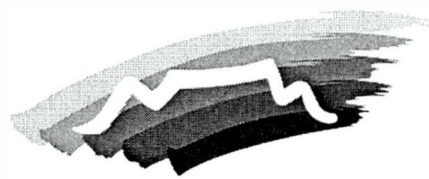


A LAND USE MANAGEMENT POLICY FOR BELGRAVIA ROAD, ATHLONE



CITY OF CAPE TOWN | ISIXEKO SASEKAPA | STAD KAAPSTAD



DUXBURY'S

TOWN AND REGIONAL PLANNERS ■ PROFESSIONAL LAND SURVEYORS

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1. INTRODUCTION

In recent years there has been significant pressure for the conversion of residential properties to non-residential uses along Belgravia Road.

The Directorate: Town Planning frequently assesses land use applications along this road, but in the absence of a local area policy. The change of use rights attached to a property can be facilitated through the following mechanisms:

- Rezoning – where the existing rights attached to the land are converted to more, or less, restrictive use rights. Rezoning is a permanent land use right change;
- Consent – where predetermined secondary use rights are added to the primary rights attached to the property. Consents are usually permanent land use right changes;
- Home Industry Consents – where a resident uses part of his/her primary residence for certain non-residential uses;
- Departures – where a property is used in accordance with use rights of a different category other than what the existing zoning allows, but often on a temporary basis;
- Subdivisions – dividing the parent property into smaller erven;
- Consolidations – combination of erven into one entity, the reverse of subdivision;
- Removal of Restrictions – removal or amendment of restrictive title deed conditions that limit use of a property.

In each case, the City must judge the land use application using an integrated planning approach and on its merits of which a policy forms an integral part. The absence of a policy for this road thus hinders effective decision-making. A policy to deal effectively with the applications for land use change is therefore required.

2. LEGAL EFFECT OF THIS POLICY

A policy, once adopted by the City, does not automatically grant new land use rights nor does it remove any existing use rights. The policy remains an administrative and guideline document only, as a basis for fair, equitable and integrated decision making.

3. AIM

The primary aim of this project is to formulate a local land use policy for Belgravia Road, from Klipfontein to Turfhall Roads, for adoption by the City, which can attempt to guide and direct future market trends and guide decisions on land use applications.

The document is not intended as a Development Framework, and will not result in action from the City (such as the unilateral amendment of land use rights for any of the affected properties).

The aim of this policy is to provide clear guidance and principles for property owners, officials and public representatives as to the nature of applications that are desirable. It is recognised that land uses are subject to periodic pressures for change due to the dynamic nature of the urban environment.

A policy is not capable of solving all land use issues which face the specific environment under consideration. But policy should act as a clear and implicit vision for desirable development, informed by the contextual realities and dynamics of Belgravia Road in its function as a sub-metropolitan structuring element.

The policy direction to be assumed must take cognisance of the conflicting interests in the study area. The concerns of the local residents must be weighed up against the aspirations of the

burgeoning business fraternity, and the need for economic stimulation of Small, Micro and Medium Enterprises (SMME). This must be considered against the various broader planning policies as well as the strategic priorities of the City.

4. SUB-METROPOLITAN CONTEXT

Belgravia Road as a Route of Metropolitan Significance is a Local Distributer (class 4). As seen in Figure 1, Belgravia Road has good accessibility to the metropolitan road network, due to its intersection with Klipfontein Road, and proximity to Kromboom Parkway (M5) and the N2.

The road serves the local residential neighbourhoods (Athlone, Gleemoor, Belgravia, Belthorn Estate, Penlyn Estate) and is a local mobility route. It is an important local north-south connection between the Klipfontein Road metropolitan activity corridor and Turfhall Road, but is of subordinate importance, in terms of mobility, when compared to the two parallel, and nearby, routes of Jan Smuts and Vanguard Drives.

Belgravia Road is a public transport route, with frequent bus and mini-bus taxi services. Direct property access onto the road is problematic because of the high traffic volumes. Two-way traffic volumes along Belgravia Road range from 500 to 1300 vehicles per hour, with highest volumes closer to the Klipfontein Road intersection. The various suburbs along the road have effective accessibility to the metropolitan road network, and have good proximity to places of employment and entertainment thus making them desirable and convenient residential areas.

As can be deduced from Figure 1, and as mentioned previously, Belgravia Road is an important structuring element in the local area. But the road has two distinct functions:

- The northern section between Klipfontein and Kromboom Roads performs as an Activity street, as suggested in the Metropolitan Spatial Development Framework – the street is served by public transport and a high intensity of mixed uses exist;
- The southern section between Kromboom and Turfhall Roads retains a predominantly single residential character.

The prevalence of various non-residential uses along Belgravia Road naturally gravitates towards the intersection with Klipfontein Road, where the highest intensity of sub-metropolitan activity occurs due to the Metropolitan Corridor status of the road. By contrast the southern section of Belgravia Road terminates in a mono-functional industrial area. The southern section does not display the same characteristics and opportunities as the northern section, therefore it does not function as an Activity street.

In terms of a hierarchical city structure it is clearly evident:

- That the northern section of Belgravia Road (from Kromboom Road) is a local Activity street;
- That the southern section of Belgravia Road serves a residential purpose.

5. THE STUDY AREA

The area under consideration and for which the policy needs to be formulated is the row of erven abutting either side of the length of Belgravia Road, from the Turfhall Road intersection to the Klipfontein Road intersection. As seen in Figure 2, most properties have direct access off the road, except for the 7 southern-most erven on the eastern side, which are provided with service road access.

The study area contains approximately 220 individual properties, and Figure 2 highlights the subject properties.

6. POLICY CONTEXT

At present, no specific policy exists for Belgravia Road. Two overarching policies adopted by the City, the Metropolitan Spatial Development Framework and the Municipal Spatial Development Framework, provide a very broad guiding framework for decision-making regarding land use applications within the metropolitan and sub-metropolitan contexts. The principles guiding development are discussed in Section 12.

6.1 Metropolitan Spatial Development Framework (MSDF)

The MSDF makes mention of Belgravia Road as an Activity street: “as an illustration, roads in the CMR that currently (or under the right conditions could) function as activity streets are Belgravia Road in Athlone...” (MSDF Technical Report, p.52). However, the MSDF tasks local authorities to determine which roads qualify as activity streets, and as such should attract higher intensity commercial and residential mixed use and to provide spatial structure at the sub-metropolitan level. It is therefore necessary to refine the description of Belgravia Road as an Activity street since it is evident that only the northern section of this road can be classified as an Activity street.

As discussed in Section 4,

- The northern section between Klipfontein and Kromboom Roads performs as an Activity street, as suggested in the MSDF – the street is served by public transport and a high intensity of mixed uses exist;
- The southern section between Kromboom and Turfhall Roads retains a predominantly single residential character.

6.2 The Municipal Spatial Development Framework (Muni-SDF)

This policy promotes urban restructuring and a more efficient utilisation of land, and also encourages residential densification across the city, where appropriate. Belgravia Road is not identified as a route that has a particularly important structuring role in the hierarchy of urban routes. Only a short section, the link between Kromboom and Hood Roads, is seen as part of an integrating continuous route along which social facilities are to be located. The hierarchy of routes in the Muni-SDF differs in places to the hierarchy expressed in the MSDF.

6.3 Road Improvement Scheme

There is a Road Improvement Scheme at the intersection of Kromboom and Belgravia Roads. This Scheme proposes an extension eastwards of Kromboom Road to join with College Road. The desirability of the scheme is being reassessed by the City and there is a possibility that the extension will be deproclaimed.

6.4 “General Principles for Land Development” in terms of the Development Facilitation Act, No 67 of 1995”

These principles include:

- i. reducing urban sprawl,
- ii. encouraging environmental sustainability,
- iii. optimising the use of existing resources and infrastructure,
- iv. promoting a diverse combination of land uses, also at the level of individual erven,
- v. promoting the availability of residential and employment opportunities in close proximity to or integrated with each other, etc.

Referring to these principles, the Green Paper on Development and Planning (gazetted on 21 May 1999) remarks that the principles "are intended to bring about a radical change to the characteristic form and structure of South African settlements. They represent an outright rejection of the low-density, sprawling, fragmented ... forms of development."

The Resource Document on the Chapter 1 Principles of the Development Facilitation Act, issued in February 1999 by the Development and Planning Commission clearly states that the principles affect, *inter alia*, "the planning of whole settlements as well as parts or elements of settlements" and "the decisions of all public authorities affecting land development under any law" (p4). The principles are normatively based and the Resource Document states that "an important point is that when designing and assessing projects, the principles cannot be applied one by one".

Not all of the principles will apply in all cases and, if they are not considered holistically, it may seem that some principles are in conflict with others. Projects should be "designed and assessed in terms of their potential to further the concerns underpinning the principles" (p10). It must be noted that the principles promote complexity and diversity in urban form, which is a "hallmark of positive environments" (p8). It rejects the static, blueprint (ie end-state) form of planning that once characterised many decades of urban development in this country.

7. CURRENT ZONING

Figures 3A and 3B indicate the current zoning of properties along Belgravia Road. It must be noted that the zoning does not indicate consent uses or temporary land use departures; in other words uses allowed within a certain zone, but which are not primary rights.

