

Memorandum

TO: Robert Buxton - Planning Consultant

FROM: Luke McKinlay – Urban Design

DATE: 19 August 2020

SUBJECT: Land Use Consent – LUC-2018-679 – 43 Cargill Street
UD Comment

Hi Robert,

The following is in response to your request for comment on the above application and associated submissions.

Proposal

Land use is sought to construct a three-storey building containing four 8-bedroom residential units and basement garaging for 9 vehicles. It is noted that in the original application the structure along the road frontage was treated by the applicant as a fence. However, through further information they have advised that it will be roofed (partly to provide for outdoor living areas) and therefore is considered a building on the front yard. There will also be an lobby entrance on the frontage that will be within the envelope of an existing garage.

The site is zoned Residential 4 under the 2006 District Plan, and Inner City Residential with an Archaeological Alert overlay under the Proposed 2GP. Cargill Street is classified as a Local Road in both Plan's Roading Hierarchy.

Planning Status

The application was made just prior to the release of the decisions on the Proposed 2GP and, therefore, the status of the activity is set by the 2006 District Plan, which permits 1 residential unit per 200m². And the application complies with this density. As such the activity status will be a **Restricted Discretionary Activity** due to infringements of the following 2006 District Plan standards:

1. Yard;
2. Height Plane;
3. Max Height 9m;
4. Site Coverage;
5. Lack of disability car park;
6. Lack of 6m queuing space into car parks;
7. Earthworks – volume and setback.

Under the Proposed 2GP, the permitted density is 1 habitable room per 45m² of site area, which would permit 20 habitable rooms, and infringing this is a non-complying activity. However, as noted above the activity status was set prior to the Proposed 2GP rules coming into effect. Therefore the Proposed 2GP rules are to be given regard to. Other infringements under the proposed 2GP (that in themselves would require consent for a restricted discretionary activity) are:

1. Temporary activities for construction that includes large-scale earthworks;
2. Earthworks – volume and setback;
3. Greater than 300m² of building and multi-unit;
4. Lack of 6m queuing space;
5. Height in Relation to Boundary (HIRB);
6. Location of car park on front yard;
7. Site Coverage;

8. Impermeable Area;
9. Setbacks.

The application is therefore a **Restricted Discretionary activity** overall, based on the 2006 Plan as noted above.

The subject site is legally described as Part section 17 Block XX Town of Dunedin (held in Computer Freehold Register residue RT OT282/59). It is noted that the title is "limited as to parcels". The site to the west (45 Cargill Street) has been surveyed, and therefore that boundary can be taken to be correct. The site is identified on the title as being 934m² and approximately 18.6m wide and 50m long, although the frontage is 19.65m as there is a dog leg.

Comments

Existing context

The existing streetscape (Cargill Street between Scotland Street and Haddon Place) is zoned Inner City Residential. Cargill Street is characterised by relatively steep topography with a high (north) and low (south) side. Views over the central city and harbour are afforded from many locations along the length of the street. The built character is influenced by a mix of architectural styles, including Victorian and Arts and Crafts inspired homes. There are several large multi-unit developments, which are concentrated predominantly at the lower end of the street. Street boundary treatments vary. On the northern side of the street there is a mix of steep vegetated front yards, retaining walls, and some street frontage garaging or parking. On the southern side, fenced front yard boundaries are more common.

Amenity Effects associated with Height Plane Angle (HPA) and Maximum Building Height Breaches

It is noted that the building complies with the 2GP maximum height of 12m but breaches the 2006 district plan maximum height provision of 9m in places. Breaches of the HPA (2GP) occur at various points along the length of the building. Unit 1 breaches are associated with the gabled roof and street facing balcony. It is considered that these Unit 1 breaches will have minor effects on streetscape amenity values. The extent of the breaches is relatively minor, consisting of the apex of the gable and upper balcony. It is agreed with the applicant that the street-oriented gable and steep roof pitch is sympathetic to the architecture of some nearby dwellings and this aspect of the development contributes positively to the public face of the proposed development. It is agreed with the applicant that due to the balcony having a glass balustrade, this breach will not lead to notable adverse effects associated with visual bulk that would detract from existing streetscape amenity values.

There are additional breaches of the 2GP HPA related to units 2, 3 and 4. The potential adverse effects of these breaches on the amenity of neighbouring properties is primarily related to potential shading effects (particularly the neighbouring dwelling to the east). Following a request for further information, the applicant has provided shading diagrams, which illustrate the projected shadow cast by the proposed development, with regards to both the 2006 plan and 2GP HPA requirements. The shading effect is based on a winter and summer shadow at noon (22 and 66 degree sun angle respectively).

