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**JG**  
 PERITI

3<sup>rd</sup> June, 2021

The Secretary  
 EPRT  
 St. Francis Ravelin,  
 Floriana

ENVIRONMENT AND PLANNING  
 REVIEW TRIBUNAL  
**RECEIVED**  
 17 JUN 2021

**Re. Proposed alterations at ground floor to partly change of use from Class 4B store to Class 4C, and Class 4A office to valeting station Class 5B. Construction of Class 6A store and Class 4A office at first floor at Attard – PA 05962/20**

Reference is made to the refusal dated 12<sup>th</sup> May, 2021.

Prior to addressing the reasons for refusal, we feel that it is pertinent to point out that a permit bearing reference number PA 3557/16 is still valid for an extension at first floor level over the existing built complex. The extension is to be used for offices.

#### Reason for Refusal 1

As I have already had the occasion in another instance, I hereby contest the way in which Paragraph 1.4 of the Policy Guidance for Fuel Station, 2020 is being taken out of context and away from the spirit of the policy and is being quoted ad-nauseam to prevent any existing fuel stations from affecting additions, within the existing site boundaries, to improve upon their operations. We strongly object to this stance being adopted by the directorate and contend that once the proposed activities are in line with the 'Ancillary Facilities' as outlined in the policy, these uses should not be considered as a redevelopment and/or a change of use and should be accepted once they fall within the already committed fuel station boundary.

#### Reason for Refusal 2

This reason for refusal refers to Paragraph 1.3 of the policy. This paragraph is irrelevant to the case at hand since it is directed towards 'existing fuel stations operating from areas within the Development Zone'. My client's site does not fall under such a qualification.

Reason for refusal refers also to Paragraph 2.13 which stipulates the requirement of clearance from a number of entities. The DPA report clearly stated that all entities, with the exception of ERA, have given their no objection. ERA, however objected to the increase in footprint at first-floor level. In its urge to refuse the proposal, ERA has also sowed doubt by relating this application to another one which has absolutely no connection with what is being proposed in this application. Moreover, ERA has taken

a position whereby, rather than being a consultee, it is interpreting and giving opinions on the policy, something which surely lies outside its remit. ERA is also concerned about the negative visual impact of the extension. Here I would like to once again refer to PA 3557/16 quoted above, and to which ERA had stated that 'the development is limited to an already committed footprint and therefore there are no particular environmental concerns' (refer to Doc JG 01). Strangely enough, in this instance ERA did not have concerns even though the proposal relates to a same type of development within the same committed footprint.

Reason for Refusal 3

Should application be accepted, we would be in a position to revise heights so as not to exceed the 7m limit.

Reason for Refusal 4

This reason for refusal is practically similar to Reason for Refusal 2 and has already been amply addressed.

Reason for Refusal 5

Please refer to attached plan wherein we are including a provision for the required parking spaces.

In view of the above, we respectfully ask the EPRT to consider our arguments and overturn the refusal decision. We also hereby request the right to produce further submissions from myself and our legal representative throughout the course of the appeal.

Regards.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

**J Grech A.&C.E.**