

**Pender Place / Mercury House**  
**Approved Development Brief <sup>(Extracts)</sup>**  
**Malta Environment and Planning Authority**  
**March 2005**

**Comments**  
**Relating the Approved Development Brief 2005**  
**to the Paceville Development Framework 2016**  
**(the Masterplan)**

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<p><b>1. INTRODUCTION.</b></p>	
<p>1.2. The Development Brief relates to two sites, situated to the north and south of the St. Andrew's Street (see map 1) in the southwest corner of Paceville. Whilst the development objectives for each site differ, and are considered separately in this brief, they are strongly inter-related. Therefore only comprehensive proposals, which will deliver all elements defined in the brief, will be regarded as acceptable.</p>	<p>The proposed Masterplan is not acceptable because the Mercury site currently only has a footprint of circa 1600 sq.m (MH2) which could be developed. The Masterplan prepared by the consultants Mott MacDonald removes most of the development restrictions currently on the Mercury site. The Masterplan proposes shifting most of the restrictions currently on the Mercury site onto the adjacent privately owned St. George's Park (SGP) property.</p>
<p><b>2. Primary Objectives.</b></p>	
<p>2.1. To market and promote Pender Place and Mercury House as a single project, which should be developed by a single development group/consortium.</p>	<p>The land of The Mercury House site which has not been redeveloped is in the process of being transferred and developed by Joe Portelli and others, who did not form part of the consortium that was awarded the tender</p>
<p>2.2. To improve public movement into and through both sites, to enhance links with the surrounding parts of Paceville, and create a focus for the whole entertainment centre.</p>	<p>The Masterplan does not improve public movement into and through both sites. The Masterplan on page 16, under the heading 'Paceville Plaza' shifts most of this obligation onto the adjacent SGP site.</p>
<p>2.3. To develop both sites with uses and quality development, which conform to policy frameworks i.e. the Structure Plan and the draft North Harbours Local Plan, and comply with this Development Brief.</p>	<p>The buildings currently being constructed on the Pender site and the buildings being proposed by Mott MacDonald for the Mercury site do not comply with the current 2005 MEPA Development Brief</p>
<p>2.4. To develop both sites in a strictly phased manner concurrently, and to ensure that the completion and quality of each phase will determine the successful progression to each subsequent phase. Also ensuring that disruption to existing activities is minimized, conservation works are completed early, environmental standards are high, and an optimum cash flow is achieved for the developer within a viable scheme.</p>	<p>Both Grade 1 and Grade 2 listed sites to date have not had the conservation works completed.</p>
<p>2.6. To upgrade the local transport infrastructure, and minimise adverse traffic impacts by improving traffic circulation and encouraging the greater use of public transport.</p>	<p>Triq Sant Andrija corner with Triq San Gorg, currently cannot accommodate buses traveling from both directions. The Mercury site adjacent to Triq Sant Andrija needs to be set back so as to widen the same Triq Sant Andrija. Hopefully Mott MacDonald are not expecting the owners of existing properties located across the road to the Mercury site in Triq Sant Andrija to have their properties expropriated to solve this traffic circulation problem.</p>

