



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500165837

**Erf 4260, 51 Porterfield Road,
Table View, Milnerton**

Development Management

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**APPLICATION FOR ROR, DEPARTURE AND CONSENT USE TO
ALLOW FOR A GUEST HOUSE ON ERF 4260,
51 PORTERFIELD ROAD,
TABLE VIEW**

June 2026

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1 Introduction

1.1 Property and application details

Table 1: Property information and application details	
Property Description	Erf 4260, Table View
Property Address	51 Porterfield Road, Table View
Registered Owner	
Title Deed	
Title Deed conditions	Yes, conditions A(a)-(d) that limit the use as well as built form
Applicant	Urban Eye Planning and Development
Property Extent	1004m ²
Current Zoning	Residential Zone 1 R1
Overlay Zone	None
Current Land Use	Tourism Accommodation/Dwelling house
Applicable Zoning Scheme	City of Cape Town Development Management Scheme (DMS)
Municipality	City of Cape Town (Blaauwberg District)
Sub-Council	1
Ward	107
Application Details	
Proposed Development	Conversion of existing dwelling into a guest house consisting of 5 bedrooms and a self-catering unit
Applications	• Application for Removal of Restrictive Title Deed condition 2A(a)-(d) in terms of Section 42(g) of the Municipal Planning By Law, and • Application for Amendment of conditions of approval in terms of Section 42(j) of the Municipal Planning By Law, and • Application for consent use on Erf 4260 Table View in terms of section 42(i) of the Municipal Planning By Law to allow for a guest house, and • Application for a departure from the required number of parking bay for a guest house in terms of section 42(b) of the Municipal Planning By-Law from 7 parking bays to 5 parking bays
Applicable Guidelines and Policy	
Subject to NHRA	No
Subject to NEMA	No
Any unauthorised land use or building work	No
Cape Town Spatial Development Framework	Yes, proposal is within urban inner core area as well as a development corridor
Blaauwberg District Plan	Yes, within the area earmarked for urban development
Blaauwberg Road Local Development Framework	Property is within the area earmarked for lower intensity mixed use development
Guest Accommodation Policy	In terms of the policy the proposal is regarded as a guest house and is to be assess in terms of the applicable criteria to such classification

1.2 Background

The subject property was purchased by the owner in October 2024 and registered on 19 December 2024. The property was purchased due to it already being used as a quest house and the current owner was advised that all required approvals were in place. However, once it was transferred the owner enquired with the city as the seller did not provide proof such by the transfer as was the agreement.

It then became apparent that a previous approval was granted, but by means of a temporary Land use departure in 2012 that has since lapsed. As the current owner resides abroad it has resulted in some delay in submitting the required applications. The accommodation facility is currently being managed by a family member that resides on the property as required by the Guest House Accommodation Policy of the City. To obtain the required approvals, the property owner of Erf 4260, Table View, and B have duly authorised Urban Eye Planning and Development to submit the required applications.

To apply for the necessary approval, it is a requirement that an admin penalty application first be submitted before such application can be finalised, such application has been submitted and is currently

being evaluated by the city. The application at hand is to seek approval for the unauthorised utilisation of the property for tourism accommodation in the form of 5-bedroom guest rooms and a self-catering unit (Family Unit) from the property by means of a consent use, departure and amendment of the Restrictive Title Deed conditions.

2 Development Informants

2.1 Locality

The subject property is located at 51 Porterfield Road, Table View, a medium to high density residential area in the Blaauwberg Planning District. Surrounding suburbs include Blaauwberg Ridge to the north, Blouberg to the west, and Flamingo Vlei to the South (refer to **Figure 1**).

The Blaauwberg area and surrounds is well known for tourist given the proximity to the beach and various other tourist amenities in the area. The area also has various commercial nodes and centres in support of the vast residential areas.

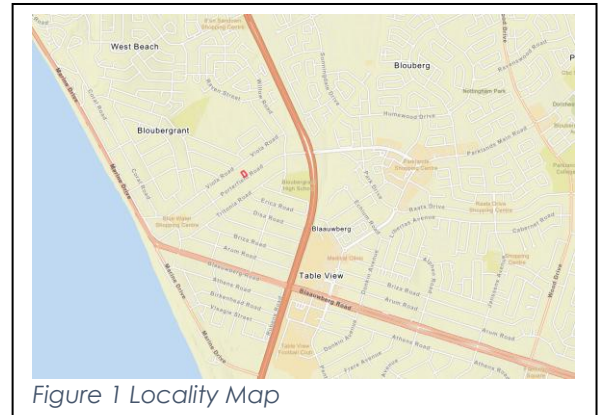


Figure 1 Locality Map

2.2 Local context and character analysis

The property is in a highly accessible area that is within walking distance to Blaauwberg Road an identified development corridor that improves access for pedestrians as well as for motor vehicle access. Various land uses are near the property that includes retail, social, medical and some education. The property is within walking distance to these supporting land uses as well as to the public transport.

The local area can be described as a conventional medium-density residential area that is currently in a state of transition as the area changes from single free standing single dwelling to higher density residential developments. The existing dwellings have large gardens and road verges. The built form is a typical response to the current zoning and developed accordingly, with various large scale and high-density developments currently being undertaken in the area, especially along Blaauwberg Road. The subject property is in a highly accessible area that has a typical grid layout that improves access for pedestrians as well as for motor vehicles.

The property is within walking distance to these supporting land uses as well as to the public transport along Beach Boulevard and the feeder route along Viola Road. The area is currently in a phase of transition and various high-density developments are currently underway or in process at council. The subject property is in an area ideal for tourism facilities of this scale given the location in relation to these other supporting land uses and available public transport in the area.

