

Approved
DPC meeting 8/15
22/7/15

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 8th Meeting of 2015 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 22nd July 2015 at 09.30 am.

- Present:**
- Mr P Origo (Chairman)
(Town Planner)
 - The Hon Dr J Garcia (DCM)
(Deputy Chief Minister)
 - The Hon Dr J Cortes (MEH)
(Minister for Environment & Health)
 - Mr H Montado
(Chief Technical Officer)
 - Mr G Matto (GM)
(Technical Services Department)
 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)
 - Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)
 - Mr J Collado (JC)
(Land Property Services Ltd)
 - 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:**
- Mr C Viagas (CV)
(Heritage & Cultural Agency)

Matters Arising

411/15 – BA13399 – Windmill Hill Road – Proposed construction of a warehouse/industrial unit with ancillary offices and facilities

DTP told the Commission that this application is for the construction of a warehouse for the relocation of a waste oil disposal company. He said that concerns were raised at previous meetings on the overall use of the area. DTP said that discussions were held outside the DPC forum by officials who agreed on the best layout, which was then ratified by the DPC. DTP said that the approved proposal allowed for car parking and landscaped areas.

DTP advised that following discussions between the applicant and LPS, a revised proposal has been submitted which proposes to construct the building behind the Sacarello warehouse which is on the same site. DTP said that this revision is due to the requirement for an access road for the delivery of goods.

JC explained that the original position did not allow for a loading/unloading area and that doing so on the road would block access to the prison car park. JC said that by shifting the building east behind the Sacarello warehouse, vehicular access would be permitted. JC said that the revised proposal maintains the visitor car park and greenery around the area.

MEH asked where the landscaped areas would be. JC said that the area behind the unit would be landscaped to create a green corridor. JC also suggested that there could be a green corridor between the building and the car park. He said that trees on the west side would hide the building. MEH said that more specific details on the type of planting should be provided.

HM asked whether the size of the building remains the same in the revised plans. JC said that the applicant wanted to extend the building and have the loading bay inside their premises but that this was an issue as the applicant would be required to submit revised plans.

The Chairman highlighted that the Town Planning Department has only received the applicant's plans and not official Government's site dimensions of the area allocated to the applicant.

JC said that the proposal has not yet been regularised from a land point of view. JC also said that the Commission has to bear in mind that people park in this area either when visiting the Upper Rock or the Retreat Centre.

JH said that the ESG was not invited to attend the meetings held on this matter. She said that the area is important and that it has been left derelict for years. She also said that the area in general seems to be used on a piecemeal basis and that given that it is by one of the main entrances to the Upper Rock Nature Reserve, it is important to plan its use carefully. JH said that the area needs to be clean and green.

JC said that any landscaping would have to be done by Government.

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DCM said that he was not present at the meetings held between officials either. He thought that the second scheme is better than the original. DCM also considered that care has to be taken in respect of the introduction of a green area.

KB said that the green screen would require careful tree planning.

The Chairman reiterated that site plans with dimensions are required so that the DPC can decide on the development accordingly and said that the building presented in the plans does not tally with the photomontage presented.

DTP said that the building is the same size as in the original drawing but that no clear definition of the access road has been provided.

DCM suggested that the Commission could agree in principle with conditions.

The Chairman said that usually all applications considered pre-Landlord consent are not full planning applications. He said that planning permits are issued once the site has been determined and therefore site dimensions are required beforehand.

DTP said that if the Commission were minded to approve the revised plans, they could do so subject to size dimensions being submitted.

MEH said that the applicant should also be conditioned to submit a landscaping proposal.

The Commission approved the revised proposal subject to site dimensions approved by the Landlord being provided by the applicant.

412/15 - BA13581 - 7 Rosia Dale - Proposed conversion of existing loft to a bedroom, workstation, toilet/shower room and 2 dormer windows

DTP advised that the proposal to install two dormer windows was previously refused by the Commission. He said that the applicant has written to the Commission explaining the reason for their proposal and requesting that the Commission reconsiders their decision. DTP said that the applicant wants to convert the loft into a bedroom and therefore needs to increase the headroom. They also claim that dormer windows are a common feature in properties around Gibraltar and that other properties in Rosia Dale have undergone alterations in the past.

The Commission welcomed Ms Anne Lundin on behalf of the applicant.

Ms Lundin told the Commission that her client has to extend the area beyond the roofline to allow sufficient headroom for the new bedroom. She said that dormer windows are widely used in Gibraltar and that they can be kept complimentary to the building so as to not have a negative impact on aesthetics. She said that these properties do not have a historical value and that allowing this change would also benefit other neighbours who might be able to do the same. Ms Lundin asked the Commission to reconsider their decision. She said that not everyone can afford to move properties and therefore it is necessary to maximise space. Ms Lundin also referred to modifications carried out in neighbouring properties and said that this proposal could serve as a model for others to follow.

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JH declared an interest as a resident of Rosia Dale and said that she would not be taking part in the discussion.

The Chairman asked what material will be used for the roof. Ms Lundin said that they would use material matching the existing; either tiles or slate. She said that the applicant is happy to discuss this with the Commission.

JC asked what the primary reason for creating an additional bedroom is. Ms Lundin said that the family needs the extra space.

The Chairman asked Ms Lundin whether she thought that the image of these properties will be distorted if all of the properties in the block install dormer windows. Ms Lundin said that the dormer windows would not be visible from any location except Admiral's Place and that in her opinion they would look nice and be beneficial to the aesthetics of the building.

