



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

Case ID 1500164538

**Erf 2233, 14 Uys Krige Drive,
Kaapzicht, Parow**

Development Management

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Application for Rezoning from R1 to LB2 & Permanent Departure from the provision of onsite parking in order to permit office use of Erf 2233 Parow at 14 Uys Krige Drive, Kaapzicht

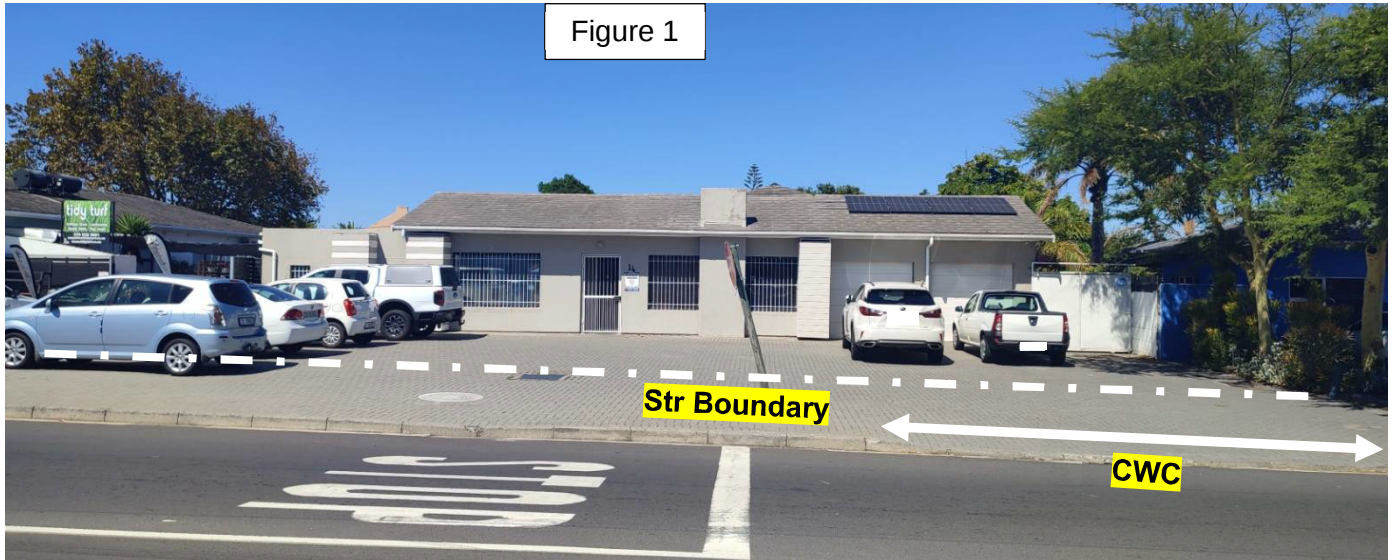


Figure 1: Note the property boundary setback from the road curb, giving access to parking along the front of the building, in the double garage and tandem bays behind the gate to the west / right of the garage.

