

Approved

DPC meeting 05/17

31st May 2017

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5th Meeting of 2017 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 31st May 2017 at 9.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

The Hon Mr S Linares (MSCHY)
(Minister for Sports, Culture, Heritage and Youth)

Mr H Montado (HM)
(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)

In Attendance:

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

Mr. Robert Borge
(Minute Secretary)

Apologies:

The Hon. Dr John Cortes (MHEC)
(Minister for Health, the Environment, Energy and Climate Change)

Mr C Viagas

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

Approval of Minutes

248/17 – Approval of Minutes of the 4th Meeting of 2017 held on 26th April 2017

The Commission approved the Minutes of the 4th DPC meeting of 2017 held on 26th April 2017.

Matters Arising

249/17 – F/14701/17 – 2 Catalan Gardens, Sir Herbert Miles Road – Consideration of revised plans for the construction of extension to existing east-facing terrace.

This application had previously been deferred at the February meeting and then in March again. The application related to the creation of a new terrace over the edge of the Catalan Bay Road. DPC had previously expressed concerns in relation to the balcony having a negative visual impact. DTP reported that the revised proposal attempted to soften the visual impact of the original. A concrete wall was now proposed at the base of the retaining wall topped with decorative balustrade with concrete ledge behind to support planters. The infill panels which were included in the original have now been removed. The applicant has proposed to introduce plants in order to soften the visual impact of the construction and encourage the growth of vegetation from the terrace downwards and from planters at the base with creepers to grow up the supporting columns. Photo montages were shown.

None of the consultees had yet provided feedback to the amendments. DTP acknowledged that the applicant had changed the plans to address the previous matters raised by DPC. DTP reported that there were still some concerns regarding the visual impact of the proposed construction. He mentioned that the landscaping would need to be maintained, which the applicant mentioned at the DPC meeting in March was keen to do. DTP mentioned that he could not recommend approval as there was still a visual impact and could not support this as good design. A cantilevered option would be less intrusive but DTP recognised that this would be a more complex solution and possibly more expensive.

The Chairman added that although construction at 1 Catalan Gardens had taken place it had not yet been completed and that the applicant would be landscaping under the structure.

DCM asked whether the position was that 1 and 3 would be constructing together.

JC said that if the Commission had already approved the first scheme then this proposal would need to be approved too.

The Chairman noted that the reason that the two proposals were different was because House 1 had included panels in the construction to screen drainage pipes underneath the terrace which were being used for a pool which had been installed.

JC mentioned that he preferred for there to be uniformity, especially if other neighbours were also going to upgrade their terraces.

The Chairman informed that the owner of 1 Catalan Gardens was also contemplating extending the terrace where none existed to meet that proposed by House 3 Catalan Gardens.

Approved

DPC meeting 05/17

31st May 2017

JH mentioned that if further terraces were built the wall would no longer be visible.

The Chairman recommended that the Commission judge whether they accepted the applicant's revision to the original proposal and reminded Members that what had been built at House 1 had permission subject to the implementation of the final screening scheme.

JH replied that the Commission should not be misled.

JC asked whether JH was suggesting that the Commission not approve this revised proposal.

JH replied that this revision was much more elegant.

CAM mentioned that the columns would have a visual impact.

JH replied that if proper vegetation was planted then the impact would be lessened.

KB mentioned that the plants adjacent to the property were escaped garden plants and this could continue to successfully occur.

The Chairman recommended approval as the vegetation that would be planted at the neighbouring property would create a green wall.

JH commented that it would lose its texture and historical feel.

The applicant, Mrs Maria Isabel Robba, was invited to address the Commission.

Mrs Robba mentioned that she had already spoken to the engineers and she considered that the latest option was the best way forward and that the balustrade that would be installed was the same as her neighbours in order to have uniformity. Mrs Robba also confirmed that she would be planting Honeysuckle which is already successfully growing.

CAM asked about what impact the greenery would have on the wall underneath.

Mrs Robba replied that they had attempted to comply with the Commission's wishes and that they had consulted with Minister Cortes on what plants would be suitable to grow in the area. She also assured the Commission that she would not have a problem with maintaining the plants as she was an avid gardener.

DCM stated that he preferred the revised proposal and that there must be some consideration given to the applicant being willing to change her proposal to meet the Commission's requirements.

Mr Luis Robba addressed the Commission to express that he understood the Commission's concerns but that precedence had already been set by allowing 1 Catalan Gardens to go ahead with extending their terrace. Mr Robba also mentioned that he had been informed by his engineers that in order to construct a cantilevered terrace they would need to construct into their living room and this was not a viable option.

The Chairman asked the Commission to discuss whether they wished to approve unanimously the revised proposal.

Approved
DPC meeting 05/17
31st May 2017

JH replied that she would approve this revision but that future terraces need to follow this plan.

KB seconded JH's comment.

The revised proposal was voted upon with the following result:

In favour: 6

Against: Nil

Abstentions: 3

Other Developments

250/17 - F/14161/16G - LNG Power Station, 5 Mons Calpe Road - Consideration of proposed amendments including construction of fire protection wall, reposition of office block and other ancillary works.

DTP reported that this was a revised proposal in order to add a new access escape at the Quayside and a new access staircase from the Quayside to the storage area. The amendments also include plans to construct a 44 metre long fire resistant concrete wall that would be visible from the sea. DTP reported that the only concern Town Planning had with the proposed wall was the visual impact from the sea

It was recommended that the external side of the wall should have some form of embellishment such as affixing of signage, self-supported signage, and use of different colour finishes, possible with some form of down lighting to make this a feature.

JH raised concerns regarding the wall between the LNG plant and the Cruise Terminal as it had not been built and no designs or subsequent information had been presented. She described the construction of this wall as essential as had been described in all safety assessments carried out. JH also commented that HSL and Lloyds had recommended the barrier wall as a critical requirement due to the proximity of the LNG storage terminal to existing infrastructure and to housing estates.

The Chairman noted JH's concerns on behalf of ESG and informed her he would look into it.

DTP recommended approval of the proposed changes subject to agreement with the applicant on an appropriate design for the wall.

The Commission approved this application unanimously.

