

APPROVED

DPC meeting 5/13

25/4/13

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 5th meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 25th April 2013 at 09.30 am.

Present:

Mr P Origo (Chairman)
(Town Planner)

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

The Hon Dr J Cortes (MEH)
(Minister for Environment & Health)

Mr G Matto (GM)
(Senior Architect)

Mr M Gil (MG)
(Chief Technical Officer)

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

Mr C Viagas (CV)
(Heritage & Cultural Agency)

Mr R Labrador (RL)
(Gibraltar Heritage Trust)

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr J Collado (JC)
(Land Property Services Ltd)

Mr J Mason (JM)
(Rep Commander British Forces, Gibraltar)

In Attendance:

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

Miss K Lima
(Minute Secretary)

Apologies:

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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Approval of Minutes

142/13 – Approval of Minutes of the 4th meeting of 2013, held on 14th March 2013

The Minutes of the 4th meeting of 2013 held on 14th March 2013 were approved by the Commission.

Matters Arising

143/13 – Ref 1198/006/13 – Bus Shelters, various sites – Proposed advertisements

This matter was carried forward pending submission of revised designs.

JH raised concerns that there are some bus shelters which are already heavily decked with advertisements. The Chairman said that these are part of the monitoring system which was approved by the DPC. He said that three of the four identified bus shelters have been covered and that with the fourth one at Grand Ocean Plaza it is currently being considered whether it would be better to shift the advertisements to the upper side of the shelter rather than at lower level to avoid any visual obstruction.

144/13 – BA12284 – Prince Edward’s Road – Proposed telecommunications cabinet

This item was deferred as the applicants have not reverted with their revised proposal as requested by the Commission.

145/13 – BA12378 – 3-5 Cannon Lane – Proposed 2nd floor extension onto terrace and internal alterations

DTP suggested that this item be deferred as the revised plans were only received the day before the meeting and there had been no time to review the plans or to consult departments. The Commission agreed that the application be deferred.

146/13 – BA12423 – 156/4 Main Street (Piazza) – Proposed replacement of canopies/parasols with louvre canopies

This matter was carried forward as revised designs have not yet been submitted by the applicant.

147/13 – BA12424 – 156/3 Main Street (Piazza) – Proposed replacement of canopies/parasols with louvre canopies

This matter was carried forward as revised designs have not yet been submitted by the applicant.

148/13 – BA12429 – Calpe Road – Proposed centralized refuse cubicle – GOG Project

This item was deferred pending revised designs.

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149/13 – BA12444 – 175 Main Street – Proposed redevelopment involving change of use of 1st floor shop to office, 2nd – 4th floor residential to office and building over light well at 3rd and 4th floors

DTP reminded the Commission that this application involves the refurbishment of the whole property and a change of use. He said that at the previous meeting the Commission asked the applicant to consider a mixed use of office space and residential. The applicant has submitted revised designs as requested involving ground floor retail use, 1st and 2nd floor office use and 3rd and 4th floor residential use. The residential units will consist of two studios, one 2 bedroom apartment and one 1 bedroom apartment. The 4th floor will be converted into one apartment with terraces to the rear of the property facing Cornwall and to the front facing Main Street. DTP recommended approval.

The Commission approved this application.

Major Developments

150/13 – BA11779 – Marina Bay – Proposed construction of waterside villas and associated infrastructure – Request to extend period of validity

DTP advised the Commission that the Outline Planning Permission for this development expired in October 2012. He said that at the time the applicant said that they wanted to renew their permit but that the matter was then left in abeyance for a few months. Designs were presented to the Commission to recap on what the proposal involves and DTP reminded them that two options for vehicular access were presented at the time and that the second option was preferred.

The Committee welcomed Mr Shaun Sullivan on behalf of the applicants.

Mr Sullivan told the Commission that this application was approved in October 2011 with conditions of the permit including the conducting of a wave study report, water quality report, sewage removal study and vehicular access survey. Mr Sullivan said that between October 2011 and now, there have been changes to legislation regarding Super Yachts and that this will have an impact on vessels coming into Gibraltar. He said that due to legislative changes the infrastructure for Super Yachts will vary slightly. Mr Sullivan told the Commission that before submitting a full planning application it is necessary for them to consider the impact of these changes on the Marina.

Mr Sullivan said that they are interested in presenting a revised proposal which will include mainly changes to infrastructure. He requested an 18 month extension during which they will consult with engineers on access, water surveys and the mix of accommodation that they will offer.

DCM asked Mr Sullivan why they were asking for renewal of their permit rather than submitting a new application. Mr Sullivan said that the scheme will not change and that it is difficult to market such a project without DPC approval. He said that the mix of apartments will change, as will vehicular access and the scale of the whole project.

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The Chairman asked Mr Sullivan whether there is a possibility that there will be no need for vehicular access as he is not convinced that this is necessary. Mr Sullivan said that vehicular access is necessary in order to make the project marketable. Mr Sullivan added that they would control access by limiting speed, installing barriers and creating a separate route for pedestrians.

MEH said that if the permission granted in October 2011 allowed for vehicular access and an extension is granted, then there would be no point in discussing whether access is necessary or not.

DCM said that the question of access might be an issue influencing the Commission's decision to renew or not.

