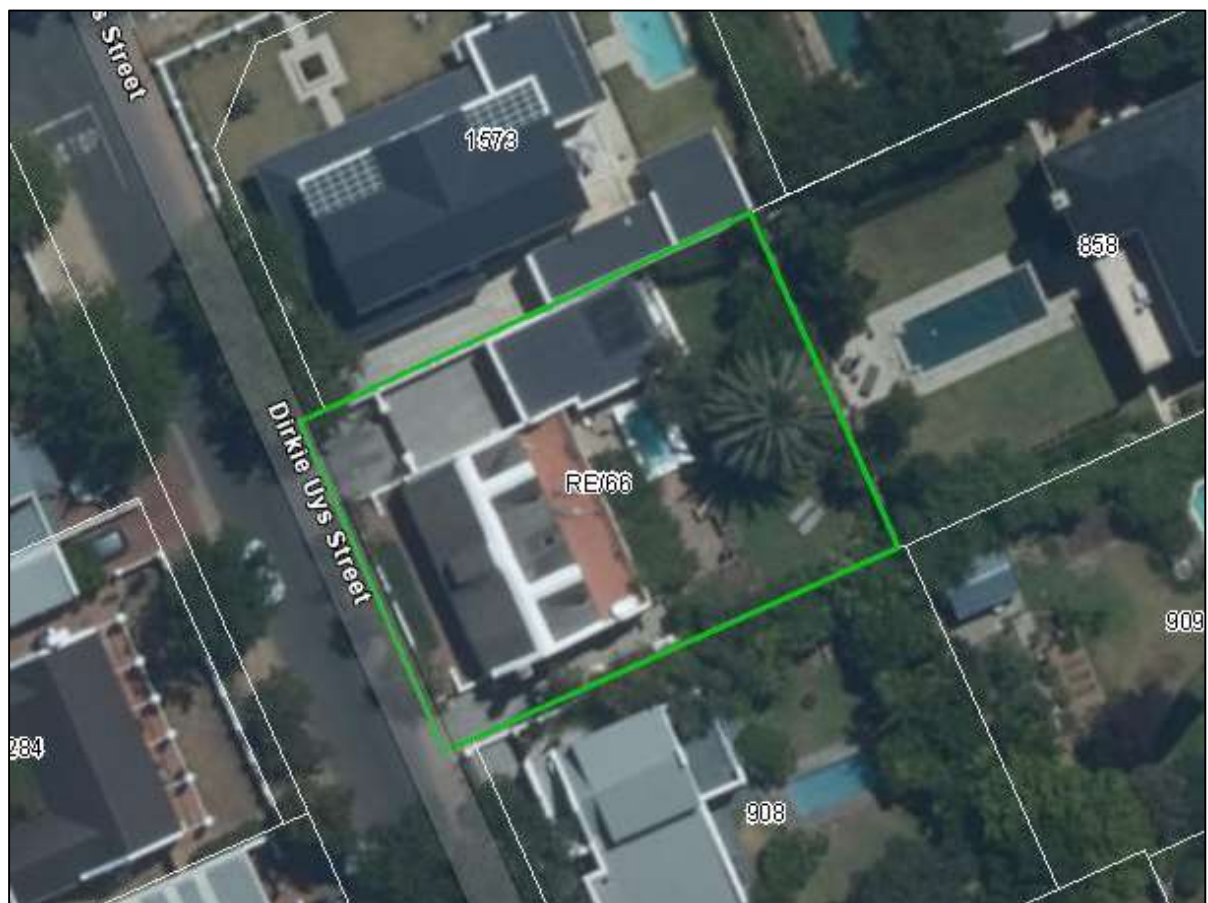


Figure 4 – Aerial Image of the property.



Figure 5 – Street view of the property.



Figure 6 – The parking bays in front of the garage.



Figure 7 – Backyard space of the property.

4.0 MOTIVATION

Section 65 of the Stellenbosch Municipality Land Use Planning By-Law (2023) stipulates that the Municipality must have regard to a set of prescribed criteria when it considers a land use application. The following sections are an assessment of the application in terms of said criteria and serves as the motivation for the approval of this application.

4.1 CONSISTENCY WITH PLANNING LEGISLATION (SPLUMA & LUPA)

The use of the property as a tourist dwelling unit adheres to the development principles as specified in the Spatial Planning and Land Use Management Act No.16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act No.3 of 2014 (LUPA), as elaborated below.

