

Approved
DPC meeting 1/16
27th January 2016

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 1st Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 27th January 2016 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)
(Chief Technical Officer)

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

 - Mrs C Montado (CAM)
Gibraltar Heritage Trust)

 - Mr C Perez (CP)
(Gibraltar Ornithological & Natural History Society)

 - Mr J Collado (JC)
(Land Property Services Ltd)

 - Mrs J Howitt (JH)
(Environmental Safety Group)

 - Mr W Gavito (WG)
(Rep Commander British Forces, Gibraltar)

 - Mr C Viagas (CV)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Ms M Brittenden
(Minute Secretary)
- Apologies:**
- Mr J Mason
(Rep Commander British Forces, Gibraltar)

Approval of Minutes

1/16 - Approval of Minutes of the 12th meeting of 2015 held on 11th December 2015

The Commission approved the Minutes of the 16th meeting held on 17th December 2014 subject to the following amendments in bold:

Minute 602/15 - Page 15 - F/13799/15 - 2C Mediterranean Terrace, Library Ramp - Proposed alterations to the first floor and attic conversation.

DTP informed the Commission that this application is seeking planning permission to undertake internal and external alterations to the first floor of the property as well as a roof conversion, thereby adding to the habitable area. The proposal includes, the removal of the staircase leading from the living room to the terrace at first floor level and the installation of new spiral staircase leading to the terrace and the provision of a second turret/skylight.

There would also be changes to the existing turret/skylight at roof level. This turret, which is in poor condition, is to be reconstructed, removing some of its character. A further external change comprising of the increase of the height of the windows in the living room at first floor level on the west elevation is also proposed.

DTP commented that in 2005 permission was granted for the terrace to the west, on the condition that the adjacent property constructed a similar terrace. However, the terrace was only built on 2C Mediterranean Terrace.

He also stated the Consultee comments received:

GHT do not object to the proposed attic conversion itself but that the proposed dormer would have negative effect on the building symmetry and traditional character of the roof. They should consider that the appearance and **timber** used for the proposed new spiral stairs, should match, as far as possible, the existing spiral staircase located on the southern end of this building. The existing turret should be refurbished retaining traditional features and proportions. They also recommend that the proposed roofing materials should comply with those specified in the Old Town Guide of the 2009 Gibraltar Development Plan.

The MOH confirmed that the proposed development is of a traditional 19th Century townhouse and that they should consider the proposed design has an impact on the building's façade which will make it asymmetrical to its neighbour. On this basis, they propose that great care should be taken with the design of this new extension so that it does not impact negatively with the overall buildings character.

DTP commented that the increase in height of the windows facing the Garrison Library, at first floor level, should be encouraged as it is considered that it would be more in keeping with the buildings design and materials, than the current arrangement. The proposed dormer is not in line with what is a traditional 19th Century townhouse and should not be supported. They recommended the DPC refuse this aspect of the proposal.

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The Commission approved the reconstruction of the turret to the rear as it is in a very poor condition, but it should also replicate the existing design. The dormer proposal was refused. The applicant is to provide redesigns of the scheme, the application was deferred pending these new submissions.

Minute 603/15 - Page 16 - F/13812/15G - Eastside Water Catchments - Proposed rock fall protection works (GoG Project)

DTP informed that this a GoG application, submitted by the Technical Services Department to undertake rock fall protection works along Sir Herbert Miles Road just south of Both Worlds by replacing reinforcing the exiting rock fall fencing.

DOE do not object to the application, but do require a Dust Control Plan to be submitted. They also require that a site visit by a DOE representative to assess green/planted areas. They also stress that this is an important habitat for both resident and migratory species. An appropriate Assessment and possibly an EIA is required to assess any potential impacts.

DTP responded that no EIA would be required as this wasn't an EIA development although it can be said that an Appropriate Assessment may trigger an EIA to be carried out.

The Commission had no issues other than the recommendation that the value and visual impact of the area is not compromised ***and that the details of installing the fencing ought to be provided once the approved contractor submits these to the Government.***

Minute 604/15 - Page 16 - F/13813/15G Green Lane - Proposed rock fall protection works GoG project

DTP informed that this a GoG application, submitted by the Technical Services Department to undertake rock fall protection works at Green Lane between a stretch of road located between two tunnels.

The site is located in the Gibraltar Nature Reserve. The works comprise the installation of a horizontal rock fall catchment fence some 60m in length and to be positioned 10m above the road, to create a safety canopy. These works are urgently required on health and safety grounds.

DTP presented the Consultee comments received: TSD stress the importance of these works from a public safety perspective in their response.

DOE do not object to the application, but do require a Dust Control Plan to be submitted. They also require that a site visit by a DOE representative to assess green/planted areas. They also stress that this is an important habitat for both resident and migratory species. An appropriate Assessment and possibly an EIA is required to assess any potential impacts.

DTP responded that no EIA would be required as this wasn't an EIA development although it can be said that an Appropriate Assessment may trigger an EIA to be carried out.

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DTP advised that the DOE and TSD will need to liaise directly with one another regarding the proposed works and to see if any suitable measures that could be agreed between the departments to avoid any impact on the habitat.

DTP commented that in general there is no objection to the proposed rock fall protection works in this location. A site visit has been carried out and it would appear that the proposed works would not result in an adverse visual impact and that the fence is relatively well screened when looking up to Green Lane from the Grand Parade car park.

TP recommended that the fence should be as visually unobtrusive as possible and is finished so it blends in as much as possible with the this part of the Upper Rock. There is also potential to investigate the potential of planting on the horizontal fence to make a green feature **and that the details of works ought to be provided once the approved contractor submits these to the Government.**

The Commission recommended that the value and visual impact of the area is not compromised.

Minute 608/15 - Page 19 - F/13852/15G - New Police Barracks Housing Block, Willis's Road - External refurbishment of existing Government housing block, to include installation of three new passenger lifts, insulation and rendering to façade, new fenestration to replace existing and new mono-pitched roof (GoG project)

DTP informed the Commission that this is a GoG application which is seeking recommendations from the Commission to undertake a comprehensive external refurbishment of this existing Government housing block.

The proposals seek to undertake the following works to the building: installation of three new passenger lifts on the public highway to be located in front of the existing stairs with access platforms. The installation of the lifts will result in the loss of one street car parking space and the relocation of the existing disabled on-street disabled car parking space opposite.

Highways and road safety measures are to be provided as a result of the lifts being positioned in the public highway. These are to include the provision of speed bumps, bollards in front of the lift shafts to provide additional protection from possible collision and traffic mirrors to allow views of oncoming traffic when exiting ground floor garages. The proposals will result in a refurbishment similar to those that are currently being undertaken at the Glacis, Laguna and Moorish Castle Estates.

Consultee comments were: DOE did not object to the proposals but recommended that the refurbishment of the New Police Barracks must meet energy performance standards and the production of renewable energy on site. There should be integrated heat recovery systems and solar panels in the project's design. They should also consider energy efficient lighting and water saving measures implemented throughout and require a dust control plan and a swift and bat survey to be undertaken prior to any works commencing.

LPS do not have any objections to the proposals subject to town planning and building control permissions being obtained.

A site meeting with members of the Traffic Commission was held on December 2015 to discuss

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the external lifts on the public highway.

TP recommended that the scheme be approved subject to the Traffic Commission's recommendations.

CM commented that care was needed to ensure that the individual identity of estates was not lost as a result of the same colour schemes being used throughout the various Government housing estates refurbishment programmes.

The Commission approved this application subject to the recommendations raised.

717/15 - Page 29 - Minute Any other business - Page 29 - refers to a comment I made on success of tree cropping outside Burger King.... **Initials should read JH not JC.**

Matters Arising

2/16 - BA13576 - Camp Bay Glen Rocky Distillery waterfall - Rock re-profiling for Glen Rock Distillery waterfall

DTP briefed the Commission on the revised building application, which seeks to undertake re-profiling works to the man-made waterfall at the Glen Rocky Distillery. It follows on from a previous building Application (BA 12798) which was refused at DPC on the 8 November 2013.

The previous building application sought to re-profile and remove approximately 12.5 sq m of rock from the upper ledge of the waterfall to reduce the spray created, particularly on windy conditions, by the free falling water so the water could flow down the cliff face. The refusal was based on that the extent of the rock re-profiling proposed that would significantly alter the appearance of the waterfall such that it would appear as an artificial water feature.

The revised application seeks to undertake rock re-profiling on a greatly reduced scale. It seeks to remove a smaller area of rock, which the applicant and Golder Associates consider will help to reduce (but not completely eliminate) salt spray pollution to the Buena Vista development site above. The applicants argue that the proposed works are considered to be less visually intrusive and that the salt water over-spray would be reduced. It was also confirmed that there will be a minimal change the flow of the waterfall.

The re-submission was sent in October to the Commission members and no comments have been received by the Town Planning.

DTP agrees with Golder Associates conclusions that the works would be less visually intrusive and considered that the Commission should approve this application.

MEH - Commented that he does not think that these works would make much difference and added that the applicant should have considered these issues with the salt water spray, before building luxury homes above the waterfall. Although he agrees that the proposed new works are

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not as visually impacting as the previous application. He asked the applicant whether explosives will be used for the removal of the boulder.

CP asked the applicant whether they have envisaged commencing works to avoid the bird nesting period and the summer period.

The Chairman asked the Applicant to address the Commission, who in turn confirmed that a drill will be used and not explosives. A technical consultant from Giffords was to address the Commission, but unfortunately was unable to attend this meeting due to a family emergency. Mr Alex Walker, representing the applicant, confirmed that the nesting and summer periods will be avoided and added that if the application is approved the works are scheduled for the end of September, thus avoiding the summer and nesting periods.

TP recommended that this application should have a condition to commence the works no sooner than September.

JH asked the applicant whether the waterfall flow will change and the applicant confirmed that the changes to the flow will be minimal.

TP asked the Commission for any other comments and there being none, the proposed application was approved unanimously.