The Chairman said that as a Commission they have a right to qualify the permit again if they are asking for renewal.

Mr Sullivan said that as a developer he understood the objection to traffic but that he does not support the argument as it would be a controlled environment.

Mr Sullivan also confirmed that 60 flats will be created when asked by DCM.

KB said that it will not be pleasant to have cars travelling down the pier.

JH said that the plans for mooring the Sunborn in the Marina will also increase the flow of pedestrians. The Chairman said that in this regard, he would recommend discussing this application with the next one on the agenda.

JH asked whether this application would require an Environmental Impact Assessment (EIA). The Chairman said that at the time this application was screened and an EIA was not necessary; however, this would have to be checked again.

DCM asked whether there is potential to relocate the villas. Mr Sullivan said that the original project was more spread out and that this was reduced as preferred by the Commission. He added that the proposed location would help to reduce the view of the refinery from the Marina and that changes in the Marina will affect the way in which the area is used.

DCM said that one clear objection is in relation to access. Mr Sullivan said that the traffic issue can be addressed. He said that the parking will be within the building and that access will be conditioned by whether the Sunborn project is approved or not. He said that if the Sunborn project is approved they would submit a landscape proposal. He said that they are open to discussion but that it has to be sustainable within the Marina concept.

CV said that vehicular access has to be provided even if it is just for emergency vehicles. He said that perhaps the issue of management could be kept in abeyance and that a study on access should be provided.

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The Chairman asked Mr Sullivan how soon they expect to submit a report on access. Mr Sullivan said that they want to survey the effect of new projects in the area for a few months prior to submitting their report. He said that they want to create an environment conducive to bringing back vessels which have left Gibraltar.

DCM said that vehicle management would have a bearing on the design if no vehicles are allowed. Mr Sullivan said that the vehicles and properties go hand in hand. He said that the ground floor arrangement to accommodate parking is easily done but that he cannot market this development without car access. Mr Sullivan added that this development will not generate too much traffic and that there will not be a constant flow of cars.

The Commission had no further questions and thanked Mr Sullivan.

The Chairman asked the Commission whether they wanted to discuss this application at this stage or whether they wanted to discuss the next item on the agenda BA12531 first.

MEH said that he would be inclined to take a decision now. He said that he would normally be inclined to favour reapplication except for in certain cases and that he was not convinced to be swayed either way.

The Chairman said that a member of the public had also asked for the opportunity to address the Commission.

The Committee welcomed Mr Justin Bray on behalf of the residents of Tradewinds.

Mr Bray told the Commission that the residents' main concern is access. He said that at the moment there are 3 main access routes into the Marina and that following DPC approval for vehicular access, Ocean Village has not been policing the area as agreed. He said that vehicles are currently driving in at times of the day when this is not allowed and parking on either side of the road. He highlighted the dangers of this especially as it is a main crossing for school children. Mr Bray asked why consideration cannot be given to circulating access around Neptune House. Mr Bray also said that the area has changed since this application was first considered and that he failed to see the logic in extending permission if another application will affect this one. He said that the applicant has had a number of years to formulate plans and that if they have not done so to date, he wondered whether they will do so in 18 months.

The Commission thanked Mr Bray for his contribution.

JH said that she was not privy to discussions in 2006 but that this project should be considered together with BA12531 from an environment point of view.

DTP told the Commission that at the time when the application for the waterside villas was considered it was a split decision with the Chairman at the time casting his deciding vote.

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The Committee took a vote on the request to renew the permission with the following result:

2 in favour

6 against

2 abstentions

The request for a renewal of Outline Planning Permission was refused by the Commission.

151/13 – BA12531 – Leisure Island, Ocean Village – Proposed floating hotel, structural works, reclamation dredging and associated works

DTP told the Commission that this is a Government project. He said that the floating hotel will have self propulsion and will be self contained. The proposal is to berth it in between the rear of Leisure Island and Marina Bay Pier. The ship will be 140 metres long and 22 metres wide. It will have 7 decks, with its highest point being some 18 metres from the water line. The ship will have 167 guest rooms and 22 suites. Recreational services will include restaurants, spa, gym and conference rooms. DTP added that the sewage will be connected to the main sewerage system in the area and that it will be moored with permanent mooring arms. DTP also said that a service ramp has been proposed and that the idea is to create a steel structure with iroko-cladding. Access will be by stairs and escalators.

DTP also said that works to enable berthing of the ship in this area will include dredging and piling around Leisure Island and Marina Bay Pier. Dredging will also be necessary in the approach route. An area between Leisure Island and Tradewinds will also be reclaimed in order to provide access and parking. Access is proposed to pass in between Tradewinds and Royal Ocean Plaza. DTP added that the water circulation system will be channeled through here to avoid accumulation of stagnant water.

DTP told the Commission that representations have been received and that one of the residents of Tradewinds has asked for the opportunity to address the Commission. The Commission welcomed Mr Leah.

