

Approved

DPC meeting 02/17

22nd February 2017

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 2nd Meeting of 2017 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 22nd February 2017 at 9.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon Dr. J Cortes (MEHEC)
(Minister for the Education, Heritage, Environment &
Climate Change)

The Hon S Linares (MCMYS)
(Minister for Culture, the Media, Youth and Sports)

Mr H Montado
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Mr J Collado (JC)
(Land Property Services)

Mrs J Howitt (JH)
(Environmental Safety Group)

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

Mr C Viagas

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

In Attendance:

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

Mrs. Miriam Brittenden
(Minute Secretary)

Apologies:

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

Approval of Minutes

57/17 – Approval of Minutes of the 1st meeting of 2017 held on 24th January 2017

The Commission approved the Minutes of the 1st DPC meeting of 2017 held on 24th January 2017.

Matters Arising

58/17 – BA13399 – Lathbury Barracks Industrial Park, Windmill Hill Road – Proposed construction of a warehouse.

DTP reported to the Commission on this Application which was for the proposed warehouse unit located at Lathbury Barracks. This Application had been granted full planning permission in December 2015; subsequently the applicant had submitted revised plans in November 2016 which included an additional ½ storey to the warehouse building. The Commission raised concerns with the scale of the building and sought clarification on the proposed use of the warehouse and recommended that the Applicant reconsider the proposal.

DTP added that the Applicant was now proposing to go back to what was originally approved in 2015 and proposed introducing a 2-tiered planted screen to the south of the site. DTP reported that recommendations from the DoE on whether planting would be feasible in the area was pending and was an important point since if what was being proposed was not feasible then the intended screening would not materialise

He added that the proposal also included 3 car parking spaces and he stated that the Schedule of the Town Planning (General Procedures) Regulations 2001 required that there was a provision of 6 car parking spaces. He recommended to the Commission that the Regulations were applied as the site was relatively remote and some distance from public transport routes. The application also included an external refuse area.

He said that the Applicant was also planning to introduce solar panels to the roof. The Applicant had confirmed that the ground floor of the plant would be used for oil recycling and also an indicative floor plan had been provided, which showed a warehouse lift servicing the two floors which would be used for office space and storage.

DTP stated that they had not received any new comments from the Consultees on the revised plans but that the World Heritage Site Officer had commented on the original proposal requesting that they be involved in determining the colour scheme and the materials to ensure minimal impact to the area which was on the World Heritage Site buffer zone. The DoE recommended swift nests be installed.

KB commented that the proposed planted screen would most probably be stunted by the wind in the area.

DTP stated that he would recommend approval of the new proposals subject to the recommended conditions of the colour scheme and materials used, parking provision for 6 cars on site. The

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landscaping to be conditioned on the plant species and sizing in consultation with the DoE and the inclusion of swift nests in the building design.

JH commented that the warehouse would be located in the entrance of the Nature Reserve and was under the impression that the current warehouse on the adjacent site would be a temporary building and now this new proposal would be an additional warehouse. JH concerned about growing industrialisation right on the edge of the Nature Reserve. Also with respect to no comments received JH stated this project went through prior to on line planning system and already had permission therefore no objections possible. She also enquired on the type of activity that would be going on in the warehouse, the type of oil recycling that would be done and whether, if any, assessments had been done. That it is necessary to know the full impacts from any industrial facility and would be following up on this.

The Chairman replied that these discussions had already taken place at the Outline Application and it was stated that the DoE would coordinate with the Developer on these matters to ensure that all necessary licenses were obtained.

KB agreed with the comments made by JH particularly that the proposal was located so close to the boundary of the Nature Reserve and reiterated that the proposed plants would not screen the building.

MEHEC stated that the DoE would ensure that the processing would be done in an environmentally friendly manner. He also recommended that rather than walls the terraces should be profiled as banks and planted.

The Applicant Mr. Sene asked to address the Commission and stated that his business collects oil from local restaurants and private houses and they were planning to improve the oil disposal system in Gibraltar. He added that his business manually collected 20/30 tons of oil a month and asked the approval of this Application in order to continue with the project which was beneficial in his opinion, for Gibraltar as a whole.

The Commission approved the revised proposal and granted a Supplemental Planning Permit subject to the conditions recommended by the Commission.

Major Developments

59/17 - O/14663/16 - Nos. 10 & 12 Arengo's Palace Lane - Proposed redevelopment of existing site for the construction of an eight storey building comprising 56 apartments, 70 car parking spaces and roof gardens.

DTP reported to the Commission that this was an Outline Application for a residential development located at 10/12 Arengo's Palace. Mr. K Darling the Agent representing the Applicant addressed the Commission.

Mr. Darling commenced by saying that the development was located next to Arengo's Palace Car Park and the initial scheme and architectural design presented was an artistic impression before the in-depth design was undertaken. He added that they propose to purchase the existing two properties, which would then be demolished to make way for the new development.

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He stated that they had used the linear architecture from the surrounding building and applied this to the proposed design. The development would be eight stories high, with 56 apartments and green areas. The architectural design would have a stepped and twisted concept to blend in. It would also have an internal atrium which would allow natural lighting to make a clean open environment and a communal area. They also proposed to allow access to the Arengo's Garden located at the rear of this development.

He added that on level 1, the development would have a central core, 36 car parking spaces, bicycle and scooter parking facilities. On level 2, they proposed to create different entry point's 34 parking spaces, bin refuse area and a staircase on the right hand to access the rear garden area accessible to the general public. On level 3 and 4 there would be accommodation dwellings, which would have communal laundry facilities. This proposal would make the development energy efficient and more economical for the residents. The 5th floor would be pulled back with green roof, swimming pool and the staircase on the right side would continue to access the rear garden area and a.

They had also undertaken a study into the traffic impact within the area and concluded that people moving into the new developments around Gibraltar and the conversion of the Sacred Heart Primary School into a secondary school had led to a reduction in traffic congestion in the area.

Mr. Darling stated that they propose to achieve an A+ energy efficiency certificate using high performance thermal and environmentally friendly materials and they were looking to incorporate solar panels.

