



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

REPORT TO: **MUNICIPAL PLANNING TRIBUNAL**

ITEM NO **MPTNE13/03/19**

**WARD 26: APPLICATION FOR CONSENT USE IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BY-LAW, 2015: ERF 9899, PAROW, 4 RISSIK STREET, PAROW VALLEY**

Case ID	70401143
Case Officer	BABAY
Case Officer phone number	021 444 7843
District	TYGERBERG
Ward	26
Ward Councillor	Cfr Franchesco Waker
Report date	20/02/2019

**1. EXECUTIVE SUMMARY**

Property description	Erf 9899, Parow
Property address	4 Rissik Street, Parow Valley
Application components / description	Consent for a shop
Site extent	495m <sup>2</sup>
Current zoning	General Residential 2 (GR2)
Current land use	Dwelling house
Overlay zone applicable	None
PHRA or SAHRA heritage	'none'
Public participation outcome summary	Notice to neighbours. 1 objection received
Recommended decision	
Approval	✓
Refusal	
Approval in part & Refusal in part	

## 2. BACKGROUND FACTS

296

An application for a temporary land use departure to permit a house shop on the property was approved by Council on the 9<sup>th</sup> of November 2011, which approval has lapsed on the 9<sup>th</sup> of November 2016. The operation of the shop was ceased. The applicant wishes to re-open the shop, hence the subject application.

## 3. SUMMARY OF APPLICANT'S MOTIVATION

3.1. The applicant's motivation of the proposed development (see Annexure D) may be summarised as follows:

- The house shop will create a source of income for the owner of the property.
- Only two people will be operating the house shop.

## 4. PUBLIC PARTICIPATION

		Applicable	Dates / Comments
Advertising	Notice in the media (s81)		
	Notice to a person (s82)	✓	10/09/2018
	Notice to Community organization (s83)		
	Notice to Ward Councillor (s83)	✓	10/09/2018
	Notice of no objection (s84)		
	Notice to Provincial Government (s86)		
	Notice to an Organ of State (s87)		
	Public meeting		
	On-site display		
Outcome	Objections	✓	1 objection was received
	Objection petition		
	Support / No objection		
	Comments		
	Ward Councillor response	✓	No comments were received

### Summary of objection received

4.1. Objection received in respect of the application (see Annexure E) may be summarised as follows:

- The proposed house shop will negatively impact on the safety of the surrounding residents, as the property concerned is situated in close proximity to the Parow Railway Station.
- The previous house shop on the property attracted unsavoury characters and resulted in loitering and burglaries in the area.

### Summary of applicant's response to public participation

4.2. The applicant did not respond to the objection received within the prescribed time period.

## 5. BACKGROUND TO PROPOSAL 297

### **Background**

- 5.1. Refer to Section 2 of this report.

### **Description of the area / surrounding land uses**

- 5.2. The subject property is situated on the corner of Hofmeyer Road and Rissik Street in Parow Valley, Parow, within a medium density residential area in the northern suburbs of the City of Cape Town.

The subject property is located to the south of the Parow Railway Station, within an area predominantly characterized by general residential and single residential zoned properties.

### **Property description**

- 5.3. Currently the property is utilized for residential purposes only. It consists of a single storey dwelling house, second dwelling and garage. The built character and form of the property is that of a typical single residential property.

### **Proposed development**

- 5.4. The owner intends to operate a shop from the existing lounge of the second dwelling on the property. The extent of the proposed shop will be 30m<sup>2</sup> in floor area.

There will be 2 employees who will be managing the daily operation of the shop, which is basically to sell daily consumables to the surrounding community. The proposed hours of operation are from 6h00 to 22h00 from Mondays to Sundays.

## 6. PROPOSAL ASSESSMENT

One objection from the owner of Erf 9995, Parow was received against the application. The objector's concern relates to the possible negative impact on the safety of the surrounding residents.

This office will determine whether the application is desirable or not on the basis of the assessment criteria as listed in the Municipal Planning By-Law.

### **Criteria for deciding application**

- 6.1. Consideration of criteria in terms of Section 99(1):

6.1.1. Compliance with the requirements of the MP8L

- The application for consent use complies with the general requirements for such applications.
- All the applicable processes and procedures have been correctly undertaken.
- The application was duly advertised in accordance with the Notification Operational Policy for Land Use Development Applications, including the posting of registered notices to the owners of surrounding properties.

6.1.2. Compliance or consistence with the municipal spatial development framework (MSDF).

The subject property is earmarked for urban development purposes in terms of the Tygerberg District Plan, which allows for the shop at the proposed scale.

Policy objectives of the MSDF encourage a wide variety of urban uses and the property is located within the urban core as identified in the MSDF. Therefore the proposal is not deviating from the principles of the existing framework.

