

Approved

DPC meeting 15/13

17/12/13 & 10/1/14

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 15th Meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 17th December 2013 at 09.30 am.

- Present:**
- Mr P Origo (Chairman)
(*Town Planner*)

 - The Hon S Linares (MSCHY)
(*Minister for Sport, Culture, Heritage & Youth*)

 - The Hon Dr J Cortes (MEH)
(*Minister for Environment & Health*)

 - Mr H Montado (HM)
(*Technical Services Department*)

 - Mr G Matto (GM)
(*Technical Services Department*)

 - Mr R Labrador
(*Gibraltar Heritage Trust*)
 - Mr J Collado (JC)
(*Land Property Services Ltd*)
 - Mr C Viagas (CV)
(*Heritage & Cultural Agency*)

 - Mrs J Howitt (JH)
(*Environmental Safety Group*)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(*Deputy Town Planner*)

 - Miss K Lima
(*Minute Secretary*)
- Apologies:**
- The Hon Dr J Garcia (DCM)
(*Deputy Chief Minister*)

 - Mrs C Montado (CAM)
(*Gibraltar Heritage Trust*)

 - Dr K Bensusan (KB)
(*Gibraltar Ornithological & Natural History Society*)
 - Mr J Mason (JM)
(*Rep Commander British Forces, Gibraltar*)

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Approval of Minutes

654/13 Approval of Minutes of the 13th and 14th meetings of 2013 held on 8th and 12th November 2013 respectively

The Commission approved the Minutes of the 13th and 14th meetings of 2013 held on 8th and 12th November 2013 respectively, subject to the following amendments (in bold):

13th Meeting - Minute 557/13 (page 10)

JH asked what the standard is on waste from boats. **The chairman said this was not a matter to be discussed by the Commission.**

13th Meeting – Minute 559/13 – (Page 11)

JH said that the fact that this water discharges straight into the sea should take into account its corrosive properties, **as it would not be discharged in such a way into the aquatic environment if the water was toxic or harmful.**

Matters Arising

655/13 – BA12035/12765 – Roof terraces, Sails 1, 2 & 3 Ocean Village – Proposed extensions

DTP reminded the Commission that both the original scheme and a revised scheme were previously refused by the Commission. He said that another revised proposal has been submitted which includes two options; a link bridge with a glazed balustrade and a link bridge made of tensioned steel cables. DTP said that the second option seems to reflect a more nautical theme, in keeping with Ocean Village. He also said that although there were previous objections to this proposal, the revised design is a vast improvement and that the Town Planning Department considers the tensioned cable option to be preferable as there would be less load on the bridge (and therefore a slimmer structure is possible) and less visual change.

CV and MEH concurred with DTP.

JH asked whether there is a long term view for the area and whether this would be the style that will be followed in the future. The Chairman said that any future applications would be considered on the merits of the proposal as has been done in the past.

GM said that if approved, it will create a precedent.

The Commission took a vote on this application with the following result:

4 in favour

1 against

3 abstentions

The Commission approved the application to create a link bridge made of tension steel cables.

656/13 – BA12186 – 29-37 Engineer Lane – Proposed new hotel

DTP advised the Commission that revised plans have been submitted by the applicant and that correspondence had been distributed prior to the meeting. He said that the height of the building has been reduced by two storeys and that the applicant has stated that they are seeking approval on volume and massing rather than architectural style. DTP also said that the balconies, arched windows and shutters have been removed from the proposal. The top two floors have also been set back. With regards to the demolition of the existing building, DTP said that the applicant has contracted two engineers and a surveyor to assess the condition of the building and the financial viability of restoring it.

The Commission welcomed the applicant's engineer, Mr Mesod Belilo.

Mr Belilo told the Commission that the existing building has been neglected and that it has deteriorated structurally. He said that there is water penetration and damp, and that the non-load bearing walls, finishings, windows and doors have been removed, and that the brick work has been damaged during removal. Mr Belilo explained that internally the walls are full of openings and that there is a risk of collapse. Mr Belilo recommended a full demolition as a partial demolition would be difficult due to the number of openings in the building which would require the two gable walls to be retained, with the continued risk of the façade falling outwards on removal of the floor slabs. Mr Belilo also said that in order to maintain part of the building it would be necessary to stop traffic and pedestrian movement in the area to ensure safety. Mr Belilo added that building the basement behind the existing wall would be difficult and they would have to underpin it to stop the foundations from moving. He also highlighted that he was aware of objections received but that he had not heard of the existence of the Engineer Lane Tenants Association prior to this.

JH said that having obtained an insight into what is behind the façade through the photos provided, she thought that there was more to protect than just the façade, for example traditional features such as arches. She asked Mr Belilo whether they could be preserved, even if they have to be dismantled and then rebuilt. Mr Belilo said that the inside is in a worse condition than the exterior and in risk of collapse. He said that he does not see any features worth salvaging. The Chairman said that the Ministry for Heritage and the Heritage Trust could carry out a survey and record any features of heritage importance.

CV highlighted the fact that if the owners had carried out their responsibility of maintaining and repairing the building, it would not be in the condition that it is at present.

RL noted that this is another example of a building which has been allowed to deteriorate due to no abatement notices being served on the owner and lack of enforcement. He said that the Heritage Trust is against the demolition of the front façade. RL highlighted that the DPC has in the past refused the demolition of other buildings such as one in Secretary's Lane and that if this is approved it would set a precedent.

DTP said that the Ministry for Heritage also maintains their previous objection.

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CV said that the Development Plan serves to present policies which have been accepted by all involved in its creation and that the DPC should abide by it. He said that both the demolition of a historical building and adding more than one floor to buildings in the town area is against the plan's policies. CV also said that hotel rooms will be facing on to a property which is not owned by the developer and that there will be issues with this. The Chairman said that no representations have been made by HMGOG as landlord on the matter of the encroaching windows.

MEH said that he disagreed with CV. He said that demolitions have been allowed within the town area, for example the Gibtel building. He informed the Commission that following the last meeting he met with the Heritage Trust and CV and that an inventory of buildings and their current state is going to be compiled. However, he said that based on the evidence that the building is unsafe and restoration unviable, sadly he cannot say that the building should be maintained.