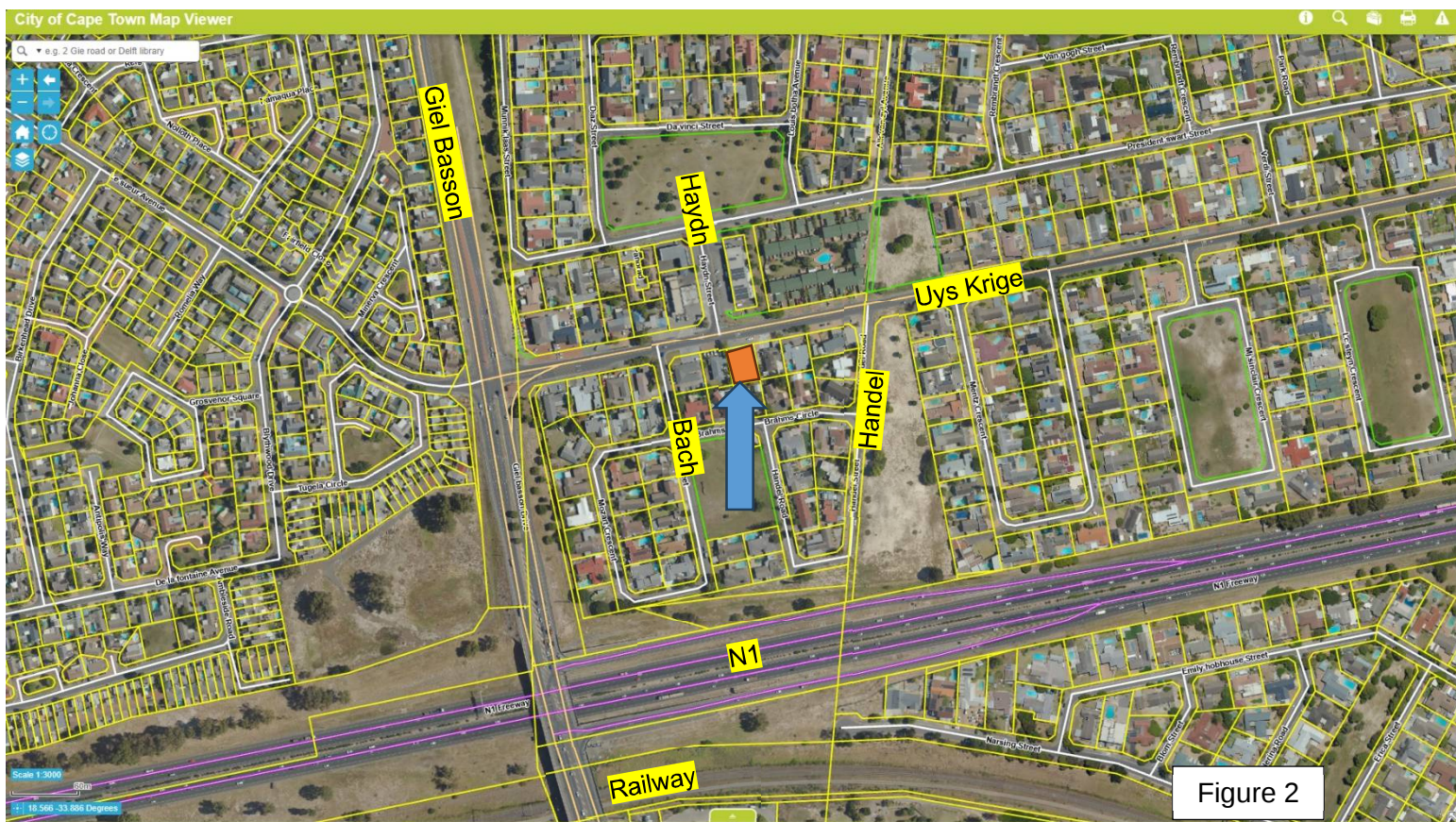


Figure 2: Overview of the surrounding area noting the location in relation to the nearby road network, including Uys Krige Drive, Haydn Road, Giel Basson Drive the N1 Freeway and the Railway line.



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1. Introduction & Synopsis:

There was a typical house that has been converted and used as offices, as per Figure 1. A carriageway crossing towards the north western side of the property provides access onto Uys Krige Drive. The property is zoned residential (R1) and is 744m² in extent. The property is at the intersection with Haydn Road to the north west. Figures 1, 2 & 4 note that the road verge of Uys Krige Drive is very wide (25,18m) and the sidewalk between the property boundary and the blacktop / curb of the road is ±7m and the house is ±7,5m from the street boundary.



It is proposed to rezone the property to local business (LB2) to regularise the existing office use of the house. Figure 3 notes Erf 2236 to the east has already been rezoned



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to LB2, Erf 2231 to the west has been rezoned to GR2 and there are various LB2 and a CO1 properties to the north of Uys Krige Drive. These land uses clearly indicate a need for local business opportunities, especially since Giel Bason Drive has been extended to the north. It is clear that the proposal will retain:

- the existing building footprint and scale;
- the residential character of the structure;
- a low-impact, professional office use.

2. Property Description

The property is essentially flat, with a gently slope to the south. The road verge and area up to the old house have been paved for parking purposes. The original house consisted of 9 rooms, 1 kitchen, 4 toilets and a double garage. The CWC leads from the double garage to the road verge, and the stop street sign was eventually painted just before / to the east of the CWC.

