

5th October 2021

**The Environment and Planning Review Tribunal**

*Nru. ta' l-Applikazzjoni:* PA/2257/21

*Lokazzjoni:* 9, Triq Dalelands, San Lawrenz

*Proposta:* To sanction existing room at first floor to change use from category A Class 1 to Category B Class 2A and minor internal amendments not affecting the fabric of existing structure.

*Ref. Taghna:*

*Ref. Tribunal:*

**TCF Management Malta Limited**

vs

**L-Awtorita' ta' l-Ippjanar**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was refused by the Commission and the decision was published on the 15<sup>th</sup> September 2021.
- III) The appellants feel agrieved by this decision and are 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 Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 The authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate in favour of the proposal.
- 1.3 The proposed development is in line with the local plan policies regulating the site, and is not contrary to the provisions of the applicable policies, including sanitary regulations.
- 1.4 Identical proposals were given the necessary permits in similar circumstances.
- 1.5 Reference is made to PA 7836/16 wherein the Authority recommended and approved “*Change of use from dwelling to therapeutic community for the rehabilitation of drug abusers. Proposal also includes extension and alterations to existing structures and miscellaneous facilities.*”. The Directorate stated the following:

*The proposed use of the site is that of a therapeutic centre for drug users, with the main building housing an administration area, 10 bedrooms, common rooms and a crafts room. Applicant is contending that for the centre to serve the therapeutic needs of adolescent drug users, it is fundamentally essential for the facility to be located away from a high density area, to within a remote environment. This is because such a location would make the residents of the facility to establish a connection with the natural world – essential for relaxation and recovery; and ensuring that the residents are located away from the unsafe environments they come from. Reference is made to Rural Objective 3 of the Strategic Plan for Environment and Development which guides development which is either justified to be located in the Rural Area in approved Government policies, plans or programmes, or is incompatible with urban uses and where alternatives are not possible to the Rural Area away from*

*protected areas and areas of high landscape sensitivity, preferably on Areas of Containment, previously developed land or existing buildings while ensuring the improvement of the quality of the rural environment... In view of the above, the Planning Directorate agrees with the applicant's reasoning to for the location of the centre within a rural area, as it is for the benefit of the users of the facility, and therefore the proposal is justifiable by Rural Objective 3 of the SPED."*

1.6 Reference is made to PA 3877/18 wherein the Authority recommended and approved *"Internal alterations and change in use from residential to 3 Star Hotel (Class 3B) specializing in Yoga meditation and culinary services including alterations/ utilization of foundation level to create basement level consisting of bedrooms and ancillary facilities"* in Qala Gozo.

1.7 It is being submitted that the current proposal is in line with the Authority's assessment in the above quoted decisions and hence should be analysed and reviewed in the context of how the afore-mentioned applications were. The proposed change of use will not materially change anything in relation to the intensity of the current approved use and will serve as a service similar to the uses approved in the afore-mentioned permits.

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 approval, 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.



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