



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500164952

**Erf 15084, 2 Cruiser Close, Sun Valley,
Fish Hoek**

Development Management

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MOTIVATIONAL MEMORANDUM

Application for the Rezoning with a Consent,

Erf 15084, Fish Hoek

Revision 2: 23/09/2026



2 Cruiser close

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1. INTRODUCTION

This firm was instructed by _____ the owners of erf 15084, Fish Hoek to handle all town planning related actions required to secure the Rezoning with a Consent to conduct a Medical Practice from this property. The Power of Attorney is attached as **Addendum 1**.

2. PURPOSE

It is the purpose of this memorandum to apply for the following:

- **Rezone** erf 15084 from Residential 1 for Conventional Housing purposes to Local Business Zone 1 for office purpose in terms of Section 42(a) of the City of Cape Town Municipal Planning By-law of 2015.
- a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow the 4.891m height of the new office building in lieu of the regulatory 4m where this proposed office building is closer than 3m to the common boundary.
- a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow two carriageway crossings less than 12m apart along a street boundary less than 30m in length.
- a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow a vehicle parked in parking bay 1 to reverse across the sidewalk when exiting the property.
- a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow 8 parking bays in lieu of the required 12 bays.
- a **Consent use** in terms of Section 42(i) of the City of Cape Town Municipal Planning By-law of 2015 to allow the existing single dwelling to be utilized as a Medical Practice in terms of the definition of a clinic.
- Approval of the **Site Development Plan** with reference **2025-1636-01** for the development of erf 15084, Fish Hoek for Business purposes with a consent for a medical practice in terms of Section 42(i) of the City of Cape Town Municipal Planning By-law of 2015.

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3. PROPERTY & TITLE DEED DETAILS

Registered erf 15084, Fish Hoek

SIZE:	650m ²
OWNERS:	
TITLE DEED NO:	
BORDERS:	
NORTH	Erf 15083
SOUTH	Erf 15085
EAST	Erf 13312 & 13313
WEST	Cruiser close & Ou Kaapse Weg
T-DEED RESTRICTIONS:	None as confirmed by the Conveyancer's certificate attached as Addendum 4
DIAGRAM NO:	7221-86
ZONING:	Residential 1: Conventional Housing

Title deed and Diagram attached as **Addendum 2** and **3** respectively.

4. LOCATION

Erf 15084 is situated at no. 2 Cruiser close in the Sun Valley suburb of the Fish Hoek allotment area in the South Peninsula District of the Cape Metropolitan area (See aerial location below). Locality Plan attached as **Plan 1**.

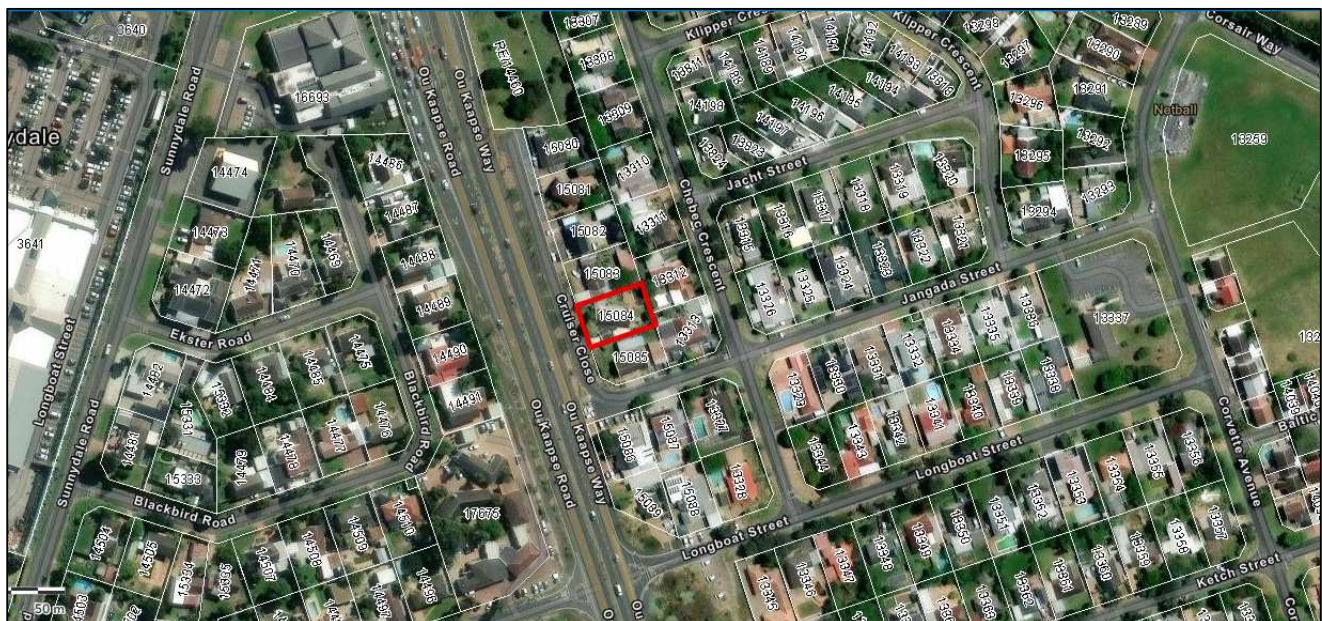


Figure 1: Locality

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5. PHYSICAL FEATURES

As can be seen on the zoomed aerial image below the property is built up in accordance with the residential nature of the current use. The building is approximately 40 years old based on the date of the diagram. It forms part of the Sun Valley suburb which mostly incorporates older houses (40 to 50 years) in a well-established neighborhood based on the building style and maturity of the trees in the area. The current configuration consists of a single storey dwelling with a separate single garage set back approximately 4.5m from the Cruiser close street reserve. The remainder of the area in front of the dwelling consists of a hardened driveway area and garden. These features will be removed to accommodate the proposed two new parking bays and carriage way crossings. The existing single garage is to be converted to a staff recreation room. The remaining garden area and features at the rear of the property will be removed to accommodate the parking area with all existing structures demolished including the swimming pool.

