

DIRECTORATE ECONOMIC ENVIRONMENTAL AND SPATIAL PLANNING
ENVIRONMENTAL RESOURCES MANAGEMENT DEPARTMENT
ENVIRONMENTAL AND HERITAGE MANAGEMENT BRANCH

18 September 2012

LAND USE MANAGEMENT BRANCH
DEPARTMENT: PLANNING & BUILDING DEVELOPMENT MANAGEMENT

ATT:

ALTERATIONS AND ADDITIONS TO NUR-EL HOUDA MOSQUE – ERF 1895, LEEUWEN STREET, BO-KAAP, CAPE TOWN

We received the further changes to the application to extend this mosque on **13th September 2012**. The drawings have gone through a series of iterations, changes and approvals from this department:

30 May 2011 – plans deared from this branch based on the building not being older than 60 years, not within a declared UCA, and a further comment from this branch dated **13 October 2010** (see attached). SAHRA commented on the **18 February 2011** stating that there was no need for further investigation on the site in terms of the general protections that may be in place on the site.

LUMS gave approval for the consent and departures for the Application No. 199023 on the **27th May 2011** with the following conditions:

- 1) Within 90 days of the occupation of the mosque extension, the owner shall plant a minimum of three trees on the property. Such trees will be planted and maintained at the cost of the owner.
- 2) The total floor area of the prayer area may not exceed 270m².
- 3) The owner shall ensure that a night watchman/ security guard is on-site from 19h00-07h00 during the construction period.
- 4) The two residential units may only be used to accommodate the sheik and caretaker/ staff of the mosque.

Further to this consent and approval which were given based on the reasons that there are no heritage issues with the building and that the extensions would not affect the surrounding environment in a negative way, a further set of amended drawings showing more impact on the Mosque site were then deared by LUMS on the **16 August 2011**, once again for Section 15 consent and parking departures. There is now a submission for further amendments to the plan showing a Fibreglass dome (uncoloured on plan) and building right up to the street boundary on Leeuwen Street. In the opinion of this branch, the issue is now an urban design problem as views through to the city will be impacted upon as well as the street environment.

Legal Framework:

The site falls inside the Grade 1, proposed National Heritage Site of the Bo-Kaap. It is however not in a declared Urban Conservation Area and Section 108 of the Zoning Scheme Regulations is not applicable. The application needs to be advertised to the South African Heritage Resources Agency (SAHRA) as they are the heritage authority who graded the area and thus qualify as an interested and affected party.

Context:

The site sits on the steep Upper Leeuwen Street high up on the slopes in Bokaap. The mosque was originally built prior to 1945 as can be seen on the 1945 aerial below a building exists on the site. Many trees are visible on the site on the street boundary. The area is a dense residential area primarily with some stand-alone dwellings as well as some dense housing. Upper Leeuwen Street is fairly wide and the mosque sits on the site with a fair amount of open space

surrounding the site and building. A tree exists now on the street boundary. The opportunity for further additional development without negative impacts is limited.



Figure 1: 1945 aerial, GISCoCT



Figure 2: 2007 aerial, GISCoCT



Figure 3: View towards mosque from Bryant Street



Figure 4: View down Upper Leeuwen Street

Assessment of the Proposal on Heritage Resources:

From Upper Leeuwen Street the new proposal has negative impacts as a fibreglass dome is proposed which affects views of the city from the upper slopes of Bokaap and this historic area. The proposed additions increase the scale and impacts on the street and further departures, although not specified in this application, would most probably be required. The proposal will have a negative impact on the street as well as the historical environment and as such, the additional rights applied for, **cannot be supported**. Should no further departures be required on the proposed development, we consider that this proposal is a new proposal as there is no such thing as 'rider-plans' and the departures previously applied for would require re-advertising and comment from SAHRA. Mitigating measures can be considered in order for the applicant to obtain their desired accommodation requirements for this site and building with its specific 'use'.

RECOMMENDATION

- 1) Confirm the departures required in terms of the Cape Town Zoning Scheme.
- 2) Advertising take place to the surrounding neighbours, CIA Heritage Sub-committee and the Bokaap Civic Association.
- 3) The City's Urban Design and Landscaping branches must be consulted as the environment is now impacted upon negatively, and the previous conditions for trees will now be affected.
- 4) SAHRA comment required for amended plans.
- 5) Take note of and implement the previously imposed conditions.

