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Our Ref: miscT974
File Ref: G-0636

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

Attention: Mr. Joseph Borg
Chairperson, EPRT

Dear Mr. Borg,

Application No: PA/06645/20
Location: Area in front of 14/15, Pjazza Balluta, San Giljan
Proposal: Proposed placing of tables and chairs with individual
umbrellas in front of Class 4D premises



APPEAL AGAINST REFUSAL

I am in receipt of the Refusal with regards to the above-mentioned application, the reasons for which I have carefully noted. I am submitting an appeal against this refusal, for the reasons elaborated upon hereunder.

Reason for Refusal 1

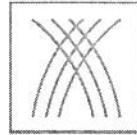
The placing of outdoor seating area would further reduce the amount of space left for the general public and would unduly interfere with the public enjoyment of this piazza. Therefore, the proposal runs counter to Policy NHRL 01 of the North Harbour Local Plan and SPED Urban Objective Urban Objective 2.1A.

I am attaching herewith a plan showing the commitment of similar developments in this stretch of Pjazza Balluta. This is the only licenced class 4C/ 4D premises not to have an area allocated for tables and chairs. This reason for refusal is surprising, insofar as Policy NHRL 01 of the North Harbour Local Plan and SPED Urban Objective Urban Objective 2.1A is being quoted as a reason for refusal for the smallest allocation for tables and chairs in this area, while for other substantially larger allocations, not only was this Policy not quoted, but, in fact, these similar applications were recommended for approval.

In this respect, it is pertinent to point out that the main consultees and namely the 'Lands Authority', the 'Superintendence of Cultural Heritage' (SCH), 'Design Advisory Committee' (DAC) and the 'Malta Tourism Authority' (MTA) granted their no objection to this development and, at that, to a much larger area than what is being requested in this Appeal. The original application covered an area of 59 sq.mtrs. while what is being requested is that covereing an area of a mere 16.5 sq.mtrs..

Reason for Refusal 2

The proposal runs counter to paragraph 2.3 of Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Spaces, 2016 since the Transport Malta did not endorse the location of the development.



Transport Malta have approved all of the similar developments in this stretch of Pjazza Balluta, and for substantially larger developments. The objection by Transport Malta(doc 58a) is based on the originally submitted drawing (doc 1c) where it was also being proposed that 2 parking spaces be also taken up for 'tables and chairs'. As such, the initial proposal was to have a total of 59 sq.mtrs. for 'tables & chairs', reduced to 36 sq.mtrs. as per Lands Authority approval and further reduced to only 16.5 sq.mtrs. (only 28% of the original proposal and only 46% of the Lands Authority concession) after taking into consideration comments by Transport Malta, CRPD and the Local Council.

GENERAL

I refer to the case officer's report regarding this application (doc 84a). The report acknowledges that (a) the area (St. Julian's) is listed in the SPED as a Tourism Locality; (b) the ground floor level of Balluta Building is characterised with similar catering establishments; (c) the site is fronting a main square mainly reserved for pedestrian use and forming an annex to the St. Julian's/ Sliema promenade; then, the proposal conforms with DC 2015 P1 Extent of Commitment since the existing context include existing legal developments (quoting *verbatim* from the Case Officer's report).

The EPC acknowledged this and, in fact, in the first session on the 13/01/2021 at which the application was discussed, requested, *inter alia*, "...to submit block plan of appropriate scale indicating the proposed development in relation to other legal similar commitments within the same pjazza". This block plan, attached herewith shows the commitments in this part of Pjazza Balluta, covering over 90% thereof. As such, after such a request by the EPC, the massive commitment of similar allocations of tables and chairs and the clearance of practically all the consultees (Lands Authority, DAC, SCH and MTA) who it was the legitimate expectation of the applicant that, for such a small allocation, the permit would be issued.

I do not believe that considering all these substantially and considerably much larger commitments, that the granting of a mere 16.5 sq. mtr. area on the upper corner of the square will impact the enjoyment of the square.

For the foregoing reasons, I would therefore kindly request the 'Environment & Planning Review Tribunal' to positively consider this appeal against refusal.

Yours sincerely,

Paul Camilleri

c.c. Mr. Godwin Pullicino

encl:
Appeal fee payment confirmation
Block plan/ photo survey of existing commitments/ permits
MTA no-objection (doc 52a)
Lands Authority clearance
CRPD no-objection (doc 80a)
DAC no-objection (doc 79a)
SCH no-objection (doc 81a)