



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500169637

**Erf 6644, 40 De La Haye Avenue,
De La Haye, Bellville**

Development Management

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Owner:
Postal: 40 DE LA HAYE AVENUE, BELLVILLE
Date: 20 MAY 2026

To: THE CITY OF CAPE TOWN, LAND USE MANAGEMENT.

RE: **REMOVAL OF TITLE DEED CONDITIONS, REMOVAL OF CONDITIONS OF APPROVAL, CONSENT USE APPROVAL FOR A GUEST HOUSE, AND A DEPARTURE ON ERF 6644, 40 DE LA HAYE AVENUE, DE LA HAYE, BELLVILLE.**



Property Number	6644
Allotment Name	BELLVILLE
ISIS Key	661915
Legal Status SG	Registered
Zoning Description	Residential 1 - Conventional Housing
Vested Type	No Vesting
Addr No	40
Address No Suffix	
Street Name	DE LA HAYE
Street Name Type	Avenue
Official Suburb Name	DE LA HAYE
Subcouncil Name	Subcouncil 6
Ward Name	3
SG26 Code	C0160002000066440000000000
Status	Official
SHAPE.STArea()	951.542635

LIST OF ANNEXURES:

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ABBREVIATIONS AND DEFINITIONS:

Application area:	Same definition assigned as subject property
MPBL:	Municipal Planning Bylaw
DMS	Development Management Scheme
IDP:	Integrated Development Plan
COCT:	City of Cape Town Municipality
PSDF	Provincial Spatial Development Framework (Western Cape)
MSDF:	Municipal Spatial Development Framework (Cape Town)
DSDF:	District Spatial Development Framework (Tygerberg)
SPLUMA:	Spatial Planning and Land Use Management Act (Act 16 of 2016)
LUPA	Western Cape Land Use Planning Act (Act 3 of 2014)
Subject property:	ERF 6644, 40 DE LA HAYE AVENUE, DE LA HAYE, BELLVILLE.
This proposal:	Removal of Title Deed Conditions to allow a Second Dwelling, Removal of Conditions of Approval to allow a Second Dwelling, Consent Use to allow a Guest-house, and a Permanent Departure on ERF 6644, 40 DE LA HAYE AVENUE, DE LA HAYE, BELLVILLE.

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1. INTRODUCTION AND APPLICATION SUMMARY:

- 1.1 This proposal seeks **Removal of Title Deed Conditions C. 3. (b), (c) & (d) and Title Deed Conditions (A) (i), (ii) & (iii)** to allow a Second Dwelling, Third Dwelling and Consent Use for a Guest-house.
- 1.2 This proposal seeks **Removal of Conditions of Approval C. 3. (b), (c) & (d) and Conditions of Approval (A) (i), (ii) & (iii)** to allow a Second Dwelling, Third Dwelling and Consent Use for a Guest-house.
- 1.3 This proposal seeks **Consent Use** to allow a Guest-house with 10 Bedrooms for Guests/Lodgers. The Resident Manager will use the Supplementary Dwelling Unit.
- 1.4 This proposal seeks **Permanent Departure** to allow a On-Site Parking Requirement to be 8 Parking bays instead of 10.
- 1.5 This proposal seeks **Permanent Departure** to allow: **(a)** Street Boundary Building Line for the Carport to be 0m instead of 5, and **(b)** Common Boundary Building Line to be 1.5m instead of 3m to for a Second Dwelling and a Third Dwelling.
- 1.6 There are deviations from the previously approved plans and an Administrative Penalty Application will be made.

2. PROPERTY DETAILS:

2.1	PROPERTY DETAILS TABLE:	
2.1.1	Ownership:	
2.1.2	Property Description:	ERF 6644
2.1.3	Physical Address:	ERF 6644, 40 DE LA HAYE AVENUE, DE LA HAYE, BELLVILLE.
2.1.4	Title Deed No.:	
2.1.5	Title Deed Restrictions:	Applicable
2.1.6	ERF Extent:	952m2
2.1.7	SG Diagram No:	446/46
2.1.8	Bond:	N/A
2.1.9	Present Zoning:	R1 - Residential Zoning 1: Conventional Housing.
2.1.10	Jurisdiction:	City of Cape Town Municipality, Tygerberg District.

2.2 LOCALITY MAPS:

2.2.1

**AERIAL PHOTOGRAPH** (Source: City of Cape Town Zoning Map Jan 2023):

2.2.2



ZONING MAP EXTRACT (Source: City of Cape Town Zoning Map):

2.3

LAND USE CONTROL:

- 2.3.1.1 Guest House is identified as a Consent Use Right on Residential 1 (R1) Zoning. This proposal seeks Consent Use to allow a Guest House on ERF 6644, BELLVILLE with 10 Bedrooms for Guests/ Lodgers. The Resident Manager will use the Supplementary Dwelling Unit.
- 2.3.1.2 Definition: According to the DMS 'Guest House' is defined as "a dwelling house, second dwelling or third dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the allowable number of rooms of a bed and breakfast establishment, and may include business meetings or training sessions by and for guests on the property".
- 2.3.1.3 Definition: 'Second Dwelling' means another dwelling unit which may be erected on a land unit where a dwelling house is also permitted; and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house.
- 2.3.1.4 Definition: 'Third Dwelling' means another dwelling unit which may, in terms of this Development Management Scheme, be erected on a land unit where a dwelling house and a second dwelling have already been approved, lawfully erected or where they are proposed at the same time.
- 2.3.1.5 On R1 Zoning, a Carport and a Store Room (Out-Building) is permitted within the Common Boundary Building Line.
- 2.3.2 The table below shows aspects required in R1 Zoning and the DMS compared to the same aspects as proposed in this proposal.

