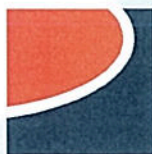


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Perit **WILLIAM LEWIS** B.E.&A.(Hons.), M.Sc. Road Eng., A.&C.E.
ARCHITECT & CIVIL ENGINEER

12th July 2017

The Appeals Tribunal
Malta Environment & Planning Authority
St. Francis Ravelin
Floriana

Re: PA965/17: Proposed tables and chairs including the removal of utilities from façade and the addition of retractable umbrellas and railing.

Reference is made to the application in caption refused by the MEPA EPC board on 13th June 2017. The client is hereby requesting that the Appeals Tribunal reconsider this decision.

The main reason for the recommendation for refusal are the following:

The proposed development runs counter to the provisions of Standard S1 of the Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Space, 2016 that specifies that the pedestrian footpath form an Outdoor Catering Area shall not be less than 1.5m. The proposal therefore also runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development, which aims to protect and enhance the character and amenity of urban areas.

With reference to reason for refusal 1, it is to be noted that drawings addressing the reason for refusal were uploaded. The 1.5m requested clear pathway was incorporated in the revised drawings. However although the drawings were according to policy the application was refused due to loss of parking because the area is highly congested.

As stated in the parking section:

The proposal includes the loss of two on-street parking – see photos at document 13F. Thus a CPPS for four (4) parking spaces, i.e. two parking spaces for the loss of each parking space is applicable.

A closer look at the layout of parking spaces, and the width of the platform being proposed, it reveals that only one parking space is being lost and not two parking spaces. Please find attached photos indicating parking spaces in front of my clients' property.

However quoting an approved application on the same street right next to the proposal in question:

PA1137/16 - Alterations to third floor flat, construction of 2 flats at fourth floor level and installation of lift.

The application was still approved although it was causing a shortfall in parking spaces on the same street.

"To make up for the shortfall in parking provision of two parking spaces, this development permission is subject to a contribution amounting to the sum of €4192.86 in favour of PA's Commuted Parking Payment Scheme for the locality within which the site is located. The funds raised shall be used as prescribed in the policy document "Commuted Parking Payment Scheme for Malta" (1998)."



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Furthermore, one must consider that Triq il- Merkanti has a high level of commercial commitment. In fact quoting an approved application on the same street a few metres up the same road, an application for tables and chairs was approved recently:

PA/01564/17

C.Camilleri Dolceria, 153, Triq il-Merkanti, Belt Valletta, Malta.

Part Change of use to proposed pastizzeria, installation of demountable timber platform for the placing of tables & chairs and umbrellas, and sanctioning of retractable canopy on façade.

In addition to that, one must note that with the incorporation of tables and chairs on the street, this should be seen as an upgrade of the area as providing better amenity to tourists visiting the capital city.

In view of the above comments, the tribunal is to overturn the decision of the EPC and approve this application.

Regards,

Perit William Lewis