

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5th Meeting of 2015 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 20th May 2015 at 09.30 am.

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

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

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

 - Mr H Montado
(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 Russo (CR)
(Land Property Services Ltd)

 - Mr C Viagas (CV)
(Heritage & Cultural Agency)

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

 - Mr J Mason
(Rep Commander British Forces, Gibraltar)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary)

Apologies:

Approval of Minutes

252/15 – Approval of Minutes of the 4th meeting of 2015 held on 22nd April 2015

The Commission approved the Minutes of the 4th meeting held on 22nd April 2015.

Matters Arising

253/15 – BA12965 – 2B The Tower, Marina Bay – Revised plan for partial removal of planter

DTP advised that the Commission previously refused the proposal to remove a planter and replace with a terrace for use as a smoking area. He said that a revised proposal to retain part of the planter and convert the rest of the area into a terrace using the same flooring as the rest of Marina Bay has been received. DTP said that an objection had been submitted by the resident of the property above at the time of the previous proposal. DTP told the Commission that on the basis that the use of this area as a smoking terrace will create nuisance to residents and would result in a reduction in landscaping, the Subcommittee recommends that the Commission maintains its refusal.

The Commission refused the revised proposal for the partial removal of a planter on the grounds that it would destroy an approved landscaped spot and its proposed use as a smoking area would lead to nuisance to the neighborhood.

254/15 – BA13160 – 7B Engineer Road – Proposed demolition of existing dwelling and construction of new dwelling – Proposal to relocate ventilating shaft

DTP told the Commission that this application was approved in January 2015 but that the applicant is now requesting permission to relocate the ventilation shaft as they are concerned about possible impact on the structure during construction and believe it will be more visible if it is moved to the proposed location. DTP said that justification for the proposal has been circulated to members and includes a desk based assessment and a report from contractors.

The Commission welcomed the applicant's representative Mr Alain Navarro from WSRM Architects. Mr Navarro told the Commission that his client purchased the property on the basis of plot site and development potential, and that the proposed new dwelling has been designed to meet his client's needs. Mr Navarro said that the shaft is a key feature of the design but that they have carried out exploratory works in contemplating the relocation of the shaft as not only will it be easier to redevelop the property without the structure in place but it will also be moved to a more prominent position. He also said that they have met with the Town Planners and the Ministry of Heritage and that a report has been prepared which confirms that the shaft is of heritage significance and should be retained. It also confirmed that it is no longer in use but does not indicate that its location is important and that it could have been erected anywhere in the site. In summary he said that the report confirms that the structure is historically important, the location is not significant and that it is possible to relocate the structure. He said that in their view the structure will retain its elegant free standing appearance if it were relocated to the proposed new location.

The Chairman said that the applicant claims that it is practically possible to rebuild the shaft but questioned what guarantee the Commission has that they will actually rebuild it. Mr Navarro said

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that any project carries risk but that they will try to safeguard it. He said that they will ensure that the company that they contract to dismantle and rebuild the structure are qualified and guarantee that it will be done successfully. He said that the company which they are liaising with has experience in this sort of work.

CAM asked whether the company which will be carrying out the works has come to Gibraltar to view the structure on site. Mr Navarro said that they have not visited the site but that they have been provided with all of the necessary information. He said that they will label all of the pieces when the shaft is dismantled and that they will be kept in safe storage.

At this point HM left the meeting.

CAM said that the Heritage Trust's concerns are that in the past they have been told that structures being dismantled will be rebuilt and then this does not happen and they stay in storage. Mr Navarro said that this could be protected in terms of the conditions placed on the applicant.

CR asked when reconstruction will take place if the Commission allows the relocation of the shaft. Mr Navarro said that this depends on the programme of works. He said that they would prefer taking it down at an early stage and rebuilding it at the end, as construction would be easier this way.

JH highlighted that research suggests that the shaft is actually a redundant sewage vent; hence it has no purpose apart from heritage value.

It was confirmed that the shaft dates back to 1871.

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

The Commission asked Mr Kevin Lane (Ministry for Heritage) to provide background information on the shaft.

Mr Lane said that the structure was a ventilating shaft for sewer number two which used to run up Engineer Road. He said that its purpose was to prevent disease in that era. He said that the structure also served as a very early lightning conductor. Mr Lane said that there is no serious issue in moving it but that it is a very typical structure of the period and he would recommend its protection and preservation.

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

CAM told the Commission that the Heritage Trust was resistant to the structure being moved as they thought that it was a ventilation shaft for tunnels but that following the report provided by the applicant, more is known about it and they would not have such a strong objection to it being moved as we believe that its location is arbitrary and not intrinsically linked to its present location. CAM said that the Heritage Trust would like a condition to be placed on the applicant that the structure should be rebuilt as early as practically possible in the building schedule to ensure that it is rebuilt. She also said that if it is relocated, it would have to be listed as a monument under the Heritage Act.

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KB thought that the relocation should be done as safely as possible and that timing should be secondary.

GM said that he is not convinced about relocating it as it might set a serious precedent on how the Commission sees similar architecture in the future.

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

4 in favour

4 against

2 abstentions

The Chairman cast his vote against the proposal.

The proposal to relocate the ventilating shaft was refused by the Commission on the basis that reconstruction is not guaranteed and the architect should recommend architecture to suit the site.

255/15 - BA13311 - 1 Cheshire Ramp, Buena Vista Estate - Proposed extension and new swimming pool

DTP told the Commission that this application was approved in November 2014 but that the applicant has reverted with a revised proposal for an extension to create a front porch to the existing dwelling. He said that the reason to create a front porch is to protect the area as they suffer from wind tunnel effects. DTP said that the proposal was originally to build the extension right up to the boundary wall but that following discussions with the Town Planners and the Ministry of Heritage, the applicant has amended the proposal and the extension is now set back from the wall. He said that the proposal also includes the replacement of mixed timber and steel balustrading, which is in a bad condition, with clear glass balustrading.