ASPECT:	REQUIRED/ ALLOWED:	PROPOSED:
2.3.2.1.1 DWELLING UNITS	3	3
2.3.2.1.2 GUEST BEDROOMS	-	10
2.3.2.2 SR1 BUILDING HEIGHT (TOP OF ROOF)	11m	7.569m
2.3.2.3 COVERAGE	N/A	50%
2.3.2.4 FLOOR FACTOR	1	0.47
2.3.2.5 PARKING - PT1	1 bays/ guest bedroom (x10) = 10 bays. 1 bays/ manager bedroom (x1) = 1 bays. 2 nd Dwelling = 1 bay .	8 bays + 3 bays in tandem. [DEPARTURE]
2.3.2.6 BUILDING LINE- STREET BOUNDARY	3.5m	8.45m
2.3.2.7 BUILDING LINE- STREET BOUNDARY (CARPORT)	5m	0m [DEPARTURE]
2.3.2.8 BUILDING LINE- COMMON BOUNDARY	3m	1.5m [DEPARTURE]

3. **MOTIVATION IN SUPPORT OF THE APPLICATION:**

3.1 **MOTIVATION FOR THE REMOVAL OF THE TITLE DEED CONDITIONS:**

- 3.1.1 This proposal to **Remove Title Deed Conditions C. 3. (b), c & (d) and Title Deed Conditions (A) (i), (ii) & (iii)** imposed in Title Deed No.: on ERF 6644, DE LA HAYE, BELLVILLE is in terms of Section 42 (g) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.

3.1.2.1 EXTRACT FROM THE TITLE DEED NO.

C. 3. This erf shall be subject to the following conditions, provided especially that where, in the opinion of the Administrator, in consultation with the Township's board of the Local Authority it is expedient that the restriction in any such condition should at any time be suspended or relaxed, he may authorize the necessary suspension or relaxation, subject to compliance with such conditions as he may impose:

(a) It shall not be subdivided.

(b) It shall be used for the purpose of erecting thereon one dwelling, together with such outbuildings as are ordinarily required to be used therewith.

(c) Not more than half the area thereof shall be built upon.

(d) No building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,05 metres of the rear or 1,57 metres of the lateral boundary common to any adjoining erf- provided that with the consent of the local authority an outbuilding not exceeding 3,05 metres on height measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space.

3.1.2.2 EXTRACT FROM THE TITLE DEED NO.

(A) FURTHER SUBJECT to the following conditions imposed by the company for its benefit while it is the registered owner of any lot or lots in the said Township (held by the said Company under Certificate of Amended Title on consolidation Number and thereafter for the benefit of its Successors in Title to any of the land held by it, the Company, however, reserving the right to sell other lots in the Estate free from any or all of such conditions, or with modifications of such conditions:

(i) The said property shall be used for residential purposes only and no shop or hotel and no commercial or industrial business or advertising of any kind and no trade or profession – except that of a general practitioner in the medical profession – shall be carried thereon.

(ii) Only one dwelling, together with such outbuildings as are ordinarily required to be used therewith, shall be erected on the said property and in particular no building of the type commonly known as "Flats" shall be erected on the property.

(iii) No building or structure or any portion thereof with the exception of boundary wall and fences shall be erected nearer than 12.19 metres from a street line nor within 3.05 metres of any other boundary of the said land, save with the consent of the Company in writing. No boundary wall abutting on the road shall exceed the decimal seven six metres in height.

- 3.1.3 The subject property is situated in a desirable location to allow the proposed development as motivated below in the Motivation for the Consent Use Application and in the SPLUMA and LUPA Motivation.

- 3.1.4 The subject property is subject to the **Municipal Planning By-Law (MPBL), Development Management Scheme (DMS)** which adequately covers the Town Planning Regulations that the Title Deed Conditions were regulating namely Condition C.(b) regulating Land Use, number of dwelling units allowed, and Condition C.(d) regulating Building Lines.

3.2 **MOTIVATION FOR THE REMOVAL OF CONDITIONS OF APPROVAL:**

- 3.2.1 This proposal to **Remove Conditions of Approval C. 3. (b), c & (d) and Conditions of Approval (A) (i), (ii) & (iii)** as stated in Title Deed No.: on ERF 6644, DE LA HAYE, BELLVILLE is in terms of Section 42 (j) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.

- 3.2.2 **Title Deed Conditions C. 3. (b), c & (d) and Title Deed Conditions (A) (i), (ii) & (iii)** exist as **Conditions of Approval** because they were imposed by the Administrator of the Province of the Cape of Good Hope at the time of the establishment of the township.

- 3.2.3 **Title Deed Conditions C. 3. (b), c & (d) and Title Deed Conditions (A) (i), (ii) & (iii)** exist as **Conditions of Approval** that need to be removed in order to permit this proposal.

- 3.2.4 The motivation for the **Remove Conditions of Approval C. 3. (b), c & (d) and Conditions of Approval (A) (i), (ii) & (iii)** is as stated in item 4.3 below.

