

REAL ESTATE & CONSTRUCTION

Reaching new heights on the Costa

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CONSTRUCTION, AN INDUSTRY THAT CONTINUES TO GROW

Malaga and the Costa del Sol are still leading the recovery of the sector, with figures reflecting an increase in permits granted, new developments and interest among companies

Malaga has become one of the pillars of recovery of the property and construction sectors in Spain.

Figures for the first quarter of this year have corroborated the recent positive improvements shown by the province, as plans for 1,614 residential projects received approval during this time. This is an increase of 15.5 per cent compared with the same period in 2017 and is the best start to any year in the past decade, according to the College of Architects of Malaga.

Looking at the figures in detail, the month in which the highest number of projects were approved was January, with 621, followed by February with 542 and then March with 451. Of the total number of permits granted, 388 were for houses and valued at 70.8 million

euros, while 1,224 were apartments, with a value of 134.6 million.

By municipality, the highest number of projects planned during those three months were in Malaga city (482), followed by Estepona (223), Marbella (172), Benahavis (140) and Casares (135). There were also significant increases in Fuengirola (67), Rincón de la Victoria and Nerja (65 each), Manilva (49) and Alhaurín de la Torre (49).

The head of the College of Architects, Francisco Sarabia, estimates that this year could see an increase of up to 20 per cent in the number of approved projects, giving an overall figure of around 6,000.

However, the experts estimate that the objective for Malaga province should be to reach an annual volume of around 25,000 housing permits in the next five years. They say that this figure would cover not only demand from the existing population of Malaga, but also the demand for second homes for holidays for purchasers elsewhere in Spain or abroad.

The figures for completed properties were also positive. According to the College of Architects, 905 buildings were finished in the province between January and March, which was an increase of 80 per cent compared with the same quarter last year. Francisco Sarabia says this is because new developments are being built and also projects which were suspended during the economic crisis are now being reactivated. By municipality, Torremolinos had the highest number of completed buildings (188), followed by Benahavis (117), Torrox (99), Malaga (85) and Marbella (68).

Major companies

In recent months several major companies have announced multi-million-euro property



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➤ and investment projects on the Costa del Sol, and experts say that at present Malaga is the third main market for new housing in Spain, after Madrid and Barcelona.

One of the latest to announce that it will be building in the area was the Quabit property group, which decided to invest in Malaga city because of the way the construction sector is recovering after the crisis. Quabit will be spending about 220 million euros on land and construction, and plans to build a total of 1,700 homes.

A few weeks ago Juan Velayos, the CEO of Neinor Homes, spoke of his love for the city at a conference organised by the Association of Constructors and Developers (ACP). This development company, which works with international investment funds, plans to build tens of thousands of properties all over Spain, and Malaga is one of the jewels in its crown.

At the conference the general secretary of the ACP, Violeta Aragón, said the property sector in the province is looking positive, but she ruled out any risk of another property bubble. "We see no signs of that anywhere," she said, pointing out that although the increases in sales, prices and permits are signifi-



cant, they are occurring on "absolute values which are very low".

Marbella, Estepona and Benahavís

Malaga is a highly coveted market among the principal developers in Spain and abroad, and this is evident from the numerous residential projects currently being carried out in the city and towns on the coast. A

study produced by the CEO of Panorama Properties, Christopher Clover, indicates that Marbella, Benahavís and Estepona are leading the growth in sales along the Malaga coastline.

Clover points out that those three municipalities reflect a 10.4 per cent increase in sales in 2017, a figure which contrasts sharply with the drop of 21 per cent in the

rest of Spain.

Specifically, Estepona has led the increase, with 28.3 per cent more in sales volume, followed by Marbella with 6.9 per cent and Benahavís with 6.7 per cent. The study explains that the fundamental difference is that Estepona has more land zoned for construction and development. Also, the price of housing and land are lower and applications for works li-

cences are processed more quickly.