Mr Leah said that in the past he has opposed vehicular access through Ocean Village. He said that berthing the ship so close to the pier will have a visual impact on the area in general and highlighted that the seabed in the area is toxic and that this was the main reason why dredging was not carried out in the first place. Mr Leah also questioned how they intend to link the sewage system. Mr Leah also expressed his concern at finding out that the area which will be reclaimed in front of Tradewinds will be used for parking. He told the Commission that he paid a lot of money for a flat with sea views and that now a ship was being placed right in front of it and that to make matters worse, what are meant to be luxury apartments will now end up with a car park right in front of them. He also referred to an increase in noise levels and how this will affect the community. He said that it must be considered that the ship will have 189 rooms, approximately 200 crew members and conferences, and that the residents of the area are being blanketed under a mass of people. He asked that the Government considers placing it elsewhere, for example at the old Ferry Terminal. Mr Leah asked the Commission to reject the proposal.

The Commission thanked Mr Leah and welcomed Mr Mark Isola on behalf of Tradewinds Management Company.

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Mr Isola told the Commission that he understands from his client that the Government intends to develop and reclaim part of the area. He said that his clients have informed him that the application states that an environmental assessment will be carried out. Mr Isola highlighted that an EIA should be conducted even though the term ‘floating’ suggests that it does not affect residents or the general public. He also told the Commission that what is usually described as temporary often becomes permanent and that in this case his clients will end up with a permanent structure in front of their luxury apartments. Mr Isola told the Commission that the impact on residents and the density of the area should be taken into consideration. Mr Isola also referred to the issue of vehicular access and asked that the Government consider the possibility of diverting access through behind the Al Fresco Cafeteria rather than reclaiming part of the sea.

The Commission thanked Mr Isola.

DTP said that in terms of an EIA, screening needs to be done to determine whether it is necessary. He said that EIAs are only required when there will be a significant effect.

From a Planning point of view DTP said that the hotel will be a dominant feature of the area but that as a vessel it would fit into the general nature of the area. He also said that the vessel is not a permanent structure so it could be relocated in the future. DTP also said that it will provide certain facilities which are currently lacking in Gibraltar, as well as generating employment. However, from a Planning perspective DTP said that there is concern over the proposed vehicular access up the side of the Island and parking. He said that there could be other alternatives such as valet parking. Referring to the service ramp, DTP said that the structure will be out of place and recommended alternatives to be considered such as the possibility of utilizing a hoist system. With regards to the reclamation, DTP said that the water feature is important in the marina and recommended that the Government consider whether a smaller area would suffice. He said that this would also allow the water circulation system to remain as is.

DTP told the Commission that the proposal has been considered from an aeronautical perspective and that the Director of Civil Aviation has asked for proof that the height of the ship will be under the Transition Slope, that it will be bird proof and that an assessment on glare from windows is carried out.

The Chairman reminded the Commission that the DPC is informing the Government of their views but are not voting for or against the proposal.

JH said that from an environmental point of view the ESG calls for an EIA to be carried out. She said that an EIA is necessary considering the scale of the project, toxins in the area, piling and road access. JH said that all of these issues might have a massive environmental impact. JH also asked whether other sites have been considered for example Rosia Bay. She said that she did not see the need to swamp the area and questioned how much thought had been put into this development.

KB said that Rosia Bay has problems in terms of redevelopment so would not be suitable. He agreed that alternatives should be considered and reiterated that temporary only applies to the ship since the reclamation would be permanent.

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RL said that the Heritage Trust welcomed the ship but questioned whether the right location is being considered.

MEH welcomed the possibility to hear this discussion in public. He said that there is an economic benefit for Gibraltar in this project and that a ship sailing in would be less disruptive than building a hotel. MEH said that he noted the point made by some members on an alternative location. Reference the seabed, MEH said that it is well known that the seabed is contaminated in this area and that ironically having it locked under reclaimed land would be better for the marina. He added that environmental impacts will be taken into consideration.

DCM concurred with MEH in that it is important to have these discussions in public. He said that it was questionable whether the ship required planning permission but that Government felt that for transparency it should be brought to the DPC. He said that the intended location was considered appropriate because of the entertainment facilities which already exist in the area.

KB asked whether similar projects have been carried out in other countries. The Chairman said that online research showed that applications for similar developments in London, especially during the London Olympics, had been subject to the planning process.

KB asked whether these ships are economically successful as this would influence his view in terms of the car park and reclamation. The Chairman said that this was not something to be discussed by the Commission.

RL said that KB had made a valid point because the decision on whether this project goes ahead or not should also consider whether or not it will be a failure.

MEH said that this is one of a series of ships owned by the same company. He said that he would prefer if the car park would not be constructed but that if it is, the area should be sensitively landscaped.

The Chairman said that all of the issues discussed by the Commission have been listed and will be passed on to Government.

JC said that if it goes ahead, the project should aim to retain a water feature in the area, hence providing a smaller area for parking. The Chairman said that from a Planning perspective they do not agree with the need for parking.

DTP added that it should be questioned whether the whole area proposed for car parking needs to be reclaimed as this part of the project would not be reversible.

JH said that the residents of the area have been complaining about the impact caused by vehicular access for some time. JH added that if vehicle movement is multiplied this would be against Government policy.

DCM said that he understood that security staff would be employed to control access.

Other Developments

152/13 – BA11582 – 6A and B North Pavilion Road – Proposed 2 storey house and swimming pool – Follows on from outline application BA11420

DTP told the Commission that outline planning was approved for this application in 2010 and that the applicant is now seeking full planning approval. DTP said that the proposal is to create a 2 storey house with a basement, swimming pool and garden at the rear. Cumberland Terraces is directly in front of the property so the house has been designed so that the main aspect is inward-looking. DTP also said that an Olive Tree is being retained. The Ministry for Heritage has requested that an Archeological Watching Brief be carried out. DTP recommended approval.

