Fil-Prim' Awla Tal-Qorti Civili

Fl-Atti tal-bejgh bl-irkant numru: 29/20

Fl-ismiliet:

Grenke Renting Ltd

۷s

Joseph Portelli



Relazzjoni tal-AIC Perit Ivan Giordano

Jesponi bir-rispett:

Illi I-Qorti nnominat biex jivvaluta I-post b-indirizz ufficjali 'I-ħanut bla isem u bla numru fil ground floor, Triq it-Trill, Qawra, limiti ta' San Pawl il- Baħar'. L-Aċċess ta' I-istess ħanut huwa minn fuq Triq it-Trill.

Illi I-ewwel access kellhu jsir fit-2 ta' Novembru 2020, pero' is-sid irrifjuta I-access. L- access imbagħad sar fid-19 ta' Novembru 2020, fit-tmienja w nofs ta' filgħodu, fejn I-esponent zar is-sit f'San Pawl il-Baħar, wara li id-debitur, Mr. Joseph Portelli, ipprovdielu I- access hekk rikjest.

Illi l-esponent ħa informazzjoni biżżejjed fil-post biex seta' jipprepara dan id-dokument, u d-dokumenti kollha hawn annessi. Id-dokumenti hawn annessi huma; Dok A li juri *Site Plan* tal-fond, kif ukoll ritratti tal-ħanut minn ġewwa li huma mehmuza bħala Dok B. Dok C juri ritratti tal-faċċata tal-blokka/kumpless. Dok D juri il-permessi u l-pjanti approvati tal-*Planning Authority*.

Mill-informazzjoni illi id-debitur ta' lill-esponent, jidher illi l-fond in kwistjoni ma' għandux ċens.

Illi dak kollhu li nstab mibni fuq il-post speċifikament fuq il-fond huwa skond il-permessi tal Awtorita' tal-Ippjanar, bir-riferenzi PA/7105/98 u anke PA/04549/15. PA/04549/15 kien ĝie approvat pero mhux utilizzat, peress li waqt l-aċċess, l-eponent innota li l-ħanut għadu fi stat ta approved u mhux as proposed. Skond il PA/7105/98, l-użu tas-sit huwa approvat bhala showroom, pero' fil PA/04549/15, il-fond ĝie approvat bħala guesthouse b'ħanut ukoll fil-parti ta' quddiem tal-fond, għalkemm mhuwiex

H

qed jintuza b'dan il-mod fil-mument, u infatti, l-ebda xoghol strutturali ma' sar li juri il-verzjoni proposed ta' l-istess permess tal-2015.

Illi skond l-Awtorita' ta' l-Ippjanar, u 'local plans' relattivi, is-sit jaqa' taħt development zone u jifforma parti miż- zoning to 5 sulari. Dan jiģi tradott skond id- 'DC15' bħala 22.9m għoli mil-livell tat-triq.

Illi meta i-esponent żar is-sit, innota illi il-fond ghadu f'forma shell u ghaldaqstant ma kien hemm ebda' finishing li fforma parti minn din il-valwazzjoni. Il-mod li il-fond gie ikkostruwit huwa tajjeb u skond issengha.

Illi skond il-kejl illi ttieħed fuq il-post, l-esponent jiddikjara illi l-fond kollhu, jikkonsisti minn madwar 374 metru kwadru internament.

Illi meta l-esponent ha inkonsiderazzjoni l-lokal fejn tinstab il-propjeta', is-superfici interna, ilpotenzjal li tintuza bħala guesthouse bil-permess, il-kwalita' tal-bini, hu vvaluta li l-fond in kwistjoni jiswa is-somma ta' tmien mija u digħin elf ewro (€ 890,000).

Dan il-valur inhareg mill-informazzjoni illi l-esponent kellhu dwar is-sit, u qieghed jassumi illi ma hemm ebda informazzjoni ohra illi tista' tbiddel dan.

