



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500155737

**Erf 1446, 7 Signal View Close,
Tamboerskloof**

Development Management

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LUM APPLICATION MOTIVATION

**APPLICATION FOR REZONING FROM RESIDENTIAL 1: CONVENTIONAL
HOUSING TO LOCAL BUSINESS 1: INTERMEDIATE BUSINESS
IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL
PLANNING BY-LAW AMENDMENT 2025,
REMOVAL OF TITLE DEED CONDITIONS AND AMENDED SITE
DEVELOPMENT PLAN.
ERF 1939,
39 LOURENSFORD ROAD
BENNE TOWNSHIP, SOMERSET WEST.**

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1. INTRODUCTION

1.1 PURPOSE OF THE APPLICATION

Application is hereby made for the Rezoning of Erf 1939, 34 Lourensford Road, Somerset West from Residential 1 to Local Business 1 in terms of Section 42 (a) of the Municipal Planning Bylaw, of 2025 and removal of title restrictive conditions in terms of Section 42 (h) to permit the owners of this property to be utilised as offices.

1.2 BACKGROUND AND SOCIO-ECONOMIC CONTEXT

Erf 1939 is located in 34 Lourensford Road, Somerset West, measures 1416m², is zoned Residential 1: Conventional Housing R1 and is owned by 4PL COM Logistics Cape (PTY) Ltd.

The property was purchased in 2009 and for some time it was used as residential and a part of it as consulting office. With time the business grew and gradually more of the floor space was used as office space for transport logistics consultants. Eventually since 2017 most of the floor space has been dedicated as office space.

In 2017 an understanding was reached with the Municipality that the owners of the property would pay commercial rates and taxes instead of residential rates and that the Municipality and the owners would commence the process for rezoning. Somehow the process was never initiated by either party.

In 2025 a Building Plan application was submitted for alterations and additions but has not been approved due to the fact that the Land Use is contrary to the present zoning of Residential 1: Conventional Residential.

To follow due process and start the course for rezoning an application for Administrative Penalty was submitted and approved by the Municipal Planning Tribunal. At the moment the owners are appealing the amount of the penalty as it seems excessive due to the fact that commercial rates and taxes have been paid to the Municipality since 2017.

The business operating from the property has grown exponentially and created many jobs and the opportunity to create many more to redress past historical inequalities. The property due to its location, close to the CBD of Somerset West, with direct access and easy to public transport and routes has facilitated this growth.

1.3 THE APPLICATION

Application is made for the following in terms of the City of Cape Town Municipal Planning By-Law on Erf 1939, Bene Township, Somerset West, City of Cape Town:

- Permanent departure in terms of section 42(a) of the Municipal Planning Bylaw, 2025 for the Rezoning of this property from Residential 1: Conventional Housing to Local Business 1: Intermediate Business.
- Permanent departure in terms of section 42 (h) for the removal of the Title Deed condition 3:

"Subject further to the following special conditions imposed in terms of Section 18 of Ordinance No. 33 of 1934 in favour of the registered owner of any erf in Bene Township as contained in Deed of Transfer No.

- (a) That erf shall be used for residential purposes exclusively, which shall not, however, preclude the operation of an occupational practice in terms of the Council's Zoning Scheme Regulations.*
- (b) That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on this erf.*
- (c) That no more than one-third of the area of this erf shall be built upon.*
- (d) That in respect of this erf no building or portion of such building shall be erected nearer to the street than the building line indicated on the diagram thereof. No building shall be erected within 1,57 metres of the lateral boundaries of any adjoining erf, provided that this restriction shall not apply in respect of any boundary between erven when such boundary is eliminated by consolidation of erven under a registered title;"*

1.4 APPLICANT

Our clients, _____ have appointed Pierre Ytier to make application on their behalf. The required power of attorney form from the registered owners is uploaded.

