



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500160558

**Erf 55307, 43 Vineyard Road,
Cape Town**

Development Management

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APPLICATION FOR REZONING AND THE CITY'S
APPROVAL IN TERMS OF THE MUNICIPAL PLANNING BY-
LAW OF 2015: REMAINDER ERF 55307 CAPE TOWN AT
CLAREMONT, 43 VINEYARD ROAD



13 Mar 2026

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1. INTRODUCTION

1.1 Planning application and proposal

It is proposed to rezone the subject property from GR4 to GB1, in order to permit the utilisation of the subject property for business premises (i.e. offices & restaurant / coffee shop). The existing historic building will be repurposed and renovated and used as a restaurant / coffee shop, while a small new office building will be constructed to the rear of the subject property.

The details of the proposal are as follows:

- The existing historic “Old Thatch” building will be restored, with the newer additions to the rear of the building being demolished. The restored building will be used as a restaurant / coffee shop as indicated on the development plan submitted.
- A separate new mainly two storey building is planned for the rear of the subject property, which will serve as a small office building. This new building consists of:
 - Ground floor (1st storey) parking for 12 vehicles, including the pedestrian entrance into the new building, which also houses and celebrates the existing historic well on the property.
 - 2nd storey offices, which also includes a small office mezzanine levels (i.e. 3rd storey) pop-up level.

As will be shown later in this report, the proposal is a sensible and careful development of the subject property considering its significant heritage grading and prominent location in the area. The heritage design indicators have been carefully considered and implemented as part of this proposal and the proposed sensitive commercial use will ensure that the proposal integrates into the area and that the historic buildings remain in appropriate use.

1.2 Approvals background and restoration / maintenance work

On 2022-01-28 the City approved an application for basically the subdivision & rezoning of the subject property, in order to permit the office use of the Old Thatch building and dwellings units to the rear (i.e. subdivided portion of the property).

However, this approval has not been acted on due to mainly the outcome of the associated HWC process. Effectively, the original approval of the application by HWC was appealed by the Claremont Ratepayers and the Simon van der Stel Foundation, with their appeal being upheld by the MEC. The MEC's judgement is dated 2022-03-11. This effectively meant that the previous proposal could not continue / be acted on, even with the LUM approval having been granted by the City in terms of separate legislation.

The current application now attempts to deal with the issues raised as part of this HWC process (i.e. recommendations by the MEC) as per the new proposal.

As advised by the architect, there is currently urgent maintenance and remedial work taking place on the subject property to ensure that the Old Thatch building is maintained and structurally sound after years of neglect. A compliant building plan has been submitted to the City in this regard.

1.3 Subject property / property description

The subject property is 771m² in extent and is located on the northern edge of Claremont area in close proximity to Claremont Main Road and the Claremont business node / district area that is located to the east. The subject property is bounded by Vinyard & Protea Roads to the north, the narrow Quiet Street to the west, Ingle Road to the east and Erf 55308 to the south. Business premises are located to the west, north and east of the subject property.

The subject property is currently improved with a historic single storey structure (known as Old Thatch), which is a plastered thatched vernacular style dwelling reading as a "long house" when viewed from Vineyard / Protea Road. The existing historic building occupies a position of high visibility on the nexus between Claremont's historic residential and new contemporary commercial zone. Various unsympathetic additions & alterations have been added to the rear of the historic building, which will be demolished as part of this proposal. Current limited vehicle access is provided of Protea Road, with pedestrian access being provided of both Protea & Ingle Roads.

The subject property is relatively flat as showed on the development plan submitted, with some smaller trees and shrubbery located mainly along Ingle Road. The subject property is currently zoned GR4 and it is proposed to rezone the property to GB1, in order to permit the business use (i.e. offices & restaurant / coffee shop) of the property.

Existing building on the subject property when viewed from Protea Rd



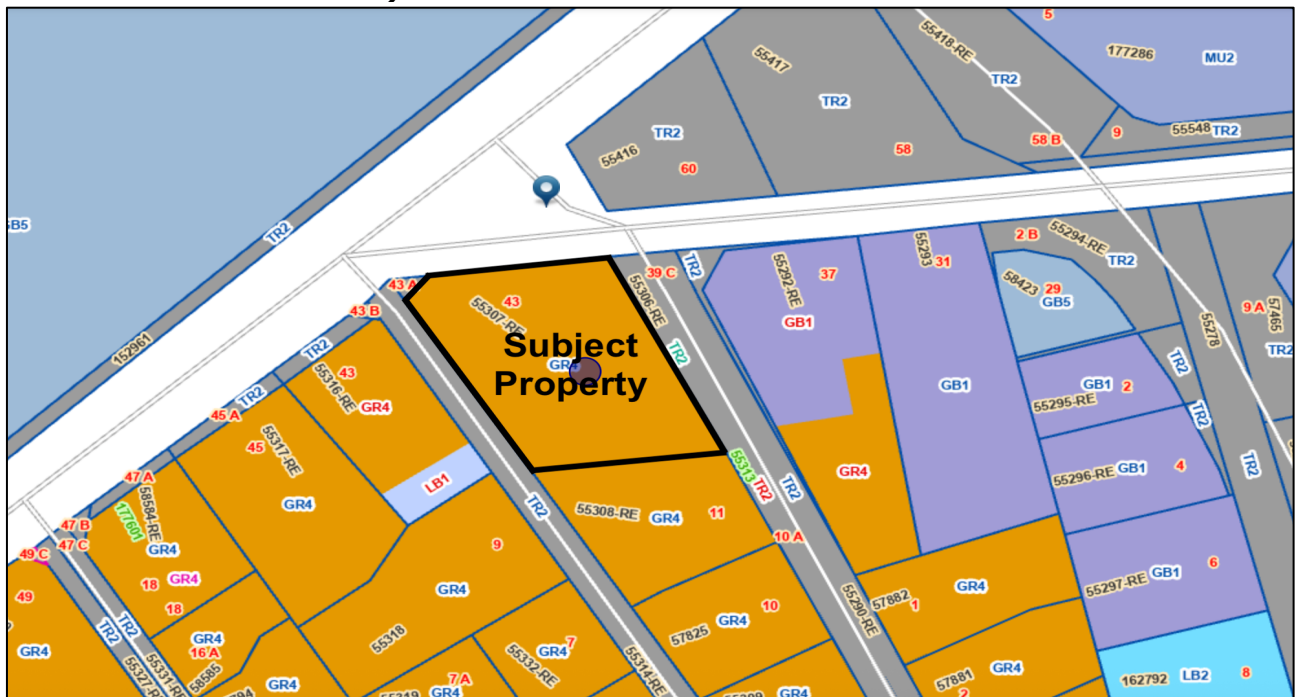
1.4 Development Management Scheme (DMS) Compliance Assessment

The City of Cape Town Municipal Planning By-law (MPBL) and the associated Development Management Scheme (DMS) are applicable to the subject property. The subject property is currently zoned GR4, but will be rezoned to GB1. Therefore, the subject property is subject to the following development rules:

DMS extract indicating the proposed GB1 development rules

LAND USES	SUB-ZONING	FLOOR FACTOR	COVERAGE	MAXIMUM HEIGHT ABOVE EXISTING GROUND LEVEL TO TOP OF BUILDING	BUILDING LINES		STREET CENTRELINE SETBACK	OTHER PROVISIONS
					Street boundary	Common boundaries		
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, chancery, electric vehicle charging stations, micro wind turbine, structure-mounted energy system and filming	GB1	1,5	100%	12,5 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 up to 10,0 m height; 4,5 m above 10,0 m	0,0 m	8,0 m	Street corners
								Parking and access
								Loading
								Screening
								Wind mitigation
								Service station and

Extract from the zoning map showing the subject property (proposed to be rezoned from GR4 to GB1)



In terms of compliance with the relevant provisions of the DMS (i.e. rezoning from GR4 to GB1), please note the following:

Floor Factor

A permissible floor factor of 1.5 is applicable, which translates to a permissible floor space of 1156.5m². Due to the proposed sensitive and limited development of the subject property, a floor space on only 433.4m² is proposed for the subject property. The proposal therefore only utilises 37% of the permissible floor space and therefore **clearly complies with the development rule in this regard.**

Coverage

A permissible coverage of 100% is applicable and as per the development plan submitted, a coverage of only 44.6% is proposed as part of this development. The proposal therefore **complies with the DMS rule in this regard.**

