

25th May 2021

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/8309/20

Lokazzjoni: Training Room, 22, Triq tat-Targa, Magtab., Naxxar

Proposta: To sanction internal and external alterations and change if use from Class 5A/6A/8 to Class 3C (gym)

Ref. Taghna:

Ref. Tribunal:

David Varju

vs

L-Awtorita' ta' l-Ippjanar



The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2020.
- II) This application was refused by the Commission and the decision was published on the 28th April 2021.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 The proposed use a sui generis use and the assessment made in this case is in complete disregard to the proposed use and the adequacy of the said use in the area in question. An identical permit was approved in PA 5750/18 and the proposed use was considered justifiable within the context of the area.
- 1.3 The same assessment was made, albeit in a different locality, by this Tribunal in the case Micallef et vs. l-Awtorita et. (PA 2938/15 – Appell 104/16) decided on the 20th december 2016.
- 1.4 Similarly, a permit was issued for a performing arts studio in PA 2550/13 decided by this Tribunal (appell 71/14) on the 29th January 2015.
- 1.5 The proposed development is thus in line with the applicable policies regulating the site, and is not contrary to the provisions of the applicable policies, also taking into consideration the provisions of Article 72 of Chapter 552 of the Laws of Malta.
- 1.6 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



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