

*Approved*  
*DPC meeting 2/16*  
*1<sup>st</sup> March 2016*

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 2<sup>nd</sup> Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 1<sup>st</sup> March 2016 at 09.30 am.

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**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)
  
- Dr K Bensusan (KB)  
(Gibraltar Ornithological & Natural History Society)
  
- Mr J Collado (JC)  
(Land Property Services Ltd)
  
- Mr C Viagas (CV)
  
- 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)
  
- Miss K Lima  
(Minute Secretary)

**Apologies:**

- Mr J Mason  
(Rep Commander British Forces, Gibraltar)

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**Approval of Minutes**

**60/16 – Approval of Minutes of the 1<sup>st</sup> meeting of 2016 held on 27<sup>th</sup> January 2016**

The Commission approved the Minutes of the 1<sup>st</sup> DPC meeting of 2016 held on 27<sup>th</sup> January 2016.

**Matters Arising**

**61/16 – BA13177 – Parliament, John Mackintosh Square – Consideration of alternative options for proposed external lift – HMGOG Project**

DTP told the Commission that the original proposal to install an external passenger lift on the north west façade was considered by the Committee. Since then, CV has spoken to the Heritage Trust and the Ministry for Heritage on other possible solutions. DTP said that it is not possible to install either a chair lift or an internal lift. However, DTP said that an alternative proposal has been presented which is to install a lift on the Main Street side of the building. The lift would be recessed and glazed. DTP advised that there would be no planning objections as the lift would be within a recessed part of the building. He said that the proposed lift does not break the building line and that given the use of the building, it can be considered an exceptional circumstance.

CAM highlighted that the Heritage Trust is opposed to the lift on the north west façade and to the installation of an external lift in general. However, she said that the new proposed location has less of a visual impact as it only shows a narrow perspective of the building. She said that internal changes proposed are also relatively minor and that if the purpose of the building changes in the future, the lift could perhaps be relocated internally. She said that the Heritage Trust would accept the revised proposal given that it is the only available alternative.

The Commission agreed to propose to Government that the lift be installed at the new location.

**62/16 – BA13407 – Buena Vista Barracks – Revised proposals for communal swimming pool**

DTP advised that the original proposal for the construction of a communal swimming pool was refused due to its scale; the proposal not being in keeping with the area; ecological impact; and cliff stability concerns.

DTP said that in the revised proposal the applicant states that the site was previously built on and has provided evidence of this. The footprint of the proposal has been reduced by half. The applicant has also confirmed that existing vegetation will remain untouched. They have also carried out a tree survey which confirmed that one tree will be retained and the four that will be lost, will be replaced. DTP also said that the applicant has confirmed that they would have no objection to the pedestrian path from Camp Bay to Buena Vista being reopened.

DTP informed the Commission that LPS has objected on the basis that the proposal is outside their Lease.

The Ministry for Heritage has stated that the area could potentially have 18<sup>th</sup> Century archeological remains. They would require a desk based assessment, as well as a survey on the impact of the works on the wall.

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DTP also said that TSD requires a Geotechnical Assessment.

DTP confirmed that the revised proposal has been significantly reduced and that the area has been limited to the site which was previously built upon. From a planning point of view, DTP said that the site forms part of the cliffs and vegetated area. He also raised concerns on whether it would be possible to construct without affecting stabilisation works carried out by Government. DTP said that should approval be granted, it should be subject to a Geotechnical Assessment being carried out. The vegetation under the site should also be maintained. However, he said that given that the site is outside the built up area of Buena Vista, he would recommend refusal from a planning perspective.

The Chairman asked the Commission whether they want to change their previous decision which was to refuse this application.

DCM said that the revised proposal is an improvement. He did not recall the technical issues and requirement for a geotechnical survey being mentioned previously. He said that the applicant should be informed of this. The Chairman confirmed that the applicant was informed as part of the process although this is not reflected in minutes.

CAM said that issues of access, views and heritage have been addressed by the applicant but said that if there are technical issues, this application should be a non-starter.

The Commission welcomed Mr Leslie Bruzon and Mr James Lennane representing the applicants.

Mr Bruzon told the Commission that they obtained a quote to carry out a cliff analysis but that they were advised not to invest in this at this stage. He said that they would be willing to invest if necessary.

DTP said that TSD would require the assessment to be carried out before an initial outline planning permission is granted.

Mr Bruzon said that if it is a basic study then they will commission it to be carried out. He said that they would not build without having undertaken the required studies.

MEH said that if the Commission is minded to refuse the application they should be clear with the applicant before any studies are carried out.

Mr Lennane asked whether the Commission has an issue with the proposed site for the pool. The Chairman said that given the discussion, it seems that the Commission would be minded to refuse the application. Mr Lennane said that if this is the case, then they would not carry out the assessment.

The Commission did not have any further questions and thanked Messrs Bruzon and Lennane.

The Commission refused this application.

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**63/16 - BA13755 - 4 Honeysuckle House, Waterport Terraces, North Mole Road - Proposed erection of trellis along balcony perimeter wall**

DTP said that this application was previously considered by the Commission who requested the input of the Management Company on whether the proposal would be acceptable. DTP said that the applicant wants to install a trellis for privacy and security.

DTP confirmed that the Management Company does not object to fencing on balconies subject to all residents following the same design and the fencing being a maximum of 1 metre high.

DTP said that planning previously recommended refusal as it would change the appearance of the building. However, he said that in view that the Management Company has no objections; that there are only about 4 apartments that could do similar works; and that the fence would be limited to 1m and to a standard design, the Commission might like to reconsider the matter.

The Commission approved this application.

**64/16 - BA13765 - 51 Flat Bastion Road - Proposed external passenger lift**

This item was deferred at the applicant's request, to be discussed at the end of the meeting.

**65/16 - BA13783 - South Jumpers Bastion, Rosia Road - Proposed restoration and conservation of the existing bastion, create glass enclosed atrium and two new flows of office space**

DTP told the Commission that this application for an office development was approved in February 2014 and a limited demolition approval in July 2015. DTP said that the Bastion will be refurbished including internal alterations and a two storey extension. DTP advised that a decision on the full planning application was deferred in December 2015 as the Commission was concerned about the World War Two bunker and to changes to the exterior of the building.

DTP informed the Commission that the applicant is now proposing to retain the western part of the bunker and has consulted the Ministry for Heritage and Heritage Trust. DTP also said that changes have been made to the proposal on the Rosia Road side as the applicant is now proposing to move the columns into the building in order to remove clutter on the external part of the building. A glass curtain wall system will be introduced. On the north and west facades, DTP said that glazed spandrels will be installed and external cladding changed from stone to metal. Disabled access to both the building and the walkway will be provided. Much more glazing will be introduced to the west façade than previously proposed. DTP also confirmed that existing openings on the bastion walls will be used.

DTP said that the overall impact of the building has been reduced in the revised proposal. He recommended approval.

GM questioned whether in the future the applicant will want to install an external lift. DTP said that the works will include the installation of an internal lift.

DCM said that an element of interpretation should be provided.

MEH said that at present the Bastion is in an awful state and that it is not visible until you walk right up to it.

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CAM told the Commission that the Heritage Trust has consistently objected to the extra two floors but that they are in favour of the refurbishment of the Bastion. She acknowledged that the developer has gone to significant lengths to preserve the World War Two bunker and commended them for that. However, due to the height of the proposed extension, she said that the Heritage Trust needs to be consistent and object to the proposal.

JH said that if approved, a condition of the permit should be that they must place interpretation signs outside the Bastion. The Commission agreed.

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

9 in favour

1 against – CAM reiterated that she was only objecting to the additional storeys.

1 abstention

This application was approved by the Commission.

**66/16 – F/13820/15 – 7<sup>th</sup> Floor, International Commercial Centre, 2A Main Street – Conversion of 7<sup>th</sup> Floor car parking level into seven apartments with terraces and associated works**

DTP advised that this application was deferred previously as the Commission requested evidence on the usage of the car park. He said that the applicant has provided statistics which show that usage has declined over the last few years. DTP also said that the applicant has stated that they do not intend to convert any other floors.

MEH informed the Commission that when approval was granted for the conversion of the 8<sup>th</sup> floor into apartments, he received numerous complaints from the users of the Primary Care Centre suggesting that it was the GHA's fault. He said that in this case, he will abstain from voting and said that if approved, he would like to put on record that the loss of parking spaces is not the GHA's fault.