Noteworthy is the dominant area zoned General Commercial C2 on the eastern side of Belgravia Road, from Klipfontein to Voël Roads. This contrasts particularly with the Single Dwelling Residential zonings immediately to the west of these properties which also front onto Belgravia Road. The General Commercial erven are subject to specific provisions under Section 101 of the Cape Town Zoning Scheme Regulations which restricts the creation of Industrial Uses on single or combined erven larger than 1000m².

The remainder of the properties fronting Belgravia Road are mostly zoned Single Dwelling Residential. Many of the existing formalised non-residential activities along the remainder of the road are zoned Special Business, with only 2 out of 21 non-residential zoned properties being zoned General Business. The intention of the Special Business zone is to protect the residential scale of buildings along a street. The building "envelope" on a property so zoned is limited to the same "envelope" as a Dwelling House.

8. URBAN DEVELOPMENT ZONES

The properties fronting the eastern side of Belgravia Road, from one property south of Voël Road up to Klipfontein Roads, are included as part of the Cape Town Urban Development Zone, (refer to Figure 3A). Within this zone, a property owner would receive a tax deduction for renovation, refurbishment and redevelopment of properties. The building must be retained in the developer's ownership for a minimum of one year in order to qualify for the tax deduction. The zone was established to reverse urban blight by encouraging reinvestment in existing commercial centres. The fact that the zone includes this section of Belgravia Road indicates that this part of the road is recognised as an important local business area.

9. EXISTING LAND USE PATTERN

A land use survey was undertaken in October 2004, and is depicted in Figures 4A and 4B. It must be noted that the land use map simply reflects existing land uses regardless of whether or not they are legal.

Belgravia Road has been an important trading thoroughfare for Athlone for some time. The road essentially has two dominant characters:

- That of a mixed use commercial and residential Activity street generally from Kromboom Road northwards, and
- A predominantly single dwelling residential character exists to the south of the Kromboom intersection, but is interspersed with clusters of business uses around 3 local nodes. They are clustered at:
 - (i) Kromboom to Benbow Roads,
 - (ii) Port Jackson to Repulse Roads, and
 - (iii) Arbeids to Graphite Roads.

The section between Klipfontein Road and Voël Road has a stark contrast between relatively large multi-storey business and commercial uses on its eastern side, and with single dwelling residential scale buildings along its western edge. On the western side, there are numerous home industries, offices and medical consulting rooms north of Boeschoeten Road. The eastern side has four mixed retail and office properties and one mixed retail and residential property, as to be expected so close to the Klipfontein Road activity corridor. This section of road north of Voël Road is the embodiment of an Activity street that intersects with a metropolitan activity corridor (Klipfontein Road). Two properties (at Denchworth and Gleemoor Roads) are used solely to meet parking needs for the commercial strip on the eastern side of the road. Parking is prohibited on the western side of the road in this area during the day to primarily facilitate public transport movement.

The character of this stretch of the road is typical of a busy activity street. However, the urban environment is devoid of landscaping in this area, apart from limited vegetation in the front gardens of the properties on the western road frontage.

South of Voël Road, all the way to Turfhall Road, there is a repetition of continuous single dwelling residential use punctuated by small commercial nodes clustered around signalised intersections. A node exists between Kromboom and Benbow Road; a further node around the Repulse Road intersection, and a third node between Central Avenue and Graphite Road. A feature of the southern road section is that there are 5 major civic facilities located along it, reinforcing the local amenity value of the road:

- Sportsfield, opposite Voël Road
- College of Cape Town, with an underutilised sport field, Kromboom Road
- Heatherdale Primary School, Veld Road
- Community Health Clinic, Honeyside Road, and
- Turfhall Sports Field and Belthorn Community Centre, Turfhall and Kinder Roads.

Furthermore, two local parks abut Belgravia Road, at Belthorn Road and Dolomite Avenue.

The intersection at Hood Road is particularly dominant as a small node, with a mix of service station, office, education and retail uses. The character of this stretch of the road is typically suburban with corner shops at points of highest local accessibility.

10. LAND USE TRENDS

Land use trends are derived from:

- Recent land use planning applications (over the last 4 years) submitted to the City, and
- Correlation between zoning map and observed land uses.

From documentation received, it appears that 11 formal applications for land use change have been made along the entire road in recent years.

Figure 5 indicates the applications. The formal applications do not translate into a distinct spatial pattern. It is difficult to establish a trend from such a small sample (11 applications). However,

- 2 home industries were approved (mechanic and attorney's office)
- 2 rezonings from Single Dwelling Residential to business zones were approved. Both of these are within local nodes
- 2 industrial (building material) land use applications were refused in 2003 (marked in black on Figure 5), due to negative impact on neighbours, amongst other issues.

In some areas along the road, the land use survey does not correlate with the existing zoning of properties. There is a clustering of unauthorised non-residential land uses north of St Athans Road, on the western frontage of the road, immediately opposite the dominant commercial strip. Further unauthorised uses are dispersed along the remainder of Belgravia Road, without any overt spatial pattern being evident. In total, at least 10 properties do not appear to have appropriate use rights.

What is noteworthy from the formal and unauthorised land use changes is that these changes have occurred on individual properties only. There appear not to have been any consolidations to create larger commercial properties. The nature of land use change has therefore mirrored the residential neighbourhood scale of the road, in other words the uses that have located along the road are responding to the limited local traffic (in comparison to traffic along Klipfontein Road, for example).

11. IMPACTS OF LAND USE CHANGES

Of primary importance to the functioning of the urban environment along Belgravia Road is the effect of land use change from residential to non-residential use. The implications of such changes need to be identified, and serve as a basis for specific recommendations in the policy. The impact of land use change from residential to non-residential use must be viewed in a broader, cumulative context.

Context and Function

There is a hierarchy of spatial structuring elements that create a well functioning and integrated urban environment. As explained under Sections 4 and 6, Belgravia Road's place in this hierarchy is divided: from Kromboom Road northwards, Belgravia Road is an Activity street; south of Kromboom, it serves the local residential population and does not have the characteristics of being an Activity street. This implies that only the northern section could support higher order mixed uses, beyond home industries and institutions. Higher order land use changes are suited to incipient or existing Activity streets that are supported by public transport. The cumulative impact, in terms of context, is that commercial expansion along the whole of Belgravia Road would weaken the existing, proper Activity streets section of the road. The spatial order at the sub-metropolitan scale becomes undermined.

Impact on Existing Business Areas

The conversion of residential stock to business or commercial uses is seen as having a negative cumulative impact on established business areas. Thresholds cannot be maintained, since the southern, residential section of Belgravia Road begins competing for the same customers that the established northern Activity street attracts.

Loss of Residential Stock

The supply of residential units in an area where they are sought-after is greatly affected by land use change to commercial use. The loss of housing stock is a cumulative issue. New residential opportunities in the suburbs along Belgravia Road are limited.

The retention of established residential areas in the Belgravia Road context is also important as they provide residential accommodation in close proximity to employment and recreation opportunities. Metropolitan transport networks are easily accessible, which means that the impact of commuting distances and attributed social and economic costs is lessened. Furthermore, with reference to the northern road section, it is characteristic of an Activity street to have integrated residential and business uses on individual sites.

Commercial Creep

Continued business intrusion that does not relate to the residential neighbourhood has negative effects on the residential quality of the area. The impact of individual rezonings or similar applications to business or commercial has an ever increasing cumulative impact on the quality and amenity value of the residential environment along Belgravia Road, particularly the southern section of the road, as referred to throughout this document.

Nuisance Uses

Particularly the introduction into residential areas of industrial type uses that potentially carry a nuisance factor for adjoining neighbours (such as the manufacture of pre-cast slabs, or panel beaters) is problematic. The cumulative impact is that, as with commercial creep, the amenity value of the residential neighbourhood is diminished. This would include issues of crime related to unoccupied properties.

12. DEVELOPMENT PRINCIPLES

There are overarching development principles contained in the planning and strategic policies of the City which should form the basis of decision-making along Belgravia Road. These are formulated in a generic way since they are meant to apply equally throughout the City, and therefore have to be interpreted within each local context. What follows is a brief examination of these policies and how they apply to Belgravia Road.

- Cape Town Integrated Development Plan Strategic Objectives (2004/05)
 - Moving growth to urban areas
Application: Belgravia Road is suitable for absorbing additional residential growth, particularly the northern section of the road where it is within 100m of the Klipfontein Road activity spine.
 - Improving current settlements
Application: this relates to retaining the mobility function of the road, and easing access for residents fronting onto the road. An example is the restriction of parking on the western side of the road, between Kromboom and Klipfontein Roads, to primarily facilitate the public transport movement.
 - Becoming more competitive
Application: this principle is not directly applicable to Belgravia Road, since it refers to the City being more competitive regionally and globally. But indirectly a well functioning urban environment contributes to competitiveness.

- Job creation

Application: the function of Belgravia Road's northern Activity street function facilitates job creation. The southern residentially dominant area will not be a job creation hub, since it is predominantly a road within residential neighbourhoods. However, the notion of home industries as a source of job creation is a desirable addition to Belgravia Road, since the scale of this type of industry is compatible with the residential focus.

