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avukat - perit

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
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11 MAY 2021
ST. FRANCIS DITCH
FLORIANA

TRIBUNAL TA' REVIZJONI TA' L-AMBJENT U L-IPPJANAR

Rif Ta' l- Awtorita': PA/06520/20
(*Deskrizzjoni tal- Proposta*: To separate ground floor restaurant from existing band club premises. To sanction minor internal alterations as built at first and second floor.)
(*Sit:* 31, Kazin Banda San Giljan, Triq San Gorg, San Giljan)
(*Rif Taghna*: 209/21)
(*Rif Tribunal*: N/A)

Ms Theresa Micallef o.b.o. Kazin Banda San Giljan A.D.1927
-vs-

L-Awtorita' ta' Malta dwar l-Ambjent u l-Ippjanar

Rikors tal-appellant
Data: 03.05.2021

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1. Illi din l-applikazzjoni kienet deciza favorevolment mill-Kummisjoni ta' l-Ippjanar (minn issa 'il quddiem 'il-Kummissjoni) nhar l-21 t'April 2021;

2. Illi sussegwentement il-Kummissjoni harget *Non Executable — Full Development Permission* bid-data tat-23 ta' April 2021 bil-kundizzjoni numru 4 ta' l-istess permess tghid hekk:

'To make up for the shortfall in parking provision of 4 parking space, this development permission is subject to a contribution amounting to the sum of

€17000 in favour of the Planning Authority's Commuted Parking Payment Scheme for the locality within which the site is located. The contribution shall be utilised as required and directed by the Planning Authority.'

3. Illi l-appellant qed jikkontesta tali hlas ammontanti ghal *€17000* rapprezentanti *Commuted Parking Payment Scheme* ghas-segwenti ragunijiet:

3.1 Illi fl-ewwel lok, il-Kummissjoni naqset li taghti ragunijiet specifici sabiex tiggustifika tali hlas kif irid l- **Artikolu 72(1)** tal-**Kap. 552** tal- **Ligijiet ta' Malta.** Dan in-nuqqas jirrendi ghalhekk l-ordni ta' tali hlas nulla u bla effett;

3.2 Illi fit-tieni lok, u minghajr pregudizzju ghall-premess, l-appellant jissottolinja li l- *'existing band club premises'* huwa munit b'permess sabiex jadopera bhala *social club* u dan kif jixhdu d-dokumenti markati **Dokument RM6** fl-anness. Huwa pacifiku li, *ai fini* ta' *parking standards*, ***Annex 1: Vehicle Parking Standards*** tad-***DC 15*** ipoggi *'restaurants, bars u clubs'* taht l-istess kategorija.[1] Minn dan isegwi li l-'bdil ta' uzu' (jekk se nsejhulu hekk) minn *club* ghal restaurant ma jimporta ebda zieda fl-ammont ta' *parking.*

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RESTAURANT, BAR OR CLUB				
Per Resident Staff	1	1	1	
Per Non-Resident Staff [4]	0.33	0.5	0.66	
Per 50sq.m [6]	5	7.5	10	

Kwindi, l-Awtorita' kienet fattwalment zbaljata meta kkonkludiet li tali bdil ta' uzu minn *club* ghal *restaurant* jimporta '*.....shortfall in parking provision of 4 parking spaces*';

4. Illi *in vista* tar-ragunijiet sovra espressi, l-appellant qed jitlob lil dan it-Tribunal jesonora lill-appellant milli jhallas l-imsemmi ammont ta' €17,000 rapprezentanti *Commuted Parking Payment Scheme* u jordna l-hrug tal-permess **PA6520/20**.

5. Illi flimkien ma dan ir-rikors, l-appellant qed jannetti s-segwenti dokumenti:

- **Dokument RM1:** Kopja tal-formola ta' l-applikazzjoni
- **Dokument RM2:** *Site plan* relattiva
- **Dokument RM3:** Pjanti sottomessi ghall-approvazzjoni tal-Kummissjoni
- **Dokument RM4:** Kopja ta' l- *post decision requirements*
- **Dokument RM5:** L-ircevuta tal-hlas tad- dritt ta' l-appell
- **Dokument RM6:** Evidenza li turi li l-fond huwa munit b'permess biex jopera bhala '*club*'.

Dr Robert Musumeci
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LISTA TA' XHIEDA

1. Kummissarju tal-Organizzazjonijiet Volontarji sabiex jixhed dwar il-fatti kif jafhom hu
2. Membri tal-Kumitat Banda San Gijan AD 1927 sabiex jixhdu dwar il-fatti kif jafuhom huma
3. Rapprezentanti tal-Awtorita' ta' l-Ippjanar sabiex jixhdu dwar il-permessi li jolqtu l-fond *in disamina*