The property falls in an area that can be regarded as the transitional area between the high-density high-rise residential development strip along the beach and the lower density residential areas further from the beach. The property is within walking distance of the beach as well as several local shops, restaurants and places of entertainment, therefore the dependence on the private motor vehicle is reduced significantly to get access to these uses.

2.3 Site analysis

The property currently has a large single dwelling with various outbuildings including the self-catering unit created by the conversion of the approved staff quarters to such. The property is flat with no significant natural elements or characteristics that prohibit the use of the property with some landscaping and several mature trees. Access to the property is currently via the existing cwc from Porterfield Road to the 5 parking bays.

2.4 Character of area and built form.

The area can be described as a conventional medium density residential area with large dwellings in the area with wide streets and large private gardens with several higher density developments that have developed in the last few years in the area with a variety of non-residential uses in the area.

2.5 Title Deed conditions

The property is registered by means of title deed that has several restrictive title deed conditions that needs to be amended/removed to allow for the proposed guest house (see **Annexure D**).

2.6 Zoning and Development Parameters

The subject property is currently Zoned residential zone 1: Conventional Housing R1. In terms of Item 21 of the (DMS) the subject property may be used for a **dwelling house**, private road, micro wind turbine, structures mounted energy system and additional use rights.

Additional use rights which may be exercised by the occupant of a property is a home occupation, **bed and breakfast establishment**, second dwelling, third dwelling, filming (items 21(b)(iii) and (vi) does not apply), affordable rental flat, supplementary dwelling unit, small-scale wind turbine (only for land unit areas of equal or greater than 650m²), place of instruction (with not more than 34 children) and home childcare and home childcare, subject to the following conditions:

- (i) Except for a second dwelling, only one of the activities listed as additional use rights shall be conducted on any land unit as a primary use. Where more than one such activity is required, the City's approval shall be obtained.
- (ii) The dominant use of the property shall be a dwelling house for accommodation of a single family.
- (iii) The proprietor of the activity concerned shall live on the property.
- (iv) The conditions stipulated in items 23, 24, 25, 25A or 25B (whichever is applicable) shall be adhered to.
- (v) Any new structure or alteration to the property to accommodate an additional use right shall be compatible with the residential character of the area, particularly with regard to the streetscape, and shall be capable of reverting to use as part of the dwelling house, second dwelling, third dwelling or outbuilding concerned; and
- (vi) No more than three employees shall be engaged by the occupant in the activity concerned.



These permitted uses and additional uses need to be read in conjunction with the relevant definition of such. The pertinent definitions applicable to the current use of the property is:

Bed and Breakfast' means a dwelling house, second dwelling or third dwelling in which the occupant of the dwelling supplies lodging and meals for compensation to transient guests who have permanent residence elsewhere; provided that—

- (a) the dominant use of the dwelling unit concerned remain for the living accommodation of a single family; and
- (b) the property complies with the requirements contained in this development management scheme for a bed and breakfast establishment

It is therefore evident from the above definition of a bed and breakfast facility that such may be operated within the Residential Zoning if it complies with the requirements of such an establishment as specified in terms of Item 24 (Bed and breakfast establishment) of the DMS read in conjunction with the conditions as specified namely:

- (a) No more than 3 rooms per land unit shall be used for bedroom accommodation for paying guests or lodgers, and no more than 6 paying guests or lodgers shall be supplied with lodging or meals at any time.
- (b) No alcoholic beverages shall be sold except to resident guests for consumption on the premises with meals.
- (c) Guest rooms shall not be converted to, or used as, separate self-catering dwelling units.
- (d) Meals may only be supplied to guests or lodgers who have lodging on the property, employees, and the family residing in the dwelling.
- (e) No advertising sign shall be displayed other than a single un-illuminated sign or notice not projecting over a public street in accordance with the City's Outdoor Advertising and Signage By-law, and such sign shall not exceed 0,5 m² in area.
- (f) Weddings, receptions, conferences, training or any similar activities are not permitted from a bed and breakfast establishment.
- (g) No activities shall be carried out which constitute, or are likely to constitute, a source of public nuisance; and
- (h) On-site parking shall be provided in accordance with Chapter 15, provided that the City may at any stage require additional on-site parking if, in its opinion, the parking is not sufficient.

The building permitted on the property is limited to the building parameters as specified in item 22 of the DMS. The subject property has an extent of 1004m² with the building parameters as per the DMS summarised in table 2 below. As is clear from the table as well as the approved plans (see **Annexure F**).

Table 2: Building Parameters			
Development Scheme Parameters	Management	Subject Property	Compliant
Land Unit Area (m ²)	>1000 up to 2000m ²	1004m ²	
Floor Factor	n/a	n/a	n/a
Maximum Floor Space	1500m ²	243m ²	Yes
Street boundary building line	3,5m	n/a	Yes (in accordance with approved plans)
Common boundary building line	3,0m	• 2.5m (Northern boundary) • 3.0m Western Boundary • 2m (Eastern Boundary) • 1.5m (Eastern boundary)	• Yes, existing staff quarters as per approved plans. • Yes, existing dwelling as per approved plans. • Yes, Existing dwelling as per approved plans. • Yes, Existing staff quarters as per approved plans.

Therefore, given the above the use of a portion of the dwelling as a bed and breakfast facility is not compliant in terms of the use and will require a consent use for a guest house as it exceeds the permitted number of rooms and includes self-catering unit in the approved staff quarters.

2.7 [Access and Parking](#)

The property falls within a PT1 area and therefore the parking required is as per chapter 15 of the DMS that requires 1 parking bay for the dwelling and 1 bay for each guest room or self-catering unit. The property has a single cwc that provides access to the 5 existing parking bays on the property.

2.8 Legislative informants

2.8.1 Cape Town Spatial Development Framework

The subject property is in a medium to high density residential area developed around the sense of community envisaged to be created in the suburb. Bed and breakfast, guest houses and other tourism accommodation facilities is generally accepted as a land use that is compatible and favourable to accommodate in residential areas and therefore the provision that such is allowed on a small scale.

