

CIRCULAR PA 1/98

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INTRODUCTION

This Circular clarifies the time limit for the submission of a request for reconsideration. It also elaborates on the procedure where a recommendation for approval is overturned by the DCC and introduces a new policy which has recently been adopted. Finally the revised general notes and checklist of application submission requirements are outlined.

1 TIME LIMIT FOR THE SUBMISSION OF REQUESTS FOR RECONSIDERATION

- 1.1 The time limit for the submission of a request for reconsideration was referred to in paragraphs 16.1 and 16.2 of Circular PA 4/97. The following paragraphs clarify the situation.
- 1.2 Requests for reconsideration may be made in relation to a refusal of permission or to conditions imposed on a permission. They must be made within 14 days of the receipt of the decision by the applicant.
- 1.3 The Planning Authority (or the Development Control Commission, as appropriate) will consider the request and issue a decision in due course. The reconsideration should be determined and the applicant notified of the decision within 30 days of the receipt of the request by the Authority. If the applicant is aggrieved by the decision on the reconsideration, an appeal may be lodged with the Planning Appeals Board. The appeal should be submitted within 30 days of the date of receipt by the applicant of the decision notice on the

reconsideration. If the Authority has not communicated the decision to the applicant within 30 days of the reconsideration request being made, the appeal may be filed within 30 days of the date on which the Planning Authority should have determined the request for reconsideration, unless the applicant decides to wait for the final decision from the Authority.

2 OVERTURNING OF RECOMMENDATIONS BY THE PLANNING AUTHORITY/DEVELOPMENT CONTROL COMMISSION

- 2.1 This section amplifies and clarifies the procedure where the Planning Authority or Development Control Commission (DCC) propose to overturn a recommendation for the approval of an application or amend/add a condition to the disadvantage of the applicant.
- 2.2 The Planning Authority/DCC may propose to refuse an application which has been recommended for approval. The Authority/DCC may also propose to impose an additional condition or amend a condition (e.g. such as to restrict the use of the development, operating hours etc) to the disadvantage of the applicant. In these cases, the applicant/architect will be informed, in writing, of the proposed reasons for refusal or of the condition and invited to submit new points, fresh evidence or counter arguments in support of his/her application, within 30 days.
- 2.3 On receipt of the applicant's submission, the procedure in operation on receipt of a submission in reply to the DPA report will be followed. The date of the receipt of the submission will be recorded in the 'Notes to Committee' section of the case officer's report, and the submission will be copied and attached to this report.
- 2.4 The application will be referred back to the PA/DCC for a final decision. The PA/DCC will take account of the arguments put forward by the applicant and will make a decision (to approve the application or confirm the decision to refuse it, or to impose/not impose the condition).

3 NEW POLICY - PARKING PROVISION FOR LOCAL SHOPS, OFFICES & CATERING ESTABLISHMENTS

- 3.1 A new policy ***Parking Provision For Local Shops, Offices & Catering Establishments*** was formally adopted by the Planning Authority (in terms of the Development Planning Act 1992) with effect from 17th December 1997. This policy also up-dates the policy on parking layouts contained in PA Circular 3/93. The following paragraphs briefly summarise the main provisions of this policy but regard should be had to the formal policy document for the full text.
- 3.2 The policy clearly identifies those shops and offices that are considered to be 'local' and so are exempt from providing parking facilities on site. These are shops or offices, which by their nature, are unlikely to generate

many visitors or customers, particularly by car, and which have a catchment area which is considered to be local.

- 3.3 Local uses are listed with a ceiling on the maximum floor space. Subject to limitations on location on or close to arterial or distributor roads and the capacity for loading and unloading to take place on the highway without leading to congestion, these do not require parking provision on site.
- 3.4 The policy also covers changes of use from a garage to a commercial use. In general these changes are not acceptable as they will lead to an increase in on-street parking and congestion. However, a change of use to a local use may be acceptable where there is adequate off-street parking provision to cater for the other existing uses in that building. However, the change of use of basement garages into shops will not be allowed.
- 3.5 The revision of the standards for parking spaces and areas set out in Circular PA 3/93 relates to the gradient of ramps and to the need for ventilation. In addition, parking provided for the use of visitors to commercial uses should be accessible throughout the use's operating hours, and should be in the form of public spaces, not closed individual garages.
- 3.6 This policy will appear in a future supplement to the Planning Factbook.

