

Height Limitation Adjustment Policy for Hotels

Boosting Malta's competitiveness
in the tourism market



Approved Document

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Introduction

Hotels are very important to the national economy by virtue of the contribution they make to the country's foreign revenue as well as the employment they generate. Internal and external competition forces also contribute towards a trend of higher quality and better finished tourism accommodation facilities. This is especially relevant in hotels.

Upgrading of existing hotels may entail the provision of additional facilities but these in turn would entail higher running costs which would need to be supplemented by additional revenue generating facilities.

The control of building heights has been a key tool in the Maltese planning system aimed primarily at controlling townscape, the urban form and densities of development in urban areas. MEPA has encountered situations whereby existing hotels are unable to maximise their economic potential due to a number of planning constraints, including the statutory building height limitations. In May 2013, the Government approved the Hotels Height Limitation Adjustment Policy which allowed hotel development in Qualifying Tourism Areas to exceed the building height limitation by two floors where the maximum allowable developable floor space had not been achieved or will not be exceeded. This document is aimed at revisiting the issue of maximum building height limitations for hotel sites and put forward an alternative development framework.

The document first sets out the policy context, then identifies the issues, the objectives and finally proposes a list of evaluation criteria which will be used to determine applications for hotel development which exceed the building height limitation for the site set out in the Local Plan.

Policy Context:

The Structure Plan for the Maltese Islands policy **TOU 4** states:

“The Planning Authority will give favourable consideration to the development of further tourist accommodation within the built up areas and Temporary Provisions areas as amended by the relevant Local Plans at Mellieha, St Pauls Bay/Bugibba, St Julians’s Paceville, Sliema, Marsascala, Marsaxlokk, and Birzebbugia; and Marsalforn, Xlendi and Mgarr in Gozo. Within these areas development will comply with the Secretariat for Tourism’s Accomodation Projects Policy Guidelines in respect of the new provisions, and upgrading and extensions to existing premises.”

This strategic policy direction suggests that tourism development needs to be upgraded from time to time in order to maintain the edge in a highly competitive and volatile international tourism market. This strategic direction was translated and interpreted through the site specific direction indicated in the local plans mainly through the designation of Tourism Areas and Entertainment Priority Areas and the accompanying policy context. Cognisance is also taken of the different tourism operating characteristics and niche markets of the Island of Gozo.

Issues

From time to time MEPA encounters circumstances whereby hotels are unable to achieve their maximum economic development potential due to maximum building height limitations, Heritage scheduling, transition between different two adjacent planning zones, varying height limitations within the same plot, adverse site configuration, an area of transition between zoning/maximum height limitations, internal operational requirements, adverse topography, other planning permit impediments, safeguarding of third party rights and other material considerations.

On the other side of the coin there are planning and environmental issues. From a planning point of view the main issues are mainly related to neighbour compatibility, infrastructural carrying capacities and urban design and aesthetics. Environmental issues relate to the sustainability of buildings such as energy conservation, renewable energy generation, water conservation and waste management Neighbour compatibility may in certain cases be easier to address in view of the already high level of activity in such areas and the predominantly touristic nature of the area.

Environmentally, the issue related to hotels is mainly one of achieving a quality of operation which respects statutory environmental and health standards and practice. In the case of the larger projects, studies may be a prerequisite to determine the compliance of the proposal with these parameters. At an operational level, all hotels are required to apply for an Environmental Permit or Registration, as applicable, aimed at improving the environmental performance of the hotel on various levels.

Purpose and objectives:

The goal of this policy is to review the Height Limitation Adjustment Policy for Hotels and to set out improved planning criteria to further encourage the sustainable growth of the tourism sector in an ever increasing competitive market. The objectives of this policy review are:

1. to ensure that the ultimate aim of the revised policy remains the improvement of competitiveness and profitability of the tourism product;
2. to introduce a more flexible, site-specific approach towards the establishment of the maximum allowable height of hotel buildings;
3. to consider alternative, design-based development criteria for the higher rated hotels to prioritize the growth of these categories of hotels;
4. to consider alternative, design-based development criteria for three star hotels with a view to allow for their improvement;
5. to ensure that the revised policy provides adequate location guidelines, and environmental safeguards and the impacts on the infrastructure are adequately mitigated.
6. In the case of three/ four/ five star hotels, two additional floors over and above the number of floors permitted in the Local Plan may be considered provided that the resultant design features a high quality product in keeping with the urban context and no blank walls are created.
7. In the case of four/five star hotels, more than two floors over and above the number of floors permitted in the Local Plan may be considered provided that the resultant design constitutes a landmark having unique aesthetic characteristics within the urban context.
8. In the event that approved operations cease, that part of the development permitted under this policy will be required to be removed at the owner's full expense.
9. The policy would not apply to:
 - Scheduled sites or sites located within Scheduled Areas;
 - Sites located Outside Development Zone (ODZ);
 - Ridge Edge Sites; and
 - Sites within Urban Conservation Areas (UCAs)

These objectives were published for consultation for two weeks in September 2013 and 12 submissions have been received. As a result of this consultation process, objectives 6 and 7 above were revised not to distinguish between different star rating when considering additional floors above the statutory building height limitation.

To achieve these objectives, the policy needs:

- To set out criteria for evaluation of proposals
- To identify the information required for an appropriate assessment of proposals.
- To ensure that the proposals contribute towards sustainable development and the improvement of the quality of life.