JC asked whether the applicant has consulted the Rosia Dale Housing Association. Ms Lundin confirmed that notice has been served on the Housing Association.

JC said that he was unsure as to whether the roof space is included in the applicant's lease.

The Chairman said that the Town Planning Department does not have a record of the Rosia Dale Residents Housing Association having written to the Commission. Ms Lundin said that her client has not received any objections from the Housing Association.

The Commission did not have any further questions.

DTP reminded the Commission of the reasons highlighted for refusal at the meeting in which this matter was discussed, including concerns about visual impact and change in the character of the estate. DTP also said that a precedent could be created and dormers replicated throughout the estate. DTP said that at the previous meeting the Commission also discussed the possibility of only allowing dormer windows on the east elevation as they would not be visible. DTP advised that alterations have already taken place but that all loft conversions have been for storage use and have had skylights incorporated. No dormers have been constructed within the estate.

MEH wondered whether given the lack of space in Gibraltar it might be better to allow this type of alteration so that a family can have the extra space that they need, rather than creating more pressure to build new accommodation elsewhere. JC concurred.

The Chairman thought that it is a pity that Rosia Dale was not designed to meet the needs of families today.

CAM agreed with MEH and said that the Heritage Trust would usually be against the installation of dormer windows in buildings of historical importance but that given that these are not historical, they do not have an issue with the proposal.

DTP reiterated that from a planning perspective, the main concern is proliferation and effect on existing buildings.

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6 in favour
2 against
1 abstention

The Commission approved this application.

KB highlighted that the design should integrate Swift nests.

JC informed the Commission that although JH declared an interest and chose not to participate in the discussion, she was aware that the Rosia Dale Residents Housing Association objects to the proposal but have not been able to send representations in writing due to members being on holiday. The Rosia Dale Residents Housing Association objects as works have been carried out to the roof of the properties and this proposal might affect the works.

The Chairman said that the Rosia Dale Residents Housing Association has had 21 days in which to formally submit representations.

413/15 - BA13615 - 23 Castle Road - Proposed extension and alterations to premises

DTP said that at the last meeting in which this proposal was discussed, the Commission heard objections from a neighbour. However, he said that all of the objections raised related to non-planning matters, such as the relocation of services and legal ownership of a wall. DTP said that a site visit was arranged as agreed in a previous meeting.

With regards to the disputed wall, DTP said that the applicant served notice on the other owners. He said that the applicant's lawyers have now confirmed that the wall is included in their client's Lease. DTP also said that the proposal includes a ground floor extension, an extension on the upper floor, a roof terrace and a staircore for access.

From a planning point of view, DTP said that there is no reason not to take a decision on this application and recommended approval.

The Chairman said that this is a good example of urban regeneration.

JH said that at present most of the neighbouring properties are vacant but that the proposal will affect the properties around it and might have repercussions if they are occupied in the future. JH also thought that the area has damp issues as it lacks air circulation.

The Chairman said that damp issues would have to be tackled by the applicant.

The Commission approved this application.

Major Developments

414/15 - BA12904 - The Caleta Palace Hotel, Sir Herbert Miles Road - DAT decision on appeal against refusal for Phase 2 of development consisting of four luxury residential units

DTP advised that the proposal for the Caleta Palace Hotel was approved in January 2015 but that the proposal to construct four luxury residential units was refused. He said that the applicant

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appealed against this decision and the Development Appeals Tribunal upheld the appeal and approved the four dwellings. DTP said that copies of the Tribunal's decision to remove the condition refusing the four luxury dwellings were circulated to members prior to the meeting. DTP explained that their reference stipulating that the Lease should be amended is not a planning issue.

MEH asked the Commission not to progress this matter. He said that as the Commission is aware, that there is evidence of the Barbary Partridge nesting in this area. MEH also said that from the written decision of the Appeals Tribunal, it appears that the case made on behalf of the DPC was not properly put forward. He said that overriding reasons such as the inappropriate EIA, effect on the natural coastline and the effect on vistas were not put to the Tribunal properly. MEH said that legal advice should be sought by the DPC and they he will be seeking a legal opinion through the Department of Environment.

The Chairman said that the arguments and conditions set by the DPC were presented to the Tribunal and that in his opinion the DPC was adequately represented.

MEH said that based on what he has seen he is not saying that the wrong decision has been taken but that the wrong evidence was presented.

JH said that the ESG rejects the decision taken by the Appeals Tribunal and that they reject the entire design as it will negatively affect the area.

CAM said that the Heritage Trust is disappointed with the Tribunal's decision as a great deal of study, consideration and effort goes into reaching decisions and views held on applications. KB agreed.

MEH asked the Planning Department to stay issuing of the permit until legal advice is obtained.

The Commission agreed that legal advice should be sought through the AG's Chambers. This matter was carried forward.

415/15 - BA13636 - King's Wharf, Queensway - proposed new residential accommodation, six townhouses, private parking and associated landscaping

DTP advised that this application is for a new residential development comprising of two apartment towers, six townhouses, parking and landscaping.

The Commission welcomed Mr Mark Roberts and Mr Jimmy Garbarino.

Mr Roberts told the Commission that the application is for Quays 29 and 31 King's Wharf and that approval is being sought for the siting, mass, height and access. Further details on the proposal would be provided at full planning stage. Mr Roberts said that their previous proposal was for a 31 and 29 storey towers but that they have reconfigured the buildings and are now proposing to construct towers which would be 17 and 15 storeys high, with a total of 200 apartments. Mr Roberts also said that a public promenade with six townhouses will also be constructed. Mr Roberts said that they are able to provide better views through the development by redesigning it. Mr Roberts also said that they will be creating a single storey podium level with improved connection to Queensway and that access to the car park will be through the existing King's Wharf

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car park. Mr Roberts also said that all of the trees on site will be retained. Mr Roberts explained that water conservation measures, energy efficiency measures and thermal windows will be implemented.

