

NOTICE OF LAND DEVELOPMENT APPLICATION
APPLICATION FOR REZONING, CONSENT USE AND DEPARTURES: PORTION 13 OF FARM
1070 PAARL DIVISION, FRANSCHHOEK

The following land use application in terms of the Stellenbosch Municipality: Municipal Land Use Planning Bylaw 2023 refers:

Application Property Address: R45 (Main Road), Franschhoek
Property Number: Portion 13 of Farm 1070 Paarl Division
Applicant: Willie Steyn Land Use Planner (0218632396)
Owner: Hotel Huguenot Frensch Hoek Pty Ltd (028384002)
Application Reference: LU/TP 851/2024

Description of land development proposal:

Application is made in terms of Stellenbosch Municipality: Bylaw on Municipal Land Use Planning 2023:

- a) In terms of Section 15(2)(a) of the said bylaw for the rezoning of Farm No 1070/13 Paarl Division from Agriculture and Rural Zone to Multi-Unit Residential Zone;
- b) In terms of Section 15(2)(o) of the said bylaw for a consent use to use the existing buildings with minor additions and alterations as a 12-bedroom tourist accommodation establishment; and
- c) In terms of Section 15(2)(b) of the said bylaw for departures to relax the 4.6m building line to 3.5m and 1.5m along Farm No. 1070/9, Paarl Division for a scullery and bedroom extension as well as a new garage and staff room respectively and to 1.2m along Farm 1421 Paarl Division for a new swimming pool.

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: Willie Steyn, williesteyn1960@gmail.com. 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/objections must be submitted within 30 days from the date of this notice to be received on or before the closing date of **17 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 0218632396 during normal office hours.

Date of Notice: 16 January 2025

KENNISGEWING VAN GRONDONTWIKKELINGSAANSOEK
AANSOEK OM HERSONERING, VERGUNNINGSGEBRUIK EN AFWYKINGS: GEDEELTE 13 VAN
PLAAS 1070 AFDELING PAARL, FRANSCHHOEK

Die volgende grondgebruikaansoek in terme van Munisipaliteit Stellenbosch: Verordening op Munisipale Grondgebruikbeplanning 2023 verwys:

Adres van aansoekeiendom: R45 (Hoofstraat), Franschhoek
Aansoekeiendom: Gedeelte 13 van Plaas 1070 Afdeling Paarl
Aansoeker: Willie Steyn Grondgebruikbeplanner (0218632396)
Eienaar: Hotel Huguenot Frensch Hoek Edms Bpk (0283840002)
Aansoek Verwysing: LU/TP 851/2024

Besonderhede van die grondgebruikaansoek:

Aansoek word gedoen in terme van die Munisipaliteit Stellenbosch: Verordening op Munisipale Grondgebruikbeplanning 2023:

- a) In terme van artikel 15(2)(a) van die gemelde verordening vir die hersonering van Plaas 1070/13 Afdeling Paarl vanaf Landbou en Landelike Sone na Multi-Eenheid Residensiële Sone;
- b) In terme van artikel 15(2)(o) van die gemelde verordening vir 'n vergunningsgebruik om bestaande geboue met geringe aanbouings en veranderings as 'n 12 slaapkamer toeriste-akkommodasie onderneming aan te wend; en
- c) In terme van artikel 15(2)(b) van die gemelde verordening om die 4.6m boulyn te verslap na 3.5m en 1.5m langs Plaas 1070/9, Afdeling Paarl vir onderskeidelik 'n opwaskamer en 'n slaapkamer vergroting sowel as 'n motorhuis en personeelkamer en na 1.2m langs Plaas 1421, Afdeling Paarl vir 'n nuwe swembad.

Kennis word hiermee gegee in terme van die voorskrifte van die gemelde verordening dat bovermelde aansoek by die Munisipaliteit Stellenbosch ingedien is vir oorweging. Die aansoek is beskikbaar vir insae op die Beplanningsportaal van die Munisipaliteit Stellenbosch se webtuiste vir die tydsduur van die publieke deelnameproses 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.

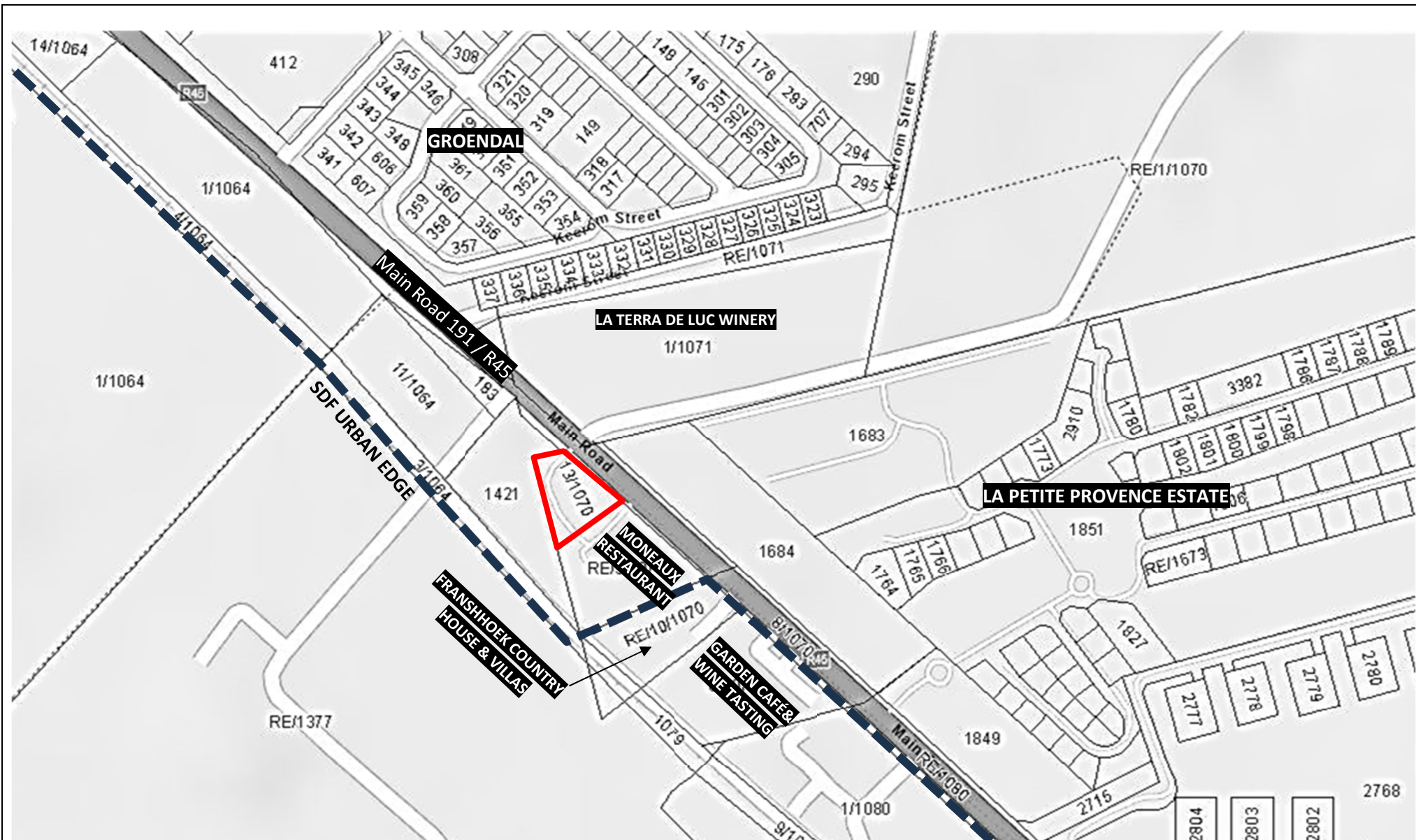
Kommentaar en/of besware kan vervolgens ingedien word op die aansoek in terms van artikel 50 van die tersaaklike verordening. Skriftelike kommentaar, wat besonderhede ten opsigte van die verwysingsnommer van die aansoek, die name, fisiese adres en kontakbesonderhede van die persoon wat die kommentaar lewer, die redes vir die kommentaar en die belang van die persoon wat die kommentaar lewer, kan by die aansoeker ingedien word by wyse van elektroniese pos as volg: Willie Steyn, williesteyn1960@gmail.com. Deur 'n beswaar, kommentaar of verhoor te rig, erken die persoon wat dit doen dat inligting aan die publiek en aan die aansoeker beskikbaar gestel kan word.

