

5.5 1303-1305 CENTRE ROAD, CLAYTON – DEVELOPMENT OF 14 DOUBLE STOREY DWELLINGS WITH ASSOCIATED CAR PARKING AND LANDSCAPING

(TPA/35758:NS:HM)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Council/Community Interest

Cost of Development : 2.7 Million

RECOMMENDATION

*Council having caused notice of planning application No. 35758 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to **refuse the application** for the planning permit under the provisions of the Monash Planning Scheme in respect of the land known and described as 1303-1305 Centre Road, Clayton, for the purpose of the development of 14 double storey dwellings with associated car parking and landscaping on the following grounds:*

- 1. The proposal does not satisfy the objectives and provisions of the Local Planning Policy Framework.*
- 2. The proposal does not satisfy the objectives and provisions of Clause 55 of the Monash Planning Scheme in particular the objectives and provisions relating to neighbourhood character, design detail, street setback and dwelling entry, energy efficiency, landscaping, parking location, parking provision and private open space.*
- 3. The proposal is an overdevelopment of the site.*
- 4. The proposed development is out of character with the existing development in the area in particular with regard to mass, bulk and scale.*
- 5. The proposed development will have an adverse impact on the amenity of adjoining properties.*
- 6. The proposed development is not appropriate for the locality with regard to its adverse impact on the streetscape and general neighbourhood character.*
- 7. The proposal is not consistent with the existing or preferred neighbourhood character.*
- 8. The proposal is inappropriate having regard to orderly and proper planning of the area.*

and directs that the Applicant and each objector be given a notice of the Council's decision to refuse the permit.

BACKGROUND

The subject site is located on the northern side of Centre Road between Scotsburn Avenue and View Street in Clayton. It is a large rectangular-shaped site with a frontage of 32.31 metres and a depth of 85.95 metres. The rear half of the site is slightly wider being 37.79 in width. The total area measures approximately 3,011 square metres. A 1.83 metre wide easement dissects the front half of the site whilst another 1.83 metre wide easement extends across the centre of the site from the eastern boundary to the western boundary, the easements thus creating a “T” shape on the site.

The site, which has a gradual slope of approximately 1.5 metres towards the rear and is vacant. It contains no significant vegetation. A 0.8 metre high stone fence exists along the frontage and there is a crossover located in the centre of the frontage.

The site abuts residential properties fronting Centre Road (No. 1301 to the west and No. 1307 to the east), Scotsburn Avenue to the west (Nos. 84, 86 and 88), View Street to the east (Nos. 61 and 65) and Penn Street to the north (Nos. 1, 1A and 3). These properties generally contain single-storey brick or weatherboard dwellings with tiled hip and/or gable roofs. Some of these adjoining properties have outbuildings and trees that are located close to the boundary with the subject site.

In the Monash Urban Character Study the site falls under the character type B. The ‘B’ area is generally characterised by an evenly distributed mix of consistently setback post-war single-storey weatherboard and brick dwellings of a common, functional architectural style.

PREVIOUS APPLICATION

In June 2004, application No.TPA/31847 was lodged seeking permission to erect nine dwellings consisting of six double-storey dwellings and three single-storey dwellings. The application was advertised by notice on site and by notifying owners and occupiers of properties likely to be affected. Nine objections and a petition containing 22 signatures were received. On the 4 November 2004, Council issued a Notice of Decision to Grant a Planning Permit subject to a number of conditions.

An appeal was lodged seeking a review of the decision made by the Council. The appeal was heard by VCAT on the 11 February 2005. VCAT subsequently resolved to disallow the appeal and issue a permit for the proposed development subject to the conditions that were included on the Notice of Decision. The Permit was issued on the 25 February 2005. An extension of time for commencement was issued in February 2007. The new expiry date for the development to be commenced is now the 25 February 2008. The development has not commenced.