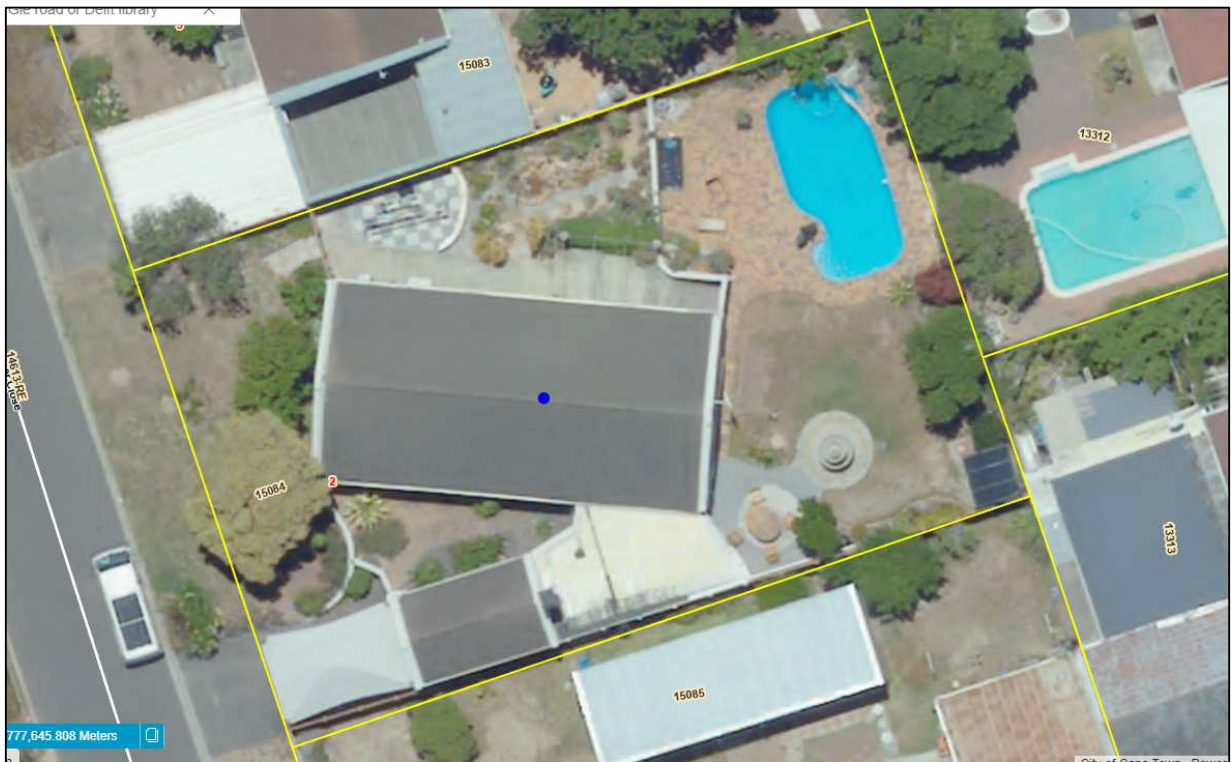


Figure 2: Zoomed aerial image indicating the positioning of the existing building set back 4.5m from Cruiser close with the existing single garage along the southern boundary to be retained and incorporated into the re- development. The remainder of the garden features and structures will be demolished

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Figure 3: Cruiser close frontage indicating existing driveway & garden area

6. SURROUNDING LAND USE

Land use in the area is mostly of a mixed nature with residential use as the most common to the east of the property and largely business-related functions to the north and south. From the land use image below, it is evident that the surrounding urban area is highly built up with a mix of uses in the proximity mostly related to small scale commercial, professional offices inclusive of accountants and doctor's consultancy. The area to the west is mostly similar in terms of land use character with most of the business & commercial functions located along Ou Kaapse Way.



Figure 4: Surrounding land use

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Figure 5: Small scale business / commercial use on erf 15081



Figure 6: Fourways veterinary clinic on erf 15086.



Figure 7: Chiropractor consultancy on erf 15088

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Note that the property is located within the Sun Valley District commercial node hence the mixed use nature of the area with land use intensification prevalent Ou Kaapse weg as well as in the cul de sac of Cruiser close.

7. ZONING

As stated before erf 15084 is currently zoned Residential 1 for Conventional Housing purposes as can be verified by the extract from the City of Cape Town Zoning map below.



Figure 8: Zoning

8. LEGISLATIVE REQUIREMENTS

No additional input is required in terms of other legislation which needs discussion in support of this Land use application. No Heritage or Environmental Impacts exist which is deemed to be applicable to this application for a change of land use. The exiting building is approximately 40 years old based on the diagram date (**Addendum 3**) and the first date of transfer from the Title deed being 1988 (**Addendum 2**).

9. PLANNING POLICY

The following are the Local Policy objectives supporting the proposed permanent change of land use on erf 15084 for office purposes with a consent for the establishment of a Medical Practice:

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➤ South Peninsula District Plan (2023):

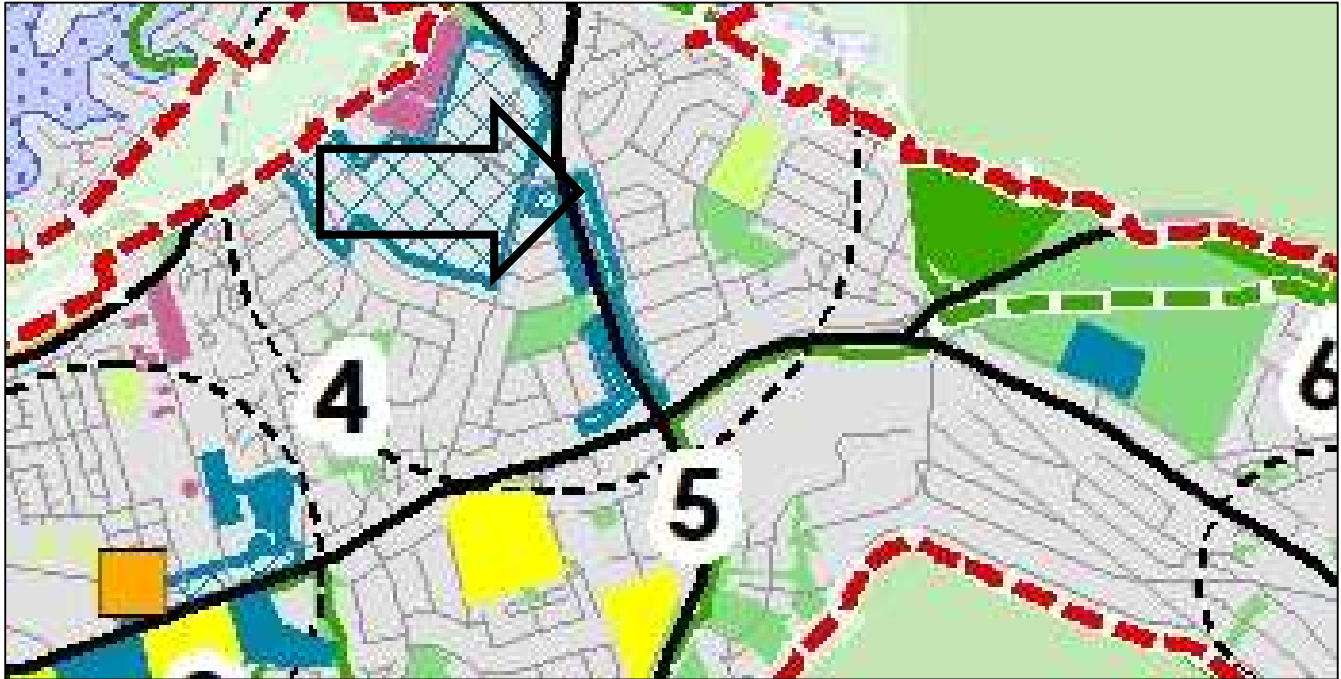


Figure 9: Excerpt from the South Peninsula District Plan

c) District node

- Retreat/Tokai (this node, including Blue Route, is considered the most significant of these nodes)
- Mowbray
- Kenilworth Centre
- Plumstead
- Diep River
- Muizenberg
- Fish Hoek
- Sun Valley (Long Beach)

1. Encourage a mix of business, commercial and medium-high-density residential within the commercial/mixed-use centres.
2. Encourage higher residential densification generally within a radius of approximately 1,2 km ($\pm$ 15-minute walking distance). Promote development at higher residential densities than those which exist in the surrounding area and encourage net densities ranging between 150 - 400 du/ha with due consideration of the local context and its urban character and form. However, this must be considered a guide and not a definitive extent, dependent on local area circumstance.
3. Direct new government services and (level 2 or 3) community facilities into these areas, and upgrade or create quality recreation spaces and places.

