

Approved

DPC meeting 10/17

28th September 2017

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 10th Meeting of 2017 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 28th September 2017 at 09.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon Dr J Garcia
(Deputy Chief Minister)

The Hon Dr J Cortes (MEHEC)
*(Minister for Education, Heritage, Environment,
Energy and Climate Change)*

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr K De Los Santos (KS)
(Land Property Services)

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

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr M Cooper (MC)
(Rep Commander British Forces, Gibraltar)

In Attendance:

Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

Robert Borge
(Minute Secretary)

Apologies:

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Approval of Minutes

510/17 - Approval of Minutes of the 8th meeting of 2017 held on 30th August 2017 and the 9th meeting of 2017 held on 6th September 2017

The approval of the draft minutes was deferred as they had not yet been drafted.

Matters Arising

511/17 - BA13549 - 7 Europa Pass Battery Europa Road - Alterations and refurbishment to existing house.

Request from applicant for Commission to reconsider decision in respect of retrospective consent for the installation of full height glazed balustrading at first floor terrace level on west facing façade.

DTP informed the Commission on this application which had been previously considered at the 9th Meeting. The application was declined as there had already been an approved design guide for alterations made to residents' balconies. The applicant, Mrs Kyla Jones, was invited to address the Commission.

Mrs Jones stated that the glass balustrade that she and her husband preferred was their preferred option from the beginning as they felt it was safer for their children and that it also reduced the concrete mass. She added that 7 out of 16 neighbours preferred this option and were willing to change their balconies in future.

TP then informed the Commission that at the last meeting the majority of members had abstained with three against.

CV commented that he had seen the glass balustrading on site and it had much cleaner detail than the other balconies.

DCM added that the glass was an improvement but it was not the approved scheme.

CV replied that it was not a complete disparity but he felt relaxed over the 2 different options.

This application was voted on by the Commission:

In favour - 6

Abstentions - 5

The application was approved.

512/17 - F/14570/16 - 43a/1 - 2 Rosia Ramp - Proposed demolition of existing external swimming pool and stairs to existing property in garden and the proposed construction of two

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external swimming pools as well as modifications and extensions to external areas of the property and internal refurbishment and alterations.

DTP informed the Commission that at the meeting of 6 September 2017 the application had been approved with a requirement for additional planting. As a result the history for this site had been checked and that it could be confirmed that at the time of the original application for the development of this site 3 wild olive trees and 1 other existed on site and that permission had been granted for the removal of two of the Olive trees. Instead the applicant had removed all four trees. As a result the DPC at the time decided that the applicant should plant one Olive tree elsewhere within Gibraltar, and one new tree should be planted on site. The applicant had planted a yucca tree and a Phoenix Canarensis. The Department of the Environment had recommended that the Yucca be replaced with a Washington Filifera and the Phoenix Canarensis be relocated within the site.

DTP stated that the applicant had never planted the Olive Tree on another site in Gibraltar as required under the original application and therefore it was recommended that this should be done now in compensation for the loss of original trees.

The Chairman told the Commission that the current situation is that seeing as the trees were never replanted the application could be looked at afresh and the Commission could now gain ground.

The applicant had emailed Town Planning stating that they were willing to comply.

The Chairman recommended that the Commission approve the plan entirely and condition the applicant to plant one tree on the left hand plot with the size and species to be agreed with the Department for Environment.

The Commission approved the application following the Chairman's recommendations.

513/17 - F/14685/16 - Marina Bay, Ocean Village - Proposed construction of new secure superyacht berthing facility with associated mooring facilities and access pier with 144 rental apartments.

DTP advised the Commission on this application which had been previously discussed at the 8th meeting. The colour scheme for this application needed to be approved. DTP had recommended that the colour scheme should aim to assimilate the development into the surrounding area rather than to highlight it. The applicant's colour preference was shown together with a new palette consisting of dark and light colours in order to highlight features. DTP stated that the Commission needed to consider whether they preferred the original colour scheme or the new range of colours presented. DTP recommended to stay away from darker colours, that a pastel colour scheme would be more appropriate and to keep away from a large number of different colours.

It was clarified that the Commission was being asked to decide on which colour range would be approved rather than individual colours. The two options were the original submitted bright coloured colour scheme, or the second submission which was more subtle.

The Commission voted on the original proposed colour scheme as follows:

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In favour – 7
Against - 2
Abstentions – 1

The original colour scheme was approved.

