PORTION 1 OF CAPE FARM NO 1387, NOORDHOEK: REZONING FROM SINGLE RESIDENTIAL TO COMMERCIAL, WITH REGULATION DEPARTURE
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1. APPLICATION

The site was recently rezoned from Local Authority Use to Single Residential, but the new land owner wishes to capitalise on the site's ideal position along Chapman's Peak Drive, for a restaurant.

1.1 Application

Application is hereby made in terms of section 17 of the Land Use Planning Ordinance, No 15 of 1985 (LUPO) for the rezoning of portion 1 of Cape Farm 1387 (in Noordhoek) from Single Residential to Commercial, in order to establish a restaurant.

Application is also in terms of section 15(1)(a)(i) of the Land Use Planning Ordinance No 15 of 1985 for one regulation departure:

- 3.5m in lieu of 8m street building line for a veranda and steps along section of eastern boundary.

1.2 Property and General Information

<table>
<thead>
<tr>
<th>Property Description</th>
<th>Portion 1 of Cape Farm 1387</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diagram</td>
<td>3810/1984 (Annexure A)</td>
</tr>
<tr>
<td>Extent</td>
<td>2244m²</td>
</tr>
<tr>
<td>Servitudes</td>
<td>None</td>
</tr>
<tr>
<td>Registered owner</td>
<td>Chapman's Sports Resort (Pty) Ltd</td>
</tr>
<tr>
<td>Title Deed number</td>
<td>T28127/2012 (see Annexure B)</td>
</tr>
<tr>
<td>Title Deed Conditions</td>
<td>None preventing rezoning for commercial use (Conveyancer Certificate Annexure C)</td>
</tr>
<tr>
<td>Applicant</td>
<td>Headland Planners (Power of Attorney – Annexure D)</td>
</tr>
<tr>
<td>Applicable Zoning scheme</td>
<td>Divisional Council Zoning Scheme</td>
</tr>
<tr>
<td>Current zoning</td>
<td>Single Residential</td>
</tr>
<tr>
<td>Current land use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Slope</td>
<td>The site has a 1:12 slope falling west to east (away from Chapman’s Peak Drive)</td>
</tr>
<tr>
<td>Any unauthorised land use / building work</td>
<td>No</td>
</tr>
<tr>
<td>Previous approvals granted</td>
<td>Rezoning from Local Authority to Single Residential (2009 &amp; 2011) - Applications 162246 &amp; 204129</td>
</tr>
<tr>
<td>Special / Conservation area</td>
<td>No</td>
</tr>
<tr>
<td>Subject to NEMA</td>
<td>No</td>
</tr>
<tr>
<td>Subject to SAHRA / PHRA</td>
<td>No</td>
</tr>
</tbody>
</table>

2. CONTEXT

2.1 Locality

The property is situated in the suburb of Noordhoek, at the corner of the last road (Avondrust Circle) branching off Chapman's Peak Drive before the toll gate (if driving in direction of Hout Bay).
Maps CFM1387-1/01 & 02 [overleaf] show more detail of the site in relation to surrounding properties. The subject site is located approximately 430m west of Noordhoek Farm Village, and is immediately adjacent the City of Cape Town depot (on portion 3 of farm 932).

Immediately to the east, is the Noordhoek common, which is occasionally used for equestrian activities.

### 2.2 Access

The site is accessible from Avondrust Circle only, due to the status of Chapman’s Peak Drive (Class 2 Primary Arterial) and its limited direct access spacing opportunities. Avondrust Circle is classified as a Major Residential Access Link (Class 5a). Note that the road is a minibus taxi route.

### 2.3 Surrounding Use and Zoning

To the south and west, beyond the immediately adjacent City of Cape Town Parks and Forest office (depot) the surrounding area constitutes a single residential suburb. Immediately east of the site, there is the Common; to the north, expansive rural/agricultural holdings are situated, including the kaolin mine.

### 2.4 Isolated Location

From maps CFM1387-1/01 & 02 it is evident that the site is isolated and devoid of integration with the Noordhoek residential fabric.

![Figure 1: view from across the road](image-url)
The triangular shape of the site is evident also from figures 1 and 2, and the impact of the nature and slope of the roads on the site can be deduced from these figures.

2.5 Policy Context

2.5.1 City of Cape Town Spatial Development Framework (2012)

The site is included within the urban edge.

2.5.2 Draft District Plan in terms of CoCT SDF (2011)

The Property is too small to feature on the resolution of the district plan; however, it is clear that the intersection of Chapman’s Peak Drive and Avondrust Circle forms part of the “Urban Development” designation. Because one is dealing with an isolated property, there is no danger of a “node” being created, larger than the individual rezoning applied for.