4. The vision supports and encourages bona fide, low-impact, from home occupation practices with larger-scale businesses operating within the urban nodes. However, small-scale, low-impact, appropriate to context business uses limited to LB1 and 2 as per the DMS (e.g. professional services) may be supported, where appropriate, on properties abutting Kommetjie Main Road and Ou Kaapse Weg (inside the urban edge).

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According to the extract from the South Peninsula District Spatial Development Plan above it is evident that erf 15084 is located within the Sun valley District node and is earmarked for mixed land use intensification along Ou Kaapse weg. The District Plan also refers to this mixed-use intensification area specifically being developed for professional services which will then include this application for rezoning to LB1 with a Consent for a medical practice.

The following are the Policy objectives being attained:

- ✓ The proposal constitutes land use intensification.
- ✓ The area adjacent Ou Kaapse weg inside the District node is promoted for rezoning to LB1.
- ✓ The proposal complements other similar professional services including veterinarians and chiropractors in the nearby area.
- ✓ No additional floor space is created and the footprint remains unchanged.
- ✓ The small-scale nature of the proposed medical practice will not increase the traffic to such an extent that it is deemed to be negatively affecting the flow due to the Cruiser close being a cul de sac road and the consultancy consisting of only three consultation rooms.
- ✓ The proposal constitutes a low impact conversion of an existing dwelling unit for office purposes to house a medical practice in a District Development node which allows intensification.
- ✓ The proposal will generate employment in terms of the number of employees such a practice usually requires (receptionist, cleaner, assistants etc.)

➤ **Inclusive Economic Growth Strategy, 2021:**

The City of Cape Town Inclusive Economic Growth Strategy is structured around the following key principles:

Inclusivity

"In order to be more inclusive, Cape Town's economy must support and enable all participants."

Competitiveness *"In order to be more globally competitive, within South Africa and internationally, Cape Town's economy must become more productive and adaptable to changes in local and global markets."*

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Connectivity

"In order to be more accessible, Cape Town's economy must reduce barriers to entry that are based on location."

Resilience

"In order to be more resilient, Cape Town's economy must be able to withstand and adapt to shocks and stresses."

Embedded Sustainability

"In order to be more sustainable, Cape Town's economy must grow in a way that works to achieve City targets and commitments to global environmental challenges and which does not compromise the city's natural environment."

Collaboration

"In order to be more collaborative, Cape Town's economy must involve a coordinated effort from all partners and residents."

The proposal is therefore deemed consistent due to the following supporting factors:

- ✓ The permanent use of the property for a Medical practice will support this strategy by being a facility to cater for all members of the community in terms of the health-based service it delivers. So it will also support the weakest and poorest members as medical practitioners swore an oath to care for all. This aligns with inclusivity in terms of access to medical services (orthodontic care) for everyone from the surrounding area.
- ✓ It aligns with the City's principle of competitiveness by providing an appropriate location for a small scale conversion for medical related purpose which indicates the willingness of the local economy to diversify and adapt to the growing economic trend of smaller more accessible medical facilities.
- ✓ It aligns with the connectivity principle by being accessible and well located in the District development node. It is also close (374m) to the Sun Valley mall to the north where public transport services in the form of Mbt's (mini bus taxis) and buses are available. The proposed facility will therefore be easily accessible by foot as well public transport.
- ✓ It will create an opportunity for medical services which are growing in demand and an indication of it supporting a resilient local economy with a diversity of use.

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- ✓ The proposal will not negatively affect the natural environment based on it simply being a low impact urban development intensification within the urban edge which supports sustainability due to demand.
- ✓ This application presented for approval will ensure collaboration to support Cape Town's economy by providing an opportunity for land use diversification and intensification to ensure sustainability.

➤ **Social Development Strategy, 2013**

The City of Cape Town Social Development Strategy (SDS) which is structured around five broad high-level objectives. These are:

- Maximize 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
- Mobilize resources for social development

The proposal is therefore deemed consistent due to the following reasons:

- ✓ The utilization of a single dwelling for a Dental Practice will provide a service that aims to support social development by way of promoting health and wellbeing. It is a fact that the stress of the modern-day life does affect communities and it needs to be addressed and this can only be done by allowing institutional facilities to develop close to and in support of similar functions which allows the viable development of a District node.
- ✓ There is always a need for professional dental practitioners to assist households and communities to remain healthy.
- ✓ It provides a resource for the promotion of social integration by giving people the support needed to face dental health challenges.
- ✓ It will also indirectly promote safer households and communities due to the fact that it addresses health & hygiene issues and provides the community with the measures to handle these issues by providing access to professional medical support.

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➤ **Comprehensive Transport Orientated Development Strategic Framework, 2016**

CTOD aims to create a city where:

- the urban space is compact and well connected
- developments are conducive to economic and social efficiency
- residents have easy access to efficient, sustainable and affordable public transport
- living and breathing is easy as shorter travelling distances will reduce the number of carbon emissions from transport

The above goals can be achieved by:

- If we invest in areas with transport and residential development, we are paving the way for businesses to follow the footfall and bring jobs into those hubs.
- Where there is existing transport, we need to prioritize development to support these networks and attract more people to make use of residential and economic opportunities.
- Where there is a favorable location, we need to optimize land use by investing in transport and development.
- Where there is development but no transport, we need to invest in creating connectivity.

The proposal is therefore deemed consistent with this policy due to the following reasons:

- ✓ The alternative use of a dwelling unit for a professional dental practice is greatly supported by the accessible location of the property in a District node along a development corridor (Ou Kaapse weg) where intensification of use should be prioritized.
- ✓ As mentioned before the property is located adjacent Ou Kaapse weg where public transport exists.
- ✓ It there for supports the goals of TOD in terms of optimizing land use in a favorable location with safe and easy access from Ou Kaapse weg via Longboat street to Cruiser close.
- ✓ The Ou Kaapse weg trip generation during peak hours and public transport availability along this development route supports the alternative use of the property for an enhanced economic opportunity in the form of a Dental Practice due to it being visible and accessible without negatively affecting traffic flow due to the accessibility it offers for people to commute or travel by foot.

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➤ Municipal Spatial Development Framework 2023 (MSDF)

