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17 April 2025

NOTICE OF LAND DEVELOPMENT APPLICATION

Dear Sir/Madam

APPLICATION FOR CONSENT USE FOR GROUP HOUSING, TITLE DEED RESTRICTION REMOVAL AND AMENDMENT AND CONSOLIDATION ON ERF 2221 & 2222, STELLENBOSCH – 132 & 134 MERRIMAN AVENUE

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

Application Property Address: **Erf 2221 & 2222, Stellenbosch**

Application Property Number: **132 & 134 Merriman Avenue**

Applicant: **Arch Town Planners (Pty) Ltd (Marika Bolz, marike@archtownplanners.co.za)**

Owner: **Michael and Hubrey Richmond (Erf 2221) and Uyaphi Trust (Erf 2222)**

Application Reference: **TP929/2024**

Description of land development proposal:

Application is made in terms of Section 15 (e) (f) and (o) of the Stellenbosch Municipal Land Use Planning By-law, 2023 for the following on Erf 2221 & 2222, Stellenbosch:

- **In terms of Section 15(2) (e) consolidation of Erf 2221 and 2222.**
- **In terms of Section 15(2) (f) removal of the following restrictive title deed conditions:**
 - **T55617/2011: B(4)(b)**
 - **T8843/2012: G(1)(4)(b)**
- **In terms of Section 15(2) (f) amendment of the following restrictive title deed conditions:**
 - **T55617/2011: B(4)(d)**
 - **T8843/2012: G(1)(4)(d)**
- **In terms of Section 15(2) (o) Consent to allow for group housing.**

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 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: marike@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 **19 May 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 **072 480 5838** during normal office hours.

Yours faithfully

Carlien Coetzee

For Arch Town Planners (Pty) Ltd



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17 April 2025

KENNISGEWING VAN GRONDONTWIKKELINGS AANSOEK

Geagte Mnr./Me.

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

AANSOEK OM VERGUNNINGSGEBRUIK VIR GROEPBEHUISING, VERWYDERING EN WYSIGING VAN TITELAKTE BEPERKINGEN EN KONSOLIDASIE OP ERF 2221 & 2222, STELLENBOSCH – 132 & 134 MERRIMAN LAAN

Adres van aansoek eiendom: **Erf 2221 & 2222, Stellenbosch**

Aansoek eiendom beskrywing: **132 & 134 Merriman Laan**

Aansoeker: **Arch Town Planners (Pty) Ltd (Marike Bolz, marike@archtownplanners.co.za)**

Eienaar: **Michael en Hubrey Richmond (Erf 2221) en Uyaphi Trust (Erf 2222)**

Aansoek Verwysing: **TP929/2024**

Besonderhede van die grondgebruiksaanzoek:

Aansoek word gedoen in terme van Artikel 15 (e), (f) en (o) van die Stellenbosch Munisipaliteit se Beplanningsverordening (2023) ten einde voorsiening te maak vir die volgende op Erf 2221 en 2222, Stellenbosch:

- Ingevolge Artikel 15(2) (e) vir die konsolidasie van Erf 2221 en 2222, Stellenbosch.
- Ingevolge Artikel 15(2) (f) vir die opheffing van die volgende beperkende titelaktevoorwaardes:
 - T55617/2011: B(4)(b)
 - T8843/2012: G(i)(4)(b)
- Ingevolge Artikel 15(2) (f) vir die wysiging van die volgende beperkende titelaktevoorwaardes:
 - T55617/2011: B(4)(d)
 - T8843/2012: G(i)(4)(d)

- Ingevolge Artikel 15(2) (o) Vergunningsgebruik om voorsiening te maak vir groepsbehuising.

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 tydspan 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 geding 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: Marike Bolz, marike@archtownplanners.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 **19 Mei 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 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 by **072 480 5838** gedurende normale kantoor ure.

Die uwe

Carlien Coetzee

Vir Arch Town Planners (Pty) Ltd

APPLICATION FOR CONSENT USE FOR GROUP HOUSING, TITLE DEED RESTRICTION REMOVAL AND CONSOLIDATION

**ERF 2221 AND 2222 STELLENBOSCH
132 AND 134 MERRIMAN AVENUE**



October 2024 – REV 1

**SUBMITTED TO:
STELLENBOSCH MUNICIPALITY**

PREPARED AND SUBMITTED BY:



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1. INTRODUCTION

1.1 Background Information

Erf 2221 and 2222 Stellenbosch, hereafter referred to as the application site, is situated within Stellenbosch in an area known as the Simonswyk. This neighbourhood consists of fairly large erven and has, in general, a residential single-family character with a few of the houses renting out rooms for students. The houses in the neighbourhood are relatively old houses, however in the last years, there has been an influx of new people who has started to renovate some of the houses.

The application site is strategically located within a residential area within walking distance from both Stellenbosch Primary and High school as well as the Junior Akademie pre-primary school. The owner of the properties wishes to consolidate the two erven to develop a group housing development, with smaller erven which will increase the housing opportunities in a strategically located neighbourhood close to schools and other surrounding amenities.

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 consolidation of Erf 2221 and 2222, removal of restrictive title deed conditions and a consent use application to allow for group housing. 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) (e), (f) and (o) the Stellenbosch Municipality Land Use By-Law, 2019 (hereafter referred to as 'the By-Law') to allow for the following on Erf 2221 and 2222 Stellenbosch:

- i. In terms of Section 15(2) (e) **consolidation** of Erf 2221 and 2222.
- ii. In terms of Section 15(2) (f) removal of the following restrictive title deed conditions:
 - a. T55617/2011: B(4)(b)
 - b. T8843/2012: G(i)(4)(b)
- iii. In terms of Section 15(2) (f) amendment of the following restrictive title deed conditions:
 - a. T55617/2011: B(4)(d)
 - b. T8843/2012: G(i)(4)(d)
- iv. In terms of Section 15(2) (o) Consent to allow for **group housing** to allow for the development of 8 group house units on the unregistered consolidated erf.

2. PROPERTY DESCRIPTION

2.1 Ownership Details and Title Deed

Property Details	Ownership	Erf Size	Title Deed	Restrictive Title Deed Conditions
Erf 2221 & 2222 Stellenbosch	Erf 2221: Michael and Hubrey Richmond Erf 2222: Uyaphi Trust	Erf 2221: 1 678.9m ² Erf 2222: 1 580.2m ² Combined: 3 259.1m ²	Erf 2221: T000055617/2011 Erf 2222: T000008843/2012	Erf 2221: B(4)(b)(d) Erf 2222: G(i)(4)(b)(d)

Table 1 Property Details

The title deeds are attached as **Annexure C**.

