

Mr Mario Farrugia
Fondazzjoni Wirt Artna
Notre Dame Gate
St Edward's Street
Vittoriosa BRG 9038

Date: 27 August 2016
Our Ref: PA/03604/15

Application Number: PA/03604/15
Application Type: Full development permission
Date Received: 27 April 2015
Approved Documents: PA 3604/15/21B/105C/1Z/90B/105D/1AD/1AE/72B/
PA 3604/15/105E/77B/77C/84B/84C/84D/84E/84F

Supporting Documents

PA 3604/15/42 (*Civil Protection Department*)
PA 3604/15/85A (*TORB acceptance*)
PA 3604/15/82A (*Clearance from SCH*)
PA 3604/15/16F/77A/83A (*Restoration Method Statement*)
PA 3604/15/20A/105B/110A (*Fire, safety and ventilation report*)
PA 3604/15/52A (*Environmental Health Directorate*)
PA 3604/15/103A (*Environment & Resources Authority*)

Location: It-Torri ta' San Tumas, Dawret it-Torri c/w Triq is-Salini c/w, Triq Wignacourt, Marsascala, Malta
Proposal: Rehabilitation and restoration of St Thomas Tower internal and external fabric, including the creation of a multi- sensory museum, audio-visual rooms, installation of panoramic lift, ditch rehabilitation and roof top viewing platform.

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:

- 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 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 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 Planning Authority's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of 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.
- l) 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.

2 The conditions imposed and enforced by the Civil Protection Department are at supporting document PA3604/15/42. The architect/applicant is required to contact the Civil Protection Department, 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.

3 The conditions imposed and enforced by the Superintendence of Cultural Heritage are at supporting document PA3604/15/82A. The architect/applicant is required to contact the Superintendence of Cultural Heritage, 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.

4 The conditions imposed and enforced by the Environmental Health Directorate are at supporting document PA3604/15/52A. The architect/applicant is required to contact the Environmental Health Directorate, 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.

5 The conditions imposed and enforced by the Environment & Resources Authority are at supporting document PA3604/15/103A. The architect/applicant is required to contact the Environment & Resources Authority, 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.

6 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. 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 National Commission for Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission in supporting document PA 3604/15/85A.

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

(ii) certification from a qualified engineer confirming that the development fully satisfies the requirements specified in supporting document PA 3604/15/20A/105B/110A.

- 7 Works shall be monitored by PA at the applicant's expense. Any removal of rendering and cleaning must be preceded by trial patches carried out in the presence of Planning Authority's HPU officers. The works hereby being permitted are subject to a bank guarantee to the value of € 2300 (Two Thousand Three Hundred Euro) to ensure compliance with this monitoring condition and to ensure that the restoration works are carried out in conformity with the approved Restoration Method Statement. 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 the Planning Authority, 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.
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 - a) Lichen growth and stone patina is to be retained.
 - b) Replaced stone work is to be dressed as per best trade practice to homogenize with surrounding stonework.
- 9 **Reserved Matters:**

Detailed documentation and drawings on the proposal for the new configuration of the embrasures and any access affecting this configuration is to be submitted to the Planning Authority's Planning Directorate for review prior to the commencement of construction works on the new embrasure. Approval from the SCH is to be sought for the proposal/s presented.
- 10 Transplanting of the Tamarisk Africana trees shall be carried out in accordance with good arboricultural practice under the supervision of a qualified expert in arboriculture and in a period in which it is adequate to transplant such trees. It is the responsibility of this supervisor to ensure that transplanting is carried out in accordance with good arboricultural practice. Should the transplanting fail or prove impossible, the applicant has an option to plant fifteen (15) new indigeneous trees (five (5) Araar trees (Siġra tal-Għargħar) - the national tree of Malta, five (5) Holm oaks (Ballut) and five (5) Judas trees (Siġar ta' Ġuda)), for each uprooted African Tamarix (Bruka ta' Malta) in any public place. Furthermore applicant will plant and maintain a minimum of twenty (20) *Cheirolophus crassifolius* (Widnet il-Baħar) in the vicinity of the Tower.

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 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.

This decision is being published on 31 August 2016.

Marthese Debono
Secretary Planning Commission (Development Permissions)

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.

Important Notice

In view of the provisions of Article 72(4) of the Development Planning Act (2016), 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.

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