

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 6th Meeting of 2015 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 9th June 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)

 - Ms D Smith (DS)
(Gibraltar Heritage Trust)

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

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

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

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

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

 - Miss K Lima
(Minute Secretary)
- Apologies:**
- Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Approval of Minutes

321/15 – Approval of Minutes of the 5th meeting of 2015 held on 20th May 2015

The Commission approved the Minutes of the 5th meeting held on 20th May 2015 subject to the following amendments in bold;

Minute 256/15 – Page 5

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

Minute 254/15 – Page 3

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 they 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

Minute 255/15 – Page 4

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-

Minute 259/15 – Page 9

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.

Minute 318/15 – Page 24

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

Minute 319/15 – Page 24

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.

Matters Arising

None.

Major Developments

322/15 - BA13471 - Marina Bay - Propose super yacht berthing facilities and rental apartments constructed on stilts

The Chairman informed those present that this meeting is not a court of law and asked them to refrain from behaving as though it was. He also commended DTP for carrying out a thorough study of this application in what is a very sensitive and controversial development. The Chairman also asked all those who would be addressing the Commission to keep within their allocated 3 minutes or they would be stopped.

DTP recapped on the process of this application to date. He said that on 26th March 2015, the Commission allowed those who had submitted objections, those who had supported the application and the applicant to address the Commission. On 22nd April 2015, the DPC decided to allow a further consultation period so that the public could view and comment on new information that had been submitted. He said that the second consultation period expired on 8th May 2015.

DTP told the Commission that the following objectors have requested permission to address the Commission; Mr Hamm, Mrs Nice (she is away from Gibraltar so could not be present at the meeting but maintains her objection), and Mr Isola representing Tradewinds Management. DTP also said that the applicant will be given the opportunity to respond to today's representations and to the initial representations made in March, as they were not given the opportunity to do so at that meeting. DTP said that once they have all addressed the Commission, the Commission will discuss the proposal and take a decision.

DTP summarised what constituted the additional information as comprising an email from Joanna Jadazak; an economic analysis of the super yacht industry; emails from Mr Crawford and Captain E D Geary; and a transport statement submitted by the applicant.

DTP reminded the Commission that the application is for 10 super yacht berths and 5, three storey buildings mainly for residential use with some marina related facilities on the ground floor. DTP said that the residential development will be built off a deck supported by stilts and will have a total of 102 apartments over three storeys and a core to access the roof. Vehicular access will be from Bayside Road, past the rear of the Sunborn and along the main pier. The 102 apartments will be short stay rental apartments and will have pools and landscaping on the roof. Water gaps will be maintained between the buildings and buildings will be linked by bridges at roof top level. The

Approved
DPC meeting 6/15
9/6/15

development will cover a total of 8865m². DTP also said that landscaping will be introduced around the development. With regards to car parking spaces, DTP said that 40 spaces will be provided off site at the site of the old Mediterranean Rowing Club. He said that a physical barrier will be installed at the entrance to control vehicular access to the area. DTP also said that the infrastructure for the super yachts will include facilities for the pumping out of black water, improved electricity facilities, crew facilities, a secure area, and some car parking for the super yachts. DTP said that public access to the end of the pier will be allowed.

The Commission welcomed Mr Hamm.

Mr Hamm told the Commission that he sent comments on the revisions to the application to the Town Planners and Ocean Village. Mr Hamm raised concerns on the overdevelopment of Gibraltar especially this area. He said that in his opinion the information provided by the applicant on traffic flow is totally wrong and seems to be based on guess work. Mr Hamm said that the area around Café Fresco is a pedestrian area and that it should remain as an access for pedestrians and not vehicles. He also said that this area is a wide open space and that by building on it, the atmosphere of the area in general will change. Mr Hamm also suggested that the scale drawing is wrong as the heights are not accurate. Mr Hamm said that the buildings will be more than three storeys high and used the example of the Casino which he said was originally meant to be three storeys and ended up being eight storeys. Mr Hamm also told the Commission that he visited Puerto Banus to carry out a survey on super yachts. He said that on the applicant's drawing, the yachts are racing yachts which are narrower than the super yachts that would visit Gibraltar. He said that most ships are around six to eight metres wide and therefore, would not fit into the scale of the drawings.

