

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 11th Meeting of 2013 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 5th September 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)

 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

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

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

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

 - Mrs J Howitt (JH)
(Environmental Safety Group)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary)
- Apologies:**
- Mr M Gil (MG)
(Chief Technical Officer)

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

Approval of Minutes

446/13 – Approval of Minutes of the 10th meeting of 2013, held on 7th August 2013

The Minutes of the 10th meeting of 2013 held on 7th August 2013 were approved by the Commission.

Matters Arising

447/13 – BA10925 – 1A Cumberland Road – Proposed redevelopment of site for residential/office use

DTP informed the Commission that plans for a five storey building were refused by the DPC in December 2008 due to the impact it would have on the area, as it would be out of character and there would be a loss of garden area. The applicant lodged an appeal against the refusal and in February 2011 the appeal was allowed by the Appeals Tribunal. DTP said that following discussions with HMGOG the applicant submitted revised plans for a four storey building with a terrace and in June 2012 outline planning permission was granted for that proposal that provided for two dwellings divided vertically within the building. DTP reminded the Commission that the approved scheme provided for a garage at ground floor level, two dwellings, a store on one side and a roof terrace.

DTP advised the Commission that the applicant has submitted revised designs for a five storey building. He said that the building would have three levels from Scud Hill and five from Cumberland road. The first floor would be for office use as the site is currently occupied by the developer's company. The second floor will comprise of one residential unit and the two upper floors will be converted into a maisonette. The revised designs do not include a roof terrace. DTP added that the architectural treatment has been changed to a more contemporary style and said that the massing and height of the building has also been changed. DTP said that the new height is comparable to what was previously proposed but that it is a full constructed storey since it is no longer a roof terrace.

JC said that the store included in the designs is not currently occupied by the developer and that this is allocated via a Government licence.

DTP said that objections have been received from a resident of the area on the grounds that the revised proposal is similar to that originally proposed and will detrimentally affect the character of the area.

DTP said that the revised scheme would in effect be similar to the original proposal that was refused by the Commission in 2008. However, he advised that the Commission needed to take into account the decision subsequently taken by the Appeals Tribunal to allow a five storey building. He said that the five storey proposal allowed by the Tribunal would have been granted if the developer had not entered into discussions with the Government and decided to revise their design.

Approved
DPC meeting 11/13
5/9/13

The Chairman advised the Commission that in effect the applicant has two approvals, one from the Appeals Tribunal and one by the DPC in the form of the outline permission.

DCM asked when the permits are due to expire. The Chairman said that once construction starts a permit remains live.

DCM asked by how much the development would impinge on the green area at the rear. The Chairman said that part of the green area would be lost but that this was allowed by the Tribunal's decision. JH asked whether this could be reviewed given the importance given to green areas at present.

DTP said that at the time the DPC was not happy with the decision of the Tribunal to allow this development. Subsequently discussions were held between HMGOG and the applicant.

JC highlighted that Landlord approval has still not been granted.

The Chairman said that the Commission should consider whether they want to approve the revised plans or whether they prefer the previously approved scheme. He said that if they refuse this application permission for the previous proposal for four storeys and a terrace would be issued as at the previous meeting the Commission had agreed to extend the period of validity.

KB asked whether the green area which is being referred to is a private garden. The Chairman confirmed that it is and that the tree to the north of the site will not be affected.

JC said that in terms of elevation he prefers the revised option but that in general he would have preferred that nothing be built on this site; on this basis, he said that he would approve the shorter building.

The Chairman said that since the application is for outline planning, the architectural treatment of the building is likely to develop as the design is progressed.

DCM said that he would also prefer not to have a building on this site but given the circumstances, he would approve the four storey building. MEH concurred.

The Commission refused the revised outline planning application. An outline permission should be issued as per the previously approved application.

448/13 – BA12577 – 60 Devil's Tower Road – Proposed 4 storey building comprising ground floor retail plus industrial storage, and 3 floors car parking/lock-up garages/stores

DTP reminded the Commission that the main issue with this proposal was the access road to the east of the site. He said that at the last meeting the applicant was asked to provide a plan which addresses access issues and indicates where customer parking will be provided. DTP said that the plan provided by the applicant shows a one way system. Access will be through the shared access road, where loading and unloading will be done on one side of the road and the other left clear for access. Vehicular access to the upper levels will be through the rear of the building. Customer parking has also been included in the plans.

Approved
DPC meeting 11/13
5/9/13

DTP said that the Ministry for Heritage has expressed a preference for the three storey building originally proposed as it would cause less obstruction to the view of the rock; however, he said that this application has been withdrawn. DTP also said that the Ministry for Heritage has requested an Archeological Watching Brief.

MEH recommended that the applicant be conditioned to having a green or brown roof.

JC said that he could not see how they will make the proposed access plan work. He said that they require the yard for loading/unloading purposes in order for their business to work and that at present this is already causing problems. JC told the Commission that the proposed loading arrangements are similar to what is happening now, just on the other side of the road. He said that the street at the rear of the building is a two way lane and that it is not wide enough.

