

Approved

DPC meeting 7/18

18th July 2018

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7th Meeting of 2018 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 18th July 2018 at 9.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

The Hon Samantha Sacramento (MTHESS)
(Minister for Tourism, Housing, Equality and Social Services)

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

Mr Emil Hermida (EH)
(Chief Executive, Technical Services Department)

Mr G Matto (GM)
(Technical Services Department)

Mr Ian Balestrino (IB)
(Gibraltar Heritage Trust)

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

Mr Charles Perez (CP)
(Gibraltar Ornithological & Natural History Society)

Mr Thomas Scott (TS)
(Environmental Safety Group)

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

In Attendance:

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

Mr. Robert Borge
(Minute Secretary)

Apologies:

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

Mr H Montado

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(Chief Technical Officer)

Mrs C Montado

(Gibraltar Heritage Trust)

Dr K Bensusan

(Gibraltar Ornithological & Natural History Society)

Mrs J Howitt

(Environmental Safety Group)

Mr C Viagas

Mr Viv O'Reilly

(Rep Commander British Forces, Gibraltar)

404/18 – Approval of Minutes

The minutes for of the 6th meeting of 2018 held on 23rd May 2018 were approved subject to any amendments by JH who was not able to be present at the meeting

Matters Arising

405/18 – F/15587/18 – 24-28 Engineers Lane – Proposed refurbishment and extension to property to provide residential accommodation.

This application had previously been deferred from the meeting on 27th June 2018. The proposal was to fill in the second floor and add a further 4 storeys with the top two set back. The Commission had raised concerns previously with lack of any commercial space on the ground floor; the lack of a set back at 4th floor; that the 5th floor should be set back to building line of the previously approved scheme; the 6th floor should be omitted.

The applicant was now proposing to set back the 4th floor and bring the 5th floor setback to the building line as the previously approved scheme and omit the 6th floor. Commercial space had been re-introduced into the ground floor. DTP commented that the design now more traditional and that the changes to the elevations were welcome. The height and mass of the building had now been reduced.

DTP recommended approval of the application with conditions for sustainability and renewable energy assessments to be submitted, agree architectural features to be retained/salvaged with GHT and Ministry for Heritage, Archaeological Watching Brief (AWB), Swift/Bat survey to be undertaken, and installation of Swift/Bat boxes.

The Commission unanimously approved the application.

The Chairman commended the application stating that this was a good example of renewed interest in the urban renewal of the old town because the building had been vacant and derelict for a long time.

Major Developments

406/18 – O/15396/18 – 92 Devil’s Tower Road – Proposed construction of a multi-storey residential development including ancillary commercial accommodation and automated car-parking system.

This application was to seek permission to construct a 26 storey residential building with ancillary elements, parking, gymnasium and a cafeteria.

The applicants; Mr Jonas Stahl (JS) the architect, Mr Peter Cabezutto (PC) the developer and Mr Stuart Lightbody (SL), a rock fall specialist, were invited to address the Commission.

JS informed the Commission that the building would be 50 metres away from the north face of the rock and setback 15 metres from Devil’s Tower Road (DTR). The setback would allow implementation of a public space. There would also be automated parking at the rear of the site,

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40 metres away from the rock face. A rock catchment fence would be installed 6 metres away from the building and there would not be any balconies on the rear of the building. The rear of the building would be made up of reinforced concrete.

JS further commented that they have introduced a curvature to the facade with the public plaza, adding that DTR was gaining in density and was devoid of any public space. He described the building as a residential building with all the amenities of a hotel, catering to the needs of businesses in Gibraltar. There would also be smaller affordable properties.

JS added that the proposal was in keeping with the Development Plan policy for DTR. The scale, height and massing was appropriate within the context of being against the rock face. Further north the building would have a larger impact on the vista.

A fly through video was displayed showing the approach from Winston Churchill Avenue, where the area is relatively low rise. A second video was shown approaching from the new tunnel and a third from Sir Herbert Miles Road.

The Chairman commented that his main concern was that there have been rock falls in the area. SL continued to inform the Commission on his report.

SL commented that the developers had considered the last rock fall, which was very large and unprecedented. SL described that 85% of rocks which fall are less than 1 sqm. He carried out a rock fall model on site covering the last 15 years. He had analysed where the rocks are likely to reach and rock fall trajectories. He had determined that they are most likely to fall within 40 metres of the rock face and this was within 95% confidence limits. SL said the developers would be implementing robust mitigation measures. There would be a sand cushion at the base of the rock face to absorb the impact of any rocks falling. The rear of the building would have a reinforced concrete wall to protect the building. An 8 metre high capacity fence would stop any rocks from going beyond the 40 metres. The rock fall cushion would be similar to that at Dudley Ward Tunnel.