The Commission thanked Mr Hamm.

The Commission welcomed Mr Kevin Heaver from Morgan Carn Architects representing the applicant.

Mr Heaver told the Commission that the details of their proposal would be addressed in their full planning application following guidance from the Commission. Mr Heaver said that pedestrians and vehicles can coexist harmoniously and referred to the situation in Main Street early in the morning as an example. With regards to the issues raised on fire safety, Mr Heaver said that they would not commence development without first having satisfied Building Control and the City Fire Brigade and met their regulations. Mr Heaver also said that a traffic plan would have to be implemented and that they have already commissioned a survey on safety issues which was carried out on two normal working days. He said that the survey concludes that the proposal will lead to low level additional movement with no risk of congestion. He said that the area will remain an area of low vehicular movement. Mr Heaver told the Commission that traffic calming measures have already been implemented and that there is proof that shared surfaces work. He said that in the eight years that Ocean Village has been in operation, they have not had an accident reported.

The Commission thanked Mr Heaver.

The Commission welcomed Mr Mark Isola, lawyer representing Tradewinds Management.

Approved
DPC meeting 6/15
9/6/15

Mr Isola told the Commission that he works in Portland House and that the situation described by the applicant with regards to traffic within Ocean Village is not his experience of traffic in the area. He made an analogy with Alameda Gardens and said that if anyone suggested building there it wouldn't be allowed. He said that this area should be considered in the same way, as the marina is disappearing. Mr Isola said that the applicant compares Ocean Village to Venice but that the difference is that Venice is a series of canals within residential areas whereas this is an open marina. He also said that there is no way that a traffic management plan will solve traffic problems. Mr Isola said that just this morning there was two-way traffic going through the area, with commercial vehicles parked on either side of the road and school children trying to cross through. He also said that it is important to preserve the few recreational areas that remain in Gibraltar. Mr Isola said that given that he only has 3 minutes in which to address the Commission, he would ask them to please read carefully through his supplemental arguments that were distributed before the meeting. He said that there are planning reasons why the Commission should refuse this application. Mr Isola said that the Commission should safeguard the marina from ongoing development.

The Commission thanked Mr Isola.

The Commission welcomed Louis Baglietto, the applicant's lawyer.

Mr Baglietto told the Commission that some of the objections raised by Mr Isola continue to refer to some of the applicant's original submissions. He said that Mr Isola does not refer to the traffic management report which was submitted by the applicant but rather to their own survey which was conducted during the 7th and 8th of May 2015. He said that during these dates there was an event going on in Ocean Village and therefore, these figures do not represent the true situation. Mr Baglietto said that there is no compelling evidence to cast doubt on the evidence that has been produced by the applicant. He also said that Mr Isola refers to press clippings which are old and not a reason to oppose the application. Mr Baglietto also referred to sections 3 and 4 of Mr Isola's submissions and said that he is wrong in saying that the marina is disappearing, when in fact it will be expanding. Mr Baglietto urged the Commission to value the project on its merits of being good for the economy and because Gibraltar needs more amenities to buffer it from problems across the border.

The Commission thanked Mr Baglietto.

The Commission welcomed Mr Greg Butcher.

Mr Butcher said that in 2003 he was told that his Ocean Village project would not work and within 24 hours he had sold 80% of the properties that he would be developing. He said that whenever people are faced with changes they always think that it is going to result in armageddon but that this never happens. Mr Butcher said that people objected to the Sunborn saying that it would create traffic chaos but that this did not occur. Mr Butcher also said that they will not be removing the marina but rather pushing it out to sea and said that this is one of the only ways in which Gibraltar can continue to be developed. Mr Butcher said that there is a demand for short stay rental apartments and that only yesterday there were no short stay rentals available in Gibraltar for the next two months. Mr Butcher said that Mr Hamm claims that the development will affect views. Mr Butcher said that he accepts this argument but that any development will affect views. He said that they have already changed their proposal to meet concerns raised.