Our client advised that the property was purchased for business use, as the previous owner ran a road accident law firm from the premises and was continued to be used in the same manner. Our client only changed the boardroom so that they could have access to the garage and build the storage area next to the kitchen and a store in the backyard (red dashed lines as per Figure 4) and has enclosed the pool. However, when they purchased the property, the front was already paved, the braai area (green roof) was already enclosed. The property has been purchased for the intent to open the current office in about 2020, about 6 years, as our client lives nearby / walking distance.



The following approved plans were recently obtained from council:

- 3 November 2005 - swimming pool
- 5 June 1985 - pergola & verandah over braai / braai area - not room.
- 1 April 1985 - addition to lounge
- 28 February 1985 - covered patio
- 23 July 1981 - lounge addition to house
- 10 January 1974 - new house

(Annexure 1: BDM approval)



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The property was created with the subdivision approval of Parow Township Extension No.10 (Annexure 2: GP # 7385 or diagram no:2460/1968).

The title deeds were considered by STBB who note that there no restrictive title deed conditions that prohibits the proposal. (Annexure 3: Title Deed & Annexure 4: Conveyancing Certificate)

STBB

3. Character of the Area: The surrounding area is predominantly residential in nature, with a small local node establishing through rezonings and development along Uys Krige Drive, due to:

- Increasingly influenced by commercial and office uses along main routes;
- Characterised by incremental low key commercial and non-residential transition;
- Supported by accessibility and visibility advantages.

It must further be noted that the proposed use -

- maintains the existing built form;
- introduces a low-impact business activity; and
- is consistent with the evolving character of the area.

4. Application is hereby submitted on behalf of the owners of **Erf 2233 Parow** for - (Annexure 5: Application form & Annexure 6: Power of attorney with Resolution letter, Trust Deed and information)

4.1. Rezoning in terms of Section 42(a) of the Municipal Planning By-Law (MPBL) from R1 to LB2 to permit offices.

4.2. Permanent Departures in terms of Section 42(b) of the MPBL to permit 5 on-site parking bays (with an additional 5 parking bays in tandem) in lieu of 10 bays.

5. Technical Summary of Application

HAWKE DESIGNS

Architectural Service/Project Coordination

A detailed Site Development Plan (SDP) was prepared by Charles Hawke of **Hawke Designs** to illustrate the use of the existing building, as per Figure 1, by the existing offices as well as the proposed changes. Table 1 illustrates the differences in the development rules from R1 to LB2. (Annexure 7: SDP)

Table 1: development rules analysis – property = 744m²

Dev Rule	R1 >650-1000m ²	LB2	Proposal	Note
Floor space / factor	1500m ²	1,0 = 744m ²	265m ² (0,36)	Compliant
Coverage	n/a	75% = 558m ²	301,24m ² (40%)	Compliant
Height	10m to top of building	12m to top of building	Exist: ±4,56m	Compliant
	4m within 3m common setback	n/a	n/a	n/a
	Retaining	Retaining	n/a	n/a
Str cnt Ln setback: 8m	n/a	Street = 25m wide	±17,5m	Compliant
Building line	Street: 3,5m	0m	±7,985m	Compliant
	Statutory BL: 5m	5m		Compliant
	Common: 3m	0m		Compliant
			W: 2,5 E: 0m S: 3m	Compliant



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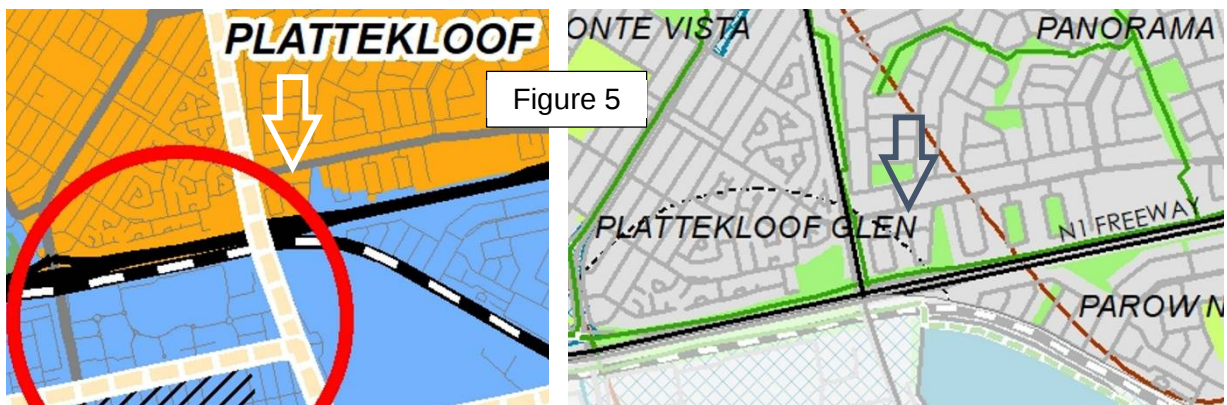
Windows & Doors	1,5	n/a	±2,5m	Compliant
Parking	2 per main DU	4 bays / 100m ² GLA	GLA = 230m ² 9 (9,2) bays required 5 bays provided + 5 bays in tandem	Departure
CWC	2,4m to 8m wide	2,4m to 8m wide	Ex: ±4,5m	Compliant
CWC to intersection	10m	10m	Existing at 0m	existing