PROPOSAL

This application is for a new proposal consisting of fourteen double-storey dwellings. The dwellings will be constructed of face brickwork and smooth textured render and they will have flat roofs at ground level and tiled hip roofs at first floor level. Seven dwellings will be located along the eastern half of the site (dwellings 2, 3, 4, 5, 6, 7 and 8) and seven dwellings will be located along the western half of the site (dwellings 9, 10, 11, 12, 13, 14 and 1). Dwellings 1 and 2 at the front will be wholly detached. The remaining dwellings will be attached in pairs at both ground and first floor levels. No dwellings will abut the boundary.

The ground level of dwelling 1 will comprise of a kitchen, laundry, powder room, meal room, sitting room and lounge room whilst the ground level of dwelling 2 will comprise of a kitchen, laundry, powder room, meal room, lounge room and study. The ground level of the remaining dwellings will comprise of a kitchen, laundry, powder room, meal room and lounge room. The first floor levels of all dwellings will comprise of a bathroom and three bedrooms.

The existing centrally located crossing at the front of the site will be widened. It will lead to a central driveway that will provide access to car parking facilities for each dwelling. Dwellings 8 and 9 at the rear of the site will each have a single carport with an uncovered car space in front. The carports will adjoin, they will be located between these dwellings at the end of the driveway and they will be setback 1.47 metres from the northern boundary. Dwellings 5 and 12 will also have a single carport with an uncovered car space in front. The carport and uncovered space will be located along the southern side of these dwellings. The remaining dwellings will have either a double carport or double open garage. Two double garages/carports will be located in between dwellings 1 and 14, 2 and 3, 6 and 7 and 10 and 11. Three car spaces for visitors will also be provided on the site. One visitor space will be located between the covered car parking facilities for dwellings 2 and 3, another will be located between the dwelling 4 carport and the car space for dwelling 5, and the third will be located between the dwelling 13 carport and the car space for dwelling 12. No carport or garage will abut the boundary.

Opportunities for new landscaping will be available within the front setback area, along the driveway and within each of the secluded private open space areas. A low fence is proposed along the frontage, but details of the fence have not been provided.

POLICY IMPLICATIONS

The main provisions of the Monash Planning Scheme as it affects the proposal are as follows.

Land Use / Development, Zoning and Overlays

The subject site is within a Residential 1 Zone (Clause 32). The proposed use will come within the definition of "Dwelling" which is a permitted use in this zone. Clause 32.01-4 requires that a permit should be obtained for the

construction of 2 or more dwellings on a lot and a development must meet the requirements of Clause 55 of the Planning Scheme. The schedule to Residential 1 Zone also specifies requirements for some of the standards in Clause 55. Before deciding on an application, in addition to the decision guidelines in Clause 65, the Council must consider:

- The State Planning Policy Framework (SPPF);
- The Local Planning Policy Framework (LPPF) - including the Municipal Strategic Statement (MSS) and local planning policies; and
- The objectives, standards and decision guidelines of Clause 55.

The proposal has been assessed against the provisions of Clause 55 (as well as any relevant requirements of the schedule to the Residential 1 Zone) and the results are shown in the table attached to this report. An assessment has also been provided against the provisions of the Council's own planning standards that are contained in the document "A Guide to Residential Development in Monash" dated 24 August 2001 and amended 12 February 2004. The results are also shown in the table attached to this report. From the assessment, it can be seen that the main concerns with the proposal relate to:

- Neighbourhood Character / Building Height / Design Detail (B1, B7, B31);
- Street Setback / Dwelling Entry (B6, B26);
- Energy Efficiency / Solar Access to Private Open Space (B10 and B29);
- Landscaping (B13);
- Parking Location (B15);
- Parking Provision (B16); and
- Private Open Space (B28).

The site is not included within any overlay.

SPPF

Clause 11 states that planning should recognise and contribute towards diversity of choice and a high standard of urban design and amenity. Clause 12 specifies objectives and strategies for Metropolitan Melbourne. The fundamental objective is to achieve a more compact city. With respect to new housing, it should be encouraged to locate in or close to activity centres and other strategic redevelopment sites that offer good access to services and transport. Good urban and neighbourhood design should also be encouraged to make the environment more liveable and attractive, walkable and diverse. New development should contribute to improved diversity and choice, respect the essence of the neighbourhood character context in which it is placed and be designed to enhance the sense of personal safety.