MEHEC asked Mr Darling whether the developer proposed to develop and maintain the gardens. Mr Darling stated that the developer would clear up the area and repair the trail through the garden and provide public access to the gardens, but would not be able to maintain the gardens.

MEHEC said that the proposal to repair and maintaining the gardens would be a major work and the developer would have ensure that they had enough funds allocated to provide for these works.

JH commented that the developer would have to provide security, maintenance and clean the area and expressed concern on the possible impact a large building in front of the gardens would have on the garden's vegetation.

MCMYS commented that he was concerned with the clearing up of the area and the day-to-day maintenance of the gardens which could be a burden for taxpayers. In relation to the traffic analysis provided, he felt that they were not realistic as they had not considered two other schools and the new development of 'The Arches' which would be an increase to the traffic congestion in the area.

CAM expressed concern over the possible visual impact and massing of the development might have on the upper town area and although understood the design concept paralleling the linear design of building in the area, she felt that the design, particularly the corners, would be increasing the visual impact by continuing the visual lines.

Mr. Darling stated that the design concept was unique to Gibraltar particularly to the area and there was scope to increase the living wall aspect that could potentially screen the area.

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CAM requested a heritage desk-based assessment and an archeological watching brief to be a condition in the permit as there are historical Spanish plans which indicate a burial ground within the area.

There were no more questions for Mr. Darling, DTP proceeded to give the Commission the Planning report.

DTP informed the Commission that one of the existing dwellings in the area had been granted Planning Permission for refurbishments in 2012 and in May 2016 an Application was submitted for 16 apartments in a block structure. The Town Planning Department considered that the proposal was not going to be successful particularly on the proposed design and the Application was subsequently withdrawn.

He added that the current Application was subject to public participation and it had received one objection expressing concern on the overdevelopment of the site and the potential increase to traffic congestion in the area. DTP referred Members to the copy circulated with the agenda.

The Applicant submitted counter representations in response to the comments received and referred to the traffic study they undertook. They also made reference to the change of Sacred Heart School from a primary school to a secondary, which they had concluded that had reduced traffic congestion in the area. They also indicated that they would be providing car parking spaces within the development and considered that the design was sympathetic to the area. DTP referred Members to the copy circulated with the agenda.

DTP stated that in terms of the comments received, the DoE had its standard conditions and required the introduction of bird and bat nests into the design. The GHT had expressed concern over the mass, height and the negative visual impact on the Old Town and Upper Rock and requested an archeological watching brief and requirements for a heritage desk based assessment.

He added that this development was within 100m of the buffer zone of the World Heritage Site and the Nature Reserve boundary, the World Heritage Office had been consulted and their comments were that the development could possibly impact the Upper Rock Nature Reserve. The scale and massing could have considerable visual impact and considered that a landscape character assessment should be undertaken prior to its approval.

The MoH commented that the architectural design proposed was very bold and had considerable height implications and potential impacts on the Upper Rock area. They confirmed that the site on Arengo's Palace had possible remnants of earlier Spanish occupation and would require an Historical Desk-based Assessment of the area.

The Technical Services Department made reference to the need to ensure that the retaining walls in the area were respected and they must ensure that there was no loss of stability. They also raised a number of technical requirements including the submission of sight lines and turning circles for vehicular accesses.

DTP stated that in conclusion the proposal was not visually impacting from public vantage points but there was no denying that it was a large scale development within the upper town and the

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policy for tall buildings requires justification. A full design statement had been submitted in support of the application.

He stated that in terms of the development impact, it was largely hidden from distant views and considered that it had minimal impact on the World Heritage Site buffer zone and does not punctuate the skyline. They welcomed the garden proposal, but they would need to address issue of maintenance, security and upkeep of the gardens.

DTP commented that the Department welcomed the stepped and angular treatment and felt it was an appropriate way of breaking up the massing. The development was also providing 70 car parking spaces for 56 apartments, exceeding the normal standards in the policy, although expressed reservations on the traffic assessment undertaken and requested an appropriate study to quantify traffic issues.

Overall DTP recommended approval of the proposal with the following conditions:

- A condition attached specifically stating that the contemporary design was maintained and not diluted in the full application.
- The roof level of the development to remain as an open roof garden, with no structures apart from the stair access cores and the communal swimming pool.
- Required detailed plans setting out the full extent of the proposed works for restoration and refurbishment of Arengo's Gardens and recommended that these works should be conditioned to be carried out prior to commencement of works on the building to ensure they are actually done.
- A Transport Assessment prepared by a qualified individual be undertaken to assess the traffic impacts of the development and to provide any suitable mitigation measures.
- Access to the car park to comply with all highway requirements.
- A Heritage Desk Based Assessment and Heritage Impact Assessment has to be prepared and submitted.
- Landscaping details to be submitted.
- A Sustainability Statement to be submitted.
- Require the integration of swift and bat boxes on the development.

JH commented that she had concerns with traffic congestion considering that there are three schools in the area and a new development currently under construction which would seriously increase the traffic volumes in the area. She also expressed concerns on the impact to the vegetation in the garden given that the garden will remain behind the development.

CV commented that he would endorse the design proposed and architecture as presented and recommended that it should not be watered down as has happened in the past. He added that in his opinion, the proposal was a modern scheme which he considered very attractive shows sustainability and provides new facilities in Gibraltar. As regards to the traffic issues he highlighted that whether as before there were speculative drivers looking for parking space causing chaos, once there was a designated parking spaces, cars would only be used when there is a need and he was not too worried on this issue although he recommended a more suitable traffic analysis.

He added that the garden proposal to open up a track connecting to the Upper Rock was a good proposal and in conclusion would recommend approval of this project.

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MEHEC did not agree entirely with CV views and would rather prefer that the two dwellings are maintained. He disliked the sharp lines in the architecture and considered that the development was not taking into consideration Prior Park School design and would also recommend a landscaping plan and green roof taking preference from solar panels. He also recommended that the developer must ensure that any trees that are lost are replaced. He considered that the link from the gardens to the Upper Rock Nature Reserve is a good proposal and he would not object to the proposal, but stated that it was a shame to remove what is already there.

GM endorsed the architectural dynamic design as part of the urban regeneration of and welcomed the horizontality of the design and diversity from the old and the new architectural designs in the area.

