

Approved
DPC meeting 5/16
25th May 2016

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5th Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 24th May 2016 at 09.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

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

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr J Collado (JC)
(Land Property Services)

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

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)

Miriam Brittenden
(Minute Secretary)

Apologies:

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

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Approval of Minutes

279/16 - Approval of Minutes of the 4th meeting of 2016 held on 19th April 2016

The Commission approved the Minutes of the 4th DPC meeting of 2016 held on 19th April 2016.

Matters Arising

280/16 - BA12850 - Rosia Bay (Outline Application) - Redevelopment of Rosia Bay for leisure use.

Amendment to the Minutes of 1st DPC meeting dated 27th January 2016. Ms Labrador an objector to the proposed scheme commented that one of her comments was incorrectly recorded in the Minutes and requested to amend the minutes.

The minutes stated:

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

Ms Labrador wished that the following statement to be removed:

“therefore their issues with invasion of privacy would be addressed by not allowing the roof top restaurant”.

The Commission approved the changes; the Minutes would be amended as recorded.

281/16 - BA13591 - 4 Cheshire Ramp Buena Vista Estate - Proposed new swimming pool and extension at first floor level.

DTP advised that this planning application sought a planning permit to undertake works at 4 Cheshire Ramp which is part of a 19th Century officers quarters block.

A previous planning application was considered in September 2015. The proposal was to construct a swimming pool on an unbuilt area of land outside of the site; the installation of a pergola and a glass balustrading around the perimeter of the site and an extension on the first floor. The Commission had asked the applicant to provide further details for the proposed extension but had not approved the construction of the pergola. The Commission had also insisted on its removal and the restoration of the wall damaged during the works. The Commission also refused the proposed pool mainly on its impact on the character of the area in general. In respect of the proposed glass balustrade, the Commission requested that the applicant incorporate iron railings to maintain the character of the building with the glass balustrades being placed behind this if so desired.

The applicant had submitted revised plans and proposed the following:

- Retention of the previous proposal for 1st floor extension.
- Glass balustrade to the roof area remaining as previously proposed. Glass balustrade to terrace

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area to remain as previously proposed.

- Retention of the pergola.
- The pool was been omitted from the scheme.
- In place of the swimming pool they proposed to build a 2.1m boundary wall in keeping with the adjacent buildings in the area.

Consultees had been consulted with the revised proposals and their comments were:

TSD did not object to the proposals. GHT had no objections on heritage grounds but considered that the open land should remain like so. No further comments had been received.

DTP stated that as previously the 1st floor extension was approvable, nothing new had been put forward in respect of the pergola and that therefore the Commission should maintain its refusal and require that the structure be removed. He also stated that he understood that the boundary wall proposed to be built around the open land adjacent to their property fell outside the applicant's lease demise. He commented that based on past experience once an external area is enclosed, it will soon lose its natural state and gradually be built over.

DTP said that the Town Planning recommendations were Not to approve the proposed boundary wall and to maintain the Commission's previous decision for the proposed glass balustrade to be placed behind the iron railings. The proposed 1st floor extension was recommended approval.

CAM stated that the Heritage Trust had no objections to the 1st floor extension; agreed with these recommendations and believed that the area adjacent to the building should be retained as open land.

The Commission agreed with the Town Planning recommendations and approved the application subject to the proposed conditions.

282/16 - BA13642 - 7C Engineer Road - Proposed construction of detached villa.

DTP updated the Commission on this matter, which had been raised at the last meeting. The Commission understood that an area of land had been cleared of a number of trees, which were meant to have been retained.

DTP confirmed that the Town Planning Section had visited the site with the applicant and his agent and confirmed that no trees included in the tree survey had been removed. However a tree not previously identified in the original tree survey had been removed.

In terms of planning permission, the conditions had not been infringed; however the tree had been removed without prior permission. The recommendation is that the applicant compensate this by planting two additional trees within the new development.

The Commission agreed with the Town Planning recommendations.

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283/16 – F/13851/15 – Waterport Place, North Mole Road - Reinforcement of glazing facades.

DTP updated the Commission on this matter. This application was considered in the January 2016 DPC meeting. The previous proposal sought to fit a fixed framing system to the glazed façade which would make the current openable windows fixed. Objections had been received and the Commission rejected the proposed scheme.

DTP added that the applicants had reconsidered their options and now proposed to affix all the damaged glazed panels to the windows with four stainless steel buttons and a special adhesive.

DTP said that the objectors to the previous scheme had seen the new proposal and had no objections. The Town Planning Section's t recommends the approval as the windows remain openable.

The Commission approved the new proposals.

284/16 – F/13892/15 – Prior Park School (Formerly Sacred Heart School) - Proposed refurbishment of an existing school including re-working of the existing pedestrian entrance from castle road and replacement windows.

DTP informed the Commission that this application was for the refurbishment of the ex-Sacred Heart School building. The application had been approved previously by the Commission; however, the applicant had requested to address the Commission in respect of the condition requiring windows and shutters to be timber. The applicant now proposed to install new PVC windows and provided a sample for the Commission to view.

The Chairman welcomed the Applicant to address the Commission, Mr. Watts (Headmaster) and Mr. Stapleton (Architects).

The applicant asked the Commission to vary the planning permit conditions to allow PVC windows in the building.

Mr. Watts stated that when the proposed project was approved by the Commission they received much appreciation that this grand building was to be returned to being a school. They had been working closely with the neighbouring Sacred Heart Church Parish Priest, Father Jonathan, and together have ambitious plans to support the local community.

He further added that Prior Park School was prepared to make a long term commitment to Gibraltar and the community as well as the continued maintenance of the building and the school grounds. It is their desire to retain the external appearance of the building, keeping the original colour of the shutters, render, size and profile of the window openings. They had been working closely with members of the Commission to keep all original features such as internal tiling and historic doorways.

The applicant now proposed to use UPVC windows for reasons of stability, performance and required lower maintenance and long term benefits such as durability, weather seal and safety. The applicants argued that UPVC has a better long-term performance than timber and emphasised that there had been a termite infestation in the area. He added that the framing of the shutters would reduce the visual effect further. PVC windows had been successfully used in

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other high profile and very visible buildings including The Rock Hotel. The longer lead-in time for non PVC windows would prevent the school from opening in September leaving a number of local children without a school putting greater pressure on other schools. The applicant requested the Commission's support for this proposal.

The Chairman commented on the statement given by Mr. Watts in relation to the long term commitment towards the local community and stated that the local community supported the 2009 Development Plan. The proposal to replace timber windows with UPVC would therefore be contrary to a local community decision.

The applicant said that in on-site meetings with members of the Commission, namely CAM (Heritage), Carl Viagas and Giovanni Baglietto (Town Planning and Building Control), their suggested use of UPVC had not been discouraged. The Chairman disagreed with Mr Watt's assertion and stated that whilst a planner might suggest it could be a possibility they would not have approved UPVC. In any case he was not present to be able confirm such an opinion.

CAM added that given the mismatch of windows, different styles and glazing combinations, from a heritage perspective they would consider allowing UPVC if the character, proportions and appearance of the building was maintained. In her view, the window specs were acceptable to the Trust but the sample provided did not match the specs provided on paper.

CV concurred with CAM's comments and said that the policy required the retention of the timber windows if they were in good order.

The Chairman further added that the Development Plan policy aimed to retain the use of timber where the existing majority was timber windows, as was the case in these circumstances.

CV and CAM stated that the windows at the rear of the building were all PVC windows and there was a mismatch of windows as changed throughout the years. CV commented that the suggestion given on-site was that if the proposed UPVC windows replicated the design and proportions of the original windows, these would be acceptable.