DTP said that double height storage will be provided within the new development and that the applicant has advised that the items which they currently have stored on the access road will be stored here.

The Chairman suggested that perhaps a condition should be that customers have to park on the first floor of the building.

GM highlighted that in the plans there is no turning circle for lorries and that having them reverse onto Devil's Tower Road would be unsafe.

The Commission deferred this matter and requested further assurances from the applicant on the issue of car parking for customers, maneuverability of lorries and access issues. The Commission agreed that the architecture of the proposed scheme is acceptable subject to a green/brown roof. They also suggested that car parking on the roof might be possible.

449/13 – BA12589 – 13, 15, 17 New Passage – Proposed refurbishment and replacement of existing pitched roof with extension/terrace

DTP reminded the Commission that this application was for the refurbishment of the property and the replacement of the existing pitched roof with a partial additional storey. He said that the issue raised previously was the proximity of the proposed extension to the wall of the Government owned properties at the rear.

The Chairman said that he met on site with DPC members and Minister Balban. However, he said that no feedback has been received from HMGOG following their meeting. He added that on planning grounds the DPC can approve this application unless HMGOG states contrary, as this is a boundary situation between two landlords.

JC said that from a landlord point of view he could not see how they could object as there are no windows on the elevation which face onto the Government properties.

Approved
DPC meeting 11/13
5/9/13

DCM suggested that the DPC should defer their decision pending a reply from the Housing Department. The Chairman said that the visit took place two months ago and a reply has not been forthcoming.

MEH said that this location is ideal for swift nests.

The Commission deferred this application. DCM said that he would speak to the Minister for Traffic, Housing and Technical Services and obtain his views on this.

450/13 – BA12618 – 40 Europa Road, Buena Vista Barracks – Proposed construction of new house and pedestrian bridge structures

This item was deferred pending additional information and plans.

451/13 – BA12645 – 77 Queensway – Proposed standby electrical generators for data centre within existing compound

DTP reminded the Commission that this application is for the removal of the existing plant and installation of emergency generators. He said that queries were raised by the Commission at a previous meeting and that the applicant was asked to address these concerns. DTP said that the main issue is that the generators would be located in an area which is subject to air quality problems and that there is an air quality monitoring station situated just above the site.

The Commission welcomed the applicant, Mr Louis Garcia.

Mr Garcia informed the Commission that his company has spent three million pounds on expanding their facility and that they require these generators to ensure that their business can continue. He said that they intend to remove as much pipe work, barbed wire and other materials which are currently attached to the wall. Mr Garcia said that if necessary they would be willing to test the generators at night so as not to contribute to air pollution at peak times.

The Chairman said that there are strict controls on air quality and asked Mr Garcia whether they would be able to conduct testing in conjunction with the Ministry of Environment. Mr Garcia said that they are already collaborating with the Ministry with regards to their current exhaust system in the Sandpits area. JH said that the current situation at this location has improved.

JH asked whether any other sites have been considered. Mr Garcia said that their site within Comcen Tunnel is too small for the new generators.

JH asked Mr Garcia on the effect of the new generators on fumes and noise. Mr Garcia said that they will meet current legislation.

MEH asked Mr Garcia to consult the Department of Environment in order to establish a protocol for testing. Mr Garcia said that they would be flexible on this.

DTP said that the Technical Services Department (TSD) has asked that one of the units on the eastern corner of the site is set back as they need access to the area.

Approved
DPC meeting 11/13
5/9/13

The Chairman asked what will happen with the existing exhaust system. Mr Garcia said that no fumes would be extracted through here.

The Commission approved this application subject to the conditions raised.

Major Developments

452/13 – BA12692 – North Mole Industrial Park, Mons Calpe Road – Proposed construction of new office development

DTP advised the Commission that the proposal is for the construction of an office development in the area of the existing Industrial Park and a plot of land immediately to the west.

DTP said that the current tenant of the building immediately to the west has objected to the proposal on the basis that they occupy the site DTP also said that another representation has been received from a company who rents parking spaces on the top level of the Industrial Park and are concerned that they will lose these spaces.

DTP told the Commission that the proposal is to build over the existing warehousing and extend this at ground level to the site to the west; extend car parking on the first floor to provide for 167 parking spaces; the second and third floors will be designed as office space with courtyards; and the top floor will be used as a gym/sports area with outdoor facilities. DTP said that the top floors will be set back on the north side due to the transition slope of the airfield. The building will be glazed to allow natural light and vistas. DTP said that one issue is that there is an existing sewage pumping station on the northeast part of the site and that measures will have to be taken to ensure adequate ventilation is maintained. DTP said that a statement from the developers was circulated to members prior to the meeting, in which they provide information on themselves and their proposal. DTP said that the developers are aiming to provide a work/lifestyle concept.

DTP said that benefits include an increase in availability of storage area and improvements to the frontage of a building situated in one of the main tourist entrances into Gibraltar.

DTP confirmed that that the Port Authority objected to this proposal as they were under the impression that the development extends over the road to the north; DTP confirmed that it does not. DTP also said that the Department of Environment raised standard comments on dust control and energy performance. The Director of Civil Aviation has also requested an aeronautical study and is in discussion with the applicant.

