



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500158604

**Erf 47441, 62 Pearl Street, Fairdale,
Blue Downs**

Development Management

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MOTIVATION REPORT

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APPLICATION IN TERMS OF S.42(A) AND S.42(B) OF MPBL

REZONING APPLICATION FROM GR.1 TO GR.4 (BOARDING HOUSE)

APPLICATION FOR REZONING AND PERMANENT DEPARTURES IN
TERMS OF SECTIONS 42(a) AND 42(b) OF THE MUNICIPAL PLANNING
BYLAW (AS AMENDED 2025): CONSOLIDATED ERF 47441 BLUE
DOWNS (STELLENBOSCH), 62 PEARL STREET,
FAIRDALE

1. COUNCIL'S REQUIREMENTS:

Council's requirements with regard to departure application:

1. The existing land use on the consolidated erf does not seem to have a Land Use Management approval and is unauthorized – an administrative penalty for such was issued, but not yet paid. Please confirm payment.
2. Please submit the correct application types to rectify the existing land use and building work. It should be noted that a rezoning to GR2 may be required given the density is more than 3 dwelling houses. It is advised that a town planning consultant be appointed to assist with the land use application given the complexity and history behind this site.

Other technical requirements to be addressed. If not addressed at this stage, it will be requested as part of the additional information process:

- (a) Provide a revised plan that:
 - i. Illustrates the correct DMS building lines.
 - ii. Illustrates the floor factor calculation.
 - iii. Illustrates the elevation, dimensions and visual permeability calculation (if higher than 1.5m) of the street boundary wall.
 - iv. Illustrates the carriageway crossing and parking bays with parking bay calculations.
 - v. Illustrates the windows correctly – see image below. These windows are not indicated on the plan. If they are to be bricked up, then illustrate the intention.
- (b) Additional fees may be required; these will be calculated upon receipt of a correct application.
- (c) Please supply all previous LUM approvals – consent for guesthouse on parent erf 8934.

2. APPLICATION FOR REZONING TO GR.4 (BOARDING HOUSE)

ERF SIZE 431m² ZONING: G.R.1

EXISTING STRUCTURES: 342,89m²

PROPOSED ADDITIONS: 201,25m²

NEW TOTAL: **544,14m²**

ERF COVERAGE: **61,29%**

FLOOR FACTOR ALLOWED 1.00 - 431.00m² = 100%

FLOOR FACTOR ACHIEVED 1,2625 - 544,14m² = **126.25%**

3. REZONING TRIGGERED:

BULK OF **126.25%** PROPOSED **TRIGGERS REZONING TO GR.4**

4. COVERAGE DEPARTURE:

COVERAGE PROPOSED TRIGGERS **PERMANENT DMS DEPARTURE**

5. STREET BUILDING LINE DEPARTURE:

BUILDING IS LOCATED 1.0 METER INSTEAD OF 4.5 METERS AWAY FROM STREET BOUNDARY

TRIGGERS PERMANENT DMS DEPARTURE FROM GR4 4.5 METERS STREET BOUNDARY BUILDING LINE, TO ALLOW FOR THE BUILDING TO BE LOCATED 0.0-METER, 1.0-METER AND 2.1-METER, IN LIEU OF 4.5- METERS

6. PARKING DEPARTURE TRIGGERED:

A TOTAL OF 22 GUEST ROOMS ARE INCORPORATED INTO BOARDING HOUSE, WHICH TRIGGERS A NEED FOR A TOTAL OF 16 ONSITE PARKING BAYS ARE REQUIRED, WHILE A TOTAL OF 2 ON-SITE PARKING BAYS HAVE BEEN PROVIDED – MOTIVATION: BECAUSE OF SITE CONSTRAINTS NO MORE THAN 2 ONSITE PARKING BAYS CAN BE PROVIDED, BEARING IN MIND THAT MOST GUESTS/BOARDERS WILL MAKE USE OF PUBLIC TRANSPORT/ UBER. **TRIGGERS A DMS DEPARTURE**

