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The Hon Chairman,  
Environment and Planning Review Tribunal  
Block B, St. Francis Ditch,  
Floriana

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

RECEIVED  
28 JUL 2021

ST. FRANCIS DITCH  
FLORIANA

Application Number: PA/03956/20 Location: 3, Sqaq il-Gerrejja, Marsa  
Proposal: To demolish existing stables at the second floor and construct apartments, the application also includes the sanctioning of the internal layout which was not constructed as per PA 6545/97 and alterations to the access to the second floor

27 July 2021

In accordance to Article 13 of the Environment and Planning Review Tribunal Act, 2016, we hereby submit our plea for reconsideration for the following reasons

#### **Reason for refusal 1**

The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, in terms of Article 14 (ratio of the facade height and width of the road) and Article 16 (provision of a backyard)

#### **Counter Argument**

Amended plans address this reason for refusal

## **Reason for refusal 2**

The proposed residential development as part of the existing building, housing stables at the lower levels, is objectionable in terms of amenity, and runs counter to the provisions of policy P45 and G24 of the Development Control Design Policy, Guidance and Standards 2015 which specify that residential development must be designed to provide high amenity and accommodation standards. 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.

## **Counter Argument**

PA/08026/17 issued at 5, Sqaq l-Istalel c/w, Sqaq Il-Gerrejja, PA/ 02111/02 issued at 5, Darmanin Riding Est., Sqaq L-Istalel, PA/02830/19 issued at Rovina Stable, Sqaq il-Gerrejja, These applications have been approved in same area, same going and same Local Plan, however a different approach has been taken towards the mixed development zoning interpretation

where in all cases stables have been approved at the lower levels and flats on the upper level with separate access from street level, we respectfully request that the same approach is adopted in this case

### **Reason for refusal 3**

The visual composition of the proposed changes to the facade do not compliment the existing development, and thus, runs counter to good-practice guidance G3 and G50 of Development Control Design Policy, Guidance and Standards 2015, in terms of the design of the proposed balconies, and aperture proportions and location

### **Counter Argument**

The elevations have been revised to provide a complimentary and proportionate elevation.

### **Reason for refusal 4**

The proposed development does not conform with the provisions of policy P52 of the Development Control Design Policy, Guidance and Standards

2015 which requires that buildings cater for the provision of services that are adequately concealed from view.

### **Counter Argument**

Provision of services with a 1m parapet wall as required in policy P52 of the Development Control Design

### **Note to the Environment and Planning Review Tribunal**

The Case was suspended on the 7 August 2020, on the 14th October 2020 a request for un-suspension was submitted, however the case was unsuspended on 8 February 2021, this means that 117 days lost where the small issues presented in the DPA report and reflected in reasons could have been resolved and a more accurate report drafted showing a more realistic picture of other similar commitments in the immediate vicinity. This is in clear breach of the provisions of regulation 12(1) of Legal Notice 162 of 2016.

Regards,

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