



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500168301

**Erf 607, 62 De Bron Avenue,
Kenridge**

Development Management

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ERF 607, KENRIDGE

APPLICATION FOR REZONING, REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS, REMOVAL OF CONDITIONS OF APPROVAL (ORIGINAL TOWNSHIP CONDITIONS) AND PERMANENT DEPARTURES

SUBMITTED TO THE CITY OF CAPE TOWN (NORTHERN DISTRICT)

JULY 2026

(Revision 0)



REGISTERED AT



The South African
Council for Planners
SACPLAN

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1.0 INTRODUCTION

1.1 PROPERTY AND APPLICATION DETAILS

Table 1 below provides a summary of the property and application details. The completed land use application form is attached as **Annexure 01**.

Table 1 – Property and Application Details	
Applicant	ARoux Town Planning
Property Description	Erf 607, Kenridge
Property Address	62 De Bron Avenue, Kenridge
Registered Owner	
Property Extent	867m ²
Municipality	City of Cape Town (Northern District)
Applicable Zoning Scheme	City of Cape Town Development Management Scheme (DMS)
Current Zoning	Residential Zoning 1
Overlay Zone	None
Sub-Council / Ward	7 / 70
Title Deed	
Title Deed Restrictions	Yes – application for removal of restrictive conditions included (refer to conveyancer certificate – Annexure 05)
General Plan / SG No.	SG No. 2394/60 (refer to Annexure 06)
Current Land Use	Residential (Dwelling house)
Proposed Development / Land Use	Conversion of existing dwelling house to offices (for an attorney's firm)
Application Components	• Rezoning from R1 to LB1 • Permanent departures (x4): ○ Common boundary building line encroachment ○ Building height within 4m of common boundary ○ Off-street parking provision ○ Carriageway crossing width • Removal of restrictive title deed conditions • Removal of conditions of approval imposed on township establishment.
MSDF Designation	Incremental Growth and Consolidation Area
Subject to PHRA / SAHRA	No
Subject to NEMA	No
Unauthorized land use / building work	No
Policy Compliant	Yes

The Application

Application is hereby made to the City of Cape Town, in terms of the City of Cape Town Municipal Planning By-Law, as amended in 2025 (MPBL), in respect of **Erf 607, Kenridge**, for the following:

- In terms of **Section 42(a)** of the MPBL: The **rezoning** of Erf 607, Kenridge from Residential Zoning 1 (R1) to Local Business Zoning 1 (LB1).

- In terms of **Section 42(b)** of the MPBL: Application for the following **permanent departures**, read with Item 51, 137 and 140 of the City of Cape Town Development Management Scheme (DMS):
 - In terms of Item 51(b)(ii) of the DMS: To permit a building height of 7,7m in lieu of 4,0m, for the portion of the building within 3,0m of the northwestern common boundary and behind the 12,0m street setback line, for the existing building being converted to office space.
 - In terms of Item 51(c) of the DMS: To permit a common boundary building line encroachment, with a setback of 1,1m in lieu of 3,0m from the northwestern common boundary, for the existing building being converted to office space.
 - In terms of Item 137 of the DMS: To permit an off-street parking provision of six (6) bays in lieu of eight (8) bays.
 - In terms of Item 140(2)(c) of the DMS: To permit a carriageway crossing with a width of 12,0m in lieu of 8,0m.
- In terms of **Section 42(g)** of the MPBL: Application for the **removal of restrictive title deed conditions**, namely conditions C.17.(b), (c) and (d) as contained in title deed relating to only one dwelling together with such outbuildings being permitted, maximum built upon area, as well as building line restrictions.
- In terms of **Section 42(j)**: Application for **removal of conditions of approval**, namely conditions C.17.(b), (c) and (d) as contained in title deed being original township conditions.

The above applications are made by ARoux Town Planning on behalf of _____ being the registered owner of Erf 607, Kenridge. A power of attorney and Company resolution are attached as **Annexure 02** and **03** respectively.

1.2 BACKGROUND

Erf 607, Kenridge ("the property") is situated in De Bron Avenue, Kenridge, and is currently zoned Residential Zone 1. The property contains an existing double-storey dwelling house (refer to **Figure 1**).

Over the past few years, the residential properties on the northeastern side of De Bron Avenue have increasingly seen dwelling houses converted into small-scale offices and consulting rooms. This trend is in response to the City of Cape Town's local planning policies, and particularly the Northern District Spatial Plan, which has identified this row of properties as suitable for small-scale businesses, recognising the area's good accessibility and the busy character of De Bron Avenue.

DGF Attorneys, a local law firm, was seeking a premises for the establishment of their new offices. Given the property's availability and its suitability for small-scale office use, supported by the local planning policies and the established commercial character already emerging along this stretch of road, the property was acquired with this purpose in mind. The proposal is to convert the existing dwelling house into office space, with only relatively minor alterations to the existing building required to facilitate the change in use.

In order to lawfully permit the proposed office use, a rezoning of the property from Residential Zone 1 to Local Business Zone 1 is required, as office use is not permitted under the current zoning. In addition, applications are required for the removal of restrictive title deed conditions, the removal of township establishment conditions, and for departures relating to the height and setback of the existing building (as the use now changes from a dwelling house to offices), access and off-street parking provision.

ARoux Town Planning has been appointed by the property owner to submit the land use application to the City of Cape Town, and to facilitate the application process on their behalf.

This motivation report, together with the attached annexures, provides a comprehensive overview of the proposal and all relevant information required to enable the decision-making authority to make an informed determination on the application.



Figure 1 – Aerial view of the property (Google Earth)

1.3 STATUTORY INFORMATION OF THE PROPERTY

1.3.1 Ownership and Registration

The property is registered as Erf 607, Kenridge and is owned by _____ as confirmed in the title deed with deed number _____. A copy of the title deed is attached as **Annexure 04**.

1.3.2 Title Deed Conditions

The property's title deed contains restrictive conditions which prohibits the conversion of the residential property into a place of business, namely conditions C.17.(b), (c) and (d). These conditions are outlined below.

C. *FURTHER SUBJECT to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934 in approving the said Township as contained in Deed of Transfer No. , dated 28th March 1969, namely:*

17. *This erf shall be subject to the following further conditions, provided that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such conditions should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:*

(b) *It shall be used only for the purpose of erecting thereon one dwelling together with such out-buildings as are ordinarily required to be used therewith;*

(c) *Not more than one-third of the area thereof shall be built thereon;*

(d) *No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 25 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 10 feet in height, measured from the floor to the wall plate may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 30 feet reckoned from the rear boundary. On consolidation of any two or more erven, this condition shall apply to the consolidation area as one erf.*

Condition C.17.(b) needs to be formally deleted from the title deed to allow for a non-residential building (i.e. offices).

Conditions C.17.(c) and (d) need to be deleted to regularise the existing building which already contravenes these restrictions.

A conveyancer's certificate is attached as **Annexure 05** and confirms the above restrictive conditions.

1.3.3 Servitudes

There are no servitudes registered on the property (refer to the General Plan, attached as **Annexure 06**).

1.3.4 Zoning and Land Use Rights

The property is zoned Residential Zoning 1 (R1) in terms of the City of Cape Town Development Management Scheme (DMS).

The following land uses are permitted in the R1 zoning:

- **Primary uses:** *Dwelling house, private road, micro wind turbine, structure-mounted energy system and additional use rights.*
- **Additional Use Rights:** *Second dwelling, third dwelling, Home occupation or bed and breakfast establishment or home childcare, filming, affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m²), place of instruction (with not more than 34 children).*

- **Consent uses:** *Utility services, place of instruction, place of worship, house shop, institution, guest house, minor rooftop base telecommunication station, rooftop base telecommunication station, wind turbine infrastructure, open space, urban agriculture, halfway house, electric vehicle charging station, small-scale animal care centre, chancery, boarding house, ground-mounted energysystem, commune, clinic, small-scale wind turbine (only for land unit areas less than 650m²), informal trading and veterinary practice.*

An Office is not permitted as a primary land use right, additional use right or consent use in the R1 zoning. The property therefore needs to be rezoned to accommodate the proposed conversion of the dwelling house to office space.

1.4 PRE-APPLICATION CONSULTATION

A pre-application meeting was requested with the City of Cape Town to discuss the proposed rezoning. The City requested that the relevant departments be consulted directly by email, which was done accordingly. Comments were obtained from the following departments: Urban Planning and Design, Environmental Management, Water and Sanitation, Roads Infrastructure Management, and Transport Impact Assessment & Development Control. Copies of this correspondence are attached as **Annexure 07**.

Most of departments indicated no objection to the proposal, subject to standard requirements. The Transport Impact Assessment & Development Control Department did, however, raise concerns regarding the on-site parking layout. Further consultation was subsequently undertaken with this department to resolve the matter, including direct engagement between the department and the project's civil engineering consultants.

2.0 LOCALITY & CONTEXTUAL ANALYSIS

2.1 LOCALITY

The property is situated in Kenridge, an established residential suburb located north of Tyger Valley, in the broader Bellville / Durbanville area. Surrounding neighbourhoods include Durbanville Hills, Eversdal, Door de Kraal and Welgemoed.

In a regional context, the property is well located, being situated approximately 300m east of Tygervalley Road and 400m west of Durbanville Avenue. The N1 highway lies approximately 3km to the south (refer to **Figure 2**).