6. Policy Framework

6.1. Municipal Spatial Development Framework (2023): The site falls within the urban footprint, incremental growth & consolidation area (see Figure 5: Extract from the MSDF) and the aviation 55 – 60 dBA CTIA noise contour of the City. The proposal should be supported since sufficient services are available and the property abuts a class 3 road within an area that is transforming along key portions of the local road network. The proposal is not seen to be in conflict with the MSDF



6.2. District Plan (2023): The property is located within an incremental growth & consolidation area (see Figure 5: Tygerberg Spatial Plan extract to the left) and an



urban development area (see Figure 5: Subdistrict 1 extract to the right), supporting contextually appropriate low key non-residential uses such as the proposed rezoning.

6.3. *Historic Traffic & Land Use Policy* (City of Tygerberg, December 1998): The historic planning framework for the broader Hendrik Verwoerd Drive, now called Uys Krige Drive, corridor supports (1) Gradual transition from purely residential to mixed-use & (2) Intensification along mobility routes. The proposal is consistent considering the long-standing planning trends in the surrounding area.

6.4. *Inclusive Economic Growth Strategy (IEGS)* (2021): The principal objective of the EGS is to encourage the growth of the economy and creation of employment opportunities, which is also a strategic objective of the Opportunity City. The



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proposed development is seen to be consistent with the IEGS for the following reasons:

- The proposal supports centrally located employment and economic opportunities.
- The proposal makes use of the existing built form and similar intensity of land use than is known to the area while supporting the central location of the property.
- The proposal will assist to stimulate the local economy that should result in an increase in employment and services requirements.

The proposal makes better use of an existing house that is centrally located land in favour of the long-term sustainability of this part of the great City of Cape Town – which is directly aligned with the 5 pillars of the City.

6.5. Social Development Strategy (SDS) (2012): This strategy aims to address some of the major ills affecting growth and development within Cape Town, with the following overarching objectives:

- Maximise income generating opportunities for people who are excluded or at risk of exclusion.
- Build and promote safe households and communities.
- Promote and foster social integration.
- Mobilise resources for social development.

The proposal will comply with these overarching objectives by:

- Providing quality office space in the local context and centrally located property.
- Promoting and supporting the establishing local node with more employment opportunities within the local community.
- Providing appropriate land use mixture within the context of the area and effective land use transition in this location.

6.6. The Transit Oriented Development Strategy Framework (TOD) (2016) states that the vision of TOD in Cape Town is *“to progressively move towards a compact, well connected, efficient, resilient urban form and movement system that is conducive to economic and social efficiency and equality whilst providing cost effective access and mobility, with the least possible negative impact on the environment”*.

The proposal makes good use of space within an establishing localised node, on taxi routes and established transport routes, and is therefore seen to be aligned with the core TOD principles:

1. Affordability – reduce the cost of public transport to commuters and the cost of providing public transport to the City.
2. Accessibility – facilitate equal access to economic activity through strategic urban development and the provision of safe public transport.
3. Efficiency – provide an environment and level of service that reduces trip lengths and dependence on private vehicles.
4. Intensification & 5 Densification – manage the desired form, composition and location of urban development conducive to accessible and efficient public transport.