The title deed of both erven restricts proposed development by stating that only one dwelling unit are allowed per erf as well as also places restrictions on the building's lines. The restrictive title deed conditions are as follows:

T55617/2011 for Erf 2221:

- **B (4) (b)** – *dit mag alleen gebruik word vir die doel om een woning, tesame met buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig*
- **B (4) (d)** – *geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 6,30 meter van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 3.15 meter van die agtergrens of sygrens van 'n aangrensende erf nie, op voorwaarde dat met die toestemming van die plaaslike owerheid 'n buitegebou wat 'n hoogte van 3,15 meter nie te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, binne die voorgeskrewe ruimte langs die agtergrens en binne die voorgeskrewe syruimte vir 'n afstand van 9,45 meter bereken vanaf die agtergrens, opgerig mag word*

T8843/2012 for Erf 2222:

- **G (i) (4) (b)** - *dit mag alleen gebruik word vir die doel om een woning, tesame met buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig*
- **G (i) (4) (d)** - *geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure en heinings mag binne 20 voet van die straatlyn wat 'n grens van hierdie erf vorm, opgerig word nie, ook nie binne 10 voet van die agtergrens of sygrens van 'n aangrensende erf nie, op voorwaarde dat met die toestemming van die plaaslike owerheid 'n buitegebou wat 'n hoogte van 10' nie te bowe gaan nie, watter hoogte gemeet moet word van die vloer tot die ankerplaat, binne die voorgeskrewe ruimte langs die agtergrens en binne die voorgeskrewe syruimte vir 'n afstand van 30' bereken vanaf die agtergrens, opgerig mag word*

Proposed amendment of Conditions B(4)(d) and G(i)(4)(d):

“geen gebou of struktuur of enige gedeelte daarvan behalwe grensmure, tuinmure en heinings mag binne 3.15 meter van die agtergrens van die aangrensende erf opgerig word sonder die toestemming van die plaaslike owerheid nie”

Conditions **B(4)(d)** (in title deed T55617/2011) and **G(i)(4)(d)** (in title deed T8843/2012) make specific reference to the common boundary building lines of 3.15m which are more restrictive than the common boundary building lines of the Zoning Scheme which is 2.5m. The intention is not to completely remove this title deed condition but rather to amend it by removing the portion that refers to the “sygrens” (side boundaries) and keeping the rear title deed building line restriction of 3.15m in order to protect the privacy of the rear property. Erf 2223 to the left of Erf 2222 has already been developed within $\pm 2\text{m}$ from the common boundary and in some places on the 0m common boundary building line. The “living space” of Erf 2220, to the right of Erf 2221, is already within $\pm 2.5\text{m}$ of the common boundary building line.

Kindly note the following conditions in the title deeds:

T55617/2011 for Erf 2221:

- **B (4) (a)** – *dit mag nie onderverdeel word nie*
- **B (4) (c)** – *op nie meer as helfte van die oppervlakte daarvan mag gebou word nie*

T8843/2012 for Erf 2222:

- **G (i) (4) (a)** - *dit mag nie onderverdeel word nie*
- **G (i) (4) (c)** - *op nie meer as helfte van die oppervlakte daarvan mag gebou word nie*

Both conditions (a) place a restriction on the subdivision of the erven, it does not affect the proposed development which will be a sectional scheme group housing development. Although the title deed conditions (c) above allow for the proposed development to have a coverage of 50%, the proposed development will be complying with the 40% coverage restriction as set out in the Stellenbosch Municipality Zoning Scheme By-law (2019). The conditions relating to coverage has no bearing on the proposed development as the proposed coverage of the development will not be more than 40% as allowed for in the zoning scheme.

Please refer to the attached Conveyancer Certificate in **Annexure D** that confirms the restrictive title deed conditions.

2.2 Locality, Surrounding Land Uses, and Character

The application site is situated within the Simonswyk suburb of Stellenbosch, directly north of Merriman Avenue and west of Simonsberg Street. The two erven are ideally located directly opposite Hoërskool Stellenbosch and within walking distance from Laerskool Stellenbosch as well as the Jan Marais Nature Reserve. The Idas Vallei shopping centre, Jonkershoek Spar, a few churches and kindergartens are also within walking distance. Simonsberg Road running along the boundary of the properties, have been closed off for through traffic from Merriman Avenue as indicated in figure 3 and 4 below. The Simonswyk neighbourhood consists of fairly large single residential erven, ranging between 575m² and 1,678m². mainly occupied by single families as well as some erven with second dwellings. The two erven on either side of the application site seem to each have a second dwelling, shown in figure 5-8.