Christopher Clover also points out that the strength of the property market in Marbella is differentiated by the extraordinary diversity of nationalities of the purchasers.

It is therefore not surprising that the western Costa del Sol, and especially Marbella, is one of the locations which is driving the residential property market. In fact, the National Institute of Statistics (INE) confirms that Malaga is the fourth province in Spain in terms of property transactions in 2017 (30,064 compared with 15,917 in the Balearic Islands), behind only Madrid, Barcelona and Alicante.

The INE also notes that in the first two months of this year 5,602 properties were sold in Malaga province, which was 16 per cent more than in the same period last year, and 4,665 of those were resale properties (an increase of 16 per cent). There were 937 new builds (an increase of 17.7 per cent). Rental prices also rose by 20.8 per cent in a year, as the demand for rental accommodation increased.

The Panorama Properties report shows that the dynamism of the sector is also influencing other areas of the economy, as can be seen by the increase in new businesses in Marbella. Last year nearly 1,000 new companies were formed.

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For some years now domotics have been a major ally in new homes, aiming to improve the quality of life of the occupants as well as being energy efficient. The combination of techniques designed to automate a home includes technological security and energy management systems, and it has a favourable impact on wellbeing and communications which improve the practicality of a home.

In recent years the services, applications and functionalities which organise the way a home works have multiplied exponentially. By monitoring each of the functions of a property, homes can become intelligent, efficient and connected, make the most of their capacity and not only save energy but also generate it.

However, it should be stressed that the latest innovations in domotics are principally aimed at simplifying people's lives, because although the original idea was to make maximum use of the technology, this was often less effective than it should have been because it was too complex for people with only basic knowledge in this field. For that reason, the latest advances have focused on making it easier to use.

In general terms, home automation technology can be used in simple and practical applications such as raising or lowering blinds, intelligent lights which detect a human presence or using a mobile phone to control the volume of the TV and the level of air conditioning. However, more complex func-



DOMOTICS, AN ALLY IN THE HOME

The use of technology in security systems, energy management and communications makes houses more practical to live in

tions are also possible, such as detecting water leaks or checking the state of the plants in the garden.

In terms of safety, as an example, there are now sockets which only transmit electricity when they are connected to a device. This helps to minimise risks in the home, especially where there are small children.

Other applications enable locks to be opened or closed by a telephone, detecting whether a window is open or checking a baby's temperature in real time, among many other functions.

What is really interesting in this field is the wide range of uses which exist, including some which can influence psychological wellbeing, such as light bulbs which change colour depending on the homeowner's mood.

Given the unlimited possibilities of domotics, it is not surprising that the number of intelligent and efficient homes has undergone an exponential growth in recent times, and this has been accelerated by the fact that people are using smartphones so much more in their everyday lives these days.

It is therefore not surprising ei-

ther that the Bosch company believes that by 2020 about 15 per cent of homes in the world will be equipped with this type of technology, and by 2025 houses will have up to 50 devices connected to the Internet.

Things to bear in mind when installing a domotics system

The first thing to consider when opting to instal domotics in a home is the type of system to use and the functions needed. You also need to bear in mind aspects such as the number of people who live in the home and their daily routines; the size and layout of the property; the existence of outside areas and the climate of the region, among other aspects.

The system should also be easy to use and to programme, especially when the occupants of a home include elderly people who are not used to technology.

With regard to the cost, it is true that home automation systems are not cheap, but the investment pays off in terms of comfort and also money, because the installation itself is a relatively low percentage of the total cost of a property and the technology can achieve energy savings of between 30 and 45 per cent.

You can also choose between an integrated domotic system, which allows total control of all aspects of the home, the increasingly popular kits and gadgets for determined uses, or a tailor-made connected structure which adjusts to your lifestyle habits.

The latest technological innovations are aimed at simplifying people's lives



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The constant changes experienced in our society are having a practical effect on all sectors, and construction is no exception.