Tant ghandu l-unur jissottometti ghall-ģudizzju tal-Qorti.

Ivan Giordano

Perit Tekniku

Warrant no.972

DEHER IL-PERIT LEGALI/TEKNIKU IVON Giordon

341799M LI HALEF LI QEDA FEDELMENT

U ONESTAMENT L-INKARIGU MOGHTI LILU

Deputat Regis Deputy Registrat Qrati tal-Gustizzja (Mak Law Courts (Malta)

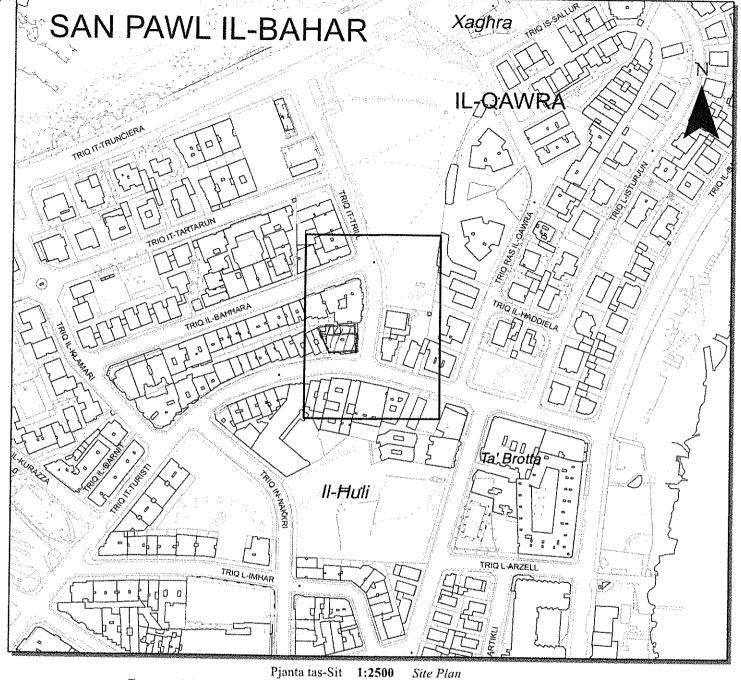
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0 3 DEC 2020

ipprezentata miti- Perit. T. Giordan
Bi tliet (3) Doki
dekament

Annalis Spiteri Deputat Registratur **⊃rati tal-**Ġustizzija (Malta)





Gvern ta' Malta

Pjanta tas-Sit 1:2500

Government of Malta

Reģistru ta' l-Artijiet

Casa Bolino, 116, Triq il-Punent, Valletta



Land Registry
Casa Bolino, 116, Triq il-Punent, Valletta

Nru tal-Mappa: 184090 E Map Number:

Poźizzjoni Čentrali: x = 47949 Centre Coordinates: y = 79400

Parti min S.S.: Extracted from S.S:

Data: 26/10/2020 Date:

Perit:

Architect:

Perit Ivan Giordano BE&A (Hons.), M.Sc Cons. Tech

Timbru tal-Pe Architect's St

A: 20, Triq Villa Rosa, Swieqi E: peritgiordano@gmail.com M: +356 99287550



Qies (metri kwadri):

Area (square metres):

Firma ta' l-Applikant:

Applicant's Signature:

176194 LR

Dritt imhallas

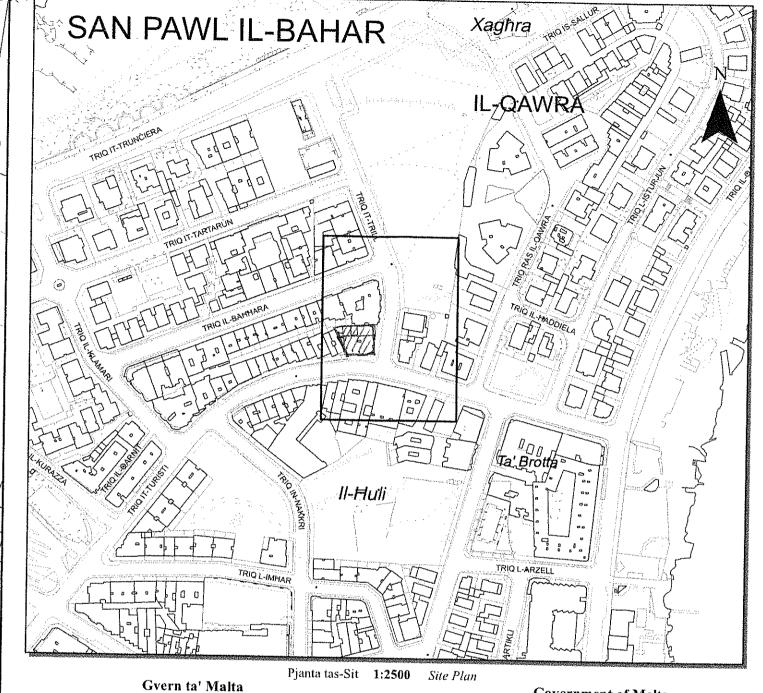
Scale 1:500

30

20

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DOWNERSHIP AT GROUND FLOOR LEVEL ONLY.



Registru ta' l-Artijiet Casa Bolino, 116, Triq il-Punent, Valletta

Government of Malta

Land Registry Casa Bolino, 116, Triq il-Punent, Valletta

Nru tal-Mappa: 184090 E Map Number:

Pożizzjoni Ćentrali: x = 47949Centre Coordinates: y = 79400

Parti min S.S.: Extracted from S.S:

Data: 26/10/2020

Perit:

NB. SIE IS A COCKER SITE

50m

MU DIMENSIONS ME IN NOTREL.

Perit Ivan Giordano BE&A (Hons.), M.Sc Cons. Tech

A:30 Triq Villa Rosa, Swieqi E:1 chiqiordano@gmail.com M:+356 99287550

Qies (metri kwadri): Area (square metres):

374 mi.

Firma ta' l-Applikant:

Applicant's Signature:

176193

Dritt imhallas Fee Paid

DOK B

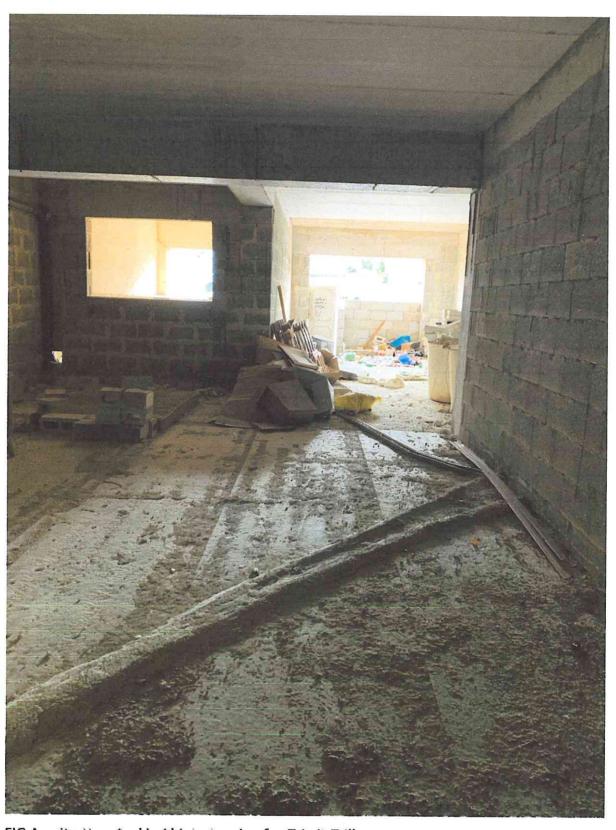


FIG A – ritratt meħud juri I-intrata minn fuq Triq it-Trill

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FIG B - ritratt meħud juri l-parti ta' fuq ir-rampa tal-garaxx, liema access hu minn fuq Triq it-Trill