Major Developments

3/16 - BA12850 (Outline Application) - Rosia Bay - Redevelopment of Rosia Bay for leisure and residential use

This application has been differed to the afternoon meeting at 2pm.

4/16 - F/13847/15 - 23 John Mackintosh Square - Construction of a two storey extension and refurbishment of existing building, including the recladding of the building, the construction of a commercial area at ground floor and offices at upper levels and the provision of a connection to the existing Gibtelecom building through an atrium

DTP explained that this is a full planning application for the redevelopment of 23 John Mackintosh Square, commonly known as the 'Haven Building'. This building was purchased by Gibtelecom. Outline Planning consent (BA13309), was approved by the DPC at their meeting of 27/11/2014. The approved scheme included an extra two stories resulting in a total 7 floors, the commercial use of ground floor area and modern glazed cladding to covering the existing building.

The full application includes an additional two stories and changes to the general design, including several changes to the internal layouts and removal of the unloading bay at ground floor. The new stair core and lifts have been relocated within the building. There has also been a reduction in the volume of the proposed new atrium.

In outline planning the atrium stretched from one side of the building to the other with internal

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bridges to connect the two buildings. In this new proposal the atrium no longer covers such an area and a narrower internal bridge being proposed on Fifth floor level.

At fourth floor, the full application now retains the existing external bridge that connects the haven to the City Hall. In addition the applicant now seeks to clad the bridge with pre-formed, glass bead blasted, stainless steel cladded panels.

The current application also involves a flat roof which is to be utilised for the installation of PV Panels and an A/C plant onto a suspended platform which is to be screened

Externally, the applicant proposes to clad the building with a double skin façade system, the external skin consists of a single glazed composite layer of toughened glass including solar control layer.

DTP added that he had received various comments from the Commission: To date the following consultees have replied:

MOH recommended that an archaeological watching brief be required.

GHT comments remain as per Outline Application: objections to the design, extensions, lack of studies required in relation to Tall Buildings and the impact on the setting of listed monuments/Kings Bastion/Parliament/City Hall and WWI monument.

DCA has no objections, as building does not infringe the obstacle limitation surfaces and from an aeronautical perspective does not cause specific concerns subject to conditions for operation of tall cranes.

DTP said that given that the full application does not deviate much from the outline scheme in terms of its design, he considers that the application should be recommended to the Commission for approval subject to the above conditions and any conditions from the outline permission that have not been fulfilled.

TP asked the Commission to provide their comments: MEH commented that apart from their usual requirements of swifts and bat nesting provision and energy renewal, he noticed that the roof garden has been removed from the scheme. He also highlighted why applicants make changes to the outline application once they have been approved.

DTP commented that there has been a change to the facade system and welcomed comments from the applicant.

TP welcomed Mr. Juaquin Rodriguez WSRM architects: He explained that the original plans included a terraced area with planters, but now it is part of the double scheme façade system and it is now impossible to incorporate a terrace. He mentioned that they plan to incorporate greenery on the 5th floor, which is not shown in the submitted drawings.

TP asked the applicant to supplement the green area in the Roof Scape. He also stated that all applicants should ensure that the full applications submitted should not deviate too much from

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already approved outline application. He commented that many full applications received diverge from the outline application scheme presented, which misleads the Commission.

JC wanted to point out to the Commission that the outline application image presented, has an adjacent building, to the right, that does not exist and that it gives an uneven view of the streetscape. He also added that the outline application design view from the John Mackintosh Square angle, incorporated a terraced 'green area' better suits the surrounding buildings in the area.

MEH asked the applicant how the new design, incorporates the swift and bats boxes provision and how the swifts will navigate through the double skin design. He also asked the applicant on whether the building design has incorporated any environmental and energy efficiency solutions.

JH commented that on the outline application a mention was made that there was a need build up and to encase, because of the sensitivity of the equipment, and asked the applicant on why the design had changed.

TP addressed the applicant and asked them why the departure in the character of the design, which was approved in the outline design. He also questioned why the external cladding has been removed from the design.

The applicant commented that there has not been a major change, the only changes involve the central part, which looks wider, but the scheme is still the same. He explained that the external façade is a double skin, retaining heat in winter and reflecting heat in the summer months, achieving a grade B rating. Due to the data center there is higher consumption of energy. There will be two floors within the building dedicated to a data center.

DCM highlighted that the building design on the outline application, looks better than the design on the full application, but also commented that both designs look better than the now existing building.

CAM maintains their refusal, based on the increase on height of the design. The new building design will over-shadow the square.

The Commission took a vote on the new scheme as presented, with the following result:

5 in favour
1 against
5 abstentions

The Chairman had the casting vote and the application was approved.

5/16 - REF 1281/15 - LNG Power Station Storage (Report on EIA Scoping Opinion only)

The Chairman explained that the proposed storage facility will be located on the North Mole Reclamation, Mons Calpe Road. He referred Members to the the Scoping Report prepared by the

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applicant's agent. He explained that the Scoping report identifies the subjects that will need to be assessed

He further explained that this is part of the EIA process, in support of the planning application for the construction, operation and maintenance of the proposed Liquefied Natural Gas (LNG) storage and regasification terminal on the North Mole reclamation in Gibraltar.

He said that the following topics would be scoped in:

- a) Landscape and Visual
- b) Transport
- c) Navigation
- d) Ecology
- e) Noise and vibration
- f) Air Quality
- g) Contamination and Water quality
- h) Cultural Heritage
- i) Flood risk
- j) Aeronautical studies

In addition to the topics identified the Chairman identified a number of matters that would need to be addressed in the EIA process. In particular he highlighted the need for an assessment of alternative sites, aeronautical studies, and the need to consider potential cumulative effects with other schemes. He also highlighted the need to consider possible trans-border effects and for the visual impact to take account of the proximity of cruise ships and the consequent visual impact the development could have on these.

The Chairman referred to comments made by the ESG which he supported and should be addressed in the EIA

In summary, DTP added that on the basis of the above and any other matters raised by the Commission, he recommended that the Commission accepts the subjects to be scoped into the study for the submission of the ES.

JH asked if the applicants would be provided with their comments. The Chairman confirmed that he would forward the consultees comments to the applicant.

JH asked whether they should consider scoping earthquakes and lightning strikes in the light of recent events.

TP added that these two subjects have never been considered in the original scoping report but due to the recent event, he recommends that earthquake and lightning strike should be included in the Scoping Report.

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A representative of the applicant present in the audience, confirmed that they have started a seismic activity assessment and have included earthquake and lightning strike study in the EIA study.

The Commission accepted the scope of the Environmental Impact Assessment (EIA) for the Project and agreed that the Chairman should proceed with issuing the Town Planner's Scoping Opinion.

Other Developments

6/16 - BA13765 - 51 Flat Bastion Road - Proposed external passenger lift to be provided to building

DTP briefed the Commission on this application, which is seeking a planning permit to install an external passenger lift on an area of public highway outside the front of a private residential building at 51 Front Bastion Road. The site is located on a narrow street in the Upper Old Town. There are private residential properties on both sides with some designated on-street parking spaces on either side of the street.

He explained to the Commission that the application site comprises a four storey residential property which directly adjoins the public highway. The ground floor of the property comprises an entrance lobby, garage and store. The entrances to the property, store and garage open directly onto the public highway.

The external passenger lift, which is of a modern design and predominantly glazed, would be installed adjacent to the main entrance on public highway. The reason for installing the lift is so that the applicant's mother, who has mobility issues, can access the upper floors of the property. DTP referred members to the copy of the medical letter submitted by the applicant and circulated to all members.

DTP highlighted that the space in front of the buildings entrance, is not a private space, as indicated on the plans submitted in support of the application, rather that it is public highway. Bollards and chains had been installed on the public highway to prevent parking in front of his premises. It was understood that no permission had been granted for these

DTP reported that it was not possible to locate the lift to rear and there was insufficient space within the stair well..

The application has been subject to the Section 19 public participation process and no representations have been submitted.

The architect Mr. Stephen Martinez, addressed the Commission on Behalf of the Applicant Mr. Albert Parody. Mr. Martinez explained that there is no alternative location for the installation of the proposed passenger lift. He also emphasized that this application, will not set any precedent, as there is space from the garage entrance to the entrance of the building entrance, where the lift will be located. After considering other locations for the lift and finding no alternative, they have purposely designed and minimized the lift shaft size to fit into the proposed location. They had

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also previously considered the use of a stair lift but the angle of the stairs is very steep and it is not possible to install one.

Mr. Parody mentioned that his mother lives with him and due to her disability she is unable to leave the house. He mentioned that he has a private car park outside the building and he intends to use this space to locate the lift. He also stated that he had previously asked for permission to install the bollards and chain.

The Chairman asked the architect to brief the Commission, on the dimensions of the proposed lift. Mr. Martinez, specified that the overall construction is a 1metre by 1 metre, the smallest lift possible, and is designed to be used for a person in a wheel chair. The proposed lift design has a glazed wall structure, to minimize on the thickness of the external walls.

CAM asked the architect if they had researched on all stair lift providers, and that an UK based internal stair lift provider would have other alternatives for this problem of accessibility. Mr. Martinez stated that they only approached local providers, and neither offer chair lifts suitable for the building stairs. No UK based companies have been approached due to issues with maintenance, which could be a major issue.

DTP reported on the consultation responses received.

GHT objected to the application, as they consider that there is substantial negative visual impact on the streetscape and the surrounding buildings. In view of this they recommend that the applicant should give consideration to the siting of the proposed lift within the building.

The Ministry for Heritage considered the proposal would have negative impact on the street scene and the building itself. It would also set a dangerous precedent for the whole of the Old Town.

TSD object to the application on highways and architectural grounds. These objections are on the basis that the lift would encroach into the public highway. The lift would become an obstacle for vehicles, in particular buses and it would look out of place in respect of its location and the aesthetic treatment of the building façade.

TSD consider that as the proposal does in no way enhance the existing building, and like the GHT, recommend the applicant should be requested to reconsider its location to within the building.

