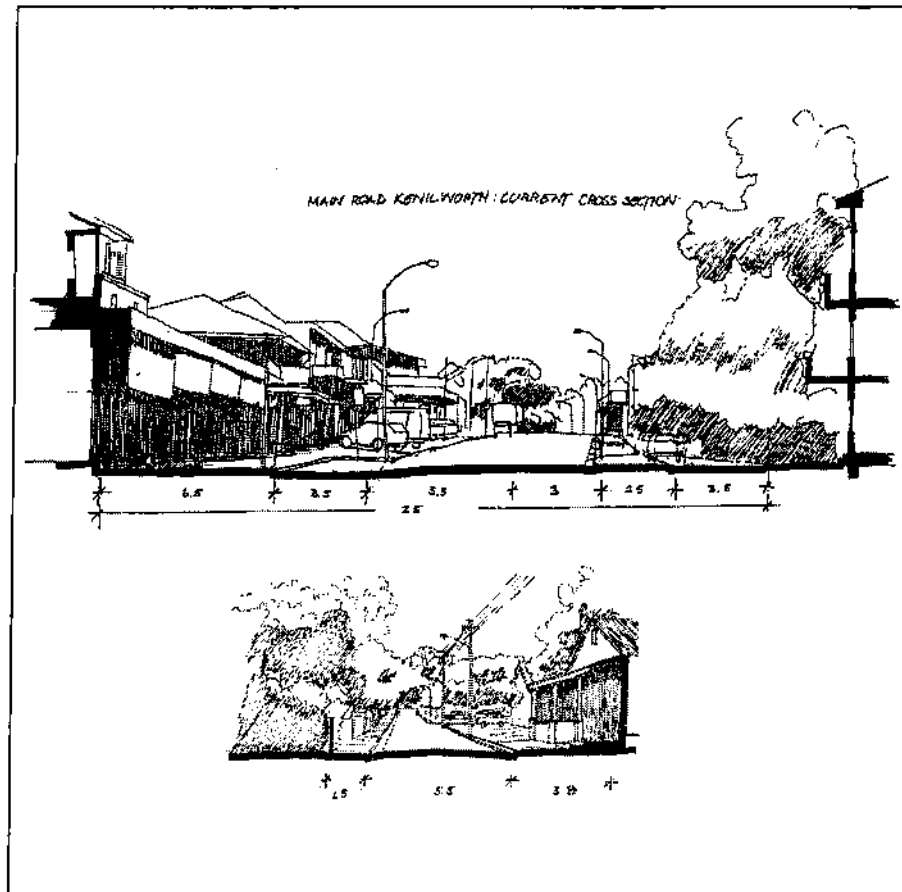


KENILWORTH MAIN ROAD BETWEEN CLAREMONT & WYNBERG & KENILWORTH ROAD



LAND USE MANAGEMENT POLICY



prepared by

CNdV africa planning & design
environmental planning, landscape architecture, urban design



CITY OF CAPE TOWN | ISIXEKO SASAKAPA | STAD KAAPSTAD

prepared for

City of Cape Town
Land Use Management Branch

JULY 2005

1. INTRODUCTION

1.1 PURPOSE OF REPORT

The purpose of this report is to motivate proposals for a land use management policy for Main Road between Claremont and Wynberg and Kenilworth Road between Main Road and Rosmead Avenue.

1.2 TERMS OF REFERENCE

CNdV Africa were appointed by the City of Cape Town on 1st October 2004 to prepare the land use management policy for the above-mentioned study area. The work to be completed included, inter alia, an assessment of the existing land use patterns, the applications received to date, and to summarise the feedback from two public meetings. These included an introductory meeting where the issues and a vision for the study area was discussed and debated. This was followed up by a second meeting where the proposals for the study areas was presented and discussed. As well as making land use management proposals to assist the Council with the adjudication of land use applications, suggestions to address other issues that were impacting on the study area and that were revealed either from the site visits and the public meetings are also made.

1.3 METHODOLOGY

The project included the following steps:

- i. Desktop assessment of previous applications and policy;
- ii. Site visit and field work examining the current situation on the ground;
- iii. Preparation of background information and attendance at public meetings;
- iv. Production of draft policy proposals for discussion with Council officials and presentation at second public meeting; and,
- v. Production of final report.

1.4 BACKGROUND

Kenilworth Road and Main Road (between Harfield and Wetton Roads) have been facing development pressure for a long period of time. This resulted in Council producing policy statements for Kenilworth Road in 1992 and Main Road in 1993. Both of these areas have been subject to pressure for changes in land use on the properties abutting these routes which are important transport arteries in the City. Main Road between Harfield Road and Wetton Road forms a section of the Main Road spine between the Cape Town CBD and Simons Town and as such carries large volumes of traffic.

Kenilworth Road, a narrow street of residential proportions (±11m in width) is complex with respect to transport. This is mainly because it crosses the main Cape Town - Simons Town railway line with a level crossing. Due to the high frequency of trains during the peak hours, the booms are permanently closed during the morning and evening traffic peaks. When the booms are open Kenilworth Road forms a link route between Main Road and the M5 limited access arterial via Doncaster Road. As a consequence of this link Kenilworth Road, notwithstanding its narrow width, is subject to the relatively high volumes of traffic at certain limited times of the day.

The essence of the 1992 and 1993 policies was that for Kenilworth Road no further rezonings, temporary departures or consents be granted, in order to prevent further intrusions of business and non residential uses into the residential character of the area; to prevent increased traffic and parking problems; and to prevent the removal of trees and vegetation from the kerbside for the purposes of providing further parking.

With regards to Main Road between Harfield and Wetton Roads it was recommended that there should, in principle, be no further rezoning to non residential uses. However, it was considered that in instances where a strong case for conservation and heritage worthiness, land use changes could be considered provided that this was necessary to retain the original structure. New buildings on the same site should not be allowed. This policy was further qualified in terms of not allowing "group medical practices" to be operated but could consider allowing two practitioners to operate from a dwelling house. However, any such application that may be necessary must take into account on-site parking, impacts on tree planting and vegetation, etc.

Since these policies were developed in 1992 and 1993 there has continued to be pressure for land use change along Main and Kenilworth Roads. These will be described more fully in Section 3.

2. ANALYSIS

For purposes of analysis the study areas has been divided into three sections: Main Road between Kenilworth Road and Harfield Road, Kenilworth Road between Main Road and Rosmead Avenue, and Main Road between Kenilworth Road and Wetton Road.

2.1 MAIN ROAD BETWEEN HARFIELD ROAD & KENILWORTH ROAD (see Figure 2.1)

2.1.1 Current Land Uses

Travelling southwards, Main Road narrows from a dual carriageway leaving Claremont to a single carriageway in a 25m cross-section (see Figure 2.2). This section of Main Road is characterised by mature trees on both sides giving rise to some of the most memorable vistas along the entire length of Main Road between Cape Town and Simons Town. Interestingly, the most intense cluster of mature trees as the road bends past the Highwick and Jorgens Avenue intersection effectively conceals tall blocks of flats. This indicates the extent to which tree planting and landscaping can have a positive softening effect on what would otherwise possibly be a harsh and rather overpowering urban environment.

The majority of the land uses along Main Road are blocks of flats rising up to seven storeys on the western side and generally approximately three storeys on the eastern side. In a number of instances, particularly where the Main Road widening scheme has been implemented in new developments, trees have been removed. This has resulted in wide sidewalks and parking embayments which considerably detract from the pedestrian friendly nature of other sections of the road (see Figure 2.3). The lack of pedestrian activity along this section of Main Road is in marked contrast to Kenilworth Road. This may be due to several factors:

- The wide cross-section of Main Road which lacks a level of enclosure, although this is attenuated by the presence of mature trees where these still exist.
- The lack of surveillance onto Main Road. Notwithstanding the high population of the abutting flats, very few of them actually look onto Main Road and most blocks are considerably set back from the street. In many cases views of Main Road are concealed by the mature trees.
- Most of the activities are residential in nature and there are few non residential destinations, although there have been some recent conversions to office or medical uses.
- Medical uses tend to cluster north of Molteno Road and Firs Avenue near to the southern boundary of the Claremont node. This northern section of Main Road is

punctuated by the Arderne Gardens, which is a well used park of regional significance.

It must be noted that there has been a problem in the past with illegal land uses along this section of road. Currently, there appears to be only one illegal land use, with a dwelling house being used exclusively for offices. Next to this illegal land use, a property which previously contained a dwelling house is currently being redeveloped with a block of flats in accordance with existing zoning rights.

2.1.2 Performance

Due to the relatively large volumes of traffic there is considerable road noise along Main Road although it doesn't appear to have the intensity that is experienced with the road noise along Kenilworth Road. This may be due to the wider cross section of Main Road and the presence of the mature trees. Notwithstanding this noise, flats appear to be in great demand in the blocks of flats along this road.

The area around the junction of Main Road and Kenilworth Road is characterised by wide setbacks on the eastern side as a result of the implementation of the road widening with new development. There is a large six storey office block abutting the node where the Virgin Active offices (Erf 65425) are housed. Where the road is setback there is also a lack of landscaping and trees. This office building is set back from the Main Road with a service station in front of it, and the forecourt presents a harsh aspect to the street.



