

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
THE CHRISTCHURCH CITY COUNCIL**

UNDER	the Resource Management Act 1991 (RMA)
IN THE MATTER	of an application for resource consent under section 88 of the RMA by Cambridge 137 Limited for demolition of a heritage building and construction of a hotel
APPLICANT	Cambridge 137 Limited

**STATEMENT OF EVIDENCE OF JONATHAN CLEAVE ON BEHALF OF
CAMBRIDGE 137 LIMITED**

URBAN DESIGN

2 October 2024

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INTRODUCTION

- 1 My full name is Jonathan Guy Clease. I am a Director at Planz Consultants Ltd, a planning and urban design consulting firm. I have been in this position since 2007.
- 2 I have prepared this brief of evidence to support the application for resource consent by Cambridge 137 Limited to demolish the current Harley Chambers and to construct a new 11 storey hotel in its place (**Application**).

Qualifications and experience

- 3 My qualifications include a B.Sc in geography, a Masters in Regional and Resource Planning (MRRP), and a Masters in Urban Design (M.UrbDes). I am a full member of the New Zealand Planning Institute.
- 4 I have worked as a planner for some 30 years. I took a sabbatical following the Christchurch earthquakes to complete my M.UrbDes, and as such have also worked as an urban designer for the last 12 years. Over this period I have provided urban design assessments for numerous hotel, commercial, community facility, and multi-unit residential projects.
- 5 In addition to involvement in resource consent processes, I have extensive experience in policy and district plan development. I presented evidence on behalf of submitters as part of the Plan Change 14 (**PC14**) hearings on the City Centre Zone policy and rule package, and was a signatory to the Joint Witness Statements for both urban design and planning experts on the City Centre Zone as part of that process. As such I have a good understanding of the recent material changes in the Christchurch District Plan (**District Plan**) regulatory framework delivered through PC14.

Code of conduct

- 6 While the resource consent application is not before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. Accordingly, I have complied with the Code in the preparation of this evidence, and will follow it when presenting evidence at the hearing.

- 7 Unless I state otherwise, this assessment is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 8 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. The reasons for the opinions expressed are also set out in my evidence.

Scope of Evidence

- 9 I was the author of the urban design assessment prepared in support of the Application (Appendix 8 of the AEE).
- 10 My evidence addresses the following:
 - (a) The urban design assessment I have undertaken in support of the proposed development;
 - (b) A response to matters raised in submissions;
 - (c) Matters raised in the section 42A report prepared by Scott Blair dated 24 September 2024 (**section 42A report**) involving:
 - (i) The effects of massing on medium-range views and urban form;
 - (ii) The effects of massing and design on immediate pedestrian experience; and
 - (iii) The need for a pedestrian entrance in the Cambridge Terrace façade; and
 - (d) My recommendations in relation to conditions.
- 11 A full analysis of the urban design assessment matters relevant to this Application is included in Appendix A.
- 12 I have reviewed the following documents for the preparation of my evidence:
 - (a) A copy of the Application;
 - (b) The submissions lodged on the Application which address urban design issues;

- (c) A copy of the section 42A report and the Urban Design assessment prepared by Ms Ekin Sakin and attached as Appendix E to the section 42A report; and
 - (d) The drafts of evidence prepared by Mr Bonis (planning) and Mr Armstrong (Architecture) in support of the Application.
- 13 I have visited the site and surrounding blocks on numerous occasions and seasons over the past year.

EXECUTIVE SUMMARY

- 14 The site currently contains a damaged and vacant building that, in its current condition, detracts from the amenity and vitality of the surrounding area.
- 15 The proposed hotel enables the delivery of a modern four-star facility to help meet the accommodation needs of visitors and contributes to the ongoing regeneration of the city centre.
- 16 The city centre is the largest commercial centre in the region and, as such, is a focal point for both a high intensity of activity and a wide range in building scales and styles.
- 17 The proposed design provides a thoughtful response to a prominent corner site in close proximity to other heritage buildings and the Ōtākaro Avon River corridor. It addresses the street edges and provides detailed and heavily glazed lower levels that overlooks the street from internal areas and provides an attractive façade when viewed from ground level.
- 18 The massing is appropriate for a corner site in a city centre context. While contrasting with the predominant building heights on the western side of Cambridge Terrace, these existing heights to a large extent reflect the regulatory framework that has been in place since the Canterbury earthquakes. This regulatory framework has recently undergone a material revision in line with recent requirements to give effect to the National Policy Statement for Urban Development (**NPS-UD**).
- 19 The proposed design responds to the new outcomes sought under this revised framework. In particular it places an emphasis on the street corner and facilitates the greater intensity of use which is now sought in city centres by the NPS-UD.

- 20 Such enablement is not, however, open-ended. The proposed design responds responsibly to the need to manage the transition to the adjacent two storey heritage building to the west, with a setback combined with a relatively small site to generate a slim tower form.
- 21 The amendments sought by Council officers deliver negligible urban design benefits and conversely generate significant costs in terms of increased structural, serving, weathertightness, reduced bedroom numbers, and functional layout constraints.
- 22 I conclude that the proposed design provides an appropriate massing arrangement when viewed from middle distance perspectives, and an acceptable pedestrian experience in the immediately surrounding area. As such, I support the application and do not consider any amendments are necessary to the proposed design from an urban design perspective.

BACKGROUND

- 23 As set out in detail in the application, the existing Harley Chambers building (**Harley**) suffered extensive damage in the Canterbury earthquake sequence and has remained vacant and unoccupied ever since. The building in its current derelict state detracts from the amenity and recovery of the city centre.
- 24 The proposed demolition of Harley and its replacement with a new hotel, from an urban design perspective, provides the opportunity to deliver the following outcomes:
- a) Revitalisation of a derelict, non-active site;
 - b) Deliver a new four-star hotel as an activity that is in accordance with the role and function of the CBD as the pre-eminent commercial centre for the Region;
 - c) Deliver a visually prominent landmark building on a key corner site;
 - d) Respond appropriately to the Worcester Chambers heritage building immediately to the west, the Canterbury Club to the south and the Ōtākaro Avon River corridor to the east;
 - e) Deliver functional, carefully planned internal spaces and sufficient bedroom yield to meet international benchmarks for a four-star hotel;

- f) Provide an activated and overlooked street environment whilst also meeting minimum finished floor levels necessary to mitigate flood risk; and
- g) Provide a visually interesting and appropriately glazed and detailed first three stories to deliver a positive pedestrian experience and street interface.

