



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD

**Case ID 1500163825**

**Erf 7556, 28 Vlei Road, Kempenville,  
Bellville**

**Development Management**

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Owner:  
Postal: 28 VLEI ROAD, KEMPENVILLE, BELLVILLE 7535  
Date: 01 SEPTEMBER 2026

To: THE CITY OF CAPE TOWN, LAND USE MANAGEMENT.

RE: **REMOVAL OF TITLE DEED CONDITIONS, REMOVAL OF CONDITIONS OF APPROVAL, CONSENT USE APPROVAL FOR A GUEST HOUSE, AND PERMANENT DEPARTURE ON ERF 7556, 28 VLEI ROAD, KEMPENVILLE, BELLVILLE.**



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ABBREVIATIONS AND DEFINITIONS:

|                   |                                                                                                                                                                                                                                                       |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Application area: | Same definition assigned as subject property                                                                                                                                                                                                          |
| MPBL:             | Municipal Planning Bylaw                                                                                                                                                                                                                              |
| DMS               | Development Management Scheme                                                                                                                                                                                                                         |
| IDP:              | Integrated Development Plan                                                                                                                                                                                                                           |
| COCT:             | City of Cape Town Municipality                                                                                                                                                                                                                        |
| PSDF              | Provincial Spatial Development Framework (Western Cape)                                                                                                                                                                                               |
| MSDF:             | Municipal Spatial Development Framework (Cape Town)                                                                                                                                                                                                   |
| DSDF:             | District Spatial Development Framework (Tygerberg)                                                                                                                                                                                                    |
| SPLUMA:           | Spatial Planning and Land Use Management Act (Act 16 of 2016)                                                                                                                                                                                         |
| LUPA              | Western Cape Land Use Planning Act (Act 3 of 2014)                                                                                                                                                                                                    |
| Subject property: | ERF 7556, 28 VLEI ROAD, KEMPENVILLE, BELLVILLE.                                                                                                                                                                                                       |
| This proposal:    | Removal of Title Deed Conditions to allow a Second and Third Dwellings, Removal of Conditions of Approval to allow a Second and Third Dwellings, Consent Use to allow a Guest House, and Departure on ERF 7556, 28 VLEI ROAD, KEMPENVILLE, BELLVILLE. |

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## 1. INTRODUCTION AND APPLICATION SUMMARY:

- 1.1 This proposal seeks **Removal of Title Deed Conditions C. (a), (b), (c) & (d)** to allow Second and Third Dwelling Units and Guest House activity.
- 1.2 This proposal seeks **Removal of Conditions of Approval C. (a), (b), (c) & (d)** to allow Second and Third Dwelling Units and Guest House activity.
- 1.3 This proposal seeks **Consent Use** to allow a Guest House with 8 Bedrooms for 8 Guests in the Second Dwelling & Third Dwelling. The Main Dwelling shall house the Resident Manager and the Supplementary Dwelling shall house Staff.
- 1.4 This proposal seeks **Permanent Departure** to allow the Building Height with 3m of the Common Boundary after 12m from the Street Boundary to be 6.82m instead of 4m on the North.
- 1.5 This proposal does not seek to **Removal of Title Deed Conditions B** because they were not imposed by the Local Authority and it is not a mandatory requirement to change or remove them for this proposal.
- 1.6 This proposal does not seek to **Removal of Conditions of Approval B** because they were not imposed by the Local Authority and it is not a mandatory requirement to change or remove them for this proposal.
- 1.7 THE OWNER ACKNOWLEDGES THAT: (1) They are aware of the content of the proposed plan; (2) The Guest House will be used as defined in the Development Management Scheme; (3) The Guest House will be limited to the number of rooms indicated on the plan being let to paying guests/lodgers; (4) The bedrooms will not be used as flat units; and (5) No cooking facilities will be installed in the bedrooms.

## 2. PROPERTY DETAILS:

### 2.1 PROPERTY DETAILS TABLE:

|        |                          |                                                     |
|--------|--------------------------|-----------------------------------------------------|
| 2.1.1  | Ownership:               |                                                     |
| 2.1.2  | Property Description:    | ERF 7556                                            |
| 2.1.3  | Physical Address:        | ERF 7556, 28 VLEI ROAD, KEMPENVILLE, BELLVILLE.     |
| 2.1.4  | Title Deed No.:          |                                                     |
| 2.1.5  | Title Deed Restrictions: | Applicable                                          |
| 2.1.6  | ERF Extent:              | 595m2                                               |
| 2.1.7  | SG Diagram No:           | 3634/41                                             |
| 2.1.8  | Bond:                    | N/A                                                 |
| 2.1.9  | Present Zoning:          | R1 - Residential Zoning 1: Conventional Housing.    |
| 2.1.10 | Jurisdiction:            | City of Cape Town Municipality, Tygerberg District. |

### 2.2 LOCALITY MAPS:

#### 2.2.1 City of Cape Town Map



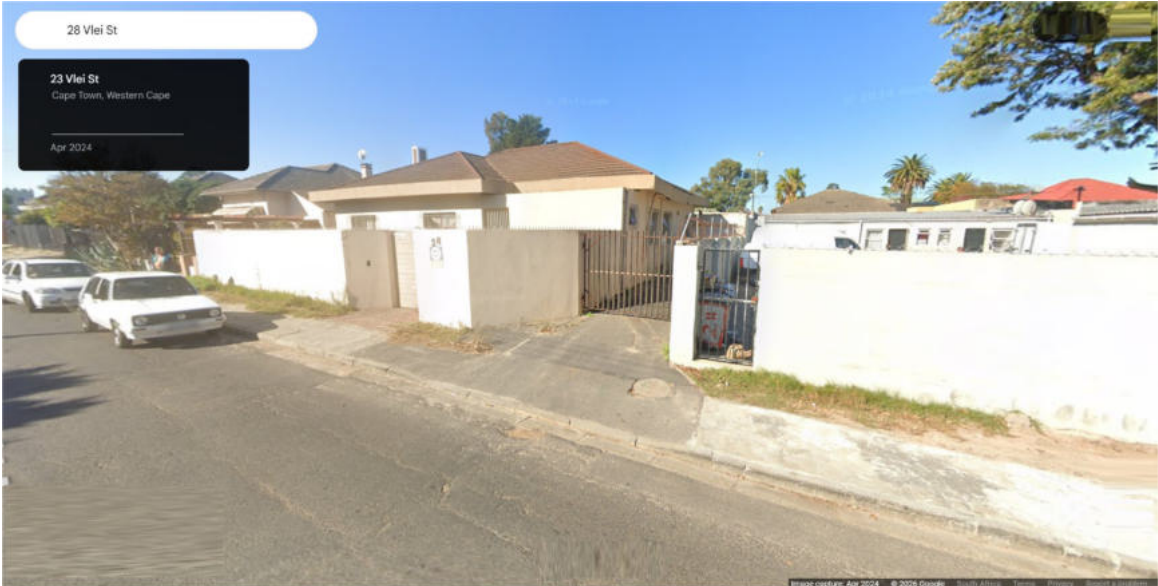
**AERIAL PHOTOGRAPH** (Source: City of Cape Town Zoning Map Jan 2023):

