Policy and Design Guidance 2007

DEVELOPMENT CONTROL
POLICY AND DESIGN GUIDANCE 2007

April 2007

The Malta Environment & Planning Authority
P.O. Box 200
Marsa GPO 01

Malta

Tel: (+356) 2290 0000
Fax: (+356) 2290 2295

Email: enquiries@mepa.org.mt
Website: http://www.mepa.org.mt

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Introduction

A Purpose and Main Objectives

A.1 This document sets out Policy and Design Guidance for residential and other forms of development. It contains a series of policy statements and performance standards that development should achieve.

A.2 The ***main objective of this Guidance is to promote the creation of high quality development***, ***which is visually attractive and appropriate to its surroundings***. In this way, it is one of the implementation 'tools' that the Authority will use to improve and safeguard the environment, and to help achieve sustainable development.

A.3 This Guidance *partly* fulfils the intention (in policy BEN 2 and in paragraph 7.3 of the Structure Plan) to produce design guidelines for all types of use zones within urban areas. It does so by focusing on design issues, rather than specific geographical areas. It also develops Structure Plan policies BEN 1 and especially BEN 2, which deal in general terms, respectively, with bad neighbourliness and urban design.

B Revisions and Implementation

B.1 This document is a revision of Development Control Policy and Design Guidance which was approved on the 4th April 2005 and came into effect on the 18th April 2005. It replaces that document.

B.2 Other than the provisions of Part 17, this document shall apply to all planning applications validated after the 16th April 2007 (date inclusive). All other applications validated prior this date shall be assessed by the previous Development Control Policy and Design Guidance (April 2005). Provisions of Part 16 shall apply to all applications which have not been determined by the Authority by the 16th April 2007, whilst provisions of Part 17 shall only be applicable to applications submitted on or prior to 3rd August 2006.

C Structure of this Document

C.1 This Guidance is divided into Parts dealing with the following topics (although there is some degree of overlap and interrelationship between these topics):

Part 1	General Design Principles
Part 2	Building Heights
Part 3	Plot Size/Dwelling Size, Dwelling Type, Site Coverage
Part 4	Access to New Development

Part 5	Basements
Part 6	Parking Areas and Garages
Part 7	Balconies, Doors and Windows
Part 8	Materials
Part 9	Gardens and Boundaries
Part 10	Penthouses, Lifts and Other Roof Structures
Part 11	Design of Specific Building Elements
Part 12	Amenity and Other Considerations
Part 13	Energy and Infrastructure
Part 14	Industrial Development
Part 15	Commercial Development
Part 16	Additions to Policy Guidance following Local Plan
Part 17	Temporary policy applicable to applications submitted on or before 3rd August 2007.
Part 18	Other Policies

D Policy Format

D.1 This Policy Guidance follows a standard format

1 The policy number relates to the number of the Part e.g. policy 1.1 is the first policy in Part 1

2 all policies have a heading which briefly indicates the policy content - this is shown in **bold**

3 the justification or explanation of the policy is in a small font size to distinguish it from the policy. This statement is primarily intended to indicate the objectives or purpose of the policy and so aid in its understanding and in its application.

4 **the policy is set out in bold**

5 a number of policies are illustrated by diagrams which are referenced to the policy number

6 *some policies and parts are cross referenced to policies in other parts and these cross references are shown in italics (in some cases the cross references are to other policy documents, where necessary and appropriate). Only the most important and relevant cross references are shown, as there is a close relationship between many of the policies.*

7 Some terms which are used in a number of the policies are explained in more detail in the Glossary.

E Application of the Policies

E.1 As with other planning policy documents, ***the Policies set out below must be considered and applied within the context provided by***

other policies, particularly those set out in the Structure Plan; in adopted Local Plans; and in other adopted policy documents (a list

of these is set out in Part 18 - for the full text of these policies, see the Official Manual on the Authority's website at http://www.mepa.org.mt/). The policies in this document do not supersede these other policies, but are supplementary to them, and provide more detailed guidance where this is absent from these other policy documents. Should there be a conflict between the guidance in this document and a specific policy in a Local Plan or other adopted policy document, then the latter takes precedence.

E.2 Unless otherwise indicated the policies in this document apply to Urban Conservation Areas (UCAs). Except where there is a specific policy in this document dealing with UCAs, in any conflict with the design guidance for UCAs (Development Control within Urban Conservation Areas), the latter should take precedence.

E.3 The policies are essentially of two types – those which are qualitative (containing non quantitative guidance or requirements) and those which contain quantitative standards. The objective in setting quantitative standards, often expressed as a minimum requirement, is to ensure that certain physical dimensions or other performance requirements are met, since these are considered to provide satisfactory physical arrangements.

E.4 So, in general, both the qualitative guidance and criteria and the quantitative standards, should be achieved. There may be particular circumstances, however, where more than the minimum standard is necessary to attain the objective of the policy, and conversely where less than the standard may be acceptable. These circumstances are unlikely to be uncommon. In all cases, though, the objective(s) of the policy as well as the quantitative standards should be considered and applied to the particular situation. Some standards may be relaxed to a limited extent in certain cases (although those which relate to safety, building heights and the requirements for detached/semi-detached dwellings will not), provided that the objective(s) of the policy are attained.

E.5 ***Where flexibility in application of this guidance is exercised by the decision making bodies, it should be within the framework of the development plan and other planning policies, and departures from this guidance must be justified in writing. Where no justification is given in writing by the decision making body for a departure from this policy guidance, it is deemed that the policy guidance shall prevail over the approved drawings.*** Normally the decision making body will impose a condition (or conditions) which would have the effect of departing from this guidance and altering the approved drawings. Any such condition and the decision to depart

from this policy guidance should be justified by setting out reasons for so doing on the permission.

E.6 Past experience shows that applicants are more concerned in maximising the use of sites by strictly adhering to quantitative standards rather than to meet the qualitative requirements, particularly those set out in Part 1 - General Design Principles. Greater efforts should be made to meet the requirements of the General Design principles, even if this means that development will not make full use of the relevant quantitative requirements.

E.7 For certain forms of development, there may be requirements under the environmental permitting regime which are additional to those set out here.

Glossary - Meaning Of Terms Used In the Policies

apartment means any form of flatted accommodation, and so includes flats and maisonettes.

aspect means the direction in which a dwelling faces, thus a single aspect dwelling faces or looks out in only one direction and so has windows facing only in that direction.

basement garage is a garage where it is roofed over not more than 0.9 metres (measured from the underneath of the roof slab) above highest finished pavement level and not more than 1.4 metres (measured from the underneath of the roof slab) above the lowest finished pavement level. A **semi-basement garage** is a garage roofed over not more than 2.0 metres (measured from the underneath of the roof slab) above highest finished pavement.

building envelope means the volumetric form of the building as contained by its outer planes (which are the front, rear and side walls, and the roof(s) of the building). **Building profile** is used in a similar sense, but is the building as seen in outline from the side.

canopy means a structure or projection fixed directly to, and supported from, the façade of a building. It is structurally and visually light and normally retractable.

commercial development means predominantly development falling with Classes 4 (Retail), 5 (Offices) and 6 (Food and Drink) of the Development Planning (Use Classes) Order 1994 and would also include mixed development (with a mixture of uses in different use classes) and uses which are similar to these but do not fall into any use class.

Developable Site Area (see FAR below) means the site area excluding any areas which would not normally be considered as developable, due, for example, to zoning - front gardens; scheduling - any scheduled property and buffer zones within the site; sanitary requirements such as backyards; etc.

dwelling normally means all forms of dwellings (including flats, maisonettes, terraced houses, villas etc.), although its precise meaning will depend upon the context in which it is used. So in particular policies it may exclude certain forms of dwelling or refer only to a specific dwelling type (or a limited number of dwelling types).

Floor Area Ratio (FAR) is the ratio which results from dividing the gross total building floor area by the site area. It is the method rather than the resulting ratio which is important however. The current approach is used to determine the amount of potentially developable gross floorspace, which is obtained by multiplying the Developable Site Area (see above) by the permissible number

of floors. The resulting developable floorspace is then compared to the amount of floorspace proposed in a particular development, and an acceptable scheme negotiated based on the maximum permissible floorspace; the requirement for open space; and the impact of any development in excess of the height limitation. Most logically, the FAR (as a measure of site density in terms of building volume) is best used in conjunction with other site density/development measures which deal with site coverage (Plot ratio) and building height (Height Limitation or some other appropriate height). It is in combination with these measures that it has most meaning and is most effective in providing direction and guidance on the scale of development which is acceptable.

Gross Floor Area of a residential unit is the total area of the whole unit including all rooms and internal spaces; this includes wall thickness (owned party wall to be included) but excluding yards, backyards and shafts

habitable room is defined as per definition in the Code of Police Laws.

heavy goods vehicle means a vehicle (including a van, lorry etc.) of 3500 kilos or more Gross Vehicle Weight used for or in connection with a trade, business or occupation.

highway - see road

internal development means residential development which takes place on backland, land without a frontage on an existing public street or with only a narrow frontage onto a public street.

internal garages means a group (normally) of garages arranged around an open garage court or other open space, with a single access onto the adjoining street. Such garages are usually located at the rear of other development on what may be termed backland sites.

multiple dwellings are units which share a common entrance within the same block.

outlook means a view but not in the sense of a view of a specific feature. Rather it refers to the vista or to a more general sense of pleasantness in the scene which may be viewed from a window or building. It is therefore the general ability to see something other than, or beyond, a restricted distance from a window.

pavement level includes, where appropriate to the circumstances, the official road level.

'pedestrian friendly', in the context of a consideration of urban design issues and in relation to the frontage of a building, means that the building should be pleasant and inviting, both to passers by and to those intending to enter it. The building should therefore have most or all of the following characteristics.

It should have an interesting appearance; the uses within the building should be discernible through the form of the building itself or through appropriate signage, or are visible (to a certain extent) from outside the building; it should not unduly dominate or overshadow pedestrian spaces; its form, shape and materials should not create a feeling of uneasiness or of a lack of safety for pedestrians; and its entrances should be clearly 'legible' and easily accessible physically.

pergola means an open and unroofed structure consisting of uprights, beams and rafters, normally of wood; although the roof or sides may be partially enclosed by open, trelliswork.

Plot Ratio means the gross site area divided by the ground floor area of the building. It is therefore the site coverage or a measure of the site density - the proportion of the site covered by buildings, and can be expressed as a percentage 40% or a decimal 0.4 (less than 1). This ratio can be used on its own (which is the more normal case), or in combination with other site/development density measures.

porch means a projection from a building which is completely enclosed on the sides and also possibly the front

portico means a projection from the façade of a building which is supported by columns

public service garage means a garage for vehicles used for hire or for the provision of a private or public transport service (including buses, mini-buses, taxis, self drive hire cars, etc.), and where some routine maintenance (including cleaning) and basic repair of those vehicles is expected to take place.

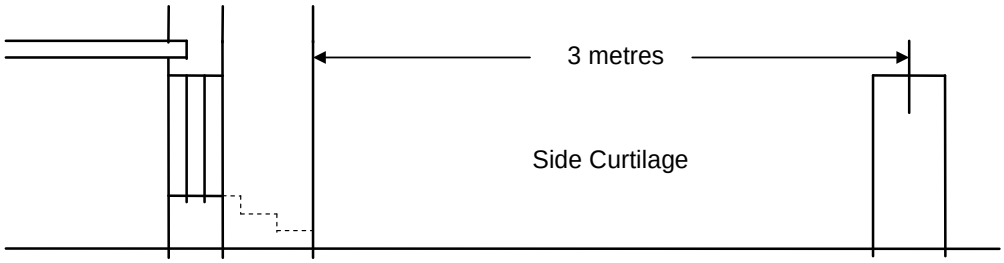
public space means any area to which the public at large has access. So, for example, it encompasses not only streets and roads, but also piazzas, open space, gardens, recreational space etc.

private vehicle means a car, van, motorcycle or other vehicle used by a private individual for personal transport but not for a trade, business or occupation.

road means any street or highway used by vehicular traffic (and has the same meaning as in the Development Planning Act). The terms road, street and highway are used interchangeably in this policy document and all have the same meaning.

ridge means a crest of a hill or the line where two upward slopes meet. It is also the edge or point where an upward slope or relatively flat area breaks and becomes a downward slope, most commonly on a valley or hill side.

Side curtilage means the distance between the centre line of the boundary wall dividing properties and the outer skin of the nearest wall of the building as shown in the diagram below.



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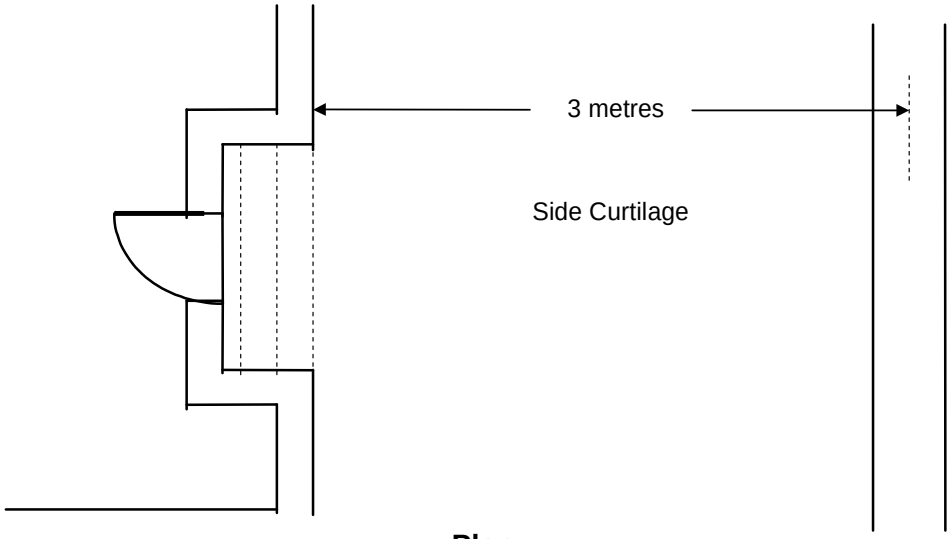


Plan

site clearance means the preparation of the site for development, and so will, according to the nature of the site, include the removal of top soil and vegetation; the demolition or removal of any buildings or structures on the site; and the excavation of the site. Its use in policy 2.8 refers to the state of the site prior to carrying out of *any* of these operations.

street - see road

streetscape/streetscene - see townscape.

town centre a town centre with a regional or sub-regional function for non-food shopping.

townscape means the interrelationships between buildings and spaces in an urban setting, particularly as these are perceived during movement through a specific urban area. It represents the totality of the qualities of individual buildings; of buildings as groups; and of urban spaces framed by buildings. It is used here interchangeably with streetscape or street-scene.

Part 1 – General Design Principles

1.1 General Design Principles for New Development

This policy sets out the basic urban design principles which the Authority considers should guide the formulation and consideration of development proposals, and which new development should achieve. In this way, it develops the underlying intention of Structure Plan Policy BEN 2, which is not to constrain innovative design but to ensure that the proposed design is compatible with (rather than necessarily identical to) the good visual characteristics of the area or street within which the proposal is sited. In a sense as well it encapsulates the overall intent behind the remainder of the policies in this document – the creation of a quality environment in new development and the enhancement of the existing environment.

The other policies in this Part set out some further general design principles which new development should follow.

All new development should:

(a) create a good quality internal and external environment and maintain or improve the existing quality of the environment;

(b) contribute positively to the local environment through its layout, form and design;

(c) create a distinctive overall sense of place;

(d) be compatible with its context and the surrounding area;

(e) respect the scale, bulk, proportions and materials of neighbouring buildings; and

(f) make efficient use of land.

1.2 Urban Design Concepts

The questions posed in this policy are a useful checklist of the broad considerations which MEPA will take into account in evaluating proposals. They also provide designers with a summary of the major issues which they should think about when formulating proposals for new development. These issues can and should form the basis for a positive dialogue on a development proposal (rather than, given their generality and wide range, act, for example, as a specific reason for refusing development applications).

Pre-submission discussions, particularly during the initial design stages of a project, and especially for all large scale developments, are therefore important, so that the Authority may guide the applicant on the appropriate approach to these issues. Moreover, the architect/applicant can take this opportunity to explain their basic design philosophy and how these issues have been approached. To facilitate this dialogue and aid the consideration of applications for these types of developments, an illustrated statement addressing the questions and setting out the design approach should form part of the application 'package'.

The following urban design concepts should be considered in the formulation and design of proposals for new development, and MEPA will have regard to these issues when evaluating development proposals

(a) does the situation call for particular urban design approaches? For example,
  (i) should the development contribute to spatial enclosure? (ii) should the development fit into a landscape setting?
  (iii) is the development to be a major landmark; a local focal point or a backdrop development?
(b) are there movement routes around the site or through it which should be retained or created? Does the development provide any protection from the weather?
(c) should the development create new public space?
(d) does the building have a 'pedestrian friendly' frontage, and are entrances clearly recognisable?
(e) will the development be seen from close, medium or long range, and does this affect overall height, profile and degree of detail?
(f) are mixed uses or a single use proposed, and can these be expressed in the design?
(g) are there left-over 'bits' of the site that are useless or hard to maintain?
(h) can the development be phased to reduce the disruption and trauma caused by comprehensive development?
(i) is it appropriate to harmonise with the context or deliberately to contrast with it?
(j) is innovative modern design or traditional/contextual design more appropriate?
(k) does the proposal contribute to the character sought for the area?
(l) is the proposed development and use appropriate to the site/area in urban design terms?

1.3 Compatibility of New Development

Much development takes place by the redevelopment of previously developed sites within existing urban areas. New development should be compatible with the existing urban fabric, and this policy sets out the approach to achieve this.

The general intent of this policy (and of the others in this document) is to safeguard Malta's identity (which comes, in part, from the particular form, styles and materials of its urban places) and prevent its character being eroded or lost. New development should be in sympathy with that character, although this does not mean that it should slavishly replicate the style of existing development. Innovative, modern design can be a more appropriate approach, and so may be acceptable, provided that it reflects that character and its context. The general aim should be to create environments with local distinctiveness, in the sense of both a distinctive Maltese identity and a character reflecting that of the specific place in which it is to be located.

New development should respect its context, including the character, appearance, scale, massing, height and density of the particular area in which it is situated. It should respect, but not necessarily reproduce, any predominant style of buildings. Where a uniform design does not prevail, contemporary designs of high quality may be more suitable. Where appropriate, dominant defining features (such as lintels, cills, cornices, mouldings, balconies etc.) of adjacent buildings should be carried through into the new development

1.4 Development and Spaces

The relationship of buildings to spaces is an important component of the townscape and of the quality of urban places. New development should not ignore the importance of creating frontages which properly define public and private space. Building lines are important in defining streets.

Where development is of a sufficient scale, it may create new, or better define existing, public spaces. The addition of new public spaces can increase the attractiveness of new development (from a number of perspectives) and so enhance or improve the quality of the townscape in urban areas. New public spaces can be formal, such as a new piazza, or informal, like a hard or soft landscaped amenity area.

Developments should be designed so that buildings contribute collectively and positively through their siting and massing to the spaces they define. In particular, frontages should properly define public and private space. The Malta Environment and Planning Authority (MEPA) will encourage large developments to contain public spaces, including public amenity space, which should be designed to allow sunlight to penetrate, to provide shade and to avoid generating excessive wind speeds.

See also policies 9.5 & 9.6 on building lines/set backs

1.5 Promotion of Visual Interest

The external design of new development should seek to provide visual interest, adding to the quality of the townscape within which it is situated. Such interest may come from the form of the building, through articulation or recessing, or from the treatment of the elevation (or, of course, from a combination of the two).

The form and elevational treatment of new buildings should provide both detailed and large scale visual interest. Design elements should be used to emphasise and define a building's function and location.

See also in particular 4.5, 6.9, Part 7, Part 8, 9.5, 9.6, 9.7, Part 11

1.6 Integration and Accessibility

Whilst the 'aesthetic' integration of new development into the urban scene is important, the need for functional integration should not be overlooked. Large scale developments often offer the opportunity to extend existing public access routes; indeed, where 'commercial' development is included, improved accessibility may contribute to the viability of a project.

New developments should be physically integrated into their surroundings by creating, preserving and extending links with existing public access routes. Safe and attractive public through routes, appropriate to the scale of the development and related to existing desire lines and any new ones arising from the development, should be included to maintain a high level of accessibility.

1.7 Visual Architectural Gain

The Authority encourages high quality and innovative urban designs which complement and enhance the townscape. Town Centres and other 'commercial' zones offer particular opportunities for bold and imaginative architectural statements. For example, on a corner site a concave/convex treatment of the building may produce a high quality design solution which adds interest to the streetscape and acts as a landmark. This type of treatment may depart in certain respects from a particular policy but MEPA considers that such a departure may be acceptable provided the proposal is of high quality and will act as an impetus for other high quality solutions.

MEPA will encourage a very high quality of design. Particularly in Town Centres (except where the site falls with UCA), Entertainment Priority Areas, Tourism Areas/Zones and, Resort Zones designated in Local Plans, the Authority may permit projections, setbacks and other articulation of the building which would otherwise not comply with a specific policy in this document provided:

a) an overall high quality design is achieved;
b) the amenity of the surrounding properties is not adversely affected;
c) the development does not detract from but enhances the streetscape;
d) the height limitation for the area is not exceeded.
e) The floor space of the proposed development does not exceed the floor area that would have resulted had the policies of this document been strictly adhered to.

1.8 Development Adjoining Urban Conservation Areas

This policy seeks to safeguard the settings of UCAs by ensuring that there is a transition from newer development to the UCA. In particular, development outside but adjoining UCAs should reflect the predominant height of buildings in a UCA and should not visually dominate or overshadow gardens or other spaces within the UCA. Overshadowing may be avoided by leaving an open space of at least 3m between the new development and the garden wall and/or ensuring that the height of the new building reflects its context and is related to the height of the wall, the size of the garden or space, the distance of the building from that garden, and its overall effect on the garden.

Where development is sited immediately adjacent to an Urban Conservation Area, it shall not be higher than the predominant height of the surrounding buildings, and if it adjoins a garden in the UCA, it should be of an appropriate height in relation to the garden wall or set back from that wall.

1.9 Design of Roof Structures

The introduction of an increasing number of services provided for buildings (water tanks, air conditioners, standby generators, and solar water heaters) combined with the provision of roof structures (washrooms, stairwells, lift shafts) has resulted in chaotic and unsightly roofscapes. It is often assumed that no attention should be given to the design of roof structures as these will not be visible. The visual mess that characterises our roofscapes proves otherwise.

The roof is to be considered an integral part of the building and as such, in many instances, it deserves as much design attention as any other part of the building. Some services need not necessarily be located on the roof (ex. Air-conditioners, standby generators) and hence location within the building itself would be preferable, possibly located in a purpose-built plant room. The design of the roof has to cater for whatever services are provided at roof level or above the washroom/penthouse and, at the very least has to ensure that unsightly features are properly screened.

The design should also consider appropriate massing of roof structures (including screening devices) and their relation with the rest of the building.

Developments should be designed so that roof structures are integrated into the overall design of the building. This requirement also applies to any screening which is provided for services on roof.

Part 2 – Building Heights

2.1 Building Heights - All Buildings except Detached and Semi Detached Dwellings

Policies 2.1 and 2.2 state, firstly, the relationship between the overall allowable building height, the permitted number of floors and the building height in metres, and, secondly, how building and floor height is to be measured. Policy 2.1 is designed to ensure that the height of a building is commensurate with the Height Limitation Guidance and the number of floors permitted by the Local Plans.

As Local Plans have been prepared, building heights have been reviewed. The heights specified in approved Local Plans (or in more detailed guidance, such as development briefs) therefore take precedence.

A building shall not exceed the permitted number of floors, as specified in the Local Plans (or Development Briefs, where applicable), and also the allowable maximum height in metres. The relation of the permitted number of floors to the floor height and the maximum allowable height is shown in the following Table

Number of Floors	Allowable Maximum Height in Metres Including parapet wall	Allowable Maximum Height in Metres With Semi-Basement	Allowable Maximum Height in Metres With Basement
1	4.75	6.75	5.65
2	8.50	10.50	9.40
3	12.00	14.00	12.90
4	15.75	17.75	16.65
5	19.25	21.25	20.15
6	23.00	25.00	23.90
7	26.50	28.50	27.40
8	30.25	32.25	31.15

The internal height of a single floor is 3.46 metres and in the three columns above the standard thickness of the roof slab is considered to be 0.29m (1 course). In cases where the roof slab is thicker than one course the allowable maximum heights in the table needs to be adjusted accordingly.

The height of a basement shall not be more than 0.9 metres (measured from underneath of slab) above the highest finished pavement level and not more than 1.4 metres above the lowest finished pavement level.

A semi-basement shall not count as a floor when the height measured from pavement level to the underneath of the slab does not exceed 2.0 metres from the highest finished pavement level.

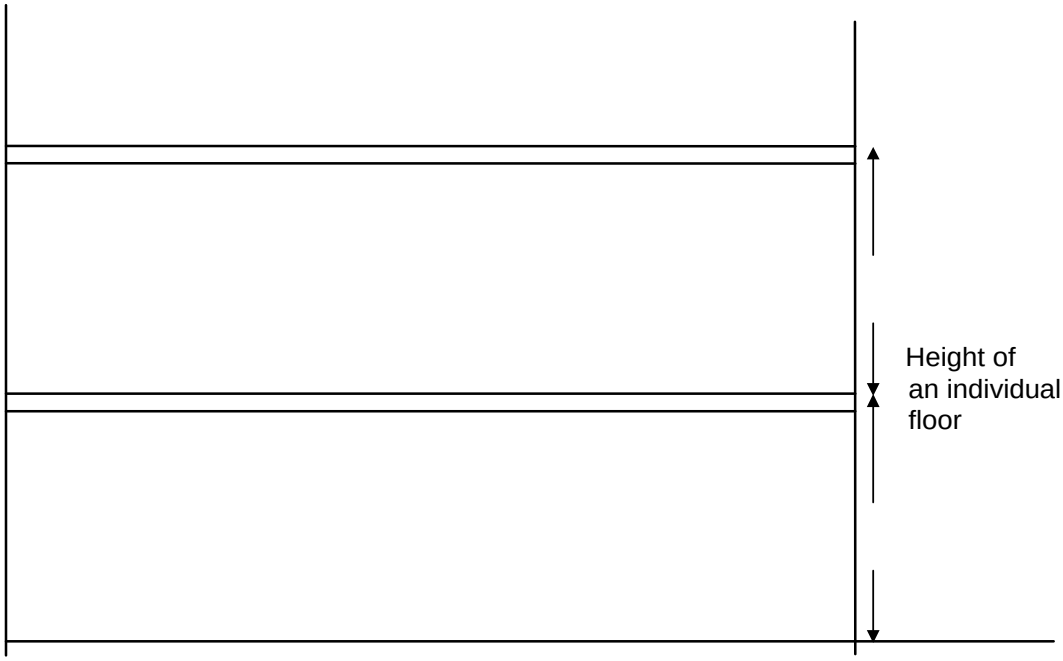
When the semi-basement is used as a garage or parking area, it is permissible that the front part above the ramp up to a depth of 6 metres will have a split level from the rest of the semi-basement ceiling so long as the height from highest pavement level to the underneath of the slab does not exceed 2.6 metres.

Where the allowable number of floors is 3 floors and above, a penthouse floor may be permitted, over and above the allowable number of floors, in accordance with policies 10.6 & 10.7.

2.2 Building Heights - All Buildings except Detached and Semi Detached Dwellings

The overall height of a building shall be measured from the highest pavement level along the frontage of the building, except where otherwise indicated in the policies which follow. The height of an individual floor shall be measured by reference to the height between the floors, as shown in Diagram 2.2

Diagram 2.2



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See also policies 2.3, 2.4, 2.5, 2.6, 2.7, 2.9, 5.1, 14.3 (industrial buildings) and 15.2 (commercial development) and Part 10 on penthouses and other roof structures. Reference should also be made to the Local Plans and other relevant policy guidance related to height limitation.