The property fronts onto De Bron Avenue, on the northeastern side of the road, approximately 100m west of the intersection with Door de Kraal Avenue and opposite the intersection with Shoshanna Way (refer to **Figure 3**).

The application maps are attached as **Annexure 08**.

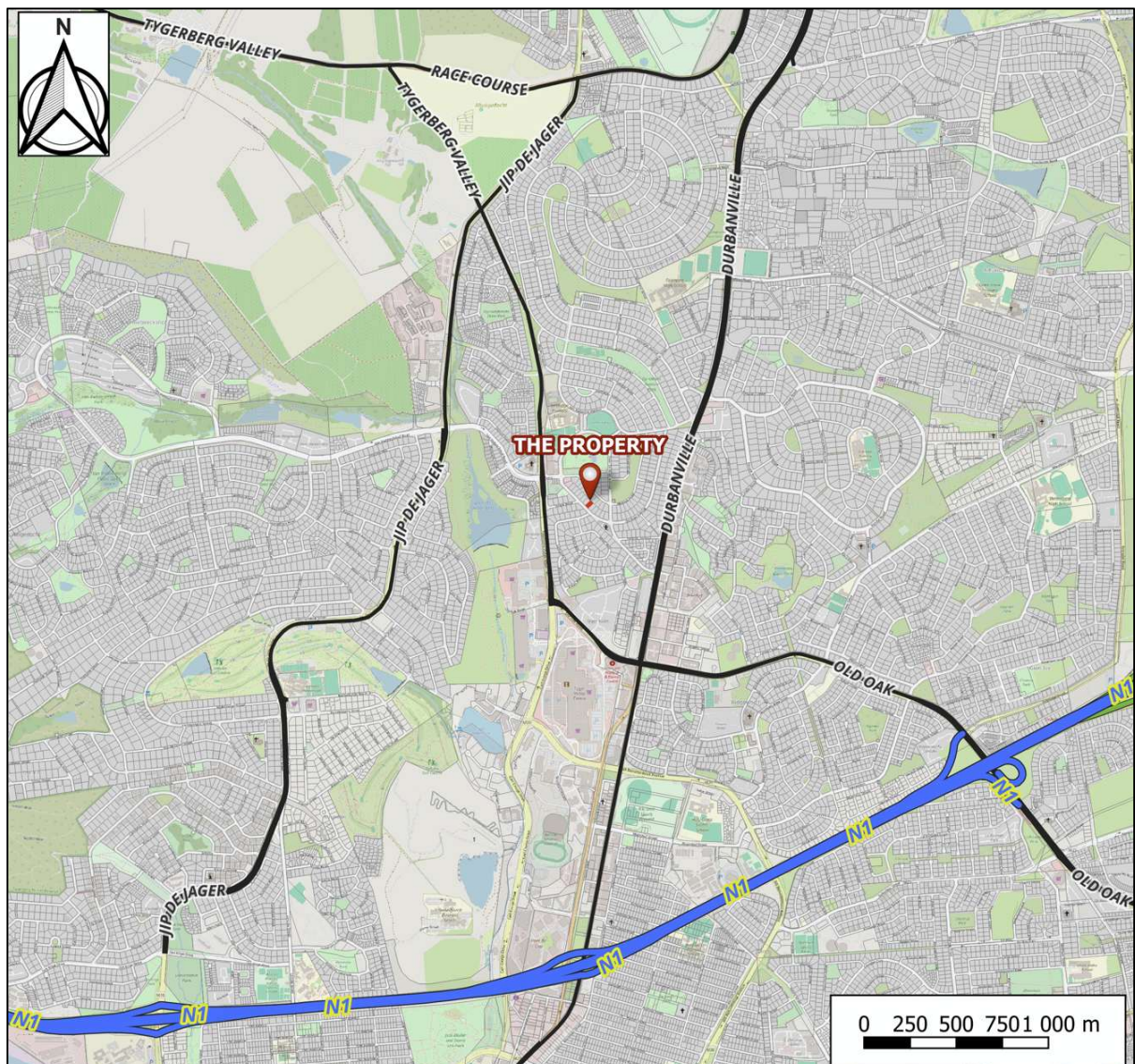


Figure 2 – Regional Context



Figure 3 – Local Context

2.2 CHARACTER OF THE AREA

While the local area is predominantly residential in character, with properties generally ranging between 800m² and 1 300m² in extent, De Bron Avenue is notable for the number of residential properties that have been converted to small-scale offices and business uses (refer to **Figure 4 - 6**). This trend has established a low-key business character along the north-eastern side of this stretch of road (refer to **Figure 7**), which is reflected in and supported by the City's local planning policies for the area.

The Kenridge Centre, a local commercial node, is situated to the northwest of the property at the intersection of Tygervally Road and Mildred Road, and is flanked by open spaces to the west and south.

2.3 SURROUNDING LAND USES AND ZONINGS

The surrounding properties are zoned a mix of Residential Zone 1 (R1) and Local Business Zone 1 (LB1). Refer to the Zoning Map (**Figure 8**) below.

Properties to the rear along Mildred Road, and those on the opposite side of De Bron Avenue, are zoned R1 and contain dwelling houses.

To the southeast, Erf 606 is zoned LB1 and accommodates a dwelling house and a chiropractor's consulting room, having been rezoned to LB1 by the local authority in 2024.

To the northwest, Erf 608 is zoned R1 and contains a dwelling house, while Erf 610, situated further to the northwest, is also zoned LB1.

A number of additional properties on the northeastern side of De Bron Avenue remain zoned R1 but accommodate small-scale business activities.



Figures 4 - 6 – Properties with existing business uses along De Bron Ave

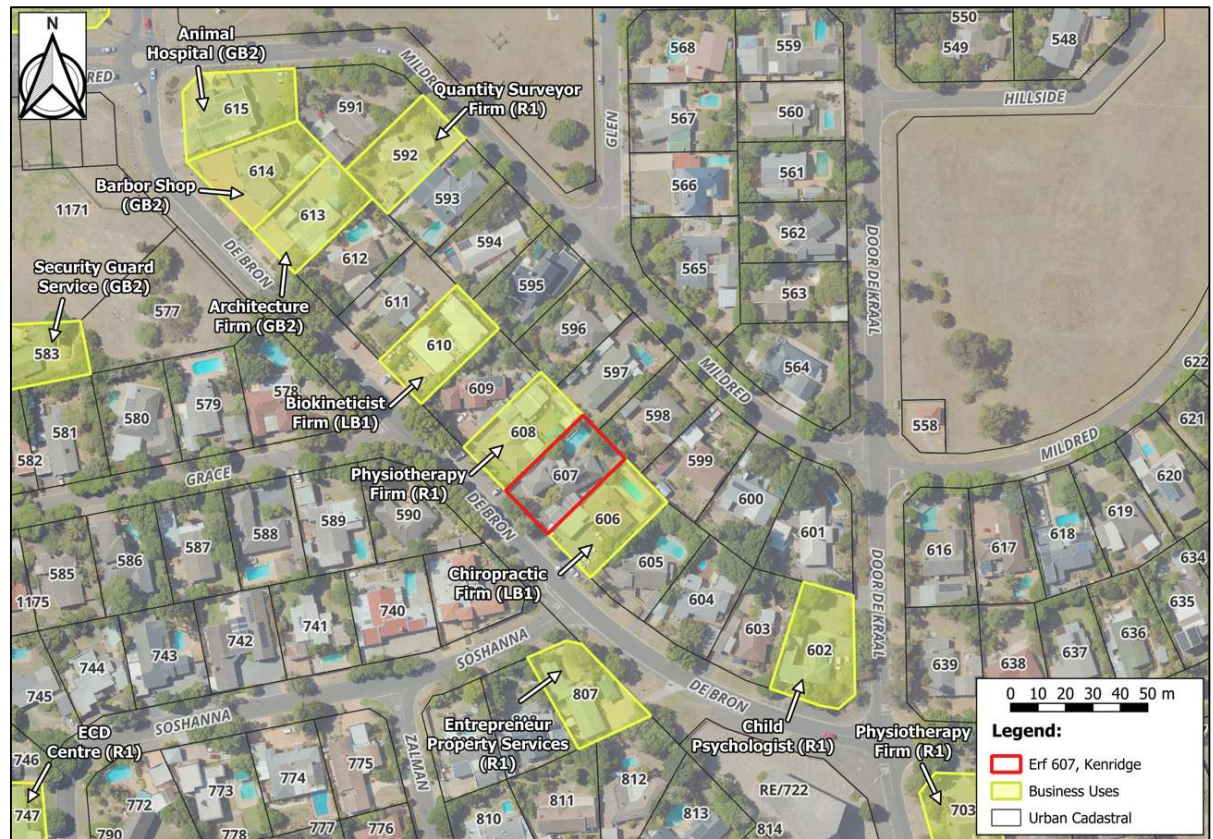


Figure 7 – Existing business activities along De Bron Ave



Figure 8 – Zoning Map

2.4 PROPERTY DESCRIPTION

The property is 867m² in extent, with a street boundary width of approximately 22m and a depth of approximately 39m.

The property accommodates an existing dwelling house that is predominantly single-storey, with a second storey above the garage only. The dwelling is centrally positioned on the property, with a garden area to the rear (refer to **Figures 9 and 10**).

