

5.8 1330-1336 DANDENONG ROAD HUGHESDALE - USE AND DEVELOPMENT OF THE LAND FOR THIRTY (30) TWO-STOREY DWELLINGS (TOWN HOUSES)

(TPA/35647:LG:HM)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Cost of Development and Community Interest

Cost of Development : \$6 Million

Statutory Processing Date : 12 May 2008

RECOMMENDATION

*Council having caused notice of planning application 35647 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 to the land known and described as 1330-1336 Dandenong Road Hughesdale for the purpose of the use and development of thirty (30) two-storey dwellings (Town houses) on the following grounds:*

- 1. The proposed development is not consistent with the Residential Development and Character Policy (Clause 22.01) of the Monash Planning Scheme.*
- 2. The proposed development is not consistent with the objectives and standards of the Monash Planning Scheme in respect to neighbourhood character, building height, overshadowing of open space, private open space and front fencing.*
- 3. The proposed development does not provide sufficient on-site car parking.*
- 4. The proposed development would have a detrimental impact on the amenity of the adjoining land and the surrounding area.*
- 5. The proposed development does not provide for satisfactory provision of either communal or private open space*
- 6. The proposed development will result in poor internal amenity for future residents.*
- 7. The proposed development does not provide sufficient arrangements for garbage collection.*
- 8. The proposal is an over development of the land.*

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

BACKGROUND

The subject land is located on Dandenong Road approximately 210 metres east of Poath Road and 60 metres north of Maroo Street in Hughesdale.

A locality Map is at Attachment 1

The site is fairly regular in shape with an angled frontage from east to west of 48 metres, a depth of 98 metres on the west boundary and 71 metres on the eastern boundary. The overall site area is 4455 square metres.

The site is located on top of the ridge, with the front and rear of the site being approximately 1 metre lower than the centre. There are no easements on the site.

The Chadstone Centre Motel currently occupies the site with vehicle access to the site via a large central crossover.

The surrounding area is characterised by single storey multi dwelling development with the exception of 19 Maroo Street that contains a single dwelling. Chadstone shopping centre is located to the north on the opposite side of Dandenong Road.

The site is located within the “A” character area. This area is architecturally defined by pre second world war consistently setback single storey buildings, particularly double fronted timber villas with prominent roofs and half timbered gable ends from the post federation period and timber Californian bungalows, ostentatious brick, roughcast bungalows, and Spanish Mission Villas from the interwar period. Closer to the business centre of Oakleigh are a number of Edwardian Villas and Californian bungalows with high exposure to the street.

Later period of development include post-war brick and weatherboard double fronted villas, blocks of flats, large modern town houses and elaborately designed modern multi dwellings.

PROPOSAL

The application proposes the construction of 30 double storey units. Twenty-nine of these units will contain two bedrooms and one (unit 2) will contain three bedrooms. The units range in size from 124 to 179 square metres with a garage, laundry and bedroom with walk in robe and en-suite at ground floor and living areas (combined kitchen, dining and lounge) and a bedroom with en-suite at the first floor.

Access to the majority of the development will be via the existing central crossover, which will be extended. In addition two remaining crossings will be extended and utilised as driveways for units 1, 4 and 5. All units will have a single garage with the exception of unit 2 which will have a double garage. Six visitors spaces will be provided off the common driveway.

Private open space is provided in two separate locations. At ground floor, with an area ranging between 25 and 58 square metres and at first floor balcony of 8 square metres. Access to the ground floor open space will be via the master bedroom, while the balcony will be accessed from the combined living area.

Plans and elevations of the proposal are at Attachment 2.

POLICY IMPLICATIONS

The land is zoned residential 1 under the Monash Planning Scheme. There are no Overlays.

A planning permit is required to construct two or more dwellings on the land pursuant to Clause 32.01-4. A development must meet the requirements of Clause 55. This assessment can be found at Attachment 3.

The application is subject to the following Scheme provisions:

The State Planning Policy Framework (SPPF)

Clause 12- Metropolitan Development (Melbourne 2030).

Clause 14.01- Planning for Urban settlement.

Clause 15.02- Energy Efficiency.

Clause 16.02- Medium Density Housing.

Clause 19.03- Design and built form.

The Local Planning Policy Framework (LPPF)

Clause 21.04- Residential Development.

Clause 22.01- Residential Development and Character- Character Type A.

Clause 22.04- Stormwater Management.

