



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500165867

**Erven 340 and 341-RE,
10 and 12 Braemar Road, Green Point**

Development Management

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**APPLICATION FOR FOR CONSOLIDATION, PERMANENT
DEPARTURES AND REMOVAL OF TITLE DEED
CONDITIONS IN TERMS OF THE MUNICIPAL PLANNING
BY-LAW OF 2015 RELATED TO ERVEN 340 & 341, GREEN
POINT, 10 & 12 BRAEMAR ROAD**



Amended 2026-08-18

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INTRODUCTION

1.1 PLANNING APPLICATION AND PROPOSAL

Application is made for the consolidation of Erven 340 & 341, Green Point and the relevant departures and removal and amendment of title deed conditions, in order to erect a Block of Flats on the site.

The relevant departures required includes floor area, coverage, setback and parking departures, which are discussed later in this motivation report. The amendment and removal of the title deed conditions are also discussed later in the report.

The details of the proposal are as follows:

- The two **basement storeys** of the building consist of storerooms and services and also provide parking for a total of 41 bays and 4 motorcycle bays and is accessed off a ramp and carriageway crossing on Braemar Road.
- At the **ground floor (first storey)**, an entrance lobby to the flats, as well as 2 garden flats are provided. Parking for 5 vehicles are also provided. A pocket / landscaped garden is proposed on Braemar Road.
- From the **second to fifth storey**, 39 units are proposed.
- On the **sixth storey** a communal pool and pool deck is provided with a two bedroom unit and 4 duplex units that extend between **6th and 7th storey**.

1.2 SUBJECT PROPERTY / PROPERTY DESCRIPTION

The subject properties to be consolidated have a combined extent of 1042 m² and are all General Residential (GR5).

Erven to be consolidated is as follows:

- Erf 340, Green Point – 496 m²
- Erf 341, Green Point - 546 m²

Note the letter from the Land Surveyor stating that they are busy with a correction of extent (size) at the SG office, as the erven are both 1 sqm larger than shown on the title deed. These issues are normal for older properties and therefore the title deed extents are not being used for the sizes but rather the surveyed erf sizes. Once the diagrams are back from the SG office, we will issue them to the City.

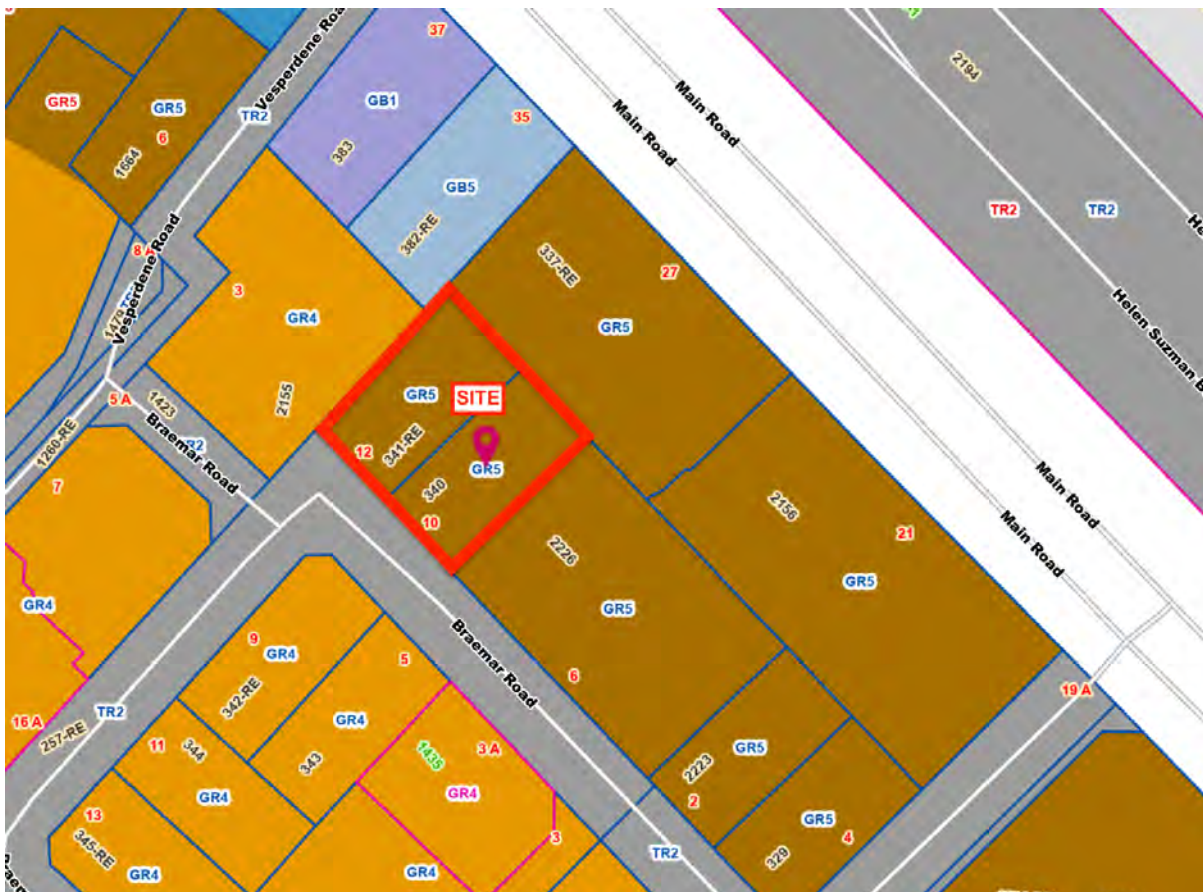
Both the sites face onto Braemar Road and is accessed from the same. The historical buildings on the sites have been demolished and were approved by HWC and the City of Cape Town demolition branch. The site is currently vacant.

Background

This application was originally submitted by Tommy Brummer Town Planners for the previous owners of the site. The site has been sold to our client and D&S Planning Studio has been authorised by the new owner to take over the case and submit the amended scheme to the original submitted previously. The case has been formally transferred to our portal on DAMS. Please see POA in this regard.

1.3 DEVELOPMENT MANAGEMENT SCHEME (DMS) COMPLIANCE ASSESSMENTS

The MPBL and associated DMS are applicable to the site. As indicated earlier in this report, the properties are zoned General Residential (GR5).



Extract from the Zoning map showing the current GR5 zoning of the subject properties

In terms of compliance with the relevant provisions of the DMS, please note the following:

FLOOR FACTOR

The proposed consolidated site has a combined area of 1042 m². A floor factor of 2.5 is applicable for the consolidated site zoned GR5. Thus, the permissible floor area for the consolidated property is 2605 m².

Although a permissible floor factor of 2.5 is applicable to consolidated site, a floor factor departure of (2863.67 m² in lieu of 2605 m²) is being applied for. Importantly, this floor space departure is less than 10% of the permissible and therefore no rezoning of the property is required. The required floor area departure is discussed in detail later in this report.

HEIGHTS

A permissible height of 35 m is applicable to the site, given its GR5 zoning. The proposed building is only approximately 22m above the EGL and therefore complies with the height permitted.

STREET AND COMMON BOUNDARY BUILDING LINE

The building requires various street and common boundary building line departures and will be discussed later in the report.

COVERAGE

Coverage of 60% is applicable to the site in terms of the provisions of the DMS. The proposed building on the site has a coverage of 60% and therefore complies in terms of the DMS.

PARKING AND ROAD PROVISIONS

The site is located in a PT1 area for the provision of parking and therefore a requirement of 1.25 bays per unit is applicable. Application is made for a parking departure of 47 bays in lieu of the required 59 bays for the block of flats of 47 units. The parking departure is discussed later in the report and is supported by a report from a Transport Engineer (attached).

