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PERIT

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**Our Ref: 17001**

**Your Ref:**

The Environment and Planning Review Tribunal  
St Francis Ditch  
Floriana

30<sup>th</sup> November 2017

To Whom It May Concern:



**Re: PA/2599/17 – Site at, Triq Sammy Bartolo, Mellieha**

Reference is made to the application with reference number in caption, and to the Planning Commission's refusal against the proposal subject of this application.

### Background

The proposal subject of this application consisted of a pool and ancillary facilities at Level -3, and seven overlying residential units at Levels -2/-1/0/1/2/3/4, including also one parking space at Level 0. The back part of the site, although within the development zone, overlooks one of the valleys passing through the centre of Mellieha, and in fact a self-imposed setback of c. 9.8m was being proposed at the back of the site such that the back part of the proposed residential units would have a view of the valley.

### Reasons of Refusal

The reasons of refusal were as follows:

1. *The proposed development includes separate dwelling units at basement level, which are also without outlook and thus poor in residential amenity. The proposal therefore runs counter to the provisions of policy P38 of the Development Control Design Policy, Guidance and Standards 2015, which does not allow separate dwelling units at basement levels. The proposal is also counter to policy P45, which states that development without an outlook will not be allowed.*
2. *The proposal runs counter to Thematic Objective 10.6 of the Strategic Plan for Environment and Development and to the car parking standards set out in Development Control Design Policy, Guidance and Standards 2015 (Annex 1) in that it fails to provide the required car parking spaces. It will give rise to unacceptable additional on-street car parking which would not be in the interests of the amenity of the area. In this case, it is not physically and technically unfeasible to provide parking on site, and thus the non-provision of car parking space, as provided for in Policy P18, is not justified.*

### Timeline

During the first hearing which was held on 20<sup>th</sup> September 2017, the Planning Commission commented that:

1. Re: Reason of refusal 1 – the level 0 and -1 are to be interconnected to form one residential unit, and the dwelling at level -2 would be eliminated;
2. Re: Reason of refusal 2 – the Planning Commission would accept that the applicant would compensate for the non-provision of parking spaces through the UIF contribution.

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Subsequently the case was deferred for another sitting; however the applicant felt that in view of similar commitments within the same street, the residential units at Levels -2 and -1 should be approved. The proposal was therefore not amended according to the Planning Commission's recommendations.

During the second hearing which was held on 18<sup>th</sup> October 2017, the Planning Commission decided against the proposal since reason of refusal number 1 had not been addressed since the proposal had not been revised accordingly.

### **Appeal**

It is to be noted that this appeal is being lodged not to contest the Planning Commission's decision to refuse the proposal, but in order for the EPRT to give the applicant the opportunity to amend the proposal according to the Planning Commission's recommendation i.e. that Levels 0 and -1 would be interconnected, and the residential unit at Level -2 would be eliminated, as per the attached plans.

In this manner, reason of refusal number 1 would be addressed, whereas with regards to reason of refusal 2, the applicant confirms that he is willing to pay the UIF contribution to compensate for the parking spaces which are not being provided within the development.

Hence we are hereby kindly requesting that the EPRT considers the revised plans being attached to this submission, such that the proposal would be approved accordingly.

Yours faithfully,

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