Clients are becoming increasingly more demanding and want projects to be not only economical but also high quality and the latest in innovation, design and efficiency. The use of new colours, energy saving and intelligent homes are some of the aspects people are requesting when they are reforming, building or buying a home these days.

This is shown in a study carried out jointly by the Corp development group in Barcelona and the Internet Age Media (IAM) innovation and trends platform, which says the '3.0 home' will be based on an evolving architecture, which adapts to the environment and incorporates technology from the moment of construction.

Within these parameters, the study shows that the home of the future will be committed to sustainability and responsive architecture, and will incorporate modularity and artificial intelligence as well as eco-friendly materials.

Three fundamental pillars

Home automation has already become one of the principal trends in construction this year. Intelligent spaces and appliances are increasingly in demand, not only to help in everyday tasks but also to contribute to saving money and energy in homes.

In this respect, among the most popular features are intelligent windows with systems which help to manage light and temperature effectively and automatically. Some of the functions of this device are moving the blinds depending on the light, warning of broken glass, controlling temperature and dampness or even filtering and measuring CO2. There are also



NEW TRENDS IN CONSTRUCTION

New social and environmental values are having a direct influence on the design and construction of new buildings

models which activate if they detect intruders or attempted forced entry.

Also becoming popular are automatic locks which the user can open remotely with their smartphone wherever they are, and which offer constant information

about the situation and warn about possible unauthorised attempts at access.

There are also intelligent appliances which, under the concept of 'internet of things' is resulting in washing machines which let the user know when the programme

has finished, or fridges which notify them when a product has been used or is approaching its expiry date. All this is done in a comfortable and direct manner via a connection with the mobile phone.

As well as home automation, modular architecture is another

major factor in the construction of the future.

Modulated houses have left behind their humble beginnings and been modernised with all types of luxuries, and they are attracting a great deal of attention from many developers, especially since the inauguration of the highest modular tower in the world in Brooklyn, New York.

Materials

At present this type of construction is being made with different materials, including wood, steel, concrete, PVC and PPVC. The latter is a prefabricated, pre-finished element of volumetric construction and can be used to build, in a factory, complete apartment blocks.

It is also a material which produces very little atmospheric or acoustic contamination and has little impact on the environment, so it is considered responsive.

It is also expected that 3D printing will become the most revolutionary technology in the construction sector, reducing costs and offering new possibilities.

Finally, and because we are increasingly becoming more aware of the environment and the footprint we cause on it, directly or indirectly, buildings have been adapted with a focus on achieving a low ecological impact. This involves the use of renewable energies and the use of natural resources, and is becoming more common.

This type of construction means adapting to the characteristics and the climate of each region. Among the principal measures which are being carried out at present are the adaptation of the structure to the ground surface, volume and energy isolation to save energy, the use of renewable energies such as solar panels and bio-gas, and of course rejecting the use of contaminatory materials.



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'BIOCONSTRUCTING' FOR TOMORROW'S WORLD

This type of ecological construction is being used more and more in towns and cities which have an interest in sustainability and taking advantage of existing resources

Ecological awareness has been increasing in society in recent years, and this has resulted in a greater demand for responsible behaviour in different areas including, of course, construction.

However, this sector faces a double challenge: being sustainable in itself and making it easier for future users of the buildings to be the same, because sustainability is a key factor from the original design to the lifestyles of the people who live in them.

Ecological construction, or bioconstruction, is a system of building which uses materials which have a low environmental impact because they have been recycled or extracted through simple and low-cost processes. It shows a commitment to sustainable development which seeks to minimise the impact that the buildings have on

the environment and on living beings. It is a way of making the most of natural resources to reduce the environmental footprint to a minimum, in the surrounding areas and on people.

The bioconstruction processes include responsible management of land, water, air, energy, consumption and local development. However, bioconstructing goes beyond the mere installation of renewable energies, or the use of sustainable and healthy materials: it encompasses the relationship each building project has with its surroundings.

In this country we have the Spanish Bioconstruction Association (AEB), an organisation whose main aim is to encourage more of this type of building, promoting the values of respect, protection and preservation of the environment and general health.