1.4 APPLICATIONS REQUIRED IN TERMS OF PLANNING LAW

The following applications are required from the provisions of the Development Management Scheme (DMS), which is contained as Schedule 3 of the Municipal Planning By-law:

1.4.1 Section 42 (f) read with Section 50 of the Municipal Planning By-Law for the City's approval to permit the Consolidation of Erven 340 & 341, Green Point, as per the consolidation plan attached drawn by David Hellig & Abrahamse Professional Land Surveyors to form Erf 2256, Green Point Cape Town (approximately 1042 m²).

1.4.2 Permanent departure from Item 41(b) of the DMS, to permit a maximum floor space of 2863.76 m² in lieu of 2605 m²

South-east common boundary setback departures

1.4.3 Item 41(e): To permit portions of building from the south-eastern common boundary (Points below 25m above existing ground level) to be:

- 0.285 m in lieu of 4.5 m on the second storey
- 0.285 m in lieu of 5.360 m on the third storey
- 0.285 m in lieu of 6.266 m on the fourth storey
- 0.285 m in lieu of 8.018 m on the fifth storey
- 0.285 m in lieu of 10.742 m on the sixth storey
- 1.825 m in lieu of 13.472 m on the seventh storey

North-western common boundary setback departures

1.4.4 Item 41(e): To permit portions of building from the north-western common boundary (Points below 25m above existing ground level) to be:

- 3.135 m in lieu of 4.5 m on the first and second storey
- 1.820 m in lieu of 5.360 m on the third storey
- 1.820 m in lieu of 6.266 m on the fourth storey
- 1.820 m in lieu of 8.018 m on the fifth storey
- 1.820 m in lieu of 10.742 m on the sixth storey
- 6.060 m in lieu of 13.472 m on the seventh storey

North-eastern common boundary setback departures

1.4.5 Item 41(e): To permit portions of building from the north-eastern common boundary (Points below 25m above existing ground level) to be:

- 0.4 m in lieu of 1.0 m on the first storey for pool (read with Item 121)
- 4.5 m in lieu of 5.360 m on the third storey
- 4.5 m in lieu of 6.266 m on the fourth storey
- 4.5 m in lieu of 8.018 m on the fifth storey
- 4.5 m in lieu of 10.742 m on the sixth storey.
- 4.780 m and 6.425 m in lieu of 13.472 m on the seventh storey.

- 1.4.6** Permanent departure from Item 137 of the Development Management Scheme to permit 47 parking bays in lieu of 59 parking bays required for the proposed block of flats of 47 units.

Application is made for the deletion and amendment of restrictive title deed and approval conditions in relation to Erf 340 and 341, Green Point, in terms of Sections 42(g) of the Municipal Planning By-Law (MPBL), in order to permit the development of Block of Flats on the subject properties (as permitted in terms of the MPBL).

Deletion of restrictive title deed condition contained in Deed of Transfer T65510/2025 as follows:

Erf 340, Green Point

B. SUBJECT FURTHER and entitled to the special conditions contained in Deed of Transfer Number _____, reading as follows:-

- B.B.1.(b): That a space of not less than 3,15 metres in with be left in front of all lots fronting or abutting on Braemer Road.
- B.B.1.(c): Such space may be uplifted as gardens forecourts.
- B.B.2: That not more than one dwelling be erected on any one lot without consent of the Council in writing and that not more than one-half of the area of any one lot be built upon.

Note (In Deed of Transfer No. _____, wherein the above condition was created, it reads, "That not more than one building be erected.." In Deed of Transfer No. _____, 'dwelling' replaced 'building". It can only be attributed to an error in conveyancing, which can be resolved by way of a section 4(1)(b) application lodged at the Deeds Office)

C. To the conditions imposed by the Transferor for the benefit of himself and his successors in title to the remainder of the property known as "Braemar" held by Transfer Number _____ which conditions are binding the Transferee and his successors in title:-

- C.2: Not more than one dwelling house with the usual conveniences and appurtenances thereto shall be erected upon any one lot of the land sold and the costs of such dwelling house with the conveniences and appurtenances shall be not less than Two Thousand Rand (R2 000,00).

Erf 341, Green Point

B. SUBJECT and ENTITLED: to the special conditions contained in Deed of Transfer No. dated 22d June 1928 (applicable to the said Lots Nos. 8 and 9), imposed by the Council of the City of Cape Town in respect of the subdivision of the property which apply to Lots Nos. 1 to 24 inclusive comprised in General Plan B 73 A:-

- B.1.(b): That a space of not less than 3,15 metres in width be left in front of all lots fronting or abutting Braemar Road;
- B.1.(c): Such spaces may be utilised as gardens or forecourts.
- B.2: That not more than one building be erected on any one lot, without consent of the Council in writing, and that not more than half the area of any one lot be built upon.

(Conditions B.1 - B.6 are conditions imposed by the City of Cape Town and in favour of the Braemar Estate in terms of Ordinance prior to 33/34)

C. SUBJECT FURTHER to the conditions contained in the said Deed of Transfer No. dated 22nd June 1928, imposed by the Transferor for the benefit of himself and his successors in title to the remainder of the property known as "Braemar" held by Transfer No. , which conditions are binding upon the transferee and his successors in title, namely:-

- C.2: Not more than one dwelling house with the usual conveniences and appurtenances thereto shall be erected upon any one lot of the land sold, and the cost of such dwelling house with the conveniences and appurtenances shall be not less than Two Thousand Rand (R2 000,00).
- C.3. The land sold shall be used strictly for residential purposes, and no shop or factory shall be erected nor shall any trade or business be carried on upon the same.

Amendment of restrictive title deed condition contained in Deed of Transfer as follows:

The following condition in the title deed for Remainder Erf 341 is to be amended, as follows:

- B.5: That a strip of ground 3,15 metres wide along the North Western boundary be reserved as an easement for main and storm water drainage, such strip is not to be built upon except for paving and removeable stairs permitted for access to the building, any building to be built within this area must be offset at least 4.860 m above the EGL (existing ground level).

BASIC INFORMATION

2.1 OWNERSHIP DETAILS

The subject properties are owned by _____ who granted BLOK power of attorney to apply and improve the subject properties with a high-quality development that would be an asset to the area.

2.2 TITLE DEEDS AND RESTRICTIONS

Please see attached copies of the title deeds, as well as a copy of the Conveyancer's Certificates, which indicate that the proposal and any title deed conditions were assessed and that there are some conditions that can be addressed voluntarily by the developer. These are being applied for in Section 1.4 of this motivation report.

In terms of these conditions, the following should be noted:

The two erven form part of the Braemar Estate township which was laid out in two parts in 1925 and 1927. Before township establishment, the land known as "Braemar" belonged to the Wessels family who used it for farming and recreational purposes.

A portion of the land (Lot HLR) was transferred to the City Council for the construction of a road (High Level Road), following which the remaining land was subdivided in two phases. The part above the road shown in yellow (Braemar Estate Part I; General Plan No 73) was subdivided into 45 lots in 1925. The part below the road shown in pink (Braemar Estate Part II; General Plan No 73A) was subdivided into 43 lots in 1927.

The property concerned forms part of Part II and was originally laid out as "Lots 8 & 9". The two lots (later described as Erf 341) were sold as one erf in 1928 and later re-subdivided into two erven, now described as Remainder Erf 341 (the original Lot 8) and Erf 340 (the original Lot 9).

At the time of township establishment, Cape Town did not have a zoning scheme and the erven were sold subject to conditions that were registered in the title deeds. These conditions were imposed by the Council of the City of Cape Town and the township developer.



Braemar estate 1 and 2

The relevant conditions prescribe:

- That a space of 3,15m must be left along Braemar Road.
- The space along the road may be used as gardens or forecourts.
- The land shall be used strictly for residential purposes and no shop or factory nor any trade or business are permitted
- Not more than half the area of any one lot may be "built upon".
- While the City prescribed that only "one building" may be erected on any one lot, the township developer prescribed that only "one dwelling house" with the usual conveniences and appurtenances may be built on each lot.

The City also imposed the following condition on Lot 8 (Re-Erf 341) and Lot 7 (now part of the abutting Re-Erf 337 along Main Road): B.5. That a strip of ground 3,15 metres wide along the North Western boundary of Lots Nos. 7 and 8 be reserved as an easement for main and storm water drainage, such strips is not to be built upon.