JH said that not a lot of information has been provided on technology for the installation of thermal and solar sources. Mr Roberts said that they will provide further details at full planning stage. He said that they will be having a central water heating system.

JH also said that access to the sea front is very important. Mr Roberts confirmed that this is a key aspect of their scheme. Mr Garbarino said that the plans for the townhouses will clearly show that they will be on the promenade level and that public access to the sea front will be permitted. Mr Garbarino said that at the moment there is a closed gate which does not permit direct access to Cormorant Wharf but that they will be looking to open this link.

The Chairman recalled that when King's Wharf was being considered there was an issue with having no trees along Queensway due to infrastructure in the area. Mr Garbarino said that the issue was that there is a substation and a bus shelter in front of King's Wharf. He said that in this proposal they will be introducing much more landscaping on the Queensway side and would like to plant trees within their boundary.

DTP asked whether all of the area in front of the buildings on Queensway could be landscaped given that access to the car park will be through the existing car park. Mr Garbarino said that this is correct.

JH said that all of the parking currently available in this area will be lost due to this proposal. Mr Garbarino said that they have a commitment with Government to leave the area as a car park until February 2016 by when the new car park at Mid-Town will be ready.

DCM said that Government is grateful that the developer has given its full cooperation to allow the area to be used as a temporary car park. He said that 1000 parking spaces will be created in the Mid-Town area.

DTP advised that one objection has been received with regards to linking the promenades. DTP said that this objection, together with counter-representations from the applicant, was circulated to members. DTP said that the applicant is in favour of linking the promenades but that the gate is not within their site and they do not control access.

The Chairman said that the Lease Holders of Cormorant Wharf will be approached to request that they facilitate the linkage of both promenades. He requested a copy of the Lease document from LPS.

DTP told the Commission that the Development Plan refers to this site as an area for residential development and that the developer already has an existing permit; hence, the proposal is in compliance. DTP said that from a planning perspective, the changes made to the proposal in terms of reconfiguring the buildings and reducing the height is welcome. DTP said that there are no planning objections subject to appropriate conditions being imposed.

LPS and the Ministry for Heritage have not raised any objections.

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The Department of Environment has raised their standard conditions including dust control, energy performance measures, refuse collection and requirement for 5% landscaping.

DCM welcomed the reduction in massing, scale and height of the building and the creation of a public promenade.

GM highlighted that the end of the façade has less windows fronting the marina side. He asked whether there is any way of changing the orientation of the building to improve views of the marina. He said that the frontage with the most prominent vista has too much of a bland solid façade. Mr Roberts said that the design follows the King's Wharf design so as to maintain design aesthetics. Mr Roberts said that he will take comments on board in terms of looking at both gables and will certainly look into including more detail and glazing.

JH said that it is important for the developer to provide a photomontage showing the view from town and Commonwealth Park.

The Commission approved this application.

Other Developments

416/15 - BA13274 - Rock Cottage, South Barrack Road - Proposed restoration, refurbishment, addition of summer lounge and formation of garages

DTP said that the original application was for restoration and refurbishment, addition of a summer lounge and construction of a garage. He said that the revised proposal includes a swimming pool, terrace area and landscaping. DTP said that the terrace area involves rebuilding a retaining wall and construction of a new wall. He said that one tree will be lost but that all of the other trees will be retained.

DTP said that some objections were received from residents of Shorthorn Farm estate with regards to Conifer Trees having been planted by the applicant as they feared that the trees would affect their view. However, DTP said that the objection has been removed as the applicant confirmed that the intention is to create a hedge.

From a planning point of view, DTP said that the applicant should be conditioned in the material used for the retaining wall. DTP welcomed the landscaping scheme.

DTP said that LPS and TSD do not object to the proposal although TSD has raised their standard conditions to ensure the structural stability of the retaining wall.

The Heritage Trust has requested an Archeological Watching Brief.

MEH asked for details on what tree will be removed. The applicant's representative confirmed that the tree will be relocated to the south side of the site. He said that they have submitted a proposal for lush planning to allow more privacy and said that they will seek the services of a Tree Surgeon to ensure that trees are pruned properly. He also said that they will be including indigenous planting and that there are already some Laurel Trees in the area.

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The Commission approved this application.

417/15 - BA13447 - 124-128 Main Street - Revised proposals for shopfront

DTP advised that comments submitted by the applicant were circulated to members prior to the meeting. DTP said that this proposal was considered by the Subcommittee but they were concerned by the proposed use of metal cladding on the column; the loss of the timber door replaced by glazing; and the introduction of an external roller shutter as these are usually mounted internally.

The Commission welcomed the applicant's architect, Mr Jonas Stahl.

Mr Stahl told the Commission that his client owns a number of properties which have been refurbished for branding purposes; 47-49 Main Street and 119 Main Street. He said that this proposal is in keeping with previous proposals. With regards to cladding the column, Mr Stahl said that at present there is a false stone cladding and that it has no historical importance as it was done in 2009. He said that his client would have preferred to use glass but that they understand that this is not favourable; hence why they have proposed metal cladding to match the signage. He also said that they have tried to avoid external roller shutters but that if they maintain the shutters at the position in which they are in now, they would be below the sign which means that the height of the unit is reduced. He also said that the other option would be to push back the shop front but that this would significantly reduce the size of the unit. Mr Stahl said that there are other shop fronts which protrude much more than his client's. He also referred to the shop units opposite his client's which he said have externally mounted air-conditioning units. Mr Stahl also said that his client will be renovating the whole façade of the building and is therefore, hopeful that minor elements can be resolved.