The property has two vehicular access points onto De Bron Avenue, both of which are reflected on the approved building plans attached as **Annexure 09**.

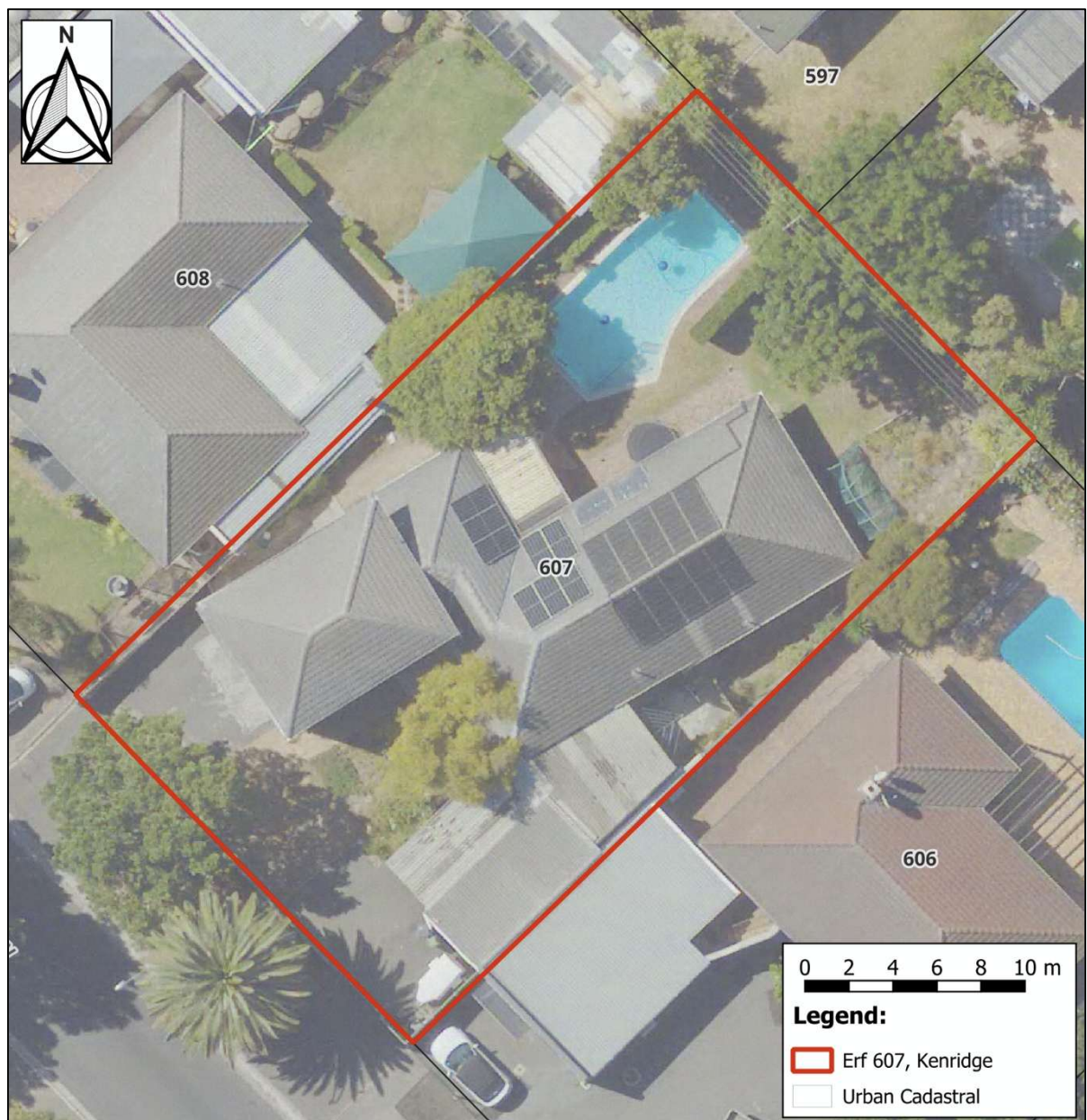


Figure 9 - Aerial image of the property

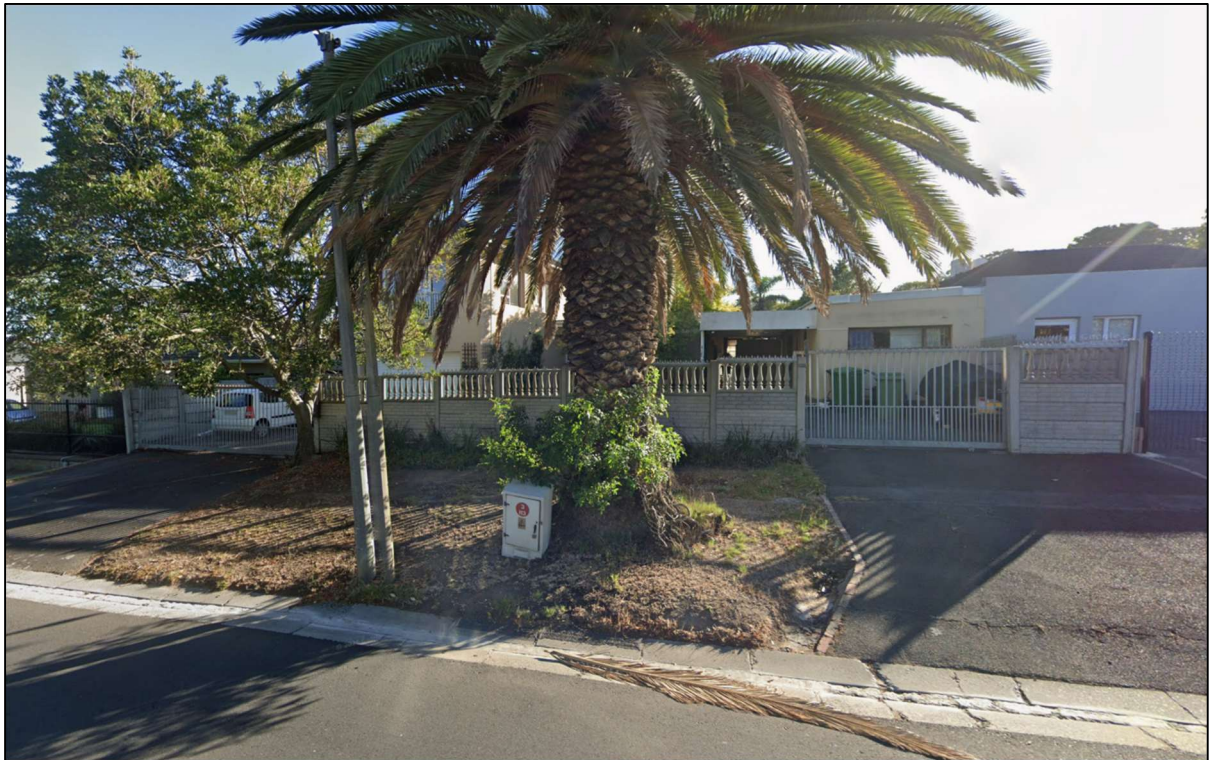


Figure 10 – Street view of the property

3.0 THE PROPOSAL

3.1 THE PROPOSED REZONING

The proposal entails the rezoning of the property from Residential Zoning 1 (R1) to Local Business Zoning 1 (LB1) to permit the conversion of the existing dwelling house into small-scale office space for a local law firm, who is also the owner of the property.

3.2 SITE DEVELOPMENT PLAN

The existing dwelling house will undergo minor internal alterations to convert the dwelling house to office space. The internal layout is mostly retained, with only minor changes to accommodate the needs for office use. In addition, the existing carport and storage building adjacent to the southeastern common boundary will be demolished.

The building will accommodate five offices, two board rooms, a staff kitchen, bathrooms and storage space.

The offices will consist of a total of 260m² floor (209m² GLA).

Provision is made for eight (8) off-street parking in the space between the building and the street boundary. This includes two tandem bays and one disabled bay. Two of these bays will be demarcated as visitors' bays.

Although the property has two approved vehicular accesses, the existing access next to the northwestern boundary will be closed to accommodate parking bays in that space. The closure of this access will also lead to a more efficient and safe access / exit arrangement.

