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BEFORE COMMISSIONER DAYSH APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER

the Resource Management Act 1991 ("RMA")

IN THE MATTER

of an application under section 88 of the Act by **KD HOLDINGS LTD** to the **NEW PLYMOUTH DISTRICT COUNCIL** for land use consent application to construct a six-storey mixed use building and remove a notable tree at 45, 49 and 51 Brougham Street and 33 Devon Street West, New Plymouth.

STATEMENT OF EVIDENCE CLIVE LEWIS CULLEN ON BEHALF OF KD HOLDINGS LTD

1. INTRODUCTION

1.1 My full name is Clive Lewis Cullen. I am an Architect and hold B Arch (Auckland 1972) and Registered Architect (1975).

1.2 My experience includes:

Working as a Registered Architect since 1975, in small and medium sized practices in New Zealand and also in larger practices in London (1975 – 79).

I worked as principal in my own practice in Auckland (1980 – 1985) prior to setting up in Hawera in 1989, where I have worked until now.

My work has largely been residential scale, with some school and commercial projects.

Since 2000 I have done a number of heritage projects, heritage reports and conservation plans.

1.3 HERITAGE RESTORATION EXPERIENCE AND CONSERVATION WORK

Heritage Memberships

I am currently a member of Heritage Taranaki and have been since 2011.

Previously I was a member of the Taranaki Branch of the New Zealand Historic Places Trust from 1995 until 2011 (when the branch structure of HPT was disbanded nationally), including being the chairman from 1999 – 2006.

1.4 **Heritage Experience**

I have been involved in a number of heritage and conservation projects, both reporting on heritage buildings and managing the restoration and building work.

These include public, church and privately owned Heritage New Zealand listed buildings including the following:

1.5 **Heritage Conservation Plans and Reports**

C C Ward shop, New Plymouth – Heritage Report for NPDC – 2020;

Kelsey Building, New Plymouth – Heritage Report for NPDC – 2020;

St Josephs Church, Waitara - Conservation Plan – 2010.

1.6 **Heritage Restoration Projects**

Holy Trinity Church, Fitzroy, New Plymouth – Re-roof – 2014;

St Georges Anglican Church, Patea – Restoration - Re-roof, Bell Tower, Spire re-roofing – 2006;

Eltham Town Hall (in association with Salmond Reed Architects) – Heritage restoration – 2003/04;

St Barnabas Church and Hall, Opunake – Church Relocation and entry additions – 1990.

1.7 This evidence is given in support of the land use consent application (“the application”) lodged by KD Holdings Ltd (“the applicant”), to construct a six-storey mixed use building at 45, 49 and 51 Brougham Street, New Plymouth.

1.8 I am authorised to give this evidence on behalf of the applicant.

2. INVOLVEMENT IN THE PROJECT

2.1 My involvement in the application has included:

2.2 Reviewing the drawings of the proposed development relative to the effects on the Heritage Character Area (of New Plymouth CBD) and the adjacent

heritage listed buildings. I also prepared the Statement Regarding Effects on the Heritage Character Area, 18 January 2021 included as Appendix C in the Applicant's Response to Further Information Request dated 20 January 2021.

3. CODE OF CONDUCT

3.1 I confirm that I have read the Code of Conduct for expert witnesses contained in the 2014 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4. PURPOSE AND SCOPE OF EVIDENCE

4.1 In this matter, I have been asked by the applicant to review and comment on the drawings of the proposed development relative to the effects on the Heritage Character Area (HCA) and the adjacent heritage listed buildings.

4.2 I confirm that I have also read the Council Officer's Report request for further information letter dated 21 October 2020.

4.3 I confirm that I visited the site to familiarize myself with the context of the proposed building and the surrounding environment before I wrote my report.

