

Item 4/2021

1



LAND USE PLANNING ASSESSMENT REPORT

(In terms of Sections 56, 65 & 66 of the Langeberg Land Use Planning Bylaw PN 264/2015, 30 July 2015)

AANSOEK: VOORGESTELDE HERSONERING EN VERGUNNINGSGEBRUIK OP ERF 644, PAUL KRUGERSTRAAT 87, ROBERTSON

Reference number	15/4/9/5	Application submission date	03-11-2020	Date report finalised	06-05-2021
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PART A: AUTHOR DETAILS

First name(s) & Surname	Jack van Zyl
Job title	Assistent Bestuurder: Stadsbeplanning
SACPLAN registration number	A/1170/2000

PART B: PROPERTY DETAILS

Property description (in accordance with Title Deed)	Erf 644, Robertson						
Physical address	Paul Krugerstraat 87			Town	Robertson		
Current zoning	Enkel Residensiële sone I		Extent (m2 /ha)	548m²	Are there existing buildings on the property?	Y	N
Applicable zoning scheme	Langeberg Geïntegreerde Soneringskema						
Current land use	Woonhuis				Title Deed number & date		
Any restrictive title conditions applicable	Y	N	If Yes, list condition number(s)				
Any third party conditions applicable?	Y	N	If Yes, specify				
Any unauthorised land use/building work	Y	N	If Yes, explain				

PART C: APPLICATION DESCRIPTION

Aansoek ingevolge Artikel 15(2) van die Munisipaliteit Langeberg: Verordening op Grondgebruikbeplanning, 2015 vir hersonering van erf 644, Robertson vanaf Enkel Residensiële sone I na Sakesone II en vergunningsgebruike vir restaurant en woonhuis.

PART D: BACKGROUND & SUMMARY OF APPLICANTS MOTIVATION

Die voorgestelde terreinplan en motiveringsverslag word aangeheg in Bylaes 1 en 2 onderskeidelik.

Die bestaande woning op erf 644 Robertson se vloeroppervlakte is sowat 238m², buitegeboue ingesluit, op 'n erf van 548m². Die voorstel is om wegneemetes (Traditional Cape Malay cuisine) op die perseel te maak en te verkoop en om verwante kosprodukte en –bestandele en plaaslike handgemaakte artikels en –kunswerke te verkoop, asook om 'n klein restaurant (maksimum 12 gaste by 6 tafels) te bedryf. Die sakegebruike en stoor sal sowat 101m² GLA en nog 23m² nie-GLA beslaan. Die oorblywende gedeelte van die gebou sal as wooneenheid gebruik word, met oppervlakte van 41m². Daar is ook 'n dubbelmotorhuis van 53m² op die perseel, wat as parkeerarea vir die besigheid aangebied word.

Die aansoeker motiveer die voorstel aan die hand van die volgende:

- Dit pas in by die karakter van die area langs Paul Krugerstraat waar verskeie nie-residensiële gebruike voorkom.
- Gemengde gebruik is wenslik langs hoofverkeersroetes
- Struktuur van die woning bly onveranderd
- Voldoen aan vereistes van soneringskema, ingesluit voorsiening van parkering op perseel
- Bydrae tot beskikbare geriewe in Robertson en bediening van plaaslike gemeenskap sowel as toeriste.
- Voldoende munisipale dienste

PART E: SUMMARY OF PUBLIC PARTICIPATION

Public participation required in terms of Sections 45- 49 of the By-law?				Y	N
Where participation is required, state method of advertising	Press	Notices	Ward Councillor	Other	

PART F: SUMMARY OF COMMENTS RECEIVED DURING PUBLIC PARTICIPATION (if applicable)

Daar is 5 beswaarbriewe en twee petisielyste teen die aansoek ontvang, van die eienaars van 25 erwe in die omgewing, soos aangedui met kruise op die onderstaande plan (besware en petisies aangeheg in Bylae 3)



Die besware behels die volgende:

- Onvoldoende parkering en laaisones vir aflewingsvoertuie op die perseel, wat sal lei tot onwenslike straatparkering en aflewings in Paul Kruger en Loopstrate.
- Paul Krugerstraat dra baie verkeer en parkering in die straat of toegang vanaf parkering na die straat sal verkeer belemmer en 'n gevaarlike situasie skep.
- Detail van voorgenome winkel, produkte wat verkoop gaan word en besigheidsure is nie gespesifiseer. Dit kan besigheid wees wat tot nadeel van die omgewing en eiendomswaardes sal wees.
- Sakeregte vir restaurant gaan permanente regte gee aan toekomstige eienaars en kan ondermeer drankverkope en laat besigheidsure insluit.
- Potensiaal vir onaangename reuke van afval wat deur die restaurant genereer word.
- Wooneenheid het geen kombuis en kan in die toekoms maklik omskep word om restaurant of winkel uit te brei, wat weer aanleiding sal gee tot erger problem met parkering en ander negatiewe impakte.
- Karakter van omliggende area is oorwegend residensiël, terwyl enkele nie-residensiële gebruike wat daar is, lae impak gebruike is. Karakter van area gaan verander word.
- Verhoogde veiligheidsrisiko as gevolg van meer vreemde persone wat die area betree om die restaurant en winkel te besoek, asook die risiko verbonde aan hantering van kontant..
- Besigheidsaktiwiteite kan honde op nabygeleë eiendom versteur, wat sal dat hulle geblaf 'n steurnis in die buurt word.

- Privaatheid van bure gaan aangetas word deur kommersialisering van 'n rustige woonomgewing in die algemeen en spesifiek omdat die parkeerarea reg langs die bure se leefareas voorgestel word.
- Verlaging van residensiële eiendom se waarde as gevolg van nabyheid aan 'n besigheid.
- Meer aflewerings en vullisverwydering gaan meer verkeer van swaar voertuie in woonarea veroorsaak.
- Erfeniswaarde van eiendom is nie oorweeg.
- Eiendom is nie ideaal geleë ten opsigte van toersimemark nie.
- Potensiaal vir geraassteurnis agv beweging van mense, motors en luide musiek op en om die perseel.
- Verlies aan geleentheid om die perseel vir huisvesting van 'n gesin en 'n moontlike loseerder in die bestaande woonstelletjie te benut.