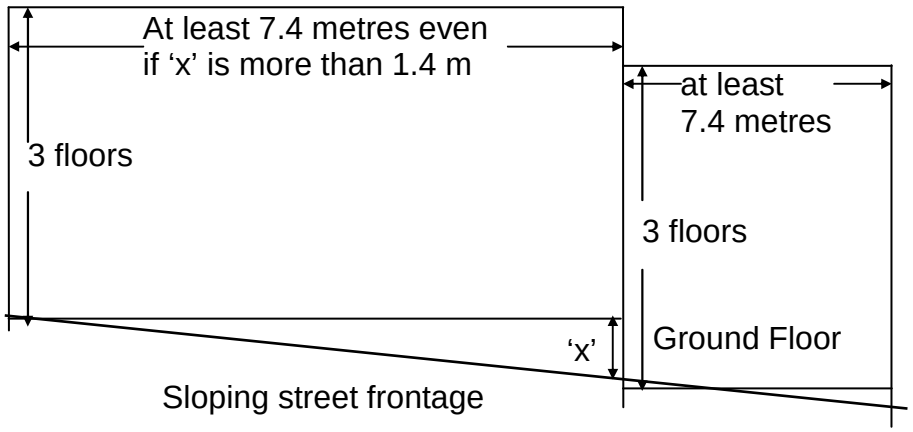
2.3 Building Height on Sites with a Sloping Street Frontage - All Buildings except Detached and Semi Detached Dwellings

This policy ensures that the overall height of buildings (as seen from the street) reflects the topography of sloping frontages. In particular it seeks to avoid narrow and 'pencil like' elevations, which are visually unattractive.

Where a building is to be erected on a site which has a sloping street frontage, the building shall conform to the height limitation indicated in policy 2.1, where the frontage is not less than 7.4 metres. From the point on the frontage at which the semi-basement exceeds 2.6 metres or a basement exceeds 1.4 metres in height above street level onwards, the building shall be stepped in accordance with the site topography such that the building conforms to the height limitation and that each stepped frontage is at least 7.4 metres in length, as shown in Diagram 2.3a and 2.3b.

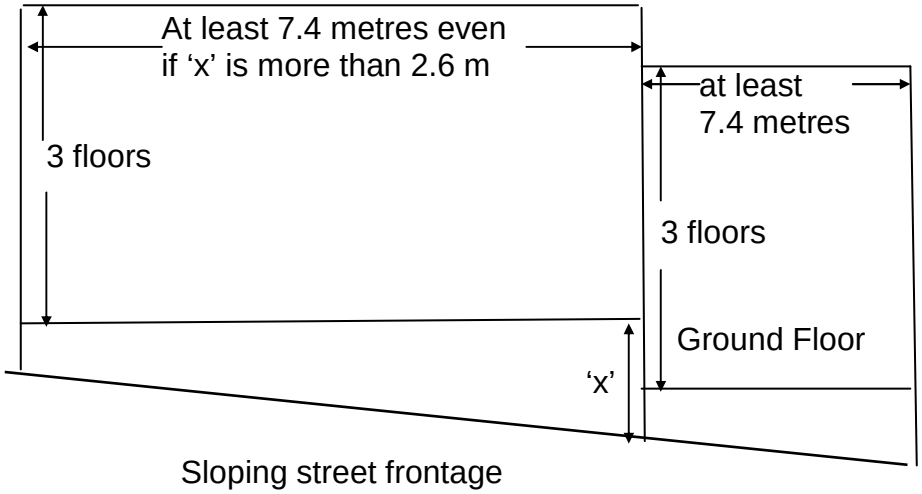
For corner sites, this 7.4 metres minimum frontage shall be calculated from the junction with the next building frontage, as shown on diagram 2.3c.

Diagram 2.3a



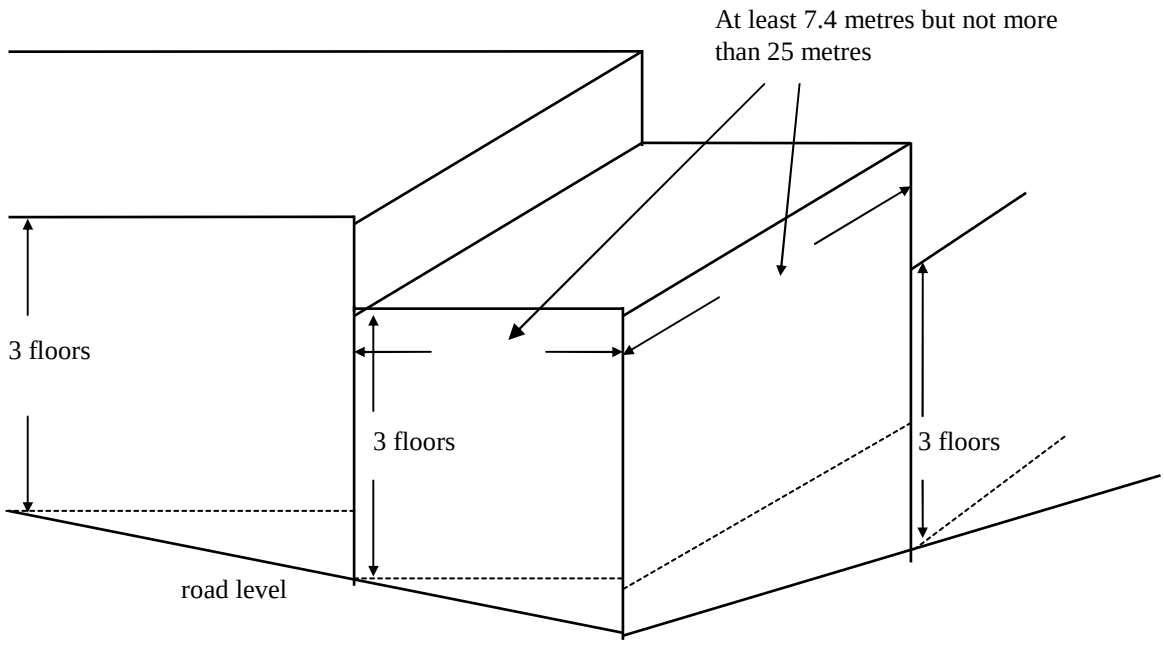
Elevation – example where the height limitation is 3 floors and with a basement

Diagram 2.3b



Elevation – example where the height limitation is 3 floors and with a semi-basement

Diagram 2.3c



Elevation - example where the height limitation is 3 floors

See Policy 2.5 on sloping sites with frontages on two streets, Policy 2.6 for sloping sites on the edge of the development boundary and Policy 2.7 for sloping sites on ridges.

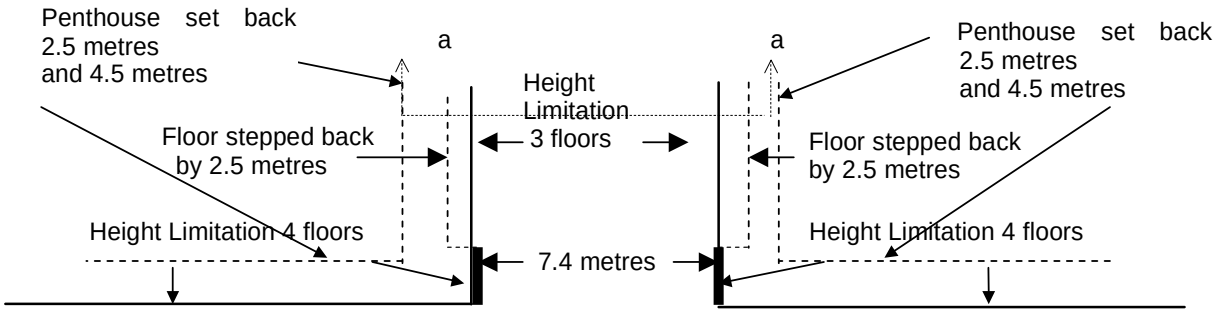
2.4 Building Height on Corner Sites - All Buildings except Detached and Semi Detached Dwellings

This policy defines the manner of calculating the maximum permissible building height on a corner site where there are different height limitations. It ensures that the building steps down in a visually acceptable manner on the higher frontage, and thereby protects the character and amenity of the street with the lower frontage. This is particularly important on narrow urban streets, where there is a significant difference in the height limitation, and so this policy avoids the creation of overshadowing and 'canyon-like' streets.

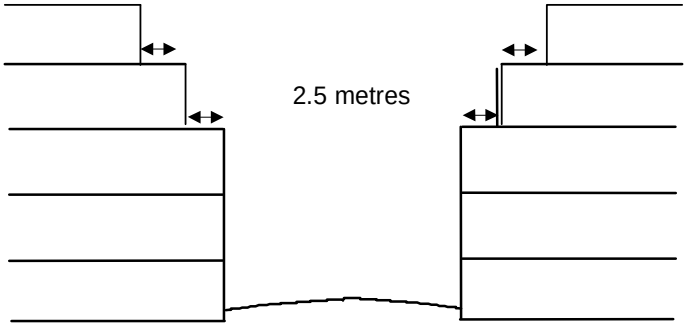
Where a building is to be erected on a corner site which has frontages on two streets where different height limitations apply to each of the streets, for 7.4 metres along the street frontage of the street with the lower height limitation the building shall be constructed to a height not more than the higher height limitation, as shown in Diagram 2.4.

For 25 metres from the corner, beyond the higher height limitation the building frontage shall be receded from the building alignment along the street frontage where the lower height limitation applies by 2.5 metres for any floor above the latter height, including the erection of a penthouse floor which shall be set back 4.25 metres from the front façade and 2.5 metres from the alignment of the floor below on the street with the lower height limitation.

Diagram 2.4



plan



sectional elevation "a-a"

2.5 Building Height on Sites Between Two Streets - All Buildings except Detached and Semi Detached Dwellings

This policy defines the manner of establishing the building envelope on a site between two streets (with either the same or with different height limitations). It has a number of objectives. Apart from securing compliance with the height limitation, the policy seeks to limit the bulk of buildings by prescribing that the building steps down from the higher to the lower street level in a visually acceptable manner. In addition, an aim of the policy is to limit or avoid high blank rear elevations and party walls, particularly when viewed from outside the site. Finally, the policy also seeks to ensure that building profiles on adjoining sites on a similar slope are generally similar so that problems of overlooking or overshadowing are reduced.

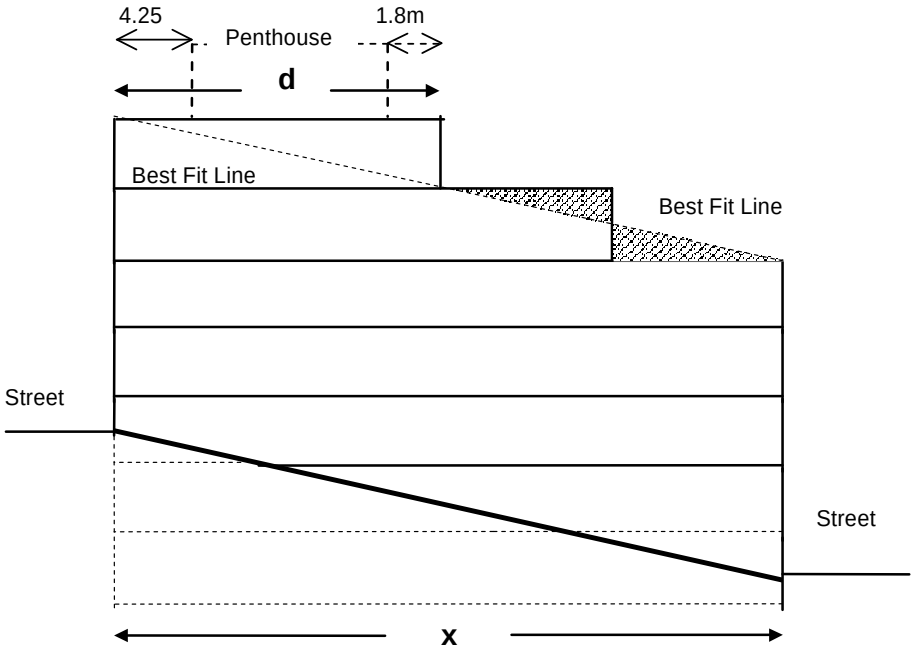
Where a building is to be erected on a site which has a frontage on two streets, the building shall not exceed the maximum height limitation on each street.

In addition, the building envelope should reflect the profile of the existing topography and be stepped from the higher street to the lower street accordingly. Thus the building envelope should 'fit' a line drawn from the front façade of the proposed building at its highest point on the upper street (measured from the finished roof level) to the front façade of the proposed building at its highest point on the lower street, as shown in Diagram 2.5. Where *x* is greater than 40 metres, then *d* should be 20 metres, and where *x* is less than 40 metres, then *d* should be x/2

Any washroom or penthouse (which shall not be taken into account in determining the building envelope) shall be set back 4.25 metres from the street façade and 1.8 metres from the façade of the floor below.

Where the site is immediately adjoined by existing buildings which do not conform to the policy statement above, the proposed building shall follow either the profile of the existing buildings or the fit set out above, whichever is the higher.

Diagram 2.5



section

2.6 Building Heights on Sloping Sites on the Edge of the Development Boundary - All Buildings except Detached and Semi Detached Dwellings

This policy sets out the approach to building form on sloping sites on the edge of the development boundary. The approach, and the profile of the building, follows that set out in policy 2.5. Again it seeks to minimise the extent of visual impact and fit profiles to the site topography to avoid large expanses of blank party and rear walls.

Policy 2.7 rather than this policy is applicable where development is proposed on a ridge located on the edge of the development boundary.

Where a building is to be erected on a sloping site on the edge of the development boundary, the building envelope should reflect the profile of the existing topography and be stepped from the street to the rear of the site accordingly. Thus the building envelope should 'fit' a line drawn from the height limitation at the front façade on the street to the height limitation at the rear façade, as shown in Diagram 2.5. Where *x* is greater than 40 metres, then *d* should be 20 metres, and where *x* is less than 40metres, then *d* should be x/2

Where the site is immediately adjoined by existing buildings which do not conform to the policy statement above, the proposed building shall follow either the profile of the existing buildings or the fit set out above, whichever is the higher.

See also policies 2.5.and 2.7

2.7 Building Height and Form on Ridges

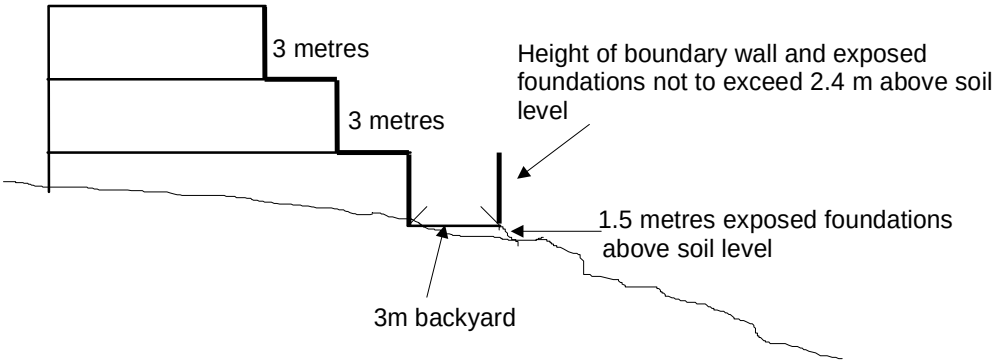
By their very nature, ridges are prominent features in the landscape and development on them is visible from a wide area. The main objective of this policy is to ensure that this obtrusiveness is reduced. Perhaps the most unattractive and visually unpleasant feature of much current development on ridges is the considerable expanse of blank rear (often 3 or more storeys high) and party walls. This is a result of buildings not respecting the site topography.

This policy requires a ground (lowest basement) level backyard, with a consequent stepping back of each floor, so that there would be no more than one level of blank wall. The maximum permissible height of this wall is also limited to an acceptable height. With the setting back of the other floors, windows and other openings would be introduced, enabling a more attractive treatment. Limiting the depth of the building ensures that there would be no expanses of exposed party/side walls.

Where a building is to be erected on a ridge, the building profile should reflect the profile of the existing topography, as set out in policies 2.5 and 2.6. In addition as shown in Diagram 2.7, the building should comply with the following:

i) a backyard of at least 3 metres depth should be provided at the lowest basement level;
ii) any exposed foundations shall not be more than 1.5 metres high above the external undisturbed soil level at any point;
iii) the total height of the rear boundary wall together with any exposed foundations shall not exceed 2.4 metres above external soil level at any point. The wall shall be constructed in random rubble and the exposed foundations shall be faced in random rubble.
iv) each floor shall be successively set back by at least 3 metres from the rear façade;
v) if the building is to be erected between two existing buildings along a frontage of not more than 8 metres, its maximum depth shall not exceed that of those buildings and t should follow the profile of the existing buildings at its extremity, if the existing buildings are already in close proximity to the ridge;
vi) the design, external appearance and treatment of the building should avoid large expanses of blank rear and party walls; and
vii) on exposed ridges where there are no existing buildings, the building shall not be more than 25 metres deep.

Diagram 2.7



section

See Glossary for a definition of ridges

2.8 Building Heights for Detached and Semi Detached Dwellings

This policy indicates how the height of bungalows and detached or semi-detached villas is to be calculated. It is related to the zoning in the Local Plans for the areas shown in policy 3.2 and to the permissible dwelling types as shown in the Table in policy 3.2. It also seeks to ensure that new dwellings are compatible with existing dwellings and with the overall character of the area in terms of envelope, profile, mass and overall design, such that the proposed form of the building does not result in a number of floors which exceed the requirement for one or two habitable floors and a basement (depending on dwelling type).

It is important that accurate cross sections through the site showing existing site levels (the top soil level) prior to any site clearance or other work and a site survey with spot levels are submitted with an application. These levels should normally be checked by the Land Survey Unit in order to ascertain precise site levels and avoid any doubt as to these levels and the topography of the site relative to the proposed dwelling.

For detached and semi detached dwellings to be constructed within areas zoned for this type of dwelling as shown in Policy 3.2,

A The dwelling shall be so sited and the building profile so designed that it is stepped in accordance with the slope of the site, and that, when viewed from road level,

(i) for bungalows there shall be no more than one habitable floor and one semi-basement above street level; and

(ii) for villas there shall be no more than two habitable floors and one semi-basement above street level;

and

(a) the profile and envelope of the dwelling including boundary/parapet walls are compatible with that of dwellings on the adjoining plots;

(b) the dwelling is visually appropriate and would not result in excessive bulk or mass;

(c) the semi basement is no more than 2 metres above pavement level.

B The overall height of the dwelling shall be calculated as follows

(i) Bungalows : the building height shall not exceed 4.7 metres from the highest existing site level (before site clearance) along the external wall of the building or 6.7 metres from the lowest existing site level (before site clearance) along the external wall of the building, whichever is the lower (as shown in Diagram 2.8(a);

(ii) Two storey dwellings : the building height shall not exceed 8.5 metres from the highest existing site level (before site clearance) along the external wall of the building or 10.5 metres from the lowest existing site level (before site clearance) along the external wall of the building, whichever is the lower (as shown in Diagram 2.8(b).

Part A takes precedence over Part B if there is a conflict between the two.

C Where the existing site level is below the proposed street level by at least 2m at the higher end of the site, the dwelling shall conform to the conditions appropriate to it type, but with particular regard to criteria (a), (b) and (c) in A above; and

the dwelling shall be so sited and the building profile so designed that it is stepped in accordance with the slope of the site, and that, when viewed from road level,

(i) for bungalows there shall be no more than one habitable floor and one basement above street level; and the building height shall not exceed 6.7m from the existing site level at any point along the slope of the site, except that a minimum of 5 metres depth of building will be permitted at the higher level above pavement level

(ii) for villas there shall be no more than two habitable floors and one basement above street level; and the building height shall not exceed 10.5m from the existing site level at any point along the slope of the site except that a minimum of 5 metres depth of building will be permitted at the higher level above pavement level.

The curtilage of the site should also be modelled to follow the profile of the building.

D In order to assess the criteria set out above, the Authority will require the submission of an accurate longitudinal section on at least two positions through the site showing existing site levels (that is the levels of the top soil prior to any work or site clearance) and proposed site levels.

E Where the site has been excavated for mineral workings or cleared prior to the proposed development, the above height limitations shall be adjusted to the profile of the natural topography extrapolated prior to the excavation.

F Where the construction of a detached or semi-detached dwelling involves the replacement/redevelopment of an existing dwelling, the proposed dwelling shall be so sited and the building profile so designed that it is stepped in accordance with the slope of the site, and that, when viewed from road level,

(i) for bungalows there shall be no more than one habitable floor and one basement above street level; and

(ii) for villas there shall be no more than two habitable floors and one basement above street level;

and

(a) the profile and envelope of the dwelling, including boundary/parapet walls, are compatible with that of dwellings on the adjoining plots;

(b) the dwelling is visually appropriate and would not result in excessive bulk or mass when viewed from street level;

(c) the semi basement is no more than 2 metres above pavement level.

Diagram 2.8(a)

The building should not exceed the lower of these two heights

section

Diagram 2.8(b)

The building should not exceed the lower of these two heights

section

See also policy 3.2 and the Glossary for a definition of site clearance.

2.9 Higher Than Normal Ground and First Floors

In certain circumstances, it is appropriate for the ground and first floor of buildings to be higher than provided for in policy 2.1. Policy 15.2 (Double Height Floors In Commercial Development) deals with this in relation to commercial development. In other situations, existing buildings of a classical style may have higher than normal floors, and it may be appropriate here for new development to follow these floor heights, in order to ensure that the elements of the new building correspond to those of the existing buildings. The general objective of this policy is to safeguard the continuity of floor heights and building elements in those situations where this contributes to, or forms the basis of, the streetscape.

The height of the ground and first floor of a building may exceed that set out in Policy 2.1 where, in the opinion of MEPA, this is necessary to ensure the compatibility of the proposed development with its immediate context (for example in the case of classical ornamentation). Nonetheless the Height Limitation in terms of the overall number of floors is still to be met and the overall height should not have an adverse impact on the streetscape.

See also Policy 15.2.

2.10 Application of the Floor Area Ratio

The Floor Area Ratio (FAR) is a useful development density measure, as stated in paragraph 7.11 of Explanatory Memorandum, for use when considering projects on specific large sites. It can thus be an effective tool for ensuring the efficient use of land, provided that it is considered together with limitations on the site coverage and the maximum height of the buildings, and with other urban design considerations (the mix of uses which will be appropriate are determined by Structure Plan and Local Plan policies and any other relevant policy document related to tall buildings).

These considerations are expounded in the emerging policy document "A Planning Policy on the Use and Applicability of the Floor Area Ratio" or as subsequently approved and amended. Amongst other matters, this policy guides on the suitability of areas as candidates for the siting of tall and medium rise buildings. There is also guidance on the interpretation of specific matters related to the interpretation and calculation of FAR parameters.

Local plans give guidance on height limitation and the rationale of using FAR is to translate the development density principally arising from the established height limitation with a view to creating quality buildings as well as to use the opportunity to increase public open space in urban areas. The objectives of this policy therefore seek to ensure that the resultant development is appropriate to its location in terms of building height, mass and form. The architecture of such buildings should be conducive to the creation of an attractive feature with an interesting urban form and that it provides specific and demonstrable public gains, particularly through open space and other 'planning gain'.

There are circumstances where the application of FAR are not deemed appropriate. These are principally and specifically excluded either in the relevant local plan or else in the document "A Planning Policy on the Use and applicability of the Floor Area Ratio". In areas which may qualify for FAR, on restricted sites where there is a predominance of backyards around the site, use of FAR is not likely to be accepted since the resulting development would not be compatible with adjoining property, nor would it maintain the character of the surrounding area.

Where there is an existing party wall adjoining the site, such a party wall should not remain exposed and the resulting development arising from the application of the FAR should be used to attenuate this eyesore (i.e. part or the whole of the new development must abut the party wall to cover it up). Conversely, the new development should not give rise to party walls which are unlikely to be covered by development on adjoining sites. In particular, the height of the party walls of the new development should not exceed the height limitation for the area.

Part of the site must remain open, and this open space should be accessible to, and useable by, the public. The layout and design of this public space and its location and relationship to adjoining streets, existing public spaces and existing or proposed access routes into the sites should be such that it is amenable for public use. Where appropriate, and as far as is practicable, the space should be read as an extension of the existing public spaces. The part of the site, which is to be within the public realm, should be clearly identified on plan. In certain circumstances, controlled access to particular public areas may be acceptable. Maintenance of open spaces and landscaping is particularly important and so the Authority will require proposals for continuing maintenance, which will be enforced through conditions or planning obligations. It is though preferable if the public space is transferred to the Local Council or to another relevant public authority (which again may be required through a planning obligation or a condition on a development permission. Normally, other demonstrable gains, which are beneficial to the public interest, should also be provided by the developer.

MEPA will not apply the Floor Area Ratio to sites with <u>an area of less than 3,000 sq.m.</u>

In addition the Floor Area Ratio is not applicable

(1) ODZ;

(2) in areas zoned for detached/semi-detached dwellings in Local Plans;

(3) in Urban Conservation Areas;

(4) In Scheduled Property/Areas, and

(5) in other urban areas where

- **i. it is important that the Height Limitation, as defined in Local Plans, is not exceeded; or**
- **ii. the urban fabric is such that development of a mass or height which would be permissible using the Floor Area Ratio would be out of character with the existing area, or would lead to overshadowing, overlooking or loss of privacy, or**
- **iii. a Local Plan, through a site specific policy, limits or restricts the height or form of development which may take place on the site, or**
- **iv. it is excluded by any other relevant policy document related to tall buildings.**

When applying the Floor Area Ratio, the Authority will:

(a) only permit development proposals which exhibit a high quality of architectural and urban design; provide for variation in building height and built form/massing; and make a significant and demonstrable contribution to an improved, varied and interesting townscape;

(b) have regard to the site's configuration, levels and access and to the existing urban context, so that all are appropriate for large scale development and for the forms of development required by this policy;

(c) require a Plot Ratio (site coverage of the developable site area) of not more than 0.75, such that the unbuilt space is open space which makes a contribution to the public realm, with not less than 25% of the site area being public open space, accessible to and useable by the public, and at least 40% of this open space being soft landscaped;

(d) permit building heights to exceed the Height Limitation, as defined in the Local Plans or as established by a valid development permission on the site, provided that the buildings would not intrude into important strategic or local views (including those defined in Local Plans), obscure landmark buildings or otherwise disrupt a skyline which it is important to protect, and would not have an adverse impact on views of or from an UCA; and will determine the appropriate maximum building height based on the criteria in this policy and the other general urban design concepts set out in this Part;

(e) require development proposals which exhibit variation in building height, built form and massing, and which exhibit a high quality of architectural design, such that an interesting townscape is produced; and where the site adjoins existing party walls these are covered by the new development. Moreover, the new development should not give rise to party walls which are unlikely to be covered by development on adjoining sites;

(f) take into account all other policies relevant to the type, form and nature of the development proposed;

(g) have regard to the building form and mass of adjacent development, and ensure that the new development is compatible with the existing development and does not have an adverse impact upon it

(h) ensure that the development would not put undue pressure on existing infrastructure services;

(i) require the submission of a satisfactory proposal for the maintenance of all common areas, public open space, landscaped areas and utility services.

(j) The layout and design of the public space and its location and relationship to adjoining streets and public spaces are to be such that it is amenable for public use. The space should be read as an extension of the existing public spaces.

The Applicant should make reasonable financial or other material contributions as required by the Authority. Such contributions, to be determined by the Authority, may be to a specific project which will create a new or enhance/upgrade an existing public facility in the locality, to the Environmental Initiatives in Partnership Fund (or any fund which replaces this), or otherwise as the Authority considers appropriate.

See Glossary for a definition and discussion of the FAR

Part 3 – Site Coverage, Dwelling Type, Plot Size, Dwelling Size

3.1 General Design Concepts for Dwellings

Residential development should provide a reasonable standard of internal amenity and accommodation. These general principles are developed in more detail in the policies which follow.