It is on this principle that the DMS provides for such uses to be permitted from R1 zoned properties by means of an additional land use right subject to specific requirements that does not require a formal rezoning application to another zone. The use of the property as a bed and breakfast facility is permitted however as the number of rooms exceeds 3 rooms it is not compliant with the requirements of the DMS and therefore the application at hand as well as in contravention of the restrictive title deed conditions.

In terms of the **Cape Town Metropolitan Spatial Development Framework** (CTMSDF) the subject property falls within an area that is identified as an Urban Inner Core in terms of the Spatial Transformation). The proposal is for an intensified land use by means of incremental intensification/densification within an existing urban environment and therefore is seen as complying with the vision and objectives of the CTMSDF for the following reasons:

- Land use intensification to ensure incremental intensification/densification within the UIC.
- Development allows for higher intensity/density development in appropriate locations without affecting the character of the area.
- Development will assist in creating a more integrated area by allowing for additional accommodation in support of the local tourism industry without having any negative impacts on services etc.
- In line with the citywide target of increasing intensity/density where engineering services are adequate, the use will be increasing the intensity of the land use without requiring any upgrades to engineering services.

2.8.2 Blaauwberg District Plan

The **Blaauwberg District Plan** (Sub District 3: Greater Table View) is based on three main strategies namely:

- Plan for employment and improve access to economic opportunities.
- Manage urban growth and create a balance between urban development and environmental protection.
- Build an inclusive, integrated, and vibrant city.

In terms of the **Blaauwberg District Plan** the subject property is located within the higher/lower order routes and development corridor and within walking distance from Blaauwberg road, identified as an activity corridor (see Fig 3) and should be promoted by means of higher densities as well as mixed uses to support the public transport system. The subject property is near the BRT transport route and stops along Blaauwberg Road and Viola Road. The district plan is structured in such a way that it differentiates between greenfield and brownfield developments. The property falls within the area earmarked for urban development and within a higher order route and development corridor.

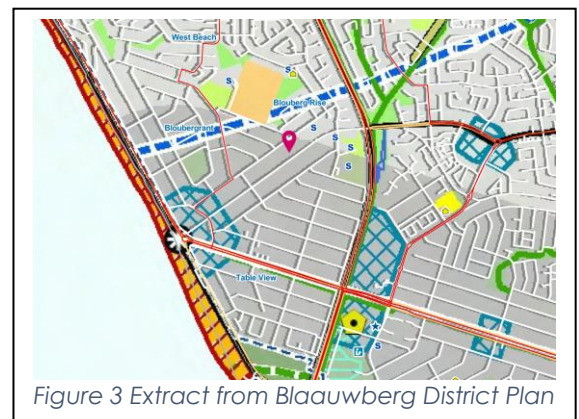


Figure 3 Extract from Blaauwberg District Plan

Urban development is defined as:

"Buildings and infrastructure with a residential purpose as well as offices, shops, community facilities and other associated buildings, infrastructure, and public open space necessary to provide for proper functioning of urban areas and amenity and recreation. The term 'urban development' includes golf

estates, vineyard estates with a residential component, equestrian estates with a residential component, rural living estates, eco-estates, gated communities and regional shopping centres, Urban development excludes noxious industry and generally excludes land for industrial purposes. However, service trades that generate a low impact on surrounding urban uses may be permissible if the nature and type of service trade is deemed to form an integral part of an area demarcated for urban development purposes."

Development corridor is defined as:

"Characterised by strip and/or nodal urban development along most sections of the route. This comprises (should/can comprise) medium to high intensity mixed use development in identified urban nodes, with primarily (or almost exclusively) medium to high residential development between these node areas. These roads are characterised by direct access and interrupted movement flows, especially at bus and taxi stops and traffic lights."

Therefore, the proposal for a development of a guest house is deemed appropriate taking into consideration the future development plan and vision for the area. The proposal also makes provision for limited parking and thus will support the public transport in the area. The proposal is therefore deemed to be compliant with the Blaauwberg District Plans objectives.

2.8.3 Blaauwberg Road Local Spatial Development Framework

The **Blaauwberg Road Local Spatial Development Framework** replaces the previous Management Strategy for Blaauwberg Road. The recently approved framework is an update and review of the previous policy and provides guidance for future developments in the area. The framework provides more detailed guidance on development within the study area. In terms of such the property falls within Precinct 1 that is identified to be within the district level node that could support a net density of between 250 -400du/ha considering local conditions. The property is in area earmarked for lower intensity mixed use to support the growing higher density of between 250-450du/ha in the area as well as the envisaged urban form.

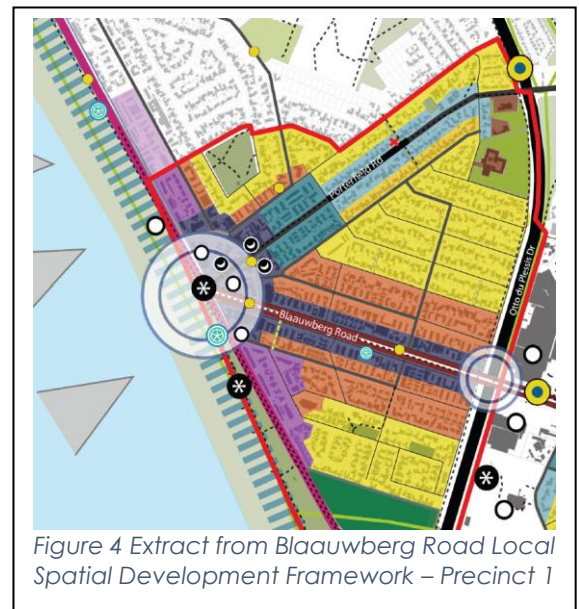


Figure 4 Extract from Blaauwberg Road Local Spatial Development Framework – Precinct 1

2.8.4 Densification Policy

The **Densification Policy** of the city as approved by Council on 29 February 2012 advises that a gross density of 25du/ha across the city should be aimed for over the next 20-30 years and higher thereafter. This is to be achieved by using the appropriate means of densification and intensification in appropriate locations and in the local context. The means of densification and intensification is also guided by the availability of infrastructure and available public transport.