DTP said that no objections have been received from TSD or LPS.

DTP said that the Heritage Trust has welcomed the revision to the proposal to set the extension off from the wall. However, they would prefer the first floor terrace area to be restricted to what was previously approved, that is in line with the building. The Heritage Trust has also suggested that the applicant could consider having a small pitch roof on the extended level to cover the entrance. They have also objected to the removal of the balustrade.

From a planning perspective, DTP said that the setting back of the extension from the wall is welcome and that they would recommend that the overhang is removed from the balcony so that the building line is maintained.

CAM told the Commission that the Heritage Trust would recommend a pitched roof instead of a flat roof. She said that this would lower visual impact and provide the protection required by the applicant. CAM said that she spoke to the applicant about this on-site.

CR asked CAM why the Heritage Trust is objecting to the removal of the balustrading. CAM said that this type of balustrading is very characteristic of the area and that it is possible to repair the parts that are in a bad condition. She said that glass could be installed on the inside of the balustrades.

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The Commission agreed with comments made and approved the proposal with conditions. The Commission requested that the applicant submits revised plans incorporating comments raised and for the Subcommittee to consider, and the decision noted at the next DPC meeting.

256/15 – BA13427 – Winston Churchill Avenue – New multi-storage facility

DTP said that this application was deferred at the meeting held in March 2015 following recommendations made by the Traffic Commission that access from Winston Churchill Avenue to Devil's Tower Road car park should be maintained; concerns raised about the design of the facility; and an issue with the MOD boundary at the rear part of the site. DTP said that the revised proposal allows access to the car park through the rear of the facility and that the issue of the MOD boundary line has been solved but confirmation is yet to be provided by the applicant to the MOD. DTP advised that due to the changes, an additional storey has been incorporated to compensate for the area lost.

The Commission welcomed Chris Revagliatte and Paul Collado on behalf of the applicant.

Mr Revagliatte told the Commission that they met with the various parties to discuss the issues raised by the Commission at the last meeting. He said that they have added an extra storey but have addressed the height impact by reducing the floor to ceiling heights. He also presented the Commission with two colour options, white or green, and presented diagrams showing the different points of approach towards the building. He said that the green option could be done using metallic mesh, plants or green louvers. He said that they have also contemplated including vegetation to hide the building and that they have consulted KB on what trees would be most suitable. Mr Revagliatte also said that he must stress that the building will be energy efficient by including LED lighting. He said that there is a high demand for storage in Gibraltar and added that the building could be lit up at nighttime which might be an advantage for the area.

Mr Paul Collado added that they have worked hard to address the concerns raised.

GM highlighted that by increasing the number of floors, the developer is ignoring the adjacent car park building and cramming in floors and squashing the building vertically. Mr Revagliatte said that their original proposal aligned the building with the car park building but that they have had to compress it in order to meet issues raised. However, he said that the building is the same height as originally proposed.

At this point CR left the meeting and JC arrived at the meeting.

DTP advised that the MOD and the Director of Civil Aviation require confirmation that the building will not affect the Obstacle Limitation Surface. The MOD also requires confirmation that it does not infringe on their boundary. DTP said that the Director of Civil Aviation also requires the implementation of a Bird Management Plan and a FOD and Crane Management Plan. Confirmation that there will be no effect from glare on aircrafts is also required.

JH thanked the applicant for discussing the project with the ESG. She said that some issues raised are still pending and that at the latest ESG meeting various additional issues were raised including the scale of buildings in the area which do not allow breathing space; the significance of the Cross

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of Sacrifice; and the fact that this seems like an opportunistic development. JH questioned why the area was not put out to tender.

DCM clarified that the land belongs to HMGOG and that the applicant spoke to members of his team about their proposal. He said that the Government considered that the proposal should be presented to the DPC before being considered by the Landlord.

JH said that the area will be changing in the future when the tunnel is completed and that the car park was always intended to become a park and ride when that happens. She said that at present it is not possible to cross safely from the car park across Winston Churchill Avenue.

The Chairman confirmed that the Traffic Commission is looking to install a pedestrian crossing on Winston Churchill Avenue so that pedestrians can cross from the public car park to the Victoria Stadium side of the road. He also said that current exits will not be disturbed by the proposal and that the applicant has revised plans to meet highway requirements. He said that the applicant has agreed to have a traffic light system to allow two-way traffic to the car park from Winston Churchill Avenue.

JH highlighted that the plans do not show a traffic light system for two-way traffic. She also said that the inclusion of vegetation and the building finish are crucial, and that perhaps this could be extended to the car park building.

MEH said that he was disappointed because he expected the applicant to propose something more creative for the façade. He said that if he had to choose one of the options, he would favour the second option with the green colour design. He said that there is a shortage of storage in Gibraltar and that he would rather this type of building be constructed in this area than at another location. However, he said that the building should be made more iconic.

CAM said that the Cross of Sacrifice is a main feature of the area, so if the building behind it is too creative it might detract from the monument. She said that the Heritage Trust would also prefer the second option. CAM said that the Cross of Sacrifice should be the emphasis but that this does not mean that the building façade has to be a blank wall. She suggested that lighting the monument might highlight it as the main point of focus.

JC suggested that having a spitfire or soldier design on the building behind the monument might compliment it.

CV thought that having this type of building in this area will mean saving another area from being developed for this purpose. He agreed with CAM in that if the background is too busy it will distract from the monument.

JH asked what would be the Landlord's position should the Commission approve the application. The Chairman said that Landlord approval is a separate issue but that even if the Commission approves the application the Landlord could still refuse it.

The Commission took a vote on this application with the following result:
9 in favour
0 against

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2 abstentions

The Commission approved this application with conditions.

