

**9.1.14 LATE ITEM: No. 21a (Lot: 25; D/P: 2422) View Street, North Perth – Proposed Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House**

<b>Ward:</b>	South	<b>Date:</b>	18 October 2016
<b>Precinct:</b>	Precinct 9 – North Perth Centre	<b>File Ref:</b>	PR26135; 5.2016.250.1
<b>Attachments:</b>	<a href="#">1</a> – Location and Consultation Map <a href="#">2</a> – Development Application Plans <a href="#">3</a> – Car Parking and Bicycle Tables <a href="#">4</a> – Determination Advice Notes <a href="#">5</a> – State Heritage Office Comment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	A Dyson, Statutory Planning Officer		
<b>Responsible Officer:</b>	J Corbellini, Director Development Services		

**RECOMMENDATION:**

That Council, in accordance with subclause 68(2)(b) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, APPROVES the application for Proposed Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House at No. 21a (Lot 25; D/P: 2422) View Street, North Perth in accordance with plans date stamped 22 July 2016 and 28 July 2016, as shown on Attachment 2, subject to the Determination Advice Notes in Attachment 4 and the following conditions:

**1. Use of the Premises**

1.1 The area shown as ‘Retail Shop’ and numbered ‘1’ on the approved plans shall be used as a ‘Shop’ as defined by the City’s Town Planning Scheme No. 1. The area shown as ‘Porch’ and ‘Garden’ and numbered ‘5’ and ‘16’ respectively on the approved plans shall be used as an ‘Eating House’ as defined by the City’s Town Planning Scheme No. 1. All other areas shall be used as an ‘Educational Establishment’ as defined by the City’s Town Planning Scheme No. 1;

1.2 A maximum of 24 persons are permitted on the premise at any one time including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City;

**1.3 Educational Establishment (Make-up School):**

1.3.1 The hours of operation of the ‘Educational Establishment (Make-up School)’ shall be limited to:

- Monday to Friday: 10:00am – 4:00pm and 6:00pm – 9:00pm;
- Saturday: 10:00am – 4:00pm;
- Closed Sunday and Public Holidays;

1.3.2 A maximum of 16 students are permitted on the site at any one time;

**1.4 Eating House**

**1.4.1 The hours of operation of the 'Eating House' shall be limited to:**

- **Monday to Friday: 8:00am – 4:00pm;**
- **Saturday: 8:00am – 2:00pm;**
- **Closed Sunday and Public Holidays;**

**1.4.2 A maximum of 12 customers are permitted in the 'Eating House' at any one time including the area within the property boundary (indoor and outdoor) and any alfresco dining area in the public realm unless otherwise approved by the City.**

**1.5 Shop**

**The hours of operation of the 'Eating House' shall be limited to:**

- **Monday to Friday: 10:00am – 4:00pm;**
- **Saturday: 10:00am – 4:00pm;**
- **Closed Sunday and Public Holidays;**

**2. External Fixtures**

**All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;**

**3. Building**

**The windows, doors and adjacent floor area facing Leake Street and View Street shall maintain an active and interactive frontage with clear glazing provided;**

**4. Heritage**

**4.1 Any stud walls to be fixed to wall and floor only, and fixings to be minimised to the satisfaction of the City; and**

**4.2 Any damage to the original fabric of the building is to be made good to match the existing to the satisfaction of the City;**

**5. Car Parking and Access**

**5.1 Prior to the first occupation of the development the car parking area which forms part of this approval shall be line marked in accordance with the approved plans and maintained thereafter by the owner/occupier to the satisfaction of the City;**

**5.2 The Disabled car bay is required to be lined marked and a bollard to be placed to comply with AS2890.6 figure 2.2;**

**5.3 A minimum of 5 car bays shall be provided onsite;**

**5.4 The car parking and access areas are to comply with the requirements of AS2890.1; and**

**5.5 Vehicle and pedestrian access points are required to match into existing footpath levels;**

**6. Bicycle Bays**

Prior to the first occupation of the development a minimum of two Class 1 or 2 bicycle parking facilities and three Class 3 bicycle parking facilities shall be installed in a location and in accordance with the City's Policy No. 7.7.1 – Parking and Access, to the satisfaction of the City;