3.3 **MOTIVATION FOR THE CONSENT USE APPLICATION:**

- 3.3.1 This proposal for **Consent Use to allow a Guest House** on ERF 6644, DE LA HAYE, BELLVILLE is in terms of Section 42 (i) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.3.2 The subject property is in a desirable location for a Guest House. There is a pressing need for safe, affordable, accommodation options in areas that have proximity to commercial, educational, recreational and community opportunities. This proposal seeks to convert the residence into a guest house by making minor internal alterations and minor external fabric alterations to the Main Dwelling.
- 3.3.3 The following are reasons for this proposed consent use application for a guest house:
- (1) This proposal maintains the existing structure and re-purposes for a more intensive use thereby keeping with the existing built fabric of the area and causing minimal disturbance;
 - (2) This proposal brings more densification in the area while causing minimal change;
 - (3) This proposal is located in a **Development Corridor**;
 - (4) This proposal is located close to a **Mixed Use Intensification Zone**;
 - (5) This proposal is located close to a **Metropolitan Node**;
 - (6) There is a C02 zoned properties in the surrounding area and meaning that the context of the subject property is intense with a mix of land use activities;
 - (7) Public transport is available on Voortrekker Road and Durban Road (5 minutes walk away);
 - (8) This proposal will provide an affordable accommodation within a busy and vibrant node;
 - (9) This proposal will provide an affordable accommodation in an area close to employment opportunities;
 - (10) The proposal will provide employment opportunities during construction and after;
 - (11) The proposal will provide Development Charges which will provide resources for municipal services;
 - (12) The proposal provides on-site parking for the establishment;
 - (13) There public transport by train and future railway upgrades are planned. There is public transport on Voortrekker Road. The is future MyCiti Bus route planned for Bellville.
 - (14) De La Haye Avenue is a major connecting road is the area.

3.4 **MOTIVATION FOR THE ON-SITE PARKING DEPARTURE APPLICATION:**

- 3.4.1 This proposal for **Permanent Departure** to allow a On-Site Parking Requirement to be 8 Parking bays instead of 10 bays on ERF 6644, DE LA HAYE, BELLVILLE is in terms of Section 42 (i) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.4.2.1 This proposal is in a STANDARD Area. The DMS requires parking to be provided as per the table below:

3.4.2.2	Bed & breakfast establishment	1 additional bay per guest room	1 additional bay per guest room	Nil
	Boarding house, guest house	1 bay per bedroom for the first 10 bedrooms, thereafter 0.5 bays for each bedroom in excess of 10	1 bay per bedroom for the first 10 bedrooms, thereafter 0.25 bays for each bedroom in excess of 10	Nil, Facility to accommodate stop and go facility for e-hailing taxis and collection point for scooter deliveries

- 3.4.3 This proposal provides 8 on-site parking bays and an additional possibility for 4 additional bays in tandem.
- 3.4.4 The following are reasons for this proposed permanent departure
- (1) We did not consider that the Resident Manager needs to be provided with a parking bay. This is not a explicitly stated in the DMS. We provide parking for the guest bedrooms as required. The Resident Manager is a maid/ domestic staff position who will be responsible for laundry, cleaning and attending to the guests. It is not expected that they will need a parking bay.
 - (2) There are 4 additional parking bays provided in tandem. These can be used for guests who come with more than one vehicle, or for loading bays for supplies, or as temporary parking for e-hailing vehicles;
 - (3) E-hailing services reduce the need for parking bays;
 - (4) The property is in a STANDARD AREA but is 10 minutes walk to Voortrekker Road, a major public transport route;
 - (5) The property is in a STANDARD AREA but is 10 minutes walk to the Train Station.
 - (6) There is a lot of off-street parking on De La Haye Avenue.
 - (7) The on-site parking is such that cars exit the property in forward gear even though it is an R1 Zoning.
 - (8) The departure is not excessive.
- It is not expected that the Resident Manager will own a vehicle. The Resident Manager has the options to use public transport and the train.

3.5 **MOTIVATION FOR THE BUILDING LINE DEPARTURES:**

- 3.5.1 This proposal for **Permanent Departure** to allow a On-Site Parking Requirement to be 8 Parking bays instead of 10 bays on ERF 6644, DE LA HAYE, BELLVILLE is in terms of Section 42 (i) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.5.2 This proposal seeks **Permanent Departure** to allow: **(a)** Street Boundary Building Line for the Carport to be 0m instead of 5, and **(b)** Common Boundary Building Line to be 1.5m instead of 3m to for a Second Dwelling and a Third

Dwelling.

- 3.5.3 The Street Boundary Building Line Departure for the Carport became necessary because the parking is located along the lateral boundaries. The Carport is a shade cloth lightweight structure. The visual impact from the street is reduced because it is lightweight and it is only 5m wide along the Street Boundary.
- 3.5.4 The Common Boundary Building Line Departure for the Second Dwelling and the Third Dwelling became necessary because it is a result of converting the existing Garage into Dwelling Units. The visual impact from the street is reduced because it is set back 11m from the Street Boundary. The impact on the Common Boundary is reduced because the structure was already existing. Privacy impact along the Common Boundary is reduced because it is a Ground Floor structure and the fence is 2m high.

4. POLICIES & FRAMEWORKS (LEGISLATIVE SUPPORT):

4.1 NATIONAL HERITAGE RESOURCES ACT NO. 25 OF 1999:

- 4.1.1 Because the existing building is not older than 60 years, Heritage Western Cape Approval is not required.
- 4.1.2 The building is not a Heritage Resource.

4.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT NO. 107 OF 1998:

An Environmental Authorisation is not be required as none of the listed activities are triggered.