DTP said that the number of spaces allocated to users of the Primary Care Centre will remain the same. MEH said that these spaces are on a first come first served basis.

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

1 in favour

5 against

5 abstentions

The Chairman informed that the Commission had already approved a previous application for the 8<sup>th</sup> Floor that was already under construction. The Commission would need to have substantial reasons to sustain an appeal on the decision taken. It was reported therefore that reasons for refusal would be on the following basis:

JH said that the car park is always busy, popular and relied upon, despite the statistics.

KB suggested that demand for parking in the town area is bound to increase.

JC thought that residential use is incompatible with this building.

The Commission refused this application.

### **Major Developments**

**67/16 - O/13896/15 - Europarking, Europort Avenue, East of Eurotowers - Eurocity Development comprising the erection of 404 residential units, boutique office, retail, vehicular access, car parking, motorcycle and scooter parking, amenity area, landscaping and public realm**  
DTP told the Commission that the applicant would be addressing the Commission first and then objectors would be given the opportunity to address the Commission.

JH declared an interest as the ESG has objected to the proposal and said that she would not be participating in the discussion.

The Commission welcomed the architects Mr Dominic Harvey and Mr Jonathan Manser.

Mr Manser told the Commission that their client's brief was that the site had been zoned for residential development within the Development Plan since 1991 and that it should be designed for residential use with mixed use on the lower floors. Mr Manser said that their client wishes to add value and community space to this area. He said that their client is concerned with the quality of the design and amenities and therefore, commissioned four different firms of architects to prepare plans and put together a panel that would choose the best design. Mr Manser said that a range of schemes were considered and that theirs was chosen on the basis that they had made a real effort in ensuring public accessibility to the lower floors. Mr Manser also said that since their design was chosen at the competition held in October 2015, they have continued to improve their design. Mr Manser said that their proposal is slightly less dense than West One. He said that the car park situated in the middle of the development will accommodate spaces required for the existing Eurotowers site and the new West One development.

Mr Manser explained that their approach was to have taller, more slender towers that would allow natural daylight to pass through. He said that they have also cut through the car park to allow natural lighting. Mr Manser also said that they have tried to make the lower levels a social hub and an extension of the shops and cafes which already exist under Eurotowers. He told the Commission that they have included walkways through the retail areas and introduced courtyards. He said that they want to encourage a sense of space and will be including both hard and soft landscaping. Mr Manser added that the ground floor plan shows pedestrian routes through to the West One development and access from Europort Avenue to the retail units.

Mr Manser said that the car park will be distributed amongst the retail/common spaces and said that cars would be subservient to people. He said that there will be two basement levels of car parking. The composition of the building will include office space on the ground floor; car parking and office space on the first and second floors; terrace, play area, restaurant and resident's pool on the third floor; and a gym on the fourth floor. The floors above will be residential and there will be a penthouse on the top floor and a swimming pool on top of the southern towers.

In total there will be 400 residential units; 300 studio/one bedroom flats and 100 two/three bedroom flats. Mr Manser said that the intention is to provide studio and one bedroom

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apartments which will cater for people working in Gibraltar but currently living in Spain. He said that this will give them the opportunity to purchase in Gibraltar. Mr Manser also said that by building a residential development on this site, they are relieving pressure to build within the old town. He added that they will be using a white render so that it has a clean finish.

Mr Manser told the Commission that they have carried out an Aeronautical Study which was accepted by the MOD and Director of Civil Aviation. He said that the total height of the development would be just under 70 metres. Mr Manser also said that their traffic study was also found to be acceptable.

In terms of sustainability, Mr Manser said that they will be recycling greywater, introducing sustainable heating systems, solar panels and using methods to prevent light from flooding out of the car park at night.

MEH asked Mr Manser what he thought their energy rating will be. Mr Manser said that he could not provide a definite answer until the development is in its final design stage but said that he expects it to be the highest possible.

MEH highlighted that Mr Manser has referred to the introduction of solar panels on the roof but that their design model has a green roof. Mr Manser said that although their model shows green roofs, their plans show a combination of both.

MEH also asked whether they will be providing electric car charging points. Mr Manser said that he would be surprised if they did not.

MEH also said that Mr Manser has stated that the flats will be affordable; he questioned how affordable is affordable. Mr Manser said that he could not provide these details at this point.

MEH asked whether public access would be permitted right through the development. Mr Manser said that this is entirely the point of their design and that public access is very important to their client.

GM said that he had read the design statements and asked whether the applicant can provide more information on forms and building mass. Mr Manser said that they are conscious that this will be a large development and have tried to avoid a large lump of a building whose impact would have been severe. He said that they felt that by making the buildings taller, they are able to create slender towers which allow daylight through them. He said that the development will comprise a series of towers with their own individual identities.

MEH suggested that they should have aligned the buildings east/west if their intention was to allow maximum daylight through the towers. Mr Manser said that they have aligned the towers so that the evening sun shines through them.

GM said that they have opted to choose 21<sup>st</sup> March as the date of their study and that should they have chosen 21<sup>st</sup> June the sun light would have been more intense. He said that the daylight studies show that the buildings adjacent to the new development would be cast in shadow during the whole day. Mr Manser said that this is exactly why they have not designed a solid lump and orientated it north/south. He said that in the morning shadows will be cast but not in the evening.

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Mr Manser said that all of the flats will receive sunlight at some point in the day. He said that they will not have a solid south facing wall which would cast shadow on the north side.

MEH said that he did not agree with Mr Manser's analysis.

GM highlighted that the Development Plan states that new buildings cannot cover more than 80% of the plot but highlighted that the proposal covers 100% of the plot and even further. GM said that site boundary lines need to be clarified.

Mr Harvey confirmed that their site boundaries have been taken from legal documents.

The Chairman said that the architects disclosed at the Town Planning offices that the ground floor would be designed to allow interconnectivity; he asked where this could be seen on the plan provided. Mr Manser said that the arrows on the plan show connection from West One pool area through the Eurocity development and to the road. He said that there would also be access from Eurotowers to the new site. Mr Manser confirmed that there would be a continuous pedestrian link throughout the whole development.

The Chairman highlighted that the West One plans would have to be amended to show the link between it and the Eurocity development.

GM agreed with the Chairman and also said that clarification should be provided on whether the new site forms part of the existing Eurotowers development. He said that if it does form part of Eurotowers, the lease holders and tenants should have been served notifications. He said that he has not declared an interest on this occasion given that although he is a tenant of Eurotowers he has stayed away from meetings and has not commented. However, he said that if the new site forms part of Eurotowers, he would have to declare an interest.

The Chairman confirmed that the applicant has signed a document stating that the new development is a separate development to Eurotowers. In order to connect both developments, the Landlord of Eurotowers would have to agree. The Chairman therefore, said that GM was correct in not declaring an interest.

Mr Harvey said that a Section 21 notice was served on the owners of Eurotowers to avoid any issues. GM said that he has not received this notice.

GM also asked the architects to clarify what they mean by raised podiums. Mr Manser said that since they submitted their scheme, they have worked to ensure that the areas above the car park have public access. Mr Manser said that retail space details will follow as the design is developed further.

JC asked what is the minimum distance between the existing and the new buildings. Mr Manser said that the minimum distance is 12 metres.

MEH asked how many floors they could remove and still make this project economically viable. Mr Manser said that in creating a far less efficient and a more attractive car park at lower level they have already increased the cost of their development. He said that he would expect that they could remove one floor of their development but said that this would not make a huge difference.



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CAM asked whether they had been asked to provide a set number of car parking spaces. Mr Manser said that their design had to provide a set number of apartments with compositions set out by the client.

DCM asked for figures on the number of flats and parking spaces. Mr Manser confirmed that they will be providing 400 residential units and that each flat will have one parking space.

DCM highlighted that they mentioned that they will be creating 591 car parking spaces. Mr Harvey said that the extra parking spaces will be for residents of West One and residents of Eurotowers who currently do not have a parking space.

DCM asked whether none of the flats will have two parking spaces. Mr Harvey said that at the moment the figures meet the exact requirement as per planning policy which is one parking space per apartment. He said that if some of the spaces are not taken up by residents, they could be used as public car parking spaces.