Die kommentaar/besware moet binne 30 dae vanaf die datum van hierdie kennisgewing gestuur word en moet ontvang word voor of op die laaste dag van die sluitingsdatum van **17 Februarie 2025**.

Daar moet kennis geneem word dat die munisipaliteit, in terme van artikel 50(5) van die vermelde verordening, 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 gekontak word vir bystand by die vermelde elektroniese posadres of telefonies by 0218632396 gedurende normale kantoor ure.

Datum van kennisgewing: 16 Januarie 2025



WILLIE STEYN
Tch. Pln (B/8074/1998)
LAND USE PLANNER
082 757 2449

FARM 1070/13 PAARL LOCATION

Ref.
LA1

Date
25/4/2024

Base Info
CFM

Scale
NTS





WILLIE STEYN
Tch. Pln (B/8074/1998)
LAND USE PLANNER
082 757 2449

FARM 1070/13 PAARL SITE CHARACTERISTICS

Ref.
LA1

Date
25/4/2024

Base Info
CFM

Scale
NTS



GENERAL NOTES:
SCALED DIMENSIONS ARE INVALID.
ALL DIMENSIONS TO BE CHECKED ON
SITE BEFORE WORK COMMENCES.
GROUND LEVEL, FOUNDATION DEPTHS
AND SITE WORKS ARE PRELIMINARY
AND MUST BE CHECKED ON SITE.
COPYRIGHT RESERVED.

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PROPOSED VISITORS
ACCOMMODATION ESTABLISHMENT:
 COVERAGE: 652m2 (26%)
 FLOOR AREA: 1152m2
 ROOMS: 12
 PARKING: 13 BAYS



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0650

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**FARM 1070/13 PAARL
PROPOSED TOURIST
ACCOMMODATION
ESTABLISHMENT
SITE DEVELOPMENT PLAN**

Project number	W22-112-W3
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Date Drawn	2024/04/02
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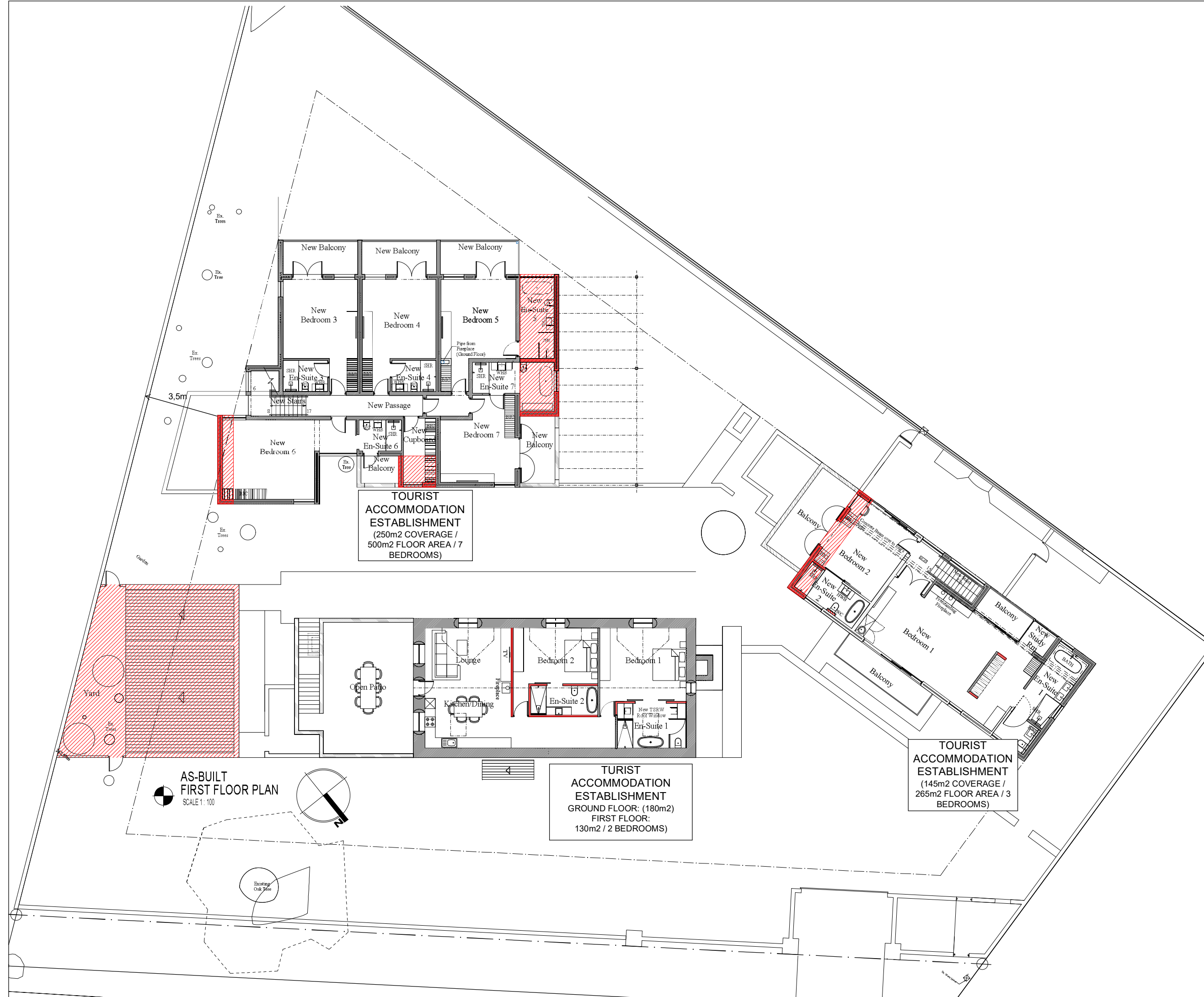
Drawn by RJW

