

Approved

DPC meeting 7/16

26th July 2016

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7th Meeting of 2016 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 26th July 2016 at 09.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon S Sacramento (MTESH)
(Minister for Tourism, Equality, Social Services and
Housing)

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

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mr I Balestrino (IB)
(Gibraltar Heritage Trust)

Mr C Russo (CR)
(Land Property Services)

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

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)

Mr Christopher Key
(Minute Secretary)

Apologies:

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

Mr C Viagas (CV)

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Approval of Minutes

516/16 – Approval of Minutes of the 5th meeting of 2016 held on 24th May 2016

The Commission approved the Minutes of the 5th DPC meeting of 2016 held on 24th May 2016.

Matters Arising

517/16 - BA13591 – 4 Cheshire Ramp Buena Vista Estate - Proposed new swimming pool and extension in 1st floor level.

The Commission welcomed the applicant, Mr L Llamas, to address the Commission. Mr Llamas confirmed that he was requesting the Commission to reconsider their previous decisions in respect of the proposed balustrading at the terraced level ground floor of the building, the pergola at the rear terraced level ground floor and the construction of the proposed swimming pool on the natural rock area at lower ground floor.

In respect of the balustrading, Mr Llamas confirmed that in his side of the property he has a chicken wire fence, the two middle properties have no balustrading and 1 Cheshire Ramp has the steel balustrade which the Commission has decided that they want applied to all and if you want to install a glazed balustrade this can be installed inside of the steel balustrade. Mr Llamas stated that this meant that if one were to install balustrading it had to be a steel balustrading around the terrace initially which provides no safety or security for those with children and then secondly add the glazed balustrade separately to provide safety and security for children. Mr Llamas noted that the Commission has approved glass balustrading on the top terrace and feels that it would be more in keeping providing glass balustrading on the ground floor terrace too. Mr Llamas also confirmed that they were looking into having the glazing fitted with solar panels or photovoltaics which would serve a dual purpose.

In respect of the natural rock area, Mr Llamas stated that this area is not really natural as he had removed the weeds from it and had exposed the rock to the rear which has been blasted out and that his plans were to build a swimming pool in that area and incorporate the stone wall at the top within it. Mr Llamas stated that he considers that the swimming pool would beautify the area substantially. He suggested that if the Commission still thinks that the provision of the swimming pool being is not appropriate there, then he would urge the Commission to allow a boundary wall to be built because he has no means of stopping anybody from trespassing into it to allow their dogs to use it for toilet purposes or park their cars and that he would like to provide a gate at the bottom to provide some security.

In respect of the pergola, Mr Llamas confirmed that it was erected last year and it was done without permission as he did not know that it required permission. He apologized to the Commission for having erected it without the necessary permission. Mr Llamas stated that the boundary wall on which the pergola stands is in a poor state, and that he would restore it using the methods that have been done at Wellington Front in order to beautify the whole of that area. Mr Llamas then asked the Commission to use the same precedent that was set in Catalan Bay where one of the columns stands within the stone wall around it, and if not approve the revised plans which show that column within the terrace and the wall restored.

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MEH asked for clarification of what the issues which the Commission had been asked to reconsider. DTP confirmed that the issue in respect of the pergola is that the wall has been hacked out to accommodate one of its columns, and that Mr Llamas would like it to be kept or alternatively he could adjust it so that the wall is repaired and the column is placed inside the wall. DTP also confirmed that the applicant wants to construct a swimming pool or boundary wall around the natural rock area and install glazed balustrading at ground floor level.

DTP asked the applicant to confirm whether he had purchased the natural rock area. Mr Llamas confirmed that he had.

The Chairman reminded all that in respect of the glazed balustrading, the Commission had previously considered the applicants request in determining the recent application at 1 Cheshire Ramp, and that following heritage advice the Commission had decided to allow the glazed balustrading inner side of the terrace subject to the restoration of the existing steel balustrading . The Chairman stated that the Commission should keep to this decision as the glass balustrading on its own would be inconsistent and contrary to what had previously been already decided and aesthetically will be incompatible.

The Chairman asked Mr Llamas to confirm the reasons for asking the Commission to reconsider the refused swimming pool and pergola. Mr Llamas stated that he did not believe that the Commission had been able to understand through the plans what he actually wanted to do as the revised plans had shown that the leg of the pergola was inside the wall.

MEH stated that he did not have any particular strong views regarding the pergola, however, in respect of the perimeter wall it would benefit from being a glass perimeter wall with a landscaped area within it as he felt would not detract from the character of the area if he is willing to forgoe the swimming pool. MEH considered that the perimeter wall as currently submitted looks like a block wall.

DTP confirmed that the Town Planning view in relation to the balustrading is that this was discussed at length by the Commission in considering Mr Fitzgerald's application at 1 Cheshire Ramp. It had involved a lot of discussion with the Heritage Trust particularly emphasising keeping the existing type of balustrading. It was in the end agreed that the whole of the building incorporates the steel balustrading with the glass balustrading behind being optional.

DTP stated in relation to the natural rocky area when the Commission refused the swimming pool it took the view that it was negatively changing the character of this open area and would have an urbanizing effect. DTP stated that in terms of the revised submission for the boundary wall, whilst the Department understood the reasons why the applicant would want to enclose the area, it would result in an extension of the curtilage of the dwelling into an open rocky area adversely affecting the character and that it should be retained. DTP stated that there are other methods to prevent cars parking on it such as placing large rocks on the site and if the applicant wanted to protect the site from dog fouling there are other options such as a planting a small hedge or constructing a dwarf wall with a hedge over.

DTP confirmed in respect of the pergola, the town planners considered that it had been insensitively constructed and had damaged the boundary stone wall and it was recommended that the column be relocated to the inside of the wall and the damaged wall repaired. These were the recommendations of the town planners but it was up to the Commission to determine if they agreed with them or not.

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The Commission concurred with the recommendations.

518/16 - F/14243/16 - Flat 2, 10 Benzimra's Alley - Proposed construction of rooftop extension and internal alterations.

DTP stated that this was an application for an additional storey to an existing dwelling which was deferred at the last meeting by the Commission to allow Members to attend a site meeting to appreciate the written objections expressed at the meeting from a resident living immediately behind the site of the application.

DTP reported that following the site meeting the general feeling of the Members who attended was that there was no planning considerations to support the reasons stated by the objector to refuse the application. The proposed terrace was located slightly below the parapet level of the objector's roof terrace and only a small extension on top would obscure a small part of the objector's view from their terrace. Private views are not protected neither under planning law nor policy. DTP stated that since the site meeting, the objector had withdrawn his objections since he understood what the proposal is. There were no other issues in relation to the application that the town planners were concerned about and therefore the approval of the application was recommended.

The Commission approved the application.

Other Developments

519/16 - BA12509- 2 & 3 Kavanagh's Court - Proposed additional storey on south block of development.

The Commission deferred this application to the DPC meeting scheduled for the 28th September 2016 as the Applicant was unable to attend. Objectors were to be duly informed so that they can attend and address the Commission.

520/16 - O/14143/16 - Hargraves Parade - Proposed replacement of existing sports ground facility and building a new multi-storey building with two levels of storage units and two levels of car parking.

DTP explained that this was an outline application at Hargraves Parade involving the re-provision of the existing sports facility on top of a building accommodating car parking and stores to be constructed on the site.

The Applicant proposed to excavate the site to just over 5 metres deep to construct two lower levels for domestic and/or commercial storage use. Pedestrian access to these levels would be provided via a lift from ground level to be located on the north east corner of the site. At ground level and above there would be two storeys of car parking which will provide 58 car parking spaces. The second storey will be accessed via a car lift to be located on the eastern side of the proposed development along Prince Edwards Road.

DTP informed that as a result of the access/egress onto Prince Edwards Road there would be a loss of at least three on street car parking spaces, although pedestrians would be benefiting from a proposed

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footpath along the eastern side of the application site. The sports pitch is relocated above the car parking levels accessed via the lift that included a small seating area on the northern end of the pitch. A 4.2m high fence would enclose the whole of the sports area. He informed that it is important to note that no parking is being provided for the stores and that it was not disclosed whether the car parking spaces will be sold only to local residents.

