



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500160333

**Remainder Erf 147 and Erf 435,
72 Vrygrond Avenue, Capricorn,
Vrygrond**

Development Management

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Professional Land Surveyor

Eagles Rest Farm, Plateau Road, Cape Point
P.O. Box 22320, Fish Hoek, 7974
E-mail
Website

Telephone
Facsimile
Cellphone



Our Ref: 2992/08/19 – Rev 2

Date: 29th June 2026

**MOTIVATIONAL REPORT: AMENDMENT OF CONDITIONS OF APPROVAL,
PERMANENT LAND USE DEPARTURES & DEVIATION FROM THE SDSDF, 2023:
REMAINDER ERF 1085 CONSTANTIA**



Figure 1 - LOCALITY MAP

SERVICE WITH EXCELLENCE AND EXPERIENCE

Duncan H. Bates B.Sc (Survey) Pr. L (SA)

PROFESSIONAL CADASTRAL AND TOPOGRAPHICAL SURVEYOR, SECTIONAL TITLE CONSULTANT
AND TOWNSHIP PLANNER

MEMBER OF THE SOUTH AFRICAN COUNCIL FOR PROFESSIONAL LAND SURVEYORS (Reg No PLS0035)

MEMBER OF THE SOUTH AFRICAN GEOMATICS INSTITUTE (Cert No 453)

MEMBER OF THE ROYAL INSTITUTION OF CHARTERED SURVEYORS (Membership No. 6348489)

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1. **BACKGROUND:**

The Remainder of Erf 1085 Constantia, hereafter referred to as the subject property, is located at No. 36 Price Drive, Constantia, and is owned by Deed of Transfer No.

The property is currently developed and consists of a main dwelling, and a second dwelling, with ancillary uses (please refer to the enclosed council approved building plans). The property is located in an area predominantly surrounded by Residential 1 zoned properties.

An application for Council's Consent for a Guest House was approved on the 25th October 2021, under Case ID 70490203.

In the processing of the above Consent Use application, the need to apply for the determination of an Administrative Penalty, wherein the number of rooms and guests for a Bed and Breakfast establishment arose. The MPT determined the said penalty, on the 18th June 2021, under Case ID 70547507, and this was paid on the 23rd June 2021.

Further, a building plan for a Second Dwelling on the property was approved on the 7th December 2022, Approval No. 97623549. The Second Dwelling has since been constructed. All structures on site enjoy building plan approval, except for some of the extensions as shown on the SDP. This has triggered the need for an Administrative Penalty, which was submitted, and the penalty amount determined to be R20 000.00, which has been paid. The FNL for this application was provided on the 5th November 2025, under Case ID: 1500147525.

2. **THE APPLICATION:**

It is now proposed to Amend the Conditions of Approval to extend the Guest House to include an additional 6 suites in the Second Dwelling (please note that there is no Suite numbered 13, at the request of the owner). Certain amendments to the previously approved building plans are also proposed, and require the approval of various permanent land use departures. The Site Development Plan from Masterplan, drawing no. MP 24017/1-10, Revision C, dated 23rd July 2025, revised on the 29th June 2026 is submitted herewith, to underpin the application at hand. A deviation from the SDSDF is required for hard surfacing.

3. **PROPERTY DESCRIPTION:**

Erf No:	Remainder of Erf 1085 Constantia
S.G. Diagram No:	7382/1950
Owner:	
By D/T No:	
Extent:	4 673m ²

Zoning:	Residential Zoning 1: Conventional Housing (R1)
Zoning Scheme:	City of Cape Town DMS
Physical Address:	No. 36 Price Drive, Constantia

4. STATUTORY FRAMEWORK:

4.1 TITLE DEED CONDITIONS:

Deed of Transfer No. _____ does not contain restrictive title deed conditions that will prohibit the proposal. This was confirmed in the previous Conveyancer's Certificate provided for the initial Guest House application.

4.2 NATIONAL ENVIRONMENTAL MANAGEMENT ACT:

The application does not trigger a Basic Assessment or a full Environmental Impact Assessment in terms of NEMA Environmental Impact Assessment Regulations, as amended.

4.3 NATIONAL HERITAGE RESOURCES ACT:

The provisions of the Heritage Resources Act are not triggered by the proposal. Further, the subject property is not located within a Heritage Protection Overlay Zone and has no heritage significance as indicated on the City Map Viewer.

4.4 CAPE TOWN MPBL OVERLAY ZONES:

The subject property is located within the Constantia – Tokai Local Area Overlay Zone (LAO/3), indicating a minimum erf size of 4000m². This Overlay Zone is however not applicable in this instance, as it relates to minimum Erf sizes and no subdivision is proposed in this application.

4.5 CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2023 (MSDF):

In terms of the MSDF 2023, the property is located within the designation '*Incremental Growth and Consolidation Area*' as indicated on the *Consolidated Spatial Plan Concept January 2023*, which encourages densification and diversification.

