

**A
HERITAGE STATEMENT
SUBMITTED
TO
THE CITY OF CAPE TOWN
ACCOMPANYING
AN APPLICATION FOR THE APPROVAL OF
ALTERATIONS AND ADDITIONS TO A BUILDING
WITHIN A HERITAGE PROTECTION OVERLAY ZONE
AT
ERF 174009, BOUNDED BY
STRAND, BREE AND WATERKANT STREETS,
CAPE TOWN
FOR
GERA INVESTMENT TRUST**

13 October 2014

Stephen Townsend

**B Arch, Cape Town; Diploma in the Study and Restoration of Monuments, Rome; Ph D, Cape Town
Architect, Statutory Planner, Conservationist**



View up Strand Street, *circa* 1880. Cape Archives, E2169

EXECUTIVE SUMMARY

The Augoustides brothers and family own Mikes Sports and are the beneficiaries of the holding body, Gera Investment Trust. After first renting space in 2001 in the 18th century warehouse built by Martin Melck in the 1760s for storing wine, they bought the five erven restoring the 18th century property, now known as Erf 174009, to wholeness; and, from 2004, have submitted several proposals to the heritage authority, Heritage Western Cape, and to the Cape Town City Council.

This Heritage Statement details an amended design which is substantially in accordance with the proposal approved by Heritage Western Cape in April 2010 but which responds to and answers the reasons given by the City Council in its refusal in November 2013.

The report describes, first, the history of the site, second, the significances of the site, its buildings (deemed by both HWC and SAHRA to be Grade III), the abutting Lutheran Church complex (deemed by SAHRA to be Grade I) and the surrounding townscape and, third, the arguments about the appropriateness of the various proposals to build an office building supported on piloti above the warehouse building and, importantly, to restore and rehabilitate the remaining authentic components of the warehouse building as best possible. This Heritage Statement is supported by an accompanying Visual Statement by Michelle Robertson-Swift.

This Heritage Statement ultimately concludes that the amended proposal is, from a heritage management perspective, substantially in accordance with the proposal approved by HWC in April 2010 (confirmed by HWC on 8 October 2014); and that the consent for work in a Heritage Protection Overlay Zone should be granted by the City Council. It is also noted that Heritage Western Cape approval granted in April 2010 is subject to their requirements that the Archaeology Contracts Office monitor the excavations of the site and, should any significant finds be observed, that the ACO shall be given the appropriate opportunity to rescue such finds; and that the architect, Gabriel Fagan, shall monitor the works and, should any significant deviation be required, that such deviation shall be referred to Heritage Western Cape.

TABLE OF CONTENTS

Executive Summary	p 1
Illustrations	p 3
1 Introduction	p 4
2 Legal and Procedural Framework	p 5
2.1 Zoning Scheme	p 5
2.2 National Heritage Resources Act	p 7
3 Objectives of the Heritage Statement	p 8
4 History of the Augoustides Family Ownership and of Their Applications	p 8
5 History of Erf 174009	p 12
5.1 History of the Ownership, Subdivision and Use of Erf 174009	p 12
5.2 History of the Built-Form on Erf 174009	p 14
5.2.1 The part facing onto Strand Street (Rem Erven 1203, 1204 and Erf 1205)	p 16
5.2.2 The part facing onto Waterkant Street (Rem Erf 1206 and Erf 1207)	p 17
6 Character of the Environs	p 19
7 Consultation of Interested and Affected Parties	p 20
7.1 Summary of Criticism Received	p 21
7.1.1 The City-block as an area of its own special character	p 21
7.1.2 The Lutheran Church as the dominant landmark in this townscape	p 21
7.1.3 The architectural character of the proposal	p 22
7.2 Summary of Support Received	p 22
7.2.1 Peter Buchanan	p 22
7.2.2 Professor Jo Noero	p 23
7.2.3 Emeritus Professor Herbert Prins	p 23
7.3 Objections and Support	p 23
8 Statement of Significance	p 24
8.1 The Site and the Existing Buildings	p 24
8.2 The Environs	p 25
9 The Proposed Building	p 25
10 The Impacts of the Proposal on the Heritage Resources Concerned and on their Significances	p 27
10.1 Interior of the Strand Street-side of the 18th century warehouse	p 28
10.2 Interior of the Waterkant Street-side of the 18th century warehouse	p 28
10.3 Strand Street façade	p 29
10.4 Bree Street façade	p 29
10.5 Waterkant Street façade	p 30
10.6 Warehouse roof	p 30
10.7 New office addition	p 30
11 Conclusions and Recommendations	p 31
Bibliography	p 33

ILLUSTRATIONS AND ANNEXURES

Cover: The warehouse and Lutheran Church complex from Strand Street, *circa* 1880; Elliot Coll. E2169

Illustration 1: Proposal with four-storey addition approved by Heritage Western Cape in April 2010	p 5
Illustration 2: Proposal with three-storey addition now proposed	p 5
Illustration 3: Surveyor's diagram of the consolidated Erf 17409	p 9
Illustration 4: Composition of the property in 1890, 1924 and 1936	p 13
Illustration 5: Detail of a drawing of 1776 by Gordon showing the warehouse immediately behind the Lutheran church, then still unadorned	p 14
Illustration 6: Detail of 1849 drawing by Sherwill showing the warehouse in the foreground (which is twisted by Sherwill's inadequate grasp of perspective)	p 15
Illustration 7: The warehouse from Strand Street <i>circa</i> 1880; Elliot Coll. E2169 (detail)	p 17
Illustration 8: The warehouse <i>circa</i> 1915, Elliott Coll. E8183 (detail)	p 17
Illustration 9: Strand Street façade in 2010; SST, 19/11/2011	p 17
Illustration 10: Bree Street façade in 2011; SST, 19/11/2011	p 17
Illustration 11: Diagram showing original fabric	p 17
Illustration 12: Strand Street elevation of the proposal shown in relation to its surroundings	p 26
Illustration 13: Bree Street elevation of the proposal shown in relation to its surroundings	p 26
Illustration 14: Waterkant Street elevation of the proposal shown in relation to its surroundings	p 26
Illustration 15: Church courtyard elevation of the proposal shown in relation to its surroundings	p 26

Drawings of proposal, Gabriel Fagan Architects

Heritage Western Cape, Record of Decision dated 7 May 2010

SAHRA, Letter dated 25 September 2014

Heritage Western Cape, Letter dated xx October 2014

Visual Statement: 2014 Proposed Development on Erf 174009 (An Amendment of the HWC Approved 2010 Proposal) Cape Town, Urbanscapes, Michelle Robertson-Swift

1 INTRODUCTION

This Heritage Statement regarding Erf 174009 and its proposed improvement has been commissioned by the Augoustides family, the beneficiaries of the holding body, Gera Investment Trust. The Augoustides family also own Mike's Sports which occupies most of the buildings on the site.

The property comprises a single erf, Erf 174009, a 2009 consolidation of three erven: these were Erven 160917 (previously 1203, 1204 and 1205; consolidated in 1998), 1206 and 1207. The property is bounded by Strand, Bree, and Waterkant Streets and the Lutheran Church properties; and it is occupied by an iteratively and much altered but still significant two- and three-storey Dutch warehouse building of *circa* 1765 and some unimportant two-storey additions built, for the most part, during the late 19th and the first half of the 20th centuries.

It is the Augoustides' intention to rationalize and improve the various parts of the existing structures, introduce a vehicular ramp through the modernised and much spoiled parts of the old warehouse leading to parking, remove the existing roofs and replace them with a single reinforced concrete slab to accommodate parking and to add a three-storey office component covering approximately 80% of the site but set back some 13,8m from the Strand Street boundary.

A proposal, similar in most respects, was approved by the provincial heritage resources authority, Heritage Western Cape, in April 2010 under the National Heritage Resources Act, then refused by the City of Cape Town in November 2013 under the zoning scheme but later approved by the provincial Minister for Environmental and Development Affairs in October 2012 on appeal. However, this decision was then put aside in the High Court in August 2013 but permitting an appeal to the City Council which was ultimately refused in November of 2013. This process over several years was controversial, provoking both opposition and support from a wide range of bodies and individuals.

Given this history, the owners have subsequently had iterative interactions during the past nine months with officials of the South African Heritage Resources Agency (SAHRA), the City of Cape Town and of Heritage Western Cape and with some of the most vehement objectors to the previous proposal; and, guided by the City Council officials, they have had several amendments made to the proposal, most importantly reducing its height (from four to three storeys) and the visual impact on the neighbouring Lutheran Church complex and addressing the reasons given by the City of Cape Town in its refusal in November 2013. Heritage Western Cape confirmed on 8 October 2014 that this amended proposal is substantially in accordance with the plans approved in April 2010.

This Heritage Statement is designed, *first, to articulate the cultural significance* of the site and the existing buildings on it and, given that the environs are within the declared Central City Heritage Protection Overlay Zone, to describe the character and significance of the surrounds; and, *second, to assess the impact of the proposal on the significance* of the extant remains of the 18th century warehouse and on the environs.

This Heritage Statement is aimed to address and satisfy the Heritage Protection Overlay Zone provisions of the Zoning Scheme; and it is addressed to the City of Cape Town. It will, of course, be available to interested parties when the proposal is formally advertised for public scrutiny.