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7. Rezoning Motivation: The rezoning to LB2 is justified on the logical land use changes occurring along Uys Krige Drive, between Giel Basson Drive to the west and Handel Road to the east – as per Figures 2 & 3 above. The following aspects have been taken into consideration:

- **Appropriate location:** Positioned on a prominent route suitable for business activity.
- **Compatibility:** Office use is low-impact and contextually compatible with surrounding properties.
- **No physical overdevelopment:** Existing buildings to be retained.
- **Policy alignment:** The proposal is not in conflict with the MSDP and District Plan.
- **Economic benefit:** Supports local employment and service provision.

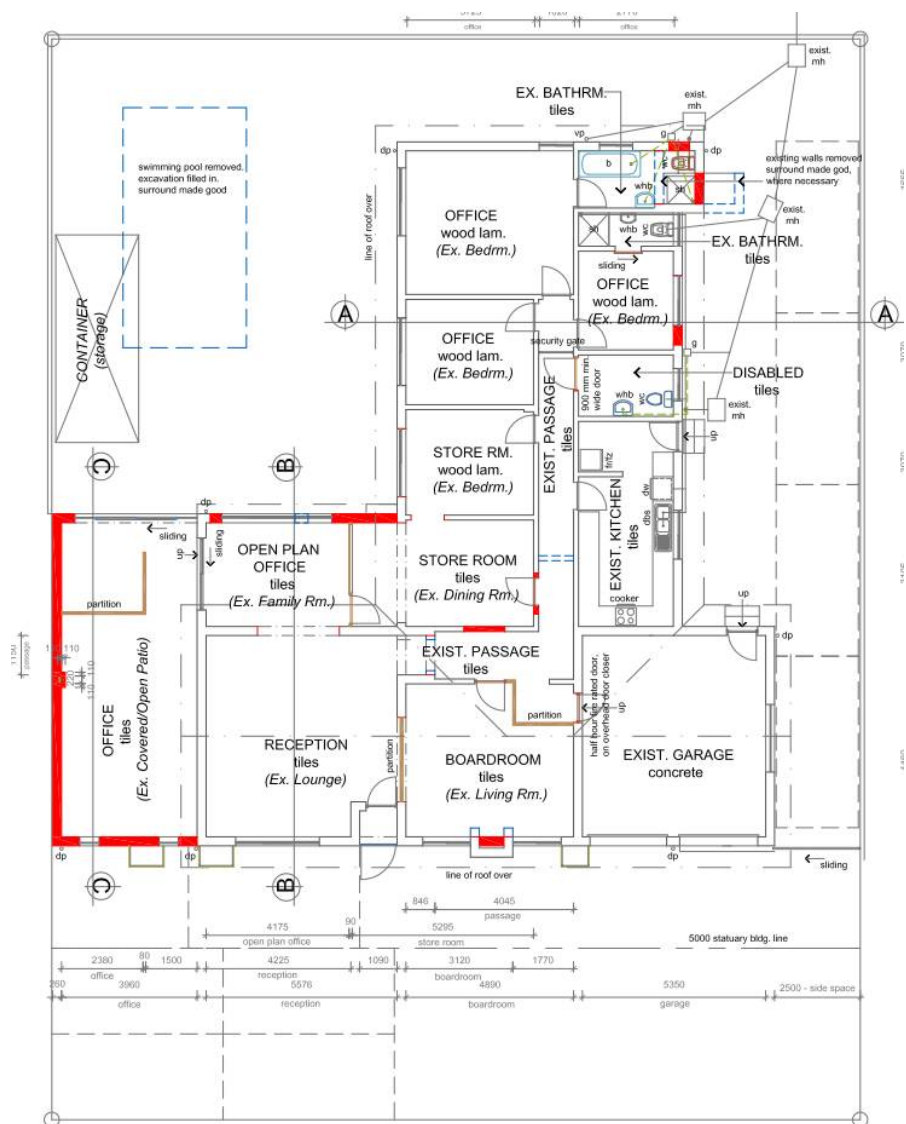
The area is clearly reacting to both need and desirability by having non-residential uses along this part of Uys Krige Drive. The need for locally based business / office space in a way that provides a manageable commercial interface onto Uys Krige Drive as well as the abutting residential areas.

