

SFB PLANNING COMMITTEE MEETING (15/2018)

MONDAY 3RD OF SEPTEMBER 2018 AT 17h45

39A PORTSIDE, MAIN ROAD, GREEN POINT

MINUTE OF PLANNING MEETING

1. Welcome & Apologies

Apologies: David Rose

Present: David Polovin, Gordon Metz, Larry Aberman, Lauren Bolus, Ori Saban, Aris Vayanos, Victor Morris, Lizaan Loedolff

By Invitation: Councillor Shayne Ramsay

2. Previous Minutes

2.1. 20.08.2018 (14/2018)

Proposer: Aris Vayanos

Seconder: David Polovin

3. Matters Arising

3.1. **ERF 115 & 116 FRESNAYE 75 KLOOF ROAD:** Alterations & Additions: HWC – ASAP

Departure: N/A

Description: Previous application submitted and rejected by The City. Completely reworked application approved by The City and awaiting comment from the SFB Planning Committee. Partial demolition was approved previously.

Discussed: The committee finds beauty in this building and is unconvinced by the heritage report which is a repeat of the previous report that was submitted with the original application. The proposed plans include a new garage, gate, and bulking with significant changes. The gable is an architectural feature that provides a certain presence and should not be altered due to its heritage significance. It is a rarity to see the gable as part of the building and not as the highest point such as suggested in the proposed changes. The committee's heritage specialist feels that this building contains significant heritage value but that the proposed plans shows that it has been done sensitively. Lizaan to ask applicant for permits from The City and HWC confirming their support for the alterations & additions.

Newly Discussed: The committee studied the extent of the proposed Alterations & Additions and feels strongly that this building should be retained as is due to its Heritage significance. Our Heritage Specialist went past the house before the meeting but only managed to view the front façade. The committee feels strongly that that the original building should not be demolished or significantly altered.

To Proceed: LL to arrange a site visit with the architect to inspect the condition of the building. LB, VM and GM will attend.

4. Items for comment:

4.1. **ERF 101 & 102 BANTRY BAY 11 RAVINE ROAD:** Deletion of Title Deed Restrictions

(Application Number 70387581)

– 10 SEPT

Departure: Application in terms of Section 42(g) of the MPBL to delete the restrictive conditions contained in title deed T13538/2017 which reads as follows:

Conditions 1.B(1) and 2.B(1): That no more than one house shall be built on each of the above lots (which condition has been varied by condition D(b) and E(g) hereinafter set form.

Conditions 1.C(a) and 2.C(a): That any building erected on the said land shall stand back not less than 3.15m from Ravine Road. The space thus left may be used as a garden or forecourt but shall not be built upon.

Conditions 1.C(b) and 2.C(b): That no more than one dwelling shall be erected on any lot and not more than half the area of any lot shall be built upon without the written consent of the Council of the City of Cape Town.

Conditions 1.D(g) and 2.D(g): Only one private dwelling shall be erected on the said lot and same shall not be more than two storeys in height on existing lowest levels.

Application in terms of Section 42(j) of the MPBL to delete conditions in respect of an existing approval granted or deemed to be granted in terms of the Municipal Planning By-Law.

Description: Application to consolidate two properties and remove title deed restrictions to allow the owner to develop two dwelling units on the consolidated site.

Discussed: Currently there is one building on two ervens that has not been consolidated. GM visited the property prior to the meeting. The applicant is allowed to have a double dwelling on a single residential erf but the chair feels Condition 1.C(a) and 2.C(a) should be objected to:

Conditions 1.C(a) and 2.C(a): That any building erected on the said land shall stand back not less than 3.15m from Ravine Road. The space thus left may be used as a garden or forecourt but shall not be built upon.

Garages that are built right on the boundary line is dangerous for both the home owner reversing into oncoming traffic and for the motorists on the road. It is also an important street edge for pedestrians. There are no objection to Condition 1.C(b) and 2.C(b):

Conditions 1.C(b) and 2.C(b): That no more than one dwelling shall be erected on any lot and not more than half the area of any lot shall be built upon without the written consent of the Council of the City of Cape Town.