AN ADDITIONAL ITEM 136B(g) PERMANENT DEPARTURE IS REQUIRED:

THE BOUNDARY WALL DOES NOT COMPLY WITH THE PERMEABILITY REQUIREMENT OF SECTION 136B(g) OF THE DMS, AS DETAILED ON THE SDP

AN ADDITIONAL ITEM 141(1)(b) PERMANENT DEPARTURE IS REQUIRED:

AN ADDITIONAL DEPARTURE IS REQUIRED SINCE THE VEHICLES WILL NOT BE ABLE TO EXIT THE SITE WITHOUT REVERSING ACROSS THE SIDEWALK - ITEM 141(1)(B)

7. **COMMUNAL AREAS:**
COMMUNAL LOUNGE AND EATING AREA INCORPORATED INTO
BOARDING HOUSE DESIGN
8. **ADVERTISING:** IT IS REQUESTED THAT COUNCIL SERVES NOTICES
ON THE NEIGHBOURS.
9. **SECTION 99 (1, 2 & 3) OF PLANNING BYLAW:**

99. Criteria for deciding application:

(1) An application must be refused if the decision-maker is satisfied that it fails to comply with the following minimum threshold requirements –

(a) the application must comply with the requirements of this By-Law;

THIS APPLICATION IS CONSISTENT WITH THE MPBL.

(b) the proposed land use must comply with or be consistent with the municipal spatial development framework, or if not, a deviation from the municipal spatial development framework must be permissible;

THE PROPOSAL IS CONSISTENT WITH THE MSDF AS READ WITH THE APPLICABLE DISTRICT PLAN.

NO DEVIATIONS ARE REQUIRED FROM DISTRICT PLAN

The City of Cape Town has assisted the landowner in acquiring and consolidating three neighbouring erven, in order to create what is now known as Erf 47441, Blue Downs, with a guest house departure being granted in respect of one of the original erven namely Erf 8934.

The property is zoned GR1, but there is no Home Owners Association established in respect of the development.

There are three buildings on the property, which is permitted in terms of the proposed GR4 zoning.

The site is located within an old and established part of Cape Town, with a distinctive high/medium density residential character.

The site is located within a built-up residential area, designated spatially for urban development and is therefore construed to be consistent with the MSDF as read with the applicable Local District Plan, in terms of which **'inward growth'** is promoted.

The site is located within an area designated for urban development, in terms of the applicable local District Spatial Development Framework, which allows for land use intensification and residential densification in the area, in keeping with the spatial planning objectives of the Local District Plan.

The Local District Plan allows for residential densification and land use intensification, in a manner that will not detract from the urban character of the area.

The proposed development, which is of a limited scale, is therefore deemed to be consistent with the **'inward growth'** spatial planning policy of the MSDF and the local District Plan, with specific reference to the nature of the development proposal, which is viewed as an associated nonintrusive land use activity.

The proposed development as shown on the architect's concept plan is therefore deemed to be consistent with the Local District Plan.

(c)

the proposed land use must be desirable as contemplated in subsection (3); and

*THIS APPLICATION IS DESIRABLE AS
CONTEMPLATED IN TERMS OF 99 (3)*

The boarding house establishment serves a very important function in being able to address the accommodation needs of transient guests, which serves to stimulate the local economy.

- (d) in the case of an application for a departure to alter the development rules relating to permitted floor space or height, approval of the application would not have the effect of granting the property the development rules of the next subzone within a zone.

NOT APPLICABLE IN THIS INSTANCE

- (2) If an application is not refused under subsection (1), when deciding whether or not to approve the application, the decision maker must consider all relevant considerations including, where relevant, the following –

- (a) any applicable spatial development framework;

THIS APPLICATION IS CONSISTENT WITH THE MSDF AS READ WITH THE APPLICABLE DISTRICT PLAN

NO DEVIATIONS ARE REQUIRED FROM APPLICABLE DISTRICT PLAN

LEGISLATION, POLICIES AND INDICATORS:

The title deed of the subject property contains no restrictive conditions that prohibit the proposed development.

