

**The Executive Director
Development Planning**
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By Email
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Dear Sir

Rezoning: Remaining Extent of Erf 258, Parktown North

We submit herewith a memorandum of objection against the above rezoning application.

With regard to section 68 of the Municipal Planning By-Law 2016, this Association as the representative of local residents has an interest in maintaining the character of its residential area, has the right to object and has legitimate expectation that the City Council will promote harmonious and desirable land use.

The objection will be elaborated at the hearing of the application by the Municipal Planning Tribunal.

Yours faithfully

Lee-Ann Louverdis
Chairperson



**REMAINING EXTENT OF ERF 258
PARKTOWN NORTH**

**REZONING OBJECTION
PARKTOWN NORTH RESIDENTS' ASSOCIATION**

MEMORANDUM

1. PRELIMINARY

- 1.1. The site of the application is currently zoned Special for offices and showrooms. It is proposed to rezone the site to Special for offices, shops and showrooms and to amend the zoning conditions. The purpose of the zoning is to include shops as an additional permitted use.
- 1.2. The application states that the address of the application site is 24 Seventh Avenue, Parktown North. This may be the recorded address of the original Erf 258 before its subdivision which created the application site which is the Remainder of the erf. However, Erf 258 RE is situated on First Avenue West and is **not** on Seventh Avenue.
- 1.3. The subdivision of Erf 258 is into two portions. The second portion is Portion 2 which is the southern part of the original erf and this is situated on Seventh Avenue. Seventh Avenue and Sixth Street are not aligned so that in the original layout of Parktown North and Parkhurst there was no continuity of this arterial route. To overcome this problem, Portion 2 was subdivided from Erf 258 to create a road link between the two streets. Portion 2 is now and has been for many years, a street with small areas of traffic island and sidewalk. Portion 2 is owned by the City of Johannesburg.
- 1.4. Seventh Avenue can be described as a secondary arterial road. It continues westward into Sixth Street Parkhurst and is a major traffic route from the Rosebank node to a wide area west of Parktown North. As a result, it carries heavy traffic particularly at peak traffic periods.
- 1.5. First Avenue West is a minor collector road linking Parktown North and Parkhurst to Craighall Park to the north and to the south ends of the Parkview Golf Course. It has a limited length and carries far less traffic than Seventh Avenue/Sixth Street.

2. LAND USE

- 2.1. There are two non-residential land uses opposite the site. Diagonally across the Seventh Avenue/ Sixth Street link is a petrol filling station on Erf 2198 Parkhurst. This has been in existence for many years and owes its origin to the business zoning of the property in the original town planning scheme. The second non-residential use is on Erf 1905 which is a clothing hire shop although apparently the property is zoned Business 4.
- 2.2. The above two properties are related to Seventh Avenue and Sixth Street and are a part of what can be termed an activity street. They exist because of their relationship to Seventh Avenue/Sixth Street and not as a result of their frontage on First Avenue West.

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- 2.3. On First Avenue West, Parktown North other than the two properties mentioned above all the properties within half a kilometre are all residential dwelling houses. The application site with its zoning for offices and showrooms has been developed and used as a showroom for “the display of designer and antique furniture”.
- 2.4. In describing the surrounding land use, the application only refers to 7 (seven) properties, all of which are in Seventh Avenue. It makes no reference to any properties in First Avenue West. It is noted that other than the petrol filling station on Erf 2198 all the erven quoted in the application are zoned for office purposes, none are for shops.
- 2.5. The Existing Zoning and Land Use plans in the application clearly show the non-residential development along Seventh Avenue/Sixth Street and more significantly that First Avenue West is otherwise entirely residential. It is also noteworthy that the land use along Seventh Avenue/Sixth Street is predominantly for office use.
- 2.6. The application description of the area is inaccurate and misleading. It refers in paragraph 5.9 to the intersection of Seventh Avenue and Sixth Street as a prominent landmark with the petrol filling station and shops. There are no shops in this locality as the application itself records in its description of surrounding land use.
- 2.7. In paragraph 5.10 the application states that the site is “approximately half a kilometre from the Rosebank node”. The Rosebank node is 1,3 kilometres from the site.
- 2.8. The application describes Seventh Avenue as a “high street”. A high street is a British term which refers to the predominately linear shopping area of a town or village centre and usually pedestrian in character. Seventh Avenue/Sixth Street is not a high street. The application paints an incorrect picture of the mainly office activity strip along this street into which it is now proposes to introduce one single shop.

3. CIRCUMSTANCES

- 3.1. In public participation consultations with the prospective tenant of the proposed shops on the application site it was stated that the intention is to use the premises as a hardware store. In fact, building alterations and extensions are already underway for this purpose. This is a significant consideration in the application.
- 3.2. The characteristics of different types of shops vary considerably. Some shops have low levels of activity, for example a hairdresser shop, jewelry store or furniture store. The footfall of patrons is relatively low. Others such as a grocery store and in this case a hardware store have high levels of customers and vehicle traffic.
- 3.3. Apart from being an isolated and non-conforming use, the proposed hardware store will generate a high level of traffic including delivery and collection vans and large trucks. This will be inappropriate along the residential street of First Avenue West. More significantly, Seventh Avenue – First Avenue West is a difficult intersection which is very close to the site access which is undesirable.
- 3.4. In the current redevelopment of the site is a further traffic issue. The owner has constructed a new site access to Seventh Avenue across Portion 2 of Erf 258 which is owned by the City Council. This is not a legitimate access.



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4. MOTIVATION

- 4.1. The motivation of the application is based on broad generalisations which are not applicable to this site. It is stated that the property is part of an activity street (Seventh Avenue) and is therefore suitable for a number of mixed land use including shops. It is also argued that the site has direct access to Seventh Avenue.
- 4.2. Seventh Avenue is a strip development of mainly small-scale offices located along a busy traffic route. This does not constitute a proper activity street and the site does not have direct access to Seventh Avenue. An activity street should have a high level of pedestrian accessibility movement. This does not exist on this major traffic route.
- 4.3. The motivation does not consider the policy requirement principle that promotes the preservation of residential areas and their amenity. The adjoining areas of Parktown North and Parkhurst are almost entirely residential which should not be disrupted by high activity shops. The intention is that the residential areas be developed by increased residential density and not by business or commercial land use.
- 4.4. The application is misleading to suggest that the Seventh Avenue/Sixth Street intersection is a focal point. It is only part of the Seventh Avenue low density linear office edge to the residential area. If the arguments for this application also apply to all the dwelling house properties in First Avenue West, this which would be a most undesirable erosion of the residential area.
- 4.5. For the abovementioned reasons, the application is not supported by the Council's development policy. A Single shop on this site will create a non-conforming land use which is unrelated to its surroundings. It must also be considered that the proposed shop will introduce heavy vehicle traffic which will negatively affect traffic movement at a difficult road intersection.
- 4.6. The application argues there is a need and desirability for the proposal. It states in paragraph 9.3 (2) that it will facilitate "offices, shops and showroom uses within an area of mixed land uses". The application site is not in an area of mixed land uses. It is in a residential area with a minimal number of single isolated activities which exist on the edge of busy traffic route. No need has been shown for a shop on this site which is not part of any retail area. The need in planning is to provide for the requirements of the community and to create desirable land use. No such need has been demonstrated and the proposed shop is an undesirable intrusion into a well-established residential area.

5. CONCLUSION

- 5.1. The primary consideration for the development and use of this site should be to protect and maintain the adjoining residential area. This will not be possible by the introduction of a shop where there is practically no other retail activity.
- 5.2. If approved the application will create a non-conforming land use and it should therefore be refused.