251/17 - O/14552/16 - 34 Turnbull's Lane - Proposed commercial and residential redevelopment of existing premises to provide commercial unit at ground floor and 32 individual bedsit units on floors above.

DTP reported that this outline application was to redevelop 34 Turnbull's Lane into commercial and residential premises. The building is in a dilapidated state and the owner wishes to make some external and internal renovations. The owner wishes to convert the ground floor into commercial

Approved

DPC meeting 05/17

31st May 2017

premises and plans to lower the ceiling height in order to include more storeys and have 32 Studio apartments. The existing façade of the building would be retained except for the addition of projected balconies and modification to the existing windows. The new fifth floor would have an open terrace with a parapet wall. The new sixth floor would also have an open terrace and a service area for air conditioning units with a parapet wall and railings. The South Elevation of the building runs along the boundary of the adjacent property. The adjacent building has access to the rear buildings via a walkway.

Objections to this outline application were received and counter representations were made by the applicant and DTP referred Members to the copies of these circulated with the agenda.

Mr Victor Reyes, the architect in charge of the project, addressed the Commission.

He mentioned that an 1820's document showed that the building had been flanked by 2 passageways, with windows and doors on both sides for the past two hundred years. Mr Reyes noted that the objector also has windows on the side facing the Rialto building.

He also mentioned that the objection to the proposed height of the building was unfounded as there are buildings in Turnbull's Lane which are taller. Mr Reyes described Turnbull's Lane as Dickensian stating that redevelopment of the area was much needed and was also welcomed by the majority of people who lived in the area.

The Chairman asked Mr Reyes what was his view on encroachments.

Mr Reyes replied that he did not consider that in this case there were any encroachments. He claimed that the objections were about windows.

GM asked Mr Reyes whether he could clarify why the railings over the windows had been set that way as they did not seem symmetrical.

Mr Reyes replied that he had added three sets of railings in order to create symmetry with both entrances to the building.

The Chairman asked for clarification on the encroachment on the South elevation objection relating to the windows overseeing the windows the building adjacent.

Mr Reyes replied that the plan was to build on top of the current building, that it was a modern building. Windows could be taken into two panels and railings needed to be put in. Shutters open up onto someone else's airspace and explained that in the 1800's there were no boundary lines.

JC commented that the original freehold grant will say whether passageways could be used.

DTP then summarised that the Heritage Trust had no objection as the outline was in keeping with the old town plan. However, they also commented that the proposed additional storeys would add a significant height to the building which was not usual for buildings in the town area and that the balconies were not traditional. Regeneration of the area is much welcomed especially as the applicant would be retaining the building's original features. He referred that the Heritage Trust also considered that an Archaeological Watch be put in place.

The Commission thanked Mr Reyes.

Approved

DPC meeting 05/17

31st May 2017

DTP said that objections had been received concerning rights, loss of privacy and that air conditioning units were going to be installed close to the adjacent building. Objections had also been received from the owners of the building on the north side of the site objecting to a loss of light on their south facing windows. Counter representations were received from the applicant stating that the air conditioning units would be located 13 metres away and at 4 metres in height. .

DTP reported that urban regeneration was welcomed and recognised that the building was in poor condition. He commented that the fenestration proposed involved larger openings and the window design was not in keeping with traditional design and should be reconsidered. He highlighted that the GHT had objected to the balconies and that the DPC needed to take a view on this. There were some concerns with the height and that consideration could be given to reducing the proposal by a storey. Landscaping opportunities were limited but it was recommended that a green or brown roof would help compensate. Approval was recommended subject to the above.

CAM said that the Heritage Trust preferred for the building not to have any projecting balconies as they would overshadow the street below which does not have a lot of natural light to begin with.

Miss Anne Rose from Hassans and Mr Prescott, instructed by Mrs Chellaram (objector), requested to address the Commission. They were welcomed by the Commission.

Miss Rose explained that the proposal will affect light and ventilation to Mrs Chellaram's building as well as crossing the boundary lines. She also explained that the passageway between both buildings also belongs to Mrs Chellaram which has always been used as a fire exit for her tenants. Mrs Chellaram is concerned that building construction supplies will have to be through her client's property blocking the fire exit. Miss Rose claimed that her client did not object to the renovations but does not want them encroaching on her property.

The Chairman replied that the Landlord has the last say on any encroachments on any property.

The Chairman then asked whether the Commission wanted to approve the proposal with the recommendations set out by DTP.

CAM stated that she preferred Juliet balconies.

MSCHY asked who's property the passage door belonged to

DTP replied that the door belonged to the property adjacent.

The Chairman stated that the upper 2 floors belong to the applicant and the passageway belongs to the objector.

CAM said that the proposed height of the building exceeded policy.

MSCHY asked whether the legal objection for access to the building was a consideration for the Commission to take into account when approving the outline proposal.

The Chairman replied that it was not for the Commission to decide.

Approved

DPC meeting 05/17

31st May 2017

JH stated that the applicant's proposal could go down to 5 storeys.

The Chairman confirmed that it did exceed the policy for the Town area.

CAM said that the applicant had not made a case why they would need 6 storeys.

DTP told the Commission that the planning policy for tall buildings (more than 5 storeys) requires the applicant to justify the height of the proposal.

GM said that a building exceeding 5 storeys in height and would require justification and a design statement.

The Chairman asked Mr Reyes whether he would prefer to have the application deferred to give him time to submit a Design Statement.

Mr Reyes replied that the Design Statement he would submit would be similar to what he has already submitted.

This outline proposal was deferred to allow the submission of Design Statement.

Mr Stanley Prescott tried requested to address the Commission but the Chairman said that the matters had already been addressed by the Miss Rose and that any recommencement of the discussion couldn't be proceeded with as the allotted time for the application had been exceeded. The Chairman remarked that he could have had his say when he was side-by-side with Ms Rose.

252/17 - O/14752/17 - 22 to-24 Town Range - Proposed redevelopment of plot including part-demolition and part-refurbishment of existing building to the front and construction of a new building to rear of plot.

