

Approved

DPC meeting 12/16

16th December 2016

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 12th Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 16th December 2016 at 9.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon Dr. J Garcia (DCM)
(Deputy Chief Minister)

The Hon S Linares (MCMYS)
(Minister for Culture, the Media, Youth and Sports)

Mr H Montado
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mr I Balestrino (IB)
(Gibraltar Heritage Trust)

Mr K Santos (KS)- (non-voting member)
(Land Property Services)

Mrs J Howitt (JH)
(Environmental Safety Group)

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

In Attendance:

Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

Mrs. Miriam Brittenden
(Minute Secretary)

Approved

DPC meeting 12/16

16th December 2016

Apologies:

The Hon Dr. J Cortes (MEHEC)
(Minister for the Education, Heritage, Environment &
Climate Change)

Dr K Bensusan (KB)
(*Gibraltar Ornithological & Natural History Society*)

Mr C Viagas (CV)

Approval of Minutes

863/16 – Approval of Minutes of the 11th meeting of 2016 held on 22nd November 2016

The Commission approved the Minutes of the 11th DPC meeting of 2016 held on 22nd November 2016 subject to the following change in the previous meeting:

With reference to item 831/16 – F/14499/16 in the previous meeting - Detached Mole – Proposed oil transshipment operation comprising supply vessel (as existing) and installation of pipework on the detached mole.

In this minute's item the MoH had indicated that the North Mole was a listed monument, therefore a Heritage Licence was required prior to the removal of the existing steps located at the far side of the Mole, to allow the pipe to be laid. Subsequent to this meeting DTP reported that the Detached Mole was not a listed monument so therefore a Heritage Licence would not be required. He stated that the issue with the steps could be made a condition in the permit, which deals with the dismantling and storage of the steps.

The Commission noted the comments raised and agreed to arrange a site meeting to further discuss the matter prior to the removal of the steps.

Matters Arising

864/16 – F/14495/16 - 2 St Christopher's Alley (previously 30A Europa Flats) - Proposed alterations and two storey extension to existing dwelling, installation of pitched roof with dormer windows and skylights and proposed construction of new terrace and swimming pool in the grounds of the property.

DTP briefed the Commission on this Application which had been deferred from the last meeting due to a number of concerns, which were as follows:

- The proposed introduction of a hipped roof.
- The front terrace on the first floor level.
- The construction of a two storey extension built up right up to the west boundary wall.
- The proposed windows to the extension not in keeping with the current round head windows.
- Requirement of details of the proposed swimming pool, landscaping bats and swift boxes and boundary fencing.

The Commission had also previously discussed the possibility of a more uniformed look for the 3 identical houses. They also suggested the possibility for the neighbours to discuss whether they were able to come up with a similar design. DTP reported that the Applicant had informed the Department that there had been no agreement between the neighbours. The Commission would have to determine each Application as they come through.

DTP advised that the revised plans showed more detailing on the landscaping proposed which included the planting of trees and the applicant would develop this further in consultation with the

Approved

DPC meeting 12/16

16th December 2016

DOE and GOHNS. Further details were also received on the swimming pool and the extension had been set back from the boundary wall by a metre. They had removed the proposed hipped roof and had also removed the first floor terrace. The applicant also proposed to remove the decorative blockwork on the existing 1st floor verandah and to replace this with railings; round headed windows had been introduced; a tree screen was proposed on the western elevation; a subtle change in colour had been introduced to create a distinction between the original building and the extension to break up the massing on the east elevation.

DTP added that the Applicant proposed the introduction of a boundary fence with timber horizontal slats and stated that this proposal would be more in keeping with the area.

DTP stated no comments from other departments had yet been received other than the comments received from the MoH, stating that the new proposals were more in keeping with the character of the area and also mentioned that care needs to be taken over the detailing of the new windows.

DTP summed up by stating that the Applicant had taken onboard the Comments made by the Commission in the previous meeting and recommended approval subject to the proposed trees planted to be mature and species to be agreed with the DoE, the incorporation of Bats and Swift boxes and the submission of further details of the proposed solar panels prior to the approval.

MCMYS commented that he would have preferred that the three neighbours had agreed to coordinate and propose a cohesive model and added that if this Application was to be approved the other two neighbours would have to follow the same design. The Chairman replied that if this design was approved, it would be used as a basis for any future Applications although they would not be obliged to create the same extensions, but the overall design would have to be complimentary.

The Commission agreed with the proposed Application as submitted subject to the submission of a detailed landscaping plan, the use of mature trees, species to be agreed with DoE, details for bat and swift boxes and solar panels details to be approved. .

865/16 - F/14520/16 - 6 Straits View Terrace, Europa Point - Proposed construction of two new flats.

DTP reported to the Commission that this item, which was for the construction of two new dwellings for family members in the patio area had been brought back to this meeting to clarify that the dwellings were in fact, not located within the area of the Nature Reserve as previously stated, as the built up area had been excluded from the Nature Reserve boundaries. He also highlighted that the Commission had recommended that they should incorporate a green roof and the Applicant had asked for clarification on this issue as he was under the impression that the green roof was not required.

DTP stated that a green roof was recommended as the site is adjacent to the Nature Reserve and it would benefit the ecology of the area and it would also be beneficial in terms of visual impact especially as these buildings are seen from above.

