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The Environment & Planning Review Tribunal
Block B
St. Francis Ditch
Floriana



26th March 2019

PA No.: PA 9272/18
Location: 51, Flat 4, Old Bakery street cw St. Lucia Street, Valletta
Proposal: Proposed change of use from apartment currently being used as an office to a dental clinic.

REQUEST FOR PLANNING APPEAL

Dear Sir,

Reference is made to the refusal received for the application in caption.

My client has an existing dental clinic located at 26/6, Merchant's Street, Valletta. I have attached both pre 94 trading license and the current valid one indicating that this is still in use. The existing clinic is located on the third floor in a block containing both residential and commercial units – a total of 8 units with 3 established commercial units. There are a total of 60 steps from street level to the current clinic.

As you can imagine the great number of steps that need to be climbed by patients is a great inconvenience. My client has therefore acquired the property in caption with the intension of closing down his existing clinic and setting up at the new location. The block in caption is also made up of a mix of commercial and residential units – a total of 16 units with three established commercial units. The main difference being that this block has a lift. Therefore patients would only need to climb 13 steps before finding a lift taking you directly to the property. The current clinic is visited by many older patients living in Valletta, therefore this new premises would be greatly appreciated by them. From the data we have collected, should this permit be approved, this would be the only dental clinic in Valletta accessible by a lift. We would also like to add that

my client intends giving up the existing commercial license and convert the current clinic back to a residential unit should this permit be approved.

Even though the established use of the property in caption is that of a residential property, the unit has for the last three years been used as the official office for Valletta 2018. In this period no reports were carried out and no enforcements exist on site. I am attaching a copy of the lease agreement confirming this use. It is also important to note that no objections have been filed by residents in the block. We believe this is due to the fact the residents are accustomed with the mixed use activity within the block.

The directorate is insisting that our proposal goes counter to policy DC 2015 P12, which states that *"The Authority will not normally grant permission for non-residential development in buildings also occupied by dwellings where a separate access to the non-residential use cannot be provided."*

The quoted policy clearly states that the authority "will not normally grant permission". This means that in the right circumstances the board may grant such mixed use. We believe that our case merits such consideration for the reasons mentioned above. We are aware of a similar case whereby commercial activity was granted in a residential development – PA 741/14.

My client has clearly pointed out that all the dental clinics located in Valletta are somewhat dated and not up to modern standards. As pointed out above, none of these are accessible by lift. Approving this permit will enable our Capital city to be equipped with a modern state of the art clinic, similar to the other clinics already owned by my client in other localities.

We trust that our comments would be favorably considered.

A handwritten signature in black ink, appearing to read 'Kerstien Micallef', written over a horizontal line.

Kerstien Micallef