



**Observatory Civic Association - Architecture and Heritage.**  
DCAS Award Winner, 2018: Most Active Conservation Body

To: Q SAMAAI  
Senior Professional Officer

20 April 2022

**PROPOSED APPLICATION FOR CITY APPROVAL AND PERMANENT DEPARTURES IN TERMS 42(I) AND 42(B) OF THE MUNICIPAL PLANNING BY-LAW: REMAINDER ERF 26151 CAPE TOWN, (OLD LION MATCH FACTORY, 2 HOWE STREET, OBSERVATORY)**

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With regards to Land Use Application number 70581983, we comment as follows as the authorised conservation body for Observatory.

**City approval application as per item 162 of the Development Management Scheme in terms of Section 42(i) of the Municipal Planning By Law to permit the proposed development and excavation within the Upper Observatory HPOZ Heritage Protection Overlay zone**

Though only a small proportion of the proposed building falls under the HPOz, the proximity of the entire development to the HPOz and to the graded Old Lion Match Factory is significant – impact on heritage does not stop on a straight line.

As recorded in our September 2021 comments to the draft heritage report, the principle of accepting a 16-year-old approval as still valid is highly problematic. This is particularly concerning in the case of a development which both takes place on a core heritage and memory site, and will have great impact on the future of the suburb of Observatory. The scale and particular location of the development warrant a proper process of public participation. Our September 2021 comments still stand and are copied at the end of this letter for reference.

In addition to these comments:

1. The Observatory Civic Association has no record of supporting the proposed development in 2006 (though support was given for demolition of existing buildings on the site). If however, as stated in the submission document, a letter of support or similar document does exist we would appreciate getting a copy of it as confirmation.
2. The proposal shows the heritage boundary wall as completely removed. The boundary interface, whilst abrupt in its scale and magnitude, has been a strong element of the streetscape and fabric of the area throughout the social, political and economic complexity of

our past as an Apartheid city. The boundary wall can be manipulated and incorporated into the design to bridge old and new – addressing the following design indicators:

*"the need to reduce the hostile impact of the long barrier presented by the boundary wall and uninterrupted roofscape to Lower Main Road"*

*"The need to retain existing boundary walls where this may be appropriate, notwithstanding the nature of the new usage of the site."*

3. Based on the bulk and use of the building, large numbers of commuting workers are expected. While the Planning By-Law does not require a traffic study, it is obvious vehicular and pedestrian traffic patterns will be heavily affected. This will inevitably spill into on the adjacent HPOz, including Lower Main Road, and have a significant impact on the character and usability of the suburb.

Most of the proposed bulk is dedicated to office space, a rather homogenous use of the site which is not in keeping with the historical character of the area. A more diverse or mixed use would be preferred and could avoid dedicating so much of the building to parking. The amount of required parking bays (953) points to the expected daily vehicular traffic which we doubt the surrounding streets can sustain. The main arteries currently get heavily congested at peak hours, and we can only expect the new influx of vehicles to add to the problem.

4. Based on the submitted documents, the bulk and scale of the proposed office buildings seem excessive and out of place with regards to the HPOz. In response to the following indicators:

*"the need to restrict new structures to a scale consistent with already existing buildings in the proximity of the portion of the site into which they are to be inserted"*

*"the possibility of creating new buildings with greater mass on the northern end of the site adjacent to already-existing commercial/industrial buildings of a similar scale"*  
(emphasis our own)

the proposal relates well to the existing tall residential building on Howe Street, but will dwarf the existing buildings on the Lower Main Road and Nelson Road edges, including those of high heritage value: the Old Lion Match factory buildings, the Victorian streetscape, the Bijou theatre, but also the small-scale industrial buildings. There is no document properly showing the impact of the development on the wider context from the ground. We had previously requested an elevation of the surrounding streetscape in order to assess this. It has not been provided.

5. While the revised design (as opposed to the 2006 proposal) is vastly improved and more sympathetic to its context, the design, massing, materials and fenestration tend to refer to international trends rather than speak to the rich fabric of the area.

### **Regulation departure from item 137 of the Development management Scheme in terms of Section 42(b) of the Municipal planning by-Law to permit a parking departure of 752 parking bays in lieu of 953 parking bays**

Though the immediate area suffers from a lack of parking space, the large number of proposed parking bays should allow for some flexibility and sharing between users. The proposal dedicates most of 5 storeys to parking bays and we do not wish to encourage an even larger volume of building dedicated to parking. Rather than oppose the parking departure, we would support altering the bulk and uses in order to lessen the overall requirement for parking bays.