4.4 I am also familiar with the area as I have been past it on a number of times on a casual basis.

5. REPORT

5.1 BACKGROUND TO THE PROPOSED BUILDING:

VISUAL DESCRIPTION OF BUILDING

5.2 The proposed building is a contemporary modern building using 21st century materials and design – this is covered in more detail in the architect's design statement.

5.3 The walkway through the building at footpath level is designed to reinforce the connection to the heritage values of the Huatoki Awa by encouraging use and movement through the building from the urban streets to the awa and associated reserve.

- 5.4 The glazed façade, being translucent, will help to reduce the solidity of the building. This will be achieved by fritting – using a Maori inspired motif screened onto the glass façade.
- 5.5 The glazed façade also will, to some extent, literally reflect the adjacent heritage buildings, to “include” them as part of the new building; in a similar way that the Len Lye Centre does relative to the White Hart Hotel. Refer also to the photo in **Appendix D**.

6. ASSESSMENT OF THE PROPOSAL AGAINST THE RELEVANT PARTS OF THE CITY AND TOWN CENTRE DESIGN GUIDE, NEW PLYMOUTH DISTRICT COUNCIL, July 2019

Relevant sections of the design Guide are summarised as follows:

- 6.1 **Heritage character areas** - The District Plan identifies and maps a heritage character area in the city centre, primarily to recognise a concentration of scheduled heritage buildings, but also to recognise streets, open spaces, the Huatoki Awa, street furniture and art that contribute to heritage character in the city centre.
- 6.2 It also recognises contributory buildings that add visual interest or play an important role in the historic character of the area, but which are not scheduled in the District Plan as heritage buildings.
- 6.3 Apart from the buildings located in the HCA, the character within the remaining parts of the city centre is diverse in terms of building height, scale, type and style. This adds to the overall vibrancy and ongoing development of heritage for the future, not just heritage from the past.
- 6.4 The Design Guide also emphasises the relationship of Ngati Te Whiti hapu with the Huatoki and under Section 1: Relationship with the Surrounding Environment, discusses development being sympathetic with cultural features of the environment, adopting Kaupapa Māori design principles, preventing further enclosure of the Huatoki Awa.
- 6.5 The effects and impact of the proposed building, and proposal in general, relative to significance to Maori is described in more detail in the Cultural Impact Assessment prepared by Ngāti Te Whiti Hapū. The input from this has been used to develop the revised proposal.
- 6.6 **Overall Assessment relative to the Design Guide**

The building has been designed to interface with the Huatoki Awa and the

future development of the adjoining Metro Plaza site.

- 6.7 The site currently adds little to the HCA, and possibly detracts from it.
- 6.8 The notable tree has no historic/heritage value – it is notable because of its size only. This issue is dealt with separately (in the evidence of others).
- 6.9 Relative to being sensitive to the relationship of Te Atiawa to the Huatoki and Te Ao Maori Design principles: these are enhanced by the connection between the street to the Huatoki Awa, and use of a modern interpretation of Maori design motifs on the exterior glazing drawing on a rich Ngāti Te Whiti cultural narrative.
- 6.10 This also adds to the inclusion of building a relationship between mana whenua with the CBD area in the built form of the city.
- 6.11 Within the HCA zone there are examples of old yet modern buildings sitting comfortably with heritage buildings to provide a diverse CBD.

This includes:

The White Hart Hotel / clock tower / Len Lye Centre; and

The Public Trust Building / King and Queen Hotel Suites.

Refer also to photos in **Appendix D**.

7. ASSESSMENT RELATIVE TO NPDC REQUEST

- 7.1 Referring to the request from NPDC dated 21 October 2020 (a copy of the relevant section of this is included in **Appendix A**) for more information on the application, the specific items addressed are as follows:

a Assessment of the proposal's effects on the HCA

The council note (in their letter) that "... *Despite a majority of **the site and building not being located** within the Heritage Character Area (HCA) the **site is partially subject to the HCA where the works overspill** into the Council owned land to the east...*"

The implication of this is that the full requirements of the HCA is not necessarily required for the main part of the building.