HM added that irrespective of opinions, decisions would have to be based on the policies contained in the Development Plan 2009 and the Commission had to adhere to the policies.

The Chairman commented that surely timber windows and shutters couldn't be considered to be unsafe in schools as they are widely installed in many as it was seemly being presented by the Applicant. Mr. Watts stated that shutters had fallen in the past, to which the Chairman and retorted that this was down to maintenance circumstances.

MEH stated that he was not against allowing UPVC windows but stressed that the sample provided was not in keeping with the general design of the windows in the building. He also disagreed with Mr. Watts' comments that suggested that local children would not have a school in September if Prior Park was not operational by then as there were perfectly suited schools around Gibraltar.

DTP briefed the Commission and stated that the sample provided was not consistent with the proposed window schedule as submitted. The policy was clear, where the majority of windows and shutters were timber they should be retained as timber windows and shutters. In previous

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applications the Commission had compromised when composite windows had been presented and the design and profile were consistent with the original timber windows. The proposed profile was not in keeping with the traditional profile and recommended refusal. He proposed that the applicant provide a sample to view with the correct profile even if in an alternative material. The Department had no issues with the timber shutters.

MEH commented that the Commission needed to be more flexible with decisions and recommended that the applicant provide the Commission a window replicating the traditional windows, regardless of the material of the window.

The Committee agreed with the comments made and the application was deferred. The applicant would provide a sample in keeping with the traditional profile of the original design for the Commission and public to view.

285/16 – 1198/029/15 - Dutch Magazine Rosia Road -- Proposed installation of three LED screens on a mobile truck to advertise videos and screenshots for local businesses.

DTP explained that this proposal sought advertisement consent for a mobile advertising vehicle incorporating a number of LED screens on the vehicle. This application had previously been considered in September 2015, later withdrawn and the applicant was now re-applying.

DTP briefed the Commission explaining that the proposal entailed a specifically designed vehicle with side and rear advertising LED screens. Concern was expressed that the proposal would add to traffic congestion, emissions and be a safety concern due to possible driver distraction. Confirmation of whether the vehicle would be parked in specific locations had not been submitted and refusal was recommended.

The applicant had requested to address the Commission, but was not in attendance and no explanation had been given.

DTP added that the RGP also had serious concerns on safety issues. Technical Services Department had expressed concerns on the road safety and recommended the vehicle be parked in areas where there were no safety concerns.

DTP recommended that the Commission maintain their refusal of mobile LED vehicular advertising on grounds of safety. The Commission concurred with the comments received and refused the proposal.

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286/16 - F/13990/16- The Tea Leaf, 61 Main Street. - Counter representations received by the applicant regarding the decision from the Commission decision of external tables and chairs.

The Chairman commented that this matter was not included in the agenda. He nevertheless allowed counter representations by the legal representative of the applicant who argued that the Committee's decision was adversely affecting their business.

The Chairman commented that the proposal was discussed at the previous meeting. The Committee had proposed an overall holistic review of the table and chairs situation in Main Street, as the pedestrian areas were increasingly being used for the allocation of tables and chairs to the detriment of pedestrians. The Town Planners felt that it would be unfair to victimize one applicant before the policy was addressed and reconsidered.

The applicant's representative, Mrs. P. Garcia (Verralls Barristers & Solicitors) and Ms. Lock (the applicant) addressed the Commission. Mrs. Garcia stated that the applicant was very grateful for the opportunity to further address the Commission following the previous decision which had allowed her client to place table and chairs only after 10am.

The applicant intended to place tables and chairs on two rows occupying the entire pavement. Upon receiving the approval, Ms. Lock noted the Commission's approval for the use of half the pavement. Mrs. Garcia added that there were other businesses along the same area of Main Street occupying the whole pavement.

Mrs. Garcia also asserted that her client believed the condition to place the tables and chairs after 10am was unfair, would have a detrimental effect on her business and further added that these conditions did not seem to apply to other businesses along the same stretch of Main Street.

Mrs. Garcia offered that her client would appreciate that the Commission reconsider their previous decision and allow the full width of the pavement for tables and chairs. She added that the Tea Leaf is a catering business and would suffer from the restrictions on tables and chairs especially during the summer months. She also commented that encouraging such small cafeterias would enhance the appearance of Main Street and encourage tourism.

The Chairman commented that the Town Planners had had a meeting with the applicant to address the issue and view the area. He also highlighted that the fridge placed on the tables and chairs area was not permitted and would have to be removed as the permit did not include fridges; a recurrence could possibly cause the licence to be revoked.

The Chairman further stated that the Town Planning Section found the previous conditions unfair on the applicant and recommended a standard licence as other businesses in the Main Street. In the meantime, the Commission would review the general situation in Main Street for tables and chairs.

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MEH and MSCHY agreed with the Chairman's comments and added that tables and chairs enhanced the character of Main Street and therefore did not have a problem with their allocation on pavements, pending a holistic review at a later date.

The Commission reconsidered their previous decision and agreed to issue tables and chairs permit on equal terms as other businesses in Main Street.

287/16 - F/14176/16- 34 Devil's Tower Road - Proposed demolition of existing buildings and garages and construction of a new building comprising apartments, retail premises, car parking spaces and landscaped areas.

DTP commented that this proposed development was granted outline planning permission in December 2015. The application had slight changes to it and was now seeking permission for a 14 storey building to provide 76 apartments and proposed some internal changes. The height had slightly reduced and a single circulation core was now proposed instead of the two originally proposed.

DTP said that the distance between the proposed new build and Shackleton House had been maintained, 1.5m distance on the podium level and 7.5m distance from the apartment levels.

He further commented that the ground floor would have a glazed frontage towards Devil's Tower Road and would include a gym and retail areas. The vehicular access had been changed to have separate entry and exits. There would be a loss of 4 on-street parking spaces, which would be replaced by a loading/unloading bay, which could be used as parking outside normal loading/unloading hours.

A landscaped area had been introduced between the proposed building and the New Holiday Inn building and would include the planting of 3 trees and low-level planting, a bicycle parking area and street furniture. He mentioned that the main façade would be rendered and have glazed balustrades. The balconies would be aluminium paneled with wood appearance.

On the façade facing Shackleton House they would introduce opaque glazing to minimize the impact on the privacy and reduce noise for residents of Shackleton House. The proposed pool had been removed from the project, air conditioning units would be hidden in balcony service cabins and drying areas would be provided.

DTP summarised the proposal and confirmed that the applicant had carried out wind studies and made design changes to accommodate issues previously identified. An aeronautical study had been undertaken and the MOD and Director of the Civil Aviation had no objections, subject to the standard conditions. A desk based Heritage assessment had also undertaken which concluded a low possibility of Heritage assets requiring an

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archeological watch. A Sustainability Report had met the requirements and the DOE required the standard conditions such as swift and bat box requirements.

From a planning perspective, DTP recommended approval of the proposed scheme subject to the standard conditions and inclusion of a condition to introduce wire mesh to screen car parking levels to minimize light pollution.

JH asked the planners if the sewage issues in the area have been addressed as there were regular problems with the sewage system in the area. DTP said that there had been discussions with Technical Services although further discussion was necessary and the developer would need to meet the requirements set out.

The Commission approved the full application with standard conditions and including the non-standard condition for the wire mesh.

288/16 - F/14161/16G - Land reclaimed from the sea at the end of Mons Calpe Road and North Mole Road - Proposed new LNG storage facility, office building, car parking and ancillary facilities.

This item has been deferred for the end of the meeting.

Other Developments

289/16 - F/13925/16 - 57/5 Flat Bastion Road - Proposed extension and refurbishment to residential premises.

