Marsaxlokk Local Council
Portus Herculis

27-04-2018

The Secretary,
Eviroment & Planning Review Tribunal
P.O. Box 172
MARSA

Dear Sir/Madam,

Re: Application for Appeal PA2545 / 17 additional apertures within the façade of the Grade 2structure known as il- Barumbara ta' Lambert, in Marsaxlokk.

Please find enclosed application for appeal, Permit Decision and Site-Plan in relation to PA2545/17.

This is being submitted by the Marsaxlokk Local Council regarding the proposed additional apertures within the façade of the Grade 2structure known as il-Barumbara ta' Lambert, in Marsaxlokk.

In addition, the Lawyer will be submitting all the necessary documentation.

E Vella

Emma Vella
Executive Secretary
Marsaxlokk Local Council

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
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Mayor | Horace Gauci
Deputy Mayor | Steven Grech
Councillors | Stephen Caruana, Daniel Zerafa, Janice Chetcuti
Executive Secretary | Emma Vella

FARRUGIA, GATT & FALZON

Advocates

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ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
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30 ta' April 2018

Lit-Tribunal ta' Reviżjoni tal-Ambjent u l-Ippjanar
St Francis Ditch
Floriana, Malta

<u>Re: Permess bin-numru PA/024545/17, minn Monica Cassar, fis-sit Barumbara, Triq tax-Xerriek, kantuniera ma' Triq il-Luzzu, Marsaxlokk, approvat nhar it-3 ta' April 2018, u ppubblikat nhar it-18 ta' April 2018.</u>

Appell imressaq mis-Sindku Horace Gauci (KI 46481 M), u mis-Segretarju Esekuttiv Emma Vella (KI 206772 M), għan-nom u fl-interess tal-Kunsill Lokali ta' Marsaxlokk ta' 2, Triq Vittorio Cassar, Marsaxlokk MXK 1051.

Nikteb għan-nom u fl-interess ta' l-appellanti suindikati, fejn qed jissottomettu illi id-deċiżjoni ta' l-Awtorita ta' l-Ippjanar ippubblikata nhar it-18 ta' April 2018, (Deċiża nhar it-3 ta' April 2018), fejn ġie approvat il-permess suindikat, mhix ekwa u ġusta fil-konfront ta' l-appellanti fil-kwalita tagħhom premessa, u dan għas-segwenti aggravji;

1. Jirriżulta illi is-sit mertu ta' l-applikazzjoni in kwistjoni kien fil-fatt soġġett għal numri ta' ordnijiet ta' enforzar, (fosthom 1004/1999), jidher illi l-ebda kunsiderazzjoni ma ttieħdet għar-rigward din l-azzjoni ta' enforzar, u l-Awtorita xorta ħarġet il-permess mitlub.

2. Illi l-istrutturi illi ġew approvati bil-permess odjern, fil-fatt imorru kontra permess preċedenti ġia approvat (PA 04332/1999), illi fejn fost oħrajn hemm approvat garage, liema garage, ma jistax jintuża stante li l-aċċess għalih huwa imblokkat minħabba l-istrutturi approvati bil-permess odjern.

3. Jidher ukoll, illi l-ebda prijorita ma ngħatat lir-residenti tal-madwar, għar-rigward il-fatt, illi l-approvazzjoni tal-bini suindikat ser iċaħħad lill-istess residenti mid-dritt ta' l-użu ta' l-arja quddiem id-djar tagħhom. Jirriżulta wkoll, illi l-imsemmija struttura, fiha ħafna Health Hazards fiha, fejn hemm diversi ħamiem mejjet, u numru ta' ġrieden, liema strutturi flok, ġew imneħħija bl-imsemmija ordni ta' nforzar, addirittura ġew approvati.

4. Jidher illi lanqas ma ngħataw kunsiderazzjoni għall-oġġezzjoni tas-Supretendent għall-Wirt Kulturali, u dan peress illi il-bini approvat, adjaċenti u madwar il-barumbara storika, huwa wieħed modern.

5. Jidher ukoll, illi il-case officer report, illi; *'The proposed development would change the external and internal appearance of a Grade 2 listed building and is objected to by the Superintendence of Cultural Heritage. THe proposal would therefore detract from the historical value of this byilding and so it detracts from Thematic Objective 8 of the Strategic Plan for Environment and Development which aims for the safeguarding amd enhancement of cultural heritage'*, ġie kompletament injorat.