The main objective of this policy paper is to provide a clear, positive and material guidance to hoteliers, the general public and MEPA on the design of hotels which exceed the building height limitation as designated in the Local Plans. At this stage, without a detailed urban design study/character appraisal of the locations where hotel development which is higher than the statutory building height limitations is proposed, it is not appropriate or practicable to develop a policy to identify which sites can or cannot accommodate hotels which exceed the building height limitation, nor can it stipulate the maximum height. Instead, this policy sets out a framework within which a clear, comprehensive evaluation can be made as proposals come forward.

The policy therefore places the onus on the applicant to make the case for proposals in the context of an urban design study/character appraisal prepared by them and through the Environment Impact Assessment, and Transport Assessment as necessary. This will involve the evaluation of the relationship to the context, the effect on the skyline and overshadowing, the architectural quality, the microclimate and relationship to infrastructure.

The policy was issued for public consultation in April 2014 and nine submissions were received. A summary of submissions received with MEPA responses is published as a separate document.

The Policy

Assessment of Proposals for Hotel Development which exceed the statutory building height limitation

MEPA will consider proposals for hotel development which exceeds the statutory building height limitation provided that:

- They are not located on:
 - a. Sites Outside Development Zone
 - b. Scheduled sites or sites located within Scheduled Areas
 - c. The edge of the Development Zone adjacent to rural areas excluding in designated tourism zone areas
 - d. Ridge Edge Sites and
 - e. Sites within Urban Conservation Areas

and

- They comply with each of the following criteria.

Eligibility:

The hotel is to be rated as three star or above by the MTA. Guesthouses, hostels and tourism furnished premises are excluded.

General Principles:

The ultimate aim of the revised policy remains the improvement of competitiveness and profitability of the tourism product, in such a way that will enrich the tourist experience through proper protection and management of our environmental assets.

The proposed hotel shall result in high quality tourism accommodation/facilities and design, such that it can make a positive contribution to the tourism industry, urban form, skyline and support regeneration. MEPA and MTA will be looking for high quality tourism accommodation and innovative design buildings that are icons of architectural quality in themselves.

Land use:

The floor space located above the statutory building height limitation accommodates

- Guest bedrooms and/or
- Ancillary Hotel Facilities

Allowable Building Heights:

The allowable height of the hotel building shall not exceed two additional floors over and above the height limitation permitted in the Local Plan provided that the resultant design features a high quality product in keeping with the urban context and no blank walls are created.

The allowable height of the hotel building may be more than two additional floors over and above the height limitation permitted in the Local Plan provided that:

1. Site area is not less than 5,000sqm or
2. Site is surrounded by existing or planned roads or
3. Site accommodates stand alone buildings

In all cases, ancillary facilities together with limited associated temporary structures on the roof of the top floor may be considered.

In all submissions, the resultant design constitutes an iconic building having unique aesthetic characteristics within the urban context.

Relationship to context, historic environment, built form and skyline:

The proposed hotel buildings need to respond positively to their context including natural topography, scale, height, streetscape and built form, and the skyline. Proposals should be sited where visual impact within their context and on sensitive historic environments and their settings such as World Heritage Sites, conservation areas and scheduled buildings is minimised, and should retain and enhance key strategic, long distant views and important vistas at a national and at the local level. An acceptance of a particular height of one hotel does not imply that all other hotels in the locality or elsewhere should be at least as high as the one granted consent.

Architecture Detailed Design:

The proposed hotel building must be of the highest quality in architectural form and detail. Proposals which are on infill sites require careful attention to alignment, massing, scale and form, proportions and silhouette, and materials of the building.

Transport:

In general, onsite parking should be provided according to the prevailing parking requirements. In cases where these requirements cannot be reasonably met onsite, other transport related compensatory

measures agreed with MEPA and Transport Malta may be considered. In all cases where the hotel height is allowed to go beyond two floors above the permitted height limitation in the local plan, all the parking requirements are to be met on site. Where the Authority is satisfied that this is not technically possible, the shortfall in car parking spaces may be provided on an alternative site which shall not be located more than 250m away from the site of the development. These car parking spaces must be over and above the car parking requirements of any development proposed on the alternative site. Payment of monies in lieu of on-site car parking provision will not be considered favourably.

Infrastructure:

Proposals should not adversely affect the capability of the local infrastructure (water, electricity, foul and storm water sewers, telecommunications and broadcast signals) to meet the demands of the locality.

Information to accompany applications:

- A Tourism Compliance Certificate issued by the Malta Tourism Authority shall be submitted to ensure that proposals are of the highest quality tourism accommodation and facilities. Proposals need to be justified and evaluated within the context of Tourism Policy.

This Certificate shall accompany any Screening request for proposals involving hotel development.

- An urban design study, with emphasis on graphic presentation in the published version, should identify and describe, those elements that create local character and other important features and constraints, including streetscape, height to width ratio of streets, scale, height, urban grain, natural topography, significant views of skylines, landmark buildings and areas and their settings, including backdrops, and important local views, prospects and panoramas of the locality in which the proposal is located.
- A visual assessment should be prepared giving accurate and realistic representation of the building, showing all significant near, middle and distant views affected from 360 degrees.

Legal Agreement:

Development rights acquired through development permissions granted on the basis of this policy are only applicable to hotel development as defined by the competent Authority for tourism. Any subsequent proposals for change of use, even partial, will not be positively considered unless any additional floors acquired through this policy are first removed. In cases of demolition and reconstruction, development rights will be forfeited should the proposed use be other than that of a hotel. To ensure compliance with these provisions, MEPA shall require the proponent to sign a tri-partite legal agreement between MEPA, MTA and the proponent.