DTP then informed the Commission on the proposed parking provision which had been revised due to what the Commission had previously decided. The revised parking schedule submitted by the applicant was shown. The applicant had indicated that the 6 or 7 spaces for the superyachts were not required by the DPC. This was not accepted by the DPC which considered that these spaces would be required. It was agreed that specific spaces for taxis would not be required as they could access the development without any hindrance. 40 spaces would be provided for residential use. DTP advised that it was the distribution of the 40 spaces between the different types of spaces that was up for discussion. The Commission decided to hear the other issues before making a decision on this issue.

DTP summarised the additional information provided on the proposed barrier system and controls in order to control vehicular access. The applicant would also be altering the current landscape in order to direct pedestrians to walk behind the barriers. A proposed second barrier would be installed in front of the stern of the Sunborn. Additional signage was proposed along the access road between Tradewinds and Ocean Village to reinforce the fact that this is a restricted area where parking and waiting was prohibited. However, this proposal involved land belonging to Tradewinds and DTP reported that this was outside the applicant's control and that the Chairman had not been able to meet with Tradewinds to seek and obtain a joint agreement. A second option had been prepared which involved signage only on land belonging to the applicant. .

The Chairman informed the Commission that Town Planning had asked both parties to meet before this meeting but it had transpired that Mr. Bray does not fully represent fully the Tradewinds committee. The Chairman added that although there is a dispute the majority of the access road is owned by Ocean Village and that there was valid safety issues which needed to be considered. He said that a condition could be included to require the two parties to meet and agree improvements.

DTP reported that the final issue was that there was a requirement at the Outline stage that the applicant demonstrate to the Commission's satisfaction how the units would be limited to rental only. He reported that documentation had been submitted to the effect that it would be a clause in the under leases but it would limit it to 15 years. The applicant had submitted evidence that would ensure that the units would remain as rental only for 15 years and not the life of the development as it argued that there were issues with funding.

The Chairman asked the Commission whether they agreed with the proposed 15 year limit for rental only. This requirement was unanimously approved by the Commission.

He also asked whether they were willing to approve the proposed parking ratio as discussed earlier in the meeting. This was voted upon as follows:

In favour – 8

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Against - 1
Abstain - 1

The proposed parking ratio was approved.

The Commission asked the Town Planners to speak to Tradewinds in order to find a solution to their dispute concerning the proposed traffic management plan.

The proposed barriers and other controls were approved with the following votes having been cast:

In favour - 8

Against - 1

Abstain - 1

The signage, second option, was approved.

514/17 - F/14933/17 - Unit 7 Casemates House, 16 Casemates Square - Proposed refurbishment works and conversion from shop to restaurant premises.

Consideration of revised plans.

DTP briefly explained that this application had previously been discussed by the Commission and refused on the basis that the applicant would be placing tables and chairs outside his premises adding further congestion to the area. The applicant had revised his application and no longer wished to place any tables and chairs outside. Objectors to this application wished to address the Commission.

Mr. David Dumas, representing the objectors, was invited to address the Commission. Mr. Dumas stated that the adding of 32 chairs to the outside area was not a minor matter, that his clients were only given 10 days' notice in which to submit their objections and that this was not a revised application as it had previously been refused.

Mr Dumas had asked for clarification from the TP what process was followed in such cases and that he had been advised that over the past 6 years the practice has been that after an application is refused an applicant may approach Town Planning in order to see what can be done to make their application suitable.

Mr. Dumas stated that if an application is refused, then revised and presented to the Commission there is a risk that the Commission could be judicially reviewed as the Commission is not a court and is regulated by statute and legislation. He added that the Town Planning Act gives the Commission power to approve, refuse or defer an application and the Commission had already taken a decision on this application. As a result Mr Dumas said that the Commission had no powers to consider the decision again. Mr. Dumas reiterated that he objected on legal grounds to he was objecting to the Commission even considering the application as the decision had been refused already and the Commission had no powers to re-consider that decision.

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Mr. Dumas also raised the issue that the north side of Casemates Square was designated to house bars and restaurants and the east side was meant to be shops, the applicant had allegedly already made internal refurbishments to his premises.

Mr. Daniel Benyunes, representing Crown Pharmacy and Laxmi Limited, was invited to address the Commission. Mr. Benyunes concurred with Mr. Dumas that the applicant should submit a new application as this one had already been refused. He also said that the applicant was inconsistent as he had previously stated that a restaurant in Casemates would not survive if it did not have any tables and chairs placed outside but had now revised his application excluding tables and chairs. Mr. Benyunes added that the Development Plan stated that units in Casemates House were designed as shops but had now become restaurants and was reaching a saturation point, which was not in the public's interest.