The Traffic Commission has serious concerns as the proposed location of the lift, as it is on a very narrow road and lacks pavement space around the lift. This proposal will also have a negative effect of on-street parking and they recommend this application is not approved.

DTP noted that despite the best intentions of the proposal to improve accessibility to the premises for an older person and that this is the only location available for the applicant to install a lift, the proposal was not in-keeping with the area or the building itself and would have a detrimental impact on traffic movements. The proposal was not considered to comply with the relevant planning policies. It was therefore recommended that the application be refused.

DTP referred to the personal circumstances in this case. He advised that DPC needs to be objective in its decision-making and whilst the Commission has sympathy with the applicant

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personal circumstances should not normally be taken into account. Personal circumstances can only be taken into account in exceptional circumstances and even then they should not be the main determining factor- they should only be considered where the decision is marginal.

There being no further comments by members the application was refused unanimously.

7/16 - O/13831/15 - 9 Cannon Lane - Two Storey extension to existing hotel

DTP reported that this outline planning application was for the erection of a two-storey vertical extension to the existing Cannon Hotel. DTP referred members to the letter that had been circulated to all Members from the applicant's Structural Engineer addressing the issue of progressive collapse. The proposal would result in a building of more than 4 storeys and due to its construction could be at risk of progressive collapse.

He explained that the current building is a three storey building, with 16 hotel rooms and the proposal is to demolish the existing second floor roof and construct two additional storeys above that, increasing the total number of bedrooms from 16 to 32.

The proposal is to follow the form of the building on the upper floors. The proposed upper storey is set back to reduce the impact on the street scene and provide a more sympathetic design through the provision of external terraces facing Cannon Lane. The north section of the roof would have a sun terrace which is located away from Cannon Lane.

The application was subject to public participation and there were no comments received. DTP reported highlighted that GHT had commented that this was an opportunity to improve the style of the fenestration to the building.

DTP said that overall, it is a sympathetic design with appropriate setbacks at the fourth floor level which will respect the immediate streetscape and will relate effectively to the character and form of adjacent buildings and the street scape. Although the existing windows are not traditional in design, the additional storeys would adopt fenestration to match.

DTP recommended approval of the scheme subject to timber shutters being provided to the new floors and that the applicant should consider energy efficiency measure and to include the provision of solar panels.

CAM asked the applicant whether they are considering changing the existing windows and introducing shutters. The Applicant's representative, Mr D Vickers who was present, said that they will certainly consider replacing all windows for traditional style ones and including shutters.

TP commented that if doing so they can claim double tax relief on the existing façade. The Commission had no other comments and the scheme was approved unanimously.

8/16 - F/13851/15 - Waterport Place, North Mole Road - Reinforcement of glazing façade

DTP said that this is a planning and building control application which is seeking a planning permit to reinforce the existing glazed cladding system used on the facades at Waterport Place at North

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Mole Road. Waterport Place is an office building occupied by a number of businesses. The application has been submitted following the failure of the glazing adhesive system of two glass window panels on the east elevation of the Waterport Place building and is seeking to avoid any further potential danger this could have to the public.

DTP explained that the proposal was to mechanically fix a framing system to all windows and glazed panels. This would result in all existing openable windows being sealed shut and therefore loss of all natural ventilation.

From a planning perspective it is not considered that the proposal would result in any adverse impact on the visual appearance of the building. The key consideration in assessing the proposals and the issue which the Commission will need to deliberate on is whether the loss of all natural ventilation to the offices in the building and a reliance solely on mechanical ventilation (i.e. air conditioning) is acceptable. Another consideration is that the installation the proposed mechanical solution, would involve installation of a new frame over the panels which comprises the drilling into the actual framework. The building control officer involved with this has an issue with this, as it may cause another issue with water penetration.

DTP welcomed the first objector – Mr Dennis Mosquera who commented that the proposal is to seal all windows only because two windows have failed, he proposes another solution, which could be to replace the broken windows and not have to seal the whole building. On another note the building has 580 window glass panels, none have failed and it has 90 openable windows, of which two have slipped. The only solution given is to ‘straight-jacket’ the whole building. He commented that most people like opening windows for fresh air.

JH asked the objector whether there has been a formal investigation to find out why the windows had failed. Mr. Mosquera said that the Management Company considered that the best solution was to ‘seal shut’ the whole building.

TP asked the Management Company representative to address the Commission after Mr Mosquera. TP also mentioned that the Commission is aware that Mr Mosquera is the Architect in this scheme and whether he has been consulted with this issue. Mr Mosquera commented that he has not been approached in any way and that he is objecting on the grounds that he is an owner of one of the units. He added that as the architect of the scheme he proposes that solely the two faulty windows should be replaced. He believes that by introducing this new solution, it might destabilise the whole elevation framework of the building.

No more comments were made to the objector and the Commission welcomed Mr. Brian Francis on behalf of the Management Company and Mr T Lafferty from Rambolls the engineers.

Mr Francis stated that there are 38 individuals who have had the proposals circulated and they have received only 1 objection. He also mentioned that because of the failure of these two windows, the Management Company held an EGM and everyone who attended approved the new proposed solution. Mr. Francis mentioned that the replacement of these two windows would not

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guarantee a reoccurrence. Mr Francis stated that he discussed the issue with Mr. Palacios the Contractor from Barcelona, who suspected that the reason for the failure may have been as attributable to the fact that at the time the on site contractor had not paid its workforce. The Management Company and Engineers considered affixing all windows in place to be the safer approach.

Mr Lafferty commented that although the defective windows were the openable ones, the methods of adhesion of the panels was the same throughout the whole building therefore there were no guarantees regarding the safety of the windows. He also mentioned there have been investigations on this matter, but that all reasons pointed to issues with the adhesive used and the bad workmanship. Given this conclusion, they did not think there was a need to have laboratory testing.

TP asked whether the contractors have been approached. Mr Francis stated that there are two companies in Tarragona who claim to have installed the windows, one being Palacios and another Hermesa. They paid a fee of £4000 deposit to do certain repairs and they never turned-up. The view of the Management Company is that they would rather not deal with these unreliable companies and rather use local engineers. They have approached three local companies who will bring guarantees for a solution to the problem by sealing the entire building. He also commented on the growing concern over safety issues by the owners and tenants on the delays in repairs.

DTP asked the applicant if they could adapt the mechanical fixing system to maintain the openable windows. Mr Lafferty explained that the proposed is the best solution and it involves external pressure plates which in turn will hold the panels in place and that therefore the windows would not be able to be opened.

TP asked whether there are any alternative solutions for the benefit of the workers in the building. Mr. Lafferty explained that the natural ventilation offered by the openable windows only benefit workers sitting within 5 to 7 meters from the total of 90 openable windows, most of the tenants of the building are relying on mechanical ventilation.

Mr. Francis also added that given recent events involving the earth tremors, they cannot guarantee whether there will be other failures in the window panel systems.

TP commented that in the Building Inspector's view, the mechanical system could cause possible water penetration. Mr Lafferty explained that the new mechanical system, involves drilling into the existing sealant. These new pressure points have their own sealant which prevents water getting into the joint.

JH commented if they are considering improving the reflectivity of the building. The Applicant confirmed that they will not be replacing any windows and that this would not be possible.

CV and JC agreed that there are no issues with the aesthetics and ventilation, which is not a major issue, but safety, is a major contractual issue. The Committee agreed that there are only two

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major issues, one whether the tenants can open the windows or not and whether the whole building is 'straight-jacketed' to make it safe to the public.

TP confirmed the Committee needs to agree on whether the applicant should use the proposed mechanical system and remove the openable windows, and whether the proposed system will affect the architectural view of the building. He recommends the applicant should retain the character of the building and keep the openable windows.

TP asked the Commission to take a vote the application as proposed, which is to seal the openable windows and introduce a framework for fixed glass.

Approved: 1 (CV on a health and safety issue)
Against: 5
Abstentions: 2

TP stated that based on the Committee's votes the applicant has to come back with an alternative solution.

MHE left the meeting

HM gave his apologies and left the meeting at this point and his alternate Emil Hermida (EM) joined the meeting.

9/16 - F/13865/15 - 21 Willis's Passage - Creation of new stairs to access disused former cistern, as well as creation of small swimming pool at first floor level

DTP explained that this is a formal planning application in which consent is sought for various internal and external alterations.

At ground floor level the applicant was proposing to convert a disused cistern into a room.

First floor level partial enclosure of the external courtyard is proposed, to accommodate a new hall and new stairs to access the disused cistern. The new enclosure entails the construction of a new external wall and window opening on the west elevation. The new window has been indicated to match the design of existing ones.

At second floor level above the proposed new extension at first floor is a new swimming pool. The pool is situated within the void above the existing courtyard. The pool is to incorporate a small section of structural glass or acrylic balustrade and new stairs to lead from the second floor roof terrace. The applicant also is applying to install an external laminated safety glass balustrade along-side the pool, to be partially visible from Willis's Passage.

At second floor level the permission is sought for the installation of two sets wooden shutter to two existing windows on the east elevation.

New external flue to be installed on north elevation and finally, at roof level, a section of existing roof is to be utilised for the placement of 6 solar thermal panels.

Section 19 was undertaken and no representations were received.

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DTP commented that the partial enclosure of the existing courtyard is not seen as an issue as it will have little visual impact, as its situation is mostly surrounded by the existing property. The proposed location of the new pool is also within this enclosed courtyard space and is not considered to have a negative visual impact. Subject to new fenestration matching existing and policy, the scheme is considered sympathetic in its design and is non-objectionable. The installation of micro-renewables is also a positive factor.

The Commission approved the scheme unanimously.

10/16 - F/13865/15 - 3 Poca Roca - subdivision of property into two residential units

DTP gave details of the application, which is seeking to subdivide an existing single storey dwelling through the installation of an internal partition wall to create two one bedroom dwellings. The application is not seeking any external changes to the bungalow.

The background to this application is important as the site is located in the Upper Rock Nature Reserve and there is a specific policy in the Gibraltar Development Plan (Policy Z9.3—New Dwellings within the Nature Reserve) which opposes the establishment of new dwellings in the Nature Reserve unless the proposals are seeking to replace an existing dwelling.

