

fee to be paid

PA

Mr Martin Saliba,

Chairman Enironmental & Planning Review Tribunal,

Planning Authority,

Floriana.



03-01-16

Application Number: PA/2895/16

Location: 207/185, Triq L- Ghassara Tal- Gheneb, Marsa, Malta

Proposal: To create arched opening to existing premises approved in pa 2814/01 in harmony with adjacent elevation

We refer to the Decision Notice issued by the Planning Authority and recommending the refusal of the application in caption for the following reasons:

1 The proposed development runs counter to the provisions of guideline G31 (4.5.1) Shop fronts – general design principles of the Development Control Design Policy, Guidance and Standards 2015 which requires such proposals to 'maintain a correct rhythm within the streetscape and give due regard to the human scale, respecting façade proportions'. The proposal therefore also runs counter to the Urban Objective 3 of the Strategic Plan for Environment and Development which aims to protect and enhance the character and amenity of urban areas.

2 The proposed external change would detract from the overall objectives of the Strategic Plan for Environment and Development to improve the townscape and environment in historic cores and their setting and so does not comply with Urban Objective 2.

3 The proposed external alteration conflicts with Grand Harbour Local Plan policy GH01 Urban Conservation Areas which requires development proposals within Urban Conservation Areas to preserve and enhance the character of the area.

Kindly note that, the applicants wishes to reiterate the following points:

1. The size of the door does not tally with the width and use of the property and in fact, whilst the rhythm of the facade mimics similar blocks in the area, these narrow apertures generally lead to staircases to the upper floors and not to large open plan spaces at ground floor level.
2. Moreover, when one considers that the property is in fact some 24m deep, the existing small door is not sufficient for the proper light and ventilation of the property. The 'copy and paste' syndrome which was originally used in the design of this block is a pure example of facadism which did not take into consideration the use of the properties or their users. The design was purely based on a 'pim-pim-7up' decision whereby the current applicants were assigned this property by 'chance'.
3. The proposal is in line with the adjacent façade approved in PA 2814/01 which consists of two identical arched openings, a wider arched opening and another opening with the same design and dimensions of the first two openings. This document is being attached as DOCUMENT X. Giving that this façade forms part of the same block, it also forms a material consideration and legal commitment which, as indicated in Article 72 of the Development Planning Act should be one of the criteria which is to be considered when deciding an application.
4. In view of the argument mentioned above, the applicants urge the authority to consider the application in view of this design concept.
5. It is of PARAMOUNT IMPORTANCE to point out that the property in question was constructed by the Government in replacement / relocation of the applicants' family property at 32, Pinto Wharf, Marsa which was demolished during the Valletta Waterfront Rehabilitation project (vide atti Vincent Mallia 30.10.01 & 04.04.03 between the Government of Malta and the Lanfranco Family). Apart from the fact that the original location of their property was considerably superior to that of the replacement property (eg Republic Street Valletta to St Anne's Alley, Valletta), and the fact that their original property had a large warehouse door, they reserved their rights to apply for and open a large door on the façade of the premises and this concurrently with the deed of transfer - vide end F.L 1 and F.L 2.

Unfortunately, due to the lobbying that went on by third parties at the time, such third parties were given properties in the new development which are

services by large warehouse doors whereas the applicants were given a large ground floor premises serviced by a door only fit for a toilet!

The original premises were leased to 'Salvo Grima Ltd' and since the said firm continued in their leasehold in the present new premises which adjoin their (Salvo Grima Ltd) own property, the said small door was never in use as the tenants (with the applicants' permission) joined the premises in question internally with their own property. Unfortunately, the said Salvo Grima Ltd gave up their lease a couple of years ago and since then, the applicants have NOT managed to lease their property on account of the lack of a proper door providing proper access, light and ventilation.

Strangely enough and in spite of the fact that this application can be of NO prejudice to them or to any other third party, the sole registered objector to this application was the self-same Salvo Grima Ltd - their former tenant - who actually went through the inconvenience and expense of being represented at the hearing of the first instance by their learned architect! (In the meanwhile over the years, the said Salvo Grima Ltd have repeatedly asked the applicants to sell the property in question to them!)

In the name of what the Authority refers to as 'symmetry', the applicants have suffered enormous prejudice - both financial and otherwise.

6. Finally, it may be stated that the proposal will also lead to the general regeneration of the area which is in line with the Grand Harbour Local Plan policy due to the fact that it will render the vacant space which is today unusable, usable.

7. The applicants is not adverse to the slight re design of the aperture.

8. It is important to note that the Superintendence of Cultural Heritage were not against the said proposal which further underlines the fact that the proposal is in line with the regeneration objectives of the area.

We trust that the Authority will consider our proposal favourably.



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