

5.8 244 & 246 NORMANBY ROAD, NOTTING HILL – DEVELOPMENT AND USE OF 3 STOREY RESIDENTIAL BUILDING COMPRISING 16 STUDENT ACCOMMODATION UNITS AND 18 CAR PARKING SPACES

(TPA/36542:MD:RMK)

Ward : Oakleigh

Responsible Director: Paul Kearsley

Reason for Council Consideration: Cost \$2.5 million

Statutory Processing Date: 12 December 2008

Pre-Application: No

RECOMMENDATION

*Council having caused notice of planning application No. 36542 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 244 & 246 Normanby Road, Notting Hill, for the development and use of a 3 storey residential building comprising 16 student accommodation units and 18 car parking spaces on the following grounds:*

- 1. The proposed development is out of character with the existing development within the streetscape, in particular having regard to excessive mass, bulk and scale.*
- 2. The proposed development does not pay due regard to the Garden City policies within the Monash Planning Scheme particularly given the proposed front fencing, which also fails to comply with the requirements of the Section 173 Agreement on the land.*
- 3. The proposed development will have an adverse impact on the amenity of nearby properties, in particular with regard to inappropriate visual impact and noise.*
- 4. The proposed number of on site car parking spaces is inadequate.*
- 5. The proposed development does not provide for an adequate level of internal amenity for future residents.*
- 6. The proposed development does not provide for an appropriate level of access for people with a disability.*
- 7. The proposal does not provide adequate bicycle parking and facilities in accordance with Clause 52.34 of the Monash Planning Scheme.*
- 8. The proposed development is considered to be an overdevelopment of the site.*

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 western side of the extension of Normanby Road, which extends through the former Rusden College site from Blackburn Road. The site is irregular in shape and has frontage to Normanby Road of approximately 41 metres, depth between 29 metres and 26 metres and overall site area of approximately 1,191 square metres. See Attachment 1 for locality plan.

The land is currently vacant and a 2 metre wide easement extends along the rear boundary of the site while a 2.44 metre easement extends along the southern boundary of the site. There is a steep slope within the rear and southern portion of the land with the balance of the land generally with a slope falling to the east in the order of 1 metre.

Surrounding development comprises:

North: Mainly single storey conventional dwellings. Further north the former Monash Primary School site.

South: Indoor Cricket Centre located on land owned by Monash University.

East: Council reserve located on the eastern side of the extension of Normanby Road required for overland flow purposes. Conventional residential development located further east comprising mainly one and two storey dwellings.

West: Vacant land owned by Monash University.

PROPOSAL

The application is for the construction of a semi basement car park and two levels of 16 student accommodation units. The plans submitted with the application provide for the following (See Attachment 2):

Semi Basement Level

- Semi basement car park setback varies between 6 metres and 11.5 metres from the front setback
- Vehicle access is via a double crossover down a ramp into the car park
- A total of 18 car parking spaces are proposed within the car park, of these 2 spaces are designated for visitors
- Storage cupboards are proposed for each unit at the end of car parking spaces
- Storage of waste bins are proposed within the basement
- Access to the units is via stairs leading to the ground foyer at ground level
- Cross ventilation for the semi basement is via anodised aluminium louvres located along the north and south façade of the building
- Underground water tanks are to be located within the front setback comprising 20,000 litres for use in flushing toilets

Ground Floor Level

- Setback of the building varies between 6 metres and 11.5 metres from the front setback
- Setbacks vary between 3 metres and 4.1 metres from the other boundaries
- A total of 8 units are proposed comprising 4 one bedroom units and 4 two bedroom units
- Each unit comprises a bedroom/s, kitchen/family/meals area and bathroom/laundry
- Each unit is provided with a balcony for private open space between 8 and 11 square metres in area
- Pedestrian access into the building is via 2 entrances located on either side of the basement car park
- A high front fence, approximately 1.8 metres high, constructed of face block piers with timber horizontal slates is proposed along the frontage of the site
- Proposed letter boxes, water and gas meters and electrical meters are located along the entry to the basement car park within the front setback

First Floor Level

- Setbacks of the building are similar to the ground level
- A total of 8 units are proposed comprising 4 one bedroom units and 4 two bedroom units
- Each unit comprises a bedroom/s, kitchen/family/meals area and bathroom/laundry
- Each unit is provided with a balcony for private open space between 8 and 11 square metres in area

The building is modern in design and will be constructed of concrete panels with trowelled finish over light weight material and colorbond ribbed wall lining. The building height is in the order of 9 metres. Solar panels, hot water and electrical photocells are fixed to the roof.

It is noted that garbage collection is to be undertaken by a private commercial service.