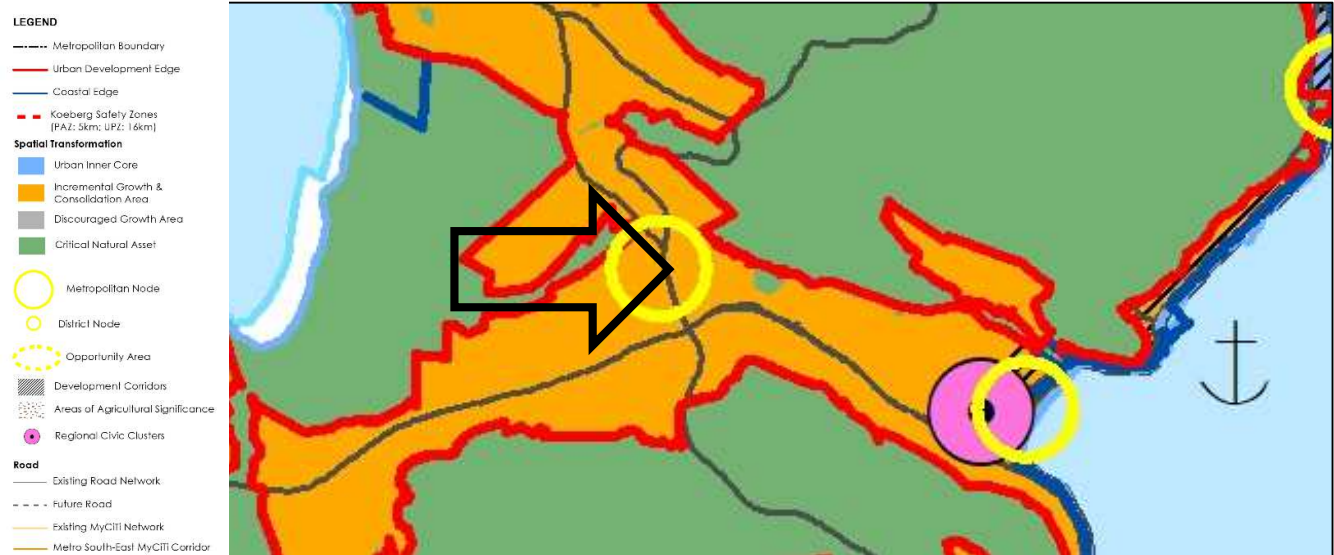


Figure 10: Excerpt from the MSDF 2023 map indicating Spatial Transformation areas

The property falls within the **Incremental Growth & Consolidation** STA. These are areas committed to conserving existing and new communities. New development subject to capacity of bulk engineering infrastructure.

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INCREMENTAL GROWTH AND CONSOLIDATION AREAS	
PRINCIPLE	City and public sector are committed to conserving existing and new communities. New development subject to capacity of bulk engineering infrastructure(MPBL S 99 (3) (e)).
INVESTMENT PARTNERSHIP	City and public sector prioritisation and implementation of planned maintenance and upgrading of external and bulk engineering infrastructure and networks. Development Contribution policy applies. Internal- and link-engineering infrastructure for the cost of the developer, subject to MPBL Section 65 determination of responsibility of engineering services. Bulk infrastructure as partnership between the City and the private sector. Administered per MPB-L and implemented as Conditions of Approval.
INFORMANTS	Existing built-up area of the city that is not immediately framed by structuring elements (such as development corridors and nodes). Existing built footprint of the city and latent approved land use rights. Anticipated land development requirements for the medium term within the context of urban growth management. Bulk Infrastructure Master Plan and modelled areas include: • Infrastructure master planning areas • 20-year future land use scenarios (excluding 26 Jan 2023 additions by Council) • IPTN modelling
DESIRED SPATIAL OUTCOMES & LAND USE GUIDELINES	1. Diverse and dense land uses, where bulk engineering infrastructure allows. 2. Diversification of mono-use residential patterns and cross subsidisation for the provision of social infrastructure 3. Incremental intensification (density and diversity) via subdivisions / 2nd and 3rd dwelling and rezoning 4. Public sector investment in existing and future human settlements permitted 5. Maintenance of existing infrastructure, and development according to infrastructure capacity and associated CAPEX / lifecycle costs 6. Spatial manifestation of the following legislative requirements per SPLUMA and MPPM regulations²⁰, including areas where: • Priority is given to coordination, alignment and integration of sectoral master planning and policies; • Implementation of public and private land development supportive of spatial transformation; • Consolidation and diversification of land uses in support of city growth; • Differentiated intensification guidelines outlined in Table 5.6; • Intensification is subject to provisions within MPB-L (Section 64-66); • Secondary, but crucial focus area for a wide variety of affordable housing priority areas and land release strategies; • Incremental upgrading approach to development is applicable; • Detailed local plans are developed for sub district areas in need of spatially targeted interventions through applicable District and Local SDFs and development guidelines 7. Medium- to high priority can be given to the capital infrastructure projects and programmes with specific reference to new infrastructure in areas earmarked for future development within the UDE. 8. Optimized design and utilisation of social or community facilities as well as public open spaces and ecological corridors (considering IGCA is prone to densification, diversification and intensification of land uses). 9. Open space corridors and pockets of agriculturally zoned land should be retained to provide much needed opportunities for active and passive recreational space, urban agriculture, and tourist activities in close proximity to residential areas with increasing densities.

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The proposal is therefore deemed consistent with the MSDF due to the following reasons:

- ✓ It constitutes diversification of land use.
- ✓ It is close to Public transport services.
- ✓ It is a private land development which will support spatial transformation due to the fact that it provides a community (medical) supportive facility in an earmarked STA where these services should be accessible to all.
- ✓ It supports the differentiated intensification guidelines.
- ✓ It complies with the South Peninsula District Plan policy guidelines.
- ✓ It supports & strengthens the optimal functioning of the existing District node and the intensified use in this node along the Ou Kaapse weg corridor.

➤ **Scenic Drive Network Management Plan (Ou Kaapse weg scenic route)**

Recommended Policy Guidelines applicable to this application:

Sight angles should be established for all erven adjacent to scenic routes to frame permitted building envelopes. These should be developed within the new zoning scheme regulations. Particular site-specific requirements should be applied when new development rights are allocated.

This application does not entail an increase in the development envelope or height and the proposal is restricted to the existing footprint which means that no additional impact exists.

Generally, long deep plots should allow staggered system of terraces, a more gradual vegetated slope and the preservation of mountain views.

Not applicable to this application due to the fact that it does not involve the creation of a new plot and is merely intending to intensify land use in accordance with the District Plan guidelines.

No boundary wall on the upper side of a scenic drive should be higher than 1.5 m from the back of footway level.

No street boundary wall proposed along Cruiser close.

An angle from the top of the boundary wall determined by maximum height above natural ground level (e.g. 6m) should be stipulated above which no development should be allowed to occur.

No boundary wall proposed along Cruiser close. Also note that the building lies below Ou Kaapse weg road height so viewshed is sensitive to mountain views in the background.

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Figure 11: View of the existing dwelling from OU Kaapse weg. The fact that the proposal is limited to the existing development envelope and the new height of 4.891m of the gable not impacting the viewshed towards the mountain.

Measures could include prohibiting of parking on street level roof decks and consideration of alternatives such as parking inside buildings or parking below street level.

The only visible parking will be at the same location as the shadeport parking on Figure 11 with the disabled parking perpendicular to the road verge. The remaining parking are provided at the rear of the proposed converted building.

As a general principle parking related to particular facilities should be provided in specific locations and should not be allowed to line a route.

See above mitigation. The addition of the disabled parking along the Cruiser close verge is only due to practical reason to provide ease of access to the entrance.

If the road is alongside beside the facility, an adjacent screened car park should be provided.

Ou Kaapse weg is separated from Cruiser close by a pedestrian / cyclist sidewalk area as well as a ± 3.5 m wide vegetated island along the western verge of Cruiser close. No parking will occur in the Cruiser close road reserve due to the limited width and its function as a cul de sac road.

Footpaths should preferably be accommodated at a different grade. Consideration should be given to the construction of footpaths along contour lines parallel to scenic routes to increase the range and accessibility of the scenic experience.

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Figure 12: View from Ou Kaapse weg with pedestrian / cyclist route and landscaped island barrier separating the two road reserves. The difference in road level is also visible.

The existing footpath along OU Kaapse weg is higher than Cruiser close road surface and this will ensure the scenic experience is retained and not impacted.

The road surface should reflect to the lie of the land to the greatest extent compatible with safe traffic requirements.

The proposal is along Cruiser close which is a cul de sac road with no direct access to Ou Kaapse weg which ensures safe traffic circulation via connector roads. The lie of Cruiser close below Ou Kaapse Weg also complies with this guideline.