- Building better communities

Application: this includes all aspects of urban life: safety, comfort, privacy, choice, accessibility and variety of uses. For Belgravia Road the issue of balancing residents' needs for a good residential environment contrasts to aspirations for commercial growth. Generally, commercial growth should be accommodated within the Activity street section of the road only, in the interests of a better community.

- Good public transport

Application: Belgravia Road is already a public transport route with frequent bus and mini-bus taxi services.

- The Metropolitan Spatial Development Framework which promotes among its key objectives:

- A mutually supportive mix of residential, recreational, commercial and employment opportunities

Application: it must be reiterated that the MSDF is worded very conceptually, and deals primarily with the major spatial structuring elements within the City. The notion of a mutually supportive mix of opportunities should not apply to every street within the City that happens to carry relatively high amounts of traffic.

- The identification of smaller scale routes, known commonly as activity streets, which can provide important opportunities within local areas, and serve to integrate activity corridors and urban nodes into the surrounding areas. The MSDF identifies Belgravia Road as an Activity street.

Application: As stated throughout this document, the actual mixed use development that typically defines an activity street, only begins to emerge from the Voël Road intersection northwards. Therefore, this policy will refine the activity street section of Belgravia Road to be constrained to the section between Voël and Klipfontein Roads. The remainder of the road should retain its residential function.

- Creation of quality urban spaces

Application: The quality of dwellings along Belgravia Road varies, as does the quality of the urban environment, such as sidewalks and public spaces. The well established residential quality along the southern section of Belgravia Road should be maintained.

- Residential intensification

Application: Belgravia Road is still predominantly characterised by Dwelling Houses, except in the Activity street section (as described throughout this document), with a low density of approximately 12 dwelling units per hectare. There is certainly scope for increasing the residential densities (particularly by means of Second Dwellings, ie "granny flats"), depending on specific impacts such as access to each site, height of buildings and effect on neighbours, and so on. The importance of appropriate building design is stressed to minimise the impact of densification.

The MSDF suggests a residential density of in excess of 100 dwelling units per hectare within approximately one street block, or 100m, of an activity spine (in this case Klipfontein Road). Within 100m to 1km from the activity spine densities of between 40-100 dwelling units per hectare are permitted with lower densities beyond that. The

implication is that the Activity street portion of Belgravia Road is supportive of higher density residential use.

- o An important concept contained in the MSDF is the “string of beads” which implies that the intensity of development and mix of uses is not necessarily continuous along a Corridor or Activity street’s length

Application: this is also an important concept equally applicable to Belgravia Road. Belgravia Road is a good case in point: an Activity street (with mixed commercial, business and residential uses) tapering off to predominantly residential uses (from south of Voël Road); with smaller localised nodes along it (Hood, Repulse and Graphite Roads).

- The Municipal Spatial Development Framework

- o The document clearly implies that there is a spatial hierarchy in which uses should operate. The intention is clear: “higher order uses associate with higher order routes, and so on” (p29).;

Application: this is similar in concept to the MSDF principles. By implication, lower order roads are not associated with higher order uses. Furthermore, the uses along a road should not necessarily be homogenous.

- Existing Local Area Land Use Policies

There are numerous local area land use policies (such as the Claremont CBD Edges policy, Lansdowne Road policy) from which generic principles for addressing land use change can be deduced, which could be applicable to Belgravia Road:

- o The effect of consolidation of erven on scale and location of buildings and site access

Application: encouragement of property consolidation as a method of overcoming access problems to corner sites and negative impact on capacity and safety at signalised intersections. Consolidated sites also offer more appropriate space to position new buildings sympathetically, relative to neighbours.

- o Using the mid-block as the interface between residential and non-residential uses

Application: this concept already operates along the eastern edge of the road, in the Activity street section. However, the impact of this interface is critical to the residential amenity of the uses abutting a mixed use or commercial area.

- o Every corner site cannot be seen as precedent-setting for business expansion onto adjacent residential sites

Application: this principle and the preceding mid-block one are mutually reinforcing. Should any corner properties along Belgravia Road obtain non-residential rights, it automatically places pressure on the adjacent property further in from the road for conversion. This must be avoided.

- o The retention of residential uses in areas between nodes, since the loss of viable housing stock should be prevented

Application: apart from the activity street and the three localised nodes along the southern part of Belgravia Road, all other properties along the road should retain a residential bias.

- The use of subdivision to increase residential densification
Application: the narrow frontages and long depths of most of the properties fronting Belgravia Road may make further subdivision impractical, particularly from the point of view of increasing the number of direct access points onto the road. Consolidation and General Residential zoning to achieve densification may be preferable solution.
- Discouraging uses that have an unreasonable impact on neighbours
Application: while bona fide home industries are particularly encouraged, there may be some home industry uses that could have unforeseen nuisance impacts.
- Ensuring a form of development that minimises impact on adjoining residential properties in terms of land use mix, overlooking, overshadowing, ie height, setbacks and architectural features
Application: the provisions of the applicable zoning scheme apply to redevelopment of properties along Belgravia Road.
- Retention of features of a site that ensure the general character of the area is not negatively affected
Application: properties to be redeveloped along Belgravia Road should retain existing mature trees and low or visually permeable boundary walls.
- Encouragement of direct street access for non-residential uses to create a relationship of use with the active street, and to minimise impact on side street single dwellings
Application: all building entrances should orientate directly towards Belgravia Road. Vehicle access should, however, be promoted off side streets only, where possible.
- Business Plan Heading of the Land Use Management Business Planning Unit:
 - “to promote and manage land use change which is sensitive towards both people, built and natural environment.”
Application: the structure and function of the local area indicates a predominantly residential environment, with a short Activity street and its associated higher order mixed and commercial uses. This should be maintained.

13. APPROVING MECHANISMS

Some of the methods to achieve the change of land use that is envisaged along the Belgravia Road are:

- Approval of Section 22 home industries as Consent uses, so that residential use remains as the predominant use;
- Rezoning to Special Business uses, with the condition that a residential component is retained;
- Rezoning to Special Business uses, without requiring a residential component;
- Rezoning to General Residential;
- Consolidation of properties and rezoning to Special Business purposes with the condition that a residential component is included;
- Further subdivision of properties so that residential densification can be progressed;
- Consent uses to allow for Double Dwelling Houses and Second Dwellings in Single Dwelling Residential zones;
- Departures to allow for second dwellings (“granny flats”); and
- Temporary departures to allow changes of land uses for a temporary period.

The detailed application of these mechanisms is formulated as policy in Section 17.

14. PRECINCTS

The most practical way to deal with future land use change is to identify precincts in which a range of uses are to be supported. Similarly, conditions and policies can be tailor-made to each precinct, providing unambiguous guidance for desired land use change.

Precincts are derived from the agglomeration of existing uses and characteristics of a particular section of the road.

Belgravia Road should be considered in three precincts (refer Figure 6):

- Precinct 1:
 - erven along eastern edge of Belgravia Road, from Klipfontein Road to Voël Road (including first property bounding Voël Road to the south),
 - o Eastern edge of activity street, with existing large scale commercial and business buildings, and aspects of mixed residential and business use – correlates with UDZ.
- Precinct 2:
 - erven along western edge of Belgravia Road, from Klipfontein Road to St Mauri Road,
 - o Western edge of activity street, where scale of existing development is largely single dwelling houses, and some non-residential uses have (10 out of 25 erven) have established.
- Precinct 3:
 - St Mauri and Voël Roads to Turfhall Road
 - o Consistent repetition of larger civic and amenity spaces, with single dwelling residential strips and three local business nodes (as indicated in Figure 6):
 - Node “A” – between Kromboom and Benbow Roads
 - Node “B” – the properties forming the four corner of the Repulse and Belgravia Road intersection
 - Node “C” – between Arbeids and Graphite Roads.

15. VISION FOR BELGRAVIA ROAD

As discussed in the preceding sections, it is clear that Belgravia Road has two distinct characters:

1. The busy, mixed use activity street section north of Voël Road, and
2. the predominantly residential character of the remainder of the road.

Belgravia Road distributes mainly residential traffic into the local suburbs from the more dominant metropolitan routes in the area (such as Klipfontein Road, Jan Smuts Drive, Kromboom Parkway and Turfhall Road). At the road's intersection with the higher order Klipfontein Road metropolitan corridor, the activity street is a market response to the passing traffic. This activity street character loses intensity as it moves southwards along Belgravia Road. It becomes a residential street but still serves an important local structuring role, for residential traffic distribution. The mobility function of the road must be maintained, as well as its residential character.

With respect to Precinct 2 the benefit of allowing appropriate commercial expansion along the western edge of the road is that:

- The Activity street is strengthened and completed,
- It gives clear directive for business location, particularly professional offices and consulting rooms, and
- It is intended to remove business pressure away from the single dwelling residential areas south of St Mauri Road.

Further business creep must be discouraged, and the existing activity street and the three small local nodes must be contained within their existing boundaries. Apart from these 4 identified areas, business intrusion into viable residential areas should not be condoned.

16. PUBLIC PARTICIPATION

A public meeting was held on 6 December 2004 at the Athlone Stadium. The draft land use policy document was made available for public comment from the middle of January 2005. The closing date for public comment was 9 February 2005. A brief report on the public participation and comments is included as Annexure 1.