MCMYS agreed with the comments made and endorsed the modern architectural design proposed which is innovative and felt that he would rather see what is currently in the area but if the area is going to be developed the proposal should be lower in height and the bold architectural features are kept. He stated that he was concerned with the possible increase in traffic congestion considering the 3 schools and new developments in the area.

The Chairman asked the Commission to take a decision on the Outline Application. The Commission took a vote with the following outcome:

In favour:	4
Against:	0
Abstain:	7

The Outline Application was granted with the conditions discussed in this forum.

Intermission - the meeting re-commenced at 11.30

Other Developments

60/17 - O/13998/16 - 73-77 Catalan Bay - Proposed redevelopment of existing site for the construction of a four storey residential and commercial building.

DTP briefed the Commission on this Outline Application The new proposal incorporated stone cladding on the ground floor and change in colour scheme.

He further added that the proposal was to demolish the existing building known as the 'Village Inn Restaurant' and redevelop it into a four storey, 12.5m high building with a maximum height of 15m approx. due to the stair core structure. A 2.6m walkway was left at the rear.. The proposal would have a total of 9 apartments, 3 x 1-bedroom apartments and 6 x 2-bedroom apartments, with projecting balconies and a roof terrace. The ground floor would incorporate a 209 sm² open plan commercial space and would have a lift located at the rear to access the dwellings. He added that the building site was not accessible to vehicles and there were no car parking spaces provisions.

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DTP stated that this site was in front of another site where the DPC had granted permission, in September 2016, for a three storey residential building with roof access and roof terrace. The original application had been for 4 storeys but the DPC had limited it to 3 storeys

He reported that the existing building in question was an original building dating back to the 19th century and was one of the few remaining original buildings in Catalan bay. It currently has an operational restaurant at ground floor and vacant residential units on the upper storey. . He added that the building was in a poor condition and a number of additions had been made to the property at the rear including various sheds and stores which cover the full extent of the site.

DTP stated that the site proposed is surrounded primarily by residential units some of which have been subject to recent development proposals to the north of the site. The Heritage Department confirmed that the heritage value of the building was fairly minimal due to the changes to the building.

He added that the proposal had received 8 written objections and an objector Mr. M Jackson, had requested to address the commission.

Mr Jackson was welcomed and invited to address the Commission.

Mr. Jackson stated that as a resident at Catalan Bay he had organised a petition on the internet which had received many objections, but could not present these to the Commission as it was out of time.

He stated that Catalan Bay was a unique area with historical connections to Genoa and it was part of many Gibraltarian lives throughout the years. He added that the 'village Inn' restaurant building has an historical narrative of at least 200 years and he would rather the building was preserved and asked the Commission to dismiss the proposal.

He asked the Commission that preserving the building might not be economically viable, but what would be the net gain for the Catalan Bay Village? The 'Village Inn' was a statement building and formed part of the look and atmosphere of Catalan Bay. The current building proposed was a generic looking construction and would destroy the overall look in the Village.

He stated that the 'Village Inn' building, in its current form was a statement building and if the current proposal was allowed it would erase 200 years of history. He added that the Government and relevant authorities, should not allow the owners of historical building to neglect the buildings, until they became economical unviable to repair. He stated that the current owners know that the building was a unique and was located in a prime location and were set to make a lot of money from this new development.

He ended by saying that the statement building should be replaced by another replacement building, something that tourists would want to photograph, preferably a building with genuine design and interest.

DTP asked Mr. Jackson to identify what aspects of the proposed building, in his opinion was not in keeping with the Catalan Bay Village area. Mr. Jackson stated that the proposal was huge, too modern, had no architectural design interest and filled the entire footprint. It's design was more likely to be seen on the Costa del Sol rather than anywhere else in Gibraltar and had nothing to do with the Catalan Bay Village fishing village.

There being no further questions the Commission thanked Mr. Jackson.

The Chairman welcomed Mr. R. De La Fuente, the Architect and Mr. T Richardson from Richardson's to address the Commission to make counter representations.

Mr. De La Fuente highlighted that the building's dimensions are comparable to the rest of the buildings in the western side of Catalan Bay Village, which are predominantly 3 to 4 storey buildings.

He added that they had undertaken a heritage DBA and the conclusion was that the building did not have an important historical value and requested that they have the same rights as other owners of existing large buildings in the area.

In terms of the architecture proposed, he highlighted that the current proposal was an improvement to the existing building and an improvement to the existing buildings in the area.

CV asked the architect if they had considered whether the infrastructures and services in the area would be able to take the extra load. Mr. De La Fuente confirmed that they had not yet considered these issues.

MEHEC stated that he did not reject the proposal, but would recommend that the design is improved to recover the tradition Genovese style of the area. He added that clearly when the existing buildings on the west of Catalan Bay were approved, not much consideration was given to the visual impact to the Catalan Bay area and it did not mean that because of these errors in the past, the Commission should approve this proposal.

CAM stated that although the building had limited heritage value the owners should not be rewarded for years of neglect and allow them to redevelop the area by demolishing the entire building. She recommended that the mass and height of the building was reduced and probably add setbacks to the design to match the buildings in the area. She agreed with comments made by MEHEC and suggested that the Commission should not allow the character of Catalan Bay to diminish further.

The Commission thanked Mr. R. De La Fuente and Mr T Richardson.

DTP presented the Planning Report and gave the Commission a briefing from the consultee responses, which were as follows:

The GHT did not support the application on the grounds that it was out of character and too large for its setting within the village. The DoE requested the standard conditions on sustainability issues. LPS, TSD and The World Heritage Office had no objections and the MoH commented that the heritage value of the existing building had been compromised and therefore they would raise no objections to the demolition, but expressed concerns over the proposed height and suggested that the building design should be more in keeping with the character of Catalan Bay.

DTP added that a comprehensive Desk Based Assessments had been undertaken and it had determined that the building had been compromised due to works and restorations in the past and

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it concluded that the Heritage Value had diminished as its character and integrity had been compromised.

He summarised that the Desk Based Assessment pointed out that the building could be demolished and the area could be redeveloped, but asked the Commission to consider that the location is very prominent on the sea front and in the centre of the Village and any building could become very dominant in the Village Scape.