The Commission thanked Mr Butcher.

DS asked whether the applicant has taken into account units being developed by other developers when he says that there are no available rooms for short term rental. She said that Mr Butcher is also developing sites such as the old Mediterranean Rowing Club and the Ford premises. She said that other current developments include King's Wharf, Mid Town and Eastside Reclamation.

Mr Butcher said that he is a major holder of rental apartments both in and outside Gibraltar, and that there is a major shortage of this type of accommodation. Mr Butcher said that they will be building other developments for sale but that at first people tend to rent and there are no rental apartments readily available. He said that there are currently only two apartments available for under £2000. He said that no other new properties will be ready in less than a year and a half for when the World Trade Centre is completed. Mr Butcher also stated that the Sunborn had expressed interest in some of the short stay rental apartments to meet a demand for people needing to stay in Gibraltar for say a month but who did not want to stay in a hotel for that length of time.

DS said that some people purchase properties and then rent them.

JH said that a lot can be said about this application and that the reasons given for development in this area have been changing continuously. She said it is hard to keep up with the facts.

JC said that Mr Hamm made an observation on the measurements in the drawings submitted by the applicant being incorrect and asked the applicant to confirm whether the measurements are accurate.

Mr Heaver said that the drawings are accurate and that the buildings in architectural terms are three storeys high. Mr Heaver said that it is normal for the buildings to have a core, pitched roof, pool etc. He said that the sections show the roof and are correct in terms of scale, height and measurements.

The Chairman referred to Mr Azagury's written report in which he points out that the applicant does not concentrate on super yachts and rather concentrates on the residential development. The Chairman said that he agrees with this comment and that the applicant has not provided information on the intended investment for super yachts.

Mr Butcher said that the investment in infrastructure is the same for the residential development and the super yachts and is estimated to be around £7 to 10 million. Mr Butcher said that the biggest cost is power as they have to invest significantly to provide the infrastructure required to provide power to super yachts, which is approximately the same power required by a small apartment block. Mr Butcher said that one of his employees would have been addressing the Commission on black/grey water but cannot do so since Mrs Nice is not able to be present at the meeting. Mr Butcher also said that they have to meet requirements of Insurers to ensure that facilities are acceptable to them.

The Chairman asked Mr Butcher how they intend to attract super yachts to Gibraltar. Mr Butcher said that most of them come to refuel and restock and then leave. He said that it is important to

Approved
DPC meeting 6/15
9/6/15

provide them with crew facilities. Mr Butcher said that at present they have a boat that wants to come to Gibraltar permanently but that they cannot be accommodated in terms of their requirements.

The Commission did not have any further questions.

DTP told the Commission that he circulated a paper to the Commission prior to the meeting which included the following main points that should be considered.

1. History to the site

Original permission was granted in 2007 for 72 boat homes within two to three storey buildings and reconfiguration of the marina and parking on the site of the World Trade Centre. DTP said that a number of conditions were placed on the permission with regards to architecture, massing, aeronautical studies and water quality.

In 2010 a full planning application was received for 72 waterside villas comprising 3 storey houses and a three storey apartment block with vehicular access through the marina and parking by the houses. This was refused on the basis that the proposed development was not related to the holistic plan for the area presented in the outline proposal; its massing; vehicular access was not deemed acceptable; wave issues; and marine ecology concerns.

In 2011 outline planning was granted for the construction of 62 apartments within a five storey building with onsite parking and access along the pier. Permission was granted with the condition that they implement a traffic management plan, carry out an aeronautical study and studies on sea level and water quality. DTP said that this permit expired in October 2012 and an application to renew the permit was refused in April 2013.

DTP said that the history of this site is a material consideration for the Commission. He said that if the Commission decides to refuse the application, they would need to justify their decision. DTP advised that the permit granted in 2007 pre-dated the Development Plan which was approved in 2009, whereas the other applications were post-plan and no changes have been made to the Development Plan since 2009.

