CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500166288

Erf 51262, 98 Belvedere Road, Claremont

Development Management

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Application in terms of the City of Cape Town Municipal Planning By-law, 2015

Remainder Erf 51262, Cape Town

Application to City of Cape Town

25 June 2026

Pierre Smit and Associates

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1. INTRODUCTION

Application is made in terms of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the rezoning of Remainder Erf 51262, Cape Town (Erf 51262, Cape Town) from Residential Zone 1 (R1) to Local Business Zone 1 (LB1). Application is simultaneously made for departures from the Development Management Scheme (DMS) relating to off-street parking provision and relaxation of a building line applicable to a designated metropolitan road (Belvedere Road). City approval to permit vehicles to reverse across the Belvedere Road sidewalk is also required.

The main purpose of the application is to rectify the current use of the property for office purposes. In this regard, please note that a separate application for determination of an administrative penalty has been submitted.

This report provides the relevant information for evaluation of the proposal and serves as motivation for approval of the land-use management application.

A completed City of Cape Town application form is attached, marked *Annexure A.*

2. APPLICATION

Application is made in terms of Section 42(a), (b) and (i) of the MPBL for the following approvals:

- Rezoning of Erf 51262, Cape Town from R1 to LB1.
- A departure from the DMS to permit a building to be set back 4,75m in lieu of 5,0m from Belvedere Road (a designated metropolitan road)
- A departure from the DMS to permit 1 off-street parking bay in lieu of 5 bays.
- City approval to permit vehicles to reverse across the Belvedere Road sidewalk.

3. APPLICANT

The property is registered in the name of who appointed Pierre Smit and Associates to prepare and submit the relevant applications on their behalf. A Special Power of Attorney is attached, marked *Annexure B.*

4. THE PROPERTY

The property is located at 98 Belvedere Road, Claremont. In terms of Title Deed a copy of which is attached, marked *Annexure C*, the property is described as Remainder Erf 51262, Cape Town, 484m² in extent.

Copies of Surveyor General diagram and noting sheet M1413 are attached, marked *Annexure D* and *E,* respectively.

Attached, marked *Annexure F* is a conveyancer`s certificate prepared by STBB Attorneys, confirming that the property`s title deed does not contain any conditions restricting or prohibiting the use of the property for business purposes.

The property is zoned R1 and developed with a single-storey dwelling house which currently accommodates the administrative offices of the owners of the property. Regarding the DMS requirements regarding off-street parking, the property is located in a Standard Area.



FIGURE 1: AERIAL PHOTOGRAPH SHOWING LOCATION OF SUBJECT PROPERTY

5. URBAN CONTEXT

Belvedere Road has a distinct mixed-use character with development consisting of dwelling houses, shops, offices, restaurants and flats. Remainder Erf 51262 is in close proximity to the local commercial node at the intersection of Keurboom Road and Belvedere Road which primarily serves the surrounding residential neighbourhood. The most prominent development in the area is the Belvedere Square mixed-use development comprising shops, offices, medical consulting rooms and residential accommodation. Smaller retail outlets in the area include a café, a supermarket, a furniture store, a liquor store, a dvd shop, a computer repair shop, estate agents and a pharmacy. Various medical-related businesses, a restaurant and the St Stephens Bible Church are in the immediate vicinity of the subject property.

Properties along Belvedere Road are zoned Local Business Zone 1 and 2 (LB1 and LB2), General Business Subzone 1 (GB1), General Residential Subzone 2 and 4 (GR2 and GR4), Open Space Zone 2 (OS2) and Residential Zone 1 (R1).

Due to its location close to the intersection of two relatively major roads, the subject property enjoys a high level of accessibility, with Belvedere Road linking the property directly to the M5 and the rest of the metropolitan road network.



FIGURE 2: EXTRACT FROM ZONING MAP

6. DEVELOPMENT PROPOSAL

Development Concept: Development on the property comprises a dwelling house which is used by the owners as administrative offices. The purpose of the application is to rectify the office use of the property which is currently zoned R1. Apart from the raising of the street boundary wall (subject to building plan approval), no external additions or alterations are envisaged at this stage.