Die aansoeker se reaksie op die besware word aangeheg in Bylae 4. Dit probeer al die punte van beswaar weerlê en sluit bevestig in die proses die volgende:

- Karakter van woonhuis gaan onveranderd bly.
- Die besigheid is van 'n baie klein skaal, soortgelyk aan 'n tuisberoep, naamlik slegs 6 tafels in die restaurant, aanvullend tot die kook en verkoop van wegneemetes en ander verwante produkte en plaaslike handgemaakte artikels.
- Besigheidsure van die wegneemetes/winkel is slegs gedurende die normale werksure, naamlik 08:00 tot 17:30, terwyl die restaurant ook net ontbyt en middagetes gaan aanbied. Beide sal op Sondag gesluit wees.
- Geen alkohol gaan bedien of verkoop word nie.
- Daar word nie beplan om die besigheid uit te brei nie, sodat daar altyd 'n woonkomponent sal wees, wat sekuriteit sal bevorder.
- Ligging aan besige Paul Krugerstraat is die rede hoekom die perseel geskik is vir die besigheid.
- Op-perseel parking wat voorsien word, voldoen aan die vereistes van die soneringskema, ooreenkomstig die GLA van die sakegedeelte (83m², bereken teen 1 parkeerplek per 25m² GLA) en vereiste vir woonhuis (2 parkeerplekke). Die stoor (wat ingerig was as woonstel) sal vir die woonhuis gebruik word, maar moontlik ook vir die besigheid en gevolglik word voorsiening vir 'n ekstra (4de) parkeerplek vir die besigheid gemaak.
- Geen laaisone word ingevolge die soneringskema vereis nie. Aflewerings sal egter meesal tussen 07:00 en 08:00 by wyse van gewone motors of ligte diensvoertuie gedoen word en nie deur groot vrugmotors nie. Daar is ruimte vir tydelike stilhou om op – en af te laai in die area voor die motorhuis.
- Die restaurant en winkel word van die bure (erf 645) geskei deur die wooneenheid en die parkeerplekke langs dit is vir die wooneenheid, soortgelyk aan 'n normale residensiële oprit. Daar is ook 'n hoë grensmuur op die gemeenskaplike grens (wat uitsig op die bure se agterplaas verhoed).
- Die omvang van die besigheid en die voorsiening van parking en ander vereistes sal deur middel van 'n goedgekeurde terreinontwikkelingsplan vasgestel en beperk word. Indien die eienaar of volgende eienaars daarvan wil afwyk, moet eers weer toestemming gevra word deur middel van die 'n soortgelyke proses as die huidige aansoek.

PART G: SUMMARY OF COMMENTS FROM ORGANS OF STATE AND/OR MUNICIPAL DEPARTMENTS (if applicable)

Siviele Ingenieursdienste

Die aansoek word nie ondersteun nie weens die volgende rede/s.

Water en riooldienste is beskikbaar tot die perseel en die aansoek het geen impak op die water en rioolnetwerk nie. Paul Krugerstraat, in die omgewing van die aansoek, se padoppervlakte is nie wyd genoeg nie en straatparkering gaan die verkeersvloei belemmer. Daar is ook nie genoeg ruimte op die perseel om genoegsame parkering te skep nie.

Boubeheer

Indien daar enige strukturele veranderinge, interne sowel as eksterne gedoen word aan enige bestaande geboue of indien daar nuwe geboue aangebring sou word of geboue gesloop word, moet daar formeel by hierdie Raad se Bouafdeling aansoek gedoen word vir goedkeuring.

Elektriese Ingenieursdienste

Die Elektriese Departement het geen beswaar teen die aansoek nie.

Die aansoeker is verantwoordelik vir die volgende kostes:

- Indien daar enige verandering aan die bestaande netwerk, meetpunt of aansluitingaangebring moet word.

Die aansluitings sal onderworpe wees aan enige beperkende maatreëls wat die Nasionale Regering mag nodig ag vir die besparing van elektrisiteit.

Wyksraadslid

Hiermee gee ek nie my toestemming vir voorgestelde Hersonerings en Vergunningsgebruik van erf 644, Paul Krugerstraat 87, Robertson nie, om die volgende redes:

- Paul Krugerstraat is 'n baie besige straat wat die verkeer na die middedorp lei.
- Loopstraat is 'n stil straat en gaan dan baie verkeer bykry.
- Daar gaan ook 'n parkeerprobleem wees. Daar is alreeds 'n root probleem in die dorp vir parkering.
- Daar moet baie goed besluit word oor 'n besigheid tussen 'n woongebied.
- Wat van afval water, onaangename reuke, rook, geraas en aanloop van mense.
- Watter ure gaan dit ook wees? (Sondae toe?)
- Ek as Raadslid het daagliks klagtes, oproepe van ontevrede inwoners oor besighede wat goedgekeur is in woongebiede.
- Watter tye word aflewering gedoen?

Omgewingsgesondheid – Kaapse Wynland Distriksmunisipaliteit

Die kantoor het geen beswaar teen die aansoek nie indien daar aan die volgende vereistes voldoen word nl.

- Die eienaar moet 'n rookbeleid opstel in terme van die Wet op die Beheer van Tabak en Tabak Produkte.

- Die eienaar moet voldoen aan die vereistes en bepalings van die Gesondheidsdepartement van die Kaapse Wynland Distriksmunisipaliteit.
- Geen gesondheidsoorlas mag op die perseel veroorsaak word nie.
- Indien daar voedsel voorberei word vir verkope moet die eienaar aansoek doen vir 'n geskikheidsertifikaat en voldoen aan die vereistes van Regulasie 638 van Junie 2018. Regulasies met betrekking tot Algemene Higiene vereistes vir Voedselpersele en die vervoer van voedsel.

Verkeersdienste

Geen kommentaar ontvang

PART H: MUNICIPAL PLANNING EVALUATION (REFER TO RELEVANT CONSIDERATIONS GUIDELINE)

WENSLIKHEID

Versoenbaarheid met ruimtelike planne

Die voorstel is in lyn met die voorstelle van die Langeberg Ruimtelike Ontwikkelingsraamwerk, (LSDF), 2015 vir stedelike ontwikkeling in die algemeen en vir Robertson spesifiek. Die LSDF staan die ontwikkeling van nodusse en aktiwiteitsasse langs belangrike verkeersroetes voor (sien aanhalings en uittreksel uit voorstelleplan in LSDF hieronder):