2. Recent development in the general area

DTP said that the area has seen several developments in recent years including the Sunborn, an extension to the decked area to the east of the marina to widen the pier, a floating office, an extension to Dusk Bar and an additional level on The Sails.

DTP also said that since 2011, there has been a clear statement from the Government on wanting to attract super yachts to Gibraltar. This includes the removal of Import Duty for yachts.

DTP said that the additional floors to the Sails had been approved whilst the 2011 application was still live and that the Commission would have been aware, when considering the other proposals, of the cumulative effect.

3. Public representations

DTP said that in the first public participation period, some 260 objections and 290 letters of support were received. He also said that a signed petition had also been submitted in support of

Approved
DPC meeting 6/15
9/6/15

the application. DTP said that 6 letters of objection and 3 in support had been received during the consultation period on the additional information.

DTP told the Commission that concerns raised include traffic issues; environmental issues; effect on character and vistas; incompatibility of use; emergency issues; economic argument for super yachts; and suggestions that the proposal is contrary to the Development Plan, amongst others

DTP reported that the main reasons given for supporting the application were the financial and non-financial benefits, enhancement of public areas and provision of quality short term rental accommodation.

DTP advised that counter-representations received in favour of the application include arguments that there is a precedent as the previous application was approved; economic benefit; suggestion that the proposal complies with policy; there is no need for an EIA; water circulation is maintained; the development would be 1/5Km from the existing residential area; the proposal complies with building and fire regulations; and traffic flow increase would be minimum and within a safe environment.

DTP explained that the Chairman in his report concluded that there is no need for an EIA but included a caveat that some further studies are required, for example a traffic management plan.

From a planning policy point of view, DTP said that they have reviewed all of the relevant policies and an assessment has been provided to members. He said that with regards to the statement that strategic vistas in Gibraltar should be identified and protected, DTP said that there is a policy for this in the Development Plan but that a study to identify these vistas has not yet been undertaken. With regards to policy specifically on Marina Bay, DTP said that the policy did not specifically envisage building within the marina itself but that the proposed residential use could be considered to be in line with the general aim of maintaining the current mix of uses. DTP added that the applicant would have to comply with other policies including water quality, marine life and traffic management, amongst others.

DTP said that the MOD and Director of Civil Aviation require an Aeronautical Study to be carried out. He said that they have also raised concerns about the proposed trees and green roof possibly attracting birds and affecting the safety of the runway. They have also highlighted that the development could potentially infringe on the Obstacle Surface Limitation particularly during construction.

DTP said that the Department of Environment requires confirmation that the hydrodynamics of the area will not be affected and that water circulation will not be impeded. They would also require that a marine ecology survey be undertaken.

DTP also said that TSD require a wave study to be carried out.

The City Fire Brigade has not raised any objection in principle. DTP said that they were specifically asked to comment due to issues raised regarding fire safety. DTP said that the applicant would have to comply with policy requirements.

Approved
DPC meeting 6/15
9/6/15

DTP summarised the main issues which include:

- Principle of having the residential development in this area – DTP said that previous proposals have been approved.
- Landscape character, visual impact and public vistas – DTP said that there will be some visual impact and that encroachment is occurring within the marina. He said that the Commission should take a decision on how to control this going forward.
- Super yacht facilities – DTP said that these facilities assist economic growth and diversification.
- Environmental effects, i.e. water circulation, quality and marine life – DTP said that studies are required to assess environmental effects.
- Fire Safety – DTP said that the applicant must comply with any fire safety requirements.
- Car parking – DTP said that 102 apartments will be constructed but only 40 car parking spaces will be provided offsite. He said that this does not meet regulations and if the Commission is minded to approve the proposal, they would have to relax the regulations affecting parking. DTP said that there were concerns on what would happen if the applicant's assumptions on the reduced need for car parking were incorrect. DTP also said that control of tenure is important as if the apartments eventually were to be used as permanent residences, this would lead to an increase in parking required. The Commission might then find itself under pressure to allow residents to have parking adjacent to the residential buildings or could even lead to a demand for further infilling of the water area for parking space.
- Vehicular access – DTP said that a comprehensive and robust traffic assessment should be provided. He said that there is vehicular and pedestrian traffic conflict and that effective policing could prove problematical.
- Aeronautical Study – DTP said that a study would be required to satisfy that there is no risk to airport operations.
- Public access – DTP welcomed the proposal to allow public access as far as the end of the pier. He said that there seems to be a barrier on the eastside of the marina which would prevent access and that this should be removed so that public access is not restricted.

