



PostNet # 339  
Private Bag X 1005  
7735 Claremont

admin@newlandsresidents.org.za

30 May 2017

To whom it may concern

RE: Cannon Str Brewery Development, Newlands.

Sirs

The NRA wish to object to the proposal in its current form and after discussion with residents, committee members and specialist consultants specifically note, and request that the relevant officials consider, the following:

### **1. Title Deed restrictions**

The proposal is in contravention with the provisions referenced in DT 052058/10, specifically those preventing the construction of “flats” as well as that determining that future development be limited to single storey in height. It is the NRA’s contention that the adjoining owners, and the neighbourhood, could reasonably expect these conditions to have been enforced by the Local Authority in any proposal and that failure to observe or enforce these conditions will have result in material damage to the adjoining owners. The current proposal will need to be amended to meet these title deed conditions.

### **2. HPOZ Overlay**

The proposal, and any comment or approval, must recognise the fact that the property is included in the proposed Newlands HPOZ boundaries. This assumes that the applicant as well as any Local Authority or Statutory Body will address the controls set out in the proposed scheme when dealing with the application.

The Old Brewery site is part of the historic complex of buildings which comprised the Newlands House Estate situated both above and below Newlands Avenue and includes the Former Gate House, Slave Quarters, Gamekeepers Cottage and of Course Newlands House.

### **3. Right to future comment**

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E. Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).

The NRA requests they be afforded the right of comment on any revised or further detail design drawings relating to the adaptation of the main house/ old Brewery, the alteration and additions to the old stores and outbuildings, as well as general landscaping and related works which the heritage professional has recommended be referred back to HWC once detailed design work is concluded for HWC to endorse that this work is in accordance with the final approved HIA.

#### **4. Heritage indicators**

The NRA have no objection to the design indicators as proposed in principle, but are of the view that these have been too literally interpreted in the development guidelines diagram resulting in rectilinear no-go zones as opposed to a more fluid approach. This is approached is referenced in further detailed comments.

The NRA however questions the fundamental desirability of the application. The NRA believes that any permission to develop over what is in fact a miniature cultural, historic and aesthetic landscape situated in a proposed HPOZ should correctly be refused.

#### **5. Economic imperatives**

The NRA most strongly rejects the suggestion that failure to subdivide and develop would constitute a threat to economic sustainability of the property and believes that this motivation needs to be completely disregarded in evaluating the proposal. The applicant is looking to maximise profits from the application rather than assuming the more inclusive principle of optimising, where all of the affected parties, applicant, adjoining owners, neighbourhood and Local Authority have their needs met. Present and past occupants have enjoyed this historic property and beautiful garden and if its economic value can be realistically based on its heritage worth rather than development potential future occupants will continue to enjoy this heritage resource in whatever appropriate use will be found for the future.

#### **6. Buildings in forecourt to Cannon street.**

The NRA object to the proposed new buildings situated in the forecourt between the main building façade and Cannon Street and feel that these buildings will have a negative impact on the view of the main building from Cannon street, particularly the proposed building on the western corner . We feel that the new buildings should be set back from the main house in order to retain its dominant presence - thereby more in keeping with the design indicator that "any structures or buildings on the side or front of the brewery must not obscure the visual relationship between the brewery, street and forecourt".

In the same light, we question the extent of proposed buildings in the stores area and feel that they are too high and too close to the main building.

The NRA are further of the opinion that the inclusion of carports in the front forecourt will have a negative impact on the spatial experience of this area, which does not tie in to the design indicator proposing that "this space should be kept as simple and uncluttered as possible in order to emphasise the scale of the building and relationship to the street".

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E. Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).

## **7. Proximity of new building to existing fabric**

The NRA question the extent of the proposed buildings situated on the south east façade of the main building and feel that these structures are too close to the existing building (with only the small middle portion afforded some respect) and will negatively impact the adjacent Brewery Cottage and the gatehouse - referring to the design indicator "courtyards or open spaces required to maintain visual links to the mountain or neighbouring building and/or to protect mature/ important trees".