17. POLICY

This policy does not replace or supercede any of the provisions of the applicable zoning scheme. All parameters relating to height, space about buildings, bulk, coverage, allowed uses, parking provision, etc, remain in force for each application under consideration.

The general criteria for assessing land use applications must include, *inter alia*;

- Impact of proposed use
- Proposed changes to the built environment
- Character of the neighbourhood
- Traffic and parking
- Public participation input
- Security and safety
- Height / privacy
- Nuisance to the neighbourhood
- Economic stimulation

The policy is divided into general directives (Section 17.1) which are encouraged along the entire length of Belgravia Road, and specific directives (Section 17.2) applicable to the specific precincts and the local nodes.

17.1 Generic Policy

P1	Conditions / Guidelines
<i>Bona fide</i> Home Industries (Home Occupation) are considered appropriate on all residential properties. (A Consent use application may be required in some instances; other uses may exist as of right.)	• Uses that require Consent in terms of Section 22 of the Zoning Scheme Regulations should adhere to the basic conditions of a Home Industry (unobtrusive signage, limited number of persons employed and floor area limitations, etc).
P2	Conditions / Guidelines
Residential densification, in the form of Double Dwelling Houses and Second Dwellings ("granny flats"), is encouraged along the entire length of Belgravia Road.	• Relaxation of the Belgravia Road building line is encouraged so that a more positive interface between the dwelling and sidewalk is created; subject to approval of the Director: Transport Planning. • Side street access is encouraged where possible. • Buildings must interface positively with the street.
P3	Conditions / Guidelines
Residential densification, in the form of subdivision is encouraged along the entire length of Belgravia Road.	• As per P2.

17.2 Precinct Specific Policy

Precinct 1:

Erven along eastern edge of Belgravia Road, from Klipfontein Road to 1 erf south of Voël Road

P4	Conditions / Guidelines
In support of the Urban Development Zone, encourage introduction of residential uses (Blocks of Flats and Residential Buildings) to create a mixed commercial/residential environment.	• Redevelopment of properties must include adequate on-site parking. • Subject to access approval of the Director: Transport Planning. • Height restriction as per the underlying zoning restrictions. • No deliveries or loading to occur on sidewalk or from parked vehicle in Belgravia Road; adequate off-street loading to be provided; no loading or delivery entry will be permitted from First Avenue. • Commercial / business use to front onto Belgravia Road only. • Development must take cognisance of security issues at interface between neighbouring residential properties and property to be developed.

Precinct 1, by virtue of its very flexible General Commercial C2 zoning allows for a very wide range of urban land uses (except, for example, industrial uses). Therefore the only applicable policy that would be relevant is to increase residential use within this zone.

Precinct 2: Erven along western edge of Belgravia Road, from Klipfontein Road to St Mauri Road

P5	Conditions / Guidelines
Permit rezoning to Special Business to allow a Business Premises or Institutions (medical practice/clinic and nursing home); and rezoning to General Residential with Consent for Institutions (medical practice/clinic and nursing home).	• Relaxation of the Belgravia Road building line is encouraged so that a more positive interface between the building and sidewalk is created; subject to approval of the Director: Transport Planning. • Public pedestrian access to the building from Belgravia Road should be provided, so that a more desirable interface between the building and sidewalk is created. • Buildings to be restricted to a maximum of 3 storeys in height. • Properties zoned Special Business or General Residential which exceed 1 storey in height shall contain a residential component, the floor area of which shall be at least 33% of the total floor area of buildings on the property. • Impact of overlooking features onto neighbouring Dwelling Houses must be minimised, to respect the privacy of the neighbours. • Continued on next page

	• Service and loading areas can be located at rear of properties, subject to being contained within a single storey building that has no opening windows towards any adjoining properties. • Approval subject to a landscaping plan to the satisfaction of the Director: City Spatial Development. • Side street vehicular access is encouraged. • Encroachment of parking into the residential areas is discouraged. • Adequate off-street loading to be provided. • Business use to front onto Belgravia Road only. • Development must take cognisance of security issues at interface between neighbouring residential properties and property to be rezoned. • Parking and access to be to the satisfaction of the Director: Transport Planning.
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P6	Conditions / Guidelines
Permit rezoning to General Residential to enable Blocks of Flats and Residential Buildings. Consolidation of properties to be encouraged, to allow for better access arrangement.	• Relaxation of the Belgravia Road building line is encouraged so that a more positive interface between the building and sidewalk is created; subject to approval of the Director: Transport Planning. • Buildings to be restricted to a maximum of 3 storeys in height. • Public pedestrian access to the building from Belgravia Road should be provided, so that a more desirable interface between building and sidewalk is created. • Subject to a landscaping plan approval by the Director: City Spatial Development. • If street boundary walls or fences are provided, these must be visually permeable. • Parking and access to be to the satisfaction of the Director: Transport Planning.

Precinct 3: St Mauri and Voël Roads to Turfhall Road, but excluding Nodes A, B & C

Precinct 3 contains the three local nodes, which are dealt with from P8 onwards. The areas between the nodes are dealt with under P7.

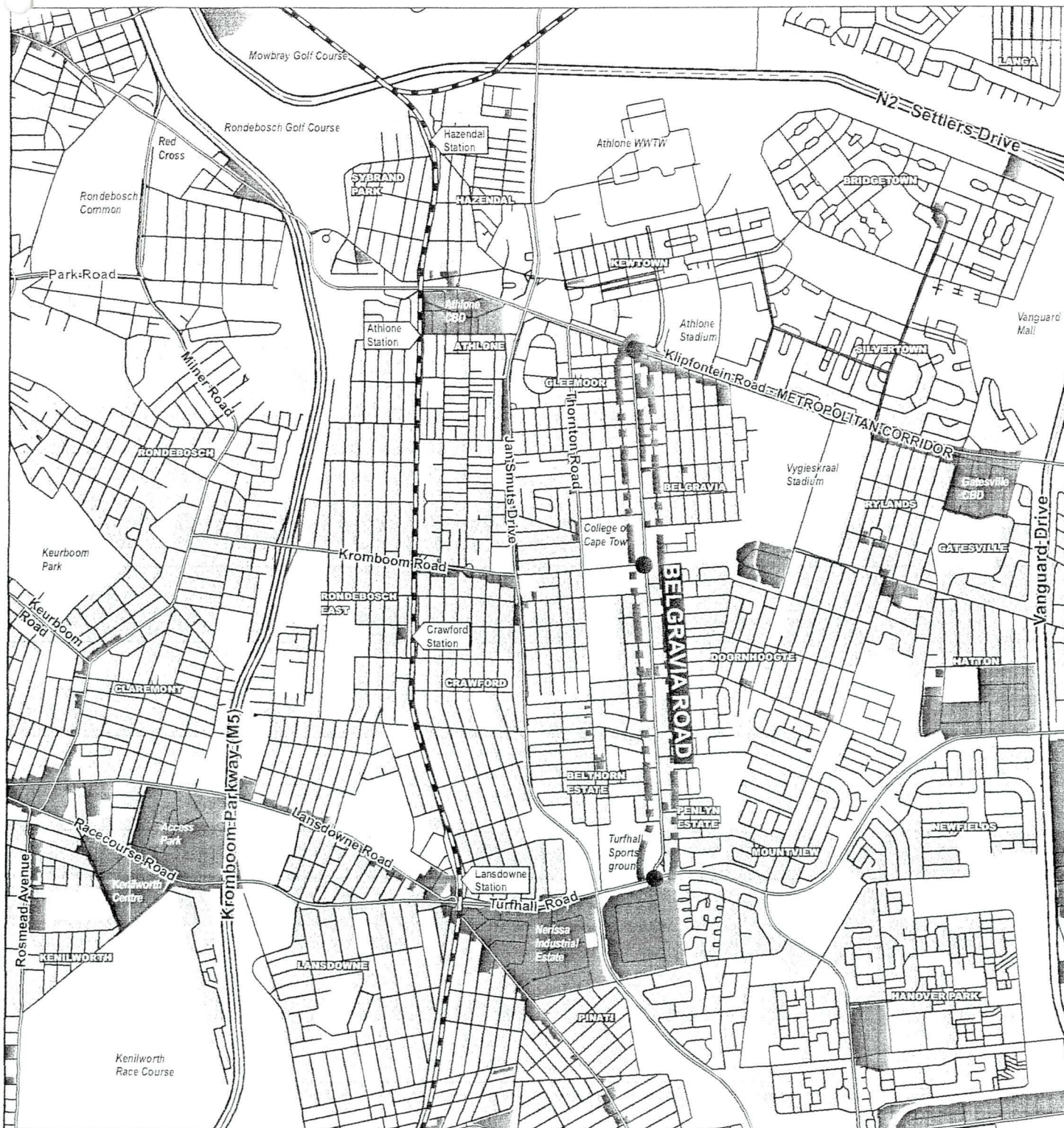
P7	Conditions / Guidelines
Apart from uses encouraged in P1, P2 & P3, no further rezonings or consent uses should be granted along this road. No temporary departures are to be permitted, unless in exceptional circumstances and where the proposed activity is genuinely of a temporary nature.	• Not applicable

Nodes A, B and C in Precinct 3

Figure 6 identifies the three nodes. Node A, between Kromboom and Benbow Roads, appears to be the more important of the three nodes.

