



**CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD**

Case ID 1500132731

Erf 31990, 23 Main Road, Mowbray

Development Management

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26 Elegance Road
Milnerton, 7441

3rd August 2026

Table Bay District

Development Management

City of Cape Town

RE: APPLICATION FOR REZONING, CONSENT AND DEPARTURES IN TERMS OF THE BY LAW 2015: ERF 31990, 13 MAIN ROAD MOWBRAY

1. Introduction

This application is submitted on behalf of _____ The purpose of the proposal is to enable the development of student accommodation with supporting retail facilities on the subject property. The application includes the following components:

- Rezoning of the property
- City approval for building work within a Heritage Protection Overlay Zone (HPOZ)
- Setback departures, as outlined in Section 6 of this report

The site was originally zoned General Business (GB1). In 2013, Tommy Brummer Town Planners lodged an application for rezoning and building line departures, which was approved, granting the property General Business (GB4) zoning. This approval included rights for the development of a block of flats with retail components, subject to specific conditions of approval. A subsequent application was approved to amend the initial rezoning conditions relating to the number of flats permitted on the property. A third application, approved in 2019, further amended the conditions relating to the number of flats and the associated parking to be provided.

The rezoning approval has since lapsed, and the current application therefore seeks to reinstate the previously approved GB4 zoning, enabling the development described in this report.

This motivation report supports the approval of a multi-storey mixed-use building comprising student accommodation and ground-floor commercial uses. The report demonstrates the desirability of the proposed development, its alignment with the City's planning policy framework, and its compliance with the Municipal Planning By-Law (MPBL).

A Notice of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC) and approved in February 2013 (attached as an annexure). HWC has since requested a supplementary NID, which has been submitted and is currently in process. It should be noted that the proposed development remains largely aligned with the earlier NID. An additional NID was submitted and approved in 2025, which is attached as an annexure.



2. Property Description, Size and Ownership

A copy of Deed of Transfer is attached

Title Deed no:

Property Description: Erf 31990

Physical Address: 13 Main Road Mowbray

Property Size: 5507M²

Property Owners:

3. Zoning and property context

The subject property is currently zoned General Business 1 (GB1) and is presently vacant, as illustrated in Figures 1 and 2 below. Although the City's online map viewer still reflects the property as GB4, this is due to the viewer not yet being updated to show that the previous rezoning approval has lapsed, as noted earlier in this report.

The property is located within the Mowbray–Rosebank Heritage Protection Overlay Zone (HPOZ), as indicated in Figure 4. Figure 1 depicts the zoning and spatial location of the property, while Figure 2 provides an aerial view of the site in relation to its surrounding built environment.

The immediate surroundings comprise a mix of single-storey to multi-storey buildings, reflecting the varied development pattern typical of the area. Land uses in the vicinity range from residential properties to business and commercial activities situated along Main Road. Main Road itself functions as an activity street, accommodating a variety of commercial uses that are supported by surrounding medium- to high-density residential development, including numerous student accommodation facilities.



Figure 1 – Zoning map

An aerial map showing a residential area with various colored overlays. A green arrow points to a grey-shaded area labeled 'SEVENTH-DAY ADVENTIST CHURCH'. To the south of this area is a blue-shaded area labeled 'HILLCREST SCHOOL'. The map is surrounded by yellow-shaded areas, likely representing roads or undeveloped land. The map is oriented with North at the top.

4. Proposal

It is proposed to erect a nine-storey building comprising retail/commercial on the ground and a boarding house from 3rd to ninth stories. The boarding house is aimed at student accommodation comprising 578 beds and 91 parking bays with a 2478sq of supermarket and 941sqm of retail.

The details of the proposed development are the following:

- 1st Storey containing retail and parking bays
- 2nd Storey containing parking bays and back of house facilities
- 3rd Storey containing 103 beds
- 4th Storey containing 103 beds
- 5th Storey containing 103 beds
- 6th Storey containing 103 beds
- 7th Storey containing 103 beds
- 8th Storey containing 103 beds
- 9th Storey containing 103 beds

The proposed development requires a rezoning of the subject property, minor setback departures and a parking departure in terms of the Development Management Scheme (DMS). Further details are discussed in section 6 below.

5. Proposal Assessment

The MPBL and DMS are applicable to the subject properties. As stated above the property is zoned MU2, with provisions as follows:

GENERAL BUSINESS AND MIXED USE ZONINGS	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
GENERAL BUSINESS SUBZONINGS (GB1-GB7) PRIMARY USES Business premises, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment, hotel, conference facility, service trade, authority use, utility service, rooftop base telecommunication station, multiple parking garage, private road, open space, veterinary practice and filming CONSENT USES Adult shop, adult entertainment business, adult services, informal trading, expo-centre, motor repair garage, warehouse, freestanding base telecommunication station, wind turbine infrastructure, transport use, helicopter landing pad and service station	GB1	1,5	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Residential Incentive in respect of GB7
	GB2	2,0	100%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Hotel floor space concession
	GB3	2,5	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Canopy or balcony projection
	GB4	3,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Public pedestrian footway along street boundary
	GB5	4,0	100%	25,0 m	0,0 m	0,0 m	8,0 m	Street corners
	GB6	6,0	100%	38,0 m	0,0 m up to 25,0 m height; 1/3 (H-25 m) above 25,0 m	0,0 m	8,0 m	Parking and access
	GB7	12,0	100%	60,0 m	0,0 m up to 38,0 m height; 1/3 (H-38 m) above 38,0 m	0,0 m	8,0 m	Loading Screening Wind mitigation Service station and motor repair garage Informal trading
MIXED-USE SUBZONINGS (MU1-MU3) PRIMARY USES Business premises, industry, dwelling house, second dwelling, boarding house, flats, place of instruction, place of worship, institution, hospital, place of assembly, place of entertainment,	MU1	1,5	75%	15,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Canopy or balcony projection
	MU2	4,0	100%	25,0 m	0,0 m up to 10,0 m height; 4,5 m above 10,0 m		8,0 m	Parking and access Loading
	MU3	6,0	100%	38,0 m	0,0 m up to 25,0 m height; 1/3 (H-25 m) above 25,0 m		8,0 m	Screening Service station and motor repair garage

Figure 4: Extract from DMS

- **Coverage**

The GB1 zoning permits a coverage of 100% is permitted, however the proposed rezoning to GB4 also allows 100% coverage. The proposal is compliant in this regard, as the 96.7% proposed coverage falls within the permissible coverage requirements.

- **Floor factor**

The subject property has a permissible floor factor of 1,5 with an erf size of 5507m², the allowable is 8260.5 m² in term of the GB1 zoning. However, the proposed GB4 zoning permits a floor factor of 3, which amounts to 16 512.81m². The proposed development amounts to a total floor space of 18 043.27 m², therefore amounting to a floor factor of 3.2. This necessitates a floor factor departure, but does not exceed more than 10% of the allowable floor factor and thus does not necessitate a rezoning to the following sub-zone.

- **Height**

A height of 25m is permitted for the site and the proposed height is 27.5m to the top of roof and amounts to a 10% increase in the permissible height. This necessitates a height departure and similarly to the floor factor scenario will not necessitate a rezoning to the next sub-zone due to not exceeding 10% of the permissible height.

- **Street boundary**

The street boundary setback for both GB1 and GB4 is 0,0m up to 10m height and 4,5m above 10m. Therefore, the proposed development requires street setback departures that is discussed in section 6 below.

- **Common boundaries**

The common boundary setback both GB1 and GB4 is 0,0m. Therefore, the proposed development is zoning compliant in this regard and no common boundary departures are required.

- **Parking provision**

In terms of the DMS, the parking requirements for student accommodation (Boarding House) is 1 bay per bedroom for the first 10 bedrooms, thereafter 0,5 bays for each bedroom in excess of 10. The proposed development requires 152 on-site parking bays for the boarding house and 62 on-site parking bays for the 2478m² of supermarket and 19 bays for 941m² of shop. This amounts to a total of 233 on-site parking bays required for the proposed development, however, the proposed development can only accommodate a maximum of 91 compliant parking bays on site with, an additional 20 non-compliant bays. This necessitates a parking departure for the shortfall of 142 on-site parking bays. This departure is discussed in section 6 below.

Additionally, it should be noted that the subject property is located in a previously designated PT2 Zone that allows for reduced parking requirements. The previously approved rezoning and development was approved as such. Under the PT2 parking requirements, zero parking bays would be required and thus the parking provision would be compliant. It can therefore be noted that the required parking departure is minor in nature despite the large quantum of the departure.

Minimum off-street parking requirements

[Table substituted by s. 53 of City of Cape Town: Municipal Planning Amendment By-Law, 2016]

[Table substituted by s. 75 of City of Cape Town: Municipal Planning Amendment By-Law, 2019]

Land use	Standard areas	PT1 areas	PT2 areas
Main dwelling house (SR1 Zoning)	2 bays per dwelling unit (1 bay per dwelling for erven < 350 m ²)	1 bay per dwelling unit	Nil
Main dwelling house (SR2 Zoning)	1 bay per dwelling unit (Nil per dwelling for erven < 100 m ²)	Nil	Nil
Second dwelling	1 bay per 2 nd dwelling unit	1 bay per 2 nd dwelling unit	Nil
Third dwelling on land unit larger than 650m ²	1 bay per 3 rd dwelling unit	1 bay per 3 rd dwelling unit	Nil
Group dwelling	1,75 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Flats	1,25 bays per dwelling unit, plus 0,25 bays per dwelling unit for visitors	1 bay per dwelling unit, plus 0,25 bays per dwelling unit for visitors	Nil
Bed & breakfast (B&B)	1 additional bay per room	1 additional bay per room	Nil
Boarding house, guest house	1 bay per bedroom for the first 10 bedrooms, thereafter 0.5 bays for each bedroom in excess of 10	1 bay per bedroom for the first 10 bedrooms, thereafter 0.25 bays for each bedroom in excess of 10	Nil
Backpackers lodge	1 bay per 10 beds plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	1 bay per 10 beds plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	Nil
Hotel	0,5 bays per bedroom, plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	0,5 bays per bedroom, plus associated reduced (based on parking sharing) requirement for any ancillary land uses open to general public	Nil
Retirement home, orphanage	0,25 bays per resident	0,25 bays per resident	Nil

Figure 5: Parking requirements from DMS

- Access

A new carriage way crossings is proposed on Rhodes Avenue and another on Bollihope Crescent.

