



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

DEVELOPMENT MANAGEMENT

Alanza Matthews
Professional Officer

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BLUM017

13 NOVEMBER 2024

1500105985

APPLICANT & OBJECTORS

Dear Sir / Madam

PROPOSED APPLICATION: CONSOLIDATION OF LAND, CITY APPROVAL AND PERMANENT DEPARTURES IN TERMS OF THE CAPE TOWN MUNICIPAL PLANNING BY LAW: ERF 140281 AND 140282, CAPE TOWN, 15 & 17 LYTTON STREET, OBSERVATORY

This letter is addressed to the applicant or to an objector in the case where there has been an objection to the above application.

The application with reference **1500105985** in the above regard, accepted on **27 JULY 2023**, refers.

The Municipal Planning Tribunal (MPT) on 05-11-2024 **refused** in terms of section 98 of the City of Cape Town Municipal Planning By-Law, 2015 (MPBL), the abovementioned application, as set out in the **Annexure A**.

Reasons for the above decision are set out in the **attached** extract of the minutes of the meeting concerned, dated 05-11-2024.

Should the reasons for the above decision not be contained in this notification you are advised in terms of section 104(2)(c) of the MPBL and section 5 of the Promotion of Administrative Justice Act, No 3 of 2000 that you are entitled to request in writing reasons for the above decision.

In terms of section 108(1) of the City of Cape Town Municipal Planning By-Law, 2015, you may appeal to the Appeal Authority against the above decision by giving written notice of the appeal and grounds of appeal and by completing and signing the prescribed form.

An appeal, including the written notice and the grounds of appeal (and not only the intention to appeal), must be lodged on the prescribed form (the form can be downloaded here: <http://www.capetown.gov.za/LandUseAppeals>) with the City Manager, c/o the Table Bay District Manager, at the following email address: **appeals.tablebay@capetown.gov.za** within **21 days of the date of notification of the decision**. If the appeal cannot be lodged by email it may be hand delivered to the Table Bay District **within 21 days of the date of notification of the decision**. Please arrange an appointment with the District hub prior to the closing date. See definition of notification date to be read together with the provisions of the Interpretation Act 1957 in footnote below to determine the closing date for submission. If this letter has been sent to you by registered mail, then it is your responsibility to establish the date stamped upon the receipt for registration issued by the post office when accepting this notice from the City of Cape Town. You will need to contact the post office and use the tracker number on the envelope for this purpose.

Failure to comply with the above requirements and provisions within section 108 of the MPBL will result in the appeal being ruled invalid.

[CIVIC CENTRE IZIKO LEENKONZO ZOLUNTU BURGERSENTRUM]
[12 HERTZOG BOULEVARD CAPE TOWN 8001 PO BOX 298 CAPE TOWN 8000]
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Making progress possible. Together.

Yours faithfully



ALANZA MATTHEWS
for **DIRECTOR : DEVELOPMENT MANAGEMENT**

Notes and extracts from sections of the City of Cape Town Municipal Planning By-Law, 2015

105 Effective date of decision

- (2) The effective date of a decision in terms of this By-Law is –
- (a) the date that the City gives notice that no appeal has been timeously lodged and that the decision is accordingly effective; or
 - (b) subject to subsection (3), if an appeal is timeously lodged, the date that the appeal is decided by the appeal authority.
- (3) If an appeal is lodged only against a condition imposed in terms of section 100, the City may determine that the operation of the approval of the application is not suspended

Method and date of notification

The date of notification is determined as follows:
if the notification is provided –

- (a) orally, it is the date of oral communication;
- (b) by hand, it is the date of delivery or collection;
- (c) by registered post, it is regarded as the fourth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice; or
- (d) by email or fax, it is the date that the email or fax is sent,

Interpretation Act No 33 of 1957 section 4

- (4) Reckoning of number of days. – When any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusive of the first and inclusive of the last day, unless the last day happens to fall on a Sunday or on any public holiday, in which case the time shall be reckoned exclusive of the first day and exclusive also of every such Sunday or public holiday.

As an example, if the date of notification is 1 October, then the first day of calculation of the 21 day appeal period will be 2 October and the 21st day would be 22 October. If 22 October is either a Sunday or a public holiday, then the closing date will be the next following day that is not either a Sunday or a public holiday.

