

Approved

DPC meeting 08/17

30th August 2017

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 8th Meeting of 2017 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 30th August 2017 at 9.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

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

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

Mrs J Howitt (JH)
(Environmental Safety Group)

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

Mr C Viagas (CV)

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

In Attendance:

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

Mr. Robert Borge
(Minute Secretary)

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Dr K Bensusan (KB)

(Gibraltar Ornithological & Natural History Society)

Apologies:

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Approval of Minutes

426/17 – Approval of Minutes of the 5th Meeting of 2017, held on May 31st 2017 and 6th Meeting of 2017 held on June 14th 2017

The Commission noted the approval, by round robin, of approved the Minutes of the 5th DPC meeting of 2017 held on 31st May 2017, and 6th DPC Meeting held on 14th June 2017. The draft minutes of the 7th meeting held on 13 July 2017 were not yet ready and their approval was therefore deferred.

Matters Arising

427/17 – O/14552/16 – 28A – 34 Turnbull’s Lane – Proposed commercial and residential development of existing premises to provide commercial unit at ground floor and 32 individual bedsit units on floors above.

Consideration of revised plans.

DTP reported on this Outline Planning Application previously considered at the 7th DPC meeting held on 13th July 2017. The Commission had previously accepted the general overall height but were concerned that by altering the window openings in the Turnbull’s Lane façade the original façade was being lost.

The applicant had revised the plans accordingly and First Floor window openings were now being retained as existing. The rest of the floors would still have a reduction in floor to ceiling height. The 5th and 6th floors would still be setback as originally proposed. Due to the reduction in floor to ceiling height the window heights have been changed on the upper floors. The applicant has also removed all the balconies except for one balcony on the fourth floor and the horizontal floor bandings have been limited to the 1st, 3rd and 5th floors. . DTP recommended approval of the revised proposals.

The Commission approved this Outline Planning Application unanimously.

428/17 – O/14793/17 – 24 Casemates Square – Proposed construction of a two storey residential extension over the existing building to match adjacent building.

Consideration of revised plans

DTP reported on this Outline Planning Application to build a 2 storey extension over Burger King previously presented at the 5th DPC Meeting in May 2017. Where the Commission requested that the applicant revise the proposal to limit the extension to the extent of the roof of Burger King and to ‘tie’ this in architecturally with the existing Casemates House. The revised plans and illustrations were displayed. This revision constituted a loss of 37 m² of floor space. The proposed apartments now consisted of 4x 1 bedroom apartments, an exterior staircase and rear walkway access. An arched trellis was proposed on the west façade (with an open pergola behind) to tie both buildings together. The roof will house air conditioning units and other plant. Six of the previous objectors re-objected to the revised proposal with the main concerns being

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loss of light, ventilation and privacy relating to windows on the south elevation of 1 Casemates House. Issues of right to light to 7 Crutchett's Ramp, and aggravation of noise issues. Other issues raised were that the building was not stepped back, there were no bin stores proposed, possible damage to communal stairs, issues of community fees and also the use of scaffolding during construction. They also objected to the pergola as it could be filled in. The applicant made counter representations stating that what has been raised by the objectors had already been raised previously and that they were happy to remove the pergola linking both properties if need be.

DTP remarked that the applicant had tried to accommodate the objections made. In the case of the south window to 1 Casemates House this would face a kitchen window in the new building across a void of approximately 2metres. He also commented that the proposed pergola's/ trellis design would allow light to enter the stairwell. The windows to the rear were bathroom windows and were set back from existing buildings by 2-3 metres. He recommended approval of this revision with the conditions that the proposed windows match the existing windows at Casemates House, any damage caused to be made good, appropriate refuse provision is made and also to install swift and bat boxes.

JH asked whether the pergola linking both properties was to remain.

GM commented that it should stay.

This revised proposal was approved with the above mentioned conditions.

Major developments

429/17 - F/14685/16 - Marina Bay, Ocean Village - Proposed construction of new secure superyacht berthing facility with associated mooring facilities and access pier with 144 rental apartments.

Follows on from Outline Application

DTP stated that this was a Full Planning Application seeking approval for the development of Superyacht facilities at Ocean Village. He added that the applicants, as well as objectors would be addressing the Commission.

DTP welcomed the Applicants, Mr. Butcher and Mr. Sullivan to address the Commission.

I DTP explained that this is a full application seeking approval for the development of Superyacht facilities at Ocean Village and associated residential development, which follows from the outline planning application permission. .

The Commission welcomed Mr. Greg Butcher and Mr. Sean Sullivan. Mr. Butcher explained that this was a full planning application for the construction of a Superyacht Marina together with luxury accommodation at Ocean Village. He stated that such a project would attract investment and would be good for Gibraltar's economy.