The subject properties are affected by certain title deed restrictions that pre-date 1934. In terms of the City of Cape Town's Standard Operating Procedure (SOP) dealing with title deed restrictions, restrictive conditions imposed prior to 1934 are generally regarded as voluntary conditions.

The rationale for this distinction is that many historic title deed conditions imposed before the promulgation of modern planning legislation were included voluntarily by private parties and were not imposed by a public authority in terms of statutory planning controls. As such, these conditions are not necessarily reflective of current planning policy, urban form objectives, or the contemporary development character of the area.

The SOP recognises that older title deed restrictions should be considered within the context of current spatial planning frameworks, zoning rights, and the evolving urban environment. In established and intensifying urban areas such as Green Point, many of these historic restrictions no longer align with the desired spatial outcomes promoted by the City, including densification, mixed-use development, transit-oriented development, and efficient utilisation of well-located land.

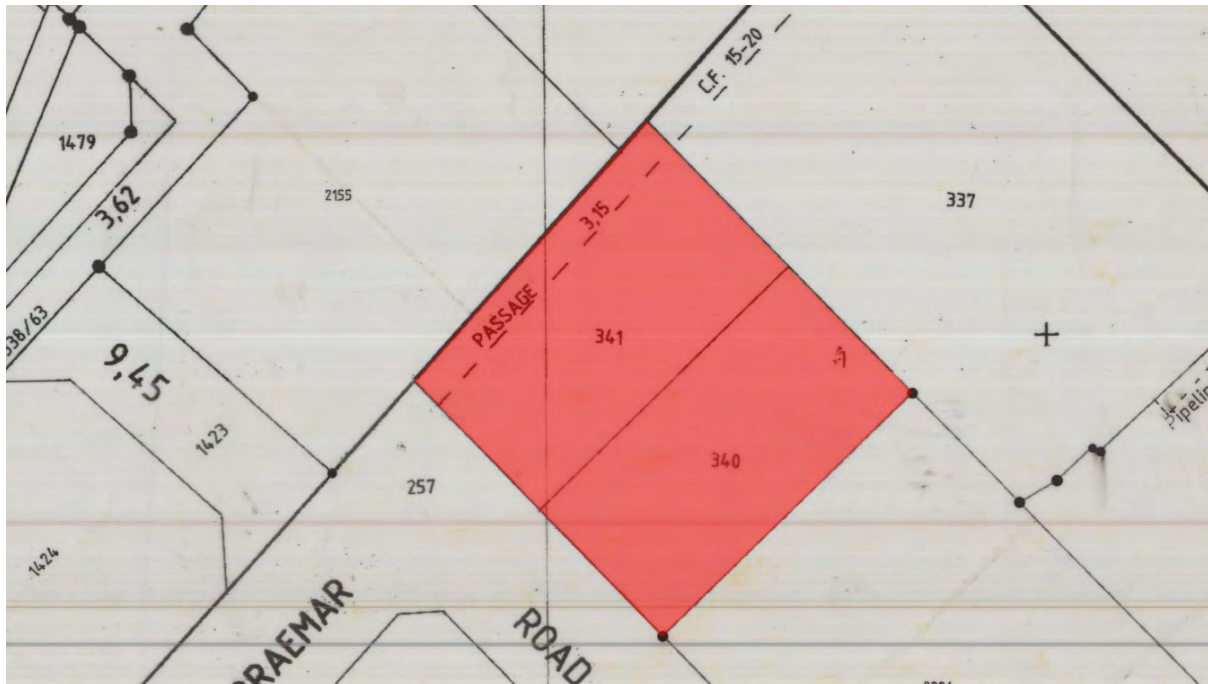
It is therefore submitted that the historic title deed restrictions applicable to the subject properties are viewed as voluntary conditions in terms of the SOP and should not prevent an appropriate development outcome that is otherwise supported by current planning policy and the Development Management Scheme.

Furthermore, the proposed development remains consistent with the broader intent of orderly development and will contribute positively to the urban character and functionality of the area.

2.3 SURVEYOR GENERAL (SG) DIAGRAM

There are no servitudes or encumbrances reflected on the registered SG diagram that would prohibit the proposed development on the subject property as applied for.

A municipal sewer line is located in the 3,15m passage. The servitude will be respected and as agreed with the City's Water and Sanitation branch, this area will can be paved, have a removable stair and the building can be cantilevered over the servitude to ensure access to the sewer for maintenance purposes.



MOTIVATION FOR THE PLANNING APPLICATION

3.1 LOCATION AND SURROUNDING LAND USES

The subject properties, being Erf 340 and Erf 341 Green Point, are situated at 10 and 12 Braemar Road, Green Point, within the Atlantic Seaboard planning district of Cape Town. The properties are well located within an established urban environment and are accessed directly from Braemar Road. The sites are currently vacant following the demolition of the former residential structures, for which the necessary demolition approvals were obtained.

Green Point is a highly desirable and well-established urban neighbourhood characterised by a mix of residential, commercial, hospitality and recreational land uses. The area has experienced significant redevelopment over recent decades, resulting in a diverse built form comprising both historic and contemporary buildings. The immediate surrounds of the subject properties consist predominantly of apartment buildings, blocks of flats, guesthouses, hotels and mixed-use developments, interspersed with a limited number of remaining dwelling houses.

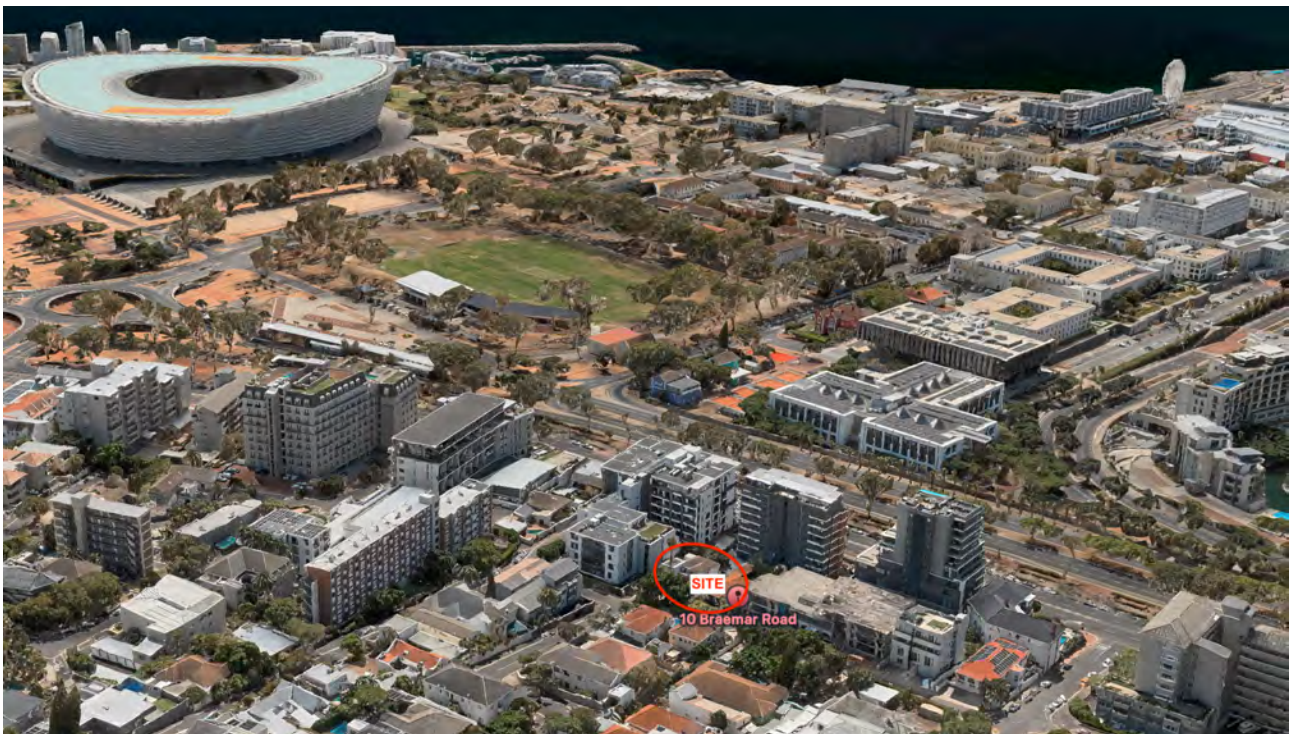
The character of Green Point is largely defined by its proximity to key activity corridors, including Main Road and Somerset Road, which accommodate a concentration of commercial, retail, office and hospitality uses. These routes support a vibrant pedestrian environment and provide access to a wide range of services and amenities. The nearby V&A Waterfront, Green Point Urban Park and Cape Town Stadium further reinforce the area's strategic importance and contribute to its mixed-use urban character.