Clause 14 states that consolidation of residential activities is to be encouraged within the existing urban areas and that development should be respectful of neighbourhood character. Planning decisions should also assist in protecting

native vegetation. Clause 15.12 encourages development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions. In Clause 16.02, the objective of medium density housing is to encourage the development of well-designed developments that respect neighbourhood character, improve housing choice, make better use of existing infrastructure and improve the energy efficiency of housing. The provisions of Clause 55 should be used when considering applications for medium-density housing. Clause 19.03 requires developments to achieve high quality urban design and architecture that contribute positively to local urban character and enhance the public realm while minimising adverse impacts on neighbouring properties.

The concerns identified as a result of the assessment against Clause 55 and Council's Residential Guide will be discussed in the "Comments" section of this report to determine if the proposal is consistent with State planning objectives.

LPPF – The MSS

The strategic vision for residential development in Monash is to encourage the provision of a variety of housing types to accommodate the changing housing needs and preferences of residents that will also complement and enhance the Garden City Character of Monash.

The key issues for residential development relate to managing change so that diverse housing needs are met, ensuring that developments contribute to the Garden City Character of Monash, conserving locally significant assets and streetscapes and managing stormwater so as to minimise its impact. Relevant strategies include encouraging the provision of single-storey and purpose designed housing in small unit clusters sympathetically designed to cater for Monash's ageing population, providing opportunities for a mix of housing styles and ensuring that new development provides for the infrastructure it generates. One further strategy is to protect and enhance the high standard of amenity and the Garden City Character of Monash particularly in regard to streetscapes, private and public open space, canopy tree cover, traffic management and parking.

The concerns identified in the assessment of the application will be discussed in the "Comments" section of this report to determine if the proposal is consistent with the objectives and provisions of the MSS.

LPPF – The Relevant Policies

Residential Development and Character Policy

The Residential Development and Character Policy assists in implementing the strategies contained in the MSS. The development part of this policy relates to elements such as building setbacks, car parking, built form, fences, private open space, landscaping, and stormwater management. The policies reflect the objectives and standards contained in Clause 55 as well as the planning standards for Monash.

Before deciding on an application, Council must consider, as appropriate, the following decision guidelines:

- Whether the proposal will have an adverse impact on the environment;
- Whether the proposal will be adversely affected by any adjacent industrial, commercial or trade activity; and
- The statement of current character, contributory elements and desired future character for the residential Character Type.

With respect to the latter guideline, the subject site is within a Neighbourhood Character Type B. This character area requires new dwellings to complement the scale and form of adjacent dwellings. The built form should be unified by a general consistency in building setback. Redevelopments should be single-storey unless there is a graduated change in height or on-site trees and large shrubs to soften the transition between buildings. Front fencing should be low and should complement the architecture of the dwellings. Gardens should be well planted with both native and exotic species. No more than one crossing per lot frontage should be provided to ensure that the “soft” quality of the street is maintained. The main concerns with the proposal relate to the height and design of the dwellings, the front setback including the intrusion of the dwelling 1 and 2 entry porches into the setback and the limited space for the planting. These concerns will be discussed further in the “Comments” section of the report.

Stormwater Management Policy

This policy assists in implementing the strategies relating to stormwater flow and drainage. The policies reflect the objectives and standards of Clause 55 as well as the planning standards for Monash. In determining an application for development the Council has to have regard to a number of decision guidelines. The proposal will be able to satisfy Council’s Stormwater Management Policy.

Tree Conservation Policy

This policy assists in maintaining, enhancing and extending the Garden City Character of Monash. The policies devised are as follows:

- To retain existing semi-mature and mature canopy trees wherever possible;
- To retain and protect existing street trees; and
- To plant semi-mature canopy trees with spreading crowns within new developments in the open space areas, along the boundaries adjacent to neighbouring open space and in the front setback areas.

