



04/10/2017

City of Vincent  
Administration & Civic Centre  
PO Box 82  
Leederville WA 6902

Dear Heidi,

**RE: Development Application extension of existing building and change of use from residential to café/restaurant at #7 Chelmsford Road, Mt Lawley**

KTR Creations acts on behalf of the Landowner at the above mentioned property.

I refer to the submissions received by the City of Vincent during the public advertising period in relation to the above matter and I have provided below a response to each of the concerns raised.

**Car Parking**

The City of Vincent's Planning Policy 7.7.1 – Parking and Access (LPP 7.7.1), Clause 1.2 Table 1 outlines the requirements for car parking. The required number of car bays for an Eating House is 1 space per 5 patrons. After calculating the adjustment factors set out in LPP 7.7.1 Clause 1.3 Table 2 it is found that this requirement can be reduced due to the close proximity this site has to a bus route, available off street public parking and being within the Town Centre. Therefore, the amount of parking bays required for this site is 4.5 car bays as opposed to 10 without the adjustment factors. It has been confirmed that there will be no onsite parking and that cash in lieu of parking will be applied and therefore there will be no congestion within the right of way (ROW). The cash in lieu payment can be utilized to look in to other ways the City can decrease parking pressures that may be present within the locality.

Opposite this site, approximately 20m to the North West lies 1 of 4 public car parking areas which has 56 car bays, plus Chelmsford Road allows for an additional 120 on street parking bays as well. Mt Lawley, especially Beaufort Street, has a high demand for restaurants and most patrons would get a taxi or Uber in to the precinct and walk to their destination. If people were to drive to this restaurant, it is also likely to be subject to multiple occupants per vehicle. Illegal parking is discouraged by my client, and if a problem was to occur in the locality, it would be encouraged that the City should increase regulatory approaches, including timed parking and prohibition or parking on verges. If the City was to implement higher measures on parking within the area, this would ease the residential occupants concerns.

A concern was raised that the space between the existing house and the ROW is already being used for parking. The property has not been sub-divided as yet and therefore there is 3m between the existing house and the ROW, allowing cars to park within this area. It is to be pointed out that these cars are parked there for the residence, and if this property's use was to be changed to an eating house, this area would no longer be utilized for parking.

Prior to any form of sub-division, the existing dwelling is setback 3m from the ROW boundary. Originally the application proposed 3 car bays located between the existing building and the ROW, however due to the loss of 0.5 meters, this space has become unavailable for this use.

Technical Services also pointed out that due to the traffic island located to the front of the property and the 2m x 2m truncation required at the front boundary line, no vehicles would be able to enter the site within the front setback area either.

This area that no longer can be used for parking, however, can be utilized as landscaping and also provides an opportunity to grow fresh produce for the restaurant. Any vegetation that grows within this area would also provide some screening between the restaurant, neighbours and will enhance the overall appearance of the property, laneway and the entire street.

The image below indicates that there are multiple public car parking areas within 200m of this property which will easily tolerate the car bays required as set out in LPP 7.7.1. This along with the property being walking distance from Beaufort Street and directly next door to another eating house proves that car parking should not be a worthy argument.



### **Issues Relating to Existing House to the Rear**

The existing house to the rear does not form part of this application. This residence was approved through planning and according to the R-Codes does not unduly breach the clauses relating to overlooking or overshadowing. It is to be pointed out that the proposed eating house is separated from other residential properties with the ROW and is sandwiched next to a 3 story mixed use development. The proposed alterations for the existing building will positively contribute to the prevailing streetscape of Chelmsford Road. The main bulk of the building is setback 2.2m from the front boundary and only the open alfresco area will be placed on the front boundary, which is in line with the mixed used development next door. With the use of different materials the proposal provides articulation and allows for a smooth transition from commercial to residential areas, and compliments the surrounding properties, whilst upgrading the current façade and keeping within character of the area.

### **Disturbance to Ambience of Neighbourhood**

The proposed eating house sits directly next door to “The Modern Eatery”, another restaurant that has an alfresco dining area within the verge. There have been no complaints or issues with regards to noise coming from this restaurant which is just 10m away from #7 Chelmsford Road. Nor has there been any damage to surrounding residences due to this café / restaurant being located here. There are only 3 tables located within the alfresco area and any noise from these tables can be reduced with the implementation of awnings should this subside any apprehension. The restaurant will be considered as family friendly and should not ascertain any antisocial behavior at the end of the night. It is proposed to be closed by 10pm, by which time patrons will either go home or extend their travels to the buzz on Beaufort Street rather than the quiet street of Chelmsford Road. There is only 1 door and 1 window on the western wall facing the residential properties which will minimize the noise coming from inside the restaurant. All doors and windows will be closed whilst the restaurant is being cleaned at the end of the night.

