



MED
DESIGN ASSOCIATES LTD.

MED Design Associates, Hercules House, St. Mark Street, Valletta VLT 1364, Malta.
Tel: (356) 21 232957
Fax: (356) 21 247573
e-mail: info@medesign.com.mt

Our Ref: 18132

22nd August, 2022

The Secretary
Environment and Planning Review Tribunal
Saint Francis Ravelin
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
30 AUG 2022
ST. FRANCIS DITCH
FLORIANA

Dear Sir,

Appeal against refusal PA 4817/21 - Rabat

Please refer to the refusal given to the application submitted by my client Mr. Michael Mizzi to carry out works at Rabat.

We consider this decision as grossly unfair for the following reasons:-

Originally my client proposed the change of use of four ground floor maisonettes to one class 4B retail outlet and the change of use of one other maisonette to a class 4A offices.

The Authority objected to this proposal and during the Planning Commission hearing it was stated that a retail outlet (class 4B - food store) of such a scale could not be permitted in the area where it was proposed. The Planning Commission deferred the application so that this issue could be resolved.

In the first instance we tried to quote similar commitments in this area but he Planning Commission did not consider our arguments strong enough so as to permit this new class 4B retail outlet. The Planning Commission then deferred our application so that we could address this issue by changing our proposal.

Our proposal was changed and fresh drawings were submitted together with a revised description of works which stated that it was proposed to carry out a change of use from four maisonettes to four class 4 B retail outlets with each outlet having a retail area of less than 75.0 square meters such that these could be considered for local use. The Planning Commission sent their revised proposal but to the use office for easement.

In his report the case officer stated that the changes being now proposed are considered as being compliant with policy and recommended the approval. He also included the proposed conditions of permit.

To our surprise the Planning Commission (in my absence) decided to refuse this application even though it is fully compliant with policy and was favourably recommended by the case officer.

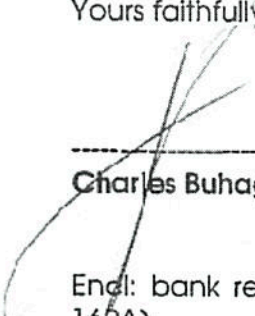
The reasons given for this decision are the following:-

- i. Class 4B shops are considered acceptable provided that the floor area is limited to 75 square meters. Our proposal for four shops all comply with this policy and confirmed by the case officer and hence we fail to understand how this reason of refusal is applicable
- ii. The splitting of the original supermarket into four food outlets would lead to the intensification of the use in a residential area. In the first instance we never stated that the four retail outlets would be food outlets and even if they are they still would be compliant with policy. Furthermore, it is definitely not correct to state that the cumulative impact of four small shops is similar to that of a supermarket. There is absolutely no comparison between the two. Indeed the Authority has a separate policy for supermarkets and does not apply the same policy as for other class 4B retail outlets
- iii. Proposed single large-scale sign attests to a single use for the proposed outlets. This is not correct since the sign is small. Maybe the Authority considered the proposed colour of the façade as a sign
- iv. The proposal requires a certain amount of parking spaces. This is not correct since the proposed retail outlets are for local use as was stated by the case officer such retail outlets do not require additional parking provision
- v. The proposal increases traffic generation in the area. Again, this is not correct since such an argument does not apply to local shops as per policy

Indeed, I must point out that within our approved block we already have one retail outlet (pharmacy) and this was approved without any need of parking requirements and the argument of traffic generation was not applicable. Hence, we fail to understand these arguments for four retail outlets for local use when no such arguments were made for the retail outlet already approved.

In view of the above we consider this decision as grossly unfair and insist that our proposal fully complies with policy and would therefore like to respectfully request that you review this decision and approve our application.

Yours faithfully,



Charles Buhagiar A&CE.

Encl: bank receipt, copy of refusal, site plan, updated DPA report (doc 169A)

c.c.: Mr. Michael Mizzi
PA