MEPA shall promote the following design concepts for dwellings:

(a) be adequate for the intended level of occupation, with a satisfactory layout and adequate indoor living space;
(b) provide safe access for residents especially elderly persons and children and, where appropriate, for persons with disabilities;
(c) provide adequate internal natural ventilation and lighting and reasonable privacy and outlook;
(d) make adequate provision for domestic storage (either within the dwelling or elsewhere within the building);
(e) respect and maintain the privacy of adjoining dwellings; and
(f) take into account energy saving measures.

3.2 Detached and Semi-Detached Dwellings

This policy refers to areas zoned in the Local Plans for detached and semi-detached dwellings, normally within Residential Priority Areas. The overall character of these areas is one of low density development and of relative spaciousness, with buildings surrounded by open space. The standards and specification of dwelling type, minimum site area, maximum site coverage, minimum site curtilage, maximum number of habitable floors and the proportion of the site area which should be soft landscaped (with soil and trees or other vegetation) are designed to ensure that new development is compatible with the existing character of these areas.

In some areas, normally individual streets or blocks, development may have been permitted which does not meet the requirements of this policy, and particular conditions may have been altered or relaxed. Rather than seek to attain alternative standards, new development of any remaining sites should follow the pattern set by the existing development.

In a number of localities single villa or bungalow plots have been developed for semi-detached dwellings. This form of development makes more effective use of land but it is important that the requirements for the minimum site area; site coverage etc., are all met and the design of the dwellings maintains and enhances the character of the area. This can be achieved through ensuring that the semi-detached units appear as a single dwelling. Where semi detached villas are proposed, a block plan should clearly show the proposed layout and how the semi detached units are to be arranged.

It is clear how most of these requirements should be calculated. However, the calculation of the site coverage necessitates a definition of the building footprint

(since the site coverage is defined as the percentage of the site covered by the building footprint). The footprint should be calculated by measuring the space contained within the external walls at ground floor level, including internal yards or courtyards, but excluding terraces and pool decks. The footprint of the basement should also not be taken into account, where it meets the definition of a basement. The overall objective of the limitation on site coverage is to ensure that the amount of the site covered by built floorspace (essentially the building) is limited and that the site, when viewed at the internal site level(s), appears as a building surrounded by 'open' space.

Dwellings to be constructed in the areas zoned for detached/semi-detached dwellings in the Local Plans shall comply with the requirements for dwelling type, minimum site area, maximum site coverage, minimum site curtilage, and maximum number of habitable floors set out in the following table, or as otherwise specified in the relative approved Local Plan.

Table 3.2

Locality	Permissible development	Dwelling type D/SD	Min Site Area	Max site coverage	Min Site Curtilage	Max No. of habitable floors	Garage within BL/SC	Area of soft land-scaping
Bahar ic-Caghaq	Bungalow	D	1	30%	***7.5***	1	BL/SC	30**%**
	Villa	D/SD	N/A	40%	3	2	BL/SC	20**%**
Iklin	Bungalow	D	¾	30%	6	1	BL/SC	30**%**
	Villa	D	¾	30%	6	2	BL/SC	30**%**
Madliena/ L-Ibragg	Villa	D	1	30%	6	2	BL	30**%**
Manikata	Bungalow	D	1	30%	***7.5***	1	BL/SC	30**%**
	Villa	D/SD	N/A	40%	3	2	BL/SC	20**%**
Mellieha								
Sta. Maria & Qortin	Bungalow	D	1	30%	3	1	BL	30**%**
High Ridge (facing Sta Marija Est)	Bungalow	D	1	30%	3	1	BL	30**%**
High Ridge	Bungalow	SD	1	40%	3	1	BL	20**%**
High Ridge	Villa	SD	1	30%	3	2	BL	20%
ta Halwija	Villa	D/SD	N/A	40%	3	2	BL/SC	20**%**

Locality	Permissible development	Dwelling type D/SD	Min Site Area	Max site coverage	Min Site Curtilage	Max No. of habitable floors	Garage within BL/SC	Area of soft land-scaping
M'Xlokk	Villa	SD	N/A	40 - 50%	3	2	BL/SC	20%
St. Paul's Bay (Tal-Fjuri)	Villa	D/SD	½	40%	3	2	BL	20%
Naxxar/St. Pawl tat - Targa	Bungalow	D	1	30%	3	1	BL/SC	30%
	Villa	D/SD	N/A	40%	3	2	BL/SC	20%
M'Scala	Bungalow	D	1	40%	3	1	BL/SC	20%
St. Thomas Bay	Villa	D/SD	N/A	40%	3	2	BL/SC	20%
St. Julians	Villa	D/SD	N/A	40%	3	2	BL/SC	20%
Ta' Xbiex	Villa	D/SD	N/A	45%	3	2	BL/SC	20%
Tarxien	Villa	D/SD	N/A	N/A	3	2	BL/SC	20%
Others	Villa	D/SD	N/A	40%	3	2	BL/SC	20%
Gozo								
Xlendi	Villa	D/SD	½	40%	3	2	SC	20%
Xaghra	Villa	D/SD	½	40%	3	2	SC	20%

Notes: D = detached; SD = semi-detached; BL = building; SC = side curtilage; N/A = not applicable; area of soft landscaping = the percentage of the total site area to be soft landscaped.
Others include : Attard, Balzan, Bahrija, Bidnija, B'Kara; Bugibba; Gudja; Imriehel; Imsierah; Msida; Kalkara; Kappara; Lija; Mensija; Mosta; Pembroke; Qawra; Rabat (Tal-Virtu); St. Andrews; San Gwann; Sta. Venera; Swieqi; Xemxija

Where the dwelling type shown in Table 3.2 is a detached villa or bungalow, the development of two semi-detached dwellings will be permitted, provided that the requirements for the minimum site area; site coverage etc., are all met and the design of the dwellings maintains and enhances the character of the area by ensuring that the semi-detached units appear as a single dwelling.

A detached/semi-detached dwelling will be permitted in these areas where the minimum frontage requirement as set out in Policy 3.6 can not be met, provided that the dwelling meets all the requirements of this policy and access to the dwelling is gained by a drive at least 3 metres wide.

Where a particular localised area (a street or block) has been developed otherwise than in accordance with the requirements for that locality set out above, new development in that area shall conform to the requirements/conditions which have been applied to the adjoining development, rather than to the requirements in the Table. Nonetheless, this should be the exception rather than the rule.

See also policy 2.8 (heights of detached and semi-detached dwellings) and the Glossary for a definition of the side curtilage.

3.3 Maintaining the character of Detached and Semi-Detached areas

There are a number of sites within the areas referred to in the Table in policy 3.2 where the permissible form of development (bungalow or villa) and the other zoning conditions (dwelling type, minimum site area, maximum site coverage, minimum site curtilage, maximum number of habitable floors and the location of the garage) are unclear. It is important that new development (either on vacant sites or through redevelopment) accords with the adjacent development, and so maintains the character of the area. This policy ensures this compatibility through a consideration of the zoning and zoning conditions of previous Schemes and of the conditions which have been imposed on permissions granted in the area.

Within the areas indicated in Policy 3.2, where the Local Plans do not show a zoning or any zoning conditions, either on vacant sites or on sites where redevelopment is proposed, the type and form of development (including those matters covered by the Table in Policy 3.2) which will be permitted is to be determined having regard to the previous Schemes for the area and to conditions imposed on permits for sites adjoining the proposed development

3.4 Detached and Semi-Detached Dwellings – Length of Façade

Areas developed for semi-detached and detached bungalows and villas have a distinct character. This comes partly from the low density of the development and the general 'feel' of spaciousness. A further factor is the relationship of the buildings to the space around them, and the size of the buildings in that space. Permitting small or narrow dwellings in these areas would have an adverse effect on this character. There may, though, be residual or redevelopment sites where the shape of the site is such that a façade of 6 metres is not possible whilst conforming to the other policy requirements. In these cases, provided the dwelling is of an appropriate form and shape, and designed to fit the site and maintain the character of the area, a façade of less than 6 metres may be permitted.

In the areas shown in the Table in Policy 3.2, dwellings shall have a front façade of not less than 6 metres. Where a site is of an irregular shape such that, in order to meet the requirements of Policy 3.2, a façade of at least 6 metres cannot be provided, the Authority may permit a dwelling with a façade of less than 6 metres provided that the form, shape and design of the dwelling maintains the character of the area and that only one dwelling is provided on the site.

3.5 Flatted Dwellings, including Maisonettes, in Areas Zoned for Detached or Semi-Detached Villas

Given certain safeguards, flatted dwellings in areas zoned for villas make more efficient use of land, although they can add to the general 'intensiveness' of residential use. So, it is important that the character of the area is maintained, and that the character of lower density villa areas is not compromised. In terms of design, these flatted dwellings should reflect that of the surrounding area and so should maintain the general character of the area. Floor space in this policy means the internal floor area of the dwelling *less* circulation space.

In those areas zoned for semi-detached or detached villas in policy 3.2, one dwelling unit on the ground floor and one dwelling unit on the first floor may be permitted provided that

(a) the floor space of each dwelling is not less than 150 square metres;
(b) access to the dwellings is internal and not by means of an external staircase;
(c) the design of the dwellings is integrated such that they appear as one coherent building; and
(d) the building meets the other requirements set out in policy 3.2.

See policy 3.2

3.6 Plot Frontage and Dwelling Size

Normally MEPA will require a site frontage of at least 6 metres, so that adequate natural light and ventilation can be provided from the front of the building/dwelling and an adequate access can also be provided. In those circumstances where this is not possible, but residential development of the site is appropriate, the Authority will require a minimum frontage of 4.2 metres and a minimum dwelling size (depending on the number of bedrooms) to safeguard residential amenity and to ensure a reasonable standard of internal living environment.

The redevelopment of existing buildings/sites for a significant number of dwellings may pose problems in attaining the minimum façade length for each dwelling but may also give opportunities for creative or innovative design. In these cases, the Authority may permit a smaller façade length provided vehicular access is joint (normally to a basement parking area); the amenity requirements of this and other relevant policies are met; and the treatment/design of the building(s) creates the appearance of façades which are wider than the case (which can be done by the appropriate placing of door and window openings etc).

The minimum permissible site frontage shall normally be 6 metres, although, where the size or shape of the site is such that this cannot be attained, MEPA may permit residential development provided that the site frontage is not less than 4.2 metres and the size of dwelling unit(s) is not less than that specified in policy 3.7.

In the case of the redevelopment of existing buildings where a number of dwellings are proposed and an individual vehicular access to each dwelling is not to be provided, then the Authority may permit a dwelling frontage of less than 4.2 metres but at least 3 metres, provided the requirements of policy 3.7 are met and the dwellings are of a form and so designed that each has adequate natural light and ventilation and the design and treatment of the façades is such that they do not appear narrow, cramped or inappropriate in their context.

See also in particular policies 3.1 and 3.7, and Part 12

3.7 Minimum Dwelling Size (Other than Dwellings Covered by policies 3.2 and 3.5)

The general objectives for housing are to ensure that (a) a range of different sized units are provided to meet the needs of different sized households; (b) housing uses space efficiently; and (c) a reasonable quality of residential amenity and minimum living space standards are provided. This policy addresses the third of these objectives; others are addressed in Local Plans. The need to provide a mix of dwellings sizes in individual developments and overall should be borne in mind in applying this policy, as should the achievement of reasonable standards of internal residential amenity (outlook, privacy etc). The space standards are given as gross floor areas as defined in the glossary and, include owned wall thickness.

MEPA will encourage the efficient use of internal and external space when considering applications for new dwellings. Restricted and inadequately sized accommodation will not be acceptable. All new built and rehabilitated housing units shall have a minimum gross floor area as shown below:

- **45 m² for one-bedroom apartment**
- **76 m² for two-bedroom apartment**
- **96 m² for three-bedroom apartment**

However, in development of five or more units, MEPA may permit not more than 20% of the dwellings as one bedroom units excluding penthouse.

Non profit making organisations which are declared as being tax exempt by the Minister responsible for finance in a Legal Notice made for that purpose, and government entities, can benefit from an exemption of the 20% mix rule for one bedroom apartments.
See also policies 1.1, 3.1, 12.1 and 12.3 in particular

3.8 Internal Residential Development

Internal development (see the Glossary for a definition of the development to which this policy applies) should normally take place as comprehensive development, so that a satisfactory layout can be designed. It can make efficient use of land, but the overall standard of the (normally) residential environment, which it produces, must be carefully considered.

There are a number of key issues, which need to be considered. The access should be suitable for vehicles and pedestrians and it should permit use by service (like refuse collection, deliveries etc.) and emergency vehicles. The minimum width may need to be increased, in particular situations, to 4.8m to allow cars to pass larger vehicles, or alternatively passing places may be required. The situations where this may be necessary include long access roads without clear visibility over their whole length or a large number of dwellings. The access design should also be appropriate for pedestrians, with a pavement width of at least 1.2 metres, or alternatively a shared space, with the appropriate measures to control traffic speeds. The design of the access should avoid long 'tunnels', between or under buildings, although short covered accesses may be acceptable. Adequate forward visibility along the access road should be provided.

Secondly, the building layout should provide for adequate outlook and privacy, both for any existing buildings and for the proposed development. An acceptable design and relationship of the proposed development to any existing development is also expected. Adequate separation between buildings must be maintained/provided, such that there is privacy but also existing or new buildings have an outlook other than at the walls of other buildings in close proximity (see Glossary).

An appropriate layout of the spaces between the dwellings/buildings is also important as is its maintenance. Public open space should be provided (possibly a piazza where the site shape/size allows for this, or alternatively less formal, but still public, spaces, including play area(s)) to create a feeling of buildings in space and to give the development an identifiable and distinct character. To ensure maintenance, the Authority will require the developer to demonstrate that adequate mechanisms will be put in place to maintain the common areas, including the landscaping, and it will usually require a bank guarantee to ensure that this is done.

Within UCAs, internal development is likely to be out of keeping with the streetscape and with the morphology of these historic areas. It would have an adverse impact of the character of UCAs and so will not be permitted.

Part C deals with the subdivision of dwellings, including flats, other than those dwellings covered by policy 3.2.

A Outside Urban Conservation Areas, internal residential development may be permitted where:

(a) the highway network in the area, and in particular the approach road(s) to the site, is capable of accommodating the traffic likely to be generated by the development safely and conveniently. In particular, approach roads should not be less than 4.1 metres wide;

(b) an adequate means of vehicular and pedestrian access to the site can be provided from an adjoining street, with a minimum access width of 4.1 metres, and a turning space is provided to enable vehicles to enter and leave the site in a forward gear;

(c) the proposed development is in keeping with the character of the area and in accordance with the zoning of the site (where applicable) in terms of the type of dwelling unit permitted, the height and the other applicable criteria;

(d) the development would be compatible in height, scale, design and form with adjoining property;

(e) a satisfactory layout and building form can be provided such that adequate outlook is provided for the windows of the main habitable rooms and there is adequate separation between buildings to provide privacy.

i. where buildings front internal spaces or access ways there should be at least 6 metres separation between buildings;

ii. at least 3m separation where buildings adjoin the backyards of adjacent buildings;

(f) where there is an existing party wall adjoining the site, such a party wall should not remain exposed, i.e. part of the new development must abut the party wall to cover it up. Conversely, the new development should not give rise to party walls, which are unlikely to be covered up by developments on adjoining sites. (In particular, the height of party walls of the new development should not exceed the height limitation for the area).

(g) the development would not have an adverse impact on the amenity of buildings adjoining the site because of overlooking or a reduction in privacy or other residential amenity;

(h) satisfactory access arrangements for service (refuse collection etc.) and emergency vehicles can be achieved;

(i) at least 20% of the site is public open space in the form of open space between buildings, including piazzas or other public spaces and/or play areas;

(j) adequate provision is made for the landscaping of this open space and for refuse collection areas;

(k) the site can be adequately provided with the necessary infrastructure services;

(l) a satisfactory proposal for the maintenance of common areas, landscaping and utility services is submitted;

(m) all parking provision should be underground and the open space at ground floor level should be a pedestrian space.

Parking provision should be calculated at the medium standard according to the Explanatory Memorandum.

Where internal development is sited immediately adjacent to an Urban Conservation Area, it shall not be higher than the predominant height of the surrounding buildings, and where adjacent to gardens there shall be an open space of at least 3 metres between the development and the garden walls.

B Within Urban Conservation Areas, internal residential development will not be permitted.

C The subdivision of dwelling units, other than those covered by Policy 3.2, may be permitted provided that criteria (e) and (f) in A above are met and that the size of the dwellings complies with Policy 3.7.

See also policies 3.1 (general design concepts for dwellings), 4.1 (access), 4.6 (radii at accesses/junctions), 4.8 (turning space and internal circulation), 4.17 (access for fire tenders), 12.1 (general residential amenity standards), 12.3 (privacy) and 12.4 (provision of amenity space in residential areas)

Part 4 – Access to New Development

Other policies which are relevant to this Part include the adopted policies 'Access For All' and 'Traffic Generation, Access and Parking', as well as Part 6 Parking Areas and Garages.

4.1 Vehicular Access for All New Development

It is important that all access points used by vehicles are safe and easy and convenient to use. The policy specifies a number of performance criteria to be fulfilled to ensure that this requirement is met. Some of these criteria are detailed further in subsequent policies.

The requirement in criterion (f) for a two-way (4.1m wide) access sets a separate higher threshold for residential developments due to practical considerations relating to plot sizes and the lower frequency of use associated with such developments. At site entrances there should be sufficient width to allow turning cars to pass each other safely. These requirements do not apply if a separate entrance and exit is provided.

Typical access widths and functions are

2.4m	one car access but not passing of other vehicles
3.7m	access by a fire tender
4.1m	2 cars can pass each other
4.8m	a car and a lorry can pass each other
5.5m	two lorries can pass each other

All new development shall be provided with a suitable access from an existing road or a road proposed in the Local Plan. Safety and convenience of all road users is a prime consideration. The access must be designed and located to ensure that:

(a) it would not materially reduce road safety;

(b) adequate visibility is provided along both the carriageway and the footway for vehicles entering and leaving the development;

(c) it would not conflict with traffic flow, other road users and adjacent accesses;

(d) at developments where some form of entry control system is used, sufficient space is provided for vehicles to wait clear of the public highway;

(e) adequate radii are provided to enable vehicles to enter and leave freely without the need for additional turning or manoeuvring movements, in accordance with Policy 4.6;

(f) in all cases, it should not be less than 2.4m wide. Where the access serves 20 or more parking spaces, or 30 or more spaces in the case of residential development, the access width should be at least 4.1m. Where for aesthetic reasons, a garage opening of 4.1m is impractical, a reduced width of garage door will be considered. Due regard should be given to the swept path of turning vehicles;

(g) where the volume of vehicle movements justifies it and site conditions permit, a separate entry and exit and/or a separate vehicle and pedestrian access will be required;

(h) landscaping and other built elements of the proposal do not hinder the use of the access.

4.2 Access from Arterial Roads

Structure Plan policy RDS 5 precludes direct access from arterial roads in order that their function as a major traffic artery is maintained and safeguarded from development which might disrupt traffic flows or give rise to highway danger. Where an arterial road is flanked by a service road, then vehicular access to development should be directly onto the service road, and from there, at a limited number of points, onto the arterial road.

There shall be no direct vehicular access to development from arterial roads.

4.3 Access to Commercial Development

The separation of service areas and public car parks reduces inconvenience and potential danger, and improves efficiency. The individual accesses should, of course, meet the requirements of other policies in this Part.

Access to parking areas for use by the public (customers or other callers) and to on-site servicing (deliveries etc.) area should be segregated, unless the configuration or dimensions of the site are such that it is not safe or practical to do so.

4.4 Clear Access to Garages

This policy sets out a minimum clear road width that must be available if garages are to be permitted. Garages must be capable of easy and safe use. Access from a street of restricted width (by buildings, structures or on-street vehicle parking) is likely to give rise to potential danger for pedestrians and drivers because of the need for repeated manoeuvres when entering or leaving the garage(s).

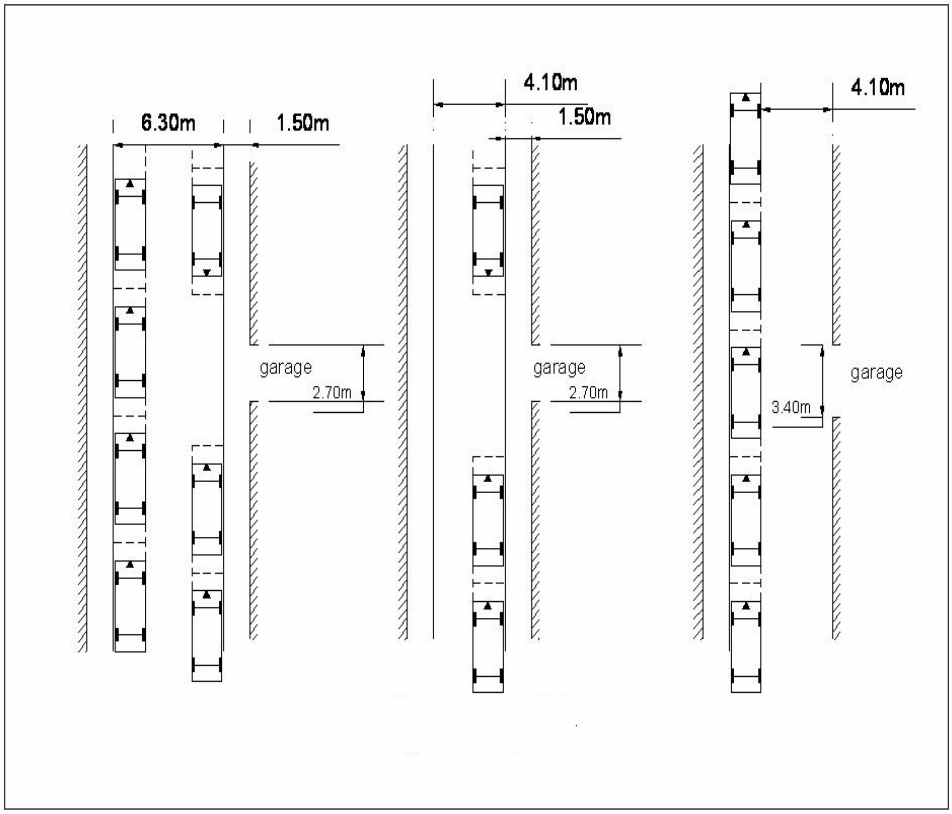
MEPA will only grant permission for the construction of garages where the street from which the access will be gained is as shown in Diagram 4.4:

(a) 6.3 metres wide in the case of streets used for on-street vehicle parking;

(b) 4.1 metres wide in the case of streets where on-street vehicle parking on the opposite side of the street to the garage(s) access is legally or physically prohibited; and

(c) except in UCAs, 4.1 metres wide in the case of streets where there is on-street vehicle parking on the opposite side and no footway adjacent to the garage, provided that the garage access is at least 3.4m wide.

Diagram 4.4



Note*:* Both a & b assume a minimum footway width of 1.5m adjacent to the garage access.

See also Policy 4.5 Multiple Vehicular accesses

4.5 Multiple Vehicular Accesses

Multiple garage openings and access points have an adverse impact on the streetscape and on the character of the surrounding area giving rise to a loss of amenity. They can also pose a danger to pedestrians. This policy stipulates the maximum number of adjacent garage openings; if practicable, a reduced number should be achieved.

In some situations where a site is restricted, such as corner sites, the Authority will carefully consider the proposal and seek to minimise the potential adverse consequences.

Except in industrial areas, no more than 3 immediately adjoining individual garage openings will be permitted.

4.6 Radii at Accesses/Junctions

Radii at junctions determine the ease with which vehicles can enter and leave a side road or access. The needs of vehicular movement need to be balanced against pedestrian safety and urban design considerations. The appropriate radii will be determined by various considerations, including the width of the access to major development sites, the volume of turning movements, and the type of vehicles using the access. As a general guide

a) 4m kerb radii is appropriate in residential areas, where the priority and non priority roads are at least 5.5m wide and the non priority road / access has modest traffic flows
a b) 6m kerb radius is appropriate at busier junctions/accesses, where a refuse collection vehicle is likely to be the largest vehicle regularly requiring access.

In some circumstances, mountable shoulders (overrun area) can be used to facilitate the easy movement of larger vehicles, whilst limiting speeds and avoiding over engineered designs. As a minimum, corner splays need to take account of minimum radii and footway width requirements.

For major projects (as defined in Appendix 2) Radii at junctions/development accesses should be sufficient to accommodate turning by the type of vehicle (commonly referred to as the design vehicle) that the junction/access is predominately intended to cater for (refer to Appendix 1).

While having regard to established scheme alignments, where necessary, buildings and boundary walls should be splayed or rounded off using designs that safeguard the appropriate radii and footway widths.

4.7 Accesses in Proximity to Junctions

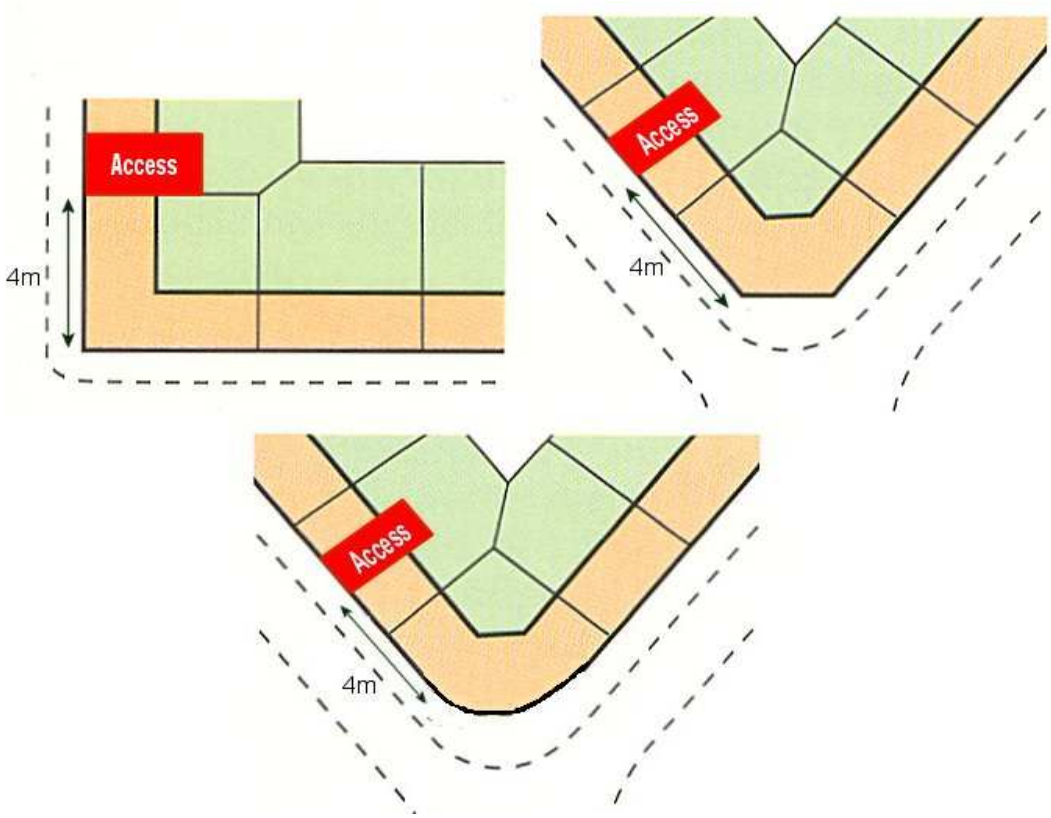
Accesses that are too close to road junctions, bends or corners are likely to be dangerous and unsafe. Vehicles emerging from them will often have poor visibility of oncoming vehicles, and similarly drivers turning round a corner will have very limited forward visibility of vehicles leaving or waiting to enter the access.

The distance given in this policy is a minimum which will be appropriate within built up areas where traffic speeds are generally low. On arterial and distributor roads or where traffic is likely to be moving at high speeds, the distance should be greater and an access located further away from a junction, bend, corner etc.

Vehicular accesses in the vicinity of junctions should be safe to use and not pose a danger to other road users, and so should be at least 4m from junctions, corners, bends etc. as indicated in Diagram 4.7.

