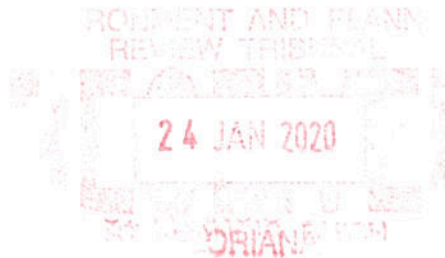


Our Ref: GV200901

Your Ref: PA 6661/19

Date: 23 January 2020

Environment and Planning Review Tribunal
St Francis Ravelin,
Floriana



Dear Madam / Sir

Re: Appeal against the granting of development permission PA 6661/19 - Change of use of a corner garage into a Class 4A outlet. Proposal also includes internal alterations to install a restroom. - A/ Garage E, Triq Sir George Borg, Triq Dun Karm Psaila, Sliema.

On behalf of my clients, who are the registered objectors to the application for development permission PA 6661/19, I hereby am presenting an appeal against the decision taken by the Planning Authority to grant said permission.

The proposed development runs counter to policy P18 of DC15 as well as contrary to the provisions of Thematic Objective 10.6 of the Strategic Plan for Environment and Development Policy”.

This fact was acknowledged by the Case Officer in his report (Ref 61a) in which the Planning Directorate recommended a refusal of the application. The recommendation for refusal of the application was confirmed in the subsequent Case officer’s report Ref 114a. In the latter report it is suggested that the transgression of Policy P18 of DC15 could be addressed by recourse to a CPPS contribution.

It is clear that the transgression of Thematic Objective 10.6 of the Strategic Plan for Environment and Development Policy” was not addressed at any point during the planning process. No explanation is provided why this objection was overruled by the Planning Board.

It is also evident that the claim that the refusal reason based on the application being contrary to policy P18 has been addressed is based on flawed logic. The purported mitigation related to Policy P18 is based on a gross misrepresentation of the same policy by the Planning Authority.

Policy P18 of DC 15, Parking Provision and Typology states:

“For both residential and non residential development there will be a concerted effort to provide on site parking in line with the Vehicle Parking Standards provided in Annex

I to this document. This will be particularly enforced in residential areas. If this is physically and technically unfeasible/impossible, or undesirable, there will subsequently be a contribution to a Commuted Parking Payment Scheme (CPPS).'

The application in question is for development that by its very nature has the exclusive intention to remove a parking space and substitute it with another use. It is clear therefore that the spirit behind the policy refers to development in which at least some effort is expected to provide parking space(s). It is indeed impossible to make an effort to provide on site parking in the case of a proposed development that has as its exclusive purpose the removal of a parking space and substitution with another use. It follows therefore that the interpretation of this policy as somehow allowing the development to proceed on the basis of a CPPS contribution is fundamentally flawed. CPPS contribution is intended as a last resort or measure when one could not provide on site parking when applying for a proposed development.

In the light of the above, we respectfully submit that the Review Board consider the issues concerning the case and that that the original case officer's recommendation to refuse the application is confirmed.



Perit Dr Joseph Spiteri