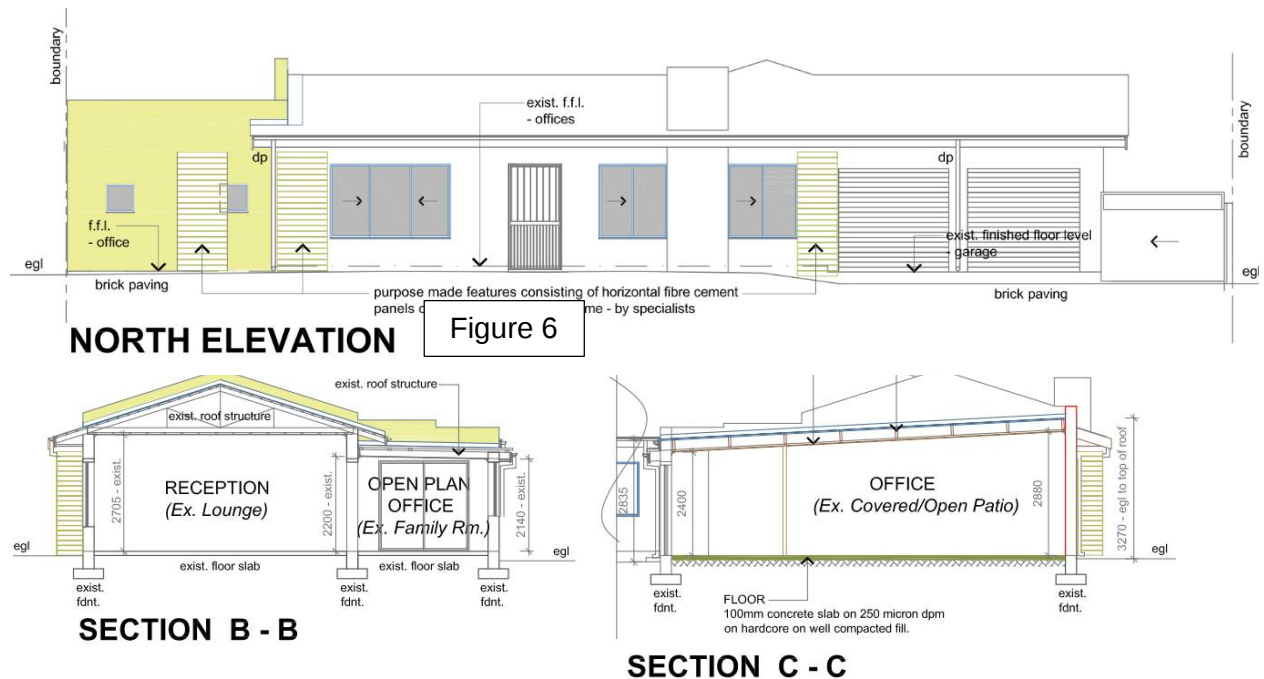
8. Site Development (SDP): It is clear from a comparison between the council approved plan and the SDP that there is no significant structural expansion is proposed, noting that – as per Figure 5 is being an extract of the site plan & Figures 6 being the street elevations and some section from the SDP - the application:

- utilises the existing building envelope;
- maintains residential scale and form;
- requires a parking departure only.

The office operations consist of 3 ladies / staff, our client and a staff member who is on the road a lot. The building consists of:

- Reception
- Boardroom: used for both team and client meetings
- 5 offices: 2 used for administration, printing, etc and the rest for staff
- 4 storage areas: the business requires space for both administrative requirements as well as safe and secure equipment / product storage.





Operation times: The office operates at typical hours of operations, being 08H00 to 17h00 Mondays to Fridays. The office would typically be closed on Saturdays, Sundays and public holidays, unless an important project requires immediate attention, which seldom occurs.

9. Access, Parking & Departure: The basic principles of the application, discussed with council road infrastructure management department before submission of the application, in terms of land use, position of access and parking; subject to the assessment of the submitted application.

Access: The property has direct access from Uys Krige Drive, which:

- Is a well-developed roadway;
- Can accommodate existing and proposed traffic volumes.

Parking Motivation

While a shortfall exists, the departure is justified:

- The use is **office-based**, typically with:
 - Controlled staff numbers;
 - Limited peak demand;
- Presence of **tandem parking (4 additional bays)**;
- Availability of **on-street parking** in the area;
- Proximity to **public transport routes**;
- Existing building constraints limit physical expansion.