URBAN DESIGN ASSESSMENT

- 25 I prepared the urban design assessment lodged in support of the Application. In this evidence I do not intend to repeat the content of the Urban Design Assessment, rather I expand on particular aspects of the assessment in response to the matters raised in the section 42A report.
- 26 It is acknowledged that as a fully discretionary activity, all potential effects (both positive and negative) are in play. That said, the District Plan includes a comprehensive set of matters of discretion in relation to urban design and built form outcomes and, as such, provides a useful framework for considering the likely potential effects. For ease of reference **Appendix A** to this evidence provides a summary of the key urban design-related matters of discretion (as recently confirmed through PC14) and either provides a cross reference to the application where these matters have not been amended or provides succinct commentary where PC14 has resulted in revision to the matters in play.

Assessment framework

- 27 The District Plan policy and rule framework of relevance to this application is set out in detail in the evidence of Mr Bonis, along with a careful analysis of how that framework has been revised as a result of the very recent PC14 process. I agree with Mr Bonis' assessment regarding the policy framework and, as such, do not seek to duplicate his efforts. From an urban design perspective, it is important to emphasise that the PC14 rule package results in a material change to the built form outcomes that are anticipated in the City Centre Zone.
- 28 The old District Plan (pre-PC14) policy and rule framework was developed in response to the aftermath of the devastating Canterbury earthquake sequence. The rules were developed through the Central City Recovery Plan process and were then incorporated into the District Plan Review which concluded in 2016. Of note, a key concern in the city

centre was that there was a limited quantum of demand (new floor space) to spread over the large number of vacant sites. A relatively low height limit of 28m was therefore introduced as a fully discretionary activity as a key method for spreading limited demand across numerous sites i.e. if demand for floor space is limited then it is a better design/recovery outcome to have say 5 x 6 storey buildings than 1 x 30 storey building.¹ This demand management approach was then combined with post-quake community concerns regarding the perceived risks associated with tall buildings and a resultant desire for a mid-rise city scape.

- 29 The development that has occurred in the last decade has understandably reflected the regulatory framework that has been in place over this period. Recent buildings therefore tend to be lower than 28m and generally also have a step in at the 21m road wall height (equivalent to the 6-7 storey level). In addition to a 28m height limit, all new buildings were subject to a qualitative urban design assessment, either as a controlled activity (if certified²) or as a restricted discretionary activity if not.
- 30 As set out by Mr Bonis, the introduction of the NPS-UD has resulted in a fundamental change in national direction regarding how cities (and especially city centres) are to be managed. Policy 3 in particular seeks 'building heights and density of urban form to realise as much development capacity as possible to maximise benefits of intensification'. Policy 6(b) recognises that the planned built form in District Plans (resulting from the implementation of the NPS-UD) may involve significant changes to an area, and that those changes may detract from the amenity values appreciated by some people but improve the amenity values appreciated by other people, communities, and future generations and are not, in themselves, an adverse effect.
- 31 PC14 was the Council's response to the implementation of the change in direction required through the NPS-UD.³ From an urban design

¹ Objective 15.2.5(i)

² Only four urban designers are on the 'approved list' of certifiers, of which only two are based in Christchurch. As such, in my experience most new buildings pass through a Restricted Discretionary process.

³ PC14 was also to implement Medium Density Residential standards, however this 'second prong' to the statutory drivers behind PC14 is not relevant to this application in a City Centre commercial zone.

perspective, PC14 constitutes a paradigm shift in the outcomes anticipated in the city centre. There is a clear shift away from a framework that set a 'hard' height limit at 28m as a fully discretionary activity and required all new buildings (of any height) to undergo a qualitative urban design assessment. Instead, the new framework has no height limit and no urban design requirement for 'small buildings' that are less than 21m in height, and all buildings that are less than 28m in height, subject to compliance with built form standards.

- 32 All other built form rules applicable to corner sites (within 30m) have a restricted discretionary status⁴ and, in effect, this just add matters of discretion to the urban design rule triggered by buildings over 28m in height. The built form rules are therefore not hard lines with 'avoid' policies and a non-complying activity status, but rather are simply triggers for additional matters of assessment as part of the qualitative design assessment for buildings over 28m in height. Such changes are consistent with the NPS-UD policy 3 direction to 'realise as much development capacity as possible'.
- 33 Of significance, the outcomes for corner sites in particular have shifted materially in terms of the associated rule package. Within 30m of the corner there are no road wall setbacks, with the diagram accompanying rule 15.11.2.3(a) clearly showing the anticipated built form outcome of a simple tower form (without upper level setback) up to 45m in height for 'typical corner sites'. Mr Bonis identifies an inconsistency between this interpretive diagram and the building base / tower rule and definitions. However, in my opinion there is a clear intent for taller buildings to be located on street corners without the need for upper level setbacks.
- 34 This material change in the outcomes anticipated, and therefore whether or not new development should reflect the built form outcomes established under the old rules, explains much of the difference in view between myself and Ms Sakin.

RESPONSE TO SUBMISSIONS

- 35 I have reviewed the submissions that comment on matters relevant to urban design matters. The vast majority of submissions support the

⁴ 15.11.2.14; 15.11.2.15; 15.11.2.16 relating to tower internal boundary setbacks, dimensions, and floorplates.

application. Many submissions correctly identify the challenges to city centre regeneration posed by the existing Harley building in its current damaged and vacant state. Submitters then contrast the 'existing environment' presented by this vacant building to the additional vibrancy and activity (both economic and social) delivered through the proposed replacement of Harley with a modern hotel and associated streetscape activation and increase in pedestrian movements, visual amenity, and economic activity.