DTP stated that a number of objections had been received and that the applicant and objectors had requested to address the Commission.

The Chairman welcomed Mr S Martinez (representing the Architects) to address the Commission. Mr Martinez began by stating that even though being an outline application, the applicant had taken on board a series of earlier comments that have been received in the last three months. Mr Martinez stated that it has always been the intention for the scheme to be as open as possible to minimise the loss of the open space. Mr Martinez stated that the proposed scheme has five levels of accommodation two of which are below ground at a considerable expense to the applicant and three above. He confirmed that the idea of the louvered design is to reduce the massing as much as possible.

Mr Martinez went on to confirm that he understands that there has been concerns raised by the GSLA regarding the solidity of the structure and that he has been assured that the louvres would be manufactured out of aluminum or steel so that they would be fit for purpose. He added that developing in Gibraltar is always a challenge and that this particular site is a complicated one to develop but wasn't impossible. Mr Martinez had stated that one of the easier solutions would be to access the site in the north western corner of the site; however they wanted to retain the historic wall as much as possible. Mr Martinez confirmed that this scheme being presented to the Commission was the third version in view of changes that have been made to the accesses to satisfy comments received from the Traffic Commission regarding traffic concerns and to include the pavement along the eastern boundary of the site.

Mr Martinez went on to clarify that the applicant has not yet determined the end users of the stores, however, they believe the residential market is considerable in that area, and so it would not be necessary at the moment to have commercial stores. He added that if the applicant felt at planning stage there is a need for commercial stores they would ask for a loading bay in the north eastern corner of the site as part of the application. Mr Martinez stated that in terms of the design of the building they have sought to integrate it in order to minimise as much as possible the impact of the building on the surrounding area.

HM asked Mr Martinez whether any consideration had been given to having the two levels of car parking below ground instead of the the stores with nothing above as he understood that the original idea was not to excavate below ground level because it was too prohibitive. Mr Martinez confirmed that originally consideration was to have car parking below ground but this is something which is technically not allowed because of the ventilation requirements set by the fire department.

MEH asked Mr Martinez to clarify that they are not doing the car parking below ground because the fire department does not let them. Mr Martinez who confirmed this. The Chairman stated that he couldn't understand this because Ocean Village and Portland House have underground car parks.

MEH stated that if the car parking was to be provided below ground and the open area was to be re-provided at ground level then the Commission probably would not have as much of an issue as

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opposed to the construction of a two storey building at ground floor level. MEH also commented that there have been schemes in Gibraltar with successful underground car parking and there are ways of installing mechanical ventilation to address the concerns of the fire department. MEH stated that he had never heard of this reason not to construct below ground car parking in all his time as a member of the Commission.

MTESH asked Mr Martinez how many car parking spaces per floor and how many stores are proposed. . Mr Martinez confirmed that 58 car parking spaces and 159 stores are proposed.

The Chairman asked Mr Martinez whether the applicant had agreed with the GSLA to take control of the sporting facility. Mr Martinez said that he had not been party to any discussions regarding this, but understood that it was the developer who would fund it. The Chairman added that in his experience, when a developer is responsible for the running of a sports facility, it is later the situation that there would be vandalism and lead to an excuse for the developer to remove the sporting facility to add more floors at a later date for alternative use. Alternatively if the facility is run by Government then they have responsibility to maintain it.

The Chairman also commented that if during excavation important archaeology were to be uncovered this may put the project in jeopardy. Mr Martinez stated that the developer would have to cross that bridge when they came to it. The Chairman added that in terms of planning, if permission is granted for stores, it is irrelevant if it is for commercial or residential, as it could be used for either and therefore the applicant would have to provide loading/unloading facilities.

MEH asked Mr Martinez if he thought he had succeeded in minimising the impact of the building on the surroundings. Mr Martinez confirmed that he had, that the openness was there within the scheme and that you would be able to see through the building and the upper floors.

Mr G MacQuisten was welcomed to address the Commission of behalf of his father, Mr E MacQuisten who had objected to the application but couldn't attend the meeting.

Mr G MacQuisten set out that his key points in respect of the proposals were as follows:

- The revised plans show a new entrance and exit to the proposed car park along Prince Edward's Road. This would involve making a 90 degree turning into and out of the proposed car park from or back into Prince Edward's Road that is the main thoroughfare to the Upper Town. The width of Prince Edward's Road at this point would make such manoeuvring difficult and potentially dangerous to other road users and pedestrians. There is no pavement on this section of Prince Edward's Road and cars, motorbikes and trucks often speed up this road well above the speed limit. To add another potential hazard in the form of a car park entrance and exit is both unnecessary and unacceptable;
- The revised plans show that entering and leaving the car park will depend on using a car lift. Vehicles waiting to enter it will need to queue up on Prince Edward's Road. This will delay traffic to the Upper Town. Making cars queue to enter the car park will create additional congestion, noise and more pollution from exhaust fumes. This is unacceptable;
- The revised plans envisage a loss of at least three on-street parking spaces. Taking free parking spaces from the public so that a private landlord can charge for parking is not just unfair, it is repugnant;

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- The revised plans show that the developer intends to reduce the size of the football pitch from its current boundaries. “Cannot think of anyone who would want to use the replacement football pitch and concerned that once it degrades into nothingness the developer will apply to put a further two stories on it”;
- The proposed development is entirely out of character with the surrounding area;
- The revised plans show that the applicant has reduced the height of the building by 30cms but has increased the height of the fence by 20cms resulting in a net height reduction of just 10cms or about the length of a cigarette. This does nothing to meet the public objections of massing, infringing the privacy of local residents; and,
- Questioned whether the proposed car park is necessary when there is a 1,030 car park at Grand Parade less than 300m away.

The Commission thanked Mr MacQuisten.

Mrs M Traverso was welcomed to address the Commission. Mrs Traverso stated that whilst she has had very little experience of planning, however, wherever she has had experience of it, the proposals have had to be in keeping with the surroundings. Mrs Traverso stated that the site is a ‘kick about’ area and that throughout the summer and up until 10.00 am or 11.00pm you have youths in there with a ball and it is visible to everyone in the area. She stated that this is not a dangerous area like the skate park became, but an open area and when it is on the proposed fourth floor this will be lost and the only benefit of this development will be to the developer.

Mrs Traverso went on to state that she cannot believe there is a requirement for domestic storage in the area, and that in respect of the parking, the Government could not find a better proposal for parking that does not lose the character of the site. Mrs Traverso outlined that she was very concerned about putting aluminium louvres and hexagonal bricks that look as if they belong in an industrial estate in Liverpool ten metres away from a 209 years old and a historic gate and the only purpose for this is clearly financial gain.

Mrs Traverso also stated that the road is already dangerous, there is no pavement and the speed bumps do very little to diminish speed and there will be increased traffic in that area. Mrs Traverso stated that it was outrageous and ludicrous that someone is being very opportunistic because they have had an idea and not gone through the proper procedure. She went on to say that she does not know if the developer comes from the local area but there are no open ‘kick about’ areas for children and if this becomes a sports facility it will reduce access to the people who use and enjoy it now (anyone from kids on scooters or bikes to half a dozen boys from 10 to 15 to kick a ball). Mrs Traverso stated that she believed the local residents like the way that it is and at the weekends you find tourists in the area looking at the walls.

MTESH clarified that the Government has not sought a developer for the site, and that this is a proposal that has been made by the developer.

The Chairman confirmed that it is a point of fact that the planning system allows an applicant to submit an application anywhere they feel in Gibraltar and that it is up to the Commission to determine applications accordingly.

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Mr G MacQuisten was welcomed to address the Commission to make an additional point. Mr MacQuisten enquired how it would be possible to excavate the site without damaging the historic walls.

The Commission thanked Mrs Traverso.

