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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL



20th November 2022
Our Ref: 311/1580-04

The Chairperson
Environment & Planning Review
Tribunal
Floriana

PA 2557/22 – Appeal

I write on behalf of Mr Joseph Vella obo Paceton Ltd of 'Hawha Apartments', Triq is-Sajjied, Mellieha with reference to the decision published on the 26 October 2022 by virtue of which the Planning Authority refused permission for the proposed development.

Refusal Reason 1:

The proposed tented structure, together with the extension of the kiosk, are of an excessive scale and would lead to an over-development of the site. It therefore runs counter to Sped Urban Objective 4.2 and Policy NWSP 13 of the North West Local Plan.

1. *We bring to the attention of the Appeals Board that the 7sq.m covered extension is related to the store/washing area, which is required for the proper functioning of this kiosk, which is*
 - a) *a legal commitment (area is earmarked as a table & chairs area in PA 3018/12.*
 - b) *it replaces an already approved tables & chairs area,*
 - c) *is desirable for the food safety regulations.*

2. *An adjacent demountable extension for tables & chairs, having a retractable roof as already existed in PA 30182/12 is being slightly increased from 19sq.m to 28sq.m.*

3. *It is to note that both the above fall within the same approved footprint for outdoor tables & chairs areas in PA 3018/12, and thus there is an equal reduction of this approved area, and thus the over-development being mentioned in REFUSAL 1 reason, is not a justified reason.*

Policy NWSP 13 of the North West Local Plan; the PA "will not accede to requests from applicants for land allocations on the promenade and /or the foreshore for their exclusive use. No change in footprint is being sought in this application.

In PA 3018/12 –

Local Planning Unit was requested to advise whether given that

- 1. the land in question has been leased to applicant for the placing of tables and chairs.*
- 2. MTA also approves this area for tables and chairs.*
- 3. the platform was constructed for this purpose during the embellishment (vide documents 1d to 1h) in PA 3018/12*

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4. is there a limit on the number of tables and chairs

Comments from the Local Planning Unit

The LPU noted that the kiosks committee accepted this site as a permanent structure due to the issue of development permission granted under PA1611/94.

Refusal Reason 1:

The total floorspace of the kiosk, together with the tented structure, runs counter to paragraph 5.8 of Policy and Design Guidance for Kiosks.

- 1. The already approved catering establishment is not in line with the aforementioned policy. It thus cannot be assessed with this Policy.*
- 2. Tables and Chairs & external Dining areas are regulated through the approved OCA. The lightweight tented structure, light cream coloured canvas sails/shades are allowable as in P22 of the same document. These were specifically utilized so as not to have a clutter of umbrellas, and are neater and more linear and are lower than the existing promenade.*


*P22 Shading equipment/structures – general planning and design considerations
Shading equipment/structures provide a comfortable environment within which to enjoy outdoor catering. They shall be designed in a sensitive manner with the existing context, particularly the streetscape. Due to the specificity of each context, different design solutions will apply, and where appropriate, the permitting authorities shall encourage the use of innovative energy efficient design solutions.*

Finally, we humbly request the Tribunal to re-consider this decision, based on the approved commitment on site, and considering that the shading devices over the approved Tables & Chairs area is to be considered in line with the OCA Policies.

Encl. (1) PA Decision;
(2) Siteplan

Kindly acknowledge receipt of this letter.

Regards



Perit Robert Grech A. & C.E.