The proposal is considered to be consistent with the MSDF 2023. The proposal is compatible with the spatial designations indicated within the MSDF, thereby utilising the property to its improved potential. No changes to the MSDF are required.

4.6 SOUTHERN DISTRICT SPATIAL DEVELOPMENT FRAMEWORK, 2023:

In terms of the Southern District Plan, the property is located within the designation '*Urban Development*' as indicated on the *Spatial Development Plan January 2023*.

It falls under the Sub-District 2: Bishopscourt – Constantia – Tokai area, wherein there is a hard surfacing limitation, as follows:

7. In order to retain the unique and internationally desirable character areas and landscape qualities in Bishopscourt, Constantia, Tokai (and Zwaanswyk), specific additional development related recommendations should apply to parts thereof. This includes the following:
- i. An overlay zone be introduced for all heritage farm areas (*that is applicable also to similar areas elsewhere in the city). This should further protect these areas against urban encroachment (e.g. alienation of portions), inappropriate uses, or nature and scale of inappropriate farm-related farming, recreation or tourism uses.
 - ii. In general residential areas further than $\pm 400\text{m}$ ($\pm 5\text{min}$ walking distance) from urban nodes may be sub-divided. However, where such subdivision results in a property significantly below the minimum erf size associated with the local area minimum erf size overlay zone the resultant development of such property should be limited to the permissible rights consistent with the overlay zone restrictions.
 - iii. Limit maximum hard surfacing (including roofing, paving). This should be 500m^2 or 40% whichever is greater on erven $1000\text{--}2000\text{m}^2$, 750m^2 or 30% whichever is greater on erven $>2000\text{m}^2$.
 - iv. As far as possible retain existing tree coverage (of mature trees / trees $> 5\text{m}$) and or encourage planting of new trees (especially on street boundaries) towards retaining the area's tree canopy and 'green' street interfaces.

Figure 2 - Extract from the SDSDF, 2023

The site area is $4\,673\text{m}^2$, and, as per the architect's plan, MP 24017/6, Revision C, dated 29/06/2026, the hard surface area is $2\,818\text{m}^2$. The maximum permitted area is $1\,402\text{m}^2$ (i.e., 30% of $4\,673\text{m}^2$).

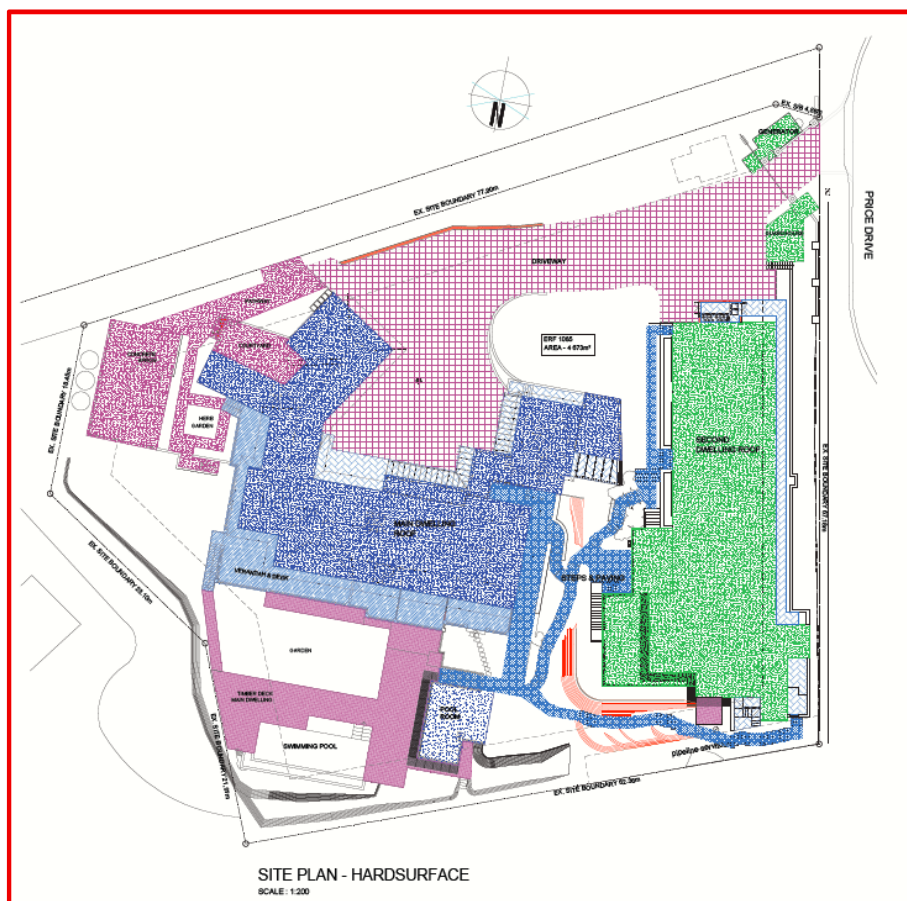


Figure 3 - Extract from Hard Surface Plan MP 24017/6, Rev C

The proposal is thus considered to be inconsistent with the Southern District Plan, with specific regard to the hard surface area, and a deviation therefrom is required.