DTP explained that this item had been considered in March 2016 and was deferred to allow for the Housing Department's comments given potential impact on an adjacent Governmental rented Housing unit. The issue arose due an encroaching proposed window on the west elevation of the proposed extension onto the terraced area of the Government unit.

The proposal included minor internal alterations and a two storey extension. The revised scheme removed the proposed windows on the west facing elevation and proposed an extension on the second level and a roof terrace on the extension.

DTP said that comments received expressed no major concerns. The Heritage Trust and the Ministry for Heritage had no objections in principle but commented on the architectural design which they considered to be out of proportion and unsympathetic with the design. The Town Planning Section had received an objection regarding the encroaching window but the applicant had since removed this from the scheme. Another

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objection was concerning structural issues which would be dealt with by the Building Control Section.

DTP added that from the Town Planners perspective he would recommend approval subject to the condition for the improvement of the fenestration on the front west elevation of the building.

MEH asked whether there were any encroachments to the east towards the boundary of the Nature Reserve, DTP confirmed that potential encroachments had also been removed from the proposed scheme.

The application was approved subject to the stated conditions; furthermore that windows and balcony windows be proportional and that the existing design details be incorporated into the proposed scheme.

290/16 - F/14091/16 - 202/204 Main Street & 1-9 Giro's Passage - Proposed single storey extension and full refurbishment of existing residential property. Ground floor commercial premises to remain unchanged.

DTP explained that this applicant sought full planning approval for the refurbishment of the building and the addition of a single storey extension.

He briefed the Commission on the application and explained that the full proposal was in line with the outline application, the only change being the introduction of a lift shaft to be erected in the rear patio. Previously the lift had been proposed to be erected within the building and the change would allow some alterations to the interior of the property. They also proposed a full refurbishment of the 1st floor to create three apartments and a further three apartments on the 2nd floor and a single apartment on the 3rd floor. The additional storey would have a pitched roof instead of the flat roof proposed in the outline application.

DTP added that the developer had proposed a general tidy-up at ground level and repairing the façade at Giro's Passage. They had introduced free standing planting and retained timber shutters. Furthermore they had achieved a B rating on the predictive energy performance certificate, would be introducing swift boxes and refurbishing and repainting the coat of arms as per the outline permit conditions.

The Heritage Trust recommended an archeological watching brief during the excavation for the installation of the lift.

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DTP referred members to copies of representations that had been received which centred on the rear extension. These were similar to the representations received on the previous proposal.

DTP recommended approval of the full application.

The Chairman commented that this is was an example of a successful urban renewal application to reoccupy a long-term vacant property along Main Street, it was a positive step for existing buildings as these will be extensively used and commended the applicant for the efforts made.

The full application was approved unanimously.

291/16 - F/14103/16 - 6 South Pavilion Road - Proposed alterations at ground floor level (entrance) and new back garden construction.

DTP commented that this was a full application seeking approval to make minor internal alterations to make use of a void and make improvements to the rear garden area, currently in a natural state. The Town Planning Section observed that a tree had been cut down without permission and was currently investigating as it was unclear who had cut down the tree.

DTP added that the proposals for the rear garden area were to place a suspended decking area with a concrete slab and include a water feature. They also proposed to include planters and cover an existing Government water pipe with a planter. Technical Services Department had objected to the covering of the pipe and insisted it remain accessible for maintenance purposes. No further comments had been received other than from the Ministry for Heritage which required an archeological watching brief.

DTP commented that there were precedents for similar applications in the area, including an application for a pool which was rejected due to the existence of a tree in the proposed area. He stated that similar schemes had been approved in the area and the proposal would have to be considered in that context. It would need to be established if the timber decking required a concrete slab underneath before laying it or whether it would be suspended which was the preferred option. They would also recommend the planting of a semi-mature tree.

MEH and KB suggested that there should be a condition to re-plant two trees for every tree removed.

MEH asked whether there was any evidence of who cut the trees. DTP confirmed that the current owners had only just taken ownership of the land, which previously belonged to the Management Company of the whole estate. It was not certain who removed the tree

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and The Chairman added that normally for every tree removed it should be replaced by two others.

The Chairman commented that another applicant in this development was the subject of Court proceedings, in relation to concreting over an area contrary to his planning conditions and recommended the decking to be installed with no hard surfaces underneath as per other decisions.

MEH asked the Chairman whether they could recommend that the applicant proposed a water feature with no concrete. He replied that the Commission could add such a condition if it felt fit.

The Commission approved the proposal subject to the following conditions:

1. The proposed decking must be suspended over natural soil and no concrete slab was permitted.
2. The re-planting of two trees.
3. The proposed fence to match the existing fence on the other properties.
4. The service pipe not to be covered.

292/16 - O/14105/16 - 1A Engineer Road - Proposed demolition of the existing two storey dwelling and construction of 2 x four storey houses and roof garden.

DTP commented that this proposal was for an outline application and sought permission for the demolition of the existing building to be replaced with two 4-storey houses. Previous proposals had been considered and turned down by the Commission, largely because they covered the entire footprint of the site.

He added that the current proposal was to demolish the existing building and construct 2 double garages at the ground floor level with residential on floors above. The building would be vertically split. He noted north and south encroaching windows, the WW2 bunker and the possibility of a 19th Century guard house intended to be retained under this proposal.

DTP commented that the architectural character was sympathetic to the current adjacent building. No objections had been received from the public; comments were received from MOH which required a desk based assessment of the site and a possible archeological watching brief. Technical Services asked for geotechnical studies and a standard condition to retain the slopes. It was believed that some pipes in the area might belong to the MOD, subject to confirmation, these would have to re-routed at the applicant's expense.

DTP stated that the proposal was an overall improvement to the originally proposed scheme. They planned to allow part of the site to be retained as natural land, as well as retention of the WW2 bunker. The building design was sympathetic to the area and the use of balconies, terraces, glazed balustrades and the fenestration proposed was

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aesthetically appealing. The Town Planning Section only had issues with the encroaching windows and subject to these being removed from the scheme, they recommended approval of the proposed scheme.

MEH enquired whether they had received any indication of energy performance, DTP said that they had not received any indication but they would include a standard predictive energy performance certificate requirement and conditions to provide a standard report on sustainability for the full application.

MSCHY asked whether the entrance to the WW2 bunker remained the property of the owners of the property. TP confirmed that the bunker fell within the demised area and said that the bunker had been uncovered by the adjoining development and had been sympathetically restored. The bunker would be used by both developments as it was a continuous structure. MSCHY suggested that their protection, restoration and maintenance should be transposed into their Government leases as it was not a listed building. He also suggested that alternatively the Heritage Trust could add the bunker into the listed buildings.

The Chairman added that the sympathetic refurbishment and re-use of the bunker Department had been and was widely welcomed. He also stated that planning permission guarantees the safeguarding of the structure with the appropriate restoration and use, but the Heritage Trust could include this structure as a protected building.

JH enquired whether any of the greenery or rockery would be removed from the back of the building facing the rock. DTP confirmed that there would be some excavations as the building would be set back and there would be an archeological watching brief required for the excavation works.

The Commission approved the scheme subject to conditions.

293/16 - F/14110/16 - Mama Mia Restaurant Premises, Unit C, Boyd Street - Proposed takeaway kiosk and storage cubicle.

DTP informed the Commission that this application proposed to construct a 5 storage cubicles outside the existing building, on the corner of Grand Parade. The application also proposed an extension to the building on the west side of the building to provide a service window for a takeaway service. He commented that the proposed extension would cover a surface water gutter and confirmed there was an encroachment onto the pavement.