Height

The permissible height in terms of the DMS is 12.5m from the EGL. As is shown on the development plan submitted, the proposed new building has been limited in terms of height, with a top of building height of only 7.86m proposed. A height departure is therefore not required and the proposal **complies with the DMS rule in this regard.**

Street and common boundaries

A 0m building line is applicable to the street & common boundaries up to a height of 10m from the EGL. In fact, the proposed new building has been setback from both street boundaries, as well as from the southern common boundary. As mentioned above, the building height is significantly below the 10m from the EGL and therefore the proposal **complies with the DMS rule in this regard.**

Street centreline setback

The City may require a street centreline setback where any building shall be setback 8m from the centre line of any abutting public street. However, in terms of this proposal it should be noted that the existing significant historic building is already located within such a street centreline setback (on two streets) and that as per the development plan, the proposal complies with the required on-site parking provision. The development of the property has specifically been limited in this regard. **Therefore, it is argued that a street centreline setback is not sensible or required in this regard.**

Parking provision

The subject property is located in a PT1 area and as per the development plan submitted, 12 on-site parking bays are provided, although one of the parking bays will be tandem. Therefore, only 11 bays are technically provided on-site. The required parking bays as per the MPBL development rule were calculated as follows:

- For the proposed restaurant : 4.7 bays (4 bays per 100m² GLA)
- For the office : 6.7 bays (2.5 bays per 100m² GLA)
- : **Total (11.4, which is 11 bays required)**

The proposal therefore complies with the required on-site parking provision.

1.5 Applications required in terms of planning law

Application is made for **the rezoning in terms of Section 42 of the Municipal Planning By-Law (MPBL)**, in order to permit the utilisation of the subject property for business premises (i.e. offices & restaurant / coffee shop) as per the development plan submitted.

- 1.5.1 **Rezoning** of Remainder Erf 55307 Cape Town at Claremont from GR4 to GB1 in terms of **Section 42(a) of the MPBL**.

The following planning applications are required from the **provisions of the Development Management Scheme (DMS)**, which is contained as Schedule 3 of the municipal planning by-law:

- 1.5.2 Item 60(k)(ii): **City's Approval** to permit parking bays at ground floor level to be closer than 10m from the various street boundaries.
- 1.5.3 Item 141(1)(b): **City's Approval** to permit vehicles reversing across the footway (Note: This relates to the existing carriageway-crossing and parking area off Protea Road).

2. BASIC INFORMATION

2.1 Applicant

The registered owner of the subject property _____ have duly authorised D&S Planning Studio to make application to the City of Cape Town for the application referred to in Paragraph 1.4 above, and to act as the Applicant in this and related matters.

2.2 Ownership details

The subject property is owned by _____ who has appointed D&S Planning Studio to act as the applicant and apply for the required approvals from the City.

2.3 Title deeds and restrictions

The subject property is held in Deed of Transfer

As per the conveyancer certificate, no title deed conditions exist that would prohibit the proposal as applied for.

2.4 Surveyor General (SG) Diagram

The SG diagram of the subject property is attached to the application.

As per the SG diagram there are no servitudes or encumbrances reflected on the diagrams that would prohibit the proposed development of the subject property as applied for.

3. PLANNING MOTIVATION

3.1 Location, surrounding land uses and character of the area

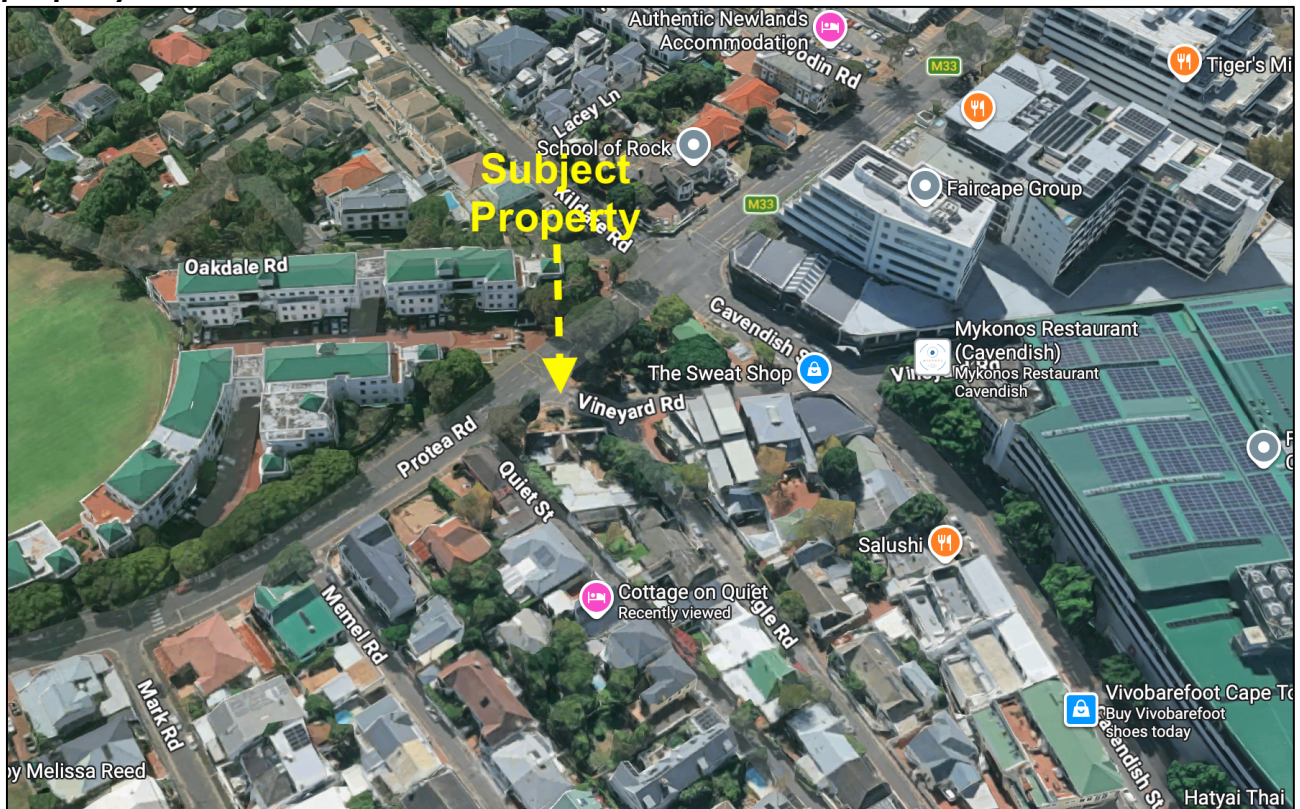
The subject property is located on the western edge of the Claremont CBD / business area at the nexus between Claremont's historic residential and new contemporary commercial zone / areas. This area is characterised by a variety of erf sizes being developed with a mix of uses. A number of buildings within this mixed use area are historic in nature and largely retain their early / mid century built form residential qualities, although the streetscape qualities have been diminished over time with higher walls, vehicle access gates, parking bays, etc.

The character of this specific area can also be considered as being in flux / change, due to the specific area and location of the subject property being noted as marking a transition between the remaining low-rise, fine grain residential properties of old Claremont residential area to the west & south and the more modern larger scale commercial buildings and properties to the east.

The area is also characterised by being well located in terms of vehicle access to both the M3 in the west (via Protea Rd) and the Claremont Main Road to the east, which links this area to the remainder of Cape Town.

Business related land uses are mostly located to the east and north of the subject property, while the properties to the west and south are mainly related to residential and associated uses, which is developed in terms of their General Residential zoning. However, it should be noted that directly to the west of the subject property is a dental studio, which is also used for business purposes.

3D image showing the mixed built character of the area surrounding the subject property



It should be clear that the sensitively designed low scaled proposal on the subject property, which effectively restores and repurposes the existing Old Thatch building and proposes a low scaled separate office building on the same property will not have a negative impact on the built character of the area. Similarly, given the location of the subject property and the proposed architectural design; the proposal will contribute positively to the land use character of the area and act as an appropriate buffer between the residential and business areas in this location.

3.2 Motivation & consideration of criteria in terms of Section 99(2) of the MPBL

3.2.1 Any applicable Spatial Development Framework

The Municipal Spatial Development Framework (MSDF - 2023)

The subject property is located within an area identified as the urban inner core and a development corridor, where investment is spatially targeted in order to

spatially transform and integrate the City. The subject property is also located within a 300m walking distance from Main Road.

