



Newlands Residents ASSOCIATION

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23 October 2017

The District Manager
Development Management
City of Cape Town
South Peninsula Administration

APPLICATION NUMBER: 70353034 | REM ERF 49306, 80 NEWLANDS AVENUE, NEWLANDS

Sirs

The NRA wish to make the following representations with regard to the planning application for rezoning, subdivision, departures and deletion of a restrictive title deed condition related to the above property.

1. Title Deed restrictions

The NRA does not support the deletion of the restrictive title deed condition that prohibits flats. 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 development proposal, and that failure to observe or enforce these conditions will result in material damage to and impact on the existing rights of the adjoining owners. It can be deduced that inclusion of this restrictive condition in the title deed was expressly to protect the historic property against inappropriate future development, and as such it must remain in place.

2. Rezoning from Single Residential SR1 to General Residential GR1:

The NRA does not support the rezoning from SR1 to GR1. The authorities must recognise the fact that the property is surrounded by single residential properties and is located in an area zoned SR1. The approval of the rezoning to GR1 will create a precedent out of character with the context as well as within the proposed Newlands Heritage Protection Overlay Zone of which the property and Newlands Avenue form part. GR1 zoning allows 0m building lines on the internal common boundaries of the erven, which in turn may result in a density of built form out of character to the area.

3. Subdivision of property into 19 portions:

The NRA objects to the subdivision of the development within a property containing a highly graded local heritage resource and cultural landscape. The proposed small property sizes and density will create a precedent out of character with the surrounding residential area, which consists of freestanding houses on large plots surrounding by greenery, as well as impact on the significance of the existing building. The requisite parking requirements of so many portions will impact on the traffic and parking in the area.

4. Departures:

- 4.1 Item 35(c)(i): The NRA has no objection to the departure permitting the wall plate of the existing Brewery building (portion 14) to be 9,63m in height in lieu of 8m above base level and the top of roof to be 11,78m in lieu of 10m high;
- 4.2 Item 35(e)(i): The NRA has no objection to the existing Gatehouse (portion 15) to be sited at 0m in lieu of 5m from Cannon Road;

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).

- 4.3 Item 35(e)(i): The NRA objects to the new building on Portion 7 being sited at 1,8m in lieu of 5m from Cannon Street as we do not support the introduction new structures located on the forecourt between the Brewery building and Cannon Street, and any such structure will impact on the view of the existing Brewery building from the Cannon Street;
- 4.4 Item 35(e)(ii): The NRA objects to the buildings on Portions 1 and 13 being sited at 0m in lieu of 3m from the north-eastern common boundary as we believe that allowing this infringes on the rights of the adjacent SR1 zoned properties that are subject to a 3m common building line;
- 4.5 Item 35(e)(ii): The NRA objects to the buildings on Portions 7, 8 and 9 being sited at 0m in lieu of 3m from the north-western common boundary as we believe that allowing this infringes on the rights of the adjacent SR1 zoned properties that are subject to a 3m common building line;
- 4.6 Item 35(e)(ii): The NRA objects to the building on Portion 13 being sited at 1,825m in lieu of 3m from the north-western common boundary as we believe that allowing this infringes on the rights of the adjacent SR1 zoned property that is subject to a 3m common building line;
- 4.7 Item 35(e)(ii): The NRA objects to the building on Portion 1 being sited at 0m in lieu of 3m from the south-eastern common boundary as we believe that allowing this infringes on the rights of the adjacent SR1 zoned properties that are subject to a 3m common building line;
- 4.8 Item 35(e)(ii): The NRA has no objection to the existing Gatehouse building (portion 15) being sited at 2,801m in lieu of 3m from the south-eastern common boundary;
- 4.9 Item 35(e)(ii): The NRA has no objection to the uncovered pergola structures on Portions 2, 3, 4, 5 and 6 to be sited 0m in lieu of 3m from the south-eastern common boundary
- 4.10 Item 35(e)(ii): The NRA objects to a portion of the basement being sited at 1,5m in lieu of 3m from the south-eastern common boundary as we believe that allowing this impacts on the 3m open space that the original setback provides from the adjoining properties;
- 4.11 Item 140(2)(c): The NRA has no objection to the existing combined carriageway crossing along Cannon Street to be a minimum width of 3,44m in lieu of 5m.

As the registered conservation body for the area, the NRA commented extensively on the Heritage Impact Assessment in May 2017. The NRA views that the HIA and planning application should be read together, and appends our HIA comment to this letter. We reiterate our concern regarding the impact of the proposed underground parking on the subterranean aquifers and watercourses, and the unintended consequences such development may have on the existing system. Our comments regarding the trees and greenery remain, along with the other comments raised in the HIA.

We request the City of Cape Town to carefully consider the impact of all aspects of this planning application relative to the character of the neighbourhood and the proposed HPOZ in which it is situated along with heritage significance of the property.

Kind Regards

The Newlands Residents Association

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[attachment: NRA response_Cannon Brewery_HIA_170530]

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