DTP stated that, having discussed with the DoE, technically there shouldn't be a problem providing PV panels and a green roof on the same building.

Approved
DPC meeting 12/16
16th December 2016

The Commission concurred with the comments raised and the application was approved subject to the condition of PV panels and green roofs.

866/16 – F/14540/16 - 20 Line Wall Road - Proposed refurbishment of existing car showroom and associated areas.

DTP briefed the commission and stated that this Application had been considered previously, where the proposed internal alterations to the showroom were approved, but it had been bought back as there was concern that the pedestrians accessing the main entrance of the showroom was too narrow and the Commission had required that the Applicant should provide a new, wider pavement.

Following the meeting the Applicant had provided details of a new footpath along the front of the showroom. The proposal received comments from TSD - Highways Authority, which had objected to the proposal on the basis that the proposal would reduce the road width and would also result in a loss of on street parking. The Traffic Commission subsequently indicated that they would like to investigate this proposal further as they would like to improve pedestrian safety in the area.

DTP reported that Traffic Commission would take this up with the applicant. The Chairman interjected and confirmed that the Highways Authority would arrange a meeting with the Applicant to resolve the matter.

Other Developments

867/16 – BA 12946 – 56 City Mill Lane - Proposed demolition. (Consideration of revised plans for extended scope of demolition works).

DTP briefed the Commission on this Demolition application which the Commission had considered previously. A demolition permit had been granted previously and now the Applicant is proposing a wider scope of works on the basis that the buildings are deteriorating, the applicant is under pressure from the Environmental Agency to address the matter and there is a Court Order issued because of health and safety concerns. He added that the proposal was to retain the façade to City Mill Lane and the rest would be demolished.

He added that the proposal received comments from the Environmental Agency which supported the demolitions. The MoH raised an objection for the demolition until a Plan and Elevation Survey and a Historical Desk Based Assessment were made prior to the approval.

DTP added if the Application was to be approved he would recommend a condition on the retention of the ground floor and first floor façade pending the Full Application with the proposals behind the façade.

The Commission approved the demolition of buildings on the south and western building pending a site visit with the Applicant to review the state of the remaining buildings, and subject to the completion of the surveys required by MoH.

Approved

DPC meeting 12/16

16th December 2016

868/16 - BA 13643 - Pizzeria Plaza, 2 Public Market, Market Place - Proposed construction of conservatory to provide additional covered seating for restaurant.

DTP commented that this was a full Planning Application for a proposed construction of a concrete slab on which a glazed conservatory measuring 62 m² would be constructed with frameless bi-folding doors and a retractable roof system to provide covered seating at the rear of the existing restaurant. The conservatory would be located at a distance of 1m from the public market building. The proposal also included the relocation of a gas store and he also commented that an extension had been previously permitted on one end and a reconfiguration of an existing extension on the other end of the building.

DTP stated that the Application had received comments from the MoH, who do not oppose the covering over the seating area, but proposed a retractable pergola type design to make the area more open. They stated that the proposal was too permanent and was encroaching on the market façade.

DTP pointed out that the Commission should be made aware that the existing passage was not completely blocked off and that the Applicant had stated that the area was underutilised which leads to loitering and accumulation of rubbish in the area.

DTP added that in terms of the department's assessment, the market building had been put-forward as a candidate for Heritage Listing and there would be a certain element of visual impact on the setting of the public building. He also reminded Members that some years ago Government had removed many of the accretions that had developed around the building in order to open up views of the building. DTP stated that reducing the passageway between the new structure and the market building to just 1m would limit its use. Whilst accepting that the area is currently underused it would seem prudent to protect the circulation space around the building to ensure the effective long term operation of the market. He stated that the department recommended a less permanent structure which could be reversible. A retractable awning with removable side panels, no concrete slabs and an increase in the width of the passageway to allow a 2m area between the awnings and the Market building was recommended.

GM commented that an enclosure should be not be allowed as it would do away with the magnificence of the Market building. He added that this structure would negate the existing Market building features by enclosing the area and block the access for public, tourists and deliveries to the market.

The Commission concurred with the comments made and refused the Application. It indicated that a simple open seating area with perhaps sun umbrellas may be acceptable but no structures would be acceptable.

869/16 - F/13820/15 - 7th Floor, International Commercial Centre (ICC) - Conversion of 7th floor car parking level into seven apartments with terraces and associated works.

DTP stated that this Application had been deferred a year ago where the Applicant proposed to convert a carpark area into residential apartments. The Commission did not have an issue in principle, but expressed concerns with the impact on the reduction of the available car parking.

Approved

DPC meeting 12/16

16th December 2016

He stated that the Applicant had submitted details on the carpark usage and statistics in March 2016 but the Commission had considered that the carpark was very busy, heavily relied on and that demand for parking in town was likely to increase. Subsequently the Applicant addressed the DPC and the Commission decided to allow more time for the Applicant to submit further information.

DTP stated that the Applicant had submitted more information, which was the following:

- A total of 405 spaces are provided in the carpark.
- There would be a total of 72 losses of carpark spaces at the 8th floor as a direct result of the permitted development at that level;
- there would be a loss of 14 spaces being the parking provision for the permitted scheme on the 8th floor;
- A total of 71 spaces on the 7th floor would be loss as a result of the proposed development.
- The proposed apartments would require a total 7 spaces, (1 space per Apartment as compared to the previous proposal of 2 spaces/apartment).
- A total of total of 22 additional spaces have been identified throughout the car park
- A total of 263 spaces would remain if the proposed development were to be approved..