The broader area is predominantly residential in nature, albeit at relatively high densities, with numerous apartment buildings and sectional title developments reflecting the urban context and market demand for well-located housing opportunities. Commercial and mixed-use developments are concentrated along the major transport and activity routes, creating a balanced urban environment where residential, employment and recreational opportunities coexist.

The underlying zoning of surrounding properties generally comprises General Residential and General Business zonings, which facilitate a broad range of residential, commercial and mixed-use development opportunities. The existing development pattern reflects the utilisation of these rights, with buildings of varying heights and scales contributing to the evolving urban character of Green Point.

The area continues to undergo redevelopment and intensification in line with the City's spatial planning objectives of urban densification and the optimisation of well-located land. New residential and mixed-use developments have become increasingly prevalent, contributing positively to housing supply, economic activity and the efficient use of existing municipal infrastructure. The subject properties are therefore situated within a context that is supportive of appropriately scaled urban development.

The built form surrounding the properties is varied in age, architectural style and scale, ranging from older residential buildings and converted houses to contemporary apartment blocks and mixed-use developments. Overall, the area exhibits a strong urban character, supported by high levels of accessibility, public transport availability and proximity to employment opportunities and social amenities, making it well suited to continued residential and mixed-use development.



3D image showing the location of the subject properties and the built character of the area

3.2 COMPLIANCE WITH PLANNING POLICY

3.2.1 The Cape Town Spatial Development Framework (CTSDF)

The following policy statements contained within the CTSDF are applicable to this proposal (albeit considering the higher-level positioning of this Framework):

- Promote appropriate land use intensification across the City to ensure incremental densification
- Allow for a greater mix of land uses and higher-density residential development in appropriate locations.
- Plan for employment and improve access to economic opportunities; and
- Build an inclusive, integrated and vibrant city.

This proposal is considered to be in line with these policy statements within the CTSDF.

3.2.2 The Table Bay District Plan (TDP)

The Spatial Plan for the Table Bay District provides additional detail and spatial proposals for the local area. The plan calls to maximize corridor opportunities, facilitating better access and intensifying development around nodes.

The site is located in sub-district 1 – Atlantic Seaboard and Table Mountain. The principle focus areas of the plan (which is applicable to the site) include: -

- Ensure appropriate built form and land use to achieve a quality environment
- Prevent inappropriate development along scenic routes
- Focus mixed use (commercial, retail and residential) development along activity routes
- Protect the network of pedestrian routes and facilitate increased accessibility

The proposed residential building is consistent with the provisions and objectives of the District Plan. The proposal is thus clearly compliant with and has been informed by the principles and focus areas as set out in the District Plan.

The above-mentioned plans echo the principles mentioned in the PSDF and also advocate efficient and integrated urban structures, in which urban sprawl is contained and appropriate densification is encouraged.

3.2.3 Transit-Oriented Development (TOD) Strategic Framework

On 15 March 2016 the City's Mayoral Committee adopted the policy document TOD. TOD can be defined as a long-term development strategy to achieve the City's vision for Cape Town 2032. The following points summarise the objectives of TOD:

- All future developments must have the right mix of land uses that produce or attract movement in the right places with the aim of balancing travel patterns across the City.
- A city where the location of future residential areas for all income groups in relation to economic and work opportunities is optimised.
- A city with a compact and well-connected urban space.
- A city where developments that are conducive to economic and social efficiency.
- A city with easy access to efficient, sustainable and affordable public transport.
- A city where living and breathing is easy thanks to the limited impact of developments on the natural environment.
- For the City's public transport system to be viable and efficient, more commuters have to live and work in close proximity to the trunk routes, be it rail or bus. Furthermore, the land has to be developed in such a manner that it leads to increased density along these routes, and the development must be the right mix between residential and commercial where residents have easy access to fresh food and government services close to their homes.

As per the above, it is clear that the proposal, with reduced parking provision, in close proximity to a transport corridor on Somerset Road, Main Road, with public transport facilities strive to achieve the goals set within the Transport-Oriented Development Strategic Framework.

3.2.4 Municipal Spatial Development Framework

In terms of the approved Municipal Spatial Development Framework (MSDF) 2023, the subject properties in Green Point are situated within a highly accessible and strategically important urban area along the Atlantic Seaboard corridor.

The MSDF 2023 promotes intensified mixed-use development, increased residential density, and urban regeneration within well-located areas that are supported by existing infrastructure, public transport, economic activity, and social amenities. The subject site is ideally positioned to support these objectives due to its proximity to major transport routes, public transport services, employment opportunities, and the broader economic activity spine associated with the Atlantic Seaboard and Cape Town CBD.

Furthermore, the MSDF 2023 encourages the optimisation of underutilised and strategically located land parcels in order to accommodate growth within the existing urban footprint, rather than contributing to urban sprawl. The proposed consolidation of the properties will facilitate a more efficient and integrated

development outcome that responds appropriately to the urban character and intensity of the Green Point precinct.

The application is therefore considered to be consistent with the applicable principles, spatial objectives, and policy directives contained within the MSDF 2023.

3.2.5 City's Densification Policy

The Densification Policy recognises the need for appropriate densification across the City to promote longer-term sustainability of Cape Town's natural, urban and rural environments. The Densification Policy was approved in Feb 2012 to specifically, amongst others, guide decision-making with regards to density related applications. Densification is of utmost importance, for the following reasons:

- Densification reduces the consumption of valuable/non-renewable resources.
- Densification supports the development of a viable public transport system.
- Densification makes the city more equitable.
- Densification facilitates economic opportunities and supports service provision.
- Densification contributes to urban place-making and improves safety.

It has been shown in this report that 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 appropriate densification.

3.2.6 Economic Growth Strategy (EGS)

The principal objective of the Economic Growth Strategy is to grow the economy and create jobs. This is also the overarching objective of the 'Opportunity City', which is one of five pillars of the City's Integrated Development Plan (IDP). The proposal will result in the creation of employment opportunities and should have a positive impact on the growth of the economy.

3.2.7 Social Development Strategy (SDS)

It is unlikely that the proposal will have any negative social impacts on the surrounding community when considering its compatibility with the character of the area. The proposal is therefore in line with the SDS and will not result in any adverse impact in terms of Social Development.

3.2.8 Urban Design Policy

Council's Urban Design Policy City of Cape Town's revised Urban Design Policy (2024), titled "Designing Quality Places" and seeks to introduce urban design thinking into the planning and preparation of development proposals and it informs

desirability assessments by providing a transparent framework of urban design principles and objectives against which development applications will be assessed.

