

Perit A. Fenech Vella B.Arch, A&CE, ACI Arb

Architect & Civil Engineer (Warrant No 73), Arbitrator

Office : 45, Ta Xbiex Seafront, MSIDA. MSD 1514

tel : +356 21340369 fax: +356 21310882

e-mail : peritafv@afv-arch.com

our ref : 16028

16th May 2011

The Chairman,
Environmental & Planning Revision Tribunal
P.O. Box 172
Valetta CMR 02



Sir,

RE: PA2848/17 Taxien

On behalf of my client, , I wish to lodge an appeal against the refusal issued by the EPC and published on the 23rd May with respect to a request to regarding an application '

'To erect 4 apartments including receded floor over garages at ground floor level''

primarily on the basis that we had not yet obtained clearance from Transport Malta.

Whilst it is an acknowledged fact that the EPC deferred its decision 4 times starting off on the 28th November, a period which however also included 3 public holidays and the Xmas shutdowns, the issue raised was a zebra crossing which has been placed close to the applicant's site and which however had not been raised in its consultation response of the 19th July 2017 (doc 73B)

In the Case Officer's report (doc 88a), the only reference to a traffic related issue is one related to the internal safety of the residents of the block; in fact a request for swept paths to Garage 1 is indicated as a requirement. The TM doc 73b came much later and indicated a clearance from there end, and is so mentioned in the DPA in its consultation report section.

In the meanwhile, swept paths for internal manouverability were presented and an issue was raised regarding the visibility and safety in the passage leading to the stairwell.(vide doc 77a)

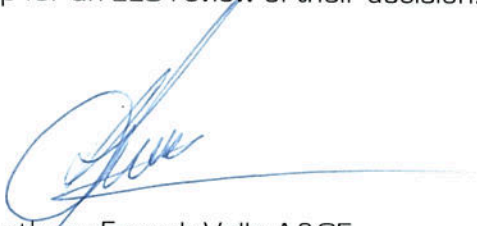
It was at the EPC meeting of the 28th November that a Clearance from TM was requested. Unfortunately , besides the fact that the applicant has no control over time frames with Transport Malta, the TM requirement letter dated 14th November 2017, was only uploaded on the website on the 1st December 2017, ie , after the deferral .

After a long saga of tooting and froing between TM and the Tarxien local Council, the final TM clearance arrived in a letter dated 30th May 2018 (copy attached) after the decision of the refusal.

The other issue of the closure of the garage opening has never been an issue but was kept pending until the swept paths were approved by TM in order to design the door accordingly. This can now be done. *as shown on attached drawings*

With regards to the setback issue, there is no problem to do so but we had explained and argued with the EPC that as both neighbouring properties are setback themselves, we felt that by keeping ours in line with theirs the end the result would aesthetically be better than if we had to keep to the alignment as a result of which our building would have a jutting pointed corner jutting out on the left hand side and an engulfing corner on the other side.

In view of the fact that the refusal is based solely on what was an issue that has been resolved but communicated late, can the Tribunal kindly dismiss it and remit the proposal up for an ELC review of their decision. Thank you



Anthony Fenech Vella A&CE

Encl. Copy of Refusal/ Levy Payment/ Site Plan/ Copy of TM Clearance

/Site photo / Plans