As per the data obtained from the City Map Viewer, there are no environmental or heritage indicators applicable to the subject property.

The proposed development does not trigger the provisions within the National Heritage Resources Act 25 of 1999.

There are no other Overlay Zones applicable to the subject property.

The District Plan indicates the subject property as “Urban Development”.

The proposed development does not contradict the District Plan.

The proposed development is consistent with the MSDF.

The Densification Policy 2012 motivates more efficient utilization of land that will ultimately contribute to more compact urban environments.

The reasons to achieve densification are the fact that the improved utilization of existing resources reduces the utilization of valuable resources such as agricultural land outside the urban edge, and a mix of residential densities ensures diversification and a variety in choice of residential and ownership options, as is also in line with the designations of consolidation areas and urban inner core as per the MSDF.

As mentioned in Section 2.4 of the Densification Policy, the re-development to higher densities and the higher density infill on vacant and under-utilized land throughout the built area of the City, are seen as mechanisms to achieve densification. The proposal directly supports the Densification Policy 2012.

The Social Development Strategy 2013 requires that social development be promoted and maximized. Social development can be broadly defined as the overall improvement and enhancement in the quality of life of all people.

The proposal will contribute to the creation of more integrated communities as sought by this strategy. Additional job/work opportunities and contribution to growth in the area, although small scale, are also provided.

(b)

relevant criteria contemplated in the development management scheme;

*THE APPLICATION SUBMITTED HERewith
IS CONSISTENT WITH RELEVANT CRITERIA
CONTEMPLATED IN THE DMS*

- (c) any applicable policy or strategy approved by the City to guide decision making, which includes the Social Development Strategy and the Economic Growth Strategy;

THE PROPOSAL IS CONSISTENT WITH THE CITY'S SOCIAL DEVELOPMENT STRATEGY IN THAT IT ASSISTS WITH THE DEVELOPMENT OF THE LOCAL COMMUNITY AND THE PROVISION OF MUCH NEEDED JOBS FOR SKILLED PROFESSIONAL PERSONS AND OTHER WORKERS.

- (d) the extent of desirability of the proposed land use as contemplated in subsection (3);

THE PLAN PROPOSAL IS DESIRABLE AS CONTEMPLATED IN SECTION 99(3) OF BYLAW – APPLICABLE SECTION 99(3) CRITERIA ADDRESSED HEREIN.

- (e) impact on existing rights (other than the right to be protected against trade competition);

PROPOSAL DOES NOT IMPACT NEGATIVELY ON EXISTING RIGHTS, AS NO THIRD PARTY HAS ANY REGISTERED RIGHTS OR SERVITUDES IN PLACE WHICH MAY BE COMPROMISED BY THE PROPOSAL HEREIN.

- (f) in an application for the consolidation of land unit –

NOT APPLICABLE – NO CONSOLIDATION PROPOSED.

- (g) other considerations prescribed in relevant national or provincial legislation, which includes the development principles as contained in

section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act no. 16 of 2013).

APPLICABLE SPLUMA CRITERIA ADDRESSED HEREIN.

(3) The following considerations are relevant to the assessment under subsection (1)(c) of whether, and under subsection (2)(d) of the extent to which, the proposed land use would be desirable –

(a) socio-economic impact;

WILL PROVIDE A MUCH-NEEDED BOARDING/LODGING ACCOMMODATION FOR TRANSIENT GUESTS VISITING THE CITY.

(b) ...

(c) ...

(d) compatibility with surrounding uses;

The site is located within an old and established part of Cape Town, with a distinctive medium density residential character.

The site is located within a built-up residential area, designated spatially for urban development and is therefore construed to be consistent with the MSDF as read with the applicable Local District Plan, in terms of which 'inward growth' is promoted.