Higher densities and intensified uses should be promoted in areas where there are adequate provision and access to public transport as this will strengthen its viability. Thus, in certain areas like along activity corridors and within development routes and corridors where public transport infrastructure is available or envisaged to be created, higher and intensified land uses should be promoted to ensure that these corridors and routes are sustainable. In this context the property falls within a current medium density urban environment with access to public transport readily available and therefore ideally located for densification and intensification. It is for these reasons that the proposal is deemed to be compliant with the densification policy.

2.8.5 Transit Orientated Development Strategic Framework

The **Transit Orientated Development Strategic Framework** aims to address spatial inequality, improve public transport affordability, and contain sprawl which is driven by the integration of sustainable

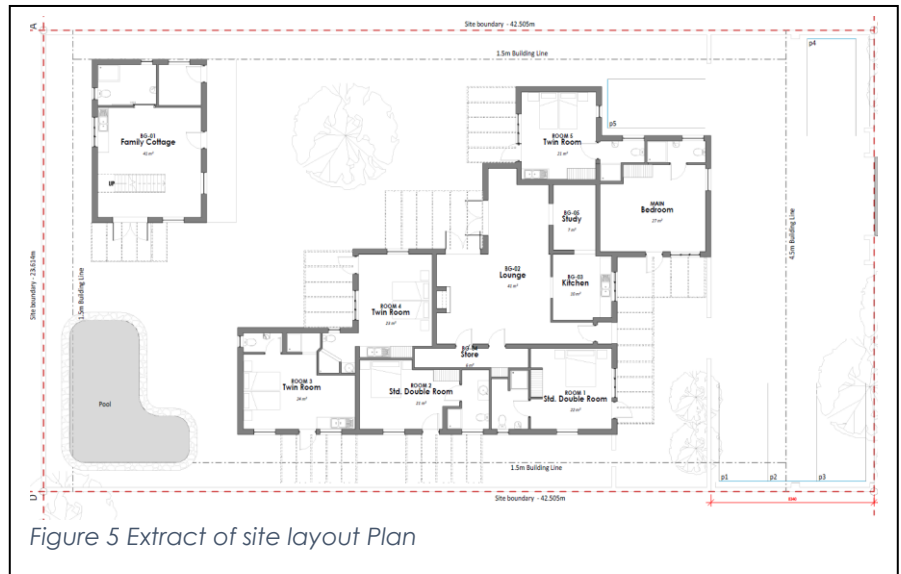
public transport, strategic land use interventions and building on the principles of affordability, accessibility, efficiency, intensification, and densification in appropriate locations. These aspects need be considered in any proposed development.

2.8.6 Urban Design Policy

The **Urban Design Policy** has as its objective to introduce design elements in the planning application to aid and improve the public environment. The Policy is based on three principles aimed at creating a better environment to the benefit of the greater community. This is achieved by means of several objectives to create integrated and active street environments to the benefit of its users. The Urban Design Policy identifies several objectives, each with associated policy statements, which form the basis through which development application will be assessed.

3 The proposed Development

The application is for a consent use for a guest house consisting of 5 bedrooms as well as 1 self-catering unit to be operated from the existing dwelling, no new construction is required to allow for the proposed facility as all construction was undertaken by previous owners as stated in the administrative penalty application. The application also entails an application for a departure from the stipulated parking requirements of 7 bays to 5 bays.



The facility will be operated and managed by a manager that resides on the property in the main bedroom. Guest can either come with private vehicle or by public transport as well as a shuttle service available at an additional cost with prior arrangement. The travel arrangement is required to be stipulated during the booking.

The facility can if fully booked accommodate a total of 14 each bedroom has its own private bathroom and bar fridge, tv etc with access to the communal indoor and outdoor living areas. The facilities of each room are as per table 3 below.

Guest Rooms									
	Number of Guest	Double Bed	Single Beds	Sofa bed	Private Bathroom	Refrigerator	Kitchenette	Tea/Coffee Facilities	Desk
Room 1	Max 2	Yes	No	No	Yes	Yes	No	No	Yes
Room 2	Max 2	Yes	No	No	Yes	Yes	No	No	No
Room 3	Max 2	No	Yes	No	Yes	Yes	Yes	Yes	No
Room 4	Max 2	No	Yes	No	Yes	Yes	No	Yes	No
Room 5	Max 2	No	Yes	No	Yes	Yes	Yes	Yes	No
Self-Catering Unit									
Family Suite	Max 4	Yes	Yes (2)	No	Yes	Yes	Yes	Yes	Yes

In terms of the Development Management Scheme Item 21 read in conjunction with Item 24 a bed and breakfast facility is permitted as an additional right on a R1 zoned property if it does not exceed 3 rooms or 6 guest and adequate parking is provided. The current guest house consists of 5 bedrooms and 1 self-catering unit and therefore exceeds these requirement as well as does not comply with the required parking bays therefore the application at hand.

As stated previously it must be taken into account that the property has been utilised for a guest house for a few years without any complaint or concern as far as can be determined. Provision is also made for a caretaker/manger that will reside on the property at all times to ensure that the guest conduct themselves in an orderly manner.

The dwelling on the property is a large dwelling consisting of 6 bedrooms in the main house with various living areas indoor and outdoor. The fact that the house already has so many rooms the dwelling can potentially be occupied by 10 family members, that will have a similar impact on the neighbours in terms of privacy noise etc. Therefore, the existing usage could only have a negative impact on the adjacent property owners due to additional traffic that may be generated by the guest house opposed to a family dwelling, however no complaints of such a nature has been lodged with the city.