Where possible the character of the area through which the route passes should be reflected in the treatment of its verges.

The landscaped verge along Ou Kaapse weg address this.

Proposed measures include traffic calming, and that such measures be integrated with a range of possible interventions associated with an important gateway opportunity.

No mix of traffic between Crusier close and Ou Kaapse weg with traffic calming along Crusier being achieved by its cul de sac function with no thoroughfare to Ou Kaapse weg.

An Outdoor Advertising and Signage By-law for the City of Cape Town was promulgated in the Provincial Gazette Extraordinary on 5 December 2001. Relevant sections of the bylaw are reflected in Section 6.2 below. Current signage along scenic routes must be upgraded to conform with this by-law.

Dentist practice to comply with the applicable legislation.

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10. RESTRICTIONS

Legal restrictions:

The title deed contains no restrictive conditions that will prohibit the proposed change of use or consent application. The attached Conveyancer's certificate also serves as confirmation of this.

Physical restrictions:

No physical restrictions exist that will need to be mitigated due to the fact that this proposal constitutes a low impact conversion mostly limited to the existing footprint with an addition of $\pm 30\text{m}^2$ of floorspace which consists mostly of the area between the dwelling and garage.

Built restrictions:

No built restrictions exist that will prevent or restrict the permanent use of the property for a business. The existing single dwelling's internal layout allows a cost effective and relatively small-scale internal conversion to change it for the purposes of a medical practice. The built features to be demolished are small scale landscape elements & a swimming pool which do not affect the structural integrity of the existing dwelling or limits the conversion as proposed.

11. REQUIRED CONSULTATION & PUBLIC PARTICIPATION

Proof of pre submission consultation is required in terms of the City of Cape Town By-law of 2015 (amended 2025). This firm's assistance was sought during the building plan submission phase when the building plan was refused by LUM due to the proposed use as dental facility not conforming with the scheme allowance for primary or additional use implementations. Email communication (**Addendum 5**) with the relevant LUM official to clarify issues and discuss solutions act as record of pre- submission consultation preceding this submission of the Rezoning with Consent for the dental practice / consultation rooms. Please note the fact as recorded in this communication that no residential component will remain on site and the entire property will be utilized for the dental practice hence the rezoning to allow future use of the premises for professional offices should the dental practice be decommissioned.

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12. THE DEVELOPMENT OF ERF 15084 EXCLUSIVELY FOR DENTAL CONSULTING ROOMS

The application:

The City of Cape Town Municipal Planning By-law of 2015 (amended 2025) defines Local Business Zone 1 for office purpose as:

"The LBI zoning provides an intermediate zoning, which can act as a buffer or interface between general business zonings or other high-intensity non-residential uses, and residential areas. The dominant uses should be for residential, office and associated purposes, but limited retail activities are possible with the City's approval."

With the above-mentioned definition and the support of the Local policy guidelines the following Site Layout is presented as a viable and sustainable proposal for the development of an office building with dentist (orthodontist) consulting rooms on erf 15084.

The proposed development will constitute a Dentist Practice specializing in Dental / Orthodontic care comprising 3 consulting rooms and ancillary use rooms as a consent use in terms of the definition of a clinic;

"'clinic' means a place for the diagnosis and treatment of human illness or the improvement of human health, which has limited facilities and an emphasis on outpatients, provided that a clinic may contain live-in facilities for no more than twenty persons, including patients and staff; and a clinic may include medical consulting rooms, operating theatre, an outpatients centre and a wellness centre with ancillary uses"

These proposed Orthodontist Practice will not detract from the current character or value of the surrounding residential environment due to the fact that the area is already of a mixed-use nature with similar functions already existing in the immediate surrounding area. The conversion of the existing dwelling with the addition of just 30m² will fit into the mixed used nature of the area with the newly proposed façade deemed consistent with such a conversion with this opinion further supported by the fact that the surrounding built environment has no particular architectural style or built form which means that this land use intensification proposal has a generic impact. The proposal is considered contextually fitting. Adequate space exists at the rear of the building to accommodate vehicle circulation and parking. The proposal does require a second carriage way crossing mainly due to the provision of the required disabled parking bay (bay 2) which requires more space.

The site plan illustrates the proposed development for ERF 15083 and ERF 15084. ERF 15083 (top left) features a large building footprint with a 3500mm Building Line and a 3000mm Building Line. It includes Parking 1 (2500m x 570m) and Parking 2 (5000m x 3500m). ERF 15084 (bottom right) shows a building footprint with a 3000mm Building Line and a 3000mm Building Line. It includes Parking 3 (2500m x 3500m), Parking 4 (2500m x 2500m), and Parking 5 (2500m x 2500m). The plan also shows existing and new sewer lines, a 12m Setback line, and a 20 430mm Boundary Line. A north arrow and a scale bar are provided for orientation and measurement.

The conversion of the property and the existing dwelling for business purposes constitutes a low impact use due to it being utilized for a professional service in the form a Dentist practice consisting of 3 consulting rooms and ancillary floorspace related to this practice. This type of low key professional medical service are easily compatible within residential neighborhoods where it is deemed to have a low impact in terms of noise, security and traffic. This is mainly due to the fact that this type of business operates during normal office hours being 8am to 5pm Mondays to Fridays and 8am to 2pm on Saturdays. The type of

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professional dental service provided are also synonymous with demanding a placid atmosphere and environment and there for it has low to no noise impact on the surrounding built environment. The proposed office building will accommodate seven (5) permanent employees; two doctors sharing one assistant, receptionist and an accountant. Temporary staff includes a cleaner and gardener.

This proposed Dental Practice will consist of the converted existing dwelling covering approximately 155m² of interior floorspace being divided as follows:

- Dentist consultation room 1 (Ortho) = ±35m²
- Dentist consultation room 2 = ±10m²
- New X-ray room (consultation 3) = ±5m²
- Prep / scrub area = ±11.5m²
- Lab dental store = ±8m²
- Practice manager's office = ±7m²
- Reception / waiting room = ±32m²
- Practice accountant's office = ±11m²
- 2 new toilets / bathrooms = ±5m²
- New kitchen / Staff recreation room = ±20m²
- Passages = ±10m²

The GLA exclusions are as per the below also indicated on the Site Development Plan;

Total Area:	= Ground Storey_152.54m ²
Excluding from GLA calc:	Including in GLA calc:
Ground Floor	Ground Floor
WC = 1.77m ² DISABLED WC = 3.4m ² PASSAGES = 9.95m ²	MEDICAL CONSULTING ROOM 1 ORTHO. / DENTIST / ORAL HYGIENIST ROOM = 35.12m ² MEDICAL CONSULTING ROOM 2 DENTIST / ORAL HYGIENIST = 9.86m ² MEDICAL CONSULTING ROOM 3 X-RAY. ROOM = 4.98m ² PREP SCRUB AREA = 11.55m ² LAB / DENTAL STORE = 7.8m ² PRACTICE MANAGER OFFICE = 7m ² RECEPTION / WAITING AREA = 30.9m ² PRACTICE ACCOUNTANT OFFICE = 10.68m ² KITCHEN / STAFF RECREATION ROOM 19.47m ²
TOTAL: =15.12m ²	TOTAL: = 137.42m ²
Total GLA included (Parking)	:137.42m ²
Total GLA excluded (Parking)	:15.12m ²
Total GLA	:152.54m ²