2.2.2



ZONING MAP EXTRACT (Source: City of Cape Town Zoning Map):

2.2.3.1



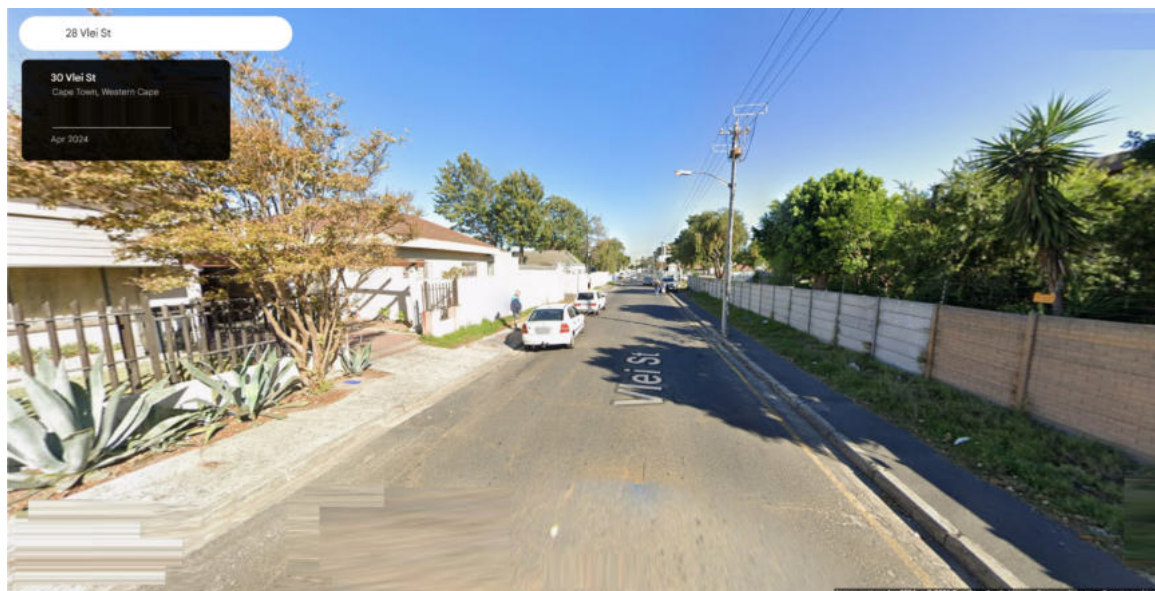
STREET VIEW PICTURE OF THE EXISTING FRONT FACADE (Source: Google Maps):

2.2.3.2



STREET VIEW PICTURE OF VLEI ROAD (Source: Google Maps):

### 2.2.3.3



**STREET VIEW PICTURE OF VLEI ROAD** (Source: Google Maps):

## 2.3 **LAND USE CONTROL:**

- 2.3.1.1 **'Consent Use'** means a land use permitted in terms of a particular zoning with the approval of the City. Guest House is identified as a Consent Use Right on Residential 1 (R1) Zoning. This proposal seeks Consent Use to allow a Guest House on ERF 7556, BELLVILLE with 8 Bedrooms for 8 Guests in the Second Dwelling & Third Dwelling. The Main Dwelling shall house the Resident Manager and the Supplementary Dwelling shall house Staff.
- 2.3.1.2 **Definition:** According to the DMS, **'Guest House'** is defined as "means a dwelling house, second dwelling or third dwelling which is used for the purpose of supplying lodging and meals to transient guests for compensation, in an establishment which exceeds the allowable number of rooms of a bed and breakfast establishment, and may include business meetings or training sessions by and for guests on the property, but excludes a boarding house".
- 2.3.1.3 **Definition:** **'Second Dwelling'** means another dwelling unit which may be erected on a land unit where a dwelling house is also permitted; and such second dwelling may be a separate structure or attached to an outbuilding or may be contained in the same structure as the dwelling house.
- 2.3.1.4 **Definition:** **'Third Dwelling'** means another dwelling unit which may, in terms of this development management scheme, be erected on a land unit where a dwelling house and a second dwelling have already been approved, or lawfully erected or where they are proposed at the same time.
- 2.3.1.5 **Definition:** **'Supplementary Dwelling Unit'** means a self-contained, inter-leading group of rooms, with not more than one kitchen, used for the accommodation of staff employed at the land unit concerned, and may be used for the living accommodation and housing of the family at the dwelling unit concerned.

2.3.2 The table below shows aspects required in R1 Zoning and the DMS compared to the same aspects as proposed in this proposal.

|           | ASPECT:                                       | REQUIRED/ ALLOWED:                                                 | PROPOSED:                    |
|-----------|-----------------------------------------------|--------------------------------------------------------------------|------------------------------|
| 2.3.2.1.1 | DWELLING UNITS                                | 3 units + Supplementary Unit                                       | 3 units + Supplementary Unit |
| 2.3.2.1.2 | GUEST BEDROOMS                                | -                                                                  | 8                            |
| 2.3.2.2   | R1 BUILDING HEIGHT (TOP OF ROOF)              | 11m                                                                | 7.669m                       |
| 2.3.2.3   | BUILDING HEIGHT (Within 3m of Comm. Boundary) | 4m                                                                 | 6.82m [Departure required]   |
| 2.3.2.4   | COVERAGE                                      | N/A                                                                | 54%                          |
| 2.3.2.5   | FLOOR FACTOR                                  | 1                                                                  | 0.84                         |
| 2.3.2.6   | PARKING - PT2                                 | 0 bays/ guest bedroom (x16) = 0<br>0 bays/ dwelling unit = 0 bays. | 5 bays                       |
| 2.3.2.7   | BUILDING LINE- STREET BOUNDARY                | 3.5m                                                               | 8.45m                        |
| 2.3.2.8   | BUILDING LINE- COMMON BOUNDARY                | 1.5m                                                               | 1.5m                         |