3.1 [Applications required](#)

3.1.1 [Consent use](#)

To allow for the proposed guest house an application for a consent use to allow for such is required as it is not a primary right in the current zoning.

3.1.2 [Removal of Restrictive Title Deed Conditions](#)

As the current title deed has a number of title deed conditions that limits the permitted uses and building parameters an application for the amendment of such is required to be submitted simultaneously with the consent use.

3.1.3 [Amendment of conditions of approval](#)

The fact that the title deed conditions were imposed as conditions of the original township establishment these conditions will also have to be amended simultaneously with the removal of restrictive title deed conditions to allow for the proposed guest house on the property.

3.1.4 [Parking Departure](#)

The current proposal makes provision for only 5 parking bays while 7 bays are provided. Therefore, an application for a parking departure is required as part of the application.

4 [Adjudication of the proposal](#)

4.1 [Municipal Planning By-Law: Consideration criteria in terms of Section 99](#)

4.1.1 [Applicable spatial development framework](#)

The property is within the area identified as an inner urban core in terms of the Spatial Transformation categories of the 2023 framework. The proposal is for an intensified land use by means of a consent use within an existing urban environment close to public transport and supporting land uses. Therefore, the proposal is seen as complying with the vision and objectives of the MSDP for the following reasons:

- Land use intensification to ensure incremental densification within the UIC
- Development allows for incremental intensification in an appropriate location.
- Development will improve access to economic opportunities.
- Development will assist in creating an integrated vibrant urban area by supporting the surrounding residential areas that is constantly densifying as promoted by the framework.
- In line with the citywide target of increasing intensity and density where engineering services are adequate.
- The proposal will assist in creating supportive land uses to the growing population of the area.

The **Blaauwberg District Plan** has several objectives and criteria to be used in the evaluation of an application to achieve the goals of the strategy. Not all the aims and objectives are applicable to the application at hand, however the principle of this plan is being achieved by the proposal as it will not undermine the implementation of the plan to create inclusive, sustainable urban environments while promoting the conservation of the natural environment and by promoting higher density and mixed-use developments in appropriate locations while containing urban sprawl.

The approval of the proposal will support the principle of appropriate incremental intensification/densification while in keeping within the existing urban form and character. It is therefore evident from the above that the proposed development is compliant with the District Plan and therefore will be an advantage for the area taking into consideration the future development plan and vision for the area and aid in the implementation of the strategy.

The proposal will not have a negative impact on the spatial vision as the proposed consent use is within the area regarded as a higher density and intensity area and a supporting land use in a changing urban environment that will require more similar developments to support the natural urban development process along the corridor. Therefore, the application at hand complies with the objective regarding the creation of sustainable and safe living environment in support of the existing infrastructure and services inclusive of public transport.

4.2 Applicable policy or strategy approved by the City to guide decision making.

The **Transit Oriented Development Strategic Framework** aims to address spatial inequality, improve public transport affordability, and contain sprawl which is driven by the integration of sustainable public transport and strategic land use interventions and building on the principles of affordability, accessibility, efficiency, intensification, and densification in appropriate locations. This proposal is seen as being in line with these principles as it will provide for additional supportive land uses with limited parking but still enough to accommodate the daily function without undermining the public transport in the area. Therefore, supporting the public transport in the area as it within walking distance from Blaauwberg road and the MYCITI services as well as commercial centres.

The result could be that pedestrian and public transport usage could be increased and therefore in support of the vision of the TOD strategy. The proposal will not undermine the TOD strategy as the parking provided is deemed minimal and practical for the use while not undermining the MyCiti bus service, nor will the built form affect the implementation of the TOD strategy.

The **Cape Town Densification Policy** is a mechanism to achieve the goals and objectives of the various spatial plans and strategies. The policy advises on appropriate urban forms and desirable locations to achieve the goals of the MSDP and the District Plan. The proposed development is deemed to be an incremental intensification in support of the densification in the area.

The proposal will be in keeping with the overall urban fabric and will not impact on the privacy of the adjacent properties given the fact that no changes are required for the proposed use as it is within the existing envelope of the dwelling and therefore will have no impact on the adjacent properties in terms of privacy etc. The proposal will not have a negative impact on the character of the area or surrounding property owners' rights, thereby complying with the Densification Policy requirement for contextual appropriate densification/intensification and thus policy compliant.

The **Economic Growth Strategy** of the City aims to stimulate economic growth. The proposed development is compliant with the strategy as it will create employment within the construction industry during the internal changes if needed as well as long-term employment opportunities due to the staff needed while also supporting the additional needs of the area that is currently in a state of transition without having a negative impact on the character and urban form of the area.

The **Social Development Strategy** will be adhered to as the proposal will create an addition supportive land use in an increasing densifying area within an existing urban environment supporting the overall urban environment while providing access to public transport and other facilities and uses thus creating a more integrated and sustainable urban environment.

The **Urban Design Policy** has as its objective to introduce design elements in the planning application and is based on three principles that aim at creating a better environment to the benefit of the greater community. This is achieved by means of several objectives to create integrated and safer living environments to the benefit of its users. Due to the nature of the application and no changes is required that will impact the overall urban form the proposal is deemed to be compliant.

The **Guest Accommodation Policy 2010** of the city aim to:

1. Ensure compliance with existing legislation such as the Development Management Scheme
2. Promotion and safeguard of existing quality of life enjoyed by residents of local areas through appropriate land use controls
3. Balancing the need for and guidance for accommodation facilities.
4. Promote responsible and sustainable guest accommodation facilities
5. Clearly define Council requirements for such facilities.