He further added that this project had been revised various times and as a result it has been

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reduced in size, now made up of five 3-storey buildings, consisting of 2 bedroom, 1 bedroom and studio apartments. Mr. Butcher explained that currently there are 6 daily commercial goods vehicle deliveries to the Marina and if there was an increase in the number of Superyachts the number of deliveries would also increase. An increase in the water area is now being proposed between the buildings. Mr. Butcher further added that instead of reclaiming further land they would be building on piles allowing the sea to flow underneath, therefore minimising the effect on the marine environment. The colours and balustrades were inspired by the colours of Gibraltar's old town. Mr. Butcher also explained that they had revised the previously proposed structural bridges which would connect the three buildings into ultrafine bridges using cement fibreboards. Mr. Butcher added that there would not be a need for heavy vehicular access and would be working in conjunction with Redibikes and would also be introducing a car sharing scheme. Recycling areas and landscaping would also be included in the project.

The Chairman asked the Commission whether there were any questions for Mr. Butcher.

JH asked whether there would be any on-site parking.

Mr. Butcher replied that there would be two parking zones/ areas, one for delivery lorries and another for superyacht owners cars. The access road to the residential units via the pier would be wide enough to cater for the restricted vehicular traffic and pedestrians. Two vehicle barriers would be installed, as well as a 5 km/h speed limit. A total of 40 parking spaces will be provided on site, that included accessible parking spaces and vehicles that were only Electrical/Hybrid types and car sharing parking. A separate parking arrangement would be available within the Superyacht compound. He also mentioned that they planned on installing electrical charging points for Hybrid/Electrical cars. They would also be including 96 bicycle spaces, an area for car sharing and an area for deliveries.

JH commented that Outline Planning permission was granted on the basis that there should not be any traffic going through the Marina and there should not be any on-site parking.

The Chairman interjected saying that no parking spaces were allowed at Outline Planning stage however the scheme was being reviewed by the developer and they were planning on accommodating 40 parking spaces for the apartments for which they now sought DPC approval.

Mr. Butcher replied that the spaces were needed for the disabled, mother and child, car sharing and for Hybrid/Electrical cars. These spaces would also accommodate taxis and commercial vehicles. He further commented that they were planning ahead for the next 15 years and expected to have the same situation as Sunborn where a lot of traffic was expected but instead they only make use about 4-8 parking spaces at any one time.

MEHEC expressed concerns about cars driving through the Marina and asked Mr. Butcher to elaborate on this matter.

Mr. Butcher replied that at the moment there was no control and there was unrestricted vehicular access. Now they wished to limit access for traffic by implementing a security barrier which would be controlled by cameras viewed by the Marina office and Sunborn. ANPR Cameras, chicanes and road humps would be installed. Any drivers who break the speed limit would be banned from entering. He added that these concerns had previously been mentioned in connection with the Sunborn when it moved into Marina Bay but these concerns have been shown to be unfounded.

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DCM commented that he supported the project and appreciated that they had listened to the Commission's concerns but noted that he was not sympathetic to there being vehicular access to an area which is a pedestrianised area. He asked Mr. Butcher why parking spaces had been added when they were not approved at Outline Planning. He further commented that the applicant should consider reworking the balance of car parking spaces in favour of the car sharing scheme.

Mr. Butcher replied that as a company they considered discriminating against any car which is not Hybrid/Electrical by charging more in order to dissuade people to use their cars.

The Chairman asked Mr. Butcher to confirm whether the breakdown for the parking spaces was as follows:

- 10 disabled parking bays (2 per block)
- 23 Electrical/Hybrid parking bays
- 5 Hybrid charging ports
- 2 Car Sharing parking bays

Mr. Butcher confirmed that the breakdown was correct.

DTP commented that there seemed to be an issue with the proposals to manage traffic within a heavily pedestrianised area and they should consider putting the control point at the Bayside Road junction to avoid having unauthorised cars entering the area and then having to turn around and exit when they reach the first barrier. This would mean that vehicles would be crossing the main pedestrian route both on entering and leaving, when in fact they should not have been in the area at all

Mr. Butcher replied that they only owned part of the road and he could foresee that those cars would need to drive in first and it would create a tailback onto Bayside Road. He further added that it would be better to turn into this side road thus allowing any unauthorised cars to turn around.

The Chairman asked whether there was the possibility of shifting the barrier located before the pedestrian cross over by Bruno's restaurant or creates a link that would involve pedestrians moving inside the barrier.

Mr. Butcher replied that the barrier should be after the pedestrian crossing as there would be a roundabout for those vehicles that would not be authorised to be allowed to turn around and not affect the flow of traffic.

Mr. Sullivan added that they did not expect many unauthorised cars as per their traffic survey it worked out to about 1 per hour. He also commented that it would be an extremely controlled environment and their traffic engineer stated that where they planned to place the barriers was the safest place.

DCM commented that he was concerned about the breakdown of the proposed parking spaces. He believed that the proportion of Hybrid/Electrical spaces to car sharing spaces specifically should be changed.

MEHEC seconded DCM's comments and added that he was in favour of positive discrimination of

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other vehicles in order to reduce emissions and decrease the amount of cars used. He also commented that the 23 Hybrid/Electrical spaces should be reduced to 15 and instead there to be a greater amount of car sharing spaces.