The floor space of the building and the proposed GLA are 162m² and 136m², respectively. This represents a floor factor of 0.33. One off-street parking bay with direct access from Belvedere Road is provided.

Statutory Requirements: Application is made for the rezoning of the property to LB1 to accommodate administrative offices. Since only 1 parking bay in lieu of the 5 required bays are provided, application is simultaneously made for a departure from the DMS to permit a parking shortfall. City approval to permit vehicles to reverse across the sidewalk is also required. Since Belvedere Road is a designated metropolitan road, a 5m building line is applicable – application is made for a relaxation of this building line to permit the existing building to be set back 4,75m in lieu of 5,0m from said street boundary.

The development rules for offices in the LB1 zone, and the extent to which the proposed development complies with said rules, are as follows:

Development Rule	**Permitted/Required**	**Proposed**
Floor factor	1,0	0,33
Maximum floor space	484m²	162m²
Maximum GLA	-	136m²
Maximum height	9,0m	5,5m
Street boundary building line	3,5m	min. 4,75m
Common boundary building line	0,0m for distance of 12m from street, 0,0m for 60% of remainder and 3,0 for remainder	min. 1,45m
Building line on designated metropolitan road	5,0 m	4,75m *(departure required)*
Off-street Parking	5 bays	1 bay *(departure required)*
Max. number of cwc`s	1	1
Width of cwc	min. 2,4 m – max. 8,0 m	3,0m

From the above it is evident that existing development substantially complies with the development rules of the LB1 zone.

The title deed of Remainder Erf 51262 does not contain any conditions prohibiting or restricting the proposed development.

7. MOTIVATION

Section 99 of the MPBL prescribes the criteria for evaluating applications. In motivating an application, the following criteria must be addressed:

a) Spatial Development Frameworks

In terms of the proposals of the *Municipal Spatial Development Framework, 2023 (MSDF),* the property is located in the so-called Urban Inner Core where the City is committed to target investment and development in order to spatially transform and integrate city form. Regarding property development, the emphasis in the urban inner core is on diversification and intensification of land-use in association with public transport infrastructure provision, thereby contributing to achieving the objectives of Transit Oriented Development (TOD).

The proposal under consideration is aligned with Spatial Strategy 3 (building an inclusive, integrated, vibrant and healthy city) and supports Policy 23 by providing for the intensification and diversification of land-uses in areas supportive of TOD. It is also aligned with Spatial Strategy 2 (manage urban growth and create a balance between urban development, food security and environmental protection). Furthermore, the proposal is for development in an area which is not exposed to risk, and which will not impact in any way on the City`s natural environment, critical biodiversity networks or heritage resources.

The *Southern District Plan, 2023* is one of eight district plans formulated for the eight planning districts of the City and is a component of the MSDF. It provides conceptual proposals for the future development of the City`s Southern District as well as guidelines for assessment of development applications.