The policy differentiates between several accommodation typologies; the proposed facility is a combination of two categories Guest House and Self-catering. Typologies are evaluated in terms of different definitions as well as assessment criteria for the evaluation of these facilities. These criteria will be applied to the proposal at hand to demonstrate that the proposal is compliant with the Guest accommodation Policy.

	Policy Guidelines	Proposal	Compliant	Reason
Purpose	Part of a larger single-family dwelling house or second dwelling converted to accommodate transient guests. Meals may be provided for resident guests only. Guests may share communal facilities with host family, may include communal areas. Bathroom facilities may be en-suite or private. Part of the accommodation may be provided in a second dwelling. Except between a second dwelling buildings can revert back to single dwelling use.	5 Bedroom guest house with 1 self-catering unit, each with its own bathroom. Only Breakfast is provided on prior arrangement. Guest have access to the outdoor and indoor entertainment areas (pool braai area and TV Room/Lounge area)	Yes	The proposal is fully compliant with the purpose of a Guesthouse in terms of all the relevant criteria as set out in the policy guidelines.
Scale	Maximum size of 30 persons or 15 rooms permitted. Form and scale of development determined by development parameters of that zone. Council may determine / restrict the number of establishments in a locality / guest rooms per establishment and lay down conditions necessary to mitigate the impact of the establishment, in order to protect the area's character. Buildings can be free standing or linked structures, but residential character of particularly streetscape to be retained. Second business on premises not permitted.	Proposal is for 5 rooms and 1 self-catering unit that can accommodate a maximum of 14 guest. Proposal is within the existing building on the property with no external changes required. One self-catering unit in a separate building with a kitchen.	Yes	The proposal is in keeping with the permitted number of rooms as well as maximum number of guests that can be accommodated. No addition to the property is required to allow for the quest house and therefore the current residential character will not be negatively impacted on. The scale of the existing buildings is in keeping with the surrounding properties
Location	No Access from a public road with a reserve less than 9m. Maximum number of establishments in a location, impact on services infrastructure must form part of assessment. Encouraged/Desired location include: • properties larger than 800m²; • properties near intersections and collector roads; • properties near public open spaces/areas/amenities; • near or within neighbourhoods and areas designated for higher density and mixed-use development. • larger ones closer to local nodes or main roads	Access to property is by means of the existing cwc from Porterfield Road with a road reserve width of 16m. The property has an extent of 1004m and is located along a local collector and within walking distance to the beach and public transport and other supporting lans used.	Yes	The existing access is obtained from a road that exceeds the 9m minimum width requirements as well on a property that has an extend of 1004m ² that is greater than the size of 800m ² where such facilities are to be encouraged. Property is within walking distance from the beach and other amenities.
Self-catering	Meals supplied to guests/employees and residents only. Self-catering by means of a kitchenette, may be permitted;	Only Breakfast can be provided on request for the 5 bedrooms as the self-catering unit has a kitchen to be able to prepare meals.	Yes	
Liquor Use	Subject to obtaining liquor licence. Permitted liquor trading hours as per Liquor Trading hour By-law.	No liquor is proposed to be sold on the premises	Yes	No liquor is proposed to be sold on the property.
Ancillary Facilities	Place of entertainment not permitted. Ancillary activities such as restaurants, lecture room, spa / hydro and wellness centre, small conference facilities or similar types of services are provided. These facilities / services only be provided for the benefit of resident guests.	No ancillary facilities at the facility are proposed.	Yes	No ancillary facilities are proposed and therefore compliant with the limitation on ancillary facilities permitted at a guest house.
On-Site residence	Proprietor / manager may reside in a second dwelling.	A caretaker/manger will reside on the property.	Yes	The caretaker/manager resides on the property in the caretaker bedroom.

Parking	Owner's parking space may be in the garage. Where drop-off space is provided, guests may not arrive by 30-seater bus. Where on-site provision not possible, parking may be provided on abutting or nearby property, subject to a notarial tie being registered, or similar agreement, as approved by Council	5 Parking bays are provided for, as indicated on the site parking layout plan. Transport arrangement to and from the airport is available with prior arrangements,	Yes	Parking for manager as well as guest is provided for. No requirements for number of parking in terms of policy, parking is guided by the DMS.
Loading	Provide on-site space for loading and deliveries. Depending on scale of establishment, designated guest parking bays may be shared as temporary loading space.	No need for a loading of deliveries	Yes	No need for a loading of deliveries due to scale of guest house.
Staff Facilities	Up to 5 staff members plus a manager shall be employed at any given time. Staff quarters shall not be regarded as rooms for lodgers/guests.	A total of 2 staff member is employed that resides on the property	Yes	The staff accommodation is provided in the main bedroom of the house.
Signage	Only a single unilluminated sign / notice, not projecting over a street and not exceeding 0,5m ² , allowed. All outdoor signage to comply with Council's Outdoor Advertising By-law	A single sign is currently displayed without the necessary approval.	Yes	A signage application will be submitted on approval of the guest house.
Environmental / Heritage Impact	Any alteration or new structure shall be compatible with the character of the surrounding area. Where buildings are altered or newly constructed, Council's Green Building Guidelines should be considered. No activities constituting a source of public nuisance shall be carried out. No disturbance from loud music or other sources after 23:00, except with separate approval from Council.	No new additions or alteration is proposed with the application at hand as the application is to utilise the already constructed structures and dwelling for the guest house	Yes	No new construction is proposed, and on-site caretaker/manager will ensure that compliance with noise with regards to music etc is adhered to.

4.3 Relevant criteria contemplated in the DMS

The Development Management Scheme (DMS) intends on creating an appropriate urban form in the context of Cape Town. The building form to be promoted is that of the perimeter block considering the various setbacks for each zone. The consent use will not add any additional development parameters not already permitted by the current zoning. The fact that no alterations to the external appearance has been made and the use is of a residential nature it will not result in any negative impact on the adjacent property owners in terms of privacy, noise or health and safety.