LA is concerned that we are “singling out” this applicant when the large majority of homes on this road were allowed to build right up to the boundary line. By objecting to Conditions 1.C(a) and 2.C(a) it will create an opportunity for off street parking in a suburb plagued with parking shortage.

To Proceed: Objection

4.2. ERF 919 BANTRY BAY 401 OCEAN VIEW DRIVE: Amendment of Title Deed Restrictions and Permanent Departures – 25 SEPT
(Application Number 70375848)

Departure: Application in terms of Section 42(g) of the By-Law to amend Condition 1.F(3) in Deed of Transfer T.55114/2016 in order to delete the built upon area restriction. The existing condition which reads as follows:

“1.F(3) That not more than one dwelling be erected on any lot without the written consent of The City of Cape Town and that not more than one third of any lots be built upon”

Be amended to read as follows:

“1.F.(3) That not more than one dwelling be erected on any lot without the written consent of The City of Cape Town

Application in terms of Section 42(b) of the By-Law for the following departures from the provisions of the Development Management Scheme:

Item 22(d): Departure to permit the retaining structures to be 1.5m ILO 6.0m from the southern common boundary (Level L1, first storey).

Item 22(d): Departure to permit the swimming pool terrace extension to be 3.6m ILO 6m from the southern common boundary (Level L2, second storey).

Item 22(d): Departure to permit all four levels to be setback 0.0m ILO 6.0m from the western common boundary with abutting Erf 541 (ground, first, second & third storeys)

Description: Proposed additions to dwelling house which include the extension of the second floor terrace over the driveway and over the roof of the proposed dwelling house on Erf 541 as well as new retaining structures (the erven are proposed to be notarially tied).

Discussed: There are only one Title Deed Restriction to be amended to allow the owner to build on more than one third of his erf. The proposed changes won't affect the property on the western side. The departures that they applied for will only effect Erf 541 and Erf 919 which share the same owner, no neighbours will be directly affected.

To Proceed: LONO

4.3. ERF 541 BANTRY BAY 403 OCEAN VIEW DRIVE: Departures – 25 SEPT
(Application Number 70375352)

Departure: From Item 22 of the DMS for the dwelling house to be setback:
The dwelling house basement, ground, first, second and third floors to be setback 0m ILO 3m from the east common boundary.

Doors of the dwelling house on the ground floor to be setback 0m and 0.75m ILO 1.5m from the east common boundary.

From Item 121 to permit the pool to be 0.0m ILO 1.0m from the east common boundary.

Application is made in terms of Section 42(j) of the MPBL for the Approval of Council to:

In terms of Item 126, permit a series of retaining structures to be 3.6m ILO 2.5m

Acquire permanent rights to permit to provide alternate parking supply as provided for in terms of Item 138 of the

DMS and then to register a notarial tie to provide parking required for Erf 514, on Erf 919.

Description: It is proposed to construct a dwelling house on Erf 541, on the eastern boundary of the property common with Erf 919. (The two properties are registered in the name of the same owner). A terrace will extend from the second storey of the dwelling on Erf 541 over Erf 919 with parking for Erf 541 being provided on Erf 919. The two properties will be notarially tied to accommodate this.

Discussed: This application does not contain a height departure and will have no effect on the neighbours. The only affected parties will be Erf 541 and Erf 919 who is owned by the same person.

To Proceed: LONO

4.4. ERF 1039 FRESNAYE 7 AVENUE DE BERRANGE AVENUE: Deletion of Restrictive Title Deed and Departures (Application Number 70404109) **– 01 OCT**

Departure: Deletion of the following restrictive title deed condition from Deed of Transfer No T75479/1990:

Condition B.9(b) which reads as follows: "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 convenience sand appurtenances shall be not less than R2000.00 (Two Thousand Rand)."

Condition B.9(c) which reads as follows: "Save in cases where a building line has already been laid down by the Town Council no building shall be erected within a distance of 4.72 (four comma seven two) meters from the street or streets bounding the land sold, but the intervening space may be used for gardens, forecourts or the like purposes".