MSCHY told the Commission that HMGOG is currently in the process of passing a law on antiquities within the Heritage Act which would mean that landlords will have to follow certain policies. He questioned who will be prepared to invest in the property as it is and restore it if the professional's advice is that it is unsafe. He said that the Commission should look at the position now and not let the same happen in the future.

MEH said that the DPC needs to consider what will happen with this site if the project does not proceed.

JH said that at the last meeting it was agreed that CV would meet with the designer and asked whether this meeting had taken place. The Chairman said that a meeting was held in DCM office and that the applicant had met with the Town Planners.

CV said that he would not approve demolition as it would set a precedent.

DTP said that planning policy with regards to demolition of vernacular buildings within the old town area allows an exception for buildings which are in such a bad condition that they cannot be retained and when refurbishment is financially unviable.

The Chairman said that the Commission has taken decisions in the past both for and against demolition in similar situations. He said that recent approvals for demolitions have been granted for other building on Engineer's Lane and Turnbull's Lane and refused in Secretary's Lane due to the proposed building being high rise and out of character. He said that the independent engineer has been frank in his observations and that it is clear that the building has been allowed to deteriorate to such a stage where there are complications in keeping the façade.

The Commission took a vote on this application with the following result:

4 in favour

3 against

1 abstention

The Commission approved this application as per the revised outline planning application.

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657/13 – BA12752 – 15 Rosia Road – Proposed stone cladding of wall

DTP presented photos of the surrounding area as requested by the Commission at the last meeting. He said that the suggestion made by the Commission to use limestone had not been welcomed by the applicant who thought that it would be too costly and they would not be able to proceed with the proposal. DTP said that the proposed tiles are out of character and that Casares stone would have a different colouring to the surrounding limestone.

RL said that many properties around Gibraltar are being cladded with Casares stone and that this is not typical of Gibraltar.

The Commission refused the application to clad in the proposed material.

658/13 – BA12802 – North Mole, Port of Gibraltar – Proposed underground fuel pipe line, pumping station and feeder points

DTP said that the proposed infrastructure is necessary to introduce a new business for refueling small coasters and large yachts. He said that the applicant estimates that fifty transfers will be carried out per month. The two steel pipes will be buried underground with a waterproof membrane lining and buried in a sand fill. DTP explained that the diesel would be brought by bunker, connected to the connection point on the quayside and fuel then pumped through the underground pipes to the required berth where the receiving ship would be located. Everything would be done underground, the pipe would be continuously welded and any joints would be in inspection chambers. With regards to environmental matters, DTP said that the pipes will be protected by a leakage detection system; there will be drip trays at connections, regular cleaning and the trenches lined with an impermeable membrane. DTP advised that all operations would be carried out by trained personnel.

DTP told the Commission that the Captain of the Port has confirmed that his concerns have been addressed and he has no further objections. He also said that the Department of Environment has commented on the requirements of dust control and advised that the pipes should be in a leak proof culvert because of the risk of contamination to the adjacent water body. They have also commented on the fact that there are large projects planned for the area and that a more holistic approach should be adopted.

JC asked whether HMGOG has approved this proposal. DTP said that he did not know whether landlord approval has been granted.

MEH said that he has been involved with this project as Minister for Environment and that new infrastructure for the power station will be installed in this area and therefore, the applicant should discuss their project with HMGOG as landlord. However, he said that the proposal is consistent with HMGOG policy to bring bunkering on to land.

JH said that more details were requested at the previous meeting but that this has not been distributed to members. She said that she had raised the need for an EIA and for Government to consider all of the uses for the port area simultaneously. JH highlighted that just because the activity will be underground, does not mean that it does not require an EIA.

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DTP said that there are other environmental controls and that a project of this scale would not normally warrant an EIA because of its size. DTP said that it is just a delivery facility not storage.

JH asked where the fuel is stored.

Mr George Yates, a representative of Gibunco, explained that the fuel comes from Spain and is stored in an oil tanker. He said that the tanker connects to the pump and the berthed barge pumps fuel to the vessels. He said that the activity would be regulated by marine regulations.

The Chairman said that this is a normal operation required by the port and that it is currently carried out at sea and controlled by the relevant authorities.

GM asked how many delivery points there will be. Mr Yates said that there will be four on North Mole and three on the extension jetty.

MEH asked Mr Yates what would be the likelihood of spillage and fumes. Mr Yates said that the hose is self closing and that spillage will be minimal and could only happen when removing the connector. He said that there will be a drip tray to collect any spillage. Regarding fumes, Mr Yates said that diesel is not hazardous.

MSCHY requested close coordination between Gibunco, the GEA and TSD. He said that this needs to be a condition if approved because of the new power station. MEH advised that a Committee has been formed for the new power station and that HM as Chairman should be informed. HM said that applications would be made available to Committee members.

JH said that without seeing the additional information previously requested, she cannot approve this application. She said that the Department of Environment, the Captain of the Port and TSD seem to have received the information but that members of the Commission have not. She said that usually for other applications the information is circulated but it has not for this one.

The Chairman said that the application was sifted through the EIA process and results show that an EIA is not required.

MEH said that he thought that it is legitimate that the ESG represented by JH should be given the information on issues such as this. He said that there is no harm in organisations such as ESG and GONHS receiving the information.

DTP said that the information requested had been reported during the meeting as usual and that he was not aware that they wanted to see the paper which was sent to the usual consultees.

MEH said that he could ask the Department of Environment to share with the ESG any proposals which may have an environmental impact.

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The Chairman said that JH can request the information at the Department of Town Planning and that it will be made available to her.

JH said that although KB was not present at the meeting she thought that GONHS would possibly agree that a project which could have an impact on the marine environment should have a screening report and technical specifications put forward.

CV said that he understood the points raised by JH and that sometimes he does feel that more information is required prior to taking decisions. He suggested that since applications are usually in electronic format, perhaps they could be placed in drop boxes which could be accessed by members.

The Chairman accepted that the paper had not been circulated to members but said that it had been seen by the usual consultees and that conditions will be imposed as per their recommendations.

The Commission took a vote on this application with the following result:

3 in favour

1 against

4 abstentions

The Chairman cast his vote in favour of the application.

The Commission approved this application subject to conditions on matters such as drip trays and the need for liaison with GEA and TSD.