The site development plan for the proposal is attached as **Annexure 10**. Also refer to **Figure 11**

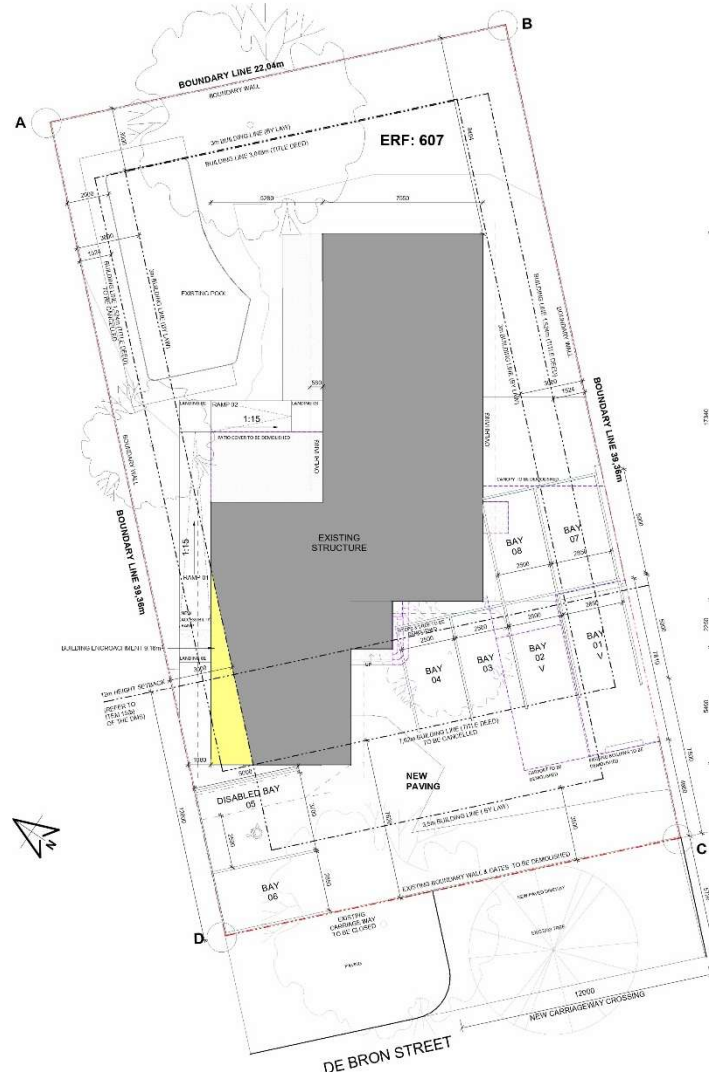


Figure 11 – The proposed site layout plan

4.0 MOTIVATION

Section 99 of the City of Cape Town Municipal Planning By-Law, as amended in 2025 (MPBL), stipulates that when deciding whether or not to approve an application, the decision maker must consider all relevant considerations. The following sections is an assessment of the application in terms of the criteria listed in the MPBL and serves as the motivation for the approval of this application.

4.1 COMPLIANCE WITH DEVELOPMENT MANAGEMENT SCHEME (DMS)

4.1.1 Assessment of compliance with LB1 Development Rules

As mentioned, application is made for the rezoning of the property from Residential Zone 1 (R1) to Local Business Zone 1 (LB1). LB1 is considered the most appropriate zoning for the proposed small-scale office use at this location. The DMS describes LB1 as a zoning that “*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*”. This zoning permits office use as a primary land use right, while the restrictions on permitted uses and built form ensure that the character and liveability of adjacent residential properties are not negatively affected.

Table 2 below provides a summary of the proposal’s compliance with the DMS development rules for the LB1 zoning.

Table 2 – Compliance with DMS Development Rules			
Development Rule	Permitted (LB1)	Proposal	Compliant
Floor Factor	1,0	0,30	Yes
Max. Height to top of building	10,0m	7,3m	Yes
Street building line	3,5m	6,55m	Yes
Common boundary building line	3,0m	North-western boundary – 1,1m	No
		North-eastern boundary – 9,5m	Yes
		South-eastern boundary – 3,0m	Yes

It is evident from Table 2 that, while all development rules relating to floor factor, total building height and street building lines are complied with, a departure is required to permit the existing building's encroachment over the northwestern common boundary building line (refer to **Figure 12**).

Note that, even though the existing building has been constructed in accordance with approved building plans, the use of the building changes from a dwelling house to offices and therefore a departure is required to permit this encroachment.

A further departure is required in relation to building height. While the building complies with the maximum height restriction (10,0m), Item 51(b)(ii) of the DMS states that where a building is permitted within 3,0m of a common boundary, the height is limited to 4,0m, except within the first 12,0m measured from the street boundary. A small portion of the existing building falls within 3,0m of the northwestern common boundary, beyond the 12,0m street setback line, and exceeds the 4,0m height limit in this zone (refer to **Figure 13**).

As with the building line encroachment, this departure relates to an existing portion of the building, but the change of use from residential to office triggers the requirement for a formal

departure, notwithstanding that the building was constructed in accordance with approved plans.

Both departures are motivated in Section 4.1.3 of this report.

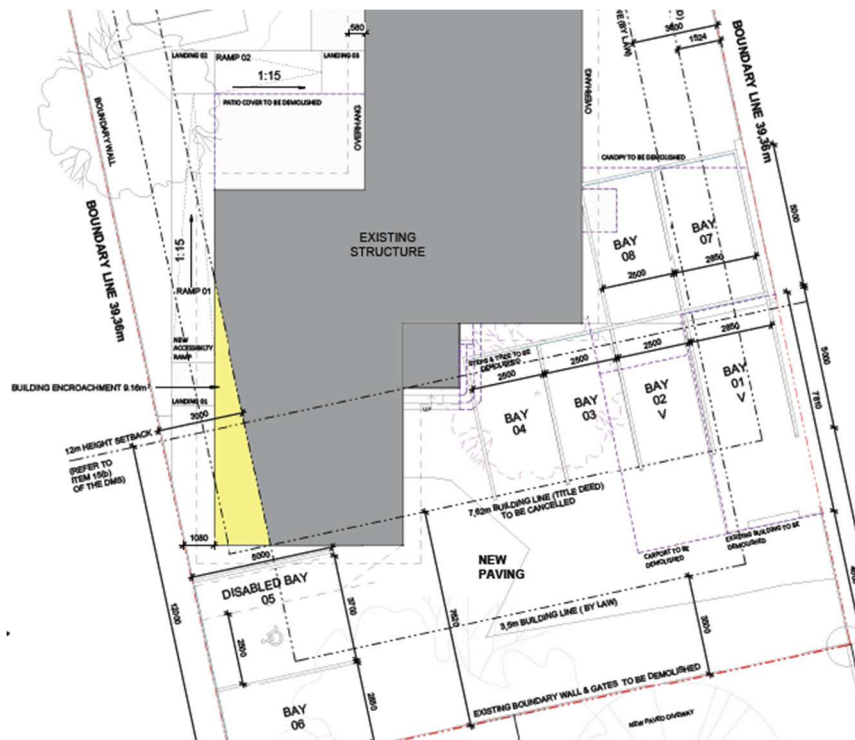


Figure 12 – The portion of the building encroaching over the 3,0m common boundary building line.

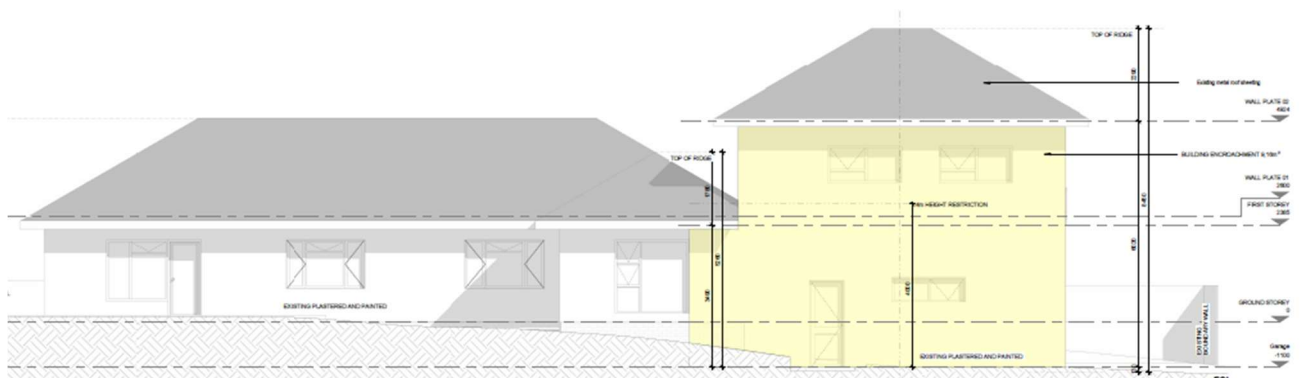


Figure 13 – The portion of the building requiring a height departure.

4.1.2 Assessment of compliance with Chapter 15 of the DMS (Parking, Loading and Infrastructure)

Item 137 - Off-Street Parking Requirements

Item 137 of the DMS requires off-street parking for “offices” to be provided at a ratio at 4 bays per 100m² GLA. With a total of 209m² GLA, a minimum of eight (8) off-street parking bays must be provided.

The proposal allows for the provision of eight (8) parking bays on the property, as required by the DMS, and as indicated on the attached Site Plan. However, this includes two tandem parking bays (P07 and P08). According to Item 141(1)(c) of the DMS, tandem bays shall be regarded as one bay, except for residential zonings. For offices, tandem bays count as one bay and therefore P07 and P08 are not regarded as official parking bays.

The official off-street parking provision is therefore reduced to six (6) bays, which is two bays short of the minimum requirement. A permanent departure is therefore required for this proposal.

The departure is motivated in Section 4.1.3 of this report.

Item 140 – Site Access and Exits

Amongst the requirements for site accesses and exits, the maximum width of the carriageway crossing is 8,0m. The width of the proposed carriageway is 12,0m to ensure that vehicles can enter and exit the property safely and conveniently from all parking bays, and therefore requires the approval of a departure to permit the relaxed width.

This departure is also motivated in Section 4.1.3 below.

All other site access / exit requirements of Item 140 are complied with.

Item 141 – Parking Layout Requirements

As mentioned above, the on-site parking layout includes two tandem bays. With the rezoning to LB1, tandem bays are regarded as one bay and therefore bays 07 and 08 and not regarded as official bays included in the official parking provision.

