

Ms. Simone Mizzi O.B.O. Din L-Art Helwa
133
Melita Street
Valletta VLT1123

Date: 30 September 2015
Our Ref: PA/02456/15

Application Number: PA/02456/15
Application Type: Full development permission
Date Received: 1 May 2015
Approved Documents: PA2456/15/1A/1C/1E/1F/1G/1H/1I/1J/1K/1L/1M/1N/1S
and supporting documents PA2456/15/1R/20A/40A

Location: It-Torri tal-Qawra, Id- Dwejra, San Lawrenz, Gozo
Proposal: Restoration of facades.

Environment and Development Planning Act, 2010 Full Development Permission

The Malta Environment & Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

- 1 a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) Copies of all approved drawings and documents shall be available for inspection on site by MEPA staff at all reasonable times. All works shall be carried out strictly in accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and shall modify the drawings and documents accordingly.

d) Where applicable, all building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by MEPA's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of MEPA when the setting out of the alignment and levels is required.

e) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

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f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are complete.

g) A Commencement Notice is to be submitted to MEPA at least FIVE DAYS prior to the date of commencement of the development hereby approved. Failure to serve the Commencement Notice or to serve it within the required timeframe shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements.

h) Where applicable, the development hereby permitted shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

i) Where applicable, all new developments shall be provided with a water cistern to store rainwater run-off as required by the Energy Performance of Buildings Regulations (2012) [published through Legal Notice 376 of 2012 and any amendments thereto].

j) All new developments shall conform to the Technical Guidance: Conservation of Fuel, Energy and Natural Resources - Document F [published through Government Notice 1002 of 2006 and any amendments thereto which are prevailing at the time of construction of the development].

k) The height of the development shall not exceed the permitted number of floors and the height in metres as indicated on the approved drawings.

l) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.

m) Where present, window grilles (including 'pregnant' windows), sills, planters and other similar elements which are part of or fixed to the facade of buildings, the lower edge of which is less than 2 metres above road level, shall not project more than 0.15 metres from the facade over a public pavement or street.

n) Air conditioning units shall not be located on the facades of the building which are visible from a public space/street.

o) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

- 2 a) The structures covered by this development permission shall only be used for their approved purpose. This development permission does not imply that any buildings or structures hereby being permitted may eventually be allowed to be put to any other use. In the case that the structures are not used for a period of three consecutive years within thirty years from the date of issue of this permit, and/or is not used for its permitted purpose, these shall be demolished at the expense of the owner and the site is reverted back to the original state as decided by MEPA, within a specific time period as stipulated by the Authority.

b) The whole exterior of buildings, including all roof structures and all elevations, shall be constructed/retained in local recycled stone, except where other materials, finishes or colours are specified on the approved drawings or documents. Where in local stone, the stone shall remain unrendered and unpainted, and it shall be allowed to weather naturally. Exteriors indicated to be rendered/finished other than in local stone, are to be painted in local stone colour, unless other colours are indicated on the approved drawings.

c) Except where otherwise specified on the approved drawings, all external apertures, closed balconies and gates shall be constructed in timber. No apertures or railings shall be constructed of gold, silver or bronze aluminium.

d)) No services are to be located on the roof of the building, unless such services are specifically indicated on the approved drawings. Where approved, all services are to be clustered together and surrounded by a 1.5 metres high solid unrendered masonry wall. The services shall not exceed the height of this screen which shall be setback at least 2 metres from all the edges of the level on which the services are located.

e) Existing random rubble walls shall be retained and maintained in accordance with the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations (Legal Notice 160/97 as amended by Legal Notice 169/04). Unless specified otherwise, this development permission does not entail the demolition and/or carrying out of significant alterations of any random rubble boundary walls or any non-habitable rural structures.

f) In case alterations to existing random rubble walls are being approved, these shall be carried out in a traditional manner (loose, unhewn random rubble stones which stand by gravity and friction without the use of mortar). Unless specified on the approved drawings, the height of any boundary wall shall not exceed 1.2 metres along its whole length, provided that where there is a difference between the levels on either side of the wall, the overall height of the wall shall not exceed 2.4 metres from the lower level and 1.2 metres from the higher level, at any point along its length.

g) New boundary walls are to be constructed in random-sized irregularly shaped rough dressed stones using the same traditional construction methodology of rubble walling. Unless specified on the approved drawings, the height of any new boundary wall shall not exceed 0.6 metres along its whole length from the existing site levels.