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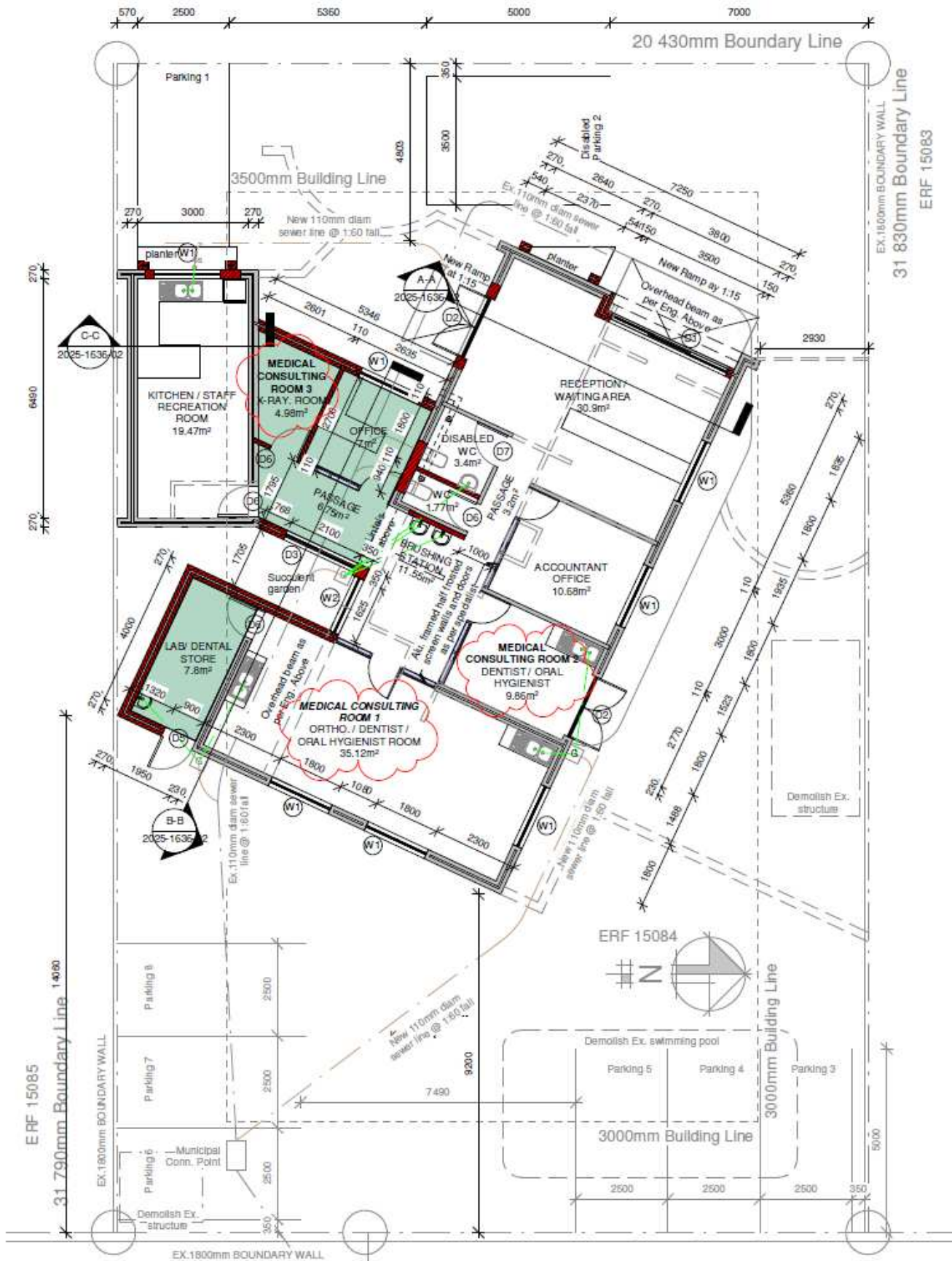


Figure 14: Proposed converted / new floorplan

Pierre Jordaan

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a. DEVELOPMENT SCHEME PARAMETERS

The development parameters in the Local Business Zone 1 are as follows:

(If the development proposal conforms it will be Yes or No)

By- Law regulation:

Proposal conform:

Floor factor:

Yes

1.0

0.28

Height

Yes

10m

5.32m

within 3 m of a common boundary, the height will be limited to 4 m measured from existing ground level to the top of building

No

New height of 4.891m

Street building line

Yes

3,5m

set back 5m from Cruiser close

Common building lines

Yes

0,0 m for first 12,0 m along every common boundary measured perpendicular from street boundary and 0,0 m for 60% of total remaining linear distance along all common boundaries around land unit and 3,0 m for remainder,

Parking required

No

2,5 bays per consulting room = 7,5 parking bays for the consultancy + 4/100m² office space = 4 bays
Total = 12

8 provided

Second carriageway crossing

No

12m apart

10.36m

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141(1)(b) The layout of any parking area, except for No, bay 1 requires reversing parking in R1 and R2 zonings, shall ensure that vehicles can readily leave the site without reversing across the sidewalk, unless approved by the City;

b. DEPARTURES

a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow the 4.891m height of the new office building in lieu of the regulatory 4m where this proposed office building is closer than 3m to the common boundary.



Figure 15: New height of 4.891m exceeding the regulatory 4m within 3m of the common boundary

This height encroachment can be mitigated as follows;

- The staff recreation room is a conversion of the existing garage which exceeded 4m.
- The gable extension is the main cause for the height departure.
- The new proposal does not alter the roof pitch.
- The increased height supports the focus on the façade which in turn supports the new use as an office with more formal styling elements.
- The impact on the receiving property (erf 15085) is mitigated based on the fact that there are no overlooking features onto this property.
- The residence on erf 15085 is also set back from the shared boundary which negates any additional impact caused by the height departure.

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- The new lab dental store room roof height also exceeds the regulatory 4m but this is also just an extension of the existing roof pitch.
- The new lab dental store room wall facing erf 15085 has no overlooking features to impact on privacy.
- The existing approved building at the same height also encroached the 3m setback.

a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow two carriageway crossings less than 12m apart along a street boundary less than 30m in length.

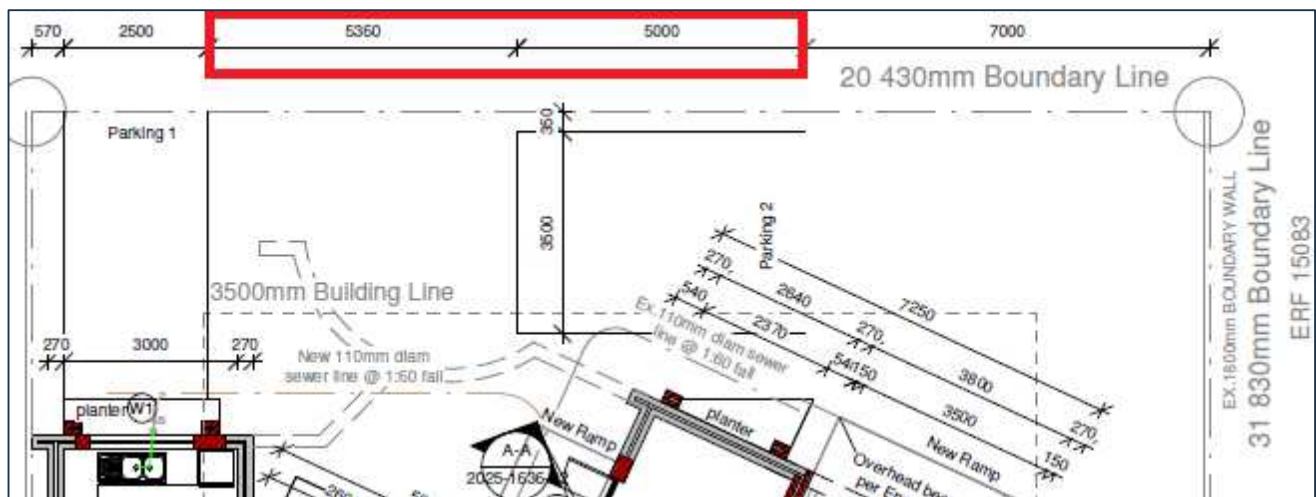


Figure 16: Carriageway crossing departure to allow two carriageway crossing along the 20.43m long Cruiser close street boundary less than 12m apart