Intensification Corridors and Linkages

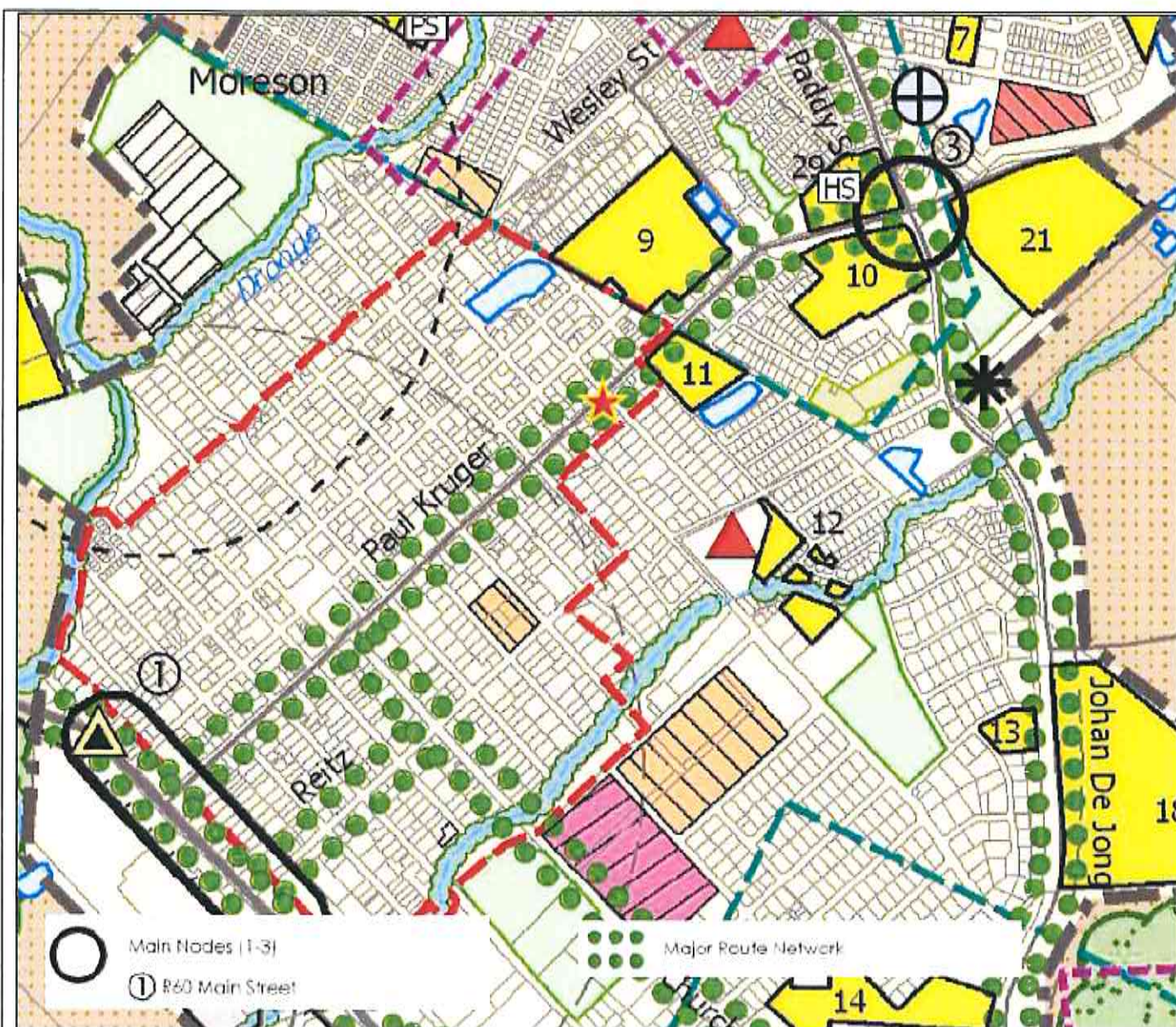
Corridors to concentrate activities and support its speedy initiation especially in more rural areas, should be delineated to include one erf on either side of the identified street, otherwise called the spine of the corridor

Nodes

Nodes should be managed to concentrate the business therein and where growth is required, the node should be encouraged to grow along the corridor towards each other.

Urban Design Guidelines

Accommodate a variety of users in and uses along the streets byConcentrate intensive activities along major vehicular and public transport routes;



Ekonomiese impak

Die vestiging van 'n ekstra besigheid in die dorp sal 'n positiewe ekonomiese impak hê.

Skaal van kapitale investering

Die besigheid sal nie 'n noemenswaardige kapitale investering tot gevolg hê nie, maar kan tog bydra tot opgradering en instandhouding van die eiendom.

Versoenbaarheid met omliggende gebruike en karakter van omgewing

Die aansoekperseel is binne 'n oorwegend residensiële omgewing. Daar is wel enkele nie-residensiële gebruike in die omgewing van Paul Krugerstraat (sien rooi kolle op onderstaande soneringskaart), maar aan die Loopstraatkant is dit 'n suiwer residensiële gebied

met 'n lae digtheid residensiële karakter. Behalwe vir die plasing van die op-perseel parking en toegang daartoe vanaf Loopstraat, is die voorgestelde besigheidsgebruik na Paul Krugerstraat georiënteer.



Impak op eksterne ingenieursdienste

Die ontwikkeling kan binne die munisipale dienstenetwerke akkomodeer word.

Impak op erfenis

Die eiendom val binne die Erfenisgebied wat in die Langeberg Ruimtelike Ontwikkelingsraamwerk, 2015 voorgestel word. Daarvolgens word voorgestel dat dit as Kategorie IIIC erfenishulpbron geklassifiseer word (sien beskrywing hieronder). Die gebou word egter nie verander nie en gevolglik word daar geen impak op erfenis voorsien nie. Enige veranderinge aan die gebou sal egter onderhewig wees aan goedkeuring deur Erfenis Wes-Kaap.

Residential		Late 19th C	IIIC		87 Paul Kruger Street	Fransen, 2004. Google Streetview
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BRON: Desktop heritage survey for the Langeberg Municipality Spatial Development Framework, 2013

IIIC	Such a resource is of contributing significance to the environs These are heritage resources which are significant in the context of a streetscape or direct neighbourhood.	This grading is applied to buildings and/or sites whose significance is contextual, i.e. in large part due to its contribution to the character or significance of the environs. These buildings and sites should, as a consequence, only be regulated if the significance of the environs is sufficient to warrant protective measures, regardless of whether the site falls within a Conservation or Heritage Area. Internal alterations should not necessarily be regulated.	Low Significance
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BRON: Grading: Purpose and Management Implications, approved by HWC Council: 16 March 2016

Verkeersimpak, parkering, toegang en ander vervoerverwante oorwegings

Paul Krugerstraat dien as belangrike plaaslike verspreider in Robertson en dra gevolglik meer verkeer as die meeste residensiële strate. Dit is juis as gevolg daarvan dat dit as belangrike verbindingsroete en moontlike groei-as in die Langeberg SDF 2015 voorgestel word. Die relatief hoë verkeersvolume maak dit ook meer voordelig vir besighede om daarlangs te vestig. Die klein omvang van die voorgestelde besigheid sal na verwagting te min ritte opwek om enige noemenswaardige effek op die pad- en verkeerstelsel in die omgewing te hê. (Voorlopige berekening volgens die South African Trip Data Manual (COTO, TMH17, 2013) dui op ritopwekking – in plus uit - van 5.4 ritte/uur gedurende die oggendpiektyd en 8.4 ritte per uur gedurende die namiddag piektyd).