JH added that this project was already impacting on nature by building over the sea and adding a road would have an even greater impact.

Mr. Butcher replied that they had listened to potential occupiers of the residential units such as the gaming companies who reckoned that these parking spaces were needed but he recognised that there had to be a push toward further use of environmentally friendly vehicles

The Chairman thanked Mr. Butcher and Mr. Sullivan for presenting their application.

DTP then asked for Mr. Hamm and Mr. Bray, who was representing Mr. Hamm, to approach the Commission to present his objections.

Mr. Bray stated that in 2015 the applicants had presented an Outline Application which affected the public and residents of Tradewinds. He further stated that the scheme had changed beyond the original Outline Application which was granted permission. He also mentioned that the new road which they intend to use was also in dispute and they could foresee problems between pedestrians and traffic. Mr. Bray commented that they did not agree with the results of the applicants' traffic study as they had chosen days which were not usually busy. He also claimed that usually there is double the amount of cars stated in the traffic study. Mr. Bray also said that there were no resale restrictions as mentioned in the Outline Planning Application. He further commented that the construction of this project is adding to the gradual and constant erosion of a beautiful area in Gibraltar.

MEHEC asked Mr. Bray if he had control of the road if it would be possible to get together with the owners of Ocean Village in order to sort out the potential traffic problems.

The Chairman also asked if it would be possible for both parties to meet with Town Planning in order to discuss any solutions.

Mr. Bray agreed that he would be willing to meet for further discussions. He was then excused and DTP went on to read aloud a written statement from Mr. and Mrs. Nice who also objected to the project and had requested to address the Commission but unfortunately were not able to attend the meeting.

Mr. and Mrs. Nice made the following points in their statement:

1. The Planning Application was fundamentally different to the Outline Application.
2. Cladding over timber would be a fire hazard.
3. There was an increase in massing.
4. Short term lets could not be policed.
5. The project had previously been rejected on traffic issues alone.
6. The latest proposal included taxi ranks and parking, when a condition had been made to not include onsite parking.
7. Premier facilities did not need any workshops.

DTP then reported that this application was to build Superyacht berthing facilities and 144

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apartments within 5 buildings 3 storeys in height. Each building would have a gap of water in between them. An additional 40 onsite parking spaces would be available at Ocean Spa Plaza. The 40 parking spaces onsite would consist of 10 disabled parking bays (2 per block), 23 Electrical/Hybrid parking bays, 5 Hybrid charging ports and 2 car sharing parking bays. 6 Superyacht servicing bays and 96 bicycle spaces would also be incorporated. Access for the public and pedestrians would also be provided as well as widening the existing pier for traffic purposes. DTP further commented that in the 2016 Outline Planning application the applicants had originally stated they would be building 101 apartments but since had reduced the size of apartments in order to build more apartments. No on-site parking had been proposed at the Outline stage. Objections had been received concerning traffic conflicts and fire safety issues.

DTP further commented that the buildings consisted of horizontal board cladding, mixed balustrading and a mix of window types. The colour scheme chosen was likened to what one would expect in North America such as Florida. He added that the colours used seemed to emphasize more the buildings rather than the contrary. The reduction in floor space was welcomed.

DTP also mentioned that the rooftops of each building would be a leisure area for its residents. They would consist of pools and landscaping interconnected by bridges. An aeronautical study had been submitted and approved by the Director of Civil Aviation subject to certain conditions including a wind and turbulence study. The Ministry of Defence also requested that a wind and turbulence study be carried out if the applicants were granted permission. The marine works would also need to be approved.

DTP stated that an independent traffic study had been carried out by Mott Macdonald (same consultants for the Gibraltar traffic study) and that they had expressed concerns about adequate traffic management as there seemed to be conflict between traffic and pedestrians. He also mentioned that the applicant predicted 119 vehicle movements daily as a worst case scenario but the proposed measures to control vehicular access and speed control were welcome.

DTP described the colour scheme as vibrant and felt that the buildings would dominate the landscape. He felt that the colours used should be subdued and not so wide ranging to assimilate the development into the general landscape. The original bridges had been redesigned and were now lightweight in appearance; the bridges were needed to interconnect the leisure areas, providing access for disabled occupants. Only 2 of the buildings have lift access up to the roof leisure areas. All other buildings will have lifts up to the top floor. DTP also mentioned that at outline there was a condition requiring the applicant to demonstrate how they would ensure that the apartments remained as short term rental Properties. The applicant had submitted information to the effect that a clause would be included in the appropriate leases which would limit the use to short term rental for the first 15 years.

JH asked whether noise would need to be addressed as mentioned at the Outline Planning stage.

DTP responded that due to the proximity to the airport there had been concern about noise levels in the apartments. The applicant had provided information on expected sound levels within the apartments, which have double glazing, and that the Environmental agency had confirmed that the expected levels were acceptable

The Chairman informed the Commission that on principle they were approving residential apartments and Superyacht berthing, as well as 40 common parking spaces. He asked the

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Commission whether they agreed.