GM highlighted that they have historically led to believe that West One would be a separate development to Eurotowers but that it now seems that the developer wants to link the three. The Chairman said that they are not linked legally. Mr Manser said that by linking the three developments the overall amenity value would be increased.

The Chairman asked the architects to clarify that all parking for West One would be incorporated into this scheme. Mr Harvey confirmed that this is indeed the case. The Chairman recommended that this is stated in the plans.

The Commission did not have any further questions and thanked Messrs Manser and Harvey.

The Commission welcomed the first objector, Mr Tom Scott on behalf of the ESG.

Mr Scott told the Commission that the ESG will not have a vote on this application given that they have objected and their representative JH has had to declare an interest. He said that the ESG has campaigned for a holistic approach to planning and therefore, feel justified in objecting to this proposal. He said that although the area was reclaimed for development purposes and earmarked for residential use, the ESG considers that it is dangerous to look at each development individually. He referred to other developments currently ongoing in the area and which have also raised concerns, including West One, Charles Bruzon House and Mid-Town. Mr Scott said that the residents in the area feel sandwiched between the buildings and their quality of life has been significantly reduced. Mr Scott said that it would be premature to approve this application before a transport assessment is carried out for safety as recommended by the town planners. Mr Scott also said that this type of development is speculative and profit driven. He thought that the plans do not show the impact on vistas from the ground. Mr Scott said that it is important to learn from past mistakes and that breathing spaces between buildings are a necessity in this area. Mr Scott said that the ESG feels that the DPC has a responsibility to safeguard the environment of residents in the area and called on the Commission to refuse this application.

The Chairman advised that this area was reclaimed in the 80's for residential development to reduce pressure on the town area. He asked Mr Scott what the ESG would prefer to see on the

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land. Mr Scott said that the ESG feels that the land can still be used for development but with sense and clarity. He said that the proposed building is too big in terms of massing and is insensitive to people living in the area. The Chairman asked Mr Scott whether they would advocate no development. Mr Scott said that they would certainly encourage more green areas where people can walk around.

JC asked Mr Scott what he meant by saying that the development is insensitive to residents. Mr Scott said that their quality of life will be very different as the intensity of the buildings will have an effect on sunlight and vistas. JC said that the developer could argue that they will be providing amenity areas instead of the existing car park.

Mr Scott also said that the ESG is worried that the final product will not be what has been presented at planning. The Chairman said that plans go through the process. He also said that Chilton Court is a low rise development because MOD housing demand was low even though Gibraltar's demand for housing was high at the time.

GM questioned what constitutes the limit as to what high rise is.

Mr Scott asked what the limit on high rise buildings is and questioned whether the applicant would be permitted to build 50 storeys up if they requested to do so. DCM said that the applicant had confirmed that their aeronautical study had been approved.

The Commission did not have any further questions and thanked Mr Scott.

The Commission welcomed Ms Anna Maria Hafner and Mr Alex Stone.

Mr Stone told the Commission that he represents the residents of Chilton Court, Edinburgh Estate and Eurotowers. He said that development in the area is already having an impact on residents. Mr Stone said that a petition has been signed by 250 residents who are objecting to the development. Mr Stone said that the Gibraltar Development Plan requires high standard designs which consider impact on neighbouring properties. Mr Stone said that they would argue that it is highly unlikely that any hub will be created as suggested by the applicant. He said that the main leisure areas will continue to be Casemates, Ocean Village and Piazza. Mr Stone also highlighted that the applicant refers to the fact that the site was always earmarked for residential development but said that a building 70 metres tall contravenes airport regulations and Development Plan policies and would not be appropriate. Mr Stone suggested that any comparison to Atlantic Suites is out of context since he said that Atlantic Suites does not affect neighbouring properties given that there is at least a 20 metre gap and a road between buildings. Mr Scott told the Commission that the most important vista of the rock will be lost forever if this development proceeds. He said that by building over the existing car park, vistas from the surrounding area will be lost, thereby removing qualities enjoyed by residents. He said that a large portion of the ground level of the development would be several metres above ground and that less than 20% public open space will be maintained. Mr Stone also said that the architects claim that the proximity to Chilton and Edinburgh estates will be the same as the proximity to Eurotowers but said that they fail to mention that these estates are only 4 storeys high. He also said that pollutants from the development will affect residents. Mr Stone thought that the plans are misleading and felt that formal responses by Mr Manser have not addressed objections raised by residents.

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Ms Hafner said that if residents of the area would have been aware that the intention is to link this development, West One and Eurotowers, there would have been more objections. She also said that they were not aware that of the 400 flats three quarters of them will be studio or 1 bedroom apartments. Ms Hafner claimed that there was a difference between what the architects have said at the meeting and the documents which objectors saw prior to the meeting. Ms Hafner also highlighted that many objectors tried to access the Government website after 10pm on the deadline which was 15<sup>th</sup> January 2016 but were unable to do so, despite having been told that the deadline was midnight. Ms Hafner presented the Commission with more representations which objectors were not able to submit as the website was not functioning.

The Chairman said that the representations being presented by Ms Hafner could not be accepted as the applicant had not had the opportunity to view them. The Chairman also said that the Town Planning Department can only attend to problems during working hours and that there must have been an issue with the online system which they were not aware of. He said that the deadline to submit representations is midnight on the closing date but recommended that people should not wait to submit their views until the last minute.

Ms Hafner said that if people are told that it is open until midnight, they will try to submit their views whenever they have the time to do so up to the deadline. She said that the representations which she was referring to were submitted to the Town Planning offices the day after the closing date.

Ms Hafner also suggested that the light from the car park will affect neighbouring residents. She also said that natural light will be diminished and that people will have to use more lighting, air-conditioning and shutters; hence will be less eco-friendly. Ms Hafner also said that the applicant claims that the building will not require high maintenance and suggested that this could become similar to Eurotowers where the pavements are not maintained and pose a trip hazard for pedestrians.

MEH asked Ms Hafner what sort of development she would not object to in this area.

Ms Hafner said that she could not think of an example at the moment but that she could revert with a proposal. She said that it would have to be an eco-friendly development which provided more space between the buildings and which included suggestions raised by residents of the area.

Mr Stone asked the Commission to consider the size of the building and said that it could be drawn back from the perimeter line. He said that the massing needs to be reduced.

The Chairman highlighted that views are not guaranteed under planning law.

MEH asked the objectors whether they have engaged with the developer. Mr Stone said that they were not aware that they could do this but they would be willing to meet with them to discuss their views and possible options.

The Commission did not have any further questions and thanked Mr Stone and Ms Hafner.

The Commission welcomed back Mr Manser and Mr Harvey to give them the opportunity to put forward their counterarguments.

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Mr Harvey confirmed that there is only one tower which is higher than the others and would stand at 68 metres high. He said that the height has been cleared with the MOD.

Mr Manser said that they have submitted daylight, sunlight and transport studies. He said that more detailed studies would be a requirement of their full planning application. Mr Manser said that the impact of the towers is within the constraints required. He said that they understood that they will be conditioned to implementing dust control measures and considerate contractor schemes. Mr Manser also confirmed that they will be submitting details on planting and landscaping at full planning stage. He reiterated that their client is committed to not creating a lumpy development. He also confirmed that the minimum distance to the nearest building at Chilton Court is approximately 12 metres.

CAM said that the architects refer to the introduction of landscaping and public amenities but are proposing to build over the entire plot. She said that the Heritage Trust is concerned that views across the site and the avenue will be affected and asked whether this could be looked into to reduce the impact. Mr Manser said that the lower levels of the development will extend to the edge of the site. He said that a full detailed design would be developed for full planning stage. He also said that views may be fragmented but would still exist. Mr Manser said that any development will result in a diminution of views.

CAM said that this will be a high density development in a small area and that rather than heli-shots, the applicant should provide views from street level. Mr Manser said that they could provide this but that it had not been included in their presentation.

The Chairman asked the architects how they intend to grow trees if there is a basement level underneath. Mr Manser said that they will be including recesses in the slab and planting boxes. He confirmed that they will be introducing proper hard and soft landscaping.

The Commission did not have any further questions and thanked Messrs Harvey and Manser.

DTP addressed queries raised regarding the mix of apartment types by confirming that the information submitted by the applicant refers to 198 studios and 94 one bedroom flats. He said that when combined, these constitute almost 75% of the entire development. DTP also told the Commission that the public participation period was extended by a week as it spanned the Christmas holidays. He said that if people leave it to the last minute to submit their views, there is always the possibility of last minute glitches affecting the system. He said that the Town Planning Department was only made aware of the issues encountered with the online system a week after the closing date.

