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| Corporate Plan Output: City Planning and Development Policy             |  |

At the May Environment Committee Meeting it was resolved that:

*“Officers report on the issues involved in leasing airspace over public streets and the principles on which a Council Policy on the matter could be based”*

The matter arose due to a request by the Christchurch Casino to lease airspace over Peterborough Street. However, it has been an issue over many years and it would be appropriate for the Council to formalise its views on this matter.

The issues relating to building over public road space are set out below, following which a recommended policy is outlined, as a basis for discussion.

#### **ISSUES**

The question to be addressed is whether the Council should lease airspace over public roads and if so, in what circumstances. In considering the question the following matters need to be taken into account.

##### **a) Types of structure that might be built over the road**

A variety of structures could be built over public roads. These range from a narrow pedestrian link, which may be as little as 2.5 metres wide and 2.5 metres high to a structure which completely occupies the space between two buildings apart from the street level. The latter could be several storeys high. Additionally buildings may be cantilevered out from one side of the street only. For the purpose of this report, the term **airbridge** refers to structures providing a pedestrian link only, other types of structures are referred to as **overbuildings**

Requests for leasing air space over any type of road and in various situations may arise. Currently there are five examples in the city centre:

| LOCATION                             | DESCRIPTION   | TYPE          |
|--------------------------------------|---|---------------|
| 1. Kilmore Street<br>1997            | Fully glazed pedestrian walkway connecting the Convention Centre with the Town Hall at first floor level. Above a four lane one-way street.   | AIRBRIDGE     |
| 2. Cashel Mall<br>1982               | Fully glazed pedestrian walkway, with a higher central atrium containing seating connecting Arthur Barnetts and the Triangle Centre at first floor level. Above a pedestrian mall.            | AIRBRIDGE     |
| 3. High Street<br>1982               | Fully glazed pedestrian walkway, with a higher central atrium containing seating, connecting the Triangle Centre and National Mutual Arcade at first floor level. Above a pedestrian mall.    | AIRBRIDGE     |
| 4. Dundas Street<br>1960's           | Three tiers of decks extending the car park above Smiths City's building on the southern side of the street across to their building on the northern side of the street. Above a side street. | OVER-BUILDING |
| 5. Cashel Mall, Guthrie Centre c1993 | Extension of first floor out over the verandah to create restaurant space. The overbuilding extends across the façade of this historic building and projects out into a pedestrian mall.      | OVER-BUILDING |

In addition consent has been given to an airbridge over Colombo Street, linking the first floors of the Arthur Barnett's building and the Ballantyne's building.

Requests for leasing airspace could occur in suburban malls and industrial areas.

#### **b) The need for Airbridges and Overbuildings**

The general purpose of an **Airbridge** is to provide a pedestrian link above ground level between buildings. Such a link will be advantageous where:

- there are high levels of pedestrian traffic
- there are heavily and constantly trafficked roads making it difficult and unpleasant to cross at street level
- adverse climatic conditions such as excessive heat, cold, wind or rain deter people from going outdoors
- the demand for floorspace cannot be met at ground floor level
- the two uses at the upper level are associated or will benefit from each others pedestrian activity

The first four of these conditions do not generally apply in Christchurch. Furthermore, pedestrians will only use airbridges if they are equally or more convenient, safe and interesting than a ground level route.

Generally the purpose of an **Overbuilding** is to extend the amount of floor space available within a building. Where the overbuilding stretches right across the street to a building on the other side a public or private pedestrian or vehicular link may also be created. The need to expand into public space may be because the building cannot be extended in any other direction, but could be because the air space is in a more desirable location or is less costly to utilise.

### c) **Opportunities presented by Airbridges and Overbuildings**

Leasing airspace over roads could be advantageous for the Council, the general public and the commercial sector, since it offers the following opportunities:

- **Source of Finance**           leasing airspace would provide additional income for the Council
- **Additional floor space**    can provide additional floorspace where there is no room for expansion
- **Commercial viability**     can increase the viability of projects particularly through linking to more potential customers
- **Separation of pedestrian activities**   eg people waiting for buses and shoppers, or split excessive pedestrian flows
- **Linkage**                     provide more direct link between buildings, including car parking buildings. Give a choice of routes
- **Mall atmosphere**           provide an atmosphere and convenience similar to suburban malls, this could help activities linked in this way to compete
- **Enlivens upper levels**     through bringing people directly to them
- **Increased security**         being inside a building can feel safer, especially at night
- **Visual relief**               can act as a landmark or break up the linearity of a long street. In Christchurch this applies to east-west streets in particular
- **Additional viewing point**   allow views from a different position, enabling a view up and down streets
- **Architectural opportunity**   provides an opportunity for an architectural statement, particularly in the use of glass and lighting

