

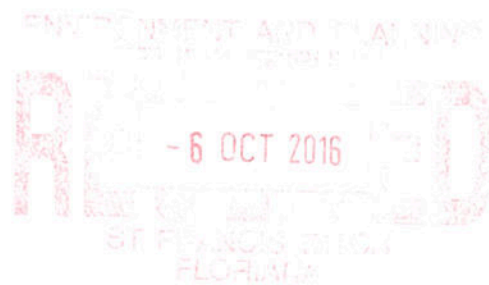


ARCHITECTURE^{XV}
HERITAGE & STRUCTURAL
ENGINEERING CONSULTANTS

PA

26th September 2016

Environment and Planning Review Tribunal
St. Francis Ditch
Floriana



Our ref. : 0316-16

Application Number: PA/01973/16

Application Type: Full development application

Description: To propose tables and chairs layout including demountable timber platform, and to sanction façade as built

Location: Mays, Triq Testaferrata, Ta' Xbiex

Dear Sir,

On behalf of our client (in copy) I am hereby filing a bid for appeal with reference to the refusal of the above mentioned Full Development Application, which has been published on 14th September 2016.

Reasons for refusal have been given as follows:

"The proposed development runs counter to the provisions of policy P8 of the Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Spaces 2016 since the width of the pedestrian public footpath next to the outdoor catering area will be less than the minimum of 1.5m. In addition the outdoor catering area will replace existing parking spaces in an area that already has problems of parking congestion."



With reference to the first point stated, Standard S1 of the *Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Spaces 2016* states that the minimum width to be left clear for pedestrian flow is that of 1.5m. Although the existing pavement has an existing width of circa 1.25m, no tables and chairs are being proposed within a width of 1.5m from the façade (Refer to drawing 0316-04-002 Proposed Plan and Section). Thus a 1.5m wide passage is being created in front of the catering establishment in order to adhere to this policy.

Although in this case importance is being given to the existing problem of parking congestion, we would like to justify the validity of the proposal as an attempt to regenerate the area, quoting the introductory section to the same document:

Outdoor Catering Areas in public open spaces and other pedestrian/vehicular environments shall normally be limited to Business Hubs, Commercial Areas and Local Centres within the approved Local Plans. The creation of Outdoor Catering Areas shall not normally be favourably considered in areas that are purely of a residential nature due to the increased potential of bad neighbourliness and the corresponding reduction of residential amenity. There may however be instances where these may be allowed in areas designated as Residential Areas in the approved Local Plans, through the application of the General Policy relating to Regeneration/Consolidation Initiatives (FL-GNRL-1).

Additionally, kindly note the following excerpt from the *Partial Review of Subsidiary Plans: General Policy relating to Regeneration/Consolidation Initiatives*, MEPA January 2013, listing the criteria for policy FL-GNRL-1 below:

FL- GNRL – 1 For instances listed in a) to g) below where development applications consist of proposals which are deemed to be neighbour compatible and will not result in unacceptable cumulative adverse impacts on the locality but may not be in line with the detailed provisions of approved Subsidiary Plans, MEPA may consider justifiable departures from policies which can be adequately justified from a planning perspective;

b) Areas specifically identified for regeneration in the approved Local Plans or other subsidiary plans through specific policies;

Testaferrata Street is in fact not only predominantly marked as Commercial Area NHRE03 as per the Msida and Pieta', and Gzira and Ta' Xbiex Policy Maps respectively, but it is also mentioned as one of the issues in the North Harbours Local Plan Policy of 2006, in point 12.2 "Regeneration of the Stadium site and the Testaferrata Street area". Policy NHGT05 - Environmental Upgrading of Streets in particular refers to Testaferrata Street as follows:

In addition, MEPA will encourage proposals to comprehensively upgrade Testaferrata Street, Abate Rigord Street and Princess Margaret Street.

Thus the validity of the proposal is highlighted in view of the fact that it is in line with the relevant standards set out by the relevant policies, and moreover is an attempt to contribute to the regeneration of the area that has been occurring in recent years in line with the Local Plan and policies listed above. In fact, catering establishments with tables and chairs have also been approved along Triq l-Abate Rigord, such as PA/01281/16, PA/04095/15, PA/02823/13.

The proposal has received a no objection in principle from Transport Malta, the Government Property Department, and Malta Tourism Authority amongst other consultations that took place as part of the planning process. Whilst it is understood that the replacement of 2 parking spaces by the timber platform may cause an inconvenience, the amount of timed parking which gives precedence to the residents is ample in the area and thus should be taken into consideration.

Trusting that the above is to your satisfaction, I remain,

Yours sincerely,



Perit Edward Said
c.c. Ms Cristina Dacoutros

1044

PAYMENT TO THE ENVIRONMENT & PLANNING REVIEW TRIBUNAL

Authority Ref. No. PA / 01973 / 16

Appeal No. /

Name of Appellant CRISTINA DACOUTROS

Address CASABLANCA APARTMENTS, FLAT 5, TRIQ DURRAJSA, KAPPARA
SGN 4021

☒ Appeal from Refusal

☐ Appeal from Condition

☐ Appeal from Enforcement Notice

☐ Third Party Appeal

☐ Site Inspection

☐ Others

Total Fee Submitted

Amount

PAYMENT

€ 200

☒ Bank of Valletta Ltd., A/C 186 0307 2236

☐ H.S.B.C., 089-037246-050

Total €