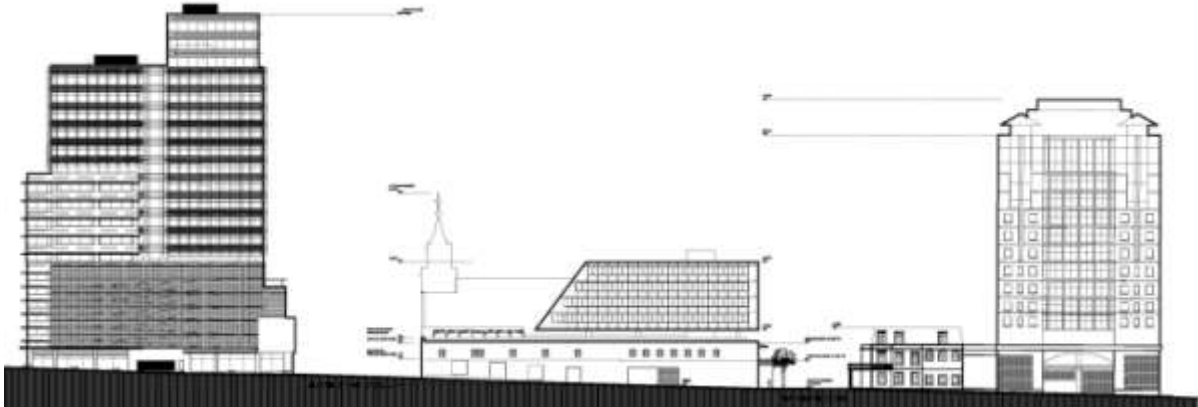


Illustration 1: Proposal with four-storey addition approved by Heritage Western Cape in April 2010

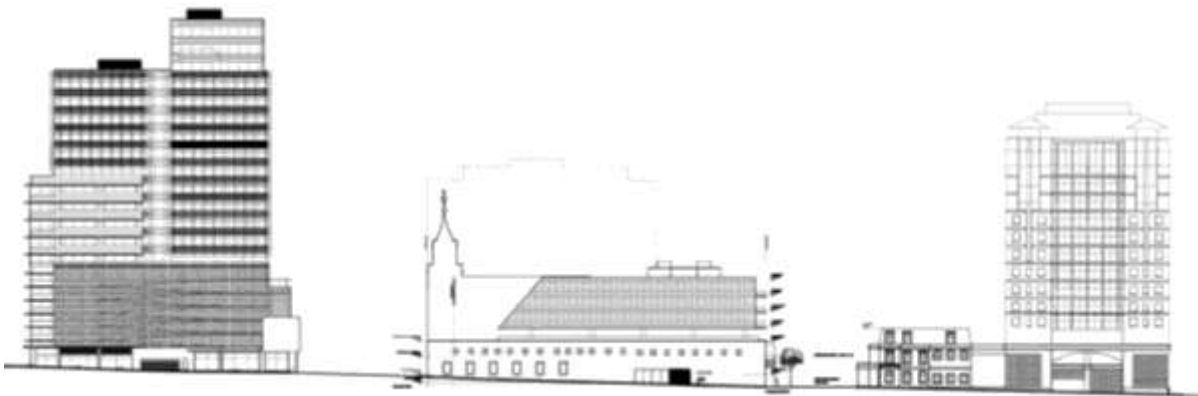


Illustration 2: Proposal with three-storey addition now proposed

2 LEGAL AND PROCEDURAL FRAMEWORK

2.1 Zoning Scheme:

The property in question, Erf 174009, is on land zoned for General Business, Subzone GB7 of the new Cape Town Zoning Scheme effective since March 2013. However, the transitional arrangements of this Scheme permit an applicant to apply the provisions of the previous Scheme. The proposal complies with all restrictions pertaining to the old General Business subzone B6 and of the new zone GB7. The details are as follows:

Permitted floor area factor: 9	Actual floor area factor: 4
Permitted floor area: 1400x9=12600sqm	Actual Floor area: 5560sqm
Permitted coverage: 100%	Actual coverage: 100%
Permitted height: 60m	Actual height: 21m

Erf 174009 is inside the Central City Heritage Protection Overlay Zone (HPOZ);¹ and, as a consequence, the City Council must give its approval for any alterations or additions. When considering any such an application, the “**Council must take into account the effect that such activity (the alterations and additions proposed) may have on the significance of the heritage place or area**” (see the Appendix to the Zoning Scheme: Overlay Zones, Chapter 3, Heritage Protection Overlay Zones). Indeed, this Heritage Statement is compiled and submitted in order to satisfy the requirements of Section 3.3 of the Heritage Protection Overlay zone requirements of this Appendix.

I note that the Appeals Committee did not give independent reasons for its refusal in November 2013 but simply confirmed the decision taken by the SPELUM Committee in April 2011; and the SPELUM Committee did also not articulate its own reasons for its decision but simply referred to the reasons given in the departmental report. These reasons, which are listed verbatim below, are obviated in the new proposal:

- “The Lutheran Church complex and the surrounding warehouse buildings are an intrinsic part of a unique C18 block in a context of historical streetscapes. The proposed development will, inter-alia have the following detrimental impacts on the area:
 - “the position, height (26m high building), scale and massing of the proposed development will dominate the historical streetblock and detract from the Lutheran Church as the landmark building within the block;
 - *The height of the new proposal is now only 21m and is just lower than the church nave and, set well back from Strand Street, will be unobtrusive from Strand Street which is the sensitive side of the block;*
 - “the proposed building will obscure significant views of the Lutheran church steeple and Signal Hill from the corner of Waterkant Street (“Fanwalk”) and Bree Street;
 - *it must be pointed out, first, that the view is not a significant one, second, that the steeple is barely visible and, third, that the only way to prevent such “obscuring” is to refuse any addition, that is, to expropriate all future rights;*
 - “the proposed parking deck and pergola structures will be visible from surrounding streets and when viewed from above, which will be detrimental to the aesthetic and historical significance of the streetblock/surrounding area;
 - *the parking, now significantly reduced and no longer within the warehouse, will all be below the new addition and will not be visible at all;*
 - “the widened vehicle entrance on Strand Street will be out of character with the shape and size of window and door openings in the Strand Street façade of the historical block;
 - *the Strand Street vehicular entrance will not be widened:*

¹ Heritage Protection Overlay Zones were previously, until March 2013, known as Urban Conservation Areas under Section 108 of the old Zoning Scheme.

- “the proposed position, height and width of the proposed service core (liftshafts and stairwells) abutting the courtyard behind the Lutheran Church, will have a negative visual impact on the historical streetblock and the abutting courtyard which forms a public space accessible off Waterkant Street;
 - *the proposed service core, now reduced in height and no longer glazed at the lower levels, will be barely visible from the Lutheran Church courtyard;*
- “the sheer edges of the new block will have a negative impact on the Waterkant and Bree Street streetscapes. The sheer edges will inappropriately emphasise the massing and prominence of the new building instead of the new building being set back to respect the historical street facades such as Waterkant and Bree Street. The proposed building scale and massing and position of the new development is inappropriate in its context;
 - *the ‘shear edges’ have been reduced from four to three storeys and now will more closely parallel the warehouse building’s Bree Street proportions and the Waterkant Street edge was not ever ‘shear’ but, then and now, will have balconies on each of the three new storeys and a double-storey verandah over the Fanwalk/Waterkant Street.*
- “The proposals will be detrimental to the protection and maintenance of the architectural, aesthetic and historical significance of the area in which the development is proposed.”
 - *Given the reduction in height (a storey lower than the previous proposal) and the amendment of the proportions of the new addition, the previous reasons for refusal, are now satisfied. Indeed, the amended proposal will recover and restore significance to the warehouse building without damaging the significance of either nearby buildings or the townscape.*

The City Council’s *Notification Policy for Land Use Development Applications* does not require notification of neighbours or interested parties in all cases but, given the controversy and interest in the previous proposal, it is self-evident that there should be a formal notification process. The City Council will inform all interested parties including those who showed interest in the previous proposal. Indeed, there is no question but that the City Council’s policy in this regard will be adhered to. Indeed, in my view, the application should be advertised in the press as well.

2.2 National Heritage Resources Act:

Sketch plans showing the previous proposal (with a four-storey office addition) were approved in 2010 by the provincial heritage resources authority, Heritage Western Cape (HWC), in terms of Section 38 of the National Heritage Resources Act subject to several conditions referring, in particular, to the necessity for archaeological monitoring and requiring that the final plans ***be substantially in accordance*** with those sketch plans (this RoD is dated 7 May 2010 and is attached as an Annexure). It has recently been accepted by the HWC Impact Assessment Committee (on 8 October 2014) that this lower proposal (with a three-storey office addition) with the changes made to satisfy the City Council *is* substantially in accordance with the

sketch plans approved (this letter is dated xx October 2014 and is attached as an Annexure). Indeed, it is recognised that this new proposal has *less* significant impacts on the significance of the site and environs.

Accordingly, it is not necessary to have this amended proposal formally approved by HWC as it has been formally accepted to be substantially in accordance with the approved sketch plans by Gabriel Fagan, Architect approved by HWC in April 2010.

I note that SAHRA has deemed the Lutheran Church complex to be a Grade I heritage resource and is in the process of formally designating it as a national heritage site. Also, SAHRA has confirmed the Grade IIIa-status of the warehouse and that it “supports the sensitive development of the site taking due cognisance of the Provisionally Protected Lutheran Church, Dutch Embassy and Gold Museum ensemble on the Strand Street face of the block” (letter dated 25 September attached as an Annexure).

3 OBJECTIVES OF THIS HERITAGE STATEMENT

Given the requirements of the Appendix to the Zoning Scheme: Overlay Zones, Chapter 3, Heritage Protection Overlay Zones, the objectives of this Heritage Statement are as follows:

- to describe the process followed by the property owners to date in sufficient detail to ensure that this new assessment takes that history, in that it may be relevant, into account;
- to provide sufficient information regarding the history of the site, the buildings on the site and the environs so as to understand the site and the environs, their character and their significance;
- to describe the sentiments of any parties consulted regarding the significance of the site and environs and regarding the impact of the proposal on the significance of the site and environs;
- to articulate a clear statement of significance regarding the site, its buildings and the environs; and
- to describe the proposed works and new building in sufficient detail to understand the impacts on the existing significant building and on the nearby environs.

4 THE HISTORY OF THE AUGOUSTIDES FAMILY OWNERSHIP AND THEIR APPLICATIONS ²

2001: Mike’s Sports leased space in the warehouse building.

2003: In late 2003 the Augoustides brothers bought three of the four sections of Erf 160919 and in 2004 the fourth; and in late 2004 Erf 1207 was bought by a company partly owned by other family members; the purchase of Erf 1206 was negotiated then too but not concluded until 2009. The five properties were finally consolidated in

² This history is a relatively unedited account by the Augoustides brothers, Casey and Mike.

October 2010.

Early-2004: The family recognised that the property fell within the Cape Town Urban Development Zone³ and that its improvement would satisfy the necessary criteria; and City Council officials were approached for advice on how the property could be developed and how benefit could be derived from the incentives of the UDZ. Documentation was issued by the City Council showing the allowed bulk and height which defined the permitted envelope; and it was confirmed that the property was eligible for the UDZ incentives.