6. Application details

6.1. Rezoning:

- Item 42 (a) from the DMS: To Rezoning of Erf 31990 Cape Town at Mowbray from General Business Sub-Zone GB1 to General Business Sub-Zone GB4.

6.2. City Approval:

- Item 162 from the DMS: City approval to allow building work and change of use in a heritage protection overlay zone.

6.3. Departures:

The following permanent departures from the DMS are being applied for:

- Item 60(b) Departures to permit buildings or structure within the 8m from the centre line of the abutting public road of ;
 - Main Road
 - Bollihope Street
 - Rhodes Avenue
- Item 60(c) Departure to permit the proposed floor factor on the property to be 3.2 in lieu of the permissible floor factor of 3.
- Item 60(d) Departure to permit the proposed height of the building to be 27.5m above the EGL in lieu of the permissible height of 25m above the EGL.
- Item 60(e) Departures to permit the building above 10m (above EGL) to be setback 1.715m in lieu of 4.5m from the street boundary (Main Road)
- Item 60(e) Departures to permit the building above 10m (above EGL) to be setback 3.345m in lieu of 4.5m from the street boundary (Bollihope Crescent).
- Item 60(e) Departures to permit the building above 10m (above EGL) to be setback 2,685m in lieu of 4.5m from the street boundary (Rhode Avenue).
- Item 137 from the DMS: Departure to permit 91 on-site parking bays in lieu of 233 on-site parking bays.
- Item 121(2) building closer than 5m to a property boundary adjacent to a designated metropolitan road.

7. Motivation and Desirability in terms of section 99 of the By Law:

7.1 Location, surrounding land uses and character of the area

The subject property is situated in the vibrant and centrally located suburb of Mowbray, an area characterised by a diverse mix of commercial, institutional, and residential uses. The neighbourhood accommodates a substantial student population, owing to its proximity to major tertiary institutions, including UCT, CPUT, and AFDA. Zoning in the immediate context ranges from General Residential 2 (GR2) to General Business 5 (GB5), with building typologies varying from single-storey structures to multi-storey mixed-use developments.

It is important to note that the subject property was previously rezoned and approved for GB4 rights, and the current application simply seeks to reinstate these rights to facilitate a development that directly responds to a demonstrated need for well-located purpose-built student accommodation.



Figure 6: Height Context

The proposal has been sensitively designed, taking full cognisance of relevant City of Cape Town policy frameworks, including the Densification Policy and the Transit-Oriented Development (TOD) Strategy. The proposed form, scale and architectural expression ensure that the development will not negatively impact the character of the area. Instead, its strategic location, contemporary design, and appropriate land use mix will complement and enhance the existing urban environment.

7.2 Provincial Spatial Development framework (PSDF)

The Western Cape Provincial Government's policy direction emphasises urban restructuring, densification, and the correction of spatial inefficiencies resulting from historic development patterns. The Provincial Spatial Development Framework (PSDF) promotes compact, inclusive and efficient settlement patterns, supported by well-located residential development close to economic and educational opportunities.

The proposed development aligns directly with the objectives and strategies of the PSDF, as it contributes to urban compaction, supports economic activity, encourages public transport usage, and enables equitable access to educational institutions and employment opportunities

7.3 Cape Town Spatial development Framework (CTSDF)

The property falls within the Urban Inner Core, which is identified in the CTSDF as a priority area for investment, integration and spatial transformation. Development within this area is intended to support inward growth, connectivity, land use diversity, and densification, all consistent with the City's Transit-Oriented Development (TOD) strategy.

Relevant CTSDF policy statements applicable to the proposal include:

- Promoting land use policies that support the growth of small businesses.
- Encouraging appropriate land-use intensification to enable incremental densification.
- Enabling a greater mix of land uses and higher-density residential development in strategic locations.
- Planning for employment opportunities and improving access to economic nodes to create an inclusive, integrated, and vibrant city.

The proposed student accommodation and retail development supports these strategic objectives by introducing an appropriate level of residential density at a point of high accessibility, urban convenience, and economic opportunity. Accordingly, the application is considered fully consistent with the CTSDF.

7.4 Southern district plan

The Southern District Plan identifies the Main Road corridor as a priority focus area for mixed-use intensification, recognising its strategic role in supporting higher-density residential and commercial development. The subject property lies directly along this corridor, making it highly suitable for redevelopment that enhances the area's urban function and supports optimal land use.

The proposed development aligns with the District Plan's guiding principles, particularly those relating to:

- Place-making,
- Urban diversity, and
- Adaptability,

As articulated in the City's Urban Design Policy. The proposal strengthens the corridor's role as a mixed-use spine, contributing positively to the district's overall spatial vision.