DTP stated that the Applicant had produced statistics which looked at the demand for spaces which showed a drop in demand for car parking. They also added that they expected a reduction in demand due to the Mid-Town carpark and pointed out that in January their fees would be increased which would further reduce demand.

Comments received from LPS recommended approval of the scheme subject to the payment of the pending premium payments.

JH commented that there was a holistic plan for Gibraltar as a whole and the proposal could affect the new Traffic Plan, the reduction of car parking spaces could adversely affect the overall parking plan.

The Chairman interjected that this was a private development and does not think that the Government was bound by the private occupier and neither the landlord bound by the Government. This would reflect on the Government lease granted which might require the provision of a certain number of car parking spaces to be available for the public.

DTP indicated that as LPS had approved the proposal it could mean that the proposal is compliant with the lease agreement.

JC indicated that the Applicant would need to change the lease subject to planning approval. He also commented that the proposal would be at a loss of 140 spaces. He added that another point to consider was that tourists are not allowed to access the Upper Rock Nature Reserve and this would result in more demand for car parking spaces in the town area.

The Applicant's representative, Mr Stuart Dunn was invited to address the Commission. He stated that since the Mid-Town parking was opened the car parking demand at the ICC car park had significantly reduced.

Approved

DPC meeting 12/16

16th December 2016

The Chairman asked Mr Dunn why the landlord had increased the price of parking which was deterring people from using the ICC parking. Mr Dunn indicated that the increase in price was as result of the reduction in demand and also noted that there were 63 spaces currently being used for the GHA, consisting of 2 hrs. free parking.

JC commented that the statistics should be taken at peak times and not the average usages.

MCMYS suggested that the Applicant and the Ministry for Transport and Traffic should meet to address any issues regarding the new traffic plan.

The Commission agreed to defer the Application pending the outcome of the meeting with the Ministry for Transport and Traffic.

870/16 - F/13904/15 - 34 South Barrack Road - Proposed alterations and single storey extension to existing dwelling.

DTP commented that this was a full Planning Application which had been previously granted permission to remove the roof and an additional storey constructed over this and various alterations to the ground floor façade. The Applicant had now submitted revised plans after an unauthorised demolition of the ground floor façade.

DTP explained the structural design proposed to introduce concrete columns within parts of the wall and to construct footings for the concrete columns. These works led to the destabilising of the original walls, which had no foundations, this together with the removal of the roof affected the lateral stability of the walls. He also stated that the weather conditions at the time had washed away most of the soil beneath the wall which had worsened the situation.

He added that the departments' Structural Engineer had confirmed that in his view the demolition had been the only safe option.

DTP stated that the revised plans were to rebuild what was there and end up with the same scheme that was originally approved. He added that no Consultee objections had been received other than the MoH who asked for care on the window design and materials to match the existing situation. In summary the department considered that the proposal should be approved.

Whilst the Commission was concerned with the unauthorised demolition it nevertheless approved the revised application.

871/16 - O/14166/16 - Surrey House 28b Europa Road - Proposed extension and refurbishment.

DTP briefed the Commission and stated that this was an Outline Application deferred from the DPC meeting in June 2016 as the Commission had concerns over the loss of views from Europa Road. The Commission had also requested a tree assessment and required that the Applicant reappraise the character of the property in relation of the visual impact to the adjacent identical building.

DTP stated that the Applicant had submitted revised plans, where they proposed to retain the original building without any extensions at level 0 (Europa Road); the only change would be the

Approved

DPC meeting 12/16

16th December 2016

extension of the car deck and the provision of a car port on the side of the building, which sits over the extension at the lower level. In addition they proposed to construct an extension on the -1 level with terraces around it and at -2 level, a reconfiguration and internal alterations were proposed. At -3 level, there would be no major changes to the original proposal and the originally proposed lift structure had been eliminated from the scheme.

He added that a tree survey had been undertaken by a local company and they had identified 6 trees that would need to be removed, plus 2 large shrubs. They proposed to relocate 4 trees on site and suggested that the remaining 2 trees, which are not indigenous species, would be replaced with 4 new trees, these would need to be agreed to with the DoE.

DTP briefed the Commission on the Department's assessment and stated that the Applicant had taken the Commission's recommendations on board and highlighted that the car port proposed had a solid concrete structure and recommend that this should be more light weight, such as timber or similar, other than that they recommend approval of the scheme as submitted.

JH stated that the proposal would impact the green environment in the area and recommended that the trees planted should be mature trees based on GONHS and DoE recommendations taken on board. DTP stated that these recommendations would be part of the conditions if the Application is approved.

The Application was approved subject to the proposed car port being a lightweight structure, such as timber or aluminium, to reduce the visual impact and subject to the recommendations of GONHS and DoE' in relation to the size and species of the trees to be planted.

872/16 - F/14186/16 - 11 Bomb House Lane - Retrospective application for a small work shed on the rear garden area of an existing residential premises.

DTP stated that this was a Full Planning Application for the construction of a work shed in the garden area of the property and the department had received objections to the proposal and he referred Members to the copy circulated with their agenda. The objectors had requested to address the Commission.

