



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

Case ID 1500165277

**Erf 3199, 15 Buiten Street,
Cape Town City Centre**

Development Management

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Date: 10 June 2026 (as amended 28/08/2026)

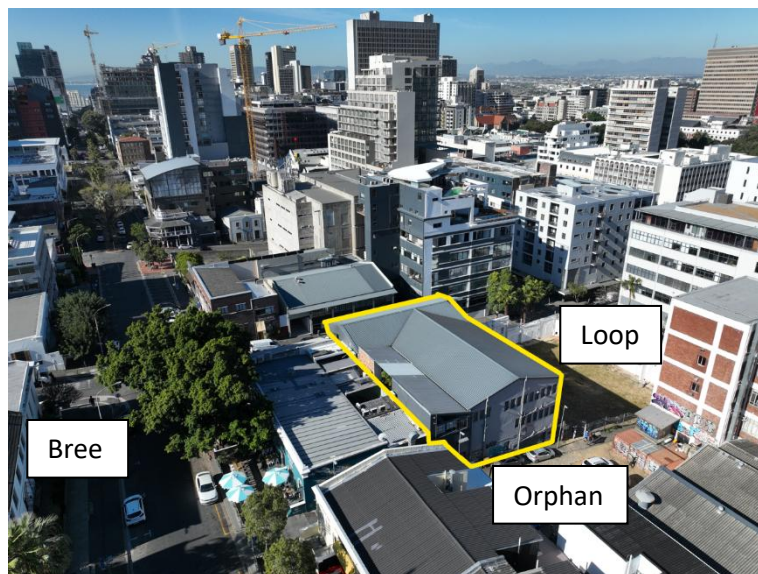
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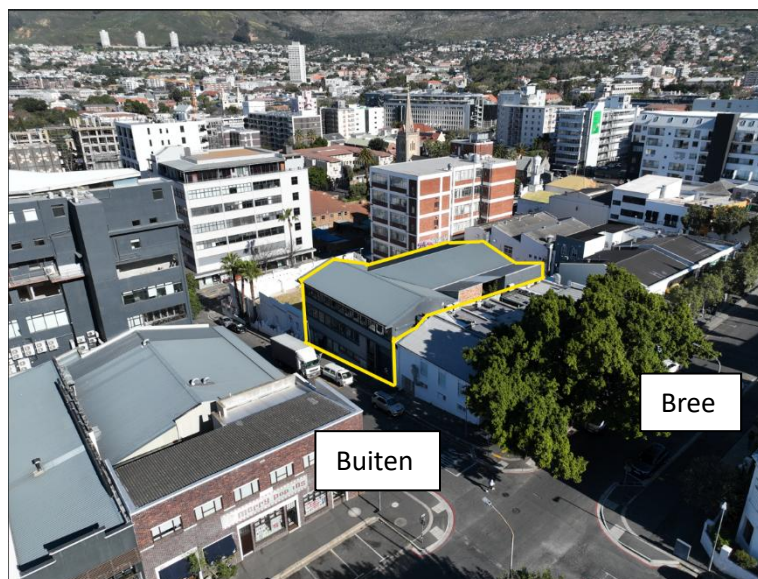
APPLICATION FOR REZONING, DEVIATION FROM LOCAL SPATIAL DEVELOPMENT FRAMEWORK, PERMANENT DEPARTURES AND COUNCIL'S APPROVAL: REMAINDER ERF 3199 CAPE TOWN AT 15 BUITEN STREET

1. INTRODUCTION

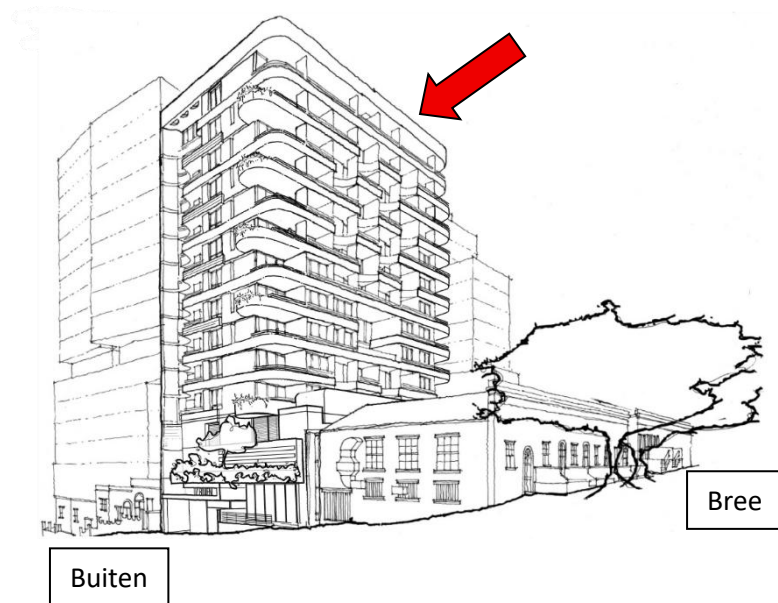
This report motivates the proposed land use applications required to allow for the re-development of the property with a new, multi-storey and mixed-used building. The property is situated in the Central City Heritage Protection Overlay Zone as well as in the CBD Area Overlay Zone. The existing building will be demolished.



The subject property from the south-west



The subject property from the north-west



The architect's illustration of the proposed building, as seen from the north-east (from Bree Street)

The following applications are required in terms of Section 42 of the City of Cape Town's Municipal Planning Amendment By-Law, 2015, as amended ('By-Law):

- 1.1 Section 42(a): The **rezoning** of Remainder Erf 3199 from Mixed Use Sub-zoning MU2 to Mixed Use Sub-zoning MU3.
- 1.2 Section 42(b): **Permanent departure** from Item 64(a)(ii) of the DMS to permit a maximum height* of 45.22m above the existing ground level (EGL) in lieu of a height of 38m above the EGL (based on the proposed MU3 base zone).
- 1.3 Section 42(b): **Permanent departures** from Item 64(c)(i) of the DMS with respect to the common and street boundary building line setbacks on the 10th to the 14th storeys (including structures on top of the 14th storey).
- 1.4 Section 42(b): **Permanent departures** from Item 64(c)(ii) of the DMS to permit minor architectural and sunscreen features to project beyond the Orphan Lane street boundary by 380mm in lieu of 250mm permitted.
- 1.5 Section 42(b): **Permanent departure** from Item 140(2)(c) of the DMS to permit the proposed carriageway crossing in Orphan Lane to be 8.5m in width in lieu of 8m in width.
- 1.6 Section 42(i) **Council's approval** in terms of Item 64(d) of the DMS to permit canopy projections over the street boundary (Buiten Street).
- 1.7 Section 42(i): **Council's approval** in terms of Item 89(c) of the DMS to permit the proposed projections (canopies, minor architectural and sunscreen features) to project over a public street (Buiten Street and Orphan Lane).
- 1.8 Section 42(i): **Council's approval** in terms of Item 162 of the DMS to permit the proposed demolition, excavation, and building work, in the Central City HPOZ.

- 1.9 Section 42(i): **Council's approval** in terms of Item 185(2)(f) of the DMS (CBD Overlay Zone) to permit parking bays on the second storey to be within 10m from the street boundaries (Buiten Street & Orphan Lane).

*This height is measured from the lowest point of the EGL to the top of the pools and plant services on the 14th storey roof (pools and plant services on the roof are not exempted for the purposes of height control, in terms of the definition of "height" or in terms of other Items, e.g. Item 133, in the DMS).

As will be explained later, the Local Spatial Development Framework (Central Business District) recommends, with respect to the "Urban Design Intensification and Height indicator Map", an "upper height range of 38 – 42m" for buildings in that area. The height of the proposed building (albeit to the top of the pools and plant services on the roof) will be 45.22m, and a **deviation from the LSDF** is required. It is noted that this is not an application in terms of Section 42 of the By-Law.

The following documents are attached to this report:

- Power of Attorney, Company Resolution, CIPC report
- Copy of Deed of Transfer
- SG diagram No. 10869/1955
- Proposed Site Development Plan (SDP) as prepared by **Robert Silke & Partners (Pty) Ltd.**
- Proposed artist impressions and 3D images as prepared by **Robert Silke & Partners (Pty) Ltd.**
- Traffic Impact Statement as prepared by **Apex Transport Solutions**
- Urban Design Indicators report as prepared by **Urban Concepts**
- Heritage report as prepared by **Johan Cornelius heritage consultant**
- Motivation letter: HPOZ & design philosophy as prepared by **Johan Cornelius heritage consultant & Robert Silke & Partners (Pty) Ltd.**
- Record of pre-application consultation meeting
- Application form

2. SITE PARTICULARS

The property is owned by _____ the directors of which have signed the Company Resolution, application form and Power of Attorney to appoint **Thomas Brian Brummer** to submit the application on the Company's behalf.

The property is currently zoned Mixed Use Sub-Zoning MU2 and measures 640m² in extent. It is improved with a three storey building used for office purposes. It is situated towards the upper reaches of the City Bowl, and one erf removed from Loop Street. The immediate area is characterised a wide range of land uses (e.g. restaurants, shops, flats, offices, hotels, places of worship, motor service outlets, bars, and schools) with the prevailing zonings being MU2 and MU3. It is a vibrant, high-activity and relatively noisy urban environment, albeit one that is popular with residents and tourists.

Two streets abut the erf: Buiten Street (to the north-east) and Orphan Lane (to the south-west). Both of these streets slope from the north-west to the south-east (a general west: east direction). Access is taken and possible from both streets. The site is situated in a PT2 Area (as well as the CBD Overlay Zone) and it is not required to provide any on-site parking (although parking will be provided).

The two common boundaries of the erf abut a low row of historic buildings along Bree Street (to the north-west) and a vacant MU3-zoned property (Erf 179652) to the south-east. The latter property, which was consolidated from 5 separate erven, once comprised the former Madame Zingara restaurant. A development proposal (including building plans) was approved in October 2021 for a mixed-use building on

that erf, with a building of 46.32m in height. A new development proposal is being prepared by the owners of that site.

With respect to any special areas, the property is situated within two Overlay Zones:

2.1 Central City HPOZ (Item 162 of the DMS):

In terms of Item 162 of the DMS any “*alteration, including any action affecting the structure, appearance or physical properties of a heritage place...any development (including consolidation of land and change of use...*” etc. requires Council’s approval.

The building is older than 60 years, but it has been so altered over the years that it has no heritage significance, and indeed it has a “non-conservation worthy” grading on the Council’s map viewer. No application to Heritage Western Cape is therefore required in terms of Section 34 of the National Heritage Resources Act (with respect to Provincial Gazette Notice No.9051, dated 1 April 2025).

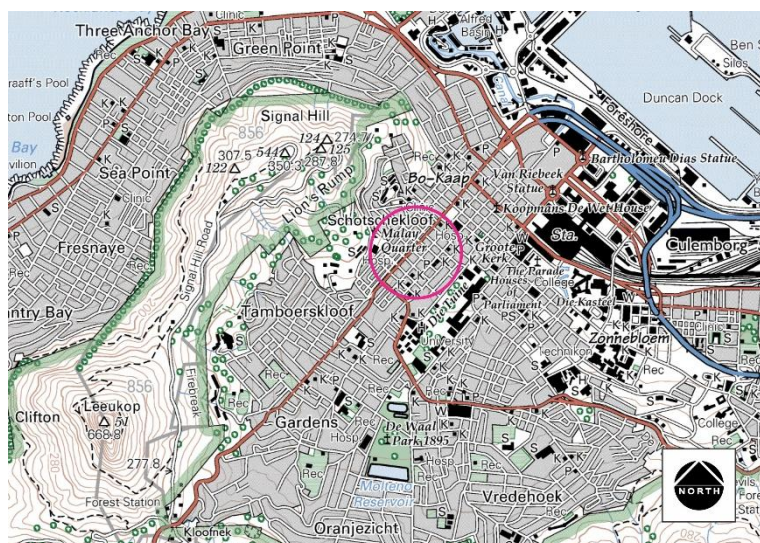
A heritage report was prepared by **Johan Cornelius Heritage Consultant** to motivate the proposed demolition of the building as well as the development itself in the HPOZ. The report supports both these aspects.