From a planning point of view, DTP said that the intended use is generally compatible with the area. He said that one of the benefits would be that it would improve the general environment of the area. However, DTP highlighted that the proposed open storage area at the front of the building might end up being used to store items such as pallets and that this usually looks untidy; he recommended that this area is screened.

GM asked whether comments from TSD had been received. DTP said that he had not received any comments from them yet.

Approved
DPC meeting 11/13
5/9/13

GM said that the current Industrial Park was constructed with the view that an extra floor of parking could be added if necessary in the future. He said that the structural engineers involved claim that the columns of the building might not be able to support two extra storeys. GM advised that the proposal is based on the original grid but that this grid might have to be reconfigured to accommodate two more floors.

JH asked whether the current tenants of the industrial park will remain there. DTP confirmed that they will remain. JH also said that the new power station is being designed for minimum environmental impact and questioned how close the new development would be to the power station and whether the applicant has discussed this with HMGOG.

DCM said that the new development will improve the visual aspect of the area. He added that there is a need for office space in Gibraltar and that the Government is in discussion with the developer.

MEH said that the Environmental Impact Assessment (EIA) of the power station will take this development into account. He suggested that this is an ideal project in which to include solar thermal and photovoltaic power, and requested that the developer includes plants within the development. MEH said that his suggestions should be included as recommendations if the permit is approved.

DTP said that the developer is considering energy efficiency proposals.

The Commission approved this application.

453/13 – BA12734 – 1c North Mole – proposed replacement of existing damaged sullage storage tanks

DTP told the Commission that this application is for a straightforward replacement of the existing sullage storage tanks which were damaged in an explosion together with certain other improvements

The Commission welcomed the applicants Ms Gillaine Dellipiani and Mr Freddie Becerra.

Ms Dellipiani told the Commission that this application is not major in terms of works; that it is a replacement on a like for like basis. She said that there will be improvements to the safety and access equipment; following advice from experts and that their application meets the approval of all relevant authorities. Ms Dellipiani said that their design had to be evaluated on planning terms and that the Commission's input is important to them. She said that no public objections have been received.

Ms Dellipiani also told the Commission that the Nature Group has commissioned a screening report. She said that the application is for storage tanks but that under EU requirements they are also obliged to have reception facilities. Ms Dellipiani added that there will not be any changes to the type of tanks used but that there will be nitrogen blanketing and foam improvements.

Approved
DPC meeting 11/13
5/9/13

Ms Dellipiani told the Commission that legal issues surrounding this application are not for the Commission to consider and that the Nature Group maintains that there was unauthorised access by the contractor involved in the explosion. She said that an authorised swipe card entry system will be installed to prevent any unauthorised access.

The Commission did not have any questions and thanked Ms Dellipiani and Mr Becerra.

MEH said that the Department of Environment has requested that if approved, an assessment on environmental impact is carried out by the Environmental Agency.

JH said that she had asked the Chairman to find out whether the Commission could consider this application whilst legal proceedings are ongoing. The Chairman said that he had been advised that the Commission is not legally barred from taking a decision on this application.

The Chairman informed the Commission that he had received the screening report from the applicant which he will be distributing to members along with his screening opinion. The Chairman said that his screening opinion would also need to be approved by DCM and that feedback from the DPC would be welcome. He added that none of the consultees have reacted adversely to the proposed mitigating factors. The Chairman also said that there is no need for an EIA on storage within two tanks only as this is already happening on floating tankers alongside Detached Mole.

JH said that the Commission should view the screening report. The Chairman said that this is not required by law but that he will be circulating it.

MEH said that it would be good practice to circulate the report. He said that two provisos should be imposed if approved; the opinion from the Tourist Board and cruise liners should be obtained and advice on whether the location of the tanks will affect the new power station. MEH said that he was not objecting to the proposal but would like feedback before approving it.

Ms Dellipiani said that their screening report already confirms that the tanks are compatible with the new power station and that the Landlord and Ministry for Tourism said that they would speak to the cruise liners in January.

The Chairman recommended that HMGOG decide on the future use of the port facilities and how they should be sited.

MEH said that he thought that it would be appropriate to defer a decision until the next meeting.

The Commission deferred this application. The Chairman agreed to circulate the reports for consideration and discussion by members at the next meeting on the 24 October 2013.

Other Developments

454/13 – Roof Terraces, Sails 1 and 2 Ocean Village – Proposed conversion of terrace Sail 1 into restaurant and Sail 2 into yacht-related office

DTP reminded the Commission that this application was considered at a previous meeting, in which an extension on the roof top was allowed but the proposed access stairs were rejected. DTP said that the applicant is now presenting an alternative access route and is requesting approval for a change of use from restaurant to office. However, DTP told the Commission that a Section 21 notice had not been served and therefore, the matter should be deferred.

This matter was carried forward.

455/13 – BA12220 – 5 Chichester Ramp, Buena Vista Estate – Revision to approved scheme – Proposed wrought iron gate

DTP told the Commission that this matter had been referred by the Subcommittee who recommend refusal. He said that a timber gate would be in line with policy but not an iron gate.