DTP said that this Application, which was a retrospective Application, was refused in the DPC meeting in May 2016 on the basis of loss of amenities to the adjacent resident, proximity to the neighbour's window and wall, and lack of drainage provided to the roof of the shed which would impact the adjacent building and could result in dampness. The department had encouraged the 2 parties to meet and try to resolve the differences and agree on a possible solution acceptable to each party and this had resulted in the current revised plan.

DTP added that in the revised scheme, the Applicant had reduced the footprint with 500mm clearance at the rear and 680mm at the side, and reduced the height from 2.87m to 2.57m which was below the window sill level of the adjacent property, and had also provided rain water guttering to the roof area.

Mrs. M Dumoulin and Mrs Russo owners of the adjacent building addressed the Commission to raise their objections. Mrs. Dumoulin stated that they had met with the neighbours to discuss the matter and were not happy with the revised plans submitted. She stated that subsequent to a meeting with her neighbour they agreed to allow the electrical cable in their property wall to feed

Approved

DPC meeting 12/16

16th December 2016

the working shed as they had mutually agreed to a reduction in size and install guttering to the roof.

She added that the Applicant had only reduced the size of the wall by 20cm, not by the agreed 75cm. They had not changed the roof and had only installed the guttering; she added that the Applicants representation to the Commission was not what they had mutually agreed to.

Mrs. Dumoulin added that the main objection is the proximity of the shed to their property walls, which does not allow for a minimum space required to be able to erect scaffolding for maintenance purposes, which they believe that by British Standards should be 27 inches or 68.5 cm.

She added that the Applicant had viewed the works from their property window and agreed to change the pitch of the roof so that water would flow from the back of the shed to the front and therefore away from their walls. She stated that in spite of a verbal agreement, the pitch of the roof had not been changed and the new submitted plans do not reflect what was verbally agreed.

Mrs. Dumoulin said that the work shed had toilet facilities and a wash basin and doubts whether they had any authority to connect these facilities as it was built without the appropriate permissions.

She also stated their property was already suffering dampness, which she believes has been caused by the strong rains and the shed being located there.

In conclusion she stated that they had agreed to write what they had agreed to for both to sign and present to the Town Planning Department, but unfortunately the Applicant did not sign the agreement. She stated that ideally the shed would be removed from its location and if it was going to stay there, that the size of the shed should be reduced in size so that they can access their property walls for maintenance purposes and also stated that this shed could cause a potential security issue.

The Chairman asked the Objector if the shed was reduced in height and width would they be amenable to this Application, the objectors agreed to this. The Chairman also referred that their legal representatives would need to check whether they have a right to access this private property to be able to carry out maintenance on their own property. He suggested to the objectors that they contact their legal representatives to establish their property rights.

The Commission did not have any other question for the Objectors.

DTP stated that from a planning perspective, the shed was located within the curtilage of the house and not visible by the general public. The reduction in height addressed the issue relating to the objector's window. The reduction in footprint now allowed for access, albeit limited, to the objector's walls for maintenance purposes and the provision of adequate rain water guttering should resolve the issue of rainwater shedding onto the objector's walls. However, he also stated that the direction in which the roof leans was a concern to the objector and this had not been changed. He added that the Environmental Agency would need to address the issue with the toilet connection. He summarised by saying that taken into account all the factors, the proposal on balance was considered acceptable and that it was recommended for approval.

JH said that the Applicant has a huge plot and suggested whether the Applicant would look at

Approved

DPC meeting 12/16

16th December 2016

alternative site within the property. DTP replied that this had been suggested to the applicant who had decided to continue with the proposed location. DTP stated that he assumed that the applicant considered the proposed location to be suitable as it was a small area, away from the main garden/patio and therefore suitable for the proposed shed. The Applicant wanted to make use of the area which formed part of his curtilage.

MCMYS interjected that the Applicant had built this shed illegally and questioned why there were no consequences for such illegal works. DTP stated that the Applicant had a legal right to apply retrospectively and the Application can be approved on planning grounds if considered acceptable.

DCM stated that the main issues were on the illegal built shed, access issue for repairs and water penetration caused by the proximity of the wall to the objector's property. He stated that the gap should be 71cm and asked whether it is possible that the owner can modify the width? DTP highlighted that the owner could possibly refuse to grant access to his property by the objector.

The Chairman stated that this is a land agreement and not a Planning issue and said that the Commission needs to decide on whether to approve the shed, taking into consideration whether the shed should be reduced to a smaller footprint, character of the shed, on loss privacy and take into consideration the objector's points regarding the loss of amenities, loss of views from their window, security issues, the party wall scenario and water penetration issues. He added that if there were land issues on the part of both parties, they would need to address this issue with their legal representatives.

The commission decided to take the vote with the following result:

In favour:	3
Against:	3
Abstain:	3

The Chairman had the casting vote and voted in favour and the Application was subsequently approved.

There was a 10 minutes interval.

873/16 - F/14561/16 - 32 The Sails, Queensway - Proposed internal and external alterations to apartment layout and installation of new glass curtains.

DTP briefed the Commission on this Planning Application and stated that the proposal was to make internal alterations, including the removal of internal walls and the construction of new partition walls to create a new study, new access corridor and the relocation of new W/C shower room.