PC added that the rock fall measures would not just protect the building, but also DTR as everyone will be able to use the area.

JS also commented that these measures would also extend to the adjacent development.

The Chairman asked who would be maintaining these structures.

JS replied that they would need to be maintained as part of their development.

TS commented that ESG were very concerned with public safety and understood that the report was thorough but believed the risk was still there. He added that when driving into Gibraltar the building will be the first thing that will be seen and the iconic view of the north face of the Rock will be lost.

JS replied that they will be significantly improving the area and making it safer. He added that the building would only come into view once you are close to it. He also said that the visual impact would not be that great in comparison to other buildings in the area; the view of the Rock would be impacted marginally.

IB asked whether they had carried out a Wind Study for the area.

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JS responded that they had not at this stage but would consider carrying out a study at full planning.

MTESS asked the developers to elaborate on what the target market was for these apartments.

PC replied that they were expecting the purchase price to be £125,000 and aiming at single persons. He added that this development will have a lot of amenities that other developments do not have. PC also mentioned that this development could open a market for Bed & Breakfast which he considered was also needed in Gibraltar.

There being no further questions the Commission thanked JS, PC and SL.

DTP reported that the basement of the building would have a gymnasium and small pool; at ground level was a slip road leading to the rear parking and a public square at the front and the main entrance to the building which includes the ground floor of the cafeteria; the 1st floor would have a contain the upper level cafeteria and laundry. The 2nd and 3rd floors comprised apartments in the front portion and parking in the rear portion. The remaining floors comprise apartments with a rear solid wall and terraces on three sides. The penthouse was set back from the front building line with a large terrace. As mentioned by the developers there would be several rock fall mitigation measures; sand cushion, fence, gabions wall and a reinforced roof and wall.

DTP reported that the Commission had previously approved an application for 2 warehouses in June 2016, one of which would have been located on this site

DTP informed the Commission that this area was undergoing substantial change and that developers appeared to be basing building heights on the maximum limits of the OLS; this building would be 81 metres tall. Other buildings in the area had an average height of about 45 metres.

DTP reported that 8 letters had been received in support of the proposal and referred members to copies which had been previously circulated. The main points raised related to the regeneration benefits, the need to take account of rockfall and health and safety, and that local businesses would welcome the proposal as it would make the area more desirable.

The following comments were received from consultees:

- Ministry of Defence (MOD) – They accepted the conclusions from the Aeronautical Study but still felt that there was some infringement of the safeguarding area.
- Director of Civil Aviation – Although he had no objections there was some infringement on the 15 degree divergent RNP Protection OLS. However, this surface was overly protective, and the proposal would not be a significant obstacle. There would be very limited opportunity for further such infringements. There was no objection but that this should not be seen as any kind of precedent for other breaches of bespoke surfaces.
- Department of Environment Heritage and Climate Change (DoEHCC) – rockfall need considering, energy performance and renewable energy needed assessing, 10% of spaces should have electrical charging points and Nest boxes should be installed.
- Heritage Trust (HT) – The vista of the north face would be affected and a holistic plan was required for this area. Also commented that there could be Neanderthal and medieval remains could be found and a Desk Based Assessment (DBA) was required.

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- World Heritage Office – no direct affect and there was slight potential for Neanderthal remains. A heritage impact assessment would be required, geotechnical samples would need to be assessed and an Archaeological Watching brief would be required.
- Ministry for Heritage (MH) – Also commented that there could be historical remains and a DBA was required.
- Technical Services Department (TSD) – Commented that the geotechnical assessment showed a low risk of the development being hit by rock falls and that mitigation proposed would reduce this risk further. It also noted that the added benefit was that the development would provide additional protection to DTR.

DTP reported that at 26 storeys the height, scale and mass of this proposal were a significant development at a key gateway site. Due to the rate of change in DTR and there not being any specific detailed guidance for development in DTR in the current Development Plan this development raised issues of prematurity. It was considered that guidance was required for this area ahead of any full review of the Development Plan and that in the interim the possibility of undertaking a landscape character assessment study and design framework was being considered. DTP commented that determining this application in a 'vacuum' represented an ad hoc approach and could have significant consequences for the future of the area and the more generally, the heights of new buildings throughout Gibraltar.

DTP commented that TSD were the competent authority in respect of rockfall hazard and that it had concluded that with mitigation in place the risk to the development was acceptable.