The Chairman then invited the applicant's lawyer, Mr. Dustin Joyce, to address the Commission. Mr. Joyce stated that given as the objectors raised concerns over the proposal to place tables and chairs he had revised his application to now exclude them. He also replied to the statement that it was not in the public's interest to have more restaurants at Casemates Square stating that his client did not wish to open a restaurant but a cafeteria. Mr. Joyce added that a precedent had already been set as change of use had already been given previously to units at Casemates House.

MEHEC said that he was persuaded by Mr. Dumas' legal argument and that he did not feel that the Commission could proceed with this application.

DCM concurred with MEHEC's comments.

The Chairman stated that he would forward Mr. Dumas' comments to the Attorney General for clarification and felt that seeing as this application had previously been refused the applicant could instead submit a new application for consideration by the Commission.

Major Developments

515/17 - O/15055/17G - Grand Parade, Red Sands Road - Proposed construction of a multi-storey car park, commercial units and landscaped area.

GoG Project

DTP informed the Commission that this application was an Outline application from the Government of Gibraltar to construct a multi-storey car park together with commercial units and a landscaped area at Grand Parade. The architect, Mr. Christine Revagliatte and Mr. Patrick Gomez, from GCA Architects were invited to address the Commission to present the proposal.

Mr. Revagliatte explained that the proposal consisted of a much needed parking facility at the base of the Upper Rock. On the eastern and southern boundaries of the car park lied Alameda Gardens which would be incorporated into the design. A topographical survey had been carried out as Grand Parade has a substantial slope. The multi-storey car park would consist of 4 parking decks. The top 3 levels would be setback in order to mitigate the visual impact as well as to not affect the Alameda Kiosk and Cable Car Base Station which can currently be found at Grand Parade. Red Sands Road would constitute the new entrance to the Alameda Gardens and would

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now become a tree lined avenue. The Cannons currently at the entrance to the Alameda Gardens would be relocated after consultation with the Heritage Trust. Vertical planting would be incorporated into the car park to soften the visual impact. The ground floor of the car park would be excavated in order to make the most use of the ground floor to house parking spaces. The entrance to the car park would be on the southern boundary and the exit on the north. Electrical charging points for electrical cars as well as 47 lock up garages would be incorporated into the car park. The amount of car parking spaces would be double what there is at present.

CAM asked Mr. Revagliatte how deep the sand is on the ground level.

Mr. Revagliatte replied that according to previous topographical surveys which had been carried out it could go down about 3 storeys but there were tunnels present underneath the sand.

CAM asked whether they had considered excavating and building the car park into the ground.

Mr. Gomez replied that the deeper they go the perimeter of the building becomes more complex and it was much simpler to flatten the site and then build upward.

CAM commented that the open space provided by Grand Parade would be lost.

Mr. Gomez responded that with this project they will be providing further amenities as well as a frontage to Red Sands Road. He added that an open space was not being lost; only the car park that is currently there.

CAM replied that the proposed car park did not constitute an open space even though it would have multiple functional uses.

Mr. Gomez replied that the car park would have 2 terraced decks which could be used for different amenities and would constitute an open space.

JH asked whether this was the only design which had been submitted for consideration.

Mr. Gomez responded that this was the chosen option after the consultation process with Government.

JH added that it did look like a car park and that she was against Grand Parade being used as a car park but felt that this proposal was more aesthetically pleasing compared to other proposals.

Mr. Gomez explained that more landscaping could be added to the top deck but that it could be used for other uses.

JH commented that the Cable Car Base Station had previously submitted an outline application to ask for further space to build a bigger station.

Mr. Gomez replied that they had had discussions with them and intended to marry both projects.

KB asked what the plans for the boundary along Alameda Gardens were.

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Mr. Gomez explained that on the eastern boundary they planned to step back creating a void which would allow ventilation and would be planting new trees and plants. Along the south boundary the entrance to the Alameda Gardens would be respected.

KB added that along the eastern boundary the configuration of trees of the Alameda Gardens should remain visible.

JH asked whether there would be any provisions made for coaches and taxis.

Mr. Gomez replied that there would be a drop off/pick up point provided for the nursery at Grand Parade but currently no provisions had been made for coaches. Some provisions could be made inside the car park for taxis.

DTP then reported on this application. He stated that in 2004 the Commission had approved an application for a multi-storey underground parking to be constructed but for unknown reasons it had not gone ahead.