1.5 REGISTERED DETAILS OF TITLE DEED

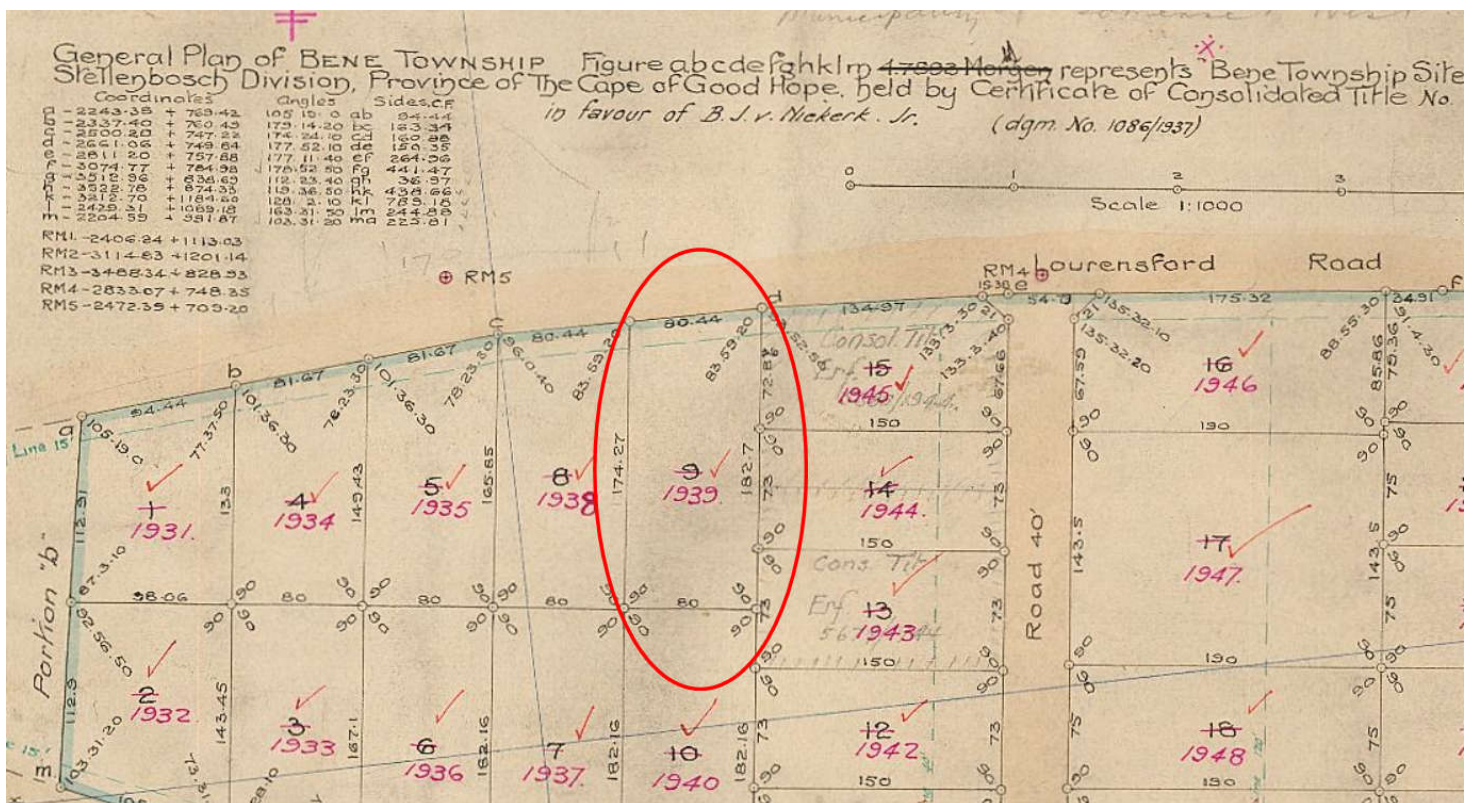
The table below reflects the current registered detail of the property under discussion:

TABLE 1 - REGISTERED DETAILS				
ERF NO.	REGISTERED DESCRIPTION	TITLE DEED NO	REGISTERED OWNER	EXTENT
1939	Erf 1939 is situated in Bene Township, Somerset West, City of Cape Town, Division of Stellenbosch in the Western Cape Province			1416m ²

The Title Deed is uploaded. No bond over the property exists.