6.1.3. Consideration in terms of Section 99(3) of the desirability of the following criteria:

a. Socio-economic impact

The proposed shop will provide basic daily necessities/essentials for the local community and will also generate a financial income for the owner and staff member associated with the shop. The proposed shop contributes to the creation of a more efficient urban form that optimizes the use of the existing infrastructure. Furthermore, the proposed house shop will contribute positively to local economic opportunities, as it generates local employment opportunities.

b. Compatibility with surrounding uses

The subject property falls within the residential neighbourhood of Parow Valley, with a number of similar uses in the area. The scale of the shop (30m<sup>2</sup> in extent) is considered to be acceptable and will not be out of character with the surrounding residential area, as the dominant use of the property (176m<sup>2</sup> in extent) will remain for residential purposes.

It is proposed to convert the existing structures for shop purposes and no new construction work will be taking place. Therefore, the residential character of the property will be retained.

c. Impact on the external engineering services

The property is serviced by existing municipal bulk engineering services and given the scale of the proposal, it will not have any negative impact on external engineering services.

Council's Roads & Stormwater Department supports the consent use application, subject to conditions, and commented that a shop with a floor area of up to 50m<sup>2</sup> is exempted from Development Charges in terms of Council's Policy.

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

The objector indicated that the house shop will compromise the safety and well-being of the community due to unruly customers. This office is of the opinion that the applicant cannot be held responsible for the behaviour of customers once they leave the subject property and can only manage anti-social behaviour to a certain point. The proposed shop is furthermore of a small scale with limited capacity for drawing clientele

e. Impact on heritage

The existing building is less than 60 years old and the application therefore do not require any heritage approval.

f. Impact on the biophysical environment

Not applicable to this application

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

The subject property is located within a PT2 zone which promotes the use of public transport, as well as non-motorized options (walking, cycling, etc.). In terms of the DMS, there is no on-site parking requirement within PT2 zone areas. Furthermore, the property is located in close proximity to the Parow Railway Station. This office is of the opinion that very little additional traffic will be generated by the proposed activity due to the fact that by far the majority of the clients will visit the shop by foot.

Therefore this office is in agreement with Council's Integrated Transport Planning Department that the application for a house shop can be considered favourably.

h. Conditions that can mitigate an adverse impact of the proposed land use

The imposition of the conditions of approval, attached as Annexure A, should mitigate the impact of the proposal on the surrounding area.

6.1.4. Would approval of the application have the effect of granting the property the development rules of the next subzone within a zone?

No

**I am satisfied that the decision making criteria in Section 99(1) have been complied with.**

**I am satisfied that the considerations in Section 99(3) have been assessed and that the proposed land use is desirable.**

## 6.2. Consideration of criteria in terms of Section 99(2)

### 6.2.1. Any applicable spatial development framework

#### Municipal Spatial Development Framework (MSDF)

The proposed land use is consistent with spatial planning principles in terms of the MSDF, especially with regard to improving economic circumstances through appropriate land uses within the residential environment.

### 6.2.2. The proposal is consistent with the DMS and does not amount to an invasion of intent.

### 6.2.3. Applicable policy or strategy approved by the City to guide decision making

#### Economic Growth Strategy, 2013:

The proposal is considered to be in line with the City's IDP with regard to the creation of an economically enabling environment in which investment can grow and jobs can be created.

### 6.2.4. Consideration in terms of Section 99(3) of the extent of desirability of the following criteria: (Please see Section 6.1.3 of this report).

**I am satisfied that the decision making criteria in Section 99(2) have been complied with.**

## 7. REASONS FOR DECISION

### 7.1. Reasons for the recommended decision for **approval** relating to the application for the consent use may be summarised as follows:

#### 7.1.1. The proposal is consistent with spatial planning principles, especially with regard to improving economic circumstances through appropriate land uses within the residential environment.

#### 7.1.2. The proposed shop is small in scale (30m<sup>2</sup> in floor area) in relation to the main dwelling (176m<sup>2</sup>) and will not detrimentally affect the residential character of the surrounding area.

#### 7.1.3. The proposed shop is desirable in its current location and will not significantly impact on the existing rights of surrounding property owners.

#### 7.1.4. The dominant use of the property will remain residential and the operator of the shop will be residing on the premises.

#### 7.1.5. As indicated by the City's Transport Engineer, the proposed shop will not negatively impact on the existing traffic and road safety conditions within the surrounding area.

7.1.6. As indicated by services departments, external services capacity would be sufficient to accommodate the proposed shop.

7.1.7. The proposal satisfies the desirability criteria contained in section 99 of the Municipal planning Bylaw, 2015.


## 8. RECOMMENDATION

In view of the above, it is recommended that:

8.1. The application for consent use to permit a shop on Erf 9899, Parow, be **approved** in terms of Section 98 (b) of the Municipal Planning By-law, 2015, in accordance with the site layout plan, attached as Annexure C, subject to the conditions contained in Annexure A.

