

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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ST. FRANCIS DITCH
FLORIANA

Environment and Planning Review Tribunal
Block B, St. Francis Ditch,
Floriana

30 October 2021

Reference	PA/1920/21
Location	Sarrebico, Triq is-Salib tal-Imrieħel, Mrieħel, Birkirkara
Description	Proposed changes to PA 1966/10, including change of use of Class 4A offices to ground floor level parking, from Class 6A storage spaces to Class 4A offices at first and second floor levels, as well as proposed additional floor at roof level to current policy extents and surrounding commitments.



Dear Members of the Tribunal,

Reference is made to the above-mentioned development permit application which was approved on the 23rd of September 2021.

Whilst noting the favourable recommendation for application, an appeal is hereby being lodged in order to revise the calculation of parking in line with recent interpretations and judgements by the same tribunal.

In our opinion and in line with similar interpretation by Tribunal, the calculated area of 530m² by case officer in reaching the gross requirement of 11 spaces should be revised on the basis of lettable areas over first, second and receded third floor levels which amount to a total of 444m² – which excludes only the reasonably allocated ancillary areas¹. These ancillary areas are not meant to have a permanent presence of building users. On this basis, the gross requirement should therefore be revised to 9 from 11.

This basis of reasoning has been recognised by EPRT appeals boards through approved PAB/280/20 (PA/29/20), which indicated:

L-erja tal-ufficini huma distinti u separati mill-kuritur u spazzju ta' cirkulazzjoni, u għalhekk zgħur li dawn l-erjas li huma esterni minn l-ufficini ma kellhomx jingħaddu mal gross lettable floor area tal-ufficini skont dak indikat f'Annex 1 tal-linja gwida DC15 għall-kalkulazzjoni ta' parkegg.

Sincerely,

Kurt Vella A&CE

Warrant no: 622

¹ Toilets, kitchenette, archiving and server rooms