



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

Case ID 1500155230

**Erf 3424, 8 Arnold Road,
Table View, Milnerton**

Development Management

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APPLICATION FOR REMOVAL OF TITLE DEED RESTRICTION AND SITE DEVELOPMENT PLAN APPROVAL:

ERF 3424, TABLEVIEW

MARCH 2025

REV 2



CLIENT:

SUBMITTED BY :

MAJOR DEVELOPMENT CONSULTANTS

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1. INTRODUCTION

1.1 Preamble

Our client, _____, represented by _____ is the owner of Erf 3424 Milnerton (hereafter referred to as the Subject Property), situated in the suburb of Sunridge in the lower portion of Table View. The current owner purchased the Subject Property with the intention to redevelop the site into medium-density residential apartments (flats).

The proposed redevelopment aligns with prevailing property market trends in the area, where relatively large properties previously zoned as Single Residential are being rezoned to allow for the development of flats. This trend responds primarily to the general shortage of affordable accommodation close to areas of economic activity within the City of Cape Town. This redevelopment approach is also closely aligned with the City of Cape Town's vision of creating a more liveable city for all its citizens.

The intention is to redevelop the property to accommodate 22 apartments in built form. A pre-submission meeting held on 17 June 2025 with the relevant city department regarding this intent of our proposal, and the 'greenlight' was issued with certain consideration to be considered. This report will outline the alignment of the proposal with the city's vision spatial planning imperatives and express the motivation to remove the title restriction that will hinder this proposal.

1.2 Application

The purpose of the application is to apply for the removal of title deed restriction in term of section 42(g) and section 42(j) of the CoCT Municipal Planning By-law of 2015 to allow for 22 apartments on the property. The application seeks for the removal of title deed Township condition (b) and (d).

Title deed (Title Deed No: _____) Township condition to be deleted are as follows:

Condition b states

"That only one dwelling house or, subject to the consent of the Local Authority, a special building or a building designed for use as a place of public worship, a social hall, a parking garage, an institution or a place of instruction be erected on this erf."

Condition d states:

That no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4.73 metres to the street line which forms a boundary of erf. No such building or structure shall be situated within 1.57 metres of the lateral boundary common to any adjoining erf.

1.3 Applicant

Major Development Consultants represented by Paul Majola professional Town Planner(A/3565/2025) has been appointed by the client, the _____ as the registered owner to compile the application for the Removal of title deed Restriction on their behalf. The table below provides the general details of the applicant:

1.4 Registration Details

Registered details of the current landowner, who authorized this office to proceed with this application, is as follows:

TABLE 1 – OWNER DETAILS			
REGISTERED DESCRIPTION	TITLE DEED No.	REGISTERED OWNER	EXTENT
Erf 3424 Milnerton Situated in Cape Town, Western Cape			1197m ²

1.5 Surveyor General's Diagram

There are no constraints or servitudes indicated on the General Plan, Plan number 10426/55, that would impede the proposal.