DTP commented that the design of the building was a change for DTR and this development would have a significant impact on the area. He added that this development should have a high quality design as it would be at the new entrance into Gibraltar. He described the current design as a solid mass and repetitive, adding that it needs to be an iconic building as it will be in such a prominent place. The roof termination was simply a flat roof.

DTP stated that the parking requirement for the development as per the regulations was 237 parking spaces and that there was substantial shortfall with 65 parking spaces, 25 motorcycle spaces and 120 bicycle spaces being provided. Compensatory measures included including valet parking.

DTP explained that he was reticent to recommend approval of this application as he felt further design guidance was needed for the area. DTP recommended that the Commission defer the application to allow for the recommended studies to be undertaken. DTP commented that it would be helpful for the DPC to indicate its view on the reduced parking and design at this stage.

IB seconded DTP's recommendation as he felt a holistic approach was required for DTR and that the building would impact the vista.

TS considered that this building would change the view of the north face and that the rock fall mitigation measures were mainly a means of containment. He asked whether there would be any engineering solutions within the structure of the building to mitigate the possible shaking and vibration if there were a massive rock fall.

SL responded that he had used numeric modelling to design the sand cushion and that it was a bespoke design for this particular site. He added that all assessments were complete.

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GM commended the developers on the thoroughness of their application. He added that it was very thorough and professional but there were a lot of things the Commission needed to consider.

MEHEC also commended the thoroughness of the application and was satisfied as he could be with the mitigation measures presented by the developers. He added that the building would have a significant impact on the area due to its location and height. He understood that DTP's proposal for the study was aimed at ensuring the area was well planned but felt that it was unfair to make the applicant await such a study. MEHEC stated that rather than the application being potentially refused he would prefer a deferral and close engagement with the Applicant to influence what was going to happen on the site.

IB asked that if we deferred were we accepting that the height was acceptable. The members agreed that this was not the case.

After some discussion the Commission decided that it was best to defer this application to allow reconsideration by the applicant to in particular the height and architectural character. The Town Planners were to engage with the applicant in considering these matters. MEHEC suggested that the DPC members should meet to discuss their views so that these could be shared with the applicant. This was agreed.

The Applicant commented that it was not fair to delay the application further. The Chairman stated that this was major development and members needed to consider it carefully. MEHEC commented that the issues of rockfall, health and safety and parking had been resolved and that therefore what is still under consideration is the visual impact.

The Chairman called a fifteen minute break.

407/18 – O/15538/18 – 47 Line Wall Road – Proposed demolition of existing buildings and construction of an eight storey block of apartments.

This application was seeking permission to demolish the existing buildings at 47 Line Wall Road, the site of the Amar Bakery, and construct an eight storey residential building.

The architect, Mr Colin McLundie (CML), and the developers, Mr Steven Blaney (SB) and Mr Patrick Kearney (PK), were invited to address the Commission to detail their proposal.

PK stated he was representing Premier Developments Company Ltd from Northern Ireland, had lived in Gibraltar for 7 years and had identified new opportunities in Gibraltar and wanted to bring these to fruition.

CML informed the Commission that Arethusa Developments had been given permission in February 2010 to demolish and redevelop the site. The height of this proposal had been reduced by 2 floors and a light well to the rear of the building would now be reinstated. The existing parking in front the site will also be retained. CML added that the objections submitted by neighbours and the redesign by the Gibtelecom building had been taken into consideration.

CML pointed out that the design ethos in Gibraltar had moved forward and that after a Desk Based Assessment and Heritage Assessment it was found that the current building had gone through various structural changes. The building was currently in a dilapidated state and

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alterations to the building had removed its aesthetic charm. As part of this proposal they would be providing bicycle and motorbike parking. Originally there were to be a total of 42 apartments constructed, but they had now reconfigured the building and a total of 35 apartments would be constructed. Access for refuse collection would be from College Lane. CML added that they were looking into some adequate beautification to the front of the building. He considered that the new building would improve the area. He also mentioned that they would be installing PV panels and harvesting rainwater. CML also considered that the building would fit in to the area as there were taller buildings in the area.

The Chairman asked CML when the building had been modified to look how it does today. CML replied that from the DBA it was identified that it had been modified between 1890 and the 1900's.

IB added that in the 1960's the cement façade and balconies had been introduced.

The Chairman asked why they considered it costly to rehabilitate the current building when it has been viable for other buildings in Gibraltar.

PK replied that due to the building's age and condition they considered that it was better to replace it and build a new building using better materials.

IB commented that the footprint of the building was originally from the 17th Century and that it was believed that the College Lane façade was from the Georgian era. He added that there was no detail whether the College Lane façade was to be retained. IB also mentioned that the applicants had not looked into a way to retain the original façade of the building and did not feel the excuse that it was not economically viable was justified.

