

WILFRID DE BATTISTA A. & C. E., B. E. & A.(hons.),
ARCHITECT & CIVIL ENGINEER,

7, GEMINI COURT,
47, STATION STREET,
BIRKIRKARA - BKR 1833.
MALTA G.C. - EUROPE

TEL / FAX : 21486932.
Mobile tel.: 9946 4794

V.A. T. REG. NO. 1103 - 7610.

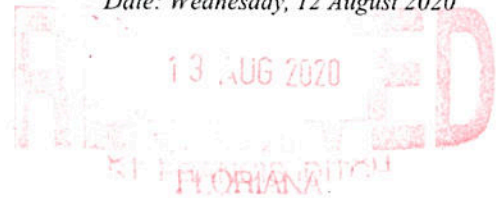
Our Ref.: ST Venera back, Appeal

Your Ref.:

Email: wilfrid.debattista@gmail.com

Date: Wednesday, 12 August 2020

The Chairman,
EPRT,
Floriana



RE: PA/00953/20 - Development at 42 & 43, Triq il-Ferrovija, Santa Venera.

Dear Sir,

As Perit, in my own capacity as owner of the garages at 42 and flat 5, at 44, both part of St. Venera Court, in Triq Tal-Fawwara, St Venera and other objectors namely:

- 1) Martin & Josianne Pirota;
- 2) Mark Gagliano;
- 3) Richard Daniel Farrugia;
- 4) Charles Mifsud &
- 5) Monica Aquilina

listed as objectors at Doc PA/00953/82a, would like to submit an appeal on the above-mentioned development permission, PA/00953/20 for the following reasons:

- 1) Depth of development beyond 30 m that is not according to Policy P27.

This development application again approves a development with a footprint beyond the 30m not as Policy P27 and no landscaping plan has been submitted as per G41 that is mentioned in the same Policy P24. As may be noted from the DPAR at PA/00953/20/83a, the PA's Directorate stated that Permit PA/04455/15, a renewal approval to PA/00694/10, and where the depth beyond was approved is still valid and a commencement notice had been submitted. AS the Tribunal members may be aware and as per previous judgement at the Law Courts of Malta, the submission of a commencement notice does not hold legal grounds as a commitment on site.

We feel that as long as the development has not commenced and since the related applications, namely PA/00694/10, PA/01394/12 & PA/04455/15, have approved a development depth not as per policy, the assessment and approval for this application, PA/00953/20, should limit the development to 30m as per policy.

- 2) Depth of Ground floor, 3rd and 4th Floor should be as approved and/or as per policy P27

PA/00694/10 approved drawings for the 1st & 2nd floor layouts with a depth beyond 30m but the ground floor layout plan together with 3rd and 4th floor plans were not approved or not approved to a depth beyond 30m . These floors should be kept to a depth of 30m as policy.

3) Domestic Store not as per Local plan

Although the proposed domestic store, at ground floor behind the proposed shop, is internally connected to the dwelling at 1st floor, its floor area of more than 75sm is not as per Local Plan and it should not be considered as a domestic store. This should be limited in size and footprint.

4) Legal Distance of 0.75m from Party walls

Although the issue of the 0.75m, legal distance from 3rd party walls is a legal issue, we feel that this should be shown and included in the approved drawings. This will affect the parking layout.

5) No Valid permit on site

Moreover, as may be noted from Site History of the same DPAR for this application that states:

4.4 SITE HISTORY

PA 1394/12 - Permit issued for garages at basement, class 4 shop & domestic store at ground floor, overlying 2 apartments & penthouse including sign. Proposal to replace approved permit pa 00694/10.

" 4.5 POLICY CONTEXT

PA/00694/10 had been replaced by PA/01394/12.

PA/01394/12 has expired.

The renewal PA/04455/15 was associated with PA/00694/10, a replaced permit/application.

Hence on site there is no valid development permission.

Subsequently, this application must be assessed as per Policy with no relevance to other permits since they are all expired and/or not valid.

FURTHERMORE, WE WOULD LIKE THE TRIBUNAL TO SUSPEND THE EXECUTION OF THE ISSUED PERMIT DUE TO THE ABOVE-MENTIONED REASONS IN PARTICULAR SINCE THE REFERRED PREVIOUS PERMIT IS NOT VALID.

Hence it would be appreciated that the Tribunal may accept this appeal and revert the application to be assess as per DC2015 policies.

Finally, we reserve the right to add to this Appeal at any stage of its discussion.

Thanking you in advance for your attention and cooperation, I remain,

Yours Truly,

WILFRID DE BATTISTA B.Eng (Hons) A&CE
7, Gemini Court
47, Station Street,
Birkirkara BKR 1533
MALTA



Wilfrid De Battista A. & C. E.