659/13 – BA12577 – 60 Devil’s Tower Road – Proposed 4 storey building comprising ground floor retail plus industrial storage and 3 floors car parking/lock up garages

The Chairman said that following approval of this application at the last meeting he received advice from the Highways Department that it is not legal to reverse on to a main road. He said that he would therefore, recommend that the applicant accommodates the lorries on site and provides enough area so that they are able to drive forwards on to Devil’s Tower Road. He said that the Commission should not condone reversing on to a main road if it is illegal.

The Commission agreed with the Chairman’s recommendations.

Major Developments

660/13 – BA12872 – Ex Royal Gibraltar Yacht Club – Proposed hotel and office development

The Commission welcomed Mr Jonathan Manse on behalf of the applicant.

Mr Manse said that they had received the representations to their proposal the day before the meeting and that they would be responding in writing within 14 days. Mr Manse explained that the land is being sold by HMGOG to the developer and that sale discussions are at an advanced

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stage. He said that the hotel project would use the dry dock which is currently beneath the car park and which has caused problems for redevelopment due to its heritage value.

At the basement level Mr Manse said that the dry dock will be excavated and the area used to provide 30 car parking spaces, the refuse collection area and to accommodate 'back of house' operations. Mr Manse explained that the ground floor of the hotel will be the entrance lobby and will have meeting/conference rooms and a ballroom. The hotel restaurant will be on the second floor and will have a terrace extending over the roof of the ground floor. The hotel bedrooms, approximately 230 of different sizes depending on whether designed for long or short stay, will start from the third floor up. The eleventh and twelfth floors will accommodate a gym, an exterior pool and an executive lounge, and the top floor will have a Sky Bar. Mr Manse also explained that the office area will be serviced by a substation and that the roadway from Queensway will be used as a drop off zone. He said that the hotel building and office building will together form a hub and that they foresee the cross relationship attracting inward investment. The office space will be air conditioned and built to British standards. Mr Manse also said that green landscaping will be introduced to set the buildings in a greener environment.

Mr Manse said that simple, high quality materials will be used and elevations will be rendered white, with small windows and semi enclosed fire escapes at each end of the building. Glazing will be made of sand blasted glass to give a translucent appearance. The office building will be fully glazed with vertical glazing bars to reduce visibility into the building. He added that the development will be built to standards which ensure high levels of energy efficiency.

Mr Manse told the Commission that the hotel has been subject of three marketing studies over a three to four year period and that Marriott Hotels has agreed to sign up. He said that both the hotel and offices will produce employment.

GM asked Mr Manse to clarify the massing criteria from an architectural perspective. Mr Manse said that due to the shape of the site being triangular and due to the position of the dry dock, the building's mass has to be such to accommodate the number of bedrooms required. He said that it is not possible to build over the dry dock, hence why the structural grid of the bedrooms will align it. With regards to the office block, Mr Manse said that the developer wants to locate the buildings away from King's Bastion and use the site in a way that will allow sensible traffic arrangements.

MEH asked whether the project would be viable without the office building. Mr Manse said that the idea is that an international hotel next door to offices will attract investment.

JH said that the massing of the building will change the landscape drastically. Mr Manse said that the building has to be of a certain size, if not the project will not work.

JH also said that Mr Manse had mentioned that Gibraltar's hotel capacity is full but that there are other studies which show that hotels do not fill up. She said that it would be beneficial for the facts to be presented to the DPC. Mr Manse said that various studies which they have carried out over the years focusing on the business sector top end market show that although there will be competition, the Marriott brand will attract people to stay in Gibraltar. He said that their last

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report points to the need for a hotel of this size. The applicant's agreed to provide a copy of the final report to the Commission.

The Chairman said that a decision would not be taken at this meeting since the applicant has to be given the opportunity to counter argue within 14 days. Mr Manse said that they will need to consider the objections carefully in relation to light, shade, angles, etc.

GM said that it seems that Marriott is imposing strict conditions and that he would prefer a more holistic approach being taken. Mr Manse said that Marriott is making a 30 year commitment and that it is prescriptive. He said that he could provide evidence of how Marriott works and that conditions mainly focus on operations. He said that the aesthetics of the building are up to the developer.

The Chairman said that in the photo montage provided there are green areas around the ground floor. The applicant confirmed that the proposal sets the building away from the curb line. The Chairman also said that there should not be dead frontages on the ground floor as per planning policy; Mr Manse said that the ground floor area looking on to Bishop Caruana Road is envisaged as an office.

HM asked whether the 29 parking spaces would be for use by the offices. Mr Manse said that there will be 29-30 spaces on the dry dock and 14 spaces outside which would service the offices. He said that the definitive number will not be known until the dry dock is exposed.

In response to questions from DTP Mr Manse confirmed that a shading study has been carried out and that the model is available. He said that a wind study has not been carried out yet but that they would be carrying out a desktop study to confirm whether this is necessary.

The Commission thanked Mr Manse and welcomed one of the objectors Ms Joanne Kuon on behalf of King's Wharf residents.

Ms Kuon said that the project is good but in the wrong place. She said that there will be a loss of parking and that the buildings will be much higher than Mid Harbours Estate and will increase light, noise and air pollution. Ms Kuon also said that traffic congestion will be further increased. She suggested that perhaps the site could be used to build a community centre which could be used by all of Gibraltar.

The Commission did not have any questions and thanked Ms Kuon. The Commission also welcomed Ms Tamsin Suarez & Ms Eva Desoiza on behalf of Mid Harbours Estate.

Ms Suarez told the Commission that she was objecting with the backing of the residents of Mid Harbours Estate and that she had sent a letter to the Commission which had been signed unanimously by the estate and the local community. She said that she had received a massive response against the proposal.

Ms Suarez told the Commission that the hotel will be crammed into a small area and that it will be private profit to the detriment of Gibraltar. She said that no consideration has been given to

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the Gibraltar community. Ms Suarez said that the building will overshadow Mid Harbours Estate, Bishop Caruana Road, King's Bastion, the city walls and the British Memorial site. She also said that there will be an increase in noise, air pollution, wind, and that a tunnel effect will be created. She also referred to loss of privacy to homes, as Mid Harbours Estate has been built right up to the road. She said that natural light will be obstructed and that there will be a loss of open space and vistas. Ms Suarez also questioned the stability of the land as the area has recently been reclaimed. She said that in Mid Harbours Estate cracks have appeared on buildings and walkways and said that the residents should be guaranteed that the foundations are safe.