257/15 – BA13488 – Stagioni Restaurant, Rosia Road – New single storey glazed extension to existing restaurant

DTP told the Commission that this application was deferred at the last meeting as concerns were raised with regards to the proposed conservatory in front of the building; possible interference with HMGOG plans to carry out improvement works to the boulevard; and the proposed flooring for the terrace area. He said that the applicant has provided revised plans in which the size of the conservatory has been reduced as requested by the Commission; only half of the external area is to be enclosed and the southern half left as an open tables and chairs area. DTP also said that the pizza oven has been relocated as per comments made by the Heritage Trust. DTP advised that no comments have been received from TSD after the applicant contacted them to discuss their proposal and possible plans for the area. DTP also said that the plan shows a fully glazed conservatory but that the applicant has indicated that the final solution is still open to discussion.

JH thought that the revised proposal is an improvement and said that the element of being outside is important.

GM said that he has not been approached to discuss future plans for the area. He said that he is still waiting to receive landscaping designs from the Government's designers. Dominic Harvey (applicant's representative) confirmed that he did send an email reference this matter and that GM was included as recipient.

CV suggested that if the conservatory is fully glazed the applicant would have to install air-conditioning. The Chairman said that that the applicant claims that it can be fully opened but said that he will nevertheless ask them to consider ventilation requirements in the design of the conservatory.

The Commission approved this application subject to the framework being agreed with the Town Planners and discussed and approved by the Subcommittee. The Commission confirmed that it did not approve the proposal to create a new seating area on the west side of the promenade.

Major Developments

258/15 – BA13553 – 43A Devil's Tower Road – Proposed 12 storey mixed use (residential and office building)

DTP said that this application involves the construction of a 12 storey residential and office building which will have a maximum height of 40 metres. He said that the ground floor will have an entrance lobby and 15 car parking spaces. The first 5 storeys will be for office use and the upper 6 storeys will be residential apartments including a penthouse on the top level. DTP said that the level of detail provided for the elevations is limited. He said that they intend to glaze two elevations and set back the upper floors. DTP said that the entrance will be off Shackleton Road. DTP also advised that the proposed development covers 100% of the plot but that according to regulations only 80% of the plot should be developed.

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DTP said that the Traffic Commission recommends vehicular access off Shackleton Road instead of the side road because they feared that there could be illegal attempts to drive onto Shackleton contrary to the traffic flow to enter Devil's Tower Road faster.

The Department of Environment requires their standard control of dust, energy performance and efficiency measures and refuse collection provision.

DTP said that the Ministry of Heritage has suggested that there is a possibility of there being medieval remains or archeological artefacts in the area and therefore a trench assessment is required. The Heritage Trust has also requested that an Archeological Watching Brief is carried out.

DTP also said that the Director of Civil Aviation requires a full Aeronautical Study.

The Commission welcomed Mr Xavier Ozores, architect representing the applicant.

Mr Ozores told the Commission that the proposal covers 100% of the plot but that by including a curtain wall façade, they will be providing 10 to 15% of open space and natural light to the entrance areas of the residential units and offices. He said that the same treatment will be used for the external façade of the offices and residential units. He also said that there was more traffic on Shackleton Road, hence why they felt it was better to have the access to the garage on the perpendicular road. He said that they will be using an elevator system and therefore might have a slight delay in cars entering the parking area; however, he said that they are open to change.

JH asked Mr Ozores whether the development has to be so high. Mr Ozores said that if this question is put to the promoter, they will always want to make it taller. He said that there are similar buildings in the area such as Filomena House. He also said that they are 5 metres below the height restriction according to airport requirements. Mr Ozores confirmed that they will be constructing 3 apartments per storey and that there will be a total of 17 apartments, two of which will be penthouses.

JC raised concern about the north elevation. He said that he understands that they have made it a blank wall due to the possibility of the adjacent plot being developed in the future. However, he said that if that plot is never developed it will remain as a visible blank wall. JC also highlighted that it is now a requirement for developers to clear addresses with the Land Registrar before naming the development.

MEH said that he usually does not like tall buildings but if there is any location in Gibraltar that can take it, it would be this one.

JH said that a photomontage would have been useful given this side of the rock's iconic view. She questioned whether the Commission can take it that Government's plan is to allow buildings of this height in this area.

MEH said that there is no specific plan for high rise development in this area but that there is demand for this sort of construction. He said that given that high-rise buildings within the city walls are controversial this seems like a suitable location.

The Chairman said that Filomena House is 11 storeys, whilst the new housing estate is 14 storeys.

CAM thought it is important to maintain the view of the rock.

CV said that this is one of the most protected areas in terms of height of developments due to its proximity to the runway. DCM concurred.

JH told the Commission that the ESG has received complaints about sewage fumes in the area, as well as issues with the car park and the waste plant. She said that the ESG will be meeting with MEH to discuss these issues. JH said that the sewage infrastructure is not sufficient at present and that if more people will be moving into the area, this needs to be addressed beforehand.

MEH said that consideration is being given to moving the waste plant away from the area.

The Chairman said that when the Commission considered plans for other developments such as Filomena House and Wellington Court, they thought that they would not fit in to the area but that they are now part of the landscape. The Chairman said that there will always be a cap on the height of buildings in this area due to the proximity to the runway and anything similar or lower than the existing buildings ought to be acceptable. With regards to the treatment of the façade, the Chairman said that the Commission worked closely with the developers of Filomena House and that the same can be done with this developer.

DTP said that the parking requirements are not met in the proposed plans as they are only providing 15 spaces. He said that they will have to revise designs to accommodate further parking.

The Commission approved this application subject to further treatment of architectural forms and an increase in parking provided to meet regulations.

259/15 – Ref 1380-13 – North Mole Power Station – Consideration of scoping opinion for Environmental Statement only

The Chairman said that his Scoping Opinion for the applicant to carry out the environmental assessment and proceed to produce the Environmental Statement was circulated to members prior to the meeting. He asked the members whether they were in agreement for him to proceed to issue his statement so that the developer can proceed with the EIA.

JH said that she had already sent ESG feedback to the Chairman but had an additional point to add that would be sent via email to be included also.

The Commission agreed that the Chairman can proceed to issue his paper requiring the submission of an EIA for the Power Station.