The following desired spatial outcomes and land use guidelines contained within the MSDF are applicable to this proposal (albeit considering the higher-level positioning of this Framework):

- Promote diverse and dense land uses.
- Incremental intensification (density & diversity) via rezonings.
- Consolidation & diversification of land uses in support of city growth.
- Promote appropriate land use intensity.
- Support the intensification and diversification of land use in areas supportive of transit-oriented development.

This proposal is consistent with the policy statements within the MSDF.

The Southern District Plan (SDP - 2023)

The subject property is located on the edge of the Claremont Metropolitan Node, located in an area indicated for urban development and designated for mixed use intensification. The vision for the broader area is a highly developed and accessible development corridor, with vibrant, high-intensity, mixed-use urban centres, pedestrian-dominated, quality public places and spaces, which is connected by high volume public transport and which is surrounded by distinctive higher density residential areas within a system of linked quality open space.

The subject property is located within Sub-District 3: Main Road Corridor and various development guidelines are listed as being important for this area. Although various general guidelines are mentioned, the following should be considered as it relates to the subject property:

- Emphasis must be placed on development intensification and densification in urban node areas and between these along development corridors, primarily Main Road development corridor but also Klipfontein Road, Imam Haroon / Chichester Road, and Ottery / South Road development corridors coming in from the east. There should be a special emphasis on land in CBD areas and abutting development routes and within easy walking distance from these (± 5 min walking time = ± 400 m).
- Existing and incipient urban nodes should be reinforced with mixed land uses actively supported. Business development outside of the nodes (i.e. business intrusion into residential areas), unless otherwise stated in council policy, is

generally not to be encouraged.

- The extent of the CBDs of urban nodes must generally be contained to protect the exclusively residential areas surrounding them. These residential areas, as well as development corridors linking between them, should be reinforced by increasing their residential densities. However, respect for surrounding character, good design, visual impact and positive interface with the street are critical.
- Carefully balance urban intensification and densification with urban conservation of significant conservation-worthy buildings and precincts in urban node and development corridor areas. Key areas in this respect are already declared heritage protection overlay zone areas (HPOZ areas as reflected in the DMS) as well as recommended additional potential HPOZ areas.
- The character of urban areas outside of urban nodes and development corridors should in general not be subject to significant change.

In terms of the above and dealing with the issues of business development outside urban nodes and protecting adjacent residential areas, the following should be noted (in terms of site specific circumstances):

- The subject property is setback from Protea Road and can be consider a logical business extension in the area.
- The subject property abuts Protea Road, which is a higher order road and cannot be considered as being embedded into the finer grated residential area to the south-west.
- Properties immediately to the west, north and east of the subject property are all used for business purposes.
- The proposed new low scaled office building to the rear of the subject property will effectively provide an appropriate screen for the residential properties to the south from the business uses and properties to the north and east.
- The outcome of the previous heritage process strongly recommended that the subject property be rezoned for business purposes in order to ensure the continued use and protection of the historic building, well, etc.

Given the above, the location and nature of the proposal and the merits of the proposal discussed in detail later in this report, we are of the opinion that the proposal should not be considered as being inconsistent Southern District Plan or a deviation from the Southern District Plan should be supported for this property, due to the site specific circumstances as mentioned above.

3.2.2 Any applicable policy or strategy approved by the City to guide decision-making

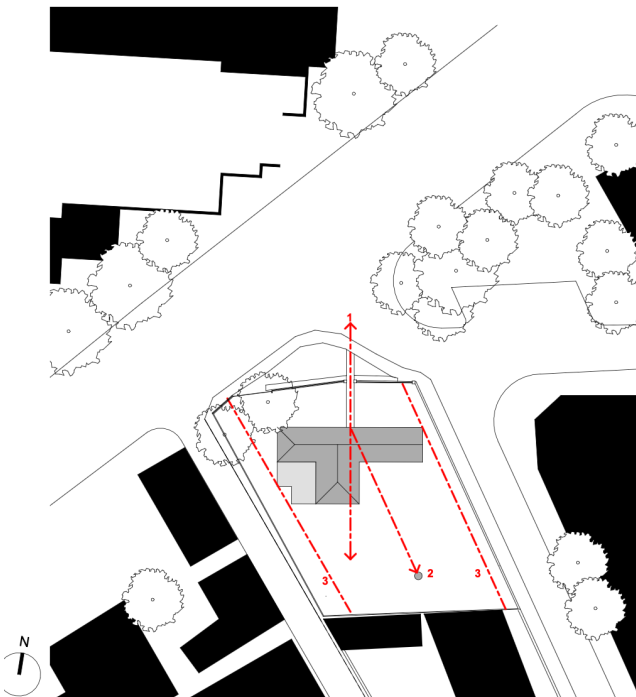
Transit-Oriented Development (TOD) Strategic Framework

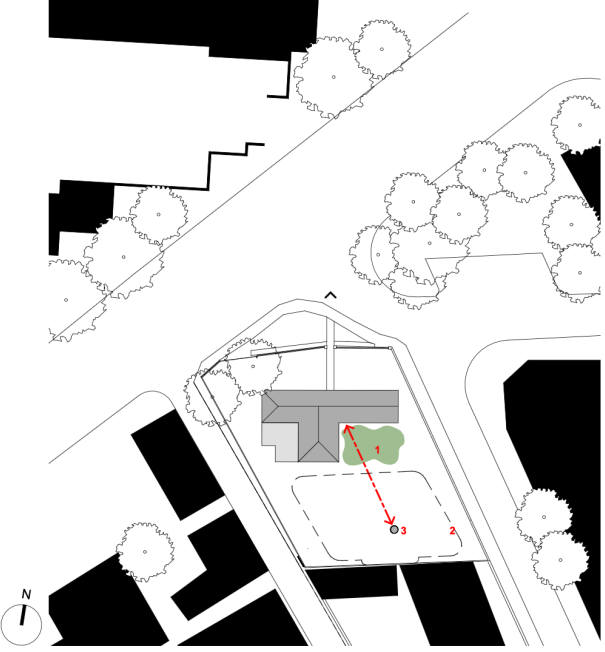
The subject property is located within a Transit Accessible Precinct (TAP) and therefore supports the TOD Strategic Framework, which is the long-term development strategy to achieve the City's vision for Cape Town 2032.

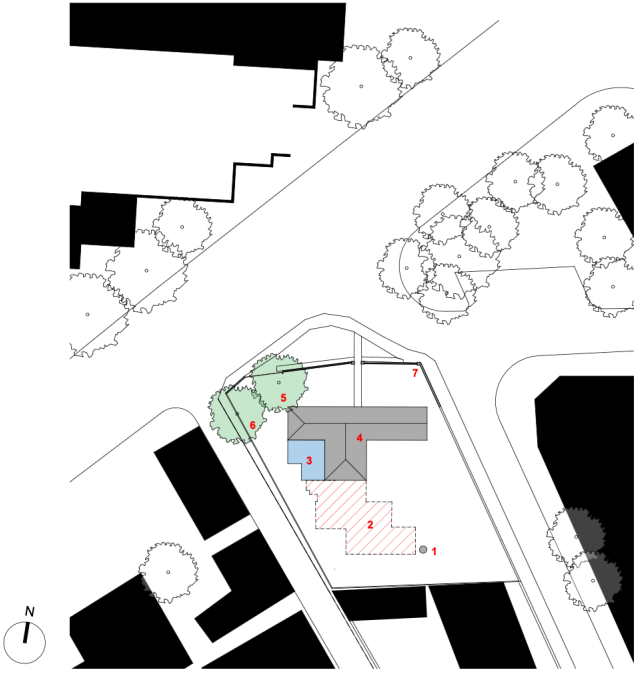
The proposal also generally aligns to the core principles of efficiency, accessibility and intensification as per the TOD Strategic Framework.