DTP confirmed that there had been a total of 13 letters of objection, referring, Members to the copies of these circulated with the agenda, and summarised that the main points that had been raised in these letters were:

- the loss of the historical parade ground;
- the loss of the only public open space in the Old Town;
- the issue of re-providing a sports facility on top a building is not conducive to the safe enjoyment of that area in terms that it is not so overlooked by people and there could be issues associated with that;
- there have previously been refusals for previous developments which would have resulted in the loss of open spaces in the Old Town;
- the architecture is not in keeping with the area;
- the building would block light and views of the surrounding buildings;
- the proposed access is not acceptable;
- it would not solve the parking problems of the area in any case and there would need to be a holistic approach to deal with parking issues in the Old Town;
- some of the objectors have pointed out that there is going to be a 42 space car park opposite the site which is part of the Kavanagh's Court development;
- it would result in a loss of on street parking;
- it would result in an increase in noise and air pollution; and,
- concerns have been raised over the operation of the lifts if they were to break down and over disruption during construction.

DTP confirmed that the applicant has made counter-representations, copies of which had been circulated to members, in relation to the objections and summarised as follows:

- the applicant has confirmed that there is a need for parking;
- the current site is an eyesore and needs improving;
- the site has not been used as a parade ground for many years;
- the open space is being re-provided rather than lost;
- there are no plans to use it after sunset;
- the proposed building is lower than most of the buildings in the area;
- the technical aspects of the access would need to satisfy the Highways Department so that this would be resolved;
- in their view the architecture is simple and elegant and would fit into the surrounding area; and
- most of the work would take place from within site and there would be no need to close the Prince Edwards Road.

DTP went on to report the comments that have been received from consultees in respect of the application. The Gibraltar Heritage Trust had objected to the application on the basis that the Parade

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Ground has been nominated as a site for listing and that they do not support the introduction of more cars in the Old Town and recommend that the application is refused.

The Ministry for Heritage had confirmed that this is a very important site in archaeological terms and that there would need to be a historical desk based assessment that could be followed by trial trenching and possibly full excavation. The Ministry for Heritage also confirmed that the parade wall on the west façade must remain at all costs and that if the scheme goes ahead there should be the possibility of introducing information plaques.

Technical Services Department requires clarification on details of sight lines and turning circles for the access into the car park. The Traffic Commission has recommended that if the proposal goes ahead they would require loading/unloading facilities within the building for the stores and that although they welcome the revised access proposals the technical details would need to be approved by the Highways Authority.

DTP stated from a planning perspective Hargrave's Parade is a unique urban recreational open space within the Old Town and its importance should not be underestimated. The site is of historic value, particularly in the context to the Town Range military buildings that lead up to the sentry posts and Prince Edward's Gate Hargraves Parade is an integral part of this military group of building structures and fortifications and as the Gibraltar Heritage Trust have stated its worthy for listing.

DTP went on to confirm that it is a well-used site for all types of unofficial and school recreation by local residents, schools and young people further afar on an ad hoc basis and is has always been an important open space that provides a 'lung' in this part of the Old Town. He went on to state that in terms of the architectural design it was appreciated what the architect has been trying to achieve and that if looked in isolation it is an stylish design and that there would be no objections to the architectural treatment per se but in another location. In this case it would be out of character with the area. He added that notwithstanding the architectural style would result in the creation of dead frontages along the full extent of the site which was of great concern. There were planning concerns with the proposed use and the resulting additional traffic to the area and the proposed loading and unloading will aggravate the existing congestion and increase commercial and goods traffic along its surrounding narrow roads leading to even more pollution and congestion.

DTP emphasised these traffic concerns and the impacts that would ensue in the immediate vicinity of the site will be felt in the wider circulation of traffic through the winding narrow roads of this part of the town resulting in tail backs and traffic congestion; particularly due to the one way system.

DTP stated that there is there is the benefit of a footpath being proposed on the eastern side but there would be the loss of on street parking which would mean there would be additional pressure on the remaining on street parking irrespective of the fact there will be private parking provided in the site.

In summary DTP referred that overall looking at all these factors, the policies and the comments that have been raised including the applicant's counter-representations it was recommended that the proposed use for this site is inappropriate and that it should be accordingly refused for these reasons.

The Chairman asked the Commission whether they wanted to discuss the application or whether they concurred with the recommendations of the DTP and would refuse the application.

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The Commission unanimously refused the application.

521/16 – F/14235/16 - 22-24 Willis's Road - Proposed extension and refurbishment of property.

DTP explained that this was a formal planning application for the extension and extensive refurbishment of the existing property. The proposal includes two interconnecting blocks; 'Block 1' fronting Willis's Road and 'Block 2' at the rear faces west and overlooks Castle Road. An existing pedestrian access from Willis's Road serves both properties. The site which went out to tender and accommodates currently abandoned and derelict eight flats.

The proposed development consists of an extensive internal and external refurbishment of the two buildings including constructing a full storey extension at roof level with terraces. At ground floor there is an extension on the existing patio which would align 'Block 1' with 'Block 2' and would square off part of the site. A one car space within a patio is proposed along Willis's Road. The rest of the development involves internal refurbishments of the dwellings and the introduction of balconies along the west façade.

These balconies would be fitted to the first and second floors in 'Block 1' and on the west façade of 'Block 2'. The applicant is proposing to extend forward Block 2 on its eastern elevation overlooking an internal elevation to an open internal area between buildings, above a boundary wall with an adjoining property that would require being served notice.

In respect of the third floor of 'Block 1' the existing stair core will remain and an extension is proposed to create further living accommodation at that level which would include a roof terrace. An external escape ladder is proposed on the south facade of 'Block 1'. The existing pitched roof over Block 2' is replaced with a top floor duplex apartment with its terrace on the southern side and balconies on the western side. West facing balconies are proposed overflying adjacent properties, the owners of which would require being served notice. The development will create five apartments. The overall the architectural additions are not overbearing if looked at in the context of the townscape as a whole.

DTP ran through the comments that had been received from consultees. The Department of Housing which owns the property immediately adjacent to the application site had some objections and comments. One of their concerns is that the construction of the extension on the east side inner elevation would be built on a shared boundary wall which separates the two properties from each other and so they would want to be satisfied that the structural integrity of the wall would not be effected. They have also concerns that the same extension would impact on rights to light to windows in the Department of the Housing's property even though currently vacant. The proposed forward extension would have encroaching windows on this boundary as well so there maybe repercussions in the redevelopment of this property in future.

The Ministry for Heritage feels that the overall scheme changes the character of the building, in particular the introduction of balconies on the elevations. They are also concerned with converting windows into doors and the introduction of 'Juliet' balconies; the use of aluminium windows, doors and shutters and that the design of the extension jars with the original character of the building. The Ministry for Heritage requests that the scheme should be redesigned taking into account their comments.

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The Traffic Commission considered the introduction of the new car parking space within the site and has objected to this because of the loss of public on-street parking particularly as there was not any car parking gain

The application has been subject to public participation and no objections have been received in respect of the proposals.

In summary the overall refurbishment of this property is welcomed from an Urban Renewal aspect. It shall contribute to the regeneration of this part of the Old Town. The elevation changes on the internal east side needs reconsidering because of the impact on the adjacent property. There are also concerns regarding the use of external escape ladders typical of USA buildings as this form of externally mounted fire escape staircases is not in keeping with Gibraltar's architecture and such would create a new scenario that would impact would have implications on the character of buildings not traditional to Gibraltar. It is not something we would want to see an increase in the use of. There are also concerns with respect of the proposed balconies on the west elevation as they would be overflying onto other properties. The design of the additional storey needs to be fine-tuned in more detail to ensure that it fits in with the original building and is set back from the plane of the building to comply with planning policy so there is a distinction between the old and new.

DTP stated that because of these issues it was recommended that the applicant revises the application to take on board these comments before the Commission makes a final decision on the application.

