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Your Reference PA 1652/21

Our Reference 240/98

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

27th May 2021
RECEIVED
- 4 JUN 2021

The Director
Environment & Planning Review Tribunal
St. Francis Ravelin
Floriana

ST. FRANCIS DITCH
FLORIANA

Re: GARAGE AT TRIQ IS-SIDRA, SWIEQI, FLORIANA

I would like to submit an appeal to the permit PA 1652/21 which was refused on the 21st May 2021. This application was for a change of use from a garage to Class 4B retail and to fix a sign to the facade.

This application was refused for the following reasons:

1. The proposed development will remove the existing parking spaces for the building and so it would be in conflict with the Thematic objective 10.6 of the Strategic Plan for Environment and Development Policy and runs counter to the Vehicle Parking Standards of the Development Control Design Policy, Guidance and Standards 2015 (Annex 1).
2. The proposed Class 4B shop is not listed among the acceptable uses for a residential priority area, as described in Policy NHHO 02 of the North Harbours Local Plan. The shops mentioned are on heavily committed Triq is-Swieqi.

This garage forms part of a larger development consisting of garages at basement level, two garages (one of which is the garage in this application) and two Class 4B commercial outlets at ground floor level. Overlying these premises there are eleven apartments (11) and one (1) penthouse.

The existing development requires thirteen (13) car parking spaces, one for each apartment (11) and two (2) for the penthouse. The Class 4B shops are considered as local shops and do not require additional parking spaces. The two car parking spaces for the penthouse can be accommodated in the remaining garage at ground floor level, in which two cars can be parked one behind the other. At basement level, there are nine garages, which mean that there is a shortfall of two parking spaces.

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However, in PA 4106/20 there was a payment for UIF contribution for three car parking spaces amounting to eleven thousand Euros (€ 11,000.00). The missing two car parking spaces were already paid through PA 4106/20 and in fact, on this site there is an extra parking space.

On the same site of this application, two other permits were approved; PA 4172/18 and PA 7924/18 were approved for a change of use from a garage to Class 4B retail. These applications were also refused on the grounds that they are situated in a Priority Residential Area, however the Planning Commission has approved these applications since in the opinion of the Planning Commission, there already exists similar commercial commitments in the same area and therefore in the opinion of the Board, the proposal is in line with Planning Act VII of 2016 article 72(2d) and SPED UO3.5 in view of the local use of the proposed shop.

Policy P1 of the Development Control Design Policy, Guidance and standards 2015 refers to the extent of commitment. This policy states that the extent of commitment that is to be taken into account when analysing an existing context will include the existing legally built developments as well as other valid planning commitments, even if not yet constructed.

In view of the location of these premises situated in a prominent location at ground floor level, as well as the fact that in the vicinity there are a number of existing commercial outlets, as well as approved permits for new commercial outlets, I expect that this application should be recommended for an approval since this area cannot be considered as a priority residential area as it has been committed to commercial activity many years ago.

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