### 3. MOTIVATION IN SUPPORT OF THE APPLICATION:

#### 3.1 MOTIVATION FOR THE REMOVAL OF THE TITLE DEED CONDITIONS:

- 3.1.1 This proposal to **Remove Title Deed Conditions C. (a), (b), (c) & (d)** imposed in Title Deed No.: on ERF 7556, KEMPENVILLE, BELLVILLE is in terms of Section 42 (g) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.1.2 **C. ONDERHEWIG VERDER** aan die volgende spesiale voorwaardes vervat in Transportakte Nr opgele deur die Administrateur van die Provinsie Kaap die Goeie Hoop in terme van Artikel 18 van Ordonnansie Nr 33 van 1934 ten tye van die goedkeuring van die onderverdeling van Kempenville Dorpuitbeiding Nr 1 naamlik:  
*Translation to English: C. FURTHER SUBJECT to the following special conditions contained in Deed of Transfer No. imposed by the Administrator of the Province of the Cape of Good Hope in terms of Section 18 of Ordinance No. 33 of 1934 at the time of the approval of the subdivision of Kempenville Township No. 1, namely:*
- (a) That this erf shall be used for residential purposes only.
  - (b) That only one dwelling together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf.
  - (c) That not more than half the area of this erf be built upon.
  - (d) That no building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf. No such building or structure shall be situated within 1,57 metres of the lateral boundary common to any adjoining erf.
- 3.1.3 The subject property is situated in a desirable location to allow the proposed development as motivated below in the **Motivation for the Consent Use Application** and in the **SPLUMA and LUPA Motivation**.
- 3.1.4 The subject property is subject to the **Municipal Planning By-Law (MPBL), Development Management Scheme (DMS)** which adequately covers the Town Planning Regulations that the Title Deed Conditions were regulating namely: **Condition B.2.** regulating the Land Use; **Condition C.(a)** regulating the Land Use; **Condition C.(b)** regulating the Land Use, and the number of dwelling units allowed; **Condition C.(c)** regulating the Coverage/ Floor space/ Built Upon Area; and **Condition C.(d)** regulating the Building Lines.

#### 3.2 MOTIVATION FOR THE REMOVAL OF CONDITIONS OF APPROVAL:

- 3.2.1 This proposal to **Remove Conditions of Approval C. (a), (b), (c) & (d)** as stated in Title Deed No.: on ERF 7556, KEMPENVILLE, BELLVILLE is in terms of Section 42 (j) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.2.2 **Title Deed Conditions C. (a), (b), (c) & (d)** exist as **Conditions of Approval** because they were imposed by the Administrator of the Province of the Cape of Good Hope at the time of the establishment of the township.
- 3.2.3 **Title Deed Conditions C. (a), (b), (c) & (d)** exist as **Conditions of Approval** that need to be removed in order to permit this proposal.
- 3.2.4 The motivation for the **Removal of Conditions of Approval C. (a), (b), (c) & (d)** is stated in item 4.3 below.

#### 3.3 MOTIVATION FOR THE CONSENT USE APPLICATION:

- 3.3.1 This proposal for **Consent Use to allow a Guest House** on ERF 7556, KEMPENVILLE, BELLVILLE is in terms of Section 42 (i) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.3.2 The subject property is in a desirable location for a Guest House. There is a pressing need for safe, affordable, accommodation options in areas that have proximity to commercial, educational, recreational and community opportunities. This proposal seeks to convert the residence into a guest house by making alterations and additions to add two dwelling units and a supplementary dwelling unit.
- 3.3.3 The following are reasons for this proposed consent use application for a Guest House:
- (1) This proposal maintains the existing structure and re-purposes for a more intensive use thereby keeping with the existing built fabric of the area and causing minimal disturbance;
  - (2) This proposal brings more densification in the area while causing minimal change;
  - (3) This proposal is located in a **Development Corridor**;
  - (4) This proposal is located just outside the edge of a **Mixed Use Intensification Zone**;
  - (5) This proposal is located in a **Metropolitan Node**;
  - (6) There are GB1, GB3, LB1, GR2 zoned properties in the surrounding area and meaning that the context of the subject property is intense with a mix of land use activities;
  - (7) Public transport is available on Voortrekker Road and Durban Road (5 minutes walk away);
  - (8) This proposal will provide an affordable accommodation within a busy and vibrant node;
  - (9) This proposal will provide an affordable accommodation in an area close to employment opportunities;
  - (10) The proposal will provide employment opportunities during construction and after;

- (11) The proposal will provide Development Charges which will provide resources for municipal services;
- (12) The proposal provides adequate on-site parking for the establishment;
- (13) There public transport by train and future railway upgrades are planned. There is public transport on Voortrekker Road. The is future MyCiti Bus route planned for the area.

- 3.3.4 The Guest House may target students and staff studying or working at nearby tertiary campuses Tygerberg. Tertiary Education Institutions within reasonable travel distance:
- University of the Western Cape (UWC) - Main campus in Bellville. UWC is a major source of student demand.
  - Cape Peninsula University of Technology (CPUT) - Bellville Campus. Strong local student population.
  - Northlink College - Bellville Campus. They provide vocational and trades courses.
  - Stellenbosch University - Stellenbosch Business School (Bellville Park).
  - STADIO (Bellville Campus) - Contact Learning Campus, Bellville.
  - Other colleges / private providers: Vocational and private higher education providers and satellite campuses in the Bellville area (e.g., Varsity College and other private institutions within commutable distance).
- 3.3.5 The immediate presence of multiple tertiary campuses in Bellville and the northern metro creates clear local demand for secure, managed student accommodation within walking / short public transport distance- precisely the market the proposed Guest House intends to serve.

#### 3.4 **MOTIVATION FOR THE BUILDING LINE DEPARTURES:**

- 3.4.1 This proposal for **Permanent Departure** to allow the Building Height to be 6.82m instead of 4m along the Common Boundary on the North and East on ERF 7556, KEMPENVILLE, BELLVILLE is in terms of Section 42 (i) of the City of Cape Town Municipal Planning By-Law 2015 and the City of Cape Town Municipal Land Use Scheme, 2021.
- 3.4.2 This proposal seeks **Permanent Departure** to allow the Building Height with 3m of the Common Boundary after 12m from the Street Boundary to be 6.82m instead of 4m on the North.
- 3.4.3 The Building Height Departure became necessary because of the positioning of the existing building on the plot. The building is located too close to the Street Boundary and towards the North Common Boundary, leaving an alley along the South Common Boundary for vehicular access to the back of the plot for parking. In order to provide the parking, we were forced to push the building toward the North Common Boundary leading to the need for the departure.
- 3.4.4 Even though the property is in a PT2 Area where parking requirement is nil, the parking that has been provided will go a long way in easing the need for on-site parking.
- 3.4.5 Privacy impact along the Common Boundary is reduced by using obscure glass for the bathroom windows, by having no windows on the East Façade, and by having only the necessary windows on the North.

#### 4. **POLICIES & FRAMEWORKS (LEGISLATIVE SUPPORT):**

##### 4.1 **NATIONAL HERITAGE RESOURCES ACT NO. 25 OF 1999:**

- 4.1.1 Because the existing building is not older than 60 years, Heritage Western Cape Approval is not required. The building is not identified as a heritage resource.

##### 4.2 **NATIONAL ENVIRONMENTAL MANAGEMENT ACT NO. 107 OF 1998:**

An Environmental Authorisation is not be required as none of the listed activities are triggered.