1.6 SURVEYOR GENERAL'S DIAGRAM

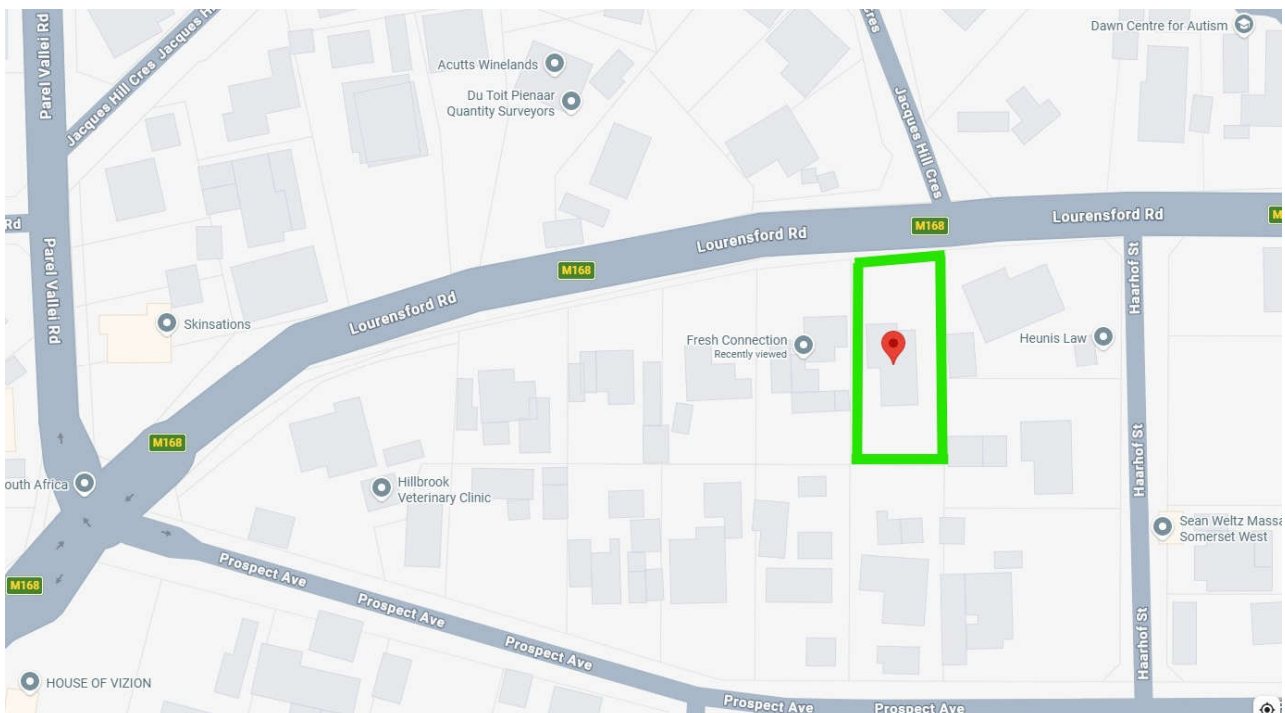
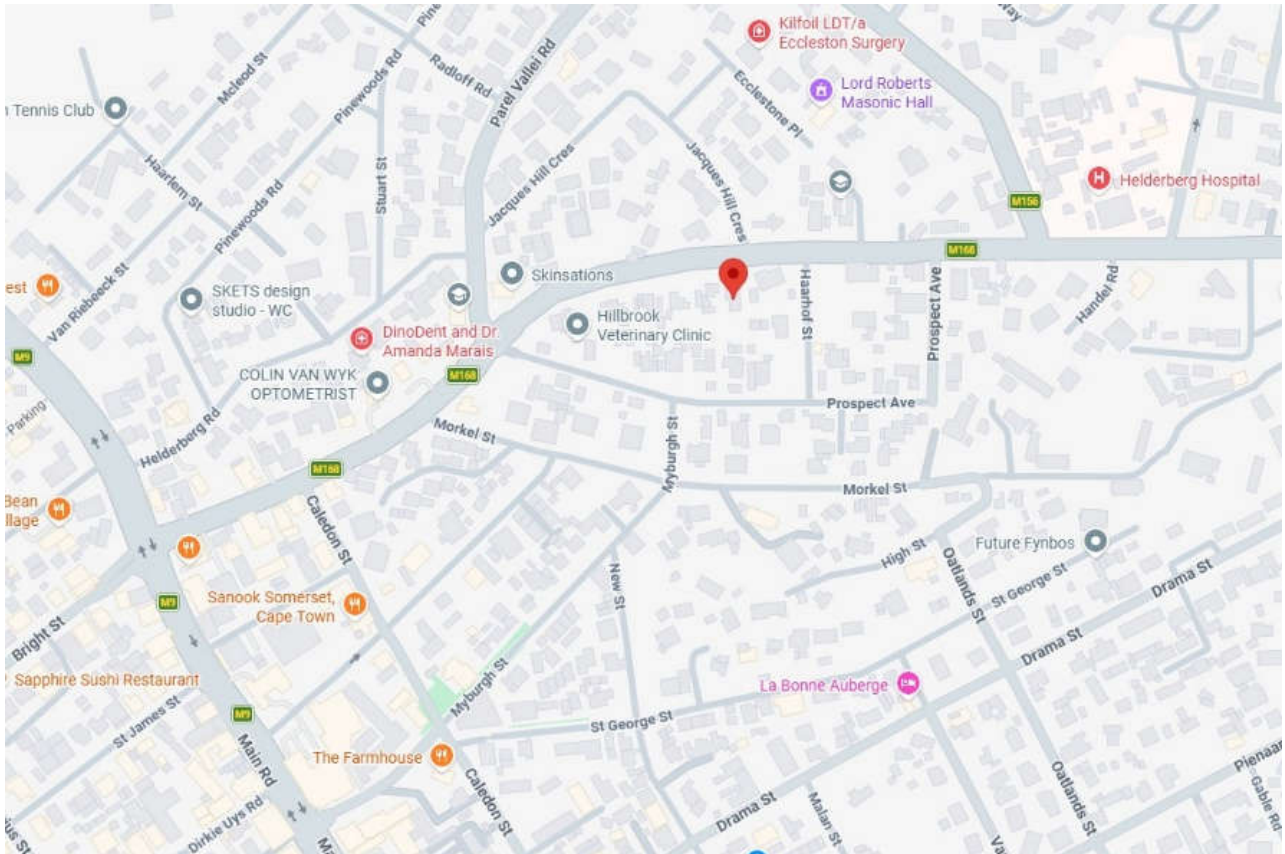
A copy of the relevant Surveyor General's General Plan is uploaded, as shown below.



