

# PROPOSAL TO BUILD PORTSIDE APARTMENTS AND ALBION APARTMENTS AT 44 LONDON STREET LYTTELTON

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## Introduction

How do we cater for rapid population growth and urban development while preserving cultural history, maintaining and enhancing amenity values and the quality of the environment?

This is a question many councils around the world need to find an answer for (Barber and McLean, 2000, p.100). It is important to protect heritage, if we are to understand our identities and where we have come from (Miller, 2005, p.2), but it can also be argued that it is equally important to have urban development to support our economy and society (Kuehn Jr, 2007, p. 39).

This issue of development and/or protection of cultural heritage causes conflict. Lyttelton Township, which is well known for its quirky variety and style of buildings and strong heritage values, has to work through this issue at the moment with the proposal of new apartment buildings in the zoned Town Centre.

## Actions and issues

On the 14<sup>th</sup> December 2007, Crater Developments submitted an application for resource consent to the Christchurch City Council. The consent is needed to build a 10 unit apartment block on an empty site at 44 London Street, Lyttelton, north of the current Albion Building which houses the Tunnel Vision Backpackers. The proposed



apartment block will consist of three levels

*Albion Building on the corner of London and Canterbury Streets.*

of 2 – 4 bedroom apartments and a level of parking. It will be named Portside Apartments (Whyte, 2007).

Crater Developments would also like to internally alter the Albion Building to create two apartments on the ground floor while retaining the two existing retail spaces, and three apartments on the first floor. These will be named Albion Apartments (Whyte, 2007).

The Albion Building is listed in Appendix V (Schedule of notable buildings, objects and sites) of the Banks Peninsula District Council Proposed District Plan (BPPDP) as architecturally significant, and group significant. For the Albion Building to be 'architecturally significant' means that the building has to be notable for its style of architecture. For the building to be 'group significant' it means that it must play a role in forming an area of community importance or historical or architectural merit. The Albion Building might not be significant in itself, but its significance is such that its loss or modification would diminish the significance of the group (BPPDP, 2002).

In February 2007 the developers first met with a planner from Christchurch City Council Lyttelton Planning Office to discuss the idea of building on the site. Initially the proposed building was of a contemporary style, which did not fit in with the current streetscape of Lyttelton town centre.

Lyttelton is known for its historic buildings, so building apartments with a modern appearance would not be complying with

Section 6(f) of the Resource Management Act 1991 which states that the councils must recognise and provide for the protection of historic heritage (the Lyttelton streetscape) from inappropriate subdivision, use and development. Over a period of eleven months the proposed building design was modified until the council staff were satisfied that the building design was appropriate for Lyttelton town centre zone. According to Whyte (2007), the planning consultant who made the resource consent

As of May, 2008 the council have decided that the activity is Discretionary under the

BPPDP and the resource consent application will be processed on a limited notified basis in accordance with Section 93 of the Resource Management Act 1991 (Christchurch City Council, 2008). Submissions closed Monday 4<sup>th</sup> August 2008 (Christchurch City Council, 2008).

## Issues

The main issue is that when development occurs in Lyttelton, it generally requires a resource consent. The BPPDP states

*In order to retain the character of the area, new building construction, other than minor work, will require resource consent. New or altered buildings will be assessed against the policies for the area which are aimed at maintaining consistency of architectural mass, form and proportion.... Design guidelines offer general principles to apply when ... erecting new buildings.*

(Banks Peninsula District Council, 2002, p.203)

An Urban Design Officer from the Christchurch City Council and a Consultant Planner for Christchurch City Council have both looked at the application for this proposal. They have come to the conclusion that this proposal does not comply with Rule 5.1 of the BPPDP which relates to height. The maximum height of buildings and structures within the Town Centre Zone at Lyttelton is 12m. The proposed apartments will exceed this limit by up to 2.3m. The proposal does not comply with Rule 5.2, building height in relation to boundary. The proposed apartments will encroach on the northern recession plane by a height of up to 5m for a depth of 4.75m. The Council however, have considered these breaches of standards and have decided that the effects will be minor. They decided the effects were minor because other buildings in Lyttelton such as the Masonic Lodge have similar shape and scale as the proposed apartment block and they do not stand out. Also, part of Lyttelton's character is a variation in building sizes and shapes. The proposed building would contribute to that character (Christchurch City Council, 2008).

The design guidelines have been used in designing these proposed apartments to keep in the 'Art Deco' style similar to the Albion Building to minimise the adverse visual effects. Features such as 'Art Deco' style plaster finish, parapets, a mix of horizontal and vertical detailing and a central entrance feature are all elements that contribute to the new building being sympathetic to the streetscape (Hobson, 2008). In this instance, the proposed



*Design of proposed Portside Apartments from the north elevation (Whyte, 2007).*

... cases opposition, because people think that the proposed building will detract from the amenity and heritage values of Lyttelton Township. Generally, the developers have had positive feedback about the development (Hobson, 2008).

## Comment

The Lyttelton Style Guide does not hold any real power when someone wants to build or modify a building. The BPPDP says "Applications for discretionary activities will be assessed against the design guidelines for buildings in Appendix XI" (p.212). In Appendix XI Design Guidelines, the BPPDP(2002, p.462) states "The ... design guidelines will be taken into account by the Council when assessing resource consent applications for new buildings and additions or alterations to the external appearance of existing buildings". This reinforces the idea that the guidelines will only be taken into account; they are just a guide, and there is no legal obligation to comply with them. Pearson and Sullivan (1995, p.35) note the effectiveness of laws affecting historic heritage depends on the quality and comprehensiveness of the legislation, and the way the legislation is implemented. This further emphasises that the preservation of

historic heritage is at the mercy of the local council.

How do we find a balance between legislating against heritage destruction, without stepping on peoples private property rights? The council have taken an approach of making development in Lyttelton Town Centre a discretionary activity. In this instance this approach has allowed a balance to be struck as it permits the developer to develop within the constraints that the council sees fit. However, on the other hand, if the council makes a bad decision there is no contingency plan and the likely outcome would be that heritage and amenity values of the immediate area would be compromised. The council has also decided that this application should be limited notified. This means that only those deemed by the council to be affected are able to make submissions. Others who feel strongly about Lyttelton's streetscape and heritage values do not get the opportunity to comment on the development and the effects it may cause.

If these proposed apartments go ahead what will that mean for Lyttelton and heritage protection? Initially there will be noise and dust issues associated with the building process. Once people start to live in the apartments they will contribute to Lyttelton's economy and society but there will be expected adverse effects on the environment such as increased traffic and increased waste. Hobson, the Chief Executive for Crater Developments, said that they are keen heritage property owners so they are interested in the ongoing economic use of the Albion Building, and the

proposed new apartments will be sympathetic to the "Art Deco" style of the Albion, reinforcing its character and influence on the Lyttelton Streetscape.

These apartments will set a precedent for any future developments in Lyttelton.

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