Ms Suarez made reference to hotel room occupancy statistics taken from HMGOG website and said that in 2012 there was 59.3% occupancy and that the figure had been almost the same since 2007. She said that the highest was 74% in September 2013. She also questioned the need for another hotel with the Sunborn floating hotel opening soon. Ms Suarez also asked whether there is a need for the office space if the Government's manifesto commitment is to centralise offices. She told the Commission that she had collected 1500 signatures in a week from people who are against the project.

DTP asked Ms Suarez whether the concern is that the new project will result in increased traffic congestion or was it that the new buildings will exacerbate the effects of existing traffic. Ms Suarez said that there is already massive congestion in the area and that this project will add to it. She also questioned where the office employees will park as only 30 spaces will be provided. Ms Suarez also said that car emissions will affect people's health.

JH asked Ms Suarez what is the consensus amongst people and whether they would be happier if the building was redesigned. Ms Suarez said that people had thought that the area had been earmarked for a school. She said that at present children are going to Sacred Heart School and that with the increase of children in the area, schools are overcrowded and provision has to be made. She also said that it would have a negative effect on the look of the area which is directly opposite a main leisure facility. She also said that people thought that the area was quickly becoming another concrete jungle and that there will be an effect on overshadowing, loss of privacy, light, parking and open spaces.

MEH thanked Ms Suarez and welcomed the fact that members of the public are now able to address the Commission.

The Chairman said that as the applicant has the right to counter object, the Town Planning Department will sum up points raised and revert with observations.

This item was deferred to be discussed at the meeting to be held on 30th January 2014.

Other developments

661/13 – BA11631 – 4 South Barrack Ramp – Proposed alterations and extension on roof terrace

DTP informed the Commission that revisions to a previous permission for an extension have been submitted by the applicant. He said that the revised plan is to construct an additional storey across the whole footprint of the property up to Rodger's Road.

DTP said that the Ministry for Heritage did not have any objections but suggested that it might be a good opportunity to ask the applicant to improve the facade on Rodger's Road and include traditional windows. DTP said that the Heritage Trust has also asked that the applicant repairs and replaces shutters and windows on the South Barrack facade. There are no planning objections.

MEH said that swift nests should be included.

This application was approved with the conditions stated above.

662/13 – BA11792 – St Stephens, Centre Pavilion Road – Proposed demolition of garage, extensions and new vehicular entrance

DTP advised the Commission that the applicant has submitted revised plans with two changes:

- a) A boundary wall along the western boundary. DTP said that works were started without permission resulting in water ingress to New Mole House. He said that works were stopped and that the applicant has now included waterproofing to address the issue.
- b) Rendering over of stone clad north elevation. DTP advised that the Subcommittee recommends refusal of this as this is a traditional finish that should be retained.

DTP said that it was understood that the RGP does not have any objections to the boundary wall as long as the issues with water penetration are addressed.

RL said that the Heritage Trust would prefer the boundary wall to be rendered rather than not using the traditional stone for cladding.

MSCHY asked who will be responsible for the damages caused due to water penetration into New Mole House. The Chairman said that the landlord would have to make a claim to the owner of the property.

The Commission approved the boundary wall along the western boundary but refused the proposal to render over the stone clad north elevation.

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663/13 – BA12681 – King’s Bastion Leisure Centre – Proposed installation of vinyl awning to upper terrace and aluminium framed structure to esplanade

DTP informed the Commission that a revised design has been submitted by the applicant which includes the removal of the upper structures.

DTP said that the Heritage Trust feel that the removal is an improvement but maintain their objection. The Ministry for Heritage also thought that it was an improvement but object to the structure as it obscures the monument.

MSCHY said that he would not object if the structure is temporary and does not damage the wall in any way. The Chairman advised that the structure is not fixed to anything.

DTP said that planning policy states that permitting developments that negatively affect the setting of listed buildings should be avoided. The Chairman asked whether the Commission felt that this structure affects the setting of the building. He said that he would recommend that it is painted another colour.

GM said that in his opinion the top part does not have any relevance to the structure. He also said that the cinema adverts situated in front should be minimised.

MSCHY said that King’s Bastion has a deficit and that it is important to make it work by having things like this which will attract people.

JH suggested that perhaps it would be better to reposition the structure so that the L-shape is away from the entrance to King’s Bastion. MSCHY agreed that changing the layout would reduce clutter.

CV said that if the DPC is going to allow structures in front of listed buildings, they should seek consistency.

DTP suggested that perhaps if approved it should only be allowed for a period of time until a standard is agreed.

The Commission approved this application with a time limit until a standard for all structures in front of listed monuments is agreed, and for the structure to be reconfigured by ‘handing’ the L-shape.

664/13 – BA12744 – Kiosk No 2, Waterport Road – Proposed change of use to hot food takeaway

DTP said that the applicant has been asked to remove the flue which was erected without permission. However, he said that if the change of use is approved, they would require some form of extraction system. Any environmental issues would have to be assessed.

The Chairman said that an alternative might be a double filter system which does not require a flue.

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The Commission approved the change of use to hot food takeaway but subject to no flue being erected.

665/13 – BA12774 – 8A Forrester House, Laguna Estate – Proposed alterations and change of use from workshop to place of worship

DTP told the Commission that the proposed alterations include minor physical works such as a kitchenette, moving of partitions and the conversion of a door into a window on the south elevation. DTP said that there have not been any public representations.

The Commission approved the proposed alterations and change of use from workshop to place of worship.

666/13 – Ocean Village Marina (West of Dusk Bar) – Proposed floating barge pavilion for use as marina office

DTP informed the Commission that the proposal is to locate a two storey barge for use as a marina office. He said that the barge will be moored and connected to existing services, and will have air conditioning, climate control and ramped access. Parking will be provided in the Marina Bay car park.

DTP said that there have not been any public objections. He also said that the Director of Civil Aviation confirmed that glazing needs coating on the west facade to prevent reflection and that if any problems with reflection are identified on other facades, these too would need to be addressed.