Checked by	SN
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Issued	2024/04/03
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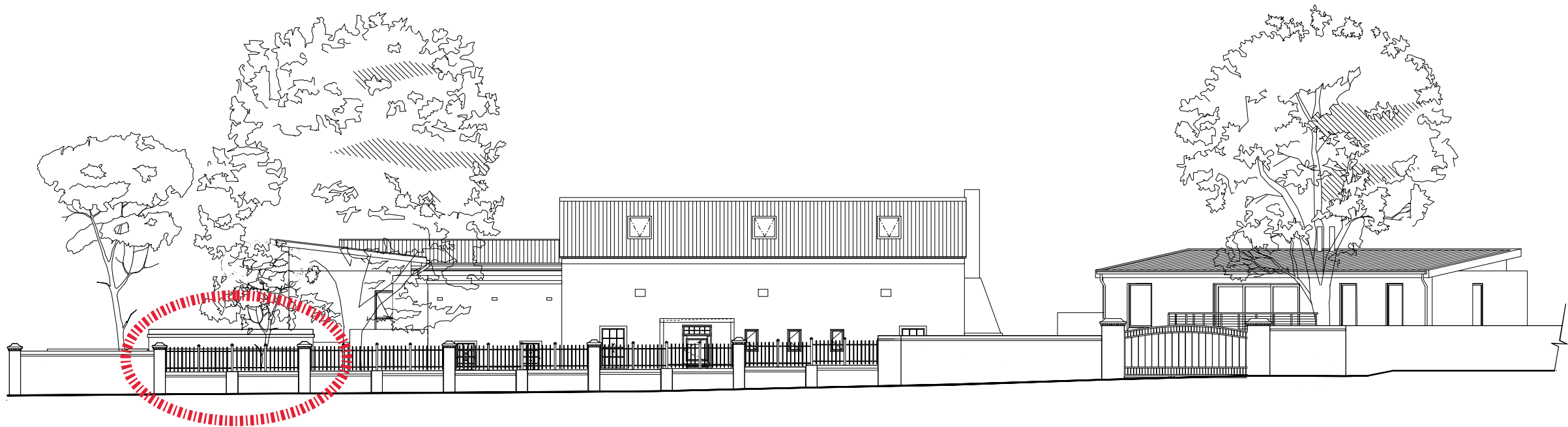
SHEET 2:
FIRST FLOOR

Scale 1:100 @ A1



GENERAL NOTES:
SCALED DIMENSIONS ARE INVALID.
ALL DIMENSIONS TO BE CHECKED ON
SITE BEFORE WORK COMMENCES.
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AND SITE WORKS ARE PRELIMINARY
AND MUST BE CHECKED ON SITE.
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REVISIONS		
Number	Description	Date



STREET ELEVATION
SCALE 1:100 @ A1

NEW GARAGE



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FARM 1070/13 PAARL
PROPOSED TOURIST
ACCOMMODATION
ESTABLISHMENT
SITE DEVELOPMENT PLAN

Project number	W22-112-W7-2
Date drawn	2024/06/25
Drawn by	DK
Checked by	SN
Issued	2024/06/25

SHEET 3:
ELEVATION

Scale 1:100 @ A1

MOTIVATION REPORT

PROPOSED REZONING, CONSENT USE AND DEPARTURE

FARM 1070/13 PAARL

Prepared by



LA1

AUGUST 2024

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1. REFERENCE

The report is in support of an application for the rezoning of Portion 13 of Farm 1070 Paarl Division (Farm 1070/13 Paarl) to Multi-Unit Residential Zone with consent to operate a Tourist Accommodation Establishment in existing buildings, as well departures to accommodate a minor extension to an existing building and a new swimming pool, garage and staff room in transgression of the building lines.