The property is located inside the Urban Development Edge. It is separated from this line by a stretch of Price Drive, and also by the already developed Erf 13189. The proposed addition of 6 suites to the Guest House will have minimal impact on the Urban Edge, and the Table Mountain National Park, as the Guest House will be contained within the existing structures on the property. Guests staying in the Guest House will be able to enjoy the visual amenity provided by the Table Mountain National Park beyond the Urban Edge line.

4.7 CITY OF CAPE TOWN DENSIFICATION POLICY, 2012:

As it is the intention of this application to utilise the existing buildings for the additional guest house use, it is stated that the proposal does not contradict the intent of the Policy.

4.8 CAPE TOWN INCLUSIVE ECONOMIC GROWTH STRATEGY, 2022 (IEGS):

The CTIEGS is a short, medium, and long term, plan to address the economic crisis facing Cape Town, within the greater South African context, and to identify advantages that could be leveraged. The proposal at hand is not significantly impacted upon by the IEGS, given the small-scale nature of the proposal, although medium to long term employment opportunities would be created for housekeeping and garden staff opportunities.

More specifically, the proposed extension of the guest house from 7 suites to 13 suites will assist with the aims of the IEGS, and is seen to be consistent with the IEGS for the following reasons:

- The additional 6 guest suites will attract visitors to the area, providing a boost to the local economy;
- The guest house will provide for additional job opportunities – 1 manager/1 duty manager, 8 permanent staff for the guest house (comprising 6 housekeepers and 2 butlers – to be used on a rotational basis), and 2 gardeners, plus 1 guard for the gatehouse.

4.9 CAPE TOWN SOCIAL DEVELOPMENT STRATEGY 2016 (SDS):

The Executive Summary of the SDS states, amongst other things:

The Social Development Strategy (SDS) articulates the role of the City of Cape Town in promoting and maximising social development. Social development is understood broadly as the overall improvement and enhancement in the quality of life of all people, especially people who are poor or marginalised. At its core is a focus on addressing poverty, inequality and social ills while providing for the participation of people in their own development. The SDS sets out what the City is doing, plans to do and articulates where external stakeholders, such as contracted service providers and organisations receiving City grants, shall contribute to creating an opportunity, safe, caring, inclusive and well-run city that allows people to reach their potential.

The proposed extension to the guest house on the property will permit better utilisation of the existing dwellings, which is not directly related to the SDS. It will, however, provide for additional employment opportunities (for 12 additional jobs) for people from the surrounding, and other, communities, which will indirectly fulfill the intent of the SDS.

4.10 GUEST ACCOMMODATION POLICY, 2012:

The approved Policy aims to provide a framework that guides guest accommodation related land use applications. The policy recognises tourism as one of the fastest growing economic sectors in the Western Cape and Cape Town, and that smaller establishments in residential areas also play a major role in providing guest accommodation facilities in the City.

The Guest Accommodation Policy defines a guest house as a dwelling-house or second dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the restrictions of a bed and breakfast establishment, and may include business meetings or training sessions for resident guests.

Paragraph 6.3.3 of the Policy sets out the assessment criteria guideline for a guest house, which is discussed in the table below.

Criteria, Guidelines & Justification	Compliance
Criteria - Purpose: Part of a larger single-family dwelling house or second dwelling converted to accommodate transient guests, exceeds bed and breakfast establishment restrictions. Breakfast is usually served to residents; other meals may also be provided, but for resident guests only. Guests may share communal facilities with host family, may also include communal areas for exclusive use by guests. Bathroom facilities may or may not be ensuite or private. Part of the accommodation may be provided in a second dwelling. Except between a second dwelling and the main dwelling, rooms must interlead to ensure buildings	Yes The single-family dwelling house was converted to provide 7 guest suites, with 1 suite being utilised by the manager. It is proposed to extend the guest house to include an additional 6 guest suites in the existing second dwelling. The dining room in the main dwelling provides the meals for the guests. Communal facilities are present for use by guests. Bathroom facilities are ensuite. The current proposal is to extend the guest house to the 6 additional suites in the second dwelling. The rooms interlead to ensure that the building can revert to single