MEH asked whether energy efficiency specifications have been provided. He said that solar panels should be placed on the roof. DTP said that he did not have details of energy efficiency specifications but that he had been advised that the barge would meet high standards.

A representative of Ocean Village, who was in the audience, said that the barge will have automatic windows for ventilation and that solar panels could be introduced.

CV said that he agreed with MEH and asked whether despite this being a floating office, it would still be regulated by the Public Health Act. MEH said that the Commission should impose a condition that it should be treated as if it were a building.

GM said that this proposal is totally anachronistic to the general aspect of Ocean Village. JH and JC concurred. DTP said that the visual perspective will be lost against the Sunborn floating hotel which will be moored beside.

The Commission took a vote on this application with the following result:

4 in favour

4 against

0 abstentions

The Chairman cast his vote in favour of the application.

The Commission approved this application on the condition that it should be regulated as if it were a building and energy efficiency standards met.

667/13 – BA12831 – Casemates Tunnel, Casemates Square – Proposed erection of semi-permeable fence

DTP explained that the proposal is to provide a tourist attraction where people can leave messages padlocked to a structure. He said that it would be managed by the applicant and that part of the profit will be donated to charity. The proposed location is the entrance to the Casemates Stone Block.

The Commission welcomed the applicant, Mr Gary Tilbury.

Mr Tilbury told the Commission that the initiative is called Love Locks and is something that happens around Europe in an uncontrolled manner. Mr Tilbury said that in Gibraltar it will be controlled as people would have to buy the locks and any abusive messages will be removed. He said that the idea is for this to become a tourist attraction and that by locating it at the entrance to the building, it will attract people who might then visit the shops on the first floor.

JH requested details on the size and material of the structures. Mr Tilbury said that they will be made of metal and will be 1.8m high and have a maximum width of 1m.

CV said that as long as nothing is fixed on to the walls of the building, he likes the concept but that it is difficult to get an idea of what it will look like from the pictures provided.

MSCHY said that there has been an exhibition in the gallery throughout the year and that people did not know it was there, and that perhaps by having something like this at the entrance, it would attract more people. He said that this has to be carefully managed.

Mr Tilbury said that it is a form of art and can be lit up. He also said that it is possible to start with a few structures to see whether the project is successful. The Chairman said that if approved, the licencing agreement will include the number of structures allowed.

DTP informed the Commission that the Tourist Board has objected on the basis of research which they have made on examples of external structures which have been placed elsewhere in Europe.

DTP also said that TSD and the Ministry for Heritage do not have an objection to the proposal at this location but had objected to the previous location proposed which was the tunnel at the south end of Casemates.

DTP said that the Heritage Trust has objected to the proposal at both locations and has suggested alternative locations such as Europa Point.

The Commission approved the proposal to erect the structures at the entrance to the Casemates Stone Block. The members asked to see details of the structures at the next meeting before the permit is granted.

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668/13 – 1A Eastern Beach Road – Proposed store for pyrotechnics

DTP advised the Commission that the Heritage Trust felt that the proposed use is compatible and that the only condition which they had was that no original features, such as the machine gun slide, should be removed.

MSCHY said that he has been involved with the allocation of the other bunker and that it has been painted white. He suggested that this one should also be painted and the MOT Centre wording removed. He also said that the plaque on the side of the bunker should be revised and the bunker re-painted white. CV suggested requesting advice on an appropriate colour.

The Commission approved this application on the condition of a colour scheme being agreed with the heritage authorities.

669/13 – BA12835 – 254 Main Street – Proposed wall mounted flagpole over shop front
BA12836 – Library Street – Proposed wall mounted flagpole over shop front

DTP advised the Commission that the Subcommittee recommends refusal as approving these applications will create a precedent.

The Commission refused both applications.

670/13 – BA12839 – Ex St Joseph’s School (Plata Villa), Witham’s Road – Proposed refurbishment and conversion of existing building to residential and construction of 8 town houses

DTP said that the proposal is to convert the original building into apartments. He said that a later extension at the back of the property will be demolished but the main building will be refurbished and original features including the central courtyard will be maintained. The grounds will be used to construct 8 town houses surrounded by landscaping and car parking provided underneath. DTP also said that all trees will be retained where possible or relocated within the site. The architectural style is contemporary with stone cladding and glazing. The upper floor will be a light weight construction.

DTP said that the Heritage Trust has welcomed the redevelopment of the main building and the compatible use. They have requested that traditional windows and shutters are reinstated. However, they believe that the town houses are an overdevelopment of the site and that their style is not in keeping with the vernacular of the area.

DTP also said that the Ministry for Heritage has welcomed the project and asked that if features have to be removed, that they are removed carefully so that they are not damaged.

The Ministry of Environment has made recommendations on dust control, energy performance of buildings, refuse collection and landscaping.

MEH said that he is concerned that the garden area will be overdeveloped. He said that he did not like the proposed architectural style and requested details of all of the trees currently on site. MEH requested that this application is deferred until more information on style and trees is provided.

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At this point MEH had to leave the meeting due to other commitments.

MSCHY raised concern for the impact that this development might have on the adjacent cemetery and said that development should have consideration for the cemetery as it has a lot of historical value. He also requested that this application be deferred.

JH said that she was under the impression that the location had been earmarked as a school. She said that it is a beautiful area which needs to be renovated and that the massing of the development will affect its beauty. She said that there will also be an increase in traffic.

MSCHY explained that the property was advertised for tender and after the first successful tenderer decided not to proceed, it was offered to the second bidder.

JC suggested that if the townhouses are not approved, the project might be economically unviable and the developer might not proceed.

The Chairman recommended that the applicant presents the scheme to the Commission and that the members attend a site visit.

The applicant's architect told the Commission that they would be happy to reconsider the density of the project. He said that once the extension and dead vegetation is removed from the site, the site will become bigger. He said that their idea is to maintain as many green areas as possible.

CV said that the fact that they are restoring the Plata Villa building is a huge positive but questioned what quantity of new build is acceptable. He said that he was inclined to approve.

The applicant's architect said that they have sited the new buildings as sensitively as possible and that they will relocate any trees which are in the middle if necessary. There will be 8 buildings with 19 households in total.

