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Our Ref : 51/20.04  
Your Ref : PA/03131/20

29<sup>th</sup> March 2021

The Secretary  
Environmental Planning Review Tribunal  
St Francis Ditch  
Floriana.



App Nr : PA/03131/20  
Location : 54/56, Ercilia, Triq Bernardette, San Gwann.  
Proposal : Redesign of Up and Over PVC garage doors including request for reimbursement of overpaid planning gain

**Re: Appeal Against Planning Commission Refusal**

This appeal is being submitted on behalf of applicant, Mr Richard Colombo, of 51, Madonna Mirakoluza, Triq is-Sienja, Attard. For Referecne kindly find below literature in chronological order.

- Appendix 1 – Appeal Payment form
- Appendix 2 – Refusal decision dated 19/2/21 and published on 3/3/21
- Appendix 3 – Site Plan
- Appendix 4 – Site Photos
- Appendix 5 – Planning permit PA 10618/17
- Appendix 6 - Request for reimbursement dated 30/3/20
- Appendix 7 – Plans of PA 3131/20
- Appendix 8 – Circular 3/98
- Appendix 9 – Circular 2/18



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The reasons for this appeal are as following

- With reference to Plannign permit PA 10618/17 (**Appendix 5**), the existing development as built realte to the construction of 6 apartment and 2 reseeded floor and 10 garages over two floors (Basement and Ground Floor)
- With reference to **Request to reinbursement (Appendix 6)** it has been amply proved through history of the site that the development as constructed has a parking requirement of 8 cars + 2 cars obstructed, against the approved development which provides 10 independent parking spaccesa + 2 obstructed cars
- With reference to site history (**Appendix 6**) the applicant has paid for a shortfall of 4 cars which has now been compensated with an excess parking provision of 2 cars over and above the requirements
- With reference to circular 3/98 (Appendix 8) point 1.3 which states that the ultimate CPPS should be calculated between the forecasted demand (in this case 8 cars + 2 obstructed) and supply (which is 10 cars + 2 obstructed).
- With reference to circular 2/18 (Appendix 9) point 3, which states,  
*“ Following a number of buoan fide request the executive council of the Authority decided that **without precudice to the existing reconsideration and appeal mechanism in place, refunds of CPPS or UIF contribution may be effected only in***
  - 1) *Upon relinquishing permit*
  - 2) *Upon provision of additional parking*

This circular as stated above does not extinguish the right of my client to appeal the decision.

In view of the above arguments, undersigned is requesting the Tribunal to decide in favour of my client for due financial reimbursement of parking provision paid in excess.

Yours faithfully,

**Perit Mannie Galea**