DTP reported that this application was an outline application to refurbish the front building at 22-24 Town Range in order to build six one bedroom flats, demolish the rear building and build a further 14 flats. The existing commercial unit would remain. The original outline was to build an 8 storey building but after recommendations from Town Planning it was reduced to 7, although Town Planning had recommended the proposal be reduced to 6 storeys. The front building was to be retained and refurbished retaining traditional features. Existing timber windows would be replaced by composite windows. The proposed new building at the rear would have lift access, a swimming pool and gymnasium on the ground floor. The 1st floor would consist of 4 bedsits and south facing balconies. The 2nd floor to the 5th would consist of 1 and 2 bedroom apartments. The 6th floor would have terraces set back and the roof would have a green sedum roof, as well as solar panels.

DTP described the rear building as being designed in a contemporary style with aluminium cladding and curtain wall glazing to the penthouse, glass balustrades and a brise soleil to the top level. The building would also have a light well to allow natural light to come in. The south elevation would be visible from Main Street across the Magistrates Court's gardens and this vista would be the most visually impacting view from close up to the site. As this building would be surrounded by buildings view of the north elevation would be blocked. A photo montage was shown displaying comparative views.

Approved
DPC meeting 05/17
31st May 2017

Mr Jonas Stahl, the applicant's architect was welcomed to the meeting.

Mr Stahl described the footprint as challenging because both buildings are linked by a 2m wide passageway and the previous owner allowed the building to deteriorate. He said it made economic sense to add more height in order to fit more apartments but the Town Range building should remain and maximise the potential of the rear building. They are proposing having the same roof line as other surrounding buildings and is 20-30 metres away from the street. He was confident that there wouldn't be any visual impact; it would only be seen from Magistrates Courts garden.

The Commission thanked Mr Stahl.

DTP reported that a previous application covering the application site together with the adjacent site had been made in 2007. The Commission had refused that application due to concerns on excessive height, massing, parking and the need to retain the buildings fronting Town Range. At that time the Town Planner had recommended no more than 6 storeys as the maximum height that should be allowed.

DTP reported that the Heritage Trust had welcomed the retention of the Town Range building but that an archaeological desk based assessment should be carried out for the rear proposal. Ministry for Heritage also commended the retention of the Town Range building and also requested that an archaeological desk based assessment is carried out. Technical Services had architectural objections and considered the height of the building should be lowered to align with adjacent buildings.

DTP reported that objection had been received, and referred Members to the copies that had been circulated with their agendas. Objectors raised issues with the proposed height of the building, that there would be a lack of privacy as the building would be overlooking theirs, it would set a precedent, affect on property values. They also commented that the building would increase traffic congestion and that construction would affect the stability of their property.

Counter representations were made by the applicant stating the proposed height fits in with the general building line and that planters would be included in order to maintain privacy.

DTP said that Town Planning welcomed the scheme as it would be retaining the character of the Town Range building. Whilst having no in-principle objection to the rear building it was considered that the height proposed would have an unacceptable visual impact particularly when viewed from Main Street where it would have a significant adverse impact on the setting of the Courts. DTP recommended that the rear building be reduced in height by one storey with the top storey set back. He asked the Commission to assess whether composite windows should be installed as proposed by the applicant.

The proposal was approved with the condition to reduce the height to six storeys and that the use of composite windows was acceptable.

Approved

DPC meeting 05/17

31st May 2017

253/17 – F/14786/17 – Villa Leonardi, 3 Little Genoa, Sir Herbert Miles Road – Proposed enclosure of terrace with glass curtains.

255/17 – F/14795/17 – Villa Lante, 4 Little Genoa, Sir Herbert Miles Road – Proposed enclosure of terrace with glass curtains.

DTP reported that both of these applications were similar and would be considered simultaneously. The applications are to construct an aluminium structure to enclose the top floor balconies using frameless glass curtains with a monopitch roof over using sandwich panels.

DTP reported that these were the first proposals to cover over the open top floor balconies. Some of the properties had been permitted to fit glass curtains to the lower floor balconies which were located below the top terraces.

DTP commented that the top houses had a consistent architectural treatment with open terraces at the top level. Glass curtains had been permitted to allow enclosure of lower terraces as it was considered there was no significant visual impact. The proposed roof and glass curtains to the open top terraces however was considered to be out of character and would introduce an alien feature that did not fit in with the architectural treatment of the buildings. The application was therefore recommended for refusal.

The Commission refused both of these applications unanimously.

254/17 – O/14793/17 – 24 Casemates Square – Proposed construction of a two storey residential extension over the existing building to match adjacent building.

DTP reported on this outline application where it was proposed to add 2 storeys to 24 Casemates Square. It was proposed to construct 2 storeys over the roof of Burger King and extend the existing staircase vertically to serve the new storeys. On the second floor the applicant will be building a studio apartment and 2 x1 bedroom apartments. Access to these apartments will be from the rear. The third floor will consist of 2 studios and a 1 bedroom apartment. The proposed extension will be 3.65m from the windows of the office building at Crutchett's Ramp and 2 metres, offset, from the windows of the residential building to the rear. The architectural style replicates Casemates House.

DTP advised that in January 2011 a 2 storey extension for office use had been approved by the DPC.

DTP referred Members to copies of objections and counter representations that had been circulated with the agenda. Objections were received from the management company of Casemates House objecting to the encroachment into the communal areas and issues of light. Burger King also objected to the proposal claiming that it could result in losing the franchise; A/C would need to be moved as well as refrigeration units.

Members of the public also objected in relation to the loss of communal areas and loss of light. Objections were also received concerning the staircase extension as it would cause the loss of the flower bed. Representations were also made that there would be a negative impact on car parking.

Approved

DPC meeting 05/17

31st May 2017

The applicant made counter representations stating that the flower beds would be re-provided, air conditioning units would be installed on the roof area, and no extra fire escapes would be needed. They also said that access to the building belongs to Casemates House and that by covering the entrance to the building the access would be better lit and would be protected from the elements.

DTP reported that the extension was sympathetic to the current design. An application to build an extension for offices had previously been approved. DTP recommended approval with the condition to omit the incompatible first floor window and that the arch window feature should be replicated.

Mr Bernard Vaughan, the Chairman of the Management Company, was allowed to address the Commission. He stated that the staircase had been beautified since the building was erected in 1981 and now with the proposal the entrance will become a tunnel; the head lease was ceded to the management company. The development of an existing building over their entranceway would mean that their building will no longer consist of maisonettes; and the applicant would be building over their fire escape.