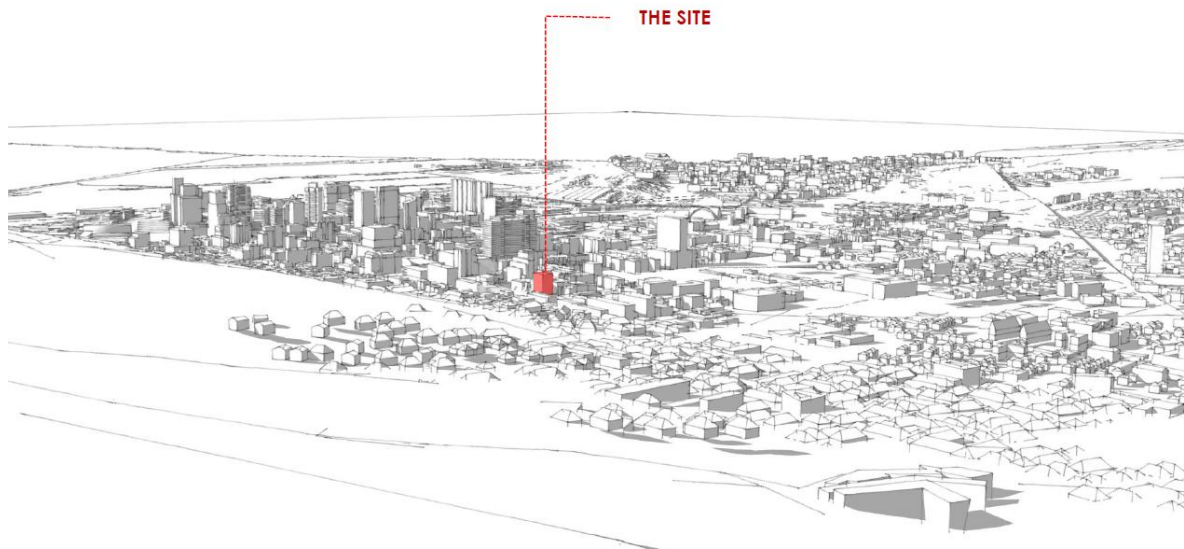
2.2 CBD Overlay Zone (Item 185 of the DMS):

The property is situated in the demarcated area which is the CBD Overlay Zone. The Overlay Zone has the following significance with respect to this application:

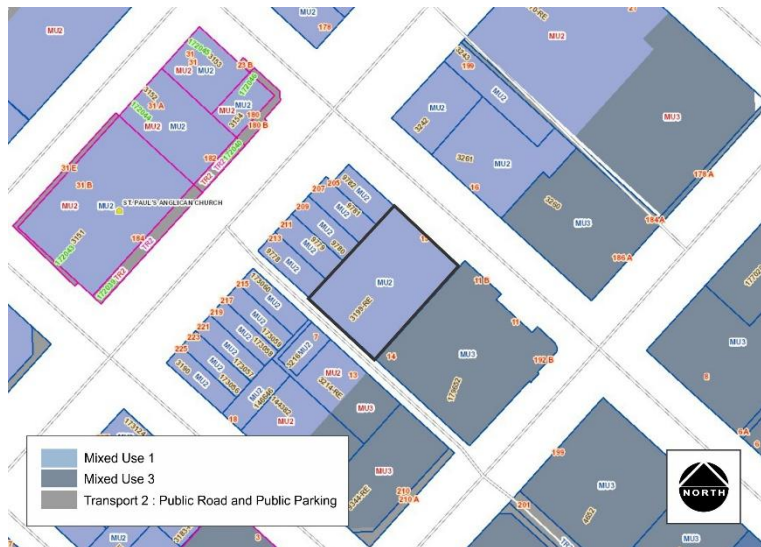
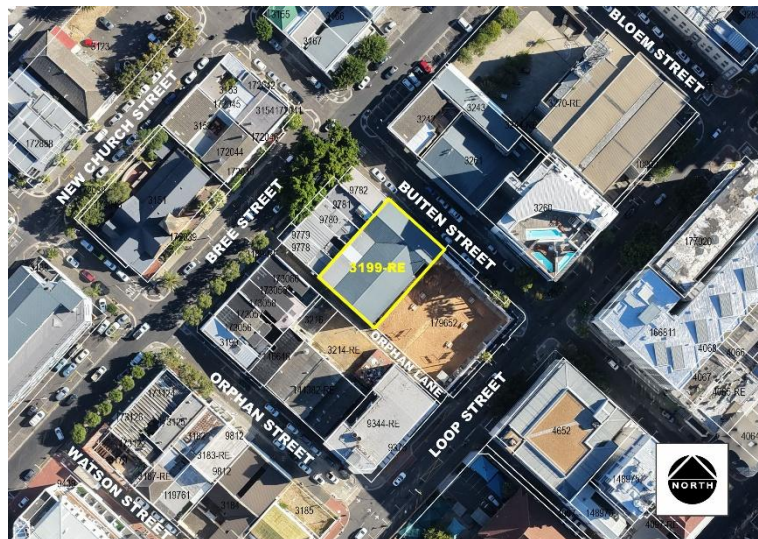
- No on-site parking is required to be provided (including no requirements with respect to aspects such as disabled parking or loading bays),
- The floor factor may be increased by 30% provided that at least 30% of the building’s floor space remains in use as flats,
- No street centreline setback applies, and
- No parking is permitted within 10m from the street boundary on the ground floor (first storey) or second storey (except with Council’s approval).

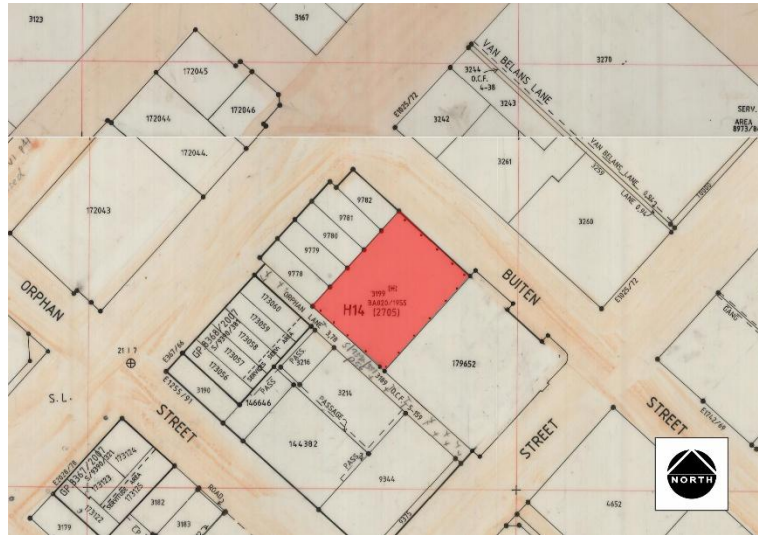
The locality map, aerial photo, City Survey Map, zoning map and noting sheet of the property are below.





Spatial positioning of the site in the City Bowl context (Source: Urban Concepts (Pty) Ltd.)

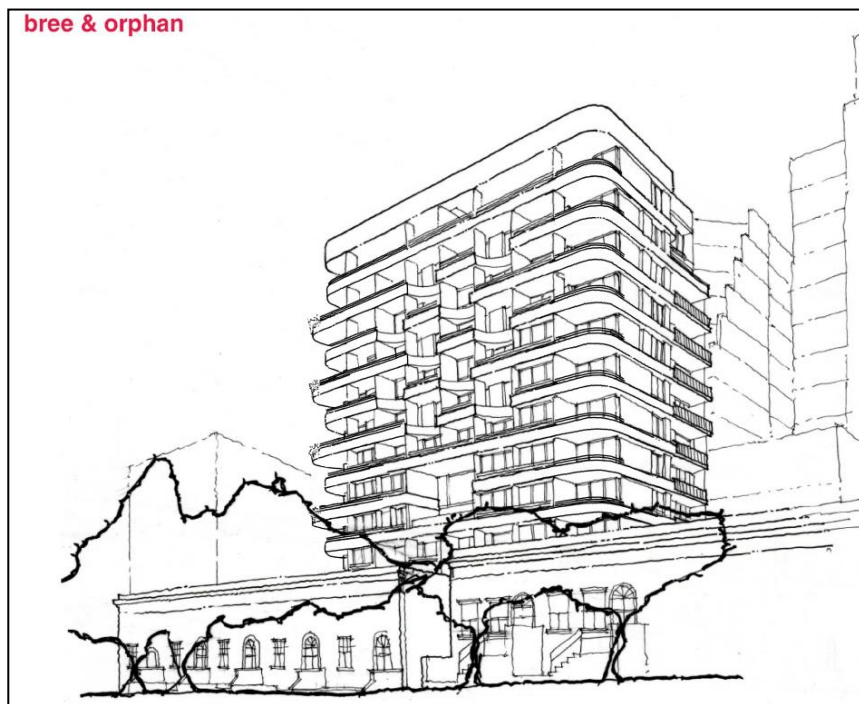




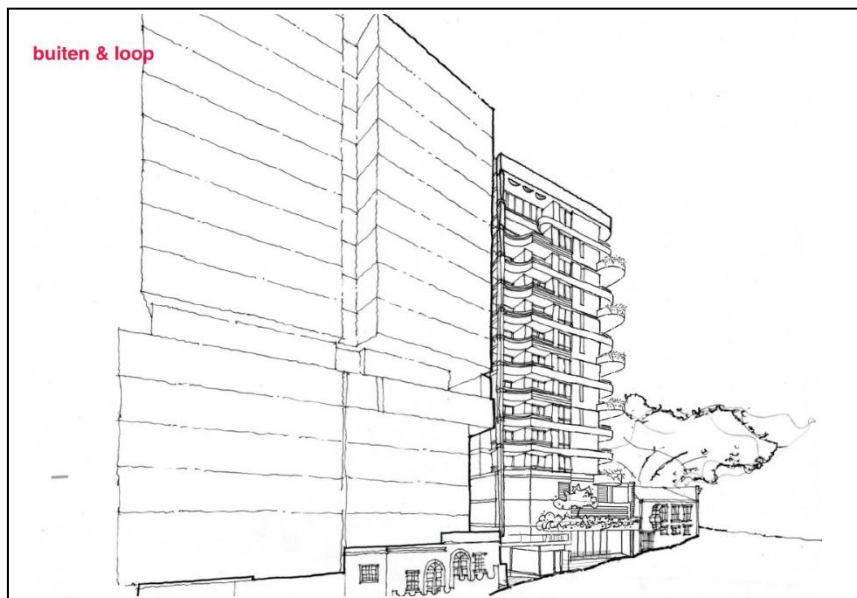
Title Deeds and conveyancer certificate

There are no restrictive conditions of title registered against the property which affects the proposed development, and it is therefore not considered necessary to obtain a conveyancer certificate.