4.3 SPLUMA and LUPA:

- 4.3.1 Section 48(4) of the By-Law states that the City must have regard to Section 39(5) of the Western Cape Land Use Planning Act 3 of 2014 ("LUPA") and Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") when considering whether to remove, suspend or amend a restrictive condition. The following principles have been taken into account: (a) The need to promote land development in locations that are sustainable and limit urban sprawl; (b) Support developments that optimise the use existing resources and infrastructure; (c) Promote developments that support job creation and enable residential environments that improve the quality of life.
- 4.3.2 **Section 47(2) of SPLUMA** allows for the removal, amendment or suspension of a restrictive condition if:
- | | |
|---------|--|
| 4.3.2.1 | Section 47(2)(a): The removal does not deprive anyone a right to property, or permit the arbitrary deprivation of property, as contemplated in Section 25(1) of the Constitution. |
| 4.3.2.2 | Section 47(2)(b): The removal is in the public interest and regards the rights of all those affected. |
| 4.3.2.3 | Section 47(2)(c): The removal is executed in the prescribed manner (i.e. this process). |
- 4.3.3 **Section 39(5) of LUPA** outlines what the City of Cape Town must consider the when removing, amending, or suspending a restrictive condition:
- | | |
|---------|---|
| 4.3.3.1 | Section 39(5)(a): The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the owner of a dominant tenement:

The Title Deed Conditions were imposed at the time of the establishment of the township but have been superseded by the Municipal Planning By-law 2015 (MPBL). The Development Management Scheme (DMS) in the MPBL is the means that development parameters are now determined in a more updated, universal and consistent manner. The removal of the old and defunct Title Deed conditions and falling back to the DMS will not negatively affect the character and/or value of the surrounding area. |
| 4.3.3.2 | Section 39(5)(b): The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:

The Development Management Scheme in the MPBL is the means that development parameters are now determined in a more consistent manner. This more consistent framework opens the doors for the township to develop in line with latest Spatial Development Frameworks which will benefit all more equitably. |
| 4.3.3.3 | Section 39(5)(c): The personal benefits which will accrue to the owner if the restrictive condition is removed:

The DMS in the MPBL is the means that development parameters are now determined in a more consistent manner. This more consistent framework opens the doors for development in line with latest Spatial Development Frameworks which will benefit all more equitably. |
| 4.3.3.4 | Section 39(5)(d): The social benefit of the restrictive condition remaining in place in its existing form:

There is no social benefit to the restrictive condition remaining in place as it is defunct and restricts beneficial development. |
| 4.3.3.5 | Section 39(5)(e): The social benefit of the removal of the restrictive condition: |

The MPBL is a more universal and consistent framework which allows development in line with the latest Spatial Development Frameworks for the benefit of this owner and the surrounding properties. The removal of the restrictive conditions has social benefit as it will allow a financially viable development, that will provide employment, provide development charges, and generate higher rates for the city.

- 4.3.3.6 **Section 39(5)(f):** Whether the removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights:

The removal will only remove some of the rights. However, the MPBL is a more universal and consistent framework which allows development in line with the latest Spatial Development Frameworks for the benefit of this owner and the surrounding properties.

4.4 **WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK: STATUTORY REPORT (2014):**

The PSDF opposes urban sprawl and development outside the urban edge. The PSDF promotes densification of underutilized land within the urban edges. This proposal complies with following listed principles:

4.4.1 **Sustainability and Resilience:**

This proposal protects natural resources through Increased densification on land that is not identified as high potential agricultural land. This proposal is compatible with the height and densities prescribed for the area.

4.4.2 **Spatial Efficiency:**

Increased density ensures that more families will be closer to opportunities in the area and surroundings.

4.4.3 **Access:**

This proposal will bring more people closer to opportunities in the area and surroundings.. It will also create job opportunities in construction phase and afterwards domestic, security and cleaning job opportunities.

4.4.4 **Quality and Liveability:**

Increased density ensures increased surveillance which improves security in the area. This brings an improved living environment in general. This proposal has been designed to fit into the character of the area.

4.5 **CITY OF CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: 2023:**

- 4.5.1 According to the MSDF, the subject property lies within the Urban Inner Core (UICA). The Principle of such an area is to up-scale land, building optimisation and ensure adequate infrastructure capacity. This proposal is in line with City's priority in Urban Inner Core (UICA) areas which is investments that aim at spatial transformation, spatial integration and spatial intensification.

- 4.5.2 The MSDF focuses on INWARD GROWTH as a response to built environment stresses such as urban sprawl which typically put a great burden on the poor who have to have to commute long distances between home and work and pay a portion of their income on transport fare. This proposal to develop to develop a more intensive land use within the existing urban footprint in in line with the MSDF imperative for spatial transformation as it brings the people closer to amenities and opportunities.