This application was approved by the Commission.

153/13 – BA11812 – 63 Europa Road – Proposed construction of single dwelling house

DTP reminded the Commission that outline planning for the construction of a single dwelling had been granted and that this was tied with the refurbishment of the main building and the applicant is now requesting a renewal of their permission. DTP said that subsequent to approval being granted, the applicant submitted another proposal to provide car park in this area instead of a dwelling. He said that the applicant and the Buena Vista developer wanted to swap the area and create the dwelling on the other side of the road. DTP said that at the time concerns were raised by members of the Commission who did not want to approve two dwellings, one on either side of the road.

Since an agreement has not been reached between the developer and HMGOG, DTP recommended allowing time for discussions and deferring a decision on this application.

This item was deferred.

154/13 – BA12326 – Albany House, 5, 7, 9 Town Range – Proposed demolition and construction of 6 storey building mixed commercial/residential use

This item was deferred at the applicant's request.

155/13 – BA12357 – The Sails, Queensway Quay – Proposed external spiral staircase to 1st floor store to swimming pool

DTP advised the Commission that this is a retrospective application but that notifications have now been served in accordance with Section 19. Representations have been received from 2 residents and one of them has requested the opportunity to address the Commission.

The Commission welcomed Mr Charles Gomez representing the objector Mr Wood.

Mr Gomez told the Commission that the application is defective and should be rejected on technical grounds. He said that there are clear defects such as the applicants name who he suggested is not the Lease holder. Mr Gomez also told the Commission that there is no staff at The Sails as claimed by the applicant. He said that the staircase is dangerous in terms of health and safety and is not properly delimited. Mr Gomez also told the Commission that the staircase

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was constructed without proper notification by the applicant and prior to going through the planning process. Mr Gomez said that the applicant is an experienced developer who should know his legal obligations. He said that the application should be refused on technical terms and the staircase removed.

MEH asked whether legal advice had been sought in this case and the Chairman confirmed that it had.

The Committee thanked Mr Gomez and welcomed Mr Dieter Wood, the objector.

Mr Wood told the Commission that his main concern is that this staircase poses a serious safety risk due to the wide spacing of the bars. He said that the staircase is over 4 metres high and that it is unsightly and out of place in a luxury development. He also expressed concern at the fact that an experienced developer had erected this staircase without permission. Mr Wood added that he is concerned that the staircase has been built to access a room which is being used as a commercial office. He said that this would be in breach of the original planning approval. Mr Wood asked the Commission to refuse the application and for the staircase to be removed.

The Commission thanked Mr Wood and welcomed Mr Steven De Lara representing the applicant, Marina Properties Ltd.

Mr De Lara told the Commission that he had read the objection letters and that the main concern was in terms of health & safety relating to the use of the stairs by children. Mr De Lara referred to case law which he stated demonstrated that it was generally the parent's responsibility to ensure the safety of young children and that it is up to the parents to ensure that the children are not at any risk. Mr De Lara also said that previously there was a wooden ladder used for accessing the upper area which was more of a health and safety risk.

Mr De Lara told the Commission that the Underlease shows that the area is owned by Marina Properties Ltd and not the individual tenants. He said that the staircase is primarily used to access a storeroom which is managed by Marina Properties Ltd and used for storage of the pool equipment. Mr De Lara said that if the staircase is removed they would have to construct a straight staircase which would have more of a visual impact.

DTP asked Mr De Lara whether there is no internal access to the upper area. Mr De Lara confirmed that the spiral staircase is the only access point.

DTP said that it was not considered that the application was defective as the applicant does not have to be the owner of the land and that in any case, it was understood that Mr P Butler was in effect the owner of both Marina Properties Ltd and Marina Properties the Sails Ltd. The. He added that written confirmation has been received from the applicant confirming that they use the room as a store.

DTP told the Commission that the Department of Building Control has confirmed that the building does not fall under the category where a minimum of 100mm width for the staircase bars is required. However, some kind of protection would be required as there are children in the

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area. Access should also be limited but the method of doing so would be left up to the applicant. DTP also said that the stability of the structure still needs to be assessed by Building Control and that the applicant is also required to submit structural submissions for the staircase.

From a Planning point of view DTP said that the staircase is not overly obtrusive and that there is no significant visual impact. DTP also said that an alternative staircase might have more of a visual impact. DTP advised the Commission that the legal advice sought on the notification process advised that under the Town Planning Act there is no need to inform the residents as they are not the owners of the area in question.

JC asked whether the applicant had notified the Management Company. DTP said that this was not necessary since the residents do not have any ownership rights.

DTP recommended approval subject to conditions that the base of the staircase is finished to the same standard as its surrounding floorscape and that the applicant submits a design for approval that will prevent unauthorised access to the staircase.

JC said that if the copy of the Underlease is still correct then the applicant name on the form is incorrect and the applicant is not the Lease holder as stated. The Chairman said that anyone has the right to apply for Planning permission. DTP added that it is understood that the same individual is the owner of both companies.

MEH expressed his disappointment that this matter could not be resolved between the parties involved and had to be brought to the DPC.