In determining an application for development the Council has to have regard to a number of decision guidelines. The main concern with the proposal relates to the limited space for the planting on the site. This concern will be discussed further in the “Comments” section of the report.

CONSULTATION

Internal Referrals

The application has been referred to the Council's Senior Development Engineer for comments relating to stormwater and drainage. The comments received can be dealt with by placing conditions and notes on any permit issued.

External Referrals

The application has been referred to Vic Roads in relation to the proposed widening of the existing centrally located crossover. Vic Roads has no objection to the proposal provided that a number of conditions and notes are placed on any permit issued.

Advertising

The application has been advertised by notice on site and by notifying the owners and occupiers of the following properties:

- 1297, 1299, 1301, 1307, 1309 Centre Road;
- 1224, 1226, 1228, 1230, 1236 Centre Road;
- 2, 4 Arunta Crescent;
- 80, 82, 84, 86 Scotsburn Avenue;
- 1, 1A, 3 Penn Street; and
- 57, 59, 61, 63, 65 View Street.

Two objections have been received one from residents to the west at No. 84 Scotsburn Avenue and the other from a resident to the east at No. 63 View Street. The residents at No. 84 Scotsburn Avenue object to the first floor bedroom windows of dwelling 9 overlooking into their property. The plans indicate that the windows will have horizontal louvres up to 1.7 metres above the floor level to prevent downward overlooking and to facilitate long views. The objectors are not satisfied with the louvres and request that the two bedroom windows be designed as awning windows with an opening of 15cm and that they be installed with obscure glazing. The objectors also request that the boundary fence be raised in height. These measures or other appropriate measures that will protect the privacy of the objectors could be required as a condition on any permit issued.

The resident of No. 63 View Street objects to overlooking from a stairway window in dwelling 6 and requests that the window be deleted. Another option is for the window to be designed as a highlight window, similar to the bedroom 3 window in the same dwelling. However, the resident has a number of other objections to the proposal. Details of the objections can be summarised as follows:

- The density of the proposed development is too high for the area;
- The area surrounding the subject site consists predominantly of single-storey dwellings;
- The proposed development will overshadow adjoining properties; and
- The proposed development is very bulky.

In response to the objections the following comments should be considered:

- The number of dwellings proposed does appear in itself to be too many for the site. A discussion on the concerns in the next section of this report will determine whether the proposal is an overdevelopment of the site;
- Any proposal for multi-storey dwellings must be considered on its relative merits against the relevant provisions of the Monash Planning Scheme. A multi-storey development can be designed to respect the character of the adjoining single-storey dwellings. The discussion in the next section of this report will determine whether the proposal respects the character of existing dwellings in the area;
- Overshadowing from the proposed development is not a concern. Adjoining properties will still receive more than sufficient sunlight throughout the course of the day; and
- The proposed dwellings do have a bulky and “box-like” appearance, as the first floor levels have not been adequately setback from the ground level building lines.

ASSESSMENT / COMMENTS

The concerns highlighted as a result of the assessment are discussed below.

Neighbourhood Character / Building Height / Design Detail (B1, B7, B31)

In Standard B1 of Clause 55, the objectives for neighbourhood character are as follows:

- To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character; and
- To ensure that development responds to the features of the site and the surrounding area.

The subject site is located within a Neighbourhood Character Type B where the preferred future character is for new dwellings to be appropriate in scale and form to existing dwellings. The area immediately surrounding the subject site is characterised predominantly by single-storey weatherboard or brick dwellings with tiled hip and/or gable roofs with eaves. The proposed development consists of fourteen double-storey dwellings with flat roofs for the ground levels.

With respect to height, any new development should not exceed 9 metres and it should be consistent with the height of existing development in the surrounding area. The proposed development has been designed so that the overall height will not exceed 7 metres.

