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The Hon Chairman,  
Environment and Planning Review Tribunal  
Block B, St. Francis Ditch,  
Floriana

Application Number: PA/06234/18  
Location: Bali Stuff, Triq Santa Katerina, Gharghur, Malta  
Proposal: Change of use to class 4

23 September 2020

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016, we herby submit our arguments for appeals.

The proposed development is being refused since the proposed development may jeopardise the comprehensive planning process for the area), when the use and zoning of the area has already been established through the issue of a list of other permits issued in the which implies that the area has been extensively committed to commercial use by the significant number of Planing Permissions for commercial development that have been approved on site.

In 2013 a major restaurant Mc Donald's (total area 300 sqm) complete with drive-through take away and car park facilities measuring 2600sqm attracting thousands of clients per day seven days a week 20 hours a day approved on a site adjoining my client's site. In this particular case which is a development that has exponentially more impact on the eventual zoning of the area, it was argued that "The proposed development is acceptable since proposed change of use and land take up do not prejudice the intentions of Legal Notice 71/07 (rationalisation) nor the Structure Plan Policies related to the development. The proposal also complies with car

parking requirements, design considerations, and DC2007 Policies" (DPAR para. 4.1 summary of issues min 83 in PA 375/13). It is very odd that a boat yard 850sqm, accommodating a maximum of 20 medium sized boats (6m to 10m in length) can have a significant impact on the zoning of the area while a major brand restaurant can have no impact on the same policy and zoning. The Mc Donald's restaurant is not an isolated case PA 2201/10 (To sanction block work wall and levelling of site excavation of ramp to form access for approved stores, and proposed self service jet wash and light weight canopy and parking area), again in this case the Planning Application was recommended for refusal by the Planning Directorate which deemed the proposal as "counter to the spirit of LN 71/07" (DPAR Reasons for Refusal 1 min 31 in PA 2201/10), however the Planning Commission on 02/12/2010 has overturned the Planning Directorate's recommendation and granted the proposed development. Further substantiating the fact that LN 71/07 is not being breached and the area is committed with commercial and industrial development.

PA 1355/03 – Construction of service garage and vulcanising wheel balancing services and underlying basements for storage purposes was approved on the same site

PA4129/98 – Development permission issued to install petrol pumps, construct canopy over petrol pumps, demolish an existing garage and construction of a new garage approved on site

PA/03767/00 - To demolish existing rooms at back of store and construct an extension to same store including replacement of dangerous roof approved on site

PA/09061/17 - To sanction differences from Permit PA/3767/00 of existing ground floor Class 6A store was approved on site

PA/03218/04 - Alterations and extension to existing carpentry workshop was approved on site

PA/07183/04 - Minor internal alterations to sub divide existing workshop into three workshops approved on site

This report has extensively proved that the area under consideration has be extensively committed with Planning Permissions to serve as a commercial and light industry area it is inconceivable that two relatively small class 6

stores and a boat yard accommodating a maximum of 10 to 20 boats does not fit within an area that is already extensively committed to a commercial and light industry use. For this reason we respectfully Hon Tribunal to consider the Planning Permissions issued to determine that the site is already committed for commercial development and as such this application fits within the committed use.

For this reason we respectfully request the Hon Tribunal to favorably consider the application due to the commercial commitment covered with relative permits in the area

Regards,

Simon Spiteri



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