##### 4.3 **SPLUMA and LUPA:**

- 4.3.1 Section 48(4) of the By-Law states that the City must have regard to Section 39(5) of the Western Cape Land Use Planning Act 3 of 2014 ("LUPA") and Section 47 of the Spatial Planning and Land Use Management Act 16 of 2013 ("SPLUMA") when considering whether to remove, suspend or amend a restrictive condition.
- The following principles have been taken into account: (a) The need to promote land development in locations that are sustainable and limit urban sprawl; (b) Support developments that optimise the use existing resources and infrastructure; (c) Promote developments that support job creation and enable residential environments that improve the quality of life.

- 4.3.2 **Section 47(2) of SPLUMA** allows for the removal, amendment or suspension of a restrictive condition if:

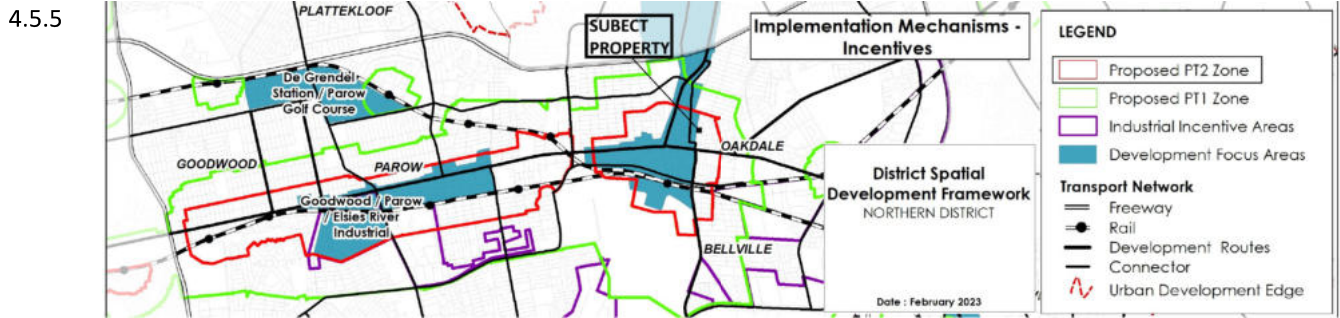
- |         |                                                                                                                                                                                                 |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3.2.1 | <b><u>Section 47(2)(a):</u></b> The removal does not deprive anyone a right to property, or permit the arbitrary deprivation of property, as contemplated in Section 25(1) of the Constitution. |
| 4.3.2.2 | <b><u>Section 47(2)(b):</u></b> The removal is in the public interest and regards the rights of all those affected.                                                                             |
| 4.3.2.3 | <b><u>Section 47(2)(c):</u></b> The removal is executed in the prescribed manner (i.e. this process).                                                                                           |

- |       |                                                                                                                                                           |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3.3 | <b><u>Section 39(5) of LUPA</u></b> outlines what the City of Cape Town must consider the when removing, amending, or suspending a restrictive condition: |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|

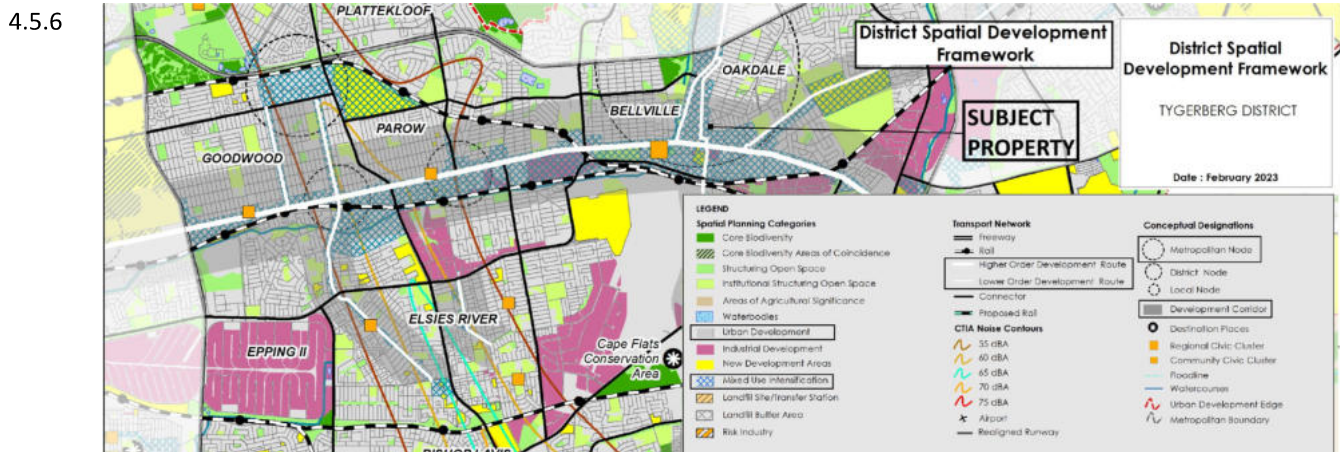
|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3.3.1 | <p><b>Section 39(5)(a):</b> 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 owner of a dominant tenement:</p> <p>The Title Deed Conditions were imposed at the time of the establishment of the township but have been superseded by the Municipal Planning By-law 2015 (MPBL). The Development Management Scheme (DMS) in the MPBL is the means that development parameters are now determined in a more updated, universal and consistent manner. The removal of the old and defunct Title Deed conditions and falling back to the DMS will not negatively affect the character and/or value of the surrounding area.</p> |
| 4.3.3.2 | <p><b>Section 39(5)(b):</b> The personal benefits which accrue to the holder of the rights in terms of the restrictive condition:</p> <p>The Development Management Scheme in the MPBL is the means that development parameters are now determined in a more consistent manner. This more consistent framework opens the doors for the township to develop in line with latest Spatial Development Frameworks which will benefit all more equitably.</p>                                                                                                                                                                                                                                                                                                     |
| 4.3.3.3 | <p><b>Section 39(5)(c):</b> The personal benefits which will accrue to the owner if the restrictive condition is removed:</p> <p>The DMS in the MPBL is the means that development parameters are now determined in a more consistent manner. This more consistent framework opens the doors for development in line with latest Spatial Development Frameworks which will benefit all more equitably.</p>                                                                                                                                                                                                                                                                                                                                                   |
| 4.3.3.4 | <p><b>Section 39(5)(d):</b> The social benefit of the restrictive condition remaining in place in its existing form:</p> <p>There is no social benefit to the restrictive condition remaining in place as it is defunct and restricts beneficial development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4.3.3.5 | <p><b>Section 39(5)(e):</b> The social benefit of the removal of the restrictive condition:</p> <p>The MPBL is a more universal and consistent framework which allows development in line with the latest Spatial Development Frameworks for the benefit of this owner and the surrounding properties. The removal of of the restrictive conditions has social benefit as it will allow a financially viable development, that will provide employment, provide development charges, and generate higher rates for the city.</p>                                                                                                                                                                                                                             |
| 4.3.3.6 | <p><b>Section 39(5)(f):</b> Whether the removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights:</p> <p>The removal will only remove some of the rights. However, the MPBL is a more universal and consistent framework which allows development in line with the latest Spatial Development Frameworks for the benefit of this owner and the surrounding properties.</p>                                                                                                                                                                                                                                                                                                             |