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<p><b>Detailed Objectives.</b></p>	
<p>2.8. To create a major public piazza in the area surrounding Mercury House, so as to create a high quality public space for the whole of Paceville.</p>	<p>Mott MacDonald is proposing in the Masterplan to shift most of the public piazza onto the privately owned SGP site.</p>
<p>2.9. To ensure the restoration and productive after use of Mercury House, consistent with its status as a Grade 2 scheduled building and to safeguard the Grade 1 'Cold War' underground chambers.</p>	<p>Still pending</p>
<p>2.10. To ensure that an underground, 1,500 space public car park, and a bus terminus for evening services is constructed at the Pender Place site. These will serve the transport needs of the area, as well as the development itself.</p>	<p>Pender Place bus terminus is still pending</p>
<p>2.11. To provide two waste recycling facilities ('bring in' sites) for domestic and commercial users.</p>	<p>Still pending</p>
<p>2.12. To ensure the improvement of St. Andrew's Street along the frontage of the development.</p>	<p>The 'Exchange Building' in the Mercury site has been constructed without improving the width of St Andrews Street.</p>
<p><b>3. SITE DESCRIPTION. Mercury House.</b></p>	
<p>3.8. Under the Mercury House outbuildings there is a labyrinth of bombproof service tunnels and chambers constructed during the 1960's 'Cold War' period. They are situated 4 – 6 floors underground and could have been used as a communications hub at times of threat. These are regarded as Grade 1 assets. The entrance to this complex is shown on Map 2.</p>	<p>It has yet to be explained how Mott MacDonald plan to build towers with underlying basements which will not in any way compromise the integrity of the Grade 1 and 2 assets.</p>
<p><b>4. DEVELOPMENT CONSTRAINTS.</b></p>	
<p>4.2. The scheduled part of Mercury House is to remain, and be renovated as necessary, in a manner approved by the Malta Environment and Planning Authority. The additions and extensions to the rear of Mercury House are to be removed, in a manner that avoids damage to the scheduled building and the Grade 1 underground complex.</p>	<p>Mott MacDonald has recommended building a tower over part of this Grade 1 &amp; 2 building.</p>
<p><b>5. LAND USE FRAMEWORK AND ZONING. NHPV01. Traffic Management for Paceville.</b></p>	
<p>5.4. Proposes measures to significantly reduce traffic entering the centre of Paceville. This includes making the sections of E. Zammit Street and St. George's Street that adjoin the Mercury House site, "Nighttime Pedestrian Streets".</p>	<p>Actioned</p>



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<p><b>NHPV06. Tourist Accommodation.</b> 5.8. New tourist accommodation will not be permitted.</p>	<p>The developer has marketed one of the proposed towers to include a hotel.</p>
<p><b>NHPV10. Landmark Buildings.</b> 5.10. Views of identified buildings will be protected.</p>	<p>Mott MacDonald has not proposed any view corridors on the Mercury site.</p>
<p><b>NHPV16. Pender Place/Mercury House.</b> 5.12. Site will be subject to revised development brief. Brief will provide guidance on developer's responsibilities for a) public car park, b) Regional Road junction improvement, c) public transport interchange.</p>	<p>Mott MacDonald has recommended that the Authorities instead create a tunnel under the Regional Road for through-traffic.</p>
<p>5.13. Mercury House should promote employment, retail, and entertainment uses, and a focal public open space. Pender Place should be primarily residential.</p>	<p>Mott MacDonald propose to shift most of the focal public open space to the adjacent SGP site</p>
<p><b>NHTR04. Pender Place Park and Ride.</b> 5.14. The possibility of introducing some form of Park and Ride facility from Pender Place to Sliema will be safeguarded.</p>	<p>Still pending</p>
<p>Development Control Policy and Design Guidance. 5.18. The FAR policy cannot be applied to the Mercury House site because of the particular constraints pertaining to this site (i.e. the proximity of the telephone exchange) and the planning objectives, namely the creation of a significant piazza / public space and the restoration of Mercury House.</p>	<p>The Master Plan proposed by Mott MacDonald attempts to remove most of the restrictions imposed by the current 2005 MEPA Brief and is gifting the owners of the Mercury site with a development site previously scheduled as an open public piazza.</p>
<p><b>6. FRAMEWORK FOR PROPOSED LAND USES.</b> <b>Mercury House Site.</b></p>	
<p>6.30. This area currently contains Mercury House and abuts the Maltacom Exchange Building. For the purpose of zoning the block has been split into the following two main development areas, which will be defined and connected by a piazza and public spaces (MH3).</p>	<p>Mott MacDonald propose to shift most of the focal public open space to the adjacent SGP site</p>
<p>Mercury House 1 6.33. The scheduled part of Mercury House is to be retained and restored. The unattractive additions at the rear, and all the outbuildings are to be demolished. MEPA's Integral Heritage Management Team shall issue the terms of reference for all associated works.</p>	<p>The restoration of scheduled property is still pending.  Excavation works have been carried out adjacent to the scheduled building</p>
<p>6.34. Whilst Mercury House will stand along, the design of the whole area should highlight it as a focal point and ensure good views of its attractive front elevation.</p>	<p>Mott MacDonald has not implemented any view corridors on the Mercury site which would ensure Mercury House to be a focal point at the Paceville gateway</p>