The Chairman told the Commission that under the Trade Licence they can check whether the store is used for commercial purposes and that there is no evidence of this being the case at the moment. He recommended that if approved the structural stability of the staircase must be proven.

JH said that the issue of ownership keeps resurfacing and that she wondered whether the new Town Planning Act will advise people on their rights as land owners. The Chairman said that they inform people on their rights.

The Commission took a vote with the following result:

6 in favour

0 against

3 abstentions

The application was approved with the conditions recommended by DTP

Mr Gomez asked the Commission whether there is a time limit for conditions to be applied. DTP confirmed that it would be possible to impose a time limit and that a month would probably be reasonable.

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155/13 – BA12420 – 26/28 George’s Lane – Proposed redevelopment of site with 3 storey building

DTP told the Commission that previous outline planning permission for this application expired in December 2012. He said that the proposal has not been changed significantly and that it involves the creation of a wellness facility on the ground floor and the use of the upper floors for educational use to accommodate the overspill of students from the Hebrew School on the opposite side of the road.

DTP told the Commission that Technical Services Department (TSD) have commented on the possibility of an increase in traffic from the drop off and pick up of children. However, he said that the applicant has confirmed that at present only 3 of the children travel by car and that once more students move to these premises, they estimate that only 6 children will travel by car as most of them live within the town area.

DTP also informed the Commission that the Ministry for Heritage has requested that an Archeological investigation be carried out prior to works starting

DTP said that there are no Planning objections and recommended approval.

MEH asked DTP whether he had received information on bin store requirements from the Ministry for Environment. DTP said that he had not received this information.

MEH also asked that swift nests be placed on the roof.

The Chairman referred the Commission to the difference in architectural style between the lower and upper floors, and questioned whether approval would be contrary to what has been the policy for other applications. DTP said that the top floor will be used as a terrace with a covered area. The Chairman highlighted that if this is the case, the designs are incorrect since the building is set on to the road.

CV said that for the record he wanted to point out that he knows that the DPC approved this previously but that he was never in favour of the demolition of this building which is perhaps the oldest in the area. MEH concurred with CV.

This application was approved with the condition that swift nests are placed on the roof.

156/13 – BA12430 – La Rotunda, Winston Churchill Avenue – Proposed cafeteria

DTP said that there are no objections to this application.

JH highlighted that there is a lot of tobacco being sold in the area and that plastic bags are littering the area. She said that opening a cafeteria here might encourage more of this to happen.

DTP confirmed that the intention is to provide a cafeteria linked to the supermarket and that access would only be through the supermarket.

This application was approved by the Commission.

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157/13 – BA12452 – Watergate House 2/8 Casemates Square – Proposed installation of dropdown ladder – GOG project

DTP told the Commission that from a Planning point of view this proposal would not be encouraged and suggested that an alternative solution be considered.

The Chairman said that he had discussed this issue with the building's staff and that he could not see why it would not be possible to continue the internal staircase up to the roof.

GM said that he had also visited the site and advised that the application would not be welcomed. He concurred with the Chairman.

CV said that he would not have proposed an external ladder and definitely not above a main entrance.

JC told the Commission that various options have been considered and that access is required for maintenance and fireworks for celebrations. JC also said that extending the internal staircase would be more costly and that other problems might be caused from breaking through the roof.

The Commission agreed that it would recommend that alternative solutions be investigated.

158/13 – BA12458 – 46 Castle Road – Proposed internal alterations, extension and refurbishment

DTP advised the Commission that this application involved a general refurbishment of the property. Windows will be refurbished or replaced and aluminum shutters fitted, the light well will be retained and an additional storey will be constructed to include a terrace.

CV asked whether the property originally had timber shutters. DTP confirmed that it did not.

The Committee approved this application and recommended that the applicant considers installing timber shutters and windows on the Castle Road elevation.

159/13 – BA12460 – 1 St Joseph's Road – Proposed demolition of buildings and construction of warehouse with office accommodation, car parking and private disabled access

DTP advised the Commission that this property was acquired via a tender process and that it was understood that one of the tender requirements was that the applicant provides disabled access into a property in Jumper's Building.

DTP informed the Commission that the Ministry for Heritage has asked that an archeological excavation is carried out prior to the commencement of works due to the location. He also said that the proposal to create a loading/unloading bay has been removed from the scheme so that there is no loss of on-street parking.

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JC said that the scheme has not yet been approved by Government and that the applicant is not the owner of the whole site. He also clarified that the provision of the disabled ramp was not a tender condition.

The Chairman reminded the Commission that the applicant does not have to be the owner to apply for planning permission but that if granted, they would need the landlord's consent before proceeding with the development.

JH asked whether the second storey would affect residents of Jumper's Building. The Chairman confirmed that no objections have been received.

The Commission approved this application.

160/13 – BA12471 – 3B Gardiner's Road – Proposed single storey glazed extension to front of property

DTP advised the Commission that this application would entail placing an extension over the staircase and shifting the façade of the property forward to extend the bedrooms. Skylights have been included for light. DTP added that the two fruit trees would be lost but that the applicant has confirmed that replacement trees will be replanted in the other gardens of the property. This application was approved.