|       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4   | <p><b>WESTERN CAPE PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK: STATUTORY REPORT (2014):</b></p> <p>The PSDF opposes urban sprawl and development outside the urban edge. The PSDF promotes densification of underutilized land within the urban edges. This proposal complies with following listed principles:</p>                                                                                                                                                                                                                                                            |
| 4.4.1 | <p><b>Sustainability and Resilience:</b></p> <p>This proposal protects natural resources through Increased densification on land that is not identified as high potential agricultural land. This proposal is compatible with the height and densities prescribed for the area.</p>                                                                                                                                                                                                                                                                                          |
| 4.4.2 | <p><b>Spatial Efficiency:</b></p> <p>Increased density ensures that more families will be closer to opportunities in the area and surroundings.</p>                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 4.4.3 | <p><b>Access:</b></p> <p>This proposal will bring more people closer to opportunities in the area and surroundings.. It will also create job opportunities in construction phase and afterwards domestic, security and cleaning job opportunities.</p>                                                                                                                                                                                                                                                                                                                       |
| 4.4.4 | <p><b>Quality and Liveability:</b></p> <p>Increased density ensures increased surveillance which improves security in the area. This brings an improved living environment in general. This proposal has been designed to fit into the character of the area.</p>                                                                                                                                                                                                                                                                                                            |
| 4.5   | <p><b>CITY OF CAPE TOWN MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK: 2023:</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.5.1 | <p>According to the MSDF, the subject property lies within the <u>Urban Inner Core (UICA)</u>. The Principle of such an area is to up-scale land, building optimisation and ensure adequate infrastructure capacity. This proposal is in line with City's priority in <u>Urban Inner Core (UICA)</u> areas which is investments that aim at spatial transformation, spatial integration and spatial intensification.</p>                                                                                                                                                     |
| 4.5.2 | <p>The MSDF focuses on <u>INWARD GROWTH</u> as a response to built environment stresses such as urban sprawl which typically put a great burden on the poor who have to have to commute long distances between home and work and pay a portion of their income on transport fare. This proposal to develop to develop a more intensive land use within the existing urban footprint in in line with the MSDF imperative for spatial transformation as it brings the people closer to amenities and opportunities.</p>                                                        |
| 4.5.3 | <p>The MSDF also prescribes spatial strategies that include protecting natural resources and encourages integrated settlement patterns and a more compact form of development. This proposal supports these strategies as the identified land is not located within a valuable agricultural area; this proposal will ensures a more compact urban form which will increases access to opportunities within the area. This proposal therefore complies with the broader goals of the MSDF as this proposed rezoning is in line with the densification needed in the area.</p> |

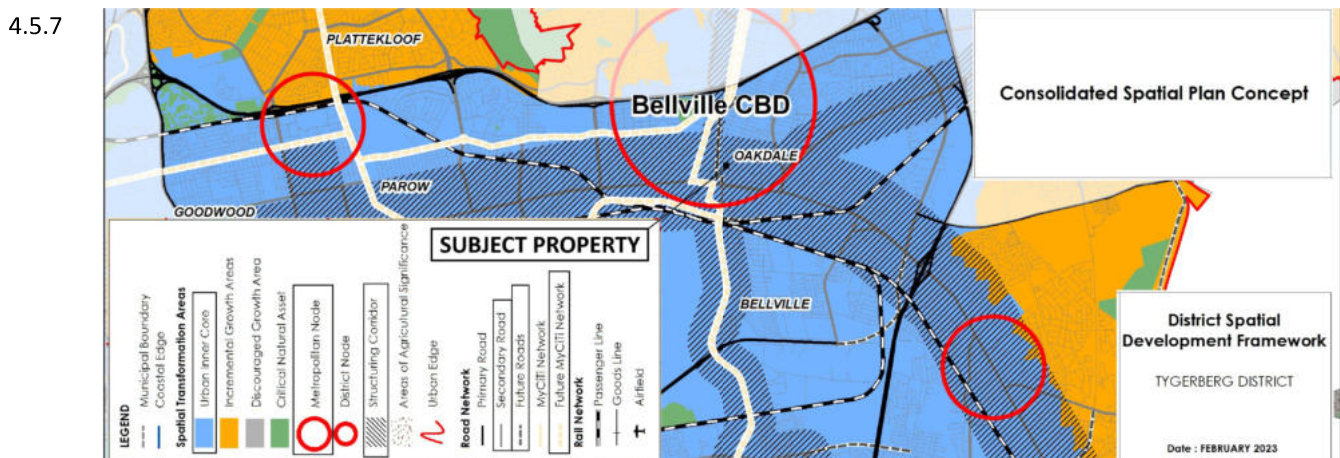
4.5.4 The MSDF aims to address the inequitable socio-economic conditions emanating from the racially divisive policies of South Africa's history. This proposal is addressing this imperative by bringing people closer to an area of higher availability of amenities and opportunities.



TYGERBERG DSDF – IMPLEMENTATION MECHANISMS- INCENTIVES MAP (2023):

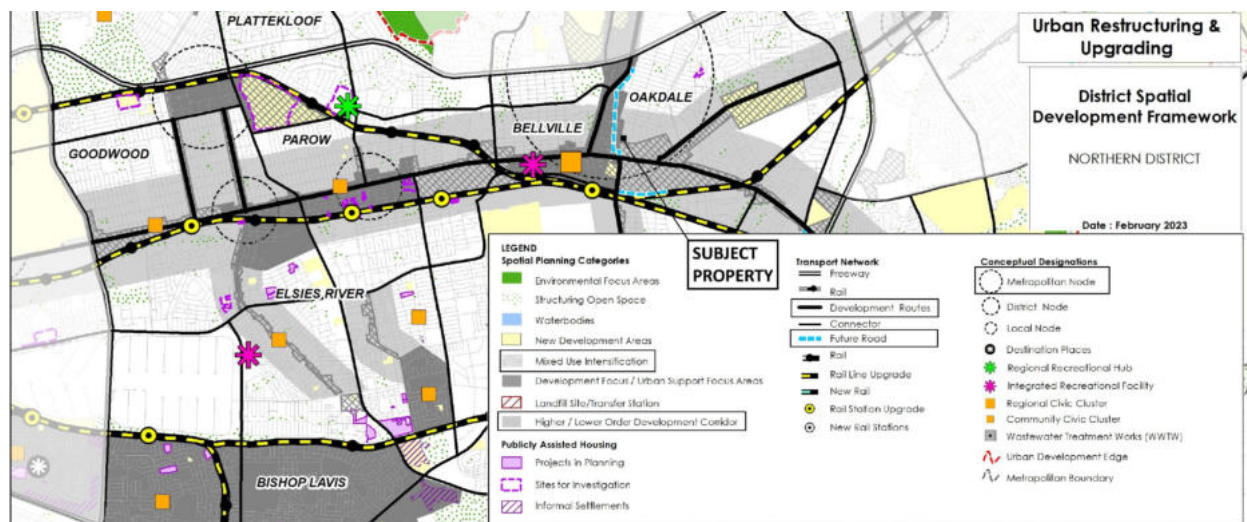


TYGERBERG DSDF – SPATIAL DEVELOPMENT FRAMEWORK MAP (2023):