A

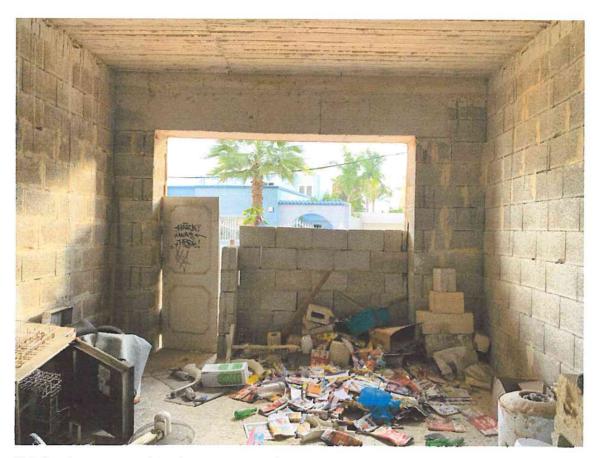


FIG C — ritratt meħud juri l-intrata minn fuq Triq it-Trill

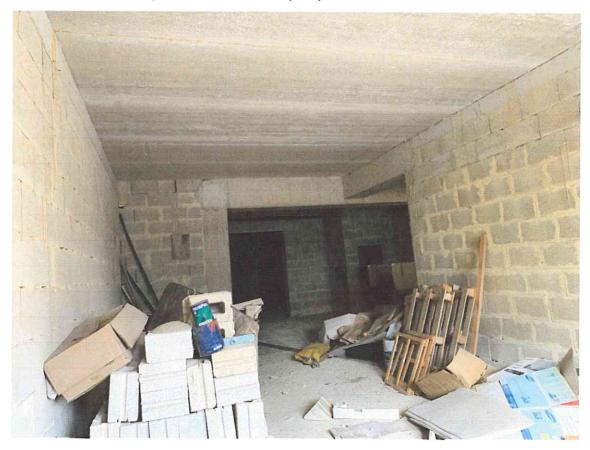


FIG D- ritratt mehud mill-intrata l-gewwa

J

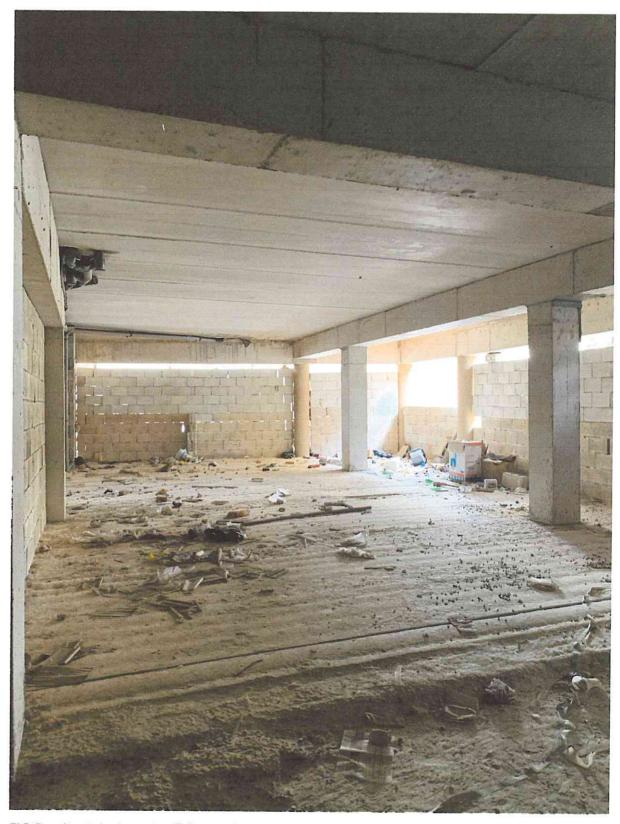


FIG E – ritratt juri parti mill-hanut, kantuniera li taghti parti fuq Triq it-Trill, u parti fuq Triq it-Turisti