JC asked whether they will be keeping the awning. Mr Stahl said that they will keep the same awning but that it is retractable.

The Chairman asked whether the new glass door is narrower than existing. Mr Stahl said that the dimensions do not change.

CAM said that the Heritage Trust is concerned about the loss of the doorway as in their opinion the replacement lacks traditional character.

The Chairman referred to examples of other buildings along Market Lane & Irish Town where the glass door has been installed on the inside of an existing external timber door. Mr Stahl said that the glass door has been proposed to follow the treatment of the whole shop front. He said that the façade of a shop unit nearby has been refurbished in a similar manner. The Chairman said that this might have been done elsewhere because the façade was in a poor state but that this one is not in a poor state and has heritage connotations which could be retained.

DTP advised that the usual policy has been to install roller shutters within premises; hence why the Subcommittee was minded to refuse this aspect of the proposal. Mr Stahl said that there is a steel beam above the shop front which cannot be moved and therefore they either have a low headroom by having the shutter underneath the signage or they move it to the outside of the premises. Mr Stahl said that his client feels that the proposal is an improvement to the general aesthetics of the shop front. He also said that setting back the shop front is not commercially

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interesting for his client. He added that the roller shutter rolls out internally so the guides would not protrude out onto the street. He said that externally mounted air-conditioning units protrude much more.

The Chairman clarified that the air-conditioning units which Mr Stahl refers to were allowed because the shop unit did not have an internal patio or roof space as an alternative location in which to install them. He said that it was allowed as a compromise.

JC suggested approving the shutters on the condition that the awning is removed. JC said that the awning obliterates the whole frontage. Mr Stahl said that the awning was installed because the unit gets direct sunlight and having an open door results in heat gain. Mr Stahl added that the current awning is opaque but that the new one will be a translucent material and will only be used when necessary.

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

JH asked whether there is a plan for Main Street and highlighted that applications are never seen as part of the wider streetscape. The Chairman said that there is a Design Guide and Urban Renewal Policies under the Development Plan 2009 for Main Street. He also said that applicants used to be required to show their proposal as part of the wider streetscape but that this was too onerous on the applicant.

JC agreed with Mr Stahl in that a taller shop front would look better. He said that he was more concerned about the awning than an external shutter.

DTP advised that the Commission has consistently tried to prevent external shutters as these alter shop fronts.

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

1 in favour

4 against

5 abstentions

The Chairman cast his second vote and voted against the application.

The Commission refused the mounting of the external shutters on the façade, the change of the existing door and the metal cladding to the columns.

418/15 – BA13614 – 8 Lancashire House, John Snow Close – Proposed demolition of existing house and construction of new house

DTP said that the proposal involves demolition of the existing house and construction of a new property. He said that the existing property is a 20th Century Colonial house set in large gardens. DTP said that the property will be replaced by a 5 storey, 6 bedroom house. The proposal is to construct on almost the entire site area. DTP also said that 6 parking spaces will be created. The ground level will have a terrace area, gym, cinema room and swimming pool on the south side of the property. The second level will be the living and dining room area and the third and fourth levels will be bedrooms. The fifth level will have a bedroom penthouse with a green roof. DTP also said that the property will be set back on each level.

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DTP advised that the application was subject to public participation and that one comment was received from a neighbour with regards to the lack of access on to the site for vehicles. A copy had been circulated to Members prior to the meeting. DTP said that LPS has objected on the same grounds.

DTP also told the Commission that TSD has objected as they consider the proposal excessive in volume and feel that it does not enhance the area. They would also require a Geotechnical Assessment to be carried out.

From a planning perspective, DTP raised concerns about the volume of the proposed property. DTP said that the scale of the development and the massing seems to be excessive for the site. He said that it represents over development as according to policy the plot should not be developed by more than 80%. He also said that the site is on sloping grounds. DTP added that the architectural treatment of the top floor, whilst an interesting concept, is not considered to help in assimilating the building into the landscape. He said that the property is located in the lower area of the Upper Rock and should fit into that context. DTP considered that the design is not right for the site. DTP also advised that the proposal removes some vegetation and trees from the site, except some landscaping on the site boundary. DTP said that there would be no objection to redeveloping Lancashire House but on a smaller scale.

CAM said that the Heritage Trust objects to the demolition of houses in the south district which characterise the area with their colonial architecture set in large grounds. She said that although this property was built in the 50s/60s, it is an example of architecture of that time. CAM said that most properties in this area, with the exception of New Aloes, were Officers Quarters and represents that specific period, and are proposed for listing under the new Heritage Act as such. She said that Leases refer to maintenance of properties, not demolition. She said that this is becoming a recurring issue with many of these properties.

JH said that she attended the site visit and would like to think that most of the new developments would not be permitted under the new Town Planning Act. JH said that she has been informed that the property has already undergone changes and that the pool area has already resulted in loss of landscaping. JH said that she totally agrees that the proposal is excessive. She said that the issue of access and borders is a serious one.

MEH said that the Commission has seen a number of developments in which the applicant has taken the Commission's comments on board and remodeled their proposals so that they are acceptable to the Commission. He said that this proposal is not suitable for the site and that green areas are important.