All other parking layout requirements are being complied with.

Item 142 Parking for the Physically Disabled

At least one disabled parking bay must be provided. Provision is made for one disabled bay in on-site parking layout, in compliance with this requirement. The disabled bay also complies with the prescribed minimum parking bay dimensions.

4.1.3 Motivation for departures

From the assessment above, it is evident that four departures are required from the DMS development rules and provisions, namely:

- A common boundary building line departure, to permit a setback of 1,1m in lieu of 3,0m from the northwestern common boundary (for the existing building).
- A height departure, to permit the portion of the building within 3,0m from the northwestern common boundary and behind the 12,0m setback line at a maximum height of 7,7m in lieu of 4,0m (for the existing building).
- A parking departure, to permit an off-street parking provision of 6 bays in lieu of 8 bays.
- A departure to permit a carriageway crossing width of 12,0m in lieu of 8,0m.

The above departures are motivated below.

Common Boundary Building Line and Heights Departures

A departure is required to permit an encroachment of 1,9m over the northwestern common boundary.

Another departure is required to permit the portion of the existing building that is within 3,0m from the northwestern common boundary and behind the 12,0m setback line, with a maximum height of 7,7m in lieu of 4,0m.

It is important to note that both encroachments relate to the existing building only, which was constructed in accordance with approved building plans. The encroachments arise as a technical requirement. Because the land use is changing from residential to office, the existing building line encroachment is treated as new and requires formal departure approval.

Since the departures relate to an existing structure, no additional physical impact will result, and the adjacent property will not be affected in any way. The encroachment furthermore affects only a relatively small portion of the building, being the front corner of the garage and the first floor above it.

The departure is accordingly desirable and will not cause any negative impact on surrounding properties.

Departure for Off-Street Parking Provision and Width of Carriageway Crossing

The following is submitted in support of the off-street parking and carriageway crossing width departures:

- As mentioned, the proposal entails the conversion of the existing building with only minor internal alterations. The site presents inherent constraints in terms of available space for off-street parking, given the existing building footprint. Notwithstanding these constraints, the parking layout has been designed to accommodate 8 bays as required by the DMS, including the demolition of certain existing structures to create the necessary space (refer to **Figure 14**).
- A departure is however required as two of the bays are tandem bays, which the DMS does not recognise as separate bays, resulting in an official parking provision of 6 bays.
- It is submitted that the tandem bays can function efficiently in practice, given that the proposed offices will accommodate a single firm only. This allows parking usage to be managed on site with ease. Bays 07 and 08 will be designated as staff bays, while the tandem bays (bays 01 and 02) in front of them will serve as visitor bays. Given that visitors to a law firm typically arrive by appointment and for limited periods, the tandem arrangement is well-suited to this use and can be managed without difficulty.
- The feasibility of the parking layout has been assessed by the appointed civil engineering consultants (NWE Consulting Engineers), who conducted turn simulations using a standard passenger car. The simulations established that vehicles cannot comfortably exit the property in a forward-facing direction onto De Bron Avenue with a carriageway crossing that complies with the maximum permitted width of 8,0m. It is however possible to exit in a forward-facing direction if the final portion of the turning movement is completed on the verge. To facilitate this, a carriageway crossing width of 12,0m is required in lieu of the maximum permissible width of 8,0m. The turn simulation swept paths for each parking bay are included in **Annexure 11** for reference.

- The widened carriageway crossing can be implemented without affecting any existing infrastructure and will not negatively impact traffic flow on De Bron Avenue. It will, however, enable all vehicles to exit the property in a forward gear, which is both safer and more practical.
- It should further be noted that the property currently has approval for two separate carriageway crossings, as reflected on the approved building plans. The proposal involves the closure of one of these crossings, consolidating access to a single point. The proposed parking layout therefore represents an improvement on the existing access configuration.
- The parking layout ensures sufficient parking provision on the property and places responsibility on the property owner to manage the parking arrangement and vehicle flow on site. The proposal will not result in vehicles parking within the road reserve, which can also be addressed through appropriate conditions of approval, and will not affect any surrounding property or traffic flow along De Bron Avenue.
- It is demonstrated that, although departures are required for a shortfall in official parking bays and for the widened carriageway crossing, the proposal provides for sufficient and manageable on-site parking in practice and will not affect the efficiency or safety of traffic flow along De Bron Avenue. The departures will enable the property to function as office space and unlock its economic potential, in support of the City's planning policies for this area. The departures should accordingly be supported.

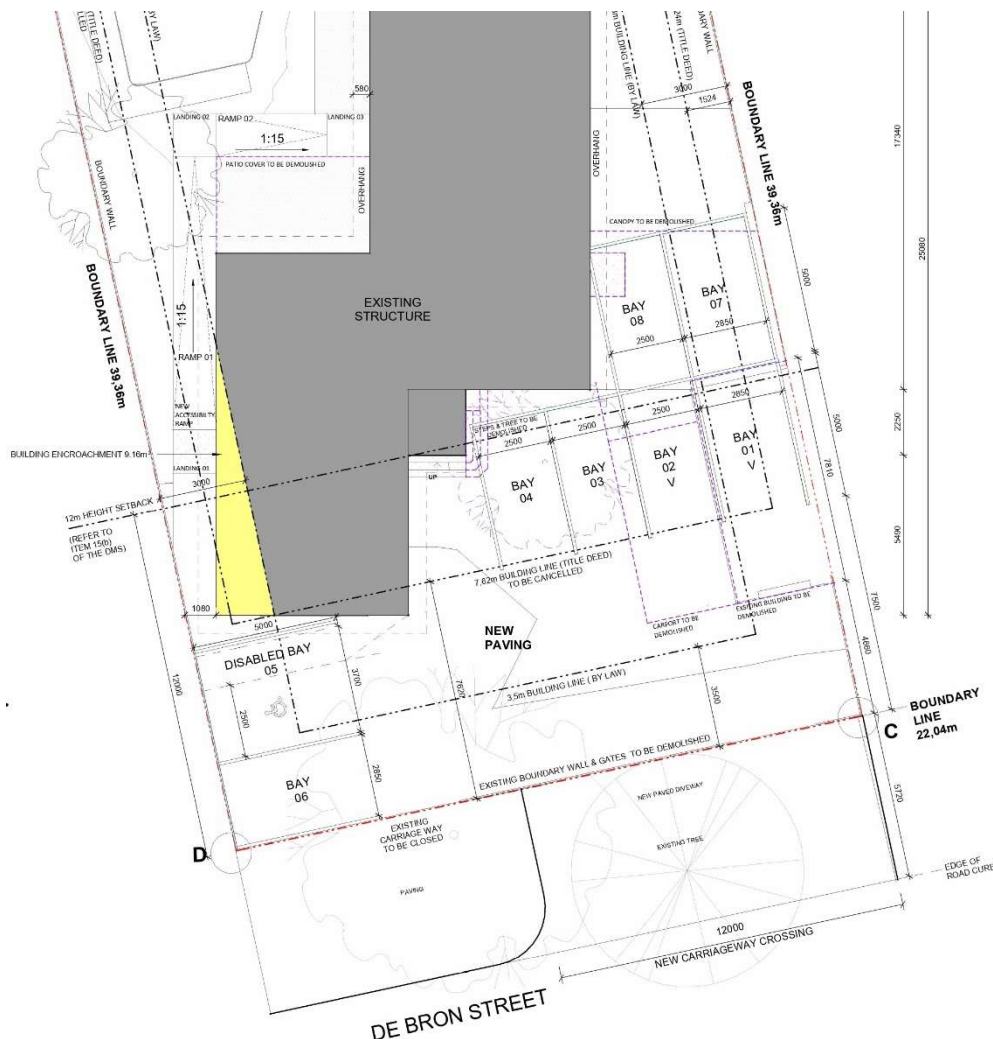


Figure 14 - The proposed parking layout

4.2 CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS

4.2.1 Cape Town Metropolitan Spatial Development Framework

The Cape Town Metropolitan Spatial Development Framework (MSDF) identifies four primary Spatial Transformation Areas (STAs) which establish the basis for growth management in the City, namely an Urban Inner Core, Incremental Growth and Consolidation Areas, Discouraged Growth Area and Critical Natural Assets.

The subject property is situated within the *Incremental Growth and Consolidation Area* (refer to **Figure 15**). The diversification of mono-use residential patterns and cross subsidisation for the provision of social infrastructure as well as Incremental intensification through rezoning is supported in these areas.