The policy contains various objectives against which the proposal can be measured. In this regard, the following should be considered:

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
Objective 1: Ensure Legible Spatial Structure Develop layouts that support connectivity, accessibility, and identity.	• The proposal encompasses existing erven within an existing urban structure and will therefore not alter or negatively impact the legibility of the area or neighbourhood. • The proposal should contribute positively to the built form in the area and utilises existing DMS rights.
Objective 2: Create Good Quality Open Space Design inclusive, multifunctional public spaces that are actively used.	• The public street, which is effectively the public realm, is being over-looked (providing surveillance) as a result of this proposal since balconies are proposed. • The proposal will result in a large new residential injection into the area, which will positively contribute to the active character of the area and contribute to critical mass in terms of public transport, utilisation of public spaces and safety in the immediate area, etc.
Objective 3: Support Healthy and Safe Communities Promote environments that are safe, well-lit, and designed with public health in mind.	• Various openings (windows, balconies, terraces, etc) face roads and surrounding properties, contributing to and enhancing safety in the area.
Objective 4: Design Streets as Positive Public Spaces Treat streets as social spaces that support walkability and public life.	• The proposal is located within an existing built-up area, which has very good accessibility and allow for a variety of movement patterns. The site is located in close proximity to various public amenities and activity routes.

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
	The additional residences being created as a result of this development will ensure the improve utilisation of existing commercial and public amenities in the surrounding area.
Objective 5: Promote Intensity, Diversity, and Adaptability of Uses Enable varied, evolving land uses to support vibrant, economically viable neighbourhoods.	- The proposal makes efficient use of the subject properties in terms of the intensification of use within the development parameters of the site. - The proposed development will have a range of residential options, which will promote diversity in the area.
Objective 6: Ensure Positive Interfaces with the Public Realm Design buildings that activate streets and encourage interaction.	The proposal has a positive relationship with the street and is situated on the street boundary in order to define the street edge and integrate with the surrounding built form.
Objective 7: Support Sites of Informality Recognise and integrate informal trade, housing, and movement patterns into formal planning.	Given the size of the subject property and the area; informality and the incorporation thereof do not impact on this proposal.
Objective 8: Enhance Green Open Spaces Respect natural systems, incorporate green infrastructure, and promote ecological sustainability.	- Given that the subject property is a “brown-fields” development, the proposal will not have a negative impact on the natural environment. - Given the size of the subject property, the proposal and surrounding land uses, the proposal should not have a negative impact on the area in terms of micro-climatic conditions such as sunlight, wind, etc.
Objective 9: Respond to Area Character and Identity Acknowledge heritage, urban grain, and social fabric in design proposals.	- The proposal incorporates built-form clues from the surrounding area into its design to ensure integration into the area. - All surrounding large buildings in this area are modern or non-descript in

POLICY OBJECTIVES	PROPOSAL CONTRIBUTION / ASSESSMENT
	nature and the proposed design of the building will contribute positively to the built form in the area. • The proposal responds appropriately in terms of building height and massing. • The proposal complements the style and material palette of adjacent buildings in a contemporary manner through design and modern detailing.

Given the above assessment it is believed that the approval of this proposal is in line with these policy statements within the Urban Design Policy.

3.3 CONSOLIDATION ASSESSMENT

In terms of Section 99(2) of the MPBL, specific considerations are listed when considering an application for consolidation in terms of the MPBL. The considerations / criteria include:

- The scale and design of the development;
- The impact of the building massing; and
- The impact on surrounding properties.

3.3.1 Scale and design of the development

- In terms of the scale of the proposed building on the subject property, it should be considered that the consolidated erf size should be utilised to its full potential. Due to the erf size not being uncommon in the area, it is submitted that the approval of the subject consolidation application will unlock the full potential of other similar sites in the area and consequently lead to investment in the area, which in turn contribute to a more sustainable urban form.
- A denser and more compact development in close proximity to public transport promotes a lifestyle where the city dweller is less dependent on vehicles and in turn promotes more sustainable cities, as discussed in the preceding section regarding TOD.
- The General Residential (GR5) development rights will allow a building on each of the properties, to be located at 0.0 m from the common for the first 18 m from the street, which will be exactly the same if consolidated. Above 15 m, setbacks are introduced.
- Thus, the scale of the building from the public realm will be the same as if not consolidated and the impact therefore low, although the building is larger

above the 15 m in height. The consolidation will assist the design of a better articulated and purposefully designed building with a smaller perceived scale.

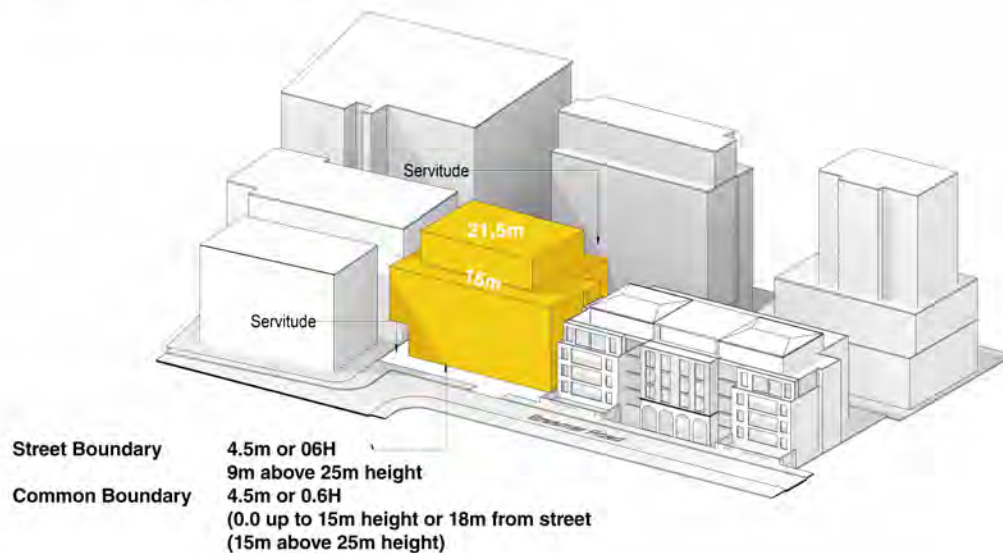
- The proposed consolidation will result in a better-articulated and functioning building when considering the sizes of the individual erven forming the subject property, as well as allow the ground floor of the building to be interactive with the street, as services can be shared and parking can be provided in two shared basements below ground. Without approval of the consolidation the ramp structure for the parking with parking bays on each site becomes unfeasible and therefore the consolidation is required.
- It is submitted that the scale of the proposed building should be viewed in light of the positive impact the proposed building will have on the surrounding area in terms of appropriate densification, increased surveillance promoting safer environments, upgrading of the currently sites and economic growth of the area etc, without obtaining additional rights through the consolidation.
- As mentioned earlier, the area is characterised by a wide range of uses and erf sizes. It is therefore submitted that the diverse range of uses in terms of scale and size compliment the scale of the proposed development as the area is already characterised by these extremes.

The proposed building will be completely compatible with the area in terms of scale and mass.

3.3.2 Impact of the building massing

- Massing of a building relates to the scale, form, shape and architectural language of a building and how that relates to the context of the surrounding area. The proposed building was designed to complement the character of the area through means of scale, form, shape and architectural language, without recreating the buildings in the surrounding area.
- The proposed consolidated property will allow flexibility and shared spaces in terms of built form, setbacks, functional building elements, parking and building articulation, which will not be the case if the properties were not consolidated.
- The impact of the proposed building massing on the area should be viewed in light of the diverse built environment. This is clearly demonstrated on the 3D images below:

Erf 341-RE & Erf 340 (Consolidated)
 Zoning: GR5
 Height restriction: 35m
 Area: 1040m²
 Permissible Floorspace: 2600m²



Height and massing study showing the proposed height and massing of the proposed building on the consolidated site

- From the above, it is evident that the proposed building would fit into the broader area in terms of massing of the building, due to the nature of the buildings on the properties in the vicinity.
- The massing and height of the proposed building is not seen to be out of character with the precinct of all buildings in the surrounding area.
- The organic and diverse nature of Green Points's development in terms of erf sizes, land uses and layout renders it ideal for the proposed development. Green Point is an area on the rise due to its ability to adapt to the necessary changes required to create a sustainable urban form.
- The proposal should not only be measured in terms of its building envelope but also in terms of the valuable input this will have not only in terms of upgrading but also social diversity and economic opportunities.
- In terms of the broader area of Green Point, properties between Somerset and Main Roads is where massing and height should be supported by the City, as it would strengthen not only the public transport system but also create and sustain the economic corridor along the Atlantic Seaboard.
- In terms of the possible massing of the proposed building on the consolidated erf, in comparison to massing of possible buildings on the separate properties, it has been shown that the proposed building would be much better

articulated and contributes to a more sustainable urban form. Council should therefore support the application for consolidation of the erven.