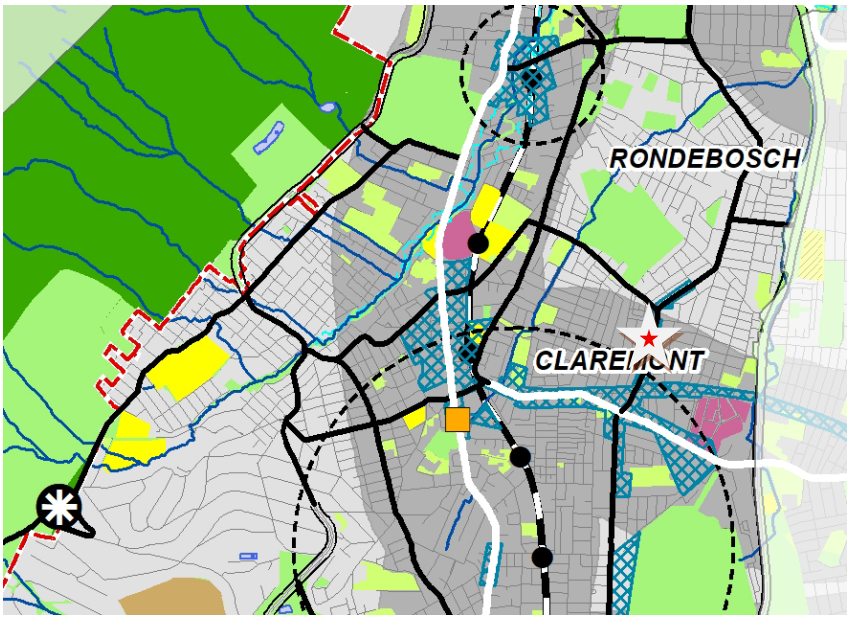


FIGURE 3: EXTRACT FROM SOUTHERN DISTRICT PLAN (STAR DENOTES ERF 51262)

The District Plan earmarks the Claremont area, including the subject property, as a development corridor (the Main Road Corridor) (refer to *Figure 3* above). The vision for this area is "that of a highly diverse city environment that is adaptable to changing social, economic and environmental dynamics, and which offers a wide range of urban forms and opportunities to which an increasing number of people can have access." In terms of the District Plan proposals, properties along Belvedere Road, in the vicinity of the Keurboom Road intersection, are in a local node and earmarked for "mixed-use intensification".

Erf 51262 is in Subdistrict 3. In accordance with the Southern District Plan, the Subdistrict 3 Plan also earmarks properties along Belvedere Road for mixed-use intensification. The Plan specifically states that "along Belvedere Road between Clare Park Road and Chichester Road support mixed-use development and minor additional contextually appropriate residential densification (compared to adjacent residential areas) so as abutting residential areas are not unduly negatively affected."

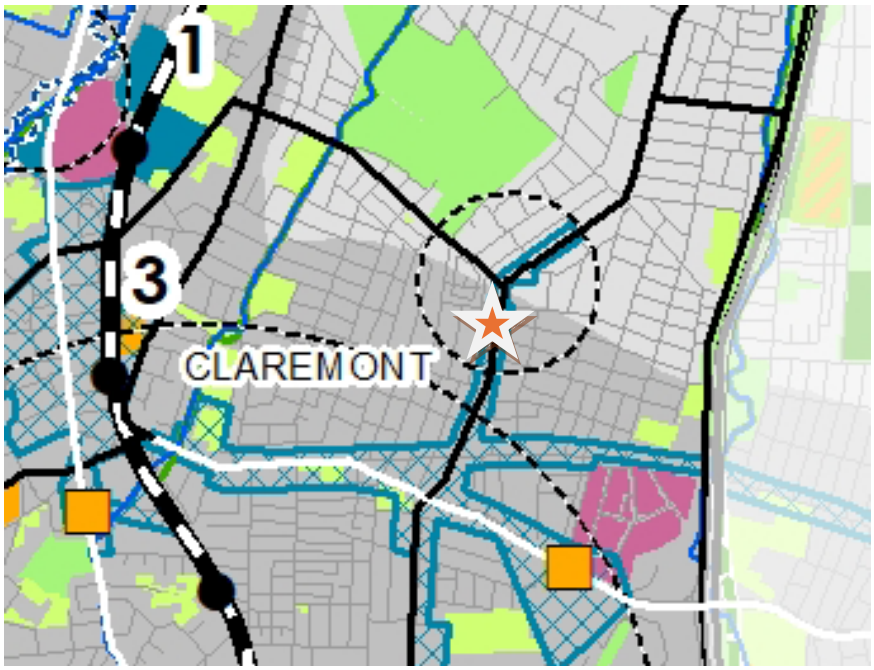


FIGURE 4: EXTRACT FROM SUBDISTRICT 3 PLAN (STAR DENOTES ERF 51262)

The proposal under consideration is for the rezoning of Erf 51262 to LB1 to permit the use of the existing dwelling house for administrative offices. Furthermore, as the maximum permissible building envelope in the LB1 zone is similar to that in the R1 zone, development on Erf 51262 will remain contextually appropriate and comparable to adjacent residential development.