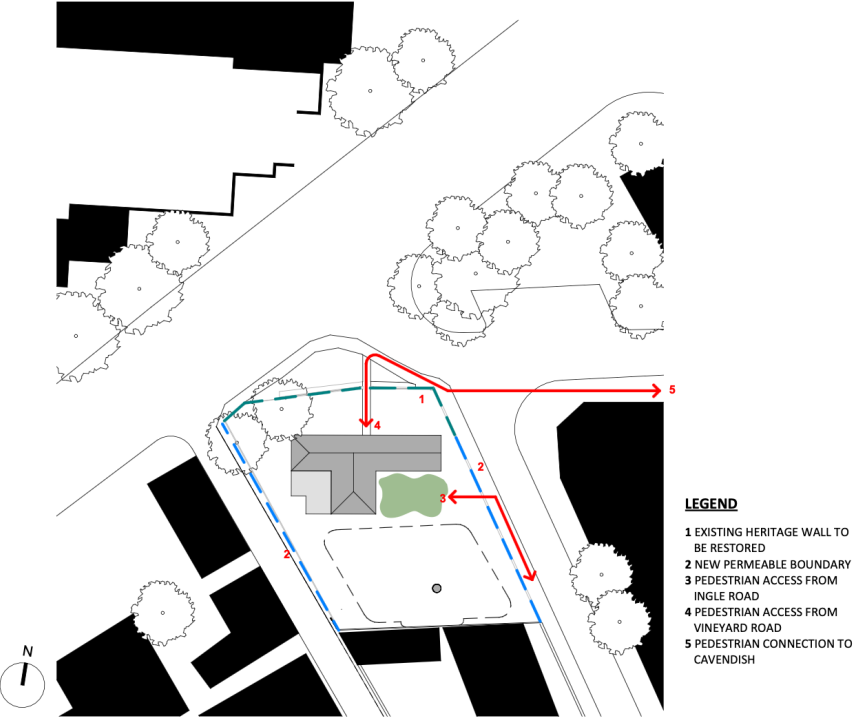
City's Urban Design Policy

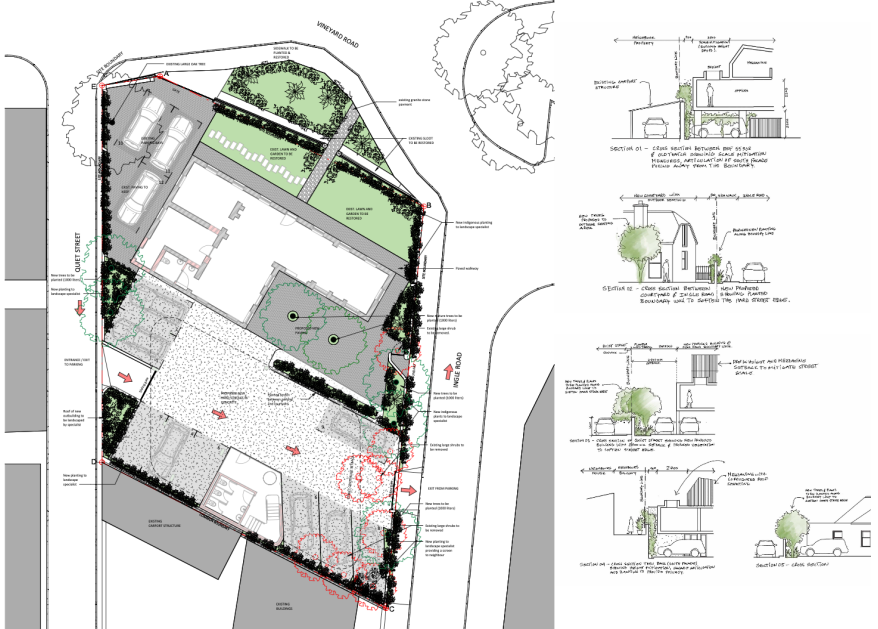
Council's revised Urban Design Policy was approved on 22 Aug 2024 and seeks to introduce urban design thinking into the planning and preparation of development proposals and it informs desirability assessments by providing a transparent framework of urban design principles and objectives against which development applications will be assessed. The policy contains various objectives against which a proposal can be measured. Although this proposal only encompasses an existing erf & building in a settled urban environment, the following can be considered the following should be considered (also see the architects Urban Design Strategies):

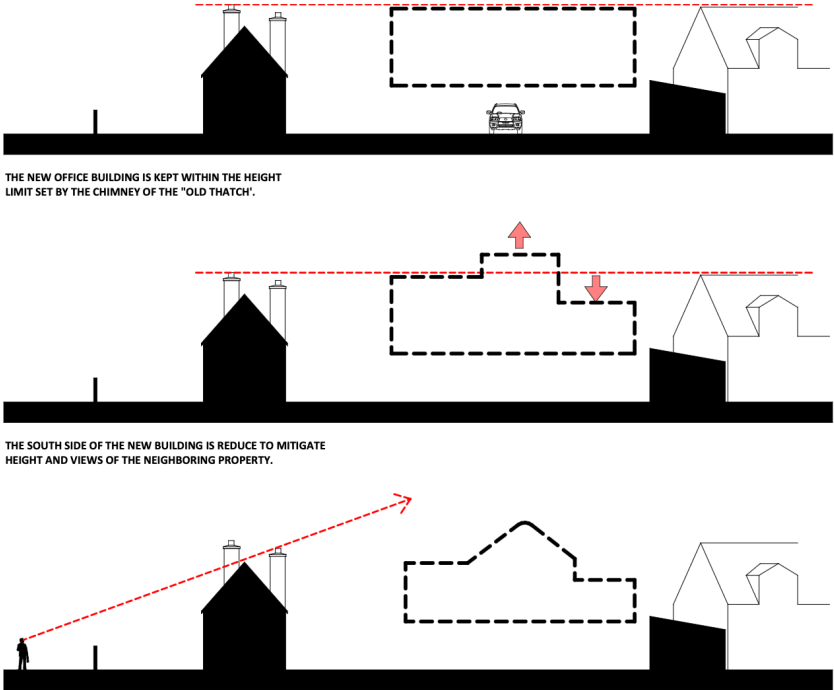
POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
Objective 1: Ensure legible spatial structure	- The proposal encompasses an existing erf within an existing urban structure and will therefore not alter or negatively impact the legibility of the area or neighbourhood. - As per the architects sketch below, the spatial structure of the existing building has been assessed and the proposal developed accordingly.  LEGEND 1 AXIAL LINE FROM GATE THROUGH 'T' OF 'OLD THATCH'. 2 AXIAL LINE FROM EXISTING WELL CONNECTING THROUGH EXISTING ENTRANCE OF 'OLD THATCH' 3 STREET ALIGNMENT WITH SCALE APPROPRIATE SETBACK IN RELATION TO EXISTING STREETSCAPE Design strategy 02 -Axial lines and street alignment 1 : 500
Objective 2: Create good quality open space through placemaking	- The various public streets, which is effectively the public realm / open space areas, are being "overlooked" as a result on this proposal since large windows, outdoor areas, etc facing the streets are being proposed. - Private open space and placement takes forefront as per the architects sketch below.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
	 LEGEND 1 OPPORTUNITY FOR A COURTYARD TO BE CREATED BY THE SHAPE OF THE 'OLD THATCH' 2 FORM OF NEW OFFICE BUILDING RESPONDING TO STREET EDGE & 'OLD THATCH' ALIGNMENTS 3 NEW VISUAL AXIS CREATED FROM THE 'OF THATCH' TO THE EXIST. WELL - ACTIVATIONS OF THE COURTYARD Design strategy 03 - Form response to shape of footprint - creation of courtyard 1 : 500 As part of this application, a landscaping plan is submitted that will soften the building from the public realm.
Objective 3: Contribute to the creation of healthy and safe communities	- Various openings (windows, balconies, terraces, etc) faces the surrounding streets and also surrounding properties, which contributes to and enhance safety in the area. - The existing mature trees surrounding the subject property (including within the road reserve areas) will not be negatively impacted by the proposal and will provide important tree canopy cover in the area. - The active and repurposes ground floor areas of the existing Old Thatch building will positively impact on safety in the area.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
Objective 4: Design streets as positive public space	- The proposal is located within an existing built-up area, which has good accessibility and allow for a variety of movement patters. The proposal will result in more people walking, etc in the surrounding streets. - The Old Thatch building remains "open to the street" and has a positive relationship with the street. - The existing structures were carefully considered in terms of its relationship with the streets (see existing structures assessment by architects below).  Design strategy 01 - Existing structures 1 : 500
Objective 5: Promote intensity, diversity and adaptability of uses	- The proposal makes efficient use of the subject property in terms of the intensification of use. - Given the proposed rezoning of the subject property, various future development options and uses available on the subject property that can address future intensification, diversity and adaptability.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
• Objective 6: Ensure positive interfaces onto the public realm	• The proposed building will have a positive relationship with the street and is situated in close proximity to the street boundary in order to define and positively interact with the pedestrian environment. • Various windows, etc face the street, positively interacting with the area and public realm. • Significant commercial and retail opportunities are created facing the public streets. • An active street edge response we considered and incorporated by the architects as per the sketch below.  Design strategy 04 - Street edge response 1 : 500
• Objective 7: Provide support to sites of informality	• Given the size of the subject property, the nature of this proposal and the area; informality and the incorporation thereof does not directly impact on this proposal.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
Objective 8: Value and enhance green open spaces	- Given that the subject property is a “brown-fields” development, the proposal should not have a negative impact on the natural environment. - The surrounding mature trees will not be negatively impacted by this proposal and these trees are actually beneficial for the development. - A landscaping plan has been submitted (see below), which will enhance the surrounding trees and environment 
Objective 9: Respond to the character & identify of an area	- The proposal incorporates built-form clues from the surrounding area into its design to ensure integration into the area. - As per this motivation and the architect's response to the design indicators provided by the heritage consultant; the character of the area and impact thereon was very carefully considered. - The proposed new building is very limited in height (see architects sketch below) to consider surrounding properties, the historic Old Thatch building and the character of the area.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
	The “nexus” location of the property has been carefully considered in terms of appropriate use, etc.  THE NEW OFFICE BUILDING IS KEPT WITHIN THE HEIGHT LIMIT SET BY THE CHIMNEY OF THE 'OLD THATCH'. THE SOUTH SIDE OF THE NEW BUILDING IS REDUCE TO MITIGATE HEIGHT AND VIEWS OF THE NEIGHBORING PROPERTY. THE NEW PROPOSAL HAS A LOW VISUAL IMPACT FROM VINEYARD ROAD. THE 'OLD' THATCH REMAINS THE DOMINANT STRUCTURE. DESIGN STRATEGIES - HEIGHT OF NEW OFFICE BUILDING 1 : 200