- 36 For a development of this scale, in my view, it is telling that there are very few submitters in opposition (and of these the main concerns appear to be in regard to the loss of heritage values and/or construction-phase effects). Out of 33 submissions, the only ones that raise concerns regarding built form and design are those from Derek Phelps,⁵ Amanda Nelson,⁶ and Canterbury Chambers.⁷ These concerns overlap with those raised by Ms Sakin, therefore I respond to these matters in the next section regarding the section 42A report.

RESPONSE TO SECTION 42A REPORT

- 37 I have reviewed the section 42A report and associated Appendix E in terms of urban design matters. I note that there is a clear difference between the recommendations of Ms Sakin and Mr Blair. My evidence responds primarily to Ms Sakin's assessment, however, I also provide comments on the alternative solutions put forward by Mr Blair.
- 38 It appears that there is broad agreement on the following urban design-related matters:
- a) That the site in its current state with a damaged and vacant building does not provide amenity or activation of the street frontage or promote the revitalisation and recovery of the city centre;
 - b) That the site is an appropriate location for a hotel, and that the use of the ground floor for reception and restaurant facilities is likewise an appropriate internal activity adjacent to a street frontage;

⁵ Submitter #28

⁶ Submitters #29

⁷ Submitter #30

- c) That tall buildings are appropriate in a city centre context (as a general proposition);⁸
 - d) That the visual and urban form effects of the proposal are acceptable for long-range views of the building;
 - e) That there is limited existing coherent built form along Worcester Boulevard;⁹
 - f) That the proposal responds appropriately to the Worcester Boulevard frontage¹⁰ and maintains an appropriate response to the adjacent Worcester Chambers heritage building;¹¹ and
 - g) That the wind-related effects on the street environment are generally acceptable.
- 39 The key remaining differences in opinion relate to:
- a) Medium-range views of the building's massing and consistency (or not) with the established character and built form along Cambridge Terrace; and
 - b) The outcomes experienced by pedestrians immediately adjacent to the site's Cambridge Terrace frontage.
- 40 A number of different amendments are then recommended by the reporting officers to address the two key points of difference. As set out in Figure 3 in Mr Bonis' evidence, there are some clear differences in the changes recommended by Mr Blair and Ms Sakin. In summary:
- a) Ms Sakin states that she does not support the Application in an unmodified form (and therefore presumably is of the view that it should be declined).¹² Mr Blair supports approving the Application, subject to his recommended amendments;
 - b) That if approved, Ms Sakin recommends that the built form be amended in line with her 'recommendation 1'. I have struggled to

⁸ Ms Sakin, pg. 13

⁹ Ms Sakin notes (pg.8) that the current form of Worster Blvd is characterised by buildings being set back from the road edge. Such an outcome runs directly against the anticipated built form whereby the District Plan is directing buildings to be built to the frontage. I also note that the block west of Montreal does not have a City Centre Zoning and as such anticipates quite different outcomes.

¹⁰ Ms Sakin, pg. 13

¹¹ Ms Sakin, pg. 11

¹² Ms Sakin, pg.22

determine with confidence what the officer recommendations are as there appears to be a clear difference between Ms Sakin's recommendation and Mr Blair's interpretation of the outcome she is seeking.

Drawing on the images attached to her 'option 1' statement,¹³ I read Ms Sakin's recommendation to be as follows: She seeks that the bottom three storey levels be shifted towards the west (into the porte cochere area and closer to Worcester Chambers). My understanding is that the building floorplates above three stories also get larger to match the extended lower level building line to the west with the tower between level three and 28m continuing to rise on the same line as the lower 3 stories. The tower above 28m then takes on more of a square form, thereby creating a tower setback of 4.2m *above the 28m level* on both the Worcester Boulevard and Cambridge Terrace frontages.¹⁴

I note that Mr Blair has come to a different interpretation of Ms Sakin's recommendations,¹⁵ whereby he takes her recommendation to be to extend the lower three stories to the west to then enable the tower to be setback *for its full height* from the third floor upwards i.e. the 4.2m setback starts at the top of level three rather than at the 28m mark;

- c) Mr Blair recommends a modified approach of a 1.2m setback at the 28m level on the Cambridge frontage only (which could be utilised as a terrace or balconies), with no setback being necessary on the Worcester frontage,¹⁶ and no extension west for the lower levels given the challenges this poses for the safe and efficient functioning of the porte cochere area.
- d) Ms Sakin and Mr Blair both recommend a 5m setback for the full width of the northern façade for that portion of the building at a point somewhere between 32-35m in height;
- e) Ms Sakin's recommendations therefore result in a tower that is stepped in by 4.2m at the 28m line from both the southern and

¹³ Ms Sakin, 'recommendation 1 massing images', pg. 23

¹⁴ Ms Sakin, 'recommendation 1' pg. 22

¹⁵ Mr Blair, para.103

¹⁶ Mr Blair, para.109

eastern edges, and then separately stepped in by 5m from the northern edge between 32-35m; and

- f) Ms Sakin recommends the insertion of a pedestrian entrance into the Cambridge frontage. Mr Blair considers this matter to be 'finely balanced' and errs on it not being necessary.

The effects of massing on medium-range views and urban form

- 41 In a city centre context, I take mid-range views to equate to those available from locations that are approximately a block away from the site. Whilst tall buildings will be visible from further away, at distance they simply form a city backdrop, with such views also frequently interrupted by closer buildings.
- 42 I consider that there is little consistency in built form, heights, or wall edge on either side of Worcester Boulevard or on the eastern side of the river (Oxford Terrace). I agree with Ms Sakin that there is a reasonable level of consistency in the building heights and street wall present on the western side of Cambridge Terrace for the two blocks either side of the site.¹⁷
- 43 Where we differ is the degree to which new buildings need to perpetuate this consistency.
- 44 As set out above, through PC14 there has been a material shift in the regulatory framework controlling city centre outcomes. No setbacks are required for corner sites, the 28m overall height limit has been removed, and the interpretative diagram that informs the rule package anticipates the ability to deliver a tower form up to 45m for typical corner sites. The proposal does exactly this and closely reflects the built form outcomes anticipated in the diagram (noting that the tower is set in 8.45m from the western internal boundary in response to the adjacent heritage building).
- 45 It is important to emphasise that over the medium-range, simply being visible is quite different to being inappropriately visually dominant. It is also context-specific. For example, a single 40m tall building in say Beckenham would be visually dominant as it is materially different in form (both existing and anticipated) to the surrounding low-rise

¹⁷ For the block to the south this consistency is reliant on the delivery of the proposed office building on the Hereford St/ Cambridge Tce corner that was consented after the urban design assessment in the application was written.

residential neighbourhood. In a CBD context, a 40m tall building simply forms one of a cluster of taller buildings. This is a normal and anticipated physical outcome in CBDs, where most cities in the world increase in height the closer you get to the city centre.