DTP stated that Technical Services Department objected to the construction of the storage area on architectural grounds and on the grounds that the proposal would encroach on to the public highway and there would be a loss of public parking. As regards the proposed service window, they objected to the covering of the surface water gutter as

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they would require access for maintenance. They further added that customers queueing at the takeaway window would cause obstruction to the footpath. LPS confirmed the landlords were still considering the proposal as it fell beyond their lease demise.

DTP stated that the proposed cubicles would reduce access to the parking spaces and would look out of place in a car park. The Department's view was that any storage requirement should be allocated inside the building itself and also mentioned that if in the future, any developments were considered at Grand Parade this would be an extra structure to contend with.

Overall, the encroachment onto the public highway, people blocking the footpath and the temporary parking of cars waiting to collect a takeaway was a concern; particularly as this was a blind spot, located beside a pelican crossing and the main access for fire brigade vehicles. DTP proposed that this application was not approved as the takeaway and storage facilities could be provided elsewhere within the existing building.

The application was refused.

294/16 - F/14110/16 - 8 Reclamation Road - Proposed takeaway kiosk for the sale of sandwiches, coffee, tea and cold drinks.

DTP briefed the Commission on this proposal to erect a small timber cabin within the gated area of the old 'Swave' or 'Buccaneers' nightclub, below Prince Albert's Front, a listed monument. The applicant would be submitting an application for the refurbishment of the interior with a view to opening a restaurant on-site; however the current application sought to place a kiosk primarily to provide sandwiches and drinks for the construction site workers.

DTP added that temporary kiosks had been permitted in the past, particularly at Chatham Counterguard; but subsequent applications to make them permanent had been refused. He recommended a similar thinking be applied to this application.

He added that LPS had objected on behalf of the landlords as this was a tables and chairs area outside the lease demise.

MSCHY added that this was an opportunity to ask the applicant to remove the fence when reconsidering the tables and chairs licence.

The applicants were present at the meeting and commented that the kiosk would be a temporary structure and would be applying for a tables and chairs licence until they were able to open the restaurant.

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Approval was granted on the basis that this would not be permanent and therefore the permit would be granted for a 12 month period with a requirement for the structure to be removed within two weeks after the expiry date. The applicant could always apply to extend the permit if this was found to be necessary.

The Commission broke for a 15 minute break at 11.45am

295/16 - F/14123/16 - 319 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

DTP explained that this was an application for the installation of glass curtains at Seashell House, Beach View Terraces. This application had been referred from the Sub-Committee as the Commission needed to agree a standard design in principle for this new estate.

DTP added that there had already been two glass windows installed at the estate without the Commission's approval. He confirmed that both home owners would be required to make retrospective applications for the glass curtains and if the design did not match the specific design agreed by the Commission they would have to replace their existing glass windows at their own expense.

JC commented that the frame should match the stainless steel balcony/railing to blend in with the estate's overall design.

DTP commented that the Town Planning Section had tried to meet with the residents to agree on the design before problems arose but unfortunately none of the residents had been available to meet. Given residents were already installing glass curtains the Town Planning Section recommended it was best for the Commission to adopt a specific design before the problem got out of hand. He furthermore mentioned that residents had been given leaflets informing them of the requirement to apply for approval for both internal and external modifications.

The Commission agreed unanimously that the standard design should be a frameless glass curtains tracking system in stainless steel colour to match the railings colour. Those who had already installed glass windows in any other colour would be required to replace them or face formal proceedings against them.

296/16 - F/14142/16 - 19/21 New Passage - Proposed refurbishment and re-development of building including a new extension.

DTP explained that this was a full application for a full refurbishment of the building and new extension. The proposal was to convert a building of three apartments into two apartments; various internal alterations and the removal of the roof to construct a single storey extension with a terraced area and sloping roof. A pergola, solar panels and a sky light would be incorporated into the building design.

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The original ground floor windows and shutters were timber and the proposal aimed to restore them or replace them with aluminium ones. DTP mentioned that there were an equal number of aluminium and timber windows and shutters and no majority.

GM commented that the reconfiguration of the proposed reinforced concrete pier design did not read well and recommended that the Commission proposed an improvement in the design.

CM said that rather than the proposed flat roof it would make it more interesting to give it a slight gradient.

When asked to comment, the Mr. Martinez (applicant's agent) , said that the proposed flat roof was to incorporate air conditioning units and hide them as much as possible. The piers were introduced to line up with the pergola and have a symmetrical design.

CV commented that although he agreed with GM's comments he recommended that the windows line up and would be happy to approve the flat roof proposal.

The Commission approved the scheme subject to revising the design to align the piers /window.

MEH expressed his concern on the actual provision for swift nests and bat boxes to be incorporated within the proposed design. The Chairman agreed with the comments and would verify such requirement to be included in future applications.

297/16 - F/14167/16 - Unit 3, Casemates House, Casemates Square - Proposed refurbishment of existing shop premises and conversion into a restaurant / takeaway / catering premises.

DTP briefed the Commission on this application which sought to refurbish disused premises at Casemates Square and change the use to a restaurant use.

He added the proposals were for alterations to replace the existing fascia sign, replace the frontage with a concertina type door similar to those on adjacent units and to include a seating area on the first floor.

DTP confirmed the Town Planning Section would issue a condition that the colour theme should be the same as the existing at Casemates and added that no tables and chairs application had been received yet but would be likely. An objection from the adjacent pharmacy unit had been received by the Town Planning Section objecting on the grounds that the table and chairs would obstruct access and the entrance to their unit and cause odours and smells. The pharmacy felt wedged in out of sight by the existing tables and chairs licenses.

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The applicant made counter representations and assured the Commission that there would be no fumes or odours as they would be introducing a double filter system which still required approval from the Environmental Agency. As regards tables and chairs they would not extend beyond their demarcated area upon approval of their application.

DTP stated that the town planners had no objections to the change of use and in respect of tables and chairs, it was common practice to limit the licensed area to that of the specific unit frontage and recommended approval of the scheme.

JH thought it necessary to safeguard access to the pharmacy and suggested fitting bollards to ensure the entrance to the pharmacy was not obstructed. The Chairman said that the Commission would be discussing this at a later date with a view to agreeing on general conditions for tables and chairs.

The Commission approved the application subject to the conditions proposed and the tables and chairs would be considered upon submission of an application.

298/16 - F/14186/16 - 11 Bomb House Lane - Retrospective application for a small work shed on the rear garden area of an existing residential premises.

DTP said that this was a retrospective application for the construction of a work shed located at the rear end of a privately owned garden. He stated that they had received representations from the owner of the adjacent property and Amar's Bakery and referred members to the copies of the objections circulated to them. One of the objectors would address the Commission to express their concerns.

DTP explained that this was a single storey construction with roof paneling which had been built very close to existing buildings and encroached onto a window at Amar's Bakery and which was allegedly an emergency exit. The Commission had never granted Amar's Bakery permission to use this as a fire escape and they may have to provide alternative fire escape arrangements.

MEH asked DTP whether this was a permanent feature. DTP clarified that the shed was built over some brick piers and as far as the Town Planning Section was concerned it was a permanent feature and not easily removed.

The Chairman welcomed Ms. Russo, an objector and the owner of a residence in Bakers Passage, to address the Commission.

Ms. Russo commented that the shed had been constructed without any prior permit and so near their property wall it would be impossible to access the area for future maintenance of the walls. She also mentioned that the pitch of the roof encroached into their kitchen windows and would cause problems with rain water flowing directly onto

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their property wall. She highlighted that the proximity of the shed to their property wall would cause damp problems in the future as there was no ventilation or air circulation to dry the wall or any drainage system to ensure the accumulated rain water dried out.