The Commission refused the application to install a wrought iron gate.

456/13 – BA12419 – 5 Humphrey's Bungalows, 7 Engineer Road – Proposed retaining wall to stabilize adjacent road

DTP told the Commission that this item had been superseded by BA12695.

457/13 – BA12575 – 8 Rodger's Road – Proposed refurbishment, additional storey and replacement of garage

DTP told the Commission that amendments to include a plunge pool have been made to this application which was approved in June 2013. DTP said that this amendment required public notice and that as a result the tenants of the adjacent property, Lord Napier Mews, have objected to the original application and requested an opportunity to address the Commission. DTP said that he obtained legal advice with regards to this objection and was advised that since the objection received is in respect of a land ownership dispute, this is something to be resolved amongst the parties involved and not a matter for the Commission.

DTP asked the general public if there was anyone present from Lord Napier Mews who wished to address the Commission. There being no one present to do so the members proceeded to discuss the application.

JC asked whether the Commission is obliged to consider the representations received on the original application. CV thought that they would be creating a dangerous precedent if they did. DTP said that if eventually it is proven that the tenants of Lord Napier Mews own the wall which is being disputed; the DPC would have to review their decision.

The Chairman said that irrespective of ownership of the wall, a Section 21 notice was originally served and the objectors had ample time to object. He said that the garage is separated from the wall in contention and added that he did not think that the DPC would object to the removal of the garage regardless of the legal outcome. The Chairman also said that enough room for a

Approved
DPC meeting 11/13
5/9/13

turning circle should be allowed and that the area of the new parking should be properly demarcated.

The Commission approved the revised application.

458/13 – BA12599 – Pedestrian Footbridge, Winston Churchill Avenue – Proposed installation of LED display

The Chairman told the Commission that he had asked the applicant to address the Commission, as in the past applications to install LED displays have always been refused.

The Commission welcomed Mr Stephan Llambias and his associate

Mr Llambias informed the Commission that if approved they would be sharing part of the profit with HMGOG and would be reserving 10% of the advertising space for Government use. He said that the displays would be available for general tourist information, RGP advertising, social events, charity events, advertisements of new developments, political and general advertising. Mr Llambias said that the content of the display can be changed at the click of a button.

The Chairman said that in the past LED displays have never been favoured by the Commission due to their intrusion on the landscape. He said that with regards to the proposed location, the Highways Department have asked that if approved they are placed on the opposite side of the road to the direction you are travelling in.

Mr Llambias said that the pedestrian footbridge at Winston Churchill Avenue has been used in the past to display banners. He said that their displays would be low consumption and would avoid having to print banners.

JH asked whether they had only considered this site. Mr Llambias said that they have also submitted an application to install one by the frontier loop. He said that the one at the frontier could be used to display the current signage in the area.

The Chairman asked whether the screens would affect light pollution at night. The applicant said that they can be dimmed.

JH said that as a driver she thought that the proposed location would be dangerous as the screens would be a distraction to drivers. The applicant said that this bridge has been synonymous with advertising since 1996. He said that the adverts can be static and would change instantly; no videos would be displayed.

JC said that if the adverts keep changing, drivers would constantly look every time they drive past. He said that he would have thought that it would be better to position them on the same side of the road on which you are driving so as to not shift the driver's view off the road.

GM said that it is hard to accept this proposal since these displays would distract him from driving.

Approved
DPC meeting 11/13
5/9/13

Mr Llambias told the Commission that studies undertaken show that only 1% of traffic accidents occur due to LED screens.

DCM asked for details on the size of the LED screen. He said that the screen shown in the photomontage looks good but that he could understand safety concerns. Mr Llambias said that the screens can be obtained in different sizes.

The applicant informed the Commission that they have submitted a report which highlights issues on road safety and suggested that perhaps it might be beneficial for members to consider this report.

CV said that the content of adverts should be monitored and thought that having food and drink adverts for example, would not look attractive.

MEH agreed that content would have to be monitored. He referred to other adverts such as those on buses and questioned whether drivers are distracted by this.

JC said that if this application is approved other applications might be received for the same. The Chairman said that all of these types of applications have been refused in the past and that only pedestrian LED signs have been approved.

DTP added that the DPC has always resisted billboard adverts on the grounds that it was not the image that they wanted to portray. He said that personally, he saw a difference between this advert and the one proposed for the frontier.

The Commission took a vote on this application with the following result;

0 in favour

6 against

2 abstentions

The Commission refused this application and asked the applicant to consider alternative locations.

459/13 – BA12600 – Adj Bus Depot, Winston Churchill Avenue – Proposed installation of LED display

DTP told the Commission that the Subcommittee had considered an alternative site adjacent to the frontier loop road and does not object to the installation of LED displays at this location as it does not raise the same concerns over the distraction of drivers as in the previously considered location. He said that the more central location proposed is the preferred option.

The Chairman said that he would recommend approval. He said that the advert would be licenced through HMGOG and its content monitored by them.

JC said that the LED displays within the airport are licenced by LPS but managed by the Ministry for Tourism. He suggested that if this one is to be placed on the public highway perhaps the Highways Department should manage them.