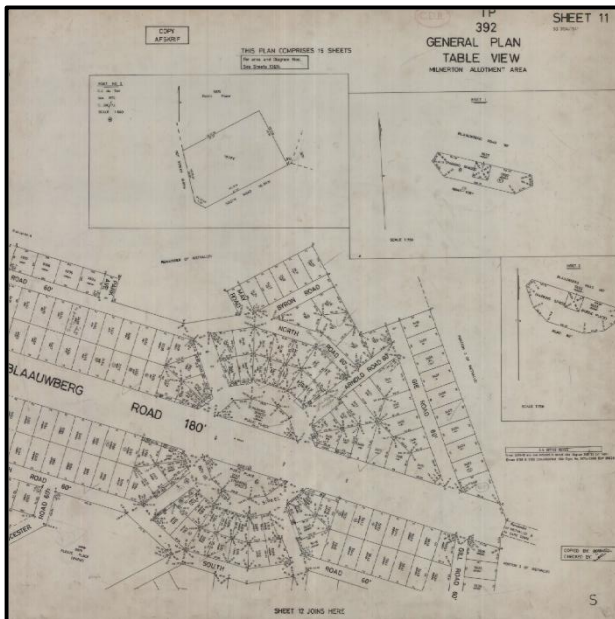


Figure 1: General Plan

2. LOCATION AND CONTEXTUAL ANALYSIS

The subject property is located at 4 Arnold Road in the Sunridge suburb of Table View, approximately 400 meters north of Blaauwberg Road (an east–west arterial) and 100 meters west of Gie Road (a north–south connector). This strategic position lies within the development corridor anchored by Blaauwberg Road, which, together with Gie Road, serves as a major and minor arterial linking Table View to the Cape Town City Centre and providing public transport access via the MyCiTi bus service. The area is predominantly residential with occasional low-intensity uses such as offices within 50 meters of the property. Historically characterized by single-dwelling units, the suburb is undergoing redevelopment toward higher-density uses, including flats, supported by the City's recently adopted strategy to rezone most single-residential properties in the corridor to higher-order zones. Accordingly, the subject property has been rezoned from Single Residential to General Residential Zone 2 (GR2).

Also, the Property is situated in PT2 with zero parking bay requirements.



Figure 2: Context Macro View

2.1 Land use and Character Vicinity

The Sunridge suburb is predominately in character with an uptrend redevelopment of flats and high density residential the immediate surrounding land uses are as follows:

The property is abutted by the following:

North: Erf 3441, Single dwelling

South: Erf 12571, Group Housing

East: Erf 40340, Vacant (proposed Flats).

West: Erf 3422, Single dwelling



Figure 3: Surrounding Landuse

2.2 Current Zoning

In terms of the Cape Town Zoning Scheme, the subject property is currently zoned as General Residential 3, Our proposal is in line with the Current Zoning in accordance with the CoCT DMS.



Figure 4: Existing Zoning Macroview

2.3 Physical Natural Features

The subject property natural topography can be described as flat with slope of greater than 1: 10 with and trees on northern and southern tip off the site, to be removed to accommodate the proposal.



Figure 5 : Existing Vegetation

3. DEVELOPMENT PROPOSAL

3.1 Development Specification

The proposed development at 4 Arnold Road, Table View comprises 22 contemporary residential units designed to deliver a high-quality built form that enhances the public realm through active street frontage, permeable boundary walls (25%), and landscaped verges, creating a vibrant and pedestrian-friendly environment. The architecture reflects human-scale massing with articulated façades, balconies, and modern finishes, ensuring contextual sensitivity while optimizing solar orientation and natural ventilation for environmental sustainability. Compliant with General Residential 3 zoning parameters—including a floor factor of 1.25, coverage of 59%, and height within the 20 m limit—the scheme integrates green building principles, water-wise landscaping, and energy-efficient design to promote resilience and liveability. Amenities such as an 85 m² communal play area, secure parking for 22 vehicles (including disabled bays), and refuse facilities reinforce convenience and functionality.

Proposal Development Component



Figure 6: Proposed Development

Unit Name	Level	Bedrooms	Column1	Unit size (m ²)
G01	01 - Ground Storey (FFL)	2	No	62.5
G02	01 - Ground Storey (FFL)	2	No	63.7
101	02 - First Storey (FFL)	2	Yes	65.2
102	02 - First Storey (FFL)	2	Yes	64
103	02 - First Storey (FFL)	2	Yes	65.2
104	02 - First Storey (FFL)	2	Yes	59.6
105	02 - First Storey (FFL)	2	Yes	59.4
106	02 - First Storey (FFL)	2	Yes	57.8
107	02 - First Storey (FFL)	2	Yes	63.2
108	02 - First Storey (FFL)	2	Yes	59.5
201	03 - Second Storey (FFL)	2	Yes	65.2
202	03 - Second Storey (FFL)	2	Yes	64
203	03 - Second Storey (FFL)	2	Yes	65.2
204	03 - Second Storey (FFL)	2	Yes	54.3
205	03 - Second Storey (FFL)	2	Yes	54.3
206	03 - Second Storey (FFL)	2	Yes	51.8
207	03 - Second Storey (FFL)	2	Yes	57.6
208	03 - Second Storey (FFL)	2	Yes	54.3
301	04 - Third Storey (FFL)	2	Yes	65.2
302	04 - Third Storey (FFL)	2	Yes	64
303	04 - Third Storey (FFL)	2	Yes	65.2
304	04 - Third Storey (FFL)	2	Yes	64
Grand Total		44		1345.2

Figure 7: Proposed Development Built Form

3.2 Proposal Alignment with DMS 2025

	Zone	FAR	Coverage	Max height	Common building line	Street Building Line	Street centreline setback
Required DMS 2025	General Residential 3	1.25	60%	20m	4,5 m or 0,6 H (0,0 m up to 15,0 m height for 18,0 m from street)	4.5m	N/A
Provided		1.25	59%	20m	4.5m, to 10m	4.5m	N/A

The proposal is in line with the development control of the General Residential Zone 3 as outlined in the CoCT MPBL and DMS 2025.