Designs were shown and The Chairman enquired who the shaded property belonged to.

Mr Vaughan replied that they had ownership of the units and claimed that they had no objection to the extension being over Burger King but rather to losing their right to light.

The applicant Mr Michael Mifsud and his architect, Christian Revagliatte, addressed the Commission to present their counter representations. They stated that the proposed entrance would become a foyer for both buildings; the light well proposed would be for ventilation purposes, they would be willing to stay within the building line.

The Chairman asked the Commission whether they had any comments to make and if they agreed with keeping this extension limited to just be over Burger King.

The Chairman recommended that the applicant should keep to building line and accommodate the objectors' concerns.

It was also suggested that the applicant consider how to visually 'tie in' the new extension with the existing building.

The application was deferred to allow the applicant to submit a revised design in accordance with the Commission's comments.

256/17 - F/14804/17 - Penthouse Apartment and Roof Top, Clifftop House, Windmill Hill Road - Proposed installation of landscaped roof garden with plunge pool and glass sun room.

This proposal was for the installation of a roof garden, plunge pool, a single storey sun room and a lift between the penthouse and roof level. Minor internal alterations would also be made. There would also be an area for air conditioning units and solar panels. The North Side would have a 1.75 metre high hedge. An 11-1.75metre high glass balustrade would be installed around the perimeter. Previously a green roof had been planted but had not survived. DTP reported that in

Approved

DPC meeting 05/17

31st May 2017

August 2012 an application had been refused for a single storey solarium due to concerns on height, aggravation of loss of public views and failure to provide the original green roof. In September 2015 a similar application was made but was subsequently withdrawn by the applicant.

DTP reported that the Department for the Environment had reported back that this application should not be approved as the original green roof had not been provided. This had been required as a compensatory measure and that the pool and other buildings would compromise this. Department for the Environment considered the current proposal was not in keeping with the original intention and that its view was that the whole roof should be a green roof.

DTP reported that the condition for the original green roof was imposed to minimise the visual impact, particularly from the Upper Rock Nature Reserve, and for ecological reasons. The building is prominent from Jews Gate, The Upper Rock and Lathbury and interrupts the ridge line when viewed from the North., The proposed extension would increase its the roof top massing and would be clearly visible. Proposed installation of air conditioning units would be screened by the hedge.

DTP recommended refusal as further structures would escalate the visual impact the building already has. This property already has a pool at ground floor level. Any further structures built would be visible from Jews Gate, the Upper Rock and the general area around the building.

JH commented that the green roof should still be provided.

KB also commented that a landscaping design would be of merit.

James Hughes, representing the applicant, addressed the Commission, stating that in 2005 the Commission called for a roof garden for tenants or the residents of the top apartment, and that the roof garden would need a balustrade.

JH replied that Mr Hughes said that renewable energy would be used to provide water heating and lights to the top floor.

DTP reported that the issue the Commission had with the open area was that it was to be enjoyed by all residents and that the Commission did not wish further structures to be introduced as the building has a negative visual impact as it is.

Mr Hughes replied that the solid structures would only be visible from the East. The planting previously planted did not work because of the harsh conditions.

KB asked if there was a pool on the roof wouldn't the residents have a loss of privacy.

Mr Hughes replied that the pergolas, hedge and the glass structure would create privacy for pool users.

Approved

DPC meeting 05/17

31st May 2017

GM commented that the intended use of the green roof was because the building is on a bird migratory route.

Mr Hughes replied that currently there was a bird bath on the roof.

DCM commented that the whole roof should be green as originally stated in the previous application.

Mr Hughes replied that several attempts had been made to improve the roof but the applicants had not been properly advised.

MSCHY commented that he had asked GHONS and Wildlife if they could coordinate and advise them in order to make the roof green.

KB replied that Alameda Botanical Gardens had already advised Mr Hughes.

The Chairman asked the Commission whether they wanted to approve the application.

The application was unanimously refused for the reasons discussed.

257/17 - O/14850/17 - 16-18 Witham's Road - Proposed demolition of existing residential building and construction of new residential building.

DTP informed the Commission that this application was for the demolition of the current residential building at 16-18 Witham's Road in order to build a new residential building. The applicant wishes to demolish a 2/2.5 storey building with 2 apartments to build a 7 storey building with 5 apartments including a ground floor car park. The new building would have a contemporary design using brick panels. On the east elevation there would be horizontal high level windows. The north elevation would be similar but with high level glazing. The existing pitch roof would be changed to a roof terrace. The North elevation would be visible particularly from Rosia Road and Dockyard Road.

DTP advised that the Heritage Trust had commented that a case had not been made to demolish the current building and they felt that the character of the building should be referenced in keeping with the street scape. Ministry for Heritage also reported that no case had been made to approve the demolition; they felt that the building could be restored and opposed this application. Technical Services commented that the proposed building should be reduced by one storey in order to sit within the existing topography and not project into the skyline. Traffic Commission did not object to this application and welcomed that the proposal included ground floor car parking. However, vehicles would need to reverse into the garage and exit in a forward direction only.

Objections were received by residents at 14, 18a and 22 Withams Road. They objected on the grounds that retaining walls and patios to their property should not be affected and properly protected in order to avoid potential structural damage during construction. They also raised

Approved

DPC meeting 05/17

31st May 2017

objections appertaining to noise pollution and that construction could affect day to day living in the area.

The applicant made counter representations stating that they would ensure that a survey would be carried out before construction to avoid any damage occurring to their properties and were happy to discuss health and safety issues with the objectors.

DTP reported that:

- The existing building did not have any unique architectural features that made neither a positive or negative impact on the streetscape. There were no objections to the demolition of the building.
- The general height and massing were in-keeping although there would be an impact in terms of the stepping down of the building line due to the site being located on a hill. DTP proposed height of the building should be reduced by one storey as recommended by the Heritage Trust retaining a penthouse set back on the top floor.
- Town Planning policy is to respect topography when designing new buildings.
- There were no objections to the contemporary design but there were concerns with the proposed mix of fenestration and treatments.
- As the north elevation is more prominent than perhaps suggested by the applicant, it is recommended that discussions be held between Town Planning and the applicant to improve on this elevation.
- The Commission should consider whether they wish to include a brown or green roof for the proposed building.
- That the proposal should be subject to an archaeological watching brief.
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DTP recommended approval of this outline application with the condition that the building be reduced by one storey.