h) Where applicable, landscaping of the site shall be implemented in its entirety within the first planting season following completion of the development hereby approved, in accordance with the details submitted with the application unless the prior approval in writing of MEPA has been obtained to depart from these details. No compliance certificate (partial or full) shall be issued on part, or the whole, of the development hereby approved prior to the implementation of the landscaping scheme in its entirety.

i) Concrete flooring, paving and other hard surfacing shall be limited to the areas where such flooring, paving or surfacing is clearly shown on the approved drawings. All other unbuilt areas are to be left unsurfaced and covered in soil (unless otherwise specified in the approved drawings or in any other condition of the permission).

j) The development must not involve or require any new access routes (and/or modification of existing access routes) beyond the land area approved for development.

k) Where trenching is required, works covered by this permission shall be restricted to trenching (and cable laying) within the confines of the existing road carriageways as

indicated on the approved drawings. The applicant shall also be responsible for ensuring that:

- (i) operations do not cause or entail damage to any trees (including their roots), buildings, bridges, rubble walls (hitan tas-sejjeigh), or exposed rock, or to any land, property, habitats or features beyond such road carriageways;
- (ii) all material, structures, vehicles and machinery used for, or generated by, the works are entirely confined to the land area occupied by the existing road carriageways, and no overspills or trampling beyond such land area are allowed to occur;
- (iii) all the land surface affected by trenching operations is immediately reinstated to its pristine condition once the works have been completed;
- (iv) no overhead wiring is installed; and
- (v) in the case of trenching for electricity cables, the development shall also include the removal of all existing overhead wiring and ancillary poles/masts throughout the site.

l) The development is not to be a source of light pollution, especially at night. To this effect:

- (i) lighting should be strictly limited to within the developed part of the site;
- (ii) the development hereby being permitted should not be considered as a justification for the lighting of the access roads, tracks and paths leading to the site or other lighting beyond the site boundary;
- (iii) the lighting has to be from any peripheral landscaping inward, so as to be screened as much as possible by the landscaping itself; and
- (iv) all exterior lighting installed on site is to be of the downward-pointing, full cut-off type. No luminaire globes or uplighters are accepted.

- 3 Works shall be monitored by MEPA's HPU at the applicant's expense. Any removal of rendering and cleaning must be preceded by trial patches carried out in the presence of MEPA's HPU officers. The works hereby being permitted are subject to a bank guarantee to the value of €2,300 (two thousand three hundred Euro) to ensure compliance with condition 4 and this monitoring condition and to ensure that the restoration works are carried out in conformity with the approved Restoration Method Statement PA2456/15/1R. The bank guarantee shall only be released after HPU officers confirm compliance with this condition. In the event that the works have not been carried out in accordance with the approved method statement or instructions given by MEPA, the bank guarantee shall be forfeited. Its forfeiture would not, however, preclude the applicant from adhering to all the conditions contained in this development permission.
- 4 Proposed replaced block work must be the same size and configuration of original stonework. Past badly restored block work should ideally be removed.
- 5 The conditions imposed and enforced by the Superintendence of Cultural Heritage are at supporting document PA2456/15/40A. The architect/applicant is required to contact the Superintendence, throughout all the construction phases of the development hereby approved, to ensure that the development is carried out in conformity with the conditions imposed by the Superintendence of Cultural Heritage.
- 6 All works shall be carried out as described in the Works Method Statement (supporting document PA2456/15/20A).

- 7 The building shall remain vacant until a specific use is established through a separate development planning permission.
- 8 An eventual planning application to determine the use of the building shall comply with the provisions of Policy 4.16 of DC2007.

The execution and validity of this permission is **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 41(2) of the Act. It shall remain so suspended until the Environment and Planning Review Tribunal appoints its first hearing in terms of Article 41(4) if, together with an appeal lodged against such permit, a request for a suspension of permit is also requested in terms of Article 41(3).

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority (including MEPA), as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment Protection Directorate (within MEPA) to obtain any necessary operational permit or registration. This requirement does not apply to Class 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

This decision is being published on 7 October 2015.

Claudine Faure
Head EPC Secretariat
Environment and Planning Commission

Notes to Applicant and Perit

Right for reconsideration

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 10 of Legal Notice 514 of 2010.

Right for appeal

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of article 41 and the Second Schedule of the Environment and Development Planning Act, 2010.

Time limits

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 6(6) of Legal Notice 514 of 2010.

Fees to submit a request for reconsideration or appeal

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €186.35.

Submission of request for reconsideration or appeal

With regards to requests for reconsideration, Form MEPA 6/10 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by the Second Schedule of the Act, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

Submission of an appeal — General Services Board

If this application has been refused on sanitary issues, an appeal to the General Services Board may be submitted within one month from publication of Decision Notification on the press.

Perit Edward Said
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