The Commission deferred this application for a site meeting to be arranged.

671/13 – BA12843 – Ex-naval Ground No 1 – Temporary structure to house coach park infrastructure requirements (HMGOG project)

The Commission did not have any objections to this application.

672/13 – Next Meeting

The meeting was adjourned until 10th January 2014 at 9:30a.m.

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THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the continuation of the 15th Meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 10th January 2014 at 09.30 am.

- Present:** Mr P Origo (Chairman)
(*Town Planner*)
- The Hon Dr J Garcia (DCM)
(*Deputy Chief Minister*)
- The Hon Dr J Cortes (MEH)
(*Minister for Environment & Health*)
- Mr H Montado (HM)
(*Technical Services Department*)
- Mr G Matto (GM)
(*Technical Services Department*)
- Dr K Bensusan (KB)
(*Gibraltar Ornithological & Natural History Society*)
- Mr R Labrador
(*Gibraltar Heritage Trust*)
- Mr J Collado (JC)
(*Land Property Services Ltd*)
- Mr C Viagas (CV)
(*Heritage & Cultural Agency*)
- Mrs J Howitt (JH)
(*Environmental Safety Group*)
- In Attendance:** Mr P Naughton-Rumbo (DTP)
(*Deputy Town Planner*)
- Mr E Francis
(*Minute Secretary*)
- Apologies:** Mrs C Montado (CAM)
(*Gibraltar Heritage Trust*)
Mr J Mason (JM)
(*Rep Commander British Forces, Gibraltar*)

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673/13 - Approval of Minutes of the 15th meeting of 2013 held on 17th December 2013

The Chairman explained that as the 15th meeting was adjourned, the Minutes of that meeting along with the Minutes of today's meeting would be submitted for confirmation at the next meeting. The Chairman reminded everyone that this meeting was a continuation of the previous meeting (15/13) and only matters included in that agenda would be considered.

674/13 - BA12846 - Outline-1-9 Giro's Passage – proposed refurbishment and change of use of upper floors from residential to office.

DTP explained that although an application for this property had previously been approved by DPC, no permit had been issued as it involved demolition of part of the property and there were concerns that the development may not be completed if funding was not secure. A bank guarantee had therefore been requested and had not been forthcoming. The new application involves the refurbishment of the property and change of use from residential to offices. DTP highlighted that there was no provision for disability access and he recommended that the applicant investigate the possibility of erecting a lift within the rear courtyard. There were no planning objections.

The Commission approved this application subject to the inclusion of a condition in respect of the type of windows to be used and subject to the lift access being agreed.

675/13 - BA12849 – Outline - New Harbours, Rosia Road – proposed 5 storey offices building with car parking deck. GoG project

DTP said that this GOG project consisted of a 5 storey office building to be constructed over the current access road adjacent to the pump house. There would be 6m between the new building and the façade of the pump house.

Ministry for Heritage and the Heritage Trust both felt that the building in this area would be overpowering.

Ministry for the Environment had requested the inclusion of the standard dust and energy performance conditions.

DTP added that he felt that further thought was required on an alternative design or other location.

JC stated that it was regrettable that LPS had not been consulted as Estate Managers as there were already issues at the proposed site in respect of loading and unloading which would be further aggravated if this development went ahead.

CV said that greater thought should be given to the design of the building possibly using the façade of the stone block as part of the new building.

JH asked whether the tenants of the adjacent building had been invited to comment.

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The Chairman explained that under the current process, being a Government application, this was not required.

CV added that the site had potential to be developed but in his opinion the proposal required redesign.

DCM suggested that CV liaise with the architects.

CV agreed.

The matter was therefore deferred to allow further discussions to take place.

676/13 - BA12853 - 10 – 14 John Mackintosh Square – Application to construct new 5 storey mixed use building

DTP informed the Commission that planning permission had previously been granted in 2010 for the construction of a 5 storey mixed use building. This current application will maintain the same scheme. There were no planning objections.

The Ministry of Heritage and the Heritage Trust both considered the height of the building to be excessive and felt that it would overpower the square. They also felt that the design of the top floor was out of keeping with the architecture of the square.

DTP pointed out that these comments were similar to those submitted with the previous application.

RL added that the Trust was also concerned that others in the area might also wish to increase the height of their buildings.

CV said that he had no objections as he felt that the square could take the increase in height. He added that he would not shy away from the introduction of new forms of architecture.

JH had no objections.

RL asked if applicant could be conditioned to introduce shutters.

The Chairman said that this had been included as a condition in the previous permit.

The Commission approved this application. Applicant to be conditioned to introduce shutters.

677/13 – BA12854 – Outline - 117 Main Street – proposed change of use residential to office, refurbishment and extension.

DTP explained that this application consisted of a change of use from residential to office, a refurbishment and an extension on the upper floor. No comments had been received from the public. DTP added that the refurbishment was to the ground, 1st & 2nd floors excluding the shop. The applicant had indicated that they would try to retain all features and would create an atrium over the existing patios.

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Ministry for Heritage objected to the extra floor. Heritage Trust made similar comments but added that instead of the parapet suggested the use of a balustrade. The Trust offered to work with the applicant if permit is granted.

RL said that he would like the Trust to be able to work with the developer in order to ensure the retention of the features.

The Chairman said that the applicant could be conditioned to this.

Ministry of the Environment requested the inclusion of dust and energy conditions.

JH expressed her concerns. She felt that with so many changes of use from residential to offices this would decrease the night life in town.

CV said that whilst he agreed with JH he would rather have the building in use as residential, than to have it lying empty.

DCM agreed with CV and added that this has happened in the past and buildings have been allowed to fall into disrepair.

The Commission approved this application. However the Town Planner would write to the applicant stating that the Commission's preference for the top floor was for it to be residential.

678/13 - BA12858 - 'City Under Siege' site, Willis' Road – proposed ticket office-GoG Project

DTP explained that the proposal was to replace the timber structure with a concrete structure.

The Ministry of Heritage had no objections and the Heritage Trust had stated that a photo montage would have been useful.

MEH stated that plans were being considered for a harmonized design for all buildings within the upper rock so the design of the structure could still change.