DTP told the Commission that the fact that this is a large scale development cannot be denied. He said that the tallest tower will have 22 storeys. DTP said that the development will be visually prominent. He said that the whole area is undergoing change and that a precedent has already been created by permitting similar scale buildings nearby such as King's Wharf, Mid-Town, West One and Charles Bruzon House. DTP also said that the ex-Yacht Club site and the Rooke are also likely to be developed in the future. DTP added that Chilton Court and Edinburgh House are low-rise due to the design requirement by the MOD at the time of construction. However, he said that it has always been the intention to allow higher density development in this area. With regards to

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the design, DTP said that there is always the risk that having a podium level might result in a dead frontage on to the road, which would be uninspiring but that the architect is addressing this in their proposal. He also said that the architects have addressed density in terms of the way they have designed the towers, as well as effect of lighting by adding a steel mesh to the car park to limit light spilling out. DTP also said that serious consideration is being given to landscaping.

In terms of public realm, DTP said that space has been allowed for public use hence, giving the development permeability as it provides access. DTP welcomed the intention to encourage accessibility and a mix of uses at ground floor level; however, he said that there are planning concerns on whether the retail element will work in this area. He said that from a planning point of view, it would work as long as the units are designed for flexibility to allow a range of uses. Regarding the courtyards and visual links, DTP said that this is welcome as it allows natural light into the development. He said that the extensive landscaping, green roofs and green walls are also welcomed features of the proposal and are in line with requirements.

DTP advised that the applicant has complied with policy requirements on tall buildings by providing a design statement and by meeting air safety requirements. He added that information on microclimate studies would also be required. DTP confirmed that an initial traffic assessment has been carried out and shows that there would be a low impact on the highway network; a more detailed study would be required at full planning stage. Similarly a daylight/sunlight assessment has been carried out but more details would be required. An aeronautical study carried out by the applicant has been reviewed by the Director of Civil Aviation and the RAF Station Commander. DTP said that the Director of Civil Aviation has confirmed that there is no breach of policy in terms of height.

DTP said that this is a major development that will impact the landscape. He emphasised that it should be considered in the context of the area which is undergoing major change and where similar sized developments have been permitted. DTP welcomed the design of active frontages and permeable site. DTP confirmed that there are no planning objections to the application.

The Chariman said that the dilemma is that this land was earmarked for high rise development knowing that it is adjacent to the low rise Chilton and Edinburgh estates. He said that he was not convinced that an extra 500 residential units will not affect the junction of Europort Road by increasing traffic. However, he said that it is important to encourage the use of public transport.

MEH said that he sympathised with residents although it is true that the reclamation was done to relieve pressure from the old town and natural areas. MEH said that it is important to have sites for future development but that the question is what would be the right development for this particular site. He said that if the land belonged to Government the argument would be different. MEH was concerned that there has not been any engagement between the residents and developers, as in the past this has helped in ensuring that the development progresses more positively. MEH said that if this application was being presented for full planning permission he would have voted against but that given that it is at outline planning stage, he is uncertain as to how he will vote.

DCM said that he would approve the proposal in principle given that it is only at outline planning stage. He said that this is a private plot of land and there is no Government input. DCM also said that there is no heritage or environmental issues. However, he said that the concerns expressed

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by residents need to be considered. He thought that the height could be reconsidered although he accepted the point made by the architects that the massing has been reduced by including spaces between the buildings. DCM also thought that the towers could be further set back from Chilton Court and Edinburgh House. DCM said that it would be beneficial if the developer and objectors met up to discuss the proposal as this has worked positively for other developments in the past.

CV said that the Development Plan should be used as a guide and to go against policy would be unfair. He said that when the Development Plan was reviewed in 2009, the same view was taken in terms of the future use of this area and that is, that it should be used for residential development. However, CV referred to similar cases in the past such as Europlaza where the proposal was to build towers and the development ended up being one block. CV said that he would not object to the proposal if it follows policies. He said that the applicant must be commended for their approach to the ground floor which he said included public amenities at a great expense to the developer. CV said that he did not have an issue with the proposal.

GM reiterated that given that it is a privately owned site, it was probable that the site would be developed. However, he said that the height is an issue because the developer has decided to cover 100% of the plot when policy states that only a maximum of 80% of the site should be built up. GM said that there seems to be a 20% overdevelopment and that this would have to be curtailed if policy is adhered to. GM also said that an argument as to why they must construct 400 apartments has not been made in its entirety. GM also questioned why other studies have been dismissed so quickly. He agreed that a more holistic approach to the design should be taken and said that granting permission to the proposal would set a dangerous precedent in terms of building masses affecting Gibraltar and its vistas.

MEH suggested that the developer should take on board all of the comments raised and revert with a revised proposal.

The Chairman said that outline presentation provides the opportunity to clear out issues and find ways to mitigate them. He said that putting aside the objectors' issues; the site has always been earmarked for development. However, he said that perhaps the applicant is proposing one block too many. The Chairman also suggested that perhaps the passageways might become dead spaces and said that it might be better to have open spaces around the development. He said that this could also diffuse overlooking on to Chilton Court. He also suggested reducing the number of units to 300 and having more amenities. The Chairman advised the Commission to defer a decision and allow the developer to revert with a revised proposal. He said that he is not objecting to the proposal but that perhaps the applicant should consider how they can revise the proposal to adapt comments raised by objectors.

CAM said that the site is not heritage sensitive but that even constructing high in these areas is not the only answer to save the old town.

The Commission deferred this application and suggested that the applicant and objectors meet to discuss the proposal. The applicant was asked to revert with revised plans.

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**68/16 - F/13968/16 - King's Wharf, Queensway - Construction of a new residential accommodation block and 3 quayside town houses at Quay 29, King's Wharf over a single storey podium containing private parking with associated landscaping, amenities and a new public promenade along the Marina Frontage**

DTP advised that this proposal follows from their outline planning submission which was approved in September 2015. DTP said that the current application is only for Quay 29 and that it is in line with outline permission granted. DTP said that the proposal is for a residential tower which would comprise ground floor plus 17 storeys, with a total of 114 apartments and 3 townhouses. DTP also said that a promenade will be created on the seafront which will be connected with the existing promenade and eventually extend across the whole west side. There will be a total of 123 new parking spaces and vehicular access to the car park will be through the existing entrance. Landscaping will also be included.

DTP said that the architectural treatment follows the existing. The marina side will have clean white render with glazed balconies. The rock facing façade will have terracotta coloured rain screen cladding. Setbacks will also be introduced to reduce massing. DTP said that the town houses will have a modern design with white render and gullwing roofs. He advised that the design of the townhouses has been amended, due to privacy concerns, so that the floor and sill levels are raised slightly. DTP also advised that the Queensway elevation has been stepped down to reduce massing.

DTP reminded the Commission that at outline planning stage they emphasised that they would like to see an attractive entrance on the Queensway side. He said that the applicant has softened the frontage by introducing setbacks and removing the podium level on this side. DTP said that the applicant has generally complied with the conditions imposed particularly by making it pedestrian friendly and incorporating sustainable measures such as LED lighting, using a building fabric which has good thermal qualities, meeting energy efficient standards and introducing solar thermal production of hot water and electricity.

DTP advised that no adverse comments have been received from departments consulted on this application.

The GRA has noted that the building might affect connectivity and suggested that antennas might have to be installed on the roof if necessary. DTP said that the applicant is not keen to install antennas on the roof as concerns have been raised by residents.

DTP recommended approval.

MEH asked whether DTP could confirm that the Bella Sombre Tree will be retained. DTP confirmed that all existing trees will be retained.

JC asked whether the Traffic Commission has commented on there only being one entrance to the car park which has a pedestrian crossing adjacent to it. The Chairman said that the Traffic Commission's views have not been sought. The architect confirmed that the car park for Quay 29 was never designed to have its own entrance. He said that Quay 31 will have a separate entrance and that when they get to that stage, they could consider having an entrance on one side and an

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exit on the other. The architect said that having an entrance solely for Quay 29 would cause highway issues.