DTP listed a number of recommendations that should be included if the Commission was minded to approve the application. These recommendations were:

- The detail of the proposal should be developed further. He said that there is scope to minimise the massing and recommended that the bridges linking the building could be removed as although they would be convenient for residents wishing to access the different buildings, they are not essential to the scheme.
- The applicant should satisfy the Commission that offsite parking will remain permanently available and that residential units will be limited to short stay rental.
- The applicant should demonstrate how they intend to mitigate noise due to the residential development's close proximity to the runway.
- The issue of incompatibility of uses could be dealt with by conditioning the hours during which the workshop that will be provided on the ground floor of the residential development could be operational.
- Detailed designs should be submitted with regards to marine works, including wave studies.
- A comprehensive traffic assessment to be undertaken and this assessment critically reviewed by an independent consultant appointed by the Commission.
- A marine survey to be undertaken.

Approved
DPC meeting 6/15
9/6/15

- An aeronautical study to be undertaken.
- Public access to the road to the east of the residential buildings to be permitted.

MEH questioned whether the Commission is ready to take a decision in view that a large number of studies are pending.

DTP said that it is up to the Commission to decide whether they are ready to take a decision or not. He said that in the past these studies are conditioned at outline planning and that if there is an issue at full planning, the Commission might then not approve the permit.

JH suggested that there are still so many areas that have to be assessed that an EIA might be deemed necessary.

The Chairman said that he screened the application and an EIA is not required. He also said that in Gibraltar the applicant is not required to submit all of the studies at outline planning stage. He said that they are conditions to the permit which the applicant has to satisfy at full planning stage. The Chairman said that outline planning applications are not so detailed and that this applicant has gone further than expected.

CV said that if the DPC is minded to refuse the application there is no point in asking the applicant to submit studies.

MEH said that he did not know whether he would be voting for or against this application as the result of some of the studies would assist him in making his decision. However, he said that he understood that in the past, studies have been submitted at full planning stage.

GM questioned whether there is a need to have parking facilities for the super yachts right on the pier. He said that the area seems to be enclosed whereas in other marinas such as Puerto Banus, pedestrians can walk right up to the yachts. He said that if this area remained open to the public, perhaps the access ways could be pushed further out, thereby reducing the massing of the development.

DTP said that he understands that they require a secure area for insurance and security purposes.

The Chairman said that in his opinion car parking for the owners of the super yachts is unnecessary.

CV said that he is swayed to accept the proposal as there have been previous approvals for similar schemes. However, he concurred with MEH in that studies, especially one on traffic, are necessary. CV also said that the term armageddon is often used when new developments are proposed and that then this does not happen. He said that he does not reckon that this development will have a significant impact but said that an independent traffic assessment is vital.

JC said that he did not understand why a traffic assessment is required. He said that the Commission either allows the principle of mixed pedestrian and vehicular traffic or not. JC thought that if the apartments remain short term rental apartments there would be a limited amount of traffic accessing the area.

Approved
DPC meeting 6/15
9/6/15

DS thought that the question of whether the flats will remain as short term rental apartments is the biggest question that the Commission should consider. She said that it should be whether we want the super yachts and not the residential apartments for the economic benefit of Gibraltar. DS said that people will eventually want to take their shopping right up to their front door and that this will result in an increase of vehicles passing through the area. She said that if the Commission approves the application in principle, they would be allowing everything else.