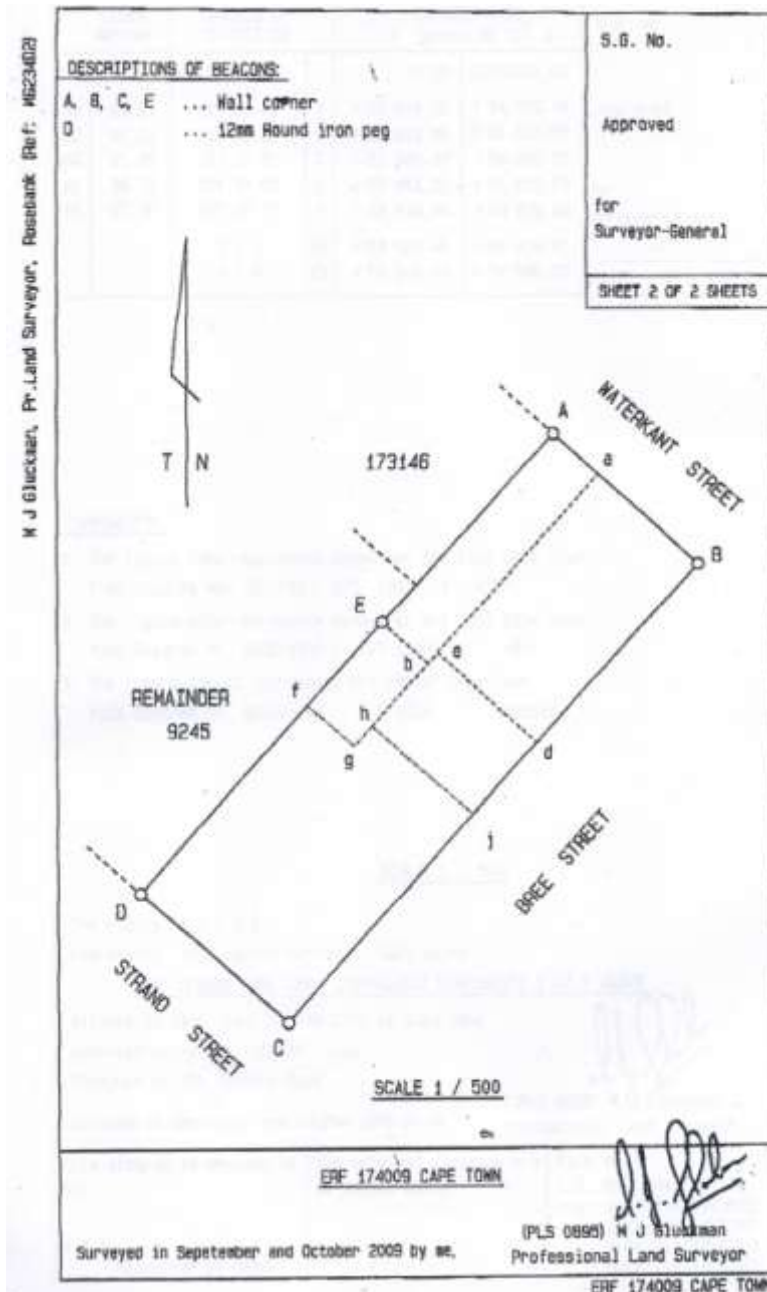


Illustration 3: Surveyor's diagram of the consolidated Erf 17409

³ The UDZ is a tax incentive introduced by the national government to encourage inner city investment with the core objectives of addressing dereliction and dilapidation in South Africa's largest cities and promoting urban renewal and development by encouraging private sector investment in the construction and/or improvement of commercial buildings.

Mid-2004: Based on this information, Woodhead Architects were employed to develop a scheme with equal bulking across the site. This seemed reasonable as that proposal was similar in bulk and scale to what existed on the other three corners of Strand and Bree Streets.

Late-2004: This first concept was presented to City Council officials in late 2004; but the feedback was that the proposed building would be insensitive to the Strand Street façade of the block and that development should be set-back from the Strand Street edge of the property and to lessen the bulk on this part of the site.

2005: A second scheme was then developed; and feedback from the same officials was that the new scheme was more acceptable. This proposal was developed further in order to present to the heritage authority, Heritage Western Cape.

2006: A notice of intent to develop was submitted to Heritage Western Cape who deemed the proposal inappropriate in scale and required that appropriately experienced heritage specialist professionals be engaged to take the project further.

2007-2008: More research was done and several heritage specialists were consulted to determine the best path forward.

Early-2009: Gabriel Fagan, Architects were appointed to assist Woodhead; and the previous (second) scheme was discarded. Fagan's proposal (the third scheme) used considerably less bulk than the earlier proposals and employed an approach visually separating the proposed addition from the existing building. It also included the restoration of the significant existing warehouse building which had been subdivided, iteratively gutted and degraded over time.

2009-2010: A model of the new design was made and shown to important stakeholders including senior members of the Lutheran Church council, City Council officials (including, of course, the heritage section), the Cape Town Partnership and CCID, various members of the heritage community and over time the proposal was presented to an ever-widening audience. All were positive and supportive. In particular, the chairman and senior members of the Church council were given regular opportunity for feedback and critique. Their feedback was consistently positive and supportive. In late 2009, I was asked to compile an impact assessment.

2010: The scheme was presented to the Cape Institute for Architecture and received their support; and senior officials from the City Council were kept informed and were forwarded the impact assessment. Most importantly, the proposal was approved by the provincial heritage resources authority, Heritage Western Cape, in April 2010.

Late-2010: Further meetings were held with City Council officials who gave praise and support for the scheme. Submission of plans was advised and confidence given to proceed with a costly transfer and consolidation of the various properties into single ownership under the Gera Trust. Further detailed architectural and structural design was done and comprehensive plans were submitted in October 2010. The application was formally accepted as submitted on 31 November 2010.

February, 2011: After the processing of the plans by the various departments at the

City, a report recommending approval was placed on the agenda of the SPELUM Committee meeting of that month.

February-March, 2011: However, due to concerns of officials not previously involved, this positive report recommending approval was withdrawn and additional advertising of the proposal was required. After a furore in the press, a negative report recommending refusal was submitted to the SPELUM Committee who decided that the proposal should be refused.

June, 2011: After the SPELUM decision, the City Council officials advised of two available routes: either to appeal against the SPELUM decision to an 'internal' appeals committee established in terms of the Municipal Systems Act (MSA) or to appeal to the provincial MEC via Land Use Planning Ordinance (LUPO). The LUPO route was chosen and an appeal submitted to the MEC.

March, 2012: As part of the appeal process, the MEC's Planning Advisory Board evaluated the scheme. The 'no development' emphasis by objectors was not supported by the PAB and that the proposed scheme was endorsed with some comments.

October, 2012: The MEC upheld the appeal adding that final conditions of approval would follow taking into consideration comments of the PAB and from the City Council.

March, 2013: Final notification was received from the City saying that the appeal process had been concluded and that the family could act on the decision. A pre-submission meeting was held with senior City Council officials to confirm what was required. Detailed work immediately began on redesigning the Bree Street façade to reflect its most historically correct form and a Construction Management Plan was developed.

April, 2013: The Habitat Council challenged the validity of the right to appeal to the provincial MEC in such matters via the High Court; and the Lutheran Church later joined as an intervening party.

August, 2013: Agreement was reached and a court order set aside the MEC's approval and granted the Gera Trust the right to an appeal against the SPELUM Committee's decision under the MSA.

Late-2013: An appeal was submitted in September and heard by the City Council's Planning Appeals Committee in November. The decision to refuse the application was received in mid-December.

2014: The Augoustides brothers have recently met with City Council officials and councillors, with officials of HWC and with some of the most vehement objectors; and they hope to have configured a building envelope (now of only three floors) that will satisfy all parties. The family is now in the tenth year of trying to develop the property and they have been surprised to see very much larger, taller and bulkier developments being approved and built in the immediate environs.

5 HISTORY OF ERF 174009

Erf 174009, roughly 21 x 66m and bounded by Strand, Bree, and Waterkant Streets and the abutting property owned by the Lutheran Church, is occupied by an iteratively and much altered but still significant two-storey Dutch warehouse building of *circa* 1770 and some two-storey structures built, for the most part, during the late 19th and first half of the 20th centuries which are of no significance.

5.1 History of Ownership, Subdivision and Use of Erf 174009 ⁴

This city-block is first shown on Wentzels' well-known map of 1751⁵ but it was not surveyed until 1764; and the entire block, then smaller than it is today and known as Block No 8, was granted to Martin Melck⁶ to accommodate wine warehouses.⁷ However, in 1774 Melck permitted the Lutheran community to occupy about a third of this portion of the block and to construct a 'warehouse' on it;⁸ and when Melck died in 1781 two thirds of the block was transferred to the Lutheran Church.⁹ Shortly after this, in 1782, the Church was granted additional land to the north-west (on which the "sexton's house" was to be built),¹⁰ enlarging the block to its present size.

The remaining third¹¹ on which Melck had built a warehouse at some time between 1764 and 1776 was willed to his daughter, Maria Margaretha Melck, the Widow Schröder, and was transferred to her in 1781 when Melck died.¹² This is the subject property, comprising approximately 1394 sq m, which was to become Erf 174009.¹³ I should make clear, first, that the warehouse covers only two thirds of the property and, second, that although this building is often referred to as two or as a pair of warehouses, the structure itself suggests that it was and remains really one building with a central spine wall dividing the building into two elongated parts: this central spine wall had a large number of evenly and relatively closely spaced arched openings and the floors and roofs on both sides were at the same levels and identical in all material respects. I will refer to it as one building, as "the warehouse". The property was, however, sold almost immediately by Melck's daughter to a van den Berg¹⁴ who then sold it just a few months later in May 1782 to the VOC to house the Luxemburg Regiment.¹⁵ It was thereafter used to house the Meuron Regiment¹⁶

⁴ This abbreviated history of Erf 174009 and the buildings occupying it is derived from four sources: my own *Heritage Impact Assessment Report* addressed to Heritage Western Cape on this subject dated March 2010; Harriet Clift's undated *Research Notes* attached to that 2010 *Report*; Fransen, Hans, 2004, pp33-34 and 47-48, *The Old Buildings of the Cape*; and Sally Titlestad and Stuart Hermansen's 2011 *Motivation for Declaration of the Lutheran Church Complex* submitted to SAHRA. My apologies if any of these works are not properly cited.

⁵ Wentzel's *Plan en Caart van't Vlek aan Caap*, 1751; tracing in Pickard, 1968, p38a.

⁶ OCF Vol 3, 103, 21/9/1764.

⁷ Council of Policy, TANAP, Ci42, pp337-352 (from Titlestad and Hermansen, op.cit. p38).

⁸ Fransen, 2004, p33.

⁹ Deeds Office, Transfer Register, Erf 1200.

¹⁰ Fransen, op.cit. p48, argues that the building was not ever the sexton's house.

¹¹ This "third" became a quarter when the "sexton's house" land was added to the block.

¹² Clift, op.cit.

¹³ Deeds Office, Transfer Register, Erf 1200.

¹⁴ TD 143 (or 5373)/1781, 26/9/1781 (from Titlestad, Sally and Stuart Hermansen, op.cit. p40).

¹⁵ TD 82 (or 5435), 31/5/1782 (from Titlestad, Sally and Stuart Hermansen, op.cit. p40).

¹⁶ Brandes's sketch of 1786 shows the Strand Street façade of the warehouse with a sentry-box and a soldier wearing the Meuron regiment uniform in front of it; de Bruijn and Raben, 2004, report

and, later, for other military uses including being referred to as "Kaserne Magarzijnen" (barracks magazines or stores) in 1785,¹⁷ as a "sea hospital" in 1808¹⁸ and as a "military depot" in 1827¹⁹ before returning to private ownership in 1834.^{20 21}

Between 1834 and 1890 the property was owned by a changing group²² who also owned the Handels Maatschappy;²³ and after the death of the last of this group (Keytel Jnr) in 1890 the property, then known as Erf 1206, was subdivided into three parts, later to be known as Remainder Erf 1206, Erf 1207 and Erf 1204.²⁴

The details of the history of the ownership, subdivision and consolidation, and of different uses of this property which included retail, motor repairs and banking are not necessary here;²⁵ but suffice here it to emphasise that this history is the organic cause of the current state of the fabric of the warehouse. The configurations of the subdivisions of this property in the years 1890, 1924 and 1936 are shown below.