The external alterations included the conversion of the existing covered patio to a kitchen and bedroom, the construction of an external wall with new window on the north elevation; window frames and wall colour to match existing and the installation of glass curtains on the South elevation.

Approved

DPC meeting 12/16

16th December 2016

DTP stated that planning permission had been granted to a similar scheme and glass curtains had been permitted within this complex in the past. He added that there were no comments to report to the Commission other than an objection received from the Management Company (and referred Members to the copy circulated with the agenda), on the ground that the proposal was a contravention of the lease and also commented that the glass curtains would set a precedent and would affect the character of the building. DTP recommended approval of the proposed scheme as it was not considered to have any significant impacts.

JH commented that if approved the proposal would alter the look of the building and added that given that the Management Company had objected she would not recommend the approval.

DTP clarified that the Management Company's objection relating to the lease was not relevant to the consideration of the application on planning grounds and that the department's view was that there were no objections to the proposal. He further added that if the Commission approved the proposal on planning grounds, the Managing Company can still refuse on the grounds of the lease.

The Commission concurred with the comments made and the Application was subsequently approved unanimously.

874/16 - F/14569/16 - Flat 2, 27 Hospital Ramp - Proposed subdivision of two-bedroom apartment into two units and associated refurbishment works.

DTP briefed the Commission on this Application for the subdivision of an existing two bedroom apartment into 2 separate residential units, together with associated works. He stated that a number of objections had been received and referred members to copies circulated with their agenda.

He added that the proposals were to construct a more permanent structure to an existing kitchen extension and replace the roof. Representations had been received from other tenants of the building and the Management Company, in relation to building control issues, administration issues and the running of several services through the site.

DTP stated that there whilst there might not have been a permission to build the extension originally this did not prevent its consideration as part of the application and from a Planning perspective there were no objections to it. He also added that the Applicant had proposed to re-route the existing services and that the proposal was not exceeding the existing boundaries. The Applicant had confirmed that the extension would be built according to Building Control Regulations. DTP stated that there were no comments to report and recommended approval of the scheme.

The Commission approved the Application unanimously.

875/16 - F/14570/16 - 43a/1 -2 Rosia Ramp - Proposed demolition of existing external swimming pool and stairs to existing property in garden and the proposed construction of two external swimming pools as well as modifications and extensions to external areas of the property and internal refurbishment and alterations.

DTP stated that this Application proposed the demolition of an existing external shared swimming pool and stairs and various external and internal alterations to the property. The proposal aimed

Approved

DPC meeting 12/16

16th December 2016

to better segregate the property into two distinct units with separate entrances and pools/gardens.

The proposals also included the construction of a boundary wall separating both properties, construct 2 new pools, new stair core, a new entrance porch on the west façade and a 14m long descending ramp to create a new entrance located on the south façade road which exits Vineyards Estate.

DTP stated that they had received comments from the Traffic Commission objecting to the proposed ramp as it would affect the 2-way access road and would also affect the public on-street parking opposite. The proposed ramp would reduce the width of the road and would restrict public access and force pedestrians onto the middle of the road. The porch would also obstruct views for drivers on a blind corner and possibly lead to an increased risk of accidents.

He stated that there have been no comments received from the public and added that from the Town Planning perspective the proposals were acceptable, other than the proposed ramped access, which encroaches onto the public highway, and also the proposed new stair enclosure, which is considered to detract from the character of the building and would represent a bland and incongruous feature. He recommended that the Commission support these view and recommended that the Applicant revise the scheme.

JH asked the Commission to also consider planting additional trees, to which the Chairman agreed and suggested this could be included in the conditions when the Application is approved.

The Commission concurred with comments from the Planners and JH and asked the Applicant to revise the Application.

876/16 - F/14582/16 - Freemantle House, 1 St Christopher Alley - Proposed extension and refurbishment of residential dwelling.

DTP commented that this was a full Application for the refurbishment and external alterations on an ex-MOD property which had gone out to tender. The proposals included the construction of various extensions and refurbishment works, swimming pool and detached garage.

At ground floor level the proposed works involved an extension on the south elevation onto the existing veranda, a covered terrace and new pool. On the North side a new double garage, bay window to kitchen which extends to the full height of the building, new boundary walls, and in/out drive. On the 1st floor there would be various terraces with glass balustrades and a centrally located extension on the south elevation.

On the second floor the stair core would be increased in height to access the roof area where there would be a pergola and a decked area. They are also proposing the installation of solar panels on the flat roof.

DTP stated that the DoE commented that other than the standard recommendations, they would require a heat recovery system, solar panels, rain water harvesting and bat and swift nests. MoH had no heritage conditions but commented that the proposals altered the 1950's building and

Approved

DPC meeting 12/16

16th December 2016

recommended that the proposal be redesigned to retain original detailing of the building and also asked the Applicant to liaise with the neighbouring property to obtain a similar look.

DTP reported that the building is one of a pair of 1950/60s MOD quarters with no particular historic or architectural qualities, which are in need of refurbishment. The proposed design was considered sympathetic to the character of the building and introduced distinctiveness, which was welcome.