The site is located within an area designated for urban development, in terms of the applicable local District Spatial Development Framework, which allows for land use intensification and residential densification in the area, in keeping with the spatial planning objectives of the Local District Plan.

The Local District Plan allows for residential densification and land use intensification, in a

manner that will not detract from the urban character of the area.

- (e) impact on the external engineering services;

YES, THERE WILL BE AN INCREASED IMPACT ON ENGINEERING SERVICES.
- (f) impact on safety, health and wellbeing of the surrounding community;

WILL IMPROVE THE GENERAL WELL-BEING OF THE SURROUNDING COMMUNITY IN TERMS OF JOB OPPORTUNITIES.
- (g) impact on heritage;

THE SUBJECT PROPERTY IS NOT INCLUDED WITHIN A DESIGNATED HERITAGE PROTECTION OVERLAY ZONE.
- (h) impact on the biophysical environment.

WILL HAVE NO IMPACT ON THE BIOPHYSICAL ENVIRONMENT, AS PROPERTY IS LINKED TO EXISTING WATER-BORNE SEWERAGE SYSTEM.
- (i) traffic impacts, parking, access and other transport related considerations; and

ONSITE PARKING REQUIREMENTS SHORTFALL OF 3 BAYS – DMS DEPARTURE TRIGGERED
- (j) whether the imposition of conditions can mitigate an adverse impact of the proposed land use.

AS DEEMED APPROPRIATE BY COUNCIL.

10. TITLE DEED CONDITIONS:

N/A – Title Deed compliant.

11. ZONING APPROPRIATENESS:

The GR.4 zoning is deemed capable of accommodating the boarding house establishment.

12. COMPARISON BETWEEN EXISTING LAND USE RIGHTS AND LAND USE RIGHTS APPLIED FOR:

The existing GR.1 ZONING is incapable of accommodating the boarding house establishment because of the GR1 DMS development rules, hence our application for rezoning to GR4.

13. IMPOSITION OF CONDITIONS:

As Council deems appropriate.

14. IMPACT ON NEIGHBOURS:

The City of Cape Town has assisted the landowner in acquiring and consolidating three neighbouring erven, in order to create what is now known as Erf 47441, Blue Downs, with a guest house departure being granted in respect of one of the original erven namely Erf 8934.

The property is zoned GR1, but there is no Home Owners Association established in respect of the development.

There are three buildings on the property which is permitted in terms of the proposed GR4 zoning.

Onsite parking is available for 2 vehicles, which is 3 bays short of the DMS onsite parking requirements – Most guests will be using public transport.

While the building has been built hard up against two common boundaries and 1.0 meter away from the south common boundary and the street boundary, the building is orientated towards the street, which limits the impact on the neighbours.

Nil common boundary building lines are required as per the DMS.

The site is located within an old and established part of Cape Town, with a distinctive high/medium density residential character.

The site is located within a built-up residential area, designated spatially for urban development.

The site is located within an area designated for urban development, in terms of the applicable local District Spatial Development Framework, which

allows for land use intensification and residential densification in the area, in keeping with the spatial planning objectives of the Local District Plan.

15. SPLUMA:

- **SPATIAL JUSTICE**

Has no relevance in this particular instance.

- **SPATIAL SUSTAINABILITY**

The proposal addresses this principle with respect to proposing a spatial compact development, in a location that is sustainable and limits urban sprawl.

- **PRINCIPLES OF EFFICIENCY**

The proposal addresses efficiency as it promotes the optimization of resources and discouraging urban sprawl.

- **PRINCIPLES OF GOOD ADMINISTRATION**

N/A – Has no relevance in this instance.

16. SECTION 25 OF NATIONAL CONSTITUTION:

No party's constitutional property rights will be infringed upon by virtue of the application submitted herewith.

**ADRIAAN VAN DER MERWE
PLAN AFRICA CONSULTING
DATE: 03 SEPTEMBER 2026**