Approved
DPC meeting 11/13
5/9/13

CV said that the DPC should ensure that further screens are not installed in the same site. The Chairman said that others can be refused on the basis that they will affect the character of the area.

GM said that the applicant should closely monitor the intensity of the screens. The Chairman said that he would recommend that this is included as a condition in their licence. The Commission approved this application.

460/13 – BA12652 – Beaulieu House, 12 Europa Road – Proposed demolition of parts of building

DTP told the Commission that this application would be discussed together with BA12687 later on in the meeting.

461/13 – BA12664 – 4 Transport Lane – Proposed extension to existing outhouse

DTP informed the Commission that the extension has already been constructed without permission. He said that it is a timber outhouse, built in the same architectural style as the rest of the outhouse.

The Commission approved this application.

462/13 – BA12666 – 33/10 Naval Hospital Road – Proposed extension and improvements

DTP said that the application is to build an extension on the top level of the property, extending eastwards and northwards. He said that a light well would be partly covered. DTP told the Commission that permission was granted previously for a similar application immediately adjacent on the same rooftop. There were no planning objections to the proposal

CAM said that the proposed extension is different to the existing style. She said that the Heritage Trust does not object to the extension but that there should be some kind of uniformity of character.

The Commission approved this application subject to comments made by the Heritage Trust being taken into account.

463/13 – BA12682 – 16/3 Halifax Road – Proposed sub division of warehouse into stores and retail

The Commission approved this application.

464/13 – BA12652 – Beaulieu House, 12 Europa Road – Proposed demolition of parts of building

BA12687 – 12 Beaulieu House, Europa Road – Proposed part demolition and extension

DTP reminded the Commission that outline planning approval was granted in January 2013. He said that the application involved an extension westwards and a demolition of an existing extension. He said that demolitions will also take place internally to rearrange room layouts. The balcony and an old tank will be removed. DTP also said that a double garage has been incorporated within the design, as well as minor internal alterations and the extension of the balcony across the full length of the modern extension. The modern extension will have two

Approved
DPC meeting 11/13
5/9/13

levels, a green roof and direct link to the existing building. DTP added that structural openings will be replaced on the west elevation and windows changed to more modern ones, as approved previously. The applicant also intends to block existing windows on the east elevation and introduce one single pane window. DTP said that all of the trees of various sizes are being relocated within the site or retained, and that new planting is also proposed.

DTP said that the Ministry for Heritage does not object to the extension on the western side but have objected to the replacement of traditional windows with modern ones and to the removal of the balcony on the western façade. They have also requested that an Archeological Watching Brief is carried out and would require a full excavation if any items are found.

The Heritage Trust has requested that the original windows are retained on the west elevation. With regards to the bricking up of the windows on the east elevation, they have suggested installing timber shutters even if there are no windows, to soften the image.

DTP said that the comments in relation to the windows on the west elevation had similarly been raised at the outline stage and that the Commission had accepted the proposed changes.

MEH asked KB whether he had inspected the trees which need to be relocated. KB said that he had visited the premises and DTP confirmed that this was considered at outline planning stage and no concerns were raised.

The Commission approved both applications subject to the requirement for an archaeological watching brief.

465 – BA12691 – 4 Cumberland Steps – Proposed store room conversion and extension into residential at roof level

DTP told the Commission that the request to extend the roof top structure to create a one bedroom flat was originally approved by the Commission but that the works were never done and the applicant has now reverted, albeit for a slightly smaller extension. He said that the proposal is to refurbish and convert part of the terrace which is currently communal for all residents. DTP said that it is difficult to see the elevation from any location. He said that the extension will have dormer windows and a mansard roof.

CAM said that the Heritage Trust is concerned over the use of a mansard roof as this is not typical in Gibraltar. She said that the external finish should be more in keeping with the render of adjacent buildings.

CV agreed with the comments made by the Heritage Trust on mansard roofs but said that it would be unfair to disapprove if these have been approved in the past for other properties.

The Commission approved this application.

466/13 – BA12694 – 9 Poca Roca, Upper Rock – Proposed alterations/replacement of former dwelling

This item was deferred pending the submission of further information that had been requested from the applicant.

467/13 – BA12419 – 5 Humphrey’s Bungalows, 7 Engineer Road – Proposed swimming pool and associated works

DTP informed the Commission that works to construct a swimming pool at the rear of the garden have commenced unauthorised. DTP said that the Department of Environment has been asked to check a tree which is near the pool and that feedback is pending.

MEH said that the Department of Environment recommends that the roots are cleaned back and that the tree is pollarded.

The Chairman said that the remainder of the green area will be left in its natural state.

The Commission approved this application.

468/13 – BA12706 – 156/4 Main Street – Proposed canopy structure
BA12708 – 156/3 Main Street – Proposed canopy structure

DTP said that this is a full planning application following outline planning approval. He reminded the Commission that the canopies will be free standing and include the ornate details approved by the DPC.

The Commission approved both applications.