4 HEIGHT LIMITATION GUIDANCE

- 4.1 The policy paper *Height Limitation Guidance* has been formally endorsed by the Planning Authority (in terms of the Development Planning Act 1992) with effect from 23rd January 1998.
- 4.2 The paper sets out a list of height limitations which has been in use since prior to the establishment of the Planning Authority. This list has been endorsed as an official document for the purposes of determining the allowable height of development in accordance with the approved Temporary Provisions Schemes. It must be read in conjunction with the Temporary Provisions Schemes, DC 1/88, the policy 'Interim Review of Building Heights Pending Local Plan Completion' (adopted in December 1993) and any adopted Local Plan.
- 4.3 This document will appear in a future supplement of the Planning Factbook.

5 REVISED GENERAL NOTES AND CHECKLIST OF APPLICATION SUBMISSION REQUIREMENTS

- 5.1 The General Notes for Application Forms and Checklist of requirements to be submitted with applications has been revised. The new version will come into effect from 2nd March 1998. The following paragraphs indicate the main changes in each part of the checklist, other than minor amendments. Apart from these changes, the requirements set out in the previous checklist have been included in the amended version. A copy of the revised checklist is attached.

General Notes

- 5.2 **The number of forms** - six copies of the application form are required for all applications, except for renewals, for which 2 copies are required.
- 5.3 The need for the **B 12 supplementary information form** has been clarified. This is not required for renewal applications and where minor amendments are proposed which do not affect any of the details required on the form.
- 5.4 **The location of the site** - for sites located outside built up areas, the name of the area should be given if the access street is unnamed.
- 5.5 **Architect's reference number** - all plans should be listed on the application form and should include both the title of the plan and the architect's reference number.

General Checklist for attachments and drawings

- 5.6 **Photographs** - the requirement for photographs is clarified. Photocopies of photographs (even if in colour) and Polaroid photos are not acceptable. The photographs should reflect the current (latest) state of the site, with one showing the site itself, another the site in relation to adjacent properties and the third the streetscape. Where works are proposed in gardens, backyards or courtyards, the photos should clearly show the outdoor space. The building or site to which the application relates should be clearly marked on the photos to avoid doubt or ambiguity. All photographs should be referenced by means of a number or letter to the site plan on which the points from which the photos were taken are shown. Finally, the photographs should be mounted on A4 paper and signed by the architect.
- 5.7 **Site plans** should be A4 extracts or versions of the maps produced by the Authority and should reflect the latest state of the site and its surroundings. It is important also that the map co-ordinates are shown on the site plans.
- 5.8 **Plans and drawings** - Six copies of all plans and drawings are required for all types of development. They should be folded to A4 size and

collated into sets to facilitate the initial stages of making up and processing the application. The inclusion of a scale bar on all drawings is recommended as an aid to scaling dimensions on the drawings.

- 5.9 On plans showing parking areas, the ***parking spaces*** should be clearly indicated and numbered.
- 5.10 Except when copies of previously approved plans and drawings are specifically required to be submitted, ***plans and drawings should not have been used for another application*** and so should not bear any signature or official stamps indicating previous approvals.
- 5.11 Preferably, where ***major alterations and/or demolition*** is proposed, the “as existing” plans should show those parts of the building which are to be demolished in yellow. The “as proposed” plan should show new construction in red.
- 5.12 For ***minor alterations and/or demolition*** the proposed works can be shown on the same plan using the same colours. A comprehensive plan may be submitted instead provided that it shows all proposed works, and clearly distinguishes between demolition and new construction/alterations.
- 5.13 Where applications involve ***demolition***, a set of plans, including elevations and sections, showing the existing construction/building is required. The elevations should show the relationship of the construction/building with adjacent buildings.
- 5.14 ***Elevations*** - these should show the whole building rather than just a part of it.
- 5.15 Additions etc should be shown on ***elevational drawings*** even if they are set back from the building line. They can be indicated in fainter lines than the elevations themselves.
- 5.16 Where an ***application includes signs or advertisements***, these should be shown both on the main elevation drawing and, in detail, on a separate drawing at 1:20 scale.