can revert back to single dwelling use. To provide small to medium scale guest accommodation in a conventional residential neighbourhood setting. To enable generating economic income opportunities from a residential dwelling building.	dwelling usage, except for Suite 7, which is on the second floor of the main dwelling, and has an external entrance. This extension to the guest house proposes small scale guest accommodation in a conventional residential neighbourhood setting. The guest house proposal will facilitate economic income opportunities.
Criteria – Scale: Maximum size of 30 persons or 15 rooms permitted. Form and scale of development determined by development parameters of particular zone (i.e. floor space, building lines, height) and set out on SDP. Council may determine / restrict the number of establishments in a locality / guest rooms per establishment and lay down conditions necessary to mitigate the impact of the establishment, in order to protect the area's character. Buildings can be free standing or linked structures, but residential character of particularly streetscape to be retained. Second business (or home occupation) on same premises as guest house establishment not permitted. Scale restricted to ensure the nature of the establishment remains compatible with surrounding residential character.	Yes The number of rooms totals 13 in 2 buildings, one of which is for the manager, which is locally appropriate, and within the limit of the 15 rooms permitted. The scale and form of the guest house are appropriate and sensitive to the local building context. The proposed number of additional rooms (6), located in the second dwelling, is set out in the proposed new SDP. No additional buildings are proposed. The extension to the guest house is contained within the already approved and constructed second dwelling, thereby retaining the residential character. No second business or home occupation are proposed. The extension to the guest house is contained within the second dwelling, thus the proposal is in keeping with the surrounding residential character.
Criteria – Location: May not gain vehicular access from a public road with a reserve narrower than 9m.	Yes The width of Price Drive is 12,59m.

With regard to maximum number of establishments in a particular locality, cumulative impact on services infrastructure must form part of assessment. Desirable locations that are encouraged include: • properties larger than 800m²; • properties near intersections and collector (class 4 and higher) roads; • properties near public open spaces / areas / amenities; • near or within neighbourhoods and areas designated for higher density and mixed-use development. • larger ones closer to local nodes or main roads Encourage location in higher intensity land use areas in order to reduce impact on quiet single dwelling neighbourhood character.	The location is desirable due to the following: • the property measures 4 673m², well above the minimum required 800m²; • the property has access to a well-established road network; • the property is close to public open spaces and other amenities favourable for tourism; • the property is located within a consolidation area as per the MSDF 2023. There are a variety of guest houses in the surrounding area. Whilst the residential character of the area is low in density, the scale of the guest house is also low, providing 13 suites (1 for the manager) to be accommodated in the existing dwellings.
Criteria – Self-catering: Meals supplied to guests / lodgers, employees, and bona fide residents only. Self-catering by means of a kitchenette (self-catering units) only, may be permitted; no fully self-contained units or self-catering apartments permitted. To provide more flexibility in responding to current trends, but prevent creation of fully fledged separate dwelling.	Yes Meals and beverages are supplied to guests only. Self-catering by means of a kitchenette is not provided. No fully fledged separate dwelling is proposed – the second dwelling has already been approved, and constructed.
Criteria – Liquor use: Subject to obtaining liquor licence and separate departure / consent application in terms of the zoning scheme (where required in terms of the scheme), alcoholic beverages only sold for consumption on-site with meals, to resident guests. Permitted liquor trading hours as per Liquor Trading hour By-law. To ensure compliance with Liquor legislation and prevent possible increase in scale of services provided in order to protect residential amenity and character of surrounding area.	Yes Alcoholic beverages will be sold for on-site consumption for resident guests only. There will be no public restaurant or public bar. This application does not deal with any Liquor Licenses that may be required by law.
Criteria – Ancillary facilities: A place of entertainment is not permitted.	Yes A place of entertainment is not

Where ancillary activities such as restaurants, lecture room, spa / hydro and wellness centre, small conference facilities or similar types of services are provided and depending on the zoning scheme, these are subject to a separate consent application to Council, if required by such zoning scheme. In addition, such facilities / services may only be provided for the benefit of resident guests and must therefore relate to the extent of the guest-house establishment to ensure they are not used by the general public. To prevent noise nuisance and parking problems and ensure reasonable amenity to neighbours.	proposed. The SDP shows all uses in the buildings. The facilities for the guests are limited to accommodation and ancillary uses such as a dining room, lounge area, sauna, and gym. The establishment is not open to the general public. It is anticipated that, due to the low scale of the proposal at this prestigious location attracting specific types of guests, the proposed guest house will not result in noise nuisance. Sufficient parking is provided on site.
Criteria – On-site residence: Proprietor / manager may reside in a second dwelling. To ensure residential character of property is maintained, as well as proper on-site management at all times.	Yes There will be a full-time manager who will stay in Suite 6. This supports proper management of the establishment.
Criteria – Parking: Owner's parking space may be in form of garage. Except where on-site parking / drop-off space is provided, guests may not arrive by 30-seater (or larger) bus. Where on-site provision not possible, parking may be provided on abutting or nearby property, subject to a notarial tie being registered, or similar agreement, as approved by Council. To prevent on-street parking that may adversely affect traffic flow, the streetscape or area character generally.	Yes Sufficient parking is provided on site; 15 parking bays, of which 2 bays are accommodated within a garage. Only standard shuttles are catered for, but no buses will be permitted. No on-street parking will be permitted. No on-street parking will be required.
Criteria – Loading: Provide on-site space for loading and deliveries.	Yes There is adequate space for loading and delivery from the Price Drive entrance.