JH commented that she had not seen where the 40 parking spaces would be.

DTP explained where the parking would be using the photomontages provided.

The Chairman informed the Commission that the parking would be landscaped

CV commented that he had no objections but agreed with DTP's comments that the colours proposed for the buildings should be changed. He further added that the bridges now looked much more elegant.

DCM mentioned that the Commission needed to consider redistributing the proposed parking.

The Chairman asked the Commission whether they approved the addition of parking.

JH replied that at Outline Planning the Commission objected to there being parking provided as there would be parking spaces at Ocean Village Spa Plaza and they should stick to what had been originally decided.

DCM commented that there was a category of car user that he deemed could be acceptable and considered that the parking proportionality if to be permitted should be redistributed.

MEHEC commented that environmental concerns presented at Outline stage had been met and that marine habitats could now be created as they would not be reclaiming land. He also stated that he was in favour of positive discrimination and the idea of car sharing. He further stated that apart from the 10 disabled parking spaces a change to 10, 5 and 15 would be a better situation.

The Chairman then asked the Commission to vote whether the revised scheme was acceptable with the following conditions: that the parking scheme be re-appraised, that the accommodation consists of short term lets and that the colour scheme be changed following DTP's recommendations.

The Commission voted as follows:

In Favour: 6

Against: 3

Abstain: 1

The Chairman proceeded to congratulate the Applicants as after ten years of discussion with the Commission the application had been approved.

A 15 minute break was held at 11:40 am.

430/17 – O/14983 – Redroofs, 29 Devil's Tower Road, Lady Williams Centre, Charles Anes Site – Proposed branded hotel/aparthotel consisting of 184 studios, one bedroom and two bedroom apartments and business lounge.

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DTP informed the Commission that this application was for the construction of an Aparthotel comprising 184 studios, one bedroom and two bedroom apartments in Devil's Tower Road. DTP invited the applicants; Mr. Simon Lester, Mr. Simon Robertson and Mr. David Gabriel to approach the Commission.

Mr. Lester informed the Commission that originally they proposed to construct an Office/Hotel but was now proposing an Aparthotel, resulting in a smaller building.

Mr. Robertson then proceeded to explain that seeing as Devil's Tower Road was the gateway to Gibraltar they were interested in playing a part in the regeneration of the area. He added that the design aimed to break down the building, accommodating balconies on the corner, and also proposing landscaping between the building and the multi storey parking next to it. On the ground floor of the hotel there would be a central entrance with plenty of glazing and common facilities such as a restaurant, bar, gymnasium and a meeting room. At the rear of the building a pick-up/drop-off area for visitors, taxis and disabled was proposed. The building would have a flat roof and would be landscaped, as well as incorporating Swift and Bat boxes. The facade of the building would have inherent shading, changing the profile of the building as the sun sets. The building would fit the area in context with the multi-storey parking building and Filomena House. There would also be a roof garden with tensile fabric structures to provide shading. The accommodation would consist of short to medium term occupants with en-suite facilities and a kitchenette. They would be constructing 106 studio apartments, 8 two bedroom apartments and the rest being one bedroom apartments. Some rooms would have disabled access, connecting to standard rooms. The ground floor amenities would be available to both residents and visitors.

CAM asked whether there would be any onsite parking available.

Mr. Gabriel replied that the multi-storey parking could be used. They would also be offering a pick-up/drop-off point with an accessible lift platform for disabled users on the ground floor of the hotel.

The Chairman asked whether it would be possible to design it into the front of the building.

Mr. Robertson replied that there would be a buzzer at the entrance for any disabled persons to ask for help if needed as the pavement in front of the building is quite narrow.

The Chairman proposed that they consider the building of a lane to incorporate this.

Mr. Robertson then informed the Commission that they were trying to break the facade to not have a flat facade and also deal with any privacy issues.

The Commission thanked Messrs Robertson, Lester and Gabriel.

DTP reported to the Commission that in 2009 Outline Planning permission was granted for a 10/11 storey apartment building, in 2010 an office/hotel was approved but planning permission was not issued. In 2011 the Commission approved a 10 storey office and hotel scheme with 30 Parking spaces and in January 2016 they approved the Holiday Inn Express further down the road.

Some consultees/ departments had reported back on this application. The Director for Civil Aviation had requested that an aeronautical study be carried out. The Heritage Trust commented

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that a Desk Based Assessment should be carried out as well as an Archaeological Watching Brief. The Ministry of Defence said they had no issues as long as no buildings were within 3m of their fence. DTP also mentioned that construction would result in the loss of three trees.

DTP commented that the Regulations would require 18 parking spaces but only 3 were being provided. The applicant was relying on making use of the adjacent multi-storey car park which was underused. This is not in the control of the applicant however and relying on this may raise issues in the future. The DPC would need to consider whether additional parking should be required.

MEHEC commented that the three trees lost should be replaced.