MEHEC added that they should remember that the building has two fronts.

Dilip Tailor (DT), who resides at 13 College Lane, was invited to address the Commission to express his objections to the application.

DT said that 348 people had signed a petition against this application, and 214 had commented on a social media post supporting his objections. DT continued that Gibraltar is losing part of the old building scenario. He added that there were electrical and drainage issues in College Lane and demolishing the building would further exacerbate the problem.

DT also said that the 2009 Development Plan states that only buildings 5 storeys tall would be allowed in town and the applicants were proposing to construct a building which was 8 storeys tall. He added that a wind study should be undertaken and although the proposal may be good the environment will be affected. DT also mentioned that the applicants should take note of the Leisure Centre, which is opposite this building, which was refurbished but retained the original façade. DT further added that if the building was 8 storeys it would be the tallest building on Line Wall Road.

DTP commented that Development Plan policy concerning tall buildings in town was that if the proposal is more than 5 storeys tall a design statement must be submitted explaining why more than 5 storeys is justified. He added that it was not a prohibition, it was guidance not legislation.

A second objector, Mr Douglas Mottershead (DM) from 24 College Lane, addressed the

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Commission to inform them of his objections. He stated that he resided directly opposite the site of the proposed building and had noticed that the notices placed on the building only referred to 47 College Lane. DM added that the plans showed 15 & 17 College Lane was also to be demolished. He noted whether this was done intentionally to mislead the Commission and asked whether it was legal to have only put a notice at one of the addresses when the site also included 15 & 17 College Lane.

DM further mentioned that College Lane was listed for beautification as part of the Development Plan, but which the applicant was now planning on demolishing. DM added that he was a Structural Engineer and believed that 5 businesses close to the building would be affected. He also stated that residents would lose access to natural light. DM had previously received permission to fix his building and also retained the facade.

DTP reported that the current building was 4 storeys high, that the exterior had been significantly altered and that it was highly visible from the west. The proposal was to demolish the existing building and replace it with an 8 storey building (having been reduced from 10 storeys). The ground floor continued a retail unit, 30 motorcycle spaces, main entrance and repaving of exterior pavement. 1st to 5th floors showed balconies to the two central apartments. The light well would be reinstated. The 6th-7th floors had 5 apartments and the external character changes. Encroaching windows were noted on the south elevation. On the roof there would be air conditioning units and a stair core. . The height of the building, including the stair core, was 26.4 metres.

In their design statement they had stated that the character of the building respects the surrounding area. Inspiration for the upper floors was based on the solid buttresses of the fortified walls and contrasting this with the large areas of glazing. The top two floors followed the same building line but were bronze cladding and glazed facades.

DTP summarised the previous planning history of the site referring to a 10 storey proposal refused in 2008 and the granting of full permission in 2009 for a 7 storey office building. This had been renewed in 2013 but subsequently expired in 2016.

No car parking would be provided, which the Commission would have to consider waiving although 30 motorcycle spaces and 20 bicycle spaces were being provided. DTP noted that the previous approved scheme did make provision for car parking either.

The following comments were received from consultees:

- DoEHCC – Swift/Bat surveys to be carried out and boxes to be installed.
- GHT – The building was in a derelict state, and although the building had undergone several refurbishments the original structure remained in place. They also stated that the Development Plan made note of the reuse of old buildings. GHT were also against the height of the building as this was fuelling the trend of cumulative increase in heights of buildings in the Old Town. GHT objected to the demolition of the building and any increase in height should be limited to 5 storeys. If demolition was permitted the replacement building should aim to add to the character rather than stand out. A full digital record of the building should be required plus an AWB
- MH – The proposed building would have an adverse impact on College Lane. They believed that the building had some heritage value. They objected to the design and

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massing of the building, they recommended that the building should be redesigned. Also required that an AWB should be undertaken.

- Traffic Commission (TC) – Building should provide parking as per the regulations.

One of the residents of the building currently has a dispute with the developers and their lawyer had stated that they were currently in talks.

DTP reported that 3 objections and 1 petition with 164 signatures had been received and referred members to the copies of these circulated previously. The objections centred on dust and vibration, infrastructure, loss of light and the blocking of windows amongst others. Counter representations had been received from the applicants stating that the right to light was not a planning issue, height was only 40 cm more than approved at planning, the current building was of no architectural merit and is in a state of disrepair, concluding that the best approach was to demolish the building. The height of the building is in a similar scale to that of the NatWest and Haven buildings. All street parking was to be retained and drainage would not be affected.