FIG F – simili ta' FIG E



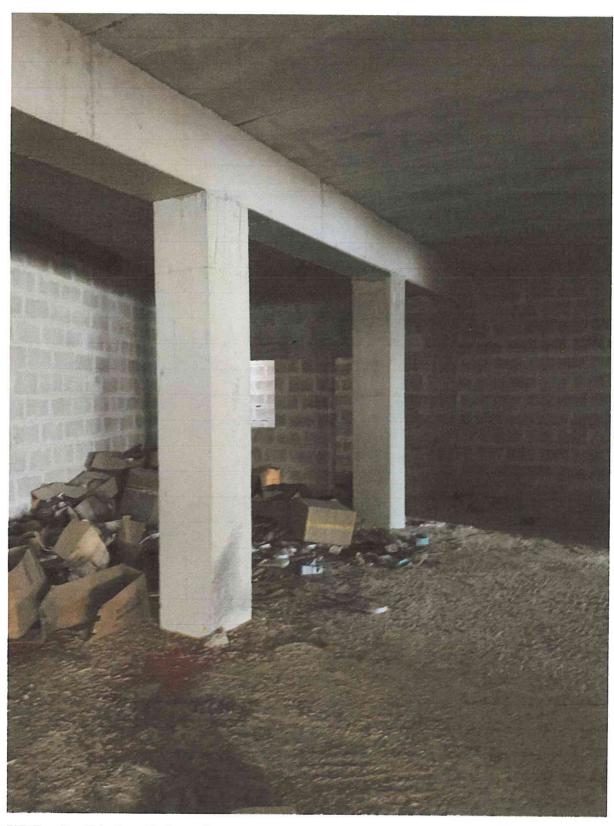


FIG G – ritratt juri parti ohra minn gewwa

Je Je

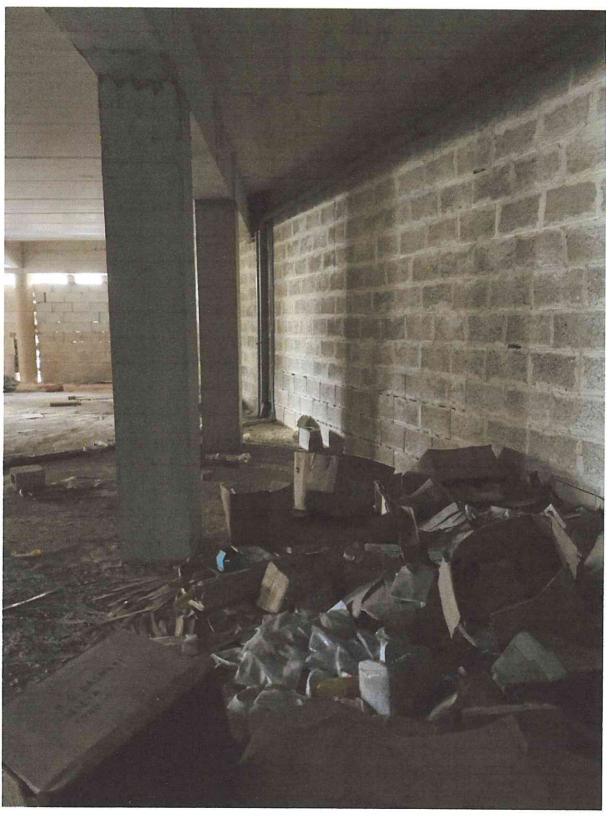


FIG H – ritratt juri parti ohra minn gewwa



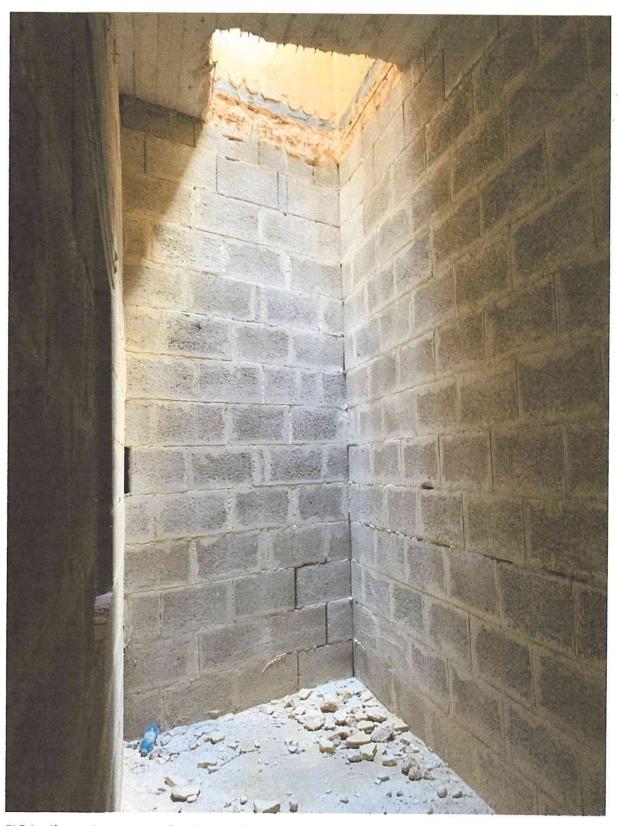


FIG I — II- parti ta gewwa fejn hemm il-kamra



DOK C

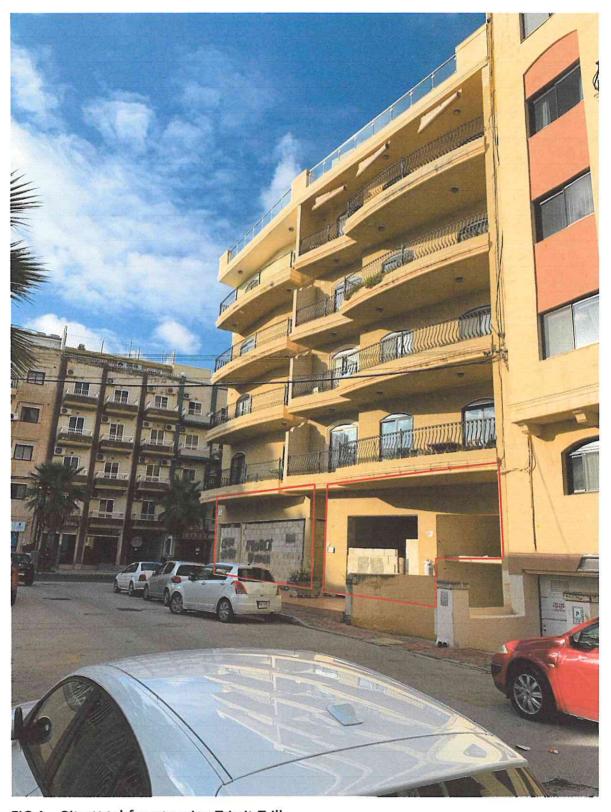


FIG A - Ritratt tal-faccata minn Triq it-Trill



FIG B-Ritratt tal-faccata minn Triq it-Trill

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FIG B— Ritratt tal-faccata minn 'Triq it-Turisti'



Mr Joseph M Portelli Belvedere Court, Flat 11, Triq it-Trill Qawra SPB 1674

Date: 23 October 2017 Our Ref: PA/04549/15

Application Number:

PA/04549/15

Application Type:

Full development permission

Date Received:

29 January 2015

Approved Documents:

PA 4549/15/1A/70C/83B and supporting documents:

PA 4549/15/1H (Malta Tourism Authority)

PA 4549/15/50A (Environmental Health Directorate)

PA 4549/15/88A (Commission for the Rights of Persons with

Disability)

PA 4549/15/51A/70A/83C (Engineer's Report)

Location:

Belvedere Court Triq it-Turisti c/w, Triq It- Trill, Qawra, San Pawl

il-Bahar, Malta

Proposal:

Change of use from approved showroom to Class 3A guesthouse.