Where a vehicular access is proposed in a cul-de-sac or alley where traffic flows are low, this requirement may be relaxed provided that there is no adverse impact on safety.

Diagram 4.7



See also Policies 4.1, 4.4 and others in this Part.

4.8 Turning Space and Internal Circulation

Turning space should be kept clear and should be large enough to accommodate the appropriate design vehicle. It is normally inappropriate for vehicles to reverse onto the street. Since the driver will have poor visibility, this action may prove hazardous to pedestrians or vehicles using the street. It may also disrupt traffic flow as a series of turning manoeuvres may be necessary.

It is essential that shared parking areas and driveways are convenient to use. The site should be designed so that only simple manoeuvres are required, avoiding the necessity for repeated shunting.

To ensure that parking spaces are convenient and effectively used, they must be designed so that they are not blocked, or obstructed by other parked vehicles (although this does not apply within single private garages where some manoeuvring of vehicles by the household is obviously acceptable).

In parking areas for commercial/industrial premises and for residential developments with 16 or more spaces or where the vehicular access leads directly onto a busy road, sufficient turning space must be provided within the site to allow all vehicles to leave and re-enter the highway in a forward gear.

Vehicles should be able to enter and leave all garages and parking spaces independently from other parked vehicles.

4.9 Driveways

Where part of the front garden is used to serve a garage or as a carport, there should be enough space to ensure that the car does not overhang onto the footway, thereby posing a danger or inconvenience to pedestrians who are forced on to the carriageway. The same also applies to carports and garages in the side curtilage of detached and semi-detached dwellings.

Driveways to garages or carports shall be at least 4.5 metres in length, measured from the back edge of the footway, to ensure that cars do not overhang onto the footway.

4.10 Headroom

Headroom heights apply to all parts of parking areas, and include entrances and exits, parking spaces, and aisles and ramps but exclude space for service ducting, lighting, etc.

The minimum vertical clearance (headroom) shall be 2.05 metres at the access point, except for single car garages and basements/semi basements connected with a residential unit.

Where the parking areas have to be accessible by fire tenders, headroom must not be less than 3.5 metres. Where heavy goods vehicle (HGV) loading and parking areas are under cover, a minimum headroom of 4.65 metres is required.

4.11 Ramp Gradients

This policy ensures that ramps serving basement parking areas or garages (whether public or private) have an adequate gradient so that they are safe and convenient to use. Gradients which are too steep are likely to deter users and thereby negate the provision of off-street parking, besides adding to on- street parking. They are also likely to be difficult or unsafe to use, particularly within garages or car parks with large volumes of vehicle movements, and so may give rise to danger for pedestrians or vehicles within the parking area or on the highway. Ramp widths should also be adequate for the likely volume and frequency of use.

Private car parking spaces/garages – The gradient of a ramp serving exclusively private car parking spaces or garages shall not be steeper that 1:5 from the back edge of the pavement.

Public car parking spaces/garages – The gradient of a ramp serving not more than 5 public car parking spaces or garages shall not be steeper than 1:5 from the back edge of the pavement.

The gradient of a ramp serving more than 5 public car parking spaces or garages shall not be steeper than 1:8 where the ramp is straight and 1:10 where the ramp is helical, from the back edge of the pavement.

See also 4.12 Radii for Ramps, 4.13 Ramp Widths and 4.14 Waiting Areas

4.12 Radii for Helical Ramps and Bends

It is important that ramps are easy and safe to use. A 4m inside radius for a helical ramp and sharp bends is sufficient for cars to turn with ease.

The inside radius of helical ramps or bends should be at least 4m, as indicated in Diagram 4.13.

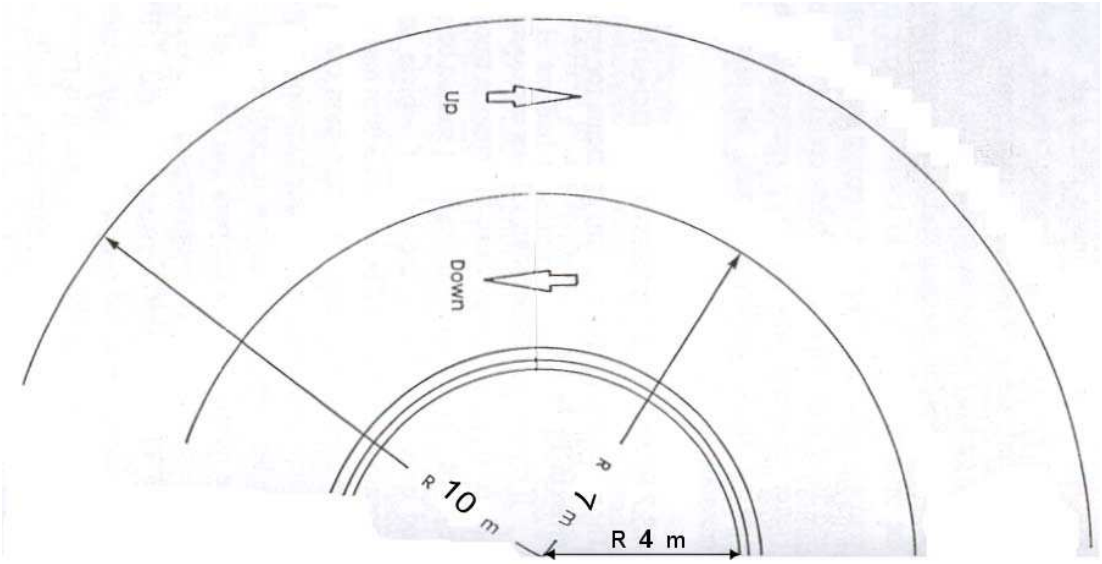
4.13 Ramp Widths

This policy sets out the minimum access widths that will ensure safety and ease of use. Where it is necessary that two cars are able to pass each other this must be done without difficulty or the need for additional manoeuvring.

Shared driveways/ramps longer than 15m, where the ends are not intervisible, or those serving more than 16 parking spaces, should be at least 4.1m wide. In all other cases, ramps should be at least 2.4m wide.

Helical ramps or ramps that include bends should accommodate the swept paths of two vehicles passing each other, as indicated in Diagram 4.13. An absolute minimum width of 6m is required for helical ramps or at bends. Where a separate access and exit arrangement exists a width of 3m for one–way helical ramps will be acceptable.

Diagram 4.13
Absolute Minimum Dimensions for Helical Ramps



4.14 Waiting Areas

Where large volumes of traffic will use an access ramp, it is important that these are able to wait conveniently and safely to enter the street. The waiting area can be provided within the building or by setting the access part of the building back from the street alignment.

Where a ramp is likely to be used by more than 5 vehicles, an area of a depth of 4 metres from the pavement, with a gradient not steeper than 1:10, shall be provided within the site for vehicles to wait at pavement level before entering the street.

4.15 Car Lifts

Car lifts can provide the means of access to off-street parking in situations where the space for ramped access is limited. However, they are inappropriate where the off-street parking area is to serve large number of visitors, as customers of shops or callers to offices. Lifts normally allow use by only one car at a time and so would give rise to queuing in those situations where vehicle movements are considerable.

In general, car lifts are most appropriate in small scale residential development, where vehicle turnover is not high and it can be expected that residents would become familiar with their use. They may also be acceptable in those office uses where there would be no or few visitors, and use of the lift can be controlled. However, in the latter situation the developer would need to consider the potential for future changes of occupier or use, and the presence of a car lift may make a building unsuitable for certain types of office use, where visiting members of the public are a normal part of the office's business (for example, banks or insurance offices, and other similar types of services); thus requiring a higher investment for altering the building to secure a proper access.

It is important that car lifts are well positioned and designed; that they can be accessed and exited without danger or inconvenience to other road users or to pedestrians; that they are easy to use; and meet a number of other performance standards and requirements, which the policy criteria address. Given this, applications for development including car lifts should include information and/or plans and drawings which clearly and unambiguously demonstrate that the criteria in the policy are all met. The lift should be installed and operational before a completion certificate is issued.

MEPA will permit a car lift as the sole means of access to off-street parking areas, where the parking areas are not intended to be accessible to a large number of frequent visitors and the sit is restricted in size or shape such that a normal ramped access can not be provided.

A car lift will not be permitted as the means of access to permitted uses which will attract a large number of visitors.

Where permitted, the access to the car lift shall comply with the other access requirements set out in Policy 4.1 and with the following criteria

(a) each lift shall not serve more than 20 car spaces in total;
(b) a waiting area is provided within the site at the entrance/access to the lift from the highway;
(c) the visibility from the entrance/access along the highway, and the internal visibility to the car lift, is adequate;

(d) waiting areas are provided at all car parking levels served by the car lift;
(e) adequate internal circulation and manoeuvring space is provided so that the lift can be used easily and safely;
(f) the lift is located within the site, and adequate turning space is provided, so that ideally cars can enter and leave the site in a forward gear;
(g) the lift is of adequate dimensions and at least 2.4 metres by 4.8 metres;
(h) the operation of the lift should be straightforward and suitable safety measures, such as guardrails and warning signs (both audible and visual), provided;
(i) a secondary pedestrian access and escape should be provided;
(j) a secondary source of power to the car lift should be provided.

A condition will be imposed requiring the lift to be installed and operational before a compliance/completion certification is issued.

4.16 Access For All

It is important that persons with special needs are able to easily access and use all 'public buildings' (buildings to which members of the general public have access).

MEPA will require adherence to the policies and standards set out in the National Commission for Persons with Disability (NCPD) policy document 'Access For All' for applications which are referred to NCPD in accordance to criteria as agreed between MEPA and NCPD

4.17 Access For Fire Tenders

Developments should be designed to ensure easy access for fire tenders needing to attend a fire. Fire access will normally be to the front of dwellings, but rear access may be accepted.

Developments should be designed to ensure that a fire tender can gain unhindered access. A certificate by a competent professional engineer should be provided to this effect.

4.18 Urban Improvements Fund

Space for vehicle parking to the appropriate standards, as set out in the Explanatory Memorandum, should normally be provided on site. There are circumstances where this may not be physically possible because of the size or configuration of the site for example, or where it is undesirable for planning reasons. In these circumstances, Commuted Parking Payment Schemes (CPPS) require the payment of monetary contributions in lieu of parking provision. However the CPPS cover only relatively limited areas and this policy provides a similar mechanism, with contributions to the Urban Improvements Fund (UIF), for those areas not covered by a CPPS. MEPA will use the contributions to the UIF

for the benefit of the local community through traffic management, green transport, urban improvement or similar projects in the locality of the site.

Where car parking cannot be provided on site, because it is either physically impossible or considered undesirable, and the site is not within the area covered by a Commuted Parking Payment Scheme, a contribution to the Urban Improvement Fund of LM 500 for each space not provided will be required. This policy does not apply where the proposed development will result in the removal of parking available on site.

Part 5 – Basements

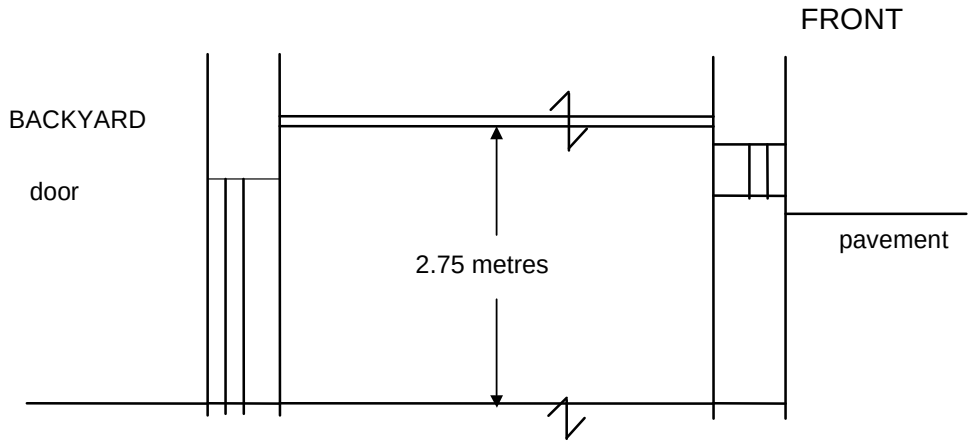
5.1 The Residential Use of Basements

Normally basements should not be used as separate dwellings to ensure that substandard dwellings with a poor quality internal environment are not created. However, where the basement is part of a dwelling, then the use of part of that basement for domestic purposes is acceptable, as long as the basic sanitary considerations are met.

In other limited circumstances (not in those dwellings to which policy 3.2 apply), where an internal environment of a satisfactory quality can be provided, and then the use of a basement as a separate dwelling may be acceptable. The internal ceiling height must be appropriate (at least 2.75 metres as stipulated in the Code of Police Laws) and there should be sufficient natural light and ventilation. In order to supply the latter, and give some degree of outlook, the basement dwelling should normally have an open space at the front and rear. Both these should be at least 3 metres deep, although a greater depth is preferable, as is a location where a side curtilage can also be provided. However where high level windows can be provided onto the back then the backyard at basement level is not required.

A **A basement may, where it forms part of a dwelling, be used for domestic purposes (as habitable space, such as a living room, bedroom, kitchen etc.), provided that it is not completely below ground level, and that this use complies with the relevant sanitary considerations; provides a satisfactory standard of internal environment, natural light, ventilation and outlook; with the other policies set out in this document; and with Diagram 5.1a.**

Diagram 5.1a



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B **Except for detached or semi-detached dwellings as set out in policy 3.2, a basement may be used as a separate dwelling unit provided it provides a satisfactory standard of internal environment, natural light, ventilation and outlook; and that**

a) it has a clear internal height of at least 2.75 metres (measured from the floor to the lowest point of the ceiling;
b) it has a backyard of at least 3 metres;
c) there is an open space between the front of the dwelling and the pavement of at least 3 metres; and
d) the dwelling complies with the relevant sanitary considerations, and with the other policies set out in this document

as shown in Diagram 5.1b except that, as shown in Diagram 5.1c, a backyard is not required if high level windows are provided on the raised backyard.

For semi-basements (that is those basements that are roofed over more than 1.4m above pavement level), the requirements in Diagrams 5.1a or 5.1c should be met, together with criteria (a) and (d) and (b) or (c) as appropriate to the precise location of the basement in relation to the external ground level and pavement level, having regard to the objectives of this policy to provide a satisfactory standard of internal environment; natural light; ventilation and outlook.

Diagram 5.1b

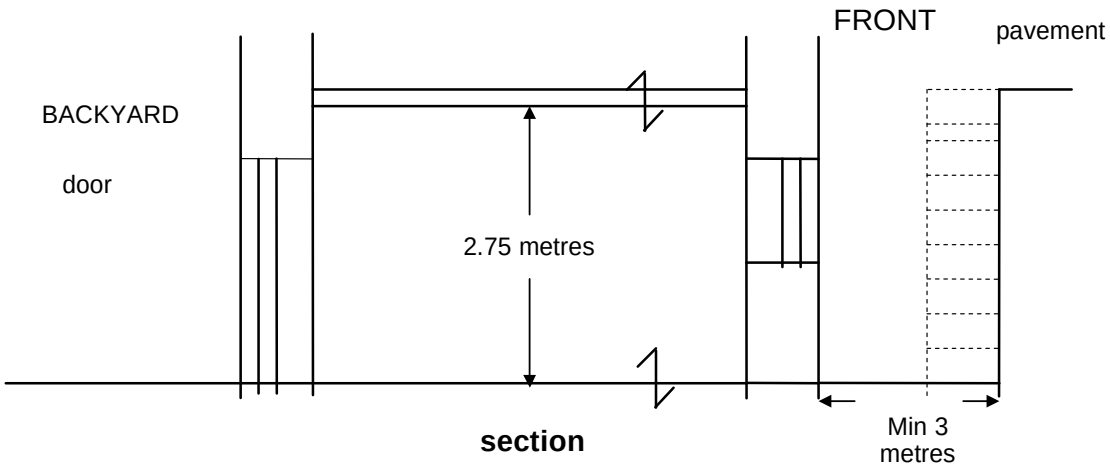
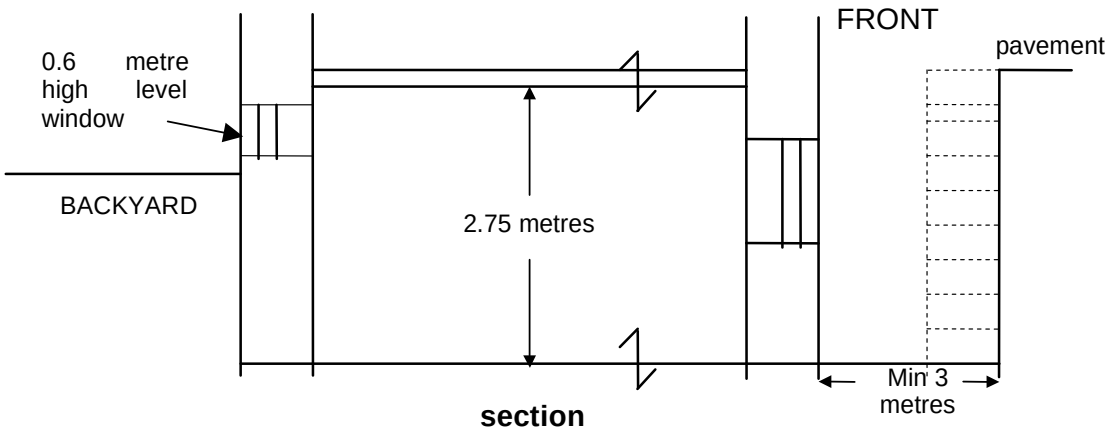


Diagram 5.1c



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5.2 The Commercial Use of Basements

The use of basements for retail or other purposes (as defined in the policy) is acceptable in certain circumstances and may provide a useful local amenity, subject to safeguards. In particular the use should not have an adverse impact on the amenity of adjoining dwellings (particularly any overlying dwelling or those immediately adjoining the site, at the sides or rear). The most likely impacts are noise (especially from Class 6 uses; storage and air conditioning or refrigeration); disturbance (again from Class 6 uses through customers at unsocial hours); and smell (particularly from Class 6 uses).

The construction of, or use of, basements for

(1) retail use (Class 4 of the Development Planning (Use Classes) Order 1994)

(2) food and drink use (Class 6 of the Development Planning (Use Classes) Order 1994) and

(3) offices (Class 5 of the Development Planning (Use Classes) Order 1994)

may be permitted, except in those areas zoned for detached or semi-detached dwellings as set out in Policy 3.2, or as unless otherwise specified in an approved Local Plan, provided that the proposed unit

a) has a clear internal height of not less than 2.75 metres (measured from the floor to the lowest point of the ceiling, including any suspended beams);

b) can be conveniently and safely accessed particularly for servicing;

c) shall have adequate fire safety measures;

d) shall have a toilet for use by staff. A separate toilet for use by customers shall be provided where the proposed unit is a shop which provides a service which requires customers to

wait on the premises for that service, including a pharmacy (with consulting rooms); hairdresser/beauty salon; and dispensing optician, or a use falling within Class 6;

e) has or will provide adequate natural or mechanical ventilation;

f) would not have an adverse impact on the amenity of adjoining properties or detract from the amenity of the area in which it is proposed to be located.

See also policy 3.2 and Part 15, and the approved Interim Retail Planning Guidelines.

5.3 Basements Below Front Gardens

The main concern with the use of the space under the 'front garden' as a basement is the visual appearance of this external space and the retention of a distinctive and apparent set back of the building from the street. Whilst recognising that the use of the basement space is desirable, providing additional usable space, the criteria limit adverse visual impact by ensuring that the ground level within the 'front garden' is not raised unduly and that the front garden is appropriately bounded. Where practicable and desirable the front garden space should be hard and/or soft landscaped in a manner which adds interest to the streetscape.

The construction of or extension of a basement or semi-basement in the space below a front garden will be permitted provided that

a) the development would not raise the floor level of any part of the front garden area more than0.7m above finished pavement level;

b) the height of the boundary wall is not more than 1.4m above finished pavement level.

This also applies to detached and semi-detached villas.

Part 6 – Parking Areas and Garages

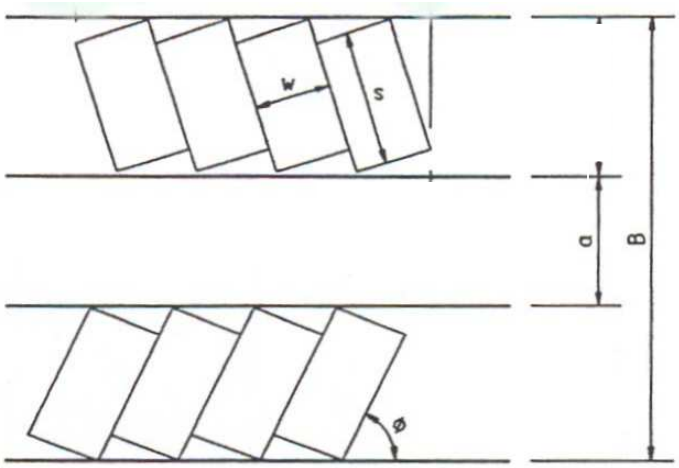
6.1 Parking areas, Parking Spaces and Garages

Diagram 6.1 illustrates the terminology used to describe the different aspects of parking layouts. Table 6.1A sets the standard dimensions for different vehicle categories, while Table 6.1B establishes the standards for cars parked at different angles. These dimensions will be used as standard although occasional variations may exist. The absolute minimums apply where sites are restricted. Table 6.1C shows minimum dimensions for residential garage areas. Typical swept paths for these vehicles when turning are shown in Appendix 1.

These standards ensure that car parks, parking spaces, garages and aisles are of sufficient width to function properly in the interest of safety and convenience of the users.

Parking area layouts, parking spaces and garages must satisfy the minimum standard dimensions of the design vehicle associated with the proposed development to ensure proper functioning, as indicated in Diagram 6.1, Tables 6.1A, 6.1B and 6.1C, and Appendix 1.

Diagram 6.1
Different Aspects of Parking Layouts



B = Bin Width, a = Aisle Width, ø = Parking Angle, w = Parking Space Width, s = Parking Space Length.

Table 6.1A Typical Parking Space Requirements

Vehicle Type	Car	Light Van	Coach/Bus	Heavy Goods Vehicle	
				Rigid	Articulated
Vehicle Dimensions (m)	4.5 X 1.8	Up to 5.5 X 2.1	Up to 12.0 X 2.5	Up to 11.0 X 2.5	Up to 16.5 X 2.5
Allocated Parking Space (m)	4.8 X 2.4	6.0 X 2.3	14.0 X 3.5*	14.0 X 3.5	18.5 X 3.5

Note: where boarding and/or alighting will take place from a coach/bus parking space, the width should be increased to at least 4.5m

Table 6.1B Recommended Parking Dimensions for communal car parking areas

Parking Angle (º)	Aisle Width (a)		Parking Space Width (w) (m)	Bin Width (B) (Parking Space length (s) 4.8m)	
	Absolute Minimum (m)	Standard (m)		Absolute Minimum (m)	Standard (m)
90	Two-way aisle * 6.95	Two-way aisle * 6.95	2.40	16.55	16.55
90	One-way aisle * 6.00	One-way aisle * 6.00	2.40	15.60	15.60
80	5.25	5.25	2.40	15.45	15.45
70	4.50	4.70	2.40	15.08	15.28
60	3.75	4.20	2.40	14.39	14.84
50	3.50	3.80	2.40	13.87	14.17
45	3.50	3.60	2.40	13.62	13.72

Notes: For parallel parking a minimum aisle width of 3m is acceptable.
* In residential developments an aisle width of 6m is acceptable for two-way movements

Table 6.1C Recommended Minimum Parking Dimensions for Garages in Residential Developments

Garage Dimensions (m)				
Width	**Length**	**Height of Opening**	**Width of Opening**	**Aisle Width (m)**
2.7	5.1	2.05	2.4	6.00
			2.5	5.90
			2.6	5.80
			2.7	5.70
			2.8	5.50
			2.9	5.30
			3.0	5.00

Notes: These are 'clear' dimensions excluding wall thickness.

6.2 Parking Areas/Garages - Aisle Widths and Columns

Vehicles entering and leaving individual garages or parking spaces should be able to do so easily, with a minimum of manoeuvring. The minimum aisle width should be kept clear of any type of obstruction at all times. If columns are set closer that 0.8m to an aisle the practical effect would be to reduce the space width for entering vehicles.

Aisles/forecourts must be unobstructed by columns or other structures.

6.3 Underground Parking Areas - Domestic Stores

Where domestic stores are permitted these should be used exclusively for storage and any other use is not acceptable. With a width limitation of 1.5m at the access of such stores, it will not be possible to use these spaces as garages.

The accesses of domestic stores in underground parking areas should not be wider than 1.5m. The stores should be physically and internally linked to the overlying dwellings.

6.4 Garages for Private Vehicles

Garages and communal parking spaces are intended for use by private vehicles (mainly cars). They are often (particularly communal parking spaces) linked with shops or other forms of development, to provide short term parking for users of the development. In these circumstances the parking of heavy goods vehicles (other than those servicing the development) is likely to affect the smooth functioning of the parking area. In addition, the parking of heavy goods vehicles in garages within residential areas may give rise to a loss of amenity. The parking of commercial vehicles which fall outside the definition of heavy goods vehicles used in this document will be acceptable.

MEPA will ensure that garages and communal parking spaces intended to provide public or private off street parking shall only be used for the garaging of private vehicles and not for the garaging of heavy goods vehicles. It will impose a condition to this effect on all development permissions which include provision for public or private off street vehicle parking.

See Glossary for definitions of private and heavy goods vehicles. See also 6.15 (garaging for heavy goods/public service vehicles) and the other policies in Part 4 and Part 6.

6.5 Off Street Parking

It is important that off street parking is available for use by its intended users; therefore it is essential that there are convenient links between car parking areas and the uses they serve. In this respect, careful consideration should be given to the design of links, such as lifts, staircases and passageways, to ensure they facilitate easy access.

Connections between off street parking and the uses they serve should be user friendly and designed to facilitate easy access.

6.6 Parking for Commercial Development

Parking layouts should reflect the use for which the parking is intended. So, whilst lock up garages would be appropriate for residential units, they are not suitable as public parking for commercial developments.

Parking for commercial development should be in the form of communal parking spaces, rather than garages, to facilitate their use by customers, other visitors and employees.

6.7 The Internal Height of Garages for Private Vehicles

This policy limits the internal height of garages for private vehicles in order to ensure that they cannot physically be used for parking of larger, commercial vehicles.

The internal height of garages (which form part of buildings) for the parking of private vehicles shall not exceed 3.4 metres including structural beams.

6.8 Garage Door Openings

This policy is related to policy 4.4 and to its objectives. In addition, it aims to achieve acceptable urban design, by ensuring that garage door openings are not too visually dominant, particularly in UCAs where it is important that the character of the area and of the streetscape is maintained and enhanced. In certain cases (but not within UCAs), a wider opening (of up to 4.1 metre wide) may be appropriate, particularly where it is the opening (access) for a large number of cars, as it will permit two cars to use the entrance simultaneously.

Residential garage door openings shall not be higher than 2.8 metres and the width shall range between 2.4 metres to 3.4 metres, depending on the parking limitations and street width, where the garage is proposed to be located as shown in diagram 4.4.

Garage door openings in UCAs should meet these criteria, except that they should be between 2.4 metres and 3 metres wide, provided that they would not have an adverse impact on the streetscape and on the character of the surrounding area.

See also policy 4.5

6.9 Garages for Private Vehicles - Detached and Semi-Detached Dwellings

It is important to retain the character of areas developed for detached or semi-detached development. To achieve this, the policy limits both the height and the amount of setback from the building alignment of garages within the side curtilage of semi-detached and detached dwellings. In addition the location of the garage should permit hard or soft landscaping of the plot, and not unduly reduce the detached character of the dwelling/area. Where the garage roof is proposed to be used as a terrace, it should not give rise to overlooking or loss of privacy for adjoining dwellings. Adverse impacts may be reduced or eliminated by raising the party wall, using differences in levels, staggering or other similar and suitable screening measures.