Other Developments

260/15 – BA11259 – 1-7 Crutchett’s Ramp – Proposed part demolition and new 5 storey structure

DTP said that this application will be deferred to allow the applicant time to notify the interested parties.

261/15 – BA12586 – 4 Ordnance Wharf, Queensway Quay – Proposed extension: new glass window paneled staircase

DTP advised that a revision to the existing permission for this application has been received. He said that the revision to incorporate an elongated window paneling system for the rear staircase was considered by the Subcommittee but they felt that it is not sympathetic to the architectural treatment of the building. DTP said that although the windows would not be highly visible, these would be out of character.

Dominic Harvey confirmed that the proposal is for a continuous glass panel which would complement the glass staircase.

The Commission refused this revision on the grounds that it was architecturally unsympathetic to the existing.

262/15 – BA13495 ‘Sunnybrae’, 8 Willis’ Road– Proposed additional storey and internal alterations

DTP said that representations and counter representations have been circulated to members prior to the meeting

MEH declared an interest as he works closely with one of the objectors and said that he would not be taking part in the discussion.

DTP told the Commission that the proposal is to renovate and improve the building. He said that the applicant was originally proposing to combine 2 properties to create 3 flats with a sun roof but that as a result of objections, they have removed one storey and are now only proposing to construct one extra storey to have 2 apartments and a roof terrace. DTP said that vehicular access will be off Willis’s Road. He also said the proposal includes internal alterations, the installation of a new lift and new windows throughout.

The Commission welcomed the only objector Mr Stephen Neish.

Mr Neish told the Commission that the proposed development would affect his home in which he has lived for 18 years. Mr Neish said that the proposal includes the opening of windows looking directly into his internal patio, which they use for recreational purposes. He said that this will detract from its amenity for family use and will possibly affect the value of his property. He said that in the case of other neighbours their view might be affected by the development, although he said that he realised that views are not protected in planning law. Mr Neish said that the Development Plan refers to the right to privacy and that this will be affected in their property. He said that the development might also have an adverse effect on any possible future development of his property. He said that it will have a negative impact on the quality of his family’s life.

JH asked Mr Neish whether he would remove his objection if privacy was guaranteed. Mr Neish said that he has not been privy to photomontages and therefore cannot visualise how tall the building will actually be. He said that it will affect sunlight into his patio. He explained that his main objection is to the set of 8 windows on the wall which looks directly onto his patio. Mr Neish said that there are currently no windows on this façade and that the windows will be on a corridor and not a bedroom, and that it is his understanding that there is no legal requirement for them.

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The Chairman told Mr Neish that the issue of encroachment into his patio is a matter which he would have to check in his Lease and obtain legal advice for. However he said that in terms of right to privacy it is something that the DPC can deliberate. Mr Neish made reference to Development Plan Policy where it refers to no unacceptable impact on overlooking or privacy.

JC confirmed that opening up a window would be considered encroachment. JC explained that by opening windows the applicant would acquire rights and the objector might not be able to develop his terrace in the future. He said that the objector would have to prevent them from installing new windows in legal terms.

The Chairman said that the DPC's decision is not binding and is separate to any decision taken on legal terms with regards to encroachment. He said that the objector may be able to serve an injunction if he considered there was an infringement of his legal ownership rights.

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

The Commission welcomed the applicant Mr Clifford Santos.

Mr Santos told the Commission that he has tried to address the objector's concerns with regards to the height of the building and the windows. He said that they have reduced the height of the building by only proposing one extra storey. He also said that at present he is able to look directly into Mr Neish's patio from the left side of his roof terrace. Mr Santos told the Commission that he has proposed placing a wall on this left side of the terrace to address any concerns on overlooking and that the proposed sunroom is not directly next to the patio of the objector's property. With regards to the windows, Mr Santos said that they have been included as the corridor leading to the bedrooms is completely enclosed. He said that they have proposed tilted windows with translucent glazing so that they cannot physically look out of them. He said that his proposal would actually improve on the objector's privacy.

The Chairman told Mr Santos that the comments made by Mr Santos reference the roof terrace and windows were not included in his submission to the DPC. Mr Santos said that he has submitted the window aspect.

JC suggested that they could light the corridor artificially. Mr Santos said that the proposed fenestration would not allow them to look out of the windows.

GM said that ideally openings should not be less than 1 metre from a property boundary. He said that as long as there is a 2 metre wide light well they would both be able to develop in the future.

JC suggested that by including a window in the area proposed as a store, the developer would allow light to enter the corridor. Mr Santos said that if he opens a window in this area, he would be able to look directly onto the patio.

The Chairman suggested that if the applicant tries to reconfigure the internal layout of his property, he may be able to resolve the issue. He suggested deferring the application so that the applicant can reconsider windows and ventilation with their architect.

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

CAM said that the Heritage Trust was originally concerned about the height of the building and that they wanted to see an elevation of the proposed development in context with the other buildings in the area. CAM also said that the architectural style of the extension is not typical of the old town area and that there is room for improvement.

DCM suggested that given the discussion the Committee should defer the application so that the applicant can revert with changes to their design and a photomontage.

The Commission deferred this application and asked the applicant to try to solve the encroachment matter and provide an architectural view of what the building will look like along Willis' Road.

263/15 - BA13514 - 4 - 10 Police Barracks - Proposed townhouse development of four residential units

DTP told the Commission that the applicant has requested deferral of their application so that they are able to submit counter representations.

The Commission deferred this application.

264/15 - BA13523 - Unit F, Devil's Gap - Application to construct new extension and internal modifications

DTP said that the property is within the Upper Rock Nature Reserve and that specific policy limits the extension to not exceeding the height of the original building and the volume to not increase by more than 20%. DTP said that the proposal is for an extension on the northern section of the site and that the terrace will be retained. He also said that the height of the proposed building will not exceed the height of the original building. However, he said that the volume of the proposal results in an increase of 27% which is slightly in excess of the policy; nevertheless, DTP said that other considerations should also be taken into account when considering the application.