7.5 City of Cape Town's tall building policy

- 7.5.1 The purpose of the city of cape town 's tall building policy is to ensure sustainable growth which positively contribute to place -making and the public realm
- 7.5.2 Enhances the city scape by ensuring new developments are integrated into the appropriate area
- 7.5.3 Given the proposed development and the slop of the site

Policy Objective	Assessment
The location of the tall buildings must protect the key views to Table Mountain, other mountains ranges as Kogelberg and Heldeberg	Limited public places existing the area that can be negatively impacted by this proposal. A full viewing assessment has not been done as the proposed development is should not be noticeable from any major road and blends in with the surrounding area. If anything, one would have a brief view exiting cape town at Groote Schuur hospital
Tall buildings should only be located in appropriate locations	The zoning scheme is a method of development that designates property for a particular development. The Surrounding properties are all zone GR2 to GB5 across the road, which has height restrictions of 25m. Having noted the above it clears the intention whilst implementing the zoning scheme, areas such as this has been earmarked for growth creating a node with taller building. With Building ranging from 8 to 10 storey's within a 400m radius.
Applications must meet assessment criteria as out in the policy	As per visual impact, it should be noted that the building is surrounded by tall buildings ranging from 3 to 9 storey buildings. Having plotted the surrounding buildings a 6-storey building will meet the criteria as per the tall building policy and we are of the opinion the criteria have been appropriately addressed.
Tall buildings must contribute to the quality of public realm at street and first floor.	Considering the SDP and 3D's provided, it is clear that careful attention has been paid to the public realm. Currently most of the site is vacant and has a dilapidated garage which attracts vagrants and other un wanted activity. The proposed development will contribute to the public realm
Possible additional review for significantly tall buildings	The proposal is not near 35m in height or 10 storeys high therefore this is not applicable to the proposal.
Assessment on the merit within the building unique context	The character of the area has been assessed and has been argued that the proposed development will not impact negatively on the built character of the area.
Area character will inform the design of tall building	The proposed 9 storey building is surrounded by 3 to 10 storeys building within 20m to 400m radius
A tall building design should consider the three parts of a tall building within its context	It is clear in the design phase (see 3D renderings) that the building has considered this, although the building is not particularly tall.
A tall building's design should include a mixed of uses and promote the City's Deification Strategy	It has already been shown that the proposal complies with the densification Policy and although the proposed development is mostly residential (student accommodation) due to the context and location within the Mowbray & Rosebank area, the provision has been made for retail. The proposed development is a mixture of 1 and 2 bed room unit resulting in a mixture of rental opportunity.
Criteria for renewable Energy and/or energy efficiency in tall buildings be considered to support limited infrastructure resources	The proposed development has the entire roof top fitted with solar panel making the building self-sufficient in terms electricity and can certain its self. The building also uses other technologies which will insure limited impact infrastructure and resources in the area

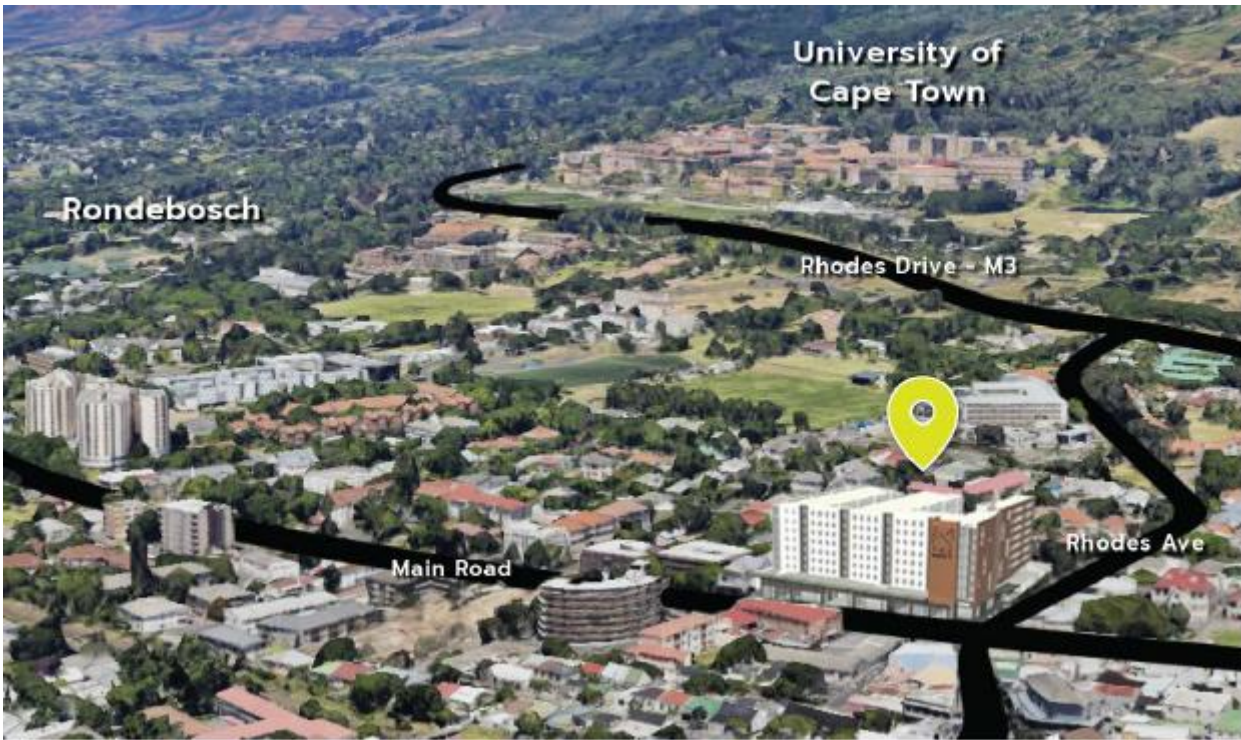


Figure 7: Building compatibility

The above rendering view from the West boundary shows that the proposed development will fit into the current built environment amongst the existing buildings. Additionally, it can be concluded that the height of the building is contextually appropriate and does not by definition amount to a “Tall Building”, but is generally compliant with the principles of this policy.

