

## Debate & Analysis

### A brazen abuse of the planning system (I)

# Reasons why the proposed development should be



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The proposed development of the ITS site at St George's Bay has raised the concerns of many and for good reason. People living in the area are worried that the development will have a negative effect on their quality of life not only during construction but also upon completion. This should also be a concern to other users of the area including tourists, workers and people who go to Paceville. Increased level of traffic congestion, increased pollution, significant shadowing effects and the eyesore of a disproportionately large development will affect all, and not just Pembroke residents.

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In this article I refer to the proposal as a 'bad development'. This is a terminology not normally used in urban planning literature, but there are so many things that are fundamentally wrong with what is being proposed that there is no better way to describe it.

#### Public open space

The initial designs of the project offered no open space for the public. Every square inch of the site was taken up to address the needs of the developers so that they could maximise their profits. In a scramble in recent weeks, plans were changed to include an open urban space at one corner of the site. This is an improvement over the first proposals but it is not good enough. It is too little and in any case its design makes it easy for the developers, at a future date, to close it off to the public and retain it solely for a paying public (for tables and chairs of the bars and restaurants surrounding it).

The building as proposed acts as a barrier for movement of pedestrians from the residential areas to the beach and to Paceville. The site should be designed to connect the different spaces around it rather than separate them. There should be a network of interconnected public spaces, within the site and immediately adjoining it, including wide pavements and promenades. These ideas are in line with the Floor Area Ratio (5.13) policy that advocates "accessibility on foot and local permeability by making places that connect with each other and are easy to move through, putting people before traffic. The development should be integrated in the existing network of pedestrian routes and streets..."

#### Incorrect application of Floor Area Ratio policy

The concept of FAR is to create spaces for pedestrians. This is achieved by allowing higher development over part of the site and this is compensated by allocating other parts of the site to public open space. The developers are justifying the size and height of the building based on the Floor Area Ratio (FAR). I contend that the FAR has been applied incorrectly. Only open spaces that are fully dedicated and freely accessible to pedestrians should be included in Floor Area Ratio computations. The FAR computations should not include open spaces that are restricted to residents, like for example pool areas and internal landscaped areas, nor should it include areas for car parking.

The Floor Area Ratio policy states (para. 5.12): "Tall building schemes should create high qual-

ity, public open space within the site through proper site layout and arrangements. The development should promote consolidated outdoor public spaces that are safe and attractive for all, and which meet the needs of both the users of the building and the wider neighbourhood. Public open space should encourage people to linger and incorporate well-designed landscaping and street furniture - lighting, seating, litterbins, signage, public art, etc. - without creating clutter. The management and maintenance of these spaces needs to be specified in a planning gain obligation and agreed to by MEPA. The scale of public open space should never be less than 50 per cent of the site area."

The requirement is clear: 50 per cent of the site has to be dedicated to open space that is fully accessible to the public. The ITS site development comes nowhere near meeting this requirement.

This is not the only FAR infringement of the proposed development. The FAR policy (2.4) requires the developers to make the case for a tall building in the context of an urban design study/character appraisal. This will involve the evaluation of the relationship to the context, including among others topography, effect on the skyline and the contribution to the public realm. Because of its excessive imposition, the ITS site development will be detrimental to the public realm and will be excessively disruptive of the skyline. The development also infringes the FAR policy (5.6) that requires new tall buildings to make a positive contribution to the urban form and skyline.

The FAR policy (5.4) requires that new tall buildings are sited and designed for good townscape, economic and environmental reasons rather than simply as a response to commercial pressure. Evidently the proposed ITS site development is driven by one sole objective namely maximising the commercial use of land. This makes it non-compliant with FAR policy 5.4. This single-minded drive for commercialisation is all the more inappropriate when one considers that this is public land. As a Maltese citizen I consider unacceptable that land which we as citizens all co-own is being used in a way that does not benefit the public in any way.

#### Shadowing and visual impact

A cause for concern is the shadowing that the proposed development will impose on the area, particularly on the residences and apartment blocks that are to the north and northeast of the

site. The size of the building is excessive, as is the tower. The building and its tower are out of scale and will cast excessive shadows.

Because of its excessive size, the development will be a significant visual intrusion on St George's Bay. The intrinsic design of the proposed building may be good and it might fit in well had it been in New York or Dubai. But the way the development dwarfs all buildings at St George's Bay makes it an ugly eyesore, which future generations of area users will have to put up with. Even untrained eyes would realise this on seeing the photomontages of the proposed development