3.3.3 Impact on surrounding properties

- To assess the impact of the consolidation on the surrounding properties, one should be mindful of the development rights afforded, to, not only to this property, but also to all of the surrounding properties. This thus means that all of the surrounding properties enjoy similar rights (GR5), afforded to the site and should therefore not impact on them, should they choose to exercise their rights.
- The proposed consolidation should result in a better articulated and functioning building when one considers the sizes of the various erven forming the subject property. By developing the erven separately, both with their own entrances, lift-shafts, architecture, etc, it is very likely that the resultant built form will not contribute as positively to the area, than that of a well-developed design concept for the entire proposal on the consolidated erf (see above).
- In terms of possible impact of the consolidation on the surrounding area, it would be helpful to assess the surrounding erf sizes and compare these to the proposed consolidated erf. It is evident that the surrounding erf sizes are varied and the proposed property size would not be out of character with the surrounding properties. At a consolidated size of 1042 m², the subject property is comparable with a number of other large properties within the area. The proposed consolidation will therefore clearly not be out of keeping with the area.

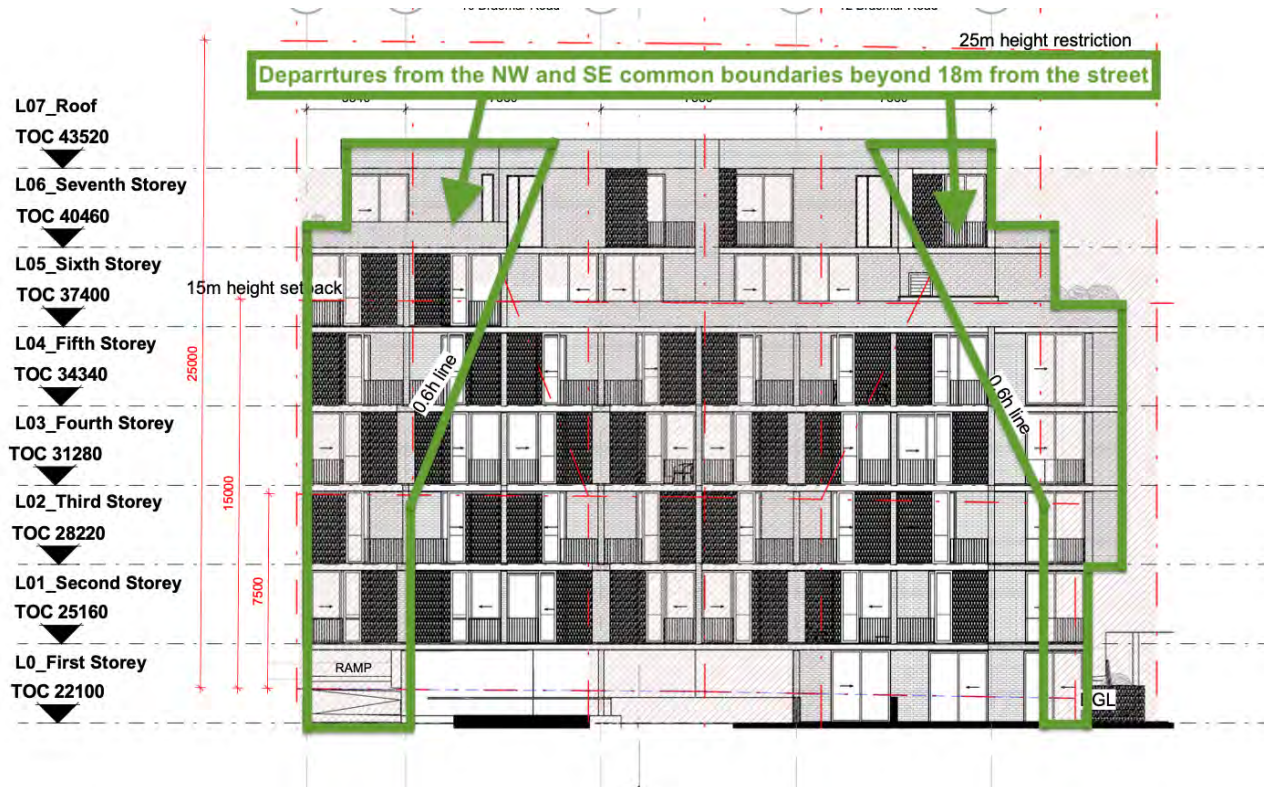
3.4 **SETBACK DEPARTURES ASSESSMENT**

Application is made for common boundary departures from the south eastern, north western and north eastern common boundaries and are discussed below.

South eastern common boundary and North-western common boundary

The departures from the side common boundaries are applied for beyond the 18m from the street. The site size necessitates these departures from the common boundaries in order to create a functioning building. This has been demonstrated below in the extract from the plan.

The departures applied for are shown in green below:

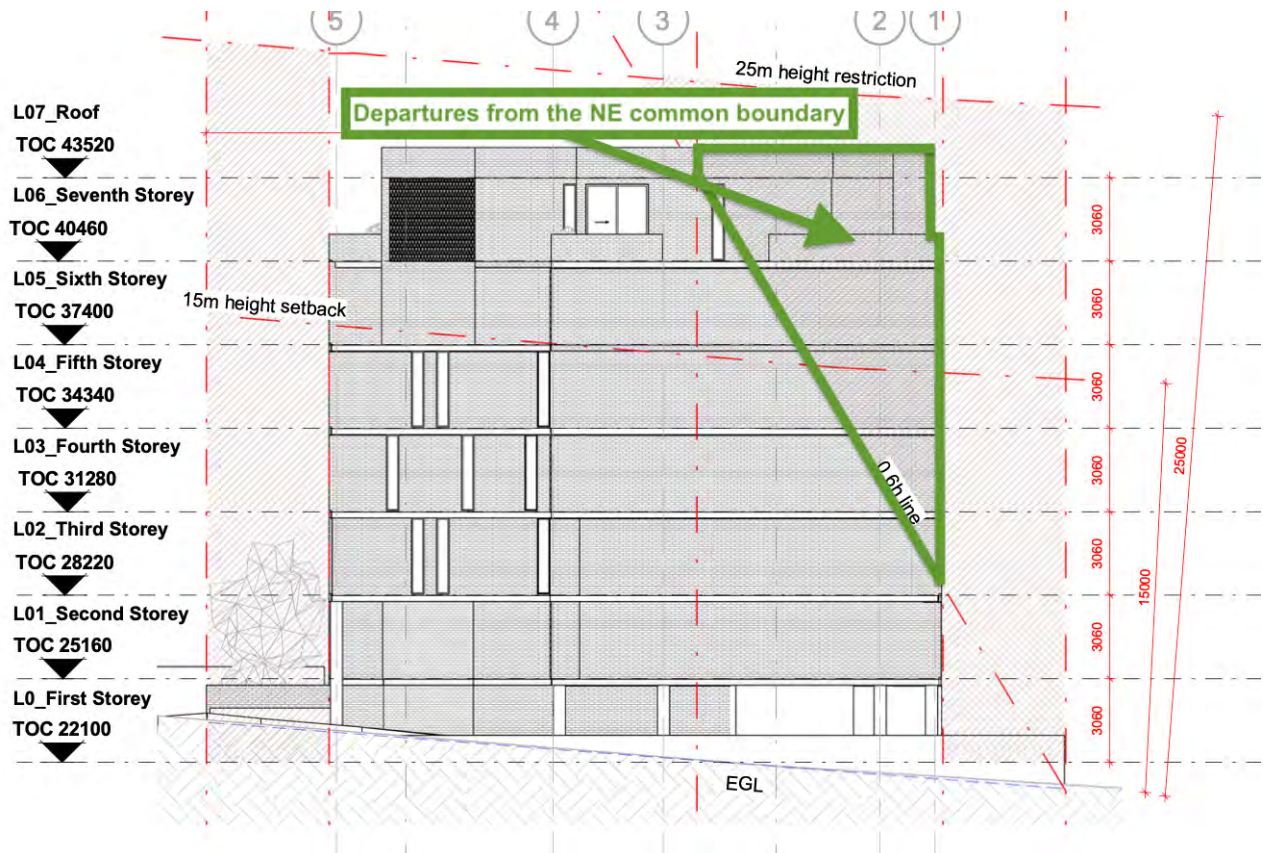


From the above, it is clear that the common boundary setbacks from the south eastern and north-western common boundaries should not impact on any of the surrounding properties.