DTP commented that although the building's original structure is in place the current building does not make a positive contribution to the streetscape. There were no objections from Town Planning to the demolition of the building. He also stated that the new proposal was marginally taller than the previously approved scheme; the stair core could be replaced by an access hatch as the roof would only be a maintenance area. The scale and mass was similar to the previously approved scheme and noted that there had been no change in circumstances since the last decision. DTP raised concerns with the upper 2 levels of the western facade which comprised bronze cladding and extensive glazed areas. These did not appear to sit well and he referred to the fact that a lot of discussion had taken on place with the previous scheme to develop an acceptable building envelope. He also referred to the encroaching windows on the south elevation that needed to be addressed. He commented that a daylight study should be undertaken to mitigate the effects as much as possible.

On the lack of car parking he noted that the DPC had previously waived the requirement and that the current proposal included motorcycle and bicycle parking.

The application was recommended for approval with conditions relating to the redesign of the west façade, limiting the height of the staircore, wind and daylight studies, swift and bat survey and nest provision construction traffic management plan and other conditions to meet the requirements of the consultees.

The Chairman commented that as according to the objector the applicant had misinformed the address for Section 19, it was not legal to consider the application.

CML responded that it was important to note that documents included all 3 addresses.

The Chairman replied that if it was not included on the Section 19 notice then the Commission could not consider the application at this time.

The application was deferred and that applicant would need to repeat the public participation procedures with the correct addresses.

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Other Developments

408/18 - F/15611/18 - 3 Boschetti's Steps - Proposed extension, construction of new swimming pool and refurbishment works to residence.

This application was for minor internal works to an existing dwelling together with an extension and construction of a plunge pool. The applicant was proposing to build over the terrace to create a dining room. The plunge pool would be constructed over the dining room and the pitched roof would be converted into a roof terrace.

DoEHCC commented that Swift/Bat boxes should be installed.

MH commented that the height of the building should not be increased and wished to survey the property before works were undertaken.

An objection had been received from a neighbour stating that it may affect their future development rights, their privacy would be affected as the dining room windows would look into their property and they may be affected from water overtopping the pool.

The applicant subsequently decided to not include the full height dining room windows and instead have high level windows and were also constructing a parapet wall around their pool. The objector then removed their objections.

DTP recommended approval of this application.

The Chairman asked whether the Commission was in agreement to condition the application to add shutters to their new windows to be in-keeping with the current fenestration. The Commission agreed.

The Commission approved this application subject to the installation of shutters to the main façade and to the provision of swift/bat boxes and that any survey would need to be undertaken immediately or else would need to wait until the new nesting season.

409/18 - F/15647/18 - 15/19 South Barrack Road - Proposed works to terrace areas.

This was a retrospective application seeking permission for works that the applicant had carried out on her terrace areas, namely the replacement of a shed and the construction of a gazebo-type structure within the garden area which also included. A decked area on the top accessed by a ladder. The property is a Housing Department property, to the west of Woodford Cottage and situated at a lower level.

An objection to this application had been received from Mr Jonathan Zammit (JZ) of 11 Woodford Cottage, and also represented the residents of 12 Woodford Cottage. JZ was invited to address the Commission.

JZ stated that the applicant had stated the shed that had been replaced was not in a dilapidated state and did not need replacing and that the inclusion of the pergola in the application was only after he had complained to the Housing Department. He added that he had met with Geraldine Reading who informed him that she did not need to be given any details on building works by the

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tenants, despite him having structural concerns about the retaining wall. He also stated that according to the Town Planning website all works require permission from a landlord. JZ mentioned that in 2015 he had advised the Housing Department that Structural Engineers had advised that a palm tree which had been planted too close to the retaining wall should be removed as it could cause damage to the wall. It was concluded that the retaining wall needed to be reinforced. When the palm tree was removed the Housing Department had not engaged with him. He added that the tenant did not allow for works to the retaining wall be carried out.

JZ also stated that the ladder to access the pergola runs alongside the retaining wall causing gross security and privacy issues, as the applicant can see directly into his house via his balcony.

JZ stated that the land re-grading on which the pergola had been built was not even included in this application.

He added that one of the workers had trespassed on a neighbour's property; also a Government tenant.

JZ stated that the 'look out' post over the pergola should be removed and place a roof over it instead.

The Chairman commented that grievances with other departments and the landlord were not for the Commission to consider; only objections on a planning basis.

JZ responded that he was objecting on grounds of loss of privacy, security risk, damage to the retaining wall and that he believed the shed constituted an extension to the applicant's property.

DTP asked JZ to expand on why he felt there was a loss of privacy the deck was about 1.5 metres below the level of his terrace.