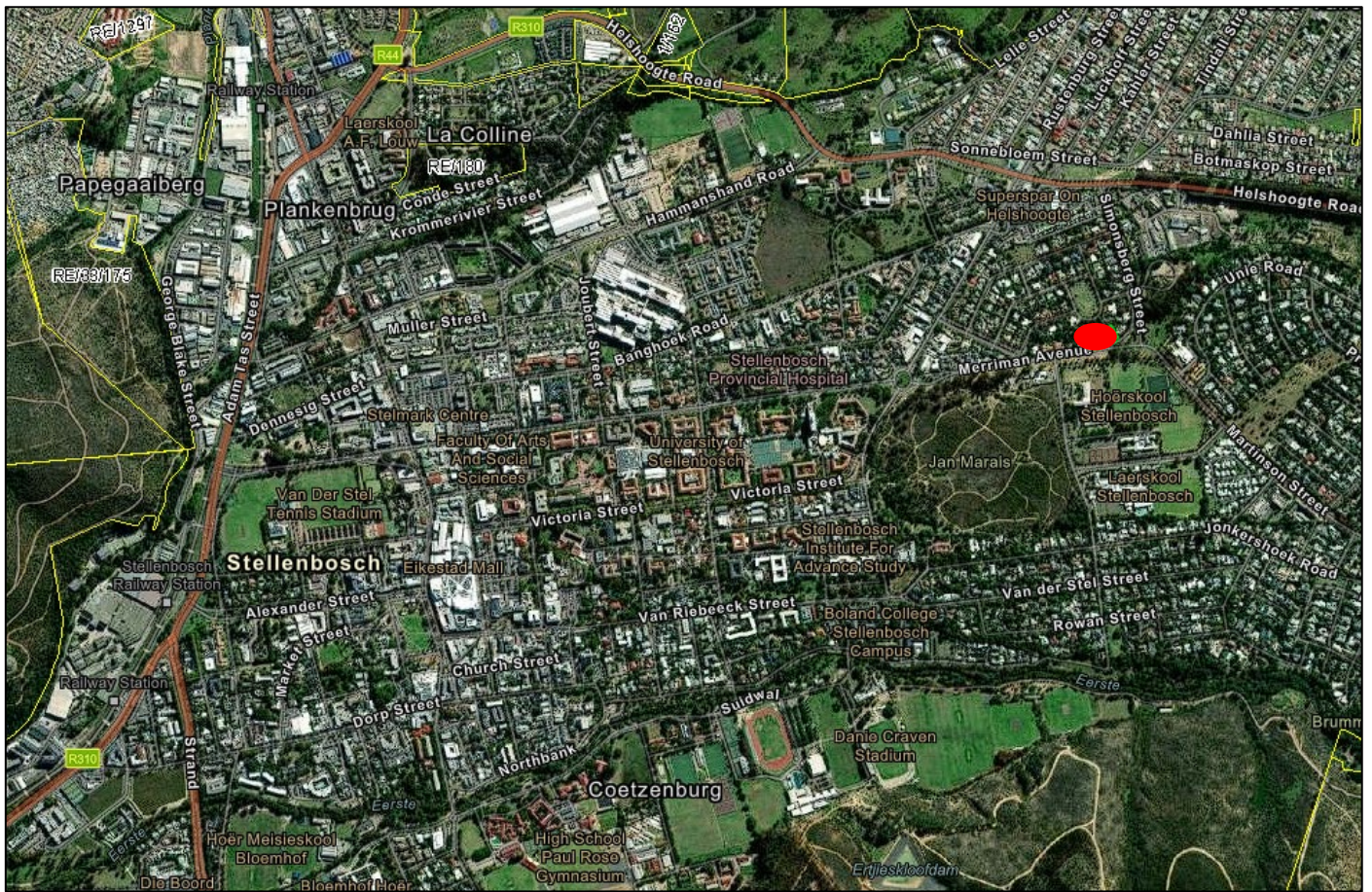


Figure 5 - Locality Map (Stellenbosch Context)



Figure 6 - Locality Map (Aerial Photo)

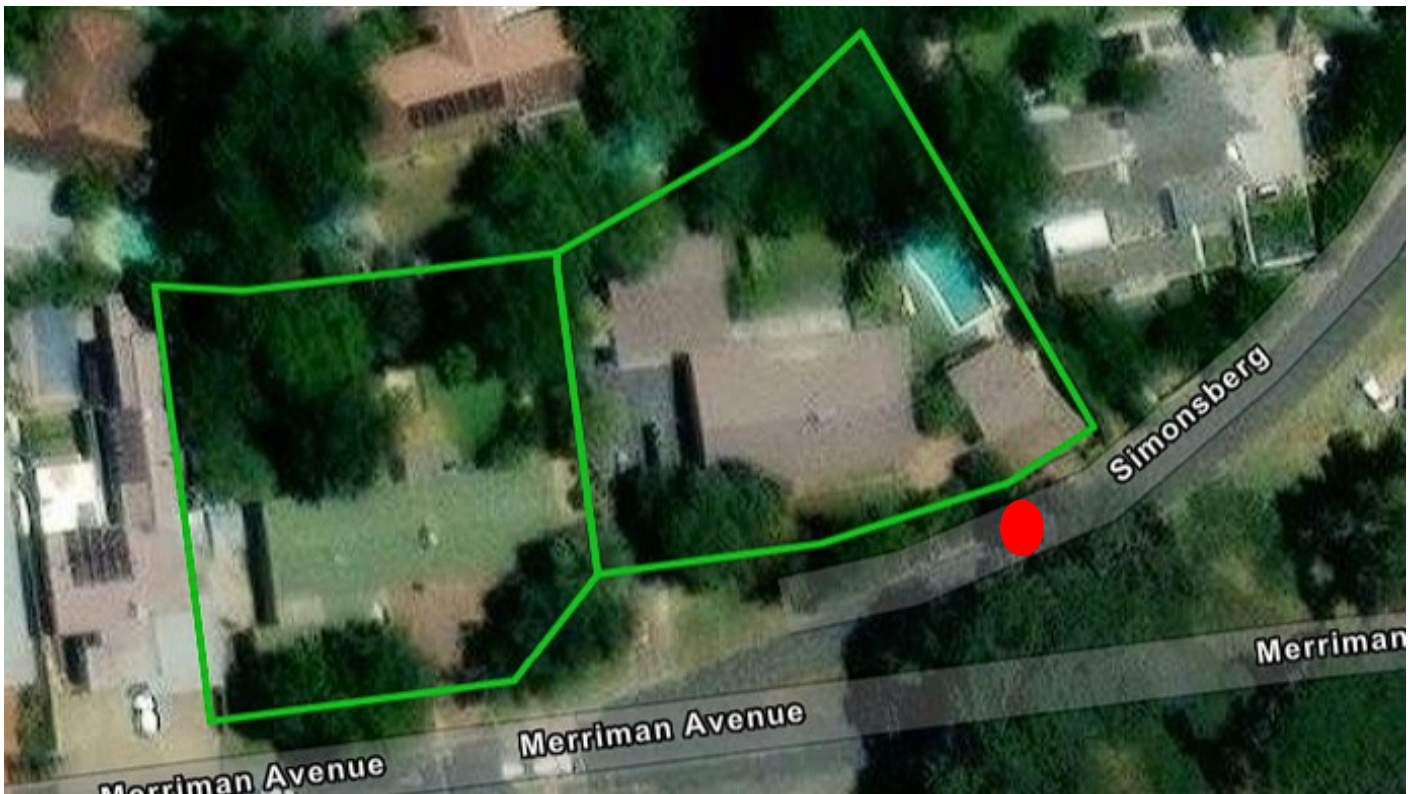


Figure 7 – Approximate Location of Road Closure on Simonsberg Street



Figure 8 – Road Closure on Simonsberg Street



Figure 5 – Erf 2223 to the left of the application site



Figure 6 – Window on common boundary line of application site (built on the 0m boundary line), Erf 223



Figure 7 - Erf 2220, to the right of the application site with second dwelling unit



Figure 8 - Erf 2220, with second dwelling unit

2.3 Existing Land Use and Zoning

As mentioned above, the Simonswyk neighbourhood consists of fairly large single residential erven, ranging between 575m² and 1,678m². mainly occupied by single families as well as some erven with second dwellings. This neighbourhood has a close-knit community and active community members. Currently, there is a single storey residential house on each erf which are both quite run down which can be seen in figures 9 -10.