DTP said that the Ministry of Heritage has not raised any objections.

DTP said that the Heritage Trust does not object to the proposal subject to compliance with policy.

DTP said that the Department of Environment requires dust control and energy performance and efficiency measures. He said that they are also insisting that an ecological assessment has to be carried out.

TSD has not raised any issues.

From a planning perspective, DTP said that there is no objection to the proposed extension. With regards to the volume, DTP said that the impact will be limited given that the property is screened by vegetation. DTP also said that no vegetation will be lost. He said that the building will continue to be the applicant's residence.

The Commission approved this application.

265/15 - BA13527 - Hindu Temple, Engineer Lane - Proposed extension

DTP told the Commission that this proposal is to construct an extension which will be used as an assembly hall for children. DTP said that blockwork to match the existing will be used. DTP also raised concerns that the extension might be very close to the adjacent property as windows are proposed on the elevation facing the adjoining property. DTP recommended that the applicant should be asked to consider setting back the extension so that it is in line with the existing building, thereby maintaining the distance to the adjacent property.

DTP advised that TSD has raised their standard conditions.

LPS has not raised any objections.

The Department of Environment requires dust control and energy performance and efficiency measures.

Both the Heritage Trust and the Ministry of Heritage have requested an Archeological Watching Brief to be carried out.

GM asked whether the applicant could be asked to consider the possibility to build in the void by excavating.

The Chairman said that they have a patio on the other side of the building which could also be used to build the extension.

The Commission welcomed Deepa Aidasani representing the applicant.

Ms Aidasani told the Commission that the extension will be used as a room for children. She said that the neighbour's window will be above the extension. She also said that the garden on the other side of the building is not level and therefore cannot be built on, and that the void is on a lower level.

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

The Commission decided to defer this application and arrange a site visit to determine the situation of the site, as it wasn't clear from the plans how the extension will affect the existing neighbour's window.

266/15 - BA13528 - 1 South Barracks Mews, South Barracks Road - Application to construct new two storey residential building

DTP informed the Commission that this proposal is to construct a new dwelling next to the existing one. He said that the dwelling will have 2 storeys with a basement. A contemporary architectural treatment has been chosen by the applicant. DTP also said that the building will be set back on the west side and the massing of the building will be broken into 3 parts. He also said that the building will have a monopitch roof on the north and south elevations. A section of the retaining wall will also be cut out to install a balustrade. DTP advised that the applicant is meeting regulations by providing 2 parking spaces. The applicant is also proposing to introduce two new trees into the site. DTP said that the site is not particularly visible from the west as it is largely screened by buildings.

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DTP told the Commission that TSD has highlighted that the site is in close proximity to the KGV building's retaining wall and that they would require access for maintenance purposes. They are also concerned that excavation works might affect the integrity of the retaining wall.

DTP said that the Department of Environment requires dust control, energy efficiency and performance measures, refuse provision and an ecological assessment.

The Heritage Trust has requested that an Archeological Watching Brief is carried out.

The Ministry of Heritage requires a desk based assessment, an Archeological Watching Brief and Trial Trenching.

DTP advised that there are no planning objections. He said that balconies and set backs have been used to break up the massing of the building. DTP suggested that the issue of the retaining wall should be resolved prior to a permit being issued.

JH asked whether the Commission should take into account how this could affect the KGV building. DTP said that the wall is a technical issue and that how they construct may actually benefit it rather than affect it.

CAM highlighted that there seems to be a door at the edge of the boundary. DTP said that the site is private but is next to Crown Land. He said that the door may be for emergency purposes but that this is something for the Landlord to consider.

JH asked whether any vegetation will be lost. DTP confirmed that there is one tree on site which is being retained.

The Commission approved this application Subject to accommodating the requirements from Technical Services Department vis-a-vis the retaining wall along ex-KGV Hospital.

267/15 - BA13538 - 4 Catalan Gardens, Sir Herbert Miles Road - Proposed enclosure of side car port into garage

DTP said that the proposal is to convert the car port into a garage providing 2 car parking spaces. The garage will have a flat roof.

DTP said that there are no planning objections but that given that a similar proposal which was approved further up the road had a pitched roof to reflect the architectural style of the houses; this one should follow the same style.

The Commission approved this application subject to the garage having a pitched roof to match the rest of the properties.

268/15 - BA13539 - 1A King George V Ramp - Proposed extension into loft area and side extension at first and second floor levels

DTP explained that the proposal involves an increase in height to the roof area to accommodate an extra storey and an extension on the east elevation. DTP said that the proposal also includes the construction of a link bridge for pedestrian access to the pavement on Europa Road.

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DTP raised concerns about the proposed new fenestration as it does not match existing. He said that there are no planning objections to the proposal but recommended that the new windows should be in keeping and aligned with existing. DTP also suggested that the applicant could consider introducing new windows on the east elevation to break up the appearance of what would be a large blank wall.

DTP said that the application had been subject to public participation and that no objections to the proposal have been received.

DTP also said that TSD requires details of the interface between the bridge and Europa Road. LPS, the Heritage Trust and the Ministry of Heritage have not raised any objections.

The applicant who was in the audience, confirmed that he had no problem with incorporating the suggested changes.

The Commission approved this application.

269/15 – BA13542 – 63/4 Europa Pass Battery, Europa Road – Proposed construction of bridge to new decked area and staircase to licensed area

DTP told the Commission that a similar scheme to another flat in the same block has already been approved by the Commission. He said that the bridge would be constructed on the gable end of the building and a new doorway would have to be opened to access the bridge. DTP said that timber decking would be suspended over a rocky area providing access to the garden area. DTP said that no trees will be removed but one would have to be pruned.

DTP said that TSD has not raised objections to the proposal but require a condition on a risk assessment having to be carried out if works will be carried out under the cliff.