The applicant has confirmed that the two dwellings created as a result of the proposals would be occupied by the applicant and his ex-wife, who have recently divorced and as part of the divorce proceedings there is a requirement to subdivide the existing dwelling into two subject to planning. As the proposed occupiers of the two dwellings already live at the application site, it is not envisaged that the proposal would result in any additional pressure on the existing parking situation or result in any additional vehicles entering the Nature Reserve.

The application has not been subject to public participation as it is not required.

DTP reported that whilst LPS did not object to the application they confirmed that the premises are managed by the Ministry of Housing and that they need to approve the subdivision of the property. LPS also stated that the Ministry would need to regularise the occupation of the two dwellings separately and that this may have an effect on parking.

DTP reported that the Ministry of Housing had subsequently been consulted but had not yet responded.

DTP explained that whilst there is a re-provision of a dwelling, the only works that are taking place are internal. Therefore, the proposal will not result in another family moving into the area and creating additional pressure for parking, or the road network in the Nature Reserve. (There are currently 9 parking spaces) The other factor for consideration is that the premises are managed by the Government which provides an extra element of control of what would happen to the premises should the occupier of the new dwelling choose to vacate the premises in the future. Given the specific circumstances of this case it was considered that the application should be approved.

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JC commented that this is the only rental property left in the Upper Rock nature Reserve and the property seals a cave.

DTP stated that Housing needs to confirm their views on this matter and that if the Commission confirms the application, Housing will still be able to refuse given that they are the landlords.

The Commission agreed to defer this application subject to The Ministry of Housing's clearance.

Later on during the meeting, DTP reported that having checked the file he could confirm that the ministry of Housing had in actual fact replied and raised no objections.

The Commission therefore approved the application.

11/16 - F/13870/15 - 309 Main Street - Conversion and refurbishment of commercial premises into gymnasium

DTP explained that this is a full planning application involving the conversion and refurbishment of this ex-commercial unit to a gymnasium.

The proposal involves minor internal alterations to the change the layout and external alterations to the ground floor frontage. The existing frontage would be replaced by a new aluminium frontage in navy blue and new signage is proposed over the main entrance.

The application had been subject to public participation and no comments had been received.

DTP commented that this type of application would normally be considered by the subcommittee but had been referred to the Commission, as it had policy issues. The Development Plan policy is to avoid the loss of retail units to non-retail uses in the defined shopping areas. The proposal would result in the loss of a retail unit.

DTP commented that this part of Main street had suffered from reduced footfall for many years. He noted that the unit had now been vacant for some time and also referred to the case of another proposal to convert an existing retail unit into offices further south along Main street, the offices of Price Waterhouse Coopers, which had been approved by the Commission. He also noted that the Gymnasium use will encourage footfall and activity and would not be a 'dead' use.

DTP recommended, taking all the factors into account, that the application should be approved with conditions on restriction on working hours and a condition on sound/ vibration mitigating flooring to be used.

The application was approved unanimously.

MEH returned to the meeting

12/16 - F/13871/15 - 77/79 Governor's Street - Retrospective application for the refurbishment of building

DTP briefed on this full application which seeks approval for a retrospective refurbishment of a building. The proposal is to change and replace the ground floor retail unit front door and windows with new UPVC replacements. They have restored the main door to the building and carried out minor internal alterations to the upper levels. The timber shutters previously existing have been removed and replaced by roller shutters.

The aluminum windows have been removed and replaced with UPVC windows, the original timber windows had been changed at another time without consent. The UPVC windows and roller shutters do have a negative impact and should be removed as they could set a dangerous precedent in the Old Town. In respect of this, DTP recommends requesting the applicant to remove the roller shutters and reinstate shutters similar to those which have been removed.

DTP reported that the GHT had raised objections to the fenestration and recommends the removal of roller blinds and original timber shutters to be reinstated. MOH object to the use of the new PVC windows and blinds.

DTP commented that although they welcome the improvement in this dilapidated building, the introduction of UPVC windows and roller blinds are non-traditional, contrary to the Development Plan policy and believes that this has a negative impact.. He also recommends that the original timber door to be reinstated. DTP recommended approval of the scheme subject to the conditions requested.

CAM commented on the issue that they accept that the windows were not timber before the application, as they had been replaced in the past without authorisation, so the UPVC windows can stay but recommends that the timber shutters be replaced.

The application was approved subject to the mentioned recommendations.

13/16 - O/13877/15 - 6 Straits View Terrace, Europa Point (Formerly 41/6 Europa Flats) - Construction of building within curtilage of building to provide two flats

DTP reported that this is an outline application for the construction of a building which lies within the curtilage of an existing dwelling at Straights View Terrace. The proposal is located in the rear terrace/garden of the dwelling, and it is proposed to demolish an existing single storey outbuilding, which is currently used as a games room and construct a new building consisting of a two storey, detached, L-shaped building to provide two flats, one on each floor. These two apartments will have a shared access through the pedestrianised access. The purpose of this application is to provide dwellings for the two sons of the current occupiers of the building. The applicant has two designated parking space sand have confirmed that one of the existing parking spaces will be used for one of the flats and one additional space will be allocated.

This site is adjacent to the Nature Reserve, but not within it.

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DTP reported that the GHT has commented that the design of the proposed building is very bland and has very little visual interest, particularly to the roof design, they propose the possibility to introduce traditional roof tiling or a green roof.

The application was subject to public participation and no objections to the proposal have been received.

DTP commented that overall, the area has lacked proper planning and unauthorised works in the past have resulted in a mix of building styles within the built-up area. He agrees with the GHT on the building design proposal which lacks interest. The proposed building's scale is generally appropriate and is considered to have little visual impact on the area generally. DTP recommended the approval of the application subject to significant improvement of the design in the full application and subject to the standard conditions on Bat and Swift nest and written evidence that the car park requirements have been met.

The Commission approved this application, and recommended the applicant to obtain landlords consent before the full application is submitted.

14/16 - F/13879/15 - 1 Catalan Gardens, Sir Herbert Miles Road, Catalan Bay - Construction of swimming pool and terrace

DTP stated that the proposal involves the construction of a new terrace and pool to be built outside the existing property on various columns. The columns would not rest on the road but would instead be built onto the narrow pavement beside. The retaining wall, above which the applicant's property is built, is at an angle from the base of the road below up to the property. The intention is to build the extension for the pool and terrace above the sloped area of wall. A void would exist below the pool.

DTP commented that the adjacent restaurant, La Mamela, has previously been extended in a similar fashion albeit with solid walls below rather than a void.

DTP reported that the Ministry of Heritage considered that the proposal would impact the existing historic retaining wall and objected to the application.

DTP reported on the visual impact of the proposal. From the north the proposal would be in line with the adjacent building line and would have minimal impact. From the east the proposal would be seen against the backdrop of the development. The columns would be seen as a vertical element in this view.

In terms of precedent, DTP pointed out that the road drops away to the south and that therefore other houses wanting to do anything similar would require significantly higher columns which would have a much greater impact. DTP advised that the underside of the terrace and pool area would need careful treatment and/or screening. DTP also referred to the submitted montages which indicated infill panels between the columns which were not shown in the drawings. He considered that these assisted in blending the proposal in.

The application was approved unanimously.

MHE returned to the meeting

15/16 – F/13882/15 – Devil’s Tower Hostel site, Devil’s Tower Road – Demolition of existing worker’s hostel building complex to enable construction of a new building with ground floor retail/commercial premises and new access/delivery road

DTP said that this is a planning and building control application regarding the site at Devil’s Tower Hostel, which follows on from an outline application, granted in March 2015. This application is to demolish the existing Hostel and a construction of a new hotel with ground floor commercial premises. The proposal is similar to the outline application, but in terms of the main changes, the site area has been reduced from what was seen in the outline proposal. The outline application had 30 apartments located at the east end of the site and the 40 space car park on the ground and first floor. These have been omitted in the full application.

There was an objection on the previous scheme based on the taxi layby on the Devil’s Tower road and it has been removed in this proposal, instead they have provided an access under the building, which will be the Taxi drop-off zone.

DTP explained that that the full application provides for a 120 bed hotel over 7 floors, 11 car parking spaces and two spaced provided for the retail/commercial use. A mini-bus layby is proposed on Cemetery Road, on the first floor are the main restaurants, bars, cafés, kitchens and the remainders of the floors are the accommodation. On the roof level there is a plant room and the development includes the planting of 18 trees around the building.

DTP reported that the Director of Civil aviation would require that carnes be lit and if the any crane is more than 45 m high a Crane Management plan would be required.

DTP commented on the added kiosk located at the back of the hotel (unrelated to the hotel), he note that there is already significant retail facility within the hotel, and the concern is that people using the kiosk will use the Taxi drop-off zone to access the kiosk, causing tail backs onto Devil’s Tower Road.

TP asked the applicant’s representative who was present, Mr Osuno, if the kiosk is part of the lobby area of the hotel, and the applicants confirmed that the kiosk is intended to serve the hotel and it would not be let or sub-let, as it forms part of the hotel.

Other than that, from the planning perspective, the application predominantly complies with the conditions of the Outline Application and he considers that the application should be recommended to the Commission for approval subject to conditions to include the provision of solar panels, provide at least one space with an electric charging point, archaeological watching brief and requirement to meet energy efficiency standards.

MEH asked the applicant, whether they had already checked if the trees can be planted on the proposed locations as there could be services in the chosen area. The Applicant confirmed that they have enough space to plant the proposed 18 trees. The applicant also established that once the demolition takes place, they will be in a position to check the services, and also agreed to confirm the exact location of trees.

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MEH asked the Chairman to advise all applicants to confirm prior to applying for planning permission, if the proposed planting of trees, can actually be planted, so that the Commission can have a realistic image before agreeing to a proposal.

The Commission approved the application unanimously.

