

Test of Reasonableness Board (TORB)

As per the Equal Opportunities (Persons with Disability) Act I of 2000 Cap. 413 of the Laws of Malta

10th September 2020

Our Ref: 20200903_TORB01

Mr. Joseph Cortis
Cortis Buildings
Mdina Road
Żebbuġ ŻBG 4211

PA/01707/19 – St. Julians - Proposed renovation/upgrading works to include as follows. Change of use of the existing residential use to Class 4D including change of use of the relative grounds to Class 4D to allow for outdoor seating areas. Construction of a Class 4D unit with level access to Ix-Xatt ta' Spinola. Construction of two levels of storage and kitchen facilities ancillary to the proposed class 4D uses on site. All new structures to be constructed beneath the ground floor level of the villa and to follow the existing contours of the site. Construction of a lightweight staircase structure and panoramic lift at the rear of the villa to render all levels accessible from street level.

On Thursday 3rd September 2020, the Test of Reasonableness Board (TORB) discussed a request for exemption received on the above indicated application. Mr. Joseph Cortis and Perit Philip Micallef were present on behalf of the applicant.

CRPD objected on the following non-conforming elements:

- The main entrance contains steps and is not accessible to all.
- Levels should be marked where line/s could refer as a step.
- The proposed development contains areas which are accessible only through steps, and hence it is not accessible to all.
- Refuge area should be provided as per the requirements of AADG 2011.

Exemption requested to allow accessibility through the alternate entrance at Level 0 which leads to accessible lift allowing access to all floors instead of from the gardens. This in view that some intermediate levels in gardens exist at a split level and the SCH have not allowed particular interventions at these levels of the Grade 2 Scheduled building.

Application already discussed on the TORB in July 2020 however plans were updated as per TORB to include a clearer proposal showing that the accessible back entrance will also be used as a main entrance.

Taking all arguments in consideration, the TORB concluded that it is **REASONABLE*** to exempt the main entrance through the gardens in view that a secondary alternate entrance will be provided, Section E of the Gardens, and the outdoor seating area at Level 1 of the establishment in view of the limitations of the historic building. Signage according to AADG 2011 should be implemented outside of the inaccessible gardens indicating the alternate accessible entrance.

**Exempted elements are marked in an 'X' above.*



Ms. Rita Vella
Chairperson
Test of Reasonableness Board