161/13 – BA12474 – Windmill Hill Flats, GOHNS Raptor Rescue Centre – Proposed Extension of aviary facilities for GOHNS raptor rehabilitation unit

DTP advised the Commission that the proposed extension would be in front of the defensive walls which would normally not be approved but that an aviary already exists there.

KB declared an interest and informed the Commission that most of the wall is already obscured by the existing aviaries. He said that the proposed aviaries are relatively small and will accommodate injured birds.

MEH declared his keen interest in birds and said that the aviaries will be away from the wall.

JH asked whether the aviaries would increase noise in the area. KB said that this should not be a problem.

The Commission approved this application.

162/13 – BA12484 – Bayview Terrace, Rosia Road – Proposed internal alterations, enclosure of external staircase and installation of car park entrance shutters – GOG Project

DTP told the Commission that this application has arisen following requests from residents. He said that the proposal includes replacing vehicular barriers with shutters and confirmed that the garage shutters will be set back to ensure that traffic is not affected. DTP also told the Commission that the external staircase will be covered with aluminum panels and will have aluminum louvers for ventilation. The colour scheme will follow the existing one.

The Commission had no comments.

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163/13 – BA12489 – Cumberland Terrace – Proposed internal alterations, security gates, enclosure of external staircase and installation of car park entrance shutters.

DTP told the Commission that the proposed changes are similar to that for application BA12484. With regards to the security railings to the podium area, DTP said that from a planning point of view these are considered excessive and said that it is not clear whether there is a specific reason for the proposal to install these.

CV asked whether the estate has CCTV installed. JC confirmed that it does not.

The Commission had no further comments.

164/13 – BA12502 – 327 Main Street – Proposed change of use from retail/residential to office

The Commission welcomed Mr Colin Vaughn on behalf of the applicant PricewaterhouseCoopers Ltd (PWC).

Mr Vaughn told the Commission that PWC employs over 110 people in Gibraltar. Their current premises occupy approximately 110m² of the I.C.C building. He said that at the moment they have no room for expansion hence their interest in relocating to new premises.

Mr Vaughn said that 327 Main Street is an early 1960s building with an area of approximately 300m² on the ground floor and 500m² on the first and second floors. He said that at the moment the first and second floors are for residential use but that the owners have found it difficult to rent or sell the property. He added that they have not been able to rent the ground floor for commercial use either as this part of Main Street is not attractive for commercial use.

Mr Vaughn told the Commission that they are under slight time pressure as they have an option to purchase but this is subject to being granted permission to use the whole building as offices. He said that the offer for purchase expires in June 2013. He said that they would be making a £3.5 million investment. The proposal is to convert approximately 800m² into office space, transfer 60 staff to these premises and create meeting rooms and other staff facilities. He confirmed that the architectural style of the building will be maintained. Mr Vaughn also told the Commission that their associated firm Abacus will remain in the I.C.C building but will have to employ further staff as they currently share staff for certain duties.

Mr Vaughn said that their investment will add value and redevelop the area, and produce employment opportunities. He said that they would not be creating a precedent since there are already a number of Government and private offices, as well as a bank in this part of Main Street.

The Commission did not have any questions for Mr Vaughn.

DTP told the Commission that the interior of the property will be rearranged to make it appropriate for their office space requirements. The main entrance will be retained. The terrace on the upper floors will be brought forward to increase office space. DTP also said that the lift

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which the applicant is proposing to install in the rear patio of the property will not be visible externally.

DTP referred to Planning Policy and said that change from retail to A2 on the ground floor and residential to office on the first floor is usually allowed. However, the policy normally does not allow for the change in use of the floors above the first level from residential to office. DTP added that this is allowed in some situations such as where it has not been possible to sell or rent or that it is not viable to bring the unit up to current standards. DTP also said that the urban regeneration of the area can also be taken into account, as well as the current lack of office space that exists in Gibraltar and the fact that this building has been vacant for a long time. He said that in this particular case an exception of the usual policy could be made.

GM highlighted that from the plans there does not seem to be disabled access. DTP said that the intention is to have disabled access through the staff entrance. He stated this is an outline application only and further design input on this aspect should be possible

This application was approved by the Commission.

165/13 – BA12516 – Devil’s Tower Road – Proposed surface car park – GOG Project

DTP advised the Commission that this car park is temporary until an alternative use for the site is identified.

JH requested that bins be provided within the car park.

166/13 – BA12523 – Tercentenary Hall, Bayside Road – Proposed solar panels – GOG Project

BA12525 – Dr Giraldi Home, Smith Dorrien Avenue – Proposed solar panels – GOG Project

BA12526 – Tangier View, Europa Road – Proposed solar panels – GOG Project

DTP recommended discussing the above applications simultaneously.

DTP advised the Commission that these are Government pilot projects to install solar panels. He said that these projects have been advertised for tender and that the idea is to analyse whether solar panels are effective in Gibraltar.

JH asked for details on the timescale of this project. MEH said that they are solar thermal panels but that he was not sure of the closing date for the tender.

The Chairman asked the Commission whether they considered that it would be a good idea to add solar panels as conditions to permits.

MEH said that in his opinion they should not be conditioned but that people should be encouraged to try them if possible.

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JC highlighted that there is the need to be careful with the aesthetics of installing solar panels. He also said that he would advise people to try them but would not make them a standard condition of the permit.