**7. Waste Management**

7.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

7.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

**8. Verge Trees**

No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning;

**9. Stormwater**

Prior to occupancy or use of the development all storm water collected on the subject land shall be retained onsite, by suitable means to the satisfaction of the City;

**10. Signage**

Any signage shall be the subject of a separate development application; and

**11. General**

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**PURPOSE OF REPORT:**

For Council to determine an application for development approval for a Change of Use from Shop and Office (Design Studio) to Educational Establishment (Make-up School), Shop and Eating House at No. 21a View Street, Highgate.

**BACKGROUND:**

<b>Landowner:</b>	E & I Saraceni
<b>Applicant:</b>	H Hughes
<b>Date of Application:</b>	22 June 2016
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Commercial R-Code: Not Applicable TPS2: Zone: Commercial R-Code: Not Applicable
<b>Existing Use Class:</b>	Shop – "P" Office – "P"
<b>Proposed Use Class:</b>	Shop – "P" Eating House – "P" Educational Establishment – "AA"
<b>Site Area:</b>	781m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes, South, 5 metres, Sealed, Vested with the City
<b>Heritage List:</b>	Yes, Category A - Conservation Essential, State Heritage Listing

The subject site is located on the corner of View and Leake Street, North Perth. The location of the site is shown in **Attachment 1**. The site is zoned 'Commercial' and is bound by 'Commercial' zoned land containing a Fire Station, Offices and a Church to the east. To the north, on the opposite side of View Street, the land is reserved 'Public Purposed - Civic Use' and supports a community centre. To the west and south the land is zoned 'Residential' and coded R40, with a nursing home on the opposite side of Leake Street and grouped dwellings opposite the right-of-way.

The subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places.

The existing building contains a shop and design studio, which received Planning Approval from the City on 27 October 2006. A car park is located to the rear that can accommodate six bays, including one ACROD bay and a second crossover half way along the Leake Street boundary provide direct access to two small car bays. Prior to the existing uses, the site formerly contained the North Perth Post Office.

The application proposes to use the building primarily for make-up classes, including a room set aside for associated make-up photography and incidental offices for staff and small workshops. The application also proposes a small shop (19m<sup>2</sup>) fronting View Street, which will sell make-up and related beauty products, and a small café (31m<sup>2</sup>) fronting Leake Street, which is proposed to be used mainly by students, but which will also be open to the public.

Only minor internal works are proposed to the heritage building, being stud walls to divide the floorspace of the building. No signage or external changes to the building are proposed as part of this application. The existing car parking area at the rear of the property, which is not proposed to be altered, can accommodate six car parking bays and one ACROD parking bay. An additional two small car parking bays are also available in a driveway accessed off Leake Street. These parking areas are proposed to be generally unchanged, but with line marking reinstated.

The development plans are included as **Attachment 2**.

A maximum of 4 staff, including lecturers, administration, café and shop staff and a maximum of 20 customers and students are proposed on the premise at any one time. The proposal for each use is set out below.

#### Make-up Classes

The classes are proposed to accommodate a maximum of 16 students at any one time, with the hours of operation as follows:

- Monday to Friday – 10:00am – 4:00pm and 6:00pm – 9:00pm
- Saturday – 10:00am – 4:00pm
- Closed Sunday and Public Holidays.

#### Eating House

The eating house is proposed to operate in the following hours:

- Monday to Friday – 8:00am – 4:00pm
- Saturday – 8:00am – 2:00pm
- Closed Sunday and Public Holidays.