With regard to both land use and the scale of development, the proposal is consistent with the proposals of the Southern District Plan.

b) Policies

The City`s *Inclusive Economic Growth Strategy, 2021 (IEGS)* is a short, medium and long-term plan for addressing the economic crisis facing Cape Town. The strategy recognises that inclusive economic growth can contribute to the alleviation of existing poverty and inequality. In this regard, it is pointed out that approval of the rezoning application will enable the continued use of the property for commercial (office) purposes. Existing employment opportunities will be protected with a positive impact on income generation and sustainable economic growth.

The focus of the City`s *Social Development Strategy, 2013 (SDS)* is on poverty alleviation. The proposal will contribute towards job creation and sustainable economic growth over the long term, with a sustained positive impact on poverty alleviation.

Efficient resource utilisation is one of the priorities in support of achieving "The Opportunity City", one of five strategic focus areas of the *Integrated Development Plan (IDP).* As the proposal essentially is to permit the continued efficient use of a well-located property, it can be concluded that approval will support the objectives of the IDP.

While the subject property is not located in an existing Transit Accessible Precinct (TAP), it is on a bus and taxi route and in close proximity to a future BRT route as demarcated in the *Transit Oriented Development: Strategic Framework, 2016 (TOD).* The proposal therefore supports the provision of public transport in the Claremont area and supports the objectives of TOD. Locational efficiency will also be maximized by providing more commercial opportunities close to public transport.

c) Criteria of the Development Management Scheme

Application is made for departures from the DMS to permit a shortfall in off-street parking and a minor street building line encroachment. As argued below, the departures are not considered significant. The development proposal is therefore considered to be substantially in accordance with the development rules applicable to the LB1 zone.

d) Desirability

Socio-Economic Impact: Approval of the rezoning application will enable the continued use of the property for commercial (office) purposes. Existing employment opportunities will be protected with a positive impact on income generation and sustainable economic growth. The proposal will contribute towards job creation and sustainable economic growth over the long term, with a sustained positive impact on poverty alleviation.

Compatibility: The character of Belvedere Road is defined by the presence of numerous small shops, offices and blocks of flats, with various businesses situated in close proximity to the subject property. The proposed small-scale office land use is fully compatible with the

existing character of the area. As discussed above, properties along Belvedere Road are zoned R1, LB1 LB2, GB2, GR2 and GR4, thereby confirming the mixed-use character of the area. The proposed LB1 zoning therefore complements existing zonings and development in the area.

With regard to scale and massing, it is pointed out that the property is currently zoned R1 and that it can accommodate a 3-storey building (9m height) with a floor space of 484m² as of right. In terms of the development rules of the LB1 zone, the maximum permissible floor space is 484m² with a maximum height of 3 storeys (10m). Street- and common boundary building lines are almost identical. For all intends and purposes, the maximum permissible building envelope in the LB1 zone is the same as that in the R1 zone. The rezoning to LB1 will therefore not result in a building which is contextually inappropriate. Regardless, it is not the intention of the owners to redevelop the property over the short- to medium term.

Impact on Safety, Health and Wellbeing: As the main purpose of the application is to rectify the current unauthorized office use of the property, it can be expected that the current use will continue over the short- to medium term. In this regard, it is pointed out that no complaints have been received from adjacent owners and that no notice has been served on the owners to cease the current use of the property. This indicates that the current office use does not cause any nuisances and that it does not have a negative impact on the wellbeing of the surrounding community.

As argued above, with regard to land-use, scale, massing and design, the proposed zoning is considered compatible with surrounding development. It is therefore highly unlikely that the future redevelopment of the site will impact negatively on the safety, health or wellbeing of the surrounding community. Redevelopment will in any event be subject to approval of a Site Development Plan (as proposed), in which case the City and adjacent owners will have an opportunity to comment on the proposal and to assess any potential impacts.