Figure 2.2 Double carriageway gives way to single carriageway



Figure 2.3 Lack of trees and "dead" space in road



Figure 2.4 Tree lined sidewalk

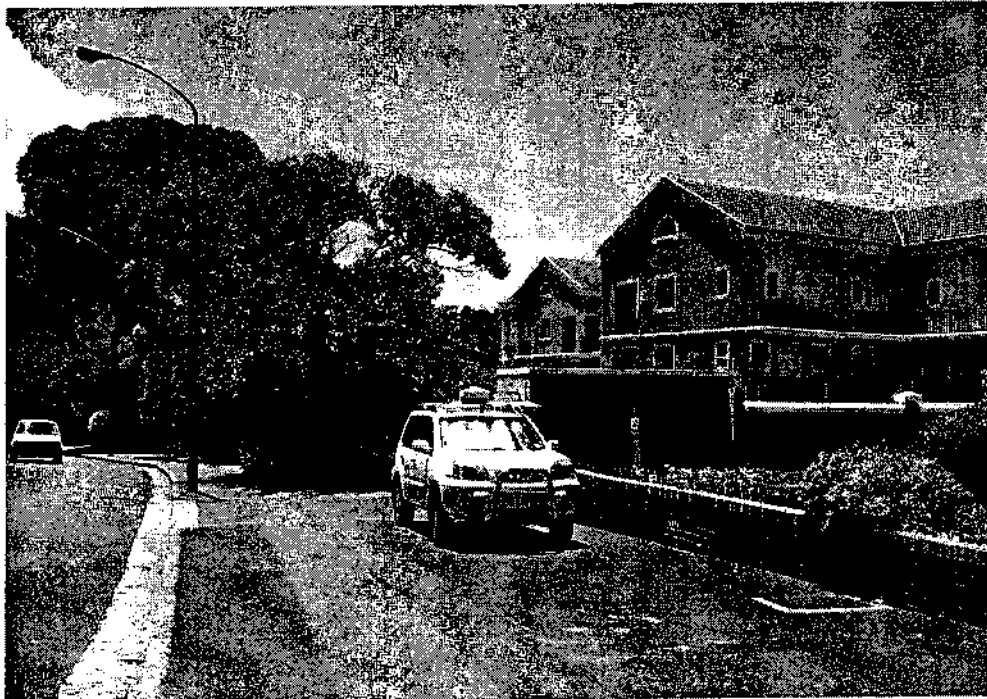


Figure 2.5 Informal parking in road reserve

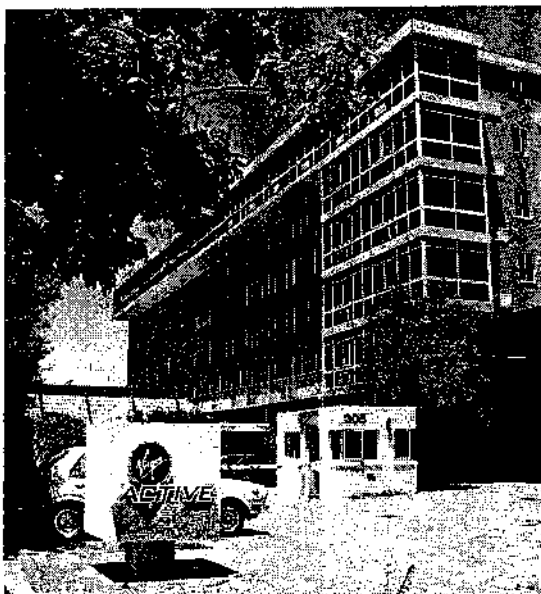


Figure 2.6 Office block

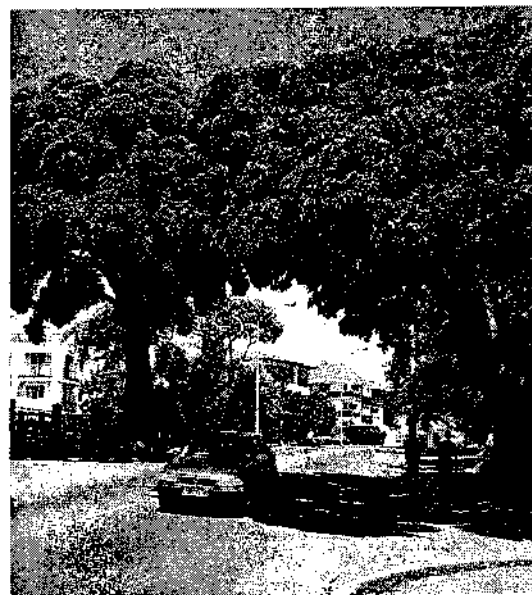


Figure 2.7 Tree cover over Main Road

2.2 KENILWORTH ROAD BETWEEN MAIN ROAD & ROSMEAD AVENUE (see Figure 2.8)

2.2.1 Current Land Uses

Kenilworth Road operates as two distinct sections broken by the railway line. There is a clear difference in the nature of the land uses and buildings between these two sections. Above the railway line (between Main Road and the railway line) the land uses abutting the street is predominantly residential in historic buildings. These buildings are mainly Victorian and Edwardian single and double storey detached and semi-detached dwelling houses. Their setbacks are relatively close to the street and, over time, probably due in response to security and noise issues, the streetscape of low-piered boundary walls containing gardens has, in many cases, been raised to high security walls.

The low level streetscape has survived in front of institutional uses such as the medical practices and hospitality activities (see Figure 2.9). The Arcadian appearance of the street has survived to a large extent because of the height of the mature trees, the narrowness of the cross-section, and the historic character of the buildings. In contrast to Kenilworth Road below the railway line there is only one block of flats in the study area. There is one medical practise in this section of the road as well as a rehabilitation clinic in a large complex of Victorian buildings close to the railway line. This area contains some large mature trees including those on a piece of Council-owned land at the corner of Harfield and Kenilworth Roads. The parking area in front of the station appears to be largely unused (see Figure 2.10).



Figure 2.9 Medical facility



Figure 2.10 Underutilized parking area adjacent to station

With respect to development control policies relating to land use it is interesting to note that the podiatrist formally located at 27 Kenilworth Road and operating as a home industry (ie work from home) appears to have moved to the restored historic building containing a medical practice close to the intersection of Kenilworth and Main Roads. It would appear that since 1992, when the first land use policy for this road was done, the number of properties being used for non residential purposes

has, in fact, declined. This would indicate that this section of the road continues to be highly desirable for residential purposes.

Between the railway line and Rosmead Avenue the character of Kenilworth Road is considerably different, although the basic road reserve remains a similar width. East of the station on the north side of the road there is a parking area serving the small retail and entertainment complex (see Figure 2.11). This parking area is not landscaped and could offer considerably greater amenity. In certain instances such as at the Kenilworth and Wessels Roads there is a historic building which is located against the sidewalk. This section of Kenilworth Road between the railway line and Wessels Road has little residential land uses other than a block of flats and two single dwelling houses.

The remainder of the uses are either medical (ie veterinary) and entertainment. Between Wessels Road and Rosmead Avenue the uses are residential with large blocks of flats situated along the northern edge and some single dwelling houses along the southern edge. There appear to be two erven (numbers 56 and 58) which have zoning rights for blocks of flats, but which have single dwelling houses on them.

The block of flats at the corner of Kenilworth Road and Rosmead Avenue has an extremely wide carriageway crossing giving access to the garages which is devoid of trees and is a significant blight on the nature of the streetscape (see Figure 2.12).

Although there has been a problem with illegal land uses in the past, currently there appears to be only one illegal land use, with a dwelling house being used exclusively for offices.



Figure 2.11 Transition area opens out to entertainment node



Figure 2.12 64 Kenilworth Road



Figure 2.13 Public Alley

2.2.2 Performance

With regards to the activities taking place and the quality of the environment along Kenilworth Road one of the features is the relatively high noise levels that can be experienced at certain times of the day. Although Kenilworth Road would appear to have less traffic than Main Road, the confined cross-section seems to increase the road noise. This negative impact is further worsened by the taxi route that travels along Main Road, cuts through Kenilworth Road and travels along Thomas Road towards Wynberg station. These high noise levels are however not experienced throughout the day and diminish significantly towards the rear of the properties. As land uses have changed little in this road over the past decade, it is clear that the abutting properties remain desirable for residential purposes despite the relatively high noise and traffic volumes that are experienced at times.

The street generally presents an attractive appearance except for those areas, as mentioned previously, where the landscaping has been removed to permit parking. There tends to be more pedestrian activity along Kenilworth Road than Main Road possibly due to the more pleasant walking experience along the road, but more likely due to the destinations such as the station, the taxis and the shops at the Kenilworth Road / Main Road intersection.

It is important to note that the erven on both sides of the western section of Kenilworth Road is within a proposed urban conservation area. This is a recognition of the special quality and historic character of the buildings in this area.

At the eastern end of Kenilworth Road, the road crosses over Rosmead Avenue and makes an oblique north-easterly turn into Doncaster Road which provides a connection to the M5 arterial. It is this connection that probably accounts for much of the through traffic that makes its way along Kenilworth Road.



Figure 2.14 View toward railway line

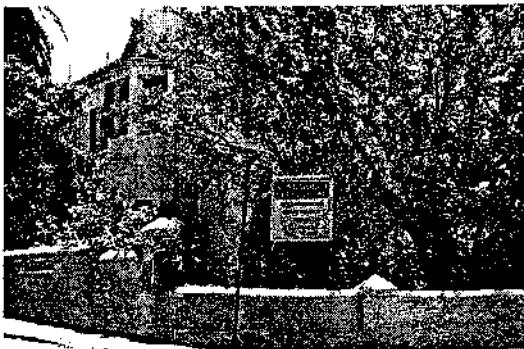


Figure 2.15 Historic building used for hospitality

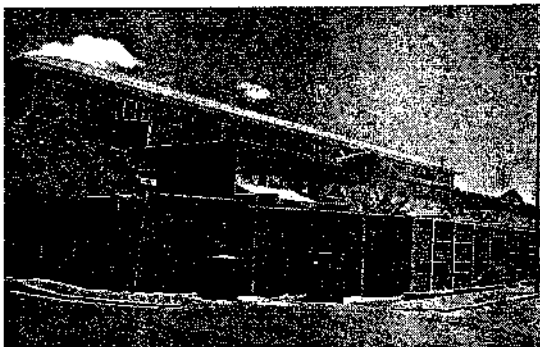


Figure 2.17 Renovations to flat blocks



Figure 2.16 Access taken from side street



Figure 2.18 42 Kenilworth Road - medical facility



Figure 2.19 Block of flats

2.3 MAIN ROAD BETWEEN KENILWORTH & WETTON ROADS (see Figure 2.20)

2.3.1 Land Uses

The Summerley / Main Road intersection, which is located towards the southern end of the Kenilworth node, is controlled by traffic lights. Within this node there are a number of retail shops on the western side of the road although many of those on the eastern side are occupied by estate agents whose office use has resulted in an inactive edge along that side of the street (see Figure 2.21). Ideally offices should be located above the streets rather than occupying buildings that would be ideal for retail space. There is some "living above the shop" occurring above the ground floor of the buildings on the western side. This could become the basis for a vision for development of a more intense mixed use node around the Main Road / Kenilworth Road intersection. Between Cumnor Avenue and Wetton Road the main land use is residential blocks of flats generally three storeys in height on the eastern side and rising to four or five storeys on the western side. There are some large complexes of flats on the southern part of the study area.



Figure 2.21 Office use resulting in an inactive edge



Figure 2.22 Absence of trees

This section of Main Road is punctuated by a number of non residential activities including offices, some of which are in historic buildings as well as a historic Presbyterian church complex and offices. (Three of the offices uses, all of which are being used by estate agents, are currently illegal land uses.) The pattern whereby single dwelling houses generally have non residential land uses in them is particularly noticeable on this stretch of Main Road.

2.3.2 Performance

This section of Main Road is also characterised by relatively high volumes of traffic with associated road noise but then again not of the intensity experienced on the much narrower Kenilworth Road. It is clear however that the abutting properties remain desirable for residential purposes despite the relatively high noise and traffic volumes that are experienced at times. Limited pedestrian activity also appears to apply here. This again may be due to the rather harsh pedestrian environment whereby the street is characterised by wide sidewalks without much activity abutting them, the shortage of trees, and the fact that the residential area just beyond the western row of erven along the Main Road tends to be developed at relatively low residential densities.

3. CURRENT ZONING AND APPLICATIONS

3.1 ZONING

Figure 3.1 shows the current zoning pattern in the study area. Zonings are largely General Residential R4 & R5 (which permits a range of residential forms and uses from dwelling houses to blocks of flats) with a concentration of General Business B1 zoning around the Kenilworth Road intersection with Main Road. There is also another concentration of General Business B1 between the railway line and Wessels Road on Kenilworth Road.

Many of the properties containing dwelling houses are zoned General Residential, and can thus be used, as of right, for higher density residential purposes. The proposed urban conservation area along Kenilworth Road (if and when approved) will play an important role with regard to protecting the character of this area. There are also a few isolated examples of General Business B1 and Special Business zoning in the section between Kenilworth Road and Wetton Road.

3.2 APPLICATIONS

In recent years there have been a number of applications for change of use along Main and Kenilworth Roads. Figures 3.2 – 3.4 show recent land use applications in the respective portions of roads. These have generally targeted dwelling houses, although two blocks of flats have also been converted from residential to institutional uses. In some cases Special Business rights have been applied for (which permits the same rights as for General Business, but which excludes restaurants and places of assembly, and which permits the same building parameters as with dwelling houses). In some instances temporary departures have been applied for to permit the temporary operation (up to 5 years) of offices. Whereas the Council generally supports applications for people to work from home (although some work from home scenarios do not require any application whatsoever), it would seem that with many of the non residential land uses taking place in dwelling houses, the operators do not wish to reside on their properties, and therefore require some form of land use application to acquire rights in order for them to operate businesses without living on the properties.