Condition B.9(h) which reads as follows: "That any house erected upon the said Lot or Lots shall face the street forming the boundary of the said Lot or Lots. In the case of a corner Lot or Lots, the house may face either street, subject to the approval of The City Council."

Subdivision of the property into two portions (Portion 1: 308m² and Remainder: 510m²).

Subdivision for the registration of a height and right of way servitudes over the proposed roof of Potion 1 in favour of the Remainder.

Remainder Portion: Item 22(a): To permit a floor factor for the Remainder to be 1.24(632m²) ILO 1

(510m²) required.

- Portion 1:
- Item 22(d): To permit the proposed covered entrance to be 0.0m ILO 3.5m from the street boundary (Avenue De Berrange Avenue)
 - Item 22(c)(ii): To permit portions of the building, beyond 12m from the street boundary within 3m from the common boundary, to be located closer than 3.0m and to be 4.21m in height ILO 4m in height from base level to top of roof.
 - Item 22(c)(ii): To permit the proposed swimming pool to be set back 0m ILO 3.0m from the eastern common boundary.

Description: The application is to subdivide the property and develop one dwelling house on one portion while maintaining the existing house.

Discussed: Certain conditions on this application are very old and not used in modern day applications. GM inquired what the criteria is to object to a subdivision. LB feels as if the drawings are bizarre and the application confusing. She would also like to know what the subdivision for the registration of a height is and right of way servitudes over the proposed roof of Portion 1 in favour of the Remainder. It seems as if the applicant wants to turn the pool and garden area into a second dwelling and will create space for the proposed dwelling by rotating the pool by 90 degrees. The departure includes the floor factor to be increased. Item 22(c)(ii) might overlook the neighbours and invade on their privacy.

To Proceed: The committee can't fully review the application as the drawings are inadequate and could impact negatively on Erf 1041. The applicant will also need to explain the servitude to you. Applicant to meet with LB.

4.5. ERF 16 SEA POINT WEST 31 QUEENS ROAD: Demolition: HWC – ASAP

Departure: N/A

Description: Demolition

Discussed: VM has seen the proposed plans as a private resident and it seems as if the applicant will occupy the entire erf and will go right up the next to their neighbours for 12 storeys. From a heritage point of view, there is no value in this building but there are important heritage buildings in this road. The Gees Judgement will take effect and the applicant has to submit the proposed plans to the committee before they will comment. The City supports this demolition.

To Proceed: The applicant to supply the committee with the proposed plans.

4.6. ERF 519 SEA POINT 15 OLIVER ROAD: Demolition: HWC – ASAP

Departure: N/A

Description: Renew demolition certificate – Previous demolition application supported by HWC. Permit Lapsed

Discussed: The heritage specialist member of the Planning Committee did an in-loco inspection of the property. In his view the building is an outstanding example of a residential house of this period with most of the defining

architectural features intact, besides seemingly the replacement of some windows to the front façade which do not impinge on the overall integrity of the structure and could be restored with minor effort and cost.

Furthermore, it is also one of only a few buildings of its type and period, remaining in the area, and in original condition. It is noted, with some surprise and concern, that the City supports the demolition of this building regardless of its unquestionable heritage significance, without supplying the reasons thereof. The City should revisit its position and/or supply the Planning Committee with the reasons that inform its decision.

To Proceed: LL to contact The City for comment

5. Correspondence

6. General

6.1. Refusal to submit supporting documents

The City will not see our lack of comment as an objection. This issue will be reviewed the next time we have refusal from an applicant to provide the supporting documents.

6.2. Advertising

GM would like to know how we protect the residents from applicants who do not advertise the proposed applications. The Chair confirmed that The City send registered letters to all interested and affected parties to notify them of the application. The City will not provide the committee with the letters of objection from neighbours (should there be any) until after the deadline for the application but this committee will have to comment before the deadline. LL to find out from The City if they will be able to make the exception to allow us to view the objections before we comment.

6.3. Institute of Architects Article

LA to circulate this article the Planning Committee.

7. Next Meeting Date:

17 September 2018

8. Close

19:20