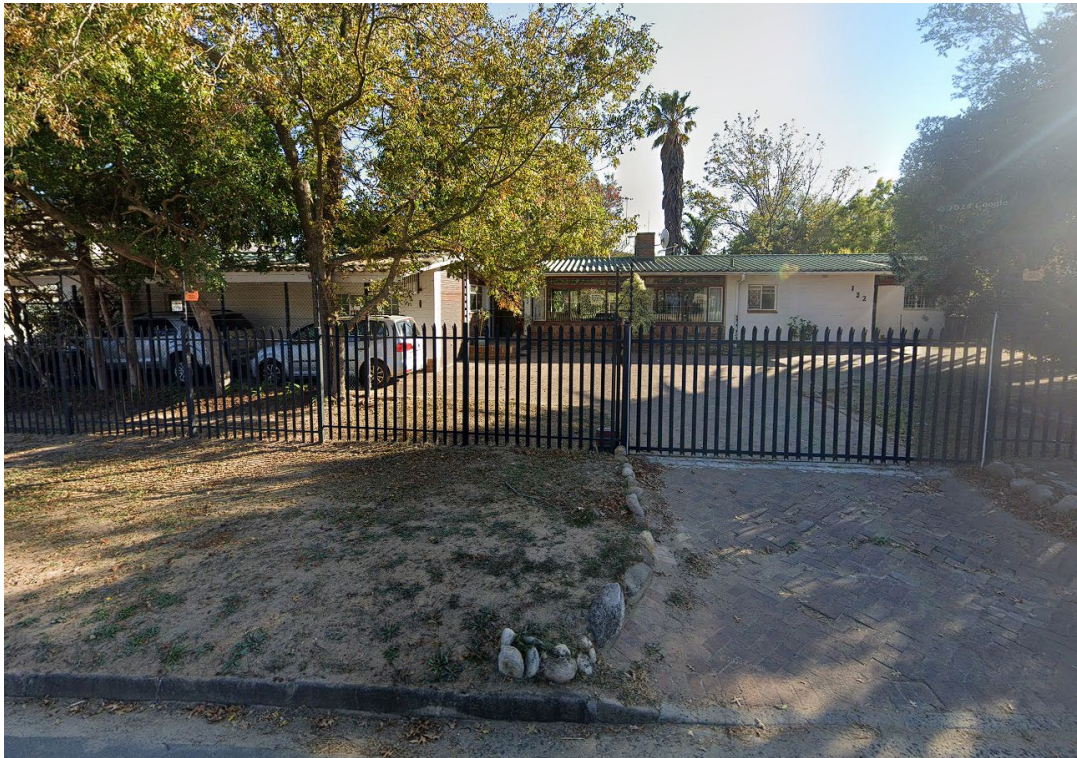


Figure 9 - Erf 2222, Stellenbosch – Street View



Figure 10 - Erf 2221, Stellenbosch – Street View

As confirmed in the Zoning Certificate, dated 10/04/2024 (attached as **Annexure E**) Erven 2221 and 2222 are zoned **Conventional Residential Zone** in terms of the Stellenbosch Zoning Scheme Bylaw (2019). As stated in the zoning certificate, all land uses permitted in terms of this zoning, as well as approvals granted and on record are allowed on the property. The following land uses are permitted in this zone as primary, additional and consent uses:

PRIMARY USES PERMITTED	ADDITIONAL USES (Technical Approval)	CONSET USES (Application Required)
<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) Tourist dwelling unit Additional uses exceeding parameters in this chapter

Table 2: Permitted land uses for Conventional Residential Zone

It is also important to note the following parking requirements:

Land Use Category	Normal Parking	Visitors Parking	Density
Group House	1 bay / group house	1 bay / unit	25 dwelling units/hectare

Table 3: Parking Parameters

The following Building Development Parameters are applicable to the application site:

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
501m ² to 1 500m ²	4m	2.5m	The greater of 300m ² or 50%	2 storeys
Greater than 1 500m²	4m	2.5m	The greater of 750m² or 40%	2 storeys

Table 4: Conventional Residential Zone Building Development Parameters

2.4 Previous Applications and Approvals

In **2014** an application was submitted for a temporary departure on Erf 2222 to accommodate 8 additional persons within the dwelling which was refused. It was refused on the assumption that it would be for students which would cause noise and nuisance within the neighbourhood.

In **2018**, approval was granted for Consolidation of Erf 2221 and 2222 into one erf measuring $\pm 3\,258\text{m}^2$, subdivision of the consolidated property into 4 erven: $\pm 817\text{m}^2$, $\pm 764\text{m}^2$, $\pm 771\text{m}^2$, $\pm 903\text{m}^2$, as well as the removal of various restrictive title deed conditions mentioned in section 2.1. However, condition B (4) (b) was required to be re-instated in T55617/2011 for Erf 2221 and condition G (i) (4) (b) was required to be re-instated in T8843/2012 for Erf 2222. Both conditions read as follows:

“dit mag alleen gebruik word vir die doel om een woning, tesame met die buitegeboue wat gewoonlik in verband daarmee gebruik word, daarop op te rig;”

Though the Zoning Scheme allows for a second dwelling (as an Additional Use), the title deed, which is more restrictive, places a restriction that only one dwelling unit is allowed per property. Thus, the 2018 approval allowed for a second dwelling on the erven.

As per the letter of approval, the approval was only valid for a period of 5 years (thus up to 2023), whereafter if the approval was not acted on, it would lapse. Although this approval has lapsed, it gives us an indication that the municipality is not opposed to densification within the neighbourhood.

The reasons for approval were as follows:

- The proposed subdivision will not set a precedent within the area as the property sizes of the newly created portions comply with prescriptions of the subdivision policy.
- The proposed subdivision complies with the Stellenbosch Subdivision Policy as the sizes of the proposed properties are in line with those of the surrounding properties.
- The proposal is also seen to be in line with the densification strategy of Council as noted in the Stellenbosch Municipal Spatial Development Framework and is also seen as a form of infill development/densification within the urban edge.

It's important to note that during the application process the neighbours from Erf 2233 have provided written concerns regarding development on this property in terms of loss of privacy and quality of life for them. They mentioned that they are understanding towards the need for housing for families near the school. Thus, future development on this property should aim to protect the privacy of the neighbouring properties through strategic placement of windows and/or balconies as well as through strategic landscaping.

3. DEVELOPMENT PROPOSAL

This section should be read with the SDP, Floor Plans and Elevations attached as **Annexure F**.

The proposed development will entail the consolidation of the two erven to provide a group housing development with 8 group housing units, each with its own double garage and exclusive use garden area.