It must be noted that many of the applications have been in order to regularise illegal land uses. In accordance with the previous policies, the Council has, generally speaking, not supported the conversion of properties to non-residential uses.

4. OVERARCHING SPATIAL POLICIES

The Metropolitan Spatial Development Framework (MSDF) and the Cape Town Region's Municipal Spatial Development Framework (Muni-SDF) provide non-statutory guidelines as to how the metropolitan area as a whole and the former Cape Town Municipality should be developed.

4.1 MSDF (see Figure 4.1)

The MSDF is a metropolitan wide spatial plan which proposes a very crude spatial structure for Cape Town and suggests that within the crude spatial structure, local area planning be undertaken to meet the very differing needs and characteristics of different areas. This Main and Kenilworth Road Policy can be considered as one such example of local area planning.

The MSDF, which promotes, *inter alia*, high intensity nodal development with mixed use urban activity corridors linking the nodes, designates the Main Road as the centre of a Mature Metropolitan Activity Corridor. "Claremont/Wynberg" is reflected in the various MSDF maps as one such "mature metropolitan node" (together with the Cape Town and Bellville CBDs). Noting the very schematic nature of the document and maps, and the large and important residential areas clearly located between the Claremont and Wynberg CBDs, the "Claremont/Wynberg" "mature metropolitan node" does not imply that there is, or should be, a single node stretching from Claremont to Wynberg.

Generally nodes consist of intense levels of urban development with many activities reinforcing each other. Corridors also include intense urban development supporting linear transport services, and the MSDF explicitly promotes high density residential development within urban corridors, particularly within 100m of activity spines. The MSDF does not intend for there to be mixed uses at each section through an activity corridor. This is very clear from both the MSDF and the MSDF Handbook. A mix of land uses along the Main Road corridor occurs in that there exist a series of well-developed distinct business nodes along the length of the Main Road corridor. (The Kenilworth node is clearly an example of this.) It is not the intention of the MSDF for there to be unbroken strips of business development between the nodes.

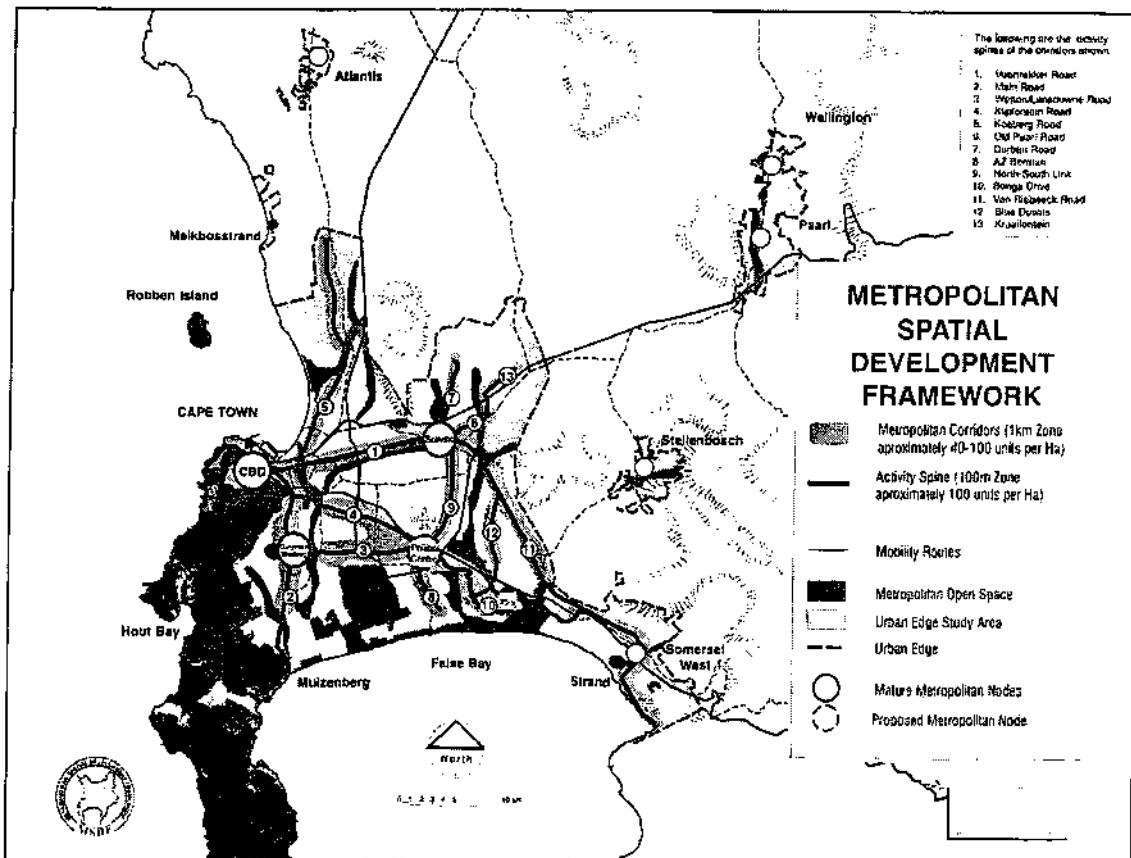


Figure 4.1 MSDF

4.2 Muni-SDF (see Figure 4.2)

Similarly to the MSDF, the Muni-SDF emphasises, *inter alia*, nodes and urban corridors as structuring elements of the City, with the Main Road being identified as such a corridor. The Muni-SDF disaggregates the MSDF's Claremont / Wynberg node indicating Claremont as an existing "Level 2 interchange" and Wynberg as an existing "Level 3 interchange" with an "important linkage" in between through Kenilworth.

The Muni-SDF places greater emphasis on what should occur within the nodes rather than the corridors. This suggests that the Kenilworth Main Road should accommodate lower levels of urban activity while higher order uses such as office and retail should be encouraged to locate in the first instance, into Claremont and Wynberg CBDs and, in the second instance, into the small node around the intersections of Main, Kenilworth and Summerley Roads.

The policies contained in this document are in accordance with both the MSDF and the Muni-SDF.

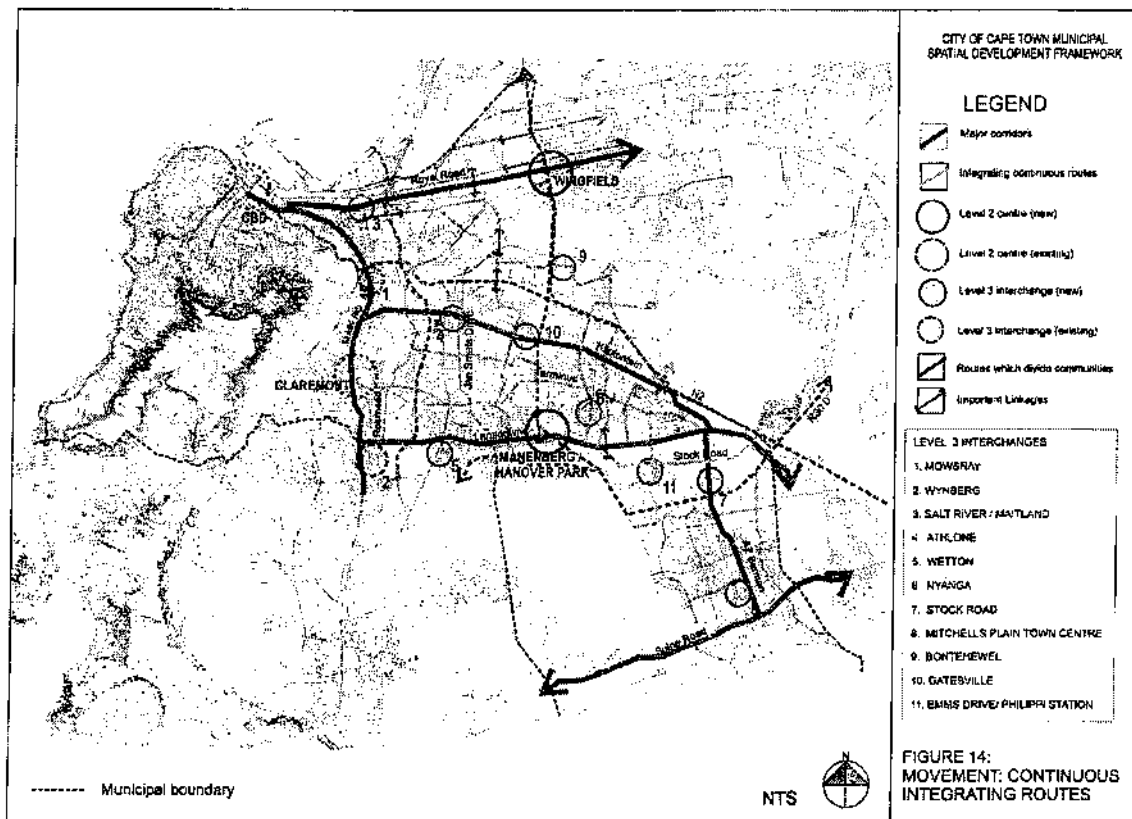


Figure 4.2 Muni-SDF

4.3 Development Facilitation Act

Section 3 of the Development Facilitation Act No 67 of 1995 provides "general principles for land development" which promote, *inter alia*:

- reducing urban sprawl;
- encouraging environmental sustainability;
- that the competent authority, in this case the municipality, co-ordinate the interests of various sectors involved in or affected by land development so as to minimize conflicting demands on scarce resources;
- optimising the use of existing resources and infrastructure;
- promoting a diverse combination of land uses, also at the level of individual erven;
- promoting the availability of residential and employment opportunities in close proximity to or integrated with each other.

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.

5. LAND USE MANAGEMENT POLICIES: KENILWORTH AND MAIN ROADS

5.1 MOTIVATION FOR THE POLICIES

One of Council's roles is having to mediate between individual requirements and preferences and finding a balance that facilitates regional functions and community needs.

In the context of Kenilworth and Main Roads, Council has to address the following issues:

5.1.1 *Loss of well located housing stock*

In this area the demand for residential accommodation is high and the erosion of such housing stock should be resisted. In fact, in terms of the MSDF this area is generally identified as appropriate for residential densification.

There is certainly some potential for further residential densification, particularly along the Main Road. This would take place as part of the natural cycle of urban development in which underutilised or run-down properties are redeveloped at higher densities. The loss of housing stock due to the conversion of single dwelling houses to non-residential uses goes beyond the loss of the particular dwelling house. The opportunity cost needs to be considered in that such a property could, in some cases, accommodate a small block of flats or townhouse development.

It is also clear that, despite the fact that properties located away from these roads would in general have a higher amenity value, there is still a large demand for flats along these roads.

5.1.2 *Impacts on the residential character of the area*

The protection and enhancement of the unique residential character of the residential sections of the two roads is of great importance. An example of the damage that can be caused to the residential character by changes in land uses can be dramatically seen from the property in the Main Road zoned Special Business that is currently being used by Chaos Computers (Erf 65490). This has had an exceptionally negative impact on the streetscape. A further example is the impact that the illegal office use on 29 Kenilworth Road (opposite the Kenilworth Clinic) has on the streetscape with the demolition of the characteristic front boundary wall and the loss of vegetation in order to accommodate parking.