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<p><b>Mercury House 2</b></p> <p>6.36. This area will contain a medium rise building, designed to define the northwest corner of the site, and to create an attractive space between it and Mercury House (MH1). Along E Zammit Street the building may be up to 8 floors high, mirroring the buildings opposite. The remainder of the building can rise in stages to around 15 floors (indicative maximum height).</p>	<p>Approximately 1000sq.mt of the total area of 1600sq.mt included in the area MH2 have already been developed. A 15 floor building on the remaining 600sq.mt can only be constructed. Mott Macdonald in the Masterplan are proposing to permit development of 35 floor and 25 floor structures on land which today is restricted to be used as a public piazza.</p>
<p>6.37. The building will contain commercial uses. Retail uses will be permitted at the ground floor, with the remainder of the building being suitable for offices. If considered commercially viable, apartments and penthouses and / or a restaurant can be provided on the top floors.</p>	<p>The Masterplan prepared by Mott MacDonald has ignored the existing limitations of uses imposed on the area MH3 by the MEPA 2005 Brief as a 35 floor development with mixed use is recommended for this site.</p>
<p>6.38. The Grade 1 'Cold War' chambers, tunnels, shafts and access point in this location shall be fully preserved and safeguarded. Potentially they could be used as a cultural attraction. MEPA's Integrated Heritage Management Team will issue terms of reference for monitoring during the construction period.</p>	<p>The site overlying and adjacent to the Grade 1 chambers has been excavated.</p> <p>Mott MacDonald is proposing in the Masterplan to construct buildings over the Grade 1 structures.</p>
<p>6.39. All car parking for this building will be provided at Pender Place, therefore the only form of vehicular access that will be permitted will be for service vehicles access to an underground service area situated off E Zammit Street.</p>	<p>Mott MacDonald has not clarified if an underground car park will actually be permitted on the Mercury site.</p> <p>The developer of the Mercury site is selling underground parking spaces on the Mercury site.</p>
<p><b>Mercury House 3</b></p> <p>6.41. In order to create a high quality setting for the renovated Mercury House and the new commercial complex, all the surrounding area will be used as public open space, including the creation of a piazza. The design of the open space will be of the highest standards and will include public art and other attractive features such as fountains. The design will particularly need to consider the nighttime activities that take place in the area.</p>	<p>Mott MacDonald in the proposed Masterplan are attempting to transfer a substantial part of the obligation of their client, 'the Mercury site developers and their respective architect' (to create a piazza) onto the property of SGP.</p>
<p>6.43. The space below the Piazza can be used for commercial uses. The design of such areas should preferably be integrated with the pedestrian subway. Careful attention should be paid to the service requirements of these commercial units to ensure that the objectives set in 6.41 and 6.46 are not compromised.</p>	<p>Still pending</p>