2.5.3 Scenic Drive Management Plan (2003)

Chapman’s Peak Drive is a scenic drive, and appropriate interface with the road is important.

2.5.4 Cape Town IDP 2007-2012

Shared Economic Growth and Development is a Focus Area [1], and part of the City’s 2020 Vision is that “the tourism industry will be a real driver of the economic and social transformation of Cape Town, and its role will be fully recognised as such by public and private sectors alike”.

It is also stated that “responsible tourism development will be a driving factor in establishing Cape Town as one of the world’s greatest cities to visit and in which to live, work and invest”.

2.5.5 Noordhoek Structure Plan (Policy Plan, 1989)

This plan has no status in terms of the Land Use Planning Ordinance, nor the Municipal Systems Act. The plan is 23 years old, and does not make a specific comment on the
desirability of a restaurant on the subject property. The description in the structure plan under “commercial” all relate to “shopping areas” and not stand alone restaurants. Reference to this plan is therefore superfluous.

3. PROPOSAL

3.1 Components

A 100-seat restaurant is proposed with 226 m² on ground floor and 65 m² in a loft floor, a total of 291 m², which equates to a very low bulk factor of 0.13, which is very appropriate for the context of the site.

3.2 Zoning Scheme Regulations

Technical detail relative to the Zoning Scheme regulations, in terms of the proposed Commercial Zoning, is indicated in the next table.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Zoning Scheme</th>
<th>The Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street building line - Chapman’s Peak Drive</td>
<td>more restrictive of 8m or ¼ of road reserve (7m in this case)</td>
<td>Building set back 8m [NO DEPARTURE]</td>
</tr>
<tr>
<td>Street building line - Avondrust Circle</td>
<td>more restrictive of 8m or ¼ of road reserve (4m in this case)</td>
<td>3.5m in lieu of 8m for veranda and steps [DEPARTURE]</td>
</tr>
<tr>
<td>Side Building Line</td>
<td>4.5m</td>
<td>12.5m [NO DEPARTURE]</td>
</tr>
<tr>
<td>Rear Building Line</td>
<td>4.5m</td>
<td>Does not apply (site is triangular and has no rear boundary)</td>
</tr>
<tr>
<td>Coverage</td>
<td>No coverage is prescribed, parking often forms the limitation of coverage.</td>
<td>10%. Note that the existing Single Residential coverage allows for 50%.</td>
</tr>
<tr>
<td>Bulk Factor for Conditional Uses</td>
<td>Combined Bulk Factor not to exceed 1,00</td>
<td>0.13, ie 0.87 less than permitted</td>
</tr>
<tr>
<td>Height</td>
<td>11m, or the height of immediately surrounding residential use</td>
<td>there is no immediately surrounding residential zone to conform to. The proposed building is essentially single storey with a loft space.</td>
</tr>
<tr>
<td>Minimum Frontage</td>
<td>15.5m</td>
<td>the site’s smallest frontage is 50m [NO DEPARTURE]</td>
</tr>
<tr>
<td>Minimum Erf Size</td>
<td>450m²</td>
<td>the site is 2244m² [NO DEPARTURE]</td>
</tr>
<tr>
<td>Parking</td>
<td>No mention of restaurants specifically, shops ratio used: 3/35m²</td>
<td><strong>25 bays required</strong></td>
</tr>
<tr>
<td></td>
<td>Draft Integrated Zoning Scheme parking ratio is applied:</td>
<td><strong>44 bays are provided</strong> [NO DEPARTURE], including one disabled bay, and excluding the loading bay.</td>
</tr>
<tr>
<td></td>
<td>• Restaurant 2 bays per 25 m² Gross Lettable Area (GLA)</td>
<td>Restaurant: 291m² = 24 bays; in terms of the definition of GLA, note that the GLA is actually less than 291 m², but this calculation shows that the parking is ample.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TTL provided: 44 bays, including 2 disabled bays.</td>
</tr>
</tbody>
</table>
4. PLANNING MOTIVATION

In terms of section 36(1) of the Land Use Planning Ordinance, the sole basis on which this application may be refused is:

1. a lack of desirability of the contemplated utilisation of land concerned including the guideline proposals included in a relevant structure plan in so far as it relates to desirability, or

2. its effect on existing rights concerned [except any alleged right to protection against trade competition].

4.1 Subject site’s suitability for proposed development in terms of location, accessibility and physical characteristics.