The association was formed from the need for a professional organisation to encompass the whole bioconstruction movement, defend its interests before the public administrations and serve as an element of communication, training and information within and outside the sector, among many other activities.

Benefits of bioconstruction

Ecological construction has many benefits, for living beings as well as the surrounding environment. One of the main aspects is the evaluation of the environmental impact and analysis of what is needed, differentiating between factors which are indispensable and those which are optional. These buildings have to be suitable for the local climate of the area, in such a way that they optimise solar power, illumination and natu-

ral ventilation to save energy. They normally use technologies based on renewable energies such as solar panels, bio-gas and wind turbines, among others. They also seek a rational use of water through devices which reduce consumption or take advantage of rain water for different uses such as the WC, shower and for watering plants.

Another important advantage of ecologically sustainable buildings is their higher quality and longer life. They are easy to maintain, adaptable for change of use and, because they use non-toxic materials and not contaminants, and they avoid health risks for workers and inhabitants. The management of waste and the use of recyclable material or local prime materials are other positive aspects of this type of construction.

In addition to all these factors, bioconstruction has a fundamen-

tal and very interesting role given the present economic and social situation, because it is an important niche for employment.

As Alberto Caballero, the president of the AEB, says, at the moment this sector has huge potential due to "all the possibilities which the authorities allow to be developed".

In Malaga province, through La Noria Centre of Social Innovation and with the collaboration of the Malaga provincial government and La Caixa social foundation, the Arabal-AID association has set up the RedescuBIJ project; this works with young people in Malaga and aims to encourage their entrepreneurial spirit, stimulate creativity and imagination and promote the possibilities of recycling and traditional materials which respect the environment.

So far 160 teenagers between the ages of 14 and 17 from schools in Alameda, Fuengirola, Almogía, Campanillas, Vélez-Málaga and Arriate have taken part in the project, together with pupils on the Caixa Proinfancia programme in Bailén-Miraflores district of Malaga city.

Through RedescuBIJ, the participants have designed a prototype for a BIJ MakersLab, a space which can host all types of workshops and outdoor activities, using sustainable building techniques and traditional materials such as cork, wood, esparto and palm and giving new life to pallets, boxes and ropes which can fulfil a purpose beyond that for which they were conceived.



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SERVICE The delivery of a new home takes place with the handing over of keys and the execution of the public deed of sale, and is the culmination of the purchase process

DELIVERY OF NEW PROMOTION HOMES. INSPECTION AND RECTIFYING DEFECTS

J. L. ROJAS, LAWYER AND PARTNER
AT VOGT ADVOKATFIRMA ESPAÑA

Nowadays, we can find a lot of information in the press, in specialist magazines, and in blogs and internet forums, offering advice on the countless precautions that should be taken by anyone wishing to acquire a new home, especially if it's an off-plan property. These precautions generally apply to three main areas:

1.- Developer. The buyer is strongly advised to do some thorough research about the developer, mainly to check up on their solvency, and to make sure that whoever is underwriting the project has experience in the market.

Choosing a good developer can avoid unpleasant surprises, as it's the developer who has to resolve any problems the buyer encounters when acquiring the new home.

2.- Contract. This is the document that links the developer and the buyer, and specifies the terms and conditions that regulate this relationship. It's necessary to verify that all the clauses are understood, that there are no unfair clauses, or clauses that breach the principle of equal treatment for both parties, that the buyer is provided with the documentation required by law, and above all, that the amounts paid with regard to the purchase or sale price are clearly stated and guaranteed.

3.- The property. The buyer should collect as much information as possible about the project, analyse the plans of the property, determine the technical specifications, and be fully informed about any other aspect of the project that may have an impact on the home he wishes to buy.

It is not the intention of this article to go over each and every one of the much-analysed factors that may have a bearing on the process of buying and selling a newly built property, but to focus on an aspect that is rarely discussed, and that relates to each and every one of the key areas mentioned above: the delivery of the property.