P8	Conditions / Guidelines
Permit rezoning to General Residential to enable Blocks of Flats and Residential Buildings. Consolidation of properties to be encouraged, to allow for better access arrangement.	• As per P6.

P9	Conditions / Guidelines
Permit rezoning to Special Business to allow a Business Premises or Institutions (medical practice/clinic and nursing home); and rezoning to General Residential with Consent for Institutions (medical practice/clinic and nursing home).	• As per P5.



-  Commercial and/or industrial
-  Residential
-  Class 1 roads
-  Class 2 and 3 roads
-  Major intersection
-  Railway line

CITY OF CAPE TOWN ISIXEKO SASENAPA STAD KAAPSTAD

LAND USE MANAGEMENT POLICY: BELGRAVIA ROAD, ATHLONE

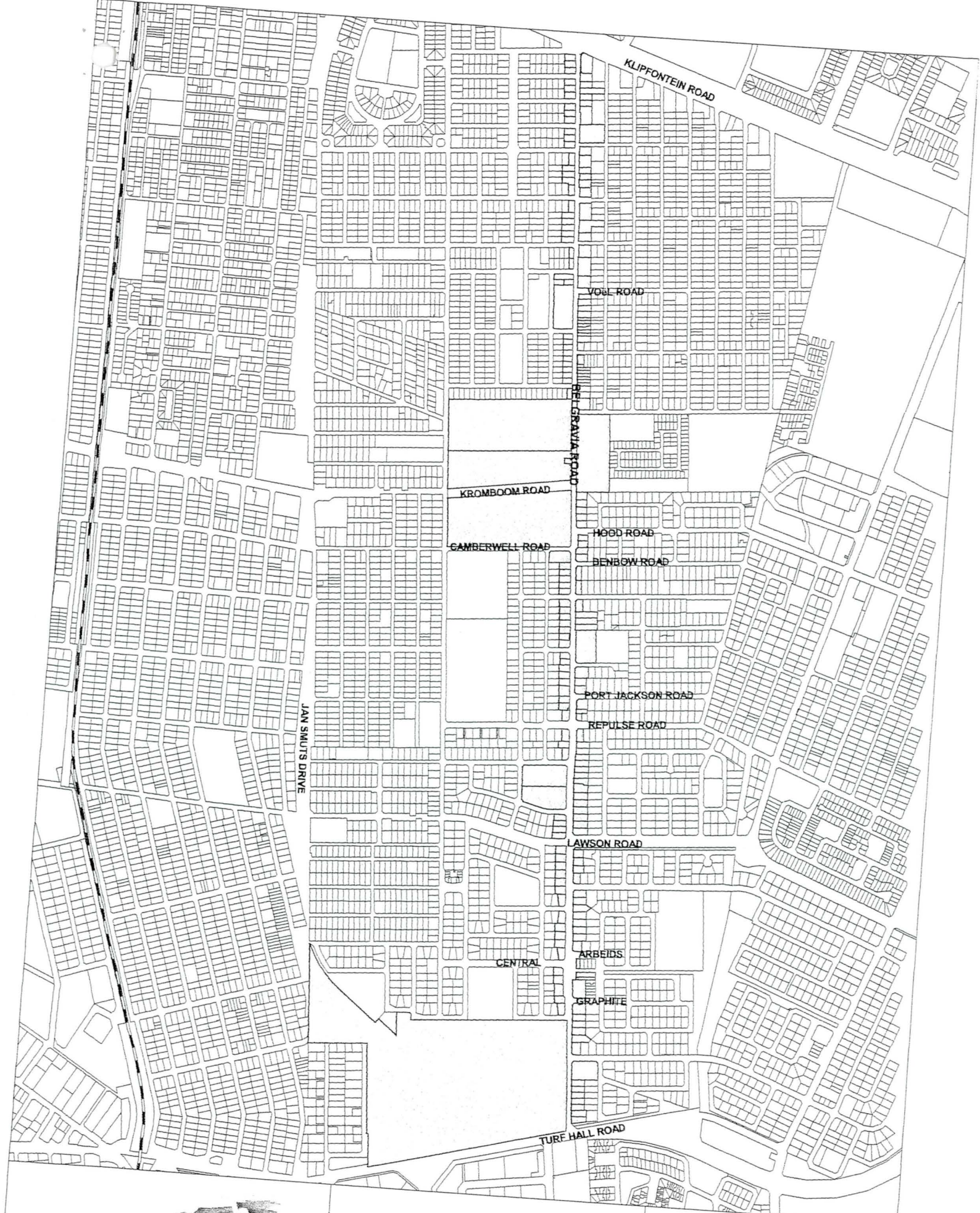
March 2005

Linescale



TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

Figure 1:
Context



CITY OF CAPE TOWN | ISIXENKO SASIKAPHA | STAD KAAPSTAD

LAND USE MANAGEMENT POLICY: BELGRAVIA ROAD, ATHLONE

March 2005

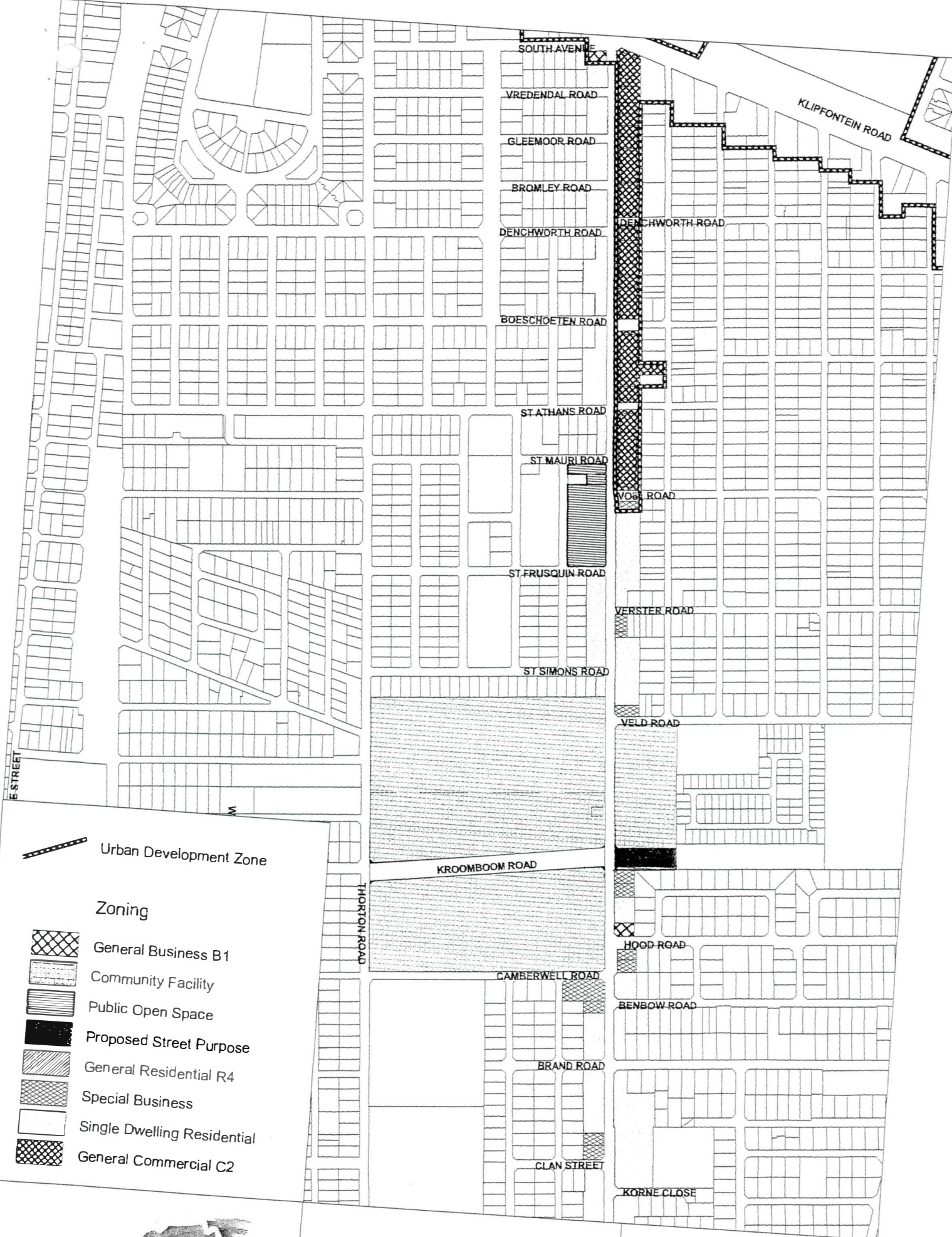
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DUXBURY'S