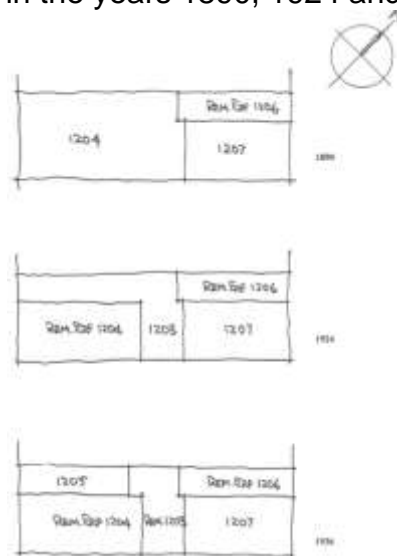


Illustration 4: Composition of the property in 1890, 1924 and 1936

that "He (the sentry) is guarding the entrance of a Company warehouse (*magazijn*). In 1792 it was used for wine on the ground floor and wheat on the floor above, but at other times it was also occupied as barracks", p360-361.

¹⁷ Pickard, 1968, p89. This map is a modern tracing but not referenced. Also, Pickard says that although the map is dated 1785, he thinks that the correct date is 1791.

¹⁸ Church Council minutes, 1808 (from Titlestad, Sally and Stuart Hermansen, op.cit. p40)

¹⁹ Cape Archives, M453. Thompson's map also appears, for example, in Townsends, 1977, p6; Worden et al, 1998, p114; Fransen, 2006, p50.

²⁰ TD 156/1838, 24/8/1838 (from Titlestad, Sally and Stuart Hermansen, op.cit. p40).

²¹ Also, a military depot in Strand Street is consistently described as a substantial building in the British reports on the state of the defences at the Cape during the period 1809-1829; and in 1826 is described as a "substantial building from on a hanging level, one half of 3 stories, the other of 2 stories... interior divided into compartments..." with masonry walls, a flat roof and wooden floors on the upper level and stone paved floors on the lower level; and "being transferred to the ordinance in 1822 from the late Storekeeper General's Dept and was formerly used as the naval hospital"; VC211-215, from Clift, op.cit.

²² Including Wichts, Mechau and Keytels; from Townsend, op.cit, p3.

²³ The Handels Maatschappy was, in 1837, shipping provisions to the Natal coast and Durban for British immigrants sent to settle there (CO 4001; 3997); Clift, op.cit.

²⁴ SG Diagram No 1235/1890.

²⁵ These details are given in Townsend, op.cit, pp3-5.

After 1947 these erven were consolidated step-by-step from 2003 when the Augoustides family purchased the first portion of the site to accommodate their business, Mike's Sports. Over the next few years they purchased the remaining portions until the five erven were finally consolidated back into one in 2010 (see the Surveyor's diagram in Illustration 3 above). The property is now known as Erf 174009.

5.2 History of the Built-Form on Erf 174009

The first map to clearly identify the subject property is a 1767 map,²⁶ the *Plan en Caart van het Fort en Vlek an Cabo de Goede Hoop*. This drawing suggests that a building already existed or was being built by this time. The earliest drawing to give a three-dimensional suggestion of the long double-storey two-bayed warehouse behind the Lutheran church (then still pretending to be a warehouse) is a 1776 drawing/watercolour by Robert Gordon later reproduced as an engraving by Schoemacher in 1778.²⁷



Illustration 5: Detail of a drawing of 1776 by Gordon showing the warehouse immediately behind the Lutheran church, then still unadorned

There are a number of drawings from this period until the middle of the 19th century which give some idea of the scale of the building. The most interesting of these are the following:

- the 1786 watercolour by Brandes looking down Strand Street already referred to;²⁸
- a 1797 drawing by Lady Anne Barnard looking down Strand Street at the Lutheran Church and its neighbours which shows clearly that the space between the Melck House and the warehouse is not built on;²⁹
- a 1832 drawing by Sir Charles D'Oyly looking up Strand Street at the Lutheran Church and its neighbours;³⁰ and

²⁶ Cape Archives, M3/18. The map also appears, for example, in Townsends, 1977, p4; Worden et al, 1998, p41.

²⁷ Cape Archives, M165. The most complete description of the drawing and engraving, published in 1778, is in Cullinan, 1992, p7; see p161. The engraving also appears in Townsends, 1977, p3; Worden et al, 1998, p47.

²⁸ See Footnote 16. It is included in my HIA of March 2010.

²⁹ Cape Archives, E1897. The map also appears, for example, in Lewcock, 1963, p14; Worden et al, 1998, p76; and in my HIA of March 2010.

³⁰ Cape Archives, D'Oyly ACC433. It is included in my HIA of March 2010.

- a 1849 drawing by Captain Sherwill which is a panoramic view of Cape Town and which over-looks the roof of this warehouse also showing a series of windows to the upper floor facing towards the Melck Huis and Lutheran Church.³¹



Illustration 6: Detail of 1849 drawing by Sherwill showing the warehouse in the foreground (which is twisted by Sherwill's inadequate grasp of perspective)

Also interesting are some early photographs including a *circa* 1880 photograph from the Elliott collection (see cover page)³² which looks up Strand Street at this building and at the Lutheran Church.

The *circa* 1880s photograph on the cover of the report and the detail of the Sherwill drawing above together give the clearest documentary evidence that we have of the building's early configuration.

The three well-known surveys of the second half of the nineteenth century, the 1862 Snow's survey, the 1878 Wilson's survey and the 1898 Thom's survey, all show the building essentially unchanged but they do also suggest that the principal entrance to the warehouse was at the mid-block position off Bree Street; this entrance is marked by a stoep which was roofed by the 1890s at least but which was demolished by 1920. It should be noted that Snow's survey of 1862 gives the first indication of a building in the gap between the warehouse and the Church's property and facing onto Waterkant Street, almost certainly a single storey building, occupying a part of the space or gap between the warehouse and the abutting church property.

These drawings, maps, panoramas and photographs suggest that the building, built before 1770, was essentially unchanged for its first hundred and twenty years, that is, let us say, until 1890 when the property was first subdivided. The warehouse building was 65,5m long and 14,9m wide leaving a 6,2m wide space between it and the abutting Melck Huis/church property. It was two storeys high onto Strand Street but, because the land falls towards Waterkant Street, it has three storeys over a portion of the building at the Waterkant Street end.

After the property was subdivided in 1890 the parts each have their own history of use and redevelopment; and these ownerships and uses did treat/affect the two

³¹ Cape Archives, E2057/2058. The drawing also appears, for example, in Fransen, 2006, p51.

³² Cape Archives, E2169. The photograph also appears, for example, in Fransen, 1993, p29; Fransen, 2004, p33.

halves of the warehouse in substantially different ways. I shall therefore deal with the property in two parts, one facing onto Strand Street and the other facing onto Waterkant Street.

5.2.1 *The part facing onto Strand Street (Remainder Erven 1203 and 1204 and Erf 1205):*³³

The 6,2m wide strip of the site abutting the Melck Huis/Church property was not built on until about 1910³⁴ and was being used as a manure depot at least until 1897.³⁵

The street directories and the Goad's insurance maps show that the rest of the site (and, after 1910, the piece just discussed) was used for a series of cartage and warehouse uses until 1924 when a subdivision took place and the ownership changed.

It is unlikely that the warehouse building was much altered during this period, 1890 to 1924, although it is apparent that the building in the undeveloped strip between it and the Melck Huis/Parsonage was constructed by 1910.³⁶ The *circa* 1915 photograph from the Elliott collection (see Illustration 5 below)³⁷ must have been taken in this period (between 1910 and 1924; and probably later in this period as the paint-work on the 1910 façade is clearly not new).

From 1924 until the mid-1960s the uses were electrical engineering and motor garage and spares; and it was during the period 1945 to 1962 that the ancient warehouse was most altered by numerous *ad hoc* alterations, initially mostly additions of toilets and office partitions but gradually removing all of the interior and much of the exterior of the ancient structure and replacing it with steel columns and then re-enforced concrete columns, beams and floor slabs and new roofs. These alterations removed almost all of the ancient/original masonry at ground floor level and much of it at first floor level.^{38 39}

Further alterations and rationalisations of the structure were carried out after 1967 for less damaging uses like a bank, various retail uses and ultimately, since 2001, Mike's Sports.⁴⁰ This included a 1977 alteration⁴¹ which included an amateurish attempt to "restore" the Strand Street façade to something very vaguely approaching

³³ See the diagram on p13 above.

³⁴ See Thom's survey, 1898 and Goad's insurance map of 1895 (altered in 1910).

³⁵ See Juta's Street Directory of 1897. Titlestad and Hermansen suggest that the windows in the Melck Huis, long closed up should be opened again! I presume that the occupants of the Melck Huis will themselves have closed up the windows to avoid the manure odours.

³⁶ See Footnote 34 above.

³⁷ Cape Archives. E8183

³⁸ Cape Town City Council; approved plans of nine separate interventions for this part of the building from 1941 to 1962.

³⁹ I note that not all of the approved plans have been found but photographs taken by the Augoustides from the time they bought the first property in 2001 show even greater losses of ancient fabric at ground floor level. As a consequence, the diagram showing the remaining ancient fabric, Illustration 8, in this report shows rather less fabric at ground floor level than was shown in a similar diagram in my HIA of March 2010.

⁴⁰ Cape Town City Council; approved plans of another nine separate interventions from 1972 to 1994. It is clear, however, that there were other works carried out that are not detailed in the plans available.

⁴¹ Cape Town City Council, Approved Plan 218243, 27/1/1977, Roytowski, Isaacs and Feldman, Architects.

its appearance in the *circa* 1915 photograph.



Illustration 7: The warehouse from Strand Street circa 1880 Elliot Coll. E2169 (detail)



Illustration 8: The warehouse circa 1915 Elliott Coll. E8183 (detail)



Illustration 9: Strand Street façade in 2010 SST, 19/11/2011



Illustration 10: Bree Street façade in 2010 SST, 19/11/2011

5.2.2 *The part facing onto Waterkant Street (Remainder Erf 1206 and Erf 1207):*⁴²

The portions of the warehouse and in-fill building between the warehouse and Church property facing onto Waterkant Street were occupied by a fodder store until about 1900, a Mission for Men (hall and residential accommodation) until about 1920, and otherwise by a progression of warehousing, general dealers and retail uses until the 1990 when motor cycle related uses occupied much of this part of the subject property.