3. DEVELOPMENT PROPOSAL



The proposed building as seen from Bree Street (architect's illustration)



The proposed building as seen from the bottom of Buiten Street (architect's illustration)

The existing building will be demolished and the site redeveloped with a mixed-use, multi-storey building, comprising the following:

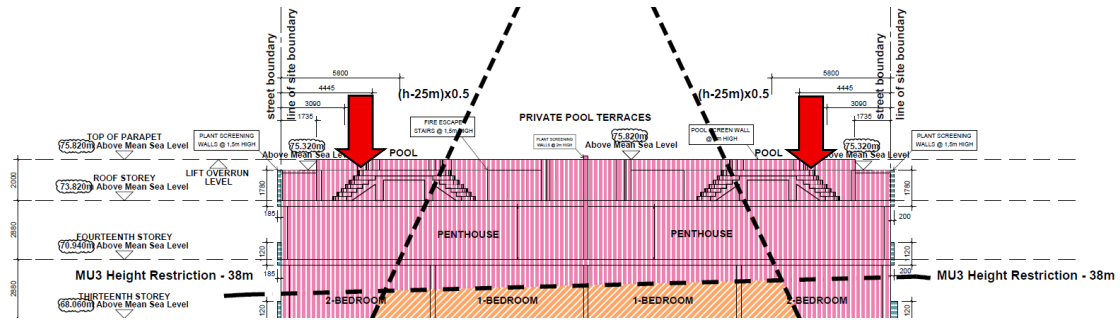
- One (1) basement.
- Fourteen (14) storeys, plus 2x roof top entertainment areas (for the penthouses).
- 43 Parking bays (15 bays in the basement, 13 bays on the 2nd storey, and 15 bays on the 3rd storey), with access and egress via both Buiten Street and Orphan Lane.
- 91 Apartments on the 4th to 14th storeys, comprising the following:
 - 47 x Studios (26m² - 31m²),
 - 33 x 1-bedroom flats (38m² - 55m²),
 - 9 x 2-bedroom flats (56m²), and
 - 2x Penthouses (165m²).
- An in-house “clubhouse” and “gym” will be provided on the 6th & 7th storeys, forming a double-volume cut-out in the facade. These facilities will be available for the exclusive use of the occupants of the building, and not for the general public.
- Retail: A restaurant of approximately 175m² (internal) and 25m² (external stoep) on Buiten Street (1st storey), and a shop of approximately 35m² facing Orphan Lane, also on the 1st storey.
- An effective height of 45.22m* above EGL. This height is the measured height from the *lowest point* of the EGL (refer to Buiten Street elevation) to the *top of the pools and the plant services* on the 14th storey (these structures measure 1.5m in height above the roof slab). The proposed pools and plant services are relatively minor structures (in height, size and nature), and are not believed to add any *material* height to the building. The main bulk of the proposed building is 43.72m (from the lowest point of the EGL to the top of the 14th storey roof slab).

*Two pools (for the penthouses) and some plant services are proposed on top of the 14th storey roof. These structures are 1.5m above the roof slab. Since pools (and plant services – with reference to Item 133 of the DMS) are not exempted for the purposes of height control, they effectively render the building to be technically 43.72m (the height of the main bulk of the building) + 1.5m = 45.22m in height.

- Further to the above, the top of the pools and plant services on the 14th storey roof slab is at a height of 75.32m amsl, whereas the ground floor (first storey) is at a height of 32.64m amsl. The difference between these two heights is 42.68m, which represents “H” in terms of which the setbacks are determined. **This means that the actual, or real, height of the proposed building is in fact 42.68m** (and which would have been very clear to see and appreciate if this was a flat erf).

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Section through upper part of the building demonstrating the height of the pools and plant services on top of the 14th storey roof slab

The above is a relevant observation with respect to the applicable LSDF which recommends an “upper range height of 38m – 42m” for this site (and the surrounding city blocks). From the above it is clear that, for all intents and purposes, the bulk of the proposed building (i.e. without the relatively small pools and some plant services), with respect to its actual height, is considered to be aligned with the LSDF.

With respect to the development rules in the DMS, the following demonstrates either compliance or where applications are required:

3.1 Land use:

- The Mixed Use zoning of the property permits “business premises” (which includes a restaurant and shops) and “flats” as primary rights. The proposed land use is compliant with the permitted land uses.

3.2 Floor space:

- The existing MU2 zoning permits a floor space of 2560m² (floor factor of 4.0).
- The proposed floor space is 4099m² (a floor factor of 6.4).
- Given that the proposed floor space exceeds 10% of the maximum permitted floor space of the current MU2 sub-zoning, a rezoning to the next sub-zone is required.
- The proposed **rezoning** to MU3 would permit a floor space of 3840m² (floor factor of 6.0).
- For the same reason as mentioned above, the total proposed floor space also exceeds the permitted MU3 floor space (by 259m², or approximately 6.7%). Normally this would have required a floor factor **departure** as well. However, Item 185(2)(bA) of the DMS (CBD Overlay Zone) permits, for land that is zoned MU3, that this floor factor may be increased by 30% provided that at least 30% of the building floor space remains in use as flats. Such 30% additional floor space would add another 1152m² to the 3840m², for a total of 4992m².

Accordingly, it is not believed that a further floor factor departure is required given that the additional 6.7% of proposed floor space is less than the permitted additional 30% floor space as explained above.

3.3 Height:

- The existing MU2 zoning permits a maximum height above the EGL to the top of the building of 30m.
- The proposed MU3 zoning allows a height of 38m above the EGL.
- The proposed overall height of 45.22m above the EGL to the top of building (the top of the pools & plant services) is higher than the proposed MU3 permitted height by approximately 7m, and accordingly a **height departure** is required.



Architect's depiction of the proposed building with the proposed MU3 sub-zoning's permitted height of 38m indicated as red layer above the EGL

- It is noted that, in terms of the definition of "height" in the DMS, structures such as lift shafts (with maximum vertical dimension of 3m) and tanks, plant & screening (with maximum vertical dimension of 2m), are not counted for the purpose of height control. These structures are marginally above the proposed height of 45.22m of the building.

3.4 Coverage:

- The existing MU2 zoning and the proposed MU3 zoning both permit a coverage of 100%, which means that the proposed building complies.

3.5 Building lines:

- The proposed MU3 zoning permits 0m setbacks on the street and common boundaries up to a height of 30m above the EGL. For portions of the building over 30m in height (and up to 38m) the required setbacks are $(H \text{ minus } 25\text{m}) \text{ divided by } 2$ (with "H" being the height in metres of a point above the ground floor).
- The proposed building requires the following **setback departures**:

3.5.1 Tenth (10th) Storey:

3.5.1.1 To be 0m in lieu of 2.33m from the Buiten Street boundary

3.5.1.2 To be 0m in lieu of 2.33m from the south-east common boundary.

3.5.1.3 To be 0m in lieu of 2.33m from the Orphan Lane boundary.

3.5.2 Eleventh (11th) Storey:

3.5.2.1 To be 0m in lieu of 3.77m from the Buiten Street boundary

3.5.2.2 To be 0m in lieu of 3.77m from the south-east common boundary.

3.5.2.3 To be 0m in lieu of 3.77m from the Orphan Lane boundary.

3.5.3 Twelve (12th) Storey:

3.5.3.1 To be 0m in lieu of 5.21m from the Buiten Street boundary

3.5.3.2 To be 0m in lieu of 5.21m from the south-east common boundary

3.5.3.3. To be 0m in lieu of 5.21m from the Orphan Lane boundary.

3.5.3.4. To be 3.350m in lieu of 5.21m from the north-west common boundary.

3.5.4 Thirteen (13th) Storey:

3.5.4.1 To be 0m in lieu of 6.65m from the Buiten Street boundary

3.5.4.2 To be 0m in lieu of 6.65m from the south-east common boundary

3.5.4.3. To be 0m in lieu of 6.65m from the Orphan Lane boundary

3.5.4.4. To be 3.350m in lieu of 6.65m from the north-west common boundary.

3.5.5 Fourteen (14th) Storey:

3.5.5.1 To be 0m in lieu of 8.09m from the Buiten Street boundary

3.5.5.2 To be 0m in lieu of 8.09m from the south-east common boundary

3.5.5.3. To be 0m in lieu of 8.09m from the Orphan Lane boundary

3.5.5.4. To be 3.350m in lieu of 8.09m from the north-west common boundary

3.5.5.5 For the pools and plant services on top of this storey to be approximately 3.6m and 1.9m respectively from the Buiten Street and Orphan Lane boundaries, and approximately 7.4m and 3m respectively from the south-east common boundary, in lieu of 9.09m.

- Minor architectural and sunscreen features are proposed to project beyond the street boundary by 205mm in Buiten Street and by 380mm in Orphan Lane. Such features are permitted up to 250mm beyond the street boundary, and as such a **permanent departure** is required with respect to Orphan Lane.

3.6 Canopy projections:

- Canopies are proposed to encroach the Buiten Street boundary, and these will be non-trafficable. A “canopy” is defined in the DMS as “a cantilevered or suspended roof, slab or covering (not being the floor of a balcony) projecting from the wall of a building. It is not the same as a “balcony”.
- Item 64(d) of the DMS stipulates that such canopies may be permitted (or even be required by the Council) as long as they:
 - Do not project nearer than 500mm to a vertical plane through the kerb line, and
 - Are not less than 2.8m above the pavement.
- The proposed canopies, on the 1st storey (it is situated between the 1st and 2nd storeys), as well as on the 4th, 7th, 9th, 11th & 13th, comply with the above, as demonstrated on the plans.

- With respect to Item 64(d)(iv) it must be noted that no encroachment agreement and servitude is required to be registered for canopies (only if the structure is a balcony).

3.7 Minor architectural and sunscreen features:

- Item 64(c)(ii) of the DMS permits these structures beyond the street boundary building line provided that they do not project more than 250mm beyond the street boundary.
- These features project 185mm beyond the Buiten Street boundary and do not need any approval or departures.
- They do however project by 380mm beyond the Orphan Lane street boundary, and require departures.

3.8 Construction and deposit of materials in or over public streets

- The proposed canopies, minor architectural and sunscreen features are listed in clauses 3.6 and 3.7 above require **Council's approval** in terms of Item 89(c) of the DMS.

3.9 Parking and access:

- The property is situated in a PT2 Area as well as in the CBD Overlay Zone, both of which do not require the provision of on-site parking. There is thus no parking departure.
- Notwithstanding this, a total of 43 bays is proposed, and with access from both Buiten Street and Orphan Lane. For the proposed 91 apartments, this represents a parking ratio of 0.47 bays/flat.
- The existing carriageway crossing (CWC) in Buiten Street, which is on the northern-most point of the erf, will be demolished and re-positioned further down the same street (next to the old "Madame Zingara" site). The proposed CWC measures 6.3m in extent, which complies and is permitted. This CWC is located at the lowest point of the property, to provide access to the parking bays in the basement.

A waiting bay will be provided, on-site, at this entrance for vehicles to wait for cars exiting the basement.

- The existing CWC in Orphan Lane will be relocated to a position high up the Lane, and will be 8.5m wide. It will provide access (and egress) to the 2nd & 3rd storey parking bays. A waiting bay will also be provided, at street level, for vehicles to wait for cars exiting from the two parking areas above. The proposed CWC requires a **permanent departure** to permit its width.
- A Traffic Impact Statement (TIS) was prepared by **Apex Transport Solutions**, and which supports the proposed re-development.
- The only departure required in relation to the proposed parking is to permit parking bays within 10m of the two street boundaries, on the 2nd storey (within the building).

3.10 Raising of ground & retaining structures:

- No raising of the ground floor nor any retaining of soil above the EGL is proposed.

4. ADJUDICATION CRITERIA AND MOTIVATION

When considering the proposal consideration must be given to Section 99 of the By-Law, as well as Section 59 of LUPA and Section 7 of SPLUMA.

4.1. Motivation in terms of Section 99(1) of the By-Law

The application complies with the following minimum threshold requirements:

- (a) The application is **consistent with the Municipal Spatial Development Framework (MSDF)** which promotes contextually appropriate densification and intensification of land use. No deviation from MSDF is required. The property is situated in the “Urban Inner Core”.
- (b) The proposed development does have the effect of granting the property (currently zoned MU2) the development rules (height and floor space) of the next subzone within a zone. In the event, a rezoning to the next (and last) sub-zone is required, namely MU3.

The proposed MU3 zoning permits a floor space of 3840m² (floor factor of 6.0). The proposed floor space (4099m²) represents approximately 6.7% (259m²) over the proposed MU3 sub-zoning’s permitted floor space. In this instance, no floor factor departure applies given that the location of the property within the CBD Overlay Zone allows for an addition 30% of floor space (if at least 30% of the building’s floor space remains in use as flats).

Similarly, the proposed MU3 zoning permits a height of 38m above the EGL. The proposed height of 45.22m above the EGL (which is the overall height of the building including the two small pools and plant services on the roof), presents approximately 19% (7.22m) higher than the proposed MU3 sub-zoning’s permitted height. If the two circular pools and plant services, which are minor with respect to its extent, height (they are only 1.5m in height), scale and impact, are excluded, the height of the main bulk of the building is 43.72m, which is only 5.72m higher than what the MU3 zoning permits.

Since there is no further sub-zone beyond MU3, a height departure applies.