TOWN AND REGIONAL PLANNERS | PROFESSIONAL LAND SURVEYORS

**Figure 2:
Study Area**



CITY OF CAPE TOWN ISIKEND SASAKHAI SIAD KAPSTAD

**LAND USE MANAGEMENT POLICY:
BELGRAVIA ROAD, ATHLONE**

March 2005

1:6500

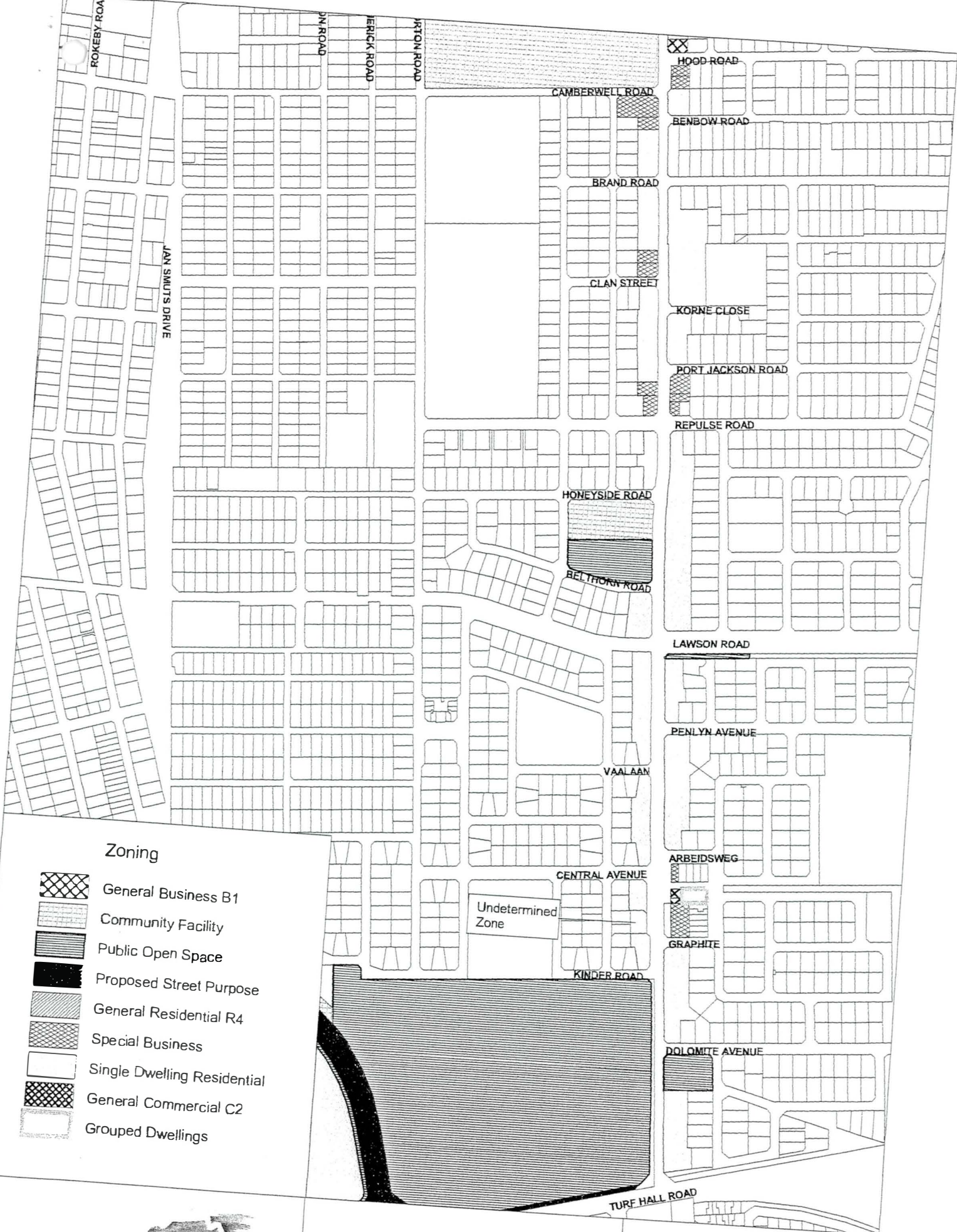
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DUXBURY'S

TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

**Figure 3A:
Zoning , Klipfontein to
Hood Roads**



Zoning

-  General Business B1
-  Community Facility
-  Public Open Space
-  Proposed Street Purpose
-  General Residential R4
-  Special Business
-  Single Dwelling Residential
-  General Commercial C2
-  Grouped Dwellings

CITY OF CAPE TOWN | ISOKEKO SASEKAPA | SIAD KILAPSI AD

LAND USE MANAGEMENT POLICY: BELGRAVIA ROAD, ATHLONE

March 2005

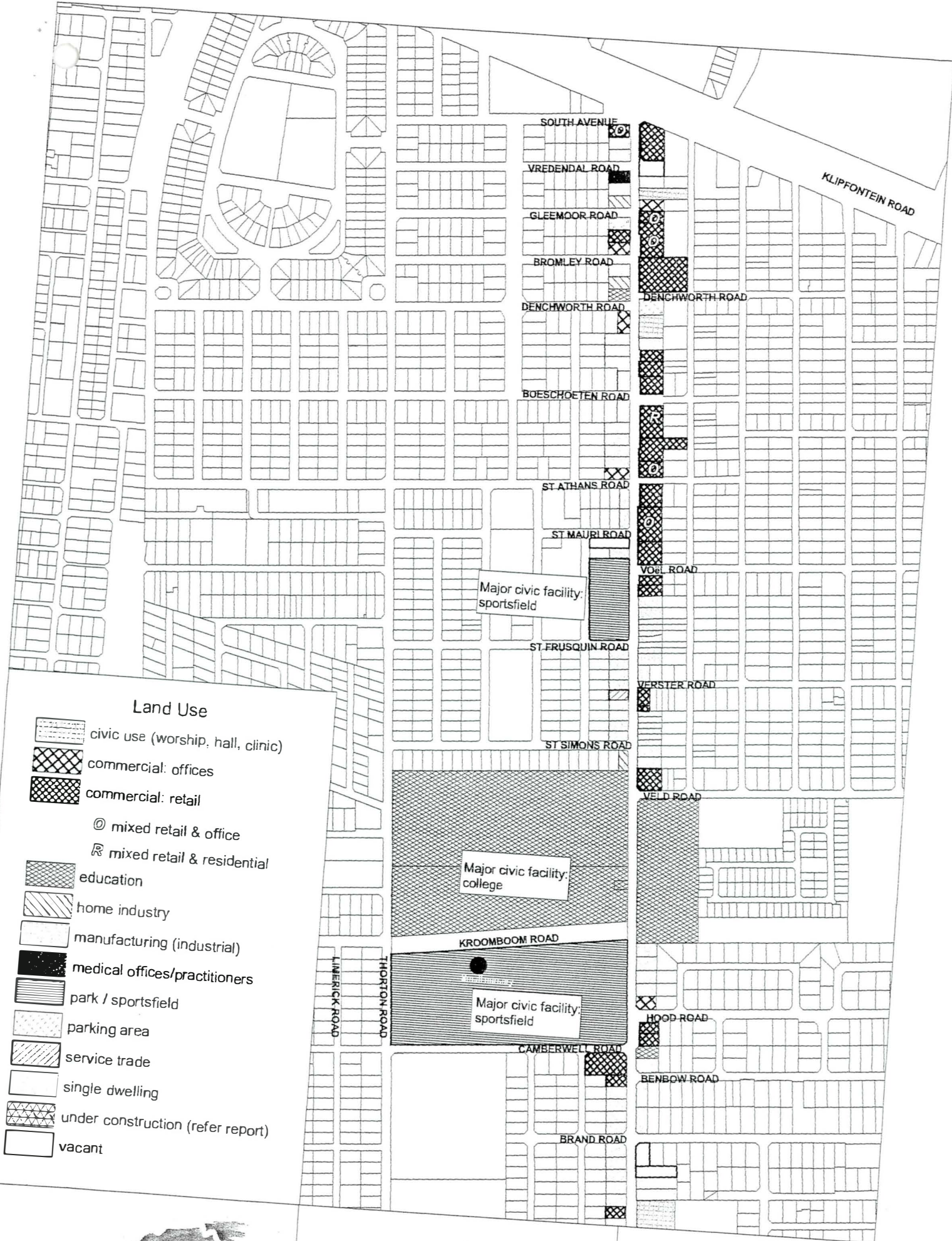
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DUXBURY'S

TOWN AND REGIONAL PLANNERS | PROFESSIONAL LAND SURVEYORS

Figure 3B:
Zoning, Hood to Turf Hall Roads



Land Use

-  civic use (worship, hall, clinic)
-  commercial: offices
-  commercial: retail
-  mixed retail & office
-  mixed retail & residential
-  education
-  home industry
-  manufacturing (industrial)
-  medical offices/practitioners
-  park / sportsfield
-  parking area
-  service trade
-  single dwelling
-  under construction (refer report)
-  vacant