The current development plan favourably considers parking to be constructed underground at this site and that Alameda Gardens be protected. The traffic plan does not make any mention of this site. Department of the Environment, Heritage and Climate Change commented that they regretted this application being submitted on the basis that there are high levels of car ownership in Gibraltar and further parking may exacerbate the situation, contrary to the sustainable traffic plan, as well as an increase in car emissions. They also commented that Grand Parade has some historical value and the height of the car park would have an impact on the views of the Alameda Gardens. Department for Environment also felt that during construction dust on plants would have an adverse effect.

Heritage Trust objected on the grounds that Grand Parade was a historical parade ground as well as having being a burial ground in the past, they also felt that archaeological excavations would need to be carried out. Adding that this proposal together with the increase in size of the Cable Car Base Station could attract more vehicles to the area making the area very congested.

Ministry for Heritage commented that this proposal would have a negative impact on the Alameda Gardens as well as on the historical value of the Parade. They added that the site had cultural value as well with events such as Queen Victoria's Jubilee and the VC presentation parade having taken place there. The Ministry expressed concerns over the loss of the open space. If the application were to be approved they recommended that a Desk Based Assessment be carried out.

Technical Services Department recommended that the west façade should be stepped back even further than proposed. The Traffic Commission expressed concerns over taxis and minibuses exiting Red Sands Road as there could be traffic congestion.

DTP further reported that the Development Plan policies stated previously were relevant at the time and that the previous application to build underground presented more complex structural issues which possibly lead to the proposal not going ahead due to the financial element. DTP commented that this proposal would have some impact on the Alameda Gardens but the setbacks would mitigate this impact. DTP recommended that existing buildings should be incorporated

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further into the design and that a more holistic approach should be adopted. He added that a detailed landscaping plan should be prepared in consultation with the Department for Environment and the Alameda Gardens, as well as an adequate traffic management plan with the Department for Traffic and Transport. DTP also recommended that the landscaping be designed into the roof level to mitigate the visual impact if viewed from the Upper rock.

CAM commented that an Archaeological Watching Brief should be included in the Desk Based Assessment.

KB remarked that GONHS had commented that the addition of further parking spaces would add the level of emissions around the gardens; 2 storeys will be surrounding the gardens; that Grand Parade is the last open area in town and that dust, emissions and noise during construction would have a negative impact on the Alameda Gardens.

MEHEC noted the Commission had an opportunity to influence the development positively and could help find ways to reduce the impact on the surrounding area.

CV commented that the architects had worked well within the boundaries and that this would be a missed opportunity for Urban Renewal. He added that this car park could be used as a drop off to the Upper Rock as well being a southern focal point.

DCM remarked that there was a need for parking for residents in the area and this project made a good use of the land available. He also commended the architects on the design adding that the setback looked like it would only be one storey in height instead of three.

The Chairman commented that this was the Commission's chance to make recommendations to Government on how the landscape and roofscape could improve. He noted that tree planting may jeopardise certain existing species of trees at the perimeter of the gardens and needed careful consideration. The impact on traffic should also be assessed and a visual impact study should be undertaken to mitigate visual impact. Park and ride for Upper Rock access should also be given consideration. The Chairman added that nursery pickups and taxis may need reappraising. Senior citizens also reside in the area and the local community should also be taken into consideration. An Environmental Impact Assessment is being carried out in relation to the expansion of the Cable Car station and system and Government needs to plan for that development and vice versa.

The Chairman said that he would sum up all the issues and then pass this on to government for its consideration. Consultation should take place prior to the submission of the full application.

Swifts, bats, lighting of the building all need to be considered as well.

Other Developments

516/17 - BA13639 - Maunzell's Winze, Admiralty Tunnel, Dockyard Road - Proposed installation of jet fans along the length of Maunzell's Winze.

Consideration of revised plans

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DTP informed the Commission on this application to install jet fans in order to extract hot air from their data centre into the Great North Road. Due to concerns of the impact of hot air on the tunnel habitats and geology the proposal had previously been deferred. The revised proposal is for the hot air to be extracted through Maunzell's Winze and then to enclose the hot air in ducting as it passes through the Great North road and then exits to the rear of the Rock Hotel. The Department of the Environment, Heritage and Climate Change and Ministry of Defence had not presented any objections to this application being approved. A survey would be required to identify any fissures that may need blocking off to prevent hot air escaping.

This application was unanimously approved by the Commission.

517/17 - O/13998/16 - 73-77 Catalan Bay - Proposed construction of new residential/commercial building.

Consideration of revised plans.