Ms. Russo explained that in the past she had a verbal agreement with the Deanery who occupied the property to have access to her property walls for maintenance and repainting.

DTP asked when the windows had been built and Ms. Russo said that as far as she was aware, these windows had been built in 1892. TP stated that she would have acquired rights to maintain her property and preserve her amenities, which she could pursue by way of civil claim against her neighbour for preventing access to her property.

Ms. Russo also commented that the neighbour had interfered with her property walls to install an air-conditioning unit. She was advised by the Commission to verify who owned the walls as this would clarify matters.

The Commission discussed various other issues; loss of light, maintenance access and security. It subsequently decided to refuse the application on the grounds of loss of preservation of the amenities of the adjoining property, closeness to the neighbour's window and property wall and lack of a drainage provision for the shed construction.

299/16 - A/13979/16 - 221 Main Street - Consideration of proposed fascia sign.

DTP said that this application had been referred from the Sub-Committee and explained that it was an advertisement application. The applicant wished to change the frontage of the shop in Main Street. DTP commented that the applicant had proposed to change the fascia sign, introduce side advertising panels, and replace the awning and the projecting signs into a green and yellow color scheme. In April 2016 the Subcommittee advised the applicant to omit the side panels and that the fascia sign should be individual letters or a clear perspex fascia. DTP advised that the applicant subsequently reduced the width of the fascia sign slightly and installed it.

DTP summarized that the Subcommittee considered the proposed signage to be excessively relative to the frontage, the proposed colour scheme excessive, and too overbearing in colour and size. He also added that the applicant had commented that the chosen colour scheme was their corporate colour. DTP added that there was a specific policy in the Development Plan that clearly stated that any objections on policy grounds would not be overruled by the argument of corporate image.

The Applicant and owner of the addressed the Commission. He said that his trade is catering for the tourism industry and that his shop had a small footfall. The applicant provided the Committee with pictures of various shops in Main Street and commented that he could place souvenirs on display outside his business like other traders or open his

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shop front to attract tourist into his business. He emphasised that the chosen colour scheme was green and gold and not green and yellow as stated by DTP. Furthermore the colour scheme was the same throughout the shop and stated that this colour attracted business. He commented that he had received many positive comments except for one, further stating that there were precedents on the colour such as the ELC toyshop, located less than 2 metres from the shop also had green advertising signage.

The applicant had reduced the size of the signage but the Subcommittee's recommendations for use of clear perspex was not possible as the wall was uneven and covered with wires and cables. It was his opinion that the coloured signage was a better option to hide the cables and the uneven wall.

JC asked the applicant if he would consider a change to the chosen colour, to which he replied that he considered the green colour scheme as his preferred option.

JH mentioned that the side panels were an overbearing green in colour and asked whether they could be changed. The applicant explained that these panels were to advertise exclusive Gibraltar cufflinks which would be professionally photographed and advertised on the side panels and confirmed that there would be no green on the side panels.

DTP stated that one concern was that frontage had too much green and suggested that a neutral coloured awning would help reduce this impression. The applicant agreed with the comment and confirmed that he would select a neutral colour for the awning, provide a sample for the Commission's consideration and a sample of the side panels with the photographed Gibraltar cufflinks.

The Committee approved the proposed signage subject to the installation of a neutral awning and the photographed side panels.

300/16 – REF. 1196 – Tables and Chairs – Licensed area.

DTP briefed the Committee on this issue and said that the intention was to review the policy in relation to tables and chairs licenses and recommended setting up a working group for this. He appealed for volunteers of the Commission to attend a proposed meeting which would include the RGP, Highways Section, LPS and any other members interested.

JH and GM agreed to form part of the working group.

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Minor and other works - not within scope of delegated powers

301/16 - F/14129/16 - 32A Rosia Road - Proposed demolition of existing structure and the construction of a new dwelling.

The Commission approved the application.

302/16 - F/14196/16G - Upper Rock - Retrospective application to install new security fence around restricted MOD site.

The Commission approved the application.

303/16 - F/14211/16G - South Mole - Proposed installation of steel-framed structure to protect crane against the elements.

The Commission approved the application.

304/16 - D/14101/16 - 32A Rosia Road - Demolition of existing two storey building.

The Commission approved the application.

305/16 - D/14214/16G - 72, 74 & 293 Main Wharf, Her Majesty's Naval Base - Demolition of single story blockwork construction.

The Commission approved the application.

306/16 - Continuation of item 284/16 - F/13892/15 - Prior Park School (Formerly Sacred Heart School) - Proposed refurbishment of an existing school including re-working of the existing pedestrian entrance from castle road and replacement windows.

The Chairman welcomed back to the meeting the representatives of Prior Park School whom provided a larger sample of the proposed windows with a slightly slimmer frame and proposed shutters sample for the Commission to view.

The applicant Mr. Watts explained that the proposed shutters, burgundy in colour, would be set in front of the proposed white window frame. The presented window frame was UPVC, the applicant was unable to find a composite alternative in the short space of time they had.

The Chairman commented that composite material would be very different from the sample provided and they would have liked to view another alternative.

CV added the Commission should be reminded the Policy 6.26 of the 2009 Development Plan- the loss of traditional windows and shutters could have a major impact on the architectural character of the building and the aim was to retain the original windows and shutters where possible and if it were not possible, the preferred option would be to replace them ensuring they match the

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originals as much as possible, in terms of style, material, detailing and dimensions. In his opinion, having visited the site and viewed the state of the shutters and windows, he did not consider that the use of the proposed window material deviated from the policy...

CV stated that The Heritage Trust and Ministry for Heritage agree that the UPVC option did not deviate from the Policy and quoted Policy 6.27 – permitting materials such as aluminium, UPVC windows and shutters but must be sympathetic to the original in terms of style, detailing and proportions.

DTP stated that the issue was that the proposed materials were not permitted by the policy. MEH asked if the DPC could move away from the policy. DTP answered that the policy was a guideline to ensure consistent decisions and there should be very exceptional circumstances to deviate from it.

The Chairman added that the proposed window sample provided to the Commission was not in line with the recommendations. Composite material had been accepted in the past where justified and in keeping with the character and configuration of the windows. He did not recommend approval of the window sample provided.

DTP read out the relevant policy. The Policy states that permission for the replacement of the existing timber windows or shutters by non-timber replacements will only be granted where the building is not a statutory protected building (which it isn't) and or the building is not located within a conservational area (which it isn't) and the majority of the existing windows and shutters are not of timber.

GM stated that the Commission had been advocating a certain policy and agreed that there were now new materials and products in the market which merited reconsideration. However the policy stands as is at the moment and proposed that the Commission meet to discuss this matter at a later date.

MEH agreed with this comment and considered that decisions had to be made on the strength of materials available on the market and what the Commission considered acceptable according to the policy details. He proposed that the applicant provide other samples for consideration.

The Commission agreed that the proposals were approved in principle subject to the provision of the profile of the window sample to match the profile according to the policy. It required that the applicant provide a sample prior to installing the windows. The Chairman added that once acceptable samples were provided, they would be made available for public viewing and comments to be provided at the Town Planning Section and The Heritage Trust Office located at John Mackintosh Square.

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

307/16 - BA10724 - World Trade Centre, 6 Bayside Road - Discharge of Condition 2 of Planning Permit No. 2261C regarding details of proposed hard landscaping.

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

308/16 - BA11840 - 1, 3, 5 & 7 Crutchett's Ramp 5, 7 & 9 Main Street - Details of proposed shop signage.