MEH requested that the Department of Environment, GONHS and the Botanical Gardens are allowed to have a site visit to assess the area as there might be natural species in the area. He also said that sadly the developer of Buena Vista has not respected the commitments which they made and that he hopes that this applicant does not follow suit.

The Commission approved this application subject to a site visit being held for the Department of Environment, GONHS and the Botanical Gardens.

270/15 – BA13544 – 10 Moorland House, Ordnance Wharf – Proposed alterations and glass curtains enclosure

DTP said that this application involves internal alterations and the introduction of glass curtains. He said that glass curtains have previously been allowed in this building but that the Subcommittee felt that this proposal is slightly different to previous ones. He said that external alterations will involve relocation of hot water cylinders and air-conditioning units. DTP said that there is no objection to the enclosure of an existing covered terrace subject to the enclosure matching the other which has been approved previously. DTP said that the concern is mainly over the proposal to introduce motorised louvers and glass curtains in an existing open area. He said that this would change the appearance and symmetry of the building. DTP recommended approval of the proposal except for the enclosure of the existing open area.

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The Commission approved this application except the enclosure of the existing open area as it felt this would adversely affect the architectural character of the building.

271/15 – BA13545 – 6 Poca Roca, Upper Rock– Proposed demolition of existing house and construction of new residence

DTP advised that representations and counter representations were circulated to members prior to the meeting.

DTP said that the property is located within the Upper Rock Nature Reserve and is in a Special Area of Conservation, therefore specific policies apply. DTP said that the proposal involves the demolition of the existing dwelling. He said that the proposed pergola and solarium on the roof of the proposed building were objected to by a neighbour and that these features have since been removed. DTP said that the building has been repositioned in the proposal. He also said that the proposal includes a swimming pool and an external spiral staircase. DTP said that to comply with the Regulations 2 parking spaces, as opposed to the 1 proposed, would be required.

DTP explained that there is a specific policy on the height permitted for new buildings in the Upper Rock Nature Reserve and that the proposed dwelling is 2.5 metres higher than the original. He said that the height has been taken from an existing water tank. He said that the height is mainly exceeded by the introduction of a roof terrace and circulation core. DTP said that the property will also be set back from the eastern boundary. He said that the proposal is within the policy volume limit.

DTP told the Commission that the objection by the resident of the adjacent property is on the basis that the proposal is contrary to the Development Plan in that it is excessive in height, shadows other properties and results in loss of privacy to the adjacent neighbour.

DTP said that the Department of Environment has raised requirements for an Ecological Assessment, dust control and energy performance and efficiency measures.

The Heritage Trust requires an Archeological Assessment to be carried out.

DTP also said that the Ministry of Heritage does not object to the proposal but has highlighted that the property is close to Poca Roca Cave and that an Archeological and Desk Based Assessment would be required.

TSD has raised their standard conditions.

From a planning perspective, DTP said that the proposed height is not acceptable in policy terms. He said that they have already been given leeway in using the water tank as the height of the original dwelling. DTP said that the design could be improved further and suggested that the roof terrace level could be removed to decrease the height. DTP recommended deferral so that the applicant can consider certain elements of their proposal and provide revised plans.

CV asked what would be an acceptable height. DTP said it should not exceed the level of the existing water tank.

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JC thought that it is unrealistic to take the height of the property at the height of the water tank.

The applicant's architect told the Commission that the stair core to the roof terrace is what sticks out above the height permitted but that there are others in the area. He said that the stair core actually provides privacy to the neighbouring property. He also said that the volume of the property is being reduced.

The objector, Katrina Skilton, told the Commission that she is surprised that the water tank was used as the height of the property. She said that in her opinion any height above the water tank should not be permitted.

The Chairman suggested that they could remove the roof terrace to reduce the height of the proposed dwelling. The applicant said that they would like to have a flat roof like the other tenants in the area.

JC highlighted that the plans only show parking for one vehicle. The applicant said that there are communal parking spaces just outside the property. The Chairman said that it is a condition for them to provide 2 parking spaces within their leased area.

The Commission deferred this application so that the applicant can submit revised plans incorporating the issues of height, car parking and architectural character.

272/15 - 3 Edward House, The Clifton's, Europa Road - Proposed enclosure of existing balcony
DTP told the Commission that the property is on the top floor of Edward House and the occupant has to exit on to the terrace to get to their property. He said that the proposal follows the solution used on a lower floor to provide cover to the terrace. DTP said that the proposed enclosure has framework and glazing.

DTP said that no objections have been received from LPS, TSD or the Heritage Trust, on the basis that it is a sensitive design and does not have a negative impact on the building.

The Commission approved this application.

HM returned to the meeting.

273/15 - BA13563 - Unit 1, Europa Pass Battery, Europa Road - Proposed alterations, extension and refurbishment of property

DTP advised that the proposal involves the inclusion of a balcony on the side elevation of the property and since this was not approved as part of the design guide for properties in the estate, the Subcommittee felt that a decision had to be taken by the Commission. DTP said that the balcony would be visible from Europa Road. He said that it is currently a blank wall and that the balcony might actually improve the façade. DTP recommended approval.

The Commission approved this application.

274/15 - BA13565 - Bomb House Lane - Proposed extension on the flat roof above the nursery building within the Hebrew School Complex to provide an additional nursery classroom

DTP said that the proposal is for an open plan classroom with a small roof terrace area with balustrading. He said that the extension will be built on the flat roof above the nursery building.

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DTP said that there was an objection to the proposal as the objector felt that the extension would be too near to the windows of their property but that the objection has been withdrawn as the applicant has agreed to block off the façade and open windows elsewhere. DTP also said that a letter of support has been received from the Headmaster of the school in which she states that due to an increase in the number of pupils, they require extra classroom space.

DTP raised concerns over the health and safety aspect of the terrace as the balustrade might be too low. He recommended a higher balustrade or some other protection measures. He also said that the proposed windows open completely and that from a safety point of view perhaps these should be locked. DTP said that the Department of Education has been consulted and that although they have no restrictions on windows in classrooms, they were also concerned about the proposal.