DTP reported to the Commission on this Outline application to construct a new residential/commercial building at 73-77 Catalan Bay which had previously been considered by the Commission at the February meeting. The Commission had invited the applicant to submit revised proposals that were more in-keeping, should be a storey lower and consider introducing setbacks. The revised design incorporated set backs to break up the mass of the building. The building would now have a more organic style. The building would have a variety of projecting balconies and a communal terrace. DTP reported that objections had been received and referred members to the copies circulated with the agenda.

Mr. Mike Jackson, one of the objectors was welcomed to the meeting.

Mr. Jackson said that there had not been any public consultation with residents at Catalan Bay and that he felt that the design of the building was inappropriate and did not fit in with the character of the surrounding buildings. He also stated that the building was too high and that Catalan Bay should not emulate Ocean Village. Mr. Jackson added that the projecting balconies would be invading the public airspace.

Mr. Richardson, the project manager, and Mr J Langdon the designer, addressed the Commission stating that public participation was taken on board after the application was first presented to the Commission and there was no legal issue concerning the projecting balconies. He described the current building as a tired building and needed to be modernised. Mr. Richardson presented a model in order to show the massing of the building in context with the surrounding buildings. He added that the building kept to the same height as the buildings at the rear, and that buildings which are 4 storeys in height are common in Catalan Bay Village.

CV praised the architect saying that the design looked organic but seeing as this building would be frontline it may increase shade on the beach which could be an issue.

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GM commented that the building line projects forward.

CAM asked the architect, Mr. Langdon, why they were adding the extra storey.

Mr. Langdon replied that this was part of the general development of the village and that it had always happened in Catalan Bay.

CAM added that this was an opportunity to learn from past mistakes.

DTP asked whether the projecting balconies were beyond the property boundary. Mr Langdon confirmed this was correct. DTP then sought clarification as to the whether the height of the proposed building was the same height as the building behind as it was now or as it was proposed as that building was also the subject of an application. Mr Langdon said it was a similar height to the proposed building on the site behind.

DTP continued to report on this application stating that the Heritage Trust had commented that the architect was using recent buildings as inspiration instead of buildings traditional to Catalan Bay. Ministry for Heritage felt that the design was garish and did not fit in with the village.

DTP then commented that the massing was better than the original application and introduced variety but noted that the balconies would project beyond the boundary and could have a visual impact. DTP commented that it was considered that the colour scheme needed to be more subtle. Previously, the Commission felt that the building should not be demolished and should be reduced by a storey, neither of which had been done in the revised scheme and the Commission would need to consider whether or not to maintain its position on these matters.

JH commented that she still considered the massing of the building to be too much.

DCM stated that the cantilever would need consideration from Government as the landlord.

DTP asked the Commission whether there was a consensus on whether the cantilever section should be allowed or not.

MEHEC asked the other members whether they felt that their previous requirements had been met.

DTP clarified that the applicant had tried to comply with the Commission's requirements in relation to addressing the character issue but had not complied with the requirements to retain the original building and reduce the proposal by a storey.

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The Chairman commented that the applicant should consider removing the projected balconies and reduce the height by a further storey and reduce massing.

The Commission decided that this application should be deferred in order to allow the applicant to revise the plans by reducing by one storey, no projecting balconies and adopting more a vernacular character for the building rather than adopting the style of Little Genoa.

518/17 - O/14708/17 - 3-5 St. Bernard's Road - Proposed alterations, refurbishments and extension of the existing dwelling, to include an additional 3rd Floor, roof terraces, new swimming pool, parking, new vehicular access off Engineer Road, replacement/repositioning of an existing tree and all associated site works.

To consider Commission's position on the retention of the existing Jacaranda tree on site following submission of additional structural information by the applicant.

DTP informed the Commission on this application to make various alterations, refurbishments and an extension at 3-5 St. Bernard's Road. It had been considered in February this year where the decision was to approve with a condition to retain the Jacaranda tree. In view of the legal argument put forward earlier in the meeting and the Commission's view that it could not consider proposals where a decision had already been made until legal advice had been sought, DTP questioned whether the Commission could consider the applicant's request to allow removal of the tree.

The Chairman advised the applicant who was present, that in the circumstances the Commission could not consider the removal of the tree and outline permission would be issued with a condition to retain the tree.

The applicant advised that various structural inspections had been undertaken and their engineers had recommended removing the tree.

The Chairman advised that the applicant could if he wished submit a fresh application if he did not want to wait for the legal outcome.

Mr John O Reilly, agent for the applicant, asked if they could proceed to full application and the tree issue could be addressed then. The Chairman confirmed that this was an option.

519/17 - O/14881/17 - Orange Bastion - Proposed redevelopment of the site to include commercial units inside the existing stone structures, creation of new external public square, and create new pedestrian routes between Irish Town and Reclamation road.

