

9th May 2022

The Environment and Planning Review Tribunal

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
11 MAY 2022
ST. FRANCIS DITCH
FLORIANA

Nru. ta' l-Applikazzjoni: PA/914/21

Lokazzjoni: 95, Triq il-Bazilika, Mosta

Proposta: Change of use from garage to child care centre Class 2C, minor interior and exterior alterations and installation of new sign.

Ref. Taghna:

Ref. Tribunal:

Mr Anthony Miceli Demajo Holder of ID card 821347M who resides at 125, Triq il-Bazilika, Mosta

Mr Carmelo Chetcuti holder of the ID card 505955M who resides at 97/2, Triq il-Bazilika Mosta

Ms Pauline Chetchuti holder of the ID card 304957M who resides at 97/2, Triq il-Bazilika, Mosta

Mr Daniel Lenicker holder of the ID card 408283M who resides at 97/3, Triq il-Bazilika, Mosta

Ms Gemma Muscat holder of the ID card 177454M who resides at 97/3, Triq il-Bazilika, Mosta

Ms Joan Muscat holder of the ID card 303459M who resides at 97/1, Triq il-Bazilika Mosta

Mr Frans Muscat holder of the ID 359456M who resides at 97/1, Triq il-Bazilika Mosta

Ms Claire Mangion holder of the ID63879M who resides at 93, Triq il-Bazilika, Mosta

vs

L-Awtorita' ta' l-Ippjanar and Pierre Micallef

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was approved by the Commission and the decision was published on the 13th April 2022.

III) The appellants feels agrieved by this decision and are 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* In approving this application on the basis of a wrong interpretation and application of the policy, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate against this development.
- 1.3* The proposed development is not in line with the local plan policies regulating the site, and is contrary to the provisions of the applicable policies.
- 1.4* The proposed development does not satisfy other applicable criterea and requirements that are necessary for this development to be favourably considered and approved.
- 1.5* The approval is based on requirements that are not within the control of the Applicant to execute and which, as will be seen through a simple site inspection, lead to a danferous situation for the Appellants and other pedestrians using the road in question.
- 1.6* Similar and identical proposals were refused in numerous cases especially in the light of the fact that the use necessitates the tranportation of the children to the premises in a street and area which is already problematic.

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.



Av. Ian J. Stafrace
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