Die voorisening van parkering op die terrein is egter meer problematies. Die getal parkeerplekke wat op die perseel voorsien moet word volgens die soneringskema word bereken teen 1 plek per 25m² GLA vir sakegebruike en 2 plekke vir 'n woonhuis. Die twee parkeerplekke vir die wooneenheid word aan Paul Krugerstraat voorsien is voldoende. Die aansoeker dui die sake GLA aan as 83m² en beweer dat 3 parkeerplekke daarvoor voldoen aan die soneringskemavereiste. Daar is egter 'n losstaande stoor van 18m² wat volgens die eienaar wel vir die sakegebruike se stoordoeleindes gebruik gaan word. Die totale GLA is dus 101m², waarvolgens 4 parkeerplekke vir die besigheid voorsien moet word. Die soneringskema bepaal dat sake-parkeerplekke individueel toeganklik moet wees, maar dat tandem parkering toelaatbaar is vir residensiële gebruik. As dus aanvaar word dat die twee parkeerplekke aan Paul Krugerstraat vir sakeparkering gereserveer kan word en die motorhuis se twee plekke vir die wooneenheid, kan daar nog twee parkeerplekke vir sakeparkering langs mekaar voor die motorhuis ingepas word.

Wat die praktiese uitvoerbaarheid en impak van die parkeerreëlins betref, word verwag dat besoekers aan die besigheid – veral die wegneemetes gedeelte daarvan – onwaarskynlik agter die gebou op die perseel sal parkeer. Die vereiste parkering is egter nie net vir klante bedoel nie, maar maak ook voorsiening vir parkering deur werknemers. Dit is dus moontlik dat die parkering agter deur werknemers gebruik word, terwyl die twee parkeerplekke langs Paul Krugerstraat uitsluitlik vir klante gereserveer word. Die straatreserwe in Paul Krugerstraat is ook voldoende sodat een addisionele parkeerplek in die straat voor die perseel uitgemerk kan word (gegewe die beperking dat parkering minstens 10m vanaf die straathoek moet wees en ook nie voor die twee 90° parkeerplekke kan wees nie).

Die evaluering van die parkering is gebaseer op die voorstel en versekering van die aansoeker dat die besigheid tot die voorgestelde grootte en aard beperk sal word. Indien dit so verseker kan word by wyse van goedkeuringsvoorwaardes, behoort die voorgestelde parkeervoorsiening voldoende te wees, onderhewig aan die wysigings ten opsigte van die toekenning van staanplekke soos hierbo voorgestel.

Impak op die lewenskwaliteit van die inwoners in die onmiddellike omgewing

Impak op privaatheid

Die aard, klein skaal en oriëntasie van die voorgestelde besigheid is sodanig dat dit nie 'n onaanvaarbare impak op die privaatheid en algemene lewenskwaliteit van die inwoners in die onmiddellike omgewing daarvan behoort te hê nie. Hierdie gevolgtrekking is egter gebaseer daarop dat geen uitbreiding of verandering van die besigheid toegelaat mag word nie, ten opsigte van vloerarea, bedryfsure en maksimum getal gaste, asook dat daar geen op perseel drankverkope op die perseel toegelaat sal word nie.

PART I: ADDITIONAL PLANNING EVALUATION FOR REMOVAL OF RESTRICTIONS (REFER TO ROR GUIDELINE)

NVT

PART J: RECOMMENDATION

Dat die hersonering en vergunningsgebruik vir hersonering van erf 644, Robertson vanaf Enkel Residensiële sone I na Sakesone II (winkel) en vergunningsgebruik vir restaurant en woonhuis, ingevolge Artikel 60 van die Langeberg Munisipaliteit : Verordening op Grondgebruikbeplanning, 2015, goedgekeur word, onderhewig aan die volgende voorwaardes:

Grondgebruikbeperkings:

1. Die sakegebruik (wegneemetes, winkel, restaurant en stoor) word beperk tot die dele van die geboue en die vloeroppervlaktes soos aangedui op die terreinplan ROB644-LBM-TP.
2. Die restaurant se sitplek area word beperk tot die areas beskryf as "restaurant" op plan gemerk ROB644-LBM-TP en die toegestane vergunningsgebruik mag net op die goedgekeurde areas uitgeoefen word en impliseer nie dat die regte geld vir enige ander gebou of area op die perseel nie.
3. Die produkte wat vanaf die winkel verkoop word, word beperk tot maaltye en voedsel wat op die perseel voorberei is, verwante bestanddele en –produkte en plaaslike kunshandwerkartikels en sluit nie verkope van alkoholiese drank of huishoudelike produkte en voedselprodukte soos wat algemeen in 'n supermark en kafee verkoop word in nie.
4. Daar mag geen alkoholiese drank in die restaurant of winkel verkoop of bedien word nie, hetsy vir op-oerseel verbruik of verbruik van die perseel af.
5. Die winkel en restaurant mag net gedurende normale besigheidsure bedryf word (08h00 – 17h30 daaglik vanaf Maandag tot Saterdag; Sondae gesluit)

Toegang en parkering

6. Daar moet minstens 6 (ses) standaardgrootte parkeerplekke op die perseel voorsien word. Die parkeerplekke moet as volg toegeken word:
 - 6.1 Twee parkeerplekke binne die bestaande dubbelmotorhuis vir die gebruik van die inwoners van die wooneenheid
 - 6.2 Minstens twee parkeerplekke in die area voor die motorhuis, wat toegang vanaf Loopstraat kry.
 - 6.3 Twee parkeerplekke langs die gebou wat toegang vanaf Paul Krugerstraat kry en wat gereserveer moet word vir parkering deur kliënte.
7. Die aansoeker is verantwoordelik vir die koste om een parkeerplek in Paul Krugerstraat uit te merk, soos bepaal en gereël sal word deur die munisipale Verkeersdepartement.

Advertensietekens

8. Daar mag geen advertensietekens op die perseel aangebring word sonder vooraf skriftelike toestemming van die munisipaliteit nie. Vir die toepassing van hierdie voorwaarde beteken die term "advertensieteken" enige tipe teken, bord, vlag of banier, hetsy permanent of tydelik; vasgeheg of losstaande, wat die besigheid of produkte op enige wyse adverteer.

Munisipale dienste

9. Die koste van enige verlangde opgradering of verandering van die bestaande elektriese aansluiting, netwerk of meetpunt sal vir die eienaar se rekening wees, sowel as die verwante toepaslike grootmaatheffing op daardie stadium.
10. Die aansoeker moet aansoek doen by die munisipaliteit en gebruik maak van 'n besigheidsvullisverwyderingsdiens.