DTP also reminded the Commission to be consistent in decision making as they had to consider that there had been an approved application to the rear of this proposal which was capped to three storeys and the original cottage at the rear was retained at its original height. He also mentioned that they had no parking provision as there is no vehicular access to the area.

In conclusion he recommended that the developer should reduce the height by one storey to be consistent with previous decisions and should be asked to reconsider the architectural style to draw in the character of Village, the roof terrace retained, landscaping and bats and swift nest to be incorporated in to the roof design.

JH commented that the area was a very popular, public area of Catalan Bay and would recommend a sensitive development for that area.

CV commented that the building was part of a collective value of the area which formed part of the character of the Village and the Commission would have to ensure that the character of the Village is not affected. He recommended that the building be capped at 3 storeys and propose a more in keeping architectural design. He also expressed concern that on the building's impact to the beach front and it could have a bearing on shade on the beach area.

The Commission concurred with comments made and did not approve the building demolition and the proposed development as submitted. It recommended that the Applicant submit revised proposals including modifications to the building design to be more in the character and general look of the Catalan Bay area.

61/17 - F/14199/16 - 3 Lake Ramp, Buena Vista Estate - Consideration of revised plans for extension to west facing façade of building.

This Application was deferred at the request of the applicant

62/17 - F/14437/16 - G26 Europa Business Centre, Queensway - Proposed erection of building to be used as a warehouse and associated usage.

DTP stated that this Full Application was for the erection of a 12.9m high warehouse building to accommodate tipper trucks. He added that this Application was considered in October 2016 and was subsequently deferred due to concerns over the operational use and the overall design, the proposed roof, the height and the potential loss of existing trees within the area.

He added that a revised scheme was being proposed which consisted of the following:

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- The pitch roofs were to be retained as the height was needed to accommodate the use of the warehouse when the tipper trucks were elevated.
- The access to the warehouse had been relocated to the left rather than the center of the building.
- Minor adjustments to the internal layout.
- The horizontal banding was removed.
- On the ground floor fair-faced blockwork was proposed with corrugated metal sheeting above.
- Horizontal glazed, band with openable windows.
- Polycarbonate cladding at the high level.

DTP stated that the DoE had been consulted regarding the loss of trees and they confirmed that the existing trees can be retained as they would not be affected by the development. They also requested the installation of swift and bat boxes on the eastern elevation.

He briefed the Commission on the consultee feedback and stated that the GHT objected to the proposal on the grounds that the building would obscure the original dockyard buildings which are of heritage value and the proposal would set a precedent for any future applications and proposed a long-term strategy for the dockyard area. The TSD and MoH raised no objections to the new proposals.

DTP stated that the Planning Department welcomed the changes to the design and had no objections to the design but questioned whether the Commission should allow this building to be constructed in front of the Dockyard Buildings and the precedent it could cause.

The Chairman stated that in the 2009 Development Plan has a Policy on the Industrial Park which was based on the released MOD land. He stated that he would rather that the site was better utilised with a warehouse rather than open-air as it currently stands.

MEHEC said that there had been an improvement in the design and understands the GHT's concerns, but commented that the Dockyard area was an industrial area and any warehouses should be located within the Dockyard Area rather than what exists in the present site and would not object to the proposal. He also recommended to condition solar panels on the roof which could save on their energy bills.

CAM acknowledged that the Dockyard area was an industrial site but did not agree with the proposal as it screens the historical building and also raised concerns over the excessive height of the warehouse proposed.

The Applicant, Mr. Collado from M & M Transport, addressed the Commission and confirmed that the warehouse' height was required to facilitate maintenance works on their tipper trucks. He stated that he had been undertaking repairs and maintenance of his vehicles, for the past 25 years on public highway as he did not have the suitable premises for this purpose.

The Architect Mr. J. Stahl confirmed that the design was based on the height required to be able to maintain the vehicles. He added that roof was designed to mirror the roof scape and resembles the building behind the warehouse, rather than a flat roof building. He added that although he understood that the warehouse might set a precedent, there are several buildings within the area which were of a similar height.

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The Chairman asked whether they could introduce a more articulated roof scape to the design rather than a block shape. Mr. Stahl stated that the proportions of the building were based on the need and use of the warehouse.

The Commission took a vote on this Application, with the following results:

In favour: 8
Against: 1
Abstain: 2

The Application was approved with conditions including the introduction of solar panels the recommendation on improvements to the roof scape design.

63/17 - F/14619/16 - 16 Europa Pass Battery - Proposed construction of a new reinforced concrete staircase to access void area below western façade of property.

DTP commented that the Applicant had applied to introduce a concrete staircase which would link to the interior of the house to provide access to an area of land below their dwelling.

DTP stated that an existing fortification wall runs below the house and subsequent to various meetings held with the applicants they had verbally confirmed that they would not be constructing any structures other than fencing around the boundary to provide security. DTP recommended that if the Application was approved they would need to provide details as part of the condition of approval.

He reported on the departmental feedback and stated that the DoE would want to undertake a site visit prior to any works and the MoH recommended that there should be minimal impact to the fortification wall.

DTP stated that from a Planning perspective they would recommend approval of the scheme subject to confirmation from the MoH that there would be no issue with the historical wall. He added that the visual impact would be minimal and the Applicant would need to ensure that that the new boundary protection had a minimal visual impact and avoid any damage to the historic wall.

JC commented that the area was a communal area and asked whether the Management Company agreed to the sole use of the area. DTP confirmed that this Application was for purely access only as the area in question was below their property and they had not received any objections from the Management Company.

The Commission noted the comments made and approved the proposal subject to the recommendations made.

64/17 - O/14632/16 - Mons Calpe Mews - Proposed installation of glass curtains to enclose individual balconies within the estate.

DTP briefed the Commission on this Outline Application which was from the Management Company of Mons Calpe Mews for the approval of a standard design for the installation of glass curtains on the three balcony types.

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The Management Company was asked to provide a standard design to avoid a mismatch of designs. The proposals were as follows:

Balcony type 1 – Top floor roofed balcony

- Frameless glass curtains
- Two corner post
- White internal and external framework

Balcony type 2 – Middle floor squared balcony

- Frameless glass curtains
- No posts
- White framework for the white balconies and blue framework for the blue balconies

Balcony type 3 – Top floor – Sloping roof balcony

- The Management Company had not provided any standard design.