4. LEGASLATIVE POLICY ALIGNMENT

4.1 CoCT Municipal Spatial Development Framework (2023)

Cape Town's Integrated Development Plan (IDP) outlines three key spatial strategies to guide urban development: fostering an inclusive, integrated, and vibrant city; managing urban growth while balancing development with environmental protection; and enhancing employment planning and access to economic opportunities. These strategies shape the city's overarching spatial vision, influencing the review of sectoral and local spatial plans, and guiding both public and private development proposals. The Municipal Spatial Development Framework (MSDF) further supports these strategies by setting development directives based on environmental, risk, and social considerations, which may trigger additional legislative processes and affect site development potential. Also, the spatial strategies also inform submissions and motivations for development proposals and applications from the public and private sector and directly affect the assessment of applications under delegation, thus the evaluation of our proposal alignment with the MSDF.

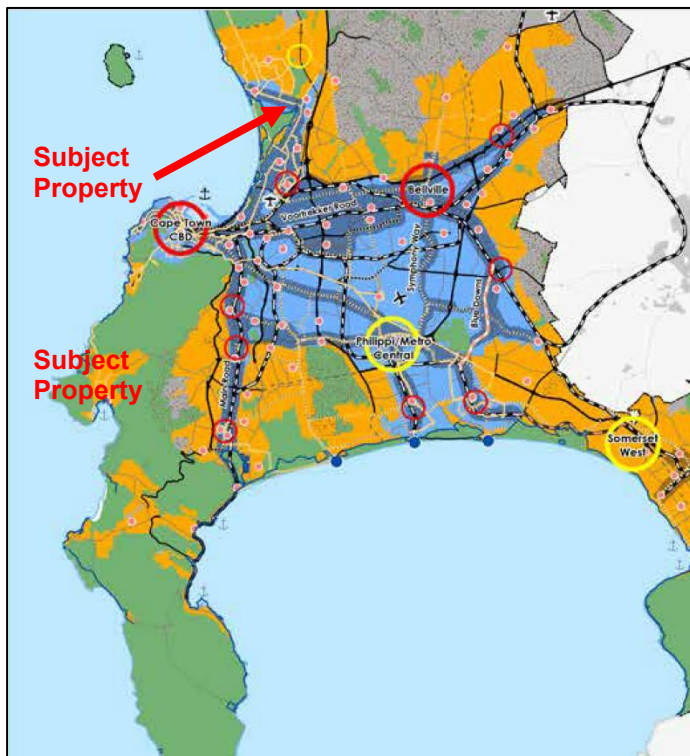


Figure 8: CoCT MSDF 2025, Map 5

Figure 8 Shows that the subject property is within area t MSDF categorized as inner core.

The Urban Inner Core is the metropolitan priority area for development and investment. It includes the majority of the city's existing industrial and commercial nodes, key transport infrastructure such as the airport and ports, Integration Zones, and corridors aligned with the Integrated Public Transport Network (IPTN). The Urban Inner Core is central to the City's inward growth strategy, promoting transit-oriented development (TOD), land use intensification, and spatial transformation.

The Municipal Spatial Development Framework (MSDF) serves as an overarching policy framework that guides development and ensures proposals align with the City's vision and spatial imperatives. Proposals within the Urban Inner Core should adhere to the following principles:

- Promote inward growth to optimize land use and curb urban sprawl.
- Support Transit-Oriented Development (TOD) strategies, encouraging high-density, mixed-use development near public transport routes.
- Contribute to an inclusive, integrated, and vibrant city, addressing historical spatial fragmentation and fostering equitable access to opportunities.