While it is recognised that some business uses do not have a great negative impact on this character, this is often dependent on the attitude and requirements of the current owner. Council has to consider how these circumstances might change with successors in title and devise policies accordingly.

5.1.3 Impacts on heritage concerns

Changes in land uses can have both a positive and a negative impact on the protection of conservation worthy buildings. Where buildings are no longer viable for their original use and where their demolition is undesirable, a different land use within the same property can be desirable. This relates to some buildings within the study area.

On the other hand, business intrusion can have a negative impact, particularly when considered cumulatively. The example of 29 Kenilworth Road mentioned in 5.1.2 above, illustrates one such effect.

5.1.4 Impacts on surrounding properties

Changes in land uses to non-residential uses can have a great impact on the adjacent properties due to, for example, increases in noise and odours, and the absence of people on the property at night and over weekends (resulting in decreased surveillance).

5.1.5 Impacts on existing business areas

The existing business areas and their well-being are recognised as being of great importance. Changes in land uses outside of the business nodes can contribute indirectly but significantly to the decline of such areas, resulting in urban blight that is difficult and costly to reverse. In the nearby area there are a number of well-located business areas and nodes, such as the Kenilworth node and the Wynberg and Claremont CBDs. When considered cumulatively, the relocation of office and business land uses out of the nodes and into residential areas undoubtedly has a serious negative effect on such business areas and nodes.

This has recently been argued in a prominent article in the April 2003 issue of *Planning* (a local journal) which emphasises that existing business areas are in something of a crisis which is "largely the result of a frenzy of decentralisation, aided in part by reckless rezoning". Furthermore, this is "a destructive force in the economy" and "part of this oversupply problem is the growing trend in the commercial property market to move from multi-tenanted buildings to single occupant offices." The research found that local authorities should more tightly control development rights and that "there should be no more rights for development in decentralised areas and more stringent town planning controls". In addition, local authorities should give more support to existing business nodes.

5.1.6 Impacts relating to increased traffic, parking and noise

Changes in land uses, particularly business intrusion into residential areas can potentially have a serious negative impact on traffic, parking and noise, and can exacerbate existing problems. Land use changes need to be carefully considered in terms of these concerns.

5.1.7 Cumulative impact and precedent

The creating of precedents could start inappropriate development trends that the principle of legitimate expectations could make difficult to curtail. In particular, there is the danger that the principle of rezoning a single dwelling from residential to business could be extended to rezoning a block of flats from residential to business to permit an office block. Furthermore, while the impact of each land use change when taken in isolation may be relatively small, the *cumulative impact* can be significant.

5.2 VISION

- 1) Encourage the intensification of residential activities on Main road between the Wynberg CBD, the Kenilworth Village node and the Claremont CBD.
- 2) Re-affirm Kenilworth Road as an historic mixed use strip restoring its landscape quality, retaining residential uses and considering non residential uses compatible with and appropriate in residential zones. Uses which are not directly supportive of residential activities should move to the proposed Kenilworth Village node, or the Claremont and Wynberg CBDs.
- 3) Consolidate the node at the intersections of Kenilworth, Summerley and Main Roads as a vibrant urban village centre by permitting mixed use development to a maximum of four storeys within a designated development area (under the possible guidance of an urban design and landscape precinct plan).
- 4) Restore the landscape quality and pedestrian environment along Main Road, and maintain and intensify the current residential activity pattern.

These aims can be achieved through the policies indicated below.

5.3 POLICY FOR MAIN ROAD – BETWEEN CLAREMONT AND WYNBERG, EXCLUDING PROPOSED KENILWORTH NODE (see Figures 5.1 & 5.2)

MR1 No further non-residential uses shall be permitted between Claremont and Wynberg nodes (excluding the proposed Kenilworth node) except for the following:

- i. Home industries (i.e. work from home in the context described in the Zoning Scheme Regulations);
- ii. Guest houses and bed & breakfast establishments;
- iii. Places of instruction (from crèches to language schools) and community residential buildings" (ie orphanages, home for the aged, vagrants, battered women, or for indigent, handicapped or disabled people, or people otherwise socially or physically disadvantaged) in the Zoning Scheme Regulations.

Note: Many of these activities can operate in terms of existing rights. Where applications are required they will be evaluated in terms of, inter alia, compatibility with the existing residential environment.

MR2 Residential densification - by means of subdivisions, second dwellings ("granny flats"), double dwelling houses and rezonings to General Residential to permit blocks of flats – is supported. Any such application will need to be appropriate and evaluated by Council in terms of its impact and on its own merit.

MR3 No temporary departures are to be permitted, unless in exceptional circumstances and where the proposed activity is genuinely of the temporary nature.

5.4 POLICY FOR KENILWORTH VILLAGE NODE (see Figure 5.3)

KN1 Discourage office uses and encourage retail uses at the ground floor level.

KN2 Allow height increases to a maximum of 4 storeys to permit the following:

- i. Retail uses on the ground floor;
- ii. Offices or residential uses on the first floor; and;
- iii. Residential uses on the ^{2nd} ~~third~~ and ^{3rd} ~~fourth~~ floors.

Note: These policies do not affect existing rights in terms of which building heights and activities contrary to these policies may occur.

5.5 POLICY FOR KENILWORTH ROAD (see Figure 5.3)

KR1 For land use planning purposes Kenilworth Road shall consist of two sections and two nodes between Main Road and Rosmead Avenue. One node is at the intersection of Kenilworth and Main Road. The other is between the railway line and Wessels Road.

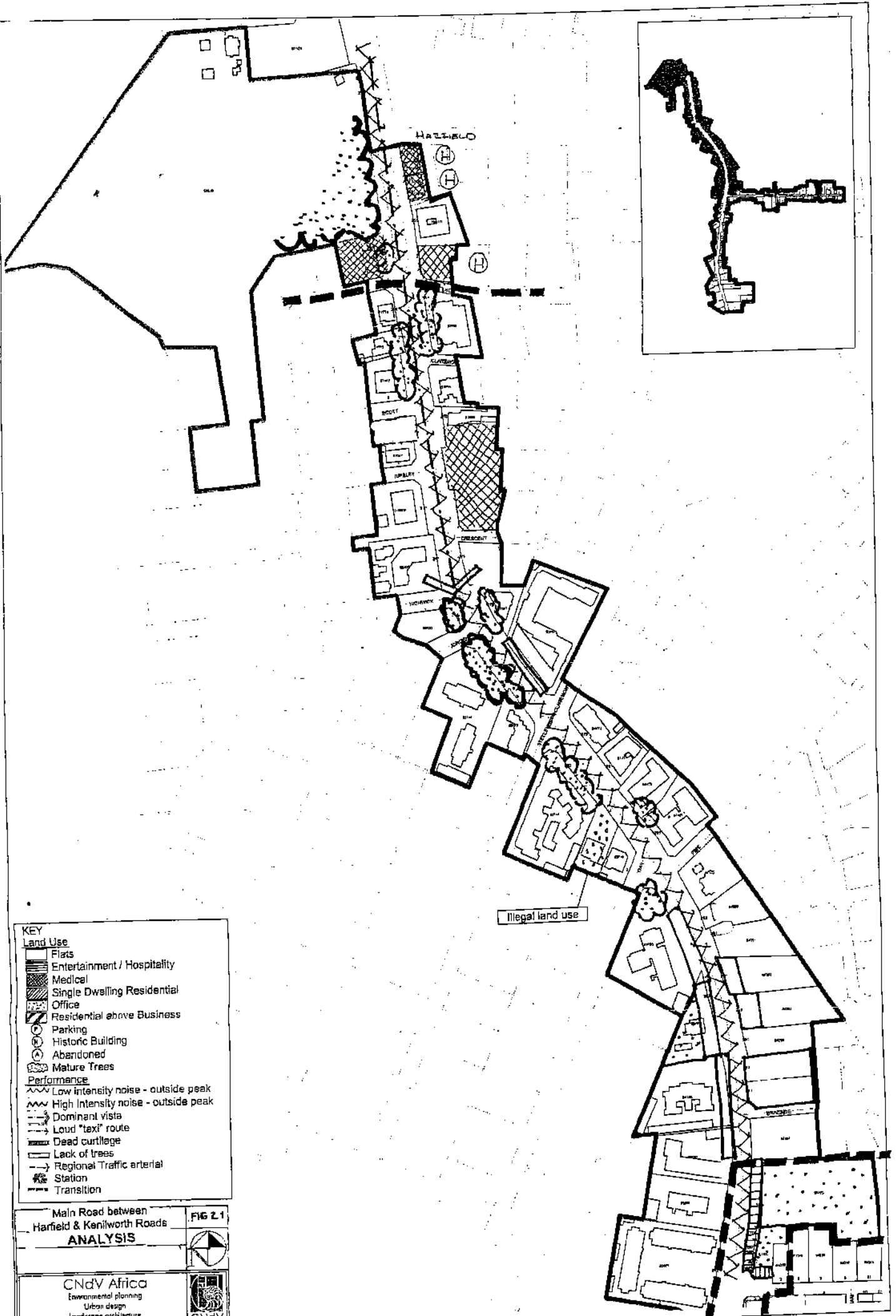
KR2 Non residential and residential activities, with residential located above the commercial or retail uses, should be concentrated in these nodes.

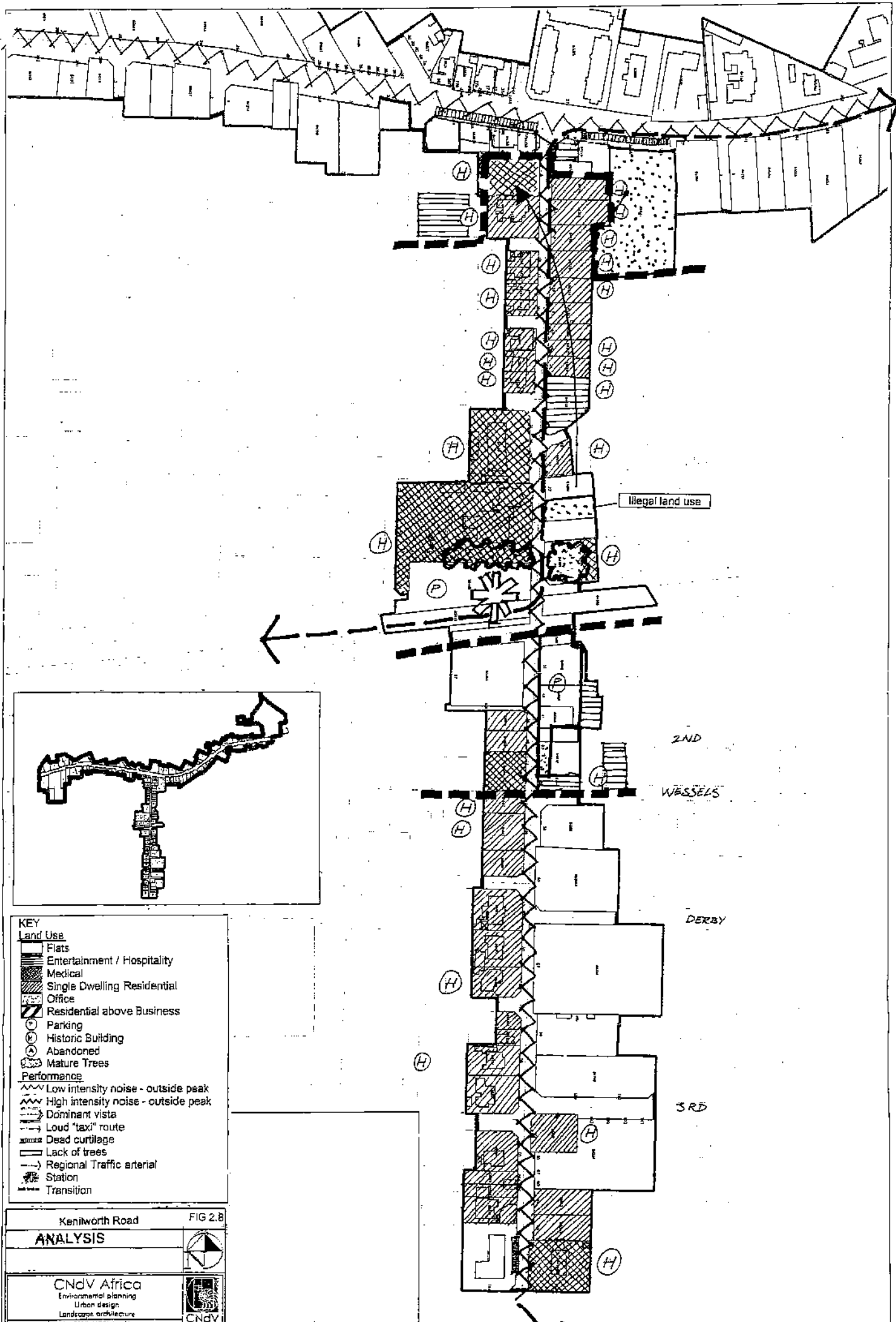
KR3 No further applications for non-residential uses should be supported outside of the nodes except for the following:

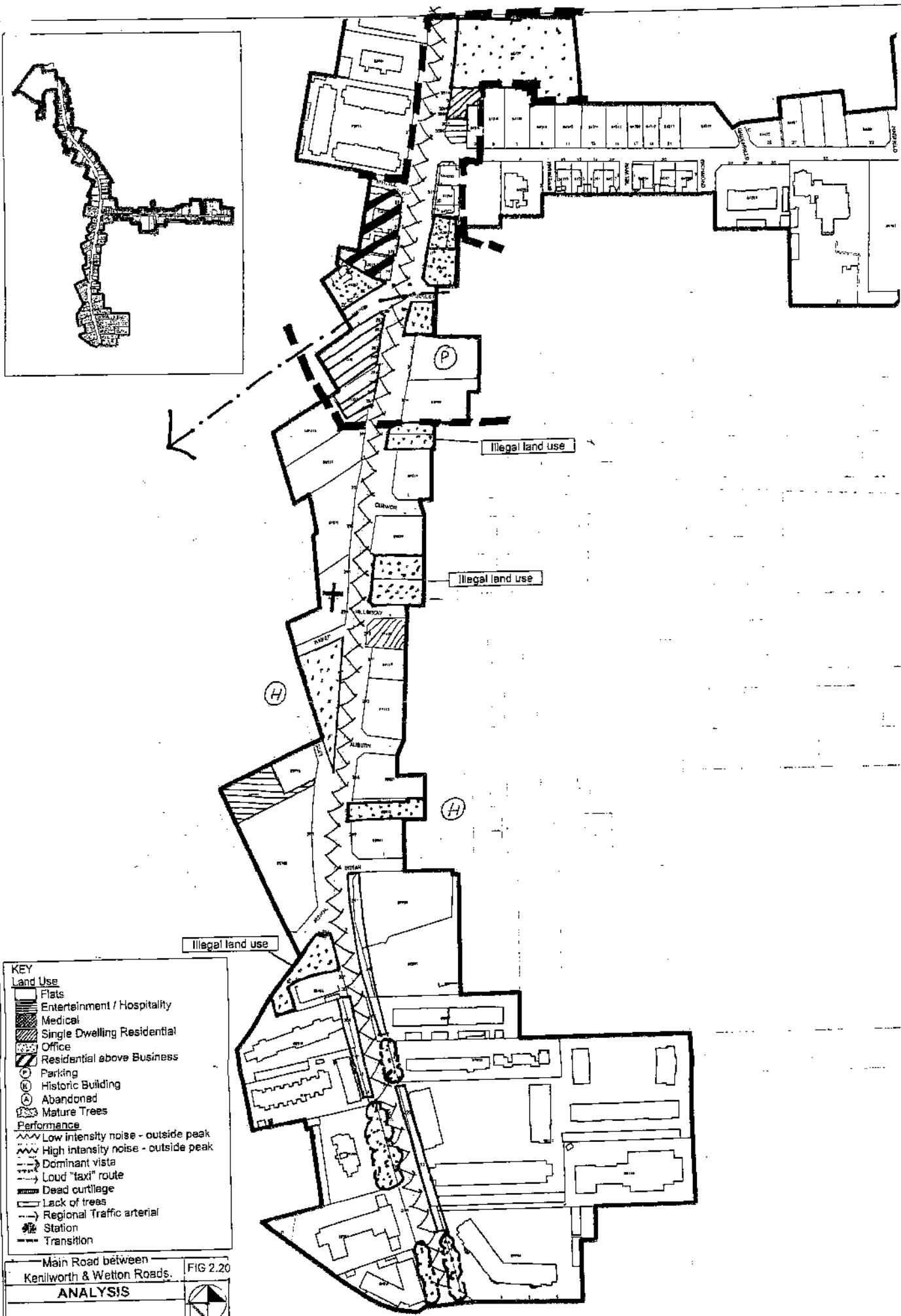
- i. Home industries (i.e. work from home in the context described in the Zoning Scheme Regulations);
- ii. Guest houses and bed & breakfast establishments;
- iii. Places of instruction (from crèches to language schools) and community residential buildings" (ie orphanages, home for the aged, vagrants, battered women, or for indigent, handicapped or disabled people, or people otherwise socially or physically disadvantaged) in the Zoning Scheme Regulations.

Note: Many of these activities can operate in terms of existing rights. Where applications are required they will be evaluated in terms of, inter alia, compatibility with the existing residential environment.

- KR4** Residential densification - by means of subdivisions, second dwellings ("granny flats"), double dwelling houses and rezonings to General Residential to permit blocks of flats – is supported. Any such application will need to be appropriate and evaluated by Council in terms of its impact and on its own merit.
- KR5** No temporary departures are to be permitted, unless in exceptional circumstances and where the proposed activity is genuinely of the temporary nature.