He would recommend approval subject to the following conditions;

- The driveway to comprise a permeable surface;
- The garage flat roof should be a green roof, to compensate for the loss of garden area.
- The boundary wall on the south, east and west should be maintained as rubble walls with timber fencing, to a maximum of 2m height. The North boundary wall is approved as proposed.
- Further details on proposed landscaping to be submitted for approval.
- Dust Control Plan, Predictive EPC and Bats and Swift Survey. Swift and Bat boxes to be introduced.

The Commission agreed with the points made and approved the Application subject to the recommendations.

877/16 - D/14607/16G - Former Gatehouse, Gun Wharf, HM Naval Base - Proposed demolition. (MOD Project)

DTP briefed the Commission on this Application for the demolition of a former gate-house at Gun wharf, part of the Naval Base which was the only remains of the North Gate of the Dockyard and it is believed that it was constructed around 1901. The reasons given by the MOD for the demolition is that Gun Wharf was being used for the MOD police headquarters and there is an increase in demand for parking requirements. The Applicant stated that the building had no functional use and the option of relocating the building was considered as suggested by the MoH, but they did not consider this a viable option.

DTP reported that the MoH had objected to its demolition stating that this building was the last remnants of the Dockyard North Gate (the rest was destroyed in the 1980's), and is a tangible link to an important part of Gibraltar's economic life. They added that the MOD had stated that the building's footprint was in the way of heavy vehicles maneuvering in the vicinity and they believe that there is a simpler solution for this by introducing traffic lights.

The Heritage Trust had been liaising with the MOD over this building and had suggested various alternative uses for the building but these have not been accepted by the MOD. As a last resort the Trust had suggested the dismantling of the building and re-building somewhere else within the Naval Base. They highlighted that it would be a great shame and an unnecessary loss of a Victorian/Edwardian structure for the sake of accommodating additional car parking spaces.

DTP added that there were no other comments to report other than of the DoE, which required a swift and bat survey to be undertaken before the demolition works.

From the Planning perspective, DTP stated that the presence of the building contributed to the character, historic value of the area and adds to the local narrative of the history of the Dockyard.

Approved

DPC meeting 12/16

16th December 2016

He added that the building appears to be stable and could be renovated and given a new use. The department does not feel that the reasons for the demolition outweighs the arguments for retention of the building and recommended that the building is retained, renovated and an alternative use be given to the building.

The Commission concurred with the comments and recommendations made.

878/16 - F/14643/16G - Devil's Tower Road - Proposed construction of roundabout opposite cemetery road exit on Devil's Tower Road. (GoG Project)

DTP stated that this Application is for the construction of a roundabout on Devil's Tower Road opposite Cemetery Road. The proposal was a recommendation of the sustainable Traffic, Transport and Parking Plan and the idea was a measure to slow traffic in the area, provide a more direct access to the Cemetery and allow vehicles to exit Cemetery Road and head south avoiding vehicles having to join the traffic congestion of the area.

He stated that the proposal would result in the loss of 4 parking spaces in the public car park, but commented that the benefits outweigh the loss of parking spaces. No objections had been received from any of the departments.

The Department had 2 observations which were:

- For North bound traffic the alignment of the roundabout was such that it would not be an impediment and therefore there is a risk that it would not be effective in reducing vehicle speeds;
- Vehicles exiting Cemetery Road would have to cross 2 lanes (northbound) to be able to head south.

Subject to these observations, he recommended the approval of the scheme.

The Commission welcomed the proposal and the agreed that the observations should be forwarded to the applicant.

879/16 - BA 13399 - Lathbury Barracks Industrial Park, Windmill Hill Road - Proposed construction of a warehouse.

DTP said that this Application was for a proposed construction of a new warehouse at Lathbury Barracks. He added that in July 2015, DPC approved the construction of a 3 storey warehouse in the area for a business dealing with waste oil disposal and which needed to be re-located from North mole. The approved scheme was on a site to the west of the Sacarello's warehouse which was a different site to the original proposal which had been adjacent to HMP. Full plans of the building on the new site were requested at the time but not forthcoming. Planning permission was issued although there was an administrative error when issuing the permission as outline permission was issued when in fact the application had been converted to a full application. It is understood the original applicant sold out to a new applicant who subsequently submitted revised plans.

Approved

DPC meeting 12/16

16th December 2016

DTP reported that the site of the building remains the same on the revised plans and have also proposed a further extension on the lower level due to the topography of the site which drops off to a lower level on the south side. They also proposed various changes to the architectural details on the external façade.

DTP stated that they had not received any details of the uses of the various floors of the warehouse in relation to storage versus office, , landscape details were very limited and no renewables had been indicated, other than rain water harvesting.

He stated that the Department had met with the Applicants and had confirmed that the warehouse use was for the storage of waste cooking oil, which would be stored in barrels. No further details had been provided for the use of the upper floors.

DTP stated the warehouse would be located adjacent to Sacarello's warehouse, which was a temporary project and it is not known whether the building would be retained, once Sacarello's moved back to the North Mole. He added that they had received comments from the DoE requiring a minimum of 3 swift boxes to be located at the North end. The Fire and Rescue Service had an objection regarding inadequate means of escape and required that the Applicants to address this.

The Department had also received comments from the World Heritage Site Office, stating that the site is adjacent to the buffer area of the World Heritage site and the proposed warehouse would have a visual impact ranging between minor and moderate adverse, on the area and recommended that any colour finishes should be discussed by the Planning Department and themselves. They recommended an archeological impact assessment and an archeological watching brief prior to the commencement of any works.