- ***Spatial Justice*** - The proposal contributes to the principle of spatial justice and redressing of past spatial and other development imbalances as it ensures improved utilisation of land;
- ***Spatial Sustainability*** – The tourist dwelling unit contributes positively to the economic viability of the property and promotes and stimulates the effective functioning of land markets. The proposal does not affect any natural habitat, heritage and tourism resources or ecological corridor and environmentally protected areas;
- ***Efficiency*** – The proposal optimises the use of existing resources and infrastructure and is in support of existing land uses in the surrounding area.

4.2 CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS AND PLANNING POLICIES

4.2.1 Western Cape Provincial Spatial Development Framework (PSDF)

The PSDF's policy framework covers Provincial spatial planning's three interrelated themes, namely (1) Sustainable use of the Western Cape's spatial assets, (2) Opening-up opportunities in the Provincial space-economy, and (3) Developing integrated and sustainable settlements. The proposed land use relates to these themes in the following manners:

Sustainable Use of Spatial Assets

The PSDF recognises the Western Cape as a world class tourism destination, given the attraction and authenticity of rural landscapes of scenic, cultural and natural splendour and emphasises that the Province's biodiversity and agricultural resources should be protected.

Due to the popularity of the Franschhoek valley and the number of tourists visiting the area, there is high demand for the provision of tourist accommodation facilities. Although existing underutilised buildings on agricultural and rural properties should be used as tourist accommodation, additional tourist accommodation opportunities should also be provided

within the urban area to reduce the pressure of developing more tourist accommodation establishments outside of the urban edge, to the detriment of agricultural operations and rural landscapes.

Opening-up opportunities in Space-economy

According to the PSDF, mixed land use and economic diversification in urban and rural land markets must be incentivised. The use of the property as a tourist dwelling unit contributes to the local tourism industry of Franschhoek and supports the growth of the local economy.

Developing Integrated and Sustainable Settlements

The PSDF promotes a response to enhance an economically, socially and spatially meaningful settlement hierarchy that takes into account the role, character and location of settlements in relation to one another while preserving the structural hierarchy of towns, villages, hamlets and farmsteads in relation to historical settlement patterns.

Franschhoek is not only a residential village but also functions as an important tourist destination and a hub for tourist accommodation. The tourist dwelling unit on the property supports this function. This application will not result in any form of additional development and therefore protects the existing structure and built form of Franschhoek.

Summary

It is evident from the above that the use of the property as a tourist dwelling unit supports the local tourism industry and contribute positively to the local space-economy without impacting negatively on the function and character of Franschhoek. The proposal is therefore considered to be in line with the policies of the PSDF.

4.2.2 Stellenbosch Municipality Spatial Development Framework (SSDF)

The **Stellenbosch Municipality Spatial Development Framework (SSDF)**, approved by Council in 2023, identifies seven key principles for spatial development and management within the municipality, namely:

1. Maintain and grow natural assets;
2. Respect and grow our cultural heritage;
3. Direct growth to areas of lesser natural and cultural significance as well as movement opportunity;
4. Clarify and respect the different roles and functions of settlements;
5. Clarify and respect the roles and functions of different elements of movement structure;
6. Ensure balanced, sustainable communities;
7. Focus collective energy on critical lead projects;

This application supports the above principles in the following ways:

- **“Maintain and grow natural assets”**: The property is situated within the urban edge of Franschhoek and does not impact negatively on the area’s natural assets.

- **“Respect and grow our cultural heritage”**: The use of the property as a tourist dwelling unit ensures that the heritage building on the property remains protected and well maintained.
- **“Clarify and respect the different roles and functions of settlements”**: Franschhoek is identified as a centre for tourism and culture with limited growth potential. The proposal supports the tourism function of this settlement.
- **“Ensure balanced, sustainable communities”**: The proposal supports infill development and the adaptive re-use of existing structures.

The Franschhoek Framework Plan confirms that the property is situated within the Urban Edge and within an area delineated as “Existing and Proposed Urban Character Areas” (refer to **Figure 8**). The SDF’s Plans and Settlements Proposals for Franschhoek supports a focus on improving living conditions for existing residents as opposed to significant new growth.

The concerned tourist dwelling unit is established within an existing dwelling house inside the Franschhoek urban area. The application therefore supports the SDF’s proposals for Franschhoek as it supports inwards growth of the town and economy without having any impact on the existing urban character of the area.

The proposal is therefore deemed to be aligned with the SSDF.