DTP informed the Commission on this application which had followed a Government tender for redevelopment of Orange Bastion, for the conversion and redevelopment of the site for a brewery, commercial units within the vaults, a public square and new pedestrian route from Irish Town to reclamation Road. The applicant wishes to incorporate a brewery and other commercial units, refurbish the tunnels and the sewage plant pump would also be replaced. The brewery would be housed in 2 vaults. The

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proposal includes a 2 storey glazed bar area situated underneath Line Wall Road. The circular vault would be converted into a restaurant with a 2 storey glazed lobby which would also give access to a terrace go over the kitchen area. The existing embrasures on the northern side are proposed to be extended downwards to create entrances with the external ground area lowered. This would allow for pedestrian access, fire escape and servicing requirements. The Courtyard would be used as a seating area and would be landscaped; it would also include bicycle parking. The boundary wall to Irish Town, south section, was to be retained. The opening on the south wall would be filled in. Orange Bastion is a listed monument so the applicant would require a licence from the Ministry for Heritage.

Department for Environment, Heritage and Climate Change made standard comments including integration of Swift and Bat boxes. Gibraltar heritage Trust generally welcomed the scheme but had concerns with the opening of the embrasures, the proposed loss of part of the boundary wall to Irish Town and questioned whether the 2 storey atrium at the entrance to the site was necessary. The Ministry for Heritage objected to the opening of the embrasures which it considered to be a dangerous precedent. The Gibraltar Fire Rescue Service commented that an alternative exit at the North end of the vaults was required due to the length of these units.

An objection had been received from the owners of 6-10 Irish Town expressing concerns on any odour and noise emissions from the brewery as well as disturbance from live music and that if approved the units should be properly insulated against noise. They also objected to the lift and walkway on the south side of the site. DTP commented that in relation to the last concern that the applicant had now omitted the lift/walkway from the scheme.

DTP reported that the regeneration of the bastion was welcomed as it had been derelict for many years and Orange Bastion had been identified as a key site in the Gibraltar Development Plan in terms of urban regeneration. He described the redevelopment as modern but sensitive to the bastion's historic setting and the proposed uses were appropriate subject to appropriate controls. DTP considered that the glazed extensions were sympathetic and noted that in a previous scheme the DPC had not raised any objections to a similar proposed extension. In respect of the removal of part of the boundary wall DTP considered that it was important to open up the new square to public view to encourage access and for security reasons. The main concern was the modification of the embrasures but it was recognised that their opening up was important for the operation of the scheme in order to service the vaults, fire escape requirements and for public access. DTP considered that there was sufficient special justification in this case in terms of the project being a significant regeneration project, a key regeneration site in the Plan and the fact that the site had been derelict for so many years. DTP also referred to the economic benefits of the scheme and that taking into account all the factors, on balance it was considered that the scheme should be approved. DTP recommended conditions to include measures to minimise noise and odour emissions, re-use of materials

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salvaged from opening of embrasures, details of landscaping to be submitted, swift and bat boxes to be incorporated and that a desk based archaeological assessment be carried out.

MEHEC welcomed the scheme and noted that public access must remain but stated that he would abstain from voting on this scheme as he would have to grant a Heritage Licence if this scheme went ahead.

CAM commented that if the embrasures were opened up for fire exit purposes it must be taken into account what the tunnels were used for and that the Heritage Trust had already agreed to the changes under the War Memorial to create a thoroughfare.

Dominic Harvey, from AKS Architects, stated that accessibility was necessary to make this scheme work, adding that they wished to keep the main wall as is but create two openings into the site.

DCM welcomed this project adding that it would make good use of a historical area.

A vote was taken on whether to approve the proposed changes to the boundary wall:

In favour: 8
Against: 1
Abstentions: 2

A vote was taken on whether to approve the opening up of the embrasures:

In favour: 7
Against: 3
Abstentions: 1

This application was approved as proposed.

MC excused himself from the meeting at 1:42 pm.

520/17 - F/14962/17 - 9 Willis's Road - Proposed replacement of existing wooden shutters on west facing façade with aluminium shutters.

DTP informed the Commission on this application to replace the existing wooden shutters on the western façade of 9 Willis's Road with aluminium shutters which had been referred to the Commission by the subcommittee. He stated that the policy was to replace shutters like for like but the applicant wished to replace the existing shutters with aluminium shutters which would be easier to maintain. DTP added that an application in 2005 for various alterations to this property included a condition that all shutters be replaced with timber shutters

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The Chairman asked the Commission whether they wished to depart from policy and allow the applicant to install aluminium shutters.