Given the above assessment it is our opinion that the approval of this proposal is in line with these policy statements within the Urban Design Policy.

3.2.3 Other considerations prescribed in relevant national or provincial legislation (including the development principles in Section 7 of SPLUMA) and considering the MPBL criteria in dealing with title deed conditions

Considering Section 59 of the Land Use Planning Act and Section 7 of the Spatial Planning and Land Use Management Act, the following should be noted:

Principle of spatial justice

- The proposal intensifies the appropriate use of the land.
- The proposal complies with the spatial development framework and policies as motivated as part of the application.
- Various staff members will be required for the business uses, which will provide much needed job opportunities for people of a lower income.

Principle of spatial sustainability

- All relevant planning aspects relating to sustainability, heritage, etc have been addressed as part of this application.
- The proposal will stimulate effective and equitable functioning of land markets by allowing for small business opportunities in an area as identified by the various spatial frameworks.
- The proposed building will be able to be re-purposed in future to allow for a flexibility of use.
- The rezoning of the property will allow for flexibility of use.

Principle of efficiency

- This proposal will contribute positively to the more efficient use of land, public resources, urban infrastructure and services.
- The planning applications improves the municipal efficiency and expediency in dealing with land use and building plan matters in that the administrative burden is lessened.
- The proposal allows for the most efficient use of the property, with various uses contained on the property (i.e. offices & restaurant).
- It has been shown as part of the land use motivation that the proposal will not negatively impact on financial, social, economic or environmental resources.

Principle of spatial resilience

- As indicated, the proposed building allows for flexible use in future, therefore being more resilient to change, allowing for other options and development possibilities, including possible future residential options.

- The proposal is considered in term of the MPBL, which allows for flexibility in spatial plans, policies and land use management systems to accommodate and ensure sustainable livelihoods and land use options.

Principle of good administration

- The application has been submitted and is being considered in terms of applicable laws and regulations.
- This proposal has been motivated in terms of all legislation and policies relating to land use management and was clearly guided by various spatial planning documents.
- As per the land use motivation, it is argued that the proposal complies with the applicable law in this regard.

3.2.4 Relevant criteria contemplated in the development management scheme

The subject property is proposed to be rezoned from GR4 to GB1 to allow for business premises to be possible on the subject property. It should be noted that in terms of the development rules, no departures are required in this regard. The proposal therefore fully comply with the relevant criteria contemplated in the DMS as it relates to:

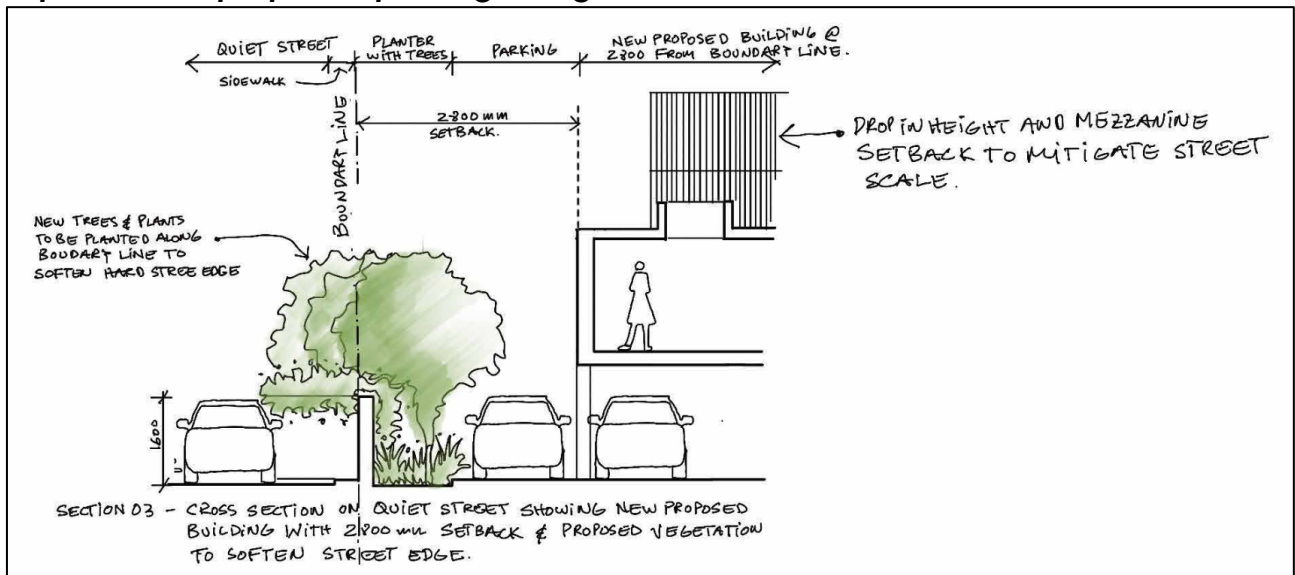
- Coverage
- Floor factor / floor space
- Height
- Building lines
- Parking

However, **the City's Approval is required in order to permit the proposed ground floor parking bays to be located within 10m from the various street boundaries.** The purpose of this regulation is basically to ensure active ground storey interfaces in mainly business areas. In this regard, the following should be considered in terms of this departure applied for:

- The proposed parking relates mainly to the small office use to the rear of the property and is this proposal is not located in a typically high street business area.
- The Old Thatch building has an active interface with mainly Vinyard / Protea Roads, which is not being negatively impacted on by this proposal.
- Quiet Rd & Ingle Street are not typically high / business streets, with mainly residential or residential pedestrian traffic in this area.

- Boundary walls exist along the streets, which (together with the proposed landscaping) will further screen the proposed parking from the public realm.
- The existing vehicle access point and parking bays off Protea Road are retained and will not have a negative impact on the interaction of the Old Thatch building with the street.
- As per the development plan submitted, significant landscaping and planting are proposed along the Ingle Rd & Quiet St street boundaries, which will effectively screen the proposed parking from these streets.

Cross section showing an example of the proposed landscaping to soften the impact of the proposed parking along the street boundaries



The **City's Approval** is also required to permit vehicles to reverse across the **Protea Road footway**, which relates to the existing parking and vehicles access to the subject property, which remains unchanged. In this regard, the following should be noted:

- This departure is technical in nature due to the proposed rezoning of the property from GR4 to GB1.
- The existing carriageway-crossing and parking area remains unchanged.
- As per the SDP, only 3 parking bays are shown in this area, of which one of the bays is a tandem bay.
- The existing carriageway-crossing and parking area has been in operation for a long time (i.e. a 1971 approved building plan indicates a carport in the position of the existing uncovered parking bays), and therefore the impact of this proposal is negligible in terms of the continued use of this area for parking.