CAM commented that no justification had been made to demolish the building even though she seconded Town planning's comment that the current building did not have any architectural merit.

The Chairman welcomed the applicant Mr Jimmy Imossi and Dominic Harvey (architect) to address the Commission and make their representations.

They told the Commission that the project had been conceived as a result of critical issues with the existing building relating to rising damp. The existing building is not insulated or waterproofed and is not suitable to modern living. The applicant considers it to be more economically viable to demolish the existing building and build a new one.

JH commented that the height had increased considerably.

The applicant replied that the proposed building followed the line of the building adjacent and that if viewed on flat ground instead of a hill the proposed building was the same as the rest of the buildings in the area. The applicant also mentioned that in order to get the project to pay for itself they required more apartments.

Approved

DPC meeting 05/17

31st May 2017

The Chairman responded that that the applicant's financial background was not a planning consideration within the Commission's remit although accepted it was valid for the construction process.

GM commented that it seemed from objectors' comments that Section 19 notice had not been received by neighbours and enquired whether it was required to inform adjacent neighbours.

The Chairman replied that it was not required under the current Town Planning Act but it would be under the new Act.

The Chairman asked the Commission whether they wanted to approve this outline application with the recommendations made by Town Planning to reduce the height by one storey and proposed changes to the design.

The Commission approved the proposal unanimously following and subject to Town Planning's recommendations.

258/17 - O/14857/17 - 216 Main Street - Proposed single storey residential extension and internal alterations to second floor apartments.

DTP reported that this outline application was to build a single storey extension, with some further internal alterations to 216 Main Street. The applicant wishes to convert the existing 4 bedroom apartment on the second floor into two 2-bedroom apartments. At roof level there is an existing 1 bedroom apartment and the applicant wishes to construct a full storey in order to build two 2-bedroom apartments. Plans and photo montages were shown displaying the proposed construction.

One objection had been received from 222/8 Main Street who has a terrace which would be about the proposed extension and objects on the grounds that there would be a loss of privacy and security. The applicant made counter representations that roof access would only be required for maintenance and any concerns in that respect would be minimal.

Comments had been received from Department of *Health, the Environment, Energy and Climate Change* (DHECC) that the applicant should install a green/brown roof.

DTP recommended approval of this application but asked the Commission to consider whether they should impose the recommendation from the DHECC.

This outline proposal was approved unanimously with the condition that applicant must install a green/brown roof.

259/17 - F/14862/17 - 13B Ocean Village Promenade - Proposed fit-out of commercial premises as a micro-brewery/restaurant.

Approved

DPC meeting 05/17

31st May 2017

DTP briefed the Commission on this proposal to fit out a small unit at 13B Ocean Village Promenade to turn it into a micro-brewery and restaurant. Minor alterations would need to be carried out to create a small kitchen, bar and seating area. Portable cooling plant would be located behind the balustrade. The applicant wishes to replace the current doors which would be in the same style as The Ivy, which is next door. The process for brewing would not produce any hazardous waste or steam. The first part of the brewing process would be produced in Czech Republic which would be imported as a dry product.

Objections had been received from the Unit directly above 13B Ocean Village Promenade and from Watergardens Management on the grounds that the proposal was industrial in nature and that it would create a high level of noise and smell nuisance. Counter representations were made that this proposal was not industrial but in fact a gastro type bar. The applicant does not wish to make any external alterations to the commercial unit.

DTP advised that the Environmental Agency had been consulted specifically about the potential nuisances from the proposed use and they had confirmed that they were satisfied that with appropriate controls in place the use would be acceptable.

DTP recommended approval of this proposal.

JH asked what would happen to the water used to brew the product.

The Chairman replied that it would enter into the regular waste process as it would not be hazardous.

This proposal was approved unanimously by the Commission.

260/17 - F/14866/17 - 1 Paradise Ramp - Proposed construction of single storey extension over the existing terrace area.

DTP informed the Commission that this application was for the demolition of a single storey extension that gives access to a roof terrace and to build a complete new storey with stair access to the terrace above. Proposed windows and shutters to be installed would match the existing windows and shutters. This application was open to public participation and no objections had been received.

DHECC made standard recommendation to try and use renewable energy and incorporation of a green/brown roof.

DTP recommended approval of this application.

The Commission approved this application unanimously.

261/17 - F/14885/17 - Grille 53, Marina Bay Promenade - Proposed installation of cantilevered seating area.

Approved

DPC meeting 05/17

31st May 2017

DTP briefed the Commission that this application was to install a cantilevered seating area outside Grille 53 restaurant at the Marina Bay Promenade. The proposal is to create a deck extending from the existing boardwalk. The deck would be 1.8 metres wide, of which 1.2m projects over the quayside, and 11.3 metres long.

Port Authority has not raised any objections to the proposal but did make an observation that the cantilevered section could be a potential hazard to boats/jet skis.

DTP reported that this proposal:

- Would be likely to set a precedent for other establishments who may wish also wish to build a deck over the water.
- Was not considered to have an adverse visual impact.
- Would contribute positively to al fresco activities and could be seen as an interesting feature.
- Would not constitute a loss of berthing or manoeuvring space for boats due to its location relative to existing berths.

DTP summarised the main issues as being that if approved it would set a precedent for others to do the same and that if this were the case they would need to follow the same design. If the application is approved an important consideration was the fact that there it involved no loss of berths and that with it in place there was sufficient navigation space. In other cases this may not be so.

The proposed deck projects onto the quay and could represent a trip hazard – there would therefore need to be some form of physical barrier, such as planters to avoid creating such a hazard.

JH commented that she felt that this proposal encroached on the water.

JC asked whether this proposal was from Ocean Village Marina or from Grille 53 Restaurant.

The Chairman informed the Commission that construction of the deck had been proposed by Grille 53 and that Ocean Village Marina had not objected to the construction.