16/16 - F/13892/15 - Prior Park School (Formally Sacred Heart School) Old Town - Proposed refurbishment of existing school including the proposed reworking of the existing pedestrian existing entrance from Castle Road and replacing windows

DTP explained that this a formal Planning Application permission, sought by Prior Park College to convert and redevelop the former site of the Sacred Heart School into a private secondary school.

This application is generally for internal renovations, which entails the removal of some partition walls, construct new partitions, removal of some internal doors and a demolition of a bay window of the ground floor level.

The existing flat roof of the building will be used for the placement of fan units to serve as fume extraction from the science lab directly below. The parapet wall will be reduced in height and the existing chain link fence will be replaced by a new steel fence. DTP advised that the applicant should provide details of the fans which are to be installed.

Generally it is an application for the renovation of the existing building.

The building has a traditional Genoese style painted timber shutters throughout the building. Similarly, traditional timber casement windows are also extensively used throughout the building. The applicant seeks to replace all of the existing shutters and windows to aluminum framed ones.

They also propose to renovate the annex building, located towards the south of the building and to replace windows and shutters.

DTP commented that he had received various Consultation responses including, MOH welcoming the refurbishment of the building and indicated that this building will be a candidate for a listing in the future. However, the Ministry has raised concerns on the loss of the bay window on the ground floor and removal of internal features, such as fire places, carved wooden stain glass windows, the removal of wooden doors and the replacement of windows and shutters to aluminium ones. It recommends that the windows and shutters should be replaced with timber ones.

DTP added that from a Planning perspective, the re-development proposal is a welcome refurbishment and investment in the Old Town. The refurbishment is mostly sympathetic with the existing buildings on site with no new extensions or significant accretions being done to them. However, in line with planning policy, the window and shutters should be retained and refurbished or replaced with timber alternatives. He mentioned that upon inspection a good number of shutters could be retained as they are in a good condition.

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DTP recommends that the MOH and GHT should arrange a site visit to view original internal features of the building and identify, together with the applicant, exactly what internal features should remain.

As regards to the car parking spaces, as submitted, no car parking spaces are to be provided. The applicant has advised that students will be taken on a school private bus, and be dropped off at public bus stop adjacent to Sacred Heart Church. This is something the Commission may need to discuss. DTP recommended that some cycle parking provision should be made and that the applicant should consider on-site micro-renewables to be introduced in the scheme.

DTP confirmed that the proposal does not involve the felling of trees but that a condition should be included to avoid any ambiguity.

CAM agreed with the comments made as regards to the site visit and added that she has already visited the site, together with the MOH and the applicant, and they are currently working together to retain original features of the building.

(11.45 - DCM left the meeting)

JH mentioned that the property gardens are quite extensive green areas and are in a precarious condition, she asked what are their plans for this area. DTP mentioned that no proposals have been received for this area. TP added that on a site visit the applicant mentioned that there will be future proposals for it refurbishment as a garden, as an amenity to the school.

MEH approves of all the recommendations made, such as retaining timber windows and shutters, retaining internal features, to maintain the feel of the 'Old Grammar School' and the 'Old Sacred Heart School, in particular the garden feature.

This application was approved subject to conditions proposed.

17/16 - F/13894/15 - Unit F6, First Floor, International Commercial Centre (ICC) - Conversion of unit into food store/mini market

DTP commented that this is a planning and building control application which is seeking to convert the former 'Seven' nightclub unit, which has been vacant for approximately five years, into a food store/mini market. If the application is granted consent the unit would be occupied by Eroski.

The proposal involves the fitting out of the unit for its new use and the removal of the existing 'Seven' nightclub projecting sign and the two canopies, on the northern elevation facing Casemates Square. The Installation of fascia signs on the northern elevation facing Casemates Square and on the western elevation facing Line Wall Road is proposed.

It is proposed to remove the existing steps to the main entrance and the installation of a new ramp approach to the entrance, with painted stainless steel handrails to enable access to the unit by people with mobility needs.

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The application has been subject to Section 19 Public Participation and no representations from the public were received during the Public Participation period.

DTP stated that this is a positive development which is welcomed, as it will bring back to life a vacant unit in the Primary Shopping Area and would therefore comply with policy guidance. DTP expressed some concern relating to the proposed fascia signage and recommended conditions for improvement to signage.

The nature of the use is such that most customers would arrive on foot although parking will be available in the ICC.

DTP also recommended that details of the proposed plant would need to be agreed

DTP recommends approval of the application, subject to these conditions.

JH and MEH commented that the proposed signage is not appropriate for the location.

The application was approved subject to the conditions stated.

Minor and other Works – not within scope of delegated powers

18/16 – F/13904/15 – 34 South Barrack Road – Proposed alterations and single storey extension to existing dwelling

The Commission approved this application.

19/16 – BA 13723 – 1 Corral Road – Request for relaxation of part H3 of the building regulation with respect of the number of risers on a staircase.

The Commission approved the request for relaxation.

Applications granted permission by subcommittee under delegated powers (For Information Only)

20/16 – A/13850/15 – 9 King’s Street, Junction with Main Street – Sandwich Board

The Commission noted the approval granted by the sub-committee

21/16 – A/13855/15 – Natwest Bank, 57 Line Wall Road – Installation of two acrylic ATM surrounds

The Commission noted the approval granted by the sub-committee

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22/16 - A/13856/15 - Petroil, 13 Winston Churchill Avenue - Installation of acrylic ATM surround

The Commission noted the approval granted by the sub-committee

23/16 - A/13857/15 - Morrisons, Westside Road -- Installation of acrylic ATM surround

The Commission noted the approval granted by the sub-committee

24/16 - A/13858/15 - Natwest Bank, 2 Corral Road - Installation of acrylic ATM surround

The Commission noted the approval granted by the sub-committee

25/16 - A/13859/15 - 171 Main Street - Installation of acrylic ATM surround

The Commission noted the approval granted by the sub-committee

26/16 - BA12185 - 63 Europa Road - Consideration of minor amendments to approved car parking scheme to reflect what has been built on site and approval of landscaping and tree planting details to discharge Condition 9 of PP 4235

The Commission noted the approval granted by the sub-committee

27/16 - BA12586 - 4 Ordnance Wharf, Queensway Quay - Amendment to change attic space to bedroom.

The Commission noted the approval granted by the sub-committee

28/16 - BA13133 - 28 Parliament Lane - Reconsideration of application to install awnings following provision of alternative options and photomontage

The Commission noted the approval granted by the sub-committee

29/16 - BA13430 - 8th Floor, International Commercial Centre, Main Street - Consideration of minor amendment to approved scheme to install arched double glazed aluminium window on proposed south facing elevation and revised details of staircase

The Commission noted the approval granted by the sub-committee

30/16 - BA13781 - 8 Reclamation Road - Construction of storage units within existing vaults and installation of layby and pedestrian furniture in adjacent area outside

The Commission noted the approval granted by the sub-committee

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31/16- D/13875/15G - Temporary LOX Building, North West Shoulder Runway Apron - Demolition of single storey timber shed with sheet roof panels and metal louvres
GoG project

The Commission noted the approval granted by the sub-committee

32/16 - D/13905/15G - Europa Foreshore - Demolition of Post WWII Wall
GoG project

JH asked whether this application entails the whole structure, the Commission clarified that this is a breeze block and it not a heritage wall. DTP said that this is a DOE proposal, as part of the clear-up of the area. The Commission noted the approval granted by the sub-committee

33/16 - F/13800/15 - Vault No.6 Fish Market Road - Proposed new bar/grill restaurant

The Commission noted the approval granted by the sub-committee

34/16 - F/13804/15 - 3 Africa View, Europa Road - Proposed removal of fence and construction of dwarf road with timber fence

The Commission noted the approval granted by the sub-committee

35/16 - F/13828/15 - 84/90 Main Street - Change of use, conversion and refurbishment of premises as a three storey department store

The Commission noted the approval granted by the sub-committee

36/16 - F/13833/15 - Apartment 801, Block 4, Europlaza - Reconsideration of installation of glass curtains on balcony following submission of additional information.

The Commission noted the approval granted by the sub-committee

37/16 - F/13836/15 - Wallis, 22 Main Street -- External alterations to ground floor façade

The Commission noted the approval granted by the sub-committee

38/16 - F/13849/15 - Tangier Views Lane - Proposed installation of telecommunication cabinet on plinth and laying of ducts to nearest man hole

The Commission noted the approval granted by the sub-committee

39/16 - F/13861/15 - Townhouse No.2, Ordnance Wharf, Queensway Quay - Proposed internal alterations.

The Commission noted the approval granted by the sub-committee

40/16 - F/13862/15 - 17 Seashell House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the sub-committee

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41/16 - F/13863/15 - Elliot's Battery, Europa Road - Proposed external building refurbishment throughout estate

The Commission noted the approval granted by the sub-committee

42/16 - F/13866/15 - 275 Main Street - Removal of existing external removable parasols and replace these with two wall mounted retractable awnings

The Commission noted the approval granted by the sub-committee

43/16 - F/13867/15 - Trafalgar Pharmacy, 48/50 Main Street - Proposed changes to shopfront and advertisements

The Commission noted the approval granted by the sub-committee

44/16 - F/13873/15 - Bianca's, 6/7 Admirals Walk - Refurbishment of premises including new glass replacements for awnings, exterior flooring, new bar terrace sun shades, signage, relocation of bar wall, glass balustrading between lounge and restaurant, replacement rear doors to kitchen and new louvred units in rear wall.