The Chairman suggested that the applicant meets on site with Town Planning and the Department of Housing to discuss the issues and come back with the architectural solutions because the conversion of the vacant units into habitable residential units was welcomed from an urban renewal point of view, The Commission agreed to defer the application in order for the applicant to address the comments that had been raised.

522/16 - O/14269/16 - Ashstead Cottage, 10 Willis's Road - Proposed extension and alteration to the property.

DTP explained that this is an outline application for the extension and refurbishment of the existing two and three storey building which is behind boundary walls along Willis's Road not visible from public highways. The proposal is to introduce glazed balustrades around the western perimeter of the site, utilize the existing cistern which is located to the rear of the property to convert it into a covered plunge pool and patio area, to build an extension on a previously developed part of the site which has now been demolished to create a three storey extension accommodating facilities for laundry and maids quarters and to replace the existing swimming pool and pool apartment with an 'L' shaped pool and two storey building with an apartment at ground floor level and with an garage above. DTP also stated that applicant is seeking to introduce a sliding door to the existing vehicular access.

DTP outlined that the proposals for the existing dwelling is to refurbish the ground floor and to demolish the second floor of the two storey part of the building and to replace that with an extension that has a total height of 4.9m and is glazed on the western elevation and incorporates a mezzanine. DTP also confirmed that the applicant is seeking to introduce glazed balustrading on the first floor terrace and that there is a very small increase in height in the third storey part of the building

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associated with the incorporation of a sky light. DTP identified that the applicant is seeking to replace windows into doors and the introduction of Juliet balconies on the western façade.

DTP confirmed that there is the loss of a eucalyptus tree associated with the works to the entrance and the extension of the driveway and we would recommend that this would be compensated by requiring the planting of at least two new trees within the site.

DTP outlined that the Ministry for Heritage had stated that this is a bold design on a grand old building and that they feel that they need more information on the glazed balustrading and have some issues with what they feel is a top heavy solution. DTP confirmed that there were no other comments to report on from other departments and that the application was subject to public participation and no objections were received.

DTP confirmed that the Department consider that the proposal is generally sympathetic to the existing building and the surrounding area and feel that it is a bold design but it does complement the building and the Department does not have issues with the design. DTP reiterated that it is difficult to see the site from any public area, but overall it is felt the proposal is relatively well assimilated into the surrounding townscape and that the Commission recently granted permission for various extensions of a contemporary design to the adjacent property at 'Sunnybrae', 8 Willis's Road.

DTP went on to state that overall the Department's recommendation would be to approve the outline application subject to conditions linking the use of the pool apartment to being an ancillary use to the use of the main dwelling to ensure that the pool apartment does not become a separate dwelling, requiring the planting of two trees to replace the existing eucalyptus tree that would be lost as part of the proposed works and for the applicant to consider the use of a green roof.

MEH endorsed the recommendations for the replacement trees and the green roof. MEH also stated that the energy performance of the glazed frontage would have to be assessed carefully to ensure that they obtain an acceptable energy rating and that this element of the scheme it is not compensated through the provision of masses of air conditioning and that the roof of the pool apartment should be used for renewables or solar panels. MEH also stated that the provision of swift boxes should be incorporated within the plans.

JH raised the issue of Juliet balconies and what was different between this application and the previous item that was considered by the Commission. DTP confirmed that the Ministry for Heritage had not raised Juliet balconies as an issue in respect of this application and the character of this building is different to the previous application site. The Chairman added that there was no umbrella policy in respect of whether Juliet balconies are acceptable or not on buildings and this can only be considered on a case by case basis.

The Commission approved the outline application subject to the DTP recommendations.

523/16 - F/14294/16G - Aerial Farm South Plot, Devil's Tower Road - Proposed re-levelling of existing site and construction of two new warehouse/garage units and external parking area.

DTP commented that this is a Government application for the re-levelling of the existing site, concreting over it and constructing two warehouse/garage units together with external parking areas. DTP added that the scheme provides parking for 23 mini buses and that there is a boundary wall which separates the site into two distinct parts.

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DTP added that there are references to rock fall protection measures to be undertaken but details of those have not been submitted and there is a proposal to provide a chain link fence to the boundary of the site which bounds the adjacent site which has been granted outline planning for the wine vaults. DTP went on to confirm that two new vehicular accesses are being provided, one for each part of the site.

JH enquired what the warehouse units are intended to be used for. DTP confirmed that he understands that they are being provided in order to facilitate the relocation of the existing tenants at North Gorge.

MEH commented that the site is not a waste ground and it is an area where the rubble mound should not have happened. MEH stated that there should be a boundary fence otherwise the rest of the area will be used and concreted over and these areas which do not form part of the development should be allowed to develop naturally with vegetation. MEH also stated that the rest of the site instead of being concreted should use the green grid has been used for the car park development at 63 Europa Road as this would add greenery to the site and allow vegetation to grow there.

The Chairman suggested that the warehouse/garages should also include green roofs and the buildings should use passive ventilation rather than air conditioning as the area is quite windswept.

DTP also raised concerns regarding the architectural treatment of the proposed buildings, as the Department feels that this is a very dominant site when you bear in mind that the site will eventually be part of the main entrance to Gibraltar when you approach the roundabout and that at the very least the Commission should be recommending that there is perimeter planting to screen the buildings if that is possible or alternatively consider alternative designs for the warehouses.

The Chairman recommended that the applicant addresses the issues that have been raised and submit revised plans addressing them for the Commission to consider.

524/16 – F/14295/16G - Windmill Hill Signal Station, Buffadero Training Area - Proposed four storey high communications facility on brown-field site.

The Commission deferred this application until the discussions between the Department of Environment and Climate Change and the Ministry of Defence regarding Habitats Assessment screening and the requirement for an Appropriate Assessment have concluded and the all the information is available for the Commission to consider.

The Commission broke for a 15 minute break the meeting commenced at 11.30. All Committee members were present at the start of the meeting.

525/16 – O/14310/16 - Police Station, 120 Irish Town - Proposed renovation and extension of the existing building for use as commercial office space and a public access gallery at ground floor level related to the history of the local police force.

DTP commented that this was an outline application for the refurbishment and the extension of the Old Police Station in Irish Town. DTP briefed the Commission that the proposal is to reuse the

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property as commercial office space and to allow public access to a gallery which will be provided at ground floor to display memorabilia associated with the Royal Gibraltar Police.

Mr D Harvey (Architect) was welcomed to address the Commission. Mr Harvey stated that this was an outline application as part of a Government tender award for the Old Police Station in Irish Town to convert it into office space with a new public gallery as ground floor level. Mr Harvey explained that the proposals involve extensions to the property at roof level and to the rear in the courtyard area.

Mr Harvey outlined that the original building is an attractive two storey brick structure facing onto Irish Town and there is a four storey extension in Cloisters Ramp which extends 6m above the roof line of the original building and that there are other later additions in the courtyard area and the main building. Mr Harvey confirmed that the building had served as the Police Station for the town centre since its conception in 1864 and forms an important part of the Irish Town streetscape.

Mr Harvey explained that the principal aim of the proposals is to restore the existing building particularly the views from street level and that the proposed extensions will be hidden as much as possible from views at street level and will be appreciated when viewed from further away, for example, from the Upper Rock. Mr Harvey went on to explain that the proposed extension in the courtyard area will replace the two old toilet blocks and the whole of the courtyard at ground floor level will be roofed over to create the new public gallery space. Mr Harvey confirmed that the old police cells will be kept and used as part of the exhibition. Mr Harvey went on to state that glass has been used for the main material for the proposed roof level extension in order to differentiate it clearly from the original building and to make it visually less solid.

Mr Harvey went on to state that the proposed two storey extension at roof level has been set back at both levels in order to minimise its visual impact at street level. Mr Harvey explained that two options are being proposed for the extension. Mr Harvey went on to confirm that the first option is a more traditional tiered glass box design with a green roof and solar panels and the second option is a more sculptural design which sits in an attractive structure in its own right to complement the aesthetics of the building below.