Any proposal for multi-storey dwellings should be considered on its relative merits against the relevant planning provisions. Multi-storey dwellings should be designed to be respectful of the existing dwellings in the area, particularly existing single-storey dwellings, so that the desired future character of the area will not be adversely affected. If a development comprising of multi-storey dwellings is designed in a manner that complements existing dwellings in the

area, there is no reason why it cannot be considered favourably provided that any negative impacts on adjoining properties are minimised.

To assist in making multi-storey dwellings respectful of the existing single-storey dwellings, Council restricts the plot ratio of an upper level to 0.65 to ensure that upper levels will not be overpowering and to restrict overall bulk and mass. Changes of building height between existing single-storey buildings and new multi-storey buildings should be graduated and upper levels should be adequately articulated to prevent double-storey high “slab” like walls detracting from the character of the area.

Although the upper levels have been articulated and they are setback adequately from the boundaries, they have not been adequately setback from the ground level building lines. Hence, each dwelling has a first floor level with a plot ratio far exceeding 0.65 (between 0.75 for dwelling 1 and 1.05 for dwellings 4 and 12). Most of the dwellings have a plot ratio in excess of 0.9. The inadequate graduation of the first floor levels gives the development a bulky and “box-like” appearance from the street and from adjoining properties.

With respect to amenity, there are some concerns by objectors about overlooking. Measures can be required to ensure that the privacy of the objectors is protected. The proposed development will not unreasonably overshadow any adjoining property and it will not affect daylight penetration into habitable room windows on adjoining properties. However, it could be argued that the proposed development will reduce the visual amenity of the adjoining properties due to the “box-like” design of the dwellings and the flat roofs of the ground levels. These features of the development do not complement the existing single-storey pitched roof dwellings that adjoin the subject site to the east, west and north.

Overall, it is considered that the proposed development is not consistent with the existing and preferred character of the area.

Street Setback and Dwelling Entry (B6 and B26)

The desired future character of the area is for setbacks to be generous and consistent within individual streets. Generous front setback areas are required in order to provide for well planted front gardens that can accommodate planting of at least one canopy tree. Well planted front gardens are required particularly to soften the scale contrasts between proposed double-storey and existing single-storey dwellings.

To ensure consistency in the front setbacks, planning provisions require a new development to be setback from the frontage a minimum distance equal to the average of the setback of the buildings on the two adjoining sites. The average setback of the two properties adjoining the subject site is 9.2 metres. The proposed development will be setback 7.6 metres and the dwelling 1 and 2 entry porches will be setback 6.65 metres.

Although the entry porches are only small and would normally be considered a satisfactory intrusion into the setback area, in this case, as the front setback falls

short of the average by quite a margin, the entry porches only exacerbate the situation.

The inadequate front setback makes it difficult to achieve a unified built form and it impedes upon the ability to provide a well-planted front garden. It indicates that the proposal is inconsistent with the existing and preferred character of the area, that it will have an adverse impact on the streetscape and that it is an overdevelopment of the site.

Energy Efficiency and Solar Access to Open Space (B10 and B29)

Planning standards require living and secluded areas to be located on the north side and north-facing windows to be maximised in order to maximise the energy efficiency of a dwelling.

Dwellings 3, 5, 7, 10, 12 and 14 are located to the south of their paired dwelling so their living areas have no north-facing windows. Dwellings 6 and 11, although to the north of their paired dwelling, also have no north-facing window in their living area. The energy efficiency of dwellings 6 and 11 could be improved by installing a window in the northern wall of their kitchens. To protect the kitchens from the effects of the summer sun, some shading device should be provided for the new windows. With regard to dwellings 3, 4, 7, 10, 12 and 14, the way they have been designed, there is no opportunity to improve the energy efficiency these dwellings.

The Council also requires eaves, pergolas or verandahs to be used along the northern side of a dwelling in order to protect them from the effects of the hot summer sun. No eaves or shading devices have been provided above the north-facing habitable room windows of dwellings 1, 2, 4 and 13. Any permit issued should require shading devices to be provided for these windows.