No objections were received for this proposal.

The Commission agreed that the parking requirements should be waived in this case.

The Commission approved this application unanimously with specific conditions on submission of a detailed landscaping plan showing how the loss of the 3 trees would be compensated.

A power failure occurred at this point in the proceedings. The Chairman stated that seeing as there was a power failure and visual equipment could not be used the Commission would need to carry forward the remaining applications with the exception of some minor works applications which were able to be considered without the aid of visual equipment.

Other Developments

431/17 - BA12509 - 2 & 3 Kavanagh's Court - Proposed demolition of existing derelict dwellings and construction of a 3 storey car park with additional residential apartments above.

Consideration of revised plans for flat 4 duplex and full curtain wall systems to walkways.

Application carried forward due to power failure.

432/17 - BA13549 - 7 Europa Pass Battery Europa Road - Alterations and refurbishment to existing house.

Consideration of revised plans for alterations to property including re-sited main entrance and associated carport works and retrospective consent for the installation of full height glazed balustrading at first floor terrace level on west facing façade.

Application carried forward due to power failure.

433/17 - F/14091/16 - 202/204 Main Street & 1-9 Giro's Passage - Proposed single storey extension and full refurbishment of existing residential property.

To consider replacement of tiles on main Street façade (including colour) and windows and shutters for Main Street and Giro's Passage.

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DTP reported that this application was to build a single storey extension and refurbish the tile facade. Existing tiles had been removed to restore and replace them as part of the proposed external works but upon their removal they were found to be too broken or useless to be reused. The intention was now replace them with replicated thinner tiles. Any tiles which have been salvaged were to be used for a feature in the rear patio. At Outline the applicant proposed that all the tiling was to be reused but 75% of the tiles were damaged.

DTP reported that as a condition all windows and shutters were to be replaced in timber but the applicant was now proposing aluminium alternatives on the Main street facade.

A minor revision was also proposed to the Penthouse involving the use of widened double central doors to access the terrace.

The applicant was proposing three options for the colour scheme to the Main Street façade which were a light, medium or dark chocolate colour. The Giro's Passage facade would be white with black shutters.

CAM commented that Heritage Trust had held meetings with the applicants and that all proposals had been explored but the replica tiles had still not arrived. She also confirmed that the tiles were in poor condition

The applicant, Mr. Bassadone, explained that to replicate the relief on the original tiles would cost a further £5000 and was not going to be using pressed tiles, which would also be thinner.

CAM added that the Heritage Trust did not object to the use of composite aluminium windows and that the proposed fibreglass shutters, not used in Gibraltar previously, were also acceptable.

The Chairman asked the Commission whether they approved the use of the new materials.

CV commented that he was impressed by the shutters presented.

CAM further explained that the shutters were of a traditional style to Gibraltar, Genoese with a lower opening viewing flap.

This application was approved unanimously by the Commission.

434/17 - F/14867/17 - 11/13 Cumberland Road - Proposed redevelopment and conversion of building into 7 apartments and stores.

Application carried forward due to power failure.

435/17 - F/14933/17 - Unit 7 Casemates House, 16 Casemates Square - Proposed refurbishment works and conversion from shop to restaurant premises.

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DTP reported on this application to refurbish and convert a shop in Casemates Square into a restaurant with an open front and ramped access. Various objections had been received and circulated to members of the Commission. Mr. Charles Gomez who was representing Laxmi Limited and Crown Pharmacy was asked to approach the Commission to explain their objections.

Mr. Gomez stated that this conversion would be of detriment to the trading companies he represented. He further stated that over time the Square had been saturated by the tables and chairs of other restaurants' and their businesses were no longer visible, adding that the applicants wished to have a privilege to public land and would be paying rates comparable to that of his clients. He added that there was no need to be using the external area and it was not essential to public benefit as there are another 19 businesses. Mr. Gomez also mentioned that established businesses should be given priority and tables and chairs were an extra bonus.

The Chairman asked the Commission whether they had any questions for Mr. Gomez.

CV asked for clarification on whether this was the only gap which did not have any tables and chairs.

MEHEC stated that the objection was essentially about filling in the gap with tables and chairs, not the change of use of the Unit.

The Chairman then asked Mr. David Dumas, representing Mr. Michael Pitaluga (and others) the owner of Latinos Restaurant, to approach the Commission to inform them of his objections.

Mr. Dumas circulated some drawings and photographs showing the area where the applicant would be placing tables and chairs. Mr. Dumas explained that when Casemates was originally developed the north edge was dedicated to restaurants and a shopping arcade and the east side of the Square was predominantly retail establishments. He stated that whether it was intentional or not that is what the business owners bought into; the retail units were not designed for catering purposes. In order for restaurants in Casemates House to survive they needed to have tables and chairs placed outside, obliging Government to give them the appropriate licence. He added that tables and chairs were blocking the space in order to walk to Landport Tunnel and were also presenting a logistical problem for delivery vehicles to access the rear of Casemates. Mr. Dumas also stated that rents and rates should be commensurate and that establishments should be given the licence on the basis that they do not obstruct or spoil the area.