In conclusion, we recommend:

1. A proper process of public consultation to address the past and future of this part of the HPOz.
2. Reducing bulk to improve the relationship of the new building to its context, which would in turn reduce parking requirements and traffic impacts. It could also allow for the central courtyard to be connected to retail spaces and streets, leading to more interesting spaces and better amenities.
3. Introducing more mixed use within the development. A portion of social housing would be encouraged.

Kind regards,

Marine Leblond  
on behalf of Observatory Civic Association - Architecture & Heritage

9 September 2021

For attention: Claire Abrahamse/ DHK Architects

Observatory Civic Association comments on Draft Heritage Report for Revised Design Scheme, Old Lion Match Factory, Erf 26151-RE, June 2021

1. We understand that the purpose of the revised Heritage Report is primarily to ascertain whether the new proposal by DHK Architects is in line with the heritage indicators that were previously approved by Heritage Western Cape in 2006; and consequently, whether the approval of the 2006 Section 38 heritage permit remains in place, given that the Record of Decision at the time did not have an expiry date attached.
2. We would however like to place on record that we are concerned about the oversight in terms of the expiry of the ROD, given that Observatory itself, Lower Main Road, and the composition of the Observatory Civic Association have changed in the last 15 years. We can not take for granted that public or community opinion in 2021 would necessarily be the same as it was in 2006, especially as heritage practice has also developed quite substantially in the last fifteen years as the sector has become more professionalised. It does not appear that any additional expert reports such as a visual impact assessment or a socio-historical study were requested, which arguably should be important informants for any proposal for this site at this scale.
3. Because of the unique circumstances of this revised Heritage Report, we have not been able to obtain proper public comment regarding the revised concept design, which we were asked to keep confidential. Given that the previous support from the then-OCA was from fifteen years ago, and that we have not been able to share the concept design with the community who will be most affected, we unfortunately do not feel we can fairly offer unqualified support for the revised design or for the new heritage report.
4. We would therefore like to request that before this Heritage Report is endorsed by HWC, a fuller and more comprehensive public consultation be enabled so that the OCA can act in the knowledge that we are fairly representing the Observatory community who we represent.
5. In terms of whether the revised design concept is in keeping with the 2006 heritage-based indicators: the revised design, in our view, is certainly a more sensitive and responsive approach to its historic and physical context than its 2006 predecessor. To this extent we agree with the new Heritage Report findings that the revised design is aligned to the 2006 indicators. There has been a more refined and thoughtful attempt to respond to the historic fabric of the OLMF in terms of materiality, detail and overall aesthetic, which is appreciated.
6. We also note with appreciation that Claire Abrahamse's revised Heritage Report incorporates more thorough historical research and contextualisation than the 2006 report, particularly in its acknowledgement of social histories and labour histories linked to the site; and the specifically located social history of Lower Main Road.
7. However, there is space for a more rigorous and systematic assessment of OLMF as a *place of memory* and/or *intangible heritage*, including its important role in the development of the area, its links to labour history in Observatory and in Cape Town, and living memories of the site. Our major concern regarding the revised plan, notwithstanding its improvements on the original, is that while it responds to some extent to the materiality of the existing historic buildings, there is little sense of how it responds to the social history and intangible heritage of its context. The Observatory Civic Association, via its Architecture & Heritage and Arts & Culture committees, would be willing to work with the heritage practitioners and architects to run an intangible heritage research process about the site, which may be better able to inform a design solution for future development on the site.

8. In part because these elements of memory, intangibility and sense of place have not really been taken into account in the heritage indicators, the new proposal appears to dominate the site and overwhelm the historic material located next to it. The new building does not appear to be strongly rooted in a sense of place, either in terms of the historic factory buildings or the fine-grained Victorian commercial fabric of Lower Main Road: it seems both disconnected from its surroundings, and from the sense of place/history of its surrounds.
9. The OCA is not in principle opposed to development of this site, and would certainly support seeing this site be activated in a way that is beneficial to residents and the wider community. However, the OCA is necessarily wary of enabling such an impactful development based on fifteen-year-old conversations which current members were not party to, without having done the proper memory and intangible research work, and without having been able to fully and openly consult our members and residents.
10. On the basis of the above, we would request that
  - a. HWC mandates and enables a full public participation process before making a decision regarding the approval status of the new design;
  - b. Any necessary additional expert studies are integrated into the final HIA, including but not limited to a socio-historical study and a visual impact assessment;
  - c. The OCA are given the opportunity to work with the heritage practitioner and architects to conduct an intangible heritage and social memory process linked to the OLMF site to inform the final design and to ensure it is embedded in both its material and social/historic/intangible context.

Yours sincerely

Dr Naomi Roux

On behalf of the Observatory Civic Association Architecture and Heritage Committee