## ANNEXURES

Annexure A	Application details and approval conditions to be imposed
Annexure B	Locality plan / Public participation map
Annexure C	Site Layout Plan
Annexure D	Applicant's motivation
Annexure E	Objection received
Annexure F	Internal departmental comments


  
 \_\_\_\_\_  
 Registered Planner

Name:

Donaldt Smit

SACPLAN NO:

5/8099/2001

  
 \_\_\_\_\_

Section Head

Name: TR Kotze

Tel no: 021 444 7506

Date: 20.02.2019

  
 \_\_\_\_\_

District Manager

Donaldt Smit

021 444 7800

25/02/2019

# Annexure

## A

## ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means Erf 9899, Parow

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

"Dir: DM" means Director: Development Management or his/her delegatee.

**CASE ID: 70401143**

### 1. APPLICATIONS GRANTED IN TERMS OF SECTION 98 (b) OF THE BYLAW

- 1.1. Consent use to permit a shop on a portion of the property.

### 2. CONDITIONS OF APPROVAL IMPOSED IN TERMS OF SECTION 100 OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW

#### LAND USE MANAGEMENT

- 2.1 That the development of the property shall be substantially in accordance with the Site Layout Plan, attached as Annexure C.
- 2.2 That the shop is limited to a total floor area of 30m<sup>2</sup>.
- 2.3 That the operator to be the owner or lessee of the property and that the operator must reside on the premises.
- 2.4 That the operating hours of the shop are restricted from 07:00 until 22:00 from Monday to Sunday.
- 2.5 That only one un-illuminated advertising sign shall be permitted, which shall be affixed to the outbuilding and shall not exceed 0.5m<sup>2</sup> in surface area, which will comply with Council's Outdoor Advertising Signage By-Law. Free-standing signs on roofs and flagpoles will not be allowed.
- 2.6 That a building plan for the conversion of portions of the existing second dwelling for the purposes of the shop, in accordance with the Site Layout Plan, attached as Annexure C, be submitted to the Council for approval, prior to the use of the structure for shop purposes.
- 2.7 That no sale of liquor or alcohol beverages, storage or sale of fireworks, gas and gas containers, vending machines, gaming machines, video games and pool tables shall be permitted on the premises.

#### TCT: INFRASTRUCTURE & MAINTENANCE

- 2.8 That no additional service connection be permitted.

# Annexure

## B



**Sub Council: Subcouncil 4**



1:1 627



✱

Generated by: B Abay

Date: Friday, February 08, 2019

File Reference: 70401143



### Wissenschaftliche Ziele

# Annexure

## C



# Annexure

## D

City of Cape Town  
Paro civic  
Town Planning DPT

309

REF 9899.  
4 Rissik Street  
Paro.

Re. Application for a Shop.

Due to the accident that recently occurred to me. and permanently put me on the wheelchair I would like to apply for a tuckshop on my property to help me sustain my family.

The tuckshop will be selling daily use commodities such as sweets, bread, milk, Stationery etc. We believe this development will also bring safety to the kids as usually its the small children being sent to the shops around.

Two people will be operating the shop on daily basis. We would like to open as early as six and close at 2:00hrs to help the need off people who goes to work early before the big shops opens and close late to help the people who pass through after closure of big shops around.

# Annexure

# E

## **Bisrat Abay**

---

**From:** Comments\_Objections Tygerberg  
**Sent:** Tuesday, October 16, 2018 2:38 PM  
**To:** Yonela Rasmeni  
**Cc:** Bisrat Abay  
**Subject:** FW: Re Application no 70401143

311

Fya

**From:** Carol Williams [mailto:carol.williams1912@gmail.com]  
**Sent:** 10 October 2018 10:59 PM  
**To:** Comments\_Objections Tygerberg  
**Subject:** Re Application no 70401143

Good day

With reference to the above mentioned application, I hereby oppose the application, due to safety concerns. Reason for objection is that the house is situated in close proximity to the railway station. Previously when there was a shop at that very same address it attracted unsavoury characters and they were always hanging around till late and there were also house breakings in the area in the past. With that said safety of the residents will be compromised, hence the reason for the objection.

Carol Williams  
16 Hofmeyr Street Parow Valley.  
All correspondence can be made to my e mail.

Kind regards.

# Annexure

## F



**TDA**  
CAPE TOWN

The City of Cape Town's Transport  
and Urban Development Authority

313

## MEMORANDUM

To: Yonela Rasmeni / Bisrat Abay

From: Nazier Samodien

Date: 21 September 2018

**CASE NO 70401143 : PROPOSED CONSENT USE : ERF 9899, 4 RISSIK STREET, PAROW**

---

### Application details:

- Proposed consent use to permit the operation of a house shop (30m<sup>2</sup>) from the premises.