TYGERBERG DSDF - CONSOLIDATED SPATIAL PLAN CONCEPT MAP (2023):

4.5.8



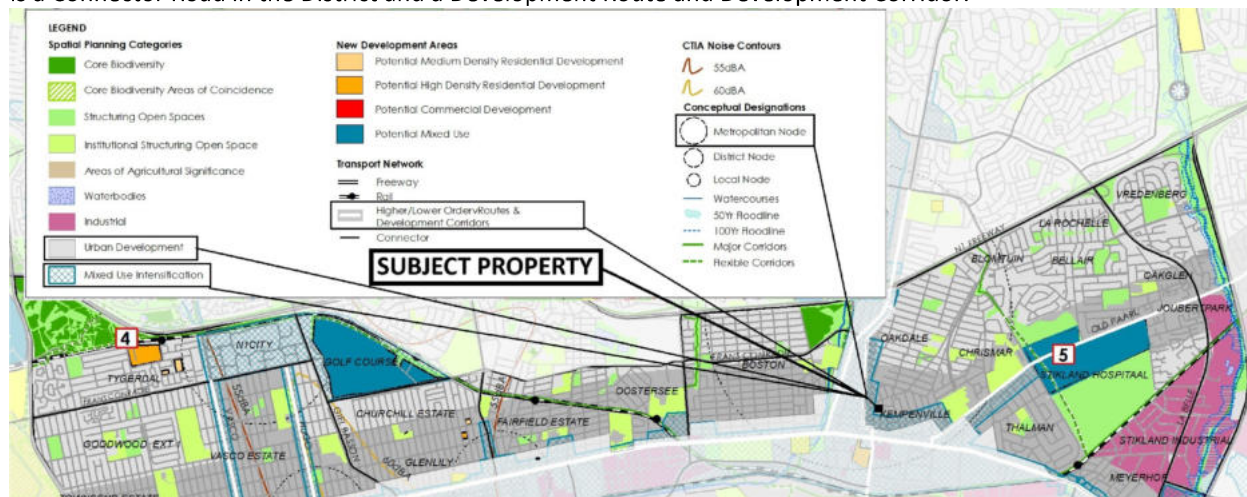
TYGERBERG DSDF - URBAN RESTRUCTURING AND UPGRADING MAP (2023):

4.6

#### TYGERBERG DISTRICT PLAN (2023):

4.6.1 The property is located in Vlei Street. The property is within 5 minutes walk to Voortrekker Road which is a Primary Road in the District and a High-Order Route and Development Corridor. The property is within 5 minutes walk to Durban Road which is a Connector Road in the District and a Development Route and Development Corridor.

4.6.2



TYGERBERG DSDF- SUB-DISTRICT 2 MAP (2023):

4.6.3 The property is in an Urban Development Area. The property is in a Development Corridor. The property is just outside of a Mixed Use Intensification Zone. The property is in a Metropolitan Node.

4.6.3.1 According to the DSDF, the subject property is in an existing Urban Development Area. The Principle of such an area is further intensification, optimisation and appropriate redevelopment of existing land uses. This proposal is in line with this DSDF priority which is spatial transformation, spatial integration and spatial intensification and the imperative includes promoting the regeneration and refurbishment of well-located, underutilised buildings for affordable housing, where appropriate; ensuring sufficient provision of supporting amenities in line with requirements for provision of associated social facilities and recreational spaces.

4.6.3.2 The property is in a Development Corridor where the DSDF supports higher-intensity development than in surrounding urban areas. The property is within 10 minutes walk to the spine of the development corridor (Voortrekker Road).

4.6.3.3 A Mixed Use Intensification Zone where the Tygerberg District Plan promotes land use intensification, which implies a greater mix of residential and non-residential land uses (diversification) through the increased use of space, both vertically and horizontally (densification). Guest House is a lower intensity land use which is appropriate just outside the edge of the Mixed Use Intensification Zone.

4.6.3.4 This proposal is in a Metropolitan Node where the DSDF supports higher-intensity development than in surrounding urban areas. This proposal supports the Tygerberg DSDF imperatives for the Bellville Metropolitan Node which are: **(1)** Encouraging mixed land use intensification within a radius of approximately 2,5 km; **(2)** Encouraging a mix of commercial, recreational spaces, higher-order public facilities appropriate for level 1 civic clusters, and high-density residential, including a range of housing typologies and affordable housing; **(3)** Promoting development at higher residential densities than those which exist in the surrounding area and encourage net densities of 400 du/ha and above with due consideration of the local context and its urban character and form; and **(4)** Encouraging the conversion of functionally obsolete building stock to affordable housing.

- 4.6.4 This proposal is in line with the Tygerberg DSDF Local Objectives for Sub-District 2 are: **(a)** Facilitate land use intensification (density and diversity) along high accessibility routes and in close proximity to public transport; **(b)** Facilitate densification that will promote a denser urban form without detracting from the character of the residential areas; **(c)** Protect core residential areas from business creep that will change the character of the areas; and **(d)** Maintain and improve the quality of existing open space systems and the interfaces.

4.7 **FUTURE DE LANGE/ MAREE ROAD SCHEME:**

- 4.7.1 Transport Infrastructure Planning and Development Branch has confirmed that ERF 7556, BELLVILLE is not impacted by the future De Lange/Maree Street Alignment/Road Scheme.
- 4.7.2 This proposal is close to Maree Street and the future road will benefit from the ease of traffic when the roadworks are done.
- 4.7.3 See the Map on item 4.5.8 above: TYGERBERG DSDF - URBAN RESTRUCTURING AND UPGRADING MAP (2023). The map shows the proposed Future Road which is part of the De Lange/Maree Street Road Scheme.

