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15<sup>th</sup> March 2021

The Chairman  
Environment & Planning Review Tribunal,  
St Francis Ravelin,  
Floriana

Dear Sir,

**RE: PA 5128/20**

We write on behalf of the following:

Monique Zammit,  
Jenny Adams,  
Jacqueline Mercieca  
Philip Stones  
Mike Porter;  
Debbie Porter  
Denise Johnson and Barry James Johnson  
Dr Mariella Borg Buontempo  
Dr Henri Mizzi  
Michelle Clement  
Andrew and Graziella Manduca  
Mary and Dr John Samut Tagliaferro  
Melvin Bonnici  
Josanne Vassallo  
Bruce Ballagher  
Antoine Dalli

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL  
**RECEIVED**  
30 MAR 2021  
ST. FRANCIS DITCH  
FLORIANA

Who are all registered objectors of the above-captioned permit issued in favour of Mr Mario Loporto and which covers the site situated Airspace, Skappuccina Court A, Triq I-Onici, Żebbuġ (Gozo). The permit was approved by the members of the Planning Commission, with two votes in favour and one against, in respect of the following development:

***"To construct domestic stores on existing airspace"***

My clients feel aggrieved by the decision of the Planning Commission of 23<sup>rd</sup> February 2021 and published on 10<sup>th</sup> March 2021 and are hereby appealing from the said decision.

It needs to be pointed out that the application was initially submitted and the proposed development was described as "washrooms" even though it must be pointed out that the plans showed a single area. During the EPC hearing of 24<sup>th</sup> November 2020, the registered objectors had pointed out that



the washrooms were not intended to be used by any of the residents, whereupon the proposal was then changed and the description was changed to the current description of "domestic stores", which was eventually approved. During the public hearing when the vote was taken, no justification or explanation was given to justify the fact that the "domestic stores" were being sited atop an existing block of apartments and what use they were intended to serve.

The permit in question was approved in relation to airspace situated on the block of apartments situated at the edge of a ridge in Zebbug, facing an area which is outside the development zone. According to Map 14.14-D, the area is designated as **Development Zone Edge** to which the Gozo and Comino Local Plan policy **GZ-Edge 1** applies.

The site faces an extensive area which is undeveloped and which Map 14.14 -E of the Gozo and Comino Local Plan proposes various areas to be protected as one of the following, depending on the importance of the area:

Proposed Level 2 or higher - Ecology

Proposed Level 3 - Ecology

Proposed Level 4 - Ecology

Regardless of the ecological importance of the area, all proposed areas would be protected in terms of Local plan policy **GZ-LRCN-1**.

Furthermore, the said Map also designates an area immediately in front of the site in question which is designated as an archeological zone to which the local plan policy **GZ-Arco 1 and 2** apply.

The context of the site is being highlighted in order to emphasize the importance of the location in terms of ecology and visual integrity.

The grounds of appeal are the following:

**1. The permit was issued on the wrong site was indicated: Site Plan and Application do not refer to the same site**

The permit was issued to cover Skappucina Court A as was indicated by the applicant in the application. However, the site plan refers to Skapuccina Court C.

Therefore, the Planning Commission has approved either the wrong site description as indicated on the application, or else approved the said application based on the wrong information as indicated in its supporting documents. Therefore it is submitted that the indication of the wrong site renders the permit ineffective and cannot be executed since it is not in conformity with regulation 4 of Legal Notice 162 of 2016.



**2. Proposal breaches Urban Objective 3 of the Strategic Plan for Environment and Development**

Urban Objective 3 of the Strategic Plan provides for the enhancement and protection of distinct urban areas by proposing various measures to be taken. This notwithstanding, the approval of domestic stores on an existing block of apartments which are not intended to serve the residents but, as explained by the architect during his submissions, are intended to be sold to third parties, is diametrically opposed to attaining this objective.

There is no planning justification for the siting of domestic stores on top of a residential block of apartments which do not serve the residential element and to which there is no access by lift. The Appellant has not even attempted to explain the reason which the stores are being proposed when there is no apparent reason or use to the existing residents.

The approval of domestic stores belonging to third parties over a block of apartments introduces a foreign element in an already existing block and goes against the residential amenity of the building and raises safety concerns which, to date, do not exist. Should the permit be executed, this would mean that individuals who are not residents of the building would be able to access the stores and place potentially dangerous items on the building and could even impinge on the safety of the residents. It needs to be pointed out that the apartment does not have a lift and therefore, one presumes that the items to be stored in the topmost floor would have to be carried by hand up the stairs, with the residents having to bear the costs of increased insurance costs as a consequence of this development.

**3. Proposal breaches policy GZ-Edge 1 of the Gozo and Comino Local Plan**

The site is designated as an area to which GZ-Edge 1 should apply and this, as specified in Map 14.14 D of the Gozo and Comino Local Plan

This policy stipulates that the massing and facades of new development which overlooks ODZ areas shall be designed in such a manner as to respect the traditional edge of settlement skylines.

Given the thrust of this policy, the proposal to construct a "domestic store" on this block of apartments at the edge of a ridge and also at the edge of the Development Zone is unacceptable since it is visually intrusive and affects long views of the development when viewed from the opposite side of the valley. The development will negatively affect the skyline and there is no justification for accepting the construction of a domestic store on top of a block of apartments when such stores are normally located at basement level, since they are unsightly.

An examination of the proposed plans also demonstrates that the proposed building is not intended as a store but rather, as a residence, with apertures giving onto a terrace. There is



no reason for storing of any items on top of a block of apartments while marring a protected view.

**4. Proposal is in breach of DC 15 policy G23**

The siting of a domestic store atop an existing block of apartments at the edge of a ridge overlooking an area outside development is in breach of policy G23. Policy G23 requires the external design of all new development to provide visual interest, in order to contribute to the visual interest in the short, medium and long range.

Contrary to this policy, the approved development seriously detracts from the visual integrity of the entire ridge development, introducing domestic stores at the uppermost level of the block of apartments which are visible from the short, medium and long range, given the siting of the block at the edge of a ridge. The stores would be visible from afar and represent the introduction of an element which is alien to the residential amenity of the block.

**5. Approved plans are not compatible with domestic stores**

The approved plans are certainly not compatible with "domestic stores" but are more in keeping with a residential development, replete with apertures and doors opening onto a terrace.

It is submitted that there is the suspicion that the development was never intended to serve either as washrooms nor as domestic stores and the Planning Authority should enquire about this and should never allow the planning rules to be abused of.

**List of Witnesses:**

My clients intend to produce the following as witnesses in order to confirm the contents of this appeal and to testify about other matters:

Appellants who are all residents of Skapuccina Court and/or Lighthouse Court – in order to confirm the facts being claimed.

In the light of the above and without prejudice to any civil action pertinent to appellants in terms of law, the Tribunal is requested to admit the appeal and withdraw the permit issued in favour of the applicant, with costs against applicant.

Regards,



Tanya Seiberras Camilleri



Darren Carabott