7.6 City Urban design Policy

The City of Cape Town’s Urban Design Policy (Policy No. 12986, approved 04 December 2024) seeks to integrate urban design principles into the assessment and preparation of development proposals. The policy promotes high-quality, inclusive, and contextually responsive environments that reinforce the City’s spatial structure, urban legibility, and sustainability.

In the context of Main Road, Mowbray a key activity corridor identified for mixed-use intensification and public transport-oriented growth the proposed new development to permit student accommodation with ground-floor retail aligns strongly with the objectives of the Urban Design Policy.

Policy Objective	Assessment
1. Strengthen the urban structure and enhance place identity	The proposal supports the established linear structure of Main Road, Mowbray, an identified mixed-use corridor linking residential, institutional, and commercial functions. By introducing purpose-built student housing above active ground-floor retail, the development reinforces the area's role as a vibrant, accessible, and integrated urban node within the southern suburbs.
2. Improve the quality and functionality of the public realm	The proposed ground-floor retail contributes to an active and safe streetscape. Transparent shopfronts, pedestrian entrances, and upgraded sidewalks improve street-level engagement and comfort. Landscaping and façade articulation along Main Road will enhance the visual quality and functionality of the public realm, in line with the policy's emphasis on placemaking.
3. Promote inclusivity, accessibility, and connectivity	Mowbray is well served by public transport, including the Mowbray Transport Interchange, train station, and minibus-taxi routes. The proposed development provides affordable, well-located student accommodation within walking distance of UCT, public amenities, and commercial services. This supports the City's aim of creating inclusive, accessible, and well-connected communities.
4. Encourage intensity, diversity, and adaptability	The combination of student accommodation and ground-floor retail enhances land use diversity and supports compact urban form. The proposal optimises an underutilised GB1 site through appropriate intensity while remaining compatible with surrounding development patterns. The flexible internal layout ensures long-term adaptability to future residential or mixed-use needs.
5. Ensure positive interface between buildings and the public realm	The design provides an articulated and transparent street façade, with active edges along Main Road and secondary articulation along Rhodes Avenue and Bollihope Crescent. Balconies, entrances, and glazing strengthen engagement with the public realm, improving natural surveillance and contributing to a safer, more vibrant pedestrian environment.
6. Integrate sustainable design and respond to natural systems	Although the site is fully urbanised, sustainability measures such as energy-efficient lighting, water-saving devices, and rooftop greening will be incorporated. These interventions align with the City's resilience objectives and contribute to a resource-efficient building typology.
7. Respect and enhance heritage, landscape, and townscape character	The subject property is currently vacant, and a Notification of Intent to Develop (NID) for the site was approved by Heritage Western Cape (HWC) in 2025. This confirms that no heritage resources are impacted by the proposed development. The design will introduce a contemporary, high-quality architectural response that respects the surrounding townscape scale, rhythm, and material palette along Main Road, Mowbray. The building form and height (27.5 m) are contextually appropriate and consistent with nearby multi-storey mixed-use developments, contributing positively to the evolving urban character of the corridor while maintaining sensitivity to the broader heritage context of the area.
8. Support safe and healthy communities	Continuous residential occupation above active retail ensures natural surveillance throughout the day and night. The design promotes pedestrian activity and social presence along Main Road, reducing opportunities for crime and contributing to a safer, more welcoming environment.
9. Value and enhance green and natural systems	While the immediate context is urban, sustainable design choices and possible rooftop landscaping will contribute to improved environmental performance. The redevelopment will enhance stormwater management and replace outdated infrastructure, supporting broader environmental sustainability goals.



Figure 8: 3-D Rendering of proposed development



Figure 9: 3-D Rendering of proposed development

Transit-Oriented Development (TOD) Strategic Framework

The City of Cape Town approved its Transit-Oriented Development (TOD) Strategic Framework in March 2016 as a long-term development strategy aligned with the City's "Cape Town 2032" vision. The Framework sets out a series of key indicators intended to guide future development:

- Ensuring an appropriate mix of land uses that generate and attract movement in the right locations, with the objective of balancing travel patterns across the city.
- Supporting a compact, well-connected urban form.
- Promoting development that enhances economic and social efficiency.
- Ensuring easy access to efficient, sustainable, and affordable public transport.
- Enabling the viability of the public transport system by encouraging more people to live and work in close proximity to trunk routes, whether rail or bus.
- Encouraging densification and mixed-use development along key transport corridors, with residential and commercial activities located within walking distance of public transport.

The proposed development is fully compliant with the TOD Framework, as it provides intensification and densification in a location immediately accessible to multiple public transport modes. This will:

- improve the affordability and efficiency of public transport,
- enhance accessibility to economic and educational opportunities, and
- contribute to creating a stronger sense of place along the Main Road corridor.