This departure to allow a distance of 10.36m between the two carriageway in lieu of 12m with can be mitigated as follows;

- There is still a ± 3.7 m wide sidewalk area forming part of the ± 13 m wide road reserve which offers additional manoeuvring space & clear sight distances.
- All vehicles except parking bay 1 can reverse on site and leave the parking area nose first.
- Kerbing between the two cwc's will be constructed to prevent any vehicles to drive over the sidewalk area.
- The sidewalk is still mostly available and safe for pedestrian use.
- The departure allows the positioning of the disabled parking in the front of the building which means it is closest to the entrance and reception area.

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- Cruiser close is a dead end which effectively means that traffic from the north will mostly be linked to the business use to the north and the generation is limited to only four properties.
- The use of the parking area is limited to office hours so the impact of the departure is also linked to those hours.
- The parking area will rarely be full to capacity due to the fact that visitation is by appointment only.

a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow a vehicle parked in parking bay 1 to reverse across the sidewalk when exiting the property.

This departure can be mitigated as follows;

- It is limited to one bay.
- This parking is an existing undercover bay so not a new parking.
- Cruiser close is a cul de sac which means that speed in this road is reduced which supports bay 1 with less safety issues with a vehicle reversing.
- The sidewalk / reserve width is $\pm 3.5\text{m}$ which allows additional sight distance and manoeuvring space.

a **Permanent departure** in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law of 2015 to allow 8 parking bays in lieu of the required 12 bays

This departure can be mitigated as follows;

- The two offices are related to the practice i.e. practice accountant & practice manager which effectively means it cannot be regarded as additional rental space for my client.
- Dental practice operates strongly according to appointments which means that the practice can only allow 3 patients at any given time which relates to 3 bays and not 2.5 as per the scheme. The 2.5 bays per consulting room should effectively include the dentist and staff requirement which would then allow the practice offices included in this calculation.
- The width of Cruiser close reserve allows for parking in the road reserve which is the case with all the consent use / rezoned implementations north of the property which

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creates a precedent and expectation and it factors into the viability of the property to be used for a certain purpose i.e. offices or retail.

- To support the viable implementation of a property in accordance with the District Plan initiatives it will almost always be a case of parking shortfall due to nature of the proposal entailing a conversion and not a demolition.
- This departure will ensure compliance with the District Plan initiatives.

c. SERVICES

The proposed office building for Orthodontic purposes will not have an additional impact on the services capacity or availability due to the fact that the use is limited to business hours, therefore outside peak hour use of a normal household. Existing services exist on the property to accommodate the new use as a Dental practice.

d. ARCHITECTURE

Some upgrades are proposed to the frontage of the existing building to conform to the façade of a business building in accordance with the change of use. This mainly involved adding some plastered extrusions and raised gable walls. The goal is to create a focused and beautified entrance feature that will also attract patients to the consultancy. These features are not definitive of any particular architecture but will emulate different styles that seem to be generally associated with offices and professional medical suites. The main aim of the styling will be to focus attention on the façade to maximize exposure as a marketing benefit and to create a definite identity as dentist.

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Figure 17: Tiger Avenue entrance façade

It is evident from the above street elevation that the aim of the design of the office building is to accomplish the principles of the Urban Design Guideline by attracting the focus to a visually pleasing façade with interesting features that distinguish it from a residential dwelling. Although the building is still set back 5m from the Cruiser close reserve the raised gables and added prominent features will support the creation of an attractive street façade to align with the Policy's main goal of creating more attractive interfaces between the built environment and the public realm.

e. ACCESS & PARKING

Access to the premises will be obtained from the 13m wide Cruiser close via two carriage way crossings in accordance with the Site Development Plan attached as **Plan 2**. The northern access carriageway crossing will provide access to the new parking area behind the building. Vehicular movement will be two way across this 7m wide carriage way. A 350mm dwarf wall will be built on the remaining cadastral boundary between the two access carriage way crossings to prevent uncontrolled access from the road. The entire parking area will be paved with the parking bays clearly demarcated as per the City's regulations. An additional direct parking is available on the southern corner of the

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property where the existing driveway is positioned. A total number of eight parking bays is provided to satisfy the Bylaw requirement of 2.5 parking bays per consultation room.

f. IMPACT ON EXISTING RIGHTS

The impact of the proposal compared to the existing right is deemed low due to the following supporting criteria;

Land use:

Existing:

Residential dwelling underutilized and under maintained / in state of dilapidation.

Impact on rights of surrounding area.

Viability of residential use along a high Activity street (Ou Kaapse weg) and location in the District node is questioned.

Building envelope:

Existing:

±190m² dwelling inclusive coverage

Existing roof height = 5.324m

Unattractive visual appearance not supporting Ou Kaapse weg scenic route.

Proposed:

New dentist practice on same footprint. Rejuvenated building complementing similar use in Cruiser close.

Little to no impact due to similar alternative intensified use existing in the area.

Mixed use and especially professional offices and medical practices in a District node as low impact alternatives ensure viable and sustainable alternative.

Proposed:

152m² with no shade ports and covered outside areas.

Additions with gables at same height.

New façade visually attractive and in support of the policy initiative to encourage mixed use to ensure contextual fit.

g. VIABILITY

The development proposal and permanent use of erf 15084 for business purposes with a consent for Dentist consulting rooms is deemed viable due to the following supporting factors:

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- It provides much needed office / medical services related floor space for a small sized enterprise / practice looking to invest instead of renting in the expensive Cape Town CBD areas.
- It supports the Local and Provincial Planning policy strategies with regards to the upliftment and support of smaller business enterprises to strengthen the local economy.
- It supports the rejuvenation strategy needed to maintain older residential neighbourhoods by intensifying and diversifying land use, mixing the modern with the old through minor architectural tweaks. This prevents degradation of older neighbourhoods and buildings where maintenance is sometimes neglected due to the average age of the buildings and the residents in these areas.
- It does not impact negatively on the built or natural environment due to the fact that it is mostly limited to the existing approved building footprint with a small addition of $\pm 30\text{m}^2$ of floorspace.
- It supports the development of the Ou Kaapse weg activity corridor as a Spatial Planning strategy with the implementation of an intensified mixed use in the form of small scale, low impact professional medical service in the District node.

h. SUSTAINABILITY

The proposed development is considered sustainable due to the following supporting factors:

- It will add value to the area and this value adding will not decrease. Business related floor space is expensive in Central Business Districts (CBD's) and therefore this mixed-use activity corridor provides an alternative which adds value to the properties along Ou Kaapse weg and the properties located in the District Node.
- It will support the future rehabilitation and re- development opportunities of similar properties with dilapidated buildings in the node and along Ou Kaapse weg. Many residents of these older dwellings are on the verge of retirement seeking smaller accommodation. It is there for a case of willing seller, willing buyer and the pressure to buy and develop in accordance with the allowed guidelines is constantly increasing.