Legislative Reference

Section 15(2) of the Stellenbosch Municipal Planning By-Law 2023, read with Section 41(1) of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and Section 35(1) of the Western Cape Land Use Planning Act, No. 3 of 2014, as well as Section 256(1)(a) of the Stellenbosch Zoning Scheme Bylaw 2019

2. PROPERTY OWNER / APPLICANT

Hotel Huguenot Frensch Hoek Pty

3. DEVELOPMENT PROPOSAL

Proposed Zoning	Multi-Unit Residential Zone
Proposed Consent Use	Tourist Accommodation Establishment
Proposed Land Use	7-bedroom guest house (250m ² coverage / 500 m ² floor area) 3-bedroom tourist dwelling unit (145m ² coverage / 265m ² floor area) Ancillary service facility (180m ²) in existing tourist facility with first floor 2-bedroom tourist dwelling unit (130m ²) Double garage and staff room (66m ²) 11 parking bays
Land Use Parameters	Coverage: 27% Floor Area: 48%
Proposed Building Line Departures	Extension to an existing building and erection of a new swimming pool, garage and staff room respectively 3,5 metres, 1,2 metres and 1,5 meters from the common property boundaries
Proposed Services	Water provision: Domestic water is obtained from the existing water connection on the municipal reticulation network
	Sewage disposal: Sewage is collected in an on-site conservancy tank and removed by tanker service
	Stormwater disposal: Stormwater drains towards the southeastern corner, where an on-site detention pond is being proposed
	Refuse removal: A refuse yard is located on Main Road 191, from where refuse is removed by the existing municipal kerbside removal service
	Electricity: Electricity is obtained from the existing reticulation network
Proposed Access	From the existing access on Main Road 191 (R45)
Proposed Parking	13 parking spaces as per the approved parking layout for the tourist facility

4. PROPERTY INFORMATION

Description	Portion 13 of Farm 1070 Paarl Division (Farm 1070/13 Paarl)
Location	R45, Franschhoek North
Municipality	Stellenbosch Municipality
Magisterial District	Stellenbosch
Municipal Ward	1
Zoning Scheme	Stellenbosch Zoning Scheme Bylaw 2019
Existing Zoning	Agriculture and Rural Zone
Existing Primary Use	Dwelling house, second dwelling house
Existing Consent Use	Tourist facility (180 m ²)
Existing Utilisation	Dwelling house (250m ² coverage / 500 m ² floor area), second dwelling house (145m ² coverage / 265m ² floor area), employee house (130 m ²), tourist facility (180 m ²)
Extent	2539m ² · 192m ² road reserve = 2401 m ²
Existing Access	From Main Road 191 (R45)
S-G Diagram	9064/92
Deed of Transfer	T7504/2009
Title Deed Conditions	None
Servitudes	None
Bond Holder	None

5. BACKGROUND

- a) The subject property was established in 1919 for a distillery.
- b) The distillery fell into disuse in the previous century and the property was deemed to be zoned as Agricultural Zone 1 with the promulgation of the erstwhile Land Use Planning Ordinance 1985 and the former Section 8 Zoning Scheme in 1986, based on its outer urban location at the time. Approval was granted in 2010 i.t.o. the erstwhile Land Use Planning Ordinance 1985 and the former Section 8 Zoning Scheme for the rezoning of 489m² of the subject property from Agricultural Zone 1 to Residential Zone 5 and consent use to establish a tourist facility (coffee shop 180m²) under the remaining Agricultural Zone 1. The rezoning approval was not exercised within 2 years and lapsed in 2012, but the consent use approval remained in place.¹
- c) The zoning of the subject property converted to Agriculture and Rural Zone with consent for a Tourist Facility with the implementation of the Stellenbosch Zoning Scheme Bylaw 2019, notwithstanding that it is not usable as a productive agricultural land unit due its limited size.

¹ Stellenbosch Municipality letter Farm 1010/13 Paarl dated 15/3/2010

- d) Building plan approval was issued on 1/3/2021 for the conversion of an existing building on the subject property into a tourist facility of 180m² plus an attic storage space of 130m², as well as a new access gate, guard house and refuse yard.²
- e) On 14/3/2022 building plan approval was issued for the erection of a new 3-bedroom dwelling unit of 135 m² coverage.³
- f) Further building plan approval was granted on 15/9/2023 for the erection of a second 7-bedroom dwelling unit of 246 m² coverage.⁴
- g) The owner is now seeking permission to utilise these buildings as a tourist accommodation establishment and to extend the buildings slightly for such purpose.

6. OTHER RELEVANT LAWS

Section 65 of the Stellenbosch Municipal Land Use Planning By-Law 2023 determines that the municipality must have regard to investigations i.t.o. other relevant laws when considering a land use application.

6.1 Sect. 38(1) of National Heritage Resources Act 1999

Not applicable, as the subject site is less than 1 ha in extent.

6.2 National Environmental Management Act 1998 (NEMA)

Not applicable, as the subject site is in an urban area.

6.3 Advertising on Roads and Ribbon Development Act 1940 (Act 21 of 1940)

Not applicable, as the subject property is in an urban area.⁵

7. ENGINEERING SERVICES PROVISION

In terms of Section 65 of the Stellenbosch Municipal Land Use Planning Bylaw 2023 and Section 42(1) of the Spatial Planning and Land Use Management Act 2013, read with Section 35(4), the municipality must have regard to the impact of the application on the provision of municipal engineering services.

Use will be made of the existing civil and electrical engineering services infrastructure for the subject property, as set out above in Section 3. The utilisation of the existing dwelling units as visitors' accommodation will result in similar sewage generation as well as water and electrical consumption than the existing buildings and no additional stormwater run-off will be generated. The additional 2-bedroom self-catering unit inside an existing building will increase sewage, water and electricity usage by only 20% (from 10 to 12 bedrooms in total) and will therefore not have any significant impact on services infrastructure. The impact of the application on engineering services provision will therefore be insignificant.

² Stellenbosch Municipality Building Plan BP/20/1558

³ Stellenbosch Municipality Building Plan BP/1173/2021

⁴ Stellenbosch Municipality Building Plan BP/3005/2023

⁵ Sect 9(1)(c) of Act 21 of 1940

8. SITE EVALUATION

8.1 Surrounding Area

The subject property is located on the main distributor road between Franschhoek North and South and is surrounded by an extension of the Groendal neighbourhood, La Petite Provence Residential Estate and La Terra de Luc Winery to the north of the road and Garden Café & Wine Tasting, Franschhoek Country House & Villas and Moneaux Restaurant to the south of the road.

8.2 Site

Although zoned Agriculture and Rural Zone, the subject property is not a productive agricultural land unit due to its limited size, nor rurally located. The owner therefore developed the property within existing land use rights for tourism and residential purposes, containing a tourism facility (coffee shop), 3-bed dwelling house and a second 7-bedroom dwelling house currently under construction.



View from Main Road 191 (R45)

The spatial layout and placement of the new buildings on the site were determined by the shape of the property, which has a diagonal rear boundary with two parallel side boundaries, and position of the existing historical building, which is positioned to the front of the property, leaving the bulk of buildable area to the rear of the property.