The Chairman said that the exit on the side of Quay 27 is somewhat precarious as it allows vehicles to cut across a junction. He also asked the architect whether construction of the promenade can be incorporated into this phase as it is taking too long. The architect said that he could not comment on behalf of his client but that he will pass all comments on so that they may be considered. He confirmed that his client is committed to building the promenade.

MEH highlighted that public access to the seafront is very important.

The Commission approved this application.

### **Other Developments**

#### **69/16 - BA13723 - 1 Corral Road - Amendment to approved application to include additional storey of office accommodation**

DTP told the Commission that the applicant has submitted an amendment to the scheme that was approved in November 2015. He said that the original proposal was for a 7 storey building with a plant room and terrace at roof level. The revised proposal is for an 8 storey building with a plant room and bar area at roof level. DTP said that the building will be set back on the 7<sup>th</sup> floor to incorporate a terrace, introduce landscaping and reduce massing. The proposal also involves internal alterations. DTP advised that the south and east elevation will be cladded with large panels. The other facades will be rendered with full glazing above. DTP confirmed that no objections have been submitted by the public.

From a planning perspective, DTP said that the additional floor has been sensitively designed and compliments the approved design. DTP said that the revision has come about after the applicant realised that the designs had initially been made to include one more floor. DTP also said that details on landscaping would be a condition of the permit if approved. DTP recommended approval.

JC said that from the drawings it seems that the cladding has changed. DTP said that more curtain glazing has been introduced.

JH said that at the time when the application was considered she raised the question on how the building would impact residents living in the block directly behind this one and that she was told that they would be using the same footprint and would not affect residents. She questioned the fact that the applicant is now requesting to add an extra storey when the original was approved on the back of it being exactly the same footprint as the existing building.

The applicant confirmed that the extra storey will add an extra 4.5 metres to the height of the building.

The Chairman said that the residents have not objected to the proposal.



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MEH said that at the time he also raised the issue of possible impact on residents but that since most windows of the building in Laguna Estate face north, it wasn't considered that this building would have a negative impact on residents.

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

9 in favour

2 abstentions

The Commission approved this application.

**70/16 - F/13845/15 - Flat 17, Ground Floor, Rocio House - Retrospective application to merge existing studio apartment with store and the conversion of a door to window**

DTP informed the Commission that this is a retrospective application. DTP said that a store has been converted into one residential unit and an existing doorway has been converted into a window with roller shutters.

DTP said that although the applicant would normally be required to replace the shutters with traditional ones, the applicant claims that the roller shutters on the floors above have been there for a long time. DTP also said that in the past applications to convert doors into windows have been resisted. He said that the framework is still in situ and therefore, the windows could easily be converted back into a doorway. DTP advised that the applicant has suggested continuing the plinth cladding along the wall but DTP said that he did not consider that this would look aesthetically correct. DTP also said that the space behind has been converted into a bedroom hence why they required a window.

DTP said that the Ministry of Heritage originally objected to the proposal. However, following a site visit they agree that the window could easily be reconverted into a door and confirmed that the original features of the building have already been lost in the rest of the building, although they felt that they could have been retained on the ground floor.

CAM referred to an example on Castle Street where the tenant maintained the door but added panels so that light entered the bedroom. She also said that the roller shutters are out of context and should not have been installed in the first place.

JC suggested that if the ground floor is the only level with original shutters it will look out of context to the rest of the building.

MEH thought that it is unfair to allow the changes simply because they have already been carried out, when they were done without permission.

The applicant, Mr John Azopardi, apologised to the Commission for having undertaken the changes prior to obtaining planning approval. He said that this had resulted due to a lack of communication between himself and his architect as he thought that the changes had been included with the planning application for his garage. He said that he has always submitted planning applications as required and will do so for any future works. Mr Azopardi said that he is currently installing a lift and would be grateful if the Commission could allow him time until his next renovation to reverse any changes if necessary. He asked them whether he could install the tyrolean for now and leave the window as it is.

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The Chairman asked Mr Azopardi whether he would be amenable to remove the roller shutters from the ground floor. Mr Azopardi said that this would be difficult since he would have to access the ground floor property which is currently rented out.

The Chairman said that as a Commission the DPC has to be objective in every situation and that the roller blinds on the ground floor are out of character.

Mr Azopardi said that the building adjacent to his also has roller shutters. He said that in order to change them his flat would have to be vacant.

The Chairman said that Mr Azopardi should investigate alternative measures for roller blinds. The Chairman recommended not approving the external features.

The Commission approved the change of use subject to removal of the roller blinds and to the reinstatement of the door which may be fixed and adapted to act as a window on the upper part.

**71/16 - F/13863/15 - Elliot's Battery, Europa Road - Consideration of external colour scheme for refurbishment works**

DTP advised that this application is to repaint the estate using a terracotta colour scheme. DTP said that the Subcommittee was concerned with the dark colour scheme as all of the other buildings in the area are pastel colours or white. He said that they were concerned that the buildings would be very visible particularly from sea. DTP told the Commission that the applicant has advised that if their proposed colour scheme is not accepted, they will use a similar colour to what they have now which is grey.

JH thought that the terracotta colours would be attractive.

CAM declared an interest as resident of the estate.

The Commission approved this application.

**72/16 - F/13880/15 - "Sunnybrae", 8 Willis's Road - Proposed extension to building and internal modifications**

DTP informed the Commission that the proposal is to convert the property into two apartments with an additional storey to accommodate a sunroom/terrace. DTP said that the proposal is in line with their outline planning application.

DTP told the Commission that the proposal is for a contemporary design with a simple render and paint finish with glass balustrades. DTP said that the building was only built 33 years ago. He said that the applicant has generally complied with the conditions imposed at outline planning particularly energy efficiency. He said that they have included insulation, low e-glazing, solar powered lifts, rainwater harvesting and swift nests.

DTP said that the Heritage Trust has highlighted that the choice of architecture is not traditional of the old town.

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DTP advised that from a planning point of view, the proposal is appropriate in terms of scale and massing and that its modern design is acceptable given that the existing building is not vernacular. DTP recommended approval.

The Commission approved this application.

**73/16 - F/13900/15 - 63 Europa Road - External refurbishment of residential block**

DTP informed the Commission that due to there being an objection, this application had to be brought to the DPC and not the Subcommittee.

DTP said that the proposal is to refurbish window shutters; construct a slate roof; construct a tiled roof over the veranda; and refurbish the balustrades. An objection was received from a resident regarding the external doors as the applicant wants to replace the doors without changing the frames. The objector claims that the frames have been affected by rainwater and the sun.

DTP recommended that the applicant should submit window details and said that it would also make sense that they change the door frames. DTP recommended approval of the scheme subject to the door frames being refurbished or replaced to ensure uniform design.

The Commission approved this application subject to door frames being refurbished or replaced.

**74/16 - F/13910/16 - 28 Lower Castle Road - proposed extension and refurbishment of property**

DTP said that this application is for the refurbishment of the building and construction of an additional storey. He said that the proposal includes internal alterations on the ground and first floors; construction over the existing terrace on the second floor; and a partial storey for access to the roof and a bedroom at roof level. He also said that the proposal is to install aluminium windows and shutters as the existing ones are aluminium.

DTP said that the Heritage Trust has highlighted that the windows and shutters should be traditional materials.

No public objections have been received.

From a planning perspective, DTP said that there are no issues with the proposal but that the roof material details need to be agreed.

The Commission approved this application.

**75/16 - O/13911/16 - 2 Hospital Ramp - Redevelopment of existing site within Upper Town to construct a block of 9 apartments over a covered parking garage and including redevelopment of existing shelter below for storage purposes**

DTP advised that the proposal is for the construction of 9 apartments and the use of the World War Two shelter for storage purposes. He said that objections to the proposal were circulated together with an analysis of the application.

DTP explained that the existing property is a single storey with pitched roof. He said that the proposal is to demolish the existing and build 4 storeys with a pitched roof. There will be 9 car

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parking spaces and storage areas on the ground floor. A lift for access to the upper floors will be installed on the east side and a stair core up the whole building will be located on the southern end. DTP also said that vehicular access will be through the existing entrance but this will have to be widened. DTP advised that the outbuilding with graffiti making reference to the Referendum will be lost. There will not be any windows on the north elevation of the new building and there will be balconies on the west elevation. DTP also told the Commission that the World War Two bunker is in effect a three storey building due to the sloping nature of the area. Therefore, essentially they would be adding four storeys to that.