4.3.1 Parking and Access

The subject property falls within a PT1 parking area and parking must be provided at a ratio 1 bay per guest room in terms of the DMS, 1 per self-catering unit and 1 parking bay for the dwelling. Therefore, total of 7 parking bays is required if one parking bay for the manager is provided. The proposal only provides a total of 5 parking bays therefore the application for the parking departure. Although the parking provided is less than what is required in terms of the DMS the following is provided as motivation for such.

The facility has been in operation for a few years without any complaint on traffic as far as can be determined. The parking provided is seen as realistic in the context and location will support the public transport as guest may prefer to use public transport and the fact that the subject property is within walking distance to three different MyCiti Bus Routes a feeder route that runs along Viola Road the parking departure is deemed to be appropriate. The Majority of Blaauwberg Road is a designated PT2 area where no parking is required this PT2 area extends up to two and half blocks away from Blaauwberg road.

The fact that the property is within 150m from a PT2 area and the proximity to MyCiti routes the departures being applied for is seen as being realistic. As stated earlier the subject property is within walking distance to various supporting land uses inclusive of commercial and recreational, therefore more than adequate supportive land uses accessible by foot, reducing the need for a private car for guest. The existing access on Porterfield Road is to remain and the parking layout as previously approved be reinstated.

4.3.2 Compatibility with surrounding uses

The locational criteria as well as the role this area plays in the bigger spatial integration of the area, it is favourable to allow for intensified uses. The application at hand will not result in a built form that is

out of character in the area nor out of scale as no additions are proposed. The fact that it will be in keeping with the scale and extent as the adjacent properties and the proposed development is regarded as a supportive land use within development corridor, while being within walking distance from other supportive uses and the current increase of density in the area makes it ideally located for such.

The consent use proposed does not allow for a land uses not deemed compatible with residential areas as such is permitted as an additional use right however at a smaller scale, the increase in the number of guests is the reason for the application. The proposed guest house will not require any additions or result in a height or scale of a building that will not be in keeping with the residential nature of the area. This property will always be under pressure for higher intensity uses given its location in relation to the corridor and higher order uses and the current zoning.

4.3.3 Impact on the external engineering services

The property is in an already built-up area and there is no indication that the proposal to allow for the proposed use will impact negatively on services such as water and sewerage given the nature of such and the fact the property is in an area where the city is constantly upgrading services to accommodate the intensified and densification of the area adjacent to Blaauwberg road.

The application will also be circulated to the various internal departments to provide input into the services capacity, and a development contribution levies and even upgrades may also be required to assist the city in upgrading and expanding of basic services in the city, and if needed such upgrades will have to be undertaken. Therefore, it is not foreseen that the proposal will have a negative impact on the services capacity in the area.

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

The application to allow for an intensified land use will not have a negative impact on the safety and security in the area. In fact, the security will be increased given the nature of the guest house as it will be an active land use during the day that will increase the active and passive surveillance due to the nature of such in the residential area.

4.3.5 Impact on heritage

The existing dwelling is not older than 60 years nor within a Heritage Protection Area and therefore does not have any heritage significance. It is on this basis that it is not envisaged that the proposal will have a negative impact on heritage.

4.3.6 Impact on the biophysical environment

None, as the property is located within an existing urban environment and no activities are proposed that requires Environmental authorisation in terms of NEMA.

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

The proposal does not affect any of the street setbacks and the limited number of parking bays and it will not obstruct any views or create any traffic congestion. As the property is within a PT1 and limited parking is provided and the current already approved cwc will remain unchanged, therefore it is not foreseen that the proposal will have any negative impact on traffic in the area.

4.3.8 Conditions that can mitigate an adverse impact of the proposed land use.

None required.

4.3.9 Impact on existing rights (other than the right to be protected against trade competition)

Given the legal planning requirements as stated and the assessment above, the proposal is for a sensitive intensification and the optimal use of the property while effectively making use of existing council services with no impact on the existing rights of surrounding property owners. It is essential that this proposal and required planning applications be seen in the context of the area, the various policies and the property's existing rights. It is therefore considered that this proposal will have a positive impact on the area and the surrounding property owners.

4.4 Consideration criteria in terms of SPLUMA

In terms of Section 99 of the Municipal Planning By-law the city must also have regard to Section 7 of the Spatial Planning and Land Use Management Act (SPLUMA) when considering applications.

4.4.1 Section 7 of SPLUMA

4.4.1.1 *The principle of spatial justice*

The proposal to allow for a higher intensity use will not impede or negatively impact on the principles of spatial justice nor would it result in the arbitrary removal of ownership of land. The proposal would allow for the better utilisation of the property as well as make provision for a development that is accessible to more people. The proposal is deemed to be compliant with the MSDP as well as the district plan and will not undermine the implementation of these plans and adheres to the broad vision and objectives contained within them.

4.4.1.2 *The principle of spatial sustainability*

The application will not have a negative impact on any environmental sensitive areas/programmes or initiatives. The application could indirectly protect valuable agricultural land by allowing for the optimal use and intensifying of land within the existing urban footprint as opposed to urban sprawl and would aid in limiting any negative impact on future generations due to the limitation of urban sprawl. The result would be a better functioning and sustainable urban area. The proposal will only allow for an intensified land use being undertaken in a manner that will not detract from the current character of the area or undermine the functioning of the area.

4.4.1.3 *The principle of efficiency*

The application would result in the more efficient use of existing resources thus a more efficient utilisation of available services, resources, and land than the current limitations on use and building restrictions. The result could be that a better integrated living environment is created given the nature of the proposed use in support of the ever-changing urban area in favour of the increase in inhabitants within the corridor and in support of the surrounding business and public transport etc to the benefit of the neighbourhood. The proposal will allow for the creation of a development within walking distance from public transport without changing the character of the area as it will be in keeping with development pattern and scale and uses permitted by the zoning of the property and managed by the DMS.