CV said that in the UK buildings have to comply with energy performance regulations but it is up to the applicant how they do this. DTP confirmed that this is what happens in Gibraltar now.

167/13 – BA12527 – No 6 Convent Place/Guardroom – Proposed refurbishment of guardroom and conversion into main entrance to No 6 and roofing over of internal patio – GOG Project

DTP advised the Commission that a number of objections have been received with regards to this application. He explained that the proposal is to move the main entrance to No 6 Convent Place to where the guardroom is now. The guardroom will be moved to the side of the building and a porch created as the entrance to the guardroom. The proposal also includes roofing over the interior patio of No 6 but this would not be visible from the outside. A glazed front door for No 6 is also being proposed.

DTP said that most objections are in terms of the historical nature and use of the guardhouse. Comments have also been made about tampering with the original architecture of the building.

DTP said that the Ministry for Heritage does not object but have requested a full survey of the building as there is the possibility that there may be hidden elements.

DTP told the Commission that Planning recommendations are that the roof of the patio should not be seen externally. He also recommended that the existing timber door be retained as the outer door and perhaps have a glazed door internally. DTP also said that the porch outside the new guardroom should not compete visually with the main entrance and recommended it is kept much simpler.

The Chairman said that buildings are not there to be used for only one purpose and as an example referred to the guardhouse at John Mackintosh Square which is now being used as offices.

RL said that there is still a need for the Convent guardroom and that the Heritage Trust would like for it to remain. He said that feedback from Heritage Trust members has expressed this opinion. He added that during a presentation on the project, it was given to understand that the timber door would be kept and not have a glass panel in front. He said that the Heritage Trust is generally against this concept. He added that they welcomed DPC meetings but would like to see Government projects go through the normal process so that they have more time to consider applications.

KB asked whether if this does not go ahead the MOD will still use the building and how has this project come about. The Chairman said that this does not matter to planning policy and said that the Commission is there to make recommendations.

RL highlighted that the fact is that there is still a need for the Convent guard.

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KB questioned whether the MOD still wants to use the building as their guardroom.

JM said that the MOD was approached by Government and that the proposal suits their staff as they would have better facilities. He said that the guard will remain.

DCM asked RL whether the Heritage Trust have changed their point of view since they were in favour of the proposal when presented to them. RL said that they were not in favour but rather that they had accepted it. He said that their members have later expressed their objection.

The Chairman asked the Commission whether they supported RL's views or accepted this proposal on planning grounds.

CV said that he thought that the concept works but understood that there is sentimental value.

MEH agreed with CV that some people will have sentimental value towards the current use of the building but said that there will not be a major change to the guard.

GM said that changes will improve the perception of access to where the seat of Government is today.

168/13 – BA12529 – Jyske Bank, 76 Main Street – Proposed refurbishment of ground floor, change of use of first floor and façade refurbishment

DTP advised the Commission that this application involves a complete redesign of the interior of the premises. He said that it also involves the conversion of first floor residential to offices. The external façade will be treated with coloured render and the windows will be replaced on a like for like basis. There are no objections.

The Commission approved this application.

169/13 – BA12530 – Sandy Bay, Sir Herbert Miles Road – Proposed construction of off-shore coastal defences – GOG Project

DTP said that this project is subject to an environmental statement which is currently being done.

MG confirmed that at the moment there is no intention to construct a submerged breakwater.

DTP said that groins will be constructed on either side of the beach and that these will be between 2.5 and 3.5 metres in width. He added that beach nourishments will also be part of the project.

DTP said that the results of the environmental statement will be reported to the Commission.

170/13 – BA12536 – Unit 25, Block 1, Watgardens – Proposed change of use bar to office

DTP said that there are no planning objections to this application as the unit is not in the prime retail part of Watgardens.

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The Commission approved this application.

Minor Works – not within scope of delegated powers

171/13 – Ref 1198/005/13 – Calpe Hounds, Horse Barrack Lane – Application for sandwich boards along Main Street

DTP told the Commission that the Sub-committee recommends refusal as this application breaches policy. He said that the applicant had requested the opportunity to address the Commission but was not present.

The Commission refused this application.

A friend of the applicant who was in the audience told the Commission that he thought there was a mistake in the proposed location of the sandwich board as the premises are not on Main Street. He agreed to inform the applicant and ask him to contact the Town Planning Department.

172/13 – Ref1195 – 3b Rosia Parade – Proposed felling of Aleppo Pine

This item was deferred pending submission of revised plans.

173/13 – BA11811 – La Rotunda, 10-12 Winston Churchill Avenue – Proposed extension to supermarket

The Commission approved this application.

174/13 – BA12433 – 1, 3, 5 & 7 Crutchett’s Ramp – Proposed demolition of building

The Commission approved this application.

175/13 – BA12532 – Harding’s Battery, Europa Point – Proposed placement of cannon – GOG Project

The Commission approved this application.

Applications granted permission by Sub-committee under delegated powers

176/13 – Ref 1196/13 – Kiosk 2 Waterport Wharf – Proposed table and chairs

The Commission noted the approval granted by the sub-committee.

177/13 – Ref 1198/007/13 – 123 Main Street – Proposed advertisement on facade

The Commission noted the approval granted by the sub-committee.