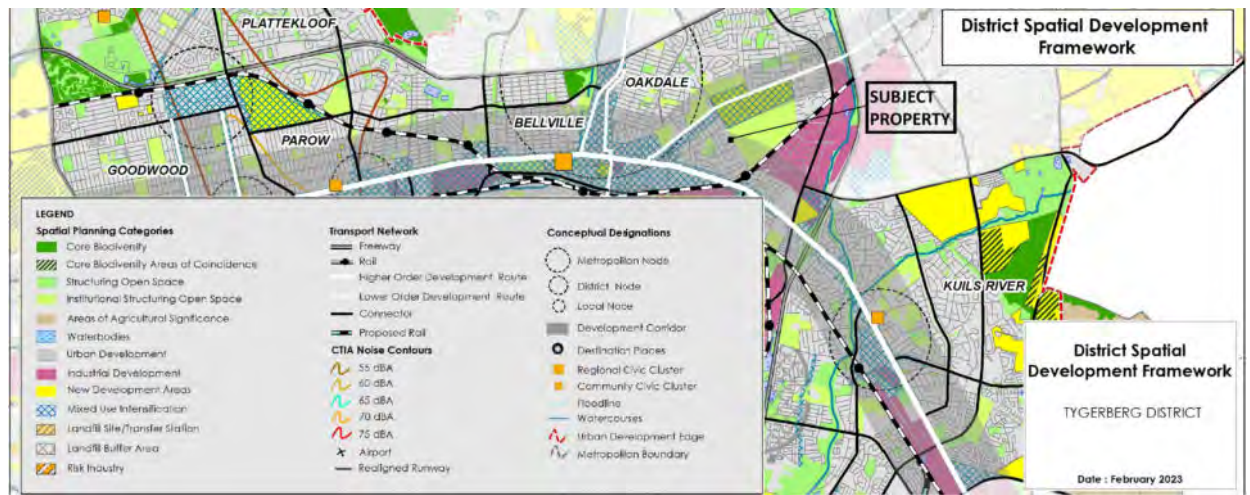
- 4.5.3 The MSDF also prescribes spatial strategies that include protecting natural resources and encourages integrated settlement patterns and a more compact form of development. This proposal supports these strategies as the identified land is not located within a valuable agricultural area; this proposal will ensures a more compact urban form which will increases access to opportunities within the area. This proposal therefore complies with the broader goals of the MSDF as this proposed rezoning is in line with the densification needed in the area.

- 4.5.4 The MSDF aims to address the inequitable socio-economic conditions emanating from the racially divisive policies of South Africa's history. This proposal is addressing this imperative by bringing people closer to an area of higher availability of amenities and opportunities.



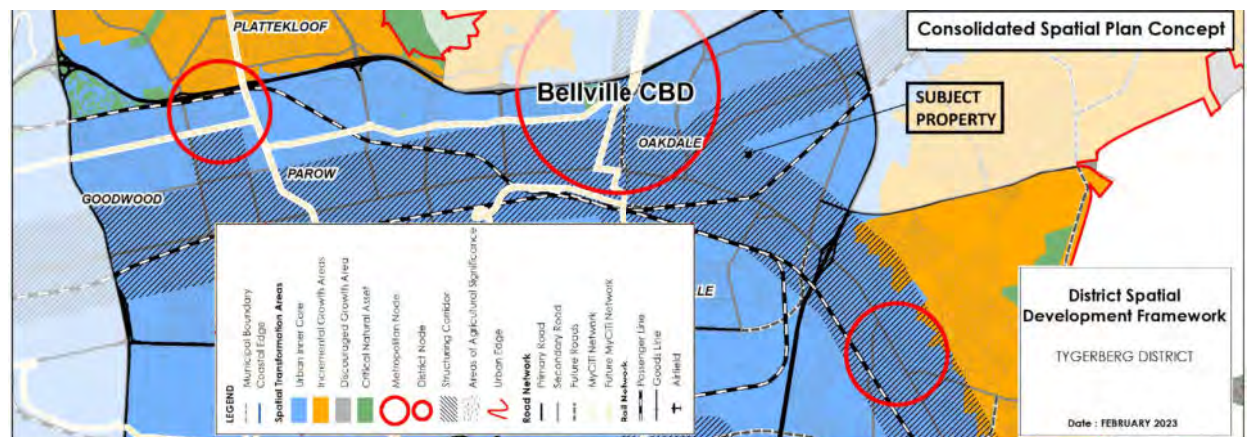
TYGERBERG DSDf – INCENTIVES MAP (2023):

4.5.6



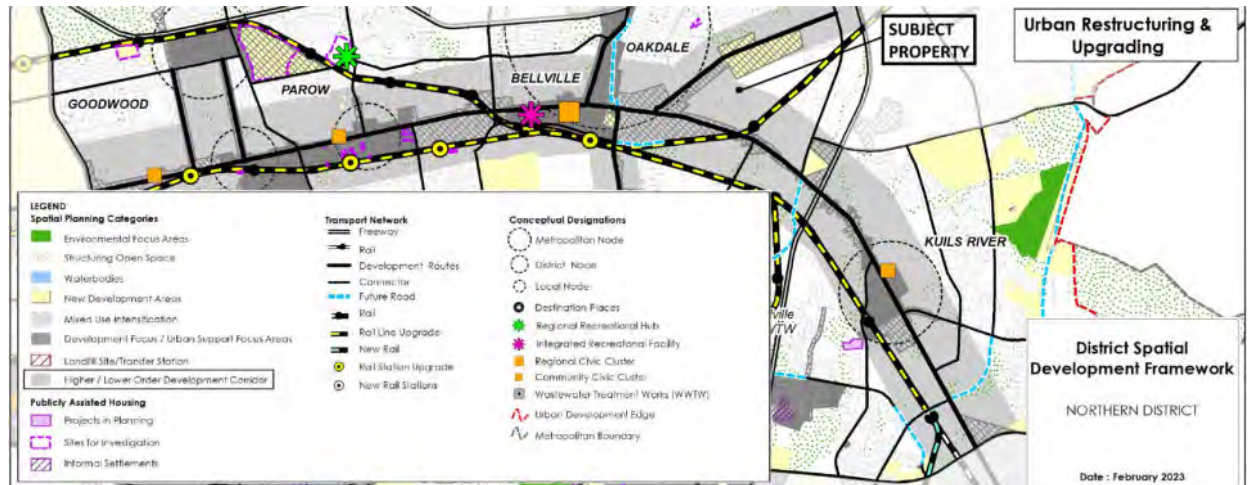
TYGERBERG DSDF – SPATIAL DEVELOPMENT FRAMEWORK MAP (2023):