Our proposal aligns with the core principles of the MSDF, as it promotes densification by converting the existing single residential unit into 23 residential apartments, thereby supporting efficient land use and spatial transformation objectives.

4.2 Blaauwberg District and Sub District Plan

The Blaauwberg District Plan and Sub-District Plan serves as a critical spatial planning instrument that guides sustainable urban development, land use management, and infrastructure investment within the Blaauwberg district. It aligns with the overarching Cape Town Municipal Spatial Development Framework and integrates environmental, socio-economic, and transport (TOD) considerations to promote spatial justice, economic resilience, and ecological sustainability. The plan provides a strategic vision for each sub-district, identifying priority areas for densification, mixed-use development, and public investment, while ensuring the protection of natural assets and heritage resources. It is a dynamic tool that supports coordinated decision-making across municipal departments and stakeholders, fostering inclusive growth and improved quality of life for all residents.

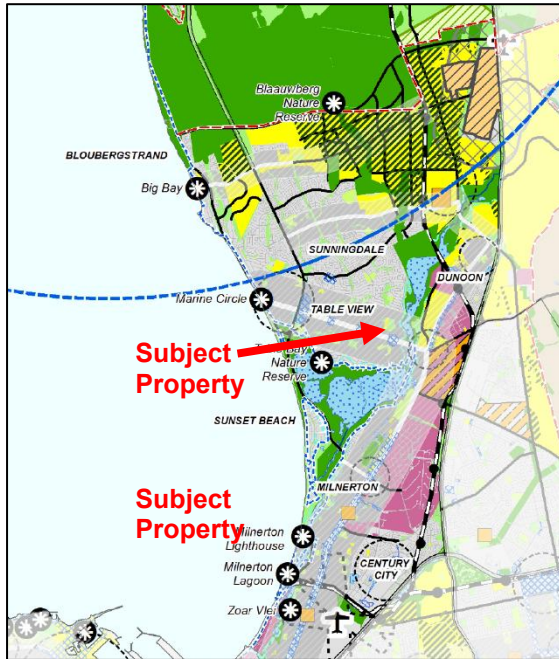


Figure 9: Extract of Blaauwberg District Plan 2023

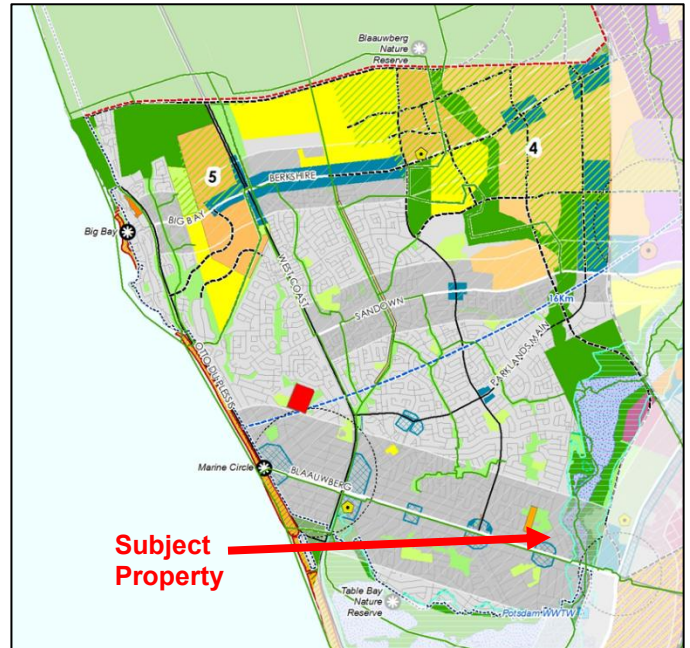


Figure 10 : Sub-District 3 of Blaauwberg District Plan 2023

Figure 9 shows location of the subject property in relation to the Blaauwberg district Plan 2023 and **Figure 10** reflect where the subject is located in respect to the Sub District 3 greater Tableview area.

The proposed development is situated within 200 meters of Blaauwberg Road, Blaauwberg road functions as the primary spine of the development corridor and a key informant of the spatial vision for the Table View area. Blaauwberg Road is a major trunk route for public transport, making the site's strategic location between Gie Road and Blaauwberg Road which makes it ideal for supporting the City's Transit-Oriented Development (TOD) policy and the principles of the development corridor.