- The carriageway crossing from Protea Road has clearly been in existence for many years without any negative impact on the traffic in the area.
- Vehicles have been reversing out of the subject property over the sidewalk for many years seemingly without any incident, with regular road users in the area being familiar with the existing situation.
- There are excellent sight distances along Protea Road. Vehicles exiting Vineyard Road (into Protea Road) will do so from a stationary position hence there should be no impact on road safety due to reversing vehicles from the Old Thatch into Protea Road. With a maximum 3 vehicles shown on the development plan using this parking area the potential impact is considered to be minimal.
- Effectively, the historic status quo is retained and it should be considered that it is not possible to relocate the bays due to the historic nature of the Old Thatch building and its position.

3.2.5 The desirability of the proposed use or development

3.2.5.1 Socio-economic impact

In terms of a socio-economic impact, the following:

- The proposal should have a positive socio-economic impact in terms of both temporary and permanent job opportunities being created.
- Given the motivation in this report relating to policy compliance; the proposal should have a positive socio-economic impact on the area.
- The property will provide additional small office and restaurant opportunities in the area, which should have a positive socio-economic impact.
- The scale of the investment into the area, albeit at a micro scale, should have a positive socio-economic impact on the area and the larger city in terms of an increased rates base, etc.

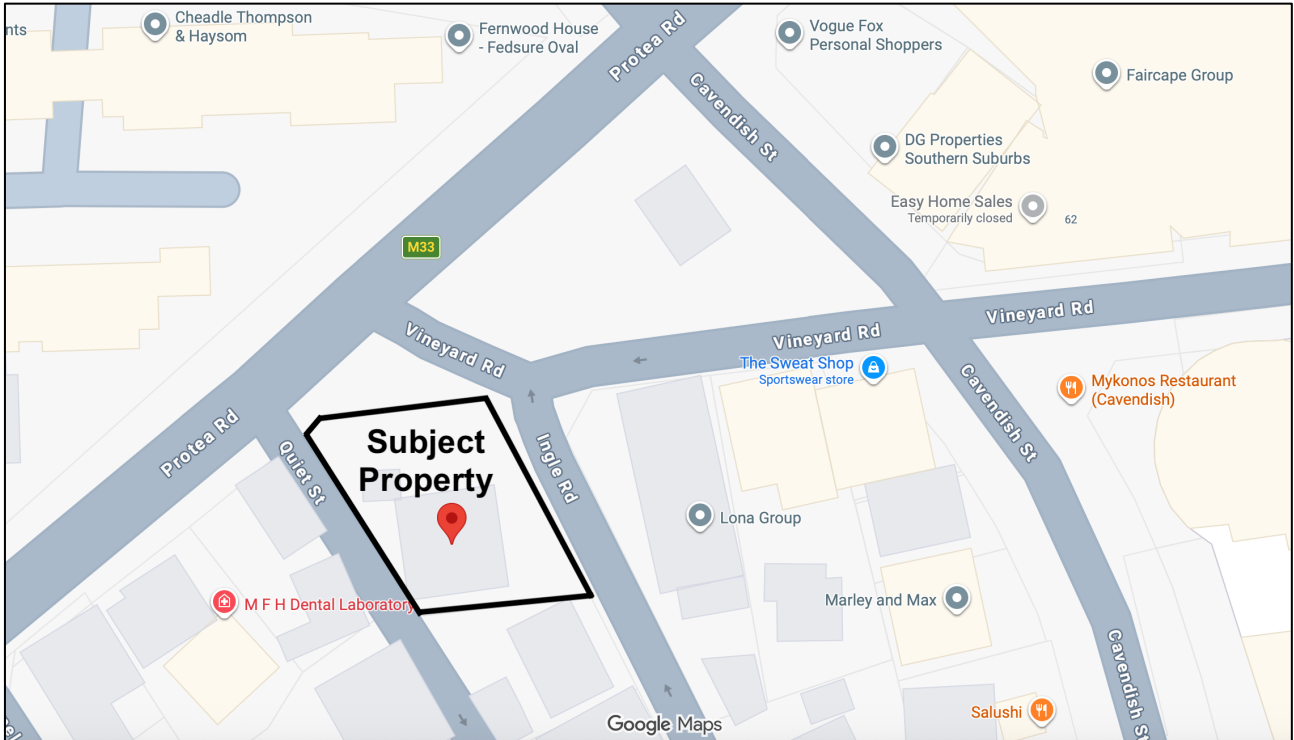
3.2.5.2 Compatibility with surrounding uses (rezoning assessment)

In terms of the compatibility of the rezoning application on the surrounding land uses and area, please note the following:

- In terms of the rationale / appropriateness of the applied for GB1 zoning in lieu of possibly the LB2 zoning (which was also considered), the following should be noted:
 - The LB2 zoning does not permit the use of the property as a restaurant “as of right” and a further consent would have been required, which is unnecessary in the GB1 zoning.

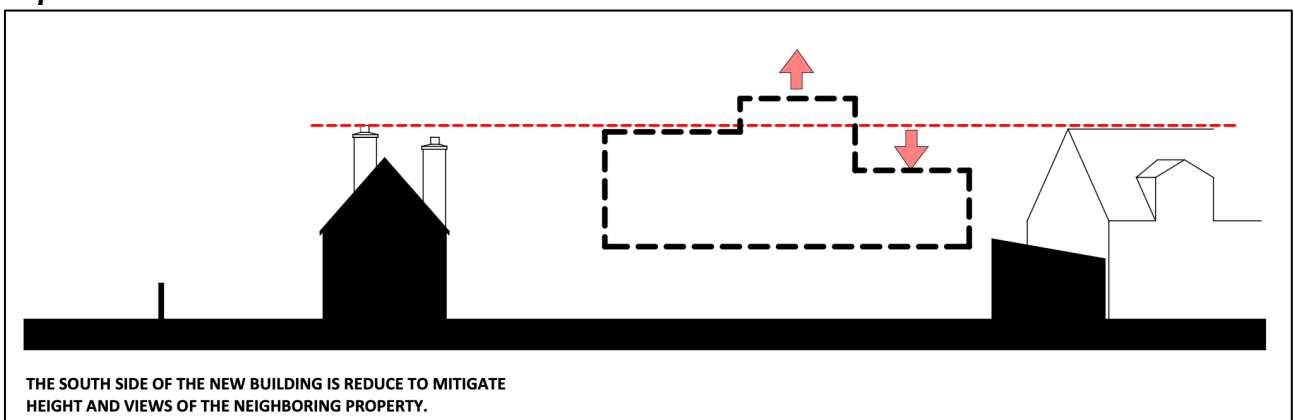
- The property (in terms of its GR4 zoning) has a current bulk right of 1.5, which is the same as the chosen GB1 zoning.
- The permissible height in the GB1 zoning was recently reduced from 15m to 12.5m, which is more appropriate for the subject property, although the proposed new building is significantly lower in height.
- Similar setbacks apply between LB2 and GB1, with the GB1 setbacks actually being more restrictive above 10m in height.
- Given the detailed and envelope-limited proposal due to the subject property's heritage and urban contact; it is anticipated that the development of the subject property would in any event be conditioned to what is proposed, which to a certain degree limits the possible impact on the GB1 zoning.
- As per above, the subject property is located adjacent to an area indicated as mixed use intensification as per the Southern District Plan.
- The subject property is located on the western edge of the Claremont business area and there are a variety of land uses in the immediate area. This includes, shops, restaurants, dental practice, offices, etc. In terms of the subject property specifically; (1) the larger "The Oval" office park is located directly opposite (north of) the property in Protea Road, (2) The Niehaus Gallery is located adjacent to the property to the east, and (3) a dental laboratory is located adjacent to the property to the west.
- The "Google Maps" extract below provides a visual representation of the variety of land uses in the area.