4.2. Motivation in terms of Section 99(2) of the By-Law

The application complies with the following relevant considerations:

- (a) Applicable Spatial Development Frameworks
 - **Provincial Spatial Development Framework (PSDF)**: The proposal is consistent as it directly supports the growth of the Western Cape and the City of Cape Town’s economy, creating a more compact city (densification and land use intensification), and creating and sustaining employment opportunities. The proposal is aligned with the guiding principles of the document e.g. spatial justice, sustainability and resilience, spatial efficiency, accessibility, and quality and liveability.
 - **Metropolitan Spatial Development Framework (MSDF)**: The proposal is consistent with the MSDF’s three spatial strategies being (a) planning for economic growth & improve access to economic opportunities, (b) managing urban growth and create a balance between urban development, food security and environmental protections, and (c) building a compact, inclusive, vibrant and sustainable city.

The above is particularly true and relevant to the “Urban Inner Core”, where the subject erf is situated. The Core has, as its main principle, that the Council, public and private sectors be committed to a coordinated, spatially targeted investment and land development to spatially transform and integrate the city form. The desired spatial outcome for the Urban Inner Core is diverse and dense land uses in association with public transport infrastructure, and a building which is compatible with the surrounding built environment (including approved but as-yet unbuilt developments, and latent existing rights).

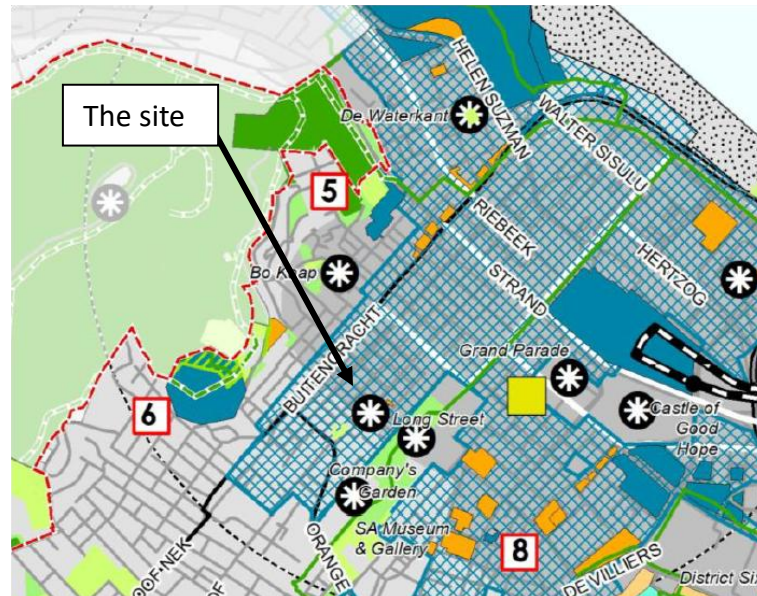
The proposed development is entirely consistent with the above, it being within the inner-City Bowl (within the Metropolitan Node), and within the CBD Overlay Zone (where zero parking is required and 30% additional floor space is permitted if developed for flats) as well as within the PT2 Area (also zero parking required to encourage and support the use of public transport). Loop Street is a MyCiTi bus route with a bus stop directly adjacent to where Orphan Lane connects with Loop Street.

The MSDF spatial concept is informed by aspects such as development corridors, metropolitan and district nodes, a network of Transit Accessible Precincts (TAPs), key economic infrastructure, heritage conservation areas and cultural landscapes, tourism assets, and a range of civic clusters. The subject property is situated within, and affected by, all of the above.

From a “spatial justice” perspective, out of the proposed 91 flats, 47 flats (or approximately 52% of the total number) are “studios” measuring 30m² or less (36 units) or 31m² (11 units); while the number of 1-bedroom flats account for 33 flats (36%), measuring approximately 40m² in extent. This means that approximately 88% of all the proposed flats in the building are aimed at the relatively lower-income market, to be occupied by at most two persons. This is consistent with the aims of MSDF (as well as other legislation) to enable more people, earning comparatively lower incomes, to be able to reside in the inner-City.

- **Table Bay District Plan:** The proposal is consistent with the Plan. The subject property falls in the Sub-District 2: “*City Bowl, Port and Surrounds*” Area, which includes the Central City HPOZ. With respect to the latter, the area is described as an “...*important economic generator through commercial uses, tourism and related industry, with increasing residential uses contributing to a vibrant city*”.

The property is situated in the Metropolitan Node, within the area identified for “Mixed Use Intensification” and in a “Development Corridor”. It is in the immediate vicinity of at least one “destination place”, and close to two “Connector Routes” (Buitensingel and Buitengracht) – as illustrated on the extract from the Plan, below.



The role of the District is, *inter alia*, to protect and enhance the economic function of the CBD (which is an economic node of both local, national and international significance) to ensure the future resilience of the City.

The proposal is consistent with the following spatial opportunities, vision, objectives and guidelines of the Plan:

❖ Ensure appropriate built form and land use to achieve a quality environment:

- Reinforce the central city as a vibrant district with a diverse range of economic activity and land uses.
- Improve and enhance pedestrian networks across the CBD,
- Promote mixed-use intensification & increase residential densities along public transport routes,
- Ensure tall buildings to sensitively integrate with the surrounding urban fabric,
- Protect and enhance the character and identity of heritage areas,
- Promote adaptable and flexible built form that can accommodate change over time.

❖ Promote more inclusive land use:

- Encourage the provision of a variety of housing types catering to different housing markets, with an emphasis on providing a proportion of affordable housing in private residential development.

❖ Protect the character defining elements of HPOZs:

- Protect the character of the historic core and is regarded as being sensitive and responsive to the patterns of existing building heights, scale and massing,
- Retain and enhance the intact architectural coherency and vibrancy of well-preserved heritage streetscapes e.g. Bree Street,
- The architectural treatment of the ground and first floors, including canopies, building entrances, etc. should relate to the pedestrian scale, and
- The proposed development is supported from a heritage point of view (refer to heritage report prepared by **Johan Cornelius Heritage Practitioner**) as well as, in principle, by the City's Heritage Branch,

- ❖ *Encourage intensification of development to support urban regeneration and transit-oriented development:*
 - The proposal is a land use intensification proposal along (within 30m) of Loop Street, which is a MyCiTi bus route.
- ❖ *Flexibility in design and potential future land use:*
 - The proposed parking areas on the 2nd and 3rd storeys are flat-floored and have sufficient head-height to enable the conversion of these areas to non-parking use in the future, if deemed necessary and desirable.
- ❖ *It is not believed to impact on any key views of Table Mountain, Devil's Peak or the sea.*
- ❖ *Encourages a vibrant and pedestrian friendly central city, and improves and enhances the CBD as a civic precinct.*

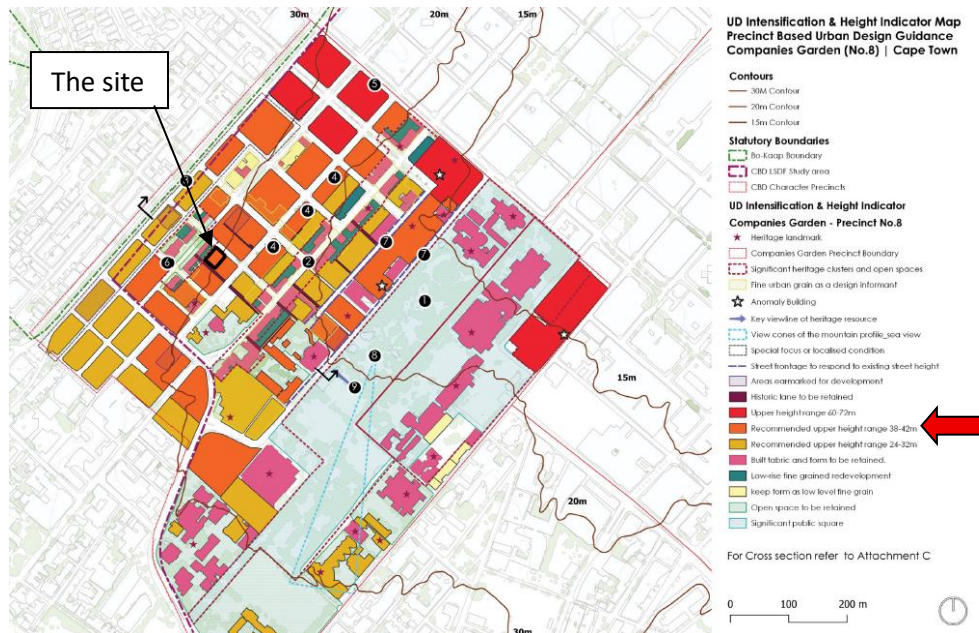
➤ **Local Spatial Development Framework (Central Business District): October 2025**

The LSDF is a policy document that outlines the vision, goals, and strategies for spatial planning, development control, and infrastructure provision. It sets out guidelines and regulations for land use management, density, transportation, public spaces, and other aspects of built form and urban design and built form. It also considers social, economic, and environmental factors to ensure the well-being of the community and the overall liveability of the area. The LSDF provides a framework for decision-making, informs development proposals, and guides future investments to shape the desired spatial form and character of the area.

In essence, the LSDF aims to assist the Council, when evaluating and making decisions with respect to planning and other development proposals, to help facilitate the transition and preservation of the CBD as a spatially integrated and inclusive city which is a vibrant, sustainable, desirable, and socially and economically active urban environment, and which supports and is supported by adequate, existing public transport and pedestrian movement.

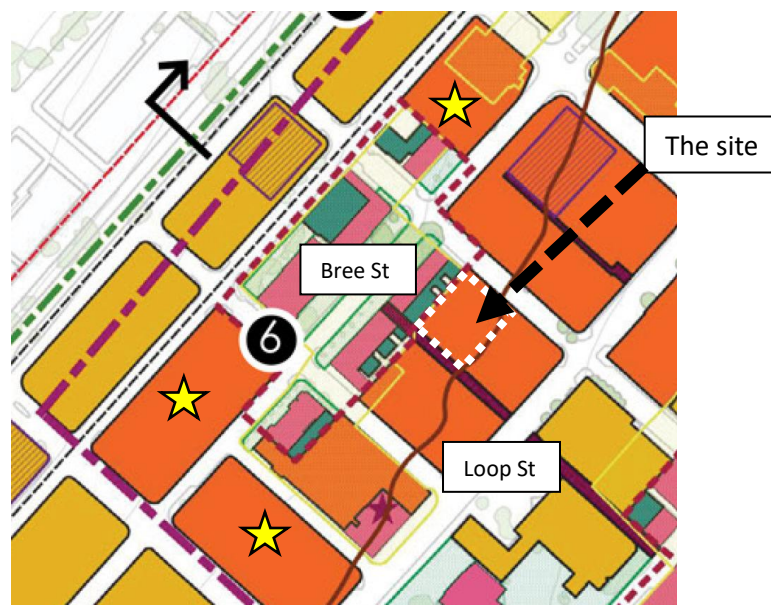
The site falls in the “Company Gardens Precinct 8” of the LSDF.

The LSDF recommends, with respect to the “Urban Design Intensification and Height indicator Map”, an “upper height range of 38 – 42m” for this property, as well as for the immediate city blocks around the subject erf (with the exception of the block directly west/upper side of Bree Street) has the same recommended “upper height range”, as can be seen on the extract from the LSDF, below.



Extract from LSDF: Intensification and height indicators

The above is of particular relevance to the proposal, since it means that a number of the surrounding properties – especially those situated to the west of/above Bree Street, and which are thus positioned at a higher contour level (approximately at 40m amsl) than the subject erf, are also permitted in terms of the LSDF to be developed to this “upper height range of 38-42m” (refer to city blocks with yellow stars, below). If those blocks are, for example, developed with a 38m-high building, it would mean a building measuring 78m amsl in height. Such buildings would therefore be *higher* than the proposed building.