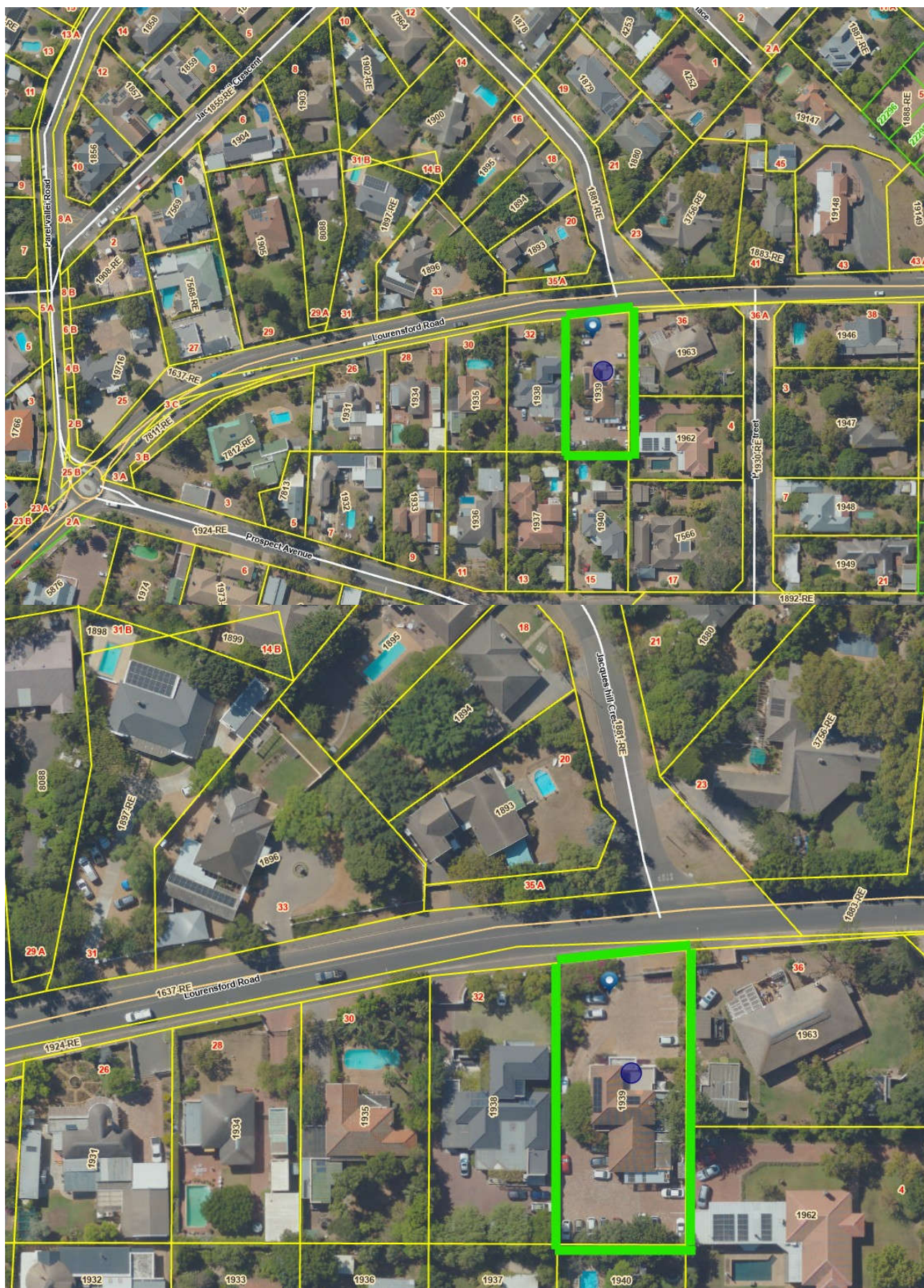
2. SITE AND CONTEXTUAL ANALYSIS

2.1 LOCATION AND CONTEXT

The site is located in Somerset West in the Bene Township area. Access is from Lourensford Road and is surrounded by similar residential properties zoned Residential 1: Conventional housing and Local Business 1: Intermediate Business (LB1). Also, by properties zoned Residential 1 but being used as offices more than permitted by the Cape Town Zoning Scheme. This being a natural progressive expansion of the CBD as it has experienced exponential growth in the last decades and businesses move as close to the CBD where there is available space as the properties zoned for business in the CBD lack enough business space available.