Ander goedkeurings wat vereis word voordat die besigheid bedryf mag word:

11. Die eienaar moet by die Kaapse Wynland Distriksmunisipaliteit se Departement Omgewingsgesondheid aansoek doen vir 'n Geskikheidsertifikaat en voldoen aan die vereistes van Regulasie 638 van Junie 2018 (Regulasies met betrekking tot Algemene Higiene vereistes vir Voedselpersele en die vervoer van voedsel).
12. Die eienaar moet by die Langeberg Munisipaliteit aansoek doen vir 'n Handelslisensie ingevolge die Wet op Besighede, vir die hantering voordat enige voedsel verkoop of bedien mag word.
13. Die eienaar moet 'n rookbeleid opstel en implementeer ingevolge Die Wet op die Beheer van Tabak en Tabakprodukte.
14. Die bepalinge van enige wetgewing en regulasies betreffende geraasbeheer is op die perseel van toepassing en die eienaar is verplig om toe te sien dat die onderneming geen geraasoorlas veroorsaak nie, soos beskryf in die Regulasies Insaake Geraasbeheer, afgekondig kragtens die Wet op Omgewingsbewaring, nr. 73 van 1989 (PK200/2013 van 20 Junie 2013).

PART K: ANNEXURES

Bylae 1 - Planne

Bylae 2 – Motivering

Bylae 3 – Besware

Bylae 4 – Aansoeker se reaksie op besware

PART L: AUTHOR SIGNATURE:

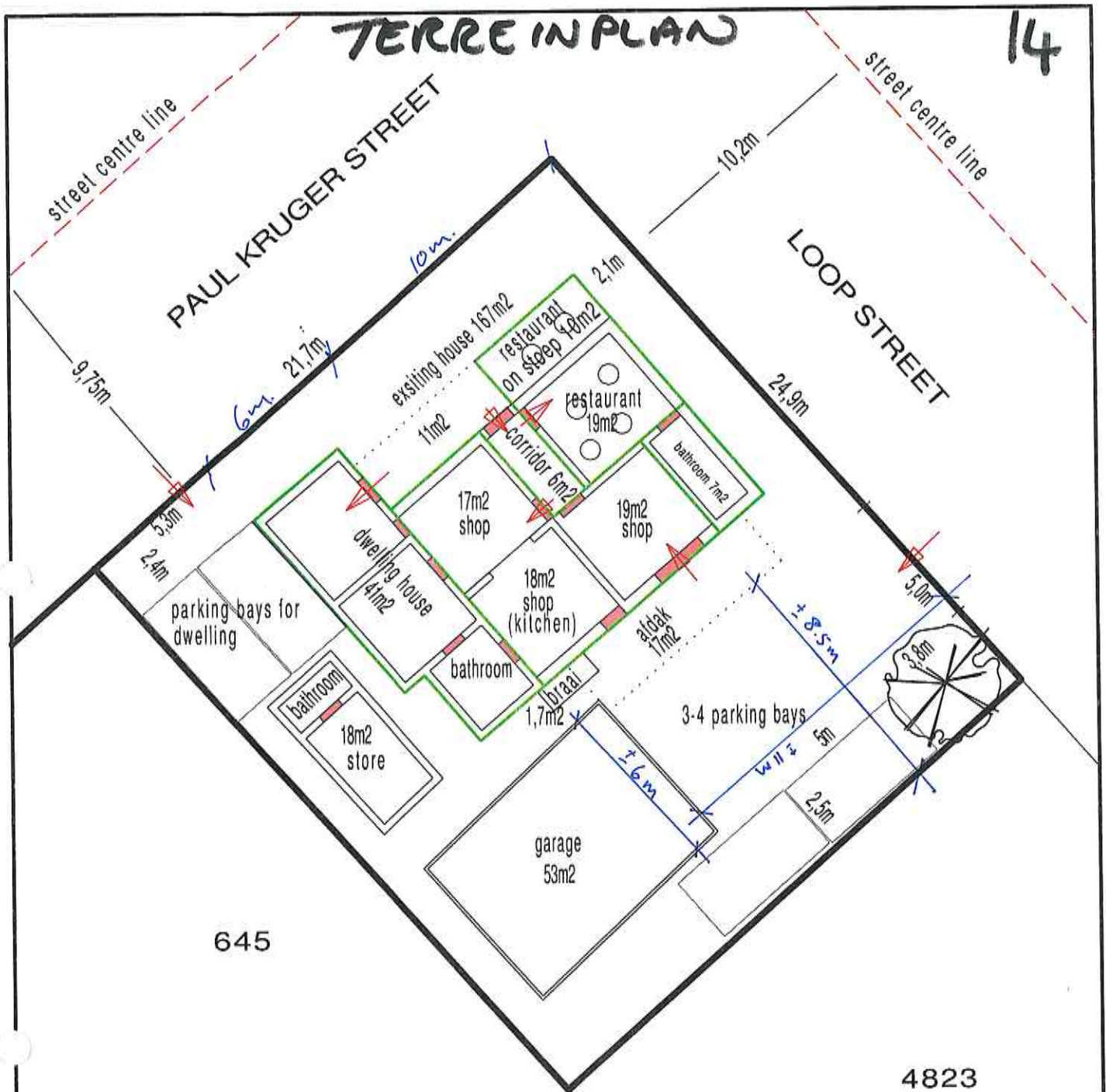


J LE R VAN ZYL
ASSISTANT MANAGER: TOWN PLANNING
REGISTERED PROFESSIONAL PLANNER – NO. A/1170/2000

7/5/2021
DATE

TERRE IN PLAN

14



Development Parameters:

1. Coverage: $238\text{m}^2/548\text{m}^2 = 43\%$
2. Street centre line setbacks: 12,15m and 12,3m
3. Floor factor = 0,43
4. One storey
5. 0m building lines
6. Parking: 2 bays per dwelling
3 bays for 83m² GLA

NOTE: SURVEYED BY MUHL & THERON LAND SURVEYORS

SIZES:

Shop: 54m²
 Restaurant: 29m²
 House: 41m²
 Internal communal areas: 24m²
 Afdak & braai: 19m²
 TOTAL: 167m²

(Shop/restaurant uses may be mixed)

SITE DEVELOPMENT PLAN: ERF 644 ROBERTSON :
 REZONING TO BUSINESS ZONE II (SHOP) WITH CONSENT
 FOR DWELLING HOUSE & RESTAURANT



UMSIZA
 PLANNING
 Town and Regional Planner

SCALE 1:200

ROB644-LBM-TP

15



SCALE 1: 1500

MOTIVATIONAL REPORT

APPLICATION FOR REZONING (incl. CONSENT USES):

ERF 644 ROBERTSON

1. PURPOSE OF APPLICATION

According to Section 15(1) of the Langeberg Municipal Land Use Planning Bylaw of 2015, no person may commence land development without the approval of the Municipality. According to Section 15(2) the owner of land may apply to the Municipality for, *inter alia*, rezoning of land as well as consent uses as contemplated in the zoning scheme.