*DCM gave his apologies and left the meeting.*

DTP informed the Commission that the Chairman would not be participating in discussions. The Chairman clarified that he had been advised not to participate as his 23 year old daughter had formally objected to the proposal.

The Commission welcomed Owen Smith on behalf of objectors.

Mr Smith told the Commission that a petition objecting to the proposal was signed by 426 people. He said that the developer would be creating a block which would be out of keeping visually with the area and against a significant number of Development Plan policies. He said that the DPC has to refuse the proposal on the basis that it contravenes a significant number of policies.

Mr Smith said that the proposal would create a block of single mass with no features that complement the old town. He said that it would be out of scale and blight the old town which has recently seen a number of buildings refurbished in tasteful style. Mr Smith said that it is important to note that the application does not comply with procedural elements. He said that no side view, cut away section or contextualized image has been provided. Mr Smith also said that this will be a huge building which will dwarf others around it. He added that the developer has not provided explanations as to why it has to be over 5 storeys high which is policy. Mr Smith said that the applicant has failed to comply with policy.

Mr Smith also told the Commission that he lives in one of the properties in front of this one hence his motivation to object. He said that he currently has two roof terraces in front of this property and that his privacy will be affected. He said that he accepts that any development would affect his privacy somewhat but said that the height of this building increases the impact. Mr Smith said that his letter to the Commission refers in detail to the 16 policies that are being breached. He also said that the Development Plan states that if a proposal does not comply with policies it should be refused. He asked the Commission to consider why they would depart from policy in this instance. Mr Smith said that the DPC is a public framework and that they have to be fair. He wondered whether the applicant will put forward arguments that were not included in their original submission and urged the Commission to reject any argument that has not previously been put forward as then it would not be a fair process. Mr Smith said that this property was advertised for tender and received a large number of applications, including one from himself. He said that the risk of a tender is that you might apply and invest in drawings and then not obtain planning approval. He said that this is part of the commercial risk and that the Commission should not forgive that just because the applicant got it wrong.

The Commission did not have any questions and thanked Mr Smith.

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The Commission welcomed Ms Rebecca Faller.

Ms Faller told the Commission that she echoed what had been said by Mr Smith. She said that she personally goes to view all of the properties that are advertised for tender and that she has restored three buildings in Gibraltar and helped with others. She said that she has an interest in urban renewal. Ms Faller told the Commission that she went to view this property and that there is nothing wrong with it. She said that she does not understand why the developer wants to demolish it or why they won the Government tender. She said that she has seen three of the other tenders submitted which proposed to retain features, open up the stores underneath and construct a maximum of one extra storey. Ms Faller highlighted that this application does not have any arches or shutters and provides car parking spaces which would increase traffic in the upper town area. Ms Faller said that the proposal is contrary to the whole ethos of the area as people have been trying to refurbish the area in a way that retains the traditional character albeit not having a massive financial return for the developer. She questioned whether for this developer it is all about the financial gain of this project. Ms Faller said that it is not like there is a shortage of flats in the Upper Town area and suggested that further properties will be advertised for tender by Government. Ms Faller said that this developer does not have an interest in heritage, when preservation and restoration should be a priority. Ms Faller highlighted that this should not be about money but about restoring heritage.

The Commission did not have any questions and thanked Ms Faller.

The Commission welcomed Mr Apap, another objector.

Mr Apap told the Commission that an online and door to door petition collection 450 signatures, showing that a large percentage of the public object to this proposal. Mr Apap referred to various comments made in the online petition including suggestions and that any development should be in keeping with the area; the building is a far cry from the architecture and density of the area; character should be retained; and hideous design. Mr Apap told the Commission that the message is clear. He said that in effect the building would be 7 to 8 storeys high due to the natural slope of the land. Mr Apap said that this would not be in keeping with the character of the area. Mr Apap also said that up to now the DPC has kept a close realm on the Upper Town and that allowing this development would undermine the confidence that people have in the Commission. He said that the DPC continuously refers to the need to preserve the old town which he said is exactly what the objectors want.

The Commission did not have any questions and thanked Mr Apap.

The Commission welcomed Mr Dennis Mosquera on behalf of the applicant.

Mr Mosquera told the Commission that he represents the Company Brielle Investments Ltd. He said that he found himself at a disadvantage as the Chairman will not participate in the discussion and the DCM has left the meeting.

MEH clarified that the DCM had to leave as the meeting has taken longer than expected and he had to attend another commitment at Bayside School.

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Mr Mosquera told the Commission that the DCM awarded the tender to his clients. He said that the proposed building will be 4 storeys high from the entrance. He also said that the site is located approximately 16m opposite Mr Apap's building which is also 4 storeys high. He said that Mr Apap's building would have views partially blocked but that views are not sustainable. Mr Mosquera also provided photos showing other 4 to 5 storey buildings on Castle Street. He said that the ethos of the upper town is diversity and that there is no reason why a modern building would not be appropriate.

JH asked whether it would be possible to reduce the massing. Mr Mosquera said that the building has been designed to accommodate 9 apartments and parking. He said that the balconies have been based on the design used in the new properties at Beach View.

JH suggested that there are schools in the area and therefore, they should not encourage further traffic by creating parking spaces. Mr Mosquera said that there is a requirement to provide parking spaces when building a new residential development. JH said that this requirement has been waived on some occasions.

Mr Mosquera told the Commission that the developer has already paid 10% of the tender premium and now find that they cannot proceed with what they originally proposed.

The Commission did not have any further questions and thanked Mr Mosquera.

DTP said that it is important for members to appreciate the characteristics of the site. He said that although the proposed building would be 4 storeys high from the level at which construction will commence, the sloping nature of the land means that there are changes in level around the site. With regards to long distance views, DTP said that a 4 storey building may be in keeping but that the major concern is with its impact from close up. DTP also said that there are concerns about the proposed architecture as there are not a lot of interesting architectural features in the proposed design. The north wall is a very blank wall and will be very overpowering to the general atmosphere of the area. He also said that the south gable end will be a dominant image from Hospital Hill. DTP added that the lift looks almost like an extension to the building and that it would be better to incorporate it into the building. He said that the scale and massing is not in line with the development plan policies and therefore, not appropriate. DTP also said that landscaping will be non-existent. DTP said that there is no objection to the use of the World War Two shelter for storage but said that details would have to be provided.

DTP advised that the Heritage Trust has objected to the scale, massing and visual impact of the proposal. They do not object to demolition of the existing building subject to the new development being reduced in scale.

The Ministry for Heritage has said that they cannot comment on the use of the shelter as they would require further details. They have also requested further information on the proposed car parking and have stated that the design is out of character.

DTP also said that the Traffic Commission does not have any objections.

DTP told the Commission that from a planning point of view, there is no objection to the use of the World War Two shelter for storage. He said that there is no objection to the redevelopment of the

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site but that the developer needs to take into account the varying heights of the land. DTP recommended refusal of this application as it is contrary to the Development Plan particularly in terms of height. He recommended that the developer rethinks their proposal.

MEH reiterated that the DCM has not been present during the discussion as the meeting has taken too long and he had to attend to another commitment. MEH said that he has not had any involvement in the tender process but that he thought that it is always made clear that any development would be subject to planning. MEH said that it is a positive factor that the DPC is independent to Government. MEH also said that he has often said that he is pleased to see the upper town being refurbished but that in this case he has concerns about the style and massing. MEH thought that the site has great potential for development but said that this is not the right proposal.

KB concurred with MEH.

CAM suggested that perhaps the tender committee should be considering applications within the wider policies of the planning guide. MEH agreed with CAM and said that he used to make similar comments in the past. He told CAM to take this up with Government.

The Commission refused this application.

**76/16 - F/13912/16 - 5C Library Ramp - Construction of extension at roof level and creation of a new roof terrace as well as construction of a new external lift shaft and front entrance lobby and other external alterations.**

DTP informed the Commission that this property is a 3 storey house which is accessed through a passageway on Governor's Street and is surrounded by buildings. He said that the proposal is for an extension at the front of the property on the ground floor to introduce a lift to provide disabled access. Windows will also be introduced on the ground floor. On the first floor they will be enclosing an existing balcony for privacy and installing windows. The balcony on the second floor will also be enclosed to create an extra bedroom and the pitched roof will be converted into a flat roof terrace. DTP said that the lift shaft at the front of the building will be stone clad with glazed features. The Building will have a monopitch roof with glazed balustrading.