REASONS SET OUT IN THE PLANNER'S REPORT:**7. REASONS FOR DECISION**

- 7.1. Reasons for the recommended decision for **refusal** relating to the application may be summarised as follows:
- 7.1.1. The shortfall of on-site parking will have a significant negative impact on the surrounding area from a traffic and parking perspective.
 - 7.1.2. The proposal will negatively impact the surrounding road network.
 - 7.1.3. The existing rights of the surrounding properties will be significantly negatively affected.
 - 7.1.4. The proposal is not desirable in terms of the traffic impact.

ANNEXURE A

In this annexure:

"City" means the City of Cape Town

"The owner" means the registered owner of the property

"The property" means **ERF 140281 AND 140282 CAPE TOWN AT OBSERVATORY, 15 AND 17 LYTTON STREET, OBSERVATORY**

"Bylaw" and "Development Management Scheme" has the meaning assigned thereto by the City of Cape Town Municipal Planning Bylaw, 2015 (as amended)

"Item" refers to the relevant section in the Development Management Scheme

"ED: SPE" means Executive Director: Spatial Planning and Environment or his/her delegatee.

"Director: DM" means Director: Development Management or his/her delegatee.

CASE ID: 1500105985

1. APPLICATIONS REFUSED IN TERMS OF SECTION 98 (C) OF THE BYLAW

Consolidation

- 1.1. To permit the proposed consolidation of erven 140281 and 140281 into 1 portion.

City Approval

- 1.2. **Item 162(1)(a):** To permit building work within a Heritage Protection Overlay Zone.
 1.3. **Item 162(1)(b)(iii):** To permit consolidation of land within a Heritage Protection Overlay Zone.
 1.4. **Item 162(1)(b)(i):** To permit the demolition of a building within a Heritage Protection Overlay Zone.
 1.5. **Item 141(b):** To permit vehicles to reverse across the sidewalk.

Permanent departures

- 1.6. **Item 41(e):** To permit the additions to be setback 0m in lieu of 4.5m from the north-western, north-eastern, and south-eastern common boundaries (beyond the 18m from the street boundary).
 1.7. **Item 41(e):** To permit the additions to be setback 3.92m in lieu of 4.5m from the street boundary line.
 1.8. **Item 41(a):** To permit a coverage of 66.5% in lieu of 60%.
 1.9. **Item 41(b):** To permit a floor factor of 1.03 in lieu of 1.
 1.10. **Item 137:** To permit 2 parking bays in lieu of 18 parking bays.

Good day,

The MPT at its meeting of 05/11/2024 resolved as follows:

Report Subject	WARD 57: APPLICATION FOR CONSOLIDATION, CITY APPROVAL AND PERMANENT DEPARTURES IN TERMS OF THE CITY OF CAPE TOWN MUNICIPAL PLANNING BYLAW: ERF 140281 AND 140282 CAPE TOWN AT OBSERVATORY, 15 AND 17 LYTTON STREET, OBSERVATORY. CASE ID:1500105985 A MATTHEWS/G SEPTEMBER
Meeting Date	05/11/2024
Date Sent	12/11/2024
Directorates	SPATIAL PLANNING AND ENVIRONMENT
Author	Alanza Wildskit;
Author Contact No	
Delegation Information	0(0)
Agenda Item No	MPTNW 39/11/2024
Preamble	Ms Matthews introduced the application The objector, Ms McCaig, addressed the panel and spoke against the application The applicant, Mr Langbridge, spoke in support of the application The objector was given an opportunity for rebuttal.
Resolution	Refused
Resolution Details	UNANIMOUSLY RESOLVED that: a. The application for Consolidation as set out in Annexure A of Erven 140281 and 140828 Cape Town at Observatory BE REFUSED in terms of Section 98(c) of the Municipal Planning By-Law, 2015. b. The application for City Approval as set out in Annexure A on Erven 140281 and 140828 Cape Town at Observatory BE REFUSED in terms of Section 98(c) of the Municipal Planning By-Law, 2015. c. The application for Permanent Departures Erven 140281 and 140828 Cape Town at Observatory BE REFUSED in terms of Section 98(c) of the Municipal Planning By-Law, 2015. REASONS FOR DECISION The MPT REFUSED the application for the reasons set out in the Planner's Report FOR INFORMATION: MATTHEWS / SEPTEMBER
How Resolved	Consensus