Erf 644 Robertson was sold to the current owner who had renovated the old house. This was again sold to Adrian and Adielah Potgieter who want to use the house partially for small scale business purposes.

The Potgieters need accessible and desirable space to prepare, introduce and sell homemade Cape Malayan meals and products to the residents of Robertson and beyond.

In addition, value will be added if space is also available for people to enjoy the meals on-site during normal business hours. No alcohol will be served.

2. PROPERTY DETAILS

Erf 644 Robertson / No 87 Paul Kruger Street is 548m² in extent and belongs to Empire Trust according to the letter received from Dykes Van Heerden Slabbert Hopkins Attorneys and Conveyancers (attached).

The draft Deed of Transfer is attached to this letter, as the deed has not been received from the Deeds office yet.

3. LOCALITY AND ACCESS TO ERF

Erf 644 Robertson is located on the corner of Loop Street and Paul Kruger Street in Robertson.

Vehicular and pedestrian access is obtained from Paul Kruger Street, with additional vehicular access from Loop Street.

4. CHARACTERISTICS OF SITE AND SURROUNDING AREA

The erf has a square form with a dwelling house of 167m² facing Paul Kruger Street, double garage of 53m² and an outbuilding with bathroom of 18m² in extent. The driveway from Loop Street to the garage at the back of the erf takes up most of the open space that leaves little space for garden purposes.

The surrounding area is single residential in character with a few mixed land uses in the immediate area:

- Breede River Hospice on Erf Re/604 (c/o Loop Street and Paul Kruger);
- Doctor consulting room on Erf 655 (c/o Van Zyl and Paul Kruger);
- Offices (Isabeau) on Erf 474 (c/o Van Zyl and Paul Kruger);
- Various guest houses such as Vlettershof, Nouveau, Arnheim, Hayburg House, Plumbago and Ballindery.

Paul Kruger Street is the main north-south road through Robertson town and mixed land uses are desirable along such routes, especially on corners and when in support of the surrounding character and style of the area.

5. APPLICABLE LEGISLATION / PLANNING GUIDELINES

According to the Robertson Spatial Development Framework, the application sites falls outside the proposed heritage area of Robertson. The structure of the house will, however, remain unchanged and retain the current character and style of the area. The proposed use is a low intensity and mixed-land use development with low impact.

According to the Langeberg Municipality Integrated Zoning Scheme (IZS) By-Law, Erf 644 is zoned for Single Residential Zone I with dwelling house as primary use.

Dwelling house means a building containing only one dwelling unit, together with such outbuildings as are ordinarily used with a dwelling house, including a storeroom and garaging, a second dwelling unit or additional dwelling, with a floor area which does not exceed 60 m², a braai room, renewable energy structures for household purposes, home occupation; letting to lodgers for long term rentals, a bed and breakfast establishment and home child care.

The IZS makes also provision for Business Zone II with *shop* as primary use, meaning property used for the retail sale of goods and services to the public, and—

- (a) includes a retail concern where goods that are sold in the concern are manufactured or repaired, a funeral parlour, flats above ground, service trade, clinic and the sale of motor vehicles; and

- (b) does not include a hotel, industry, supermarket, motor repair garage, open air motor vehicle display, service station, restaurant, adult entertainment, adult services, adult shop or a liquor store.

Consent uses under this zoning are, *inter alia*, dwelling house and restaurant.

Restaurant means a commercial establishment where meals and liquid refreshments are prepared or served or prepared and served to paying customers primarily for consumption on the property, and may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property.

Applicable development parameters are:

- Floor factor: Max 1;
- Coverage: Max 75%;
- Street centre line setback: All structures 8m from centre line of abutting streets;
- Street boundary building line: 0m;
- Side and rear boundary building lines: 0m;
- Street corners: The Municipality may require the owner of a building to be situated at a public street corner;
- Parking: 4 bays for each 100m² GLA and 2 bays per dwelling;
- Access: No access closer than 10m from intersection; one motor vehicle carriageway crossing per site per public street; combined carriageway crossing min 5m and max 8m wide;
- Loading: 1 required for more than 1000m²; and
- Repair/manufacturing concern in shop:
The floor space relating to any manufacturing or repair concern in a shop may not comprise more than 40% of the floor space of the shop.

6. APPLICATION

Application is made in terms of Section 15(2)(a) and (o) of the Land Use Planning Bylaw, 2015 for the rezoning of Erf 644 Robertson (548m²) from Single Residential Zone I Business Zone II (shop), including:

- Shop of 54m² including manufacturing area (kitchen) of 18m²;
- Internal communal area, i.e. stoep (11m²), corridor (6m²) and bathroom (7m²), in total 24m²;
- Afdak and braai of 19m²; as well as
- Consent use for restaurant for approximate 12 people / 29m²; and
- Consent use for dwelling house of 41m².

TOTAL: 167m²

[Other structures on erf include garage and store room.]

The applicable development parameters of the proposal are as follows:

- Floor factor: 0,43;
- Coverage: $167\text{m}^2 + \text{garage of } 53\text{m}^2 + \text{store of } 18\text{m}^2 = 238\text{m}^2/548\text{m}^2 = 43\%$ coverage;
- Street centre line setback: Paul Kruger Street: 12,15m and Loop Street: 12,3m;
- Parking: 2 parkings for dwelling house from Paul Kruger Street;
- Parking: GLA of shop and restaurant: 83m^2 , therefore 3 parking bays required (4 available);
- Access: Access in Paul Kruger is 16,4m from intersection, while access on Loop Street is 16,5m from intersection;
- Food preparation of 18m^2 in kitchen, therefore 33,3% of shop size. [However, the kitchen will also be shared with the restaurant.]

No departures from the development parameters are required.

7. NEED & DESIRABILITY

Type of use

As the new buyers of Erf 644 Robertson is residing outside Robertson on a small farm, they needs an additional, more accessible outlet in Robertson town where clients can collect from and/or enjoy traditional and fresh Cape Malayan food on the premises. They want to add value to Robertson's wide cultural experience by offering a specialized product and service.

It is intended to make light breakfasts, lunches and take-away suppers, platters, curries, and other Cape Malayan foods in the kitchen. Fresh food, strictly halaal, will be also be supplied to pensioners and ill people.

