



13th January 2023

Environment and Planning Review Tribunal
St. Francis Ditch
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
13 JAN 2023
ST. FRANCIS DITCH
FLORIANA

Our ref.: 0856

PA Reference: PA/06135/22
Proposal: To sanction the change of use from a Class 4B shop to a Class 4C cafeteria, including its internal layout, the internal and external seating, the location of the wc, the retractable awning and the design of the signage
Location: A1 Confectionery, 157, Triq Nazju Ellul, Gzira

Dear Sir/Madam

On behalf of my client, we are hereby officially filing a request for appeal with reference to the refusal of the above-mentioned Full Development Application. The application is for the sanctioning of the change of use from a Class 4B shop to a Class 4C cafeteria.

The reasons for rejection given in the decision notice reads as follows:

- The existing Class 4C shop runs counter to the provisions of Policy NHHO 01 of the North Harbour Local Plan which specifies that catering establishment is not listed as an acceptable use in a designated Residential area. The proposal therefore also runs counter to the SPED Urban Objective 3.5 which aims to protect and enhance the character and amenity of urban areas.

With reference to its use, we are kindly requesting that Policy FL-GNRL-1 is applied as it allows a flexible approach and a justified departure from policy provided that it does not create an adverse impact on the locality. In fact, this has been utilised for various permits in the vicinity of our client's property by both the directorate and the planning commission and thus we understand that the area is occupied by a legitimate commitment.

Also, our proposal is for a Class 4C cafeteria where cooking is not allowed and hence it is not considered as having a negative impact on the surrounding residential and commercial units.

Please refer to the enclosed site plan showing six committed Class 4C/D commercial properties having the following proposal descriptions:



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- PA/02726/16 - Proposed internal alterations and extension to an existing snack bar class 4d and sanctioning of external alterations and signage.
- PA/07852/18 - Change of use from approved PA 6882/17 Class 4B Grocer to Class 4C. Application also includes minor internal alteration, fixing of sign and the introduction of light weight structure in the front garden.
- PA/06948/16 - Proposed class 4B & 4D shop
- PA/ 01869/02 - To replace advertisement signs, to excavate basement under shop to house toilet with forced ventilation and spiral staircase to street level and a small good's platform.
- PA/05799/16 - Amendments to approved permit PA3295/15 including the change of use of the front garden for inclusion of tables and chairs as per LN74/15; the installation of a retractable canopy in the installation of a sign board, and the sanctioning of the installation of a timber fence and minor changes to external elements of the façade.
- PA/01223/16 - Installation of tented structure, fascia signs and internal and external alterations to existing college and cafeteria.

Also, the above properties are also located in the same designated residential area as per below policy map.

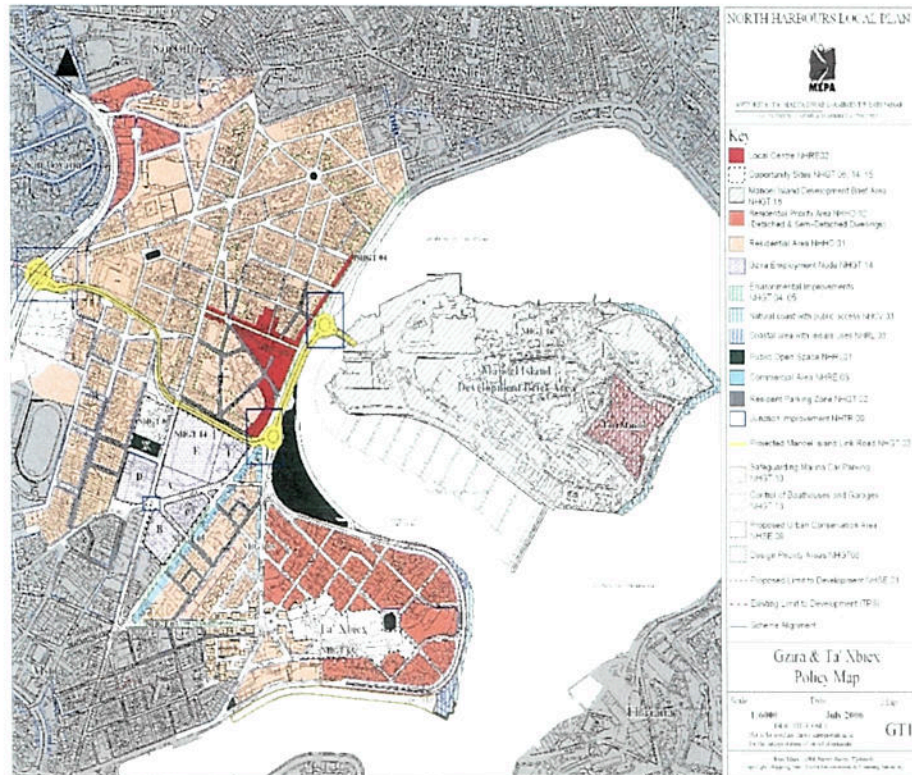


Figure 1 – Gzira & Ta' Xbiex Policy Map GT1



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- The use of the front garden for outdoor tables and chairs within a designated Residential area runs counter to the provisions of Policy P10 Front Gardens in Non-Residential Developments of the Development Control Design Policy, Guidance and Standards, 2015.

As highlighted above, planning permissions were given for food outlets in the same neighbourhood and thus we understand that a consent may be granted to our client. Also noted that our request is for two tables only.

In view of the above, and further submissions that the undersigned and the appointed legal aid reserve to make, we kindly request the Tribunal to re-examine the application and overturn the decision of the Commission.

Trusting the above is to your satisfaction, I remain, at your disposal.

Yours sincerely,

Perit Glorianne Camenzuli
f/ ARCHITECTURE XV
January 2023