

25th May 2021

The Environment and Planning Review Tribunal



Nru. ta' l-Aplikazzjoni: PA/4430/20

Lokazzjoni: 255, 257, 261, 263, 64 Triq is-Sorijiet, Triq Xintill, Tarxien

Proposta: To sanction linking garage and underlying commercial store (ancillary to studio) to TV recording studio including goods lift. To sanction change of use from garage at Triq is-Sorijiet to control room and change of use from garage at Triq Xintill to TV recording studio and Class 4A offices.

Ref. Taghna:

Ref. Tribunal:

Joseph Mary Zammit

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2020.
- II) This application was refused by the Commission and the decision was published on the 28th April 2021.
- 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).

- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.

1.2 The proposed use is a sui generis use and the assessment made in this case is in complete disregard to the proposed use and the adequacy of the said use in the area in question. The proposed use is considered justifiable within the context of the area and the valid and legitimate use of the majority of the site in question.

1.3 The proposed development is thus in line with the applicable policies regulating the site, and is not contrary to the provisions of the applicable policies, also taking into consideration the provisions of Article 72 of Chapter 552 of the Laws of Malta, and the Flexibility and Consolidation Policy of 2013.

1.4 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.

1.5 The Case officer wrongly noted:

No legitimate proof was submitted indicating that the premises were ever permitted or licensed to be used as commercial stores, and therefore, all three sites, which are now being sanctioned as one large commercial space, are being considered as garages for private cars, as per last approved permits traced (PB/209/91, PB/4583/91 and PB/1613/92).

This conclusion is factually wrong since the applicant has clearly shown that the Authority itself considers one of the properties as being legitimate, whereas another one of the properties has been operating commercially before 1992.

This documentation was and is available to the Authority which wrongly refuses to acknowledge the validity and importance of same, and this contrary to the provisions of Article 72(2)(b).

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 consequently order the Authority to issue the relative 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, officers of other entities, and third parties, neighbors to confirm the facts.



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