Depending on scale of establishment, designated guest parking bays may be shared as temporary loading space. To prevent on-street loading for same reasons as above.	Parking bay 6 will be shared as a temporary loading space. There is, in any event, sufficient space in the parking forecourt to allow for deliveries and loading.
Criteria – Staff Facilities: No more than 5 staff members plus a manager shall be employed in direct support of the establishment at any given time. Bona fide staff quarters shall not be regarded as rooms for lodgers/guests and may not be converted to guest accommodation. To restrict scale of operation and ensure staff quarters are not used by visitors as additional accommodation.	Yes Staff facilities are provided on the premises for 5 staff members (3 for housekeeping, plus 2 butlers), together with the manager, who will reside in Suite 6. Staff at any given time will be 1 manager/duty manager, 3 housekeepers, and 2 butlers. It is proposed to obtain the services of an assistant manager, to fill in for the manager, as and when required. A further 3 housekeepers for alternate days/weekends, will be employed. There will also be 2 gardeners, who would be required regardless of the use of the property as a guest house.
Criteria – Signage: Only a single unilluminated sign / notice, not projecting over a street and not exceeding 0,5m², allowed. All outdoor signage to comply with Council's Outdoor Advertising By-law. To prevent oversized signage that might be detrimental to visual integrity of the area.	Yes No additional signage is proposed.
Criteria – Environmental / heritage impact: Any alteration or new structure shall be compatible with the character of the surrounding area. Where located in historic precincts / heritage areas, external appearance / façade to be sensitive to this attribute and taken into account in design. Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered and applied. No activities constituting a source of public	Yes The proposal is compatible with the character of the surrounding area. The proposal does not trigger any of the provisions within the National Heritage Resources Act. Council may approve the application subject to strict conditions relating to public disturbance and hours of operation. The second dwelling already enjoys building plan approval. Proposed extension to the guest

nuisance shall be carried out. No disturbance from loud music or other sources after 23:00, except with separate approval from Council, to protect amenity enjoyed by surrounding residents and character of the area.	house will comply. This can be made a condition of approval.
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4.11 SPLUMA AND LUPA:

The proposal does not contradict the land use planning principles contained in the Spatial Planning and Land Use Management Act, 2013, and the Western Cape Land Use Planning Act, 2014, as described below:

Spatial justice: The proposal improves access and utilisation of land to its improved potential, providing significant tourism and employment opportunities, and improves diversity in the surrounding area.

Spatial sustainability: The proposal enables the property to be utilised to its improved potential. There is no negative impact on the natural environment or agricultural resources. The proposal results in diversification and stimulates effective functioning of the land. As services are already established, there will be no impact on the provision thereof. The subject property is located in an area suitable for development, as per the MSDF, and does not contribute to urban sprawl. Due to diversification, the proposal contributes to the viability of the community. Heritage resources are not impacted on and tourism resources are promoted by the proposal. The support of tourism resources has a positive impact on the economy.

Efficiency: The proposal enables the property to be utilised to its improved potential, thereby optimising the existing infrastructure and facilities. The proposal contributes to the diversity of the surrounding area.

Good administration: The land use application will be internally circulated for input. The relevant legislation and policies have been taken into consideration. The proposal will not lead to negative financial, social, economic or environmental impacts.

Spatial resilience: The proposal represents flexibility in the residential nature of the surroundings and promotes the sustainable livelihood of the owner as well as for the community as the proposal will result in the creation of a number of employment opportunities (12 in total). The influx of tourists utilising the accommodation will also contribute to the means to uphold the maintenance of the property.

5. BASELINE INFORMATION:

5.1 SURROUNDING ZONINGS AND LAND USES:

The subject property and the surrounding area are predominantly zoned for Residential Zoning 1 purposes, with Open Space 2 zoned properties present to the west. The proposed extension to the guest house will not require a change in zoning, only an amendment of the previous guest house conditions of approval.

5.2 EXISTING USES ON-SITE:

The subject property is currently developed and consists of a main dwelling, and now a new second dwelling, with ancillary uses as indicated on the enclosed council approved building plans.

5.3 SURROUNDING ERF SIZES:

The erf sizes of the surrounding properties range between 4000m² to approximately 6000m². The subject property measures 4673m² and no subdivision is proposed.

5.4 VEGETATION:

The property contains a variety of flora, grassed areas, shrubs and trees. The existing dwelling is already being utilised as the guest house, and the second dwelling has already been approved and constructed, and therefore there is no additional impact on the vegetation by the extension of the guest house to include the additional 6 suites within the second dwelling.

5.5 URBAN FABRIC:

The proposal will not change the urban fabric as the proposed uses are to be contained within the existing approved dwellings.

5.6 VISUAL IMPACT:

As mentioned, the proposed guest house will be contained within the existing dwellings, and therefore the proposed extension to the guest accommodation will not have a negative visual impact. To the contrary, guest houses in Constantia are usually of a very prestigious class, and will support and emphasize the sense of place of the local area.

5.7 ACCESS AND PARKING:

The property gains access from the existing carriageway crossing off Price Drive.