#### **d) Potential problems presented by Airbridges and Overbuildings**

Conversely, leasing airspace could cause many problems:-

- **Setting a precedent** if applications to lease airspace were easily obtainable it could lead to a rash of demand for building over public space, with undesirable cumulative effects
- **Loss of expected rights** adjoining owners and occupants would expect the street space to remain open. Leasing airspace could impinge upon their rights to light, the visibility of their premises etc
- **Surplus floorspace** the use of the airspace above streets for buildings would provide more floorspace in locations, such as the city centre which already have considerable amounts of vacant floorspace
- **Control over use** it could prove difficult to control the use of the airbridge or overbuilding. Transparency will be lost if the space is filled with goods, displays or advertising. Existing controls in the Proposed City Plan only relate to outdoor advertising
- **Redundant structures** the use of the buildings connected to each other across the street could change or the buildings become vacant, leading to redundant structures, which may not be maintained
- **Distraction to drivers** the structure could contain lights or moving displays which could be distracting to vehicle drivers. A sudden transition from sunlight to shading underneath a structure could prove hazardous to drivers
- **Disruption of pavements** support columns can create obstructions along the pavement below, which is particularly dangerous for blind and handicapped users
- **Disruption of facades** when attached to existing buildings they can spoil the appearance, particularly of historic or treasured facades
- **Reduction of street life** upper level links can draw people away from street level, thus reducing the vitality, activity and safety of city streets. Christchurch struggles to keep its central area streets and some suburban malls, enlivened
- **Change character** air bridges or elevated floors can change the character of public spaces, making them more closed in
- **Create uninviting spaces** elevated structures can block light, cause shadowing in the street below and have undersides which are unattractive. In some circumstances (such as back streets) it might be preferable to close the street altogether
- **Obstruct views** can obscure views along streets, either short vistas or long views. Views out to the Port Hills along north-south streets or in to the cathedral are particularly important in Christchurch

- Compromise street pattern In Christchurch the open grid street pattern is a fundamental component of the character of the city. To upset this by filling in sections could lead to the demise of a precious city quality
- Excessive bulk joining two or more buildings above ground floor level can lead to very large and bulky structures

## DISCUSSION OF ISSUES

Clearly, the decision to lease airspace above public streets cannot be taken lightly.

There is a distinct difference between “airbridges”, the function of which is simply to provide a direct pedestrian link between buildings at an upper level, and “overbuildings” which extend across streets so creating extra floorspace where previously there was none. Airbridges tend to be less intrusive and more advantageous, whereas overbuilding over streets may benefit the individual developer with less corresponding public benefit.

Considerable additional development potential could be released by leasing the floorspace above streets. Given that there is already surplus floorspace within the City Centre and that a large range of redevelopment options remain available, it would be unwise to release further space.

It is difficult to anticipate what requests may arise for leasing airspace. However, as a general rule it could be said that there may be circumstances where there are merits in leasing airspace for **airbridges**, whereas the case for allowing **overbuildings** is less convincing. If airspace is leased then there will need to be control over the structure which is built. It is important to ensure that the Council has the ability to prevent inappropriate structures from utilising public space.

## Means of Control

### *City Council*

Currently the Council has absolute control over whether airspace is leased and can attach conditions to the lease agreement. In the future, depending on how roads are to be managed, it may be necessary to rely solely on the City Plan to control undesirable structures.

### *Proposed Christchurch City Plan*

The City Plan contains objectives and policies relating to city form, identity and amenity but does not directly address the issue of building over public roads. In the absence of any specific rules, proposals for structures over roads are assessed against rules for the adjoining zones. These are not generally applicable, for example the 65° recession plane from the road becomes nonsensical. Where the road forms a zone boundary this can cause particular difficulties.

### *Local Government Act*

This Act enables requirements to be specified for the construction of structures such as road clearance, structural standards, maintenance etc.