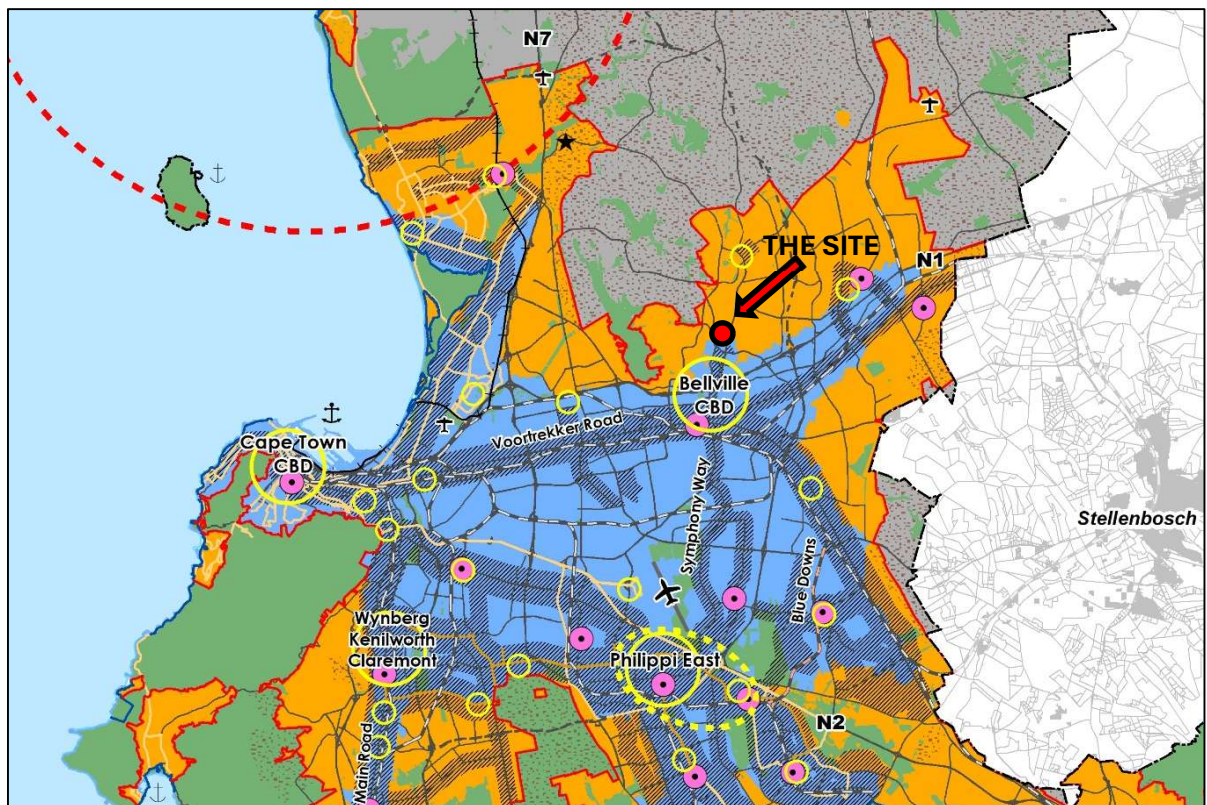


Figure 15 – The MSDF Spatial Transformation Areas

The proposed rezoning will contribute towards an appropriate mix of land uses within this urban area and therefore supports the desired spatial outcome and land use guidelines of the MSDF.

The MSDF also includes a set of policy guidelines to guide the implementation of the MSDF's spatial strategies. **Policy 23** is the most relevant to this application. The statement of this policy is that a proposal should “*Support the integrated intensification and diversification of land uses in identified areas, supportive of inward spatial growth, economically and incrementally.*”

The intent of this policy is to “*Ensure urban growth towards a more integrated and accessible city by supporting appropriate urban development and land use intensification within the urban inner core and incremental growth areas. Decision-making that considers inward, contextually appropriate, transit-supportive land use intensification as guided by the Differentiated Intensification Guidelines.*”

The property is situated within an area identified by the Northern District plan as being appropriate for small-scale businesses / offices. The proposed rezoning therefore supports the MSDP's policies and strategies as it contributes towards mixed-use intensification in a well-located area.

4.2.2 Northern District Plan

The property is situated in *Sub-district 1: Tygervally / Durban Road Corridor* of the Northern District (refer to **Figure 16**). According to the Northern District Plan's spatial guidelines and policy statements, low-key office / business uses on the north-eastern side of De Bron Avenue can be considered.

The proposed offices on the property is a low-key business activity and a similar type of land use to what is found on many other business properties along De Bron Ave. The proposed rezoning therefore complies with the policies and spatial guidelines of the Northern District Plan.

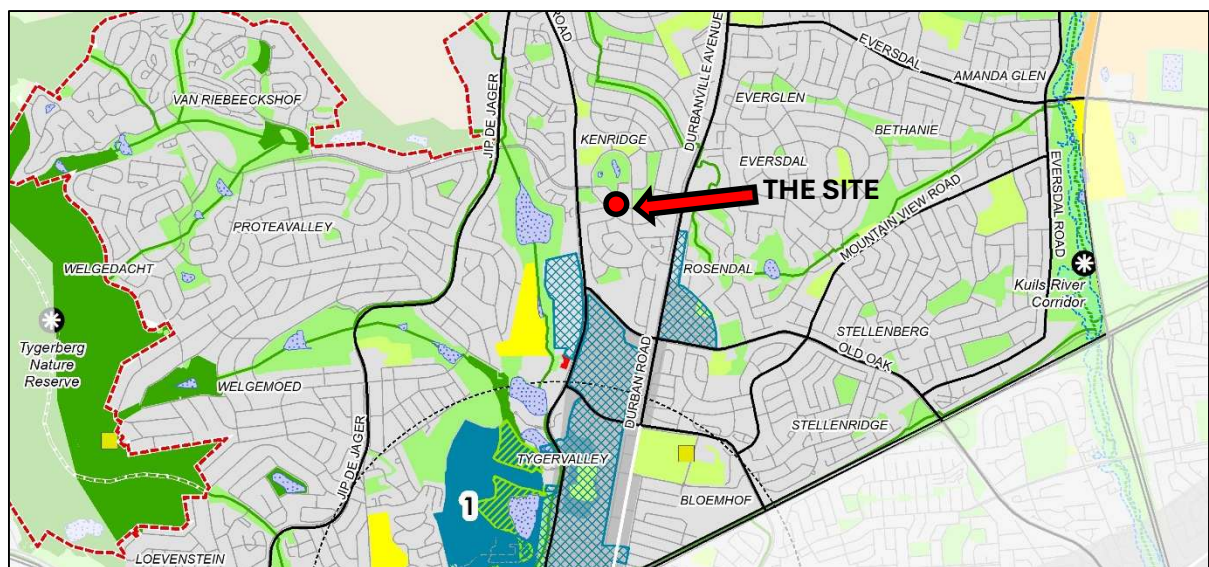


Figure 16 – Extract of the Northern District Plan (Sub-district 1)

4.3 CONSISTENCY WITH MUNICIPAL POLICY AND STRATEGY

4.3.1 City of Cape Town Transit Orientated Development (TOD) Strategic Framework (2016)

The City of Cape Town Transit Orientated Development (TOD) Strategy was adopted by the City of Cape Town in 2016 and is seen as a planning, design and implementation approach that can be employed to address inefficiencies in the urban form of the City. Various programs and strategic interventions are proposed by the TOD Strategy to facilitate effective urban growth and travel demand management. Densification and land use intensification within walking distance from public transport facilities form an integral part of these strategies to ensure that the required population thresholds are achieved in these areas to ensure sustainable use of public transportation.

Although the area does not have high accessibility to public transportation, the proposal will contribute to mixed-use intensification, thereby contributing to a more sustainable urban environment that create the preconditions for effective public transportation services.

4.3.2 The City of Cape Town Urban Design Policy

The Urban Design Policy is guided by overarching design principles that aim to achieve a more resilient and spatially integrated city. Emerging from these fundamental principles are nine policy objectives and their respective policy statements.

The proposed rezoning aligns with the policy objectives that are relevant to this application, as demonstrated below:

- **Objective 1 - Ensure legible spatial structure:** This section of De Bron Avenue has evolved into a low-key business corridor, with a number of dwelling houses having been converted to small-scale office and business uses. This character is consistent with, and actively encouraged by, the spatial proposals of the Northern District Plan, which identifies this stretch of road as suitable for small-scale office development. The proposed rezoning aligns with this established trend and reinforces the emerging urban structure envisaged for the area, contributing positively to the coherent and orderly development of the local environment.
- **Objective 3 - Contribute to the creation of healthy and safe communities:** The proposed offices will be oriented towards the street boundary, enhancing passive surveillance and visual connection with the public realm. The office use will also generate increased activity during daytime hours, when residential activity in the area is typically low, contributing to a safer and more active street environment. This is further supported by an open and permeable street boundary, which promotes a natural relationship between the building and the street.
- **Objective 5 – Promote intensity, diversity and adaptability of uses:** The proposed rezoning contributes to the diversification of land uses along a road that has been identified for small-scale business activity alongside residential uses. The conversion of the existing dwelling house requires only minor alterations, ensuring that the building retains its residential character and remains adaptable to future use, including potential reconversion to residential should circumstances change.
- **Objective 6 – Ensure positive interfaces onto the public realm:** The proposal incorporates an open and permeable street boundary, enhancing surveillance towards the public street and contributing to a positive street interface.

The proposal demonstrates clear alignment with the relevant objectives of the Urban Design Policy, supporting the spatial vision for De Bron Avenue while contributing to a safer, more active, and diverse street environment.

4.3.3 City of Cape Town Inclusive Economic Growth Strategy

The proposed rezoning supports the City's Economic Growth Strategy by enabling the establishment of a small-scale professional business in a well-located and accessible area. The adaptive reuse of the existing building minimises development costs and makes productive use of existing infrastructure. The proposal thereby contributes to local economic activity and supports the City's broader objective of facilitating economic growth across all areas of the city.

