

**APPROVED**

*DPC meeting 5/12*

*26/4/12*

**THE DEVELOPMENT AND PLANNING COMMISSION**

Minutes of the 5<sup>th</sup> Meeting of 2012 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 26<sup>th</sup> April 2012 at 09.30 am.

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- Present:
- The P Origo (Chairman)  
*(Town Planner)*
  
  - The Hon Dr J Garcia (DCM)  
*(Deputy Chief Minister)*
  
  - Mr G Matto (GM)  
*(Senior Architect)*
  
  - Mr C Viagas (CV)  
*(Heritage & Cultural Agency)*
  
  - Mr J Collado (JC)  
*(Land Property Services Ltd)*
  
  - Mrs C Montado (CAM)  
*(Gibraltar Heritage Trust)*
  
  - Mr M Gil (MG)  
*(Chief Technical Officer)*
  
  - Dr K Bensusan (KB)  
*(Gibraltar Ornithological & Natural History Society)*
  
  - Mrs J Howitt (JH)  
*(Environmental Safety Group)*
- In Attendance:
- Mr P Naughton-Rumbo (Executive Officer) (DTP)  
*(Deputy Town Planner)*
  
  - Mr E Francis  
*(Secretary)*
  
  - Mr M Birchall (JP)  
*(Defence Land Agent, Rep Commander British Forces)*
  
  - Ms C Walsh  
*(Department of the Environment)*
- Apologies:
- The Hon Dr J Cortes (MEH)  
*(Minister for Environment & Health)*

**Approval of Minutes**

**224/12 - Approval of the Minutes of the 4<sup>th</sup> Meeting held on the 27<sup>th</sup> March 2012.**

The Commission approved the Minutes of the 4<sup>th</sup> Meeting held on the 27<sup>th</sup> March 2012, subject to the following amendment.

**Page 5 - Minute 172/12**

Remove the last line:-

*The Chairman used his casting vote in favour of the application and the application was approved.*

Replace with:-

The Commission approved this application.

**Matters Arising**

**225/12 - BA11988 – 33B Wellington Cottage, Europa Road – Proposed construction of path and car port.**

The Chairman reported that the applicant did not wish to address the Commission at this stage as he had been advised that Government was considering other possibilities that may address the issue of access to his house.

The Commission took note.

**226/12 - BA12021 - 40 Europa Road – Proposed construction of new wall and pavement.**

DTP informed the Commission that the applicant had submitted revised plans which no longer included the end walls. The applicant had also stated that the hoarding would be removed once the development is finalized.

CAM requested that the applicant be asked to use natural stone for the construction of the wall in order for it to be in-keeping with the surrounding area. The Commission agreed to include this as a condition.

The Commission approved this application.

**227/12 - BA12025 - 3 Irish Place – Proposed internal alterations to 3<sup>rd</sup> floor apartment and enclosure of terrace.**

DTP tabled the revised submission submitted by the applicant. The Commission where informed that the windows would be kept in proportion and in line with the rest of the building's windows.

The Commission granted approval to Option 2. It also conditioned the applicant to use timber for the windows.

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**228/12 - BA12031 – Mama Mia, Unit C, Boyd Street – proposed boundary wall to terrace with canopy over.**

The Chairman advised the Commission that an objection had been received to the proposal but that following a meeting he held with the applicant and objector the matter had been resolved and that the permit could now be issued.

**Ocean Village Developments**

**229/12 - BA12035 - Roof terraces, Sails 1 and 2, Ocean Village – Proposed conversion of terrace of Sail 1 into restaurant and Sail 2 into yacht-related office.**

DCM asked to make a statement and record GOG's position prior to several Ocean Village applications, which are referred to in a document signed by the Ocean Village Group and the previous Chief Secretary on 24<sup>th</sup> October 2011, being given due consideration by the Commission.

DCM stated that GOG had been advised that the document is not a legally binding agreement and would, in addition be unenforceable as an illegal derogation/fetter of the Government's discretion in public law in so far as the current applications are concerned. DCM added that GOG did not consider itself bound by this document, cannot in law bind itself to it. DCM said that GOG will consider these applications on their merits in the same way as any other application made by any other applicant.