CITY OF CAPE TOWN | IKIRIKO SASAKAPA | STAD KAAPSTAD

LAND USE MANAGEMENT POLICY:
BELGRAVIA ROAD, ATHLONE

March 2005

1:6500

0 50 100 150 200 250 Meters



DUXBURY'S

TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

Figure 4A:
Land Use Survey (October 2004)
Klipfontein to Hood Roads



March 2005

1:6500

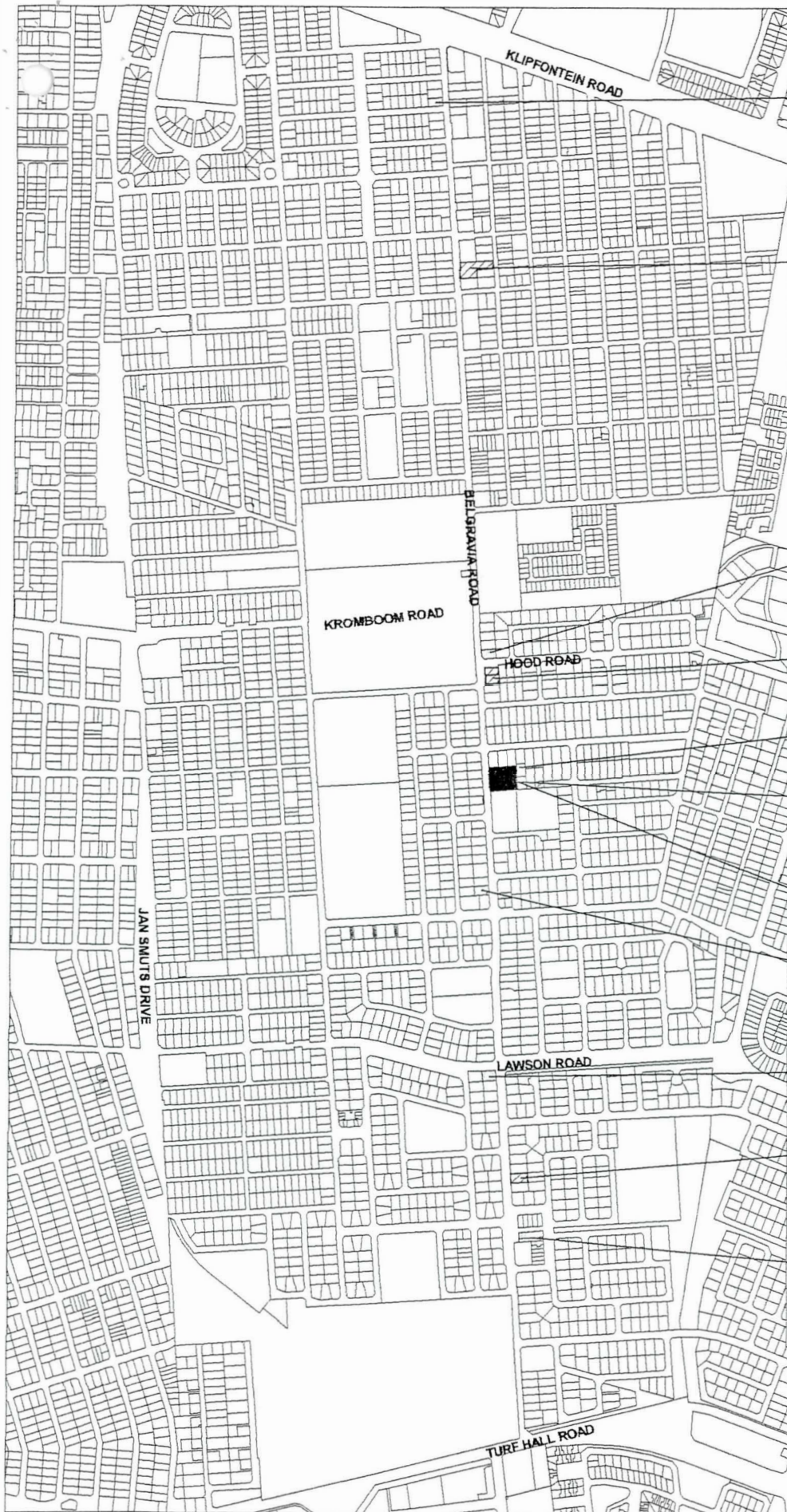
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DUXBURY'S

TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

Figure 4B:
Land Use Survey (October 2004)
Hood to Turf Hall Roads



Approved (2000)
Consent for Home industry
(attorney)

Recommended for approval to
Provincial Government Western Cape:
extension of hardware store
(amendment of approval conditions)

Approved (2000)
Rezoning from Single Dwelling Residential
to General Business B1

Application made in 2003
(later withdrawn):
Rezoning from Single Dwelling Residential
& Special Business to
General Business B1

Refused (2003):
Temporary departure for
brick sales

Refused (2003):
Home Industry Consent for
pre-cast concrete manufacturing & sales

Refused (2004):
Home Industry for pre-cast concrete sales

Approved (2001):
Rezoning from Single Dwelling Residential
to Special Business (shop)

Approved (2002):
Home Industry Consent
(mechanic)

Process aborted,
Refusal recommended:
Rezoning from Single Dwelling Residential
to Special Business (offices)

Approved (2001):
Rezoning from Public Open Space &
Street Purposes to General Business B1
and Group Housing

CITY OF CAPE TOWN: ISIKHAKA SAKI-KAKA / SITHI KLAPSTAD

**LAND USE MANAGEMENT POLICY:
BELGRAVIA ROAD, ATHLONE**

March 2005

1:12000

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DUXBURY'S

TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

**Figure 5:
Recent Approvals/ Refusals**

PRECINCT 2

eastern edge of Belgravia Road,
from Klipfontein Road to
St Mauri Road

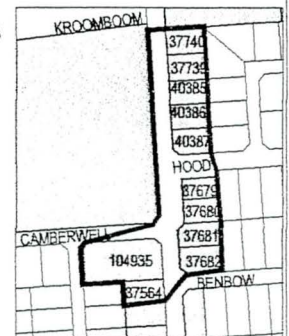
PRECINCT 1

eastern edge of Belgravia Road,
from Klipfontein Road to Voël Road

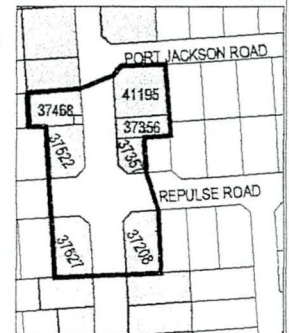
PRECINCT 3

From Precincts 1 and 2
(St Mauri and Voël Roads)
to Turf Hall Road.
Three local business nodes - A, B & C - are
included as special areas of consideration

PRECINCT 3 NODE A



PRECINCT 3 NODE B



PRECINCT 3 NODE C



March 2005

1:12000

0 100 200 300 400 500 Meters



LAND USE MANAGEMENT POLICY:
BELGRAVIA ROAD, ATHLONE

DUXBURY'S

TOWN AND REGIONAL PLANNERS PROFESSIONAL LAND SURVEYORS

Figure 6:
Precincts

ANNEXURE 1

PUBLIC COMMENTS REPORT

1. INTRODUCTION

An initial public meeting was held on 6 December 2004 at the Athlone Stadium as part of the public participation phase of drafting the Land Use Management Policy for Belgravia Road. Councillor Mowzer chaired the meeting, and in attendance were approximately 70 members of the public.

In January 2005 formal comment was invited from the public. The closing date for public comment was 9 February 2005, allowing for a total comment period of 21 days.

The purpose of this report is to list the parties who have commented, summarise the concerns and comments expressed and respond to relevant issues raised. Where appropriate, the draft policy was amended.

2. COMMENTING PARTIES

Formal comments were received from the following organisations or individuals:

- Gleemoor Cape Flats Civic Association
- Sulaiman Arend
- G Apollis, co-signed by 35 property owners
- Hometrust Properties
- Mandy Prinsloo
- JW Morgenrood
- JF & LT Meyer

3. SUMMARY OF COMMENTS RECEIVED

- a) The land use policy is biased towards business owners to the detriment of residential owners, since the policy makes provision for additional business use along Belgravia Road.
- b) The Athlone CBD should be redeveloped / revitalised in preference to Belgravia Road which is seen as a primarily residential environment.
- c) A moratorium should be placed on all rezonings from residential to business uses, and Council's energies should be directed along the Klipfontein corridor.
- d) The area bounded by Klipfontein and Kromboom Roads should retain its desirable business and residential mixed use character.
- e) Businesses derive an unfair rates benefit from operating on a residential zoned property.
- f) Lack of parking in the northern section of Belgravia Road (opposite the commercial strip) causes side street parking which has a negative effect on residents.
- g) Loading (for properties used for business purposes) occurs on and damages the sidewalk along the northern section of Belgravia Road.
- h) There is a negative impact on the residential area of business uses that penetrate through from Belgravia Road to the residential side streets.

- i) Businesses that cause a nuisance (ie unsanitary conditions, health risks, adverse effects on existing property owners) should not be allowed.
- j) Home industry approvals should specify the type of use to be allowed, and that a yearly review take place of the use (by implementing a licence renewal policy).
- k) No high rise buildings should be constructed, due to blocking of views.
- l) The southern section of Belgravia Road should retain its residential use and character.
- m) An investigation into the unauthorised uses along the western edge of Belgravia Road, between Klipfontein and Kromboom Road, is needed.
- n) The Kromboom Road extension eastwards to link up with College Road must be abandoned.