4.5.7



TYGERBERG DSDF - CONSOLIDATED SPATIAL PLAN CONCEPT MAP (2023):

4.5.8



TYGERBERG DSDF - URBAN RESTRUCTURING AND UPGRADING MAP (2023):

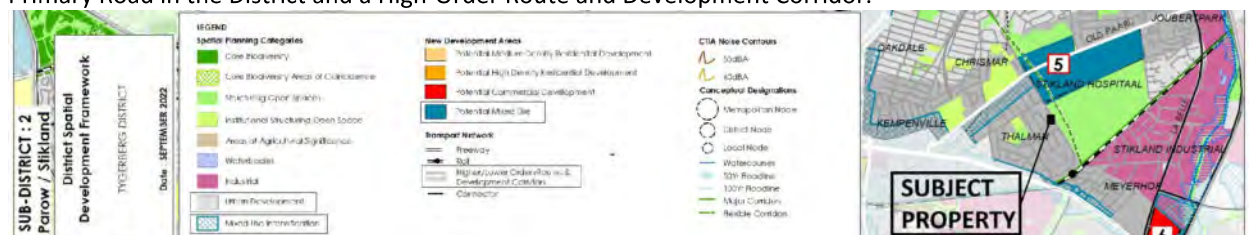
4.6

TYGERBERG DISTRICT PLAN (2023):

4.6.1

The property is located in De La Haye Avenue. The property is within 10 minutes walk to Voortrekker Road which is a Primary Road in the District and a High-Order Route and Development Corridor.

4.6.2



TYGERBERG DSDF- SUB-DISTRICT 2 MAP (2023):

- 4.6.3 The property is in an Urban Development Area. The property is in a Development Corridor. The property is close to a Mixed Use Intensification Zone. The property is close to a Metropolitan Node.
- 4.6.3.1 According to the DSDF, the subject property is in an existing Urban Development Area. The Principle of such an area is further intensification, optimisation and appropriate redevelopment of existing land uses. This proposal is in line with this DSDF priority which is spatial transformation, spatial integration and spatial intensification and the imperative includes promoting the regeneration and refurbishment of well-located, underutilised buildings for affordable housing, where appropriate; ensuring sufficient provision of supporting amenities in line with requirements for provision of associated social facilities and recreational spaces.
- 4.6.3.2 The property is in a Development Corridor where the DSDF supports higher-intensity development than in surrounding urban areas. The property is within 10 minutes walk to the spine of the development corridor (Voortrekker Road).
- 4.6.3.3 A Mixed Use Intensification Zone where the Tygerberg District Plan promotes land use intensification, which implies a greater mix of residential and non-residential land uses (diversification) through the increased use of space, both vertically and horizontally (densification). Guest House is a lower intensity land use which is appropriate just outside the edge of the Mixed Use Intensification Zone.
- 4.6.3.4 This proposal is close to a Metropolitan Node where the DSDF supports higher-intensity development than in surrounding urban areas. This proposal supports the Tygerberg DSDF imperatives for the Bellville Metropolitan Node which are: **(1)** Encouraging mixed land use intensification within a radius of approximately 2,5 km; **(2)** Encouraging a mix of commercial, recreational spaces, higher-order public facilities appropriate for level 1 civic clusters, and high-density residential, including a range of housing typologies and affordable housing; **(3)** Promoting development at higher residential densities than those which exist in the surrounding area and encourage net densities of 400 du/ha and above with due consideration of the local context and its urban character and form; and **(4)** Encouraging the conversion of functionally obsolete building stock to affordable housing.
- 4.6.4 This proposal is in line with the Tygerberg DSDF Local Objectives for Sub-District 2 are: **(a)** Facilitate land use intensification (density and diversity) along high accessibility routes and in close proximity to public transport; **(b)** Facilitate densification that will promote a denser urban form without detracting from the character of the residential areas; **(c)** Protect core residential areas from business creep that will change the character of the areas; and **(d)** Maintain and improve the quality of existing open space systems and the interfaces.

4.7 **TRANSIT ORIENTED DEVELOPMENT STRATEGIC FRAMEWORK POLICY, 2016:**

- 4.7.1.1 TRANSIT ORIENTED DEVELOPMENT (TOD) is about changing, developing, and stimulating the built form of the city in such a way that the movement patterns of people and goods are optimised to create urban efficiencies and enable social equality and economic development. The desired outcome of TOD, in general, is a future spatial form of Cape Town that is compact, well connected, efficient, resilient and conducive to economic efficiency and equality whilst providing cost effective access and mobility with the least possible environmental impact.
- 4.7.1.2 In line with the 2032 approved Integrated Public Transport Network Plan (IPTN), TOD as it applies to the City of Cape Town is a long term development strategy to address spatial inequality, improve public transport affordability, and arrest sprawl, which is driven by the integration of sustainable public transport and strategic land use intervention and built on the principles of affordability, accessibility, efficiency, intensification and densification.
- 4.7.1.3 The objectives of Transit Oriented Development for Cape Town are: **(1)** Reduce Travel Distances: to reduce the cost of commuter travel and improve operational viability of public transport. **(2)** Optimise bi-directional flows. **(3)** Generate a greater level of seat renewal (balancing trip attractions and productions).
- 4.7.1.4 The prescribed Land Use Interventions of TOD respectively are: **(1)** Intensify and diversify urban development in close proximity to public transport stations. **(2)** Promote an appropriate mix and form of residential, social and economic activity between urban nodes along higher-order public transport corridors. **(3)** Promote an appropriate mix and form of residential, social and economic activity between district and local nodes along higher-order public transport corridors.
- 4.7.2 The following are planning tools that show that this proposal is in line with TOD:
- 4.7.2.1 This proposal is located in a High Order Development Corridor (Voortrekker Road).
- 4.7.2.2 This proposal is located close to a Metropolitan Node (Bellville).
- 4.7.2.3 This proposal is located close to a Mixed Use Intensification Zone.