These relatively small-scaled businesses did not require the same extent of change to the ancient structure as required by the motor businesses and, with the exception of some significant changes to the ground floor fabric after 1950, relatively little of the ancient warehouse structure has been lost.⁴³ A section of the Waterkant Street frontage included a new façade with a covered colonnade constructed on Waterkant Street before 1924; but this colonnade was later removed. Later the entire

⁴² See the diagram on p25 above.

⁴³ Only three approved plans have been found in this connection.

warehouse façade was demolished and replaced, probably in the 1940s.⁴⁴

Given this, excepting at the ground floor, much of the warehouse structure on this half of the subject property is still extant. It has not been well looked after but it is, in South African terms, very old and, therefore, very rare.

The diagram on the following page, Illustration 11, gives as accurate an account of the fabric of the warehouse which date from the 18th century as can be deduced without removing all the rendered surfaces of the walls; it is reliant on a very careful examination of the existing building fabric and the detailed analysis of twenty-two approved building plans accessed from the City Council plans archives.

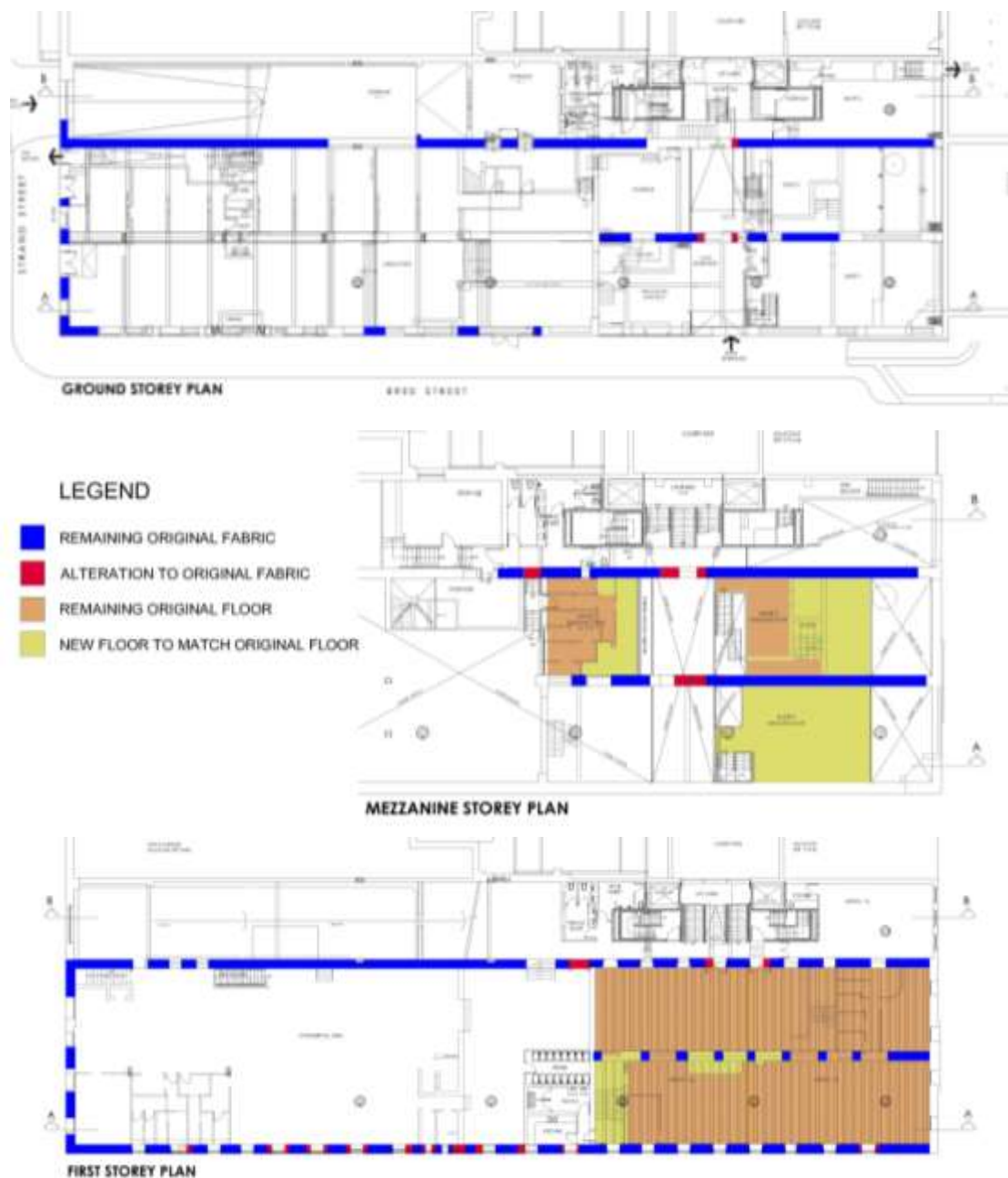


Illustration 11: Diagram showing original fabric

⁴⁴ Neither of these plans has been found.

Once the site clearance and minor demolitions have been carried out sections of the internal plaster will be removed and a more detailed account and analysis of the structure and its fabric will be able to be made.

6 CHARACTER OF THE ENVIRONS

This city-block and those to its south-east, south and north-west are shown on Wentzel's 1751 map, but were then not subdivided and, presumably, not occupied before the first grant to Melck in 1764. The blocks to the south-east, south and north-west will have followed similar processes during the same period even if not granted all to one person. Schoemacher's drawing of 1776 (referred to above; Illustration 3) shows all of these blocks to be developed although there is still nothing shown to the north or sea-side of Waterkant Street. The well-known map of 1786 by van der Graaf, Thibault and Barbier also shows only the nearby Roggebaai fortifications north of Waterkant; but Thompson's map of 1827 shows that, by this time, these fortifications had been removed and several blocks had been developed to the north.

This northern-most corner of the growing town was then gradually more densely developed. Certainly, by 1862, with the exception of the burial grounds stretching along the northern side of Somerset Road from Buitengracht, this area was characterised by dense residential development (as can be seen in Snow's survey of 1862). This built-form character is apparently unchanged by 1900 as can be seen in Thom's survey; but, as the Goad's Insurance maps of 1895, 1925, 1937 and 1949 reveal, the dominant function of those buildings which remained and of the many new buildings was increasingly commercial and business. Indeed, although many older buildings which had been built, at least in part, for residential use remained, the area contained no residential uses after WWII.

Although decidedly business in function, this area, serving as a "frame" to the central business district, did not experience great redevelopment after WWII until the 1960s when a number of seven- to ten-storey buildings were built in the area. The area did, however, remain something of a backwater. These new buildings responded in form to the Zoning Scheme restrictions and, accordingly, were limited to 37m heights on the street boundaries.

During this period, the ideas underpinning conservation and restoration came increasingly to the fore and the Sexton's House was restored in the late 1940s,⁴⁵ the Martin Melck House (later known as the Lutheran Parsonage and now as the Gold Museum) was restored or rehabilitated several times, the Lutheran Church was restored in 1986⁴⁶ and, as I have said, the Strand Street façade of the subject property was amateurishly "restored" in 1977.⁴⁷

However, in the late 1980s the central business area began to expand into the "frame" and two large and controversial developments were approved in 1989 and

⁴⁵ By Douglas Andrews of the firm, Andrews and Niegeman.

⁴⁶ By Gabriel Fagan, Architects.

⁴⁷ By Roytowsky, Isaacs and Feldman; see Footnote 41 above.

1990; these are The Terraces and Fed-Life.⁴⁸ It should be noted that these two developments were not able to be adequately limited/guided through Urban Conservation Area controls as the surrounds of the Lutheran Church complex were not formally designated as an Urban Conservation Area until 1998. As a consequence these two very controversial developments, the Terraces and FedLife, were approved after awkward negotiations including the then National Monuments Council in which the authorities did not have adequate statutory power.

Be that as it may, and although the Central City Urban Conservation Area was finally approved in 1998 these immediate environs have continued to attract higher order uses; and the block diagonally opposite this site bounded by Bree, Waterkant, Loop and Riebeeck was redeveloped with a very modestly scaled development in circa 2004,⁴⁹ retaining the old Ozalid building and the front façades of several of the older existing buildings. More recently, it seems that the authorities have relaxed their views in respect of height, architectural language and response to immediate neighbours; and most of the blocks to the north-east of this block and on both sides of Bree Street have been redeveloped to a height of 60m or more; all of which is capped by the 140m high *Portside* building just three blocks from this one.

I should also note that, although construction has not yet been started, a very bulky 76m high redevelopment of the block across Strand Street directly opposite the Lutheran Church complex and the subject property known as T-One was approved some years ago and, more recently, an amended design now 60m high has been approved.⁵⁰ While I am critical of this approval and of the proposed building, it must be presumed to be part of the context.

This description of the environs and its gradual transformation from backwater to integral part of the CBD is illustrated by the significances of the immediate environs. However, it must be emphasised that the architectural and urban character of the surrounding townscape is essentially and indiscriminatingly heterogeneous; indeed, it is almost riotously so. Michelle Robertson-Swift, in her accompanying Visual Statement, says “The visual environment surrounding, and within the viewshed of the site is relatively complex but typical of the cityscape environment in Cape Town” and that “The buildings vary in height between two floors and approximately 20 floors and range in coverage between relatively small erven and large portions of entire city blocks”.⁵¹

7 CONSULTATION OF INTERESTED AND AFFECTED PARTIES AND COMMENTARY ON THE ISSUES RAISED

A draft of this Heritage Statement was submitted SAHRA (SAHRA, recognising that redevelopment will “grant the warehouse and site an extended and continuing relevance” and that lingering aesthetic concerns will be resolved as the design is

⁴⁸ These two buildings and their approval processes are described at length in my 2003 PhD thesis, pp174-184 and 184-191 respectively.

⁴⁹ By Bruce Burmeister in association with KMH Architects; see pp 38-41, Heroldt, ed.

⁵⁰ By DHK Architects.

⁵¹ Robertson-Swift, p9.

refined, confirmed that it supports the proposal)⁵² prior to submitting it to Heritage Western Cape to confirm that the amended proposal is “substantially in accordance” with the approved sketch plans (approved in April 2010); and, in turn, HWC did circulate the draft to the most active interested parties.

This Heritage Statement must now be circulated to all parties who have shown interest in the matter during the processes described and whose addresses are available; and the application for consent to carry out this work in a Heritage Protection Overlay Zone should also be advertised in the press. In other words, the comments, support and any objections to the revised proposal are to be solicited now.

That said, the past controversy comprising both support and objection is summarised briefly here (though I must remind the reader that the objections described here referred to the previous four-storey addition rather than the three-storey addition now proposed):

7.1 Summary of Criticism Received:

7.1.1 The city-block as an area of its own special character:

Many of the objectors argued that the **four historical buildings** occupying about two-thirds of this city-block (the Lutheran Church, its Parson’s House, its Sexton’s House and the warehouse) can be described as an area which has its own character and its own significance and that this significance will be damaged by the proposal.