469/13 – BA12711 – 4 Loquart House, South Pavilion Road – Proposed external alterations

DTP told the Commission that this application involves the demolition of various structures and a garage and the removal of a canopy. He said that most works are on the west elevation. The applicant also wants to block up the current pedestrian access and reopen it further down the road for safety reasons. The alterations on the west elevation include traditional style balustrades, relocation of part of the porch/canopy to another part of the building, construction of a terrace on the first floor and the construction of a pergola with a retractable awning.

MEH asked why the pedestrian access onto the road cannot be retained but just not used. DTP said that he had discussed this with the applicant but that they preferred to block it up and open another entrance. The Commission required the existing pedestrian entrance to be retained even if a new one is to be created to maintain the character.

KB said that the applicant has a condition to replant a tree as one Palm Tree was removed from the site.

DTP said that the Ministry for Heritage has requested a detailed survey and an Archeological Watching Brief.

The Chairman suggested that the garage should have a green roof. The Commission agreed.

Approved
DPC meeting 11/13
5/9/13

CAM said that the Heritage Trust does not object to the garage but feel that it should be in keeping with the render of other properties in the area. She also said that they do not object to the installation of a pergola but said that the building is Georgian in style and the pergola design is Victorian style. CAM requested that the architectural style be revised to suit the architecture of the building.

The Commission approved this application subject to conditions raised.

470/13 – BA12714 – North Mole, North Mole Road – Proposed land reclamation

This item was deferred pending an Environmental Screening Report.

471/13 – BA12719 – 57/61 Queensway Trailer Park – Proposed perimeter fencing

DTP told the Commission that the mesh fencing has already been at least partially installed.

DTP said that the Ministry for Heritage and the Department of Environment have both requested that the fencing is not attached to the wall.

JC asked DTP to inform the applicant that regardless of whether the fencing is approved by the DPC, they still require Landlord permission.

The Commission approved this application. The occupier should be made aware that they have to maintain the wall and that this approval does not afford them any ownership rights.

472/13 - BA12720 – Windmill Hill Road, Windmill Hill – Proposed office/watchtower

DTP informed the Commission that this was a Government application for the construction of a watchtower and offices for the Port Authority administrative staff. He said that the development would be on top of one of the demi-bastions of the Retrenchment Barracks, on the site of the previous naval signal station. DTP said that the proposal is for a larger building in terms of massing and height, than the existing one. The proposed building would be 14 metres high (four storeys), with a contemporary architectural style. The new watchtower will be slightly higher than the existing.

DTP said that from a heritage point of view this location is a prominent position and that the proposed design will have an impact on the integrity of the defensive walls.

From a planning perspective DTP said that this development would have a visual impact on the area for both views northwards from Windmill Hill and Southwards from viewing areas such as Jews Gate which is a popular Tourist site. He also stated that established planning policy was to try and avoid building on historically important walls and structures.

DTP said that the Ministry for Heritage had commented, highlighting the historical importance of the Retrenchment Barracks and that this development will disrupt the view of the bastion itself and would affect the outline of the Rock. The Ministry for Heritage has also requested that if approved, they are involved in the details of the works and have asked that a full survey of the existing building is carried out.

Approved
DPC meeting 11/13
5/9/13

DTP also said that the Heritage Trust have raised concerns on the effect that a building of this size will have on the area. The Heritage Trust feels that further assessments on visual impact should be carried out.

MEH said that he did not have a problem with the proposed watchtower but that it was important to address the massing of the building. He suggested making it wider and lower, even if this entails removal of open parking areas. MEH said that the whole footprint of the area should be used. DCM concurred with MEH.

CAM said that the original watchtower has some heritage value and asked whether a survey has been carried out.

CV said that the proposed building looks out of context and that adding only one floor above the monument would be more in keeping with the area. He also acknowledged that the current buildings are in a dilapidated state.

The Chairman recommended that the department leading in this project approach the DPC for guidance prior to obtaining a revised design.

The Commission recommended that HMGOG obtains a revised design which minimises the massing of the building by better utilising the footprint of the site to accommodate the office requirements in low rise buildings with the only tall element being the watchtower itself. The revised scheme should be presented to the Commission including photomontages taken from both Windmill Hill northwards and from Jews Gate area southwards.

473/13 – BA12729 – Apt 83 Ragged Staff Wharf – Proposed refurbishment, alterations and replacement of windows

DTP informed the Commission that this application is to replace timber windows, deck the terrace area and replace French doors with sliding doors. Objections have been received from the Management Company on the basis that external features should be the same in all apartments. Members were referred to copies of representations and counter-representations previously circulated.

DTP said that fenestration and decking would not be seen from ground level and that there are no planning objections.

The Commission approved this application.

474/13 – BA12732 – Royal Naval Hospital, Europa Road – Proposed refurbishment of Block G (Mental Health Stores) construction of new Block H (stores) and new Dementia gardens (HMGOG Project)

DTP told the Commission that changes to the original design of this project are due to a review of the Dementia facilities by an independent consultant. The consultant recommends that the gardens are at the same level as the ground floor for easy access. DTP said that this will result in the loss of one large tree in the area of the new garden and two smaller trees in the area of the new Block H. With regards to Block H, DTP said that this will be used for storage and will

Approved
DPC meeting 11/13
5/9/13

include a mezzanine level for extra storage space. The roof area of Block H has been designed as a terrace area.