Regards

Margot van Heerden
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Our Ref: 9/2/11/0158

Your Ref: Mr. Gregory Ontong

Enquiries: 2 April 2013

Date:

MR. ZAID SAMSODIEN
59 UPPER PEPPER STREET
CAPE TOWN
8001

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084 416 5267

FOR ATTENTION: MR. ZAID SAMSODIEN

Dear Mr. Samsodien

RE: ERF 1895, NUR-AL-HOUDA MOSQUE, LEEUWEN STREET, BO-KAAP- ADDITIONS AND ALTERATIONS

The above application was reviewed by SAHRA on the 25 February 2013.

DISCUSSION

The above application was submitted to SAHRA BELCOM for comment on the proposed change in land use rights. The intention is to allow for residential activities on the site zoned as "Institutional". The changes to the plan, previously submitted, included the development of two additional dwelling units.

The plans reviewed were:

PROJECT	DRAWING TITLE	CLIENT	SCALE	DATE	DRAWN	DRAWING NO.	REV
Erf 1895, Leeuwen Street, Cape Town	Site plan	Nur-Ei-Huda Congregation	1:50	June 2012	Modus Lifestyle	NUR 0001	B- D
	Ground Floor Plan	Nur-Ei-Huda Congregation	1:50	June 2012	Modus Lifestyle	NUR 0003	B- D
	1 st Floor Plan	Nur-Ei-Huda Congregation	1:50	June 2012	Modus Lifestyle	NUR 0004	B- D
	Basement Plan	Nur-Ei-Huda Congregation	1:50	June 2012	Modus Lifestyle	NUR 0002	B- D
	Sections	Nur-Ei-Huda Congregation	1:50	June 2012	Modus Lifestyle	NUR 0200	B- D
	Elevations	Nur-Ei-Huda Congregation	1:100	June 2012	Modus Lifestyle	NUR 0100	B- D

It is understood that the matter is a land use planning matter and should be addressed as part of the land use application.

It is noted that the existing structure is not older than 60 years but falls within the proposed Grade 1 Bo-Kaap Cultural Landscape. The purpose of the additional space is to house staff. The increased floor area of the mosque, particularly the prayer room, raised concern as it impacted on the site extent with follow-on impacts in regard to building lines.

Further concerns were raised as the applicant did not submit photographs which could have guided the Committee in regard to the visual impact of the proposal. A measured drawing and more visual information is therefore required.

COMMENT

The Committee did not support the application because there was uncertainty regarding the possible impact of the proposals on the context. Photographs, sections and measured drawings are essential to the application. Lastly, the application must be submitted electronically on SAHRIS.

Should you have any queries please do not hesitate to contact the SAHRA Built Environment Unit Manager, Mr. Gregory Ontong at gontong@wvc.sahra.org.za, Ms Sheenagh Bruce, Cultural Officer at sbruce@wvc.sahra.org.za or Mr. Gcobani Sipoyo, Cultural Officer at gsipoyo@wvc.sahra.org.za

Yours sincerely

GREGORY ONTONG
UNIT MANAGER: SAHRA BUILT ENVIRONMENT
FOR SAHRA BELCOM COMMITTEE

Form 'D'

PLANNING AND BUILDING DEVELOPMENT MANAGEMENT

28 APR 2010

DEVELOPMENT MANAGEMENT

Card No CIRCULATION INSTRUCTIONS

*GRADED 3B (?) - N/A.

OLDER THAN 60 YEARS (1957)	ERF 1895, BOKAAP 18/7/2010
HWC HAS NO JURISDICTION.	
HRS TOOK NOTE OF SATHRA'S COMMENT.	Ungraded building outside any UCA but inside the
THERE IS NO LEGAL FRAME - WORK TO ASK FOR HERITAGE STATEMENT.	GRADE 1 Proposed National Heritage Area. SECTION 108 does not apply. SATHRA must comment / approve.
HRS N/A FOR HRS	Building appears older than 60 years, HWC must issue a permit for any amendments / demolition of the existing.
RS: THE FRAMES PLEASE DISCUSS.	
LUN/BDM: PLEASE CHECK IF THE APPLICATION (USE) IS ZONING COMPLIANT.	1. Please submit the above-mentioned permits. 2. SATHRA has Graded the Area so is an interested + affected party. Please obtain their comment.
NOTE: see SATHRA'S letter dated 18/03/11 No further studies request	3. The proposal appears in scale with the existing mosque + 'completes' a gap on the site. 4. No departures will be supported however LAND USE must confirm. Site is zoned community facility.
	Muff 18/7/2010.
	= HWC & SATHRA to comment.
	*VIDA MEMORIA HERITAGE CONSULTANTS SUBMITTED PROOF THAT THE BUILDING IS NOT