Where a garage is permitted in the side curtilage of a detached or semi-detached dwelling, as shown in policy 3.2

(a) the garage shall not exceed an overall height of 3 metres measured from the ground level of the building;
(b) the façade of the garage shall be setback at least 4.5 metres from the building alignment (unless the site is very restricted, where a smaller setback would be considered);
(c) the garage shall be so located and of such a size that it does not detract from the detached character of the dwelling;

(d) the garage shall be so located and of such a size that it permits the establishment or maintenance of planting/landscaping commensurate with the existing character of the site and the surrounding area;

(e) there shall be no permanent access to, or use of, the roof of the garage, where this would give rise to overlooking of the adjoining property (particularly the windows of habitable rooms) or otherwise detract from the privacy or amenity of the adjoining dwelling; and

(f) the use of the garage roof as a terrace may be permitted where it would not have the adverse impacts set out in criterion (e).

Three car parking spaces shall be provided (the medium parking standard as set out in the Explanatory Memorandum) and additional off-street parking is not permitted in order to safeguard the amenity of the area.

See also policies 6.1and 6.5, and Part 4 on access.

6.10 Garages for Private Vehicles – Internal Garages

This policy restricts the height of internal garages and physically limits the use to which they can be put, thus safeguarding the amenity of the surrounding area.

Internal garages shall not be roofed over more than 2.6m above internal street level, except where the garages are located in an industrial area.

6.11 Paving and Drainage of Forecourts

The policy seeks to ensure that garages are convenient to use (by having an appropriate hard surface) and that surface water run off does not give rise to problems elsewhere. The precise form of the hard surface and of the drainage should be determined in individual circumstances.

The forecourts of garages shall be paved or have a hard surface and drained with a gradient of at least 1 in 60.

See also Parts 4 on Access and Part 14 on Industrial Development.

6.12 Development over Internal Garages

In general, because internal garages are located on backland, development at roof level would have an adverse impact on the amenity of adjoining properties. It would also create a poor standard of environment for the occupants of the dwellings over internal garages.

There may be situations where internal garages directly abut buildings with a frontage on a street, and in these circumstances development on the roof may be acceptable, if certain other safeguards are met.

Elsewhere, internal garages may directly abut dwellings and the garages may, in this case, be used as amenity space (a terrace) for the dwellings. This is acceptable provided that this use does not adversely affect the privacy of the dwellings.

There shall be no permanent means of access to the roof of internal garages and no development on the roof of the garages, except that residential development over internal garages may be permitted where

(a) the garage(s) is linked to a dwelling or building with a frontage on a street (a public or schemed road);
(b) the development is in keeping with the character of the area;
(c) the development would be compatible in scale, design and form with adjoining property;
(d) a satisfactory layout and building form can be provided;
(e) the development would not have an adverse impact on the amenity of buildings adjoining the site (particularly outlook and privacy);
(f) an adequate standard of privacy and outlook can be provided for the development; and
(g) satisfactory access arrangements can be achieved.

The use of the roof(s) of an internal garage(s) as a terrace may be permitted where the garage directly abuts a dwelling with a frontage on a street, and the use meets criterion (e) above.

See also Part 4 on Access

6.13 Development over Internal Garages in Industrial Areas

In industrial areas (as defined in the policy), the Authority will usually encourage development over internal garages used for garaging vehicles, provided that the form, scale, height and proposed use is broadly compatible with adjoining development. Such development makes an effective use of land, and may provide useful additional industrial, warehousing/storage or ancillary space.

Where industrial development (or development ancillary to industrial uses) is proposed over internal garages for the garaging of private cars located within an area zoned by MEPA for industrial development, or in an area predominantly (legally) devoted to industrial or warehouse uses, MEPA will normally grant permission, provided

(a) the development is in keeping with the character of the area;
(b) the development would be compatible in scale, design and form with adjoining property;
(c) a satisfactory layout and building form can be provided; and

(d) satisfactory access arrangements can be achieved.

See also Parts 4 on Access and Part 14 on Industrial Development.

6.14 Internal Garages in Urban Conservation Areas

The policy Development Control Within Urban Conservation Areas makes it clear that the volume of traffic is a particular problem, exacerbated by narrow streets. It also seeks to protect and enhance the character of these areas by protecting private open space, including gardens and other backland from development. Internal garage developments will lead to an increase in traffic and to the loss of open space, and so will not be permitted. This policy is not applicable for parking provision within the building footprint provided that such provision does not exceed the parking requirements for the development.

Internal garages will not be permitted within Urban Conservation Areas.

See the Glossary for the definition of internal garages.

6.15 Garages for Heavy Goods Vehicles and Public Service Vehicles

Normally garages intended for the parking of vehicles, especially within residential areas, should only be used for garaging private vehicles. There is a need however to provide for the off-street garaging of heavy goods and public service vehicles, and certain areas are already used for this purpose. The parking of buses, lorries and other similar vehicles on the street can be unsightly, and, as these need more space in which to manoeuvre, it can also be dangerous. Garaging these larger vehicles can therefore increase the general amenity of residential and other areas.

However the location of this type of garage requires careful consideration. They are inappropriate in historic areas, such as UCAs, where road widths are often restricted and where they would have an adverse impact on the character and appearance of the area. The amenity of existing residential development should be protected, and, in particular, the highway network in the area, and the access street serving the garages, should be capable of safely accommodating large vehicles. The standard for the street width in (e) below, which permits two heavy goods vehicles to pass each other, may be too small in those situations where on-street parking reduces the carriageway width. In these situations it should be taken as meaning clear and unobstructed carriageway width.

The garaging of self drive hire cars is likely to pose fewer amenity problems, because of the smaller vehicle size and the potentially limited number of vehicle movements. Part B therefore permits this type of garage in a greater number of circumstances, including small scale (single car) garages in UCAs, where their use is likely to be the same as that of an ordinary domestic car.

A In specific cases, MEPA may grant permission for garages for the garaging/parking of heavy goods vehicles and buses/coaches, where:

(a) the site is not within a UCA;

(b) the area surrounding the site is already predominantly (legally) developed for this type of garage;

(c) the proposed development would not have an adverse impact on the residential amenity of the occupiers of dwellings in the area or on the character of the area because of noise, disturbance, reduced air quality or traffic generation;

(d) the highway network serving the site is capable of safely and conveniently accommodating the volume of heavy vehicle movements generated by the development;

(e) the street on which the garage is to be located has a carriageway width of not less than 5.5 metres;

The garage(s) shall meet the following criteria:

i) the overall internal height of the garage should not exceed 4.3m (or 4.6m inclusive of structural beams) from lower pavement level and no ramps down are permitted;

ii) the maximum height of the doorway shall be 4m with a width not exceeding 4 metres;

iii) the garage shall be used only for the parking/garaging of vehicles and shall not be used for industrial purposes

B MEPA may grant permission for public service garages for self drive hire cars subject to criteria (a), (c) and (d) in Part A (and not to criteria (i) & (ii)), except that garages for single cars may be permitted even in UCAs.

6.16 Car Parks/Car Parking Areas - Fire Escapes

Buildings with car parking and garaging present a particular risk in the event of fire. This policy requires that there are adequate means of escape in case of fire or other emergency from all parking areas. Lifts are not appropriate as an escape route as they may become unsafe or unusable in emergencies.

All developments should be designed to provide for the safety of the occupants in case of fire and to facilitate access for fire fighting and rescue services. All connections between parking areas and any floors above should be properly fire protected.

There should be at least two exits from each floor and no part of the parking area should be more than 30m from an emergency exit route. These must consist of one or more emergency staircases that must lead to a place of safety. These staircases must be clearly identified, fitted with fireproof doors and safely constructed. Whilst a vehicle access ramp may be considered as one exit, a lift (passenger, goods or car) is not considered to be a means of escape or exit.

Commercial car parks, car parking areas accommodating more than 25 vehicles, or with more than one underground level of parking will be required to provide higher standards and to submit an independent technical report prepared by a suitably qualified person to certify the adequacy and acceptability of the proposed means of fire safety (both for the underground parking as well as the overlying uses).

6.17 Car Parks/Car Parking Areas - Ventilation

Underground parking areas should be designed to have adequate and appropriate means of ventilation to ensure that a healthy indoor environment is provided and airborne pollutants are removed or reduced.

Whilst garages should be adequately ventilated, in the interests of the health and convenience of their users, the location and form of this ventilation should not adversely affect the occupants of any adjoining dwellings (or other buildings which is likely to be continuously occupied). The design and layout of the garages can also be so arranged as to provide protection to residential amenity, by carefully considering the relationship of the garages to the backyards of adjoining dwellings. Also, the yards of garages (to which fumes may be vented) should not immediately adjoin residential backyards.

Internal garages courts are unlikely to require mechanical ventilation, although this form of ventilation is normally required for basement or other enclosed parking areas.

Every effort should be made to use natural cross-ventilation. Design of underground car parking/garages should seek to maximise internal cross ventilation through the appropriate sizing and location of apertures. Where natural ventilation is not possible or adequate, a mechanical ventilation system will be required. Ventilation shafts shall be constructed so that they terminate at a higher level than any window of a habitable room of a dwelling unit within 5 metres of the shaft.

Commercial car parks, car parking areas accommodating more than 25 vehicles or with more than one underground level of parking will be required to provide higher standards and to submit an independent technical report prepared by a suitably qualified person to certify the adequacy and acceptability of the proposed means of ventilation (both for the underground parking as well as the overlying uses).

6.18 Landscaping in Parking Areas

Surface level car parks may often be visually uninteresting with large areas of unrelieved hard surfacing, and well designed landscaping can do much to add interest and reduce any negative effects. Landscaping may, as appropriate to the site location and the context, consist of grass, ground cover plants, shrubs and trees that are pollution–resistant varieties and, in the case of trees, not liable to heavy leaf-fall or fruit dropping. Further guidance on species etc is given in the approved policy document 'Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands'.

Landscaping should be used in parking areas to relieve the monotony of large tarmac/paved areas. Planting should not obscure sight lines at junctions or reduce the effective length or width of the parking spaces.

For other policies relevant to this Part, see Part 4 Access in particular.

Part 7 – Balconies, Doors and Windows (Residential)

7.1 General Principles for the Design of Openings

The disposition of the openings in a building, as well as their proportion and emphasis, has a significant impact on the appearance and character of that building (and hence on the buildings which surround it and the streetscape as a whole). It is therefore important that openings should be well proportioned and have the same emphasis. These should also relate to the proportions and emphasis of the fenestration and other openings of adjoining buildings.

Doors, fenestration, balconies, etc. should be well proportioned and well related to the façade as a whole. They should also relate to the composition of their context and a similar solid to void ratio should be maintained.

7.2 Balconies

Balconies are a useful amenity and an important design feature. Well designed balconies can add interest and variety to the appearance of a building. It is important that they do not project too far from the building over a street used by vehicular traffic, and are not too low, in the interests of highway and pedestrian safety, particularly where there is no front garden and/or pavement. Balconies should also be set back from the party wall to safeguard the privacy of adjoining dwellings. In assessing the acceptability or otherwise of balconies within UCAs, one should take into consideration the width of the street and, the presence of balconies along the street.

A balcony shall not project more than 1.5 metres from the façade of a building where there is a front garden, except that an enclosed balcony shall not project more than 1 metre.

Where there is no front garden, a balcony shall

(i) not be less than 2.5 metres above pavement/street level;
(ii) not project more than 1 metre from the façade of the building, except that an enclosed balcony shall not project more than 0.6 metres (see Diagram 7.5);

A balcony should be located so that its outer face side is at least 0.75 metres away from the boundary line of the party wall nearest to the balcony.

The design and style of the balcony shall relate to the overall design and style of the building of which it forms a part, and should accord with the urban design characteristics of the area in which the building is situated. When corbels are used they should be in proportion with the depth of projection of the balcony, both in height and in width.

Within Urban Conservation Areas, the policies in Part A of 'Development Control Within Urban Conservation Areas – Design Guidance' apply and in addition the design and style of the balcony shall relate to the overall design and style of the building of which it forms a part, and should accord with the urban design characteristics of the area in which the building is situated. The balcony should not project by more than 0.75 metres from the façade.

7.3 Balconies on Semi-Detached and Detached Dwellings

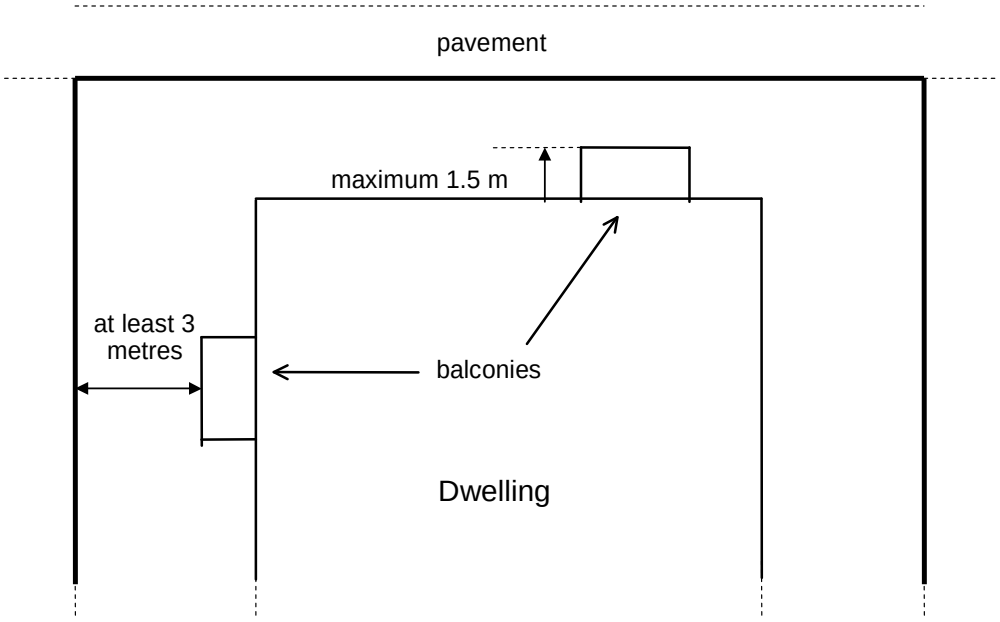
This policy follows the general principles and purpose of policies 7.1 and 7.2. Additionally, it safeguards the amenity of adjoining properties in the case of balconies at the side or rear by imposing a minimum distance within which a balcony may not project.

A balcony on the front elevation of a semi-detached or detached dwelling (facing the street) shall project no more than 1.5 metres from the building, as shown in Diagram 7.3.

A balcony on the side and back elevations of a semi-detached or detached dwelling will only be permitted where the curtilage is wide enough so that the front edge of the balcony is at least 3 metres away from the property boundary line, as shown in Diagram 7.3, except that within the side curtilage, a porch with a balcony over and a projection of not more than 0.6 metres may be permitted.

The design, form, proportions and materials of a balcony shall be in keeping with the design and materials used in the façade.

Diagram 7.3



plan

7.4 Windows and Doors

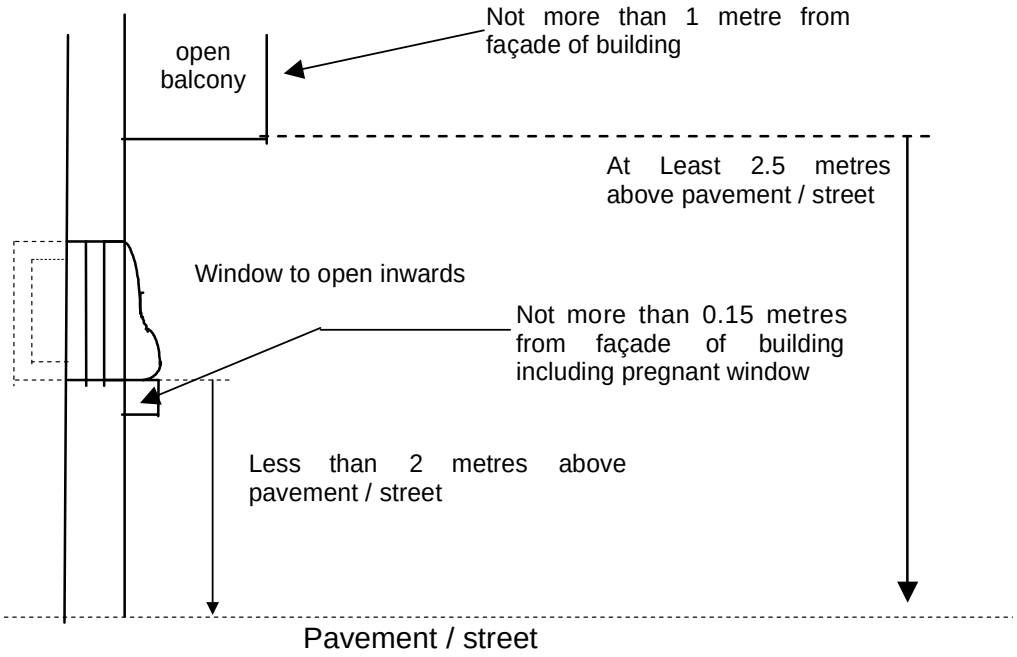
Outward opening windows and doors, and projecting solid features (such as grills) may prove hazardous to pedestrians (where they would open or project over a public pavement) or to vehicles (where they would open or project over a public street). Emergency exit (fire) doors in public buildings may, in particular instances, need to open outwards on to a public space, but since they are unlikely to be used frequently, this would not pose a threat to pedestrian or vehicle safety.

All windows, the lower edge of which is less than 2 metres above pavement level, and doors shall be so designed and fitted that they do not open outwards onto a public pavement. Where there is no pavement, windows and doors shall not open outwards directly over a public street or other public space used by vehicles (refer to Diagram 7.5).

7.5 Windows and Doors

Where window grills (including 'pregnant' windows), cills, planters and other elements which are part of, or fixed to the façade of, buildings are less than 2 metres above pavement/street level, they shall not project more than 0.15 metres from the façade over a public pavement or street, as shown in Diagram 7.5.

Diagram 7.5



section

<u>For other policies relevant to this Part,</u> see Part 8 on the materials which may be used for doors, windows and balconies.

Part 8 – Materials

For other policies on appropriate and acceptable materials within Urban Conservation Areas, see the adopted 'Development Control Within Urban Conservation Areas - Design Guidance'.

8.1 Materials for the Façade

The external wall materials used in new development should, above all, be appropriate to the context of that development. So, for example, whilst rubble walling would be inappropriate in a new terraced house development (since it would be out of place and at odds with the form and style of the development), it could be appropriate in a more rural setting. In general, stone should continue to predominate, especially in small scale development, as an external walling material, since this gives development its distinctive national character. 'Terracotta' tegole and other 'non traditional' materials are acceptable in some locations; however these should be used with care, limited to small features and with a sensitivity to the surroundings.

For larger scale development, and in particular, commercial development, more modern materials, like glass and steel, may be appropriate, although they should be used with discretion, and with regard to their context. When using glass, consideration should be given to the orientation of the building, to avoid undue reflection of sunlight which may cause dazzle, and to take account of excessive heat gain. The colour of the glass is also important, since large areas of dark glass tend to read visually as a hole and may give a building an unwelcoming appearance. Mirror glass which reflects its surroundings should be used with particular care, and is not likely to be appropriate in most locations, especially areas where traditional materials predominate.

Normally, the façade of a building shall be constructed in local stone, although MEPA may permit the use of other materials or finishes where these would:

(a) not detract from the character or townscape qualities of the area;
(b) add interest and variety to the townscape;
(c) be appropriate to the context of the site, in terms of both their form and their colour.

MEPA will not grant permission for the use of tegole on external façades in UCAs.

8.2 Materials for Balconies, Windows and Doors

The design and materials of building elements such as balconies, windows and doors can make an important contribution to the design quality of a building. The materials used for these elements should relate to the materials used for the remainder of the building, although in particular circumstances, different materials can be used to good effect to provide variety and interest. Their use should, however, not be incongruous or lead to a lack of unity or disharmony in the appearance of the building, and neither should they produce disharmony in the wider townscape.

In general, the use of materials should have regard to the context of the building. The requirements on the type and colour of materials used should not be as onerous in relation to industrial development in particular, as the urban context may permit a greater variety in approach.

MEPA will favour the use of wood, wrought iron, stone and non metallic finished aluminium for balconies, doors and windows, particularly for residential development.

MEPA will not permit the use of gold, silver or bronze aluminium for balconies, windows and doors in new development, except where these materials would be in keeping with the materials used elsewhere in the same façade of the building (in the case of alterations or extensions).

For UCAs the use of materials is regulated by the Development Control Guidance for Urban Conservation Areas (June 1995)

8.3 Materials for External Hard Surfaces

The nature of paving of surfaces around buildings contributes towards the general quality and attractiveness of urban spaces, in particular. As well as making a positive contribution, materials for surfaces used by the public should be durable and safe to use. Materials which may be slippery or become slippery when wet are not appropriate.

The materials used for the surfacing of public amenity, access and circulation spaces around buildings should be of an appropriate colour, form and texture which do not detract from the character or townscape qualities of the area. In addition, materials for access and circulation spaces should be non slippery.

Part 9 – Gardens and Boundaries

Front Garden Boundary Walls

The first four policies in this section deal with front garden boundary walls. Boundary walls serve an important function in the demarcation of property boundaries; enclosing space and providing some degree of privacy. The front garden is normally a semi-public/semi-private space being at the intersection of the public realm of the street and the private realm of the dwelling. Here then boundary walls should serve their functions in a manner which does affect or alter the general character of an area in a negative way.

For this reason, the height of boundary walls is controlled, so that they do not become overly dominant in those circumstances where this would negatively change or affect the character of the area or its townscape qualities. The materials used for boundary walls should relate to the materials used for the building, and to the materials used elsewhere around the site. These materials should not be incongruous or lead to a lack of unity or disharmony in the wider townscape. Where low garden walls are topped by a trellis or latticework, this should be constructed from appropriate materials, normally wood or iron (provided it is visually 'light' and appropriate painted/coloured). Most forms of plastic trellis appear insubstantial and are inappropriately coloured – they do not usually enhance the appearance of the garden or of the building and so will not be acceptable.

The form, height and materials of gates should follow the guidance in this Part and in Part 8.

There, though, may be circumstances, particularly in older areas including UCAs, where walls which are higher than provided for in policy 9.3 may make a positive contribution to the streetscene and to the character of the area. This may be the case where streets are already bounded by high garden boundary walls or where the walls enclose courtyards.

Boundary walls and gates should not obstruct visibility – see Policy 4.7.

In these policies, 'front garden boundary wall' should be also construed as the side/party wall within front gardens.

9.1 Front Garden Boundary Walls - Materials and Style

Front garden boundary walls should reflect the style and materials of the building of which they form the boundary, and they should be in keeping with the general character and townscape qualities of the area.

9.2 Front Garden Boundary Walls - Materials and Form

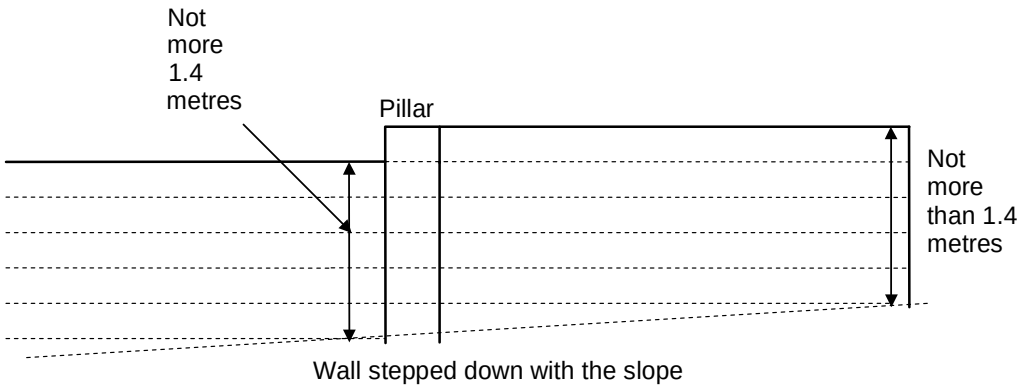
MEPA will normally permit boundary walls constructed in natural local stone or in stone or concrete with a textured or painted finish (the 'solid part' of boundary walls) which are, in certain circumstances, topped with a less 'solid' fence, provided that they comply with policies 9.3 and 9.4.

9.3 Front Garden Boundary Walls - Height

The 'solid part' of boundary walls in the front garden in front of the façade of a building shall not be higher than 1.4 metres above the external finished pavement level.

Where the site is sloping, the wall shall be stepped, as shown in Diagram 9.3. Pillars, where required for the structural stability of the wall, and gateposts may be permitted, provided that they do not exceed a height of 2.25 metres - see also Diagram 9.4.

Diagram 9.3



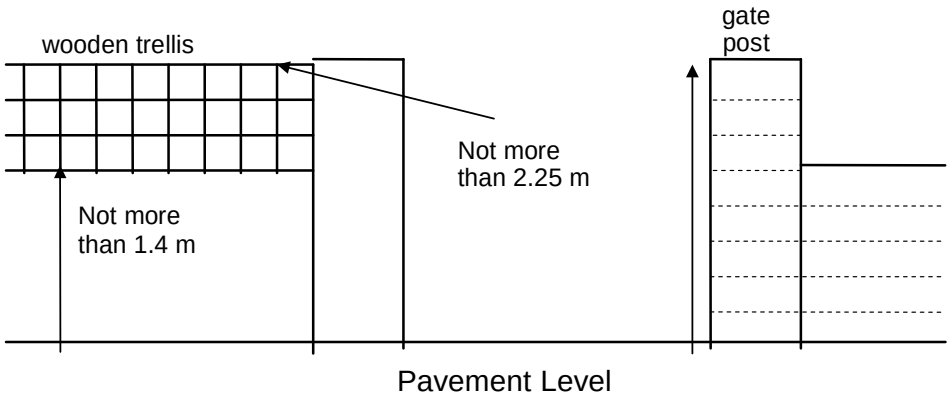
sectional elevation

In particular circumstances, particularly within UCAs, boundary walls which are higher than the maximum height set out above may be permitted where they would make a positive contribution to the appearance and character of the area.

9.4 Front Garden Boundary Walls - Fences

MEPA may permit the erection, on top of the solid part of the boundary wall, of a trellis, latticework or other open structure, provided that this is constructed of wood, iron or other appropriate materials; suitably designed; and the overall height of this structure together with the solid part of the boundary wall does not exceed 2.25 metres, as shown in Diagram 9.4.

Diagram 9.4



sectional elevation

9.5 Setbacks and Basement Ramps in Urban Conservation Areas

Within Urban Conservation Areas, the maintenance and enhancement of the character of the urban townscape is of paramount importance. A setback from the established building line would detract from this character. Similarly, basement ramps are inappropriate since they tend be 'read' as a large a gaping hole in the façade.

Unless otherwise specified in a Local Plan, the setting back of buildings from the building line established by existing buildings will not be permitted in Urban Conservation Areas. Ramps to basements shall not be visible from the street and shall be closed off with timber doors/timber clad doors.

See also 'Development Control Within Urban Conservation Areas - Design Guidance'.

Refer also to Policy 10.5

9.6 Setbacks Outside Urban Conservation Areas

Building lines are important in defining streets and in ensuring continuity or adding interest to the streetscape. The random setting back of buildings may affect the coherence of the streetscape. However, set backs can enhance the streetscape if they denote an important or public building and create a

well defined space which is useable and pedestrian friendly. For this reason, a specific limit on the amount of set back has not been defined. That amount should be determined by reference to the qualitative criteria in the policy and the objectives of the policy set out here. The general aim should be to appropriately define space without adversely affecting the overall streetscape.

Setting back part of the façade to form access to a semi-basement may result in a high opening on the frontage with the garage access recessed. This is often unattractive as the opening is too large in scale and 'dark'. It should be in proportion with the building as a whole and the opening 'closed' by a door or gate to soften the visual effect of the set back.

The setting back of buildings from the building line established by existing buildings may be permitted outside Urban Conservation Areas, where it would enhance the streetscape or provide a feature of interest and variety which adds to the quality of that streetscape.

The setting back of part of a building façade, which results in a high opening, will only be permitted if the opening is in proportion with the rest of the building and a solid or open gate or door, as appropriate to the design of the building and to the streetscene/urban context, is provided at the façade alignment.

