

Our Ref: 20-107

Your Ref: PA/2987/21

The Chairperson
 The Environment and Planning Review Tribunal
 St Francis Ditch
 Floriana

2nd December 2021

Dear Sir,



Submission of Appeal against Refusal

Applicant: *Mr Robert Mizzi*

Planning Application reference no: *PA/02987/21*

Site: *45, Salvu Garage, Triq Mons. Cilia, Zebbug*

Proposal: *Proposed partial change of use from private car garage approved in RG/1731/20 to the parking of a mobile kiosk, including the installation of an internal lightweight structure*

Reference is made to the planning application with reference number in caption, which was refused by the Planning Authority on 20th October 2021 and which decision was published on 3rd November 2021 .

The reasons of refusal were as follows:

Reason of Refusal 1:

The proposed parking of a mobile kiosk, which is considered a heavy goods vehicle, is not permitted as per Condition 2 in RG 1731/20 which states that 'The garage shall only be used for the parking of private vehicles excluding heavy goods and/or public service vehicles; and the garage shall not involve commercial storage or use.'

Reason of Refusal 2:

The proposed development runs counter to the provisions of policy P21 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that garages intended to provide private off street parking will only be used for the short-term garaging of private vehicles and not for the garaging of heavy goods vehicles and policy P24 of the Development Control Design Policy, Guidance and Standards 2015 which prohibits garages for the garaging/parking of heavy goods vehicles in Urban Conservation Areas 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.

Comments regarding reasons of refusal:

The undersigned would like to point out that the mobile kiosk will only be taken in and out of the garage during the summer months for the "village festa" season. Typically, the applicant takes out the mobile kiosk on a Friday morning and parks it back in the garage the following Monday morning.

Hence effectively the kiosk will only go in/out of the garage twice a week, which therefore means that this will barely affect the neighbouring residents. This also means that it shall not result in any increase in noise whatsoever, and operation will only take place during the daytime and not at any inconvenient hours.

The applicant would have no objection that certain conditions are imposed such as the months of the year and the specific times during which the kiosk can be taken in/out of the garage, and also any maximum limits to any noise which may be generated in order to ensure that the residential amenity of the area will not be affected.

Furthermore, the undersigned would also like to note development permits bearing reference numbers PA/5801/06 and PA/5188/05. These permits pertain to two sites within the same street, and both permits have permitted the parking of commercial vehicles in the respective garages which can be found on these sites.

Hence it is hereby being respectfully requested that the EPRT duly considers the application as proposed and the facts outlined above, such that this application for development may be approved.

Yours faithfully,



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