

3. HERITAGE CONSERVATION COVENANT APPROVAL – 37 VALLEY ROAD, CASHMERE, CHRISTCHURCH – NGAIO MARSH HOUSE

General Manager responsible:	General Manager, Strategy and Planning Group DDI 941-8281
Officer responsible:	Programme Manager, Liveable City
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PURPOSE OF REPORT

1. The purpose of this report is to obtain a Conservation Covenant Consent for a proposed retaining wall at 37 Valley Road, Cashmere, Christchurch (**Attachment 1**). The construction of the retaining wall will also require the removal of two trees (**Attachment 2**) at the perimeter of the site for access. The Committee approved a Heritage Incentive Grant for the proposed work in October 2009.

EXECUTIVE SUMMARY

2. The dwelling and the setting at 37 Valley Road, is listed in Group 3 of the Christchurch City Council's City Plan. The primary reason for this listing is the association with the dwelling's former occupant Dame Ngaio Marsh (1895-1982) a prominent New Zealand author and theatre director/producer. Dame Ngaio Marsh lived in the house until her death in 1982. The house is also one of a number of S.H.Seager houses which contribute significantly to the architectural character of the hillside suburb.
3. The building is registered Category 1 by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT).
4. Under the Trust Deed of the Ngaio Marsh House and Heritage Trust (which is incorporated under The Charitable Trust Act 1957) the Trustees (pursuant to Section 50 of the Trustee Act 1956) appointed PGG Trust Limited (now called Perpetual Trust Limited) as custodian trustee of the Ngaio Marsh House property. The registered proprietor is therefore Perpetual Trust Limited.
5. Section 5 of the Conservation Covenant registered on the property in 2000 states:
"Where any tree or shrub on the property is diseased dead or overcrowded so as to require removal and replacement, the Owner will not undertake such removal or replacement without the prior written consent of the Council."

Also, within Section 14:
"The Owner agrees not to erect any additional building or structure on the land without the prior written consent of the Council..."
6. The site has been cut and shaped to create a flat platform in the earth for the house but properly engineered retaining walls were not part of the original design. A small section of timber crib retaining wall was built at some point after the dwelling was constructed and this is in reasonable condition. Recently the site of the dwelling has been subject to landslips. The earth that slipped has been removed but there is a significant threat to the survival of the dwelling from further landslips. Appropriately engineered retaining walls are required to ensure no further landslips will occur.
7. The Ngaio Marsh House and Heritage Trust is seeking consent for the erection of a retaining wall in order to ensure the future protection and continuing use of this significant heritage building and setting. Without these walls the dwelling is in danger of collapse through a landslip event. The wall will be a specifically designed timber crib wall with a railing on top. The construction plant required to build the wall will require access to the area and this will require the construction of a temporary ramp up a steep bank from the access road. Two trees, a pine and a macrocarpa, on this bank will need to be removed to facilitate access.

3 Cont'd

8. The original proposals were for two sections of wall to be built however on further consideration and with more information about the construction of the section of existing wall it is now planned to construct only the longer section of retaining wall. This will result in the retention of a Loquat tree and avoid the need to remove or relocate the existing shed at the top of the bank.

SCOPE OF WORK

9. A summary of conservation, maintenance and Building Code compliance works include:
 - (a) The construction of a new 15 metre long retaining wall along the south side of the dwelling to protect the dwelling from further landslips and damage.
 - (b) The removal of two trees, a pine and a macrocarpa, to facilitate access for construction plant to the site of the proposed wall.
10. A Council Arborist has made a visual inspection of the trees. The pine tree (which he could not positively identify but which might be rare) is regarded as a poor specimen with little adverse impact on the environment if removed. The macrocarpa, located close to the washing line of 37 Valley Road, is also of very poor form and could be removed. However, its removal may expose some of the remaining trees, positioned lower on what looks like a fragile clay-rock bank, to higher wind forces. He recommends to add end weights (or tip back) some of the remaining trees to reduce the loading after the 'sudden exposure'. While creating a track between the remaining trees to enable access he highly recommends limiting damage to any structural roots (tension roots) during this operation, since they are of vital importance to the structural integrity of the trees, especially after the crowns are exposed to the new wind forces mentioned above.
11. Resource Consent and Building Consent applications have been submitted for the proposed works. A temporary protection plan will need to be in place for the work to ensure no damage to the dwelling and the NZHPT will also need to be consulted.

FINANCIAL CONSIDERATIONS

12. There are no financial implications arising from a covenant consent

LEGAL CONSIDERATIONS

13. A Full Conservation Covenant was registered against the property title in 2000. The works proposed require consent under the conditions of the covenant.

CONSULTATION FULFILMENT

14. There is no requirement for community consultation for Heritage Incentive Grants or Covenants.

STAFF RECOMMENDATION

It is recommended that the Heritage Grants and Covenants Committee approve a Conservation Covenant Consent for the proposed retaining wall and tree removal at 37 Valley Road.