**DETAILS:**

**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1, the Residential Design Codes and the City's policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use (only where required)		✓
Car Parking	✓	
Bicycles		✓

**Detailed Assessment**

Land Use		
Requirement	Proposal	Aspect for Consideration
Town Planning Scheme No.1 Zone – Commercial	Educational Establishment – “AA” use	The use is not permitted unless Council has exercised its discretion by granting Planning Approval.
Bicycles		
Requirement	Proposal	Variation
<b>Policy No. 7.7.1 – Parking and Access</b> Two (2) Class 1 or 2 bicycle parking bays AND Three (3) Class 3 bicycle parking bays AND One (1) End of Trip Facility (See <b>Attachment 3</b> )	Nil	Two (2) Class 1 or 2 bicycle parking bays AND One (1) Class 3 bicycle parking bays AND One (1) End of Trip Facility

**CONSULTATION/ADVERTISING:**

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 10 August 2016 until 23 August 2016. A total of 11 properties within close proximity of the subject site (**Attachment 1** refers) were sent letters in accordance with the City's Policy No. 4.1.5 – Community Consultation.

No submissions were received.

**Heritage**

The proposal was referred to the State Heritage Office given the subject place is listed on the City's Municipal Heritage Inventory as Management Category A – Conservation Essential and the Heritage Council's State Register of Heritage Places. In a letter dated 16 September 2016 the Office stated that the proposed development is supported subject to the following conditions:

1. Stud walls to be fixed to wall and floor only, and fixings to be minimised.
2. Any damage to original fabric to be made good to match existing.

Given the above, it is recommended that any approval of the development include the conditions and advice notes outlined by the State Heritage Office. In addition, to ensure interaction with the street is achieved, a condition is recommended that the windows facing View and Leake Street have clear glazing.

**Design Advisory Committee (DAC):**

Referred to Design Advisory Committee: No

**LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- City of Vincent Town Planning Scheme No. 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.9 – North Perth Centre Precinct;
- Policy 7.6.1 – Development Guidelines for Heritage and Adjacent Properties;
- Policy 7.6.2 – Heritage Assessment;
- Policy 7.6.7 – Heritage Management – MHI Incentives and Development Bonuses: and
- Policy No. 7.7.1 – Parking and Access

Delegation to Determine Applications:

This matter is being referred to Council as the application involves an Educational Establishment (Category 2), and there is no delegation at Officer level to determine the application.

**RISK MANAGEMENT IMPLICATIONS:**

The applicant will have the right to have Council's decision reviewed by the State Administrative Tribunal (SAT) in accordance with Part 14 of the *Planning and Development Act 2005*.

**STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure;"*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

Use

The subject site is located in a 'Commercial' zone, with the proposed educational establishment a discretionary use and the proposed shop and eating house both permitted uses within this zone. The scale of uses are not considered significant, with applicant proposing limited operating hours, no earlier than 8:00am and not later than 9:00pm, and limited staff, student and customer numbers, in total no more than 24 persons on the site at any given time. With these restrictions, the eight bays provided on the site result in a 2 car bay surplus.

The site is bound by three roads, including the right-of-way to the rear, with a 'Commercial' zoned office adjoining the site to the north. The proposed land use is considered compatible to the nursing home to the west and community buildings to the north, with the rear parking and right-of-way providing an appropriate buffer to the residential grouped dwellings to the south. It should also be noted that all adjoining owners and occupiers were written to during the advertising period and no submissions or objections to the proposal were received.

The proposed uses are considered to be consistent with the existing land uses in and around the Town Centre and given the above are considered appropriate, provided the intensity of the use is limited in accordance with the proposal through conditions of approval.

#### Bicycles

No bicycle parking or end of trip facilitated have been provided as part of the proposal. Under the City's policies, the development is required to provide two Class 1 or 2 and three Class 3 bicycle parking bays and one end-of-trip facility. There is considered to be adequate space for bicycle parking at the rear of the site. However, there is not considered to be appropriate space available for providing extensive end-of-trip facilities in the heritage building, given the design of the current proposal.

It is considered that there will be reasonable demand for the use of bicycle parking by staff, students and café customers. Given this and the limitations on the building, it is recommended that a condition be included on any approval requiring the provision of two Class 1 or 2 and three Class 3 bicycle parking bays in a location on the site to the satisfaction of the City. Given the small scale of the change of use and the heritage classification of the building, it is recommended that end-of-trip facility requirement be waived in this instance.

The proposed educational establishment (make-up classes), shop and eating house (café) are considered to be appropriate for the location and the application is recommended for approval subject to conditions.