We note that the view of the north east (garden facing) elevation of the main building is linear rather than angled as drawn on the indicators. We note that a significant extent of perimeter landscaping such as the mature hedge along the common North West boundary (not indicated on the plans) may be destroyed in the building process to make way for new hard terraces or built form.

In summary, we feel that the main building is crowded by the proposed new development and needs more space around it, and that all new buildings should be physically separated even though it is motivated that certain of the old walls were part of the original building. We feel that the notion that the site is suitable for densification at the scale proposed, is based on the notion of the property as a brewery rather than as a "gentleman's residence" in a large garden. The main building is a free standing villa with ample space to experience it three dimensionally. This is substantially threatened by the proposed development . The idea that the interior is more valuable than the exterior setting, is seen as a rather expedient argument and we note that the heritage document itself refers to the interior as "underwhelming", and that the location is spectacular. We therefore recommend that a less dense proposal be tabled.

## **8. Traffic.**

Although not directly related to heritage this is an important factor and must be considered in evaluating the submission. While there are 38 bays proposed for 19 units the reality is that many (if not all) units will have 2 car ownership that leaves little or no room in reality for visitors' parking who will be forced to park on Cannon street which will not be able to cope with street side parking due to the width and the existing trees. There is no public transport serving the area to speak of and none envisaged. The on- site parking provision is not adequate to meet the increased demand which the development will generate.

Fewer units would result in fewer cars and allow the development to be better served by the on-site parking thus reducing the impact on street parking which is already severely constrained.

## **9. Underground parking.**

The NRA have concerns regarding the impact of the proposed underground parking on subterranean aquifers and watercourses and the unintended consequences which a substantial change, such as that envisaged, may have on the existing system. There is simply not enough research or investigation of this aspect to allow the proposal to be properly considered. The impact of the basement on the adjacent Brewery cottage in terms

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E.Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).

of water movement during winter could well cause water to be diverted towards the brewery cottage and cause flooding.

Additionally the civil works required are likely to impact trees/tree roots and also on the building itself as there are known to be large boulders just below the ground surface which will necessitate using power tools to break and remove them.

## **10. Landscaping and trees**

10.1.1 The NRA is concerned about the loss of trees and greenery generally in the Urban Forest that is made up of Suburban Street and garden trees. The ecological functions that trees provide to the City in terms of producing oxygen, absorbing pollution, reducing noise and heat, creating habitats for wildlife and birds, sequestering carbon and assisting the citizens of the city with many measurable and intangible health benefits, all free of charge, cannot be underestimated and the current trend to densify properties throughout the old green leafy southern suburbs is having an enormous and detrimental impact on the tree canopy and the potential health of Cape Town's citizens.

10.1.2 In principle, it is felt that this particular developer has shown that he is cognisant of the value of the trees and landscape elements on this heritage property. The existing trees, shrubs and hedges create a valuable cultural landscape asset in terms of local history and garden design relating to a heritage building set in a heritage precinct (yet to be officially declared) BUT GRADED iiiA and it should be acknowledged that the garden and surrounding greenery is as important as the heritage buildings on the site.

10.1.3 The applicant has commissioned a Tree Survey and utilised the services of a landscape architectural practice and tree specialist, to assess the extent and value of the various specimens on site, and in this way the developer has gone a long way in exploring a balanced design proposal to the new housing development by allowing for the retention of a number of trees. However, it is felt that the density of the new development proposals is too great and that more space should be retained around the trees that have been identified as worthy of saving.

10.1.4 The following trees of significance require protected zones or space around their root systems if they are going to survive any construction processes on site:-

- The extensive row of London Plane trees along the southern boundary wall
- the large central Cork Oak tree adjacent to the main lawn and another smaller, but still significant Cork Oak on the northern boundary – it should be noted that the large central Cork Oak is of a similar size and age to the one in Arderne Gardens which is a declared Champion Tree and has national status which this tree in Newlands could also match and it would be worth applying to the Department of Forestry to have this tree declared a Champion due to its size, health and significance.