- 46 The subject site is well within the CBD and, as such, is a location where taller buildings are anticipated. A tall building on the subject site visually forms part of a cluster of existing (pre-earthquake) buildings in the blocks either side and as such is not unexpected, visually jarring, or out-of-place.
- 47 The PC14 rule framework clearly anticipates (and indeed encourages) tall buildings to be built to the street edge for corner sites. It is hard to be a landmark building if you look the same as the neighbours. Whilst subject to an urban design assessment above 28m, assessment matter 15.14.3.1(a)(v) directly seeks a variety of scale and corner site landmarks. This is different to the separate matter of discretion seeking continuity and visual coherence of the street wall (15.14.3.1(c)(i)).
- 48 In my view, continuity of the street wall is focussed on delivering a continuous built edge / terrace effect without large vacant or single storey gaps in the edge i.e. minimising surface carparking and low-rise buildings, so that an urban rather than suburban streetscape is delivered.
- 49 The four built from rules relating to building setback,¹⁸ road wall height,¹⁹ sunlight access,²⁰ and a minimum height of two stories,²¹ along with the activity standard for small buildings to be built up to the road boundary for the full width of the site²², as a package are designed to deliver a continuous multi-storey terrace effect along blocks. Matters of discretion in 15.14.2.6(a)(viii) likewise provides consideration of whether or not buildings extend to the road edge.
- 50 In delivering a continuous wall edge, the District Plan is looking to balance outcomes between not having enough of an edge that an urban streetscape with a sense of enclosure is diluted, yet concurrently not having an overly oppressive streetscape where a 'canyon' effect is

¹⁸ 15.11.2.1

¹⁹ 15.11.2.12

²⁰ 15.11.2.3

²¹ 15.11.2.4

²² 15.11.1.1(P17)(a)

generated.²³ In seeking to find the 'sweet spot', the 21m road wall and setback rules are designed to deliver a proportionality between street wall height and road reserve width (which is typically 20m in the CBD) – that is, an 'even-sided box'.

- 51 In terms of mid-block streetscape outcomes, the subject site has the benefit of being located adjacent to the Ōtākaro Avon River corridor which provides much greater width than the typical 20m road corridor,²⁴ and therefore whilst to a certain extent the mature trees provide the 'third side', overall there is much more generous width to the corridor which makes it better able to accommodate greater height on its edges rather than less.
- 52 Priorities then shift for corner sites. Rather than delivering an even-sided box, the desired outcome sought in the District Plan instead becomes the need to emphasise corners to assist in way-finding and to provide visual interest. Taller buildings, built out to the road edge for their full height on corners are promoted by the removal of the need for upper level setbacks. The enabled outcome is overtly one of promoting contrast, rather than consistency, with the different priorities sought for mid-block contexts. This change in streetscape priority from one of uniform heights and edges to increased massing on corners is one of the key design shifts enabled in PC14.
- 53 It is important to emphasise that the greater enablement for corner sites is not open-ended. To manage scenarios where developers are able to aggregate extensive landholdings and amalgamate titles such that a 'corner' site covers say half a block, the exemption for corners is limited to the first 30m of length. This is a restricted discretionary activity, to enable a case-by-case assessment and in recognition that there may well be functional or design (or size of lot) reasons for the building to be somewhat longer.
- 54 The 30m length limit is combined with the rules controlling tower size (footprint), regardless of whether the tower is located on a corner or a mid-block location. For towers *above 45m in height*, the maximum plan

²³ A canyon effect occurs where there are vertical building walls on both sides of a street that are notably higher than the street is wide, thereby creating a visual sense that the street environment is visually dwarfed by the walls on either side.

²⁴ Approximately 90m across Cambridge Tce, river, and Oxford Tce road and river reserves.

dimension is limited to 40m.²⁵ Towers above 45m are also required to be setback from internal boundaries by the lesser of 6m or 10% of the building height, in order to facilitate glazing in the side elevations rather than blank walls that are visible from some distance away. For towers above 28m, the maximum size per floor is 1,200m² gross floor area (GFA),²⁶ with the purpose of the rule to again drive slim, elegant tower forms.

- 55 The proposed building has a per floor GFA of only 631m², with an internal dimension is 38.3m. The tower mass is therefore comfortably within the District Plan parameters for ensuring that taller building elements are slim. Ms Sakin agrees that the tower has a slender profile.²⁷
- 56 For this site there is a further competing outcome of the need to deliver an appropriate interface with the adjacent Worcester Chambers heritage building to the west. The proposed design seeks to prioritise this interface through providing a generous 8.5m setback from the site's internal boundary. This setback also provides both a functional porte cochere at ground level and facilitates the inclusion of extensive glazing in the western façade which is highly visible when viewed looking east along Worcester Boulevard. Mr Brown addresses this further in his evidence. The prioritisation of having a large setback from the internal boundary in response to heritage outcomes limits the ability to concurrently provide upper level setbacks from the road boundaries.
- 57 I do not therefore consider that upper-level setbacks from the southern, eastern, and northern elevations to be necessary. Whilst the changes sought by Council officers will be visible, I do not consider the resultant outcome to be better in terms of either urban design terms or the outcomes sought by the District Plan that seek corner contrast rather than consistency.
- 58 The changes sought by officers are not modest façade 'tweaks', but as set out in the evidence of Mr Armstrong, they come with significant cost and function implications for internal floorplate layout, bedroom

²⁵ Rule 15.11.2.15

²⁶ Rule 15.11.2.16

²⁷ Ms Sakin, pg. 7

numbers, international hotel requirements, structural design, services design, and weatherproofing.