Special requirements for Villas

- 5.17 The requirement for a ***block plan*** to be submitted with applications for villas is emphasised. This plan, which may be at 1:200 or 1:500 scale depending on the size/scale of the proposal, should show existing site features and levels; the site boundaries and the proposed development in relation to adjoining roads and buildings; the parcelling of the land and the position of the side curtilage; the proposed access, parking, internal site layout, sight lines and visibility splays; and any existing planting to be removed or to be retained.

Special requirements for Urban Conservation Areas

- 5.18 The ***grade of scheduled property*** should be indicated on the application form. Two streetscape elevations (showing the adjacent facades) are required for ***applications involving demolition***, unless an exact replacement of the existing building/facade is proposed.
- 5.19 Where ***restoration works*** are included in a proposal, a ***method statement*** should be submitted. The Guidance Notes For Applicants and the adopted Policy Guidance For Development Control Within Urban Conservation Areas give more details on the contents of the method statement.

Special requirements for development Outside Development Zone

- 5.20 The requirement for a ***block plan*** to be submitted with applications for development ***outside the Development Zone*** is emphasised. This plan, which should be at 1:200 scale, should show existing site features and levels; the site boundaries and the proposed development in relation to adjoining roads and buildings; the landscaping proposed, including any existing planting to be removed or to be retained, new planting, earth mounding, treatment of floorscape etc. Where the application involves new residential development or extensions to existing dwellings, the gross floor area of the development (existing and new) should be indicated.

Special requirements for renewal applications

- 5.21 A copy of the ***approved plans*** should be submitted with applications for the renewal of development permission.

Godwin Cassar
Director of Planning
3rd February 1998

General notes for the APPLICATION FORMS

- ◇ Only ONE type of application should be indicated/ticked corresponding to the type of development. (In the case of advertisements, they may be included with another development, e.g. change of use, however the main development takes the precedence.)
- ◇ Supplementary forms as required attached.
 - B 12 for all types of commercial development including industrial (not required for renewals and where minor amendments are proposed which do not effect any of the details required on the form).
 - C2 when proposal includes a swimming pool.
- ◇ Location of development should be filled in detail. When outside the built-up area nearest street names should be given or name of the area if no access street name is available
- ◇ Description of development should be in detail
 - indicate the number of units (dwellings, garages) and type of construction;
 - existing and proposed use/s;
 - number of garages/parking spaces;
 - for alterations, summary of proposed works;
 - for extensions, indicate location and number of storeys;
 - differences in applications for amended permission should be clearly outlined;
- ◇ Plans should be listed including title and architect's unique reference number;
- ◇ Development profile should be correctly filled, existing use clearly noted;
- ◇ Wherever applicable, especially for renewals and amended applications, previous applications numbers should be included.
- ◇ If new or altered access is required this should be clearly described on the form and indicated on the site plans and on a block plan;
- ◇ Any type of trees to be felled should be stated by type (species) and indicated on plans.
- ◇ Architect's and applicant's declarations should be completed, one copy of the submitted forms should be an authentic copy.
- ◇ Correct Certificate of Ownership should be filled. In case of Certificate of Ownership B letter addressed to the owner accompanied with the registration number/slip should be produced.
- ◇ Building Levy Bank payment receipt must accompany the application with a minimum of Lm 10 paid, and where the DPF payable is a lump sum, by the total amount of the Building Levy .

6 copies of application forms should be submitted for any type of development except for renewals where 2 copies are required.

General Checklist for attachments and drawings

Photographs:

- a) at least 3 colour photographs, one of the site, one of the site and adjacent properties and one of the streetscape; (photocopies - colour or not are not acceptable)
- b) should be of good quality, no Polaroid photos are acceptable;
- c) building/site should be clearly marked on the photograph;
- d) for works within gardens, backyards and courtyards, photos showing the outdoor space are required;
- e) photographs should reflect latest state of site
- f) should be mounted on an A4 paper, signed by the architect and referenced to site plan.

Site Plan

- a) scale 1:2500, which must be A4 version of map produced by the Planning Authority reflecting latest state of site and its surroundings;
- b) application site boundaries outlined in red other land owned by the applicant indicated in blue, on all site plans;
- c) one of the site plans should show, the relevant scheme indicated in colour, the positions from which photographs were taken and the distance from the nearest corner/existing building;
- d) north point, co-ordinates and survey sheet number should be listed.
- e) all copies should be signed by the architect.

Block Plan scale 1:200.

Depending on the scale/nature of the development.