Google Maps extract showing variety of land uses in the area



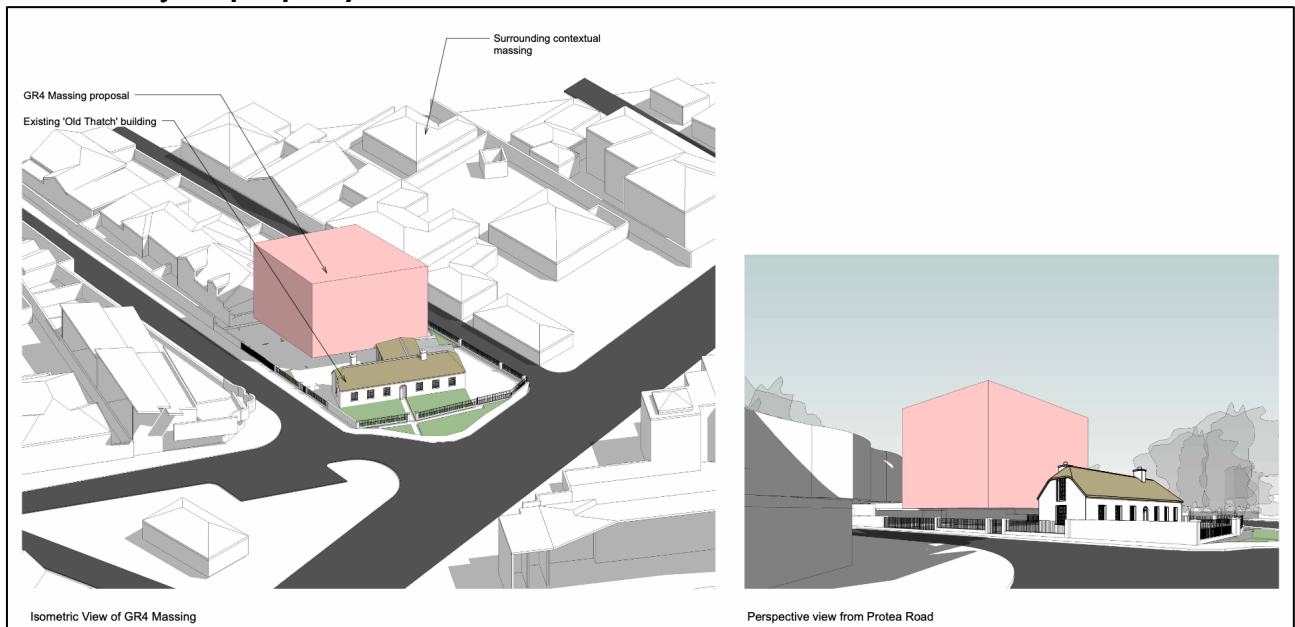
- Although a residential zoned and used property is still located adjacent to the south, the proposed built form is such to limit impact on this property, both in terms of setbacks and heights of the new office building proposed. The building was purposefully stepped to limit height impact and no overlooking features have been proposed along this boundary.

Sketch showing the consideration of residential properties to the south in terms of impact



- The proposed new low scaled office building to the rear of the subject property will effectively provide an appropriate screen for the residential properties to the south from the business uses and properties to the north and east.
- It should be considered that the property has existing rights (i.e. zoned GR4) and therefore a separate block of flats could be erected on the property in terms of existing rights, which could have a far greater impact on the residential properties to the south and the character of the area than the sensitively and low scaled proposal.

Sketch showing the possible envelope of a development in terms of existing rights on the subject property



- It should be noted that HWC recommended that the subject property be rezoned in order to ensure that continued use and upkeep of the Old Thatch building, which is proposed as part of this application. Also, the subject property is not being subdivided, which means that the historic well at the rear of the property will not be divorced from the Old Thatch building.
- Through design, the development will mainly retain its finer grained character and scale. However, the building can also be repurposed for another use that is in line with the changing use character of the area.
- The proposed building is kept to a height of well below 10m from the EGL, which means that the built form is compatible with surrounding residential properties in terms of permissible heights.

- The difference in development rules between the current GR4 zoning and the proposed GB1 zoning are as per the table below.

DEVELOPMENT RULE	GR4 (EXISTING)	GB1
Floor factor	1.5	1.5
Coverage	60%	100%
Height	24m	12.5m
Street setback	4.5m	0m to 10m height
Common boundaries	4.5m or 0.6XH (0m for 18m from street boundary to 15m height)	0m

- Although the coverage and setbacks for the proposed GB1 zoning is more lenient, it should be noted that the proposal is specific and limited, with a coverage of less than 50% being proposed. The permissible coverage is therefore not increased as a result of the rezoning.
- Also, the GR4 zoning (existing rights) allows for a 0m setback along the common boundary to the south up to a height of 15m, while the proposal is setback and stepped along this boundary limiting impact.
- The proposed building is also setback from the street boundaries in order not to negatively impact on the streets, with a specific larger setback along Quiet Street due to the narrowness of this road.
- The significant impact of the new building from Quiet Street also addressed possible view concerns from the residential properties to the south.

View from Quiet Street showing the building pulled back from the street



- In terms of the impact / compatibility with surrounding uses and the area, the following assessment criteria can also be considered as motivation:

Criteria	Assessment
Location	• The character of the area has been discussed above and the property is located at the nexus between the Claremont business area and the historic Claremont residential area. The property is therefore ideally situated to bridge this gap and integrate into the area in a sensitive way. • The subject property is located between two business use properties. • The proposal is consistent with the relevant spatial development framework in terms of an area identified for mixed use intensification.
Access, parking and traffic impacts	• The proposal complies with the required on-site parking provision as per the MPBL. • The architect interacted with the City's TIA & Development Control Department in terms of access and on-site parking. • An efficient on-way in and one-way out system is proposed. • The property is ideally located to take advantage of various public transport options.
Noise and Security	• The proposed office use and building should not generate any noise or security issues in the area. The building serves as a possible buffer between the restaurant use of the Old Thatch building and the residential properties to the south. • The business use of the property will ensure the presence of people during the day, which positively contributes to safety and security. • The proposed restaurant only has a small outdoor seating area, with the proposed office building still acting as a buffer in this regard. • All uses on the property will comply with the City Noise Control Regulations.

Criteria	Assessment
Scale and Extent	• As is clear from the submission, the scale of the proposal is very limited due to various factors to ensure compatibility with the area and surrounding properties. • The existing Old Thatch building is being repurposed and retained, which has a positive impact on the area. • The scale of the proposed new building has been significantly limited to ensure that the visual focus remains on the Old Thatch building. • The proposed development is not out of character with surrounding buildings and uses, especially if existing rights are considered. <i>View from Protea Rd showing the limited impact on the proposal in terms of scale</i> 
Hours and operation	• Given the location of the Old Thatch building which will house the proposed restaurant / coffee shop (i.e. adjacent to business use properties), the hours of operation of the possible business use should not have an impact on the residential properties. • The office building, which is adjacent to the residential properties to the south, will have normal office hours, which should not impact the residential properties. • Any business operation will comply with business licence operating hours.

3.2.5.3 Impact on external engineering services

- Given the location of the subject property, there should not be any impact on external engineering services.
- The proposed floor space is significantly below what is currently permitted as of right on the subject property.
- Any development contribution payable due to the rezoning of the subject property will be paid.

3.2.5.4 Impact on safety, health and wellbeing of the surrounding community

- The safety, health and well-being of the surrounding community is not directly impacted by this application.
- The mixed-use utilisation of the subject property with active uses such as a restaurant / coffee shop now proposed on the ground storey will positively impact on the area in terms of safety.
- The impact of the proposal on the area, including the surrounding community has already been discussed in detail above.
- The repurposing of the existing Old Thatch building will positive impact the surrounding community, given that the existing building was no longer usable as a mainly residential property. This will also ensure the upkeep and ongoing maintenance of the existing property.

3.2.5.5 Impact on heritage

Heritage issues in terms of the subject property being graded 3A and the building being significantly older than 60 years (HWC) have been addressed in detailed in the heritage consultants motivation and report (see attached).

This report in detail (1) analyse and assess the existing buildings and the site in their context, (2) Identifies the cultural heritage significance of the of the site and the structures on the site, (3) provides detailed heritage and design criteria for the architect and (4) describes the scope of, assess and evaluate the potential heritage impact of the proposed new work.

Importantly, the outcomes of the heritage process and report are as follows:

1. The proposals do not impact negatively on the heritage resources which have been determined to be both the Old Thatch and the context. The interventions have been carefully considered with the primary intention to retain cultural heritage significance.