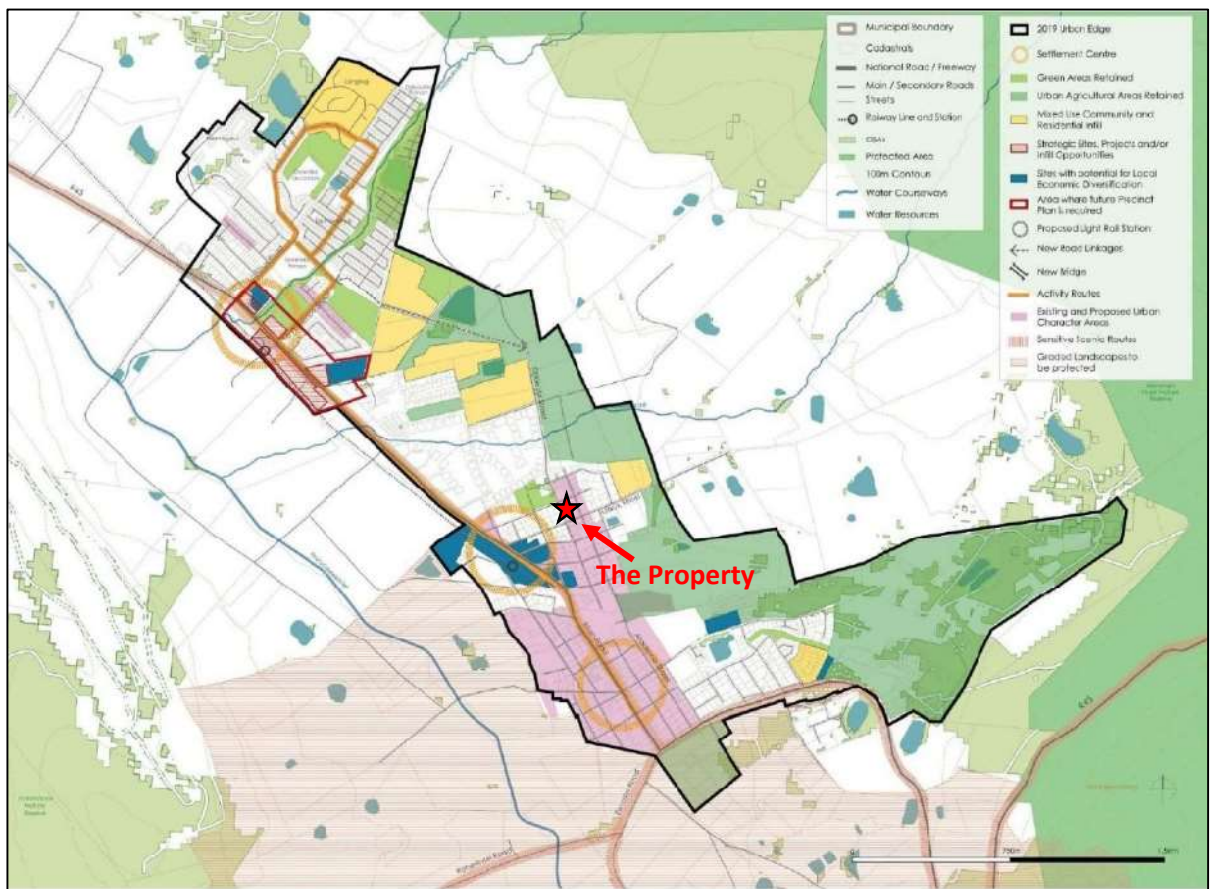


Figure 8 - The Franschhoek Spatial Development Framework Plan

4.3 COMPLIANCE WITH ZONING REGULATIONS

4.3.1 Land Use

The property is zoned Conventional Residential Zone in terms of the Stellenbosch Municipality Zoning Scheme By-Law (2019). A tourist dwelling unit is not permitted as a primary land use right in this zoning but with Council's consent. Hence, application is made for Council's consent to permit the existing dwelling house on the property to be utilised as tourist dwelling unit.

4.3.2 Development Parameters

Except for the proposed land use change, no alterations to the existing building or additional development or floor area is proposed. The existing dwelling is constructed in accordance with approved building plans. The proposal therefore complies with the development parameters of this zoning.

4.3.3 Off-Street Parking

The Stellenbosch Municipality Zoning Scheme By-law requires the provision of two off-street parking bays for a dwelling house with two or more bedrooms. The concerned tourist dwelling units is established within an existing dwelling house with four bedrooms. A minimum of two off-street parking must therefore be provided.

