
PROPOSED APPLICATION FOR AMENDMENT, SUSPENSION OR REMOVAL OF A RESTRICTIVE CONDITION IN TERMS OF SECTION 42(G) AND CITY IN RESPECT OF ERF 2643 PINELANDS, 2 CEDAR AVENUE, PINELANDS

Referring to City of Cape Town Notice 27 October 2023, the PRRA comment as follows:

The applicant is applying to remove one (1) restrictive title deed condition that prevents the property from being used in accordance with the uses permitted under General Residential 2 zoning.

The following application has been applied for:

- The removal the following restrictive title deed condition from Title Deed T82043/2007:
 - Condition B(b): It shall be used only for the purpose of erecting thereon an aged persons home together with such outbuildings as are ordinarily required to be used therewith.

The PRRA have engaged with the planner and requested that a site development plan be supplied to give further information on how the existing building would be developed.

1. Land Use and Built Form

1.1 Permitted uses.

The primary GR2 Primary Uses are Dwelling house, second dwelling, group housing, boarding house, guesthouse, flats, private road and open space.

The title deed restricts the use to retirement only.

1.2 Proposed use

Retirement homes are considered low impact developments as generally the users are one inhabitant per room, limited noise, low impact on services and reduced traffic impact.

The PRRA requested the developer to advise what the proposed use would be however this information has not been disclosed.

It is argued that in its current form, only removing the restriction of an old age home in the title deed and not submitting a new re-development proposal with plans, the current (or future) owner's options would be limited to a boarding house.

Boarding house' meaning:

a building where lodging is provided, and may incorporate cooking, dining and communal facilities for the use of lodgers, together with such outbuildings as are normally used therewith; and includes a building in which rooms are rented for residential purposes, youth hostel, backpackers' lodge, guest house, home for the aged, handicapped or orphaned and residential club; but does not include a hotel, dwelling house, second dwelling, third dwelling or group house;

The PPRA have requested that the removal of the title deed must be linked to the intended use of the building and any redevelopment.

The developer submitted bulk diagrams showing the full extent of potential development of the site however height, coverage and bulk are restricted in the title deed.

2. Desirability - Section 99 of the City's Planning By-Law (2019)

Without an SDP or definition of new use, the impact in terms of Section 99 of the City's Planning By-Law (2019) is as follows:

2.1 Socio-Economic Impact:

- The proposed change in use will have a negative social impact on the local community. The change of type of user potentially will increase the number of users. It is assumed younger individuals may have partners or be married and therefore there could be an increase of occupants from 54 to 108. This will result in overcrowding and reduced standard of living.

2.2 Compatibility With Surrounding Uses:

The surrounding neighbouring properties are single residential "family" houses, and a boarding house is not well suited to this environment.

The current layout has communal dining and kitchen facilities and 54 rooms, 6 units 20-36 sqm, 20 units between 14-18sqm and 30 units under 13sqm.

The current sizes do not meet SANS 10400, NBR and CoCT by-laws of a dwelling unit and any re-development of the site or alteration of the existing buildings would require a further submission to Council.

The PRRA would support a redevelopment of the site to low scale residential units but an SDP and an extensive public participation process required.

2.3 Impact On External Engineering Services:

It is assumed that with the potential increase in the user numbers and the age of the user this will impact the existing service.

It is noted that currently several service-related faults in the Pinelands area related to sewage are high and the change in use will impact this.

The PRRA requests that the developer include the population numbers and appoint the required professionals to assess and report on the service impact.

2.4 Surrounding Community (Health and Safety):

Retired persons are considered low impact in terms of noise pollution. Retired persons have limited / controlled visitors and visitation hours.

There are concerns about increased noise and disturbance.

Increase in potential visitor numbers.

Increase in “service providers” – takeout food etc which adds to traffic, noise, light pollution etc.

Youth hostel / student accommodation / backpackers has a transient nature which does impact security and social cohesion within the neighbourhood.

2.5 Environmental Impact:

Can only be assessed when the use is defined.

2.6 Impact On Biophysical Environment:

Can only be assessed when the use is defined.

2.7 Traffic Impacts, Parking, Access, And Other Transport Related Considerations:

With the change in user, it is assumed there will be an increase of vehicles on site (both user and visitors) and this will impact traffic.

Existing parking bays: 13

Required (Retirement home): 0,25 per resident x 54 rooms = 13,5 bays

The removal of the restriction automatically requires the use to be defined.

The By-Law requires:

Boarding house: 1 bay per bedroom for the first 10 rooms and thereafter 0,5 bays for each bedroom in excess of 10

$$1 \times 10 = 10$$

$$0.5 \times 44 = 22$$

$$\text{Total} = 32 \text{ bays}$$

It is argued that there is limited public transport, the site is distant from a formal public transport node and there is a potential increase in user numbers. The parking on site should be calculated on GR2 (flats) to accommodate the assumption of cars and visitors on site.

GR2 (flats): 1,5 bays per dwelling unit x 54 = 81 bays

The PRRA requests a SDP illustrating additional parking bays, access etc. as part of the submission. A traffic study must be conducted as per the new defined use of the building to assess the impact on residents.

3. CONCLUSION

The developer has not defined the required future use of the building which is required by the CoCT and interested and affected parties to make an informed decision.

The removal of the title deed restriction without proper due diligence being applied will impact the surrounding neighbours negatively.

The site in its current form is not suited and does not meet dwelling unit standards.

The exclusion of the condition automatically triggers bylaws to be actioned. and that without an SDP the council would not be able to grant approval.

If used as accommodation without a site development plan this will result in overcrowding, bulk services strain, increased traffic, and inadequate parking. There will be a negative social, noise etc impact on the residents.

The PRRA have requested a Site Development Plan (SDP), a traffic study and a service study.

Without the required information, **the PRRA will not support the removal of title deed restriction.**