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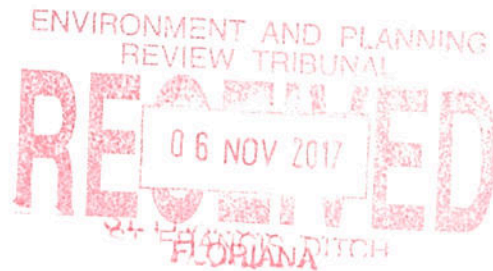
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PA

V.A.T. Registration number 1108-0503

03rd November 2017

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



PA Ref

PA/04827/16

Proposal Location

Plaza Hotels, 248, Triq it-Torri c/w, Triq San Frangisk, Sliema, Malta

Proposal Description

An additional three floors in line with PA's DC 2015 and two more floors through the concession for hotels adding 92 rooms to the existing 211 rooms, creating a total of 303 rooms, a proposed shared space at Level 0, and a lightweight footbridge at Level 11 connecting both wings at the same floor including alterations on all floors.

Proposal Justification for Appeal following Refusal

The case officer report, min. 211a (13th July 2017), was compiled prematurely, claiming that due to times frames set in L.N.162 of 2016, the Planning Directorate could not request further revised drawings and/or documentation to the applicant/perit.

The report concluded that the application is being recommended for refusal due to the lack of transition between different Local Plan height limitations and the creation of an extensive blank wall would intensify the development and generate negative impacts on the skyline, scale, streetscape and the surrounding environment, counter to the requirements set in P6 of the DC2015 and the Height Limitation Adjustment Policy for Hotels. Following submission of revised proposal and republishing of application, the architect also failed to submit revised visuals to include both the additional floor level and the shared space at ground floor level. Also, objections and request for further information and/or amendments from the National Commission Persons with Disability (CPRD), Enemalta (ENE) and the Sanitary Engineering Office (SEO) still remain unresolved.

However, the Directorate failed to inform and/or communicate with the architect in any way that there were unresolved issues within the application and proceeded to compiling the report.

Following the report, our office provided feedback (min.225a) to the issues which the Directorate outlined as reasons for refusal (min. 211 a), listed below for ease of reference:

Extract from min. 211a:

1. The proposed development runs counter to Policy P6 of DC2015 since it does not include an adequate transition design solution between different Local Plan height designations. The proposed development would generate negative impacts on the skyline, scale, streetscape and the surrounding environment.
2. The proposed development would result in blank walls and does not respond positively to its context particularly in terms of height, streetscape and built form. Thus, the proposal runs counter to the requirements set in the Height Limitation Adjustment Policy for Hotels.
3. The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in view that the proposed floors are not recessed with respect to the width of Triq San Frangisk.
4. The proposal lacks the necessary information to enable further assessment in terms of visual impact and amenity, accessibility by disabled users, electrical requirements and clarification on the actual number of guest bedrooms. No submissions had been received within the stipulated period as set in Regulation 12 (1) of L.N. 162 of 2016.

Extract from min. 225a:

Elevations 2 & 3 (mins. 127t, 127u) clearly show that there is adequate transition between the adjacent residential buildings directly behind the hotel on Triq San Frangisk. In fact, it is clear that the proposal attempts to setback at every floor. Elevation 2 shows abutting UCA buildings where blank walls have been minimised. On Elevation 3, blank walls are almost non-existent as the allowable height limitation through DC 2015 for this area is 29m. In fact, PA/02738/17 has already been approved for such height.

We would like to respectfully disagree with this statement as the building itself fits into the context seen across the entirety of Tower Road, Sliema and is in no way differing from this architecture. The 'blank walls' we assume the report is referring to may be those seen from the back. Measures were proposed by our firm in order to tackle this, presented in min. 56 and it was unanimously agreed by all parties that the design in min. 56h would be employed. We believe that this issue was therefore already solved. We are submitting a number of renders and visuals which clearly show that there is no injury to amenity as a result of this development.

L.N. 227 of 2016, Art. 14 states that "there may be exceptions [to the height to width ratio] depending on the site context, in which case any façades which are higher than as provided in this regulation are to respect the surrounding context." Through the visuals submitted as well as photographs taken throughout Tower Road, Sliema, one may notice how the context of the site is continuous in that, the height of buildings on Tower Road are not recessed at every floor beyond the 3:1 ratio at any side street. Therefore, it is our humble opinion that in this case, the Planning Commission may consider the applying the exception in accordance to L.N. 227 of 2016.

The information requested with regards to accessibility and electrical requirements above was submitted on the 11th July 2017, before the deadline stipulated in L.N. 162 of 2016. We would appreciate if CRPD and Enemalta are made aware of such submissions in order to submit their comments. Moreover, as stated above, we have submitted visuals for your attention which clearly show favorable visual impact and amenity.

19/07/2017

Moreover, a number of renders, allowing the Directorate to assess the visual impacts of the proposed development addressing No.4 while arguing that there are existing commitments along the streetscape which do not justify Nos. 1,2 & 3. Clearance from Enemalta was also submitted prior to the first Commission Meeting.

02/08/2017

During the Commission Meeting held 2nd August 2017, the office was requested “to submit fresh drawings in order to address concerns raised by CRPD, SEO, ERA and the neighbouring third parties. Clearances by consultees are to be obtained. Also the back facade is to be treated and 3d drawings also to be presented, distant views of how the proposal will look will also be presented.”

19/09/2017

Fresh drawings as required by the commission were submitted in the form of Option 1 (min. 264) & Option 2 (mins. 291-292-293) together with massing models of both proposals. The difference between the two options would be the discrepancy between the architect and the commission due to the setbacks of Triq San Frangisk, or rather Option 2 would be compliant to the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in view that the proposed floors are not receded with respect to the width of Triq San Frangisk. At this stage, clearance from CRPD was obtained with respect to plans presented in Option 1.

20/09/2017

In the meeting held at the Planning Commission, the office was “requested to submit upload fresh plans in order to provide more details on Option 2 as outlined in min 292b - particularly details of how the blank party wall at the back of the property to the right of the site as seen from the promenade are to be provided, also to obtain CRPD clearance on fresh plans.”

29/09/2017

Fresh drawings as required by the commission were submitted (min. 312) highlighting in particular the details pertaining the blank party wall at the back of the property to the right of the site as seen from the promenade. Clearance from CRPD as requested was obtained with respect the revised plans (min. 330a).

18/10/2017

The commission noted that although the rendering of the blank wall is clearly being provided by the applicant, it was specified that the walls are opened up. When it was made clear by the architect that this is a third party wall which according to Civil Laws could not be opened to overlook third party properties, the commission and architect agreed to provide blank apertures in order to give the visual illusion of apertures being present.

20/10/2017

Amendments to drawings min. 312 were submitted (mins. 362b, 364a, 364b) conforming to the requirements of the commission as outlined in the previous meeting.

27/10/2017

The final Commission Meeting was held on the 27th October 2017, where although the original reasons for refusal were all addressed, the commission decided against the application, without having the possibility to defer, neither any reasons given for the refusal.

Regards,

A handwritten signature in blue ink, appearing to read 'Malcolm Cachia', with a horizontal line underneath it.

Malcolm Cachia
On Behalf of Dr. Edwin Mintoff
EM Architects