

# 1. CIRCULAR MEPA 2/05

## Planning Directorate

- **Policy and Design Guidance 2005**

### 1. INTRODUCTION

- 1.2 In November 2000 the DC1/88 was replaced by a new policy and design guidance document, aimed at giving a new perspective to development control. When these guidelines were introduced, a commitment was undertaken that when need arose to revise these policies, MEPA would carry out such revisions. In fact the results achieved through the application of these policies were closely monitored and any complications/difficulties resulting from different interpretations of the policies were recorded.
- 1.3 During 2002, a team was set up at the Planning Directorate in order to revise the DC2000 Policy and Design Guidance; this team formalised a first draft following a number of meetings with the Kamra tal-Periti. In 2003 further discussions were held on this draft with the Chairpersons of the Development Control Commissions (DCCs) and again with the Kamra tal-Periti, until a draft was approved by MEPA and issued for public consultation. During the public consultation exercise, feedback on these policies was received by the Building Industry Consultative Council (BICC), developers, private individuals and NGOs. Comments were evaluated; following which a final draft was prepared. This process is regulated through Article 27 and Article 29A of the Development Planning Act, 1992.

### 2. MAIN PRICIPLES

- 2.1 The Development Control Policy and Design Guidance 2005 (DC2005) hinges on three important principles aimed at achieving:
- a. Better aesthetical qualities in our built environment
  - b. A reasonable standard of internal amenity within buildings
  - c. A 'greener' perspective in the design of buildings.
- 2.2 The document includes a total of one hundred and twenty-nine (129) policies, gathered under fifteen (15) different headings which include:

1. General Design Principles
2. Building Heights
3. Plot Size/Dwelling Size, Dwelling Type, Site Coverage
4. Access to New Development
5. Basements
6. Parking Areas and Garages
7. Balconies, Doors and Windows (Residential)
8. Materials
9. Gardens and Boundaries
10. Penthouses, Lifts and Other Roof Structures
11. Design of Specific Building Elements
12. Amenity and Other Considerations
13. Energy and Infrastructure
14. Industrial Development
15. Commercial Development

2.3 The introduction of the document sets out the purpose and objectives of the policy and design guidance, giving advice on the application of policy. Experience garnered throughout the years has shown that in the design and assessment of development proposals, more emphasis is put on the quantitative standards to the detriment of the qualitative ones. The users of this document are now expected to give more weight to qualitative standards both at the design stage and at the assessment stage of the proposed development. Nonetheless, certain quantitative standards, cardinal to the planning process, such as, safety issues, building heights and the requirements for detached and semi-detached development should remain relevant, The policies in Part 1 – General Design Principles, play an important role in meeting such requirements.

### 3. CONTENTS

3.1 The policies in Part 1 of the DC2005 could be interpreted by some to be subjective as the principle of aesthetic design often depends on personal tastes. However the policies in this part go beyond mere taste or cultural attitudes. Policy 1.6 lists a number of suggestions, which can serve as a useful planning tool at both the design and assessment stage to achieve a better urban environment. Through Policy 1.7 MEPA introduced the concept of '**visual architectural gain**' through which departure from a particular policy *may be* considered if the proposal is of high quality and will act as a catalyst to other high quality solutions. Emphasis is also made on the design of development adjoining Urban Conservation Areas (Policy 1.8) and the proper design of roof structures (Policy 1.9).

- a. The interpretation of building heights at different site conditions is defined in Part 2 of the document. Throughout the document, the definition of heights in terms of course module has been removed in favour of metric measurements. Policy 2.4 is a revision of the previous policy defining building heights on corner sites, seeking to achieve a better treatment of corner buildings under different height regimes. The application of building heights for detached and semi-detached dwellings has been clarified through Policy 2.8. The application of the Floor Area Ratio is explained in Policy 2.10, which proposes to reduce the minimum area in which it could be applied to 2,000 sq. m. under stricter conditions.
  - b. In the definition of criteria for detached and semi-detached dwellings, the notion of a minimum percentage of soft landscaping has been introduced in Policy 3.2. In order to remove the ambiguity, which existed in the interpretation of the habitable floor area, Policy 3.7 has been revised so that the area to be considered is now the gross floor area. A ceiling of one-bedroom units has also been set in the same policy. The policy related to Internal Development (Policy 3.8) has been also revised in order to produce better-designed projects, respecting the surrounding context and amenity. Internal development within Urban Conservation Areas is not permitted.
- 3.2 This part focuses on vehicular access arrangements to new development and is an improvement upon what existed in DC2000 through the introduction of clearer standards such as the minimum distance of a garage door opening from a corner (Policy 4.7). The use of a driveway in a front garden as an off-street parking space has also been acknowledged in Policy 4.9. The maximum number of car spaces served by a car lift has also been increased as specified in Policy 4.15.
- 3.3 Minor changes have been effected to Part 5 on basements except for better clarification that the use of a basement as a separate dwelling in villa areas is not permitted.
- 3.4 In Part 6 (Parking Areas and Garages) clearer standards and dimensions, mostly useful at the design stage of the project, are given. No internal garages and garages for heavy goods vehicles are permitted in UCAs (Policies 6.14 and 6.15). Public service garages for self drive hire cars will be permitted in residential areas in line with Policy 6.15.
- 3.5 The main change in this section was in the open balcony projection. This has now been increased from 0.75m to 1m as in Policy 7.2.
- 3.6 No changes from the DC2000 were made to Part 8, which specifies the use of materials.