The Commission noted the approval granted by the sub-committee

45/16 - F/13876/15 - Flat 20, Cornwallis Tower, Brympton Estate, South Barrack Road - Removal of internal walls

The Commission noted the approval granted by the sub-committee

46/16 - F/13881/15 - Flat 218 Sand Dune House, Beach View Terraces, Devil's Tower Road - Proposed internal alterations

The Commission noted the approval granted by the sub-committee

47/16 - F/13883/15 - 5th Floor, International Commercial Centre Car Park - Installation of multi-band panel to augment existing 2G, 3G and 4G services at Casemate Square

The Commission noted the approval granted by the sub-committee

48/16 - F/13884/15 - 16 Penny House - Installation of air conditioning unit below window on rear façade of building

The Commission noted the approval granted by the sub-committee

49/16 - F/13885/15 - 62/1 Main Street -- Proposed internal offices alterations

The Commission noted the approval granted by the sub-committee

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50/16 - F/13888/15 - 301/303/305 Main Street -- Replacement of existing awnings on a like for like basis

The Commission noted the approval granted by the sub-committee

51/16 - F/13889/15 - 3/2 College Lane -- Proposed refurbishment and minor alterations to premises

The Commission noted the approval granted by the sub-committee

52/16 - F/13895/15 - 605 Royal Ocean Plaza, Ocean Village - Installation of glass curtain glazing to match previously approved installations on the west façade of the building

The Commission noted the approval granted by the sub-committee

53/16 - F/13898/15 - North Dockyard Road - Installation of two telecommunications cabinets and construction of plinths and laying of ducts to nearest Gibelec pit/manhole to be able to supply U-Mee services to surrounding areas

The Commission noted the approval granted by the sub-committee

54/16 - F/13899/15 - Unit G4 Europa Business Centre, Queensway - Proposed external standalone lift

The Commission noted the approval granted by the sub-committee

55/16 - F/13901/15 - Cornwalls Court - Installation of new opening into existing lift shaft to allow access to two first floor residential apartments at Cornwalls Centre North, Bell Lane entrance

The Commission noted the approval granted by the sub-committee

56/16 - F/13908/16 - 304 Grand Ocean Plaza, Ocean Village - Proposed installation of glass curtains

The Commission noted the approval granted by the sub-committee

57/16 - N/13890/15G - East Patio Area, Mallard House, Laguna Estate - Removal of *Lagunaria Pattersonii* tree
GoG project

The Commission noted the approval granted by the sub-committee

58/16 - Any other Business

JC requested that the Commission be extra vigilant in respect of planning applications pertaining to the new low-cost housing schemes, where applicants sought approval to demolish an insulated wall forming part of the utility room, as these walls were insulated and not normal partition walls.

At this point TP adjourned the morning session of the meeting at 12 noon for the Holocaust Memorial. The meeting was adjourned until 2pm.

The meeting reconvened at 2.00pm to consider the following item.

59/16 - BA12850 (Outline) - Rosia Bay - Redevelopment of Rosia Bay for leisure and residential use

The Chairman welcomed the applicant to address the Commission and make representations for their scheme.

Mr. Clive Reed Director of Europa Point Marine Management Limited presented the re-development proposal for Rosia Bay. Further to the application submitted to the DPC dated February 2014, this revised scheme incorporates further changes and improvements to the proposed re-development. Having received many encouraging comments by the DPC and the general public, they have reviewed the previous scheme and submitted an amended scheme based on the recommendations received.

An Environmental Impact Assessment (EIA) had been requested by the Commission. In undertaking the assessment, the applicants discovered that the breadth of coverage required for this relatively small project, was very high. The reports and information produced by the consultants uncovered significant new challenges to comply with the Government's proposals and vision for this re-development. One of the main issues in the EIA was the construction of the beach and how to prevent it from being washed away in bad weather. This, together with the further accumulative requirements of the technical reports, repairs to the sea defences, restoration of the Mole, repairing of the concrete structures and the relocation of certain species identified by GONHS, had pushed the project costs to a potentially unviable financial level.

In order to address this, the applicants proposed to introduce a residential element of not more than 6 apartments into the scheme. Without these apartments the applicants believed the project to be financially unviable.

The revised scheme now incorporated a rooftop restaurant with minimal visual impact. This would enable access to the rooftop for maintenance and also address the lack of catering/restaurant businesses in the area.

In line with the DPC recommendations to reduce parking within the Bay, the applicants were willing to accept a reliance on the pedestrian catchment of the area, local bus service and the

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Camp Bay parking area. The public would have free access to the beach, the mole, the pontoon area and the roof-top terrace. They were also working in conjunction with the fishing and diving clubs to allow them unencumbered use of the location for their activities.

The applicants understood the importance of Rosia Bay in terms of historic, heritage, archaeological and environmental perspectives; therefore a Lord Nelson's theme would be introduced in as many areas as possible. In order to deliver a successful project and ensure the area remains a heritage site they offered to work closely with the relevant Government Departments, Heritage Trust, GONHS, Government Archeologist, the Museum Directors and the Environmental Safety Group. Mr. Reed reminded the Commission of the current detrimental and dilapidated state of the Bay, in which, drugs misuse was commonplace. He emphasized their commitment to repair and return the mole to its former glory using as many original materials and features as possible whilst ensuring that the area is maintained in the future.

Mr. Patrick Gomez and Mr Christian Revaglietto from GC Architects highlighted the state of dilapidation of the mole and stressed that the basic restoration works required, such as repairs to the mole, sea defences and enhancement of historic walls were substantial and costly.

The new proposals included a revised beach and 'chiringuito' style cafeteria/bar, repairs to the mole and a 'water leisure/recreational area' building on the south area of the Bay. This building would include water slides, party areas, entertainment rooms and a suitable lift to make the mole accessible for all visitors.

The applicants also proposed to restore the original boardwalk and existing structures of the main mole and provide mooring facilities for small boats. They emphasized that their proposal was not for a marina, but a mooring point for small recreational boats. The new proposal incorporated an urban beach with floating water park feature and a 'chiringuito'. The proposed location of the 'chiringuito' with toilets and changing rooms had now been relocated to the northern side to avoid affecting the residents of the area.

The proposed pool building was of three storey height, which would not exceed the height of the existing wall, with views to the Bay and the beach. The new scheme would provide access to the roof terrace and the road. The roof platform would display panels with historical and environmental references of the site.

He told the Commission that the new scheme proposed to accommodate the technical feedback received in the EIA process and consultations. The original beach scheme was non-viable and the proposed design was not sustainable. The original beach feature would have required a rock barrier and for the whole seabed to be covered in sand. To make the proposal sustainable they proposed a sand beach platform of 3000m² as originally proposed. This would be achieved by building a submerged retaining wall to emerge ½ metre above the sea level with a base platform and 700cm of sand over this.

Mr. Stuart Divall of Rambolls addressed the Commission on the EIA process and stated they recognized that Rosia Bay is located within an environmentally and historically sensitive setting. Each environmental aspect and interactions arising due to any form of intervention required careful consideration. This resulted in a complex and a broad EIA and scoping opinion. The EIA had been conducted in accordance with the scoping opinion and the recommended

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comprehensive consultation with stakeholders. Environmental impacts had been identified in the EIA which resulted in changes made in the revised scheme. Given the revised scheme was still in outline stage, certain aspects of the project still required detailed design to enable further assessments to be made.

The Chairman asked Mr. Divall to list the environmental impacts involved in the EIA. These were:

Transport – The impact during construction would be significant; their proposal encouraged the use of public transport.

Ecology – The surveys have revealed a sizable population of protected limpets in the area, consultation would continue for a suitable mitigation and relocation scheme.

Coastal processes

Land contamination

Heritage – There was concern on the impact to the historical wall, but access would be improved, therefore the enjoyment of the walls would be increased.

Landscape and visual

Noise - Generally there would be a significant impact on noise levels during the construction process.

Unsociable activities – These would be controlled and reduced.

MEH asked the applicant whether the building located in the level above the residential and leisure area would be taller than the historical wall. This was identified as the restaurant by the applicant, who stated that the entrance was one level above the wall and accessible via a breach in the wall.

MEH requested clarification on whether there was access to the sea front from the roof terrace. It was confirmed that they would be able to do so at roof level. MEH pointed out that people would therefore be immediately above the apartments. This was confirmed to be the case.

MEH also raised concerns as regards to the Environmental statement and the protected limpet population. He asked how they planned to relocate them and stated that very little emphasis has been given to other marine life in the area. MEH said that they should be aware that there will be a need for an Appropriate Assessment which could have significant complications.

The applicant said that seahorses and other marine life in the area were identified in the survey, the majority being limpets; they were preparing an appropriate mitigation program.

CAM commented that in the previous Outline Application, the building mass was accepted with reservations. In her opinion this was a compromise so that something was done with the Bay. The new proposals proposed to introduce apartments to the scheme. She stated that on the original application they were led to believe that the pool house could not be smaller due to financial issues, as the size of the building was dependant on the attractions offered to attract the clientele. *She therefore questioned the reduction in size of the pool house and attractions in the revised scheme order to incorporate the apartments.*

The applicant said that in the new proposal the volume of the building was the same and that the pool area had not changed. Compromises in space were to the entertainment and admin areas.

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Furthermore they were planning to incorporate slides, a Lord Nelson themed boat and possibly an aquarium.

CAM enquired whether it was essential to incorporate a protruding, roof top restaurant building. Mr. Gomez said that the original idea was to introduce a viewing/seating area to compensate for the loss of public space, but the area would require maintenance, at a cost. The introduction of the restaurant in the podium area would provide maintenance and security of the area.

MEH said that he supported the original scheme subject to undertaking an environmental statement. He did have an issue with the increase to two mooring piers, which he felt would have a negative environmental impact, would increase pollution to the Bay. CP added that it would also be incompatible with the beach as regards to the safety of the bathers. Mr Reed said the pontoons were not concrete but floating pontoons for use mainly by diving clubs. He confirmed they were only for use as temporary moorings.

MEH asked whether fishing would be allowed inside the Bay. The applicant confirmed that this was no longer going to be allowed.

JH confirmed she would have issues with the floating pontoons being open to general public use, given the potential danger to swimmers and pollution and oil contamination of the Bay. The applicant said that the proposal was to provide moorings and not a marina. JH stated that approval was based on the scale and contents. The Bay was important to the Gibraltar population and expressed concerns at the plans being changed substantially, i.e. additional moorings and smaller beach dimensions. She also enquired as to beach cleaning issues and expressed doubts that a mechanical cleaner could be used. The applicant stated that the building scale was the same, the beach had been re-designed in view of the original scheme not being sustainable but the scale remained the same. He added that if the problem was the new pier, this could be negotiated as this is an outline application and an evolving plan. The cleaning and management of the beach would be raised in the next stage of the plan.