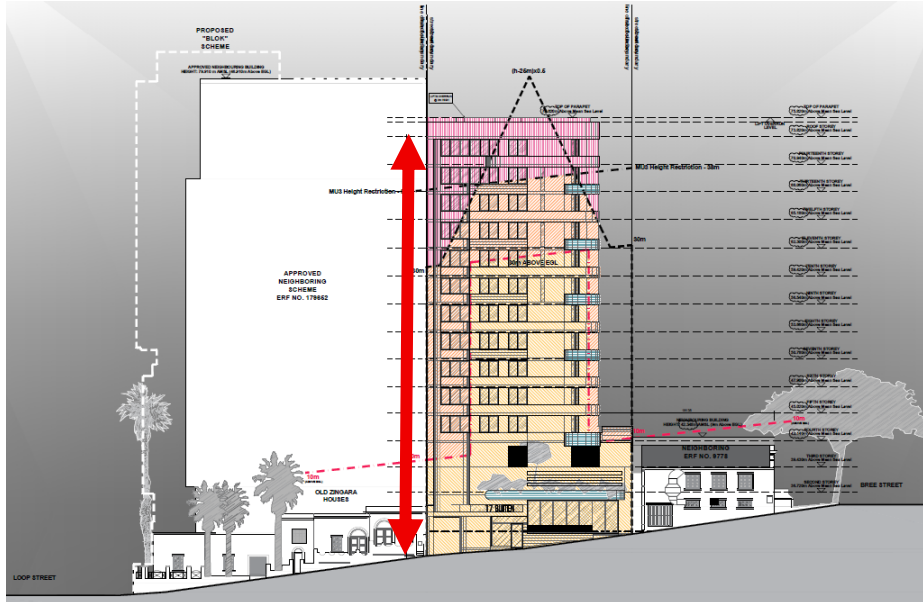


Zoomed-in extract from LSDF: Intensification and height indicators

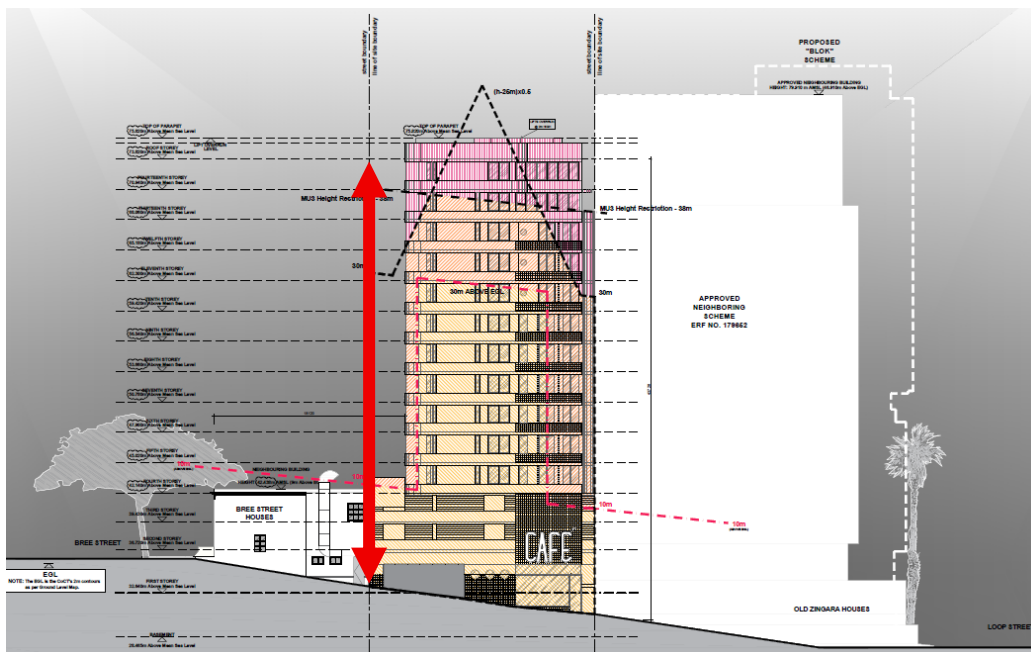
The LSDF has no clear indication of *from where* this “upper height range” must be measured from. It is easy to understand if the site is flat; however, on relatively steep terrain and sloping sites, such as the subject erf, the actual height of the building on the higher-lying portion of the erf will measure lower in height compared to the actual height of the building situated on the lower portion of the erf.

The property slopes diagonally from the north-western corner in Orphan Lane (at approximately 33m amsl) to the south-eastern corner adjacent to Buiten Street (at approximately 30m amsl).

Both Buiten Street and Orphan Lane are relatively steep streets which slope from west to east. The proposed building is, of course, positioned horizontally in relation to the sloping terrain. This has the result that the portion of the building towards the east is technically higher in relation to the downwards sloping existing ground level (EGL), whereas the western portion of the building is and appears to be lower in height (with respect to the higher EGL for that portion of the erf). Refer to the Buiten Street and Orphan Lane façades below which demonstrates the aforesaid:



Buiten Street façade: The building measures 43.72m from the lowest point of the EGL to the top of the roof of the 14th storey (excluding the permitted 2m screening walls on the roof, which is permitted in terms of the definition of “height” and Item 125 of the DMS).

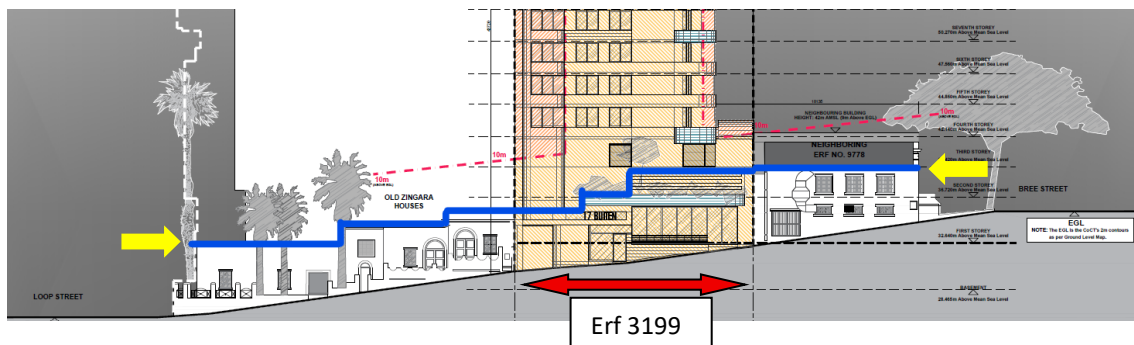


Orphan Lane façade: The building measures approximately 41m from the highest point of the EGL to the top of the roof of the 14th storey (excluding the screening elements as mentioned above).

The proposed building is thus, for all intents and purposes, considered to be consistent with the LSDF with respect to the “recommended upper height range”, and it is not believed that the proposed deviation from the LSDF is material with respect to impact.

The proposal is further considered to be consistent with the LSDF's objectives and guidelines which relate to this Precinct, as follows:

- It will ensure that the “east-west” streets (e.g. Buiten Street & Orphan Lane) will continue to provide physical and visual links to and from the Bo-Kaap (down to Long Street and the Company Gardens beyond).
- The core precinct will continue to function as a “slow zone” and shared spaces, prioritising pedestrian safety and movement.
- The proposal will not attract “high traffic movement” which will continue to circulate around the perimeter of the precinct (Wale Street, Buitengracht, Buitensingel/Orange Street).
- The proposal responds well and positively to the fine grain character of the area and the heritage resources to create visual interest and street vibrancy. The site, due to its orientation and shape, optimises and activates the two short street boundaries.
- Orphan Lane as an historic thoroughfare will be retained.
- The proposal recognizes and respects the low-rise historic buildings along Bree Street, as well as the historic “stepping down” and scale of the heritage facades down the slope in Buiten Street, as illustrated by the blue line on the image below:



Buiten Street elevation between Loop and Bree Streets

The proposed building is supported from an urban design perspective with respect to its architectural language and scale as a back-drop to, and its inter-relationship with, the buildings along Bree Street (refer to image below):



Architect's depiction of the proposed building as seen from Bree Street. The proposed MU3 permitted envelope is indicated in red

The LSDF also touches on heritage aspects and this, as well as the compatibility of the proposed building with the surrounding built environment, will be addressed later in this report.

An "Urban Indicators Report" was prepared by **Urban Concepts** which also addressed the above aspects. The contents of the Report are discussed on pages 22 & 23 below.

(b) Relevant Criteria in the DMS

The application complies with relevant criteria contemplated in the DMS, i.e. the proposal is desirable when assessed in terms of the adjudication criteria set in out Section 99.

(c) Applicable Policies Approved by the City

- ❖ **Inclusive Economic Growth Strategy (2021):** The proposal is consistent with the aims of this Strategy, namely the stimulation of inclusive economic growth. The principles which are relied upon to stimulate this growth are *inter alia* inclusivity, competitiveness, connectivity, resilience and sustainability. The proposal represents significant private investment within the urban area, and the creation of a more compact city which ensures environmental sustainability over the long term. The proposal will also create a large number of employment opportunities, which also supports the "economic resilience" of those workers and the industry.
- ❖ **Densification Policy:** The proposal is consistent with this Policy in that it represents the optimal utilisation and development of the property which is situated in a highly desirable and contextually appropriate location. The property is under-developed with respect to its existing rights, and even if the full existing rights are taken up, it would still be under-developed with respect to the LSDF which recommends an "upper range height" of up to 42m (this is higher than what the proposed MU3 zoning permits).

The proposal is considered to be an appropriate, compatible, desirable and responsible form of densification and land use intensification with respect to the surrounding built environment (including references to the historic character and existing public transport).

The proposal will ensure a more compact city which, it is well-known, is the pre-requisite for well-performing cities.

- ❖ **Tall Building Policy:** The proposed development, with respect to its height, scale, design and appearance (architectural language & style), and context, is considered to be consistent with this Policy, including its principles and aims as set out below.

The main principles of this Policy are as follows:

- To **promote and encourage sustainable growth** in the city by permitted greater building height in appropriate locations,
- To ensure that taller buildings **fit into the context** of the surrounding cityscape, without negative impacts,
- To **encourage design excellence**, and for such buildings to form part of a **high-quality urban environment** in specific locations, and
- To recognise that growth is dynamic and that the **approach to tall buildings should be flexible**, provided that the proposal meets the strictly applied criteria for quality, design, character, context and protection of the urban environment (references in bold are our emphasis).

The main aims of this Policy are *inter alia* as follows:

- Ensuring that new tall buildings reinforce the attractive qualities of the built environment in order to sustain or improve the image of the city,
- Encouraging a high standard of design and architectural excellence, blending sympathetically with the local and city context, and respecting attractive views across the city,
- Providing a more consistent transparent approach to dealing with applications for departures concerning the relaxation of height restrictions,
- Preserving areas of special character or interest, protecting principal views across the city,
- Preserving or enhancing the quality of HPOZ, heritage areas and listed buildings of special character, and
- Meeting the development objectives of a sustainable development (underlining is our emphasis).

Further to the above, the proposal is also consistent with the Policy Statements, e.g. the following:

- It will not impact on the *key* views of Table Mountain or of the sea,
- It is believed to be in an appropriate location,
- It is believed to meet the assessment criteria of the Policy,

- It contributes to a quality, active public realm at street level,
- Its design was informed by the area character analysis,
- It is considered to comply with the “three parts of a tall building”, i.e. the podium (the historic, one-storey high buildings along Bree Street are effectively seen as being part of the “podium”), the middle/shaft, and the top/crown.
- It includes retail (shop and restaurant) and residential uses (i.e. it is a mixed-used building) and it supports and promotes the Densification Policy.

❖ **Urban Design Policy:** The proposal is considered to be consistent with this Policy as follows:

- *Ensures integrated and legible spatial structure:* The proposed building is believed, through its architectural language and style, articulation, setbacks, relationship with surrounding buildings (including along Bree Street and with respect to, for example, the approved “Madame Zingara” building on the directly abutting Erf 179652), height, over-looking features, street level activation, etc., to contribute positively to, and to be in character with, its surrounding context.
- *Creates good quality open spaces (through placemaking) & positive interfaces onto the public realm:* The proposal creates activation at street level in Buiten Street and Orphan Lane. The apartments will create passive surveillance onto the streets below, specifically Orphan Lane (which is a secondary, and quiet, lane). The proposed shop facing Orphan Lane is considered to be a considerable enhancement to the existing streetscape.
- *Contribution to a healthy and safe community:* The balconies and terraces overlooking the streets will ensure safer environments, whereas an increase in people in an area also creates more vibrant and desirable urban environments.
- *Promote intensity, diversity and adaptability of use:* The proposal is for retail and residential purposes (diversity) and to better optimise the development of the site (intensity). The proposed parking levels (2nd & 3rd storeys) are flat and measure 2.525m from floor to ceiling; it is possible to convert these levels in the future into residential apartments (or other non-residential uses), if required. This is consistent with the principle of “flexibility”.
- *Respond to heritage, character & identity of an area:* The proposed building is considered to be highly compatible with, and complementary & sensitive to the surrounding HPOZ and its heritage buildings, and to have a positive impact on the vibrant nature of the surrounding area.