The Chairman asked whether the Commission felt that the existing building should be kept. He also confirmed that the new property will be occupied by the owner.

CAM told the Commission that this property has been flagged for listing in the past and that it is in the list compiled by the Heritage Trust. She said that it shows the evolution of officers' quarters over the years and that in the future it will gain in heritage/historical value. CAM said that there is scope to improve on the original building and perhaps integrate it into a scheme such as has been achieved at Beaulieu House.

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

0 in favour

10 against

The Commission unanimously refused this application. The Commission recommended that in any revised proposal hard surfaces should be reinstated as green areas.

419/15 – BA13618 – 69/71 Main Street – Proposed conversion of two residential units into offices plus extension for another floor of offices

DTP told the Commission that the applicant is proposing a change of use of existing residential units into offices and construction of an additional storey also to be used as offices. DTP said that the new storey will have timber windows and shutters. He also said that the timber balustrading will be removed from the top level and a new entrance will be created on the ground floor.

DTP explained that the policy for the town area allows the change of use from residential to office on the first floor but that above first floor detailed justification is required for change of use to residential to office. DTP said that the applicant claims that the residential units are in a dilapidated state and that people are not interested in them as they do not have allocated parking and there is no lift which means that access is limited.

DTP said that TSD and LPS have not raised any objections.

DTP also said that the Ministry for Heritage and the Heritage Trust have expressed concern over the loss of the timber balustrading and suggest that it could be reintroduced on the extended building.

JH highlighted that consistency in policy is important.

The Chairman said that in previous occasions the Commission has encouraged mixed use within buildings in the town area and therefore, offices on the first floor and apartments above would be acceptable. The Chairman said that the applicant could be asked to reinstate the existing balustrade on the extended building.

The Commission refused the submission consisting of offices on all floors but approved instead the proposed extension and offices on the first and second floors, and residential on the new additional storey subject to reinstating the existing balustrade on the new storey.

420/15 – BA13263 - 22 Main Street – Proposed alterations to ground and first floor façade

DTP said that the proposal includes alterations to the ground and first floor of the property which has a retail use. DTP said that the proposal includes the removal of existing features. He said that the ground floor has already been altered in the past but that the first floor has retained its original character. DTP explained that works include the removal of the ground floor frontage, windows, shutters and steel cladding.

DTP said that the policy is to retain and enhance existing facades. He said that the proposed shop front does not comply with policy as it deviates from the traditional architecture of the area. DTP also said that the first floor currently has traditional features and contributes to the character of the area. He said that approving the proposed changes will set a dangerous precedent and that the improved experience for shoppers does not outweigh the loss of traditional features.

TSD and LPS have not raised any objections.

DTP said that the Ministry of Heritage has objected on the basis that traditional features with heritage value will be lost and this is contrary to policy. The Heritage Trust has also highlighted that the proposal is contrary to policy and has registered an objection.

MEH said that the proposal would be an interesting modern concept for a shopping mall but that it is not appropriate for Main Street.

The Commission refused this application on the grounds that the exiting traditional character of the building would be lost and this would affect the character of the old town. The proposed elevation would be contrary to the 2009 Development Plan Policies: Z1.1 *'The primary objective within the Old Town will be to retain and enhance the existing character'*; Policy GDS17 Shopfronts: The proposals would not be considered sympathetic to the character of the building, adjacent properties or surrounding area and, the detailing, colour and material are not considered appropriate to the area; Policy GDS18 Timber windows and shutters; and Policy OTC1 - Development within the Old Town. Additionally, the fenestration at first floor level contains quality traditional features which contribute well to the character of the streetscape. The decorative parapet wall at roof level is also of architectural quality to the building. It is also important to note that if approval were granted a dangerous precedent would be set especially as the proposals are contrary to core Old Town Policies.

421/15 - BA13633 - Unit 16 Waterport Terraces - Proposed fit-out of currently vacant unit

DTP advised that this application was considered by the Subcommittee and that although they do not have an issue with the proposed use, they object to the incorporation of a garage into the unit. DTP said that the applicant, Netgear, already has two shops on the roadside and that this is their third unit which is on the sea side of Waterport Terraces. He said that they require vehicular access for delivery of goods. DTP also told the Commission that the Department of Transport has provided them with a permit to access the area.

The Commission welcomed Mr Jonas Stahl on behalf of the applicant.

Mr Stahl told the Commission that this unit was advertised for tender on three occasions. He said that when his client was negotiating the Lease they made it clear that vehicular access for delivery of goods was essential and this resulted in a permit being granted for one vehicle at any time to be able to access the area via the promenade. The permit is renewable on a yearly basis. Mr Stahl also said that there is a degree of vehicular access in the area for refuse collection and access to another unit. Mr Stahl said that they would require vehicular access purely for deliveries which are expected to occur twice a day. He told the Commission that there are always private vehicles parked in the area and that although this is not something to be discussed by the DPC, the area would have to be policed if no vehicles are allowed in the area. Mr Stahl also said that his client spoke to the Town Planners regarding the possibility of using the garage behind the unit but was told that there are no vacant parking spaces and that the garage is only for use by residents. Mr Stahl also said that unloading goods on the roadside and taking them to the unit by trolley is not convenient as they are large electronic items.

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JH asked whether the recently formed residents committee at Waterport Terraces has been informed. Mr Stahl said that notice was served on them and no objections have been received. He said that they have verbally told his client that they do not object to his proposal.