DCM said that the Town Planning Department's recommendation is to allow in principle with conditions.

DS said that traffic cannot be predicted and that the residential element of this proposal results in an increase in traffic and increase in massing.

MEH said that he is aware of the demand for rental flats in Gibraltar and that the Commission should ensure that they safeguard these flats as short term rental. He said that he does not foresee traffic having such a major impact.

JH said that this application has been contentious over the years and that just because it has a history, it does not mean that the Commission is bound to approving it. She questioned why the applicant has allowed their permit to expire in the past without commencing development. She said that the marina is important for locals and not just for businesses. She said that it is important that the Commission goes on site to view the area. JH said that it is a small area of water which is increasingly being reduced. She said that it is important to consider environmental safety. JH said that the Sunborn came in without planning permission as it was brought to the DPC for information only.

The Chairman said that the Sunborn was a Government project and that it was brought to the Commission for information as all other Government projects are.

JH highlighted that there is a lack of yachting facilities such as slips and repair yards. She said that the recreation aspect of Ocean Village should not only be for bars and restaurants but also yachting facilities. JH suggested that the new facilities at Coaling Island could cater for super yachts. JH also said that it is disappointing that the listing of strategic vistas has not been done and said that this should be a priority given that Gibraltar is currently experiencing major developments.

The Chairman advised that the lack of resources of the Town Planning Department has not allowed them to carry out a study on strategic vistas. He said that they have recently acquired further staff and that they will be looking into this. The Chairman said that the public can also propose areas so that the department can look into it. With regards to the super yachts, the Chairman said that some of them are taller than buildings and views will always be marred whenever they are berthed. Regarding access to the port, the Chairman said that the Captain of the Port would be responsible in managing this. The Chairman also said that the applicant has not expanded enough on the facilities being provided. He also said that in the past traffic along the pier has been refused. The Chairman said that many things which were planned for Marina Bay have not happened in the past. He remarked that the Commission is well acquainted with the history and area and that there is no need for a site visit. The Chairman considered that enough information has been provided so that the Commission is able to take a decision.

Approved
DPC meeting 6/15
9/6/15

DTP told the Commission that the Port Authority is generally supportive of the super yacht facilities. He said that they have stated that sufficient maneuvering space will be required to be maintained to allow access to the yacht refueling stations.

JC said that he has been involved in the discussions on this application since the beginning and that the traffic issue is raised continuously. He said that he has never been against this proposal and that the applicant has come a long way in trying to mitigate concerns raised. JC said that it has been shown that it is possible to have both vehicle and pedestrian traffic without causing an impact. JC thought that the current proposal is an improvement to the existing situation in terms of what the public will see when they walk up the main pier.

DS asked how the Commission can ensure avoidance of further encroachment. DTP said that this can be done by reviewing the Development Plan.

MEH said that he had opposed development on this site on three occasions but that his main concern was reclamation and that the applicant has addressed this concern by placing the building on piles. MEH said that an ecological survey would still be required. MEH said that the reality is that Gibraltar has to continue developing and that it has to be done in a way that minimises effect on the natural environment. He said that there are not the same environmental considerations in this proposal as there would be if they were reclaiming. MEH said that in his opinion development in this area would cause least effect if you compare it to building on the city walls, Alameda Gardens or the Upper Rock Nature Reserve. MEH said that he was minded to support the application because it is an outline planning application but that if conditions are not met by the applicant, he will oppose at full planning.

GM said that in terms of use he had difficulty in accepting that the residential apartments will remain for short term rental only. He said that this can change and that the permit should clearly state that they are solely for use as short term rental apartments.

The Chairman said that the Commission cannot stop the applicant from applying for a change of use in the future.

DTP thought that if the Commission decided to approve this application, a permit should not be issued until they are satisfied that the residential units will remain for short term rental only. He suggested that the Commission could request that a legally binding agreement be put in place stating that they will remain short term rental apartments.