4. RESPONSE

It is important to note that although the land use policy identifies areas along Belgravia Road that, from a town planning perspective, are suitable for further business / commercial use, these activities still require formal application; applications will always be judged on their own merit. The assessment of an application includes, *inter alia*, compatibility of uses, impact on neighbours, traffic, parking and loading. The policy does not obviate the need for a detailed assessment of each application that is made.

Responses are made in the same order as the comments were listed in Section 3, above:

- a. The policy direction to be assumed must take cognisance of the conflicting interests in the study area, and should stand as a "best compromise" document. The concern of the local residents must be weighed up against the aspirations of the burgeoning business fraternity, and the need for economic stimulation of Small, Micro and Medium Enterprises (SMME). For these reasons the policy clearly states that there are limited areas along the road that are suitable for accommodating additional business pressure, subject to the merits of an application. However, most areas should remain residential.
- b. The scale of activity along Belgravia Road (the northern section) and the function thereof differs from that of the Athlone CBD. Belgravia Road between Kromboom and Klipfontein Roads is a local activity street, and a suitable mix of business and residential uses has a local convenience value which cannot be ignored, particularly for those relying on public transport. The Athlone CBD, on the other hand, is a sub-regional node with much higher intensity commercial use.
- c. The drafting of this land use policy is deliberately in response to mounting pressure for land use change. A moratorium on rezonings is neither appropriate nor legally possible. The introduction of more business uses along the northern section of Belgravia Road is consistent with the hierarchy of the road in relation to its direct connection to the Klipfontein Road corridor. There is a natural commercial continuity that exists between a high order activity spine (Klipfontein Road) and an activity street (Belgravia Road) that acts as an important local distributor of traffic.
- d. Noted. The policy aims to enhance this desirable mix of uses.
- e. Noted.
- f. The policy states that traffic and parking require investigation before any land use change can be approved.

- g. Noted. The policy requires that delivery and loading issues are addressed.
- h. Noted.
- i. Noted. The assessment of each land use application always includes an investigation of potential nuisance factors and impacts on neighbours.
- j. Conditions of approval for home industries always specify the intended use. A yearly review of compliance is not practical from an enforcement and staff capacity perspective; the Land Use Inspectorate responds on a case by case basis should there be complaints about an activity that is being conducted.
- k. The policy makes repeated mention of a 3 storey height restriction, which is the maximum permissible height for all Dwelling Houses.
- l. Noted. For this very reason, only three small nodes were identified along the southern section of Belgravia Road which would allow for additional business uses.
- m. The Land Use Inspectorate usually only acts on specific land use complaints.
- n. As far as the Kromboom Road extension is concerned, the land use policy indicates that the desirability of the scheme is being reassessed by the City and there is a possibility that the extension will be deproclaimed.



1 ITEM NUMBER

2 SUBJECT

LAND USE MANAGEMENT POLICIES FOR BELGRAVIA ROAD (ATHLONE) & KROMBOOM ROAD (ATHLONE, RONDEBOSCH EAST & RONDEBOSCH)

IMIGAQO-NKQUBO YOLAWULO LOSETYENZISO LOMHLABA KWINDLELA IBELGRAVIA (E-ATHLONE) NENDLELA I-KROMBOOM (E-ATHLONE, ERONDEBOSCH EAST NASERONDEBOSCH)

GRONDGEBRUIKBESTUURSBELEID VIR BELGRAVIAWEG (ATHLONE) & KROMBOOMWEG (ATHLONE, RONDEBOSCH-OOS & RONDEBOSCH)

3 PURPOSE

To motivate for the approval of the two separate, recently developed land use management policies for Belgravia and Kromboom Roads.

4 STRATEGIC INTENT

These two policies have been aligned with and contribute towards the following Council strategies:

- Integrated human settlement
- Economic growth and job creation
- Building strong communities
- Equitable and effective service delivery
- Sustainable development

5 FOR DECISION BY

Paragraphs a & b of the recommendation is for the decision by Executive Mayor in consultation with the Mayoral Committee.

6 EXECUTIVE SUMMARY

Belgravia and Kromboom Roads are important roads in the sub-metropolitan area, linking Klipfontien and Turfhall Roads in the case of the former road, and Belgravia and Milner Roads in the case of the latter road. While there are a large number of non-residential land uses along both roads, the residential properties along these roads comprise an important element.

The land uses of the properties abutting these roads are subject to significant pressure (particularly in the case of the remaining Dwelling Houses), with the majority of land use changes being from residential to non-residential land uses.

Consequently, this Department frequently processes land use applications along both roads. The lack of a policy for these roads, however, creates some difficulty when assessing land use applications. These two policies will assist decision-makers (both Councillors and, in some cases, Officials) to make decisions within a proper policy framework, and, in addition, will provide both developers and property owners with guidance as to how land use applications are likely to be considered by Council.

Both policies, which were drawn up by Duxburys Town and Regional Planners, have taken into account the applicable broader spatial frameworks, and conform with the "General Principles for Land Development" in terms of the Development Facilitation Act, No 67 of 1995. The existing land use patterns and trends, and development rights were analysed, as were the impacts of land use changes. These factors were all considered against the need for economic development and opportunities.

As a result of the analysis, the following visions were developed for the two roads, which in turn directly influenced the specific land use policies.

Vision for Belgravia Road: The northern part of the road, which has a mixed use, activity street character is to be strengthened allowing a greater amount of business development, whereas, except in certain small nodes, the residential character of the southern section of the street is to be protected.

Vision for Kromboom Road: Further business creep must be discouraged, and the existing commercial and business centre between the railway line and Jan Smuts Drive must be contained within its existing boundaries. Business intrusion into viable residential areas should not be condoned.

In both roads residential densification and home industries are supported.

Two separate public participation processes were carried out. These entailed one public meeting for each road as well as an opportunity for written comments. Advertising was done both by advertisements in the press and by post. Where appropriate, the policies were amended as a result of these processes.

7 RECOMMENDATIONS

- a) Recommended that the Executive Mayor in consultation with the Mayoral Committee approve Sections 17.1 & 17.2, together with the associated figures, of the Land Use Management Policy for Belgravia Road (in Athlone), dated June 2005.
- b) Recommended that the Executive Mayor in consultation with the Mayoral Committee approve Sections 16.1 & 16.2, together with the associated

figures, of the Land Use Management Policy for Kromboom Road (in Athlone, Rondebosch East and Rondebosch), dated June 2005.

- a) Kuphakanyiswe uluvo lokuba uSibonda wesiGqeba esiLawulayo ngokucebisana neKomiti kaSibonda bamkele amaCandelo-17.1 & 17.2 kunye nemigaqo ephathelene noMgaqo-nkqubo woLawulo loSetyenziso loMhlaba kwiNdlela iBelgravia (e-Athlone), wenyanga kaJuni 2005.
- b) Kuphakanyiswe uluvo lokuba uSibonda wesiGqeba esiLawulayo ngokucebisana neKomiti kaSibonda bamkele amaCandelo-16.1 & 16.2 kunye nemigaqo ephathelene noMgaqo-nkqubo woLawulo loSetyenziso loMhlaba kwiNdlela iKromboom (e-Athlone, eRondebosch East naseRondebosch), wenyanga kaJuni 2005.
- a) Aanbeveel dat die Uitvoerende Burgemeester, in oorleg met die Burgemeesterskomitee, artikel 17.1 & 17.2, met inbegrip van die gepaardgaande syfers, van die grondgebruikbestuursbeleid vir Belgraviaweg (in Athlone), van Junie 2005 goedkeur;
- b) Aanbeveel dat die Uitvoerende Burgemeester, in oorleg met die Burge-meesterskomitee, artikel 16.1 & 16.2, met inbegrip van die gepaardgaande syfers, van die grondgebruikbestuursbeleid vir Kromboomweg (Athlone, Rondebosch-Oos & Rondebosch), van Junie 2005 goedkeur.

8 DISCUSSION/CONTENTS

8.1 Constitutional and Policy Implications

There are no existing land use management policies for either Belgravia or Kromboom Roads. Both land use management policies conform with the principles contained in the Municipal Spatial Development Framework and the Metropolitan Spatial Development Framework, and, in addition, are in accordance with the Development Facilitation Act, No 67 of 1995.

8.2 Legal Implications

These policies will not create or take away any rights of any property owners. Even if land use proposals are in accordance with the policies, the necessary applications in terms of the Land Use Planning Ordinance No 15 of 1985, or other applicable legislation, will be required. There are thus no legal implications relating to the approval of these policies.

8.3 Other Services Consulted

This policy had input from the following Directorates / Branches:

- Transportation Planning (Ms S Hinrichsen Ph: 400 2762)
- Spatial Planning Branch (Ms A Ferreira Ph: 400 2159)
- Urban Design Branch (Ms S Nair Ph: 400 4581)

ANNEXURES

- Annexure A: Land Use Management Policy for Belgravia Road (in Athlone), dated June 2005
- Annexure B: Land Use Management Policy for Kromboom Road (in Athlone, Rondebosch East and Rondebosch), dated June 2005

FOR FURTHER DETAILS CONTACT :

Pierre Hoffa
Ph: 400 2266
Land Use Management Branch
Town Planning
Transport, Roads & Planning

Comment:

EXECUTIVE DIRECTOR
Mike Marsden

DATE