CAM asked the applicant whether the extra level of seating over the top of the parapet wall was still incorporated into the scheme. The applicant stated that a raised timber platform would be incorporated, with tables and chairs to allow people to sit to be used by the restaurant visitors. This was suggested by the archeologist on a site visit. However the use of the walking area was to accommodate a suggestion and was not essential.

DCM asked the applicant to clarify whether the beach restaurant could be retained and the restaurant at the top platform removed from the scheme. The applicant said that the suggested roof-top restaurant was to ensure the up-keep, security and maintenance of the area.

The chairman asked the applicant to clarify whether the roof-top platform would be a gated area with restricted opening hours. The applicant confirmed that the public space would be open to the public 24/7, the only non-public area would be the proposed building.

DCM and MEH enquired whether the introduction of the new apartments was sufficient to fund the proposed scheme and raised concerns that the proposed leisure areas would not be delivered. The applicant confirmed that the residential areas were to fund the proposed

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development and the extra amenities, such as the restaurant and leisure areas were to fund the operational cost of the area.

DCM added that the Government would not allow the area to be developed solely as a private residential area.

The Chairman highlighted previous issues with private marinas in Gibraltar, as regards the control and safety aspect of the area, where the residents complain of noise, nuisance and the public lingering in residential areas. The applicant stated that the persons purchasing the apartments would be made fully aware of the facilities; they would be purchasing with the condition of the apartments location being located in a public and leisure area.

The applicant confirmed that over-night berthing would be allowed during the summer months.

The Chairman welcomed Ms. Woods to address the Commission. Ms. Woods has been a resident in Gibraltar for 15 years, her background being in the Tourism Industry and is a fellow in the Institute of Travel and Tourism. Gibraltar's interests were at heart and felt that she had to express her views on the proposed scheme.

She believed the proposals to be too extensive and aimed at trying to please everyone. She felt the application was over-ambitious and expressed serious doubt on the success of the scheme. She posed an example in that boats would need protection and security and questioned how this would be achieved without providing gated areas. The beach seemed too expensive to build and questioned whether a sand beach was really necessary. In her opinion, the proposal seemed to be balanced between viability and non-viability.

The main concern was the complete disregard to the Bay's unique historical and ecological importance. Tourism was essential for Gibraltar, this being an historic bay with a unique association with Nelson and Trafalgar. Parsons Lodge could be connected to the area and opened for guided tours. The Bay could have an ocean aquarium for attracting both tourist and educational benefits for our society. A Maritime Museum could be incorporated with mock-ups of the ships involved in the Battle of Trafalgar. The re-enactment society could be involved with the intention of developing the area to celebrate the Battle of Trafalgar and Lord Nelson.

She also proposed including the 100 Ton Gun into the scheme; WW2 and the Evacuation of Gibraltarians, Gibraltar Regiment and a military theme for both education and tourism. This would further develop the Gibraltarian identity. She quoted the Chief Minister saying "It is important for Gibraltar's future to respect the past". She believed this was an opportunity to develop this area using the heritage, education, tourism and environment to create something special for Gibraltar and not a vast development that may or may not be viable. She asked the Commission to consider other options for this unique Bay other than this commercial proposal.

The Chairman then welcomed Ms. Vasquez, Council member of the residents from Rosia Plaza. The residents from Rosia Plaza had presented 40 signatures opposing the scheme; however they were not presented within the recommended time period. Ms. Vasquez favoured conservation of the Bay as a heritage site and expressed her views on the proposed development being a business orientated plan to make money. Her main concerns and that of the residents of Rosia Plaza, was that if the proposal went ahead and in the future the restaurants and leisure areas

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were deemed not financially viable, there was a risk that the development would be abandoned. She also highlighted the strong exposure to the elements in the area which are extremely corrosive and which would affect the proposed scheme.

She expressed worry for the future prospects of the development and believed that the proposed scheme gave the wrong impression of the area, which should be more orientated towards the historical and heritage side. The residents were concerned with future elements of the scheme, such as abandonment and decay, overfilling of beach facilities for such a small Bay, cleanliness of the beach, the control of temporary berthing, control of boat numbers accessing the area and the issue of safety for the bathers. Ms. Vasquez and the residents of Rosia Plaza asked the Commission to reconsider and refuse the proposed scheme.

The Chairman welcomed Mr. K Colombo a resident of Rosia Cottages. Mr. Colombo concurred with the comments made by the previous objectors and added that Rosia Bay was perhaps one of the few remaining unrestricted leisure areas where the public were allowed to swim, fish, conduct social gatherings and dog walk. He believed the proposed scheme to be disproportional, over-ambitious and not in keeping with Rosia Bay and the surrounding buildings. The incorporation of private residential areas proved that the proposed scheme was not financially viable and Rosia Cottages residents were concerned with the repercussions should the project be abandoned in the future.

They believed the proposed private residential element to be contrary to the Gibraltar Development Plan (GDP), which requires that any potential development of Rosia Bay should provide tourist, recreational and leisurely activities for the general public and not residential. It further requires that any proposal not detrimentally affect the character and appearance of historical buildings in the area. In the objector's opinion, the proposed new building would be detrimental to Parsons Lodge and Victualling Yard, which is listed as one of the best preserved victualling facilities outside the UK mainland.

The tables and chairs facilities included in the proposal would be located a few metres away from Rosia Cottages, level with the bedrooms, which they believed would interfere with their privacy and cause noise nuisance. They also highlighted the potential traffic problem with lack of parking facilities in the area, especially during the summer months. Additionally, he felt that an indoor aqua park in a warm climate could not be financially viable. Residents of Rosia Cottages suggested that Government keep Rosia Bay as open to the public as possible and unrestricted for all ages. As regards previous comments made in relation to the area being common with misuse of drugs, he argued this was a policing matter.

He concluded by saying that Rosia Bay had a significant historical importance for Gibraltar, with links to HMS Victory and the Battle of Trafalgar. With HMS Victory being one of the most famous flag ships in the history of the Royal Navy, this should be the central theme and not the proposed building.

15.30 - DCM gave his apologies and left the meeting

The Chairman welcomed Mr. Thomson to address the Commission. Mr. Thomson was a resident in the area and after studying the EIA statistics he felt the traffic numbers for the area were misleading.

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He reiterated the requirement for no residential element under the GDP and considered the incorporation of these into the project to be solely for financial viability.

He asserted that the EIA had failed to consider the extra number of vehicles potentially accessing the Gibraltar University, the Mosque, the proposed development of the Europa grounds and the access road for the proposed new National Stadium at Lathbury Barracks (one of the three immediate roads required by UEFA). Road safety of foot traffic and the safety of residents accessing their homes would be severely jeopardized. Mr Thomson further highlighted that the EIA stated that Rosia Road (as a one lane road) could take 1000 cars per hour. He felt this was manipulative and not true of the southern end of Rosia Road past the Anchorage.

Noise levels would be greater; there would be increased traffic, pedestrians and diners to the area. The gradient of the ramp in the entrance had not been fully addressed and would be substantially problematic for loaded vehicles accessing the area.

Air pollution due to stationary traffic had not been assessed. A recent temporary traffic light at the top of the ramp to the site caused congestion issues back to the 100 Ton Gun. Nano particle exposures is reported to be 20 times higher with stationary traffic than free flowing traffic. Nano particle exposures lead to an increased risk of lung and heart disease and would severely impact residents nearby. Privacy would be diminished by the proposed restaurant above the city walls. Furthermore, he felt the EIA inaccurately commented that the timber fences outside the Rosia Cottages would screen the ground floor from the view of any development over the city walls.

He stated that other than considerable heritage issues, there were inundation problems and winter storm damage. No appropriate assessment on the sewage system for the area had been undertaken and Rosia Cottage residents and Victualling Yard users had been served with an abatement notice in relation to the sewers which had not yet been resolved.

He added that the EIA had not addressed security or evacuation issues appropriately nor the security of the leisure facility. Given the world-wide concern on immigration, migration, terrorism and the Major Incident Report Plan announced by the Chief Minister on Earthquakes and wave damage, he questioned whether the EIA would take this into consideration for the development.

Mr. Thomson concluded by agreeing with the previous objector that an indoor aqua park in a typically warm climate would be unfeasible. Given the low unemployment levels in Gibraltar, he questioned whether this development needed to boast employment benefits to the community.

Mr. Thomson and his family strongly believed that any development on Rosia Bay should adhere to the Development Plan in making the Bay accessible for the community, promoting leisure and tourism and providing access to the Bay whilst retaining its historical importance.

The Chairman welcomed the last objector Ms. Labrador. She concurred with all the points made by previous objectors and as a resident of the area, asserted that the effects of weather in the area had been underestimated. She cited policy Z8.4 of the GDP which did not allow for residential development, as grounds on which, the proposed residential element should be

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rejected.

She also commented that the proposed residential element had reduced the size of the leisure facilities building. She urged the Commission to be open to alternative options in order to re-develop Rosia Bay.

Ms Labrador also felt that the 'chiringuito' restaurant would be sufficient to cater for the public; therefore their issues with invasion of privacy would be addressed by not allowing the roof top restaurant.

Ms Labrador also expressed reservations on the matter of parking. Residents from the nearby residential areas such as Rosia Cottage, Rosia Plaza, Rosia Dale, Nelsons View, Vineyards and The Anchorage need to park in the area. During the summer months, the Camp Bay parking did not sufficiently cater for the amount of users. The use of Camp Bay as parking provision was not sufficient for the proposed development.

Finally she added that Gibraltarians are very proud of their heritage and she urged the DPC to protect the heritage of the area and protect the Bay against overdevelopment.

The Chairman welcomed the developer back to reply on the objectors' comments. Mr. Reed welcomed the views of the objectors and stated that he was a proud Gibraltarian and all proposals for the redevelopment of the Bay had considered the historical and heritage importance of the area. A Nelson and Trafalgar theme was incorporated extensively into the proposed scheme and added that the entire project had been put together incorporating the Government's suggestions.