The Location of this property is in a node of business activity in close proximity to Main Road and Lourensford Road a transit route towards Health facilities, schools, recreational activities, sports fields, museums, markets and restaurants.



2.2 CURRENT AND SURROUNDING LAND USE AND ZONING MAP



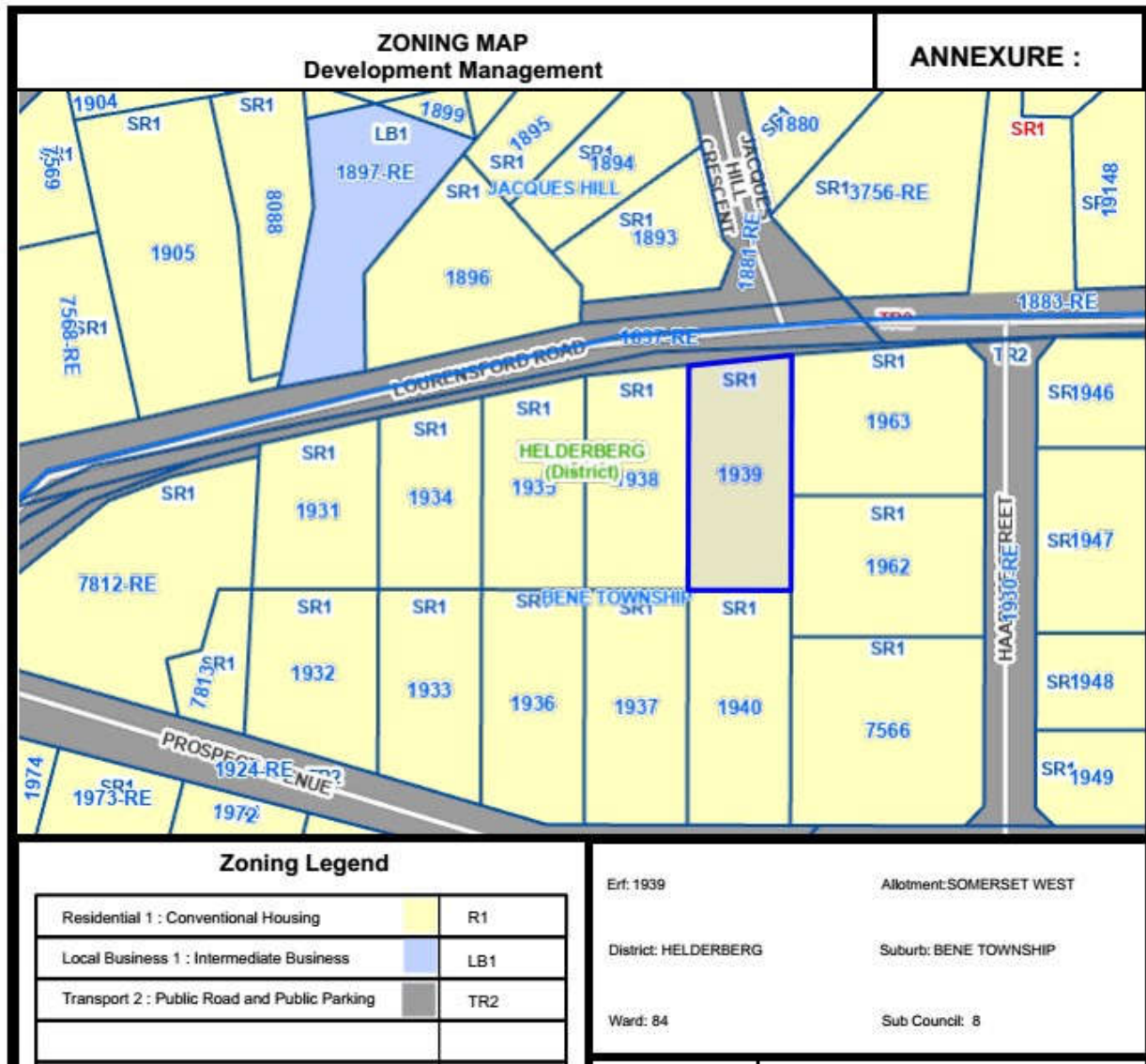
The above land uses indicate that there is an integration of land uses in the area. Although the primarily land use may be residential an integration of mixed Local Business 2 and Local Business 1 is present towards the west of Lourensford Road from Main Road. The proposal is in keeping with the character and trend of the mixed land uses of these properties within a residential area.