These shade diagrams indicate that the 2GP HPA breaches will result in some additional shading of the Cargill Street carriageway, the front yard of 45 Cargill Street and the north-eastern face of the dwelling at 45 Cargill Street. Following a site visit to the subject site, it was confirmed that the north-eastern face of the dwelling at 45 Cargill street has several windows on both the ground and first floor (refer figure 1). Given the location of 45 Cargill Street, to the east of the

proposed development, it is likely that the predominant shading effects will involve shadows cast in the morning. It would have been helpful if the applicant had provided shading diagrams for different times of the day to illustrate the potential shading effects of the HPA breaches though the course of a day and at different times of the year. These diagrams could also potentially illustrate what effect topography would play on solar access in this location (it is considered likely that the ridgeline to the west of this site would be a strong contributing factor to the amount of late-afternoon sunlight received by this and adjacent sites). In the absence of further shading analysis, it is difficult to conclusively determine the full effects of shading on 45 Cargill Street.

It would be helpful if additional shading diagrams are provided, which show the extent of additional shading at different time of the day and year (Spring/Autumn equinox) on adjacent properties created by the breach of HPA requirements.

Effects of Front Façade Treatment on Streetscape Amenity

As noted in my initial comments, the southeast, street-facing façade of the building includes a large expanse of blank wall, which has the potential to detract from streetscape amenity values. This exterior wall space corresponds with an internal layout of ensuites and wardrobes on level one and two. It appears that this layout could be reconfigured so that the ensuites and wardrobes in bedrooms B4 & B7 mirror the layout of the wardrobe and ensuite of bedroom 1 (back-on to the same internal wall). This would create space on the street frontage for larger windows that would create an improved street-facing presentation of the proposed building. There is also potential opportunity to include a greater level of façade/window detailing, which could make reference to nearby heritage architecture.

Effects of Fence/Roofed Carpark

In response to a further information request, the applicant has confirmed that they intend to build a deck structure atop the proposed parking spaces 1 and 6. It is considered that this front boundary treatment has the potential to appear as the frontage of the basement carpark rather than a boundary fence.

It is somewhat unclear from the application what the maximum height of this boundary treatment will be above existing footpath level. While the maximum height at the lower, western corner of the site is shown as 2540mm (above a datum) (refer page 8 of plan set), the earthworks plans appears to indicate that the wall will be 3678mm high above the footpath at the street frontage (refer page 4 of plan set). If it were to reach a height in excess of 3m, this would potentially lead to adverse amenity streetscape effects associated with tall, dominating structures at the street frontage. It is acknowledged that there are currently some examples of unsympathetic front boundary treatments in the vicinity of 43 Cargill Street, such as the adjacent block wall at 35 Cargill Street (refer figure 2), however, it is considered desirable that such treatments are not emulated in other locations on Cargill Street, such as this site.

It is further noted that the proposed car park and vehicle access within the front yard space would be clearly in excess of 50% of the front yard and therefore be in breach of the 2GP (rule 15.6.7).

It is considered that combined effect of this boundary treatment (with the potential addition of a deck-top balustrade) and the large blank façade treatment on the south-eastern side of the building has the potential to negatively affect streetscape amenity values.

Rooftop Garden

Further detail regarding the lighting associated with the proposed roof-top gardens would be helpful in order to assess potential effects associated with light spill.

Comments on Submissions

Submissions refer to several rule breaches with the potential to affect the amenity of neighbouring residents.

Mr Thomas expresses concern regarding the number of rules breaches associated with this development. He makes specific mention of potential effects on privacy and sunlight. As addressed above, it is considered that further analysis of shading effects on 45 London Street would aid in clearly demonstrating to both potentially affected parties and decision makers the extent of potential shading associated with the proposed breaches of the 2GP HPA requirements.

Julie Ann Brosnahan and Raphael Richter-Gravier raise concerns regarding potential shading effects and breaches of height and site coverage rules. It is acknowledged that the effects of the site coverage breach are likely to be most noticeable for residents neighbouring the proposed development on Cargill Street, given the southeast to northwest alignment of the building. It is considered that potential adverse effects of the visual bulk of the development are managed to an extent by building modulation along the northeast and southwest faces, the stepped profile of the development and variations in orientation of the roof gable. Further, the development largely sits below the 9m height plane as viewed from neighbouring properties (refer page 7 of plans associated with this application), which also limits the overall bulk of the development, when assessed in the context of a permitted baseline development. While the above factors will help to limit potential adverse amenity effects, it is considered that the proposed development will result in some residual adverse effects associated with building dominance. There will also be an associated loss of privacy, due to the extent of glazing, particularly on the north-eastern face of the building.

Appendix 1: Site Photos



Figure 1: Eastern facade of 45 Cargill Street (as view from subject site)



Figure 2: Street-facing facade of 35 Cargill Street