The houses will be partially two-storey, with the front section of the houses being two-storeys, and the rear north facing section, being only one-storey. This was specifically done to reduce the scale of the development and the potential impact to the surrounding properties, especially the houses towards the rear (north) of the proposed development.

The proposed houses will have floor areas ranging between 145m² – 214m² and will each have 2 – 4 bedrooms, with the living areas and patio on ground floor and the bedrooms on the first floor. The two smaller group houses, situated above the garages, will each have two-bedrooms and will have floor areas of approximately 145m² each. Each unit will have a double garage, either connected directly to the house, or situated towards the centre of the development.

The houses will be set back 4m and more from the street boundary, 2.5m from the common boundaries and 3.15m from the rear boundary, again to soften the impact on the properties towards the north. It is considered that the large setbacks will allow for ample landscaping and also to accommodate where possible, the existing large trees on site.

The bulk of the development will be situated on the street boundary, with three houses and six-double garages facing the street. Three houses (with the single storey sections facing toward the rear properties), two-double garages, with flats above and the visitors parking will be situated towards the north of the application site. It is important to note that the double garages (of units 7 and 8) with the group houses above, will be situated more than 7m from the rear boundary of Erf 2233, to reduce the potential impact of on this property. Each unit will have their own garden and outdoor space for exclusive use.

A small bathroom is provided next to unit 2 and the double garage of unit 7 for the maintenance workers. The refuse room will be situated on the south-eastern portion of the application site next to the garage of unit 5. Having the majority of the garages in a central space eases access and reduces access points and vehicular movement on the site and allows for the optimal use of the remainder of the site, for either landscaping or shared walkways to the units.



Figure 11 - Proposed New Development



Figure 12 - Proposed Development



Figure 13 - Current and Proposed Development Impact

Figure 13 indicates on the left how the erven could look if it is kept as two residential erven, and the houses are built within the zoning scheme building parameters. On the right is the proposed development where the proposed scale and bulk will be softened through different heights, setbacks, and spacing between the buildings. It is considered that the proposed development will appear less bulky.

Although the two title deeds allow for a coverage of 50%, the proposed development will be complying with the 40% coverage restriction as set out in the Stellenbosch Municipality Zoning Scheme By-law (2019). Figure 5 above and 6 below provides renders of the proposed look-and-feel of the development.

The zoning scheme allows for Group Housing as a Consent Use on erven zoned as Conventional Residential, at a maximum density of 25 units/ha. For an erf for an area of 3 259m², the combined erf size of the application site, this equates to a maximum of 8 units, which is the proposal for this group housing development. The proposed density of 8 units, therefore, complies with the zoning scheme.



Figure 14 - Ground Floor Plan

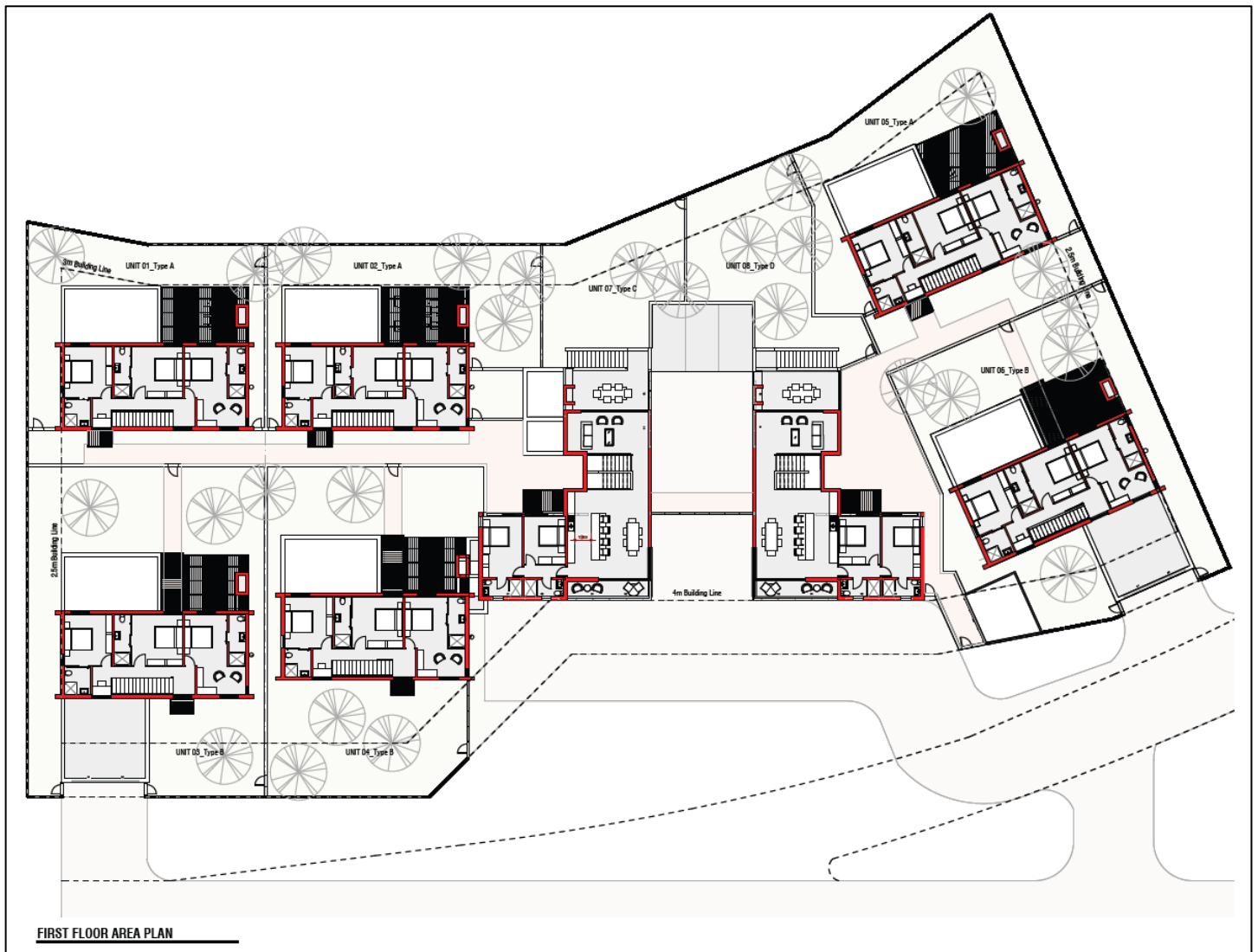


Figure 15 - First Floor Plan



LOOK & FEEL

The Simonswyk Residential Estate seeps into the quiet neighbourhood with its soft **green street edge**. The **white bagged plaster brickwork** echoes the textured Cape Dutch walls. The shed-like **corrugated cladding** on the first storey wraps over the eaves and white walls. The **timber** accents—like large entrance doors, window frames, and pergolas—add warmth and contrast with the white brick and grey cladding. **Floor-to-ceiling glazing** and sliding doors ensure plenty of natural light and frame views of the surrounding Stellenbosch Mountains.