178/13 – Ref 1198/010/13 – 85 Main Street – Proposed office sign

The Commission noted the approval granted by the sub-committee.

179/13 – BA12050 – Unit 21-21a Ocean Village Promenade – Proposed new signage

The Commission noted the approval granted by the sub-committee.

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180/13 – BA12244 – Commonwealth Park - Demolition of existing staircase

The Commission noted the approval granted by the sub-committee.

181/13 – BA12431 – 6/3 South Barrack Ramp – Proposed new window

The Commission noted the approval granted by the sub-committee.

182/13 – BA12435 – 204 Portland House, Glacis Road – Proposed removal of 2 internal walls

The Commission noted the approval granted by the sub-committee.

183/13 – BA12437 – 13 Market Lane – Propose mounting a/c units above awning of the restaurant

The Commission noted the approval granted by the sub-committee.

184/13 – BA12439 – Unit A The Tower Marina Bay – Change conservatory side panels currently made of canvas to folding concertina glazed doors

The Commission noted the approval granted by the sub-committee.

185/13 – BA12451 – 245 Block 2, Watergardens – Proposed alterations to facade

The Commission noted the approval granted by the sub-committee.

186/13 – BA12453 – 293 Main Street – Proposed alterations to facade

The Commission noted the approval granted by the sub-committee.

187/13 – BA12455 – 90-92 Catalan Bay Village – Proposed restaurant fit out and alterations

The Commission noted the approval granted by the sub-committee.

188/13 – BA12456 – 701 Bayview Terrace – Proposed internal alterations

The Commission noted the approval granted by the sub-committee.

189/13 – BA12457 – Unit 2, Boardwalk, Nimbus House, Tradewinds – Proposed internal fit out as bar/restaurant and mezzanine floor

The Commission noted the approval granted by the sub-committee.

190/13 – BA12462 – 4 City Mill Lane – Proposed conversion to take-away

The Commission noted the approval granted by the sub-committee.

191/13 – BA12463 – 6 Chichester Ramp – Proposed external alterations

The Commission noted the approval granted by the sub-committee.

192/13 – BA12467 – 62/64 Irish Town – Proposed partitioning/new kitchen w/c

The Commission noted the approval granted by the sub-committee.

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193/13 – BA12469 – Apt 214 Portland House, Glacis Road – Proposed minor redesign and alterations

The Commission noted the approval granted by the sub-committee.

194/13 – BA12472 – Unit 11 Casemates Square – Proposed refit of existing vault as new restaurant

The Commission noted the approval granted by the sub-committee.

195/13 – BA12473 – Suite 15, Victoria House, Main Street – Proposed alterations

The Commission noted the approval granted by the sub-committee.

196/13 – BA12475 – 2 Rosia Cottages, Rosia Road – Proposed structural alterations

The Commission noted the approval granted by the sub-committee.

197/13 – BA12476 – Watergate House, Line Wall Road – Proposed internal refurbishment

The Commission noted the approval granted by the sub-committee.

198/13 – BA12477 – 16 Westminster Close, Montagu Crescent – Proposed interior alterations

The Commission noted the approval granted by the sub-committee.

199/13 – BA12478 – Pitch 2 Victoria Stadium – Proposed new steel frame to cover existing stand – GOG Project

The Commission noted the approval granted by the sub-committee.

200/13 – BA12480 – Cemetery Road – Proposed installation of Meteorological Station Mast – GOG Project

The Commission noted the approval granted by the sub-committee.

201/13 – BA12481 – Lower Bruces Farm, Upper Rock – Proposed installation of Meteorological Station Mast

The Commission noted the approval granted by the sub-committee.

202/13 – BA12482 – Unit 19, Ocean Village Promenade – Proposed internal fit out of existing bar to convert to new bar/restaurant

The Commission noted the approval granted by the sub-committee.

203/13 – BA12485 – 13B Ocean Village – Proposed internal fit-out including layout alterations and external alterations

The Commission noted the approval granted by the sub-committee.

204/13 – BA12488 – Apt 64 Kings Wharf – Proposed minor works to rear exit area of apartment

The Commission noted the approval granted by the sub-committee.

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205/13 – BA12490 – 8 Rose Tree Cottage, North Pavilion Road – Proposed internal and external alterations

The Commission noted the approval granted by the sub-committee.

206/13 – BA12491 – 110/112 Main Street – Proposed creation of a fire escape route to rear of Peacocks

The Commission noted the approval granted by the sub-committee.

207/13 – BA12493 – 2/2 Serfaty's Passage – Proposed extension

The Commission noted the approval granted by the sub-committee.

Any Other Business

208/13 – BA12540 – Memorial to General Wladyslaw Sikorski

DTP informed the Commission that the proposal is to move the propeller monument from Devil's Tower Road to Europa Point.

The Commission approved this application.

209/13 – Buena Vista Development

JH requested clarification on the Buena Vista development. She said that she wanted to know what exactly the developer has been allowed to do and the impact that this will have on the view of the area from Camp Bay. She asked whether it would be possible for her to see a photo montage.

DTP said that when they applied for outline planning permission they provided full details of the development. The Chairman recalled that they had submitted a photo montage when the application was first considered.

210/13 – Next Meeting

The Commission agreed to next meet on Thursday 23 May at 09.30 am.