In view of the above, the proposal is regarded as being compatible with existing development as far as use, scale and massing of buildings are concerned. Furthermore, the development complies with the development rules relating to floor factor and height, and complies substantially with prescribed building lines. It can therefore be concluded that the proposal will not impact negatively on the safety, health or wellbeing of the surrounding community.

Traffic Impact and Parking: The traffic generated by the existing office with a total GLA of only 136m² will have an insignificant impact on the local road network.

Application is made for a departure from the DMS to permit an off-street parking shortfall of 4 parking bays (1 bay provided in lieu of 5 bays). In this regard, a *Parking Study* undertaken by Apex Transportation Solutions is attached.

The report points out that, at present, there is only a single parking opportunity on-site, but that it is possible to apply for an extended carriageway crossing on Belvedere Road to permit

5 perpendicular parking bays across the width of the property. It is, however, concluded that "*the single bay proposal (Option 1) maintains the existing access arrangement and does not intensify the frequency of reversing movements across the sidewalk. While a parking departure (1 bay in lieu of 5 bays) is required, the impact is mitigated by the available on-street parking capacity."*

The Parking Study recommends as follows:

> *"From a transport and traffic engineering perspective, Option 1 (Single Bay Proposal) is considered acceptable and preferable, subject to City approval of the departure, as:*
>
> • *It preserves the existing access configuration.*
>
> • *It minimises changes to the public realm."*

Application is also made for a departure from the DMS to permit the existing building to be set back 4,75m in lieu of 5,0m from Belvedere Road which is a designated metropolitan road. As it is only the covered porch which encroaches the 5m building line, and as it is an existing structure, approval of the departure will not have any additional impact on either the functioning of Belvedere Road or the streetscape.

In terms of the DMS, except for the R1 and R2 zones, vehicles shall leave a site without reversing across the sidewalk, unless approved by the City. As the existing single parking bay on the subject property will be retained, it is not possible for vehicles to leave the property in forward gear. Accordingly, application is made for City approval to permit the current situation whereby vehicles reverse across the sidewalk when leaving the site. In this regard it is pointed out that the additional impact on pedestrian and vehicular traffic safety will be negligible since the proposal involves only 1 parking bay and as it is a continuation of an existing situation.

Impact on Engineering Services: As the proposal is not for a substantial increase in density/intensity of use, there will be a negligible impact on external civil engineering services.

The application will be circulated to the various engineering services departments and conditions will be imposed to ensure that the development is adequately serviced.

Impact on Bio-Physical Environment and Heritage Resources: As no authorization in terms of environmental legislation is required, and as it is not proposed to redevelop the property at this stage, it can be concluded that the proposal will not have any impact on environmental resources.

The owners` heritage consultant confirmed that the structure on Erf 51262 has not been awarded a grading by the City of Cape Town Heritage Resources Section, and that it does not fall within a Heritage Protection Overlay Zone. It has also not been graded or formally protected by Heritage Western Cape in terms of the relevant sections of the National

Heritage Resources Act, 1999. Should the structure qualify as a grade 3C if surveyed, such grading would not be affected adversely by the proposed refurbishment and adaptive use of the structure.

As the existing building is approximately 90 years old, application will be made to Heritage Western Cape (HWC) in terms of Section 34 of the NHRA, 1999.

Conditions: It is proposed that the future redevelopment of the property in accordance with the LB1 development rules shall be subject to submission and approval of a Site Development Plan.

e) Impact on Existing Rights

As argued above, the proposal is compatible with the character of the surrounding area. It is also consistent with the City`s vision for the area as reflected in the MSDF and District Plan. Furthermore, the proposed small-scale office activities will not cause any nuisances relating to noise, and will not have a negative impact on environmental and heritage resources.

The proposed street boundary building line departure is an administrative requirement and will not have any additional impacts. As confirmed by the owner`s transportation consultant, there is adequate on-street parking in and around Belvedere Road and the shortfall in parking can be supported.