- 59 In summary, I agree with Ms Sakin that the western side of Cambridge Terrace has a generally consistent built form, reflective of the rule framework these buildings were developed under. Within this general constancy of outcome, the District Plan now enables corners to be emphasised. Such emphasis is to be delivered through slim towers with modest floorplates, which this proposal readily complies with. I consider the overall building mass to be in line with the outcomes now sought in the District Plan for corner sites, in keeping with the role and function of the city centre, acceptable when viewed in the middle distance as part of an urban streetscape, and of a design that avoids the significant cost implications and functional disbenefits inherent in the officer's recommendations.

The effects of massing and design on the immediate pedestrian experience

- 60 The second key issue identified by Ms Sakin is the pedestrian experience immediately adjacent to the site and, in particular, that experienced along the Cambridge Terrace frontage.
- 61 In assessing this issue, it is helpful to briefly describe how pedestrian journeys are actually experienced. In short, the quality of the experience is not based upon what you can see *per se*, but rather what you are *focused upon*.
- 62 When walking through urban environments, the focus is predominantly on the pavement in front of you so you don't trip, the pedestrians around you so you don't bump into them, the traffic adjacent to you so don't get run over, and the shop fronts beside you because window displays are explicitly designed to draw your attention.
- 63 You can certainly see the wider environment, however, this wider field of vision simply forms the visual backdrop rather than the focus. Which is why urban design principles place such an emphasis on the design quality of the first 1-3 floors, as these are the parts of the adjacent buildings that are most 'in focus' and that are a key determinant of the quality of the pedestrian journey or experience.

- 64 In a CBD context the pedestrian experience is also fine-grained or heavily 'pixilated'. A 10-minute walk takes you past numerous buildings in what is typically a stimulating and highly complex visual environment where there are significant levels of traffic, pedestrian activity, and diversity of buildings and frontage treatments. There is limited dwell time in such journeys (unless in front of a particularly key public space or building) and therefore individual buildings are encountered as a passing 10-20 second experience as part of a wider journey. Which is not to be used as an excuse for poor treatment of the street-adjacent elevations, but rather is simply saying that the impact on the quality and amenity of pedestrian journeys can be overstated for individual buildings, especially when they are relatively modest in length.
- 65 A final scene-setting observation is in regard to what is meant by 'human scale' development. This term is defined in the District Plan to mean "incorporating dimensions that result in smaller built components and lower building heights, with attention to the human experience from eye level, relative to the physical size of a person". It is important to emphasise that human scale does not mean that buildings should be the same size as a person. Rather it is about buildings delivering a richness in detailing and design that avoids long, blank walls or overly repetitive treatments that are experienced *at eye-level*.
- 66 Local examples of low-rise buildings that do not provide a human scale would be Rebel Sports (or indeed the side walls of many large format retailers). The Hereford Street façade of the City Council building would be another example where human scale is not well reflected at either ground level or upper levels in what is a long façade with a single publicly accessible entrance, a high ratio of solid to glazing, and little differentiation in detailing, cladding, or articulation. Indeed, a defining tenet of brutalist architecture is that it does not display a human scale.
- 67 The proposed hotel building has a clear difference in design treatment between the first three floors and the upper tower. At the lower levels there is a richness in detailing, glazing, cladding and fenestration that breaks the mass of the building into a light, visually permeable floor with strong and direct connection between the internal use (restaurant and reception) and the external streetscape. At the higher levels there is a very high proportion of glazing to solid cladding, which provides a 'lightness' to the tower relative to visually impermeable materials, and

enables a sense of depth, reflection, and lighting during the evening periods. Inter-floor bands are visible which assist in breaking down the mass from a single 'rectangle' into a series of levels, with vertical fenestration provided through detailed edges to the glazing panels. A curved corner treatment is extended for the full height of the building on the apex of the Worcester / Cambridge corner to visually link the two street-facing elevations together and to provide a reference to the art deco styling references of the lower three levels. These design decisions all assist in providing a human scale through the avoidance of large blank walls and a sense of a singular mass.

- 68 When immediately adjacent to a tall building as a pedestrian, there is actually very little sense of height, or rather, you are aware that you are next to a tall building, however whether it is six stories or ten stories makes little difference to the pedestrian experience. As set out above, the focus is on what is around you at ground level, not what is six plus stories immediately above you. As such, a setback (or not) at 21m, 28m, or 32m makes little material difference to the immediate pedestrian experience. When viewed from the opposite side of the street, for example when walking beside the river, the building is visible through the trees, however, the focus is again on the river and the overhead canopy of trees, rather than the upper levels of a building on the far side of a busy road.
- 69 A helpful nearby example is the 50m high Rydges Hotel. This building is clearly visible through the trees when walking along the western (Cambridge Terrace) side of the river, however it is not the focus of the pedestrian experience. Were the Rydges building to include a modest setback in massing at 28m, then this setback, whilst being visible, would make a negligible difference to the quality of the pedestrian experience on Cambridge Terrace – just as the setbacks recommended by officers will make a negligible difference to the pedestrian experience for users of Oxford Terrace or the river corridor.
- 70 In short, when in close proximity to a building it is the quality of the first 1-3 floors that are the key determinant of the pedestrian experience and sense of human scale, with upper levels not the focus as they are not easily within eye-line. I consider the proposed building delivers a high-quality design outcome that readily differentiates between the first three stories and the simple clean lines of the upper levels.