- 3.7 In Part 9, a provision as been introduced to allow boundary walls higher than those normally permitted for particular circumstances within UCAs as specified in Policy 9.3. Another change from the previous policy document concerns the design of setback facades from the street alignment as indicated in Policy 9.6.
- 3.8 A number of changes have occurred to Part 10 (Penthouses, lifts and other roof structures), the most significant of which is the provision of penthouses on three storey buildings as specified in Policy 10.6 and the newly introduced Urban Improvements Fund which caters for lack of parking provision in areas where Commuted Parking Payment Schemes do not exist. Residential rooms instead of washrooms will now also be allowed on buildings not higher than three floors (Policy 10.4), and setback floors will be permitted on two storey buildings within UCAs if the existing dwelling unit is restricted in floor area as per Policy 10.5.
- 3.9 In Part 11 of the DC2005, the major change done is a revision to the policy on projecting rooms or parts of buildings (Policy 11.5), by which the projecting parts have been limited to a percentage of the site frontage. A new policy (Policy 11.7) has been introduced in order to allow cantilevers at roof level.
- 3.10 The issue of privacy between separate buildings has been clarified through Policy 12.3 and the minimum distance reduced from 6.5 to 6m. A new policy (Policy 12.5) has been established in order to create awareness at design stage on space requirements, such as clothes drying areas, within residential development.
- 3.11 In Part 13 of the DC2005, more emphasis has been placed on the need to design buildings with energy conservation in mind. The restrictions, which we had in the DC2000 with regards to the placing of solar water heaters, have been reviewed and a new policy (Policy 13.3) on photovoltaic (PV) modules has been introduced.
- 3.12 There have been no changes to Part 14 accept for Policy 14.5, meant to regulate the development on the roof of industrial buildings. The same applies to Part 15, in which the only change done from the previous DC2000 was to Policy 15.9, which regulates the fixing of structures in the front garden of Class 6 establishments.

#### **4. IMPLEMENTATION**

- 4.1 The document shall apply to all planning applications, including Development Notification Orders (DNO), validated after the 18<sup>th</sup> April 2005 (date inclusive). All other applications validated prior to this date shall be assessed by the Development Control Policy and Design Guidance (November 2000). Applications at

reconsideration stage, appeals stage and minor amendments, which have their original validation date prior to 18<sup>th</sup> April 2005 shall continue to be assessed under the provisions of the DC2000 guidance.

- 4.2 Their might be cases which have been granted outline development permission in the past, which permit is still valid, and the full development application has not yet been submitted. In these cases the principle of development which has been determined, the decision and the approved plans/documents, shall not be compromised in the full development application, albeit all reserved matters need to comply with the DC2005 provisions.
- 4.3 Applications, which were validated prior to the 18th April 2005 and due to a change in the description of the proposal had to be re-published, are to comply with the DC2000 provisions. In case of an outline application which during its processing was changed into a full development application (i.e. a change in the type of the application) and such a change was validated prior to the 18<sup>th</sup> April 2005 should also comply with DC2000. A change from an outline application to a full development application validated after 18<sup>th</sup> April 2005, should be processed by the DC2005.

## **5. CONCLUSION**

- 5.1 Although, the new policy document is clearly an improvement over the old DC 2000, and every effort was made to incorporate public participation within the process, it is acknowledged that such a policy document is dynamic. Once again MEPA shall continue to monitor the effects of the policy on the urban fabric. On the other hand, on the launching of this policy document, MEPA is also introducing an e-mail address ([DC2005@mepa.org.mt](mailto:DC2005@mepa.org.mt)) on which questions on the interpretation of the policies within the document can be addressed and also aimed at acting as a forum through which one could make suggestions for future amendments.

**Christopher Borg**  
**Director of Planning**  
**21<sup>st</sup> March 2005**