4.8 **TRANSIT ORIENTED DEVELOPMENT STRATEGIC FRAMEWORK POLICY, 2016:**

- 4.8.1.1 TRANSIT ORIENTED DEVELOPMENT (TOD) is about changing, developing, and stimulating the built form of the city in such a way that the movement patterns of people and goods are optimised to create urban efficiencies and enable social equality and economic development. The desired outcome of TOD, in general, is a future spatial form of Cape Town that is compact, well connected, efficient, resilient and conducive to economic efficiency and equality whilst providing cost effective access and mobility with the least possible environmental impact.
- 4.8.1.2 In line with the 2032 approved Integrated Public Transport Network Plan (IPTN), TOD as it applies to the City of Cape Town is a long term development strategy to address spatial inequality, improve public transport affordability, and arrest sprawl, which is driven by the integration of sustainable public transport and strategic land use intervention and built on the principles of affordability, accessibility, efficiency, intensification and densification.
- 4.8.1.3 The objectives of Transit Oriented Development for Cape Town are: **(1)** Reduce Travel Distances: to reduce the cost of commuter travel and improve operational viability of public transport. **(2)** Optimise bi-directional flows. **(3)** Generate a greater level of seat renewal (balancing trip attractions and productions).
- 4.8.1.4 The prescribed Land Use Interventions of TOD respectively are: **(1)** Intensify and diversify urban development in close proximity to public transport stations. **(2)** Promote an appropriate mix and form of residential, social and economic activity between urban nodes along higher-order public transport corridors. **(3)** Promote an appropriate mix and form of residential, social and economic activity between district and local nodes along higher-order public transport corridors.
- 4.8.2 The following are planning tools that show that this proposal is in line with TOD:
- 4.8.2.1 This proposal is located in a High Order Development Corridor (Voortrekker Road).
- 4.8.2.2 This proposal is located in a Metropolitan Node (Bellville).
- 4.8.2.3 This proposal is located just outside the edge of a Mixed Use Intensification Zone.
- 4.8.2.4 This proposal is located in a PT2 Area.

4.9 **CITY OF CAPE TOWN DENSIFICATION POLICY (2012):**

The policy advocates more efficient utilisation of land that will ultimately contribute to more compact urban environments. Densification is defined as “increased use of space, both horizontally and vertically, within existing areas/properties and new developments, accompanied by an increased number of units and/or population threshold”. As per Section 2.4 redevelopment at higher densities is seen as a mechanism to achieve the goal of densification. Among its key principles to achieve its goals of densification area:

- To reduce the consumption of valuable resources such as agricultural land, areas of mineral potential etc.
- Provide a mix of residential densities to ensure diversification and choice of housing type and tenure options.

The proposed development is in line with these principles. The subject property is not identified as valuable agricultural land. The proposed development therefore protects natural assets through densification of land not identified as valuable agricultural land. It also provides more living and job opportunities within this area.

This proposed development seeks to allow appropriate densification which serves to provide more accommodation opportunities. As per the Tygerberg District Plan, specific attention has been given to ensure that the development fits into the foreseen character of the area.

4.10 **SOCIAL DEVELOPMENT STRATEGY:**

The Social Development Strategy aims to address poverty, inequality and social ills while providing people the opportunity to participate in their own development. The strategy has the following objectives:

- Maximise income generating opportunities for people who are excluded or at risk of exclusion,
- Build and promote safe households and communities,
- Support the most vulnerable through enhancing access to infrastructure and services,
- Promote and foster social integration, and
- Mobilise resources for social development,

This proposed development is in line with the following levers to help achieve the objectives 1.2 - Develop the skills of people

excluded or at risk of exclusion; 3.3 - Facilitate access to housing opportunities; 4.3 - Foster diversity and inclusiveness in the City's corporate structure.

#### 4.11 **INCLUSIVE ECONOMIC GROWTH STRATEGY (2021):**

The primary intention of this strategy is to provide aid in the recovery of the economy after the Covid-19 pandemic. Specific areas focused on are service provision, business support, labour market support and investment stimulation. A three-phase recovery approach is proposed by the strategy: stabilisation, adoption and rebuilding/recovery.

This proposed development may be required to make additional funds available to the City by means of Development Charges. These funds are for investment in additional infrastructure for the area and better service delivery. In addition, the development will create jobs for skilled and semi-skilled labourers. This includes jobs during the construction phase as well as domestic jobs afterwards, like security and cleaning. These fall under the strategy's identified stabilisation initiatives which is a primary directive after the pandemic.

#### 4.12 **CITY URBAN DESIGN POLICY(SEPTEMBER 2013):**

The Urban Design Policy seeks to focus on the contribution of proposed developments to urban design at local level. The following are the identified policy objectives with which this proposed rezoning is in line with:

- |        |                                                                                                                                                                                                                                                                                                                                                                                          |
|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.12.1 | <b>Objective 1:</b> Ensure that the development contributes positively to the urban structure of the city to create integrated and legible places and neighbourhoods.<br>This proposal has maintains a residential character building form. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics. |
| 4.12.2 | <b>Objective 2:</b> Ensure that development contributes to improved quality of the public realm and public spaces.<br>This proposal has maintains a residential character building form. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics.                                                    |
| 4.12.3 | <b>Objective 3:</b> Ensure that the developments contribute to the creation of safe and secure communities.<br>This proposal will enhance the "eyes-on-the-street" effect as the windows will have a clear view of the public street.                                                                                                                                                    |
| 4.12.4 | <b>Objective 4:</b> Ensure opportunities and amenities are accessible and that people can move about easily and efficiently.<br>This proposal creates additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities.                                                                                     |
| 4.12.5 | <b>Objective 5:</b> Promote development intensity, diversity and desirability.<br>This proposal seeks to ensure that the property is developed to its full potential given the local context. The local area has immense opportunities for growth and development which the proposed development seeks to enhance.                                                                       |
| 4.12.6 | <b>Objective 6:</b> Ensure enclosure and positive interfaces onto the public realm.<br>This proposal has minimal change to the existing building form. The residential character of the building is maintained. The building has a sense of scale and enhances the street-scape. The overlooking features will provide positive surveillance and aesthetics.                             |

#### 4.13 **CAPE TOWN GUEST ACOMMODATION POLICY - CRITERIA FOR GUEST HOUSE:**

This proposal is in line with the Guest Accommodation Policy- Guest House criteria in the following manner:

- |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.13.1 | <b>PURPOSE: Provision of flexible, affordable accommodation with associated communal facilities for transient guests in appropriate, accessible locations:</b><br>The Subject Property is in a Residential Area that is in transition to more intensive uses and in a <u>Metropolitan Node</u> , in a <u>Mixed Use Intensification Zone</u> , and in a <u>Higher Order Development Corridor</u> . The property is located in Vlei Street. Vlei Street is within 5 minutes walk from Voortrekker Road, Robert Sobukwe Road, and Durban Road which are major Connector Roads in the District and public transport routes. |
| 4.13.2 | <b>SCALE: Scale and form appropriate and sensitive to the local building and surrounding area context:</b><br>The proposal involves alterations and additions to a residential home to make it a Guest House with 8 bedrooms. The Subject Property is in a Residential Area that is in transition to more intensive uses and in a <u>Metropolitan Node</u> , in a <u>Mixed Use Intensification Zone</u> , and in a <u>Higher Order Development Corridor</u> . The proposal scales well with the surrounding properties.                                                                                                 |
| 4.13.3 | <b>LOCATION: Contextually appropriate development, with maximum accessibility for transient guests who are normally less dependant on private transport:</b><br>The Subject Property is in a Residential Area that is in transition to more intensive uses and in a <u>Metropolitan Node</u> , in a <u>Mixed Use Intensification Zone</u> , and in a <u>Higher Order Development Corridor</u> . The property is located in Vlei Street. Vlei Street is within 5 minutes walk from Voortrekker Road, Robert Sobukwe Road, and Durban Road which are major Connector Roads in the District and public transport routes.   |
| 4.13.4 | <b>SELF-CATERING: Flexibility to guests with regard to catering arrangements but prevent creation of separate (self contained) dwelling units:</b><br>A note has been provided on the plan stating that self contained dwelling units shall not be created. The note on the plan                                                                                                                                                                                                                                                                                                                                        |

