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Date: 03 November 2017

Our Ref.: 10/1388/17

Your Ref.: RG/01400/17

The Chairperson
Environment and Planning Review Tribunal
P.O. Box 172
Marsa

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
RF 01400/17
24 NOV 2017

Dear Sir,

Re: Appeal against refusal of RF 01400//17 – Betaland, Tigne Towers, Triq Tigne c/w Triq Sant Antnin, Sliema – To Regularise existing Offices (Class 4a) at Levels -1 and 0 ‘as built’.

I have been instructed to write to you by my Client, Mr. Joe Xuereb obo Contracts Development Ltd., to appeal against the refusal in caption which was published on 1st November 2017.

The application was primarily refused in view of the loss of parking spaces at Level -1 due to the conversion into offices and was thus considered to be an ‘Injury to Amenity’

Basically, we have lost 8 existing parking spaces and need to provide for 5 more spaces based on a net customer usable floor space of circa 215sm (excluding garage archives, stairwell and toilets. There is still a 1 -car garage on site so the total parking provision required for existing + proposed use is $(8 + 5 - 1) = 12$ car spaces.

Now when we come to assess the injury to amenity the Tribunal should take into consideration the following:

1. There is no actual loss of parking spaces or ‘injury’ to the existing residents of the overlying apartment block since there are still a provision of **17 car spaces** in the other lower basements.



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2. Level -1 parking level was sold together with the ground floor that was covered with an Office permit PA 7096/06 and therefore did not cater for the overlying residential use.
3. Today Planning Authority and ERA are encouraging new office developments to provide a Green Travel Plan for sustainable travel planning with the aim of reducing the use of private cars to get to work and promote alternative means of transportation such as car-pooling, public transport, cycling and now electric cars that can take you from point to point with reserved parking.
4. So Today it is not really a question of providing more car spaces within the block, since that will encourage the use of the employee's' personal cars and create more traffic congestion and pollution.
5. With regards to jurisprudence, the Regularisation Board have a regularised an application for the 'change of use from a garage under an apartment block to a semi- basement flat, namely RD 333/17. The principle of loss of parking and injury to amenity should have been treated in the same way otherwise our refusal can be construed as 'planning discrimination'

To conclude it makes no sense to lose valuable office space that is being rented out by gaming companies whose employees rarely use cars when no proven 'injury to amenity' has been established by form of objections to the Regularisation Application from both residents, neighbours and the Local Council. There is also a very large public carpark in the immediate vicinity under the Fort Cambridge Development which is always practically empty and can be utilised by staff and visitors alike.

Finally, we therefore propose that we contribute to the CCPS or UIF for the area to cater for the loss of existing parking spaces as well as for the new spaces required by the new office development amounting to 12 car spaces. I am sure the money could be well utilised by the Government and Local Council to promote a green Travel Plan for Sliema and St. Julian's.

Thanking you,

Yours Truly,



Perit Martin Farrugia B.E.& A.(Hons.)

cc: Client