The property has space to provide for seven parking bays on the property (although generally not more than two bays are utilised at a time). This includes the double garage, two bays in front of the garage and behind the main gate, two more bays in front the main gate, and a seventh bay adjacent to the southern boundary. The property's off-street parking provision therefore complies with the off-street parking requirement.

4.3.4 Overlay Zone

The property is situated within the Franschhoek Urban Conservation Overlay Zone. Since the proposal contains no additional development / floor area, an application for permission in terms of this overlay zone is not required in terms of Section 246 of the Stellenbosch Municipality Zoning Scheme By-law.

4.4 IMPACT ON MUNICIPAL ENGINEERING SERVICES

The property is currently serviced with electricity, water and sewerage infrastructure. The property's land use will remain a single dwelling unit. The use of the dwelling house as a self-catering tourist dwelling unit will not result in additional demand for municipal services.

4.5 IMPACT ON HERITAGE

Although the original building plans of the property could not be obtained (the earliest plans are for alterations to the building), it is believed that the building is older than 60 years of age and therefore protected in terms of the National Heritage Resources Act No. 25 of 1999.

As mentioned, no alterations to the dwelling house are proposed, with the application relating to an additional residential use only. The application will therefore not result in a heritage impact as it will not change the appearance or historical integrity of the building or the character of the area.

An application to Heritage Western Cape in terms of Section 34 of the National Heritage Resources Act is also not required.

4.6 DESIRABILITY OF THE APPLICATION

The use of the property as a tourist dwelling unit is deemed desirable for the following reasons:

- Franschhoek is a popular tourist destination and is known for its tourist accommodation provision. This includes a number of existing tourist accommodation facilities that are provided within the vicinity of the property. This includes the Oxford Cottage guest house on Erf 834, the Montarbre Cottage (Erf 1690), the Garden View Suite (Erf 2474), the Cottage on 55 (Remainder Erf 108), La Reverie (Erf 103), the Grapevine (Remainder Erf 50), etc (refer to **Figure 8**). The tourist accommodation land use is therefore consistent with the existing residential and tourist accommodation character of the area.



Figure 8 – Existing guest accommodation facilities in the area.

- The dwelling house is relatively small and will not result in large groups of people visiting the area.
- The concerned tourist dwelling unit supports the local tourism industry and contributes to local economic growth as it provides accommodation opportunities for tourists who visit the commercial enterprises in the area.
- The tourist dwelling unit is established within an existing dwelling house only, with no additions or alterations proposed or necessary. The application therefore does not result in a negative impact on the heritage character of the area.
- The concerned land use does not result in a negative traffic impact. More than sufficient provision is made for off-street parking (5 bays more than required by the Zoning Scheme By-law), with no reason for vehicles to park in the road reserve. The use of the property as a tourist dwelling unit results in less-frequent vehicular trips to and from the property, as opposed to standard dwelling units which mostly accommodate daily trips.
- The tourist dwelling unit does not impact negatively on the surrounding property owners and residents. Although being used by tourists, it remains a single residential land use and does not accommodate any non-residential activity that will impact on the use or enjoyment of the surrounding properties.

5.0 CONCLUSION & RECOMMENDATION

It has been demonstrated that the application to permit a tourist dwelling unit on the property is desirable and will not have a negative impact on any surrounding property. The following is highlighted in conclusion:

- Application is made to permit the existing dwelling house on the property to be utilized as a tourist dwelling unit.
- The tourist accommodation land use is consistent with the character of the area, which contains many existing guest accommodation facilities, including a number of bed and breakfast establishments and guest houses in the vicinity of the property.
- The proposal supports the local tourism industry and local economic growth as it will accommodate visitors to the area.
- The proposal does not result in a negative heritage impact as no additions or alterations are proposed.
- More than sufficient provision is made for off-street parking. A minimum of two off-street parking bays must be provided. Seven parking opportunities are available on the property.
- The land use does not result in a negative traffic impact. The use of the property as a tourist dwelling unit results in less-frequent vehicular trips to and from the property.
- The concerned tourist dwelling unit does not impact negatively on any surrounding property. It does not accommodate any non-residential activity that will impact on the use or enjoyment of the surrounding properties.
- The land use does not result in a negative impact on external engineering services infrastructure.
- The tourist dwelling unit is aligned with the LUPA and SPLUMA development principles, as well as the provincial and municipal spatial development frameworks.

ARoux Town Planning recommends that this application for Council's consent to permit a tourist dwelling units on Remainder Erf 66, Franschhoek, be considered for approval.