The property accesses Uys Krige Drive near / at the intersection with Haydn Street. It was advised to retain the current position of the CWC to avoid existing the circulation space withing the intersection and cause stacking problems by having the CWC behind / further east of the stop sign.

It was also recommended that future redesign of consolidation and redevelopment of a number of properties, then a holistic access arrangement would need to be reconsidered. It is therefore recommended to include specific conditions of approval, not necessarily a SDP which unnecessarily restricts minor changes that would not cause an impact, is recommended.



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Council has confirmed that there are no plans for road widening of Uys Krige Drive, which means that future redevelopments of these properties could consider purchasing portions of the road reserve to improve access and parking for the properties.

It is noted that it is a class 3 road and two rezonings to LB2 have been approved in the last few years, including Erf 2236 to the east of the subject property.

The owner has been using the property for office use many years. The first time the property was used for office purposes was about 2019. The house is about 250m² (as per GV2025) and is in a standard parking area, meaning 4 bays per 100m² or up to 10 parking bays are required.

The front of the property is 23,61m wide and about 7,9m from the street boundary to the front of the building. This would allow for 5 bays in front of the entrance, of which 2 bays are in tandem – a 3rd tandem bay is hindered by the position of the front door. In addition, there is a double garage for an additional 2 parking bays and a driveway along the western common boundary that allows 3 to 4 bays in tandem. None of these bays count as the bays are only 2,5m wide between structure, but are still of use as daytime office members can use the bays, leaving the front bays open to clientele. This means that 5 bays are available that allows reversing and exiting the property in a forward gear, while an addition 4 to 5 bays are available in tandem; meaning up to 11 bays are available to staff and clientele.

The use of the property is relatively low-key as the proposal is currently limited to the existing building with a small addition for storage. There has been sufficient time to analyse the use of the property, in view of the changing land uses along this part of Uys Krige Drive, confirming that the use of the property for residential or limited non-residential use should continue to have a negligible impact on passing traffic.

10. Motivating positive criteria for decision making

10.1. Principles for Land Use Planning

The criteria for the assessment of the application as per Chapter VI Section 59 of the Land Use Planning Act, 2014 (Act 3 of 2014) and Chapter 2 Section 7 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013) are addressed as follows:

10.1.1. Spatial Justice

The proposal is consistent with the MSDF as a spatial instrument that directs future development at a Local Municipal level. The proposal is consistent with the development proposals set out for the sustainable development of the area, and therefore, supports the goals of the MSDF. The proposal supports sustainable land use of resources, making additional business space available in an optimal location, while making use of existing infrastructure. The proposal will retain the current built form and therefore remain in line with the character of the area, justifying the option to allow the land use change of this property within the changing context of the directly surrounding Kaapzicht area.

10.1.2. Spatial Sustainability

The proposal contributes to spatial sustainability as the proposal remains compatible in terms of building form and overall potential land use intensification and have an equitable function in relation to the diverse character of the surrounding area. The proposal will support and encourage long term



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sustainable and viable land use mixtures without negatively impacting service infrastructure. It is unlikely that the proposal will have any negative effect on the surrounding built and natural environment.

10.1.3. Efficiency

The proposal enhances the functionality of the property in context with the emerging localised node along this section of Uys Krige Drive. The approval of the application will support the investment made by our client, no negative impact on neighbours, a well-managed office space that complements other nearby commercial usages and thereby a positive social impact, support the local economy while having no environmental impact, marginally contributing to the efficiency of the city.

10.1.4. Spatial resilience

The principle of spatial resilience allows greater flexibility in spatial plans, policies, and systems. Although the proposal is minor in nature, it will support a more sustainable mix of land uses without negatively affecting the surrounding area, and it remains consistent with the flexibility provided for urban development in the applicable local spatial principles.

10.1.5. Good Administration

The proposed application will be taken through the necessary stipulated public process by the City of Cape Town Municipality, and all relevant departments will be consulted to ensure a well-informed decision.

10.2. Desirability / criteria for decision making – Section 99 of the Municipal Planning By-Law

Compliance with policy - The proposal is generally not in conflict with policies.

10.2.1. Subzone

The proposal to rezone to LB2 will comply with this subzone.