DTP stated that they would recommend approval of the proposals. They were well presented designs and as regards to the balcony type 3, the Commission would need to base their decision if and when any Applications are received.

The Commission approved the Outline Application and subsequently the occupier of each individual unit would need to submit Full Applications and the Application would be approved at Sub-Committee level.

The Commission approved the Application.

65/17 – F/14644/16 – 14B Gardiners Road – Proposed alterations and extension to residence to provide new swimming pool and ancillary areas.

DTP briefed the Commission on this Application which was a proposal to extend an existing dwelling and provide a swimming pool and an ancillary area. The proposal was to remove a lower terraced area and create a basement with a swimming pool and terraced area at ground level, install awnings and a new boundary railing to the extended terrace. They also proposed to replace existing windows with French doors to provide access to the terrace.

He added that on the first floor they proposed to extend the property forward with associated internal changes to accommodate this and the installation of two new windows on this elevation. On the second floor the existing balcony would be removed and a new terrace would be introduced over the new first floor extension, with French doors to access the new terrace. They also propose also include a new chimney on the northern elevation.

DTP stated that there had been another application from an adjacent property which had similar proposals and Planning Permission was granted in May 2015 with the condition that the terrace would need to incorporate permanent landscaping to compensate for the loss of terrace area. He added that there were no other recommendations other than the standard ones from consultees. The proposal had received 1 objection from the head lessor which had been subsequently removed and no objections had been received from the Public participation consultation.

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He said that there had been approvals to similar proposals in the past. The 1st floor extension would have a minimal visual impact although expressed concern over the loss of terraced area and to the fact that the extended terrace abuts the historic wall which runs alongside property.

DTP recommended that the new development should be moved away from the historic wall so that the terrace deck does not extend beyond the line of the existing building and that permanent landscaping be introduced into the terrace.

The Commission concurred with the comments made and approved the proposal subject to the conditions made.

66/17 - O/14661/16 - 8 Winston Churchill Avenue - Proposed construction of a three storey building of serviced apartments with reception area and parking.

DTP stated that this Outline Application was a proposal from the Naval Trust to construct a 3 storey building with 17 x 2 bed serviced apartments which included parking and a reception area, to provide dwellings for visiting family members of the Armed Forces, similar to the use of the old Britannia House on Queensway. He stated that the site was part of the current Gibraltar Bus Company depot opposite the old airport terminal.

He added that the department had met with the Applicant as the department had concerns on the overall architectural design and landscaping elements presented. As a result there had been minor alterations to the proposal.

The building was a contemporary design, 10.15m high flat roofed building with 3 stair cores on the east side to provide access to the apartments. At ground floor there would be a reception and office area with a paved area in front of the building which accommodates 4 trees, an open parking area with a permeable surface and bin stores on the boundary wall.

DTP confirmed that the proposal had been subject to Public Participation and they had not received any objections.

The Director of Civil Aviation had been consulted and expressed no objections subject to not exceeding the stated height. A Bird & Crane Management Plan was requested and it concluded that in this case swift and bat nets would be a danger to aircrafts, but nest for House Martins could be provided. The GHT and MoH requested an archeological watching brief and the Traffic Commission would need to assess the access to the main road.

In conclusion, DTP welcomed the redevelopment but expressed concerns over the design and architecture proposed, as it did not fit in with the general environment. They would recommend that the Architect reconsider the overall design, including the possible use of hipped roofs to better fit in with the architecture of the new MOD buildings adjacent. The applicant should also consider the possibility of breaking up the mass into smaller buildings. The applicant would also need to ensure that the refuse area is relocated within the site as the proposed site lies outside their site.

DTP added that the Applicant would need to submit a EPC and produce a Sustainability Statement as part of the conditions of any approval.

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MCMYS stated that the design should be similar to buildings in the area and that this development would be one of the first buildings seen by people coming from the frontier.

The Commission approved the Outline Application subject to the change in architectural details; provide the refuse area within the complex, provision of landscaping design and the provision of sustainability measures.

67/17 - F/14666/16 - 4/5 The Boardwalk, Tradewinds - Proposed subdivision of existing commercial unit into three separate units, one of which to be a restaurant/take away.

DTP said that this Application was an existing vacant office, located at the corner of Tradewinds and Ocean Village and the proposal was to subdivide the office into three units. Units 1 & 3 would be converted into commercial units and unit 2 was proposed to be converted into a takeaway/restaurant.

He added that the proposal would involve internal alterations to accommodate the changes, a new entrance to unit 2 and relocation of the entrance door to unit 3. The Department enquired on the extraction necessary for the kitchen in unit 2 and the Applicant confirmed that they would meet requirements made by the Environmental Agency. They confirmed that the extraction would be by ducting and extracting through the high level grille, which would be concealed from view. He added that no details have been provided for signage and an awning had also been proposed.

DTP stated that there had been an objection stating that this proposal would necessitate additional delivery and this would lead to the increase on the existing problem of limited delivery bays and the toilet facilities of these new units would also increase the problem that exists with drainage problem in Tradewinds and also expressed safety concerns.

He added that the Applicant had provided counter representations and the objector, the owner of the adjacent property, had had previous issues as neighbours. They also highlighted that Tradewinds had an allocated delivery parking bay and deliveries would be fairly minimal. As regards to the draining concern they have no issues with the communal soil pipes and in safety terms they do not foresee an increase of pedestrian access and highlighted that the area was designated leisure area. DTP referred Members to the copies of both sets of representations circulated with the agenda.

DTP stated that there were no specific issue to report from the consultees and from a Planning perspective they did not have any objections to the proposals. The exterior proposals were in keeping with the building and the restaurant/takeaway proposal was in keeping with the general use of the area. As far as the servicing there are alternative servicing facilities within the Tradewinds building.

The Commission approved this Application unanimously.

68/17 - F/14668/16 - 3 South Pavilion Road - Proposed alterations and extension to residence and patio areas.