The need for a pedestrian entrance in the Cambridge Terrace facade

- 71 The ground floor design is challenged by the District Plan requirement for new buildings to meet a minimum internal finished floor level to mitigate flood risk. This requires the internal ground floor to be lifted such that the sill height for glazing is approximately 1m above ground level. Such treatment contrasts with typical CBD shop front outcomes where glazing (and entries) are flush with the ground. As an aside, it is noted that the existing Harley building has window sill heights set at a similar point above ground to those proposed.
- 72 I agree with Ms Sakin that the elevated ground floor will reduce the quality of the pedestrian experience on the footpath on the western side of Cambridge Terrace. The high sill height is however a requirement for any new building on this site and therefore will be an outcome that is present for any future design. Raised internal seating areas conversely improve overlooking and visual connection with pedestrians on the eastern (far) side of Cambridge terrace, as the internal raised seating area forms a similar function to an elevated terrace in that it enables views out over the top of passing traffic.
- 73 I likewise agree with Ms Sakin that in an ideal world, there would be a pedestrian entrance in the Cambridge Terrace frontage to add visual interest. The change in levels, combined with the narrowness of the footpath, makes provision of such an entrance challenging as it is not simply a doorway, but also requires a flight of stairs extending some way into the building. As noted by Mr Blair, the insertion of a second entrance and associated stairwell also has functional implications for the operation of the restaurant proposed along the Cambridge Terrace frontage. This is further discussed in Mr Armstrong's evidence.
- 74 The design limitations imposed by the need for elevated ground floors are readily illustrated by the block two to the south (between Hereford Street and Cashel Street), where internal floor levels are set at a similar height to the proposal, and that are noticeably higher than the floor levels required for the blocks to the north of the site. In this southern block there is a single mid-block pedestrian entrance, along with a corner entrance at each end of the block, over a length of approximately 100m.

Figure 1. Pedestrian entrances in a block with raised floor levels.



- 75 In contrast, the site's frontage is relatively short at 35m in length, and so is passed by a pedestrian within 10-15 seconds. I agree with Mr Blair that, on balance, a pedestrian entrance in the Cambridge Terrace façade is not necessary for what is a relatively small corner site and where the required change in levels creates challenging design constraints.
- 76 As a final point of note, Ms Sakin raises concerns that the building results in a narrow footpath and does not provide outdoor seating or other footpath-adjacent treatments to improve pedestrian interest,²⁸ referencing matter of discretion 15.14.2.6(a)(viii)(E). In full, this matter of discretion is as follows (when linking across the various sub-clauses):

The extent to which the building or use...is built to and along the full length of the street(s) and public space boundaries in a manner that the design of the building...provides for functional and quality space for public amenity and accessibility, such as for outdoor dining, and

²⁸ Ms Sakin, pg.18-19

contributes to the functional width of the footpath, without compromising the overall character of the street frontage.

- 77 This matter of discretion needs to be read in context. The District Plan rule package is seeking a continuous street wall with buildings built to the road edge. Sub-clause (E) enables consideration of circumstances where buildings are proposed to be set back from the frontage i.e. are the adverse effects of a proposed setback on a continuous street wall outcome compensated through the provision of good quality public space such as outdoor dining or wider footpaths so that an acceptable streetscape still eventuates. Ms Sakin appears to turn this matter on its head and criticises the proposal for not being set back in order to deliver a wider footpath or outdoor dining area. In my view this is a misreading of the outcomes sought. The proposed design is correctly built to the site boundary for all of the frontage (apart from vehicle accesses), as a positive outcome sought by the District Plan. Whilst the footpath is narrow on the Cambridge Terrace frontage, this is a function of Council's past decisions to incorporate a right-turn slip lane into Worcester Boulevard and is not a matter for the applicant to rectify.

DRAFT CONDITIONS OF CONSENT

- 78 For completeness, as set out above I do not consider that any amendments are necessary to the proposed building in response to urban design-related matters. As such I do not support Mr Blair's proposed condition 28 in Appendix I of the section 42A report that requires amended plans and an associated certification process.

CONCLUSION

- 79 The existing Harley building has now stood damaged and vacant for some 14 years since the earthquakes. The building in its current state detracts from the amenity of the surrounding area and contributes nothing towards the regeneration and vitality of the city centre.
- 80 The Application presents the opportunity to demolish the Harley Chambers building and replace it with a modern hotel building that meets international standards. The benefits of the proposal were reflected in the submissions where the clear majority of submissions are supportive of the proposal, and where there is very little concern raised regarding the proposed design.

- 81 The hotel design responds carefully to the competing demands of a relatively small site, the need to deliver functional internal floorplates, the need to respond with sensitivity to the adjacent Worcester Chambers heritage building, and the need to effectively mitigate flood risk through raised ground floor levels. The design provides a clearly differentiated bottom three floors, with these levels contributing to a good quality pedestrian experience through the inclusion of active internal spaces overlooking both Worcester Boulevard and Cambridge Terrace.
- 82 When viewed from further away, the upper levels are more readily visible, however the increase in distance, combined with the slender tower dimensions, serves to deliver an appropriate corner outcome that complements the existing consistent mid-block form through visually emphasising the corner.
- 83 In contrast, the amendments recommended by Council officers are in my view both unnecessary (as there are no adverse effects to mitigate) and have been made with little robust consideration given to the costs and functional limitations that the changes would impose.

Overall, the Application is considered to result in positive urban design outcomes that are consistent with the outcomes anticipated by PC14 and reflective of the enablement sought in the NPS-UD for the intensification and vibrancy of our largest city centres.