Addition of Class 4B shop and fixing of sign.

Development Planning Act, 2016 Full Development Permission

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

- 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 Planning Authority officers at all reasonable times.
 - d) The development shall be carried out in complete 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 Design Policy, Guidance and Standards 2015 shall apply.
- e) 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 PA/04549/15

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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 completed.

- f) A Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to submit the Commencement Notice or the Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised Article 72(4) of the Development Planning Act (2016).
- g) All building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by the Planning Authority's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of the Planning Authority when the setting out of the alignment and levels is required.
- h) 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.
- i) The development 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.
- j) New development on vacant or redeveloped sites 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].
- k) No steps, ramps or street furniture are to be constructed on or encroached onto the public pavement or road.
- I) Any doors and windows, the lower edge of which is less than 2m above road level, and any gates shall not open outwards onto a 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 the street or a public space.
- 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.
- a) The façade(s) of the building shall be constructed in local un-rendered and unpainted stone, except where other materials/finishes are indicated on the approved drawings.

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- b) All the apertures and balconies located on the façade(s) of the building shall not be in gold, silver or bronze aluminium.
- c) Where a front garden is imposed, the 'solid part' of the boundary wall in the front garden shall not be higher then 1.4 metres above the external finished road level. Where the road is sloping, the wall shall be stepped accordingly. Any pillars or gateposts shall not exceed a height of 2.25 metres.
- d) The height of the services on the roof of the building shall not extend beyond the approved height of the uppermost parapet wall.
- The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the Commission for the Rights of Persons with Disability may still be required. Reference needs to be made to PA Circular 3/10 (with the exception of Appendix A), PA Circular 2/14 and their subsequent amendments.

The catering establishment approved with this development permission shall be ancillary to the overall use of the building as a Class 3A Guesthouse. The catering use shall not be segregated from the approved Class 3A.

- No approval is hereby granted for the display of any sign or advertisement. This must be subject of a separate application.
- The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in this development permission, except where such conditions are enforced by other entities. Prior to the issue of any compliance certificate on any part of this development, the applicant shall submit to the Planning Authority, in relation to that part of the building:
 - (i) clearance from the Commission for the Rights of Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 4549/15/88A.

Note: Should a partial compliance certificate be requested, a Bank Guarantee of €10,000 shall apply to ensure that CRPD clearance is obtained

- (ii) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting document PA 4549/15/51A/70A/83C.
- The conditions imposed and enforced by the Malta Tourism Authority (MTA) are at supporting document PA 4549/15/1H. The architect/applicant is required to contact the MTA, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly.

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- The conditions imposed and enforced by the Environmental Health Directorate (EHD) are at supporting document PA 4549/15/50A. The architect/applicant is required to contact the EHD, throughout the implementation of the development hereby approved, to ensure conformity with the imposed conditions. A copy of the relative correspondence / clearance shall be submitted to the Planning Authority accordingly.
- 8 Conditions imposed and enforced by other entities
 - A. Where construction activity is involved:
 - (a) the applicant shall:
 - (i) Appoint a Project Supervisor for the Design Stage and a Project Supervisor for the Construction Stage and any such appointment shall be terminated, changed or renewed as necessary. The same person may be appointed to act as project supervisor for both the design and construction stage, if that person is competent to undertake the duties involved and
 - (ii) Keep a health and safety file prepared by the Project Supervisor for the Design Stage.
 - (b) When the construction works related to this application are scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the project supervisor shall communicate a prior notice to the Occupational Health and Safety Authority (OHSA) at least four calendar weeks before commencement of works.
 - (c) The Project Supervisor for the Design Stage shall draw up a health and safety plan which sets out the occupational health and safety rules applicable to the construction activities concerned, outlining the measures to ensure cooperation between different contractors and shall also include specific measures concerning occupational risks that may be present at this site.
 - B. Where the development concerns a change of use to a place of work, the applicant shall obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.
 - C. Where the development concerns a place of work:

The applicant shall:

- (i) obtain a Perit's declaration that the necessary requirements arising out of LN 44 of 2002 have been included in the plans and drawings; and
- (ii) obtain a Perit's declaration that the building conforms to the requirements of LN 44 of 2002.
- D. The development is to strictly adhere to the 'Design Guidelines on fire safety for buildings in Malta' to ensure that all Fire Safety measures and provisions are addressed

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as indicated in the Design Guidelines on Fire Safety for Buildings in Malta, published by the DCID in 2004, (or other relevant standard, provided it is approved by the Civil Protection Department), Policies, and the Laws and Regulations of Malta.

- E. Where the development includes a livestock farm:
- (a) The farm shall not be connected directly to the sewer network.
- (b) Silting traps, sedimentation pits as well as manure clamps shall be installed, as shown on the approved drawings. Settled Waste water shall only be discharged in approved waste receiving stations.
- (c) Any effluents discharged shall have chloride levels lower than 1000 mg/L. The operators shall acquire a Public Sewer Discharge Permit before commencing operations.
- F. Where the development includes a swimming pool:
- (a) Any effluent, if discharged in the sewers, shall meet the specifications listed in L.N.139 of 2002 as amended by L.N.378 of 2005.
- (b) Adequate sampling points should be installed as directed by WSC Discharge Permit Unit officials.
- (c) Chlorine concentration of the effluent should not exceed 100 mg/L Cl₂.
- G. Prior to laying of water and wastewater services in the road, the development shall comply with the requirements of Legal Notice 29/10 Part III (Roads in inhabited Areas) Clause 12.
- H. In the event of an accidental discovery in the course of approved works, any cultural heritage feature discovered should not be damaged or disturbed and the Superintendence is to be immediately informed of such discovery. Any cultural heritage features discovered are to be investigated, evaluated and protected in line with the Cultural Heritage Act 2002 (CAP 445). The discovery of cultural heritage features may require the amendment of approved plans.

In terms of Article 72(3) of the Development Planning Act, 2016, the execution and validity of this permission is automatically temporarily **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 13 of the Environment and Planning Review Tribunal Act and subsequently will remain so suspended if the Tribunal so decides in accordance with the Environment and Planning Review Tribunal Act.

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

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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, 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 and Resources Authority 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.

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This decision is being published on 1 November 2017.

Marthese Debono Secretary Planning Commission (Development Permissions)

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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 14 of Legal Notice 162 of 2016.

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 13 of the Environment and Planning Review Tribunal Act, 2016.

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 14(1) of Legal Notice 162 of 2016.

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 DPF (Development Permit Fee) paid in respect of the original application, subject to a minimum of €150 + €50 administrative fee (LN 112 of 2016).

Submission of request for reconsideration or appeal

With regards to requests for reconsideration, Form PA 4/16 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 Article 13 of the Environment and Planning Review Tribunal Act, 2016, 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.

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Important Notice

In view of the provisions of Article 72(4) of the **Planning** Development (2016),Act Commencement Notice is to be submitted to the Planning Authority, by the perit on behalf of the applicant, at least FIVE DAYS prior to the date of commencement of works or utilisation of the permission. Failure to submit the Commencement Notice (with all fields correctly completed) or failure to submit it within the required timeframe shall invalidate the Notice and shall result in the imposition of fines according to Schedule D of Legal Notice 277 of 2012, or its amendments, or its replacements. In addition, if the applicant fails to the Commencement Notice or Commencement Notice submitted is invalid, the relative permission shall be considered as never having been utilised.

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