Plans and drawings

- a) 6 copies are required for all types of development;
- b) not larger than A1 and folded to A4 size, collated in sets for filing;
- c) drawings should be to scale, (metric scale should always be used and the inclusion of a scale bar is recommended)
- d) floor plans should also indicate the existing and proposed use of each of the rooms;
- e) parking spaces should be clearly indicated and numbered for car parks;
- f) drawings should not have been used for another application (should not bear any signature or official stamps indicating previous approvals);
- g) drawings should only be signed by the architect submitting the application;
- h) preferably where major alterations/demolitions are proposed, plan "as existing" should show demolitions in yellow, while a plan "as proposed" should show new construction in red; for minor alterations/demolitions the proposed works can be shown in the same plan using the same conventional colours. Architect may opt to present one comprehensive plan so long as proposed works are clearly indicated.
- i) for demolition, submissions must include a set of plans, including elevations and sections, of the existing construction (elevations should indicate the relationship with the adjacent buildings);

Elevations

- a) scale 1:50 for buildings less than 3 floors , scale 1:100 for higher buildings, height in courses shown;
- b) should show existing situation and proposed changes, the whole elevations should be submitted;
- c) if additions are proposed, even if set back from the building line, should be shown on the elevation (perhaps in fainter lines);
- d) relationship of the building/site to the adjoining buildings indicated;
- e) details of materials and colour schemes should be properly indicated on all elevations;
- f) should include any boundary wall proposed;
- g) any signage or advertisements proposed should also be included on the main elevation and with a separate drawing scale 1:20.

Sections

- a) vertical section through the facade at 1:50 scale.
- b) for new construction sections, through the site showing existing and proposed site levels and floor/foundation levels in relation to adjoining buildings, roads and services.
- c) Longitudinal and cross sections at 1:100 scale through buildings showing constructional, structural and servicing details including rainwater and sewage disposal where appropriate.

Special requirements for Villas

Block Plan scale 1:200/1:500

- a) existing features and levels;
- b) site boundaries and proposal in relation to adjoining roads and buildings;
- c) parcelling of the land and the position of side curtilage;
- d) proposed access, parking, internal site road layout, sight lines, visibility splays;
- e) existing planting to be retained or removed;
- f) plot area and site coverage to be indicated.

Sections

- a) vertical section through the facade at 1:50 scale.
- b) for new construction, sections through the site showing existing and proposed site levels and floor/foundation levels in relation to adjoining buildings, roads and services.
- c) Longitudinal and cross sections at 1:100 scale through buildings showing constructional, structural and servicing details including rainwater and sewage disposal where appropriate.

Special requirements for Urban Conservation Areas

Form

Specify type and grade of scheduled property and give details about the property/site and location.

Elevations

- a) elevations at 1:50, courses should also be indicated;
- b) should show existing situation and proposed changes, the whole elevations should be submitted;
- c) if additions are proposed, even if set back from the building line, should be shown on the elevation;
- d) whenever a demolition is proposed (unless an exact replacement is proposed), two streetscape elevations showing in detail the adjacent facades as existing and as proposed;
- e) details of materials and colour schemes should be properly indicated on all elevations;
- f) any signage or advertisements proposed should also be included on the main elevation and with a separate drawing scale 1:20.

Method Statement

Where restoration works are included. Refer to the Guidance notes for Applicants and Policy Guidance for Development Control within Urban Conservation Areas

Special requirements for development Outside Development Zone

Site Plan

- a) site boundaries outlined in red, the boundaries of land tilled in green, and land owned or rented by the applicant in blue on two copies;
- b) one of the site plans should show scheme boundary indicated in colour, the positions from which photographs were taken and the distance from the nearest corner/existing building, on one copy.

Block Plan scale 1:200

- a) existing features and levels;
- b) site boundaries and proposal in relation to adjoining roads and buildings;
- c) landscaping proposed including existing planting (to be retained or removed); new planting, earth mounding, treatment of floorspace etc.
- d) the floor area of existing and new residential development to be indicated.

For farmhouses, a legalised proof, signed by the notary, is required that the applicant:

- a) is not the owner of another dwelling house in the area; and
- b) did not own a dwelling house in the area, during the last 10 years.
- c) a statement requires why the proposed farmhouse is necessary.

Special requirements for renewal applications (for same development already permitted)

Plans and drawings

A copy of the approved plans