DTP said that the Heritage Trust regrets the loss of trees and that they have referred to existing water tanks located on site which will be partly cut off.

KB said that three mature trees are being lost and that he could not see why they cannot be accommodated.

MEH declared an interest due to his involvement in the project and said that he had asked for the matter of the loss of trees to be looked at but had not received any feedback. MEH also said that the possibility of using the water tanks for storage should be considered.

The Commission recommended that HMGOG reappraise the need to lower the garden and the need to remove the trees to create a block for storage purposes. The Commission also agreed to arrange a site visit.

475/13 – BA12735 – Car park, Catalan Bay Village – Proposed playground (HMGOG Project)

DTP told the Commission that the proposal is to create a playground with exercise equipment. He said that the playground will be constructed on concrete slab and will be surrounded by a dwarf wall and fence.

The Chairman recommended that blocks of concrete at the bottom of the wall are removed if these are not being used. TSD should be consulted on this.

The Commission recommended that planters are included in the project and that HMGOG consider the possibility of having a tree canopy.

476/13 – BA12736 – Site at North West of St Bernard’s Hospital Complex, Europort – Proposed extension for catering facility, plant room and associated works (HMGOG Project)

DTP advised the Commission that the proposal is to enclose the area in front of the stair core to provide space to expand the radiology department and to extend on to part of the podium level on the side of the building to provide an area for catering facilities. DTP said that the columns will be brought into the building using the same fenestration. He also said that the oxygen cylinders will be moved forward slightly or removed completely if these are eventually not required due to alternative arrangements for oxygen provision to the hospital. DTP also confirmed that the extension will have a flat roof.

JH requested details on the timeframe of this project. MEH said that the project should be completed by December 2014.

The Chairman asked whether a roof garden was being considered. MEH said that this was being considered.

There were no objections to the proposal.

477/13 – BA12737 – Site at North West of St Bernard’s Hospital Complex, Europort – Proposed ambulance bay canopy and cleaning bay (HMGOG Project)

DTP told the Commission that two options have been provided: one with columns at an angle and the other with vertical columns only. He said that the canopy columns will have the same architectural style and cladding as the hospital building. From a planning point of view, DTP said that he would recommend that the cleaning bay is relocated to the opposite end as it has been designed right by the hospital entrance.

The Chairman recommended that solar powered lighting is installed in the ambulance bay.

The Commission preferred option two (flat option).

478/13 – BA12739 – 6 Convent Place – Proposed replacement of existing timber window shutters (HMGOG Project)

DTP said that the proposal is to replace the existing timber shutters with aluminium ones of the same colour. He advised the Commission that policy is to replace timber with timber and that this policy has been applied quite consistently to date. DTP said that objections have been received from the Ministry for Heritage and Heritage Trust.

DCM told the Commission that he had emailed Mr Tony Davis on this matter and that Mr Davis was going to withdraw the application.

This matter was adjourned.

479/13 - Ref 1196 – Tables and Chairs – Casemates Square

DTP referred to a paper from the Building Control Officer on this matter, which was circulated to members prior to the meeting. He said that the Building Control Officer considers that having to remove all tables and chairs by the end of the working day on the 9th September is excessive, as the tables and chairs do not interfere with the stage which will be used for the National Day rally. He said that breakfast reservations made by the various establishments will have to be cancelled. DTP said that the Building Control officer has also advised that Latinos have stated that they will not be removing their tables and chairs. The Building Control Officer has therefore requested guidance on whether the restaurants may be allowed to keep their tables and chairs on the day.

DCM said that traditionally under the previous administration all tables and chairs were removed. He said that last year the restaurants were allowed to keep them until a certain time when they all had to be removed. However, this year the health and safety professional has recommended that everything is removed on the previous evening.

The Commission recommended that all tables and chairs are removed for the event.

Approved
DPC meeting 11/13
5/9/13

480/13 – Ref 1198/026/13 – 3 Convent Place – Proposed advertisement

DTP advised the Commission that the Subcommittee recommend refusal due to its impact on the general character of the town area.

The Commission refused this application.

481/13 – Ref 1198/036/13 – 223/234 Main Street – Proposed banner

DTP said that the Subcommittee were minded to refuse this application but wanted to request guidance from the Commission on banners. DTP said that the Subcommittee is concerned that allowing this banner would create a precedent.

DTP suggested some possible general criteria for determining such applications for banners: major events of community-wide or national interest including exhibitions; cultural and sporting events and similar events; non-profit making organisations only.

The Commission refused this application and agreed that banners should only be allowed on Main Street where the criteria suggested are met.

Minor Works – not within scope of delegated powers

482/13 – Ref 1195 – Petanque Club, Smith Dorrien Avenue – Removal of trees (HMGOG Project)

MEH requested information on the progress of the redesign of the Petanque club agreed at a previous meeting. GM said that Minister Linares is trying to convene the Petanque Club and the Heritage Action Committee so as to come up with a design.

