

01/12/2017

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

Dear Rana,

**RE: Development Application extension of existing building and change of use from residential to eating house 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. Additionally, after reviewing the submissions and noticing the impact the deviation of the R-Codes may cause, the proposed plans have been redesigned to realign and comply with the R-Codes & Local Planning Policies and have also allowed for 2 on site car bays. The changes have been summarized below:

- Total number of patrons reduced from 49 to 28 (43% reduction), reducing the required amount of on-site car bays to 3.6 in lieu of 4.5 (after adjustment factors).
- 2 on site car bays have been added, making the parking shortfall just 1.6 bays.
- Internal Dining/Kitchen extension has been reduced from 69.517m<sup>2</sup> to 38.515m<sup>2</sup>. The front setback has been increased and is now setback 4.1m from the front boundary which is in accordance with the R-Codes.
- Alfresco Dining and Internal Dining has been relocated to the left-hand side of the property, creating a larger distance between the eating house and the neighbouring properties. The alfresco is also setback 2m from the front boundary and the number of patrons has also been reduced within the alfresco dining area.
- The increased setbacks now conforms to an average setback of 4.5m.
- Open space has increased from 36.11% to 47%.
- Roof design has been changed so that the original roof structure and tiles remain. The front facade has been altered to look like a character shop front and is less obtrusive to the streetscape. A bullnose verandah softens the overall appearance.
- The illuminated signage has been removed, signage will now be placed on the parapet wall facing the street.

Please review the plans enclosed and read in conjunction with the below responses to the submissions.

**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 the subject site has to bus routes and available off street public parking. The plans have been amended significantly to allow for 2 onsite car bays, therefore the amount of parking bays required for this site is 3.584 as opposed to 5.6 without the adjustment factors. The shortfall of car bays will only be 1.584,

which is marginal and can easily be accommodated by the surrounding off site car bays surrounding the subject site. It has been confirmed that a cash in lieu of parking will be applied to this shortfall. This payment can be utilized by the City to look in to other ways parking pressures, which may be currently present within the locality, can be decreased.

Opposite the subject 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 of parking on verges. If the City was to implement higher measures on parking within the area, this would ease the residential occupant's concerns.

A concern was raised that the space between the existing house and the right of way (ROW) is already being used for parking. The property has not been sub-divided 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.

This area that can no longer be utilized for parking between the eating house and the ROW, can be adapted for the use of landscaping and provides an opportunity to grow fresh produce for the eating house. Any vegetation that grows within this area would also provide some screening between the eating house and its neighbours which 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 with the additional 2 on site car bays provided.



### **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 4.1m from the front boundary and the open alfresco area is setback 2m, which is behind the building line of the mixed use development next door which has a nil setback to the front boundary.

With the use of different materials the proposal provides articulation and allows for a smooth transition between commercial and residential areas. The new façade compliments the surrounding properties, with half the existing residence front elevation still visible from the street. The addition of the dining room and alfresco upgrades the current façade and maintains the existing character charm of the neighbourhood.

### **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 the subject site. Additional to this, there have been no past or current cases relating to damage to surrounding residences due to this café / restaurant being located here. The plans have been adjusted so that the Alfresco is further separated from the neighbouring residential properties and now only seats 8 patrons rather than 11. Any noise from these tables can be reduced with the implementation of awnings should this subside any apprehension.

The eating house 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 proposed door and 1 existing window on the western wall facing the residential properties which will minimize the noise coming from inside the restaurant. The front entry faces Chelmsford Road which would be the door mainly used for all patrons, whereas the side entry door accessed from the ROW is mainly for the disabled with wheel chairs or parents with prams. 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 of the 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 an eating house, nor will it look like it is encroaching on a residential area, due to the physical separation the ROW provides.

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.

The building could easily be converted back to a residential property should a future buyer wish to. There are all the essential facilities and rooms within this building that could be rehabilitated back to a 3x2. The kitchen and internal dining area would transform to an open plan kitchen/living/dining area which would have direct access to the outdoor living area which is compliant in both dimension, size and orientation. The 3 rooms on the right hand side would be bedrooms, the wet kitchen would be converted to a laundry and the bathrooms could easily be renovated to accommodate a family sized bathroom. There is now the minimum amount of car bays for a single dwelling, therefore the development would be fully compliant if it was to be converted back to having a residential purpose.

### Streetscape

The plans have been amended to provide an average front setback of 4.5m. The property is adjacent to a 3 story building which is located directly on the front boundary which then also has an awning over the verge area. The proposed additions to the existing building are articulated with the main building being set back 4.1m from the front boundary. The alfresco area is 2.1m 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 use 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 eating house will only amplify the value and amenity of the surrounding properties as justified in previous comments above.

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

Although it was not ideal, the plans have been dramatically compromised to comply with the Residential Design Codes of WA and City of Vincent Local Planning Policies. As summarized above, setbacks & open space have been increased, on site car bays have been provided and the number of patrons have been reduced. It is our belief that this eating house will positively contribute to the existing streetscape and will enhance the neighbourhood in a positive manner.

### **Landscaping**

Since the plans have been altered, there is now 47% of open space. Approximately 50m<sup>2</sup> is dedicated to landscaping which is located in front of the alfresco & nominated car bays and between the building and ROW. This landscaping will soften the overall streetscape and will provide a smooth transition between public and private areas. The onsite parking will use pavers which are predominantly used within the area for driveways and carports. There is also a traffic island directly in front of the property which contains large trees which will be maintained.

### **Signage**

The new proposed sign faces Chelmsford Road, however the illuminated signage has been removed from the proposed application. The signage will be bold, but subtle and will be more traditional to match other historical buildings within the locality.

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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