This proposal aligns with the District Plan guidelines and the MSDF by:

1. Supporting densification along Blaauwberg Road, particularly within the first three property rows, by converting a single residential unit into 23 apartments.
2. Promoting higher-order development within the corridor to optimize the transport network and reduce congestion, consistent with the TOD policy
3. Encouraging appropriate building heights in line with corridor guidelines, with higher density and height concentrated near nodes and intersections.
4. Enhancing the active street interface by ensuring that parking areas are located behind buildings, contributing to a pedestrian-friendly environment along Blaauwberg Road.

5. Aligning with the development corridor principle of improving the functionality of existing nodes and promoting inclusivity through integrated, higher-density residential development.

Considering the the above the proposal of densifying the subject property to the 23 Residential unit its is aligned with the district plan informat and development guidelines.

4.3 LUPA and SPLUMA Relevancy to Removal of Restriction

4.3.1 Historically, restrictive conditions in title deeds were removed under the Removal of Restrictions Act (1967). In the current legislative framework, applications for the removal, suspension, or amendment of restrictive conditions are processed by municipalities under their respective Municipal Planning By-laws in this instance the Municipality City of Cape town Municipal in terms of section 42 (j), which must comply with the requirements of the Spatial Planning and Land Use Management Act (SPLUMA), Act 16 of 2013, and the Western Cape Land Use Planning Act (LUPA), Act 3 of 2014 principles.

Both SPLUMA and LUPA define a "restrictive condition" broadly as any condition contained in a title deed that limits land use or development rights. These provisions ensure that restrictive conditions do not impede on spatial transformation objectives of efficient land use management, and alignment with municipal spatial planning policies.

4.3.2 The overarching LUPA and SPLUMA principle, are as follows:

- **Spatial Justice**

Correct past imbalances by improving access to land and services for disadvantaged communities.

- **Spatial Sustainability**

Promote sustainable land use, protect natural resources, and ensure environmental resilience.

- **Efficiency**

Optimize existing infrastructure and resources; encourage compact, integrated development.

- **Spatial Resilience**

Ensure adaptability to economic and environmental shocks (e.g., climate change).

- **Good Administration**

Transparent, accountable, and efficient decision-making processes

The restrictive conditions were originally imposed to manage and maintain the spatial structure of the Table View Township at the time of its establishment. Based on the conveyancer's certificate and title deed, the township was proclaimed in 1984 under Section 18(3) of the Cape Ordinance No. 33 of 1984, which included special conditions aimed at preserving a low-density residential character.

However, these conditions have become inconsistent with current municipal policy and the City's development vision for the area. Our application seeks to remove the aforesaid conditions as they restrict the implementation of contemporary planning frameworks and the Municipal Planning By-Law. The proposed development of 23 residential units aligns with current legislation and municipal policy, as detailed in Section 4.1 of this submission.

For the sake of consistency and relevance, and to enable conditions that support the City's spatial objectives, we respectfully request the removal of these outdated restrictions. This will allow the municipality to achieve its current vision for the area and facilitate development that is aligned with applicable policies and by-laws.

Title deed Restriction condition to be removed

Condition 1(b) states

"That only one dwelling house or, subject to the consent of the Local Authority, a special building or a building designed for use as a place of public worship, a social hall, a parking garage, an institution or a place of instruction be erected on this erf."

Condition 1(d) states:

That no building or structure or any portion thereof, except boundary walls and fences shall be erected nearer than 4.73 metres to the street line which forms a boundary of erf. No such building or structure shall be situated within 1.57 metres of the lateral boundary common to any adjoining erf.