This is obviously not the case. This group of four buildings facing onto Strand Street (and seen as a group only from Strand Street) is but a part of one city-block containing both significant historical buildings and insignificant modern ones; and the immediately surrounding blocks are occupied by a 60m high building across Waterkant Street (The Terraces), a 37m high building across Bree Street (Fed Life) and soon there will be a 60m high recently approved building across Strand Street (T-One; recently redesigned and approved). Furthermore, a number of other 60m high buildings have been approved and are being constructed within two or three blocks; and Portside, 140m high, has recently been completed just three blocks away. The block in question must be seen in the context of the area with its built-form characteristics which respond to its history, its grid of city-blocks and its use-zones. These relationships are readily apparent in Illustrations 12 to 15.

7.1.2 The Lutheran Church as the dominant landmark in this townscape:

Many of the objectors argued that the proposed four-storey addition would visually overpower the Lutheran Church, the currently dominant landmark in this townscape.

With the exception of a brief and glancing view of the top of the steeple from the east behind the church (at the intersection of Bree and Waterkant Streets), the visual impacts of the proposed building on the Lutheran Church complex are nil; and this is demonstrated by the Visual Impact Statement. And, given that it will be difficult to see the proposed building and the church at the same time (this is only possible from the intersection of Bree and

⁵² SAHRA, Letter dated 25 September 2014.

Strand Streets), it is difficult to understand how the church's landmark character could be affected. Indeed, the church's landmark character depends on its architectural character than its scale. If scale were the only or even primary characteristic determining its landmark character, it would be difficult to accept that the Lutheran Church is a "dominant landmark" in this townscape comprised, as it is, of buildings between 37 and 60 m high and directly opposite the recently re-approved T-One building, a massive building covering an entire block and reaching 60m in height. The proposed development in this case is roughly the same size in plan as is the church and it is just lower than the nave and considerably lower than the steeple; furthermore, there are very few vantage points in the public realm where it will be seen in a direct relationship with the church. This is illustrated by the attached photomontages (see Illustrations) and by the Visual Statement. I also include a photograph of the church taken at a time when it was a dominant landmark (see Illustration 18).

7.1.3 The architectural character of the proposal:

Many of the objectors have argued that the modernism of the architecture of the proposal, the contrast between new and old, is detrimental to the historicity of the Luther Church complex and of the block and to the "undisturbed" and "layered nature of the block".

It appears that these objectors are troubled by contrast and it seems that they do not recognize the character of the environs in which this block is sited or even the architecture of much of the building on the block; they also seem not to recognize that the very "layering" they find attractive is the result of iterative building through history. And they imply that this history of layering should cease, though they do not give reasons why (other than their dislike of contemporary architecture).

7.2 Support Received:

A high percentage of those supporting the proposal have been architects, expert critics or heritage specialists. In place of summarising this wide range of supporting argument, I quote just three of the better known:

7.2.1 Peter Buchanan, an internationally-known and admired architectural critic:

"In ever-changing times we can only preserve much of what we value by ensuring its continuing viability – that is, by accepting some changes. What is crucial is to be clear exactly what you want to keep and why, and also to ensure that the necessary changes not only achieve this but also bring as many other benefits and positive knock-on effects as possible. This is precisely why the proposals for the old warehouse site are to be applauded.

"All the remaining original fabric of the historic building will be retained and the new construction replacing lost fabric will reinstate its historic character as accurately as is possible and practical. Equally important is to retain the full visual impact of the Lutheran Church on Strand Street, one of Cape Town's busiest vehicular through-routes. Hence the diagonal view of its tower, the view from a car climbing the street, is as important as the frontal view from across the street.

“... Gabriel Fagan sets his proposed upward extension back from Strand Street and separates its volume from the old building with an open storey. This clarifies the distinction between old and new while also retaining the crucial diagonal view up Strand Street. Stepping back the raised extension further diminishes its impact on Strand Street and implies a connection with taller buildings across Waterkant Street, particularly The Terraces.

“... Security depends on a sufficient density of pedestrians on the street and lively uses along it, both of these for as prolonged a portion of the day as possible. Windows overlooking and not too far removed from the street help too. Fagan’s proposal will enliven the street scene, particularly towards its Waterkant Street end and along Bree Street, while the building and its occupants will increase the overlooking of the street and the number of people moving on it.

“Fagan has done his part in designing a historically sensitive, commercially viable and visually and socially apposite scheme. The municipal authorities need now consider how best to preserve and show off the legacy of the past while ensuring also what is best for Cape Town’s future. They need the courage to endorse proposals whose virtues they well recognized during a protracted period of consultation rather than to withdraw their support at the first whiff of misinformed and ill-judged protest.”

7.2.2 Professor Jo Noero, a much honoured South African architect:

“I would say unequivocally that the development is noteworthy and resolves in a very subtle way all the challenges that this project poses. The proposal is masterful – it addresses the important corner of Bree Street and Strand Street by pulling back from this corner. The new bulk is accommodated at the right place on the site. The building steps back to acknowledge the mass of the building across the road and the establishment of an arcade to connect Bree Street back to the church courtyard is wonderful... I am mystified why the city has chosen to not approve this proposal.”

7.2.3 Emeritus Professor Herbert Prins, a well-known and experienced architect and conservationist and previous member of the Gauteng heritage resources authority:

“Typical of the work of the Fagans, the solution they offer to a very difficult problem is sensitive and modest in the extreme. The way that the proposed new structure floats above the parapet line is extremely clever, as is the sloping facade which accentuates, in my opinion, the disconnection between the rectilinear form of the historic structure and the proposed new development... I cannot agree that what the Fagans propose is a compromise or, for that matter, compromises the historic building. I believe that the proposal shows a very elegant and compatible structure and does no harm to the old building.”

7.3 Summary of Objections and Support:

In essence, the objectors seemed to not like the proposed four-storey addition because they thought that it was too big and because they considered the architectural language too modern and too contrasting with the architecture of the

four old buildings occupying two-thirds of this block, and they did/do not see or experience the effect of the very modern buildings recently built on the Lutheran Church's own land or the buildings across the surrounding roads. Indeed, they seemed not to see the surrounds at all. Their experience or perception of reality is one which focuses on the object, in this case, on the immediate buildings and the block which these buildings occupy (in part). The gaze or perspective is from the outside, from above; and it is fixated on these buildings as 'monuments', as special objects which, because of the historically established socio-political associations of these viewers with these objects, cannot/must not be changed. At any cost. For them the city is a series of blocks/volumes looked at from the outside. This way of looking at the city is one in which the grand monuments are privileged and their histories are given greatest significance.

On the other hand, a wide range of supporters of the proposal (many of whom are people who have considerable professional training, experience and recognized expertise in making and designing, and in analyzing and criticizing the culturally-based acts which constitute city-making) experience the concrete reality of these buildings and their settings in a different way which recognises space as connecting rather than separating and that the city-scape is made up of an infinitely connecting series of spaces, continuous street-scapes which surround and extend into relatively closed and open blocks which are experienced by moving around and through rather than from above. This experience is spatial and associated with movement, it experiences pattern, texture and grain and it sees the city holistically and ever-changing through time. This way of looking at the city emphasizes continuity and the iterative re-making and revitalization of the city and of all its parts.

Also, Michele Robertson-Swift has confirmed the following in her Visual Statement:

- that the design is carefully thought out and is appropriate within the visual context;
- that all significant lines of site are preserved and those affected are affected in a way that does not compromise the integrity of the visual nature of the area;
- that the signature views of the Lutheran church complex on Strand Street are preserved without compromise;
- that the upgrading of the warehouse will have a significant positive visual impact and will enhance the visual experience of the surrounding buildings;
- that the office addition will blend into the surrounding layered cityscape;
- that the upgrading of the Waterkant Street edge will enhance the visual experience along the pedestrianised area;
- that the effect of the views from surrounding buildings and elevated viewpoints will be minimal;

And she concludes: "It is anticipated that the general response to the upgrading of the façade of the warehouse will be positive and that the response to the office component may initially be negative but that in the long-term it will be neutral as the structure becomes an accepted part of the visual environment".⁵³

⁵³ Robertson-Swift, p17.

8 STATEMENT OF SIGNIFICANCE

One of the primary objectives of this Heritage Statement is to articulate a statement of significance, that is, a statement regarding the cultural significance of the site and its buildings and of the immediate environs.

Given the account of the history of the site and its development and the description and assessment of the character of the environs, I conclude as follows:

8.1 The Site and the Existing Buildings:

The site is a singularly interesting property, subdivided into five different erven during much of the past hundred and more years but now re-united into the single portion left by Martin Melck to his daughter in 1781. And this site has been occupied, in large part, by a single singularly interesting building, a very large 18th century warehouse built as a wine warehouse in the late 1760s, used as a military depot usage from 1781 until 1834, and thereafter for a variety of commercial uses.

Much of this 18th century warehouse has been gradually and iteratively eroded by innumerable *ad hoc* and damaging alterations as the property was first subdivided in 1890 and several times by 1936. Most of the damage to this important building is irreparable but that fabric which is old, dating from the first building campaign of the late 1860s, is of considerable historical, architectural and aesthetic value which is amplified by the rarity of the building type. This applies most particularly to the Waterkant Street-half of the building which contains rather more ancient fabric and is singularly rare and, therefore, most significant.

It is, however, apparent that the extant remnants of the ancient warehouse are a relatively small percentage of its 'gross' parts only. There are no remaining stairs, stone flooring, doors, windows, ironmongery or decorative elements, its entire external surface has been replaced by modern materials, and the entire exterior including its silhouette has been radically transformed by the innumerable practical *ad hoc* 'improvements' carried out since the first subdivision in 1890. Indeed, the significance of the remnants and of the warehouse is as 'idea': the idea of the warehouse built by Melck to store wine in the 1760s.

Given this, the warehouse building should be deemed to be a grade IIIa structure and should be placed on the Heritage Register and thus formally protected (so as to satisfy Section 30 of the National Heritage Resources Act). I note that SAHRA has given considerable attention to the question of the significance of this building and has formally decided that it regards the building to have a IIIa grading.⁵⁴

8.2 The Environs:

The character of the surrounding townscape, part of a declared Heritage Protection Overlay Zone (in terms of the Zoning Scheme), is heterogeneous in every sense and the building types, scales and characters vary widely.