It was agreed that the applicant would be advised of the harmonized design plans for buildings within the Upper Rock and for them to discuss with the MHE/CV.

679/13 - BA12870-2 Mount Road – Proposed refurbishment and extensions

DTP explained that this development consisted of a single storey extension from the house into the garden, a terrace in the front and a two storey extension on the side of the property. The garden was to be terraced and a gym room sunk into the ground with the garden running over it. It also consisted of a single storey garage at the end of the cul-de- sac. It is proposed to widen the road. A tree would also need removal due to its lean.

Ministry for Heritage had no objections.

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Department of the Environment requested the inclusion of the standard dust and energy performance conditions. They also requested a site visit to view the current vegetation.

The architect who was present at the meeting mentioned that there would be soft landscaping in the garden.

MEH requested that the applicant be conditioned to a proper landscape plan.

The Commission approved this application.

680/13 - BA12881 - 6 Mount Road – proposed refurbishment and extension.

This development proposed to demolish the garage on the north side which was to be replaced by a 2 storey extension with basement below street level and a 3 vehicle car port. There was also to be a small extension on the south side incorporating a chimney flue. The west side was to have a terraced extension onto the garden which would have a pool and is to be landscaped.

DTP explained that there had been comments from the neighbour who was concerned as to what would happen to the boundary hedge as the plans show that there is to be a wall. DTP added that the applicant had explained that the wall was to be set back from the hedge.

Neighbours had also expressed concern with the applicant's intention to purchase the road in front of the house.

Discussion ensued as to whether or not members of the public should enjoy right of access along this cul-de-sac.

MEH added that he would like to encourage the applicant not to gate this road.

The DPC recommended that HMGOG not to sell the road.

Ministry for Heritage was concerned that the proposed stone cladding was not in-keeping with the building.

JH requested that a landscape condition similar to the previous application be included.

The architect who was present explained that the scheme proposes to keep the terraced area, the garden to have lawns and retain the planted areas.

MEH requested that the applicant be conditioned to a proper landscape plan.

The Commission was in agreement with this.

MEH added that the area has a tree preservation order which does not allow the removal of trees without prior DPC approval.

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DTP stated that according to the tree assessment which was undertaken a Jacaranda and two orange trees can be removed subject to replanting with new trees.

RL said that the trust was concerned with the proposed cladding as it felt that this would destroy the character of the area. The architect pointed out that it was not cladding but limestone which was intended to mirror the opposite retaining wall.

The Commission was not in favour of the proposed cladding. The architect added that the applicant would not mind if this wall were to be rendered.

The Commission approved this application. It conditioned the applicant to produce a landscape plan, rendered wall instead of the limestone and the replacing of the boundary hedge in the event that this were to dry up due to the works.

681/13 - BA12875 Demolition-Refuse Incinerator, Europa Advanced Road – proposed demolition of waste to energy refuse incinerator - GoG Project

The Commission welcomed this proposal.

682/13 - BA12876 - Princess Caroline's Battery – Proposed installation of dish and antennas.

DCM declared an interest as Chairman of Gibtelecom.

Ministry of the Environment had requested that this application be put on hold until the holistic plan is produced.

The Chairman explained that new applications are being held until a holistic plan is in place however this is an old CTS antenna which the new owner wants to regularize.

JH abstained.

The Commission approved this application.

Minor Works – not within scope of delegated powers

683/13 - BA12824 - The Boulevard – Line Wall Road – proposed upright LCD advertisement/tourist information units-Recommend: alternative siting on west side of boundary wall (near bus stop) - BA12825 - Cathedral Square - proposed upright LCD advertisement/tourist information units-Recommend: alternative siting on north side of Square - BA12826 - Irish Town - proposed upright LCD advertisement/tourist information units-Recommend: alternative siting adjacent building corner of Irish Town/Market Lane - BA12827-Europort Avenue - proposed upright LCD advertisement/tourist information units, - BA12828-Casemates Square (adj ICC bldg.) - proposed upright LCD advertisement/tourist information units - Recommend: Refuse

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CV explained that he had no issue with the locations however he would not like to see units from different competitors in the same location.

There was also concern as what would be the content to be displayed.

JC questioned the need for the GOG logo if it was not a GOG unit. The DPC concurred that no logo should be used as it is a private venture.

The commission requested that the applicant submit more details including accurate photomontages.

This application was carried forward pending submission of further information.

684/13 - BA12842-9/11 Corral Road – Proposed refurbishment of upper floor and extension to nursery premises, change of use of part ground floor from play centre to retail and advertising signs.

The Commission approved this application.

685/13 – BA12859 – GunWharf, Queensway – proposed marine station - GoG Project

This application consists of the dismantling of portable structure and the construction of a permanent 2 storey construction plus the addition of new pontoons.

The Ministry of Heritage and the Heritage Trust had no objection subject to the proposed structure not affecting the integrity of the wharf.

MHE recommended that solar water heating and photovoltaic panels be considered and that the building meets minimum energy performance standards. Swift nests should be included. The Commission agreed.

The Commission had no objections subject to the above recommendations.

686/13 - BA-12860 - Children's Parks – Various locations – proposed sail structures for shading - GoG Project

The Commission approved this application.

687/13 – BA12864 - Sandpits House – proposed mono-pitch roof over existing. GoG Project

The Commission approved this application.

688/13 - BA12882 - Duke of Kent House, Line Wall Road – proposed replacement of existing asbestos cement flat roof tiles with profiled roof sheeting. GoG Project

RL said that the Trust would like it replaced with imitation slate tiles.

GM said that advantage could be taken of the roof works to introduce insulation.

KB asked that swift nests be installed.

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The Commission agreed to these recommendations

689/13 - BA12883-Mount Alvernia, Engineer Road – proposed replacement of balustrades and refurbishment of balconies - GoG Project

The Commission approved the application.

690/13 - BA12886 - North Mole Warehouse – proposed extension of Cruise Terminal facilities - GoG Project

The Commission approved this application.

Applications granted permission by sub-committee under delegated powers (For information only)

691/13 - REF-1198/050/13-35 Devils Tower Road – Proposed billboards

The Commission noted the approval granted by the sub-committee.

692/13 - REF-1198/047/13-Main Street – Application for prostate cancer banner

The Commission noted the approval granted by the sub-committee.

