

20th April 2019

Environment & Planning Review Tribunal,
St. Francis Ravelin,
Floriana,
FRN 1230

Dear Sir/Madam,



Ref: 6018

Your ref: PA 9027/18

Location: 43, Triq Marsamxett, Belt Valletta, Malta

Proposal: Proposed change of use to class 4C including minor internal alterations

Appeal against refusal of PA 9027/18 – Reference is made to the decision to refuse dated 18/03/19

On behalf of the applicant, I would like to lodge an appeal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016.

The Grounds of the appeal are outlined below:

1. A covering letter as a reply to the DPAR report dated 03/02/19 – a copy of which has been attached to this appeal – outlining the shortcomings of the report was submitted. The issues addressed, underlines the two weights and two measures by which two similar applications resulted in one to be recommended for approval, whilst the other was recommended for refusal. An application which was submitted in previous years applied for the same change of use to Class 4C – PA 3659/15. This was approved with the same policies in place as today.
2. During the Planning Commission Board meeting on 13/02/19, the chairperson and the other two members of the board, unanimously agreed with the arguments brought forward in the letter dated 03/02/19. Therefore, the board requested that

the DPAR be updated and conditions for permit prepared since it was to be approved due to similar commitment.

3. Without any justification, during the deferred sitting dated 13/03/19, the board decided to turn on the previous recommendation for approval and refuse the application. No policies were cited which justify the refusal, but merely the opinion of one person has overturned the previous decision by the same board to approve said application. Act VII of 2016 art 72(2d), justifies the proposed application as a myriad of applications throughout the years have been approved on this merit with one commitment alone. Also, it is pertinent to point out that even without the commitment, the proposed change is not in breach to any policies. This is confirmed within the DPAR of PA 3659/15, which was vetted to the **same** policies as our proposed application and in turn approved.

I believe that in view of the points discussed above, the decision should be overturned and permit approved. The applicant reserves the right to make further submissions both oral and written.

Regards



Perit Adrian Buttigieg