See also policy 1.3 Development and Spaces as well as Part 4 policies on access width, visibility etc.

9.7 Party Walls

Setbacks may add visual interest to the townscape. The treatment of the exposed party wall is important however, and normally these are perceived as part of the protruding building. The extra skin should be designed accordingly or kept plain, in order to maintain the architectural quality of the area.

Where a building is set back from the building line, the exposed party wall shall be constructed with an additional skin which

(a) reproduces the architectural features and details of the front elevation of the protruding building;

or

(b) is of plain stone.

9.8 Side and Rear Garden/Yard Walls

Side and rear garden/yard walls provide security and some degree of privacy to dwellings and their outside spaces. MEPA will normally permit the construction of new, or the extension of existing, walls, provided that they do not adversely affect the amenity of adjoining dwellings (particularly by restricting natural light or ventilation). The design and materials of these walls is less important, since they are usually in the private rather than public realm, although they should not detract from the visual character and appearance of an area.

MEPA will normally permit the construction of side and rear garden/yard walls to 3.4 metres above ground floor level, except where Policy 2.7 applies. Applications for walls in excess of this height may be permitted provided that

(a) the materials to be used are compatible with those used in the dwelling and with the character of the area;
(b) the wall would not adversely affect the residential amenity of adjoining properties;
(c) the wall would improve the privacy of any of the adjoining parties; and
(d) a side wall steps down towards the front to the height of the front garden wall.

See also policy 2.7 (Building Height And Form On Ridges)

9.9 Gardens of Detached and Semi-Detached Dwellings

Policies 9.9, 9.10 and 9.11 provide for the provision and maintenance of a minimum side and front garden for all dwellings in areas zoned for semi-detached and detached dwellings. In these localities, the creation and preservation of a degree of spaciousness and detachment contributes towards the character of these areas. Policies 9.10 and 9.11 permit construction within the minimum side garden, where this would maintain the character of these areas, and the criteria in the policies specify safeguards to achieve this and to protect the privacy of adjoining dwellings.

All detached and semi-detached dwellings in the areas indicated in the Table 3.2 shall have a front and side garden of the dimensions shown in the Table. There shall be no part of the dwelling or any structures constructed within the front or side gardens (curtilages) except as provided for elsewhere in these policies, and in policy 9.10 below in particular.

See also Policy 5.3 (Basements below front gardens)

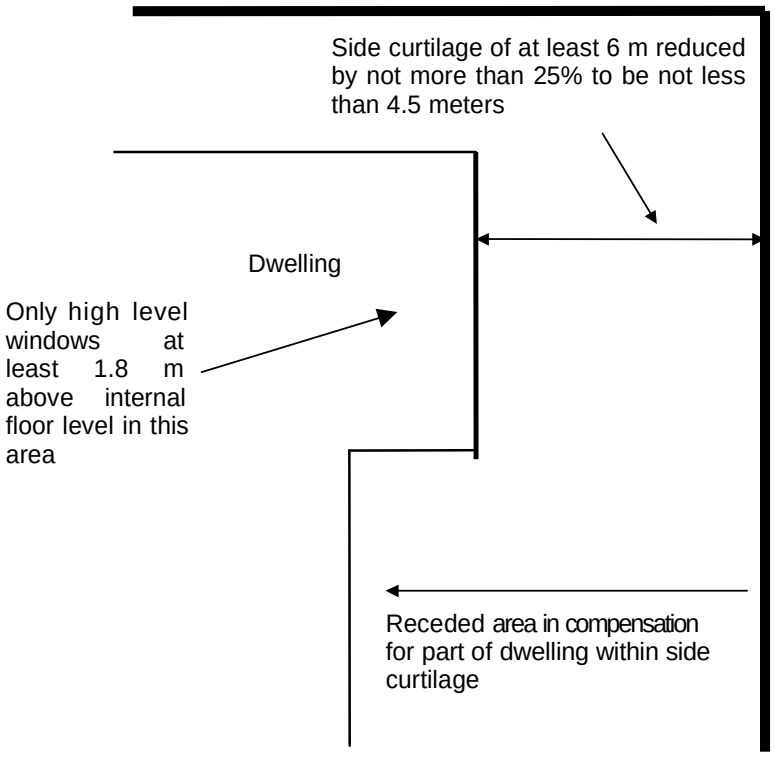
9.10 Gardens of Detached and Semi-Detached Dwellings

In the following localities - Bahar ic-Caghaq, Iklin, Madliena/L-ibragg and Manikata - where the side curtilage, as indicated in the Table 3.2, is more than 3 metres, the dwelling may be erected within the minimum side curtilage, provided that :-

(a) the side curtilage on any side of the plot is not reduced by more than 25%;
(b) the building shall at no point be closer than 4.5 metres to the site boundary;
(c) the area of the building constructed within the side cartilage is compensated for by an equal area receded from the side curtilage on the same side of the plot;
(d) there shall be no windows or balconies within that part of the building which lies within the minimum side curtilage, except high level windows at least 1.8 metres above floor level,

as shown in Diagram 9.10

Diagram 9.10



Plan

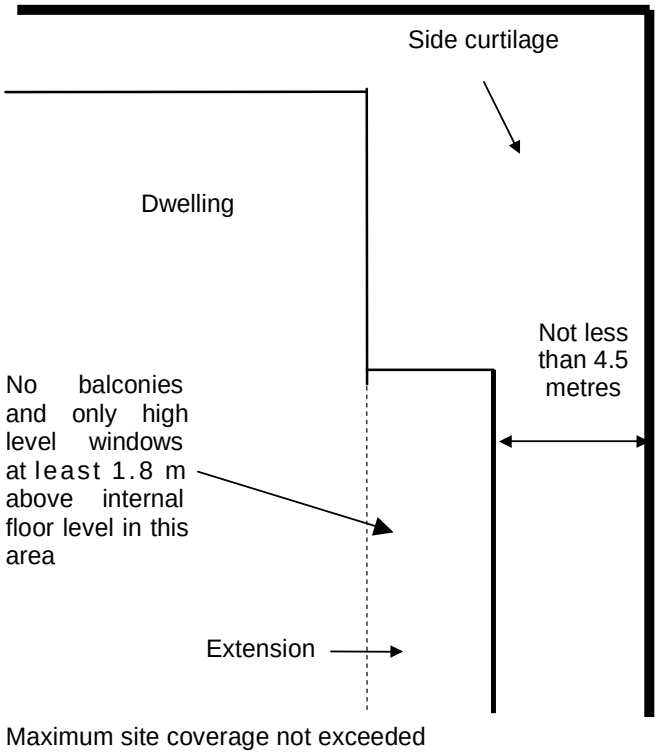
9.11 Gardens of Detached and Semi-Detached Dwellings

MEPA will also permit the construction of extensions within the side garden within the localities referred to in policy 9.10 provided that:

(a) the building as extended shall at no point be closer than 4.5 metres to the site boundary;
(b) there shall be no windows or balconies within that part of the building as extended which lies within the minimum side curtilage, except high level windows at least 1.8 metres above floor level;
(c) the design of the extension is compatible with that of the existing dwelling;
(d) the dwelling as extended does not exceed the maximum site coverage as set out in Policy 3.2

as shown in Diagram 9.11

Diagram 9.11



Plan

See also policy 11.1 on the design of extensions.

9.12 Structures in the Side Curtilage of Detached and Semi-Detached Dwellings

Pergolas, car ports and other similar 'open' structures (lattice works, trellis etc.) can provide visual interest, within and outside the garden area. They should not detract from the 'detached' character of the area and so should not physically or visually dominate the side garden. The structures should not be roofed in solid materials, although a trellis or spaced wooden beams may be appropriate and give an opportunity for the use of climbing plants, to add colour and interest.

Stone columns, arches, etc., may also be appropriate provided that they are spaced sufficiently widely apart (at least 2 metres) to give an appearance of openness.

Pergolas or car ports in the side curtilage of detached and semi-detached dwellings may be permitted, provided they

(a) are built in timber or other appropriate materials;
(b) do not exceed a height of 2. 7 metres above ground level; (c) are not closer than 4.5 metres to the building alignment.

Free standing gates, arches and other similar structures may be permitted provided that they do not project beyond the building alignment and maintain the open character of the area, with a width of opening of at least 2 metres.

Part 10 – Penthouses, Lifts and Other Roof Structures

10.1 Washrooms on Multiple Dwellings

Washrooms provide a useful domestic amenity, particularly for flats where access to an open roof may be limited, but also for most other forms of dwelling. The main issue is their visual impact and this policy is directed to ensure that washrooms are adequately setback from the front of a building.

Washrooms on flats must be designed and laid out in such a way that they do not lend themselves to conversion to residential accommodation. For this reason the internal height is limited and connecting corridors/passageways are prohibited where a penthouse is not permitted. It is important that washrooms are indicated on all plans and elevations so that their appearance and impact may be considered. A washroom can also be internally connected with the underlying dwelling unit.

Where a building contains a number of dwellings, one washroom for each dwelling, which has an access to the roof, will be permitted, provided that:

(a) the design and materials used are compatible with the remainder of the building and with the general character of the area;
(b) each washroom does not exceed the height of 3.4 metres above roof level measured externally;
(c) each washroom is set back at least 4.25 metres from the façade (or the building alignment where the building is located on a corner) and 1.5 metres from the back of the building;
(d) where a penthouse is not permitted, each washroom should not exceed an area of 14 square metres measured externally and where combined with a stairwell, the total floor area, measured externally, does not exceed 28 square metres; and
(e) where a penthouse is not permitted the washrooms should not be connected by covered corridors or passageways, however a projecting cantilevered roof of up to 1.0 metre in depth will be permitted at the edge of the washroom/s and the projected area will not form part of the permitted washroom floor area.

10.2 Stairwells and Washrooms on Semi-Detached and Detached Dwellings

As with other forms of dwelling, stair hoods and washrooms are permitted on the roof of semi-detached or detached villas provided that they meet criteria, which safeguard the visual amenity of the area and the appearance of the dwelling. In order to maintain the open and spacious character of the areas developed for these types of dwellings, a setback from the side and rear elevations is also required. Where water tanks are to be placed on the washroom/stairwell roof, they should be covered by a non-solid screen, for example, by appropriately designed timber structures.

A stair hood and a washroom may be permitted on the roof of a semi-detached or detached villa provided that:

(a) the total (combined) floorspace of the stair hood and washroom does not exceed a maximum area of 36 square metres measured externally;
(b) the washroom/stairwell does not exceed an internal height of 2.8 metres and does not exceed an external height of 3.4 metres measured from the external roof level, unless it is permitted to be higher when services are located at this level as provided for in policy 13.5;
(c) the stair hood and washroom shall be setback at least 4.25 metres from the main façade and at least 1.5 metres from the side and rear elevations;
(d) the design and materials used are compatible with the remainder of the building and with the general character of the area; and
(e) a projecting cantilevered roof of up to 1.0 metres in depth will be permitted at the edge of the washroom/s and the projected area will not form part of the permitted washroom floor area.

Washrooms for flatted dwellings in semi-detached or detached villas should be integrated and designed as one structure, and contained with the 36 square metres floorspace in (a) above.

10.3 Stairwells/Stair Hoods - All Buildings Except Detached And Semi Detached Dwellings

In many cases it is desirable to gain access to the roof of buildings. Stairwells are likely to have a limited visual impact on the streetscape, provided they are adequately setback from the façade (or facades, where a building is on a corner site) and limited in size. Many can be constructed with a sloping roof, which starts to rise from parapet height 1 metre back from the façade. Alternatively they can be designed as an integral part of the building façade and provide a feature of interest. In particular they can provide a 'capping' to a design feature which emphasises that part of the façade containing the entrance to the building, by slight projection or recessing, or by the use of different materials or treatment, and which is taken up to roof level.

A stairwell/stair hood may be permitted on the roof provided that:

(a) it does not exceed an internal height of 2.8 metres and does not exceed an external height of 3.4 metres measured from the external roof level;
(b) it is set back at least 1.8 metres from the façade(s) of the building (as shown in Diagram 10.3a), except where it
  (i) is designed as an integral part of the façade;
  (ii) has a sloping roof, in which case the point at which the stairwell roof exceeds 1.15metres above roof level shall be not less than 1 metre from the façade(s) (as shown in Diagram 10.3b);

(c) it does not exceed an area of 14 square metres measured externally; and

(d) the design and materials used are compatible with the remainder of the building and with the general character of the area.

Diagram 10.3a

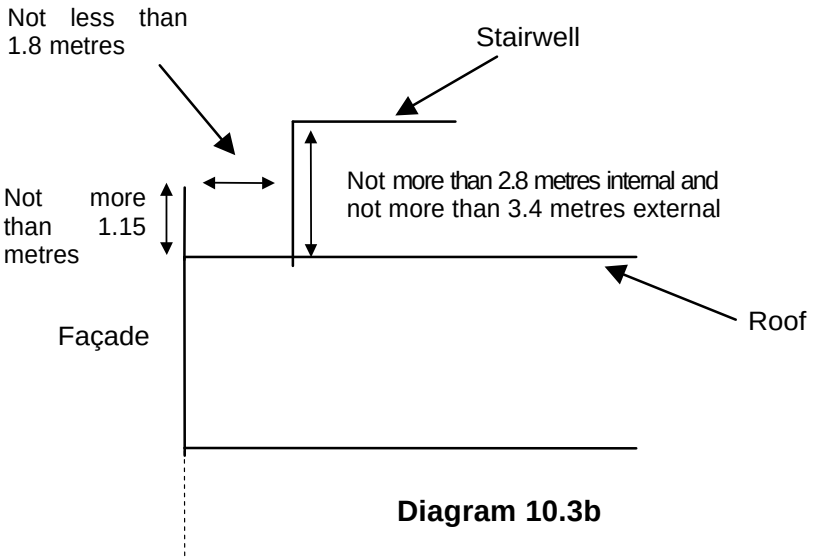
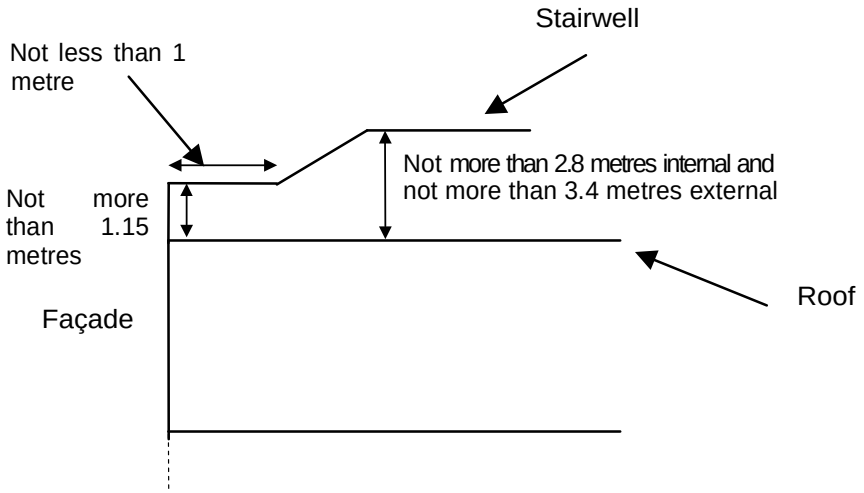


Diagram 10.3b



10.4 Residential Rooms on the Roof of Terraced Houses and Maisonette Development

The use of part of the roof space as habitable space, which is linked to the dwelling beneath it, is an efficient use of space and may provide additional valuable accommodation. It can be permitted in certain circumstances where this would not have an adverse impact on the visual amenity or character of an area.

The construction of a room or room(s) for residential use, as a washroom or as stairwell (or as any combination of these) on the roof of a terraced house or maisonette development of not more than three floors, over and above the height limitation for the area, may be permitted provided that

(a) where the room(s) is, or includes, a stairwell, the stairwell or the part of the room which forms the stairwell shall meet the requirements of policy 10.3;

(b) the room(s) is setback at least 4.25 metres from the façade of the building and 1.5 metres from the back of the building;

(c) the room(s) is linked internally to and forms a part of a dwelling below it and is not a separate unit of accommodation;

(d) the room/washroom/stairwell does not exceed an internal height of 2.8 metres and does not exceed an external height of 3.4 metres measured from the external roof level, unless otherwise permitted to be higher when services are located at this level as provided for in Policy 13.5;

(e) the total floorspace of the room(s), including any washroom/ stairwell, does not exceed 36 square metres measured externally for buildings of two floors;

(f) the room(s) and the washroom/stairwell should normally be designed and constructed as an integrated whole structure;

(g) the design and the materials used are compatible with the remainder of the building and with the general character of the area;

(h) a projecting cantilevered roof of up to 1.0 metres in depth will be permitted at the edge of the washroom/s and the projected area will not form part of the permitted washroom floor area;

(i) no additional structures on the roof of these room(s) will be permitted, except those permitted under other policies 10.9 and 13.5.

10.5 Setback Floors In Urban Conservation Areas

Within Urban Conservation Areas there are dwellings with a floor area which falls below modern space standards (see Policy 3.7) and which may, as a consequence, be left vacant. The addition of a setback floor which provides further habitable accommodation for the substandard unit below may help to bring these dwellings back into use and so may contribute to the regeneration of the historic areas.

As with all development in UCAs, the form and design of the floor is important. The floor should be set back from the front façade and it should be designed so that it does not detract from the character of the rest of the building or of the area.

In applying this policy regard should be had to any UCA street classification scheme in Local Plans.

A setback floor on existing residential buildings may be permitted provided the following criteria are met

(i) it is linked internally to and forms a part of the dwelling below it and is not a separate unit of accommodation;
(ii) the existing dwelling unit is restricted in floor area, with a gross of 96m^2 or less;
(iii) it is set back at least 4.25 metres from the façade (or the building alignment where the building is located on a corner) and 1.5 metres from the back of the building;
(iv) the design and the materials used are compatible with the remainder of the building and with the character of the area;
(v) it has an architectural treatment similar to the lower floors and appears as a natural extension to, and is not out of context with, the lower floors;
(vi) no washrooms or stairwells will be permitted on the roof of the setback floor;
(vii) there should be no permanent access to the roof of the setback floor;
(viii) no additional structures on the roof of the setback floor are permitted, except those permitted under other policies 10.9 and 13.5.

Refer also to Policy 10.8 and the Development Control within Urban Conservation Areas Guidance

10.6 Penthouses

The roof space of a building can be utilised to provide an attractive accommodation unit. The major consideration is that the height of the building as a whole, excluding the penthouse, does not exceed the permissible building height in metres of the area in which it is to be located. For this reason and to limit the potential visual impact, the height, size and location of the penthouse on the roof are restricted.

Access to the roof of a penthouse may be permitted provided that the stairwell's external height does not exceed 1.5 metres from the roof of the penthouse. This is possible by having a hatch instead a full door, with the stairwell having its final landing below this hatch.

The addition of a penthouse on the roof of an existing building shall be assessed under the same criteria safeguards for the construction of a new building with a penthouse. Where a penthouse is proposed to be added to a building, there should be off-street parking available for that additional dwelling. The policy set out on Circular 7/93 requires parking for the whole building, but policy 10.7 modifies this, since it was found to be unduly restrictive. In those areas where there is a Commuted Parking Payment Scheme and the development meets the criteria for inclusion in the Scheme, then a contribution to the Scheme will be required in lieu of the parking spaces. Where there is no Commuted Parking Payment Scheme, a contribution, under the planning gain mechanism, will be required and gathered under an Urban Improvements Fund established by MEPA.

Where the term penthouse occurs, an alternative use other than residential is acceptable subject to all other provisions regulating such development.

In part C a penthouse is considered restricted if the gross floor area is less than 45 square metres (minimum dwelling size specified in Policy 3.7).

A Except in UCAs penthouses will be permitted on the roof of buildings provided that:

(a) the building is 3 or more floors in height;
(b) the overall height of the building, excluding the penthouse, does not exceed the overall permissible height in metres of the building as shown in the Table in policy 2.1 and as set out in the Local Plan;
(c) the penthouse should be set back at least 4.25 metres from the façade of the building and set back 1.5 metres from the back of the building, except that where the site is a corner site or does not include a back yard, the penthouse should be set back 4.25 metres from the façade of the building only. When the penthouse is to be erected on the roof of a building which has a frontage on 2 or more streets, the penthouse shall be set back at least 4.25 metres from each frontage. The penthouse shall also be setback 4.25m from the internal facades in the case of internal developments;

(d) the external height of the penthouse is not more than 3.4 metres above roof level;

(e) no washrooms, stairwells (other than in (f) below) will be permitted on the roof of the penthouse;

(f) where permanent means of access (stairwell to the roof of the penthouse is provided, the highest part of the stairwell structure above the penthouse roof shall not exceed 1.5m from finished roof level. Access to the roof is to be used for the purpose of maintenance only and shall be set back at least 1.8 metres from the façade of the penthouse ;

(g) canopies, but not porches or porticos, may be permitted provided they comply with policy 11.6 and provided they are not visible from long distance views and public streets;

(h) the design and materials used are compatible with the remainder of the building and with the general character of the area

(i) the penthouse does not intrude into important long range or short range views, particularly those defined in Local Plans, nor obscure important landmark buildings from view;

(j) no additional structures on the roof of penthouses are permitted, except those permitted under other policies 10.9 and 13.5;

(k) stairwells and stair-hoods can be designed as per Policy 10.3

B Urban Conservation Areas, penthouses may be permitted on buildings of 4 or more floors in height and particular regard will be had to the impact of a penthouse on

(a) the character of the area, including the streetscape and the skyline;

(b) significant long range into, and short range views within, the UCA;

(c) the building on which it is to be situated.

Accordingly, more restrictive criteria than those set out in A may be applied to protect a UCA.

C On restricted corner sites penthouses which do not meet criterion (c) in A above may be permitted provided that special urban design treatment is proposed; the penthouse is set back by at least 2.5 metres and there are no canopies within the setback.

See also policies 2.1, 2.4, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

10.7 Penthouses On Existing Buildings

The erection of a penthouse on the roof of an existing building will be permitted provided that the criteria in 10.6 are met and there are 2 parking spaces available (where the penthouse has one bedroom,

one parking space should be available) within the building to cater for the off-street parking needs of the dwelling.

See also policies 2.1, 2.4, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

10.8 Duplex Units

As noted above in relation to policies 10.6 and 10.7, the use of the roof space for residential accommodation is desirable in certain circumstances. Rather than the construction of a separate unit of residential accommodation as a penthouse, the construction of a duplex unit on two levels is an alternative solution. This is acceptable provided that the criteria relating to height, setbacks etc. are met. This policy does not apply if a penthouse is permitted under Policy 10.6.

The erection on the roof of a building (except those covered by policy 3.2) of an additional level which forms part of, or will form part of, a duplex unit with the residential unit immediately below it will be permitted provided that it complies with the criteria set out in policy 10.6. No additional structures on the roof of the duplex unit are permitted.

See also policies 2.1, 2.4, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

10.9 Lifts and Lift Rooms

The considerations here are much the same as those relating to washrooms and stairwells. For traction lifts, it is technically possible to provide the motor room adjoining the lift well at any level of the building and not necessarily on the roof. The motor room should be easily accessible from the stairwell or any other common area of the building to facilitate servicing and maintenance. For other forms of lifts, the policy sets out a series of criteria to limit their visual impact.

A lift well or a lift well together with any structure having the lift machinery, may extend above the roof of the penthouse or washrooms provided that:

(a) it does not exceed a height of 1.5 metres above the finished roof level of any washroom or penthouse measured externally;
(b) it is set back at least 4.25 metres from any street façade, except if stairwell is restricted by existing building structure;
(c) it does not exceed an area of 8 square metres measured externally;
(d) the design and the materials used are compatible with the remainder of the building and with the general character of the area, and the lift room/well is integrated with the overall form and design of the building;

(e) it is integrated with the overall form and design of the building; and

(f) no services are placed on the roof of lift well and/or structure housing lift machinery.

See also policies 2.1, 2.4, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

10.10 Plant Rooms on the Roof of Commercial Buildings

In some cases, for reasons of practicality, it may be necessary to locate plant on the roof. This is acceptable provided that the visual impact of the room is limited as indicated in the policy.

The construction of a plant room on the roof of a commercial building may be permitted provided that:

(a) the room is setback at least 4.25 metres from the façade of the building;

(b) the room does not exceed an internal height of 2.8 metres and does not exceed an external height of 3.4 metres measured from the external roof level;

(c) the total floorspace of the room does not exceed 36 square metres;

(d) the design and materials used are compatible with the remainder of the building and with the general character of the area;

(e) no additional structures on roof of plant rooms are permitted.

See also policies 2.1, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

10.11 Other Structures on the Roof of Terraced Dwellings

Where space within dwellings or within their curtilage may be limited, the roof may be a useful area for particular activities. The main objective of this policy is to ensure that any structures do not have an adverse impact on the visual amenity of the area. The set back, design, height and floor area of the structure are main issues to be considered and controlled to achieve this objective.

MEPA may permit other structures on the roof of terraced dwellings, provided that they comply with the criteria of Policy 10.4, and do not, together with any other structures at roof level, exceed 36 square metres measured externally for buildings of two floors and 56 square metres measured externally for buildings of three floors.

See also policies 2.1, 2.4, 11.1, 13.2, 13.3 and 13.5.

10.12 Chimneys/Flues on Residential Development

The main impact of chimneys or flues is likely to be nuisance (through smoke or fumes) and visual impact. The criteria below seek to limit the potential for these adverse impacts. In particular, it is important that the chimney/flue is high enough and not closely surrounded by structures so that it performs efficiently and vents smoke upwards. Positions which are close to windows of adjoining properties should also be avoided.

Chimneys and flues serving fireplaces may be permitted on the roofs of dwellings provided that:

(a) the height of the chimney/flue is 3 metres above the level of the roof of the last habitable floor of the dwelling and of any immediately adjacent dwellings/buildings;
(b) the chimney/flue is not sited in a position where it would cause nuisance to adjoining properties by smoke or fumes;
(c) the chimney/flue is set back at least 4.25 metres from the façade; and
(d) the design and materials of the chimney/flue are appropriate to the building and to its context.

See also policies 2.1, 2.4, 11.1 on the design of extensions, 13.2 on the siting of solar water heaters, 13.3 on the siting of PV collectors and 13.5 on services on roof structures.

Part 11 – Design of Specific Building Elements

11.1 Design of Extensions and Alterations

The vertical or lateral addition of extra space is an acceptable way of making more effective use of existing buildings and ensuring that they continue to meet the needs of their users. However, there are certain objectives which should be met, including the safeguarding of amenity and the achievement of an appropriate design. Normally, the extension or alteration of an existing building should reflect or follow the style, proportions, materials and details of that building. There may be situations where a different design solution may be more appropriate. In all situations, the effect of the extension or addition on the amenity of adjoining properties should be considered, and effort made to minimise any potential adverse impacts.

Extensions and additions (laterally and vertically) and alterations to existing buildings will be considered in relation to the following principles

(a) vertical or lateral extensions and other alterations should generally reflect the style, proportions, materials and details of the existing building;
(b) extensions should not unduly affect the amenities of neighbouring properties in terms of daylight, outlook and overlooking;
(c) the vertical extension of existing buildings should not exceed the height limitation of the area within which the building is located; and
(d) extensions and additions, or alterations, should comply with the other policies set out in this document.

11.2 Drain Pipes

Drain pipes can visually disrupt an attractive façade or elevation, particularly within Urban Conservation Areas, and so detract from the quality of the building and the surrounding townscape. They are, of course, acceptable where they are not visible from public spaces.

Drain pipes will not be permitted on the front elevation of a building or any elevation of the building which is visible from a public space.

