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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL ARCHITECT & CIVIL ENGINEER

RECEIVED
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OUR REF: 5726
PA REF: PA/06221/21 DATE: 27 February 2023

The Chairman
Environment & Planning Review Tribunal
Floriana

Application No. PA/06221/21
Location: Area in front of 24, Triq il-Wied,
 Marsalforn, Zebbug, Gozo.
Proposal: Proposed area for outside tables and
 chairs to approved restaurant in
 PA1333/19

APPEAL AGAINST REFUSAL

I write on behalf of Ms Spiridiona Camilleri of 78, Republic Street, Victoria, Gozo, in order to file an appeal from the decision dated 17 January 2023 and published on 1 February 2023 whereby my client's application was refused. The application is in respect of the above mentioned development.

The application was refused for the following reasons:

The proposed outdoor catering area has been objected to by Transport Malta, a permitting authority for such development, and therefore runs counter to Article 72 (2f) of the Development Planning Act (Chap 552), which requires that the Planning Board shall have regard to recommendations made by consultees.

Applicant kindly submits that the above reason for refusing his application is unjustified for the following reasons:

The reasons given by Transport Malta for objecting to this proposal are at doc. 47a. These are the following.

- *Lack of parking spaces:*

The proposed outdoor catering area is going to replace an area marked for un/loading which was in use when the premises were used as a grocer. Hence there will be no loss of parking spaces if this area is now used as an outdoor catering area.

- *Lack of pedestrian safety while crossing pavement to render the service.*
The outdoor catering area is proposed on a demountable platform which is level with the existing pavement. In my honest opinion I do not see any danger in accessing the outdoor catering area from the restaurant.
- *High risk of pedestrians and clients in the event of a traffic accident.*
As stated above the tables and chairs shall be placed on a platform with bollards on the front part and planters on the sides. Furthermore, this street is a one-way street and hence there is no risk to pedestrians and clients.
- *High risk of visibility for drivers/visibility interference for drivers.*
The outdoor catering area shall be on the side of the marked parking spaces and hence it does not interfere with the visibility for drivers.

In view of the above submissions, the Tribunal is requested to overturn the refusal and grant the permit requested by my client.

A copy of the relative decision and of the site plan are being herewith attached together with the form attesting payment of the fee.



Perit Emanuel Vella
c.c. Planning Authority