North eastern common boundary

The setback departures from the north eastern common boundary is seen as considered, as the building design takes a two-pier approach, with a plinth, which allows for an interruption in the façade and a substantial setback.

The departures applied for are shown in green below:



From the above, it is clear that the common boundary setbacks from the north-eastern common boundary should not impact on any of the surrounding properties.

3.5 FLOOR AREA DEPARTURE

The proposed building requires a minor floor area departure to permit an increased floor area of 260 m², which is less than 10 % of the permitted floor area allocated by the Development Management Scheme.

Importantly, due to the floor area increase being within 10% of the permissible, no rezoning of the property is required and therefore access to the next subzone rules and rights (i.e. GR6) will not be obtained / accessed via this application. It is clear that the increase in floor area is negligible and will not result in any adverse impact in terms of the surrounding properties.

The minor proposed additions to the permitted building envelope will hardly be noticeable from a built-form or architectural perspective and will not negatively impact on the aesthetic or existing built form in the area, as discussed above.

Notwithstanding the very minor nature of this proposal; the proposal complies with the various City's Policies and can therefore be seen as appropriate for the area. The character of the area has been defined earlier in this motivation and it is clear that the additions will have no impact on the character of the area but will contribute to a slightly higher density which will be positive for the area.

The building has been designed with curves and setback from the rear and side boundaries and pushed towards the street to create a positive street interface, while providing breathing space to the surrounding properties and therefore the proposal will integrate well with the existing and planned built form in the area.

Given the above, it has been shown that the required departure to permit a minor floor area deviation will have a limited impact the area or surrounding property owners and that the City should support the proposal in this regard.

3.6 PARKING DEPARTURE

The site is located in a PT1 zone for the provision of parking. A ratio of 1.25 bays per flats is required for a block of flats in a PT1 Zone. Application is made for a parking departure to allow 47 bays in lieu of the required 59 bays.

A parking ratio of 47 bays for the 47 units translates to 1 bays per unit, which is what the market required at the time of design. Note that a Transport Impact Statement has been submitted with the application to support the parking departure.

The provision of 1 parking bays per unit in Green Point is a well-justified planning response that reflects the area's strong public transport network, highly walkable urban environment, and the increasing availability of alternative mobility options, including e-hailing services such as Uber. This approach is consistent with the City of Cape Town's Transit-Oriented Development (TOD) objectives and broader goals for sustainable, compact urban growth.

Access to Public and Shared Transport

Green Point benefits from a diverse and reliable mix of transport options that reduce reliance on private car ownership. These include:

- MyCiTi Bus offering regular, high-quality service to the CBD, Civic Centre, Waterfront, and southern suburbs
- Extensive minibus taxi routes and Golden Arrow bus services
- Safe, well-used pedestrian infrastructure and a coastal cycle route
- E-hailing services such as Uber and Bolt, which provide affordable, on-demand transport access without requiring dedicated parking

- The availability of these options makes full-time car ownership unnecessary for many residents.

Walkable, Mixed-Use Urban Fabric

Green Point is a compact, high-density suburb where a wide range of amenities, such as shops, restaurants, clinics, schools, and recreational spaces, are located within walking distance. The area's fine-grain street layout and active street life support car-free or low-car lifestyles, further reducing the need for extensive private parking provision.

Alignment with Policy and TOD Principles

The City of Cape Town's TOD Strategic Framework encourages reduced parking requirements in well-located areas along key transport corridors. Green Point is a prime example of such a corridor, with Main Road and Beach Road both functioning as high-mobility routes. Reducing parking ratios helps to promote more sustainable land use, improves affordability, and supports a shift away from car dependency.

Evolving Mobility Trends

In urban areas like Green Point, there is a clear shift in travel behaviour. Residents, especially younger professionals, visitors, and older adults, are increasingly opting for flexible, non-ownership-based mobility. This includes:

- Use of e-hailing apps like Uber and Bolt
- Cycling, walking, and electric scooters
- Car-sharing and short-term rental options
- Reduced car ownership in smaller or single-person households

These lifestyle shifts mean that the average demand for on-site parking is significantly lower than in car-dependent suburbs.

Urban Design and Development Efficiency

Reducing the parking requirement to 1 bays per unit enables more efficient use of land and built form. It lowers development costs, improves housing affordability, and avoids the need for bulky podiums or underground parking that can compromise streetscape quality. This opens opportunities for improved ground-floor activation, green spaces, and communal areas, which enhancing both the quality of life for residents and the public realm.

In the context of Green Point's excellent public and shared transport access, walkable urban structure, and the increasing shift toward flexible mobility solutions like Uber, the proposed provision of 1 parking bays per unit is both sufficient and desirable. It supports a more sustainable, inclusive, and future-ready urban form that aligns with both local policy and international best practice.

Please also refer to the TIS produced by Apex Transport Engineers, which further motivates the departure.

For the reasons above, the City is requested to grant the parking departure.

3.7 REMOVAL OF TITLE DEED RESTRICTION ASSESSMENT

Application is made in terms of Section 42(g) of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), for the deletion and amendment of restrictive title deed conditions registered against Erf 340 and Erf 341 Green Point in order to facilitate the development of a Block of Flats on the consolidated properties.

The proposed development is consistent with the existing zoning rights applicable to the properties and with the prevailing development character of the surrounding area.

The restrictive conditions sought to be removed were imposed during the subdivision of the historic Braemar Estate in 1928. These conditions were intended to regulate development within what was then a low-density suburban residential environment. Over the subsequent century, the character of Green Point has changed substantially from a predominantly single residential neighbourhood to a high-density urban precinct comprising apartment buildings, mixed-use developments, hotels and other intensive forms of development. As a result, the restrictive conditions no longer reflect the existing planning context, development patterns or municipal policy objectives applicable to the area.

Conditions Regulating Building Lines and Forecourts

The conditions requiring a space of not less than 3.15 metres to be left in front of properties abutting Braemar Road and restricting such areas to gardens or forecourts were introduced to establish a uniform suburban streetscape. Contemporary development control is now regulated comprehensively through the City of Cape Town Development Management Scheme and the applicable zoning provisions, which prescribe building lines, street setbacks, urban design requirements and other development controls.

The retention of these conditions would unnecessarily constrain the efficient development of the site and duplicate controls already administered by the City. Their deletion will not adversely affect the surrounding properties or streetscape, as the proposed development remains subject to all applicable municipal development parameters and design considerations.

Conditions Restricting the Number of Buildings and Site built-upon

The conditions limiting development to a single building or dwelling on each erf and restricting building coverage to fifty percent of the site area were similarly intended to preserve a low-density residential character. Such restrictions are incompatible with the current urban context of Green Point, where multi-storey apartment developments and higher-density residential buildings are commonplace and encouraged within appropriately designated areas.

Modern planning legislation and zoning controls provide a far more comprehensive and effective framework for regulating bulk, scale, height, coverage, setbacks and intensity of development than private title deed restrictions imposed almost a century ago. The proposed development will be assessed against these contemporary planning controls and will therefore remain appropriately regulated despite the removal of the restrictive conditions.