With regard to the secluded areas, they are located to the north, east or west. Some of the secluded areas have a section that is also located to the south with a double-storey wall to the north (dwellings 3, 7, 10 and 14). These sections of secluded area will be in shadow throughout the course of the day and they do not comply with the setback provision specified in Standard B29 of Clause 55. However, overall it is considered that the secluded areas will obtain a satisfactory amount of sunlight.

Landscaping (B13 and B28)

Planning standards encourage generous planting to be provided in the open space areas of a site. The desired future character of the subject area is for gardens to be well planted with large shrubs and trees including canopy trees. At least one canopy tree should be provided in each of the major open space areas on a site. The planting of canopy trees is an integral part of ensuring that large developments will not dominate the streetscape or visually overwhelm adjoining properties.

Although it will be possible to provide for some canopy trees, space will nevertheless be limited due to:

- The deficient front setback;
- Large sections of the driveway where adjoining car parking facilities prevent landscaping from being established; and
- The small size of the secluded private open space areas and the number of intrusions (sheds, paving, clotheslines) within the secluded areas.

The net effect of the limited space for the planting of large shrubs and trees including canopy trees is that the proposed development will be more dominant in the area and will particularly be more visually overwhelming to the adjoining residents.

Parking Location (B15)

Standard B15 in Clause 55 requires that shared accessways and car parks of other dwellings should be located a minimum of 1.5 metres away from facing habitable room windows. This setback may be reduced to 1 metre when there is an intervening fence at least 1.5 metres in height or where the windowsill is a minimum of 1.4 metres above the accessway.

The lounge room window in dwellings 4, 6, 11 and 13 is located within 1.5 metres of the central driveway. The sill height of the windows should be increased to 1.4 metres or a 1.5 metre high screen should be erected in the garden bed adjacent to the windows. Any permit issued should require compliance with the provisions of Standard B15.

Council also requires large parking areas to be broken up by landscaping. As mentioned above, there are large sections of the driveway where adjoining car parking facilities prevent the establishment of landscaping. The limitations on landscaping will make the driveway appear harsh and unattractive.

Parking Provision (B16)

In developments of five or more dwellings, bicycle parking should be provided. No such provision has been made for the proposed development. Any permit issued should require provision to be made for bicycle parking.

Furthermore, carports and garages should be 6 metres in length when measured internally from the piers. All of the carports and garages measure only 5 metres in length but they have a 1 metre section of pervious paving along the whole or part of their rear end. This is not satisfactory, as with most of the dwellings, the pervious paving appears to be included as part of the secluded area. Dual use of any of the car parking areas is not acceptable. The carports and garages should measure the required length and not have any sections of pervious paving. The inability to provide carports and garages with the required length indicates that the proposal is an overdevelopment of the site.

Private Open Space (B28)

Planning standards require each dwelling to be provided with 75m² of private open space. The private open space areas should have a minimum dimension of not less than 3 metres. Dwellings 1 and 2 both have more than 75m² of private

open space. However, all of the remaining dwellings have considerably less than 75m².

The planning standards also require that a secluded area of 35m² be provided at the side or rear with a minimum width of 5 metres and with convenient access from a living room. The secluded area for dwellings 1 and 2 does comply only if the pervious paving area along the rear of the car parking facility is included. As mentioned above, the dual use of this pervious paving is not acceptable. The secluded area for dwellings 4, 5, 12 and 13 do not comply.

The deficient private open space and secluded areas indicate that the proposal is an overdevelopment of the site.

CONCLUSION

Although some of the concerns could be dealt with by permit conditions, those concerns relating to neighbourhood character, the front setback, the energy efficiency of the dwellings, landscaping, the length of the carports/garages and the adequacy of private open space and secluded areas cannot be dealt with in this manner. They indicate that the proposal does not satisfy the objectives and provisions of the Local Planning Policy Framework as well as Clause 55. They also indicate that the proposal is inconsistent with the existing or preferred character of the area and that it will have an adverse effect on the streetscape and on adjoining properties. Overall, the proposal is considered to be an overdevelopment of the site and inappropriate to orderly and proper planning. Refusal is recommended.