He also referred to the Development Plan policy that restricts change of use in shopping streets from retail to non-retail use.

The Chairman then invited the Applicant Mr. Shawn Gulraj and Mr. Guillermo Ruiz of Barnes Bay Limited to approach the Commission.

Mr. Gulraj stated that no formal communications had been made to him about the objections.

The Chairman informed him that written objections were received and that these had been forwarded to the Applicant hence the counter written representations that had been received this was his opportunity to make counter representations.

Mr. Gulraj continued to address the issues made by the objectors. He explained that the placing of tables and chairs had gotten out of hand and restaurants had been exceeding their licensed area. He added that 50% of customers to their business would come from Landport Tunnel. He also explained that the fire brigade would have trouble accessing the kitchen vaults and that the shops

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along Casemates House have been detrimentally affected by events held at Casemates Square. Mr. Gulraj claimed that restaurants and the pharmacy are the businesses which are doing well in Casemates and that Casemates has become a social and eating hub. He added that they would not do well if they did not have tables and chairs outside for al fresco dining. He also mentioned that if Latinos Restaurant and The Tunnel would pull back their tables and chairs there would be sufficient vehicular access for deliveries. Mr. Gulraj also stated that other restaurants in the area should keep to their designated areas.

The Chairman asked the Commission whether they had any questions they wished to ask Mr. Gulraj.

MEHEC asked whether he would not also have this problem with tables and chairs.

Mr. Gulraj replied that if dividers were allowed and everyone stuck to their designated area he would not. He added that he had applied with the intention of being allowed to have tables and chairs outside his establishment. Mr. Gulraj stated that he had bought the property with this intention.

The Chairman responded that a member of the public can apply for planning permission without being the owner of the property.

The Chairman added that Mr. Gulraj should present a convincing argument for the Commission to consider.

Mr. Gulraj replied that he intended to convert the premises into an Italian themed cafe, not a restaurant, and would rather keep his business ideas to himself but would ensure that if granted permission he would allow plenty of space for pedestrians.

The Chairman thanked Mr. Gulraj and added that Tables and Chairs Licenses are granted by the Government as landlords.

DTP reported that there had been abuses of tables and chairs licenses and these were being looked into. He added that in the Development Plan 2009 referred to by Mr Dumas there was a mixture of uses for units at Casemates Square and that they have had to change over the years to suit different needs. He noted that one of the main issues seems to be obstruction of views of units at Casemates House by tables and chairs and parasols and that Members would be familiar with this issue.

In relation to the service access he confirmed that the license area being applied for by the applicant did not impinge on this.

DTP referred to earlier comments quoting the policy whereby change of use of retail units to non-retail use would not normally be allowed. He clarified that there are three types of retail use: A1, A2 and A3. This proposal would come under A3. The policy is referring to changes of use that fall outside the retail use.

The Chairman then advised the Commission that they were considering the granting of the change of use of another unit within an area where the proliferation of tables and chairs and their misuse by some eating establishments was causing concern to other shop unit owners and restricting general public access around the Casemates Square. A situation where they were all victims of their own success. The management of the tables and chairs is not an easy task, accommodating both sides was practically impossible. He added that tables and chairs did create some visual

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obstruction to other retail units in the area with their umbrellas and sunshades. It was up to the Commission to decide in whose favour to tip the balance.

CV added that he found it unfair that the Commission would have to consider this when there is mismanagement in place and it was therefore hard to sanction another application.

The Commission discussed the issues relating to tables and chairs and their management and the need for some kind of fining system. It was noted that the Government is currently considering the whole license regime and that perhaps the outcome of that should be awaited before making a decision.

The Chairman asked the Commission to vote on this application so that the applicant could have his application determined.

In Favour: 0

Against: 3

Abstain: 7

The Chairman stated that this application had been refused in support of the objectors who claimed that public access was being impaired across the square due to the proliferation and uncontrolled management of the licenses. He added that once Government implemented its new management practices the situation could be revisited.

436/17 - F/14936/17 - 79 Prince Edwards Road - Proposal to raise balcony wall to provide privacy to the occupants of the property.

Application carried forward due to power failure.

437/17 - O/14939/17 - 4 Pitman's Alley - Proposed top floor extension to provide offices, with new lift and stairs within existing stairwell.

Application carried forward due to power failure.

438/17 - F/14958/17 - Ex-St Bernard's School, Castle Road - Proposed conversion from a school to a private retirement residence, club/public bar and general convenience store including alterations and extensions to building.

Application carried forward due to power failure.

439/17 - F/14968/17 - Emblema House, 11 Baker's Passage - Proposed construction of external lift shaft.

Application carried forward due to power failure.

440/17 - F/14979/17 - 68-70 Governors' Street - Proposed change of use from a hair salon to nursery.

Application carried forward due to power failure.