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

309/16 - BA11650 - 14 Lind House Europa Road - Consideration of revised landscaping plan including the construction of three retaining walls in the garden.

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

310/16 - BA11755 - Buena Vista Barracks, 40 Europa Road - Retrospective amendment to amalgamate Town Houses A8 & A9.

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

311/16 - BA12938 - 5 Castle Steps / 7 & 9 Richardson's Passage - Consideration of revised plans including increase of apartments provided within the scheme from two to three.

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

312/16 - BA12979 - Sunrise Motel Devils Tower Road - Consideration of proposed bracing.

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

313/16 - BA13053 - Eastern Beach Road Pavement, Northern End of Beach - Request to renew planning permit for kiosk.

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

314/16 - BA13208 - 8 Pitman's Alley - Consideration of minor amendments to layout of approved ground floor cafeteria unit.

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

315/16 - BA13390 - Ex Mobil Oil, 16 Line Wall Road - Consideration of revised colour scheme for building facades.

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

316/16 - BA13488 - Stagioni Restaurant, Rosia Road - Consideration of revised plans relocating position of walk in freezer.

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

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317/16 - BA13714 - 40 Cornwall's Lane - Consideration of revised plans to remove proposed lift from scheme and re-siting of proposed staircase in order to phase development.

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

318/16 - BA13723 - 1 Corral Road - Consideration of revised façade treatment to north and west facing elevations.

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

319/16 - BA13732 - 26 John Mackintosh Square - Consideration of proposed door/window details and signage.

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

320/16 - F/13853/15 - 1 Booth's Passage - Retrospective amendment to establish use of cistern as store.

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

321/16 - F/13861/15 - Townhouse No. 2, Ordnance Wharf, Queensway Quay - Consideration of revised plans to change existing garage door arrangement into window and replace entrance door to building.

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

322/16 - F/13913/16 - 9 Main Street Gibraltar - Proposed shop front alterations.

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

323/16 - F/13937/16 - Ragged Staff Wharf, Queensway Road - Reconsideration of proposals for the refurbishment, upgrade, and access improvements to the entrances to the apartment blocks.

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

324/16 - F/13944/16G - North Mole Road, Gibelec House -- Consideration of revised proposal for new electrical distribution centre building.

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

325/16 - F/14001/16 - 31-33 Halifax Road - Proposed conversion of shower rooms and reception areas at ground floor into garages / stores.

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

326/16 - F/14107/16 - 403 Seashell House, Beach View Terraces - Proposed internal alterations.

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

327/16 - F/14009/16 - 22 Seashell House, Beach View Terraces - Proposed internal alterations.

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

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328/16 - F/14131/16 - 17 Walnut Lodge, Montagu Gardens, Queensway - Proposed internal alterations and replacing all apartment windows.

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

329/16 - F/14034/16 - 818 Seashell House, Beach View Terraces - Proposed internal alterations.

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

330/16 - F/14038/16 - 118 Seashell House, Beach View Terraces - Proposed internal alterations.

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

331/16 - F/14041/16 - 207 Barbary View, Royal Ocean Plaza, Ocean Village - Proposed internal alterations.

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

332/16 - F/14144/16 - 41 Naval Hospital Road - Proposed installation of air conditioning unit and fixed external louvre.

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

333/16 - F/14051/16 - 1218 Seashell House, Beach View Terraces -- Proposed internal alterations.

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

334/16 - F/14059/16 - 402 Express Lodge Mons Calpe Mews - Proposed internal alterations.

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

335/16 - F/14060/16 - 2610 Rosemary Court - Proposed internal alterations.

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

336/16 - F/14070/16 - 5 Governor's Parade - Proposed changes to existing external enclosed awning/covered seating area.

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

337/16 - F/14075/16 - 19 Seashell House, Beach View Terraces - Proposed internal alterations.

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

338/16 - F/14078/16 - Basement Level, Atlantic Suites - Proposed internal alterations to convert existing box room area to changing and shower room facilities.

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

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339/16 - F/14081/16 - 911 Seashell House, Beach View Terraces - Proposed internal alterations.

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

340/16 - F/14082/16 - 1001 Seashell House, Beach View Terraces - Proposed internal alterations.

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

341/16 - F/14083/16 - 517 Seashell House, Beach View Terraces - Proposed internal alterations.

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

342/16 - F/14084/16 - 11 Seashell House Beach View Terraces - Proposed internal alterations.

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

343/16 - F/14085/15 - Units 1 & 3 Ocean Village Promenade, Ocean Village, Gibraltar- Proposed internal alterations and new external air conditioning enclosure and raised planters at outside terrace area.

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

344/16 - F/14086/16 - 1 Camp Bay Cottage, 51 Rosia Road - Proposed extension of flat roof over balcony.

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

345/16 - F14089/16 - 808 Seashell House, Beach View Terraces -- Proposed internal alterations.

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

346/16 - F/14090/16 - 406 Express Lodge Mons Calpe Mews - Proposed internal alterations.

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

347/16 - F/14092/16 - 2 Seashell House, Beach View Terraces -- Proposed internal alterations.

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

348/16 - F/14093/16 - 100 Both Worlds, Sir Herbert Miles Road - Construction and installation of an aluminium 12v powered articulated louvered roof of approximately 10m² covering the open terrace.

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

349/16 - F/14095/16 - 44 Iberis House, Westview Park -- Proposed installation of glass curtains.

The Commission noted the approval granted by the Sub-committee

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350/16 - F/14097/16 - 154 Main Street - Consideration of revised plans to address DPC concerns regarding John Mackintosh Square façade of unit.

The Commission noted the approval granted by the Sub-committee

351/16 - F/14098/16 - 702 Seashell House, Beach View Terraces - Proposed internal alterations.

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

352/16 - F/14099/16 - Unit 59, New harbours Deck - Proposed installation of mezzanine floor and fit out of unit as office with stores and workshop.

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

353/16 - F/14102/16 - 5/7A Charles V Ramp - Proposed construction of new swimming pool.

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

354/16 - F/14104/16 - 9 Resolution, Both Worlds - Proposed extension to apartment.

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

355/16 - F/14108/16 - Apartment 237, Block B, Watergardens, Gibraltar - Proposed internal alterations.

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

356/16 - F/14109/16 - 301 Seashell House, Beach View Terraces - Proposed internal alterations.

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

357/16 - F/14111/16 - 8 Governor's Lane - Proposed installation of a domestic lift within existing back yard.

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

358/16 - F/14076/16 - 420 Seashell House, Beach View Terraces -- Proposed internal alterations

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

359/16 - F/14112/16 -721, Seashell House, Beach View Terraces - Proposed internal alterations.

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

360/16 - F/14114/16 - 120, Block 1, Beach View Terraces - Proposed internal alterations to apartment and installation of air conditioning unit.

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

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361/16 - F/14115/16 - 205, Basha lodge, Mons Calpe Mews - Proposed internal alterations.

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

362/16 - F/14116/16 - 305, Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

363/16 - F/14118/16 - 108 Abyla Lodge, Mons Calpe Mews - Removal of partition wall in the kitchen.

The Commission noted the approval granted by the Sub-committee

364/16 - F/14119/16 - 108 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

365/16 - F/14120/16 - 202 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

366/16 - F/14127/16 - 501 Abyla Lodge, Mons Calpe Mews -- Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

367/16 - F/14130/16 - 5/1 Jumpers Building, 1 Witham's Road Gibraltar - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

368/16 - F/14131/16 - Flat 17, Walnut Lodge, Montagu Gardens, Queensway - Proposed internal alterations and change of all apartment windows.