In terms of Item 138 of the CTMPBL, the minimum off-street parking requirements for a guest house in a standard area are 10 bays per suite for the first 10 suites, and 1 bay for every 2 suites above 10. The 13 suites will require 15 parking bays, noting that 2 bays are required for the main dwelling, 1 for the second dwelling, and 12 for the guest suites. Parking provision is sufficient, as 15 parking bays are provided.

Please note that parking bay 6 will be shared on a temporary basis for loading and deliveries.

5.8 SERVICES:

Services are established on the subject property. The existing main and second dwellings have already been approved and constructed, and no additional services will be required for the functioning of the guest house.

6. DEVELOPMENT RULES IN TERMS OF THE DEVELOPMENT MANAGEMENT SCHEME:

The subject property is zoned for Residential Zoning 1: Conventional Housing (R1) purposes and the development rules applicable to the proposed amendment of conditions of approval for the guest house are discussed hereunder:

6.1 ITEM 22(A) – FLOOR FACTOR:

The maximum permitted floor factor is not applicable to this property.

6.2 ITEM 22(B) – FLOOR SPACE:

The permitted total floor space of all buildings on the land unit may not exceed 1500m². The existing approved buildings on the subject property measure 1448m². The proposed additions shown on the new SDP result in a new floor space total of 1530m². A **Permanent Land Use Departure is required herein.**

6.3 ITEM 22(C) – HEIGHT:

The main and second dwellings have already been approved. No changes to the roof heights of either the main or second dwelling have been made, and hence no new departures are required herein. The maximum height to top of building of 10m is not infringed. The Site Plan has, however, been updated to show the 2m contours as per the City's 2m GLM. **No Departures required herein.**

6.4 ITEM (22)(D) – BUILDING LINES:

The street boundary building line and the common boundary building line are both 6m.

<u>MPBL - REQUIREMENTS:</u>			Compliance	
Zoning: R1 SITE AREA = 4 673m ²	Required	Actual	Y	N
Building line - Street - Ret.Wall	6.0m	1.000m		✓
Building line - Street - Guard	6.0m	1.617m		✓
Building line - South Common	6.0m	1.512m		✓
Guard House - Roof Area	5.0 m ²	24.76m ²		✓
Guard House - Height AFFL	3.0 m	3.150m		✓
Max. Floor Space	1 500 m ²	1530.5m ²		✓
Architectural Style			✓	
Hardsurface	30%	60%		✓
Parking Requirements	14.5 Bays	15 Bays	✓	
Max. Building Height Above Egl.	10.0m	N/A	✓	

Figure 4 - EXTRACT FROM SITE PLAN MP 24017/5 REV C

The proposed new retaining wall along the Price Drive street boundary is 1,00m from the said boundary. A **Permanent Land Use Departure is required herein.**

The proposed additions to the gatehouse, which is now larger than 5m², result in a distance of 1,62m from the Price Drive street boundary. A **Permanent Land Use Departure is required herein.**

The proposed new retaining wall along the southern common boundary is 1,91m in lieu of 6,00m. A **Permanent Land Use Departure is required herein.**

6.5 ITEM 121(1)(iv) – HEIGHT & ROOFED AREA:

It is now proposed to extend the gatehouse, wherein the height from the FFL is 3,15m (see Section H-H on Sheet 10 of the Site Plan, in lieu of 3,00m, as set out in Item 121 (1) (iv) of the DMS.

Further, the maximum area permitted for a gatehouse is 5m². The proposed extension to the gate house results in an area of 25m².

Permanent Land Use Departures are required herein.

7. PARKING AND ACCESS IN TERMS OF THE DMS:

7.1 ITEM 137 - OFF-STREET PARKING:

The off-street parking requirements for standard areas, applicable to the proposed guest house, as set out in Chapter 15 of the DMS, is 10 bays for the first 10 suites, and thereafter 1 bay for every 2 suites.

Therefore, the 13 suites will require 12 parking bays. The main dwelling requires 2 bays, and the second dwelling 1 bay. This totals 15 bays. Previously, 14 bays were approved and provided. 1 additional bay has now been provided for on the new Site Plan. **No Departures are required herein.**

7.2 ITEM 140 – SITE ACCESS AND EXITS:

No changes to the existing access off Price Drive is proposed. **No Departures are required herein.**

8. DEVELOPMENT PROPOSALS – LAND USE APPLICATIONS:

8.1 AMENDMENT OF CONDITIONS OF APPROVAL:

In terms of Section 42(j) of the CTMPBL, 2025, an application is hereby made for an Amendment of Conditions of Approval, as per a Site Plan, prepared by Masterplan, numbered MP 24017/1-10, Revision C, dated 29th June 2026, to permit the extension of the guest house for an additional 6 suites in the second dwelling on the property.