Mr Harvey went on to explain that there are two design options which are being presented for the second option and that the first design option is a glass structure with a high performance envelope and the second design option is a decorative structural element on the outside of the glazing which will pick up on the rhythm of the features of the arches of the Police Station below. Mr Harvey confirmed that the height and the width of all the design options for the extension are the same and that they all provide approximately the same amount of floorspace. Mr Harvey also went on to state that the proposed extensions respect the height of the surrounding buildings and are set back from the main façade.

The Chairman asked whether the later addition at roof level could be removed and the proposed extension extended as part of the proposals for the roof level extension. Mr Harvey confirmed that it could and that they had not proposed to move it in case the later addition had any heritage value. IB confirmed that it did not have any heritage value and the Gibraltar Heritage Trust would not have any objection to it being removed as it is an eyesore.

IB asked whether the brickwork of the original building will be restored. Mr Harvey confirmed that it would and that the applicants would be getting specialist contractors in order to achieve this.

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The Chairman asked how public access to the gallery will be achieved. Mr Harvey confirmed that the front office would act as a reception for the gallery and the public would be able to go in and request access to the gallery during opening hours.

CR asked whether the viability of the development is dependent on the roof top extension. Mr Harvey explained that the applicant requires the additional space for the scheme to work. DTP asked whether the applicant can give a commitment to proceeding with an extension as presented in the second options as this is likely to be a costly bold and innovative design and we do not want to be in a position some point down the line when the Commission is presented with a much more watered down design so to speak. Mr Harvey confirmed that the applicant is committed to an innovative design solution and although they have to work within a budget the second option will look how the second option has been presented.

MEH considered that you could not have Option 2a or 2b throughout Gibraltar but that it could work on iconic buildings. MEH also stated that he was interested in how the applicant could make Option 2 as appealing from an environmental perspective as Option 1 which is proposing a green roof which is underutilized in Gibraltar and solar panels. Mr Harvey confirmed that this could be done.

DTP reported that the Ministry for Heritage has welcomed the refurbishment of this important building and has stated preference for Option 2b. The Ministry for Heritage has also confirmed that there would need to be an archaeological watching brief in relation to the introduction of the lift shaft and that the brick and stone restoration will need to be carried out to a very high standard. DTP also confirmed that they have stated that there should be little deviation in the window and fittings from the existing and that a heritage survey would need to be carried out before works commencing to identify any fixtures and fittings and any mobile assets in the building that could be retained, such as safes.

DTP also reported that the Technical Services Department did not object to the application but had indicated a preference for Option 1 and that the application was subject to public participation and no comments have been received from members of the public.

DTP set out that the Department considers that the building has been left to deteriorate for a number of years and that the refurbishment of the building is welcomed as part of the regeneration of the Old Town. DTP commented that it is considered that the extension to the rear of the building in the courtyard is sympathetically designed and that whilst it covers the whole courtyard at ground level, it has been set back on the upper floors to minimise any issues with privacy with adjacent buildings including the Beacon Press which has windows facing the courtyard. DTP went on to comment that the public gallery is also something to be welcomed and is of community benefit and a tourist attraction.

DTP set out that the Department feels that the provision of the two storey extension at roof level is generally in accordance with planning policy and that having looked at the various options we would recommend Option 2b for approval as it is very bold and innovative design which would be a striking addition to the townscape. DTP explained that the Department consider that it has been carefully designed in respect of the existing iconic building to follow the rhythm of the arches and is quite a contemporary approach to blending the proposed extension in with the existing building. DTP explained that the Department considered Option 1 is architecturally bland and unexciting design

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solution which is not very inspiring for this particular building, and that whilst Option 2a was interesting the Department felt that it did not relate as well to the existing building as Option 2b. DTP went on to confirm that it has been discussed with the applicant to remove the later modern addition at roof level completely and extending the modern extension to the site boundary and that the applicant is amenable to this and the Ministry for Heritage and the Gibraltar Heritage Trust have no objection to the loss of this part of the building.

DTP reiterated that the Department would recommend approving Option 2b on the basis of a high standard of innovative design being presented and that we would want to make clear to the applicant that we would want this followed through and not to see a dilution because of cost or financial viability.

The Commission approved Option 2b unanimously on the basis of the Town Planning recommendations and that the applicant takes on board the comments of the MEH regarding sustainability.

526/16 - O/14313/16 - 66/68 Devil's Tower Road - Proposed extension to existing building for commercial storage.

DTP informed the Commission that this was an outline application for the extension to the existing Car Care building on Devil's Tower Road mainly for commercial storage. DTP stated that presently the existing two storey building is used for office, industrial and retail usage and it has elevations fronting on both Devil's Tower Road and Garrod Road.

DTP went on to confirm that the proposal would remove the existing corrugated roof to the building together with the existing flue and to construct two full stories across the width of the site and a third storey on the rear part of building with a roof terrace. DTP confirmed that the proposed extension would mainly be used for storage use partly related to the existing use and also other commercial storage uses as well.

DTP confirmed that two options are being presented and the difference between the options is that Option 1 has no facility for loading and unloading within the premises and Option 2 does provide this. DTP confirmed that the Department has previously requested the provision of loading and unloading facilities within the site in other applications where storage use has been proposed in order to mitigate any impact on on-street parking. DTP confirmed that the frontage to Devil's Tower Road would be rendered and the existing shopfront would be replaced with a new one.

DTP confirmed that at ground floor there would be smaller storage units of various sizes with larger storage areas above accessed by stairs and lifts. DTP confirmed that no parking is being proposed as part of the application.

DTP outlined that in terms of comments that have been received, the Gibraltar Regulatory Authority have stated that the proposal could affect radio networks although this would be surprising as it would only be a part four/part five storey building, and that the Airport authorities have been consulted and they have no objections.

DTP confirmed that the Traffic Commission has also been consulted specifically in relation to loading and unloading and their recommendation is that the application site should be providing loading and unloading facilities within the premises, but that the Traffic Commission would also be amenable to

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increasing in any event, loading and unloading bays in the general area to accommodate the demand in that kind of servicing.

DTP went on to explain that the application has been subject to public participation and that no objections have been received.

DTP set out that this building is taller than the immediate surrounding buildings, however, if you look in the wider area the Commission has permitted taller building and it is likely that this area is going to change over the next few years in any event. DTP went on to state that the storage use is a beneficial use to commercial entities as long as any issues regarding loading and unloading can be resolved and the Department would recommend approval of the outline application.

The Commission approved the outline application.

527/16 - F/14318/16 - North Pavilion Road - Proposed new roof access, fence replacement and internal alterations.

DTP informed the Commission that this is an application for various works to the existing building. DTP went on to explain that the proposal involves the construction of a new roof access, the installation of a replacement fence and internal alterations.

DTP confirmed that the Department had received representations from a neighbour which had been circulated to the Commission along with counter representations from the applicant. DTP reported that the neighbour has confirmed that if the applicant complies with what they have stated in their counter representations they would be satisfied with the response from the applicant.

DTP went on to inform the Commission that at basement level the applicant is seeking to convert an existing water tank into a bedroom, the construction of a plunge pool and terrace on the south west corner of the site and a terrace on the north corner of the site. DTP stated that at ground floor the applicant is seeking to install a glazed balustrade to the loggia and various internal alterations to the property and that they would also be replacing an existing door on the east elevation into a window and also enlarging one of the existing openings to accommodate double sliding patio doors. DTP also identified that the plans include the introduction of a timber fence to the patio level.

DTP went on to state at first floor the applicant is seeking to undertake various internal alterations and the installation of the glazed balustrade to the loggia and at roof level they are seeking permission for various improvements to make it a usable area including a roof terrace, roof garden and the installation of a pergola. DTP confirmed that the terrace area is set back two metres from the building edge so the pergola and roof access is not particularly visible from ground level.

DTP outlined that in terms of comments that have been received from other departments, the Ministry for Heritage welcomed the refurbishment but they did have objections to loss of the original balustrade from the loggia and its replacement with glass paneling and the original should be refurbished and retained.