Home-made meals and other products will be sold such as samosas, pies, half-moons, koeksisters, donuts, spices, jams, cakes, beverages, etc.

This will be combined with other local arts displaying their work to assist with job creation.

It is intended to provide approximately four inside tables and two on the stoep in front for approximately 12 customers that want to enjoy a light breakfast or lunch.

The backroom (showing shop on the SDP) may be used for additional tables if required in future, or to display products, depending on the demand / market.

Examples of traditional Cape Malayan food are shown below.



Potential of property

Erf 644 Robertson had been available in the market and the new buyer saw the opportunity of the property for a combined/mixed shop/restaurant and dwelling where they can optimize their business activities.

Dwelling house:

Although part of the "house", the proposed dwelling house of 41m² is private/separate with doors that can be closed off from the remainder of the "house" with separate parking and outdoor access from the stoep.

It has its own kitchen and bathroom.

The residential component will add value to the property and will provide security in the evenings when the shop and restaurant are closed. This will also support the surrounding residential character.

Shop and restaurant:

The proposed shop and restaurant will be interlinked through a small corridor with a separate kitchen, shop and dining areas. A bathroom is located in the corner of the house that will be accessible to all clients.

A part of the stoep in front will also be used for dining purposes.

Entrance can be obtained from the front or back of the "house".

Adequate and separate parking (4 parking bays) for the small shop and restaurant is available on site from the entrance in Loop Street.

Services are currently provided by the Municipality and will remain similar with no additional demand.

Adherence to Development Principles

- **Spatial Justice**

The proposed shop/restaurant will provide a unique and accessible service to Robertson residents, introducing them to a new culture, a new experience and food typical from the Cape Malayan people. This will also be a tourist attraction beyond Robertson that will attract visitors for a unique experience.

- **Spatial Sustainability & Efficiency**

The location of Erf 644 Robertson on the corner of Loop Street and Paul Kruger Street, the main north-south route through Robertson, makes the application site accessible and desirable for small scale mix use development.

The development will be cost-effective as the existing structure was renovated and will be optimally used as is for a mixture of land uses.

- **Spatial resilience**

Since the character of the house will remain as is, and the proposed use is small scale with low impacts, the proposed use will not contribute to any environmental degradation. The proposed use will contribute to work opportunities and sustainable livelihoods by employing people and serving the neighbourhood and wider area.

- **Good administration**

The application adheres to all development parameters and will be guided by the appropriate policies with input from all role players.

8. CLOSURE

The proposed application for a low intensity mix land use development on the corner of Paul Kruger and Loop Streets is both needed and desirable from a land use point of view.

The proposed use will contribute to the attraction of Robertson by presenting Cape Malayan food to both locals and visitors.

Mr. JJ Bothma
26 Loop Street
PO BOX 151
Robertson, 6705

November 13th, 2020

Langeberg Municipality
3 Piet Retief Street
Montagu, 6720

The Manager: Town Planning
Mr. Jack van Zyl

RE: PROPOSED REZONING & CONSENT USES OF ERF 644, 87 PAUL KRUGER STREET, ROBERTSON

After careful consideration of the correspondence provided by the Applicant, Imsiza Planning and their client, the Potgieter family, we hereby strongly object to the proposal.

Reasons for our decision and not limited to:

Parking:

Although the applicant indicated that there will be six (6) off-street parking bays available, we are of the believe that this is not the case. As the proposed shop / restaurant will be open to the public, one of these bays must be dedicated for the disabled.

The IBZ (BZII) require 4 parking bays per 100m² GLA. Your applicant calculated the floor space for the Shop / Restaurant as 126m², not taking into account that the existing garage, store room and outside toilet area take up another 77m², bringing the total to 203m². Therefor 8 parking bays will be required for business purposes and two (2) for the dwelling. The applicant did not specify that the garage will be for exclusive use of the private residence and it is assumed that the facility will be used as storage for the business. As tandem parking bays are dealt with as single parking bays in the act, it is hard to believe that the applicant will be able to provide four (4) off-street parking bays for client use only. Given the measurements published for square- or angled parking bays.

As the shop / restaurant will sell / serve cold drinks it is further assumed that Peninsula Beverages or similar providers will deliver their stock. Not having off-street parking for such vehicles will mean truck drivers will either use Paul Kruger Street or Loop Street to park and deliver. Both these sections of road are not wide enough to safely accommodate a parked truck, pedestrians and passing vehicles. Loop street residents will not accept or allow that a once quiet, tranquil residential area now has to give way to commercial delivery vehicles.

Shop:

As the applicant did not clearly define what the "shop" will entail, we can not support the application. Specific products / produce attracts specific clients. Having a "shop" that operates as a Spaza Shop will attract shoppers at unwanted hours of the day in a residential area.

Alternative to a Spaza Shop, can a "shop" also refer to a premise where machinery is kept and sold,

having the potential to contribute to the noise levels in the direct vicinity of the other residential properties. Although it was mentioned that the restaurant will serve breakfast and lunch with the option of takeaway dinners, it has not been said what the operating hours of the shop will be? Hours of operations for a "general shop" can be anything from 06h00 to 23h00, seven days a week. It is a proven fact that where Single residential zoned properties have been re-zoned as BZII properties, the properties in the immediate area of such a property loses its value. Unless the entire area has been re-zoned for near future business use.

Restaurant:

In granting business rights for the said property means that the rights remain on that property. Although the applicant has stated that no alcohol will be served on the premises, this does not mean that this will be the status quo going forward. The next owner will have a completely different view of a restaurant and shop. Once BZII rights is granted, nothing will stop anyone owning this property to apply for a liquor license. This in itself will bring upon other challenges in this quite residential neighbourhood. A perfect example to state the above is that of a property known as ERF 956, C/O Reitz and Adderley street, Robertson.

The land use description for "restaurant": Means a commercial establishment where meals and liquid refreshments are prepared or served to paying customers primarily for consumption on the property, an may include licensed provision of alcoholic beverages for consumption on the property, and the option for customers to purchase food for consumption off the property. This proof our point that once BZII has been granted, anything can happen.

As food will be prepared on the premises, strict health principles have to be adhered to, not only in the kitchen but also in terms of the disposal of unwanted food items, containers, etc. As this is a residential area, municipal waist collection happens once a week on a Thursday. We can only think of the unbearable smell coming from the waist disposal area on the premises, if not managed to perfection, that the surrounding neighbours has to live with.

Regardless of the current applicants proposed business hours, going forward with BZII rights, any other restaurant owner will be able to operate until late at night, not suitable for the neighbourhood.