DTP stated that Town Planning did not object to the construction because it would contribute to activities undertaken at the marina but the Commission had to contemplate that it could set a precedent.

The Chairman stated that if any more restaurants wished to apply for construction of a deck the Commission would need to consider each proposal on its own merits.

GM expressed that due to the activity inside and directly outside the establishments along the boardwalk at night time, allowing this proposal to go ahead he considered that the Commission was condoning use of glass and other activities next to the water's edge.

Approved

DPC meeting 05/17

31st May 2017

MSCHY conveyed that this proposal led to tourism and could not object. MSCHY also said that at Queensway Quay people already enjoy eating and drinking by the waterside.

JH replied that this is not currently happening at Queensway Quay. She explained that at Queensway Quay you can eat and drink by the water side without encroaching on to the water's space.

The Chairman asked JH to explain her objection.

JH responded that she felt that this proposal invaded the water's space which had already been compromised in this particular area and that the water was not only for boat owners but for everyone who enjoys that environment.

JC commented that he felt that this deck was very narrow and would not really be able to accommodate a lot of tables. He asked whether it would not be possible to have the tables by the water's edge.

The Chairman replied that this would encroach on the pedestrian walking area.

DTP commented that part of the reason for this proposal would be the novelty.

DTP proposed to place planters at either end of the deck to demarcate the area and as there was a slight step from the boardwalk onto the deck.

The Commission took a vote on the proposed scheme as submitted, with the following outcome:

Against:	3
In favour:	4
Abstain:	2

This proposal was approved with conditions to place planters at the edge of the deck and to have appropriate warning signage on the cantilevered section.

262/17 - F/14908/17G - Special Olympics Club House, Europa Road - Proposed construction of a new sports centre facility comprising a sports pavilion and bar, gym, changing room and toilet facilities.

DTP briefed the Commission that this Government application was for the construction of a new sports facility for the Special Olympics Association at Europa Road. The building would also be for public use. Disabled access would be included throughout the building. A montage was displayed. DTP highlighted that the proposal did not have any dedicated parking on site nor a pick up/drop off point. It was envisaged that parking would be on-street or at the University.

DHECC had commented that a green/brown roof be incorporated as well as requesting consultation on what plants/trees should be planted. DHECC also recommended Starling nests to be integrated. Both Ministry for Heritage and the Heritage Trust commented that a desk based Archaeological assessment be undertaken.

Approved

DPC meeting 05/17

31st May 2017

Under the Town Planning (Building Development Control) Regulations parking spaces would be required on site but there are no parking spaces available. The building would have aluminium composite cladding with metal roof sheeting.

DTP summarised that this building would sit well within the site and would not have a significant visual impact. DTP explained that there was a lack of detail on what materials would be used to construct the sports facility and recommended that these be agreed before construction begins. DTP expressed that Town Planning was concerned about the lack of parking although it had been stipulated by the agent that University of Gibraltar would allow use of its parking facilities. DTP stated that there should be at least a drop off/pick up point provided. He also commented that there was no indication of external plant requirements and that these details should be provided.

JH asked whether metal roofing would be ideal as that could increase the heat within the building.

MSCHY replied that at this stage Government was still discussing with contractors about what materials should be used and were still at the design stage.

KB enquired whether solar panels would be incorporated.

MSCHY responded that Government envisaged that this building would in fact be carbon neutral.

The Chairman asked the Commission whether he could summarise the conditions for this proposal to be energy efficient, a better choice of colour scheme and availability of car parking spaces to be looked into.

MSCHY commented that St. Christopher's School could become Government Property and there may be car parking space made available.

CAM commented that prior to the archaeological watching brief a desk based assessment carried out.

This application was unanimously approved with support for the recommendations on ensuring energy efficiency, provision of loading/ unloading, and agreement on materials and colours of the external finishes.

263/17 - F/14928/17G - Pillar Box opposite Garrison Library, Governor's Parade - Create new pyramid structure over pillar box.

DTP explained to the Commission that this was for another Government application to build a pyramid-type structure over the Post Box opposite the Garrison Library. After further enquiries the Post Office informed Town Planning that the Post Box is always covered in sap because of the tree overhead. The Freemasons United Grand Lodge of England would be celebrating its 300 year anniversary this year and wished to place an ornamental pyramid, held up by aluminium/steel pillars over the Post Box to commemorate their anniversary. The Grand Lodge would be responsible for maintaining the structure.

Heritage Trust commented that they did not consider it appropriate for the Post Box to be covered and that the pyramid would in fact detract from its historical value. No further comments were received.

Approved

DPC meeting 05/17

31st May 2017

DTP reported that Town Planning considered that the post box was a traditional feature of the streetscene. The Proposed structure appeared to be unrelated to the post box and would be an alien feature in the streetscene. DTP advised that if the Grand Lodge wished to commemorate their anniversary alternative options should be considered such as an appropriate plaque possibly located at their premises or perhaps in a suitable public area such as park, planter bed, or similar location. and recommended refusal of this application.

The Commission agreed that it should recommend to the Government that the proposal should not proceed.

264/17 - D/14855/17 - 34 Devil's Tower Road and adjacent premises - Proposed demolition of existing buildings on site.

DTP briefed the Commission on this application stating that this application was to demolish existing buildings at 34 Devil's Tower Road in order to allow construction of a residential building which had been approved in August 2016.

Objections were received from Devil's Tower Road Management and residents of Shackleton House. They objected on grounds that the building to be demolished is adjacent to their own building and that this may have a negative impact on the façade, sewerage system and structural damage to their foundations. They requested that surveys be undertaken and that they be compensated for any repair works required. They also requested that a lift be installed at Shackleton House.

DTP informed the Commission that the applicant had responded that they would undertake a structural survey prior to works starting and for waterproofing works to the North faced but that they would not install a lift as this was unrelated to the proposed demolition.

DTP reported that an archaeological watching brief would need to be carried out and recommended approval to this proposal.

The Commission approved this proposal unanimously.

265/17 - D/14899/17 - Giboil Western arm (Ex Nature Tank Farm) - Proposed demolition of steel fuel tanks and two storey building on site.

