

28th February 2023



The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/5507/20

Lokazzjoni:

Ta Ganza, Triq Marju Pace c/w Triq Guze Duca, Qormi

Proposta:

Sanctioning of supermarket as built, comprising minor changes in the configuration of the walls at all levels, minor changes in the elevations, addition of passenger lift at basement, ground floor and first floor, change of use from showroom to supermarket (both Class 4B) at first floor, change of use of second floor from showroom to store.

Ref. Taghna:

Ref. Tribunal:

Diane Curmi

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 15th February 2023.
- III) The appellant feels agrieved by the 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 It is clear that the application should have been considered acceptable to the Authority on the strength of the fact that the building in question is a legitimate building with a legitimate use;
- 1.2 The Proposed development is in line with the Local Plan policies regulating the area in question and hence the proposal should be acceptable;
- 1.3 The CRPD clearance was submitted (117B) and hence the first reason for refusal is not valid.
- 1.4 The other two reasons for refusal are likewise not valid. One must immediately note that TM did comment in the course of the application and its comment was limited to alignment issues.
- 1.5 The failure by TM to reply to the subsequent consultations or the imposition of further requirements should be considered according to law and should be considered as a no objection.
- 1.6 The loading bay is a legitimate proposal for a loading bay and should be considered within the context of the site in question and the fact that the area local plan enables this use. It certainly cannot be considered as a breach to the amenity of the area.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to annul the decision of the Commission, and order the approval of the application in question and hence the issue of 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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