The TSD commented that the increase in volume and height did not fit with the existing volume of the buildings in the area and proposed the design be reconsidered. They also commented that there would be conditions required relating to ensuring the integrity of existing retaining walls is maintained The Traffic Commission would need to assess the area in terms of the proposed new vehicular access.

DTP stated highlighted that planning permission exists for a 3 storey warehouse on this site. However, the lack of sufficiently detailed plans meant that it had only just become apparent that the proposed building does not fit on the existing level platform of land but would need to project over an escarpment.

DTP reported that this means there would appear to be 3 main options:

Build scheme as per revised plans with a lower level ground floor;

Build warehouse on columns where it extends over the escarpment;

Build up land with retaining wall to remove escarpment to create a flat platform on which the warehouse could be built.

DTP recommended that the 3rd option to be preferable as it would allow the permission to be implemented, the retaining wall should be of a type to allow plant growth on its face to provide a 'living' wall and that significant tree planting should be introduced on the west and north boundaries to help screen the development.

Approved

DPC meeting 12/16

16th December 2016

He added that the original proposed design was more sympathetic to the area and felt that the 4 stories would have a negative impact to the area. He recommended the re-submission of revised plans, removing the proposed lower level, provision of a living retaining wall, submission of landscaping plans, improved architectural treatment of facades, provision of required car parking. DTP welcomed the proposed permeable surfacing to the parking areas. The revised plans should also include renewable energy proposals such as solar panels or PV panels.

JC suggested the removal of the top level which could have a lesser impact on the area.

JH commented that this area was the entrance to the Upper Rock Nature Reserve and the area needs to be beautified. The additional warehouse would be located in a most inappropriate area and the massing, look and use of the warehouse was inappropriate for its location as it is in an area of natural and ecological value and proposed that the Application is revoked.

The Chairman stated that the Commission granted permission to construct the original warehouse and if the permission was reverted, it could lead to the Government having to provide some sort of compensation to the Applicant. He stated that the Commissions' role is to ensure that the development has the right architectural form and the fuel is controlled under the environmental regulations and proposed better environmental solutions around the site.

He added that the Commission needed to decide on whether the revised plans are acceptable or not and proposed conditions on the architectural treatment, parking provision and responsibility for the upkeep, landscaping and maintenance of their plot of land.

After discussing, the Commission agreed that the Applicant should provide further details of the layout and the intended use of the building. The Commission's final decision would depend on the plan for the building, mass, volume and the building use, which would be determined in a future meeting. The Application was deferred.

JC gave his apologies and left the meeting.

MINOR WORKS - note within the scope of delegated powers

All applications within this section are recommended for approval unless otherwise stated -

The Commission approved the following applications

DTP recommended approval of the minor works Applications below.

880/16 - BA13210 - 15 Governor's Parade - Consideration of revised plans incorporating construction on additional storey and roof terrace.

881/16 - BA13460 - 4 Buena Vista Mews Buena Vista Road - Consideration of revised plans seeking to replace existing metal railings on balconies of south facing façade with glass balustrading.

882/16 - F/14321/16 - 5 Castle Street - Proposed refurbishment and conversion of public house into restaurant and minor external changes including the installation of a replacement door and gate and the installation of two aluminium windows.

883/16 - F/14605/16 - 21-25 Lime Kiln Road - Proposed renovation of the existing cottage including replacement of the pitched asbestos sheet roof with a flat roof terrace and a half-storey extension.

DTP reported that the Agenda indicated permission should be granted for this application with a condition requiring railings as opposed to the proposed glazed balustrades to the roof terrace proposed. However, since the agenda had been circulated the Department noted that the adjacent property had a parapet wall with a small glazed balustrade and for this reason the condition was amended to allow the same finish as the adjacent property.

884/16 - D/14628/16 - Elliot's Battery, Europa Road - Demolition of existing walkway.

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

The Commission noted the following Applications and agreed with the approval granted by the Sub-committee.

885/16 - BA13338 - South Plot Eurotowers, Europort Road - Consideration of revised plans for new external service area, colour scheme for facades of building and material samples for balustrades and windows.

886/16 - BA13528 - 1 South Barrack Mews - Consideration of additional plans for the construction of external stairs and the installation of boundary fence.

887/16 - BA13741 - Whitewater House, Humphrey's Bungalows, Engineer Road - Consideration of applicants request for different types of railings to be installed on balconies and terraces.

888/16 - BA13748 - Chatham Counterguard Unit 3 - Proposed conversion into restaurant and installation of pergola.

889/16 - F/13882/15 - Devil's Tower Hostel Site, Devil's Tower Road - Consideration of revised signage for east elevation of approved building.

890/16 - F/14232/16 - 712 Seashell House, Beach View Terraces - Consideration of revised plans for proposed internal alterations.

891/16 - /14321/16 - 5 Castle Street - Consideration of revised plans for internal alterations and refurbishment of external toilet

892/16 - F/14375/16 - 401 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

893/16 - F/14396/16 - 6 Kings Street - Consideration of revised plans for external and internal modifications to approved ground floor plans.