4.9 **CITY OF CAPE TOWN DENSIFICATION POLICY (2012):**

The policy advocates more efficient utilisation of land that will ultimately contribute to more compact urban environments. Densification is defined as “increased use of space, both horizontally and vertically, within existing areas/properties and new developments, accompanied by an increased number of units and/or population threshold”. As per Section 2.4 redevelopment at higher densities is seen as a mechanism to achieve the goal of densification. Among its key principles to achieve its goals of densification area:

- To reduce the consumption of valuable resources such as agricultural land, areas of mineral potential etc.
- Provide a mix of residential densities to ensure diversification and choice of housing type and tenure options.

The proposed development is in line with these principles. The subject property is not identified as valuable agricultural land. The proposed development therefore protects natural assets through densification of land not identified as valuable agricultural land. It also provides more living and job opportunities within this area. This proposed development seeks to allow appropriate densification which serves to provide more accommodation opportunities. As per the Tygerberg District Plan, specific attention has been given to ensure that the development fits into the foreseen character of the area.

4.10 **SOCIAL DEVELOPMENT STRATEGY:**

The Social Development Strategy aims to address poverty, inequality and social ills while providing people the opportunity to participate in their own development. The strategy has the following objectives:

- Maximise income generating opportunities for people who are excluded or at risk of exclusion,
- Build and promote safe households and communities,
- Support the most vulnerable through enhancing access to infrastructure and services,
- Promote and foster social integration, and
- Mobilise resources for social development,

This proposed development is in line with the following levers to help achieve the objectives 1.2 – Develop the skills of people excluded or at risk of exclusion; 3.3 – Facilitate access to housing opportunities; 4.3 – Foster diversity and inclusiveness in the City’s corporate structure.

4.11 **INCLUSIVE ECONOMIC GROWTH STRATEGY (2021):**

The primary intention of this strategy is to provide aid in the recovery of the economy after the Covid-19 pandemic. Specific areas focused on are service provision, business support, labour market support and investment stimulation. A three-phase recovery approach is proposed by the strategy: stabilisation, adoption and rebuilding/recovery. This proposed development may be required to make additional funds available to the City by means of Development Charges. These funds are for investment in additional infrastructure for the area and better service delivery. In addition, the development will create jobs for skilled and semi-skilled labourers. This includes jobs during the construction phase as well as domestic jobs afterwards, like security and cleaning. These fall under the strategy’s identified stabilisation initiatives which is a primary directive after the pandemic.

4.12 **CITY URBAN DESIGN POLICY(SEPTEMBER 2013):**

The Urban Design Policy seeks to focus on the contribution of proposed developments to urban design at local level. The following are the identified policy objectives with which this proposed rezoning is in line with:

- | | |
|--------|--|
| 4.12.1 | <p><u>Objective 1:</u> Ensure that the development contributes positively to the urban structure of the city to create integrated and legible places and neighbourhoods.</p> <p>This proposal has minimal change to the existing building form. The residential character of the building is maintained. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics.</p> |
| 4.12.2 | <p><u>Objective 2:</u> Ensure that development contributes to improved quality of the public realm and public spaces.</p> <p>This proposal has minimal change to the existing building form. The residential character of the building is maintained. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics.</p> |
| 4.12.3 | <p><u>Objective 3:</u> Ensure that the developments contribute to the creation of safe and secure communities.</p> <p>This proposal will enhance the “eyes-on-the-street” effect as the windows will have a clear view of the public street.</p> |
| 4.12.4 | <p><u>Objective 4:</u> Ensure opportunities and amenities are accessible and that people can move about easily and efficiently.</p> <p>This proposal creates additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities.</p> |
| 4.12.5 | <p><u>Objective 5:</u> Promote development intensity, diversity and desirability.</p> <p>This proposal seeks to ensure that the property is developed to its full potential given the local context. The local area has immense opportunities for growth and development which the proposed development seeks to enhance.</p> |
| 4.12.6 | <p><u>Objective 6:</u> Ensure enclosure and positive interfaces onto the public realm.</p> <p>This proposal has minimal change to the existing building form. The residential character of the building is maintained. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics.</p> |

4.13 **CAPE TOWN GUEST ACCOMMODATION POLICY:**

This proposal is in line with the Guest Accommodation Policy- Guest-house criteria in the following manner:

4.13.1 **Providing small to medium scale accommodation in a conventional residential neighbourhood setting:**