As the original historical building, a typical Cape vernacular building infused with elements of change from different eras which were retained and renovated, has a dominant position on the site in that it is positioned to the front of the site and parallel to the road, the two newer structures were orientated parallel with the diagonal rear boundary. This not only achieved maximum utilisation of the property but also resulted in a lower visual impact from the road as the new structures are partially hidden from the road. The site also slopes away from the road. This lessens the visual impact as the scale seems smaller due to the lower levels.

Architecturally the two newer structures were designed in a more contemporary style. The contemporary style heroes the vernacular style of the original heritage building as it does not compete in the architectural style although there are certain design characteristics that mutually complement the different styles.

A low wall was erected on a section of the road boundary as a typical vernacular design element to shield the new built from the road and vice versa.

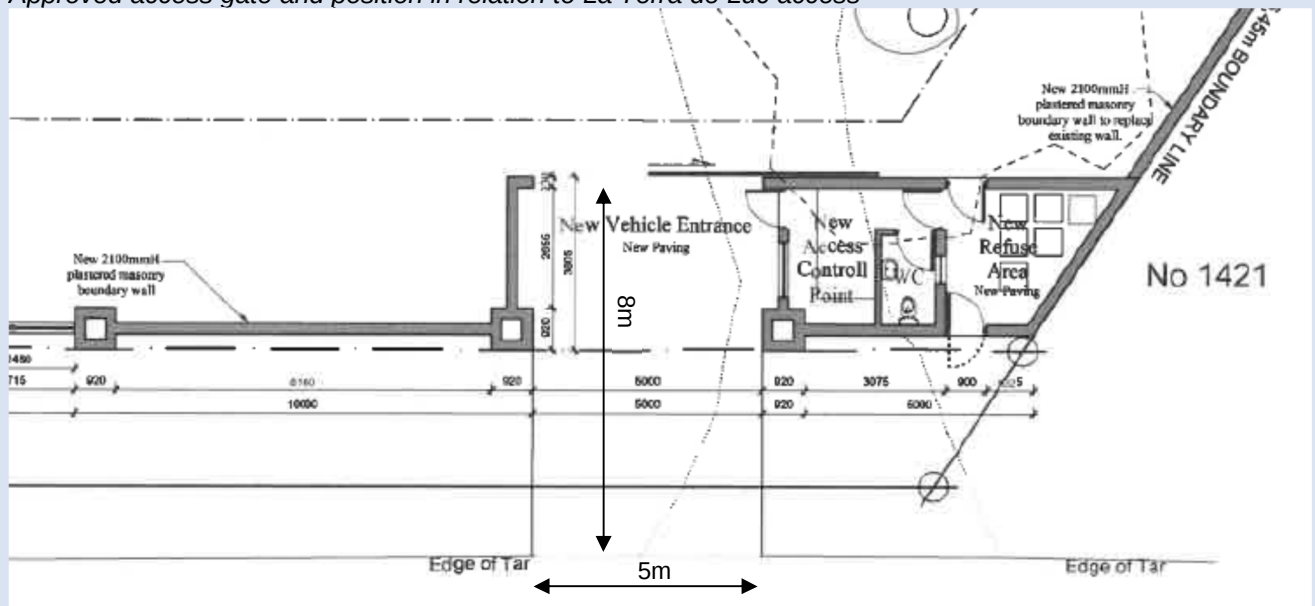
On the remaining road boundary a low wall with columns and palisade fence was erected for security reasons, but it also serves as another visual filter from the main road. The fence will receive higher ranking plants with shrubs and this will be supplemented with number of trees (*Celtis Africana*) that will be planted next to fence. Once this landscaping is completed the visual impact of the property will be softened significantly.

8.3 Access

Access is taken directly from Main Road 191, opposite the access to La Terra de Luc Winery. The access has been approved for public use with the 2010 rezoning and consent use approval and the entrance gate has been approved with the 2021 building plan approval of the tourist facility on the subject property (see Section 5 above).



Approved access gate and position in relation to La Terra de Luc access



Extract from approved Building Plan BP/20/1558

9. STELLENBOSCH MUNICIPALITY ZONING SCHEME BYLAW 2019 (ZSB)

In terms of Section 65 of the Stellenbosch Municipal Land Use Planning Bylaw 2023, the municipality must have regard to the applicable provisions of the Stellenbosch Municipality Zoning Scheme Bylaw 2019 in evaluating the application.

Proposed Zoning and Consent Uses	<p>The purpose of the Multi-Unit Residential Zone (MUR) is to make inter-alia provision for limited tourism developments and accordingly includes a Tourist Accommodation Establishment, as defined below, as a consent use under the MUR.⁶</p> <div style="border: 1px solid black; padding: 5px;"> <p>“tourist accommodation establishment” (toeriste-akkommodasie-onderneming) means an enterprise which provides the accommodation for transient guests which exceeds the scale and extent of tourist dwelling unit or guest house, and which is also not a hotel with its ancillary public facilities, and:</p> <ul style="list-style-type: none"> i) may have an informal, clustered layout which takes cognisance of the natural features of the site and where internal road standards do not necessarily comply with formal township standards; ii) may consist of self-catering units; iii) and where enabled by the Scheme, may include tourist facilities subject to the development parameters of the particular zone; iv) where the following land uses may only be undertaken only with the specific further consent use approval of the Municipality regardless of whether tourist accommodation or tourist facilities is a primary right in that zone or not: <ul style="list-style-type: none"> a) additional facilities for day visitors; b) wellness centres and meeting rooms which serve resident guests; c) camping sites with ancillary facilities; d) tented accommodation, tree houses, mobile accommodation or the use of any construction materials and methodologies that are not ordinarily used; </div> <p>The proposed enterprise will consist of a 7-bedroom guest house and 2 self-catering units with associated service facilities and will hence be compliant with the definition of a Tourist Accommodation Establishment.</p>
Zoning Specific Land Use Parameters (s. 83, 85, 86 & 87 of ZSB))	<p>The communal building lines are to be transgressed as per the application, but the other development parameters such as permitted coverage, building height and floor area will be complied with.</p> <p>A service yard exists next to the entrance gate and the property is enclosed as permitted.</p> <p>An SDP is being submitted with the application.</p>
General Land Use Parameters (s. 23, 33 & 44 of ZSB))	<p>No new boundary walls will be erected.</p> <p>On-site parking will be provided at a rate of 1 bay per bedroom (i.e. 12 parking bays + disabled parking), which exceeds the minimum requirement of 0,7 bays/bedroom and 1 bay/self-catering unit (i.e. 7 bays) and parking bays will conform to the minimum dimension of 2,5 x 5 m.</p> <p>The facility will generate less than 50 trips per peak hour. A TIS is therefore not required.</p>
Scenic Route Overlay Zone (s. 253 – 262 of ZSB	<p>The subject property is located on the R45 urban scenic route (USR11). Additions and alterations to the existing built fabric will be undertaken in the same architectural style as the buildings recently approved and erected on the property. The only addition that will be visible from the R45 is the proposed garage and staff room that will be erected adjacent to the approved tourist facility building. The application will therefore result in only a limited change to the built landscape and views from the R45 will not change from those already approved under Sections 253 - 262.</p>