The Chairman said that the Commission should recommend that the design of the canteen is incorporated into the bastion. CAM said that the possibility of relocating the premises to the area of the water tanks on site was being considered. GM said that it has now been decided that it will be constructed on its original site.

483/13 – Southport Gates – Removal of trees in planter (HMGOG Project)

This application was approved by the Commission

484/13 – BA12704 – 83 Irish Town – Proposed lightweight enclosure to house store area and gym

This application was approved by the Commission

485/13 – BA12716 – 2nd floor, 175/177 Main Street – Proposed change of use from dental clinic to offices and associated works

This application was approved by the Commission.

486/13 – BA12722 – Old St Bernard’s Hospital, Hospital Hill – Proposed demolition of part of building (HMGOG Project)

DTP advised the Commission that this application is in line with the original application. He also informed them of the request by both the Ministry for Heritage and the Heritage Trust for an Archeological Watching Brief to be carried out and their requirement for a full excavation if anything is found.

The Commission recommended that an archaeological watching brief is implemented.

Applications granted permission by Sub-committee under delegated powers

487/13 – Ref 1196 – 40-44 Irish Town, Irish Town Express – Proposed tables and chairs

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

488/13 – Ref 1198/031/13 – Lind House, Europa Road – Proposed signage

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

489/13 – Ref 1198/034/13 – Lloyds Bank, Royal Ocean Plaza – Proposed signage

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

490/13 – Ref 1198/035/13 – Various locations – Proposed Music Festival Banners

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

491/13 – BA12225 – 2 Shorthorn Farm Estate – Proposed changes to conservatory design

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

492/13 – BA12628 – 4 George’s Lane – Proposed new colour scheme

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

493/13 – BA12639 – Europort Building, Europort Road – Removal of type K pillar box and replacement with larger box against wall

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

494/13 – BA12650 – Houses 1 to 13 Catalan Gardens – Proposed re-painting of facades in ‘sand’ colour

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

495/13 – BA12656 – 6 Europa Mews – Proposed removal of wall to make open plan kitchen with living room/dining room

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

496/13 – BA12662 – M1 Discovery, Both Worlds – Proposed installation of striped blinds on balcony

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

Approved
DPC meeting 11/13
5/9/13

497/13 – BA12665 – Suite 651, Europort – Office fit out of existing suite

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

498/13 – BA12668 – 902 Block 1 Europlaza – Proposed enclosure of glass curtains on both balconies

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

499/13 – BA12672 – 177 Main Street – Proposed alterations

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

500/13 – BA12673 – 8 The Island – Proposed alterations to basement

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

501/13 – BA12678 – Tourist Info Centre, Watergate House – Proposed modifications to access ramp with handrails to main entrance steps (HMGOG Project)

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

502/13 – BA12686 – 10 Irish Town – Proposed part conversion of apartment for disabled use

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

503/13 – BA12688 – 1 Eaton Park, Devil's Tower Road – Proposed internal fit out from vacant entertainment unit into new gymnasium (Same class D2 assembly and leisure)

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

504/13 – BA12690 – Europort Avenue – Proposed improvements to covered swimming pool

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

505/13 – BA12693 – 44 Main Street – Proposed replacement of flooring, ceiling, lining shop front and signage to shop premises

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

506/13 – BA12696 – 15 Engineers Lane – Proposed refurbishment of shop premises

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

507/13 – BA12697 – Apt 1102, Europlaza 3 – Proposed removal of wall to create open plan kitchen/diner

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

508/13 – BA12698 – 7-9 John Mackintosh Square – Replacement of signage, flooring and fittings to shop premises

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

509/13 – BA12699 – Don House Arcade, 30/38 Main Street – Proposed glazed enclosure to walkway

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

Approved
DPC meeting 11/13
5/9/13

510/13 – BA12700 – Suite 711, Europort, Europort Road – Proposed minor alterations

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

511/13 – BA12701 – 501 Portland House – Proposed conversion of existing balcony door into window

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

512/13 – BA12705 – 631 Europort Building – Proposed minor alterations to office

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

513/13 – BA12709 – 133 Main Street – Proposed new signage on shop front

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

514/13 – BA12712 – Mezzanine Level, ½ Wellington Court – Proposed fit out of a vacant mezzanine floor into office accommodation

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

515/13 – BA12713 – 344 Watergardens – Proposed apartment refurbishment

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

516/13 – BA12718 – Montarik Building, Main Street – Proposed conversion of open space into two offices

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

517/13 – BA12723 – 401 Europlaza, Block 5 – Proposed installation of glass curtains on both balconies

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

Any Other Business

518/13 – Various Issues

JH raised various other issues as any other business.

She said that flyposting is becoming increasingly common and that the Town Planning Department should be monitoring this.

JH also asked the Chairman why the structure in front of King's Bastion Leisure Centre has not been removed. The Chairman said that a notice has been served on tenant who erected the structure but that no reply has been received.

JH requested that the trees along Sir Herbert Miles Road, as you approach Dudley Ward Tunnel, are inspected/maintained as they are being affected by high winds.

519/13 – Next Meeting

The Commission agreed to next meet on Thursday 24th October at 09.30 am.