4.4.1.4 *The principle of resilience*

The application will allow the creation of a development that can be more resilient to external factors as well as changes as access to supporting land uses is closer including public transport that will increasingly be needed in the future without changing the character of the area as it will still be residential.

4.4.1.5 *The principle of good administration*

The application is motivated and compiled by assessing for compliance with the various policies of the city that will be subject to a formal public participation process and therefore adheres to the development principles of good and fair governance as required by SPLUMA and LUPA

4.4.2 Section 47(2) of SPLUMA

The amendment of the restrictive title deed conditions will not amount to arbitrary deprivation of property as set out in section 25 of the Constitution as the amendment relates to permitted uses and building parameters and not ownership. The amendment will allow for the proposed development in a manner that will not detract from the current character of the area.

4.4.3 Section 39(5) of LUPA

- (a) *The financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of the dominant tenement.*

The conditions to be amended relate to the use of the property and building line setback on the property. These conditions were typical of its time as such was imposed as a means of guiding and controlling development in the area to ensure that the properties are used and developed in a manner that is in keeping with the area. The nature of cities and neighbourhoods is that it is in constant state of change as means and methods of development etc changes over time. The current proposal is not to amend the condition to allow for open ended use and parameters but to accommodate a land use deemed compatible with a residential area in adherence to the parameters of the DMS in the area that it is needed as the area develops with higher density and intensified land uses as a supportive land use

With the amendment these conditions will allow for the creation of a guest house that may increase the property value slightly as it will allow for additional land uses needed in the area that may lead to a better/optimal utilisation of the properties. It could be argued that should the limitations of the use and parameters remain it could have a negative impact on the value of the property and will prohibit the full potential of the area to be utilised and that the conditions if retained is counterproductive to the vision of provincial and municipal planning policies including the DMS.

- (b) *the personal benefits which accrue to the holder of rights in terms of the restrictive conditions;*

The conditions were imposed prior to any zoning scheme being applicable and was utilised to manage the land use and the built form with possible personal benefit such as noise and other uses not associated with residential uses and an urban environment to protect the character of the area. The conditions to be amended is to allow for a guest house in keeping with the current urban form and character and none of the owners in the township will gain anything if such amendment is not granted. The amendment will allow for an additional land use to the benefit of all the properties in the area and not only the owner as it will increase access to a supportive land use in the area and will be limited to what is permitted and defined in terms of the Development Management Scheme. The amendment will not create any uncertainty as to what is permitted on the property in terms of use and built form as such will be limited to what is being applied for with the current application.

- (c) *the personal benefits which will accrue to the person seeking the removal, suspension, or amendment of the restrictive condition if it is removed, suspended or amended;*

The amendment of the restrictive conditions will allow the owner to operate a guest house on the property to generate an income and a slight increase in value of the property. The long-term benefit would be to provide for a facility that will support the local tourism industry and related uses.

- (d) *the social benefit of the restrictive condition remaining in place in its existing form*

There is no social benefit for these conditions to remain as these conditions will only ensure that the historical development pattern and scale of limiting the properties to a single use with limited access to supportive land uses is retained and may have a negative impact of stagnation and an underutilisation of a very valuable resource in a growing city namely well located land.

(e) the social benefit of the removal, suspension or amendment of the restrictive condition

The amendment of the restriction will allow for the creation of a guest house on the property without changing the character of the area and increase access to land uses to the benefit of all the properties in the area allowing for an intensified/optimal use due to the access to the supportive land use creating a better integrated and sustainable living while supporting the local tourism industry and associated jobs.

(f) Whether the removal, suspension or amendment of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights

The amendment of the restrictions will remove all the beneficiaries' rights.

5 Conclusion

It has been demonstrated in the motivation that the proposed conversion of the existing dwelling into a guest house is deemed to be consistent with the City's spatial development frameworks, land use policies and in keeping with residential character of the area. The following is emphasised in conclusion:

1. The application complies with the requirements of Section 99(1) and 99(2) of the MPBL
2. It has been shown that the proposal is desirable as per the criteria as stated in Section 7 and 47(2) of SPLUMA and Section 39(5) (a-e) of LUPA;
3. Land use intensification is considered appropriate in certain areas, including the area concerned which is situated within the Marine Circle mixed use intensification zone, within walking distance from Blaauwberg Road an activity corridor zone and used for high density residential and mixed uses.
4. The proposal complies with the Cape Town Spatial Development Framework as it is located within the urban inner core development area.
5. Proposal is compliant with the Blaauwberg District plan in terms of intensity and in support of public transport and creating an integrated and sustainable urban environment is in keeping with the designation as urban development.
6. Proposal is compliant with the Cape Town Urban Design Policy as the permitted urban form would create a vibrant and more inclusive and safer urban environment for the public.
7. Proposal is compliant with the TOD strategy as it is within walking distance from public transport and aid in the creation of a sustainable public transport system in the area.
8. The proposal is in keeping with the overall character, scale and uses of the surrounding properties as well as with the vision of the area. The property is ideally located and will support the surrounding land uses due to its proximity of Blaauwberg Road and the BRT Transport system.
9. The proposed use will not impact negatively on the rights of the surrounding property owner's health and safety.
10. The guest house has been in operation in its current form for a few years with no problems or complaints.
11. Proposal will not have a negative impact on traffic in the area as minimal parking is provided.
12. The proposed consent use does not change the current streetscape of the area and poses no risk to the surrounding property owners in terms of health and safety.
13. Land use intensification is considered appropriate in certain areas, including the area concerned.

For reasons above, Urban Eye Planning and Development does not foresee any reason the application should not be supported and approved.


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