

Chairperson,
Environment Planning Review Tribunal,
Planning Authority,
Floriana



24/02/2020

Description	Construction of new offices 4A ancillary to existing office and alterations to facade	
Location	Mangion Building, New Street off, Triq Valletta, Marsa	
Our reference	PA/02023/19	
Date	24/02/2020	

The applicant refers to the Decision Notice issued by the Authority recommending a refusal for the following 3 reasons:-

- 1. The building proposed for sanctioning and the extension proposed on the adjoining vacant plot will result in a total office space that exceeds 25% of the main industrial use and thus runs counter to the provisions of policy SMMR 01 of the South Malta Local Plan which only permits "industrial and industrial related uses, including warehousing and storage" within the Marsa Industrial Park. The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas.*
- 2. The building proposed for sanctioning exceeds the maximum local plan height limitation running counter to South Malta Local Plan policy SMMR 01, which impose a maximum height of 12m. The proposal is also in excess of the approved building heights as permitted in Development Permit PA 5471/08.*

The appellant would like to reiterate on the following points:

1. With respect to the first reason for refusal kindly that the proposal constitutes an extension of the existing committed used which predates the Local Plans. Furthermore, a number of precedents may be quoted including PA 2157/15,

located in the immediate vicinity of the site and which approved the further extension to an existing office. Moreover, PA 3817/18 includes an extension to DN 268/18 of an existing premises housing a substantial office use in a similar industrial area.

Nonetheless, the applicant would consider the slight modification of the uses proposed in the building to include ancillary facilities such and additional board rooms and staff areas to furnish the rest of the development.

On a different note, with reference to SPED Urban Objective 3 (as cited in the above mentioned reason for refusal), it is important to point out that this proposed development does in fact enhance the amenity of the area in view of the fact that the area contains a predominant presence of office uses.

2. In addition to the above, it is also vital to point out that the proposed use is in line with Partial Review of Subsidiary Plans: General Policy relating to Regeneration/Consolidation Initiatives FL- GNRL – 1 which states that :

Legitimate operating premises which intend to expand and consolidate their premises without relocating and are able to do so without creating unacceptable impacts on surrounding landuses;

and

Properties in areas which are none of the above but lie within the Development Zone or other areas designated for development in an approved Subsidiary Plan and are already occupied by a considerable level of legitimate commitment whose nature may not necessarily be in line with local plan policies or on a site which is a legitimately established business outlet.

This policy was also cited in the case officer's report of PA 2157/15 and further confirms that the proposed use is in line with the regeneration and/or consolidation initiatives.

On a different note, since the site falls within an Enterprise Hub, as identified by Map 2B of the SPED, the proposal also conforms to SPED Urban Objective 1. This objective seeks to accommodate socio-economic development in those parts of the Urban Area and to contain urban sprawl by guiding the distribution of new jobs so that the bulk is located in identified Enterprise Hubs predominantly for the core economic development sectors.

3. It is also important to note that the current use constitutes a material consideration and legal commitment which, as indicated in Article 72 of the Development Planning Act.
4. Furthermore, with respect to the second reason for refusal, the applicant would like to underscore the following points:

- a) The development is located between two streets and therefore one must take into consideration that due to the difference in level between one street and another, the lower road contains an additional recessed floor above the penthouse level. Nonetheless, these volumes must be assessed in the light of the topography and slopes of the land which also conform with P36 of DC 15.
- b) Reference is made to PA 5471/08. This provides for a penthouse of 3.4m above the 12m height limitation as per DC 07. This results in a total height of 15.4m.
- c) In view of the abovementioned height limitation, the gradient of the street, the submitted plans and the attached Section it may be said that whilst the development proposed in PA 2023/19 is in line with the said height limitation, in view of the fact that the height limitation is to be taken from highest pavement level, the development approved in PA 5471/08 may also be brought in line with the 15.4m height limitation. Notwithstanding the above, the building does contain a small area where the parapet wall slightly exceeds this height limitation (48 cm on lower street and 33cm on the upper street) and this may be easily lowered to conform with the 15.4m on the lower road with the replacement of a slatted railing. The slatted railing may also be recessed in order not to interfere with the sightline.
- d) With regards to the overall height of the uppermost penthouse level with respect to the upper street contains a marginal infringement of the overall height limitation. In fact, the building exceeds the height limitation by less than 1 m which has been justified many a time by the Planning Commission for extensions above an existing building.

We trust the Tribunal will evaluate the arguments and overturn the recommendation.

PERIT ELENA BORG COSTANZI