JZ replied that he has at times found someone looking through his balustrade.

The Chairman asked him whether the ladder was onto his property and whether the retaining wall was part of his property.

JZ replied that he was not sure whether he or possibly the management company owned the wall.

KDS commented that the retaining wall would be owned by the management company.

The Chairman commented that if the management company owns the retaining wall then they have a right to access it in order to repair it. If access is not given they could take the matter up in court.

MTHESS asked JZ now that the structure exists what impact it has on him now.

JZ responded that now the possibility exists that someone could access his property from the top of the pergola.

MTHESS asked for JZ to clarify whether he objected to the whole structure or just the roof.

JZ clarified that if it was just a roof and was inaccessible then he would not have a problem with it.

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It came to light that if JZ had not complained to the Housing Department about the works the applicant had carried out the applicant may not have asked for retrospective permission.

The Chairman stated that currently when someone constructs illegally they are allowed to seek retrospective approval and the Commission can determine whether the illegal structures should be taken down or whether they would have approved the application if the applicant had taken the necessary steps, as advised by the Courts. Penalising of the structure is another legal recourse and landlords can also take action. He added that even though the Commission could approve the retrospective application, the applicant could still be prosecuted for constructing illegally. The Chairman also mentioned that he did not understand why JZ objected to having someone overlook his property when Woodford Cottages has overlooked this property since construction.

JZ responded that there were also the works that possibly affected the retaining wall.

The Chairman replied that the structural effects to the wall were not the Commission's concern and that as far as the Commission was aware the works had been carried out by a competent authority.

MTHES stated that if the application had come before the Commission before the works had been carried out these issues could have been dealt with appropriately and that he has not had the opportunity to air his objections.

GM pointed out that the structure built was not a pergola as a pergola would allow light through. GM asked JZ if the roof structure were to be removed, would he remove his objection.

JZ replied that if it were a proper pergola he would not have any objections to the applicant enjoying her property.

Mr Stephen Martinez (SM), acting as the agent for the applicant, addressed the Commission. He stated that he was only involved after the works had been carried out when he was asked to submit the technical drawings of what had been constructed. SM added that the applicant was a Government tenant and those works had been done on behalf of the Ministry for Housing.

MTHES interjected and asked SM when and why were the works carried out.

SM replied that the works were done about three years ago and had also received approval from the Housing Department. He said there is access to the retaining walls for maintenance. He also commented that the internal stairs via a trap door were part of the proposal and his client wants to do that. The applicant was also willing to erect a screen fence to address any privacy issues.

MTHES commented that that proposal was irrelevant as the objection was for the roof structure constructed in the applicant's terrace.

The Chairman commented that he considered that if the application was for a pergola the applicant should remove the flooring on the roof of the structure and a permit be issued for a pergola.

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MTHESS asked whether he was stating that the application be refused and that the applicant submits a new application.

The Chairman responded that the Commission could approve the application with the condition that the flooring be removed.

MTHESS replied that this application should be dismissed on the grounds of submitting an application for a pergola when it was not intended as such and that the applicant should submit a new application.

DTP commented that the application was for a shed and the gazebo type structure. He clarified that it was the applicant's responsibility to properly define the application. Members questioned whether the shed constructed was properly described as a shed. They therefore questioned whether the application was technically correct.

MTHESS stated that to her the shed looked like an annex and that she would ensure that it was inspected to establish its use.

The Commission agreed that the application should be refused as the details submitted were incorrect; and so required the applicant submit an application with all the proper details.

DTP reported that following a site visit the applicant had stated that they did intend to re-provide the stairs internally as shown on the drawings and were prepared to make some other compromises. Members however, felt that as they had decided that the application was incorrect there was no point in discussing these further.

MTHESS added that the landlord would also be looking into consent issues concerning the works carried out.

410/18 – F/15670/18G – Rosia Lane – Proposed construction of new surface level carpark.

This was a Government application to construct a new car park at the Brownfield Site at Rosia Lane, which contained derelict 1 and 2 storey buildings. The buildings were to be demolished, 5 existing trees on site were to be lost and 5 further trees could be affected on the Vineyards side. Currently there were no electrical charging points proposed, and a disabled bay was to be considered at a later date.

In October 2017 the Commission had refused an application for a residential building at the same site.

The following comments had been received from consultees:

- DoEHCC – No works to be carried out between February and June without DoEHCC permission. Tree Survey and Swift/Bat Survey to be undertaken. Landscaping and Refuse Area to be discussed with the applicant.
- GHT – Store entrance pillar should be incorporated into the plan and a photo record should be taken.