	The Subject Property is in a Residential Area but in a Metropolitan Node, close to a Mixed Use Intensification Zone, and in a Higher Order Development Corridor.
4.13.2	<u>Generating economic income opportunities from a residential dwelling building:</u> The owner will benefit economically from a residential building.
4.13.3	<u>Having a scale and nature of the establishment that is compatible with surrounding residential character:</u> The proposal involves internal partitions and minor façade changes to a residential home. The Subject Property is in a Residential Area but in a Metropolitan Node, close to a Mixed Use Intensification Zone, and in a Higher Order Development Corridor.
4.13.4	<u>Being in a location that is close to higher intensity land use areas thereby does not increase the impact on the single dwelling neighbourhood character:</u> The Subject Property is in a Residential Area but in a Metropolitan Node, close to a Mixed Use Intensification Zone, and in a Higher Order Development Corridor.
4.13.5	<u>Not having entertainment facilities so as to not create a nuisance to the neighbours:</u> No on-site entertainment facilities are provided. No alcoholic beverages shall be provided. Only a Swimming Pool and Braai Area are provided for use by guests only. Entertainment Area shall not be used for any function.
4.13.6	<u>There being a resident manager overseeing the operation 24hrs:</u> There will be 24 hour Staff who will maintain the premises and ensure safety and security. The staff will be 2 persons maximum in the day-shift and 2 persons maximum in the night-shift = 4 persons. 1 bedroom will be dedicated to the resident manager as shown on the plan. The resident manager will use the Guest-house Kitchen.
4.13.7	<u>Ensuring residential character of property is maintained, as well as proper on-site management at all times:</u> The proposal involves internal partitions and minor changes to the external of a residential home. There will be 24 hour Staff who will maintain the premises and ensure safety and security. Adequate on-site parking has been provided. The Subject Property is in a Residential Area but in a Metropolitan Node, close to a Mixed Use Intensification Zone, and in a Higher Order Development Corridor.
4.13.8	<u>Providing parking to prevent on-street parking that may adversely affect traffic flow, the street-scape or area character generally:</u> Sufficient on-site parking has been provided.
4.13.9	<u>Ensuring restricted scale of operation and ensure staff quarters aren't used by visitors as additional accommodation:</u> Staff Rooms shall be labelled as such and shall not be used for guests. 1 office will be dedicated to the staff as shown on the plan. 1 bedroom will be dedicated to the resident manager as shown on the plan.
4.13.10	<u>Not using any signage that might be detrimental to visual integrity of the area:</u> Appropriate signage shall be provided.
4.13.11	<u>Protecting any amenity enjoyed by surrounding residents and character of the area:</u> All amenities required by the guests are provided on-site. Any amenities enjoyed by the surrounding neighbours will not be impacted. Adequate on-site parking has been provided. 24 Hour staff will be provided to guide the guests/ lodgers.

5. MOTIVATION IN TERMS OF THE DESIRABILITY OF THE APPLICATION (MPBL SECTION 99):

City of Cape Town Municipal Planning By-Law, Section 99 outlines a criteria to assess an application before a decision on an application is made. Below are aspects in relation to the proposed development's desirability.

5.1 SOCIO-ECONOMIC IMPACT:

This proposal will have a positive socio-economic impact as it will generate jobs during the construction phase as well as jobs for domestic activities like cleaning and maintenance afterwards. There will be 24 hour Guest House Staff who will be permanently employed. It will also create additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities. The increased densification ensures a compact urban fabric which is good for the general public. Development Charges will contribute to improvements of City infrastructure.

5.2 COMPATIBILITY WITH SURROUNDING LAND USES:

The residential intensification will help to strengthen the residential uses within the area and provide the thresholds for the existing and future the public transport services and commercial activities.
This proposed guest house is contextually appropriate in terms of the permitted uses and built form.
There will be 24 hour Guest House Staff who will maintain the premises and ensure safety and security.

5.3 **IMPACT ON EXTERNAL ENGINEERING SERVICES:**

This proposed development will have an impact on the external engineering services. The developer may be liable for Development Charges. No bulk or link services are required for the proposed development.

5.4 **IMPACT ON SAFETY, HEALTH AND WELL-BEING OF SURROUNDING COMMUNITY:**

No negative impact is expected on the safety, health and well-being of the community. This proposal has minimal change to the existing building form. The residential character of the building is maintained. Movement and activity in the street helps make the street safer. There will be 24 hour Guest House Staff who will maintain the premises and ensure safety and security.

5.5 **IMPACT ON HERITAGE:**

Because the existing building is not older than 60 years, Heritage Western Cape Approval is not required. The building is not a Heritage Resource.

5.6 **IMPACT ON THE BIO-PHYSICAL ENVIRONMENT:**

This proposal has minimal change to the existing building form. No negative impact is expected on the bio-physical environment.

5.7 **TRAFFIC IMPACT, PARKING ACCESS, OTHER TRANSPORT RELATED CONSIDERATIONS:**

This proposal seeks Permanent Departure to allow a On-Site Parking Requirement to be 8 bays instead of 10 bays as motivated above. This proposal provides 8 on-site parking bays and an additional possibility for 4 additional bays in tandem.

6. **SUMMARY AND CONCLUSION:**

This proposal, we hope will be deemed desirable and recommendable for APPROVAL for the following reasons:

- (a) This proposal is broadly consistent with spatial planning frameworks and relevant Council Policies.;
- (b) This proposal holds positive socio-economic benefits.
- (c) This proposal is compatible with the surrounding land uses and built environment. The proposal is of an appropriate scale and form that relates to the surrounding urban fabric.
- (d) This proposal will not have a negative impact on safety, health and well-being of the community.
- (e) This proposal poses no adverse impact on existing rights.
- (f) This proposal poses no adverse impact on the street-scape and no adverse impacts on surrounding properties whilst facilitating the most efficient use of the erf.
- (g) This proposal is consistent with sections 99 of the Cape Town Municipal Planning By-Law (MPBL).



Owner: _____