894/16 - F/14486/16 - The Island, Queensway Quay - Proposed installation of a new

Approved

DPC meeting 12/16

16th December 2016

maintenance access gate in the existing fence to gain access to the pumping station.

895/16 - F/14515/16 - 6E (27) Castle Road - Proposed conversion of commercial premises into stores for domestic use.

896/16 - F/14524/16 - 17b Casemates Square - Consideration of revised drawings for external signage.

897/16 - F/14535/16 - Unit 120 World Trade Center - Proposed change of use and conversion of office into children's creche.

898/16 - F/14542/16 - 111 Sand Dune House, Beach View Terraces - Proposed installation of glass curtains.

899/16 - F/14571/16 - 201 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

900/16 - F/14572/16 - 301 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

901/16 - F/14573/16 - 1225 Seashell House, Beach View Terraces - Proposed internal alterations.

902/16 - F/14581/16 - Debenhams, International Commercial Centre, 1A Main Street - Refurbishment of former BHS premises, replacement facade and installation of advertisements.

903/16 - F/14585/16 - 19 Admiral's Place, Naval Hospital Road - Proposed internal alterations, change of the floor finishes of the external patio and change of windows.

904/16 - F/14592/16 - 4 Rosia Plaza, Rosia Parade - Proposed internal alterations and blocking up of kitchen window.

905/16 - F/14597/16 - 808 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

906/16 - F/14598/16 - 5-4 Benzimra's Alley - Proposed internal alterations to convert an existing two bedroom flat into a three bedroom flat.

907/16 - F/14600/16 - 263 Main Street - Retrospective application for the installation of an internal passenger lift and access walkways.

908/16 - F/14602/16 - Royal Ocean Plaza Car Park, Ocean Village - Proposed creation of storage area for use by the landlord for storage of materials.

909/16 - F/14604/16 - Ground Floor Commercial Unit, Holiday Inn Express, Devil's Tower Road - Proposed fit-out of commercial unit as Nuno's restaurant.

910/16 - F/14608/16 - Unit 12 Casemates House - Proposed internal alterations and external modifications to shopfront.

911/16 - F/14609/16 - 531 Water Gardens - Proposed internal alterations.

Approved

DPC meeting 12/16

16th December 2016

912/16 - F/14610/16 - Sadguru Linens, 65-67 Main Street - Proposed alterations to shop front.

913/16 - F/14612/16 - 304 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

914/16 - F/14617/16 - 407 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

915/16 - F/14618/16 - Flat 4, 6 Cumberland Steps - Proposed internal alterations to convert existing two bedroom flat into a three bedroom flat.

916/16 - F/14621/16G - Outside Watergardens, 2 Waterport Road - Proposed relocation of pillar box.

917/16 - F/14624/16 - 11 The Anchorage, Rosia Road - Proposed internal alterations.

918/16 - F/14625/16 - 11 Cormorant Wharf, Queensway - Proposed installation of glass curtains.

919/16 - F/14627/16 - 103 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

920/16 - F/14631/16 - 3 Cormorant Wharf, Queensway - Proposed installation of glass curtains.

921/ 16 - F/14635/16 - Garage No 81, Vineyards - Proposed minor external modifications to existing garage.

922/16 - F/14636/16 - Anglo Hispano, Sandpits Vaults, 11 St Joseph's Road - Proposed office refurbishment.

923/16 - F/14637/16 - South Alley, Nelsons View - Proposed installation of emergency gate with push bar.

924/16 - F/14640/16 - Unit 530, World Trade Center, Bayside Road - Proposed internal alterations.

925/16 - A/14584/16 - Market Lane - Proposed sandwich board for Figaro Express and El Capote.

926/16 - N/14616/16 - Plata Villa and Witham's Cemetery - Proposed removal of Populus Albus tree and replacement with two mature specimens of the same species.

(This is a very large, attractive and mature Populus Albus tree with a historical association to the area. Most of the structural roots of the tree have been compromised and the tree is in immediate danger of collapsing and should be removed straight away. The application was approved by the Subcommittee on the basis that four Populus Albus trees of 45 – 55cm girth are planted in the same place and that photos of the trees to be purchased are to be presented to the DOECC first to verify their suitability.)

JH commented that removal of the large trees in the area was a tragedy. DTP commented that the removal of the trees was part of the works at Witham's Cemetery.

927/16 - N/14623/16 - Referendum Gates and Prince Edwards Gate - Proposed removal of wild olive tree and vegetation.

Approved

DPC meeting 12/16

16th December 2016

(This wild olive tree and vegetation are growing out of the historic wall and damaging it, which has resulted in a safety issue and it will eventually begin to flake due to root damage which has already been observed. It has, therefore, been recommended to remove all woody vegetation along the historic wall in order to safeguard its integrity and prevent any accidents to passers-by.)

928/16 - N/14641/16 - Brympton Estate - Proposed removal of Italian Cypress tree.

(This is a growing Italian Cypress tree which has been planted in the wrong place, has a severe lean and being kept upright by a prop. The application was approved by the subcommittee on the basis that the tree is removed and replaced with smaller shrubs (e.g. Hibiscus) as the planter is not suitable for a tree and that a further two trees should be planted elsewhere in the estate to compensate for its loss.)

929/16 - Any other business

No other Business

930/16 - Next Meeting

The next meeting will be held on 24 January 2017.