Clause 22.05- Tree Conservation policies.

CONSULTATION

The proposal was not subject to a pre-application meeting.

The application was advertised by placing one large notice on the land and by sending individual notices to adjoining and surrounding owners and occupiers. Twenty six objections have been received the grounds of which are summarised as follows:

- Concern regarding the possibility of access along the western boundary to the laneway through to Maroo Street, which would lead to increased traffic congestion, noise and impact on pedestrian access.
- Overshadowing/access to sunlight.
- Security issues.
- Loss of Privacy.

- Affect on property value.
- Development will overpower the environment of Maroo Street, causing increased traffic.
- Increased noise.
- Inappropriate development.
- The proposal is bulky and an overdevelopment of the site.
- Overlooking.
- Insufficient open space.
- Insufficient area for vehicular traffic.
- Increased traffic.
- Visual impact of development when viewed from adjoining sites.
- Overdevelopment of the site.
- Dwelling density is excessive.
- Damage to property during development.
- Loss of enjoyment of open space.
- Replacement of back fence with garage wall.
- Building construction will affect adjoining property occupier's health.
- Loss of limited on street parking.
- Lack of on-site car parking.
- Intrusion of drainage onto adjoining properties.
- The development fails to comply with standards of Clause 55.
- Failure of development to respect and contribute to current and preferred neighbourhood character.
- Lack of dwelling diversity.
- Excessive site cover.
- Lack of on-site visitors car parking.
- Issues with rubbish collection.

Referral

The application was referred internally to Council's Drainage and Traffic Departments.

Council's Drainage Engineer has expressed no objection to the proposal and has specified a number of conditions, which should form part of any permit issued. Full details of the response are available on file.

Council's Traffic Engineer has expressed a number of concerns in relation to the proposed development. These concerns relate primarily to the access way, car parking and garbage collection. Several required changes have been included in the response and would need to be added as conditions on any permit issued. Full details of the response are available on file.

The application was also referred to VicRoads who have expressed no concerns with the proposed access arrangements, as they are located on the service road.

ASSESSMENT

The proposed development has a high degree of non-compliance with Clause 55. The areas of more significant concern are discussed below.

Neighbourhood Character/ Design detail

The land is situated in an “A” Character Area pursuant to Council’s Urban Character Study. This area is said to be characterised “*architecturally by pre second world war consistently setback single storey buildings. Front fence have considerable diversity in type but a broad uniformity in height, rarely exceeding 900mm.*”

The desired future character statement for the area states:

“The neighbourhood character of this area will evolve to retain evidence of its origins in the middle of the last century and other eras of development by protecting buildings and precincts of identified heritage significance along with associated streetscape elements.

The built form will be unified by consistency in building setbacks. New dwellings will address the street and complement the scale and form of adjacent buildings. Development that is inappropriate and out of scale with adjoining dwellings will not be supported.

Front fencing will be low. This enables vegetation to be visible from the street, allows clear views of the buildings and gives the street an open and transparent quality. Fencing will complement the architecture of the building in design, colour and materials.

Existing mature trees and shrubs within properties will be retained and additional tree planting proposed to gradually create a tree canopy in the private domain.”

The proposed development is seen to be uncharacteristic within the streetscape. The double storey nature of the buildings is out of scale with surrounding development and is compounded by the continuous built form. The proposal also provides little opportunity for substantial landscaping including the provision of canopy trees to soften its impact when viewed from outside the site.

The amount of paving to the frontage is also of concern, it is well in excess of that found within the surrounding neighbourhood and is not consistent with the desired future character of soft quality streetscapes which is provided by wide nature strips and limited access points.

The front setback of the development is also unsympathetic with the character of the area. Development within close proximity of the subject site contains (with the exception of 1328 Dandenong Road) a setback well in excess of the proposed 7.5 metres.

The provision of front fencing and entry gates is also seen to be inconsistent with the existing and desired character for this area at a height of 1.5 metres. Fencing within the surrounding area is predominantly low and where it is of a great height, permeable. The construction materials used for the fence will also result in the ground floor windows being obscured, which will reduce its integration with the street.

Site Cover/ Permeability

The development proposed site coverage of 69.7%. This excessive site cover is seen as one sign of overdevelopment of the site. With minimal pervious areas, opportunities for landscaping will be significantly reduced, impacting on the developments ability to soften the built form.