Figure 16 - Look & Feel of Proposed Development



Figure 17 - Look & Feel of Proposed Development

Proposed Access and Parking

The proposed development will have three access points, one access point from Merriman Avenue (to allow direct access to the garage of proposed unit 3), a second access from Simonsberg Road (to provide direct access to the garage of proposed unit 6) and one central access point to allow access through the security gates into the estate, for owners and visitors. It is also proposed to provide direct access, over the wide road reserve, to the four proposed garages situated on the property boundary.

In consultation with the transport engineer and the Municipal Engineering Department, it is proposed to re-align the connection between Merriman Avenue and Simonsberg Road to improve the safety of vehicle movement at this crossing.



Figure 18 – Proposed Access Points

3.1 Building Development Parameters

Table 5, below, provides a summary of the applicable building development parameters pertaining to development on this site.

Land Use Parameters	Conventional Residential Zone	Proposed Development	Compliance/ Application Required
Street Building Line (BL)	4m	4m	Complies
Common Boundary BL	2.5m	3.15m	Complies
Max Coverage	The greater of 750m ² or 40%	39.97%	Complies
Max Height	2 Storeys	2 storeys	Complies
Parking	1 bay per group house 1 bay per visitor	19 parking bays (16 required)	Complies
Density	25 dwelling units/ha (8.14 dwelling units according to combined size of the two erven)	8 dwelling units	Complies

Table 5 Compliance with Development Parameters

3.2 Traffic Impact and Availability of Services

The Traffic Impact Statement (attached as **Annexure G**) concluded that the proposed development will generate less than 50 vehicle trips during the peak hour periods and its traffic impact on the adjacent street network can therefore be considered insignificant. The existing slip of the service road from Merriman Street should be closed to provide a safer operational environment, especially for motorists that are not familiar with the environment. Based on this Site Traffic Assessment and the findings listed in the conclusions above, it is recommended that the proposed development be approved from a traffic engineering point of view.

The Services Capacity Report (attached as **Annexure H**) concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure without requiring any upgrades.

4. MOTIVATION

4.1 Stellenbosch Municipality Spatial Development Framework (MSDF) (June 2023)

The Stellenbosch Municipal Spatial Development Framework (MSDF) covers the jurisdictional area of the municipality. The MSDF provides guidance on how Stellenbosch is going to develop over the next ten to thirty years, what kind of development will take place and where it should take place. The MSDF is informed by various National, Provincial and Local policies such as the **National Development Plan, 2030 (NDP)**, the **Western Cape Government Land Use Planning Act (LUPA)** and the **Stellenbosch Integrated Development Plan, 2022-2027 (IDP)**.

The MSDF, in compliance with these policies, supports and promotes for densification of urban areas, compact urban development in close proximity to services and livelihood opportunities. The MSDF makes is very clear in one of the “change actions” that residential densification and infill development within urban areas must be actively supported. In terms of the socio-economic environment, the MSDF also stipulates that there should be a focus on underdeveloped land in proximity to existing concentrations of activity within the existing footprint of settlements.

The proposed development is right across Hoërskool Stellenbosch, within walking distance from Laerskool Stellenbosch and Junior Akademie pre-primary and in close proximity to the Jan Marais Nature Reserve, a few churches and retail facilities. The proposed development is well within the urban edge and does not fall in a Conservation or Heritage Overlay zone. It is motivated that the proposed development is seen as sensible infill development by providing more housing opportunities close to services and amenities and optimizing the use of existing infrastructure, in line with the MSDF, LUPA and the NDP, without compromising on the character of the Simonswyk neighbourhood. Though the density will be higher than currently on site, it should be noted that the previous approval did allow for the subdivision of the two erven into four individual erven, which could potentially accommodate two houses each, thus eight houses (as allowed for the in the Stellenbosch Zoning Scheme). The proposed development will allow for six larger single residential houses and two smaller single residential houses which is strategically positioned and designed to read as four single residential houses if viewed from Merriman street, thus keeping within the character and street scape of the neighbourhood.

As set out in the IDP, and as clearly experienced by Stellenbosch residents, there is an influx of people moving to Stellenbosch which places extreme pressure on the agricultural land surrounding town. It is critically important that sensible infill development, such as the proposed, is supported to protect the character of Stellenbosch and to reduce the pressure for development on the farms surrounding town.

There has been very little development in Stellenbosch Town aimed at families, for either young families wishing to live close to schools or the older generation who wishes to scale down and to move to smaller properties but still within the same neighbourhood. The main focus of developments in town has, over the last few years, been primarily focused on the student market, providing small hight density flats which is not accessible to young families or older people. It is motivated that the proposed development will provide much needed housing opportunities in a area with very limited housing stock close to schools and amenities.

4.2 Stellenbosch Municipality Land Use By-Law (2019)

As set out in Section 33(4) and 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 33(4) Criteria	Assessment of Proposal
(a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity,	The restrictive conditions limit the current property to single-dwelling use. This grants value to neighbouring property owners by ensuring low-density residential development.

irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;	
(b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;	The property owners in close proximity benefit personally by having fewer neighbours, larger erf sizes, and a quiet environment, as the restrictive conditions protect their privacy and space and character of the area. The building and setback restrictions also ensure that surrounding properties have sufficient light, air, and views, enhancing their living experience.
(c) the personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is amended, suspended or removed;	Removing the restrictive conditions would allow for a higher-density development (8 group houses), significantly increasing the financial returns of the property. The increased density would make better use of the property's location, with proximity to schools, shopping, and nature, attracting more tenants or homeowners.
(d) the social benefit of the restrictive condition remaining in place in its existing form;	Keeping the restrictions maintains the low-density residential character of the area, which may be beneficial for community cohesion and quality of life for current residents. It helps preserve the aesthetic and environmental quality of the suburb by limiting the scale of construction and retaining more open spaces.
(e) the social benefit of the removal, suspension or amendment of the restrictive condition;	The removal allows for more efficient land use in a highly accessible and amenity-rich area, which could provide housing solutions for a broader demographic, especially given the proximity to schools and surrounding amenities. The higher density could support more social interaction and community development, while also possibly making the area more walkable and vibrant. In a town with rising demand for housing, especially close to educational institutions, the proposed development could alleviate pressure on housing availability and the agricultural and environmental areas surrounding the town.
(f) whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.	The removal would eliminate specific rights related to the number of dwelling units (one dwelling only), and building line restrictions. However, it would not completely remove all property rights enjoyed by others. Rights related to general neighbourhood protections, such as municipal zoning laws or environmental protections, would still apply, ensuring some level of control over development. It should also be noted that the restriction relating to the rear common boundary and the coverage will remain in place to protect the rights of especially the properties towards the rear (north) or the application site.