In view of the above it is concluded that approval of the proposal will not compromise the ability of surrounding property owners to exercise their development rights in terms of the MPBL or any other property-related legislation.

f) Considerations Prescribed in Relevant National and Provincial Legislation

In terms of the provisions of LUPA and SPLUMA, land development must be consistent with the principles of spatial efficiency, spatial sustainability, spatial justice, spatial resilience and good administration.

All the City`s spatial development frameworks and policies are premised on the principles of spatial sustainability and spatial efficiency. It is argued that the proposal complies with these spatial frameworks and policies insofar as it supports intensification and efficiency, urban integration and viable communities. Consequently, it is the opinion that the proposed development is consistent with the principles of spatial sustainability and efficiency.

The principle of spatial justice requires spatial planning mechanisms such as the MPBL and DMS to contain provisions which would enable access to land by disadvantaged communities and persons. This principle is not relevant to the proposal under consideration.

The proposal supports spatial resilience in that it supports the continued and more intensive use of the property.

With regard to the principle of good administration, the application complies with the submission requirements of the MPBL. The proposal has been motivated in terms of the decision-making criteria of the MPBL, and the development principles of SPLUMA and LUPA. Furthermore, all the relevant internal and external departments, as well as interested and affected parties will have an opportunity to comment on the application, which comments will be considered during the decision-making process.

In view of the above it can be concluded that the development proposal adheres to the development principles of SPLUMA and LUPA, thereby giving effect to the overarching goal of spatial transformation.

9. CONCLUSION

In terms of Section 99 (1) of the MPBL, an application must be refused if it fails to comply with the MSDF. As argued above, the application adheres to the proposals and objectives of the MSDF and should therefore not be refused but supported by the decision-maker.

In terms of Section 99 (2) of the MPBL, if the application is not refused in terms of Section 99 (1), when deciding whether to approve the application, the decision-maker must consider all the relevant considerations listed in this section. In this regard, the following should be noted:

- The proposal complies with the applicable spatial development frameworks, i.e. the Municipal Spatial Development Framework, 2023 and the Southern District Plan, 2023.
- The proposal substantially complies with the criteria of the DMS.
- The proposal supports all the relevant Council policies.
- As argued in this report, the proposal is considered desirable.
- As demonstrated in this report, the proposed development will not have a negative impact on existing rights.
- The proposal adheres to the overarching principles relating to spatial efficiency, spatial sustainability, spatial justice, spatial resilience and good administration as per the relevant national and provincial planning legislation.

We respectfully submit that the application should be approved in terms of Section 98(1)(b) of the MPBL since it is consistent with the decision-making criteria stipulated in the MPBL.