The part of the building that "spills" onto the council owned land to the east has no implication relative to the HCA. It is small, at the back and is not visually seen against any of the significant aspects of

the heritage buildings.

Having said that, my assessments relative to specific aspects of the requirements of the HCA are addressed below.

b Assessment of the proposal against the relevant parts of the City and Town Centre Design Guide;

This is covered in a separate submission of evidence by others, and also as noted above.

c With respect to the Design Guide the effects on the heritage buildings within the area (H-133, H-110 and H-31) and whether the proposal will overwhelm ... those buildings;

There are four heritage buildings within close proximity to the site and they are all within the HCA:

H-31 (Key Lime Pie Salon, and Area 41 Restaurant – 41 – 43 Brougham Street) - immediately adjacent to the north;

H-110 (TAFT) - on Brougham St / Powderham St to the west on the NW corner opposite the site;

H-133 (Social Kitchen – Salvation Army Young Peoples Hall – 38 – 40 Powderham Street) – adjacent to the west of the corner building on Powderham Street.

7.2 The NPDC Proposed District Plan map attached as **Appendix B** shows the location of these buildings.

7.3 The site of the proposed building is noted as 45, 49 and 51 Brougham Street, plus a small area to the eastern side. This is shown in detail on the architect's drawings.

8. Relative to the heritage buildings:

8.1 **H-31** (Key Lime Pie Salon, and Area 41 Restaurant) – this will potentially be the most affected building.

8.2 The proposed building is approximately 3 - 4 times the height, and also on the uphill side.

8.3 This will, therefore, make it considerably larger and potentially dominant.

8.4 Mitigating this is the exterior appearance. The transparency and fritted

glass, as well as the simple clean shape, will help to reduce the visual impact. Refer also to the photos in **Appendix C**.

- 8.5 By contrast there is the “blocky” shaping of the concrete carpark to the east, the solid “blocky” façade of the building on the downhill side and to a lesser extent the solidity of the Grand Central Hotel opposite.
- 8.6 The proposed building will also in some ways help mitigate the visual effect of the existing concrete car park building (on Powderham St) by blocking it from view. The proposed building will effectively screen and reduce comparison of the car park building with the heritage buildings.
- 8.7 **H-110** (TAFT) - The proposed building is approximately 3 times the height, but is on the opposite side of the street. This all makes the issue of height / being overwhelmed reduced by separation. As noted above, the exterior appearance of the proposed building will help mitigate the issue of bulk. This situation is comparative to the visual relationship / juxtaposition of the Len Lye Centre to the White Hart Hotel.
- 8.8 **H-133** (Social Kitchen – Salvation Army Young Peoples Hall) – This will be the least affected building as it is both over the street and around the corner from the proposed building.
- 8.9 While the proposed building is approximately 3 times the height, it is considerably separated as noted above. This all makes the issue of height / being overwhelmed considerably diminished, to the point of it not being an issue.
- 8.10 While the Design Guide asks that:
- “... New buildings in the heritage character area should aim to be no more than one storey above the height of adjoining buildings when viewed from the street...”***;
- in this case, the glazed façade mitigates the effect of scale difference by being “lightweight” in appearance and feel.
- 8.11 The proposed building is on only one side of the heritage building H-31, rather than both sides.
- 8.12 The existing building next to heritage building at 41 Brougham Street is by contrast solid and blocky.

9. Effects on the heritage character and amenity values associated with

those buildings;

- 9.1 As noted above in the summary of the visual appearance, the proposed building is designed in contemporary materials and is specifically not imitating or extending any of the heritage typologies of the adjacent heritage buildings.
- 9.2 It will, therefore, present a contrast to the existing buildings, so by comparison will emphasise and enhance their style. It will not be competing with them by trying to copy or imitate, while also reflecting the 'heritage' aesthetic on to its own glass façade.