DTP recommended approval of the application, however, informed that Commission that they would need to take a view on whether the original balustrade to the loggia should be retained or whether they are amenable to the replacement with glazed panels.

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IB confirmed that the Gibraltar Heritage Trust would prefer the existing balustrading to the loggia to be retained. MTESH suggested that they go further and request the applicant to install imitation balustrading at ground floor where they currently have a fence. DTP stated that part of the application is to provide timber fencing along street level. MTESH and IB both stated that timber fencing would be not in keeping with the area. MHE considered that the iron railings that are presently there should be retained as per the other properties along North Pavilion Road. Mrs R Massias-Greenberg (Architect) stated that the applicant was proposing timber screening not fencing, however, the applicant is happy to compromise and to retain the iron railings along the North Pavilion boundary.

The Commission approved the application subject to the retention of the existing balustrading to the loggia and the provision of iron railing along the boundary wall of the property fronting North Pavilion Road.

528/16 - F/14323/16 - Flat 2017, Palm Tree Mews, Ocean Village - Proposed internal alterations and conversion of garage into bedroom, shower room and internal alterations.

DTP informed the application that this was an application to convert an existing integral garage into a bedroom and that the reason for the conversion is to accommodate a relative who visits the occupants of this property.

DTP confirmed that there has been no objection from the Management Company, however, the Department would say that the integral garage was part of the original development, it is there to meet the car parking requirements of the development, and in particular this unit and that all of the car parking spaces in the Ocean Village car park are committed. DTP went on to confirm that the applicant has indicated that he is renting another space as a way of justifying the loss of the garage and that they have also purchased a car parking space in the Ocean Village car park.

DTP reiterated that the Department is aware that the car parking spaces in the Ocean Village car park are fully committed and that the purchase of a car parking space would not outweigh the loss of a dedicated integral parking space for the unit.

DTP confirmed that the Traffic Commission has been consulted on the application because of the loss of parking and their view concurs with the view of the Department that the original parking requirements should be retained to ensure the appropriate level of car parking. DTP then went on to explain that if the Commission were to allow this, there are eight units which have these integral garages, and there is the potential to set a precedent which could add to the problem of parking in the area, and that the overriding consideration is that when a residential unit is provided with parking to meet their requirements then that should not be lost at a future date for this type of conversion.

DTP summarised that the Department's recommendation would be to refuse the application on the basis of the loss of parking. The Commission agreed with the recommendation and the application was refused.

529/16 - F/14326/16 - 36 John Mackintosh Square - Proposed installation of new canopies

DTP explained to the Commission that this was an application for the installation of new canopies to one of the kiosks in John Mackintosh Square. DTP stated that the proposal is to provide canopies to

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the north and west side of the kiosk and that they would be supported on uprights which would be removable and the applicant has indicated that they would remove the uprights each day.

DTP outlined that in terms of comments that have been received from other departments the Ministry of Heritage had no objections, however Land Property Services has objected to the application and that they have also previously objected to the granting of any license for tables and chairs for this unit and that they consider that the canopy is being applied for to provide cover for tables and chairs.

DTP confirmed that the Department tend to agree with that view, as from past experience once you start allowing structures on open squares they tend to result in them being enclosed in the future. DTP outlined that John Mackintosh Square is an important civic space in the middle of the city centre and that the Commission should avoid allowing things to clutter up the open space. DTP set out that the other option would be to allow a canopy which is a normal canopy which projects out from the structure of the building and just rolled in or out without any supporting structures which the Department would not object to.

The Commission concurred with the Department's recommendation that a retractable canopy can be approved or nothing.

530/16 - F/14329/16G - Governor's Street - Proposed footpath and road resurfacing along governor's street.

DTP informed that Commission that this was a Government application for the resurfacing and realigning of the road and the creation of a new footpath along the west side of Governor's Street for safety reasons and in order access the properties on that side of the road. DTP confirmed that all of the on-street car parking would be removed from this part of Governor's Street which will have an impact, however, the Traffic Commission has been consulted and they welcome the scheme overall.

DTP outlined to the Commission that the Department's only comment in respect of the application is that it would recommend that some small element of landscaping such as a tree or a planter is introduced into the scheme.

The Commission agreed with the Department's recommendation.

531/16 - BA13443 - 2 Koehler Ramp - Proposed internal and external alterations, to enable the relocation of McCarthy & Sons Stores.

DTP informed the Commission that this was an application for change of use that was previously approved by the Commission and now the applicant is requesting a slight revision which involves providing a small access into the car park.

DTP went on to confirm that the applicant had initially requested two car parking spaces be allocated for their use and that the introduction of the new access would require the shifting of the car parking spaces northwards.

DTP confirmed that the Technical Services Department had objected on the basis that there is a lack of detail to be able to assess the impact on moving spaces and essentially what they would need is more details to confirm that it would be possible to successfully move the parking spaces northwards

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without affecting the exit onto Devil's Tower Road. DTP outlined that the Traffic Commission had been consulted and that they would recommend not allowing the allocation of spaces for a specific user.

DTP confirmed that the Department agreed with the Traffic Commission in not approving the direct allocation of the car parking spaces; however it would recommend the approval of the new access subject to applicant being able to satisfy the concerns of Highways Authority in terms of the repositioning of the car parking spaces.

The Commission agreed with the Department's recommendations.

532/16 - F/13999/16 - 259 Main Street - Proposed refurbishment of shop premises.

DTP informed the Commission that this is an application relates to a shop refurbishment and that the applicant has requested to address the Commission.

DTP informed the Commission that the only issue here is that the application incorporates the use of Dibond paneling to the frontage of the shop unit which was not approved by the Subcommittee. DTP went on to inform the Commission that the applicant had since carried out the works not in compliance with the permission. DTP informed the Commission that the Subcommittee subsequently considered the finished product and as a compromise agreed to the use of dibond paneling for the fascia sign which is something which is commonplace, but maintained that the side panels should be removed and should be rendered and painted as per the approved scheme.

DTP stated that the applicant is to address the Commission on this issue and is asking the Commission for a final decision on the retention of the dibond panel. MTESH asked what a dibond panel is and why did the Subcommittee refuse it. DTP confirmed that a dibond panel is an aluminium sandwich panel and the Subcommittee refused it because it does not comply with the policies of Design Guide for the Old Town in respect of appropriate materials for shopfronts and the Commission has refused it on previous applications.

Mr A Daswani was welcomed to address the Commission. Mr Daswani presented photos of several shopfronts which he was of the opinion that they incorporated dibond paneling. Mr Daswani outlined to the Commission that he wants to retain the dibond side panels as they are more efficient, they are easier to clean and maintain, more modern and that they are more economical.

MTESH considered that the aesthetically the dibond panels looked better than what was there previously. DTP reiterated that dibond paneling is listed as one of the materials in the Old Town Design Guide which are not considered to be acceptable for shopfronts.

The Chairman stated that the applicant has presented the images today and that the Department cannot fairly confirm whether it is dibond paneling that has been used on the shopfronts in the examples shown and that we would need to check each one.

MEH asked that in reviewing the Development Plan which is imminent would the Department stick to the recommendation or would it be minded to review the policy. The Chairman confirmed that every policy would have to be reviewed objectively and reassessed, however he would not be able to confirm what the feedback in respect of the review of the policy from the public or the various lobby groups would be.

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MEH asked what the heritage view of this would be. IB confirmed that the Gibraltar Heritage Trust would want the retention of the existing facades in Main Street as much as possible. MEH asked IB what he thought of the works that had been undertaken this this shopfront. IB confirmed that the Gibraltar Heritage Trust is totally against what has been undertaken.

Mr Daswani confirmed that he had intended to paint the side panels, but installed the panels because they had already been cut and for the Commission to reconsider them.

MEH commented that he did not have serious objections to the dibond paneling that had been installed, and that the Commission needs to be dynamic and review, however the problem here is that the Commission should be having this conversation beforehand. MEH went on to state that the fact that it had been refused and the applicant had put them on adds a different dimension procedurally. MEH stated that he was concerned about the lack of due process rather than the actual visual appearance which he did not have a problem with.