4.3.4 City of Cape Town Social Development Strategy

According to the City of Cape Town Social Development Strategy (SDS), a key strategy in reducing poverty and preventing intergenerational transmission of poverty within households and

communities is creating economic opportunities and facilitating access to these opportunities. The proposed rezoning also contributes to a safer and more active local environment through increased daytime activity and passive surveillance.

4.4 DESIRABILITY OF THE PROPOSED LAND USE

The following is provided as motivation for the proposed rezoning's desirability, as required in Section 99(3) of the MPBL.

4.4.1 Socio-Economic Impact

The proposed rezoning will result in a positive socio-economic impact on the local area. The establishment of the proposed office supports local economic growth and represents a meaningful private investment in the area, which is likely to have a positive effect on surrounding property values. The development will also contribute to job creation, both in the short term through construction activity and in the longer term through the ongoing operation and maintenance of the premises.

4.4.2 Compatibility with Surrounding Land Uses

The proposed office use is compatible with the surrounding land uses. The adjacent property to the south has recently been rezoned to Local Business Zone 1, establishing a direct precedent for the proposed zoning. In addition, a number of properties along De Bron Avenue have already been converted to low-key office and small-scale business uses. The proposal is therefore consistent with the established and emerging character along De Bron Avenue.

4.4.3 Impact on External Engineering Services

The proposed rezoning will not place any significant additional demand on external engineering services. Given the low-key nature of the proposed office use, service consumption will not exceed, and may in fact be less than, that of a permanently occupied residential property. No upgrades to existing service infrastructure are required.

It must also be noted that Development Charges (DC's) will be payable for the proposed rezoning.

4.4.4 Impact on Safety, Health and Wellbeing of the Surrounding Community

The office space does not create any form of activity that generate noise, pollution, high traffic volumes or any other activity that will have an impact on the safety, health and wellbeing of the surrounding community.

4.4.5 Impact on Heritage

None of the structures on the property are older than 60 years and protected by the National Heritage Resources Act. The property is also not situated within a heritage protection area. The proposed rezoning will not result in any heritage impact and do not trigger the need for any application to the heritage authorities in terms of the National Heritage Resources Act.

4.4.6 Impact on the Biophysical Environment

The property is situated within an established urban environment and is not located near any natural area. The property is completely disturbed and does not contain any environmental elements.

Existing trees on the property will be retained as far as possible. The existing tree in front of the property access in the road reserve will also be retained, as sufficient space is made for vehicles to move around the tree.

4.4.7 Traffic Impact

The proposed office use is low-key in nature and will not result in a significant increase in traffic generation in the area. De Bron Avenue has sufficient capacity to accommodate the limited additional traffic associated with the proposed use.

As motivated in Section 4.1.3 above, sufficient parking provision is made on the property. Although two of the eight bays are tandem bays, resulting in a technical shortfall in terms of the DMS, it has been demonstrated that these bays can be efficiently managed in practice, given that the offices will accommodate a single firm with predictable and manageable parking demand. The proposed carriageway crossing width of 12m, while exceeding the standard maximum of 8m, is necessary to allow vehicles to exit the property in a forward-facing direction and will not negatively affect traffic flow on De Bron Road.

The proposed rezoning will therefore not have a negative impact on traffic or the surrounding road network.

4.5 IMPACT ON EXISTING RIGHTS

The proposed rezoning involves the conversion of an existing dwelling house with no new structures proposed, resulting in a development that is modest in scale and compatible with the surrounding environment. The rezoning is furthermore consistent with the established pattern of land uses along De Bron Avenue, where small-scale business activities are already present and supported by local planning policy.

The low-key nature of the proposed office use, combined with the fact that no new structures are proposed and that the building's scale and appearance will remain largely unchanged, ensures that surrounding property owners and residents will not be adversely affected in their use and enjoyment of their properties. The proposal will not generate excessive traffic, noise or activity that could disturb the residential character of the adjacent area.

In light of the above, the proposed rezoning will not adversely affect the existing rights of any surrounding property owner or resident.

4.6 REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

As mentioned previously in this report, the property's title deed contains restrictive conditions which prevent the proposed rezoning and additions, unless these conditions are formally deleted from the title deed. Application is therefore made for the removal of these conditions, as permitted in Section 39 of the Land Use Planning Act No.3 of 2014 (LUPA) and Section 48 of the City of Cape Town Municipal Planning By-law (as amended in 2025).

The following title deed conditions are being contravened by the proposal, and it is proposed to be formally removed from the title deed:

C. *FURTHER SUBJECT to the following conditions imposed by the Administrator of the Province of the Cape of Good Hope in terms of Ordinance No. 33 of 1934 in approving the said Township as contained in Deed of Transfer No. , dated 28th March 1969, namely:*

17. *This erf shall be subject to the following further conditions, provided that where, in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restriction in any such conditions should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation subject to compliance with such conditions as he may impose:*

(b) It shall be used only for the purpose of erecting thereon one dwelling together with such out-buildings as are ordinarily required to be used therewith;

(c) Not more than one-third of the area thereof shall be built thereon;

(d) No building or structure or any portion thereof except boundary walls and fences, shall be erected nearer than 25 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority an outbuilding not exceeding 10 feet in height, measured from the floor to the wall plate may be erected within the above prescribed rear space and within the above prescribed lateral space for a distance of 30 feet reckoned from the rear boundary. On consolidation of any two or more erven, this condition shall apply to the consolidation area as one erf.

The following is provided as motivation for the removal of conditions C.17.(b). (c) and (d) in terms of the provisions contained in the City of Cape Town Municipal Planning By-Law, Section 39(5) of LUPA and Section 47 of SPLUMA.

4.6.1 Background

The property forms part of the Kenridge Township Extension No.2, which was established in 1960 (refer to **Figure 17**). As part of this township's establishment, conditions were imposed by the Administrator in the title deeds of all properties included in this general plan. These conditions include restrictions on subdivision (shall not be subdivided), land use (one dwelling and associated outbuilding only), maximum coverage (not more than a third of the property) and building line setbacks (7,87m Street, 3,15m Rear, 1,57m Lateral).

At the time of township establishment, zoning schemes did not exist and thus title deed restrictions were the method used to achieve a particular urban character of an area, in order to set the development parameters and uses permitted on the erf. These conditions, when read together, created a particular relatively low density, suburban residential character.

Subsequent to the creation of the township, zoning schemes were established to regulate land use development and character within Cape Town. Furthermore, with the creation of the City of Cape Town, development and spatial policies were created to guide spatial transportation of the City going forward, which included residential densification. These changes promote a different development form to those as were originally set out in the area's title deeds, with modern planning principles prioritizing a more densified urban form and mixed-use environments.

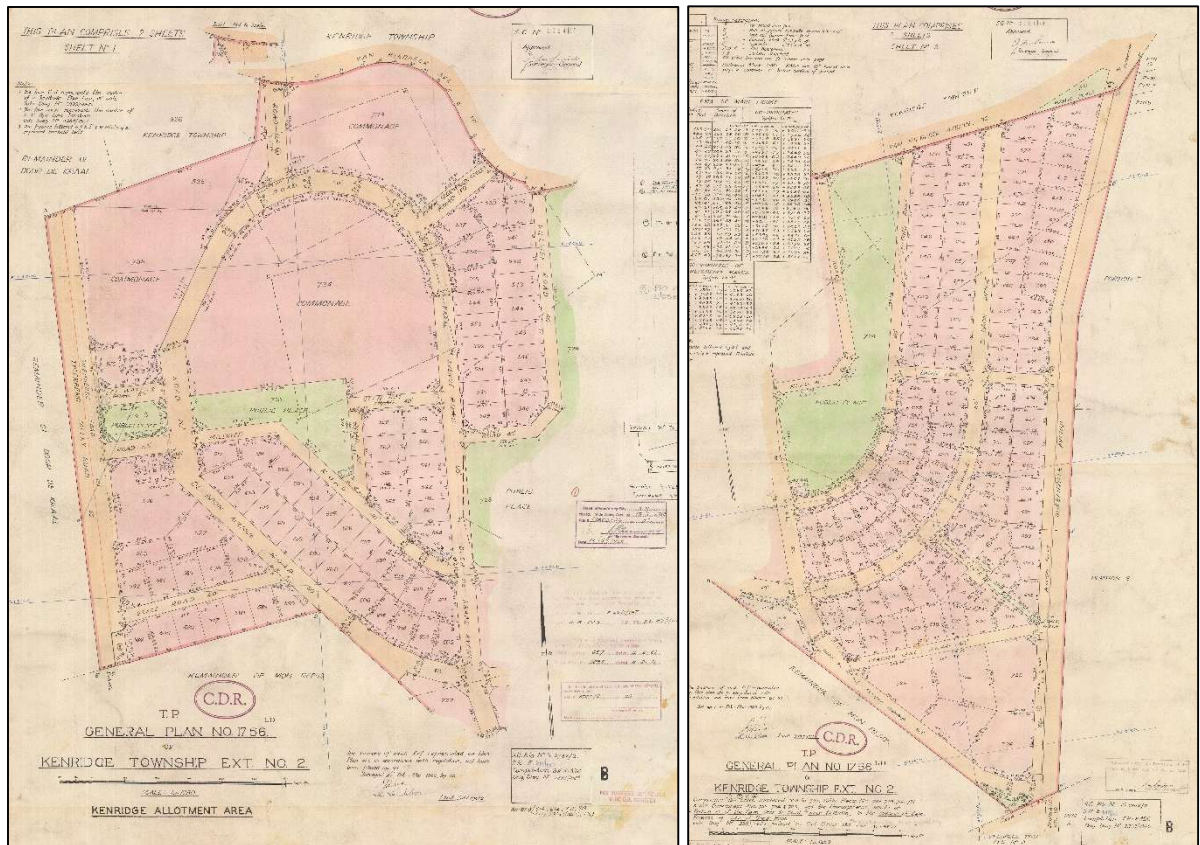


Figure 17 – Extracts of the Kenridge Township Extension No.2 General Plan

4.6.2 Criteria in terms of Section 47(2) of the Spatial Planning and Land Use Management (SPLUMA)

The following must be considered in terms of Section 47(2) of SPLUMA:

It must be in accordance with section 25 of the Constitution and this Act

The conditions concerned relate to the permissible land use and development rules on the property, specifically the number/use of dwellings, coverage and building lines. Removal of the conditions will allow these restrictions to be relaxed on the property only. It will not affect the use of the beneficiaries' properties or their property rights. No surrounding property owner will be deprived of property.