The property is in close proximity to activity streets and public transport routes and provides economic opportunities for the business to operate during normal working hours as no noise is generated.

The proposal is therefore consistent and compatible with the local business and residential character of the area, being a transition point from low impact business activity to residential.

2.3 CURRENT LAND USE RIGHTS

In terms of the City of Cape Town Municipal Planning By-Law amendment 2025 the current zoning for this site is Residential 1: Conventional Housing R1. See Zoning Extract below.



The applicable summary of land uses and development zoning rules are:

Primary use	Dwelling house
Maximum Floor space	1500m ²
Maximum height to top of building from egl	10.0 metres
Building line for Street boundary	4.5 metres
Building lines for Common boundaries	3.0 metres
Additional use rights	Second & Third dwelling; home occupation.

2.4 PROPOSED LAND USE RIGHTS

Local Business Zoning 1: Intermediate Business (LB1)

The summary of land uses and development rules are:

Primary Uses	Office, dwelling house, boarding house, utility services, flats, filming, electric vehicle charging stations, additional use rights.
Additional Use Rights	Second dwelling, home occupation, house shop, bed and breakfast or rental flat or home childcare.
Floor factor	1.0
Maximum height to top of building from egl	10.0 metres
Building line for Street boundary	3.5 metres
Building lines for Common boundaries	3.0 metres

LB1 zoning provides for offices and mixed use development on the scale that it is a combination for residential use and integration as well as transition to the adjacent residential neighbourhood without having a negative impact.

3.0 ACCESS

The property is easily accessible from Lourensford Road. The existing carriageway will be used for vehicular and pedestrian guests' access. There have been and foresee no problems in terms of congestion or safety which will impact adversely on the traffic.

4. PROPOSAL APPLICATION

This document requests the following applications:

4.1 PERMANENT DEPARTURE

Permanent departure in terms of section 42(a) of the Municipal Planning Bylaw, 2025 for the Rezoning of this property from Residential 1: Conventional Housing to Local Business 1: Intermediate Business to permit the use of the building on the Ground and First Storey as offices.

4.2 PERMANENT DEPARTURE

Permanent departure in terms of section 42(h) for the removal of Title Deed conditions 3(a), 3(b), 3(c) and 3(d). Conditions that are contrary to the rights of properties as stipulated in the City of Cape Town Municipal Planning By-Laws of 2015 as amended in 2025.