The Chairman clarified that the reason why vehicular access was allowed to the adjacent unit is because this unit was converted into a home for a disabled person and that a special exception had been made

The Chairman also said that Netgear operates in other pedestrian only roads thus making use of loading/unloading bays elsewhere. Mr Stahl said that he is not privy to the entire operational side of the business but that he is led to believe that they insisted that vehicular access would be essential during negotiations with Government.

JC said that he is not privy to what was discussed with Government but that permission for vehicular access would have been subject to planning.

The Chairman asked whether they would be amenable to delivery of goods only at certain times. Mr Stahl said that they will only deliver goods twice a day on weekdays, using one vehicle.

JC said that any control on delivery hours would have to be included into their Lease. JC also said that as Director he has not received any notification of this proposal. He said that the area is covered under the Headlease and would therefore have to be policed by the Management Company.

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

MEH did not have an issue with the proposal as long as the applicant can guarantee that deliveries will only occur at certain hours and number of times.

JC said that management might want to curtail access. He said that if the Lease has been issued and there are conditions, the applicant would have to abide by those conditions.

MEH thought that vehicles and pedestrians can coexist if controlled. He said that the request is not unreasonable subject to the Management Committee agreeing.

DTP recalled that when the plans were first presented the units were intended to be occupied by bars and cafeterias. He said that at the time there were comments that access for delivery purposes would have to be designed so that units could be accessed from the car park. The design intention was that the units would be serviced from the rear via the communal garage. DTP expressed surprise with Mr Stahl's statement that the communal garage could only be used by residents.

JC clarified that the Lease does not mention that they cannot access the units from the car park but they do not have an allocated parking space within the garage.

DTP said that the location does not seem appropriate for a business whose critical requirement is vehicular access. With regards to the other unit with vehicular access, DTP said that it was granted for a very specific personal reason. DTP raised his concerns that this promenade was

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designed for pedestrians from the outset and that by allowing vehicles it will start to be eroded. JH concurred.

The Chairman suggested that the third unit could also change ownership in the future and they might also request vehicular access. JC said that it is highly unlikely that this unit will change ownership as it is the Management Company office.

The Chairman suggested that given that no comments have been received from the residents' estate committee, the Commission should defer the application until the applicant provides evidence that policing measures will be implemented and that the residents accept the proposal. The Commission agreed with the Chairman's recommendation and deferred this application.

422/15 - BA13634 - 1A Engineer Road - Proposed construction on new residential development

DTP explained that this proposal is to demolish the existing building and redevelop the site. He said that they will be constructing two duplex apartments across six storeys. DTP said that the ground floor will have two garage spaces and a circulation core. The first level will be one apartment's set back terrace and living and dining areas and the second level will have the bedrooms. The third level will be three bedrooms, a storage area and circulation core for the second apartment and the fourth level will be the living and dining area for the second apartment. The fifth level will be a car port with access from Maida Vale, swimming pool and terrace area. DTP also said that the proposal includes full height glazed terraces and brise soleils.

DTP advised that an objection has been received from the neighbour and that his representations were circulated to members prior to the meeting. He said that the objector wanted to address the Commission but has not been able to attend the meeting as he suffered an accident the day before the meeting. The objector claims that this property should remain lower than his as it is set on a hill. He also suggests that the floors should be set back and that the windows on the south façade infringe on his privacy. DTP also said that the objector refers to a World War II bunker which exists on site. He also considers the proposal too big for the site.

DTP also told the Commission that counter-representations have been received in which the applicant claims that the height of the proposed building matches the height of the adjacent property. He also says that set backs are included in the design and that there will be a 1.6m gap between his property and the adjacent building. The applicant is also prepared to minimise windows but says that they are required for ventilation. DTP also said that the applicant has agreed to look into the issue of the bunker.

DTP said that the Ministry for Heritage has requested a Desk Based Assessment and an Archeological Watching Brief given that this is the site of the Engineer Road Guard dating back to the 18th/19th Century.

The Heritage Trust has not objected to the development of the site but has stated that the new building should be in keeping in terms of massing. They have also requested a Desk Based Assessment on the World War II bunker.

From a planning perspective, DTP said that the proposed construction covers the whole site and is excessive for the site. DTP said that the proposal will result in the loss of a relatively large area of

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natural vegetation. He also said that the proposal impacts on the World War II bunker and that this was only revealed after the area was cleared. DTP said that the proposal does not comply with policy in that it results in the loss of open space and natural vegetation. With regards to the windows on the south elevation, DTP said that there is an unbuilt area and a terrace which separates both properties but that if the applicant agrees to reduce the size of the windows, this will reduce impact. DTP recommended refusal.

MEH asked whether the applicant has provided a photomontage of how visible the building will be from the Alameda Botanic Gardens. He said that this is crucial to him as he has objected to other developments in this area on the basis that they affect views from the gardens. DTP said that no details have been provided on this.

JH said that she agreed that the scale and massing should be in keeping with that of the existing building. She also agreed with DTP's recommendations.

DTP said that there is scope to extend the property but not to the extent that is being proposed in the application.

The Commission refused this application and asked the applicant to reconsider their proposal so that they keep to the area and massing of the existing building and that the rear area is retained as open garden.

423/15 - BA13642 - 7c Engineer Road - Proposed construction of detached villa

DTP advised that this application was granted approval on appeal. He said that the applicant submitted a full planning application before they were issued outline planning permission. DTP said that their full application is in line with the outline planning permit but that there may be some conditions which have not been addressed. DTP said that the building line has been set back increasing the landscaped area by 2 metres. He also said that solar panels have been introduced on the roof of the property and an existing olive tree is being retained.

