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23<sup>rd</sup> July 2017

*Environment & Planning Review Tribunal  
St Francis Ravelin  
Floriana*

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PA number: PA/03421/17  
Location: Kalkara tal-Gir, GGE A46, Triq il-Karmnu and, Triq Tal-Klerku,  
Fgura, Malta  
Proposal: Change of use from private car garage to part light industry (Class  
5A). To carry out minor alterations.



**Appeal against Refusal of PA/3421/17**

With reference to the Refusal of PA/3421/17 published on the 28th June 2017, I, on behalf of the applicant, hereby contest the decision and forward a number of points in favour of reconsideration of the application.

The first recommendation stipulates the following;

*'The proposed development runs counter to the provision of the policy SMHO 02 of the South Malta Local Plan in that the proposed Class 5A curing of tiles, is not favourably considered. The proposal is therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity urban area. '*

The request in favour of reconsideration is based on the following number of justifications;

1. According to the South Malta Local Plan, the site falls in a designated Residential Area Policy SMHO 02, where a class 5A light industry is **PERMITTED** as long as a number of criteria are adhered too. In this proposal **ALL** the following criteria are adhered too and in line which such policy.



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- A. the gross floor area to the premises does not exceed 50m<sup>2</sup>
  - B. the proposal and use does not make use of heavy duty and/or noisy electrical/mechanical equipment.
  - C. Will not entail the extensive use of any percussion hand tools.
  - D. As per declaration the activity will employ less than 5 people.
  - E. Will not inherently entail the generation of combustion, chemical or particulate by products.
2. Secondly, the process is simple and noise less. Each tile is manually created using safe sand colour and water. Small batches of tiles will be then laid and let cured for a number of days inside a water tank.
  3. The proposal will still **follow and abide** by the Fire, Safety, Noise and Ventilation Report.
  4. It is also important that one considers the fact that **no objections** to such proposal were submitted.

The second recommendation stipulates the following;

*'The proposed development runs counter to the provisions of Guidance 6 of the development control design policy and guidance 2015 which specifies that development should encourage connections between public transport, footpath and cycle routes. Developments should be user friendly, clear and legible in order to enable users and visitors alike to facilitate navigation. '*

1. Garage space for **at least 4 vehicles will be retained**. This means that employee/s will have enough space to park their private vehicles. Moreover such space can also be used for loading and unloading of tiles, thus **avoiding any inconveniences to the public**.
2. The above mentioned recommendation is only a guidance, not a policy and widely taken out of context. Visitors to such premises is highly unlikely thus guidance is not to be considered for Class 5A. Any display of products and tiles shall be in Class 4B shop and not in a Class 5A.





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3. Moreover, reference is made to PA/750/17, where similar if not identical proposal has recently been approved. PA/750/17 consists of the change of use from garage to part garage Class 5A. The proposal is located in Zabbar and falls in a designated Residential Area Policy SMHO 02.



Finally, I hope that the board is aware that this development should not be hindered and the justifications put forward in favour of reconsideration are fair and reasonable.

Yours sincerely,

Patrick Refalo

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