CV said that they require a restrictor.

DTP said that the Ministry of Heritage has not raised any objections.

DTP said that the Heritage Trust feels that the extension does not match the style of the building and that the glass balustrade does not fit in.

CAM said that the extension would not be visible from street level but that it would not match other buildings in the area.

MEH said that the standard environmental conditions should apply and that a bat/swift survey should be undertaken and nests incorporated.

The Commission approved this application subject to safety conditions being met.

275/15 – BA13566 Buildings 6-9 Europort, Europort Road – Proposed extension of roof level storeroom for conversion into office accommodation

DTP told the Commission that a previous application for a 2 storey extension was approved but that the works were never carried out. He said that the current proposal is an improvement. The proposal is to construct a single storey glazed extension. DTP said that the proposed framework follows existing. With regards to parking allocated for the development, DTP said that the developer would have to stipulate exactly where this will be provided. DTP said that no comments have been received from the public.

DTP said that the Director of Civil Aviation does not have an objection to the proposal but would require a Crane Management Plan if it affects the Obstacle Limitation Surface. Measures would also have to be taken for any effects from reflection.

DTP said that the Department of Environment has raised their standard conditions such as dust control and energy performance and efficiency.

The Chairman said that when their previous application was considered they were asked to include landscaping in the ground floor communal areas and that this should also be requested now. He also said that the loose tiling in the ground floor areas should also be addressed.

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CAM suggested that more bicycle racks should be provided as there are currently many bicycles tied to trees. The Chairman said that they already have bicycle racks but that they could be conditioned to having more.

The Commission approved this application with the added conditions referred on landscaping, green roofs, repairs to loose paving, renewable energies and more bicycle parking.

276/15 – BA13567 – Podium Level, Atlantic Suites – Proposed erection of new office buildings on podium level

DTP said that the proposal is for the construction of 2 office blocks with glazed frontages. He said that the blocks would be close to the existing buildings. DTP also said that they would be required to provide 14 car parking spaces and that they have confirmed that they are allocating 15 spaces for this development within the existing buildings. DTP said that no objections have been received from the public. DTP told the Commission that the detail provided in the application is limited but that the glazing seems satisfactory and the massing is acceptable. DTP said that the applicant should consider incorporating solar panels. DTP also said that the buildings differ in height as one is 2 storeys and the other 3 storeys. In total 2500m² of office accommodation will be provided.

The Chairman recommended the introduction of landscaping and either solar panels or a green roof.

JC asked whether the building nearest to the hospital would affect privacy to the hospital. MEH said that a 2 storey building would not affect privacy. He said that the hospital is considering possibly using part of this building.

The applicant's representative told the Commission that he is not aware of the reason for the difference in height but that perhaps it is to reduce the volume and effect on adjoining neighbours.

The Commission approved this application subject to both buildings being 3 storeys high in order to maintain symmetry.

277/15 – BA13568 – 3A Flat Bastion Road – Proposed removal of asbestos roof and construction of terrace area and summer room

DTP said that the existing pitched roof will be removed and replaced with a roof terrace with a sunroom. DTP said that a new emergency access will also be provided from the sunroom to Lime Kiln Road by opening a doorway on the property boundary to Lime Kiln Road. Solar panels will also be installed on the roof of the sunroom.

DTP said that LPS has not raised an objection but requested clarification on the existing situation with regards to access to the property.

The Department of Environment has raised their standard conditions on dust control and energy performance and efficiency.

DTP said that the Heritage Trust does not have an objection to the proposal.

CAM highlighted that this is another example of one more pitched roof being lost within the old town area. She said that it is becoming a trend and that the Commission should look into how it

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would be possible to maintain the streetscape perhaps by having a false pitch roof in front of the terrace.

The Commission approved this application.

278/15 – BA13572 – St Bernard’s Hospital – Application to construct new refuse store – HMGOG Project

DTP told the Commission that the refuse store would be located in the area where the ambulances are currently parked.

MEH explained that the refuse bins are currently in the open as they had to be moved from the basement when the new kitchen was built. He said that the store would also be used to keep medical gases. MEH said that the previous location in the basement was not appropriate as the refuse was being kept beside medical stores. He also said that the ambulances will be moving to the back of the hospital.

DTP confirmed that various alternatives have been considered but that no suitable options have been found. DTP suggested that consideration could be given to extending the roof area from the podium level and make it a planted green area and/or seating area.

The Chairman recommended that the refuse access doors could be shifted to the western side of the extension so that it is not visible when walking up the ramp to the hospital entrance. He said that the pavement that was removed due to the ambulance bay would also have to be reintroduced.

The Commission did not have an issue with this application and supported the recommendations.

279/15 – BA13574 – 4 St Christopher’s Court, Europa Flats – Proposed kitchen extension into privately owned patio area

DTP said that the extension would be built on an existing timber decked garden area. He said that the proposal is for a monopitch extension which would not be highly visible. There are no planning objections.

The Commission approved this application.

280/15 – BA13576 – Glen Rocky Distillery Waterfall, Rosia Bay – Rock re-profiling for waterfall

DTP explained that a previous application in which the applicant was seeking to re-profile the waterfall to reduce overspray affecting properties above the cliff was refused in November 2013. DTP said that the current proposal is only to remove a ledge on the upper part of the waterfall.

MEH asked whether the applicant has commissioned a study to confirm whether this would actually improve the effect from overspray. DTP said that they have provided a recommendation made by Golders (Geotechnical Engineers).

KB said that the Commission should be given the opportunity to see the spray modelling.

MEH said that he was not objecting to the proposal but that the developer should have thought of this issue of overspray before planning to build houses right up to the cliff.

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JH asked for how long the distillery waterfall will continue to be in use. JM said that he believes that negotiations affecting this area are ongoing but that he would not be able to give a timeframe.