### Comment:

This branch offers **no objection**, subject to:

- The house shop being limited to 30m<sup>2</sup>.

Regards

**Nazier Samodien**

Senior Principal Officer

TIA and Development Control

## MEMORANDUM

**Ref:** 70407301

**To:** Development Management  
**Attention:** Biscat Kiros Abay

**From:** Ubaid Sauls

**Date:** 28 September 2018

**Subject:** **CONSENT USE APPLICATION IN RESPECT OF ERF 9899, 4 RISSIK STREET, PAROW**

---

Your memorandum received via DAMS, changed on 21 September 2018, refers.

### 1. NATURE OF APPLICATION:

- 1.1 Consent use in order to utilise a portion of the existing dwelling for a house shop, measuring approximately 30m<sup>2</sup> in extent.

### 2. COMMENTS:

- 2.1 According to our GIS records there are no existing municipal services located within the boundaries of the subject Erf.
- 2.2 In terms of section 8.2.1 (iv) of the Development Charges (DC) Policy for Engineering Services for the City of Cape Town (Approved Policy C41/05/14-29 May 2014) a house shop up to 50m<sup>2</sup> per erf is exempted from DC's.

### 3. RECOMMENDATION:

This Department offers in principle no objection to the proposed application on Erf 9899, subject to the following conditions:

- 3.1 That the consent use be limited to a house shop of 30m<sup>2</sup>.
- 3.2 That no additional service connections be permitted to the site.
- 3.3 That no signboards be erected within the public right of way.

Yours sincerely

**Ubaid Sauls**  
Development Facilitation, Project Management & Design

[http://cityteams.capetown.gov.za/sites/default/files/shared\\_documents/DEV\\_FACIL/Dev\\_Approv/Gwd - Parow/9899 Sep2018 - TDA AMM - Consent Use \(House Shop 30m2\).docx](http://cityteams.capetown.gov.za/sites/default/files/shared_documents/DEV_FACIL/Dev_Approv/Gwd - Parow/9899 Sep2018 - TDA AMM - Consent Use (House Shop 30m2).docx)



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

315

SAFETY AND SECURITY  
FIRE AND RESCUE

Lance Abrahams  
Platoon Commander

T: 021 444 8290 F: 021 444 8297  
E: lance.abrahams@capetown.gov.za

TO: Planning & Building Development Management:

Date: 2018/09/06

REF: T31/2/2/1/1/2/1

Proposed Application For Tuck Shop & Additions

ERF 9899: 4 Rissik Street, Parow

RE: LUMS70401143

The Section: Fire and Rescue Services has no objections to the above mentioned application, *subject to the following:*

1. Compliance with SANS 10400 of 2011 and the Community Fire Safety By-law, Provincial Gazette 5832 (as amended 29 June 2007), with special reference to –
  - Fire Protection Plans to be submitted for all the proposed buildings.

Yours faithfully,



L. Abrahams

For I. Schnetler  
Chief Fire Officer



316

## MEMO

DATE: 19 September 2018  
TO: LANDUSE MANAGEMENT  
ATTENTION: BISRAT KIROS ABAY

### PROPOSED CONSENT USE & DEPARTURE ON 4 RISSIK STREET, PAROWVALLEY ERF 9899

1. Compliance with the National Building Regulation and Standard Act (Act No. 103 of 1977). Building plans must be submitted for any new building(s) or alterations to the existing building(s). All requirements set by this department must be complied with.
2. Compliance with the Noise Control Regulations P.N. 200/2013 as promulgated under the Environmental Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners. In this regard it must be noted that any noise producing plant or equipment must be adequately muffled.
3. Compliance with the National Environment Management: Air Quality Act (Act No. 39 of 2004) and City of Cape Town Air Quality Management By-Law, 2010.
4. No smoking must be allowed on any public premises unless it complies with the Tobacco Products Control Amendment Act, No. 23 of 2007.
5. Compliance with the City of Cape Town Environmental Health By-Law No. 13333 of 2003.
6. Should the premises be used for a category of business which is required to be licensed in terms of the Business Act No. 71 of 1991 i.e. Sale and Supply of Meals; Health and Entertainment; etc., then application must be made for the relevant Business License.
7. Should food be prepared or handled then application must be made for a Certificate of Acceptability for food premises in terms of Regulation 638 of 2018 - General Hygiene Requirements for Food Premises and the Transportation of Food.
8. The Executive Director of Health Services reserves the right to call for a full Environmental Impact Assessment and/or additional requirements if so warranted.

FREDL KLAASEN

(for) HEAD: ENVIRONMENTAL HEALTH