THE DELIVERY OF THE PROPERTY

The delivery of a new home takes place with the handing over of keys and the execution of the public deed of sale, and is the culmination of the purchase process. And



when it comes to that moment, you need to be certain that you are going to receive exactly the same property that was offered to you when the purchasing process began, with the same qualities specified in the contract, with the modifications and improvements agreed with the developer, and with the desired finishing touches for the type of home acquired.

The ideal outcome is a contract of sale that includes a clause establishing a period of time before the delivery of keys, in which the buyer can inspect the property and check that everything is in perfect condition. And should this not be the case, a contract that allows the buyer to draw up a document with the developer, listing all the problems, defects and necessary changes, so that they can be rectified by the developer in the shortest possible time.

Developers usually provide a standard snagging list sheet before the inspection so that it can be completed by the buyer during the visit. However, we recommend that you take one of the many templates available on the internet in case the developer fails to provide you with their own document for you to complete.

The inspection of the home should be as thorough as possible, and you should attend the inspection with a technical expert, who can help you review the most

important points of the inspection and ensure the home is handed over in optimum condition. If problems exist, an expert can also assist with the detailing of discovered defects or deficiencies with the finishing touches that need to be rectified by the developer. It is important to attach photographs to the snagging list, which must be properly completed after the visit and signed by both parties.

Buyers must request a stamped or signed copy of the snagging list they submit, as it isn't usually possible to make a photocopy. Two copies need to be completed and the developer signs one for the buyer. The buyer doesn't usually need to submit the snagging list immediately after the inspection. A normal and reasonable time limit for submitting the completed snagging list is usually within 15 to 30 days of the date of the visit.

In general, unless it has been so stated in the sales and purchase contract, there is no specific deadline for the Developer to carry out the repairs and checks required by the buyer. Although it is usual for the company to try to sort out everything as soon as possible, in reality, that is not always the case.

On occasions, the reason behind such delays, or the complaints made by the buyer to the developer not being attended to, are

disagreements between the developer and external contracts made by the developer for certain aspects of the building process. Such disagreements should at no time diminish the finishing quality of the property to be delivered by the developer.

Nevertheless, the developer's responsibilities towards the buyer do not end once delivery is taken of the property and the faults observed during the inspection visit have been repaired.

If, once the property has been delivered, the buyer detects any defects, the first thing to be done is to inform the developer in order for them to be corrected. If, after a reasonable period of time, the repairs have still not been carried out, a complaints form can be requested from the developer so that there is a written record of the complaint.

If the buyer presents a complaints form, the developer is obliged to respond within 10 days of the form being presented. If no answer is received, or the answer offered is not considered correct by the buyer, he may forward the claim to the Provincial Health Department of the Andalusia Regional Government so that an agreement may be reached with the company through mediation or arbitration. The buyer, if he wishes, may also present the complaints form to the Municipal

Consumer Service Office (OMIC) or to a consumers and users association.

If the administrative channel fails to resolve the problem, then the only remaining course of action is to take it through the courts, who can impose a solution on the parties; something which the Administration is not able to do.

Please remember that, in the case of non-fulfilment of the contract by the seller or the appearance of faults or defects, the buyer may request that the courts terminate the contract or demand that it is fulfilled or insist on the repairs, with compensation in both cases for any damages caused.

THE GUARANTEES

The guarantees protecting the buyers of properties are set down in the Building Regulations Act. This law sets down three deadlines for making a claim:

A first guarantee, for one year, covers material damage due to construction defects which affect finishing such as paintwork, doors, floors or glazing.

The buyer will have three years to claim for damage which causes deterioration of installations and leads to the failure to comply with the requirements for habitability, such as the presence of damp.

Finally, there is a ten year guarantee in the case of functional damage, i.e., faults affecting the foundations, supporting elements, beams, floors, load-bearing walls or other structural elements, which directly undermines the mechanical resistance and stability of the building.



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