Parking provision/ Parking location

Council's Residential Development Guidelines require that for each dwelling with two or more bedrooms, two car parking spaces should be provided. All dwelling with the exception of dwelling two contain two bedrooms, however only one car parking space will be provided.

Currently a permit zone restriction is in place along the service road in front of the property. Council's traffic engineers have identified that any future residents would not be entitled to any permits in accordance with Monash's Residential Parking Permit Scheme. This therefore raises a concern that any additional car parking requirements of future residents in excess of one space provided on site cannot be accommodated for within the service road and will impact on nearby residential streets.

While six visitors parking spaces have been provided on-site which meets the requirements of Clause 55, it is likely due to the significant lack of parking available on and off site these parking spaces will be utilised by future residents to accommodate their additional car parking needs rather than being left available for visitors. Given that the area at the front of the site is a permit zone, visitors may have no access to parking within a reasonable proximity to the site.

Impact on adjoining residents by walls on the boundary

The proposed units 11 and 30 contain a garage and en-suite on the boundary. This raises concerns on the impact of these walls on the adjoining residents at 2/1328 and 6/1338A Dandenong Road. The submitted shadow plans indicate that a sufficient amount of light will be received in the open space for these dwellings.

The visual impact of these walls is however of concern, Unit 2/1328 Dandenong Road will have a wall which extends for the entire length of the open space provided to this dwelling. Given the size of the open space and the dominance

of this wall, this proposal will have a substantial impact on the amenity and usability of this open space for these occupiers.

In regards to Unit 6/1338A Dandenong Road, the wall will extend for 10 of the 19 metres of the length of the western boundary of the property. This wall is located opposite the main area of open space; therefore it also raises a concern on the impact on the amenity for the properties occupants.

Private open space/solar access to open space

Council's amended schedule to the Residential 1 zone requires that for dwellings with access to ground level space, 75 square metres of open space including one secluded area of 35 square metres to the side and rear with a minimum dimension of 5 metres be provided. All the proposed dwellings have access at ground floor space therefore this requirement should be met. It appears however, that the developer has placed all living areas at first floor in an attempt to circumvent this requirement.

Each unit's provision of open space at ground level varies from no external secluded space for dwellings 2 and 28 to 58.3 square metres for unit 6, with the majority being provided with an average of 38 square metres. Units 1, 8, 10, 12, 15, 24 and 29 are provided with less than 30 square metres. All units provided with ground level space however do not have accessibility from a living area. All dwellings are also provided with a balcony of approximately 8 square metres with a minimum dimension of 1.4 metres, which does not meet Council's requirements.

The provided open space is not seen to be sufficient to meet the needs of residents. It is of insufficient size and in the case of units 11-16 poorly located with the open space areas being overshadowed for the majority of the day. The provided balconies are also inappropriately dimensioned and are uninviting due to screening.

Also, in a development of this size, the provision of some form of communal open space would be required, however none has been provided

Objectors concerns

Issues raised by objectors that have not already been discussed in the assessment are considered as follows:

- Concern regarding possibility of access along western boundary to the laneway.

The proposed plans do not show any access to the laneway at the rear of the western boundary. Any proposal to gain access would require approval.

- Loss of Privacy.

Given the location of the balconies some loss of privacy is expected.

- Affect on property values.

This is not a valid planning ground of objection.

- Increased noise.
Some increase in noise is expected with this type of development.
- Overlooking.
Screening has been provided to 1.7 metres for all east and south facing windows and to all balconies.
- Damage to property during construction
This is not a planning consideration as it relates to a civil matter.
- Loss of on-street car parking.
No car parking permits will be issued to future residents as detailed above therefore all permit parking spaces will remain available for existing residents.
- Lack of dwelling diversity.
The proposed development does not contain any dwelling diversity as all dwellings except dwelling 2 contains two bedrooms and all units have living areas at the first floor.
- Lack of on-site visitors car parking.
The proposal shows the provision of 6 on-site visitors car parking spaces, however as detailed above given the shortage of car parking on-site and unavailability of on street car parking these spaces are likely to be used by future occupants to cater for their additional parking needs.
- Rubbish collection
Council's traffic engineers have indicated that a waste management plan would need to be provided by the developer and approved by Council. It appears that private waste collection would be required as insufficient space is available on the nature strip to accommodate a minimum of 60 bins.

CONCLUSION

The proposal is considered to be a significant over-development of the land, which will have a detrimental impact on the character and amenity of the adjoining land. Council should refuse the application.