4.3.3 Table Showing the Proposal relevancy to Landuse LUPA and Development SPLUMA Principles:

SPLUMA Chapter 2 , section 7 and LUPA Chapter VI section 59 Principles	
Spatial Justice - Correct past imbalances by improving access to land and services for disadvantaged communities.	The proposal seeks to develop 23 residential apartments within the Table View Township, an area historically characterized by low-density, affluent residential development. This initiative will introduce a more inclusive housing option by providing smaller, more affordable units, thereby creating opportunities for a broader segment of the population to reside within the Table View suburb. The development promotes diversity, affordability, and efficient land use in line with contemporary municipal policies and spatial planning objectives
Spatial Sustainability - Promote sustainable land use, protect natural resources, and ensure environmental resilience	The proposal takes into account existing natural resources and environmental factors. The trees identified for removal are non-indigenous species, and their removal contributes to environmental resilience and ecological integrity. Furthermore, the development is considered sustainable as it aligns with the prevailing urban trend and anticipated future character of the area. The proposed apartments will integrate seamlessly into the evolving spatial structure, supporting compact development and efficient land use.
Spatial Efficiency - Optimize existing infrastructure and resources; encourage compact, integrated development.	The proposal seeks to maximize the efficient use of the site without compromising the integrity of adjacent properties or the quality of the public realm. By introducing a well-designed residential development, the project will enhance the spatial character of the area and contribute meaningful value to the surrounding community through improved housing diversity and affordability
Spatial Resilience - Ensure adaptability to economic and environmental shocks (e.g., climate change).	The proposal incorporates energy-efficient elements to promote sustainability and reduce operational costs. The building orientation is designed to maximize natural sunlight absorption, thereby minimizing the need for artificial heating during winter months. This approach enhances thermal comfort for residents while supporting environmentally responsible development practices.
Good Administration - Transparent, accountable, and efficient decision-making processes	The proposal is fully aligned with the principles of good administration as outlined in the Municipal Planning By-Law and applicable zoning regulations. The application will follow all statutory land use procedures, including public participation and formal advertising, ensuring transparency and compliance with legislative requirements.

4.4 LUPA Section 39(5) of LUPA Requirements

When assessing a removal of restrictive condition **LUPA** requires cognizance be taken to at least the following aspects:

4.4.1 (a) The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement.

The restrictive condition currently limits the property to low-density residential use, which historically preserved the spatial character of Table View Township. While these rights may have provided value to adjacent property owners by maintaining exclusivity and low-density living, they now conflict with current municipal policy and zoning objectives that promote densification and inclusion.

Our proposal to develop 23 residential apartments introduces a more efficient and sustainable use of land without compromising the integrity of surrounding properties. The removal of the restrictive condition will not diminish the financial value of neighbouring properties; rather, it will enhance overall area value by diversifying housing options, improving affordability, and aligning with the City's vision for integrated, compact development. This approach ensures that the rights enjoyed under the restrictive condition are balanced against broader public interest and spatial justice principles.

4.4.2 (b) The personal benefits which accrue to the holder of rights in terms of the restrictive condition.

Our proposal to develop 23 residential apartments will generate significant benefits beyond individual property owners. It will enhance the monetary value of the subject property (which will have a positive fiscal impact to the municipality through rates collection), stimulate local economic activity, and contribute to the general revitalization of the area. By introducing higher residential density, the development supports integrated urban growth, enabling efficient public transport systems and fostering mixed-use opportunities along the corridor. These outcomes align with municipal objectives for sustainable, inclusive development and reflect the principles of SPLUMA and LUPA.

4.4.3 (c) The personal benefits which will accrue to the person seeking the removal, suspension or amendment of the restrictive condition if it is removed, suspended or amended.

We are applying for the removal of the restrictive condition because it no longer serves the objectives of current legislation or municipal policy. The condition limits the property owner's right to develop in accordance with the City's vision for densification and integrated urban growth. Removing this restriction will enable the proposed development of 23 residential apartments, which aligns with the Municipal Planning By-Law, SPLUMA, and LUPA principles. This amendment will allow the property owner to realize the full development potential of the site.

4.4.4 (d) The social benefit of the restrictive condition remaining in place in its existing form.

In our professional opinion, there will be no social benefit for either the property owner or the broader community if the restrictive condition remains in its current form. Retaining this condition will render the proposed development physically and economically unviable, thereby preventing the realization of positive outcomes such as increased housing diversity, improved affordability, and enhanced functional densities that support public transport and commercial activity within the development corridor.

The removal of the restrictive condition is therefore essential to unlock these benefits and align the property with current municipal objectives and legislation.

4.4.5 (f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

The application seeks to remove the restrictive condition that limits development to a single residential dwelling on the property. This amendment is necessary to enable the proposed development of 23 residential apartments. Importantly, the application does not seek to alter the land use zoning or fundamentally change the character of the site; rather, it aims to increase the development potential within the existing residential framework.