11.3 Open Staircases

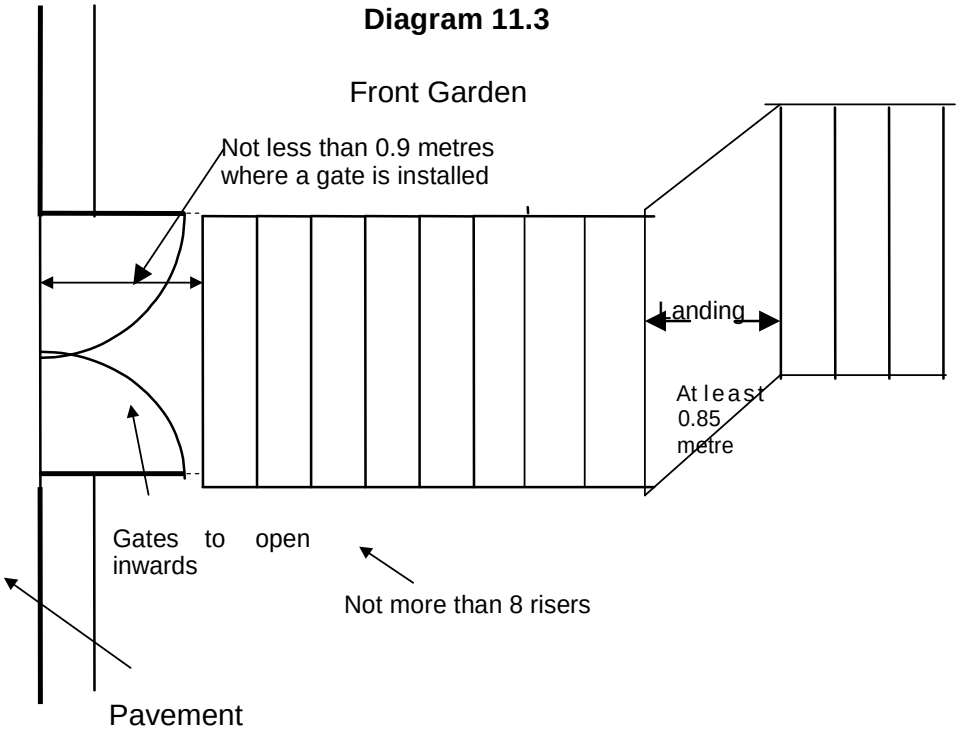
Open staircases may be appropriate in certain circumstances as part of certain design solutions or architectural styles. This policy sets out a number of criteria as guidance towards suitable designs. In particular, the design of the staircase should be appropriate to the building, and it should be constructed from materials which relate to the building and to the streetscape.

Preferred materials include stone, wrought iron and wood. The degree to which the staircase can project from the façade will depend to some extent on the function of the building and on the number of people by whom, and the frequency with which, it will be used. It will also depend on whether the building is set back from the pavement/street, and the difference in level between the pavement/street and the entrance door.

Other than in Urban Conservation Areas, the construction of an open staircase on the façade or side elevations of a building will be permitted, where the staircase is

(a) designed as an integral part of the building and, in particular, is of an appropriate size and shape in relation to the building;
(b) appropriate to the building's style;
(c) visually enhances and does not detract from the building or the streetscape;
(d) proposed to be constructed in materials which are compatible with those used on the remainder of the elevation of the building to which the staircase will be attached;
(e) set back at least 0.9 metres from the street alignment, when a gate is installed;
(f) constructed with not more than eight risers in sequence not more than 1.6 metres in height above pavement level and with a landing of a minimum of 0.85 metres after every eight risers; and
(g) where a gate is installed it shall open inwards.

Diagram 11.3



Plan

11.4 Air Conditioning Units

Air conditioning units are an important amenity but they should not adversely affect the external appearance of buildings nor should they give rise to nuisance to the occupants of adjoining dwellings. This policy seeks to mitigate these design and amenity impacts. The visual impact of these units on historic buildings and on the overall character and streetscape of historic areas is such that they will not be permitted on façades in UCAs.

As well as the unit itself, ducting, pipes, cables etc., may also be unsightly, especially on elevations visible from public spaces, and these should also be concealed. These units can give rise to nuisance through humming noise, particularly at night, and in general they should not be sited where they would raise the ambient noise level at night in adjoining bedrooms of dwellings. It is possible to design buildings so that air conditioning units, if not located on the roof, are an integral part of the building's fabric by, for example, the use of recesses, in which the units are located and screened by decorative elements like lattice work or by panels.

Air conditioning units will not be permitted on the façade(s) of a building within an Urban Conservation Area.

Outside UCAs, air conditioning units should normally not be located on the façades of buildings which are visible from a public space, unless they are designed as an integral part of the building, incorporated into the building fabric. Should these units be placed on the roof of the building Policy 13.5 applies. In certain cases, permission may be given for the location of such units on balconies, where this would not adversely affect the external appearance of the building and policy 11.5 is complied with.

11.5 Projecting Rooms or Parts of a Building

The projection of parts (other than balconies) of a building can add interest and variety to the streetscene, and may be a particular feature on the corners of buildings and streets. The design needs to be well handled and the safety and convenience of pedestrians and vehicle users must be safeguarded where the building is not set back from the pavement or road.

Other than in Urban Conservation Areas and at the ground floor, the construction of a building with parts (other than balconies) which project beyond the building alignment, or the alteration or extension of a building so that parts of it project beyond the building alignment (other than semi-detached or detached dwellings for projections in the side curtilage), including on corners, may be permitted provided that the projection:

(a) at each level, has a total length of projection which does not take up more than 40% of the whole length of the façade and

in case of a corner plot it does not take up more than 40% of the total length of each façade at each level;

(b) is designed as an integral part of the building;

(c) is appropriate to its style;

(d) will create a visually pleasing façade which is compatible with the streetscene;

(e) does not visually dominate the façade and in particular does not appear too 'heavy';

(f) is proposed to be constructed in materials which are compatible with those used on the remainder of the elevation;

(g) does not project more than 0.75 metres from the building alignment above 2.5 metres of ground level if the building is not set back from the road/pavement, as shown in Diagram 11.5(a);

(h) does not project more than 1 metre from the building alignment where the building is set back from the road/pavement, as shown in Diagram 11.5(b); and

(i) is not located on the party wall with an adjoining property or would otherwise give rise to overlooking or overshadowing of adjoining properties, and, should be located more than 0.75 metres from the party wall.

Diagram 11.5 (a)

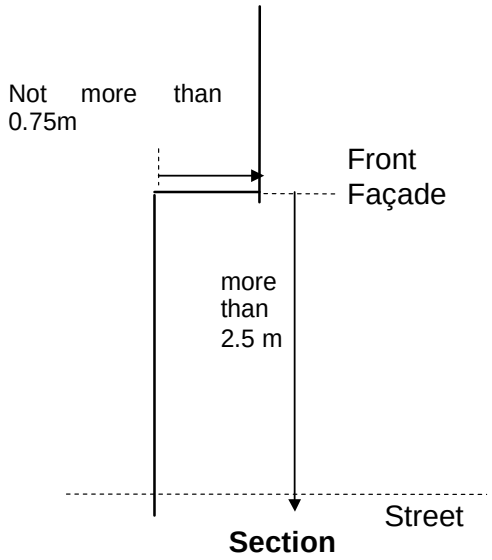


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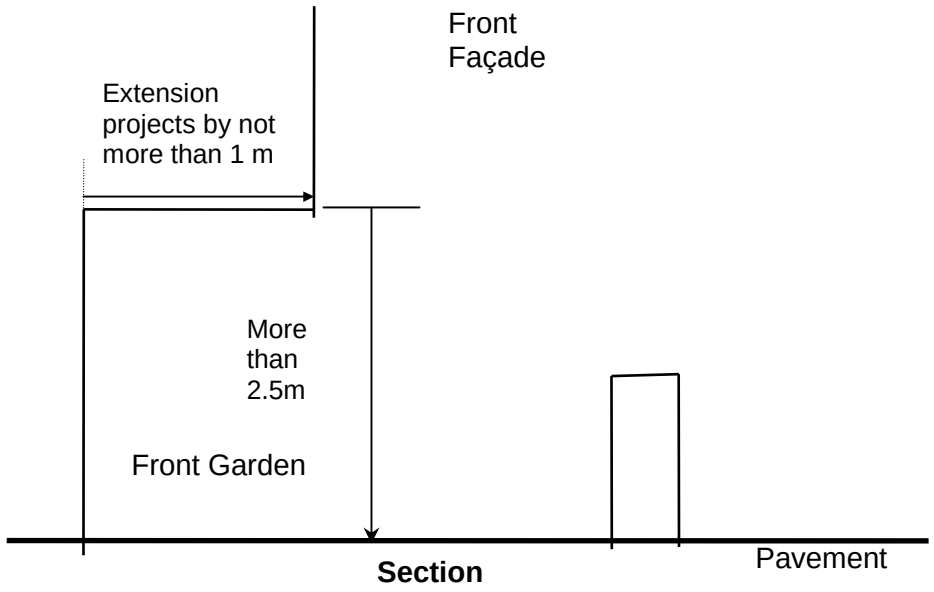
Diagram 11.5 (b)



See also policies 7.1, 7.2 and 7.3 (balconies) and 9.9, 9.10 and 9.11 (projecting parts of a building within the curtilage of semi-detached and detached dwellings).

11.6 Canopies and Porticos

Canopies, porticos and similar structures have a practical and design function. They are acceptable within the 'front garden' area of dwellings, provided that they are well designed and appropriately proportioned, and do not detract from the character of the area or of the streetscape.

Other than in Urban Conservation Areas, canopies and porticos attached to dwellings may be permitted within the front garden area provided that

(a) the structure does not project more than 1 metre from the façade of the building;

(b) the structure is visually related to the façade of the building, of an appropriate size and shape and in appropriate materials/colours. Structures will not be permitted where they would obscure significant architectural details or features on the façade;

(c) the structure is well designed and visually enhances and does not detract from the streetscape. Structures will not be permitted where they would disrupt the architectural equilibrium or rhythm of the facades in the street;

(d) the structure is constructed from appropriate materials, such as stone, wrought iron and wood;

(e) the structure does not give rise to loss of light or of privacy to an immediately adjacent ground floor property used for residential purposes.

Porches will not be permitted.

See glossary for definitions

11.7 Cantilevers at Roof Level

Cantilevers at roof level can also have a practical and design function and are acceptable provided they are well designed, not too light weight in appearance and terminate the building in a visually appropriate manner.

Other than in Urban Conservation Areas, cantilevers at roof level may be permitted provided that the cantilever is:

(a) visually related to the façade of the building and appears as an integral part of the façade;
(b) designed to terminate the building; (c) not too 'flimsy' in appearance;
(d) not accessible.

Other policies relevant to this Part include those in Parts 9 and 10.

Part 12 – Amenity and Other Considerations

12.1 Guidance for Residential Amenity

Rehabilitated and new-build apartments form a significant proportion of the new housing stock and are likely to continue to do so in the future. Much of this is anticipated at high density.

High density living can result in poor standards of amenity for future users and inhabitants if not considered as an integral part of the planning process. New dense residential forms should ensure basic standards of privacy, daylight and open space.

In residential development, the efficient use of land will be a primary concern involving close scrutiny of the layout both internally and in relation to the site as a whole. All new residential development should respect and maintain the privacy of adjoining dwellings and provide adequate internal space, natural light and ventilation as regulated by Sanitary Laws and Civil Code.

Subject to existing sanitary laws, residential development (particularly apartment/flat development and other development at high densities) should normally meet the following criteria:

(a) at least 50% of habitable rooms should gain natural light from the front or rear façade;
(b) excessively deep plan houses or flats with inadequate natural light and ventilation should be avoided. In such cases the applicant may be required to reduce the depth of the building where additional on-site landscaping or amenity space is desirable or required by other policies relating to play and amenity spaces;
(c) single aspect apartments without an outlook should be avoided.

See the Glossary for definition of aspect/single aspect and outlook

12.2 Crime Reduction Measures

This Policy sets out some general principles for approaching the layout and design of new development from the perspective of producing a safe and secure environment. This is one of the factors which should be taken into account in the formulation of development proposals.

Any new developments and refurbishment schemes, including buildings, access ways, parking areas, public spaces and the external environment generally, should be designed in such a way as to help create a safe and secure environment and to reduce the opportunities for crime. There should be a clear distinction between public and private spaces, which provides for secure private areas and allows for public areas to be overlooked. "Dead" areas and recesses should be avoided.

12.3 Privacy between separate buildings

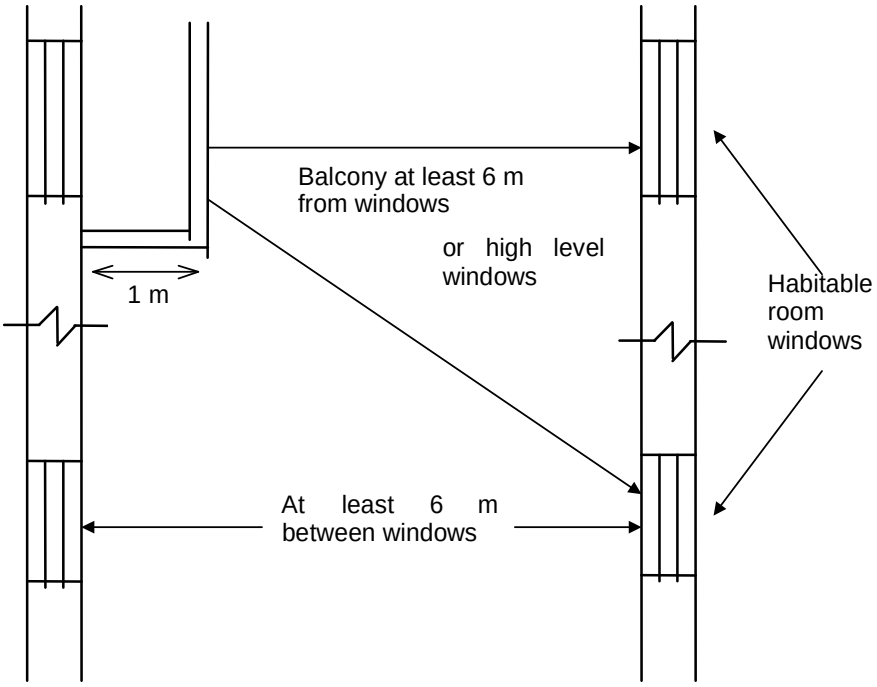
Adequate protection of the privacy in dwellings is necessary to ensure a reasonable standard of internal environment and enjoyment of the dwelling. Privacy may be achieved by distance separation, screening and window design, or through a combination of these measures. It is equally important that the windows of other forms of new development, especially offices or other buildings which people are likely to occupy for considerable periods, do not overlook the windows of dwellings, or otherwise reduce their privacy.

This policy has particular application where development is proposed around a central court or on narrow pedestrian/vehicular accesses, or for other forms of new residential development including internal development. **It is <u>not</u> directed to the maintenance of privacy between units within a building which may be grouped around internal spaces, such as an internal yard. The policy is an interim policy pending the approval of the Building Regulations**.

All new built residential development shall provide a reasonable standard of privacy, by distance separation and/or by the design of the building(s) (internal layout and window size, shape and position). The overlooking of habitable rooms should be avoided. A minimum separation of 6 metres should be provided between the main windows of habitable rooms, where these overlook another dwelling. No window or balcony should overlook the window of a habitable room of another dwelling, except where the distance is greater than the distance above or where privacy is ensured by window design or the provision of screening, such as party walls, as shown in Diagram 12.3.

In addition, other forms of new development should maintain the privacy of residential development, through the application of the minimum separation distance and/or through window design or the provision of screening.

Diagram 12.3



Plan

12.4 Provision of Amenity Space in Residential Areas

Access to amenity and play space makes an important contribution to the overall quality of the residential environment, and hence to residential amenity. Large residential proposals (of the size indicated in the policy) should usually provide for this type of space within the development. The amount of open space required is based on the current national average per capita provision of 2.4 m^2 and an assumed average household occupancy of 4 persons.

There may be cases where a financial contribution to creating off-site open space or to the improvement or maintenance of existing open space may be more practical or beneficial than on-site provision. In these circumstances, though, the Authority will still ensure that the development has a degree of open space although not at the standard set out in the policy. In determining whether to require on-site provision or a contribution to off-site open space the Authority will have regard to the current level of open space provision in the vicinity of the site and in the local council area within which the site is situated. Regard will be also given to the extent to which this open space is deficient, or otherwise, in relation to the national average. It will also consider the practicality and usefulness of providing open space on the site, taking account of its shape; its urban context including accessibility to/from its

surroundings; the extent and availability of land allocated or schemed for open space/green areas in the vicinity; etc.

In housing projects consisting of 40 or more dwellings, access to play and amenity space will be sought. Where there is no existing reasonable provision in the vicinity of the site and safe access to it from the site, the developer will be requested to provide on-site communal open play and amenity spaces at a ratio of 10 square metres per dwelling. Continuing protection and maintenance of such space will be secured by development control conditions.

The Authority may, where it considers it more appropriate having regard to the configuration and location of the site and the nature and availability of land for open space in the area, require the payment of a financial contribution towards the creation, improvement, maintenance, etc of open space in the vicinity of the site.

12.5 Space requirements within Residential Buildings

In order to improve the urban quality of our streetscapes, MEPA will encourage the provision of clothes drying areas and other spaces (such as the placing of gas cylinders – LPG) within residential units rather than having such facilities exposed on the street facades. If such facilities are provided at the front of the building due to space restrictions, such areas should be adequately screened by appropriately designed semi-transparent screens. On the other hand if located within the building (including internal yards) or at the back of the building they should respect all the relevant provisions of this policy document and sanitary laws. The same principle applies to the provision of garbage facilities in order to prevent unsightly heaps of garbage bags which clutter the pavement.

Residential developments with more than 10 units must make adequate provision for a garbage room catering for the whole development which must be easily accessible from street level. In order to avoid unsightly situations it is advisable that for newly built residential development there should be provision for clothes drying areas and other space requirements.

Part 13 – Energy and Infrastructure

13.1 Design for Energy Conservation

The conservation of energy and the use of renewable sources of energy have far reaching environmental, economic and other benefits. Where practical, the potential for specific energy conservation measures and the use of renewable sources should be explored in the formulation of the design and layout of new development. The potential for energy saving and the energy requirements of the building should be taken into account at the design stage, especially in relation to the internal layout of buildings to maximise passive solar design, the use of atria and courtyards for natural lighting and ventilation and the location of doors, windows and other openings.

Energy Performance Prediction Audits which assess energy use and propose measures for conserving energy or improving its efficient use may be required for large scale developments (in accordance with EU Directive 2002/91/EC on the energy performance of buildings).

MEPA will promote the conservation of energy. It will encourage the design of buildings to save energy, the incorporation of specific energy efficiency measures and the use of renewable sources of energy in new development.

In addition, for major projects and other development proposals where the use of energy and/or the potential for energy saving is considerable, the Authority may require the submission of an Energy Performance Prediction Audit.

13.2 Solar Water Heaters

As noted in policy 13.1, the Authority will encourage the use of renewable energy sources. Probably, the most feasible are solar water heaters, which can provide hot water and so reduce the consumption of electricity. This policy positively encourages this form of energy provision, whilst limiting its visual impact.

The collector panels are normally inclined (but limited to an angle between 40º and 50º) and oriented to the direction from which most sunshine can be captured (obstructions to the path of the sun may dictate an orientation other than due south). In general, the collectors should be sited so that they are at a distance of twice the height of an obstacle away from that obstacle. Although they do not necessarily have to be located on a roof, the presence of obstructions (higher buildings or structures) at ground level generally means that in many situations a roof location is the optimum position.

Given the angularity of the panels, the overall bulk of a solar water heater and the reflectiveness of the materials used in their construction, they may appear incongruous in certain positions on the roofs of buildings. However, any adverse impacts can be mitigated through appropriate location and the siting of the storage tank within adjoining washrooms or other existing roof structures. Multiple solar water heaters will be acceptable on a building provided that they each meet the criteria below.

MEPA will encourage the provision of solar water heaters

(1) at ground level, provided they would not have a significant visual impact; or
(2) on the roofs of buildings provided that the requirements of policy 13.5 relating to services on roof structures are met.

13.3 Photovoltaic (PV) Modules

MEPA will positively encourage the provision of photovoltaic (PV) modules (solar modules). These can be integrated in the building envelope or mounted on separate dedicated supports (stand-off arrays). Stand-off arrays can be placed on existing roofs without any structural alterations. These arrays are generally light and mounted on free-standing frames, which can be tilted and rotated to the most suitable orientation and pitch according to site's location and seasonal variation to maximise collection. The areas required for solar electricity generation are larger than for solar water heater, although the arrays are likely to have less visual impact because of the absence of a water tank and their smaller bulk.

Solar Modules integrated into the building fabric or envelope are likely to be generally acceptable where they would not adversely affect the character or appearance of an historic building or area (particularly UCAs) or elsewhere have an adverse impact on the townscape.

MEPA will encourage the provision of photovoltaic solar modules

(1) within the curtilage of buildings – provided they would not have a significant visual impact;

(2) on the roofs of buildings provided that the requirements of policy 13.5 relating to services on roof structures are adhered to.

(3) within the fabric of a building - the Authority will have regard to:

(a) the overall visual impact of the installation on the building;
(b) the relationship of the installation with the overall design of the building and the extent to which it has been satisfactorily integrated into that design;
(c) the overall visual impact of the installation on the site and its surroundings;

(d) the orientation of the building and associated requirements on PV systems;
(e) the materials proposed to be used

And will generally grant permission provided that the installation does not have an adverse impact on the appearance of the building or of the area.

13.4 Water Cisterns

Rainwater run off should be collected and recycled (for those uses which do not require potable water). This applies both to residential and non-residential development, where the collected run-off may be a useful resource. Collection also reduces the amount which needs to be dealt with by the storm water drainage system, and so may have wider benefits. Plans submitted with applications should show the proposed location of the water cistern and its overflow to the street or nearest stormwater drain (by means of a section).

All new development shall be provided with a water cistern to store rainwater run off from the built up area as required by the Code of Police Laws.

13.5 Services on Roof Structures

Some building services, including water tanks, normally need to be situated at roof level. Since water tanks, air conditioning units and satellite dishes (of less than 1.2 metres diameter) are generally small they do not give rise to a major visual impact, although their materials and shape may appear at odds with other roof structures. It is important, then, that these services are appropriately sited and screened (as appropriate to the building form, the site context etc, and as approved in individual applications).

Where satellite dishes, solar water heaters and PV collectors are placed above on the roof of the penthouse level, these are to be screened in an appropriate manner. It will be expected that, provided performance is not compromised, they will be located and placed in a manner which is least likely to be visually intrusive (possibly adjoining other services and/or lift well).

For A and B below, a layout plan of the roof of building / penthouse is to be submitted showing location and screening of services. This will be one of the approved drawings.

This policy is applicable to the following services;

(i) Water tanks
(ii) Satellite dishes up to 1.2 m in diameter
(iii) Air-conditioning units
(iv) Solar water heaters
(v) Photovoltaic collectors

For all buildings, the placing of commercial generators, chillers or any other bulky equipment on the roof of washrooms, penthouse or any other part of the roofs will not be allowed.

A For all major projects, the services are to be located in a manner which will not make them visually intrusive. Location within the building envelope itself is preferable. Any service that is to be placed on the roof of the building must be suitably screened and the screening is to be integrated into the overall design of the building.

B For developments which are not major projects and involve penthouses, stair-hoods and washrooms, services may be placed on the roof of these structures provided that:

a) Services are placed as a cluster and located in a manner which is least likely to result in negative visual impact from nearby streets or from adjoining buildings.

b) All services are placed at least 2 metres from the front and back edge of the roof of the penthouse, stair-hood and washroom. For roofs that are less than 4m deep, services are to be placed at least 2m from the front edge of the roof only.

c) The screening that is provided is integrated into the overall design of the building and its roof structures.

d) Water tanks and air-conditioners are to be suitably screened by a non-solid screen (made of timber, coloured aluminium or other suitable material). The height of screen is not to exceed 1.5 m.

e) All such services shall not exceed a height of 1.5m above roof of penthouse except for the solar water heater which should not exceed an overall height (including any storage tank) of 1.9m from the roof of the penthouse, stair-hood and washroom.

f) None of the services are to be placed on the roof of the lift well or any other structure which is higher than the roof of the penthouse, stair-hood and washroom.

For Grade 1 and Grade 2 Scheduled Property and sites outside the development boundaries (ODZ), MEPA will not allow services on the roof of the penthouses, stair-hoods and washrooms if the negative visual impact of such services is considered to be excessive.

See also policy 1.9 (Design of Roof Structures)

Part 14 – Industrial Development

14.1 Design Principles for Industrial Development

The Structure Plan encourages the provision of multi-storey buildings for industrial use, since this makes efficient use of land and enables the concentration of industrial uses, with consequent amenity benefits elsewhere. It is important though that industrial buildings are of an appropriate scale/height and design, and the following policies develop these considerations.

MEPA will encourage the intensive use of industrial land and buildings within the areas zoned by MEPA for industrial use and, therefore will favour the construction of multiple level buildings or the vertical extension of existing industrial buildings, provided that the criteria in policies 14.2 and 14.3 are met.

14.2 New Industrial Buildings, Conversions and Extensions

Industrial buildings should be designed to be adequate for their proposed purpose and capable of use for a variety of industrial purposes with a minimum of adaptation or alteration. Even within industrial areas, they should also have as little adverse environmental impact as possible. Where industrial development adjoins residential areas, then particular care should be taken over the design of new industrial buildings to ensure that there are no adverse amenity impacts. The policy gives guidance on the measures which will be necessary. Control on the environmental effects of the development and its operation will also be operated through the (separate but related) environmental permitting process.

New industrial buildings, conversions of existing buildings to industrial use and the extension of industrial buildings should be designed so that:

(a) provision is made for adequate access and for off-street servicing arrangements, including commercial/heavy goods vehicle parking and adequate spaces for loading/unloading and manoeuvring (in accordance with the policies in Parts 4 and 6, and other relevant policies);
(b) goods lift servicing is provided where the upper floor(s) are to be used for industrial or storage purposes;
(c) provision is made for the minimisation of the production of waste, and for waste separation, storage and recycling; and
(d) any adverse environmental impacts arising from the industrial processes (noise, vibration, fumes, smell, smoke, other atmospheric pollution, contamination of land, etc.) can be ameliorated.

On sites which adjoin residential areas, the MEPA will:

(i) consider the impact of the industrial use on the adjoining residential area, and so will not permit those forms of development which are likely to give rise to adverse impacts which cannot be satisfactorily ameliorated, including the Special Industrial Groups in Classes 13 – 16 of the Development Planning (Use Classes) Order 1994 or as subsequently amended; and

(ii) require measures to be taken to reduce the impact on adjoining residential areas through the minimisation of openings (doors, windows, etc.) on the boundary(ies) with residential development, and proper noise reduction measures (including insulation, screening of noise sources, reduction of noise at source, appropriate layout etc.).

14.3 The Height Limitation of Industrial Buildings

Local Plans do not always make provision for a height limitation for areas zoned for industry. In some ways, this is a reasonable approach as the requirements for floor to ceiling heights within buildings vary according to the type of industrial process and to the need for ancillary storage of raw materials (like silos, for example). The Authority will take account of these needs, whilst ensuring that, where appropriate, industrial buildings are not unduly and unnecessarily prominent or dominant.

The same considerations apply to the vertical extension of existing industrial buildings; although again the Authority recognises that this is often an effective and necessary way to provide additional production or ancillary (storage/office) floorspace.

Industrial development not on industrial estates should not exceed the height limitation in metres of the area in which it is to be located. The Authority will, however, have regard to this policy in those cases where development is proposed in excess of the height limitation and there is specific justification for this based on operational needs.

Industrial buildings (either as new constructions or as extended by the addition of extra floors) in areas zoned by MEPA for industrial use should not normally exceed a height which is compatible with existing adjoining buildings. In considering the appropriate height, MEPA will have regard to:

(a) the operational needs of the proposed/existing use, including any requirement for plant or machinery which needs abnormal floorspace or height for its installation or operation;

(b) the topography of the site and of the area surrounding the site;

(c) the degree to which the overall height of the building can be reduced by construction below ground level;

(d) the relationship of the site to any residential or other buildings whose amenity should be protected;

(e) the predominant height of existing industrial buildings adjoining the site;

(f) the prominence of the site in the wider landscape, and in particular the impact of the building on the skyline when seen from outside the site area;

(g) the Height Limitation (in metres) of the area adjoining the industrial land.