The proposed amendments to Annexure A of Case ID 70490203 should now read:

2.1.1 The property shall only be used for dwelling house **(used as a guest house, or not), a second dwelling house (used as a guest house, or not), and a possible future third dwelling (to be used as a guest house, or not).**

2.1.2 If the property is used as a guest house a maximum of ~~12~~ **24** guests shall be accommodated on the property, and a maximum of ~~6~~ **12** guest bedrooms are permitted.

2.1.4 The extent of building(s) and structures related to the consent approval referred to in 2.1.1 above shall be limited to shown on the plans drawn by ~~Neil McLagan of Masterplan Building Designers with drawing numbers 19019-1, 19019-2, 19019-3, 19019-4, 19019-5, 19019-6, 19019-7, 19019-8, 19019-9, 19019-10, 19019-11~~ all revision C, and 19019-12 revision B, all dated May 2020 **Masterplan, numbered MP 24017/1-10, Revision C, dated 23rd July 2025, revised on the 29th June 2026.**

2.1.5 A minimum of ~~14~~ **15** parking bays shall be provided on the property for the guest house including the guest house staff.

8.2 PERMANENT LAND USE DEPARTURES:

In terms of Section 42(b) of the CTMPBL, 2025, an application is hereby made for the following Permanent Land Use Departures:

- Item 22(b): To permit the floor space to be 1530m² in lieu of 1500m²;
- Item 22(d): To permit the street boundary building line to be 1,00m in lieu of 6,00m for a retaining wall;
- Item 22(d): To permit the street boundary building line to be 1,62m in lieu of 6,00m for the gatehouse;
- Item 22(d): To permit the southern boundary building line to be 1,91m in lieu of 6,00m for a retaining wall;
- Item 121(1)(iv): To permit the roofed area of the gatehouse to be 25m² in lieu of 5m²;
- Item 121(1)(iv): To permit the height of the gatehouse to be 3,15m from floor to top of roof in lieu of 3,00m.

9. DESIRABILITY

Section 99 of the CTMPBL sets out the criteria to be used in the assessment and decision-making process of an application. The application is desirable in terms of Section 99 of the CTMPBL, due to the following, as per the criteria:

(1) Compliance with the following minimum threshold requirements –

(a) ...

- (b) The proposed land uses comply with and support the MSDF.
- (c) ...
- (d) An application is required for a departure to alter the development rules relating to permitted floor space (resulting from minor additions to the dwellings), which is not greater than 10% of the maximum floor space permitted within this zone, and height (for the gatehouse) within the R1 zone.

(2) Consider all relevant considerations including the following –

- (a) The proposal requires a deviation of the maximum permitted hard surfacing in the SDSDF from 1402m² to 2818m².
- (b) The proposal complies with all relevant criteria contemplated in the DMS, noting that various minor permanent land use departures are required. Further, certain extensions have been constructed without prior building plan approval, requiring an application for an Administrative Penalty, which has already been determined.
- (c) To my knowledge, the proposal does not contravene statutory frameworks.
- (d) The proposal is desirable in terms of subsection (3) below.
- (e) There is no adverse impact on existing rights – the second dwelling has already been constructed, and only the change in use for the addition of 6 guest suites is applicable. Standard noise and disturbance restrictions will mitigate any further impact.
- (f) Consolidation of land is not applicable.
- (g) To my knowledge, the proposal does not contradict SPLUMA 2013 or any other considerations prescribed in relevant national or provincial legislation.

(3) The following considerations are relevant to the assessment under subsections (1)(c) and (2)(d) –

- (a) Socio-economic impact: There will be no negative socio-economic impact on the City or the surrounding area. The approval of the proposal will have a positive socio-economic impact, which will result in addressing the demand for tourism facilities in that the proposal supports the tourism sector in general. Approval of the proposal will provide opportunities for economic input, an enhanced sense of place, and additional employment opportunities (for a total of 12 employees).
- (d) Compatibility with surrounding uses: The main and second dwellings on the property have been approved, and the proposed extension to the guest house for 6 additional suites, contained within the second dwelling, is considered to be compatible with surrounding uses, noting that there are other guest houses in the area. The proposed additional 6 guest suites will not compromise the character of the property and surroundings.
- (e) Impact on external engineering services: It is anticipated that there will be no additional requirements for service provision, as the proposed addition of 6 guest suites will be contained in the already approved and constructed second dwelling. The application will, in any event, be circulated to various

services departments and any additional requirements can be contained in the conditions of approval.