The proposed building is further considered desirable and a good example of urban design principles as follows:

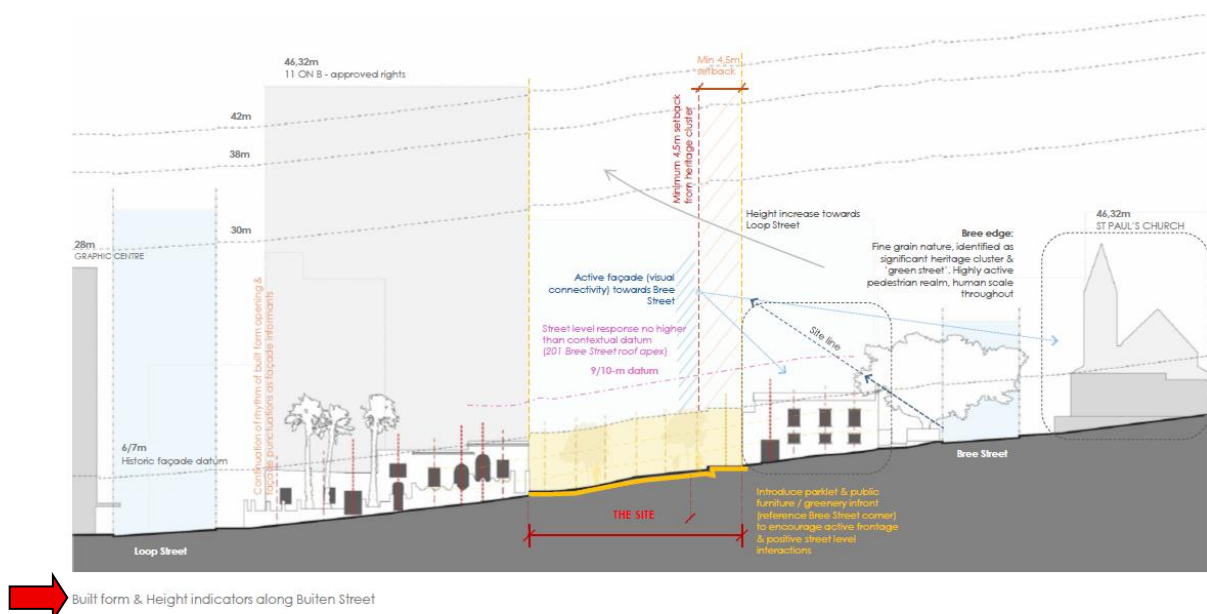
- The proposed building is articulated, including but not limited to the multiple concave and convex canopies and “cut-outs” on the various floors. This provides an attractive and complementary “back-drop” to the row of low-rise historic buildings along Bree Street (in particular) – but without being over-bearing or detracting from the character and heritage integrity of those buildings.

- The proposed building introduces cantilevered canopies over the Buiten Street boundary (including directly above the restaurant on the 1st storey), in addition to various minor decorative features which encroach both street boundaries (as permitted by the DMS). These design elements are considered desirable and enhance the appearance of the building.
- The above-mentioned features help to “break-down” the various facades of the building, which succeed in rendering it with an attractive, articulated and palatable appearance.
- The proposed building will screen the high and blank (and unattractive) façade of the approved building on the abutting Erf 179652, which faces the subject erf. At 46m in height, the neighbouring blank facade in fact *requires* a neighbour of a similar height, if only for screening purposes.
- The building, at street level in both Buiten Street and Orphan Lane, contains active land uses (restaurant and shop) which is aligned with good urban design.
- The proposed parking, within 10m from the street boundaries on the 2nd & 3rd storeys, is screened by ingenious and attractive design elements. These elements successfully hide the proposed parking bays and at the same time enhance the main entrance to the building with elements on a human-scale.

Urban Design Indicators

A comprehensive report addressing the “Urban Design Indicators”, and motivating the proposed building within the surrounded built environment (taking into account both existing and approved – but not yet-built, buildings) and at the hand of the District Plan, Urban Design Policy, and the LSDF, was prepared by **Urban Concepts (Pty) Ltd.** (copy attached).

These indicators assist in guiding the development forward, and have been outlined in four categories, namely Building Composition, Public Interface, Streetscape & Façade Articulation, as well as Connectivity. The particulars of each of these categories are set out on pages 41 – 48 of the Report and will not be repeated here in full (refer, for example, to the image below which demonstrates the indicators with respect to the “Streetscape & Façade Articulation”, with which the proposal is consistent with:



Recommendations (with reference to the District Plan, Urban Design Policy and the LSDF) are reflected on page 49 of the Report:

URBAN DESIGN INDICATORS & RECOMMENDATIONS | ALIGNMENT WITH KEY POLICIES

To conclude, we have outlined the key principles and actionable recommendations to facilitate alignment with the relevant urban design policies and framework guidelines for the City of Cape Town:

Table Bay District SDF (2023-2033)

		Recommendations 
1	Protect the character-defining elements of HPOZ areas.	Implementation of appropriate setbacks from heritage clusters & response to heights and datum lines within the immediate surrounds
2	Encourage a vibrant, pedestrian-friendly central city.	Support a pedestrian-orientated urban environment
3	Enhance Cape Town's CBD as a civic precinct. Protect the visual & amenity value of the area as a destination place	Ensure that land use proposals are in line with; and strengthens the positive aspects of the immediate surrounds

Urban Design Policy (2025)

4	Ensure integrated & legible spatial structure	Integrate the development with the existing positive movement routes (pedestrian and vehicular)
5	Design streets as positive highly accessible public spaces	Ensure universal access, street furniture & greenery
6	Ensure positive interfaces onto the public realm	Encourage visual interaction with street through use of terrace balconies, low walls, stoeps
7	Respond to heritage, character & identity of an area	Reference height datum & rhythm of surrounding heritage facades

Central Business District LSDF (2025)

8	Ensure 'East-West' streets provide both physical and visual links to & from Bo-Kaap.	Support initiatives to improve the condition and character of both Orphan & Buiten Street
9	Ensure high traffic movement circulates around the perimeter of the precinct (Wale Street, Buitengracht Road, Buitensingel/ Orange Street), while the core precinct functions as a 'slow zone' & shared space, prioritising pedestrian safety.	Allow pedestrian link through to Orphan Lane from site; expand on public realm allowance along Buiten Street to encourage pedestrian mobility along
10	Respond to fine grain character over and above the specific heritage resources to create visual interest & street vibrancy. Implement short street frontages, multiple doors and pedestrian entrances across the urban block.	Reference to street character of shared spaces to support the Bree Street buildings and uses. (scale, datum height, façade articulations, threshold elements)
11	Existing historic (Orphan) lane to be retained	Support initiatives to transform Orphan lane from backyard service corridor into active pedestrian connector, contributing towards the wider civic realm
12	Retain Upper Bree Street significant heritage cluster's existing built character, fabric & height in its current form. Adequate setbacks from existing building elevations. Encourage conservation that will enhance heritage buildings & promote active ground level interfaces.	Setback from heritage cluster & retention of view lines to mitigate impact on the townscape, ensuring that the tall building character does not compete.

The recommendations above respond to the high-level principles in the Report, and relate to the following (the details of each principle is further explained on page 40 of that report):

- A respectful integration and heritage “backdrop”,
- Permeability and the “public living room” (specifically with respect to Orphan Lane),
- A contextually referenced rhythmic façade articulation and a human-scaled streetscape (with reference to “vertical” grain, surveillance, and material sensitivity), and
- The economic and social “softscape” (a positive public space, activation).

❖ **Social Development Strategy:** The proposal is consistent with the SDS in that it assists to promote and maximising social development, which is broadly understood to be the overall improvement and betterment of the quality of life of all the people in the city (residents and visitors). The proposal will ensure a more vibrant and sustainable urban environment, which generally also improves the safety of an area. The creation of temporary and permanent job opportunities during construction and thereafter, also has positive impacts on the lives of those people.

❖ **Transit Oriented Development Strategic Framework (TOD):** The proposal is considered to be consistent with the principles of the TOD given that it represents densification and land use intensification within the immediate vicinity of adequate and existing public transport facilities: the MyCiTi bus operates along Long and Loop Streets, the latter which is 30m from the subject erf (including a bus stop at the Orphan Lane/Loop Street intersection). Taxis also operate along these routes.

Although the PT2 Area and CBD Overlay Zone do not require on-site parking, it is still considered desirable to provide *some* parking for future residents (including for the staff/manager of the proposed restaurant and shop). The proposed parking represents a

low ratio of 0.47 bays/flat, which is considered acceptable and still in line with the principles of the TOD.

(d) Desirability of the proposed use and development of land as contemplated in subsection (3)

The application complies with the following relevant considerations:

(a) *Socio-economic impact*

The existing property is under-developed with respect to its existing rights as contained in the DMS. This is considered to be undesirable for a property located in such a desirable location (inner-city) and for the owner thereof. The proposal will ensure that the use of the property will be optimised. Such an improvement of the property holds a considerable positive financial benefit for the owner.

The City will also greatly benefit economically because of the higher valuation of the erf, and the resultant higher rates and taxes that will be paid by the owner (and subsequent owners of the flats and businesses).

The redevelopment of the property with a building comprising 91 flats will add much-needed housing stock in the inner-city, which is considered desirable and positive given the great need for well-located accommodation (especially in the City Bowl). The CBD Overlay Zone *specifically aims* to increase inner-City densities by allowing the additional 30% of floor space for properties zoned MU3, and where at least 30% of the building's floor space remains in use as flats. The fact that approximately 88% of the proposed flats are either studios or 1-bedroom apartments also render those flats comparatively affordable, which has a further (socio-)economic benefit.

The proposed restaurant (on Buiten Street) and shop (on Orphan Lane) will enhance and help stimulate the vibrant nature which this popular precinct in particular, and will support the economy, tourism and job creation in general. This is also positive from a socio-economic perspective.

(b) *Compatibility with surrounding uses*

The proposed building, from a height, scale (envelope), design, appearance and land use perspective is considered to be entirely compatible with the surrounding built environment:

- The proposed building is *primarily* consistent with the recommended height as per the LSDF for this site and the surrounding city blocks.
- The proposed building is supported from an urban design and heritage perspective as being entirely compatible with the surrounding area.
- Importantly, the proposed building (with a height of 45.22m – measured from the lowest EGL to the top of the pools and plant services), will be *lower* than the approved building on the abutting Erf 179652 (the “Madame Zingara site”). The proposed building on the subject erf must therefore also be seen in the context of what is currently an existing right on the adjacent erf. At over 46m in height, the neighbouring blank facade in fact *requires* a neighbour of a similar height, if only for screening purposes. The proposed building will be entirely compatible with that approved building.

- The proposed MU3 zoning will be consistent and compatible with the abutting Erf 179652 which is also zoned MU3.
- The surrounding area is a high-density urban environment and characterised by a large variety of buildings of different heights, sizes (envelopes), roof forms, appearances, and proximity to boundaries, all situated on relatively steep terrain. The proposed building will comfortably fit into this built environment.
- The changing nature of this part of the City Bowl must be recognized. In a few years from now it can be expected that the immediate surrounding environment will look significantly different than what it does currently, and in particular with respect to a number of new and relatively high buildings. It was already mentioned that a building of approximately 72m amsl was already approved on the old “Madame Zingara” site (Erf 179652). It is public knowledge that a new application will be submitted for an even higher building on that site. In additions, it is also known that re-developments of the erven abutting Orphan Street and Loop Street (to the south-west and -east of Orphan Lane) are planned. And whilst it is acknowledged that those applications have not yet been submitted or approved, it can be expected that some significant change to the buildings on those erven is only a matter of time (mostly because many of those erven are currently considerably under-development with respect to their existing rights).