⁶ Sections 77 and 78 of the ZSB

Also see Section 12(e) below.

10. SPATIAL FRAMEWORKS

In terms of Section 65 of the Stellenbosch Municipal Land Use Planning Bylaw 2023, Section 49 of the Western Cape Land Use Planning Act 2014 and Section 42(1) of the Spatial Planning and Land Use Management Act 2013 the municipality must have regard to applicable municipal, district, regional and provincial IDP's, SDP's or structure plans when considering a land use application and may not make a decision which is inconsistent with norms, standards and measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework.

In terms of Section 22 of the of the Spatial Planning and Land Use Management Act 2013 a Municipal Planning Tribunal (MPT) or any other authority mandated to make a decision i.t.o. the Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework (MSDF), provided that such a MPT or other authority may depart from the provisions of a MSDF if site-specific circumstances justify such departure and provided that Section 42 of the Act is being complied with. Consistent is understood to mean that although the MSDF may not specifically provide for the utilisation of the land as proposed, the proposal is neither in conflict with the MSDF.

Municipal Spatial Development Framework 2023 (MSDF)

The subject property is located inside the delineated urban edge for Franschhoek and in an area identified as strategic for projects and/or infill development towards the spatial integration of the northwestern and southwestern parts of Franschhoek. In this regard it has been requested by Stellenbosch Municipality that the development of the subject property be aligned with a Spatial and Urban Design Framework (SUDF) undertaken for the farm Klein La Provence (Farm 1064/1), also partially located in this strategic area.⁷

The Klein La Provence SUDF primarily deals with the integration of the Klein La Provence site with Groendal and the R45 as access route to Franschhoek South. The study has not been advertised (yet) for comments by other land owners in the strategic area and not been adopted by Stellenbosch Municipality as formal policy towards implementation of the MSDF. Nor has the consistency of the SUDF with the MSDF been ruled on yet by the Municipal Planning Tribunal. The Klein La Provence SUDF has therefore not an enforceable legal status and is hence used as a broad guideline only towards implementation of the MSDF proposal, as indeed concluded in Section 8 of the SUDF.

The Klein La Provence SUDF recommends that a portion of Klein La Provence and the area around the Groendal "commonage" be developed as a main arrival gateway for Franschhoek, essentially in the form of a low walled town square with a covered market and institutional facilities. Farm 1070/13 (the subject property) and surrounds are identified as an intermediate gateway between this proposed main arrival gateway and the existing gateway around the old Franschhoek railway station, both being existing tourist destinations. It is furthermore recommended that the R45 be transformed from a transport link (a road) to an urban corridor (a street) to integrate these gateways and hence the northwestern and southwestern parts of Franschhoek, inter-alia by the introduction of traffic calming measures such as textured and raised platforms in the road surface at strategic locations, but not at the subject site though.⁸

⁷ Email correspondence with Mr Bernabé de la Bat, Manager Spatial Planning, Stellenbosch Municipality; 27/6/2024

⁸ Figures 10, 12 & 18 and Pages 23, 28 & 32 of Exploring the Development Potential of Klein La Provence Farm: A Spatial and Urban Design Framework; Piet Louw and Dave Dewar Architects, Urban Designers and City Planners; February 2024

It is submitted that the rezoning of the subject property from Agriculture and Rural Zone to Multi-Unit Residential Zone for purposes of tourist accommodation will strengthen the intermediate tourism gateway identified by the Klein La Provence SUDF and the urban design model of an urban corridor along the R45 towards the integration of the northwestern and southwestern parts of Franschhoek as put forward by the MSDF.

Towards the aim of an urban corridor along the R45 it is furthermore to be noted that the subject property has effectively already been urbanised with the conversion of the original building into a tourist facility and the erection of the two dwelling units on the property. The original building has however been retained in a dominant position to the front of the property and parallel to the road, while the new structures were orientated parallel with the diagonal rear boundary. While the property was urbanised with the erection of additional buildings, the interface with the road remained sympathetic to its environment as the new structures are partially hidden from the road. The site also slopes away from the road. This lessens the visual impact as the scale seems smaller due to the lower levels. A low wall was also erected on a section of the road boundary as a typical vernacular design element to shield the new built from the road and vice versa.

On the remaining road boundary a low wall with columns and palisade fence was erected for security reasons, but it also serves as another visual filter from the R45. The fence will receive higher ranking plants with shrubs and this will be supplemented with trees (*Celtis Africana*) that will be planted next to fence. Once this landscaping is completed the visual impact of the property and parking thereon will be softened significantly.



Existing werf wall elements

The subject property is private property as opposed to the public town square proposed for the Klein La Provence site and justifies therefore additional security measures to low *werf* walls only.

The provision of parking at the proposed main arrival gateway is not addressed in the Klein La Provence SUDF and no guidance is therefore available from the study on how parking on the subject property could best be aligned with the main arrival gateway. It is therefore submitted that the parking layout as already approved and established for the property on the R45 boundary as per Building Plans BP/20/1558 and 3005/2003 is legally valid and hence sufficiently appropriate for purposes of MSDF consistency ruling.

There is no suggestion in the Klein La Provence SUDF that any land usage other than tourist accommodation is needed on the subject property to sustain the intermediate tourism gateway.

If the application was to be found inconsistent with the MSDF, the owner would still be able to continue operating the approved tourist facility with associated parking area on the R45 boundary.