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(2) (e), (f), and (o) of the By-law.
b. Procedure followed in processing the application.	To be decided.

<p>c. Desirability of land use</p>	<p>The application for the proposed group housing development is considered desirable. The reasons for the desirability of the application may be summarised as follows:</p> <p><i>a. Socio-economic impact:</i></p> <p>The proposed group housing development will provide much-needed housing in a strategically located area, due to its proximity to schools and surrounding amenities. It will have a positive socio-economic impact by contributing to housing availability for a wider demographic profile, young professionals working at the schools, families with children attending the schools or older people who wishes to scale down but still live within the same neighbourhood which promotes social cohesion.</p> <p><i>b. Compatibility with surrounding uses:</i></p> <p>The Simonswyk neighbourhood is in general a single residential neighbourhood. The development of 8 group houses aligns with the area's existing character. By maintaining the residential nature of the area, this proposal does not introduce commercial or industrial uses that might conflict with the surrounding properties. The proposed development complies with all the building parameters, such as building lines, coverage and height as set out in the Zoning Scheme, to ensure that it ties in with the character of the area. It is important to note, that, in order to be sensitive to the properties towards the north of the application site, the development proposes to keep within the building lines as set out in the title deed, which is more restrictive than that allowed for in the zoning scheme.</p> <p>It is also important to note that the proposal does not allow for the subdivision of the erven, the two erven will be consolidated to provide a Group Housing development and sectional title scheme which will have Home Owners Rules which will place further restrictions on the use of the properties and ensure the maintenance and upkeep of the properties to the benefit of the wider neighbourhood.</p> <p>As mentioned above, the proposed development is aimed at young professionals, families and/or older people and not a student development. <u>It is therefore requested as part of this application that, if the application is approved, the Municipality places a condition of approval on the development that stipulates that the HoA Rules include a specific rule which would prohibit the leasing of the houses to students.</u></p> <p><i>c. Impact on the external engineering services:</i></p> <p>The Services Capacity Report (attached as Annexure H) concludes that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated in the existing infrastructure without any upgrades required. The proposed development is therefore seen as sensible infill development as it makes optimal use of existing infrastructure.</p>
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d. Impact on safety, health and wellbeing of the surrounding community:

The proximity of the development to schools, parks, and shopping areas means residents can easily access essential services and amenities. This fosters a safe and family-friendly environment. Additionally, careful consideration has been given to the placement of access points and parking to reduce any potential safety concerns regarding traffic. The proposed development promotes a healthy lifestyle through walkability, reducing the reliance on motor vehicles for local trips.

e. Impact on heritage:

No heritage resources are affected by the proposed development. The application site does not fall within a heritage-overlay zone, nor are there any heritage-listed buildings on the properties. However, care is taken to ensure that the architectural style of the new development remains sympathetic to the overall aesthetic of the Simonswyk neighbourhood.

f. Impact on the biophysical environment:

The proposed development is within the urban edge, and therefore does not encroach upon natural areas or agricultural land. Landscaping and open space will be used to create green areas for residents, ensuring minimal negative impact on the local environment.

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

The proposed road closure on Simonsberg Street minimizes traffic congestion, as this reduces through-traffic near the proposed development. The proposal includes sufficient parking spaces, including visitor bays, to accommodate all residents without placing additional parking pressure on surrounding streets. Access points have been strategically placed to avoid creating bottlenecks or traffic safety issues. In line with the TOD (Transit-Oriented Development) policies, residents are encouraged to walk or use bicycles due to the proximity of local amenities, further minimizing traffic impact.

h. Whether the impositions of conditions can mitigate an adverse impact of the proposed use or development of land:

The proposed development will comply with the building parameters of the zoning scheme which ensures that it will not have an adverse impact on the surrounding properties. As mentioned above, the rear building line restriction, which is more strict than that of the zoning scheme, will stay in place to be sensitive to the properties towards the north (rear) of the application site. Also, as discussed under point C(b) above, it is requested that the HoA Rules and Regulations include a condition that would prevent the houses to be used for student accommodation. The intention of the proposed development is very clear in that it is to provide housing opportunities for professionals, families and/or elderly people who wish to be close to schools and amenities or who wish to scale down (in terms of erf/house size) but would still like to stay in the same neighbourhood.

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. Written assessment by planner.	To be done by the Stellenbosch Municipality.
h. The impact of the proposed land development on engineering services.	As confirmed in the Services Capacity Report (attached as Annexure H), it is concluded that the required basic civil engineering services for the proposed development, i.e. potable water, sewerage and solid waste removal can be accommodated by the Stellenbosch Municipality in their existing infrastructure and therefore optimizes the use of existing infrastructure.
i. The integrated development plan, including the municipal spatial development framework	Please refer to Section 4.1 above.
j. National policies, norms and criteria.	Please refer to Section 4.1 above
k. 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.
l. Compliance with the principles referred to in Chapter VI of the Land Use Planning Act.	<p>Spatial Justice:</p> <p>The consolidation of the two properties and the development of 8 group houses increases housing availability in an area with limited housing opportunities and which is well-served by public infrastructure and amenities, including schools and parks. This supports equitable access to housing for different socioeconomic groups, particularly families and working individuals looking for residential options close to key services and amenities. By encouraging compact development within an urban setting, the proposed development addresses spatial inequalities and promotes a more inclusive community structure.</p> <p>Spatial Sustainability:</p> <p>The proposed development is located within the urban edge, ensuring that no environmentally sensitive or agricultural land is compromised. It promotes sustainable land use by utilizing existing infrastructure, minimizing the need for new service installations. The locality of the site will encouraging walking and cycling by providing safe, accessible routes to schools, shops, and parks which reduces car dependency, further enhancing the sustainability of the development.</p>