The construction of a new building on the corners of Buitensingel and New Church Street (Erf 182908) is nearing completion (it is 160m to the south-east from the subject erf). That building will be approximately 72m amsl in height, and with the EGL being the 46m contour line (compared to the approximate 32m contour line that runs through Erf 3199 - the subject erf. Both buildings, once completed and if approved, respectively, will therefore not be of a very dissimilar height above mean sea level.

The point is that the proposal should be seen in the context of the changing nature of the immediate environs of the subject erf (which is already underway), as well as the very reasonable expectation that the area will undergo further changes in the foreseeable future.

- Similar to the above, the surrounding area is characterised by a wide range of land uses, e.g. flats, restaurants, shops, offices, service industries, places of worship, schools, etc. The proposed residential and commercial uses will seamlessly blend in with, and support, the surrounding uses.

(c) Impact on external engineering services

It is not believed that there should be any material and negative impact on the municipal services; however, the application will be circulated to relevant services branches for comment.

A Development Contribution will be paid based on the proposed rezoning and departures which will, if approved, increase the development rights.

(d) *Impact on safety, health & wellbeing of the surrounding community*

The proposal is considered to have a positive impact on the safety, health and wellbeing of the surrounding community, as well as strengthening the viability, sustainability and attractiveness of this city precinct (which is already highly popular and vibrant). Stronger and vibrant neighbourhoods are desirable and creates a sense of place and belonging, while improving the overall safety of such urban environment.

By creating more, and more affordable, residential opportunities in the inner-City in close proximity (within walking distance) to many employment opportunities and other social facilities, especially close to available public transport, will mean shorter and/or less traveling for those new occupants (the latter will also have a positive environment impact). This will have a positive impact on the “health and well-being” of those residents in particular, as well as on the broader public in general.

(e) *Impact on heritage*

It is not believed that there is any negative impact on any heritage resources:

- The existing building has no heritage value (the site has a non-conservation worthy heritage “grading”).



The Buiten Street façade of the property

- No application is required in terms of the National Heritage Resources Act (to Heritage Western Cape).
- The proposed building is supported, *in principle*, by the City’s Environment and Heritage Management Branch (Heritage).
- The proposed development (refer to the image below) is supported by the **heritage consultant (Johan Cornelius)**, who issued a positive report with respect to the demolition of the building and the proposed building in the HPOZ. The report concludes with the extracts below, and recommends that the proposal be supported by the Council as “no heritage resource will be negatively affected”.

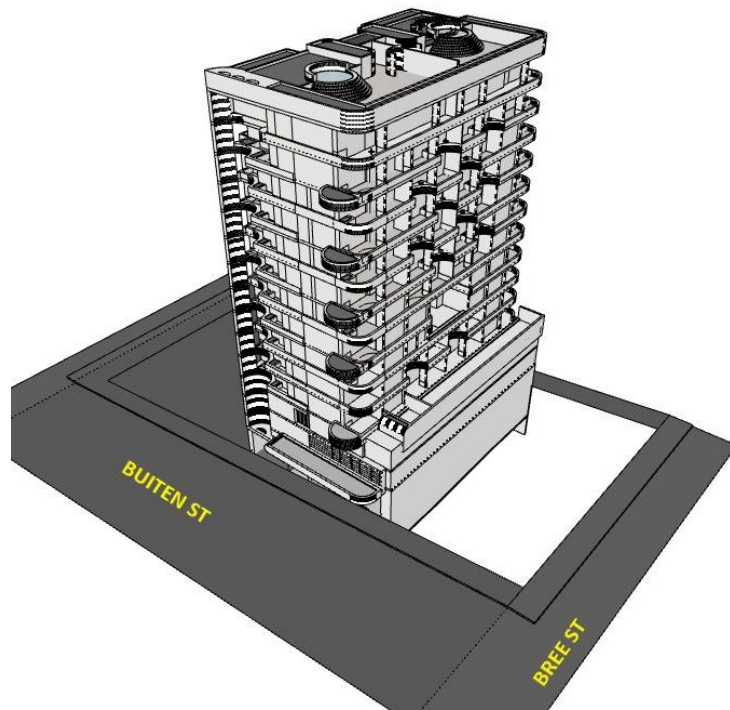


Image to illustrate the articulated nature of the proposed building

“The new proposal has been designed by the project architects with three-dimensional indentations in different planes on all three of the public facades with concave and convex balconies. These are dynamic elements that will result in well-defined shadow patterns on the facades which will change with the movement of the sun. The erf rotates from a north-south axis which means that the shadow pattern will appear on the full extent of all three the three public facades. Most balconies have deep overhangs which will give a Brise Soleil effect on the elevations.

The general impression portrayed by the architecture of the proposal is that of a classically influenced presence with references to Art Deco and Modernism. The proposed design is undeniably contemporary and fresh which will complement the receiving context. The windows reinforce the horizontal lines on the elevations whilst vertical walls maintain a rhythm, typical of the Modernist Movement.

The proposed design responds to the massing and height of the approved development on the Madam Zingara Site, yet it still remains subservient to the heritage resources in the surrounds with appropriate setbacks and neutral renders.

The building is designed to be lower than the approved design on the Madame Zingara site and it has an active edge on Buiten Street with large display windows on street level. Its footprint stretches from Buiten Street to Orphan Lane whilst it is set considerably back from the common boundary with the Georgian cottages.

The view from Bree Street shows that the building forms a background building to the Georgian cottages while the cottages act as a podium to the new building behind, which is reinforced by the view from the Buiten/Bree Street intersection above. The building will have slender elevations on its Buiten and Orphan Street frontages and seen from Bree Street, the elevation is layered with a lane of trees with the Bree Street Georgian façades behind and in the background, the subject building. The new proposal will not be detrimental to the HPOZ or the heritage resources and it does not interfere with the sense of place qualities of the Bree Street context”.



The Buiten Street (left) and Orphan Lane (right) elevations of the proposed building (with the approved Madame Zingara building's outline)

In addition to the above, and to further demonstrate the *desirability and compatibility* of the proposed building, as well as the *complementary nature* thereof to the surrounding built environment – in particular with respect to its architectural style, design philosophy, and urban environment approach, the following has been prepared by **Robert Silke & Partners (Pty) Ltd.** and **Johan Cornelius Heritage Consultant:**

1. It needs to be pointed out that the south-west part of the HPOZ is not homogeneous in terms of period, architecture, scale and use and in fact, the area is stylistically heterogeneous in the extreme. It is however an important precinct in the Cape Town urban scape due to a large number of highly significant heritage resources but it is by no means pristine.
2. It is also important to note that the immediate environment within which the subject site finds itself, consists of insignificant, weak examples of Modernist buildings apart from the significant Madam Zingara building to the south-east and the row of mid 1800's Georgian houses on the north-west boundaries of the subject site in Breë Street.
3. The proposed building, in the full spirit of the City Centre HPOZ, seeks to make a transition between tradition and modernity in an effort to create a quality urban environment and at the same time escaping the decrepit immediate surrounds.
4. The proposed design of the new building is not an International-style black box of glass, aluminium or steel, and neither is it a nod to northern-hemisphere industrial systems. Rather, the design is conceived as a sculpted, voluptuous form, that is

handcrafted from white-painted, plastered mass-brickwork in the finest and oldest traditions of the Western Cape.

5. In Season 1 (Episode 9) of the Kyknet series, "Die Argitekte", renowned urban designer Henri Comrie put forward "Tuynhuys" (Robert Silke & Partners, 2019, Cape Town City Centre HPOZ) as a standout and described the style as a form of "late Cape Dutch", in that it is sculpted from solid mass brickwork in painted plaster finish painted white. The proposed subject building is stylistically similar to Tuynhuis but having said that, the HPOZ is not Cape Dutch.
 6. Whilst there are Cape Dutch buildings, the HPOZ is not Cape Dutch in character. From a historic architectural perspective, there are also Georgian and Victorian buildings but the HPOZ is neither Georgian nor Victorian in character which contributes to the notion that it is a heterogeneous townscape.
 7. The HPOZ (both in whole and in part) is eclectic in character, with modern styles co-habiting (often comfortably) with older vernaculars. Indeed, our part of the HPOZ (Buiten Street from Loop to Bree) is eclectic and (some beleaguered Georgian townhouses notwithstanding) is dominated by rather ordinary mid-rise modern buildings.
 8. The character of the subject part of the HPOZ is predominantly mid-rise and modern, with some significant low-rise Georgian row-houses in the vicinity.
 9. Some considerable effort has been made to respond to and recognise the scale of the Georgian row-houses - both in setback and in elevation, and considerable further scaling work was done in this regard, as a result of Heritage Branch's positive comments at our pre-application meeting.
 10. The predominant architectural vernacular in this part of the HPOZ is plastered-and-painted mass-brickwork, and thus curtain-walls, glass balustrades and aluminium-cladding have been avoided in preference of the traditional vernacular of white-painted-and-plastered mass brickwork with punctured openings and solid balustrades.
 11. The more private facade onto Orphan Lane (being a more industrial environment) is appropriately more industrial in character. Towards the north-west, the building is set back from the common boundary with the Georgian row-houses in order to avoid a blank façade and instead expresses a well-articulated north-west elevation in respect for the highly significant row-houses.
 12. The subject building sets itself back no less than 18m from the Georgian houses on Bree Street, in deference thereto, whilst its facades are made of the same white-painted, plastered vernacular. The name of the development is "Brise Soleil" which refers to the need for the facade to respond appropriately and climatically to the harsh north-west sun by providing a humane and sculptural architecture of generous overhangs, sunscreens and balconies, using the essentially modernist idiom of "Brise Soleil".
 13. Whilst Brise Soleil is undoubtedly modern and non-nostalgic, it is literally cut from the same cloth as its Georgian neighbours. Thus, by pursuing an accommodation between traditional and modern architectural idioms, our proposed built form seeks to be a happy microcosm of the eclectic nature of our part of the Central City HPOZ.
 14. We contend that it is not necessary for a new building in the HPOZ to "ape" its older neighbours - either in form, massing or elevational style. But rather it is our obligation to respect our older neighbours by responding positively to their scale, style and form.
- With respect to the LSDF, essentially the aim is to encourage a good city form and design, based on protecting and enhancing Cape Town's unique character. This relates, in turn, to the following:

- The CBD includes the historic core of the city with the oldest remaining built fabric and the highest concentration of heritage resources,
- A unique townscape, grain and scale – this character and identity contribute to a distinctive sense of place,
- Management considerations should include the streamlining of development approval processes based on an agreed-upon development intent/vision,
- To ensure an appropriate built form and land use guidance to achieve a quality environment and good city form and design which enhances its character-defining features, and
- To ensure and improve the desirability of the CBD as an investment area.

The LSDF identifies the following guidelines and opportunities for the CBD precinct with respect to new developments:

- Protect heritage buildings and enhance their setting where new insertions or alterations in their vicinity are proposed.
- Alterations of and additions to buildings should not result in a loss of heritage value or contextual quality.
- The built fabric should encourage walking by improving the pedestrian experience, uniqueness of the CBD and streetscape quality through active interfaces.
- Opportunity to build on the character, identity, and townscape of CBD as an asset for further growth and development.
- Opportunity to rationalise HPOZ and apply NHRA intentions regarding heritage management at the local level.
- Opportunity for substantial public realm improvements.
- Opportunity to define and enhance the unique identity of precincts and to identify special areas which requires specific management parameters.

The proposal is consistent with the LSDF also with respect to the various heritage aspects as contained therein.

- The proposal is believed to have a positive impact on the HPOZ (the area in general), on (especially) the historic low-rise buildings along Bree Street, as well as on both streets (Buiten Street and Orphan Lane).
- Indeed, the proposed building was sensitively designed to be complementary and sympathetic to the surrounding buildings and the heritage character of the area. This was achieved through various means e.g.
 - the building's setback from Bree Street,
 - a measure of "stepping down" of the building towards Bree Street,
 - the treatment of the Buiten Street façade e.g. the design features on the 2nd storey (hiding the parking area),
 - the recognition and continuation of the "historic single storey facade" element along this boundary (connecting the old Madame Zingara facades with the building on the corner of Bree and Buiten Streets, and
 - the articulated design through convex and concave shapes, and
 - canopies and architectural features over the street boundaries, etc.