- The site’s triangular form and isolated nature separated from any residential neighbour, implies that only the potential impact on the Scenic Drive is of relevance. That impact is greatly reduced by the built scale of development which is much lower than the existing residential rights allow for.

- Due to slope falling away from Chapman’s Peak Drive [approximately 4m on average], the natural land form aids in reducing any potential visual impact on the Scenic Drive;

- Landscaping along this edge [the road automatically being higher than the site] has an immediate screening impact, even at planting stage;

4.2 Consistency with higher order policy and planning frameworks.

- The intersection of Chapman’s Peak Drive and Avondrust Circle forms part of the “Urban Development” designation, which does not exclude a commercial use. Because this is an isolated property, there is no danger of a “commercial node” being created, in any larger form than the individual rezoning applied for.

- This development proposal is in line with the City’s 2020 tourism development vision contained in the IDP [refer to 2.5.4, above].

4.3 Conservation worthiness of existing buildings, structures, vegetation and other natural features.

- The site is vacant, and the trees in road reserve [Avondrust Circle] are being retained.

- The site has grass cover and one solitary stonepine [as being the only “feature” tree]. Because it does not form part of a focal cluster, nor does it form part of the avenue along Avondrust Road, this tree is to be removed.

4.4 Compatibility of proposed development / land use[s] with character and existing spatial structure of surrounding area.

- The site is very isolated from residential development, as it sits adjacent Chapman’s Peak Drive, the large expanse of Common, and the only abutting neighbour is a City of Cape Town depot and office.

- Furthermore, the proposed restaurant building is very small [10% coverage].

- A use that allows Capetonians and foreign visitors to enjoy the Noordhoek common and the views of the mountains at the intersection of a local residential access road with a major urban route is desirable spatial structure.

- The site also forms the threshold between a metropolitan route and a residential enclave and access to a recreational asset [Noordhoek Beach]; it is therefore ideally suited to become a sensitively developed regional reference point.
4.5 Access to subject premises and possible traffic problems.

- The access point is setback at furthest practical point from the Chapman’s Peak/Avondrust intersection (approximately 60m from middle of CWC to stop street at intersection).

4.6 Cost and availability of required services and infrastructure.

- Civil engineering services exist in the Avondrust Circle for direct connection, as this is the main conduit for services to the western part of Noordhoek

4.7 External visual impact of proposed development, as well as internal aesthetical aspects.

- The maximum achievable footprint on the site is 1122m² for single residential use; in comparison, the commercial total floor area [over two floors] is only 291m². In terms of building scale and constructed bulk (building envelope), this is on the small side compared to many of the dwellings in the neighbourhood. Particularly the ratio between site area and total building area being only 0.13 (bulk factor).

- The proposed building sits closest the existing mature trees along Avondrust Road, which trees provide a visual backdrop in terms of height, particularly when driving from Chapman’s Peak into Noordhoek.

4.8 Any potential disruption of / damage to environment or public nuisance as a result of proposed development / land use(s).

- The southern neighbour is a council office and depot, not a Noordhoek residential use.

- The northern neighbours are separated by substantial road infrastructure (Chapman’s Peak Drive and Noordhoek Main Road)

- The eastern neighbours are public open space properties.

- The parking ratio provided for the proposed restaurant is 15 bays in excess of requirement; the potential for overspill parking for the 100 seat restaurant along Avondrust Road is therefore minimised.

4.9 Potential of application site for alternative uses / development.

- The basic use for the site is that of single dwelling. However, the scale impact of a single dwelling will be more excessive than this current proposal. It is submitted that conceding to commercial on the property allows the City to control the visual impact of the use to greater effect, than an unrestricted single dwelling. Furthermore, the isolated nature of the property and the impact on Chapman’s Peak Drive with the intersection onto Avondrust Circle detracts from a single residential useability.

- The site is not suited to a convenience retail environment.

- The site may well have office potential, but that use is less compatible with a restaurant that aims to capture the passing tourism (local and foreign) market.
5. CONCLUSION

It is submitted that the proposal is well balanced in terms of scale and sensible land use versus inherent commercial opportunity:

- It does not detract from the valued Noordhoek sense of place, and
- at the same time it appropriately capitalises on the significant (local and foreign) tourism route that is Chapman’s Peak Drive as well as the attractiveness of Noordhoek itself to locals and residents from further afield in Cape Town.

Lastly, the realistic overprovision of parking ameliorates the anticipated success of the restaurant with respect to overflow parking beyond the borders of the site.

This application is therefore submitted for Council’s favourable recommendation.