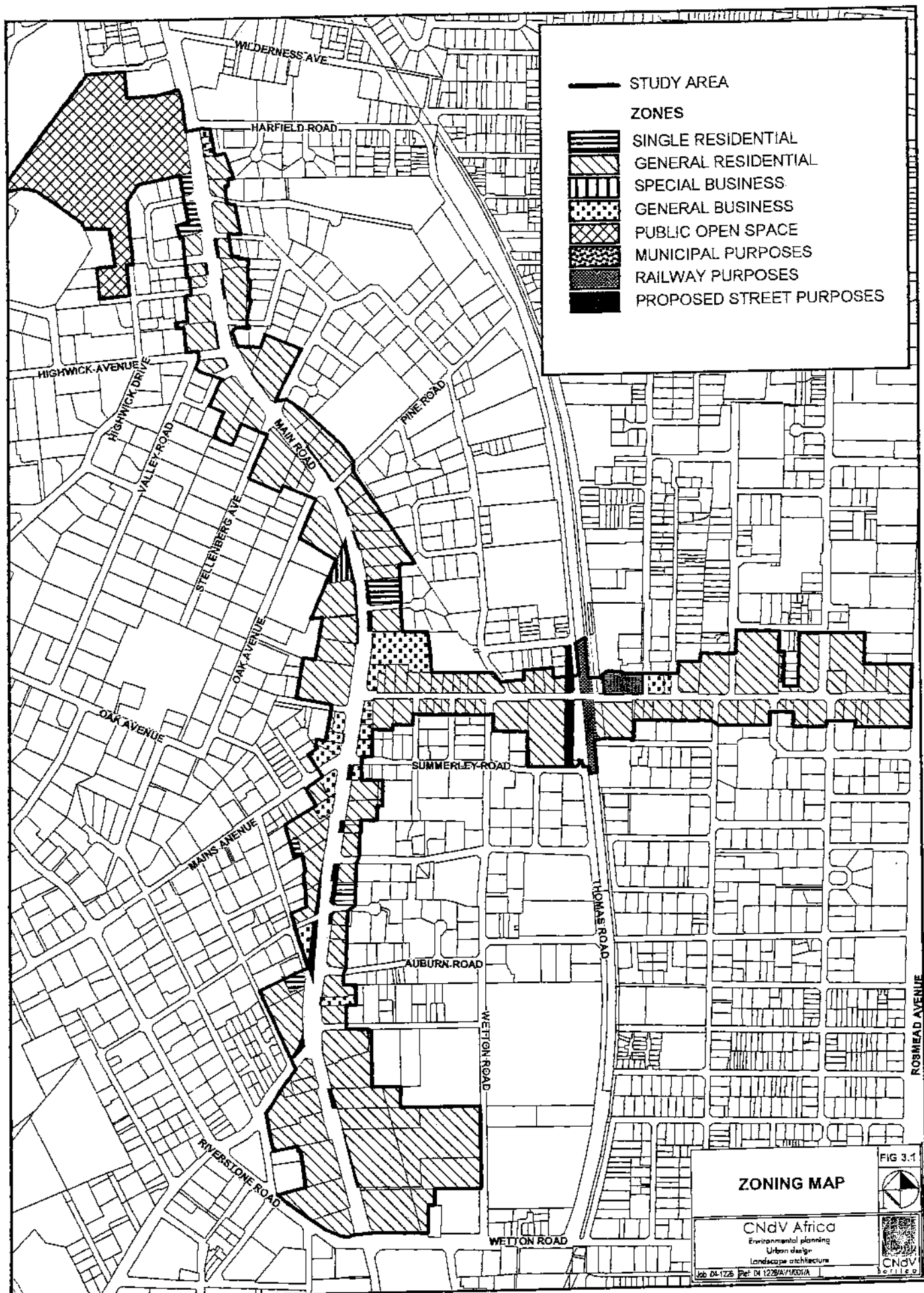
KEY

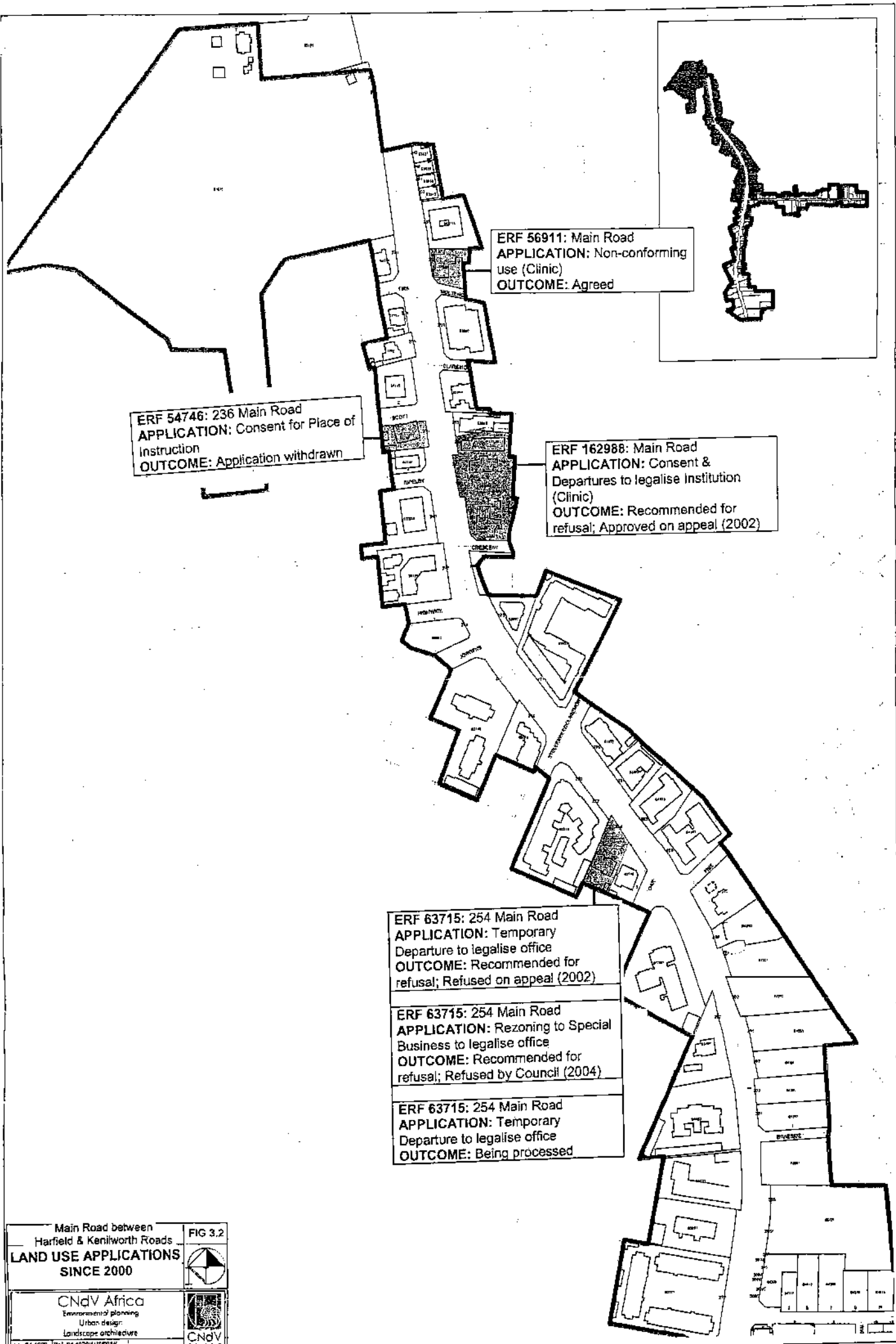
Land Use

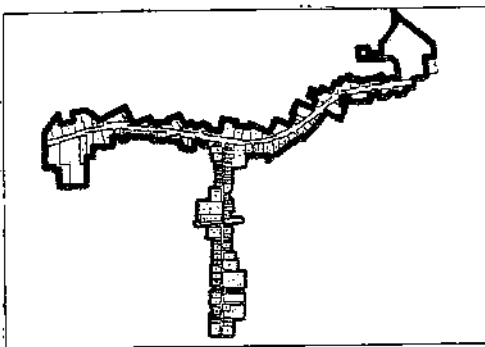
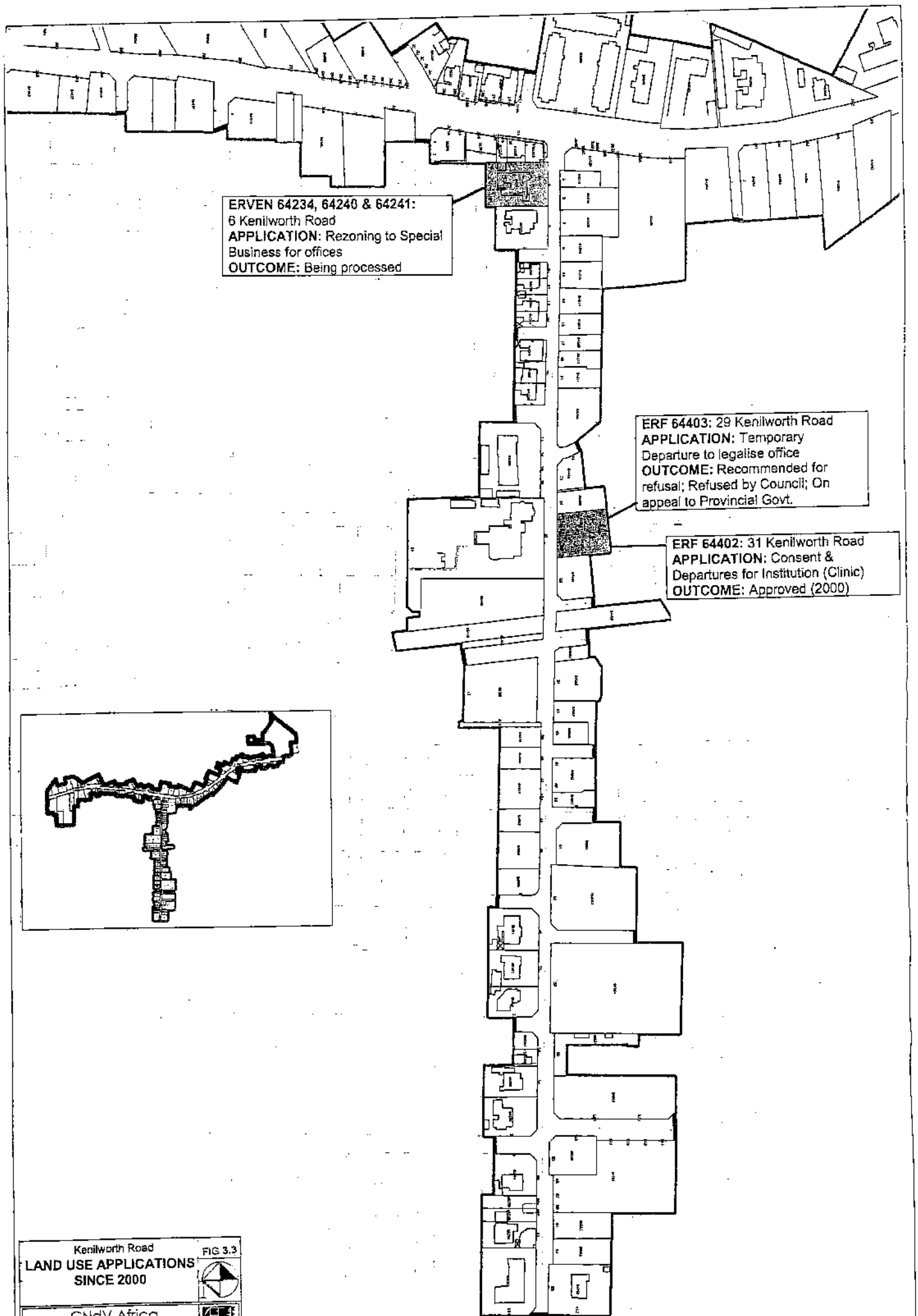
- Flats
- Entertainment / Hospitality
- Medical
- Single Dwelling Residential
- Office
- Residential above Business

Performance

- Parking
- Historic Building
- Abandoned
- Mature Trees
- Low intensity noise - outside peak
- High intensity noise - outside peak
- Dominant vista
- Loud "taxi" route
- Dead curtilage
- Lack of trees
- Regional Traffic arterial
- Station
- Transition







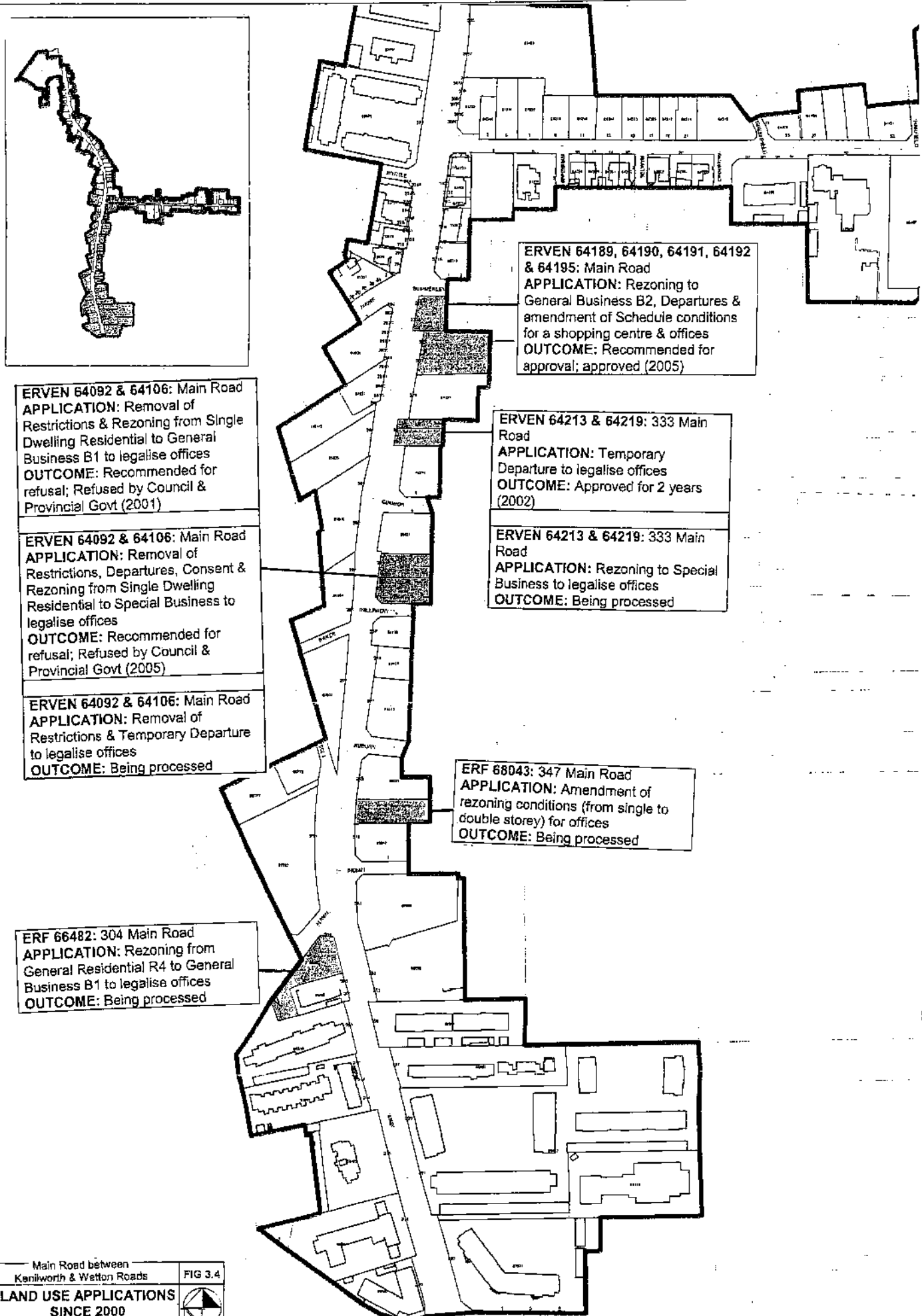
Kenilworth Road
LAND USE APPLICATIONS
 SINCE 2000