693/13-REF-1198/046/13-Jules Café, 30 John Mackintosh Square – Application to extend trellis

The Commission noted the approval granted by the sub-committee.

694/13-REF-1198/038/13-17B Ragged Staff Wharf – Proposed new signage

The Commission noted the approval granted by the sub-committee.

695/13-REF-1198-048-13-Various locations – Size A3 posters for Xmas International Judo & MMA Mixed Martial Arts Gibraltar Championships.

The Commission noted the approval granted by the sub-committee.

696/13 - BA11392-5 Cornwall's Lane, Former Thyme Restaurant – Proposed minor internal alterations

The Commission noted the approval granted by the sub-committee.

697/13 - BA11800-Vista Alegre, 16/20 Europa Road – Revised plans for arch at entrance

The Commission noted the approval granted by the sub-committee.

698/13 - BA11800-Vista Alegre, 16/20 Europa Road – See revised drawings

The Commission noted the approval granted by the sub-committee.

699/13 - BA12224-Flat 8, 3 Serfaty's Passage – Proposed changes to approved plans

The Commission noted the approval granted by the sub-committee.

700/13 - BA12409-8-9 Fish Market Lane – Proposed removal of existing canopy and erection of two new ones in white

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The Commission noted the approval granted by the sub-committee.

701/13 - BA12477-Magazine Chamber, Ragged Staff Car Park – Revised plans - GoG Project

The Commission noted the approval granted by the sub-committee.

702/13 - BA12575-8 Rogers Road – Proposed refurbishment, additional storey and replacement of garage.

The Commission noted the approval granted by the sub-committee.

703/13 - BA12751 - Unit 14 Crown Daisy House, Waterport Terraces – Proposed new signage

The Commission noted the approval granted by the sub-committee.

704/13 - BA12769-Cornwall's Centre, Bell Lane – Re-application for new main water pipe (recessed into wall 2m above ground floor)

The Commission noted the approval granted by the sub-committee.

705/13 - BA12781 - Airport Terminal – Proposed installation of post box

The Commission noted the approval granted by the sub-committee.

706/13 - BA12794-Block 5 & 6 Europlaza, Harbour Views Road – Proposed storage areas at ground and upper floors.

The Commission noted the approval granted by the sub-committee.

707/13 - BA12807 - 103 Rosia Road – Installation of aluminum window systems

The Commission noted the approval granted by the sub-committee.

708/13 - BA12812 - 82 Rosia Dale – Proposed air-con units

The Commission noted the approval granted by the sub-committee.

709/13 - BA12813 - 6 Penny House, Naval Hospital Road – Proposed re-positioning of air conditioning

The Commission noted the approval granted by the sub-committee.

710/13 - BA12818 - 2nd Floor, Primary Care Centre, ICC – Proposed internal alterations and extension to provide additional clinics

The Commission noted the approval granted by the sub-committee.

711/13 - BA12819 - 15 Shorthorn Farm, Europa Road – Proposed new extension and other alterations

The Commission noted the approval granted by the sub-committee.

712/13 - BA12821 - 20 & 22 Governors Lane – Proposed external alterations

The Commission noted the approval granted by the sub-committee.

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713/13 - BA12822 - 9 Rock Rose Cottage, Waterport Terraces – Proposed minor alterations

The Commission noted the approval granted by the sub-committee.

714/13 - BA12823 - 6 Casemates Square – Proposed new advert sign and re-painting of kiosk

The Commission noted the approval granted by the sub-committee.

715/13 - BA12829 - 8/8 Buena Vista Road – Proposed opening from flat to communal garage

The Commission noted the approval granted by the sub-committee.

716/13 - BA12830 - 2 Moorland House, Ordinance Wharf – Proposed minor internal alterations and glass curtains

The Commission noted the approval granted by the sub-committee.

717/13 - BA12833 - Suite 621 Europort, Europort Road – Proposed office refurbishment

The Commission noted the approval granted by the sub-committee.

718/13 - BA12834 - 52A & B Rodney House, Laguna Estate – Proposed replacement of existing window and door

The Commission noted the approval granted by the sub-committee.

719/13 - BA12840 - 633 Watergardens – Proposed installation of windows on balcony

The Commission noted the approval granted by the sub-committee.

720/13 - BA12844 - 5 Ashbourne Ramp – Proposed internal alterations

The Commission noted the approval granted by the sub-committee.

721/13 - BA12845 - 17A Elliot's Battery – Proposed replacing of existing battery louvre window with new aluminum sliding unit to match existing

The Commission noted the approval granted by the sub-committee.

722/13 - BA12847 - Honeyside House, Waterport Terraces – Application to replace hallway window with a door for access to well floor area

The Commission noted the approval granted by the sub-committee.

723/13 - BA12851 - 13/12 College Lane – Proposed alterations

The Commission noted the approval granted by the sub-committee.

724/13 - BA12852 - 37 Line Wall Road, Application to install stone cladding to ground floor elevations, decorate building exterior in light grey paint.

The Commission noted the approval granted by the sub-committee.

725/13 - BA12855 - Nelsons View – Removal of planters from ground floor podium areas

The Commission noted the approval granted by the sub-committee.

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726/13 - BA12857 - Cumberland Terraces – Removal of planters from ground floor podium areas

The Commission noted the approval granted by the sub-committee.

727/13 - BA12861 - Unit A, 329 Main Street – Proposed refurbishment for use as a hairdressing salon

The Commission noted the approval granted by the sub-committee.

728/13 - BA12862 - 3 Carter House, Naval Hospital Road – Alterations- Structural removal of load-bearing wall replacing with steel beams

The Commission noted the approval granted by the sub-committee.

729/13 - BA12863 - 4 Bakers Passage – Minor internal works and extension on first floor

The Commission noted the approval granted by the sub-committee.

730/13 - BA12868 - 29 Willow Lodge, Montague Gardens – Proposed minor alterations to apartment

The Commission noted the approval granted by the sub-committee.

Any other business

731/13 – BA12085 – 10 Irish Town

DTP explained that the applicant was requesting the relaxation of the standard angle of slope for a disabled ramp due to limited space being available.

The Building Control Officer had recommended approval of this request.

The Commission approved this request.