CV commented that they should stick with policy adding that he did not recommend aluminium shutters as they create a radiator effect in terms of heat.

DCM added that the applicant could consider using composite shutters instead.

The Commission agreed that the use of aluminium shutters would not be acceptable and deferred the application to allow the applicant to revise the proposal by proposing composite shutters which in principle would be acceptable.

521/17 - F/14995/17 - 16 Europa Mews, Europa Road - Proposed construction of single storey pergola hut.

DTP reported on this retrospective application for the construction of a pool house which is 4.5 metres in height, has a thatched roof and has full height glazing on the south and western facades.

The Department of Environment made standard comments. Heritage Trust had no in-principle objections to a structure but stated that the constructed building did not conform to the character of the existing estate. Technical Services Department had architectural concerns as it did not conform to the existing estate design and also commented that this was a rock fall area and a geotechnical assessment was required.

DTP added that in principle there was no objection to building a pool house but that the design was out of character, very visible and over bearing. He commented that if the thatch roof was replaced by a flat roof, with suitable landscaping to screen it from public view, there would be no planning objections. However, before any permit could be issued a geotechnical assessment would be required

JH commented that she had previously reported this building as it was looked prominent in the area and the applicant did not have any permission to build it.

The Chairman stated that it was illegal and that the other option the Commission had was to take the applicant to court.

CV commented that the foundation would need to be checked, if anything happened the Commission would be liable.

The Chairman replied that if the application was approved then Building Control would need to check the pool house.

CV noted that the Commission should seek legal advice as in a previous case the Judge's ruling was that the Commission had a duty of care making them liable.

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Discussion followed on the fact that the works had been carried out illegally and that the applicant should therefore be prosecuted.

As the view of the Commission was that legal proceedings against the applicant for unauthorised development should be pursued regardless of how it determines the application, the Chairman said that this process would be started. He also said that a copy of the findings of the legal case to which CV had referred would be sought

MEHEC recommended that the screening on the east side should be painted to match the colour of the rock. Also he would object if the geotechnical assessment required any cliff stabilisation works. DTP commented that the normal procedure would be that if this were to be the case, the matter would be tabled at the DPC so that the environmental effects could be assessed.

Chairman recommended that the application be deferred to allow the applicant to revise the proposal to replace the roof with a flat roof, introduce landscaping and undertake the geotechnical assessment.

The Commission agreed with the Chairman's recommendation.

MEHEC excused himself from the meeting at 2:00 pm.

522/17 - O/15001/17 - John Snow House, 1 John Snow Close - Proposed enclosure of veranda and internal alterations.

Applicant to address the Commission.

DTP informed the Commission on this application to enclose verandas and make some internal alterations at John Snow House. John Snow House is a former Colonial military house. The applicant wishes to remove windows and external wall leading to the lower veranda, enclose the veranda with double glazed windows and remove a section of the lower garden wall and steps to create a new walkway. On the 1st floor the proposals were to remove the windows and exterior wall leading to the upper veranda, enclose the veranda with Georgian style windows and incorporate a bathroom into what was previously part of the external veranda.

Mr Richard Labrador the applicant had asked to address the commission and he was welcomed to the meeting. Mr Labrador explained that he wished to do make these changes as the existing layout does not allow him to accommodate family gatherings. Mr Labrador referred to the fact that the building dating from 1903 had been altered in the past. He also referred to works undertaken at a property at 8 Rodger's Road which he said were similar to his proposals.

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CAM asked the applicant whether he had considered extending toward the rear of the house.

The applicant, Mr. Richard Labrador, replied that he did not wish to reduce the outside space that he had.

KS commented that this scheme spoiled the property and currently the home was in a beautiful setting.

Mr. Labrador replied that it would look similar to the works done at 8 Rodger's Road but possibly the design was the wrong one and was open to discussing how to improve. He also referred to the changes made to the old Royal Naval Hospital and other examples such as Beaulieu House.

DCM commented that the applicant should be allowed to come back with revised plans.

This Chairman suggested deferring to allow more information to be provided on the heritage value of the house and in particular what changes have been made to the original house and to allow investigation of the other examples Mr Labrador referred to.

It was agreed that Mr Labrador would provide a list of what changes had been made to the original property and a list of the examples of other buildings that he had referred to.

The application was deferred.

DCM and KS excused themselves from the meeting at 2:25 pm.

The rest of the agenda was deferred to the next meeting due to the reduced number of Commission members.