## **Controls Used Elsewhere**

### ***Auckland***

Auckland City Council have rules in their Central Area City Plan relating to pedestrian overpasses (ie airbridges) in the central city, but it does not deal with overbuildings. Overpasses require resource consent and are assessed on matters such as the impact the overpass will have on the surrounding environment, whether it will obscure views and sightlines, whether it will avoid or mitigate excessive visual bulk and scale. Proposals are also required to meet set design specifications, for example, no overpass will exceed a width of 12 metres, exceed a vertical height of 4 metres (measured from its underside), nor comprise more than one storey. An overpass connecting two developments will be fully roofed and clear glazed on both sides of the walkway.

Auckland City Council also have an established procedure for leasing airspace.

### ***Wellington***

Wellington City Council include a rule in the Wellington City Plan, requiring any proposal to utilise airspace which encroaches across one quarter or more of the street width, to seek resource consent. The City Council felt that they needed the ability to notify a proposal, so that it could be publicly debated.

## **CONCLUSION**

The Council, as roading controller, needs to have a clear policy in place in order to deal with any requests to lease airspace over public roads. In addition steps will need to be taken to ensure that the City Plan addresses the issue of building over public roads, particularly if roading management is changed. Furthermore, it is important to establish a process which deals with the matter in the correct sequence, ie firstly to establish whether an airbridge or overbuilding is acceptable environmentally, then to determine whether operational requirements can be met and thirdly to proceed with a leasing agreement.

As a basis of a proposed policy the following is suggested for discussion at this meeting. Further discussion is continuing with other parties and it is proposed that a firm proposal for a policy and a process be brought back to the Committee in July.

### **Possible Policy for the lease of airspace over public roads**

*The Council will only lease airspace over public streets where there is:*

- a) a proven need (as outlined in (b) above)*
- and*
- b) clear advantages in having the structure (as outlined in (c) above)*

*The Council will not generally lease space above roads for the sole purpose of creating additional floorspace (ie for an overbuilding) unless there are exceptional circumstances, such as where there is a clearly demonstrated need for increased floorspace that cannot be met in any other way, ie by expansion upwards, sideways or backwards or by moving to another site.*

*If the Council is satisfied that there is a need for a structure to be built over the road and there are advantages to the public then they may consider the lease of airspace in the following circumstances:*

- *Where a structure creates desirable public pedestrian links between activities and facilities such as parking buildings.*
- *Where it will not lead to a significant dilution of human activity at street level*
- *Where the design and location of the structure will not cause excessive shading at street level, obstruction of footpaths or block light and views from adjoining buildings.*
- *Where joining buildings across the street will not result in excessively bulky built form*
- *Where the structure can be joined to the host building/s in an architecturally sympathetic way. Entries into heritage buildings will not be favoured.*
- *Where the alignment and location of the structure will not detract from views nor compromise the basic grid layout and urban form of the City Centre and the general openness of the street system. To this end:-*
  - *Airbridges will not be allowed on Worcester Street and Boulevard*
  - *Airbridges will only be considered on major north-south streets where significant views are not compromised.*
  - *Airbridges may be allowed on east-west streets*
  - *Airbridges may be allowed on secondary or pedestrian streets*
  - *Overbuildings will not be allowed on Worcester Street and Boulevard or major north-south or east-west streets.*
  - *Overbuildings may be allowed on secondary streets in exceptional circumstances where the relative merits of closing the street rather than building over it have been assessed.*
  - *On pedestrian streets, only small protrusions of overbuildings will be considered*

*The following design aspects of the structure will be taken into account when assessing any request:*

- *Will it create a landmark or visual interest?*
- *Will it provide a worthwhile new viewing point?*
- *To what extent does the height above street level mitigate the domination of the structure at street level?*
- *Is the design of the structure appropriate for its location?*
- *Is the structure of the minimum width and height necessary?*
- *Is the structure light and open?*
- *Are the materials and colours acceptable?*
- *Are the support structures acceptable?*
- *Is the treatment of the underside of the bridge appropriate*

*Conditions will be attached to the lease relating to:*

- *the use to which the structure is put*
- *design requirements*
- *advertising*
- *technical specifications*

**Recommendation:** That the above matters be debated with a view to assisting the development of a policy on building over public roads.

**Chairman's**

**Recommendation:** For discussion.