DTP said that the main issue which needs to be considered is whether they have done enough to maintain the visual aspect of landscaping as the property is at the entrance to the Upper Rock Nature Reserve. DTP also said that from a planning point of view, there could be potential to set one side of the building further back. He also said that there should be a condition to keep natural vegetation on the side of the garage. DTP also advised that a detailed landscaping proposal has not been provided but that this could be conditioned in the permit. DTP added that an Archeological Assessment and swift/bat nests should be provided.

DTP told the Commission that TSD has not objected to the proposal but need to be satisfied that an appropriate turning circle will be provided.

The Ministry of Heritage has highlighted that this is a historic burial area and there could be remains, which means that an archeological study should be carried out. The Heritage Trust has also requested an archeological study and said that a full archeological excavation or Archeological Watching Brief might be required.

DTP also said that the applicant has confirmed that they will be keeping the large tree on the roadside and that it is important that the Commission ensures that it is protected.

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Mr Stahl (architect) told the Commission that the site is on a slope and therefore, they are attempting to minimise excavation. He said that the further they set back the property, the more excavation that is required.

KB said that it is crucial to determine what plants should be planted on the roadside so that landscaping is in keeping with the area.

MEH said that works to protect the tree and its roots should be cleared with the experts before commencing.

Mr Stahl said that they have met with the Tree Surgeon from the Botanic Garden and provided a dossier to show what type of vegetation can be used in the area.

The Commission approved this application subject to details on the proposal and landscaping to be provided.

424/15 – BA13650 – 90A Catalan Bay Village – Proposed replacement of existing awning

DTP said that a previous proposal was refused on the basis of the colour proposed and the solidity of the awning. He said that the current proposal is for a permanent awning with transparent side panels. DTP said that a similar awning was recently approved at Camp Bay. DTP explained that completely transparent side panels only to be used in inclement weather would be better. He said that the awning at Camp Bay was conditioned to only be used from October to April.

The Chairman told the Commission that the Village Inn has an existing permit for awnings and Stefano's Restaurant is currently applying for permission. The Chairman suggested approving transparent retractable awnings as a scheme for the whole promenade.

The Commission agreed with the Chairman's recommendation and approved transparent retractable awnings.

425/15 – BA13651 – 1c North Mole Road – Proposed refurbishment of office and workshop facilities

DTP advised that the proposal is to refurbish their existing three storey building, carry out minor alterations and construct an external steel staircase. DTP said that works include rearrangement of the internal layout, repairs to the roof structure and construction of a blast resistant steel structure to the side of the building.

MEH said that it needs to be made clear that they are not being allowed to retreat from what they agreed to do and conditions imposed by having a blast proof structure.

The Chairman recommended that the Commission does not approve the blast proof structure as in their EIA there was no mention of blast proof material being required for a curtain wall, and the applicant has not provided any reasoning/ justification to having one.

The Commission deferred this application and requested that the applicant provides a reason for requiring a blast proof curtain wall and to provide further details of this.

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426/15 – BA13652 – South Jumpers Bastion, Rosia Road – Demolition of reinforced concrete shelter, brick furnace, external walkways and columns

DTP informed the Commission that this application is for the demolition of certain structures within South Jumpers Bastion. He said that their outline planning permit expires in May 2016 but that the applicant has confirmed that they will shortly be submitting a full planning application. DTP said that a full planning permit would normally be required prior to demolition but that given that they are only demolishing accretions, the Commission might wish to grant permission on this occasion.

DTP advised that the Ministry of Heritage and the Heritage Trust have raised concerns about the proposed demolition of a World War II structure. They believe that this action would be premature and needs further assessment. DTP said that the Heritage Trust has recommended that the structure be retained and incorporated into the development.

DTP suggested that the Commission could approve demolition of the structures except for the World War II structure and recommend that a Desk Based Assessment is carried out on the latter.

The Chairman highlighted that by approving this application the Commission would be departing from their usual stance to not allow demolition until full planning permission is granted. He said that approval can be recorded but the permit will only be issued once they have applied for full planning.

The Commission approved this application with the exception of the demolition of the World War II structure, subject to demolition being withheld until full planning is issued.

427/15 – BA13656 – 19 Tuckey’s Lane – Extension of living room over terrace

DTP said that this application was previously refused due to loss of character and the application is pending an appeal. DTP said that the proposal has been revised and now includes changes to fenestration and a parapet wall. DTP also said that since the proposal was last considered an extension has been built in front of the property and therefore, the proposed extension would no longer be visible from the West.

DTP said that the Heritage Trust has not raised any objections but has stated that the permit should condition the applicant to retain the iron railings. The Ministry of Heritage has made the same comments.

The Commission approved this application subject to the iron railings being retained.

428/15 – BA13659 – 2 Camp Bay – Retrospective application to regularise timber canopy enclosure, thatched parasols and perimeter fencing

DTP told the Commission that this is a retrospective application for a temporary structure to provide a shaded seating area for the bar during the summer period. DTP said that this would have to be subject to tight controls to ensure that the structure is removed after the summer.

JH questioned how the Commission will be able to ensure that the structure is removed after the summer period.

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The Chairman said that the structure has been built in an area managed by the Gibraltar Tourist Board, without being brought to the attention of the Town Planning Department or DPC.

HM said that these types of structures have always been refused as they are not suitable in areas of stormy weather during the winter months.

The Chairman said that the applicant can be asked to remove the structure by the end of the summer season if this were to be included as a condition in the permit. JC suggested that they should be granted a concession and forced to remove it after the summer. However, he said that if they are told to remove it they might revert saying that they do not have anywhere to store it.