DTP explained that this application was for the demolition of damaged steel tanks at Western Arm. Giboil who are the owners of the site have not yet put forward what their proposed plans are after demolition of the tanks but they wish to clear the site. DTP advised that permission had been granted previously for demolition of damaged sillage tanks in April 2014.

Port Authority commented that Giboil should liaise with them accordingly in order to ensure that there are no conflicts with port activities. Civil Aviation commented that they had no objection as long as any cranes used did not exceed 45 metres in height and if they did they would need to

Approved
DPC meeting 05/17
31st May 2017

coordinate and agree their use.

DHECC commented that an ecological assessment would be required and that any asbestos found at the site be removed safely. No objections were made from any other departments.

DTP reported that although there was no knowledge of what future plans Giboil had for this site it was recommended that this application be approved in order to clear the site.

JH commented that she had been informed that all wastage products had already been removed and that Giboil was keeping one of the tanks for future use. In future, Environmental Safety Group would be interested to know what this remaining tank would be used for and also welcomed clearing of the site.

The Commission approved this application unanimously.

266/17 - D/14903/17G - HMS Rooke, Queensway - Proposed demolition of mixed single storey and 4-5 storey buildings across site.

DTP informed the Commission that this proposal was to demolish buildings at HMS Rooke to clear the site. No development scheme has yet been proposed.

DHECC commented that an asbestos and ecological survey should be carried out. Heritage Trust commented that Building 8 should be retained until further plans are known. Building 8 has a unique timber roof construction and also because of its military use pertaining to Gibraltar's history.

The Chairman commented that if possible the trees should be left in situ for the time being.

MSCHY spoke on behalf of MEHEC, who was absent, and could confirm that DHECC was trying to save as many of the trees as possible and would also ask any future developers to replace every tree which could not be saved.

KB asked whether any proposals had been received.

DCM replied that the tender had gone out some time ago but there were no specific details yet but the Coach Park adjacent together with HMS Rooke car park would be used for the fair this year.

JH asked if any developer had been awarded the tender.

DCM responded that no award has been made yet but developers had expressed interest in the site and discussions were on going.

JH enquired whether there would be a choice as to what would be developed in the area.

DCM replied that any proposals would come before the Commission.

The Chairman asked the Commission to consider whether Building 8 should be retained for the

Approved
DPC meeting 05/17
31st May 2017

time being.

JC replied that it would be a case of delaying the inevitable.

CAM responded that if negotiations were still on going the building could remain.

The Chairman commented that it could be left until the last moment.

DCM replied that Government was willing to be flexible, adapt and find solutions.

CAM asked if it would affect the proposed development.

The Chairman said that Town Planning would pass on the recommendations to Government.

MSCHY stated that his main concern was the use of recyclable materials which was already being undertaken.

It was agreed that the Commission would highlight the existence and value of the timber ceiling to Building 8.

Minor Works - not within scope of delegated powers

(All applications within this section are recommended for approval unless otherwise stated)

The Commission approved all applications within this section unless otherwise stated

267/17 - BA13329 - 15 Europa Pass Battery, Europa Road - Consideration of amended plans to infill void underneath property.

DTP told the Commission that there no objections were received but the Heritage Trust had commented that the historical wall which had been reduced in height when construction was carried out for the original development should be retained rather than demolished as shown in the proposals. DTP recommended retaining this section of the wall.

The Commission approved this application with the condition to retain the wall.

268/17 - BA13249 - 2 Europa Pass Battery, Europa Road - Consideration of application for relaxation of Building Regulations.

269/17 - BA13457 - Old Casino, 7 Europa Road - Consideration of minor additional demolition works to partially remove steel staircase.

270/17 - D/14861/17G - Covered Parking Area, Bus Depot, Winston Churchill Avenue - Proposed demolition of single storey steel structure with brick infill panels and galvanized roof sheets.

271/17 - A/14883/17 - Unit 1, ICC, Casemates - Proposed replacement of parking sign with

Approved

DPC meeting 05/17
31st May 2017

shop advertisement sign board.

Referred to Commission by Subcommittee with recommendation for refusal.

272/17 - D/14884/17 - Unit 28 Eaton Park, Forbes Road - Removal of gate and taking down of boundary wall plus a small single storey office.

273/17 - F/14922/17G - Britannia House, Queensway Road - Britannia House refurbishment. Works entail as follows: external painting to main façade, painting boundary wall and railings, new internal lift installation (2), new window installation, new external disabled ramp to access apartment 9 and repairs to roof coverings if it's necessary.

Applications Granted by Sub Committee under delegated powers (For Information Only)

274/17 - BA13421 - 19 Genoa House, Catalan Bay Village - Consideration of request to extend validity of Supplemental Planning Permit by an additional year.

275/17 - BA13452 - 3 Europa Pass Battery, Europa Road - Consideration of as built west façade drawing to regularise window installed at first floor level.

276/17 - BA13599 - 12 Catalan Gardens, Sir Herbert Miles Road - Consideration of revised plans to use void under approved pool as store-plant room for pool and installation of staircase to lead to void under terrace.

277/17 - BA13734 - Europort Road - Consideration of revised plans for additional pergolas.

278/17 - F/13805/15 - 28 Parliament Lane - Consideration of applicant request to change security railings on shop front with new perforated roller shutter blind.

279/17 - F/13843/15 - Ocean Spa Plaza, 17 Bayside Road - Consideration of amended plans for retrospective changes to Lucas Imossi garage including additional access on Glacis Road.

280/17 - F/13904/15 - 34 South Barrack Road - Consideration of revised plans for the construction of enclosed walkway.

281/17 - F/14242/16 - 15 Cornwall's Lane - Consideration of revised plans for minor extension at attic level.

282/17 - F/14282/16 - 20 Admiral's Place, Naval Hospital Road - Consideration of proposed additional skylight windows on roof.

283 /17 - F/14507/16 - 55/4-7 Flat Bastion Road - Proposed replacement of windows to double glazed uPVC windows and replace shutters from green to navy blue ones.

284/17 - F14541/16 - 1 Little Genoa and Car Parking Space No. 9 - Consideration of revised plans to install sliding doors at ground floor terrace on east facing façade as per recent permitted scheme at Villa 2, Little Genoa (F/14778/17).