DCM further stated that GOG as landlord does not agree to waive the premium or other payment, nor does GOG consider itself bound by other conditions which are alluded to in this document.

DTP explained to the Commission that the applicant intended to enclose the terraces with glazing. Timber cladding as used in the adjacent areas would also be used and the height would not exceed that of the current pergola on the roof terrace..

Objections had been received from residents who were concerned with the possible loss of daylight, increase in noise and smells, refuse problems and loss of privacy. There was also an objection from an adjoining business who was concerned with loss of business and possible problems with the pedestrian access.

DTP said that the applicant had responded addressing the concerns highlighting that the enclosing of the terrace would actually reduce noise and there would be minimal noise during construction as the unit is prefabricated off site, though he pointed out that noise is to be expected as in any marina environment, the applicant also said that there would be no loss of light as the current height would not be exceeded.

DTP suggested that in respect of the loss of privacy as a result of the access stairs a possible solution to this could be to design the stairs so that instead of leading onto the boardwalk they would instead dog leg and lead onto the bridge to the side. This would reduce the intrusion to the houses.

The Chariman pointed out that the applications did not have provision for disabled access.

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GM said that he was not in favour of the redevelopment of these terraces into restaurants or offices considering that there are several empty units within the complex.

DTP said that the applicant had confirmed that there were interested parties for each of the units. DTP also advised that at the last DPC meeting permission had been granted for the sub-division of the Ex-Harleys bar into two bars/restaurants and that there were applications on this agenda for the fitting out and associated works of these units.

JMC said that the Commission had to consider if there was room for further development in this area.

MG asked DTP to try to establish if there were vacant units in the area and the reason as to why they remained unoccupied.

DTP suggested that the Commission should visit the site.

This application was carried forward pending site visit.

**230/12 - BA12037 - Ex-Key Transport site, Ocean Village – Proposed 3-storey office building with retail or office on ground floor.**

DCM once again wished to highlight and record GOG's statement, which was made prior to consideration of all Ocean Village applications (Minute 227/12), in respect of all Ocean Village applications.

DTP explained that this proposal was in line with the previous submission which had been granted outline permission. He added that TSD required that the footpath be continued to join up with the pedestrian area. DTP reported that the building incorporated a green roof, that the façade treatment comprised render finish, rain screen cladding and glazing, that car parking and cycle provision would be provided within the Resort car park and that the structure of the building would be of cross laminated timber that was claimed to be a sustainable construction method.

DTP advised that the ground floor was to be office or retail and that there had been some alterations to the internal circulation core.

DTP pointed out that the current design of the building had a blank wall on the façade facing Watergardens unlike the scheme approved at outline stage.. DTP suggested that an alternative architectural treatment to this façade should be required to provide visual interest.

The Chariman agreed with DTP and suggested that some fenestration be included in the design.

The Commission instructed that Town Planning meet with the applicant in order to look at possible alternatives to the design of the façade facing Watergardens and that facing Waterport Road.

This application was carried forward.

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**231/12 - BA12040 - The Mexican Grill, The Tower, Marina Bay – Proposed internal and external alterations and new conservatory & BA12062 - The Ship, The Tower, Marina Bay – proposed alterations to façade and internal alterations.**

DTP stated that objections had been received from Marina Bay Management who objected on the following grounds, increase in noise and possible disturbance caused by football supporters using this establishment. Information was also requested in respect of the siting of the air condition unit and on the kitchen extraction system.

The applicant replied to the objections raised highlighting that the air condition units will be situated in the same area as they are currently located and they will use the current extraction system. They also point out that noise pollution will be reduced as sound proofing will be incorporated.

DTP reported that following liaison with Environmental Agency it was suggested that a condition could be included to limit noise.

The Commission approved both applications.

**232/12 - BA12050 - Unit 21 & 21A Ocean Village Promenade – Proposed internal conversion of unit into restaurant and enclosure of terrace with glass curtains.**

The Commission considered and approved this application subject to the enclosure being consistent with previously approved applications from adjacent premises.