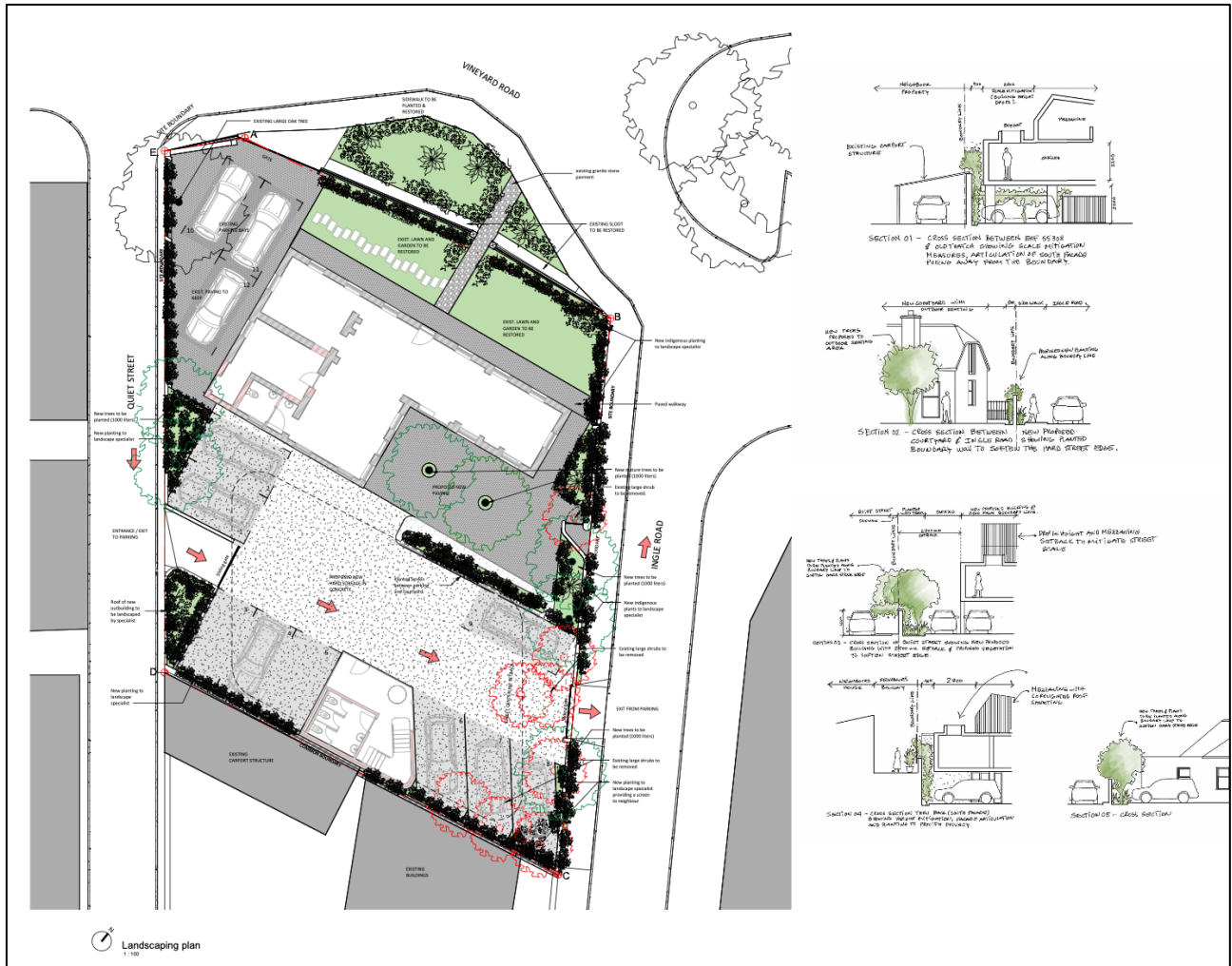
2. The proposals resolve aspects of the existing heritage resource's diminishing value by addressing structural issues and the ongoing deterioration and decay with sensitively designed and appropriate interventions, as required to sustain a future life.
3. The proposal provides additional facilities on the site in ways that will enhance the urban environment experience.
4. The new work is sensitively detailed to effect minimum impact. It is clearly detailed as new work which skilfully addresses the challenges brought about by the new building's proximity to the Old Thatch whilst enhancing the existing heritage assets which are to be retained (for example by means of creating the courtyard space and public accessibility to the old well).

As per this detailed assessment, we are of the opinion that the proposal will not have a negative impact on any heritage issues.

3.2.5.6 Impact on the biophysical environment

- The subject property is already development and is not deemed to be environmentally sensitive.
- A detailed landscaping plan has been provided which shows the effective landscaping of specifically the street edges of the subject property.

Detailed landscaping plan that will have a positive impact on the biophysical environment.



3.2.5.7 Traffic impacts, parking, access and other transport related considerations

As indicated earlier in the report, sufficient on-site parking bays have been provided, given the proposed land uses for the subject property. However, the following should also be noted:

- The proposal complies with the required on-site parking provision as pr the MPBL.
- The architect previously interacted with the City's TIA & Development Control Department in terms of access and on-site parking provision.

- Except for the existing vehicular access off Protea Road which remains unchanged, an efficient one-way in and one-way out system is proposed for the subject property.
- The property is ideally located to take advantage of various public transport options in the area.
- Given the location of the subject property on the edge of the Claremont CBD and specifically the proposed restaurant use of the Old Thatch building; walking to and from the subject property should be easy and convenient from various surrounding and available parking areas.
- There is available public parking in close proximity to the site.
- Residents or visitors to the area now have the Uber car service as an alternative to public transport which attracts many high-end users.
- The popularity and convenience of the Uber car service in conjunction with the prominent public transport facilities in the area will allow the visitors to the property to utilise these modes of transport as opposed to private transport; not only will it alleviate the parking requirements but it would assist in promoting the City of Cape Town's Transit Oriented Development (TOD) objectives.
- The subject property is located within a Transport Accessible Precinct (TAP) as per the TOD Strategic Framework.

Given the various issues mentioned above, the proposal will not have a negative impact on the parking and traffic situation in the area.

3.2.5.8 Imposition of conditions to mitigate possible adverse impacts of the use or development

In terms of this submission and the motivation, no possible adverse impacts on the area and surrounding property owners are anticipated. However, the City may want to impose relevant conditions they consider pertinent to address any possible perceived impacts such building envelope, use, landscaping, etc.

Also, we have no objection to the City imposing a condition regarding limiting the use of the subject property to appropriate business uses (such as shop, office, restaurant, etc) and residential uses. High impact uses such as a place of entertainment, etc can be excluded.

3.2.6 Impact on existing rights

Given the legal planning requirements as stated in Section 1 and the assessment above, it is argued that the proposal will have no impact on the existing rights of surrounding property owners. It is essential that this proposal and required planning application be seen in the context of the sites existing rights, the desirable use character of the area and the desirability of the proposal as explained above.

It is therefore believed that this proposal will have a positive impact on the area and the surrounding property owners.

3.2.7 Complies with the requirements of this By-Law

The application has been correctly submitted, addresses the assessment criteria contained within the MPBL and has been shown to be desirable. The proposal therefore complies with the requirement of the MPBL.

4. CONCLUSION AND REASONS FOR SUPPORT OF THE PROPOSAL

In terms of **Section 99(1) of the MPBL** an application must be refused if the application does not satisfy the minimum requirements as listed in this section. In this regard, the following should be noted:

- In terms of the applicable Southern District Plan (relevant spatial development framework), the subject property is located in an area designated for urban development and mixed use intensification. As explained earlier in this report, the proposal **should be considered consistent with the provisions of the Southern District Plan or a required deviation from the Southern District Plan should be able to be approved in terms of the site specific circumstances provided in this report.**
- Although the subject property is being rezoned to GB1, the proposed floor space and height are significant below what is permitted and therefore (considering Section 99(1)(d)(ii) of the MPBL) the application **does not have the effect of granting the property the development rules of the next subzone.**

Given the above, the application does not fail to comply with the minimum requirements as stated in Section 99(1) of the MPBL and should therefore not be refused but supported by the decision-maker.

From the assessment contained in this report, all the relevant considerations have been addressed in detail in terms of Section 99(2) of the MPBL. Given this assessment, the reasons for support of the proposal can be summarized as follows:

- It has been argued in this report, that the proposal **is in line with and is consistent with any applicable spatial development framework.**
- The proposal has been assessed and has been shown to be **compliant with the following City policies and strategies:**
 - Transit-Oriented Development (TOD) Strategic Framework
 - Urban Design Policy
- The proposal **complies with the provisions contained in relevant national and provincial legislation** (i.e. NHRA, SPLUMA & LUPA).
- The **relevant criteria of the DMS** have been assessed as it relates to this proposal and the impact of the proposal was considered as negligible.

- As per the assessment contained in Section 3.2.5 of this report, **it has been shown that the proposal is desirable as per the relevant consideration criteria as stated in Section 99(3) of the MPBL.**
- It has been shown and argued in this report that the proposal **will have no impact on the existing rights of relevant surrounding property owners.**
- Through the assessment contained in this report, it is clear that the **proposal complies with the requirements of the MPBL.**



Ben Schoeman