The Commission noted the approval granted by the Sub-committee

369/16 - F/14132/16 - 1108 Sand Dune House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

370/16 - F/14135/16 - Flat 3, Richmond Close, Montagu Crescent - Proposed minor internal alterations to flat.

The Commission noted the approval granted by the Sub-committee

371/16 - F/14137/16 - 7 Buttercup House, Waterport Terraces - Removal of various interior walls and erection of new ones, as plans attached.

The Commission noted the approval granted by the Sub-committee

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372/16 - F/14138/16 - 306 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

373/16 - F/14139/16 - 314 Discovery, 41 Both Worlds, Sir Herbert Miles Road - Proposed instalment of two retractable awnings.

The Commission noted the approval granted by the Sub-committee

374/16 - F/14141/16 - 208 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

375/16 - F/14150/16 - 901 Sand Dune House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

376/16 - F/14151/16 - Flat 3, Genoa House, Catalan Bay Village - Installation of a single split air conditioning unit.

The Commission noted the approval granted by the Sub-committee

377/16 - F/14153/16 - 16 Moorland House, Ordnance Wharf - Proposed replacement of windows and glass terrace enclosure

The Commission noted the approval granted by the Sub-committee

378/16 - F/14154/16 - 804 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

379/16 - F/14156/16 - 205 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

380/16 - F/14157/16 - 212 Seashell House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

381/16 - F/14158/16G - Spitfire Way, South Dispersal, MOD Airfield - Mt functions south dispersal extensions to panel beating shop and tyre changing bay.

The Commission noted the approval granted by the Sub-committee

382/16 - F/14159/16 - 410 Seashell House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

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383/16 - F/14160/16 - Garrison Gym, Europa Road -- Installation of telecommunication cabinet and construction of plinth and manhole and laying ducts (approx. 2m) to nearest mod pit/manhole to be able to supply U-mee fibre services to the whole of the area.

JC commented on this application and asked the planners what the colour proposed and whether the cabinets were in public view. The Chairman said that the Sub-committee had not objection of the chosen grey look and approve the scheme as is had no major visual impact.

The Commission noted the approval granted by the Sub-committee

384/16 - F/14163/16 - 207 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

385/16 - F/14164/16 - 405 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

386/16 - F/14165/16 - 403 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

387/16 - F/14168/16 - 17C Elliott's Battery - Proposed enclosure of north facing balcony with windows to match those in rest of block and surrounding blocks.

The Commission noted the approval granted by the Sub-committee

388/16 - F/14170/16 - 204 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

389/16 - F/14171/16 - 602 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

390/16 - F/14173/16 - 409 Seashell House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

391/16 - F/14174/16 - 206 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

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392/16 - F/14175/16 - Edinburgh Estate - Proposed installation of telecommunication cabinet and construction of plinth and manhole and laying ducts (approx. 3m) to nearest Gibelec manhole and to nearest building/block to be able to supply U-mee fibre services to Edinburgh Estate, Chilton Court and Bishop Canilla House.

The Commission noted the approval granted by the Sub-committee

393/16 - F/14177/16 - 507 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

394/16 - F/14177/16 - 807 Seashell House, Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

395/16 - F/14178/16 - 8 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

The Commission noted the approval granted by the Sub-committee

396/16 - F/14182/16 - 2 Convent Ramp - Proposed internal alterations and replacement of all existing timber windows.

The Commission noted the approval granted by the Sub-committee

397/16 - F/14187/16 - 315 Seashell House Beach View Terraces - Proposed internal alterations.

The Commission noted the approval granted by the sub-committee

398/16 - F/14188/16 - 1118 Seashell House, Beach View Terraces - Proposed minor internal alterations and glass curtain on balcony

The Commission noted the approval granted by the Sub-committee

399/16 - F/14200/16G - Building 61, Her Majesty's Naval Base, Queensway Road - Proposed internal alterations and replacement of shutter doors to accommodate MOD water section

The Commission noted the approval granted by the Sub-committee

400/16 - F/14205/16G - Her Majesty's Naval Base, Queensway Road - Proposed installation of security fencing to separate MOD and GoG land (under the 2015 lands agreement).

The Commission noted the approval granted by the Sub-committee

401/16 - F/14218/16G - Cormorant Wharf, Queensway Road - Proposed external garden landscaping works.

The Commission noted the approval granted by the Sub-committee

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402/16 - D/13942/16 - Ex-Workers' Hostel, Devil's Tower Road - Demolition of existing two storey prefabricated buildings.

The Commission noted the approval granted by the Sub-committee

403/16 - D/14077/16G - Boundary Wall, Victoria Stadium, Bayside Road - Demolition of 16m section of boundary wall.

The Commission noted the approval granted by the Sub-committee

404/16 - A/14133/16 - Ex Med Rowing Club Glacis Road - Proposed advertisements on hoardings.

The Commission noted the approval granted by the Sub-committee

405/16 - A/14140/16G - Lamp Posts along Queensway, North Mole Road, Waterport Roadway Winston Churchill Avenue Beside Bank Of Scotland And Fish Market Road - Installation of lamp post banners to advertise Wine Festival.

The Commission noted the approval granted by the Sub-committee

406/16 - A/14145/16 - Gibraltar Garrison Library, 2 Library Ramp - Proposed installation of plaque to advertise association of building to the University of Gibraltar.

The Commission noted the approval granted by the Sub-committee

407/16 - A/14148/16 - New Chemist, 19 Main Street - Proposed new shop signage.

The Commission noted the approval granted by the Sub-committee

408/16 - A/14155/16G - Main Street - Proposed museum promotional banner.

The Commission noted the approval granted by the Sub-committee

409/16 - A/14180/16 - Line Wall Road - Proposed banner.

The Commission noted the approval granted by the Sub-committee

410/16 - N/14122/16 - Rock Cottage, South Barrack Road - Proposed removal of Cypress Tree.

The Commission noted the approval granted by the Sub-committee

411/16 - N/14215/16G - Department of Education, Queensway - Proposed crown-thinning to large Eucalyptus Tree including large limbs that are deemed to constitute a hazard.

The Commission noted the approval granted by the Sub-committee

412/16 - REF1196 - Three Owls, Irish Town - Request to renew bench license.

The Commission noted the approval granted by the Sub-committee

413/16 - REF1196 - 34/36 Parliament Lane (Hacienda Patagonia) - Request for tables & chairs license.

The Commission noted the approval granted by the Sub-committee

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A 10 minute recess was allowed to continue with the LNG Power Station.

414/16 - F/14161/16G - Land reclaimed from the sea at the end of Mons Calpe Road and North Mole Road - Proposed new LNG storage facility, office building, car parking and ancillary facilities.

The Chairman commented that this item is to discuss the LNG Environmental Impact Assessment. The Agents for the Government were present to discuss the findings and ESG representative had also asked permission to address the Commission and make their representations.

The Commission welcomed Ms. N Crawford from ERM and Mr. I. Jewitt (Shell). Ms. Crawford summarised on the approach and philosophy of the EIA saying that they believe that they have a thorough EIA that meets the requirements of Gibraltar's EIA Regulations and Shell expected worldwide standards.

They have also looked into the cumulative impact and safety considerations have been carried out taking into consideration the North Mole Power Station and the future decommissioning of the Waterport Power Station which will affect future base line considerably.

She stated that Shell Company has a commitment to all their projects around the world including Gibraltar and have had two rounds of consultations with the Statutory Consultees and Agencies. They have consulted Airport Authorities and have produced an Aeronautical Study which was approved subject to recommendations and are committed to engage with the neighbors and general public and their intention is to continue this during the lifetime of the project.