The proposal aligns with TOD goals by situating residential accommodation directly along a trunk route, within walking distance of the MyCiTi BRT, minibus-taxi facilities, and local bus services, and in an area ideal for walking and cycling. Specifically, the proposal promotes:

- Intensified and diversified urban development in close proximity to public transport stations; and
- An appropriate mix of residential, social and economic activity along a higher-order public transport corridor.

7.7 City of cape town's densification policy

The City's Densification Policy (2012) recognises the need for greater residential densities to support long-term environmental, social and economic sustainability. The policy identifies the subject site as falling within a priority area for appropriate densification.

Key policy objectives include:

- Ensuring building form, scale, bulk and architectural appearance are appropriate and integrated with the existing character of the area;
- Protecting and enhancing the built and natural environment; and
- Supporting viable and efficient public transport systems by facilitating economies of scale.

The proposed development represents appropriate and policy-supported densification, as it contributes to the restructuring of the city's spatial form and encourages compact urban development. This is widely regarded as essential for creating well-performing, sustainable cities.

The proposal is consistent with the Densification Policy for the following reasons:

- It promotes the optimal and efficient use of infrastructure, land and public amenities.
- It supports and strengthens the viability of public transport.
- It provides greater investor certainty regarding densification areas.
- Its scale is contextually appropriate for its location along an activity route.
- It contributes to place-making, supporting the creation of an attractive, safe urban environment.

Although a rezoning is required, the proposed densification remains appropriate, particularly when considering the previously approved development rights and the lower-intensity nature of student accommodation. The proposal responds to a demonstrated need for well-located student housing along a well-served public transport corridor.

7.8 Compliance with Section 99(1) (a)

All the relevant documentation and application have been provided in as required in terms of the Cape Town Municipal Planning By-Law of 2015 as amended.

7.9 Compliance with any applicable spatial development framework Section 99(1) (b)

7.9.1 Municipal Spatial Development Framework (MSDF)

The property is located within an existing urban footprint in the Urban Inner Core Area identified in the Municipal Spatial Development Framework (MSDF), where investment is targeted in order to transform and integrate the city. This will ensure growth, diversity and densification in line with the City of Cape Town's TOD strategy.

The following policy statement contained within the MSDF are applicable to this proposal:

- Promote land use policies and mechanisms that supports the development of small businesses.
- Promote the appropriate land use intensification across the city to ensure incremental densification.
- Allow for higher density residential development in appropriate locations
- Plan for employment and equal access to economic opportunity.
- Build an integrated and vibrant city

The proposed development promotes incremental intensification in an area, which has service capacity, which is in alignment with the MSDF. Additionally, the development of well-located land along an activity route, which has high accessibility to various public transport modes such as bus, minibus taxi, shuttles and e-hailing services.

7.10 Section 99(3) of desirability

The proposal is desirable as it facilitates land use intensification along an activity route near to the CBD that is also close to employment and education opportunities and various facilities. The application will not materially or adversely affect the rights of the surrounding neighbours and the area.

7.11 Approval of the application would not have the effect of granting the property the development rules of the next subzone

Although the application entails height and floor factor departures, they do not exceed 10% of the permissible parameters. The By-Law makes provision for departures of this nature and therefore it is believed that the additional floor factor and height will not amount to having the same development rules of the next sub-zone. Specifically when considering the previously approved proposals on the property, the departures sought are appropriate and will not result in any adverse significant impacts.

7.12 Compliance with Section 99(3) of the desirability

The application is desirable as it facilitates incremental and appropriate densification in a high amenity area in close proximity to employment opportunities and facilities. The proposal is compatible with the surrounding development and the application is compliant with City policies.

7.13 Compliance with any applicable policy approved by the City to guide decision making

❖ Economic Growth Strategy, 2013 (EGS)

The EGS provides an outline for creating opportunities within the City of Cape Town. Its chapters address the fundamentals building blocks of a competitive urban economies:

- competitiveness and productivity
- strategic infrastructure
- jobs and sustainable growth
- trade promote and sector development

The proposal is consistent with this strategy as it:

- Will ensure that growth is environmentally sustainable in the long term by densifying within an urban area.
- It contributes to the increased opportunity for economic activity
- Will provide employment for temporary and permanent employment especially during construction phase
- It will have a favourable economic impact for the area through the capital investment and employment generated during the construction of the new dwelling.

❖ Social Development Strategy, 2013 (SDS)

The SDS aims to broadly improve and enhance the quality of life of all people, especially the poor and marginalised. The proposed development provides a variety in size of residential living spaces, as well as temporary and permanent job opportunities

The proposal complies with the Social Development Strategy (SDS) as it improves the quality of life for people, specifically the students from all walks of life who will gain access to well-located facilities that will allow them safe and convenient residence which is along public transport routes.

