

PA 491

7th December 2017



The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/4224/17

Lokazzjoni: Carmelo, 46, Buontempo Estate, Balzan

Proposta: Demolition of existing house, excavation and construction of basement garages, and guest house (class 3A)

Ref. Taghna:

Ref. Tribunal:

David Mizzi

vs

L-Awtorita' ta' l-Ippjanar and Norbert Camilleri

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2017.
- II) This application was approved by the Commission and published on the 8th November 2017.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The proposed use is certainly detrimental to the area in question which is a purely residential area.
- 1.2 The proposed development is a simple pretext to deviate from the current policy which prohibits small dwellings from such areas.
- 1.3 The Authority was wrong to simply base its decision in relation to the proposed use simply by referring to Policy CG 07. The Authority, in accordance with the provisions of Art. 72 of Chapter 552, must also base its decision on a number of other factors, including but not limitedly to the representations made and other material considerations.
- 1.4 It is also clear that a tourism related development could not be approved when the MTA clearly objected to the proposed development since the applicant did not file an application with it.
- 1.5 Furthermore, the proposed development is not in line with the DC 2015 and SPED objectives in relation to the area in question, both in relation to the proposed built structure and also in relation to the proposed use..

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and refuse the said permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

A handwritten signature in blue ink, appearing to read 'Av. Ian J. Stafrace', written over a light blue grid background.

Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



Av. Ian J. Stafrace
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