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DTP commented that an AWB, landscaping, solar powered lighting, and Swift/Bat surveys and residents access should be looked into.

The Chairman commented that trees on site should be retained and parking spaces could be realigned to make space for them.

MEHEC commented that a tree survey needed to be carried out and the issues revolving around the refuse area and electrical charging points needed to be resolved.

411/18 – REF1196 – Bistro 292, 292 Main Street – Request for additional external tables & chairs area.

This was a retrospective application to extend the licensed Tables and Chairs area at 292 Main Street. The property was previously Burger King and was now Bistro 292. The licensed area is right in front of the Supreme Court and tables were placed right up to the gates.

An objection had been received from Jurys Cafe stating that the branded umbrellas and type of signage was an eyesore, that the area used to be for 4 tables and this was now far exceeded and constituted unfair competition, and that the furniture obstructs the highway.

The Supreme Court had been consulted and commented that they had concerns on how tables and chairs within the area had been expanding. They added that they required unobstructed access for emergency vehicles and they required the area within a minimum of 2 metres of the courts entrance be clear.

DTP commented that the Supreme Court was an important civic building and previously it was not allowed to place tables and chairs beside the Supreme Court as it was not considered appropriate. He commented that the existing licensed tables and chairs area had exceptionally been allowed on the opposite of the road to the actual premises as otherwise it would have created a 'chicane' type effect. DTP mentioned that the Commission could limit the tables and chairs to the previously licensed area or up to 2 metres away from the gates.

The Chairman suggested that the area be limited to the width of the premises as is normally done.

The Commission concurred with The Chairman's suggestion.

Minor Works – not within scope of delegated powers

412/18 – F/15585/18 – 15 Buena Vista Park, 40 Europa Road – Proposed construction of swimming pool in garden and internal alterations to create shower and changing room.

The Commission approved the application.

413/18 – F/15629/18 – John Snow House, 35 Europa Road – Proposed construction of a two storey extension to existing detached house.

Approved

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The Commission approved the application.

Applications Granted by Subcommittee under delegated powers (For Information Only)

414/18 – BA13488 – 4 Stagioni Restaurant, Rosia Road – Proposed new single storey glazed extension to existing restaurant.

Consideration of request to renew Planning Permit No. 4811

415/18 – F/14053/16 – 515 Seashell House, Beach View Terraces – Proposed internal alterations.

Consideration of as completed drawings with further retrospective internal alterations to comply with condition 1 of Planning Permit No. 5343.

416/18 – F/14497/18 – 10 North Pavilion Road – Proposed extension and conversion to building.

Consideration of revised plans to convert void beneath house into room and extension to kitchen to comply with condition 1 of Planning Permit No. 5797.

417/18 – F/15188/17 – Unit 2, Chatham Counterguard – Proposed change of use from bin store to bar, internal alterations and installation of external pergola.

418/18 – F/15349/17 – 2 Victualling Office Lane – Proposed works to existing roof.

419/18 – F/15442/18 – Rotterdam Court, Harbour Views – Proposed refurbishment and improvements to lift and entrance lobby.

420/18 – F/15467/18 – 508 Royal Ocean Plaza, Ocean Village – Proposed installation of glass curtains.

421/18 – F/15477/18 – The Sails Tower, Queensway Quay Marina, Units 44-48 – Proposed change of use from office to residential on floor levels 2-6.

Consideration of revised plans reconfiguring proposed internal layout of apartments to comply with Condition 1 of Planning Permit No. 6579.

422/18 – F/15564/18 – 325 B1/B2, Main Street – Proposed refurbishments of existing single apartment into two proposed apartments.

423/18 – F/15582/18 – 47 – 49 Main Street – Proposed change of shop-front to existing commercial premises.

424/18 – F/15583/18 – 26 Rosia Court, 21-23 Rosia Road – Proposed refurbishment, loft conversion and extension.

425/18 – F/15591/18 – Suite 2 and 4 Waterport Place – Proposed internal alterations.

Approved

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426/18 - F/15595/18 - Kiosk 4 Grand Casemates Square - Proposed internal alterations.

427/18 - F/15596/18 - 20 Governor's Meadow House, 13 Alameda Estate, Red Sands Road - Proposed installation of air conditioning unit.

428/18 - F/15598/18 - Units 4.16 & 4.17 World Trade Centre, Bayside Road - Proposed internal alterations.

429/18 - F/15599/18 - Flat 4, 5 Cornwall's Parade - Proposed internal alterations.

430/18 - F/15602/18 - 18 George's Lane - Proposed renovation and external alterations.

431/18 - F/15604/18 - Unit 3.20 World Trade Centre, Bayside Road - Proposed internal alterations.