JH stated that the shopfront does not look finished and is not happy with the works undertaken by the applicant.

MTESH stated that she did not object to the façade but objects to the fact that process has not been followed and that there are regulations there for a reason.

DTP stated that the only advice he can give the Commission is that the whole reason for the policy is to provide a framework for decision making and the Development Plan is there for that reason. DTP stated that whilst the policies do not need to be stuck to slavishly because they are guidance, however, it does try to achieve consistent decision making. DTP went on to explain that the reason for the policy is to achieve a conservation approach to the Old Town to try and achieve frontages which are sympathetic to the character of the Old Town and that is why the use of natural stone, render, paint and timber are promoted even if they are used in modern designs. DTP went on to state that this is why the Development Plan tries to steer applicants away from materials such as polished granite and aluminium paneling, the principals would remain valid even if there is a review of the development plan.

DTP stated to the Commission that they need to be careful about how they take subjective decisions about what a shopfront may look like as otherwise there will not be consistent decision making. DTP stated that his recommendation is that the Commission had not heard anything from the applicant today which would outweigh the Subcommittees objection and that the Commission should be sticking to the decision.

The Commission agreed to uphold the Subcommittees decision to refuse the dibond side panels that have been installed by the applicant

533/16 - F/14121/16 - 7 Admiral's Place - Proposed minor external alterations.

DTP explained that this is an application for minor external alterations and that the applicant has requested to address the Commission of the decision of the Subcommittee to refuse the installation of glass curtains to the first floor veranda because they felt that they were out of character with the building and that it would also set a precedent for future similar applications.

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DTP outlined that the application proposals involved the widening of one doorway at ground floor level and the construction of a pergola in the patio which had been approved by the Subcommittee, and at the first floor level the proposals were to enclose the veranda with a glass curtain system. DTP confirmed that the Subcommittee were concerned that the installation of glass curtains would erode the character of the development which has maintained its heritage features successfully since it has been converted into a residential scheme.

Mr C Hernandez was welcomed to address the Commission. Mr Hernandez explained that the reason they want to install glass curtains on the first floor veranda is that it is extremely exposed and gets extremely hot and because of the exposure the space has become unusable apart from drying clothes. Mr Hernandez went on to explain that through allowing glass curtains to be fitted it would allow the terrace to be much more user friendly especially for the two young children that they have, that plants could be fitted in the terrace and there could be some nice soft terrace furniture.

Mr Hernandez stated that from going around Gibraltar and from viewing other applications, the Commission has generally not objected to the installation of glass curtains on the basis that they do not affect the building architecturally or on a heritage level and they do not have a visual impact and for those reasons he asked the Commission to reconsider the decision of the Subcommittee. Mr Hernandez also informed the Commission that the terrace was in fact a later addition and did not form part of the original building.

Mr Hernandez also confirmed that neither, the Management Company, or, the Head Lessor had objected to the proposals. Mr Hernandez also referred to other applications at Admiral's Place for attic windows and a conservatory which had been approved by the Commission which he considered had a much greater visual impact to the buildings than the glass curtains that he is proposing.

The Chairman stated that the veranda complies with Building Control requirements so the safety of children is not a valid reason for requesting it to be enclosed. JH went on to state that the children could use the ground floor outside space.

MTESH asked whether there are any other houses in Admiral's Place which have glass curtains. The Chairman confirmed that no other properties in Admiral's Place have glass curtains.

GM recalled that when the wider redevelopment came forward, the Commission imposed a number of conditions to preserve, as much as possible, what was originally there, and that that had been carried out very successfully by the original developer. Mr Hernandez stated that the developer is the Head Lessor and neither, they, or the Management Company had objected.

GM asked the applicant to clarify whether they had not objected, or whether they had not commented. Mr Hernandez confirmed that they had not commented, but they had previously objected to a number of applications for the installation of attic windows.

GM went on to state that even if they do not object, it is the Commission's role to assess whether proposals are acceptable or not and that he recalled that the Commission had been trying to preserve the historical architectural features of the building and that he considered that the architecture of the place would be lost because of the effect of the precedent if the installation of glass curtains was approved by the Commission.

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MEH asked GM to explain why he thought the installation of the glass curtains would adversely impact on the architectural quality of the development as he was not convinced that it would. GM stated that from an architectural perspective, the architecture in a building is not just necessarily the way you see things, it is done from an urban perspective, from a planning perspective, from the physical aspects as well. It is not just the rendering and the finished product it is the terrace as well and what the terrace does, which was originally designed to be an outdoor space. GM went on to state that the Commission uses the term architecture very loosely and limits it to how we perceive the actual frontages of buildings. GM stated that the proposal is responding to a pressing contemporary issue, whereas before, previously everybody wanted a balcony.

CR stated that in a modern context such as Beachview Terraces the installation of glass curtains is more acceptable than with a building which has heritage value and that is what is objectionable.

MEH asked whether there were many other comparable balconies within the development. Mr Hernandez confirmed that this is one of four towers.

The Commission agreed to take a vote to uphold the Subcommittees decision to refuse the installation of the glass curtain, the outcome was the following:

In favour:	6
Against:	3
Abstain:	1

The Commission refused the installation of the glass curtains by a majority vote.

534/16 - BA12946 - 56 City Mill Lane - Proposed demolition.

DTP confirmed that this was a demolition application which was submitted back in January 2014 and in July 2014 the Commission felt that permission to demolish the property could not be granted because the building was still occupied by residents and commercial occupiers and that the Commission had a preference for the building to be repaired and retained rather than demolished.

DTP confirmed that the building backs onto the new park and is quite visible from the park. The applicants have now confirmed to the Commission that the last tenant vacated the property in February this year and that they are now in discussions with a prospective developer to redevelop the site.

DTP went on to state that since the Commission had last considered the application, the building has carried on deteriorating and that there is a Court Order pending with the Environmental Agency over the demolition of the building. DTP confirmed that the Environmental Agencies view is that the building cannot be retained and that it should be demolished.

DTP stated that the Commission has been asked to reconsider the application on the basis of the Court Order, the potential redevelopment of the site which apparently we could expect an application to be submitted by the end of the year, the fact that the building is no longer occupied and finally that there is some risk that the building may collapse.

The Commission approved the demolition of the building.

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535/16 - REF 1196 - Tables and chairs - Control of tables and chairs in Casemates Square.

DTP confirmed that this item relates to the control of tables and chairs in Casemates Square so that these areas do not infringe on retail areas. DTP outlined that there has since been some discussion to look at what options are available to try and control this and the Town Planner has had a meeting with the Minister for Town Planning as well as the Building Control Officer who is responsible for tables and chairs, Land Property Services, the Technical Services Department and the Police.

DTP stated that they have come up with a solution which involves a couple of options. DTP went on to explain that the first option is to try and define the extents of the tables and chairs licensed areas through the use of removable bollards and chains which would be positioned at the corner extents of the tables and chairs areas as they project into Casemates Square and that where a licensed area is adjacent to a retail unit, the bollards and chains would also be positioned on the side of the licensed area as well. DTP confirmed that the idea is that these would be of a unified design and the occupiers would be required to remove these on a daily basis.

DTP set out that the second option, which is less intrusive visually, would be to demarcate the licensed areas of each unit, and that what we have suggested is that some sort of brass stud could be used which is embedded in the floor which would define the areas. DTP went on to state that whilst this option does not prevent anyone physically putting their tables and chairs beyond the area, what it does do is to enable easy identification of the extent of licensed areas so the Police or ourselves can enforce against it.

DTP confirmed that the Department's preference would be for the less intrusive option which is the studs as a first attempt, and if that does not work we could fall back on the bollard and chain option.

The Commission agreed with the Department's suggested approach to this issue.

Minor and other works - not within scope of delegated powers

536/16 - BA12124 - Villas 1 to 4, The Sanctuary, Engineer Road Maida Vale - Application for relaxation of Building Regulation Rule H3.