The restaurant will be nonsmoking and implementation of “No Smoking” signs will be installed to the area adjacent to the ROW to guarantee patrons from the restaurant will not loiter or litter this area. The Landowner of the rear residence and proposed eating house are one of the same, who I can ensure would also want to keep the ROW clean and tidy for the amenity of both of his properties.

Making this residence a more public place will provide additional lighting and will activate the ROW which will increase the security, reduce graffiti and eliminate antisocial behavior in the area and lane way.

### **Over Supply of Eating Houses in the Area**

Mount Lawley is the social hub of Perth and the “go to” place for a meal or a drink. It’s not often that you see a restaurant empty within this precinct which implies that there isn’t an oversupply at all. There is a lack of quality family oriented restaurants within the area, most surrounding restaurants are predominantly franchised establishments which are sometimes run by inexperienced operators. It is in our best interest to create a community based restaurant that encourages artisan style food and not café fast food. This establishment will add value to the suburb which will look to use the local fresh produce from surrounding neighbors and also launch cooking classes broadening food knowledge to all generations.

There may not be much diversity in the different businesses in Mt Lawley, but it does however, provide a diversity of different cuisines in the area, giving patrons a choice of where to dine.

As mentioned previously, this property is sandwiched between a 3 story mixed use building and a public ROW. It is completely separated to the rest of the residential properties within the area and therefore will not look out of place being a restaurant, nor will it look like it is encroaching on a residential area.

The owner of this proposed eating house has 30 years’ experience and has won multiple hospitality awards. He opened one of the first restaurants on the Mt Lawley café strip “Monte Fiore” 20 years ago, and will forever be a historical asset to the area. This high standard of dining will be sustained to this eating house should it be approved.

### **Streetscape**

It has been previously determined that although we are seeking approval for a reduced setback, the property is adjacent to a 3 story building which is located directly on the boundary. The proposed additions to the existing building are articulated with the main building being set back 2.2m from the front boundary. The alfresco area is further forward of the building façade which is open to natural light and ventilation which reduces building bulk on the streetscape. The image below shows the current streetscape along Chelmsford Road. The existing 3 story building provides no articulation and dining areas are located outside of the property boundary. The proposed eating house maintains all patrons within the constraints of the boundary lines and provides a smooth transition between commercial and residential areas. Overall the design compliments the existing streetscape, it has been designed to blend in to a residential environment and will be finished to suit the character and charm of the existing dwellings.



### **Number of Employees**

As an experienced operator of other successful restaurants, the Landowner can confirm that only 3 employees plus he and one other family member would be required to operate such a facility. Both the Landowner and other family member live in the residence to the rear and therefore would not require additional car bays. This restaurant will not be using delivery platforms such as Deliveroo or Uber Eats and therefore will not contribute to possible traffic congestion.

### **Encroachment of Commercial Uses and Loss of Residential Amenity and Value**

This property is divided from the residential dwellings along Chelmsford Road with the ROW, and is directly next to a mixed used building. If this property had been the other side of the ROW and in between two dwellings, these concerns would be legible. The building will be made to look like a residential home, only its use will be an eating house. As this will be a community based restaurant, the locality of this restaurant will only amplify the value and amenity of the surrounding properties as justified in previous comments above.

### **Extreme Nature of the Application**

The only variation to the R-Codes this application has is the reduced front setback. For this to be a successful business and due to the spacing requirements between tables for safety reasons, the reduced front setback is required to allow for adequate seating & cooking arrangements within the restaurant. Compared to other applications the City may have assessed, this is a minor variation taking in consideration the mixed use property next door. It was not part of the plan to compromise on the layout after submitting the plans in to the council.

### **Landscaping**

There will be no onsite parking, therefore there will be 2.5m between the house and the ROW that can be used for high quality landscaping. There is also a traffic island directly in front of the property which contains large trees which will be maintained.

### **Signage**

The proposed sign faces Beaufort Street and any lighting will be low voltage. The canopy roof over the alfresco would block a lot of the light to the residential properties to the west. The illuminated sign would not any brighter than a street lamp post, which are located all the way down Chelmsford Road.

Should you have any questions or require further information, please feel free to contact me on the below written details.

Kind Regards,

Katie Shortland-Webb

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