As a general principle, MEPA will ensure that industrial buildings do not dominate their surroundings by virtue of their height in those circumstances where it is important to maintain compatibility and continuity with adjoining development. Normally, ancillary buildings (such as offices) should not exceed the Height Limitation of the adjoining area, whilst, where necessary, buildings (or parts of buildings) for industrial processes may exceed this limitation.

14.4 Conversion of Upper Floors to Industrial or Related Uses

Residential use within an area zoned or used for industrial purposes is not considered appropriate as the overall quality of the residential environment is likely to be low. The conversion of the upper floors of industrial units to industrial use or to office or storage space related to the current industrial use of the ground floor would provide additional and useful industrial floorspace.

Within areas zoned or used for industry, MEPA will encourage the conversion of upper floors currently used for residential use to industrial use or to office space or storage related to existing industrial premises. Unless the conversion would result in the additional employment of more than 5 persons, off street parking will not be required.

14.5 Development on the Roof of Industrial Buildings

As with commercial and other buildings, the roof may provide usable space. However any use should not have an adverse impact on the surrounding area, particularly when the industrial building adjoins a residential area.

A Where an industrial building is within or adjoins a residential area, MEPA will not permit the use of the roof of that building for operational purposes; for car parking or for any other use which has an adverse impact on the amenity of the area.

B The construction of a plant room on the roof of an industrial building may be permitted having regard to the objectives of, and the guidance set out in, Policy 14.3 and provided that:

(a) the room is setback at least 4.25 metres from the façade of the building;

(b) the room does not exceed an internal height of 2.8 metres and does not exceed an external height of 3.4 metres measured from the external roof level;

(c) the total floorspace of the room does not exceed 36 square metres;

(d) the design and materials used are compatible with the remainder of the building and with the general character of the area.

14.6 Loss of Industrial Space

Land allocated for industrial use is relatively scarce. In line with the Structure Plan goal of using land effectively and constraining urban growth, this land should be retained in industrial use, particularly on designated industrial estates. This makes the best use of existing industrial premises and reduces the pressure to take non-urban land into development. In determining whether industrial uses should be retained, the Authority will have regard to the overall availability of designated industrial land and industrial premises; the specific availability in the vicinity of the site; the overall pressure or requirement of industrial premises; and the desirability of retaining industrial uses on environmental and economic grounds.

From the perspective of improving the overall quality of life, it may be less desirable to retain industrial uses that are not located on industrial estates or in areas predominantly given over to industrial use. In particular, it will not normally be appropriate or desirable to retain industrial uses in residential areas, or where such a use has (or would have) an adverse impact on the amenity of an area or other adverse environmental impacts.

In areas allocated or zoned for industrial development, MEPA will not normally grant permission for the change of use of industrial buildings to non industrial use, or for the redevelopment of industrial buildings for non industrial use, where it considers that the industrial floorspace should be retained.

Part 15 – Commercial Development

15.1 General Design Principles for Commercial Development

The design of commercial buildings requires special care because of their particular requirements for prominence and for the use of space. The external building envelope should generally respect its context. Internally floor heights may need to be greater than the normal 3.4 metres. For instance medium or large scale projects are often designed to make a particular design 'statement' - with regard to their function, or to signify attractiveness, innovation or modernity. This may require bulkier buildings, with large expanses of glass or particular treatments of the façade, with special emphasis on the entrance. This should be done with sensitivity according to the location and context, so that the necessary identity is attained, but not at the expense of the design principles outlined elsewhere in this document.

The use of large areas of glass requires careful handling; it must be related to the context of the site; to the townscape and to the streetscape. Large glazed surfaces at first floor level or above should be avoided, except in very limited circumstances, in town centres or other areas with a 'commercial' character and appearance, where the glazing would enhance this character. Outside these areas, large areas of glass are likely to detract from the established urban character and from the townscape, and so will be discouraged.

The design of commercial development should normally follow the principles and the detailed policy requirements set out in this document.

It should conform to the Building Height Limitation Guidance, although, given the particular requirements for the use of space, commercial development may need higher than normal floor heights, as provided for in policy 15.2. Such development should reflect its context. In particular, the location, size and form of signs should comply with the requirements of MEPA's adopted policy Billboards and Signs. The use of the roofs of commercial buildings may be appropriate where this would not lead to a reduction in privacy or amenity of adjoining buildings.

15.2 Double Height Ground Floors in Commercial Development

In certain forms of commercial development (see Glossary for a definition) the provision of a double height floor may be appropriate to the function of the building. Cinemas, shopping malls and other development forms of a similar scale and nature may require or benefit from this design solution, as it may signify the building's function or provide the necessary space for internal circulation, especially between floors. A double height floor is unlikely to be appropriate on narrow frontages (where it may appear awkward and incongruous in relation to its context), or for those uses which do not require significant internal inter floor circulation.

As noted, the double height floor does need to be appropriate to the context of the building, in particular the streetscene. In certain locations, it will be important that the general horizontal emphasis of buildings adjoining the site is maintained through the external appearance of the new building, as noted in criterion (c). There may though be situations where the general proportions and horizontal emphasis of nearby buildings are such that a double height ground floor would be at odds and thus inappropriate. The Authority will, then, have specific regard to criterion (a) in assessing the acceptance or otherwise of this form of development.

A double height floor with a mezzanine (or intermediate) floor internally may be permitted in commercial development provided that

(a) the design and, in particular, the double height floor is appropriate to the context of the proposed building and to its function and use;
(b) the floor space of the mezzanine or intermediate floor does not exceed 70% of the floor space of the floor beneath and it is interconnected internally with the ground floor through an over-looking balcony;
(c) where it is important to ensure that the building is in keeping with the townscape and character of the area in which it is to be sited, the double height is externally designed and perceived as *one* high floor;
(d) the overall height of the building does not exceed the Height Limitation in metres of the area in which the building is situated.

See also in particular policies 2.1, 2.2, 2.9 and Part 1.

15.3 Commercial Development in Villa/Bungalow Areas

Areas designated for the development of detached or semi-detached villas and bungalows have a distinctive residential character. This stems both from the form, scale and density of the development, with relative spaciousness, and from the nature of the development. Commercial development often involves a greater intensity of activity (pedestrian or vehicular movements) and a specific physical form, which would be at odds with the predominant residential character of these areas. Such development is likely to detract from, and change, the character of these areas, negatively affecting residential amenity. For these reasons, commercial development will generally be discouraged in villa/bungalow areas.

The construction of, or change of use to, commercial development will not be permitted within those areas zoned in the Local Plans for detached or semi-detached residential development.

15.4 Access to Commercial Development

Commercial development, particularly offices, will generate visitors. A common access within a building to dwellings and commercial uses can lead to a loss of residential amenity. Callers may create disturbance and noise, and may give rise to an actual or potential loss of security. For these reasons, it is important that a separate access is provided to commercial development.

MEPA will not normally grant permission for commercial development in buildings also occupied by dwellings where a separate access to the commercial use cannot be provided.

15.5 Flues and Fume Extraction

Cooking smells from restaurants, cafes, snack bars, take-aways and other Class 6 uses can provide a source of nuisance, especially where these uses are located under or adjoining dwellings. Adequate filtering and fume extraction is therefore important, but it must be located and designed so that the fumes are filtered and vented away from overlooking windows. In particular, venting into a shaft shared with dwellings is not acceptable, nor is venting at roof level close to the windows of overlooking dwellings. It may of course be possible to utilise a form of filtering which does not require external venting and the Authority will encourage this. Control on the environmental effects of the development and its operation will also be operated through the (separate but related) environmental permitting process.

All proposals for development falling within Class 6 of the Development Planning (Use Classes) Order 1994, where hot food is prepared and cooked, shall provide for the extraction of cooking fumes and smells, which shall:

(a) not vent to, or terminate in a shaft or yard which serves residential properties;
(b) in the case of flues, terminate at least 3 metres above the roof of the building to which flue is attached and of any immediately adjacent buildings;
(c) not be so located or positioned on the roof of a building that it terminates within 4 metres of the windows of any residential property overlooking or adjoining the roof;
(d) not be so located that it intrudes into the outlook from any adjoining residential properties;
(e) be fitted with the appropriate filters and of sufficient capacity to deal adequately with the fumes produced; and
(f) be so designed, located, dimensioned and coloured that it does not detract from the visual quality of the area nor from the appearance of the building to which it is attached (so that locations on the front façade of a building or on other facades visible from a public space will not normally be permitted).

Refer also to Policy 10.12 (Chimneys/flues on residential development)

15.6 The Use of Front Gardens in Retail Outlets

Use of the front garden in conjunction with the use of the building will result in a better use of space. However, use of the front garden can be a nuisance to neighbours (both above and to the sides). The policy therefore seeks to reduce inconvenience to neighbours. In the case of commercial development, where adjoining uses are also commercial, then the impact may be less pronounced or even insignificant.

The use of the front garden of retail outlets (as defined by Class 4 of the Development Planning (Uses Classes) Order 1994) within Town Centres, Entertainment Priority Areas, Tourism Zones and other areas specifically indicated in the Local Plans for tourism related activities will be favourably considered provided that:

(a) The use of the front garden is to be ancillary to, or an extension of, the existing retail use on the ground floor and not a separate business unit;
(b) The use is restricted to the display of goods for sale only. The use of the front garden area for the storage of goods is not acceptable;
(c) The use does not impede access to overlying and/or adjacent residential units;
(d) The use does not obstruct or encroach on the footway/pavement or the carriageway.

15.7 Canopies in Front of Retail Outlets

Canopies provide shade and protection, but they must be appropriately designed. The policy permits only those forms of canopy which are easily retractable.

Canopies in the front of retail outlets (Class 4 of the Development Planning (Uses Classes) Order 1994) within Town Centres, Entertainment Priority Areas, Tourism Zones and other areas specifically indicated in the Local Plans for tourism related activities may be permitted provided that the canopy is:

(a) only in place for the hours of operation of the retail use and is therefore easily retractable;
(b) visually related to the façade of the building. Canopies will not be permitted where they would obscure significant architectural details or features on the façade;
(c) of an appropriate size, form and shape in relation to the width of the street (when fully extended it should be at least 0.5 metres from the kerb/carriageway edge); to the space of the front garden and to the adjoining buildings. In particular, the canopy, at its highest point, shall not be higher than 3.4 metres; and

(d) well designed and visually enhances and does not detract from the streetscape. Where no front garden exists no structures, other than canopies, will be permitted.

15.8 The Use of the Front Garden Area of Food and Drink Outlets

The use of the front garden of restaurants and other food/drink outlets for seating can provide an attractive and functional setting, provided that the amenity of adjoining properties is protected.

The use of the front garden of food and drink outlets (as defined by Class 6 of the Development Planning (Uses Classes) Order 1994) within Town Centres, Entertainment Priority Areas, Tourism Zones and other areas specifically indicated in the Local Plans for tourism related activities will be favourably considered provided that the use:

(a) is ancillary to, or an extension of, the existing commercial use on the ground floor and not a separate business unit;
(b) is restricted to the placing of tables and chairs only. The use of the front garden area for storage purposes is not acceptable;
(c) does not impede access to overlying and/or adjacent residential units;
(d) would not have an adverse impact on the amenity of adjoining residential uses, from noise, disturbance, loss of privacy, etc.;
(e) does not obstruct or encroach on the footway or carriageway.

15.9 Structures in the Front Garden of Food and Drink Outlets

It is important that canopies, porticos and front garden structures of restaurants and bars are designed so that they do not adversely affect the streetscape, the design of the building and the amenity of adjoining buildings.

There are a number of potential approaches to satisfactory design. Only unenclosed canopies are permitted, with possible solutions including retractable blinds/canopies or slender timber/wrought iron/steel uprights with a 'light' canvas or bamboo roof. Although these structures cannot be enclosed, a low screen conforming to Policy 9.4 is permitted in order to protect clients dining in the front garden. Creeping plants, planters (on the railings or on the terrace) or hanging containers with trailing plants can enhance the overall appearance of these structures. Colour is also important. Simple colours should be used, being muted in tone rather than brash or loud. A single colour or two complementary colours, such as brown, white or black, are preferred.

Permanent and enclosed structures may only be permitted within specifically identified areas by the Authority.

Canopies in the front of catering establishments (Class 6 of the Development Planning (Uses Classes) Order 1994) within Town Centres, Entertainment Priority Areas, Tourism Zones and other

areas specifically indicated in the Local Plans for tourism related activities <u>may be permitted</u> provided that the canopy is:

(a) only in place for the hours of operation of the commercial use and is therefore easily retractable;
(b) visually related to the façade of the building. Canopies will not be permitted where they would obscure significant architectural details or features on the façade;
(c) of an appropriate size, form and shape in relation to the width of the street (when fully extended it should be at least 0.5 metres from the kerb/carriageway edge); to the space of the front garden and to the adjoining buildings. In particular, the canopy, at its highest point, shall not be higher than 3.4 metres; and
(d) well designed and visually enhances and does not detract from the streetscape.
(e) a low screen along the front garden perimeter wall conforming to Policy 9.4 is permitted in order to protect clients dining in the front garden

Where no front garden exists no structures, other than canopies, will be permitted.

Permanently fixed and enclosed structures in front gardens may be permitted within areas identified by the Authority specifically for this purpose, provided that the structure:

i. would not give rise to loss of light, privacy pr security of an immediate adjacent ground floor or overlying property used for residential purposes who are to be formally notified by the applicant on submission of the application ;
ii. is preferably not fully enclosed in the form of a canopy, portico or removable windows, although enclosed structures may be acceptable;
iii. is visually 'light'. The use of aluminium or external steel security grills (shutters) will not be permitted; and
iv. complies with (b), (c) and (d) above.

For other policies related to this Paragraph, see 5.2 on the commercial use of basements, Policy 9.4, Policy 11.7 and the policies on access in Part 4

Part 16 – Additions to Policy Guidance DC 2005 following Local Plan

The following amendments to the DC2005 have been made necessary following the coming into force of five Local Plans in August 2006.

16.1 Building Height Relaxation

Applications for development which exceed the height limitation for a street may be permitted provided that:

i) The proposed development is located between two developments, duly covered with permits, whose existing height exceeds the building height for the streetscape
ii) The distance between the two developments which exceed the height limitation of the street does not exceed 9 metres (although this requirement may be relaxed if MEPA is satisfied that an improved coherent streetscape justifies such a relaxation).
iii) The height in excess of the maximum height limitation of the street is limited to one floor (or one penthouse level as the case may be). However there might be cases that from an urban design and planning point of view this limit may be exceeded.

16.2 Minimum Dwelling Size covered by Local Plan policies

This policy is being defined in view of minor discrepancies between the relevant Local Plan policies on how the 120 square metres limit is to be measured.

With reference to Local Plan policies which require a residential unit to be at least 120 square metres in floor area, the area is to be measured to include all roofed over enclosed spaces.

16.3 Dwelling Size of Penthouses covered by Local Plan policies

For those localities, where the minimum size of residential unit is 120 square metres, units at penthouse level smaller than 120 square metres may be permitted provided that the provisions Policy 10.6 relating to penthouses are applied.

16.4 Dwelling Size on Individual Plots with a Narrow Frontage

The Local Plan policy provides a minimum threshold on the size of residential units to avoid having high density in areas where such densification would negatively impact the residential amenity of the locality. As such therefore this constraint need not be imposed on smaller development, which when taken on their own, will not result in any notable increase in density of the area.

Where the Local Plan requires a residential unit to be at least 120 square metres in floor area for either:

a) single plots of frontage of 8 metres or less, or
b) corner plots of a total frontage of 30m or less,
a maximum of four residential units and a penthouse, with a minimum floor space area of 96 square metres may be allowed. This is subject to the proviso that none of the resulting properties are interlinked (at any level including garage/basement levels) with any other property on adjoining plots and that MEPA is satisfied, from the layout/s being proposed, that no such interlinking is likely to take place.

16.5 Building Height Relaxation to Cover High Blank Part Walls

This policy refers to either a building which is two or more floors higher than the buildings on both sides or, a building which is two or more floors higher than the building on one side.

There may be instances where there is a side blank wall that is 2 or more floors high and where the higher of the two buildings (covered by planning permission) exceeds the height limitation for that street. In such instances, MEPA may permit ONE additional floor (and a penthouse level if applicable) over the lower of the two immediately adjacent properties even if this will not conform with the maximum building height limitation for that street, provided that the resulting stepping down effect is to the satisfaction of MEPA.

And provided that

i. the frontage width of the permitted additional floor shall be more than 5 metres, but less or equal to the width of the single property on site up to a maximum of 8 metres.
ii the remaining side party wall between the two adjacent properties and the side party wall resulting from the new development are to be treated with suitable architectural features and/or soft landscaping that complement and enhance the streetscape.
iii the architectural design of the facade of the additional floor is to complement the character of the existing building.

This policy applies to all areas except Sliema and St. Julians where the relevant Local Plan Policy NHSJ06 will be applicable.

Part 17 – Temporary policy applicable to applications submitted on or before 3rd August 2006

Five new local plans were approved by MEPA and subsequently endorsed by the Minister on 3rd August 2006. These new Local Plans have introduced certain policies which were not included in the draft local plans issued for public consultation. MEPA had felt that the implementation of these particular policies had to be gradually phased in, and as such, MEPA is introducing the following new policies in order to implement this phased in approach. There are applications submitted up to and including 3rd August 2006 for proposals which were made on the basis of the policy context (draft local plans) that was prevailing at the time.

This part provides a temporary policy context to be used in the assessment of applications submitted up to and including the date of coming into force of these Local Plans.

The following provisions are applicable solely to applications which were duly submitted to MEPA on or before 3rd August 2006. Nothing contained in this section is in any way applicable to applications which were submitted to MEPA after 3rd August 2006.

a) With reference to local plan policies which specify a 120 sq. m. limit for residential units, the policies are to be applied such that all units are to be at least 96 sq.m. (including all roofed over enclosed spaces)

b) With the introduction of local plans, the height relaxation policy is no longer applicable. For applications submitted prior to the local plans, however, the height relaxation policy is applicable provided that

- **(i) there are commitments in the immediate vicinity and within the same street which have been permitted as three floors on the basis of that policy.**
- **(ii) the resultant development is compatible with its immediate surroundings and that the additional floor will result in an ` improved streetscape.**

Similarly, a penthouse over a third floor may be allowed, provided that

- **(i) there are three storey development with penthouses in the immediate vicinity and within the same street with valid permits**
- **(ii) the resultant development is compatible with its immediate surroundings and that the penthouse will result in an improved streetscape.**

c) For applications relating to sites which were previously not within Urban Conservation Area (nor were they indicated as UCA in the draft local plan) and are now within a UCA in accordance to the newly approved Local Plan, Policy 3.8 of the DC 2005 relating to internal developments in UCA is not to be applied. The allowable height limitation is to be assessed in accordance with the previously existing Temporary Provision Schemes and the height relaxation policy if it was applicable. There will be no consideration of any habitable structures (such as penthouses) above the allowable height limitation.

d) **The conditions set out in this paragraph are subject to MEPA being satisfied that (i) the design and massing of the internal development is fully compatible with its immediate surroundings, (ii) the resultant development will not disrupt the streetscape and (iii) the development will not negatively impact the Urban Conservation Area as designated in the Local Plan.**

e) **With reference to applications for sites which were previously residential zoning but which, according to the newly approved Local Plan, are now Residential Priority Area, requests for change of use for local shops are to be considered in accordance to residential zoning.**

Part 18– Other Policies

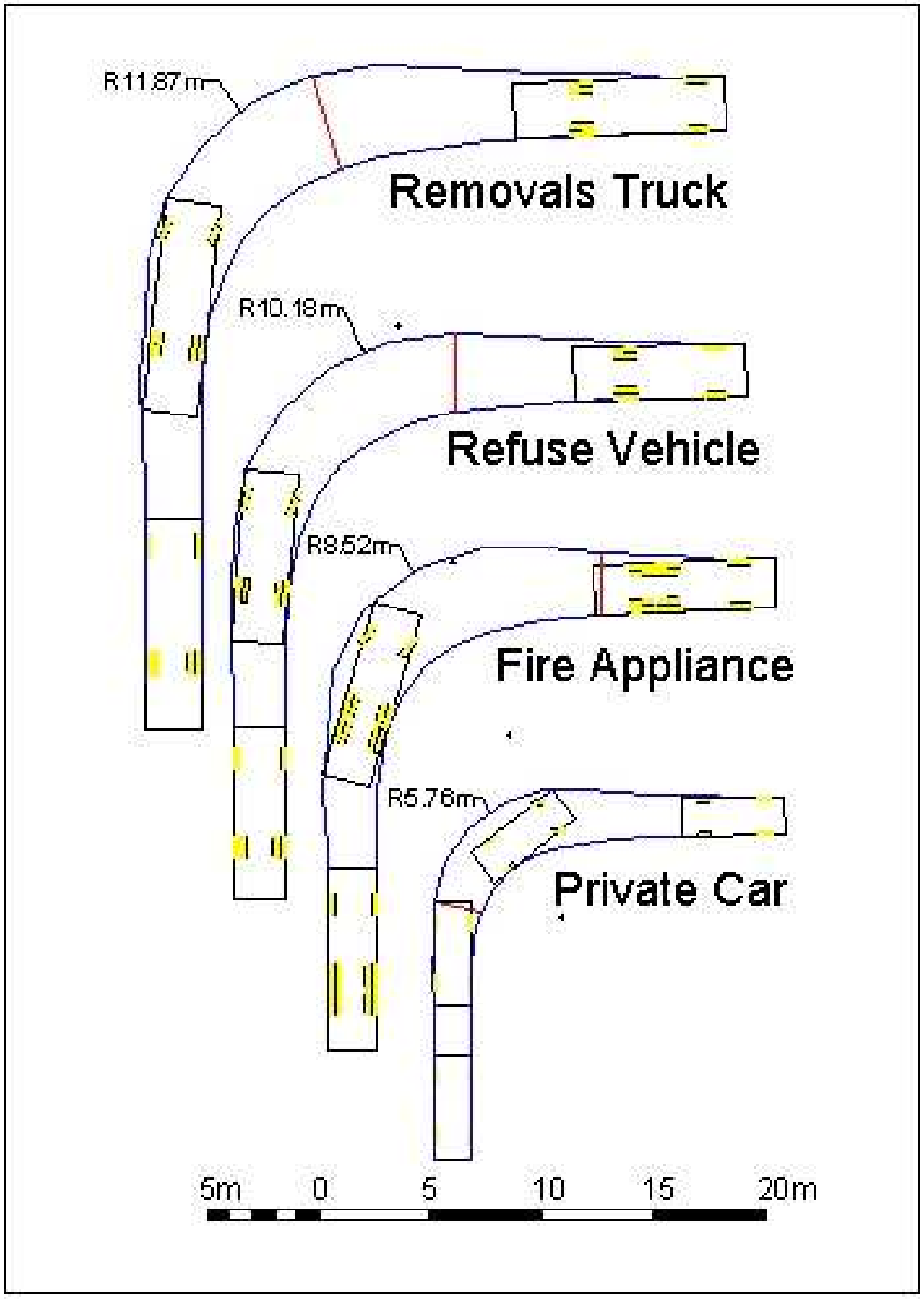
Other policies adopted by the Malta Environment and Planning Authority include:

Policy & Design Guidance - Billboards & Signs	8th January, 2007
South Malta Local Plan	3rd August, 2006
Central Malta Local Plan	3rd August, 2006
Gozo & Comino Local Plan	3rd August, 2006
North West Malta Local Plan	3rd August, 2006
North Harbours Malta Local Plan	3rd August, 2006
Revisions to the Ta' Qali Action Plan 2000	2nd August, 2006
Local Plans Rationalisation of Development Boundaries	July, 2006
Fort Cambridge Final Approved Plan	27th January, 2006
Planning Policy for Ta'Masrija, Mellieha - North West Local Plan	January, 2006
Qawra/Dwejra Heritage Park Action Plan	29th November, 2005
Marine Protected Areas	11th October, 2005
31st March 1979 Fuel Depot Site Development Brief	27th September, 2005
Partial Structure Plan Review – Amendments to SET 8 and IND 6 and SMEs Site Selection Exercise	July, 2005
Pender Place and Mercury House Development Brief	7th May, 2005
Policy & Design Guidance 2005	4th April, 2005
CPPS – Paola	8th April, 2005
CPPS - San Gwann	8th April, 2005
CPPS – Birkirkara	8th April, 2005
Open Storage Areas	3rd March, 2005
Cottonera Dock No.1 Development Brief	1st March, 2005
Major Accident Hazards and Hazardous Substances	15th February, 2005
Interim Retail Planning Guidelines	9th June, 2004

Amendment to Commuted Parking Payment Scheme	28th March, 2003
Parking Requirement for Tables and Chairs in Valletta, the Three Cities and other urban areas	8th March, 2003
Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands	21st February, 2002
CPPS for Rabat (Gozo), Hamrun (Amendments to Boundary)	28th January, 2002
''Access for all - design guidelines'' as published by National Commission Persons with Disability	31st October, 2001
Amendment to Policy & Design Guidance 2000: Stairwells	16th October, 2001
CPPS for St Julians and policy change re: Allocation of Funds	29th October, 2001
Policy & Design Guidance on Fish farming - Search area policy (Amendment), 2001	14th August, 2001
Policy and Design Guidance 2000	1st November, 2000
Provision of Car Parking for Penthouses	6th July, 2000
Swimming pools outside development zone	2nd February, 2000
CPPS schemes for Mosta St. Paul's Bay	31st August, 1998
Commuted Parking Payment Scheme - Sliema, St.Julian's, Valletta & Floriana	1st July, 1998
New Commuted Parking Payments Scheme for Malta	1st July, 1998
Minor Amendments to Local Plans	21st May, 1998
Height Limitation Guidance	January, 1998
Parking Provision for Local Shops, Offices and Catering Establishments	December, 1997
Golf Course Development in Malta - A Policy Paper	August, 1997
Inert Waste Disposal in Quarries	June, 1997
The Preparation and Approval of Policy	November, 1996
Development Control within Urban Conservation Areas	July, 1995

Traffic Calming Guidelines	April, 1995
Sponsors' Billboards at Restoration Works	February, 1995
Development Outside Built-Up Areas	January, 1995
Satellite Dishes and Telecommunications Antennae	January, 1995
Access For All	November, 1994
Billboards and Signs	May, 1994
Environmental Impact Assessment Procedures	May, 1994
Fish farming	May, 1994
Kindergartens/Day Nurseries	May, 1994
Kiosks	May, 1994
Shop fronts	May, 1994
Vending Machines	May, 1994
Commuted Parking Payment	April, 1994
Farmhouses and Agricultural Buildings	February, 1994
Guidelines Interim Review of Building Heights Pending Local Plan Completion	December, 1993
Code of Practice for Quarry Working And Restoration	March, 1993

Appendix One – Radii and Swept Paths Diagrams



Appendix Two – Criteria for Identifying Major Projects

Specific Development Types

- Residential projects with more than 30 residential units;
- Hotel/tourist accommodation projects with more than 60 beds;
- Commercial projects with more than 750m^2 floorspace;
- Sports/entertainment projects with seating capacity of more than 200;
- Hospital/clinic projects with more than 50 beds;
- Schools (new and extension to) with more than 10 classrooms and/or more than 300 children;
- Industrial/warehousing projects located within an approved industrial estate and with more than 750m^2 floorspace;
- Industrial/warehousing projects NOT located within an approved industrial estate and with more than 500m^2 floorspace;
- Projects for waste disposal/sewage treatment/recycling plants;
- Projects which involve modification of the arterial road network (including maintenance and embellishment within the highway boundary)

General

- Projects which require a site larger than 0.5 hectares;
- Any project requiring an Environmental Impact Assessment (either an Environmental Impact Statement or an Environmental Planning Statement);
- Any project with provision for more than 50 car parking spaces;
- Projects which will have substantial impact on the area in which they are located, i.e. operational impacts, visual impacts, etc., (this will normally be restricted to projects proposed to be located in a sensitive area such as an Area of High Landscape Value, Area of Ecological Interest, etc.,).