10. Amenity Value

- 10.1 From a visual perspective, having a modern building rather than a replica or similarly styled appearance will provide a better contrast and add to the urban mix and interest.
- 10.2 The value of the heritage buildings is each on their own rather than as a precinct, (the buildings at 41 and 43 Brougham St do however work together as a pair) so there should not be a competing context that blurs the line between what is actual heritage with a possible modern look alike.
- 10.3 Providing a distinctive modern building continues a diverse mix in the central city. This should be encouraged rather than paying lip service in replicating from past eras.
- 10.4 The entrance foyer at ground floor creates a link between Brougham Street and the adjoining Huatoki Awa. This will add to the active as well as the passive public amenity value of the building. People will be able to use the pathway through the building as part of using as much of what the centre of town has to offer.
- 10.5 More people making use of this will provide more opportunity to experience the adjacent heritage buildings than might have been the case.

11 RESPONSE TO SUBMISSIONS

- 11.1 I have reviewed the submissions, relative to my area of expertise covered in my report, received by Council with regard to the application, and comment as follows:
- 11.2 I disagree with them for the reasons noted in my report and in this evidence.

12 RESPONSE TO s42A REPORT

12.1 I have read the Officers report (Reference - LUC20/47704 - 42A Report - KD Holdings Limited) and comment as follows:

12.2 I agree with the Officers comments (in the context of my expertise) and conclusion that the effects on built heritage will be no more than minor.

13. CONCLUSIONS

13.1 My evidence has assessed the matters that I am aware of in relation to the application and I conclude the following:

13.2 The proposed building will not adversely affect the heritage values associated with the Heritage Character Area or the nearby heritage buildings.

13.3 It will add to the amenity of the area in terms of adding connection to Maori cultural values related to the area, and for the other reasons noted above.

A handwritten signature in blue ink, appearing to read 'Clive Cullen', is centered on the page.

Clive Cullen

Date 10 February 2021

APPENDIX A

Section of NPDC letter dated 21 October 2020

Requesting further information to better understand your proposal's effect on the environment and the ways any adverse effects might be mitigated.

The specific issues addressed in this report include those items highlighted in ***bold italics***

3. Effects on Heritage Character Area – Despite a majority of the site and building not being located within the Heritage Character Area (HCA) the site is partially subject to the HCA where the works overspill into the Council owned land to the east. This land is subject to the HCA.

Further, the properties to the north and west (across of Brougham Street) are all within the HCA and there are four heritage buildings within close proximity to the site including H-133, H-110 and H-31. Three of the four submissions received in opposition raised concerns that the building will be out of character with the HCA, will overwhelm surrounding Heritage Buildings and that the building is not consistent with the City and Town Centre Design Guide. Currently the AEE and LVIA provided to Council touches on effects on Heritage Character, however to better understand the effects of the proposal on the HCA greater consideration is required and therefore we request the following;

- a Please make a specific assessment of the proposal's effects on the HCA.***
- b Please make an assessment of the proposal against the relevant parts of the City and Town Centre Design Guide;***
- c With respect to the Design Guide please considered the effects on the heritage buildings within the area (H-133, H-110 and H-31) and whether the proposal will overwhelm and / or***
- d have adverse effects on the heritage character and amenity values associated with those buildings***