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Jonathan Clease

2 October 2024

Appendix A. Urban Design matters of discretion

Matter of Discretion	Assessment
15.14.2.6 – City Centre Urban Design	
15.14.2.6(a): The extent to which the building or use (i) recognises and reinforces the context of a site, having regard to the identified urban form for the City Centre Zone, the grid and diagonal street pattern, natural, heritage or cultural assets, and public open spaces.	AEE Urban Design Assessment, pg. 4
15.14.2.6(a)(ii): in having regard to the relationship of Ngai Tūāhuriri/ Ngai Tahu with Ōtautahi as a cultural element, consideration should be given to landscaping, the use of Te Reo Maori, design features, the use of locally sourced materials, and low impact design principles as is appropriate to the context	AEE Urban Design Assessment, pg. 10
15.14.2.6(a)(iii): in respect of that part of the building or use visible from a publicly owned and accessible space, promotes active engagement with the street, community safety, human scale and visual interest, including consideration of the visual impact of car parking and blank facades.	AEE Urban Design Assessment, pg. 10
15.14.2.6(a)(iv): Takes account of nearby buildings in respect of the exterior design, materials, architectural form, scale and detailing of the building.	AEE Urban Design Assessment, pg. 12
15.14.2.6(a)(v): is designed to emphasise the street corner (if on a corner site).	AEE Urban Design Assessment, pg. 13
15.14.2.6(a)(vi): Is designed to incorporate Crime Prevention Through Environmental Design (CPTED) principles, including encouraging surveillance, effective lighting, management of public areas and boundary demarcation.	AEE Urban Design Assessment, pg. 14
15.14.2.6(a)(vii): Incorporates landscaping or other means to provide for increased amenity, shade, and weather protection.	AEE Urban Design Assessment, pg. 15
15.14.2.6(a)(viii) is built to and along the full length of the street(s) and public space boundaries in a manner that the design of the building: A. provides the visual and physical integration, connection and relationship of the building with other buildings on the site, along the street frontage and in the vicinity.	The proposed building is built to the road edge for the full length of the site, apart from vehicle access points. The upper level massing is directly adjacent to the Lane Neave building to the north to create a continuous street wall along Cambridge Terrace. Similar cladding treatment is incorporated into the upper levels of the northern elevation to reflect the similar treatment utilised on the Lane Neave building to visually tie the two

	structures together and to manage the visual transition between the different heights. A setback is provided to Worcester Chambers to better emphasise the heritage values of this adjacent site.
B. provides visual interest to reflect the context and character of the site and surrounds.	The site has a detailed façade treatment at the lower three levels and more subtle treatment of the tower element. The proposal reflects its corner context by emphasising the corner and incorporating a curved corner treatment for the full height.
C. incorporates architectural variation into the façade and building form to provide interest and to break up the bulk of the building.	Assessed in para.67, Evidence-in-Chief.
D. provides for main entrances, openings and display windows onto the street, and maintains clear and visible visual and physical connections between the interior of a building and the street.	Assessed in para.67, 71-75, Evidence-in-Chief.
E. provides for functional and quality space for public amenity and accessibility, such as for outdoor dining, and contributes to the functional width of a public footpath, without compromising the overall character of the street frontage and its continuity ²⁹ .	Assessed in para.76-77, Evidence-in-Chief.
15.14.2.6(a)(ix) maximises the development capacity of the site along the street frontage(s), for those parts of a building below 45m in height ³⁰ .	This matter of discretion links directly to the corner exemptions from the road wall and sunlight setback requirements. It likewise dovetails with the explanatory diagram that accompanies the sunlight rule. No parts of the building extend above 45m in height. The proposal directly achieves this matter, especially given the design decision to set back from the site's western internal boundary with Worcester Chambers.
15.14.2.6(b) For buildings or parts of buildings over 28m in height as the context requires, and particularly for buildings above 45m, the proposal will need to demonstrate (in addition to the above matters) (i) How the top of the building contributes positively to the enhancement of the skyline, including the	The facades extend up above the roofline to form a parapet integrated with the façade design, with the parapet screening roof plant. The tower facades include high levels of glazing on three sides. The fourth (northern) elevation is screened by the Lane Neave building up to the height of that neighbouring building. Whilst devoid of

²⁹ It appears that this last sentence may be partially unfinished as shown in the version in Mr Blair's Appendix B.

³⁰ It is noted that this matter of discretion was omitted from the list of relevant provisions attached to the S42A report as Appendix B. It is understood that this matter was introduced via a minute from the Independent Hearings Panel that was issued following their primary recommendations, which may be why it does not appear in the version circulated by Mr Blair.

use of recessed and well-screened accommodation of rooftop plant, and service apparatus and telecommunication masts. Note that large blank walls/ facades should be avoided in the tower elements of the building.	glazing, the façade cladding has been treated to reference the Lane Neave materiality to help visually integrate the two buildings.
(ii) A clear and coherent design for the building that avoids dominant built form, and provides visual interest when viewed from short, medium and long ranges, particularly from public open spaces and other areas where there are high levels of activity.	The assessment of built form across short, medium, and long ranges forms the crux of the Evidence-in-Chief.
(iii) The relationship between the building base and tower elements and the use of the building.	Whilst here is no step-in-plan between base and tower elements, the clear differentiation between the faced treatment of the bottom three levels and the upper levels creates a clear base and tower visual appearance. The inclusion of a restaurant on the ground floor further helps to differentiate the semi-public function of the base from the more private bedroom levels.
(iv) How the building manages the individual or cumulative effects of shading, glare and reflections and reflected heat from glass for sensitive sites including adjoining residential zones, or on the character, quality and use of public open space and in particular the Ōtākaro Avon River corridor, Earthquake Memorial, Victoria Square, Latimer Square, and Cathedral Square.	The AEE includes a detailed shading study. The site is not located adjacent to sensitive residential zones. It is separated from the Ōtākaro Avon River corridor by the busy Cambridge Terrace road reserve, and provides an appropriate interface to the river corridor through passive surveillance delivered by both the raised internal terrace restaurant, and the upper level bedrooms.
15.14.2.6(d) The mitigation of the adverse impacts of wind caused by tall buildings on the safety and comfort of people, whether stationary or moving, at street level and in public spaces including Cathedral Square, Victoria Square, the Ōtākaro Avon River Corridor, the Margret Mahy Family Playground, any public open space zoned Open Space Community Park Zone, Central City Heritage Triangles and other parks, and any mitigation measures proposed, demonstrated through the use of wind modelling and analysis.	The S42A report includes a detailed assessment of wind effects that concludes that the ground level wind environment will remain generally acceptable.
15.14.3.1 – Maximum building height <i>It is noted that the height rule breach is a result of the definition of ‘base’ and ‘tower’ rather than the provision of additional building mass/ floorspace, as there are no longer height limits in the City Centre Zone.</i>	
(a)(i) The extent to which an increase in height of the building is visually mitigated through the design and appearance of the building, and the quality and scale of any landscaping and tree planting proposed.	Assessed in para.59, Evidence-in-Chief.