FIG 3.3



CNDV Africa
 Environmental planning
 Urban design
 Landscape architecture





ERVEN 64189, 64190, 64191, 64192 & 64195: Main Road
APPLICATION: Rezoning to General Business B2, Departures & amendment of Schedule conditions for a shopping centre & offices
OUTCOME: Recommended for approval; approved (2005)

ERVEN 64092 & 64106: Main Road
APPLICATION: Removal of Restrictions & Rezoning from Single Dwelling Residential to General Business B1 to legalise offices
OUTCOME: Recommended for refusal; Refused by Council & Provincial Govt (2001)

ERVEN 64213 & 64219: 333 Main Road
APPLICATION: Temporary Departure to legalise offices
OUTCOME: Approved for 2 years (2002)

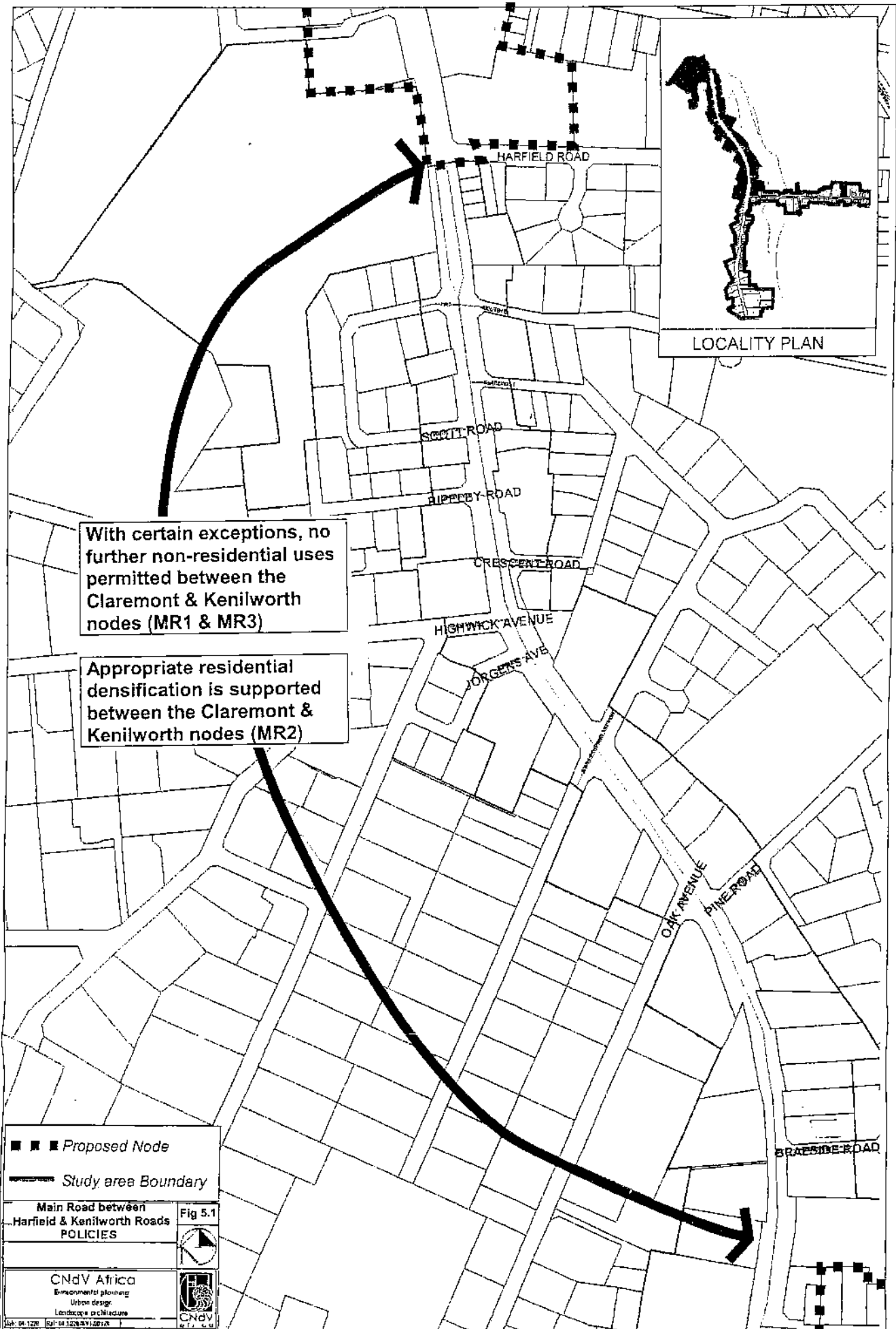
ERVEN 64092 & 64106: Main Road
APPLICATION: Removal of Restrictions, Departures, Consent & Rezoning from Single Dwelling Residential to Special Business to legalise offices
OUTCOME: Recommended for refusal; Refused by Council & Provincial Govt (2005)

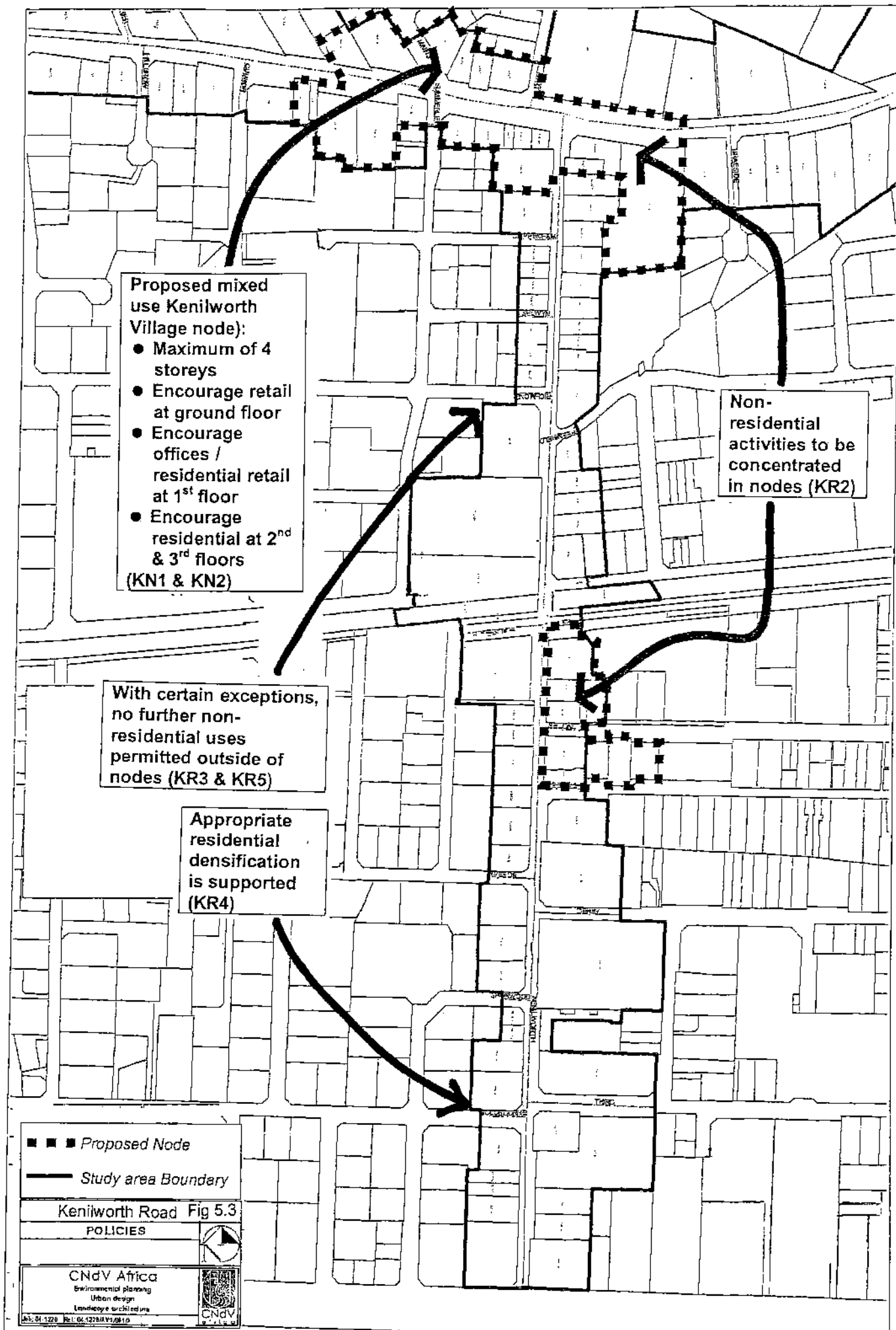
ERVEN 64213 & 64219: 333 Main Road
APPLICATION: Rezoning to Special Business to legalise offices
OUTCOME: Being processed

ERVEN 64092 & 64106: Main Road
APPLICATION: Removal of Restrictions & Temporary Departure to legalise offices
OUTCOME: Being processed

ERF 68043: 347 Main Road
APPLICATION: Amendment of rezoning conditions (from single to double storey) for offices
OUTCOME: Being processed

ERF 66482: 304 Main Road
APPLICATION: Rezoning from General Residential R4 to General Business B1 to legalise offices
OUTCOME: Being processed





ANNEXURE 1

PUBLIC PARTICIPATION

Two public meetings were held during the process. The first meeting, which was held on 31 January 2005, and which was attended by approximately 85 people, could be considered a scoping meeting at which a number of issues were raised.

The second meeting, which was held on 28th February 2005, and which was attended by approximately 73 people, was held to discuss the draft policy proposals. The consultants presented the draft proposals which were also available as handouts during the meeting. Written comments were also received to the draft policy.

1. ISSUES RAISED AT 1st PUBLIC MEETING & FOLLOW UP LETTERS

1.1 MAIN ROAD

Land Use Management

- Many people expressed the opinion that mixed fabric use was not objectionable within the Kenilworth Village Node.
- Concern raised that there is no cohesive theme and the village atmosphere is in danger of being eroded and needs to be revitalized. The office/business vacancy rate in the node is large. The retail mix to support community needs and pedestrian activity must be evaluated.
- Serious consideration needs to be given to the function and land use of the few remaining single residential properties (± 5) on Main Road as they are no longer conducive to residential use. A view was expressed that these buildings should be restricted to professional practices.
- There was a perception by some members of the public over Council's perceived uneven handling of rezoning applications e.g. support "high rise" blocks of flats rather than maintaining existing single dwelling houses for professional practices. A view was expressed that a professional practice (in existing single residential building) is more in keeping with the character of the area than the impact of a high rise block of flats with respect to congestion, property prices and views.
- A suggestion was made that the minutes of the various meetings of the Spatial Planning, Environment and Land Use Management Committee be scrutinized in order that the intentions of the Committee are understood.
- Any policies should reflect the principles and goals of Metropolitan Spatial Development Framework (MSDF) which defines the need for mixed use activity corridors. It was suggested that the MSDF is vague with respect to the Claremont-Wynberg Node and therefore this policy presents an opportunity to provide greater clarity.
- The north and south boundaries of the Kenilworth node and the southern boundary of Claremont node are poorly defined, and proposals should be put in place to define and contain these nodes.
- Large multi-storey flats should not be allowed to be converted to business use (office blocks).
- It is essential that business activities outside business nodes do not effect the residential amenity of adjacent properties. Therefore, hours of operation, scale of

use, signage, etc, should be considered in the policy.

