

MFF/ic/900/31/87

3<sup>rd</sup> January 2021

The Secretary  
Environment and Planning Tribunal  
P O Box 172  
Marsa



Dear Sir,

**Re: RG 00320/21 – 50, Triq ic-Cawqli, Qormi**

On behalf of our client, Mr. Joseph Zammit (808457M) of 224 Triq l-Imdina, Qormi, we are herewith submitting an appeal against the decision taken by the Planning Authority to refuse the above Regularisation Application PA/00320/21 that proposes the regularisation of a store/workshop/retail/showroom at ground floor level and store at basement level at 50, Triq ic-Cawqli, Qormi.

The reasons for refusal are that Class 6A use is not in conformity with policy CG 07 of the Central Malta Local plan and since use of site as Class 6A may result in constant noise and vibrations and therefore construes an injury to amenity to the residential setting of the area.

As a matter of fact, the development does not cause injury to amenity as claimed. The garage is already in use as a store and workshop as evident from photos submitted during the processing of the application. Annual company reports, together with company registration documents are both proof that the premises have been in use as a store prior to 2016. No enforcement is in force on site, which goes to show that the use does not create nuisance to the neighbourhood.

Indeed, if the nature of the building that is the subject of this regularisation request was in consonance with existing policies, we would have advised applicant to apply for the sanctioning of the existing development and not for its regularisation.

One cannot understand how the reasons for refusal for sanctioning in this case are the same reasons why a regularisation was requested rather than a full permit.

On the other hand, in the area where applicant's property lies there have been several similar regularisation applications all of which were approved except for applicant's application.

The list of regularisation permits issued in the area includes:

- A garage that is directly adjacent to the site of applicant was regularised through RG/02491/18. This garage, albeit lying within a residential area has been regularised into a commercial store.

- Site of PA/05325/93 which requested the change of use of a garage to a panel beater shop. This development was approved through PAB/00169/94 since workshop is used only during normal working hours.
- RG/04089/18 regularising the configuration of a building licensed as a shop to sell cars, vans, motorcycles and spares.

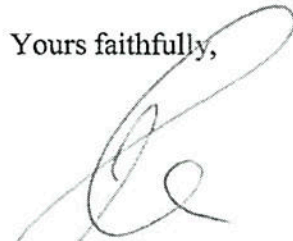
In the meeting held on 11-10 – 2021 the Planning Commission (Regularisation) recognised that document at 29b shows the extensive commitments which had been established since the 90's (as confirmed in doc 16f). However, it then proceeded to refuse applicant's request.

This is unacceptable as it is tantamount to discrimination.

We therefore submit that the refusal should be overturned and the request for regularisation should be accepted.

We reserve the right to submit further evidence of other similar decisions during the processing of this appeal.

Yours faithfully,



Ian Cutajar A&CE  
Falzon & Cutajar  
Architects and Civil Engineers