**233/12 - BA12065 - Unit 21A (Ex Harleys-part of), Ocean Village Promenade – Proposed extension and external alterations.**

The Commission approved this application.

**234/12 - BA12068 - Unit 21B, Ocean Village Promenade – Proposed single storey hut to terrace with thatch roof.**

GM expressed his concern that as a result of all these applications, a mismatch of styles was being created which was eroding the original Ocean Village concept.

The Commission rejected the proposed single storey hut as it considered that the proposed site should remain open as part of the boardwalk. The proposed signage was also considered inappropriate as were the canopies.

**235/12 - BA12069 - Ocean Village Marina – proposed public pedestrian bridge to link Leisure Island to Sail 3.**

The ChairmanTP said that he welcomed this application as it would open access around the sails. DTP agreed with the Chairman stating that one of the primary objectives from the outset had been to improve public access to the waterfront and that the bridge would assist in this aim.

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GM said that this would not improve the sea views. He added that the reason behind this application was commercial and not architectural.

The Commission approved this application.

**Other Developments**

**236/12 - BA10776 – Outline - Lighthouse Cottages, Europa Point - Outline application for garages.**

CM said that the Trust was amenable to the use of this as a garage however it was against the demolition as this was a listed building.

TP pointed out that all that would be demolished was the roof which was in a very bad condition.

DTP asked whether the garages were part of the listed structure. CV said that the wording of the listing in the Act was ambiguous and that it could be argued both ways.

It was agreed that CV and CM would meet with the applicants.

This application was carried forward.

**237/12 - BA11650 - Lind House, 14 Europa Road – Proposed demolition of house and erection of single detached house.**

The Commission approved this application.

**238/12 - BA11875 - McDonald's, Europort Avenue – Proposed refurbishment and external cladding.**

The Commission approved this application.

**239/12 - BA11880 - 140 Main Street – Proposed modifications and conversion of single shop into two units**

The Commission approved this application.

**240/12 - BA11914 – Outline - 245 Watergardens – Proposed extension onto penthouse terrace.**

The Commission approved this application subject to the new windows matching existing.

**241/12 - BA11937 - CP 1048B, 5 Scud Hill Steps – Proposed internal alterations**

The Commission approved the revised plan to demolish and rebuild the terrace.

**242/12 - BA12033 - O'Hara's Battery, Upper Rock – Proposed installation of 3G antennas.**

DCM declared an interest as Chairman of Gibtelecom.

The Commission approved this application subject to the same conditions being imposed as was done for a similar application granted for Eazitelcom Ltd.

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**243/12 - BA12053 - 25 Cannon Lane – Proposed rear & front extensions to dwelling.**

DTP explained that the proposal was for a front extension to accommodate a bathroom and a rear extension in a basement patio for a bedroom. The Commission approved this application.

**244/12 - BA12054 - Penthouse Floor, Atlantic Suites – Proposed change of use residential to offices.**

DTP explained that the proposal was for the change of use of the penthouse to office use. The applicant had advised that there was high demand for offices and that the penthouse, converted from the previous plant room, had never been occupied as a residential unit as it was not found to be conducive to residential use. DTP advised that there was already significant office use within the building on the lower floors. The building also had high capacity lifts as it had originally been designed as a hotel.

GM said that if approved this could set a precedent where residential stock would be lost.

CV pointed out that many of these luxury flats remained unoccupied.

JH said that people who reside in these properties could eventually find themselves surrounded by commercial premises.

TP stated that no objections had been received.

JMC said that if the developer had been unable to sell this penthouse and the developer now wants to sell it off for commercial use it is different to someone buying the penthouse property and then wanting to sell it off for commercial use.

The Commission took a vote with the following results:-

2 votes in favour  
4 votes against  
3 abstentions

The Commission rejected this application.

**245/12 - BA12057 - CP1245C, John Snow House, 35 Europa Road – Proposed construction of double garage.**

DTP explained that the Commission's concern was with part of the garage which projected outwards and which did not appear on the outline plans.

Mr Labrador, the applicant, who was present at the meeting, was allowed to address the Commission. He explained that whilst the garage projected further envisaged it still remained within his property boundary. He added that there was still a 2.8 metres wide access to the adjacent property.