Pierre Smit
Pr.Pln A/1417/2011

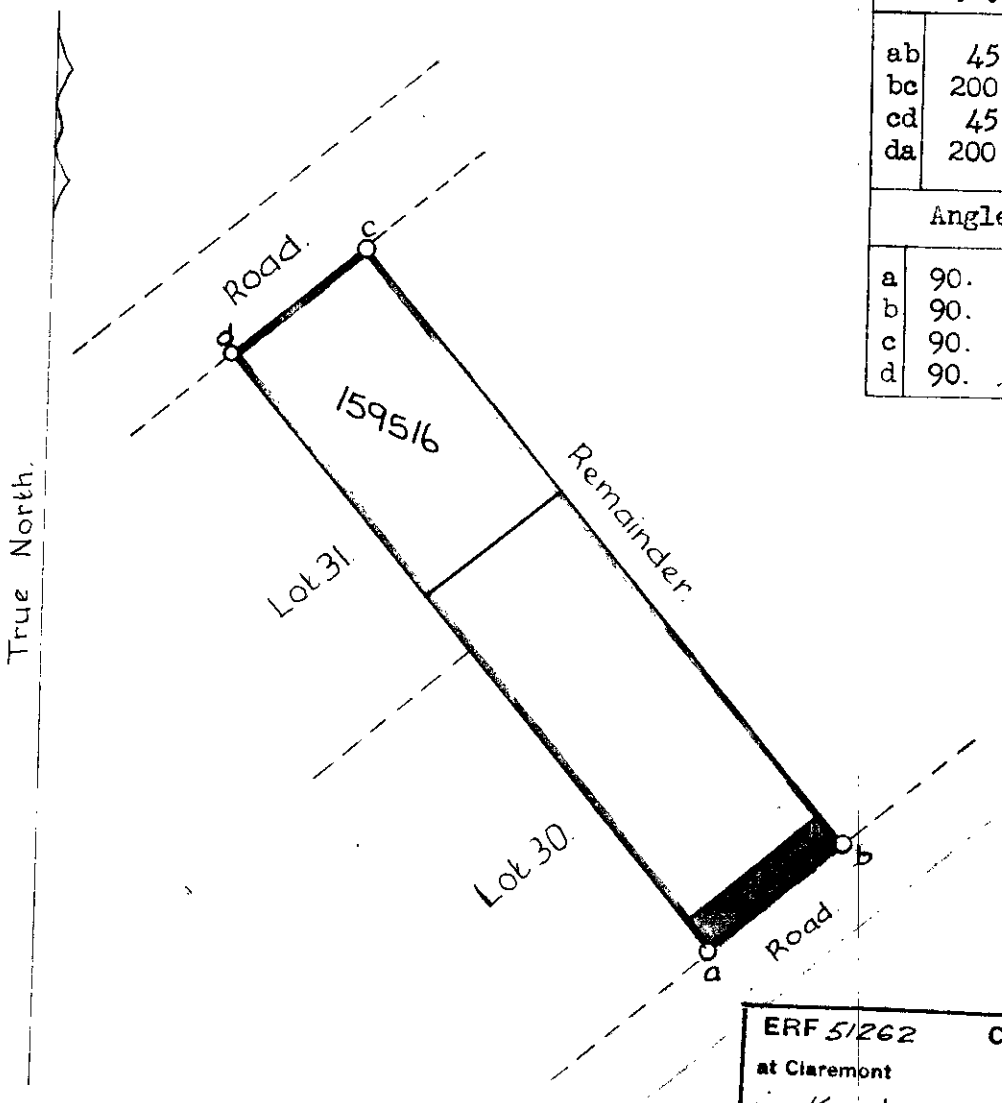
S.G. Dgm. No.727/1900.

S.G. Dgm. No. 727/1900

The numerical data of this diagram are mutually consistent.

(Sgd) J.J. Bosman.
Examiner.

Sides. C.F.	
ab	45. 00
bc	200. 00
cd	45. 00
da	200. 00
Angles.	
a	90.
b	90.
c	90.
d	90.



ERF 51262 CAPE TOWN
at Claremont
in Keurboom Estate

Scale: 50 Cape Feet - 1 Inch.

The above diagram a b c d represents 62 Square Roods 72 Square Feet of Ground, situate in the Claremont Flats, in the Cape Division, being Lot B, portion of Lots Nos.24 to 29 of portion of the farm Keurboom, transferred to on the 2nd June, 1883, and lastly transferred to on 30th June, 1899.

Bounded NW by Road.
SE " Road.
NE " Remainder.
SW " Lots 30 and 31.

Framed from actual Survey by me,

(Sgd) P. Maskew.
Govt. Land Surveyor.
May, 1900.

Copied from the diagram relating to
..Transfer...Title Deed No....3166.....
5th ...

BH 7 DD
Y 51

Checked
Data Entered 8/11/94

ERF 51262
Comp. BH7DD/Y51

The following deductions have been made from this diagram.

Transfer No.	Diagram No.	Sub-division.	Area Morgen.	Area Sq. Feet.	Transfer No.	Tel. No.	
E778/1941	2270/1941	Erf 51263 ~~Portion 1~~		450	9662/1941		
E1281/97	3296/97	Erf 159516		364	111299/97		WM.