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<p>6.46. The piazza and St. George's Street should be pedestrianised to create a virtually traffic free area (see Map 5). Service access will need to be permitted to the exchange site and other premises in St. George's Street.</p>	<p>Still pending</p>
<p><b>7. DESIGN CONSIDERATIONS.</b></p>	
<p><b>Building Heights.</b></p>	
<p>7.2. The buildings fronting St. Andrew's Street will conform to the building height limits set in the draft local plan for this road and the nearby area, that is 4 floors.</p>	<p>The buildings currently being constructed in on the Pender site adjacent to St. Andrew's street have ignored this limitation. Mott Macdonald has also ignored this limitation on the Mercury site.</p>
<p>7.4. The maximum heights (inclusive of tanks / plant) to be applied can be summarized as follows: Mercury House (MH1) – Existing Mercury House 2 (MH2) – 8-15 floors (Indicative maximum) Pender Place frontage (PP1) – Generally 4 floors Pender Place Residential Core (PP2) – Indicative maximum 6 floors Pender Place Residential Buffer (PP3) – 2 floors.</p>	<p>These height restrictions have not been retained on the Pender site.  With the exception of the restrictions imposed on the Mercury House 2 (MH2) site all the height restrictions on the Mercury site have been ignored in the Masterplan prepared by Mott MacDonald.</p>
<p><b>New Building Form, Scale and Relationships.</b></p>	
<p>7.9. Particular attention should be paid to the massing and design of all the building to ensure that no adverse microclimate is created within the piazza and other open spaces.</p>	<p>Mott Macdonald have ignored this restriction.</p>
<p>7.10. The relationship between the new building and Mercury House is very important. Both the internal and external design should produce an interesting and innovative contrast and transition between new and "classical" styles of architecture.</p>	<p>Still pending</p>
<p>7.14. Within the Mercury House site, street activities should be encouraged, for example the provision of cafes with outside seating. Providing formal and informal seating should stimulate casual congregation. The design of all public spaces should ensure that anti social nighttime activities are not encouraged.</p>	<p>Still pending</p>
<p>7.15. The section of E. Zammit Street that fronts the Mercury House site should be regarded as part of the surrounding public space and improved as part of a comprehensive design. The design needs to take account of its designation as a "nighttime pedestrian street", with vehicular movement and parking being permitted during the daytime.</p>	<p>Still pending</p>



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<p><b>Building Construction Requirements.</b></p> <p>8.20. In order to improve the comfort and safety of pedestrian movements between Pender Place and Spinola Bay the footway (pavement) on the south / west side of St Andrew's Street will be widened to at least 2m between the site and Trejjet San Gorg. A footway of at least 2m width will be provided along the southern boundary of the Mercury House site (see map 5).</p>	<p>Still pending</p>
<p>8.23. The open areas / piazza surrounding Mercury House / Mercury Point (MH2) will be completely traffic free.</p>	<p>Still pending</p>
<p><b>Upgrading of Service Infrastructure</b></p> <p>9.15. Secondary water could be used for irrigation, flushing and/or cleaning purposes, whilst a second-class plumbing network should be installed to collect rainwater from roofs and other hard surfaces. Proposals for storm water runoff should also include the construction of reservoirs, if necessary. There should be no connection, however, between the potable and second-class networks.</p>	<p>Mott MacDonald has shifted the storm water reservoirs onto the SGP site.</p>
<p><b>11. SUBMISSION REQUIREMENTS</b></p> <p><b>General</b></p> <p>11.1. Submission requirements for the assessment of proposals comprise three stages, as follows:</p> <ul style="list-style-type: none"> <li>• Stage 1 is the selection of the preferred developer by Government. This will be based solely on financial considerations. This process falls outside the remit of the Malta Environment and Planning Authority and therefore this Brief provides no guidance in this respect.</li> <li>• The planning objectives, framework and guidelines set out in this Development Brief establish the basis on which all planning decisions will be made. No material variation from the Brief's parameters will be permitted at a later stage.</li> <li>• Stage 2 requirements are compulsory and should be achieved to the satisfaction of the Malta Environment and Planning Authority, prior to the granting of any outline planning permission. Stage 3 requirements are obligatory for the evaluation of the full development application.</li> </ul>	<p>MEPA, PA and Mott MacDonald have failed to ensure that no material variation from the MEPA 2005 Development Brief will occur as a result of the Masterplan.</p>