

2nd May 2023

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/4108/22

Lokazzjoni: 29, 30, 31 Triq Baranaba, Bugibba, San Pawl il-Bahar

Proposta: Roofing of front garden with temporary, lightweight, glass and steel canopy. Installing new signage in the top part of the structure

Ref. Taghna:

Ref. Tribunal:

Hansa Wines and Spirits Ltd.

vs

L-Awtorita' ta' l-Ippjanar



The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was refused by the Commission and the decision was published on the 5th April 2023.
- 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).
- o 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 applicable policies which are clear in enabling the proposed development and also on the strength of identical permits issued on sites within touching distance from the site in question.

1.2 The Authority could not and should not have refused the application simply because it intensifies the use, since the current use is a legitimate use and hence the current application consolidates and compliments the said use.

1.3 In PA 3991/20 and PA 5891/19 the Authority approved the use as a Class 4C on the basis of the following:

In line with S.L. 552.13 regulation 13(4), justification related to reasons in the DPA report as follows: 1.0 Board noted the site context as presented by the Architect in doc 53a which is a material consideration and also the proposed use is in line with SPED TP 1.5 2.0 Board noted that as noted in Structure Plan Policy TOU 4 the locality is listed as a Tourism Locality therefore the provision of DC15 P18 to apply subject to the payment for the shortfall.

1.4 The other reasons of refusal are ancillary and consequential to the main reason for refusal and can be easily addressed.

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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