As regards to the proposed development not being financially viable in the future, he acknowledged that this could happen, but if it did the issue would be addressed by the DPC for a solution. The developers confirmed that they were fully committed to the project. Furthermore they were fully aware of the GDP's proposed use of Rosia Bay, and asserted that despite there being no reference to residential use, it stated that 'the proposal shall have to ensure (a) the character and appearance of the area are not significantly detrimentally affected and public access be provided to the public. They believed their proposal achieved this. Additionally, he asserted that the GDP was intended to guide land use.

He stressed that the 6 private apartments were to finance the vast works needed to restore the site. He had consulted various authorities including the Gibraltar Museum, GHT and had taken on board their views and recommendations.

As regards the privacy issues raised by Rosia Cottages, he put it to the Commission that by standing outside the houses you could see inside the homes and did not see it is an issue.

He ended by stating that he had been approached by many members of the public welcoming the proposal and asked the Planning Commission to grant them permission to proceed with the proposed development.

DTP addressed the Commission and summarised the revised application proposals and the EIA assessment.

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DTP said that:

In Feb 2014 the DPC agreed that the scheme proposal was acceptable subject to the outcome of Environmental Impact Assessment.

In Jan 2015 a Scoping Opinion was issued which set a scope for the Environmental Statement.

In October 2015 an amended scheme was submitted together with the Environmental Statement.

Both the revised scheme and the Environmental Statement were subject to public participation and objections received. He referred to the objectors who had now addressed the Commission. He stated that the EIA regulations now applied and the DPC is required by law to consider all Environmental information, including the environmental statement, and representations received through agencies, representative bodies and private entities. This was an Outline Application and under the EIA Regulations, best practice and case law it is very important that the decision making bodies have covered all the environmental issues. . The DPC needed to consider all the environmental information together with other material considerations.

In terms of the Environmental statement, there was some concern on what had been submitted to the Commission. It was highlighted that flood risk and waste and resources, which were scoped into the EIA, had subsequently not been included. The reason for this being that they had been deferred until a more detailed design was worked out. They have assessed that there is a flood risk to the area and measures need to be implemented as this may have repercussions on the ecology and water circulation.

On the issue of waste and resources, not much information had been received on this matter and it had not been fully assessed.

As regards a Habitants Regulations Assessment this had not been undertaken. This is a parallel process to the EIA, and is required as the site is within a special area of conservation and Marine Coastal Zone. The Department of Town Planning would have been more comfortable if these issues would have already been assessed or screened at this stage.

As regards Hydrology and coastal processes and water quality, the EIA acknowledged that changes to the hydrodynamic processes both during the construction and operation have a potential significant impact, particularly on the transport of sediment and local water quality. The EIA confirmed that the significance of the residual impact on coastal processes and water quality could not be quantified until modeling was undertaken. The department of Town Planning was concerned that this presented a high level of uncertainty particularly on the Environmental Statement findings. Whilst they acknowledged that this was an Outline Application, until the designs were fully worked out, this remained a critical element of the scheme.

In terms of the Ecology aspect, the department had some issues, particularly in relation to the Mediterranean Ribbed Limpet, which was an endangered species. The EIA statement mentioned that the Residual Impact was unknown and recommended the removal and relocation of the species. The Dept. of Environment highlighted that the removal of these species was a complicated task, particularly because they were attached to fixed structures; GONHS had commented that they considered the species to merit the highest protection possible.

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In relation to the Giant Fan mussel DTP stated that the seabed was not fully visible at the time the sub-tidal survey was undertaken and therefore there was no confirmation that the 5 specimens identified were the only ones present onsite. The Dept. of Environment suggested further study of the area to identify any other potential species present which could be affected by the development. Again, this was an area of uncertainty that exists.

The EIA also identified bats in the area and recommended a further detailed survey to be carried out. This posed uncertainty in the EIA as the survey would only be carried out at some later date.

As regards archaeology and cultural heritage, this was relevant to the hydrodynamics of the Bay and the potential to affect any unidentified buried archeology within the Bay. Without the Hydrodynamic modeling the potential impacts could not be identified, which also posed uncertainty in the EIA.

In respect of Land quality, the EIA acknowledged a need for site investigations but these were deferred for a later stage. So we do not know if there are likely to be any significant effects arising from this issue.

The matter of Noise and Vibration was another issue for the Town Planning Department in view of the absence of a base line survey. The EIA worked to certain standards and considered what was acceptable. What is not clear is what the levels of increase in noise from the existing baseline will be and whether these would have a significant effect.

DTP then commented on the town planning matters related to the revised scheme.

The residential element was contrary to the GDP, which specified leisure and tourism use for Rosia Bay. Although the GDP was for guidance only, the Commission was advised to take the GDP into account and to give it significant weight but must also take into account any other material considerations when taking a decision.

In terms of car park spaces, these had been reduced from some 30 to 12. Parking provision was for the residential area and no parking was provided for the use of the recreational area. He asked the Commission to consider the applicant's proposals for the use of public transport and foot access. There was also some concern as to the residential use and its compatibility with the leisure use. DTP confirmed in the department's experience issues with noise and disturbance had arisen in other areas of Gibraltar where you had a similar mix of uses.

From a planning perspective there were no issues with the changed beach design. A beach facility was still proposed and there was no change to the size. The beach restaurant had been relocated away from the existing rock which was welcomed in terms of protection of ecology.

In terms of the roof top restaurant DTP confirmed that the previous scheme did breach the height of the walls but this was limited to the access core. At the time the Commission had sought to keep the building below the wall, but accepted a compromise on the basis that the proposal improved access to the area including for people with mobility issues. The additional restaurant structure did go above the height of the wall and also affected the massing and the general character of the area. Associated structures such as umbrellas, tables and chairs, would add further clutter to the area. It would also have an impact on views looking out towards the

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sea.

The decked terraced area sitting on top of the historical wall did affect the general character of the area and detracted from the character and setting of the wall. DTP referred to the DPC's efforts over the years to remove structures from historic walls and that this would run contrary to that approach. He did not recommend allowing a structure, which also had a negative impact on the privacy of residents of the Rosia Cottages.

As regards the opening of the roof terrace, this was encouraged but the department did not consider it necessary for a restaurant to be placed on it to manage the area. There were many public areas around Gibraltar that did not necessarily need a restaurant for the area to be open.

Finally, the Departments view was that the EIA contained many areas of uncertainty and further studies needed to be undertaken. The screening for the Habitat Regulations Assessment had not been undertaken and they considered that they did not have sufficient information to take a final decision. Notwithstanding, DTP said that the DPC should provide the applicant with an indication of their views as regards the revised proposal in particular the residential element, the restaurant and the decking area, to assist the applicant to be able to progress with the scheme.

JC commented that the Government decided not to spend public money to develop the Bay and opened the expressions of interest to the public. Of all the submissions, this proposal had received the most positive comments and the application has evolved from then. There had to be a realization that no developer would enter into project if there was not some sort of return for the development. It was a costly development and the developer's long-term return had to be considered.

MEH asked JC if by his comments, did he suggest that the proposal might not be financially viable in the future. JC said that as the scheme further developed to the point where there was no viable return from the scheme, this could be so.

In light of the findings of the EIA on the beach the Chairman questioned whether the requirement to provide a sandy beach, under the terms of the Expression of interest, should be reconsidered in favour of a facility more like Camp Bay, from which the public can dive from a pier. CAM echoed this view whilst JC expressed concerns that this type of beach would not attract people.

DTP commented that the important point was that we comply fully with the EIA regulations in considering the application. Whilst it may appear to be harsh, the costs and financing of the development are not the Commission's main concern, the primary focus is to ensure we have all the environmental information before making a final decision. JC stated that the mounting costs might compel the proposed developer to withdraw their application.

MEH explained that the Government was concerned with the dangerous and dilapidated state of the area, which was extremely costly to repair and therefore invited expressions of interest to the public subject to certain conditions. The Commission having reviewed the scheme accepted in-principle proposals for the area with reservations, but the new proposals, in his opinion, were deviating from the original proposal. He agreed with many of the concerns raised by objectors on several issues but felt that something had to happen at Rosia bay rather than to leave it in its

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current state. Today's decision, based on the depth of the EIA, must be that the Commission still did not have enough information to take a decision. He proposed that the developer should engage with the relevant parties to revise the scheme and propose a more acceptable proposal that is more akin to what the Commission had already indicated was likely to be acceptable.

CV also added that today's decision was to focus on the changes and deviations on the originally approved, in-principle proposal and how the EIA had affected the new scheme. He proposed that the developers revise the scheme on the mooring side, on safety issues, and considering the bathers alongside the small boats. The incorporation of the residential element was not of much concern for him personally as this had been incorporated within the overall volume of the design. As regards the incorporation of the roof-top terrace, his opinion was that the general public tended to enjoy more our heritage sites where there were leisure activities incorporated into the area.

The Chairman contributed his personal view, stating the proposal to include residential and leisure amenities did not work. In the past, residential buildings incorporating ground floor leisure amenities had attracted complaints from the residents, resulting in the closure of these amenities. In his view, the proposed application was over ambitious and over the top. He suggested that the applicant go back to basics, restore the mole and incorporate some element of recreational use which would be financially viable. He also believed that there was very little emphasis on the educational, historical and environmental importance of the Bay.

The Chairman stated that taking on board the public interaction of this meeting and comments made by the Commission, the revised scheme was unlikely to be approved as the DPC required the applicant to further develop the scheme and complete the full EIA process to enable the Commission to make an objective decision on the proposals. The EIA process is not meant to stop development but to provide mitigation matters and provide solutions and until the full EIA was submitted the Commission could not make any decisions.

The Chairman invited the applicants to find solutions to the issues highlighted and to present them to the Commission when fully completed. If the scheme is amended he advised the applicants to ensure that the EIA process reflects any further amendments.

The meeting ended at 16.40.