DTP stated that this Application was for proposed internal alterations to the ground floor and first floor and an extension at the rear for a dwelling located at 3 South Pavilion Road.

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He added that Planning Officers had various meetings with the Applicant to ensure that there was a minimal impact to the natural slope at the rear. The Applicant was proposing a seating area on the upper level, which would be decked over and a second decking area on the lower area. They also proposed to construct new stairs to provide access to the decked levels and a wall boundary on the north with a timber fence.

He stated that there was a surface water pipe which it was proposed to cover with soil and would be used as a planted area. He also added that there were two mature trees in the area and the Applicant had confirmed that the works have been designed around the trees to avoid affecting them.

DTP briefed the Commission on the consultee comments which were the following:

DoE had standard conditions on dust and energy performance and they needed to carry out an Environmental Survey before the works commence and the Applicant had to ensure that the trees were protected during the works.

The GONHS required a condition that when the north boundary wall was constructed they would need to carry out an assessment to ensure that the wall does not interfere with the existing tree, to ensure that the tree survives.

DTP summed up by saying that they did not have any objection to the internal proposals although they had concerns over the two trees and whether the works would affect the trees and recommended that the lower decking was elevated to the same level as the Acacia Tree to prevent the roots being exposed.

He also stated that the Applicant should ensure that the location of the tree roots is confirmed to ensure that the boundary wall does not affect the tree roots. The applicant should engage a qualified tree surgeon to assess and submit a method statement for approval on how the trees will be protected during the works. They also suggested that the proposed supporting wall should be replaced by a two columns, subject to the Structural Engineer's approval. Other than this he recommended approval of the scheme subject to the recommendations mentioned.

The issue of the covering over of the surface water pipe would also need to be cleared by TSD before issuing any permission.

The Commission took a vote on the proposal with the following outcome:

In favour:	5
Against:	3
Abstain:	3

The Application was approved by majority subject to conditions.

69/17 – F/14701/16 – 2 Catalan Gardens, Sir Herbert Miles Road - Proposed construction of extension to existing east-facing terrace.

DTP said that this was a Full Application for the construction of an extension on the east facing terrace of the property. The proposal was to extend the terrace over the existing wall supported off four concrete, white columns that run to the road level and the balustrades would be in the

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style of the existing ones in the development. They would also incorporate white aluminium skirting panels to the level below.

He stated that in January 2016 a similar proposal was approved by the Commission located at no. 1 Catalan Gardens. That permission included a condition to extend the infill panels to the base or to provide some form of green wall from the base to screen the underside. That had not been implemented.

When the DPC considered that proposal it was seen in the context of similar extension at the adjacent La Mamela restaurant and it was thought it would not be very visible from the North.

DTP highlighted that at the time of consideration of the application at No 1, the point had been made that it should not be considered to be a precedent for the other houses, mainly due to the fact that the other houses would require significantly higher columns due to the road dropping away beneath, and therefore there would be a much greater visual impact.

The current Application was subject to public participation and no objections had been received.

DTP said that the Consultee responses included that of MoH who objected to the current scheme and stated that they had objected to the previous Application and believe that the proposal negatively affected the wall. They recommended that if it were to be approved they would require a Desk Based Assessment to ascertain Heritage value and antiquity of the wall and any works would need to be coordinated with them.

The GHT considered that the originally approved proposal had a very negative affect on the setting of the wall and the approach to the village and would object to further destruction of the wall. TSD raised no objection and no other comments have been received at this stage.

DTP stated that in conclusion the Planning Department said that the site was very visible and had a negative impact from the beach and approach to the Catalan Bay Village. The design would have a void below the development which had the potential of being unsightly. He added that the Commission would need to consider the cumulative impact with the structure that already exists and that the proposal would need higher columns than the previous scheme which no doubt had a greater impact than the original approved structure and recommended refusal of the scheme.

DTP presented photographs of the structure at No 1 as built together with the original photomontage that had been presented to the DPC at the time of the application. This seems to show some differences between the two.

JH asked whether there had been any follow-up on this and DTP said that the Commission had relied on a photomontage, but the submitted elevations appeared to reflect what was constructed. The Commission disagreed with the comments made by DTP and stated that they had been misled by the photomontage submitted and that the construction was not the same as the original presentation. The Commission had originally agreed that the scheme would continue to the balustrade line from 'La Mamela' restaurant and not how it stands.

MEHEC commented that the Commission needs to be made aware that the photomontages are not the same as the plans submitted by the Applicants. The Planning Department should ensure that the technical drawings submitted are correct to avoid discrepancies and recommended that

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the current Application was deferred to ensure that the submissions are scrutinised by the Department.

DTP confirmed that legally, the Approvals are based on the submitted technical drawings rather than on photomontages. The department would take this matter up with the first Applicant.

The Chairman confirmed that the Department scrutinized all submissions and if they were not acceptable they would not be validated and also confirmed that the department would be taking up the issue of the approved Application located at no. 1 Catalan Gardens. Subsequently this Application was deferred.

HM gave his apologies and left the meeting at 1.50pm.

70/17 - O/14708/17 - 3-5 St. Bernard's Road - Proposed alterations, refurbishment and extension of existing dwelling, to include an additional third floor, roof terraces, new swimming pool, parking, new vehicular access off Engineer Road and replacement/repositioning of an existing tree.

DTP said that this was an Outline Application for the proposed alterations, refurbishment, extensions, an additional third floor, roof terraces, new swimming pool, parking, and a new vehicular access of a 3-5 St Bernard's Road. He stated that it was important to note that the dwelling was located between St. Bernard's Road and Engineer's Road at a higher level.

He added that the dwelling had been altered in the past and the current application was a change in character to a more contemporary design similar to developments in the vicinity. The proposal included the following aspects:

Various changes was proposed at ground floor along St Bernard's Road that include: new doors and internal alterations to the garages and cladding the road side exterior ground floor elevation with an insulated cladding system.

At the first floor level the Applicant proposes various changes to the fenestration together with internal alterations and the refurbishment and extension of the terrace on the west. This would involve the loss of a Jacaranda tree and it is proposed to compensate this loss by the planting of 2-3 new trees elsewhere within the site along Engineer Road.