	<p>Efficiency:</p> <p>The development is seen as sensible infill housing, making efficient use of land within a built-up urban area, increasing residential density without overburdening existing services. The proximity to schools and local amenities reduces travel times and energy consumption for daily activities. The strategic layout of parking and access points contributes to efficient land use. Furthermore, the compact design enhances public infrastructure efficiency by reducing the need for additional roads or major service upgrades.</p> <p>Good Administration:</p> <p>The proposed development complies with local spatial policies and the Stellenbosch Municipality's framework which promotes and supports sensible infill housing. By working in line with SPLUMA and local regulations, the application demonstrates good administrative practice. The process will involve public participation and thorough review by municipal departments, ensuring that the development is assessed in a legally sound and inclusive manner. The removal of restrictive title deed conditions is being done through appropriate legal channels, reflecting good governance.</p> <p>Spatial Resilience:</p> <p>By promoting a development that can adapt to changing social conditions, the project embodies spatial resilience. The inclusion of mixed housing types (houses and flats) increases the flexibility of land use, catering to changing housing needs over time.</p>
m. The applicable provisions of the zoning scheme.	As discussed, the proposal is in line with the provisions of the Zoning Scheme
n. Any restrictive condition applicable to the land concerned.	Yes, restrictive condition relating to number of dwelling units and common boundaries, as discussed under Section 2.1 above
o. The impact of the proposed land development on any heritage resources as defined in the National Heritage Resources Act, 1999 (Act 25 of 1999).	None

Table 6 Assessment of Application in terms of Section 33(4) and 65(1) of the By-Law

5. 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) (e), (f), and (o) the By-Law to allow for the following on Erf 2221 and 2222 Stellenbosch:

- i. In terms of Section 15(2) (e) **consolidation** of Erf 2221 and 2222.
- ii. In terms of Section 15(2) (f) removal of the following restrictive title deed conditions:
 - a. T55617/2011: B(4)(b)
 - b. T8843/2012: G(i)(4)(b)
- iii. In terms of Section 15(2) (f) amendment of the following restrictive title deed conditions:
 - a. T55617/2011: B(4)(d)
 - b. T8843/2012: G(i)(4)(d)

In terms of Section 15(2) (o) Consent to allow for **group housing** to allow for the development of 8 group house units on the unregistered consolidated erf.

Report compiled by:

Carlien Coetzee (C/9982/2024)



Report reviewed by:

Marika Bolz (Director)

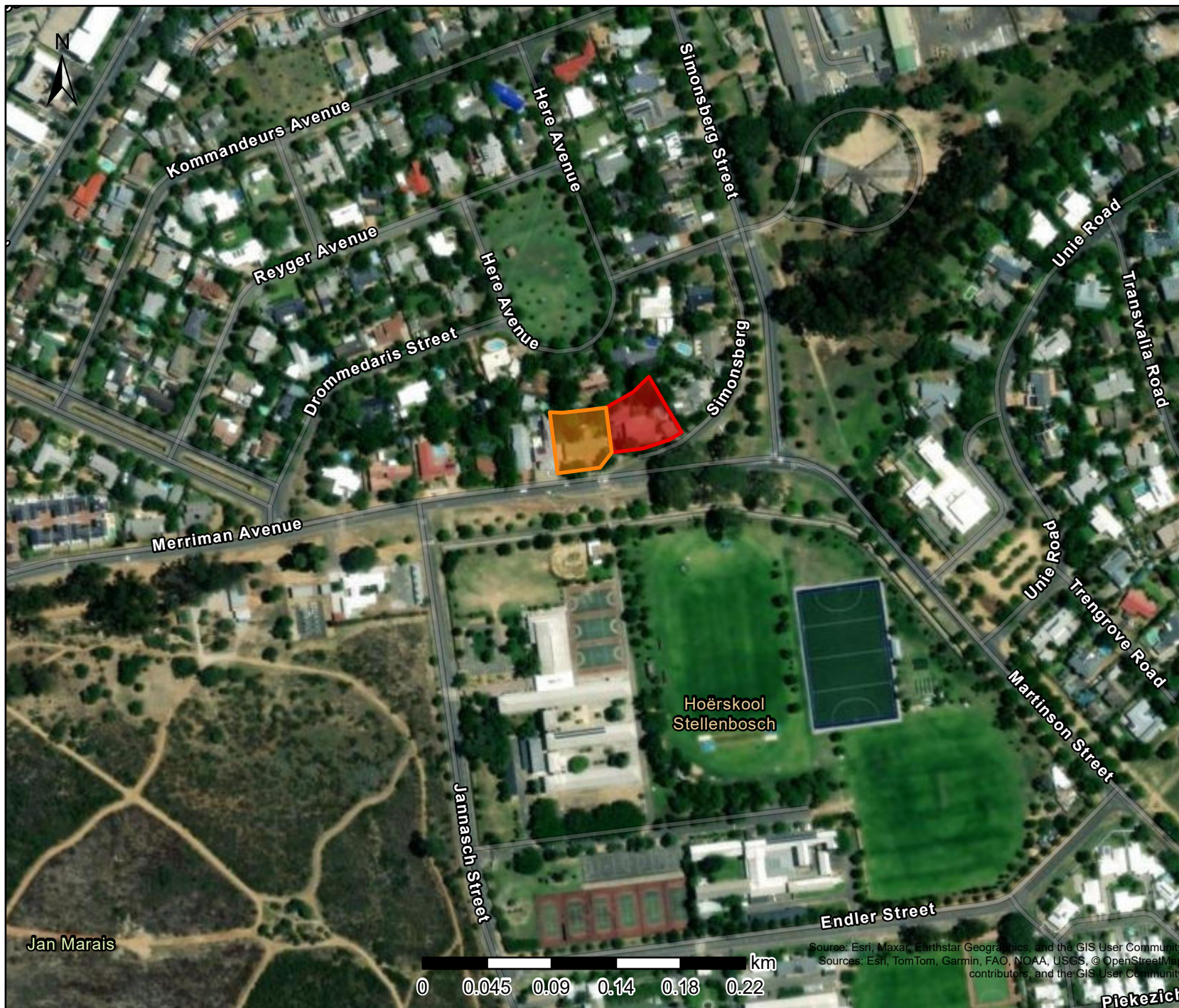


for Arch Town Planners (Pty) Ltd

October 2024

Locality Plan - Erf 2221 and 2222, Stellenbosch

Legend



Map Center: Lon: 18°52'48.1"E
Lat: 33°55'47.9"S

Scale: 1:4,514

Date created: 2024/25/07



Western Cape
Government
FOR YOU



GROUND FLOOR PLAN





FIRST FLOOR AREA PLAN





FIRST FLOOR AREA PLAN

SCALE: 1 : 250



GROUND FLOOR AREA PLAN

SCALE: 1 : 250

Combined Size	3 259.1m ²
Street Building Line (BL)	4m
Common Boundary BL	3.15m
Max Coverage	39.97%
Max Height	2 storeys
Parking	19 parking bays (16 required)
Density	8 dwelling units

