(ii) Allows more efficient use of sites with limited street frontage or small sites with an irregular shape.	The site's relatively small in a city centre context. The design decision to provide a clear setback to the heritage building on the western internal boundary reduces the ability to concurrently provide setbacks to the road boundaries.
(iii) Enables the long term protection of sites of Ngāi Tahu cultural significance identified in Schedule 9.5.6.1, significant trees listed in Appendix 9.4.7.1, or natural features on the balance of the site through more intensive development	The site does not contain any identified cultural values. The S42A report includes feedback from mana whenua that does not oppose the application.
(iv) Improves the legibility of a centre within the wider context of the anticipated urban form for the city.	The proposal reinforces the role of the city centre as the preeminent commercial centre for the city.
(v) Contributes to a variety in the scale of buildings in a centre, and creates landmarks on corner sites.	The proposal readily achieves this matter through providing diversity through a taller building that provides a local landmark on a corner site.
(vi) Reflects functional requirements of the activity.	The proposed design provides a clean, simple floorplate that facilitates efficient structural and servicing solutions whilst meeting facility requirements for international hotel operators. It is noted that the amendments sought by Council officers have little regard to the significant adverse implications for functionality.
(vii) Results in adverse effects on adjoining residential zones or on the character, quality and use of public open space.	The site is not located near a residential zone. The proposal does not detract from the character, quality, and use of the adjacent Ōtākaro Avon River Corridor, and provides an improvement in amenity and activation relative to the existing environment/ Harley building.
(viii) Is visually dominant with the streetscape and public realm, and in the context of the anticipated built form.	The assessment of built form across short, medium, and long ranges forms the crux of the Evidence-in-Chief.
(x) ³¹ Would maintain a scale of development consistent with the anticipated role of the commercial centre, as set out in Policy 15.2.2.1, Table 15.1.	The proposal is entirely consistent with the role and function of the city centre as the preeminent commercial centre for the City.
(xi) Would cause adverse effects on the function and recovery of the City Centre or the role and function of Town and Local Centres as a result of enabling any additional gross leasable floor area.	The hotel supports the function and recovery of the city centre rather than detracting from it.
(xii) Is demonstrated to support the financial feasibility of the development.	The single tower/base form and associated bedroom yield assists project feasibility, with the

³¹ Matter (ix) relates only to New Brighton and as such is not relevant.

	amendments recommended by Council officers creating challenges to project feasibility.
(xii) ³² Detracts from the anticipated urban form for the centre and city.	The proposal is consistent with the anticipated form for the centre and city i.e. the tallest buildings are located within the city centre, are prominent on corners, and have a slim tower form.
(xiii) Causes adverse effects on the anticipated amenity of adjoining sites and activities, particularly where that are subject to lower maximum height controls.	The proposal is located to the south of the Lane Neave building, which combined with the commercial use of this building means that there will be no adverse effects on amenity beyond construction-phase effects managed via conditions. The written approval has been obtained from the owners and occupiers of both the adjacent Worcester Chambers building and the Canterbury Club.
³³ (c)(i) in addition to the above, in the City Centre, and Central City Mixed Use Zones, the effects on/of: the retention of, or contribution to, the anticipated continuity and visual coherence of the street wall.	Assessed in paras. 47 – 59, Evidence-in-Chief.
(c)(ii)(A) The extent to which the building provides for visual interest and engagement with: the street and adjacent environment, through design elements such as articulation, materials, glazing and architectural detailing.	Assessed in para.67, 71-75, Evidence-in-Chief.
(c)(ii)(B) The wider area, through the form and materials of the roof structure and modulation and articulation of building facades.	The assessment of built form across short, medium, and long ranges forms the crux of the Evidence-in-Chief.
(iii) The visual impacts of rooftop plant, servicing and lighting, through their containment such that they are integrated within the roof or building form.	As noted above, roof plant and the roof itself is hidden behind a parapet wall that is integrated within the overall façade treatment.
(iv) The impacts of wind on the safety and comfort of people, whether sedentary or moving, at street level and in other public open spaces including Cathedral Square, Ōtākaro Avon River Corridor, Central City Heritage Triangles and parks, demonstrated through the use of wind modelling.	The S42A report includes a detailed assessment of wind effects that concludes that the ground level wind environment will remain generally acceptable.
(v) The individual or cumulative effects of shading, visual bulk and dominance, and reflected heat from glass on sites in adjoining residential zones or on the character, quality and use of public open space and in particular the Ōtākaro Avon River corridor,	Assessed above in the section on 15.14.2.6(b)(iv).

³² It is noted that there is a numbering error with (xii) repeated twice.

³³ Matter (b) relates to New Regent Street and the Arts centre and as such are not relevant.

Earthquake Memorial, Victoria Square and Cathedral Square.	
(vi) Supporting a legible urban form that provides for an increase in building height closer to the core of the Central City and generally a reduction in height out to the edges of the Central City.	The proposal readily achieves this matter.
(vii) Reflecting the height of an adjacent significant community asset including Te Kaha and Parakiore, while ensuring that key view shafts to, or from, and the legibility of, the community facility is retained	The proposal is not located in close proximity to either of these facilities.
15.14.3.17 City Centre Zone – Sunlight and outlook for the street <i>It is noted that the only element that triggers these assessment matters is in relation to the northern 5m of the eastern elevation</i>	
(a) Any effect on the sense of openness and/or the admission of sunlight to the street	Only a small portion of the building extends beyond 30m in length. Overall, the building will have a minimal effect on the sense of openness or sunlight admission to Cambridge Terrace.
(b) The dominance of buildings on the street environment and the incidence of adverse effects from wind at street level.	Assessed in para.60-70, Evidence-in-Chief. The S42A report includes a detailed assessment of wind effects that concludes that the ground level wind environment will remain generally acceptable.