As regards to the EIA Ms. Crawford stated that most of the impacts are not significant and a few are considered to be minor. If approved the next steps are about meeting and discharging items on the EIA and liaising with the relevant authorities in particular with the town Planning and with the Port and Airport Authorities which requires a robust protocol.

She mentioned that the COMA regime needs to be met with support of the Environmental Agency with the UK Health and Safety Executive. The pre-construction Safety Report and the Pre-operation Safety Reports are ongoing and parallel to this, as is the separate the permitting regime to operate the site and for on-going supervision.

The Commission had no question of the Agents.

The Chairman asked how the minor scoring is measured, Ms. Crawford explained that it depends on the topic and gave the example being landscape and visual would have a different approach to that of Ecology and stated that all this is set out on the EIA detailed methodology and the approach.

The Chairman welcomed Mr. T Scott from the ESG. He stated that they wished to address their concerns and mentioned that they are grateful for the several rounds of consultations and for

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Government to encourage this process but in principle the ESG would rather not have the plant in the North Mole, so near homes and the Port and Airport. He said that the ESG still have concerns and issues and would be grateful for more clarity on various issues such as the air-intake for the Power Station are within the on-zone of the energy terminal – EN1473 – Pg. 64 there are conditions that need to be applied and would appreciate if shell clarified this matter further.

The ESG also raised concern on the volume of the bunding. The ESG asked for 100% for the five tanks and the EIA response is that the worst case scenario would be a single tank fracture and they are not happy with this.

Another concern is for the stress corrosion in the stainless steel tanks. They feel that effects from the rain water and the weather effect could affect the exposed pipework, particularly as they will be exposed to the Mediterranean weather and its location near the sea. They appreciate if they could clarify safety procedures and what steps they have taken to address these issues.

The Chairman stated that the ESG has three main concerns, which are as follows:

- 1) Who takes the responsibility for the intake
- 2) Constructing a 100% bund wall around the five tankers
- 3) Ongoing maintenance guarantees

The Commission welcomed Ms. Crawford to respond to the ESG's concerns and said that the first project that has needed to go through three different regimes – Planning, Environmental Permitting and COMA. She said that it is important that the issues raised are dealt with but not necessary within this regime. They believe the competent Authorities will address most comments made by the ESG such as the Environmental Agency that will default to the UK Health and Safety Executive for the COMA report and would get support from the UK Environmental Agencies for items such as ongoing maintenance. These items would therefore be dealt with.

The Chairman commented that the main concern is that the public are assured that the health and safety issues are in place and what guarantees do they have as regards to ongoing maintenance of the plant, now and in the future. Ms. Crawford said that the Environmental Agency is the competent authority for Environmental Permitting and will ensure that all the adequate measures are in place before granting us the licence to be able to operate and part of this licence there will be routine inspections in place.

Mr. I. Jewitt also addressed the Commission and gave an explanation on the COMA permit by stating that is a two part process, Hazardous Substance Concept to do with appropriate location of the plant distance to properties and distance. This process has under gone through the appropriate standardize Land use Planning process by the UK Health and Safety Executive and the conclusion is that the LNG plant is appropriately located and have a number of conditions and the have issued an Hazardous Substance

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Consent Permit by the Environmental Agency.

He added that the second part of this is the COMA permit which regulates the requirements of whether it is ok to start construction and to commence to operate. This will be carried out by the Environmental Agency which has delegated the assessment safety reports to the UK Health and Safety Executive who will assess on major hazard facilities. In January they had a formal meeting to start the pre-receipt meeting and the requirements were set out to start construction. Piping and stress corrosion cracking, mechanical design requirements and bund requirements have been discussed and the assessment guidance has been adopted and is now in the pre-construction safety report process. The Environmental Agency and the UK Health and Safety Executives will ensure that all safety concerns are raised and addressed.

The Chairman commented that as this is the Government project, it is their responsibility to have the plant vetted by the Health and Safety Executives and the Environmental Agency and should ensure that it also includes emergency requirements and also asked why there is an issue with 100% bund?

Mr. I. Jewitt explained that the tanks have been made to standards of the European Law and standards. This facility will have double shell tanks, typical bunding are only required to capture leaks from piping from outside the tank, not the entire tank. Upon discussions with the relevant authorities they decided that due to the concerns from the public and proximity to residential areas that double shell tanks would be introduced, going beyond what is required by the required standards.

DTP asked if they could summarise what are the main risks and what are the impacts of these risks.

Mr. Jewitt-??? said that during the consultation process they identified major accident event which include the following:

A failure of the offloading articulated arm which connect to the LNG carrier during offload. In the unlikely event that there is a spill, the LNG would vaporize as its cold and turn into a methane vapor and would form a flammable cloud. The safety measures that would be in place are various security systems that would automatically isolate the mechanical arm to minimize the size of the spilt.

They have also looked at scenarios affecting the piping from the loading arm to the tanks and failures within the tanks leading to releases from the vacuum plates of the tanks and LNG release from the vaporizers, where the LNG is warmed up to release the gas to feed the power station. He stated that all these individual scenarios, would lead to a formation of a flammable cloud of gas, they have taken measures to prevent leaks and if it they happens limit them to reduce impacts and effects.

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DTP asked is there is a release of the LNG and it turns into a methane cloud, what happens to the cloud? Mr I. Jewitt explained that when the LNG is released as it is still cold it will remain closer to the ground, but as soon as the methane is less dense it will warm and rise and eventually evaporate.

Ms. Crawford stated that chapter 15 in the EIA, there is a summary of these key events.

The Chairman stated that in summary the EIA process has been carried out subsequently from the Power Plant Application and according to the Planning process and its outcomes.

The Chairman briefed on the planning application proposals, which entail the following:

- The installation of five tanks, positioned alongside each other on the east/south /north orientation.
- Each tank will have a 48m length and contain 1000m cubed storage capacity.
- The construction of bunding area will enclose the tanks and there is process for leak and spill mitigations.
- The tanks will be painted – Reflectivity assessment will be carried out by an Aeronautical study.
- 5 vents will be installed of 4 inches will be built around the tanks.
- LNG will be carried by LNG carriers by sea to an onshore terminal that will have standard procedures of requirements berthing requirements along the north Mole.
- The hard loading arm on the key side with weight barriers and loading and unloading features.

The Chairman commented that there is a regasification process that will go through its own licensing process and there is office building within the site and the visual impact would be the horizontal tanks and its associated building seen from the cruise liner levels. He stated that this plant is a large combustion plant and is controlled by COMA and the local Environmental Agency and associated parties, which is part of the Planning process.

The consultation process for Planning and EIA is similar except from the ESG and GONHS all other parties have been consulted.

He stated that the design of the plant is an industrial looking terminal alongside a cruise liner terminal and recommend screening and low-lying soft planting and tree planting, to be determined on site.

The Chairman stated that the environmental process has looked into different locations and the best positive location was on land. The EIA process is a requirement of the EU directive and they have been through public participation and received comments from

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the ESG and the Duke of Edinburgh Award Scheme, no other representations have been received.

He added that all statutory requirements such as air-quality, noise, maritime habitat conservation, traffic and shipping traffic, have been considered, if any of the findings point as a major concern they can become part of the conditions in the EIA.

The Chairman stated that as regards to the planning perspective, they recommended approval of the certificate (being a Government application development) with conditions, that its requirements need to be vetted as much as possible and Agents and the Government will keep to protocol on high maintenance and processes.

The Commission approved the issuing of the Certificate to through this process.

Any other business

JH thanked the Planners for the information provided to the public on tree information.

415/16 - Next Meeting

The next meeting will be held on 29th June 2016.