The Commission approved this application.

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**246/12 - BA12059 - FP604, 32 Prince Edward's Road – proposed extension of existing roof access building.**

The Commission approved this application.

**247/12 - BA12061 - 45 Main Street (Ex La Senza) – Proposed new shop frontage.**

The Commission approved this application.

**248/12 - BA12063 - 13 Mount Road – Proposed car port.**

The Commission approved this application.

**249/12 - BA12064 - 133 Main Street – Proposed internal alterations and alterations to façade and signage.**

The Commission approved this application. The Commission conditioned the applicant to retain the timber window frames.

**250/12 - BA12066 - 160 Main Street (Planet T Shirts) – Proposed alterations to shop frontage.**

The Commission approved this application.

**Minor Works – not within scope of delegated powers**

**251/12 - BA11737 - Gatsby's, Units 1, 2, and 3 (Phase 1), Watergardens – Proposed awning.**

The Commission agreed to maintain its previous decision as it felt that allowing the awning might set a precedent.

**252/12 - BA12043 - Ground Floor, Watergardens 6 (Eazitelecom) – Proposed three windows on north façade.**

The Commission approved this application.

**253/12 - BA12046 - CP1399A, Tradewinds, Bayside Road – Proposed unloading bay.**

The Commission approved this application. The Commission conditioned that deliveries would only be permitted until 6.00 pm.

**254/12 - BA12047 - 34 Gibraltar Heights – Proposed internal alterations and refurbishment including replacement windows/doors to balcony.**

The Commission approved this application.

**255/12 - Ref1195 - Arengo's Palace multi storey car park – Removal of *Olea europaea* Wild Olive**

The Commission approved this application.

**256/12 - Ref1195 - Old WSM Offices, North Mole Road – Proposed St John Ambulance Station. - GoG project - Proposed removal of ficus tree.**

The removal of the tree was approved subject to the tree being the younger of the two trees on this site.



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**257/12 – Ref1198 – Advertising signs – Sale and rental signs**

The Chairman explained that his attention had been drawn recently to a building which displayed several For Sale/Rent signs from different estate agents. It was envisaged that this practice would soon become common practice. He therefore wanted a steer from the Commission as to whether this should be allowed. The Chairman suggested that one option would be for the Commission to waive the need for applications if the signs met certain criteria.

DTP advised that this would require a change in the law and suggested that the matter be considered as part of the review of the Town Planning legislation.

DCM said that there should be two policies, one for commercial properties and another for residential properties.

This was carried forward pending review.

**Applications granted permission by sub-committee under delegated powers (For information only)**

**258/12 - Ref1198 -Verandah, Casemates Square: Proposed Fashion Week banner.**

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

**259/12 - BA11788 - 139 Main Street: Proposed projecting Seruya signs**

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

**260/12 - BA11806 - Loquart House – Request to fell additional Palm Tree**

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

**261/12 – BA12012 - Apt. 36 & 47 Cormorant Wharf: Interconnecting of two separate flats.**

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

**262/12 - BA12017 - 8 & 9 Cornwall's Court – Internal alterations to residential unit.**

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

**263/12 - BA12018 - Suite 3.03.3 Eurotowers: Proposed internal alterations to offices.**

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

**264/12 - BA12019 - Suite 913 Europort Building: Proposed internal office alterations.**

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

**265/12 - BA12022 - 140 Peninsular Heights: Glass curtains**

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

**266/12 - BA12024 - Suite C, D, E Neptune House, Marina Bay - Office partitions.**

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

**267/12 - BA12026 - 711 Cumberland Terraces: Residential partitions.**

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

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**268/12 - BA12032 - Apt.86, Block 9, The Anchorage: Proposed internal alterations.**

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

**269/12 - BA12034 - Suite 41/42 Victoria House, 23 Main Street: Minor office changes.**

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

**270/12 - BA12045 - 606 Bayview Terraces, Rosia Road – Proposed internal alterations.**

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

**271/12 – Next Meeting**

The Commission agreed to next meet on 24<sup>th</sup> May 2012.