

144
PA

10th April 2019

The Environment and Planning Review Tribunal

Application Number: PA/9480/18
Location: 81, Triq il-Kbira c/w Trejqa Dun Gennaro Camilleri, Sliema
Proposal: Change of use from Class 4B to 4D, including conversion of existing garage (less than 5.1 m deep) to kitchen, minor internal alterations, replacement of external apertures, and new signage on façade.
Ref. Taghna:
Ref. Tribunal:

Aurelie Bussi
vs
L-Awtorita' ta' l-Ippjanar



The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2018.
- II) This application was refused by the Commission and the decision was published on the 13th March 2019.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

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

The appellant respectfully submits the following:

1. It is evident that there are a number of points that have not been properly interpreted by the Planning Commission in reaching its decision on this case.
2. It is inconceivable that the objective facts relative to the site in question are given different interpretations by different sections within the Authority vested with the decision process. Such inconsistency breach the rights of the appellant to receive a due process in the determination of the application and renders the decision taken by the Authority null and void.
3. The Authority applied wrong policies and other considerations in the decision, as will be shown during the course of this appeal.
4. During the first sitting of the Commission, the Authority **agreed** that there were similar commitments in the vicinity and that hence the provisions of article 72(2)(d) of Chapter 552 applied.
5. On the otherhand, during the second sitting, no reason is given as to why the Authority disregarded the considerations made during the first sitting, and refused the application. This is in clear breach of the provisions of Law and in particular against the provisions of Chapter 552 of the Laws of Malta and the provisions of regulations 13(4)(a) of AL 162/2016.
6. Without prejudice to the aforesaid it is clear that the provisions of the *General Policy relating to Regeneration/Consolidation Initiatives (2013)* apply, and hence, the proposal of the applicant ought to be approved.

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

approve his request for approval of the said permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

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



Av. Ian J. Stafrace
9/4 Britannia House
Old Bakery Street
Valletta