3(a) That erf shall be used for residential purposes exclusively, which shall not, however, preclude the operation of an occupational practice in terms of the Council's Zoning Scheme Regulations.

This clause needs to be removed as it hinders the use of the properties for offices and is contrary to the rights of properties zoned Local Business 1.

3(b) That not more than one dwelling, together with the necessary outbuildings and appurtenances be erected on this erf.

This condition is contrary to the rights of properties zoned Local Business 1 where a second dwelling is allowed.

3(c) That no more than one-third of the area of this erf shall be built upon.

This condition is contrary to the rights of properties zoned Local Business 1 where the limitation is a Floor Factor of 1.0 and Coverage is not applicable.

3(d) That in respect of this erf no building or portion of such building shall be erected nearer to the street than the building line indicated on the diagram thereof. No building shall be erected within 1,57 metres of the lateral boundaries of any adjoining erf, provided that this restriction shall not apply in respect of any boundary between erven when such boundary is eliminated by consolidation of erven under a registered title;"

Although this condition does not affect this proposal it is also contrary to the MPBL and the relevant building lines as stipulated in the By-Laws are more desirable.

5 DESIRABILITY

When assessing the merits of the application, Section 99 of the MPBL needs to be considered. Some of these and other related factors, are considered below:

5.1 SOCIO-ECONOMIC IMPACT

The proposed rezoning will have a positive socio-economic impact on the area, by creating mix uses investment, job creations and economic growth are encouraged. This economic investment can only be facilitated by Council by allowing operations and businesses of this nature in desirable locations such as on this property.

The rezoning of this site will also add value to the property and raise the worth of the surrounding properties and community.

5.2 COMPATABILITY WITH SURROUNDING LAND USES

The proposed new dwelling does not impact negatively on adjoining land uses as it is still residential in character. The uses permitted for Local Business 1 are limited and compatible with Residential zoning as the use as offices is low key. Although most surrounding properties are zoned residential, some have already been rezoned as Local Business 1 and most of those zoned as residential are being used as consulting rooms or office space to a great extent.

5.3 IMPACT ON EXTERNAL ENGINEERING SERVICES

The impact of the development on civil services; traffic, storm, water and sewerage is minimal and no upgrade of these services is required.

5.4 IMPACT ON SAFETY, HEALTH AND WELLBEING OF THE SURROUNDING COMMUNITY.

The proposal has no negative impact to safety for the surrounding properties. There will be more parking bays off-street provided than required for offices therefore no danger of vehicles parking in the street.

As the use of the property is for offices little or no noise is generated as most of the operation is done by the personnel online or telephonically during working hours from Monday to Friday, and very few visitors need to come to the premises.

5.5 IMPACT ON HERITAGE ENVIRONMENT

Even though the property has recently been graded heritage IIIC the proposed additions and alterations do not impact on the heritage environment as the character of the house will remain residential. Heritage Western Cape has already approved the changes. Below find record of decision and permit.

Our Ref: HM/CAPE TOWN METROPOLITAN/ SOMERSET WEST/ ERF 1939
Case No.: HWC25100615XM1009
Enquiries: Xola Mlwandile
E-mail:
Tel:



Applicant: Pierre Ytier | Pierre Ytier Architectural and Interior Design

PERMIT

CASE NUMBER: HWC25100615XM1009

Issued in terms of Section 34 of the National Heritage Resources Act, 1999 (Act 25 of 1999) and Regulation 3(3)(a) of PN 298 (29 August 2003)

This permit is valid for three years from the date of issue

Proposed Action: Additions and Alterations
Site: Erf 1939, 34 Lourensford Road, Somerset West
Graded: Not Graded

Permit issued in accordance with drawings:

No: A101; A102; A103_Rev B
Dated: 03 October 2025
Drawings prepared by: Pierre Ytier Architectural and Interior Design

Conditions applicable to this permit:

1. Work to be done in strict accordance with the HWC stamped drawings.

NOTE:

- This decision is subject to an **appeal period of 14 working days**. Kindly note that the appeal period is calculated from the date indicated on the HWC date stamp, which is the date the appeal is sent, and not the date of signature
- Appeals to HWC are to be submitted to HWC.Appeals@westerncape.gov.za
- The applicant is required to inform any party who has expressed a bona fide interest in any heritage-related aspect of this record of decision. The appeal period shall be taken from the date above. It should be noted that for an appeal to be deemed valid it must refer to the decision, it must be submitted by the due date and it must set out the grounds of the appeal. Appeals must be addressed to the official named above and it is the responsibility of the appellant to confirm that the appeal has been received within the appeal period.
- **Work may NOT be initiated during this 14 day appeal period.**
- If any archaeological material or evidence of burials is discovered during earth-moving activities all works must be stopped and Heritage Western Cape must be notified immediately.
- This approval does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.
- **An HWC STAMPED PLAN must be present on the site at all times and must be produced on demand by any heritage inspector, building control official, or any person duly authorized to do so.**
- **A copy of this permit must be displayed in a prominent place on the site until the permitted work is completed.**

Should you have any further queries, please contact the official above and quote the case number.

Waseefa Dhansay
Assistant Director: Professional Services



5.6 IMPACT ON BIOPHYSICAL ENVIROMENT

The proposed rezoning will promote the integration of mixed land uses and will bring economic activities closer to the residential areas. This is already happening as the property lies within a strategic area of urban integration supporting sustainable development.

5.7 TRAFFIC IMPACT, PARKING AND ACCESS.

No sight distance or other traffic problems are foreseen in this position on Lourensford Road. Ample Parking for the business is provided for on-site open parking bays for personnel and visitors. The position of the access carriageway is such that gives good visibility of oncoming traffic for driving in and out of the property.

The existing access gate is set back from the boundary and edge of road by 5.4m allowing safe entry or exit to vehicles turning from or into Lourensford Road.

6. MOTIVATING FACTORS

6.1 NEED FOR THE APPLICATION AND DEVELOPMENT

Somerset West CBD has experienced unprecedented growth in the last decade with the result that there is a lack of suitable office space available in areas zoned for business near public transport routes and the Urban Inner Core. This property is within walking distance to Main Road, Somerset West and public transport routes corridors and all government institutions, health, retail and banking facilities needed. A mixed use can be achieved through land intensification and increased use of space creating economic and accessible employment opportunities.

The process of land use intensification refers to achieving a greater spectrum of mixed uses through the increased use of space, in accessible, high-opportunity locations and this property forms part of the Incremental Growth area.

Employment-generating activities, social facilities, public institutions, and intensive mixed-use and residential development should be encouraged on and adjacent to the accessibility grid, particularly the primary accessibility grid. The spatial organization of development in the areas of land use intensification can take a variety of forms, including development corridors, strip development and urban nodes. To build inclusive, integrated, and vibrant City strategies should focus on the redressing and transforming the city and encouraging more integrated settlement patterns. Furthermore, the intent is to enhance the quality and value of the qualitative aspects the urban fabric and the unique aspects of the city and district for its people as well as those that visit the area.

Taking a long-term view, then the scale of the development is considered appropriate. In addition, it is evident that the existing structure is visually amenable and enhances rather than detract from the appearance and character of the area.

The development proposal is aligned and consistent with the City of Cape Town Municipal Spatial Development Framework 2023 and the Helderberg District Plan, which encourages appropriate mixed land use and medium to higher density development along high accessibility and local activity streets.

SPATIAL TRANSFORMATION AREAS



7. PRE-SUBMISSION MEETING

A meeting was held on 19 December 2025 with Divan Steyn Professional Officer from Land Use Management to establish all the Departures required for this proposal and process to be followed:

- First an Application for Admin. Penalties was to be submitted and approved.
- Once approved a Rezoning Application could be submitted which will include permanent application departures for removal of Title Deed conditions which impede the rezoning from Residential to Local Business and an amended Site Development Plan.
- The use of the property will be office and residential.

8. SUMMARY

This proposal for Rezoning and removal of Title Deed conditions, is regarded as desirable in terms of the following:

The proposed rezoning and new dwelling and permanent departures do not have a negative impact on the surrounding neighbours and community.

The rezoning of this property from Residential 1 to Local Business 1 must be seen as a formalisation of the Land Use that has been carried out as Council has been aware that the property has been used as office space therefore commercial rates and taxes were imposed instead of residential rates.

9. CONCLUSION

The project constitutes an improvement to the area, raising the value to the surrounding properties and should be seen as desirable and be supported.

This application thus motivates the above and Council's early approval is sought, to enable the building plan application be approved and to commence with the building work as soon as possible.