6. Lanqas ma ġiet kunsidrata l-oġġezzjoni tal-Kunsill Lokali odjern, u l-petizzjoni tar-residenti Xlukkarji tal-madwar.

This firm is a member of EuréseaU a network of lawyers with offices in BUENOS AIRES DUBLIN FRANKFURT GOTENBORG KIEV LIEGE LISBON LONDON MADRID PANAMA PARIS RIO DE JANIERO ROTTERDAM SAN SALVADOR SANTEFE' DE BOGOTA' STOCKHOLM TRIESTE UDINE VIENNA

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7. Illi jirriżulta wkoll, diversi kwistjonijiet tekniċi, illi qegħdin ukoll jiġu hawn indikati permezz ta' rapport tal-Perit Robert Grech, tat-23 ta' April 2018, illi qiegħed jiġi anness u mmarkat dok EC 1.

Għaldaqstant, in vista tal-premess, l-appellanti, qegħdin umilment jitolbu lil dan l-Onorabbli Tribunal sabiex iħassar u jirrevoka id-deċiżjoni meħuda mill-Awtorita ta' l-Ippjanar nhar it-3 ta' April 2018, ippublikata nhar it-18 ta' April 2018, u dan għar-raġunijiet premessi, u konsegwentement jiġi rifjutat il-permess mitlub.

Illi l-appellanti bħala xhieda bi ħsiebhom iressqu lis-segwenti;

1. Il-Perit Robert Grech, ta' Unit 2, Bologna Court, Triq Dun Michele Balzan, Attard;
2. Angel J. Caruana, ta' Notte Magiche, Triq l-Arznell, Marsaxlokk;
3. Anthony Carabott, ta' 48, Drago, Tax-Xerriek, Marsaxlokk;
4. Rita Farrugia, ta' 36, Casa Zake, Tax-Xerriek, Marsaxlokk;
5. Sonia Vassallo, ta' 44, Joie de Vivre, Tax-Xerriek, Marsaxlokk.
6. Is-Sindku Horace Gauci ta' 2, Triq Vittorio Cassar, Marsaxlokk.
7. Is-Segretarju Esekuttiv, Emma Vella ta' 2, Triq Vittorio Cassar, Marsaxlokk.

Avv. Errol Cutajar

PERIT ROBERT GRECH B.E. & A. (Hons.) A. & C.E.
Architect & Civil Engineer

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The Mayor
Marsaxlokk Local Council
No.2, Vittorio Cassar Street
Marsalokk, MXK1051

23rd April 2018
Our Ref: 981/1695-01

PA 2545/17

With reference to this issued Permit, we would like to raise the following objections on behalf of my client Marsaxlokk Local Council, for the following planning reasons:

i) Additional apertures are being proposed within the façade of the Grade 2 structure known as il-Barumbara ta' Lambert, which shall continue to degrade this historic structure. In fact the SCH is quoted *'Furthermore, most of the approved changes under the previous permits (now expired) which impact the facades are objectionable, and should not be reconsidered for approval'.*

ii) ERA have not been consulted within this application process even though this recent part of the site as in stated by the Local Council in their Press Release, is filled with deceased pigeons, and is considered as a Health hazard.

iii) This approved application, is sanctioning alterations done along the years, and includes additional encroachment around this Grade 2 building. In this respect, in our opinion, this shall continue to degrade the historic value of the same structure. In fact the previous application PA 5744/97 was refused, **To construct a first floor level** in view that the extension and additions as proposed would detract from the historical value of the building and so do not conform to Structure Plan UCO 7 and UCO 13 which seek to preserve buildings of outstanding architectural or historical interest;

iv) The approval of PA 2545/17 contradicts and PA 4332/99 since as stated by the Local Council, also in their press release hinders and blocks access to the garage approved in PA 4332/99.

In view of the above we are submitting our objection to this proposal.

Kindly acknowledge receipt of this letter.

Regards

Perit Robert Grech A & C.E

DR. E. CUTAJAR B.A., LL.D.,
FARRUGIA, GATT & FALZON
ADVOCATES.
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