The rezoning of the subject property from Agriculture and Rural Zone to Multi-Unit Residential Zone for purposes of tourist accommodation establishment is therefore deemed consistent with the MSDF proposal that the property be strategically used to spatially integrate of the northwestern and southwestern parts of Franschhoek.

As spatial development frameworks are the spatial implementation tool of integrated development plans and municipal development plans are to be aligned with provincial development plans⁹, the municipal spatial development framework is regarded as the most applicable planning policy to guide decision making in respect of this application.

11. DEVELOPMENT PRINCIPLES

In terms of Section 42(1) of the Spatial Planning and Land Use Management Act of 2013, Section 58 of the Western Cape Land Use Planning Act of 2014 and Section 65 of the Stellenbosch Municipal Land Use Planning Bylaw 2023, decision maker must, in considering and deciding any application that impacts on the utilisation and development of land, be guided by the development principles set out in respectively Chapter 2 and Section 59 of the Acts.

a) Spatial Justice

The application will contribute towards the integration of the formerly separated northwestern and southwestern parts of Franschhoek as envisaged in the MSDF and the proposals of the Klein La Provence SUDF as set out in Section 10 above, and will also provide employment opportunities and tourism facilities closer to the previously economically disadvantaged area of Franschhoek North.

b) Spatial Sustainability

Land markets should be unaffected by the proposed visitors' accommodation establishment as guest houses and other tourism related land uses are a common land use on the R45 between Franschhoek North and South.

The proposed visitors' accommodation establishment will not have any significant additional impact on water provision, sewage disposal and storm water disposal.

Socio-economic conditions will be improved by the creation of additional employment opportunities and increased revenue for the municipality.

Tourist related facilities are safe utilisations of land which do not cause environmental pollution.

No high diversity areas, ecological corridors, natural habitats, flood plains, steep slopes, wetlands or areas with high water tables are being developed or impacted upon.

c) Efficiency

The existing built infrastructure on the subject property will be optimally utilised.

Additional employment opportunities will be created.

⁹ Section 10(3) of the Western Cape Land Use Planning Act of 2014

d) Good Administration

The applicability of other laws relevant to this application are being addressed in the application.

The requirements for the assessment of a land use application as set out in SPLUMA, LUPA and the Stellenbosch Municipal Land Use Planning Bylaw are addressed in this report.

e) Spatial Resilience

The use of the subject buildings will also remain flexible as it could revert to residential and tourist facility usage again if not needed as visitors' accommodation in future.

12. DESIRABILITY

In terms of Section 55 of the Western Cape Land Use Planning Act 2014 and Section 65 of the Stellenbosch Municipal Land Use Planning Bylaw 2023 a municipality must have regard to the desirability of a proposed land use and any guidelines issued by the Provincial Minister regarding the desirability of the proposed land use when considering a land use application.

a) Land Usage

The subject property is located on the main distributor road between Franschhoek North and South and is surrounded by Garden Café & Wine Tasting, Franschhoek Country House & Villas and Moneaux Restaurant on the same stretch of road. The utilisation of the subject property for visitors' accommodation will accordingly fit in with an established land use pattern along this road.

In a study undertaken to determine the development potential for the farm Klein La Provence¹⁰, it has been recommended that a portion of Klein La Provence and the area around the Groendal "commonage" be developed as a main arrival gateway for Franschhoek, essentially in the form of a town square with a covered market and institutional facilities. The subject property and surrounds are identified as an intermediate gateway between this proposed main arrival gateway and the existing gateway around the old Franschhoek railway station, both being existing tourist destinations. It is furthermore recommended that the R45 be transformed from a transport link (a road) to an urban corridor (a street) to integrate these gateways and hence the northwestern and southwestern parts of Franschhoek, inter-alia by the introduction of traffic calming measures such as textured and raised platforms in the road surface at strategic locations.

It is submitted that the rezoning of the subject property from Agriculture and Rural Zone to Multi-Unit Residential Zone for purposes of tourist accommodation will strengthen the intermediate tourism gateway identified by the Klein La Provence SUDF and the urban design model of an urban corridor along the R45 towards the integration of the northwestern and southwestern parts of Franschhoek.

b) Physical Site Conditions

¹⁰ Figures 10, 12 & 18 and Pages 23, 28 & 32 of Exploring the Development Potential of Klein La Provence Farm: A Spatial and Urban Design Framework; Piet Louw and Dave Dewar Architects, Urban Designers and City Planners; February 2024

The application will not result in any changes to or impact on the physical site conditions as existing buildings and infrastructure will be utilised.

c) Transportation and Traffic Conditions

Access is to be taken from the existing access on Main Road 191, opposite the access to La Terra de Luc Winery. The access has a 5 metres wide access gate, located 8 meters from the road edge, and allows therefore for a waiting space in front of the gate and two-way movement of light motor vehicles. The access has been approved for public use with the 2010 rezoning and consent use approval and the entrance gate has been approved for such usage with the 2021 building plan approval of the tourist facility on the subject property (see Section 5 above).

The approved tourist facility can generate 4 trips per peak hour (2,1 tph/100m² GLA x 180m²), while the proposed visitors' accommodation will generate 5 trips per day (0,4 trips/day/room). As the approved tourist facility will be taken up as an ancillary service facility for the proposed visitors' accommodation and no longer exist as a public facility, traffic generation will not change significantly and will now not be of a peak hour nature, but be more evenly distributed throughout the day.

Main Road 191 has surfaced shoulders and provides therefore for traffic to left-bypass right turning traffic to facilitate the safe movement the subject property.

d) Natural and Manmade Environment

The application buildings are existing structures. The application will accordingly not affect the aesthetic qualities and built landscape of the area (see also subsection e) below).

The existing permeable street boundary fence with a *werf* wall element ensures a visual connection with the R45.

The parking layout is already approved and established as per Building Plans BP/20/1558 and 3005/2003 and will therefore have no changed impact on the built landscape.

The application site is not near any natural landscape or natural ecosystem of note. No biological diversity will consequently be lost because of the development.

Use will be made of existing roads to gain access to the application site. No new roads need to be developed.

Similarly use will be made of existing engineering infrastructure.

e) Cultural and Heritage Resources

The subject property is located outside the urban conservation zone of Franschhoek, but on the R45 urban scenic route (USR11) though.¹¹

From a scenic point of view the original historical building has been retained in a dominant position on the site, with the two newer structures orientated parallel with the diagonal rear boundary, which resulted in a lower visual impact from the R45 as the new structures are partially hidden from the road. As the site also slopes away from the road, the scale of the new buildings also seems smaller due to the lower levels.