Therefore, the removal of this condition will not eliminate all rights enjoyed by beneficiaries but will only amend the restriction on dwelling quantity. The proposal represents a logical evolution of the original development rights premised for Table View Township and is consistent with current municipal policy and spatial planning objectives.

5. DESIRABILITY

The assessing the merits of our application, Section 99 of the MPBL needs to be considered. The following considerations are relevant in terms of the listed items:

5.1 Socio-Economic Impact

The proposed development of 23 apartment units in Table View will generate significant socio-economic benefits. During the construction phase, the project will create temporary employment opportunities for skilled and semi-skilled labour, stimulating local economic activity through procurement of materials and related services. Post-construction, ongoing building management and maintenance will support permanent jobs and service contracts. Increased residential density will enhance functional urban thresholds, improving the viability of public transport (on Gie Road and Blaauwberg road) and attracting commercial activities, due to the density threshold within the development corridor. Furthermore, the introduction of modern apartments will contribute to property value appreciation in the surrounding area, fostering economic revitalization and aligning with principles of spatial efficiency and sustainability.

5.2 Compatibility with Surrounding Uses

As previously noted, the subject property is located within a suburb historically characterized by low-density residential development. However, the municipality has earmarked specific overlay zones for densification and higher-order zoning to support its long-term spatial vision. Our proposal falls within one of these identified pockets. Over the past decade, the land use landscape in Table View has evolved significantly, with numerous properties rezoned to accommodate higher-order uses such as apartment blocks, as illustrated in the accompanying figure. This establishes a clear precedent for developments of this nature. Accordingly, our proposal is both compatible with the existing residential fabric and aligned with the future high-order residential character envisioned by the municipality.



Figure 11: Surrounding Compatible/Similar Landuses

5.3 Impact on External Engineering Services

A pre-submission meeting was convened, and the minutes are attached. One of the key comments from the Stormwater Department highlighted limited capacity within the Potsdam Wastewater Catchment. At present, the City's infrastructure cannot accommodate the projected sewer flows from the proposed development. Consequently, a Stormwater Management Plan was requested to assess capacity requirements for water demand and sewer flows. A detailed Stormwater and services report prepared by a qualified engineer (Anirudth Maharaj and Associate) is attached for reference.

Based on the findings, the most viable approach is to align the commencement of the proposed development with the scheduled upgrade of the Potsdam Wastewater Catchment in 2027. This ensures that no additional infrastructure will be required prior to the upgrade, thereby maintaining compliance with municipal engineering standards.

5.4 Impact on Safety, Health & Wellbeing of the Surrounding Community

The proposed development has been carefully designed to create a positive street façade along Arnold Street. The building orientation faces Arnold Street, ensuring active frontage and visual engagement with the public realm. First-floor balconies overlooking the street provide natural surveillance, which enhances passive security and contributes to improved safety along Arnold Street. This design approach aligns with principles of Urban design elements and supports a vibrant, pedestrian-friendly streetscape

5.5 Impact on Heritage

In our view there is no Heritage impact on the site, the building is less than 60 years thus no significant impact to heritage Risk.

5.6 Impact on Biophysical Environment Area

The site is already built up but to accommodate the new development the existing structure will be demolished together with removal of the existing trees. An applicable Landscape Plan is submitted with this application which will be implemented in relation to environmental management recommendations.

5.7 Impact on Traffic, Parking, Access and other Transport Related Considerations

The proposed development will gain access from Arnold Road, classified as a Class 5 road with minimal traffic congestion, ensuring that the development will not negatively impact accessibility or traffic flow. The site is located within a PT2 zone, whereby zero parking bays are required by policy. However, to enhance functionality and convenience, the proposal includes 23 parking bays recessed into the property on the ground floor, providing adequate on-site parking for residents without compromising the streetscape or public realm.

5.8 Imposed Conditions to Mitigate Adverse Impacts

Any condition imposed by council will be adhered to in relation to our proposal.

6. CONCLUSION

In view of the above motivation, we recommend that the application to apply for the removal of title deed restriction in term of section (42(g) of the CoCT Municipal Planning By-law of 2015 to allow for 22 apartments on the property, to be approved by council.