- The office vacancy rate in the Kenilworth node and the Claremont and Wynberg CBDs is large and this needs to be considered when evaluating further land use applications.

Traffic

- There are insufficient pedestrian crossings on Main Road.
- The timing of traffic lights is too short – meaning that there is insufficient time to cross the road.
- There are a high number of accidents.

Landscaping

- The landscape quality along the Main Road should be restored through planting of trees where they have been removed for road widening purposes.
- Innovative proposals for the implementation of tree planting and landscaping are required e.g. community funding contributions and levies on developments.
- The facades of buildings need to be appropriate and conducive to pedestrian usage.
- Urban design proposals should be put in place for the Kenilworth node and the southern Claremont node in order to create a sense of place and scale.
- Pedestrian movement should be encouraged.
- Razor wire should be prohibited.
- The creation of a public parking garage could allow for freeing-up of parking space on Main Road for public space on pavements for cafes etc.

1.2 KENILWORTH ROAD

Land Use Management

- A distinction should be drawn between Kenilworth Road and Main Road with respect to their function.
- Down zoning of properties should be investigated with respect to the high number of properties which have rights which are not in keeping with current land use / character of the area i.e. single residential units with General Residential zones. A concern was expressed that if properties were to be developed in line with their zoning potential the character of the area would be dramatically affected.
- There was a divergence in public opinion on appropriate land uses with some people feeling that professional business (amongst others, lawyers, doctors, accountants, et al) premises were appropriate to the character of the area whilst others felt that they should not be encouraged. This could be a question of scale and nature of business (some support for home based and professional practices); interaction with the street frontage (i.e. maintain tree line); provision of parking; and surveillance at night through full time occupation.
- Council should take firmer action against illegal land uses.

Traffic

- The idea of the permanent closure of the boom to vehicle traffic only received large support from most of the public present.
- Traffic calming measures such as speed bumps and stop signs should be investigated. Concern was expressed that numerous requests to Council for such actions have been turned down. It was requested that an official from the Traffic Department should be present at the next meeting. It was argued that other

- perceived "through routes" in the area had appropriate traffic calming measures.
- The taxi "rat run" down Kenilworth Road into Thomas Road s a problem.
- Concern was expressed that heavy vehicles are using Kenilworth Road with a high associated risk and general noise and congestion.
- It was proposed that the intersection onto Rosmead Road could be widened to allow for a dedicated left turn.
- It was proposed that certain streets could be turned into one-ways.
- The speed limit should be enforced.

Other

- The alley onto Kenilworth Road should be closed to aid abutting property owners.
- The heritage of the village atmosphere must be protected in the form of building heights and form as well as the treescapes. All historic buildings should be preserved. The view was expressed that business usage of single residential buildings served to preserve them where there was pressure to develop flats.

1.3 GENERAL

Process / Limitations of Study

- The restricted / limited size and scope of the study area was questioned in that abutting areas will be affected by the impact of any policy changes.
- A question was raised concerning the background to the previous policy for the area.

Other issues beyond the scope of this project

- A general positive community spirit was reflected in the meeting – e.g. graffiti busting initiative.
- Questions were raised concerning the inappropriate / unsightly signage and the effective policing and enforcing of bylaws.
- Security concerns were raised ie unauthorized car guards, vagrants, prostitutes, etc.

2. ISSUES RAISED AT 2ND PUBLIC MEETING

2.1 Supportive Comments

Generally, comments from the floor were supportive with many welcoming the predictability that the proposals were attempting to bring to the development of the area.

2.2 Need to involve other Municipal Departments and Government Bodies

Dismay was registered at certain issues which impacted on residents living in the sub-area but which were under the control of other municipal or even national government organisations, and as such beyond the scope of this land use policy plan. (For example, management of the rail crossing across Kenilworth Road. Another example was landscaping and tree planting.)

2.3 Vested Interests

There was a pattern both during the public meeting and in letters submitted afterwards from parties who represented narrow vested interests querying the

proposals. Those with vested interests comprised land owners who either had attempted to obtain business development rights in the past or were intending to in the future. (A number of these parties are currently operating illegal land uses.) These land owners believed that rather than concentrating business uses in the Claremont, Wynberg and Kenilworth village nodes as proposed in the policy, business uses should be permitted in the sections between these nodes where their properties were located.

3. LETTERS IN RESPONSE

Eight letters were received in response to the draft policy guidelines, one of which was received late.

One of these confined itself to process issues asking for access to transcripts of meetings, complaining about the lack of circulation of draft policy before the public meeting of 28th February and a request for more time to respond. Technical problems prevented the recording of a transcript of the second meeting and the short time period between the two public meetings meant that the draft proposals were only available on the day of the second public meeting. However, the deadline for written comments to be submitted was considerably extended by council to allow time for comments to be submitted without prejudice.

Of the remaining seven letters three were in support of the proposals with one requesting that a property (6 Kenilworth Road) be excluded from the proposed Kenilworth Village node so that that property cannot be redeveloped to a height of 4 storeys. In that case, the property is conservation worthy and it is thus unlikely that the existing single storey building will be permitted to be demolished.

The remaining four letters were from or on behalf of landowners wishing to secure business rights for their properties. One long submission purported to be from a 'group' of landowners but in fact represented only two, both of whom had had rezoning applications turned down on their properties and both of whom are currently operating illegally from their properties.

As well as raising similar process issues to those mentioned above, these four letters in essence raised the desirability of having mixed uses in the sections between the nodes of Wynberg, Kenilworth Village and Claremont, and along Kenilworth Road. They cited the undesirability of residential living on the Main and Kenilworth Roads, the corridor principle of the Metropolitan Spatial Development Framework and the need for local economic development.

The letter written on behalf of two of the landowners proposed an alternative policy for the Main Road whereby non-residential land uses on properties smaller than 1000m² be allowed to be rezoned to allow business uses subject to controls relating to building envelope and signage.

The letter that was received late (more than two and half months late) also raises procedural issues and requests that yet further public participation is necessary prior to the completion of the policy.

None of the letters raised new arguments concerning the substantive issues which are comprehensively dealt with in Section 5 of the policy report.

4. SUMMARY

In summary and bearing in mind the short timeframe and limited scope of this consultancy the public participation process can be considered a success. Over 100 individual people attended the two public meetings, many coming to both. There was general support for the proposals although the need identified for a multi-institutional approach to management of the area was beyond the scope of the project. The level of support for the proposals was again witnessed in the written submissions where only four of the seven letters received raised concerns. These four letters were on behalf of four landowners who either intended or had been attempting to secure business rights on their properties. Thus, they represented a small minority with extreme vested interests of the stakeholders.

1 ITEM NUMBER

2 SUBJECT

**LAND USE MANAGEMENT POLICY FOR KENILWORTH MAIN ROAD
(BETWEEN CLAREMONT & WYNBERG) AND KENILWORTH ROAD**

**UMGAQO-NKQUBO WOLAWULO LOKUSETYENZISWA KOMHLABA
OPHATHELENE KWI-KENILWORTH MAIN ROAD (PHAKATHI KWE-
CLAREMONT & WYNBERG) KUNYE NE-KENILWORTH ROAD**

**BELEID OOR GRONDGEBRUIKBESTUUR VIR KENILWORTH-HOOFWEG
(TUSSEN CLAREMONT & WYNBERG) EN KENILWORTHWEG**

3 PURPOSE

To motivate for the approval of a recently developed land use management policy for the Kenilworth Main Road and Kenilworth Road.

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

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

6 EXECUTIVE SUMMARY

Both roads are important roads within the sub-metropolitan area. While both of these roads are primarily residential in nature, both have two business nodes along these roads in addition to certain other non-residential uses. 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. In recent years many of these land use changes have taken place illegally.

Consequently, this Department frequently processes land use applications along both roads. Although policy statements for Kenilworth Road and the Main Road were produced in 1992 and 1993 respectively, both policies have in recent years come under criticism by applicants wishing to change land uses or legalise illegal land uses. In the light of the Mayor's commitment to improving the time taken to process land use applications, a combined revised policy has been developed. In addition to the speeding of the processing of land use applications, this will also better assist decision-makers (both Councillors and, in some cases, Officials) to make decisions within an updated 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.

The revised policy has been drawn up by CNdV Africa Planning & Design consultants, and has taken into account the applicable broader spatial frameworks as well as 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 vision was developed for the two roads, which in turn directly influenced the specific land use policies.

Vision for the Main Road: To encourage the intensification of residential activities on the Main Road and to consolidate the existing Kenilworth Main Road business node within which mixed use activities are to be encouraged. Further business creep must be discouraged. However, certain non-residential uses that are directly supportive of the residential activities are encouraged.

Vision for Kenilworth Road: Re-affirm Kenilworth Road as containing both non-residential land uses (within two nodes) as well as important residential land uses. Further business creep must be discouraged.

In both roads residential densification and home industries (ie working from home) are supported.

A public participation process was carried out which entailed two public meetings, with over 100 people attending the meetings, 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 this process. Eight letters of comment were received from the public. Of these three were in support of the policy and five (one of which was received late) were opposed to it. Of the five letters opposing the policy, four of these letters represent three owners with illegal land uses who have vested interests in acquiring business rights for their properties. The five letters opposing the policy represent a small minority of just four properties along both entire stretches of road.

7 RECOMMENDATIONS

- a) Recommended that the Executive Mayor in consultation with the Mayoral Committee approve Sections 5.3–5.5, together with the associated figures, of the Land Use Management Policy for the Kenilworth Main Road and Kenilworth Road, dated July 2005, and rescind the previous policies for the Kenilworth Main Road and Kenilworth Road, dated 1993 & 1992 respectively.
- a) Kundululwe ukuba uSodolophu Olawulayo weSigqeba ecebisana neKomiti Yolawulo (Mayco), bamakele amaCandelo-5.3-5.5 kunye nemiqathango ephathelene noMgaqo-Nkqubo woLawulo lokuSetyenziswa koMhlaba kwi-Kenilworth Main Road kunye ne-Kenilworth Road, obhalwe ngeyeKhala (Julayi) 2005, kwakhona babhangise imigaqo-nkqubo yakudala ye-Kenilworth Main Road kunye ne-Kenilworth Road, eyabhalwa ngo-1993 kunye nowe-1992 ngokwahlukeneyo.
- a) Aanbeveel dat die uitvoerende burgemeester in oorleg met die burgemeesterskomitee goedkeuring verleen aan artikel 5.3-5.5, met inbegrip van die gepaardgaande syfers, van die beleid oor grondgebruikbestuur vir die Kenilworth-hoofweg en Kenilworthweg van Julie 2005, en die vorige beleid oor die Kenilworth-hoofweg en Kenilworthweg van onderskeidelik 1993 en 1992 herroep.

8 DISCUSSION/CONTENTS

8.1 Constitutional and Policy Implications

The policy conforms with the principles contained in the Municipal Spatial Development Framework, the Metropolitan Spatial Development Framework and the Development Facilitation Act, No 67 of 1995.

8.2 Legal Implications

This policy 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, and/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)
- Environmental Management Branch (Mr J Cornelius Ph: 400 3602)

ANNEXURES

- Annexure A: Land Use Management Policy for Kenilworth Main Road and Kenilworth Road, dated July 2005
- Annexure B: Letters received as part of the public participation process

FOR FURTHER DETAILS CONTACT:

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

Comment:

EXECUTIVE DIRECTOR
Mike Marsden

DATE _____