POLICY IMPLICATIONS

The policies relevant to the current application under the provisions of the Monash Planning Scheme include the following:

State Planning Policy Framework

Clause 12: Metropolitan Development

This clause gives expression to Melbourne 2030 by providing specific objectives and strategies for Metropolitan Melbourne. Strategies include defining the role and function of activity centres and encouraging a substantial proportion of new housing in or close to activity centres and other redevelopment sites that offer good access to services and transport.

Clause 14.01: Planning for Urban Settlement

Clause 15.12: Energy Efficiency

Clause 16.02: Medium Density Housing

'To encourage the development of well-designed medium density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure*
- *Improves energy efficiency of housing.*

Clause 18.02: Car parking and Public Transport Access to Development

Clause 18.09: Water supply, sewerage and drainage

Local Planning Policy Framework

Clause 21: Municipal Strategic Statement

A key component of the strategic vision of 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.

Clause 21.03-3: Garden City Character

This clause particularly requires that the Garden City Character is to form a central component of land development especially when considering aspects such as setbacks of buildings from roads, public spaces and other buildings, the mass and scale of building envelopes, well designed building facades, canopy tree landscaping and location of car parking and accessways.

Clause 21.04: Residential

New development should be carefully designed and sited to complement the current character and satisfy the intent of the desired future character statement for each character type as identified in the 'Monash Urban Character Study'. It is recognised that there is a demand for student accommodation around the Monash University precinct. In particular one strategy is to encourage the provision of high quality student accommodation in residential style buildings

(in proximity to educational establishments), which minimises potential conflicts with neighbouring uses.

Clause 22.01: Residential Development and Character Policy

The site does not currently fall within a Neighbourhood Character area under the Monash Urban Character Study as special sites such as educational facilities were excluded from the study.

However Amendment C57, currently with the Minister for approval, proposes that the site will be included in Residential Character Area Type G. The character statement indicates that each precinct area typically reflects the form of its subdivision layout and the established built form from development of each residential estate.

The desired future character statement for new development within this Character Type will incorporate the Garden City Character principles and will:

- maintain the predominantly single detached dwelling style in urban areas not identified for high rise development.
- provide a high level of amenity including personal privacy for occupants and neighbours, high quality private and public open space, canopy tree cover, and effective management and parking.
- Achieve high quality architectural and urban design outcomes that positively contribute to neighbourhood character.

Clause 22.04: Stormwater Management Policy

Zoning

The subject site is located within a Residential 1 Zone under the provisions of the Monash Planning Scheme. A planning permit is required for the proposed student accommodation.

The site is also included in an Environmental Audit Overlay. A statement of environmental audit was satisfactorily completed for the entire former Rusden College site prior to any buildings or works commencing on the land.

The proposal is subject to the provisions of Rescode (Clause 55) of the Planning Scheme and an analysis of the proposal against these provisions is contained in Attachment 3.

CONSULTATION

Notification of the application was sent by mail to owners and occupiers of land opposite and adjoining the site and within the immediate area. One large notice was also displayed on the land.

Sixteen (16) objections have been received to the proposal. A summary of the objections is as follows:

- The proposal is out of character with the surrounding area particularly as it does not integrate with the existing streetscape
- Increase in traffic into the end of Normanby Road which will diminish the existing peace and quiet of the neighbourhood
- Inadequate number of car parking spaces for future residents and visitors of the proposal
- Overflow car parking will end up in the street
- Increase in traffic will become a safety hazard for children in the street
- Overshadowing of surrounding homes
- Increase in overlooking and loss of privacy to surrounding residents
- Increase in noise pollution
- The current separation between existing student accommodation and conventional residential dwellings should be maintained
- The land in question was clearly marked in the Section 32 for “ individual residential housing”
- Provision of student accommodation in the area is already adequate
- Increase in drainage problem already evident in the immediate area
- Inadequate open space
- Reduction in property values

The application was referred to Council’s Drainage and Traffic Engineering Sections for comment. Conditions are required to be placed on any permit issued.

ASSESSMENT

The use of the site for student accommodation is consistent with ‘*Melbourne 2030*’ and State and Local Policies and the provisions of the Municipal Strategic Statement however there are a number of concerns with the proposal which are detailed in Attachment 3 of the report and expanded below.

Section 173 Agreement

When the former Rusden College was subdivided a Section 173 Agreement was required for the lots along the extension of Normanby Road including the subject land. The Agreement requires the following:

- A minimum front setback of 6 metres is required from the front property boundary;
- A minimum of 3 metres is required from the western boundary; and
- A minimum of 3 metres from the southern boundary of Lot 14.

In addition the agreement requires that no fences will be erected between any buildings erected on the lots or on the front boundary without the prior written permission of Council.

There is no evidence however, as indicated by the objectors, that the lots were restricted to single dwelling allotments on title or within the Section 173 Agreement.