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E. Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).

- the Tipuana tree in the higher terrace of the garden
- the large Coastal Coral tree adjacent to a low wall at the northern end of the garden
- the Pin Oak in the vehicular access front entrance courtyard
- the Magnolia tree in the lower part of the garden
- the Cedar tree in the north east corner is worthy of conserving in addition to the Pin Oak trees adjacent to it.

10.1.5 The developer indicated that he would like to relocate a number of Jacaranda and Pride of India trees that exist on site. However the NRA feels that the chances of survival for these large specimens such as these is low and instead of removing and replanting them on site, it is recommended that if the trees must be removed, they should be taken off site to a specialist tree nursery to be cared for and only if the trees survive, should they be replanted back on site. It is usually better in the long run to purchase large crated trees from a nursery which have an established healthy, root ball to replant rather than transplant large trees from site.

10.1.6 The Landscape plan for the development needs to indicate all the trees on the adjacent properties and streets, including Newlands Avenue, so that the overall impact of the proposed development can be accurately assessed. It should be noted that there is another Cork Oak of important significance on the adjacent property to the west of the garden and its tree canopy extends into the site and should therefore be taken into consideration in terms of the development. The new access off Newlands Avenue may require oak trees on that street to be trimmed or removed for sight lines and this needs to be assessed from a traffic management point of view as well. The tree on small access road to west are close to the boundary and their root systems need to be considered with proposed new boundary fences, walls and excavations on site. One of these trees is a Podocarpus Falcatus, which is a protected tree and requires a permit to cut any roots, branches or the trunk.

10.1.7 There are many smaller trees and shrubs that could be recycled on the property by transplanting them to a plant holding nursery off site and then reincorporating them back into the property after completion of the main construction processes. It is not recommended to set up an onsite nursery as space is limited and plants may be damaged.

10.1.8 It is recommended that any development proposals for this site be accompanied by a Tree Protection Plan prepared by a qualified arborist or tree specialist with significant tree knowledge. The Tree Protection Plan should include 3 phases to cover the following phases of development and must be monitored weekly and employ the services of a Tree Protection Officer who can advise on treatments around Protected Trees and provide instant remedial work if necessary when damage occurs:-

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E. Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).

10.1.9 Planning (tree survey and tree risk assessment report);

10.1.10 Construction (tree protection including Tree Protection Zones above ground for the whole tree and Tree Root Protection Zones underground including specifications for hand excavation around roots and other specialist interventions to reduce any impacts on the trees);

10.1.11 Post construction and remedial care for long term benefit of trees including on-going horticultural tree care management and maintenance, which might include remedial pruning, feeding and watering.

10.1.12 The NRA recommend that additional new tree planting should be considered elsewhere on the development to compensate for the loss of greenery and if there is not enough room on the site, we recommend that the developer compensate for the losses to the urban forest elsewhere in the Newlands area by either planting street trees or planting trees in parks in the neighbourhood and providing funds for the trees care and maintenance until established.

## **11. Site visit.**

The NRA would like to strongly recommend that the Western Cape Heritage Committee members assessing this proposal should undertake an inspection *in loco* before applying themselves to the application or reaching a decision in respect of the application.

The NRA thus request, on the basis of the above, that the application be rejected and requests that the NRA be acknowledged in any subsequent or modified submission which the applicant may make in respect of this property.

Kind Regards

The Newlands Residents Association

[admin@newlandsresidents.org.za](mailto:admin@newlandsresidents.org.za) | mobile: 072 791 9454

Post Net #339 | Private Bag X1005 | 7735 Claremont

[www.newlandsresidents.org.za](http://www.newlandsresidents.org.za)

Committee: D Baigrie (Chairman & Environment), J. Dearman (Treasurer), M. Hendriks (Administration), H. Clarke (Litterbusters), S. Gilbert (Council), G. Goncalves (Heritage), E. Wood (Security), S. Morton (Security Administration), Dr. J. Rogers (Graffiti), S. Whitehead (Property).