It must have due regard to the respective rights of all those affected, and to the public Interest

As demonstrated and motivated in this application document, the proposal will allow a change of land use on the property, which is appropriate in the context of this area, while the contravention of the title deed development rules is fairly minor in nature. The proposed removal of conditions will not affect the rights of the surrounding residents.

4.6.3 Criteria in terms of Section 39(5) of the Land Use Planning Act (LUPA)

In terms of Section 39(5) of the LUPA, when a municipality considers the removal, suspension or amendment of a restrictive condition, the municipality must have regard for the following:

a) The financial or other value of the rights

The conditions concerned were imposed at the time to manage the land use and build form on the property and attempted to create a particular development form and usage within the township. This can be considered to provide a financial value to those rights in that they provide a unique character that property owners in this particular township consider to be desirable. However, the character of a township will change over time as societal needs and realities change.

The opinion is held that the concerned title deed conditions prevent the redevelopment of the township in accordance with the current municipal spatial development frameworks and urban design principles. Therefore, the restrictive conditions have a negative impact on the amenity of the neighbourhood.

It is pointed out that it seems as if these conditions have been amended or deleted from the title deeds of numerous other properties in the township. As demonstrated in **Figure 7** on page 8, many other properties in the surrounding area contain non-residential buildings (i.e. converted dwelling houses).

Other areas with a similar character and similar property values do not have these title-deed conditions, thereby demonstrating that these conditions have limited value. There is therefore little financial value to the conditions concerned as other legal mechanisms are in place to appropriately control built form and the character of the area.

b) Personal benefits which accrue to the holder of rights

The proposal can be considered to change the township-built form connotation. However, the current spatial development framework and modern planning policies need to be considered in this context.

None of the owners in the township gain anything significantly personally by keeping conditions which prevent the conversion of dwelling houses and associated buildings to non-residential buildings. The changing needs of the modern city, as well as the changing needs of homeowners, have resulted in the increased need for more flexibility in permitted land uses within appropriate areas of residential suburbs.

c) Personal benefits which will accrue to the person seeking the removal suspension or amendment of restrictive conditions

Removal of the conditions concerned will allow the property owner to utilize the available space of the property more efficiently and in accordance with Council policies.

d) Social benefit of the restrictive conditions remaining in place

The retention of the title deed conditions will result in the historical residential character of the township being retained. Allowing the removal of the concerned conditions will enable low-key business activities within this section of De Bron Avenue at a slightly higher density, as encouraged by the City's spatial development frameworks. Given the modern changing needs of the city since the creation of the township, this is considered to be a social benefit. The scale of the proposal is also not considered to be out of character with the surrounding built form. Many properties in the area already have a coverage of more than 33% and building setbacks that are less than prescribed by the title deed restrictions.

e) Social benefit of the removal, suspension or amendment of the restrictive condition

There are social benefits in deleting the conditions as it will enable the better utilization of the property in a strategically well-located area, in accordance with various City policies and spatial development frameworks.

It is considered that the social benefit of removing the title deed conditions outweighs the social benefit in retaining such conditions.

f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all the rights enjoyed by the beneficiary

The deletion of conditions will not completely remove rights enjoyed by the beneficiaries. There will still be controls in the DMS that will sufficiently and appropriately manage the built form and density on the property. The existing property rights of the other property owners in this township will not be affected.

4.6.4 Summary

It has been demonstrated that many properties in the area already contain dwelling houses/outbuildings which have been converted to accommodate business land uses, while properties with coverage of more than 33,3%, and street and common boundary setbacks of less than 7,87m and 0m respectively are also prominent. The proposed deletion of conditions will therefore not result in an urban form that is out of character with the local area.

It is evident from the assessment above that, not only are the concerned conditions no longer required to manage and control built form on the property as the DMS development rules now apply (which were not the case when the conditions were originally imposed), but also that it is in fact important for the conditions to be removed to allow low-key business uses on the property, in order to align with the spatial policy guidelines of the Northern District Plan.

4.7 CONSISTENCY WITH PLANNING LEGISLATION (SPLUMA & LUPA)

Both the Spatial Planning and Land Use Management Act No.16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act No.3 of 2014 (LUPA) specifies that, in considering and deciding a land use application, decision-making authorities must be guided by a set of development principles, including the principles of spatial justice, spatial sustainability, efficiency, good administration and spatial resilience.

The proposed rezoning adheres to the development principles relevant to this application, as stipulated below:

- **Spatial Justice** - The proposed rezoning makes productive use of a well-located property in an established urban area with good accessibility. By enabling small-scale business activity in proximity to existing services and infrastructure, the proposal supports the equitable distribution of economic opportunity and avoids the inefficient use of well-situated urban land.
- **Spatial Sustainability** – The proposal involves the adaptive reuse of an existing building with no new structures required, minimising resource consumption and avoiding unnecessary development. The rezoning is consistent with local planning policy and the established character of the area, contributing to the long-term sustainability of the urban environment.

- **Efficiency** – The proposed rezoning makes efficient use of existing infrastructure and services, with no upgrades required. The property is situated along an accessible road already transitioning towards small-scale business use, and the proposal therefore optimises the use of well-located land in a manner supported by existing planning frameworks.
- **Spatial Resilience** – The conversion of the existing dwelling requires only minor alterations, ensuring that the building retains its structural character and remains adaptable to future uses, including reconversion to residential if circumstances change. This flexibility contributes to the resilience of the built environment.
- **Good Administration** - The application has been prepared in accordance with the requirements of the MPBL and is supported by the relevant planning policies applicable to the area. All necessary applications have been identified and are being submitted concurrently, ensuring a transparent and efficient application process.

5.0 CONCLUSION & RECOMMENDATION

It has been demonstrated that the proposal is desirable and aligned with the City's planning policies and spatial development framework for this area.

We highlight the following in conclusion:

- Application is made for the rezoning of the property from R1 to LB1, the removal of restrictive title deed conditions and conditions of approval, and permanent departures, to permit the conversion of the existing dwelling into small-scale office space. The proposal does not entail new structures, only minor alterations to the existing dwelling house and the demolition of an existing outbuilding.
- The proposal is aligned with the City's spatial development frameworks, particularly the Northern District Plan, which encourages low-key office and business uses on the northeastern side of De Bron Avenue.
- The proposal also complies with all other relevant planning policies, including the Inclusive Economic Growth Strategy, the Social Development Strategy and the Urban Design Policy.
- The proposed rezoning will have a positive socio-economic impact, supporting local economic growth, contributing to job creation and representing a meaningful private investment in the area.
- The proposal is compatible with the surrounding land uses and consistent with the established and emerging character of De Bron Avenue, where a number of properties have already been converted to small-scale business uses and, in some cases, rezoned to LB1.
- The proposal will not place any significant additional demand on external engineering services and no upgrades to existing infrastructure are required. Development Charges will be payable as a result of the rezoning.
- The property is not located within a heritage protection area, contains no structures older than 60 years, and is fully disturbed with no significant environmental elements. Existing trees will be retained as far as possible.
- The proposed rezoning will not adversely affect the existing rights of surrounding property owners or residents. The building's scale and appearance will remain largely unchanged, and the low-key nature of the proposed use will not generate excessive traffic, noise or activity.
- Although departures are required for a shortfall in official parking bays and a widened carriageway crossing, sufficient and manageable on-site parking is provided in practice. The tandem bays can be efficiently managed given that the offices will accommodate a single firm, and the widened carriageway crossing is necessary to allow vehicles to exit in a forward-facing direction without affecting traffic flow on De Bron Avenue.
- The building line and height departures are technical requirements arising from the change of use of the existing building. Since the encroachments relate to an existing structure constructed in accordance with approved building plans, no additional physical impact will result.

- The proposed removal of restrictive title deed conditions will not affect existing rights. The removal of these conditions is required to allow a low-key business use on the property, in accordance with the Northern District Plan's spatial guidelines, and to allow development that is more aligned with modern planning and urban design principles.
- The proposal complies with the development principles of SPLUMA and LUPA, making productive and efficient use of a well-located property and existing infrastructure, in a manner consistent with local planning policy and sensitive to the surrounding residential context.

ARoux Town Planning recommends that this application for rezoning, permanent departures and the removal of restrictive title deed conditions and conditions of approval for Erf 607, Kenridge, be considered for approval based on the above merits.