10.2.2. Development Management Scheme (DMS)

The proposal is seen to comply with the DMS and associated requirements.

10.2.3. Existing right

The current R1 zoning allows the existing house to be converted into 3 dwelling units up.

In terms of the intensity of the land use, the following definition should be noted:

'family' means:

- (a) one person maintaining an independent household; or
- (b) two or more persons related by blood, marriage or civil union maintaining a common household; or
- (c) not more than five unrelated persons without dependants maintaining a common household; but

does not exclude up to six foster children, or dependants under legal guardianship as part of a household;

Therefore, it is possible to house up to 15 unrelated persons in 3 dwellings on the property to a maximum of 1500m² floorspace.



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The approval of the proposal will limit the floor space to the existing 265m², while a maximum of 744m² (50% less than the allowance in R1). This ensures that any further redevelopment is done in a controlled manner and up to that stage results in a sympathetic transition towards the abutting residentially used properties to the south.

The overall impact of the proposal should thus remain compatible with the surrounding character of the area.

10.2.4. Consolidation

The proposal is not for a consolidation.

10.2.5. Other legislation

Building plans will need to be submitted for approval after town planning approval has been issued.

10.2.6. Municipal Planning By-Law

The proposal is seen to be compliant with the requirements of this legislation.

10.2.7. Socio-Economic benefits

The most important social benefit is the further promotion of appropriate mixtures of residential and business opportunity in support of the local character and long-term sustainability of the area. The proposal will result in low key business use to the area, contributing to buying power through additional employees in the support of local businesses and the economy in general.

10.2.8. Compatibility with surrounding uses

The area is predominantly residential in nature with a slowly growing business node along this part of Uys Krige Drive. The proposed land use change and additions and alterations will mostly make use of the existing building footprints that will remain aligned with the built fabric of the area.

10.2.9. Impact on the external engineering services

The proposal will make use of existing infrastructure, while the development contribution levy and electrical service network charge will contribute towards maintenance of council's bulk infrastructure.

A development contribution levy is based on the 230m² GLA for the proposed offices space.

10.2.10. Impact on safety, health and wellbeing of the surrounding community

The property is well maintained and kept safe and secure. The office contributes towards passive day-time surveillance onto Uys Krige Drive while CCTV cameras keep an eye of activities otherwise. Accordingly, the proposal will contribute to positively towards health and safety while and will have a negligible impact on the area.

10.2.11. Impact on heritage

The building is ±52 years old, less than 60 years, and is not in a Heritage Protection Overlay Zone and should have no impact on heritage.



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10.2.12. Impact on biophysical environmental

There is minimal vegetation on the property. The better use of property within the urban edge should have no impact on the biophysical environment.

10.2.13. Traffic impacts, parking, access and other transport related considerations:

The property is in standard area, about 200m from Giel Basson Drive and another 250m from the N1 and is thus easily accessible. The proposed departure from the provision of on-site parking is mitigated by the tandem bays for daytime office workers, leaving sufficient bays open for clients.

Any future redevelopment of the property would need to reconsider access and parking in relation to the intersection.

It is believed that the land use change should have a negligible impact on traffic, parking, access and other transport related issues.

10.2.14. Mitigation

The proposal takes the existing character, built form and land use patterns into considerations. The approval in relation to the SDP will require further expansion or redevelopment to undergo a follow up process and public participation, which can be seen as a means of mitigation by means of appropriate development control.

11. Conclusion: The rezoning and permanent departure application to permit offices use of an existing building, with minor additions and alterations to the approved building enveloped, should remain compatible with the built form and vibrant land use mixtures in the area. The property makes good use of existing infrastructure and is in line of Council's forward planning frameworks and policies.

It is furthermore evident that the character and functioning of the area have changed noticeably following the northward extension of Giel Basson Drive, with the proposal representing a logical response to the opportunities and evolving development patterns associated with this important movement corridor and local business area.

The proposal may have a positive impact on adjoining properties by creating an appropriate interface between the busy Uys Krige Drive and the abutting residential area, while stimulating and supporting local economic activity.

Given the low-intensity and low-impact nature of the proposed office use, the development is not expected to adversely affect the surrounding area or neighbouring property rights. The proposal should therefore be regarded as a positive and appropriate addition to the area, and Council is accordingly requested to favourably consider and **approve** the application.