432/18 - F/15608/18 - Penthouse B9, The Arches, Castle Road - Proposed minor alterations to residence.

433/18 - F/15613/18 - 9 Witham's Road - Proposed replacement of existing timber windows with new PVC ones and roofing of small patio.

434/18 - F/15614/18 - 4/1 Bernadette House, Hospital Ramp - Proposed internal and external alterations including the proposed installation of air conditioning units.

435/18 - F/15615/18 - 1 Tisa House, 145 Main Street - Proposed shop refurbishment.

436/18 - F/15616/18 - 144 Main Street - Proposed external alterations.

437/18 - F/15617/18 - 2 Catalan Gardens - Proposed installation of garage door.

438/18 - F/15625/18 - NatWest International, 57 Line Wall Road - Proposed internal alterations.

439/18 - F/15626/18G - Buffadero Training Camp - Proposed construction of a single storey building.

MOD Project

440/18 - F/15627/18 - NatWest International, 55 Line Wall Road - Proposed internal alterations.

441/18 - F/15628/18 - 122 Queensway Quay - Proposed internal alterations.

442/18 - F/15633/18 - 21 Trafalgar House - Proposed internal alterations.

443/18 - F/15635/18 - 136 Block 1 Water Gardens - Proposed internal alterations.

444/18 - F/15638/18 - Victoria Stadium - Proposed modernisation works including the installation of camera platforms and lighting improvements.

Approved

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445/18 - F/15640/18 - 23 Redwood Lodge, Montagu Gardens - Proposed internal alterations.

446/18 - D/15543/18 - 18 George's Lane - Proposed demolition of residential building consisting of 6 apartments.

447/18 - A/15568/18 - El Primero, 34 Irish Town - Proposed change of shop front signage advertising.

448/18 - A/15570/18 - Bon Bon, 253 Main Street - Proposed change of shop front signage advertising.

449/18 - A/15571/18 - Jaya Bazaar 272/274 Main Street - Proposed change of shop front signage advertising.

450/18 - A/15572/18 - Neptune, 12 Irish Town - Proposed change of shop front signage advertising.

451/18 - A/15573/18 - Kwaliti Stores, 293c Main Street - Proposed change of shop front signage advertising.

452/18 - A/15574/18 - Danny's 319/319a Main Street - Proposed change of shop front signage advertising.

453/18 - A/15575/18 - Rex Store, 5 Parliament Lane - Proposed change of shop front signage advertising.

454/18 - A/15576/18 - Gul Trading, 3 Tuckey's Lane - Proposed change of shop front signage advertising.

455/18 - A/15577/18 - Highland Spring, Unit V New Arcade, Irish Town - Proposed change of shop front signage advertising.

456/18 - A/15669/18 - Various Bus Shelters - Proposed temporary installation of advertisement bus shelters to advertise RAOB Charity Cardboard Boat Race 2018.

457/18 - N/15185/17 - Both Worlds, Sir Herbert Miles Road - Proposed removal of all trees and shrubs on walkway.

This application sought to remove an existing area of planters with a number of trees of low value and reconstruct the planters and plant smaller vegetation in its place. It was considered that the applicant had provided reasonable justification for the works on engineering grounds and the works should be allowed.

458/18 - N/15609/18 - 2 Malaya House, Varyl Begg Estate - Proposed removal of Yucca Tree.

This application sought to remove a medium sized Yucca that was planted too close to a boundary wall which it is damaging. It was considered that no action can be taken to alleviate the impact of the Yucca on the boundary wall as it will continue to grow, develop a thick trunk and push against the wall and that the removal of the tree is the only option. It was considered that as there are other large trees in the garden already, in this instance no replacement trees are required.

Approved

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459/18 – N/15650/18G – 67 Main Street – Proposed removal and replacement of a London Plane tree.

GoG Project

This application sought to remove a medium-sized London Plane that is in a very poor state and probably dying slowly. It was considered that the health of the tree will not improve and that any such tree located along such a busy thoroughfare will pose safety issues as branches continue to decay and die. It was considered that the tree should be removed and replaced with a London Plane that is as close as possible to the size of the existing specimen.

460/18 – Any other business.

CP referred to item 439/18 and that this should not be considered minor works as it was in the Upper Nature Reserve. MEHECC added that it was also in the SAC.

DTP commented that the sub committee had felt it was appropriate for them to consider because it was for a small telecoms building adjacent to the MOD entrance. MEHECC said that his department did not appear to be aware of the application. It was agreed that details would be forwarded to them.

461/18 – Next Meeting

The next meeting will be held on 4th September 2018.