DTP advised that the Ministry for Heritage has objected to the proposal as they believe that it will have a negative impact due to loss of character. They also object to the external lift. They do not object to the extension of the terrace area.

From a planning perspective, DTP said that the lift would be an alien feature which detracts from the original character. He said that perhaps it would be better set back but that the plans show that it will be on the same plane as the rest of the building. DTP also said that the ground floor windows are out of proportion, as is the wall on the first floor. DTP advised that an existing window on an adjacent property is on the same level as the proposed terrace and therefore, there would be loss of privacy. DTP recommended either refusal or deferral so that the applicant has the opportunity to revise their design and revert.

CAM said that there are a significant number of changes which should be revised and therefore, felt that the application should be refused.

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Mr Harvey, the architect, told the Commission that the lift access is being provided as one family member is disabled but that there is no space for the lift inside the property. Regarding the possibility of setting back the extension, Mr Harvey said that this would be difficult as the footprint of the site is too narrow.

The Chairman asked Mr Harvey whether they would be able to accommodate comments raised into a revised scheme. Mr Harvey agreed.

CV said that he is not against allowing modern features but that the existing structure is restrictive.

Mr Harvey said that the idea is to enclose the 1<sup>st</sup> floor terrace to prevent overlooking on neighbours. He said that his client wanted a modern extension to the original house.

The Chairman highlighted a mismatch in fenestration.

CAM said that the Heritage Trust would encourage not permitting external lift shafts. The Chairman said that others have already been approved but that this does not mean that all external lift shafts will be approved when considered by the Commission.

CV said that he was less worried about the proposed changes given that the property faced onto an internal courtyard.

The Commission decided to defer this application and asked the applicant to revert with revised designs.

**77/16 - F/13921/16 - 16 Sunset Close, Windmill Hill Road - Extension and internal alterations to residential premises**

DTP advised that an objection form the Management Company was circulated to members prior to the meeting but said that the objection is based on restrictions of the lease and are not planning issues. DTP said that the proposal would not have any visual impact since the glazed conservatory would be located at the back of the property and therefore, recommended approval from a planning point of view.

The Commission approved this application.

**78/16 - F/13922/16 - 16 & 17 Sunset Close, Windmill Hill Road - Alterations to residential premises to form new balconies**

DTP said that the proposal is to convert the roof space of an existing porch on the front elevation of the property into a terrace area. Balustrading to match the property behind will be installed. Two windows will also be converted to doors for access to the terrace.

DTP said that the Ministry for Heritage has suggested that the proposed alterations will affect the symmetry of the building. DTP said that the changes wouldn't be visible from the highway and recommended approval.

The Commission approved this application.



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**79/16 - 57/5 Flat Bastion Road - Extension and refurbishment to residential premises**

DTP informed the Commission that the correct notices were not served on the tenants of the housing property directly in front of this property and therefore, they need to be served notice before the Commission considers the application, especially as windows would encroach onto their terrace area. This item was deferred.

**80/16 - O/13934/16 - 3 New Passage - Proposed canopy to roof terrace**

DTP said that the proposal is to install a modern style timber canopy on the roof terrace. He said that the purpose of the canopy is to provide privacy from the properties at the rear and solar shading. DTP said that the canopy would not be visible from any location.

DTP said that the Heritage Trust considers the proposed design sympathetic to the character of the building.

From a planning perspective, DTP said that the proposal is sympathetic, lightweight, respects the pitch of adjacent roofs and is not visible. He recommended approval.

The Commission approved this application.

**81/16 - BA13765 - 51 Flat Bastion Road - Proposed external passenger lift**

The Commission welcomed the applicant Albert Parody and his lawyer Chris Miles.

Mr Miles told the Commission that he understood that his client's proposal was refused at the last meeting but he would like the Commission to reconsider the proposal. He said that the purpose of erecting a passenger lift is because Mr Parody's mother is elderly and unwell and is currently housebound as she cannot get down the stairs. Mr Miles said that his client is proposing to install the smallest lift that can be used for that purpose. He also said that he understood that traffic flow was a concern but said that photos and plans provided show that a bus can pass comfortably. Mr Miles also said that the parking space adjacent to where the lift would be is also in regular use and that the lift would protrude less than the parking space. Mr Miles said that he was not sure on which grounds his client's proposal was rejected.

DTP advised Mr Miles that it had been refused due to encroachment on to the public highway; the narrowness of the road; precedent that would be created; and impact on the character of the building.

Mr Miles said that the lift will not affect the traffic flow in any way. He acknowledged the Commission's concerns that other similar requests might follow but said that each proposal should be considered on a case by case basis. Mr Miles said that on this occasion the proposal ensures that there is no effect on the public. Regarding the character of the area, Mr Miles said that it will be a simple structure but that they are willing to listen to suggestions for improvement. Mr Miles said that things have to progress with times and that whereas before lifts were not available, now they would allow someone to leave their house.

JC said that the plans do not show how they intend to protect the lift shaft. Mr Miles said that this is a valuable point which would have to be addressed. The architect confirmed that a similar lift has been approved for Police Barracks and that in that case, the lower level was concrete instead of glass to prevent problems.

*Approved*  
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JC also said that they need to obtain approval from the highway authorities. Mr Miles said that he had been informed that the highway authorities have not objected. Mr Parody told the Commission that he spoke to Mr Peter Cleverly who advised him that they originally objected to the proposal as it was considered that the bus would not be able to get through the road but that after seeing the photos provided, it seems that this would not be an issue.

DTP said that the recommendation from the Traffic Department is to object to the proposal not just because of the buses but because of emergency vehicles that might have to get through the narrow road. DTP also said that the lift could preclude future improvements such as installing a pedestrian path along the road in the future or might pose problems when having to undertake works to the road.

Mr Miles said that the Commission should clarify with the Traffic Department whether their concerns still stand after the photos were provided by his client. DTP said that the Traffic Commission has not seen the photos but that the Highways Department has had sight of them and object to the proposal. DTP suggested deferring this matter until comments are received from the Traffic Commission.

The Chairman suggested that the applicant should provide floor plans with measurements. He said that they may also want to add safety measures to the scheme.

Mr Miles told the Commission that his client would be grateful if allowed to seek expert advice on safety measures and submit proposals to the Department of Town Planning at the end of the week.

DTP asked whether Government has already agreed to assign the land to Mr Parody. Mr Miles said that Mr Parody has a lease for the building but would require permission from Government to install the lift in front of the property. He said that they would have to write to LPS seeking approval.

JC highlighted that Planning and Landlord approval are two different processes. Mr Miles said that they thought it would be better to obtain permission from the DPC before approaching the Landlord.

KB said that other objections were raised at the previous meeting and said there is merit in discussing these. JC concurred and said that if the Commission is minded to refuse the application, the applicant should be told now before they go into any extra expense.

Mr Miles said that each application should be considered on a case by case basis. He agreed that the character of the area might be more traditional but said that things change with the passage of time. He reiterated that his client is willing to take suggestions on board to improve their proposal.

The Chairman suggested that to outright refuse this application would be unfair given that the Traffic Commission should be part of the process and their views should be taken into account. He said that all reasons for refusal would have to be included in the document. Mr Miles said that he would be grateful if this could be considered and said that his client will look at the matters raised at the meeting and review their proposal.

The Commission decided to defer this application.

*Approved*  
*DPC meeting 2/16*  
*1<sup>st</sup> March 2016*

**Minor Works - not within scope of delegated powers**

**82/16 - F/13940/16G - Beach View Terraces - Proposed installation of new electrical distribution centre**

The Commission raised no objections to this application.

**83/16 - F/13944/16G - Waterport Power Station, 4A North Mole Road - New electrical distribution centre**

The Commission raised no objections to this application.

**84/16 - F/13957/16 - Flat 111 Ragged Staff Wharf, Queensway Quay, Queensway - Installation of glass curtains**

The Commission approved this application.