❖ Considering the section 59 of the Land Use Planning act and section 7 of the spatial Planning and land use management Act, the following should be considered:

- **Principle of spatial justice**
 - The proposal improves the use of the land by increasing the residential opportunities in a well-located area.
 - The proposal complies with the provincial and local spatial development framework and policies
 - The retail component will provide jobs opportunities for lower income people
 - The proposed development will allow additional student to live in the area at an affordable rate, which will utilise public transport systems
- **Principle of spatial sustainability**
 - The application has no impact on agriculture
 - All relevant planning aspects relating to sustainability, heritage, environmental impact has been addressed in this motivation
 - The proposed development clearly complies with various related deification policies which limit urban growth and ensure sustainability
 - The site is currently underutilised in terms of envelop, the proposed development will bring much needed student accommodation to the area
- **Principle of spatial efficiency**

- The proposed development improves the municipal efficiency and expediency in dealing with land use and building plan matters in that the administrative burden is lessened
- The proposed development contributes to a more efficient use of the land.
- It is clear the proposed development optimises the existing resources and infrastructure given the location and the proposed use of student accommodation
- **Principle of spatial resilience**
 - The proposal is considered in terms of the MBPL, which allows for flexibility in spatial plans, policies and land use management systems to accommodate and ensure sustainability
 - By allowing the proposed development on the properties, a future use would be more resilient to change and allowing better development options.
- **Principle of spatial good administration**
 - This proposal has been motivated in terms of all legislation and policies relating to land use management and was drafted in support of various spatial planning documents
 - As motivated the proposed development complies with the applicable laws

7.14 Existing rights versus proposed rights

The potential impacts of the rezoning from GB1 to GB4 will be explained using the following points below.

- The scale and design of the development
- Impact of the building massing
- Impact on surrounding properties

These 3 areas are addressed below.

When considering the scale and building massing, the location of the subject property is a significant factor in that the property is located along an activity route and public transport route. The scale of the building is in line with the vision of the City of Cape Town's Densification as it promotes contextually appropriate densification in an area where densification is encouraged. Although the proposed building is one of the larger buildings within the area, the scale and massing aligns with the forward planning goals and objectives within the City.

Although the proposed building can be considered of a large scale considering the existing built form in the immediate area, the perceived impact has been mitigated through design. This is further assisted by ensuring an active interface on ground level which ensures the preservation of the character and streetscape in the receiving area.

In terms of scale and design of the building to specifically address building massing, the following should be considered:

- The proposed building has clearly been broken-up in terms of various architectural elements such as balconies and fenestration etc. This directly addresses perceived building scale and mitigates the potential of a towering structure when viewing from the streetscape.
- The building has been sufficiently setback from the lower scaled abutting properties and moved slightly towards the street to limit perceived massing. The design and stepping back of the building assists in reducing possible overshadowing or towering features, which would negatively affect the surrounding properties. The scale and massing in this regard is contextually appropriate.
- The building has various active elements i.e. balconies, windows and retail on 1st storey etc. facing the street, which reduces the sense of the building height and massing at pedestrian level. This in turn reduces the possibility of any perceived blank facades, which could detract from the aesthetic along the streetscape.
- Although there is parking proposed closer than 10m from the street, on the ground floor, this will not negatively impact on the aesthetic as the parking areas are wrapped with active building elements which also reduces perceived building massing.
- The proposed building height is not considered to be significantly out of scale and this has been corroborated by the HIA and previous heritage approvals, which were positive in favour of the proposal.

- Furthermore, there are many surrounding properties, along Main Road, zoned for General Business and Mixed-Use purposes, but are small narrow erven. Therefore, this means that there is not much potential for lateral development and thus development must occur vertically. The subject property is no exception.

It has been demonstrated throughout this motivation, that the proposal is consistent with the City's various policies, specifically the Densification, Tall Building and Urban Design Policies. This directly addresses the issues of building massing as a result of the proposed zoning. This kind of development is desirable in terms of all forward-thinking policies and guidelines and the proposed GB4 zoning will sufficiently integrate into the surrounding area without any adverse significant impact.

Figure 12: surrounding context



Figure 13: Surrounding zonings along Main Road

In terms of specifically the impact on surrounding properties, the following should be considered:

- Careful design has been taken into consideration of the proposed building in terms of massing, overlooking features and overshadowing etc.
- The surrounding properties are largely characterised by the proximity to Main Road as well as the streetscape created along this section of Main Road which sees large pedestrian interaction.
- The proposed building height is compatible with most of the surrounding zonings, especially when considering the permissible height of many of the surrounding properties, specifically zoned GR4, GB5 and MU2. Additionally, the area contains buildings of similar and higher heights within the immediate and surrounding vicinity.
- The primary use of the property remains residential and will therefore remain compatible with the surrounding area but also perfectly integrates with the intent of the activity route along which the subject property is located along.
- Although there are features such as balconies and windows overlooking the street, it can be argued that this would result in a positive impact in that it will in fact enhance the natural surveillance within the immediate area and also safety as a whole.
- Given the activation of the ground floor, specifically through the proposed shops and residential (student accommodation) spaces, it can be argued that the impact on the area and the surrounding properties will be positive.

Noting the arguments discussed above, it is clear that the proposal has an appropriate built form, addresses scale, design & building massing issues and will integrate well with the envisaged and future built form for the area without any significant or adverse impacts on surrounding properties.

Section 99(3)

- **Socio-economic impact**

The proposal is anticipated to increase residential accommodation in the area, which will socially improve the area. The fact that students will be able to gain access to living facilities which can be accessed by various modes of transport is a positive socio-economic aspect.

The proposed development will provide work opportunities to the public and construction costs will lift the economy in the immediate area. The scale of the investment into the area at a micro-scale, should have a positive socio-economic on the area and larger city in terms of an increase in rates base.