Minor Works - not within scope of delegated powers

The Commission approved all applications within this section unless otherwise stated

441/17 - BA12509 - 2 & 3 Kavanagh's Court - Consideration of application for relaxation of Building Regulations.

DTP reported that Building Control recommended approval of this application as they were minor works.

This application was approved by the Commission.

442/17 - F/14570/16 - 43a/1-2 Rosia Ramp - Proposed demolition of existing external swimming pool and stairs to existing property in garden and the proposed construction of two external swimming pools as well as modifications and extensions to external areas of the property and internal refurbishment and alterations.

Approval of revised plans for footpath along Rosia Ramp and rear side of building subject to approval by the Traffic Commission.

DTP reported that following further discussions between the applicant, town planners and the Traffic authorities, the latter had given approval for a demarcated pedestrian zone.

Members of the commission remarked on the lack of trees on site and questioned whether the amount of trees they recalled existed before the development had been compensated for as part of the development of the pool. The Chairman referred that he would need to investigate the original application and inform accordingly.

The Chairman stated that approval would facilitate walking for pedestrians as there was a blind corner descending and ascending into the Vineyards Estate that should offer safer passage for pedestrians and that a condition be placed to review the size of the pools in order to accommodate more trees to be planted.

This application was approved by the Commission subject to clarification of additional tree planting.

443/17 - F/14753/17 - Ashtead Cottage, 10 Willis's Road - Proposed extension and alterations to the property.

444/17 - F/14873/17 - Sandpit's Vaults, 11 Rosia Road - Proposed refurbishment of existing storage facility including the construction of extensions and canopies to external areas.

445/17 - F/14920/17 - 3 Mayfair Close, Montagu Crescent, Devil's Tongue Road - Proposed installation of glass curtains on two balconies.

446/17 - O/14987/17 - 14 Flat Bastion Road - Proposed installation of awnings on west façade of building for all apartments.

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447/17 - D/15012/17G - Structure adjacent to St Bernard's Church - Proposed demolition of single storey shelter/store room.

GoG Project

448/17 - D/15040/17 - 6-12 Cannon Lane - Proposed demolition of three storey building with retention of street facades.

449/17 - O/15046/17G - Charles Bruzon House, Europort Avenue - Proposed installation of shutters and/or awnings to existing apartment balconies.

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

The Commission noted the following applications that had been granted by the sub committee.

450/17 - BA13412 - 5-13 Flat Bastion Road - Proposed restoration and refurbishment, with an additional floor, to create 10 apartments and parking.

Consideration of proposed colour-scheme for building façade.

451/17 - BA13430 - 8th Floor International Commercial Centre Main Street - Proposed conversion of the 8th floor car parking level into 7 apartments with terraces and associated works.

Consideration of revised plans for minor external elevational changes.

452/17 - BA13497 - 4 Hospital Hill - Proposed external building refurbishment.

Consideration of additional plans for reconstruction of boundary walls.

453/17 - F/13863/15 - Elliot's Battery, Europa Road - Proposed external building refurbishment.

Consideration of additional plans for reconstruction of boundary walls.

454/17 - F/14541/16 - 1 Little Genoa and car parking space no. 9 - Proposed extension of residential dwelling over car parking space and associated works.

Consideration of revised plans to provide a solid parapet wall on the north and western sides of the roof terrace and change to the type of the skylight access door to the roof terrace.

455/17 - F/14768/17 - 33 Town Range - Proposed installation of external step lift.

456/17 - F14839/17 - 2C Riesling House, vineyards, Rosia Lane - Proposed installation of glass

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curtains.

457/17 - F/14913/17 - 817 Seashell House, beach View Terraces - Proposed installation of glass curtains.

458/17 - F/14935/17 - 403 Water Gardens, Waterport Wharf - Proposed internal alterations.

459/17 - F/14944/17 - First floor 1B & 1C Centre Plaza, Horse Barrack Lane - Proposed interior fit out as dental clinic.

460/17 - F14960/17 - Unit 6 Chatham Counterguard - Proposed replacement of kitchen extraction system to include new exterior housing.

461/17 - F/14963/17 - 244 Water Gardens, Waterport Wharf - Proposed internal alterations.

462/17 - F/14970/17 - 20C Elliot's Battery, Elliot's Close - Proposed alterations to existing terrace and windows.

463/17 - F/14971/17 - 3 Rosia Plaza, Rosia Parade - Retrospective application for installation of timber terrace conservatory.

464/17 - F/14973/17 - House 3, 5 Catalan Gardens, Sir Herbert Miles Road - Proposed enclosure of rear porch and refurbishment of carport.

465/17 - F/14974/17 - Flat 3, 4 George's Lane - Proposed conversion of maisonette into two apartments.

466/17 - F/14980/17 - 4 Woodward Cottage, 22 Europa Road - Proposed extension of existing dwelling house at ground floor and lower ground floor levels and associated external works.

467/17 - F/14981/17 - Apartment 9, Moorland House, Ordinance Wharf, Queensway Quay - Proposed internal refurbishment and roof (attic) void converted into habitable space with existing roof structure raised.