DTP confirmed that the application states that it is a temporary structure.

HM said that he did not have an issue with the application as long as it is a temporary structure.

The Commission approved a permit to be granted until the end of the bathing season and the applicant removing the structure thereafter.

429/15 - Ref1196 - Provision of suitable sanitary accommodation in food premises that provide seating

DTP advised that a paper on this matter was circulated to members and that a separate meeting with relevant Government officials will be held on this. DTP said that the issue being considered is kiosks that have seating facilities but do not have proper sanitary facilities.

The Chairman said that kiosks in Casemates were originally allowed to have tables and chairs as there are communal toilets in Casemates Square but that the issue has arisen because the kiosks are still open when the toilets are closed. He said that this is an unfair situation as the bars and restaurants have to invest in providing toilets within their premises. The Chairman asked the Commission to send their comments to him for discussion at the meeting.

This matter was deferred.

At this point MEH left the meeting.

430/15 - Ref 1198/008/14 - 01A/01 & 01A/02 Montagu Place, Ocean Heights - Revised proposals for signage

DTP said that this application was considered in January 2015 when the Commission approved the signage but refused an aluminium frame and the proposed vinyl for advertising on the store façade.

DTP told the Commission that the revised application includes bronze framing, removal of redundant planters and replacement of store doors. DTP said that the Subcommittee has mixed views on the revised application. DTP also said that advertising is not usually allowed on store frontages and that he does not consider the proposal to be an appropriate design. DTP said that this unit is different to the adjacent units as all of the others are genuine shop frontages.

HM said that perhaps the image used is not the best but that it is better than the existing situation.

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JH said that if the policy is not to allow advertising on store frontages then the Commission should be consistent.

GM suggested that they could have bronze framing, signage and a display cabinet. The Chairman said that they do not want to have a display cabinet.

The Commission refused the submitted design. The applicant should be encouraged to paint the wall and to proceed with the previous approved scheme.

Minor and other works - not within scope of delegated powers

431/15 - BA13222 - 3B Rosia Road - Application to carry out internal building works and new staircase

The Commission approved this application.

432/15 - BA13639 - Maunzell's Winze, Admiralty Tunnel - Application to install 3 sets of jet fans

JC enquired as to where the jet fans will be installed. DTP said that they will be installed on the ceiling of the Winze.

The Data Centre Facility Manager confirmed that they will be installed above the pipe work that runs parallel to the stairs.

CAM said that the Heritage Trust does not object but is concerned about the impact of hot air rising into the tunnel and cracks. They are also concerned on the possible impact on rat activity.

The Facility Manager said that they have carried out an EIA and submitted this with their application.

JH said that the DPC has not been privy to the EIA.

The Chairman said that environmental issues will be monitored by the Department of Environment. He said that the EIA is a voluntary assessment which has been carried out by the applicant.

CAM said that any effects would have to be monitored. JH also said that impact on the community should also be monitored.

The Chairman said that if there are any issues, these would be highlighted by the Department of Environment.

The Commission approved this application.

433/15 - BA13663 - Dutch Magazine, South Dockyard Approach - Application to construct new extension to building

The Commission approved this application.

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

434/15 - Ref 1198/025/15 - Burger King, Casemates Square - Application for removable 'A' board

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

435/15 - Ref 1198/026/15 - Little Constellation Exhibition, Casemates Barracks - Application for banner

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

436/15 - Ref 1198/027/15 - Winston Churchill Avenue Bridge - Application to fix banner to railings

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

437/15 - Ref 1198/028/15 - Mulberry Real Estate, 2 Cornwall's Lane - Proposed fascia sign

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

438/15 - BA11259 - 1, 3, 5 & 7 Crutchetts Ramp - Revised details for rear facade

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

439/15 - BA13621 - 29A Admiral's Place, 12 Naval Hospital Road - Application to convert loft into habitable room (internal alterations only)

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

440/15 - BA13624 - 26/28 John Mackintosh Square - Proposed conversion of existing florist into launderette

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

441/15 - BA13625 - 106 Ragged Staff Wharf - Application for minor internal and external alterations

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

442/15 - BA13635 - 13 Europa Pass Battery, Europa Road - Proposed alterations

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

443/15 - BA13638 - 202 Peninsular Heights - Proposed glass curtains and low timber fence to external balcony area

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

444/15 - BA13640 - 4 Shorthorn Farm, Europa Road - Proposed balcony to residence

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

445/15 - BA13645 - Unit G15, Europa Business Centre, 72 Queensway - Proposed installation of mezzanine in unit

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

446/15 - BA13646 - Unit 4 Europa Pass Battery, Europa Road - Proposed alterations

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

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447/15 - BA13664 - 63 Flat Bastion Road, Flat Bastion Magazine - Refurbishment and change of use to music academy

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

448/15 - BA13665 - Unit No1, Grand Ocean Plaza - Proposed internal office alterations

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

Any other business

449/15 - Advertising parasols

CAM highlighted that there has been an increase in the use of advertising parasols and referred to examples in Casemates Square, No 6 Convent Place, Piazza and Market Place. She said that permits have a condition that does not allow parasols with advertising and therefore, this should be monitored and controlled.

450/15 - Town Planning Act Revision Bill

JH said that the ESG welcomes the Town Planning Act Revision Bill and that they will be taking this on and revising it to suggest measures which they would like to see implemented.

451/15 - Next meeting

The next DPC meeting will be held on Wednesday 26th August 2015 at 9:30a.m.