DTP told the Commission that the MOD has commented on the application and requires the applicant to come up with a solution so that the distillery waterfall can continue to function 24 hours a day whilst the works, which are expected to take around 3 weeks, are undertaken. They would also require confirmation of any effect on the collection pool and overspray/filling.

The Chairman said that given that the dwellings above the cliff have not yet been constructed, he would recommend deferral until the spray modelling was provided by the applicant.

JH asked whether the water quality data could also be provided. The Chairman said that this is not related to the application and therefore not the applicant's responsibility.

The Commission deferred this application pending the applicant's submission of the spray modelling.

281/15 – BA13589 – Mid Harbour Estate, Bishop Caruana Road – Proposed public dog toilet – HMGOG Project

DTP said that the proposed dog toilet area would incorporate a septic tank under the surface to collect faeces. He said that it would be emptied on a regular basis.

MEH said that this is a prototype designed by a local person.

The Chairman suggested screening it or replanting around the site given that a green patch is being lost. The Commission concurred.

The Commission did not have any issues with this application.

282/15 – BA13590 – Europort Avenue – Proposed public dog toilet – HMGOG Project

The Commission did not have any issues with this application.

Minor and other works – not within scope of delegated powers

283/15 – BA13551 – Sunrise Motel Store, Devil's Tower Road – Demolition of existing concrete and masonry structure with timber roof

The Commission approved this application.

284/15 – BA13555 – 8 South Pavilion – Alterations to rear garden area including new pool

DTP recommended hedging to the side boundary as opposed to dwarf wall and fencing as proposed by the applicant.

The Commission approved this application subject to hedging over the lateral boundary.

285/15 – BA13571 – North Mole, North Mole Road – Part demolition of building – HMGOG Project

The Commission did not have any issues with this application.

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

286/15 – Ref 1198/019/15 – Eurotowers, Europort Road – Application to install advertising hoarding boards on perimeter fence

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

287/15 – N/006/15 – Former RNH Block E – Request to remove Pine and Palm Trees

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

288/15 – N/007/15 – Witham’s Cemetery – Pruning and improvements to condition of trees within cemetery with possible removal of dead/fallen tree

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

289/15 – Ref 1196/14 – Eclipse Lounge, Casemates Square – Request for alternative outdoor furniture

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

290/15 – Ref 1196/14 – 102 Main Street, Three Owls – Renewal of outdoor bench licence

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

291/15 – Ref 1196 – Westview Park – Application to allocate tables & chairs area

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

292/15 – BA12750 – 1 Boschetti’s Steps – Amended elevation

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

293/15 – BA12973 – 232 Main Street – Alterations to shop front

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

294/15 – BA13053 – Eastern Beach Road – Request to renew permit

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

295/15 – BA13274 – Rock Cottage, South Barrack Road – Consideration of revised plans for the new link from the garage to the existing property

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

296/15 – BA13436 – 5 John Mackintosh Square – Consideration of advertisements for shop front

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

297/15 – BA13455 – Cloister Building, Market Lane – Reinstate balustrading now lift is to be installed at alternative location

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

298/15 – BA13499 – 5 Tuckey’s Lane – Revised alterations

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

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299/15 - BA13529 - Bus Stop by La Mamela, Catalan Bay - Installation of pillar box

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

300/15 - BA13533 - Outside John Mackintosh Hall - Proposed installation of new pillar box

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

301/15 - BA13543 - House 3, 3 Calpe Road - Proposed loft conversion for use as storage and installation of single dormers/sky lights

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

302/15 - BA13547 - 79 Prince Edward's Road - Proposed fit out of vacant room into a bathroom

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

303/15 - BA13549 - 7 Europa Pass Battery, Europa Road - Alterations and refurbishment to existing house

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

304/15 - BA13554 - Flat 1401, Europlaza 1 - Minor alterations to flat

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

305/15 - BA13557 - 4 Penney House, Naval Hospital Road - Application to install a/c unit on rear facade

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

306/15 - BA13558 - 27A City Mill Lane - Proposed conversion of commercial store to personal training practice

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

307/15 - BA13560 - 9 Highcliffe House - Proposed installation of glass curtains on balcony

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

308/15 - BA13562 - 42 Devil's Tower Road - Proposed external and internal alterations including new signage

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

309/15 - BA13564 - 1503/1504 Majestic Ocean Plaza - Proposed subdivision of one flat into two

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

310/15 - BA13569 - 3/7 Jumpers Building - Proposed removal of planters

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

311/15 - BA13570 - 1303 Grand Ocean Plaza - Conversion of two bedrooms into one

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

312/15 - BA13573 - 6 Straights View, 9 Naval Hospital Hill - Replacement of 4 timber framed windows to white UPVC

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

313/15 - BA13575 - 24A Elliott's Battery - Minor alteration to convert window into door

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

314/15 - BA13577 - 2/2 Castle Steps - Minor internal modifications

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

315/15 - BA13578 - 16 Cormorant Wharf - Proposed glass curtains

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

Any other business

316/15 - Rock Cottage

JH told the Commission that she is horrified by the extent of removal of vegetation at Rock Cottage. She said that it has been stripped bare of vegetation and that she hoped that a landscaping condition has been placed on the development.

DTP confirmed that plans have recently been received for landscaping.

317/15 - The Sanctuary Project

JH asked whether work will be proceeding. The Chairman said that he had observed building materials being delivered recently.

318/15 - Jumpers Bastion

JH said that Jumpers Bastion is looking tidier and welcomed the efforts made here.

319/15 - Europa Road

On Europa Road JH asked why, despite the decision taken by the Commission to seek the dismantling of the screening above a private residence (almost opposite Garrison Gym), the screening is still in place.

The Chairman said that the screening has not been removed as a tenant claimed that they were being viewed by onlookers.

CAM said that an alternative screening for the property further down the road was approved by the DPC and that at the time it was agreed that this type of screen should be used for the whole stretch of road.

320/15 - Next meeting

The next DPC meeting will be held on Tuesday 9th June 2015 at 9:30a.m.