

14th October 2022

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/2993/20

Lokazzjoni: 167, Triq il-Wied, B' Kara

Proposta: Change of use from Class 4B shop for sale of religious articles to Class 2C (a) day centre, run by charitable non-profit organisation and extension at first and second floor including: 1 - Proposed reception, dining room and office to replace shop retail area, kitchen to replace store, and wc/washroom to replace existing kitchen at ground floor. 2 - Minor internal alterations and extension of counselling room at first floor. 3 - Change of use of washroom to office at second floor, and extension of same. 4 - Construction of store at second floor. 5 - Installation of PV system at roof level.

Ref. Taghna:

Ref. Tribunal:

Id-Dar tal-Providenza

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 September 2022.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o 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 refusing 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 in favour of the proposal.
- 1.3* The proposed development is not dissimilar from the permitted use of the property in question and hence accessibility issues should not have been raised since the current permitted use already caters for a shop.
- 1.4* The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.
- 1.5* The authority ignored the fact that the applicant is proposing a community service which is much needed in the area in question. The same applicant is a major stake holder in the provision of services and a major promoter of accessibility. Yet, the circumstances of the property in question are beyond the control of the applicant and this decision will ultimately lead to the cancellation of an effort intended for the benefit of the community.

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, users, members and representatives of the appellants, consultants and consultees and officers of the Authority to confirm the facts.



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