- (f) There will be a positive impact on the safety, health and wellbeing of the surrounding community. The proposed extension to the guest house is considered to be a positive contribution to the local area, since the surrounding community will benefit by means of the additional employment, and also since the proposal will enhance the amenity in the local area. the additional activity on the property will also add to safety and security in the area.
- (g) Impact on heritage: There will be no impact in terms of heritage.
- (h) There will not be a negative impact on the biophysical environment, since the proposed extension to the guest house will operate within the existing second dwelling, and will not compromise the environmental aspects on the property.
- (i) There will be no significant negative impact on traffic, parking, access and other transport related considerations as sufficient on-site parking will be provided (in the form of 1 additional bay). The single existing and approved entrance/exit carriageway crossing will be utilised, and will be controlled by the existing, but now extended, gatehouse. The proposal will not have a significant additional adverse traffic impact.
- (j) Imposition of conditions: As the proposal will not result in any significant additional negative impacts, no imposition of conditions would be required.
- (4) N/A
- (5) N/A

10. MOTIVATION:

- The approval of the proposed addition of 6 guest suites to the existing guest house is considered to be desirable in terms of Section 99 of the CTMPBL.
- The approval of the proposal will bring favourable additional tourism and indirectly economic opportunities to the area, albeit low-key, and will enhance the availability of amenities in the area.
- The proposal will have a positive socio-economic impact in providing additional minor, but important tourism, accommodation, and employment opportunities.
- The guest house will provide for additional job opportunities – 1 manager/1 duty manager, 8 permanent staff for the guest house (comprising 6 housekeepers and 2 butlers – to be used on a rotational basis), and 2 gardeners, plus 1 guard for the gatehouse

- The proposal does not result in negative heritage or environmental impacts.
- The proposal does not contradict the Municipal Spatial Development Framework, 2023, and supports the Inclusive Economic Growth Strategy, 2022, and the Social Development Strategy, 2016.
- A deviation from the maximum hard surface area from 1402m² to 2818m² in the SDSDF, 2023, is required. This does not, however, affect the request for the amendment of previous conditions of approval by increasing the number of guest suites from 6 to 12, as the structures in which they are located already exist.
- The proposal will result in the improved and versatile utilisation of the existing dwelling, second dwelling, and infrastructure.
- Accommodation is a high demand commodity. The approval of an additional 6 guest suites in the existing second dwelling will enable the fulfilment of this demand, and if this need is no longer required, the dwellings on the property can still be utilised for Residential purposes. This will enable the utilisation of the property to its maximum potential, without negatively impacting the area, as it functions as a residential use.
- The influx of additional income will support the upkeep of this large property, which in turn adds value to the surrounding area.
- A guest house also increases safety and security due to un-patterned and regular movement on the property, not in a disruptive manner, but in a manner enhancing security, and the proposed addition of 6 suites will enhance this security.
- The proposal will not have a negative visual impact, as the second dwelling already exists, and it will enhance the sense of place due to the high stature of the guest house.
- The subject property has sufficient space available to accommodate off-street parking as required in the DMS, and as shown on the Site Development Plan.
- The proposed additional 6 suites to the guest house will result in some minor additional traffic, but this is a normal occurrence in any part of any neighbourhood.
- The overall floor space is marginally (30m²) above the maximum permitted on this property.
- It is envisaged that the proposed addition of 6 guest suites to the guest house will have minimal impact on the existing rights of neighbours, since the suites are contained in the existing second dwelling, and the nature of the activity is relatively low-key.

- In terms of the Guest Accommodation Policy, the criteria in respect of the guest house and the assessment of the proposal at hand to these criteria, proves the proposal to be favourable.
- The higher order legislation and policies support the proposal, with the exception of the deviation from the SDSDF hard surfacing requirements.
- Certain extensions to the existing structures have been constructed, prior to obtaining building plan approval, and the ensuing application for the determination of an Administrative Penalty has already been approved, and the penalty amount paid.

11. CONCLUSION:

It has been demonstrated in this report that the proposed addition of 6 guest suites to the existing guest house on the property, and associated permanent land use departures, is desirable from a planning legislation and policy perspective, and is compatible with the uses in the Residential 1 zoned area in this locality, as well as all over Cape Town.

It has also been demonstrated that the proposal will have minimal additional impact, given the fact that it will be contained in an existing second dwelling, with minor changes to the main dwelling, second dwelling and gatehouse from what has been previously approved.

An application for the determination of an Administrative Penalty has already been determined, and paid.

The approval of the amendment of conditions of approval for the additional 6 guest suites, the SDP, and the various minor permanent land use departures, together will enhance the tourism sector and employment opportunities, in the local area, as well as adding economic value to the area.

The proposal is considered to be desirable in terms of Section 99 of the CTMPBL, and is capable of approval by the City.



DUNCAN BATES
PROFESSIONAL LAND SURVEYOR

12. SUMMARY OF APPROVALS REQUIRED:

12.1 AMENDMENT OF CONDITIONS OF APPROVAL:

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12.2 PERMANENT LAND USE DEPARTURES:

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- Item 121(1)(iv): To permit the height of the gatehouse to be 3,15m from floor to top of roof in lieu of 3,00m.

12.3 DEVIATION FROM THE SOUTHERN DISTRICT SPATIAL DEVELOPMENT FRAMEWORK, 2023:

A deviation from the SDSDF to permit the hard surfacing area to be 2818m² in lieu of the maximum permitted area of 1402m², per paragraph 7(iii) requirements - Sub-District 2: Bishopscourt – Constantia – Tokai.