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- It will support the upgrade and expansion of the municipal infrastructure by means of the income raised through additional bulk infrastructure contributions as well as increased taxes due to business use valuations.
- The land use change combined with the subsequent “professional” facade will complement the implementation of Ou Kaapse weg and properties along this activity corridor as a sort of Community node (medical, dental, veterinary use) creating a more harmonious and homogenous built environment and therefore supporting the Urban Design and Spatial Development principles. This will add largely to the positive creation of a sense of place where professional medical services, pedestrian movement and vehicles integrate.
- The implementation of business use in the form of professional firms and doctor’s consultancies complements and strengthens the District node of which medical related services form a major structuring function.

i. DESIRABILITY in terms of SECTION 99(3) of the THE MUNICIPAL BY- LAW (amended 2025)

The following criteria are deemed as desirability factors to be considered in the motivation of the development proposal:

(motivation in support in bolded italics)

- Socio- economic impact;

The proposal will ensure growth in the small and medium size enterprise sector by providing affordable business related floor space at competitive prices compared to the major CBD areas. This tier of business is sometimes neglected or misjudged in terms of the support it provides to Commercial nodes in terms of diversification. It will also support local socio- economic growth in the area and lead to employment creation.

It will have a positive social impact by integrating use and providing the opportunity for the renewal and optimal use of older properties and buildings with a value adding effect. Furthermore will it provide a Dental service to the community for which a demand exists. This supports social cohesion by providing a health service which benefits all.

- compatibility with surrounding uses;

As said before the proposed development fits perfectly into the current trend of development in the area and supports the principles of the South Peninsula District Plan in terms of intensification and diversification of land use.

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- impact on the external engineering services;

The impact can be deemed as low due to minimal added pressure on capacity.

- impact on safety, health and wellbeing of the surrounding community;

The implementation of the current activity as a permanent use will add to the safety, health and wellbeing of the community by supporting the built environment and increased activity with subsequent increased surveillance. Professional ventures like this make use of increased safety and security measures due to the fact that they usually house expensive and specialized equipment. These security measures will also be to the advantage of the surrounding neighbors due to increase in response time and monitoring of these premises by security companies. The consent use to allow medical practitioners will have a positive impact in terms of the health and wellbeing of the surrounding community and the access to dental health practitioners.

- impact on heritage;

The land unit does not exceed 5000m² there for no assessment is required in terms of Section 38 of the Heritage Act. The building is not older than 60 years as is evident from the title deed which indicates the first date of transfer as 1986. This means the building is approximately 40 years old.

- impact on the biophysical environment;

The development proposal is in an area of expanding and growing urban nature due to the increased pressure on the District node to supply affordable office & commercial space meaning that the biophysical environment is mostly built up in accordance with the urban nature of the area adjacent Ou Kaapse weg in the node. This effectively means that the receiving environment is of a built nature with no natural or conservation worthy elements and therefore no impact exists.

- traffic impacts, parking, access and other transport related considerations;

Adequate parking has been provided in the site layout for patients & employees as required by the DMS. The opinion is also held that the design supports safe traffic and pedestrian movement.

- whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

The conditions of a land use change decision will be the result of due process and all the necessary requirements in terms of the relevant legislation will have been assessed and considered as required by the process. These conditions will take all relevant stake

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holder's input and comment into consideration to ensure that any impact is addressed and mitigated in terms of the implementation of the approval. This means that the proposal does not warrant the imposition of conditions based on the preceding mitigation.

➤ **Applicability of SPLUMA and LUPA development principles**

The development principles under Chapter 2 of SPLUMA focuses on;

- *Spatial justice*
- *Spatial sustainability*
- *Efficiency*
- *Good administration*

The proposed application to rezone the property for a specialized & professional dentist practice is supported by the Spatial Planning guidelines as discussed under Section 9 of this report there for it will conform to these development principles as set out by SPLUMA in particular the following;

- ✓ *promote land development that is within the fiscal, institutional and administrative means of the Republic;*
- ✓ *uphold consistency of land use measures in accordance with environmental management instruments;*
- ✓ *promote and stimulate the effective and equitable functioning of land markets;*
- ✓ *consider all current and future costs to all parties for the provision of infrastructure and social services in land developments*
- ✓ *promoting land development in locations that are sustainable and limit urban sprawl / or business sprawl into the adjacent residential area*
- ✓ *create communities that are viable*

The proposal aligns with the above principles in terms of;

- **creating a viable opportunity for a professional dentist practice at a desirable location with no impact on the environment and negligible impact on the built nature due to it largely being limited to the existing built platform.**
- **The proposal is in an area earmarked for this type of development i.e. mixed use which prevents business sprawl into the residential area to the east.**
- **The proposal is also deemed cost effective in terms of the available infrastructure, accessibility, limited coverage and massing of the proposal.**
- **The willing seller, willing buyer is the direct result of effective functioning of land markets.**

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- *It supports the provision of a social service for which a demand exists.*
- *It is deemed viable due to the demand from the community for the professional service provided.*

The proposal is consistent with the Municipal Spatial Planning guidelines as well as the requirements of the development scheme (MPBL) and this application is there for deemed to be in accordance with the provisions of sections 34 and 35 of LUPA with regards to the rezoning request.

13. CONCLUSION

This application for **Rezoning** with a **Consent** to use **2 Cruiser close** as a dental practice is therefore deemed favourable as it will have no negligible impact on the surrounding built or natural environment. Implementation of the Site Development Plan will ensure the most viable and sustainable implementation of the property by optimally utilizing favourable location and an existing building footprint with minor additions required to ensure viability. This will ensure the development of a high quality professional medical facility supporting local spatial development directives. It is therefore encouraged and recommended for approval.

GROSS LEASING AREA

Building Occupancy	E4 - Health care
Total Area:	= Ground Storey_152.54m ²
Excluding from GLA calc:	Including in GLA calc:
Ground Floor	Ground Floor
WC = 1.77m ² DISABLED WC = 3.4m ² PASSAGES = 9.95m ²	MEDICAL CONSULTING ROOM 1 ORTHO. / DENTIST / ORAL HYGIENIST ROOM = 35.12m ² MEDICAL CONSULTING ROOM 2 DENTIST / ORAL HYGIENIST = 9.86m ² MEDICAL CONSULTING ROOM 3 X-RAY. ROOM = 4.98m ² PREP SCRUB AREA = 11.55m ² LAB / DENTAL STORE = 7.8m ² PRACTICE MANAGER OFFICE = 7m ² RECEPTION / WAITING AREA = 30.9m ² PRACTICE ACCOUNTANT OFFICE = 10.68m ² KITCHEN / STAFF RECREATION ROOM 19.47m ²
TOTAL: =15.12m ²	TOTAL: = 137.42m ²
Total GLA included (Parking)	:137.42m ²
Total GLA excluded (Parking)	:15.12m ²
Total GLA	:152.54m ²
PARKING REQUIREMENTS	
Nett Office GLA Area	: 137.42m ² - 49.96m ² = 87.35m ² (4 / 100m ²) + 7.5 (2.5 per consulting rooms)
Parking required	:12 bays
Parking provided	:8 bays