APPENDIX B

District Plan Map

Showing HCA and Heritage sites

The site of the proposed building is noted as 45, 49 and 51 Brougham Street



APPENDIX C

Views from North – along Brougham Street

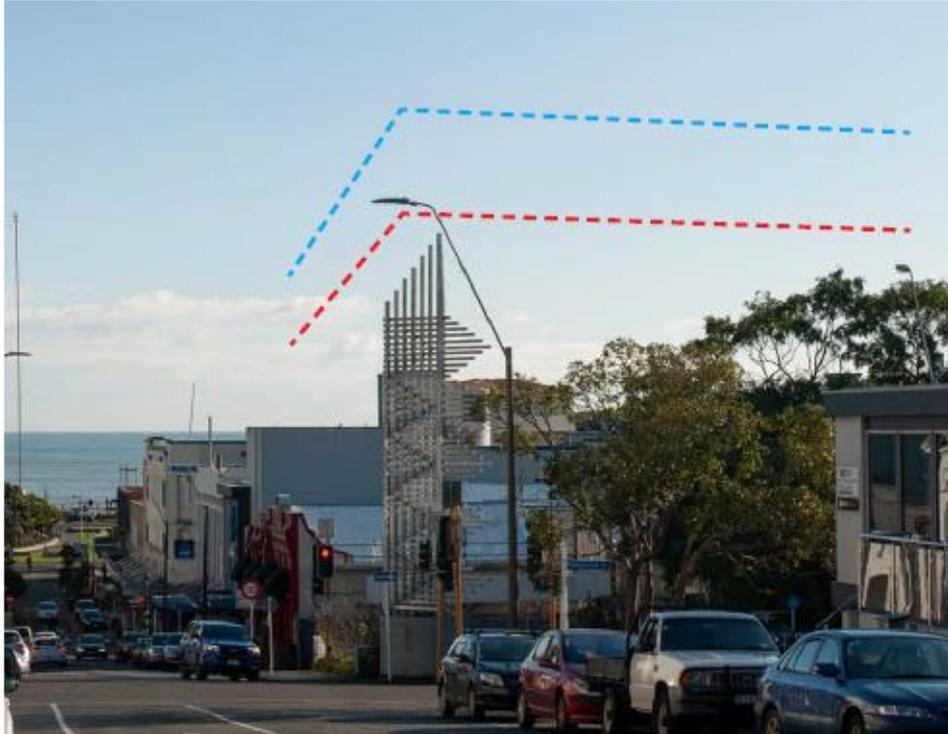


Current Site



Site with proposed building

Views from south, across Powderham Street

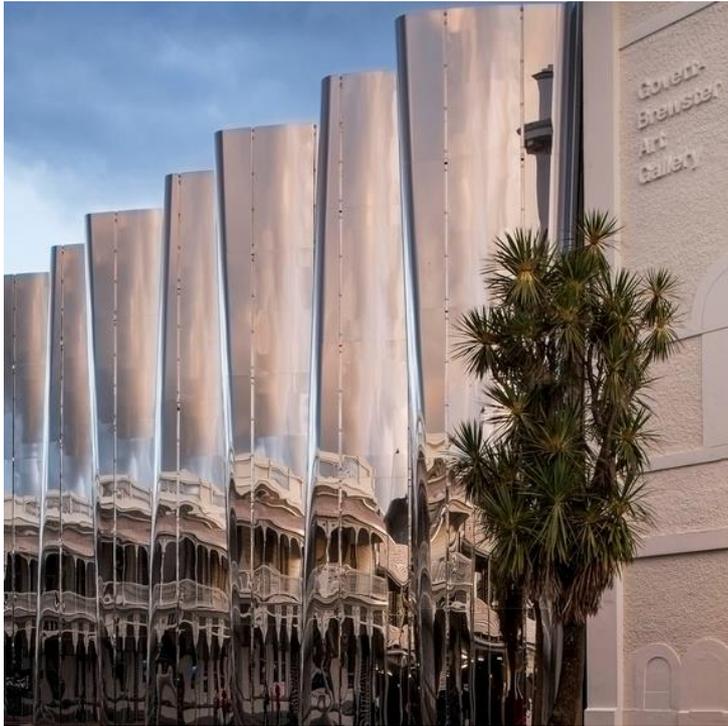


Current Site



Site with proposed building

APPENDIX D



Len Lye Centre and reflected image of the White Hart Hotel



Public Trust Building and King and Queen Hotel Suites