

Jesmond Mugliett BE & A(Hons), MSc (Bath) A, & C E

ARCHITECT & CIVIL ENGINEER
DESIGN CONSULTANTS
1A B'Bugia Road Tarxien
TXN 1821

1st November 2022

The Chairman
Environment and Planning Review Tribunal
St Francis Ravelin
Floriana



Dear Sir

Application PA/3434/22 refers. This application was refused for the following reasons:

The proposed development will remove the existing parking space for the building and so it would be in conflict with 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).

On behalf of my client I wish to submit an appeal from this decision.

The application was for **'Proposed Internal and External Alterations, Change of use from Garage to a Class 4B shop. Installation of a fascia sign'** at 68 Triq il-Kulleġġ I-Antik Sliema

The property where the garage is located is a proposed garage forming part of development covered by permit PA/5688/21. This permit includes the permission to build seven apartments and a penthouse above the garage subject of application PA/3434/22. In the Case Officer's report it was stated that parking requirements of proposed development PA/5688/91 was eight parking spaces and after reviewing the layout of the garage proposed at ground level, the garage was considered as providing only one car parking space. Below is an exact reproduction of the reference to the parking requirements of the DPA report of PA/5688/21.

• *Parking requirements*

The parking requirement for the proposed development is as follows:

<i>Existing unit with garage</i>	-
<i>Proposed units from 1st to 7th floor level:</i>	<i>7 unobstructed spaces</i>

Proposed 1-bedroom unit at recessed floor level: 1 unobstructed space

Provided 1 space

Thus, UIF applies for 7 cps in line with P18 of DC15.

In the updated case officer's report (revised conditions, Clause 3) it is stated that 'To make up for the shortfall in parking provision of 7 parking spaces, this development permission is subject to a contribution amounting to the sum of €35,000 in favour of the Planning Authority's Urban Improvements Fund for the locality. The funds raised shall be used to fund traffic management, green transport, urban improvements or similar projects. The contribution shall be utilized as required and directed by the Planning Authority.'

In the approved permit the UIF was changed to five car parking spaces, which by implication results in three unprovided car parking spaces. In our opinion the proposed garage can only provide two unobstructed car parking spaces and in effect the real shortfall is of two car parking spaces.

We would like to point out that with the proposed change of use the space in front of the proposed shop will be made available for parking and will not be restricted by other measures that preclude parking (eg. Double yellow lines, reserved parking or unloading bay). Thus the car provision that will be lost, should the appeal be upheld, given the payment of the UIF would be one car parking space. In our opinion releasing one parking space along the street would result in more take up of this parking provision than the one lost parking space within an internal garage.

We would like to underline that the proposed shop, as stated in the DPA report, having 71 sq.m. is considered to be for local use and does not need parking provision.

We would also like to point out that the calculation of parking requirements always assumes that households living long term would be occupying the various apartments overlying the proposed shop. Considering the location of the site, and the size of the apartments, it is very likely that the apartments would be used for short stay use by visitors who would not use private cars for their everyday transportation. Thus it is very likely that the parking provision established as being required will not materialise in effect.

All these arguments were made at the EPC board hearing of the 30th August, when the only two members of the EPC board present appeared to agree with this argumentation. In fact the decision

was deferred in order to provide revised conditions. This is clearly stated in the Notes to Committee of the Updated Case Officer's Report which states:

'In line with S.L. 552.13 regulation 13(4), justification related to reasons in the DPA report as follows: PC noted that the loss of only one parking space is acceptable subject to the contribution of a UIF. CO please analyse submissions (including SEO assessment), update NTC and submit conditions of permit if addressed (without prejudice).'

When the application was discussed again, on the 4th of October 2022, for some strange reason the board, decided that there was more than one parking space lost. As stated above we reiterate that in fact only one car parking space will be lost as the garage can only take two unencumbered parking spaces and satisfying the parking provision only if it is sold to the penthouse owner. If the garage is sold to the owner of one of the apartments, it will only address the shortfall of one car parking space. Moreover we reiterate that in any case with the proposed change of use one parking space on the outside along the kerb will be gained.

Given the reasons outlined above, we feel that there are enough justifications for this appeal to be upheld. I thank you and remain



Jesmond Mugliett