Layout and Built Form

The layout of the building on the site complies with the setback requirements detailed within the Section 173 Agreement, however, the front fencing and fencing between the garage of the dwelling to the north and the subject site as it extends to the front boundary does not comply with the agreement. The high front fencing and side fencing is not supported as it would be out of character within the streetscape

It is considered that the proposed mass, bulk and scale of the building is completely out of character with the modest residential development that has recently been constructed within this section of Normanby Road. The applicant has completely disregarded the immediate neighbourhood context, which has the strongest relationship with the proposed development. The extent of building mass across the two allotments, which form the subject site, is discordant with the prevailing rhythm within the streetscape.

It should be noted, that during the design phase of the redevelopment of the former Rusden College site, the lots along this section of Normanby Road, including the subject site, were earmarked for conventional residential development to provide an appropriate transition to the existing residential development located to the east. Unfortunately the developer on sold these individual lots without completing the construction of buildings on the land and individual owners have since developed the lots over the past few years. The development that has occurred along this section of the street has been of a modest scale respecting the intent of the original design concept for the former Rusden College site.

In addition to the proposed building being out of character, it is considered that the proposed front fence is also out of character within the streetscape as there are no other front fences constructed within this section of Normanby Road particularly given the restriction contained within the Section 173 Agreement. Further the location of the BBQ area within the front setback is considered unsatisfactory and is likely to have a negative impact on the amenity of surrounding residents.

Overall the current proposal will look completely incongruous within the streetscape, which is considered to be contrary to the principles of orderly and proper planning.

Traffic and Car Parking

The applicant is claiming the application is for student accommodation however each unit is designed as a small dwelling and there has been no attempt made to provide shared facilities for students such as an internal common area.

Accordingly, it is considered that the number of car parking spaces required for the development should be provided in accordance with Clause 55 (Rescode) of the Monash Planning Scheme as detailed in the table below:

Type of Dwellings (Number of Bedrooms)	Number of Dwellings	Number of Car Spaces Required using Clause 55.03- 11 of the Monash Planning Scheme	Number of Car Parking Spaces Required under Council's Car Parking Policy
One Bedroom	8	8 (1 space/1bedroom) plus 1.6 (1visitor space/5dwellings)	8 (1 space/1bedroom) plus 1.6 (1visitor space/5dwellings)
Two Bedroom	8	8 (1 space/1bedroom) plus 1.6 (1visitor space/5dwellings)	16
Total	16	19	24

A total of 18 car parking spaces have been provided on site. This is a deficit of 1 space under the Clause 55 requirements and a deficit of 5 spaces under Council's Car Parking Policy.

It is considered important to provide for all parking on site particularly given the residential nature of the street. On street parking should not be considered as a right as Council reserves the right to install parking restrictions in the future if required.

In respect to manoeuvrability within the semi-basement car park, Council's Traffic Engineers advise that vehicles from spaces 1, 8, 9 and 18 may have difficulty leaving in a forward direction. Further, turning manoeuvres will be tight for cars entering the visitor spaces on either side of the ramp.

In respect to traffic concerns raised by objectors, Council's traffic engineers indicate that the predicted traffic generation for the development is low and expected to have a negligible impact on the local traffic network.

Bicycle Parking

Clause 52.34 of the Monash Planning Scheme seeks to ensure that adequate bicycle parking and facilities are provided for the site. Bicycle parking facilities have not been provided.

Disabled Access and Parking

It is noted that there are no disabled car parking spaces provided within the basement car park. Furthermore, entry into the proposed building, circulations spaces within the building and access from the car park to the ground floor of the building do not comply with disabled access requirements.

Amenity Issues

A number of objectors raised concerns in respect to overlooking, overshadowing and noise impacts.

The plans show the use of screening to windows and balconies at a height of 1.7 metres above floor level, particularly along the northern elevation of the building. This satisfies the requirements of Clause 55 to prevent overlooking, however, the extensive use of screening is considered to be a symptom of overdevelopment.

In respect to overshadowing there will be no adverse impacts on the surrounding residential area and the proposal complies with the provisions of Clause 55.

There is concern however with the location of the proposed recreational common area within the front setback. If indeed the proposal is to house students, the potential for noise disturbance to surrounding residents will be increased by the outdoor nature of this common area facing conventional residential dwellings.

It is of concern also that Units 3, 5, 11 and 13 only provide light wells to bedroom windows. This is considered to be a poor design response and will affect the internal amenity of future residents as there will be no outlook from these rooms.

In addition, the south facing balconies of units 7 and 15 will have poor amenity and balconies inset into the building particularly units 4, 6, 12 and 14 are less than desirable with no north facing exposure.

CONCLUSION

Overall it is considered that the inconsistency of the built form within the streetscape is fatal to the proposal and the proposal is an overdevelopment of the site. Accordingly it is recommended that the application be refused.