On the second floor there is an extension at the south end which 'squares off' the building and a new vehicular access created onto Engineer road and 2 spaces provided within the site. There would be a loss of 2 on-street spaces. Provision is made for a landscaped area and roadside fence. Pool, pump house and showers are proposed at the south west.

New storey is provided at third floor level which is set back from west façade. A sun room/gym leads to a new terrace and a new office leads onto the terrace which is partly covered with a pergola.

DTP stated that the Consultee comments had been received from the GHT, The Gib Museum, the World Heritage Office, the MoH and the TSD as well as the Traffic Commission.

GHT confirmed that they did not have any objections to the proposed development but expressed concern regarding the potential impact on the landscape and views.

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The World Heritage Office confirmed that the proposals had no impact on the World Heritage Site and had no objection to the application. They also commented that there may be cumulative effects on important vistas.

MoH had no heritage conditions arising from the development, but did comment that any original features should be preserved, such as the northern chimney stack and required an archaeological watching brief.

TSD confirmed that there were no objections to the proposed development, although needed to be satisfied with the site lines and they would also need to ensure the slope stability and the Traffic Commission would need to consider the new access arrangement off Engineer Road.

The DOE had standard conditions and conditioned that the Jacaranda Tree should not be removed.

DTP reported that the application had been subject to public participation and no comments had been received.

To sum up DTP stated that they acknowledged that there would be significant change to the character of the building but advised members that other buildings in the area have been allowed to adopt more contemporary architecture. In principle, the Department did not have any objections to the proposal in terms of scale, mass and design. However, the proposed ground floor cladding whilst in isolation may be acceptable, in the context of this site which formed part of a much longer frontage of unpainted render, was considered to be out of keeping and that a simple painted render was recommended.. They did not recommend the car parking addition, which would result in the loss of two public parking spaces in return for two private spaces. The Commission would need to consider the objection to the removal of the Jacaranda tree by the DoE.

On this basis DTP recommended approval of this Application with the following conditions:

- No vehicle access to be provided off Engineer Road.
- Incorporation of Solar Panels.
- The ground floor frontage to be rendered and painted rather than clad.
- The tree to be retained.
- Swift and bat boxes to be incorporated into the design.
- Archeological Brief.

The applicant would need to submit revised plans reflecting the above.

The Commission concurred with the comments made and approved this Application subject to conditions.

71/17 - F/14733/17 -83 Irish Town - Proposed extension and refurbishment of the existing building including the change of use of the second floor from residential apartment to commercial office use.

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DTP briefed the Commission on this application which included the change of use the second floor from residential to commercial use. He added that the ground and first floor of the building were used for office space and the proposal was also to convert the second floor into office space.

He stated that the proposal was to redesign the interior of the building by raising the internal patio roof and provide a staircase link to the first and second floor level. They also propose to centralize the plant and equipment to the roof level which would liberate two window openings on the Market Lane elevation and they would be able to reinstate the windows and replace a door with a ramped access. There would be no external alterations other than the removal of the iron grills below the first floor windows and the second floor windows and shutters would be restored or replaced with like for like replacements and the exterior was due to be repainted as part of the refurbishment works.

DTP stated that the departmental feedback had no objections to the scheme. He stated that the planning policy in relation to change of use of upper floors from residential to office aims to retain the residential use but that it may be permitted where special justification can be shown. The Applicant had provided evidence to support the change to office space which was that the it was an existing office user seeking to expand and consolidate its business within a single building.. DTP stated that in this case there was sufficient evidence to comply with the special requirements and the Department recommended approval of the scheme.

GM asked whether the Applicant was proposing to re-instate the missing shutters, to which The Applicant confirmed that they were planning to do so.

The Commission approved this Application unanimously.

72/17 - A/14633/16 - Various locations - Proposed mobile vehicle with three LED screens to advertise local businesses.

DTP stated that this Application had been considered previously and was for the proposal for an advertising vehicle with LED screens to advertise local products and businesses. He stated that the application had been refused previously by the Commission at the DPC meeting held on 25 May 2016 on grounds of safety amongst others. The new proposal was for the vehicle to be used for advertising only when stationary and it would be located in specific sites:

- Outside the terminal car park at the Airport (No response had been received from the airport authority)
- Cepsa Petrol station lay-by off Winston Churchill Avenue (No confirmation of approval has been provided by the landowner)
- Port Terminal (Port Authority objected)
- Alameda Car Park
- 100 Ton Gun lay-by
- MOT Centre
- Casemates Square solely on special events
- Piazza Square solely on special events
- Glacis Estate by Referendum Tower block Kiosk
- Opposite Queens Cinema on the loading bay and pavement

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- Morrison's Car Park (Morrisons had indicated they would consider requests on a case-by-case basis)

DTP stated that under the law a purpose-built vehicle for advertising would require permission. He mentioned that the DPC had consistently refused large LED advertising screens the only exception was on the Airport loop and there were exceptional circumstances there as there was minimal visual and safety impact as vehicles in the area are normally relatively slow moving.

In terms of the consultations they had received, the Port Authority objected to the site within the Port, the Traffic Commission objected to most locations other than the Europa Point and Morrison's proposed locations. TSD objected and expressed concerns on safety to road users, other consultees had not responded.

He added that from a Planning perspective there were continued concerns on safety to road users, the Commission had consistently refused applications for this type of advertising and the possibility of setting a precedent for future similar applications

DTP referred to a policy of which refers to visual amenities and public safety which would apply to this Application which the Commission would need to consider when approving this proposal and considered that this proposal would not be appropriate and recommended refusal of the scheme. He advised that the 2009 Development Plan policies are generally about ensuring developments are sympathetic to their surroundings and fit in and that proposals for large scale advertising such as this is not considered appropriate.

MCMYS commented that there would be occasions where adverts could be allowed such as sporting or cultural events around Gibraltar but also agreed with the comments made and would not recommend this proposal.

DTP advised that there is an exemption for the need for permission from the DPC for advertising within the Victoria Sports stadium and this might be something the applicant could pursue.

The Committee concurred with the comments made and refused the Application.

73/17 - 1196/16 - The Skull Bar, Cannon Lane - Request for extended tables and chairs area.