The immediately abutting property forming the rest of the city-block is, however, unique in the city as it includes three of the most important late-18th century buildings

⁵⁴ See the letter from SAHRA dated 15 April 2014 addressed to Casey Augoustides in this regard.

in the city centre: the Lutheran Church, the Parson's House and the Sexton's House, all built in the late-18th century and all of them were long-declared national monuments and have recently been deemed to grade I buildings and will soon be formally protected as National Heritage Sites. Indeed, these three buildings, with the badly restored façade of the subject warehouse, facing onto Strand Street, once one of the grandest of Cape Town's streets, together form an unusually fine townscape⁵⁵ which "constitute one of the most important historical groups of monumental architecture in the City."⁵⁶ The Strand Street environs are undistinguished and, the four buildings on the city-block including the subject site, include a wide range of buildings, many of them without any architectural merit at all.

Furthermore, the northern end of the site faces onto the environs of Waterkant Street, a uniquely pretty street, lined with a number of Victorian commercial buildings, many with verandahs, which retains enough of this character to demand a special design response. Indeed, this part of the surrounding townscape is more interesting and sensitive than other parts.

The environs, the city-block in question and the Waterkant Street environs, have long been recognised to contain special significance and to warrant special protective measures even if the recent approval of enormous and scale-less buildings both across the road from the Lutheran Church complex (T-One) and to the north-east will certainly damage the character and significance of the environs irreparably.

9 THE PROPOSED BUILDING

The Augoustides family have engaged the renowned conservation architect, Gabriel Fagan, to rationalize and improve the various parts/components of the existing structures, introduce a new rational re-enforced concrete structure within the Strand Street-facing half of the 18th century warehouse, remove all of the existing roofs and replace them with a single reinforced concrete slab to accommodate parking, introduce a ramp leading to the parking, and to add a three storey office block over much of the site above the parking (see the attached drawings by Gabriel Fagan, Architect). The ramp is proposed in that part of the site not built on until the twentieth century so its construction will not further damage or erode the ancient fabric. The removal of the several new roofs which were also built during the twentieth century will not constitute damage or erosion either; and the construction of a new concrete slab covering the entire site will integrate the disparate parts of the building complex structurally and visually.

The new three storey office component will be supported by ten large columns, only two of which will touch the remaining fabric of the ancient 18th century warehouse. However, this remainder section will be conserved, rehabilitated and the degrading twentieth century intrusions will be removed to best reveal the ancient fabric and character of this remaining part of the 18th century warehouse.

⁵⁵ These four buildings were the basis and the core of the declaration of the first complex of buildings in the city as an urban conservation area in as early as 1979.

⁵⁶ Fransen, 2004, p34.

It is intended that the new building be distinct from the warehouse below it. The façades facing Bree and Strand Streets and the church will be slick and smooth and, with a glass skin drawn tightly, enclosing a closed contemporary volume sharply differentiated from and floating above the long low plastered masonry warehouse below it; the façade facing Strand Street is set well back from the Strand Street edge and recedes from this frontage, raking back, genuflecting to and echoing the pitch of the roof of the church; the façade facing onto Waterkant Street is open at each level, effectively set back by the depth of a balcony at each level and, in effect, establishing a three-storey verandah back from the street and softening the immediacy of its impact and responding to the verandahs which are characteristic of Waterkant Street and enabling the life within the building to open out to Waterkant Street and to the Fanwalk established in 2010.

The proposal is best seen in the annexed drawings by Gabriel Fagan, Architects.

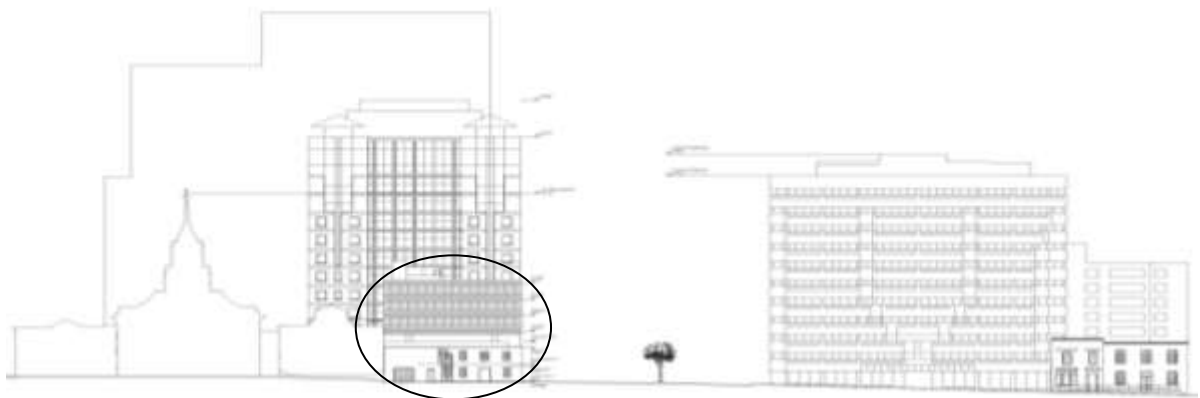


Illustration 12: Strand Street elevation of the proposal shown in relation to its surroundings

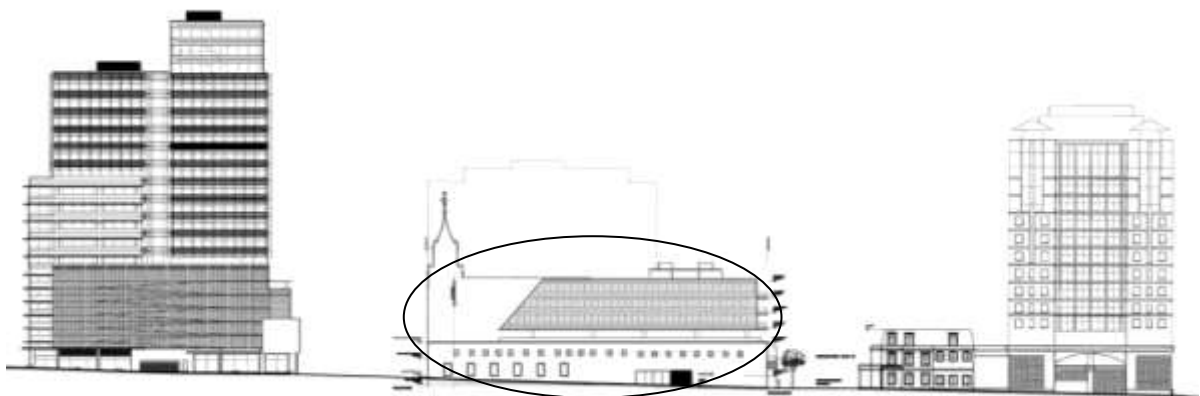


Illustration 13: Bree Street elevation of the proposal shown in relation to its surroundings

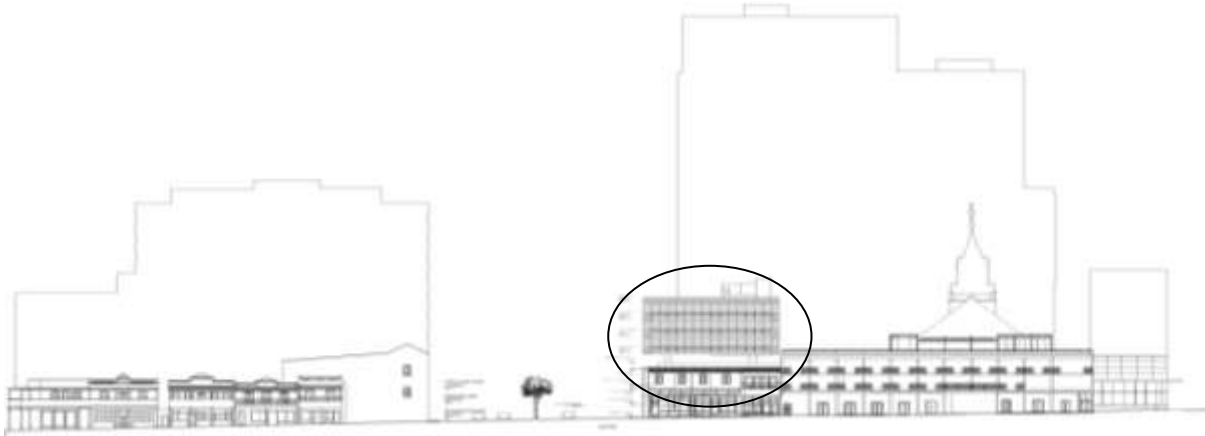


Illustration 14: Waterkant Street elevation of the proposal shown in relation to its surroundings

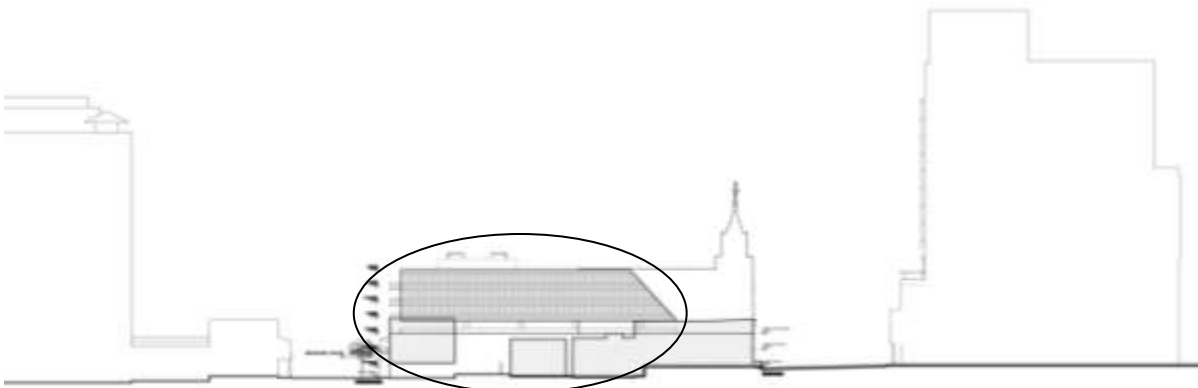


Illustration 15: Church courtyard elevation of the proposal shown in relation to its surroundings

10 THE IMPACTS OF THE PROPOSAL ON THE HERITAGE RESOURCES CONCERNED AND ON THEIR SIGNIFICANCE

Given the significances of the warehouse and of the environs, it seems that these significances are best protected, first, by retaining as much of the ancient materials as remain as is possible and by returning the envelope of the building to its best known and most admired appearance (that is, to the form shown in the 1880s photograph on the cover of this report); and, second, by adding a low modestly scaled modern building that does not intrude “into the space” of the four 18th century buildings and that responds sensitively to the Waterkant Street townscape.

The impacts of the proposal on the identified heritage resources and on their significances are as follows:

10.1 Interior of the Strand Street-side of the 18th century warehouse:

This part of the 18th century building has been iteratively altered, even in large part gutted; and the original structure has been entirely replaced with steel and re-enforced concrete structural elements; and this interior will be re-enforced and rationalised; and a ramp to the roof will be constructed on the part of the site built on during the 20th century. The new re-enforced concrete structure will consolidate the

remains of the 18th century structure.