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

**85/16 - BA12297 - 18 The Island Queensway Quay, Queensway - Consideration of reconfiguration to approved lower ground internal alterations**

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

**86/16 - BA12298 - 39/41 Line Wall Road - Proposed amendments to scheme to provide new internal plant room which is to be screened with an external lacquered painted aluminium louvre on Cloister Ramp façade of building in order to remove unauthorised air conditioning units and therefore, comply with Condition 6 of Planning Permit 3759**

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

**87/16 - BA12356 - 4 Ellerton Ramp, Buena Vista Estate - Proposed amendments to approved plans including recessed ventilation void, changes to porch and external staircase and relocation of garden gate**

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

**88/16 - BA13390 - Ex Mobil Oil Gibraltar Ltd, 16 Line Wall Road - Proposed refurbishment of external facades, new signage and internal & external demolitions - Revised plans to include external refurbishment of façade**

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

**89/16 - BA13477 - Unit 4 Calpe Barracks, 3 Calpe Road - Consideration of roof skylight windows in compliance with conditions 2 & 4 of Planning Permit 4700**

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

**90/16 - BA13483 - 5 & 7 George's Lane - Proposed amendment to ground floor façade including details of new main entrance door**

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

*Approved*  
*DPC meeting 2/16*  
*1<sup>st</sup> March 2016*

**91/16 - BA13522 - Devil's Bellows (Car Compound Area) - Consideration of alternative location for installation of triple array panel antenna to augment signals due to the loss of Buena Vista site**

JH advised the Commission that the ESG has been liaising with Gibtelecom on the matter of antennas. She said that technical information with regards to the outputs of this site has not been provided. JH requested that the information be made available.

MEH agreed with JH and said that he would also like a copy of the information. The Chairman said that the Department of Environment should have received all of the information.

DTP confirmed that the antenna will be installed on MOD land.

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

**92/16 - BA13528 - 1 South Barrack Mews, South Barrack Road - Consideration of amendments to provide lower terrace as part of basement works**

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

**93/16 - BA13539 - 1A King George V Ramp - Consideration of request to replace all windows in building from bronze to white**

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

**94/16 - BA13543 - Unit 3, Calpe Barracks, 3 Calpe Road - Consideration of details of roof skylight in compliance with conditions 3 and 4 of Planning Permit 4765**

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

**95/16 - BA13630 - 4/2 Gavino's Passage - Consideration of amendment to install timber shutters to external windows of property**

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

**96/16 - F/13805/15 - 28 Parliament Lane - Proposed addition of class A3 to existing lawful use**

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

**97/16 - F/13823/15 - 16 South Barrack Ramp - Consideration of alternative layout of approved swimming pool**

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

**98/16 - F/13846/15 - 10 Grand Casemates Square - Proposed alterations to shop front to include installation of new ATM machine and alterations to the display window and door and installation of new access ramp**

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

**99/16 - F/13853/15 - 1 Booth's Passage - Consideration of details of windows and shutters to vary condition 2 of Planning Permit No 5071**

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

*Approved*  
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**100/16 - F/13874/15 - 2B Rosia Ramp - Proposed replacement of existing windows with new, design of existing to be retained**

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

**101/16 - F/13893/15 - 8 Flint Road - Proposed construction of external walls**

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

**102/16 - F/13897/15 - 9 South Pavilion Road - Conversion of rough plot of land into garden area**

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

**103/16 - Cornwall's Centre, Bell Lane - Formation of new steps, improvement to disabled access, redecoration and repair and new signage to the Cornwall's Commercial Centre at Bell Lane**

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

**104/16 - F/13903/15G - St Bernard's Hospital, Europort - Proposed extension and associated works to the rear of Block 1 of the hospital to increase size of A&E department**

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

**105/16 - F/13906/15 - 1104 Sand Dune House, Beach View Terraces - Proposed minor internal alterations**

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

**106/16 - F/13909/16 - 6 Sydney House, Harbour Views - Proposed internal alterations**

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

**107/16 - F/13914/16G - Batteries adjacent to Europa Advance Road - Repair works to existing batteries as well as construction of new small single storey structure to house WC facilities and information office works to form part of improvement works in Unesco World Heritage Application**

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

**108/16 - F/13915/16 - 1105 Sand Dune House, Beach View Terraces - Proposed minor internal alterations**

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

**109/16 - F/13916/16 - 7 Abyla Lodge, Mons Calpe Mews - Proposed minor internal alterations**

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

**110/16 - F/13917/16 - 18 Willow Lodge, Montagu Gardens - Proposed internal alterations**

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

*Approved*  
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**111/16 - F/13918/16 - 106 Sand Dune House, Beach View Terraces - Proposed internal alterations**

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

**112/16 - F/13920/16 - 307 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations**

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

**113/16 - 604 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations**

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

**114/16 - F/13924/16 - Flat 414, Neptune House, Marina Bay - Proposed minor internal alterations**

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

**115/16 - F/13926/16 - 609 Sand Dune House, Beach View Terraces - Proposed internal alterations**

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

**116/16 - F/13929/16 - 718 Seashell House, Beach View Terraces - Proposed internal alterations**

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

**117/16 - F/13930/16 - 809 Sand Dune House, Beach View Terraces - Proposed internal alterations**

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

**118/16 - F/13932/16 - Unit 19, Ocean Village Promenade, Ocean Village - Fit out of restaurant in order for it to be compatible with proposed franchise**

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

**119/16 - F/13933/16G - Vault 4, Powers Drive, Europa Road - Preparation of vault, installation of gate and demolition of derelict building in order to store protective flooring for Gibraltar Music Festival**

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

**120/16 - F/13935/16 - 206 Sand Dune House, Beach View Terraces - Proposed internal alterations**

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

**121/16 - F/13937/16 - Ragged Staff Wharf, Queensway Road - Application to carry out refurbishment to include access improvements, new handrails, replacement of doors, windows and new post boxes**

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

**122/16 - F/13939/16 - G01 Cumberland Terraces - Proposed internal alterations**

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

*Approved*  
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**123/16 - F/13943/16 - 916 Seashell House, Beach View Terraces - Proposed internal alterations**

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

**124/16 - F/13946/16 - The Butcher Stall at Market Place - Replace existing fridge with a larger one**

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

**125/16 - F/13947/15 - 10 Rosia Court, Rosia Road - Proposed internal alterations**

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

**126/16 - F/13949/16 - 48 Rosia Dale - Proposed loft conversion including two roof skylight windows**

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

**127/16 - F/13951/16 - 1200 Eurotowers - Proposed internal alterations extension of external canopy**

The Commission noted the approval granted by the sub-committee

**128/16 - F/13952/16G - Buildings 213 & 214 Devil's Tower Camp, Devil's Tower Road - Proposed internal refurbishment and single storey extension to provide store rooms**

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

**129/16 - F13960/16 - Flat 37 Silene House, West View Park - Proposed installation of glass curtains**

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

**130/16 - F/13966/16 - Europa Point Lighthouse - Proposed re-engineering of lighthouse involving proposed internal alterations and installation of external lightning protection**

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

**131/16 - F/13975/16G - Red Roofs, 29 Devil's Tower Road - Proposed construction of new boundary wall to replace existing hoarding and fencing**

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

**132/16 - F/13982/16G - Museum Patio Garden - Proposed replacement of concrete flooring with grass turf**

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

**133/16 - F/13984/16 - Flat 1/4 Castle Road - Proposed installation of new window in existing wall**

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

**134/16 - D/13886/15G - Vault 4, Powers Drive, Europa Road - Demolition of derelict building**

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

*Approved*  
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**135/16 - A/13938/16G - Post Office, Main Street - Installation of banner to advertise Chinese New Year Lion Dance Celebration**

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

**136/16 - A/13948/16 - Post Office, Main Street - Installation of banner to advertise Chinese New Year Lion Dance Celebration**

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

**137/16 - A/13956/16 - Midtown Development Queensway - Project advertisements to be installed on hoardings around development site**

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

**138/16 - N/13927/16G - Cliff face behind Sunrise Court, Catalan Bay - Removal of large limb of tree growing over car park area**

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

**139/16 - N/13928/16G - Pathway between Morrison's Supermarket & St Bernard's Hospital - Removal of five Robina trees and replacement with six/seven Ficus Trees**

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

**140/16 - N/13941/16G - Park opposite Cathedral of the Holy Trinity - Application to replace Pepper Tree**

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

**141/16 - Ref 1196/14 - Costa Coffee, Main Street - Request for tables and chairs**

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

**Any other business**

**142/16 - Next Meeting**

The next meeting will be held on Tuesday 22<sup>nd</sup> March at 9:30am.