Conditions Restricting Development to a Single Dwelling House

The conditions requiring that only one dwelling house be erected on each property directly conflict with the intended development of a block of flats and are inconsistent with both the zoning rights applicable to the properties and the established character of the area.

The surrounding neighbourhood contains numerous apartment buildings and multi-unit residential developments that accommodate higher residential densities in close proximity to public transport routes, employment opportunities, social facilities and urban amenities. The removal of these restrictions will enable development that is compatible with the surrounding area and aligned with municipal objectives promoting urban densification within well-located areas.

Obsolete Building Cost Restriction

The condition requiring a dwelling house to have a minimum construction value of R2 000 is obsolete and unenforceable. The monetary value stipulated has long since lost any practical relevance due to inflation and changes in construction costs over time. The condition serves no planning purpose and does not contribute to the protection of any legitimate public or private interest.

Its deletion will have no adverse impact on neighbouring properties or the character of the area.

Restriction to Residential Purposes

Condition C.3 applicable to Erf 341 restricts the property to residential purposes and prohibits the erection of shops, factories or the carrying on of trade or business activities. The proposed development comprises residential flats, which remain residential in nature and are therefore compatible with the underlying intention of the condition. To the extent that the wording may conflict with contemporary definitions and development typologies contained in the MPBL and Development Management Scheme, its removal is warranted to ensure that the land can be utilised in accordance with the applicable zoning rights and modern planning framework.

The removal of this condition will not introduce incompatible land uses and will not prejudice neighbouring property owners.

Public Interest and Desirability

The deletion and amendment of the restrictive title deed conditions will facilitate the efficient utilisation of well-located urban land within Green Point. The proposal supports the City's objectives relating to urban restructuring, densification, housing provision and the optimisation of existing infrastructure and public investment.

The conditions sought to be removed are historical in nature, no longer serve a meaningful planning purpose, and are inconsistent with both the current character of the area and contemporary planning policy. Their removal will not adversely affect the rights of adjoining owners, the amenity of the area, or the public interest. The application is therefore considered desirable from a planning perspective and it is respectfully submitted that the deletion and amendment of the restrictive title deed conditions should be approved.

3.8 IMPACT ON EXISTING RIGHTS

Given the legal planning requirements as stated in Section 1 and the assessment above, it is clear that the proposal will have a limited impact on the existing rights of surrounding property owners. It is essential that this proposal and the required planning application be seen in the context of the subject property's approved rights and, considering these rights, the minor nature of the planning application required.

It is therefore believed that this proposal will have a positive impact on the area and the surrounding property owners.

3.9 HERITAGE ISSUES

The site is not located in a Heritage Protection Overlay Zone. The buildings on the erven to be consolidated is older than 60 years and required approval from Heritage Western Cape to be demolished / changed. The approvals were granted and the demolition permits with it.

3.10 URBAN FORM / ARCHITECTURAL RESOLUTION

In terms of the proposed building's urban form / architectural resolution, the following should be considered:

- The proposed building has been designed to complement the existing built form in the streetscape, by filling in the missing tooth in the street of high buildings. This creates unity in the streetscape and building form of the area. This is due to the built form generated out of the existing rights afforded to the surrounding properties.
- The building has been positioned to make full use of the street façade on Braemar Road, as well as to provide an interactive street façade.
- The design of the building has taken cognisance of the City's Urban Design Policy.

Given the above, it is clear that the proposal will contribute positively and integrate well with the existing urban form in the area.

3.11 COMPLIANCE WITH THE DECISION-MAKING CRITERIA AS PER SECTION 99 OF THE MUNICIPAL PLANNING BY-LAW

In terms of Section 99(1) of the MPBL an application must be refused if the application does not satisfy the minimum requirements as listed in this section. In this regard, the following should be noted:

- Given that the application is made and legislation specified as per Section 1 of this report, it is clear that this application comply with the requirements of the MPBL.
- The site is located within an existing urban area, and therefore complies with the provisions of the Cape Town Municipal Spatial Development Framework and all other relevant legislation.

- Given the assessment above and for the reasons as listed in Section 4 of this report below, it has been shown that the proposal is desirable as per the relevant consideration criteria as stated in Section 99(3) of the MPBL.
- The application does not have the effect of granting the properties the development rules of the next subzone, as the height (compliant) and floor area is compliant with the 10% above the base zone development rules.

Given the above, the application does not fail to comply with the minimum requirements as stated in Section 99(1) of the MPBL and should therefore be supported by the decision-maker.

In terms of Section 99(2) of the MPBL, if the application is not refused in terms of Section 99(1), when deciding whether or not to approve the application, the decision-maker must consider all relevant considerations as listed in this section. In this regard, the following should be noted:

Socio-economic impact

- Given the detailed motivation in this report relating to policy compliance; the proposal should have a positive socio-economic impact on the area.
- Due to the lack of stock in the area, the proposed development will provide the socio-economic infrastructure for residents to continue to live in the area.
- The scale of the investment into the area, should have a positive socio-economic impact on the area and the larger city in terms of an increased rates base, etc.

Compatibility with surrounding uses

- The proposed use of the site as a residential building containing flats has been shown as being compatible with the character of the area and surrounding uses, which are also residential in nature.
- The application will have limited impact on the surrounding property owners when considering the development rules / provisions within the DMS, as well as the prevalent built-form in the area.
- The proposal will sufficiently integrate into the existing built form and architectural appearance of the area.
- No impact on the character of the area is anticipated when considering existing rights of the surrounding properties and existing buildings in the immediate vicinity of the property.
- The proposal contributes to additional residential stock in a well-located area, which is highly sought-after and needed in this specific area.

Impact on the external engineering services

- The proposal will not impact on any engineering services, especially when considering the contextually appropriate densification as per the relevant City policy.
- Any required development contribution will be paid / completed as part of this proposal.

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

- The safety, health and well-being of the surrounding community is not be negatively be impacted on as a result of this application. The proposed building will have a positive impact on the safety, health and wellbeing of the surrounding community, due to increased activity and increased surveillance on the streets.

Impact on heritage

- The property is not located in any heritage area and all relevant applications have been submitted at Heritage Western Cape and approved.

Impact on the biophysical environment

- Seeing that the properties are located in an urban area, no negative impact on the biophysical environment is envisaged.

Traffic impacts, parking, access and other transport related considerations

- Given the minor nature of the proposal, the location of the site, and the contextually appropriate densification proposed, the proposal will not have a negative impact on the parking and traffic situation in the area.

Whether the imposition of conditions can mitigate an adverse impact of the proposed land use

- There is no requirement for the imposition of conditions to limit impact, as the impact is negligible.

General

- It has been motivated in detail in this planning report that the impact of this application is negligible.
- The proposal complies with the various national, provisions and local policies and legislation.
- The proposal will not have a negative impact on the character of the area.
- The streetscape will not be negatively impacted on as a result of the proposal.
- The departures applied for will not have a negative impact on the area and surrounding property owners.
- The proposal will sufficiently integrate into the existing built form and architectural appearance of the area.

- In terms of the applicable Table Bay District Plan (relevant spatial development framework), the area and subject property is designated for urban development.
- Given that a new development planned on existing erven within an urban area, it is clear that the proposal complies with the provisions of the Table Bay District Plan.

Given the above and considering the desirability assessment in Section 4 below, the decision maker should approve the application in terms of Section 98 of the MPBL.

DESIRABILITY AND REASONS FOR SUPPORTING THE PROPOSAL

From the above, it is evident that the City should support the application for consolidation, City approval and setback, floor area and parking departures.

Therefore, the desirability assessment in terms of the relevant issues listed as part of Section 99(3) of the MPBL, the reasons for support of the proposal can be summarized below:

- The application will have no impact on the surrounding property owners, as motivated above.
- The existing rights of surrounding property owners will not be negatively impacted on because of the proposal.
- The proposal will have a positive economic impact on the specific area, given the significant investment into the area.
- The application will have no impact on the character of the area, as motivated above.
- The proposal will not have a negative economic or social impact.



Fred Durow