|         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | will benefit everyone involved in the project. No cooking facilities shall be provided in the bedrooms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.13.5  | <p><b><u>LIQUOR USE: Compliance with Liquor Legislation and prevent possible increase in scale of services provided / frequenting of the establishment by general public to ensure reasonable surrounding amenity appropriate to the location:</u></b></p> <p>No on-site entertainment facilities are provided. No alcoholic beverages shall be provided. Lounges and Entertainment Area shall not be used for functions. Facilities in the Guest House shall be for the guests only and shall not be open to the general public.</p>                                                                                                                                                                                                                                                                                                                                                 |
| 4.13.6  | <p><b><u>ANCILLARY FACILITIES: Prevent escalation of the establishment beyond the intended scale:</u></b></p> <p>No on-site entertainment facilities are provided. No alcoholic beverages shall be provided. Lounges and Entertainment Area shall not be used for functions. Facilities in the Guest House shall be for the guests only and shall not be open to the general public.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.13.7  | <p><b><u>ON-SITE RESIDENCE: Proper On-Site Management at all times:</u></b></p> <p>There shall be a full time Resident Manager who shall reside on site in the Main Dwelling. There will be 24 hour Staff who will maintain the premises and ensure safety and security. The staff will be 2 persons maximum in the day-shift and 2 persons maximum in the night-shift = 4 persons. The <u>Supplementary Dwelling Unit</u> will be used to house the staff.</p>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4.13.8  | <p><b><u>PARKING: Prevent on-street parking that may adversely affect traffic flow, the street-scape or area character generally:</u></b></p> <p>The property is located in a PT2 Area. Sufficient on-site parking has been provided = 5 bays. E-hailing services will be utilized to help ease the need for transport.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4.13.9  | <p><b><u>LOADING: Prevent on-street parking that may adversely affect traffic flow, the street-scape or area character generally:</u></b></p> <p>The property is located in a PT2 Area. Sufficient on-site parking has been provided = 5 bays. E-hailing services will be utilized to help ease the need for transport.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4.13.10 | <p><b><u>STAFF FACILITIES: Operational requirements:</u></b></p> <p>Staff Rooms shall be labelled as such and shall not be used for guests. The <u>Dwelling Unit on First Floor</u> will be dedicated to the Resident Manager as shown on the plan. Storage rooms shall be provided.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 4.13.11 | <p><b><u>ENVIRONMENTAL/ HERITAGE IMPACT: Reasonable and Contextually Appropriate level of amenity to surrounding residents and inhabitants and protect the character of the area:</u></b></p> <p>Because the original building is not older than 60 years, Heritage Western Cape Approval will not be required. This property is not identified as a heritage resource.</p> <p>The Subject Property is in a Residential Area that is in transition to more intensive uses and in a <u>Metropolitan Node</u>, in a <u>Mixed Use Intensification Zone</u>, and in a <u>Higher Order Development Corridor</u>.</p> <p>There will be 24 hour Staff who will maintain the premises and ensure safety and security.</p> <p>Sufficient on-site parking has been provided.</p> <p>Facilities in the Guest House shall be for the guests only and shall not be open to the general public.</p> |

## **5. MOTIVATION IN TERMS OF THE DESIRABILITY OF THE APPLICATION (MPBL SECTION 99):**

City of Cape Town Municipal Planning By-Law, Section 99 outlines a criteria to assess an application before a decision on an application is made. Below are aspects in relation to the proposed development's desirability.

### **5.1 SOCIO-ECONOMIC IMPACT:**

This proposal will have a positive socio-economic impact as it will generate jobs during the construction phase as well as jobs for domestic activities like cleaning and maintenance afterwards. There will be 24 hour Guest House Staff who will be permanently employed. It will also create additional accommodation opportunities in an area that has a high access to commercial, educational, recreational and community opportunities. The increased densification ensures a compact urban fabric which is good for the general public. Development Charges will contribute to improvements of City infrastructure.

### **5.2 COMPATIBILITY WITH SURROUNDING LAND USES:**

The residential intensification will help to strengthen the residential uses within the area and provide the thresholds for the existing and future the public transport services and commercial activities.

This proposed Guest House is contextually appropriate in terms of the permitted uses and built form.

There will be 24 hour Guest House Staff who will maintain the premises and ensure safety and security.

### **5.3 IMPACT ON EXTERNAL ENGINEERING SERVICES:**

This proposed development will have an impact on the external engineering services. The developer may be liable for Development Charges. No bulk or link services are required for the proposed development.

### **5.4 IMPACT ON SAFETY, HEALTH AND WELL-BEING OF SURROUNDING COMMUNITY:**

No negative impact is expected on the safety, health and well-being of the community. This proposal is consistent with the existing building form. The residential character of the building is appropriate. Movement and activity in the street helps make the street safer. There will be 24 hour Guest House Staff who will maintain the premises and ensure safety and

security.

5.5 **IMPACT ON HERITAGE:**

Because the existing building is older than 60 years, Heritage Western Cape Approval was obtained during the previous BDM Application. Heritage Western Cape Approval will be obtained during the future BDM Application. This property is not identified as a heritage resource.

5.6 **IMPACT ON THE BIO-PHYSICAL ENVIRONMENT:**

This proposal has minimal change to the existing building form. No negative impact is expected on the bio-physical environment.

5.7 **TRAFFIC IMPACT, PARKING ACCESS, OTHER TRANSPORT RELATED CONSIDERATIONS:**

This property is in a PT2 Area where the on-site parking provision requirement is nil.  
This proposal provides 5 on-site parking bays.

6. **SUMMARY AND CONCLUSION:**

This proposal should be deemed desirable and recommendable for APPROVAL for the following reasons:

- (a) This proposal is broadly consistent with spatial planning frameworks and relevant Council Policies.;
- (b) This proposal holds positive socio-economic benefits.
- (c) This proposal is compatible with the surrounding land uses and built environment. The proposal is of an appropriate scale and form that relates to the surrounding urban fabric.
- (d) This proposal will not have a negative impact on safety, health and well-being of the community.
- (e) This proposal poses no adverse impact on existing rights.
- (f) This proposal poses no adverse impact on the street-scape and no adverse impacts on surrounding properties whilst facilitating the most efficient use of the erf.
- (g) This proposal is consistent with sections 99 of the Cape Town Municipal Planning By-Law (MPBL).



Owner: \_\_\_\_\_