285/17 - F/14730/17 - 1126 Seashell House, Beach View Terraces - Proposed installation of

Approved

DPC meeting 05/17
31st May 2017

Glass Curtains.

286/17 - F/14782/17 - Unit 40 Governor's Cottage Camp - Proposed Store Extension.

287/17 - F/14791/17 - Unit 0.02 World Trade Centre, Bayside Road - Proposed internal alterations and placement of advertising vinyl's on existing windows.

288/17 - F/14814/17G - Westside School- Proposed construction of a new lift in courtyard.

GoG Project

289/17 - F/14815/17 - House 1 Shorthorn Farm Estate, Europa Road - Proposed roof terrace conversion works and new boundary wall.

290/17 - F/14822/17 - 407 Abyla Lodge, Mons Calpe Mews - Proposed installation of glass curtains.

291/17 - F/14828/17 - 1A Line Wall Road - Proposed refurbishment of vacant office premises.

292/17 - F/14829/17 - Unit G1a Westone, Eurotowers - Proposed fit out of commercial unit into pharmacy.

293/17 - F/14830/17 - 1200 Eurotowers, Block 1, Europort Road - Consideration of amended plans for internal alterations.

294/17 - F/14836/17 - Flat 3.B.B Gardiner's Road - Retrospective application for the construction of a new double height conservatory.

295/17 - F/14838/17 - Unit R, Don Arcade, 30/38 Main Street - Proposed internal alterations.

296/17 - 408 Viking Lodge, Mons Calpe Mews - Proposed internal alterations.

297/17 - F/14848/17 - Unit 1.02 World Trade Centre, Bayside Road - Proposed internal alterations.

298/17 - F/14852/17 - Unit 70 Harbours Walk, New Harbours, Rosia Road - Proposed office fit out.

299/17 - F/14853/17 - Unit C 10 St. Christopher's Alley - Proposed use of a pre-war water cistern as a store.

300/17 - F/14854/17 - Units 5.19 & 5.21 World Trade Centre, Bayside Road - Proposed amalgamation of two office units.

301/17 - F/14856/17 - 15A Elliott's Battery, Elliott's Close - Proposed construction of plunge pool within existing patio.

302/17 - F/14859/17 - Unit 5.02 World Trade Centre, Bayside Road - Proposed subdivision of existing office unit into two offices.

Approved

DPC meeting 05/17

31st May 2017

303/17 - F/14860/17 - 25/5 Mount Pleasant, South Barrack Road - Proposed car port for facility and associated external alterations.

Follows on from outline application.

304/17 - F/14863/17 - Flat 5/3 Jumper's Building, 1 Witham's Road - Proposed internal alterations with extension onto existing terrace.

305/17 - F/14869/17 - Cloister Building, Irish Town - Proposed relocation of an existing externally mounted air conditioning unit to the western side of the building to be flush with façade.

306/17 - F/14871/17 - 9 Europa Mews, Europa Road - Proposed internal alterations.

307/17 - F/14872/17 - Flat 2 Barham Tower, Brympton Estate, South Barrack Road - Proposed internal alterations.

308/17 - F/14874/17 - 9B Glacis Road - Proposed refurbishment and conversion of vacant unit into a medical clinic including installation of a mezzanine and internal and external alterations including façade treatment.

309/17 - F/14876/17 - Calpe Lodge, 31 Governor's Parade - Proposed conversion from dilapidated room to admin office with store on first floor.

310/17 - F/14877/17 - 1 Ragged Staff Wharf, Queensway Quay, Queensway - Proposed installation of glass curtains on covered balcony.

311/17 - F/14878/17 - Units 1.27 & 1.29 World Trade Centre - Proposed internal alterations.

312/17 - F/14879/17 - 710 Royal Ocean Plaza, Ocean Village - Proposed installation of glass curtains.

313/17 - F/14887/17 - 209 Endeavour, 41 Both Worlds - Proposed installation of air conditioning in balcony.

314/17 - F/14912/17 - 129 Peninsular Heights - Proposed installation of glass curtains.

315/17 - A/14832/17 - Latinos Diner, 194/196 Main Street - Proposed placement of sandwich board on public highway.

316/17 - A/14833/17 - All's Well, Unit 4, Casemates Square - Proposed placement of sandwich board on public highway.

317/17 - A/14834/17 - Café Solo, Unit 3, Casemates Square - Proposed placement of sandwich board on public highway.

318/17 - A/14870/17 - Winston Churchill Avenue, Devil's Tongue, Europort Avenue, Queensway, Rock Hotel Hill, Trafalgar Interchange - Proposed banners on lampposts from 18th May to 12th June to advertise Calentita 2017.

319/17 - A/14888/17 - Ocean Grill, 7 Ocean Village Promenade - Proposed installation of sign.

Approved

DPC meeting 05/17
31st May 2017

320/17 - A/14891/17 - Cathedral Square/186 Main Street - Proposed banner to advertise Gibraltar Comic Con.

321/17 - A/14925/17 - Gadget Station, Unit OS1 International Commercial Centre - Proposed Shop Signage.

322/17 - Any other business.

F/14751/17 - House 9, South Pavilion Road - Proposed swimming pool and associated works

The Chairman referred to the on-going legal action for the unauthorised removal of a tree and reported that the applicant had planted new trees. He requested the view of the Commission on whether to proceed with legal action to continue the prosecution.

The Chairman suggested that he allow time for Members to dwell on the issue.

D/14611/16 - WT Station, Devil's Tower Road - Ex mod structures-demolished partially due to rock fall boundary wall. Internal ex mod structures.

DTP reported that at the last meeting DPC approved the demolition of Pearce's Hump and the blast walls as part of the planning application. DTP advised that in addition to the planning application a demolition application has also been submitted and therefore to follow proper procedure the Commission needed to approve the demolition application to reflect what was agreed on the planning application. DTP also reported that the Ministry for Heritage had requested that a 3D laser survey and photographic record be undertaken prior to demolition. DTP commented that it may seem excessive to require a 3D survey if a photographic record was being required as well.

Discussion ensued on the merits of a 3d laser survey and there were arguments for and against and no final decision was taken.

The demolition application was approved.

323/17 - Next Meeting

The next meeting will be held on 14th June 2017.