523/17 - O/15011/17 - Icom House, 1 - 5 Irish Town - Proposed two storey office extension.

This item was carried forward to the next meeting.

524/17 - F/15022/17 - Mervue, 26 South Barrack Road - Proposed conversion of existing roof loft into habitable space.

This item was carried forward to the next meeting.

525/17 - O/15030/17 - 10 - 14 Cornwall's Lane - Proposed single storey extension at terrace level on an existing three storey building.

This item was carried forward to the next meeting.

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526/17 - F/15052/17 - 7E Malvasia, Vineyards - Proposed raising of existing roof structure and conversion into habitable space.

This item was carried forward to the next meeting.

527/17 - O/15058/17 - The Cornwall's Centre, Bell Lane - Proposed extensions and alterations to ground floor commercial units to accommodate a gym.

This item was carried forward to the next meeting.

528/17 - F/15100/17G - Old Ferry Terminal Buildings, Waterport Road - Proposed conversion of the existing buildings to office accommodation and social club and proposed new vehicular entrance off North Mole Road for the Gibraltar Port Authority.

GoG Project

This item was carried forward to the next meeting.

529/17 - F/15103/17G - Ex MOD Motor Transport Workshop Building and Compound, Queensway - Proposed conversion of the existing Motor Transport Workshop Building to accommodate garage workshops and offices as well as proposed demolition of existing outbuildings to create an internal one-way transit route and external parking bays.

GoG Project

This item was carried forward to the next meeting.

Minor Works - not within scope of delegated powers

530/17 - BA13083 - 29/37 Engineer Lane - Proposed construction of 50 bedroom hotel.

This item was carried forward to the next meeting.

531/17 - BA13553 - 43A Devil's Tower Road - Proposed development of mixed use building for office and residential accommodation.

Request to renew Outline Planning Permit.

This item was carried forward to the next meeting.

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532/17 - O/14313/16 - 66/68 Devil's Tower Road - Proposed construction of extension to existing building.

Request to renew Outline Planning Permit.

This item was carried forward to the next meeting.

533/17 - Third floor, 21 - 23 Engineers Lane - Proposed change of use of third floor residential unit to office as well as associated works including infill extension.

This item was carried forward to the next meeting.

534/17 - F/15016/17 - 1 St. Christopher Court, St. Christopher's Alley - Proposed patio extension to include new utility room and new first floor terraced area.

This item was carried forward to the next meeting.

535/17 - D/15104/17G - 4 Europa Flats, Europa Point - Demolition of building to facilitate Europa Sports Facility Project.

GoG Project

This item was carried forward to the next meeting.

536/17 - D/15105/17G - Lathbury Barracks - Demolition of bandstand to facilitate Lathbury Barracks Sports Facility Project.

GoG Project

This item was carried forward to the next meeting.

537/17 - A/15064/17 - 38 Turnbull's Lane - Request to place sandwich board for hairdressers on junction between Main Street and Turnbull's Lane.

This item was carried forward to the next meeting.

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

538/17 - F/14045/16 - 173 Main Street - Proposed refurbishment of shop premises.

Consideration of revised façade details.

539/17 - F/14294/16G - Aerial Farm South Plot, Devil's Tower Road - Proposed

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releveling of existing site, construction of new warehouse/garage units and external parking area.

Consideration of revised plans for minor amendments to dimensions of approved external planters.

540/17 - F/15026/17 - 807 Sea Masters Lodge, Mons Calpe Mews - Proposed installation of glass curtains.

541/17 - F/15033/17 - 1105/1106 Royal Ocean Plaza, Ocean Village - Proposed internal alterations to amalgamate two apartments into one.

542/17 - F/15035/17 - Suites 5 & 6, Suite 8, Suite 10 Gibraltar Heights, Bishop Rapallo's Ramp - Proposed internal alterations.

543/17 - F/15036/17G - Albert Risso House, Waterport - Proposed change of window type.

544/17 - F/15039/17G - Northwest corner of the North Mole - Proposed installation of a 1.6 metre mast to mount a Port Authority CCTV camera for a temporary period of approximately 6 months.

545/17 - F/15048/17 - 7-9 Witham's Road - Proposed internal alterations.

546/17 - F/15054/17 - 7 South Barrack Mews, South Barrack Road - proposed internal alterations.

547/17 - A/15053/17G - North Mole Road, Winston Churchill Avenue, Waterport Road, Queensway, and Fish Market Road - Proposed installation of lamppost banners to advertise Wine Festival.

548/17 - Any other business.

There was no other business.

549/17 - Next Meeting

The next meeting will be held on 18th October 2017.