

PERIT

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**Our Ref: 18025b**

The Executive Chairperson  
The Planning Authority  
St Francis Ravelin  
Floriana

10<sup>th</sup> December 2021

ENVIRONMENTAL PLANNING  
REVIEW TRIBUNAL

RECEIVED  
14 DEC 2021

ST. FRANCIS DITCH  
FLORIANA

**Submission of Appeal against refusal**  
**Re: PA/08922/20 – Wesgha Ramon Perellos, Birzebbuga**

Reference is made to the development planning application in caption, and to the decision by the Planning Authority to refuse the proposed development for a number of reasons which are mainly related to the proposed building height.

The following are the undersigned's comments in relation to the reasons of refusal as outlined by the Planning Authority.

- **Reason of Refusal 1**

*The proposal does not qualify for extra additional floors permitted by the 'Height Limitation Adjustment Policy For Hotels' in that the proposed development does not respond positively to its context including natural topography, scale, height, streetscape and built form. The proposed development, which is also being objected to by the Superintendence of Cultural Heritage, would have an adverse impact on the views and vistas of the schedule Grade 1 Ferretti Battery and would conflict with PA Circular 3/20 and Thematic Objective 8 of the Strategic Plan for Environment and Development which aims for the safeguarding and enhancement of cultural heritage*

- **Reason of Refusal 2**

*The proposal runs counter to the Height Limitation Adjustment Policy For Hotels (2014) which allows the additional height of only two floors over and above the height limitation permitted in the Local Plan provided that "the resultant design features a high quality product in keeping with the urban context and no blank walls are created". The proposed treatment to the blank party walls will not effectively mitigate the appearance of the resultant exposed blank party walls and will negatively impact on the site's broader context. In this regard, the proposal also conflicts with Urban Objective 4 of the SPED which aims to ensure that all new developments improve amenity and the pleasantness of place.*

- **Reason of Refusal 3**

*The proposed tourism accommodation has not been endorsed by the Malta Tourism Authority, which is the Authority responsible for the issue of operating licences for these uses. Thus, the proposal runs counter to Article 72 (2f) of the Development Planning Act (Chapt 552) and Chapter 3 of the Strategic Plan for Environment and Development, which requires that the Planning Board shall have regard to recommendations made by consultees.*

**Arguments:**

Reason of Refusal 1 relates to the proposal and the surrounding context, with reference also being made to the Ferretti Battery. However, it must be kept in mind that the proposed additional floors will not obstruct any short, medium or long-distance views of the said Ferretti Battery. Moreover, it must also be kept in mind that presently the surrounding context consists mainly of 3 floors and a receded floor. However, the allowable height limitation for the area is that of 17.5m, and hence this must also be taken into consideration.

The undersigned would also like to point out development permit bearing reference number PA/5429/19, also in Birzebbuga. This development consists of a hotel which is located just outside the UCA of Birzebbuga, and also within the Buffer Zone of a scheduled building/monument, and has a height of 24.3m i.e. identical to what is being proposed in this application. Hence the undersigned is of the opinion that such a development must also be taken into consideration since this can be deemed as being a commitment similar to what is being proposed in this application.

The issue raised in Reason of Refusal 2 regards the treatment of the party walls which are being created as a result of the additional floor being proposed above the 17.5m height limitation. The undersigned is of the opinion that an alternative design solution can be found so as to treat the blank party walls in a holistic manner so as to mitigate the visual impact of the additional two floors over and above the 17.5m building height of adjacent developments, and hence such an issue can be addressed.

As regards to reason of refusal 3, the proposal is still being discussed with the MTA, who have requested a number of revisions to the proposal in order to provide additional ancillary facilities to the hotel. Hence the Tourism Compliance Certificate will be provided once this is issued by the MTA.

The undersigned trusts that these points raised above are to be duly considered by the EPRT during its assessment of this appeal, such that this development permit may be issued.

Yours faithfully,

  
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