JC said that the future use of the apartments will be determined by demand/economics. However, he said that he does not foresee that the applicant will request a change of use as the demand for short term rental apartments exists.

DCM said that it would be useful to take a vote on the application as submitted and then agree on conditions for the permit.

JH said that Gibraltar has development needs but that it is up to the Commission to take decisions on how to safeguard open areas and public amenities. JH said that the developer is also developing

Approved
DPC meeting 6/15
9/6/15

other sites at present. She said that this is a water environment which is used by the community and that the Commission has the responsibility to prevent it from being urbanised.

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

6 in favour

4 against

1 abstention

The Commission approved the application as submitted subject to conditions to the permit as recommended by DTP, including a traffic management plan, water quality study, marine life study, aeronautical study, and public access, amongst others.

Other Developments

None.

Minor and other Works – not within scope of delegated powers

None.

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

323/15 – Ref 1196/14 – Eclipse Lounge – Casemates Square – Request for alternative outdoor furniture

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

324/15 – Ref 1198/017/15 – 1A Bakers Passage – Application to replace existing projecting sign

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

325/15 – Ref 1198/018/15 – World Music Festival – Application to display banner to advertise event at Winston Churchill Avenue

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

326/15 – Ref 1198/020/15 – Eurotowers, Europort Avenue – Application to display signage to advertise Bentley Group office premises

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

327/15 – Ref 1198/021/15 – Suite 1B, 1/5 Irish Town – Application to display fascia signage and side panel for Savills

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

328/15 – Ref 1198/022/15 – Gibraltar Heritage Trust, Main Guard, John Mackintosh Square

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

Approved
DPC meeting 6/15
9/6/15

329/15 - BA12269 - Flat 15, Serfaty's Passage - Amend plan changing approved internal layout from 1 bed to 2 bed flat

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

330/15 - BA12711 - Loquat House, 4 South Pavilion Road - Amended plans for car port area

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

331/15 - BA12978 - 26 Town Range - Request to install communal gate

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

332/15 - BA13170 - Mount Pleasant, South Barrack Road - Proposed new security gate

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

333/15 - BA13246 - Unit 2, Europa Pass Battery, Europa Road - Revision to western façade to bring in line with communal application and amendments to provide access to void below the premises to be used as storeroom

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

334/15 - BA13252 - Unit 1Y & Z Casemates Square - Amendments including details of signage and totem, 300mm extension to southern terrace perimeter parapet, electricity feeder pillar and internal changes to back office/store

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

335/15 - BA13387 - 4 St Peter's Close, Sir Herbert Miles Road - Amendment to include additional French double door in place of window

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

336/15 - BA13452 - Unit 3, Europa Pass Battery, Europa Road - Revision to provide access to void below the premises to be used as a storeroom

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

337/15 - BA13455 - Cloister Building, Market Lane - Consideration of relocation of lift outside building

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

338/15 - BA13539 - King George V Ramp - Proposed extension into loft area and side extension at 1st and 2nd floors - Revised drawings

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

339/15 - BA13546 - 6 Carter House, Naval Hospital Road - Application to construct new window

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

340/15 - BA13552 - 15 Castle Street - Change of use with minor alterations

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

Approved
DPC meeting 6/15
9/6/15

341/15 - BA13587 - Unit 23 Leisure Island, Ocean Village - Proposed refurbishment of premises, removal of part existing mezzanine, removal of dividing wall with casino to create new sports bar

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

342/15 - BA13588 - Unit 17 New Harbours - Proposed installation of freezer within unit

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

343/15 - BA13595 - Apt 430, Block 4, Watergardens - Proposed internal alterations

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

344/15 - BA13597 - 225 Main Street - Retrospective application for new shop fit out, new frontage and signage

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

345/15 - BA13602 - Sandpits Views, Sandpits Road - Refurbishment/improvement to existing boundary fence

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

346/15 - BA13613 - 412 Neptune House, Marina Bay - Proposed minor internal alterations and replacement of glass screen

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

Any other business

347/15 - Next meeting

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