Dwelling:

It has been said in the documentation provided by the applicant that the dwelling has its own kitchen. As this is not indicated on the current floor plan, we have to assume that the kitchen of the restaurant will be a shared kitchen with the residential dwelling and as there will be direct access from the "shop" / "restaurant" to the dwelling, it can be seen that the entire floor space can easily become a business premises without notice. This brings us back to the available off-street parking bays and the fact that the applicant will then turn to the Town Planner to apply for on-street parking bays. This will have another mayor impact on the traffic flow on an already busy Paul Kruger street. Allowing on-street parking in Loop street will most defiantly impact on the residents of Loop Street throughout the week and weekend.

We are not convinced that bringing the residential property into consideration for BZII rights will change anything. We are convinced that by mentioning the residential component in this application is for the short-term planning just to obtain approval for BZII rights.

Area Demographics/ Immediate Surrounding Area:

The area surrounding ERF 644 is predominantly single residential in character. The few mixed land uses in the immediate area as mentioned: Breederiver Hospice, Drs Consulting rooms, Isabeau Skin Care and the various guest houses all have no impact on the residential properties. Their office hours are from 09h00 to 16h00, they do not serve alcohol, they do not have groups of people leaving a restaurant at 23h00, speaking out loud and starting their motor vehicles.

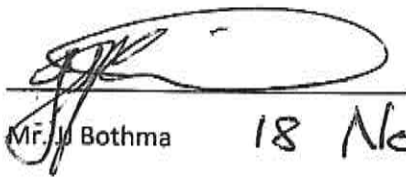
None of the mentioned mixed land properties make use of street parking as all of these properties have more than enough off-street parking for their clients as well as their staff. We as residents of not only Loop Street but residents of Robertson for many years, can not recall a single motor vehicle accident at the crossing of Loop- and Paul Kruger street. Granting business rights to ERF644 will change this in a blink of an eye. Refer to what happened shortly after the opening of De Bakkerij, a few 100 meters down Paul Kruger street and they do not offer sit down meals.

There are more than enough dedicated business premises or properties with BZII rights where entrepreneurs can freely rent or buy premises to operate their business from.

We want to thank The Town Planner and his team for giving us an opportunity to comment on the proposal they have received and trust that The Town planner will reconsider the application keeping in mind the view of the rate-payers in the immediate area of ERF644.

To the applicant, we apologise for not supporting your current business proposition and subsequent application for rezoning and consent uses of ERF844, Robertson. We wish you well in finding an alternative business premises.

Yours sincerely



Mr. J. Bothma

18 NOVEMBER 2020

Development Parameters:

1. Coverage: $238\text{m}^2/548\text{m}^2 = 43\%$
2. Street centre line setbacks: 12,15m and 12,3m
3. Floor factor = 0,43
4. One storey
5. 0m building lines
6. Parking: 2 bays per dwelling
3 bays for 83m² GLA

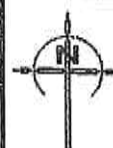
NOTE: SURVEYED BY MUHL & THERON LAND SURVEYORS

SIZES:

Shop: 54m2
Restaurant: 29m2
House: 41m2
Internal communal
Afdak & braai: 19m2
TOTAL: 167m2

(Shop/restaurant uses may be mixed)

**SITE DEVELOPMENT PLAN: ERF 644 ROBERTSON :
REZONING TO BUSINESS ZONE II (SHOP) WITH CONSENT
FOR DWELLING HOUSE & RESTAURANT**



UMSIZA
TOWN AND REGIONAL PLANNING

SCALE 1:200

BESWAAR 2

(S MEYER)

26

LETTER OF OBJECTION

DATE: 18/11/2020

ADMINISTRATION & EXECUTIVE OFFICE
PRIVATE BAG X2, ASHTON 6715
28 MAIN ROAD, ASHTON 6715
admin@langeberg.gov.za
ENQUIRIES: J van Zyl
T: 023 615 8000
LANGEBERG MUNICIPALITY

NOTICE OF OBJECTION TO THE PROPOSED REZONING (INCL CONSENT USES): ERF 644 ROBERTSON

With reference to:

- Notice (Motivational Report) received via registered post, dated: 10 November 2020

Dear Sir/Madam

We,

Shaun & Elreza Meyer

From:

21A Loop Street, Robertson, 6705, ERF: 4823

hereby object to the application for the reasons given below.

- Parking will be a problem for sure, they do not have enough parking for dwelling and for business purposes. Paul Kruger Street too busy for parking bays. Cars will end up parking in front of our houses in Loop Street.
- Safety and Security concern. Now Strangers will be coming and going for eating in or for take-aways.
- We have 2 Boerboel's, Barking will become a disturbance for other neighbor's as our dog's bark very loudly when people come near our yard or drive-way.
- Invasion of privacy. We just bought the house for the peace and quietness of the "Platteland", now they want to turn this residential area into a business area.
- Home devaluation – Risk of losing value on our house to a business operating next door. We are already facing issues with the public park in Loop Street attracting a lot of strangers causing problems on the park.

I reserve the right to amplify and expand upon the formal objection contained in this correspondence at a later stage and in the appropriate forum, if necessary.

While I have many more concerns that can be tabled at this time, I reserve my right to express them during the hearings.

Please advise me of the date and time of any hearings and / or meetings pertinent to this objection.

Yours truly,

SIGNATURE:



EMAIL: production2@montfoods.co.za / shaunmeyer90@gmail.com

TEL / CELL: 060 508 6836 / 064 205 1946

BESWAAR 3

21

(BREWIS)

20 November 2020

Die Bestuurder: Stadsbeplanning

Langeberg Munisipaliteit

MONTAGU

6720

Meneer

VOORGESTELDE HERSONERING & VERGUNNINGSGEBRUIK VAN ERF 644, PAUL KRUGER STRAAT 87, ROBERTSON

BESWAAR

U skrywe dd 10/11/2020 insake bogenoemde verwys.

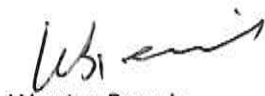
Ek as eienaar van erf 1319, Loopstraat 24 ROBERTSON het nie beswaar vir bogenoemde gebruik as woonhuis maar as in restaurant ook, teken ek beswaar aan.

Ons bly al 20jaar in die stil rustige deel van Robertson. Omtrent 80meter van bogenoemde perseel. Al gaan dit in klein intieme resturant wees, gaan dit veroorsaak dat daar meer motors parkeer gaan word in Loopstraat, veral vir die wegneem etes. Paul Kruger straat bied nie parkeer plek vir motors voor die huis aan nie. Tweedens in restaurant vereis streng gesondheids maatreels en gaan die vullis meer verwyder word wat weer groot trokke in die straat gaan toelaat.

Geen ander kos besigheid word in Loopstraat bedryf nie.

Hoop die skrywe is voldoende

Die uwe



Wouter Brewis