DTP stated that this Application was for a tables and chairs licence by the Skull Bar, formally known as the Cannon Bar. He stated that the bar currently had a number of tables directly in front of the bar and were proposing to locate a number of tables and chairs on the side of the Bishop Rapallo Lane, to the side of the Cathedral. They argue that illegal parking currently takes place in that area and this would prevent this from happening.

He commented that the Commission had consistently only allowed tables and chairs directly in front of the premises and would recommend that the Commission refuse this Application as it would set precedent for other similar Applications.

The Commission concurred with the comments made and the Application was subsequently refused.

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Minor Works- not within scope of delegated powers

The Commission approved all applications within this section unless otherwise stated.

74/17 - BA13451- 60 Devils Tower Road - Proposed construction of three storey building comprising of three floors of car parking/storage with ground floor retail unit.

75/17 - O/13831/15 - Cannon Hotel, 9 Cannon Lane - Proposed construction of two storey extension to hotel.

Applications granted permission by subcommittee under delegated powers

The Commission noted the following Applications and agreed with the approval granted by the Sub-committee.

76/17 - F/13906/16 - 1104 Sand Dune House, Beach View Terraces - Proposed internal alterations and installation of glass curtains.

77/17 - F/14271/16 - 51 Main Street - Consideration of revised plans for approved store extension within ground floor courtyard.

78/17 - F/14360/16 - 313 Main Street - Consideration of amendment to revert window to full height glazed opening.

79/17 - F/14605/16 - 21-25 Lime Kiln Road - Consideration of request to lower first floor windows on west facing facade by 500mm.

80/17 - F/14652/16 - 1102 Europlaza - Proposed enclosure of terrace with windows and sloping roof with opening roof light. Frame to be blue in colour to match existing building.

81/17 - F/14655/16 - Leisure Island, 23 Ocean Village Promenade - Proposed internal alterations.

82/17 - F/14672/16 - 28 Cormorant Wharf, Queensway - Proposed installation of glass curtains.

83/17 - F/14678/16 - 15 Tuckey's Lane - Proposed conversion from betting office into fitness shop and yoga studio.

84/17 - F14679/16 - Rotunda Bureau De Change, Winston Churchill Avenue - Proposed minor external and internal alterations to provide two additional tills.

85/17 - F/14687/16 - 1 Library Ramp - Proposed installation of a 3 person lift.

86/17 - F14688/16 - 1401 Europlaza, Block 1, Harbour Views Road - Proposed installation of new glazed curtain wall system and roof canopy to terrace.

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87/17 - F/14689/196 - 10 Rock Gardens, Gardiner's Road - Proposed minor alterations to apartment.

88/17 - F/14691/16 - Flat 8, 6 Cumberland Steps - Proposed minor alterations and refurbishment of premises.

89/17 - F/14692/16 - 20 Willis's Road - Proposed minor internal alterations and refurbishment of building.

90/17 - F/14695/17 - 705 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

91/17 - F14698/17 - 2A Cornwall's Centre - Proposed replacement of one of the units fixed windows to an opening window.

92/17 - F/14699/17 - 202 Europlaza, block 6, Harbour Views Road - Proposed internal alterations.

93/17 - F/14700/17 - 612 Royal Ocean Plaza, Ocean Village - Proposed installation of glass curtains.

94/17 - F14702/17 - 25 Gardiner's View, Europa Road - Proposed internal alterations and replacement of balcony doors.

95/17 - F14706/17 - 5 Blackwood Tower, Brympton Estate, South Barrack Road - Proposed internal alterations.

96/17 - F14707/17 - Stall No.17, Public Market, Fish Market Lane - Proposed refurbishment of existing premises and installation of new kitchen facilities.

97/17 - F/14712/17 - 516 World Trade Center, 6 Bayside Road - Proposed internal alterations.

98/17 - F/14714/17 - 408 Seagull Lodge, Mons Calpe Mews - Proposed internal alterations.

99/17 - F/14716/17 - Flat 2A, 39 Naval Hospital Road - Proposed replacement of 2nd floor windows and installation of black aluminium shutters.

100/17 - F/14718/17 - Units 7.01 and 7.02 World Trade Centre - Proposed subdivision of units to reflect approved scheme as Certificate of Fitness has been granted for use of the two offices as a single unit.

101/17 - F14719/17 - 1 Casemates House - Proposed internal alterations and installation of new window at attic level.

102/17 - F/14720/17 - 822 Seashell House, Beach View Terraces - Proposed installation of glass curtains.

103/17 - F14728/17 - 604 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

104/17 - A/14493/16 - The Royal Calpe, 176 Main Street - Proposed placement of sandwich

board.

105/17 – A/14703/17 - Bistro, 292 Main Street - Proposed placement of sandwich board.

106/17 – A/14709/17 - Café Modelo, 5 Casemates Square - Proposed placement of sandwich board.

107/17 – A/14724/17G - Waterport Road, North Mole Road, Winston Churchill Avenue, Queensway, Bishop Caruana Road and Europort Road - Proposed lamp post banners to advertise Gibraltar Snooker Open.

108/17 – A/14725/17G - 177 Main Street - Proposed installation of banner to advertise World Pool Masters XXIV.

109/17 – A/14726/17G - 177 Main Street - Proposed installation of banner to advertise Gibraltar Snooker Open.

110/17 – REF1196 - Wellington Front (Rear of Manchester 62 Club & Lions FC Club) - Request for tables & chairs license's.

111/16 – Any other business

JH asked the Commission for clarification on the 'chiringuito' located at Camp Bay on whether it had a permanent licence to which The Chairman confirmed that it did not have a permanent licence and it had to be removed by October. The Chairman confirmed that the Department would follow this up accordingly.

JH also raised concern over Bayside Road by St. Anne's School, which was very dangerous specifically at school times due to the construction works on the adjacent site. JH explained that after raising this matter directly with Town Planning before the start of last summer (2016), and been advised then to follow up with Mr Banda from the Traffic Commission, she felt it necessary to raise the matter once again at DPC, as situation had deteriorated further. MCMYS stated that MEHEC had met only that morning with relevant authorities in order to address this issue.

112/17 – Next Meeting

The next meeting will be held on 28th March 2017.