Consideration of revised plans for internal alterations to approved scheme.

468/17 - F/14982/17 - 7A Bayside Road - Proposed increase in the height of the takeaway unit to allow for more ventilation and air circulation.

469/17 - F14984/17 - 16 Highcliff House, The Clifton's, Europa Road - Proposed installation of awnings of the same colour as those already installed by neighbours.

470/17 - F/14986/17 - 14 Admiral's Place, Naval Hospital Road - Proposed replacement of all existing windows on a like-for-like basis.

471/17 - F/14988/17 - 705 Basha Lodge, Mons Calpe Mews - Proposed internal alterations.

472/17 - F/14989/17 - 263, 8-9 Main Street - Proposed conversion of a single residential unit into two self-contained residential units.

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473/17 - F/14990/17 - 206 Abyla Lodge, Mons Calpe Mews - Proposed internal alterations and installation of air conditioning unit.

474/17 - F/14991/17 - 109 Portland House, Glacis Road - Proposed internal alterations.

475/17 - F/14992/17 - 29A Admiral's Place, Naval Hospital Road - Proposed replacement of existing leaking roof covering with new onduline boards laid beneath re-used tiles and lead flashings.

476/17 - F/14996/17 - External public areas around Eurotowers - Proposed additional pergola to the front of Café Solo to match existing pergolas.

477/17 - F/14997/17 - 1200 Eurotowers, Block 1, Europort Road - Proposed single storey extension onto existing terrace.

478/17 - F/14998/17 - 22 Maple Lodge, Montagu Gardens - Proposed internal alterations.

479/17 - F/15004/17 - 19/10 & 11 Rodgers Road - Proposed internal and external alterations including new terrace over existing roof.

480/17 - F/15008/17 - Unit G4, Europa Business Centre, Queensway - Proposed internal alterations and ac units within communal corridor.

481/17 - F/15013/17 - Units 6.01, 6.02, 6.05 and 6.06 World Trade Centre, Bayside Road - Proposed internal alterations.

482/17 - F/15018/17 - 703 Europlaza, Block 6, Harbour Views Road - Proposed installation of awning in the balcony overlooking the sea facing west.

483/17 - F/15019/17 - Marina Court, 20 Glacis Road - Proposed removal of existing garage door and replace with blockwork wall.

484/17 - F/15024/17 - 602 Europlaza, Block 3, Harbour Views Road - Proposed installation of glass curtains.

485/17 - F/15034/17 - 12/1 City Mill Lane - Proposed change of use from salon/spa to two bedroom apartment.

486/17 - F/15041/17 - Unit 7.02 World Trade Centre, Bayside Road - Proposed internal alterations.

487/17 - F/15051/17 - 12/1 Buena Vista Road - Proposed timber pergola.

488/17 - A/15005/17 - Queensway, North Mole Road, Watergardens and Winston Churchill Avenue - Proposed installation of lamp post banners to advertise MTV Gibraltar Calling.

489/17 - A/15006/17 - Winston Churchill Avenue Footbridge - Proposed installation of banner on either side of bridge to advertise MTV Gibraltar Calling.

490/17 - A/15015/17 - Lamp post from RBS Bank to Frontier, lamp posts in Waterport Road from Fountain to Evacuation Monument and lamp posts in Ragged Staff from Gates to Trafalgar

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Bar – Proposed placing of Gibraltar and Referendum Flags as part of the National Celebrations 2017.

491/17 – A/15060/17 – Ocean Spa Plaza – Request to install advertising on scaffolding netting.

492/17 – N/14957/17 – 3 Governor’s Lane – Proposed removal on Indian Laurel.

Removal of medium sized Indian Laurel tree that has been planted in a planter that is much too small for it. It is considered that the tree will eventually destroy the retaining wall and could compromise the stability of the tree itself, with the roots of the tree having the potential to cause further damage to the adjacent structures and buildings. Tree to be removed and replaced with two semi-mature, potted palms.

493/17 – N/14999/17 – Mount Alvernia, 19 St Bernard’s Road – Proposed uprooting of Tree of Heaven.

Removal of tree which is causing structural damage to wall. The tree is an invasive species that has an impact on natural habitats, which it can quickly take over. It is considered that the tree will continue to damage the retaining wall and it is not desired to allow an invasive species to grow so close to the Gibraltar Nature Reserve. Tree to be removed and replaced with a Nettle Tree elsewhere on the site.

494/17 – N/15000/17 – Sandpits Views – Proposed removal of two Ficus Microcarpa.

Removal of two trees that are reasonably healthy but are not particularly suitable to the setting. The trees are causing structural damage to the paving with their roots and should be removed and replaced with smaller Orange or Lemon Trees which have less aggressive roots that are well suited to a patio setting.

494/17 – REF 1196 – Vinopolis – 30 John Mackintosh Square – Request for additional external tables and chairs area.

495/17 – Any other business.

496/17 – Next Meeting

The next meeting will be held on 6th September 2017.