This will not constitute any loss in significance; and will consolidate the ancient remains ensuring their continued life.

10.2 Interior of the Waterkant Street-side of the 18th century warehouse:

Much of this part of the building remains even if it has suffered very numerous alterations. The proposal is to repair and restore as much of this structure and its fabric as is possible including its arched spine-wall at second floor level and the 18th century volumes. It is also proposed to insert the new main entrance to the building into this part of the complex which will necessitate cutting out a small section of the 18th century warehouse and this fabric will be salvaged and used to re-instate contiguous damaged parts. All modern interventions (staircases, toilets, etc) will be removed and replaced with timber in-keeping with the ancient fabric.

This will result in a considerable improvement to and increase in the significance of the structure, long hidden from view. Indeed, this is an effective rescue or even restoration of significance.

The new circulation core (lift, escape stairs, toilets, etc) will be inserted into the section of the site occupied by 20th century works.

10.3 Strand Street façade:

The Strand Street façade has been iteratively altered throughout the 20th century and there is very little original masonry in it and none of the openings or joinery are original; and there is no evidence to suggest that it was ever more than straight-forward and unadorned.

Fagan proposes to return it to an approximation of its *circa* 1880s appearance: the parapet built in several phases above the original height to hide the later pitched roofs will be reduced down to the original height; and the existing length of rounded coping will be copied across the entire width of the façade. These relatively minor changes to this façade are not intended to “restore” the façade to any previous appearance but rely on two related arguments: first, that attempts to return to previous hypothetical forms are inauthentic unless the building is largely intact⁵⁷ and that restoration should be carried out only by “returning existing fabric... to a known earlier state by removing accretions or reassembling existing components without the introduction of new material”;⁵⁸ and, second, given the arrangement of the existing openings which are similarly proportioned to those shown in the circa 1880s photograph, we contend that the adjustment of the height is sufficient, enabling the façade to contribute appropriately to, or at least not detract from, the viewer’s experience of the Lutheran Church complex (see Illustration 9).

This will not constitute any loss in significance.⁵⁹

⁵⁷ Venice Charter, *Article 9*.

⁵⁸ Burra Charter, *Article 1.7*.

⁵⁹ I am sure that many will declaim this declining of the opportunity to create a hypothetical reconstruction or more “accurate” “restoration”. However, “restorations” of that sort are falsifications; and the decision not to do this is, we contend, the more ‘authentic’ act and is consistent with modern theory and practice.

10.4 Bree Street façade:

The Bree Street façade has also been iteratively altered throughout the 20th century: there is almost no remaining original fabric at ground and mezzanine levels (none of the openings or joinery are original and much of the façade at these lower levels contains numerous bulky RC beams and columns which limit the choices in arranging this façade); and very little original fabric at first floor level (only nine original openings with their lintels remain); and there is no evidence to suggest that it was ever more than straight-forward and unadorned.

Fagan proposes to return it to an **approximation** of its *circa* 1880s appearance: the parapet will be rebuilt to match that of the Strand Street façade (returning the building to its original height and silhouette); the existing length of rounded coping will be copied across the entire width of the façade; and, given that so little early material remains at ground and mezzanine levels and as much of this part of the façade now comprises RC beams and columns, the proposed insertion of six windows matching those in the 1880 photograph is an endeavour to provide for modern uses without damaging the extant fabric and/or the character and signal characteristics of the 18th century warehouse image. At first floor level, nine of the original twenty-one small window-openings remain (although none have their original frames or moving parts) and will be ‘refurbished’; and twelve modern windows matching the extant ancient openings be inserted into the façade in the approximate original positions originally.

These relatively minor changes to the Bree Street façade are not intended to “restore” it to any previous appearance but will, as with the Strand Street façade, re-establish the scale and character of the warehouse. This relies on the same arguments: first, that attempts to return to previous hypothetical forms are inauthentic unless the building is largely intact⁶⁰ and that restoration should be carried out only by “returning existing fabric... to a known earlier state by removing accretions or reassembling existing components without the introduction of new material”;⁶¹ and, second, the return to the row of simple small openings at first floor and the new modern vertically proportioned ground floor openings are consistent with the idea or ‘essence’ of the 18th century warehouse.

10.5 Waterkant Street façade:

The 18th century was replaced in its entirety in *circa* 1930 with a façade and verandah of that period; but the verandah was removed many years ago and the façade is stripped on all decoration. It is proposed to rearrange and rationalise this façade as in the Bree and Strand Street cases. This, the Waterkant Street façade will, however, be animated with a colonnaded balcony responding to the other buildings in Waterkant Street and to the street's recent pedestrianisation.

This is, we think, uncontroversial and does not affect ancient fabric and does not require special attention.

10.6 Warehouse roof:

The existing roofs are all 20th century roofs; but contained within the Waterkant

⁶⁰ Venice Charter, Article 9.

⁶¹ Burra Charter, Article 1.7.

Street-facing section of the 18th century warehouse are remains of the 18th century structure (and roof) which will be retained. The rest of the roofing and its structure is proposed to be removed and replaced by a single concrete slab (which will, below the new addition, be parked on).

There is certainly no loss in significance in the removal of these many sections of 20th century roofing; and the replacement with a single concrete slab will not lessen significance in any way.

10.7 New office addition:

It is proposed that a new three-storey office addition will stand on ten columns above the roof parking. This new building is intended to be experienced as a tight, taut, high-tech modern box, clad in a modular glass and aluminium skin, distinct from the ancient 18th century building below it. Three of the eight columns will penetrate the ancient structure below but these penetrations will cause minimal disruption to the structure, its fabric or the internal volumes. The penetrations by the three columns through the ancient preserved 18th century warehouse is self-evidently not a preferred option but it will not damage the significance of the structure or the character of its interiors; but it will enable its revitalisation and restoration. Indeed, this will increase the significance of this part of the building.

This office addition is carefully positioned to avoid it having an adverse visual impact on the most significant adjacent buildings (the Parsonage, the Lutheran Church and the Sexton's House); and, given the heterogeneity of the townscape and the scale of many of the neighbouring buildings, it will certainly not have an adverse impact on the surrounding environs. Indeed, the proposed three-storey addition (just lower than the Lutheran Church) is modest in this context and will be barely noticeable in these environs: in this context, significance is reliant on the scale, grain, texture of the buildings individually and together, the architectural character of the buildings individually and together, on the history of continual change, and on maintaining and sustaining significant remnants of that history. The proposal satisfies all of these aspects of significance. That the proposal will be barely noticeable in these environs is borne out by the photomontages.

11 CONCLUSIONS AND RECOMMENDATIONS

Michelle Robertson-Swift concludes in the accompanying Visual Statement that "From a visual perspective the proposed development is considered to be appropriate within the visual context. The signature views of the historic buildings have been preserved and the upgrading of the warehouse structure will further enhance these. The visual experience at street level will be enhanced by the upgrading of the warehouse façade and the unity of the historic structure will again become apparent. [...] In addition to the visual experience the cognitive experience in recognising, understanding and hence appreciating the warehouse and its historic value as a building on its own as well as part of this historically significant block is enhanced".⁶²

⁶² Robertson-Swift, p18.

Thus, given these descriptions and assessments of the significance of the site, its immediate neighbours and of the surrounding cityscape, given the scale and character of the proposal, given the absence of negative impacts of the proposal on these significances, given the recovery of significance by the remaining oldest parts of the 18th century warehouse, given the enhanced cognitive experience of the building and its environs, and given that the **“Council must take into account the effect that such activity (the alterations and additions proposed) may have on the significance of the heritage place or area”** when any decision in this regard (see the Appendix to the Zoning Scheme: Overlay Zones, Chapter 3, Heritage Protection Overlay Zones), I conclude that the consent for work in a Heritage Protection Overlay Zone in accordance with the drawings of the proposal by Gabriel Fagan, Architect, attached to this report should be granted.

I note too that the approval of Heritage Western Cape granted in April 2010 is still valid and this has been confirmed by Heritage Western Cape; and that this approval is still subject to the requirement that the Archaeology Contracts Office monitor the excavations of the site and, should any significant finds be observed, that the ACO shall be given the appropriate opportunity to rescue such finds; and that the architect, Gabriel Fagan, shall monitor the works and, should any significant deviation be required, that such deviation shall be referred to Heritage Western Cape.⁶³

13 October 2014



Stephen Townsend

⁶³ I note that Robertson-Swift, p17, has recommended as a mitigation measure that the architects should draw up a comprehensive policy for signage and advertising on the building. The City Council has all the necessary powers to regulate signage and it is, therefore, unnecessary to impose this as a condition of this approval.

BIBLIOGRAPHY

- Clift, Harriet, 2010, unpublished *Research Notes: Erf 1206, Block 8, Cape Town: 1781-1869*, dated 10 February 2010 (attached to Townsend, March 2010)
- Cullinan, Patrick, 1992, *Robert Jacob Gordon, 1743-1795: The Man and His Travels at the Cape*, Struik, Cape Town
- de Bruijn, Max and Remco Raben, Editors, 2004, *The World of Jan Brandes, 1743-1808*, Waanders Publishers, Rijksmuseum Amsterdam
- Fransen, Hans, 2004, *The Old Buildings of the Cape*, Jonathan Ball, Jhb and Cape Town
- Fransen, Hans, 1993, *A Cape Camera: The Architectural Beauty of the Old Cape: Photographs from the Arthur Elliott Collection in the Cape Archives*, Ad. Donker, Johannesburg
- Heroldt, Albrecht, Convened and Edited by, 2014, *Architectural Conservation in South Africa Since 1994*, Dot Matrix Publications, Port Elizabeth
- ICOMOS, 2001, *International Charters for Conservation and Restoration*, ICOMOS, Munich
- Picard, Hymen, 1968, *Gentleman's Walk: The Romantic Story of Cape Town's Oldest Streets, Lanes and Squares*, Struik, Cape Town
- Urbanscapes, Michelle Robertson-Swift, undated, *Visual Statement: 2014 Proposed Development on Erf 174009 (An Amendment of the HWC Approved 2010 Proposal) Cape Town*
- Titlestad, Sally and Stuart Hermansen, 2011, *Motivation for Declaration of the Lutheran Church Complex* submitted to SAHRA
- Townsend, Lesley and Stephen, 1978, *Bokaap: Faces and Facades*, Timmins, Cape Town
- Townsend, Stephen, March 2010, *A Section 38 Heritage Impact Assessment Report addressed to Heritage Western Cape regarding A Development requiring the Consolidation of Three Erven and the Alteration of Parts of a Building Complex More than Sixty Years Old at Erven 160917, 1206 and 1207 on a site bounded by Strand, Bree and Waterkant Streets, Cape Town for Mike's Sports Pty Ltd*
- Worden, Nigel, Elizabeth van Heyningen and Vivian Bickford-Smith, 1998, *Cape Town: The Making of a City: An Illustrated Social History*, David Philip, Claremont