(f) Impact on biophysical environment

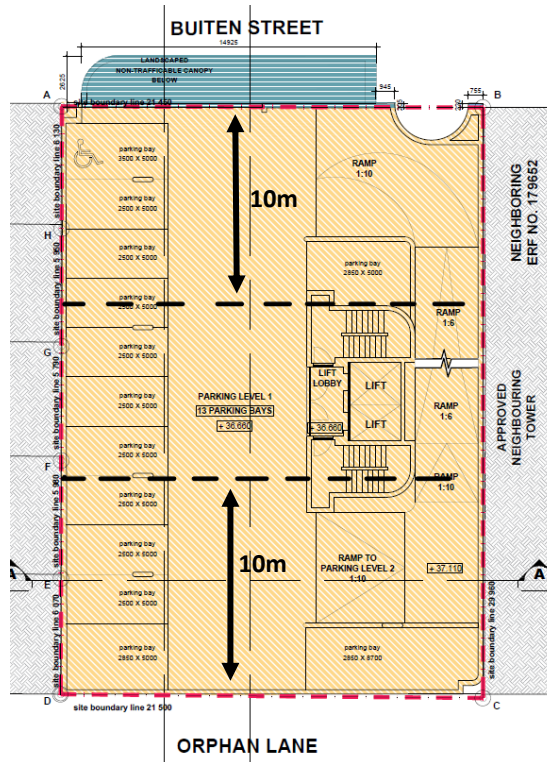
There will be no impact on the biophysical environment; no trees or other existing vegetation will be removed. It is also not believed that there will be any undue impact on the groundwater or air pollution.

On the contrary, the proposal will ensure a more compact city which is more resilient, sustainable and environmentally friendly, which is positive.

(g) Traffic, Transport, Parking and Access

The proposal is not believed to have any material impact on traffic, parking and access for the following reasons:

- The Traffic Impact Statement as prepared by **Apex Transport Solutions** supports the proposed development (see copy of the report attached), and concludes with the following recommendations:
 - *That the Council consider supporting the proposed development as it is expected to have a low impact on the surrounding road network.*
 - *That appropriate one-way signage and directional road markings be installed at the Bree Street entrance, along with “No Entry” signage at the Loop Street interface to reinforce the intended circulation pattern.*
 - *That the existing CWC on Buiten Street be closed and rehabilitated, with kerbs and sidewalks reinstated to municipal standards.*
 - *That the Buiten Street loading bay adjacent to the site be shifted 5m upstream, away from the new Buiten Street CWC.*
- There is no parking departure (no on-site parking is required given that it is a PT2 Area and in the CBD Overlay Zone).
- The accesses to and from Buiten Street and Orphan Lane will not have any undue impact on traffic flow or (street) parking. In fact, the proposed CWC in Buiten Street will only be 6.3m wide.
- The property is relatively small (640m²) and measures approximately 30m (along its length) x 21m. This means that, in the event that the 10m setbacks from the two respective street boundaries are applied, it only leaves about 10m in the very middle of the site which is impractical and effectively useless (refer to the extract of the 2nd storey plan, below). In addition, the relatively constrained size of the site poses a severe challenge to accommodate the required ramps (both to the basement and to the 2nd and 3rd storeys).



The proposed Council's approval to permit some of the parking bays within 10m from the street boundaries is therefore considered desirable and necessary in order to accommodate the proposed parking and ramps within the building. This proposal will not have any negative impact on the traffic and external parking and access.

The proposed CWC departure in Orphan Lane relates to a negligible distance of 0.5m (the maximum permitted width is 8m). The departure is required to enable acceptable and practical traffic movement from the subject erf into the narrow Orphan Lane, which is only 3.8m wide. It is noted that Orphan Lane is a one-way street, and does not have any high traffic or pedestrian volumes (in fact, it is hardly used). It is not believed that the proposed departure, which is minor in extent, will have any material impact on traffic and/or pedestrian flow or safety. It should be noted that there is already a CWC in Orphan Lane; this CWC will be demolished and merely moved up the slope.

(h) Mitigation

Given that the site is situated in an HPOZ (where any further and/or future developments will automatically require a land use application), and the fact that the proposed base zoning and departures already limit the building with respect to height, floor space and setbacks, it is not considered necessary for any specific conditions to be imposed.

However, Council is entitled to impose any relevant and reasonable conditions of approval, if it deems it fit and necessary to do so.

(e) Impact on existing rights

It is not believed that the application will have any material impact on existing rights, as explained below.

- The proposal is considered to be highly compatible and in character with the surrounding area.

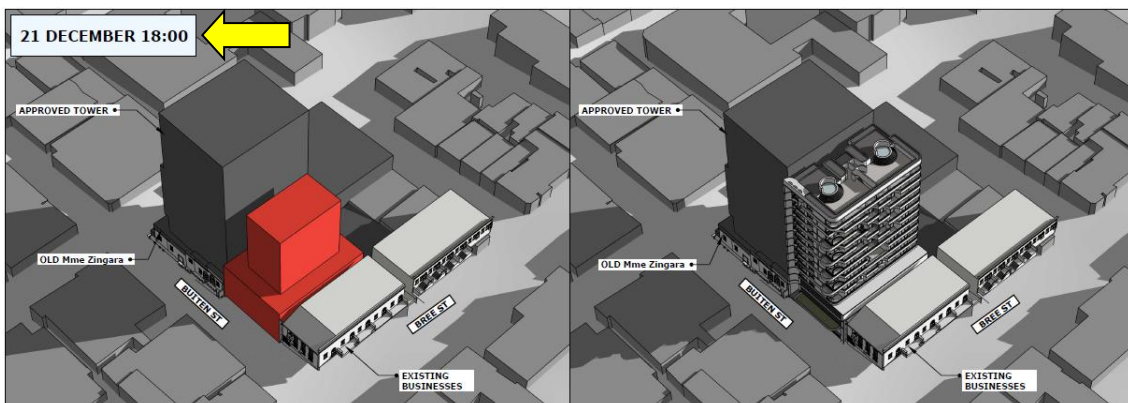
- It is not believed that there will be any material impact on views or privacy, given the high-density and -intensity nature of the area, not least the existence of a large number of high-rise buildings in the immediate area (and including the approved Madame Zingara building).
- It is not believed that there will be any impact on privacy, largely for the reason mentioned above.
- There is no impact on parking, traffic or access/egress of the properties in the area.
- It is not believed that the proposal will have any material impact with respect to over-shadowing, or the wind. In this regard, refer to the attached sun-studies as prepared by **Robert Silke & Partners** (architects), with some extracts below (taken at 6am and 6pm in summer and winter):

Summer:



MU2 ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

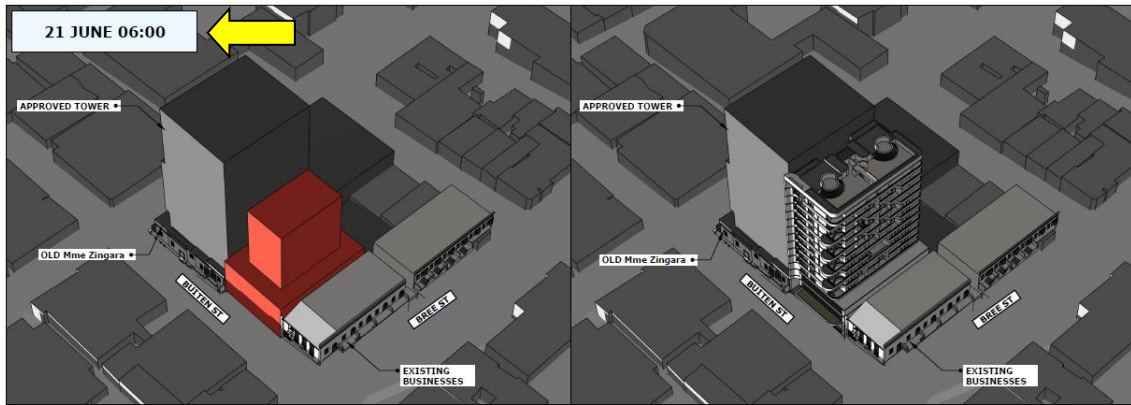
PROPOSED ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded



MU2 ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

PROPOSED ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

Winter:



MU2 ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

PROPOSED ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded



MU2 ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

PROPOSED ENVELOPE
Northern Neighbours Unaffected
Southern Neighbours Partially Shaded

- The proposed setback departures are considered desirable, and not believed to have any undue impact for various reasons already mentioned in this report, not least because the proposed departures will establish a building which is in character with the surrounding built environment (most of the properties are constructed on the street and common boundaries, several of them being high-rise buildings (over 46m in height).

The proposed departures will also enable the proposed building to be constructed “flush” with the approved Madame Zingara building, which has a large, blank wall on the common boundary – facing west. The proposed adjoining nature of the two buildings will therefore eliminate an otherwise unattractive façade and impact of the abutting building.

The north-west façade is proposed to set back a substantial 18.5m from Bree Street and 0m from the neighbouring Madame Zingara site, both of which considerations have been demonstrated to be sensitive and beneficial to the City fabric.

(f) Consolidation

Not applicable.

(g) Relevant National or Provincial Legislation

The applications comply with all other National and Provincial legislation. The proposal is consistent with and supports Section 59 of LUPA & Section 7 of SPLUMA:

- The proposal will help to limit urban sprawl and to create a more spatially compact city which is within fiscal, institutional and administrative means. This is consistent with the principle of social sustainability.
- This will help to protect prime agricultural land on the outskirts of the city and will have a positive impact on the environment. This is consistent with the principle of environmental sustainability.
- The proposal promotes land development in a contextually appropriate location which forms part of an existing urban area and will optimise the use of available land (which is highly prized in the inner-City). This is consistent with the principle of spatial sustainability.
- The proposal will optimise the use of existing infrastructure and encourage/support the use of public transport facilities, thereby curbing costs for the Council, developers and ultimately the general public. This is consistent with the principle of social efficiency.
- The creation of more compact cities and curbing the necessity to provide infrastructure for an ever-increasing metro, the saving of such money can be utilised to improve the lives of the previously disadvantaged by acquiring and/or developing land for those communities where required. Contextually speaking, appropriate densification and intensification of land use, such as what is proposed, will cumulatively help by taking pressure off from development elsewhere which normally drives the poor to the edges of the city. Low density urban areas closer to places with good opportunities inevitably displaces other people to worse located land.

The provision of smaller apartments which is relatively more affordable compared to large, expensive units, will help to accommodate more people of a comparatively lower-income level within the inner City.

The above is consistent with the principles of social justice.

- The property is under-developed with regard to its existing rights, and it can be argued that even the current MU2 zoning is considered to be an under-utilisation of the property in that desirable location. The proposed rezoning to MU3 (with departures etc.) is considered to be appropriate and desirable given the location of the site in this city precinct. The application is thus to make more efficient use of high-value land in the inner-city.

The proposed densification of the area will ensure that the community will become more viable e.g. greater security (more surveillance) and more people to sustain facilities such as schools and to support the existing public transport in the area.

This is consistent with the principle of spatial resilience.

- The proposal directly supports the Densification Policy and the principles of the TOD, as well as statutory documents e.g. the District Plan, MSDF etc.

5. CONCLUSION

The desirability of the proposal has been thoroughly demonstrated above. The proposed building is designed by one of Cape Town's award-winning architectural firms. It is considered to be highly sensitive and complementary to, and compatible with, the surrounding built environment, especially from a heritage impact point of view.

The proposal will ensure a desirable intensification and even – optimisation, of the use of this property in a contextually appropriate location.

It is not believed that there will be any impact on existing rights.

The proposal is also supported and desirable from an urban design, heritage and traffic point of view.

Importantly, the proposal is aligned with the City's objectives for densification and intensification of land in contextually appropriate locations. It is also consistent with a large number of approved Policies and other documents, e.g. the MSDF, the Inclusive Economic Growth Strategy, and the Social Development Strategy, Densification Policy and Urban Design Policy. Importantly, the proposed is consistent with the recently approved LSDF.

The application satisfies the applicable adjudication criteria contained in Section 99 of the By-Law, and as such, Council is urged to **approve** the application.

TOMMY BRUMMER TOWN PLANNERS