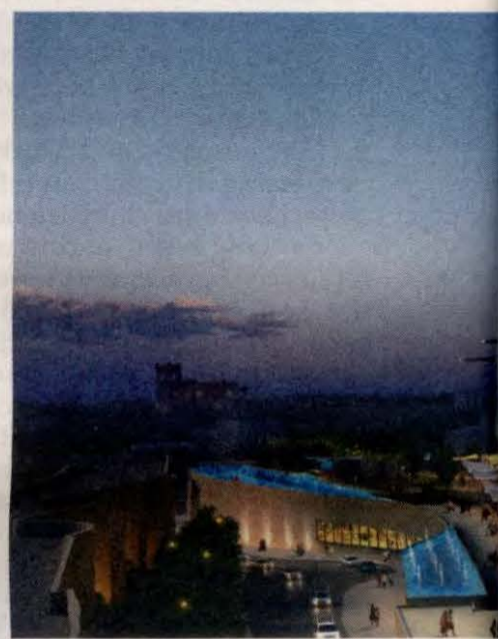
#### Misuse of the hotel height limitation adjustment policy

The way the developers are interpreting planning policy to justify this development has turned the planning system on its head. Policy documents provide parameters and guidance intended to further the public good. For example, the hotel height policy is purportedly intended to enable hotels to improve their facilities and offer a better product, and thus reinforce an important sector of the economy.

In this case, the developer's intended 455 rooms hotel can be provided on site within local plan parameters. There is therefore no need to increase the volume and size of building to improve the hotel. So the hotel height policy should not be applied in this case. Its application will not make for a better or larger hotel. It simply allows the developer to pack in more luxury apartments on site.

The hotel height limitation adjustment policy is clear. It is only intended for hotel development, so much so that the policy requires the removal of additional hotel floors if a change of use is subsequently sought. In other words, if a hotel adds two hotel room floors thanks to this policy, but then the owner decides to change the use to residential, these two additional floors would have to be removed.

The erroneous interpretation of the hotel policy creates a dangerous precedent that others may use to justify excessively sized developments, in other neighbourhoods, with all the resulting visual and other impacts that this will bring with it. What is to stop, for example, a six-storey hotel in St Julian's applying for an additional 10 floors to construct luxury apartments and use the hotels height relaxation policy to justify it? It may seem unlikely but so was this proposed luxury apartments monstrosity on the ITS site. If the hotel height relaxation policy is used to jus-



tify the apartments on the ITS site, other hotel owners will feel entitled to apply the same policy for their development to justify even more apartments.

As an aside, the original hotel height adjustment policy allowed the addition of two floors over what is allowed in the Local Plan. A year later in mid-2014, this was changed to allow, for hotels, any number of floors above the height limitation. The decision takers at the Planning Authority must have taken leave of their senses when they made this latter change.

#### Traffic and transport

The traffic situation for the residents of Pembroke is already a difficult one. In the morning, it takes 15 to 25 minutes just to travel a few hundred metres and get onto the main arterial road (St Andrews Road). If it were a one-off, it might not be a problem but it happens every working day, throughout the year. Add to this the time lost in traffic congestion in the evening to get back home. The time lost and the stress caused to drivers are substantial and it is no wonder that Pembroke residents are very worried about the significant increases in traffic and congestion that the ITS site development will bring. The amount of time lost in travel into and out of the area is detrimental not only for residents but also for businesses and for tourism.

Residents are also very concerned about the pollution and noise that the increased traffic will generate. Worse hit will be residents of Triq P. D'Armenia through which all the construction traffic is expected to enter and leave the building site. Incidentally, these are the same 100/150 households that will be subject to shadowing, virtually all day in the winter and for part



## Debate & Analysis

# Proposed ITS site has been refused



of the day in the summer.

A development of this scale should not be allowed in the Pembroke/Paceville area unless and until the government commits itself and implements effective solutions for traffic. In particular, a multi-level junction is required on the arterial road as well as an upgrading of the roads leading to it. The residents need solutions to the current problems of traffic congestion and impacts. The last thing they need is massive development that will make the situation many times worse.

### Contrary to planning norms

The concerns about planning process are significant to the extent that the approval of the project by the Planning Authority would be a slap in the face to the planning profession and to all

the efforts that were made in the past to build up a workable planning system. This is the reason why I took a particular interest in this proposed project. Another reason is that I am greatly dismayed by the way the planning system is being abused to justify a development that no sane planning board would approve.

The extent to which the proposed development misinterprets basic planning norms is shocking. Also shocking is the way the authorities are complicit – the same authorities who should be working for the public good and not for the interests of a speculative development.

In the public meetings and the protest, I could sense how greatly distressed the residents are. The quality of their lives will be degraded because of increased traffic delays, construc-

tion traffic, pollution, shadowing, loss of amenity for pedestrians and significant visual impact. They are also worried about the loss in value of their life savings invested in their homes. Not only should the application be refused, but the Planning Authority should have never allowed the development to reach this stage. It has caused too much stress and tension in people.

For all these reasons, I strongly urge the Planning Authority to refuse the application. Moreover, the Planning Authority should insist that no development would be permitted on the site until a development brief is prepared and until plans are in hand for an appropriate multi-level junction on the main arterial road to provide appropriate vehicle access to Pembroke, St George's Bay and Paceville.