- **Compatibility with surrounding uses**

In terms of the compatibility with the surrounding uses, the proposed development will be residential as well as retail. The impact of the development, especially as it relates to departures, has already been motivated and explained above. The immediate surrounding properties are zoned mainly GR4, GB1, and MU2 with buildings ranging from 3 to 9 storeys, the proposed development is at 9 storeys and is at 27.5m high. Despite the applications sought, the intended use and nature of the proposed development is compatible with the surrounding uses and desired spatial objectives of this area and activity route.

In order to consider the impact on the area, one has to consider the surrounding properties and heights. It has been argued already in this proposal, that developing a 9-storey building in a built environment where the abutting properties are already ranging from 3 to 9 storey buildings will be compatible and will have no impact on surrounding uses. The proposed departures are considered acceptable in nature and is not anticipated to have any impacts on the neighbours and the area in general.

- **Impact on the external engineering services**

No impact on the existing services within the area is anticipated. Additionally, any related service issues will be addressed during building plan process. A detailed engineering service will be completed. The existing sewer main in the area is appropriate for the development. The capacity of both water and sewer mains are adequate for the proposed development. Pressure test will be performed to determine if a boosted fire connection is required. Any applicable development contributions will be paid.

- **Impact on safety, health and wellbeing of the surrounding community**

The proposed additions will not adversely impact on safety, health and wellbeing of the surrounding community. The proposal will add increased residential units to the area which will improve the safety and wellbeing within the surrounding community given more eyes on the street and neighbourhood.

Additionally, the area is known to be demarcated for more intensified development with a mixture of uses. This in fact uplifts the community which is characterised by a vibrant pedestrian environment and commercial facilities within walking distance. The proposed development clearly positively integrates into the receiving community and will therefore not result in any negative impacts in this regard.

- **Impact on heritage**

The property is situated within the Mowbray Rosebank HPOZ, which is a decidedly varied area of high heritage significance. It includes important streetscapes of commercial buildings along Main Road, highly significant historical houses and gardens such as those off Cecil Road. There are also clusters of 1920s houses and Victorian semis. This area has a rich texture and a significant density of heritage resources.

The heritage statement of significance above mentions that part of the heritage significance of this HPOZ is the importance of the streetscapes of the commercial buildings along Main Road. As is evident in the previous HIA and supplementary reports, that the proposed retail on ground and residential from 3rd storey is exactly what is envisaged for this area. All previous heritage comments have supported the previous development on the basis that a development of this nature, specifically the shops on the streetscape interacts positively with the heritage resource of the area.

- **Impact on the biophysical environment**

No adverse impacts on the biophysical environment is anticipated, since the proposal is within an urban area.

- **Traffic impacts, parking, access and other transport related considerations**

A maximum of 120 parking bays has been provided instead of the 252 required bays. Previously the proposed development was in a PT2 zone which would have complied with the parking provision in terms of the DMS. However, the proposed development is close to BRT and other public transport system. The previously approved applications were supported by Council's Transport Department who have indicated their support for the application along with the TIA. The previous TIA was done based on normal residential flats which can be seen as a more traffic intensive use due to the fact that the average homeowner would generally own a vehicle or two.

However, the supplementary TIA has proven that student accommodation is far less impactful on traffic as private vehicle ownership is very low amongst students making use of such student living facilities. This has been proven by studies conducted in the TIA submitted with this application which shows a very low number in students who require parking disks in such facilities. It is in fact well known that the majority of students make use of shuttles, taxis and e-hailing services such as uber. No adverse negative traffic related impacts are therefore anticipated.



As previously stated in this report, it should be noted that the subject property is located in a previously designated PT2 Zone that allows for reduced parking requirements. Under the PT1 parking requirements, a total of zero would be required and thus the parking provision would be compliant. It can therefore be noted that the required parking departure is minor in nature and due to the property location in relation to the desired forward planning spatial goals and objectives, that having a development which encourages the use of public transport along an activity route is highly desirable.

In addition to the above it must be noted that the subject properties location being very close to public transport routes is sufficient motivation for the reduced parking provision.

8. Conclusion

As demonstrated in this motivation, the application is desirable in terms of the by-law and will not have any significant negative impacts on the surrounding neighbours and the area. It has been demonstrated in this motivation, that the proposal is in line with and consistent with the applicable spatial development framework. The proposed development has been assessed and has been shown to be compliant with the following city policies and strategies namely: TOD strategic framework, Urban Design Policy, Densification Policy, Tall building Policy, Social Development and Economic Growth Strategies.

The proposal encourages the development of sought after accommodation located near to various forms of public transport. Furthermore, with the addition of shops on the ground floor, this promotes appropriate densification as well as land use intensification on well-located erven.

As per the assessment contained in this motivation, it has been shown that the proposed development is desirable based on the criteria contemplated in section 99 of the MPBL and thus this application should be considered favourably.

ANNEXURES

Annexure 1: Application form

Annexure 2: Company Resolution & Company Report

Annexure 3: Power of attorney

Annexure 4: Copy of the Title Deeds and proof of ownership

Annexure 5: Shadow study images

Annexure 6: Site Development Plans

Kind Regards

Zaid Orrie