The Commission approved the application.

537/16 - F/14242/16 - 15 Cornwall's Lane - Proposed alterations to residential property.

The Commission approved the application.

538/16 - F/14307/16 - 6-4 King's Yard Lane - Proposed new access to roof terrace.

The Commission approved the application.

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

539/16 – BA10724 – 6 Bayside Road - Consideration of revised plans for extension to cafeteria on first floor level.

The Commission noted the approval granted by the Sub-committee

540/16 – BA12908 – 18 Shorthorn Farm Estate, Europa Road - Consideration of amendments to approved plans for the construction of a new-build house in rear garden.

The Commission noted the approval granted by the Sub-committee

541/16 – BA13126 – 13 Chicardo's Passage - Consideration of alternative windows, external roller blinds and shutters.

The Commission noted the approval granted by the Sub-committee

542/16 – BA13246 - 2 Europa Pass Battery, Europa Road - Consideration of details to regularise first floor window installed on west facing facade.

The Commission noted the approval granted by the Sub-committee

543/16 – BA13256 - 5 Europa Pass Battery, Europa Road - Consideration of revised plans including installation of ground floor windows on the western façade, half glazed balustrading on first floor balcony and roof terrace and skylights.

The Commission noted the approval granted by the Sub-committee

544/16 – BA13539 - 1A King George V Ramp - Consideration of revised plans seeking a small extension to the north eastern corner of the building and associated changes including the relocation of the entrance and link bridge to the building from Europa Road and removal of proposed window.

The Commission noted the approval granted by the Sub-committee

545/16 – BA13621 - 29A Admiral's Place 12 Naval Hospital Road - Consideration of revised plans for minor reconfiguration of approved second floor layout.

The Commission noted the approval granted by the Sub-committee

546/16 – BA13659 – 2 Camp Bay - Renewal of planning permit for timber canopy enclosure, thatched parasols and fencing.

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

547/16 – F/13825/15 - 8th Floor, I.C.C, 2A Main Street - Consideration of loss and re-provision of three car parking spaces to enable approved swimming pool to be built.

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

548/16 – F/13929/16 – 718 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

549/16 – F/14021/16 – 209 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

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550/16 – F/14117/16 – 707 Seashell House, Beach View Terraces - Proposed internal alterations.

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

551/16 – F/14124/16 – 102 Sand Dune House, Beach View Terraces - Proposed installation of glass curtains.

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

552/16 – F/14125/16 – 519 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

553/16 – F/14126/16 – 214 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

554/16 – F/14162/16 – 8 Sand Dune House, Beach View Terraces - Proposed installation of glass curtains.

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

555/16 – F/14184/16 – 204 Sand Dune House, Beach View Terraces - Proposed installation of glass curtains.

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

556/16 – F/14188/16 – 1118 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

557/16 – F/14212/16 – 3B Rosia Parade - Proposed construction of plunge pool in back garden of property.

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

558/16 – F/14219/16 – Flat 217, Block B, Water Gardens, Waterport Wharf - Proposed internal alterations.

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

559/16 – F/14246/16 – Moorish Castle Reservoir – Proposed construction of a base plinth, retaining wall and load bearing beam structure, to house two centrifugal pumps at the perimeter of the reservoir

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

560/16 – F/14248/16 - Waterport Place, Europort Avenue – Proposed installation of metal sheets over the existing vent covers above the windows of the south façade of the building in order to prevent water ingress.

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

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561/16 - F/14261/16 - 206 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

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

562/16 - F/14270/16 - Flat 1403, Block 6 Europlaza, Harbour Views Road - Proposed internal alterations.

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

563/16 - F/14276/16 - 8 Reclamation Road - Proposed change of use and refurbishment of unused bar/disco to restaurant.

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

564/16 - F/14277/16 - Unit 6 Chatham Counterguard - Proposed fit-out of existing vault as commercial/bar/restaurant premises.

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

565/16 - F/14204/16 - 901 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

566/16 - F/14278/16 - Southern End, Rosia Plaza One - Retrospective application for the replacement of existing wall and iron fence and the construction of new wall and planter.

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

567/16 - F/14281/16 - 507 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations.

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

568/16 - F/14282/16 - 20 Admiral's Place, Naval Hospital Road - Proposed refurbishment of property including replacement windows and shutters, installation of skylight and internal alterations.

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

569/16 - F/14283/16 - 503 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

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

570/16 - F/14285/16 - 604 Express Lodge, Mons Calpe Mews - Proposed internal alterations.

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

571/16 - F/14286/16 - 903 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

572/16 - F/14288/16 - 9B Glacis Road - Proposed change of use and refurbishment of unit into private medical clinic.

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

573/16 - F/14291/16- 402 Sand Dune House, Beach View Terraces - Proposed internal alterations.

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

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574/16 – F/14292/16 - 603 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

575/16 – F/14296/16 - Suite 601 - 701 Europort, Europort Road - Proposed internal alterations to existing offices.

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

576/16 – F/14301/16 - 9 St Christopher's Court, 27 Europa Flats - Retrospective application for the construction of a lean to pergola and small garden arch within south garden.

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

577/16 – F/14302/16 - Unit 2CA, Leisure Island Business Centre, Ocean Village - Proposed internal alterations to existing offices.

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

578/16 – F/14303/16 - 405 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

579/16 – F/14304/16 - 207 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

580/16 – F/14306/16 - 19 The Island, Queensway - Proposed alterations to existing basement and garage area.

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

581/16 – F/14309/16 - Apartment 109, Block 1, Watergardens - Proposed internal alterations.

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

582/16 – F/14316/16 - 204 Rosia Plaza, Rosia Parade - Proposed internal alterations.

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

583/16 – F/14320/16 - 801 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

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

584/16 – F/14325/16 - 1601 Grand Ocean Plaza, Ocean Village - Proposed installation of glass curtains.

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

585/16 – F/14330/16 - 602 Express Lodge Mons Calpe Mews - Proposed internal alterations.

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

586/16 – F/14331/16 - Unit 520, 5th Floor, World Trade Centre, Bayside Road - Proposed internal alterations.

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

587/16 – F/14333/16 - 404 Viking Lodge Mons Calpe Mews - Proposed internal alterations.

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

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588/16 – F/14334/16 - 308 Nelson's View, Rosia Road - Retrospective application for internal alterations.

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

589/16 – F/14335/16 - 1106 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

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

590/16 – F/14339/16 - 511 & 512 Royal Ocean Plaza - Proposed installation of glass curtains on shared balcony.

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

591/16 – F/14340/16G - St Mary's First School, Town Range - Removal of covered structure in northern end of playground and installation of single storey extension on stilts to provide new canteen facility for school.

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

591/16 – A/14308/16 - Mojo, 249 Main Street - Application for sandwich board.

DTP confirmed that this item had been listed as being approved by the Subcommittee when it had actually had be refused.

DTP confirmed that the reason for refusing this is that the policy is not to permit sandwich boards outside shop units on Main Street with the exception of any bar or restaurant which has a tables and chairs license in which case they can put one sandwich board within the licensed area.

DTP confirmed that the problem with this particular unit is that there would not be room for tables and chairs because it is a very narrow footway on that side of the road and the road is used on an intermittent basis to access the Elliot Hotel during pedestrianised periods.

The Commission agreed with the Subcommittee's decision in respect of the application.

592/16 – A/14317/16 - Winston Churchill Avenue Bridge - Installation of banners on either side of bridge to advertise Runway Fashion Festival 2016.

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

593/16 – A/14332/16 - Horseshoe, 193 Main Street - Retrospective application for sandwich board.

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

594/16 – N/14351/16- Rosia Road - Removal of dead False Arcadia tree and replacement with Field Elm.

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

595/16 – N/14373/16 - Calpe Rowing Club, 6 Europort Road - Removal of four Italian Cypress trees and replacement with other varieties.

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

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596/16 – Any other business

No other business

597/16 – Next Meeting

The next meeting will be held on 31st August 2016.