Architecturally the two newer structures were also designed in a more contemporary style than the original building. The contemporary style heroes the vernacular style of the original heritage building as it does not compete in the architectural style although there are certain design characteristics that mutually complement

¹¹ Sect 255(8) of the Stellenbosch Zoning Scheme Bylaw 2018

the different styles. A low wall erected on a section of the road boundary serves as a typical vernacular design element to shield the new built from the main road and vice versa.

On the remaining road boundary a low wall with columns and palisade fence was erected for security reasons, but it also serves as another visual filter from the road. The fence will receive higher ranking plants with shrubs and this will be supplemented with trees (*Celtis Africana*) that will be planted next to fence. Once this landscaping is completed the visual impact of the property will be softened significantly.

Further additions and alterations to the existing built fabric will be undertaken in the same architectural style as these buildings already approved and erected on the property. The only addition that will be visible from the road is the proposed garage and staff room that will be erected adjacent to the approved tourist facility building. The application will therefore result in only a limited change to the built appearance from the R45 and views from the road will not be negatively affected by the application.

f) Safety and Welfare of the Community

Apart from two residences on abutting Farm 1421 Paarl, the subject property is not near any other residences, The residences on Farm 1421 are however screened from the most northwestern dwelling unit on the subject property by a solid 2,1 metres high wall. The proposed visitors' accommodation should therefore not have any impact on the rural tranquillity of the neighbourhood and living conditions on neighbouring properties and it is not expected that it will affect living conditions on abutting Farm 1421 either.

Visitors' accommodation is generally a safe utilisation of land from a health perspective and are not known to cause environmental pollution.

It is expected that several additional employment opportunities will be created by the visitors' accommodation, particularly for residents from the nearby Groendal neighbourhood.

g) Visual Impact

The subject property has already been urbanised and partially commercialised with the conversion of the original building into a tourist facility and the erection of the two dwelling units on the property as per approved Building Plans BP/20/1558, BP/1173/2021 and 3005/2023. With these building work the original and commercialised building was retained in a dominant position to the front of the property and parallel to the road, while the new residential structures were erected to the back of the property.

Architecturally the two newer structures were designed in a more contemporary style than the original building. The contemporary style heroes the vernacular style of the original heritage building as it does not compete in the architectural style although there are certain design characteristics that mutually complement the different styles.

The site also slopes away from the road, which lessens the visual impact as the scale of the new buildings seems smaller due to the lower levels.

On the road boundary a low wall with columns and palisade fence has also already been erected for security reasons as per Building Plan BP/20/1558, but it also serves as another visual filter from the R45. The wall serves as a typical vernacular design element to shield the new built from the road and vice versa and will receive higher ranking plants with shrubs which will be supplemented with trees (*Celtis Africana*) that will be planted next to wall.

The parking layout on the R45 boundary has also already been approved and constructed as per Building Plans BP/20/1558 and 3005/2023.

The only additional building that will be erected is the proposed garage and staff room that will be erected adjacent to the approved tourist facility building. The new building work will be subservient to the existing

buildings and remain of a residential scale and nature. It will also be a permissible structure under the current zoning of the property and does not represent a change in the usage of the property.

The application for rezoning and consent use will therefore not result in a change to the existing built landscape and views from the R45 and will remain residential in character. Once landscaping is completed the visual impact of the existing and additional buildings and parking on the property will be softened significantly.

h) Building Line Departures

As the total floor area (bulk) and height of the buildings ($1152/2401\text{m}^2=48\%$ and 2 storeys) will respectively be 36% and 33% lower than the permitted 75% and 3 storeys for tourist accommodation establishments in the Multi-Unit Residential Zone, it would be appropriate to permit a limited relaxation of the common building lines. The transgressions of buildings (i.e. excluding the swimming pool) will only apply to 30 m^2 , i.e. 1,2% of the site or 4,6% of the total building coverage, and is accordingly deemed as minor transgressions. The building line transgressions are furthermore on the southeastern boundary, i.e. on the common boundary with Farm 1070/9 Paarl, which is being utilised for a restaurant with a car park being located on the common boundary. Conditions on abutting Farm 1070/9 should therefore be unaffected by the minor building line transgressions.

The proposed swimming pool will be located on a boundary with Farm 1421 Paarl on a portion of that property that is open agricultural land. Installation of the pool in transgression of the building line should therefore not affect living conditions of Farm 1421 and the pool will still be installed sufficiently far away from the boundary not to affect ground stability on the abutting property.

13. CONCLUSION

The proposed rezoning of Farm 1070/13 Paarl to Multi-Unit Residential Zone with consent to operate a Tourist Accommodation Establishment as well departures to accommodate a minor extension to an existing building and a new swimming pool, garage and staff room in transgression of the building lines:

- a) Do not require approval in terms of other relevant legislation;
- b) Can be provided with all the required engineering services in a sustainable and environmentally friendly manner;
- c) Apart from relative minor building line transgressions, comply with the parameters of the Stellenbosch Zoning Scheme Bylaw 2019;
- d) Are compliant with the Stellenbosch SDF as the proposed rezoning and consent use will contribute towards the spatial integration of the northwestern and southwestern parts of Franschhoek;
- e) Are compliant with development principles set out in SPLUMA and LUPA as the proposal:
 - Is spatially justified
 - Will be spatially sustainable
 - Will make efficient use of existing buildings
 - Will comply with prescribed administrative requirements
 - Will be spatially resilient; and
- f) Are desirable as:
 - It fits in with an established land use pattern
 - It will contribute towards the spatial integration of the northwestern and southwestern parts of Franschhoek
 - Physical site conditions will not change or be impacted on
 - The impact on transportation and traffic conditions will be negligible
 - The natural and manmade environment can accommodate the development
 - Cultural and heritage resources are not be negatively affected

- Safety and welfare of community will not be compromised
- Sosio-economic benefits will be accrued from the development
- Building line transgressions will be of a relatively limited nature and counteracted by lower than permitted floor areas (bulk) and building heights.

**WJ STEYN**

Tch. Pln (B/8074/1998)

Date: 5/11/2024